

1
91
4
TAB
0
2
8

8

DISTRICT COURT

Offense Murder
Judgement _____
Sentence _____
Sentence to begin _____
Count waived _____
Comment: _____

Complaint No. _____
Capias Issued _____
Bond _____
Bond Forfeited _____

468

211 000 468

IN THE 147 JUDICIAL DISTRICT COURT OF TRAVIS COUNTY, TEXAS

NO. 0914028

THE STATE OF TEXAS VS. LEWIS CONWAY, JR

JUDGMENT ON PLEA OF GUILTY BEFORE COURT
WAIVER OF JURY TRIAL

JUDGE
PRESIDING: WILFORD FLOWERS

DATE OF
JUDGMENT: MARCH 12, 1993

ATTORNEY FOR STATE:
BRYAN CASE

ATTORNEY(S) FOR DEFENDANT:
BEN FLOREY

OFFENSE FOR WHICH CONVICTED:

VOLUNTARY MANSLAUGHTER

DEGREE: SECOND DEGREE FELON

DATE OFFENSE
COMMITTED: AUGUST 4, 1991

CHARGING INSTRUMENT: INDICTMENT

PLEA: GUILTY

TERMS OF PLEA BARGAIN:

TWENTY (20) YEARS IN THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE
INSTITUTIONAL DIVISION

PLEA TO ENHANCEMENT PARAGRAPHS: NONE.

FINDINGS ON ENHANCEMENT: NONE.

FINDINGS ON USE OF A DEADLY WEAPON: NONE.

DATE SENTENCE IMPOSED: APRIL 5, 1993

COSTS: 82.50

TWENTY (20) YEARS IN THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE
INSTITUTIONAL DIVISION

DATE SENTENCE TO COMMENCE: APRIL 5, 1993

TIME CREDITED: FROM AUGUST 4, 1991 TO SEPTEMBER 24, 1991

TOTAL AMOUNT OF RESTITUTION/REPARATION: NONE.

THIS SENTENCE IS TO RUN CONCURRENT UNLESS OTHERWISE SPECIFIED.

NOTICE OF APPEAL: NO.

FILED

APR 6 9 50 AM '93

Walter Rodriguez, District Clerk
DISTRICT CLERK
TRAVIS COUNTY, TEXAS

VL 0722 PG 871

IN THE 147 JUDICIAL DISTRICT COURT OF TRAVIS COUNTY, TEXAS

NO. 0914028

THE STATE OF TEXAS VS. LEWIS CONWAY, JR

JUDGMENT AND SENTENCE OF THE COURT

On MARCH 12, 1993, this cause was regularly reached and called for trial and the State appeared by her District Attorney and the defendant, LEWIS CONWAY, JR, appeared in person, and defendant's counsel, BEN FLOREY, also being present, thereupon the District Attorney announced ready for trial, and it appearing to the Court that the defendant, defendant's counsel, and the State's attorney have agreed in writing in open court to waive a trial by jury in this cause and to submit this cause to the Court, and the Court having consented to the waiver of a trial by jury herein, the reading of the INDICTMENT was waived,

THEREUPON THE STATE ELECTED TO PROCEED ON A LESSER

INCLUDED OFFENSE OF VOLUNTARY MANSLAUGHTER,

and the defendant, upon being asked by the Court as to how defendant pleaded, entered a plea of GUILTY to the charge in the INDICTMENT relied upon by the State; thereupon the defendant was admonished by the Court as to the range of punishment attached to the offense; that the recommendation of the prosecuting attorney as to punishment is not binding on the Court; that if the plea of GUILTY is the result of a plea bargaining agreement and the Court does not accept the agreement, that he could withdraw his plea of GUILTY and the fact that the defendant had entered a plea of GUILTY nor any statement made by him at the hearing on the plea of GUILTY may be used against him on the issue of guilt or punishment in any subsequent criminal proceedings and that if the punishment assessed does not exceed the punishment recommended by the prosecutor and agreed to by the defendant and his attorney, the trial Court must give its permission to the defendant before he may prosecute an appeal on any matter in the case except for those matters raised by written motions filed prior to trial, and it appearing to the Court that the said defendant is mentally competent to stand trial, that the said plea of GUILTY is freely and voluntarily made and that the defendant was aware of the consequences of said plea, the said plea of GUILTY is by the Court received and is here now entered of record in the minutes of the Court as the plea herein of said defendant, and after having heard all the evidence for the State and for the defendant, and having heard argument of counsel for both sides, is of the opinion that there is sufficient evidence to substantiate a finding of GUILTY beyond any reasonable doubt, and recesses this cause for a presentence investigation report by the Community Supervision and Corrections Department.

On APRIL 5, 1993, this cause again being called, the State appeared by her District Attorney and the defendant, LEWIS CONWAY, JR, appeared in person with counsel, BEN FLOREY, also being present, the Court is of the opinion and so finds the said defendant guilty as confessed of the offense of

VOLUNTARY MANSLAUGHTER,

said offense having been committed on AUGUST 4, 1991, and

W 072226872

the Court, after having heard all the evidence for the State and for the defendant presented for the purpose of determining the punishment to be assessed, and having heard argument of counsel for both sides, is of the opinion and so finds that the punishment of the defendant should be fixed at

TWENTY (20) YEARS IN THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE
INSTITUTIONAL DIVISION.

It is therefore CONSIDERED, ORDERED, ADJUDGED and DECREED by the Court that the said defendant, LEWIS CONWAY, JR, is guilty of the offense of

VOLUNTARY MANSLAUGHTER,

committed on AUGUST 4, 1991, as confessed in said plea of GUILTY herein made, and that punishment be, as determined by the Court, at

TWENTY (20) YEARS IN THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE
INSTITUTIONAL DIVISION,

and said defendant being asked by the Court if sufficient reason existed why the sentence of the Court should not be pronounced, failed to give such reason; whereupon the Court proceeded, in the presence of the the said defendant, to pronounce sentence as follows:

It is the ORDER of this Court that the said defendant, LEWIS CONWAY, JR, who has been adjudged guilty of the offense of

VOLUNTARY MANSLAUGHTER,

committed on AUGUST 4, 1991, be and is hereby sentenced to

TWENTY (20) YEARS IN THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE
INSTITUTIONAL DIVISION,

said sentence is to be credited for back time served toward the satisfaction of the confinement period in the Institutional Division of the Texas Department of Criminal Justice as follows:

FROM AUGUST 4, 1991 TO SEPTEMBER 24, 1991,

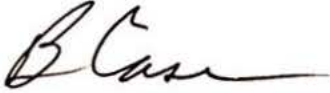
and that said defendant be taken by the authorized agent of the State of Texas or by the Sheriff of Travis County, Texas, and by him safely conveyed and delivered to the Director of said Institutional Division of the Texas Department of Criminal Justice, there to be confined in the manner and for the period aforesaid.

VL 0722 PG 073

The Court further finds that the plea of GUILTY in this cause was the result of a plea bargaining agreement, and the punishment does not exceed the agreed recommendation of the State.

Signed this the 6th day of April, A.D., 1993.

APPROVED AS TO FORM:



STATE'S ATTORNEY



JUDGE PRESIDING

VL 0722 PG 874

THE STATE OF TEXAS)
COUNTY OF TRAVIS)

CAUSE
NUMBER -----
 X
 X

(IN THE MUNICIPAL COURT,
{CITY OF AUSTIN,
{TRAVIS COUNTY, TEXAS

AFFIDAVIT FOR WARRANT OF ARREST AND DETENTION

THE UNDERSIGNED AFFIANT, WHO AFTER BEING DULY SWORN BY ME, ON OATH, MAKES THE FOLLOWING STATEMENT:

I HAVE GOOD REASON TO BELIEVE AND DO BELIEVE THAT LEWIS CONWAY B/M 04/01/70 OF 1800 PATTON LN. ON OR ABOUT THE 4TH. DAY OF AUGUST, 1991 IN THE CITY OF AUSTIN, COUNTY OF TRAVIS, STATE OF TEXAS DID THEN AND THERE COMMIT THE OFFENSE OF INTENTIONAL MURDER, FELONY 1 BY KNOWINGLY AND INTENTIONALLY STABBING DERRICK LAMONT DAVIS B/M/07/13/70 WITH A KNIFE.

MY BELIEF OF THE FOREGOING STATEMENT IS BASED UPON THE FOLLOWING FACTS:

AFFIANT IS A POLICE OFFICER EMPLOYED BY THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS AND IS CURRENTLY ASSIGNED TO THE HOMICIDE DETAIL. PRIOR TO THE FILING OF THIS COMPLAINT, AFFIANT REVIEWED ALL AUSTIN POLICE DEPARTMENT OFFENSE REPORTS ,ALL SIGNED SWORN AFFADAVITS GIVEN BY WITNESSES TO A CRIMINAL HOMICIDE (91-2161442) OCCURRING AT 1800 PATTON LN. APARTMENT # 110, AUSTIN, TRAVIS COUNTY, TEXAS.

ON THE 4TH. DAY OF AUGUST, 1991 AT APPROXIMATELY 6:36 PM AUSTIN POLICE OFFICER DENNIS FARRIS #2175 RESPONDED TO A CALL OF A STABBING AT 1800 PATTON LN. APT.#110 AND UPON HIS ARRIVAL HE LOCATED THE VICTIM, LATER IDENTIFIED AS DERRICK LAMONT DAVIS, LAYING IN THE DOORWAY BLEEDING FROM THE CHEST AREA. E.M.S. PERSONELL TRANSPORTED DAVIS TO BRACKENRIDGE HOSPITAL FOR TREATMENT, BUT HE EXPIRED IN SURGERY AT 7:31 PM. OFFICER FARRIS LOCATED WITNESES TO THE INCIDENT AND THEY POINTED OUT A SUSPECT WHO WAS STILL AT THE SCENE. THE SUSPECT, LEWIS CONWAY, WAS DETAINED AT THE SCENE AND LATER INTERVIEWED BY HOMICIDE INVESTIGATOR, JOHN JONES.

SGT. JOHN JONES, ASSIGNED TO THE AUSTIN POLICE DEPARTMENT HOMICIDE DETAIL ARRIVED AT THE SCENE AND CONDUCTED AN "ON SCENE" INVESTIGATION INTO THE INCIDENT WHICH INCLUDED INTERVIEWING WITNESSES AND THE SUSPECT. SGT. JONES LEARNED THAT THE SUSPECT AND THE VICTIM HAD GOTTEN INTO AN ALTERCATION EARLIER IN THE DAY ABOUT DAVIS ALLEDGEDLY STEALING MONEY FROM CONWAY. THE TWO MET UP WITH EACH OTHER AGAIN AT 1800 PATTON LN. APT. #110 AND ACCORDING TO WITNESSES, CONWAY PULLED A KNIFE OUT AND STABBED DAVIS AS HE STOOD UP FROM THE SOFA. NEITHER SUBJECT RESIDED AT THE APARTMENT WHICH IS OCCUPIED BY DENNIS RAYMOND, AN AQUAINTANCE OF BOTH MEN. A KNIFE WAS FOUND AT THE SCENE AND IT IS BELIEVED TO BE THE WEAPON USED IN THE INCIDENT.

THE SUSPECT WAS TAKEN TO THE POLICE DEPARTMENT WHERE HE WAS FURTHER INTERVIEWED BY SGT. ROBERT MERRILL #424. CONWAY GAVE SGT. MERRILL A WRITTEN CONFESSION ADMITTING HE STABBED THE VICTIM IN THE CHEST WITH A KNIFE BECAUSE THE VICTIM HAD STOLEN MONEY FROM HIM EARLIER IN THE DAY.

AFFIANT ATTENDED A POST-MORTEM AUTOFSY ON THE BODY OF DERRICK DAVIS ON AUGUST 5, 1991. SAID AUTOFSY WAS CONDUCTED AT THE TRAVIS COUNTY MORGUE BY DR. ROBERTO BAYARDO, CHIEF MEDICAL EXAMINER FOR TRAVIS COUNTY. DR. BAYARDO RULED THE DEATH OF DERRICK DAVIS A CRIMINAL HOMICIDE AND STATED THAT THE CAUSE OF DEATH WAS A STAB WOUND TO THE CHEST.

SWORN AND SUBSCRIBED TO BEFORE ME BY THE SAID AFFIANT ON THIS THE 5TH. DAY
OF AUGUST, 1991.



M. H. Smiley
AFFIANT

MAGISTRATE, MUNICIPAL COURT, AUSTIN,
TRAVIS COUNTY, TEXAS

NOTARY PUBLIC IN AND FOR
TRAVIS COUNTY, TEXAS.
MY COMMISSION EXPIRES

ON THIS THE 5 TH. DAY OF AUGUST, 1991, I HEREBY ACKNOWLEDGE I HAVE EXAMINED THE
FOREGOING AFFADAVIT AND HAVE DETERMINED THAT PROBABLE CAUSE DOES EXIST FOR THE
ISSUANCE OF A WARRANT OF ARREST FOR THE INDIVIDUAL ACCUSED THEREIN.



MAGISTRATE, MUNICIPAL COURT, AUSTIN,
TRAVIS COUNTY, TEXAS

147

D.A.#91-2787/PID#176524/91MC1696

No. 914028 The State of Texas Vs. Lewis Conway, Jr.

Indictment Murder

Bond \$ same


In The 299th Judicial District Court of Travis County, Texas

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

THE GRAND JURY, for the County of Travis, State of Texas duly selected, empaneled, sworn, charged, and organized as such at the July Term A.D. 1991 of the 299th Judicial District Court for said County, upon its oath presents in and to said court at said term that Lewis Conway, Jr. on or about the 4th day of August A.D. 1991, and before the presentment of this indictment, in the County of Travis, and State of Texas, did then and there intentionally and knowingly cause the death of an individual Derrick Davis by stabbing him in the chest with a deadly weapon, to-wit: a knife, that in the manner of its use and intended use was capable of causing death and serious bodily injury,

And the Grand Jury further presents that on or about the 4th day of August A. D. 1991, and before the presentment of this indictment in the County of Travis and State of Texas Lewis Conway, Jr. did then and there, intending to cause serious bodily injury to an individual Derrick Davis commit an act clearly dangerous to human life, to wit: stab the said Derrick Davis in the chest with a deadly weapon, to-wit: a knife, that in the manner of its use and intended use was capable of causing death and serious bodily injury, thereby causing the death of said individual,

against the peace and dignity of the State.


Jean Allen Yates
Foreman of the Grand Jury

ORDER OF COMMITMENT

TO THE SHERIFF OF TRAVIS COUNTY, GREETINGS:

Lewis Conway

(Name of Defendant)

who having been brought before me this

3 August 5, 1991

(Today's Date)

day at 11:25 A.M.

charged with the offense Intention Murder - First Degree Felony

is COMMITTED to the CUSTODY of the SHERIFF of Travis County, Texas, to be detained unless he/she complies with the conditions of bond set on this date or any amendment or modification thereof.

Defendant is ordered to appear in the Justice Court Number _____
County Court at Law Number One,
First Appearance Ofc, Rm 205
xxx 147 th District Court
Austin Municipal Court

on Instantler _____ at _____ M.
(Appearance Date)

2. If defendant is in custody on the above date, the SHERIFF is hereby ordered to present said defendant in the above Court on said appearance date and at all times said charge(s) or accusation(s) are called before said Court.

3. Bail is hereby set as follows: 25,000

Bond is acceptable if in compliance with Articles 17.03, 17.031, 17.04, and/or 17.08 of the Texas Code of Criminal Procedure.

The undersigned hereby certifies that the defendant has been warned of his/her rights under Art. 15.17 of the Texas Code of Criminal Procedure.

