

CAUSE NO. _____

THE STATE OF TEXAS) IN THE JUDICIAL DISTRICT COURT
)
VS) OF GALVESTON COUNTY, TEXAS
)
_____) 212TH DISTRICT COURT

CRIMINAL DOCKET CONTROL & DISCOVERY ORDER

A. Trial by Jury is set for: _____ 9:00 a.m.

Discovery Conference

Trial by Court is set for _____ a.m./p.m.

Pretrial Docket is set for _____ 10:30 a.m.

Pretrial Dockets are held the Monday preceding the trial period. If the regular Pretrial date falls on a Monday that is a court holiday, then the Pretrial Docket will be held on the first business day after that holiday.

Trials are set for a two-week period. Attorneys set for trial as the second or subsequent to second case are responsible for checking website to determine trial status. Attorneys remain on standby to be called to trial until released by the Court or the two-week trial period ends. Attorneys are required to provide the Court with working email and/or text information. Attorneys are required to respond promptly to inquiries from the Court about availability for trial.

Cases not reached for trial during a trial period will automatically be reset to the very next criminal Jury trial period unless a court order is issued setting the case for trial on another date. Pretrial Docket dates will be automatically reset to correspond with the new trial date. Cases will continue to be reset when not reached for trial during the trial period at each consecutive Trial and Pretrial Docket setting until the case is disposed of. This will occur regardless of whether you get a notice or order of the reset dates.

B. Motions to Compel are to be filed on hearing dates secured 10 days prior to the Pretrial Docket date listed above.

Pretrial Motions are to be filed and hearing dates secured 30 days prior to the Pretrial Docket date listed above.

Motions to Compel Discovery and other Pretrial Motions can be filed and hearing dates secured in less than the timeframes listed above for good cause shown.

- C. The State is ordered to notify the defense attorney of the existence of exculpatory evidence within 72 hours of the State's gaining possession of such evidence or of learning that law enforcement has possession, custody or control of such evidence. Since medical and psychiatric records may be voluminous and take more time to read, notice of exculpatory material contained in those records must be given to defense counsel within 45 days of the State's gaining possession of the records or within 72 hours of the State's learning of the existence of the exculpatory evidence, whichever time is shorter. Exculpatory evidence includes impeachment evidence that negatively impacts the credibility of a witness.

The State is ordered to produce and permit copying, scanning or photographing of exculpatory evidence in the possession, custody or control of the State or law enforcement as soon as possible upon demand by defense counsel.

The State is ordered to exercise due diligence to learn of the possible existence of exculpatory evidence in the possession, custody or control of law enforcement and CPS.

Failure to provide exculpatory evidence as ordered above, absent good cause as determined by the Court, may result in sanctions.

- D. The State must provide to the Defendant's attorney the following items by the Friday prior to the first Pretrial Docket set for this case:
1. Copies of recorded statements, waivers, consent forms signed by the Defendant;
 2. copies of phone recordings of the Defendant accessed by the State's attorneys, employees or law enforcement;
 3. list of extraneous offenses alleged to have been committed by the Defendant that the State intends to offer into evidence during the guilt/innocence phase of trial;
 4. the final results and reports of laboratory, scientific or analytical test the State intends to offer into evidence at trial;
 5. lists of all witnesses the State intends to call during trial.
- E. The State must produce and permit the inspection of the following items by the Friday prior to the first Pretrial Docket Call:
1. All objects and tangible property taken by the State or law enforcement while investigating this case;
 2. photographic or audio lineups used while investigating this case;
 3. judgments or documents of prior convictions of the Defendant the State intends to use in trial;
 4. all photographs and videos taken or used while investigating this case;
 5. prior criminal record of the Defendant.

- F. Immediately after the direct examination of each of the State's witnesses, the State is ordered to provide to the Defendant's attorney copies of witness statements, reports prepared by the witness and anything used to refresh the witness' memory.
- G. 30 days prior to trial, both the State and Defendant's attorney are ordered to provide written notice of the name and address of each expert witness expected to testify at trial. Such notice must include the subject matter of the expert's opinion and the expert's qualifications for rendering such opinions. Notice of qualifications may be in the form of a CV.
- H. Both the State and Defendant's attorney are ordered to provide supplemental discovery of items or information discovered after the discovery deadline passed as soon as possible. Failure to provide ordered discovery or witness information without good cause, as determined by the Court, may result in the evidence not being admitted in trial or the witnesses not being allowed to testify.
- I. During the week prior to a jury trial, defense attorneys must determine whether the Defendant has trial clothes and shoes that fit. It is not unusual for inmates to lose or gain weight when incarcerated for long periods.
- J. Attorneys must notify the Court in writing the need for an interpreter 45 days prior to trial. Attorneys may notify the Court in less time for good cause shown. Interpreters are not always available at the last minute.
- K. Attorneys must notify the Court in writing 30 days prior to trial of the need for the Court to bench warrant a witness. Attorneys may make this request in less time for good cause shown, but the inmate may not arrive before the trial commences.

Prior to the commencement of voir dire, attorneys must notify the Court of an intent to request the jury be sequestered.

- L. If the Defendant is convicted, the prior bond will be revoked and a new bond amount will be ordered. If the Defendant is sentenced to a period of confinement, then the incarceration will begin immediately upon conviction unless an appeal bond is made.
- M. The State's attorneys, investigators, staff and agents are prohibited from recording conversations between the Defendant and his or her attorney(s)/the defense investigator without a court order. Agents include law enforcement.

Signed,

Date: _____

Judge