FILED IN
COURT OF CRIMINAL APPEALS

May 24, 2016

ABEL ACOSTA, CLERK

PD-0072-15
COURT OF CRIMINAL APPEALS
AUSTIN, TEXAS
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ABEL ACOSTA
CLERK

IN THE COURT OF CRIMINAL APPEALS

JAMES LEMING **Appellant**	§	**APPEALED FROM THE COURT OF APPEALS, 6th DISTRICT**
V.	§	CCA NO. PD-0072-15 CASE NO. 06-13-00264-CR TRIAL COURT NO. 41799-B
THE STATE OF TEXAS Appellee	§	STATE OF TEXAS

MOTION FOR EXTENSION OF TIME
TO FILE APPELLANT'S MOTION FOR REHEARING

TO THE HONORABLE COURT OF APPEALS:

NOW COMES, JAMES LEMING, the Appellant herein, and moves the Court for an extension of time to file Appellant's Motion for Rehearing in this cause, pursuant to Rules 38.6 and 10.5 (b) of the Texas Rules of Appellate Procedure, and in support thereof would show the Court as follows:

I.

The Appellant in this cause was convicted in the 124th District Court, Gregg County, Texas in cause number 41,799-B for the offense of Driving While Intoxicated Third or more. On October 14, 2013, punishment was assessed at ten (10) years in the Texas Department of Criminal Justice - Institutional Division.

II.

The Reporter's record was filed on April 14, 2014. The Appellant's Motion for Rehearing is due on or about May 26, 2016.

III.

The Appellant hereby requests an extension of time to file Appellant's Motion for Rehearing.

The undersigned counsel has been unable to devote sufficient time to the review of the record, research and preparation of Appellant's Brief for the following good and sufficient reasons:

> Respectfully, this Counsel submits that he is still on an antibiotic irrigation via Dr. William Rotzler.

WHEREFORE, PREMISES CONSIDERED, the undersigned counsel, on behalf of Appellant, respectfully prays that this Honorable Court extend the time for filing Appellant's Motion for Rehearing for an additional two (02) weeks, to June 9, 2016.

RESPECTFULLY SUBMITTED,

__/s/ Clement Dunn_____
Attorney for Appellant
140 E. Tyler Street, Suite 240
Longview, TX 75601
(903) 753-7071 Fax (903) 753-8783
State Bar # 06249300

CERTIFICATE OF SERVICE

As Attorney of Record for Defendant, I do hereby Certify that a true and correct copy of the above and foregoing document was this date provided to the Attorney for the State.

Date: 05-24-16

__/s/ Clement Dunn_____
Attorney for Appellant

IN THE COURT OF CRIMINAL APPEALS

JAMES LEMING **Appellant**	**§**	**APPEALED FROM THE COURT OF APPEALS, 6th DISTRICT**
V.	§	CCA NO. PD-0072-15 CASE NO. 06-13-00264-CR TRIAL COURT NO. 41799-B
THE STATE OF TEXAS Appellee	§	STATE OF TEXAS

ORDER

BE IT REMEMBERED, that on the _____ day of _____, 2016, came on to be considered the above and foregoing Motion for Extension of Time to File Appellant's Motion for Rehearing. After consideration of the same, it is the opinion of the Court that Appellant's Motion be:

( ) GRANTED, and the present cause is hereby extended until _____, 2016.

( ) DENIED, to which ruling the Appellant excepts.

( ) SET FOR HEARING ON THE _____ day of _____, 2016, at _____ o'clock_____.

SIGNED:

_____
JUDGE PRESIDING