



FAIR DEFENSE PLAN FOR HUNT COUNTY COURTS AT LAW

**LOCAL RULES ADOPTING STANDARDS AND PROCEDURES FOR THE
APPOINTMENT OF COUNSEL TO REPRESENT INDIGENT DEFENDANTS
UNDER MISDEMEANOR ACCUSATIONS**

10/06/2023
Hunt County, Texas

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TABLE OF CONTENTS

PREAMBLE	4
A. MISDEMEANOR ARREST PURSUANT TO A WARRANT	4
1. Duties of Person Who Has Taken Custody of Accused:	4
2. Duties of the Magistrate:	4
B. MISDEMEANOR ARREST WITHOUT A WARRANT	5
1. Duties of Person Who Has Taken Custody of Accused:	5
2. Duties of the Magistrate:	5
C. INDIGENCY	6
1. Definitions:	6
2. Eligibility for Appointment:	7
3. Factors Not to Be Considered:	7
4. Other Factors that May Be Considered:	8
5. Access to Application:	9
6. Prompt Appointment of Attorney:	9
7. Appearance Without an Attorney:	9
D. COURT APPOINTMENT LIST	9
1. Requirements and Standards for Placement on List:	9
2. Application Required:	10
3. Review of Applications:	10
4. More Than One List:	10
5. Placement on List:	10
6. Annual Renewal of Counsel:	10
7. Removal or Suspension:	11
8. Duties of Attorney on List:	11
E. ATTORNEY SELECTION PROCESS	12
1. Appointment of Attorney from List:	12
2. Appointment of Attorney Not on the List:	13
F. FEES AND EXPENSES	13
1. Attorney Compensation Rate:	13
2. Attorney Fee Payment Process:	13
3. Payment of Expenses:	14

4. Procedure for Advanced Payment of Expenses with Prior Court Approval:	14
5. Procedure for Payments Without Prior Court Approval:	14
G. PLAN DOCUMENTS	14
1. Approved Plan Documents:	14
H. MISCELLANEOUS	15
1. Amendments:	15
2. Availability of Forms:	15
3. Effective Date:	15
I. APPROVED	15
1. Signature of Approval by Committee Members:	15



HUNT COUNTY COURTS AT LAW INDIGENT DEFENSE PLAN

PREAMBLE

In accordance with the requirements of the Texas Fair Defense Act, Acts 2001, 77th Leg., the county court at law judges of Hunt County, Texas, hereinafter referred to as the Committee, hereby adopt the following Fair Defense Plan, hereinafter referred to as the Plan, for Hunt County Courts at Law. This Plan supersedes all other plans and standards promulgated by the county court at law judges of Hunt County.

A. MISDEMEANOR ARREST PURSUANT TO A WARRANT

1. Duties of Person Who Has Taken Custody of Accused:

If a person is arrested on a misdemeanor charge pursuant to a warrant, the person who has custody of the accused shall present the accused before a magistrate within 48 hours of the time of the accused person's arrest.

2. Duties of the Magistrate:

The magistrate shall deliver the admonishments contained in Article 15.17 of the Code of Criminal Procedure. The magistrate shall also set bail, unless bail was previously set by the magistrate issuing the warrant. The magistrate shall also inform the accused of his right to counsel and make a finding of probable cause based upon the warrant.

If necessary, an interpreter shall assist the accused during the probable cause hearing. If the accused requests an attorney, the magistrate shall provide the accused with the forms necessary for making such a request and ensure that reasonable assistance in completing the required forms is provided to the accused.

If an arrested person requests appointment of counsel and has completed the necessary forms, the magistrate shall transmit or cause to be transmitted to the appointing judge, or person(s) designated by the judges to appoint counsel, the forms requesting appointment of counsel. The forms requesting appointment of counsel shall be transmitted without unnecessary delay, but not later than 24 hours after the person arrested requests appointment of counsel, as stated in Article 15.17, Section (a) of the Code of Criminal Procedure. The magistrate shall make a record of:

- i. Informing the accused of the accused's right to request appointment of counsel;
- ii. Whether the accused wants to request appointment of counsel; and
- iii. Whether the person requested court-appointed counsel.

For persons arrested in Hunt County 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. However, if the defendant has not been transferred or released into the custody of the county issuing the warrant before the 11th day after the date of the arrest and if counsel has not otherwise been appointed for the defendant in the arresting county under this article, a court or the courts' designee authorized under Article 26.04 of the Texas Code of Criminal Procedure to appoint counsel for indigent defendants in the arresting county immediately shall appoint counsel to represent the defendant in any matter under Chapter 11 or 17 of the Texas Code of Criminal Procedure, regardless of whether adversarial judicial proceedings have been initiated against the defendant in the arresting county. If counsel is appointed for the defendant in the arresting county as required by this subsection, the arresting county may seek from the county that issued the warrant reimbursement for the actual costs paid by the arresting county for the appointed counsel.

For persons arrested in other counties, on Hunt County warrants, counsel must be appointed no later than the end of the third working day after the date which the court or the courts' designee receives the defendant's request for appointment of counsel.

If a magistrate is provided written or electronic notice of credible information that may establish reasonable cause to believe that a person brought before the magistrate has a mental illness or is a person with an intellectual disability, the magistrate shall conduct the proceedings described by Article 16.22 or 17.032, as appropriate.

B. MISDEMEANOR ARREST WITHOUT A WARRANT

1. Duties of Person Who Has Taken Custody of Accused:

If a person is arrested on a misdemeanor charge without a warrant, the person who has custody of the accused shall present the accused before a magistrate within 24 hours of the time of the accused person's arrest. If no probable cause finding has been made by the 24th hour after the arrest, the accused person shall be released on bond, in an amount not to exceed \$5,000.00. If the person is unable to deposit money in the amount of the bond, or unable to obtain a surety for the bond, the accused person must be released on personal bond.

2. Duties of the Magistrate:

If the accused person is brought before a magistrate within 24 hours, the magistrate shall deliver the admonishments contained in Article 15.17 Code of Criminal Procedure and determine if there is probable cause to believe the accused person committed the offense.

