

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

MOTION TO SUPPRESS IDENTIFICATION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Carlos De Luna, defendant in the above-entitled and numbered cause, and moves the court to suppress identification, and in support of such motion shows:

I.

On or about February 4, 1983, the Corpus Christi Police Department exhibited to the witness John A. Arsuaga, a set of photographs for the purpose of identification. The witness identified a photograph of the defendant on this occasion.

II.

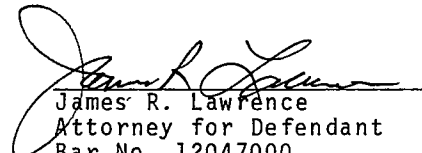
The photographic identification procedure utilized was so impermissibly suggestive that it induced the witness to identify the defendant.

III.

The impermissibly suggestive photographic identification procedure utilized has given rise to a substantial likelihood of misidentification of the defendant at trial.

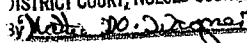
WHEREFORE, defendant respectfully prays the court grant this motion and that witness John Arsuaga be prohibited from making any identification of the defendant due to the impermissibly suggestive nature of the pretrial photographic identification procedure.

Respectfully submitted,

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

**FILED**

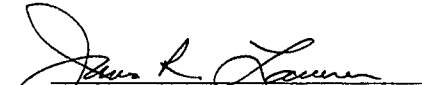
JUN - 8 1983

OSCAR SOLIZ, CLERK  
 DISTRICT COURT, NUECES COUNTY, TEXAS  
 by  Deputy

**M I C R O F I L M E D**

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.

  
JUDGE PRESIDING

M I C R O F I L M E D