ACCEPTED
01-15-00416-CR
FIRST COURT OF APPEALS
HOUSTON, TEXAS
12/21/2015 11:06:48 AM
CHRISTOPHER PRINE
CLERK

**No. 01-15-00416-CR, No. 01-15-00417-CR, No. 01-15-00418-CR**

In the
Court of Appeals
For the
First District of Texas
At Houston

FILED IN
1st COURT OF APPEALS
HOUSTON, TEXAS
12/21/2015 11:06:48 AM
CHRISTOPHER A. PRINE
Clerk

**No. 1353154, 1443321, 1443322**
In the 228th District Court
Of Harris County, Texas

**TRAVIS MARCELLAUS EDWARDS**
*Appellant*
v.
**THE STATE OF TEXAS**
*Appellee*

# STATE'S MOTION FOR EXTENSION OF TIME TO FILE BRIEF

To the Honorable Court of Appeals:

The State of Texas, pursuant to Texas Rules of Appellate Procedure 2 and 10.5, moves for an extension of time in which to file its appellate brief. The following facts are relevant:

1. The appellant was indicted for aggravated assault, aggravated robbery, and as a felon in possession of a firearm. Appellant pled not guilty, but a jury convicted him of all three offense, and the trial court sentenced him to 30 years on the aggravated assault and aggravated

robbery, and 10 years on the possession of the weapon. Appellant filed timely notice of appeal.

2. Appellant filed an appellate brief on November 24, 2015.

3. The State's appellate brief is due on December 28, 2015.

4. This is the State's **first** request for an extension in this case.

5. The State requests an extension of time in which to file its brief, and the undersigned attorney believes that a brief will be filed on or before February 22, 2016. The undersigned requests a lengthier than usual extension for the reasons addressed below, and in hopes of avoiding any further extension requests.

6. The following facts are relied upon to show good cause for an extension of time to allow the State to file its brief:

    a. At present, the Harris County District Attorney's Office employees 15 appellate prosecutors, but one on maternity leave and has no caseload, and another was recently hired and is currently handling a less intensive caseload as she transitions from acting as a trial prosecutor to working as an appellate prosecutor. Moreover, the Division Chief is unable to carry a full case load because of his administrative duties. Accordingly, the remaining members of the appellate division are currently assigned a caseload of approximately 68 active cases resulting in an average of 5.2 briefs per prosecutor.

    b. The attorney to whom this case is assigned has four outstanding briefs including this one.

    c. In the last 30 days the undersigned filed the following brief: *Glover v. State*, No. 14-15-00082-CR, *Hurd v. State*, No. 14-1500343-CR, *Williams v. State*, No. 14-15-00220-CR and *In re N.T.*, No. 01-15-00970-CV. She will file a brief in *Jones v. State*, No. 01-15-00488-CR tomorrow. And she must begin and complete work on *Cervantes v. State*, No. 01-14-00875-CR before she can begin work on this brief.

d. The workload of this prosecutor is not out of the ordinary in the appellate division of the Harris County District Attorney's Office.

e. In addition to its assignments in responding to appellate briefs, the appellate division of the Harris County District Attorney's Office also answers questions from trial prosecutors. These questions frequently occur in the middle of or immediately before trial, and therefore other work must be put aside to answer these pressing questions. Harris County has 25 Criminal District Courts and 15 County Criminal Courts at Law, and this particular prosecutor is tasked with answering questions related to Texas Code of Criminal Procedure article 39.14 regarding discovery changes, is one of two prosecutors tasked with answering any juvenile law related questions, and answers questions from five felony courts, and the three juvenile courts.

f. The Harris County District Attorney's Office Appellate Division is experiencing a significant workload at present. Appellate prosecutors, including the undersigned attorney, are working as quickly as possible to complete as many briefs as possible while still addressing all the issues raised by appellants, as thoroughly as necessary to see that justice is done on each appeal. Because of the high workload per prosecutor, as well as the greater length and complexity of appeals being brought in this county, it often takes longer to process all of the assigned cases, and more cases require multiple extensions, or in this case a more lengthy extension, before the completion of the State's brief.

WHEREFORE, the State prays that this Court will grant the requested extension until February 22, 2016.

Respectfully submitted,

/s/ *Jessica A. Caird*

**JESSICA A. CAIRD**
Assistant District Attorney
Harris County, Texas
1201 Franklin, Suite 600
Houston, Texas 77002-1923
(713) 274-5826
caird_jessica@dao.hctx.net
TBC No. 24000608

**CERTIFICATE OF SERVICE**

I certify that I have requested that efile.txcourts.gov electronically serve a copy of this motion to:

Daucie Schindler
Assistant Public Defender
1201 Franklin, 13th Floor
Houston, TX 77002
Daucie.schindler@pdo.hctx.net

/s/ *Jessica A. Caird*

**Jessica A. Caird**
Assistant District Attorney
Harris County, Texas
1201 Franklin, Suite 600
Houston, Texas 77002-1923
(713) 274-5826
caird_jessica@dao.hctx.net
TBC No. 24000608

Date: December 21, 2015