

APPLICATION FOR WRIT OF HABEAS CORPUS AD TESTIFICANDUM

NO. [*____*]

DEFENDANT § IN THE DISTRICT COURT
PETITIONER §
, WARDEN §
§ [*____*] JUDICIAL DISTRICT
, TEXAS §
RESPONDENT § COLLIN COUNTY, TEXAS

APPLICATION FOR WRIT OF HABEAS CORPUS AD TESTIFICANDUM

TO THE HONORABLE JUDGE OF SAID COURT:

Now comes DEFENDANT, petitioner in the above-styled and numbered cause and, pursuant to Sections 527.30 and 527.31 of the Code of Federal Regulations (C.F.R.), files this Application For Writ of Habeas Corpus Ad Testificandum, for [*____*] and in support, shows the following:

1. Petitioner, DEFENDANT, is charged with the offense of [*____*] in the [*____*] Judicial District Court, COLLIN County, Texas, under cause number [*____*]. [*____*] is a necessary and material witness in this case. [*____*] is currently an inmate at [*____*], [*____*], [*____*], Texas. The prison identification number of [*____*] is [*____*].
2. Counsel requests that this Court issue a Writ of Habeas Corpus Ad Testificandum pursuant to 28 C.F.R. § 527.30 directing [*____*], Warden of the [*____*] of [*____*], Texas to transport [*____*] to the Bexar County Jail, San Antonio, Texas on or before [*____*], so that testimony can be given on petitioner's behalf, and, after the trial is completed, to return [*____*] to the [*____*] of [*____*], Texas.
3. In order to facilitate this transfer, counsel has conferred with [*____*] of the [*____*]'s Office and [*____*], [*____*] of the [*____*] in [*____*], Texas. [*____*] indicated to counsel that petitioner would be transported to the Bexar County Jail, San Antonio, Texas at any time the Court requested. [*____*], upon receiving orders from the Court, will provide officers to pick up [*____*] from [*____*], Texas, and return [*____*] upon completion of the trial. The witness will be kept at the Bexar County Jail, San Antonio, Texas, and will be transported to and from the courtroom by deputies of the [*____*]'s Department.
4. As the Court knows, DEFENDANT is indigent, and therefore is unable to pay the costs of [*____*]'s transportation. DEFENDANT therefore moves that all costs be paid by COLLIN County, Texas.
5. A Writ of Habeas Corpus Ad Testificandum is necessary if DEFENDANT is to have rights to compulsory process, guaranteed by the Sixth and Fourteenth Amendments to the United States

Constitution, Article I, § 10 of the Texas Constitution, and Article 1.05 of the Texas Code of Criminal Procedure.

WHEREFORE, PREMISES CONSIDERED, DEFENDANT prays that this Honorable Court issue an order directing the clerk of the Court to issue a Writ of Habeas Corpus Ad Testificandum, addressed to the Warden, [* ____*], [* ____*], Texas, Attention: [* ____*], commanding him or his duly authorized representative to deliver the witness to the Bexar County Jail, San Antonio, Texas, on or before [* ____*], for the purpose of testifying in this case, and, upon the conclusion of said case, to return [* ____*] to the [* ____*], [* ____*], Texas.

Respectfully submitted,

By:

[* ____*]

State Bar No. [* ____*]

Attorney for DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that on May 21, 2001, a true and correct copy of the above and foregoing document was served on the District Attorney's Office, Collin County, [* ____*], by certified mail, return receipt requested.