

DISTRICT COURT OF BEXAR COUNTY, TEXAS

The State of Texas v. Marcus Cooper

District Court of Bexar County, Texas (January 26, 2015)

SUMMARY

This document is a defendant's motion requesting that the prosecution disclose any agreements, promises, concessions, or expectations concerning a prosecution witness's cooperation and testimony. It includes a certificate of service and a proposed order for the court to grant or deny the motion.

CASE DETAILS

COURT	District Court of Bexar County, Texas
JURISDICTION	Texas
DECIDED	January 26, 2015
PROCEDURAL POSTURE	Defendant filed a motion requesting disclosure of any promises, concessions, or agreements between the prosecution and a cooperating prosecution witness that could affect the witness's testimony.
PRECEDENTIAL VALUE	none

TOPICS

discovery criminal criminal procedure evidence

PRACTICE AREAS

criminal procedure criminal discovery evidence

QUESTIONS PRESENTED

- Whether the prosecution should be required to disclose agreements, promises, concessions, or expectations made to a cooperating witness whose testimony may be affected by testimonial bias.

FACTUAL BACKGROUND

The motion alleges that the identified witness was a cooperating conspirator and would testify for the State as a key prosecution witness implicating the defendant. The defendant sought disclosure of any express or implied promises, concessions, or expectations offered to the witness or the witness's attorney in exchange for cooperation or testimony. The document does not provide adjudicated factual findings.

PROCEDURAL HISTORY

The document is a defense motion filed in a Texas district court. It includes a proposed order with grant and deny options, but neither option is marked and no ruling is stated.

OPINION

PER CURIAM.

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TEXAS IN THE DISTRICT COURT vs. i.U_ JUDICIAL DISTRICT BEXAR COUNTY,
TEXAS. ~V\ ~) Q r fc\ \ ed Y\evv c Q1') ct~ol~- CQJe>\ (Q 8 MOTION REQUESTING
PROSECUTION TO REVEA.Ir AGREEMENT WITH WITNESS TO THE
HONORABLEJUDGE OF SAID COURT: '~.....

Come now ~A- (. (\A.) D0 c c eER' Defendant in the above styled and numbered cause and files
this Motion Requesting Prosecution to Reveal Agreement with Witnesses, in the nature of
concessions by the State of Texas to the witness which could influence the testimony of the
witness, and in support of said motion would show the Court the following: I. The witness, A- V\
t__lt_ 0 ~(\A L:i~oooperating conspirator 1\ 0 in the offense with which the Defendant is
charged.

The witness will testify on direct examination as a key prosecution witness and his testimony
seeks to implicate inculcate Defendant as having engaged in the criminal conduct alleged herein.
II. If the prosecution has made either promises or implied that it will make concessions to the
witness in. order to induce his testimony, the defense has a right to know the nature of the
concession made, promised or implied to the witness or his representatives in order to prove that
the witness' testimony was biased by such decisions.

Without such disclosure, defense counsel can only speculate that the concessions probably involve
doubtful proof on the issue of credibility. To deny disclosure of information which could influence
the witness testimony violates Defendant's rightto due process oflaw. WHEREFORE, PREMISES
CONSIDERED, Defendant prays the C~:mrt issue an Order requiring the prosecution reveal the
exact nature of negotiations arid k discussions with the witness DA-N\ tLLE._ f2> r,' o---- lo PE:
4-or his attorney concerning any promises or expectations, expressed or implied, regarding
concessions which could or might be expected to occur in the event witness 0 M l (J\I\~ -e._ I\ e
£>- r, 6-_ (9 PI= 7 cooperated with the prosecution by testifying against Defendant herein
Respectfully submitted, Attorney for Defendant Defendant CERTIFICATE OF SERVICE 0 I,
hereby certify that on this the~ l1 ~[day of e c <M ~ ~r, d-.o t \ a true and correct copy ofthe
above and foregoing Motion Requesting Prosecution to Reveal Agreement with Witnesses was

transmitted to the office of the Bexar County District Attorney, Criminal Justice Center, 101 W. Nueva, San Antonio, Texas 78205 Defendant ORDER On this the of _____, Motion Requesting Prosecution to Reveal Agreement with Witnesses and said motion is hereby ()GRANTED ()DENIED Signed this_, day of _ _ _ _ , ____ Judge Presiding