

STANDING DISCOVERY ORDER IN COURT-APPOINTED CASES PENDING

IN THE HARRISON COUNTY DISTRICT OR COUNTY COURT-AT LAW

The Harrison County Court at Law finds that the following standing order is in the best interest of justice and will expedite the trial cases pending in the Harrison County Court at Law by reducing unnecessary paperwork and court settings.

PRE-TRIAL DISCLOSURE

As soon as practicable after the appointment of counsel, the State shall provide counsel with:

1. A copy of all confessions, admissions, and statements in writing signed by the Defendant or set down and preserved in connection with the offense for which the defendant is charged; including audio or video-taped statements.
2. A copy of all affidavits for the issuance of all search and/or arrest warrants for the Defendant or which resulted in the charges to the defendant or evidence to be used against the Defendant or probable cause affidavits if the arrest was without a warrant.
3. Statements of any other co-defendants or parties to the offense.

PRE-TRIAL AND TRIAL DISCOVERY

At least five (5) days prior to the trial setting, the State shall produce the following documents and information or make available for inspection to counsel:

1. All exculpatory statement(s) made by any party or witness to the alleged offense which is in the possession of or within the knowledge of the prosecuting attorney or any of its agents (including any law enforcement agency), whether such statements were written or oral, which might in any manner be material to either the guilt or innocence of Defendant, or the punishment, if any, to be set in this case;
2. All statements given by third parties which resulted in the issuance of arrest or search warrants, or which resulted in charges being brought against Defendant;
3. All written warnings, admonitions, rights, or waivers given by the State to the Defendant before Defendant gave any oral statements, admissions, confessions or testimony;
4. All statements made by any suspect, expert, party or witness to this alleged offense that may tend to exculpate the Defendant, or mitigate punishment;
5. All physical evidence seized from the Defendant by the State, or seized from or provided by witnesses, accomplices, or parties to the State;
6. The prior criminal record of all individuals whom the State intends to call as witnesses during the trial of this case against the Defendant, including all arrests and convictions, whether as a juvenile or adult, and any and all drug treatment histories or histories for treatment of mental illness;
7. All documents, objects, and tangible things which are in the custody and control of the State or any of its agents as a result of the investigation which resulted in the charges being brought and which are material evidence in this case as to the Defendant's guilt or innocence or as to the punishment, if any;

8. All physical evidence seized by the State in connection with this case;
9. All photographs, videotapes, and audiotapes that depict or purport to depict the Defendant in any interview with representatives of the Marshall Police Department, the Harrison County Sheriff's Department, the District Attorney's office, or any other agent of the State of Texas or the United States;
10. All photographs, videotapes, and audiotapes of the alleged crime, or incidents surrounding the alleged crime(s) that depict or purport to depict the Defendant;
11. All medical records, EMT records, nurses' notes, doctor's orders, or any other documents which reflect medical care given to the alleged victim(s) as a result of the alleged offense.

The State shall produce the following documents and information or make available for inspection to counsel the Friday before trial:

1. A list of the names and addresses if all witnesses the State intends to call at trial;

PRE-TRIAL MOTIONS AND SETTINGS

1. All Pre-trial Motions must be filed on or before the 14th day following Defendant's arraignment or else be waived.
2. All settings for Pre-Trial motions filed with the Court must be made by counsel for Defendant on or before Docket Call;
3. All hearings on Pre-Trial Motions must be heard prior to the day of trial at the convenience of the Court or else waived.

TRIAL DISCLOSURES;

In the interest of avoiding unnecessary delay, and to avoid the necessity of asking for an extended recess to review witness statements and writings used to refresh recollection, the State shall produce by 8:30am on the day a witness is scheduled to testify;

1. Any statement of the witness, as that term is defined by Texas Rules of Criminal Evidence 615, whether in final, or rough draft;
2. Any writings used to refresh the recollection of the witness.

Nothing herein shall preclude the State or the Defendant from seeking modified or additional discovery or to change the time limits for production.

Adopted as a Local Rule and as a part of the Harrison County Indigent Defense Plan on this
_____ day of _____ 20 _____

District Judge

Judge - County Court at Law