

# COUNTY OF ZAVALA



OFFICE OF THE

COUNTY JUDGE

200 E. UVALDE ST., STE. 9  
CRYSTAL CITY, TEXAS 78839

TEL: 830-374-3810  
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**JOE LUNA, ESQ**  
**COUNTY JUDGE**

February 21, 2018

Mr. Joel Lieurance  
Senior Policy Monitor  
Texas Indigent Defense Commission  
Austin, Texas 78701

Re: Monitoring Review

Mr. Mr. Lieurance

In response to the Policy Monitoring follow-up review- Zavala County dated October 2017, a corrective action plan has been initiated:

- 1) We have amended the forms to make clear the duties and responsibility of the Judge and magistrate. Attached herein is a copy of the forms. In addition, all misdemeanor case request for appointment of attorney shall be submitted to the County Judge, and the felony case request shall be submitted to the District Judge within a 24 hour period. The respective Judge shall appoint and attorney within a three day period.
- 2) The waiver language of article 1.051(g) has been added to the magistration warning and the right to counsel form.

Respectfully yours,

A handwritten signature in blue ink, appearing to read "Joe Luna", written over a horizontal line.

Joe Luna  
Zavala County Judge

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Mr. Joel Lieurance  
Senior Policy Monitor  
Texas Indigent Defense Commission  
Austin, Texas 78701

Re: Fiscal Monitoring Review

Mr. Mr. Lieurance

In response to the Fiscal Monitoring follow-up review- Zavala County dated October 9, 2017, a corrective action plan has been initiated:

- 1) County Response to Finding One: As separate code has been assigned for cases other than criminal, and the County Auditor's office now verifies that cases are criminal cases before payment from TIDC funds. Please see the attached letter from the County Auditor's office.
- 2) County Response to Finding Two: Payments for attorney's fees for each case are now entered separately, and individual payment is made for each case. Reimbursement for costs other than attorney's fees are separated from the payments for attorney's fees. Please see the attached letter from the County Auditor's office.
- 3) County Response to Finding Three: The County Auditor's Office will now be reviewing all vouchers before payment to verify that the voucher has been approved by the appropriate judge, and that the judge has explained any variance between the amount on the voucher and the amount approved by the judge. Please see the attached letter from the County Auditor's office.

Respectfully yours,

Joe Luna  
Zavala County Judge

**MAGISTRATE'S WARNING**

CAUSE NO. \_\_\_\_\_

THE STATE OF TEXAS                    §  
  §  
COUNTY OF ZAVALA                   §

Before me, the undersigned magistrate of Zavala County, Texas on the \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_, at \_\_\_\_\_ o' clock \_\_\_\_M. appeared \_\_\_\_\_ . I gave said person the following warning:

- you are charged with the offense of \_\_\_\_\_ ;
- a felony/a misdemeanor;
- you have a right to hire an attorney to represent you;
- you have the right to have an attorney present prior to and during any interview and questioning by peace officers or attorneys representing the State;
- you have the right to remain silent;
- you are not required to make a statement, and any statement you make can and may be used against you in court;
- you have the right to stop any interview or questioning at any time; and
- you have the right to have an examining trial (felonies only).
- you have the right to request appointment of counsel if you cannot afford counsel.\*\*

**\*\* THE MAGISTRATE SHALL ENSURE THAT THE ACCUSED IS INFORMED OF THE FOLLOWING PROCEDURES:**

- a. That a Declaration of Financial Inability to Employ Counsel (Declaration) must be completed to determine if he/she qualifies for a court appointed attorney;**
- b. that reasonable assistance will be provided to him/her when filling out the declaration, if needed;**
- c. that the declaration must be signed;**

- d. that the declaration is a written or printed declaration or statement of facts made voluntarily and confirmed on oath before a person having authority to administer such oath;
- e. that if he/she meets indigence standards he/she will qualify for court appointed attorney; and,
- f. the attorney appointed should attempt to contact him/her within 24 hours after appointment and to interview him/her as soon as practicable after appointment. If appointment is made when the accused is before the court, the accused will be given attorney's name, address, and phone number.

The Accused does want court appointed attorney.

The Accused does not want court appointed attorney.

I have been advised this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the Zavala Court of my rights to representation by counsel in the case pending against me. I have been further advised that if I am unable to afford counsel, one will be appointed for me free of charge. Understanding my right to have counsel appointed for me free of charge if I am not financially able to employ counsel, I wish to waive that right and request the court to proceed with my case without an attorney being appointed for me. I hereby waive my right to counsel.

