

Cameron District Court and County Court Plan

Preamble

11/5/2015

The following Local Rules replace the current local rules for Cameron County Criminal District Courts Plan and Standing Rules and Orders Related to Appointment of Counsel for Indigent Defendants. These subsections affect all county and district courts with criminal law jurisdiction. The rules in this section will govern criminal procedures in all criminal courts in Cameron County, and will take precedence over any other local rule to the contrary. These rules are adopted pursuant to Texas Government Code 74.093. These amended local rules are effective September 14, 2010.

Prompt Magistration

11/5/2015

1. Prompt Magistration

- a. An arresting officer must complete and file probable cause affidavit information prior to or at the time that an arrested person is booked into jail and submit an offense report to the District Attorney's Office within 24 hours of the booking of the arrested person.
- b. No one will be booked into the Cameron County Jail unless a probable cause affidavit is filed by the arresting officer prior to or at the time of booking.
- c. The arresting officer shall without unnecessary delay, but not later than 24 hours after the person is arrested, take the person arrested or have him taken to the appropriate magistrate for such magistrate to hold a probable cause hearing as well as to set bail and inform the person arrested of their rights including the right to court-appointed counsel as set out in Article 15.17 of the Code of Criminal Procedure as hereinafter described.
- d. Pursuant to Article 17.033 of the Code of Criminal Procedure, a person who is arrested without a warrant and who is detained in jail must be released on bond, in an amount not to exceed \$5,000, not later than the 24th hour after the person's arrest for a misdemeanor and a magistrate has not determined whether probable cause exists to believe that the person committed the offense. If the person is unable to obtain a surety for the bond or unable to deposit money in the amount of the bond, the person must be released on personal bond.
- e. Pursuant to Article 17.033 of the Code of Criminal Procedure, a person who is arrested without a warrant and who is detained in jail must be released on bond in an amount not to exceed \$10,000, not later than the 48th hour after the person's arrest for a felony and a magistrate has not determined whether probable cause exists to believe that the person committed the offense. If the person is unable to obtain a surety for the bond or unable to deposit money in the amount of the bond, the person must be released on personal bond.
- f. On the filing of an application by the attorney representing the state, a magistrate may postpone the release of a person (under Rule 1.d or 1.e of the Prompt Magistration section) for not more than 72 hours after the person's arrest. An application filed under this

subsection must state the reason a magistrate has not determined whether probable cause exists to believe that the person committed the offense for which the person was arrested.

- g. Whenever an arrested person is first brought before a magistrate, the magistrate shall perform the duties described in Article 15.17 of the Code of Criminal Procedure, conducting what will hereinafter be referred to as an Article 15.17 hearing, which will include the following:
 - 1. The magistrate shall specifically inform the person arrested of the person's right to request appointment of counsel if the person cannot afford counsel.
 - 2. The magistrate shall specifically ask the person arrested whether the person wants to request appointment of counsel.
 - 3. The magistrate shall inform the person arrested of the procedures for requesting appointment of counsel.
 - 4. The magistrate shall ensure that reasonable assistance in completing the necessary forms for requesting appointment of counsel is provided to the person at the time of the Article 15.17 hearing.
 - 5. If the arrested person does not speak and understand the English language or is deaf, the magistrate shall inform the person in a manner consistent with Articles 38.30 and 38.31 of the Code of Criminal Procedure.
- h. In each case in which an arrested person is taken before a magistrate for an Article 15.17 hearing, the magistrate will make a written record on a form titled "Magistrate Warning" and available in both English and Spanish, of the following information:
 - 1. That the magistrate informed the person of the person's right to request appointment of counsel;
 - 2. That the magistrate asked the person whether the person wanted to request appointment of counsel; and
 - 3. Whether or not the person requested appointment of counsel.(See Attachment One for the English version and Attachment Two for the Spanish version).
- i. If the arrested person requests appointment of counsel, the magistrate shall transmit or cause to be transmitted to the Cameron County Pre-Trial Services Office the name of the arrested person requesting appointment of counsel so the Pre-Trial Services can interview the person to determine if he/she qualifies for a court-appointed attorney. This transmittal will occur no later than 24 hours after the request is made to the magistrate.
- j. For persons arrested on out-of-county warrants, the magistrate will ask the defendant if he/she would like to request appointed counsel. The magistrate will record the response, and if counsel is requested, the magistrate will provide the arrestee with the appropriate forms for requesting counsel. The magistrate will ensure assistance in completing the forms at the same time. The forms will be transmitted to the appointing authority in the county issuing the warrant within 24 hours of the request being made.

Indigence Determination Standards

7/29/2020

2. Procedures and Financial Standards for Determining Whether a Defendant is Indigent

- a. After the Article 15.17 hearing, if the defendant has informed the magistrate that he/she does not want to request court-appointed counsel, this will be reflected on the Magistrate Warning form. If at any time after the Article 15.17 hearing the defendant decides that he/she would like to be interviewed after telling the magistrate that he/she did not want to request court-appointed counsel, he/she will be referred to the Pre-Trial Services Office for an interview (see below). If at any time after magistration the arrested person decides that he/she does not want to be interviewed for court-appointed counsel, after making the request with the magistrate, he/she will be referred to the Pre-Trial Services Office to sign a form reflecting the declination (Attachment Three).
- b. After the Article 15.17 hearing, if the defendant has informed the magistrate that he/she wants to request court-appointed counsel, the arrested person will be interviewed by the Pre-Trial Services Office whether or not they are able to make bond. If the defendant makes bond, he/she will be given a form with the contact information for the Pre-Trial Services Office and instructing them to contact the Pre-Trial Services Office by the end of the next business day to schedule an interview.
- c. As soon as possible following the Article 15.17 hearing, a Pre-Trial Services Officer shall interview each defendant who has requested Appointment of counsel and the defendant will provide under oath the necessary information concerning his/her financial resources. The Pre-Trial Service Officer shall input this information into the computer for the defendant.
- d. The financial data requested from the defendant during the interview with the Pre-Trial Services Office will include but is not limited to the defendant's income, source of income, assets, property owned, bank statements, retirement accounts, necessary expenses, the number and ages of dependents, and spousal income that is available to the defendant. Whether the defendant has posted or is capable of posting bail will not be considered in determining indigency, except to the extent that it reflects the defendant's financial circumstances as measured by the consideration listed above.
- e. At the conclusion of the interview with the Pre-Trial Services Office, the defendant will be asked to swear to and sign an "Affidavit of Indigence." (See Attachment Four for the English version and Attachment Five for the Spanish version).
- f. Based on the financial data given by the defendant, the office will calculate and determine whether the person meets the financial standard for indigency in Cameron County. That standard follows:
 1. A defendant is presumed indigent if, at the time of requesting appointed counsel, the income of the defendant does not exceed 125% of the Federal Poverty Guidelines as revised annually by the US Department of Health and Human Services.

2. A defendant who does not meet the financial standard set above is not presumed to be indigent. The Pre-Trial Services Office also may refer a defendant who is presumed not to be indigent to a court for further screening.
- g. A defendant who is determined to be indigent is presumed to remain indigent for the remainder of the proceedings in the case unless a material change in the defendant's financial circumstances occurs. If there is a material change in financial circumstances after a determination of indigency or non-indigency is made, the defendant, the defendant's counsel, or the attorney representing the state may move for reconsideration of the determination.
- h. A written or oral statement elicited from the defendant during this process or evidence derived from the financial data provided may not be used for any purpose, except to determine the defendant's indigency or to impeach the direct testimony of the defendant.
- i. A defendant may request a court-appointed attorney at any time, and the court judge who presides over the defendant's case has the discretion to appoint any attorney to that defendant, according to the method of assignment outlined in the Attorney Selection Process section of the plan.

