

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PRECEDENTIAL VALUE	nonprecedential procedural filing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