



Follow-Up Policy Monitoring Review of Kaufman County's Indigent Defense Systems

July 2026



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Chair:

Honorable Missy Medary	Corpus Christi, Presiding Judge, 5th Administrative Judicial Region of Texas
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Honorable Brent Hagenbuch	Denton, State Senator
Honorable Phil King	Weatherford, State Senator
Honorable Emily Miskel	McKinney, Justice, Fifth Court of Appeals
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Honorable David Schenk	Austin, Presiding Judge, Court of Criminal Appeals

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Mr. Jim Bethke	San Antonio, Executive Director, Bexar County Managed Assigned Counsel Program
Mr. Jay Blass Cohen	Houston, Attorney, Blass Law PLLC
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Mission: Protecting the right to counsel, improving public defense.

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Executive Summary

The Texas Indigent Defense Commission (TIDC) monitors local compliance with the Fair Defense Act (FDA) through policy reviews.¹ These reviews seek to promote local compliance with the six core requirements of the FDA² and provide technical assistance to improve county indigent defense processes where needed. In this second follow-up review, TIDC observed court, interviewed officials, and reviewed FY2025 data from Kaufman County. TIDC finds that Kaufman County has addressed all past findings. Kaufman County does not need to respond to this report. TIDC thanks Kaufman County officials and staff for their assistance in completing this review.

Background

TIDC issued an initial policy report on Kaufman County's indigent defense practices in October 2023. The report made recommendations concerning the local procedures for requesting counsel at Article 15.17 hearings and the timeliness of appointments of counsel in misdemeanor and felony cases.

Current Review

TIDC's policy monitoring rules require follow-up reviews where the report includes noncompliance findings.³ Staff members Cody Huffman, Joel Lieurance, and Kenitra Brown conducted a follow-up review of Kaufman County, with site visits on May 18 – 20, 2026. TIDC examined whether Kaufman County successfully addressed the findings and recommendations from the October 2023 report. TIDC examined misdemeanor and felony case files to check for timeliness of appointments and observed Article 15.17 hearings, as well as misdemeanor and felony dockets.

¹ TEX. GOV'T CODE § 79.037(a)–(b).

² TEX. ADMIN. CODE § 174.28.

³ TEX. ADMIN. CODE § 174.28(d)(3)

Table 1: History of Monitoring Findings

FDA Core Requirement	Description and Initial Year of Finding	Status After 2026 Review	
		Satisfied	Pending
1. Prompt & Accurate Magistrate Proceedings	Article 15.17(e) - whether magistrates are recording defendants' request for appointed counsel. (2023)	✓ (2026)	
1. Prompt & Accurate Magistrate Proceedings	Article 15.17(a) - ensuring reasonable assistance is provided to defendants to complete required paperwork. (2023)	✓ (2026)	
1. Prompt & Accurate Magistrate Proceedings	Article 15.17 - sending counsel request documents to the appointing authority within 24 hours of the request. (2023)	✓ (2026)	
4. Appoint Counsel Promptly (felony cases)	Article 1.051(c)(2) - ruling on requests for counsel in felony cases within three working days to meet TIDC's threshold for timely appointments of counsel (90% timeliness). (2023)	✓ (2026)	
4. Appoint Counsel Promptly (misdemeanor cases)	Article 1.051(c)(2) - ruling on requests for counsel in misdemeanor cases within three working days to meet TIDC's threshold for timely appointments of counsel (90% timeliness). (2023)	✓ (2026)	

REQUIREMENT 1: CONDUCT PROMPT AND ACCURATE ARTICLE 15.17 PROCEEDINGS

Under Article 15.17 of the Code of Criminal Procedure, an arrested person must be brought before a magistrate within 48 hours.⁴ At this hearing, the magistrate must inform the person of the right to counsel, inform the person of the procedures for requesting counsel, and ensure the person has reasonable assistance in completing the necessary forms for requesting counsel.⁵ Magistrates must transmit those requests for counsel to the appointing authority within 24 hours.⁶ If a person is arrested on an out-of-county warrant, the magistrate must perform the same duties as if the person were arrested on an in-county warrant.⁷

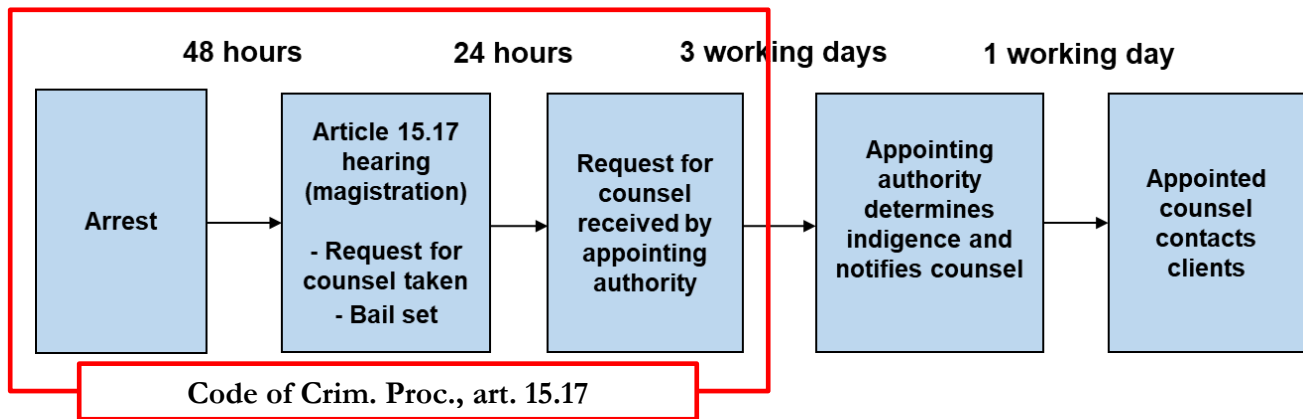
⁴ TEX. CODE CRIM. PROC. ART. 15.17(a).

