

SPECIAL ORDER NO.

02516

STATE OF TEXAS

AND

COUNTY OF BEXAR

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§

IN THE DISTRICT COURTS  
GIVING PREFERENCE TO  
CRIMINAL MATTERS

144<sup>TH</sup>, 175<sup>TH</sup>, 186<sup>TH</sup>, 187<sup>TH</sup>,  
226<sup>TH</sup>, 227<sup>TH</sup>, 290<sup>TH</sup>,  
379<sup>TH</sup>, AND 399<sup>TH</sup>

OF BEXAR COUNTY, TEXAS

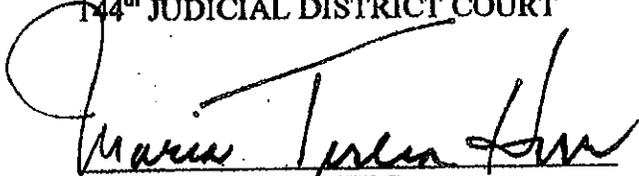
JOINT ORDER REGARDING THE FELONY CASE PLAN

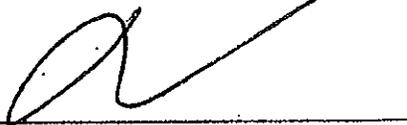
We, the undersigned Criminal District Court Judges of Bexar County, Texas, jointly order the implementation of the attached Felony Case Plan, effective January 1, 2010.

SIGNED, ORDERED and ENTERED the 8<sup>th</sup> day of October, 2009.

  
CATHERINE TORRES-STAHL  
JUDGE  
144<sup>th</sup> JUDICIAL DISTRICT COURT

  
MARY ROMAN  
JUDGE  
175<sup>th</sup> JUDICIAL DISTRICT COURT

  
MARIA TERESA HERR  
JUDGE  
186<sup>th</sup> JUDICIAL DISTRICT COURT

  
RAYMOND ANGELINI  
JUDGE  
187<sup>th</sup> JUDICIAL DISTRICT COURT

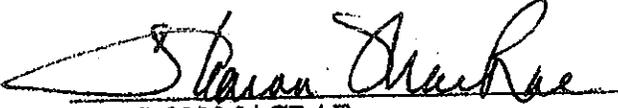
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SID L. HARLE  
JUDGE  
226<sup>th</sup> JUDICIAL DISTRICT COURT



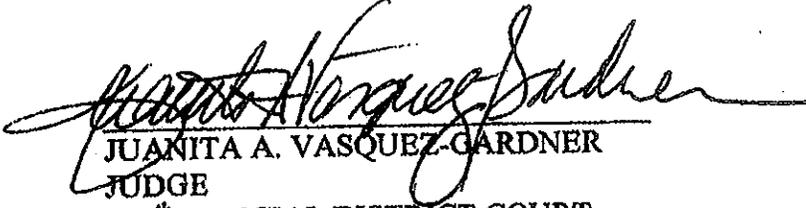
PHILIP A. KAZEM, JR.  
JUDGE  
227<sup>th</sup> JUDICIAL DISTRICT COURT



SHARON MACRAE  
JUDGE  
290<sup>th</sup> JUDICIAL DISTRICT COURT



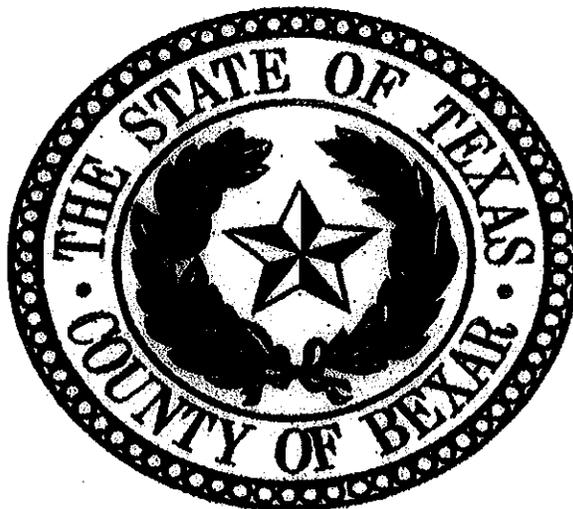
RON RANGEL  
JUDGE  
379<sup>th</sup> JUDICIAL DISTRICT COURT



JUANITA A. VASQUEZ-GARDNER  
JUDGE  
399<sup>th</sup> JUDICIAL DISTRICT COURT

10-03-03 10:00 AM

02516



## FELONY CASE PLAN

FALL 2009

NEW! GET YOUR FDX ACCOUNT OPEN!

