Cause No. 996364

THE STATE OF TEXAS

VS. Marion Kevin Harris

IN THE 167th District COURT

Travis COUNTY, TEXAS

MOTION TO DISMISS

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES the State of Texas by and through her Attorney, and respectfully requests the Court to dismiss the above entitled and numbered criminal action in which the defendant is charged with the offense of Burglary of a Habitation, for the reason:

- ☐ The evidence is insufficient;
- ☑ The defendant was convicted in another case; Cause # 007132
- ☐ The complaining witness has requested dismissal;
- ☑ The case has been refiled; Cause # 007132
- ☐ The defendant is unapprehended;
- ☐ The defendant is deceased;
- ☐ The defendant has been granted immunity in light of his testimony;
- ☐ Other;

and for cause would show the Court the following:

WHEREFORE, it is prayed that the above entitled and numbered cause be dismissed.

Respectfully submitted

David Lilly

Assistant District Attorney

ORDER

The foregoing motion having been presented to me on this the 16th day of August, A.D. 2001, and the same having been considered, it is, therefore, ORDERED, ADJUDGED and DECREED that said above entitled and numbered cause be and the same is hereby dismissed.

Judge of the 167th District Court of Travis County, Texas

Filed in The District Court
of Travis County, Texas
on Aug 16 2001
at 11:48A M.
Amalia Rodriguez-Mendoza, Clerk

Original—White; Defendant's Copy—Yellow; State's Copy—Pink

VLI 3555 PG 0007

CAUSE # 994802

THE STATE OF TEXAS	)(	**IN THE MUNICIPAL COURT**
	)(	**CITY OF AUSTIN**
COUNTY OF TRAVIS	)(	**IN TRAVIS COUNTY, TEXAS**

AFFIDAVIT FOR WARRANT OF ARREST AND DETENTION

Undersigned Affiant, Who After Being Duly Sworn By Me, On Oath, Makes The Following Statement: **MARION KEVIN HARRIS AKA: KEVIN HARRIS B/M 07-23-70**, on or about the 20TH DAY OF OCTOBER,1999, in the incorporated limits of the City of Austin, County of Travis and the State of Texas, did then and there commit the offense of:

BURGLARY OF RESIDENCE-FELONY-2ND

MY BELIEF OF THE FOREGOING STATEMENT IS BASED UPON INFORMATION PROVIDED TO ME IN AUSTIN POLICE DEPARTMENT OFFENSE REPORT # 99-2930205 AND BY INFORMATION PROVIDED TO ME BY VICTIM AMANDA BARRON BUNTON AND BY WITNESS TARA STATHAM.

VICTIM AMANDA BUNTON LEFT WORK AND WAS DRIVING HOME TO HER RESIDENCE AT APPX. 3:25 A.M. WHERE THIS OFFENSE OCCURRED. AMANDA'S ADDRESS IS 3014 W. WILLIAM CANNON DR. # 536 IN AUSTIN, TRAVIS COUNTY, TEXAS.

AMANDA STATED THAT SHE WAS COMING DOWN THE HILL NEARING HER APARTMENT COMPLEX WHEN SHE NOTICED A VEHICLE BEHIND HER. AMANDA STATED THAT THE SECURITY GATES AT HER APARTMENT WERE NOT WORKING, SO SHE PULLED INTO THE COMPLEX AND PARKED IN HER COVERED PARKING SPACE NEXT TO BUILDING # 5. AMANDA STATED THAT SHE OBSERVED A SMALL RED CAR PULL IN AND PARK IN THE COVERED PARKING NEXT TO BUILDING # 4. AMANDA GOT OUT OF HER VEHICLE AND PROCEEDED UP TO HER APARTMENT ON THE THIRD FLOOR. AMANDA STATED THAT WHEN SHE GOT TO THE SECOND FLOOR, SHE HEARD FOOTSTEPS, SO SHE STARTED WALKING FASTER TO HER APARTMENT. AMANDA STATED WHEN SHE GOT UP TO THE THIRD FLOOR AND WAS STANDING AT HER APARTMENT DOOR, SHE OBSERVED A MALE AT THE OTHER END OF THE BREEZWAY LOOKING AROUND. AMANDA STATED THAT SHE HURRIDLY UNLOCKED HER APARTMENT DOOR, AND WHEN SHE GOT THE DOOR UNLOCKED, THE MALE WAS STANDING RIGHT BESIDE HER. AMANDA STATED THAT SHE ASKED THE MALE "CAN I HELP YOU?" AND THE MALE STATED "WHAT ARE YOU DOING?" AMANDA TOLD THE MALE THAT SHE WAS GOING INTO HER APARTMENT AND THE MALE ASKED IF HE COULD GO INTO HER APARTMENT WITH HER. AMANDA REPLIED "I DON'T THINK SO" AND SHE ATTEMPTED TO QUICKLY ENTER HER APARTMENT. AMANDA GOT INTO HER APARTMENT AND THE MALE

