

Summary of Findings and Recommendations

Jim Wells County must respond in writing how it will address the report's findings.

REQUIREMENT 1: CONDUCT PROMPT AND ACCURATE MAGISTRATION PROCEEDINGS.

2024 Finding 1 and Recommendation: Article 15.17(a) requires that magistrates ensure reasonable assistance in completing forms necessary to obtain appointed counsel. These forms must then be transmitted to the appointing authority within 24 hours. Jim Wells County magistrates must ensure counsel requests and associated financial forms are promptly completed and transmitted to the courts. *Issue Pending.*

PROPOSED CORRECTIVE ACTION FOR 2024 FINDING 1:

1. As required by Article 15.17, All Defendants shall be magistrated without unnecessary delay, but not later than 48 hours after the person is arrested.
2. Jim Wells County uses a probation officer from the Community Supervision and Corrections Department to arrive at the jail daily during the early morning hours to prepare a Public Safety Report (PSR) for review by the Magistrate on call. The Affidavit of Indigence (AOI) form will be distributed to Defendants upon arrival by the probation officer on call. This will allow for the forms to be completed before the arrival of the magistrate.
3. Following magistration, all magistrate warnings and AOI forms for all defendants shall be placed by the magistrate in an outgoing basket in the office of the jail administrator for daily pickup by the Jim Wells County Courthouse mail clerk.
4. In addition, any defendants who initially declined requesting court appointed counsel and have now reconsidered, shall be provided with an AOI which shall also be placed in the outgoing basket by jail personnel.
5. Jail personnel responsible for data entry on the daily census shall notate on each defendant's census information whether that Defendant requested or declined appointed counsel. These notations will allow all court personnel to review the census report daily to insure that **all** magistrate warnings and AOI forms have reached the respective court managers for review and processing.

REQUIREMENT 4: APPOINT COUNSEL PROMPTLY.

2024 Finding 2 and Recommendation (felony cases): Article 1.051(c)(1) requires the court (or its designee) to rule on all requests for counsel within three working days (plus 24 hours allowed for transferring requests to the courts) of the request being made. The 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 Article 1.051(c)(1)'s timeline in felony cases. *Issue Pending.*

PROPOSED CORRECTIVE ACTION FOR 2024 FINDING 2: (Felony Cases)

In order to comply with the 24 hour AOI transmittal requirement, the completed magistrate warnings and AOI forms shall be collected by the Jim Wells County Courthouse mail clerk daily during the afternoon hours and taken **immediately** to the Jim Wells Courthouse for scanning and email distribution.

The Jim Wells County Courthouse mail clerk shall be responsible for **immediately** scanning all documents collected and emailing them to the District Court Coordinator and staff, the County Court at Law Court Coordinator and staff, the Jim Wells County Community Supervision and Corrections Department, the Jim Wells County District Clerk, the Jim Wells County Clerk and the Jim Wells County Sheriff's Department.

The respective court managers shall then follow their procedures for determining whether the Defendant qualifies for court appointed counsel. This step will be followed regardless of whether the Defendant remains in custody or has already posted bond.

The respective court managers shall appoint counsel for those Defendants who qualify as soon as possible **but not later than three (3) working days** after receiving the AOI request for counsel. If a Defendant does not qualify as indigent, the court managers shall make a notation denying indigence on the counsel request form within three (3) working days after receiving the AOI request for counsel. The denial of indigence may be re-examined by the court at any later time it chooses to re-examine the matter.

In cases that qualify, the respective court managers shall **immediately** notify the defense attorney of the appointment.

In accordance with the statutory requirement, **the defense attorney shall make contact with the defendant within one (1) working day.**

The respective court managers shall also immediately notify the Offices of District Attorney and County Attorney, as appropriate, of the appointment of counsel.

2024 Finding 3 and Recommendation (misdemeanor cases): Article 1.051(c)(1) requires the court (or its designee) to rule on all requests for counsel within three working days (plus 24 hours allowed for transferring requests to the courts) of the request being made. The sample of attorney appointments in misdemeanor 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 Article 1.051(c)(1)'s appointment timeline in misdemeanor cases. ***Issue Pending.***

PROPOSED CORRECTIVE ACTION FOR 2024 FINDING 3: (Misdemeanor Cases)

In order to comply with the 24 hour AOI transfer requirement, the completed magistrate warnings and AOI forms shall be collected by the Jim Wells County Courthouse mail clerk daily during the afternoon hours and taken **immediately** to the Jim Wells Courthouse for scanning and email distribution.

The Jim Wells County Courthouse mail clerk shall be responsible for **immediately** scanning all documents collected and emailing them to the District Court Coordinator and staff, the County Court at Law Court Coordinator and staff, the Jim Wells County Community Supervision and Corrections Department, the Jim Wells County District Clerk, the Jim Wells County Clerk and the Jim Wells County Sheriff's Department.

The respective court managers shall then follow their procedures for determining whether the Defendant qualifies for court appointed counsel. This step will be followed regardless of whether the Defendant remains in custody or has already posted bond.

The respective court managers shall appoint counsel for those Defendants who qualify as soon as possible **but not later than three (3) working days** after receiving the AOI request for counsel. If a Defendant does not qualify as indigent, the court managers shall make a notation denying indigence on the counsel request form within three (3) working days after receiving the AOI request for counsel. The denial of indigence may be re-examined by the court at any later time it chooses to re-examine the matter.

In cases that qualify, the respective court managers shall **immediately** notify the defense attorney of the appointment.

In accordance with the statutory requirement, **the defense attorney shall make contact with the defendant within one (1) working day.**

The respective court managers shall also immediately notify the Offices of District Attorney and County Attorney, as appropriate, of the appointment of counsel.