

NO. 0000

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

DEFENDANTS' AGREEMENT AS TO ORDER OF TRIAL

TO THE HONORABLE JUDGE OF SAID COURT:

Defendant Joe Smith and co-defendant John Jones, through their undersigned counsel, hereby agree that, pursuant to Article 36.10 of the Texas Code of Criminal Procedure, if the motion to sever filed by defendant Smith is granted, the co-defendant, Jone will be tried first, and for good cause show the following:

I.

If the cases are severed, and defendant Smith is tried first, co-defendant Jones will invoke his constitutional privilege not to testify in behalf of defendant. This will deprive defendant of his rights to compulsory process, guaranteed by the Sixth and Fourteenth Amendments of the United States Constitution, Article I, § 10 of the Texas Constitution, as well as his rights to due process and due course of law, guaranteed by the Texas and United States Constitutions. If co-defendant Jones is tried first, on the other hand, the privilege against self-incrimination will be no impediment to his testifying in behalf of defendant Smith.

II.

Article 36.10 of the Texas Code of Criminal Procedure permits the defendants to agree on the order of trial. This document is evidence of that agreement.

WHEREFORE, PREMISES CONSIDERED, defendants pray that this motion of Defendants' Agreement As to Order of Trial be granted.

Respectfully submitted:

MIKE BROWN
100 Main
San Antonio, TX 78205
Phone Number
State Bar Number

Attorney for John Jones

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

Attorney for Joe Smith

CO-DEFENDANT

DEFENDANT

CERTIFICATE OF SERVICE

I certify that a copy of Defendants' Agreement As to Order of Trial was delivered to the Bexar County District Attorney's Office, 101 W. Nueva St., San Antonio, Texas on July 14, 2018.

MARK STEVENS

ORDER

On this the ____ day of _____, 2018, came to be considered Defendants'
Agreement As to Order Of Trial, and said motion is hereby

(GRANTED)

(DENIED)

JUDGE PRESIDING