

8. All documents reflecting the expiration date of the pure ethanol used to create any solution in relation to the Intoxilyzer in this case.

9. An opportunity for the Defense and Defense experts to view, visually inspect, diagram and photographically record the Intoxilyzer instrument used in this case as well as the area, and all immediately adjacent and adjoining areas, in which the instrument used in this case is kept. This specifically includes any electronic devices in the Intoxilyzer room, as well as adjoining (side, above, or below) and nearby rooms (within approx. 100 feet) which may emit radio frequency interference, i.e. photocopying machines, radio transmitters, microwave ovens, computer terminals, etc.

12. A copy of the certificate authorizing the technical supervisor(s) to supervise the operator and instrument in this case.

THE COURT FURTHER ORDERS that any evidence within the scope of the items granted above be provided by the State to defendant's attorney's office at, _____, on or before 5:00 p.m. on the 20th day after the date of this order, or otherwise by mutual agreement.

THE COURT FURTHER ORDERS that this order shall be sent to the Texas Department of Public Safety by the attorney for the Defendant within 3 days of the date of this order via email to camille.stafford@dps.texas.gov.

THE COURT FURTHER ORDERS that this order is continuing and the State will immediately make available to the Defendant's attorney any subsequent discoverable matter within the scope of the above granted items within 48 hours of the time it learns of or obtains such discoverable matter.

THE COURT FURTHER ORDERS that any items herein not timely produced in violation of this order may be excluded from evidence in this case.

THE COURT FURTHER ORDERS that testimony concerning the items not timely produced in violation of this order, the information contained in those items, and the results obtained from those items may be excluded from evidence in this case.

THE COURT FURTHER ORDERS that all orders herein for viewing, visual inspection, diagramming, and photographic recording are to occur during normal business hours at a mutually agreeable time, but in no event later than 15 business days after Defense counsel transmits this order to the law enforcement agency involved and specifically requests an agreeable time to view, visually inspect, diagram, and photographically record the items permitted in this order.

THE COURT FURTHER ORDERS that any law enforcement agency, or person or entity having a contract with such law enforcement agency, shall be allowed as a copy cost that amount, and only that amount, that would be allowable under the Texas Public Information Act for copying the documents required to be produced by this order.

THE COURT FURTHER ORDERS this order is only enforceable if signed off by both the attorney for the State and the attorney for the Defense, unless approved by the Judge after a hearing.

Defense Attorney

Signed _____, 20__

JUDGE PRESIDING