If necessary, an interpreter shall assist the accused during the probable cause hearing. The magistrate shall make a finding of either "no probable cause" or a "finding of

probable cause." A finding of probable cause must be based upon a sworn probable cause affidavit setting forth sufficient facts, or by incorporating a copy of the offense report. If the magistrate makes a finding of no probable cause, the accused person shall be released from custody.

If a magistrate makes a finding of probable cause, the magistrate shall inform the accused person of their right to counsel. If the accused requests an attorney, the magistrate shall provide the accused with the forms necessary for making such a request and ensure that reasonable assistance in completing the required forms is provided to the accused.

If an arrested person requests appointment of counsel and has completed the necessary forms, the magistrate shall transmit or cause to be transmitted to the appointing judge, or person(s) designated by the judges to appoint counsel, the forms requesting appointment of counsel. The forms requesting appointment of counsel shall be transmitted without unnecessary delay, but not later than 24 hours after the person arrested requests appointment of counsel, as stated in Article 15.17, Section (a) of the Code of Criminal Procedure.

The magistrate, upon a finding of probable cause, shall set reasonable bail and shall make a record of:

- i. Informing the accused of the accused's right to request appointment of counsel;
- ii. Whether the accused wants to request appointment of counsel; and
- iii. Whether the person requested court-appointed counsel.

If a magistrate is provided written or electronic notice of credible information that may establish reasonable cause to believe that a person brought before the magistrate has a mental illness or is a person with an intellectual disability, the magistrate shall conduct the proceedings described by Article 16.22 or 17.032 of the Code of Criminal Procedure, as appropriate.

C. INDIGENCY

1. Definitions:

"Indigent" means financially unable to hire private counsel.

"Net household income" means all income of the accused and spousal income actually available to the accused. Such income shall include: take-home wages and salary (gross income earned less any deductions required by law or as a condition of employment); net self-employment income (gross income minus business expenses and any deductions required by law or as a condition of operating the business); regular payments from a government income maintenance program, alimony, child support, public or private pensions, or annuities; and income from dividends, interest, rents, royalties, or periodic receipts from estates or trusts. Seasonal or temporary income will be considered on an annualized basis, averaged together with periods for which the accused has no or less income.

"Household" means all individuals who are actually dependent on the accused for financial support.

"The cost of obtaining competent private legal representation" includes the reasonable costs of support services such as investigators and expert witnesses which are necessary and appropriate given the circumstances of the case.

2. Eligibility for Appointment:

An accused is presumed indigent if any of the following circumstances are present:

- i. The accused or the accused's dependents are eligible to receive food stamps, Medicaid, Temporary Assistance for Needy Families, Supplemental Security Income, or public housing;
- ii. The accused's net household income does not exceed 125% of the Poverty Guidelines as revised annually by the United States Department of Health and Human Services and published in the Federal Register; or
- iii. The accused is currently serving a sentence in a correctional institution, residing in a public mental health facility, or subject to a proceeding in which admission or commitment to a mental health facility is sought.

An accused who does not meet any of the standards above shall nevertheless be considered indigent if the accused is unable to retain private counsel without substantial hardship to the accused or the accused's dependents. In considering if obtaining private counsel will create a substantial hardship, the appointing authority shall take into account:

- i. The nature of the criminal charge(s);
- ii. Anticipated complexity of the defense;
- iii. The estimated cost of obtaining competent private legal representation for the matter(s) charged;
- iv. The amount needed for the support of the accused and the accused's dependents;
- v. Accused's income,
- vi. Source of income,
- vii. Assets and property owned,
- viii. Outstanding obligations,
- ix. Necessary expenses,
- x. The number and ages of dependents, and
- xi. Spousal income that is available to the accused.

3. Factors Not to Be Considered:

The following factors are not to be considered in determining indigence:

- i. The accused's posting of bail or ability to post bail may not be

- considered in determining whether the accused is indigent.
- ii. The resources available to friends or relatives of the accused may not be considered in determining whether the accused is indigent.
- iii. Only the accused's financial circumstances as measured by the financial standards stated in this rule shall be used as the basis for determining indigence.
- iv. A defendant shall not be denied the appointment of counsel merely because the person is employed.

4. Other Factors that May Be Considered:

The following factors may be considered in determining indigence:

- i. The appointing authority can require the accused to respond to questions about the accused's financial status, produce documentation supporting financial information provided, and/or order a court official to verify financial information provided.
- ii. Information gathered for determining indigence, both in the affidavit of indigence or and through oral examination, may not be used for any purpose other than:
 - (a) Determining whether the accused is or is not indigent; or
 - (b) Impeaching the direct testimony of the accused regarding the accused's indigence.
- iii. A request by the appointing authority for additional information, documentation, and/or verification cannot delay appointment of counsel beyond the timelines specified in Section A or B of these rules and those contained in the Code of Criminal Procedure article 1.051.
- iv. An accused determined to be indigent is presumed to remain indigent for the remainder of the case unless a material change in the accused's financial circumstances occurs.
- v. A defendant determined to be indigent is presumed to remain indigent for the remainder of the case unless a material change in the defendant's financial circumstances occurs. Counsel shall notify the Court if a material change occurs. Release from custody or change of employment status are changes which shall be brought to the attention of the Court within 14 days.
- vi. An accused's status may be reviewed in a formal hearing at any stage of a court proceeding on a motion for reconsideration by the accused or by the state.
- vii. A presumption of indigence can be rebutted with evidence of a material change in the accused's financial circumstances which establishes that the accused no longer meets any standard of indigence.
- viii. If an accused previously determined to be indigent is subsequently

determined not to be indigent, appointed counsel shall be compensated under the terms of this Plan for services reasonably rendered.

