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COURT OF CRIMINAL APPEALS
DEC 14 2015
Abel Acosta, Clerk

No. 08-13-00323-CR

IN THE COURT OF
CRIMINAL APPEALS
AUSTIN, TEXAS

FILED IN
COURT OF CRIMINAL APPEALS
DEC 18 2015
Abel Acosta, Clerk

Roger Evan Garrett
V.
THE STATE OF TEXAS

From Appeal No. 08-13-00323-CR
Trial Cause No. 20130D01613
El Paso County, Texas

FIRST MOTION FOR EXTENSION OF TIME TO FILE PETITION FOR DISCRETIONARY REVIEW

TO THE HONORABLE JUDGES OF THE COURT OF CRIMINAL APPEALS:

Comes now, Roger Evan Garrett, Petitioner, and files this Motion for an extension of sixty (60) days in which to file a Petition for Discretionary Review. In support of this motion, appellant shows the Court the following:

I

The petitioner was convicted in the 168th District Court of El Paso County, Texas of the offense of murder in Cause No. 20130D01613, styled State of Texas vs. Roger Evan Garrett. The Petioner appealed to the Court of Appeals, Eighth Supreme Judicial District. The case was affirmed on November 4, 2015.

II

The present deadline for filing the Petition for Discretionary Review is December 4, 2015. The Petitioner has not requested any extension prior to this request.

III.

Petitioner's request for an extension is based upon the following facts: Petitioner was not informed of the decision of the court of appeals in affirming his case until November 13, 2015. The next five (5) business days, the Huntsville Unit was in total lockdown, eliminating any offenders' access to the law library, telephone, or mail service. Since that time, Petitioner has been attempting to gain legal representation in this matter. His attorney on appeal, Matthew Dekoatz, has informed Petitioner that he will not represent him on the Petition for Discretionary Review.

WHEREFORE, Petitioner prays this Court grant this motion and extend the deadline for filing the Petition for Discretionary Review in Case No. 08-13-00323-CR to February 4th, 2016.

Roger Garrett

Roger Evan Garrett
Texas Department of Criminal Justice
Huntsville Unit J2-19T
TDCJ # 01943402 (01943402)

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above and foregoing First motion for Extension of Time to File a Petition for Discretionary Review, has been forwarded by U.S. Mail, postage prepaid, to the Attorney for State, Jaime Esparza,

at 203 El Paso County Courthouse, 500 E. San Antonio, El Paso, Texas 79901 (Attention Lily Stroud), and to the State Prosecuting Attorney, P.O. Box 12405, Austin, Texas 78711 on this the seventh (7th) day of December, 2015.

Roger Garrett
Roger Evan Garrett
Petitioner, pro se

I, Roger Evan Garrett, TDCJ# 01943402, being presently incarcerated in the Huntsville Unit of the Texas Department of Criminal Justice in Huntsville, Texas, verify and declare under penalty of perjury that the foregoing statements are true and correct. Executed on this Seventh (7th) day of December, 2015.

Roger Garrett
Roger Evan Garrett
TDCJ # 01943402
Huntsville Unit J2-19T
815 12th St.
Huntsville, Texas 77348

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DEC 14 2015

Abel Acosta, Clerk

Clerk of Record
Court of Criminal Appeals
P.O. Box 12308
Austin, Texas 78711

Dear Clerk,

Enclosed please find my pro se Defendant's Motion for Extension of Time to File Petition for Discretionary Review. Please file this motion and bring it to the attention of the court.

Please date-stamp this letter and return it to me at my address shown below.

I also request that you notify me of the Court's ruling on my motion.

Sincerely,

Roger Garrett

Roger Evan Garrett
Defendant, pro se
1943402 TDCJ number
815 12th St. J2-19T
Huntsville, Texas 77348