

NO. 07-07-0222-CR
NO. 07-07-0223-CR
NO. 07-07-0225-CR
NO. 07-07-0226-CR

IN THE COURT OF APPEALS
FOR THE SEVENTH DISTRICT OF TEXAS
AT AMARILLO
PANEL C

SEPTEMBER 23, 2008

LINDSEY FORD JR., APPELLANT

V.

THE STATE OF TEXAS, APPELLEE

FROM THE 140TH DISTRICT COURT OF LUBBOCK COUNTY;
NOS. 2006-413,878, 2006-413,889, 2006-413,895, and 2006-414,532;
HONORABLE JIM BOB DARNELL, JUDGE

Before QUINN, C.J., and HANCOCK and PIRTLE, JJ.

ORDER DENYING MOTION FOR EXTENSION

Appellant, Lindsey Ford Jr., has filed a motion wherein he requests that this Court grant him additional time to file a motion for rehearing in each of four appeals referenced above.¹ For the reasons stated, said motion is denied.

¹It is not readily apparent from Appellant's motion whether he seeks to extend the time within which to file a Rule 49 motion for rehearing, a Rule 68 petition for discretionary

Discussion

On June 24, 2008, this Court issued its opinion in No. 07-07-0222-CR, affirming Appellant's conviction for the offense of forgery. At the same time, this Court issued its opinion in No. 07-07-0223-CR, 07-07-0225-CR, and 07-07-0226-CR, affirming Appellant's three convictions for the offense of burglary of a habitation. The judgment of this Court was entered on the same day in each cause. On August 13, 2008, Appellant, acting *pro se*, filed his *Motion for Extention (sic) of Time*, requesting that this Court grant him additional time to file a motion for rehearing.

A motion for rehearing may be filed within 15 days after the court of appeals' judgment or order is rendered. Tex. R. App. P. 49.1. A court of appeals may extend the time for filing a motion if a party files a motion complying with Rule 10.5(b) no later than 15 days after the last date for filing the motion for rehearing. Tex. R. App. P. 49.8. A motion complies with Rule 10.5(b) if it states (A) the deadline for filing the item in question; (B) the length of extension sought; (C) the facts relied on to reasonably explain the need for an extension; and (D) the number of previous extensions granted regarding the item in question. Tex. R. App. P. 10.5(b).

The judgment of this Court was entered on June 24, 2008; therefore, the deadline for filing a motion for rehearing was July 9, 2008. Appellant's motion was filed on August

appeal, or both. This Court may rule on a motion for extension of time to file a motion for rehearing; however, only the Court of Criminal Appeals may rule on a motion for extension of time to file a petition for discretionary review. See Tex. R. App. P. 68.2(c). Based upon Appellant's prayer, we construe his motion as seeking an extension of the time to file a motion for rehearing pursuant to Rule 49.

13, 2008, more than 15 days after the last date for filing the motion for rehearing. Because Appellant's motion for extension of time was not timely filed, we need not address whether the motion complied with the requirements of Rule 10.5(b).

Appellant's motion for extension of time is denied.

Patrick A. Pirtle
Justice

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