

THE STATE OF TEXAS

§

IN THE 145<sup>TH</sup> JUDICIAL

VS.

§

DISTRICT COURT OF

§

NACOGDOCHES COUNTY, TEXAS

DISCOVERY ORDER

State is Ordered to Furnish:

1. List of all anticipated trial witnesses, to be provided at the time of voir dire.
2. All written or recorded statements of the defendant, made pursuant to Art. 38.22 C.C.P.
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, implement 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. All known convictions, pending charges or suspected criminal offenses concerning any accomplice proposed to be used as a witness by the State;
7. 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;
8. Inspection of all business records or governmental records expected to be introduced by the State;
9. All exculpatory evidence pursuant to Code of Criminal Procedure, Brady v. Maryland and related cases;
10. It is to be understood that the State will furnish all of such above items which are in 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;
11. All statements and evidence listed in Article 39.14 TCCP
12. 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 thereof;
13. This Order will dispose of all pretrial discovery motions heretofore filed. Because of 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 Defense will thereafter file (pursuant to Article 28.01 TCCP) a written Motion for Discovery, addressing only matters not covered in this Order, and such Motion will be presented to the Court at the pretrial hearing.

The State is ordered to furnish the above for inspection and copying on or before pretrial date of \_\_\_\_\_. 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, long before the pretrial hearing date.

If the State refuses to provide healthcare information about a person involved in a case due to HIPAA restrictions, then you must file a motion requesting the Court order the State to turn over such evidence. Once the motion and proposed order are filed, notify the Court Administrator and ask that the Judge review it. He may sign it without a hearing. If the Judge desires a hearing on it, the Court Administrator will notify you of the hearing date.

If the State has redacted portions of discovery material, talk with the prosecutors about the nature of the redacted portions. If you believe you are entitled to the portions and want to see them, then timely file a motion regarding such redactions and ask that such motion be heard at the pretrial hearing.

**This Discovery Order goes into effect should the trial not be reached on \_\_\_\_\_.**

ORDERED and ENTERED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Judge Campbell Cox, 145<sup>th</sup> Judicial District Court

C: District Attorney  
Defense Counsel