

No. PD-____-17

<p>STATE OF TEXAS, <i>Appellant-Petitioner</i></p> <p>v.</p> <p>DAI'VONTE E'SHAUN TITUS ROSS, <i>Appellee-Respondent</i></p>	<p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p>	<p>IN THE TEXAS COURT COURT OF CRIMINAL APPEALS 9/28/2017 DEANA WILLIAMSON, CLERK</p> <p>OF CRIMINAL APPEALS</p> <p>AUSTIN, TEXAS</p>
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STATE'S MOTION FOR EXTENSION OF TIME TO FILE BRIEF

TO THE HONORABLE COURT OF CRIMINAL APPEALS:

NOW COMES the State of Texas, by and through Nicholas “Nico” LaHood, Criminal District Attorney of Bexar County, Texas, and the undersigned assistant criminal district attorney, with the filing of this motion asking the Court to extend the time for filing the State’s Brief in the above styled cause.

I. STATEMENT OF THE CASE

The State appealed an order granting a motion to quash an information. The Fourth Court of Appeals affirmed the trial court’s order in a published opinion on August 2, 2017. *State v. Ross*, No. 04-16-00821-CR, ___ S.W.3d ___ (Tex. App.—San Antonio 2017, pet. filed). The court of appeals denied the State’s motion for rehearing on September 1, 2017. The State’s petition for discretionary is due by October 2, 2017. This is the State’s first request for an extension.

II. REASONS FOR THE REQUEST

The undersigned counsel requests an extension for the following reasons:

- The undersigned counsel is assigned to other cases in the courts of appeals;
- The undersigned counsel is also assigned to matters in the trial courts of Bexar County;
- The undersigned counsel has almost completed a rough draft of the petition and would like additional time to consult with the State Prosecuting Attorney before filing a final draft.

WHEREFORE, PREMISES CONSIDERED, Counsel for the State prays the Court grants an extension of time for an additional 15 days to file the brief in this case.

Respectfully submitted,

NICHOLAS "NICO" LAHOOD
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Bexar County Texas

/s/ Nathan E. Morey

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CERTIFICATE OF SERVICE

I, Nathan E. Morey, certify that a copy of the foregoing brief has been delivered by email to Mac Bozza and the Office of the State Prosecuting Attorney on Thursday, September 28, 2017, in accordance with Rules 6.3(a), 9.5(b), and 68.11 of the Texas Rules of Appellate Procedure.

/s/ Nathan E. Morey

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