

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:

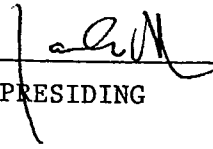
State Exhibits:

- #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

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.

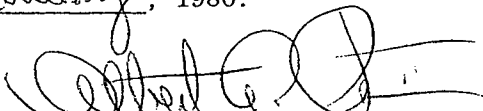
Respectfully submitted,


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:

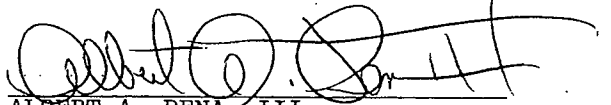
COMES NOW Jesse Garza Defendant in the above entitled and numbered cause by and through his attorney of record Albert A. Pena, III and moves this Court to enter an order requiring the prosecution to make available to the Defendant's attorney the following information, to-wit:

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

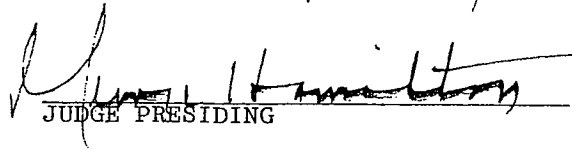
OSCAR SOLIZ, CLERK
DISTRICT COURT, NUECES COUNTY, TEXAS
By V. M. Balda Deputy

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.

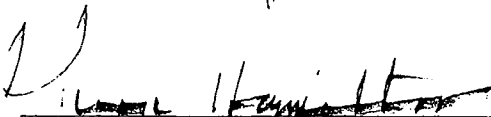
JUDGE PRESIDING

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.

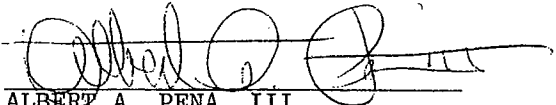
On or about November 28, 1979 officers of Corpus Christi Police Department and Texas Department of Public Safety took the Defendant and a polygraph test was administered to the Defendant by officers of Texas Department of Public Safety.

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.

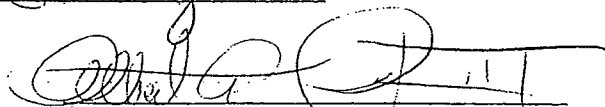
Respectfully submitted,


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 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

MICROFILMED

FILED
 JAN 3 1980
 OSCAR SOLIZ
 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

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 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

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 - \$ _____ Sheriff
Mileage - - - - - Constable
Total \$ _____ County, Texas

By _____ Deputy


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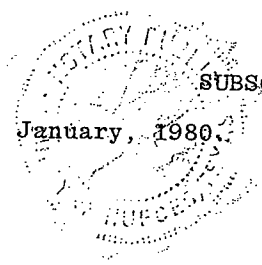
STATE OF TEXAS 0
 0
COUNTY OF NUECES 0

AFFIDAVIT

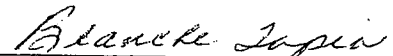
BEFORE ME, the undersigned authority, appeared
Albert A. Pena, III, on the 3rd day of January, 1980 and who
being by me duly sworn did depose and state on his oath the
following:

"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

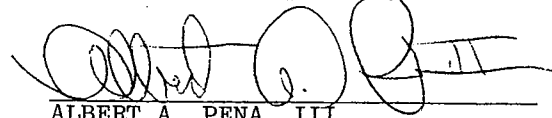
MICROFILMED

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

NO. 79-CR-881-C

THE STATE OF TEXAS

VS.

Jesse Garza

IN THE 94TH DISTRICT COURT

OF

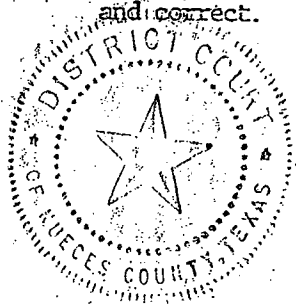
NUECES COUNTY, TEXAS

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 17TH 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 17th 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

§
§
§

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. Balderas
DEPUTY DISTRICT CLERK
IN AND FOR NUECES COUNTY, TEXAS

MICROFILMED

