

NO. \_\_\_\_\_

THE STATE OF TEXAS

vs.

\_\_\_\_\_

§ IN THE DISTRICT COURT OF  
§  
§ \_\_\_\_\_, TEXAS  
§  
§ \_\_\_\_TH JUDICIAL DISTRICT

**DEFENDANT'S SECOND MOTION FOR CONTINUANCE**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES YOUR DEFENDANT, and makes this his Second Motion for Continuance, and would show unto the Court the following:

**I.**

Defendant's counsel has filed a timely application to subpoena the witness \_\_\_\_\_ (the "witness") who is located at \_\_\_\_\_, Texas, in the trial of the above cause.

**II.**

However, despite the fact that Defendant's counsel has spoken with said witness, and has subpoenaed said witness and has made a request for personal service of such subpoena, and has had same served, said witness is not available for the trial of the above cause.

**III.**

The testimony of said witness is material to the defense in that said witness will testify that the witness, and not the Defendant was in possession of the alleged paraphernalia.

**IV.**