

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

MOTION FOR IDENTIFICATION HEARING

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Carlos De Luna, Defendant in the above-entitled and numbered cause, and moves the court for an identification hearing out of the presence of the jury, and in support of such motion shows:

I.

Defendant anticipates that one or two prosecution witnesses, namely, George Aguirre and Kevan Baker, will be called upon to identify the defendant as the person guilty of the charge now pending before the court.

II.

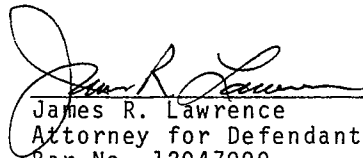
Defendant reasonably believes that each of these witnesses has been asked to identify the defendant in some manner on at least one previous occasion.

III.

Defendant asserts the right to examine each of these witnesses out of the presence of the jury to determine if this prior identification proceeding was conducted in a manner that was impermissibly suggestive and likely to lead to irreparable misidentification at trial.

WHEREFORE, defendant respectfully prays that the court grant this motion and direct the district attorney to inform the court when an identification witness is called so that a proper hearing may be held pursuant to this motion.

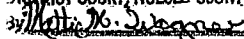
Respectfully submitted,



 James R. Lawrence
 Attorney for Defendant
 Bar No. 12047000
 P.O. Box 8365
 Corpus Christi, Tx 78412
 (512) 884-5549


FILED

JUL 19 1983

JOSCAR SOLIZ, CLERK
 DISTRICT COURT, NUECES COUNTY, TEXAS
 Deputy

CERTIFICATE OF SERVICE

I hereby certify that on this the 2nd 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 Motion and the Motion is in all things (GRANTED) (~~denied~~ to which action of the Court this Defendant excepts).

SIGNED this 20 day of June, 1983.

Hearing held on this date.

JUDGE PRESIDING

*Findings of fact + conclusions of law
will be filed.*



M I C R O F I L M E D