

CAUSE NO. 175980201010

THE STATE OF TEXAS § IN THE 263RD DISTRICT COURT
 §
VS. § OF
 §
LEHMAN, ANDREW PETER § HARRIS COUNTY, TEXAS

**STATE'S MOTION TO REVOKE BOND AND DENY BAIL
PURSUANT TO ARTICLE I, SECTION 11B OF THE TEXAS CONSTITUTION**

The State of Texas, moves the Court to hold the required hearing pursuant to Code of Criminal Procedure Article 17.40(b) (West 2022) so the State may seek revocation of the defendant's bond for violating a condition related to victim or community safety. *See* Tex. Code Crim. Proc. Ann. art. 17.40(b) (West 2022) (ordering a hearing limited to determining whether the defendant violated a bond condition imposed under this section and mandating revocation when the State proves by a preponderance of the evidence that the violation related to safety occurred). The State further moves this Court to deny the Defendant any further bail, pursuant to Article I, Section 11b of the Texas Constitution, for the following reasons:

I.

This Court released the Defendant on bond in the above listed cause number. As part of the defendant's release the Court ordered the defendant to abide by bond conditions pursuant to Article 17.40(a) of the Texas Code of Criminal Procedure related to the safety of the victim or the safety of the community while released on bond.

The defendant has violated one or more of those conditions by:

☒ Committed a new law violation On or about February 17, 2023, in cause number 1807640, the Defendant was charged with the new law violation of Possession of a Controlled Substance over 4 grams but less than 200 grams;

II.

The State hereby respectfully requests that this Court:

- (1) Conduct the required hearing pursuant to Article 17.40, at the earliest opportunity;

- (2) Upon finding by a preponderance of the evidence that the defendant violated a lawful bond condition related to the safety of the victim or the community grant the State's motion to revoke the defendant's bond; and,
- (3) Deny the defendant any further bail in the above case in accordance with Texas Constitution Article 1, Section 11b because the defendant violated a past bond condition related to the safety of the victim and/or to the safety of the community.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Jesse Pence', is positioned above a horizontal line.

PENCE, JESSE
Assistant District Attorney
Harris County District Attorney's Office
TBC No. 24104067
PENCE_JESSE@DAO.HCTX.NET

CERTIFICATE OF SERVICE

I, the undersigned attorney, hereby certify that a true and correct copy of this instrument was e-mailed to counsel for the Defendant on this date by electronic service using his State Bar of Texas official address for electronic service.

A handwritten signature in black ink, appearing to read 'Jesse Pence', is positioned above a horizontal line.

PENCE, JESSE
Assistant District Attorney
Harris County District Attorney's Office
TBC No. 24104067

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ORDER ON STATE’S MOTION FOR A BAIL HEARING

The Court, having considered the State’s Motion to hold a bail hearing **ORDERS** that a hearing proceed after a reasonable opportunity for the State and defense to prepare and produce witnesses, namely on .

SIGNED AND ENTERED on .

Judge Presiding
Harris County, Texas

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**ORDER ON STATE’S MOTION TO REVOKE BOND AND MOTION TO DENY BAIL
PURSUANT TO ARTICLE I, SECTION 11B OF THE TEXAS CONSTITUTION**

The Court, having conducted the above referenced hearing on the State’s Motion to Revoke the Defendant’s Bond and Motion to Deny Bail Pursuant to Article I, Section 11b hereby GRANTS:

- ☐ The State’s Motion to Revoke the defendant’s bond having found by a preponderance of the evidence that the defendant violated a lawful bond condition related to the safety of the victim and/or the safety of the community; and,
- ☐ The State’s Motion to Deny Bail in the above case in accordance with Texas Constitution Article 1, Section 11b having found that the defendant is accused of a felony or family violence offense, was released on bail pending trial, and that bail was revoked or forfeited for a violation of a condition of release related to the safety of the victim of the alleged offense or to the safety of the community.

SIGNED AND ENTERED on .

Judge Presiding
Harris County, Texas