

**TAYLOR COUNTY RESPONSE TO TEXAS INDIGENT DEFENSE  
COMMISSION’S FOLLOW-UP OF TAYLOR COUNTY’S INDIGENT  
DEFENSE SYSTEMS OF AUGUST 2025**

September 19, 2025

To: Texas Indigent Defense Commission  
c/o Joel Lieurance  
209 West 14<sup>th</sup> St., Room 202  
Austin, Texas 78701  
Jlieurance@tidc.texas.gov

Follow-Up Report of August 2025

Taylor County received the Texas Indigent Defense Commission’s Follow-Up Review (hereinafter the “follow-up report”) of its indigent defense systems from August 2025. While the follow-up report found that decisions regarding the appointment of counsel for indigent defendants in felony cases met the threshold for presuming that Taylor County has practices in place to ensure timely appointment of counsel (92%), the number fell below the mark with respect to the appointment of counsel in misdemeanor cases (84%).<sup>1</sup>

The follow-up report also stated that most of the late determinations of indigence in the cases TIDC reviewed involved counsel requests that the indigent defense coordinator did not receive, further stating that “[t]his may be the result of misdemeanor defendants requesting counsel and then promptly making bail before completing financial affidavits.”

Investigation

Jeff Propst, local administrative district judge for Taylor County, interviewed Indigent Defense Coordinator Sharon Smith-Wheeler and Lieutenant Gabby Vargus of the Taylor County Sherriff’s Office. In addition, Judge Propst spoke with Joel Lieurance of TIDC.

Judge Propst’s investigation concluded that the practice at the Taylor County Jail has been to bring a group of inmates into a room where they are given the magistrate warnings by video conference. If an inmate requests a court-appointed

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<sup>1</sup> TIDC’s threshold for presuming timeliness of appointments is 90%.

attorney, he is given an application. The inmate is then sent back to his cell with the application and told to deliver it to the officer assigned to him. In some instances, as the follow-up report correctly assessed, the inmate bonds out of jail without completing or turning in the application. In other instances, the inmate may hire an attorney or discover that his family has hired an attorney before completing and turning in the application. In those instances, the magistrate's warning form will indicate that the inmate requested a court-appointed attorney, but there will be no further documentation indicating that a decision was ever made regarding the inmate's request. In fact, in such cases, the application is never received by jail staff and never sent to the Indigent Defense Coordinator. These scenarios probably account for most of the 16% of cases in which TIDC found that appointments were not timely made. The staff at the jail have acted diligently and professionally in fulfilling their duties. The small number of cases in which appointment decisions were not made timely are not a result of any error by jail staff. The error lies with those inmates who do not turn in their applications as instructed.

### Plan of Action

In any event, the procedure can be modified to eliminate most of the lost applications without putting too much strain on the Sheriff's resources. The jail has agreed to modify its practice. Beginning immediately, if an inmate requests a court-appointed attorney at magistration, the inmate will be required to complete the form before leaving the magistration room. If an inmate refuses to complete the form in the magistration room, then the jail will send the portion of the form that is completed to the Indigent Defense Coordinator along with a notation that the inmate refused to complete it. Taylor County believes this will effectively solve the problem.

Thank you for your assistance in this matter. Please feel free to contact me if you have any questions or concerns.

/s/ Jeff Propst  
JEFF PROPST  
104<sup>th</sup> District Judge and  
Local Administrative Judge for  
Taylor County, Texas