\_\_\_\_\_ Place of warning: \_\_\_\_\_  
 Accused

\_\_\_\_\_  
 Magistrate  
 Accused refused to sign acknowledgement of warning:

\_\_\_\_\_ Witness (if any): \_\_\_\_\_  
 Magistrate Name: \_\_\_\_\_  
 Address: \_\_\_\_\_

**Magistrate Remarks:**  
 \_\_\_\_\_  
 \_\_\_\_\_

If you are not a United States citizen and you have been arrested or detained, you may be entitled to have us notify your country's consular representatives here in the United States. Do you want us to notify your country's consular officials?

No  Yes

If you responded "Yes" what country? \_\_\_\_\_

If you are a citizen of a country that requires us to notify your country's consular representative, we shall notify them as soon as possible.

CAUSE NO. \_\_\_\_\_

THE STATE OF TEXAS

§

§

§

§

COUNTY OF ZAVALA

**\*\*THE MAGISTRATE SHALL ENSURE THAT THE PERSON IS GIVEN THE DECLARATION OF INABILITY TO EMPLOY COUNSEL (declaration form). THE MAGISTRATE SHALL CHECK OFF THE ACTIONS TAKEN AS FOLLOWS:**

- Accused received the declaration form;
- accused filled out and returned the declaration form to the magistrate; or
- accused refused to fill out the declaration form.
- The Magistrate shall forward the declaration form to the appropriate court immediately.

\_\_\_\_\_  
Magistrate Signature

\_\_\_\_\_  
Print Magistrate's Name

Date: \_\_\_\_\_

Time: \_\_\_\_\_

-CAUSE NO. \_\_\_\_\_

THE STATE OF TEXAS

§  
§  
§  
§  
§

IN THE COUNTY OF

VS.

OF

ZAVALA COUNY, TEXAS

**Limited Waiver of Rights to Counsel by Inmate/Defendant**

**Request that State's Attorney discuss my pending misdemeanor case with me  
(The court will examine the file for any requests for counsel prior to discussing any waiver  
of counsel by a defendant.)**

Defendant's Name: \_\_\_\_\_ Phone #: \_\_\_\_\_

Defendant's Address \_\_\_\_\_

Offense & Misdemeanor Class \_\_\_\_\_

Magistrate: Hon. Judge Joe Luna

I certify that I have magistrated the above referenced inmate of the Zavala County Jail or that the Defendant has been admonished of his/her right to counsel by a magistrate. In the course of our discussion, the accused indicated.

\_\_\_\_\_ That he/she has not made a decision as to whether or not to represent himself/herself, to retain or to apply for court-appointed counsel. He/she would like to discuss the case with the County Attorney's office at this time.

\_\_\_\_\_ That he/she intends to waive his/her right to counsel and chooses to represent himself/herself in any proceedings in this case. He/she would like to discuss the case with the County Attorney's office at this time.

\_\_\_\_\_ That he/she has an attorney, but now chooses to represent himself/herself. He/she would like to discuss the case with the County Attorney's office at this time.

Subsequent to the above referenced decision, and after making the appropriate portion of the Magistrate's Certification, I reminded the accused that:

- 1) The County Attorney is the attorney for the State, and in a contested trial, twould be the person bringing evidence against the accused.
- 2) The County Attorney does not and can not represent the accused.
- 3) The County Attorney is not obligated to:

- A. Make a representation in the best interest of the accused;
- B. Investigate any mitigating information which may be offered by the accused;  
and
- C. Maintain confidentiality with the respect to information offered by the accused.

It is the statement of the accused that he/she understands the right to have an attorney appointed to represent him/her (if indigent). He/she wishes to temporarily waive that right and discuss the case with the County Attorney. He/she understands that this waiver may be revoked by him/her at any time.

I have been advised this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, by the Zavala Court of my rights to representation by counsel in the case pending against me. I have been further advised that if I am unable to afford counsel, one will be appointed for me free of charge. Understanding my right to have counsel appointed for me free of charge if I am not financially able to employ counsel, I wish to waive that right and request the court to proceed with my case without an attorney being appointed for me. I hereby waive my right to counsel.

\_\_\_\_\_  
MAGISTRATE

\_\_\_\_\_  
ACCUSED

Date: \_\_\_\_\_