

No. \_\_\_\_\_

STATE OF TEXAS	§	IN THE DISTRICT COURT
	§	
VS.	§	HARRIS COUNTY, TEXAS
	§	
JOHN DOE	§	___ JUDICIAL DISTRICT

### MOTION TO CHANGE THE FACTS

To the Honorable Judge of Said Court:

Defendant, by and through his counsel of record, files this *Motion to Change the Facts*, and in support would show that, the facts being what they are, certain rights guaranteed to the accused by the United States Constitution are for naught. The facts should therefore be changed to give meaning to Defendant's Constitutional rights.

Generally, because of the facts in this case Defendant's right to the assistance of counsel under the Sixth Amendment is of no value to him. The legendary Earl Rogers could not, on his best day, have won this case. This Court should change the facts so that his counsel has a fighting chance of prevailing at trial.

Similarly, Defendant's right under the Fifth Amendment not to be deprived of life, liberty, or property without due process of law is of no value to him. Under the facts as they are, Defendant is going to lose his liberty. He might as well be presumed guilty. He might as well have the burden of proof. He might as well not have the right to a jury trial. This Court should change the facts so that "due process" actually means something.

More specifically [check all that apply].

\_\_\_\_\_ Defendant confessed on videotape to the offense with which he is charged. If the authors of the Bill of Rights had envisioned that a person would speak in a way that he deprived himself of freedom, they would not have preserved *Freedom of Speech* as though it's some great thing. This Court should change the facts so that Defendant's confession was exculpatory in accordance with the intent of the First Amendment. Further, the Sixth Amendment gives Defendant the right to be confronted with the witnesses against him. His videotaped confession makes him the chief witness against himself. It is impossible for him

to confront himself. Therefore this Court should change the facts to preserve Defendant's Sixth-Amendment right to confront the witnesses against him.

\_\_\_\_\_ The Second Amendment to the United States Constitution guarantees Defendant the right to keep and bear arms. If he had been packing heat when the police tried to arrest him, Defendant would likely have shot his way out, and would still be free. This Court should change the facts so that Defendant was never arrested by the police.

\_\_\_\_\_ By voluntarily consenting to a search of his home/vehicle/business the accused violated his own right to be free from unreasonable searches and seizures under the Fourth Amendment to the United States Constitution. This Court should change the facts so that Defendant never consented to the search.

\_\_\_\_\_ The Sixth Amendment guarantees Defendant the right to have compulsory process for obtaining witnesses in his favor. In this case Defendant does not have the right to such process because there are no witnesses in his favor. This Court should change the facts so that there is somebody who can be compelled to come testify in his favor.

\_\_\_\_\_ The Sixth Amendment guarantees Defendant an impartial jury. If a jury starts out impartial, there is no way that it is going to be impartial by the end of trial. Even if a jury consisted of Defendant's four closest relatives, his seven closest friends, and his dog, by the close of the evidence they would want to kill Defendant. This Court should change the facts so that the jury on Defendant's case will remain impartial throughout the trial, rather than just at the beginning.

### Prayer

For these reasons, Defendant asks that this Court enter an order changing the facts in this case.

Respectfully submitted,  
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