

## TEXAS COURT OF CRIMINAL APPEALS

### Royce William Tawater v. State of Texas

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

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#### 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.

#### 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 of the fBMcbtoiog: for Discretionary Review and in support thereof ©^l^psj^w.|the £gurt 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 /<sup>AAUjt</sup>—> Appointed appellate attorney, Katharine Barguscn has yet to send Petitioner a copy of the consolidated appellate brief in the herein maintained cause numbers. Petitioner has requested that brief. pectfully submitted, -fk<sup>-e,yhAkkf&</sup>—> 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<sup>&ty<sup>AAhJ</sup></sup> 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-