

Judicial Standing Order No. 29
Discovery Pursuant To Art. 39.14, C.C.P.

IT IS ORDERED that all parties appearing before the Aransas County Justice of the Peace Court shall comply with Article 39.14, Texas Code of Criminal Procedure and shall be deemed to have read and understood the obligations and duties imposed on the parties as that article relates to matters of Discovery of Evidence in cases pending before the Court.

Duty to Disclose

IT IS ORDERED that the State, after receiving a timely written request from a defendant represented by counsel, shall produce and permit the inspection and the electronic duplication, copying of, and photographing of listed evidence at least 30 days before trial, or if requested within 30 days of trial, as soon as practicable. “Discoverable items” include:

- a. any offense reports;
- b. any documents, papers, and written or recorded statements of the defendant or a witness, including witness statements of law enforcement officers; and
- c. any books, accounts, letters, photographs, objects, or other tangible things not otherwise privileged that constitute or contain evidence material to any matter involved in the case and that are in the possession, custody, or control of the State or any person under contract with the State. The State may comply with this discovery duty by providing to the defendant electronic duplicates of any documents or other information described by Article 39.14.

IT IS FURTHER ORDERED that State may exclude from discovery any written communications between the State and an agent of the State. Nothing in this Order shall require the removal of the documents, items, or information from the State’s possession. Any inspection shall be in the presence of a representative of the State.

State’s Right to Withhold Discovery

IT IS ORDERED that the State may withhold discovery when, in the opinion of the State, a portion of an item is discoverable and a portion is not. In such event, the State shall give the Defense those parts that are discoverable and inform the Defense that a portion is not discoverable. If the Defense wishes to challenge the withholding of items, the Defendant may request a hearing for the Court to determine whether the withholding is justified.

Self-Represented Defendants

IT IS ORDERED that self-represented defendants may inspect and review discoverable items listed above. However, they shall not be entitled to electronically duplicate those documents in any way. If the Defendant requests to review a video that the State intends to offer into evidence at trial, the Defendant shall make a written request not less than 30 days prior to trial. Court

Services shall make reasonable accommodations to facilitate viewing the video not less than fourteen (14) days prior to trial.

Disclosure of Discoverable Items to Third Parties

IT IS ORDERED that no discoverable item produced to the Defense pursuant to this Order shall be disclosed to any third party, except and unless:

- a. the Court orders the disclosure upon a showing of good cause after notice and hearing to consider the security and privacy interests of any victim or witness;
- b. the materials have already been publicly disclosed; or
- c. the disclosure is made to a member of the “entrusted circle” or the “expanded circle” of the Defense Attorney. The “Entrusted Circle” of the Defense Attorney shall include the attorney representing the defendant or an investigator, expert, consulting legal counsel, or agent for the attorney representing the defendant. The “Expanded Circle” includes the defendant, witness, or prospective witness.

IT IS ORDERED that a member of the Entrusted Circle may allow a member of the Expanded Circle to view the information provided pursuant to this Order, but shall not permit that person to copy or reproduce, in any form, nor to have copies of, the information provided, other than a copy of the witness’s own statement.

IT IS FURTHER ORDERED that before allowing a person to view a document or the witness statement of another, the Party possessing the information shall redact the address, telephone number, driver’s license number, Social Security number, date of birth, and any other identifying numbers contained in the document.

IT IS FURTHER ORDERED that the defendant may not be the agent for the attorney representing the Defendant.

Exculpatory Evidence

IT IS ORDERED that in all cases pending before this Court, the State shall strictly comply with the duty and obligation to disclose to the Defendant any exculpatory, impeaching, or mitigating document, item, or information in the possession, custody, or control of the State that tends to negate the guilt of the defendant or would tend to reduce the punishment for the offense charged.

Record of Disclosure

IT IS ORDERED that the State shall electronically record or otherwise document any document, item, or other information provided to the Defendant under this article.

Recorded Acknowledgement

IT IS ORDERED that before accepting a plea of guilty or nolo contendere, or before trial, each party shall acknowledge in writing or on the record in open court the disclosure, receipt, and list

of all documents, items, and information provided to the Defendant under this Order and pursuant to Art. 39.14, C.C.P. IT IS FURTHER ORDERED that the parties may agree to discovery equal to or greater than that required by this Order or Art. 39.14, C.C.P.

Continuing Obligation to Disclose

IT IS ORDERED that, notwithstanding any other provision of this Order or Article 39.14, C.C.P., at any time before, during, or after trial, the State has a continuing obligation to disclose any additional document, item, or information discovered, and shall promptly disclose the existence of the document, item, or information to the defendant or the Court.

Discovery Costs

IT IS ORDERED that, upon request by the State, the Defendant to pay costs related to discovery and in accordance with Subchapter F, Chapter 552, Texas Government Code.

IT IS SO ORDERED on this 5th, day of January, 2023.

Diane Dupnik
Justice of the Peace, Pct 1.
Aransas County, TX.