

Order of Trial

NO. [* ____ *]

STATE OF TEXAS

§ **IN THE DISTRICT COURT**

§

vs.

§ **[* ____ *] JUDICIAL DISTRICT**

§

DEFENDANT

§ **COLLIN COUNTY, TEXAS**

DEFENDANTS' AGREEMENT AS TO ORDER OF TRIAL

TO THE HONORABLE JUDGE OF SAID COURT:

Now comes, DEFENDANT, Defendant, and Co-Defendant, , through their undersigned counsel, and hereby agree that, pursuant to Article 36.10 of the Texas Code of Criminal Procedure, if the Motion to Sever Defendants filed by Defendant is granted, the Co-Defendant, , will be tried first, and for good cause show the following:

1. If the cases are severed and Defendant is tried first, Co-Defendant will invoke constitutional privilege not to testify on behalf of Defendant. This will deprive Defendant of rights to compulsory process, guaranteed by the Sixth and Fourteenth Amendments of the United States Constitution, Article I, § 10 of the Texas Constitution, as well as Defendant's rights to due process and due course of law, guaranteed by the Texas and United States Constitutions. If Co-Defendant is tried first, on the other hand, the privilege against self-incrimination will be no impediment to testimony on behalf of Defendant.
2. Article 36.10 of the Texas Code of Criminal Procedure permits the Defendants to agree on the order of trial. This document is evidence of that agreement.

WHEREFORE, PREMISES CONSIDERED, Defendants pray that this Defendants' Agreement As to Order of Trial be granted.

Respectfully submitted,

By:

[* ____ *]

State Bar No. [* ____ *]

Attorney for DEFENDANT

DEFENDANT

Defendant

[* ____*]

BY:

[* ____*]

State Bar No. [* ____*]

Attorney for [* ____*]

[* ____*]

Co-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.

[* ____*]

ORDER FOR A SETTING

On , 2001, the Defendant filed a Defendants' Agreement as to Order of Trial. The Court finds that the party is entitled to a hearing on this matter, and it is THEREFORE ORDERED that a hearing on this motion is set for , at .

Signed on .

Judge Presiding