

evaluation, preparation, and presentation of his defense.

III.

This case was initially reported and believed by the police investigators as an “accidental shooting/accidental discharge” case. Now the state is charging defendant with manslaughter. Therefore, the very charge against the defendant now cries out for rebuttal by a competent gun and ballistics expert, since the gun itself goes to the heart of the state's case.

IV.

In light of the charge against the Defendant, it is essential that counsel seek the appointment of a gun, gun handling and ballistics expert to assist in the evaluation, preparation and presentation of his defense, pursuant to the Due Process Clause of the Fourteenth Amendment of the United States Constitution. *See Ake v. Oklahoma*, 470 U.S. 68 (1985).

V.

We seek court appointment of a gun, gun handling and ballistics expert, John Jones (See Exhibit A, attached), pursuant to the *Ake* case. Without an expert to assist in the evaluation, preparation and presentation of his defense, the state's evaluation from the Regional Crime Lab will go unchallenged for want of expert assistance. This will deny defendant due process and due course of law, equal protection of the law, effective assistance of counsel, the right to confront and cross-examine witness against him, and his right to compulsory process, contrary to the Constitutions of Texas and the United

States.

WHEREFORE, PREMISES CONSIDERED, defendant requests that this Court consider this motion and order that he be provided with sufficient funds to have a competent gun, gun handling and ballistics expert assist him in the investigation, evaluation, preparation and presentation of his defense.

Respectfully submitted:

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Attorney for Defendant

CERTIFICATE OF SERVICE

I certify that a copy of Ex Parte Motion To Appoint A Gun, Gun Handling and Ballistics Expert To Assist In Evaluation, Preparation and Presentation of Defense has been delivered to the Bexar County District Attorney's Office; 101 W. Nueva St; San Antonio, Texas, on July 13, 2018.

MARK STEVENS

ORDER

On this the _____ day of _____, 2018, came on to be considered defendant's Ex Parte Motion To Appoint A Gun, Gun Handling and Ballistics Expert To Assist In Evaluation, Preparation and Presentation of Defense.

This Court, after having reading the pleadings, is of the opinion that said motion should be granted;

IT IS THEREFORE, ORDERED, ADJUDGED and DECREED, that _____ is hereby appointed as gun, gun handling and ballistics expert to assist in evaluation, preparation, and presentation of the defense for the defendant.

IT IS FURTHER ORDERED that the said _____ after the conclusion of his evaluation be paid up to in the sum not to exceed _____.

SIGNED on this the _____ day of _____, 2018.

PRESIDING JUDGE

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:

I am the attorney in the above-entitled and numbered cause. I have read the foregoing Ex parte Motion To Appoint A Gun, Gun Handling, And Ballistics Expert To Assist In Evaluation, Preparation, And Presentation Of Defense and swear that all of the allegations of fact contained therein are true and correct.

MARK STEVENS

SUBSCRIBED AND SWORN TO BEFORE ME on the 13th day of July 2018.

Notary Public in and for
Bexar County, Texas

My commission expires: