

Rec'd from Mueles City D.C. Clerk  
7/26/04

NO. 79-CR-881 C

STATE of TEXAS

v.

JESSE GARZA

NO. 79-CR-881-C

THE STATE OF TEXAS  
VS.

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

Jesse Garza

ORDER FOR DESTRUCTION OF PROPERTY

Pursuant to Article 2.21, of the Code of Criminal Procedure, the District Clerk of Nueces County, Texas is hereby ordered to destroy the below listed exhibit(s) under the above cause number:

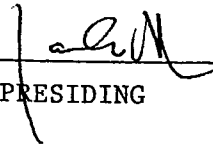
State Exhibits:

- #1-3 Pictures
- #5 Black Pants
- #6-7 Police Lineup
- #10-24 Pictures
- #26 Drawing
- #27 Mens Brief
- #28-50 Pictures
- #51 Fragments
- #52 Picture
- #53 Finger Print Card
- #54 Hair
- #55 Drivers License
- #56-58 Pictures

Defendants Exhibits:

- #7 City Map

Signed this \_\_\_\_\_ day of MAY 7, 1995

  
\_\_\_\_\_  
JUDGE PRESIDING

10018 / 0932

State's Exhibit - # 79-CR-881-c  
# 1, 2, 3, (4a), 5a, 6, 7, (8), (9)

10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23,  
24, (25), 26, 27, (27a), 28, 29, 30, 31, 32, 33, 34, 35,  
36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49,  
50, 51, (51a), (51b), 52, 53, 54, 55, 56, 57, 58,

Jury Note - 1

Def't's Exhibit (1) + 7

EXHIBITS REC. 2-20-80

Victor M. Baldanes

DEPUTY COURT CLERK

Dina Kelly  
CRIMINAL CLERK

NO. 79-CR-881-C

THE STATE OF TEXAS                    ∅                    IN THE DISTRICT COURT  
VS.   ∅                    94TH JUDICIAL DISTRICT  
JESSE GARZA                               ∅                    NUECES COUNTY, TEXAS

DEFENDANT'S MOTION TO REQUIRE THE PROSECUTION  
TO REVEAL ANY AGREEMENT WITH A WITNESS  
THAT COULD INFLUENCE HIS TESTIMONY

**FILED**

JAN 1 - 1980 pm

TO THE HONORABLE JUDGE OF SAID COURT:

OSCAR SOLIZ, CLERK  
DISTRICT COURT, NUECES COUNTY, TEXAS  
By Victor M. Balboa Deputy

COMES NOW Jesse Garza, Defendant in the above entitled

and numbered cause by and through his attorney of record and moves the Court to require the prosecution to reveal any agreement with the witness Pete Olivares in the nature of concessions by the State of Texas to the witness which could influence the witness' testimony, and in support of this motion would show unto the Court the following:

I.

The witness Pete Olivares is a cooperating conspirator in the offense with which the Defendant is charged. The witness has testified on direct examination as a key prosecution witness and his testimony seeks to inculcate and implicate the Defendant as having engaged in criminal conduct alleged herein.


II.

If the prosecution has either made, promised or implied that it will make concessions to the witness in order to induce his testimony, the defense has a right to know the nature of the concessions that have been made, promised or implied to the witness in any discussions which the prosecution has had with the witness or his representatives in order to prove that the witness' testimony was biased by such discussions. Without disclosure defense counsel can only speculate that the concessions probably involve either pending or future charges against the witness. The disclosure is vital to proof on the issue of credibility. To deny disclosure of information which could influence the witness' testimony violates the accused's right to due process of law.

WHEREFORE, PREMISES CONSIDERED, the Defendant prays that the Court issue an order requiring the prosecutor to

reveal the exact nature of all negotiations and discussions with the witness Pete Olivares or his representatives concerning any promises or expectations, express or implied, of concessions which could or might be expected to occur in the event that the witness Pete Olivares cooperate with the prosecution by testifying against the Defendant herein.

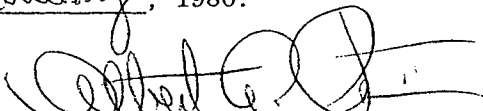
Respectfully submitted,

  
ALBERT A. PENA, III,  
Attorney for the Defendant

HUERTA, PENA, BECKMAN & RODRIGUEZ  
ATTORNEYS AT LAW -- P.O. BOX 7219  
3301 AYERS ST. -- 512/882-2977  
CORPUS CHRISTI, TEXAS 78415

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing motion has been personally served upon Kenneth Belamy at the office of the District Attorney of Nueces County, Texas, on this the 3 day of January, 1980.

  
ALBERT A. PENA, III

MICROFILMED

NO. 79-CR-881-C

THE STATE OF TEXAS                    Ø                    IN THE DISTRICT COURT  
VS.                                        Ø                    94TH JUDICIAL DISTRICT  
JESSE GARZA                            Ø                    NUECES COUNTY, TEXAS

DEFENDANT'S MOTION TO DISCOVER AND INSPECT  
PHYSICAL EVIDENCE

TO THE HONORABLE JUDGE OF SAID COURT:

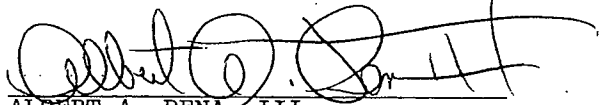
COMES NOW Jesse Garza Defendant in the above entitled and numbered cause by and through his attorney of record Albert A. Pena, III and moves this Court to enter an order requiring the prosecution to make available to the Defendant's attorney the following information, to-wit:

1. A list of all physical property in the possession of law enforcement officials acquired during their investigation of the above case including the date, time and place where the property was acquired as well as the name of the person or persons who first took the property into their possession.

2. Make available to the Defendant's attorney for his inspection at least one week in advance of trial all of the said physical property without regard as to whether the State will seek to introduce the said material in evidence at the time of the trial.

WHEREFORE, PREMISES CONSIDERED, the Defendant prays that the Court grant this motion.

Respectfully submitted,



ALBERT A. PENA, III  
Attorney for Defendant

HUERTA, PENA, BECKMAN & RODRIGUEZ  
ATTORNEYS AT LAW -- P.O. BOX 7219  
3301 AYERS ST. -- 512/882-2977  
CORPUS CHRISTI, TEXAS 78415

**FILED**

JAN 11 1999

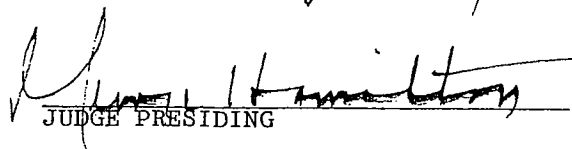
OSCAR SOLIZ, CLERK  
DISTRICT COURT, NUECES COUNTY, TEXAS  
By V. M. Balda Deputy

MICROFILMED

ORDER

BE IT REMEMBERED that the foregoing motion was presented to the Court on the \_\_\_\_ day of \_\_\_\_\_, 1980, and it is, therefore, ordered that the motion is hereby granted.

DONE AND ENTERED this the 11 day of January, 1980.

  
JUDGE PRESIDING

ORDER

BE IT REMEMBERED that the foregoing motion was presented to the Court on the \_\_\_\_ day of \_\_\_\_\_, 1980, with a request for the Court to conduct a plenary hearing thereon and it is therefore ordered that the Defendant's request for a plenary hearing is refused and the motion is hereby denied, to which ruling of the Court the Defendant excepts.

DONE AND ENTERED this \_\_\_\_ day of \_\_\_\_\_, 1980.

\_\_\_\_\_  
JUDGE PRESIDING

ORDER

BE IT REMEMBERED that the foregoing motion was presented to the Court on the \_\_\_\_ day of \_\_\_\_\_, 1980, with a request for the Court to conduct a plenary hearing thereon and it is therefore ordered that on the \_\_\_\_ day of \_\_\_\_\_, 1980, \_\_\_\_ .m., a hearing will be had in the \_\_\_\_ the Court of Nueces County, Texas on said motion.

DONE AND ENTERED this \_\_\_\_ day of \_\_\_\_\_, 1980.

\_\_\_\_\_  
JUDGE PRESIDING

ORDER

BE IT REMEMBERED that on this the \_\_\_\_ day of \_\_\_\_\_, 1980, came on to be considered the foregoing motion of the Defendant and after a plenary hearing the Court having considered the

motion, it is therefore ordered that the aforesaid motion is hereby granted/denied.

DONE AND ENTERED this \_\_\_\_\_ day of \_\_\_\_\_,  
1980.

\_\_\_\_\_  
JUDGE PRESIDING

MICROFILMED



O R D E R

BE IT REMEMBERED that the foregoing motion was presented to the Court on the 11 day of January, 1980, and it is, therefore, ordered that the motion is hereby granted.

DONE AND ENTERED this the 11 day of January, 1980.

James Hamilton  
JUDGE PRESIDING

O R D E R

BE IT REMEMBERED that the foregoing motion was presented to the Court on the \_\_\_\_ day of \_\_\_\_\_, 1980, with a request for the Court to conduct a plenary hearing thereon and it is therefore ordered that the Defendant's request for a plenary hearing is refused and the motion is hereby denied, to which ruling of the Court the Defendant excepts.

DONE AND ENTERED this \_\_\_\_ day of \_\_\_\_\_, 1980.

\_\_\_\_\_  
JUDGE PRESIDING

O R D E R

BE IT REMEMBERED that the foregoing motion was presented to the Court on the \_\_\_\_ day of \_\_\_\_\_, 1980, with a request for the Court to conduct a plenary hearing thereon and it is therefore ordered that on the \_\_\_\_ day of \_\_\_\_\_, 1980, \_\_\_\_ .m., a hearing will be had in the \_\_\_\_ the Court of Nueces County, Texas on said motion.

DONE AND ENTERED this \_\_\_\_ day of \_\_\_\_\_, 1980.

**MICROFILMED**

\_\_\_\_\_  
JUDGE PRESIDING

O R D E R

BE IT REMEMBERED that on this the \_\_\_\_ day of \_\_\_\_\_, 1980, came on to be considered the foregoing motion of the Defendant and after a plenary hearing, the Court having considered the

motion, it is therefore ordered that the aforesaid motion is hereby granted/denied.

DONE AND ENTERED this \_\_\_\_\_ day of \_\_\_\_\_, 1980.

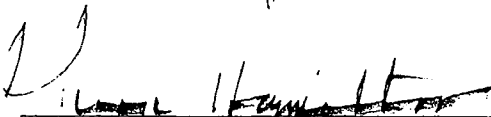
\_\_\_\_\_  
JUDGE PRESIDING

**MICROFILMED**

O R D E R

BE IT REMEMBERED that the foregoing motion was presented to the Court on the 11 day of January, 1980, and it is, therefore, ordered that the motion is hereby granted.

DONE AND ENTERED this the 11 day of January, 1980.

  
\_\_\_\_\_  
JUDGE PRESIDING

O R D E R

BE IT REMEMBERED that the foregoing motion was presented to the Court on the 11 day of January, 1980, with a request for the Court to conduct a plenary hearing thereon and it is therefore ordered that the Defendant's request for a plenary hearing is refused and the motion is hereby denied, to which ruling of the Court the Defendant excepts.

DONE AND ENTERED this 11 day of January, 1980.

  
\_\_\_\_\_  
JUDGE PRESIDING

O R D E R

BE IT REMEMBERED that the foregoing motion was presented to the Court on the \_\_\_\_\_ day of \_\_\_\_\_, 1980, with a request for the Court to conduct a plenary hearing thereon and it is therefore ordered that on the \_\_\_\_\_ day of \_\_\_\_\_, 1980, \_\_\_\_m., a hearing will be had in the \_\_\_\_\_ the Court of Nueces County, Texas on said motion.

DONE AND ENTERED this \_\_\_\_\_ day of \_\_\_\_\_, 1980.

**MICROFILMED**

\_\_\_\_\_  
JUDGE PRESIDING

O R D E R

BE IT REMEMBERED that on this the \_\_\_\_\_ day of \_\_\_\_\_, 1980, came on to be considered the foregoing motion of the Defendant and after a plenary hearing, the Court having considered the

motion, it is therefore ordered that the aforesaid motion is hereby granted/~~denied~~.

DONE AND ENTERED this 11 day of January, 1980.

W. H. Hamilton  
JUDGE PRESIDING

MICROFILMED

NO. 79-CR-881-C

THE STATE OF TEXAS                    Ø                    IN THE DISTRICT COURT  
VS.                                       Ø                    94TH JUDICIAL DISTRICT  
JESSE GARZA                            Ø                    NUECES COUNTY, TEXAS

DEFENDANT'S MOTION IN LIMINE TO EXCLUDE  
EVIDENCE OF INVOLVEMENT OF POLYGRAPH

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Jesse Garza, Defendant in the above entitled and numbered cause by and through his attorney of record Albert A. Pena, III and moves the Court to instruct counsel for the State of Texas not to adduce any uninvited evidence before the jury concerning the following:

1. The the Defendant was taken to a polygraph machine during the course of the investigation of the case for which the Defendant now stands before the Court.
2. That the Defendant was offered a polygraph test but refused to take it.
3. That a polygraph or lie detector test was administered to the Defendant.
4. That the results of a lie detector or polygraph test administered to the Defendant indicated that the Defendant has guilty knowledge of the crime charged in the cause presently before the Court.

**FILED**  
JAN 11 1980 pm  
OSCAR SOLIZ, CLERK  
DISTRICT COURT, NUECES COUNTY, TEXAS  
by Victor M. Balleza, Dep.

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

I.

On or about November 28, 1979 officers of Corpus Christi Police Department took the Defendant to the polygraph room of Texas Department of Public Safety which room contained polygraph testing equipment. The purpose of taking the Defendant to this room was to administer a polygraph test to him or to confront the Defendant with the polygraph instrument as a means of psychological interrogation.

**MICROFILMED**

II.

On or about November 28, 1979 officer of Corpus Christi Police Department offered the Defendant a polygraph test if he would consent. The Defendant declined to consent to this test.

III.

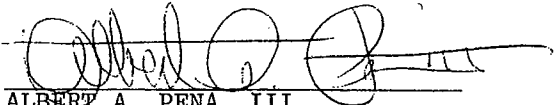
On or about November 28, 1979 officers of Corpus Christi Police Department and Texas Department of Public Safety took the Defendant and a polygraph test was administered to the Defendant by officers of Texas Department of Public Safety.

IV.

The State is in possession of evidence concerning the results of a polygraph test administered to the Defendant in the course of the investigation of the offense charged herein.

WHEREFORE, premises considered, the Defendant prays that the Court instruct counsel for the State of Texas not to adduce the aforementioned evidence before the trier of fact empaneled to decide this case in the absence of an invitation by the defense to do so.

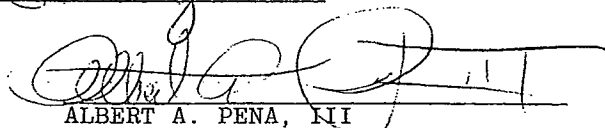
Respectfully submitted,

  
ALBERT A. PENA, III  
Attorney for Defendant

HUERTA, PENA, BECKMAN & RODRIGUEZ  
ATTORNEYS AT LAW -- P.O. BOX 7219  
3301 AYERS ST. -- 512/882-2977  
CORPUS CHRISTI, TEXAS 78415

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing motion has been personally served upon Kenneth Batney at the office of the District Attorney of Nueces County, Texas, on this the 3 day of January, 1980.

  
ALBERT A. PENA, III

MICROFILMED



APPLICATION FOR SUBPOENA

COMES NOW ( XX) the State; ( ) the Defendant and makes application for the issuance of a subpoena for each of the following:

WIT. NO.	NAME	ADDRESS	OTHER INFORMATION
1.	JOE LUIS DURAN	1509 Caldwell	884-3849
2.	EMELIO PARKER	1509 CALdwell	888-5864
3.	JOHN LONGORIA	N.C.S.O.	
4.	IRMA GUYTON	2830 Martin Luther King #3	888-7311
5.	KENNETH PRATT	4625 Marks	853-7883
6.	CARLOS HERNANDEZ	217 Carrizo	883-4127
7.	SGT. S SMITH #158	CCPD	

1-2-80

DATE

*Kenneth G. Botary*

ATTORNEY KENNETH BOTARY

SUBPOENA

TO ANY PEACE OFFICER OF NUECES ( ) COUNTY, TEXAS Greetings:

You are hereby commanded to summon the witness (es) listed above to appear before the Court and remain from day to day until discharged by the Court.

Herein fail not and make due return by showing how you executed same. A disobedience of this subpoena is punishable by a fine not to exceed \$500.

Witness my official signature on 1-3-80

OSCAR SOHIZ, DISTRICT CLERK

By: *[Signature]* Deputy

INSTRUCTIONS TO WITNESS:

This case has been set on the January 28, 1980 1:00PM Trial Docket.

- DO IMMEDIATELY COMPLETE AND RETURN ATTACHED POSTCARD.
- DO NOT COME to Court until instructed to do so by the Witness Coordinator. If you move or have any questions, call the Witness Coordinator Mon.-Fri., 8:00 a.m. — 5:00 p.m., Telephone (512) 888-0226.
- FAILURE TO APPEAR when instructed will result in a warrant being issued for your arrest.

OFFICER'S RETURN

This order was executed by delivering a copy of this subpoena to the following:

WIT. NO.	DATE SERVED	ADDRESS	REASON UNSERVED
1.			
2.			
3.			
4.			
5.			
6.			
7.			

FEES: Summoning \_\_\_\_\_ Witnesses - \$ \_\_\_\_\_ Sheriff \_\_\_\_\_ Mileage - \_\_\_\_\_ Constable \_\_\_\_\_ Total \$ \_\_\_\_\_ County, Texas

By \_\_\_\_\_ Deputy

MICROFILMED

FILED  
JAN 3 1980  
OSCAR SOHIZ  
DISTRICT CLERK

THE STATE OF TEXAS VS.  
JESSE GARZA



CAUSE NO. 79-CR-881 C

IN THE  
94TH DISTRICT Court of  
Nueces County, Texas

APPLICATION FOR SUBPOENA

COMES NOW ( XX ) the State; ( ) the Defendant and makes application for the issuance of a subpoena for each of the following:

WIT. NO.	NAME	ADDRESS	OTHER INFORMATION
1.	SGT. P. RIVERA #306	CCPD	
2.	OFFICER O. ESCOBEDO #388	CCPD	
3.	SGT. R. BOOS #94	CCPD	
4.	DR. JOSEPH RUPP	MEDICAL EXAMINERS OFFICE	RE: ME: 79-759
5.	ABBY CISNEROS	213 N. Tanchua #7	883-2640
6.	RAY BENAVIDES	304 Power #2	
7.	PEDRO OLIVAREZ	1314 Whitaker	
	1-2-80		
	DATE	ATTORNEY	KENNETH BOTARY

*Kenneth G. Botary*

SUBPOENA

TO ANY PEACE OFFICER OF NUECES ( ) COUNTY, TEXAS  
Greetings:

You are hereby commanded to summon the witness (es) listed above to appear before the Court and remain from day to day until discharged by the Court.

Herein fail not and make due return by showing how you executed same. A disobedience of this subpoena is punishable by a fine not to exceed \$500.

Witness my official signature on

1-3-80  
OSCAR SOLIZ, DISTRICT CLERK

By: *[Signature]*  
Deputy

INSTRUCTIONS TO WITNESS:

This case has been set on the JANUARY 28, 1980 1:00PM Trial Docket.

- DO IMMEDIATELY COMPLETE AND RETURN ATTACHED POSTCARD.
  - DO NOT COME to Court until instructed to do so by the Witness Coordinator.
- If you move or have any questions, call the Witness Coordinator Mon.-Fri., 8:00 a.m. — 5:00 p.m., Telephone (512) 888-0226.
- FAILURE TO APPEAR when instructed will result in a warrant being issued for your arrest.