## INTRODUCTION

The following Felony Case Plan, or FCP, is a new caseflow management system for the Criminal District Courts of Bexar County, patterned after a Differentiated Case Management type of system. This plan is a product of many stakeholder meetings that occurred in 2009, with input and active involvement from the following parties: the Bexar County Criminal District Court Judges, the Criminal District Court Coordinators, Criminal District Court Administration, the District Attorney's Office, the San Antonio Criminal Defense Lawyer's Association, the San Antonio Bar Association, the Bexar County Commissioners Court, the Bexar County District Clerk's Office, the Bexar County Sheriff's Office, Bexar County Information Services, Bexar County Planning and Resource Management Department, and Bexar County Bail Bondsmen.

The mission statement for the caseflow management plan workgroup was to "develop a new caseflow management plan for felony cases in Bexar County, with input from all stakeholders, that will result in a more efficient use of time while ensuring justice and due process."

This plan will be incorporated into the Local Rules for the Criminal District Courts of Bexar County. It is not intended that any provision in this plan conflict with any applicable statute or rule, and in the event of any such conflict, the statute or rule shall prevail.

## GENERAL PROVISIONS

The central concept of this plan is that felony cases should be set on different tracks according to the complexity of the case, and that every setting in each track should be meaningful. There will be three tracks for felony cases: the expedited track, the standard track and the complex track. Cases will be assigned to a track based on the particular offense category, as outlined below. However, a judge may move a case from one track to another track at any time, for good cause. Motions to Revoke Probation will not be included in this tracking system.

Each case will be computer-assigned to one of the criminal district courts on a rotational basis according to a set of guidelines ordered by the Criminal District Court Judges. At that time each individual case will also be assigned to a case track based upon the offense code at the time of filing.

When a defendant has more than one case that would normally be on different tracks with the same offense date, all of the defendant's felony cases should be set together on the track appropriate for the highest level of offense. When a defendant picks up a new felony case while another one is pending, all of the defendant's felony cases should be set together on the track appropriate for the highest level of offense. The State has agreed to bring all of the defendant's pending case files including misdemeanor files to all settings in district court to facilitate global resolution of cases.

When a defendant in jail starts out with case settings on the jail track according to the case settings per track document, but then the defendant bonds out, at that point the case or cases may be moved to the bond track at the discretion of the court.

An attorney hired by a defendant will immediately file a Notice of Appearance with the clerk of the court and notify the appropriate court coordinator by forwarding to

them a copy of said Notice. The Felony Case Plan system will automatically send email notice to the bail bondsman and defense attorney for each court setting based on the date of arrest or indictment and case track. Hard copy notices of setting dates will be sent to the address in the system for each defendant. The courts and state will receive notice of the settings by way of the setting dockets. Attorneys and bonding companies are responsible for updating their email addresses to the office of Criminal District Courts Administration.

The district clerk's office must receive a vacation letter at least 30 days prior to the beginning of the requested vacation or it is void.

A motion for continuance must be in writing, under oath, and filed in accordance with the Texas Code of Criminal Procedure. A continuance may only be granted for the prosecution or the defense for sufficient cause shown, as defined by statute.

When a case that is set for trial does not go to trial for whatever reason, the trial will be rescheduled at the court's discretion.

### THE EXPEDITED TRACK

The expedited track consists of all drug cases, all state jail felony cases, and all third degree felonies with the following exceptions:

- Any sexual offense
- Assaultive Offenses under Chapter 22, Texas Penal Code
- Violation of Protective Orders under Chapter 25, Texas Penal Code-- 25.08, 25.07, 25.04
- Evading Arrest PO SBI – Texas Penal Code 38.04 (offense code 489903)
- Dangerous Dog Attack – Health and Safety Code 822.044 (offense code 530064)
- Failure to Stop and Render Aid SBI/Death – Transportation Code 550.021 (offense code 540105)
- Intoxication Assault – Texas Penal Code 49.07 (offense code 540413)
- Racing on Highway BI – Transportation Code 545.420(G) (offense code 540204)

Any third degree case initially qualifying for the expedited track, with a habitual or repeater enhancement, will be moved from the expedited track to the standard track.