FORCED HIS WAY INTO HER APARTMENT. AMANDA BEGAN SCREAMING FOR HER ROOMMATE, TARA STATHAM, TO CALL 9-1-1. AMANDA STATED THAT THE MALE THEN GRABBED HER BY THE THROAT AND SLAMMED HER UP AGAINST THE WALL. AMANDA ASKED THE SUSPECT WHAT HE WANTED AND SHE STATED THAT HE "JUST LOOKED AT ME LIKE HE HAD SOMETHING TO TAKE CARE OF AND HE ACTED AS THOUGH I KNEW WHAT HE WANTED BUT HE WOULD NEVER SAY ANYTHING TO ME". TARA HAD 9-1-1 ON THE PHONE, AND AMANDA WAS STILL PINNED UP AGAINST THE WALL BY THE SUSPECT. AMANDA STATED THAT HE HELD HER BY HER THROAT FOR APPX. 2 TO 3 MINUTES. AT ONE POINT, THE SUSPECT TURNED TO TARA AND "SMIRKED" AT HER.

AMANDA STATED THAT TARA WAS SCREAMING AND THE SUSPECT RAN OUT OF THE APARTMENT, BUT GRABBED THE DOOR KNOB OF THE APARTMENT AND WAS HOLDING THE DOOR KNOB FROM THE OUTSIDE OF THE APARTMENT. AMANDA STATED THAT AFTER A SHORT PERIOD OF TIME, THE SUSPECT LET GO OF THE DOORKNOB AND SHE HEARD HIM RUNNING DOWN THE BREEZWAY.

AMANDA STATED THAT SHE SPOKE TO THE 9-1-1 OPERATOR AFTER THE SUSPECT LEFT AND GAVE THE FOLLOWING DESCRIPTION OF THE SUSPECT:

-- B/M 28 TO 35 YEARS OF AGE
-- LIGHT SKINNED, POSSIBLY MIXED RACE
-- LSW: BROWN LEATHER JACKET, BROWN LOAFERS, WHITE SHIRT AND KHAKI PANTS

AMANDA DESCRIBED HIS VEHICLE AS A SMALL RED SPORTS CAR.

AMANDA STATED THAT THE POLICE ARRIVED APPX. 5 MINUTES LATER AND ADVISED HER THAT THEY HAD A SUSPECT MATCHING THE DESCRIPTION OF THE SUSPECT AND OFFICERS TOOK AMANDA AND TARA TO WHERE THE SUSPECT WAS BEING DETAINED AND BOTH AMANDA AND TARA POSITIVELY IDENTIFIED THE SUSPECT AS THE MALE THAT WAS IN THEIR APARTMENT. OFFICERS IDENTIFIED THE SUSPECT AS MARION KEVIN HARRIS B/M 07-23-70.

AMANDA STATED THAT IT CAUSED HER EXTREME PAIN IN HER NECK WHEN THE SUSPECT GRABBED HER BY THE THROAT AND SLAMMED HER INTO THE WALL., AT THE TIME OF HER STATEMENT, AMANDA STATED THAT SHE IS STILL EXPERIENCING CONSIDERABLE PAIN IN HER NECK AND SPINE.

MARION KEVIN HARRIS, WITHOUT THE EFFECTIVE CONSENT OF THE VICTIM, ENTERED HER RESIDENCE AND COMMITTED AN ASSAULT, THEREBY COMMITTING THE OFFENSE OF BURGLARY OF A RESIDENCE.

L Hardage 1460

DET. LORI R. HARDAGE 1460

SWORN AND SUBSCRIBED TO BEFORE ME AND THE SAID AFFIANT ON THIS 22 DAY OF October 1999

Kenneth J. Vitucci

MAGISTRATE, MUNICIPAL COURT
AUSTIN, TRAVIS COUNTY, TEXAS

MUNICIPAL COURT IN AUSTIN, TEXAS

ON THIS THE 22 DAY OF October. 1999, I HEREBY ACKNOWLEDGE I HAVE EXAMINED THE FOREGOING AFFIDAVIT AND HAVE DETERMINED THAT PROBABLE CAUSE EXISTS FOR THE ISSUANCE OF AN ARREST WARRANT FOR THE INDIVIDUAL ACCUSED THEREIN.

