



**IN THE COURT OF CRIMINAL APPEALS
OF TEXAS**

NO. WR-88,283-01

EX PARTE JASON DELACERDA, Applicant

**ON MOTION FOR EXTENSION OF TIME TO FILE APPLICATION
FOR WRIT OF HABEAS CORPUS IN CAUSE NO. 21284-A
IN THE 356TH JUDICIAL DISTRICT COURT
HARDIN COUNTY**

Per curiam. YEARY, J., filed a dissenting opinion.

ORDER

Applicant has filed a preemptive motion for an extension of time to file an initial application for a writ of habeas corpus pursuant to the provisions of Texas Code of Criminal Procedure Article 11.071, § 4A.¹

In February 2018, a jury convicted Applicant of a 2011 capital murder and the trial

¹ Unless otherwise indicated all references to Articles refer to the Code of Criminal Procedure.

court sentenced him to death.² Immediately after sentencing, the trial court appointed an attorney to represent Applicant in a post-conviction writ of habeas corpus under Article 11.071. However, the trial court later allowed that counsel to withdraw from the case. In February 2019, the trial court appointed current counsel to the case. Pursuant to the time frame set out in Article 11.071, § 4(a), and a 90-day extension granted by the trial court under Article 11.071, § 4(b), Applicant's initial application for a writ of habeas corpus is due to be filed in the convicting court on or before July 18, 2020.

In the motion currently before this Court, counsel expresses concern about his ability to meet the deadline and notes that the trial court lacks authority to grant any additional time. *See* Art. 11.071, § 4(b). To demonstrate good cause for his extension request, counsel asserts that the Covid-19 pandemic has caused shutdowns in public offices, making it difficult to obtain necessary records. He says that the pandemic and county stay-at-home orders have also made it difficult to conduct interviews and other fact-gathering either due to lack of access or the health risks involved.

We recognize that the pandemic has caused difficulties and find that counsel has shown good cause for an extension of time to file Applicant's initial application for a writ of habeas corpus. Counsel has 30 days from the current due date, or until August 17, 2020, to file Applicant's initial habeas application in the convicting court. *See* Article 11.071, § 4A.

² Applicant's direct appeal is pending in this Court. *Delacerda v. State*, No. AP-77,078.

IT IS SO ORDERED THIS THE 29th DAY OF JUNE, 2020.

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