



# **TEXAS INDIGENT DEFENSE COMMISSION**

## **Fiscal Monitoring Report**

**Ector County, Texas**

**FY2022 Indigent Defense Expenses**

**Final Report**

**January 2025**

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## EXECUTIVE SUMMARY

The Texas Indigent Defense Commission (TIDC) conducted a fiscal monitoring on-site review of Ector County. The on-site visit was conducted on August 28 through August 31, 2023. Email exchanges and discussions continued until December 1, 2023. The fiscal monitor reviewed financial records to determine whether grant funds were spent in accordance with the terms and conditions of TIDC grants.

TIDC reviewed the expenditure period of October 1, 2021 to September 30, 2022 (FY2022).

### SUMMARY OF FINDINGS

- The FY2022 Indigent Defense Expenditure Report (IDER) submitted in accordance with Texas Government Code §79.036(e) was not prepared in the manner required.
- Three attorney payments did not appear to be made in accordance with the published fee schedule as required by Article 26.05(b) of Texas Code of Criminal Procedure (CCP), and the published fee schedule does not appear to reflect the current payment practices.
- The attorney fee voucher listed in the indigent defense plan as the approved voucher form was not utilized in Ector County. There were a variety of attorney fee voucher forms in use in Ector County and 33 of the 45 reviewed did not comply with Article 26.05(c).

### OBJECTIVE

The objectives of this review were to:

- Determine the accuracy of the Indigent Defense Expenditure Report.
- Determine whether grant funds were used for authorized purposes in compliance with laws, regulations, and the provisions of the grant.
- Validate policies and procedures relating to indigent defense payments.
- Provide recommendations pertaining to operational efficiency.
- Assist with any questions or concerns on the indigent defense program requirements.

### SCOPE

TIDC reviewed the County's indigent defense expenditures to ensure compliance with applicable laws, regulations, and the provisions of the grants for FY2022. The records reviewed were provided by the Ector County Auditor's Office. Compliance with other statutory indigent defense program requirements was not included in this review.

### METHODOLOGY

The fiscal monitor worked with Tristan Marquez from the County Auditor's Office. The fiscal monitor reviewed:

- Random samples of paid attorney fee vouchers.
- General ledger transactions provided by the Ector County Auditor's Office.
- The Indigent Defense Expenditure Report (IDER).
- The attorney fee schedule.
- Any applicable contracts.
- The County's Indigent Defense Plan filed with TIDC.

# DETAILED REPORT

## BACKGROUND INFORMATION

### County Background

Ector County is located in West Texas on the lower shelf of the Great Plains and on the northern border of the Edwards Plateau. The County has an estimated population of 159,230 and the County seat is Odessa. Ector County was founded in 1887 and organized in 1891. The County occupies an area of 902 square miles, of which 4.1 square miles is water.

Ector County is served by five district courts and two county courts-at-law. The County provides indigent defense through private assigned counsel and participates in the Regional Public Defender Office for Capital Cases. For FY2022, Ector County reported spending \$2,006,119 in indigent defense and related administrative fees for criminal cases. However, it was noted that no expenditures were reported for investigation or expert witnesses during this timeframe.

### Commission Background

In January 2002, the Texas Legislature established the Task Force on Indigent Defense. In 2011, the Legislature changed the name to the Texas Indigent Defense Commission (TIDC). TIDC is a permanent standing committee of the Texas Judicial Council and is administratively attached to the Office of Court Administration (OCA).

TIDC's mission is to protect the right to counsel and improve public defense.

TIDC conducts fiscal monitoring reviews based on the directive in Section 79.037(c) Texas Government Code, to "monitor each county that receives a grant and enforce compliance by the county with the conditions of the grant..." as well as Section 173.401(a), Texas Administrative Code, which provides that "the Commission or its designees will monitor the activities of grantees as necessary to ensure that grant funds are used for authorized purposes in compliance with laws, regulations, and the provisions of the grant."

### Formula Grant

The County submitted the FY2022 indigent defense online grant application to assist in the provision of indigent defense services. Ector County met the formula grant eligibility requirements and was awarded \$113,628 in formula grant funds for FY2023.

