

JAY KNIGHT
COUNTY JUDGE



1923 SAM HOUSTON
LIBERTY, TEXAS 77575

THE COUNTY OF LIBERTY

Est. 1836

June 8, 2015

Joel Lieurance
Senior Policy Analyst
Texas Indigent Defense Commission
209 West 14th Street, Room 202
Austin, Texas 78701

RE: Response to Texas Indigent Defense Commission Policy Monitoring Review

Dear Mr. Lieurance:

I have received your correspondence and Policy Monitoring Review of Liberty County's Indigent Defense Systems dated April 3, 2015. Please accept this letter as a response to your recommendations contained therein.

Response to Recommendation 1: Attached hereto please find a copy of a Magistrate's Warnings form for the City of Cleveland which states whether the individual requested counsel. With your approval, these forms will be used in connection with Article 15.17 hearings.

Response to Recommendation 2: Attached hereto please find a copy of a Magistrate's Warnings form, to be used by all magistrates conducting Article 15.17 hearings, which: a.) informs arrestees of the procedure for requesting counsel; b.) asks all arrestees whether they want counsel; and c.) records each individual's response. Furthermore, all magistrates will ensure reasonable assistance is provided in completing the necessary paperwork to determine indigence to any arrestee requesting counsel.

Response to Recommendation 3: The justices of the peace and municipal courts that act as magistrates will report the number of persons requesting counsel to the OCA in order to ensure complete and accurate Texas Judicial Council Monthly Court Activity Reports.

Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jay Knight". The signature is fluid and cursive, written over a circular blue stamp that partially overlaps the text "Sincerely,".

Jay Knight
County Judge
Liberty County, Texas

JK/dh

Enclosure: Magistrate's Warnings
Policy Monitoring Review



MAGISTRATE'S WARNINGS
CITY OF CLEVELAND, LIBERTY COUNTY, TEXAS

The Magistrate, as indicated below, hereby CERTIFIES that the Arrested Person appeared before said Magistrate at the Cleveland Municipal Jail in Cleveland, Liberty County Texas where the following Admonishments were read and administered; Bail was addressed; and a Record was made, to wit.

A. ADMONISHMENTS

Arrested Person's Name: _____

___ 1. You have been arrested and charged with:

<u>WARRANT # / CASE #:</u>	<u>CHARGE:</u>	<u>BAIL/ BOND:</u>	<u>FINE:</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

___ 2. You have the right to remain silent; you are not required to make a statement, however, any statement you do make may be used against you; you have the right to have an attorney present during any interview and you may terminate the interview at any time;

___ 3. You have the right to retain an attorney; if you cannot afford an attorney, you have the right to request an attorney be appointed to represent you; the procedure for requesting an appointed attorney consists of completing a sworn Affidavit of Indigency and Request for Court Appointed Attorney form; if needed, assistance will be provided to help complete the form;

- a. Do you request an attorney be appointed to represent you for this matter? yes / no;
- b. If yes, has Affidavit and Request been provided to the accused? yes / no

___ 4. The above warnings and statements were read to the accused and the accused responded as indicated herein.

B. RECORD

___ 5. Furthermore, I now record the following:

- a. The accused was arrested on _____ at ____ : ____ .M.;
- b. The accused was Magistrated on _____ at ____ : ____ .M.;
- c. The accused did / did not request an attorney.**

Judge / Magistrate

Date

You = Arrestee = accused

** If accused did request appointed counsel and filled-out an Affidavit of Indigency and Request for Court Appointed Attorney, said form shall be forwarded to the appropriate clerk or office.

MAGISTRATE'S WARNINGS
LIBERTY COUNTY, TEXAS

The Magistrate, as indicated below, hereby CERTIFIES that the Arrested Person appeared before said Magistrate at the Liberty County Jail in Liberty, Liberty County Texas where the following Admonishments were read and administered; Bail was addressed; and a Record was made, to wit.

A. ADMONISHMENTS

Arrested Person's Name: _____

___ 1. You have been arrested and charged with:

<u>WARRANT # / CASE #:</u>	<u>CHARGE:</u>	<u>BAIL/ BOND:</u>	<u>FINE:</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

___ 2. You have the right to remain silent; you are not required to make a statement, however, any statement you do make may be used against you; you have the right to have an attorney present during any interview and you may terminate the interview at any time;

___ 3. You have the right to retain an attorney; if you cannot afford an attorney, you have the right to request an attorney be appointed to represent you; the procedure for requesting an appointed attorney consists of completing a sworn Affidavit of Indigency and Request for Court Appointed Attorney form; if needed, assistance will be provided to help you complete the form;

- a. Do you request an attorney be appointed to represent you for this matter? yes / no
- b. If yes, has Affidavit and Request been provided to the accused? yes / no

___ 4. The above warnings and statements were read to the accused and the accused responded as indicated herein.

B. RECORD

___ 5. Furthermore, I now record the following:

- a. The accused was arrested on _____ at ____ : ____ .M.;
- b. The accused was Magistrated on _____ at ____ : ____ .M.;
- c. The accused did / did not request an attorney.**

Judge / Magistrate

Date

You = Arrestee = accused

** If accused did request appointed counsel and filled-out an Affidavit of Indigency and Request for Court Appointed Attorney, said form shall be forwarded to the appropriate clerk or office.