OFFICER'S RETURN

This order was executed by delivering a copy of this subpoena to the following:

WIT. NO.	DATE SERVED	ADDRESS	REASON UNSERVED
1.			
2.			
3.			
4.			
5.			
6.			
7.			

FEES: Summoning \_\_\_\_\_ Witnesses - \$ \_\_\_\_\_ Sheriff  
 Mileage - \_\_\_\_\_ Constable  
 Total \$ \_\_\_\_\_ County, Texas

By \_\_\_\_\_ Deputy

RECORDED

FILED  
JAN 3 9 38 AM '80  
CLERK OF DISTRICT COURT  
NUECES COUNTY, TEXAS



THE STATE OF TEXAS VS.

JESSE GARZA



CAUSE NO. 79-CR-881 C

IN THE

94TH DISTRICT Court of Nueces County, Texas

APPLICATION FOR SUBPOENA

COMES NOW ( XX ) the State; ( ) the Defendant and makes application for the issuance of a subpoena for each of the following:

WIT. NO.	NAME	ADDRESS	OTHER INFORMATION
1.	JAMES WALLER, JR.	DPS	
2.	BOBBY POINTER	DPS	
3.			
4.			
5.			
6.			
7.			

1-2-80

DATE

*Kenneth G. Botary*

ATTORNEY KENNETH BOTARY

SUBPOENA

TO ANY PEACE OFFICER OF NUECES ( ) COUNTY, TEXAS Greetings:

You are hereby commanded to summon the witness (es) listed above to appear before the Court and remain from day to day until discharged by the Court.

Herein fail not and make due return by showing how you executed same. A disobedience of this subpoena is punishable by a fine not to exceed \$500.

Witness my official signature on

OSCAR SOLIZ, DISTRICT CLERK

By: *Dina Deleuf* Deputy

INSTRUCTIONS TO WITNESS:

This case has been set on the JANUARY 28, 1980 1:00PM Trial Docket.

- DO IMMEDIATELY COMPLETE AND RETURN ATTACHED POSTCARD.
- DO NOT COME to Court until instructed to do so by the Witness Coordinator. If you move or have any questions, call the Witness Coordinator Mon.-Fri., 8:00 a.m. — 5:00 p.m., Telephone (512) 888-0226.
- FAILURE TO APPEAR when instructed will result in a warrant being issued for your arrest.

OFFICER'S RETURN

This order was executed by delivering a copy of this subpoena to the following:

WIT. NO.	DATE SERVED	ADDRESS	REASON UNSERVED
1.			
2.			
3.			
4.			
5.			
6.			
7.			

FEES: Summoning \_\_\_\_\_ Witnesses - \$ \_\_\_\_\_ Mileage - \_\_\_\_\_ Total \$ \_\_\_\_\_

Sheriff \_\_\_\_\_ Constable \_\_\_\_\_ County, Texas By \_\_\_\_\_ Deputy


MICROFILMED

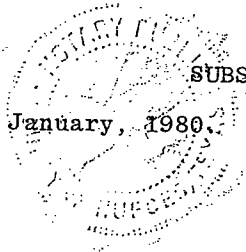
STATE OF TEXAS      0  
                          0  
COUNTY OF NUECES   0

AFFIDAVIT

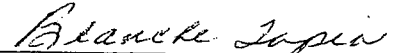
BEFORE ME, the undersigned authority, appeared  
Albert A. Pena, III, on the 3rd day of January, 1980 and who  
being by me duly sworn did depose and state on his oath the  
following:

"I, Albert A. Pena, III, am the attorney of  
record for the Defendant, Jesse Garza, and  
I have read the above and foregoing Applica-  
tion for Subpoena and swear that it is true  
and correct to the best of my information  
and belief."

  
AFFIANT, Albert A. Pena, III



SUBSCRIBED AND SWORN TO BEFORE ME this 3rd day of  
January, 1980.

