FILED IN
COURT OF CRIMINAL APPEALS

December 18, 2015

ABEL ACOSTA, CLERK

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COURT OF CRIMINAL APPEALS
AUSTIN, TEXAS
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ABEL ACOSTA
CLERK

NO. _____

IN THE COURT OF CRIMINAL APPEALS
OF THE STATE OF TEXAS

ISSAC SMITH
Appellant

V.

THE STATE OF TEXAS

Trial Court Number
1274984
177th District Court
Harris County, Texas

Court of Appeals Number
14-14-00139-CR

MOTION TO EXTEND TIME TO FILE PETITION FOR DISCRETIONARY REVIEW

TO THE HONORABLE JUDGES OF SAID COURT:

ISSAC SMITH Appellant, respectfully requests that the Court grant his motion to extend time to file his petition for discretionary review. In support of said motion, Appellant would show unto the Court the following:

I.

Appellant's conviction was affirmed on November 19, 2015 by a panel of the Fourteenth Court of Appeals in Cause No. 14-14-00139-CR. Appellant's Petition for Discretionary Review is due December 19, 2015. This is Appellant's first request for an extension to file the petitions for discretionary review.

I.

Counsel will not be able to timely file the Petition for Discretionary Review as she has been working on the following cases in the last thirty days:

1. Investigation and filing of a Motion for New Trial as well as preparation for a hearing in *State of Texas v. Huey Jones,* Cause Number 1463572 in the 177th District Court of Harris County. The trial court granted a new trial on punishment only on November 23, 2015.

2. Investigation and filing of a Motion for New Trial in *State of Texas v. Joshua Barnett,* Cause Number 1451490 in the 230th District Court of Harris County. Counsel was continuing to investigate and prepare for the hearing. Counsel was in court numerous times for a portion of the day for the hearing. The hearing was ultimately denied on December 2, 2015.

3. Investigation into a possible Motion for New Trial in *State of Texas v. Daniel Sanders,* Cause Number 1438488 in the 184th District Court of Harris County. The hearing is set for January 7, 2015. Counsel is meeting with and obtaining affidavits from numerous witnesses and reviewing medical records not presented at trial.

4. Counsel filed a brief in *Troy Evans v. State of Texas*, Cause No. 01-15-00593-CR on December 17, 2015. If the brief was not filed by December 22, 2015 the Court of Appeals stated it would issue an abatement order.

5. The Appellate Division of the Harris County Public Defender's Office has been short staffed requiring each attorney to be assigned more cases than normal. Two individuals have been hired within the last two weeks and two of counsel's cases assigned to these individuals. However, counsel is still lead counsel and has been supervising these individuals as they prepare the briefs in those cases.

6. Counsel also has the following briefs or petitions for discretionary review due in the next thirty days:

    a. A brief in *Elijah Reed v. State of Texas,* 01-15-00481-CR which was due on December 21, 2015 after two prior 30 day extensions have been granted.

    b. A brief in *Jamon Walker v. State of Texas,* 14-15-00685-CR which was due on December 23, 2015 after two prior 30 day extensions have been granted.

c. A brief in *Christopher Cavazos v. State of Texas,* 01-15-00781-CR & 01-15-00782-CR which was due on December 14, 2015 after one prior 30 day extension has been granted. An extension will be filed today.

III.

An extension of time is necessary so that the petition can be timely filed. This motion is not made for the purpose of delay.

WHEREFORE, PREMISES CONSIDERED, Appellant prays that this Honorable Court will grant this requested extension of time to file the Appellant's Petition for Discretionary Review in the above cause and extend the time for filing the petition for at least thirty (30) days.

Respectfully submitted,

Alexander Bunin
Chief Public Defender

/s/ Angela Cameron

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CERTIFICATE OF SERVICE

I certify that on the 18th day of December 2015 a copy of the foregoing instrument has been electronically served upon the State of Texas.

/s/ Angela Cameron

Angela Cameron