## DETAILED FINDINGS AND RECOMMENDATIONS

### Finding One

Under §79.036(e) of the Texas Government Code, the county auditor or designated person shall prepare and send to the Commission, in the form and manner prescribed by the Commission, data documenting the amount expended by the county for indigent defense in each court and in each case in which appointed counsel are paid. Ector County prepared and submitted the FY2022 Indigent Defense Expenditure Report (IDER). However, the financial data reviewed by TIDC showed that the report was not prepared in the manner required.

The Ector County general ledger for court appointed attorneys totaled \$2,531,901.67. The county auditor and the assistant county auditor on staff at the time the FY 2022 IDER was prepared were no longer employed by Ector County at the time of this review. The support for the breakdown of the general ledger information used to prepare the FY2022 IDER was not located by Ector County, therefore it was not available to TIDC.

TIDC attempted to reconstruct support for the IDER reported amounts with the general ledger information provided, as detailed below. Of the \$2,531,901.67 paid to attorneys, \$1,920,162.35 was reported for attorney fees on criminal cases. This indicates that attorney fees for non-criminal cases were included within the general ledger account. Therefore, a thorough understanding of the case type numbering conventions was needed to separate out non-criminal cases and to verify the accuracy of expenditures reported on the IDER.

The review of the ledger showed that a 2-digit code in a description column identified the court that incurred the expense. These 2-digit codes are D1 through D4 for the first four district courts, C1 and C2 for the two county courts-at-law, and CM for the 5<sup>th</sup> District Court, with the CM representing “Court Master.” Other codes identified were CC1, CC2, C3, D5, and CJ.

The numbering conventions of cause numbers provide another identifier for the type of case and court to which the case was assigned. The letters A through E represent each of the 5 district courts, with A representing the 70<sup>th</sup> District, B the 161<sup>st</sup>, C the 244<sup>th</sup>, D the 358<sup>th</sup>, and E the 446<sup>th</sup>.

Each adult felony case in the district court will begin with one of the letters to signify the court assigned the case. After the letter, there is a two-digit number representing the year, followed by a 4-digit number (assigned in numerical order), followed by the letters CR. It was shared with TIDC that cause numbers beginning with an M in the district court indicate a misdemeanor case associated with a felony case.

For the Child Protective Services (CPS) cases heard in the 446<sup>th</sup> District Court, after the E, there is a two-digit number representing the year the case was filed, followed by a 3-digit number assigned in sequential order, followed by the letter PC (indicating “protection of a child”). An example of a CPS cause number is: E-21-607-PC.

The case numbers for adult misdemeanor cases heard in the county courts-at-law begin with the two-digit year numbers, followed by a four-digit number assigned sequentially, and ending with CCL or CCL2. Juvenile delinquency cases heard in the CCL courts were seen in two ways: either

with a 4-digit number beginning with a 6 or with the letter D followed by 4 numbers, with the first two digits representing the year and the remaining two in sequential order (e.g., D-22-05).

Additionally, the vendor numbers listed on the general ledger are tied to the attorney’s name.

Using the above information, TIDC sorted the data to attempt to support the IDER filed by Ector County. There were 3,969 lines of data. The first sort was with the 2-digit code identifying the court and the amounts for each court. For the 70<sup>th</sup> District Court, the total amount of the general ledger matched the amount on the IDER. However, there were variances regarding criminal case amounts reported for the remaining courts. When TIDC compared the total amount reported for both criminal cases and CPS cases on the IDER with the total amount of attorney fees paid per the general ledger account, it appears that \$61,836.82 was not reported. Of that amount, \$6,400 was identified as fees in guardianship cases (identified by cause numbers beginning with G), which should not be reported on the IDER.

In attempting to identify why all remaining attorney fees were not listed, TIDC sorted the amounts identified for each court by vendors (attorneys) and compared the amounts to those reported on the attorney detail sections of the IDER. This allowed TIDC to identify cases that were not included. After performing the sort and reviewing the information for the vendors with a variance, it appears amounts underreported for a few attorneys had cases that were accrued as of 09/30/2022 but not paid until after October 6, 2022. This amount was \$27,520, which is eligible to be reported on the FY2023 IDER. But this leaves \$27,916.82 not reported on the FY2022 IDER.