  
NOTARY PUBLIC IN AND FOR NUECES  
COUNTY, TEXAS

BLANCHE TAPIA  
Notary Public, in and for Nueces County, Texas  
My Commission Expires Feb 11, 1980

MICROFILMED

<u>NAME</u>	<u>LOCATION</u>	<u>VOCATION</u>
Capt. Winifred Wimbish	Corpus Christi Police Department	
Angie Saucedo	511 S. Alameda Corpus Christi, TX	
Eddie DeSha	Texas Department of Public Safety	Polygraph Examiner

The testimony of each witness is material to the defense and the Defendant cannot safely proceed to trial without such testimony being developed at pre-trial.

It is further requested in good faith that the hereinafter witnesses named carefully search, examine and bring with them and produce in court the items described namely:

1. ~~Sgt. Paul Rivera--Statements, written or recorded or otherwise transcribed, of any and all witnesses and/or suspects by him personally or by anyone doing so in behalf of the State of Texas.~~
2. ~~Officer O. Escobedo--Statements, written or recorded or otherwise transcribed, of any and all witnesses and/or suspects by him personally or by anyone doing so in behalf of the State of Texas.~~
3. ~~Sgt. R. Boos--Statements, written or recorded or otherwise transcribed, of any and all witnesses and/or suspects by him personally or by anyone doing so in behalf of the State of Texas.~~
4. ~~Sidney Smith--Statements, written or recorded or otherwise transcribed, of any and all witnesses and/or suspects by him personally or by anyone doing so in behalf of the State of Texas.~~
5. Capt. Winifred Wimbish--Investigation reports and/or other documentary evidence concerning the investigation of Jerry Condo who is employed at the Corpus Christi Egg Company.
6. Eddie DeSha--Written, tape recorded, video taped, and/or other recordation of any and

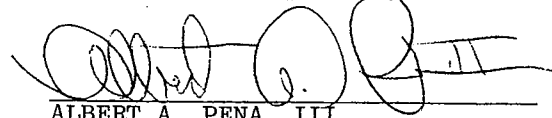
**MICROFILMED**

all statements made by any and all suspects and/or witnesses in connection with his administration of polygraph examinations. Also, any and all recordings of questions asked witnesses and/or suspects and their responses thereto.

The items requested are material evidence for the Defendant in this cause and is not otherwise procurable by the defense.

WHEREFORE, PREMISES CONSIDERED, the Defendant prays that the Clerk of the 94th Judicial District Court forthwith issue subpoenas in this cause compelling attendance of the above named persons as witnesses for the Defendant in this cause at the pre-trial and that the same be served by proper officer of the Court.

Respectfully requested,

A handwritten signature in black ink, appearing to read 'Albert A. Pena, III', written over a horizontal line.

ALBERT A, PENA, III,  
Attorney for the Defendant

**MICROFILMED**

CAUSE NO. 79-CR-881-C

STATE OF TEXAS                            0                            IN THE DISTRICT COURT  
VS.   0                            94TH JUDICIAL DISTRICT  
JESSE GARZA                                 0                            NUECES COUNTY, TEXAS

APPLICATION FOR SUBPOENA

TO THE CLERK OF THE SAID COURT:

COMES NOW Jesse Garza, Defendant in the above entitled and numbered cause by and through his attorney of record, Albert A. Pena, III, after being duly sworn and states upon his oath that the testimony of the hereinafter named witnesses is material to the defense and that a subpoena should issue for each of such desired witnesses.

Their testimony is desired at the pre-trial hearing set for 11:00 a.m. on January 11, 1980.

