



Assistant District Attorney

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Investigators

TIM MCLEEMEE

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RECEIVED
NOV 27 2002
OFFICE OF COURT
ADMINISTRATION

November 25, 2002

Bryan Wilson
Grants Administrator
Task Force on Indigent Defense
205 W. 14th Street - Suite 600
P.O. Box 12066
Austin, Texas 78711-2066

RE: Application for Discretionary Indigent Defense Grant Program

Dear Mr. Wilson:

Enclosed is the original and two copies of Van Zandt County's application for a Discretionary Indigent Defense Grant.

Please contact me if you have any questions.

Sincerely,

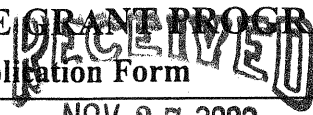
A handwritten signature in cursive script that reads "Leslie Poynter Dixon".

LESLIE POYNTER DIXON
Criminal District Attorney

INDIGENT DEFENSE GRANT PROGRAM (IDGP)

Application Form

Discretionary Grant



APPLICATION FOR THE GRANT PERIOD: OCTOBER 1, 2002 TO September 30, 2003	NOV 27 2002 Date Received: OFFICE OF COURT ADMINISTRATION	Postmark: (for Task Force use only)												
1. Name of county and projected allocation: Van Zandt County	2. State payee identification number: 1-75-6001190-4													
3. Division or unit within the county to administer the grant. County Judge	Grant Officials													
4. Official county mailing address. 121 E. Dallas St. Canton, Texas 75103	6. Program Director Title: Hon. J.E. Fisher Address: Van Zandt County Judge 121 E. Dallas St., Room 204 Canton, Texas 75103 Telephone: (903) 567-4071 Fax: (903) 567-1082 E-mail:	7. Financial Officer Title: John Shinn Address: Van Zandt County Auditor 121 E. Dallas St., Room 102 Canton, Texas 75103 Telephone: (903) 567-2171 Fax: (903) 567-4700 E-mail: auditor@vzinet.com												
5. Person who can answer specific questions about this application: <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">Contact:</td> <td>Hon. J.E. Fisher</td> </tr> <tr> <td>Title:</td> <td>Van Zandt County Judge</td> </tr> <tr> <td>Address:</td> <td>121 E. Dallas St., Room 204 Canton, Texas 75103</td> </tr> <tr> <td>Telephone:</td> <td>(903) 567-4071</td> </tr> <tr> <td>Fax:</td> <td>(903) 567-1082</td> </tr> <tr> <td>E-mail:</td> <td></td> </tr> </table>	Contact:	Hon. J.E. Fisher	Title:	Van Zandt County Judge	Address:	121 E. Dallas St., Room 204 Canton, Texas 75103	Telephone:	(903) 567-4071	Fax:	(903) 567-1082	E-mail:			
Contact:	Hon. J.E. Fisher													
Title:	Van Zandt County Judge													
Address:	121 E. Dallas St., Room 204 Canton, Texas 75103													
Telephone:	(903) 567-4071													
Fax:	(903) 567-1082													
E-mail:														
To the best of my knowledge, all information in this application is true and correct. The application has been duly authorized by the governing body of the grantee county and county agrees to comply with all Task Force rules, including the attached assurances, if awarded.														
8. Signature of Authorized Official: 	Date: 10/15/02													
Printed Name: J.E. Fisher	Title: Van Zandt County Judge													

Proposal Narrative

B. Introduction

The Van Zandt County Indigent Defense Administrator program will improve the provision of services to indigent defendants in Van Zandt County, Texas. The program is focused on bringing Van Zandt County into total compliance with legislatively established directives and the constitutional requirements of providing counsel for those who cannot afford counsel while maintaining an administratively efficient system directed towards controlling the costs of the system to the taxpayers.

Though Van Zandt County is the only county involved in the program, several local entities will be significantly impacted by the implementation of the program. The Van Zandt County Sheriff's Department and the Van Zandt County Criminal District Attorney's Office will not be actively involved in the attorney appointment process as they now are. Both offices will contribute to the program through their agreement to provide the "Administrator" with view-only access to their computer records. The Justices of the Peace, who serve as the county jail magistrates, will be able to direct their time during the arraignment to ensuring the arrested person has a clear understanding of his or her legal rights, instead of actually filling out the various request for counsel forms. The County Court and the 294th Judicial District Court will then be assured that legal counsel is promptly and efficiently appointed to the indigent defendant.

