CAUSE NO. _____

STATE OF TEXAS	§	IN THE 43rd JUDICIAL
VS.	§	DISTRICT COURT OF
_____	§	PARKER COUNTY, TEXAS

STANDARD DISCOVERY ORDER
[Applicable to offense dates 1/1/14 and after]

Pursuant to Texas discovery law in criminal cases and, specifically, Article 39.14 of the Texas Code of Criminal Procedure, the court makes these orders to representatives of the State of Texas and the above-named defendant that are hereinafter set forth.

As soon as practicable, the District Attorney for the 43rd Judicial District ("D.A.") must produce copies of the following upon receipt of a timely request by the attorney for the defendant:

1. Offense report(s);
2. Designated documents or other papers of the defendant;
3. Written statement of the defendant and any other witness;
4. Recorded statement of the defendant and any other witness;
5. Designated books, accounts, or letters;
6. Photographs; and,
7. Objects or other tangible things not otherwise privileged that constitute or contain evidence material to any matter involved in the action and that are in the possession, custody, or control of the State or any person under contract with the State.

The order set forth above shall not require the D.A. to produce the D.A.'s work product or notes or reports. Furthermore, the order set forth above shall not require the D.A. to produce written communications between the State and an agent, representative, or employee of the State.

The D.A. may produce the items described above by electronic reproduction and transmission, facsimile transmission, or through copying or photocopying and pickup at the main receptionist office of the D.A., in the discretion of the prosecutor. Digital video discs (DVDs), compact discs (CDs), and other electronic media shall be reproduced on like media to the extent possible upon the attorney for the defendant providing the D.A. with appropriate blank media and shall be made available for pickup at the main receptionist office of the D.A.

If only a portion of an applicable document, item, or information is subject to discovery, the D.A. is not required to produce or permit the inspection of the remaining portion that is not subject to discovery and may withhold or redact that portion. In such an event, if the D.A. determines not to so produce or permit inspection, the D.A. shall inform the attorney for the defendant that said portion has been withheld or redacted. Upon a request by the attorney for the defendant, the Court will conduct a hearing to determine whether the withholding or redaction is permissible.

Items which are not in a readily reproducible format (such as items in a law enforcement property room or video or digital files not able to be reproduced) shall be subject to inspection by the attorney for the

defendant at a time and date to be coordinated with the D.A. The attorney for the defendant may not remove any of such items from the possession of the D.A. or tamper with said items and any inspection thereof shall be in the presence of a representative of the D.A.

The disclosures ordered herein shall be subject to the limitations provided by Family Code §264.408 (regarding Children's Advocacy Centers) and Article 39.15, Texas Code of Criminal Procedure.

The D.A. shall have a continuing duty to supplement the information provided pursuant to this order as information to which this order would apply comes into the possession of the State.

The D.A. shall have the discretion to charge a reasonable cost related to discovery pursuant to this order provided that said costs may not exceed the charges prescribed by Subchapter F, Chapter 552, Texas Government Code. In the event the attorney for the defendant has been appointed by the Court to represent an indigent defendant, the D.A. shall, within reason, furnish copies, photocopies and duplications for no charge to the defense. If the attorney for the defendant intends to submit any other expenses for payment through the Court, a motion must be filed with the Court and approved before payment will be approved.

EXPERT WITNESSES

On motion of either party and on notice to the other party of such motion each party shall disclose to the other party the name and address of each person that party may use at trial to present evidence under Rules 702, 703 and 705 Texas Rules of Evidence. This demand must be made no less than thirty days prior to the date trial is scheduled. Upon the filing and notice of such motion both the D.A. and the defendant must disclose to the other party not later than twenty days prior to the date the trial is scheduled, the name and address of each person that party may use at trial to present evidence under Rules 702, 703 and 705, Texas Rules of Evidence. The name and address of the defendant does not have to be disclosed as being a possible witness. Each party shall list such witnesses in a document containing the caption of the case and serve it upon the opposing party as provided by Rule 21a, Texas Rules of Civil Procedure.

As soon as practicable, the D.A. shall produce to the attorney for the defendant a copy of all scientific reports regarding any and all evidence that could be offered at trial against the Defendant within the timeline and in the manner described above; if such reports are not in existence the D.A. is required within a reasonable time to reduce same to writing. Furthermore, the D.A. shall produce to the attorney for the defendant, as soon as practicable, the qualifications of the expert, the materials considered by the expert and bases for the opinions and conclusions of the expert, and all data related to the testing if a specific request for same is made by the attorney for the defendant.

CRIMINAL HISTORY OF THE DEFENDANT

The D.A. shall permit the attorney for the Defendant to examine the criminal history of the Defendant as contained within the Texas Crime Information Center/National Crime Information Center (TCIC/NCIC) records within the file of the D.A. upon request, at a time and location to be agreed to by the parties.

EXCULPATORY "BRADY" EVIDENCE

The D.A. shall disclose to the attorney for the defendant as soon as practicable any exculpatory, impeachment, or mitigating document, item, or information in the possession, custody, or control of the State that tends to negate the guilt of the defendant or would tend to reduce the punishment for the offense

charged.

OBLIGATIONS OF DEFENSE COUNSEL

The attorney for the defendant shall not disclose to a third party any documents, evidence, materials, or witness statements received from the D.A.pursuant to this order unless further order of the Court permits same or the said documents, evidence, materials, or witness statements have already been publicly disclosed. The attorney for the defendant may permit his investigator, expert, consulting legal counsel, or other agent of the attorney (other than the defendant) to also have copies of such disclosed matters but they shall not disclose same to any third party and the attorney shall also advise them that same shall not be further disclosed except as permitted herein.

The attorney for the defendant or an investigator, expert, consulting legal counsel, or agent for the attorney may allow the defendant, a witness, or a prospective witness to view information provided by the prosecutor pursuant to this order but may not allow that person to have copies of the informationprovided, other than the witness's own statement. Prior to allowing the aforesaid person(s) to view a document or other information so provided, the attorney for the defendant or other aforementioned person(s) shall redact the address, telephone number, driver's license number, social security number, date of birth, and any bank account or other identifying numbers contained in the document or witness statement. The attorney for Defendant shall advise an investigator, expert, consulting legal counsel, or agent for the attorney of their duty to so redact when the attorney provides the materials to be viewed to such person and shall assure that the redaction is done in such a way as to ensure that the material to be redacted is not readable.

The attorney for the defendant, an investigator, expert, consulting legal counsel, or agent for the attorney for the defendant may provide a witness with a copy of the witness's own statement.

GENERAL PROVISIONS

This is a standing order of the Court which will be entered in all cases at arraignment, when arraignment is waived, or at such other times as may be specially ordered by the Court.

It is the obligation of the defendant, counsel for the defendant and the D.A. to avoid filing motions that duplicate, track or cover, directly or indirectly, any of the provisions of this Order. Such motions will be overruled in their entirety without hearing.

IT IS SO ORDERED.

Signed this _____ day of _____, 2014.

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CRAIG TOWSON
Judge Presiding

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