Summary of Variances Between General Ledger Amounts and IDER Reported Amounts							
	G/L Net Balance for code	IDER - Criminal	IDER - CPS	IDER Difference	After 10/6/2022	Other/ Civil Matters	Report Variance
C1	\$302,377.00	\$287,277.00		\$15,100.00	\$9,100.00	\$1,400.00	\$4,600.00
C2	\$240,065.30	\$234,965.30		\$5,100.00		\$5,000.00	\$100.00
CJ	\$7,000.00			\$7,000.00			\$7,000.00
CM	\$558,202.50		\$549,902.50	\$8,300.00	\$2,250.00		\$6,050.00
D1	\$366,079.49	\$366,079.49		\$0.00			\$0.00
D2	\$391,554.40	\$379,689.40		\$11,865.00	\$15,570.00		-\$3,705.00
D3	\$364,563.56	\$364,513.56		\$50.00	\$600.00		-\$550.00
D4	\$285,637.60	\$287,637.60		-\$2,000.00			-\$2,000.00
D5	\$14,900.00			\$14,900.00			\$14,900.00
Other/Misc	\$1,521.82			\$1,521.82			\$1,521.82
	\$2,531,901.67	\$1,920,162.35	\$549,902.50	\$61,836.82	\$27,520.00	\$6,400.00	\$27,916.82

- The general ledger for some vendors included a credit amount due to a voided check, etc., and these credit amounts were not included on the amount reported for the vendor creating an over-reported variance.
- Vouchers marked for a court via the two-digit code had a cause number indicating a different court. Some of these vouchers could be valid for the court indicated by the two-digit code, but without the detailed information for each case it is not possible to determine the exact court in which they it should be reported. When some of the variances are reviewed per vendor ID number, adjustments between the courts may be seen. However, there were a few cause numbers beginning with an E included in the criminal court data. As these case numbers indicate a CPS matter, the inclusion of these amounts in the criminal expenditure sections of the IDER would be erroneous.
- This review is focused on criminal case information, but because of the comingling of civil case information on the same general ledger, it is important to note that the cause numbers marked for the D5 court all appear to be for the CPS court or 446<sup>th</sup> District Court and the amount of \$14,900 for the D5 court was not included in the CPS expenditures reported.

- The amount of \$7,000 marked for a CJ court appears not to have been included on the IDER. A review of three vouchers from this account show the styling of the case to be in the best interest of a patient, which indicates that these cases may be a civil matter. The CJ code might indicate County Judge and not a juvenile case as originally understood, therefore not including this amount on the IDER would be appropriate.
- The amounts reported for an attorney, based on vendor codes, appear to be comingled with another attorney's amounts, therefore over-reporting amounts for that attorney and not reporting any amount for the attorney that was paid.
- Invalid bar card numbers were used and bar card numbers that did not match up with an attorney's name were used.
- The general ledger displayed case numbers that began with an M with a description code indicator for a district court. TIDC was told that the M indicates a misdemeanor associated with a felony case that was heard in the district court. However, no misdemeanor cases were reported in any of the district courts on the IDER. TIDC was later informed that these cases were originally considered felonies but was disposed as a misdemeanor, therefore an additional case number was assigned. The TIDC policy monitoring team noted that the case numbers beginning with an M were actually the booking numbers assigned for defendants and not the case numbers. In either scenario, the cases filed in the district court appear to be felony level, therefore no misdemeanor cases would be reported.

Summary of attorney amount variance per court.						
Vendor	D2	D3	D4	CCL1	CCL2	Net
2193	-\$4,302.00					-\$4,302.00
2364		-\$300.00		\$300.00		\$0.00
2519		-\$600.00			-\$1,900.00	-\$2,500.00
2627	\$600.00			\$350.00		\$950.00
2983					\$400.00	\$400.00
3141		\$350.00			\$450.00	\$800.00
4599	-\$800.00	-\$1.00		\$800.00		-\$1.00
4799					\$350.00	\$350.00
4833	\$800.00					\$800.00
4835	-\$800.00			\$800.00		\$0.00
4840				-\$350.00	\$800.00	\$450.00
8811			\$800.00			\$800.00
9028			-\$800.00		-\$600.00	-\$1,400.00
9604			-\$800.00	\$800.00		\$0.00
12095	\$11,962.00	\$0.50		\$450.00		\$12,412.50
12299	-\$11,965.00					-\$11,965.00
12846				\$1,450.00		\$1,450.00
13383			-\$2,000.00			-\$2,000.00
13573			\$800.00			\$800.00
13686		\$0.50				\$0.50
13892	\$800.00					\$800.00
14126					\$600.00	\$600.00
	<b>-\$3,705.00</b>	<b>-\$550.00</b>	<b>-\$2,000.00</b>	<b>\$4,600.00</b>	<b>\$100.00</b>	<b>-\$1,555.00</b>

