

COURT RULES FOR COUNTY COURT AT LAW NO. 2

CHAPTER 1 - Docket Schedule

Monday

9:00 am Jury Trial
9:00 am Announcement

Tuesday

8:00 am Jail Run
9:00 am Arraignment

Wednesday

9:00 am Announcement/Plea
10:00 am Jury Trial

Thursday

9:00 am Pre-Trial Conference/Plea

Friday

8:00 am Jail Run
9:00 am MTRP
9:00 am Announcement
10:30 Pre-Trial Motions (unless special setting is requested)

CHAPTER 2 – Arraignment Docket

When the defendants are released on bond, the sheriff gives them written notice to appear at this docket in the courtroom. The judge of County Court at Law No. 2 speaks to the persons assembled and explains their options.

- plead guilty or *nolo contendere* and represent themselves;
- plead not guilty and represent themselves;
- ask for time to hire an attorney
- if they qualify, ask for a court appointed attorney;
- ask for one of the following Community Safety Initiative (CSI) services:
 - (a) drug treatment
 - (b) mental health treatment

- (c) family violence counseling
- (d) job training
- (e) job placement
- apply for one of the following pretrial diversion programs:
 - (a) pretrial diversion
 - (b) BIPP/anger management
 - (c) drug diversion
 - (d) veteran's court

The ones who elect to plead guilty or nolo contendere are admonished (misdemeanor plea admonishment, discovery admonishment, and trial court's certification). The ones who ask for a court appointed attorney are told to go to the pretrial office and they are given a detailed application to be answered truthfully. After the application process is complete, the Court will either grant or deny the application. The judge will dispose of the pleas.

CHAPTER 3 – Announcement Docket

When you are hired before the Arraignment Docket, you must file a letter of representation with the coordinator who will set the case on the Announcement Docket. If this is done, you do not have to appear at the Arraignment Docket. If you are hired after the defendant makes an appearance on the Arraignment Docket, you must file a letter of representation with the coordinator before the defendant's next appearance.

Call of the Announcement Docket

This docket is always called on Mondays, Wednesdays, and Fridays at 9:00 a.m. It is anticipated that you will have answered this docket before the call. You must appear at the docket call, announce, and then visit the coordinator to execute the resetting agreement. The defendant has to also be present at this docket call. If, however, the defendant does not answer before or at the docket call, the bond will be forfeited.

CHAPTER 4 – Plea Docket

This docket is always called on Wednesdays and Thursdays at 9:00 a.m. If you call in the plea agreement to the clerk on the day before, your plea will be done before the docket is called. When you arrive to the courtroom, you have to fill out the Plea Information Form and the following plea paperwork, which is located on the tablets in the courtroom:

(a) Misdemeanor Plea Admonishments;

(b) Trial Court's Certification;

(c) Discovery Certification.

If you need assistance, the court staff will be happy to help you.

**Continuances on this docket are governed by "motions for continuances", see Chapter 6 (c).*

CHAPTER 5 – Pretrial Conference

This docket is always called on Thursdays at 9:00 a.m. If you have any pretrial issues, they will be discussed and settled at this conference. If your pretrial issues are settled, then your case will either be placed on the trial docket or the plea docket.

CHAPTER 6 – PRETRIAL

(a) Pretrial Motions in General

With exceptions noted below, the "filing" of pretrial motions accomplishes only that, *filing*. The judge does not see motions that are "filed" because it does not constitute *presentment* to the court. You must present the motion in some fashion. If you have set same for a hearing, it will be presented at the hearing. If a hearing is not set, you may present it in chambers or in the courtroom, (if you desire a record). *Ex parte* presentment is not honored, please have your opponent present.

(b) Hearing on Pretrial Motions

Motions will generally be heard immediately before trial, *if presented*. If you will need time for your opponent to reply, set it for a hearing with the coordinator and file it with the clerk. Such motions will be set on Friday mornings at 10:30 a.m. If you need a special setting, see the coordinator.

(c) Motions for Continuance

There is no such animal as an agreed continuance. If either side desires a continuance, prepare a written motion and visit the coordinator and set same for a hearing, and then file it with the clerk. If trial or hearing is imminent, contact the judge for an immediate hearing. If filed by the defendant and the ground is absence of a witness, follow the dictates of Art. 29.06 and 29.07 C.C.P. If a hearing is not set, you

may present it in chambers or in the courtroom, (if you desire a record). *Ex parte* presentment is not honored, please have your opponent present.

