NUMBER 13-16-00406-CR

COURT OF APPEALS

THIRTEENTH DISTRICT OF TEXAS

CORPUS CHRISTI - EDINBURG

JOHN MARTINEZ, **Appellant,**

v.

THE STATE OF TEXAS, **Appellee.**

On appeal from the 427th District Court of Travis County, Texas.

ORDER TO FILE APPELLATE BRIEF

Before Justices Contreras, Benavides, and Perkes
Order Per Curiam

This cause is currently before the Court on appellant's fifth motion for extension of time to file the brief.[1] The clerk's record was filed on August 9, 2016, and appellant's

[1] This case is before the Court on transfer from the Third Court of Appeals in Austin pursuant to a docket equalization order issued by the Supreme Court of Texas. *See* TEX. GOV'T CODE ANN. § 73.001 (West, Westlaw through 2015 R.S.).

brief was originally due to be filed thirty days thereafter. *See* Tex. R. App. P. 38.6(a). This Court has previously granted appellant four extensions of time totaling 158 days to file the brief, and appellant now seeks an additional three weeks, until March 6, 2017, to file the brief.

The Court GRANTS appellant's fifth motion for extension to file the brief and ORDERS the Honorable Gary E. Prust to file the brief on or before March 6, 2017. The Court looks with disfavor on the delay caused by counsel's failure to timely file a brief in this matter. No further extensions will be granted absent exigent circumstances. If counsel fails to file the brief within the specified period of time, the Court will act appropriately to ensure that appellant's rights are protected. *See id.* R. 38.8(b)(4).

PER CURIAM

Do not publish.
TEX. R. APP. P. 47.2(b).

Delivered and filed the
17th day of February, 2017.