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COUNTY CLERK

COUNTY COURT AT LAW NO. 1 and COUNTY COURT AT LAW No.2

STANDING PRE-TRIAL ORDER
MISDEMEANOR CRIMINAL CASES

2015 MAR 31 PM 4:45

GREGG COUNTY, TEXAS

BY Scanner
DEPUTY

Pre-Trial Disclosure:

As soon as practicable after the appointment or retention of counsel, the State shall provide defense counsel with:

1. A copy of all confessions, admissions, and statements in writing signed by the Defendant or set down and preserved in connection with the offense for which the Defendant is charged, including audio and/or videotaped statements.
2. A copy of all affidavits for the issuance of all search and/or arrest warrants for the Defendant or which resulted in the charges to the Defendant or evidence to be used against the Defendant or probable cause affidavits if the arrest was without a warrant.
3. Statements of any other co-defendants or parties to the offense.
4. Any agreement between the State and a co-defendant, accomplice or informant, whether written or oral.
5. The criminal record of and pending charges against the alleged victim and any prosecution civilian witnesses and any agreement between the State and such witnesses.
6. All exculpatory statements made by any party or witness to this alleged offense which is in the possession of or within the knowledge of the prosecuting attorney or any of its agents, including any law enforcement agency, whether such statements were written or oral, which might in any manner be material to either the guilt or innocence of the Defendant, or the punishment, if any, to be set in this case.

Pre-Trial and Trial Discovery:

At least five (5) days prior to the trial setting, the State shall produce the following documents and information or make available for inspection to counsel:

1. All statements given by third parties which resulted in the issuance of arrest or search warrants, or which resulted in charges being brought against the Defendant including those used before the Grand Jury to obtain an indictment.
2. All written warnings, admonitions, rights or waivers given by the State to the Defendant before the Defendant gave any oral statements, admissions, confessions or testimony.
3. All statements made by any suspect, expert, party, or witness to this alleged offense that may tend to exculpate the Defendant, or mitigate punishment.

4. All physical evidence seized from the Defendant by the State, or seized from or provided by witnesses, accomplices, or parties to the State.
5. The prior criminal record of all witnesses whom the State intends to call as witnesses during the trial of this cause against the Defendant, including all arrests and conviction.
6. 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 the charges being brought on which are material evidence in this case as to the Defendant's guilt or innocence or as to punishment, if any.
7. All physical evidence seized by the State in connection with this case;
8. All photographs, videotapes, and audiotapes that depict or purport to depict the Defendant in any interview with representatives of any law enforcement agencies or the District Attorney's Office, or any other agent of the State of Texas or the United States.
9. All photographs, videotapes, and audiotapes of the alleged crime, or incidents surrounding the alleged crime(s) that depict or purport to depict the Defendant.
10. All medical records, EMT records, nurses' notes, doctor's orders, or any other documents which reflect medical care given to the alleged victim(s) as a result of the alleged offense in the State's possession.
11. A list of the names and addresses of all witnesses the State intends to call at any stage of the trial (including anticipated rebuttal witnesses).
12. All physical evidence, including demonstrative evidence, the State expects to use at trial.
13. The results and reports of all scientific tests, experiments, comparisons, or procedures the State expects to use at trial.
14. The results of any physical or mental examinations of the Defendant and the prosecution witnesses.

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.

The State and Defense shall be required to provide the name and address of each expert witness that either side intends to use at trial at least 20 days before the day of trial pursuant to Article 39.14 CCP and Rules 702, 703 and 705 of the Texas Rules of Evidence.

Pre-Trial Motions and Settings:

1. No Pre-Trial Motions covering the above listed orders need be filed by the Defense or the State.

2. Any Pre-Trial Motions not covered by the listed orders such as a Motion to Suppress must be filed on or before the 14th day following the Defendant's arraignment 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.
3. All hearings on the Pre-Trial Motions not covered by these orders must be heard prior to the day of trial at the convenience of the Court or be carried with trial at the discretion of the Court.

Trial Disclosures:

In the interest of avoiding unnecessary delay, and to avoid the necessity of asking for an extended recess to review witness statements and writings used to refresh recollection, the State shall produce by 3:30P.M. on the day before a witness is scheduled to testify;

1. Any statement of the witness, as that term is defined by Texas Rules of Criminal Evidence Rule 615, whether in final, or rough draft;
2. Any writings used to refresh the recollection of the witness.
3. All law enforcement offense, investigation, and accident reports.

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

In Limine Orders:

The prosecutor and defense attorney shall be bound by the following Limine Orders and each shall instruct all their witnesses to refrain from mentioning the following or asking questions on the following in the presence of the jury until the Court has determined its admissibility outside the presence of the jury, the basis of which that the probative value of any mention of the following is substantially outweighed by the danger of unfair prejudice to the defendant, pursuant to Rule 403 Texas Rules of Criminal Evidence:

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.

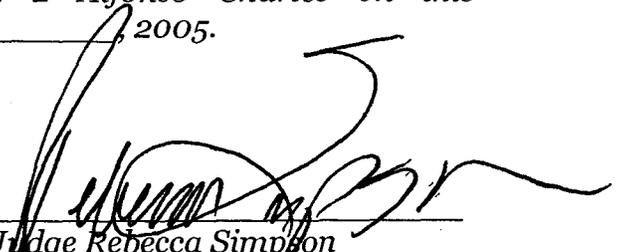
4. That the prosecutor represents the complainant, the members of the jury panel and/or the public.
5. That the defendant has conferred with defense counsel concerning the case.
6. That it is the duty of the prosecutor to seek a conviction of the defendant (Article 2.01, Texas Code of Criminal Procedure); or that the prosecutor has been trained and skilled in the area seeking convictions; or that the prosecutor's continued employment and/or compensation as an assistant district attorney with the Gregg County District Attorney's Office rests upon obtaining a conviction in this case.
7. Refer 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. Accordingly, the prosecuting authority should be referred to as the "State of Texas" and the attorney for the State of Texas, as the District Attorney or an "Assistant District Attorney."
8. The defendant took, or offered to take, a polygraph examination concerning his alleged involvement in the offense charged in the indictment herein.

9. The punishment assessed by jury or court in any co-defendant's case.
10. The terms of any plea bargaining in this case, or any co-defendant's case.
11. The defendant was offered immunity for his testimony.
12. 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.
13. The general character or reputation of the victim or the defendant.
14. Any witnesses have any arrests, convictions, or juvenile records.
15. 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.
16. Any evidence concerning the reputation for truth and veracity of a witness.
17. Any evidence concerning the reputation of any witness being peaceable and law abiding.
18. Evidence of previous sexual conduct of the complainant (Rule 412, Texas Rules of Criminal Evidence).
19. There is a pending indictment against one of the State's witnesses.
(Article 38.29, C.C.P.)

20. 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.
21. There was a prior mistrial in this case.
22. The effect, if any, of any changes in the Penal Code, Code of Criminal Procedure, or any other law, on this particular offense.
23. Any self-serving statements made by the defendant or co-defendants in writing or orally to any person concerning the allegations in this case.
24. That any person connected with this prosecution:
 - a. signed an affidavit of non-prosecution;
 - b. desired that criminal charges against the defendant be dismissed; or
 - c. is testifying under threat of being held in contempt of court.
25. 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.
26. 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 country, or the denial of naturalization under federal law.

Adopted as a Local Rule by the County Court at Law No. 1 Judge Rebecca

Simpson and County Court at Law No. 2 Alfonso Charles on this
31 day of March, 2005.



Judge Rebecca Simpson
County Court at Law No. 1



Judge Alfonso Charles
County Court at Law No. 2