If a case starts out on the expedited track and defense counsel files a motion, at that point the judge can move the case to the standard track which has a motion setting.

A judge may move any case from the standard or complex track to the expedited track for good cause.

### THE STANDARD TRACK

All cases not identified on the expedited or complex tracks will be on the standard track. A judge may move any case from the expedited or complex track to the standard track for good cause.

### THE COMPLEX TRACK

All Capital Murder and Murder cases will be on the complex track. A judge may move any case from the expedited or standard track to the complex track for good cause.

Up until the DA's Office makes an announcement at the Motion Setting as to whether they will seek the death penalty in a capital case, the defense bar and the judges should proceed as if the death penalty is going to be pursued, including adhering to the statutory requirements for a death penalty case under CCP 26.052.

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CASE SETTINGS PER TRACK

*Unless extraordinary circumstances exist and for good cause shown to the Court, the following timelines will apply:*

**ARREST DATE (AD); INDICTMENT DATE (ID)**

|                             | <u>Arrest Cases</u>  |             | <u>At-Large Cases</u> |             |
|-----------------------------|----------------------|-------------|-----------------------|-------------|
|                             | <u>Jail</u>          | <u>Bond</u> | <u>Jail</u>           | <u>Bond</u> |
| <b>I. Expedited Track</b>   |                      |             |                       |             |
| Attorney Status (AS)        | AD + 5               | AD + 15     | AD + 5                | AD + 15     |
| Evidence Exchange (EE)      | AD + 30              | AD + 30     | AD + 30               | AD + 45     |
| Status Conference (SC)      | ID + 15              | ID + 45     | AD + 60               | AD + 75     |
| Final Consultation (FC)     | ID + 45              | ID + 75     | AD + 90               | AD + 105    |
| Trial                       | within 4 weeks of FC |             | within 4 weeks of FC  |             |
| <b>II. Standard Track</b>   |                      |             |                       |             |
| Attorney Status (AS)        | AD + 5               | AD + 15     | AD + 5                | AD + 15     |
| Pre-Indictment Setting (PI) | AD + 30              | AD + 30     |                       |             |
| Evidence Exchange (EE)      | ID + 15              | ID + 45     | AD + 60               | AD + 90     |
| Status Conference (SC)      | ID + 60              | ID + 90     | AD + 90               | AD + 120    |
| Motion Setting (MS)         | ID + 90              | ID + 120    | AD + 120              | AD + 150    |
| Final Consultation (FC)     | ID + 120             | ID + 180    | AD + 150              | AD + 180    |
| Trial                       | within 4 weeks of FC |             | within 4 weeks of FC  |             |
| <b>III. Complex Track</b>   |                      |             |                       |             |
| Attorney Status (AS)        | AD + 5               | AD + 15     | AD + 5                | AD + 15     |
| Pre-Indictment Setting (PI) | AD + 30              | AD + 30     |                       |             |
| Evidence Exchange (EE)      | ID + 30              | ID + 60     | AD + 90               | AD + 120    |
| Status Conference (SC)      | ID + 90              | ID + 180    | AD + 120              | AD + 150    |
| *Motion Setting (MS)        | ID + 120             | ID + 220    | AD + 150              | AD + 180    |
| Final Consultation (FC)     | ID + 180             | ID + 250    | AD + 180              | AD + 210    |
| Trial                       | within 6 weeks of FC |             | within 6 weeks of FC  |             |

\*Decision announced by State as to whether they will seek the death penalty on capital cases

