

STATE OF TEXAS ) IN THE DISTRICT COURT  
VS. ) 81ST/218TH JUDICIAL DISTRICT  
JOE SMITH ) WILSON COUNTY, TEXAS

**MOTION FOR ACCESS TO ALLEGED CRIME SCENE**

TO THE HONORABLE JUDGE OF SAID COURT:

Joe Smith and his lawyer seek a Court Order allowing them access to and the opportunity to take pictures of certain areas within the Wilson County Sheriff's Department, the place where this alleged crime occurred.

I.

The state alleges that Mr. Smith committed the crime of deadly conduct. More specifically, the indictment in this case alleges that the place in question was a "building," and that a deputy was present, with his back to Mr. Smith when Mr. Smith discharged a firearm. Mr. Smith believes from discovery in this case that this alleged crime occurred within the Wilson County Sheriff's Department, an area to which public access is restricted.

II.

At a previous trial the state alleged in its response to the defense's request for 404(b) material that it intended to prove an incident of extraneous misconduct that happened "in the hall of the Wilson County Sheriff's Office."

III.

It will be necessary for the defense to examine the places in question, and to take photographs of them, in order to properly investigate this case, and to effectively represent Mr. Smith under the Sixth and Fourteenth Amendments to the United States Constitution, and Article I, § 10 of the Texas Constitution.

IV.

Mr. Smith moves for an order from this Court permitting him, his lawyer Mark Stevens, and private investigator James McKay to be allowed to enter the Wilson County Sheriff's Department and to inspect and photograph those areas that pertain to the instant offense and the alleged act of extraneous misconduct referred to above.

Respectfully submitted:

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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 Motion For Access To Alleged Crime Scene was delivered to the District Attorney's Office; 1327 3rd Street; Floresville, Texas 78114 on July 12, 2018.

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MARK STEVENS

**ORDER**

On this the \_\_\_\_\_ day of \_\_\_\_\_, 2018, came on to be considered Motion for Access to Alleged Crime Scene, and said Motion is hereby (GRANTED) (DENIED).

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JUDGE PRESIDING