

**APPLICATION FOR WRIT OF HABEAS CORPUS SEEKING RELEASE FOR LACK OF PROBABLE CAUSE**

NO. [\* \_\_\_\_ \*]

<b>STATE OF TEXAS</b>	§	<b>IN THE DISTRICT COURT</b>
	§	
<b>vs.</b>	§	<b>[* ____ *] JUDICIAL DISTRICT</b>
	§	
<b>DEFENDANT</b>	§	<b>COLLIN COUNTY, TEXAS</b>

**APPLICATION FOR WRIT OF HABEAS CORPUS**

**SEEKING RELEASE FOR LACK OF PROBABLE CAUSE**

**TO THE HONORABLE JUDGE OF SAID COURT:**

Now comes Defendant, defendant through his attorney of record, and makes this Application for Writ of Habeas Corpus and, for good cause shows the following:

I.

Defendant is illegally confined and restrained of his liberty by the Sheriff of Collin County, Texas in the Collin County Adult Detention Center in Collin, Texas, charged with the offense of Driving While Intoxicated, [\* \_\_\_\_ \*] offense.

II.

Defendant's detention is illegal because he is being confined and restrained without probable cause, in violation of the Fourth and Fourteenth Amendments to the United States Constitution, and Article I, § 9 of the Texas Constitutions.

III.

Defendant respectfully requests this Court to grant defendant an evidentiary hearing and, after receiving evidence, to release him from unlawful incarceration, based on an absence of probable cause.

**WHEREFORE, PREMISES CONSIDERED**, defendant prays that this Court grant and issue a Writ of Habeas Corpus to the Sheriff of Collin County, Texas directing and commanding him to produce and have defendant before this court instanter, or at such time and place to be designated by this Court, then and there to show cause, if any he may have, why defendant should not be discharged from such illegal confinement.

Respectfully submitted,

By:

State Bar No. [\*\_\_\_\_\*]

Attorney for Defendant, Defendant

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above and foregoing Application for Writ of Habeas Corpus Seeking Release for Lack of Probable Cause was hand delivered to the District Attorney's Office, at [\*\_\_\_\_\*], on May 29, 2001.

**NO. [\* \_\_\_\_ \*]**

**STATE OF TEXAS**

§

**IN THE DISTRICT COURT**

§

**vs.**

§

**[\*\_\_\_\_\*] JUDICIAL DISTRICT**

§

**DEFENDANT**

§

**COLLIN COUNTY, TEXAS**

**PRE-TRIAL APPLICATION FOR WRIT OF**

**HABEAS CORPUS SEEKING RELIEF FROM DOUBLE JEOPARDY**

**TO THE HONORABLE JUDGE OF SAID COURT:**

Now comes Defendant, defendant in the above styled and numbered cause, by and through his attorney of record, and presents this Pre-Trial Application for Writ of Habeas Corpus Seeking Relief From Double Jeopardy pursuant to Article 11.01, 11.05, 11.08 and 11.23 of the Texas Code of Criminal Procedure, and Article V, § 8 of the Texas Constitution, and in support, defendant shows the following.

I.

Defendant is unlawfully restrained of his liberty by the Sheriff of Collin County, Texas, where he is charged with the offense of Driving While Intoxicated. He is presently awaiting trial in this cause, and is free on bond.

II.

This restraint is illegal because defendant's prosecution for the instant offense is barred by the Double Jeopardy Clauses of the Fifth and Fourteenth Amendments of the United States Constitution, Article I, § 14 of the Texas Constitution, and Article 1.10 of the Texas Code of Criminal Procedure.

III.

[\* \_\_\_\_\*].

IV.

[\* \_\_\_\_\*].

**WHEREFORE, PREMISES CONSIDERED**, defendant prays that this Court grant and issue a Writ of Habeas Corpus to the Sheriff of Collin County, Texas, directing and commanding him to produce and have defendant before this Court instanter, or at such time and place to be by this Court designated, then and there to show cause, if any, he may have, why defendant should not be discharged from such illegal confinement and restraint.

Respectfully submitted,

By:

State Bar No. [\*\_\_\_\_\*]

Attorney for Defendant, Defendant

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above and foregoing Pre-Trial Application for Writ of Habeas Seeking Relief from Double Jeopardy was hand delivered to the District Attorney's Office, at [\*\_\_\_\_\*], on May 29, 2001.