

CAUSE NO. \_\_\_\_\_

THE STATE OF TEXAS

§

IN THE COUNTY COURT AT LAW #5

VS.

§

OF

§

MONTGOMERY COUNTY, TEXAS

**DISCOVERY ORDER**

ON THIS the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, came on the Court's Motion for Discovery in the above styled and numbered cause.

To assist counsel and to economize the Court's time, the Court does enter the following Order:

**IT IS ORDERED, ADJUDGED AND DECREED BY THE COURT** the State shall furnish upon the request of the Defendant fourteen (14) days before trial, the following information:

1. List name, address and telephone number of all anticipated trial witnesses to be supplemented as others are discovered.
2. All written or recorded statements, including video tape recordings, of the Defendant, along with all confessions or statements, whether verbal or otherwise, made pursuant to Art. 38.22 C.C.P., along with any written waiver signed by the Defendant. Also, all audio and video tapes related to this case created by law enforcement, investigators, and/or experts.
3. 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 conviction which may be admissible in evidence or used for 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 tracks, paint scrapings, etc.
4. 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 alleged offense.
  5. All known convictions which are admissible for impeachment concerning any of the State's proposed witnesses.
  6. Copies of all complaints, search warrants (and related affidavits), autopsy reports and laboratory reports of all examinations of contraband, fluids, hairs, fingerprints, blood samples, ballistics, soil, fibers, paints, DNA and all other reports of experts including the name and address of each person who made such report or performed the test, experiment, or comparison.
  7. Inspection of all business records or governmental records expected to be introduced by the State.
  8. All exculpatory evidence.
  9. 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.
  10. All photographs of the Defendant which were used in conjunction with the investigation of this case including specifically any photographs which may have been shown by law enforcement officers to any potential witness in this case.
  11. All medical and psychiatric reports submitted by any doctors, psychiatrists, or psychologists at the request of the State or the Court in conjunction with any examination of the Defendant.
  12. Any and all evidence as to the incompetency of the Defendant which is in the possession of the District Attorney's Office or any of its agents.
  13. All crime scene photographs.
  14. All information covered by Rule 404b T.R.E.

This Order is intended to dispose of all pretrial discovery motions unless, in the opinion of defense counsel, further particularized discovery is necessary. In such event defense counsel will file a written Motion for Discovery, addressing any matters not covered by this Order, which Motion will be filed within seven (7) days prior to the discovery motions hearing unless good cause is shown for

such Motion being filed at a later date.

In the event that photographs, diagrams, or models are prepared as "jury aids" at the direction of the State's attorneys before trial, such items will be considered work product unless the Defense demonstrates a particularized need for inspection of them.

The Defendant is ordered to furnish by delivering in writing to the prosecuting attorney for the State of Texas on or before 20 days before trial or within 48 hours of the signing of this order if this order is signed within 20 days of trial, 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.

\_\_\_\_\_  
Defense Attorney

\_\_\_\_\_  
Assistant District Attorney

Signed \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
JUDGE PRESIDING