

## STANDING ORDER IN LIMINE FOR TRIAL OF CRIMINAL JURY CASES

During the trial of any criminal jury case in the District Court, unless and except to the extent that the operation of this order shall have been suspended with reference to such specific trial, no attorney shall make mention, refer to or suggest any of the matters hereinafter set forth in the presence or hearing of the jury, the venire, or of any member of either without first approaching the bench and securing a ruling from the Court authorizing such reference. In addition, each attorney shall admonish the client, client's representatives and all non-adverse witnesses the attorney may call to testify similarly to refrain from any such statement, reference or suggestion unless same is essential to respond truthfully to a question asked by opposing counsel.

**WARNING:** Violations of this order may result in contempt of court proceedings or referral to the State Bar for grievance proceedings, as the court deems proper.

The matters to which reference is prohibited by this order are as follows:

1. The facts of the case during voir dire. (May talk about allegations in indictment).
2. The fact that the defendant has or has not applied for probation.
3. The range of punishment, if the judge is to assess punishment.
4. Do not ask commitment questions on voir dire.
5. Do not argue your case during voir dire or opening statement.
6. The state shall not make any reference to the defendants right to silence at any stage of the trial.
7. The **enhancement portions of an indictment** shall not be mentioned or referred to during voir dire or opening statements and that portion of the indictment shall not be read to the jury during the guilt stage of the trial.
8. **Ex Parte Statements of Witnesses.** Any reference to any ex parte statement of any witness or alleged witness unless and until such witness has been called to testify and has given testimony conflicting with such ex parte statement.
9. **Testimony of Absent Witness.** Any statement or suggestion as to the probable testimony of any witness or alleged witness who is unavailable to testify.

**10. Hearsay Medical Opinions.** Any hearsay statement offered for the truth of the statement by an allegedly injured person concerning any diagnosis or medical opinions communicated to such person by a physician or other health care provider.

**11. Photographs and Visual Aids.** Showing any documents, photographs or visual aids to the jury, or displaying same in such manner that the jury or any member thereof can see the same, unless and until the same has been tendered to opposing counsel, and has been admitted in evidence or approved for admission or use before the jury, by the Court.

**12. Requests for Stipulations.** Any request or demand in the presence of the jury for a stipulation to any fact, or that counsel admit or deny any fact.

**13. Counsel's Opinion of Credibility.** Any expression of counsel's personal opinion regarding the credibility of any witness.

**14. Witnesses Comment On Credibility Of Another Witness.** Any question that asks a witness to comment or testify that some other witness lied or is not credible except as provided in Rules 404 and 405, Texas Rules of Evidence.

**15. Counsel's Opinion of Guilt or Innocence.** Any expression of state or defense counsel's personal opinion as to the guilt or innocence of the defendant.

**16. Evidence Not Produced in Discovery Response.** Calling any witness, or offering any document in evidence, if the identity of such witness or the document has not been disclosed in response to the Standing Discovery Order or other court order. If a party has a good faith basis to urge that such witness or document should be received either because good cause existed for failure timely to disclose, such party shall first approach the bench and secure a ruling thereon. Counsel are advised that to the extent possible or predictable, such matters should be addressed and a ruling sought at pretrial once the case is assigned for trial.

**17. Objections to Evidence Not Produced In Discovery.** Any objection based on failure to disclose evidence in pre-trial discovery. Any party desiring to urge any such objection shall request to approach the bench and urge such objection outside the hearing of the jury. To the extent possible or predictable, such matters should be addressed and a ruling sought at pretrial once the case is assigned for trial, although the objection may be urged for the record outside the hearing of the jury at the time such evidence is offered in the event the Court has overruled the objection at pretrial.

**20. Polygraph Exams.** No mention shall be made about the taking of, or offering to take, a polygraph exam.

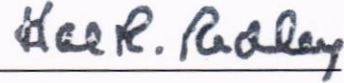
**21. Extraneous Offenses.** Prior approval of the court is required before any mention is made of any extraneous offenses whether adjudicated or not, unless the prior adjudicated offense is an element of the primary offense that is on trial.

22. **Objections.** Do not argue your objections unless argument is invited by the court.

23. **Retention of Attorney.** The time or circumstances under which the defendant retained or was appointed an attorney.



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Judge, 12<sup>TH</sup> Judicial District



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Judge, 278<sup>TH</sup> Judicial District