

CAUSE NO. \_\_\_\_\_

THE STATE OF TEXAS

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§  
§  
§  
§

IN THE MUNICIPAL COURT

VS.

CITY OF \_\_\_\_\_

TARRANT COUNTY, TEXAS

\_\_\_\_\_

**DEFENDANT'S MOTION FOR SUPPRESSION HEARING**

TO THE HONORABLE JUDGE OF SAID COURT:

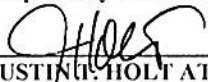
NOW COMES the Defendant in the above numbered cause, through the attorney of record and respectfully requests the court grant a hearing and determine the admissibility.

I.

The State intends to introduce Laser, Radar, or Visual Estimation of Speed testimony. Such testimony is Scientific Testimony and the State must prove the technique employed by the officer relating to the Scientific Theory of the Laser, Radar or Visual Estimation of Speed was properly applied on the occasion in question. The State must prove said issue outside the presence of the jury before such testimony may be admitted. Kelly v. State 824 S.W. 2<sup>nd</sup> 568 (TX Crim App 1992). Hartman v. State 946 S.W. 2<sup>nd</sup> 60 (TX Crim App 1997). Ochoa v. State 994 S.W. 2d 283 (El Paso Ct of Appeals 1999 nwh). Therefore, Defendant requests the Court grant a hearing on this matter.


WHEREFORE, PREMISES CONSIDERED, Defendant prays the Court to grant the above referenced motion.

Respectfully submitted,

  
\_\_\_\_\_  
JUSTIN T. HOLT ATTORNEY FOR DEFENDANT  
MALIORY, LOLLAR, HOLT & ASSOCIATES, P.C.  
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(817) 831-4321 Fax No (817) 831-5977  
State Bar No. 24050780

**CERTIFICATE OF SERVICE**

I, Justin T. Holt, do hereby certify that a true and correct copy of the above and foregoing instrument has been delivered to the attorney for the state this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

  
\_\_\_\_\_  
JUSTIN T. HOLT

**ORDER**

On this day to be considered the above Motion to for a Suppression hearing and the Court having considered the same hereby GRANTS/DENIES this motion.

DATED AND SIGNED this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
JUDGE PRESIDING