

MOTION TO DISMISS

Cause No(s). _____

The State of Texas § IN THE _____ COURT

§

VS.

§ _____

§

_____ § _____ COUNTY, TEXAS

MOTION TO DISMISS

I, _____, a living man without benefit of counsel, hereinafter known as the Accused, and by special appearance, moves this court to dismiss the action(s) against the Accused due to the lack of evidence that would give a reasonable person the knowledge necessary to prove beyond a reasonable doubt that the Accused was guilty of such accusation(s).

In the alternative, Order the prosecution to produce all evidence that will be used at trial pursuant to TRE, Rule 107 and the Brady Rule.

US V. PROCHILLO, 629 F3d 264 (1st Cir. 2011)

Under BRADY, the government has the duty to disclose evidence in its possession that is favorable to the accused and material to guilt or punishment.

Respectfully,

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the forgoing has been delivered to the following party or counsel of record via certified mail, return receipt requested, hand delivery or fax on this _____ day of _____, 201__.

Cause No(s). _____

The State of Texas § IN THE _____ COURT

§

VS. § _____

§

_____ § _____ COUNTY, TEXAS

ORDER ON MOTION DISMISS

On this the day of , 201__, came on to be heard the Accused's Motion to Dismiss for the above entitled and numbered cause(s), and the court, having heard the said motion, and the evidence thereon submitted, is of the opinion that said Motion should be

Granted and is so Ordered.

Signed and entered this day of , 201__.

SEAL

Judge Presiding

Cause No(s). _____

The State of Texas § IN THE _____ COURT

§

VS. § _____

§

_____ § _____ COUNTY, TEXAS

ORDER ON PRODUCTION OF EVIDENCE

On this the day of , 201__, came on to be heard the Accused's Motion to Dismiss for the above entitled and numbered cause(s), and the court, having heard the said motion, and the evidence thereon submitted, is of the opinion that said Alternative should be

Granted and is so Ordered that the prosecutor will provide the defendants all evidence that he/she has that would show guilt or innocence of the defendant.

Signed and entered this day of , 201__.

SEAL

Judge Presiding

INSTRUCTIONS

This document is filed right after the pre-trial or at least 10 before the trial. This document is important for the appeal. This is used to get the judge to instruct the prosecutor what the ground rules are at the beginning of the trial.

Do not have a page number on the ORDERS – you may need to cut and paste to a new document.

Original is filed with the court clerk, copy served on the prosecutor, a copy for you.

Line 1: Where you put the cause numbers of the case.

Line 2: Put either 'Municipal', 'Justice of the Peace' or County.

Line 3: Put either 'In the City of (whatever City)', "Precinct (whatever number)" or "(whatever county Court it is – like – At Law #11)

Line 4: Put your name in Upper and Lower Caps.

Line 5: Put whatever county the court is in – like – "Galveston".

Line 6: Put your name in Upper and Lower Caps.

Line 7: Sign your name, print your name in Upper and Lower Caps then below that print your address.

Line 8: Put the numbered day of the Month that you serve a copy of this document to the prosecutor.

Line 9: Put the name of the Month that you serve a copy of this document to the prosecutor.

Line 10: Put the last number of the year that you serve a copy of this document to the prosecutor. – like - 2013 .

Line 11: Put " Prosecutor for (Whatever Court)

Line 12: Put the street address where the prosecutor will be served.

Line 13: Put the City, State and Zipcode where the Prosecutor will be served.

Line 14: Sign your name, print your name in Upper and Lower Caps then below that print your address.

NEW DOCUMENT - ORDER

Line 1: Where you put the cause numbers of the case.

Line 2: Put either 'Municipal', 'Justice of the Peace' or County.

Line 3: Put either 'In the City of (whatever City)', "Precinct (whatever number)" or "(whatever county Court it is – like – At Law #11)

Line 4: Put your name in Upper and Lower Caps.

Line 5: Put whatever county the court is in – like – "Galveston".

Leave the rest for the Judge to fill out.

NEW DOCUMENT - ORDER

Line 1: Where you put the cause numbers of the case.

Line 2: Put either 'Municipal', 'Justice of the Peace' or County.

Line 3: Put either 'In the City of (whatever City)', "Precinct (whatever number)" or "(whatever county Court it is – like – At Law #11)

Line 4: Put your name in Upper and Lower Caps.

Line 5: Put whatever county the court is in – like – "Galveston".

Leave the rest for the Judge to fill out.

Original goes to the clerk of the court, one copy to the Prosecutor and one copy for you to keep and have stamped by the clerk. Be sure and NOT include the instruction sheets.