

NO. 1466961

P19. *994*

STATE OF TEXAS

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§
§

IN THE DISTRICT COURT

vs.

228 JUDICIAL DISTRICT

JORDACHE LEWIS

HARRIS COUNTY, TEXAS

MOTION TO QUASH INDICTMENT

FILED
Chris Daniel
District Clerk

05-09-16
Time: MAY 09 2016
Deputy
Harris County, Texas

TO THE HONORABLE JUDGE CARTER:

COMES NOW the Defendant, Mr. Jordache Lewis, in the above entitled and numbered cause, by and through his attorney of record, Paul Matthew Morgan, and requests this Honorable Court to quash the indictment in the instant case; and in support thereof would show the Court as follows:

I.

In the instant indictment the Defendant is charged with the offense of Felon in Possession of a Weapon. Thus, the indictment seeks to allege that the Defendant committed an offense under *Texas Penal Code Sec 46*.

II.

The Defendant moves to quash the instant indictment on the following two grounds:

- 1) Res Judicata bars the state from further prosecuting Mr. Lewis's pending case; and
- 2) Collateral Estoppel also bars the state from further prosecuting Mr. Lewis's

pending case.

III.

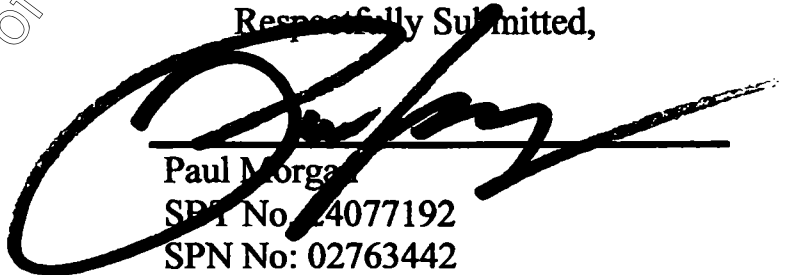
For the foregoing reason(s), the charging instrument in the instant case should be quashed pursuant to the *United States Constitution* and the *Texas Constitution*.

CONCLUSION AND PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendant prays that this Honorable Court will, in all things, **GRANT** this motion and quash the indictment, and that the Court further **GRANT** any additional relief to which the Defendant may be justly entitled.

DATED this 9 day of May, 2016.

Respectfully Submitted,



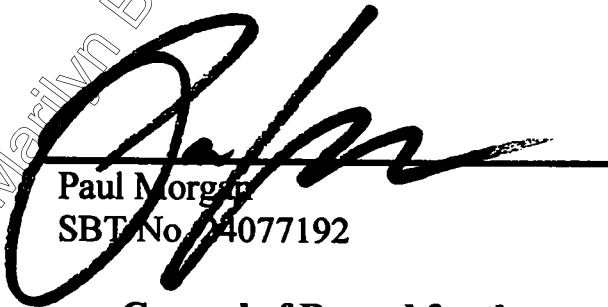
Paul Morgan
SPN No: 24077192
SPN No: 02763442
Paul Morgan Law Office
723 Main Street, Suite 426
Houston, Texas 77002
PH: (281) 386-9773
Fax: (713) 239-2396
Email:
paulmorgan@pmmlawoffice.com

**Counsel of Record for the
Defendant Jordache Lewis**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing motion has been duly served upon counsel representing the State of Texas in this matter by either Hand Delivery, Prepaid United States Mail, E-mail, or through this Court's Electronic Filing System on this 9 day of May, 2016, addressed as follows:

Assistant District Attorney
Harris County, Texas
1201 Franklin, Sixth Floor
Houston, Texas 77002
E-mail:



Paul Morgan
SBT No. 04077192

**Counsel of Record for the
Defendant Jordache Lewis**

Unofficial Copy Office of Marilyn Burgess District Clerk

6-D

NO. 1466961

STATE OF TEXAS

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IN THE DISTRICT COURT

vs.

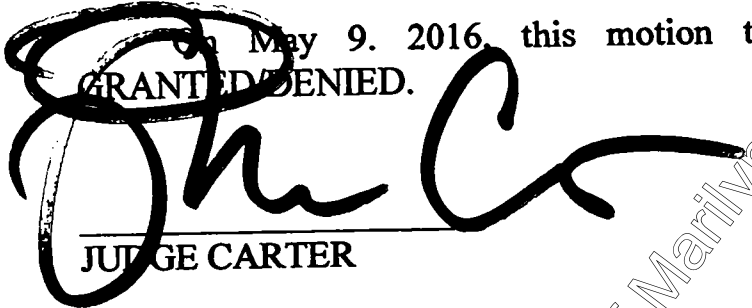
228 JUDICIAL DISTRICT

JORDACHE LEWIS

HARRIS COUNTY, TEXAS

ORDER

On May 9, 2016, this motion to quash was heard and is thus
~~GRANTED~~ DENIED.



