

AMENDED 258TH DISTRICT COURT CRIMINAL CASE RULES
EFFECTIVE JANUARY 1, 2019

CRIMINAL CASES

Jail Docket and Hearings:

1. The Prosecution should be ready to go to trial, within 90 days, on any case in which the accused is in custody and unable to make bond.
2. No discussion, including the status of any plea bargaining negotiations, nor any other communication that would be considered confidential attorney client communication shall take place in open court.
3. On video docket calls (arraignment and resets) Defense Counsel is expected to have met with client at least 3 days before the video docket call.
4. As a general rule, arraignments and announcements shall be set in the morning, and pleas, and contested motions shall be set in the afternoon. This is not a hard and fast rule, and special settings will be granted whenever possible.
5. If a party has a conflict setting in another court, announcements will be taken from such attorneys out of order to better help with the efficiency of the other courts.

Bonds and Writs of Habeas Corpus:

6. The Court encourages the State and the Defense counsel to cooperate and attempt to resolve any bond issue prior to the matter be set for a hearing before the Court. It should be kept in mind that the principal objective of bonds pending trial are to ensure public safety and to ensure the accused presence of further court hearings and ultimately trial.
7. Any motions for bond reduction or writs of habeas corpus shall be held in the courtroom with the accused present in court with counsel. There will be no hearing on these issues by video nor at the bench - only by formal hearing with the accused and counsel at counsel table. It is critical that the accused be in court and be able to communicate with his/her attorneys in confidence without everyone on the courtroom being privy to the communication.

Suppression and Motion Hearings

8. Any relevant authorities in support of the Prosecution and the Defense shall be presented to the Court at least 24 hours in advance, with copy of the authority provided to opposing counsel.

9. Any “last minute” authorities presented at hearing shall be provided both to the Court and a copy to opposing counsel.

Plea Bargains:

10. The Court understands the necessity of plea bargain agreements in the administration of justice and in resolving the Court’s criminal docket and jail overcrowding.
11. It is expected that both the Prosecution and the Defense Counsel will resolve all issues on the entry of a plea bargain prior to having the case set for entry of the plea.
12. There is no guarantee that a plea bargain agreement will be approved by the Court.
13. Except in exceptional circumstances, the entrance of all plea bargains shall be set for hearing to enter the plea bargain.
14. The Prosecution shall provide the plea papers to Defense at least 3 days prior to the time the plea is to be entered. Defense Counsel is expected to go over the plea bargain papers in detail with the accused prior to appearing in front of the court.
15. Defense counsel shall have the Information form by the probation officer filled in and provided to the Probation department at least 3 days prior to the time the plea is to be entered.
16. The Prosecution shall provide the Court a copy of the plea papers, the probation information form, police reports, and any written statement of the defendant at least 24 hours prior to the time the plea is to be entered. If there is a recorded statement, video or audio, a copy of that shall be provided to the court at least 48 hours before the hearing to enter the plea bargain agreement.
17. The Prosecution and Defense Counsel can expect that the details of the offense being resolved by plea bargain agreement may be inquired about in the hearing on the plea bargain, that the defendant may be asked questions about specific terms of the alleged crime and the plea bargain agreement.

ORDERED and ENTERED on January 28, 2019.



Travis E. Kitchens, Jr.,
Judge, 258th Judicial District