Robert O. Dawson
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MORTON CASE LAW UPDATE

Patricia J. Cummings
3 South Penn Square
Philadelphia, PA 19107
215.686.8000
cummingslaw@aol.com

Case Law Update

Overview

- How to Obtain Discovery Under the Act
- Trial Court Jurisdiction Over Discovery
- Preservation and Spoliation Under the Act
- What Must be Disclosed
- Appealing Trial Court Discovery Rulings Prior to Trial
- Preserving Discovery Issues at Trial

How to Obtain Discovery Under the Act

When Necessary to Request Disclosures

- Discovery in general (*Davy v. State*, 525 S.W.3d 745, 750 (Tex. App.—Amarillo 2017, pet. ref'd))
- Exculpatory, Impeaching & Mitigating Information (*Blanco v. State*, 08-15-00082-CR, 2017 WL604050 (Tex. App.—El Paso 2017, no pet.))
- Expert Witnesses & Lay Witnesses (*Byrd v. State*, 02-15-00288-CR, 2017 WL817147 (Tex. App.—Fort Worth 2017, no pet.))

Trial Court Jurisdiction Over Discovery

When Trial Court Does Not Have Jurisdiction Over Discovery

- After arrest before charging instrument filed (*In re Lewis*, WR-83,367-01, 2015 WL4775939 (Tex. Crim. App. 2015); *In re Carrillo*, WR-83,345-01, 2015 WL4776080 (Tex. Crim. App. 2015))
- Raising the issue
- Examining trials (*In re State ex rel. Munk*, 494 S.W.3d 370, 376 (Tex. App.—Eastland 2015, no pet.))

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