

IN THE COUNTY COURT AT LAW §
COUNTY OF WISE §
STATE OF TEXAS §

COURT’S STANDING PRE-TRIAL ORDER

In order to promote informal discovery and prevent a complaint of ineffective assistance of counsel the following Court’s Standing Pre-trial Order is decreed:

I. The Prosecuting Attorney without written request shall disclose to the Defendant, and make available to the Defendant for inspection and copying at least 7 days prior to trial, the following:

- 1) All known mitigating, impeaching or favorable evidence.
- 2) All written, oral or video statements made by the defendant or any co-defendants to any person.
- 3) A list of all State’s witnesses, including expert witnesses, expected to be called on the trial in chief.
- 4) The results of any scientific tests expected to be used at trial.
- 5) The results of any physical or mental examinations of the defendant or any witness.
- 6) The prior convictions, if any, of the defendant that the State intends to use during the trial of the case.
- 7) Prior felony and misdemeanor convictions involving moral turpitude of any State’s witness.
- 8) Specific evidence of other crimes, wrongs or acts of the defendant, if any, that the State intends to use during the trial.
- 9) Details of any plea agreements in relation to any codefendant, accomplice or informant.
- 10) All physical evidence including photographs, videos, maps and drawings.
- 11) A recommended sentence for a Plea of Guilty.
- 12) Witness statement after the witness has testified on direct for the State.

To the extent an open file policy satisfies the above requirements; the State is not required to furnish a formal discovery document. Any “boilerplate” motions filed including (even in part) matters referred to above shall be wholly disregarded.

II. The Defense Attorney will be responsible for the following:

- 1) To interview the defendant in depth.
- 2) To review the Penal Code for the elements of the offense, the punishment range, and the possibility of probation.
- 3) To seek informal discovery from the State. **Formal discovery motions will only be heard on matters outside of this Order.**

- 4) To file **factually specific** (not “boilerplate”) Motions to Suppress if the circumstances surrounding the case indicate questioning the relevant stop, detention, arrest, or search of the defendant.
- 5) To reimburse prosecuting attorney’s office for the costs of obtaining copies of documents and physical evidence.
- 6) To obtain a Plea Bargain recommendation and convey the same to the defendant with a discussion of his rights.
- 7) To interview such witnesses as may be favorable to the defendant.
- 8) In the event the State’s recommendation is not acceptable to the defendant, file appropriate pre-trial motions at least seven days prior to the Trial Announcement/Pre-Trial Docket and obtain a hearing on said pre-trial motions. Issues known from the Prosecutor’s open file policy not raised prior to trial shall be considered untimely if raised for the first time during trial.
- 9) In the event of a trial, subpoena defense witnesses.
- 10) In the event of a jury trial, assure that defendant is dressed in street clothes.
- 11) Appointed and retained counsel shall remain as defendant’s counsel for all purposes until permitted to withdraw.

III. The Court Reporter shall be responsible for the following:

- 1) Recording all pre-trial hearings, trial, final arguments, sentencing, and any post-trial hearings.
- 2) In cases involving numerous exhibits, to mark the State’s exhibits in advance of trial.



Melton D. Cude, Judge Presiding