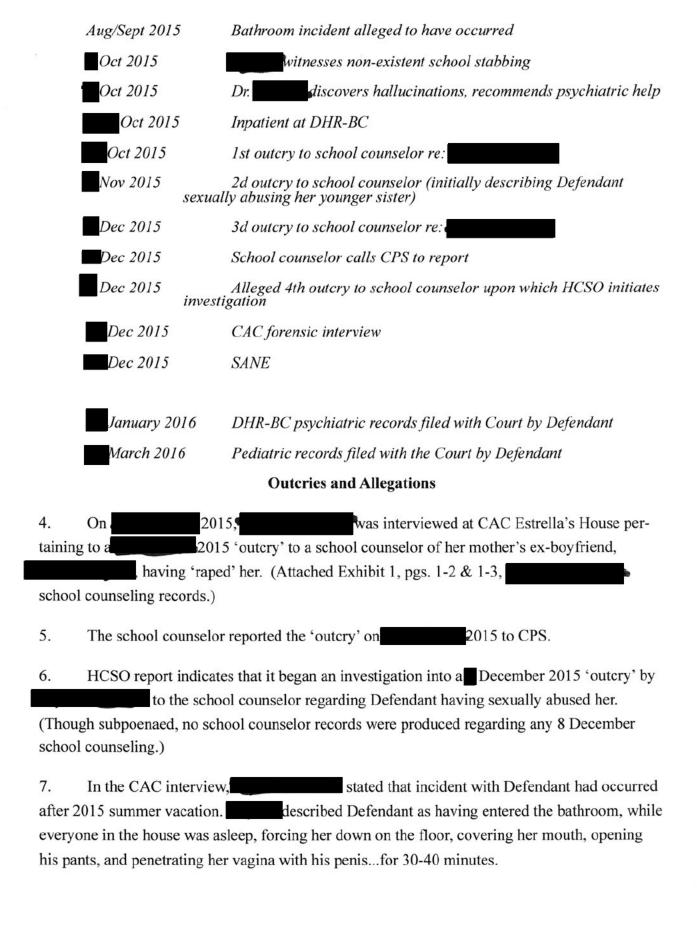
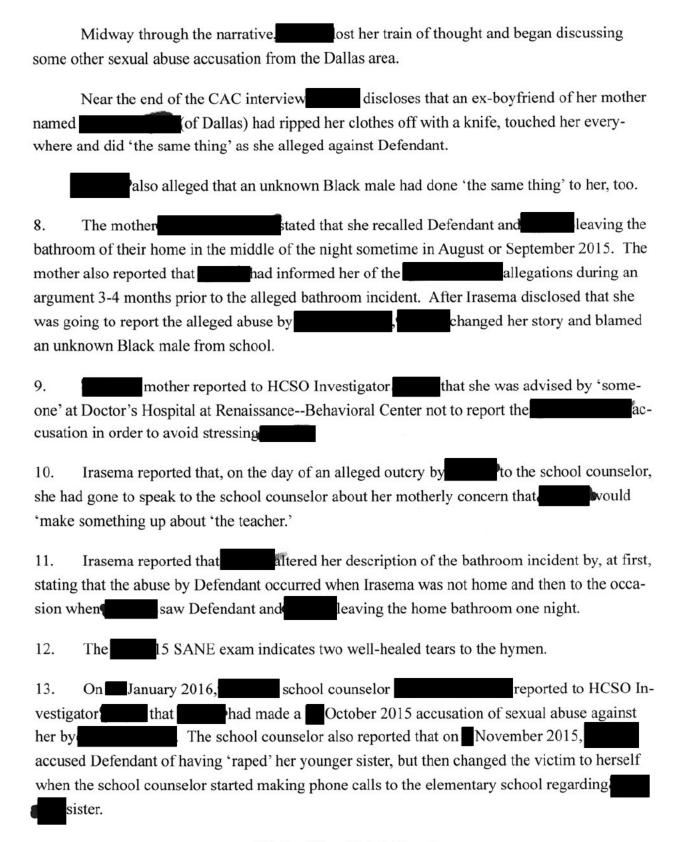
CAUSE NO. CR-

