

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

ALLEN MAKI- Petitioner

Vs.

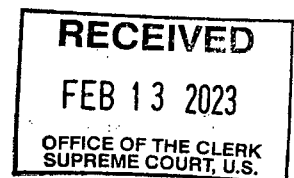
STATE OF TEXAS- Respondent

**ON PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF
TEXAS**

**APPLICATION FOR EXTENSION OF TIME
TO FILE PETITION FOR WRIT OF CERTIORARI**

To the Honorable Court of the Supreme Court of the United States:

Allen Maki respectfully request that the time to file a petition for a writ of certiorari in this case be extended for 60 days, to and including April 22, 2023. The Texas Supreme Court refused to hear the applicant's discretionary review on October 19, 2022, Appendix A, and then it denied his motion for rehearing on November 23, 2022, appendix B. Without an extension of time, the petition would be due on February 21, 2023. Applicant files this application more than 10 days before the date the petition is due, S. Ct. R. 13.5. This Court will have jurisdiction pursuant to 28 U.S.C. § 1257(a).



Back Ground

Applicant Allen Maki (Maki) is a Cancer patient. While under the influence of Chemotherapy during conversation slap his wife (Sebhaoui) in the cheek. In order to be sure that would not happened again Maki agreed with Sebhaoui that they should temporary separating by her going to Morocco to stay with her family tile Maki finish his Chemotherapy. Maki believed that Chemotherapy agitate him causing disturbance of his mind. Sebhaoui changed her mind and after 5 days called 911 informing them that Maki wanted to send her outside the country. When the dispatcher asked her; if he hit her? She answered No!

Police

After hearing the story, the Police charged Maki, by error, with strike in the face- "assault causing bodily injury- family violence", and took Sebhaoui to a shelter. Sebhaoui, later, went to the Police headquarter and informed them that there was no bodily injury and it was not strike in the face and it was just a merely gentle slap in the cheek. The Police investigator reduced the charge from "assault causing bodily injury- family violence", to issuing a citation charging him with "Offence physical contact- family violence". Fine \$581.

Trail Court

In their Amended Complaint the State (City Assistant Attorney) accused Maki of Family Violence- Offensive/Proactive Contact PC 22.01([a])(3) by striking his wife in the face. When issued its ruling the court found that Maki is guilty. It

relied on the Police testimony, instead of the best evidence or the testimony of the Victim herself.

County Criminal Court

Maki filed an appeal bond to appeal the case to the county criminal court, but the clerk of the trial court refused to post it. Later different judge, after hearing, approved and ordered the court clerk to post the bond. The bond was post after 63 days. The county criminal court dismissed the appeal without knowing what the appeal was about relying on Tex Gov's Code Sec. 30.00015, Appendix D.

Court of Appeal 2nd District

This Court dismissed the appeal relying on Tex. Gov. Code Sec. 30.00027, Appendix D. In other words, as the court believed that Maki was appealing a dismissed and not affirmed judgment this court should also dismiss the appeal for want of jurisdiction. But Maki believed that he did not appeal a dismissed judgment (the constitutionality of Tex. Penal Code Sec.22.01(a)(3), Appendix D, of the trial court). But he was appealing an affirmed judgment (the constitutionality of Tex Gov's Code Sec. 30.00015, Appendix D, of the county criminal court).

Court of Criminal Appeal of Texas

On October 19, 2022 this court refused to hear Maki's Petition for Discretionary Review, Appendix A. On November 23, 2022 Maki's Petition for rehearing was denied, Appendix B.

Reasons for Granting an Extension of Time

The time to file a petition for a writ of certiorari should be extended for 60 days for the following reasons:

1. While Applicant preparing his petition, he had subarachnoid hemorrhage (Bleeding in the area between the brain and the tissue covering the brain). He was in the Intensive Care Unit (ICU) of the Baylor University Medical Center from January 5 to January 19, 2023, Appendix E. He still did not see a specialist to start his treatment.
2. Although the applicant's rehearing was denied on November 23, 2022, he only received an email (Appendix C) from the clerk of the Texas Supreme Court on December 05, 2022 to inform him that his motion for rehearing was denied. Therefore, 12 days unfairly taken away from the time the law has given him to prepare his petition.

Conclusion

For these reasons, Maki is asking this honorable court, that the time to file a petition for a writ of certiorari should be extended 60 days to and including April 22, 2023.

Respectfully submitted,

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