

THE STATE OF TEXAS

v.

EARL DAVID WORDEN

IN THE 209th DISTRICT

COURT OF HARRIS COUNTY,

TEXAS

DEFENDANT'S MOTION IN LIMINE

TO THE HONORABLE JUDGE OF SAID COURT:

Now comes the Defendant in the above captioned and styled cause and by and through his attorney of record M. Gabriel Nahas, Jr., respectfully moves this Honorable Court to order the Assistant District Attorney and any and all other civilian or non-civilian witnesses not to mention, allude to or refer to, directly or indirectly, by way of questions, answers, statement, objection side bar remark, or in any other matter, during and all stages of the trial that any of the following facts exist:

1. That the Defendant stands charged by indictment with the felony of Unauthorized use of a Motor Vehicle in cause no. 441210, presently pending in this Court;
2. That the motor vehicle the Defendant was driving when he was arrested on or about August 21, 1985 is alleged to have been stolen from Charlie Thomas Ford;
3. That the Defendant was a suspect in the aggravated rape/aggravated kidnapping of one [REDACTED] alleged to have occurred on or about August 12, 1985 in Cause No. 431089 in the 209th District Court of Harris County, which case was dismissed upon Motion of the State on August 22, 1985 as a result of a negative line-up identification;
4. That when the Defendant was arrested on or about August 21, 1985, his brother, Dwayne Worden drove up to the scene driving a motor vehicle alleged to have been stolen;
5. That the motor vehicle in which the alleged aggravated sexual assault occurred is the same or similar to a motor vehicle allegedly stolen from Charlie Thomas Ford;
6. That the Defendant was a suspect in other sexual assault cases in the Houston and Pasadena areas;

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As grounds therefor, Defendant states that the introduction of the aforementioned items are inadmissible as a matter of law, and could only serve to severely prejudice the Defendant, and that the prejudice resulting to the Defendant from the introductions of said items outweighs their probative value.

WHEREFORE, Premises Considered, the Defendant respectfully prays that this Motion be granted, and that the Court order the Assistant District Attorney and their witnesses be ordered to comply therewith, and further that should the prosecution at any time contend that any of the above matters are inadmissible, that the Assitant District Attorney be ordered to first approach the bench and make known the basis for such a contention out of the hearing of the jury to allow the Defendant an opportunity to rebut such a contention.

**FILED**

RAY HARDY  
District Clerk

JAN 21 1986

Time: 12:50 pm  
Harris County

By: *John W. ...*

Respectfully submitted,

*(by) Tony Amador*

M. GABRIEL NAHAS, JR.  
411 Fannin St. Suite 302  
Houston, Tx 77002  
Phone: (713) 227-7273  
T.S.B. #14781000

CERTIFICATE OF SERVICE

I hereby certify that on the 21 day of JAN, 1986  
a copy of this Motion was duly delivered to the Assistant District Attorney  
of Harris County, Texas.

*(by) Tony Amador*  
M. GABRIEL NAHAS, JR.

O R D E R

THE FOREGOING MOTION IS HEREBY:

GRANTED  
 DENIED

SIGNED AND ENTERED this 21 day of January, 1986.

*Michael ...*  
JUDGE PRESIDING