JUDGE CARTER

050916
DATE

Unofficial Copy Office of Marilyn Burgess District Clerk

THE STATE OF TEXAS
VS.

JORDACHE SHARIF LEWIS
6418 COSTA MESA DRIVE
HOUSTON, TX 77053

01820907

SPN:
DOB: BM 10/30/80
DATE PREPARED: 5/3/2015

D.A. LOG NUMBER: 2158964
CJIS TRACKING NO.: 9170824673-A002
BY: RYR DA NO: 002343829
AGENCY: UNIV OF TX P.D.
O/R NO: 20150503001
ARREST DATE: 05/03/15

NCIC CODE: 5404 16

RELATED CASES: SAME DEFENDANT - ONE OTHER FELONY

MISDEMEANOR CHARGE: DRIVING WHILE INTOXICATED

CAUSE NO:

2023739

BAIL: \$\$\$,000
PRIOR CAUSE NO:

HARRIS COUNTY CRIMINAL COURT AT LAW NO:

7

FIRST SETTING DATE:

05/08/2015


IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

Before me, the undersigned Assistant District Attorney of Harris County, Texas this day appeared the undersigned affiant, who under oath says that he has good reason to believe and does believe that in Harris County, Texas, **JORDACHE SHARIF LEWIS**, hereafter styled the Defendant, heretofore on or about **MAY 3, 2015**, did then and there unlawfully operate a motor vehicle in a public place while intoxicated.

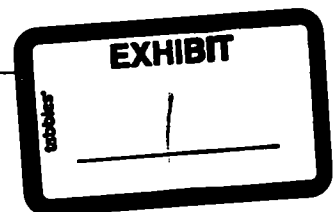
AGAINST THE PEACE AND DIGNITY OF THE STATE.

Sworn to and subscribed before me on **May 3, 2015**


AFFIANT


ASSISTANT DISTRICT ATTORNEY
OF HARRIS COUNTY, TEXAS. **24077051**
BAR NO.

Probable Cause found _____ Date _____ Capias to issue _____
Magistrate, Harris County, Texas



COMPLAINT

Certified Document Number 65263348 Page 1 of 1

Unofficial Copy Office of Marilyn Burgess District Clerk



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office this May 3, 2016

Certified Document Number: 65263348 Total Pages: 1

Chris Daniel

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

Unofficial Copy Office of Marilyn Burgess District Clerk

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OFFENSE: DWI

CAUSE NO. 2023739

(2)

THE STATE OF TEXAS

IN THE ~~DISTRICT COURT~~
IN COUNTY CRIMINAL COURT AT LAW NO. 7

VS.
Jordache Lewis

OF
HARRIS COUNTY, TEXAS

23-999
02-999

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.
- 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 refiled as cause no. _____
- Other.

FILED
Chris Daniel
District Clerk
MAY 08 2015
Harris County, Texas
Deputy

EXPLANATION:

NO PC FOUND

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

Respectfully submitted,

Chau
Assistant District Attorney
Harris County, Texas

ORDER

The foregoing motion having been presented to me on this the 8 day of May, A.D. 2015 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.

RECORDER'S MEMORANDUM
This instrument is of poor quality
at the time of imaging

JUDGE _____
DISTRICT COURT
COUNTY CRIMINAL COURT AT LAW NO. _____
HARRIS COUNTY, TEXAS

EXHIBIT
2

Certified Document Number: 65358002 - Page 1 of 1

White-Original

Yellow-Defendant's Copy

Pin



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office this May 3, 2016

Certified Document Number: 65358002 Total Pages: 1

Chris Daniel

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

Unofficial Copy Office of Marilyn Burgess District Clerk

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p. 8

EX PARTE

CCCL # 7

STATE OF TEXAS

HARRIS COUNTY, TEXAS

MOTION FOR LEAVE TO DESTROY EVIDENCE

NOW COMES the State of Texas by and through its District Attorney for Harris County, Texas, and pursuant to Texas Code of Criminal Procedure Art. 38.22, Sec. 3(b) and files this its Motion for Leave to Destroy Evidence, namely, video cassette tape recordings, in the following styled and numbered cases:

As part of its standard Driving While Intoxicated (DWI) arrest procedures, Harris County law enforcement agencies made video and audio tape recordings of interviews with and sobriety tests performed by all persons charged with DWI. These tapes are then turned over to the Harris County District Attorney's Office for use in prosecution. Such tapes were made on each of the above-listed cases.

