

NO. - 1143230

13-996
P2

The State of Texas

vs.

George Floyd

§
§
§
§
§

In the District Court

of Harris County, Texas

337th Judicial District

DISCOVERY ORDER

THE COURT ORDERS THE STATE:

1. At least ten (10) days prior to trial, to file with Clerk of the Court a subpoena list of all witnesses the State may call in its case in chief.
2. To furnish to defense Counsel:
 - a. All written or recorded statements of the defendant, and all confessions or statements made pursuant to Article 38.22 of the Code of Criminal Procedure. The State shall also make available all portions of any offense reports containing a verbatim account of any such statement;
 - b. All video and tape recordings that contain the defendant's voice;
 - c. Notice of all extraneous offenses. The State shall also include notice of the date and place of the extraneous offense that may be admissible against defendant. See: TEX. RULES EVID. 404 (b);
 - d. Notice of all records of conviction that may be admissible to impeach a witness. See: TEX. RULES EVID. 609. The defense shall provide the State with names and dates of birth of all witnesses that the defense plans to call if the defense requires this information from the State.
3. If the items are to be used at trial, to allow defense counsel to inspect:
 - a. All items seized from defendant;
 - b. All items seized from any co-defendant or accomplice;
 - c. All physical objects to be introduced as part of the State's case;
 - d. All documents and photographs and investigative charts or diagrams the State will introduce at trial;
 - e. All contraband, weapons, implements of criminal activity seized or acquired by the State or its agents in the investigation;
 - f. All records of convictions that may be admissible as evidence or used for impeachment of the defendant;
 - 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, hairs, fibers, fingernail scrapings, body fluids, tire tracks, paint scrapings, etc;
 - h. All psychiatric or psychological reports known to the State that concern defendant;
 - i. All complaints, search warrants and related affidavits;
 - j. All autopsy reports and laboratory reports of all examinations of contraband, fluids, hairs, fingerprints, blood samples, ballistics, soil, fibers and paints;
 - k. All business reports or governmental records expected to be introduced by the State.
4. To inform defense counsel of:
 - a. All promises of benefit or leniency afforded to any accomplice or prospective witness in connection with his/her proposed testimony or other cooperation with regard to the alleged offense;

- b. All known convictions that would be admissible for impeachment of any accomplice who is a proposed State witness;
- c. All known convictions, pending charges or suspected criminal offenses of any accomplice who is a proposed State witness;
- d. All exculpatory evidence pursuant to *Brady v. Maryland*, 373 U.S. 83, 87 (1963), and related cases.

- 5. To make available all such items as set out above that are in the possession of the State's attorneys.
- 6. To make available all such items set out above that are known of, or with the exercise of due diligence known to be in the possession of the investigating officers or other agents of the State.

In addition to the above items, the Court encourages the State to furnish offense reports and witness statements to Defense counsel for inspection. However, the Court acknowledges that such reports and statements are normally work product of the State and protected from mandatory disclosure unless the contents are exculpatory. On proper request under *Gaskin v. State*, 353 S.W.2d 467 (Tex. Crim. App. 1962), or related authority, such statements and reports must be tendered to the Defense for cross-examination. See: TEX. R. EVID. 615.

In the event that documents, diagrams, models or charts are prepared as "jury aids" at the direction of the State's attorneys before trial, such items will be considered work product unless the Defense demonstrates a particularized need for inspection thereof.

If Defense counsel intends to call witnesses listed on the State's subpoena list, the Court ORDERS Defense Counsel to verify that the witnesses have been served.

This order disposes of all pretrial discovery and any specified request motions on file.

Because the Court has ordered such extensive discovery, it presumes that this Order is acceptable to the Defense pending review of the evidence and documents produced pursuant to this order. In the event that additional discovery is necessary, Defense counsel shall file a written Motion for Discovery, addressing only matters not covered in this Order, and shall present the Motion to the Court at the earliest practical opportunity before trial.

The Court ORDERS the State to furnish the items ordered for inspection and copying on or before ten (10) days prior to trial. The Court further ORDERS Defense counsel to be diligent in contacting the State's attorney to arrange a mutually convenient time to comply with this Order.

ORDERED THIS 18th day of February, 2009.

Attorney for the State: [Signature]

Attorney for Defendant: [Signature]

List any additional agreements: _____

[Signature]
Judge HERB RITCHIE
337th District Court



The defendant has received an offer of
12 yrs TDC
from the State of Texas on this date.
*offer is withdrawn.