Kenneth J. Vitucci

MAGISTRATE, MUNICIPAL COURT
AUSTIN, TRAVIS COUNTY, TEXAS

MUNICIPAL COURT IN AUSTIN, TEXAS

AUSTIN POLICE INCIDENT # 99- 2930205 DET. LORI R. HARDAGE 1460

ORDER OF COMMITMENT
TO THE SHERIFF OF TRAVIS COUNTY, GREETINGS:

Marion Kevin Harris (Name of Defendant) who having been brought before me this October 22, 1999 (Today's Date) day at 2:45 P. M.

charged with the offense Burglary of Residence
Second Degree Felony

IS COMMITTED to the CUSTODY of the SHERIFF of Travis County, Texas, to be detained unless he/she complies with the conditions of bond set on this date or any amendment or modification thereof.

1. Defendant is ordered to appear in:

_____ Justice Court Precinct Number _____
_____ Austin Municipal Court, 700 E. 7th Street
TRAVIS COUNTY CRIMINAL COURTS BUILDING,
1010 San Antonio Street
_____ Court Administration Office, Room # 255
_____ County Court # 4 (Domestic Violence Court)
__X__ District Court Number 147

on Instanter (Appearance Date) at _____. M.

2. If defendant is in custody on the above date, the SHERIFF is hereby ordered to present said defendant in the above Court on said appearance date and at all times said charge(s) or accusation(s) are called before said Court.

3. Bail is hereby set as follows: $30,000 KV

4. Defendant _____ is/ X not ordered to install a vehicle ignition interlock within 30 days of release.

5. Bond is acceptable if in compliance with Articles 17.03, 17.031, 17.04, and/or 17.08 of the Texas Code of Criminal Procedures.

The undersigned hereby certifies that the defendant has been warned of his/her rights under Art. 15.17 of the Texas Code of Criminal Procedure.

HEREIN FAIL NOT but of this ORDER make due return showing how you have executed same.

ATTORNEY RETAINED ✓ APPOINTED _____

Judge of the Municipal Court of Travis County, Texas (Acting as Magistrate)

White Sheriff | Green Defendant | Yellow Dist/County Clerk | Pink Dist/County Attorney | Gold Iss Court

Cause No. 994802 Bond $30,000
APD L. Hardage 1460
Control No. Offense #99-2930205

****

The State of Texas
vs.
Name Marion Kevin Harris
Address 301 Mesa Verde
City Cedar Park State TX Zip _____

DOB 7/23/70 Sex M Race ~~B~~ P C S

****

ORDER OF COMMITMENT
Issued October 22, 1999
Justice of the Peace Precinct Number _____
County Court at Law Number _____
District Court Number _____
Austin Municipal Court XX
Travis County, Texas

****

SHERIFF'S RETURN

CAME TO HAND THIS _____ day of _____, 19 __ . at _____ o'clock_____,M. and executed this_____ day of _____ , 19 __ , at _____ o'clock _____. M., by placing the accused in jail in Travis County , Texas.

Margo L. Frasier
SHERIFF OF TRAVIS COUNTY, TEXAS

_____
by Deputy

NO.0996364

THE STATE OF TEXAS	§	IN THE 299TH JUDICIAL
VS.	§	DISTRICT COURT OF
MARION KEVIN HARRIS	§	TRAVIS COUNTY, TEXAS

ORDER TRANSFERRING CAUSE

On this, the5th day of April,2001, it is hereby ordered that the above styled and numbered cause be transferred to the167 th District Court of Travis County, Texas.

The reason for this transfer isprosecutor is Doug O'Connell.

Attorney of record isIRA DAVIS.

Set for court on JUNE 7,2001 JURY DOCKET..

JUDGE PRESIDING
299th DISTRICT COURT

JUDGE PRESIDING
_____ DISTRICT COURT

VL1326PG216

Cause No. 99-6364
(AND ALL SUBSEQUENT CAUSE NUMBERS)

THE STATE OF TEXAS **IN THE 299th DISTRICT COURT**
vs.

OF

MARRION HARRIS **TEXAS**

STATE'S NOTICE OF FILING RECORDS

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW THE STATE OF TEXAS, by and through her Travis County District Attorney, on this the 1ST day of NOVEMBER, 2000, and hereby notifies the Defendant of the following in the above-numbered and styled cause:

In the papers of this cause are now included a certified copy of a bussiness records affadavit from the Austin Police Department Emergency Communications Center. Specifically, this affadavit certifies that the 911 tape it refers to is a true and accurate copy of a 911 call related to the above captioned case, recorded on 10-20-99. The State intends to introduce into evidence the 911 tape at the appropriate time pursuant to the Texas Rules of Evidence.

