

CAUSE NO. 1643982

THE STATE OF TEXAS	§	IN THE 209 TH CRIMINAL
	§	
VS.	§	DISTRICT COURT OF
	§	
OLIVER BROWN	§	HARRIS COUNTY, TEXAS

DEFENDANT'S UNOPPOSED MOTION FOR PRODUCTION OF GRAND JURY TESTIMONY

COMES NOW OLIVER BROWN, DEFENDANT, hereby filing this Unopposed Motion for Production of Grand Jury Testimony, and showing the Honorable Court as follows:

- 1. There is a special reason and particularized need for production of the grand jury testimony in this case.**

It is well-established that the production of grand jury testimony lies within the sound discretion of the trial court. *E.g., Bynum v. State*, 767 S.W.2d 769, 781-82 (Tex. Crim. App. 1989). To obtain production of grand jury testimony, a defendant must show that either a special reason or particularized need exists. *Id.*

Counsel for the State of Texas has advised undersigned that the grand jury testimony in this case contains *Brady* material. This constitutes a special reason and particularized need sufficient to authorize production of the testimony to the defense. *See* Art. 20.02 (d), TEX. CODE CRIM. PROC; *see generally Brady v. Maryland*, 373 U.S. 83 (1963).

- 2. Limited disclosure will not compromise grand jury secrecy.**

Limited disclosure of the grand jury testimony as requested herein will not compromise grand jury secrecy, since anyone who receives grand jury testimony by showing special reason or particularized need is required by law to hold it secret. Art. 20.02 (f), TEX. CODE

CRIM. PROC. In making this request for production, Defendant agrees to keep secret any grand jury materials produced to the defense.

3. Relief requested.

Defendant respectfully requests that the Court issue an order authorizing the attorney representing the State of Texas to produce the grand jury testimony in this case to the defense.

Respectfully submitted,

/s/ Sean Buckley _____

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Certificate of Service

I certify that on this the 12th day of August, 2020, I provided a true and correct copy of the foregoing motion to the Assistant District Attorney representing the State of Texas, by e-service.

/s/ Sean Buckley _____
Sean Buckley