STATE OF TEXAS	* IN THE DISTRICT COURT	
v.	* 370th JUDICIAL DISTRICT	
	* HIDALGO COUNTY, TEXAS	
MOTION FOR TRE 601 HEARING	PRIOR TO TRIAL AND OUT OF PRESENCE OF JURY	
TO THE HONORABLE JUDGE OF SA	ID COURT:	
NOW COMES, Court to entertain a TRE 601 hearing bef	DEFENDANT herein, and files this motion for the fore trial and out of the presence of a jury.	
pected to be examined, was of unsound in fects her ability to recollect events. Defe the evidence that	at the time of events about which she is ex- mind and incapable to observe intelligently, which af- endant has the burden of proving by a preponderance of d the capacity to observe intelligently at the time of lacks the capacity to narrate. As grounds therefore	
	Trial process	
1. First trial setting is	·	
	filed medical records with the Court pertaining to alleged octors Hospital at RenaissanceBehavioral Center	
<u> </u>	led pediatric records with the Court pertaining to alleged ediatrician Dr.	
Timeline		
2012 Auditory h	allucinations begin	
2014 Visual hall	lucinations begin	





14. On October 2015, was taken to see the exam, mother reported to the MD that bing of a schoolmate at school. After dismissing the that this was not the first event she had obse that her hallucinations had begun a year before. (Ex	had witnessed a non-existent stab- e family, Drawwa was able to obtain from rved which had not occurred.
15. Dr. noted the hallucinations, her price her to psychiatric help. (Exhibit 2-2)	or implications of sexual abuse, and referred
16. On October 2015, was admitted to ported history of auditory hallucinations of 3 years (hallucinations included voices telling her to harm he it 3-4). The mother reported had hidden kni hibits 3-4, 3-8).	erself (Exhibits 3-3, 3-8) with knives (Exhib-
ry of previous sexual abuse by mother's ex-boyfrien hibit 3-6). DHR-BC reports that she was suffering to	
WHEREFORE PREMISES CONSIDERED, DEFE a 601 hearing prior to trial and, after which hearing, a witness due to her inability to observe intelligently she is expected to be examined at trial.	find that sincompetent as
	Respectfully submitted,
	Law Office of Lennard K. Whittaker 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

Certificate of Service

I, Lennard K. V	Whittaker, affirm that a true and	d correct copy of the foregoing in	nstrument
has been delivered to:			
Hidalgo County Distri	ct Attorney		

100 E. Cano
Edinburg, TX 78539

@da.co.hidalgo.tx.us

Lennard K. Whittaker

List of Exhibits Attached:

Exhibit 1,

Exhibit 2, excerpt of pediatric records

Exhibit 3, excerpt of

CAUSE NO. CR-

v. * 370th JUDICIAL DISTRICT							
*							
* HIDALGO COUNTY, TEXAS							
ORDER ON DEFENDANT'S MOTION FOR TRE 601 HEARING PRIOR TO TRIAL AND OUT OF PRESENCE OF JURY							
On this day of, 2017, came to be heard the foregoing Motion TRE 601 Hearing Prior to Trial and Out of Presence of Jury upon consideration and hearing	on for ng:						
It is ordered that said is hereby determined by the Court to be in petent as a witness regarding the events of the entire year of 2015 due to her inability to in gently observe events. The Court finds that suffered symptoms of visual auditory hallucinations during the time period about which she is expected to testify.	telli-						
Signed this day of, 2017.							
Judge Presiding							
cc:							
Law Office of Lennard K. Whittaker 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 @da.co.hidalgo.tx.us							

CAUSE NO. CR

STATE OF TEXAS	*	IN THE DISTRICT COURT
	*	
v.	*	370th JUDICIAL DISTRICT
	*	
1	*	HIDALGO COUNTY, TEXAS

ORDER SETTING HEARING

Hearing on Motion is hereby set for the	for TRE 601	Hearing Prior 2017 at	to Trial and Out of Prese am/pm.	ence of Jury is
Signed this	, 2017.			
		Judge Pro	esiding	_

cc:

Law Office of Lennard K. Whittaker 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

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