The original 911 tape and attached original affadavit are in the control of the undersigned Assistant District Attorney, and are available for inspection by Defense Counsel at the District Attorney's Office.

RONALD EARLE
District Attorney
Travis County, Texas

By: _____
Douglas K. O'Connell
Assistant District Attorney
Travis County, Texas

CERTIFICATE OF NOTICE

My signature above certifies that today I notified counsel for the Defendant of the filing of these records, and that a copy of said records are available for inspection and copying at the Travis County District Clerk's Office.

FILED
00 NOV -1 AM 10: 58
DISTRICT CLERK
TRAVIS COUNTY, TEXAS

City of Austin

Founded by Congress, Republic of Texas, 1839
Police Department, 715 East 8th Street, Austin, Texas 78701-3397 Telephone 512/480-5000

Date of Request: 10-20-99 Offense Number: 99-2930205

Date of Tape: 10-20-99 Hour of Tape: 3:25A

Offense Title: Burg of Resid w/Intent to Commit Assault

Radio Channel/ E9-1-1 Console: David

Type of Case:

Criminal (✓) Civil ( ) Federal ( ) Other ( )

Requester's Name: Det Hardage 1760

Requester's Agency: APD

Supervisor Accepting Request: _____

Date: _____ Time: _____

Tape Released to: Hardage Date Released: 1/13/00

Signature of supervisor Releasing Tape: _____

I, ELLA HUNTER, hereby certify that the attached cassette is a true and accurate copy of the master logging tape in the Emergency Communication Center for the date of 10-20-99. Signature: Ella J. Hunter

---

Sworn and subscribed to before me this 25th day of OCTOBER, 1999.

My Commission Expires on 06/18/03

Signature of Notary: Ronald J. Cook

NOTARY PUBLIC STATE OF TEXAS

RONALD J. COOK
Notary Public, State of Texas
My Commission Expires
JUNE 18, 2003

NO. 99-6364
(and all subsequent cause numbers)

THE STATE OF TEXAS	**IN THE 299th DISTRICT**
VS.	**COURT OF**
MARION HARRIS	**TRAVIS COUNTY, TEXAS**

STATE'S NOTICE OF INTENT TO INTRODUCE EVIDENCE OF EXTRANEOUS CRIMES, WRONGS, AND BAD ACTS AS IMPEACHMENT, AND FOR PUNISHMENT

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW THE STATE OF TEXAS, by and through her Travis County District Attorney, on this the 27TH day of OCTOBER, 2000, and hereby notifies Ira Davis, the attorneys for the Defendant, that the State of Texas intends to introduce the following crimes, wrongs, and/or bad acts for the purpose of impeaching the Defendant, and for the purpose of introducing such evidence during the punishment phase of the trial:

MURDER OR PARTY TO MURDER, committed on or about 8/11/91, in Travis County, Texas. The victim was Anita Byington.

FAILURE TO REPORT A CRIME AND OR FALSE STATEMENT TO A PEACE OFFICER, committed on or about 8/11/91, in Travis County, Texas.

SEXUAL ASSAULT, committed on or about 8/11/91, in Travis County, Texas. The victim was Anita Byington.

TAMPERING WITH EVIDENCE, committed on or about 8/11/91, in Travis County, Texas.

RONALD EARLE
District Attorney
Travis County, Texas

By:
Douglas K. O'Connell
Assistant District Attorney

FILED
00 OCT 31 PM 12:49
DISTRICT CLERK
TRAVIS COUNTY, TEXAS

CERTIFICATE OF SERVICE

By my signature above, I hereby certify that today I have notified the Defendant in this cause pursuant to Texas Rules of Evidence 404(b) and 609, and Texas Code of Criminal Procedure Art. 37.07, by filing the foregoing document in the public record of this cause, and by providing a copy of the foregoing notice, via fax, to counsel for the Defendant.

NO. 99-6364

THE STATE OF TEXAS	§	IN THE DISTRICT COURT
	§	
VS.	§	OF TRAVIS COUNTY, TEXAS
	§	
MARION KEVIN HARRIS	§	299th JUDICIAL DISTRICT

MOTION FOR DISCOVERY

COMES NOW MARION KEVIN HARRIS, Defendant in the above styled cause, through Defendant's attorney, IRA DAVIS, and makes this Motion for Discovery under the authority of Art. 39.14, V.A.C.C.P., Art. I, § 10 of the Constitution of the State of Texas; and the Fourth, Fifth, Sixth and Fourteenth Amendments to the Constitution of the United States. Defendant moves the Court to order the State, through its prosecuting attorney, to produce the items designated below, and permit the Defendant to inspect, copy, photograph, and conduct chemical or analytical tests on such items. In support of this motion Defendant would show the following:

I.

