



# **TEXAS INDIGENT DEFENSE COMMISSION**

## **Fiscal Monitoring Report**

**Randall County, Texas**

**FY2023 Indigent Defense Expenses**

**Final Report**

**November 2025**

# Contents

## Table of Contents

<b>EXECUTIVE SUMMARY</b> .....	<b>3</b>
<b>DETAILED REPORT</b> .....	<b>4</b>
Background .....	4
County Background .....	4
Commission Background .....	4
Formula Grant .....	5
Objective .....	5
Scope .....	5
Methodology .....	5
Review Assessment .....	5
Statutory Data Reporting .....	5
Promulgate Standard Attorney Fee Schedule and Payment Process .....	7
Establish Minimum Attorney Qualifications .....	8
Findings and Recommendations .....	8
Statutory Data Reporting .....	8
Promulgate Standard Attorney Fee Schedule and Payment Process .....	9
Conclusion .....	10
<b>APPENDICES</b> .....	<b>11</b>
Appendix A – Indigent Defense Expenditure Report .....	12
Appendix B – Criteria .....	14
Appendix C – Distribution List .....	15

## **EXECUTIVE SUMMARY**

The Texas Indigent Defense Commission (Commission or TIDC) is responsible for fiscal monitoring per Texas Administrative Code, Subchapter D, Sec. 173.401, which states: “The Commission or its designees will monitor the activities of grantees as necessary to ensure that Commission grant funds are used for authorized purposes in compliance with laws, regulations, and the provisions of grant agreements.”

TIDC conducted an on-site fiscal monitoring review of Randall County from January 22-26, 2024. Email exchanges continued until May 9, 2024. The fiscal monitor reviewed financial records to determine whether grant funds were spent in accordance with the terms and conditions of TIDC grants. TIDC reviewed the expenditure period of October 1, 2022, through September 30, 2023 (FY2023).

### **Summary of Findings**

- The FY2023 Indigent Defense Expenditure Report (IDER) submitted in accordance with Texas Government Code §79.036(e) was not prepared in the manner required.
- Two attorney payments did not appear to be made in accordance with the published fee schedule as required by Article 26.05(b) of the Texas Code of Criminal Procedure (CCP).

TIDC thanks Randall County officials and staff for their assistance in completing this review. TIDC stands ready to provide technical and financial assistance to remedy these issues.

# **DETAILED REPORT**

## **Background**

TIDC selected Randall County for a review through its annual county monitoring selection process, which considers county size, spending, date of last fiscal review (if any), and other reported indigent defense data. The selection process seeks to cycle through counties around the state.

This fiscal review covered the reports filed for FY 2023.

## **County Background**

Randall County was created in 1876 but not organized until 1889. The County is located near the center of the Texas panhandle. The current population is estimated at 145,018 and the county seat is the City of Canyon. Randall County occupies an area of 922 square miles, of which 11 square miles is water. Palo Duro Canyon, the second largest canyon in the United States, is in Randall County.

Randall County is served by three District Courts, the 47<sup>th</sup>, 181<sup>st</sup>, and the 251<sup>st</sup>, two County Courts at Law and the Constitutional County Court.

Total expenditures for criminal defense representation reported by Randall County for FY2023 was \$1,501,607. The County uses the private assigned counsel system for indigent defense and participates in the Regional Public Defender Office for Capital Cases.

## **Commission Background**

In January 2002, the Texas Legislature established the Texas Task Force on Indigent Defense. In May 2011, the Legislature changed the agency's name to the Texas Indigent Defense Commission (TIDC), effective September 1, 2011. TIDC is a permanent standing committee of the Texas Judicial Council and is administratively attached to the Office of Court Administration (OCA).

TIDC's mission is to protect the right to counsel and improve public defense.

TIDC's purpose is to promote justice and fairness for all indigent persons accused of crimes, including juvenile respondents, as provided by the laws and constitutions of the United States and the State of Texas. TIDC conducts these reviews based on the directive in Section 79.037, Texas Government Code, to "monitor each county that receives a grant and enforce compliance by the county with the conditions of the grant..." as well as Section 173.401(a), Texas Administrative Code, which provides that "the Commission or its designees will monitor the activities of grantees as necessary to ensure that grant funds are used for authorized purposes in compliance with laws, regulations, and the provisions of the grant."

