

Dear Mr. Lieurance and Texas Indigent Defense Commission Members,

Thank you for your detailed reply and for the guidance provided regarding our monitoring report response. We appreciate the opportunity to submit this supplemental response to Findings 1 and 3, as requested.

Finding Number One: Appointment of Two Attorneys in Capital Cases

In accordance with Article 26.052(e), we understand that courts must appoint two attorneys or the Dallas County Public Defender’s Office in capital felony cases unless the State provides written notice that the death penalty will not be sought. While we previously referenced the District Attorney’s established practice of not seeking the death penalty, we acknowledge that the statute as written does not permit exceptions based on such practices or informal communications.

To ensure compliance, Dallas County District Judges will implement the following measures:

1. **Strict Adherence to Statute:** Moving forward, in all capital cases where the State has not provided written notice that it will not seek the death penalty, courts will either appoint two attorneys or the public defender’s office, as required by Article 26.052(e).
2. **Written Notice Requirement:** A formal request will be made to the District Attorney’s Office to provide written notice in all applicable cases if they do not intend to seek the death penalty, ensuring that this statutory requirement is met in a timely and consistent manner.

Finding Number Three: Appointment of Counsel from the Approved List

We acknowledge TIDC’s clarification that trial courts must appoint counsel from the capital-qualified list, even in cases where the death penalty is not being sought, unless written notice is provided. While our response referenced *Arevalo v. State*, we recognize the importance of adhering to statutory requirements regarding counsel appointments. To address this finding, Dallas County District Judges confirm that in all capital cases where no written notice is provided by the State, judges will appoint either the Dallas County Public Defender’s Office or two attorneys, at least one of which who has been approved for first chair appointments by the Region’s Local Selection Committee, in strict adherence to statutory guidelines.

Conclusion

We are fully committed to ensuring that all appointments in capital cases comply with Article 26.052(e) and that Dallas County District Judges fulfill their obligations under the law. We are confident that the steps outlined above will ensure full compliance and improve the efficiency of our appointment processes.

We look forward to continuing to work with TIDC to uphold the integrity of indigent defense systems in Dallas County.

Sincerely,

Stephanie N. Huff

Presiding Judge 291st Judicial District Court
Local Administrative District Judge
Dallas County, Texas