The items requested are in the possession, custody, or control of the State through its law enforcement agents or the District Attorney for Travis County (hereafter referred to as District Attorney). The items are not privileged, and fall within the scope of Art. 39.14, supra.

II.

The Defendant requests the following items to be produced:

A. Any statement made by the Defendant to any law enforcement agency or to the District Attorney or any of employees, whether written or oral and whether given while

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00 JAN -6 AM 3:39
DISTRICT CLERK
TRAVIS COUNTY, TEXAS

the Defendant was under arrest or not, which might in any manner be material to the guilt or innocence of the Defendant;

B. Any photographs, drawings, or charts made by any law enforcement agency, the District Attorney's office, or anyone else, which may have been made with reference to this case;

C. The results of any scientific test made by a State agency or a contract agency at the request of any law enforcement agency or the District Attorney's office with reference to the Defendant's case;

D. Any paper, object or real evidence that is in the possession of any law enforcement agency or the District Attorney's office, which may in any way be material to the guilt or innocence of the Defendant;

E. The criminal record of any person the State plans to call as a witness at any hearing in this case;

F. The name, address, and telephone number(s) of any person the State knows to have been present at the time and place of the alleged offense;

G. The name, address, and telephone number(s) of any person known by the State to possess testimonial or real evidence material to the alleged offense, and intended by the State to be called as a witness in the trial;

H. Under the authority of ***Brady v. Maryland***, 373 U.S. 83 (1963), all notes of any arresting or investigating officer, as well as all reports by any law enforcement agency, that contain any exculpatory information as to the alleged offense; and

I. The criminal record of the Defendant.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that this Court order the State, through its prosecuting attorney, to produce to the Defendant, and to permit the Defendant to inspect, copy, photograph, and test, all items set forth in this motion, at a time and place and in such manner as seems right and proper to this Court. Defendant prays for such other relief to which this Court may find justly entitled.

Respectfully submitted,

IRA L. DAVIS
State Bar No. 05497700
1012 Rio Grande Street
Austin, Texas 78701
(512) 472-9154
FAX (512) 472-4102
ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

By affixing signature above, the attorney for Defendant hereby certifies that a true and correct copy of the foregoing Motion for Discovery was personally delivered or mailed postage prepaid, to the office of the District Attorney for TRAVIS COUNTY, Texas on the 6th day of January, 2000.

NO. 99-6364

THE STATE OF TEXAS	§	IN THE DISTRICT COURT
	§	
VS.	§	OF TRAVIS COUNTY, TEXAS
	§	
MARION KEVIN HARRIS	§	299th JUDICIAL DISTRICT

ORDER

BE IT REMEMBERED that on the _____ day of _____, 2000, came to be heard Defendant's Motion for Discovery in the above styled cause, and it is ORDERED that the Motion be [**GRANTED**] [**DENIED**].

SIGNED this _____ day of _____, 2000.

_____
JUDGE PRESIDING

NO. 99-6364

THE STATE OF TEXAS	§	IN THE DISTRICT COURT
	§	
VS.	§	OF TRAVIS COUNTY, TEXAS
	§	
MARION KEVIN HARRIS	§	299th JUDICIAL DISTRICT

MOTION FOR EVIDENCE FAVORABLE TO THE DEFENDANT

COMES NOW MARION KEVIN HARRIS, Defendant in the above entitled and numbered cause by and through Defendant's attorney of record, IRA DAVIS, prior to trial and moves the Court to order the prosecution to disclose any and all exculpatory and/or mitigating facts within the possession, custody, or control of the Prosecuting Attorney or any of his agents, including but not limited to the Department of Public Safety and its agencies, Texas Rangers, City of Austin Police Department, TRAVIS COUNTY Sheriff's Department, the Prosecuting Attorney's office and others, the existence of which is known, or by the exercise of due diligence may become known to said Prosecuting Attorney. The following specific information is requested:

(a) Any facts known to the prosecution which would aid or assist the defense in locating a witness who might in any way give exonerating testimony for the Defendant;

(b) Any other available evidence that would tend to negate the guilt of the Defendant or reduce the degree of the offense even though such evidence would tend to damage the prosecution's case;

(c) Any evidence intended to be used against the Defendant at trial, observed by police witnesses, that is not part of the police report furnished to defense counsel;

(d) Any evidence that incriminates another individual and/or any evidence that tends to indicate that another individual may be guilty of the offense of which the Defendant stands charged.

