

**Court Rules**  
**County Court at Law No. 2 & 3**  
**Jefferson County, Texas**

Amended, effective December 10, 1998

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## Chapter 1

### Appearance Docket

When the defendants are released on bond, the sheriff gives them written notice to appear at this docket in the jury impaneling room. The appearance day is the Tuesday next after the expiration of twenty (20) days. Either the judge of County Court at Law No. 2 or No. 3 speaks to the persons assembled and explains their options:

- plead guilty or nolo contendere and represent themselves;
- plead not guilty and represent themselves;
- ask for a week to hire an attorney;
- If they qualify, ask for a court appointed attorney.

The ones who elect to plead guilty, nolo contendere, or ask for a court appointed attorney are told to go to the respective court rooms. The ones who ask for a court appointed attorney are given a detailed application to be answered, and sworn to, with the warning of possible perjury charges for untruthful answers. The judges will dispose of the pleas and after interrogating the ones applying for a court appointed attorney, either grant or deny the applications.

## Chapter 2

### Announcement Docket

When you are hired before the Appearance Docket you must file an appearance with the coordinator who will set the case on the Announcement Docket approximately 60 days from the Appearance Docket. If this is done you do not have to appear at the Appearance Docket. If you are hired or appointed after the defendant makes an appearance on the Appearance Docket, you must visit the coordinator before the defendant's next appearance. On or before the call of the Announcement Docket, which is always on Wednesday, you must visit the coordinator and choose Agreed Plea or Trial. **To qualify for the Agreed Plea Docket you must specify in detail the agreement as to punishment. If you do not have an agreement by then your case**

**will be placed on the trial docket (presently about 4-6 months.) If you announce “Unagreed” we will construe that to mean your client wishes to plead guilty or nolo contendere and have the court assess punishment, and your case will be set on the first available Thursday morning at 9:15 a.m.** You will be given a copy of the resetting agreement which will serve as the only notice you will receive.

#### **Call of the Announcement Docket**

This docket is always called on Wednesday at 9:00 a.m. It is anticipated that you will have answered this docket before the call. You can appear at the docket call and announce, but you will still have to visit the coordinator to execute the resetting agreement. The defendant does not have to be present at this docket call. If however, you do not answer before or at the docket call, the defendant must be present or the bond will be forfeited.

### **Chapter 3**

#### **Agreed Plea Docket**

This docket is always called on Thursday at 9:00 a.m. If you call in the plea agreement to the clerk by 3:00 p.m. Wednesday, you’re outta here in from 15-45 minutes. If however, the agreement is given to the clerk on plea day, you stand the chance of cooling your heels until noon. A call to the clerk on Wednesday after 3:00 p.m. will probably suffer the same result as giving it to the clerk on Thursday morning. Jury trials are conducted on Thursdays, beginning at 10:00 a.m., because the plea docket will be concluded by then if you have called in your plea as above recited.

**Continuances on this docket are governed by “Motions for Continuances”, Chapter 4 (c).**

### **Chapter 4**

#### **Pretrial**

##### **(a) Pretrial Motions in General**

With exceptions noted below, the “filing” of a pretrial motion accomplishes only that, **filing**. The judge does not see motions that are “filed” because it does not constitute **presentment** to the court. You must present the motion in some fashion. If you have set same for a hearing, it will be presented at the hearing. If a hearing is not set, you may present it in chambers, in the hall, in the jury room, in the court room, (if you desire a record,) or wherever you may trap the judge. Ex parte presentment is not honored, please have your opponent present.

**(b) Hearings on Pretrial Motions**

Irrelevant motions that your word processor spits out will generally be heard immediately before trial, **if presented**. If it is a serious motion, or motions, and you will need time for your opponent to comply, set it for hearing with the coordinator and file it with the clerk. Such motions will be set on Thursday mornings at 9:15 a. m. If you need a special setting, see the judge.

**(c) Motions for Continuance**

There is no such animal as an agreed continuance. If either side desires a continuance, prepare a sworn written motion and visit the coordinator and set same for a hearing, and then file it with the clerk. If trial or hearing is imminent, contact the judge for an immediate hearing. If filed by the defendant and the ground is the absence of a witness, follow the dictates of Art. 29.06 and 29.07 C.C.P.

**(d) Election To Have Jury Assess Punishment**

This motion is self executing and must be filed before the trial begins, but it must be brought to the attention of the court and prosecutor before trial so that a proper voir dire can be conducted. This motion will not support a charge authorizing the jury to recommend community supervision (probation). (See Affidavit Of No Felony Convictions, next.)