The 70<sup>th</sup> District Court had no variance related to the amount of money spent but had the following errors on the attorney detail section of the IDER:

- Vendor 13892 is the Law Offices of Christy L Cauthen. The bar card number, 24205313, inputted in the attorney detail section of the IDER reporting system, delivered the message “Error: Not found,” indicating that bar card number was incorrect.
- Vendor 4840 is for Luis Chavez. The bar card number, 4162567, inputted in the attorney detail section of the IDER reporting system, generated the message “Error: Not found,” indicating that bar card number was incorrect.
- Vendor 14149 is for the IRS on behalf of an attorney. The amount reported to this vendor should have been added to the appropriate attorney’s name as the IRS is not an attorney with a bar card number.

The two invalid bar card numbers that resulted in “Error: Not found” messages occurred in all of the criminal court attorney detail sections.

- The bar card number inputted for vendor 12769 in the CCL2 attorney detail report on the IDER generated the message “Error: Not found,” indicating that bar card number was incorrect. TIDC determined that the correct bar card number was reported for this attorney in



the attorney detail sections of the other courts in which this attorney was paid. The error in the CCL2 attorney detail was caused by the bar card number including an 8 instead of a 9 for one of the digits.

Additionally, the support to determine expenditures for adult felony appeals was not available. On the general ledger there is a column for codes AF or AFA. These codes were used to distinguish an Adult Felony (AF) from an Adult Felony Appeal (AFA). Not all of the lines in the general ledger that indicated an adult felony case had an AF or AFA code. Of the 1,520 adult felony cases listed on the general ledger, 449 lines listed the AF code. Eight lines indicated the AFA code and the total amount for these eight cases was \$29,067.07, while the IDER reported 37 appeals at a cost of \$183,910.92.

The FY2022 IDER included only attorney fee expenses. TIDC inquired about having any investigation expenses, expert witness expenses, or any other type of eligible indigent defense expenses. Ector County has an investigation expense ledger indicating that for FY2022, \$72,557.42 was expensed for this category. Additionally, a ledger for court reporter fees was provided and totaled \$150,032.72 for the year. What is not clear is how much from each of these ledgers may be eligible IDER expenses. Included in the investigation ledger were vouchers for competency to stand trial expenses which would not be eligible expenditures, however, there were vouchers paid to investigators on criminal case work and these expenditures are eligible and should have been included on the IDER. Included in the court reporter ledger were the expenses for the court reporter to staff court proceedings and these expenditures are not eligible. However, also included in the court reporter ledger were transcript preparation costs for appeals, which may be eligible IDER expenses and should be included when prepared for an indigent defendant's appeal.

The Ector County IDER appears to not include all of the eligible costs and understates the County's criminal indigent defense expenditures. This could mean that the FY2023 formula grant for Ector County was less than would have been authorized if reported with all the eligible expenses. Please refer to the Indigent Defense Expenditure Report Procedure Manual: <https://tidc.texas.gov/media/02ad1jlu/fy22-ider-manual-final.pdf>.

### **Recommendation:**

The County should consider separating criminal expenses and civil court expenses on the general ledger. All types of Ector County's indigent defense expenditures should be reviewed and recorded on the general ledger in categories that are eligible to be reported, including investigation expenses. These expenditures should be separated from the categories that are ineligible to be reported on the IDER.

The County should clarify how and why the M number is used for the case description in the district courts. Finally, the appropriate county staff should carefully review the IDER Manual and review additional training videos on TIDC's website to better understand how to prepare the IDER.

### **County Response**

At the time of the on-site visit the county had recently appointed a new auditor. The information available to the new auditor was less than ideal. The auditor and her staff will review the IDER Manual and take advantage of the videos on TIDC's website in order to prepare a compliant report.

The District Judges have taken steps to ensure that investigative expenses and transcript preparation costs for appeals are clearly identified so that they may be categorized appropriately in the IDER.

### **Ector County Action Plan**

In Fiscal Year 2024 all courts were separated into individual general ledger accounts. This will provide for easier and more reliable information for reporting on the IDER.