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00 JAN -6 AM 3:50
DISTRICT CLERK
TRAVIS COUNTY, TEXAS

Further that the prosecution reveal its entire file to the Court for review by the Court in camera for the Court's determination as to what evidence therein is exculpatory and, finally, that the Court order that a copy of that portion of the prosecution's file not deemed to be exculpatory be sealed for future review by the appellate court if necessary.

WHEREFORE, premises considered, the Defendant prays that the Court grant this motion.

Respectfully submitted,

IRA L. DAVIS
State Bar No. 05497700
1012 Rio Grande Street
Austin, Texas 78701
(512) 472-9154
FAX (512) 472-4102
ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

By affixing my signature above, I certify that a true and correct copy of the foregoing motion was served upon the office of the District Attorney for TRAVIS COUNTY, Texas on this the 6th day of January, 2000.

NO. 99-6364

THE STATE OF TEXAS	§	IN THE DISTRICT COURT
	§	
VS.	§	OF TRAVIS COUNTY, TEXAS
	§	
MARION KEVIN HARRIS	§	299th JUDICIAL DISTRICT

ORDER

On this the _____ day of _____, 2000, was heard the foregoing motion. It is the opinion of this Court that the motion should be [**GRANTED**] [**DENIED**]. SO ORDERED.

SIGNED this _____ day of _____, 2000.

_____
JUDGE PRESIDING

NO. 99-6364

THE STATE OF TEXAS	§	IN THE DISTRICT COURT
	§	
VS.	§	OF TRAVIS COUNTY, TEXAS
	§	
MARION KEVIN HARRIS	§	299th JUDICIAL DISTRICT

REQUEST FOR NOTICE

COMES NOW the Defendant in the above styled and numbered cause, by and through Defendant's attorney of record, Ira L. Davis, and pursuant to the Texas Rules of Criminal Evidence and the Texas Code of Criminal Procedure requests the attorney for the State of Texas to give, in proper form, to Defendant timely notice of the proposed use of evidence, specifically:

1. Pursuant to Rule 404(b), written notice, at least thirty days prior to the commencement of trial, by the State of its intent to introduce evidence in its case in chief of any other crimes, wrongs, or acts, allegedly committed by Defendant, other than those alleged in the Indictment or Information in this cause. Such notice to include for each incident all discovery required to be produced by the State in this Court's discovery orders entered in this cause.

   GRANTED **DENIED**

2. Prior written notice, with complete copies, at least thirty days prior to the commencement of trial in this cause, of any record, documents, reports or other evidence pursuant to any provision of Rule 803, Rule 804, or Rule 902 so that he may have a reasonable opportunity to investigate whether the

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00 JAN -6 AM 3:50
DISTRICT CLERK
TRAVIS COUNTY, TEXAS

preparation or sources of the information, or any other circumstances concerning the proposed evidence indicate a lack of trustworthiness.

GRANTED **DENIED**

3. Pursuant to Rule 609(f), reasonable written notice, at least thirty days prior to commencement of trial, of intent to use evidence of any prior conviction for the purpose of attacking the credibility of the following witnesses:

    a. MARION KEVIN HARRIS

GRANTED **DENIED**

4. Pursuant to Art. 37.07(g), of the Code of Criminal Procedure reasonable written notice, at least thirty days prior to the commencement of trial of intent to introduce evidence of extraneous crimes or bad acts as provided for in Art. 37.07(3)(a) of the Code of Criminal Procedure.

The requested notice and opportunity to investigate this type of proposed evidence is essential to the Defendant's right to a fair trial, effective representation by counsel, and due process pursuant to provisions of Art. I, §§ 10 and 19 of the Constitution of the State of Texas, and the Fifth, Sixth and Fourteenth Amendments to the United States Constitution.

Respectfully submitted,

IRA L. DAVIS
State Bar No. 05497700
1012 Rio Grande Street
Austin, Texas 78701
512-472-9154
Fax 512-472-4102
ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I certify by my signature above, that a true and correct copy of the foregoing Request for Notice was served upon the TRAVIS COUNTY District Attorney's office on this 6th day of January, 2000.

NO. 99-6364

THE STATE OF TEXAS	§	IN THE DISTRICT COURT
	§	
VS.	§	OF TRAVIS COUNTY, TEXAS
	§	
MARION KEVIN HARRIS	§	299th JUDICIAL DISTRICT

MOTION TO SUPPRESS EVIDENCE

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the Defendant, MARION KEVIN HARRIS, in the above styled and numbered cause, through Defendant's attorney of record, and moves the court to suppress the following evidence:

1. All tangible evidence seized by law enforcement officers or others in connection with the detention and arrest of the Defendant in this case or in connection with the investigation of this case.

