

CAUSE NO. _____

STATE OF TEXAS

*

IN THE DISTRICT COURT

*

v.

*

_____ JUDICIAL DISTRICT

*

*

HIDALGO COUNTY, TEXAS

MOTION FOR FINDING OF FACT AND ORDER TO STATE TO PRODUCE JUVENILE RECORDS OF _____

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, _____, DEFENDANT herein, and files this Motion for Findings of Fact and Order to State to Produce Juvenile Records and as grounds therefore would show the court the following:

☐ The records pertain to my client. Per Texas Family Code 58.003(h)¹, one can obtain access to one's one records.

Defendant requests the production of the records without in camera review.

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☐ The records pertain to a witness in this criminal case.

Texas Family Code 58.005(a)(7) and 58.007(b)(5) allow access to juvenile records, with leave of the juvenile court, *to any person, agency, or institution having a legitimate interest in the proceeding or in the work of the court.*

The witness for which juvenile records are sought is:

☐ the accuser in the criminal case;

☐ is a witness in the criminal case;

☐ alleged to have been involved in the criminal case.

The purpose for the inspection of juvenile records is in pursuit of material that would assist in Defendant's execution of confrontation rights. Legal actions and entries the

¹ Even if they are sealed.

juvenile case(s) may indicate possible witness statements, reports, findings of fact, location of witnesses, and testimony which can affect Defendant's criminal case.

DEFENDANT requests the Court order the State to obtain the leave of the juvenile court for inspection of the juvenile case files in camera.

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WHEREFORE PREMISES CONSIDERED, DEFENDANT respectfully prays that the court grant this motion as a matter of Confrontation rights, federal Due Process rights², Texas Constitution Art. 1, Sec. 9, and Texas Due Course of Law³ rights.

Respectfully submitted,

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By: _____
Lennard K. Whittaker
SBT 24008274
Attorney for _____

² See U.S. Const. Am. 5, 6 & 14

³ See Tex. Const. Art. 1 §10 & §19

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

_____@da.co.hidalgo.tx.us
_____@da.co.hidalgo.tx.us

Lennard K. Whittaker