

IN THE 454TH JUDICIAL DISTRICT COURT
And
MEDINA COUNTY COURT at LAW

ADMINISTRATIVE ORDER

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STANDING DISCOVERY ORDER
IN ALL CRIMINAL CASES

STANDING DISCOVERY ORDER

1. The Court ORDERS that the State produce and permit the inspection of, or the copying and/or photographing (when applicable) of the following items in its possession or control and to comply with any court-ordered disclosure requirements listed below:
 - a. **DISCLOSE** all statements by the Defendant pursuant to Texas Code of Criminal Procedure Article 38.22 and all written statements made by the Defendant in connection with the offense with which the Defendant is charged.
 - b. All objects and tangible property taken by the State during the course of its investigation of the offense with which the Defendant is charged, and any items which may be introduced at trial.
 - c. Any written waivers or consent forms signed by the Defendant.
 - d. The prior criminal record of the Defendant.
 - e. **DISCLOSE within discovery provided** all records of conviction which may be used to impeach the defendant or any State witness. TRE 609 (f).
 - f. **DISCLOSE within discovery provided** all extraneous conduct, with date, county, state, and the name of the alleged victim which may be admissible during the State's case-in-chief (not the State's rebuttal case) or the punishment phases of trial at least forty five (45) calendar days prior to the scheduled trial date. TRE 404 (b) and CCP 37.07, sec. 3 (g).
 - g. Any exculpatory and/or mitigating evidence within the possession, custody, or control of the State, the existence of which is known, or by the exercise of due diligence may become known to the State.
 - h. The final results of any laboratory test or any other analytical test pertaining to evidence in this case within five calendar days of receipt by the State and whether or not any laboratory testing results are still outstanding.
 - i. Inspection of any prior convictions of the Defendant which may be used for jurisdictional, enhancement or impeachment purposes.

- j. All photographs taken, or used, in the course of the investigation of this case, except attorney work product.
- k. **DISCLOSE** any payment, promise of immunity, leniency or preferential treatment made to any codefendant, accomplice or prospective witness for the State. *U.S. v. Giglio*, and *Napue v. Illinois*.

II. The Court ORDERS that both the State and the Defendant:

DISCLOSE, at least forty five (45) calendar days prior to the scheduled trial date, the name and address of the person either party may use at trial to present evidence under TRE 702, 703 and 705. CCP 39.14 (b).

III. General Comments:

The State is encouraged to furnish the Defendant with offense reports and witness statements in addition to the above items. However, written statements of witnesses and the work product of counsel and their investigators, and their notes or reports are excluded from discovery under CCP 39.14 (a) unless their disclosure is constitutionally required, e.g. *Brady*, *Giglio*, etc. Nevertheless, such statements, reports and any recorded grand jury testimony must be tendered to defense counsel at trial. TRE 612 (1) and (3) and 615.

IV. Scope of this Order:

The Defendant shall exercise due diligence to contact the State to arrange a mutually convenient time to comply with this Order. The State shall exercise due diligence to comply with this Order at the earliest opportunity, but in no event later than at least forty five (45) calendar days prior to the scheduled trial date, absent a showing of good cause.

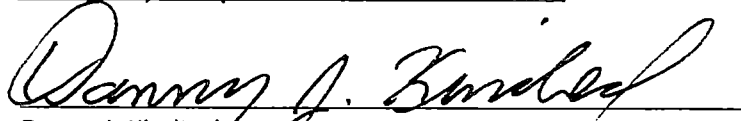
The State is not required to permit the removal of any item covered in this Order. Compliance with this Order shall be in the presence of a representative of the State. Defense counsel is responsible for the costs that are not incidental to compliance with this Order.

This Order does not cover privileged matters or work product unless such disclosure is constitutionally required, e.g. *Brady*, etc. Any dispute related to compliance with this Order should be brought to the Court's attention immediately.

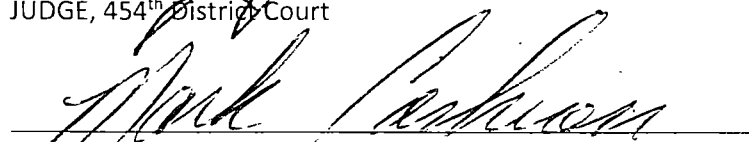
Defense counsel and the State have a continuing duty to immediately reveal to opposing counsel all newly discovered information or other material within the scope of this Order. **This Order is deemed sufficient to satisfy the discovery requests of both the the Defendant and the State.** Should additional discovery be necessary the Defendant and/or the State shall file a written motion addressing only matters not covered in this Order. Any such motion must be presented in accordance with CCP 28.01.