HEREIN FAIL NOT of this ORDER but make due return showing how you have executed same.

ATTORNEY:

RETAINED _____ APPOINTED _____

Judge of the Municipal Court
of Travis County, Texas
(Acting as Magistrate)

White Sheriff Green Defendant Yellow Dist Clk/Crt Coord Pink Dist/Co Atty Gold Iss Court

Cause No. 91-MC1696

Bond _____

Offense#91-2161442

M. Huckabay

Control No. XB D.A.#91-2787

THE STATE OF TEXAS

VS.

Name Lewis Conway

Address 1800 Patton Ln. #

City Austin State TX Zip _____

DOB 4/1/70 Sex M Race B P C S

ORDER OF COMMITMENT

Issued August 5, 1991

Justice of the Peace Precinct Number _____

County Court at Law Number _____

th District Court _____

Austin Municipal Court XX

Travis County, Texas

SHERIFF'S RETURN

CAME TO HAND THIS day of _____,

19 ____, at ____ o'clock ____ M., and

executed this day of _____,

19 ____, at ____ o'clock ____ M., by

placing the accused in jail in Travis

County, Texas.

Doyne Bailey

SHERIFF OF TRAVIS COUNTY, TEXAS

by Deputy

#304

County, Texas
Sheriff _____ Deputy _____
By _____

IN THE 147TH JUDICIAL DISTRICT COURT OF TRAVIS COUNTY, TEXAS

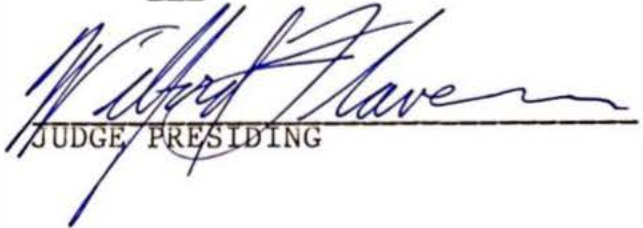
NO. 91-4028 THE STATE OF TEXAS VS. LEWIS CONWAY

BENCH WARRANT

On this the 11th day of March A.D. 1993, it appearing to the Court that the above numbered and entitled cause, wherein the said defendant, Lewis Conway is charged with the offense of Murder and the said case has been set down for trial on the 15th day of March A.D. 1993, and it further appearing to the Court from an application filed herein by the District Attorney of Travis County, Texas that Terrance Livingston is now confined in Robertson Unit at Abilene, Texas and that therefore a necessity exists for the issuance of a Bench Warrant for the said Terrance Livingston to appear before this Court as a witness.


IT IS THEREFORE ORDERED by the Court that the application of the District Attorney of Travis County, Texas for the issuance of a Bench Warrant for the said Terrance Livingston, be, and is hereby granted, and you the said TERRY KEEL, SHERIFF of Travis County, Texas, are hereby directed to call upon the proper authorities of Robertson Unit at Abilene, Texas for permission to take the body of the said Terrance Livingston and to safely convey him to the County Jail of Travis County, Texas at Austin, Texas to answer the State of Texas as a witness.

GIVEN UNDER MY HAND and seal of said Court at Austin, Texas this the 11th day of March, A.D. 1993.


JUDGE PRESIDING

ATTEST:

Amalia Rodriguez-Mendoza,
District Clerk, Travis County, Tx.

by: 
Deputy District Clerk

SHERIFF' RETURN

CAME TO HAND on the ____ day of _____, A.D. 19__,
and executed by placing the body of _____ in the
Travis County Jail and he is now before the Honorable _____
Judicial District Court of Travis County, Texas.

Sheriff, _____ County, Texas

By _____ Deputy

TERRY KEEL, SHERIFF
TRAVIS COUNTY, TEXAS

By: _____
Deputy Sheriff

IN THE 147TH JUDICIAL DISTRICT COURT OF TRAVIS COUNTY, TEXAS


NO. 91-4028 THE STATE OF TEXAS VS. LEWIS CONWAY

BENCH WARRANT

On this the 11th day of March A.D. 1993, it appearing to the Court that the above numbered and entitled cause, wherein the said defendant, Lewis Conway is charged with the offense of Murder and the said case has been set down for trial on the 15th day of March A.D. 1993, and it further appearing to the Court from an application filed herein by the District Attorney of Travis County, Texas that Terrance Livingston is now confined in Robertson Unit at Abilene, Texas and that therefore a necessity exists for the issuance of a Bench Warrant for the said Terrance Livingston to appear before this Court as a witness.


IT IS THEREFORE ORDERED by the Court that the application of the District Attorney of Travis County, Texas for the issuance of a Bench Warrant for the said Terrance Livingston, be, and is hereby granted, and you the said TERRY KEEL, SHERIFF of Travis County, Texas, are hereby directed to call upon the proper authorities of Robertson Unit at Abilene, Texas for permission to take the body of the said Terrance Livingston and to safely convey him to the County Jail of Travis County, Texas at Austin, Texas to answer the State of Texas as a witness.

GIVEN UNDER MY HAND and seal of said Court at Austin, Texas this the 11th day of March, A.D. 1993.


JUDGE PRESIDING

ATTEST:

Amalia Rodriguez-Mendoza,
District Clerk, Travis County, Tx.

by: 
Deputy District Clerk

SHERIFF' RETURN

CAME TO HAND on the ____ day of _____, A.D. 19__,
and executed by placing the body of _____ in the
Travis County Jail and he is now before the Honorable _____
Judicial District Court of Travis County, Texas.

IN

TERRY KEEL, SHERIFF
TRAVIS COUNTY, TEXAS

By: Deputy Sheriff

No. 91-4028

THE STATE OF TEXAS

VS.

LEWIS CONWAY, JR.§
§
§IN THE 147TH DISTRICT COURT
OF
TRAVIS COUNTY, TEXAS

To the District Clerk of Travis County, Texas

file copy

You will please issue subpoena in accordance with the law in the above numbered and styled cause for the following named witnesses, whose testimony is material to the State/Defendant:

Name of Witness	Avocation	Street Address	County
1. Michelle Ates		1800 Patton Lane, #207 A/T	Travis
2. Harold Palmer		1800 Patton Lane, #213 A/T	Travis
3. Robert Burns		2215 E. 51st St, #118 A/T	Travis
4. Nila Henderson		1933 Glenfield (852-7116) Corpus Christi, Texas	
5. Terry Livingston		TDC Huntsville, Texas	
5.			
7.			
8.			
9.			
10.			

These witnesses are to be and appear on the 15 day of March, 1993, at 9:00 o'clock A. M., at the Courthouse in Austin, Texas in the 147th District Court of Travis County, Texas.


ATTORNEY FOR STATE/DEFENDANT
BEN FLOREY 512-478-2517

TO ANY SHERIFF OR PEACE OFFICER OF THE STATE OF TEXAS --- GREETINGS:

You are commanded to summon the above named witnesses to be and personally appear at 9:00 o'clock A. M., on the 15th day of March, 1993, before the 147th District Court of Travis County, Texas, then and there to testify and the truth to speak on behalf of the Defendant in the above styled and numbered cause, and there to remain from day to day, and from term to term, until discharged, and due return hereof make according to law.

FILED

Issued and given under my hand and seal of said Court in the City of Austin, Texas this the 10th day of March, 1993.

Amalia Rodriguez-Mendoza
DISTRICT CLERK
TRAVIS COUNTY

Amalia Rodriguez-Mendoza
District Clerk, Travis County, Texas

by Mary Houston

OUT OF COUNTY SUBPOENA

No. 91-4028

Copy

THE STATE OF TEXAS

vs. LEWIS CONWAY, JR.

To any Sheriff or Constable of the State of Texas—GREETING:

You are commanded to summon Nila Henderson

1933 Glenfield

Corpus Christi, TX (852-7116)

to be and personally appear at 9 o'clock A.M., on the 15th day of March 19 93
before the Honorable 147th Judicial District Court of Travis County, Texas, to be held within and for said
County of Travis, at the Court House thereof, in Austin, then and there to testify and the truth to speak on
behalf of the Defendant in the above styled and numbered cause, now pending
in said District Court, and there to remain from day to day, and from term to term, until discharged, and
due return hereof make according to law.

Issued and given under my hand and seal of said Court at office in the City of Austin, this the 11th
day of March 19 93

Defendant's attorney, Ben Florey
Austin, TX 512/478-2517

AMALIA RODRIGUEZ-MENDOZA
Clerk of the District Courts of Travis County, Texas

By [Signature] Deputy

OFFICER'S RETURN

Received the _____ day of _____ 19____, and executed by delivering a copy of
this subpoena to the within named witnesses on the dates as herein stated, viz.:

Date of Service	Name	Date of Service	Name

Sheriff _____ County, Texas

OUT OF COUNTY SUBPOENA

No. 91-4028

THE STATE OF TEXAS

vs. Lewis Conway, Jr.

To any Sheriff or Constable of the State of Texas—GREETING:

You are commanded to summon Terry Livingston

Texas Department of Corrections

Huntsville, TX 77340

to be and personally appear at 9 o'clock A M., on the 15th day of March, 1993
before the Honorable 147th Judicial District Court of Travis County, Texas, to be held within and for said
County of Travis, at the Court House thereof, in Austin, then and there to testify and the truth to speak on
behalf of the Defendant in the above styled and numbered cause, now pending
in said District Court, and there to remain from day to day, and from term to term, until discharged and
due return hereof make according to law.

Issued and given under my hand and seal of said Court at office in the City of Austin, this the 11th
day of March, 1993.

Defendant's attorney, Ben Florey
Austin, TX 512/478-2517

AMALIA RODRIGUEZ-MENDOZA
Clerk of the District Courts of Travis County, Texas

By

Jan F. Hae
Deputy

OFFICER'S RETURN

Received the _____ day of _____, 19____, and executed by delivering a copy of
this subpoena to the within named witnesses on the dates as herein stated, viz.:

Date of Service	Name	Date of Service	Name

Sheriff _____ County, Texas

By

Deputy



TERRY KEEL
TRAVIS COUNTY SHERIFF

P.O. Box 1748 ★ Austin, Texas 78767 ★ (512) 473-9285 ★ Fax (512) 322-4735

TO: SHERIFF J.P. LOBY
FROM: Civil Process Section, direct line -(512)
DATE: 3/25/93

Attached subpoena
mis-sent to us.

4-1-93
Attached subpoena outdated
Unable to serve.

Do/Warrants
Division
Corpus Christi.

BY Hank Pearson 779

OUT OF COUNTY SUBPOENA

No. 91-4028

THE STATE OF TEXAS

vs. LEWIS CONWAY, JR.

To any Sheriff or Constable of the State of Texas—GREETING:

You are commanded to summon Nila Henderson

1933 Glenfield

Corpus Christi, TX (852-7116)

to be and personally appear at 9 o'clock A M., on the 15th day of March, 19 93
before the Honorable 147th Judicial District Court of Travis County, Texas, to be held within and for said
County of Travis, at the Court House thereof, in Austin, then and there to testify and the truth to speak on
behalf of the Defendant in the above styled and numbered cause, now pending
in said District Court, and there to remain from day to day, and from term to term, until discharged and
due return hereof make according to law.

Issued and given under my hand and seal of said Court at office in the City of Austin, this the 11th
day of March, 19 93.

Defendant's attorney, Ben Florey
Austin, TX 512/478-2517

AMALIA RODRIGUEZ-MENDOZA
Clerk of the District Courts of Travis County, Texas

By *James H. Keene*

Deputy

OFFICER'S RETURN

Received the _____ day of _____, 19____, and executed by delivering a copy of
this subpoena to the within named witnesses on the dates as herein stated, viz.:

Date of Service	Name	Date of Service	Name

*Out
dated
3-15-93
9:02 AM*

APR 9 7 56 AM '93
FILED
DANIELA RIVERA-JIMENEZ
DISTRICT CLERK
TRAVIS COUNTY, TEXAS

County, Texas

Deputy

OUT OF COUNTY SUBPOENA

No. 91-4028

THE STATE OF TEXAS

vs. LEWIS CONWAY, JR.

To any Sheriff or Constable of the State of Texas—GREETING:

You are commanded to summon Nila Henderson

1933 Glenfield

Corpus Christi, TX (852-7116)

to be and personally appear at 9 o'clock A M., on the 15th day of March, 19 93
before the Honorable 147th Judicial District Court of Travis County, Texas, to be held within and for said
County of Travis, at the Court House thereof, in Austin, then and there to testify and the truth to speak on
behalf of the Defendant in the above styled and numbered cause, now pending
in said District Court, and there to remain from day to day, and from term to term, until discharged, and
due return hereof make according to law.

Issued and given under my hand and seal of said Court at office in the City of Austin, this the 11th
day of March, 19 93

Defendant's attorney, Ben Florey
Austin, TX 512/478-2517

AMALIA RODRIGUEZ-MENDOZA
Clerk of the District Courts of Travis County, Texas

By *John S. Hee*
Deputy

OFFICER'S RETURN

Received the _____ day of _____, 19____, and executed by delivering a copy of
this subpoena to the within named witnesses on the dates as herein stated, viz.:

Date of Service	Name	Date of Service	Name

Sheriff..... County, Texas
By _____ Deputy

OUT OF COUNTY SUBPOENA

No. 91-4028

THE STATE OF TEXAS

vs. Lewis Conway, Jr.

To any Sheriff or Constable of the State of Texas—GREETING:

You are commanded to summon Terry Livingston

Texas Department of Corrections

Huntsville, TX 77340

to be and personally appear at 9 o'clock A.M. on the 15th day of March, 1993,
before the Honorable 147th Judicial District Court of Travis County, Texas, to be held within and for said
County of Travis, at the Court House thereof, in Austin, then and there to testify and the truth to speak on
behalf of the Defendant in the above styled and numbered cause, now pending
in said District Court, and there to remain from day to day, and from term to term, until discharged and
due return hereof made according to law.

Issued and given under my hand and seal of said Court at office in the City of Austin, this the 11th
day of March, 1993.

Defendant's attorney, Ben Florey
Austin, TX 512/478-2517

AMALIA RODRIGUEZ-MENDOZA
Clerk of the District Courts of Travis County, Texas

By

[Signature]
Deputy

OFFICER'S RETURN

Received the _____ day of _____, 19____, and executed by delivering a copy of
this subpoena to the within named witnesses on the dates as herein stated, viz.:

Date of Service	Name	Date of Service	Name

FILED

MAR 22 3 45 PM '93

Sheriff _____ County, Texas

By _____ Deputy

OUT OF COUNTY SUBPOENA

No. 91-4028

THE STATE OF TEXAS

vs. Lewis Conway, Jr.

To any Sheriff or Constable of the State of Texas—GREETING:

You are commanded to summon Terry Livingston

Texas Department of Corrections

Huntsville, TX 77340

to be and personally appear at 9 o'clock A. M., on the 15th day of March, 1993
before the Honorable 147th Judicial District Court of Travis County, Texas, to be held within and for said
County of Travis, at the Court House thereof, in Austin, then and there to testify and the truth to speak on
behalf of the Defendant in the above styled and numbered cause, now pending
in said District Court, and there to remain from day to day, and from term to term, until discharged and
due return hereof made according to law.

Issued and given under my hand and seal of said Court at office in the City of Austin, this the 11th
day of March, 1993.

Defendant's attorney, Ben Florey
Austin, TX 512/478-2517

AMALIA RODRIGUEZ-MENDOZA
Clerk of the District Courts of Travis County, Texas

By

Deputy

OFFICER'S RETURN

Received the _____ day of _____, 19____, and executed by delivering a copy of
this subpoena to the within named witnesses on the dates as herein stated, viz.:

Date of Service	Name	Date of Service	Name

Sheriff, _____ County, Texas

By

Deputy

ALIA RODRIGUEZ-MENDOZA
DISTRICT CLERK, TRAVIS COUNTY
P.O. BOX 1748
AUSTIN, TEXAS 78767



Unknown ~~AK~~

Terry Livingston
Texas Department of Corrections
Huntsville, Texas 77340



JANE

147



THE STATE OF TEXAS
VS.

