

NO. 03-0000-CR

STATE OF TEXAS) IN THE DISTRICT COURT
VS.) 274TH JUDICIAL DISTRICT
JOE SMITH) GUADALUPE COUNTY, TEXAS

MOTION FOR PRODUCTION OF PROBATION OFFICE’S FILE

TO THE HONORABLE JUDGE OF SAID COURT:

Joe Smith moves that this Court order production of the probation office’s file for inspection by defense counsel prior to the hearing concerning the state’s Motion For An Adjudication of Guilt, and for good cause shows the following:

I.

The defense is entitled to inspect any exculpatory material in the probation officer’s file prior to the hearing on the state’s motion for adjudication of guilt.

II.

Under Rule 615 of the Texas Rules of Evidence, defendant is entitled to any statement of the witness relating to the subject matter about which the witness has testified, which is in the possession of the state, after the witness has testified.

III.

Under Rule 612 of the Texas Rules of Evidence, defendant is entitled to any writing used by a witness to refresh his memory, either before or during that testimony, regardless of authorship.

IV.

Defendant requests adequate time to permit him to examine the statement and writings and prepare for their use at trial. *See* Tex. R. Evid. 615. Adequate time for examination and preparation will, of course, be insured if the court were to order production in advance of trial.

IV.

Defendant makes this request now so the state will be sure and have all statements and writings available at the time of the hearing to adjudicate guilt. If not available, defendant will request either that the witness' testimony be stricken, or that a mistrial be required. *See* Tex. R. Evid. 615(e) and 612.

Respectfully submitted:

MARK STEVENS
310 S. St. Mary's Street
Tower Life Building, Suite 1920
San Antonio, TX 78205-3192
(210) 226-1433
mark@markstevenslaw.com
State Bar No. 19184200

Attorney for Defendant

CERTIFICATE OF SERVICE

I certify that a copy of this motion has been mailed to the District Attorney's Office, 101 East Court Street; Seguin, Texas 78155 on April 1, 2018.

MARK STEVENS

ORDER

On this the _____ day of _____, 2018, came to be considered defendant's Motion for Production of Probation Office's File, and said motion is hereby

(GRANTED)

(DENIED)

JUDGE PRESIDING