

OCT 13 2003

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Stephanie Lavake, Clerk

IN THE COURT OF APPEALS
FOR THE SECOND APPELLATE DISTRICT
FORT WORTH, TEXAS

BARTON RAY GAINES

VS.

THE STATE OF TEXAS

Cause #. 2-02-498

AND

Cause #. 2-02-499

First Motion for Extension
OF TIME
TO FILE APPELLANT'S BRIEF

To the Honorable Judge of said Court;

Comes now, Barton Ray Gaines, pro se appellant
in the above styled and numbered appellate cause,
files this, his pro se appellant's motion for extension
of time to file appellant's brief on appeal,
pursuant to Rule 10.5 (b) T.R.A.P., and would
show the following

1

The current deadline date for filing
appellant's pro se brief on appeal is, Nov. 11. 03

II

Appellant request an additional 90 days from the Nov. 11th 03, due date in order to comply with all appellate rules regarding filing an Appellate brief, research (which is limited to one within the facility of Tarrant County Jail) and so that the ends of justice will best be served.

III

Appellant - avers, he is pro se litigant, unskilled at the draft of formal pleadings, and should be held to a lesser standard than those educated at law. Appellant truthfully asserts that the extension of time is not for delay, but for the sole purpose of Appellant placing before the court, a proper legal instrument for review on appeal.

IV

Appellant avers, as a pro se litigant,
there has been no other extensions of time to
file this Appellant's brief on appeal.

Wherefore, Premises considered,
Appellant prays that this Honorable Court of
Appeals issue an order granting Appellant's
motion for extension of time to file his
Appellate brief. In the interest of justice,
it is so prayed.

I, Barton Ray Gaines, #0579723

Being presently incarcerated in the Tarrant County Jail, in Tarrant County, Texas, declare, under the penalty of perjury, that the foregoing is true and correct.

Executed on OCT. 10th of 2003

Barton Gaines

pro SE Appellant

Barton Ray Gaines
#0579723

100 N. Lamar St.
Ft. Worth, TX 76102

District Clerk - Tom Wilder

District ATTN: - Tim Curry

Nissy Adams - paralegal / mom
Appellants File

Certificate of Service

On this, the 10th day of OCT., 2003,
I, Barton Ray Gaines # 0579723, hereby -
Certify this motion for extension of time to be
filed, Appellant's Brief was Certified Mailed to
The Clerk of Second District Court of Appeals,
Stephanie Loucks, 401 W. Belknap St., Fort Worth,
Texas. 76104, Mr. Charles Mallin, Appellant's
Section, Tarrant Co. District Attorney's Office.

Barton Gaines

Barton Ray Gaines
PRO SE APPELLANT
0579723
100 N. Lamar St.
Ft. Worth, TX 76102

District Clerk - Tom Wilder
District Attn. Tim Curry
Missy Adams Paralegal - App.
Appellant's File