§
§
§

IN THE 147TH DISTRICT COURT
OF
TRAVIS COUNTY, TEXAS

LEWIS CONWAY, JR.

To the District Clerk of Travis County, Texas

You will please issue subpoena in accordance with the law in the above numbered and styled cause for the following named witnesses, whose testimony is material to the State/Defendant:

Name of Witness	Avocation	Street Address	County
1. Michelle Ates	040616	2938 E. 14th St. 1800 Patton Lane, #207 A/T	Travis
2. Harold Palmer	670405-	1800 Patton Lane, #213 A/T	Travis
3. Robert Burns	120455-	2215 E. 51st St, #118 A/T	Travis
4. Nila Henderson		1933 Glenfield (852-7116) Corpus Christi, Texas	
5. Terry Livingston		TDC Huntsville, Texas	
5.			
7.			
8.			
9.			
10.			

These witnesses are to be and appear on the 15 day of March, 1993, at 9:00 o'clock A. M., at the Courthouse in Austin, Texas in the 147th District Court of Travis County, Texas.

BEN FLOREY
ATTORNEY FOR STATE/DEFENDANT
BEN FLOREY 512-478-2517

TO ANY SHERIFF OR PEACE OFFICER OF THE STATE OF TEXAS --- GREETINGS:

You are commanded to summon the above named witnesses to be and personally appear at 9:00 o'clock A. M., on the 15th day of March, 1993, before the 147th District Court of Travis County, Texas, then and there to testify and the truth to speak on behalf of the Defendant in the above styled and numbered cause, and there to remain from day to day, and from term to term, until discharged, and due return hereof make according to law.

FILED

Issued and given under my hand and seal of said Court in the City of Austin, Texas this the 10th day of March, 1993.

Amalia Rodriguez-Mendoza
DISTRICT CLERK
TRAVIS COUNTY, TEXAS

Amalia Rodriguez-Mendoza
District Clerk, Travis County, Texas

by Mary Houston

OFFICER'S RETURN

Date of Service	Name	Date of Service	Name
1.	<i>Atte</i>	9.	<i>1</i>
2.	<i>Palmer</i>	10.	<i>None - Unable to make contact</i>
3.	<i>Burns</i>	11.	<i>1</i>
4.		12.	
5.		13.	
6.		14.	
7.		15.	
8.		16.	

Received the ____ day of _____, 19____, and executed by reading this subpoena in the presence and hearing of, or by delivering a copy of this subpoena to the within named witnesses on the dates as hereinabove stated.

Terry Kcel, Sheriff
Travis County, Texas

Sheriff/Constable, _____
County, Texas

By *Chuck Taylor*
Deputy

VS. STATE OF TEXAS
LETTERS COMMANDED
To the District
You will follow

STATE OF TEXAS

VS.

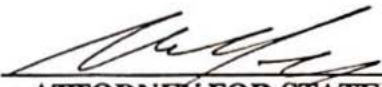
LEWIS CONWAY, JR.§
§
§IN THE 147TH DISTRICT COURT
OF
TRAVIS COUNTY, TEXAS

To the District Clerk of Travis County, Texas

You will please issue subpoena in accordance with the law in the above numbered and styled cause for the following named witnesses, whose testimony is material to the State/Defendant:

Name of Witness	Avocation	Street Address	County
1. Michelle Ates		1800 Patton Lane, #207 A/T	Travis
2. Harold Palmer		1800 Patton Lane, #213 A/T	Travis
3. Robert Burns		2215 E. 51st St, #118 A/T	Travis
4. Nila Henderson		1933 Glenfield (852-7116) Corpus Christi, Texas	
5. Terry Livingston		TDC Huntsville, Texas	
5.			
7.		Delivered this <u>day of</u> <u>19</u>	
8.		TERRY KEEL Sheriff of Travis County, Texas	
9.		By _____ Deputy	
10.			

These witnesses are to be and appear on the 15 day of March, 1993, at 9:00 o'clock A. M., at the Courthouse in Austin, Texas in the 147th District Court of Travis County, Texas.


 ATTORNEY FOR STATE/DEFENDANT

BEN FLOREY 512-478-2517

TO ANY SHERIFF OR PEACE OFFICER OF THE STATE OF TEXAS --- GREETINGS:


You are commanded to summon the above named witnesses to be and personally appear at 9:00 o'clock A. M., on the 15th day of March, 1993, before the 147th District Court of Travis County, Texas, then and there to testify and the truth to speak on behalf of the Defendant in the above styled and numbered cause, and there to remain from day to day, and from term to term, until discharged, and due return hereof make according to law.

Issued and given under my hand and seal of said Court in the City of Austin, Texas this the 10th day of March, 1993.


 DISTRICT CLERK
 TRAVIS COUNTY, TEXAS

 Amalia Rodriguez-Mendoza
 District Clerk, Travis County, Texas

by



STATE OF TEXAS
VS.LEWIS CONWAY, JR.§
§
§IN THE 147TH DISTRICT COURT
OF
TRAVIS COUNTY, TEXAS

To the District Clerk of Travis County, Texas

You will please issue subpoena in accordance with the law in the above numbered and styled cause for the following named witnesses, whose testimony is material to the State/Defendant:

Name of Witness	Avocation	Street Address	County
1. Michelle Ates		1800 Patton Lane, #207 A/T	Travis
2. Harold Palmer		1800 Patton Lane, #213 A/T	Travis
3. Robert Burns		2215 E. 51st St, #118 A/T	Travis
4. Nila Henderson		1933 Glenfield (852-7116) Corpus Christi, Texas	393
5. Terry Livingston		TDC Huntsville, Texas	12
5.			12
7.		Delivered this day of <u>19</u> TERRY KEEL	11
8.		Sheriff of Travis County, Texas	25
9.		By _____ Deputy	
10.			

These witnesses are to be and appear on the 15 day of March, 1993, at 9:00 o'clock A.M., at the Courthouse in Austin, Texas in the 147th District Court of Travis County, Texas.

BEN FLOREY
ATTORNEY FOR STATE/DEFENDANT
BEN FLOREY 512-478-2517

TO ANY SHERIFF OR PEACE OFFICER OF THE STATE OF TEXAS --- GREETINGS:

You are commanded to summon the above named witnesses to be and personally appear at 9:00 o'clock A.M., on the 15th day of March, 1993, before the 147th District Court of Travis County, Texas, then and there to testify and the truth to speak on behalf of the Defendant in the above styled and numbered cause, and there to remain from day to day, and from term to term, until discharged, and due return hereof make according to law.

Issued and given under my hand and seal of said Court in the City of Austin, Texas this the 10th day of March, 1993.

Amalia Rodriguez-Mendoza
DISTRICT CLERK
TRAVIS COUNTY, TEXAS

Amalia Rodriguez-Mendoza
District Clerk, Travis County, Texas

by Mary Houston

No. 91-4028STATE OF TEXAS
VS.LEWIS CONWAY, JR.§
§
§IN THE 147TH DISTRICT COURT
OF
TRAVIS COUNTY, TEXAS

To the District Clerk of Travis County, Texas

You will please issue subpoena in accordance with the law in the above numbered and styled cause for the following named witnesses, whose testimony is material to the State/Defendant:

Name of Witness	Avocation	Street Address	County
1. Michelle Ates		1800 Patton Lane, #207 A/T	Travis
2. Harold Palmer		1800 Patton Lane, #213 A/T	Travis
3. Robert Burns		2215 E. 51st St, #118 A/T	Travis
4. Nila Henderson		1933 Glenfield (852-7116) Corpus Christi, Texas	1993 MAR 12 AM 6:25
5. Terry Livingston		TDC Huntsville, Texas	
5.		received this day of 19	
7.		TERRY KEEL Sheriff of Travis County, Texas	
8.		By	
9.		Deputy	
10.			

These witnesses are to be and appear on the 15 day of March, 1993, at 9:00 o'clock A. M., at the Courthouse in Austin, Texas in the 147th District Court of Travis County, Texas.


 ATTORNEY FOR STATE/DEFENDANT

BEN FLOREY 512-478-2517

TO ANY SHERIFF OR PEACE OFFICER OF THE STATE OF TEXAS --- GREETINGS:

You are commanded to summon the above named witnesses to be and personally appear at 9:00 o'clock A. M., on the 15th day of March, 1993, before the 147th District Court of Travis County, Texas, then and there to testify and the truth to speak on behalf of the Defendant in the above styled and numbered cause, and there to remain from day to day, and from term to term, until discharged, and due return hereof make according to law.

Issued and given under my hand and seal of said Court in the City of Austin, Texas this the 10th day of March, 1993.


 DISTRICT CLERK
 TRAVIS COUNTY, TEXAS

 Amalia Rodriguez-Mendoza
 District Clerk, Travis County, Texas
by Mary Houston

STATE OF TEXAS

VS.

LEWIS CONWAY, JR.§
§
§IN THE 147TH DISTRICT COURT
OF
TRAVIS COUNTY, TEXAS

To the District Clerk of Travis County, Texas

You will please issue subpoena in accordance with the law in the above numbered and styled cause for the following named witnesses, whose testimony is material to the State/Defendant:

Name of Witness	Avocation	Street Address	County
1. Michelle Ates		1800 Patton Lane, #207 A/T	Travis
2. Harold Palmer		1800 Patton Lane, #213 A/T	Travis
3. Robert Burns		2215 E. 51st St, #118 A/T	Travis
4. Nila Henderson		1933 Glenfield (852-7116) Corpus Christi, Texas	1993 MAR 12 M. 6:25
5. Terry Livingston		TDC Huntsville, Texas	
5.			
7.		delivered this <u>19</u> day of <u>March</u> TERRY KEEL Sheriff of Travis County, Texas	
8.		By <u>Deputy</u>	
9.			
10.			

These witnesses are to be and appear on the 15 day of March, 1993, at 9:00 o'clock A. M., at the Courthouse in Austin, Texas in the 147th District Court of Travis County, Texas.


 ATTORNEY FOR STATE/DEFENDANT

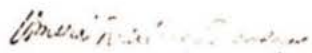
BEN FLOREY 512-478-2517

TO ANY SHERIFF OR PEACE OFFICER OF THE STATE OF TEXAS --- GREETINGS:

You are commanded to summon the above named witnesses to be and personally appear at 9:00 o'clock A. M., on the 15th day of March, 1993, before the 147th District Court of Travis County, Texas, then and there to testify and the truth to speak on behalf of the Defendant in the above styled and numbered cause, and there to remain from day to day, and from term to term, until discharged, and due return hereof make according to law.

FILED

Issued and given under my hand and seal of said Court in the City of Austin, Texas this the 10th day of March, 1993.


 DISTRICT CLERK
 TRAVIS COUNTY, TEXAS

 Amalia Rodriguez-Mendoza
 District Clerk, Travis County, Texas
by Mary Houston

CAUSE No. 0914028

LEWIS CONWAY
T.D.C. J. ID# 654461
80-JOHN WALLACE UNIT _____
P.O. Box-2000
COLORADO CITY, TEXAS-79512

Re: Motion For EXCULPATORY EVIDENCE,
Motion For DISCOVERY IN The above cause.

District Clerk; Amalia R. Mendoza
147th District Court of
TRAVIS County, TEXAS-78767

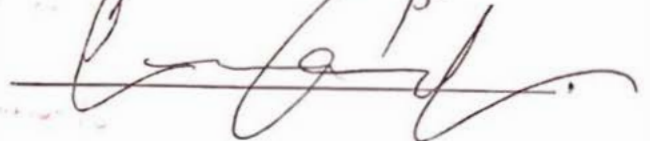
Dear District Clerk;

Enclosed is the Original copy and one
Carbon copy of the Motion For Exculpatory Evidence,
and a Motion For Discovery, Please file and bring it
to the attention of the court and the attorney
for the State.

Thank You Very much your assistance are
highly appreciated.

Jan. 14, 1998
DATE:

yours truly,



CAUSE No. 0914028

STATE OF TEXAS
Plaintiff

Vs.

LEWIS CONWAY
Defendant

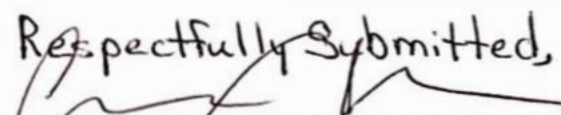
IN THE DISTRICT COURT
OF TRAVIS COUNTY, TX.
147th JUDICIAL DISTRICT
AUSTIN, TEXAS - 78767

MOTION FOR EXCULPATORY EVIDENCE

TO THE HONORABLE JUDGE OF SAID COURT;

NOW COMES, the Defendant LEWIS CONWAY, in the above-styled and numbered cause, Pro-Se, and this Court to direct the State of Texas by and through its District Attorney to disclose to the defendant herein exculpatory and/or ..., mitigating evidence and/or facts within the possession, custody or control of the District Attorney or any of his agents, including, but not limited to the Department of Public Safety, the Travis County Sheriff's office, the existence of which is known, or by exercise of due ..., diligence may become known, to the said ..., District Attorney.

Respectfully Submitted,


Lewis Conway / Pro-Se
Wallace Unit -
P.O. Box - 2000
Colorado City, Texas - 79512

CERTIFICATE OF SERVICE

This is to certify that a true and correct
Copy of the above and foregoing Motion For
Exculpatory Evidence has been forward to the
District Clerk office for the District Attorney
of Travis County, Tx. Mr. Ronald D. Earle
P.O. Box-1748, Austin, Texas -78767
on the 14 day of Jan. 1998 by U.S.
Mail.


Lewis Conway / PRO-Se

CASE No. 0914028

STATE OF TEXAS
Plaintiff

Vs.

LEWIS CONWAY
Defendant

IN THE DISTRICT COURT
OF TRAVIS COUNTY, TX
147th JUDICIAL DISTRICT
AUSTIN, TEXAS - 78767

MOTION FOR DISCOVERY

TO THE HONORABLE JUDGE OF SAID COURT;

Comes Now the Defendant in the above entitled and numbered cause, Pro-Se, and under the . . . authority of Article 39.14 of the Texas Code of Criminal Procedure and Article I, Section 10 of the Constitution of the State of Texas, and the Fourth, fifth, sixth and Fourteenth Amendments to the Constitution of the United States of America, makes this Motion For Discovery and moves the Court to Order the State, by and through its prosecuting attorney, to produce the items designated below and permit the defendant to inspect, copy and/or photograph and/or conduct chemical or analytical tests on such items:

I

1. Any and all written or recorded statements, or confessions made by the defendant to investigating officers, agents or to third parties, or copies thereof, within the possession, custody or control of the prosecution, the existence of which is known, or by exercise of due diligence may become known, to any attorney for the prosecution.
2. Whether or not any evidence or documents were received during this investigation from a confidential informant and the nature of the confidential information and copies of any documents obtained or memoranda of the informant's information and evidence,
3. All persons known to the prosecution to possess testimonial evidence in respect to the offense alleged in the indictment, whether such witnesses be considered informants or otherwise.
4. Any contraband which was seized as a result of the investigation of the instant case so that the defendant may have an opportunity to examine the same and perhaps the defendant's own expert conduct an evaluation of the same.

5. All photographs, diagrams, other physical evidence not heretofore specifically named, Statement and reports not privileged as the work product of the prosecution, relevant to this case.,

6. Any and all evidence favorable to the ... , defendant within the possession, custody or control of the prosecution, the existence of which is known, or by exercise of due ... , diligence may become known to any attorney for the prosecution.

