

Cause No(s) _____

State of Texas vs. _____

**STANDING DISCOVERY ORDER FOR CRIMINAL CASES
IN THE 114TH DISTRICT COURT**

Failure to comply with this order in a timely manner may result in sanctions including exclusion of evidence, adverse jury instructions, and contempt proceedings.

This order applies to all items in the possession, custody, or control of the state's attorney, the investigating officers, other state agents, and any person under contract with the state.

The Court recognizes that the state currently has an open file policy and this order is not intended to interfere with that policy. Rather, the intent of this order is to dispose of all pretrial discovery motions unless further particularized discovery is necessary and to ensure the timely disclosure of the same by the state and review by the defense.

This order shall dispose of any and all pretrial discovery motions heretofore filed.

Nothing in this order permits a defendant or his attorney to copy, photograph, duplicate, or otherwise reproduce any property or material described by Article 39.15 of the Code of Criminal Procedure or any other applicable rule or statute.

Nothing in this order shall authorize the removal of evidence from the possession of the state and any inspection shall be in the presence of a representative of the state if the state so requests.

Electronic duplicates of materials may be substituted for paper or physical copies.

Order Directed to the State:

No later than ten days after the state is notified that defense counsel has been retained or appointed, and subject to any other governing rule or statute, the state is ORDERED to provide or otherwise make available to the defense the following items if they exist:

1. All documents and discovery required by the Michael Morton Act, Article 39.14.
2. Copies, or access to, all police reports, witness statements, photographs, audio and video recordings, and any other non-privileged information that constitutes or contains evidence material to any matter related to the case unless the state believes that such are work product.
3. All written or recorded statements of the defendant, along with all confessions or statements, whether verbal or otherwise, made pursuant to Article 38.22.

4. Copies or disclosure of the existence, of any public records in possession of the state, including search and arrest warrants with accompanying affidavits.
5. Copies of expert reports including autopsy reports and laboratory reports of any examinations of contraband, substances, fluids, hairs, fingerprints, blood samples, ballistics, soil, fibers, and paints.
6. Copies of all business, medical, or governmental records expected to be introduced at trial by the state.
7. A summary of the criminal history of the defendant, if any, including the county and state of conviction, the date of conviction, and the title of the offense of conviction.
8. All exculpatory, impeachment, or mitigating documents, items, or information that tends to negate the guilt of the defendant or that would tend to reduce the punishment for the offense charged including all evidence subject to *Brady* and its progeny.
9. A written list of all anticipated trial witnesses, including experts, whose names do not appear in discovery material provided, to be supplemented as others are discovered.
10. All non-privileged audio recordings of a defendant's jail telephone calls in possession of the state's attorney.
11. Written notice of the state's intent to use evidence of the defendant's prior bad acts and extraneous offenses at trial including all 404(b), 609, and 38.37 evidence.
12. Written notice of any promises of benefit or lenience afforded to any accomplice or prospective witness in connection with their testimony or cooperation.
13. An opportunity for the inspection of :
 - a. All items seized from the defendant;
 - b. All items seized from any codefendant or accomplice;
 - c. All physical objects to be introduced at trial;
 - d. All non-privileged documents, photographs, and investigative charts or diagrams to be introduced as evidence at trial subject to any claim of work product by the state;
 - e. All contraband, weapons, and implements of criminal activity seized or acquired by the state or its agents in the investigation of the alleged offense.

Order Directed to the Defense:

The defense is ORDERED to provide a list of expert witnesses to the state at least 20 days prior trial.

No disclosure of any of these discovery materials may be made to any third party unless the Court orders the disclosure or there exists another governing rule or statute that permits such disclosure and any such disclosure complies with the requirements of that rule or statute.

Additional Discovery and Supplementation:

Both the state and the defense shall refrain from filing any motion that duplicates any provision of this order. Any motion requesting disclosure of materials covered by this order will be denied in its entirety without a hearing.


In the event that additional, particularized discovery is necessary, any party may file a written motion for discovery concerning a matter not addressed in this order. However, no attorney shall file a discovery motion without first conferring with opposing counsel, and no motion will be considered by the Court or set for a hearing unless it is accompanied by a certificate of conference which shall include a statement that the moving party has made a good faith effort to resolve the matter by agreement. Nothing herein shall preclude a party from filing a motion for a protective order, to compel compliance, or to modify this order.

It shall be the duty of the state's attorney to immediately disclose to the defense all newly discovered information, evidence, or other material within the scope of this order and the state's attorney has a continuing duty to make any such disclosure expeditiously. Counsel for both sides shall exercise reasonable diligence in arranging a mutually convenient time to supplement discovery.

Certification of Compliance:

At least one week prior to any plea agreement docket the parties shall file with the Court a jointly signed copy of this order certifying compliance with the same. If the parties have not complied with this order, they shall file a notice explaining why compliance was not possible, the steps taken to attempt compliance, what items of discovery are outstanding and why they have not been produced, and a good faith estimate as to when these items will be produced.

Signed 11 July 2022.


Austin Reeve Jackson
Judge, 114th District Court

CERTIFICATE OF COMPLIANCE

By signature below the State and Defense certify that they have each received a copy of this order and complied with the same.

Date: _____

Attorney for the State

Attorney for the Defense