## **Formula Grant**

The County submitted the FY2022 indigent defense online grant application to assist in the provision of indigent defense services. Randall County met the formula grant eligibility requirements and was awarded a \$86,041 Formula Grant for FY2023.

## **Objective**

The objectives of this review were to:

- Determine the accuracy of the Indigent Defense Expenditure Report (IDER) and any other grant report that may have been filed for the period of review.
- Determine whether grant funds were used for authorized purposes in compliance with laws, regulations, and the provisions of the grant.
- Validate policies and procedures relating to indigent defense payments.
- Provide recommendations pertaining to operational efficiency.
- Assist with any questions or concerns on the indigent defense program requirements.

## **Scope**

TIDC reviewed the County's criminal and juvenile delinquency indigent defense expenditures to ensure compliance with applicable laws, regulations, and the provisions of the grants for FY2023. Family protection representation expenditures related to cases affecting the parent/child relationship, i.e. "CPS cases," were not part of this review. The records reviewed were provided by the Randall County Auditor's Office. Compliance with other statutory indigent defense program requirements was not included in this review.

## **Methodology**

To accomplish the objectives, the fiscal monitor met with the County Auditor and one staff member. The fiscal monitor reviewed:

- General ledger transactions provided by the County Auditor's Office
- Random samples of paid attorney fee vouchers
- IDER
- Attorney fee schedule
- Any applicable contracts, and
- The County's local indigent defense plan filed with TIDC.

## **Review Assessment**

### **Statutory Data Reporting**

Under Section 79.036(e) of the Texas Government Code, the county auditor (or other person designated by the commissioners' court) must annually prepare and send indigent defense data to TIDC. This data must include the total expenses for cases in which an attorney was appointed for an indigent defendant or juvenile respondent in each district court, county court, statutory county court,

and appellate court. Financial data reports must include attorney-level information<sup>1</sup> and shall be prepared in the form and manner prescribed by the commission.<sup>2</sup>

To determine the accuracy of the IDER, TIDC requested general ledger transactions that were used by Randall County to prepare the IDER. Both a PDF version and an Excel spreadsheet were provided of the “FY23 transaction ledger for IDER.” Additionally, an Excel workbook labeled “FY23 IDER” was provided. The “FY23 IDER” workbook included 20 worksheets; these worksheets allocated each account listed on the “FY23 transaction ledger for IDER.” The tabs were color coded with nine tabs colored blue for accounts used in criminal courts reporting and four purple tabs for accounts used in the family protection representation (i.e., CPS) IDER reporting, six red tabs for accounts that were included on the ledger but were not for items included on the IDER. The remaining tab was left white and contained the transactions from three contract labor accounts. Each tab was labeled by the last three digits of the account number that was listed on the worksheet. Each worksheet then filtered the expenditures by court assigned and whether the expenditures were allowable or not.

TIDC reviewed each ledger account and compared it to the IDER filed by Randall County. The original filed Criminal IDER listed \$1,464,042.81 in total expenses while the ledger of criminal accounts listed \$1,763,509.44 in expenditures. After backing out unallowable expenditures, it became apparent that accrual entries for both FY2022 and FY2023 were included on the general ledger and these amounts were backed out.

The three general ledger accounts for the attorney fee payments on juvenile delinquency, felony, and misdemeanor cases totaled \$1,646,468.46, while the IDER reported \$1,392,725.81 in attorney fees. After backing out the FY2022 and FY2023 accruals of \$221,192.90, the remaining differences in attorney fees were due to Randall County not including the attorney fees on cases paid that were classified “on-view.” These “on-view” cases were cases dismissed before an indictment. Since these cases were assigned an attorney, they are allowable and should be included on the IDER. Additionally, capital case expenses were originally overlooked and not included on the IDER. However, TIDC reviewed Randall County before the FY2023 IDERs were certified complete, and the County was allowed to correct their report to include the capital case information and the “on view” “dismissed cases that county staff had mistakenly believed to be unallowable to report on the IDER.

