



Aurelio Guerra, Jr.
Willacy County Judge

576 W. Main Ave, Raymondville, Texas 78580

December 13, 2023

Texas Indigent Defense Commission
209 W. 14th Street, Room 202 (Price Daniel Building)
Austin, Texas 78701

To Whom It May Concern,

Willacy County has completed a review of its Indigent Defense System Policy Monitoring Report and acknowledges the two findings provided below.

Core Requirement 1. Conduct Prompt and Accurate Article 15.17 proceedings.

2023 Finding 1 and Recommendation: Article 15.17(a) requires that financial information be gathered contemporaneously with magistrate warnings. A method to gather financial information from defendants must be put in place so this information is gathered contemporaneously with, or immediately after, the Article 15.17 hearing. *New Finding*

Core Requirement 4. Appoint Counsel Promptly.

2023 Finding 2 and Recommendation: Article 1.051(c)(1) requires the court (or its designee) to rule on all requests for counsel within three working days (plus 24 hours for transferring requests) of the request being made. TIDC's samples of felony and misdemeanor cases fell below TIDC's 90% timeliness threshold. Willacy County must put in place procedures to ensure timely determinations of indigence in felony and misdemeanor cases. *Issue Pending.*

Willacy County wishes to respond to the report by submitting a written action plan.

Written Action Plan on Findings

Response to Finding 1

Financial affidavits will be provided to defendants prior to the Article 15.17 hearing (magistration). All counsel requests will be noted on the magistrate warning form. Magistrates will explain that persons requesting counsel must complete the financial affidavit. After the hearing, all affidavits will be collected prior to defendants going back to

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their cells. On each business day, TRLA staff will collect copies of magistrate warning forms and affidavits from requesting defendants. Current practices for sending magistrate warning forms to the County and District Clerks will be maintained.

On each business day, TRLA staff will attempt to conduct a financial screening interview with defendants who are still in custody but did not complete the financial affidavit. If a defendant is no longer in custody, and the affidavit is not completed, TRLA staff will note that the request is denied and the date that the affidavit was collected. These defendants can still request counsel at a later time, either in court or by contacting TRLA.

Response to Finding 2

TRLA staff will collect affidavits of indigence on each business day and will rule on all counsel requests within 24 hours. Defendants who did not complete affidavits of indigence may request counsel at a later time. An order appointing counsel will be generated and dated for persons who qualify as indigent. These orders will be forwarded to the County and District Clerks and will be maintained in criminal case files.

We appreciate your time and consideration on this matter.

Sincerely,



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