2. All written and oral statements made by the Defendant to any law enforcement officers or others in connection with this case.

3. All evidence obtained by any law enforcement officer as a result of the detention and seizure of the Defendant or as a result of any statements made by or any actions of the Defendant.

4. Testimony of law enforcement officers or others concerning any action of the Defendant while under detention or arrest in connection with this case.

5. Testimony of law enforcement officers or others concerning the tangible evidence or statements to which reference was made above.

As grounds for this Motion, Defendant would show this Court as follows:

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00 JAN -6 AM 3:40
DISTRICT CLERK
TRAVIS COUNTY

I.

That any tangible evidence seized in connection with this case was seized without lawful warrant, probable cause or other lawful authority in violation of the Defendant's rights under the Fourth and Fourteenth Amendments to the United States Constitution, Article I, § 9 of the Constitution of the State of Texas, and Chapters 1, 14, 18 and Art. 38.23 of the Texas Code of Criminal Procedure.

II.

That any statements obtained from Defendant were obtained in violation of Defendant's rights under the Fourth, Fifth, Sixth and Fourteenth Amendments to the United States Constitution, Art. I, §§ 9, 10 and 19 of the Constitution of the State of Texas, and Chapter 14 and Art. 1.04, Art. 1.05, Art. 38.22 and Art. 38.23 of the Texas Code of Criminal Procedure.

III.

That testimony concerning any actions of the Defendant while he was under arrest or in detention would be a product of violation of the Defendant's rights under the Fourth, Fifth, Sixth and Fourteenth Amendments to the United States Constitution, Art. I, §§ 9, 10 and 19 of the Constitution of the State of Texas, and Chapter 14 and Arts. 1.04, 1.05, 38.22 and 38.23 of the Texas Code of Criminal Procedure.

IV.

And for such other reasons that may appear on the hearing of this Motion.

WHEREFORE, PREMISES CONSIDERED, it is respectfully requested that this Motion to Suppress Evidence be granted.

Respectfully submitted,

IRA L. DAVIS
State Bar No. 05497700
1012 Rio Grande Street
Austin, Texas 78701
512-472-9154
FAX 512-472-4102
ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify by my signature above that a copy of the foregoing Motion has been forwarded to the TRAVIS COUNTY District Attorney's office on this the 6th day of January, 2000.

NO. 99-6364

THE STATE OF TEXAS	§	IN THE DISTRICT COURT
	§	
VS.	§	OF TRAVIS COUNTY, TEXAS
	§	
MARION KEVIN HARRIS	§	299th JUDICIAL DISTRICT

ORDER

Defendant's Motion to Suppress Evidence is hereby:

GRANTED as to _____

DENIED as to _____

SIGNED this _____ day of _____, 2000.

_____
JUDGE PRESIDING

.5 302

FEL. = F
MISD. = M

NAME Harris Marion Kevin (Last First Middle)		Date 10-20-99	
Address 301 Mesa Verde Cedar Park Zip 78613		Cause No. DA 994802	
Phone 331-0581	No. Dep. 2	Charge Burg Hab	
Who With Wife		Bond 30,000	
How Long? 5cy	County ~~FC~~ Wmson 5cy	DOB 7-23-70 Pl. Houstn	
Employer Peak Int'l Inc		Race B Sex M Age 29	
Address 2136A Rutland	Phone 339-4084	Color Hair Brn Eyes Hazel	
Position Act Mgr	How Long 7 1/2cy	Ht. 6'2 Wt. 210	
		Social Security No. 572-43-9451	
		DL No. 06846409 St. TX	

NEAREST RELATIVE AND PERMANENT CONTACTS

Name Marilyn Harris (W)	Add. SAS	w/421-1033	Ph. SAS
Name Jerry Sherrod (FF)	Add Cedar Park	w/728-9561	Ph. 219-0183
Name Larry Worth (Employer)	Add.	w/339-4084	Ph.
Name Mary McDonald (MIL)	Add. 8507 Adirondack	w/none	Ph. 345-3256

(8 Idsrney

Arrest Record None			
Probation None	Parole None		TDC None
Attorney of Record ROA Ian L. Davis	Add. 612 Rio Grande		Ph. 472-9154
Interviewed by MD	Recommendation ~~OR~~ PSC H		Ph.
Bond Fee Set at $20.00	by Judge Viticci		

CARD 1 OF 1 ~~MISD.~~ FEL.

