



**In The
Court of Appeals
Sixth Appellate District of Texas at Texarkana**

Nos. 06-08-00120-CR & 06-08-00121-CR

SANTIAGO TELLEZ ROSALES, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 8th Judicial District Court
Hopkins County, Texas
Trial Court Nos. 0417619 & 0417620

Before Morriss, C.J., Carter and Moseley, JJ.

ORDER

Santiago Tellez Rosales appeals from his convictions of indecency with a child and criminal attempt-sexual assault of a child. Rosales' sentence was imposed May 24, 2006. The Texas Court of Criminal Appeals granted out-of-time appeals, and Rosales' notices of appeal were filed June 16, 2008. The clerk's records were filed July 23, 2008, and, after a show-cause hearing by this Court, the reporter's record was filed in these companion cases on January 27, 2009. Due to the death of appellant's counsel's father and counsel's own illness, we granted extraordinary extensions of time, and counsel filed Rosales' brief on July 13, 2009. The State's brief was therefore due on or before August 12, 2009. The Court granted an extension of thirty days, making the brief due September 11, 2009.

When no brief had been received by this Court by September 23, and being aware that the assistant district attorney Samantha Crouch (the attorney of record for the State in this case) had left the employ of the Hopkins County District Attorney's Office, our clerk's office called the district attorney's office and left a message. To date, that message has not been returned, and neither a brief nor a motion to extend time to file the brief has been received.

We now order Martin Braddy, district attorney of Hopkins County, to file, or to cause his designee to file, a brief, to be received by this Court on or before October 20, 2009.

IT IS SO ORDERED.

BY THE COURT

Date: September 29, 2009