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

Wednesday, November 17, 2004  
Re: Case No. PD-1787-04  
COA#: 02-02-00498-CR  
STYLE: GAINES, BARTON RAY



On this day, this Court has granted the Appellant's Pro Se motion for an extension of time in which to file the Petition for Discretionary Review. The time to file the said item has been extended to Friday, January 14, 2005. NO FURTHER EXTENSIONS WILL BE ENTERTAINED.

NOTE: PETITION FOR DISCRETIONARY REVIEW MUST BE FILED WITH THE COURT OF APPEALS.

18T49

Troy C. Bennett, Jr., Clerk

BARTON RAY GAINES  
TDCJ ID 01139507

2101 E. 369 N  
Dowd Park, Tx. 76367



JOHN TATUM  
ATTORNEY AT LAW

990 South Sherman Street  
Richardson, Texas 75243  
Off 972-705-9200  
Fax 972-690-9901

FAX TRANSMISSION

TO: Melissa 1-817-249-7715

FROM: John Tatum

DATE: November 5, 2004 (4:00pm)

RE: pdr extension motion sample

We are sending you 3 letter sized pages (including cover page).

Should you have any trouble with reception of the following pages, please call John at (972) 705 - 9200. Or at (214) 507 - 3455

The direct line to our automatic telecopier is (972) 690-9901.

Thank you.



CAUSE NUMBER'S: \_\_\_\_\_

**BARTON RAY GAINES,**  
**Petitioner**

**Vs.**

**THE STATE OF TEXAS,**  
**Respondent**

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§

**IN THE COURT**

FILED IN  
COURT OF CRIMINAL APPEALS

**Of** NOV 15 2004

Troy C. Bennett, Jr., Clerk

**CRIMINAL APPEALS**

gr to  
1-15-04  
NFG PC.

**MOTION FOR EXTENSION OF TIME TO FILE PETITION FOR**  
**DISCRETIONARY REVIEW**

**TO THE HONORABLE JUDGE OF SAID COURT OF CRIMINAL**  
**APPEALS: COMES NOW, BARTON RAY GAINES, the PETITIONER, and**  
files this motion for an extension of NINTY (90) DAYS, in which to file a Petition  
for Discretionary Review.

**I.**

The Petitioner was convicted in the 213<sup>th</sup> District Court of Tarrant County,  
Texas of the offense of Aggravated Robbery with a deadly weapon in Cause  
Number's CR-0836985A and CR0836979A, styled State of Texas vs. Barton Ray  
Gaines, On December 12, 2002 and received two thirty five (35) year sentences to  
run concurrent with an \$10,000 fine. The Petitioner appealed to the Court of  
Appeals, Second District of Texas. The case was affirmed on October 14, 2004.



## II.

The present deadline for filing the Petition for Discretionary Review is November 13, 2004. The Petitioner has not requested any extension prior to this request.

## III.

Petitioner's request for extension is based upon the following facts:

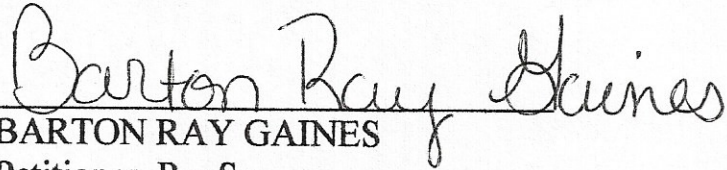
- (a) Petitioner was not informed of the decision of the Court of Appeals in affirming his case until October 22, 2004.
- (b) Petitioner has been attempting to gain legal representation in this matter. Petitioner's Court Appointed Attorney, Paul Francis has informed Petitioner that he will no longer be representing him any further on this matter.
- (c) Petitioner needs adequate time to prepare the Motion For Discretionary Review. Due to the fact Petitioner is incarcerated, Petitioner means of legal research is limited and will take longer with out the assistance of counsel.
- (d) Petitioner will produce facts that can be characterized in a manner that fits within guidelines for reasons for discretionary review, such as [T.R.A.P. 200(c); *see* § 90A.01 [2].
- (e) Petitioner will prepare a petition that includes components required by rules of appellate procedure, such as [T.R.A.P. 202(d); *see* § 90A.02 [3][a]-[f].



## PRAAYER

Wherefore, Petitioner prays this Court will grant this motion and extend the deadline for filing the Petition For Discretionary Review in Cause Number's 2-02-498 and 2-02-499.

Respectfully submitted,

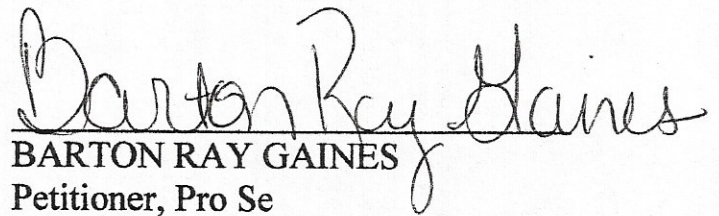
  
BARTON RAY GAINES  
Petitioner, Pro Se  
T.D.J.C. NO: 01139507  
O.L. Luther Unit  
1800 Luther Drive  
Navasota, Texas 77869



## CERTIFICATE OF SERVICE

I, **BARTON RAY GAINES**, the **Petitioner** do hereby certify that a true and correct copy of the above and foregoing Motion For An Extension Of Time To File Petition For Discretionary Review, has been forwarded by the United States Postal Service and delivered to Charles Mallen, attorney for Respondent, 401 West Belknap Street, Fort Worth, Texas 76196 and to the State Prosecuting Attorney, P.O. Box 12405, Austin, Texas 78711 on this 5th day of November, 2004.

Respectfully submitted,



**BARTON RAY GAINES**  
Petitioner, Pro Se  
T.D.J.C. NO: 01139507  
O.L. Luther Unit  
1800 Luther Drive  
Navasota, Texas 77869

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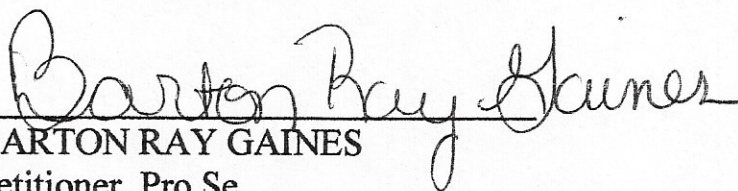


## VERIFICATION

I, **BARTON RAY GAINES, T.D.J.C. NO: 01139507**, being presently incarcerated in the O.L. Luther Unit of the Texas Department of Criminal Justice Institutional Division in Navasota, Grimes County, Texas, verify and declare under the Penalty of Perjury that the foregoing statement are true and correct.

**EXECUTED** on this 5<sup>th</sup> day of November, 2004.

Respectfully submitted,

  
BARTON RAY GAINES  
Petitioner, Pro Se  
T.D.J.C. NO: 01139507  
O.L. Luther Unit  
1800 Luther Drive  
Navasota, Texas 77869