



Third Follow-up Policy Monitoring Review of Goliad County's Indigent Defense Systems

March 2026



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Mission: Protecting the right to counsel, improving public defense.

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Executive Summary

The Texas Indigent Defense Commission (TIDC) monitors local compliance with the Fair Defense Act (FDA) through policy reviews.¹ These reviews seek to promote local compliance with the six core requirements of the Fair Defense Act² and provide technical assistance to improve county indigent defense processes where needed. In this third follow-up review, TIDC reviewed FY2024 case file records and FY2024 magistrate warning records. TIDC finds that Goliad County addressed Article 15.17 issues related to providing reasonable assistance with financial forms and with transmitting counsel requests to the appointing authority. As to timely appointment of counsel, Goliad County addressed timeliness issues in felony cases but narrowly missed TIDC's timeliness threshold in misdemeanor cases.

TIDC thanks Goliad County officials and staff for their assistance in completing this review. TIDC staff stand ready to provide technical and financial assistance. TIDC will conduct a fourth follow-up review regarding its remaining finding within two years.³

Background

In March 2015, TIDC received a complaint alleging that some defendants in Goliad County were not receiving timely magistrate warnings or appointment of counsel. After reviewing Goliad County's magistrate warning forms, Article 15.17 data submitted to the Office of Court Administration (OCA), and misdemeanor appointment rates, TIDC decided to conduct a limited scope policy monitoring review to examine the ability of defendants to request and receive appointed counsel in felony and misdemeanor cases.

TIDC issued a limited scope policy report on Goliad County's indigent defense practices in January 2016. The report made findings concerning the following: the ability of defendants to request counsel at the Article 15.17 hearing; delays in transmitting counsel requests to the appointing authority; untimely appointments in felony and misdemeanor cases; issues in handling waivers of counsel; and monthly justice court reports to OCA. Goliad County responded with adoption of the following measures: a new magistrate warning form that included space to request counsel; new policies to ensure prompt transmission of counsel requests and appointment of counsel; a new waiver of counsel form; and a commitment to submit monthly justice court reports to OCA. Shortly after TIDC's report, Goliad County established a public

¹ TEX. GOV'T CODE § 79.037(a)–(b).

² 1 TEX. ADMIN. CODE § 174.28.

³ 1 TEX. ADMIN. CODE § 174.28(c)(2).

defender office operated by Texas RioGrande Legal Aid, now known as Texas Rio Grande Public Defender Office (TRGPD).

TIDC issued a follow-up report in April 2019. This report found that Goliad County had successfully addressed issues concerning the ability of defendants to request counsel at the Article 15.17 hearing, waivers of counsel, and data reporting by the justice courts. The remaining findings related to transmissions of requests to the appointing authority and the timeliness of appointments in felony and misdemeanor cases.

TIDC issued a second follow-up report in March 2023. This report found that all pending issues from the previous report remained. The report made a new finding about providing reasonable assistance with financial affidavits at the time of the Article 15.17 hearing.

Table 1: History of Monitoring Findings for Goliad County

FDA Core Requirement	Description and Initial Year of Finding and Recommendation	Status After 2026 Review	
		Satisfied	Pending
1. Prompt Magistration	Magistrates must record whether an arrestee requested counsel. (2016)	✓ (2019)	
1. Prompt Magistration	Requests for counsel must be transmitted to the courts within 24 hours of the request being made. (2016)	✓ (2026)	
1. Prompt Magistration	If the magistrate has appointing authority, the magistrate must ensure reasonable assistance with affidavits at the time of the hearing and ensure that Article 1.051 appointment time frames are met. (2023)	✓ (2026)	
4. Prompt Appointment (felony cases)	The timeliness of felony counsel appointments does not meet TIDC's administrative threshold (90% of sample cases receive timely rulings). (2016)	✓ (2026)	
4. Prompt Appointment (misd. cases)	The timeliness of misdemeanor counsel appointments does not meet TIDC's administrative threshold (90% of sample cases receive timely rulings). (2016)		✓
4. Prompt Appointment (waivers of counsel)	The court must rule upon all pending counsel requests prior to a waiver of counsel. (2016)	✓ (2019)	
4. Prompt Appointment (waivers of counsel)	The county must adopt a waiver of counsel form that substantially conforms to Article 1.051(g). (2016)	✓ (2019)	
6. Data Reporting	Justices of the peace must report the number of persons requesting counsel to OCA as part of their Judicial Council Monthly Court Activity Reports. (2016)	✓ (2019)	

Current Review

TIDC's policy monitoring rules require follow-up reviews where the report included noncompliance findings.⁴ Staff members Ashley De La Garza, Cody Huffman, and Joel Lieurance conducted a third follow-up review of Goliad County with an onsite visit on December 8, 2025, and completed their data collection on their follow-up visit on January 13, 2026. TIDC examined whether Goliad County successfully addressed the findings and recommendations from the March 2023 report. TIDC examined misdemeanor and felony case files.