**Contact person(s): Tristan Marquez**

**Completion date: 12/16/24**

### **Finding Two**

TIDC examined 45 attorney fee vouchers to determine whether indigent defense payments met the requirements of Criminal Code of Procedure (CCP) Article 26.05(b) and the local fee schedule. Three of the 45 attorney fee vouchers reviewed for FY2022 did not appear to be paid in accordance with the published fee schedule as required by Article 26.05(b).

The Ector County fee schedule for felony and misdemeanor cases provides for a flat fee of \$800 for the disposition of one case, an additional \$200 if two cases for one defendant are disposed, and an additional \$100 for each third or fourth case disposed for one defendant. An attorney can also submit a voucher based on an hourly rate of \$150 an hour.

On three of the attorney fees vouchers, the amount approved did not appear to comply with the fee schedule. Each of these three vouchers had multiple cases listed; however, each voucher was paid the amount as if only one case was disposed. The general ledger allocated the approved amount for each of the cases listed.

### **Recommendation:**

Judges should review the fee schedules and take formal action, if necessary, to adopt a new fee schedule that is consistent with current payment practices in accordance with the requirements of CCP Article 26.05(b) and current case law. Procedures should be developed to verify that the approved rate of pay for each voucher is within parameters of the published fee schedule to meet the requirements of CCP Article 26.05(b).

### **County Response**

The fee schedule that has been adopted has been reviewed and will be modified to some extent. The problem appears to be a disconnect between what is provided to the courts from the District Clerk's office. In some cases, not all of a particular defendant's cases are reported on the order for payment which would result in a deviation from the local fee schedule. Discussions have taken place emphasizing the need for accurate information from all parties. The Courts will also ensure that indigent defense payments are consistent with the local fee schedule.

### **Ector County Action Plan**

The Judges will review the current fee schedule and make changes if necessary.

**Contact person(s): Tristan Marquez**

**Completion date: 12/16/24**

### **Finding Three**

Code of Criminal Procedure Article 26.04(a) requires the courts to adopt and publish written countywide procedures for providing indigent defense services, commonly known as an indigent defense plan. As part of these procedures, the judges must adopt an attorney fee voucher form consistent with CCP Article 26.05(c). Government Code Sec 79.036 requires that these countywide procedures be provided to the Commission bi-annually. Ector County adopted and properly submitted a combined District Court and County Court plan and a separate Juvenile Court plan. Each plan included an approved attorney fee voucher to be used for the respective level of court, however, the monitoring review revealed that a variety of additional attorney fee voucher forms were utilized by the appointed attorneys submitting vouchers.

The District and County Court-approved voucher form submitted to TIDC is the model attorney fee voucher that TIDC provided to all counties as a best practice for their consideration. The approved attorney fee voucher was found not to be used by the Ector County indigent defense attorneys during the review period.

There appeared to be five or six various forms used in the criminal courts:

- There were two variations of a 3-part form in use. The first section of these forms was a finding of indigence, the second section appointed counsel, and the third section was an order to pay attorney.
- Order for payment of Court-Appointed Attorney.
- An Order.
- A 2-part form with the first part a request for payment from the attorney and the second section the order to pay attorney.
- Attorneys Fee Submission Form.

In addition to utilizing a variety of attorney fee voucher forms, thirty-three of the forty-five attorney fee vouchers reviewed did not meet the statutory requirements of the Code of Criminal Procedure (CCP) Article 26.05(c), because the vouchers did not appear to be itemized vouchers submitted to the judges. CCP Article 26.05(c) reads, in part,

No payment shall be made under this article until the form for itemizing the services performed is submitted to the judge presiding over the proceedings or, if the county operates a managed assigned counsel program under Article 26.047, to the director of the program, and until the judge or director, as applicable, approves the payment. If the judge or director disapproves the requested amount of payment, the judge or director shall make written findings stating the amount of payment that the judge or director approves and each reason for approving an amount different from the requested amount ....

The first three forms described above included court orders signed by the judges authorizing a

payment to the attorney. However, the judge's order to pay an attorney, standing on its own, is not sufficient to satisfy the requirement that the form for itemizing the services performed be submitted to the judge. The bottom two forms listed above provided a section in which the attorney signed and appeared to submit a request for payment to the judge.

Regarding the thirty-three vouchers that included the court order to pay, it appears that the judge in these cases is completing the amount and not approving or disapproving an amount requested as required by Article 26.05 (c) of the Texas Code of Criminal Procedure. Therefore, Ector County is not in compliance with Article 26.05(c).

