

NO. A 1
A 2
A 3

STATE OF TEXAS) IN THE DISTRICT COURT
VS.) 437TH JUDICIAL DISTRICT
JOE SMITH) BEXAR COUNTY, TEXAS

**OBJECTION TO CONSOLIDATION AND JOINDER
AND MOTION FOR SEVERANCE**

TO THE HONORABLE JUDGE OF SAID COURT:

Joe Smith objects to consolidation and joinder of cause numbers A 1, A 2, and A 3, and moves that trial on these causes be severed and shows the following:

I.

On March 15, 2018, the assistant district attorney filed the State's Notice Of Consolidation Of Prosecution concerning cause numbers A 1, A 2, and A 3, pursuant to § 3.02 of the Texas Penal Code.

II.

Section 3.04(a) of the Texas Penal Code grants to the defense a mandatory severance of cases the state seeks to join under § 3.02. By this motion, the defense objects to consolidation and joinder of cause numbers A 1, A 2, and A 3.

III.

In addition to his mandatory right to sever under § 3.04(a), defendant further objects that joinder of cause numbers A 1 and A 2, on the one hand, with cause number A

3, on the other, would be unfairly prejudicial and therefore should be severed under § 3.04(c). The first two numbered indictments – A 1 and A 2 – involve a different complainant, and allege a different date of commission, than the offense alleged in the third indictment — cause number A 3.

WHEREFORE PREMISES CONSIDERED, defendant prays that Defendant's Objection to Consolidation Joinder and Motion for Severance be granted.

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 Defendant's Objection to Consolidation and Motion for Severance has been delivered to the Bexar County District Attorney's Office, 101 W. Nueva St., San Antonio, TX 78205 on July 14, 2018.

MARK STEVENS

ORDER

On this the _____ day of _____, 2018, came on to be considered Defendant's Objection to Consolidation and Motion for Severance, and said Objection is hereby

(GRANTED) (DENIED).

PRESIDING JUDGE