

IN THE DISTRICT COURT §  
266<sup>TH</sup> JUDICIAL DISTRICT §  
ERATH COUNTY, TEXAS §

**STANDARD CRIMINAL DISCOVERY ORDER**

**(Effective March 5, 2018)**

In all criminal cases now or hereafter pending in this Court, the State, through the office of the District Attorney, is ordered to comply with Article 39.14 of the Code of Criminal Procedure upon indictment or waiver of indictment. Specifically, Article 39.14(b) requirements for both the state and defendant are self-executing upon indictment or waiver thereof. Additionally, the state shall produce without the necessity of discovery motions, the following items at a reasonable time prior to trial (unless otherwise specified):

- (1) The names, and addresses/telephone numbers where known, of all persons who are believed to have any knowledge of the facts giving rise to this prosecution, indicating which of said persons might be called by the State as witnesses at the trial of this cause. Such listing of anticipated witnesses should particularly include any persons who have been interviewed or arrested in conjunction with the investigation of the offense alleged in the indictment herein and all peace officers who participated in the investigation of such offense.
- (2) The criminal arrest and conviction records obtained by the District Attorney of the Defendant, the victim, if any, and of all witnesses who will testify for the State of Texas in this cause, with exception of any certified peace officers. Please note that copies of these criminal history printouts are furnished for use in the preparation of the defendant's case and may not be disseminated or published to any person for any other purpose.

Provided, further, no information obtained pursuant to this Order shall be used or disclosed in violation of Chapter 57 of the Code of Criminal Procedure.

- (3) The nature of any agreement between the State or other governmental agency and any prospective witness in this cause which could in any manner affect the testimony, attitude or conduct of the witness, including particularly any agreement not to prosecute the witness for criminal acts or to recommend a particular punishment in the disposition of a criminal case.

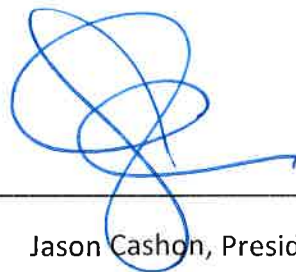
- (4) Notice of other crimes, wrongs or acts of the Defendant permitted by Rule 404(b) of the Texas Rules of Evidence that the State desires to use upon the trial of the case.
- (5) Notice as required by Article 37.07(3)(g) of the Texas Code of Criminal Procedure of any extraneous crime or bad act of the Defendant that has not resulted in a final conviction in a court of record or a probated or suspended sentence.
- (6) Notice of the intent to use certified copies.
- (7) All pretrial motions, including challenges to expert witnesses, must be filed in conformity with Article 28.01 of the Code of Criminal Procedure. The defendant may waive a pre-trial hearing upon the filing of a written instrument bearing the defendant's signature and that of his or her attorney.

This order shall be an ongoing one so that the District Attorney shall be required to make available to the Defendant's attorneys any new evidence coming into his possession or knowledge which is required to be produced under this order by placing it in his file for inspection by the attorney for the Defendant.

The purpose of this Order is to eliminate the necessity of pretrial hearings or the filing of pretrial motions relating to the matters covered hereby and does not in any way affect the right of the State, upon good cause shown, to file a motion seeking to modify this order in an appropriate case, or the right of the Defendant to file such other motions regarding pretrial discovery and/or production as necessary and advisable on matters not covered by this Order.

The Order is effective March 5, 2018, and shall remain in full force and effect until altered, modified, or rescinded by the Court.

SIGNED this 5<sup>th</sup> day of March, 2018.



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Jason Cashon, Presiding Judge