

TEXAS COURT OF CRIMINAL APPEALS

Royce William Tawater v. State of Texas

Tawater · No. PD-0253-15 & PD-0254-15 · Decided March 6, 2015

SUMMARY

This document is a pro se motion by Royce William Tawater in the Texas Court of Criminal Appeals seeking a 45-day extension to file petitions for discretionary review in two aggravated-assault and deadly-conduct cases. It also requests permission to file only an original copy of the petition because Tawater is indigent, incarcerated, and lacks access to a photocopier. The motion states that the appellate judgments were affirmed on February 4, 2015, and requests an extension through April 17, 2015.

CASE DETAILS

COURT	Texas Court of Criminal Appeals
JURISDICTION	Texas
DECIDED	March 6, 2015
DOCKET	PD-0253-15 & PD-0254-15
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner moved for an extension of time to file a petition for discretionary review and for leave to file only an original copy of that petition. The document does not contain a ruling by the Texas Court of Criminal Appeals on either motion.
PRECEDENTIAL VALUE	nonprecedential procedural filing
PARTIES	Royce William Tawater v. State of Texas

TOPICS

appellate procedure

criminal procedure

PRACTICE AREAS

criminal appellate procedure

petitions for discretionary review

filing requirements

QUESTIONS PRESENTED

1. Whether the time for filing Tawater's petition for discretionary review should be extended through April 17, 2015.

2. Whether the court should suspend Texas Rule of Appellate Procedure 9.3(b) and permit Tawater to file only an original copy of his petition for discretionary review.

FACTUAL BACKGROUND

Tawater stated that he had been convicted of aggravated assault with a deadly weapon and deadly conduct. The Sixth Court of Appeals affirmed the convictions on February 4, 2015, and Tawater stated that he was not informed of the decision until February 17, 2015. He sought additional time to prepare a pro se petition for discretionary review because he was incarcerated, indigent, lacked access to a photocopier, and was not represented for the petition.

PROCEDURAL HISTORY

Tawater was convicted in the 354th District Court of Hunt County, Texas, of aggravated assault with a deadly weapon and deadly conduct in cause numbers 29,310 and 29,311. The Sixth Court of Appeals at Texarkana affirmed the convictions on February 4, 2015, in appellate cause numbers 06-14-00094-CR and 06-14-00095-CR. Tawater then filed this pro se motion seeking additional time through April 17, 2015, to file a petition for discretionary review and requesting suspension of Texas Rule of Appellate Procedure 9.3(b) because he was indigent, incarcerated, unrepresented, and lacked access to a photocopier.

DISPOSITION

other

OPINION

PER CURIAM.

PD-0253&0254-15 NO: ROYCE WILLIAM TAWATER, § IN THE TEXAS COURT Petitioner, § vs. § OF THE STATE OF TEXAS, § Respondent. § CRIMINAL^APPEaCsESVFD AM • court of (rnmml^ MOTION FOR EXTENSION OF TIME TO FILE A ^AR 06 2015 PETITION FOR DISCRETIONARY REVIEW "*" > ' AbelAcosfc,Cle* MOTION REQUESTING LEAVE TO FILE AN ORIGINAL COPY ONLY OF THE PETITION FOR DISCRETIONARY REVIEW TO THE HONORABLE JUDGES OF SAID COURT: COMES NOW, "Petitioner," Royce W. Tawater pro se and respectfully moves this Court to extend the time to file the Petition for Discretionary Review for an additional forty-five (45) days, and; grant leave to file an original |lc\$^J^iry of the fBMcbtoiog: for Discretionary Review and in support thereof ^l^psj^w.|the Egurt the following: mar 06 z::s Abel Acosta, Clerk Petitioner was convicted in the 354th District Court of Hunt County, Texas of the offenses of Aggravated Assault with a Deadly Weapon, and Deadly Conduct in Case No(s): 29,310 & 29, 311, styled: The State of Texas v. Royce William Tawater.

Petitioner appealed to the Sixth Supreme Judicial District Court of Appeals under Case No(s): 06-14-00094-CR and 06-14-00095-Cr. Appointed appellate counsel filed a consolidated brief and the cases were affirmed on February 4, 2015. > II.

The present deadline for filing a PDR is March 4, 2015. Petitioner has not requested any extensions in these cause prior to this request. III. Petitioner's request for an extension is based upon the following facts: (a) Petitioner was not informed of the decision of the court of appeals in affirming his causes until February 17, 2015; (b) Petitioner has another cause he is preparing -1- to file pro se with the Court under PD-0004-15, currently due March 10, 2015; (c) Petitioner's attorney on appeal has informed him that she will not represent him on the PDR.* IV.

SUSPEND RULE 9.3(b) Petitioner respectfully moves this Honorable Court to grant leave to file an original copy only of the Petition for Discretionary review and in support thereof would show the Court: 1. The court of appeals was the Sixth District Court of Appeals at Texarkana, Texas. 2.

The case and style of the cases in the court of appeals was Royce William Tawater v. the State of Texas; 06-14-00094-CR, and; 06-14-00095-CR 3. Petitioner moves that, pursuant to Rule 2, Tex. R. App. Proc, the Court suspend Rule 9.3(b), Tex. R. App. Proc, which requires the filing of eleven (11) copies of the petition for discretionary review with the Court.

4. The facts relied upon to show good cause for this request are as follows: a. Petitioner is indigent and incarcerated and does not have access to a photocopier, and; b. Petitioner is not represented by counsel and intends to file a pro se petition for discretionary review with the Court. WHEREFORE, PREMESIS CONSIDERED, Petitioner prays this Court grant this motion and extend the deadline for filing the Petition For Discretionary Review up to and including April 17, 2015, and; Petitioner respectfully requests that this Court grant leave to file an original copy only of the Petition For Discretionary Review.

Petitioner further requests all other relief to which he may be entitled. KOUfjz /[^]AAUjt[^]—> Appointed appellate attorney, Katharine Barguscn has yet to send Petitioner a copy of the consolidated appellate brief in the herein maiticned cause nurbers. Petitioner has requested that brief. pectfully submitted, -fk[^]-e,yhAkkf&—> Royce W. Tawater, Pro Se C.c. Hunt Co. D.A. file/rwt -2- UNSWORN DECLARATION "I, Royce W. Tawater, TDCJ-CID #1950643, being presently incarcerated in the Beto Unit of the TDCJ-CID, declare under penalty of perjury that the above and foregoing are both true and correct."

Executed on this the 1st day of March, 2015 4[^]&ty[^]AAhJ[^] Royce W. Tawater CERTIFICATE OF SERVICE This is to further certify that I have mailed a true and correct copy of this MOTION FOR EXTENSION OF TIME TO FILE A PETITION FOR DISCRETIONARY REVIEW AND MOTION REQUESTING LEAVE TO FILE AN ORIGINAL COPY ONLY OF THE PETITION FOR DISCRETIONARY REVIEW to the Hunt County District Attorney, First Class Mail, postage prepaid, by placing the same in the Beto Unit's mail drop-box, designed for that purpose, on this the 1st day of March, 2015.

Royce W. Tawater TDCJ-CID #1950643 Beto Unit 1391 FM 3328 Tennessee Colony, TX 75880
C.c file/rwt -3-

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