



DAVID G. ROGERS
142ND Judicial District Court
Midland County Courthouse
500 North Loraine Street, Suite 1000
Midland, Texas 79701



E*Lois Strong, Court Coordinator
Melissa Crooks, Official Reporter
Alan Kilgore, Bailiff

Telephone: 432.688.4375
Facsimile: 432.688.4923

September 1, 2023

Via email: jlieurance@tidc.texas.gov
Joel Lieurance
Senior Policy Manager
Texas Indigent Defense Commission

RE: Texas Indigent Defense Commission – Fiscal and Policy monitoring report

Dear Mr. Lieurance:

Enclosed you will find Midland County's Responses to the Texas Indigent Defense Commission's Follow-Up Review of Midland County's Indigent Defense Systems from April, 2023.

Attached are the following documents:

1. Midland County Responses to Policy Recommendations 2 and 3; and
2. Original Texas Indigent Defense Commission's Follow-Up Review Report.

Thank you for your time and attention to this matter,

Sincerely,

A handwritten signature in blue ink that reads "David G. Rogers".

Honorable David G. Rogers
142nd Judicial District Court

DGR/es
Enclosures

FINDING 2 AND RECOMMENDATION: Midland County must implement practices to ensure all defendants charged with jailable misdemeanors and felonies have the opportunity to request appointed counsel prior to judicial proceedings which could result in confinement. *New Finding 2023*

FINDING 3 AND RECOMMENDATION: Article 1.051 of the Code of Criminal Procedure requires counsel be appointed to persons determined to be indigent within three working days of the court receiving the request for counsel. Midland County must implement practices so that determinations of indigence, appointments of counsel, and notifications of appointments occur within three working days (plus 24 hours allowed for transmitting requests) of the request being made. *Pending 2023*

Midland County Combined Response:

The District and County Court at Law Judges have authorized the Justices of the Peace to conduct magistrations for all felonies and misdemeanor cases.

Defendants are magistrated daily with a Justice of the Peace for all new arrests. At that time the inmate is asked if they can afford counsel and if they are seeking appointed counsel. If they do wish to have counsel appointed, the Justice of the Peace then goes over the paperwork with the inmate. Once completed the paperwork is submitted to the Clerk's office for appointing counsel.

In certain cases, Defendants are magistrated by either a District Judge or County Court at Law Judge. Specific magistration dates are in place to ensure Defendants are magistrated within 72 hours. The District Judges and County Court at Law Judges rotate magistration duties.

If the Defendant is magistrated by a District Judge or County Court at Law Judge, the Defendant is asked whether he or she wishes to have counsel appointed. The Defendant is assisted in filling out the paperwork and his/her request is submitted to the Magistrate Clerk. Midland County has assigned magistration duties to the Court Coordinator for Judge Rogers and upon request, the Defendant is appointed counsel.

Further, on the misdemeanors, the Judges have a new policy where the Affidavits of Indigency are checked daily so that appointments may be made accordingly. They are working in conjunction with both the jail and County Clerk to ensure the Affidavits are generated daily.

In addition, the person that assists the inmates with filling out the paperwork is sent a list from the District Clerk's Office of Defendants that need to be seen to see if they are seeking court appointed counsel. If they say yes, they are assisted with the paperwork and that paperwork is sent to the District Clerk's Office for processing.

Once the District Clerk's Office receives the paperwork for court appointed counsel, the clerk's office then forwards an Order Appointing Counsel along with the Affidavit of Indigency paperwork to the Court Administrators and accordingly, the Orders Appointing Counsel are completed and sent back to the District Clerk's for processing daily and multiple times per day as requests are received.

At this time the Courts are seeing court appointments being completed for indigent Defendants within 24 hours of receiving the completed paperwork.

Mr. Lieurance,

The clarification you have requested is as follows.

The County Court at Law Judges will give every defendant the opportunity to request a court appointed attorney at each arraignment, unrepresented docket call and probation revocation docket call.

This should account for any occasion an unrepresented criminal defendant appears in our court.

Marvin L. Moore
Judge – County Court at Law #2
500 N. Loraine
Suite 601
Midland, TX 79701
Office: 432-688-4463