

IN THE UNITED STATE'S SUPREME COURT

WARNER GARY WAYNE

Vs.

State Writ No.52,843-13

STATE OF TEXAS

PETITIONER'S PRO SE MOTION FOR EXTENSION OF TIME

Petitioner Warner (pro se), and in "GOOD FAITH" reuest LEAVE to file said Moition, and he respectfully request a 30-day extension of time to file his petition for certiorari, from dismissal of his State habeas application from the Court of Criminal Appeal, base on "NEW EVIDENCE" of ineffective assistance of trial counsel, actual, factual innocence.

The Court of Criminal Appeals dismissed without written or Warner's application for writ of habeas corpus, Tex. Code Crim Proc. Art.11.07, on 9/20/2023 and Warner got notice of such on 11/11/2023.

Warner assert that the extension is "NOT" sought for the purpose of delay this Honorable Court's proceeding, but in "GOOD FAITH" as Warner will show he has been denied his U.S.C.A.'S 6th & 14th rights to fair trial do to ineffective assistance of trial counsel (Matt Fry), as Warner is actually, factually innocence, of NOT COMMITTING FELONY THEFT.

Warner had supported his claim with new developed undisputed evidence, record of ineffective assistance of trial counsel, base on the opinion of the Court of Criminal Appeals, which should have entitled Warner to relief, or a hearing and appointment of counsel during the habeas proceeding. This Court has recently addressed

the inadequacies in Texas's system for litigating claims of ineffectiveness of trial counsel, in Trevino v. Thaler, 569 U.S. 413, 133 S.Ct. 1911, 185 L.Ed.2d 1044 (2013). Texas systemic failure to provide an "ADEQUATE VEHICLE" for raising ineffective assistance-of-counsel claims for "POOR INDIGENT PRO SE" habeas litigants will largely go "UNADDRESSED", thereby leaving unprotected the "FUNDAMENTAL CONSTITUTIONAL RIGHTS U.S.C.A'S 6th & 14th, to fair trial with effective assistance of trial counsel, even with new evidence in support of his claims, will be denied by the Court of Criminal Appeals.

Wherefore, Petitioner Warner, (pro se) prays that this Court grant the requested relief, extension of time of 30-days, and so prayed.

Submitted on Nov.27,2023, by:

WARNER GARY W. Nov. 27, 2023
Warner Gary W. #00861634 pro se
Coffield Unit
2661 FM 2054
Tenn. Colony, Tx. 75884

CERTIFICATE OF SERVICE

I hereby certify that on Nov.27,2023, I filed the foregoing motion in the U.S. Mail, addressed to:

Office of the clerk
Supreme Court of the U.S.
Washington, D.C. 20543-001

Respectfully submitted on Nov.27,2023, by:

Warner Gary W.
Warner Gary W. #00861634
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2661 FM 2054
Tenn. Colony, Tx. 75884

OFFICIAL NOTICE FROM COURT OF CRIMINAL APPEALS OF TEXAS
P.O. BOX 12308, CAPITOL STATION, AUSTIN, TEXAS 78711

FILE COPY

9/20/2023

WARNER, GARY WAYNE Tr. Ct. No. W-9848916-B

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The Court has dismissed without written order this subsequent application for a writ of habeas corpus. TEX. CODE CRIM. PROC. Art. 11.07, Sec. 4(a)-(c).

Deana Williamson, Clerk

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