



# **Follow-up Review of Taylor County's Indigent Defense Systems**

**August 2025**



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**Mission:** Protecting the right to counsel, improving public defense.

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# Executive Summary

The Texas Indigent Defense Commission (TIDC) monitors local compliance with the Fair Defense Act (FDA) through policy reviews.<sup>1</sup> In this follow-up review, TIDC observed court, interviewed officials, and reviewed FY2024 data from Taylor County. TIDC found that there were a few gaps in sending counsel requests to the appointing authority. As a result of these gaps, misdemeanor appointments fell outside TIDC's threshold for presuming timeliness. Felony appointments were within TIDC's presumed threshold.

TIDC thanks Taylor County officials and staff for their assistance in completing this review. TIDC staff stands ready to provide technical and financial assistance to remedy these issues. TIDC will attempt to conduct a second follow-up review regarding its findings within two years.<sup>2</sup>

## Background

In 2022, TIDC conducted its initial policy monitoring review of Taylor County. The report made five findings, focusing on methods for transmitting counsel requests to the appointing authority and making prompt appointments of counsel. Defendants would often request counsel at the Article 15.17 hearing, but those requests did not always reach the indigent defense coordinator, who is charged with appointing counsel. The County responded by stating it would give magistrate warning forms to defendants prior to the Article 15.17 hearing. After the Article 15.17 hearing, jail staff would email completed forms to the indigent defense coordinator, allowing for prompt appointments of counsel.

**Table 1: History of Monitoring Findings**

FDA Core Requirement	Description and Initial Year of Finding	Status After 2025 Review	
		Satisfied	Pending
1. Prompt Magistration	The County must ensure reasonable assistance in completing affidavits of indigence. (2022)	✓ (2025)	
1. Prompt Magistration	The County must ensure counsel requests and associated paperwork are transmitted to the appointing authority within 24 hours. (2022)		✓
4. Prompt Appointment	The felony courts must promptly rule upon all requests for counsel. (2022)	✓ (2025)	
4. Prompt Appointment	The misdemeanor courts must promptly rule on all requests for counsel. (2022)		✓
4. Prompt Appointment	The misdemeanor courts did not always document counsel appointment dates. (2022)	✓ (2025)	

<sup>1</sup> TEX. GOV'T CODE § 79.037(a)–(b).

<sup>2</sup> Title 1 TEX. ADMIN. CODE § 174.28(c)(2).

## Program Assessment

TIDC's Policy Monitoring Rules require follow-up reviews of counties where the report included noncompliant findings.<sup>3</sup> Staff members, Natasha George and Joel Lieurance, conducted the follow-up review. The purpose of this review was to verify that the April 2022 report recommendations were addressed. The review consisted of site visits to Taylor County on April 24, May 29, and May 30, 2025, as well as interviews and data queries. TIDC relied on the following items in preparing this report: observation of misdemeanor dockets and a magistrate warning docket; interviews with County officials and staff; felony and misdemeanor case files and associated magistrate warning forms; and the local indigent defense plans. The County must respond to this report's findings and recommendations.

TIDC compared the core requirements of the FDA with the County's performance for each recommendation listed in the 2022 report. This review examined previous findings and recommendations covering the following core FDA requirements:

- REQUIREMENT 1: PROMPT MAGISTRATION
- REQUIREMENT 4: APPOINT COUNSEL PROMPTLY

### Requirement 1: Conduct Prompt and Accurate Article 15.17 Proceedings

Under Article 15.17 of the Code of Criminal Procedure, an arrested person must be brought before a magistrate within 48 hours.<sup>4</sup> At this hearing, the magistrate must inform the person of the right to counsel, inform the person of the procedures for requesting counsel, and ensure the person has reasonable assistance in completing the necessary forms for requesting counsel.<sup>5</sup> Magistrates must transmit requests for counsel to the appointing authority within 24 hours.<sup>6</sup> If a person is arrested on an out-of-county warrant, the magistrate must perform the same duties as if the person were arrested on an in-county warrant.<sup>7</sup>

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<sup>3</sup> 1 TEX. ADMIN. CODE § 174.28(d)(3).

