PD-1643-15
COURT OF CRIMINAL APPEALS
AUSTIN, TEXAS
Transmitted 12/18/2015 10:54:55 AM
Accepted 12/19/2015 10:12:28 AM
ABEL ACOSTA
CLERK

No. _____

IN THE COURT OF CRIMINAL APPEALS OF TEXAS

CHRISTOPHER NJOKU,
Petitioner–Appellant

v.

THE STATE OF TEXAS,
Respondent–Appellee

Petition for Discretionary Review
from the Fifth District Court of Appeals at Dallas
Cause No. 05-14-01201-CR

Appeal from County Criminal Court No. 9
of Dallas County, Texas
Cause No. MA13-16684-K

MOTION FOR EXTENSION OF TIME TO FILE A PETITION FOR DISCRETIONARY REVIEW

Christopher Njoku, Appellant below, respectfully submits this Motion for an Extension of Time to File a Petition for Discretionary Review in the above–styled and numbered cause. In support of this Motion, he shows this Honorable Court the following:

FILED IN
COURT OF CRIMINAL APPEALS

December 18, 2015

ABEL ACOSTA, CLERK

I.

A jury convicted Appellant for resisting arrest. The court sentenced him to 90 days' confinement in the county jail, but probated the sentence and placed him on community supervision for a period of six months.

II.

The Court of Appeals affirmed the trial court's judgment in a memorandum opinion and judgment filed on November 18, 2015. *Njoku v. State of Texas*, No. 05-14-01201-CR, 2015 Tex. App. LEXIS 11841 (Tex. App.—Dallas Nov. 18, 2015). Appellant did not file a motion for rehearing. Appellant's petition for discretionary review is due on December 18, 2015. *See* Tex. R. App. P. 68.2(a); *see also* Tex. R. App. P. 4.1(a). Any motion for extension of time to file a petition for discretionary review is due on January 2, 2016 . *See* Tex. R. App. P. 68.2(c); Tex. R. App. P. 4.1(a).

III.

The facts relied upon to show good cause for this requested extension are as follows:

1. Appellant was represented by court appointed counsel during appeal of this case to the Court of Appeals.

2. It is undetermined at this time whether Appellant will proceed pro se for purposes of filing a Petition for Discretionary Review. Additional time is needed for consultation between appellate counsel and Appellant on this issue.

3. If Appellant proceeds pro se, then additional time will be needed to prepare and file the Petition pro se or to seek other legal assistance in filing the Petition.

WHEREFORE, PREMISES CONSIDERED, Appellant respectfully requests that this Honorable Court extend the time for filing a Petition for Discretionary Review for thirty days.

Respectfully submitted,

Lynn Richardson
Chief Public Defender
Dallas County

Katherine A. Drew
Chief, Appellate Division
Dallas County Public Defender's Office

/s/ *Julie Woods*
Julie Woods
Assistant Public Defender
Dallas County Public Defender's Office
State Bar Number: 24046173
133 N. Riverfront Blvd., LB 2
Dallas, Texas 75207
(214) 653-3550 *(telephone)*
(214) 653-3539 *(fax)*
Julie.Woods@dallascounty.org

Attorneys for Petitioner

CERTIFICATE OF SERVICE

I certify that a true copy of the foregoing Motion for Extension of Time to File a Petition For Discretionary Review was served on Larissa Roeder, counsel for the State, Dallas County District Attorney's Office, 133 N. Riverfront Blvd., LB-19, 10th Floor, Dallas, Texas 75207, by eServe on December 18, 2015.

I further certify that a true copy of the foregoing Motion for Extension of Time to File a Petition For Discretionary Review was served on Lisa C. McMinn, the State's Prosecuting Attorney, P.O. Box 13046, Capitol Station, Austin, Texas 78711, by eServe on December 18, 2015.

/s/ *Julie Woods*
Julie Woods