

Cause No. _____

THE STATE OF TEXAS

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IN THE DISTRICT COURT

v.

GRIMES COUNTY, TEXAS

506th JUDICIAL DISTRICT

STANDARD DISCOVERY ORDER IN CRIMINAL CASES

THE STATE IS ORDERED TO FURNISH:

1. List of all anticipated trial witnesses, including experts, and their addresses, to be supplemented as others are discovered.
2. All written or recorded statements of the Defendant, along with all confessions or statements, whether verbal or otherwise, made pursuant to Article 38.22, C.C.P.
3. Written notice of intent to use extraneous offense evidence at trial, pursuant to Rule 404(b) Texas Rules of Evidence.
4. Inspection of:
 - a. All items seized from the defendant.
 - b. All items seized from any co-defendant or accomplice.
 - c. All physical objects to be introduced as part of the State's case.
 - d. All documents and photographs and investigative charts or diagrams to be introduced at trial.
 - e. All contraband, weapons, implements or criminal activity seized or acquired by the State or its agents in the investigation of the alleged crime.
 - f. All records of conviction which may be admissible in evidence or used for impeachment of the defendant.
 - g. All tangible items of physical evidence collected by the State or its agents concerning the alleged offense to include latent fingerprints, footprints, hairs, fibers, fingernail scrapings, body fluids, tire tracks, paint scrapings, etc.
5. All promises of benefit or leniency afforded to any accomplice or prospective witness in connection with his or her proposed testimony or other cooperation with regard to the alleged offense.
6. All known convictions which are admissible for impeachment concerning any of the State's proposed witnesses.
7. All known convictions, pending charges or suspected criminal offenses concerning any accomplice proposed to be used as a witness by the State.
8. Copies of all complaints, search warrants (and related affidavits), autopsy reports and laboratory reports and laboratory reports of all examinations of contraband, fluids, hairs, fingerprints, blood samples, ballistics, soil, fibers and paints.
9. Inspection of all business records or governmental records expected to be introduced by the State.

10. All exculpatory evidence pursuant to **Brady v. Maryland** and related cases.
11. It is to be understood that the State will furnish all such above items which are in the possession of the State's attorneys or which are known to be in the possession of the investigating officers or other agents of the State.
12. In appropriate cases, the State is encouraged to furnish offense reports and witness statements in addition to the above items. However, such reports and statements are normally work product of the State and are therefore protected from mandatory disclosure unless the contents are exculpatory. Such statements and reports must, of course, be tendered to the defense for cross-examination on proper request under Gaskin or related requirements.
13. In the event photographs, diagrams, or models are prepared as "jury aids" at the discretion of the State's attorneys before trial, such items will be considered work product unless the defense demonstrates a "particularized need" for inspection thereof.
14. This Order will dispose of all pretrial discovery motions heretofore filed. Because of the extensive nature of the discovery herein ordered, it will be considered that such order is acceptable to the defense pending the review of evidence and documents as ordered. In the event that further particularized discovery is considered necessary, the defense will thereafter file a written Motion for Discovery, addressing only matters not covered in this Order, and such Motion will be presented to the Court at the earliest practical opportunity before trial, and preferably before the scheduled pretrial date. Such Motions filed after the scheduled pretrial date will be considered only at the discretion of the Court.

The State is ORDERED to furnish the above inspection and copying on or before TEN (10) days prior to trial, or the scheduled Pretrial date, whichever is earlier. Defense counsel shall arrange for review and to pick up discovery at the office of the District Attorney on or after the date required. **It is defense counsel's responsibility** to make contact with the District Attorney's Office for such matters. It is further understood that defense counsel should exercise reasonable diligence to contact the State's attorney and arrange mutually convenient times for an appointment for such matters.

If a timely written request is made by defense counsel, the State is ORDERED to prepare a list of exhibited or furnished items to be filed among the papers of this cause within SEVEN (7) days after discovery is completed.

ORDERED and ENTERED this _____ day of _____, 20__.

Judge, Presiding