

258th JUDICIAL DISTRICT OF TEXAS
POLK, SAN JACINTO AND TRINITY COUNTIES
STANDING DISCOVERY ORDER IN CRIMINAL CASES
(effective January 1, 2023)

This Court hereby adopts the following Standing Discovery Order that shall apply in all criminal cases in this Court until specifically ordered otherwise:

STATE IS ORDERED TO FURNISH:

All documents and discovery required by the Michael Morton Act, Art. 39.14, C.C.P. In addition to, and not in limitation of the Michael Morton Art, the following:

1. The State shall provide a written list of all anticipated trial witnesses, including experts, and their addresses, to be supplemented as others are discovered within thirty (30) days of arraignment.
2. All written or recorded statements of the defendant, along with all confessions or statements whether verbal or otherwise, made pursuant to Art. 38.22 C.C.P. The State shall provide any jail conversations it intends to use at trial or any Brady evidence the State has actual knowledge of. The Defense shall have the right to listen to all jail conversations of the Defendant in the possession of the State upon request of the Defendant to the State.
3. Written notice of intent to use extraneous offense evidence at trial. (Rule 404(b) Texas Rules of Evidence).
4. 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, implements 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 defendants; and
 - 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 tracts, paint scrapings, etc.
- 5. All promises of benefit or lenience afforded to any accomplice or prospective witness in connection with his proposed testimony or other cooperation with regard to the alleged offense.
 - 6. All known convictions which are admissible for impeachment concerning any of the State's proposed witnesses. to be used as a witness by the State.
 - 7. All known convictions, pending charges or suspected criminal offenses concerning any accomplice proposed to be used as a witness by the State.
 - 8. 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.
 - 9. Inspection and copy of all business records or governmental records expected to be introduced by the State.
 - 10. All exculpatory evidence pursuant to *Brady v. Maryland* and related cases.

11. It is to be understood that the State will furnish all of such above items which are in the 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.
12. All offense reports and witness statements in addition to the above items, unless the State believes that such reports and statements are work product, which are protected from mandatory disclosure unless the documents are exculpatory. Such statements, if determined to be protected, must be tendered to the Defense for cross-examination on property request under Gaskin or related requirements.
13. In the event that photographs, diagrams or models are prepared as Ajury aids@ at the direction of the State=s attorneys before trial, such items will be considered work product unless the Defense demonstrates a Aparticularized need@ for inspection thereof.
14. This order will dispose of any and 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 a written Motion for Discovery, addressing only matters not covered in this Order, and such motion will be presented to the Court at the earliest practical opportunity before trial.
15. The State is ordered to furnish the above inspection and copying on or before the date required by the Criminal Docket Scheduling Order or other order entered in each respective case. If the State discovers or learns of any new additional matter after the Pre-Trial Hearing that are subject to disclosure under this Order, the State shall advise the Defense and furnish same for inspection and copying as soon as practicable. 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.
16. If a written request is made by the Defense, the State is ordered to prepare a list of exhibited o furnished items to be filed among the papers of this cause on or before the start of trial.

This Amended Standing Discovery Order in Criminal Cases, effective January 1, 2023, is **ORDERED** and **ENTERED**, upon written request by the Defendant, as provided for by Article 39.14 (a), Texas Code of Criminal Procedure (“as soon as practicable after receiving a timely request from the defendant”) and the **State** is **ORDERED** to comply herewith as soon as practicable (but not later than fourteen (14) days) upon receipt of a timely request from the Defendant, or 30 days from the date of arraignment, whichever is first. Any such request shall be in writing, dated, and filed with the District Clerk and served by e-File on the State’s Attorney.



TRAVIS E. KITCHENS, JR.
Judge, 258th Judicial District
Polk, San Jacinto and Trinity Counties

FILED FOR RECORD
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TRAVIS E. KITCHENS, JR.
DISTRICT CLERK
POLK COUNTY, TEXAS
BY _____