

Cause No. \_\_\_\_\_

STATE OF TEXAS

IN THE DISTRICT COURT

V.

54<sup>TH</sup> JUDICIAL DISTRICT

MCLENNAN COUNTY, TEXAS

**AGREED DISCOVERY ORDER**

TO THE HONORABLE JUDGE OF SAID COURT:

The defendant herein, the attorney for the defendant, and the attorney for the State of Texas make the following agreement regarding pretrial discovery in the above entitled and numbered cause. Any additions or alterations to this agreement must be made in writing, approved by the Court and filed of record in this matter. By entering into this Agreed Discovery Order, no pretrial motions will be required to be filed unless those motions concern matters not covered by this Order, such as Motions to Suppress, Motion for Change of Venue, Motion for Application for Community Supervision, etc...

The State has agreed and is ordered to make available to the defendant's attorney at the Office of the District Attorney of McLennan County, Texas, or at the appropriate law enforcement agency having custody thereof, for inspection and copying or photographing by and on behalf of the defendant, the following, if applicable, which constitute or contain evidence material to any matter involved in this case and which are in the possession, custody, or control of the State or any of its agencies:

1. Written or recorded statements of the defendant, including but not limited to any confessions of the defendant, as defined in Art. 38.22, Texas Code of Crim. Proc.
2. List of all anticipated trial witnesses who will be called by the State in its case in chief on guilt/innocence, which is to be supplemented as others may be discovered.
3. Tangible objects or items including, but not limited to:
  - A. Documents or papers belonging to the defendant relevant to the offense alleged in the indictment;
  - B. Books, accounts, and letters relevant to the offense alleged in the indictment;
  - C. Photographs, diagrams, drawings, plats, plans, maps, or video tapes or recordings of the scene or events of the offense alleged in the indictment;
  - D. Impressions of any fingerprints, palm prints, foot prints, tire impressions, hairs, fibers, body fluids, gun powder residue or such other types of physical evidence which were obtained from the scene of, or any object involved in, the offense alleged in the indictment;
  - E. Weapons or instruments believed to have been use by the defendant in the commission of the offense alleged in the indictment;
  - F. Contraband substances alleged in the indictment to be in the possession of the defendant;
  - G. The reports of results of any chemical or scientific tests or analysis performed on any substances or items for the purpose of identification or comparison performed by the State in connection with the offense alleged in the indictment, including a description of the items and substances tested, and the conclusions, if any, drawn by the person(s) performing the test.
  - H. Video tapes or other recordings of the alleged victim of the alleged offense sought by the State to be offered under Art. 38.071 of the Texas Code of Crim. Proc. and Texas Rules of Evidence 801(e) (1) (D).

4. Any other evidence or information which: (1) is favorable to the defendant and creates a probability of innocence sufficient to undermine a contrary finding, or (2) that tends to negate the guilt of the defendant or mitigates the offense. Disclosure under this item is intended to comply with the provisions of *Brady v. Maryland* and its progeny.
5. Copies of police reports concerning the offense alleged in the indictment will be provided to the defendant's attorney for review. **When a copy of the police report is provided to the defense attorney it is to remain in the possession of the defense attorney and is not to be turned over to the defendant or copied and given to the defendant. The police report is intended to remain the property of the McLennan County District Attorney's Office and is provided to the defense counsel for the convenience of defense counsel only.**
6. Any agreements known to the State, between the State and or other governmental agency and any witness, not to prosecute the witness for criminal acts or to recommend a particular punishment in the disposition of a criminal case or any promises of leniency or benefit afforded to any accomplice witness or witness in connection with his/her proposed testimony.
7. The State and defense counsel will disclose, no less than 20 days prior to trial unless otherwise agreed in writing, the name and address of each person that may testify at trial in the case pursuant to Texas Rules of Evidence 702, 703, and 705 and pursuant to Art. 39.14 of the Texas Code of Crim. Proc.
8. The State shall provide notice of all known convictions for felonies or misdemeanors involving moral turpitude or theft of a witness prior to cross examination by the defense of said witness.
9. The State shall provide written notice of extraneous crimes and bad acts or convictions pursuant to Texas Rules of Evidence 609(f) and 404(b) and Arts. 37.07 and 38.37 of the Texas Code of Crim. Proc.
10. Unless otherwise indicated herein or by written agreement, or unless a time period is otherwise specifically set forth by statute, all written notices will be provided by 9:00 a.m. on the date of the first scheduled Status Docket.

If a ruling on a Pretrial Motion is needed from the Court on some matter not covered by this Agreed Order then a hearing shall be had at the Pretrial Hearing or at a time agreed to by the parties and the Court. A signed copy of this Agreed Order will be provided to the Court Administrator and filed with District Clerk.

ORDERED and ENTERED this \_\_\_\_\_ day of \_\_\_\_\_.

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

Agreed to By:

\_\_\_\_\_  
McLennan County District Attorney

\_\_\_\_\_  
Attorney for Defendant

\_\_\_\_\_  
Defendant