Program Assessment

Description of Local Counsel Appointment Procedures

After arrest in Goliad County, defendants go before a magistrate (one of two justices of the peace) for the Article 15.17 hearing. During TIDC's last review in 2023, the magistrates who conduct these hearings included the two justices of the peace and the county judge. However, during this review, TIDC Staff saw no magistrate warnings in our case sample that were performed by the county judge during FY2024. At the hearing, a magistrate determines whether there is probable cause to detain the individual, sets bail, and asks defendants whether they would like to request counsel. Under Article 15.17 of the Code of Criminal Procedure, magistrates must record whether the defendant requested counsel. Magistrates assist with affidavits of indigence and send both the affidavit and magistrate warning form to the county/district clerk that same day. The county/district clerk then forwards felony requests to the local administrative district judge and misdemeanor requests to the county judge.

Requirement 1: Conduct Prompt and Accurate Article 15.17 Proceedings

Under Article 15.17 of the Code of Criminal Procedure, an arrested person must be brought before a magistrate within 48 hours.⁵ At this hearing, the magistrate must inform the person of the right to counsel, inform the person of the procedures for requesting counsel, and ensure the person has reasonable assistance in completing the necessary forms for requesting counsel.⁶ If the magistrate has authority to appoint counsel, the magistrate must appoint counsel according to the timelines set in Article

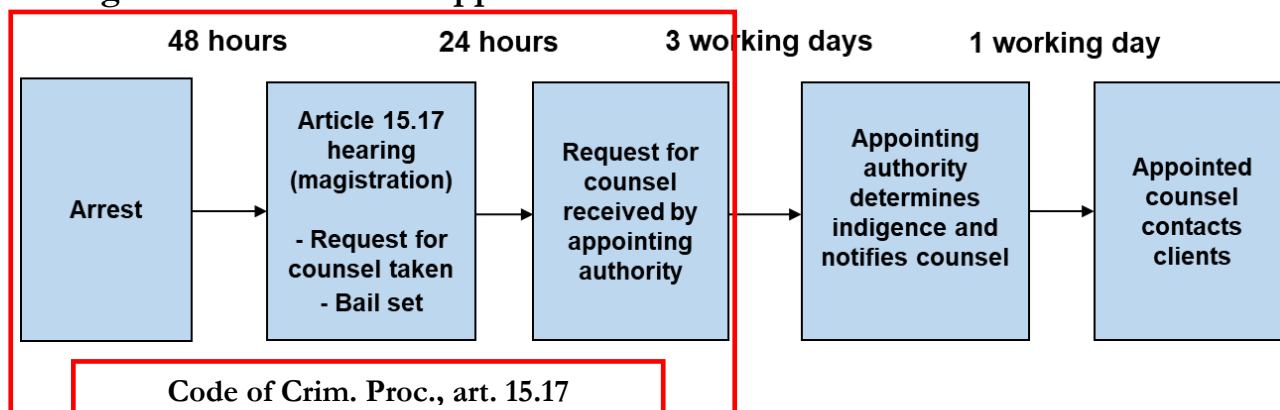
⁴ 1 TEX. ADMIN. CODE § 174.28(d)(3).

⁵ TEX. CODE CRIM. PROC. ART. 15.17(a).

⁶ TEX. CODE CRIM. PROC. ART. 15.17(a).

1.051.⁷ If the magistrate does not have authority to appoint counsel, the magistrate must transmit requests for counsel to the appointing authority within 24 hours.⁸ If a person is arrested on an out-of-county warrant, the magistrate must perform the same duties as if the person were arrested on an in-county warrant.⁹

Figure1a: Timeline for Appointment of Counsel in Adult Criminal Cases



Ability of Arrestees to Request Counsel

Based on sample data, about 46% of misdemeanor arrestees and about 56% of felony arrestees requested counsel at Article 15.17 hearings in FY2024. This is an indication that arrestees understand their right to appointed counsel and regularly avail themselves of the right.