After the IDER was corrected and a more thorough review was completed, it appears that up to \$2,873.43 was underreported.

- 1) A \$700 journal entry for expert expenses reclassified from another account was not reported.
- 2) \$459.25 paid to an attorney for reimbursement for an interpreter was not included.
- 3) \$1,714.18 from the account titled “Crt Appt Atty expenses,” which were expenses reimbursed to the appointed criminal attorneys, was not included. The \$1,714.18 was not included on the IDER because the auditor’s office did not have receipts for these paid expenses. Generally, the type of support that TIDC would find acceptable to support an expense on the IDER is the paid voucher that has been approved by the judge, so these expenses should be included on the IDER. TIDC also noted that \$30.40 in misdemeanor case expenses and \$468.71 in felony case expenses reimbursed to attorneys that did have receipts

---

<sup>1</sup> TEX. GOV'T CODE § 79.036(a-1).

<sup>2</sup> TEX. GOV'T CODE § 79.036(e)

were included on the IDER. However, they were mistakenly categorized as attorney fees when they should have been recorded as other direct litigation expenses.

FUND	Net Amounts	IDER Report	Unallowable fo 2022 Accrual	2023 Accrual	On-View	Reclass	Errors/Other	IDER	ReEntered IDER	Possible errors
010-515-325 Court reporter Expense	\$ 49,311.80	\$ 10,683.00	\$ 38,628.80					\$10,683.00	\$ 10,683.00	\$0.00
010-515-360 Expert Expense	\$ 6,475.00	\$ 7,025.00				\$ 1,250.00	\$ 700.00	\$7,725.00	\$ 7,025.00	\$700.00
010-515-370 Capital Cases- CAA, Etc	\$ 7,058.50	\$ -					\$ 7,058.50	\$7,058.50	\$ 6,213.50	\$ 845.00
010-515-371 Crt Appt Atty – Investigators	\$ 4,475.00	\$ 4,475.00						\$4,475.00	\$ 4,475.00	\$0.00
010-515-375 Crt Appt Atty – Juvenile	\$ 94,673.75	\$ 77,228.75	\$ 15,745.00	\$ 1,700.00				\$77,228.75	\$ 77,228.75	\$0.00
010-515-378 Crt Appt Atty – Misdemeanor	\$ 349,469.70	\$ 285,490.80	\$ 38,438.90	\$ 16,055.00	\$ 8,300.00		\$ 1,185.00	\$294,975.80	\$ 293,390.80	\$1,585.00
010-515-380 Crt Appt Atty – Felony	\$ 1,202,325.01	\$ 1,030,006.26	\$ 96,627.00	\$ 52,627.00	\$ 22,605.50		\$ 459.25	\$1,053,071.01	\$ 1,033,920.89	\$ 18,690.87
010-515-386 – Crt Appt Atty Expenses	\$ 1,714.18						\$ 1,714.18	\$1,714.18		\$459.25
010-515-560 – Medical Reports	\$ 48,006.50		\$40,812.50	\$5,944.00		\$ (1,250.00)		\$0.00		\$0.00
010-515-369 Regional Public Defender	\$ 49,134.00	\$ 49,134.00						\$49,134.00	\$ 49,134.00	\$0.00

Additionally, \$1,585 appeared to be missing but it was confirmed that the three invoices that made up this amount were duplicate entries and were reversed out of the account in the following year, so it was proper to not include them on the IDER.

## Promulgate Standard Attorney Fee Schedule and Payment Process

Article 26.05(b) of the Texas Code of Criminal Procedures (CCP) reads:

All payments made under this article shall be paid in accordance with a schedule of fees adopted by formal action of the judges of the county courts, statutory county courts, and district courts trying criminal cases in each county. On adoption of a schedule of fees as provided by this subsection, a copy of the schedule shall be sent to the commissioners court of the county.

