

CAUSE NO. _____ in HIDALGO COUNTY COURT AT LAW # ____
STATE OF TEXAS v. _____, Defendant

REQUEST FOR E-DISCOVERY AND FOR NOTICE OF STATE'S
INTENT TO OFFER OR TO REFER TO SPECIFIED EVIDENCE

To above case's County and/or District Attorney (DA) and the State of Texas:

So as to timely well prepare to adequately defend a contested trial herein after possessing all potential exculpatory, impeaching and mitigating information, the above Defendant asks DA to promptly e-disclose or to mail all below and all supplementary information **with phone & email notice to below defense counsel**, if any of DA's team members later supplements, finds, possesses, holds or discovers any below referenced information after initial e-disclosure to defense; and regarding above, Defendant hereby invokes each and all of **his/her** legal and ethical pretrial discovery rights to **(a)** not have the State's lawyer(s) unlawfully obstruct Defendant's access to evidence, unlawfully alter, destroy or conceal a document or other material that a competent lawyer would believe either might lead to other relevant information or has potential or actual evidentiary value, or counsel or assist another person to do any such act, and **(b)** to soon receive all discovery, information and notice **he/she** is entitled by law to receive by e-mail from the prosecution team's many scientific, digital and paper file(s), and records related at all to any of this case's issues, defenses, witnesses, or sources of information, **including: (1)** each issued warrant to arrest and/or search related to this case and each's supporting affidavit, **(2)** the name and address of each person the State may use at trial to present evidence under Texas Evidence Rules 702, 703 and /or 705, **(3)** audio, video, digital and all other type recordings and transcripts of each, **(4)** any of Defendant's oral, recorded or signed statements against his/her interest, **(5)** any statement by an accomplice in law or fact, and **(6)** all Defendant is entitled to know pursuant to or under **(A)** Texas Disciplinary Professional Conduct Rules 3.03, 3.04, 3.05, 3.07, 3.09, 4.01, 4.04, 5.01-5.03, 5.08, 8.04 and its Preamble, **(B)** Texas Evidence Rules 404(b), 609(f), 612(b), 613(a)(2), 615, 705(b) and 902(10)(a), **(C)** Texas Code of Criminal Procedure Articles 2.01, 37.07 §3(g), 38.34, 38.35(d), 38.36(a)-(b), 38.37 §3, 38.41 §4, 38.42 §4, 38.49, 56.03 and 39.14(a)-(n) (the Michael Morton Act is effective for alleged crimes occurring after 12/31/2013), and **(D)** each below provision in U.S. and /or Tex. Constitutions guaranteeing this Defendant's rights to: present a meaningful defense to the prosecution guilt theory, present mitigation evidence at trial's dual phases, meaningfully impeach witnesses against Defendant, presentation of indictment of a grand jury, effective assistance of defense counsel, fair trial, speedy and public trial by an impartial jury, be informed of the accusation's nature and cause, be secure against unreasonable searches and seizures, be secure from issuance of any unconstitutional Warrant, have compulsory process for obtaining favorable witnesses, be confronted with the witnesses against Defendant, be free from deprivation of either equal protection of the laws or liberty without due process or due course of law, have freedom of speech, assembly, and petition for grievance(s) redress. See *Brady v. Maryland*, 373 U.S. 83 (1963) and its progeny; and *Ex parte Mitchell*, 977 S.W.2d 575 (Tex. Crim. App. 1997). See also *Schultz v. Commission for Lawyer Discipline of the State Bar of Texas* (BODA No. 55649 decided 12/17/2015) at www.txboda.org/sites/default/files/Schultz55649%20Opinion.pdf. See www.tdcaa.com/journal/just-disclose-it.

Undersigned certifies that on 20 April 2017, he served a copy of above on DA's Office in _____ County, Texas, by email to ADA _____@da.co.hidalgo.tx.us

Submitted by Defense counsel of record,

/s/ Joseph A. Connors III
Joseph A. Connors III
Texas Bar No. 04705400
McAllen, Texas 78502-5838
956-687-8217 office
956-687-8217 fax
956-207-6624 cell
connors@innocent.com