

NO. 0000

STATE OF TEXAS	)	IN THE DISTRICT COURT
	)	
VS.	)	187TH JUDICIAL DISTRICT
	)	
JOE SMITH	)	BEXAR COUNTY, TEXAS

**OBJECTION TO NOTICE OF EXTRANEOUS MISCONDUCT  
AND REQUEST FOR PROPER NOTICE**

Defendant objects to the “notice” provided in the *State’s First Notice of Intent To Introduce Evidence Of Extraneous Offenses Pursuant To Tex. R. Crim. Evid. 404(b), 609(f), And Tex. Code Crim. Proc. Arts. 37.07*, and in the *State’s Amended Notice of Intent To Introduce Evidence Of Extraneous Offenses Pursuant To Tex. R. Crim. Evid. 404(b), 609(f), And Tex. Code Crim. Proc. Arts. 37.07*, because the “notice” therein provided is so non-specific and non-descriptive that it fails to provide the notice to which defendant is entitled to by those statutory and rule provisions. Defendant requests that the state provide, before commencement of jury selection, reasonable written notice of all extraneous misconduct it intends to offer at any stage of this trial, including guilt\innocence or punishment, as required by TEX. CODE CRIM. PROC. ANN. art. 37.07 § 3(g); and TEX. R. EVID. 404(b) and 609(f), as well as by the Due Process Clause of the Fourteenth Amendment to the United States Constitution and the Due Course of Law Clause of Article I, §§ 13 and 19 of the Texas Constitution.

Respectfully submitted:

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Attorney for Defendant

**CERTIFICATE OF SERVICE**

I certify that a copy of defendant's Objection to Notice of Extraneous Misconduct and Request For Proper Notice been delivered to the Bexar County District Attorney's Office, 101 W. Nueva St., San Antonio, TX 78205, on July 14, 2018.

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MARK STEVENS

**ORDER**

On this the \_\_\_\_\_ day of \_\_\_\_\_, 2018, came on to be considered defendant's Objection to Notice of Extraneous Misconduct and Request for Proper Notice, and said Motion is hereby

(GRANTED) (DENIED).

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JUDGE PRESIDING