

Judge Susan Redford
County Judge

Judge J.A. (Jim) Bobo
County Court at Law

Judge M. Scott Layh
County Court at Law No. 2



Ector County Courthouse
300 N. Grant, Second Floor
Odessa, Texas 79761

MEMO

TO CRIMINAL DEFENSE ATTORNEYS AND THEIR SECRETARIES

The MISDEMEANOR COURT JUDGES have decided to cease having Pre-Trial Docket Calls after August 20, 2015. They would have ceased earlier but notices had already been given to Defendants to appear through that date.

The MORTON ACT essentially has taken care of Pre-Trial Discovery in Texas. Contact the County Attorney to get discovery. They have purchased the equipment to redact video so you should be able to agree on what should be redacted. If after you get discovery, you need further Pre-Trial Discovery, file your motions 30 days before trial week, with an accompanying Order Setting Hearing to ensure you get your rulings far in advance of your client's trial date.

At ARRAIGNMENT, your potential clients will be given a DOCKET CALL DATE FOR TRIAL and a TRIAL WEEK SETTING. Please have your staff or you ask clients for these two settings and immediately mark it on your calendars and on the outside of your trial file. These are critical dates for your client, your staff as well as the attorney. Our goal is to schedule Trial Docket Calls two weeks before trial week which will be approximately 90 days after arraignment.

DOCKET CALLS FOR TRIAL

There will still be Dockets Calls for Trials. They will be conducted as follows:

ANNOUNCEMENTS OF READY FOR TRIAL

ATTORNEYS AND THEIR CLIENTS WILL NEED TO BE PRESENT FOR AN ANNOUNCEMENT OF "READY". This proceeding will be on the record. The Court will ask the Defendant:

1. Has he received a plea offer from the County Attorney's Office through his attorney;
2. Does he understand the offer;
3. Is he rejecting the offer; and
4. Is he demanding a jury trial or trial before the Court

THERE WILL BE NO CONTINUANCES FOR ATTORNEYS OR THEIR CLIENTS FROM DOCKETS CALLS FOR ANNOUNCEMENTS OF READY. IF AN ATTORNEY IS SET IN ANOTHER COURT, HAS A VACATION LETTER OR CANNOT APPEAR FOR ANY REASON, THAT ATTORNEY WILL BE RESPONSIBLE FOR HAVING ANOTHER ATTORNEY PRESENT TO ACT IN HIS BEHALF AND THAT OF HIS CLIENT. Be sure to get your clients consent in writing should this situation arise.

ANNOUNCEMENT OF PLEA AGREEMENT AT TRIAL DOCKET CALL

If the client accepts a plea bargain agreement before the day of Trial Docket Call, the attorney and his client will not be required to appear at the Docket Call provided:

1. The offer is accepted by no later than Friday at noon before the Docket Call on Monday.
2. The Defendant and his attorney must execute a waiver of jury trial. A copy of the waiver is attached to the memo for your use in future cases.
3. Both the Court Administrator and the County Attorney's Office must be notified by fax or e-mail of the plea acceptance and a date certain to plea with the accompanying waiver of jury trial. The administrators fax numbers and county e-mail addresses are

County Judge

432-498-4101 donna.speed@ectorcountytexas.gov

County Court at Law

432-498-4112 deanna.webster@ectorcountytexas.gov

County Court at Law #2

432-498-4121 brenda.melson@ectorcountytexas.gov

4. If the plea agreement is accepted after noon on Friday, THE ATTORNEY AND HIS CLIENT MUST BE PRESENT AT THE DOCKET CALL TO ACCEPT THE PLEA AGREEMENT.
5. ATTORNEYS WITHDRAWING PLEA BARGAIN AGREEMENTS DEMANDING A TRIAL AFTER ANNOUNCING AGREEMENTS TO PLEA WILL HAVE THEIR "NO APPEARANCE PRIVILEGES FOR THE ATTORNEY AND CLIENT" REVOKED FOR TRIAL DOCKETS.

This new process should save you and your staff a good deal of time locating clients, scheduling time for appearances and wasted trips to the courthouse. It is imperative that your staff calendar the dates, keep in touch with your clients and check on your clients pay records. It will also be important to get your Morton Discovery as early as possible.

This will allow County staff to be used efficiently. It is a tight budget year for the County. It will save the County a minimum of \$875.00 per panel if a jury is not needed. It will also allow the Courts to schedule additional hearings if a criminal trial is not needed.

These decisions were not made without a great deal of thought going into the process. Hopefully this new process will be an aid to better efficiency in your practice of criminal law.



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STATE'S APPROVAL OF WAIVER OF JURY

COMES NOW the State of Texas prior to the entry of the Defendant's plea to the offense(s) charged in this cause and does, hereby, consent and approve the Defendant's waiver of trial by jury in this cause.

ATTORNEY FOR THE STATE

CERTIFICATE BY THE COURT

WHEREAS the Court and the Defendant's counsel have advised the Defendant of his or her to trial by jury in this cause, and **WHEREAS** it appears to the court that the Defendant understands his or her right to trial by jury, and that the Defendant has voluntarily waived trial by jury with the consent and approval of the State, the Defendant's waiver of trial by jury is approved and received by the Court.

Signed the ____ day of _____, 20____.

JUDGE PRESIDING
ECTOR COUNTY, TEXAS