

**STANDING ORDER
PRE-TRIAL ORDER AND TRIAL MANAGEMENT ORDER**

MEDINA COUNTY COURT AT LAW

ATTENTION: All Defendants and their Counsel:
Counsel for the State of Texas.

BE IT REMEMBERED, that the Medina County Court at Law, after duly considering the large number of discovery problems encountered in many criminal cases reached for trial, and the need for a Pre-Trial Order and Trial Management Order to assist the Court and Counsel in an orderly and informed handling of cases pending before this Court, hereby enters the following Standing Orders in criminal cases (but not including Theft by Check cases or appealed cases from Justice and Municipal Courts), and filed before this court, on or after March 1, 1995.

ARRAIGNMENT: Each case will be set for formal arraignment on a date and at a time certain.

**STATE'S
DISCOVERY
COMPLIANCE
FORM:**

The State of Texas is Ordered to file in each case a completed written Discovery Compliance Form and forward a copy to counsel for Defendant (s) on or before 21 days following the date of arraignment in that case (or the date waiver of arraignment is filed and a copy thereof served on the State's Attorney, but in no event shall the State's Attorney be required to file the Discovery Compliance Form sooner than 21 days following the date set for arraignment). Said Discovery Compliance Form shall include, but not be limited to, the following:

- I. **WITNESS LIST:** The names and addresses of persons the State may call as a witness in its case in chief and in punishment. The State, however, is not required to disclose the address of the alleged victim in a case unless expressly ordered by the court.

- II. **PHYSICAL EVIDENCE:** A list of all physical evidence, including any books, papers, documents, photographs, video tapes, clothing, tangible objects, contraband or substances which the State's Attorney intends to use in the hearing or trial of the cause, which were obtained from or belong to the accused, or which

are exculpatory or mitigating or may lead to exculpatory or mitigating evidence.

A list of the dates and times during which this evidence may be viewed by defense counsel and the location of any such viewing.

- III. **CONFESSION:** A copy of any written statement made by the accused shall be attached; a list of all recorded statements of the accused or by a co-defendant.
- IV. **ORAL STATEMENTS:** A list of all oral statements made by the accused or by a co-defendant, which will be used by the State.
- V. **EXCULPATORY/MITIGATING EVIDENCE:** A list of the witnesses who have made a written statement or report. A copy of any written statement or report shall be provided to defendant/defendant's attorney immediately upon empaneling the jury. However, if the statement or report contains any mitigating or exculpatory evidence, it shall be provided with the State's Discovery Compliance Form.

Any Defendant/Defense Counsel, who has any objection to the failure of the State, if any, to comply with this requirement or the sufficiency of the compliance, must file with the Court a written objection and a request for a hearing on discovery, which objection and request must be filed with the Court on or before the 10th day following the deadline for the discovery compliance.

A hearing on any timely defense objection to the State's discovery compliance will be set for hearing before the Court upon request of Defendant/Defense Counsel.

**PRE-TRIAL
MOTIONS:**

All Pre-Trial Motions **MUST** be filed with the Court on or before 10 days following the deadline for the State's compliance with this Standing Pre-Trial

Discovery Order, except standard Motions in Limine. The court does not consider Motions in Limine which are used in lieu of Suppression Motions as "standard Motions in Limine", and Motions of this character must be filed on or before 10 days following the deadline for the State's compliance with this Standard Pre-Trial Discovery Order. It is the responsibility of the Defendant or Defendant's counsel to obtain a date for hearing any timely filed motion(s) by arrangement with the Court Coordinator. Failure to obtain a date for hearing any filed motion(s) will be considered a waiver of any relief sought in the motion(s).

The Court will **NOT** entertain late filed Motions, except for good and adequate cause shown by affidavit.

ATTENDANCE:

The Court orders that Attorneys, both State and Defense, and Defendants must be present in Court at all Pre-Trial Hearings and Trial dates for their individual cases.

SETTING TRIAL DATE:

Every attempt will be made to set a Trial date at a Pre-Trial Conference, or within 45 days of the date set for arraignment.

MOTIONS FOR CONTINUANCE:

Due to scheduling problems of Court cases, Motions for Continuance will only be granted upon good cause shown.

ALL MOTIONS FOR CONTINUANCE OR ANY OTHER MOTIONS MUST BE MADE IN WRITING, FILED WITH THE COURT, AND PRESENTED TO OPPOSING COUNSEL PRIOR TO THE DATE OF A DOCKET CALL OR HEARING.

DOCKET CALL:

All counsel and defendants **MUST** be present at all docket calls for these cases (except arraignment dockets where a defendant has filed a written Waiver of Arraignment). All cases set for trial are expected to be ready for trial, all discovery complete and all motions heard prior to the date of the docket call.

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STANDING PRE-TRIAL AND TRIAL MANAGEMENT ORDER

COURT'S CHARGE:

State's counsel is Ordered to have a proposed charge presented to the Court before voir dire of the jury. Defendant's counsel is also Ordered to submit any requested or anticipated definitions and instructions to the Court before voir dire of the jury.

COMPLIANCE ORDER:

Responsibility is placed on Defendant's counsel to bring to the Court's attention, on a timely basis, and in writing, any failure to comply with the terms of this Order. Failure to bring issues of non-compliance before the court prior to the deadlines set out above will be viewed as a waiver of right to sanctions or relief for non-compliance or inadequate compliance. Counsel are required to attempt to resolve any issues regarding discovery between themselves. Any request for sanctions or hearing for failure or inadequacy of compliance or for a hearing on timely filed motion(s), must contain a detailed and sworn representation of efforts made by Movant to resolve the outstanding issue and the responses received from opposing counsel and a specific request for specific relief.

COMPUTATION OF TIME:

In computing any period of time under this Pre-Trial Order and Trial Management Order, the day of the act or event shall not be included. The last day of the period shall be included, unless it is a Saturday, Sunday or Legal Holiday, in which event the period extends to 5:00 P.M. of the next day which is not a Saturday or Legal Holiday.

EFFECTIVE DATE:

This Order amends the Standing Order, Pre-Trial Order and Trial Management Order entered by this Court February 1995 and shall be effective from and after January 4, 1999.

SIGNED AND ORDERED, this the 4th day of December, 1998.

Watt Murrah
WATT MURRAH, PRESIDING JUDGE
County Court at Law, of Medina County, Texas.