

Cause No. 3-04-1561

THE STATE OF TEXAS	§	IN THE 167 TH JUDICIAL
VS.	§	DISTRICT COURT OF
RHONDA GLOVER	§	TRAVIS COUNTY, TEXAS

STATE'S PRE-TRIAL MOTION IN LIMINE

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES THE STATE OF TEXAS, by and through RONALD EARLE, District Attorney of Travis County, Texas, who hereby moves the Court to order the defendant, **Rhonda Glover**, her attorneys, and any witness called by the Defendant to testify to refrain from mentioning, referring to, inquiring about, arguing, or commenting upon any of the following matters in the presence of the jury or in the presence of any juror or prospective juror, without first approaching the bench and requesting a hearing outside the presence of the jury, juror, or prospective juror:

1. That the State of Texas has filed any motion in limine;
2. Any disparity of resources available to the State and the defendant;
3. Any past, present, or future criminal trial other than the case at bar;
4. Any innocent person who has been wrongfully convicted, punished, or executed;
5. Any statement or remark regarding what discovery the State has provided or failed to provide or when the State has provided discovery of any matter;
6. Any statement or remark regarding any item alleged to be in the possession of the State but not the defendant;
7. Any unsworn statement or remark suggesting that the defendant's attorney has personal knowledge of a particular matter;
8. Any unsworn statement or remark suggesting that the defendant's attorney personally believes a particular matter;
9. Any statement or remark suggesting that the defendant's attorney personally believes that the defendant is innocent of the charges brought against him;
10. Any statement or remark suggesting that the defendant's attorney personally believes that the defendant would not pose a continuing threat to society;
11. Any sidebar remarks during the course of making an objection.
12. The terms of any plea bargaining in this case or any other case;
13. The overcrowded or other conditions alleged to exist at the State's penitentiaries;
14. Any evidence of the defendant's good character, if any, by evidence of specific acts of good conduct, by opinion evidence, or by any other means without first approaching the bench for a ruling from the court;

Filed in The District Court
of Travis County, Texas
on Feb. 13, 2006
9:10 A.M.
Clerk

15. Attempts by defense counsel to elicit statements of the accused through any witness other than the accused, or any reference to oral, written or recorded statements of the defendant not introduced through the State;
16. Any attempt to prove character or reputation through evidence or testimony of witnesses that Defendant is "an industrious, hard-working, honest man" or any words to that effect;
17. Any attempt to prove reputation of character for truth and veracity unless and until the Defendant has testified;
18. Whether called by the State or the Defendant, any question relating to any arrests, juvenile records, or criminal convictions of any witness or the victim, Jimmy Joste, including any allegation of physical or sexual abuse by the victim on the defendant or her son without first approaching the bench for a ruling by the court;
19. Any evidence of alleged prior misconduct whether adjudicated or not of any State's witness or prospective State's witness or the victim, Jimmy Joste, including any allegation of physical or sexual abuse by the victim on the defendant or her son without first approaching the bench for a ruling by the court;
20. Any evidence of the character or reputation of any State's witness or prospective witness or the victim Jimmy Joste, including any allegation of physical or sexual abuse by the victim on the defendant or her son without first approaching the bench for a ruling by the court;
21. Whether called by the State or the Defendant, the opinion of the witness as to what punishment should be assessed or what their recommendation as to punishment in the case would be until the admissibility of the same is first determined in a hearing outside the presence of the jury;
22. Any inquiry of any witness whether the Defendant has expressed his contrition for having committed the offense for which he stands charged;
23. Any attempts by defense counsel during voir dire to propound questions with facts peculiar to the case on trial, or attempts to commit veniremen based upon the specific facts to be proved in the indictment rather than questions testing the general biases and prejudices of the venire concerning the law applicable to the case;
24. Any evidence of specific acts by the defendant or statements by the defendant indicating mental illness without first approaching the bench for a ruling by the court;

WHEREFORE, PREMISES CONSIDERED, the State respectfully prays that after notice and hearing the Court grant such motion and any other relief to which the State is entitled.