And Article 26.05(c) of the CCP reads in part:

Each fee schedule adopted shall state reasonable fixed rates or minimum and maximum hourly rates, taking into consideration reasonable and necessary overhead costs and the availability of qualified attorneys willing to accept the stated rates, and shall provide a form for the appointed counsel to itemize the types of services performed. No payment shall be made under this article until the form for itemizing the services performed is submitted to the judge presiding over the proceedings or, if the county operates a managed assigned counsel program under Article 26.047, to the director of the program, and until the judge or director, as applicable, approves the payment. If the judge or director disapproves the requested amount of payment, the judge or director shall make written findings stating the amount of payment that the judge or director approves and each reason for approving an amount different from the requested amount.

To validate the above statutes and other policies and procedures relating to indigent defense payments, a random sample of 35 attorney fee vouchers were selected to perform attribute testing.

The ten attributes tested were:

- 1) Is the voucher for an allowable expense?
- 2) Was the voucher submitted by the attorney?
- 3) Is the payment related to a criminal matter?
- 4) Is more than one case presented on the voucher? If yes, does the county have a method for accurately tracking case counts to ensure all cases are reported?
- 5) Does the voucher itemize the service performed?
- 6) Is the court identified on voucher?
- 7) Are the fees paid consistent with the published fee schedule?
- 8) Is the voucher being paid within 60 days of submission?

- 9) Is the voucher approved by the judge?
- 10) If the judge does not agree with the amount requested, is there a written explanation provided for the changed amount?

The review of the 35 attorney fee vouchers selected found two vouchers with possible issues related to the fee amount paid based on type or number of case(s).

- 1) Two cause numbers were listed on one voucher with a note stating that “Misd filed for lessor included.” This voucher listed only one third degree felony as paid and it is unknown how the second case was paid. It is unclear why, whether the second case was filed with another voucher, or if this voucher was supposed to include the payment for the lessor included misdemeanor. If the second case originally filed as a felony was lowered to a misdemeanor, that second case would generally be expected to be paid according to the level of offense charged.
- 2) On the second voucher in question, the attorney marked the box indicating a 3rd degree felony case and requested the amount of \$700. Only \$200 was paid, however. The judge did have a written explanation that the defendant plead to a misdemeanor and the attorney was already paid for that misdemeanor case. The concern on this voucher is that if a case is filed at a felony level and is resolved through a plea to a lower-level offense, the attorney is generally paid on the charged offense level.

## **Establish Minimum Attorney Qualifications**

Because this fiscal review was conducted in concurrence with a policy review, the attorney selection and CLE requirements were not included in this fiscal review.

## **Findings and Recommendations**

### **Statutory Data Reporting**

#### **Finding**

Under §79.036(e) of the Texas Government Code, the county auditor or designated person shall prepare and send to the Commission in the form and manner prescribed by the Commission an analysis of the amount expended by the county for indigent defense in each court and in each case in which appointed counsel are paid. Randall County prepared and submitted the FY2023 Indigent Defense Expenditure Report (IDER). However, the financial data provided did not fully support the FY2023 IDER submitted.

#### **Recommendation**

Since the County Auditor’s Office underwent changes in staff, it is recommended that the new staff review the IDER Manual and continue to learn about the expenses that are allowable and required to be reported on the IDER.

TIDC recommends that the County separate allowable defense-related expenses from other types of court expenses on the general ledger so that they are easily obtained for the IDER. An example

would be to separate the cost of the court reporter transcript invoices from the court reporter's time in the courtroom into separate ledgers.

## **Statutory Data Reporting - Corrective Action Plan**

### **County Response:**

We appreciate the time taken during the review to explain our misinterpretation of the guidelines for allowable expenses on the IDER. Our different types of expenses are separated into multiple accounts on the general ledger to make sure that we have the data needed for reporting, and there are checks and balances between the ledger and the spreadsheets used to prepare the IDER. Time management was a factor in the preparation of the FY2023 IDER, and the grants accountant is now working ahead on checking the ledgers each quarter instead of waiting until the end of the year to sort the information. Also, the grants accountant reviews the new guidelines upon release each year to make sure any changes are noted so that adjustments to our processes can be made to ensure accurate reporting.

