

STANDING PRE-TRIAL ORDER IN CRIMINAL CASES

Pre-Trial Disclosure:

As soon as practicable after the filing of an indictment or an information, the State shall make available for inspection in the presence of a representative of the State or through defense counsel with the opportunity for electronic duplication, downloading or copying of:

1. Law enforcement offense reports concerning the charged offense,
2. Designated documents and papers for use at trial,
3. Written or recorded statements of the Defendant, along with all written warnings, admonitions, rights or waivers given by the State to the Defendant before such statement,
4. Written or recorded statements of witnesses,
5. Books, accounts, letters, photographs, objects and other tangible things constituting material evidence that are in possession, custody or control of the State and not otherwise privileged,
6. 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,
7. The Defendant's official criminal history,
8. Any agreement between the State and a testifying co-defendant, accomplice, or informant whether written or oral.

In accordance with Art. 39.14(f) of the Texas Code of Criminal Procedure an attorney representing the Defendant, an investigator, expert, consulting legal counsel, or agent of the attorney representing the Defendant may NOT provide a copy of any discovery materials to the Defendant or any other third party other than that person's own statement. Before allowing anyone to view a document or the witness statement of another under this subsection, the person possessing the information 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.

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 KAREN WILSON
 DISTRICT CLERK
 VAN ZANDT COUNTY, TEXAS

Experts:

Not later than twenty days prior to trial, the parties shall disclose to the other in writing by hard copy or electronic means the name and address of each person the disclosing party may use at trial to present evidence under Rules 702, 703, and 705, Texas Rules of Evidence, as well as any written report or summary detailing the opinion which may be offered by the expert. Any motion challenging the qualifications of the witness or the admissibility of the evidence under *Daubert* or *Frye* must be filed at least 10 days prior to jury selection or in the case of a trial to the court at least 10 days prior to the presentation of evidence.

Trial Disclosures:

Not less than five working days prior to trial, the State shall produce the following documents and information and make the following physical items available for inspection by Defendant, or if represented, by Defendant's counsel:

1. All prior testimony of any person the State intends to call as a witness made under oath concerning the charged offense,
2. The prior criminal record of all civilian witnesses whom the State intends to call as witnesses during the trial of this cause,
3. All documents, objects and tangible things which are in the custody and control of the State or any of the State's agents as a result of the investigation which resulted in charges being brought and which are material evidence in this case as to the Defendant's guilt or innocence or as to punishment, if any,
4. All medical records, EMT records, nurse's notes, doctor's orders, or any other documents in the State's possession which reflect medical care given to the alleged victim(s) as a result of the alleged offense,
5. A list of the names and contact information of all witnesses the State intends to call during the guilt-innocence phase of trial.
6. The results and reports of all scientific tests, experiments, comparisons, or procedures the State expects to use at trial,
7. The results of any physical or mental examinations of the Defendant.

Fingerprinting of Defendant:

The Defendant shall be required to submit to a fingerprint procedure that is suitable for comparison by an expert to be completed the day prior to the trial of the case or on the day of the trial whichever is requested by the State.

Pre-Trial Motions and Settings:

No Pre-Trial Motions covering the above listed orders should be filed by the Defense or the State. Any Pre-Trial Motions not covered by the listed orders such as a Motion to Suppress must be filed seven days prior to the first Pretrial Hearing unless special permission from the Court has been given. Without special permission and after such time has elapsed without the filing of the Motion, the Motion will be waived or denied. All hearings on the Pre-Trial Motions not covered by these orders must be heard prior to trial at the convenience of the Court or be carried to the time of trial at the discretion of the Court.

Nothing herein shall preclude the State or the Defendant from seeking modified or additional discovery or to change the time limited for productions.

