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MEMO ON ELECTRONIC DISCOVERY

The attached agreement reflects our office practice in order to comply with the Texas Code of Criminal Procedure Article 39.14; in particular the portions of which became effective January 1, 2014 that impact electronic discovery as described below:

Art. 39.14. Discovery

(a) Subject to the restrictions provided by Section 264.408, Family Code, and Article 39.15 of this code, as soon as practicable after receiving a timely request from the defendant ***the state shall produce and permit the inspection and the electronic duplication***, copying, and photographing, by or on behalf of the defendant, of any offense reports, any designated documents, papers, written or recorded statements of the defendant or a witness, including witness statements of law enforcement officers but not including the work product of counsel for the state in the case and their investigators and their notes or report, or any designated books, accounts, letters, photographs, or 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 state may provide to the defendant electronic duplicates of any documents or other information described by this article.*** The rights granted to the defendant under this article do not extend to written communications between the state and an agent, representative, or employee of the state. This article does not authorize the removal of the documents, items, or information from the possession of the state, and any inspection shall be in the presence of a representative of the state.

Please fill out the form and return it to my office as soon as possible in order to implement this program for your cases. In regard to the video or audio recordings in any file please note item 7 of the agreement addresses those items.

It is our hope that this program will expedite discovery and accelerate the cases to an earlier completion. In order to maintain the integrity of the process please send us a notice of appearance as soon as possible to facilitate access to your client's files. As always if you have any questions or comments please do not hesitate to contact me, and thank you for your cooperation.

Edmund J. Zielinski
Cooke County Attorney