

**TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN**

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**NO. 03-19-00486-CR**

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**Robert Fabian, Appellant**

**v.**

**The State of Texas, Appellee**

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**FROM THE 421ST DISTRICT COURT OF CALDWELL COUNTY  
NO. 18020, THE HONORABLE WILLIAM C. KIRKENDALL, JUDGE PRESIDING**

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**ORDER**

**PER CURIAM**

Appellant's brief on appeal was originally due on January 13, 2020. On counsel's motions, the time for filing was extended to May 27, 2020. The Court ordered appellant to file his brief by that date. The Court advised appellant's counsel that no further extension of time would be granted, and failure to comply with the order would result in referral of this case to the trial court for a hearing under Rule 38.8(b) of the Texas Rules of Appellate Procedure. Appellant's counsel has now filed a third motion, requesting that the Court extend the time for filing appellant's brief, explaining that communication difficulties resulting from the COVID-19 pandemic have made it difficult to consult with his client about certain factual matters of crucial importance. Given the extraordinary circumstances, we grant the motion for extension of time and order appellant to file a brief no later than June 30, 2020. However, we caution counsel that

no further extension of time will be granted absent a showing of exigent circumstances, and failure to comply with this order will result in the referral of this case to the trial court for a hearing under Rule 38.8(b) of the Texas Rules of Appellate Procedure.

It is ordered on June 5, 2020.

Before Chief Justice Rose, Justices Baker and Triana

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