Standing In Limine Orders:

All parties, all persons connected to the case and all their witnesses are to refrain from mentioning or asking questions in the presence of the jury on the matters listed below until the attorney or party first approaches the bench and makes known to the Court, outside the presence and hearing of the jury, that he/she intends to ask a question designed to elicit an answer in violation of this motion, or offer proof or evidence on the same, until the Court has determined its admissibility:

1. A personal opinion as to the guilt of the Defendant or the appropriate punishment upon conviction.
2. That the State has no right to appeal an acquittal in a criminal case
3. That any person has been offered or taken a polygraph examination.
4. That the defendant has conferred with defense counsel concerning the case.
5. That it is the duty of the prosecutor to seek a conviction of the Defendant (Article 2.01, Texas Code of Criminal Procedure); or that the prosecutor has been trained and skilled in the area seeking convictions; or that the prosecutor's continued employment, election and/or compensation rests upon obtaining a conviction in this case.
6. Referring to the prosecuting authority or the prosecutor as the "Government" or "Government's attorney." Pursuant to Article 3.02 of the Code of Criminal Procedure, a criminal action is prosecuted in the name of the State of Texas against the accused, and is conducted by some person acting under the authority granted by law.
7. That the Defendant took, or offered to take a polygraph examination concerning any alleged involvement in the offense charged in the indictment herein.

8. The punishment assessed by jury or court in any co-defendant's case.
9. The contents of any plea negotiation or plea agreement in this case, or any co-defendant's case.
10. The Defendant was offered immunity for his /her testimony.
11. Any of Defendant's co-defendants:
 - a. were found not guilty by a jury;
 - b. had charges against them in this matter dismissed;
 - c. were offered immunity for their testimony;
 - d. are willing to take the polygraph; or
 - e. were given a probated sentence.
12. The general character or reputation of the victim or the Defendant.
13. Any witnesses have any arrests, convictions, or juvenile records.
14. Any act of misconduct on the part of the Defendant or any witness, including the alleged victim in this case, not amounting to a final conviction for a felony or misdemeanor involving moral turpitude.
15. Any evidence concerning the reputation for truth and veracity of a witness.
16. Any evidence concerning the reputation of any witness being peaceable and law abiding.
17. Evidence of previous sexual conduct of the complainant (Rule 412, Texas Rules of Criminal Evidence).
18. There is a pending indictment against a witness.
19. The Defendant has been in jail since the day of the offense; or, conditions of incarceration in county jail prior to trial; or any past, present or future conditions of incarceration in the Institutional Division of the Texas Department of Criminal Justice in the event of conviction and sentence to same, including but not limited to:
 - a. potential sexual abuse of defendant; or,

- b. potential inmate violence toward defendant.
- 20. There was prior mistrial in this case.
- 21. The effect, if any, of any changes in the Penal Code, Code of Criminal Procedure, or any other law, on this particular offense.
- 22. Any self-serving statements made by the Defendant or co-defendants in writing or orally to any person concerning the allegations in this case.
- 23. That any person connected with this prosecution:
 - a. signed an affidavit of non-prosecution;
 - b. desired criminal charges against the Defendant be dismissed; or
 - c. is testifying under threat of being held in contempt of court.
- 24. That there was a civil matter or is a civil matter and any conclusions resulting from that civil matter or any inferences thereof, arising out of this case.
- 25. The consequences, if any, of a conviction in this case on the Defendant or any member of the Defendant's family regarding citizenship, deportation, the exclusion from admission to this county, or the denial of naturalization under federal law.
- 26. During *voir dire*, no personal history information of the Defendant other than that which normally appears on a juror information card.
- 27. Asking any question which requires a witness to assume facts not in evidence.
- 28. That the Defendant has the right to appeal a judgment of conviction.
- 29. That the Defendant exercised his or her Constitutional right to remain silent after arrest.
- 30. That a hearing outside the presence of the jury is necessary because of a motion filed by the Defendant.
- 31. That the Defendant has been previously convicted of any criminal offense, or may have been charged or arrested for any other criminal offense, or has any other pending criminal case against him/her.
- 32. That the Defendant has a "bad reputation" within the community.

Adopted as a Local Rule by the Honorable Chris Martin, Judge, 294th Judicial District Court and the Honorable Joshua Winters, Judge, Van Zandt County Court at Law on this 5th day of April, 2019.



Hon. Chris Martin
Judge, 294th Judicial District Court



Hon. Joshua Winters
Judge, Van Zandt County Court at Law