

Scurry County Courthouse  
1806 25<sup>th</sup> Street, Suite 200  
Snyder, Texas 79549



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**Dan Hicks**  
County Judge  
Scurry County, Texas

Joel Lieurance  
TIDC  
209 W. 14<sup>th</sup> ST, Room 202 (Price Daniel Building)  
Austin, TX 78701

March 6, 2020

Mr. Lieurance,

Thank you and the TIDC for coming to Scurry County and reviewing Scurry County's Indigent Defense Systems. We appreciate that TIDC has the best interest of the indigent as we do here in Scurry County.

The scope of the review is prior to my taking office so it will be somewhat difficult to answer for someone else's procedures. I will give you a more thorough examination of procedures in place since I came into office January 1, 2019 and areas, we see possible improvement since we received the review.

In the review, 3 findings and recommendations were presented to Scurry County to increase our number of indigent defense cases. I will address these shortly.

On page 4 it is indicated that between 2014 and 2018 our range of percentages of Misdemeanor cases paid was 2% -7% depending on the year and the state average was 46%. It is my belief that this is an unfair metric as all 254 counties in Texas are very different and diverse and cannot be equally measured. As an example, our county of roughly 17,000 should not be compared to Harris County of several million.

A meeting was held with both Justices of the Peace, the Sheriff, and jail staff about the policies and procedures involving indigent defense and we discussed the recommendations.

In reference to "Finding and Recommendation 1", both Justices assured me, as is noted in the review, each accused is informed of his or her right to counsel, asked whether they want to request counsel, and receive the accused's request for counsel during the Article 15.17. Each step is recorded on the Article 15.17 documentation. The magistrate indicates, by writing it on the Article 15.17 if counsel is requested. The application is given to the accused to complete. Having magistrated several accused myself and seeing documentation from the Justices, I can verify the process is currently being followed and documented. Reasonable assistance is given by jail staff in completing the financial paperwork and is sent to the courts within 24 hours if the documentation is turned in to jail staff. What we've found is that much of the time, in the 90% range, the documentation is not returned to jail staff to be sent to the courts. There are various

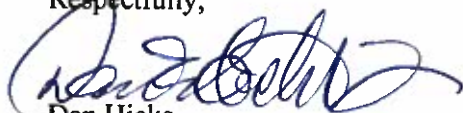
reasons this occurs, the most common are that the accused is released from jail before completing the paperwork, usually within a few hours of being magistrates which is within 24 hours of arrest, or the accused simply never returns it for reasons of their own.

“Finding and Recommendation 2” states “the court must rule on all requests for counsel within three working days, plus 24 hours allowed for transferring requests to the courts”. Our procedure is for jail staff to forward the paperwork as soon as is practicable but within 24 hours to the court and a decision is made within 24 hours of receiving the paperwork. As stated in the Findings and Recommendations 1 answer, very few requests are returned to the jail staff.

“Findings and Recommendation 3”, is “the absence of a ruling in 12 sample requests for counsel raises the possibility of several statutory violations, including untimeliness, and invalid waiver.” As I previously stated, I cannot speak to what occurred prior to my time in office with any real knowledge. I can state that our current procedure, is that there is a ruling present in every request for counsel from January 1, 2019 and there will be for every request during my tenure. The right to request counsel is explained to each defendant prior to any other court proceedings and is documented by a written acknowledgement filed in every criminal case.

Once again, thank you for the review and the insight into Scurry County’s Indigent Defense Program. Scurry County will continue to follow Texas state laws in providing indigent defense and maintain the records indicating so.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Dan Hicks', written over a circular stamp or seal.

Dan Hicks

Scurry County Judge

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**Dan Hicks**  
County Judge  
Scurry County, Texas

June 29, 2020

Mr. Lieurance,

I have responded to TIDC Policy Monitoring review advising that we would have jailers assist in filling out documents for court appointed counsel and explained that the majority do not fill out the documents while they are incarcerated. As stated in my previous reply, most of those that state they want a CAC when being magistrated, are bonded out within an hour or two of the time they were magistrated. Once magistrated, most of those in the jail, want to bond as quickly as possible and call the bondsperson as soon as they can.

The solution we have come up with is to require the person requesting a CAC to fill out the required documents immediately after magistration. If they refuse to fill it out, they will be required to sign that refusal and this refusal will be kept with the magistration form. This should show a lower number of instances where I do not see the request for a CAC or will have an explanation as to why there is the absence of a ruling on the request.

If they choose to fill out the request for a CAC, that document will be forwarded by jail staff to send to my office within 72 hours as required. While filling out the request, jail staff will be on hand, as I stated in my prior response, to assist with filling it out. If they need information from a family member, they will be allowed to call that family member while the jail staff is there with them.

At no time during the process, does the trial court, direct or encourage the defendant to talk to the prosecutor while the defendant's request is pending.

I hope this answers your question more concisely.

Thank you

A handwritten signature in black ink, appearing to read "Dan Hicks".

Dan Hicks  
Scurry County Judge