

**CAMERON COUNTY CRIMINAL DISTRICT COURTS
PLAN AND STANDING RULES
AND ORDERS RELATED TO
APPOINTMENT OF COUNSEL FOR INDIGENT DEFENDANTS**

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 November 1, 2008.

1. Arresting Officer's Responsibilities
 - 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 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.

2. Procedures for Timely Appointment of Counsel

- a. 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.
- b. 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).

- c. 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.
- d. Counsel shall be appointed in the manner specified in Rule ³ below, 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.

3. 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, outstanding obligations, necessary expenses, the number and ages of dependants, 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. The defendant's necessary expenses will be subtracted from the defendant's gross income, including spousal income if applicable. The resulting number will be referred to as the defendant's "net income"
 - 2. "Necessary expenses" should include but are not limited to: rent or mortgage, food/groceries, car payment, car insurance, utilities for the defendant's household.
 - 3. The defendant's "net income" will be used to determine if the individual is indigent based on the income for one person under the Federal Poverty Guidelines. If the defendant's "net income" is \$867 or more a month, they will be presumed not to qualify for a court-appointed attorney. If the defendant's "net income" is less than \$867 a month, they will, qualify for a court-appointed attorney. The amount will be adjusted annually pursuant to the Federal Poverty Guidelines.
 - 4. A defendant who is presumed not be indigent because his/her income is \$867 or more a month may ask the court to review his/her financial circumstances and the cost of retaining counsel based on the seriousness of the offense and the court may appoint counsel if it finds

that the defendant is not financially able to hire counsel. 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 Rule 4 below.

4. Selection and Appointment of Counsel

- 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. Twice a year, by a posted date in July and January, 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. (See Attachment Seven). 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 Seven-A).
- 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, 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. At least twice a year, following the submission of attorney applications for the public appointment lists by the posted dates in July and January, the Board of Judges shall evaluate the new applicants for each list and the attorneys already on the lists. The Board of Judges will vote on the new applications and attorneys approved by a majority of the votes of the judges will be placed on the public appointment lists.
 - h. 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.
- i. 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 4.e 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.
- j. 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.
- k. 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. The designated Judge of the District Courts and the designated Judge of the County Courts will receive a master list every day containing the names of all defendants who were arrested the previous day or weekend and were assigned court-appointed counsel by the Pre-Trial Services Office. This master list will include the court-appointed attorney's name and bar number, as well as the case numbers and offenses charged. This master list will be taken to the designated judge for a signature. (For an example, see Attachment Nine). A separate order appointing an attorney in each case will then be generated and placed in the court's file for each case, reflecting that the original master order was signed by the respective administrative judge. (For an example, see Attachment Ten).
5. 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 Twelve), unless the judge makes a finding of good cause as set forth below.
6. 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.

- m. 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 is 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.
- n. 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 completed, 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.

5. Selection and Appointment of Counsel in Capital Cases

- a. Subject to Rule 5.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 2 above.
- 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 to 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 4(e)(5) 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 4 above.

6. Notice of Appointment, Determination, and Contact with the Defendant

- a. If it is determined that a person who requests appointment of counsel is not indigent under the standard and procedures described in Rule 3, that finding will be entered on the person's "Indigent Attorney Appointment Affidavit" which will be filed in the court's file. 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 Rule 3, the computer will print the name, address, and phone number of the selected court-appointed attorney, as determined according to Rule 4, on the Indigent Attorney Appointment Affidavit, which will be filed in the court's file. The Pre-Trial Services Office will also provide the defendant a copy of this affidavit, including the attorney's information outlined above. (For an example, see Attachment Thirteen).
- c. At the same time the Pre-Trial Services Director or his 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 notice of the appointment by e-mail and/or fax. (For an example, see Attachment Fourteen).
- 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 postcard by the Pre-Trial Services Office to send by regular mail or interoffice mail from the jail to the Office, if the defendant has not been contacted by his/her court-appointed attorney within a specified date. (See Attachment Fifteen). 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.

7. 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 Auditors Office of Cameron County. (See Attachment Sixteen).
- 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 Seventeen). Appointed counsel must submit this voucher 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.

