

NO. 00000

STATE OF TEXAS) IN THE DISTRICT COURT
VS.) 186th DISTRICT COURT
JOE SMITH) BEXAR COUNTY, TEXAS

**MOTION TO SET ASIDE INDICTMENT FOR FAILURE TO AFFORD
CONSTITUTIONAL RIGHT TO SPEEDY TRIAL**

TO THE HONORABLE JUDGE OF SAID COURT:

Joe Smith moves to set aside the indictment in this case pursuant to the Sixth and Fourteenth Amendments to the United States Constitution, Article I, § 10 of the Texas Constitution, and articles 1.03, 1.04 and 1.05 of the Texas Code of Criminal Procedure, for failure to afford him a speedy trial, and shows the following in support:

I.

The information in this case was filed on November 17, 2017.

II.

There are no satisfactory reasons for the delay in bringing defendant to trial.

III.

The defendant has never waived his right to a speedy trial.

IV.

The defendant has been substantially prejudiced because of the failure of the State to afford him a speedy trial, in that the lengthy delay in this case has caused him substantial anxiety and concern.

WHEREFORE, PREMISES CONSIDERED, the defendant respectfully prays that

this Court set the matter for a hearing and, after said hearing, that the Court order this information set aside with prejudice.

Respectfully submitted:

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Attorney for Defendant

CERTIFICATE OF SERVICE

I certify that a copy of Motion To Set Aside Information For Failure To Afford Constitutional Right To Speedy Trial has been delivered to the Bexar County District Attorney's Office, 101 W. Nueva St., San Antonio, TX , on July 14, 2018.

MARK STEVENS

ORDER

On this the _____ day of _____, 2018, came on to be heard defendant's Motion to Set Aside the Information For Failure to Afford Constitutional Right to a Speedy Trial, and said motion is hereby

(GRANTED)

(DENIED)

JUDGE PRESIDING