9. Any evidence which might tend to prove, or which is material to the innocence of the Defendant.

10. Any evidence which might to mitigate the punishment imposed on the defendant.

11. Any evidence which might tend to affect adversely the competency of any witness for prosecution or any other witness

12. Any evidence which might tend to impeach or affect adversely the credibility of any witness for the prosecution.

II

In support of this Motion For Discovery, the Defendant would show:

A. The items requested are in the exclusive possession, custody or control of the State of Texas or the United States Government by and through its agents, the police or the prosecuting attorney's office, and the Defendant has no other means of ascertaining the disclosures requested.

B. The items or information are material to this cause and the issues to be determined.

C. The items requested are not privileged.

D. The defendant cannot safely challenge the conviction or investigate the instant case adequately, Defendant have reasons to believe that his Counsel was ineffective assistance, Please include Judgment of sentence and Plea bargain agreement.

Defendant respectfully cites for the guilty plea; **Hill Vs Lockhart**, 474 U.S. 52, 106 S.Ct. 366, 88 L.ed. 203 [1985]. Where the court stated the two-part standard adopted in **Strickland Vs. Washington**, 466 U.S. 688, 104 S.Ct. 2052, 80 L.ed. 2nd. 674 [1984]. applies to guilty plea challenges based on ineffective assistance of Counsel.

E. As further authority here to fore, Defendant respectfully cites for the consideration of the court; **GRADY VS. MARYLAND**, 83 Sup. Ct. 793; **Alcorta Vs. Texas**, 78 Sup. Ct. 103; and other cases there cited.

Defendant further moves that a hearing be set by this Honorable Court in order that the Defendant may receive effective assistance of Counsel as guaranteed to the Defendant by the Sixth Amendment to the constitution of the United States and that such hearing be conducted well enough on the merits that such discovery will be beneficial to the defendant and in preparing the defense of this case.

PRAYER

Wherefore, Premises considered, Defendant prays that a hearing be set on this Motion For Discovery on the merits and at such hearing this Motion be, in all things Granted and that the defendant have such further relief to which the court may consider Defendant entitled.

Respectfully Submitted,



Lewis Conway / PRO-SE
BO-John Wallace Unit

P.O. Box-2000

Colorado City, Texas-79512

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the Motion For Discovery has been mail to the District Clerk office for the attorney for the State on the

14 day of Jan. 1998.

Mr. Ronald D. Earle

NAME

P.O. Box-1748, Austin, Texas-78767

Address

City

State

Zip



Signature / PRO-SE

CAUSE No. 0914028

STATE OF TEXAS
Plaintiff

Vs.

LEWIS CONWAY
Defendant


IN THE DISTRICT COURT
OF TRAVIS COUNTY, TX.
147th JUDICIAL DISTRICT
AUSTIN, TEXAS - 78767

MOTION FOR EXCULPATORY EVIDENCE

TO THE HONORABLE JUDGE OF SAID COURT;

NOW COMES, the Defendant LEWIS CONWAY, in the above-styled and numbered cause, Pro-Se, and this Court to direct the State of Texas by and through its District Attorney to disclose to the defendant herein exculpatory and/or ..., mitigating evidence and/or facts within the possession, custody or control of the District Attorney or any of his agents, including, but not limited to the Department of Public Safety, the Travis County Sheriff's Office, the existence of which is known, or by exercise of due ..., diligence may become known, to the said ..., District Attorney.


Respectfully Submitted,



Lewis Conway / Pro-Se
Wallace Unit
P.O. Box 2000
Colorado City, Texas - 79512

CERTIFICATE OF SERVICE

This is to certify that a true and correct
Copy of the above and foregoing Motion for
Exculpatory Evidence has been forward to the
District Clerk office for the District Attorney
of Travis County, Tx. Mr. Ronald D. Earle
P.O. Box-1748, Austin, Texas - 78767
on the 14 day of Jan. 1998 by U.S.
Mail.


Lewis Conway / PRO-SE

CASE No. 0914028

STATE OF TEXAS
Plaintiff

vs.

LEWIS CONWAY
Defendant

IN THE DISTRICT COURT
OF TRAVIS COUNTY, TX
14TH JUDICIAL DISTRICT
AUSTIN, TEXAS - 78767

MOTION FOR DISCOVERY

TO THE HONORABLE JUDGE OF SAID COURT;

Comes Now the Defendant in the above entitled and numbered cause, Pro-Se, and under the authority of Article 39.14 of the Texas Code of Criminal Procedure and Article I, Section 10 of the Constitution of the State of Texas, and the Fourth, Fifth, Sixth and Fourteenth Amendments to the Constitution of the United States of America, makes this Motion For Discovery and moves the Court to Order the State, by and through its prosecuting attorney, to produce the items designated below and permit the defendant to inspect, copy and/or photograph and/or conduct chemical or analytical tests on such items:

I

1. Any and all written or recorded statements, or confessions made by the defendant to investigating officers, agents or to third parties, or copies thereof, within the possession, custody or control of the prosecution, the existence of which is known, or by exercise of due diligence may become known, to any attorney for the prosecution.
2. Whether or not any evidence or documents were received during this investigation from a confidential informant and the nature of the confidential information and copies of any documents obtained or memoranda of the informant's information and evidence.
3. All persons known to the prosecution to possess testimonial evidence in respect to the offense alleged in the indictment, whether such witnesses be considered informants or otherwise.
4. Any contraband which was seized as a result of the investigation of the instant case so that the defendant may have an opportunity to examine the same and perhaps the defendant's own expert conduct an evaluation of the same.

5. All photographs, diagrams, other physical evidence not heretofore specifically named, Statement and reports not privileged as the work product of the prosecution, relevant to this case.

6. Any and all evidence favorable to the ... defendant within the possession, custody or control of the prosecution, the existence of which is known, or by exercise of due ... diligence may become known to any attorney for the prosecution.

9. Any evidence which might tend to prove, or which is material to the innocence of the Defendant.

10. Any evidence which might to mitigate the punishment imposed on the defendant.

11. Any evidence which might tend to affect adversely the competency of any witness for prosecution or any other witness

12. Any evidence which might tend to impeach or affect adversely the credibility of any witness for the prosecution.

II

In Support of this Motion For Discovery, the Defendant would Show:

A. The items requested are in the exclusive possession, custody or control of the State of Texas or the United States Government by and through its agents, the police or the prosecuting attorney's office, and the Defendant has no other means of ascertaining the disclosures requested.

B. The items or information are material to this cause and the issues to be determined.

C. The items requested are not privileged.

D. The defendant cannot safely challenge the conviction or investigate the instant case adequately, Defendant have reasons to believe that his Counsel was ineffective assistance, Please include Judgment of Sentence and Plea Bargain agreement.

Defendant respectfully cites for the guilty plea; Hill Vs Lockhart, 474 U.S. 52, 106 S.Ct. 366, 88 L.ed. 203 [1985]. Where the Court stated the two-part standard adopted in Strickland Vs. Washington, 466 U.S. 688, 104 S.Ct. 2052, 80 L.ed. 2nd. 674 [1984]. applies to guilty plea challenges based on ineffective assistance of Counsel.

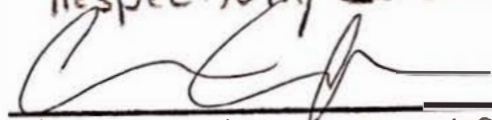
E. As further authority here to fore, Defendant respectfully cites for the consideration of the Court; GRADY VS. MARYLAND, 83 Sup. Ct. 793; Alcantara Vs. Texas, 78 Sup. Ct. 103; and other cases there cited.

Defendant further moves that a hearing be set by this Honorable Court in order that the Defendant may receive effective assistance of Counsel as guaranteed to the Defendant by the Sixth Amendment to the constitution of the United States and that such hearing be conducted well enough on the merits that such discovery will be beneficial to the defendant and in preparing the defense of this case.

PRAYER

Wherefore, Premises considered, Defendant prays that a hearing be set on this Motion For Discovery on the merits and at such hearing this Motion be, in all things Granted and that the defendant have such further relief to which the court may consider Defendant entitled.

Respectfully Submitted,



Lewis Conway / PRO-SE

80-John Wallace Unit

P.O. Box-2000

Colorado City, Texas-79512

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the Motion for Discovery has been mail to the District Clerk office for the attorney for the State on the 14 day of Jan. 1998.

Mr. Ronald D. Earle

P.O. Box - 1748

Address

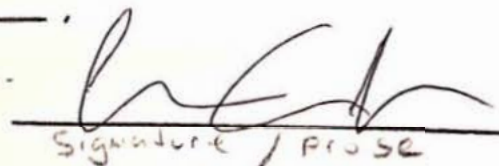
Austin, Texas

City

State

78767

Zip



Signature / PRO-SE

DEFENDANT'S PLEA OF GUILTY, WAIVER, STIPULATION

Now comes the defendant in open Court in the above entitled and numbered cause represented by his attorney with whom he has previously consulted and makes the following voluntary statement:

1. That I see and understand the nature of the charges contained in the indictment/information in this cause.
2. That the court has advised me orally or in writing of the consequences of a plea of guilty.
3. That I have the right to a trial by jury whether I plead "guilty," "not guilty," or "nolo contendere."
4. That I have the right to remain silent but if I choose not to remain silent, anything I say can be used against me.
5. That I have the right to be confronted by the witnesses against me whether I have a trial before the Court or the jury.

However, I desire to waive and do waive the following rights:

1. Waive the reading of the indictment/information.
2. Waive the right to be served with a copy of the indictment in this cause ten days prior to arraignment.
3. Waive the right to be arraigned.
4. Waive the right of trial by jury and request the consent and approval of the Court and of the attorney for the State to such waiver.

5. Waive my right to remain silent and state that it is my desire to take the witness stand, knowing anything I may say can be used against me, and make a judicial confession of my guilt.

6. Waive the right to be confronted with the witnesses against me and request the approval of the Court to the stipulation of evidence by waiving the appearance, confrontation and cross-examination of witnesses, and by my further consenting to the introduction of testimony and evidence by stipulation into the record by the attorney for the State by oral stipulation, or by affidavit, or by written statements of witnesses and any other documentary evidence.

7. Waive service of the indictment and the two-day waiting period for arraignment; and I also waive the ten day period for preparation after appointment of counsel and the ten day period in which to file written pleadings after arrest.

8. Waive the right to a pre-sentence report and request that none be made.

I further understand that any recommendation of the prosecuting attorney as to punishment is not binding on the Court. That where there is a plea bargain agreement and the punishment assessed by the Court does not exceed the agreed recommendation, I do not have the right to appeal without permission of the Court except for those matters raised by written motions filed prior to trial.

I do further admit and judicially confess that I knowingly and intentionally and unlawfully committed the acts alleged in the indictment/information in this cause at the time and place and in the manner alleged and that such allegations are true and correct, and that I am in fact GUILTY of the offense alleged.

I voluntarily enter my plea of GUILTY to said offense, and my plea is not influenced by any considerations of fear or any persuasion or any delusive hope of pardon. In making my plea of guilty I am not relying on any advice, information or agreement not made to the Court at this time.

I request the Court to consider probating any sentence imposed, and on the issue of punishment agree that the pre-sentence investigation report of the Adult Probation Office may be considered by the Court.

I understand that if I am not a citizen of the United States that my plea may result in deportation, the exclusion of admission to this country, or denial of naturalization under federal law. There have been no promises made to me by my defense attorney, the prosecutor or the Court concerning any stay in the United States.

I further understand that if I am convicted I have the right of appeal to the appropriate Court of Appeals of Texas, and the right to be represented on appeal by an attorney of my choice or if I am too poor to pay for such attorney or the record on appeal, the Court will, without expense to me, provide an attorney and a proper record for such appeal.

I have not been committed to a mental institution nor do I presently have mental or emotional problems, and I believe that I am competent to stand trial and the attorney for defendant herein acknowledges that counsel believes the defendant is competent and able to assist counsel in the preparation of the defense and that defendant appears to be sane and competent.

I further acknowledge and understand the following admonitions which have been explained to the defendant by the defense attorney prior to an oral plea of guilty or nolo contendere:

- That the defendant is charged with a felony of the 1st degree which has a punishment range of:
- a. First degree - by confinement in the Texas Department of Corrections for a period of not less than 5 years or more than 99 years of life and a fine not to exceed \$10,000.00
 - b. Second degree - by confinement in the Texas Department of Corrections for a period of not less than 2 years or more than 20 years and a fine not to exceed \$10,000.00
 - c. Third Degree - by confinement in the Texas Department of Corrections for a period of not less than 2 years or more than 10 years and a fine not to exceed \$10,000.00
 - d. Other -

I further understand the admonitions of the Court and I am aware of the consequences of my plea.

Sworn to and subscribed before me by the said defendant on this 12 day of MARCH, 1993.

AMALIA RODRIGUEZ-MENDOZA
District Clerk

By: [Signature]

Deputy District Clerk

I have consulted with the defendant; advised him of his right, believe him to be mentally competent; and approve his signing of this plea of guilty, waiver of a jury, agreement to stipulate testimony, and judicial confession.

Before the entry of the defendant's plea of guilty herein, the above requests, waivers and stipulations are hereby consented to and approval by me, the attorney representing the State.

Attorney for the Defendant

Attorney for the State

It clearly appearing to the Court that the defendant is mentally competent and is represented by competent counsel and that said defendant understands the nature of the charge against him and that he has been by the court warned of the consequences of a plea of guilty including the minimum and maximum punishment provided by law, that the attorney for the defendant and the State consent and approve the waiver of a trial by jury and agree to stipulate the testimony in this case, the Court, therefore, finds such plea of guilty, waiver, and consent to be freely and voluntarily made and accepts the plea of guilty and approves the waiver of a jury herein and the consent to stipulate testimony.

Judge Presiding

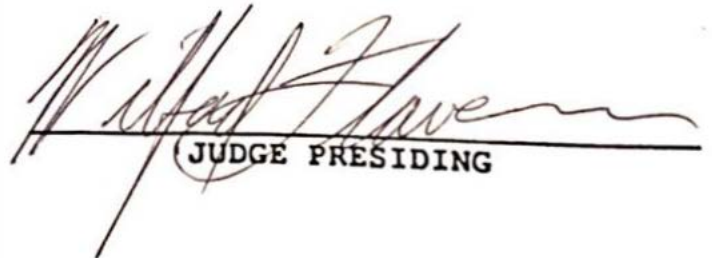
IN THE 147th JUDICIAL DISTRICT COURT OF TRAVIS COUNTY, TEXAS

NO. 914028 THE STATE OF TEXAS VS. CONWAY LEWIS, JR.

ARRAIGNMENT OF THE DEFENDANT ON PLEA OF GUILTY

On this the 12~~th~~ day of MARCH, A.D., 1993,
the defendant, CONWAY LEWIS, JR., and his attorney,
BEN FLORET, being present in open Court and the
State's attorney also being present in open Court, and it appearing
to the Court that the said defendant is on bail or is in custody
and has been duly served with a copy of the indictment/information
herein at least two entire days prior to the present day, the Court
proceeded to cause the said defendant to be arraigned herein in due
form of law, to-wit: the name of the said defendant as stated in
the indictment/information was distinctly called, and thereupon the
defendant stated that he understood the nature of the charges
against him as contained in the indictment/information and waived
the reading of the indictment/information and he was asked whether
he was guilty or not guilty as therein charged, and the defendant
answered in person that he was **GUILTY** as charged in said
indictment/information.