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:

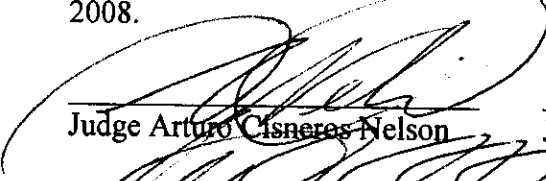
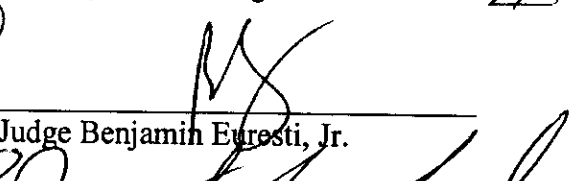
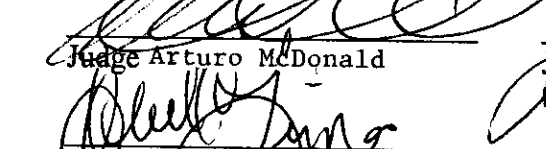
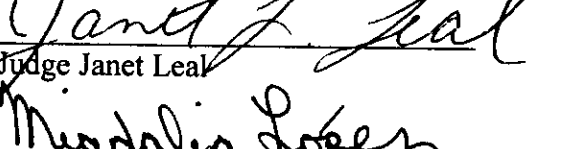

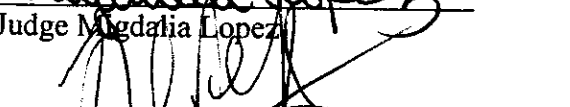

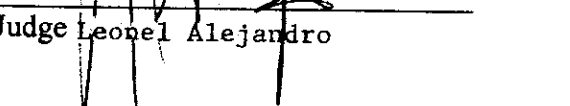
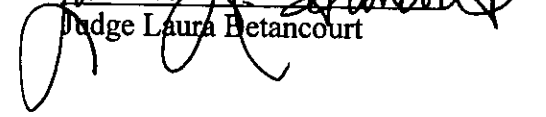
1. state the reasons for the denial in writing;
2. attach the denial to the confidential request; and
3. submit the request and denial as a sealed exhibit to the record.

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.

These Local Rules of Administration were approved by a majority of the District and County Court Judges in Cameron County at a meeting held on October 14th, 2008.

 _____ Judge Arturo Cisneros Nelson	 _____ Judge Benjamin Euresi, Jr.
 _____ Judge Arturo McDonald	 _____ Judge Janet Leal
 _____ Judge Abel Limas	 _____ Judge Migdalia Lopez
 _____ Judge Daniel Robles	 _____ Judge Leonel Alejandro
 _____ Judge Laura Betancourt	

Law Enforcement Agency: _____
Date Of Arrest: _____
Time Of Arrest: _____
Place Of Arrest: _____

Court #: _____
County/State: _____
Warrant #, If Any: _____
Bail Set: \$ _____

HAS A PROBABLE CAUSE AFFIDAVIT BEEN FILED? YES NO

MAGISTRATE'S WARNING

THE STATE OF TEXAS
COUNTY OF _____

§
§

Before me, the undersigned, magistrate of _____ County, Texas on the _____ day of _____, at _____ O'clock AM/PM.,
appeared _____. I gave said person the following warning:

- You are charged with the offense of _____ a felony a misdemeanor
- 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. *

***THE MAGISTRATE SHALL ENSURE THAT THE PERSON IS INFORMED OF THE FOLLOWING PROCEDURES:**

- a. That an application for a court appointed attorney must be completed to determine if he/she qualifies for a court appointed attorney;
- b. That reasonable assistance will be provided to him/her when filling out the application for a court appointed attorney, if needed;
- c. That a financial affidavit must be signed;
- d. That an affidavit is a written or printed declaration or statement of facts made voluntarily and confirmed by oath before a person having authority to administer such oath;
- e. That if he/she meets indigence standards he/she will qualify for court appointed attorney; and,
- f. Attorney should attempt to contact him/her by the end of the first working day after appointment and to interview him/her as soon as practicable after appointment. If appointment is made when the accused is before the court, the accused will be given attorney's name, address, and phone number.

If you are not a United States citizen and you have been arrested or detained, you may be entitled to have us notify your country's consular representatives here in the United States. Do you want us to notify your country's consular officials?

- No. _____ YES. _____
- If you responded "YES," what country? _____

If you are a citizen of a country that requires us to notify your country's consular representative, we shall notify them as soon as possible.

THE ACCUSED DOES / DOES NOT WANT TO REQUEST COURT APPOINTED ATTORNEY.

Circle One

I acknowledge that I was given the above warning (This is NOT an admission of guilt):

Magistrate _____

Person warned _____

Place of warning: _____

Time: _____

Date: _____

Accused refused to sign acknowledgement of warning:

Witness (if any):

Name: _____

Address: _____

Magistrate

Remarks:

This hearing was interpreted by: _____
(Name of Interpreter)

**Note: THIS IS A TWO-SIDED FORM: SPANISH ONE SIDE, ENGLISH OTHER SIDE
ESTE FORM TIENE DOS LADOS: EN ENGLIS UN LADO Y ESPANOL EN LO OTRO**