

CAUSE NO. _____

THE STATE OF TEXAS

VS.

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IN THE 49th DISTRICT COURT

OF

WEBB COUNTY, TEXAS

STANDING DISCOVERY ORDER

I. The Court ORDERS that the State:

1. FURNISH to defense counsel a list of all witnesses the State may call during its case-in-chief or the punishment phases of trial at least fifteen (15) working days prior to the day this case is set for trial. Furnishing this list does not necessarily mean the State has or will subpoena any listed witness.

2. FURNISH to defense counsel a copy of all written or recorded statements of the defendant, including intercepted communications such as wiretaps, all confessions or statements made pursuant to CCP 38.22, recorded grand jury testimony, portions of offense reports containing a verbatim statement of the defendant and all video and tape recordings that record the defendant. Telephone conversations initiated by the defendant from custody should be discovered independently from this Order. Defense counsel shall provide the State with the appropriate medium for copying any such item.

3. PERMIT INSPECTION AND COPYING OR PHOTOGRAPHING, CCP 39.14(a) of:
 - A. All items seized from the defendant.
 - B. All items seized from any codefendant or accomplice, related to the instant case.
 - C. All contraband, weapons, implements of criminal activity seized or acquired by the State or its agents in the investigation of the alleged offense.
 - D. All physical objects concerning the alleged offense, including fingerprints, hairs, fibers, fingernail scrapings, body fluids, tire tracks, paint scrapings, etc.
 - E. All documents, photographs, charts and diagrams to be introduced at trial.
 - F. All physical items, documents, diagrams, models or charts to be used as "jury aids" or demonstrative evidence prior to being used before the jury.
 - G. All psychiatric reports concerning the defendant.
 - H. The result of any physical or mental examination of the defendant.
 - I. All business and government records to be introduced by the State.

- J. All complaints, search warrants and related affidavits, autopsy reports and laboratory results of all examinations of contraband, fluids, hair, fingerprints, blood samples, ballistics, soil, fibers, paints, etc.
 - K. The results of scientific tests or experiments made in connection with this case.
 - L. All lineups and photo spreads.
4. 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.
 5. DISCLOSE The defendant's NCIC, TCIC and Webb County arrest record.
 6. DISCLOSE all favorable evidence under Brady v. Maryland and its progeny.
 7. DISCLOSE all records of conviction which may be used to impeach the defendant or any State witness. TRE 609(f).
 8. DISCLOSE 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 fifteen (15) working days prior to the day this case is set for trial. TRE 404(b) & CCP 37.07, sec. 3(g).
 9. TRANSCRIBE the grand jury testimony of all witnesses who will testify for the State so their testimony can be furnished to the Defendant. TRE 612 (1) & (3) and 615.

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

DISCLOSE, at least twenty (20) working days prior to the day this case is set for trial, 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 grand jury testimony must be tendered to defense counsel at trial. TRE 612 (1) & (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 at least fifteen (15) working days prior to the day this case is set for trial, 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 which 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 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 _____.

JOE LOPEZ
Judge Presiding
49TH District Court

Webb and

Zapata County, Texas