Thereupon, the defendant was admonished by the Court of the
consequences of said plea, including the minimum and maximum
punishment provided by law, and of his right to remain silent, that
he is not required to make a statement and that any statement he
makes can be used against him, that he has a right to be confronted
with the witnesses against him, and that he has a right to a jury
trial, and the said defendant persisted in pleading guilty. It
plainly appearing to the Court that the defendant is Mentally
Competent and the Court finds his plea to be free and voluntary and
the said plea of Guilty is by the Court received and here now
entered of record upon the Minutes of the Court as the plea herein
of said defendant.


JUDGE PRESIDING

FILED

93 MAR 12 PM 2:02

Ben Floret
DISTRICT CLERK
TRAVIS COUNTY, TEXAS

VL0718Pg233

COUNTY OF TRAVIS
STATE OF TEXAS

AMALIA RODRIGUEZ-MENDOZA
District Clerk

P.O. Box 1748
Austin, Texas 78767

April 6, 1993

Page No. 1

Diagnostic Center
Institutional Division
Texas Department of Criminal Justice
Huntsville, Texas 77340

TRANSMITTAL OF CERTIFIED COMMITMENT PAPERS

Transmitted this day are certified copies of the Judgment and Sentence in the following cases wherein the sentence imposed in each case is for a period of confinement in your facility:

CAUSE NO.	COURT	DEFENDANT
<u>0914028</u>	<u>147</u>	<u>LEWIS CONWAY, JR.</u>
0931327	147	ANTHONY MONTOYA
0931328	147	ANTHONY MONTOYA

CAUSE NO. 91-4028

THE STATE OF TEXAS

§
§
§
§
§

IN THE 147TH JUDICIAL DISTRICT

VS.

COURT OF

LEWIS CONWAY, JR.

TRAVIS COUNTY, TEXAS

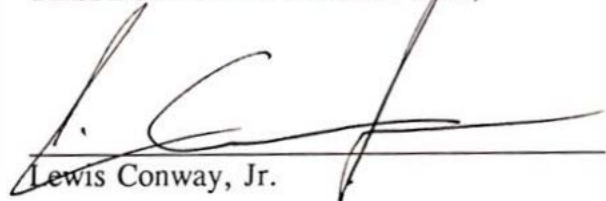
DEFENDANT'S APPLICATION FOR PROBATION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Lewis Conway, Jr. the Defendant in the above entitled and numbered cause, and before the trial of this case has begun, respectfully files this Application for Probation, and represents that the Defendant is properly identified in this cause and prays that in the event of a conviction upon the charges in this cause, that the Court suspend the imposition of sentence and place the Defendant upon probation as provided by law.

In support thereof, the Defendant would show that Defendant has never before been convicted of a felony grade offense in this State, any other state, or any court of the United States, and that Defendant is not otherwise disqualified from consideration for probation.

RESPECTFULLY SUBMITTED,


Lewis Conway, Jr.

CERTIFICATE OF SERVICE

As Attorney of Record for Defendant, I do hereby certify that a true and correct copy of the above and foregoing document was this date provided to the Prosecution.

Date: February 26, 1993


Ben Florey

FILED

1

FEB 26 2 00 PM '93


TH

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

BEFORE ME, the undersigned authority, on this date personally appeared Lewis Conway, Jr., the Defendant in the above entitled and numbered cause, who, being by me duly sworn, did depose and state that the facts and matters contained in the above and foregoing Application for Probation are true and correct.

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned authority on this 26th
day of February, 1993



Shelby L. Faulkner
Notary Public, State of Texas
My Commission Expires: Aug 17 1996
Printed Name: Shelby L. Faulkner

CAUSE NO. 91-4028

THE STATE OF TEXAS	§	IN THE 147TH JUDICIAL DISTRICT
	§	
VS	§	COURT OF
	§	
LEWIS CONWAY, JR.	§	TRAVIS COUNTY, TEXAS

FIRST MOTION FOR CONTINUANCE BY DEFENDANT

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES the Defendant in the above entitled and numbered cause, and would show unto the Court as follows:

Defendant herein, joined by Counsel, makes his First Motion for Continuance in the above referenced cause on the docket of this Court for the following good and sufficient reasons:

Terry Livingston, one of the Defendant's witnesses in this case is absent. He is incarcerated with the Texas Department of Corrections in Huntsville, and will not be available to appear on the date presently scheduled by the Court for action upon this cause.

Due diligence has been used to locate and procure the attendance of said witness by the use of an investigator. However, Defense Counsel found out only yesterday, from the Prosecutor's office, that said witness is in the Texas Department of Corrections.

The facts expected to be proved by said witness are material in that said witness will testify that the State's prime witness, Dennis Raymond, was not positioned so as to see the facts he is expected to testify about.

This Motion is not made for delay.

There is no reasonable expectation that attendance of the witness can be secured during the present term of Court by a postponement of the trial to some future day of said term.

WHEREFORE, PREMISES CONSIDERED, Defendant herein prays for a continuance of the present cause.

RESPECTFULLY SUBMITTED,

SMITH, MORRIS & FLOREY, L.L.P.

FILED

MAR 11 2 00 PM '93

Amelia Parker, Esq.
DISTRICT CLERK
TRAVIS COUNTY, TEXAS

710 West Avenue
Austin, Texas 78701-2727
(512) 478-2517


Ben Florey
SB# 07169500

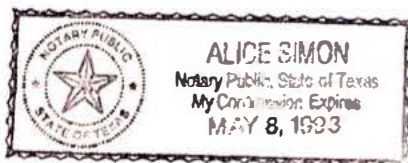
STATE OF TEXAS §
 §
COUNTY OF TRAVIS §


BEFORE ME this date personally appeared Ben Florey, the Attorney in the above entitled and numbered cause, who upon oath stated as follows:

"I am the Attorney in the above entitled and numbered cause. I have read the matters contained in this Motion for continuance, and all allegations therein are true and correct."


Ben Florey

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned authority, on this 16th day of March, 1993.




Notary Public, State of Texas
My Commission Expires: 5-8-93
Printed Name: Alice Simon

CERTIFICATE OF SERVICE

As Attorney of Record for Defendant, I do hereby certify that a true and correct copy of the above and foregoing document was this date provided to the Prosecution.

Date: March 10, 1993

Ben Florey

CAUSE NO. 91-4028

THE STATE OF TEXAS

VS

LEWIS CONWAY, JR.

§
§
§
§
§

IN THE 147TH JUDICIAL DISTRICT

COURT OF

TRAVIS COUNTY, TEXAS

O R D E R

BE IT REMEMBERED, that on the _____ day of _____, 19____, came on to be considered the above and foregoing Motion for Continuance. After consideration of the same, it is the opinion of the Court that the same be:

[] DENIED, to which ruling the Defendant excepts.

[] GRANTED

SET FOR HEARING ON THE _____ day of _____, _____, at _____ o'clock
_____.

SIGNED:

Judge Presiding

NO. 91-4028

THE STATE OF TEXAS

§
§
§
§
§

IN 147TH JUDICIAL DISTRICT

VS.

OF

LEWIS CONWAY, JR.

TRAVIS COUNTY, TEXAS


MOTION TO ARRAIGN DEFENDANT
OUTSIDE THE PRESENCE OF THE JURY

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the Defendant and respectfully moves the Court to order the District Attorney to arraign the Defendant outside the presence of the jury, before the indictment is read to the jury and the Defendant's plea is entered in this cause before the jury.

RESPECTFULLY SUBMITTED,

SMITH, MORRIS & FLOREY, L.L.P.
710 West Avenue
Austin, Texas 78701-2727
(512) 478-2517


Ben Florey
SB# 07169500

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Motion was hand-delivered to the District Attorney of Travis County, Texas, on this 8 day of September, 1992.


Ben Florey

ORDER

The foregoing Motion to Arraign Defendant Outside the Presence of the Jury was timely and properly presented to the Court and the Court hereby GRANTS/DENIES said motion.

DATED: _____, 1992.

Judge Presiding

THE STATE OF TEXAS	§	IN 147TH JUDICIAL DISTRICT
	§	
VS.	§	OF
	§	
LEWIS CONWAY, JR.	§	TRAVIS COUNTY, TEXAS

MOTION IN LIMINE NO. ONE

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the Defendant in the above styled and numbered cause and would show the Court that the Defendant believes the prosecuting attorney will during the course of this trial seek to allude to certain matters, either during voir dire examination of the prospective jurors, or by opening statement, questioning of a witness, testimony, or jury argument. Said matters are set forth as follows:

1. That the Defendant in this case has the right to appeal the judgment of conviction.
2. A hearing outside the presence of the jury is necessary because of a motion or request filed by the Defendant in this case, thereby placing "blame" upon the Defendant for actions taken by counsel for the Defendant in accordance with the Defendant's constitutional and statutory rights.
3. That the Defendant subsequent to his arrest in this case, exercised his constitutional right to remain silent and not answer any questions asked of him by law enforcement officials.
4. That the Defendant may have made a statement immediately after he was detained and/or arrested in this cause, to any law enforcement official.
5. That any witness for the prosecution or the defense, including the accused, has taken or refused to take the polygraph examination and the results of any such polygraph examination.
6. That the Defendant may have been previously convicted of any criminal offense or may have been charged or arrested for any criminal offense or may have any criminal case presently pending against him.
7. That certain prosecution witnesses may be called to testify that the Defendant has a "bad reputation" in the community or has an unfavorable character trait.

WHEREFORE, PREMISES CONSIDERED, the Defendant respectfully prays that this Honorable Court instruct the prosecuting attorney not to mention, refer to or otherwise bring before the jury either directly or indirectly the matters set forth above without first obtaining a specific ruling from the Court outside the presence of the jury that such reference and testimony is proper and admissible.

RESPECTFULLY SUBMITTED,

SMITH, MORRIS & FLOREY, L.L.P.
710 West Avenue
Austin, Texas 78701-2727
(512) 478-2517


Ben Florey
SB# 07169500

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Motion was hand-delivered to the District Attorney of Travis County, Texas, on this 8 day of September, 1992.


Ben Florey

ORDER

The foregoing Motion In Limine No. One having been presented to the Court on this the _____ day of _____, 1992, the Court finds that same should be:

GRANTED and the prosecuting attorney is hereby instructed not to mention, refer to, or otherwise bring before the jury either directly or indirectly the matters set forth in this Motion In Limine No. One without first obtaining a ruling from the Court outside the presence of the jury that such reference is proper and admissible.

DENIED, to which action of the Court the Defendant duly excepts.

DATED: _____, 1992.

Judge Presiding

NO. 91-4028

THE STATE OF TEXAS	§	IN 147TH JUDICIAL DISTRICT
	§	
VS.	§	OF
	§	
LEWIS CONWAY, JR.	§	TRAVIS COUNTY, TEXAS

MOTION TO SUPPRESS ILLEGAL IDENTIFICATION
OF THE DEFENDANT AND REQUEST FOR HEARING OUTSIDE
THE PRESENCE OF THE JURY

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the Defendant in the above styled and numbered cause, and shows the Court as follows:

I.

That the Defendant objects to the introduction of all testimony from any witness in this cause concerning any purported identification of the Defendant by a witness until such time as the Court has conducted a hearing out of the presence of the jury regarding what pretrial identification procedures were followed by the police department or by any of the witnesses in order to determine:

1. Whether or not the Defendant's right to counsel under the Sixth and Fourteenth Amendments to the United States Constitution, Article I, Section 10 of the Texas Constitution and Article 1.05 C.C.P. has in any way been violated, and

2. Whether or not any in-court identification by any witness has been in any way unfairly influenced by any police officer or any other law enforcement office in violation of due process guaranteed by the Fifth and Fourteenth Amendments to the United States Constitution, Article I, Section 19 of the Texas Constitution, and Article 1.04 C.C.P.

WHEREFORE, PREMISES CONSIDERED, the Defendant respectfully prays that this Honorable Court grant said Motion, excuse the jury and hear evidence of any pretrial identification procedure involving any of the identification witnesses and police officer who investigated same and participated in the identification procedures; and after said hearing, that this Honorable Court grant his Motion to suppress all in-court identification testimony of the Defendant.

FILED

MAR 11 2 00 PM '93

[Signature]
DISTRICT CLERK
TRAVIS COUNTY, TEXAS

RESPECTFULLY SUBMITTED,

SMITH, MORRIS & FLOREY, L.L.P.
710 West Avenue
Austin, Texas 78701-2727
(512) 478-2517



Ben Florey
SB# 07169500

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Motion was hand-delivered to the District Attorney of Travis County, Texas, on this 8 day of September, 1992.



Ben Florey

ORDER

ON THIS the _____ day of _____, 1992, came on to be heard the foregoing Motion to Suppress Illegal Identification of the Defendant and Request for Hearing Outside the Presence of the Jury, and said Motion is hereby GRANTED/DENIED.

Judge Presiding

CAUSE NO. 91-4028

THE STATE OF TEXAS	§	IN THE 147TH JUDICIAL DISTRICT
	§	
VS	§	COURT OF
	§	
LEWIS CONWAY, JR.	§	TRAVIS COUNTY, TEXAS

MOTION FOR HEARING TO TEST QUALIFICATIONS OF
PROSECUTION'S CHARACTER AND REPUTATION WITNESSES

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Lewis Conway, Jr. the Defendant in the above and foregoing cause, by and through counsel, and prior to the testimony of character witnesses to be presented by the Prosecution in an attempt to impeach the Defendant's character and reputation, moves the Court to allow a hearing outside the presence of the jury to test the qualifications of the prosecution witnesses to express an opinion as to the Defendant's character before such witnesses are allowed to testify before the jury. In support hereof, the Defendant would show:

I.

Defendant has raised the issue of character. Defendant believes that the Prosecution will offer rebuttal testimony as to character and reputation to impeach the Defendant and/or Defendant's character witnesses, or during the guilt/innocence stage or any subsequent hearing on the issue of punishment.

II.

If character/reputation witnesses offered by the prosecution are permitted to testify regarding their opinions as to Defendant's character/reputation before the jury, and on cross-examination it is determined that such witnesses were not qualified to render such an opinion, the harm and prejudice to the Defendant could not be cured by an instruction by the Court to disregard such adverse testimony.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that prior to any testimony from witnesses for the prosecution on the issue of Defendant's character or reputation, the Court grant a hearing outside the presence of the jury so as to allow the Defendant an opportunity to test the qualifications of such prosecution witnesses before allowing said witnesses to testify before the jury.

RESPECTFULLY SUBMITTED,

SMITH, MORRIS & FLOREY, L.L.P.
710 West Avenue
Austin, Texas 78701-2727
(512) 478-2517



Ben Florey
SB# 07169500

CERTIFICATE OF SERVICE

As Attorney of Record for Defendant, I do hereby certify that a true and correct copy of the above and foregoing document was this date provided to the Prosecution.

Date: March 9, 1993



Ben Florey

CAUSE NO. 91-4028

THE STATE OF TEXAS

VS

LEWIS CONWAY, JR.

§
§
§
§
§

IN THE 147TH JUDICIAL DISTRICT

COURT OF

TRAVIS COUNTY, TEXAS

O R D E R

BE IT REMEMBERED, that on the _____ day of _____, _____, came on to be considered the above and foregoing Motion to Test Qualification of Character Witnesses by Defendant. After consideration of the same, it is the opinion of the Court that the same be:

☐ DENIED, to which ruling the Defendant excepts.

☐ GRANTED

SET FOR HEARING ON THE _____ day of _____, _____, at _____ o'clock
_____.

SIGNED:

Judge Presiding

CAUSE NO. 91-4028

THE STATE OF TEXAS

VS

LEWIS CONWAY, JR.

§
§
§
§
§

IN THE 147TH JUDICIAL DISTRICT

COURT OF

TRAVIS COUNTY, TEXAS

MOTION TO FILE ADDITIONAL MOTIONS

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Lewis Conway, Jr. the Defendant in the above entitled and numbered cause, by and through Counsel, and would show unto the Court as follows:

I.