- ix. If a court determines that an accused has sufficient financial resources to partially or completely offset the costs of legal services provided, the court may order the defendant to pay said amount as costs of court.
- x. An accused person who is found guilty, and after all appeals, if any, are exhausted, shall be required to reimburse Hunt County a sum not more than the amount paid by the County for the accused person's legal services, provided however that a finding is made at the time of final disposition that the accused has the ability to reimburse the County without substantial financial hardship. Such reimbursement shall be taxed as costs in the accused person's case, which are ordered to be collected by the County Clerk, Collections Department, or Community Supervisions and Collections Department before all other court costs and fines.

5. Access to Application:

If a defendant wishes to request counsel prior to the initial appearance and is no longer in custody, the defendant may access the necessary forms required to request counsel on the court's website.

6. Prompt Appointment of Attorney:

An attorney shall be appointed as soon as possible, but no later than the end of the third working day after the date on which the court or the court's designee receives the defendant's request for appointment of counsel pursuant to Article 1.051, Section (c) of the Code of Criminal Procedure.

7. Appearance Without an Attorney:

If a defendant appears without counsel 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.

D. COURT APPOINTMENT LIST

1. Requirements and Standards for Placement on List:

To be eligible to receive appointments in misdemeanor cases, an attorney must:

- i. Reside in or maintain his or her primary office in Hunt County
- ii. Anyone not meeting the above-listed criteria may petition the Committee for an exception by notifying, in writing via email, the court coordinator of each court. An exception may be granted upon

the approval of a majority plus one of the Committee.

To be on the list of approved attorneys for misdemeanor appointments, hereinafter referred to as the List, an attorney must meet one of the following criteria:

- i. Board Certification in Criminal Law by the Texas Board of Legal Specialization; or
- ii. Completion of at least six months of law practice with at least one Class B misdemeanor or greater jury trial (which may be second chair) during the attorney's career and completion of at least sixteen hours of criminal law continuing legal education in the twenty-four month period preceding application; or
- iii. Demonstrate competence using other criteria to be approved by the Committee including, but not limited to, years of legal experience, board certification in areas of law other than criminal law, number of civil and jury trials completed, number of hours of criminal law CLE and professional reputation for handling criminal cases.

2. Application Required:

An attorney who wishes to be included on the List of attorneys from which court appointments are made must submit, by email, a typewritten application to the court coordinator of each member of the Committee.

3. Review of Applications:

The Committee shall meet periodically to review attorney applications. A majority of the Committee is required to approve an attorney's application for inclusion on the List. If an application is rejected for placement on the List, the attorney may request to address the Committee at their next scheduled meeting or reapply after ninety days. To be approved to the List after being removed by the Committee, the attorney must receive the vote of a majority of the Committee plus one. The List shall be posted on each court's website.

4. More Than One List:

The Committee may establish, by majority vote, more than one appointment list from the List, graduated according to degree of seriousness of offense, the attorneys' qualifications, and whether representation will be provided in trial court proceedings, appellate proceedings or both.

5. Placement on List:

Attorneys shall initially be listed alphabetically on the List. As new attorneys are approved, they shall be placed at the bottom of the List.

6. Annual Renewal of Counsel:

An attorney whose name is placed on the List shall annually complete at least 8 hours

of criminal law continuing legal education and shall attach verification of completion of CLE requirements to the application for annual renewal by December 30th. The renewal application shall be submitted, by email, to the court coordinator for each member of the Committee.

No later than the 15th day of October each year, an attorney that was appointed to represent a defendant under this plan must submit, through the Texas Indigent Defense Commission attorney reporting portal, the percentage of the attorney's practice time that was dedicated to work based on appointments accepted in this county for the prior 12 months that begins on October 1 and ends on September 30.

7. Removal or Suspension:

An attorney whose name is placed on the List shall immediately notify each court coordinator, in writing via email, if their law license is suspended, revoked, or if the attorney has been arrested, accused of, or convicted of a criminal offense (other than a class C misdemeanor), in which case the attorney's name shall be removed from the List. An attorney, once removed from the List must reapply to the Committee to have their name added to the List.

A court may immediately suspend (indefinitely or for a period of time) an attorney from receiving appointments (in their court) who violates the *Duties of Appointed Counsel*, the *Texas Rules of Professional Conduct*, the *Texas Lawyers Creed – A Mandate for Professionalism*, the court's policies and procedures, or other good cause. A court that suspends an attorney may replace the attorney on any or all pending cases to which the attorney has been previously appointed.

The Committee, by a vote of a majority plus one, may remove an attorney from the List for violating the *Duties of Appointed Counsel*, the *Texas Rules of Professional Conduct*, the *Texas Lawyers Creed – A Mandate for Professionalism*, a court's policies and procedures, or other good cause.

8. Duties of Attorney on List:

An attorney who receives appointments under the Plan shall:

- i. Personally represent the accused or withdraw from the case, after first obtaining permission from the court. An attorney must exercise the same degree of professionalism and responsibility with an appointed client as they would with a client who has retained them.
- ii. Make every reasonable effort possible to contact his client not later than the end of the first working day after receiving notice of the appointment. If the client is an inmate, an attorney must personally visit the client at the jail. In all cases, the attorney must interview the defendant as soon as practicable.
- iii. Continue representing the accused until charges are dismissed, appeals are exhausted, or the attorney is permitted or ordered by

the court to withdraw as counsel for the defendant after a finding of good cause is entered on the record.

With respect to a defendant not represented by other counsel, before withdrawing as counsel for the defendant after a trial or entry of a plea of guilty, counsel shall:

- (a) advise the defendant of the defendant's right to file a motion for new trial, and a notice of appeal (including a motion for an appeal bond); and
 - (b) if the defendant wishes to pursue either or both of the remedies describe in paragraph (a) promptly and timely file and set a hearing regarding the above matters.
- iv. Designate an email address for the purpose of receiving notices of appointments. A court that appoints an attorney may use the email address to notify the attorney of his appointment or court hearings. Any changes in the attorney's telephone numbers or email address must be promptly given in writing to the County Clerk and the court coordinator of each court for updating the List.
 - v. Timely and truthfully submit requests for payment to the court with jurisdiction in the matter. Requests for payment shall be presented to the court no later than the time of the plea, conclusion of the trial, or other final disposition. Requests for payment that are not made in accordance with the above may be denied or reduced.
 - vi. Notify, in writing, the County Clerk and the court coordinator of each court of any vacation plans, seminars, protracted trials, etc. where the attorney will be unavailable to accept appointments during a period of more than four calendar days.