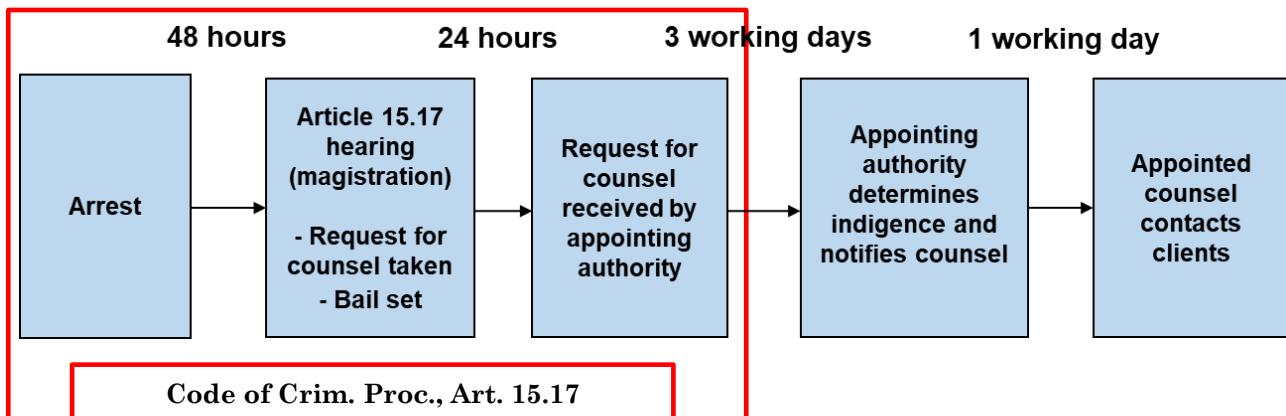
<sup>4</sup> TEX. CODE CRIM. PROC. ART. 15.17(a).

<sup>5</sup> TEX. CODE CRIM. PROC. ART. 15.17(a).

<sup>6</sup> TEX. CODE CRIM. PROC. ART. 15.17(a).

<sup>7</sup> TEX. CODE CRIM. PROC. ART. 15.18(a). A list of contacts to send out-of-county requests is available at: <http://tide.tamu.edu/public.net/Reports/OutOfCountyArrestContacts.aspx>.

**Figure 1a: Timeline for Appointment of Counsel in Adult Criminal Cases**



### ***Local Practices for Conducting Magistrate Warnings***

In Taylor County, arrested defendants are promptly brought before justices of the peace who conduct Article 15.17 hearings through videoconference sessions. Judges make probable cause determinations, set bail, explain the right to counsel, and take requests for appointed counsel. TIDC observed magistrate warnings on May 30, 2025. At this hearing, the judge specifically stated that defendants must fill out a financial affidavit to complete their requests for counsel. He further stated that jail staff were available for assistance. Eight of the nine defendants requested counsel.

### ***Assistance with Financial Affidavits and Transmittal of Those Forms***

At the Article 15.17 hearing, a magistrate must ensure the arrested person has reasonable assistance in completing the necessary forms for requesting counsel at the time of the hearing.<sup>8</sup> Within 24 hours of a person requesting counsel, the magistrate must transmit the request to the court or its designee, authorized to appoint counsel.<sup>9</sup> In Taylor County, jail staff assist with affidavits of indigence and forward them to the indigent defense coordinator. If an affidavit is not complete, the indigent defense coordinator attempts to meet with the defendant through a videoconference call.

Based on TIDC's file review, defendants sometimes requested counsel, but those requests did not always reach the indigent defense coordinator. The process has significantly improved since our 2022 review, but a few gaps remain. TIDC finds that there is a procedure to ensure assistance with affidavits, but the requests do not always reach the indigent defense coordinator.

<sup>8</sup> TEX. CODE CRIM. PROC. ART. 15.17(a).

<sup>9</sup> TEX. CODE CRIM. PROC. ART. 15.17(a).