C. The Need Assessment

Van Zandt County is a rural county of approximately 48,000 people. Financial constraints often make it difficult for the county to effectively implement legislative mandates. The passage of the Texas Fair Defense Act required the Van Zandt County Judge and the Judge of the 294th Judicial District Court to develop a "plan" which necessitated the participation of the Van Zandt County Sheriff's Department and the Van Zandt County Criminal District Attorney's Office in the appointment of attorney for indigent defendants. The involvement of these agencies in this process appears to be outside the scope of the function of both agencies.

Under the present plan, an arrested person appears before a Justice of the Peace at the Van Zandt County Jail to be arraigned in accordance with Article 15.17 of the Code of Criminal Procedure. Prior to the arrestee's appearance before the Justice of the Peace, the jail personnel generate the arraignment form and packet of request for counsel forms. The Justice of the Peace warns the person of their rights and actually questions and assists the person in completing various indigence forms. Once the forms are completed, jail personnel deliver the completed forms to the Criminal District Attorney's Office. An employee of the Criminal District Attorney's Office must search voluminous records to determine if adversarial judicial proceedings have begun, whether the person is currently represented by appointed counsel on other charges; and in the case of motions to adjudicate or motions to revoke, whether appointed counsel had represented the person at the time they were placed on community supervision and who that counsel was. The Criminal District Attorney's

Office then transmits the requests for counsel documents and the results of their records search from the Criminal District Attorney's Office to the appropriate Court's Administrator. The Court Administrators make the appointment of counsel and provide notice of that appointment to the lawyer, the Criminal District Attorney, the jail, and the appropriate court clerk.

The current plan is inefficient, expensive and creates unacceptable delays in the appointment of counsel.

A 2001 average of county employees' time and expenses utilizing the current plan is:

Jail Personnel	3 Hours
CDA's Office	4 Hours
Justice of the Peace	Judges' time has tripled
Photocopy Expense	Tripled
Paper Supplies	Tripled

Each of the first three cogs in the system are copying the indigence packets before transferring them to the next office. Completed compliance with the Fair Defense Act is not and cannot be assured under the existing plan. The request forms and pertinent documents are processed in three different county offices by three different county staffs for one act.

D. The Project Summary

The Van Zandt County Indigent Defense Administrator will serve as the designee of the Van Zandt County Court and the 294th Judicial District Court to ensure the prompt appointment of counsel to indigent persons charged with the commission of a crime. The mission of the Administrator will be to efficiently and cost effectively perform all administrative tasks relating to the appointment of counsel and, as the Courts' designee, to actually make the appointment of counsel from the approved rotation list.

E. Project Methods or Design

The specific activities of the Indigent Defense Administrator are:

Assisting arrested persons in completing appropriate forms to request the appointment of counsel;

Reviewing Sheriff's Department and Criminal District Attorney's Office records to determine whether adversarial proceeding have begun;

Determining whether the individual is currently represented on other charges by an appointed lawyer;

In Motions to Revoke or Motions to Adjudicate, determining whether the person was represented by appointed counsel at the time they were placed on community

supervision;

As the designee of the County Court and the 294th Judicial District Court, making the actual appointment of appropriate counsel at the proper time.

Notifying the arrested person, the appointed attorney, the Criminal District Attorney and the Court Clerk of the appointment of counsel.

The Indigent Defense Administrator will perform the functions currently performed by multiple county employees in three separate offices. The employees of the Van Zandt County Sheriff's Department and the Criminal District Attorney's Office currently performing the appointment functions will train and educate the Indigent Defense Administrator regarding those offices' records; and the Courts' administrators, currently making the appointments will train the Administrator regarding the County's "Standard and Procedures related to Appointment of Counsel for Indigent Defendants". The "Plan" will be amended by the judges of the Van Zandt County Court and the 294th Judicial District Court to implement procedures and standards in accordance with the Indigent Defense Administrator Project.