Unofficial Copy Office of Marilyn Burgess District Clerk

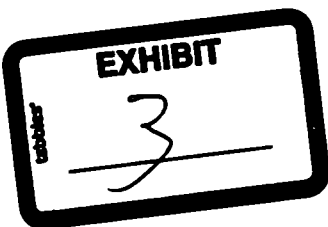
FILED

Chris Daniel
District Clerk

DEC 18 2015

Time: 11:30
Harris County, Texas
By: [Signature]
Deputy

RECORDER'S MEMORANDUM
This instrument is of poor quality
at the time of imaging



ORDER

12/18/15

[Handwritten signature]

The foregoing Motion having been presented to me on this the _____ day
of _____, 2_____, and the same having been considered, the above
Motion of the State is hereby Granted.

[Handwritten signature]

JUDGE DERBYSHIRE
County Criminal Court at Law No. 7
Harris County, Texas

Unofficial Copy Office of Marilyn Buggs District Clerk

Chief CC # 1
26 pages

D.W.I. DESTRUCTION ORDERS

ADA CHIEFS:

Please find attached DWI Destruction Order lists that have been checked for destruction eligibility.

Our office is now approved to begin destroying this eligible evidence.

Would you please review the enclosed lists and attach to a Motion For Leave To Destroy Evidence that your court secretary has on her computer. Then have your court Judge sign the order and give to the court District Clerk. The court clerk will then enter Order into JIMS.

Then send a copy of JIMS 036 with copy of signed Order attached to the Video Room. Keep a copy, also, for your records.

In the ongoing future, every week you will receive a new DVT 036 JIMS report of new eligible DWI evidence to destroy. Please go through the list and any evidence you DO NOT want destroyed, draw a Sharpie marker through the whole line on the report.

Then, once again, attach to Motion & Order to Destroy, have the Judge sign, give original to court clerk, send copy to DWI Video Room and keep a copy for your file.

Please, if you have any questions call me at x-0232

Thanks for your help in our getting back on track with our destruction orders.

Jackie Bugaj
DWI Video Room
713-274-0232

JUSTICE INFORMATION AND MANAGEMENT SYSTEMS
DWI CASE DISPOSITION REPORT FOR
VIDEOTAPE DESTRUCTION ORDERS
FOR COURT 007

DA TAPE NUMBER CDI CASE DEFENDANT FILING DATE DISPOSITION
DATE REASON

[REDACTED] ECHEVERRIA, ANDRES 04/26/2015 PROB

DA1502870 002 202053501010 FONTENOT, MICHAEL JEROME 04/15/2015 07/01/2015 DISP

DA1502871 002 202020601010 GARCIA, EVA MARIE 04/13/2015 10/05/2015 DISP

DA1502878 002 202006801010 GUERRERO-ANGELES, CESAR 04/12/2015 04/17/2015 DISP

[REDACTED] HUERTA, CESAR 04/25/2015 07/08/2015 PROB

[REDACTED] RAFAEL, MACARIO 04/13/2015 06/24/2015 PROB

DA1502956 002 201986001010 ROMERO, MARVIN A. HERNANDEZ 04/11/2015 07/02/2015 DISP

[REDACTED] TELLO, JOSE MERCED 04/19/2015 05/20/2015 PROB

[REDACTED] LEIJA, RAUDEL 01/15/2015 07/07/2015 PROB

[REDACTED] SCOTT, KERRY 05/04/2015 09/30/2015 PROB

DA1503139 002 202373901010 LEWIS, JORDACHE SHARIF 05/03/2015 05/08/2015 DISM

DA1503154 002 202135801010 MCLACHLAN, ROBBIE DALE 04/20/2015 09/22/2015 DISM

[REDACTED] MARTINEZ, WENDY ELIZABETH 04/26/2015 10/01/2015 PROB

[REDACTED] SISLEY, DAVID R. 03/01/2015 06/25/2015 PROB

[REDACTED] SMITH, DAVID LE 02/08/2015 06/18/2015 PROB

DA1503341 002 202512101010 HAMMETT, BRITTANY JOY 05/10/2015 05/15/2015 DISM

DA1503450 002 202623301010 FLORES, MARIA IDALIA 05/16/2015 07/10/2015 DISP

DA1503479 002 202245901010 DELAO, SERGIO RAMOS 04/29/2015 09/15/2015 PROB

DA1503479 002 202245901010 DELAO, SERGIO RAMOS 04/26/2015 05/01/2015 DISP

[REDACTED]	[REDACTED]	[REDACTED]	GALLEGOS-ALONSO, ARTURO	05/20/2015	09/09/2015	PROB
DA1503502	002	202778301010	SANTIBANEZ, MARIANO ANTONIO	05/24/2015	05/29/2015	DISP
[REDACTED]	[REDACTED]	[REDACTED]	GRIJALVA-FLORES, PERLA IVONNE	05/25/2015	09/02/2015	PROB
DA1503520	002	202820301010	GONZALES, ANGELIQUE MARIE	05/28/2015	06/22/2015	DISP
[REDACTED]	[REDACTED]	[REDACTED]	RUIZ, SONIA	05/23/2015	09/23/2015	PROB

