

NO. 2018-CR-0000

STATE OF TEXAS) IN THE DISTRICT COURT
VS.) 226TH JUDICIAL DISTRICT
JOE SMITH) BEXAR COUNTY, TEXAS

MOTION FOR CHANGE OF VENUE

TO THE HONORABLE JUDGE OF SAID COURT:

Joe Smith moves the Court for a change of venue, and in support of such motion shows the following:

I.

The defendant states under oath that there exists in Bexar County, Texas, so great a prejudice against the defendant that the defendant cannot obtain a fair and impartial trial in that county. Specifically the publicity generated about this case has been so widespread, inflammatory, adverse and prejudicial as to raise a substantial doubt that defendant can obtain a fair trial in Bexar County. A change of venue is therefore required under article 31.03(a)(1) of the Texas Code of Criminal Procedure.

II.

The defendant states under oath that there is in Bexar County, Texas, a dangerous combination against him instigated by influential persons, by reason of which he cannot expect a fair trial. A change of venue is therefore required under article 31.03(a)(2) of the Texas Code of Criminal Procedure.

III.

Because of the nature and extent of the inflammatory and prejudicial publicity disseminated in Bexar County, a change of venue is also required pursuant to the Due Process Clause of the Fourteenth Amendment to the United States Constitution, and the due course of law provision of Article I, §§ 13 and 19 of the Texas Constitution.

III.

Defendant requests an evidentiary hearing pursuant to article 28.01 § 1(7) of the Texas Code of Criminal Procedure at which he can prove his entitlement to a change of venue under the previously cited constitutional and statutory provisions.

For these reasons, the defendant prays the Court grant this motion and change the venue in the cause to a county in which defendant may receive a fair and impartial trial.

Respectfully submitted:

MARK STEVENS
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Tower Life Building, Suite 1920
San Antonio, TX 78205
(210) 226-1433
State Bar No. 19184200
mark@markstevenslaw.com

Attorney for Defendant

AFFIDAVIT

BEFORE ME, the undersigned authority, on this day personally appeared Joe Smith,
who after being duly sworn stated:

My name is Joe Smith. I am the defendant in the above entitled
and numbered cause. I have read the foregoing Motion for
Change of Venue and swear that all of the allegations of fact
contained therein are true and correct.

JOE SMITH

SUBSCRIBED AND SWORN TO BEFORE ME on the 28th day of August, 2018.

Notary Public in and for
Bexar County, Texas

My commission expires: 1/27/2020

ORDER SETTING HEARING DATE

IT IS ORDERED that the hearing on the Motion for Change of Venue is hereby set
for _____.m. on the _____ day of _____, 2018, in the courtroom of the 226th
Judicial District Court of Bexar County, Texas.

JUDGE PRESIDING

CERTIFICATE OF SERVICE

I certify that a copy of defendant's Motion for Change of Venue, including Affidavits, has been delivered to the Bexar County, District Attorney's Office, Bexar County Justice Center; 300 Dolorosa, San Antonio, TX 78205, on this the 28th day of August, 2018.

MARK STEVENS

AFFIDAVIT

BEFORE, the undersigned authority, on this day personally appeared Robert Brown, who after being duly sworn stated:

"My name is Robert Brown and I am a resident of Bexar County, Texas, the county in which the case of the *State of Texas vs. Joe Smith* is currently pending. I am aware of the contents of the defendant's motion for change of venue in this case. I state under oath that defendant cannot obtain a fair and impartial trial in Bexar County, Texas. The defendant cannot obtain a fair and impartial trial in Bexar County, Texas because of the widespread, inflammatory and prejudicial publicity generated about this case in Bexar County, Texas. Nor can he expect a fair trial because there is a dangerous combination against him instigated by influential persons.

ROBERT BROWN

SUBSCRIBED AND SWORN TO BEFORE ME on the 28th day of August, 2018.

Notary Public in and for
Bexar County, Texas

My commission expires: 1/27/2020

AFFIDAVIT

BEFORE, the undersigned authority, on this day personally appeared Mary Jones, who after being duly sworn stated:

"My name is Mary Jones and I am a resident of Bexar County, Texas, the county in which the case of the *State of Texas vs. Joe Smith* is currently pending. I am aware of the contents of the defendant's motion for change of venue in this case. I state under oath that defendant cannot obtain a fair and impartial trial in Bexar County, Texas. The defendant cannot obtain a fair and impartial trial in Bexar County, Texas because of the widespread, inflammatory and prejudicial publicity generated about this case in Bexar County, Texas. Nor can he expect a fair trial because there is a dangerous combination against him instigated by influential persons.

MARY JONES

SUBSCRIBED AND SWORN TO BEFORE ME on the 28th day of August, 2018.

Notary Public in and for
Bexar County, Texas

My commission expires: 1/27/2020

ORDER

Having considered Defendant's Motion For Change Of Venue, and the evidence and affidavits attached, the motion is:

(GRANTED) (DENIED)

JUDGE PRESIDING