Assistance with Counsel Requests and Their Transmission to the Courts

When magistrates conduct Article 15.17 hearings, the judges assist with affidavits of indigence and email magistrate warning forms and affidavits to the Goliad District and County Clerk's Office, which are then forwarded to the appointing judges (the district judge in felony cases and the county judge in misdemeanor cases). Based on sample cases, financial affidavits are now promptly completed and sent to the Goliad District and County Clerk. This step has eliminated most of the delays in appointing counsel.

The March 2023 report made a finding regarding Article 15.17 procedures when the Goliad County Judge acted as magistrate. Our current review did not include any sample cases with the County Judge acting as magistrate. TIDC finds that Goliad County has addressed this finding.

⁷ TEX. CODE CRIM. PROC. ART. 15.17(a).

⁸ TEX. CODE CRIM. PROC. ART. 15.17(a).

⁹ TEX. CODE CRIM. PROC. ART. 15.18(a). A list of contacts to send out-of-county requests is available at: <http://tidc.tamu.edu/public.net/Reports/OutOfCountyArrestContacts.aspx>.

FINDINGS AND RECOMMENDATIONS FOR REQUIREMENT 1

Conduct Prompt and Accurate Magistration Proceedings

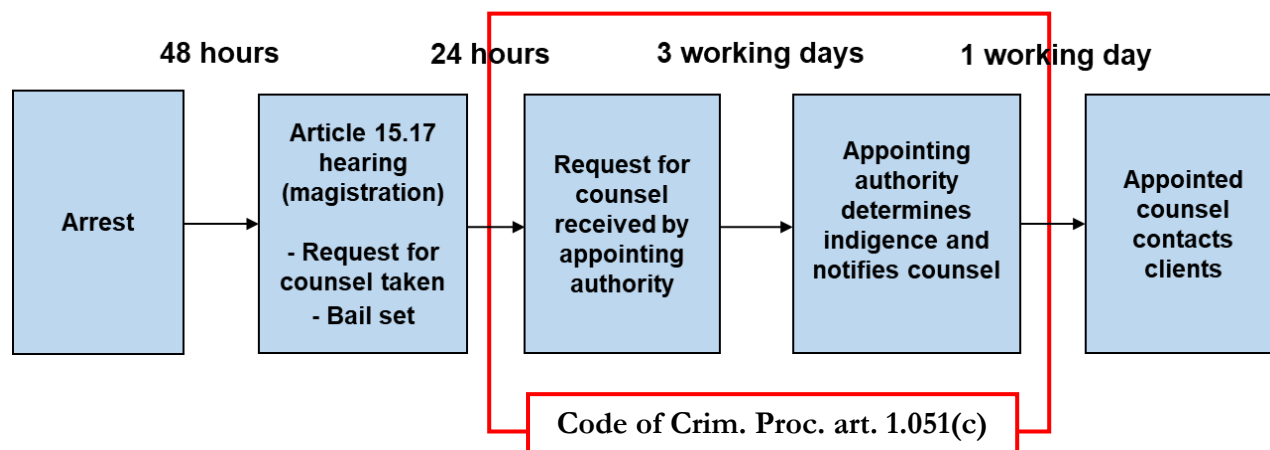
FINDING 1 AND RECOMMENDATION: Article 15.17(a) requires magistrates who have appointing authority to 1) ensure reasonable assistance with financial affidavits at the time of the hearing and 2) rule upon those requests within Article 1.051 timelines. Goliad County must develop procedures to ensure that if the magistrate is the appointing authority, the affidavit of indigence is completed at the time of the hearing, and the affidavit is ruled upon according to the timelines set in Article 1.051. *Successfully Addressed.*

FINDING 2 AND RECOMMENDATION: Requests for counsel must be promptly transmitted to the appointing authority (within 24 hours of request) as required by Article 15.17(a) and the local indigent defense plan. Article 15.17 puts the responsibility for this transmission on the magistrate. *Successfully Addressed.*

Requirement 4: Appoint Counsel Promptly

Under Article 1.051(c) of the Code of Criminal Procedure, courts in counties with a population under 250,000 must rule on a request for counsel within three working days of receiving the request.

