

Appendix

A

United States Postal Service or a commercial delivery service;

(B) it was placed in an envelope or wrapper properly addressed and stamped; and

(C) it was deposited in the mail or delivered to a commercial delivery service on or before the last day for filing.

(2) Proof of Mailing. Though it may consider other proof, the appellate court will accept the following as conclusive proof of the date of mailing:

(A) a legible postmark affixed by the United States Postal Service;

(B) a receipt for registered or certified mail if the receipt is endorsed by the United States Postal Service;

(C) a certificate of mailing by the United States Postal Service; or

(D) a receipt endorsed by the commercial delivery service.

(c) *Electronic Filing.*

(1) Requirement. Attorneys in civil cases must electronically file documents. Attorneys in criminal cases must electronically file documents except for good cause shown in a motion filed in the appellate court. Unrepresented parties in civil and criminal cases may electronically file documents, but it is not required.

(2) Mechanism. Electronic filing must be done through the electronic filing manager established by the Office of Court Administration and an electronic filing service provider certified by the Office of Court Administration.

(3) Exceptions. Documents filed under seal, subject to a pending motion to seal, or to which access is otherwise restricted by law or court order must not be electronically filed. For good cause, an appellate court may permit a party to file other documents in paper form in a

particular case.

(4) Timely Filing. Unless a document must be filed by a certain time of day, a document is considered timely filed if it is electronically filed at any time before midnight (in the court's time zone) on the filing deadline. An electronically filed document is deemed filed when transmitted to the filing party's electronic filing service provider, except:

(A) if a document is transmitted on a Saturday, Sunday, or legal holiday, it is deemed filed on the next day that is not a Saturday, Sunday, or legal holiday; and

(B) if a document requires a motion and an order allowing its filing, the document is deemed filed on the date the motion is granted.

(5) Technical Failure. If a document is untimely due to a technical failure or a system outage, the filing party may seek appropriate relief from the court.

(6) Confirmation of Filing. The electronic filing manager will send a filing confirmation notice to the filing party.

(7) Electronic Notices From the Court. The clerk may send notices, orders, or other communications about the case to the party electronically. A court seal may be electronic.

9.3. Number of Copies

(a) *Courts of Appeals.*

(1) Document Filed in Paper Form. If a document is not electronically filed, a party must file the original and one unbound copy of the document unless otherwise required by local rule. The unbound copy of an appendix must contain a separate page before each document and must not include tabs that extend beyond the edge of the page.

(2) Electronically Filed Document. Unless required by local rule, a party need not file a paper copy of an electronically filed document.

(b) *Supreme Court and Court of Criminal Appeals.*

(1) *Document Filed in Paper Form.* If a document is not electronically filed, a party must file the original and 11 copies of any document addressed to either the Supreme Court or the Court of Criminal Appeals, except that in the Supreme Court only an original and one copy must be filed of any motion, response to the motion, and reply in support of the motion, and in the Court of Criminal Appeals, only the original must be filed of a motion for extension of time or a response to the motion, or a pleading under Code of Criminal Procedure article 11.07.

(2) *Electronically Filed Document.* Paper copies of each document that is electronically filed with the Supreme Court or the Court of Criminal Appeals must be mailed or hand-delivered to the Supreme Court or the Court of Criminal Appeals, as appropriate, within three business days after the document is electronically filed. The number of paper copies required shall be determined, respectively, by order of the Supreme Court or the Court of Criminal Appeals.

(c) *Exception for Record.* Only the original record need be filed in any proceeding.

9.4. Form

Except for the record, a document filed with an appellate court, including a paper copy of an electronically filed document, must — unless the court accepts another form in the interest of justice — be in the following form:

(a) *Printing.* A document may be produced by standard typographic printing or by any duplicating process that produces a distinct black image. Printing must be on one side of the paper.

(b) *Paper Type and Size.* The paper on which a document is produced must be 8 1/2 by 11 inches, white or nearly white, and opaque.

(c) *Margins.* Documents must have at least one-

inch margins on both sides and at the top and bottom.

(d) *Spacing.* Text must be double-spaced, but footnotes, block quotations, short lists, and issues or points of error may be single-spaced.

(e) *Typeface.* A document produced on a computer must be printed in a conventional typeface no smaller than 14-point except for footnotes, which must be no smaller than 12-point. A typewritten document must be printed in standard 10-character-per-inch (cpi) monospaced typeface.

(f) *Binding and Covering.* A paper document must be bound so as to ensure that it will not lose its cover or fall apart in regular use. A paper document should be stapled once in the top left-hand corner or be bound so that it will lie flat when open. A paper petition or brief should have durable front and back covers which must not be plastic or be red, black, or dark blue.