⁵ TEX. CODE CRIM. PROC. ART. 15.17(a).

⁶ TEX. CODE CRIM. PROC. ART. 15.17(a).

⁷ TEX. CODE CRIM. PROC. ART. 15.18(a). A list of contacts to send out-of-county requests is available at: <http://tidc.tamu.edu/public.net/Reports/OutOfCountyArrestContacts.aspx>.

Figure 1a: Timeline for Appointment of Counsel in Adult Criminal Cases



Texas Judicial Council Monthly Court Activity Reports and the Ability of Arrestees to Request Counsel

Under Article 15.17 (a) and (e) of the Code of Criminal Procedure, the magistrate must ask the arrestee whether he or she would like to request counsel and make a record of the request. Justices of the Peace and municipal court judges are required to report monthly to the Office of Court Administration the number of Article 15.17 hearings conducted and the number of requests for counsel from these hearings. This data indicates that in FY2025, about 48% of misdemeanor arrestees and about 53% of felony arrestees requested counsel at Article 15.17 hearings.

Assistance with Counsel Requests and Their Transmission to the Courts

If an arrestee requests counsel, Article 15.17(a) requires that the magistrate ensures reasonable assistance in completing the paperwork necessary to request counsel. The request must then be transmitted to the appointing authority within 24 hours. Article 15.17(a) does not require the magistrate to personally assist with financial forms but places the responsibility on the magistrate to ensure that assistance is provided.

Local Practices for Conducting Magistrate Warnings & Transmitting Indigency Documents

In Kaufman County, defendants who are in jail are promptly brought before a magistrate. The magistrate makes probable cause determinations, sets bail, and explains that defendants have a right to counsel. If a defendant requests counsel and has not completed an indigence affidavit before the 15.17 warnings, the magistrate provides the defendant with a copy of the affidavit of indigence and tells the person that jail staff can help with completing the affidavit. The affidavit is then sent to the Indigent Defense Coordinators (IDCs) via email. If a defendant makes bond, they are provided with a letter informing them to contact the IDCs if they intend to apply for court-appointed counsel. If an incomplete affidavit is received from those who make bail, they will be denied and

will be contacted by the IDCs to see if they would like to reapply for a court-appointed attorney. If a defendant indicates that they would like to reapply, the IDCs will email over the application and will provide reasonable assistance to the defendant.

FINDINGS AND RECOMMENDATIONS FOR REQUIREMENT 1

Conduct Prompt and Accurate Magistration Proceedings

2023 FINDING 1: Article 15.17(e) of the Code of Criminal Procedure requires magistrates to ask and record whether each defendant requests counsel. Kaufman County magistrates must ask and record whether each defendant requests counsel. ***Successfully Addressed.***

2023 FINDING 2: At the Article 15.17 hearing, a magistrate must ensure the arrested person has reasonable assistance in completing the necessary forms for requesting counsel. The County must provide a method to ensure reasonable assistance in completing affidavits of indigence is provided at the time of the Article 15.17 hearing. ***Successfully Addressed.***

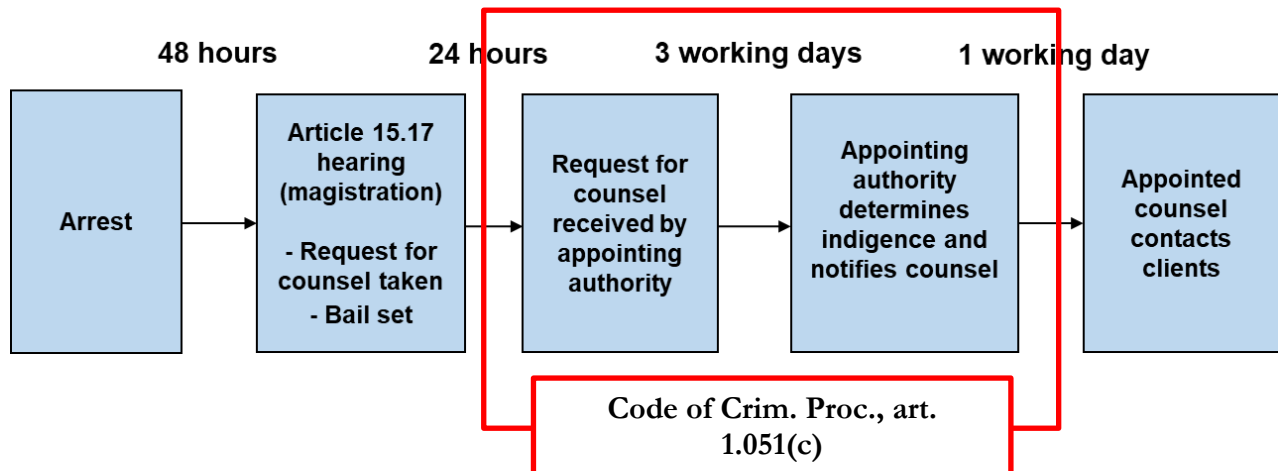
2023 FINDING 3: Article 15.17(a) requires requests for counsel and associated paperwork to be sent to the appointing authority within 24 hours of the request being made. The County must provide a method to ensure requests are sent to the appointing authority within 24 hours of the request. ***Successfully Addressed.***

