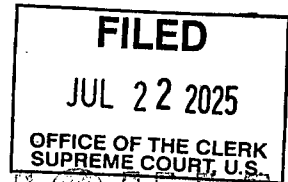


25-5278  
No. \_\_\_\_\_



ORIGINAL

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**IN THE**  
**SUPREME COURT OF THE UNITED STATES**

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**REYNALDO ALBERTO PEÑA**  
*Petitioner,*

**v.**

**THE STATE OF TEXAS**  
*Respondent.*

---

**AMENDED MOTION FOR LEAVE TO PROCEED**  
***IN FORMA PAUPERIS***

---

Reynaldo Alberto Peña, the Petitioner herein, Files this Amended Motion to the Supreme Court of the United States, to permit him to file and proceed on this Petition for Writ of Certiorari *in forma pauperis*. Counsel for the Petitioner has been appointed, under the provisions of the Texas Code of Criminal Procedure (specifically, Peña --- IFP Amended Motion to Proceed  
*In Forma Pauperis* SCOTUS

Tex. Code Crim.Pro. art. 26.044 and Tex. Code Crim. Pro. art. 26.04 *et. seq.*) in the trial court, the 229<sup>TH</sup> District Court of Duval County, Texas. The Orders of the Court are attached as *appx. A* and *appx. B*. Additionally, the Declaration of Counsel regarding the *in forma pauperis* history of Petitioner is attached as *appx. C*.

The Petitioner's appointed attorney, Abner Burnett, is a solo practitioner. This is the first case he has brought to the United States Supreme Court. The Court admitted him to practice before the Court the day before yesterday. He called the Court Clerk and learned of this yesterday. The deadline to file a petition for Writ of Certiorari was yesterday. Mr. Burnett's eFile account will not activate until tomorrow.

No local print shop or office supply could get the copies of the Petition ready in time to file an original and ten copies yesterday. In the fury to get at least the original on file in a timely manner, Mr Burnett inadvertently failed to include the exhibits with his original Motion. They are included with this Amended Motion. The copy of the first Order appointing is a poor one. However, the public defender organization that the Trial Court originally appointed no longer exists.

The copy included with this Motion is the best copy that the Trial Court clerk could provide. The second Order is current. Mr. Peña has been recognized by the Trial Court as qualified to receive an appointed attorney since the beginning of his case.

**Prayer for Relief Requested**

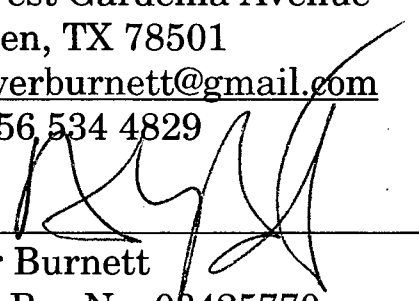
*Wherefore Premises Considered*, Petitioner, Reynaldo Alberto Peña, respectfully prays this Court GRANT this motion and allow the Petitioner, Reynaldo Alberto Peña, to proceed on this case *in forma pauperis* and without being required to prepay fees and costs and file 40 copies of this petition in booklet form.

Respectfully submitted,

Abner Burnett  
205 West Gardenia Avenue  
McAllen, TX 78501

Email: [lawyerburnett@gmail.com](mailto:lawyerburnett@gmail.com)

Tel: 956 534 4829

By   
Abner Burnett  
Texas Bar No. 03425770

U.S. Supreme Court Bar No. 325606  
Attorney for Reynaldo Alberto Peña

I, \_\_\_\_\_, do hereby certify that \_\_\_\_\_ is a member of the \_\_\_\_\_ and is entitled to the same rights and privileges as other members of the \_\_\_\_\_.

\_\_\_\_\_  
Secretary

4-17-21

4-17-21  
80-CRO-45

*[Faint, mostly illegible handwritten notes and stamps are visible across the page.]*

4-1-1964

1126

**SECRET**

On this day came on to be heard the above matter and the Court has been informed that the defendant is not represented by counsel and that said defendant has no money or other property to employ counsel and has requested assistance pending before this court.

TRIA is appointed to represent the said defendant on pending charges of the County of Travis under the Texas Fair Defense Act and the County Plan on file.

4-21-2021

*[Handwritten signature]*

### **Data Chart Appendix:**

CAUSE NO: 20-CRD-45

THE STATE OF TEXAS

v.

REYNALDO ALBERTO PEÑA

§ IN THE 229<sup>TH</sup> JUDICIAL  
§  
§ DISTRICT COURT OF  
§  
§ DUVAL COUNTY, TEXAS

**ORDER ON MOTION TO SUBSTITUTE AS ATTORNEY OF RECORD**

Came on to be heard the Motion to Substitute Abner Burnett as Attorney of Record as court appointed attorney. After considering the evidence and argument of counsel, the motion is hereby:  
  
GRANTED.

SIGNED and ENTERED this 10 day of JULY, 2025.



JUDGE PRESIDING