(g) *Contents of Cover.* A document's front cover, if any, must contain the case style, the case number, the title of the document being filed, the name of the party filing the document, and the name, mailing address, telephone number, fax number, if any, email address, and State Bar of Texas identification number of the lead counsel for the filing party. If a party requests oral argument in the court of appeals, the request must appear on the front cover of that party's first brief.

(h) *Appendix and Original Proceeding Record.* A paper appendix may be bound either with the document to which it is related or separately. If separately bound, the appendix must comply with paragraph (f). A paper record in an original proceeding or a paper appendix must be tabbed and indexed. An electronically filed record in an original proceeding or an electronically filed appendix that includes more than one item must contain bookmarks to assist in locating each item.

(i) *Length.*

(1) *Contents Included and Excluded.* In calculating the length of a document, every word and every part of the

Appendix

B



COURT OF APPEALS

SANDEE BRYAN MARION
CHIEF JUSTICE
REBECA C. MARTINEZ
PATRICIA O. ALVAREZ
LUZ ELENA D. CHAPA
IRENE RIOS
BETH WATKINS
LIZA A. RODRIGUEZ
JUSTICES

FOURTH COURT OF APPEALS DISTRICT
CADENA-REEVES JUSTICE CENTER
300 DOLOROSA, SUITE 3200
SAN ANTONIO, TEXAS 78205-3037
WWW.TXCOURTS.GOV/4THCOA.ASPX

MICHAEL A. CRUZ,
CLERK OF COURT

TELEPHONE
(210) 335-2635

FACSIMILE NO.
(210) 335-2762

December 18, 2019

Comfort Delando Roberts
2720 Gains Mill Drive
Fort Worth, TX 76123
* DELIVERED VIA E-MAIL *

Laura E. Durbin
Assistant Criminal District Attorney
101 W. Nueva, Suite 370
San Antonio, TX 78205
* DELIVERED VIA E-MAIL *

Dean Diachin
Bexar County Public Defender's
Office
101 W. Nueva, Suite 370
San Antonio, TX 78205
* DELIVERED VIA E-MAIL *

RE: Court of Appeals Number: 04-18-00345-CR
Trial Court Case Number: 2016CR11457
Style: Comfort Delando Roberts
v.
The State of Texas

Enclosed please find the order which the Honorable Court of Appeals has issued in reference to the above styled and numbered cause.

If you should have any questions, please do not hesitate to contact me.

Very truly yours,
MICHAEL A. CRUZ,
Clerk of Court

A handwritten signature in cursive script, reading "Veronica L. Gonzalez".
Veronica L. Gonzalez
Deputy Clerk, Ext. 5-3220



Fourth Court of Appeals
San Antonio, Texas

December 18, 2019

No. 04-18-00345-CR

Comfort Delando **ROBERTS**,
 Appellant

v.

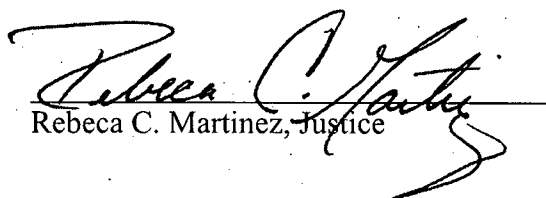
The **STATE** of Texas,
 Appellee

From the 186th Judicial District Court, Bexar County, Texas
 Trial Court No. 2016CR11457
 Honorable Jefferson Moore, Judge Presiding

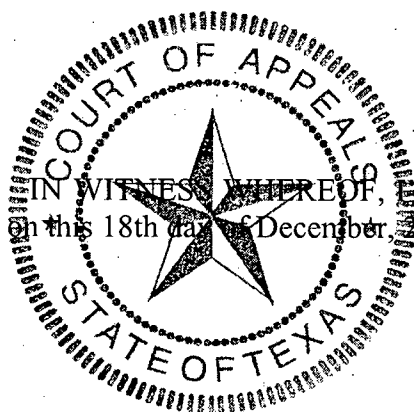
ORDER

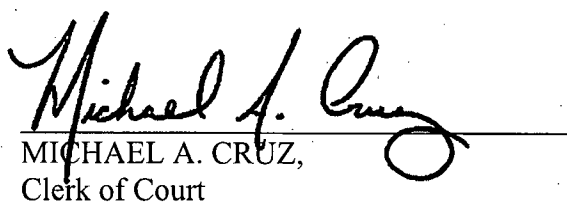
Sitting: Rebeca C. Martinez, Justice
 Beth Watkins, Justice
 Liza A. Rodriguez, Justice

The Pro se's First Amended Motion for Stay and or Recall of Mandate is hereby
 DENIED.


 Rebeca C. Martinez, Justice

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said
 court on this 18th day of December, 2019.