### **Recommendation**

The form submitted to TIDC with the combined District Courts and County Courts' indigent defense plan does not appear to be the form in use. The judges should come to a consensus as to the form to be used countywide. The form approved should be one in which the attorneys complete and provide to the judges for their approval an amount requested, and, if a different amount is approved, a place for the judge to document the reason for an approved amount that is different than one requested. The judges should only accept vouchers submitted on the approved form and the approved form should be submitted to TIDC as part of the indigent defense plan.

### **County Response**

The courts will utilize the TIDC model attorney fee voucher, attached hereto.

## Attorney Fee Voucher

1. Jurisdiction <input type="checkbox"/> District <input type="checkbox"/> County  <input type="checkbox"/> County Court at Law  Court # _____	2. County _____	3. Cause Number _____ Offense _____ _____ _____	4. Proceedings <input type="checkbox"/> Trial-Jury <input type="checkbox"/> Trial-Court  <input type="checkbox"/> Plea-Open <input type="checkbox"/> Plea- Bargain  <input type="checkbox"/> Other _____		
5. In the case of: _____ <div style="text-align: center;">State of Texas v</div>					
6. Case Level <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Juvenile <input type="checkbox"/> Appeal <input type="checkbox"/> Capital Case  <input type="checkbox"/> Revocation – Felony <input type="checkbox"/> Revocation – Misdemeanor <input type="checkbox"/> No Charges Filed <input type="checkbox"/> Other _____					
7. Attorney (Full Name) _____		9. Attorney Address (Include Law Firm Name if Applicable) _____ _____			
8. State Bar Number _____	8a. Tax ID Number _____	10. Telephone _____  11. Fax _____			
<b>12. Flat Fee – Court Appointed Services</b>			12a. Total Flat Fee \$ _____		
13.	<b>In Court Services</b>		Hours	Dates	13a. Total In Court Compensation.  \$ _____
	_____		_____	_____	
	_____		_____	_____	
	Rate per Hour = _____	Total hours _____	_____	_____	
14.	<b>Out of Court Services</b>		Hours	Dates	14a. Total Out of Court Compensation.  \$ _____
	_____		_____	_____	
	_____		_____	_____	
	Rate per Hour = _____	Total hours _____	_____	_____	
15.	<b>Investigator</b>			Amount	15a. Total Investigator Expenses \$ _____
	_____			_____	
	_____			_____	
16.	<b>Expert Witness</b>			Amount	16a. Total Expert Witness Expenses \$ _____
	_____			_____	
	_____			_____	
17.	<b>Other Litigation Expenses</b>			Amount	17a. Total Other Litigation Expenses \$ _____
	_____			_____	
	_____			_____	
18. Time Period of service Rendered: From _____ Date _____ to _____ Date _____					
19. Additional Comments _____					20. Total Compensation and Expenses Claimed \$ _____
21. Attorney Certification – I, the undersigned attorney, certify that the above information is true and correct and in accordance with the laws of the State of Texas. The compensation and expenses claimed were reasonable and necessary to provide effective assistance of counsel.  <input type="checkbox"/> Final Payment <input type="checkbox"/> Partial Payment _____ <div style="display: flex; justify-content: space-between; width: 100%;"> <span>Signature</span> <span>Date</span> </div>					
22. SIGNATURE OF PRESIDING JUDGE: _____					Amount Approved: _____
Reason(s) for Denial or Variation _____					

### Ector County Action Plan

The Judges will address using a uniform voucher for all courts.

**Contact person(s): Tristan Marquez**

**Completion date: 12/16/24**

## **Conclusion**

TIDC appreciated the professionalism and assistance of Ector County officials and staff in completing this review. TIDC may conduct a follow-up review regarding its noncompliance findings within two years. TIDC staff stand ready to provide assistance to ensure full compliance with the Fair Defense Act.

