

FILED
El Paso County, Texas
El Paso County, Texas
El Paso County, Texas

No. 43314

CLERK DEPUTY

STATE OF TEXAS
VS.
HENRY LEE LUCAS

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IN THE 120TH JUDICIAL
DISTRICT COURT OF
EL PASO COUNTY, TEXAS

MOTION TO SUPPRESS ORAL, VIDEOTAPED,
AND WRITTEN STATEMENTS AND CONFESSIONS

TO THE HONORABLE BRUNSON MOORE, JUDGE OF SAID COURT:

COMES NOW, the Defendant in the above styled and numbered cause, by and through his court appointed attorneys ROD PONTON and DORIS SIPES, and files this his Motion to Suppress any oral, videotaped, or written statement purportedly made by the Defendant to any law enforcement officer and in support thereof would show the Court as follows:

I.

That the time of any conversations between the Defendant and law enforcement officers, the Defendant was under arrest.

II.

That said statement was involuntary and was coerced and enticed from the Defendant.

III.

That the Defendant was deprived of his right to counsel and did not intelligently, understandingly and knowingly waive his right to counsel.

IV.

That the said statement was taken from the Defendant at a time when he was not aware of the consequences of his conduct

because of the massive quantities of drugs given to him by law enforcement personnel.

V.

That the statements were tainted by the illegal and unlawful detention and arrest of the Defendant in June, 1983, were in violation of the Defendant's constitutional rights under the Fifth and Fourteenth Amendments to the Constitution of the United States, Article I, Section 9 of the Texas Constitution and TEX. CODE CRUM. PROC. ANN. Article 38.23.

VI.

That the admission of any written, oral or videotaped statement would violate the requirements for its admissibility under TEX. CODE CRUM. PROC. ANN. Articles 38.21 and 38.22.

VII.

That any statement taken from the Defendant herein was false, and was taken from the Defendant in substantially the same manner as hundreds of other false confessions he has given to law enforcement authorities.

VIII.

That any statement taken from the Defendant herein was involuntary, in that such was taken under threats of force and imprisonment if said statement was not given.

IX.

That any statement taken from the Defendant herein was not voluntary in that such was taken after rewards and promises of

rewards were given to Defendant.

X.


That the admission of any of said statements would therefore violate the Defendant's rights under the Fourth, Fifth, Sixth, and Fourteenth Amendments to the United States Constitution, Article I. Sections 9 and 10 of the Texas Constitution and TEX. CODE CRIM. PROC. ANN. Articles 1.05 and 38.23.

WHEREFORE, PREMISES CONSIDERED, the Defendant respectfully prays that this Honorable Court will conduct a pretrial hearing on this motion, and after hearing evidence hereon, that this Honorable Court will order any and all confessions taken from the Defendant by law enforcement officers suppressed for the aforementioned reasons and for such other and further reasons which may develop during said hearing.

Respectfully submitted,

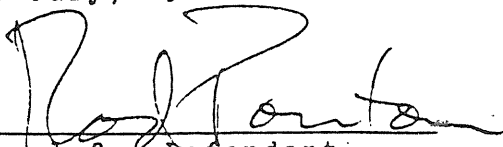
ROD PONTON,
DORIS SIPES,
Counsel for Defendant

By: _____


ROD PONTON
P.O. Box D
El Paso, TX 79951
Bar Card #16115170

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing motion was delivered to the District Attorney for El Paso County, Texas, on this the 30 day of July, 1986.


Counsel for Defendant

ORDER

It is hereby ordered that this Court will conduct a pre-trial hearing on this motion on _____, 1986

BRUNSON MOORE