



**IN THE  
TENTH COURT OF APPEALS**

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**No. 10-13-00243-CR**

**EX PARTE RAYFORD SMITH**

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**From the 85th District Court  
Brazos County, Texas  
Trial Court No. 13-001621-CV-85**

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**MEMORANDUM OPINION**

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Rayford Smith appeals the trial court's denial of his application for bond reduction. He complains that because the State was not ready to proceed on his Brazos County offenses more than 90 days from the date a detainer was placed on him by Brazos County while Smith was being held on other charges at the Milam County jail, he should be released on a personal recognizance bond. *See* TEX. CODE CRIM. PROC. ANN. art. 17.151, sec. 1 (West Supp. 2013). Acknowledging that case law from this Court is contrary to his position, *see Ex parte Remeika*, No. 10-09-00379-CR, 2010 Tex. App. LEXIS 2717, 5-6 (Tex. App.—Waco Apr. 14, 2010, pet. dism'd) (not designated for

publication) (holding that the ninety-day period for determining whether the State was ready for trial on the Walker County charge against defendant did not begin until defendant was transferred from Madison County jail to Walker County jail), Smith argues that we should revisit our holding in *Remeika*. We decline to do so.

Accordingly, based on our decision in *Remeika*, we hold that that the ninety-day period for determining whether the State was ready for trial on the Brazos County charges against Smith did not begin when the detainer was placed on Smith at the Milam County jail but rather began when Smith was transferred from the Milam County jail to the Brazos County jail. Smith's sole issue is overruled, and the trial court's judgment is affirmed.

TOM GRAY  
Chief Justice

Before Chief Justice Gray,  
Justice Davis, and  
Justice Scoggins

Affirmed

Opinion delivered and filed February 20, 2014

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[CR25]