# APPENDICES

## APPENDIX A – INDIGENT DEFENSE EXPENDITURE REPORT

<b>ECTOR COUNTY INDIGENT DEFENSE EXPENDITURES</b>			
<b>Expenditures</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Population Estimate	169,394	169,394	159,230
Juvenile Assigned Counsel	\$140,600	\$155,650	\$137,450
Capital Murder	\$0	\$0	\$0
Adult Non-Capital Felony Assigned Counsel	\$891,269	\$832,332	\$1,218,606
Adult Misdemeanor Assigned Counsel	\$233,750	\$253,275	\$380,195
Juvenile Appeals	\$0	\$0	\$0
Adult Felony Appeals	\$0	\$0	\$183,911
Adult Misdemeanor Appeals	\$0	\$0	\$0
Licensed Investigation	\$0	\$0	\$0
Expert Witness	\$0	\$0	\$0
Other Direct Litigation	\$0	\$0	\$0
Total Court Expenditures	\$1,265,619	\$1,241,257	\$1,920,162
Administrative Expenditures	\$0	\$0	\$0
Funds Paid by Participating County to Regional Program	\$85,967	\$85,967	\$85,957
Total Public Defender Expenditures	NA	NA	NA
Total Court and Administrative Expenditures	\$1,351,586	\$1,327,224	\$2,006,119
Formula Grant Disbursement	\$126,835	\$117,120	\$108,093
Reimbursement of Attorney Fees	\$0	\$0	\$0
Reimbursement by State Comptroller for Writs of Habeas Corpus	\$0	\$0	\$0
Total Public Defender Cases	NA	NA	NA
Total Assigned Counsel Cases	2,111	2,005	2,695

*Indigent Defense Expenditure Reporting*

Source: Texas Indigent Defense Commission records



<b>Ector County</b>				
<b>Year</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>Texas 2022</b>
Population (Non-Census years are estimates)	169,394	169,394	159,230	29,741,214
Felony Charges Disposed (from OCA report)	1,985	1,938	2,764	281,347
Felony Cases Paid	1,218	1,040	1,520	223,839
% Felony Charges Defended with Appointed Counsel	61%	54%	55%	80%
Felony Trial Court-Attorney Fees	\$891,269	\$832,332	\$1,218,606	\$157,670,919
Total Felony Court Expenditures	\$891,269	\$832,332	\$1,218,606	\$174,347,222
Misdemeanor Charges Disposed (from OCA report)	4,396	4,239	4,208	375,151
Misdemeanor Cases Paid	493	522	748	180,466
% Misdemeanor Charges Defended with Appointed Counsel	11%	12%	18%	48%
Misdemeanor Trial Court Attorney Fees	\$233,750	\$253,275	\$380,195	\$46,781,394
Total Misdemeanor Court Expenditures	\$233,750	\$253,275	\$380,195	\$47,403,096
Juvenile Charges Added (from OCA report)	97	71	82	16,039
Juvenile Cases Paid	400	443	390	25,808
Juvenile Attorney Fees	\$140,600	\$155,650	\$137,450	\$8,615,991
Total Juvenile Expenditures	\$140,600	\$155,650	\$137,450	\$8,777,828
Total Attorney Fees	\$1,265,619	\$1,241,257	\$1,920,162	\$216,689,397
Total ID Expenditures	\$1,351,586	\$1,327,224	\$2,006,119	\$343,434,379
Increase in Total Expenditures over 2001 Baseline	147%	142%	266%	287%
Total ID Expenditures per Population	\$7.98	\$7.84	\$12.60	\$11.53
Commission Formula Grant Disbursement	\$126,835	\$117,120	\$108,093	\$20,342,704
Cost Recouped from Defendants	\$0	\$0	\$0	\$8,675,431.

Source: Texas Indigent Defense Commission records

## APPENDIX B – CRITERIA

### Criteria

- Uniform Grant Management Standards
- Texas Grant Management Standards
- Texas Government Code, Section 79.036. Indigent Defense Information
- Texas Government Code, Section 79.037. Technical Support; Grants
- Code of Criminal Procedures Art 26.04 Procedures for Appointing Counsel
- Code of Criminal Procedures Art 26.05 Compensation of Counsel Appointed to Defend
- Texas Administrative Code - Title 1, Part 8, Chapter 174 Subchapter A Rule 174.1
- Texas Administrative Code - Title 1, Part 8, Chapter 174 Subchapter A Rule 174.2
- Texas Administrative Code - Title 1, Part 8, Chapter 174 Subchapter B Definitions
- FY2022 Indigent Defense Expenditure Report Manual found at:
- <https://tidc.texas.gov/media/02ad1jlu/fy22-ider-manual-final.pdf>

## APPENDIX C – DISTRIBUTION LIST

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