ACCEPTED
13-15-00442-CR
THIRTEENTH COURT OF APPEALS
CORPUS CHRISTI, TEXAS
12/23/2015 10:15:44 AM
Dorian E. Ramirez
CLERK

13-15-00442-CR

RANDY EUGENE SMITH, Appellant	X X X	IN THE COURT OF APPEALS
VS.	X X	13TH JUDICIAL DISTRICT
THE STATE OF TEXAS Appellee	X X	CORPUS CHRISTI, TEXAS

FILED IN
13th COURT OF APPEALS
CORPUS CHRISTI/EDINBURG, TEXAS
12/28/2015 8:00:00 AM
DORIAN E. RAMIREZ
Clerk

MOTION FOR EXTENSION OF TIME TO FILE APPELLEE'S BRIEF

TO THE HONORABLE JUSTICES OF THE COURT OF APPEALS:

COMES NOW the State of Texas, Appellee, by and through, Sara M. Rodriguez, Assistant Criminal District attorney for Calhoun County, Texas, and files this Motion for Extension of Time to File Appellee's Brief in the above cause. In support of this motion, Appellee shows the Court the following:

On March 10, 2015, Appellant was convicted of forgery with two prior felony convictions and the jury assessed punishment in Cause No. 2013-08-7364 in the 24th Judicial District Court of Calhoun County, Texas, styled The State of Texas vs. Randy Eugene Smith. The Appellant was assessed punishment of confinement in the Institutional Division of the Texas Department of Criminal Justice for a term of twenty years and a $10,000.00 fine. Notice of Appeal was filed September 14, 2015, the Reporter's record was filed November 6, 2015, and Appellant's Brief was submitted November 30, 2015.

Appellee's request for an extension is based upon the fact that Appellee believes it would be helpful to the Appellate Court for Appellee to provide the record in Cause No. 2015-05-7516 in the 24th Judicial District Court of Calhoun County, Texas, styled The State of Texas vs. Randy Eugene Smith, in which Randy Eugene Smith plead guilty to Felony Bond Jumping on August

27, 2015. In this matter, the Court assessed punishment at five years confinement in the Institutional Division of the Texas department of Criminal Justice and said sentence is to run concurrent with the aforementioned forgery conviction. Appellant made statements on the record relating to his absence from the second day of his forgery trial which Appellee believe would aid the Appellate Court in its determination of the issue present on appeal. Appellee has, contemporaneously with this Motion, filed a Motion for the Appellate Court to Consider Another Record and Request for Preparation of the record where Appellee is asking the Court to consider and order the preparation of the transcript in Cause No. 2015-05-7516, The State of Texas vs. Randy Eugene Smith, in the 24th Judicial District Court of Calhoun County, Texas and Request to Order the Court Reporter for the 24th Judicial District Court of Calhoun County, Texas. In light of the time it will take the Reporter to prepare the record and considering the many closings during the work week during this time of year, the Appellee is requesting an extension of time to file Appellee's Brief.

Appellee, acting in compliance with the Local Rule of the Court of appeals for the thirteenth Supreme Judicial District, attaches the supporting Affidavit of Appellent.

WHEREFOR, Appellee prays the Court grant this Motion for Extension of time to file Appellee's Brief and allow Appellee twenty (20) days from the date the Reporter's record is filed with the Appellate Court to file its Brief.

Respectfully submitted,

Sara M. Rodriguez
Assistant Criminal District Attorney
for Calhoun County, Texas
P.O. Box 1001
Port Lavaca, Texas 77979
(361) 553-4422
State Bar No. 24050998

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above entitled and numbered Motion for Extension of Time for File Appellee's Brief has been served on Appellant's attorney, Mr. W.A. (Bill) White, by mailing said copy to him at his address of POB 7442, Victoria, Texas 77903, on this the 23rd day of December, 2015.

Sara M. Rodriguez

13-15-00442-CR

RANDY EUGENE SMITH, Appellant	X X X	IN THE COURT OF APPEALS
VS.	X X	13TH JUDICIAL DISTRICT
THE STATE OF TEXAS Appellee	X X	CORPUS CHRISTI, TEXAS

AFFIDAVIT IN SUPPORT OF MOTION FOR EXTENSION OF TIME TO FILE APPELLEE'S BRIEF

THE STATE OF TEXAS }{
}{
COUNTY OF CALHOUN }{

BEFORE ME, the undersigned authority, on this day personally appeared Sara M. Rodriguez, a person known to me and upon oath swears as follows:

"My name is Sara M. Rodriguez. I am Assistant Criminal District Attorney for Calhoun County, Texas. I am over the age of eighteen, have personal knowledge of the facts asserted below, and am competent to testify to those facts.

Appellant's Brief was filed by the above Court on November 30, 2015 and Appellee believes that statements made by Appellant in another cause, Cause No. 2015-05-7516 in the 24th Judicial District Court of Calhoun County, Texas, styled The State of Texas vs. Randy Eugene Smith would provide great value to the Court in its determination of the issues presented in this appeal. This extension is requested in order to allow for the preparation of the Reporter's record. Therefore, I request that this Court grant Appellee twenty (20) days from the date the Reporter's record in Cause No. 2015-05-7516, in the 24th Judicial District Court of Calhoun County, Texas, and styled The State of Texas vs. Randy Eugene Smith is filed with the Court of Appeals for the

Thirteenth Supreme Judicial District in Cause No. 13-15-00442-CR, and styled Randy Eugene Smith vs. The State of Texas.

Sara M. Rodriguez

SWORN AND SUBSCRIBED TO BEFORE ME on this the 23rd day of December, 2015.

Notary Public in and for the
State of Texas.

