

**Court Administration
Collin County, Texas**

April 15, 2013

Mr. Joel Lieurance
Policy Monitor
Texas Indigent Defense Commission
209 W. 14th Street, Room 202
Austin, TX 78701

Re: Collin County Site Visit Review

Dear Mr. Lieurance:

This letter is in response to the monitoring review and related recommendations for improvement to Collin County's Indigent Defense System.

Recommendation 1: Magistrates in Collin County must provide the warnings listed in Article 15.17(a) either in person or through an electronic broadcast system.

All arrestees not detained by the Frisco or Plano Police Departments receive their magistrate warnings at the Collin County Jail. The following changes to magistration procedures at the Collin County jail have been implemented:

- The jail's magistration courtroom has been reconfigured to allow magistrates to inform all inmates "in person" of their warnings pursuant to article 15.17(a) of the Code of Criminal Procedures
- The new design permits magistrates to talk to a group, thus eliminating the recorded magistration warning noted in the review.

Recommendation 2: Collin County must make a record of the magistrate asking whether the arrestee wants to request appointed counsel.

Collin County magistrates have implemented a process to ensure that a record is made of inquiries to all inmates of their intention to request a court appointed attorney.

Recommendation 3: Collin County must implement processes that ensure timely appointment of counsel in felony cases.

It has been the practice of Collin County District Courts to transfer appointment of counsel in felony cases to the assigned court once the case has been indicted. This differs from the process of immediate appointment by the Indigent Defense office in unindicted cases. The District Court Judges are currently reviewing the indigent defense appointment wheel and will implement the process of direct appointment of counsel by the Indigent Defense office in all cases, regardless of indictment status.

Recommendation 4: Collin County must implement processes that ensure timely appointment of counsel when there is a petition served on a juvenile who is out of custody.

The problem with the timeliness of the appointment of counsel for a child within five days of the filing of a petition is that the Court does not see the child or have any direct contact with the parent/guardian if the child is released from detention or the police agency files a case against him or her at large. When the child is released from detention, he/she might not be back to court for any request for court appointment until first appearance. The first appearance might be fourteen days past date of release. Therefore, the processes available for change are the contacts made with the juvenile probation department, which present the earliest opportunity for contact with the parents/guardians.

In accordance with the Commission's Recommendation 4, the juvenile court has implemented the following changes in response to the Commission's Monitoring Audit:

- Implemented procedures with the Juvenile Probation Department wherein the Juvenile Probation Court Liaison Officer offers the parents/guardians a form entitled *Indigence Acknowledgement Form* (attached), in which the parent indicates by check box:
 - a) I will hire an attorney for my child, or
 - b) I am requesting a court appointed attorney, or
 - c) I have hired _____ as attorney for my child.
- If the family is requesting a court appointed attorney, they immediately complete an *Affidavit of Indigence*, which is sent back to the Court with the Referee Recommendation. The court officer immediately sends the affidavit to the Indigent Defense Coordinator for the county to determine eligibility.

We have also changed the process of the child's intake with the juvenile probation department:

- After the District Attorney files a petition, or if the child is detained before that, the probation department undertakes a Pre-Disposition Report for every child.
- We now include providing the family with our *Indigence Acknowledgement Form* along with the interview.

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- If the family endorses the check box that indicates they are requesting a court appointed attorney, they are given an *Affidavit of Indigence* to complete.
- The affidavit is forwarded to the court by the juvenile probation officer designated as the court liaison officer.
- The juvenile court officer then sends the affidavit for processing with the indigent defense coordinator who appoints an attorney for those eligible according to the poverty guidelines.

The Courts of Collin County are dedicated to ensuring compliance with the Fair Defense Act and will provide additional information if requested.

