

**DISCOVERY REQUEST FORM**  
**Comal County Criminal District Attorney's Office (CDA)**

Date of Request: \_\_\_\_\_

<b>Defense Attorney</b>	<b>Phone</b>	<b>E-mail Address</b>
<b>Defendant or Juvenile-Respondent</b>	<b>Cause No.</b>	<b>Offense</b>
<b>DOB:</b>		
<b>Court Appointed:</b> <input type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b> (All copying fees are waived for court-appointed attorneys)		
<input type="checkbox"/> <b>Please check this box if your client is a JUVENILE RESPONDENT</b>		

Pursuant to Art. 39.14 Texas Code of Criminal Procedure,

- I am requesting copies of all **PAPER DISCOVERY** materials for the above-listed case.
- I am requesting copies of all **MEDIA DISCOVERY** materials for the above-listed case.
- All paper discovery materials will be made available to the defense attorney through the e-Discovery Portal upon notification to the e-mail address listed above.
- All media discovery materials will be published to disk(s) in an electronic format. The defense attorney will be notified by email from the e-Discovery Portal, when the copies are ready for pick-up at the CDA.
- The prosecutor maintains an *Evidence and Discovery Log* for every criminal case that lists all discovery items in the possession of the prosecutor and a copy is provided with your discovery.

**ITEMS SUBJECT TO LIMITED DISCOVERY**

**Evidence Constituting Child Pornography.** The CDA will not provide copies of evidence described by §43.26(a)(1) and §43.261 Texas Penal Code. However, these items will be made reasonably available for inspection, viewing, and examination at the CDA's office by the defendant, the defendant's attorney, and defense expert witnesses.

**Recorded Statements of Child Abuse Victim.** The CDA will not provide copies of recorded statements of a child abuse victim, including recorded statements obtained by a Child Advocacy Center. However, these items will be made reasonably available for viewing at the CDA's office by the defendant, the defendant's attorney, and defense expert witnesses.

**TDFPS Files.** Discovery of files and records pertaining to investigations conducted by the Texas Department of Family and Protective Services are subject to restrictions provided by §264.408 Texas Family Code.

**Jail Records.** Jail records include but are not limited to jail calls, jail correspondence, write-ups, disciplinary records, etc. The State hereby notifies the defense that the CDA does not request all jail records for all inmates. However, if jail records are requested by the prosecutor and the State intends to use such records at trial, copies of such records will be produced to the defense as soon as practicable.

**Physical Evidence.** All physical evidence held by the CDA or a law enforcement agency may be inspected in person by the defense attorney upon request. Appointments for viewing physical evidence must be made through the CDA and not through the law enforcement agency.

**ITEMS NOT SUBJECT TO DISCOVERY**

**Work Product.** Documents, notes, and reports generated by the prosecutor and CDA investigators that constitute work product in the course of litigation are not subject to discovery.

**NCIC/TCIC printouts.** Copies of criminal history printouts are not authorized pursuant to DPS regulations.

**FEES FOR DISCOVERY**

Retained attorneys and subsequent court appointed attorneys must pay for all Media Discovery (videos, audio recordings, photos, etc.), by cash or attorney check at the time they pick up the Media Discovery from the CDA. If an attorney fails to pay for their Media Discovery in a timely manner, they will be required to pay for any future Media Discovery at the time it is requested, along with any cost of any discovery previously requested but not picked up or paid for, and further Media Discovery copies will not be made for the requesting attorney until such balance is paid.

**SUBMITTING A DISCOVERY REQUEST**

This *Discovery Request Form* may be submitted in person with the receptionist at the Criminal District Attorney's Office during normal business hours, or via e-mail to the appropriate email address below:

- Misdemeanor case discovery: [Misd.discovery@co.comal.tx.us](mailto:Misd.discovery@co.comal.tx.us);
- Felony case discovery: [Felony.discovery@co.comal.tx.us](mailto:Felony.discovery@co.comal.tx.us);
- Civil (Juvenile and CPS) case discovery: [Civil.discovery@co.comal.tx.us](mailto:Civil.discovery@co.comal.tx.us)

If submitted via e-mail, please include the cause number and the defendant's name in the subject line of the e-mail.