

THE STATE OF TEXAS
VS

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IN THE DISTRICT COURT OF
MONTGOMERY COUNTY, TEXAS
435th JUDICIAL DISTRICT

435th DISTRICT COURT STANDING DISCOVERY ORDER

This Court hereby adopts the following Standing Discovery Order that shall apply in all criminal cases in this Court until specifically ordered otherwise.

State is ORDERED to furnish:

1. List of all anticipated trial witnesses, to be supplemented as others are discovered.
2. All written or recorded statements of the defendant, along with all confessions or statements, whether verbal or otherwise, made pursuant to Art. 38.22 C.C.P.
3. All matters required under Tex. R. Evid. 404(b) and 609(f) and Code Crim. Proc. Art. 37.07(3)(g).
4. Inspection of:
 - a. All items seized from the defendant.
 - b. All items seized from any co-defendant or accomplice.
 - c. All physical objects to be introduced as part of the State's case.
 - d. All documents and photographs and investigative charts or diagrams to be introduced at trial.
 - e. All contraband, weapons, implements of criminal activity seized or acquired by the State or its agents in the investigation of the alleged offense.
 - f. All records of convictions which may be admissible in evidence or impeachment of the defendant.
 - g. All tangible items of physical evidence collected by the State or its agents concerning the alleged offense to include latent fingerprints, footprints, hairs, fibers, fingernail scrapings, body fluids, tire tracts, paint scrapings, etc.
5. All promises of benefit or leniency afforded to any accomplice or prospective witness in connection with his proposed testimony or other cooperation with regard to the offense.
6. All known convictions which are admissible for impeachment concerning any of the State's proposed witnesses. ‘
7. All known convictions, pending charges or suspected criminal offenses concerning any accomplice proposed to be used as a witness by the State.
8. Copies of complaints, search warrants (related affidavits), autopsy reports and laboratory reports of all examinations of contraband, fluids, hairs, fingerprints, blood samples, ballistics, soil, fibers and paints.
9. Inspection of all business records or governmental records expected to be introduced by the State.
10. All exculpatory evidence pursuant to Brady v. Maryland and related cases.
11. It is to be understood that the State will furnish all of such above items which are in the possession of the State's attorneys or which are known to be in the possession of the investigating officers or other agents of the State.
12. In appropriate cases, the State is encouraged to furnish offense reports and witness statements in addition to the above items. However, such reports and statements are normally work product of the State and are therefore protected from mandatory disclosure unless the contents are exculpatory. Such statements and reports must, of course, be tendered to the Defense for cross-examination on proper request under Gaskin or related requirements.
13. This Order will dispose of all pretrial discovery motions heretofore filed. Because the extensive nature of the discovery herein ordered, it will be considered that such Order is acceptable to the Defense pending the review of evidence and documents as ordered. In the event that further particularized discovery is considered necessary, the Defendant will thereafter file a written Motion for Discovery, addressing only matters not covered in this Order, and such Motion will be presented to the Court at the earliest practical opportunity before trial.

The State is ordered to furnish the above for inspection and copying on or before twenty-one (21) days before Call Docket. It is understood that the Defense should exercise reasonable diligence to contact the State's attorney and arrange a mutually convenient time for the appointment.

The State is ordered to prepare a list of exhibited or furnished items to be filed among the papers of this cause within seven (7) days after discovery is completed.

The Defendant is ordered to furnish by delivering in writing to the prosecuting attorney for the State of Texas on or before twenty-one (21) days before the scheduled Call Docket the names, addresses, telephone numbers, and areas of expertise of each person whom the defendant may use at trial to present evidence under rules 702, 703, and 705 of the Texas Rules of Evidence.

/s/ Patty Maginnis
Judge, 435th District Court