**Contact person:** Holly Latimer, Grants Accountant in the Office of the Randall County Auditor, Ravonnette Stacey

**Completion date:** Immediately following the review in January 2024.

## **Promulgate Standard Attorney Fee Schedule and Payment Process**

### **Finding**

TIDC examined 35 attorney fee vouchers to determine whether indigent defense payments met the requirements of Code of Criminal Procedure (CCP) Article 26.05(b) and the local fee schedule. Two of the 35 attorney fee vouchers reviewed for FY2023 did not appear to be paid in accordance with the published fee schedule as required by Article 26.05(b).

### **Recommendation**

Judges should review the fee schedules and take formal action, if necessary, to adopt a new fee schedule that is consistent with current payment practices in accordance with the requirements of CCP Article 26.05(b) and current case law.

Procedures should be developed to verify that the approved rate of pay for each voucher is within parameters of the published fee schedule to meet the requirements of CCP Article 26.05(b).

## **Promulgate Standard Attorney Fee Schedule and Payment Process Response**

### **County Response**

We are unaware of the two fee vouchers which allegedly were not paid according to the published fee schedule. Judges are authorized by the plan to deviate from the fee schedule if the judge believes that the circumstances of the case warrant deviation. Because of this flexibility allowed within the plan, and without knowing the particular vouchers, it is impossible to address this finding. However, the new Randall County MAC began operation in July 2025. It has implemented and published a new Fee Schedule and payment process for court appointed attorneys. The MAC reviews all fee vouchers now and pays vouchers according to the plan. The judges no longer are involved, unless an appointed attorney appeals the payment decision of the MAC Director as allowed by law.

### **Conclusion**

TIDC appreciated the professionalism and assistance provided by Randall County officials and staff. TIDC staff stand ready to provide technical and financial assistance to remedy these issues and ensure full compliance with the Fair Defense Act.

# APPENDICES

## Appendix A – Indigent Defense Expenditure Report

<b>RANDALL COUNTY INDIGENT DEFENSE EXPENDITURES</b>			
<b>Expenditures</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Population Estimate	138,549	138,549	145,018
Juvenile Assigned Counsel	\$118,573	\$108,030	\$124,945
Capital Murder	\$9,529	\$21,160	\$0
Adult Non-Capital Felony Assigned Counsel	\$539,527	\$529,725	\$687,675
Adult Misdemeanor Assigned Counsel	\$170,009	\$166,841	\$204,221
Juvenile Appeals	\$0	\$0	\$0
Adult Felony Appeals	\$36,227	\$37,634	\$18,060
Adult Misdemeanor Appeals	\$0	\$0	\$0
Licensed Investigation	\$11,990	\$3,670	\$0
Expert Witness	\$12,353	\$13,488	\$21,475
Other Direct Litigation	\$21,162	\$6,365	\$10,625
Total Court Expenditures	\$919,369	\$886,913	\$1,067,001
Administrative Expenditures	\$0	\$0	\$0
Funds Paid by Participating County to Regional Program	\$49,134	\$49,134	\$49,134
Total Public Defender Expenditures	N/A	N/A	N/A
Total Court and Administrative Expenditures	\$968,503	\$936,047	\$1,116,135
Formula Grant Disbursement	\$114,640	\$93,619	\$86,222
Reimbursement of Attorney Fees	\$351,064	\$361,024	\$307,374
Reimbursement by State Comptroller for Writs of Habeas Corpus	\$0	\$0	\$0
Total Public Defender Cases	N/A	N/A	N/A
Total Assigned Counsel Cases	1,250	1,235	1,357