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DA1504178	002	202769601010	BEFANCOURT, JOHNATHAN	05/24/2015	05/27/2015	DISP
[REDACTED]	[REDACTED]	[REDACTED]	RAMIREZ, MISAEL	06/28/2015	09/22/2015	PROB
[REDACTED]	[REDACTED]	[REDACTED]	RAYA, GABRIELA VIANEY	06/28/2015	08/25/2015	PROB
DA1504197	002	203378901010	CASTILLO-BANEGAS, YIMI JOEL	06/28/2015	07/24/2015	DISP
[REDACTED]	[REDACTED]	[REDACTED]	HOLLAND, BERNICE PERCY JR.	05/16/2015	08/11/2015	PROB

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I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office this May 3, 2016

Certified Document Number: 68376960 Total Pages: 8

Chris Daniel

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

Unofficial Copy Office of Marilyn Burgess District Clerk

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J

THE STATE OF TEXAS
VS.

01820907

D.A. LOG NUMBER: 2158964
CJIS TRACKING NO.: 9170824673-A001

JORDACHE SHARIF LEWIS
6418 COSTA MESA DRIVE
HOUSTON, TX 77053

SPN:
DOB: BM 10/30/80
DATE PREPARED: 5/3/2015

BY: RYR DA NO: 002343829
AGENCY: UNIV OF TX P.D.
O/R NO: 20150503001
ARREST DATE: 05/03/15

NCIC CODE: 5203 03

RELATED CASES: SAME DEFENDANT - ONE OTHER MISDEMEANOR

FELONY CHARGE: FELON IN POSSESSION OF FIREARM

CAUSE NO:

BAIL: SNO BOND

HARRIS COUNTY DISTRICT COURT NO:

PRIOR CAUSE NO:

FIRST SETTING DATE:

1466961

228

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

The duly organized Grand Jury of Harris County, Texas, presents in the District Court of Harris County, Texas, that in Harris County, Texas, JORDACHE SHARIF LEWIS, hereafter styled the Defendant, heretofore on or about MAY 3, 2015, did then and there unlawfully, intentionally and knowingly possess a firearm at a location other than the premises at which the Defendant lived, after being convicted of the felony offense of POSSESSION OF A CONTROLLED SUBSTANCE in the District Court of the 263RD Judicial District, HARRIS County, Texas, in Cause Number 1304248, on OCTOBER 31, 2011.

Before the commission of the offense alleged above, (hereafter styled the primary offense), on MARCH 4, 2002, in Cause Number 34246, in the 240TH DISTRICT COURT of FORT BEND County, Texas, the Defendant was convicted of the felony of ROBBERY.

Before the commission of the primary offense, and after the conviction in Cause Number 34246 was final, the Defendant committed the felony of POSSESSION OF A CONTROLLED SUBSTANCE WITH INTENT TO DELIVER and was finally convicted of that offense on JULY 28, 2006, in Cause Number 1075786, in the 230TH DISTRICT COURT of HARRIS County, Texas.

Unofficial Copy Office of McMillan-Burgess District Clerk

FILED

Chris Daniel
District Clerk

JUL 16 2015

Time: _____
By: _____
Harris County, Texas
Deputy

Foreman

1796

UPSA

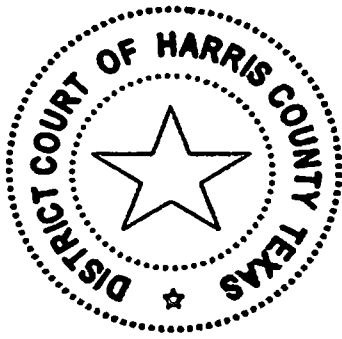
AGAINST THE PEACE AND DIGNITY OF THE STATE.

FOREMAN OF THE GRAND JURY

INDICTMENT

EXHIBIT
4

Certified Document Number: 66250653 - Page 1 of 1



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.
Witness my official hand and seal of office this May 8, 2016

Certified Document Number: 66250653 Total Pages: 1

Chris Daniel

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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