

DEFENDANT'S APPLICATION FOR EXPENSES NECESSARY TO SECURE

TESTIMONY OF OUT-OF-STATE WITNESS

NO. [*____*]

STATE OF TEXAS	§	IN THE DISTRICT COURT
	§	
vs.	§	5 JUDICIAL DISTRICT
	§	
DEFENDANT	§	COLLIN COUNTY, TEXAS

DEFENDANT'S APPLICATION FOR EXPENSES NECESSARY TO SECURE

TESTIMONY OF OUT-OF-STATE WITNESS

TO THE HONORABLE JUDGE OF SAID COURT:

Now comes DEFENDANT, Defendant in the above styled and numbered cause and files this Application for Expenses Necessary to Secure Testimony of Out-of-State Witness. Pursuant to and in accordance with Article 35.27(8) of the Texas Code of Criminal Procedure, DEFENDANT applies to the Court for advance of funds necessary to obtain the testimony of [*____*] in this proceeding, and in support would show:

1. This Court has previously certified to the Court in the State of [*____*] that the presence of the witness would be required for [*____*].
2. Article 35.27 of the Texas Code of Criminal Procedure requires that [*____*] be compensated for reasonable and necessary transportation, meal and lodging expenses incurred by reason of attendance at a proceeding in this state, provided however that reimbursement may be forthcoming only if [*____*] travels here by commercial transportation or personal vehicle and is lodged in a commercial lodging establishment.
3. By the terms of the Uniform Act to Secure Attendance of Witnesses From Without the State in Criminal Proceedings, DEFENDANT is required to tender compensation to [*____*] of the amount reasonably necessary to enable [*____*] to attend proceedings. The amount of the required tender is estimated to be \$[*____*].
4. DEFENDANT is indigent, as previously found by the Court, and does not have the ability to tender personal funds to the witness.

5. This application is a prerequisite to any action by the Comptroller of Public Accounts in depositing the required funds to the registry of this court, which will then make the funds available in accordance with the Texas Code of Criminal Procedure.

6. DEFENDANT alleges the testimony to be garnered from attendance by [*____*] is material to this cause which relates to charges pending against DEFENDANT for the offense of Indecency with a Child, which is a Class A Misdemeanor.

7. The testimony is material for the following reasons:

a. [*____*].

b. [*____*].

c. [*____*].

d. [*____*].

e. [*____*].

WHEREFORE, PREMISES CONSIDERED, DEFENDANT requests the Court to find materiality of the proposed testimony and to find that DEFENDANT properly shows the requisite necessity for advance of funds necessary to secure the testimony of [*____*].

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.

[*____*]

