



## THE COUNTY OF CHAMBERS

ANAHUAC, TEXAS 77514

the office of  
**THE COUNTY JUDGE**  
**JIMMY SYLVIA**

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Joel Lieurance  
Texas Indigent Defense Commission  
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August 16, 2019

Re: Chambers County Action Plan (response to TIDC recommendations)

Mr. Lieurance:

The Chambers County officials responsible for and affected by the April 19<sup>th</sup> review have agreed to implement the following action plan, as pertains to each Finding contained in your report:

Finding 1 and Recommendation: per Article 15.17(e)(3) magistrates must record whether an arrestee requested counsel. Justices of the peace must mark whether each arrestee made a request or not.

**Response:** The Chambers County "Magistrate's Warning" has been amended to include a third option for the magistrate to mark when a defendant is "undecided" on the issue of whether to request court-appointed counsel, as well as a section for "notes" regarding the encounter (see attached "Magistrate's Warning"). Every magistrate will mark one of the three options, and fill in additional notes as warranted.

Finding 2 and Recommendation: per 1 Tex. Admin. Code 171.7, JP's are required to report requests for counsel as part of their Judicial Council Monthly Court Activity Reports. All JP's must create procedures to report this data.

**Response:** The Chambers County Justices of the Peace are committed to reporting as required. Internal, intra-magistrate issues may have led to the lack of data for the two courts that appear without any data. It is expected each Justice of the Peace will have the correlating data specific to their Court accurately reported in the future.

Finding 3 and Recommendation: Article 15.17(a) requires requests for counsel to be transmitted to the courts within 24 hours of the requests being made. Chambers County must ensure that whenever a request for counsel is made at the 15.17 hearing, the associated paperwork is sent to the courts within 24 hours of the request being made.

**Response:** Chambers County has implemented a secondary, duplicative transmission for the Court Appointed Attorney Request to the County Court within 24 hours. County employees will gather physical copies of the documents from the jail and deliver to the County Court during regular business days, in addition to an email or facsimile transmission from the office of the magistrates.

Finding 4 and Recommendation: Article 1.051©(1) requires the court (or its designee) to rule on all requests for counsel within 3 working days (plus 24 hours for transferring requests to the courts) of the request being made. The monitor's sample of misdemeanor cases fell below the Commission's 90% timely threshold for presuming a jurisdiction's appointment system ensures timely appointment of counsel. The County must implement practices that satisfy the appointment timeline in Article 1.051©(1)

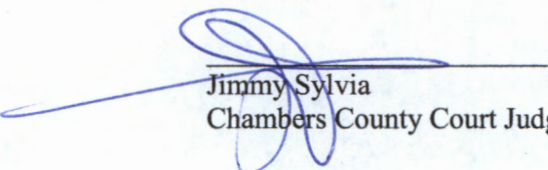
**Response:** The County Court has implemented a daily review of pending Court-appointed attorney requests, in conjunction with the duplicative transmission (physical and electronic) of those requests. It is expected that, with the increased transmissions, a decrease in the number of overlooked or unseen requests will follow.

Finding 5 and Recommendation: TIDC interviews, case file reviews, and court observation indicate that the attorney representing the state may be communicating with defendants who have requested the appointment of counsel when the court or its designee has not acted on the request. Chambers County should clarify whether it has processes in place to ensure compliance with Article 1.051(f-1).

**Response:** The County Attorney's Office has implemented additional safeguards to verify that individuals speaking with the prosecutors do not have pending or "open" requests for Court-appointed counsel which have not been ruled upon by the County Judge. Defendants will be asked prior to any conversation on their case, in addition to the current "do you have an attorney?", whether they have previously requested an attorney, and what the result of that request was. Individuals with open requests, or who indicate uncertainty, will be brought before the Court for clarification of their status and desire on how to proceed.

As always, if there are additional matters which Chambers County should address on this issue, or any other, please contact me.

Sincerely,



Jimmy Sylvia  
Chambers County Court Judge

# Magistrate's Warning

The State of Texas  
County of Chambers

Case No \_\_\_\_\_

Before me the undersigned magistrate of the State of Texas on this day personally appeared \_\_\_\_\_  
in the custody of \_\_\_\_\_, a peace officer,  
and said person was given the following warning by me:  Misdemeanor  Felony  State Jail Felony

- 1. You are charged with the offense of \_\_\_\_\_  
An affidavit charging you with the offense:  (HAS)  (HAS NOT) been filed in this court.
- 2. You have a right to hire an attorney to represent you.
- 3. You have the right to have your attorney present prior to and during any interview and questioning by peace officers or attorneys representing the state.
- 4. If you are indigent and cannot afford an attorney, you have the right to request appointment of an attorney. However, an attorney will not be appointed to you unless you are charged with a crime punishable by a term of incarceration. An attorney will not be provided for class C misdemeanors.
- 5. You have the right to remain silent.
- 6. You are not required to make a statement, and any statement you make can be used against you in court.
- 7. You have the right to stop any interview or questioning at any time.
- 8. You have the right to an examining trial.
- 9. **Additional Admonishment, if Family Violence Assault (Class C)**  
"If you are convicted of a misdemeanor offense involving violence where you are a spouse, former spouse, intimate partner, parent or guardian of the victim or were involved in another, similar relationship with the victim, it may be unlawful for you to possess or purchase a firearm, including a handgun or long gun, or ammunition, pursuant to federal law under 18. U.S.C. Sec. 922(g)(9) or Sec. 46.04(b), Texas Penal Code. If you have any questions whether these laws make it illegal for you to possess or purchase a firearm you should consult an attorney."

- YOUR BAIL IS SET AT \$ \_\_\_\_\_
  - Bail Not Determined
  - Bail is denied

X \_\_\_\_\_  
Signature of Person Warned

Date: \_\_\_\_\_, 20\_\_\_\_  
Time: \_\_\_\_\_ A.M / P.M.  
Place of warning: CHAMBERS COUNTY JAIL

Magistrate: Judge \_\_\_\_\_  
Title: \_\_\_\_\_

## REQUEST FOR COUNSEL

- DID request a court-appointed attorney
- DID NOT request a court-appointed attorney
- UNDECIDED

## For Class C Misdemeanor Only

I want to plead:  Guilty  Not Guilty  No Contest

Fine Amount \$ \_\_\_\_\_ (Total Fine and Costs)

X \_\_\_\_\_  
Signature of Person Entering Plea

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Witness: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Address: \_\_\_\_\_