

45576CR  
CAUSE NO. ~~44576CR~~

THE STATE OF TEXAS                   §                   IN THE 443<sup>RD</sup> JUDICIAL  
VS.   §                   DISTRICT COURT  
JOHN ERIC ARMSTRONG               §                   OF ELLIS COUNTY, TEXAS

**DEFENDANT'S MOTION FOR DISCLOSURE OF RULE 702 WITNESSES  
AND ANY FACTS OR DATA RELIED UPON BY SAID WITNESSES**

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now, Defendant, by the undersigned counsel, and pursuant to Art. 39.14 of the Texas Code of Criminal Procedure, and Rule 705 of the Texas Rules of Evidence, and files this Motion for Disclosure of Rule 702 Witnesses and Any Facts or Data Relied Upon by Said Witnesses and underlying any "expert" opinion the State intends to offer into evidence at trial. Defendant respectfully requests that the Court order the State to disclose not later than 20 days prior to trial the following:

- 1) The name and address of each "expert;"
- 2) The specific area in which "expert" testimony will be offered;
- 3) The facts and data that are the basis of any report or reports produced, or the facts and data which will be relied upon in providing testimony in the matter before the Court, pursuant to Rules 702, 703 and 705 of the Texas Rules of Evidence.

WHEREFORE, Defendant prays that this Honorable Court grant this Motion and order the State to disclose its Rule 702 witnesses' names and addresses, the specific area in which said witnesses will testify, as well as any facts or data relied upon by said witnesses, not later than 20 days before the date the trial begins.

Respectfully Submitted,

/s/Sarah D. Jacobs

**Mark D. Griffith, SB #00785928**

**Chad A. Hughes, SB #24082019**

**Sarah D. Jacobs, SB#24068658**

**GRIFFITH & ASSOCIATES**

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**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the above and foregoing *Defendant's Motion for Disclosure of Rule 702 Witnesses and Any Facts or Data Relied upon by Said Witnesses* was delivered to the Ellis County District Attorney's Office, 109 South College, Waxahachie, Texas, 75165, on the 9th day of October, 2020, by e-filing service.

/s/Sarah D. Jacobs

Attorney, GRIFFITH & ASSOCIATES

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IN THE 443<sup>RD</sup> JUDICIAL

VS.

DISTRICT COURT

JOHN ERIC ARMSTRONG

OF ELLIS COUNTY, TEXAS

**ORDER ON DEFENDANT'S MOTION FOR DISCLOSURE OF RULE 702 WITNESSES AND ANY FACTS OR DATA RELIED UPON BY SAID WITNESSES**

On \_\_\_\_\_, 2020, came on to be considered Defendant's Motion for Disclosure of Rule 702 Witnesses and Any Facts or Data Relied Upon by Said Witnesses. After consideration of the same, it is the ORDER of this Court that the Motion is hereby:

- ( ) Granted, and the State is hereby ORDERED to disclose, not later than \_\_\_\_ days prior to trial, any Rule 702 witnesses that it intends to call at trial.
- ( ) It is further ORDERED that the State disclose not later than \_\_\_\_ days prior to trial any facts or data relied upon by said witnesses and that form the basis of the opinion the expert intends to offer at trial.
- ( ) Denied, to which ruling Respondent excepts.

Signed on this the \_\_\_\_ day of \_\_\_\_\_, 2020.

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