NC GM

*Pay personal bond fee in the amount of $20.00 to the Travis County Pretrial Services Office at the Travis County Courthouse (473-9381)

PERSONAL BOND

THE STATE OF TEXAS
COUNTY OF TRAVIS

CAUSE No. DA 994802

KNOWN ALL MEN BY THESE PRESENTS

THAT I, Marion Harris charged with the offense of a (~~Misdemeanor~~) (Felony), to wit. Burglary Habitation

am held and firmly bound unto the State of Texas in the penal sum stated below for the payment of which sum well and truly to be made, and in addition all necessary and reasonable fees and expenses that may be incurred by peace officers in rearresting me in the event the conditions of this bond are violated, I do bind myself, my heirs, executors and administrators, jointly and severally by these presents.

THE CONDITION OF THE ABOVE OBLIGATION IS THAT I swear that I will appear before the Bexar Co 226th 147th District Court at the Travis County Courthouse Annex, Tenth and San Antonio Street, Austin, Travis County, Texas, on the Instanter day of _____, 19___, at _____M. or pay to the Court the principal sum of $ 30,000 plus all necessary and reasonable expenses incurred in any arrest for failure to appear.

I further swear that I will appear before any court or magistrate before whom this cause may hereinafter be pending at any time and place as may be required.

Now if I shall well and truly make said appearance before the said Court, and there remain from day to day and term to term of said Court, until discharged by due course of law, then and there to answer said accusation against me, and further shall well and truly make my personal appearance in any and all subsequent proceedings that may be had relative to said charge in the course of the criminal action based on said charge, this obligation shall become void; Otherwise to remain in full force and effect.

ELECTRONIC MONITORING
No Contact with Alleged Victim

X Marion K. Harris
SIGNATURE OF DEFENDANT

SWORN TO AND SUBSCRIBED BEFORE ME, This _____ day of _____, 19 ___

TRAVIS COUNTY
PRETRIAL SERVICES
OCT 22 PM 3:4

_____
NOTARY PUBLIC IN AND FOR
TRAVIS COUNTY, TEXAS

THIS PERSONAL BOND IS APPROVED, effective only after arresting agency has completed its booking process, and the defendant at such time is ordered released on the conditions of this bond.

I certify that I am the attorney representing this defendant.

Ian F. Davis

Kenneth Pettus
MAGISTRATE

To: Marion Harris E Stay home all weekend –

You have been released on personal bond with the following condition(s):

	Supervised Bond	Electronic Monitoring	Ignition Interlock Device	Pretrial Intervention Program
	Call:	Call:	Call:	Report to:
	____ Angie 708-4505 ____ Elisa 708-4507 ____ Leo 708-4504 ____ Martha 708-4502 ____ Sara 708-4501	____ Elisa 708-4507 ____ Leo 708-4504 ____ Martha 708-4502 ____ Sara 708-4501	____ Elsa 708-4919 ____ Fernando 708-4919 Ext.2055	Phyllis Moczygemba 708-4690
	at Pretrial Services on ____/____/____ for an appointment.	at Pretrial Services on 10/23/99 for an appointment.	at Pretrial Services on ____/____/____ for an appointment.	for an assessment at the address below on ____/____/____ at 8:00AM.
	You are required to appear in our office.	You are required to remain in your home unless given permission to leave by the EM Officer.	You must appear in person within 1 week of release.	Please allow all morning for this assessment.
	Pretrial Services *Travis County Courthouse* 1000 Guadalupe Room 118 Austin, Tx. 78701	*Pretrial Services* *Travis County Courthouse* 1000 Guadalupe Room 118 Austin, Tx. 78701	*Pretrial Services* *Travis County Courthouse* 1000 Guadalupe Room 118 Austin, Tx. 78701	*TAIP/Pretrial Intervention Program* *Executive Office Building* 411 West 13th; 4th floor suite #400 Austin, Tx. 78701

D.A.#99-4802/PID#0531449 299th
No. 996364 The State of Texas v. Marion Kevin Harris
Indictment Burglary of a Habitation 30.02.1c
Bond $ same
In The 147th Judicial District Court of Travis County, Texas

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

THE GRAND JURY, for the County of Travis, State of Texas, duly selected, empaneled, sworn, charged, and organized as such at the OCTOBER Term, A.D. 1999, of the 147th Judicial District Court for said County, upon its oath presents in and to said Court at said term, that Marion Kevin Harris, on or about the 20th day of October A.D. 1999, and before the presentment of this indictment, in the County of Travis, and State of Texas, did then and there, with intent to commit assault, intentionally and knowingly enter a habitation, without the effective consent of Amanda Bunton, the owner thereof,

against the peace and dignity of the State.

Foreperson of the Grand Jury

FILED
99 DEC 28 PM 3:3
DISTRICT CLERK
TRAVIS COUNTY, TEXAS