

1 tions I have given you. I think I have given them to you
2 a number of times, that you will not discuss or read any
3 accounts, or allow anyone to discuss any aspect of the
4 case with you. Nor will you try to make any determina-
5 tions whatsoever on your own.

6 Now, if you will, keep in mind these instruc-
7 tions. I'm going to excuse you, then, until Thursday
8 morning at 9:00 o'clock.

9 (Whereupon, Court was recessed until
10 (July 5, 1984, at which time, in the
11 (Court's Chambers out of the presence
(and hearing of the jury, the follow-
ing proceedings were had, to-wit:

12 PROCEEDINGS HAD JULY 5, 1984 (A.M.)

13 DEFENDANT'S PRE-PUNISHMENT PHASE MOTIONS

14 THE COURT: All right, go ahead.

15 And we're outside the presence and hearing of
16 the jury.

17 And it's my understanding, that prior to the
18 offer of any testimony on punishment, that the Defense
19 has some motions that they wish to make.

20 MR. FULLER: Yes, sir. The Defense does have
21 some motions.

22 The first motion that the Defense would offer
23 on behalf of the Defendant -- make on behalf of the
24 Defendant -- is a Motion to Exclude Record of Prior
25 Convictions, on the following grounds:

1 First, a certified copy of the same has never
2 been delivered to the Defendant or his attorneys, in
3 accordance with Section 3, Article 37.31 (a), Vernon's
4 Annotated Texas Statutes, and thus violates the terms
5 and provisions of Section 3, Article 37.31 (a), Vernon's
6 Annotated Texas Statutes.

7 Secondly, such record is entirely hearsay.
8 Thirdly, the Judgment and Sentence set forth in the
9 record are void, for reasons that, the indictment,
10 information of complainant upon which the same are based,
11 fails to allege an offense. Secondly, the Judgment, in
12 at least the robbery conviction, is not signed by the
13 trial judge, in violation of Article 42.01 of the Code
14 of Criminal Procedure.

15 For those reasons, the record of prior convic-
16 tions is absolutely inadmissible, and Defense would move,
17 at this time, to exclude the introduction of same into
18 evidence.

19 THE COURT: All right.

20 MR. FULLER: We would offer some testimony in
21 support of that, Your Honor.

22 THE COURT: All right, sir.

23 MR. FULLER: Will you swear Mr. Hunt?

24 THE COURT: Raise your right hand.

25 (Whereupon, Mr. Hunt was sworn.