

NO. 2018-CR-0000

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

DEFENDANT'S MOTION FOR CONTINUANCE

TO THE HONORABLE JUDGE OF SAID COURT:

Joe Smith moves the Court to continue the trial in this cause, and shows the following in support:

I.

The trial is scheduled to begin on April 1, 2018. On March 31, 2018, the District Attorney advised the defense that during a pretrial interview key witness Mary Jones had informed the prosecutors that she was uncertain about the identity of the person who had assaulted her. Previously, according to all discovery then provided, Ms. Jones had steadfastly insisted that Mr. Smith was her assailant. Despite this change of testimony, the prosecutors say they will continue the prosecution against Mr. Smith.

II.

This event was totally unexpected and could not have been anticipated by the exercise of due diligence on the part of Mr. Smith's counsel. More time is needed to prepare for trial in light of the complainant's recent revelation.

WHEREFORE, the Defendant prays the Court grant this Motion and continue this cause on the docket of this Court until a later date so that the Defendant

may receive a fair trial.

Respectfully admitted:

MARK STEVENS
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San Antonio, TX 78205
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State Bar No. 19184200

Attorney for Defendant

CERTIFICATE OF SERVICE

I certify that a copy of this Motion for Continuance has been delivered to the Bexar County District Attorney's Office, 101 W. Nueva St; San Antonio, Texas, on March 31, 2018.

MARK STEVENS

STATE OF TEXAS)

AFFIDAVIT

COUNTY OF BEXAR)

BEFORE ME, the undersigned authority, on this day personally appeared Mark Stevens, who after being duly sworn stated:

My name is Mark Stevens. I am the attorney for the Defendant in the above-entitled and numbered cause. I have read the foregoing Motion for Continuance and swear that all of the allegations of fact contained therein are true and correct.

MARK STEVENS

SUBSCRIBED AND SWORN TO BEFORE ME on March 31, 2018.

Notary Public in and for
Bexar County, Texas

My commission expires:

ORDER

On this the ___ day of _____, 2018, came to be considered Defendant's Motion for Continuance and this Motion is:

(GRANTED)

(DENIED)

JUDGE PRESIDING