



TEXAS INDIGENT DEFENSE COMMISSION

Fiscal Monitoring Report

Knox County, Texas

FY2022 Indigent Defense Expenses

Final Report

March 2024

Table of Contents

EXECUTIVE SUMMARY	3
DETAILED REPORT	4
BACKGROUND INFORMATION	4
County Background	4
Commission Background.....	4
Formula Grant.....	4
DETAILED FINDINGS AND RECOMMENDATIONS	5
APPENDICES	8
APPENDIX A – INDIGENT DEFENSE EXPENDITURE REPORT.....	9
APPENDIX B – CRITERIA.....	11
APPENDIX C – DISTRIBUTION LIST	12

EXECUTIVE SUMMARY

The Texas Indigent Defense Commission (TIDC) conducted a fiscal monitoring desk review of Knox County. The desk review began on June 8, 2023. Email exchanges and discussions continued until Oct 10, 2023. The fiscal monitor reviewed financial records to determine whether grant funds were spent in accordance with the terms and conditions of TIDC grants.

TIDC reviewed the expenditure period of October 1, 2021 to September 30, 2022 (FY2022).

SUMMARY OF FINDINGS

- The FY2022 Indigent Defense Expenditure Report (IDER) submitted in accordance with Texas Government Code §79.036(e) was not prepared in the manner required.
- Attorney fee vouchers did not comply with Article 26.05(c).

OBJECTIVE

The objectives of this review were to

- Determine the accuracy of the Indigent Defense Expenditure Report (IDER).
- Determine whether grant funds were used for authorized purposes in compliance with laws, regulations, and the provisions of the grant.
- Validate policies and procedures relating to indigent defense payments.
- Provide recommendations pertaining to operational efficiency.
- Assist with any questions or concerns on the indigent defense program requirements.

SCOPE

TIDC reviewed the County's indigent defense expenditures to ensure compliance with applicable laws, regulations, and the provisions of the grants for FY2022. The records reviewed were provided by the Knox County auditor's office. Compliance with other statutory indigent defense program requirements was not included in this review.

METHODOLOGY

The fiscal monitor worked remotely with Julie Bradley from the County Treasurer's Office and talked with the County Judge, the Honorable Stan Wojcik. The fiscal monitor reviewed

- Random samples of paid attorney fee vouchers.
- General ledger transactions provided by the Knox County Treasurer's Office.
- The IDER.
- The attorney fee schedule.
- Any applicable contracts.
- The County's Indigent Defense Plan filed with TIDC.

DETAILED REPORT

BACKGROUND INFORMATION

County Background

Knox County is located in the Rolling Plains region of northwest central Texas. Knox County was formed by the Texas Legislature in February of 1858 from land formerly assigned to Young and Bexar Counties but was not organized until March 20, 1886.

The County has an estimated population of 3,359. The County seat is Benjamin.

Knox County is served by the 50th District Court and the Constitutional County Court.

Knox County uses the private assigned counsel system for indigent defense and participates in the Regional Public Defender Office for Capital Cases.

Commission Background

In January 2002, the Texas Legislature established the Task Force on Indigent Defense. In 2011, the Legislature changed the name to the Texas Indigent Defense Commission (TIDC). TIDC is a permanent standing committee of the Texas Judicial Council and is administratively attached to the Office of Court Administration (OCA).

TIDC's mission is to protect the right to counsel and improve public defense.

TIDC conducts fiscal monitoring reviews based on the directive in Section 79.037(c) Texas Government Code, to “monitor each county that receives a grant and enforce compliance by the county with the conditions of the grant...,” as well as Section 173.401(a), Texas Administrative Code, which provides that “the Commission or its designees will monitor the activities of grantees as necessary to ensure that grant funds are used for authorized purposes in compliance with laws, regulations, and the provisions of the grant.”

Formula Grant

The County applied for TIDC's FY2023 Formula Grant to assist in the provision of indigent defense services. Knox County met the Formula Grant eligibility requirements and was awarded an FY2023 Formula Grant of \$15,705.

DETAILED FINDINGS AND RECOMMENDATIONS

Finding One

Under §79.036(e) of the Texas Government Code, the county auditor or designated person shall prepare and send to the Commission in the form and manner prescribed by the Commission an analysis of the amount expended by the county for indigent defense in each court and in each case in which appointed counsel are paid. Knox County prepared and submitted the FY2022 Indigent Defense Expenditure Report (IDER). However, the financial data provided during fiscal monitoring showed that the report was not prepared in the manner required.