E. ATTORNEY SELECTION PROCESS

1. Appointment of Attorney from List:

A court, or its designee, upon a proper showing of indigency shall appoint an attorney from the List. In making an appointment, the court, or its designee, shall select an attorney from among the names of the next five attorneys on the List, subject to the following exceptions:

- i. *Motions to adjudicate or motions to revoke:* the accused's prior court-appointed attorney, if any, shall be appointed, if that person's identity is known and is currently approved for appointments.
- ii. *Other pending Cases:* the accused's court-appointed attorney in other cases currently pending, shall be appointed, if the person's identity is known and is currently approved for appointments.

- iii. *If an accused person does not speak English or is Deaf:* an attorney who speaks a language the accused can understand must be appointed, if available.
- iv. *For Good Cause Stated:* a court, but not the courts designee, may appoint an attorney from the List who is not one of the five attorneys next up on the List for good cause stated on the record. Good cause may include, but is not limited to, conflict of interest, attorney unavailability, request by the accused that the attorney not be appointed, inconvenience to the accused, prior representation by an attorney with knowledge of the facts in the pending case and other similar good cause.

Attorneys whose names are among the five names next up on the List, but who are not selected shall have their names placed back at the top of the List.

2. Appointment of Attorney Not on the List:

A court, but not the courts designee, may appoint an attorney that is not on the List if the court determines that the interest of justice requires the appointment of an attorney that is not on the List and the appointed attorney is otherwise qualified. Attorneys whose names are among the five names next up on the List, but who are not selected shall have their names placed back at the top of the List.

F. FEES AND EXPENSES

1. Attorney Compensation Rate:

Court appointed attorneys shall be compensated for all reasonable and appropriate services in representing the accused. Compensation shall be reasonable for time and effort expended in accordance with a fee schedule adopted and approved by a majority of the judges hearing criminal cases in the county.

2. Attorney Fee Payment Process:

No payment shall be made until a judge approves payment after submission of the attorney fee voucher. Requests for payment shall be presented to the court no later than the time of the plea, conclusion of the trial, or other final disposition. Requests for payment that are not made in accordance with the above may be denied or reduced.

If a judge disapproves the requested amount of payment, the judge shall make written findings stating the amount that the judge approves and each reason for approving an amount different from the requested amount.

An attorney whose report for payment is disapproved or is not otherwise acted on by the 60th day after the date the request for payment is submitted may appeal the disapproval or failure to act by filing a motion with the presiding judge of the administrative judicial region.

3. Payment of Expenses:

Court appointed counsel will be reimbursed for reasonable and necessary expenses incurred, including expenses for investigations and for mental health and other experts. Expenses incurred with prior approval shall be paid according to the procedures set forth below.

4. Procedure for Advanced Payment of Expenses 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:

- i. The type of investigation to be conducted or the type of expert to be retained;
- ii. 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
- iii. An itemized list of anticipated expenses for each investigation or each expert.

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

- i. State the reasons for the denial in writing;
- ii. Attach the denial to the confidential request; and
- iii. Submit the request and denial as a sealed exhibit to the record.

5. Procedure for Payments Without Prior Court Approval:

Appointed counsel may incur up to \$500 for the services of an interpreter without prior approval of the court or counsel. Requests for payment or reimbursement shall be presented to the court no later than the time of the plea, conclusion of the trial, or other final disposition. Requests for payment or reimbursements that are not made in accordance with the above may be denied or reduced. Unreasonable or unnecessary expenses will not be approved.

G. PLAN DOCUMENTS

1. Approved Plan Documents:

The Committee has approved the following documents:

- i. Affidavit of Indigence (Application for Court Appointed Attorney) English
- ii. Affidavit of Indigence (Application for Court Appointed Attorney) Spanish
- iii. Attorney Application & Affidavit for Court Appointments
- iv. Appointed Attorney Fee & Expense Schedule
- v. Court Appointed Fee Voucher
- vi. Magistrate Warning Form
- vii. Waiver of Counsel

H. MISCELLANEOUS

1. Amendments:

This plan is subject to amendment.

2. Availability of Forms:

Forms referenced in this plan are accessible through links provide and may also be available on the Hunt County website.

3. Effective Date:

This plain is effective November 1, 2023, and the provisions herein apply to all appointments made on or after that date.

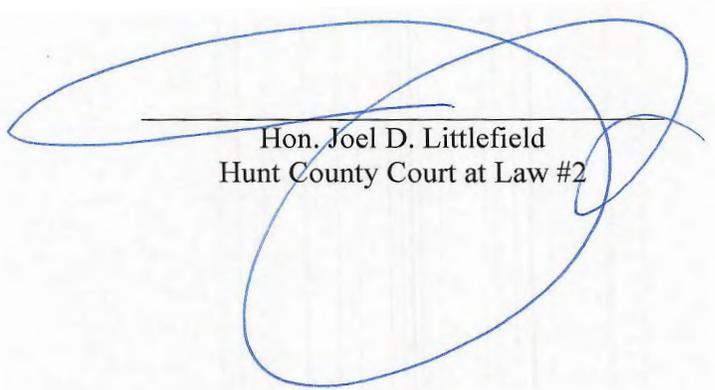
I. APPROVED

1. Signature of Approval by Committee Members:

The following members of the Committee, by their signature below, approve the Plan.



Hon. Timothy S. Linden
Hunt County Court at Law #1



Hon. Joel D. Littlefield
Hunt County Court at Law #2



FAIR DEFENSE PLAN FOR HUNT COUNTY COURTS AT LAW

APPROVED PLAN DOCUMENTS

CAUSE NO. _____

THE STATE OF TEXAS
VS.

