

Erath County Judge

TAB THOMPSON



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Micki Bell
Court Administrator

April 20, 2012

Texas Indigent Defense Commission
P.O. Box 12066
Austin, Texas 78711-2066

Re: Site visit

Dear Mr. Lieurance,

In regard to your recent report detailing your Review of Erath county's Indigent Defense System on September 6-9, 2011, a meeting held by myself, the District Judge, the County Court at Law Judge and the Justices of the Peace. This group has adopted and will implement the following procedures and processes in compliance with the five recommendations in your review report:

RECOMMENDATION NO. 1: "Erath County must implement to ensure that arrestees are given assistance in completing necessary forms for requesting counsel at the time of magistration and must then forward these requests to the appointing authority within 24 hours of the request being made."

RESPONSE:

Affidavit of Indigence and Request for Court Appointed Attorney forms will be available in the office of all magistrates and at the jail at all times. If an arrestee requests a court appointed attorney at the time of magistration, the affidavit and request form will be provided to the arrestee for completion, and assistance in completing the form will be provided if requested. The magistrate will make the appointment of requested counsel at that time or forward the completed form to the appropriate court on that day or within 24 hours for appointment of an attorney.

RECOMMENDATION NO. 2: "Erath County must implement procedures to accept and transmit requests for counsel for persons arrested on out-of-county warrants."

RESPONSE:

At the time of magistration of an arrestee on an out-of-county warrant, if the arrestee requests a court appointed attorney, an Affidavit of Indigency and Request for Court Appointed Attorney form will be provided to the arrestee for completion, with assistance in completion of the form provided if requested. The completed form will then be immediately faxed to the warrant issuing authority in the other county for appointment of an attorney in that county.

RECOMMENDATION NO. 3: “Erath County must implement procedures to maintain documentation showing that attorneys on the adult appointment lists met their minimum CLE requirements and attorneys on the juvenile appointment list met their minimum CLE requirements.”

RESPONSE:

The District and County Court at Law Judges will send letters to all attorneys requesting to be on the court appointed attorney list for adult or juvenile appointments, requiring them to file written proof of compliance with minimum CLE requirements before initial appointment and thereafter on December 31st of each year. The documentation of compliance will be maintained in the office of the respective courts where appointments are made and will be available during normal office hours for public review.

RECOMMENDATION NO. 4: “Erath County must implement processes that ensure timely appointment of counsel in felony cases.”

RESPONSE:

Timely appointments of counsel in felony cases will be ensured by implementation of the procedure adapted in response to Recommendation No. 1, above. If a request for court appointed counsel is not made prior to appearing before the District Court for arraignment, then a request form will be provided to the indicted individual at that time, and counsel appointed immediately if the defendant establishes indigency.

RECOMMENDATION NO. 5: “Erath County must implement processes that ensure timely appointment of counsel for juveniles when there is a detention hearing and there is a decision to detain the juvenile.”

RESPONSE:

If a juvenile is detained and does not have an attorney, an attorney will be appointed at that time or within 24 hours. In accordance with the Juvenile Justice Code, if a de novo detention hearing is requested after appointment of counsel, such hearing will be granted.

Thank you for your help with these matters. If we can be of any help to you, please do not hesitate to call our office 254 965-1452.

Respectfully,

A handwritten signature in black ink that reads "Tab Thompson". The signature is written in a cursive style and is followed by a long horizontal line that extends to the right.

Tab Thompson
Erath County Judge