

**PRE-TRIAL APPLICATION FOR WRIT OF HABEAS CORPUS
SEEKING RELIEF FROM DOUBLE JEOPARDY**

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.