Minimum Attorney Qualifications

11/5/2015

3. Minimum Attorney Qualifications

- a. Attorneys shall be appointed to represent indigent defendants from public appointment lists using a system of rotation *as* described later in this subsection.
- b. The judges hereby establish the following public appointment lists from which counsel for indigent defendants shall be appointed:
 1. A Misdemeanor list;
 2. A State Jail Felony list;
 3. A Second and Third Degree Felony list;
 4. A First Degree and 3(g) Felony list;
 5. An Appellate list for State Jail and Third Degree Felonies;
 6. An Appellate list for First, Second and 3(g) Felonies.
- c. Appointment of counsel to represent a defendant in a motion to revoke probation proceeding or a motion to adjudicate guilt proceeding shall be from the list appropriate for the underlying offense.
- d. Attorneys may apply to be included on one or more of the public appointment lists. (See Attachment Six). Attorneys do not need to re-apply for lists they *are* already on, but may apply for additional lists if they have met the qualifications. All attorneys already on one or more appointment lists also need to certify each January that they have completed at least six hours of CLE in criminal law in the previous year, even if they are not applying for additional lists. (See Attachment Six)

- e. To be eligible for placement on each public appointment list, attorneys must meet the following minimum qualification:
1. To qualify for misdemeanor appointments, including appeals, an attorney must have completed six hours of CLE in criminal law or procedure in the past year, including carryover from the previous year only. Also a State Bar approved Legislative Update Seminar in Criminal Law must be attended in any year the Legislative meets.
 2. To qualify for any felony appointment, including appeals, an attorney must have completed six hours of CLE in criminal law or procedure in the past year, including carryover from the previous year only. Also, a State Bar approved Legislative Update Seminar on Criminal Law must be attended in any year the Legislature meets.
 3. To qualify for the State Jail Felony list, an attorney must meet the general felony qualifications, have at least one year prior experience in criminal litigation and prior experience as lead or co-counsel in at least three criminal jury trials.
 4. To qualify for the Second and Third Degree Felony list, an attorney must meet the general felony qualifications, have at least two years prior experience in criminal litigation and prior experience as lead or co-counsel in two or more felony jury trials.
 5. To qualify for the First Degree and 3(g) Felony list, an attorney must either be board certified in criminal law, OR
 - a. meet the general felony qualifications;
 - b. have at least four years' prior experience in criminal litigation;
 - c. have prior experience as counsel in four felony jury trials in the last five years, having served as lead counsel in at least two of those trials; and
 - d. have completed ten hours of CLE in criminal law or procedure *in* the last calendar year. Suggested courses are: The Criminal Law Institute, Advanced Criminal Law Course, and The Short Course. Other courses authorized by the State Bar of Texas in criminal law or procedure are acceptable.
 6. To qualify for the Appellate list for State Jail and Third Degree Felonies, an attorney must meet the general felony qualifications, have at least two years' prior experience in criminal litigation and/or appellate litigation, and have filed at least one brief in a criminal or juvenile case.
 7. To qualify for the Appellate list for First, Second, and 3(g) Felonies, an attorney must meet the general felony qualifications, have at least three years' prior experience in criminal litigation and/or appellate litigation, and have filed at least two briefs in a criminal or juvenile case.
- f. In addition to the above qualification requirements, in order to be placed on one or more of the appointment lists, a majority of the district court judges must vote to approve the attorney's placement on each such list.

- g. An attorney shall submit by October 15th each year a statement that describes the percentage of the attorney's practice time that was dedicated to work based on appointments accepted in this county for adult criminal cases and juvenile delinquency cases for the prior 12 months that begin on October 1 and ends on September 30. The report must be submitted through the Texas Indigent Defense Commission's online portal.

An attorney shall be immediately removed from the appointment wheel and from any case to which the attorney has been appointed for any of the following:

1. the attorney is convicted or receives deferred adjudication for any felony, including controlled substance offenses;
2. the attorney is convicted or receives deferred adjudication for any crime of moral turpitude;
3. the attorney intentionally misrepresents any information on an Application for Court Appointments, on any Defense Claim for Fee Payment/Expenses or on any Annual Certification of Attorney; or
4. the attorney fails to complete 6 hours of CLE in criminal law or procedure each year; or
5. the attorney is sanctioned by the State Bar of Texas.

An attorney shall be removed from one or more of the public appointment lists by a majority vote of the Board of Judges whenever the judges determine that the attorney no longer meets the objective qualifications for that list (as set out in Rule 3.e of the Minimum Attorney Qualifications section) or is not fully competent to adequately handle the category of cases associated with that list. The judges may in their discretion remove an attorney from one or more lists, while continuing to approve the attorney for other lists.

An attorney may be removed from one or more of the public appointment lists by vote of a majority of the district and county court judges for any of the following reasons:

1. When an attorney intentionally or repeatedly violates the requirement that the attorney make every reasonable effort to contact the defendant not later than the end of the first working day after the date on which the attorney is appointed and to interview the defendant as soon as practicable after the attorney is appointed.
2. When, after a hearing, it is shown that the attorney requested and/or received any money or anything else of value for representing an indigent defendant subject to court appointment other than what is paid or anticipated to be paid to them by the county; or
3. for good cause at the discretion of a majority of the Board of Judges.

Prompt Appointment of Counsel

8/25/2016

4. Prompt Appointment of Counsel

- a. Counsel shall be appointed in the manner specified in the Rule below (contact with defendant, determination and order of appointment), *as soon as possible*, but not later than the end of the first working day after the date on which the Pre-Trial Services Office receives the defendant's request for counsel. "Working day" means Monday through Friday, except for official county holidays. In accordance with *Rothgery v. Gillespie County*, this one working day time frame for ruling on counsel requests applies to both persons who are in custody and to persons who have been released from custody.
- b. In any adversary judicial proceeding that may result in punishment by confinement, the court may not direct or encourage the defendant to communicate with the attorney representing the state until the court advises the defendant of the right to counsel and the procedure for requesting appointed counsel and the defendant has been given a reasonable opportunity to request appointed counsel.
- c. If an indigent defendant is arrested in another county based on this county's warrant, counsel will be appointed within one working day of this county's receipt of the request for counsel.
- d. If a defendant is arrested in this county based on another county's warrant, counsel will be appointed for the defendant if, on the eleventh day after the arrest, the defendant is still in this county's custody.
- e. If a defendant wishes to request counsel prior to the initial appearance, the forms required to request counsel may be obtained at the Texas Indigent Defense Commission's website at <http://tidc.tamu.edu/public.net/>. The defendant may submit these forms to: the appointing authority listed below. The court will rule on all requests for counsel submitted in this manner.
- f. Appointment Authority - The appointing authority for all filed or unfiled cases in Cameron County is the Cameron County Pre-Trial Services Office.

5. Contact with Defendant, Determination and Order Appointing Counsel

- a. If it is determined that a person who requests appointment of counsel is not indigent under the standard procedures (described in Rule 2: Procedures and Financial Standards for Determining Whether a Defendant is Indigent), that finding will be entered on the person's "Affidavit Finding Accused Is Not Indigent" which will be filed in the court's file. (See Attachment Seven) The Pre-Trial Services Office will also hand the defendant a copy of this affidavit, including notice that he/she is presumed not qualified for a court-appointed attorney but may seek judicial review if he/she believes he/she can show that he/she is not financially able to afford counsel.

- b. If it is determined that a person who request appointment of counsel is indigent under the standard and procedures described in (described in Rule 2 (Procedures and Financial Standards for Determining Whether a Defendant is Indigent), the computer will print the name, address, and phone number of the selected court-appointed attorney, as determined according to Rule 6 (Attorney Selection Process), on the Order Appointing Counsel, which will be filed in the court's file. The Pre-Trial Services Office will also provide the defendant a copy of this order, including the attorney's information outlined above. (See Attachment Eight).
- c. At the same time the Pre-Trial Services Director or his/her designee selects the court-appointed attorney's name and it is provided to the defendant by the Pre-Trial Services Office, the attorney will receive the Order Appointing Counsel by e-mail and/or fax. (See Attachment Eight).
- d. According to the Texas Code of Criminal Procedure Article 26.04(j) (1), the appointed attorney shall make every reasonable effort to contact the defendant not later than the end of the first working day after the date on which the attorney is appointed. The initial contact may be by certified letter to the defendant. The attorney also must interview the defendant as soon as practicable after the attorney is appointed.
- e. The defendant will be given a business card by the pre-trial officer. If the defendant has not been contacted by his/her court-appointed attorney within 24 hours. The Pre-Trial Services Office will attempt to verify this information through jail visitation records and/or communication with appointed attorney and request verification that the attorney has complied with the provisions immediately above.