F. Project Evaluation

The objectives of the Van Zandt County Indigent Defense Administrator Program are:

Receipt by the Courts' designee of forms requesting the appointment of counsel within 24 hours as prescribed by Article 15.17 of the Texas Code of Criminal Procedure;

Appointment of counsel within three working days in all cases in which adversarial judicial proceedings have begun as prescribed by Article 1.051 of the Texas Code of Criminal Procedure;

Appointment of counsel within three working days in all cases in which the arrested person is confined in jail as prescribed by Article 1.051 of the Texas Code of Criminal Procedure;

Avoidance of the appointment of multiple attorneys to represent the same defendant on different charges which will decrease costs and delays; and

Avoidance of the premature appointment of attorneys to represent a defendant who has been released from custody and against whom adversarial judicial proceeding have not begun which will decrease the costs to the taxpayers.

The Indigent Defense Administrator will collect data and provide reports regarding the performance of the program. The specific performance measures are the absolute attainment of each of the program objectives.

G. Future Funding Plan

If state funding is not available for the Indigent Defense Administrator program, Van Zandt County will continue its efforts to meet the requirements of the Fair Defense Act under the "Plan" and procedures that have been used since January 1, 2002.

H. Proposed Budget

The total proposed budget for the Van Zandt County Indigent Defense Administrator program is \$42,157.77. The Total Project funding requested is \$36,507.77 as is reflected on the Grant Budget Report. The primary expense of the project is the salary and fringe benefits of the one full time employee. The salary as proposed is the equivalent of the chief clerical position in other county offices. The second largest expense for the project is equipment costs; the proposal calls for the purchase of a personal computer at approximately \$1250.00; the purchase of a laser printer at approximately \$375.00 and the purchase of a facsimile at \$225.00. The Administrator will also require a copy machine. The proposal includes the lease of a copier with 15,000 copies per month at a cost of \$175.00 per month.

The success of the project depends upon the utilization of information from the computer records of the Van Zandt County Sheriff's Department and the Criminal District Attorney's Office. The costs associated with creating and maintaining those records could certainly be considered as an "Indirect Cost" to the Indigent Defense Administrator Project; however, the cost which could be attributed to the project are not readily determinable and therefore, no Indirect Costs are included in the proposed budget.

Van Zandt County can provide office space and volunteer secretarial services to the Indigent Defense Administrator. The cost of these items has been deducted as In-Kind and Cash contributions from other sources.

Indigent Defense Grant Program Grant Budget Report

EXPENDITURE CATEGORY	GRANT BUDGET PERIOD FY03
Budget:	2-1-03 to 1-31-04
Direct Costs	
1) Personnel (Total Number of FTEs: <u>1</u>)	21,178.67
2) Fringe Benefits	8,599.10
3) Travel	50.00
4) Equipment¹	3,950.00
5) Supplies	2,000.00
6) Contract Services	
7) Other (please specify) office space	2,400.00
In-Kind Volunteer, Secretarial Service	3,250.00
Telephone	730.00
Total Direct Costs	42,157.77
Indirect Costs²:	
8) Indirect Costs (_____ % of _____)	
Total Indirect Costs	0.00
Total Proposed Costs	42,157.77
Less In-Kind Contributions (Provide List of Sources)	3,250.00
Less Cash from Other Sources (Provide List of Sources)	7,400.00
Total Project	36,507.77

¹ Include list of equipment purchased, including the description and cost for each item.

² Please refer to grant reporting definitions.

VAN ZANDT COUNTY COMMISSIONERS' COURT RESOLUTION

Indigent Defense Discretionary Grant Program (FY03)

Whereas, under the provisions of the Fair Defense Act, 77th Regular Session, counties are eligible to receive grants from the Task Force on Indigent Defense to provide improvements in indigent defense services in the county; and


Whereas, this grant program will assist the county in the implementation of the provisions of the Fair Defense Act and the improvement of the indigent criminal defense services in this county; and

Whereas, Van Zandt Commissioners' Court has agreed that in the event of loss or misuse of the funds, Van Zandt County Commissioners' Court assures that the funds will be returned in full to the Task Force on Indigent Defense.


