



ONE NINETY SEVENTH JUDICIAL DISTRICT COURT  
STATE OF TEXAS

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Tuesday, January 02, 2018

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

RE: Proposed Response to TIDC Recommendations Made after October 2017 Visit

After conducting a visit to Willacy County in October of this year, TIDC made the following recommendations regarding prompt magistration and appointment of counsel:

Follow-up Recommendation 1: In accordance with Article 15.17(e), all magistrate warnings must contain a record as to whether the arrestee is requesting counsel.

Follow-up Recommendation 2: The County must ensure that statutory time frames for determining indigence and appointing counsel are met. One method for ensuring these time frames are met would be to create a system in which bonded arrestees could complete their financial application by either an in-person or call-in interview with TRLA staff.

Proposed solution for Follow-Up Recommendation 1:

The magistrate forms that have been used by the justice and municipal courts in Willacy County since the meeting in 2013 have been compliant in form with the requirements of Article 15.17 (e) Texas Rules of Criminal Procedure. There may have been some slacking in the consistency of getting the magistrate forms distributed to the clerks, prosecutor's office, and Public Defender's office since the changes in sitting judges and jurisdictions. This should be easily remedied by a visit with the magistrate judges offering a reminder of the procedure. This could be included with a meeting about managing the issue in recommendation number 2.

#### Proposed Solution for Follow-Up Recommendation 2:

Occasionally a person that has requested a court appointed attorney in the magistrate form will be released on a personal recognizance bond or make an affordable bond before being interviewed in the jail by the public defender investigator. Heretofore, that person often would not be interviewed until appearing for arraignment after having been charged by information, complaint, or indictment. This left a time gap unaccounted for between the time of magistrate's hearing and appointment of counsel. That gap would appear to be in violation of the obligation to timely qualify an applicant for a court appointed attorney where requested, and appoint counsel.

The public defender office will compose and publish a Notice to Applicants that application for a court appointed attorney must be completed within 48 hours of having received the magistrate's admonition and a bond having been set. If the applicant is released before being interviewed by a TRLA investigator in the jail, he or she should contact the investigator by telephone or in person. If the applicant fails to contact the TRLA investigator and complete the application interview, his or her application included on the magistrate form will be rejected. However, the application can be renewed later if the applicant is charged and ordered to appear in county or district court for arraignment.

The Notice will include prominent display of the address and contact information for the TRLA investigator.

The Notice will be copied for distribution. Copies will be placed in the jail, in the magistrate judges' offices, and in the bail bond company offices. Along with the notice, business cards for the TRLA investigator will be included.

If an applicant is released before being interviewed at the jail and does not complete the application, the TRLA public defender office will issue a document to the magistrate court indicating that the application is rejected as not timely completed. This document will follow the magistrate form throughout the management of the case. IN that way there will not be any unexplained gap between magistration and appointment of counsel where a person has requested a court appointed attorney during the magistrate's hearing.

Include with this correspondence is a proposed draft of the Notice above-described. If this solution in response to the recommendations of the Texas Indigent Defense Commission is acceptable, then TRLA will go forward with copying and delivering the Notices and the business cards for the TRLA investigator.

Sincerely,



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Migdalia Lopez  
Presiding Judge  
197<sup>TH</sup> District Court  
Willacy County, Texas

**Willacy County Public Defender, Texas RioGrande Legal Aid, Inc.  
308 East Harrison Avenue, Harlingen, TX 78550  
Telephone (956) 364-3810 Fax (956) 423-2674**

**NOTICE TO PERSONS REQUESTING A COURT APPOINTED ATTORNEY**

You must complete an interview with the TRLA investigator in order to qualify for a court appointed attorney. If you are being released from jail before being interviewed by the investigator, you must contact the investigator and complete the interview by telephone or in person within 48 hours of having been released. The TRLA investigator is Angelita Garcia. Her office telephone number is (956) 364-3810. If you do not do this, your application for a court appointed attorney will be rejected as incomplete. You may renew a request for a court appointed attorney at a later date.

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Hay que completar una entrevista con el investigador de TRLA para calificar para un abogado designado por el tribunal. Si sale de la cárcel antes de la entrevista por la investigadora, debe comunicarse con la investigadora y completar la entrevista por teléfono o en persona dentro de las 48 horas después de su liberación. La investigadora de TRLA se llama a Sra. Angelita Garcia. El número de teléfono de su oficina es (956) 364-3810. Si no hace esto, su solicitud para un abogado designado por el tribunal será rechazada como incompleta. Puede renovar una solicitud de un abogado designado por el tribunal en una fecha adelante.