§ CCAL 1 CCAL 2
 § 196TH 354TH
 § OF HUNT COUNTY, TEXAS

AFFIDAVIT OF INDIGENCE (APPLICATION FOR COURT APPOINTED ATTORNEY)

Name:	Email Address:	
Home Address: (Homeless <input type="checkbox"/>)	Date of Birth:	DL#:
	Place of Birth: (City, State)	DL Issuing State:
	Race:	Height:
Mailing Address: (Same as home <input type="checkbox"/>)	Sex: <input type="checkbox"/> M <input type="checkbox"/> F	Weight:
	Home Phone #:	Hair Color:
	Cell Phone #:	Eye Color:
Name of Nearest Relative:	Relationship to Relative:	
Address of Nearest Relative:	Phone Number of Nearest Relative:	
Employed: <input type="checkbox"/> Full Time <input type="checkbox"/> Part-Time <input type="checkbox"/> Unemployed	Wages: \$ <input type="checkbox"/> weekly <input type="checkbox"/> monthly <input type="checkbox"/> yearly	
Name of Employer:	Work Phone #:	

Marital Status: Single Married Divorced Separated | I support _____ minor children.

I RECEIVE: MEDICAID SSI SNAP TANF PUBLIC HOUSING

MONTHLY INCOME (Estimate if necessary)		MONTHLY EXPENSES (Estimate if necessary)	
My net income (take home pay)	\$	Rent /Mortgage	\$
Spouse's net income (take home pay)	\$	Utilities (Elec., Gas, Water)	\$
Child Support (Received)	\$	Child Expenses (Including Child Support Paid)	\$
Other Income	\$	Total Food Expenses	\$
TOTAL MONTHLY INCOME	\$	Transportation Costs	\$
ASSETS		Medical Expenses / Health Insurance	\$
Savings \$	Home Equity \$	TOTAL MONTHLY EXPENSES	\$

Defendant's Unsworn Declaration (§132.001 CPRC)

I **CERTIFY** the above information is true and correct and that I am without means to employ counsel of my own choosing and hereby request the Court to appoint counsel for me. Alternatively, I believe that the interest of justice requires court appointed representation. I understand that if I intentionally or knowingly give false information either in this affidavit or during the hearing on this motion, that I may be prosecuted for the offense of aggravated perjury, a third degree felony, punishable by imprisonment not to exceed (10) years or less than 2 years and a fine not to exceed ten thousand dollars (\$10,000.00). My name is _____. My date of birth is _____. My address is: _____.

If currently incarcerated, my inmate identifying number, if any, is _____. I am presently incarcerated at _____.

I **DECLARE** under penalty of perjury that the foregoing is true and correct. Executed in Hunt County, State of Texas, on _____.

Defendant's Signature

TO BE COMPLETED BY JUDGE ONLY

APPLICATION IS: APPROVED PARTIALLY APPROVED DENIED

- If approved, Court appoints, as Court Appointed Attorney: _____.
- If partially approved, Defendant shall make monthly payments of \$ _____ on the 1st of each month beginning on ____/01/202__ to the Hunt County Treasurers office until further Order of the Court to reimburse the taxpayers of Hunt County for their court appointed attorney's fees.
- Defendant's next court setting is on ____/____/202__ at _____:_____ AM PM.

PRESIDING JUDGE _____/_____/202__

THE STATE OF TEXAS
VS.

§ CCAL 1 CCAL 2
§ 196TH 354TH
§ OF HUNT COUNTY, TEXAS

DECLARACION JURADA DE INDIGENCIA (Solicitud de Abogado Designado por el Tribunal)

Nombre:		Direccion de Correo Electronico:	
Direccion Fisica: (sin casa <input type="checkbox"/>)		Fecha de Nacimiento:	DL#:
		Lugar de Nacimiento: (Ciudad, Estado)	DL Issuing State:
		Raza:	Altura:
Direccion Postal: (igual que en casa <input type="checkbox"/>)		Sexo: <input type="checkbox"/> M <input type="checkbox"/> F	Peso:
		Teléfono de casa #:	Color de Pelo:
		Teléfono móvil #:	Color de los Ojos:
Nombre del pariente más cercano:		Relación con el pariente:	
Dirección del pariente más cercano:		Número de teléfono del pariente más cercano:	
Estado de Empleo? <input type="checkbox"/> Completo <input type="checkbox"/> Parcial <input type="checkbox"/> Desempleado		Salario: \$ <input type="checkbox"/> Por Semana <input type="checkbox"/> Por Mes <input type="checkbox"/> Por Año	
Nombre Del Empleador:		Número de teléfono del trabajo:	

Estado Civil: Soltero Casado Divorciado Separado Yo Soporto _____ niños menores.

Yo Recibo: MEDICAID SSI SNAP TANF VIVIENDA PÚBLICA

INGRESO MENSUAL (Estime si es necesario)		GASTOS MENSUALES (Estime si es necesario)	
Mi ingreso neto (llevar a casa pago)	\$	Renta / Hipoteca	\$
Ingresos netos del cónyuge (llevar a casa pago)	\$	Servicios públicos (electricidad, gas, agua)	\$
Manutencion de menores (recibida)	\$	Gastos totales del niño (incluida la manutención infantil pagada)	\$
Otros Ingresos	\$	Gastos Totales de Alimentos	\$
TOTAL INGRESOS MENSUALES	\$	Costos de Transporte	\$
ASSETS		Gastos Médicos / Seguro de Salud	\$
Ahorros	\$	GASTOS MENSUALES TOTALES	\$
Equidad de la vivienda	\$		

Declaración no Jurada del Acusado (§132.001 CPRC)

CERTIFICO que la información anterior es verdadera y correcta y que no tengo medios para contratar un abogado de mi propia elección y por la presente solicito al Tribunal que me designe un abogado. Alternativamente, creo que el interés de la justicia requiere representación designada por el tribunal. Entiendo que si, intencionalmente o con conocimiento, doy información falsa en esta declaración jurada o durante la audiencia sobre esta moción, puedo ser procesado por el delito de perjurio agravado, un delito grave de tercer grado, punible con una pena de prisión que no exceda los diez (10) años o menos de dos (2) años y una multa que no exceda los diez mil dólares (\$ 10,000.00). Mi nombre es _____ . Mi fecha de nacimiento es _____. Mi dirección es _____. Si actualmente está encarcelado, mi número de identificación de recluso, si lo hubiera, es _____. Actualmente estoy encarcelado en HUNT COUNTY JAIL. **DECLARO** bajo pena de perjurio que lo anterior es verdadero y correcto. Ejecutado en Hunt County, State of Texas, por _____ .

