



**Judge Kelley T. Kimble
District Judge
38th Judicial District Court**

TIDC team,

First, I would like to thank your staff that visited Uvalde to conduct the audit. They were professional, friendly and supportive. The findings of the report align with our current goals and purpose, while also recognizing some opportunities our team can take ownership on. We did a deep dive on the findings, and provided some responses on how we can integrate these ideas into a more seamless workflow.

FINDING 1 AND RECOMMENDATION:

At the Article 15.17 hearing, a magistrate must ensure arrested persons have 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.

RESPONSE:

We have identified two methods of addressing this item and will implement both as a check and balance to make sure that we are assisting all defendants with their right to counsel. First, we will provide the Indigent Application (in Spanish and English) in the magistration room at the jail. The JPs will inquire to determine if the defendants require assistance. The paper applications will be gathered by jail staff and will be held for pickup by the IDC department. Second, the IDC staff will interview every felony defendant to go over/correct/explain the application and appoint counsel in a timely matter. Currently, IDC staff operates M-F and rotates in the event of a holiday. Saturday and Sunday magistrations are picked up on Monday morning.

FINDING 2 AND RECOMMENDATION:

Article 15.17(a) requires requests for counsel and associated paperwork be sent to the appointing authority within 24 hours of the request being made. The County must provide a consistent and reliable process to ensure requests are sent to the appointing authority within 24 hours of the request.

RESPONSE:

The idea of a shared folder was created to provide a central place for delivery of all magistration forms. As we discovered in the audit process, jail personnel were instructed to utilize the shared folder which resulted in delayed data input. To address

this, a meeting was held with the JPs and the IDC department wherein the JPs agreed to be personally responsible for uploading the completed magistrations forms on weekends and holidays. IDC staff will continue to interview all new defendants daily. IDC staff interviews all new defendants brought in over the weekend on Monday morning and makes appointments the same day to ensure meeting the deadline for timely appointment of counsel.

FINDING 3 AND RECOMMENDATION:

1 TEX. ADMIN. CODE §§ 174.1–4 requires that, as a condition of being eligible for an appointment list, attorneys must obtain at least six criminal or juvenile law CLE hours or be Board Certified in criminal or juvenile law. The County must keep records to ensure that all attorneys on its appointment lists meet the annual CLE requirement.

RESPONSE:

Immediately after the audit was conducted, the IDC department updated their records for this requirement. It has now been completed and will be maintained.

FINDING 4 (FELONY CASES) AND RECOMMENDATION:

Uvalde County's felony appointment process did not meet TIDC's threshold for timely appointment of counsel (90% timely). Under Article 1.051(c)(1), the District Court must rule on all requests for counsel within three working days. The County must implement practices that satisfy Article 1051(c)(1)'s timeline.

RESPONSE:

This requirement has largely solved itself due to the fact that DPS is no longer transporting our defendants to the Central Processing Center in Val Verde County and thus Defendants are not being transported to out of County facilities without our knowledge. Again, IDC personnel interview every new felony defendant M-F. See Response to Finding 2 for detailed explanation.

FINDING 5, 6 AND 7:

Pertain to the County Court. As you know, we do not currently have a County Judge. We have a citizen that has been installed as an Acting County Judge for administrative purposes and visiting judges handling County Court. In the aforementioned meeting with the JPs, they have agreed to ensure that the County Court Coordinator has access to the Shared Folder. She can access the magistrations forms there. It is my understanding that she does not currently interview anyone at the jail. Additionally, I have consulted with both candidates for County Judge and have received their blessing to apply for the TIDC grant to hire an IDC person for misdemeanors and juvenile proceedings.

FINDING 8 AND RECOMMENDATION:

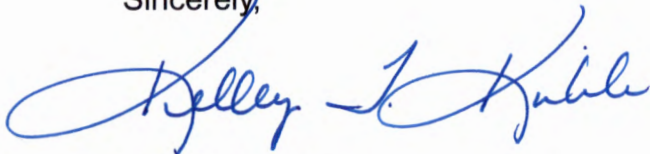
Under Title 1 Tex. Admin. Code § 171.7, justice courts must submit to OCA monthly reports documenting the number of magistrate warnings conducted and the number of those persons who request counsel. The justice courts must put in place methods to capture and report both elements in their Judicial Council Monthly Court Activity Reports.

RESPONSE:

In our working session with the JPs, two of the courts identified errors in their current reporting process through LGS. We have key players at LGS that we have utilized to identify the misrepresentation of data entered, so we can work together to create timely and accurate reports. With respect to the court with no numbers reported, the Justice in that court experienced multiple health problems which he eventually succumbed to while in office.

Again, thank you to TIDC staff for helping us to identify some of our deficiencies. I look forward to your next audit to show how much improvement we've made. Please don't hesitate to reach out if you have any questions, concerns or need any further information with respect to the responses above.

Sincerely,



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