## **FINDINGS AND RECOMMENDATIONS FOR REQUIREMENT 1**

### **Conduct Prompt and Accurate Magistration Proceedings**

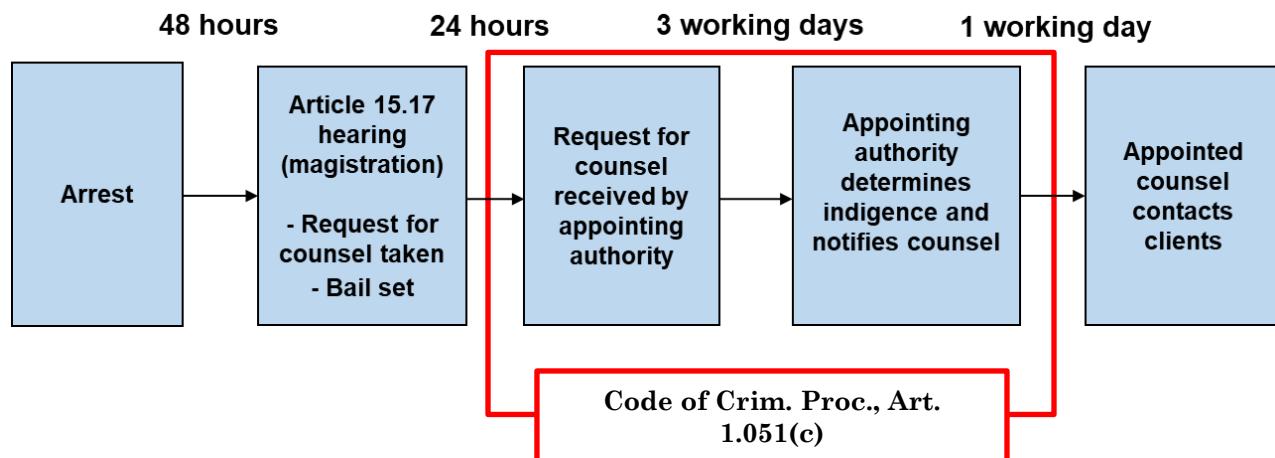
**2022 FINDING AND RECOMMENDATION 1:** At the Article 15.17 hearing, a magistrate must ensure the arrested person has reasonable assistance in completing the necessary forms for requesting counsel. The County must provide a method to ensure reasonable assistance in completing affidavits of indigence is provided at the time of the Article 15.17 hearing. *Successfully Addressed.*

**2022 FINDING AND RECOMMENDATION 2:** Article 15.17(a) requires requests for counsel and associated paperwork to be sent to the appointing authority within 24 hours of the request being made. The County must provide a method to ensure requests are sent to the appointing authority within 24 hours of the request. *Issue Pending.*

## **Requirement 4: Appoint Counsel Promptly.**

Under Article 1.051(c)(1) of the Code of Criminal Procedure, courts in counties with a population under 250,000 must rule on a request for counsel within three working days of receiving the request.

**Figure 1b: Timeline for Appointment of Counsel in Adult Criminal Cases**



Under Article 15.17 and local procedures, the first opportunity for most defendants to request counsel is at the Article 15.17 hearing, when a defendant appears before a magistrate and is informed of the charges. If a defendant makes bail before the Article 15.17 hearing (or is never brought before a magistrate), the first opportunity the defendant has to request counsel is at the initial appearance in the trial court.

To assess the timeliness of local appointment procedures, TIDC examined randomly selected cases filed in FY2024 (October 2023 to September 2024) and

measured the time from counsel request until appointment of counsel or denial of indigence.

### ***Timeliness of Appointments in Felony Cases***

TIDC examined 171 sample felony cases filed in FY2024. The courts made timely appointments in 149 of 162 cases in which counsel was requested (**92% timely**). Where late appointments occurred, counsel requests were not promptly sent to the indigent defense coordinator. This level of timeliness exceeds TIDC's 90% threshold for presuming a county has practices in place to ensure timely appointment of counsel. TIDC commends Taylor County for ensuring felony requests are ruled upon in a timely manner.