The Knox County general ledger indicated 55 payments to attorneys totaling \$29,052.65 and six journal entries totaling \$1,300 in credits for money received by the Knox County district and county clerks. The FY2022 IDER indicated \$14,705.13 was spent on attorney fees. A sample of 22 attorney fee vouchers were reviewed. These vouchers indicated that cause numbers with a four-digit number beginning with a “4” are for felony cases. Five-digit cause numbers beginning with a “1” appear in both the district court and county court. The district court cases with a “1” appear to be CPS cases and other civil matters, such as Knox County appraisal district cases, while the county court cases appear to be for misdemeanor criminal cases. Other county court cases are 4-digits beginning with a “2” and appear to be guardianship cases.

The County reported that only one attorney, Robyn Harlin, was paid for criminal cases in county court. These cases paid were associated with 5-digit cause numbers beginning with “1”, however Harlin was also paid on five guardianship cases (4-digit number beginning with a “2”). The three cases beginning with “1” totaled \$1,450 which was the amount reported on the county court IDER, although they were reported as felony cases and should have been reported as misdemeanor cases.

The total amount reported for indigent defense in felony cases in the district court was \$13,255.13. The ledger, however, totaled \$13,143.93, or \$111.20 less. Additionally, the County included expense reimbursements to the attorney in the total attorney fees paid. These reimbursements appeared to be mostly from mileage charges and should be reported in the “Other Litigation Expenses” column on the IDER and not included in the attorney fee column.

The credit amounts posted were mostly marked as reimbursements for ad litem attorneys, but there was one credit of \$550 marked as “reimbursed for atty fees/restitution” from P Garcia. It appears that some or all of this amount should have been reported in the “Reimbursements from Defendants” box on the IDER. (Note that not all funds collected from defendants should be reported, only funds collected for court-ordered reimbursement of indigent defense fees.) The County included \$8,037.50 in the “Increased Administrative Expenditures” addendum to the IDER with a note that the cost was for a court reporter in a jury trial. This cost would be considered a general court cost and not a cost specific to indigent defense.

Finally, the fiscal monitor noted that no expenditures for investigation, expert witness costs, misdemeanor assigned counsel, or juvenile assigned counsel were reported for the year.

Recommendation:

The County should consider separating criminal expenses and civil court expenses on the general ledger or create a system to easily distinguish criminal case types from civil case types to determine the amounts needed to report on the IDER.

The County should review all types of indigent defense expenditures and record the expenditures on the general ledger in categories that clearly separate those that are eligible to be reported as indigent defense costs from those categories that are ineligible to be reported.

The IDER manual is available and updated each year to assist in the preparation of the IDER. The FY22 manual is available at the following internet address:

<https://tidc.texas.gov/media/02ad1jlu/fy22-ider-manual-final.pdf>

Knox County Action Plan

In response to finding one, I have asked the County/District Clerk's office to indicate the type of case for each voucher that is turned in to me, using a number system and by writing what the case is, clearly on the voucher. This will be for both County and District cases.

Contact person(s): Knox County Treasurer, Julie Bradley 940-453-2251

Completion date: February 15, 2024.

Finding Two

The payment records provided for the three attorney payments on the county court criminal cases did not meet the statutory requirements of the Code of Criminal Procedure (CCP) Article 26.05(c). These payment records did not appear to be itemized vouchers submitted by the attorney to the judge, but rather a court order to pay prepared and signed by the judge. CCP Article 26.05(c) reads, in part,

No payment shall be made under this article until the form for itemizing the services performed is submitted to the judge presiding over the proceedings or, if the county operates a managed assigned counsel program under Article 26.047, to the director of the program, and until the judge or director, as applicable, approves the payment. If the judge or director disapproves the requested amount of payment, the judge or director shall make written findings stating the amount of payment that the judge or director approves and each reason for approving an amount different from the requested amount

The three payment records were each an "Order to Pay Attorney" signed by the County Judge authorizing a payment. However, the judge's order to pay an attorney, standing on its own, is not sufficient to satisfy the requirement that the form for itemizing the services performed be submitted to the judge. Therefore, Knox County is not in compliance with Article 26.05(c).

Recommendation:

The attorneys must submit a form itemizing the services performed and the amount billed to the judges for approval.

Knox County Action Plan

In response to finding two, the County Judge began using the correct attorney voucher in order for payment to be made to the attorney, starting October 1, 2024.

Contact person(s): *Knox County Judge, Stan Wojcik 940-459-2191*

Completion date: *February 15, 2024*

Conclusion

TIDC appreciates and thanks the Knox County officials and staff for their assistance in completing this review. TIDC stands ready to assist Knox County when any questions and concerns arise in the future.

