

199<sup>th</sup> Judicial District, Hon. Angela Tucker  
219<sup>th</sup> Judicial District, Hon. Jennifer Edgeworth  
296<sup>th</sup> Judicial District, Hon. John Roach, Jr.  
366<sup>th</sup> Judicial District, Hon. Tom Nowak



380<sup>th</sup> Judicial District, Hon. Benjamin Smith  
401<sup>st</sup> Judicial District, Hon. George Flint  
416<sup>th</sup> Judicial District, Hon. Andrea Thompson

**DISTRICT JUDGES  
IN AND FOR  
COLLIN COUNTY, TEXAS**

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**STANDING DISCOVERY ORDER FOR CRIMINAL CASES**

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The district judges presiding over criminal cases in Collin County, Texas hereby adopt this Standing Discovery Order for Criminal Cases, which shall apply in every criminal case unless otherwise ordered by the presiding judge, effective May 1, 2021.

This Order applies to all items in the possession, custody, or control of the state's attorney, the investigating officers, other state agents, and any person under contract with the state.

Electronic duplicates of documents, physical evidence and photographs may be substituted for paper or physical copies.

**PRODUCTION BY THE STATE:**

No later than the first announcement setting, the state is **ORDERED** to provide to the defense the following items *which are in the possession of the state's attorney*:

1. Copies, or an opportunity for the defense to inspect and copy, all police reports, witness statements, photographs, audio and video recordings, and any other non-privileged information that constitutes or contains evidence material to any matter related to the case.
2. All written or recorded statements of the defendant, along with all confessions or statements, whether verbal or otherwise, made pursuant to Art. 38.22, C.C.P.
3. Copies, or disclosure of the existence, of any and all public records, including search and arrest warrants (with accompanying affidavits).
4. Copies of any expert reports, including autopsy reports and laboratory reports of any examinations of contraband, substances, fluids, hairs, fingerprints, blood samples, ballistics, soil, fibers and paints.
5. Copies of all business, medical, or governmental records expected to be introduced by the state.
6. All exculpatory, impeachment, or mitigating documents, items, or information that tends to negate the guilt of the defendant or that would tend to reduce the punishment for the offense charged.

No later than 20 days prior to the start of trial, the state is **ORDERED** to provide to the defense:

1. Written notice of the state's intent to use evidence of the defendant's prior bad acts and

- extraneous offenses at trial (Rule 404(b) and Rule 609, T.R.E., and Art. 38.37, C.C.P.).
2. A written list of all anticipated trial witnesses, including experts, and their contact information, to be supplemented as others are discovered.
  3. All non-privileged audio recordings of a jailed defendant's telephone calls.
  4. An opportunity for the inspection of:
    - a. All items seized from the defendant;
    - b. All items seized from any codefendant or accomplice;
    - c. All physical objects to be introduced at trial;
    - d. All documents and photographs and investigative charts or diagrams to be introduced at trial;
    - e. All contraband, weapons, and implements of criminal activity seized or acquired by the state or its agents in the investigation of the alleged offense;
    - f. All records of conviction which may be admissible in evidence or used for impeachment of the defendant; and
    - g. All tangible items of physical evidence collected by the state or its agents concerning the alleged offense, including but not limited to, latent fingerprints, footprints, hairs, fibers, fingernail scrapings, body fluids, biological material, tire tracts, and paint scrapings.
  5. All promises of benefit or lenience afforded to any accomplice or prospective witness in connection with his or her proposed testimony or cooperation.
  6. All convictions and pending charges which may be admissible to impeach the testimony of a named state's witness.
  7. In the event that photographs, diagrams, or models are prepared as "jury aids" or "demonstrative aids" by the state's attorneys (or at their direction) before trial, such items will be considered work product unless the defense demonstrates a "particularized need" for inspection thereof.

#### **PRODUCTION BY DEFENSE:**

Counsel for the defendant is **ORDERED** to provide a list of expert witnesses to the state at least 20 days prior to trial.

#### **FINAL PLEA BARGAIN OFFER AND DEADLINE FOR PLEA AGREEMENTS**

No later than at the formal pre-trial hearing, unless accomplished at a separate "admonishment" hearing held prior to the pre-trial hearing with the Court's approval, the state's "last best" plea bargain offer shall be announced on the record, in the presence of the defendant and his/her counsel. If rejected by the defendant, a subsequent plea agreement will not be approved absent good cause shown.

**EXPERT WITNESSES:**

Voir dire examination of an expert witness will generally be held at the time of trial in such a manner that is respectful of the jury's time. However, if either side anticipates that an examination will exceed one hour, such shall be made known to the Court so that an additional pre-trial hearing can be scheduled for this purpose.

**INDIGENT DEFENDANTS:**

In the event that defense counsel has been appointed by the Court to represent an indigent defendant, the state and its agents shall, within reason, furnish copies, photocopies and duplications at no charge to the defense.

**ADDITIONAL DISCOVERY:**

Attorneys shall refrain from filing any motion that duplicates any provision of this Standing Order. Conflicting motions may be overruled without a hearing. In the event that additional, particularized discovery is necessary, the defense may file a written motion for discovery concerning a matter not addressed in this Order, and any such motion shall be presented to the Court at the earliest opportunity before trial.

However, no attorney shall file a discovery motion without first conferring with opposing counsel, and no motion will be considered by the Court or set for a hearing unless it is accompanied by a certificate of conference, which shall include a statement that the moving party has made a good faith effort to resolve the matter by agreement. Nothing herein precludes a party from filing a motion for a protective order, to compel compliance, or to modify this Order.

**SUPPLEMENTATION:**

It shall be the duty of the state's attorney to immediately disclose to the defense all newly discovered information, evidence, or other material within the scope of this Order, and the state's attorney has a continuing duty to make any such disclosure expeditiously. If the state later discovers or learns of any additional information subject to disclosure under this Order, the state shall notify the defense and furnish the same for inspection and copying as soon as practicable. Counsel for both sides shall exercise reasonable diligence in arranging a mutually convenient time to supplement discovery.

**DISCOVERY LOG:**

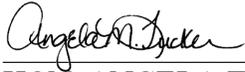
Prior to the start of trial, the state and defense shall submit to the Court a written discovery log, acknowledging the disclosure and receipt of all documents, items, and information provided to the defense.

**EFFECT OF OTHER RULES**

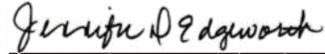
Nothing in this Order should be construed to relieve an attorney of any other legal or ethical obligation required by law or other rule, including but not limited to, the requirements set forth in Code of Criminal Procedure Art. 39.14 and the Texas Disciplinary Rules of Professional Conduct.

**IT IS SO ORDERED.**

SIGNED ON 1 MAY 2021.



HON. ANGELA TUCKER  
199<sup>TH</sup> JUDICIAL DISTRICT COURT



HON. JENNIFER EDGEWORTH  
219<sup>TH</sup> JUDICIAL DISTRICT COURT



HON. JOHN ROACH, JR.  
296<sup>TH</sup> JUDICIAL DISTRICT COURT



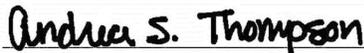
HON. TOM NOWAK  
366<sup>TH</sup> JUDICIAL DISTRICT COURT



HON. BENJAMIN N. SMITH  
380<sup>TH</sup> JUDICIAL DISTRICT COURT



HON. GEORGE B. FLINT  
401<sup>ST</sup> JUDICIAL DISTRICT COURT



HON. ANDREA THOMPSON  
416<sup>TH</sup> JUDICIAL DISTRICT COURT