



## STANDING ORDER

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### STANDING ORDER OF THE 263<sup>RD</sup> JUDICIAL DISTRICT COURT ON SUBPOENAS, MOTIONS OR REQUESTS FOR PRE-TRIAL SERVICES RECORDS

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It has come to the attention of the Court that parties and attorneys have obtained or attempted to obtain Pre-Trial Services records and information on defendants in this Court directly and outside of court review or supervision by way of a subpoena to Pre-Trial Services or one of its vendors.

Records on a defendant created by or held by Pretrial Services or any of its vendors are records of the judiciary. *See* Texas Supreme Court Misc. Docket Order 97-9141 (1997), *Order and Opinion Denying Request Under Open Records Act*, 1997 WL 583726, *referencing* Tex. Att’y Gen. ORD-572 (1990), Tex. Att’y Gen. ORD-236 (1980); *Jackson v. Briscoe*, 2007 WL 2832959, (Tex. App. – Austin, 2007, no pet); *Taylor v. State*, 938 S.W.2d 754 (Tex. App. – Waco, 1997); *see also Rey Flores et al*, per curiam opinion 00-003. Release of the records of the judiciary in the 263<sup>rd</sup> District Court requires the express consent of this Court. *See City of Progreso*, per curiam opinion 21-010. The release of these records encompasses both the physical records themselves and any testimony or discussion about the information or evidence contained in those records. The records and any testimony or discussion about the substance of the records should be treated in the manner of evidence requiring *in camera* review before release.

The Court is now aware of the possible confusion of Pretrial Services and its vendors on whether a subpoena should be accepted as a court order authorizing the immediate release of Pretrial Services' records, or the information contained in those records, on a defendant. In the 263<sup>rd</sup> Judicial District Court, it should not.

Any release of records, or the information contained within the records, on defendants out of the 263<sup>rd</sup> Judicial District Court which are created or held by Pretrial Services or any of its vendors ***requires the express consent of this Court on the record and in open court or by way of specific written order.*** A subpoena does not suffice for release without additional court authorization and approval.

The proper manner to request Pre-Trial Services records is by way of Motion filed with the Court and brought to the Court's attention for consideration and ruling.

IT IS ORDERED that any party or attorney issuing or causing to issue a subpoena to Pretrial Services or any of its vendors for information, testimony or records held by Pretrial Services or its vendors on a defendant out of the 263<sup>rd</sup> Judicial District Court must direct Pretrial Services and/or the vendor to only tender that information, testimony and/or records in court after having received express authority from the Court for the release of the information, testimony or records.

IT IS ORDERED that any party or attorney issuing a Motion or Notice to Pretrial Services or any of its vendors for information, testimony or records held by Pretrial Services or its vendors on a defendant out of the 263<sup>rd</sup> Judicial District Court must direct Pretrial Services and/or the vendor to only tender that information, testimony and/or records in court after having received express authority from the Court for the release of the information, testimony or records.

All parties and counsel are prohibited from accepting or receiving information, statements or records from Pretrial Services or any of its vendors on a defendant out of the 263<sup>rd</sup> Judicial District Court in contravention of this Order.

Pretrial Services is ORDERED to only tender information, testimony or records concerning a defendant out of the 263<sup>rd</sup> Judicial District Court in court after having received express authority from the Court for the release of the information, testimony or records. This Court specifically orders that a served subpoena is not sufficient for the release of the information, testimony or records.

Any vendor working for or with Pretrial Services is ORDERED to only tender information, statements, testimony or records concerning a defendant out of the 263<sup>rd</sup> Judicial District Court in court after having received express authority from the

Court for the release of the information, testimony or records. This Court specifically orders that a served subpoena is not sufficient for the release of the information, testimony or records.

Pretrial Services is ORDERED to apprise all of its vendors of this Standing Order.

District Court Administration shall post a copy of this Standing Order on the webpage of the 263<sup>rd</sup> Judicial District Court.

The clerk of the court shall record a copy of this Order in special minutes. The clerk of the court is ORDERED to have a copy of this Order served upon the Harris County District Attorney's Office, the Harris County Public Defender's Office, and HCCDLA.

SIGNED: on this the 24<sup>th</sup> day of April, 2024.



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Melissa Morris

Judge, 263<sup>rd</sup> Judicial District Court