

Trial Court Cause No. _____

IN THE MATTER OF:	§	IN THE DISTRICT COURT
[Name]	§	____ JUDICIAL DISTRICT
A CHILD	§	_____ COUNTY, TEXAS
DOB: [DOB]	§	SITTING AS THE JUVENILE COURT

**MOTION FOR EARLY PRODUCTION OF WITNESS STATEMENTS
AND WRITINGS USED TO REFRESH THE RECOLLECTION OF WITNESSES**

TO THE HONORABLE JUDGE OF SAID COURT:

Now comes Respondent, **[Name]**, in the above styled and numbered cause, by and through his attorney of record, **[Attorney of Record]**, and files this *Motion For Early Production Of Witness Statements and Writings Used To Refresh The Recollection Of Witnesses*, under authority of Section 51.17 Texas Family Code, Art. 39.14, Texas Code of Criminal Procedure, Article I, §10 and 19 of the Texas Constitution; and the Fifth, Sixth and Fourteenth Amendments to the Constitution of the United States,, Rules 612 and 615 of the Texas Rules of Evidence and moves the Court to order the prosecuting attorney for the Travis County District Attorneys Office for the production of witness statements and writings used to refresh the recollection of witnesses, and for good cause shows the following:

1. Under Rule 615 of the Texas Rules of Evidence, Respondent is entitled to any statement of the witness relating to the subject matter about which the witness has testified, which is in the possession of the State, after the witness has testified.
2. Under Rule 612 of the Texas Rules of Evidence, Respondent is entitled to any writing used by a witness to refresh his memory, either before or during that testimony, regardless of authorship.
3. Respondent requests adequate time to permit examination of the statements and writings and prepare for their use at trial. *See* Texas Rules of Evidence 615(d). Adequate time for examination and preparation will, of course, be insured if the court were to order

production in advance of trial.

4. Respondent makes this request now so the State will have all statements and writings available when declared. If not available, Respondent will request either that the witness' testimony be stricken, or that a mistrial be granted. *See* Texas Rules of Evidence 615(e) and 612.

WHEREFORE, PREMISES CONSIDERED, Respondent prays that this Honorable Court order the State to produce all witness statements and writings used to refresh the recollection of witnesses before or immediately after the witnesses testify on direct examination.

Respectfully submitted,

[Attorney of Record]
[Address]
[City], Texas [ZIP Code]
Office [Office Phone]
Facsimile [Facsimile Phone]
Email: [Email]

By: _____
[Attorney of Record]
SBN: [SBN #]
Attorney for Respondent

CERTIFICATE OF SERVICE

I, **[Attorney of Record]** do hereby certify that a true and correct copy of the above and foregoing *Respondent's Motion for Early Production of Witness Statements and Writings Used to Refresh the Recollection of Witnesses* was served via electronic mail or hand-delivered to the **[State Prosecutor]** on **[Date of Service]** in accordance with the Texas Rules of Civil Procedure.

[Attorney of Record]

