

NO. 000000

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

**DEFENDANT'S MOTION TO SET ASIDE INDICTMENT
FOR SYSTEMATIC EXCLUSION OF GRAND JURORS**

TO THE HONORABLE JUDGE OF SAID COURT:

Joe Smith moves this Court to set aside the indictment in the above-numbered and entitled cause pursuant to the due process and equal protection clauses of the Fifth and Fourteenth Amendments, as well as the Sixth and Seventh Amendments to the United States Constitution, and Article I §§ 3, 10, 13, 15 and 19 of the Texas Constitution. In support thereof, defendant shows the following:

I.

The Grand Jury was selected in such a manner as to systematically and impermissibly exclude therefrom certain cognizable groups, namely women, Blacks, Mexican-Americans, and young people, denying defendant his right to a grand jury composed of a fair cross-section of the community, and his right to equal protection and due process of law.

II.

The procedure employed to choose grand jury forepersons in Bexar County, Texas has systematically and impermissibly excluded certain cognizable groups, namely women, Blacks, Mexican-Americans, and young people from that position over a significant period of time, denying defendant the due process and equal protection clauses of the Fifth and Fourteenth Amendments, as well as the Sixth and Seventh Amendments to the United States Constitution.

WHEREFORE, the defendant respectfully prays that this Honorable Court set aside the indictment against Defendant in this cause.

Respectfully submitted:

MARK STEVENS
State Bar No. 19184200
442 Dwyer
San Antonio, TX 78204
(512) 226-1433

Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing Defendant's Motion to Set Aside the Indictment For Systematic Exclusion Of Grand Jurors has been delivered to the District Attorney's Office, Bexar County Justice Center; 300 Dolors; San Antonio, Texas, on this the **FIELD(4)** day of **FIELD(5)**, 1990.

MARK STEVENS

ORDER

On this the ____ day of _____, 1990, came to be considered Defendant's Motion to Set Aside Indictment For Systematic Exclusion Of Grand Jurors, and said motion is hereby

(GRANTED)

(DENIED)

JUDGE PRESIDING