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**TUCK MOODY McLAIN**  
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**GRIMES COUNTY, TEXAS**

**GRIMES COUNTY DISTRICT ATTORNEY'S  
JUSTICE WEB PORTAL USER AGREEMENT**

The Grimes County District Attorney's Office is providing electronic access for criminal discovery to defense attorneys as a part of our open file policy and to comply with Art. 39.14 Tex. Code Crim. Pro. All criminal discovery will be electronically accessed through Grimes County District Attorney's Justiceweb Portal ( G C D A J P ) at <https://sjw.justware.com/TX-GrimesDAJusticeWeb>. It is our goal to facilitate complete discovery in a timely manner in accordance with Texas statute. This system will allow you access to your clients information from any computer with internet access.

An attorney of record on a criminal case will have electronic access to designated discovery from the State. All defense attorneys must go through a onetime registration with the GCDAJP administrator. When you register with the web portal, you will set up your user name and password. This information should not be shared with anyone as you will be held responsible for any information accessed using your user name and password. As part of the registration you must provide working email contact information.

Once you are registered with GCDAJP, we will need a letter of representation or a copy of your court appointment letter for each individual case in which you represent a defendant. This will allow us to "associate" you with the particular defendant's file thereby authorizing your to access our discovery files for that defendant.

This electronic open file policy is designed to satisfy the State's duty to disclose evidence pursuant to Article 39.14 of the Texas Code of Criminal Procedure. The Grimes County District Attorney's Office reserves the right to terminate this

manner of discovery, in whole or in part at any time without notice.

Any disclosure of information through the GCDAJP is strictly for discovery purposes and does not constitute a public disclosure under any state or federal public information act, including, but not limited to, the Texas Public Information Act and the Freedom of Information Act.

Please read the Terms and Conditions before accessing the GCDAJP and utilizing the system. By completing registration and receiving a password, you are indicating that you agree with all the terms and conditions of its use.

The information contained within the GCDAJP is **CONFIDENTIAL** and is disclosed to defense counsel for the sole purpose of preparing the Defendant's case and with the expectation that any of the information will be used according to the rules set forth in sections (e) and (f) of Art. 39.14:

- e) Except as provided by Subsection (f), the defendant, the attorney representing the defendant, or an investigator, expert, consulting legal counsel, or other agent of the attorney representing the defendant may not disclose to a third party any documents, evidence, materials, or witness statements received from the state under this article unless:
  - (1) a court orders the disclosure upon a showing of good cause after notice and hearing after considering the security and privacy interests of any victim or witness; or
  - (2) the documents, evidence, materials, or witness statements have already been publicly disclosed.
  
- f) The attorney representing the defendant, or an investigator, expert, consulting legal counsel, or agent for the attorney representing the defendant, may allow a defendant, witness, or prospective witness to view the information provided under this article, but may not allow that person to have copies of the information provided, other than a copy of the witness's own statement. **Before allowing that person to view a document or the witness statement of another under this subsection, the person possessing the information shall redact the address, telephone number, driver's license number, social security number, date of birth, and any bank account or other identifying numbers contained in the document or witness statement.** For purposes of this section, the defendant may not be the agent for the attorney representing the defendant.

Defense counsel accepts sole responsibility to ensure that none of the information obtained from the GCDAJP is used or disseminated improperly. Defense counsel accepts responsibility to advise all his/her employees or agents of the limits and restrictions contained within this agreement and with Art. 39.14, with respect to the use of the GCDAJP and to ensure that all employees and agents abide by the terms and conditions contained herein. Before allowing any person to view a document or witness statement of another, Defense Counsel shall redact the address, telephone number, driver's license number, social security number, date of birth, and any bank account or other identifying numbers contained in the document or witness statement. Defense counsel understands that improper dissemination of information such as social security numbers, medical records, psychological records or other such information may be protected by State and Federal law. Improper dissemination may constitute a criminal offense. Defense counsel accepts responsibility for and agrees to comply with all relevant state and federal laws concerning the dissemination of such information including, but not limited to, HIPPA.

Any breach of this agreement may result in the immediate termination of the use of the GCDAJP and in such an event; discovery will be complied with by another means.

## **POLICIES AND PROCEDURE FOR GCDAJP ACCESS**

Defense Counsel will be required to register with the Grimes County District Attorney's Office to use the GCDAJP. Registration may be completed through GCDAJP itself. The registration process requires the attorney's bar number, e-mail address, a user name and password. The registration is a onetime requirement.

After an attorney is registered with GCDAJP, he must be "associated" with a particular defendant's case file to receive discovery. Once "associated" with a case, you will be able to access information designated by the prosecutor for discovery. When the prosecutor designates materials for discovery, you will receive an email sent to the email address you designate notifying you that your discovery information is available and may be downloaded. You will be able to access your pending cases at any time and from any computer with internet access.

Defense counsel will access the GCDAJP by going to the website address and

entering his/her user name and password. Once you access the site, you will be able to see all of the Grimes County cases with which you are associated. In the event counsel believes his/her password has been compromised, counsel must immediately:

1. Change the password
2. Notify the Grimes County District Attorney's Office of the compromised password via e-mail at

Access to a particular case will only be given once Counsel has notified the Grimes County District Attorney's Office that counsel is attorney of record. If we receive notice from the Court that you have been appointed, we will associate your name with the particular defendant and case without any further action on your part. Otherwise, you must provide a letter of representation and an Order of Court Appointed Counsel. Only the attorney of record may access the GCDAJP for a particular criminal case. Should counsel find that he/she does not have access to a particular criminal case where counsel is of record, counsel may request access through GCDAJP. Requests made on weekends, holidays, or after 5:00 pm on regular business days will not be processed until the next business day. Counsel's access to a case will remain open until disposition of the case or until counsel is no longer the attorney of record. In the event that defense counsel is inadvertently given access to a case for which he/she is not the attorney of record, counsel should refrain from accessing the case and immediately notify the Grimes County District Attorney's Office.

GCDAJP will track all access to specific cases and record the date, time and IP address of all downloads made from GCDAJP. This information will be incorporated into the Court's Record for any plea in accordance with Art. 39.14(i) & (j) Tex. Code Crim. Pro.

It is defense counsel's sole responsibility to:

1. Review his/her case discovery through GCDAJP;
2. Review the discovery prior to any court hearings, status conferences or trials for any additions or updated information;
3. Advise the Grimes County District Attorney's Office if counsel believes information is missing or incomplete or inaccessible;
4. Schedule an appointment to review any physical evidence;
5. Request a copy of any DVD/video if it is not available on the site and insure that any audio/video is accessible by defense counsel; and

6. Advise the Grimes County District Attorney's Office via email if there are any problems with access to the GCDAJP.

**NOTICE:** Child Protective Services Records, and any records relating to the Child Advocacy Center will be made available for inspection by appointment with the Grimes County District Attorney's Office. To make an appointment to view these records, please call (936)873-2137.

If you have any issues in using the Web Portal, please let me or Ronnie Yeates know and we will attempt to address them as soon as possible. We are also open to suggestions on ways to make the system work better for you so feel free to make any constructive suggestions you may have.

Thank You  
Tuck McLain  
District Attorney  
Grimes County, Texas