

THE DISTRICT COURT ADMINISTRATION'S RESPONSE TO TIDC 2025 FOLLOW-UP MONITORING REVIEW OF GALVESTON COUNTY'S INDIGENT DEFENSE SYSTEMS

Galveston County's 2025 Review by Texas Indigent Defense Commission

REQUIREMENT 4: APPOINT COUNSEL PROMPTLY.

2025 FINDING 2 AND RECOMMENDATION (felony cases): Article 1.051(c)(1) requires the court, or the court's designee, to rule on all requests for counsel within one working day (plus 24 hours for transferring requests to the courts) of the request being made. The monitor's sample of attorney appointments in felony cases fell below TIDC's 90% timely threshold for presuming a jurisdiction's appointment system ensures timely appointment of counsel. The County must implement practices that satisfy timelines in felony cases pursuant to Article 1.051(c)(1).

The following response is addressing issues related to five (5) District Courts (felony cases) of Galveston County. The Response is as follows:

D. Case Appointments

1. District Courts

a. Individual Case Appointment

When an indigent defendant appears before a District Judge and requests appointment of an attorney, or when the District Judge receives a request for appointment of an attorney from a defendant who has been determined by the Judge or a Magistrate to be indigent, the Judge shall immediately appoint an attorney from the Master List whose placement on the Graduated List qualifies that attorney to represent the defendant for which the defendant is currently charged or from the Felony Mental Health Attorney Wheel if applicable.

If not appointing an attorney from the Felony Mental Health Attorney Wheel, the District Judge shall appoint an attorney from the first five names on the Master List of those qualified to represent defendants at the level of offense involved. An attorney may not be bypassed for appointment more than two times on the Master List unless the District Judge finds, in writing, that a conflict of interest exists or that good cause exists for bypassing the attorney.

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GALVESTON COUNTY'S INDIGENT DEFENSE SYSTEM

The following are the responses of County Court Administration relating to the Commission's one remaining issue regarding the three Galveston County Courts at Law.

REQUIREMENT 2: DETERMINE INDIGENCE ACCORDING TO STANDARDS DIRECTED BY THE INDIGENCE PLAN.

Resolution:

Defendants will be considered indigent if:

- (1) they are currently serving a sentence in a correctional institution,
- (2) or are currently held in custody,
- (3) or are currently residing in a public mental health facility or are subjects of proceedings in which such commitment is sought,
- (4) or are found to fall under the Financial Standards for Determining Indigence as set forth under part III, No.2 of the current Galveston County Plan of the Texas Fair Defense Act as amended September 26, 2024 with particular emphasis on No.2 (b) regarding eligibility to receive food stamps, Medicaid, Temporary Assistance for Needy Families, Supplemental Security Income or public housing.