Best regards,



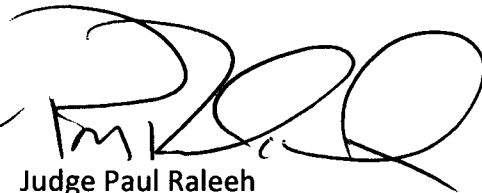
Judge John R. Roach, Jr.
Local Administrative Judge
296th Judicial District Court



Judge Corrine Mason
Local Administrative Statutory Judge
County Court-at-Law #1



Judge Cynthia Wheless
Chair, Juvenile Board
417th Judicial District Court



Judge Paul Raleeh
Local Administrative JP Judge
Justice of the Peace Court #1

Enclosures

cc: The Honorable Keith Self, Collin County Judge
Mr. Jeffrey May, Collin County Auditor
Ms. Janna M. Benson-Caponera, Grants and Payroll Manager
Ms. Tracye Sparks, Indigent Defense Coordinator
Mr. James D. Bethke, Director, Texas Indigent Defense Commission

INDIGENCE ACKNOWLEDGEMENT FORM

CAUSE NUMBER

CHILD'S NAME

My Child is (please circle one) in Juvenile Detention Living W/Relative Living at home Placement

Legal Name of Parent _____

Applicant's Home Address _____

City, State, Zip _____

Home Phone _____ Cell Phone _____

Parent Email Address _____



- I will hire an attorney for my child
- I am requesting a court appointed attorney
- I have hired _____ as attorney for my child.

Other: _____

Parents Signature: _____ Date: _____

Rick Willey

From: Rick Willey
Sent: Monday, April 08, 2013 8:45 AM
To: STEPHEN MILLER
Cc: Rick Willey
Subject: 417-70113-2012 S. Miller

Judge Wheless has appointed you to [REDACTED]. The Juvenile is currently detained. The Juvenile's next detention hearing is on 4/8/2013.

The screenshot shows the Odyssey Case Manager interface. On the left is a navigation menu with options like 'Case Manager Home', 'Searches', 'Add a Case', 'Protection Orders', 'Court Administration', 'Fees & Finances', 'Bonds', 'Warrants', 'Forms & Documents', 'List Manager', and 'Group'. The main area displays case information for '417-70133-2012'. The case title is 'BURGLARY OF HABITATION (F2)' with a date of '03/12/2012' and a disposition of '610 Adju'. The lead attorney is 'Miller, Stephen H.' appointed on '04/08/2013'. The status is 'Disposed', filed on '04/30/2012', and the type is 'Juvenile Delinquent C'. The court unit is '417th District Court' and the judicial officer is 'Wheless, Cynthia'. The financial balance is '0.00'. Below this is a table of case events:

Date	Description	Statistical Closure	Delinquent True
06/21/2012	Statistical closure	06/21/2012	True
06/21/2012	case file	Closed	
06/21/2012	flags & actions due		
06/21/2012	related cases	417-20237-2012	

The bottom right corner of the screenshot shows the date and time: '4/8/2013 8:44am'.

§ COURT APPOINTMENTS - IN ACCORDANCE WITH THE TEXAS FAIR DEFENSE ACT, PLEASE CONTACT YOUR CLIENT PRIOR TO THE NEXT COURT SETTING. IF YOUR CLIENT IS IN JUVENILE DETENTION YOU MUST VISIT YOUR CLIENT WITHIN 24 HOURS OF THE APPOINTMENT. PLEASE RESPOND TO THIS EMAIL TO CONFIRM RECEIPT.

RICK C. WILLEY

COURT OFFICER

417TH DISTRICT COURT

2100 BLOOMDALE ROAD

MCKINNEY, TX 75071

972-548-4685 OFFICE

972-548-4298 FAX

NOTE: All email correspondence relating to pending cases will be filed with the District Clerk for inclusion in the record of the case. Any communication to the Court or staff via email must comply with rules 21 and 21a, T.R.C.P., and to do so by the fastest means available to the other affected parties or counsel. The provisions of Canon 3B.(8) of the Code of Judicial Conduct should be carefully reviewed before any person connected with a case attempts any communication with the judge or court personnel.