



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

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No. 06-13-00109-CR

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THE STATE OF TEXAS, Appellant

V.

EARL SCOTT CHESNUT, Appellee

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On Appeal from the 8th District Court  
Hopkins County, Texas  
Trial Court No. 1021768

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Before Morriss, C.J., Carter and Moseley, JJ.  
Memorandum Opinion by Justice Carter

## MEMORANDUM OPINION

On July 27, 2010, a grand jury indicted Earl Scott Chesnut for aggravated assault with a deadly weapon. Chesnut properly made application for the final disposition of the indictment, pursuant to the Interstate Agreement on Detainers Act. *See* TEX. CODE CRIM. PROC. ANN. art. 51.14 (West 2006). Chesnut's request triggered the State's requirement that he be tried "within 180 days after he shall have caused to be delivered to the prosecuting officer and the appropriate court of the prosecuting officer's jurisdiction written notice of . . . his request for a final disposition." TEX. CODE CRIM. PROC. ANN. art. 51.14, art. III(a). Because the trial court found that the State failed to bring Chesnut to trial within 180 days after the prosecutor's office actually received the request for disposition, the trial court employed the mandatory remedy of dismissal of the untried indictment.

The State appeals the dismissal of its indictment. The State has filed a single brief in which it raises an issue common to all of its appeals.<sup>1</sup> It argues that because the request for final disposition was not received by the court until the hearing on Chesnut's motion to dismiss, the 180-day time period set forth in the statute had not expired, and, therefore, the trial court erred in dismissing the indictment. We addressed this issue in detail in our opinion of this date on the State's appeal in cause number 06-13-00107-CR. For the reasons stated therein, we likewise conclude that the trial court's dismissal of the indictment in this case was proper.

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<sup>1</sup>The State also appeals the dismissal of indictments for theft of a firearm and unauthorized use of a vehicle in cause numbers 06-13-00107-CR and 06-13-00108-CR.

We affirm the trial court's judgment.

Jack Carter  
Justice

Date Submitted: January 23, 2014  
Date Decided: February 12, 2014

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