

506th Judicial District Court



Albert M. McCaig, Jr., Judge

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February 21, 2020

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Mr. Geoffrey Burkhart
Executive Director
Texas Indigent Defense Commission
209 West 14th Street, Room 202
Austin, Texas 78701

Re: Supplemental Response to TIDC 2019 Follow-up Inspection and Report

Mr. Burkhart:

This Supplemental Response to the Texas Indigent Defense Commission 2019 Follow-up Inspection and Report is provided by me on behalf of Waller County. As you know, you and I have exchanged several emails dealing with what amounts to a disagreement on TIDC findings and Waller County's actions regarding appointment of counsel for indigent defendants.


First, whether Waller County continues with the TIDC grant program or not, I do acknowledge that Waller County must still report to TIDC via its Indigent Defense Plan and Indigent Defense Expenditure Report, work with TIDC's policy team on monitoring visits, and comply with Texas's fair defense laws. That is a given and I assure you that Waller County does intend to fully comply with all fair defense statutory and regulatory requirements. In my role as Local Administrative Judge I have communicated that position to all the county magistrates as well as jail personnel.

Secondly, regarding Finding 4 from the 2019 Follow-up Inspection and Report: **Requests for counsel will be ruled on within 3 working days of the court receiving the request.**

What you described as "carve-outs for certain offense types previously described in an appendix" to Waller County's response is merely my explanation of what took place in each of the enumerated instances. In no way do I nor any magistrate in Waller County intend to circumvent or ignore the requirements, either statutory or regulatory, for the timely appointment of counsel. I reiterate that requests

for counsel will be ruled on within 3 working days of the trial court receiving the request.

I trust this puts to rest any confusion as to the position of Waller County in this matter. Thank you for your time, understanding and courtesies.



ALBERT M. McCAIG, JR.
Judge, Presiding

AMM/

c: Honorable Trey Duhon, Waller County Judge
Honorable Carol Chaney, Judge, WCCL
Honorable Charles Karisch, JP #1
Honorable J.R. Wooley, JP #2
Honorable Elaine Jackson, JP #3
Honorable Ted Krenek, JP #4
Honorable R. Glenn Smith, Sheriff
Honorable Alan Younts, Auditor