

# COUNTY OF ZAVALA



OFFICE OF THE

COUNTY JUDGE

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JOE LUNA, ESQ.  
COUNTY JUDGE

December 4, 2009

Mr. Joel Lieurance  
Program Monitor  
P.O. Box 12066  
Austin, Texas 78711-2066

Re: Zavala County Indigent Defense

Dear Mr. Lieurance:

In response to the summary of findings, County of Zavala through its County Judge and Justice of the Peace have addressed the issues of each respective finding, as follows:

1. The County has updated its magistration form to comply with Article 15.17(e). Attached is a copy of the Magistration's Warning form used by all Zavala County Magistrates for your records.
2. the Magistrate's Warning form includes language documenting that the defendant has been informed of defendant's right to an attorney including the appointment of an attorney at no cost to the defendant. Staff at the Zavala County jail have been instructed to assist the defendant with filling out the form entitled, "Declaration of Financial Inability to Employ Counsel" (declaration form). A copy of the declaration form is enclosed for your records. Once the declaration form is filled out, the declaration form is sent to the County Judge by the next working day. The County Judge then makes the appointment from the pre-approved list of attorneys within 24 hours of receipt of the declaration form.
3. the County Judge reviews the declaration form and makes the determination of indigency. If the County Judge finds that the defendant is indigent, then the county judge appoints the attorney. Whether the defendant make bond is irrelevant on the issue of indigency.

Upon making the decision of indigency, both the defendant and the court appointed attorney are notified immediately. The court appointed attorney is required to submit to the county judge the form entitled, "Acknowledgment By

Appointed Counsel". Attached is a copy of the form entitled, "Acknowledgment By Appointed Counsel" for your records. The form provides the county judge the date the appointed attorney made contact with the defendant; or, if unable to make contact with the defendant, the court appointed attorney is required to describe his effort to contact the defendant.

If you should have any questions please feel free to contact me.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joe Luna", written over a horizontal line.

JOE LUNA  
Zavala County Judge