Indigent Defense Expenditure Reporting

Source: Texas Indigent Defense Commission records

<b>Randall County</b>				
<b>Year</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>Texas 2022</b>
Population (Non-Census years are estimates)	138,549	138,549	145,018	29,741,214
Felony Charges Disposed (from OCA report)	792	890	1,073	281,347
Felony Cases Paid	667	716	771	223,839
% Felony Charges Defended with Appointed Counsel	84%	80%	72%	80%
Felony Trial Court-Attorney Fees	\$549,057	\$550,885	\$687,675	\$157,670,919
Total Felony Court Expenditures	\$572,874	\$573,357	\$710,560	\$174,347,222
Misdemeanor Charges Disposed (from OCA report)	1,076	885	917	375,151
Misdemeanor Cases Paid	352	344	393	180,468
% Misdemeanor Charges Defended with Appointed Counsel	33%	39%	43%	48%
Misdemeanor Trial Court Attorney Fees	\$170,009	\$166,841	\$204,221	\$46,781,394
Total Misdemeanor Court Expenditures	\$170,534	\$167,891	\$212,996	\$47,403,096
Juvenile Charges Disposed (from OCA report)	219	116	120	16,039
Juvenile Cases Paid	225	169	187	25,808
Juvenile Attorney Fees	\$118,573	\$108,030	\$124,945	\$8,615,991
Total Juvenile Expenditures	\$118,573	\$108,030	\$125,385	\$8,777,828
Total Attorney Fees	\$873,865	\$863,390	\$1,034,901	\$216,689,397
Total ID Expenditures	\$968,503	\$936,047	\$1,116,135	\$343,434,379
Increase in Total Expenditures over 2001 Baseline	143%	135%	180%	287%
Total ID Expenditures per Population	\$6.99	\$6.76	\$7.70	\$11.53
Commission Formula Grant Disbursement	\$114,640	\$93,619	\$86,222	\$20,386,969
Cost Recouped from Defendants	\$351,064	\$361,024	\$307,374	\$8,675,431

Source: Texas Indigent Defense Commission records

## Appendix B – Criteria

### Criteria

- Texas Grant Management Standards
- Texas Government Code, Section 79.036, Indigent Defense Information
- Texas Government Code, Section 79.037, Technical Support; Grants
- Code of Criminal Procedure, Art 26.04, Procedures for Appointing Counsel
- Code of Criminal Procedure, Art 26.05, Compensation of Counsel Appointed to Defend
- Texas Administrative Code - Title 1, Part 8, Chapter 174, Subchapter A, Rule 174.1
- Texas Administrative Code – Title 1, Part 8, Chapter 174, Subchapter A, Rule 174.2
- Texas Administrative Code - Title 1, Part 8, Chapter 174, Subchapter B, Definitions
- FY2023 Indigent Defense Expenditure Report Manual found at:  
<https://www.tidc.texas.gov/media/ruffnsxs/fy2023-ider-manual-final.pdf>

## Appendix C – Distribution List

The Honorable Christy Dyer  
Randall County Judge  
501 16<sup>th</sup> St., Suite 301  
Canyon, TX 79015  
[christy.dyer@randallcounty.gov](mailto:christy.dyer@randallcounty.gov)

The Honorable Titiana D Frausto  
Local Administrative District Judge  
181st District Court  
501 S Filmore, Ste 4B  
Amarillo, TX 79101  
[FraustoT@pottercsd.org](mailto:FraustoT@pottercsd.org)

The Honorable James Anderson  
Local Administrative Statutory County Court Judge  
2309 Russell Long Blvd, Ste 132  
Canyon, TX 79015-3850  
[james.anderson@randallcounty.gov](mailto:james.anderson@randallcounty.gov)

Ms. Ravonnette Stacey  
County Auditor  
501 16<sup>th</sup> St., Suite 301  
Canyon, TX 79015  
[ravon.stacey@randallcounty.gov](mailto:ravon.stacey@randallcounty.gov)

Mr. Scott Ehlers  
Executive Director, Texas Indigent Defense Commission  
209 W. 14<sup>th</sup> Street, Room 202  
Austin, TX 78701  
[SEhlers@tidc.texas.gov](mailto:SEhlers@tidc.texas.gov)

Mr. Wesley Shackelford  
Deputy Director, Texas Indigent Defense Commission  
209 W. 14<sup>th</sup> Street, Room 202  
Austin, TX 78701  
[WShackelford@tidc.texas.gov](mailto:WShackelford@tidc.texas.gov)

Mr. Edwin Colfax  
Director of Grant Funding, Texas Indigent Defense Commission  
209 W. 14<sup>th</sup> Street, Room 202  
Austin, TX 78701  
[EColfax@tidc.texas.gov](mailto:EColfax@tidc.texas.gov)