Attorney Selection Process

11/5/2015

6. Attorney Selection Process

- a. The following method shall be used to assign attorneys from the appropriate public appointment list to represent indigent defendants:
 - 1. After the defendant has been interviewed by the Pre-Trial Services Officer and the Officer has completed the calculation and determined that the defendant meets the standard of indigency in Cameron County, the Pre-Trial Services Officer will ask the Director of the Pre-Trial Office or his/her designee to determine the next attorney's name on the appropriate appointment list.
 - 2. The Pre-Trial Services Director or his/her designee will select and provide an attorney's name from the next five attorneys on the list to the Pre-Trial Services Officer, after analyzing the individual requirements of the request and utilizing the following filters:
 - Language
 - Degree of Offense
 - Availability of Attorney

3. The attorney's name selected to be appointed to the case should be one that meets any language requirement (if possible), is qualified to take appointments for the degree of offense, and is not unavailable, and had the oldest date of last appointment. The next four attorneys names will continue with a fifth name added from the next available attorney on the list to form the next five names. The name of the selected attorney will be moved to the bottom of the list. This will result in a system of rotation.
4. At any time, a defendant may appear before the judge presiding over the defendant's case and request a court-appointed attorney and the judge must appoint an attorney to represent that defendant if the defendant is indigent. The attorney appointed must be qualified to take that degree of offense and chosen from the next five names on the wheel, as provided by the Pre-Trial Services Office (See Attachment Nine), unless the judge makes a finding of good cause as set forth below.
5. The judge of District or County Court or the judge's designee may deviate from the rotation system and appoint an attorney in that court who is specifically qualified under the Plan on an ad hoc basis to represent an indigent defendant, or a defendant who in the interest of justice requires appointment of counsel upon a written finding of good cause to deviate from the rotation system.
6. Each attorney appointed under this subsection to represent the defendant shall represent the defendant on all charges (both felony and misdemeanor) starting from his/her arrest until charges are dismissed, the defendant acquitted, all post-trial motions are resolved, notice of appeal is perfected, or until relieved by the court or replaced by other counsel after a finding of good cause is entered on the record.
7. At the conclusion of all proceedings in the trial court, including post-trial motions, if an indigent defendant wishes to file an appeal, trial counsel must assist the defendant in the filing of the notice of appeal. Once these steps have been complete, the court-appointed trial attorney's representation of the defendant is concluded. No motion to withdraw is necessary. The trial court may then appoint an appellate attorney from the appropriate appeal list unless a material change in the defendant's financial circumstances has occurred. The trial court shall appoint a lawyer from the next five names on the appropriate appellate list, as provided by the Pre-Trial Services Office. The judge may make a finding of good cause on the record for appointing out of order.

7. Selection and Appointment of Counsel in Capital Cases

- a. Subject to Rule 7.b below, when a defendant is arrested on capital murder charges, the District Clerk's Office will notify the district court where the case is filed on the first working day after arrest. The judge of that court will then have two working days to appoint counsel to represent the defendant. The presiding judge of the district court in which a capital felony case is filed shall appoint two attorneys, at least one of whom must be qualified under Article 26.052 of the Code of Criminal Procedure, to represent an indigent

defendant as soon as practicable after charges are filed, unless the state gives notice in writing that the state will not seek the death penalty.

- b. If an arrested person is charged with capital murder and requests a court appointed attorney at magistration, the Pre-Trial Services Officer shall interview the defendant to determine if the person meets the standard of indigency in Cameron County. If the defendant qualifies for a court appointed attorney, the judge presiding in the court to which the capital murder case is assigned will appoint two attorneys, one of whom must be qualified under Article 26.052 of the Code of Criminal Procedure, within the time limit set forth in Rule 4 (Prompt Appointment of Counsel).
- c. To be assigned as lead counsel in a death penalty case an attorney must:
 - 1. Be on the list of attorneys approved by the local selection committee of the administrative judicial region for appointment in death penalty cases as provided in Article 26.052 of the Code of Criminal Procedure; and
 - 2. Meet the following qualifications outlined in Article 26.052 of the Code of Criminal Procedure, approved by the district court judges in Cameron County:
 - a. Be a member of the State Bar of Texas;
 - b. Exhibit proficiency and commitment to providing quality representation to defendants in death penalty cases;
 - c. Have not been found by a federal or state court to have rendered ineffective assistance of counsel during the trial or appeal of any capital case;
 - d. Have at least five years' experience in criminal litigation;
 - e. Have tried to a verdict as lead defense counsel at least eight felony cases including homicide trials and other trials for offenses punishable as second or first degree felonies or capital felonies;
 - f. Have experience as counsel in at least one death penalty case that was handled conclusion.
 - g. Have trial experience in the use of and challenges to mental health or forensic expert witnesses;
 - h. Have trial experience in investigating and presenting mitigating evidence at the penalty phase of a death trial;
 - i. Have participated in continuing legal education courses or other training relating to criminal defense in death penalty cases. Five hours death penalty related CLE.
 - 3. In addition to meeting the above listed qualifications requirements, in order to be included on the list of attorneys qualified for appointment in death penalty cases in the Fifth Administrative Judicial Region, a majority of the members of the local selection committee must vote to approve the attorney's placement on that list.

- d. To be assigned as a second chair counsel in a death penalty case an attorney must meet the qualifications outlined in Rule 3(e)(5) (Minimum Attorney Qualifications) for the First Degree and 3(g) Felony List.
- e. If the state gives notice in writing that it will not seek the death penalty before counsel is appointed, counsel will be appointed from the First Degree and 3(g) list according to Rule 3 (Minimum Attorney Qualifications).

Fee and Expense Payment Process

11/5/2015

8. Attorney Fee Schedule and Compensation of Appointed Attorneys

- a. Counsel appointed to represent a defendant in a criminal proceeding, including a habeas corpus hearing, shall be paid a reasonable attorney's fee for performing the following services, based on the time and labor required the complexity of the case, and the experience and ability of the appointed counsel:
 - 1. Time spent in court making an appearance on behalf of the defendant as evidenced by a docket entry, time spent in trial, and time spent in a proceeding in which sworn oral testimony is elicited;
 - 2. Reasonable and necessary time spent out of court on the case, supported by any documentation that the court requires;
 - 3. Preparation of an appellate brief and preparation and presentation of oral argument to a court of appeals or the Court of Criminal Appeals; and
 - 4. Preparation of a motion for rehearing.
- b. All payments shall be paid after judicial approval, in accordance with the attached fee schedule and guidelines which were adopted by formal action of the Court Judges, with copies sent to the Auditor's Office of Cameron County. (See Attachment Ten).
- c. This fee schedule takes into consideration reasonable and necessary overhead cost and the availability of qualified attorneys willing to accept the stated rates.
- d. A voucher form and in-court and out-of-court itemization forms will be provided for appointed counsel to itemize the types of services performed. (See Attachment Eleven). Appointed counsel must submit this voucher within ninety (90) days to the judge presiding over the case for which the appointed attorney seeks compensation, for the judge to approve the payment.
- e. If a judge requests guidance on how to proceed in authorization of a voucher for payment or bill submitted by an attorney, an investigator, or a court-appointed expert, he/she may forward the voucher or bill in question to the Local Administrative Judge who will form a committee for review of the same. This committee can also review vouchers where the judge has already disapproved all or part of the requested amount of payment. The committee has limited investigatory powers, such as access to jail records to verify jail visits, contact with the attorney who prepared the voucher, and requests to the attorney to produce information to corroborate claims on the voucher. The committee

then makes non-binding recommendations in writing to the judge presiding over the voucher. If the voucher involves an attorney and the attorney is not satisfied with the outcome, he/she may still pursue the statutory remedy outlined in Article 26.05(c) of the Code of Criminal Procedure.

