

Cause No. \_\_\_\_\_

THE STATE OF TEXAS

IN THE DISTRICT COURT OF

v.

WALLER COUNTY, TEXAS

506<sup>TH</sup> JUDICIAL DISTRICT

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## STANDARD MUTUAL ORDER IN LIMINE

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During a criminal jury trial, unless exceptions have been made by the Court on the record, it is hereby ORDERED that no attorney for either the State or the Defense shall make mention, refer to, or suggest any of the matters of this Order in the presence of, or in the hearing of, the jury or the venire without first approaching the bench and securing a ruling from the Court regarding such matter.

It is further ORDERED that each attorney shall admonish his or her client, witnesses, and others assisting in the trial of the case, concerning the content and effects of these Orders. Absent timely objection, a witness may truthfully answer in response to a question asked by opposing counsel.

The following matters are prohibited without first approaching the bench and securing a ruling from the Court:

1. Any statement to the jury that it is the prosecutor's job to obtain a conviction in the present case or any similar statement to that effect.
2. Any accusations, allegations, or implications that opposing counsel has engaged in any act or acts of misconduct.
3. Any suggestion to the jury that the police officers in the present case want or need to obtain a conviction merely to enhance their career or job status.
4. The specific facts of this cause of action. During voir dire counsel may discuss the allegations in the indictment, the elements of the offense, and may use hypothetical examples of offenses that do not reflect the specific facts of this cause of action.
5. Any statements by counsel that suggest definitions for statutory terms that are contrary to the definitions provided by law or the Court.
6. Any reference by counsel of any fact concerning the defendant, other than the defendant's name, that is not yet in evidence. In introducing the defendant during voir dire, defense counsel is allowed to give the defendant's age, address, marital status, and occupation. Other matters such as military service, medical conditions, medical history, family history, education, hobbies, and employment background are prohibited under this Order, except in mitigation during the punishment stage of the trial, without counsel first approaching the bench and securing a ruling regarding same.
7. Any mention that defense counsel believes or has knowledge that the defendant is innocent or factually innocent.
8. Any mention of any specific instances of conduct of a witness, or conviction of a crime, for the purpose of attacking or supporting the witness credibility, other than as provided in the Texas Rules of Evidence.
9. Any mention of any act of misconduct on the part of any witness not amounting to a final conviction for a felony or a misdemeanor involving moral turpitude or concerning the character of the witness, except as provided in the Texas Rules of Evidence and Code of Criminal Procedure.
10. Any reference, statement, or argument concerning plea bargaining in this case or any other case, or verdicts or punishments assessed in the same or similar cases, or recommended sentences for the same or similar crimes by the District Attorney's Office, or its representatives in past cases.
11. Any mention or reference about any expert witness that may be called, unless or until the opposing side has had an opportunity to test their qualification to render an expert opinion. Reference may be made and general questions asked during *voir dire* that an expert may be called, and relevant questions concerning the experts' area of authority may be covered with the venire.

12. Any mention or reference during the guilt/innocence stage of the trial to any time spent in jail by the Defendant or the consequences to the Defendant if found guilty, other than the statutory ranges of punishment. During the punishment stage, mitigation evidence may be presented, including but not limited to loss of job, hardship on family, effect on minor children under Defendant's care, citizenship, and status/possibility of deportation. All such testimony shall comply with the Texas Rules of Evidence.
13. Any mention or expression by an expert or lay witness of any opinion as to the proper punishment for the Defendant in this case during the guilt/innocence stage of the trial. During the punishment stage of the trial, witnesses may ask for leniency, including punishment in the lower range and probation, as appropriate.
14. What any absent witness would testify to had he or she been called as a witness.
15. Any rulings which are made by the Court on pretrial motions and standard orders.
16. Presentation of any slides, posters, pictures or PowerPoint presentation that contain hearsay statements, misstatements of the law or misstatements of the evidence that have not been previously disclosed and ruled upon.
17. Any statements to the jury encouraging jurors to cause a mistrial or discouraging jurors from deliberating as instructed by the Court.
18. Any statements to the jury encouraging jurors to disregard the law as they are instructed by the court, or any statements which encourage the jury to acquit or convict the defendant based on juror's opinions regarding the law.
19. Any statements suggesting to the jury that the law is being used in this case in a manner inconsistent with the Texas legislature's intent. Factual inconsistencies in the manner in which the law is applied may be argued.
20. During the guilt/innocence stage of the trial, any reference to attorney's fees, bonding costs, or legal expenses that defendant has paid or which have been incurred by the State in the present case.
21. Any statements offered by a person allegedly injured by the defendant concerning any diagnosis or medical opinion communicated to such person by a physician or other health care provider. The witness may testify to his or her understanding of the injuries or medical condition, but such testimony shall not be in the form of a diagnosis.
22. Any request or demand for a stipulation to opposing counsel to any fact in the presence of the jury.
23. Calling any witness or offering any evidence, if the identity of such witness or the evidence has not been disclosed in response to the Standard Discovery Order, or other court order.
24. Objecting in front of the jury to any witness or the offering of any evidence that has not been disclosed in response to the Standard Discovery Order, or other court order.
25. Any mention of or statement concerning the taking of, the offering to take, or the results of a polygraph examination.

This Order will dispose of all Motions in Limine. In the event that further particularized Motions in Limine are necessary from either the State or the Defense, counsel may file such motion, addressing only those matters not covered in this Order, and such Motion will be presented to the Court at the earliest practical opportunity before trial. Counsel may argue for exceptions to any of the above items in limine.

A Pretrial Preparation Order and a Standard Discovery Order may supplement this Standard Motion in Limine.

SIGNED and entered \_\_\_\_\_.

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GARY W. CHANEY, Judge, Presiding