

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

Filed in Court of Appeals
Second District of Texas
JUL 14 2003
Stephanie Lavake, Clerk

BARTON RAY GAINES

VS

THE STATE OF TEXAS

RECEIVED
JUL 14 2003
Court of Appeals
Second District of Texas
Stephanie Lavake, Clerk

CAUSE NO# 2-02-498-CR
AND
CAUSE NO# 2-02-499-CR

FIRST MOTION FOR EXTENSION OF TIME
TO FILE APPELLANTS BRIEF

TO THE HONORABLE JUDGES OF SAID COURT:
COMES NOW, BARTON RAY GAINES, PRO SE APPELLANT
IN THE ABOVE STYLED AND NUMBERED CAUSES, AND
FILES THIS, His First Motion For Extension of
Time to File APPELLANTS BRIEF. IN SUPPORT
OF THIS MOTION, PRO SE APPELLANT WOULD
SHOW THE COURT THE FOLLOWING:

I

THE PRO SE APPELLANT WAS CONVICTED IN
CRIMINAL DISTRICT COURT #213 OF TARRANT
COUNTY, TEXAS, OF THE OFFENSES OF
AGGRAVATED ROBBERY WITH A DEADLY -
WEAPON, TWO COUNTS AND SENTENCED

TO, TWO 35 YEAR TERMS, TO RUN CONCURRENT, IN THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL - DIVISION, ON 12-12-02. APPELLANT'S NOTICE OF APPEAL WAS GIVEN AND FILED ON THE SAME DATE, 12-12-02, AND HAS BECAME PRO SE ON 6-3-03. PRO SE APPELLANT IS INCARCERATED.

II

THAT THE DEADLINE FOR FILING PRO SE APPELLANT'S BRIEF IS AUGUST 11, 2003. PRO SE APPELLANT HAS NOT REQUESTED AN EXTENSION PRIOR TO THIS REQUEST.

III

PRO SE APPELLANT'S REQUEST FOR AN - EXTENSION OF TIME TO FILE HIS BRIEF IS BASED UPON THE FOLLOWING EVENTS:

1. PRO SE APPELLANT'S CONVICTIONS ARE VERY COMPLEX ISSUES THAT PRODUCED -

TWO CONVICTIONS OF 35 YEARS CONFINEMENT, EXTENSIVE READING AND STUDYING OF THE CLERK'S RECORD AND COURT REPORTER'S TRANSCRIPT ARE VERY NECESSARY, TO SUBMIT AN ADEQUATE BRIEF IN - CHALLENGING THE CONVICTION.

2. PRO SE APPELLANT HAS LIMITED ACCESS TO LAW BOOKS AND THE TRIAL RECORDS, DUE TO THE TRIAL RECORDS BEING ON LOAN TO THE TARRANT COUNTY JAIL LAW LIBRARY. IN WHICH THE PRO SE APPELLANT HAS LIMITED ACCESS TO.

IV

THAT THIS REQUEST FOR AN EXTENSION OF TIME TO FILE APPELLANT'S BRIEF IS NOT SOUGHT MERELY FOR PURPOSE OF DELAY, BUT RATHER THAT JUSTICE MAY BE BROUGHT ABOUT AND DONE.

WHEREFORE, PREMISES CONSIDERED,
APPELLANT PRAYS THAT THE COURT GRANT
THIS MOTION AND EXTEND THE DEADLINE
FOR THE FILING OF APPELLANT'S BRIEF
IN THIS CAUSE OF ACTION TO NINETY (90)
DAYS FROM THE DATE OF GRANTING THIS
MOTION. APPELLANT ALSO PRAYS THAT THE
COURT TAKE INTO CONSIDERATION THAT -
APPELLANT IS BY NO MEANS EXPERIENCED
OR HAS VERY LITTLE INTELLIGENCE ON THE
ISSUES AT HAND.

Respectfully submitted

Barton Gaines

PRO SE APPELLANT

BARTON RAY GAINES

0579723

100 N. AMAR. FT WORTH, TX.

76102

I, BARTON RAY GAINES, # 0579723
BEING PRESENTLY INCARCERATED IN THE TARRANT
COUNTY JAIL, IN TARRANT COUNTY, TEXAS -
declare under penalty of perjury THAT THE
FOREGOING IS TRUE AND CORRECT.

Executed on 7/10, 2003.



Acknowledged before me this
10 day of July, 2003

Alvin C. Clay
Notary Public

Barton Gaines
PRO SE APPELLANT
BARTON RAY GAINES
0579723
100 N. LAMAR Ft. Worth TX
76102

#6
Certificate of Service

On this, the 17 day of July, 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 Cavake, 401 W. Belknap,
St. Fort Worth, TX. 76196. Mr. Charles Mallin -
Appellant's Section, Tarrant Co. District Attorney Off.

Barton Gaines
Pro SE Appellant

Barton Ray Gaines
#0579723
100 N. Lamar Ft Worth, TX.
76102

District Clerk Tom Wilder
District Attorney Tim Curry
Missy Adams - mom
Barton Gaines - file.

PLEASE SEE THE ENCLOSED.

I, Barton Ray Gaine, am a 20 year old male, with all my heart I am truly and sincerely in dire need of your help and assistance in this matter, please, I pray that you will see the injustice in this case.

Sincerely asking for
help

Barton Ray Gaine

Barton Ray GAINES

#0579723

100 N. Lamar

Ft. Worth, TX 76102



Acknowledged before me this

14th day of July, 2003

Alvin C. Clay
Notary Public