Respectfully submitted,

RONALD EARLE
District Attorney
Travis County, Texas

By: Dave Van Winkle

Assistant District Attorney
Travis County, Texas

Cause No. 3-04-1561

THE STATE OF TEXAS	§	IN THE 167 TH JUDICIAL
VS.	§	DISTRICT COURT OF
<u>RHONDA GLOVER</u>	§	TRAVIS COUNTY, TEXAS

ORDER

On this 13th day of February, A.D., 2006, came before the Court the above and foregoing State's Pre-Trial Motion In Limine. After notice and hearing, the Court is of the opinion that the State is entitled to the relief requested therein.

ACCORDINGLY, THE COURT HEREBY GRANTS the said motion and orders the defendant, Rhonda Glover, her attorneys, and any witness called by the Defendant to testify to refrain from mentioning, referring to, inquiring about, arguing, or commenting upon any of the following matters in the presence of the jury or in the presence of any juror or prospective juror, without first approaching the bench and requesting a hearing outside the presence of the jury, juror, or prospective juror:

1. That the State of Texas has filed any motion in limine;
2. Any disparity of resources available to the State and the defendant;
3. Any past, present, or future criminal trial other than the case at bar;
4. Any innocent person who has been wrongfully convicted, punished, or executed;
5. Any statement or remark regarding what discovery the State has provided or failed to provide or when the State has provided discovery of any matter;
6. Any statement or remark regarding any item alleged to be in the possession of the State but not the defendant;
7. Any unsworn statement or remark suggesting that the defendant's attorney has personal knowledge of a particular matter;
8. Any unsworn statement or remark suggesting that the defendant's attorney personally believes a particular matter;
9. Any statement or remark suggesting that the defendant's attorney personally believes that the defendant is innocent of the charges brought against him;
10. Any statement or remark suggesting that the defendant's attorney personally believes that the defendant would not pose a continuing threat to society;
11. Any sidebar remarks during the course of making an objection.
12. The terms of any plea bargaining in this case or any other case;
13. The overcrowded or other conditions alleged to exist at the State's penitentiaries;

14. Any evidence of the defendant's good character, if any, by evidence of specific acts of good conduct, by opinion evidence, or by any other means without first approaching the bench for ruling from the court;
15. Attempts by defense counsel to elicit statements of the accused through any witness other than the accused, or any reference to oral, written or recorded statements of the defendant not introduced through the State;
16. Any attempt to prove character or reputation through evidence or testimony of witnesses that Defendant is "an industrious, hard-working, honest man" or any words to that effect;
17. Any attempt to prove reputation of character for truth and veracity unless and until the Defendant has testified;
18. Whether called by the State or the Defendant, any question relating to any arrests, juvenile records, or criminal convictions of any witness or the victim, Jimmy Joste, including any allegation of physical or sexual abuse by the victim on the defendant or her son without first approaching the bench for a ruling by the court;
19. Any evidence of alleged prior misconduct whether adjudicated or not of any State's witness or prospective State's witness or the victim, Jimmy Joste, including any allegation of physical or sexual abuse by the victim on the defendant or her son without first approaching the bench for a ruling by the court;
20. Any evidence of the character or reputation of any State's witness or prospective witness or the victim, Jimmy Joste, including any allegation of physical or sexual abuse by the victim on the defendant or her son without first approaching the bench for a ruling by the court;
21. Whether called by the State or the Defendant, the opinion of the witness as to what punishment should be assessed or what their recommendation as to punishment in the case would be until the admissibility of the same is first determined in a hearing outside the presence of the jury;
22. Any inquiry of any witness whether the Defendant has expressed his contrition for having committed the offense for which he stands charged;
23. Any attempts by defense counsel during voir dire to propound questions with facts peculiar to the case on trial, or attempts to commit veniremen based upon the specific facts to be proved in the indictment rather than questions testing the general biases and prejudices of the venire concerning the law applicable to the case;
24. Any evidence of specific acts by the defendant or statements by the defendant indicating mental illness without first approaching the bench for a ruling by the court;

Judge Presiding
167th Judicial District Court
Travis County, Texas

NO. 3041561

THE STATE OF TEXAS
VS.
RHONDA LEE GLOVER

IN THE 167TH JUDICIAL
DISTRICT COURT OF
TRAVIS COUNTY, TEXAS

MOTION IN LIMINE

TO THE HONORABLE JUDGE OF SAID COURT:

