

THE STATE OF TEXAS

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IN THE DISTRICT COURTS

MATAGORDA COUNTY, TEXAS

STANDING DISCOVERY ORDER

Based on the current District Attorney's "open file" policy, and after due consideration, the undersigned District Judges hereby adopts the following Standing Discovery Order that shall apply in all criminal cases in the 23rd or the 130th Judicial District Courts until specifically ordered otherwise:

WITNESS LIST

At a reasonable time prior to trial, the State shall provide defense the names and addresses of all witnesses the State intends to call in its case in chief at the guilt stage of trial, in the punishment stage of trial, and that the State can reasonably anticipate calling in the rebuttal stage of trial. This may be done by either filing the subpoena list with the District Clerk or directly delivering such information to the defense or a combination of both. However, the State is not required to disclose the address of the alleged victim in this case unless expressly ordered to do so by the Court.

PHYSICAL EVIDENCE

At a mutually agreed to time between the State and Defense Attorneys, the Court orders that the State is to allow the Defense to inspect all books, papers, documents, photographs, video tapes, clothing, tangible objects, contraband or substances which the State intends to use in the trial of this cause, which were obtained from or belong to the accused, or which are exculpatory as that term is understood in *Brady v. Maryland*.

At a mutually agreed to time between the State and Defense Attorneys, the State is to allow the Defense to inspect all weapons alleged by the State to have been used by the defendant, his codefendant(s) and/or co-conspirators in the commission of the alleged offense with which the defendant is herein indicted.

CONFESSIONS AND ORAL STATEMENTS

At a reasonable time prior to trial, the State shall provide defense a copy of any written statement purportedly made by the defendant (or oral statement recorded in accordance with V.A.C.C.P. Art. 38.22).

Prior to the State attempting to admit any oral statements made by the defendant who was in custody, the State is to approach the bench and request a hearing outside the presence of the jury to determine the admissibility of such statement.

PRIOR CRIMINAL RECORDS

At a reasonable time prior to trial, the State shall inform the defense of all prior felony convictions and misdemeanor convictions involving moral turpitude which the State intends to use for impeachment of the defendant at trial. This will be deemed complied with if the State allows the defense to see the State's file and said information is contained on a rap sheet in the State's file.

At a reasonable time prior to trial, the State shall inform the defense of the prior criminal records of all witnesses the State intends to call. This will be deemed complied with if the State allows the defense to see the State's file and said information is contained on a rap sheet in the State's file.

EXPERTS

At least 20 days prior to trial, the Defendant shall give written notice to the State of each person who the Defendant intends to use at trial to present evidence under Rules 702, 703, and 705, Texas Rules of Criminal Evidence.

REPORTS

At a reasonable time prior to trial, the State shall allow the defense to inspect all reports of expert witnesses made in connection with this particular case including results of physical or mental examinations and/or scientific test, experiments, or comparisons (including any autopsy report).

EXCULPATORY/MITIGATING EVIDENCE

At a reasonable time prior to trial, the State shall inform the defense of all exculpatory or mitigating evidence known to the State (to include all law enforcement personnel) which the State or its agents have in their possession. (To be understood in conformity with *Brady v. Maryland.*)

EXTRANEOUS OFFENSES

At a reasonable time prior to trial, the State shall give written notice to the defense of any extraneous offense(s) which the State intends to use during the guilt phase of trial other than that arising in the same transaction. Such notice shall reasonably inform the defense of the nature of that (those) extraneous offense(s).

If the parties are unable to agree to a mutually convenient time for purposes of carrying out this order, then the Court will order that the parties will meet at a specific place and time.

SIGNED AND ENTERED this 29th day of August, 2012.



Hon Ben Hardin
23rd Judicial District Court of Texas



Hon. Craig Estinbaum
130th Judicial District Court of Texas

