

STATE OF TEXAS

Plaintiff,

v.

ROYCE RESENDEZ,

Defendant.

IN THE ____ JUDICIAL

DISTRICT COURT

BEXAR COUNTY, TEXAS

DEFENDANT’S MOTION TO ENFORCE TEX. CODE CRIM. PROC. ART. 39.14 AND TO COMPEL PRODUCTION OF INJURY-RELATED EVIDENCE (AND FOR NOTICE IF NONE EXISTS)

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Defendant **Royce Resendez** (“Defendant”), by and through undersigned retained counsel, and files this Motion to Enforce Texas Code of Criminal Procedure **Article 39.14** and to compel production of **injury-related evidence**. In support, Defendant respectfully shows:

I. BACKGROUND

1. This Motion pertains to **Cause No. 2025PF40159** and the underlying investigation/arrest associated with **San Antonio Police Department Agency Case No. 25205409** (and any related incident numbers).
2. The State has alleged (directly or by implication) that an officer sustained an injury and/or that Defendant caused or contributed to an alleged injury (the “alleged injury”).

3. Evidence reflecting the nature, extent, and existence of any alleged injury is material to guilt/innocence, charging decisions, impeachment, and punishment, and is discoverable to the extent it is within the State's possession, custody, or control, including items held by law enforcement agencies involved in the case.

II. THE DISCOVERY REQUEST AND NEED FOR COURT ENFORCEMENT

Defendant has made a written request for discovery pursuant to **Tex. Code Crim. Proc. art. 39.14**.

4. To date, Defendant has not received complete injury-related documentation sufficient to evaluate the allegation, including objective proof (photographs, medical evaluation records obtained by the State, or agency injury documentation).

5. Defendant therefore requests an order enforcing Article 39.14 and compelling production of injury-related evidence within the State's possession, custody, or control, or alternatively requiring the State to file a written notice that no such evidence exists or is within the State's possession, custody, or control.

III. SPECIFIC ITEMS REQUESTED (INJURY PROOF)

7. Defendant requests that the Court order the State to produce, permit inspection of, and allow electronic duplication of the following categories **to the extent they exist and are within the State's possession, custody, or control** (including items in the possession of SAPD or any agency involved in this case):

A. PHOTOGRAPHIC / VIDEO DOCUMENTATION OF ALLEGED INJURY

- a. Any photographs of the alleged injury (including photos taken by any officer, supervisor, investigator, or evidence technician);

- b. Any body-worn camera, dash/in-car video, jail/booking/sally-port video, or other recordings depicting the alleged injury, the alleged mechanism of injury, or events immediately before/after the alleged injury;
- c. Any images/recordings that were reviewed, collected, saved, or referenced by the State or law enforcement regarding the alleged injury.

B. MEDICAL / EMS DOCUMENTATION (IF OBTAINED OR POSSESSED BY THE STATE)

- d. Any EMS/fire run sheets, medical evaluations, discharge papers, or provider notes that were obtained, requested, or received by the State or law enforcement concerning the alleged injury;
- e. Any “fit for duty,” medical clearance, or similar documents obtained or possessed by the State or law enforcement.

C. AGENCY INJURY / USE-OF-FORCE / ADMINISTRATIVE MATERIALS

- f. Any “officer injury report,” use-of-force report, incident report, supervisor review, internal packet, or similar documentation related to the alleged injury;
- g. Any Workers’ Compensation/First Report of Injury documentation **in the possession of the State or law enforcement** (including any attachments, narratives, or medical documentation included within an agency packet);
- h. Any communications, emails, texts, or report references in the possession of the State or law enforcement reflecting claims of injury, medical treatment, or restrictions.

**D. IDENTIFYING INFORMATION (SO DEFENSE CAN SEEK SUBPOENAS IF
NEEDED)**

- i. If the State contends medical treatment occurred but does not possess the records, identification of the provider/entity (e.g., EMS agency, clinic/hospital name) **to the extent known and not privileged**, and the date/time of treatment, sufficient to allow the defense to pursue lawful process.

IV. REQUEST FOR “NOTICE IF NONE EXISTS”

8. If the State contends that any of the requested categories **do not exist** or are **not within the State’s possession, custody, or control**, Defendant requests the Court order the State to file a written notice stating:

- o which categories are unavailable;
- o whether the State has requested/obtained them from SAPD or other agencies; and
- o whether the State intends to rely on testimony alone to establish the alleged injury.

V. PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendant respectfully prays that the Court grant this Motion; order the State to produce the injury-related evidence described above within a defined time; and/or require the State to file a written notice of nonexistence/nonpossession as set out herein, and grant Defendant such other and further relief to which he may be justly entitled.

Dated: Jan 6, 2025

Respectfully Submitted,

/s/ John M Economidy

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COUNSEL FOR ROYCE RESENDEZ

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was served on the Bexar County District Attorney's Office and all counsel of record on the 6th day of January 2026, via eService through eFileTexas and/or other authorized method.

/s/ John M Economidy

**JOHN M. ECONOMIDY
COUNSEL FOR ROYCE RESENDEZ**