

Brooks County District Court and County Court Indigent Defense Plan

Operation Lone Star Addendum

Adopted: April 29, 2025

The District and County Court Judges hearing criminal cases in Brooks County adopt this addendum to the indigent defense plan to provide a countywide alternative program, pursuant to Texas Code of Criminal Procedure Article 26.04(g)-(h), for the appointment of counsel providing representation for defendants arrested and/or charged with jailable misdemeanors and non-capital felonies as part of Operation Lone Star (OLS) with an OLS nexus, specifically:

- Charges related to smuggling or trafficking of persons described in Chapter 20 or 20A of the Texas Penal Code, and other offenses directly related to the same incident;
- Charges related to criminal trespass or evading arrest, and other offenses directly related to the same incident; and
- Charges related to Chapter 51 of the Texas Penal Code.

The indigent defense plan in effect prior to the adoption of this addendum remains in effect for cases charged under OLS to the extent it is unchanged by this addendum, and it applies fully to all other cases.

DUTIES DELEGATED TO LONE STAR DEFENDERS OFFICE (LSDO)

The judges of the district and county courts trying felony and misdemeanor cases in the county delegate their authority to the Lone Star Defenders Office (LSDO) to carry out the following duties for OLS cases specified above:

- (a) specify the objective qualifications necessary for an attorney to be included on the appointment list or lists, graduated according to the degree of seriousness of the offense, the attorneys' qualifications, and whether representation will be provided in trial court proceedings, appellate proceedings, or both;
- (b) establish and maintain a public appointment list of attorneys qualified to provide representation in the county in felony and misdemeanor cases punishable by confinement, including removing attorneys on the list;
- (c) retain staff attorneys to assist assigned counsel or represent indigent defendants;
- (d) appoint counsel, remove counsel for good cause, and appoint substitute counsel in OLS cases; and
- (e) approve and pay fee vouchers for legal services, interpreter services, investigator services, travel expenses, and other expenses necessary for the criminal case representation, contingent on the availability of state funds.

FEE SCHEDULE

The judges of the district and county courts trying felony and misdemeanor cases hereby adopt the fee schedule published on LSDO's website, as may be modified, for the compensation of the above listed OLS cases, to be paid by LSDO.

MAGISTRATION DUTIES

Magistrates shall perform all requirements enumerated in Texas Code of Criminal Procedure Article 15.17 or 15.18, including inquiring whether arrestees want to request appointed counsel. Magistrates shall provide reasonable assistance completing indigence affidavits/requests for appointed counsel to each defendant requesting appointed counsel.

Centralized Magistration Facility

If the County is served by an OLS Temporary Processing Center (TPC)/Centralized Magistration Facility, the magistrates provided by the Office of Court Administration (OCA) assigned to conduct magistrations are authorized to perform magistrations pursuant to Code of Criminal Procedure Article 15.17 and 15.18, and to review the applications of any defendant requesting appointed counsel appearing before that court for magistration and determine if the defendant qualifies for appointed counsel, pursuant to _____ County's/Counties' indigent defense plan. The magistrate shall forward the indigence affidavit/application for appointed counsel, along with the court's determination whether the person qualifies for appointed counsel, to LSDO at operationlonestar@lsdefense.org.

Local Magistration_(check box applicable to indigent defense plan procedures)

- ☐ Magistrates are authorized to review indigence affidavits/requests

Magistrates authorized to determine indigence /requests for appointed counsel shall follow the "Procedures for Determining Indigence" below.

- ☒ Magistrates are not authorized to determine indigence.

Magistrates who are not authorized to review and rule on requests for counsel shall transmit theXD indigence application/request for appointed counsel and any other relevant documents to the county's appointing authority listed in the indigent defense plan within 24 hours after the magistration hearing. Magistrates shall also notify LSDO of the request for counsel in an OLS case at operationlonestar@lsdefense.org.

PROCEDURES FOR DETERMINING INDIGENCE AND ELIGIBILITY FOR APPOINTMENT OF COUNSEL

County Population

This county has a population of (choose one):

☒ Less than 250,000

Indigency determinations/requests for appointed counsel must be ruled on by the end of the third working day after the date on which the court or courts' designee receives the defendant's request for appointment of counsel (Code of Crim. Proc. Art. 1.051(c)(1)).

☐ 250,000 or more

Indigency determinations/requests for appointed counsel must be ruled on by the end of the first working day after the date on which the court or courts' designee receives the defendant's request for appointment of counsel (Code of Crim. Proc. Art. 1.051(c)(2)).

Appointing authorities and magistrates who are authorized to determine indigence shall review any indigence affidavits/applications for appointed counsel and mark on the face of the document whether the defendant qualifies for appointed counsel within the applicable timeframe indicated in the "County Population" section above.

The same working day the ruling is made, or the next working day if the ruling is made on a weekend or holiday, the magistrate or judge making the indigency determination shall forward the indigence affidavit/request for appointed counsel to LSDO at Operationlonestar@lsdefense.org.

SELECTION AND APPOINTMENT OF COUNSEL BY LSDO

LSDO may appoint a private attorney from the attorney list maintained by LSDO, a public defender office that has an agreement with LSDO, or a staff attorney to represent indigent defendants in OLS cases. LSDO will also support appointed counsel with the provision of investigative services and interpreters when needed for representation.

LSDO will forward the appointment order to the court having jurisdiction over the case.

LSDO may remove an attorney from a specific case if warranted by good cause. LSDO will notify the court of replacement counsel appointed.

FEE AND EXPENSE PAYMENT PROCESS

Attorneys appointed by LSDO shall submit their fee vouchers for OLS cases to LSDO for payment through LSDO's voucher payment system. LSDO shall review fee vouchers for accuracy and approval. LSDO will make payments so long as it has funding from the state to cover OLS case expenses.

TEXAS INDIGENT DEFENSE COMMISSION FUNDING

Expenses related to the administration of the appointment system by LSDO and representation by LSDO, its panel attorneys, and contract providers will be paid by TIDC so long as it has funding to cover OLS case expenses.

If TIDC determines it will not have adequate funding for LSDO operations, it will contact the judges and the county to modify the county's indigent defense plan accordingly.

Approved by at least 2/3rds majority of the judges hearing criminal cases in Brooks County or Counties, on this the 30th day of April, 2025, as evidenced by the below signatures:



Constitutional County Court Judge



Judicial District Court # 79th Judge

Constitutional County Court Judge
(if hearing misdemeanor cases) or
County Court at Law #____ Judge

Judicial District Court # _____ Judge

Constitutional County Court Judge
(if hearing misdemeanor cases) or
County Court at Law #____ Judge

Judicial District Court # _____ Judge

Presiding Judge-Administrative Judicial Region