- f. An attorney who receives an appointment through the system outlined in this plan or through any other means is not allowed to receive any money or anything else of value for representing the accused, other than what is paid to them by the county, as approved by the court in writing.
- g. If the judge disapproves the requested amount of payment, the judge shall make written findings stating the amount of payment that the judge approves and each reason for approving an amount different from the requested amount.
- h. Regardless of whether an attorney's voucher has been reviewed by the voucher committee or not, an attorney whose request for payment is disapproved may appeal the disapproval by filing a motion with presiding judge of the administrative judicial region, as provided under Article 26.05(c) of the Code of Criminal Procedure. This motion must be filed within twenty-one (21) days from the date the attorney receives notice of the disapproval of payment unless good cause is shown. An attorney also may file a motion with the presiding judge of the administrative judicial region if a request for payment is not acted on by the 60th day after the request for payment was submitted.
- i. On the filing of a motion, the presiding judge of the Fifth Administrative Judicial Region shall review the disapproval of payment or failure to act and determine *the* appropriate amount of payment. In reviewing the disapproval or failure to act, the presiding judge of the administrative judicial region may conduct a hearing. Not later than the 45th day after the date an application for payment of a fee is submitted Cameron County shall pay to the appointed counsel the amount that is approved by the presiding judge of the administrative judicial region and that is in accordance with the adopted fee schedule.
- j. Investigative and Expert Expenses.

Counsel appointed in capital and non-capital case shall be reimbursed for reasonable and necessary expenses, including expenses for investigation and for mental health and other experts. Expenses incurred with and without prior court approval shall be reimbursed, according to the procedures set forth below. When possible, prior court approval should be obtained before incurring expenses for investigation and for mental health and other experts.
- k. If a motion to substitute counsel is filed or orally made by an employed attorney for a defendant who has an appointed attorney under these rules, then the Court may find that the defendant has the present financial resources that are available for payment from or on behalf of the defendants. The said employed counsel shall be ordered to pay on behalf of the defendant to appointed counsel his/her reasonable time spent on the case at the rate established by these local rules for appointed counsel in the same order approving the substitution of counsel.

Procedure with Prior Court Approval:

Appointed counsel may file with the trial court a pretrial ex parte confidential request for advance payment of investigative and expert expenses. The request for expenses must state, as applicable:

1. The type of investigation to be conducted or the type of expert to be retained;
2. Specific facts that suggest the investigation will result in admissible evidence or that the services of an expert are reasonably necessary to assist in the preparation of a potential defense; and
3. An itemized list of anticipated expenses for each investigation or each expert.

The court may grant the request for advance payment of expenses in whole or in part upon proof that the request is reasonable. If the court denies in whole or in part the request for expenses, the court shall:

1. State the reasons for the denial in writing;
2. Attach the denial to the confidential request; and
3. Submit the request and denial as a sealed exhibit to the record.


Procedure without Prior Court Approval:

Appointed counsel may incur investigative or expert expenses without prior approval of the court. On presentation of a claim for reimbursement, the court may order reimbursement of counsel for the expenses, if the expenses are reasonably necessary and reasonably incurred. Unreasonable or unnecessary expenses will not be approved.

The Cameron County Juvenile Board shall establish the procedures, standards, guidelines, rules and orders for the appointment of counsel to represent indigent juveniles in juvenile court cases as provided by law.

This amended Indigent Defense/Pre-Trial Services Plan was approved by a majority of the District and County Court Judges in Cameron County.

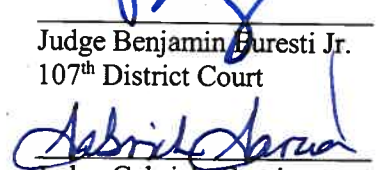
Signed on this 2 day of February 2023.



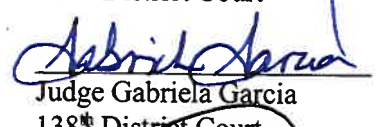
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Judge Janet L. Leal
103rd District Court



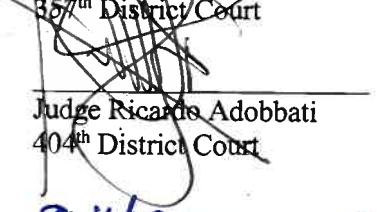
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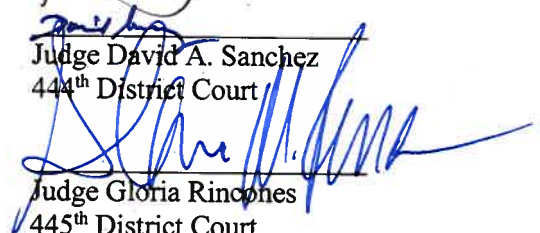
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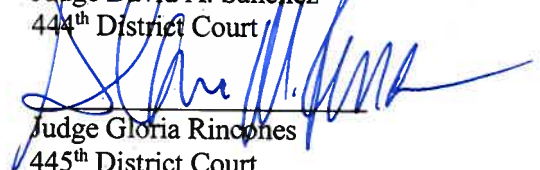
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Judge Ricardo Adobbati
404th District Court



Judge David A. Sanchez
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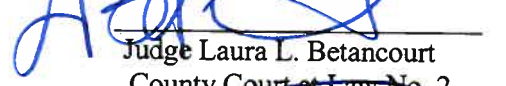


Judge Gloria Rincones
445th District Court

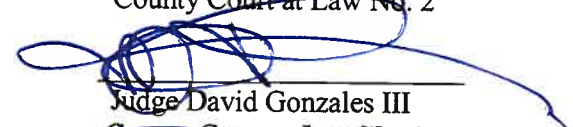
Judge Adela Kowalski-Garza
484th District Court



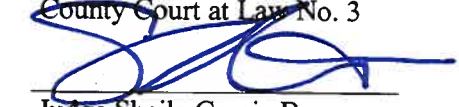
Judge Arturo A. McDonald Jr.
County Court at Law No. 1



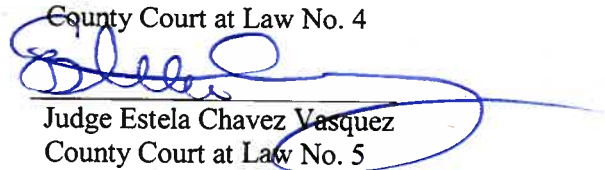
Judge Laura L. Betancourt
County Court at Law No. 2



Judge David Gonzales III
County Court at Law No. 3



Judge Sheila Garcia Bence
County Court at Law No. 4



Judge Estela Chavez Vasquez
County Court at Law No. 5

ATTACHMENT 1
MAGISTRATE'S WARNING

CAUSE NUMBER: _____

STATE OF TEXAS
vs

WARRANT NO: _____

ID: _____

D.O.B. _____

IN THE MAGISTRATE COURT FOR
CAMERON COUNTY, TEXAS

Before me, the undersigned magistrate in the State of Texas, on _____ 2023 at _____ a.m./p.m.
_____ 0 _____, appeared before me in Brownsville, Cameron County, Texas no later than 48 hours
after said person was arrested, and said person was given the following warning by me:

_____ Misdemeanor class _____

_____ Felony _____

_____ Warrantless
_____ Warrant

☒

1. You are charged with the offense of **Misdemeanor / Felony** of:

An affidavit charging you with this offense (has) (has not) been filed.

☒

2. You have the right to hire an attorney to represent you.

☒

3. 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.

☒

4. You have the right to remain silent.

☒

5. You are not required to make a statement, and any statement you make can and will be used against you
in court.

☒

6. You have the right to stop any interview or questioning at any time.

☒

7. If you are charged with a felony you have the right to have an examining trial.

☒

8. You have the right to request appointment of counsel if you cannot afford counsel.

☒

9. By International Law you have the right to have your consulate officer notified if you are not a U.S. Citizen.

II. UNDERSTANDING OF WARNING AND APPOINTMENT OF COUNSEL

appointment of counsel as explained to me by the magistrate.

