

APR 17 2003

REPORTER'S RECORD

Time 12:00
By CS Deputy

VOLUME 1 OF 1 VOLUME

COURT OF APPEALS NOS. 2-02-498 and 2-02-499

BARTON RAY GAINES X IN THE DISTRICT COURT

VS. X TARRANT COUNTY, TEXAS

THE STATE OF TEXAS X 213TH JUDICIAL DISTRICT

HEARING ON ORDER OF ABATEMENT

On the 10th day of April, 2003, the following
proceedings came on to be heard in the above-entitled and
-numbered cause before the Honorable Bob Gill, Judge
presiding, held in Fort Worth, Tarrant County, Texas.

Proceedings reported by computerized stenotype
Machine; Reporter's Record produced by Computer-Assisted
Transcription.

A P P E A R A N C E S

HONORABLE EDWARD WILKINSON
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FOR THE STATE

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1 P R O C E E D I N G S

2 (April 10, 2003)

3 THE COURT: Trial Court Nos. 0836979 and
4 0836985; Appellate Court No. 2-02-498 and 499 out of the
5 Second Court of Appeals, and we're here on an abatement
6 order.

7 The State is represented by Mr. Chip
8 Wilkinson.

9 Appellant Barton Ray Gaines is present, and
10 Mr. Reagan Wynn is present also.

11 This case was abated by the Court of
12 Appeals because Mr. Wynn's Motion to Withdraw was granted.
13 Is that correct?

14 MR. WYNN: That's correct, Your Honor.

15 THE COURT: And the Court of Appeals wants
16 me to conduct a hearing with Appellant and Mr. Wynn
17 present to determine the answers to certain questions, the
18 first of which, Mr. Gaines, is whether or not you want to
19 take this case up on appeal.

20 THE DEFENDANT: Yes.

21 THE COURT: You do want to continue to
22 appeal the case?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: All right. The next question is
25 whether or not you are indigent. Do you understand what

1 indigent means?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: Are you indigent?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: What makes you indigent, sir?

6 THE DEFENDANT: I have no more money.

7 THE COURT: There was some testimony at
8 trial about a trust account. What happened to that money?

9 THE DEFENDANT: A trust account?

10 THE COURT: Yes, sir.

11 THE DEFENDANT: It was given to my
12 grandma. She spent every bit of the money trying to get
13 me out during that time. less time.

14 THE COURT: Have all the funds in that
15 account been exhausted?

16 THE DEFENDANT: As far as I know, sir.

17 THE COURT: You have no other funds?

18 THE DEFENDANT: No, sir.

Hartmann's outburst
deleted.

19 THE COURT: I find that you are indigent.
20 Do you wish to have new counsel appointed for your appeal?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Then I will do so.

23 Either side have anything else?

24 MR. WILKINSON: No, sir, I don't.

25 MR. WYNN: I don't have anything else.

1 THE COURT: I'm going to appoint someone
2 else this afternoon. You will be notified who that person
3 is.

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STEVE SCHILLER, CSR

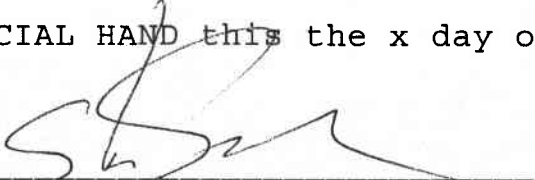
1 STATE OF TEXAS |

2 COUNTY OF TARRANT |

3 I, Steve Schiller, Official Court Reporter for the
4 213th District Court of Tarrant County, Texas, do hereby
5 certify that the above and foregoing contains a true and
6 correct transcription of all portions of evidence and
7 other proceedings requested in writing by counsel for the
8 parties to be included in this volume of the Reporter's
9 Record, in the above-styled and numbered cause, all of
10 which occurred in open court or in chambers and were
11 reported by me.

12
13
14 I further certify that this Reporter's Record of the
15 proceedings truly and correctly reflects the exhibits, if
16 any, admitted by the respective parties.

17
18
19 WITNESS MY OFFICIAL HAND ~~this~~ the x day of X, 2003.

20
21 
22 STEVE SCHILLER, CSR
23 Official Court Reporter
24 213th District Court
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Certification Expires: 12-31-03

STEVE SCHILLER, CSR