

The Misdemeanor Process

"It shall be the primary duty of all prosecuting attorneys...not to convict, but to see that justice is done."
Art. 2.01 Texas Code of Criminal Procedure

The County Attorney handles over XXXXXXX new misdemeanor cases each year. These crimes contribute to the steady erosion of our community's civility, order, and safety. These crimes, if undeterred, can and will erode the quality of life for all of the citizens of Ector County.

As Ector County grows, its citizens must remain vigilant to lower the number of these quality of life crimes. The County Attorney thanks all those citizens who contribute to public safety through jury service, volunteer organizations, and reports of crime to law enforcement.

Classes of Misdemeanors:

This Office is responsible for the prosecution of all misdemeanor cases that are filed in Ector County. "Misdemeanor" is defined in the law as any crime where the maximum possible jail time is one year or less. There are three categories of misdemeanors: Class A; Class B; and Class C.

Class A misdemeanors are punishable by a fine of up to \$4,000 and/or confinement in jail of up to one year. Some examples of Class A misdemeanor offenses include assault causing bodily injury, driving while intoxicated second offense, theft of property valued at \$500 to \$1500, and resisting arrest.

Class B misdemeanors are punishable by a fine of up to \$2,000 and/or confinement in jail of up to six months. Some examples of Class B misdemeanor offenses include driving while intoxicated first offense, possession of marijuana less than two ounces, and telephone harassment.

Both Class A and B misdemeanors are handled in the three County-Courts-at-Law.

Class C misdemeanors are punishable by a fine of \$500 or less and no jail time. Those cases are typically heard in the four Justice of the Peace courts in Ector County. Prosecutors from this office are assigned to prosecute those cases in the individual justice courts.

Anatomy of a Criminal Case:

Arrest – A criminal case begins when a law enforcement agency makes an arrest based on probable cause to believe that a criminal offense has been committed. After the arrest has been made, the case is sent to the County Attorney's Office. A prosecutor will read the offense report submitted by the law enforcement agency and make a decision on whether the case should be filed.

First Appearance Docket – A person charged with an offense is called a "defendant." Misdemeanor defendants are initially given a first appearance setting. Defendants *should dress appropriately* for court. When the defendant appears for court, the Judge asks whether the defendant chooses to plea guilty, no contest, or not guilty. Defendants who plead guilty or no contest are given an opportunity to discuss their case with a prosecutor and attempt to reach a plea bargain agreement. Defendants who plead not guilty must decide whether to represent themselves or hire an attorney to defend them in court. Some defendants may qualify for an appointed attorney if the Judge determines that the defendant meets indigency requirements.

Announcement Docket – At the Announcement Docket setting, a criminal defense attorney representing defendants may communicate with the prosecutor handling the case and receive discovery information they are entitled to under the law. Cases are often resolved through plea bargain agreements at this point in the process.

Pretrial Docket – At Pretrial Docket the Court hears various pretrial motions filed on behalf of defendants which challenge the legality of the arrest or request additional information about the case.

Trial Before the Court – A defendant may waive his or her right to a trial by jury. The case can then be heard by the judge in a trial before the court. The prosecutor must also agree to waive trial by jury in order to have a trial before the court. The judge decides the guilt or innocence of the defendant as well as any punishment.

Jury Trial – A jury trial is the embodiment of the American criminal justice system. Six people are selected from a pool of citizens called a “venire.” Those six people sit as a jury in the criminal trial of the defendant. The jury hears the testimony and evidence. After the evidence has been presented, the jury “deliberates” or discusses the facts of the case amongst themselves and decides a verdict of guilty or not guilty. The jury may only return a verdict of guilty if they are convinced beyond a reasonable doubt of the defendant's guilt.

Plea Setting – Most criminal cases in the United States are resolved without a trial through a process known as plea bargaining. Plea bargaining allows for fair and just resolution of criminal cases while effectively conserving the resources of the criminal justice system. The Ector County Attorney's Office never loses sight of the citizens that we have sworn to protect and we put their interests at the forefront when determining what plea bargain offers are made to criminal defendants.