I am requesting appointment of counsel

I am not requesting appointment of counsel

_____ Person Warned

_____ Person Warned

Accused refused to sign acknowledgement of warning:

Date of arrest: _____

Time of arrest: _____

Arresting agency: _____

Arresting officer: _____

III. CONSULAR TREATY NOTIFICATION

Defendant states:

_____ He / She is a citizen of the United State of America (if not a citizen of U.S. you must notify their consulate.)

_____ He / She is a citizen of _____

_____ Yes, notify consulate

_____ No, don't notify

Bail is set at \$ _____

_____ Bail not determined

_____ Bail denied

Fine set at \$ _____

Plea: _____

(Class "C" Offense)

Pursuant to number 8 and 4 above, I explained the local procedures for requesting appointment of counsel in a manner the defendant could understand
and procedure for notification of appropriate consulate officer, if requested. I provided any necessary paperwork and reasonably assisted
in its completion. I forwarded the paperwork, if any, to the appropriate authority, without unnecessary delay, in no event more than 24 hours.

I further certify that I am a duly appointed as a Magistrate hearing officer for the Cameron County, Texas.

WITNESS MY HAND this _____ day of _____ 2023

Magistrate: _____

ATTACHMENT 2

CAUSE NUMBER _____

STATE OF TEXAS
VS.

IN THE MUNICIPAL COURT
CAMERON COUNTY, TEXAS

MAGISTRATE'S WARNING

Ante mi, el magistrado que firma este document, en el Estado de Texas, en el _____ dia de _____, 20__

a las _____, _____, personalmente aparecio ante mi en San Benito, Condado de Cameron, Texas no menos de 48 horas despues de que dicha persona fuera arrestada y dicha persona se le dieron las siguientes advertencias:

_____ Delito menor _____ Delito mayor de felonía

- _____ 1. A usted se le acusa de la ofensa de _____ una declaracion jurada (ha sido) (no ha sido) archivada.
- _____ 2. Tiene el derecho de contratar un abogado que lo represente.
- _____ 3. Tiene el derecho de que un abogado este presente antes o al mismo tiempo de cualquier interrogacion por oficiales o abogados que representen al estado.
- _____ 4. Tiene derecho de guardar silencio.
- _____ 5. A usted no se le requiere que de una declaracion y cualquier declaracion que de, sera usada en su contra en un tribunal.
- _____ 6. Tiene el derecho de tener cualquier interrogacion o entrevista cuando usted quiera.
- _____ 7. Usted tiene el derecho a un juicio examinatorio (FELONIAS SOLAMENTE).
- _____ 8. Usted tiene el derecho de pedir que la corte le contrite un abogado si usted no tiene para contratar un abogado por si mismo.

Sobre el derecho numero 8 aqui mencionado se le explica el proceso para que se contrite un abogado de la manera que el acusado pueda entenderlo le he proveido documentacion necesaria para que se le ayude a completarla. Le he transferido la documentacion, si es que hay, a las autoridades competentes sin tardanza, o cualquier evento en menos de 24 horas.

La fianza es puesta en la cantidad de \$ _____ Fianza no determinada _____ Fianza denegada

Acusado afirma _____ El/Ella es ciudadano de los Estados Unidos de America
_____ El/Ella es ciudadano _____
(If checked, give Consular Treaty Notification)

Yo certifico que soy el juez nombrado para comparecer en la Corte Municipal de San Benito, Condado de Cameron, Texas.
Doy fe en este el _____ dia de _____, 20__.

JUEZ MAGISTRADO

Estoy de acuerdo que se me dieron las advertencias aqui mencionadas y entiendo mis derechos y proceso en que se me contrite un abogado como me lo explico el juez magistrado.

Si, estoy pidiendo que me contraten un abogado

No estoy pidiendo que me contraten un abogado

Persona a la que se le dieron las advertencias

Persona a la que se le dieron las advertencias

Acusado se rehusa a firmar las advertencias

Jues Magistrado

ATTACHMENT 3

SO# CAUSE #(s) _____

COURT DOB CHARGE (s) _____

CAMERON COUNTY PRE-TRIAL SERVICES

AFFIDAVIT OF ACCUSED DECLINING TO BE INTERVIEWED

THE STATE OF TEXAS

COUNTY OF CAMERON

Before me, on the _____ day of _____, 20____, appeared _____, whom I have informed of his/her right to have counsel appointed to represent him/her. At this time the accused declined to be interviewed to determine if he/she is eligible for court appointed counsel.

ACCUSED

WITNESS

SUBSCRIBED AND SWORN before me Notary Public in and for the State of Texas on this _____ day of _____, A.D. _____.

NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS

- ☐ Defendant has an attorney.
- ☐ Defendant will hire private attorney.
- ☐ Defendant has to discuss it with his/her family.
- ☐ Defendant refused to speak with Pre-Trial Services.

CAMERON COUNTY PRE-TRIAL SERVICES

ATTACHMENT 4

ASSESSMENT AND AFFIDAVIT DETERMINING INDIGENCY

THIS PORTION TO BE COMPLETED BY OFFICE PERSONNEL ONLY			
The State of Texas vs.		_____ County Court _____ District Court	
Offense:	Felony/Misd:	Interpreter required? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Offense:	Felony/Misd:	If yes, language required:	
Offense:	Felony/Misd:		
Defendant Currently In: <input type="checkbox"/> Correctional Facility <input type="checkbox"/> Mental Health Facility			
THIS PORTION TO BE COMPLETED BY OR WITH DEFENDANT			
Name _____		Date of Birth _____ / _____ / _____	
First Name	MI	Last Name	
Address _____		_____	
Street	Apt No.	City	State Zip Code
Phone Numbers _____		_____	
Home	Cell	Work	Family Member
I receive:	<input type="checkbox"/> Medicaid	<input type="checkbox"/> SSI	<input type="checkbox"/> SNAP
		<input type="checkbox"/> TANF	<input type="checkbox"/> Public Housing
Are you Employed? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, where? _____ Type of Work _____			
Number of Hours per Week: _____ How long have you worked at this job? _____ Where did you last work? _____			
Marital Status : <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed <input type="checkbox"/> Separated			
Name of Spouse _____		VETERAN <input type="checkbox"/> Yes <input type="checkbox"/> No	
First	MI	Last	
Name of Dependent Child(ren) (0-18 yrs.)		Age	Name of Dependent Child(ren) (0-18 yrs.)
RESIDENCE INFORMATION			
Rent: yes or no	Own: yes or no	Reside with family: yes or no	Homeless: yes or no
MONTHLY INCOME AND ASSETS		MONTHLY EXPENSES YOU ARE RESPONSIBLE FOR	
My take home pay	\$ _____	Rent/Mortgage	\$ _____
Spouse's take home pay	\$ _____	Utilities (Elec., Gas, Water)	\$ _____
Child Support (Received)	\$ _____	Total Child Expenses (Including Child Support Paid)	\$ _____
SNAP (Food Stamps)	\$ _____	Total Food Expenses	\$ _____
Social Security/Disability	\$ _____	Transportation Costs	\$ _____
Other Government Check	\$ _____	Cell/home phone	\$ _____
Other Income	\$ _____	Probation fees	\$ _____
Assets (car, house, etc.)	\$ _____	Medical Expenses / Health Insurance	\$ _____
TOTAL MONTHLY INCOME AND ASSETS	\$ _____	TOTAL MONTHLY EXPENSES	\$ _____

CAMERON COUNTY PRE-TRIAL SERVICES

Defendant's Oath

On this _____ day of _____, 20____, I have been advised of my right to representation by counsel in connection with the charge pending against me. I certify that I am without means to employ counsel of my own choosing and I hereby request the court to appoint counsel for me.

Defendant's Signature

Date

ONLY ONE SECTION BELOW TO BE COMPLETED.

Administered Oath

(Notary ONLY)

SUBSCRIBED and SWORN to before me, the undersigned authority, this _____ day of _____, 20____.

Notary Public Signature Date

Unsworn Declaration by Defendant

(Defendant ONLY)

My name is _____, my date of birth is _____.
(First Name) (Middle Name) (Last Name)

My address is _____, _____, _____, _____, _____.
(Street Number and Name) (City) (State) (Zip Code) (Country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in _____ County, State of Texas, on the _____ day of _____, _____.
(Month) (Year)

Defendant Currently Meets Eligibility Requirements?

