

THE STATE OF TEXAS

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IN THE 159<sup>th</sup> JUDICIAL

VS.

DISTRICT COURT OF

ANGELINA COUNTY, TEXAS

**STANDARD DISCOVERY ORDER**

No later than 10:00 a.m. of the 28<sup>th</sup> day after entry of this Order or the first regular business day thereafter, the prosecutor must upon written demand of the defense make available to the defense such of the following information and materials as are in the possession, custody or control of the state or any of its agencies or otherwise reasonably available to the prosecution. This information and these materials shall be produced at the main reception office of the prosecutor. The court authorizes and urges the parties to agree upon a place and a time within the said 28 day period that may be more mutually convenient.

At said time and place the State of Texas is to have the following materials and information available for the defense for inspection, photographing, photocopying and duplication, to-wit:

**I. RELATING TO DEFENDANT**

1. All confessions, statements and *res gestae* statements purportedly made by the Defendant, including all writings, memos, notes and reports that refer to such confessions or statements;
2. All photographs, sketches, oral recordings and visual recordings of the Defendant;
3. The criminal history of the Defendant as recorded in the TCIC records together with all other crimes, wrongs and acts of which the prosecution has actual knowledge;
4. Statements by all co-defendants and co-conspirators, whether indicted or unindicted, that mention Defendant by name or other description;

**II. RELATING TO WITNESS(ES)**

5. The criminal history of all witnesses who could within reasonable probability be called as witnesses for the prosecution as recorded in the TCIC records together with all other purported criminal activities of which the prosecution has actual knowledge;
6. All plea agreements, offers of plea agreements or suggestions of plea agreements made by or for the prosecution to each and all of the witnesses whose testimony could be offered against the Defendant;
7. The witness list for the prosecution shall be produced to the defense prior to commencement of the jury voir dire examination. Such list shall include all witnesses, whether lay or expert, including witnesses under Rule 701 Texas Rules of Evidence, together with all rebuttal witnesses whose use can be reasonably anticipated by the State;

**III. RELATING TO EVIDENCE**

8. All physical evidence that could be offered at trial against the Defendant including but not limited to documents, papers, books, accounts, letters, photographs, objects or tangible things not privileged which constitute or contain evidence material to any matter involved in this case and which are in the possession, custody or control of the State or any of its agencies; this does not include work product of the prosecutor or the prosecutor’s staff or investigators (such as witness statements, notes and reports) unless such material contains impeachment material or exculpatory evidence or is otherwise ordered to be disclosed;
9. The police offense report, i.e., the “front page” of such report; the balance of the police reports are to be produced in accordance with the “Gaskin Rule”;
10. Witness statements when and if and at any time it reasonably appears that information contained therein may provide exculpatory evidence or impeachment material for the defense; such materials must be produced forthwith after discovery that such materials may provide impeachment material or exculpatory evidence;

11. All exculpatory evidence known to the prosecution and required to be produced in accordance with the “Brady Rule”;

#### IV. RELATING TO EXPERT WITNESSES

12. All scientific reports regarding any and all evidence that could be offered at trial against the Defendant; if such reports are not in existence the State is required within a reasonable time to reduce same to writing; such reports must include the qualifications of the expert, the materials considered by the expert and bases for the opinions and conclusions of the expert;

13. Pursuant to Art. 3914(b) C.C.P., the court orders that each party shall disclose to the other the name and address of each person that party may use at trial to present evidence under Rules 702, 703 and 705 Texas Rules of Evidence. The prosecution and the defendant must both disclose to the other party not later than twenty (20) days prior to the date the trial is scheduled, the name and address of each person that party may use at trial to present evidence under Rules 702, 703 and 705 Texas Rules of Evidence. The name and address of the defendant does not have to be disclosed as a possible witness. Each party shall list such witnesses in a document containing the caption of the case and serve it upon the opposing party as provided by Rule 21a, Texas Rules of Civil Procedure.

The prosecution remains under a continuing duty to make available for inspection, copying and duplication and additional information and materials similar to that which is described above within a reasonable time after they become available to the prosecution. There is also a continuing obligation to provide names and addresses of witnesses forthwith after discovery whose names were not reasonably available to the party at a prior time. However, discovery provided pursuant to Art. 39.14(b) C.C.P. may be supplemented only by motion and order for good cause shown.

IT IS THE OBLIGATION OF THE DEFENSE TO MAKE A WRITTEN REQUEST FOR THE STANDARD DISCOVERY ORDER MATERIALS PROVIDED HEREIN TO BE PRODUCED AND MADE AVAILABLE FOR INSPECTION, PHOTOGRAPHING, PHOTOCOPYING AND DUPLICATION.

Defendants with retained counsel are expected to bear all discovery expenses.

In the event the defense counsel has been appointed by the Court to represent an indigent defendant, the prosecutor’s office and their agents are required within reason to furnish copies, photocopies and duplications for no charge to the defense. If the defense intends to submit any other expenses for payment through the court, a Motion must be filed with the Court and approved before payment will be approved.

This is a standing order of the court to be entered in all cases at arraignment or when arraignment is waived.

It is the obligation of the defendant, counsel for the defendant and counsel for the state to avoid filing motions that duplicate any of the provisions of this order. Conflicting motions will be overruled without hearing.

DEFENDANT AND COUNSEL FOR THE DEFENDANT SHOULD NOTE THAT THIS STANDARD DISCOVERY ORDER DOES NOT CHANGE OR AFFECT THE NECESSITY TO TIMELY FILE ON BEHALF OF THE DEFENDANT THE

- 1) DECLARATION FOR JURY PUNISHMENT;
- 2) APPLICATION FOR PROBATION;
- 3) REQUEST FOR NOTICE OF TEXAS EVIDENCE AND MATERIALS UNDER RULE 404(B) T.R.E. AND ART. 37.07 SEC. 3 C.C.;;
- 4) “GASKIN RULE” MATERIALS;
- 5) ANYTHING ELSE NOT SPECIFICALLY ADDRESSED BY THIS ORDER;
- 6) MOTION FOR AN INTERPRETER.

Signed this \_\_\_\_\_ day of \_\_\_\_\_ 2018.

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Paul E. White, 159<sup>th</sup> Judicial District Judge