

NO. PD-0878-17

THE STATE OF TEXAS, Appellant	§	IN THE COURT OF CRIMINAL APPEALS 10/16/2017 DEANA WILLIAMSON, CLERK
vs.	§	CRIMINAL APPEALS
JUAN MARTINEZ, Appellee	§	AUSTIN, TEXAS

MOTION FOR EXTENSION OF  
TIME TO FILE APPELLANT'S PETITION  
FOR DISCRETIONARY REVIEW

TO THE HONORABLE COURT OF CRIMINAL APPEALS:

Now comes, The State of Texas, appellant in the instant cause, by and through undersigned counsel, Edward F. Shaughnessy, and files this Appellant's Motion for Extension of Time to File Appellant's Petition for Discretionary Review. In support of the instant motion the Appellant would show unto this Court the following:

A.

The appellee was charged by way of indictment in Bee County with the offense of Intoxication Manslaughter in cause number B-14-2123-0-CR-B. Prior to the onset of the trial the appellee caused to be filed a "Defendant's Motion to Suppress". Following an evidentiary hearing on the appellee's motion the trial Court granted the appellee's motion. Written

findings of fact and conclusions of law were entered by the trial Court. The State of Texas thereafter filed a timely notice of appeal and an appeal of the trial Court's order was pursued. An appeal was pursued by the appellant, to the Court of Appeals, Thirteenth District, Corpus Christi. On July 13, 2017 that Court affirmed the order of the trial court after rejecting the single point of error alleged by the appellant. The appellant's Petition for Discretionary Review was due to be filed in this Court on or before October 12, 2017. The appellant would respectfully request a three-day extension of time to file the Appellee's Petition for Discretionary Review with this Court.

B.

The undersigned recently a brief on behalf of the appellant in the case of Gilbert Rodriguez v. The State of Texas, Cause No. 04-17-00152-CR. In addition the undersigned has recently filed proposed Findings of Fact and Conclusions of Law on behalf of the applicant in Ex Manuel Valdivia: Cause No. 2009-CR-0530-W2.

C.

Counsel is in the process of compiling briefs in the following matters: Emmanuel Gerardo Galindo v. The State of Texas, Cause No. 04-17-00199-CR and Jeremy Cuevas v. The State of Texas, Cause No. 13-16-00220-CR.

D.

In addition, the undersigned serves as a part-time Criminal law Magistrate for the District Courts of Bexar County and as a Juvenile Referee for the Juvenile Courts of Bexar County. Counsel will be serving in those capacities during the upcoming days.

PRAYER FOR RELIEF

Wherefore premises considered, the Appellant would request an extension of time file the Appellant's Petition for Discretionary Review in the instant case until October 16, 2017.

Respectfully submitted,

/S/ \_\_\_\_\_  
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CERTIFICATE OF SERVICE

I, Edward F. Shaughnessy, hereby certify that a copy of the instant motion was served upon Michelle Rice, attorney for the appellee, by mailing the motion to 331A North Washington St., Beeville Texas 78102 on the 13 day of October, 2017.

/S/  
Edward F. Shaughnessy, III  
Attorney for the Appellant