

CAUSE NO. 89-CR-3271  
OFFENSE: Conspiracy To Commit/  
Solicitation of Capital murder  
IN THE 187th COURT

THE STATE OF TEXAS

VS.

Linda Heredia

OF

BEXAR COUNTY, TEXAS

MOTION TO DISMISS

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES the State of Texas by and through her District Attorney, and respectfully requests the Court to dismiss the above entitled and numbered criminal action for the following reason:

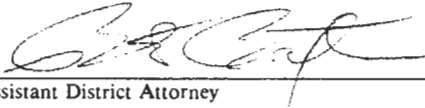
- The Defendant was convicted in another case or count.
- In custody elsewhere.
- Old case, no arrest.
- Missing witness.
- Request of complaining witness.
- Motion to suppress granted.
- Co-Defendant tried, this Defendant testify.
- Insufficient evidence.
- Co-Defendant convicted, insufficient evidence this Defendant.
- Case reindicted/refiled.
- Other.

EXPLANATION:

Based on testimony given at a pre-trial hearing held on July 17, 1990, and information made available to Movant since that time, the credibility of Henry Belletini, a crucial witness for the State of Texas, has been irreparably undermined. He has now testified inconsistently both with his prior statements as to several material factual allegations in this case, and with credible evidence made known to Movant since the time of said hearing. Because of this, it would be an injustice to proceed to trial, as the State at this time cannot prove the Defendant guilty beyond a reasonable doubt.

WHEREFORE, PREMISES CONSIDERED, it is requested that the above entitled and numbered cause be dismissed.

Respectfully submitted,

  
Assistant District Attorney  
Bexar County, Texas

ORDER

The foregoing motion having been presented to me on this the 18th day of July A.D. 1990, and the same having been considered, it is, therefore, ORDERED, ADJUDGED and DECREED that said above entitled and numbered cause be and the same is hereby dismissed.

  
JUDGE

187th District COURT  
BEXAR COUNTY, TEXAS