

## STANDING DISCOVERY ORDER IN CRIMINAL CASES

### **For the 12<sup>th</sup> and 278<sup>th</sup> Judicial District Courts for Madison County, Texas**

Pursuant to the inherent authority of this Court, and until otherwise specifically ordered, the following Discovery Order shall apply in all criminal matters pending before this Court:

#### **I. STATE IS HEREBY ORDERED TO DISCLOSE AND FURNISH:**

1. A written list of all anticipated trial witnesses, including experts, with current addresses, to be supplemented as additional witnesses become known.
2. All written or recorded statements of the defendant, including any confessions or statements—verbal or otherwise—pursuant to Article 38.22 of the Texas Code of Criminal Procedure.
3. Written notice of intent to introduce extraneous offenses or bad acts under Texas Rule of Evidence 404(b), along with matters required by Rule 609(f) and Code of Criminal Procedure Article 37.07 § 3(g).
4. Opportunity for 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 offered as evidence by the State; d. All documents, photographs, investigative diagrams, or charts intended for trial; e. All contraband, weapons, and other implements of criminal activity obtained during the investigation; f. All prior conviction records admissible for impeachment of the defendant; g. All tangible physical evidence obtained relating to the alleged offense, including but not limited to: latent fingerprints, footprints, hair, fibers, fingernail scrapings, bodily fluids, tire or shoe impressions, paint scrapings, etc.
5. All promises of benefit or leniency extended to accomplices or prospective witnesses in exchange for testimony or cooperation.
6. All known convictions of proposed State witnesses that may be used for impeachment.
7. All known convictions, pending charges, or suspected criminal offenses involving any accomplice witness the State intends to call.
8. Copies of all complaints, warrants, supporting affidavits, autopsy reports, and forensic laboratory analyses pertaining to the alleged offense.
9. All business or governmental records the State expects to introduce at trial, with opportunity for inspection and copying.
10. All exculpatory or mitigating evidence as required under *Brady v. Maryland* and its progeny.
11. All such materials reasonably known to or in possession of the State's attorneys, investigating officers, or agents of the State.

**II. SUPPLEMENTAL AND OPTIONAL MATERIALS:**

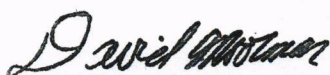
- 12. While not mandatory, the State is encouraged to provide offense reports and witness statements. These are typically protected work product unless deemed exculpatory. Upon request under *Gaskin*, such materials must be produced for cross-examination purposes.
- 13. Photographs, diagrams, or models prepared for demonstrative use shall remain privileged work product unless the Defense establishes a particularized need for disclosure.

**III. SCOPE AND ENFORCEMENT:**

- 14. This Order resolves any prior discovery motions unless a party identifies an unmet, particularized discovery need via a new written motion, to be presented as early as practicable.
- 15. The State must produce the required disclosures on or before the date specified in the Criminal Docket Scheduling Order or within thirty (30) days of arraignment—whichever occurs first. Any additional material discovered following the Pretrial Hearing must be promptly disclosed.
- 16. Upon written request by Defense, the State shall file an indexed list of all furnished or exhibited materials before the commencement of trial.
- 17. The Defendant shall provide to the State, no later than twenty-one (21) days prior to the scheduled Call Docket, the name, address, phone number, and field of expertise of each defense expert to be called under Rules 702, 703, or 705 of the Texas Rules of Evidence.

**IT IS THEREFORE ORDERED** that the foregoing provisions shall govern discovery in all criminal cases unless specifically modified by further order of this Court.

ORDERED AND ENTERED on the date of arraignment. The State is directed to comply with this Order as set forth herein.



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**David W. Moorman**  
Judge, 12th Judicial District Court



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**Tracy Sorensen**  
Judge, 278th Judicial District Court