NOW THEREFORE, BE IT RESOLVED and ordered that the County Judge, the Hon. Jeff Fisher, of this county is designated as the Authorized Official to apply for, accept, decline, modify, or cancel the grant application for the Indigent Defense Discretionary Grant Program and all other necessary documents to accept said grant; and

BE IT FURTHER RESOLVED that the County Judge, Hon. Jeff Fisher, is designated as the Program Director and as the Contact Person for this grant and the County Auditor, John Shinn, is designated as the Financial Officer for this grant.

Adopted this 15th day of October, 2002.


Hon. Jeff Fisher
Van Zandt County Judge

Attest:


Hon. Elizabeth Everitt,
Van Zandt County Clerk

INDIGENT DEFENSE GRANT PROGRAM ACKNOWLEDGMENT

The undersigned have submitted or will submit on or before January 1, 2003 the indigent defense plan(s) to the Office of Court Administration, pursuant to Texas Government Code Section 71.0351, covering adult defendants and juvenile respondents in the district and county courts of Van Zandt County. We hereby acknowledge that the plans comply with the Fair Defense Act. Further, the plan(s) comply with each of the following specific requirements of the Fair Defense Act.

- The plan(s) specify that each accused person will be brought before a magistrate within 48 hours of arrest for proceedings under Article 15.17 of the Code of Criminal Procedure.
- The plan(s) specify that when an eligible defendant submits the required documents for the appointment of counsel, the request and documents required will be transmitted to the appointing authority within 24 hours of the request.
- The plan(s) specify that the appointing authority will appoint counsel for eligible defendants within one working day of receiving the request (counties with population of 250,000 and above) or within three working days of receiving the request (counties with population under 250,000).
- A copy of all **formal and informal rules and forms** that describe the procedures used in the county to provide indigent juvenile respondents with counsel in accordance with the Code of Criminal Procedure and Family Code Chapter 51 have been adopted by the courts and juvenile boards and have been **submitted** or will be submitted to the Office of Court Administration on or before January 1, 2003.
- The county has adopted an **attorney fee schedule** in accordance with Article 26.05, Code of Criminal Procedure that addresses the following issues:

The plan(s) specify a schedule of attorney fees that covers all criminal cases for which punishment by incarceration may be imposed.

The plan(s) specify procedures for payment of expenses, including expert and investigator fees, incurred with prior court approval.

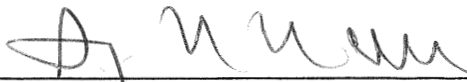
The plan(s) specify procedures for payment of expenses, including expert and investigator fees, incurred without prior court approval.

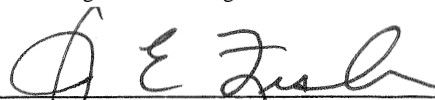
The plan(s) specifies that no payment shall be made until the form for itemizing the services performed is submitted to the judge presiding over the proceedings and the judge approves the payment.

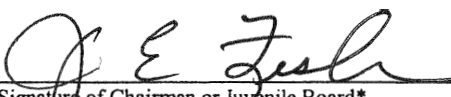
- The county has adopted an **attorney selection method** in accordance with the Code of Criminal Procedure that specify that attorneys are selected using (check all that apply):
- A default rotation system substantially as described in Article 26.04(a);
 - A public defender system substantially as defined in Article 26.044; or
 - An alternative selection method that has been formally established by vote of two-thirds of either county or district judges.

Notice: Not later than January 1 of each year every county is mandated by the Texas legislature to submit a copy of its county indigent plan(s) and procedures. Funds awarded under this grant may be withheld if the indigent defense plan(s) do not contain specific provisions addressing each of these requirements.

Acknowledged and Approved:


Signature of Local Administrative District Judge / District Judge* 10/15/2002 Date Hon. Judge Tommy Wallace. 294th District Judge Printed Name and Title


Signature of Local Administrative Statutory County Court Judge / County Judge* 10/15/2002 Date Hon. J.E. Fisher, Van Zandt County Judge Printed Name and Title


Signature of Chairman or Juvenile Board* 10/15/2002 Date Hon. J.E. Fisher, Van Zandt County Judge Printed Name and Title

* Jurisdictions in Texas have different court configurations. The person(s) responsible for development and submission of indigent defense plan(s) within a jurisdiction should sign in the proper lines above. Each line must contain a signature of the appropriate authority. The same person may sign more than once.