

Grant B.R.  
9/14/2017

PD-0878-17  
COURT OF CRIMINAL APPEALS  
AUSTIN, TEXAS  
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DEANA WILLIAMSON  
CLERK

NO. PD-0878

THE STATE OF TEXAS, § IN THE COURT OF  
Appellant  
V. § CRIMINAL APPEALS  
JUAN MARTINEZ, JR., § AUSTIN, TEXAS  
Appellee

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

FILED IN  
COURT OF CRIMINAL APPEALS

SEP 13 2017

Deana Williamson, Clerk

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 with the offense of Intoxication Manslaughter in cause number B-14-2123-CR-B. Prior to the on set 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. An appeal was pursued by the State of Texas to the Court of Appeals, Thirteenth District, Corpus Christ. On July 13, 2017, that Court affirmed the order of the trial Court after rejecting the single point of error raised by the appellant. The appellant has received one previous extension in this matter. The appellant's petition was due to be filed on September 13, 2017. The appellant respectfully requests a thirty (30) day extension of time to file the appellant's Petition for Discretionary Review until October 12, 2017.

B.

Counsel will be out of the State from September 14, 2017 through September 18, 2017.

C.

Counsel has recently been preparing for trial in the pending Murder case of *The State of Texas v. John David Mendoza, Cause 15-08-11760-CR* set for trial on November 6, 2017 in the 38<sup>th</sup> Judicial District Court of Medina County. The undersigned is scheduled to appear in the 437<sup>th</sup> District Court of Bexar County for pre-trial in the Capital Murder case of *The State of Texas v. Ricardo Hernandez, Cause No. 2016-CR-10639* on September

22, 2017. In addition the undersigned is scheduled for a trial in the 290<sup>th</sup> District Court on September 29, 2017 in the Continuous Sexual Abuse of a Child case entitled *The State of Texas v. Quentin Sanchez*, Cause No. 2017-CR-7744.

D.

The undersigned is in the process of compiling briefs in the following matters: *Gilbert Rodriguez v. The State of Texas.*, Cause number 04-17-00153-CR and *Emmanuel Gerardo Galindo v. The State of Texas*, Cause number 04-17-00199-CR.

E.

Counsel presently represents the following defendant's charged with the offense of Murder and/or Capital Murder and is in the process of investigating and preparing for trial in those matters:

*The State of Texas v. Brian Guadiana*, Cause No. 2016-CR-1151,  
437<sup>th</sup> District Court;

*The State of Texas v. Ricardo Hernandez*, Cause no. 2016-CR-10639,  
437<sup>th</sup> District Court;

*The State of Texas v. Jerry Milton Smith*, Cause No. 2016-CR-8684,  
379<sup>th</sup> District Court;

*The State of Texas v. Jeffrey Blume*, Cause No. 12-09-11099-CR,

*38<sup>th</sup> District Court.*

F.

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 has recently served in both of those capacities and will be doing so again in the coming weeks.

PRAYER FOR RELIEF

Wherefore premises considered, the Appellant would request an extension of time file a Petition for Discretionary Review in the instant case until October 12, 2017.

Respectfully submitted,

/S/E. F. Shaughnessy

Edward F. Shaughnessy, III

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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, Beeville Texas 78102, on this the 12 day of September, 2017.

/S/ E.F. Shaughnessy  
Edward F. Shaughnessy, III  
Attorney for the Appellee