



**KEN HOLT**  
*Fisher County Judge*

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*112 N. Concho  
P.O. Box 306  
Roby, Texas 79543*

Joel Lieurance  
Senior Policy Analyst  
Texas Indigent Defense Commission  
209 West 14<sup>th</sup> Street  
Austin, Texas 78701

Via First Class Mail and facsimile: (512) 463-5724

Re: Action Plans relating to November 8, 2019 TIDC Policy Monitoring Review of Fisher County's Indigent Defense Systems

Dear Mr. Lieurance:

Fisher County appreciates your time and effort in conducting your review here last year. Fisher County strives for compliance with all laws and takes seriously the rights of all defendants. Fisher County appreciates the TIDC's guidance, and submits the following response to the findings and recommendations of the TIDC.

**Response to Finding and Recommendation 1:**

Attached, please find the forms that the magistrate in Fisher County is using to document Certification of the Magistration Warning, including certification of advising the Defendant of his or her right to request counsel. Fisher County believes the use of these forms address the concerns of the IDC relating to Finding and Recommendation 1 and ensure that the proper warnings, information, and record of defendants' counsel requests are documented.

**Response to Finding and Recommendation 2:**

At the time of this response, it was reported by the Fisher County Justice of the Peace that she has been submitting her Texas Judicial Monthly Court Activity Reports, including the number of magistrate warnings and the number of persons requesting counsel to the OCA. We hope this addresses any concerns of the TIDC relating to Finding and Recommendation 2.

**Response to Finding and Recommendation 3:**

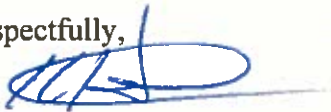
In an effort to do justice and address the concerns of the TIDC relating to Finding and Recommendation 3, Fisher County Court is making a concerted effort to file the attached “Acknowledgment of Rights to Representation” in each case where a Defendant is not represented by counsel. It appears that these forms were not always filed at the time of the TIDC November 8, 2019 review. Fisher County Court also has defense counsel available to consult with defendants at regularly scheduled arraignment and appearance docket settings.

**Conclusion**

Fisher County appreciates the guidance given by the TIDC and strives to address the concerns of the TIDC. Fisher County takes the rights of all defendants to due process under the law seriously. Fisher County believes that the current action plans addressed hereinabove will remedy the concerns and findings of the TIDC in its November 8, 2019 report.

If you have any questions or concerns, please don't hesitate to contact me.

Respectfully,



Ken Holt  
Fisher County Judge

KH/jd

Attachments

CAUSE NO. \_\_\_\_\_

THE STATE OF TEXAS

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IN THE JUSTICE COURT

v.

PRECINCT NO. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ COUNTY, TEXAS

**MAGISTRATION WARNING CERTIFICATION - WARRANTLESS ARREST**

On the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the above-named Defendant appeared before me on the charge of \_\_\_\_\_, said offense being a \_\_\_\_\_. Upon the Defendant's appearance, I determined that probable cause for the defendant's arrest did exist. I subsequently provided the warnings checked below, in accordance with Art. 15.17 of the Code of Criminal Procedure, and ensured that the Defendant fully understood each warning provided:

- Of the accusation against the Defendant, and of any affidavit filed in the case.
- Of the Defendant's right to retain counsel.
- Of the Defendant's right to remain silent.
- Of the Defendant's right to have counsel present during any interview with peace officers or attorneys representing the state.
- Of the Defendant's right to terminate such an interview at any time.
- Of the Defendant's right to an examining trial (**felony cases only**).
- Of the Defendant's right to request counsel to be appointed if the Defendant cannot afford counsel.
  - Defendant requested the appointment of counsel. I provided assistance in filling out the necessary forms to request the appointment and forwarded them to the proper official, or appointed counsel if I am the proper official.
  - Defendant declined to request the appointment of counsel.

After providing an opportunity to meet with counsel, if desired, I set bond in the amount of \$\_\_\_\_\_.

\_\_\_\_\_  
JUSTICE OF THE PEACE, PRECINCT 1  
FISHER COUNTY, TEXAS

\_\_\_\_\_  
Interpreter (if any)

\_\_\_\_\_  
Defendant's Signature & Date

\_\_\_\_\_  
Interpreter's Printed Name (if any)

CAUSE NO. \_\_\_\_\_

THE STATE OF TEXAS

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IN THE JUSTICE COURT

v.

PRECINCT NO. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ COUNTY, TEXAS

**MAGISTRATION WARNING CERTIFICATION - ARREST UNDER WARRANT**

On the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the above-named Defendant appeared before me on the charge of \_\_\_\_\_, said offense being a \_\_\_\_\_. Upon the Defendant's appearance, I provided the warnings checked below, in accordance with Art. 15.17 of the Code of Criminal Procedure, and ensured that the Defendant fully understood each warning provided:

- Of the accusation against the Defendant, and of any affidavit filed in the case.
- Of the Defendant's right to retain counsel.
- Of the Defendant's right to remain silent.
- Of the Defendant's right to have counsel present during any interview with peace officers or attorneys representing the state.
- Of the Defendant's right to terminate such an interview at any time.
- Of the Defendant's right to an examining trial (**felony cases only**).
- Of the Defendant's right to request counsel to be appointed if the Defendant cannot afford counsel.
  - Defendant requested the appointment of counsel. I provided assistance in filling out the necessary forms to request the appointment and forwarded them to the proper official, or appointed counsel if I am the proper official.
  - Defendant declined to request the appointment of counsel.

After providing an opportunity for the Defendant to meet with counsel, if desired, I set bond in the amount of \$\_\_\_\_\_.

\_\_\_\_\_  
JUSTICE OF THE PEACE, PRECINCT 1  
FISHER COUNTY, TEXAS

\_\_\_\_\_  
Interpreter's Signature (if any)

\_\_\_\_\_  
Defendant's Signature & Date

\_\_\_\_\_  
Interpreter's Printed Name (if any)

CAUSE NO.

THE STATE OF TEXAS

§

IN THE COUNTY COURT

VS.

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OF

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FISHER COUNTY, TEXAS

**ACKNOWLEDGMENT OF RIGHTS TO REPRESENTATION**

I understand that I have the following rights and that these rights have been explained to me in open Court.

1. I have the right to hire an attorney of my choice.
2. If I am financially unable to hire an attorney, I have the right to request the court to appoint an attorney to represent me.
3. I have the ability to waive my right to an attorney and to represent myself and have the right to 10 days notice of any trial setting.

Having considered the above rights, I hereby elect:

\_\_\_\_\_ I want to hire my own Attorney.

\_\_\_\_\_ I want to apply for a Court Appointed Attorney.

\_\_\_\_\_ I want to represent myself.

Should I elect to represent myself, I hereby knowingly and voluntarily waive the right to ten (10) days notice of any dispositive settings and acknowledge that I would like to speak with the Attorney representing the State regarding these charges.

\_\_\_\_\_  
**Defendant's signature**

Acknowledgment read on: \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
**Judge Presiding**