

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 90-0012

**TRANSFER OF CASE FROM
SEVENTH TO FOURTEENTH COURT OF APPEALS**

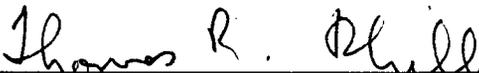
ORDERED:

The following case now on the docket of the Court of Appeals for the Seventh Court of Appeals District, Amarillo, Texas, is transferred to the Court of Appeals for the Fourteenth Court of Appeals District, Houston, Texas:

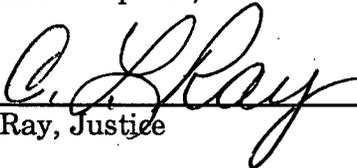
NUMBER	STYLE OF CASE
07-88-0329-CR	Bethune v. State of Texas

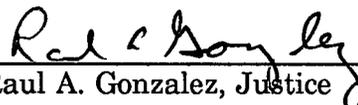
The Court of Appeals for the Seventh Court of Appeals District will make the necessary orders for the transfer of said case as directed hereby and will cause the Clerk of the Court to transfer the original transcript and all filed papers in the case, and certify all orders made, to the Court of Appeals for the Fourteenth Court of Appeals District.

SIGNED AND ENTERED this 17th day of October, 1990.


Thomas R. Phillips, Chief Justice

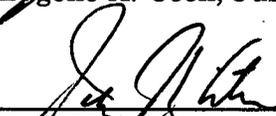
Franklin S. Spears, Justice


C.L. Ray, Justice


Raul A. Gonzalez, Justice

Oscar H. Mauzy, Justice


Eugene A. Cook, Justice


Jack Hightower, Justice


Nathan L. Hecht, Justice


Lloyd Doggett, Justice



Court of Appeals

CHARLES L. REYNOLDS
Chief Justice

CARLTON B. DODSON
Justice

JOHN T. BOYD
Justice

H. BRYAN POFF, JR.
Justice

Seventh District of Texas
Potter County Courts Building
501 Fillmore, Suite 2-A
Amarillo, Texas 79101

PEGGY CULP
Clerk

MAILING ADDRESS:
P. O. Box 9540
79105-9540

806/370-2470

October 9, 1990

Honorable C. L. Ray, Justice
The Supreme Court of Texas
P. O. Box 12248
Austin, Texas 78711

Re: Requested transfer of appeal No. 07-88-0329-CR,
Bethune v. State, to Fourteenth Court of Appeals

Dear Justice Ray:

It is requested that the appeal No. 07-88-0329-CR, styled Bethune v. State, now pending in this court upon ordered transfer from the Fourteenth Court of Appeals, be returned to the transferring court. This request is made for the following reasons:

The appeal is one of the 53 appeals the Supreme Court ordered transferred to this court from the Fourteenth Court of Appeals, and it was received on December 29, 1988. The transcript was timely filed on February 16, 1989; however, because of verified ongoing medical treatment for illness associated with her then pregnancy, the court reporter was unable to transcribe and file the statement of facts, together with the exhibits, until December 22, 1989, after six extensions of time had been granted.

Thereafter, upon representations that the appeal involved questions of first impression in Texas which required extensive research and briefing, five extensions of time were granted appellant, and four were granted the State, to file their respective briefs. The appeal became at issue on October 1, 1990.

Both appellant and the State have timely requested oral argument. Prior to the time the appeal became at issue, the justices of this court traveled to Houston in January of 1990 for the submission of all other transferred appeals in which oral argument had been requested. No other transferred appeal awaits argument.

Honorable C. L. Ray, Justice
October 9, 1990
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It is submitted that it would be contrary to established practice to direct counsel, who live in Houston, to travel 600 miles to Amarillo to present argument, particularly since appellant's counsel is court appointed. It also would be uneconomical for three members of this court to travel to Houston to hear arguments lasting no more than one hour.

I have discussed these considerations with Chief Justice J. Curtiss Brown of the Fourteenth Court of Appeals, and he has graciously consented to have the appeal returned if the Supreme Court so orders. In view of these circumstances, it is requested that the appeal be ordered transferred to the Fourteenth Court of Appeals.

Respectfully submitted,


Charles L. Reynolds

/rs

xc: Honorable J. Curtiss Brown
Chief Justice
Fourteenth Court of Appeals
1307 San Jacinto, 11th Floor
Houston, Texas 77002