

**STARR COUNTY
TIDC REVIEW SUMMARY AND RESPONSE**

REQUIREMENT 1

**CONDUCT PROMPT AND ACCURATE MAGISTRATION
PROCEEDINGS**

TIDC FINDINGS:

FINDING 1:

Magistrates do not always ask and record whether defendants wish to request appointed counsel. As required by Article 15.17(e), magistrates must ask and record whether defendants want to request counsel. To facilitate this, the County should adopt a common form for all magistrates to use.

RESPONSE:

Forailable charges, magistrates will ask and record whether each defendant wishes to request appointed counsel. Justices of the Peace were advised of this requirement during a meeting held on January 15, 2026, and a follow-up email was also sent. The County will adopt a common form for all magistrates to use.

FINDING 2:

Counsel requests made at the Article 15.17 hearing are not sent to the trial courts within 24 hours of the request being made. As required by Article 15.17(a), the County must provide a method to ensure all counsel requests are sent to the appointing authority (trial courts) within 24 hours of the request being made.

RESPONSE:

If a defendant requests counsel, the magistrate shall ensure the Affidavit of Indigence is promptly completed and electronically transmitted to the District Court. If a defendant has both a felony and a misdemeanor charge, the District Court will appoint counsel on the felony charge, and the misdemeanor will be sent to the County Court at Law for appointment of counsel.

The Justices of the Peace were advised of this procedure, and that all magistrate forms must be emailed to the District Court at cmagistrate@co.starr.tx.us.

FINDING 3:

The Starr County Adult Indigent Defense Plan has adopted a standard magistrate warning form, but several magistrates do not use this form. Magistrates must use the adopted magistrate warning form.

RESPONSE:

Each magistrate will use the Magistrate Warning Form adopted under the Indigent Defense Plan. The Justices of the Peace have been provided a link via email to access all required forms.

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FINDING 4:

The Starr County trial courts do not appear to use the adopted affidavit of indigence. The courts must use the adopted form.

RESPONSE:

All judges will use the affidavit of indigence adopted in the indigent defense plan.

FINDING 5:

Some courts did not submit monthly court reports to OCA. Others did not submit accurate magistrate data totals. Justices of the peace and municipal courts in Starr County must create procedures to submit monthly reports to OCA. As part of the report, courts must submit the number of persons receiving magistrate warnings and the number of persons requesting counsel.

RESPONSE:

Each justice of the peace and municipal judge is checking and will continue to check and ensure procedures are in place to accurately assure the submitting the number of counsel requests to OCA each month.

REQUIREMENT 4 APPOINT COUNSEL PROMPTLY

FINDING 6: (FELONY CASES)

Starr 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 court or its designee must appoint counsel within three working days. The County must implement practices that satisfy Article 1.051(c)(1)'s timeline

RESPONSE:

The District Courts will promptly rule on all counsel requests received.

FINDING 7: (MISDEMEANOR CASES)

Starr County's misdemeanor appointment process did not meet TIDC's threshold for timely appointment of counsel (90% timely). Under Article 1.051(c)(1), the court or its designee must appoint counsel within three working days. The County must implement practices that satisfy Article 1.051(c)(1)'s timeline.

The County Court at Law will promptly rule on all counsel requests received.

RESPONSE:

County Court will promptly rule on all Counsel request received.

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FINDING 8: (MISDEMEANOR CASES)

Unrepresented defendants were directed to speak with the prosecutor before the court explained the procedures for requesting counsel. As required by Article 1.051(f-2), the court must first explain the procedures for requesting counsel, rule on any pending request, and allow the defendant to waive counsel for purposes of speaking with the prosecutor.

RESPONSE:

The County Court will use an arraignment check-in sheet that explains how to request counsel and will ask defendants to mark whether they would like to request counsel. This sheet will be used before defendants can speak with the prosecutor. The sheet is based on TIDC's model waiver to speak with a prosecutor

FINDING 9: (MISDEMEANOR CASES)

The uncounseled plea waiver does not closely match Article 1.051(g). The County must use language that substantially conforms to Article 1.051(g).

RESPONSE:

Before accepting an uncounseled plea, the defendant will sign a waiver of counsel that corresponds to the language of Article 1.051(g).