

IN THE 38TH JUDICIAL DISTRICT COURT

ADMINISTRATIVE ORDER

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STANDING DISCOVERY ORDER
IN ALL FELONY CRIMINAL CASES

STANDING DISCOVERY ORDER

1. The Court ORDERS that the State produce and permit the inspection of, or the copying and/or photographing (when applicable) of the following items in its possession or control and to comply with any court-ordered disclosure requirements listed below:
 - a. **DISCLOSE** all statements by the Defendant pursuant to Texas Code of Criminal Procedure Article 38.22 and all written statements made by the Defendant in connection with the offense with which the Defendant is charged.
 - b. All objects and tangible property taken by the State during the course of its investigation of the offense with which the Defendant is charged, and any items which may be introduced at trial.
 - c. Any written waivers or consent forms signed by the Defendant.
 - d. The prior criminal record of the Defendant.
 - e. **DISCLOSE within discovery provided** all records of conviction which may be used to impeach the defendant or any State witness. TRE 609 (f).
 - f. **DISCLOSE within discovery provided** all extraneous conduct, with date, county, state, and the name of the alleged victim which may be admissible during the State's case-in-chief (not the State's rebuttal case) or the punishment phases of trial at least forty five (45) calendar days prior to the scheduled trial date. TRE 404 (b) and CCP 37.07, sec. 3 (g).
 - g. Any exculpatory and/or mitigating evidence within the possession, custody, or control of the State, the existence of which is known, or by the exercise of due diligence may become known to the State.
 - h. The final results of any laboratory test or any other analytical test pertaining to evidence in this case within five calendar days of receipt by the State.
 - i. Inspection of any prior convictions of the Defendant which may be used for jurisdictional, enhancement or impeachment purposes.
 - j. All photographs taken, or used, in the course of the investigation of this case, except attorney work product.

FILED 2:48 AM 11-18 20 19
CHRISTINA J. OVALLE
CLERK DISTRICT COURT UVALDE COUNTY TEXAS
Christina J. Ovalle

- k. **DISCLOSE** any payment, promise of immunity, leniency or preferential treatment made to any codefendant, accomplice or prospective witness for the State. *U.S. v. Giglio*, and *Napue v. Illinois*.

II. The Court ORDERS that both the State and the Defendant:

DISCLOSE, at least forty five (45) calendar days prior to the scheduled trial date, the name and address of the person either party may use at trial to present evidence under TRE 702, 703 and 705. CCP 39.14 (b).

III. General Comments:

The State is encouraged to furnish the Defendant with offense reports and witness statements in addition to the above items. However, written statements of witnesses and the work product of counsel and their investigators, and their notes or reports are excluded from discovery under CCP 39.14 (a) unless their disclosure is constitutionally required, e.g. *Brady*, *Giglio*, etc. Nevertheless, such statements, reports and grand jury testimony must be tendered to defense counsel at trial. TRE 612 (1) and (3) and 615.

IV. Scope of this Order:

The Defendant shall exercise due diligence to contact the State to arrange a mutually convenient time to comply with this Order. The State shall exercise due diligence to comply with this Order at the earliest opportunity, but in no event later than at least forty five (45) calendar days prior to the scheduled trial date, absent a showing of good cause.

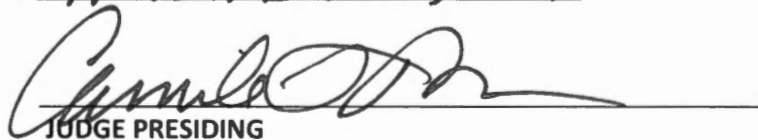
The State is not required to permit the removal of any item covered in this Order. Compliance with this Order shall be in the presence of a representative of the State. Defense counsel is responsible for the costs that are not incidental to compliance with this Order.

This Order does not cover privileged matters or work product unless such disclosure is constitutionally required, e.g. *Brady*, etc. Any dispute related to compliance with this Order should be brought to the Court's attention immediately.

Defense counsel and the State have a continuing duty to immediately reveal to opposing counsel all newly discovered information or other material within the scope of this Order. **This Order is deemed sufficient to satisfy the discovery requests of both the the Defendant and the State.** Should additional discovery be necessary the Defendant and/or the State shall file a written motion addressing only matters not covered in this Order. Any such motion must be presented in accordance with CCP 28.01.

SIGNED AND ENTERED ON

November 15, 2019.



JUDGE PRESIDING