 MICHAEL A. CRUZ,
 Clerk of Court

Appendix

C



Nicholas "Nico" LaHood
Criminal District Attorney
Bexar County, Texas

Jul 31, 2018 ***** Bexar County Hot Check Information System *****
10:28 AM Receipt for Payment

RE: Daily Transaction 201807311028036 Client # 426711000

1. On Jul 31, 2018 , a payment in the amount of \$ 2000.00
was received from ROBERTS, COMFORT DELANDO .

Amount Tendered \$ 2000.00
Payment Amount \$ 2000.00

Change Returned \$ 0.00 Initials _____

: RIVER CITY CU CASHIER CK NO 457610

: BALANCE \$ 4105.00 GN

M. Mills add -
D.A.'S CHECK SECTION
BEXAR COUNTY JUSTICE CENTER
300 DOLOROSA ST. SUITE 5175
SAN ANTONIO, TX 78205-3031

Form of payments accepted:
Money Order or Cashier's Checks
(made payable to DA Check Section)
Cash is accepted at the cashier's window only
(no change available)

Hours: 8:00 a.m. to 4:30 p.m.
Monday - Friday

Paul Elizondo Tower • 101 W. Nueva, Seventh Floor • San Antonio, Texas 78205-3030
(210) 335-2311

For Victim Assistance call (210) 335-2105



JOE D. GONZALES
BEXAR COUNTY CRIMINAL DISTRICT ATTORNEY

Check Section
PAUL ELIZONDO TOWER
101 W. NUEVA
SAN ANTONIO, TEXAS 78205
(210) 335-2415

Feb 27, 2019 ***** Bexar County Hot Check Information System *****
11:40 AM Receipt for Payment

RE: Daily Transaction 201902271140037 Client # 426711000

1. On Feb 27, 2019 , a payment in the amount of \$ 2605.00
was received from ROBERTS, COMFORT DELANDO .

2. This payment was received as cash.

Amount Tendered \$ 2605.00
Payment Amount \$ 2605.00

Change Returned \$ 0.00 Initials _____

: PAID IN FULL GN



Nicholas "Nico" LaHood
Criminal District Attorney
Bexar County, Texas

Nov 13, 2018 ***** Bexar County Hot Check Information System *****
03:53 PM Receipt for Payment

RE: Daily Transaction 201811131529294 Client # 426711000

1. On Nov 13, 2018 , a payment in the amount of \$ 1500.00
was received from ROBERTS, COMFORT DELANDO .

Amount Tendered \$ 1500.00
Payment Amount \$ 1500.00

Change Returned \$ 0.00 Initials _____

: WELLS FARGO BANK CASHIER CK NO 7168005826

: BALANCE \$ 2605.00 GN

Paul Elizondo Tower • 101 W. Nueva, Seventh Floor • San Antonio, Texas 78205-3030
(210) 335-2311

For Victim Assistance call (210) 335-2105

No. 19-6971

IN THE
SUPREME COURT OF THE UNITED STATES

COMFORT D. ROBERTS — PETITIONER
(Your Name)

VS.

THE STATE OF TEXAS — RESPONDENT(S)

PROOF OF SERVICE

I, COMFORT D. ROBERTS, do swear or declare that on this date, DECEMBER 23, 2019, as required by Supreme Court Rule 29 I have served the enclosed APPLICATION FOR EMERGENCY STAY and or RECALL OF MANDATE on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days. Also delivered via email.

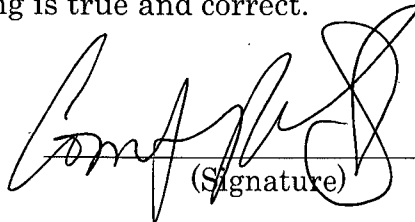
The names and addresses of those served are as follows:

4TH Court of Appeals District Cadena Reeves Justice Center 300 Dolorosa, Ste 3200 San Antonio, TX 78205

Laura Durbins- Assistant District Attorney -101 W. Nueva, Ste 370 San Antonio, Texas 78205

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 23, 2019


(Signature)

OFFICIAL NOTICE FROM COURT OF CRIMINAL APPEALS OF TEXAS **FILE COPY**
P.O. BOX 12308, CAPITOL STATION, AUSTIN, TEXAS 78711

10/9/2019

ROBERTS, COMFORT DELANDO Tr. Ct. No. 2016CR11457 COA No. 04-18-00345-CR PD-0777-19

On this day, the Appellant's petition for discretionary review has been refused.

Deana Williamson, Clerk

DISTRICT ATTORNEY BEXAR COUNTY
300 DOLOROSA ST NO 5072
SAN ANTONIO, TX 78205
* DELIVERED VIA E-MAIL *