CAUSE NO.

STATE OF TEXAS § IN

§

VS. §

§

§ TARRANT COUNTY, TEXAS

# DEFENDANT'S MOTION IN LIMINE TO EXCLUDE SPECIFIC INSTANCES OF CONDUCT OF A WITNESS

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, , Defendant in the above styled and numbered cause, by and through his attorney of record, Mimi Coffey, and respectfully requests this Court to preclude the State from presenting any evidence as it relates to specific instances of conduct of a witness, for the purpose of attacking or supporting the witness’ credibility, including but not limited to job loss, credit history, and other non-criminal bad acts as said evidence is in violation of ***Rule 608(b)*** of the ***Texas Rules of Evidence***.

# I. INTRODUCTION

It is anticipated that the State will attempt to introduce and argue evidence of specific instances of conduct of a witness, for the purpose of attacking or supporting the witness’ credibility in violation of Tex. Rule Evidence 608(b). General evidence of job loss, credit history, and other non-criminal bad acts is highly prejudicial. To allow the State to present such evidence in order to of attack a witness’s credibility, would violate due process and the right to a fair trial.

# II.

**CHARACTER EVIDENCE OF SPECIFIC INCSTANCES OF CONDUCT OF A WITNESS PROHIBTED BY RULE 608(b) OF TEXAS RULES OF EVIDENCE**

***Rule 608(b)*** of the ***Texas Rules of Evidence***, which addresses evidence of character and conduct of a witness, states that specific instances of conduct of a witness, for the purpose of attacking

or supporting the witness’ credibility, other than conviction of crime as provided by Rule 609, may not be inquired into on cross-examination of the witness nor proved by extrinsic evidence.

# III. CONCLUSION

If the Court allows the State to introduce or elicit evidence of job loss, credit history, or other non-criminal bad acts, it would not only violate the policies which exclude such evidence under ***Rules 608(b)*** of the ***Texas Rules of Evidence***, but the admission of such prejudicial and speculative evidence would render the trial fundamentally unfair and deny Defendant due process.

# IV. PRAYER

WHEREFORE, PREMISES CONSIDERED, the Defendant respectfully requests this Honorable Court Order the State to not present the evidence complained of above until such time as it has first received permission of the Court to do so.

Respectfully Submitted, The Coffey Firm

4700 Airport Freeway Fort Worth, Texas, 76117 Phone: 817-831-3100

Fax: 817-831-3340

Mimi Coffey

STATE BAR NO.: 00792435 ATTORNEY FOR DEFENDANT

**CERTIFICATE OF SERVICE**

I hereby certify that this Motion in Limine was served on District Attorney by hand delivery on this

 day of , 20 .

Respectfully Submitted, The Coffey Firm

4700 Airport Freeway Fort Worth, Texas, 76117 Phone: 817-831-3100

Fax: 817-831-3340

Mimi Coffey

STATE BAR NO.: 00792435 ATTORNEY FOR DEFENDANT

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**O R D E R**

BE IT REMEMBERED that on this day came on to be heard the ***Defendant's Motion in Limine to Exclude Specific Instances of Conduct of a Witness*** and the Court having considered same is of the opinion that said Motion should be and is hereby

 **GRANTED**

 **DENIED** (To which ruling Defendant timely excepted.)

SIGNED AND ENTERED on this the day of , 20 .

JUDGE PRESIDING