

NO. 000000

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

**MOTION FOR PRODUCTION OF INSURANCE
INVESTIGATION REPORTS**

TO THE HONORABLE JUDGE OF SAID COURT:

Joe Smith moves that this Court order the Bexar County District Attorney to produce for inspection and copying the following items:

I.

Certain life insurance companies have conducted extensive investigation and prepared written reports of the investigation, surrounding the death of the deceased, Sherry Smith, and the payment of life insurance proceeds on life insurance policies on the life of the deceased, and that an extensive investigation has been completed, and a written report has been prepared and filed by these companies. Because Mr. Smith has been indicted for murdering Ms. Smith for remuneration, the contents of these reports and material are essential to the preparation of his defense.

II.

The following insurance companies, among others, have prepared written reports concerning their investigation of Ms. Smith's death:

1. John Hancock Life Insurance Company, agent for service, Michael Hergert, Suite 212, 3355 Cherry Ridge, San Antonio, Bexar County, Texas;
2. Prudential Life Insurance Company, agent for service Fred Nesbit, General Manager, at 4204 Gardendale, San Antonio, Texas;
3. Connecticut General Life Insurance Company, agent for service Curtis Bales, One Park Ten, San Antonio, Texas.

III.

Joe Smith cannot safely go to trial on this cause without having an opportunity to examine the requested investigation reports in sufficient time in advance of trial in which to conduct any further investigation which the contents of the investigation reports might reveal as being necessary and proper for the defense. Mr. Smith cannot, under the Sixth and Fourteenth Amendments of the United States Constitution, properly cross-examine the witnesses, or present a defense, without the production of the requested reports.

IV.

We have reason to believe that at least one of these reports, maybe all of them, were made available to the Bexar County Grand Jury at the time this indictment was returned, and one or all of the reports have been made available to the Bexar County Criminal District Attorney's Office and the San Antonio Police Department in the course of their pre-trial investigation of this cause.

WHEREFORE, PREMISES CONSIDERED, the defendant respectfully requests that this Motion for Production of Insurance Investigation Reports be granted, and that this Court set this Motion for a Hearing at the earliest possible time, and that the Defendant be allowed to inspect the written investigation reports of the insurance companies in advance of trial, and at such time in advance of trial as will provide an adequate opportunity for further investigation necessary for the proper representation of Joe Smith.

Respectfully submitted:

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

Attorney for Defendant

CERTIFICATE OF SERVICE

I certify that a copy of Defendant's Motion for Production of Insurance Investigation Reports has been delivered to the Bexar County District Attorney's Office, 101 W. Nueva St; San Antonio, Texas, on July 12, 2018.

MARK STEVENS

ORDER

On this the ___ day of _____, 2018, the Court heard the Defendant's Motion For Production of Insurance Investigation Reports, and this motion is

(GRANTED)

(DENIED)

JUDGE PRESIDING