

IN THE
TENTH COURT OF APPEALS

No. 10-15-00412-CR

NOLAN MICHAEL SHULTZ,

Appellant

v.

THE STATE OF TEXAS,

Appellee

From the County Court
Navarro County, Texas
Trial Court No. 70470

ORDER

Appellant was convicted of driving while intoxicated and sentenced to 180 days in jail and a $4,000 fine. His sentence was suspended and appellant was placed on community supervision for 18 months.

After determining that, due to appellant's failure to pay for the reporter's record, no reporter's record would be filed, the appeal was submitted on the clerk's record alone; and appellant's brief was due on March 28, 2016. When no brief was filed, appellant was notified of the late brief. Appellant subsequently filed a motion for extension of time to

file his brief, requesting a 60 day extension. That motion was granted and appellant's brief was due June 3, 2016.

On June 3, 2016, appellant submitted a second motion for extension of time to file his brief, requesting another 60 day extension. As a reason for the extension, counsel for appellant asserted that he had a brief due in another appeal in this Court for which he was given no further extensions. Like that appeal, there is nothing to indicate that this appeal is anything other than a routine appeal.

Accordingly, appellant's motion for extension of time to file his brief is denied. His brief is ordered to be filed no later than 5:00 p.m. on July 20, 2016. This gives appellant a total of 146 days to do what the appellate rules allocate 30 days in a routine appeal such as this. *See* TEX. R. APP. P. 38.6(a). If the brief is not timely filed, the Court will abate the appeal for a hearing to determine if appellant is receiving effective assistance of counsel. *See* TEX. R. APP. P. 38.8(b).

PER CURIAM

Before Chief Justice Gray,
Justice Davis, and
Justice Scoggins
Motion denied
Order issued and filed June 15, 2016