☐ YES

☐ NO

Date _____

CAMERON COUNTY PRE-TRIAL SERVICES

ORDER APPOINTING COUNSEL

_____ is appointed to represent defendant _____
on the following charge(s): _____

_____.

**As per the Local Rules adopted and signed by the
CAMERON COUNTY BOARD OF JUDGES, you have 24 hours to visit with your client
(excluding weekends and Cameron County holidays) from the time you receive this email.
If you are unable to accept this appointment, please contact our office immediately.**

Approved: _____
Pre-Trial Officer

Date: _____

Judicial Officer: _____

Date: _____

Attorney's Information

Name: _____

Address: _____

City, State, Zip: _____

Telephone Number: _____

Bar Number: _____

Defendant's Location

Bond Amount: _____ Bond: ☐ Personal ☐ Cash/Surety

Bonding Company: _____

☐ **On Bond**

DOB: _____

Address: _____

City, State, Zip: _____

Telephone Number: _____

☐ **Jailed**

SO# _____

Facility _____

This appointment shall remain in effect until all charges are dismissed, the defendant is acquitted, appeals are exhausted, or until you are relieved of your commission by the court or replaced by other counsel after a finding of a good cause.

CAMERON COUNTY PRE-TRIAL SERVICES

ATTACHMENT 5 APLICACION Y DECLARACIÓN JURADA PARA DETERMINAR INDIGENCIA

ESTA SECCIÓN SERÁ LLENADA SOLO POR EL PERSONAL DE LA OFICINA

El Estado de Texas vs. _____ Tribunal de Condado

Tribunal de Distrito

Delito:	Grave/No Grave:	¿Se requiere de un intérprete? <input type="checkbox"/> Sí <input type="checkbox"/> No
Delito:	Grave/No Grave:	En caso afirmativo, indique el idioma:
Delito:	Grave/No Grave:	

Detenido actualmente en: ☐ Institución Penitenciaria ☐ Institución de Salud Mental

ESTA SECCIÓN SERÁ LLENADA POR EL ACUSADO O EN PRESENCIA DEL MISMO

Nombre _____ Fecha de nacimiento ____/____/____
Nombre de Pila Inicial del Segundo nombre Apellido

Dirección _____
Calle Núm. de Depto. Ciudad Estado Código Postal

Números telefónicos _____
Casa Móvil Trabajo Otro miembro de la familia

Marque si usted recibe alguno de los siguientes servicios o beneficios: ☐ Medicaid ☐ SSI ☐ SNAP ☐ TANF ☐ Asistencia de Vivienda

¿Está usted trabajando actualmente? ☐ Sí ☐ No ¿En dónde trabaja? _____ ¿En qué trabaja? _____

Horas trabajadas por semana: _____ Tiempo que lleva trabajando ahí: _____

Estado civil: ☐ Soltero(a) ☐ Casado(a) ☐ Divorciado(a) ☐ Viudo(a) ☐ Separado(a)

Nombre de su cónyuge _____ VETERANO ☐ SI ☐ NO
Nombre de Pila Inicial del Segundo nombre Apellido

Nombres de los Menor(es) que dependen de usted (de 0 a 18 años de edad)	Edad	Nombres de los Menor(es) que dependen de usted (de 0 a 18 años de edad)	Edad

INFORMACIÓN SOBRE SU HOGAR

Hogar alquilado: Sí / No	Hogar propio: Sí / No	Vivo en el hogar de otros familiares: Sí / No	Sin hogar: Sí / No
--------------------------	-----------------------	--	-----------------------

INGRESOS MENSUALES Y BIENES		GASTOS MENSUALES	
Mis ingresos después de impuestos	\$	Pago de Alquiler o de Hipoteca	\$
Ingresos después de impuestos de mi cónyuge	\$	Servicios públicos (Luz, Gas, Agua)	\$
Manutención de Menores (Recibida)	\$	Total de gastos en los menores (Incluya pagos de Manutención de Menores hechos por usted)	\$
SNAP (Cupones alimenticios)	\$	Total de Gastos en Alimentos	\$
Seguro Social / Discapacitación	\$	Gastos de Transporte	\$
Otros Ingresos del Gobierno	\$	Teléfono móvil o de la casa	\$
Otros Ingresos	\$	Cuotas de Vigilancia de su libertad a prueba	\$
Bienes (auto, casa, etc.)	\$	Gastos Médicos / Seguro Médico	\$
TOTAL MENSUAL DE INGRESOS Y BIENES	\$	TOTAL MENSUAL DE GASTOS	\$

CAMERON COUNTY PRE-TRIAL SERVICES

Juramento del Acusado

El día de hoy ____ de _____ del 20 ____, he sido notificado sobre mi derecho a ser representado por un abogado en relación al cargo en mi contra. Yo declaro que no tengo los medios económicos para contratar un abogado por mi propia cuenta y por el presente solicito al Juez me asigne un abogado de oficio.

Firma del Acusado

Fecha

JURAMENTADO y FIRMADO ante mí, la autoridad que suscribe, el día de hoy _____ de _____, del 20____.

Firma del Secretario del Tribunal/Fedatario

Fecha

¿El acusado cumple actualmente con los requisitos para calificar?

☐ SÍ

☐ NO

Fecha _____

CAMERON COUNTY PRE-TRIAL SERVICES

ORDEN JUDICIAL ASIGNANDO UN ABOGADO DE OFICIO

_____ es nombrado(a) para representar al imputado _____
en el(los) siguiente(s) cargo(s): _____

_____.

Aprobado por _____
Funcionario que Autoriza

Fecha: _____

Información del(la) Abogado(a)

Nombre: _____

Dirección: _____

Ciudad, Estado, Código Postal: _____

Número telefónico: _____

Ubicación del Imputado

Cantidad de la Fianza: _____ Tipo de Fianza: ☐ Garantía personal ☐ En efectivo/fiador

Compañía Afianzadora: _____

☐ En libertad bajo fianza

☐ En la cárcel

Dirección: _____

Condado _____

Ciudad, Estado, Código Postal: _____

Número telefónico: _____

Institución _____

¿El acusado fue detenido por orden de detención de otro condado? ☐ Sí ☐ No

En caso afirmativo, indique el otro condado: _____

☐ Se han enviado los formularios necesarios a la persona a cargo de recibirlos en el condado donde fue expedida la orden de detención, dentro de las 24 horas.

ATTACHMENT 6

CAMERON COUNTY PRE-TRIAL SERVICES
ATTORNEY APPLICATION FOR APPOINTMENT

THE STATE OF TEXAS
COUNTY OF CAMERON

I, _____, (Print name of attorney) do hereby file this statement in compliance with the Cameron County Plan and Standing Rules and Orders for Procedures for Timely and Fair Appointment of Counsel for Indigent Accused Persons in Cameron County, Texas for establishment of a list of eligible licensed attorneys to represent indigent accused persons in Cameron County, Texas and do solemnly swear or affirm that the below information is true and correct. Should any change in this information occur, I understand that I must within 30 days of such change file an Amended Statement of Licensed Attorney Residing or Practicing Law in Cameron County, Texas with the local administrative judge of the Cameron County District Courts at the Cameron County Courthouse in Brownsville, Texas who shall timely notify the local administrative judge of the Cameron County Courts at Law of such filing.

ATTORNEY CONTACT INFORMATION:

NAME:

BAR CARD #: _____

PHYSICAL ADDRESS (not a post office box):

MAILING ADDRESS: _____

TELEPHONE #: _____

FAX #: _____

CELLULAR PHONE #: _____

E-MAIL ADDRESS: _____

I will give written notice of any change in these notification numbers to each County Court Judge and District Court Judge in Cameron County prior to the change.

