ACCEPTED
12-15-00198-CR
TWELFTH COURT OF APPEALS
TYLER, TEXAS
12/21/2015 9:50:32 AM
Pam Estes
CLERK

NO. 12-15-00198-CR

DEVAUGNDRA RASHAD MILLER	§	**IN THE**	FILED IN 12th COURT OF APPEALS TYLER, TEXAS 12/21/2015 9:50:32 AM PAM ESTES Clerk
VS.	§	**12th COURT**	
THE STATE OF TEXAS	§	**OF APPEALS**	

MOTION TO EXTEND TIME TO FILE APPELLANT'S BRIEF

TO THE HONORABLE JUSTICES OF SAID COURT:

Now comes Devaugndra Rashad Miller, Appellant in the above styled and numbered cause, and moves this Court to grant an extension of time to file appellant's brief, pursuant to Rule 38.6 of the Texas Rules of Appellate Procedure, and for good cause shows the following:

1. This case is on appeal from the 3rd Judicial District Court of Anderson County, Texas.

2. The case below was styled the STATE OF TEXAS vs. Devaugndra Rashad Miller, and numbered 31978.

3. Appellant was convicted of Count 1-Agg Robbery, Count 2-Agg Kidnapping, Count 3 Burglary of Habitation, Count 4-Injury Child/Elderly/Disable W/Int Bodily Inj.

4. Appellant was assessed a sentence of 14 years Count 1, 14 years count

2, 10 years count 3, 10 yearsa count 4. on 7/29/2015.

5. Notice of appeal was given on 7/31/2015.

6. The clerk's record was filed on 9/23/2015; the reporter's record was filed on 11/20/2015.

7. The appellate brief is presently due on 12/21/2015.

8. Appellant requests an extension of time of 30 days from the present date, i.e. 1/17/2016.

9. No extension to file the brief has been received in this cause.

10. Defendant is currently incarcerated.

11. Appellant relies on the following facts as good cause for the requested extension: The Reporter's record does not contain State's exhibit #22 nor Defendant' exhibit 1.The notation in the record states Audio Interview Held in Anderson Co. District Clerk's Office, Could Not Be Attached To Record.

The undersigned has contacted both the reporter and the clerk. The ckerk says it is the responsibility of the reporter to provide me a copy and submit the original to the Court. The reporter says I should be able to check it out of the clerk's office and make a copy, but that would not submit it to the court. I can not prepare a brief without knowing what took place in the audio interview with Appellant.

WHEREFORE, PREMISES CONSIDERED, Appellant prays that this Court grant this Motion To Extend Time to File Appellant's Brief, and for such other and further relief as the Court may deem appropriate.

Respectfully submitted,

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By: _____
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Attorney for Devaugndra Rashad Miller

CERTIFICATE OF SERVICE

This is to certify that on December 18, 2015, a true and correct copy of the above and foregoing document was served on the District Attorney's Office, Anderson County, Texas, by personal delivery.

_____
Wm. M. House, Jr.

STATE OF TEXAS §
§
COUNTY OF ANDERSON §

AFFIDAVIT

BEFORE ME, the undersigned authority, on this day personally appeared Wm. M. House, Jr., who after being duly sworn stated:

"I am the attorney for the appellant in the above numbered and entitled cause. I have read the foregoing Motion To Extend Time to File Appellant's Brief and swear that all of the allegations of fact contained therein are true and correct."

Wm. M. House, Jr
Affiant

SUBSCRIBED AND SWORN TO BEFORE ME on Dec 18, 2015, to certify which witness my hand and seal of office.

MARY L. JOHNSON
Notary Public, State of Texas
My Commission Expires
June 18, 2019

Notary Public, State of Texas