

**From:** Linda Schmerber <linda.schmerber@co.maverick.tx.us>  
**Sent:** Thursday, September 15, 2022 9:51 AM  
**To:** Wesley Shackelford <WShackelford@tidc.texas.gov>  
**Cc:** Joel Lieurance <JLieurance@tidc.texas.gov>  
**Subject:** RE: Maverick County 4th Follow-up Policy Monitoring Report

Good morning,

In response to our monitoring report findings, please see below responses.

1. Article 15.17 or magistration hearings: providing assistance with affidavits and transmittal of requests to the appointing authority; and

**Response to Finding #1** The Magistrates will ensure assistance for affidavits of indigence is established and that all requests be filed with the court within 24 hours. .

2. Timely ruling on requests for counsel and appointment of counsel to qualifying defendants in felony cases.

**Response to Finding #2** The Courts will rule on all appointments with in three days of receiving paperwork.

If there is anything else I can assist you with, please do not hessite to contact us. Thank you.

*Respectfully,*

*Linda Schmerber  
Administrative Assistant to the County Judge  
500 Quarry Street, Suite 3  
Eagle Pass, Texas 78852  
Tel: 830-773-3824  
Fax: 830-773-6450*

[linda.schmerber@co.maverick.tx.us](mailto:linda.schmerber@co.maverick.tx.us)

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**From:** Wesley Shackelford <WShackelford@tidc.texas.gov>  
**Sent:** Tuesday, September 13, 2022 5:52 PM  
**To:** Linda Schmerber <linda.schmerber@co.maverick.tx.us>  
**Cc:** Joel Lieurance <JLieurance@tidc.texas.gov>  
**Subject:** FW: Maverick County 4th Follow-up Policy Monitoring Report

Good afternoon Ms. Schmerber,

Thank you so much for the partial response to our monitoring report. Joel shared it with our TIDC policy team and since he's on the road this week I'm responding. This response covers Recommendations ##3-5. We still need responses to the first two recommendations. Those recommendations are:

1. Article 15.17 or magistration hearings: providing assistance with affidavits and transmittal of requests to the appointing authority; and
2. Timely ruling on requests for counsel and appointment of counsel to qualifying defendants in felony cases.

Please supplement your request with responses to these two findings at your earliest convenience. We understand that these involve other stakeholders such as the JPs and the district courts so you may need to work with them on appropriate responses.

Please let us know if we can be of assistance.

Take care,

Wesley Shackelford, Deputy Director  
**Texas Indigent Defense Commission (TIDC)**  
209 W. 14<sup>th</sup> Street, Room 202 (Price Daniel Building)  
Austin, Texas 78701  
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**From:** Linda Schmerber <[linda.schmerber@co.maverick.tx.us](mailto:linda.schmerber@co.maverick.tx.us)>

**Sent:** Monday, September 12, 2022 1:21 PM

**To:** Joel Lieurance <[JLieurance@tidc.texas.gov](mailto:JLieurance@tidc.texas.gov)>

**Subject:** FW: Maverick County 4th Follow-up Policy Monitoring Report

Good afternoon Mr. Lieurance,

In response to our monitoring report findings, please see below responses.

Finding #1 April 2022 Finding and Recommendation 3 (MISDEMEANOR CASES): Maverick County's misdemeanor appointment process did not meet TIDC's threshold for timely appointment of counsel (90% timely). Under Article 1.051(c)(1), a county must rule on all requests for counsel within three working days. Maverick County must implement practices that satisfy Article 1.051(c)(1)'s timeline.

**Response to Finding #1 The Court will rule on all appointments with in three days of receiving paperwork.**

Finding #2 April 2022 Finding and Recommendation 4 (MISDEMEANOR CASES): The absence of a ruling on a pending request raises the possibility of several statutory violations, including untimeliness (Art. 1.051(c)) and invalid waiver of counsel (Art. 1.051(f-2)). Maverick County must ensure that its procedures for ruling on counsel requests meet the requirements of both Article 1.051(c) and 1.051(f-2).

**Response to Finding #2 The Court will rule on all appointments with in three days.**

Finding #3 April 2022 Finding and Recommendation 5 (MISDEMEANOR CASES): When defendants waive counsel for purposes of entering an uncounseled plea, the waiver must substantially conform to Article 1.051(g). The waiver language used by Maverick County does not match Article 1.051(g). When the Maverick County Court accepts uncounseled pleas, it must use a waiver form with language substantially conforming to Article 1.051(g).

**Response to Finding #3 Language on waivers will be adjusted to match Article 1.051(g)**

If there is anything else I can assist you with, please do not hessite to contact us. Thank you.

*Respectfully,*

*Linda Schmerber  
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