(d) **Election to have Jury Assess Punishment**

This motion is self-executing and must be filed before the trial begins, but it must be brought to the attention of the court and prosecutor before trial so that a proper *voir dire* can be conducted. This motion will not support a charge authorizing the jury to recommend community supervision (probation).

(e) **Application For Probation**

This motions is self-executing and must be filed before the trial begins, but it must be brought to the attention of the court and prosecutor before trial so that a proper *voir dire* can be conducted.

(f) **Motions To Withdraw As Counsel**

These motions will not be granted without a hearing set by the coordinator, and the defendant must be notified that he or she must be present at the docket call. The defendant must be present so that he/she can be given time to hire another attorney. If the defendant does not appear, the bond will be forfeited. If the defendant is at large, the motion cannot be granted because obviously the defendant cannot be notified.

(g) **Motions To Suppress Evidence**

These motions can be heard during trial or pretrial.

CHAPTER 7 – Trial

If the defendant intends to plead Not Guilty, the case will be set on the jury docket. However, if immediately prior to docket call, the parties announce an agreement to waive a jury, and the court agrees, the case will be heard without the intervention of a jury. The court will ask the parties if they desire to put on the record the plea offer extended to the defendant and whether defense counsel has advised the defendant of his Fifth Amendment rights.

(a) **Docket Call, Jury Trials**

Docket calls are Monday @ 9:00 a.m. and Wednesday at 10:00 a.m. The loudest complaint we hear from jurors is that they are forced to stand around the halls waiting for us to get our business done before they are called into the court room. To address

this complain by speeding up the docket call process, the announcement procedure will be as follows: When the case is called (1) the defense attorney will advise the court as to whether or not his/her client is present; (2) the state will announce; and, (3) the defendant will announce.

The only acceptable announcements are:

- Ready;
- Not ready and the reason therefor, with a sworn written motion, which will be heard immediately after docket call.

You have a right, of course, to plead guilty or *nolo contendere* at that time.

(b) Exhibits

Have your exhibits marked for identification before trial.

(c) Calling Your Witnesses to the Stand

Since the court reporter must record everything that is said in trial, call your witnesses to the stand by their full names.

(d) Lectern

Use the lectern when interrogating witnesses. You do not need the court's permission to "approach the witness," however, return to the lectern when your reason for approaching the witness is finished.

(e) The Jury

Stand when the jury enters or exits the courtroom.

(f) Introductions During Voir Dire

Stand and face the jury panel when the court introduces you. Instruct the defendant to stand and face the jury panel when the court introduces him/her.

(g) Attire

It is assumed that the attorneys will be appropriately attired. Instruct your witnesses, before trial, on the proper attire for appearances in court.

CHAPTER 3 – Bond Forfeitures Art. 22.01 *et seq.* C.C.P.

Unless the bond is forfeited because of a clerical error by the staff, the forfeiture will not be recalled. If you have a cause or causes to exonerate the defendant and his sureties from liability upon the forfeiture taken, present your case or cases in your answer to the civil suit and at the summary or final judgment hearing. Art. 2.13 C.C.P.

CHAPTER 4 – Post Trial

Post-Trial Motions – Motions for new trial, etc., filed with the clerk, like all other motions, you are reminded, accomplishes only that, *filing*. If you want a hearing on the motion, or motions, set it with the coordinator, and then file it with the clerk.

CHAPTER 5 – Vacations

You must file with the coordinator, thirty days before your vacation begins, a letter stating your vacation period. If you have cases already set within your chosen period, they will be reset. However, to reduce the number of cases that will have to be reset, please notify the coordinator as soon as possible of your vacation period.

CHAPTER 6 – Miscellaneous

Please be on time for all dockets. If you anticipate being late, please call the court coordinator. If you have a conflict in schedules, please call the court coordinator.

Regardless of what docket your case is on, if you have reached an agreement with the District Attorney you can dispose of it by a plea of guilty or nolo contendere at any time Monday through Friday. Simply call the clerk and give her the plea and punishment agreement and tell her the day and time you would like to dispose of the case. If the court is in trial, your case will be disposed of at a break.

These rules are effective as of June 19, 2017.