

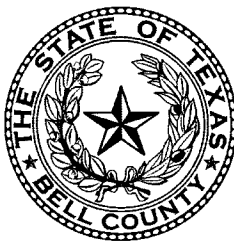
DISTRICT COURTS OF BELL COUNTY

1201 HUEY ROAD • P.O. BOX 747 • BELTON, TEXAS 76513-0747

JOHN GAUNTT, JUDGE
27TH JUDICIAL DISTRICT
(254) 933-5261

JACK W. JONES, JR., JUDGE
146TH JUDICIAL DISTRICT
(254) 933-6737

CARI L. STARRITT-BURNETT, JUDGE
169TH JUDICIAL DISTRICT
(254) 933-5265



PAUL L. LEPAK, JUDGE
264TH JUDICIAL DISTRICT
(254) 933-5245

STEVEN J. DUSKIE, JUDGE
426TH JUDICIAL DISTRICT
(254) 933-5246

WADE FAULKNER, JUDGE
478TH JUDICIAL DISTRICT
(254) 933-5716

FILED
8:35 a.m.pm o'clock

March 21, 2024

MAR 20 2024

JOANNA STATON
Bell County Clerk, Texas
[Signature]

BELL COUNTY STANDING DISCOVERY ORDER FOR CRIMINAL CASES

The district judges presiding over criminal cases in Bell County, Texas hereby adopt this Standing Discovery Order for Criminal Cases, which shall apply in every criminal case indicted after the effective date of this order, unless otherwise ordered by the presiding judge. Electronic duplicates of documents, physical evidence and photographs may be substituted for paper or physical copies.

PRODUCTION BY THE STATE:

No later than the first pretrial setting or four (4) weeks, whichever is later, the state is ORDERED to produce and permit the defense to inspect, duplicate, copy, or photograph the following items *which are in the possession of the state's attorney*, or the state may provide electronic duplicates of any documents or other information:

1. Copies, or an opportunity for the defense to inspect and copy, all police reports, witness statements, photographs, audio and video recordings, and any other non-privileged information that constitutes or contains evidence material to any matter related to the case.
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, Code of Criminal Procedure [hereinafter CCP].
3. Copies, or disclosure of the existence, of any and all public records, including search and arrest warrants (with accompanying affidavits).
4. Copies of any expert reports, including autopsy reports and laboratory reports of any examinations of contraband, substances, fluids, hairs, fingerprints, blood samples, ballistics, soil, fibers and paints.
5. Copies of all business, medical, or governmental records expected to be introduced by the state.
6. All exculpatory, impeachment, or mitigating documents, items, or information that tends to negate the guilt of the defendant or that would tend to reduce the punishment for the offense charged.
7. A summary of the criminal history of the defendant and any

witnesses for the State, other than law enforcement officers, regarding any convictions for felonies or crimes of moral turpitude.

As soon as practicable, and subject to the restrictions provided by Section 264.408, Family Code and Article 39.15, CCP, the state is ORDERED to produce and permit the defense to inspect, duplicate, copy, or photograph any offense reports, any designated documents, papers, written or recorded statements of the defendant or a witness, including witness statements of law enforcement officers but not including the work product of counsel for the state in the case and their investigators and their notes or report, or any designated books, accounts, letters, photographs, or objects or other tangible things not otherwise privileged that constitute or contain evidence material to any matter involved in the action and that are in the possession, custody, or control of the state or any person under contract with the state.

The state is ORDERED to provide the aforementioned material without redacting personal identifying information. If only a portion of the applicable document, item, or information is subject to discovery under Article 39.14, CCP, the state is not required to produce or permit the inspection of the remaining portion that is not subject to discovery and may withhold or redact that portion. The state shall inform the defense that a portion of the document, item, or information has been withheld or redacted. On request of the defendant, the court shall conduct a hearing to determine whether withholding or redaction is justified under Article 39.14, CCP, or other law.

Nothing in this order shall be construed to order the state to provide written communications between the state and an agent, representative, or employee of the state, or to authorize the removal of any documents, items, or information from the possession of the state, and any inspection shall be in the presence of a representative of the state.

Attorneys representing a defendant, and all individuals or entities working with and for the attorneys for the defendant are ORDERED to comply with the provisions of Article 39.14(e), CCP regarding the disclosure of the discovery to third parties.

Attorneys representing a defendant, and all individuals or entities working with and for the attorneys for the defendant are ORDERED to comply with the provisions of Article 39.14(f), CCP, as follows:

1. The defense is ORDERED not to provide anyone, including the defendant, with copies of the information provided, other than a copy of the witness's or defendant's own statement.
2. Before allowing a person, including the defendant, to view a document or a witness statement of another, or anything provided by the state, the attorneys for the defendant, or individuals or entities working with or for the attorneys for the defendant are ORDERED to redact the address, telephone number, driver's license number, social security number, date of birth, any bank account information, or identifying numbers, or social media addresses or contact information contained in the document or witness statement.

ADDITIONAL DISCOVERY:

Attorneys shall refrain from filing any motion that duplicates any provision of this Standing Order. Conflicting motions may be overruled without a hearing. In the event that additional, particularized discovery is necessary, the defense may file a written motion for discovery concerning a matter not addressed in this Order, and any such motion shall be presented to the Court at the earliest opportunity before trial.

However, no attorney shall file a discovery motion without first conferring with opposing counsel, and no motion will be considered by the Court or set for a hearing unless it is accompanied by a certificate of conference, which shall include a statement that the moving party has made a good faith effort to resolve the matter by agreement. Nothing herein precludes a party from filing a motion for a protective order, to compel compliance, or to modify this Order.

SUPPLEMENTATION:

It shall be the duty of the state's attorney to immediately disclose to the defense all newly discovered information, evidence, or other material within the scope of this Order, and the state's attorney has a continuing duty to make any such disclosure expeditiously. If the state later discovers or learns of any additional information subject to disclosure under this Order, the state shall notify the defense and furnish the same for inspection and copying as soon as practicable. Counsel for both sides shall exercise reasonable diligence in arranging a mutually convenient time to supplement discovery.

EFFECT OF OTHER RULES

Nothing in this Order should be construed to relieve an attorney of any other legal or ethical obligation required by law or other rule, including but not limited to, the requirements set forth in CCP Art. 39.14 and the Texas Disciplinary Rules of Professional Conduct.

IT IS SO ORDERED.

SIGNED ON March 21, 2024.



JUDGE JOHN GAUNTT
27th District Court



JUDGE PAUL L. LEPAK
264th District Court



JUDGE STEVEN DUSKIE
426th District Court



JUDGE WADE FAULKNER
478th District Court