

CAUSE NO. 172978801010

THE STATE OF TEXAS § IN THE 209th DISTRICT COURT
 §
VS. § OF
 §
DAVIS, XAVIER § HARRIS COUNTY, TEXAS

**MOTION FOR A “PROOF EVIDENT” HEARING
TO DENY BAIL FOR A CAPITAL OFFENSE**

THE STATE OF TEXAS, by and through her Assistant District Attorney of Harris County, files this Motion for a “*Proof Evident*” Hearing to Deny Bail for a Capital Offense and shows the following:

The defendant is charged with a capital offense. The State moves for a “proof evident” hearing to demonstrate by “clear and strong evidence” that the defendant is not entitled to bail by sufficient sureties prior to indictment. TEX. CONST. ART. 1, §11.

RESPECTFULLY SUBMITTED,



Jim Leitner
Assistant District Attorney
Harris County District Attorney’s Office
TBC No. 12187900
leitner_jim@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.



Jim Leitner
Assistant District Attorney
Harris County District Attorney’s Office
TBC No. 12187900

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ORDER

Having considered the State's *Motion for a "Proof Evident" Hearing to Deny Bail for a Capital Offense*, and evidence presented at the "proof evident" hearing, the Court **FINDS** the State has presented "proof evident" by "clear and strong evidence" that: (1) an offense was committed, (2) the accused is the guilty agent, and (3) he would probably be punished by the death penalty if the law is administered. *Beck v. State*, 648 S.W.2d 7, 9 (Tex. Crim. App. 1983).

The defendant is **DENIED BAIL** pending indictment. The defendant may be subject to bail after indictment upon examination of the evidence, in such manner as may be prescribed by law. TEX. CONST. ART 1, §11.

SIGNED AND ENTERED on .

Judge Presiding
Harris County, Texas