

☐ M/Discovery ☐ Brady ☐ M/List Ws ☐ M/Criminal Record Ws

No. _____

STATE OF TEXAS

)(IN THE DISTRICT COURT

VS.

)(HARRIS COUNTY, TEXAS

)(JUDICIAL DISTRICT

DISCOVERY ORDER

The State of Texas is ORDERED to disclose to Defendant and/or allow inspection and/or electronic duplication, copying and photographing, by or on behalf of the Defendant as follows:

1. Any exculpatory, impeachment, or mitigating document, item, or information in the possession, custody, or control of the state that tends to negate the guilt of the defendant or would tend to reduce the punishment for the offense charged pursuant to TEX. CODE CRIM. P. art. 39.14(h) and *Brady v Maryland*, 373 U.S. 83 (1963) and related cases. If at any time before, during, or after trial the State discovers any additional document, item, or information required to be disclosed under TEX. CODE CRIM. P. art. 39.14(h), the State shall promptly disclose the existence of the document, item, or information to the defendant or the court.
2. All written or recorded statements of the defendant, along with all confessions or statements, whether verbal or otherwise, made pursuant to TEX. CODE CRIM. P. art. 38.22, including all portions of offense reports containing a verbatim account of same.
3. Pursuant to TEX. CODE CRIM. P. art. 39.14(a), any item that is an object or other tangible thing; that constitutes or contains evidence material to any matter involved in the action; that is not otherwise privileged; and that is *in the possession, custody, or control of the state or any person under contract with the state*, including but not limited to the following:
 - Any offense reports.
 - Any designated documents, papers, written or recorded statements of the defendant or a witness, including witness statements of law enforcement officers but not including the work product of counsel for the state in the case and their investigators and their notes or report.
 - Any designated books, accounts, letters, photographs, or objects or other tangible things not otherwise privileged that constitute or contain evidence material to any matter involved in the action.

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- All items seized from the defendant, co-defendant or accomplice.
 - All physical objects to be introduced as part of the State's case.
 - All documents and photographs and investigative charts or diagrams to be introduced at trial.
 - All contraband, weapons, implements of criminal activity seized or acquired by the State or its agents in the investigation.
 - All records of conviction which may be admissible in evidence or used for impeachment of the defendant.
 - All tangible items of physical evidence collected by the state or its agents concerning the alleged offense, including latent fingerprints, hairs, fibers, fingernail scrapings, body fluids, tire tracks, paint scraping, etc.
 - All extraneous offenses, listing time, place, and complaint, which may be admissible against the defendant.
 - All psychiatric reports concerning the defendant, known to the State.
 - All promises of benefit or leniency afforded to any accomplice or prospective witness in connection with his/her proposed testimony or other cooperation with regard the alleged offense.
 - All known convictions which are admissible for impeachment concerning any of the States' proposed witnesses.
 - All known convictions, pending charges or suspected criminal offenses concerning any accomplice proposed to be used as a witness by the State.
 - Copies of all 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.
 - All business reports or governmental records expected to be introduced by the State.
4. The State is ordered to furnish the above for inspection and copying on or before 10 days prior to trial.

5. In the event that documents, diagrams, models or charts 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 thereof.
6. The discovery under this Order is subject to the restrictions of TEX. FAM. CODE §264.408 regarding a video recording of an interview of a child that is made at a center and subject to TEX. CODE CRIM. P. art. 39.15 regarding discovery of evidence depicting or describing abuse of or sexual conduct by child or minor.

The State of Texas is further ORDERED to prepare and file with clerk of the Court, at least ten (10) days prior to trial, a subpoena list of all witnesses the State intends to call on their case in chief, excluding experts. This Order does not supplant the requirements of TEX. CODE CRIM. P. art. 39.14(b) regarding experts under Texas Rules of Evidence 702, 703 and 705.

It is understood that the Defense should exercise diligence pursuant to TEX. CODE CRIM. P. art. 39.14.

The parties are encouraged to agree to discovery and documentation requirements equal to or greater than required by this Order and TEX. CODE CRIM. P. art. 39.14.

This Order will dispose of all pretrial discovery and specified request motions heretofore filed.

ORDERED AND ENTERED this .



JUDGE ,
Judge Presiding
Judicial District