The name, location and vocation, where know, of each witness desired is as follows:

<u>NAME</u>	<u>LOCATION</u>	<u>VOCATION</u>
/ Sgt. Paul Rivera	Corpus Christi Police Department	Police Officer-CID
/ Off. O. Escobedo #388	Corpus Christi Police Department	CID
/ Sgt. R. Boos #94	Corpus Christi Police Department	Police Officer
/ Dr. Joseph Rupp	Medical Examiner's Office	Nueces County Medical Examiner
/ Abby Cisneros	1334 10th St., Apt 1 Corpus Christi, TX	
/ Pedro Olivarez	1314 Whitaker Corpus Christi, TX	
/ Johnny Longoria	Nueces County Jail Corpus Christi, TX	
/ Irma Guyton	2830 Martin Luther King Apt 3, Corpus Christi, TX	
/ Carlos Hernandez	217 Carrizo Corpus Christi, TX	
/ Sgt. Sidney Smith #158	Corpus Christi Police Department	CID
/ James Waller, Jr.	Department of Public Safety, Laboratory	
/ Bobby Pointer	Department of Public Safety	Texas Ranger
/ Off. Ray DeLaGarza	Corpus Christi Police Department	

MICROFILMED

NO. 79-CR-881-C

THE STATE OF TEXAS

VS.

Jesse Garza

IN THE 94<sup>TH</sup> DISTRICT COURT

OF

NUECES COUNTY, TEXAS

PAUPER'S AFFIDAVIT

I, Jesse Garza, Defendant in the above styled and numbered cause; hereby solemnly swear that I am wholly destitute; that I do not have funds or means of employing an attorney to represent me in this case.

Jesse Garza III  
Defendant

Before me, the undersigned District Clerk, on this the 17<sup>TH</sup> day of December, A.D., 1979, personally appeared Jesse Garza who subscribed the foregoing instrument, and after having been by me duly sworn, stated on his oath that the foregoing statements are true and correct.



**FILED**

DEC 17 1979 pm

OSCAR SOLIZ, DISTRICT CLERK

BY Victor M. Balderas DEPUTY

OSCAR SOLIZ, CLERK  
DISTRICT COURT, NUECES COUNTY, TEXAS  
By Victor M. Balderas Deputy

ORDER APPOINTING ATTORNEY

On this the 17<sup>th</sup> day of December, 1979, came on to be heard the above sworn Pauper's Affidavit, and the Court hereby appoints Albert A. PENA III, a practicing attorney of Nueces County, Texas, to represent the Defendant. Order appointing Albert Huerta as attorney for defend on December 3, 1979 is void.

George Hamilton  
JUDGE PRESIDING

**MICROFILMED**

CAUSE NO. 79-CR-881-C

STATE OF TEXAS	∅	IN THE DISTRICT COURT
VS.	∅	94TH JUDICIAL DISTRICT
JESSE GARZA	∅	NUECES COUNTY, TEXAS

ORDER GRANTING WRIT REQUIRING  
STATE TO SHOW CAUSE

Upon the verified petition for issuance of a Writ of Habeas Corpus for release on bail in the amount of \$5,000.00 it is

ORDERED that the Respondent, Solomon P. Ortiz and State of Texas, appear before this Court on 18th Day of December, at 4:00 p..m., to show cause why a Writ of Habeas Corpus should not issue herein as prayed for in said petition and why the bond should not be reduced.

\_\_\_\_\_  
JUDGE PRESIDING

**MICROFILMED**

STATE OF TEXAS  
COUNTY OF NUECES

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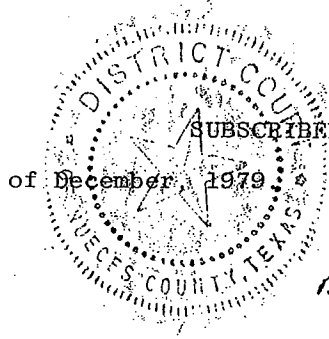
AFFIDAVIT

BEFORE ME, the undersigned authority, appeared  
JESSE GARZA on the 17th day of December, 1979 and who being  
by me duly sworn did depose and state on his oath the  
following:

"My name is Jesse Garza. I am the Defendant in  
the above entitled and numbered cause. I have read the above  
and foregoing Writ of Habeas Corpus and swear that it is true  
and correct."

Jesse Garza  
AFFIANT, JESSE GARZA

SUBSCRIBED AND SWORN TO before me this 17th day  
of December, 1979



Oscar Soliz, District Clerk

By Victor M. Calderes  
DEPUTY DISTRICT CLERK  
IN AND FOR NUECES COUNTY, TEXAS

MICROFILMED