Comes Now **RHONDA LEE GLOVER**, Defendant in the above-styled and numbered cause, and moves this Court that the State's Attorney and the State's witnesses be ordered not to allude to, refer to, exhibit to, or raise in any manner before the jury panel or jury the following items until such time as the admissibility of such items is determined outside the presence of the jury panel or jury:

1. The fact that any Motions in Limine have been filed in this cause.

GRANTED _____

DENIED _____

2. Any evidence of the arrest or the criminal record, if any, of the Defendant in this cause, under this item, Defendant requests to be informed in advance as to the form in which the Prosecution plans to present said evidence.

GRANTED _____

DENIED _____

3. Any evidence as to the pendency of other criminal charges against the Defendant.

GRANTED _____

DENIED _____

4. Any evidence of, details of, or reference to any extraneous offense or acts of misconduct by the Defendant, unless said Defendant has been charged with the commission of an offense by complaint

Filed in The District Court
of Travis County, Texas
on Feb. 13, 2006
at 10:20 A.M.
A. M.
Clerk

and information or indictment and a trial on said complaint and information or indictment a final conviction has resulted.

GRANTED ✓

DENIED _____

5.

Any evidence of any extraneous offenses or acts of misconduct, by the Defendant, including but not limited to, offenses, acts of misconduct or Court adjudication occurring while the Defendant was juvenile.

GRANTED ✓

DENIED _____

6.

Any evidence as to the Defendant's bad reputation in the community until such time as the qualifications of the State's reputation witnesses are tested outside the presence of the jury.

GRANTED ✓

DENIED _____

7.

Any statements whether written or oral, made or alleged to have been made by the Defendant, during or after the Defendant was placed in custody, until such time as the Defendant has had an opportunity to make her objections to the admission into evidence of such statements outside the presence of the jury.

GRANTED ✓

DENIED _____

8.

That the Defendant or Defense Counsel not be asked to stipulate to the admissibility of any testimony, whether it be the qualification of any expert witness or otherwise, before the jury.

GRANTED ✓

DENIED _____

9.

Any evidence of statistical probability of a person or this Defendant being intoxicated based upon actions observed or tests performed by the witness. Defendant desires to take the witness on voir dire outside the presence of the jury to determine the qualifications of the witness, the expertise of the witness, whether or not the issue is within the

common understanding of laymen, the data upon which the opinion of the witness is based, whether the low probative value of the testimony is substantially outweighed by the danger of prejudice to this Defendant.

GRANTED

DENIED

10. Whether or not the Defendant has reviewed any documents or refreshed his memory from any source prior to testifying in this matter. It is the position of Defendant that if the Defendant has not refreshed his memory, that is not evidence the jury should hear and if the Defendant has refreshed her memory from any source that source is work product or is privileged communication between Defendant and her Attorney.

GRANTED

DENIED

WHEREFORE, Defendant prays that the Court grant this Motion in all respects.

RESPECTFULLY SUBMITTED,

*11. No mention of
confession / statement
of Defendant w/out
prior hearing.*

[Signature]
JOE JAMES SAWYER
(State Bar #17693500)
1927 E. Riverside Dr.
Austin, Texas 78704
(512) 916-8855
(512) 916-9178 (Fax)

ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above Motion In Limine was hand delivered to the Office of the District Attorney of Travis County, Texas, on this the 13 day of

April, 20XO.

[Signature]
Joe James Sawyer

O R D E R

The above Motion In Limine was **GRANTED** as indicated and **DENIED** as indicated.

SIGNED on this the 13 day of Feb, 2006.



JUDGE PRESIDING

CERTIFICATE OF SERVICE

I, Gail VanWinkle, the undersigned Assistant District Attorney of Travis County, Texas, do hereby certify that on the 13th day of February, 2006, I gave notice of the above and foregoing State's Pre-Trial Motion In Limine to Jim Sawyer, the attorney of record for the defendant herein, by delivering a true and correct copy of the said motion to the said attorney.

Gail VanWinkle