APPENDICES

APPENDIX A – INDIGENT DEFENSE EXPENDITURE REPORT

KNOX COUNTY INDIGENT DEFENSE EXPENDITURES			
Expenditures	2020	2021	2022
Population Estimate	3,796	3,796	3,359
Juvenile Assigned Counsel	\$0	\$0	\$0
Capital Murder	\$0	\$0	\$0
Adult Non-Capital Felony Assigned Counsel	\$17,974	\$6,599	\$14,705
Adult Misdemeanor Assigned Counsel	\$750	\$11,000	\$0
Juvenile Appeals	\$0	\$0	\$0
Adult Felony Appeals	\$0	\$0	\$0
Adult Misdemeanor Appeals	\$0	\$0	\$0
Licensed Investigation	\$0	\$0	\$0
Expert Witness	\$0	\$0	\$0
Other Direct Litigation	\$0	\$0	\$0
Total Court Expenditures	\$18,724	\$17,599	\$14,705
Administrative Expenditures	\$0	\$0	\$8,038
Funds Paid by Participating County to Regional Program	\$1,000	\$1,000	\$1,000
Total Public Defender Expenditures	NA	NA	NA
Total Court and Administrative Expenditures	\$19,724	\$18,599	\$23,742
Formula Grant Disbursement			
Reimbursement of Attorney Fees	\$0	\$0	\$0
Reimbursement by State Comptroller for Writs of Habeas Corpus	\$0	\$0	\$0
Total Public Defender Cases	NA	NA	NA
Total Assigned Counsel Cases	27	32	9

Indigent Defense Expenditure Reporting

Source: Texas Indigent Defense Commission records

Knox County				
Year	2020	2021	2022	Texas 2022
Population (Non-Census years are estimates)	3,796	3,796	3,359	29,741,214
Felony Charges Disposed (from OCA report)	35	20	20	281,347
Felony Cases Paid	24	13	9	223,839
% Felony Charges Defended with Appointed Counsel	69%	65%	45%	80%
Felony Trial Court-Attorney Fees	\$17,974	\$6,599	\$14,705	\$157,670,919
Total Felony Court Expenditures	\$17,974	\$6,599	\$14,705	\$174,347,222
Misdemeanor Charges Disposed (from OCA report)	30	29	36	375,151
Misdemeanor Cases Paid	3	19	0	180,466
% Misdemeanor Charges Defended with Appointed Counsel	10%	66%	0%	48%
Misdemeanor Trial Court Attorney Fees	\$750	\$11,000	\$0	\$46,781,394
Total Misdemeanor Court Expenditures	\$750	\$11,000	\$0	\$47,403,096
Juvenile Charges Added (from OCA report)	0	0	0	16,039
Juvenile Cases Paid	0	0	0	25,808
Juvenile Attorney Fees	\$0	\$0	\$0	\$8,615,991
Total Juvenile Expenditures	\$0	\$0	\$0	\$8,777,828
Total Attorney Fees	\$18,724	\$17,599	\$14,705	\$216,689,397
Total ID Expenditures	\$19,724	\$18,599	\$23,743	\$343,434,379
Increase in Total Expenditures over 2001 Baseline	315%	292%	400%	287%
Total ID Expenditures per Population	\$5.20	\$4.90	\$7.07	\$11.53
Commission Formula Grant Disbursement	\$12,967	\$16,910	\$16,719	\$20,342,704
Cost Recouped from Defendants	\$0	\$0	\$0	\$8,675,431.

Source: Texas Indigent Defense Commission records

APPENDIX B – CRITERIA

Criteria

- Uniform Grant Management Standards
- Texas Grant Management Standards
- Texas Government Code, Section 79.036, Indigent Defense Information
- Texas Government Code, Section 79.037, Technical Support; Grants
- Code of Criminal Procedures Art 26.04, Procedures for Appointing Counsel
- Code of Criminal Procedures Art 26.05, Compensation of Counsel Appointed to Defend
- Texas Administrative Code - Title 1, Part 8, Chapter 174, Subchapter A, Rule 174.1
- Texas Administrative Code - Title 1, Part 8, Chapter 174, Subchapter A, Rule 174.2
- Texas Administrative Code - Title 1, Part 8, Chapter 174, Subchapter B Definitions
- FY2022 Indigent Defense Expenditure Report Manual found at:
 - <https://tidc.texas.gov/media/02ad1jlu/fy22-ider-manual-final.pdf>

APPENDIX C – DISTRIBUTION LIST

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