



**Dan Hicks**  
County Judge  
Scurry County, Texas

April 10, 2023

Mr. Joel Lieurance  
Senior Policy Monitor  
Texas Indigent Defense Commission  
Austin, Texas 78701

Re: Monitoring Review

Mr. Lieurance,

Thank you for the comments on Scurry County's indigent defense program and processes. After the 2019 review, we implemented sweeping changes to improve our processes and assumed we would be in compliance. However, we see where there is room for improvement and have begun to take corrective actions in the areas you mentioned.

There were three areas we were deficient in according to your report.

1. Prompt Magistration-Requests for counsel made at the Article 15.17 hearing are not always transmitted to the trial court within 24 hours of the request being made.
2. Prompt Appointment-The timeliness of misdemeanor counsel appointments does not meet TIDC's administrative threshold (90% of sample cases receive timely rulings). Under Article 1.051, counsel must be appointed within three working days (plus 24 hours allowed for transferring requests to the courts) of the request being made. (TIDC sampling showed Scurry County at 30%)
3. Prompt Magistration-Requests for counsel are not always ruled upon prior to a waiver of counsel (as required by Article 1.051(f-2)).

As far as we can tell, most of the issues listed stem from, as you pointed out to Judge Webb, Article 15.17(a) which states: The magistrate shall ensure that reasonable assistance in completing the necessary forms for requesting appointment of counsel is provided to the person *at the same time*. (emphasis mine)

It has been difficult to get assistance in filling out the Affidavit of Indigence at the same time as magistration. Generally, the Justices of the Peace who perform the magistration have not had the time required to assist in completing the affidavit as they have other duties that require their attention as well.

We've had, in the past, someone who could go at a later time to assist with Felony applications. This assistance would sometimes take 2 or 3 hours of that person's time when they have duties elsewhere pertaining to court cases. As you know, court schedules must be maintained and the person who assisted was required in court proceedings. This process is no longer viable.

A meeting with the District Judge, Sheriff and jail staff, District Attorney, County Attorney, Justices of the Peace and myself was had to try to come up with a solution.

In the future, Magistrates for Scurry County will provide assistance to the defendant who requests court appointed counsel in completing the affidavit of indigence, at the time of magistration. We believe this will raise the timeliness of misdemeanor counsel appointments to the TIDC administrative threshold of 90% or higher.

The Affidavit of Indigence and Magistration form will be left with Scurry County Jail staff who will email it to the appropriate court within 24 hours of Magistration.

We believe this process, although on paper is simple but will require taking many hours away from other duties the magistrate performs, will resolve the three issues listed in the TIDC findings.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dan Hicks", written in a cursive style.

Dan Hicks  
Scurry County Judge