

Nb. D1-DC-05-904159
D1-DC-05-904160
D1-DC-05-904161

IN THE MATTER OF TRIALS
TO COMPEL THE ATTENDANCE OF
TODD S. SCHORLE
AS A WITNESS
IN A CRIMINAL PROCEEDING

§
§
§
§
§

IN THE 331ST JUDICIAL
DISTRICT COURT OF
TRAVIS COUNTY, TEXAS

STATE'S APPLICATION FOR ISSUANCE OF CERTIFICATE TO SECURE ATTENDANCE OF OUT-OF-STATE WITNESS
TO TESTIFY AND BRING RECORDS IN PROCEEDINGS COMMENCED IN THE STATE OF TEXAS

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES THE STATE OF TEXAS, by and through Ronald Earle, District Attorney of Travis County, Texas, and, pursuant to article 24.28 of the Texas Code of Criminal Procedure, hereby moves the court to issue a certificate to secure the attendance of an out-of-state witness to attend and testify in a Change of Venue Hearing that is pending in the County of Travis, State of Texas, entitled the State of Texas vs. Thomas Dale Delay. In support of such application, the State of Texas would show unto the court as follows:

I.

A Change of Venue Hearing is scheduled in the County of Travis, State of Texas, to inquire into whether alleged violations of Chapter 253 of the Texas Election Code, and sections 15.02 and 34.02 of the Penal Code may be tried in Travis County, Texas. TODD S. SCHORLE, who is presently within the jurisdiction of the State of District of Columbia, residing at [REDACTED], Washington, District of Columbia [REDACTED], and is a necessary and material witness in the said Change of Venue Hearing.

TODD S. SCHORLE'S testimony is material and necessary in that said TODD S. SCHORLE has knowledge of advertisements that have been produced by or paid for by the Free Enterprise Fund that have run in Travis County, Texas. It is requested that TODD S. SCHORLE provide the Travis County District Attorney's office with any and all documentation regarding the advertisements that have been produced by or paid for by the Free Enterprise Fund, including any and all information regarding media buys by the Free Enterprise Fund for those advertisements that have run in Austin, Texas and that may affect whether Thomas Dale Delay may receive a fair trial in Travis County, Texas.

II.

The Change of Venue Hearing will convene at 9:00 a.m. on the 27th day of December, A.D., 2005. The presence of the witness will be required for only three days, or until released by the presiding judge.

III.

The State of Texas has, by its enactment of article 24.28 of the Texas Code of Criminal Procedure, made provisions for commanding persons within the jurisdiction of another state to attend and testify in the State of Texas.

DEC 14 PM 4:44

CRIMINAL JUSTICE