

## ORDERS FOR DISCOVERY AND INSPECTION OF EVIDENCE

### I.

DOCUMENTARY EVIDENCE: The Court orders the District Attorney to allow inspections of all the following, to the extent that they exist and are in the possession or control of, or accessible to, the District Attorney:

A. Signed Statements of the Defendant: All confessions, admissions, and statements in writing, signed by the Defendant, pertaining to the offense for which the Defendant is indicted herein.

B. Oral Statements of the Defendant: All confessions, admissions, and statements, oral in nature and set down as prescribed under Art. 38.22, CCP, made by the Defendant pertaining to the offense charged.

C. Defendant's Statements to Grand Jury: All oral and written statements, made by the Defendant before the Grand Jury, and transcribed by a reporter, pertaining to the offense charged.

D. Warrants: All warrants for the arrest of the Defendant, and all search warrants issued for the search of premises owned by the Defendant or subject to Defendant's control, either or which are in the District Attorney's file.

E. Written Consent to Search: Any written consent to search the Defendant's residence or vehicle asserted or believed by the State to have been signed either by the Defendant, or another whom the State alleges had authority to consent to the search, prior to any such search.

F. Defendant's Fingerprints, etc.: All fingerprints, palm prints, and footprints, and reports of same, alleged by the State to have been made by the Defendant in the commission of the offense charged.

G. Scientific Test Reports and Expert's Reports: All final reports of scientific tests, experiments, and comparisons, and all other reports of experts, including but not limited to reports pertaining to weapons, bullets, shot waddings, cartridge cases, and tool marks. This does not include working notes.

H. Photographs of Scene: All photographs of the scene of the alleged crime and the scene of Defendant's arrest.

I. Waiver of Rights Before Statement: All written waivers asserted or believed by the State to have been signed by the Defendant concerning the Defendant's right to counsel before making any written or oral statement when the Defendant was under arrest.

J. Criminal Record of Defendant: The prior criminal record of the Defendant and of all co-defendants and/or all persons arrested for this offense.

K. Enhancement Documents: All documents of every kind that the State in good faith expects to use at the punishment stage for the purpose of proving prior convictions for the purpose of enhanced punishment in this case.

## II.

WITNESSES AND INFORMATION: The Court further orders the District Attorney to provide the Defendant's attorney all of the following information to the extent that it is reflected in the District Attorney's file:

A. Witnesses and Suspects: The names, addresses, and telephone numbers, both home and business (except only the business addresses and telephone numbers of law enforcement personnel need to be provided), of the following persons:

1. The persons who arrested the Defendant.
2. The persons who investigated the alleged criminal act.
3. The persons who are witnesses to the crime.
4. The persons who performed any scientific tests, experiments and comparisons.
5. All persons who testified to the Grand Jury about the alleged offense set forth in the indictment.
6. All persons, in addition to those enumerated in 1 through 5 above, whom the State in good faith expects to call at trial.

B. Exculpatory Evidence: Descriptive content of all evidence not otherwise covered elsewhere in these orders, that is favorable to the accused on the issue of guilt or innocence, or that is inconsistent with the guilt of the Defendant.

## III.

PHYSICAL EVIDENCE: The Court further orders the District Attorney to permit the Defendant's attorney to examine and photograph all of the following in the offices of the District Attorney or such other location as the District Attorney may designate. The District Attorney may accompany the Defendant's attorney to the place of examination.

A. Property Taken: All objects and tangible property alleged by the State to have been taken by the Defendant during the commission of the offense charged.

B. Weapons: All weapons alleged or believed by the State to have been used in the commission of the offense charged.

C. Identification Photographs: All photographs shown to witnesses in which the Defendant was identified.

D. Items Taken From Defendant: All documents, papers, books, accounts, letters, objects, and tangible things which are the property of the Defendant and which are in the possession, custody, or control of the State.

IV.

SUPPLEMENTAL DISCOVERY: It is further ordered that the District Attorney, after complying with all the above orders, shall be under a continuing duty to supplement the discovery herein ordered by informing the Defendant's attorney in writing that there are additional and/or different evidentiary items discovered or created since the date of the original compliance date. Any such supplements or amendments shall be delivered to the Defendant's attorney as soon as reasonably possible.

V.

DEADLINE FOR STATE TO MOVE TO AMEND: If the District Attorney shall consider any of the obligations imposed by these Pre-Trial Orders to be impossible or extremely onerous to perform because of circumstances peculiar to this cause, the District Attorney may petition the Court in writing to amend these orders. Any such petition shall be filed and presented to the Court as per the schedule.

VI.

DEADLINE FOR DEFENDANT'S PRE-TRIAL MOTIONS: It is further ordered that the Defendant's attorney may petition this Court for additional pre-trial relief. All pre-trial motions shall be filed and brought to the attention of the Court on or before the date designated on the first page hereof. No motions filed thereafter, except those asserting fundamental error, will be considered by the Court except for good cause shown.

VII.

PRE-TRIAL HEARINGS: It is contemplated that the First Pre-Trial Order shall be sufficient in most cases. However, should the defendant and defendant's attorney desire further pre-trial orders, please file same 10 days subsequent to compliance date of the first page of this order. Motions filed within the specified time, except those asserting fundamental error, will not be considered.

A. Plea Bargain Agreements: The Defendant's Attorney, and the District Attorney shall confer at private conference, outside the presence of the Court, concerning the possibility of a plea bargain agreement. If a plea bargain is reached, the Court will set a time and date for the plea. **ALL PLEA BARGAINING SHALL BE COMPLETED TEN (10) DAYS PRIOR TO TRIAL. THEREAFTER, ALL CASES WILL BE TRIED OR PLED TO THE JURY.**

B. Date for Trial on The Merits: It is further ordered that the cause will be set for jury trial at arraignments.

VIII.

INTERPRETERS: On or before the Deadline for filing Defendant's Pre-Trial Motions, any attorney, either for the State of the Defendant, who has reason to believe an interpreter will be needed at the Pre-Trial Hearing or Trial on the Merits, shall advise the Court in writing of such suspected need.

IX.

PARTIES: Whenever reference is made in this order to the District Attorney, such reference shall apply to the District Attorney in his proper person; provided, however, that from and after the date any Assistant District Attorney is designated as chief counsel for the State in this cause, and either files notice thereof with the District Clerk or so announced in open Court, all references to the District Attorney shall be interpreted to refer to said Assistant District Attorney.

Whenever reference is made in this order to the Defendant's Attorney, such reference shall apply to the Defendant's Attorney of record in this cause; provided, however, in all cases where the Defendant has no attorney of record all references to the Defendant's Attorney shall be interpreted to refer to the Defendant.

X.

COURT APPOINTED ATTORNEY FEES: All Court Appointed Attorneys must file the attached Fee Affidavit to be paid. In all cases in which the total requested attorney's fee and expenses exceeds \$500.00, the attorney must attach a detailed time sheet showing date, content and time involved for each work period. In the event of a Plea Bargain Guilty Plea involving Probation, these Affidavits must be filed at least one day prior to the Plea Hearing.

XI.

NOTICE: It is the responsibility of the defense counsel to have civilian clothes for the Defendant to wear to trial.