

CAUSE NO. 1496318

STATE OF TEXAS § IN THE 338th DISTRICT COURT
 §
vs. § OF
 §
DAVID ROBERT DALEIDEN § HARRIS COUNTY, TEXAS

MOTION TO DISCLOSE THE GRAND JURY TESTIMONY

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW David Daleiden, Defendant in the above styled and numbered cause, by and through his attorney of record Terry W. Yates, and moves this Court to disclose Reporter's Record and/or transcript of the holdover grand jury proceeding in this county, which returned the indictment in the present and in support thereof shows this Honorable Court as follows:

I.

The Defendant has been indicted by the Harris County Grand Jury for the offense of Tampering with Government Record a second degree felony; Defendant was indicted by a holdover grand jury convened by the 232nd District Court of Harris County, Texas.

H.

Chapter 20 of the Code of Criminal Procedure governs grand jury proceedings. *See* Tex. Code Crim. Proc. Ann. art. 20.01- 20.22. In all cases of grand jury organization, the proceedings "shall be secret." Tex. Code Crim. Proc. Ann. art. 20.02(a). However, 20.02(d) provides an exception to the blanket rule of grand jury secrecy by stating, "The defendant may petition a court to order the disclosure of information otherwise made secret by this article or the disclosure of a recording or typewritten transcription under article 20.012 as a matter preliminary to or in connection with a judicial proceeding. The court may order the disclosure of the information, recording, or transcription on a showing by the defendant of a particularized need." *Id.*

In the case at bar, defendant requests this Court order disclosure of the grand jury proceedings, namely written transcripts from the 232nd grand jury that returned an indictment against the defendant. Defendant can make a showing of the particularized need. Defendant has set forth, by motion, a factual basis that the grand jury acted improperly. Defendant makes this request to further investigate the allegations set forth in defendant's pleadings, and needs this information to perform due diligence regarding the same.

III.

WHEREFORE, PREMISES CONSIDERED, Defendant, David Daleiden respectfully prays that this Motion be in all things granted.

Respectfully submitted,

Terry W. Yates & Associates

By: /s/Terry W. Yates

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**ATTORNEYS FOR DEFENDANT
DAVID ROBERT DALEIDEN**

CERTIFICATE OF SERVICE

This is to certify that on July 1, 2016, a true and correct copy of the above and foregoing document was served on the Harris County District Attorney's Office by facsimile transmission and/or hand delivery and/or electronic service.

/s/Terry W. Yates
Terry W. Yates