**Table 2: Times to Appointment in Felony Cases**

	Sample Size	Number from Sample	Percent
Number of case files examined	171		
Total cases with a counsel request		162	
Appointment/denial of indigence occurred in:			
0 work days		98	
1 – 3 work days + 24-hour transfer		51	
<b>Total timely appointments/denials</b>		<b>149</b>	<b>92%</b>
4 - 5 work days + 24-hour transfer		0	
More than 5 work days + 24-hour transfer		12	
No ruling on request		1	
<b>Total untimely appointments/denials</b>		<b>13</b>	<b>8%</b>

### ***Appointment Orders in Misdemeanor Cases***

At the time of the initial 2022 monitoring review, appointment orders were not automatically created for defendants appearing at the misdemeanor jail docket. The courts presumed that defendants were indigent because they could not make bail for a misdemeanor offense. Unfortunately, the lack of appointment orders meant that appointment timeliness could not be adequately documented. Since our initial review, the indigent defense coordinator now creates appointment orders for defendants before they appear at the misdemeanor jail docket.

### ***Timeliness of Appointments in Misdemeanor Cases***

TIDC examined 183 sample misdemeanor cases filed in FY2024. The courts made timely appointments in 124 of 148 cases in which counsel was requested (**84% timely**). This falls below TIDC's 90% threshold for presuming a county has practices in place to ensure timely appointment of counsel. Taylor County must put in place procedures to ensure timely appointment of counsel in misdemeanor cases. Most of the late determinations of indigence involved counsel requests that the indigent defense coordinator did not receive. This may be the result of misdemeanor

defendants requesting counsel and then promptly making bail before completing financial affidavits.

The timeliness of both felony and misdemeanor appointments has shown immense improvement since TIDC's initial 2022 review. While the misdemeanor appointments did not reach TIDC's 90% timeliness threshold, the local procedural changes mean that a large majority of misdemeanor cases now receive timely appointment of counsel.

**Table 3: Times to Appointment in Misdemeanor Cases**

	Sample Size	Number from Sample	Percent
Number of case files examined	183		
Total cases with a counsel request		148	
Appointment/denial of indigence occurred in:			
0 work days		81	
1 – 3 work days + 24-hour transfer		43	
<b>Total timely appointments/denials</b>		<b>124</b>	<b>84%</b>
4 - 5 work days + 24-hour transfer		1	
More than 5 work days + 24-hour transfer		22	
No ruling on request		1	
<b>Total untimely appointments/denials</b>		<b>24</b>	<b>16%</b>

## **FINDINGS AND RECOMMENDATIONS FOR REQUIREMENT 4**

### **Appoint Counsel Promptly**

**2022 FINDING AND RECOMMENDATION 3 (FELONY CASES):** Taylor County's felony appointment process did not meet TIDC's threshold for timely appointment of counsel (90% timely). Under Article 1.051(c)(2), district courts must rule on all requests for counsel within three working days. The County must implement practices that satisfy Article 1.051(c)(1)'s timeline. ***Successfully Addressed.***

**2022 FINDING AND RECOMMENDATION 4 (MISDEMEANOR CASES):** Taylor County's misdemeanor appointment process did not meet TIDC's threshold for timely appointment of counsel (90% timely). Under Article 1.051(c)(2), statutory county courts must rule on all requests for counsel within three working days. The County must implement practices that satisfy Article 1.051(c)(1)'s timeline. ***Issue Pending.***

**2022 FINDING AND RECOMMENDATION 5 (MISDEMEANOR CASES):** The misdemeanor courts did not always document dates that counsel was appointed. The courts must ensure they can document whether counsel appointments are timely. ***Successfully Addressed.***

## Conclusion

TIDC enjoyed meeting with Taylor County officials and staff and appreciates their cooperation during this review. TIDC stands ready to provide any assistance the County may need to address the issues identified in this report.

## Pending Findings and Recommendations

Taylor County must respond in writing about how it will address the pending findings.

### **REQUIREMENT 1: CONDUCT PROMPT AND ACCURATE MAGISTRATE WARNINGS.**

**2025 Finding and Recommendation 1:** Article 15.17(a) requires requests for counsel and associated paperwork to be sent to the appointing authority within 24 hours of the request being made. The County must provide a method to ensure requests are sent to the appointing authority within 24 hours of the request.

### **REQUIREMENT 4: APPOINT COUNSEL PROMPTLY.**

**2025 Finding and Recommendation 2:** Appointments of counsel do not meet statutorily required timelines for misdemeanor defendants making bail in the period between Article 15.17 counsel requests and the court coordinator making appointments of counsel.