

THE STATE OF TEXAS  
VS.  
CARLOS DE LUNA

IN THE DISTRICT COURT  
28TH JUDICIAL DISTRICT,  
NUECES COUNTY, TEXAS

MOTION FOR DISCOVERY AND INSPECTION OF EVIDENCE

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the Defendant in the above styled and numbered cause, under the authority of Article 39.14 C.C.P., and makes this his Motion for Discovery and Inspection of Evidence, and in support thereof would show the Court as follows:

I.

The Defendant moves the Court to order the District Attorney to produce and permit the inspection of and the copying and/or photographing of, by or on behalf of the Defendant, the following designated items:

Granted

1. All fingerprints,, palm prints, and foot prints, and reports of same, alleged by the State to have been made by the Defendant, in the commission of the offense with which the Defendant is herein indicted.

Granted

2. The results of all scientific tests conducted by a State agency or law enforcement agency.

Granted

3. All articles of clothing, including shoes and rags alleged belonging to the Defendant.

Granted

4. The analysis of and results of any blood chemical and scientific tests which has been conducted on the clothing purported worn by the Defendant prior to, during and subsequent to the commission of the alleged offense.

Granted

5. The clothing alleged by the State to have been worn by the decedent at the time of the commission of the offense.

Granted

6. All medical reports which show or tend to show the physical condition of the decedent at or about the time the commission of the alleged offense.

Granted

7. The names of all suspects who were interrogated and/or arrested in conjunction with this offense, whether detained by jail arrest or by interrogation, including their names, addresses, occupations, physical descriptions and photographs (or mug shots).

Granted

8. The blood type of the decedent.

Granted

9. All photographs made of the line-up conducted in this case, wherein the Defendant was one of the participants.

Granted

10. All photographs of suspects which were shown to all witnesses to the alleged offense, concerning the identity of the purportator of the offense for which the Defendant has been indicted.

Granted

11. The police form used by law enforcement authorities to identify all participants in the line-up wherein the Defendant was a participant, which includes information as to each participant in the line-up and as to each witness who was present at said line-up.

Granted

12. A copy of the witnesses line-up identification form given to each witness who attended the line-up wherein the Defendant was a participant in this case.

Granted

13. All photographs of the Defendant which were used in conjunction with the investigation of this case, including any photograph which may have been shown by any law enforcement officer to any potential witness in this case.

Granted

14. All medical and psychiatric reports submitted by any doctor, psychiatrist or psychologist at the request of the State or the Court in conjunction with any examination of the Defendant herein.

Granted

15. Any and all evidence as to the incompetency of the Defendant which is in the possession of the District Attorney's Office or any of its agents.

And further support hereof the Defendant would show that the production of such evidence is the only fair and proper method of showing the good faith of the District Attorney in this case as well as the truth of any such matters which the District Attorney intends to use against the Defendant.

## II.

In support of this motion, the Defendant would show the Court as follows:

1. The items requested are in the exclusive possession, custody and control of the State of Texas or the United States Government by and through its agents, the police or the prosecuting attorneys office, and the Defendant has no other means of ascertaining the disclosures requested.
2. The items requested are not privileged.
3. The items and information are material to this cause and the issues of guilt or innocence and punishment to be determined in this cause.
4. The Defendant can not safely go to trial

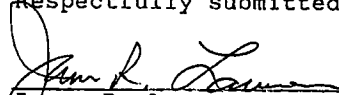
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without such information and inspection, nor can the Defendant adequately prepare the defense to the charges against him.

5. The absence of such discovery of Defendant's rights under Article 39.14 C.C.P., Article 1, Section 10 of the Constitution of the State of Texas, and the Fourth, Fifth, Sixth and Fourteenth Amendments to the Constitution of the United States of America will be violated, to his irreparable injury and thus deprive the Defendant of a fair trial herein.

WHEREFORE, PREMISES CONSIDERED, the Defendant respectfully prays that this Honorable Court will grant this the Defendant's Motion for Discovery and Inspection of Evidence in all things, or in the alternative, that this Court will set this matter down for a hearing prior to trial on the merits and that at such hearing this motion will be in all things granted.

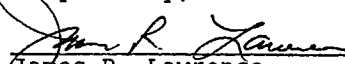
Respectfully submitted,

  
James R. Lawrence  
Attorney for Defendant  
State Bar No. 12047000

P.O. Box 8365  
Corpus Christi, Texas 78412  
(512) 884-5549

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion for Discovery and Inspection of Evidence was personally served on the Assistant District Attorney of Nueces County, Texas, on this the 6th day of May, 1983.

  
James R. Lawrence  
Attorney for Defendant  
State Bar No. 12047000

ORDER

On this day came on to be heard the foregoing Motion for Discovery and Inspection of Evidence and the same is hereby GRANTED and the Court hereby orders the District Attorney to produce and permit the inspection of and the copying and/or photographing of, and examination of, by or on behalf of the

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Defendant, all the designated items in said motion.

*As noted in the Margin*

SIGNED AND ENTERED this 10 day of June,

1983.

  
JUDGE PRESIDING

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