

CAUSE NO. CR- [REDACTED] -D

STATE OF TEXAS

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IN THE DISTRICT COURT

v.

206th JUDICIAL DISTRICT

HIDALGO COUNTY, TEXAS

AMENDED MOTION FOR DISCLOSURE OF CPS INVESTIGATIVE RECORDS

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, [REDACTED], DEFENDANT herein, and files this motion for the State to disclose Texas Child Protective Services investigatory file pertaining to this case and as grounds therefore would show the court the following:

1. Child Protective Services is a division of the State of Texas. The State has disclosed that CPS was called regarding this case.

a. The State has disclosed some of the pertinent CPS records pertaining to this case. Specifically, regarding CPS case # [REDACTED]

b. The State has yet to disclose the [REDACTED] 2017 recorded interview of CPS Inv. [REDACTED] with the adolescent accuser and a relevant witness in this case.

c. The limited CPS records provided by the State on [REDACTED] 17 include a reference to ANOTHER CPS investigation of the household dated [REDACTED] 16. Given the length of most CPS investigations, it is likely that CPS interviews of the members of the household could overlap the periods mentioned in the State's indictment ([REDACTED] [REDACTED] 2017) and police reports alleging acts as far back as [REDACTED] 2016.

2. DEFENDANT requests the Court order the CPS investigative records including statements, audio recordings, video recordings, medical/forensic reports, names of investigators, and names of persons interviewed in the process of investigation of the every one of the adolescent accuser's allegations of abuse, be produced for review by Defense.

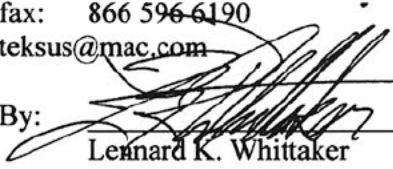
3. DEFENDANT requests the Court order the disclosure of ALL CPS investigative records regarding the household of Defendant and Adolescent Accuser, including those of the [REDACTED] 2016 CPS investigation and services.

3. DEFENDANT requests that the Court order a search of CPS records for [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] and [REDACTED]
[REDACTED] be conducted and the results of such search and all documents obtained as a re-
sult of that search be produced for Defendant's review.

WHEREFORE PREMISES CONSIDERED, DEFENDANT respectfully prays that the court
grant this motion as a matter of substantive and procedural due process.

Respectfully submitted,

Lennard K. Whittaker, Attorney
P.O.Box 720876
McAllen, TX 78504
956 821 9918
fax: 866 596 6190
teksus@mac.com

By: 
Lennard K. Whittaker
SBT 24008274
Attorney for [REDACTED]

Certificate of Service

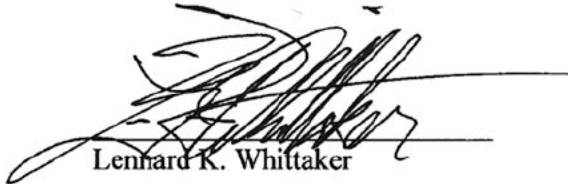
I, Lennard K. Whittaker, affirm that a true and correct copy of the foregoing instrument has been delivered to:

Hidalgo County District Attorney
100 E. Cano
Edinburg, TX 78539

[REDACTED]@da.co.hidalgo.tx.us
[REDACTED]@da.co.hidalgo.tx.us
[REDACTED]@da.co.hidalgo.tx.us

Richard D. Gonzales
5429 N. 23d St., Ste. D
McAllen, TX 78504

[REDACTED]



Lennard K. Whittaker

CAUSE NO. CH [REDACTED] D

STATE OF TEXAS

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IN THE DISTRICT COURT

v.

206th JUDICIAL DISTRICT

HIDALGO COUNTY, TEXAS

ORDER ON DEFENDANT'S AMENDED MOTION FOR DISCLOSURE OF CPS INVESTIGATIVE RECORDS

ORDER FOR IN-CAMERA INSPECTION OF DFPS/CPS RECORDS

On the [REDACTED] day of [REDACTED] 2018, came to be heard the foregoing Amended Motion for Disclosure of CPS Investigative Records and upon consideration:

It is ordered that said Motion for Disclosure of CPS Investigative Records is granted.

Texas Dept. of Family & Protective Services shall produce all Child Protective Services records sought under 261.102 of the Texas Family Code for in camera inspection by [REDACTED] [REDACTED] 2018. The Court will determine if Defendant is entitled to release all or part of the records pursuant to Section 26.1.201 of the Texas Family Code. The records ordered released to the Court are:

[REDACTED] (dob [REDACTED]);

[REDACTED] (dob [REDACTED]);

[REDACTED] (dob [REDACTED]);

[REDACTED] (dob [REDACTED]);

[REDACTED] (dob [REDACTED]);

[REDACTED] (dob [REDACTED]);

[REDACTED] (dob [REDACTED]);

[REDACTED] (dob [REDACTED]);

[REDACTED] (dob [REDACTED]);

[REDACTED] (dob [REDACTED]) and,

the recording of the [REDACTED] /17 CPS interviews of [REDACTED] and [REDACTED] by [REDACTED]

If there are no records after a search, CPS is ordered to report that to State and Defendant.

Signed this ___ day of _____, 2018.



Judge Presiding

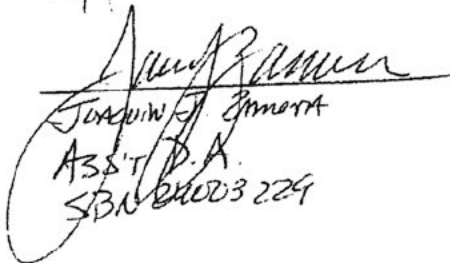
cc:

Lennard K. Whittaker, Attorney
P.O. Box 720876
McAllen, TX 78504
956 821 9918
fax 866 596 6190
teksus@mac.com

Hidalgo County District Attorney
100 E. Cano
Edinburg, TX 78539
[redacted]@da.co.hidalgo.tx.us
[redacted]@da.co.hidalgo.tx.us
[redacted]@da.co.hidalgo.tx.us

Richard D. Gonzales
5429 N. 23d St., Ste. D
McAllen, TX 78504
[redacted]

APPROVED AS TO FORM:



Josquin J. Zamora
ASST. D.A.
SBN 2003 229