REQUIREMENT 4: APPOINT COUNSEL PROMPTLY

Adult Cases

Under Article 1.051(c) of the Code of Criminal Procedure, courts in counties with a population under 250,000 must rule on a request for counsel within three working days of receiving the request.

Figure 1b: Timeline for Appointment of Counsel in Adult Criminal Cases



The first opportunity for most defendants to request counsel is at the Article 15.17 hearing, when a defendant appears before a magistrate and is informed of the charges against him or her. If a defendant makes bail before the Article 15.17 hearing (or is never brought before a magistrate), the defendant has the first opportunity to request counsel at the initial appearance in the trial court.

To assess the timeliness of local appointment procedures, TIDC examines case files and measures the time from counsel request until appointment of counsel or denial of indigence. TIDC examined cases filed in FY2025 (October 2024 – September 2025).

4.a. Timeliness of Appointment in Felony Cases

TIDC examined 121 sample felony cases filed in FY2025. From this sample, TIDC found 97 requests for counsel. Counsel was appointed in a timely manner in 99% of cases with a request for counsel, which meets TIDC’s 90% threshold. TIDC commends Kaufman County for its procedures that ensure timely presence of counsel in felony cases.

Table 4: Times to Appointment in Felony Cases

	Sample Size	Number from Sample	Percent
Number of case files examined in which TIDC could match magistrate warning forms	121		
Total cases with a counsel request		101	
Appointment/denial of indigence occurred in:			
0 workdays		60	
1 – 3 workdays + 24-hour transfer		40	
Total timely appointments/denials		100	99%
4 - 6 workdays + 24-hour transfer		0	
More than 6 workdays + 24-hour transfer		1	
No ruling on request		0	
Total untimely appointments/denials		1	1%

4.b. Timeliness of Appointments in Misdemeanor Cases

To assess the timeliness of Kaufman County’s current appointment procedures in misdemeanor cases, TIDC examined 121 misdemeanor cases filed in FY2025. From this sample, the monitor found 88 requests for counsel. Counsel was appointed in a timely manner in approximately 100% of cases with a request for counsel, which meets TIDC’s 90% threshold. TIDC commends Kaufman County for its procedures that ensure timely presence of counsel in misdemeanor cases.

Table 5: Times to Appointment in Misdemeanor Cases

	Sample Size	Number from Sample	Percent
Number of case files examined in which TIDC could match magistrate warning forms	121		
Total cases with a counsel request		88	
Appointment/denial of indigence occurred in:			
0 workdays		61	
1 – 3 workdays + 24-hour transfer		27	
Total timely appointments/denials		88	100%
4 - 6 workdays + 24-hour transfer		0	
More than 6 workdays + 24-hour transfer		0	
No ruling on request		0	
Total untimely appointments/denials		0	0%

FINDINGS AND RECOMMENDATIONS FOR REQUIREMENT 4

Appoint Counsel Promptly

2023 FINDING 4 (FELONY CASES): Kaufman County’s felony appointment process did not meet TIDC’s threshold for timely appointment of counsel (90% timely). Under Article 1.051(c)(2), district courts must rule on all requests for counsel within three working days. The County must implement practices that satisfy Article 1.051(c)(1)’s timeline. ***Successfully Addressed.***

2023 FINDING 5 (MISDEMEANOR CASES): Kaufman County’s misdemeanor appointment process did not meet TIDC’s threshold for timely appointment of counsel (90% timely). Under Article 1.051(c)(2), statutory county courts must rule on all requests for counsel within three working days. The County must implement practices that satisfy Article 1.051(c)(1)’s timeline. ***Successfully Addressed.***

Conclusion

TIDC thanks Kaufman County officials and staff for their assistance in completing this review. TIDC congratulates Kaufman County for addressing all past findings. Kaufman County does not need to respond to this report, as the review has been officially closed. TIDC commends Kaufman County officials for their commitment to improving their local indigent defense practices, and TIDC personnel (staff) remain available to provide any future technical assistance as needed by Kaufman County.