

NO. 00000

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

**MOTION FOR A SEPARATE HEARING ON
ENTRAPMENT AS A MATTER OF LAW**

TO THE HONORABLE JUDGE OF SAID COURT:

Joe Smith moves the Court to conduct a hearing outside the jury's presence in order to determine as a matter of law whether the defendant was entrapped into commission of the offense, and, for good cause shows the following:

I.

Defendant's involvement in the conduct charged was induced by law enforcement agents using persuasion and other means likely to cause him to commit the offense.

II.

The facts of this case will reveal entrapment as a matter of law.

III.

Article 28.01 § 1(9), specifically provides for a pre-trial hearing on the issue of entrapment.

WHEREFORE, premises considered, defendant prays that the Court conduct a hearing to determine whether, as a matter of law, the defendant was entrapped and, upon such a finding, that the Court dismiss the case or acquit the defendant; should the Court determine the Defendant was not entrapped as a matter of law, the Court should submit the entrapment

defense to the jury as a fact question.

Respectfully submitted:

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Attorney for Defendant

CERTIFICATE OF SERVICE

I certify that a copy of defendant's Motion For A Separate Hearing On Entrapment As A Matter Of Law has been delivered to the District Attorney's Office, Bexar County Justice Center, 300 Dolorosa, San Antonio, Texas, on November 24, 2018.

MARK STEVENS

ORDER

On this the ____ day of _____, 2018, came to be considered defendant's Motion for Separate Hearing on Entrapment, and said motion is hereby

(GRANTED)

(DENIED)

JUDGE PRESIDING