

**Judge Jack Pulcher**

105<sup>th</sup> District Court

May 12, 2020

Kleberg County Courthouse

700 E. Kleberg

Kingsville, Texas 78363

The Honorable Sharon Keller  
Presiding Judge Court of Criminal Appeals, Chair  
Texas Indigent Defense Commission  
209 West 14<sup>th</sup> Street, Room 202  
Austin, Texas 78701

The Honorable Olen Underwood  
Vice Chair  
Texas Indigent Defense Commission  
209 West 14<sup>th</sup> Street, Room 202  
Austin, Texas 78701

Mr. Geoff Burkett  
Executive Director  
Texas Indigent Defense Commission  
209 West 14<sup>th</sup> Street, Room 202  
Austin Texas 78701

Re: Response to Follow-up Policy Monitoring Review of Kleberg County's Indigent Defense Systems

Dear Commission Leadership:

Thank you for your work in reviewing Kleberg County's Indigent Defense processes and offering recommendations. Your insight has provided us the opportunity to make changes and review current procedures in place to ensure a more thorough and efficient process.

Attached is Kleberg County's Response to the Texas Indigent Defense Commissions review conducted on January 2020.

Respectfully,

Amanda M. De La Cerda  
105<sup>th</sup> District Court Administrator/TIDC Coordinator

*Finding 3 and Recommendation*

Finding 3 and Recommendation by TIDC references arrestees who make bail shortly after the Article 15.17 hearing and fail to complete affidavits of indigence. In response to this finding, we have discussed information pertaining to Affidavits of Indigence with Captain Castillo of the Kleberg County Sheriff's Department. To ensure financial forms are completed on site, Kleberg County transport officers will immediately begin reviewing paperwork at the time of magistration to confirm all forms have been completed before being placed for the Indigent defense coordinator for pickup. Implementing this process will alleviate the issue of forms submitted without being completed and will assure compliance with TIDC's recommendation.

#### Findings 5 and 6 and Recommendations

Findings 5 and 6 and Recommendations made by TIDC references the prompt determination of indigence at a rate higher than 90% in misdemeanor and felony cases. In response to the Recommendation, the Courts have initiated a new procedure to appoint attorneys at the time of receipt of an affidavit. The order of appointments will be relayed in two ways. Notice will be mailed to the address provided by the arrestee on the affidavit of indigency. Additionally, if the arrestee posts bond immediately after magistration, notice will be given through the Pretrial Office when the arrestee whereby the arrestee is ordered to report within 24 hours after release from custody. This process will give the arrestee two separate opportunities to receive notice within the statutory period if not provided with notice while in custody.

#### Finding 7 and Recommendation

Finding 7 and Recommendation references the absence of rulings on a pending counsel requests in five misdemeanor cases. After speaking with the County Court at Law Judge Jaime Carrillo, it was established part of the reason for rulings not made on counsel requests may stem from defendants who do not qualify for court appointed attorneys based on Federal Poverty Guidelines. The attached Order will be issued as a corrective measure.

#### Finding 9 and Recommendation

Finding 9 and Recommendation by TIDC references the accuracy of monthly court data reports to OCA. Currently, reports outlining the number of cases magistrated per month by the JPs are tracked by our office. However, in response to TIDC's recommendation, the indigent defense coordinator will begin tracking the cases by defendant. These reports will be submitted monthly to the Court Administrator who will then begin sharing them with the Kleberg County JPs to ensure data is available to report in the event the JPs do not have the data readily available. This system will not take place of the JPs reporting the numbers to the OCA monthly, but will serve as an effort to streamline and share data, as necessary.

#### Additional Requests

In response to the Recommendations by TIDC, we respectfully request a webinar or alternative educational course where the JP Judges can receive the latest information regarding reporting and other requirements designated under the Code of Criminal Procedure 15.17.