Firma de acusado

PARA SER COMPLETADO POR EL JUEZ SOLAMENTE									
FPG <<	1 - \$18,226	2 - \$24,651	3 - \$31,076	4 - \$37,501	5 - \$43,926	6 - \$50,351	7 - \$56,776	8 - \$63,201	9 - \$69,262



**APPLICATION TO RECEIVE MISDEMEANOR & JUVENILE
COURT APPOINTMENTS IN THE HUNT COUNTY COURTS AT LAW**

NEW APPLICATION **RENEWAL**

Printed Name:			
Home Address <i>(No P.O. Boxes):</i>			
Business Address <i>(No P.O. Boxes):</i>			
Business Mailing Address <i>(if different than physical):</i>			
Office Telephone Number:			
Cell Phone Number:			
Email Address:			
Fax Number:			
State Bar No.:		Date Licensed:	
<input type="checkbox"/> CHECK BOX IF YOUR CONTACT INFORMATION HAS CHANGED <i>(Renewal applications only)</i>			

1. ELIGIBILITY REQUIRMENT:

- I reside in Hunt County,
- I maintain my primary office in Hunt County, or
- I DO NOT** meet the eligibility requirements but am requesting an exception and have attached hereto a document setting out the reasons for the exception.

2. CRITERIA STANDARDS:

- I am board certified in Criminal Law by the Texas Board of Legal Specialization,
- I have completed at least six months of law practice with at least one Class B Misdemeanor or greater jury trial (as 2nd chair or higher), and have completed at least sixteen hours of criminal law continuing education in the preceding twenty-four months,
- I have attached a document hereto that demonstrates competence using other criteria.

3. BAR LICENSE:

- I am an attorney who is currently licensed by the State Bar of Texas and in good standing.

4. CLE HOURS:

- CRIMINAL - Attached is the most recent State Bar compliance form demonstrating that I have completed 16 hours of criminal CLE within the past 24 months.
- JUVENILE - Attached is the most recent State Bar compliance form demonstrating that I have completed 6 hours of juvenile CLE within the past 12 months.

5. CRIMINAL HISTORY:

- I have not been convicted of, or currently accused of, a criminal offense other than a Class C Misdemeanor. *(If Applicant is unable to verify this statement, Applicant must attach hereto a document detailing the conviction or accusation.)*

6. TYPES OF CASES REQUESTED FOR APPOINTMENT:

- Class A/B Appeals Class A/B and Appeals Juvenile

7. FOREIGN LANGUAGE:

- I am fluent in the following foreign languages: _____
- I have staff who is fluent in the following foreign languages: _____

I certify that the above information and responses, including any attachments thereto, are true and correct and that I am familiar with the requirements of Texas Senate Bill 7 (The Fair Defense Act) and have read the Fair Defense Plan for Hunt County Courts at Law and the Hunt County Juvenile Plan *(if I am requesting an appointment on Juvenile cases)*, and any written policies and procedures for any Hunt County Court at Law, and that I will comply with all the duties and requirements of the preceding in representing my clients in cases which I am appointed.

Signed this _____ day of _____ 20_____.

Signature

Email completed renewal application, along with any and all attachments, to each Court Coordinator for the Hunt County Courts at Law.

IN THE 196TH JUDICIAL DISTRICT COURT;

IN THE 354TH JUCICIAL DISTRICT COURT;

IN THE COUNTY COURT AT LAW NO 1;

IN THE COUNTY CLURT AT LAW NO. 2

OF HUNT COUNTY, TEXAS

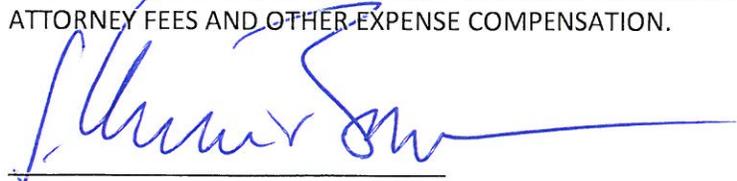
**STANDING ORDER FOR COMPENSATION
(ATTORNEY FEE SCHEDULE)**

Effective October 28, 2021 the County Courts at Law & the District Court Judges with Jurisdiction amend the schedule of fees to the Court Appointed Counsel as follows:

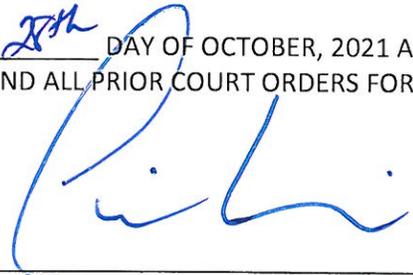
- i. Felony and Misdemeanor Motion to Revoke cases shall be compensated at \$100 per hour.
- ii. Felony cases, Juvenile cases, Mental Commitment cases, and Misdemeanor cases shall be compensated at \$100 per hour
- iii. Capital Murder cases in which the State elects to seek the death penalty shall be compensated at \$110 per hour for lead counsel (1st chair qualification required) and \$100 per hour for second counsel (2nd chair qualification required).
- iv. Attorneys appointed on CPS cases shall be paid \$100 per hour.
- v. Standard payment amounts without providing supporting hourly documentation will be as follows:

a. Misdemeanors	\$200
b. Felony	\$250
c. MTR (felony or misdemeanor)	\$200
d. Juvenile	\$200
e. Mental	\$200
- vi. Appointed counsel shall be reimbursed for reasonable expenses incurred, excluding investigative and expert services, in the course of representing a client, with or without prior court approval. Reasonable expenses will be in addition to attorney fees. Expenses for investigative and expert services REQUIRE PRIOR COURT APPROVAL, and no such fees shall be paid unless approved by prior court order as to the amount incurred. Except as otherwise provided herein, on presentation of a claim for reimbursement the Court shall order the reimbursement of counsel for the expenses if the expenses are reasonably necessary and reasonably incurred.
- vii. Interpreter compensation is authorized for up to \$500 per Defendant without prior Court Approval.
- viii. Request for payment is governed by a separate order and forms.
- ix. Any payment request submitted 6 months or more from the date of the last reasonable and necessary action on the case is subject to being denied by the Court.

