Granted
PC
1.28-19

AP-76,580
COURT OF CRIMINAL APPEALS
AUSTIN, TEXAS
Transmitted 12/21/2018 7:04 AM
Accepted 12/27/2018 10:53 AM
DEANA WILLIAMSON
CLERK

NO. AP-76,580

IN THE COURT OF CRIMINAL APPEALS

FILED
COURT OF CRIMINAL APPEALS
12/27/2018
DEANA WILLIAMSON, CLERK

FOR THE STATE OF TEXAS

* * *

ALBERT JAMES TURNER,

Appellant

v.

THE STATE OF TEXAS,

Appellee

* * *

MOTION TO WITHDRAW AS APPELLATE COUNSEL OF RECORD

Death Penalty Case

On Appeal in Cause No. 54233 from the
268th District Court of Fort Bend County, Texas

TO THE HONORABLE JUDGES OF THE COURT OF CRIMINAL APPEALS:

Amy Martin, appointed counsel for Albert James Turner, respectfully moves to withdraw as appellate counsel of record in the above captioned

case. In support of this motion, Appellant would respectfully show this Court the following:

I.

Ms. Martin will be sworn in as the judge for the 263rd Criminal District Court of Harris County on January 1, 2019. Canon 4 of the Texas Code of Judicial Conduct Canon states that "a judge shall not practice law except as permitted by statute or this Code." Mr. Turner's case is does not fall under any exception.

II.

There are no current deadlines or settings in the case. On November 14, 2018, this Court reversed the judgment of the trial court and remanded the case for a new trial. Mr. Turner was notified of the decision and given a copy of the decision. On November 29, 2018, the State filed a Motion for Rehearing and Mr. Turner was sent a copy of the motion. That motion has not been ruled on as of December 20, 2018 and Counsel does not believe that the issue will be resolved prior to January 1, 2019.

III.

Mr. Turner is currently incarcerated and his mailing address is:

Albert Turner
TDCJ #999565
Polunsky Unit
3872 FM 350 South

Livingston, Texas 77351

IV.

Mr. Turner was informed in November that Counsel would need to withdraw at the end of the year if the case was still pending. A copy of this motion is contemporaneously being mailed to Mr. Turner, via certified priority mail and regular mail, with notice that he has the right to object to the motion and the address of the Court.

WHEREFORE, PREMISES CONSIDERED, Counsel requests that this Court allow Ms. Martin to withdraw as appellate counsel for Mr. Turner.

Respectfully submitted,

Amy Martin
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CERTIFICATE OF SERVICE

This is to certify that on December 21, 2018, a true and correct copy of the foregoing document was delivered to the following parties via electronic service in accordance with the Texas Rules of Appellate Procedure:

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