Year and month licensed to practice law by the Supreme Court of Texas: _____

Law School: _____ Year graduated: _____

Other relevant education: _____

I. INCLUSION ON THE APPOINTMENT LIST

1. I ask that my name BE CONSIDERED FOR INCLUSION on the list of licensed attorneys eligible for court appointments in Cameron County, Texas, and I state that I am competent licensed attorney presently certified or qualified to accept appointments in the following types of cases: (Circle Yes or No)

2. MISDEMEANOR criminal cases	YES	NO
3. APPEALS of MISDEMEANOR criminal cases	YES	NO
4. STATE JAIL FELONY criminal cases	YES	NO
5. THIRD DEGREE FELONY criminal cases	YES	NO
6. SECOND DEGREE FELONY criminal cases	YES	NO
7. FIRST DEGREE FELONY criminal cases	YES	NO
8. CAPITAL FELONY criminal cases	YES	NO
9. APPEALS of NON-CAPITAL FELONY cases	YES	NO
10. APPEALS OF CAPITAL FELONY cases	YES	NO
11. JUVENILE cases	YES	NO
12. APPEALS of JUVENILE cases	YES	NO

13. I am applying to be considered for the following appointments:

14. MISDEMEANOR criminal cases	YES	NO
15. APPEALS of MISDEMEANOR criminal cases	YES	NO
16. STATE JAIL FELONY criminal cases	YES	NO
17. THIRD DEGREE FELONY criminal cases	YES	NO
18. SECOND DEGREE FELONY criminal cases	YES	NO
19. FIRST DEGREE FELONY criminal cases	YES	NO
20. CAPITAL FELONY criminal cases	YES	NO
21. APPEALS of NON-CAPITAL FELONY cases	YES	NO
22. APPEALS OF CAPITAL FELONY cases	YES	NO

II. LICENSE AND C.L.E. BACKGROUND

LICENSED TO PRACTICE LAW:

1. I am currently licensed and in good standing with the state bar and the Texas Supreme Court
YES NO
2. I am also a licensed attorney in good standing to practice law in the state(s) of:

3. I have been admitted to practice law in the United States Federal District Courts for the _____ District of Texas.
4. I have been admitted to practice law in the United States Federal District Courts for the _____ District of the state of _____.
5. I have been admitted to practice law before the United States Fifth Circuit Court of Appeals
YES NO

6. I have been admitted to practice law before the United States _____
Circuit Court of Appeals.

7. I have been admitted to practice law before the United States Supreme Court.

YES NO

8. I have been certified as a specialist by the Board of Legal Specialization of the
State Bar of Texas in the following areas of law: _____

CONTINUING LEGAL EDUCATION:

1. I have attended the required number of hours for continuing legal education
during the last reporting period as reported to the State Bar of Texas.

YES NO

2. I have attended the Advanced Criminal Law Seminar sponsored by the State Bar
of Texas for the following years:

3. I have attended C.L.E. programs dealing with criminal law issues during the
following years:

4. I have attended C.L.E. programs dealing with juvenile law issues during the
following years:

5. I have attended C.L.E. programs dealing only with non-criminal law areas and certify that I have not attended a C.L.E. program dealing with criminal law.

YES NO

6. I have attended C.L.E. programs dealing with the use of and challenge of mental health or forensic expert witnesses.

YES NO

a. The most recent course attended was on the following date: _____

7. I have attended C.L.E. programs or training relating to criminal defense in death penalty cases.

YES NO

a. The most recent course attended was on the following date: _____

8. I have attended C.L.E. programs relating to investigating and presenting mitigating evidence at the penalty phase of death penalty trials.

YES NO

a. The most recent course attended was on the following date: _____

9. I have attended C.L.E. programs relating to appeals of criminal cases.

YES NO

a. The most recent course attended was on the following date: _____

10. I have attended C.L.E. programs relating to appeals of juvenile cases.

YES NO

a. The most recent course attended was on the following date: _____

11. I am currently planning to attend the following C.L.E. courses in the next year.

III. CRIMINAL AND JUVENILE TRIAL/APPEALS EXPERIENCE

1. I hereby certify that the following is my experience in handling criminal /juvenile cases: (Circle YES or NO)

2. I have been lead counsel in three (3) or more misdemeanor cases.

YES NO

3. I have been lead counsel in one or more misdemeanor appeals.

YES NO

4. I have been lead counsel in three (3) or more juvenile cases.

YES NO

5. I have been lead counsel in one or more juvenile appeals. YES NO

6. I have been lead counsel in three (3) or more non-capital felony cases.

YES NO

7. I have been co-counsel or sat second chair in three (3) or more non-capital felony cases.

YES NO

8. I have been lead counsel in one or more non-capital felony appeals.

YES NO

9. I have been lead counsel in one or more capital felony cases – death penalty waived.

YES NO

10. I have been lead counsel in one or more capital felony cases – death penalty sought. YES NO
11. I have been co-counsel or sat second chair in one or more capital felony cases – death penalty waived. YES NO
12. I have been co-counsel or sat second chair in one or more capital felony cases – death penalty sought. YES NO
13. I have been lead counsel in one or more capital felony appeals – life sentence assessed. YES NO
14. I have been lead counsel in one or more capital felony appeals – death penalty assessed. YES NO
15. I have served as lead counsel in one or more capital felony 11.071 writ appeals. YES NO
16. I have tried approximately _____ misdemeanor case to JURY verdict.
17. I have tried approximately _____ juvenile cases to JURY verdict.
18. I have tried approximately _____ non-capital felony cases to JURY verdict.
19. I have tried approximately _____ capital (death sought) felony cases to JURY verdict.
20. I have filed approximately _____ appellate briefs in misdemeanor cases.

21. I have filed approximately _____ appellate briefs in juvenile cases.
22. I have filed approximately _____ appellate briefs in non-capital felony cases.
23. I have filed approximately _____ appellate briefs in capital (death sought) felony cases.
24. I have filed approximately _____ 11.071 death penalty writ applications.
25. Approximately _____ % of my practice is devoted to criminal law.
26. Approximately _____ % of my practice is devoted to juvenile law.

IV. LANGUAGE AND COMMUNICATION SKILLS

1. I certify that I am capable of communicating in the following languages:
- | | | |
|---------------------------|-----|----|
| 2. English | YES | NO |
| 3. Spanish | YES | NO |
| 4. Deaf – Sign Language | YES | NO |
| 5. Other: (Specify) _____ | | |

V. ETHICS AND PRIOR SANCTION HISTORY DISCLOSURE

1. Have you been sanctioned by the State Bar of Texas for any ethical violation?
- YES NO

a. For purposes of this inquiry, "Sanctioned" is defined as disbarment, probation, public reprimand, suspended, fined, or such other State Bar of Texas sanction that is of public record.

2. Have you been found by a trial judge and/or appellate court to have provided ineffective assistance of counsel? YES NO
3. Will you comply with the State Bar Rules for Professional Conduct? YES NO
4. Will you comply with The Texas Lawyer's Creed – A Mandate for Professionalism? YES NO
5. Will you obtain copies and keep yourself informed of the local rules of procedure for _____ County, Texas? YES NO

VI. CERTIFICATION OF KNOWLEDGE OF STANDING RULES FOR PROCEDURES FOR TIMELY AND FAIR APPOINTMENT OF COUNSEL FOR INDIGENT ACCUSED PERSONS IN CAMERON COUNTY, TEXAS

I certify that I have received, read, and understand the Indigent Defense Plan for Cameron County dated _____, _____, 20__ and will comply with said plan, rules, and orders.

I acknowledge that I shall contact any accused person I am appointed to represent by the end of the first working day following notification of my appointment.

I acknowledge that I shall interview said accused person as soon as practicable.

I certify that I will zealously represent my client but always within the bounds of the law and legal ethics of Texas.

I understand that I must timely submit my bill for:

1. Indigent legal representation on the date a case is disposed of by a plea or bench trial; or

2. Indigent legal representation within 15 days of the date of judgment in a jury trial;
or
3. Indigent appeal representation within 15 days of the date a mandate is returned on appeal.

I understand that I have a continuing duty to file an Amended Statement within 30 days of the date any of the above information changes.

I hereby certify that the above information is true and correct.

Witness my signature on this the _____ day of _____, 20__.

