



video or digital files not able to be reproduced) shall be subject to inspection by the attorney for the defendant at a time and date to be coordinated with the DA. The attorney for the defendant may not remove any of such items from the possession of the DA or tamper with said items and any inspection thereof shall be in the presence of a representative of the DA.

The disclosures ordered herein shall be subject to the limitations provided by Family Code §264.408 (regarding Children’s Advocacy Centers) and Article 39.15, Texas Code of Criminal Procedure.

The DA shall have a continuing duty to promptly supplement the information provided pursuant to this order as information to which this order would apply comes into the possession of the State.

The DA shall have the discretion to charge a reasonable cost related to discovery pursuant to this order provided that said costs may not exceed the charges prescribed by Subchapter F, Chapter 552, Texas Government Code. In the event the attorney for the defendant has been appointed by the Court to represent an indigent defendant, the DA shall, within reason, furnish said discovery materials for no charge to the defense. If the attorney for the defendant intends to submit any other expenses for payment through the Court, a motion must be filed with the Court and approved before payment will be approved.

#### EXPERT WITNESSES

On motion of either party and on notice to the other party of such motion, each party shall disclose to the other party the name and address of each person that party may use at trial to present evidence under Rules 702, 703 and 705, Texas Rules of Evidence. This demand must be made no less than thirty days prior to the date trial is scheduled. Upon the filing and notice of such motion both the DA and the defendant must disclose to the other party not later than twenty days prior to the date the trial is scheduled, the name and address of each person that party may use at trial to present evidence under Rules 702, 703 and 705, Texas Rules of Evidence.

#### CRIMINAL HISTORY OF THE DEFENDANT

The DA shall permit the attorney for the Defendant to examine the criminal history of the Defendant as contained within the Texas Crime Information Center/National Crime Information Center (TCIC/NCIC) records within the file of the DA upon request, at a time and location to be agreed to by the parties.

#### EXCULPATORY “BRADY” EVIDENCE

The DA shall disclose to the attorney for the defendant as soon as practicable any exculpatory, impeachment, 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.

#### OBLIGATIONS OF DEFENSE COUNSEL

The attorney for the defendant shall not disclose to a third party any documents, evidence, materials, or witness statements received from the DA pursuant to this order unless further order of the Court permits same or the said documents, evidence, materials, or witness statements have already been publicly disclosed. The attorney for the defendant may permit his investigator, expert, consulting legal counsel, or other agent of the attorney (other than the defendant) to also have copies of such disclosed matters but they shall not disclose same to any third party and the attorney shall also advise them that same shall not be

further disclosed except as permitted herein.

The attorney for the defendant or an investigator, expert, consulting legal counsel, or agent for the attorney may allow the defendant, a witness, or a prospective witness to view information provided by the prosecutor pursuant to this order but may not allow that person to have copies of the information provided, other than the witness's own statement. Prior to allowing the aforesaid person(s) to view a document or other information so provided, the attorney for the defendant or other aforementioned person(s) shall redact the address, telephone number, driver's license number, social security number, date of birth, and any bank account or other identifying numbers contained in the document or witness statement. The attorney for Defendant shall advise an investigator, expert, consulting legal counsel, or agent for the attorney of their duty to so redact when the attorney provides the materials to be viewed to such person and shall assure that the redaction is done in such a way as to ensure that the material to be redacted is not readable.

The attorney for the defendant, an investigator, expert, consulting legal counsel, or agent for the attorney for the defendant may provide a witness with a copy of the witness's own statement.

#### GENERAL PROVISIONS

This is a standing order of the Court which will be entered in all cases at arraignment, when arraignment is waived, or at such other times as may be specially ordered by the Court.

It is the obligation of the defendant, counsel for the defendant and the DA to avoid filing motions that duplicate, track or cover, directly or indirectly, any of the provisions of this Order. Such motions will be overruled in their entirety without hearing.

IT IS SO ORDERED.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Judge Presiding