Defendant is required, by local rules and Article 28.01, Texas Rules of Criminal Procedure, to file all pre-trial motions not less than seven days before any hearing upon such motions. Defendant has in good faith attempted to file such pre-trial motions as are deemed necessary and relevant to the trial of Defendant.

II.

However, in the event that additional matters now unknown to Defendant after the exercise of due diligence become apparent, Defendant would ask for leave of Court to file additional motions at a later date which might be construed to violate local rules and/or Article 28.01, C.C.P.


III.

This Motion is not made for purposes of delay, but that justice might be done. Defendant would rely upon the Fourth, Fifth, Sixth and Fourteenth amendments to the Constitution of the United States, and Article 1, Section 10 of the Constitution of the State of Texas.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that the Court, upon good cause shown, grant to Defendant the opportunity to file additional motions herein.

RESPECTFULLY SUBMITTED,

SMITH, MORRIS & FLOREY, L.L.P.
710 West Avenue
Austin, Texas 78701-2727
(512) 478-2517




Ben Florey
SB# 07169500

CERTIFICATE OF SERVICE

As Attorney of Record for Defendant, I do hereby certify that a true and correct copy of the above and foregoing document was this date provided to the Prosecution.

Date: March 9, 1993



Ben Florey

CAUSE NO. 91-4028

THE STATE OF TEXAS

VS

LEWIS CONWAY, JR.

§
§
§
§
§

IN THE 147TH JUDICIAL DISTRICT

COURT OF

TRAVIS COUNTY, TEXAS

O R D E R

BE IT REMEMBERED, that on the _____ day of _____, _____, came on to be considered the above and foregoing Motion for Leave to File Additional Motions by Defendant. After consideration of the same, it is the opinion of the Court that the same be:

[] DENIED, to which ruling the Defendant excepts.

[] GRANTED

SET FOR HEARING ON THE _____ day of _____, _____, at _____ o'clock
_____.

SIGNED:

Judge Presiding

CAUSE NO. 91-4028

THE STATE OF TEXAS

§
§
§
§
§

IN THE 147TH JUDICIAL DISTRICT

VS

COURT OF

LEWIS CONWAY, JR.

TRAVIS COUNTY, TEXAS

MOTION FOR DISCLOSURE OF CONSIDERATION TO WITNESSES


TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Defendant in the above styled case and moves this Court to order the Prosecutor's Office to disclose to said Defendant's attorney any offer of consideration or benefit made by the Prosecutor's Office or any law enforcement agency to any witness for the State in the above styled case.

WHEREFORE, PREMISES CONSIDERED, Defendant prays this Motion be granted.

RESPECTFULLY SUBMITTED,

SMITH, MORRIS & FLOREY, L.L.P.
710 West Avenue
Austin, Texas 78701-2727
(512) 478-2517



Ben Florey
SB# 07169500

CERTIFICATE OF SERVICE

As Attorney of Record for Defendant, I do hereby certify that a true and correct copy of the above and foregoing document was this date provided to the Prosecution.

Date: March 9, 1993



Ben Florey

CAUSE NO. 91-4028

THE STATE OF TEXAS

VS

LEWIS CONWAY, JR.

§
§
§
§
§

IN THE 147TH JUDICIAL DISTRICT

COURT OF

TRAVIS COUNTY, TEXAS

O R D E R

BE IT REMEMBERED, that on the _____ day of _____, _____, came on to be considered the above and foregoing Motion for Disclosure of Consideration to Witnesses by Defendant. After consideration of the same, it is the opinion of the Court that the same be:

[] DENIED, to which ruling the Defendant excepts.

[] GRANTED

SIGNED:

Judge Presiding

NO. 91-4028

THE STATE OF TEXAS

VS.

LEWIS CONWAY, JR.

§
§
§
§
§

IN 147TH JUDICIAL DISTRICT

OF

TRAVIS COUNTY, TEXAS

DEFENDANT'S MOTION FOR LIST OF STATE'S WITNESSES

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the Defendant by and through his counsel of record and respectfully submits the following:

I.

The Defendant respectfully requests this Honorable Court to instruct the prosecution to submit to counsel for the Defendant a written list of the names, addresses, and phone numbers of all witnesses and potential witnesses whom the prosecution expects to call to testify in this case as to:

- a. Any fact connecting or tending to connect the Defendant to the commission of the alleged offense herein;
- b. Any fact connecting or tending to connect the Defendant to the commission of any and all other offenses which the prosecution intends to prove up during this trial;
- c. The character and/or reputation of any witness, including the accused.

whom the State intends to call or could possibly call to testify in this trial against the Defendant during any phase of this trial to wit:

- a. During the State's case in chief on the issue of whether the Defendant is guilty as charged in the indictment;
- b. During any rebuttal testimony of the State;
- c. During the punishment hearing, if any.

FILED

MAR 11 2 00 PM '93

Walter Rodriguez, Jr.
DISTRICT CLERK
TRAVIS COUNTY, TEXAS

II.

Under Article 20.20 C.C.P. the prosecution is obligated to endorse upon the indictment the names of the witnesses upon whose testimony said indictment was found.

III.

Article 35.14 and 35.16 C.C.P. authorize peremptory challenges and challenges for cause.

In order to permit the Defendant herein to exercise in an intelligent manner his peremptory challenges and his challenges for cause, it is necessary for the prosecution to submit a complete written list of the witnesses requested above in order that Counsel for the Defendant may inquire of the prospective jurors as to whether or not, among other things, said prospective juror know, are related to or have heard of any of said witnesses by name or reputation, and if so, whether this knowledge would affect his or her respective judgment and/or verdict in this cause. If the Defendant is not given a complete list of the names of said witnesses as requested, the Defendant will be precluded from determining whether or not any prospective juror has a bias or prejudice against the Defendant and/or in favor of the prosecution, and this will be deprived of intelligently exercising the peremptory challenges to which the Defendant is entitled, and further, the Defendant will be precluded from intelligently exercising his challenges for cause.

IV.

That in the event the prosecution during the trial of this cause attempts to elicit the testimony from a witness whose name has not been previously disclosed to the Defendant prior to the voir dire examination of the jury panel, the Defendant requests this Court to prohibit the prosecution from using the testimony of any such witness if the Court finds that the prosecution knew or through the exercise of reasonable diligence should have known of the existence of such a witness and thus should have included the name of such witness on the list of witnesses submitted to the Defendant prior to the voir examination.

WHEREFORE, PREMISES CONSIDERED, the Defendant respectfully prays that this Honorable Court will require a complete written list of witnesses as requested above.

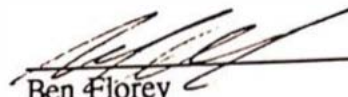
RESPECTFULLY SUBMITTED,

SMITH, MORRIS & FLOREY, L.L.P.
710 West Avenue
Austin, Texas 78701-2727
(512) 478-2517


Ben Florey
SB# 07169500

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Motion was hand-delivered to the District Attorney of Travis County, Texas, on this 8 day of September, 1992.


Ben Florey

ORDER

ON THIS the _____ day of _____, 1992, came on to be heard the foregoing Motion to List State's Witnesses, and said Motion is hereby GRANTED/DENIED.

Judge Presiding

NO. 91-4028

THE STATE OF TEXAS

VS.

LEWIS CONWAY, JR.

§
§
§
§
§

IN 147TH JUDICIAL DISTRICT

OF

TRAVIS COUNTY, TEXAS

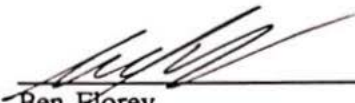
DEFENDANT'S MOTION FOR ELECTION AS TO PUNISHMENT

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the Defendant in the above styled and numbered cause and, pursuant to Article 37.07, Section 2(b), C.C.P., elects that the punishment be assessed in this cause by the jury in the event that the Defendant is found guilty.

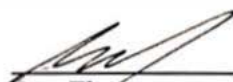
RESPECTFULLY SUBMITTED,

SMITH, MORRIS & FLOREY, L.L.P.
710 West Avenue
Austin, Texas 78701-2727
(512) 478-2517


Ben Florey
SB# 07169500

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Motion was hand-delivered to the District Attorney of Travis County, Texas, on this 8 day of September, 1992.


Ben Florey

FILED

SEP 11 2 00 PM '93


DISTRICT CLERK
TRAVIS COUNTY, TEXAS

ORDER

The foregoing Defendant's Motion for Election as to Punishment was timely and properly presented to the Court and the Court hereby GRANTS/DENIES said motion.

DATED: _____, 1992.

Judge Presiding

IN THE 147TH JUDICIAL DISTRICT COURT OF TRAVIS COUNTY, TEXAS

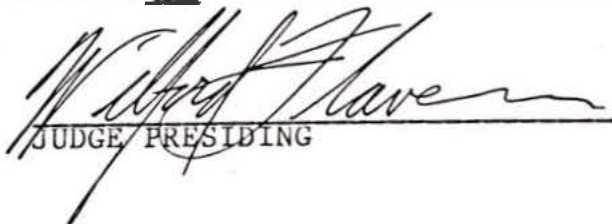
NO. 91-4028 THE STATE OF TEXAS VS. LEWIS CONWAY

BENCH WARRANT

On this the 11th day of March A.D. 1993, it appearing to the Court that the above numbered and entitled cause, wherein the said defendant, Lewis Conway is charged with the offense of Murder and the said case has been set down for trial on the 15th day of March A.D. 1993, and it further appearing to the Court from an application filed herein by the District Attorney of Travis County, Texas that Terrance Livingston is now confined in Robertson Unit at Abilene, Texas and that therefore a necessity exists for the issuance of a Bench Warrant for the said Terrance Livingston to appear before this Court as a witness.

IT IS THEREFORE ORDERED by the Court that the application of the District Attorney of Travis County, Texas for the issuance of a Bench Warrant for the said Terrance Livingston, be, and is hereby granted, and you the said TERRY KEEL, SHERIFF of Travis County, Texas, are hereby directed to call upon the proper authorities of Robertson Unit at Abilene, Texas for permission to take the body of the said Terrance Livingston and to safely convey him to the County Jail of Travis County, Texas at Austin, Texas to answer the State of Texas as a witness.

GIVEN UNDER MY HAND and seal of said Court at Austin, Texas this the 11th day of March, A.D. 1993.


JUDGE PRESIDING

ATTEST:

Amalia Rodriguez-Mendoza,
District Clerk, Travis County, Tx.

by: 
Deputy District Clerk

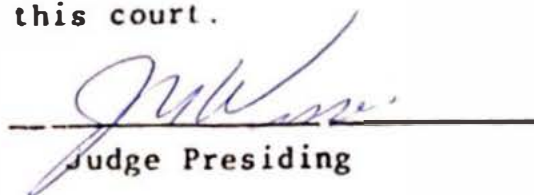
SHERIFF' RETURN

CAME TO HAND on the ____ day of _____, A.D. 19__,
and executed by placing the body of _____ in the
Travis County Jail and he is now before the Honorable _____
Judicial District Court of Travis County, Texas.

found by the Court to be competent, to represent the defendant in
the above numbered and entitled cause, and to continue to represent
the defendant until the case is concluded, including appeal, if any,
or until released by written order of this court.

8-9-91

Date


Judge Presiding

ALL PAY REQUESTS SHALL BE SUBMITTED AT THE TIME OF SENTENCING.

TERRY KEEL, SHERIFF
TRAVIS COUNTY, TEXAS

By: _____
Deputy Sheriff

found by the Court to be competent, to represent the defendant in the above numbered and entitled cause, and to continue to represent the defendant until the case is concluded, including appeal, if any, or until released by written order of this court.

8-9-91

Date

J. W. [Signature]
Judge Presiding

ALL PAY REQUESTS SHALL BE SUBMITTED AT THE TIME OF SENTENCING.

NO

917m 1696

THE STATE OF TEXAS

VS

OFFENSE

Louis Conway
Murder

IN THE

147B DC

OF

TRAVIS COUNTY, TEXAS

REQUEST FOR APPOINTMENT OF ATTORNEY

TO THE JUDGE OF THE ABOVE ENTITLED COURT:

"I am the defendant in the above numbered and entitled cause, and I am wholly destitute of means to provide counsel, and I hereby request the Court to appoint competent counsel to represent me in this cause."

Sherrill

Defendant

Witnessed before me on the 5th day of Aug A.D., 1991.

Jim Rust

COURT APPOINTMENTS OFFICER

OR

PRETRIAL SERVICES DIRECTOR

By

Alhames

PERSONAL BOND OFFICER

I hereby appoint Herbert Evans, an attorney found by the Court to be competent, to represent the defendant in the above numbered and entitled cause, and to continue to represent the defendant until the case is concluded, including appeal, if any, or until released by written order of this court.

8-9-91

Date

J. M. Rust
Judge Presiding

ALL PAY REQUESTS SHALL BE SUBMITTED AT THE TIME OF SENTENCING.

NO. _____

THE STATE OF TEXAS

VS

§
§
§
§
§

IN THE COUNTY COURT

AT LAW NO. _____

TRAVIS COUNTY, TEXAS

WAIVER OF ATTORNEY PREPARATION TIME

I, _____, defendant in the above styled and numbered cause hereby waive my right to have my appointed counsel have ten (10) days preparation time before proceeding to trial in this cause.

DEPENDANT

I, _____, court appointed attorney for the defendant named in the above styled and numbered cause, hereby waive my right to have ten (10) day preparation time prior to proceeding to trial.

ATTORNEY FOR DEFENDANT

The foregoing waiver, filed with the clerk and presented to the Court on _____, 1991, is Considered, Approved, and Granted on the same date.

JUDGE PRESIDING

NAME			Date	
Last	First	Middle	FEL.	F
Address			MISD.	
Conway Lewis Jr.			9-24-91	
7304 Barcelona Drive			Cause No. 914028	
Zip 78752			Charge Murder	
Phone 458-1445			Bond 25,000	
No. Dep. 0			DOB 4-1-70 Pl. Adiknes, TX	
Who do you live with? Father + Mother			Race BLK Sex M Age 21	
How long at above address? 15 yrs. How long in County? 15 yrs.			Color Hair BLK Eyes BRN	
Employer Grant Villa Apartments			Ht. 6'3" Wt. 290	
Address 3706 Goodwin Ave., Apt 7821 Phone 462-4031			Social Security No.	
Position Clerk			DL No.	
How Long 7 months			St.	
NEAREST RELATIVE AND PERMANENT CONTACTS				
Name Lewis Conway, father			Add. Same as A Ph. 462-9129 (w)	
Name Rev. W. D. Turner, friend			Add. 1190 Chican, Apt 78704 Ph. 472-2827	
Name Gloria Thompson, friend			Add. 7305 Barcelona Drive Ph. 454-9415	
Name Darwin McKee, friend			Add. Ph. 452-0042	
Arrest Record Assault (Pending)				
Probation NO Parole NO TDC NO				
Attorney Ben Florey Add. 710 West Avenue Ph. 478-2517				
Interviewed by Recommendation Ph.				
Bond Fee Set at \$30.00 by Judge				
CARD OF MISD. ÷ FEL.				

Pay bond fee in the amount of \$30.00 to the Travis County Sheriff's Office at the Travis County Courthouse.

