

Cause No. F18-00737-Q

The State of Texas	In the 204th Judicial	SR
vs.	District Court	
Amber Renee Guyger	Dallas County, Texas	

**State's Objection to Defendant's Motion for Change of Venue
and Notice of Controverting Affidavits**

TO THE HONORABLE JUDGE OF THIS COURT:

The State of Texas objects to the defendant's motion for change of venue in this case. The defendant can receive a fair and impartial trial in Dallas County.

The State hereby files the attached controverting affidavits in response to the defendant's motion, thereby establishing a fact issue to be resolved by this court. *See* Tex. Code Crim. Proc. art. 31.04.

To justify a change of venue based upon media attention, which is what the defendant requests, the defendant must show that publicity was pervasive, prejudicial, and inflammatory. *Gonzalez v. State*, 222 S.W.3d 446, 449 (Tex. Crim. App. 2007). The two primary means of discerning whether publicity is pervasive are 1) a hearing on the motion to change venue; and 2) the voir dire process. *Id.* To decide whether publicity is prejudicial and inflammatory, a trial court may consider 1) the nature of the publicity; 2) any evidence presented at a change of venue hearing; and 3) testimony received from veniremembers at voir dire. *Id.* a 451.

Accordingly, this Court should set the defendant's motion for a hearing, but it should not rule on the defendant's motion until after voir dire.

Respectfully submitted,

/s/ Douglas R. Gladden

Douglas R. Gladden
State Bar No. 24076404
Assistant District Attorney
Dallas County, Texas
133 N. Riverfront Blvd., LB-19
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214-653-3600

Certificate of Service

I certify that this objection and the attached controverting affidavits were served upon the following attorneys, via e-service, on July 10, 2019.

- Toby Shook (tobyshook@tobyshooklaw.com)
- Robert Rogers (rlrogerslaw@me.com)
- Michael Mowla (michael@mowlalaw.com)

/s/ Douglas R. Gladden

Douglas R. Gladden

Cause No. F18-00737-Q

The State of Texas
vs.
Amber Renee Guyger

In the 204th Judicial
District Court
Dallas County, Texas

AFFIDAVIT

Before me, the undersigned authority, personally appeared the undersigned affiant, who, after being duly sworn stated:

My name is Ricardo Vela, Jr.. I am a resident of Dallas County, Texas. I have been a resident of Dallas County, Texas for 4 years. I am aware of this case. I have heard of Amber Guyger or Botham Jean or both. I am aware of the publicity that has been generated in this case. I do not believe the media coverage to be inflammatory or prejudicial. I do not believe that there exists a dangerous combination against Amber Guyger, instigated by influential persons, by reason of which she cannot expect a fair trial.

I have read the affidavits that have been filed in this case in support of the defendant's motion for change of venue. The publicity in this case does not support or justify the statements in the defendant's supporting affidavits. The affiants of those affidavits are not credible because they are biased in favor of the defendant and lack an adequate means of knowledge to support and justify their statements, including the statements that the defendant cannot receive a fair and impartial trial.

Furthermore, I believe a fair and impartial jury can be empaneled in this case.

Therefore, in my opinion Amber Guyger can obtain a fair trial from an impartial jury in Dallas County.



Signature

Ricardo Vela, Jr.

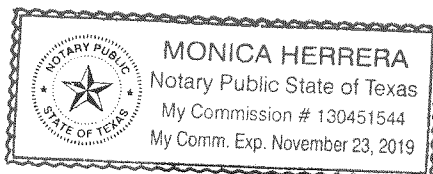
Printed Name

Sworn to and subscribed before me by Ricardo Vela, Jr. on this the 10th day of July, 2019.



Notary Public, State of Texas

(seal)



Cause No. F18-00737-Q

The State of Texas
vs.
Amber Renee Guyger

In the 204th Judicial
District Court
Dallas County, Texas

AFFIDAVIT

Before me, the undersigned authority, personally appeared the undersigned affiant, who, after being duly sworn stated:

My name is Paige Williams. I am a resident of Dallas County, Texas. I have been a resident of Dallas County, Texas for 2 years. I am aware of this case. I have heard of Amber Guyger or Botham Jean or both. I am aware of the publicity that has been generated in this case. I do not believe the media coverage to be inflammatory or prejudicial. I do not believe that there exists a dangerous combination against Amber Guyger, instigated by influential persons, by reason of which she cannot expect a fair trial.

I have read the affidavits that have been filed in this case in support of the defendant's motion for change of venue. The publicity in this case does not support or justify the statements in the defendant's supporting affidavits. The affiants of those affidavits are not credible because they are biased in favor of the defendant and lack an adequate means of knowledge to support and justify their statements, including the statements that the defendant cannot receive a fair and impartial trial.

Furthermore, I believe a fair and impartial jury can be empaneled in this case.

Therefore, in my opinion Amber Guyger can obtain a fair trial from an impartial jury in Dallas County.

[Handwritten Signature]

Signature

Paige Williams

Printed Name

Sworn to and subscribed before me by Paige Williams on this the 10th day of July, 2019.

[Handwritten Signature]

Notary Public, State of Texas

(seal)

