

II. The Court Issued a Clear and Unambiguous Order to the DA

After presentation of evidence from Defendant's attorneys, and after hearing argument from Defendant's attorneys and the District Attorney's Office, the Court granted the Defendant's motion and ordered the District Attorney's Office, orally and in open court, to *fully comply* with Article 20A.302(a) of the Code of Criminal Procedure, and cause to be endorsed on the indictment the names of each witness on whose testimony the indictment was found.

The District Attorney's Office sought clarification from the Court on whether the elected and/or Assistant District Attorneys who appeared before the grand jury were to be considered witnesses for purposes of Article 20A.302(a) and the Court's Order, and therefore whether their names should also be written on the indictment. The Court answered in the affirmative. This exchange indicated the District Attorney's Office understood the Court's Order and what the Office was required to do.

III. The District Attorney Ignored an Order of this Court

As of the filing of this motion, five business days have passed since the Court's Order (including the date of the Order) and the District Attorney has still failed to comply. The undersigned counsel has confirmed through online records and verbal communications from the Office of the District Clerk that no witness names appear on the face of the indictment in this case, whether on the original document or a copy.

Although the Court did not provide a specific deadline for compliance, one business week is more than ample time for an office staffed by nearly one hundred attorneys to write some names on a piece of paper. Prompt compliance with a court order and respect for the judiciary are apparently not priorities for the current iteration of the District Attorney's Office.

IV. A Show Cause Hearing is Warranted

The undersigned counsel previously declined to pursue contempt proceedings against the District Attorney for violating grand jury secrecy laws but reserved the right to do so should the office continue to ignore the law and violate Defendant's legal rights. Although violating a lawful Order of the Court is a new and unexpected *form* of disregard for the law by the District Attorney's Office, it is nonetheless sufficient to commence show-cause proceedings at this time.

V. Prayer for Relief

WHEREFORE, PREMISES CONSIDERED, Defendant respectfully requests this Court issue notice to the Travis County District Attorney to appear and show cause why he should not be held in contempt for his failure to promptly and diligently obey the Court's Order to comply with Article 20A.302(a) of the Texas Code of Criminal Procedure.

Respectfully submitted,



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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

By signature above, we certify that a true and correct copy of this motion has been delivered by efile service to the Travis County District Attorney's Office on May 17, 2022.

Cause No. D-1-DC-20-900076

THE STATE OF TEXAS

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IN THE 299TH DISTRICT COURT

vs.

OF

ERIC HEIM

TRAVIS COUNTY, TEXAS

**NOTICE TO THE TRAVIS COUNTY DISTRICT ATTORNEY
TO APPEAR AND SHOW CAUSE**

Having received Defendant's Motion for the Travis County District Attorney to Appear and Show Cause, and having considered the same and finding that good cause exists therefore, the Court hereby ORDERS the Travis County District Attorney to appear before this Court at _____ a.m. / p.m. on _____, 2022, and SHOW CAUSE why he should not be sanctioned or held in contempt of court for alleged violations of an Order of this Court issued on May 11, 2022.

If the Court finds that the Travis County District Attorney has not complied with a lawful Order of this Court, the Court may exercise any enforcement powers granted to it by law.

JUDGE PRESIDING

SIGNED on _____, 2022.