CASH DEPOSIT BOND

THE STATE OF TEXAS	CASH DEPOSIT BOND	CAUSE NO. 914028
COUNTY OF TRAVIS	KNOW ALL MEN BY THESE PRESENTS	
THAT I, <u>Lewis Conway, Jr.</u> charged with the offense of a <u>Murder</u>		
(Misdemeanor) (Felony) to wit.		
am held and firmly bound unto the State of Texas in the penal sum stated below for the payment of which sum well and truly to be made, and in addition all necessary and reasonable fees and expenses that may be incurred by peace officers in rearresting me in the event the conditions of this bond are violated. I do bind myself, my heirs, executors and administrators, jointly and severally by these presents.		
THE CONDITION OF THE ABOVE OBLIGATION IS THAT I swear that I will appear before the <u>147th District Court</u> at the Travis County Courthouse, Eleventh and Guadalupe Street, Austin, Travis County, Texas, on the <u>9</u> day of <u>Oct</u> , 19 <u>91</u> , at <u>9:00</u> M. or pay to the Court the principal sum of <u>\$25,000.00</u> plus all necessary and reasonable expenses incurred in any arrest for failure to appear. I hereby deposit with the Treasurer of Travis County, Texas, cash as security for my appearance in the amount of <u>\$1,000</u> .		
I further swear that I will appear before any court or magistrate before whom this cause may hereinafter be pending at any time and place as may be required.		
Now if I shall well and truly make said appearance before the said Court, and there remain from day to day and term to term of said Court, until discharged by due course of law, then and there to answer said accusation against me, and further shall well and truly make my personal appearance in any and all subsequent proceedings that may be had relative to said charge in the course of the criminal action based on said charge, this obligation shall become void; Otherwise to remain in full force and effect.		
SIGNATURE OF DEFENDANT		
SWORN TO AND SUBSCRIBED BEFORE ME, This _____ day of _____, 19____		
NOTARY PUBLIC IN AND FOR TRAVIS COUNTY		
THIS BOND IS APPROVED AND THE DEFENDANT IS ORDERED RELEASED after completion of all booking process and deposit of the above sum.		
JUDGE <u>162</u> COURT		
TRAVIS COUNTY, TEXAS: <u>FILED</u> Date: <u>9.24.91</u>		
Received of <u>Lewis Conway</u> the sum of <u>\$1,000.00</u> on this bond.		
SHERIFF, TRAVIS COUNTY, TEXAS, by: <u>DEPUTY</u> Date: <u>9/24/91</u>		
BOND FEE REPT # 73418		
TRAVIS COUNTY BOND REPT # 70796		

91-24617
1C46A



County of
TRAVIS
STATE OF TEXAS

AMALIA RODRIGUEZ-MENDOZA, DISTRICT CLERK, TRAVIS COUNTY COURTHOUSE, THIRD FLOOR

IN THE 147TH JUDICIAL DISTRICT COURT OF TRAVIS COUNTY, TEXAS

NO. 0914028

THE STATE OF TEXAS VS. LEWIS CONWAY, JR.

NOTICE OF INDICTMENT

B/M 4-1-70

TO THE SHERIFF OF TRAVIS COUNTY, TEXAS:

YOU ARE HEREBY COMMANDED to deliver to the defendant in the above number and entitled cause the accompanying certified copy of Indictment in said cause charging the defendant with the offense of MURDER

Now pending in the 147TH Judicial District Court of Travis County, Texas, and that you will make due return of this writ showing how you have executed the same.

Issued and given under my hand and seal of the District Courts of Travis County, Texas on this the 5TH day of SEPTEMBER, A.D., 19 91.

AMALIA RODRIGUEZ-MENDOZA
DISTRICT CLERK
TRAVIS COUNTY, TEXAS

by Kristin Dier DEPUTY

SHERIFF'S RETURN

Executed on this the 8th day of SEPTEMBER, A.D., 19 91,
by delivering to the within named defendant in person a true and correct copy of Indictment as directed by this writ.

FILED

DOYNE BAILEY, SHERIFF
TRAVIS COUNTY, TEXAS

SEP 11 2 12 PM '91

by Amalia Rodriguez-Mendoza DEPUTY
DISTRICT CLERK
TRAVIS COUNTY, TEXAS



County of
TRAVIS
STATE OF TEXAS

AMALIA RODRIGUEZ-MENDOZA, DISTRICT CLERK, TRAVIS COUNTY COURTHOUSE, THIRD FLOOR

IN THE 147TH JUDICIAL DISTRICT COURT OF TRAVIS COUNTY, TEXAS

NO. 0914028 THE STATE OF TEXAS VS. LEWIS CONWAY, JR.

NOTICE OF INDICTMENT

B/M 4-1-70

TO THE SHERIFF OF TRAVIS COUNTY, TEXAS:

YOU ARE HEREBY COMMANDED to deliver to the defendant in the above number and entitled cause the accompanying certified copy of Indictment in said cause charging the defendant with the offense of MURDER

Now pending in the 147TH Judicial District Court of Travis County, Texas, and that you will make due return of this writ showing how you have executed the same.

Issued and given under my hand and seal of the District Courts of Travis County, Texas on this the 5TH day of SEPTEMBER, A.D., 19 91.

AMALIA RODRIGUEZ-MENDOZA
DISTRICT CLERK
TRAVIS COUNTY, TEXAS

by Kristin Dier DEPUTY

SHERIFF'S RETURN

Executed on this the 8th day of SEPTEMBER, A.D., 19 91.
by delivering to the within named defendant in person a true and correct copy of Indictment as directed by this writ.

FILED

DOYNE BAILEY, SHERIFF
TRAVIS COUNTY, TEXAS

SEP 11 2 12 PM '91

by Amalia Rodriguez-Mendoza

DISTRICT CLERK
TRAVIS COUNTY, TEXAS

DEPUTY

Incident Number

Personal Service

Case is set for

Pretrial

Trial Before the Court

Jury Trial (one week)

No. 91-4028

THE STATE OF TEXAS

IN THE 147th DISTRICT COURT
OF
TRAVIS COUNTY, TEXAS

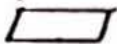
VS.

Lewis Conway

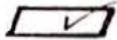
To the District Clerk of Travis County, Texas:

You will please issue subpoena in accordance with the law in the above numbered and styled cause for the following named witnesses whose testimony is material to the State:

NAME OF WITNESS	TELEPHONE	ADDRESS/SUPERVISOR	COUNTY
1. Dennis Raymond	713- 695-4426	109 Beaumont Hwy Houston, Texas	Harris
2. DR. Bayardo		Travis Co M.E. office	Travis
3.			
4.			
5.			



Please appear in Court at the time and date designated.

BEFORE COMING TO COURT — PLEASE CALL THE DISTRICT ATTORNEY'S OFFICE AT 473-⁹⁴⁷⁶~~9449~~
ON ~~THE DATE INDICATED~~ AT 2:00 P.M. TO ASCERTAIN THE STATUS AND TIME OF THIS CASE.
Feb 6, 1993These witnesses are to be and appear on the 8th day of February, 1993,
at 2:00 o'clock P. M. at the Courthouse in Austin, Texas in the 147th District
Court of Travis County, Texas to give testimony that is material to the State.Burrell D. Owen
Attorney for the State

Sworn to and subscribed before me _____ A.D. 19____.

Amalia Rodriguez-Mendoza, District Clerk
Travis County, TexasBy: _____
Deputy

TO ANY SHERIFF OR PEACE OFFICER OF THE STATE OF TEXAS — GREETINGS:

You are commanded to summon the above named witnesses to be and personally appear at
2:00 o'clock P. M. on the 8th day of Feb, 1993, before the 147th
District Court of Travis County, Texas, then and there to testify and the truth to speak on
behalf of the State in the above styled and numbered cause, and there to remain from day to
day and from term to term, until discharged, and due return hereof make according to law.Issued and given under my hand and seal of said Court in the City of Austin, Texas, this
the 1st day of Feb, 1993.DISTRICT CLERK
TRAVIS COUNTY, TEXASAmalia Rodriguez-Mendoza, District Clerk
Travis County, TexasBy: _____
DeputyElizabeth Cunningham

91-2161442

PERSONAL SERVICE

Case is set for

Pretrial

Trial Before the Court

Jury Trial (one week)

No. 91-4028

THE STATE OF TEXAS

IN THE 1474 DISTRICT COURT

VS.

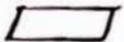
OF

TRAVIS COUNTY, TEXAS

To the District Clerk of Travis County, Texas:

You will please issue subpoena in accordance with the law in the above numbered and styled cause for the following named witnesses whose testimony is material to the State:

NAME OF WITNESS	TELEPHONE	ADDRESS/SUPERVISOR	COUNTY
1. Dr. Roberto Brizuela		Office of Medical	
2.		Examiner	Travis
3.			
4.			
5.			



Please appear in Court at the time and date designated.



BEFORE COMING TO COURT -- PLEASE CALL THE DISTRICT ATTORNEY'S OFFICE AT 473-9449 ON THE DATE INDICATED AT 2:00 P.M. TO ASCERTAIN THE STATUS AND TIME OF THIS CASE.

These witnesses are to be and appear on the 15th day of March, 1993, at 9:00 o'clock A.M. at the Courthouse in Austin, Texas in the District Court of Travis County, Texas to give testimony that is material to the State.

Walter H. Russell
Attorney for the State

Sworn to and subscribed before me _____ A.D. 19__

Amalia Rodriguez-Mendoza, District Clerk
Travis County, Texas

By: _____
Deputy

TO ANY SHERIFF OR PEACE OFFICER OF THE STATE OF TEXAS --- GREETINGS:

You are commanded to summon the above named witnesses to be and personally appear at 9:00 o'clock A.M. on the 15th day of March, 1993, before the 1474 District Court of Travis County, Texas, then and there to testify and the truth to speak on behalf of the State in the above styled and numbered cause, and there to remain from day to day and from term to term, until discharged, and due return hereof make according to law.

Issued and given under my hand and seal of said Court in the City of Austin, Texas, this the 8th day of March, 1993.

Amalia Rodriguez-Mendoza
DISTRICT CLERK
TRAVIS COUNTY TEXAS

Amalia Rodriguez-Mendoza, District Clerk
Travis County, Texas

By: Mary Houston
Deputy

Pretrial
Trial Before the Court
☒ Jury Trial (one week)

No. 91-4028

THE STATE OF TEXAS

VS.

Lewis Conway

*Personal
Service*

IN THE 147th DISTRICT COURT

OF

TRAVIS COUNTY, TEXAS

To the District Clerk of Travis County, Texas:

You will please issue subpoena in accordance with the law in the above numbered and styled cause for the following named witnesses whose testimony is material to the State:

NAME OF WITNESS	TELEPHONE	ADDRESS/SUPERVISOR	COUNTY
1. <u>Robert Burns</u>			<u>Travis</u>
2. <u>Michelle Steg</u>			<u>Travis</u>
3.			
4.			
5.			



Please appear in Court at the time and date designated.



BEFORE COMING TO COURT -- PLEASE CALL THE DISTRICT ATTORNEY'S OFFICE AT 473-9449 ON THE DATE INDICATED AT 2:00 P.M. TO ASCERTAIN THE STATUS AND TIME OF THIS CASE.

These witnesses are to be and appear on the 15th day of March, 1993, at 9:00 o'clock A. M. at the Courthouse in Austin, Texas in the _____ District Court of Travis County, Texas to give testimony that is material to the State.

Wade H. Russell
Attorney for the State

Sworn to and subscribed before me _____ A.D. 19____.

Amalia Rodriguez-Mendoza, District Clerk
Travis County, Texas

By: _____
Deputy

TO ANY SHERIFF OR PEACE OFFICER OF THE STATE OF TEXAS --- GREETINGS:

You are commanded to summon the above named witnesses to be and personally appear at 9:00 o'clock A. m. on the 15th day of March, 1993, before the 147th District Court of Travis County, Texas, then and there to testify and the truth to speak on behalf of the State in the above styled and numbered cause, and there to remain from day to day and from term to term, until discharged, and due return hereof make according to law.

Issued and given under my hand and seal of said Court in the City of Austin, Texas, this the 10th day of March, 1993.

Amalia
165

Amalia Rodriguez-Mendoza, District Clerk
Travis County, Texas

By: Mary Houston
Deputy

THE STATE OF TEXAS	§	IN 147TH JUDICIAL DISTRICT
	§	
VS.	§	OF
	§	
LEWIS CONWAY, JR.	§	TRAVIS COUNTY, TEXAS

MOTION FOR DISCOVERY, PRODUCTION
AND INSPECTION OF EVIDENCE

TO THE HONORABLE JUDGE OF SAID COURT:

I.

COMES NOW the Defendant in the above styled and numbered cause, under the authority of Article 39.14 C.C.P., and makes this his Motion for Discovery, Production and Inspection of Evidence, and in support thereof would show the Court as follows:

1. All confessions, admission and statements, in writing, signed by the Defendant, in connection with this offense with which the Defendant is hereby indicted.
2. All confessions, admissions and statements oral in nature and set down and preserved under Article 38.22 of the Tex. Crim. Code of Proc., made by the Defendant in connection with the offense with which the Defendant is hereby indicted.
3. All oral, written and recorded statements of the Defendant, and memoranda of said statements made to any investigating officer or any member of any law enforcement agency, or to any third party, which is in the possession of or within the knowledge of the District Attorney's Office or any agent thereof, including any law enforcement agency.
4. All oral and written statements made by the Defendant before the Grand Jury in connection with offense with which the Defendant is herein indicted.
5. All handwritten and typed notes made by all law enforcement officers prior to, during and after the Defendant was interrogated; or in the alternative, that all said handwritten and typed notes be accurately preserved and maintained by said law enforcement officers until the trial of this cause in order that same may be available to the court and the jury on the issue of the voluntariness of the Defendant's statements.
6. All handwritten and typed notes of the police officers who investigated and participated

FILED

260 PM '93

DISTRICT CLERK
TRAVIS COUNTY, TEXAS

in any manner in this case.

7. Then names of all suspects who where interrogated and/or arrested in conjunction with this offense, including their respective names, addresses, telephone numbers, occupation, physical descriptions and photographs (or mug shots).

8. All statements made by any party or witness to this alleged offense, in the possession of or within the knowledge of the District Attorney or any of his agents, including any law enforcement agency, whether such statements were written or oral, which might in any manner be material to the innocence of the Defendant or to the punishment, if any, to be set in the case.

9. All objects and tangible property alleged by the State to have been taken or used by the Defendant or any Co-Conspirator during the course of the commission of the offense with which the Defendant is herein indicted, including but not limited to the following:

10. All documents, papers, books, accounts, letters, objects and tangible things which are the property of the Defendant and which are in the possession, custody and control of the prosecutor.

11. All documents, papers, books, accounts, letters, objects and tangible things which are in the possession, custody and control of the prosecutor as a result of the investigation in this case and which are material evidence in this case as to the Defendant's innocence, or as to the punishment, if any.

12. All photographs, drawings and charts made by the agent of the District Attorney's Office or any law enforcement agency, which were made with reference to this case, including but not limited to all photographs, drawings, and charts of the scene of the crime and the scene of the Defendant's arrest.

13. All fingerprints, palm prints, footprints, and reports conducted with respect to said prints, alleged by the State to have been made by the Defendant, each Co-Defendant and each Co-Conspirator, in the commission of the offense with which the Defendant is herein indicted.

14. All photographs made of all line-ups conducted in this case, including the line-up wherein the Defendant was one the participants.

15. The prior criminal record of the following persons:

- (1) The Defendant;
- (2) All State's witnesses;

including all arrests and convictions, whether as a juvenile or as an adult, including but not limited to:

- a. All felony convictions and all misdemeanor convictions involving moral turpitude which have occurred in the last ten years.
- b. All felony convictions and all misdemeanor convictions involving moral turpitude which have resulted in a suspended sentence which has not been set aside;
- c. All felony and misdemeanor cases which have resulted in the person being placed on probation, wherein the period of probation has not expired; and
- d. All pending felony and misdemeanor offenses.