THIS STANDING ORDER FOR COMPENSATION IS SIGNED ON THE 28th DAY OF OCTOBER, 2021 AND IS EFFECTIVE FROM SAID DATE. SAID ORDER SUPERSEDES ANY AND ALL PRIOR COURT ORDERS FOR ATTORNEY FEES AND OTHER EXPENSE COMPENSATION.



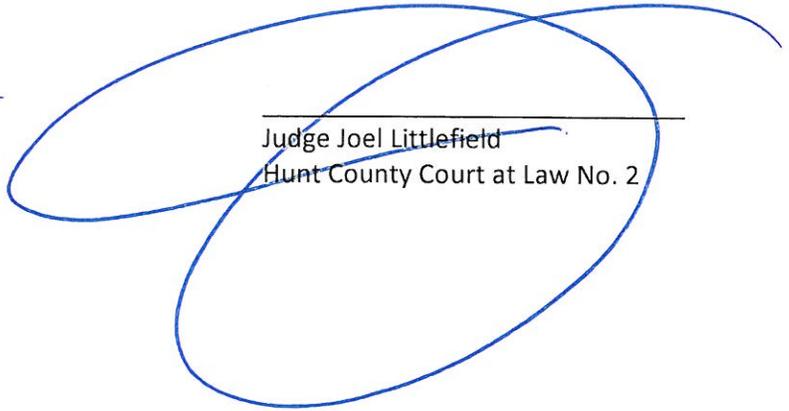
Judge Andy Bench
196th Judicial District Court



Judge Timothy Linden
Hunt County Court at Law No. 1



Judge Keli Aiken
354th Judicial District Court



Judge Joel Littlefield
Hunt County Court at Law No. 2



COURT APPOINTED ATTORNEY FEE VOUCHER

For Hunt County Auditor Use Only:

Vendor # _____

Line Item _____

1. CASE STYLE			2. COURT	
CAUSE NO.			<input type="checkbox"/> 196 th District Court	
<input type="checkbox"/> Criminal:	State of Texas	VS	<input type="checkbox"/> 354 th District Court	
<input type="checkbox"/> Writ:	State of Texas	VS	<input type="checkbox"/> County Court at Law No. 1	
<input type="checkbox"/> Juvenile:	In the Matter	of	<input type="checkbox"/> County Court at Law No. 2	
<input type="checkbox"/> Mental:	In the Best Interest	of		
<input type="checkbox"/> Guardian:	In the Guardianship	of		
<input type="checkbox"/> Civil / CPS:				
			3. APPEAL	
			<input type="checkbox"/> YES	<input type="checkbox"/> NO

4. HOURLY RATE FEE (Required: Attach detailed Invoice)		
TOTAL HOURS	x	<input type="checkbox"/> Standard Fee \$100/hr
		<input type="checkbox"/> Capital Fee \$110/hr
TOTAL FEE:	\$	

5. FLAT FEE (No documentation needed)	
<input type="checkbox"/> Misdemeanor	\$200
<input type="checkbox"/> Felony	\$250
<input type="checkbox"/> MTR (F/M)	\$200
<input type="checkbox"/> Juvenile	\$200
<input type="checkbox"/> Mental	\$200

6. OTHER EXPENSES (Required: Attach supporting documentation)	
Amount Claimed	\$

7. CRIMINAL CASES ONLY					
INCARCERATION STATUS		DISPOSITION			
<input type="checkbox"/> In Custody	<input type="checkbox"/> Out on Bond	<input type="checkbox"/> Jail/Prison	<input type="checkbox"/> Probation	____ Month(s) ____ Year(s)	<input type="checkbox"/> Non-Paying Supervision
					<input type="checkbox"/> Dismissed <input type="checkbox"/> PIP
Plea Date:		Defendant's Email:			

8. ATTORNEY CERTIFICATION	
<input type="checkbox"/> FINAL PAYMENT (Must select reason below)	<input type="checkbox"/> PARTIAL PAYMENT (Must select reason below)
<input type="checkbox"/> CASE DISPOSED / <input type="checkbox"/> REMOVED FROM CASE	<input type="checkbox"/> Writ / <input type="checkbox"/> PIP Plea
TIME PERIOD OF SERVICES RENDERED From _____ to _____	
I, the undersigned attorney, certify that I was appointed by the Court in the above referenced case. The compensation and expenses claimed were reasonable and necessary to provide effective assistance of counsel. The county auditor has been provided my current address & TIN on IRS form W-9.	
SIGNATURE _____	DATE _____
PRINT NAME: _____	STATE BAR NO. _____

COURT APPROVED FEES AND EXPENSES			
Fee	\$	Other Expenses	\$
It is ORDERED that the above Fees and Other Expenses are to be INCLUDED in the Bill of Costs.			
SIGNED ON _____, 20____.		_____ JUDGE PRESIDING	
The Court APPROVES the above Fees and Other Expenses and ORDERS the Hunt County Auditor to issue payment of the above amounts.			
SIGNED ON _____, 20____.		_____ JUDGE PRESIDING	

Court's reason for denial or variation, if any:

* After the Court APPROVES and ORDERS payment by the Auditor, this Voucher shall be filed with the Hunt County Auditor on or before the next business day.