**(e) Affidavit Of No Felony Convictions**

Also self executing and must be filed before the trial begins. This affidavit constitutes an election for the jury to assess punishment, and will support a charge authorizing the jury to recommend community supervision. This affidavit must also be brought to the attention of the court and the prosecutor before voir dire.

**(f) Motions To Withdraw As Counsel**

These motions will be granted without a hearing if filed before the call of the Announcement Docket and the defendant has been notified that he or she must be present at the docket call. The defendant must be present so that he/she can be given time to hire another attorney. If the defendant does not appear, the bond will be forfeited. Motions filed after the call of the Announcement Docket must be set for hearing with the coordinator, with notice to the defendant. If the defendant is at large the motion cannot be granted because obviously the defendant cannot be notified.

**(g) Motions to Suppress Evidence**

These will ordinarily be heard during trial. The court will hear them pretrial **if**.

- The defendant plans to plead guilty or nolo contendere if the motion is denied, and you accept the state's offer, if still on the table, or go to the court on punishment;

- The defendant plans to plead guilty or nolo contendere, pursuant to a plea bargain, if the motion is denied, and intends to appeal the adverse ruling under Rule 25 (b)(3), Appellate Procedure.

## Chapter 5

### Trial

**If the defendant intends to plea Not Guilty, the case will be set on the jury docket.**

However; if immediately prior to docket call, the parties announce an agreement to waive a jury, and the court agrees, the case will be heard without the intervention of a jury.

#### (a) Docket Call, Jury Trials

Docket calls are at 9:00 a.m. on Monday, Wednesday and Friday. At 9:30 a.m. on Tuesday and 10:00 a.m. on Thursday. The loudest complaint we hear from jurors is that they are forced to stand around the halls waiting for us to get our business done before they are called into the court room. To address this complaint by speeding up the docket call process, the announcement procedure will be as follows: When the case is called (1) the defense attorney will advise the court as to whether or not his/her client is present; (2) the state will announce; and, (3) the defendant will announce.

The only acceptable announcements are:

- Ready
- Not ready and the reason therefor, with a sworn written motion, which will be heard immediately after docket call.

You have a right of course to plead guilty or nolo contendere at that time, but the court will assess punishment.

#### (b) Exhibits

Have your exhibits marked for identification before trial.

#### (c) Calling Your Witnesses to the Stand

Since the court reporter must record everything that is said in trial, call your witnesses to the stand by their full names.

#### (d) Lectern

Use the lectern when interrogating witnesses. You do not need the court's permission to "approach the witness," however, return to the lectern when your reason for approaching the witness is finished.

#### (e) The Jury

Stand when the jury enters or exits the courtroom.

**(f) Introductions During Voir Dire**

Stand and face the jury panel when the court introduces you. Instruct the defendant to stand and face the jury panel when the court introduces him/her.

**(g) Attire**

It is assumed that the attorneys will be appropriately attired. Instruct your witnesses, before trial, on the proper attire for appearances in court.

## **Chapter 6**

### **Bond Forfeitures Art. 22.01 et seq. C.C.P.**

Unless the bond is forfeited because of a clerical error by the staff, the forfeiture will not be recalled. If you have a cause or causes to exonerate the defendant and his sureties from liability upon the forfeiture taken, present your cause or causes in your answer to the civil suit and at the summary or final judgment hearing. Art. 22.13 C.C.P.

## **Chapter 7**

### **Post Trial**

#### **Post Trial Motions**

Motions for new trial, etc. filed with the clerk, like all other motions, you are reminded, accomplishes only that, **filing**. If you want a hearing on the motion, or motions, set it with the coordinator, and then file it with the clerk.

## **Chapter 8**

### **Vacations**

You must file with the coordinator, thirty days before your vacation begins, a letter stating your vacation period. If you have cases already set within your chosen period, they will be reset. However, to reduce the number of cases that will have to be reset, please notify the coordinator as soon as possible of your vacation period.

## **Chapter 9**

### **Miscellaneous**

**Regardless of what docket your case is on, if you have reached an agreement with the District Attorney you can dispose of it by plea of guilty or nolo contendere at any time Monday through Friday. Simply call the clerk and give her the plea and punishment agreement and tell her the day and time you would like to dispose of the case. If the court is in trial, your case will be disposed of at a break.**



