

Chris Daniel
District Clerk

OCT 28 2015

CAUSE NO. 1479933

Time: _____
By: _____ Harris County, Texas

PL

THE STATE OF TEXAS

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IN THE DISTRICT COURT OF

VS.

HARRIS COUNTY, TEXAS

SHANNON J. MILES

185TH JUDICIAL DISTRICT

**DEFENDANT'S MOTION FOR
DISCLOSURE OF SPECIFIC WITNESSES**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, SHANNON J. MILES, defendant in the above styled and numbered cause, by and through his attorney of record Anthony Osso, and files this his **DEFENDANT'S MOTION FOR DISCLOSURE OF SPECIFIC WITNESSES**, and in support thereof would show the court as follows:

I.

Defendant is charged with the offense of capital murder pursuant to Sec. 19.03(a)(1) unlawfully, intentionally and knowingly causing the death of a peace officer while in the lawful discharge of an official duty.

II.

Defense counsel is currently investigating the facts and circumstances surrounding the shooting death of the peace officer and whether his death actually occurred during the lawful discharge of an official duty. Under Sec. 19.03 (a)(1) of the Texas Penal Code this aggravating factor is an essential element of the capital murder charge which the State must prove beyond a reasonable doubt at trial. In an effort to rebut the State's evidence in this regard, this issue must be fully investigated by defense counsel to ensure that defendant's right to effective assistance of counsel, equal protection, due process of law and a fair trial are fully protected.

III.

The incident occurred on August 28, 2015, at a Chevron station located at 16050 West Road

in Harris County, Texas. Initial reports released by the Harris County Sheriff's Department indicated the deputy was refueling his patrol unit at the time he was shot. However, other facts and circumstances surfaced several days later suggesting that the deputy was at the Chevron station conducting personal business. It is now apparent that the deputy was meeting with a woman by the name of Laura Rezk who he had been seeing romantically for a period of 15 months.

This information was then made public by the Harris County District Attorney's Office through a **Brady** Disclosure filed with the Court September 16, 2015 (see attached Exhibit "A"). The contents of the disclosure references the fact that Laura Rezk made this fact known to officers of the Harris County Sheriff's Department on August 28, 2015 which is the date the incident occurred. Clearly, Ms. Rezk was present at the crime scene as responding units arrived, but yet no mention was made regarding the existence of this witness until the **Brady** Disclosure was filed.

IV.

Ms. Rezk was present at the time of the shooting and is considered a material witness in this case. She was at the crime scene when deputies with the Harris County Sheriff's Department first responded. However, according to the **Brady** Disclosure which is vague on its face, the Harris County District Attorney's Office suggests it had no knowledge of the existence of the witness until September 10, 2015. If true this would mean their office filed charges of capital murder against the defendant on August 29, 2015 under the mistaken belief the deputy was refueling his patrol unit at the time he was shot. It should be noted that the **Brady** Disclosure fails to provide notice of the fact that the deputy was at the Chevron station for the purpose of meeting Ms. Rezk.

V.

If typical protocol was followed, all witnesses at the scene would have been secured, questioned and identified. Both personnel from the Harris County Sheriff's Department and District

Attorney's Office responded to this police shooting and would be expected to have knowledge of the existence of this witness if present on the scene. In preparation for trial, defense counsel has a right to investigate why the existence of this witness was not timely revealed. The following are witnesses in this case and defense counsel is entitled to disclosure of their names and contact information:

1. Any and all police officers, deputies, constables and/or agents with any law enforcement agencies that spoke to or with the witness Laura Rezk while at the crime scene or during the investigation that followed;
2. Any and all police officers, deputies, constables and/or agents with any law enforcement agencies who either transported or directed the transport of the witness Laura Rezk from the crime scene;
3. Any and all police officers, deputies, constables and/or agents with any law enforcement agencies who may have asked or instructed the witness Laura Rezk to leave the crime scene; and
4. Any and all representatives of the Harris County District Attorney's Office, including but not limited to the district attorney herself, first assistant, assistant district attorneys, investigators, and support personnel who responded to the scene of the shooting of Deputy Goforth.

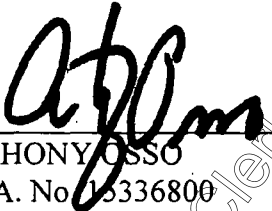
Defendant requests this court order the state to provide the names and contact information for the foregoing witnesses.

VI.

Defendant would show these witnesses are material to his defense and that their identities are known to the state.

WHEREFORE, PREMISES CONSIDERED, defendant prays this Court grant this motion and orders the disclosure of the information requested herein.

Respectfully submitted,



ANTHONY O'SSO
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440 Louisiana
Houston, Texas 77002
Tel: (713) 225-4444
Fax: (713) 222-1110

ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing **DEFENDANT'S MOTION FOR DISCLOSURE OF SPECIFIC WITNESSES** was delivered to the District Attorney's Office, by hand, on the 28 day of October, 2015.

Ms. Samantha Knecht
Chief Prosecutor
Harris County District Attorney
1201 Franklin
Houston, Texas 77002



ANTHONY O'SSO

CAUSE NO. 1479933

THE STATE OF TEXAS

IN THE 208TH DISTRICT COURT

V.

OF

SHANNON MILES

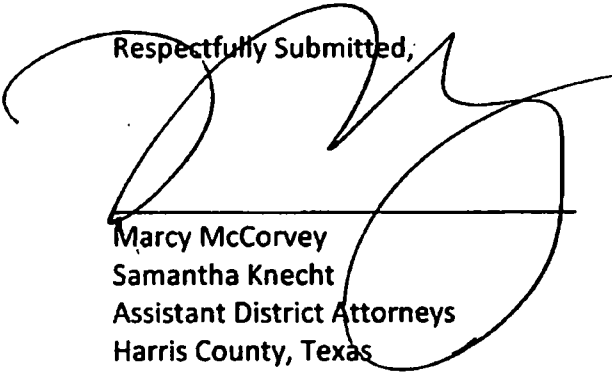
HARRIS COUNTY, TEXAS

BRADY DISCLOSURE

COMES NOW THE STATE OF TEXAS, by and through the undersigned Assistant District Attorneys, and provides to the defendant, Shannon Miles, by and through his attorney of record, Anthony Osso, the following disclosure pursuant to Brady v. Maryland :

On or about September 10th, 2015, while speaking to Mark Reynolds of the Harris County Sheriff's Department, I learned that a female eyewitness to the Capital Murder of a Police Officer, namely Darren Goforth, occurring in Harris County, Texas on or about August 28, 2015, told officers of the Harris County Sheriff's Department that she had a romantic relationship with the decedent during the preceding 15 months. A copy of the statements made to investigators by the above referenced female witness and the polygraph examination report of that same female witness have been hand delivered to defense counsel Anthony Osso on this date.

Respectfully Submitted;



Marcy McCorvey
Samantha Knecht
Assistant District Attorneys
Harris County, Texas

FILED
Christina
Clerk
SEP 16 2015
Time: _____
By: _____
Deputy
Harris County, Texas

EXHIBIT "A"

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Brady Disclosure along with a two discs (one containing an audio statement and 1 containing an audio visual statement) and a polygraph examination report for the same female eyewitness have been provided to counsel for the defendant, Mr. Anthony Osso, via hand delivery on this the 16th day of September, 2015.



Matty McCorvey/Samantha Knecht

Unofficial Copy Office of Chris Daniel District Clerk