MAGISTRATE CASE NO. _____

STATE OF TEXAS
VS.

§
§
§

SITTING AS MAGISTRATE
FOR
HUNT COUNTY, TEXAS

Defendant _____

MAGISTRATE WARNING

Arrest Date: _____ Arrest Time: _____ AM PM Agency: _____ Warrant #: _____

Before me, the undersigned magistrate of the State of Texas, on this day personally appeared the above-named Defendant, who was given the following warnings.

You are charged with the offense of:

OFFENSE CHARGE	DEGREE
	<input type="checkbox"/> Felony <input type="checkbox"/> Misd.

- 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.
- 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.

Would you like to request the appointment of counsel? Yes No Refused to Answer

If you are not a citizen of the United States, you may be entitled to have your country's consular representative here in the United States notified of your arrest.

Would you like us to notify the consular representative of your country? Yes No Refused to Answer
If Yes, which country shall we notify? _____

Defendant's Signature: _____ Date: _____ Defendant REFUSED to sign.

Witness: _____ Interpreted by: _____

MAGISTRATE VERIFICATION OF WARNINGS AND DETERMINATION OF PROBABLE CAUSE

As Magistrate, I certify that I have advised the Defendant of his or her rights. I explained the local procedures for requesting appointment of counsel in a manner the accused could understand. If appointment of counsel was requested, I provided reasonable assistance in completing necessary paperwork for the appointment of counsel and forwarded the paperwork to the appropriate authority within 24 hours. After review of appropriate documentation, I FIND that:

- PROBABLE CAUSE EXISTS** as to each of the charge(s) supported by:
 - a sworn affidavit(s) setting forth sufficient factual detail to establish probable cause. **OR**
 - confirmed warrant(s) of arrest issued by appropriate authority, or other writ(s) of commitment. **OR**
 - sworn complaint(s), as sufficient basis for further detention of the defendant.

Having FOUND PROBABLE CAUSE, Bail is:

- Set at \$ _____ PR Cash / Surety Cash
- With Bond Conditions, including: EPO Ignition Interlock Conditions Other: _____
- DENIED.
- NOT DETERMINED.

NO PROBABLE CAUSE EXISTS for further detention, based upon a lack of factual detail set forth in an affidavit of probable cause or the existence of a confirmed warrant(s). Accordingly, the defendant should be **RELEASED IMMEDIATELY on this charge only.**

MAGISTRATE FOR HUNT COUNTY, TEXAS

Warning given on: _____ at _____ AM PM at HCSO _____

CAUSE NO. CR _____

THE STATE OF TEXAS

VS

§
§
§
§
§

IN THE COUNTY COURT

AT LAW NO. 2 OF

HUNT COUNTY, TEXAS

WAIVER OF ATTORNEY & ORDER FOR PRO SE REPRESENTATION

WHEREAS the above-named Defendant _____ before entering into any discussions regarding the above case(s), has declared in open court the following:

1. I am fully aware of the offense of which I am charged.
2. I am fully aware of the range of punishment.
3. I am mentally competent and fully understand the proceedings against me.
4. I understand that I have the absolute right to have an attorney represent me in this case.
5. I understand that if I cannot afford to hire an attorney, I have the absolute right to have the court appoint an attorney to represent me.
6. I understand I may request an attorney at any time prior to the acceptance of this waiver by the court.
7. I understand that after this waiver, if I change my mind and recognize that I need an attorney to represent me, I can hire an attorney or if I cannot afford an attorney, request the court to appoint me an attorney.
8. I understand that I have the right to remain silent. I do not have to talk to the prosecutor about my case. I have the right to stop discussions at any time and remain silent. I do not have to testify before the court.
9. I understand that I do not have to enter into an agreement with the prosecutor and I have the right to have a jury hear the evidence and decide this case. I also understand that the court does not have to accept any agreement I make with the prosecutor.
10. I have been duly advised of the dangers and disadvantages of self-representation.
11. I understand that there are technical rules regarding the admission of evidence, preservation of error, and procedures to be followed at trial, and I will not be granted any special consideration solely because I am representing yourself.
12. I understand that in order to be an attorney, one must have specialized legal training. The prosecutor has obtained that specialized legal training. If I am not an attorney I will be at a severe disadvantage.
13. I understand that, among other things, the prosecutor understands: (a) what constitutes proper voir dire, (b) what should and should not be contained in the court's charge to the jury, (b) the Rules of Evidence, (c) the Code of Criminal Procedure, and (d) the Rules of Appellate Procedure. If I am not a lawyer, I will be at a severe disadvantage.

14. I understand I will not receive advice, guidance, or help from the court.
15. I understand if the case is appealed, the appellate court will not create arguments for me.
16. I understand in future proceedings the court will not allow me to claim ineffective representation if I represent myself.
17. I understand it is generally unwise to represent myself.
- 18. *The court has advised me not to represent myself and obtain an attorney or request a court appointed attorney if I am indigent and cannot afford to hire one.***
19. I freely, voluntarily, without duress and with knowledge of the consequences thereof, hereby waive my right of representation by an attorney in the trial of the charge pending against me, and I give up my right to have the court decide whether I can have a court-appointed attorney to represent me.
20. I agree that the court may accept this waiver by broadcast, by closed-circuit video teleconferencing and waive the right to an appearance in open court.
21. I have been advised by the court of my right to representation by an attorney in the case pending against me. I have been further advised that if I am unable to afford an attorney, one will be appointed for me free of charge. Understanding my right to have an attorney appointed for me free of charge if I am not financially able to employ an attorney, 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 an attorney.

DEFENDANT

ORDER

- The court having taken every measure to advise the Defendant against representing himself/herself and of the disadvantages there of, finds the waiver is voluntary and intelligently made. The court accepts the waiver and **ORDERS** it be made part of the record.
- The court denies the waiver and **ORDERS** it be made part of the record.

SIGNED this the _____ day of _____, _____.

JUDGE JOEL D. LITTLEFIELD
HUNT COUNTY COURT AT LAW #2