

Board Resolutions of the Kaufman County Indigent Defense Board to Findings of the Texas Indigent Defense Commission Audit

At a regular meeting of the Kaufman County Indigent Defense Board Meeting on October 31, 2023, the following resolutions were discussed and approved:

A. Based on the Findings of the Texas Indigent Defense Commission audit conducted earlier this year, the Board resolves that certain modifications to our current indigent defense procedures are necessary. Specifically, the Board makes the following resolutions:


1. Resolution to Finding 1: All magistrates will ask each defendant at the time of magistration if the defendant is requesting a court appointed attorney. The magistrate will then record the defendant's answer by circling yes or no on the Magistration Sheet.
2. Resolution to Finding 2: When a defendant is booked into the jail, the defendant will be given an application for a court appointed attorney and either jail staff or the magistrate will aid the defendant with filling out the Court Appointed Attorney Application, if it is requested or deemed necessary.
3. Resolution to Finding 3: After magistration, the jail staff will take the Magistration Sheets and Application for a Court Appointed Attorney and email them to the Indigent Defense Coordinator(s) within 24 hours of the magistration hearing.
4. Resolution to Finding 4 (Felony cases): In all Felony cases, the Application for a Court Appointed Attorney and the Magistrate Sheets marked yes requesting appointment, will be processed and judged in accordance with the timeline delineated in Article 1.051(c)(2) of the Texas Code of Criminal Procedure.
5. Resolution to Finding 5 (Misdemeanor cases): In all Misdemeanor cases, the Application for a Court Appointed Attorney and the Magistrate Sheets marked yes requesting appointment, will be processed and judged in accordance with the timeline delineated in Article 1.051(c)(2) of the Texas Code of Criminal Procedure.

B. Kaufman County Timeline and Procedures for the Court Appointment of Attorneys based on Indigency:

1. Defendant is booked into jail.
2. Jail staff hands an application for a Court appointed attorney to each defendant. The jail staff will answer any questions the defendant may have. If the jail staff does not know the answer, then the Defendant will be advised to ask the magistrate for assistance. When the application has been completed, it will be placed in a folder for magistration.
3. When the magistrate arrives, defendants are brought to magistration.
4. The magistrate will read the question "Do you request the appointment of an attorney?" The defendant must answer the question with either a yes or a no answer.
5. The magistrate will circle yes or no depending on the answer given.

6. Once magistration has been completed, the jail staff will email the Magistrate Sheets and the Applications for a Court Appointed Attorney to the Indigent Defense Coordinator(s) within 24 hours of magistration, regardless of holidays or weekends.
7. Once the Magistration Sheets and the Application for a Court Appointed Attorney are submitted, the Indigent Defense Coordinator processes them by determining if the applicant meets previously set standards for indigent appointments. Once a determination has been made within the statutory guidelines, the defendant is either appointed an attorney or the application is denied.

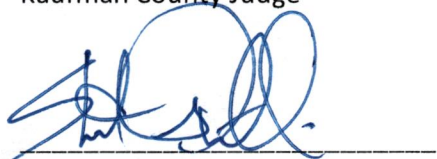
The above resolutions are approved by the following members of the Kaufman County Indigent Defense Board on 29 day of November, 2023:



Judge Jackie Allen,
Kaufman County Judge



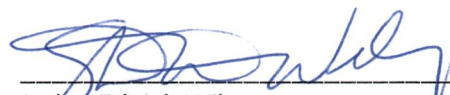
Judge Casey Blair,
86th District Court



Skeet Phillips,
Kaufman County Commissioner, Pct. 2



Judge Shelton Gibbs,
422nd District Court



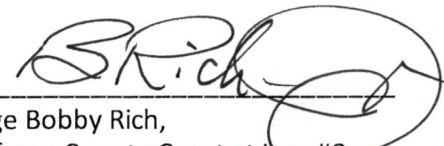
Judge Erleigh Wiley,
Kaufman County District Attorney



Judge Tracy Gray,
Kaufman County Court at Law



Andrew Jordan,
Kaufman County Public Defender



Judge Bobby Rich,
Kaufman County Court at Law #2



Taryn Davis,
Attorney Representative Board Member