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IN THE DISTRICT COURT OF
NAVARRO COUNTY, TEXAS
13TH JUDICIAL DISTRICT

JOSHUA B. FARRINGTON
DISTRICT CLERK
NAVARRO COUNTY, TEXAS

2023 SEP 25 PM 4:14

FILED

STANDING ORDER (CRIMINAL) – LIMINE ORDER

Pursuant to the inherent powers of this Court and in order to maximize the use of the Court's time as well as Counsel's time, the Court issues the following standing limine order in criminal cases:

The State (prosecution) is ORDERED not to allude to, refer to, or in any way bring before the jury, whether as a panel or a jury selected to try the case, without first obtaining a ruling from the Court, outside the presence and hearing of the jury, any of the following:

1. Any reference concerning the possible fact that the Defendant has been accused, charged with or convicted of any offenses not charged in the indictment on the State's case-in-chief, unless notice was provided in accordant with the Texas Rules of Evidence or the Texas Code of Criminal Procedure;
2. Any request that the Defendant or his/her attorney stipulate to any testimony, whether it be qualification of an expert or otherwise;
3. Any reputation evidence concerning the defendant until it is first determined that the witness testifying has had adequate basis available to him/her to testify;
4. Any mention by the State during the guilt phase of trial concerning the punishment which should be assessed in the case;
5. Any failure of the Defendant to protest his innocence to any law enforcement agency, including the State, after his/her arrest;
6. Any questioning of any witness as to the existence of any evidence of the innocence of the Defendant;
7. Any comment about the State's personal belief as to the guilt of the Defendant or the veracity of any witness;
8. And comment that the State knows about other evidence that cannot be brought before the jury;
9. Any comment about what any absent State's witness would have testified to, had he or she been called as a witness;
10. Any comment as to what the people of the community expect, require, desire or wish as to the finding of the jury;
11. Display to the jury and prejudicial notations on the State's case material, including but not limited to notations such as Pen Packet, Career Criminal, Repeat Offender, Voluntary Statement, Impact Case, or Habitual Offender.

The Defendant (defense attorney) is ORDERED not to allude to, refer to, or in any way bring before the jury, whether as a panel or a jury selected to try the case, without first obtaining a ruling from the Court, outside the presence and hearing of the jury, any of the following:

1. The personal opinion or belief of the Defendant concerning the guilt or innocence of the Defendant or credibility of any evidence in the case;
2. Whether the Defendant or any co-Defendant took, or offered to take, a polygraph examination concerning his/her alleged involvement in the offense charged in the indictment;
3. The proposed terms of any plea bargain in the case or whether the Defendant was offered immunity for testimony in a related case;
4. Whether the attorney for the Defendant is appointed or retained, or the amount of such attorney's compensation;
5. The general character or reputation of any witness or Defendant until is first determined that the witness testifying has had adequate basis available to him/her to testify. This includes but is not limited to the personal habits of State's witnesses such as arrest, accusation of criminal conduct, drinking, use of drugs, or sexual activity;
6. And comment about suppressed or excluded evidence, and how it was not presented to the jury; and comment concerning facts to which an absent defense witness would have testified;
7. Any testimony of a witnesses, other than Defendant, regarding exculpatory statements or expression of contrition made by the Defendant;
8. Any testimony from any witnesses, as to what type and degree of punishment should be assessed; or what punishment may have been assessed against other defendants for similar or different offenses;
9. Testimony as to conditions in confinement facilities, to include references to violence among inmates, living or working conditions, or facilities available for inmate rehabilitation.

The Court reserves the right to vacate, supplement, or amend this order. So ordered on the 25th day of September 2023.



James Lagomarsino
District Judge