

CAUSE NO. 83-CR-194-A

THE STATE OF TEXAS
VS.
CARLOS DELUNA

IN THE 28th JUDICIAL DISTRICT COURT
OF
NUECES COUNTY, TEXAS.

MOTION FOR DISCOVERY AND INSPECTION
OF EVIDENCE

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES CARLOS DELUNA, DEFENDANT in the above styled and numbered cause, who makes and files this his motion and will show the court the following:

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:

1. All confessions, admissions and statements, in writing signed by the Defendant, in connection with this offense with which the Defendant is herein indicted.
2. All confessions, admissions and statement, oral in nature and set down and preserved under ARTICLE 38.22 of the Texas Code of Criminal Procedure, made by the Defendant in connection with the offense with which the Defendant is herein indicted.
3. All oral and written recorded statements or memoranda of same made by the Defendant to any investigating officer or to any member of any Law Enforcement agency or to any third party and in the possession of or within the knowledge of the District Attorney's office or any Law Enforcement agent thereof, including any Law Enforcement agency.
4. All oral and written statements made by the Defendant before the Grand Jury and transcribed by a reporter, in connection with the offense with which the Defendant is herein indicted.
5. All objects and tangible property alleged by the state to have been taken by the Defendant during the course of the commission of the offense with which the Defendant is herein indicted.

M I C R O F I L M E D

6. All fingerprints, palm prints, and footprints, and reports of same, alleged by the state have been made by the Defendant, in the commission of the offense with which the Defendant is herein indicted.
7. All statements made by any party or witness to this alleged offense, in the possession of or within the knowledge of the District Attorney or any of his agents, including any Law Enforcement agency, whether such statements were written or oral, which might in any manner be material to either guilt or innocence of the Defendant or the punishment if any to be set in this case.
8. All photographs, video tapes, diagrams, drawings and charts made by the District Attorney's office or any agent thereof, including any Law Enforcement agency, which were made with reference to this case, and including any said photographs, video tapes, diagrams, drawings, or charts of the scene of the alleged crime and the scene of the Defendant's arrest.
9. All reports of scientific tests, experiments and comparisons, and all other reports of experts and the name and address of each such person who made such report or performed such test, experiment or comparison.
10. The hand written and typed notes of the police officers who investigated and participated in any manner in this case.
11. The hand written and typed notes of the police officers who interrogated the Defendant prior to and after the Defendant signed all written statements concerning this case.
12. The arrest warrant and affidavit in support thereof, used by Law Enforcement authorities to arrest the Defendant.
13. All photographic negative prints not developed for reason that were made by the District Attorney or any of his agents, including any Law Enforcement agency, in the investigation of this case, which have not been produced for inspection by the Defendant.

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14. All photographs of suspects which were shown to all witnesses to the alleged offense, concerning the identity of the perpetrator of the offense for which the Defendant has been indicted.
15. All photographs of the Defendant which were used 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.
16. Prior criminal record of the victim, including all arrests and convictions, whether as a juvenile or as an adult.
17. The prior criminal record of all the witnesses whom the District Attorney intends to call as witnesses during the trial of the cause against the Defendant, including all arrests and convictions, whether as a juvenile or as an adult.
18. All documents, papers, books, accounts, letters, objects, address books and tangible things which are in the possession, custody and control of the prosecutor.
19. All documents, papers, address books, books, letters, obtained by the Corpus Christi Police Department which are in custody and control of the said Law Enforcement agency.

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 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 not privileged.
2. 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 attorney's office, and the Defendant has no other means of ascertaining the disclosures requested.

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 cannot safely go to trial without such information and inspection, nor can the Defendant adequately prepare the defense to the charges against him.
5. The absent such discovery Defendant's rights under ARTICLE 39, 14, C.C.P, ARTICLE I, SECTION 10 of the Constitution of the state of Texas, and the Fourth, Fifth, Sixth and Fourteenth Amendmens to the Constitution of the United States will be violated, to his irreparable injury and thus deprive the Defendant of a fair trial herein.

Wherefore, premisis 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 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.

/s/ Carlos DeLuna

CARLOS DELUNA
, DEFENDANT

Sworn and Subscribed before me on this 25 day of February 19 83.

/s/ [Signature]

Hesiquio C. Rodriguez, Notary
Public IN and For Nueces County,
Texas

My commission expires on the 11 day of July, 1985.

6/10/83

Defensa states they are satisfied on this motion: Defendant in prison so stated.

MICHAEL MER [Signature]