## PURPOSE OF AND EXPECTATIONS FOR EACH SETTING

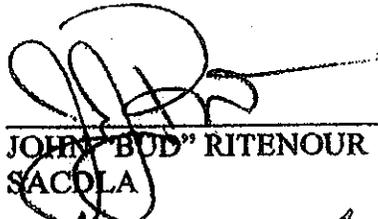
1. **ATTORNEY STATUS**
  - Purpose is to ensure that each defendant has an attorney
  - If not, judge will have defendant interviewed and appoint if appropriate
  - If the defendant has an attorney, either appointed or retained, there is no Attorney Status setting
  - If defendant is not indigent, judge will give one reset to hire and set case again for AS
  - If the defendant hires an attorney before the attorney status setting, the attorney files a Notice of Retained Counsel, and the District Clerk enters this information into the computer, then a new notice will be emailed to all parties with a new first setting date, which will be Evidence Exchange or Pre-Indictment
  - This setting does not require the state's presence
  
2. **PRE-INDICTMENT SETTING**
  - The State is expected to provide reasonable access to their case file, and Defense counsel is expected to review the State's file (File may not be available for cases on the complex track)
  - Both parties will initiate meaningful plea negotiations if appropriate
  - Provides an opportunity for competency issues to be raised
  - Provides an opportunity for other early discovery issues to be raised
  
3. **EVIDENCE EXCHANGE**
  - State is expected to have completed all necessary lab investigation and provide reports
  - State is expected to disclose the existence of forensic evidence
  - State is expected to note in file or otherwise disclose all discoverable information and items that are available at that time
  - State is expected to note in file or otherwise disclose the existence of discoverable evidence that is known but unavailable
  - Both parties will initiate/continue in meaningful plea negotiations
  
4. **STATUS CONFERENCE**
  - State and Defense are expected to have thoroughly reviewed the case file
  - State and defense both expected to continue in meaningful plea negotiations
  - State and Defense are expected to make a status report to the court, including motions that are anticipated to be heard at the motion setting
  
5. **MOTION SETTING (Standard and Complex Tracks)**
  - State and Defense are expected to file all pre-trial motions in accordance with CCP Article 28.01 at least seven days before this setting
  - Court will conduct hearings on motions

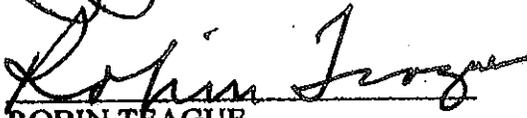
- Purpose of this setting is to dispose of as many motions as possible, including evidentiary motions
- Judge has discretion to carry a motion with trial
- On Capital Murder cases, the State is expected to announce whether they will seek the death penalty
- On Capital Murder cases where the State has announced that they are seeking the death penalty, the court may reset the case for a second motion setting
- Up until the DA's Office announcement, the defense bar and the judges should proceed as if the death penalty is going to be pursued, including adhering to the statutory requirements for a death penalty case under CCP 26.052
- Both parties are expected to continue meaningful plea negotiations

6. **FINAL CONSULTATION**

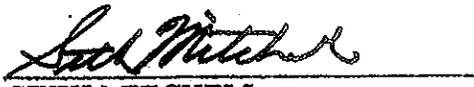
- State and Defense are expected to make a final status report to the Court
- Case set for trial if plea agreement not reached

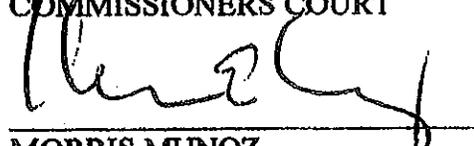
We, the undersigned representatives of our respective offices, departments, and organizations, who have participated in the drafting and design of the foregoing Felony Case Plan, agree to abide by the provisions outlined in this plan upon order of the Criminal District Court Judges.

  
\_\_\_\_\_  
JOHN "BUD" RITENOUR  
SACDLA

  
\_\_\_\_\_  
ROBIN TEAGUE  
SAN ANTONIO BAR ASSOCIATION

  
\_\_\_\_\_  
BEA GONZALES  
DISTRICT CLERK'S OFFICE

  
\_\_\_\_\_  
SETH MITCHELL  
COMMISSIONERS COURT

  
\_\_\_\_\_  
MORRIS MUNOZ  
BCSO

  
\_\_\_\_\_  
JIM KOPP  
DISTRICT ATTORNEY'S OFFICE

  
\_\_\_\_\_  
ROLAND RANGEL  
RANGEL BONDING SERVICE

  
\_\_\_\_\_  
RENEE GARZA  
INFORMATION SERVICES

  
\_\_\_\_\_  
DAVID COOKSEY  
PRM