Figure 1b: Timeline for Appointment of Counsel in Adult Criminal Cases



The first opportunity for most defendants to request counsel is at the Article 15.17 hearing when a defendant appears before a magistrate and is informed of the charges against him or her. If a defendant makes bail before the Article 15.17 hearing (or is never brought before a magistrate), the defendant has the first opportunity to request counsel at the initial appearance in the trial court.

To assess the timeliness of local appointment procedures, TIDC examines case files and measures the time from counsel request until appointment of counsel or denial

of indigence. Under TIDC’s monitoring rules, a county is presumed to be following the prompt appointment of counsel requirement if at least 90% of indigence determinations in the monitor’s sample are timely.¹⁰

Timeliness of Appointments in Felony Cases

In Goliad County, the 135th District Court Judge is the appointing authority for felony cases. The judge covers a circuit across six counties. TIDC examined 41 felony cases filed during FY2024 to determine the timeliness of felony appointments. From this sample, TIDC found 27 requests for counsel. Counsel was appointed in a timely manner in 96% of those cases. TIDC finds that Goliad County has addressed the past finding about its timeliness in appointing counsel in felony cases.

Table 2: Times from Request to Appointment in Felony Cases

	Number from Sample	Percent of Sample
Total records examined	41	
Requests for counsel	27	
Request for counsel ruled upon in ‘x’ workdays		
0 workdays	15	
1 to 3 workdays + 24 hours allowed to transmit a request	11	
Timely Rulings on Requests	26	96%
Between 4 and 7 workdays	0	
More than 7 workdays	1	
No ruling on request	0	
Untimely/No Rulings on Requests	1	4%

Timeliness of Appointments in Misdemeanor Cases

In Goliad County, the Goliad County Court Judge is the appointing authority for misdemeanor cases. TIDC examined 92 misdemeanor cases filed during FY2024 to determine the timeliness of misdemeanor appointments. From this sample, TIDC found 39 requests for counsel. Counsel was appointed in a timely manner in 85% of those cases. This falls below TIDC’s threshold (90% timely) for presuming a jurisdiction’s procedures ensure timely appointment of counsel. TIDC recognizes Goliad County’s significant improvement in implementing practices that support compliance with the appointment timeline and recommends that the county continue these practices while identifying areas for further improvement.

¹⁰ 1 TEX. ADMIN. CODE § 174.28.

Table 3: Times to Appointment in Misdemeanor Cases

	Number from Sample	Percent of Sample
Total records examined	92	
Requests for counsel	39	
Request for counsel ruled upon in 'x' workdays		
0 workdays	19	
1 to 3 workdays + 24 hours allowed to transmit a request	14	
Timely Rulings on Requests	33	85%
Between 4 and 7 workdays	2	
More than 7 workdays	3	
No ruling on request	1	
Untimely/No Rulings on Requests	6	15%

FINDINGS AND RECOMMENDATIONS FOR REQUIREMENT 4

Appoint Counsel Promptly

FINDING 3 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 for transferring requests to the courts) of the request being made. The monitor's sample of felony cases fell below TIDC's 90% timely threshold for presuming a jurisdiction's appointment system ensures timely appointment of counsel. Goliad County must implement practices that satisfy this appointment timeline. *Successfully Addressed.*

FINDING 4 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 for transferring requests to the courts) of the request being made. The monitor's sample of misdemeanor cases fell below TIDC's 90% timely threshold for presuming a jurisdiction's appointment system ensures timely appointment of counsel. Goliad County must implement practices that satisfy this appointment timeline. *Issue Pending.*

Conclusion

TIDC thanks Goliad County officials and staff for their assistance in completing this review. TIDC will conduct a follow-up review regarding its noncompliance finding

within two years.¹¹ TIDC staff stand ready to provide technical and financial assistance to ensure full compliance with the Fair Defense Act.

Findings and Recommendations from the February 2026 Review

The County must provide a written response to each of the report's findings within 60 days after the report is received by the County. TIDC stands ready to provide technical and financial assistance to ensure full compliance with the Fair Defense Act.

REQUIREMENT 4: APPOINT COUNSEL PROMPTLY

2026 FINDING 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 for transferring requests to the courts) of the request being made. The monitor's sample of misdemeanor cases fell below TIDC's 90% timely threshold for presuming a jurisdiction's appointment system ensures timely appointment of counsel. Goliad County must implement practices that satisfy this appointment timeline. *Issue Pending.*

¹¹ 1 TEX. ADMIN. CODE § 174.28(c)(2).