SIGNATURE

Print Name: _____

Please attach any other information that would qualify you for appointments in specialized areas

REQUIRED ATTACHMENTS

Your application will not be complete until you submit the following items:

1. Your most recent annual CLE report from the State Bar.
2. If you have ever been sanctioned by the State Bar Grievance Committee, attach the decision(s) by the committee and, if desired, a written explanation.
3. If you have ever been sanctioned for failure to appear before a court, attach any applicable court documents and, if desired, a written explanation.
4. If you have ever admitted, in connection with an official proceeding, to having provided ineffective assistance of counsel, attach any applicable documents and, if desired, a written explanation.
5. If you have ever been convicted or placed on deferred adjudication for any offense other than traffic, attach copies of all final orders (or those deferring adjudication) and judgments.
6. If you are applying for appellate appointments, attach a copy of a brief you have authored and which was filed within the past five (5) years.

ATTACHMENT 7

STATE OF TEXAS
VS.

*
*
*

IN THE

CAMERON COUNTY, TEXAS

**CAMERON COUNTY PRE-TRIAL SERVICES
AFFIDAVIT FINDING ACCUSED IS NOT INDIGENT**

THE STATE OF TEXAS

COUNTY OF CAMERON

On the _____ day of _____, 2022
appeared _____ before me _____,
Cameron County Pre-Trial Services Officer. Having reviewed the affidavit of indigence,
application for appointment of attorney and based on the information/documentation provided,
it is found that the accused is not indigent.

ACCUSED

CAMERON COUNTY PRE TRIAL OFFICER

SUBSCRIBED AND SWORN before me Notary Public in and for the State of Texas on this
_____ day of _____, A.D. _____.

NOTARY PUBLIC IN AND FOR THE
STATE OF TEXAS

ATTACHMENT 8
CAMERON COUNTY PRE TRIAL-SERVICES
ORDER APPOINTING COUNSEL

_____ is appointed to represent defendant _____
on the following charge(s): _____

_____.

As per the Local Rules adopted and signed by the
CAMERON COUNTY BOARD OF JUDGES, you have 24 hours to visit with your client
(excluding weekends and Cameron County holidays) from the time you receive this email.
If you are unable to accept this appointment, please contact our office immediately.

Approved: _____
Pre-Trial Officer

Date: _____

Judicial Officer: _____

Date: _____

Attorney's Information

Name: _____

Address: _____

City, State, Zip: _____

Telephone Number: _____

Bar Number: _____

Defendant's Information/Location/Bond

Bond Amount: _____ Bond: ☐ Personal ☐ Cash/Surety

Bonding Company: _____

DOB: _____

Address: _____

City, State, Zip: _____

Telephone Number: _____

☐ **Jailed**

SO# _____

Facility _____

Date of Arrest: _____

Future Court Date(s): _____

This appointment shall remain in effect until all charges are dismissed, the defendant is acquitted, appeals are exhausted, or until you are relieved of your commission by the court or replaced by other counsel after a finding of a good cause.

ATTACHMENT 9

CAUSE NO. _____

STATE OF TEXAS

&

IN _____

VS.

&

&

CAMERON COUNTY TEXAS

ORDER APPOINTING ATTORNEY FROM THE BENCH

It is ORDERED that _____ is appointed by the court to
represent the defendant in the above styled number and cause.

As per the Local Rules adopted and signed by the CAMERON COUNTY BOARD OF JUDGES,
such representation is to continue until charges are dismissed, the defendant is acquitted, appeals are
exhausted, or until relieved by the Court or replaced by other counsel.

This appointment is being made for good cause and in the interest of justice.

Signed this _____ day of _____, 2022.

Honorable

ATTACHMENT 10

Fee Schedule

**Vouchers should be itemized on a one (1) hour basis*

	Misdemeanor	SJF, 3 rd	2 nd	1 st
Initial Jail Visit	\$70	\$70	\$70	\$70
Trial/Court Hearing (Hourly Rate)	\$80	\$80	\$80	\$80
Out-of-Court Time (Hourly Rate)				
*Need prior approval to exceed 30hours on regular felonies	\$50	\$50	\$50	\$50
Flat Fee for Pleas				
	\$150	\$200	\$250	\$350
Flat Fee for MTR's				
	\$150	\$200	\$250	\$350

For rules regarding multiple cases and multiple courts, see the attached Guideline #s 15, 16, &17.

CAPITAL MURDER CASES

A. DEATH PENALTY CASES

Hourly:

1st Chair - \$200

2nd Chair - \$150

B. NON DEATH PENALTY CASES (LIFE ONLY)

Hourly:

1st Chair - \$ 125

2ND Chair - \$ 80

C. FLAT FEE FOR PLEAS

1ST Chair - \$ 3,000

2nd Chair - \$ 2,500

Investigator Fees with Prior Approval

SJF, 3rd	Up to \$300
2nd	Up to \$500
1 st	Up to \$750
Capital	Up to \$1500

Appeals and P.D.R.s:

Regular Felonies:	Out of court: SJF, 3 rd	\$40/hour
	2 nd	\$40/hour
	1 st	\$40/hour
	In-court:	\$70/hour
	*cap of	\$3,500

See the attached Guidelines for the Fee Schedule for more information, including Guidelines #12 regarding expert and investigative expenses.

CAUSE NO (S): ATTACHMENT 11

ATTORNEY FEES EXPENSE CLAIM

Under Art. 26.05, Code of Criminal Procedure as Amended

1. Show only one defendant and what type of cases arose out of the same incident per claim.
2. Before payment can be authorized, each item must be completed legibly in ink.
3. For investigations, paid bills must be submitted by the attorney for expenses claimed.
4. Forward completed claim to the Presiding Judges for approval.
5. Time charges need to be rounded to the .1 hour.
6. Flat fee amounts: Misdemeanor (\$150.00), State Jail and 3rd Degree Felony (\$200.00), 2nd Degree Felony (\$250.00), and 1st Degree Felony (\$350.00).

COURT APPERANCE INFORMATION

DEFENDANT:

CASE NUMBER(s):

Type of Case	Hourly Rate	Number of Hours	AMOUNT
Initial Jail Visit	\$70.00	0.00	
Out of Court Hourly Rate (Show detail of Hours)	\$50.00	0.00	
In Court Hourly Rate (Show detail of Hours)	\$80.00	0.00	
Investigation/Expert Testimony (with prior Court approval attached)			
Appeals and Writs – Out of Court	\$40.00	0.00	
Appeals and Writs – In Court	\$70.00	0.00	

***Note: Total fee not to exceed \$500 without prior court approval.**

Attach approval order.

Total: 0.00

Total: 0.00

DATES, TIMES, AND TYPE OF WORK IN AND OUT OF COURT (include Flat Fee pleas/MTR):

Date	Type of work	In-Court Hours	Out of Court Hours
Total Hours in and Out of Court:			0.00

PERSONAL INFORMATION

Please Print

(On File)

Attorney's Name

Social Security Number

Telephone Number

Bar Number

Mailing Address

{City}

(State)

(Zip Code)

Email Address: _____

CERTIFICATION

I, _____, Attorney at Law, swear or affirm to the Court and to the County and to the County Auditor that the information contained above is true and correct, and payment would not be contrary to the fee schedule adopted by the Board of Judges pursuant to Art. 26.05, Code of Criminal Procedure. I further swear or affirm that I have not submitted duplicate time charges for the same hours charged in any other case.

Signed on this the _____ day of _____ A.D., 20____.

Signature (Attorney At Law)

Approved: _____
Presiding Judge (signature) Date

Court No: _____

FOR USE BY AUDITOR'S OFFICE ONLY:
APPROVED: _____, County Auditor
Date of Approval: _____

ATTACHMENT 11 A
CAMERON COUNTY PRE-TRIAL SERVICES
ATTORNEY VISIT CERTIFICATION

I HEREBY SWEAR AND AFFIRM THAT PURSUANT TO THE REQUIREMENTS OF SB 7,
I VISITED IN PERSON WITH

DEFENDANTS NAME: _____ SID#: _____

CAUSE NUMBER: _____

CAUSE NUMBER: _____

CAUSE NUMBER: _____

CAUSE NUMBER: _____

CAUSE NUMBER: _____

CAUSE NUMBER: _____

CAUSE NUMBER: _____

CAUSE NUMBER: _____

FACILITY: _____ DATE: _____

ATTORNEY NAME: _____ BAR NUMBER: _____

ATTORNEY SIGNATURE: _____