

CAUSE NO. D1DC 2005 900725

THE STATE OF TEXAS	*	IN THE DISTRICT COURT OF
	*	
V.	*	TRAVIS COUNTY, TEXAS
	*	
THOMAS DALE DELAY	*	331 ST JUDICIAL DISTRICT

PETITION FOR DISCLOSURE OF INFORMATION, TRANSCRIPTIONS AND RECORDINGS MADE IN CONNECTION WITH GRAND JURY PROCEEDINGS

Article 20.02(a) of the Texas Code of Criminal Procedure provides that the proceedings of the Grand Jury shall be secret.

Article 20.02(d), however, provides that the Court may order the disclosure of information on a showing by the Defendant of a particularized need or as a matter preliminary to a judicial proceeding.

Particularized Need

The Defendant has a particularized need for disclosure of information, transcriptions, and recordings of Grand Jury Proceedings. Members of at least two Travis County Grand Juries who have considered the Delay matter, one declining to indict and one issuing an indictment, have contacted the Austin American Statesman and the Associated Press as well as KLBJ Radio. These media interviews have raised the issue of significant irregularities in the presentation of evidence by the Travis County District Attorney's office. Further, these interviews raise the issue of the Travis County District Attorney's office illegally participating in the deliberations of the Grand Jury. See Attachment A, Motion to Quash the Indictment on the Basis of Prosecutorial Misconduct and Attachment B, Dick DeGuerin letter to Ronnie Earle dated October 11, 2005

Matter Preliminary to a Judicial Proceeding

The Defendant seeks a hearing on his Motion to Quash the Indictment Based on Prosecutorial Misconduct in connection with the Grand Jury Proceedings. He seeks disclosure of the Grand Jury proceedings in order to develop evidence of misconduct. This evidence can only be discovered if the Grand Jurors and the Travis County District Attorney's Office are released from the secrecy requirement of Article 20.02.

THE DEFENDANT REQUESTS THAT THE COURT FREE THE GRAND JURY OF 167TH DISTRICT COURT THAT ISSUED THE FIRST DELAY INDICTMENT; THE GRAND JURY OF THE 390TH DISTRICT COURT THAT FOUND THERE WAS NOT EVIDENCE TO INDICT TOM DELAY; AND THE GRAND JURY OF THE 403RD DISTRICT COURT THAT ISSUED THE MOST RECENT INDICTMENT OF TOM DELAY TO DISCUSS THE GRAND JURY PROCEEDINGS.

FURTHER, THE DEFENDANT REQUESTS THAT THE COURT RELIEVE THE TRAVIS COUNTY DISTRICT ATTORNEY'S OFFICE FROM THE SECRECY REQUIREMENT SO THAT THEY MAY BE QUESTIONED UNDER OATH IN A JUDICIAL PROCEEDING.

Respectfully submitted,

DeGUERIN DICKSON & HENNESSY



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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of **Defendant's Petition for Disclosure of Information, Transcriptions and Recordings Made in Connection with Grand Jury Proceedings** has been served on the following by facsimile:

District Attorney Ronnie Earle, fax #512-854-9695

Attorneys for Defendant Jim Ellis
J. D. Pauerstein, fax #210-354-4034
Mark Stevens

Attorney for Defendant John Colyandro
Joe Turner, fax #512-474-8252

on this the 11th day of October, 2005.



Dick DeGuerin

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ORDER ON CONGRESSMAN TOM DELAY'S PETITION FOR DISCLOSURE OF
INFORMATION, TRANSCRIPTIONS, AND RECORDINGS MADE IN
CONNECTION WITH GRAND JURY PROCEEDINGS

UPON PRESENTATION of the above and foregoing **Defendant's Petition for Disclosure of Information, Transcriptions and Recordings Made in Connection with Grand Jury Proceedings**, the same is GRANTED.

SIGNED in Austin, Travis County, Texas on this the day of October, 2005.

JUDGE PRESIDING