

Tarrant County County Clerk  
Mary Louise Nicholson  
401 W. Belknap Street  
Ft. Worth, Tex. 7619600401

~~April~~  
~~March~~ 11, 2020

Re: ~~MB~~ 959  
EX PARTE BARTON R. GAINES  
CO. CRIM. CT. # 8

Dear Sir/Madam,

Please find enclosed (1) Applicant's supplemental motion for new trial, (2) Applicant's affidavit attached thereto, and a copy of Applicant's motion for new trial with a SASE. Please bring the original to the attention of the court and the post-conviction division of the Tarrant County Criminal District Attorney's office, Andrea Jacobs, whose (Andrea's) fax number is 817-884-1672. Please date-stamp and return the copy, so marked at the top left hand corner, in the SASE?

Sincerely,

Barton R. Gaines, 1139507  
2661 FM 2054, Coffield  
Tenn. Colony, Tx 75884



Please  
date stamp  
&  
return

HB 959

EX PARTE

§

COUNTY CRIMINAL COURT

§

NUMBER EIGHT

BARTON R. GAINES

§

TARRANT COUNTY, TEXAS

APPLICANT'S SUPPLEMENTAL MOTION FOR NEW TRIAL

Applicant, BARTON R. GAINES, asks the Judge, Charles L. Vanover, to grant a new trial in the interest of justice and fairness.

INTRODUCTION

1. Applicant is BARTON R. GAINES, or Bart; respondent is Sharen Wilson, Tarrant County Criminal District Attorney.

2. Applicant sued respondent for unlawful confinement, in violation of the Constitution of the U.S. Constitution, as authorized by Article 11.09 of the Texas Code of Criminal Procedure (CCP).

3. Applicant is seeking to reverse his misdemeanor conviction in the above styled and numbered cause.

BACKGROUND

4. After a trial to the Magistrate, Charles P. Reynolds, Charles signed a judgment for respondent, through Andrea Jacobs, on 2-5-20, which Judge Charles L. Vanover adopted the very next day on 2-6-20.

5. This motion is intended to supplement his 2-13-20 motion for new trial.

CHALLENGING THE FINDINGS & CONCLUSIONS

6. Judge Charles should grant a new trial because he erred by making the following rulings: "[t]here is no evidence that [Bart] is suffering collateral consequences as a result of [the marijuana] conviction" because "[d]uring his aggravated robbery trial, '[e]vidence was ... introduced showing [Bart's] prior use of alcohol, marijuana, Xanax, cocaine, and methamphetamine.'" (See findings 9 & 11.)

4-24-20



and that "[Bart] has failed to demonstrate that he is suffering collateral consequences as a result of his conviction.", or that "[Bart] has failed to prove that he is being restrained in his liberty as a result of this conviction" (See conclusions 8 & 9).

7 The evidence introduced showing Bart's prior use of alcohol, marihuana, Xanax, cocaine, and methamphetamine was hearsay. See Bart's affidavit attached hereto. The evidence came through the testimony of others who didn't even testify, but somebody testified for them (Dr. Wu and Dr. Ouseph) as to what Bart supposedly told them. See Bart's affidavit attached hereto. Not only that, but Dr. Wu's and Dr. Ouseph's reports contradict themselves as to what Bart supposedly told them. See Bart's affidavit attached hereto.

PRAYER

8 For these reasons, and in the interest of justice and fairness, Bart asks Judge Charles to grant t new trial.

Respectfully submitted on: 4-13-20;

By:

BARTON R. GAINES, 1139507  
2661 FM 2054, COFFIELD  
TENN. COLONY, TX 75884



STATE OF TEXAS

COUNTY OF ANDERSON

AFFIDAVIT

BARTON R. GAINES, appeared in person before me today and stated under penalty of perjury, in accordance with Title 6 of the Texas Civil Practice and Remedies Code, Chapter 132, and Title 28 of the U.S. Code, Section 1746:

1. "My name is BARTON R. GAINES. I am over 18 years of age of sound mine, and capable of making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

2. It has been brought to my attention that County Judge Charles L. Vanover found that I am not being denied parole because of my this conviction for possession of marihuana under two ounces because at my trial for the offense I am in prison for there was testimony or "[e]vidence was ... introduced showing [my] prior use of alcohol, mari[[h]]uana, Xanax, cocaine, and methamphetamine."

3. The only evidence respondent was able to produce in this regards, i.e., at the trial of the offense for which I am in prison for, was evidence ~~what~~ told a Ms. Dr. Wu and a Ms. Dr. Ouseph who didn't even testify, and whom I could barely even understand because of their Indian accents (i.e., Wu and Ouseph) that I used various drugs and when, which I have vehemently denied, and whose (Wu's and Ouseph's) reports contradict themselves

4. Having responded to this incredible bit of hearsay, I sayeth not anymore."

"My name is BARTON R. GAINES, my date of birth is 10-25-82, and my TDCJ # 1139507. I am presently incarcerated in the HH Coffield Unit, tennessee Colony, anderson County, Texas, 75884. I declare under penalty of perjury that the facts stated in this document are true and correct."

Executed on 4-11-20;

By: \_\_\_\_\_