FILED IN
COURT OF CRIMINAL APPEALS

December 14, 2015

ABEL ACOSTA, CLERK

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COURT OF CRIMINAL APPEALS
AUSTIN, TEXAS
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ABEL ACOSTA
CLERK

Case No. PD-0974-15

* *

IN THE TEXAS COURT OF CRIMINAL APPEALS
AUSTIN, TEXAS

* *

OLIN ANTHONY ROBINSON,
PETITIONER
V.
THE STATE OF TEXAS,
RESPONDENT

Granted
PC
12-14-15

* *

MOTION FOR EXTENSION OF TIME TO FILE THE STATE'S BRIEF IN THE ABOVE-STYLED CAUSE

* *

TO THE HONORABLE JUSTICES OF SAID COURT:

COMES NOW, the State of Texas, Respondent in the above-styled cause, and files this, it's motion for extension of time to file a brief in response to Petitioner's petition for discretionary review, and as grounds therefor would show unto the Court the following:

I.

The undersigned, Jim Vollers, is a private practitioner in Austin, Travis County, Texas and has represented the District Attorney of Jackson County in all appellate matters for a number of years. In the above-styled cause, the undersigned was the attorney representing the State and Petitioner's present attorney represented Petitioner on

appeal in this cause. Petitioner's present counsel had also represented this Petitioner and other appellants in a number of prior cases in which the undersigned represented the State and was well aware of the fact that the undersigned handled all of the appellate matters for the District Attorney of Jackson County and had been doing so for a number of years. In this cause, the undersigned represented the State in the Court of Appeals but did not receive a copy of the petition for discretionary review which Petitioner filed in this cause. The undersigned received on December 11th by email from the State Prosecuting Attorney a copy of the Petitioner's brief in this cause which was filed on November 9, 2015. The undersigned was not served with a copy of this brief by Petitioner. The undersigned first saw a copy of this brief on December 11, 2015. The undersigned hopes to receive a copy of the Petitioner's petition for discretionary review shortly in this cause, which was never served upon him.

Since Petitioner's counsel was well aware of the fact that the undersigned has continuously represented the State in this cause and did not serve copies upon him, and he did not in fact receive copies

of either the petition for discretionary review or Petitioner's brief in this cause, the undersigned, on behalf of the State herein, respectfully requests an extension of time of 30 days from this date in order to prepare and file a brief in this cause.

The undersigned has become aware in the last two days that efilings were served upon the Jackson County District Attorney in this cause but he has not received them. Prior to the time that efilings were started, Petitioner's counsel made it a practice to serve the undersigned with copies of briefs and pleadings since he was aware that the undersigned handles all appellate matters for Jackson County. The Jackson County District Attorney's office was aware of this practice. When efilings started Petitioner's counsel apparently was serving only the District Attorney, and the personnel, apparently believing that I was also receiving copies, did not forward copies to me.

Therefore, based upon the above and foregoing facts, the State respectfully requests an extension of time until January 11, 2016 to file a brief in this cause. This motion for extension of time to file the brief herein is not filed in order to delay this cause in any manner but

simply to see that justice is done and that the State has an opportunity to respond to Petitioner's brief which has never been served upon the undersigned.

Respectfully submitted,

Robert E. Bell
District Attorney
State Bar Card No. 02086200
Jackson County Courthouse
115 W. Main Street
Edna, Texas 77957

/s/ Jim Vollers
Jim Vollers
State Bar Card No. 20609000
2201 Westover Road
Austin, Texas 78703

ATTORNEYS FOR THE STATE

CERTIFICATE OF SERVICE

I hereby certify that on this the 12th day of December, 2015, a true and correct copy of the foregoing was served electronically through the electronic filing manager on the party listed below:

Mr. Joseph R. Willie, II, Attorney for Petitioner, at attyjrwii@wisamlawyers.com.

Ms. Lisa McMinn, State Prosecuting Attorney, at lisa.mcminn@spa.state.tx.us.

If the email of the party or attorney to be served was not on file with the electronic filing manager, the pleading was served by email.

/s/ Jim Vollers
Jim Vollers

CERTIFICATE OF COMPLIANCE

I certify that this document contains 847 words (counting all parts of the document).

/s/ Jim Vollers

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COUNSEL OF RECORD