

THE STATE OF TEXAS | IN THE DISTRICT COURT
VS. | 28TH JUDICIAL DISTRICT
CARLOS DE LUNA | NUECES COUNTY, TEXAS

MOTION FOR HEARING ON VOLUNTARINESS OF ANY
ADMISSION OR CONFESSION WHETHER WRITTEN OR ORAL

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the Defendant in the above styled and numbered cause and respectfully moves the Court to excuse the jury before any evidence of admissions and confessions allegedly made by the Defendant, whether written or oral, are admitted in the presence of the jury.

Defendant makes this request based upon the Fifth, Sixth, and Fourteenth Amendments to the Constitution of the United States; Article 1, Section 10 of the Texas State Constitution; and Articles 38.21, 38.122, 38.23 of the Code of Criminal Procedure.

Defendant further requests the Court to instruct the District Attorney to ask no questions in the presence of the jury concerning admissions and confessions allegedly made by the Defendant, either oral or written, or criminative or exculpatory, until a Jackson v. Denno hearing has been held by the Court to determine whether such admissions and confessions were voluntarily made by the Defendant and the Court has entered findings of fact and conclusions of law with respect thereto.

In further support hereof, the Defendant submits that at the time of the conversations with law enforcement officers, the Defendant was either under arrest or substantially deprived of his freedom by the attendant conduct of said law enforcement officers and the surrounding circumstances.

WHEREFORE, PREMISES CONSIDERED, the Defendant respectfully prays that this Motion be granted in all things.

Respectfully submitted,

FILED

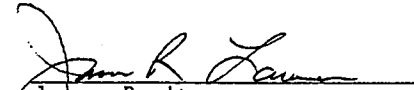
JUN -1 1983

JOSCAR SOLIZ, CLERK
DISTRICT COURT, NUECES COUNTY, TEXAS
by *M. M. S. [Signature]* Deputy

James R. Lawrence
James R. Lawrence
Attorney for Defendant
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CERTIFICATE OF SERVICE

I hereby certify that on this the 1st day of June, 1983, a true and correct copy of the above and foregoing Motion was personally served on the Assistant District Attorney of Nueces County, Texas.


James R. Lawrence
Attorney for Defendant

ORDER

On this day came on to be heard the foregoing Defendant's Motion for a Jackson vs. Denno hearing and to instruct the District Attorney, and said motion is hereby (GRANTED in all things) (DENIED, to which action of the Court the Defendant excepts).

SIGNED this ____ day of June, 1983.

JUDGE PRESIDING

MICROFILMED