SIGNED AND ENTERED ON

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Danny J. Kindred
JUDGE, 454th District Court



Mark Cashion
JUDGE, Medina County Court at Law

DIVORCE CHECKLIST FOR *PRO SE* LITIGANTS

(designed for parties who are representing themselves in a divorce lawsuit)

Below is a checklist that you must complete before appearing in front of the Court for your divorce.

- _____ 1. You **must** have filed all necessary paperwork (including a Final Decree of Divorce) with the Clerk's office **before** you will be given a Court date for the final divorce hearing. If you are using a Waiver of Service, this document **must** have been signed by the Respondent in front of a notary public and notarized **on a date after** the Original Petition for Divorce was filed. Additionally, the Final Decree of Divorce **must** include all of the elements necessary under Texas law.

You have several options to do this:

- Contact a private attorney;
- Find information and forms online at www.tyla.org, www.texaslawhelp.org (then click on *Family Law and Domestic Violence*, and then click on *Divorce / Free Forms*) or at www.freetexasforms.org (then click on either *Divorce in Texas WITH Children* or *Divorce in Texas WITHOUT Children*); or
- Contact Texas Rio Grande Legal Aid at (888) 988-9996, or www.trla.org, to see if you qualify for representation by their attorneys;

- _____ 2. If your spouse will not sign a Waiver of Citation and you know their address, you must ask that the Clerk issue a citation pursuant to the Texas Rules of Civil Procedure Section 99. If your spouse's whereabouts are unknown and there *are no* children born of the marriage, you must ask that the Clerk issue a citation by posting pursuant to Sec. 6.409 (d) of the Texas Family Code. If your spouse's whereabouts are unknown and there *are* children born of the marriage, then you must ask the Clerk to issue citation by publication pursuant to Sec. 6.409 of the Texas Family Code. For further information regarding these forms, please see the web sites listed in number 1 above.

- _____ 3. If there were children born during this marriage who are under the age of 18 years, and the divorce is contested (not agreed to) you **must** attend a parenting class as set out in Sec. 105.009 of the Texas Family Code. The course you select must comply with the requirements set out in Sec. 105.009 of the Texas Family Code and must be approved by the Court. If you cannot afford such a course, please contact the St. Henry de Osso Family Project at (830) 278-3438, for information regarding their *Cooperative Parenting and Divorce* course which is provided on a sliding fee scale or without charge. Your certificate of completion from your parenting class **must** be filed with the Clerk's office **before** you will be given a Court date for the final divorce hearing.

- _____ 4. Pick up a form entitled *Information on Suit Affecting the Family Relationship* (Texas Department of State Health Services - Vital Statistics Form) from the Clerk's office. Fill out the form according to the instructions and either file it with the Clerk's office, or bring the form with you to Court for the final divorce hearing.

- _____ 5. If a citation issued by the Clerk was personally served on your spouse and they did not file an answer, sign the proposed decree, or if they are not going to appear in court, you will need to prepare and bring to your final hearing a Certificate of Last Known Address

and an Affidavit of Nonmilitary Status. (These forms may be found on the web sites listed in number 1 above). If your spouse was served by posting or citation by publication you will, in addition to the above, need to prepare and bring to your final hearing a Statement of the Evidence pursuant to Sec. 6.409 of the Texas Family Code. (A form for the Statement of the Evidence may be found at the web sites listed in number 1 above).

- _____ 6. You will **not** be able to get a divorce if (a) 60 days have not elapsed from the date the lawsuit was filed (unless family violence is involved pursuant to § 6:702(c) of the Texas Family Code), (b) the Wife is pregnant, (c) either party parented a child with someone other than the other spouse during the marriage (unless that third-party is made a party to the divorce suit and is addressed in the decree), and/or (d) a child has been the subject of a prior Court order (unless the prior Court case has been transferred to the divorce Court, or consolidated with the divorce case). **If you have a case with the Attorney General concerning the child(ren) in this divorce, you must give their office a file-stamped copy of the Petition For Divorce as soon as you file it. You must also bring a certified copy of the Attorney General order concerning the child(ren) in this divorce with you to the final hearing.**
- _____ 7. **Only after** you have completed all of the above should you call the 454TH District Court at (830) 278-3913 to schedule a Court date for the final divorce hearing.