

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.).

10. 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 the defendant's attorney's office at _____, on or before 5:00 p.m. on the 30th 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. If the request is for the DPS Houston Crime Lab, the request shall be sent via email to Camille.Stafford@dps.texas.gov.

THE COURT FURTHER ORDERS that this order is continuing in its effect 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 under the authority of *Brady v. Maryland*, 373 U.S. 83; 83 S.Ct. 1194 (1963), all evidence favorable to the Defendant is to be produced. Additionally, as per the Texas Disciplinary Rules of Professional Conduct Rule 3.09(d), ("Duties of District Attorneys" requires that "[t]he prosecutor in a criminal case shall:... make timely disclosure to the defense of all evidence or information known to the prosecutor that tends to negate the guilt of the accused or mitigates the offense...") evidence that tends to guilt or mitigate the offense shall be disclosed. Said evidence is to be produced on or before 5:00 p.m. on the day of its discovery or by agreement.

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 the attorney requesting this order must notify the affected crime lab within 3 days of: (1) the entry of a guilty plea; (2) placement of the case on the court's plea docket; or (3) dismissal of the criminal proceeding.

THE COURT FURTHER ORDERS that all orders herein for viewing, visual inspection, diagramming, and photograph 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 that 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.

Signed on _____

Presiding Judge Echo Hutson
County Court at Law No. 4
Montgomery County, Texas

Approved as to form and substance:

State:

Defense:

NOTE: A CERTIFICATE OF SERVICE MUST BE ATTACHED TO THIS ORDER SHOWING SERVICE TO THE MONTGOMERY COUNTY DISTRICT ATTORNEY'S OFFICE AT TIME OF FILING.