



**TERMS & CONDITIONS FOR USE OF THE HOOD COUNTY ATTORNEY
ONLINE CASE SEARCH (HCOCS)
BY DEFENSE COUNSEL**

The Hood County Attorney's Office has permitted electronic access to criminal discovery by defense attorneys as a part of our current open file policy. Defense counsel will be able to access all criminal discovery electronically through a web access point (HCOCS) on the Hood County Attorney tab of the Hood County website.

The attorney of record on a criminal case will have electronic access to the state's file (excluding any attorney work product and criminal histories) through the HCOCS. We must have a letter of representation or a copy of your court appointment letter or we cannot authorize you to access our electronic files.

This electronic open file policy is satisfies the state's duty to disclose evidence pursuant to Article 39.14 of the Texas Code of Criminal Procedure. The Hood County 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 HCOCS 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 contacting the Hood County Attorney's Office to register to use the HCOCS. 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 HCOCS 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 HCOCS 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 HCOCS and to ensure that all employees and agents abide by the terms and conditions contained herein.

Any breach of this agreement may result in the immediate termination of the use of the HCOCS and a request for contempt proceedings.

POLICIES AND PROCEDURE FOR HCOCS ACCESS

Defense Counsel will be required to register with the Hood County Attorney's Office to use the HCOCS. The registration process requires the attorney's bar number and e-mail address. Use of the HCOCS enables the attorney of record to access his/her pending cases at any time and from any computer with Internet access.

To access the HCOCS go to - <http://gw-1.co.hood.tx.us/aty/cgiaty114c.html>.

Defense counsel will access the HCOCS by entering his/her e-mail address and the temporary password - **HCA2014. When you log in the first time, YOU MUST CHANGE YOUR TEMPORARY PASSWORD.** Go to the "Change Password" link on the left side of the screen.

In the event counsel believes his/her password has been compromised, counsel must immediately:

1. Change the password
2. Notify the Hood County Attorney's Office that your password was compromised via e-mail at jstobaugh@co.hood.tx.us

You will NOT have online access to:

- Any case where the Defendant has not been arrested;
- Any case not yet filed; OR
- Any case where you are not the attorney of record. To notify us that you are the attorney of record, you must provide documentation to our office:
 - File a Notice of Appearance with the Court (with a copy to our office); OR
 - Provide a letter of representation to our office; OR
 - Provide us with a copy of your Notice of Appointment from the Court.

Once our office has documentation that you are the attorney of record, you will have access to your case. If you have a problem, contact Justin by phone or by email at jstobaugh@co.hood.tx.us. Your access to a case

will remain open until disposition of the case or until you are no longer the attorney of record. (Note: the system will only allow access to one attorney even if there are two or more attorneys of record on a case.)

In the event that you inadvertently get access to a case for which you are not the attorney of record, you should not access the case and you must immediately notify Justin at the Hood County Attorney's Office.

It is your sole responsibility to:

1. Review your case discovery through HCOCS;
2. Review the discovery prior to any court hearings, status conferences or trials for any additions or updated information;
3. Advise the Hood County Attorney's Office if you believe information is missing or incomplete;
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
6. Advise the Hood County Attorney's Office via email if there are any problems with access to the HCOCS.

What will be available online:

- Offense Reports
- Complaint and Information
- Witness Statements
- Defendant Statements
- Lab Reports
- Photographs
- Business Records
- Audio files (such as 911 calls)
- Video files (we cannot upload all types of agency videos at this time. If we cannot upload a particular video file, you will receive a DVD).
- Other evidence, depending on its nature

What will NOT be available online:

- Physical evidence
- Medical Records
- EMS Records
- Child Protective Services Records
- Any records relating to the Child Advocacy Center
- Juvenile discovery & records
- Attorney Work Product

To make an appointment to view records NOT available online:

ADULT records

- Call (817) 579-3216 and speak with Justin

JUVENILE records

- Call (817) 579-3216 and speak with Linda

For all adult and juvenile cases where the arrest occurred after January 1, 2014, both the State and the Defense must certify to the Court at plea or trial the provision and receipt of each piece of discovery. Hopefully, this online system will make it easier to comply with the requirements of Art. 39.14.

Lori J. Kaspar
Hood County Attorney



**DEFENSE ATTORNEY AGREEMENT
FOR USE OF THE
HOOD COUNTY ONLINE CASE SEARCH (HCOCS)**

I certify that I have read and understand the **TERMS & CONDITIONS FOR USE OF THE HOOD COUNTY
ONLINE CASE SEARCH (HCOCS) BY DEFENSE COUNSEL.**

I understand it is my responsibility to:

1. Notify the Hood County Attorney’s Office that I am counsel of record for each defendant I represent before I have online access to cases.
2. Review my cases’ discovery through HCOCS.
3. Review discovery prior to any court hearings, status conferences or trials for any additions or updated information.
4. Schedule an appointment to review any physical evidence or any evidence not available online.
5. Request a copy of any DVD/video if it is not available online.
6. Advise the Hood County Attorney’s Office if I believe information is missing or incomplete.
7. Notify the Hood County Attorney’s Office via email if there are any problems with access to the HCOCS.
8. Change my password from the temporary HCA2014.
9. Immediately change my password and notify the Hood County Attorney’s Office if I believe my password has been compromised.

I understand I may NOT:

1. Disclose any information to any person not authorized under Art. 39.14 unless by Court Order.
2. Allow a defendant, witness, or prospective witness to view any document or any witness statement of another **unless I first redact** all personal identifying information from the document or witness statement as provided under Art. 39.14.
3. Provide a copy of any information to a defendant other than a copy of his own statement.
4. Provide a copy of any information to a witness other than a copy of the witness’s own statement.

I agree to abide by the terms and conditions and hereby request a password for access to the system.

Defense Attorney

Date

Bar Card Number

Attorney’s email address

FOR USE BY HOOD COUNTY ATTORNEY’S OFFICE ONLY			
DATE SET UP IN SYSTEM:		BY:	