That the State should be ordered to request the proper law enforcement authorities to obtain a full and complete criminal record of all such witnesses and reveal same to the Defendant, and the State should not be permitted to respond to this motion by advising the Court that the prosecutor does not have any indication in his file of any prior criminal record of such witnesses.

16. A written specification of all prior misconduct and evidence of extraneous offense(s) which the State intends to use against the Defendant, which specification should include the date, time, place, and nature of such misconduct and/or extraneous offense(s), in order to fully apprise and notify the Defendant of all such evidence and thus permit the Defendant adequate time to challenge its relevancy, materiality, and probative value prior to trial and to prepare a defense as to such State's evidence.

17. The prosecutor should be required to identify the location of recovery of all of the items provided to the Defendant pursuant to this motion for discovery. Such information is necessary to determine whether or not such evidence is objectionable at the time of trial on the grounds that the evidence has not been properly identified or that the chain of custody has been properly proved or that the evidence was taken in violation of the Defendant's rights under the laws and Constitution of the State of Texas and the Constitution of the United States.

II.

In further support hereof, the Defendant would show this Court that the production of all the above evidence is the only fair and proper method of showing the good faith in the District Attorney in this case, the truth of all such matters which the District Attorney intends to

introduce into evidence against the Defendant, and to insure that the Defendant has adequate time to inspect, examine, and test all of such evidence for its respective validity, authenticity and identity.

III.

In support of this motion, the Defendant would show the Court as follows:

1. The items requested are in the exclusive possession, custody and control of the State of Texas or the United States Government by and through its agents, the police or the prosecuting attorney's office, and the Defendant has no other means of ascertaining the disclosures requested.
2. The items requested are not privileged.
3. The items and information are material to this cause and the issues of guilt or innocence and punishment to be determined in this cause.
4. The Defendant cannot safely go to trial without such information and inspection, nor can the Defendant adequately prepare the defense to the charges against him.
5. That absent such discovery the Defendant's rights under Article 39.14, C.C.P., Article I, Section 10 of the Constitution of the State of Texas, and the Fourth, Fifth, Sixth and Fourteenth Amendments to the Constitution of the United States of American will be violated, to his irreparable injury and thus deprive the Defendant of a fair trial herein.

WHEREFORE, PREMISES CONSIDERED, the Defendant respectfully prays that this Honorable Court will grant this the Defendant's Motion for Discovery and Inspection of Evidence in all things, or in the alternative, that this Court will set this matter down for a hearing prior to trial on the merits and that at such hearing this Motion will be in all things granted.

RESPECTFULLY SUBMITTED,

SMITH, MORRIS & FLOREY, L.L.P.
710 West Avenue
Austin, Texas 78701-2727
(512) 478-2517


Ben Florey
SB# 07169500

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Motion was hand-delivered to the District Attorney of Travis County, Texas, on this 8 day of September, 1992.


Ben Florey

ORDER

On this day came on to be heard the foregoing Motion for Discovery, Production and Inspection of Evidence and the same is hereby:

GRANTED and the Court hereby orders the District Attorney to produce and permit the inspection of the copying and/or photographing of, and examination of, by or on behalf of the Defendant, all the designated items in said Motion.

GRANTED and the Court hereby sets this Motion down for a hearing to be held on the ____ day of _____, 1992, at ____ o'clock ____ .M.

GRANTED in part and the Court hereby orders the District Attorney to produce and permit the inspection of and the copying and/or photographing of, and examination of, by or on behalf of the Defendant, all items in said Motion whose numbers have been circled.

DENIED to which action of the Court the Defendant duly excepts.

SIGNED and ENTERED this ____ day of _____, 1992.

Judge Presiding

NO. 91-4028

THE STATE OF TEXAS

§
§
§
§
§

IN 147TH JUDICIAL DISTRICT

VS.

OF

LEWIS CONWAY, JR.

TRAVIS COUNTY, TEXAS

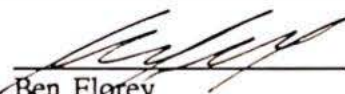
MOTION TO SHUFFLE JURY PANEL

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the Defendant in the above styled and numbered cause and, pursuant to Article 35.11 C.C.P., moves the Court to shuffle the jury panel after the jury panel has been seated in order in open court, and prior to the voir dire examination in this case. See Stark v. State, 657 S.W.2d 115 (Tex. Cr. App. 1983); Davis v. State, 573 S.W.2d 780 (Tex. Cr. App. 1978); Como v. State, 557 S.W.2d 93 (Tex. Cr. App. 1977).


RESPECTFULLY SUBMITTED,

SMITH, MORRIS & FLOREY, L.L.P.
710 West Avenue
Austin, Texas 78701-2727
(512) 478-2517


Ben Florey
SB# 07169500

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Motion was hand-delivered to the District Attorney of Travis County, Texas, on this 8 day of September, 1992.


Ben Florey

ORDER

The foregoing Motion to Shuffle Jury Panel was timely and properly presented to the Court and the Court hereby GRANTS/DENIES said motion.

DATED: _____, 1992.

Judge Presiding

NO. 91-4028

THE STATE OF TEXAS

§

IN 147TH JUDICIAL DISTRICT

VS.

§

OF

LEWIS CONWAY, JR.

§

TRAVIS COUNTY, TEXAS

MOTION TO SUPPRESS EVIDENCE SEIZED

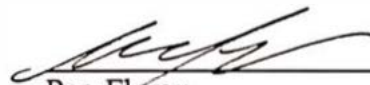
TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Defendant in the above styled and numbered cause and moves this Court to suppress any and all testimony or other evidence of items seized from Defendant at the time of his stop, search, and arrest in this case which the prosecution will attempt to use to link Defendant to the offense in question.

Said testimony and evidence should be suppressed because the state has not provided Defendant or Defendant's counsel with either the items seized or pictures thereof. Without pre-trial inspection of said items or photographs thereof, the Defendant is denied his right to due process, effective assistance of counsel and effective confrontation of witnesses against him under the Texas and United States Constitution.

RESPECTFULLY SUBMITTED,

SMITH, MORRIS & FLOREY, L.L.P.
710 West Avenue
Austin, Texas 78701-2727
(512) 478-2517



Ben Florey
SB# 07169500

FILED

JUN 11 2 00 PM '93

Ben Florey
JUN 11 1993
CLERK
TRAVIS COUNTY

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Motion was hand-delivered to the District Attorney of Travis County, Texas, on this 8 day of September, 1992.


Ben Florey

ORDER

Having heard the above Motion to Suppress Evidence Seized, it is hereby ordered that said motion is GRANTED/DENIED and all testimony or other evidence of items seized from Defendant at the time of her stop, search, and arrest in this case are suppressed and the prosecution is ordered not to mention, allude to, or solicit testimony or evidence thereof.

SIGNED and ENTERED this ____ day of _____, 1992.

Judge Presiding

NO. 91-4028

THE STATE OF TEXAS	§	IN 147TH JUDICIAL DISTRICT
	§	
VS.	§	OF
	§	
LEWIS CONWAY, JR.	§	TRAVIS COUNTY, TEXAS

MOTION FOR THE PRODUCTION AND INSPECTION
OF EVIDENCE AND INFORMATION WHICH MAY LEAD TO EVIDENCE

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the Defendant in the above styled and numbered cause and, at the conclusion of the State's case in chief and prior to the offering of any evidence by the Defendant and presented again at the conclusion of all of the evidence and prior to the closing of the testimony by the defense, respectfully moves the Court to order the prosecution to produce and inspect all evidence and information which may lead to favorable evidence as to the issues of the Defendant's guilt or innocence and punishment, including but not limited to the following:

I.

Criminal records, acts of misconduct and psychiatric history, if any, of all witnesses testifying in behalf of the State during this trial.

II.

Any and all evidence that a witness called by the State during this trial has committed a perjury or has previously made any statement or given any testimony which conflicts with or contradicts the testimony given by said witness during the trial of this cause.

III.

The names and present locations of all witnesses to this offense.

IV.

All statements of all persons, whether they have testified or not, who have been interviewed by the prosecution or any agent thereof and who have personal knowledge of facts of this case which could be deemed favorable to the Defendant, as to the issues of either guilt/innocence or punishment.

V.

Copies of all business records and governmental records that are available to the prosecution or within the knowledge of the prosecution, whether or not used in this trial, including but not limited to all laboratory reports, scientific tests, and pawn records.

VI.

All exculpatory evidence and facts which are known or by the exercise of due diligence should be known by the prosecution.

VII.

All evidence which supports the Defendant's previously filed Motions to Exclude Evidence, including but not limited to Defendant's Motion To Suppress Evidence.

VIII.

All items taken from Defendant during the arrest and search of his persons whether in the possession of the District Attorney and law enforcement agencies or otherwise.

IX.

The Defendant hereby reurges all requests for discovery previously made in the Defendant's Motion for Discovery, and for purposes of this motion, incorporates by reference the said Motion For Discovery.

X.

The Defendant submits to this Court that the failure or refusal to produce any or all of the foregoing evidence or information by the prosecution constitutes a suppression of evidence and a violation of the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution and substantially denies the Defendant the effective assistance of counsel and a fair trial. *Brady v. Maryland*, 373 U.S. 83; *United States v. Agurs*, 427 U.S. 97 (1976); *Ashley v. Texas*, 319 F.2d 763 (5th Cir. 1987).

WHEREFORE, PREMISES CONSIDERED, the Defendant prays that this Honorable Court will grant this motion in all things.

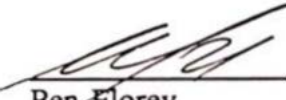
RESPECTFULLY SUBMITTED,

SMITH, MORRIS & FLOREY, L.L.P.
710 West Avenue
Austin, Texas 78701-2727
(512) 478-2517


Ben Florey
SB# 07169500

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Motion was hand-delivered to the District Attorney of Travis County, Texas, on this 8 day of September, 1992.


Ben Florey

ORDER

The foregoing Motion for the Production and Inspection of Evidence and Information Which May Lead to Evidence was timely and properly presented to the Court at the conclusion of the State's case in chief and prior to the introduction of any evidence by the Defendant and the Court hereby GRANTS/DENIES said motion.

DATED: _____, 1992.

Judge Presiding

THE STATE OF TEXAS	§	IN 147TH JUDICIAL DISTRICT
	§	
VS.	§	OF
	§	
LEWIS CONWAY, JR.	§	TRAVIS COUNTY, TEXAS

MOTION TO SUPPRESS EVIDENCE
OF EXTRANEIOUS TRANSACTIONS

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the Defendant in the above styled and numbered cause and files this his Motion to Suppress Evidence of Extraneous Transactions and would show the Court as follows:

I.

That the Defendant has been indicted for the Felony offense of Murder alleged to have occurred on August 4, 1991, in Travis County, Texas.

II.

That the State intends to offer into evidence other extraneous offenses, crimes, wrongs, and acts for which the Defendant is unindicted and presently charged, and intends to offer into evidence other extraneous offenses, crimes, wrong, and acts known to the State but unknown to the Defendant.

III.

That the Defendant hereby moves the Court to suppress all evidence of such extraneous offenses, crimes, wrongs, and acts on the ground that evidence of same will not be relevant to any material issue in this cause and that the inflammatory and prejudicial potential of such evidence will clearly outweigh the relevancy value of same; and that the State has not divulged the date, time, and place of said alleged offenses in order to permit the Defendant to prepare his defense and adequately rebut evidence of said offenses, thus depriving the Defendant of the effective assistance of counsel and of a fair trial.

IV.

That alternatively the Defendant moves the Court to require the State to submit a formal Bill

of Particulars or a formal statement or advise the Defendant in writing under Rule 404(b) of the Texas Rules of Criminal Evidence as to the date, time and place and names of witnesses as to all said extraneous offenses, crimes, wrongs, and acts which the State intends to prove during the trial of this cause prior to trial in order to place the Defendant on notice and enable to the Defendant to prepare a defense thereto.

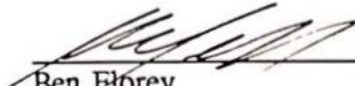
V.

That the Defendant further moves the Court to order the State to approach the bench and advise the Defendant and the Court prior to the time and State offers evidence of such offenses in order to permit the Defendant to properly and timely object to said evidence, outside the presence of the jury.

WHEREFORE, PREMISES CONSIDERED, the Defendant respectfully prays that His Honorable Court will set this motion down for a hearing and following same that His Honorable Court will order said evidence suppressed; or in the alternative that this Honorable Court will require the State to fully divulge the time, date, place, and names of witnesses who will testify as to any extraneous offenses, crimes, wrongs, and acts during the trial of this cause; and that this Court will require the prosecution to approach the bench prior to the offer of said evidence in order to permit the Defendant to properly and timely make objections to said evidence during the trial of this cause if same is permitted.

RESPECTFULLY SUBMITTED,

SMITH, MORRIS & FLOREY, L.L.P.
710 West Avenue
Austin, Texas 78701-2727
(512) 478-2517



Ben Florey
SB# 07169500

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Motion was hand-delivered to the District Attorney of Travis County, Texas, on this 5 day of September, 1992.



Ben Florey

ORDER

The foregoing Motion to Suppress Evidence of Extraneous Transactions was timely and properly presented to the Court at the conclusion of the State's case in chief and prior to the introduction of any evidence by the Defendant and the Court hereby GRANTS/DENIES said motion.

DATED: _____, 1992.

Judge Presiding

THE STATE OF TEXAS

VS.

LEWIS CONWAY, JR.

§
§
§
§
§

IN 147TH JUDICIAL DISTRICT

OF

TRAVIS COUNTY, TEXAS

MOTION TO SUPPRESS

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Lewis Conway, Jr., Defendant herein, and moves this Court to suppress evidence obtained as a result of his arrest on August 4, 1991, and for cause would show the Court:

I.

Defendant was arrested on or about August 4, 1991, in Travis County, Texas by officers of the Austin Police Department. The arrest followed the stop of Defendant while engaged in pedestrian activity.

II.

As a result of the stop and subsequent arrest the officers made observations of Defendant and his vehicle, seized tangible evidence, secured oral statements from Defendant and obtained other types of evidence the character of which is unknown to Defendant. Also, as the result of the arrest, Defendant was identified by an alleged victim as a suspect in a Murder.

III.

The stop and arrest was without a warrant and the officer making the stop and arrest did not at the time have facts within his knowledge sufficient to constitute probable cause or reasonable suspicion of criminal activity. The stop and arrest were, therefore, violative of the Fourth and Fourteenth Amendments to the United States Constitution and Article 14 of the Texas Constitution. Any evidence obtained as a result thereof is inadmissible under the federal exclusionary rule and Article 38.23 Tex. Code Crim. Proc.

WHEREFORE, PREMISES CONSIDERED, Defendant pray that this Court suppress all evidence obtained as a result of the aforementioned stop and arrest of Defendant.

FILED

AUG 11 2 00 PM '93

CLERK OF DISTRICT COURT
TRAVIS COUNTY, TEXAS

RESPECTFULLY SUBMITTED,

SMITH, MORRIS & FLOREY, L.L.P.
710 West Avenue
Austin, Texas 78701-2727
(512) 478-2517



Ben Florey
SB# 07169500

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Motion was hand-delivered to the District Attorney of Travis County, Texas, on this 8 day of September, 1992.



Ben Florey

ORDER

Came this day and was heard Defendant's Motion to Suppress. The Court after considering the motion, the evidence and argument of counsel is of the opinion that the following Orders are appropriate.

IT IS ORDERED that the Defendant's Motion to Suppress is hereby GRANTED/DENIED.

SIGNED and ENTERED this _____ day of _____, 1992.

Judge Presiding