

FILED
3:35 O'CLOCK P M
MAR 26 2009
JANET CHAPPELL
DISTRICT CLERK
FREESTONE COUNTY, TEXAS
BY *[Signature]* DEPUTY

THE STATE OF TEXAS §

COUNTY OF FREESTONE §

**FIRST AMENDED ORDER ADOPTING SCHEDULE OF FEES FOR
COMPENSATION OF APPOINTED COUNSEL**

BE IT REMEMBER that on the 25th day of MARCH, 2009 came on to be considered by Deborah Oakes Evans, 87th Judicial District Court, Patrick H. Simmons, 77th Judicial District Court and Linda Grant, Freestone County Court, the adoption of a revised schedule of fees for compensation of counsel appointed in criminal proceedings and juvenile proceedings.

IT IS ORDERED, ADJUDGED AND DECREED that effective 3/25/2009, in accordance with Article 26.05 (b) of the Texas Code of Criminal Procedure and Section 51.10 (i), Texas Family Code, this schedule of fees for compensation of counsel is adopted by formal actions of the county and district judges having jurisdiction over criminal and juvenile cases in Freestone County.

Fees shall be paid according to the schedule listed hereafter unless *exceptional* circumstances are proven and approved by the trial judge in writing. To receive payment counsel, investigators, experts and interpreters must submit a completed bill on the approved form.

A. Contested Criminal Cases

1. **Trial:** Hourly compensation to be approved at \$75.00 per hour for trial preparation, trial, and contested disposition hearings (including motions to revoke or adjudicate). All hours should be documented with an adequate explanation to show that the hours were necessary for the defense in a criminal case. The amount payable for plea/ dismissal may be billed in lieu of the hourly rate for a trial or other contested disposition.

2. Pleas/ Agreed Disposition:

A. **Felony Cases:** \$500 for plea/dismissal of a single case \$100-for plea/ dismissal of each additional case on the same defendant, up to a total maximum for all felony cases on the same defendant, of \$1,000.00.

B. **Misdemeanor Cases:** \$350 for plea/ dismissal of a single case \$50 for plea/dismissal of each additional cases on the same defendant, up to a total maximum for all misdemeanor cases on the same defendant, of \$600.00.

C. **Motion to Revoke or adjudicate:** \$75 per hour as set forth for trial or the plea/dismissal rate as applicable.

D. **Additional compensation** for trial preparation at \$75.00 per hour as approved by the trial judge and justified by the merits of the case.

3. **Appeal:** Hourly compensation for appeal cases at \$75.00 per hour as approved by the trial judge.

4. **Death Penalty Capital Cases:** Lead Counsel: 100 per hour with a maximum of \$75,000 Second Chair: \$80.00 per hour with a maximum of \$75,000 The trial judge exercises discretion to increase such limits in circumstances where such limit would be inadequate when such finding are made in the record.

5. **Interpreters:** The counsel coordinator of the judge will appoint interpreters as needed. The fee for interpreters will not exceed \$20 per hour and the total of these fees shall not exceed \$500 unless the trial Judge exercises discretion to increase such limits in circumstances where such limits would be inadequate.

B. Juvenile Cases:

Initial detention hearing: \$100.00

Subsequent detention hearings: \$75.00

Disposition and adjudication hearing (plea of true/dismissal): \$250.00

Contested hearings, trials, certification hearings and motion to modify hearings: \$250.00 per half day, plus up to an additional \$500.00 for trial preparation when approved by the trial judge.

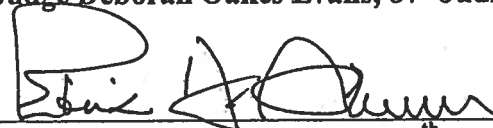
Appeals: \$1000.00 per case tried to a jury. \$750.00 per case tried to nonjury.

Investigator/ expert witness: approval to employ an investigator or expert witness must be obtained in advance from the Court hearing the case before any fees will be paid. The amount of any fee or cost must be approved in advance by the Court hearing the case.

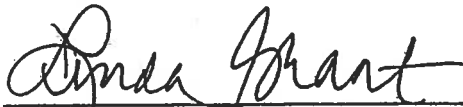
HOURLY FEE OPTION: The court may, if a particular case requires, use an hourly rate for compensation. The fee rate of \$75.00 per hour is presumed to be reasonable.

Adopted the 25th day of March, 2009

Judge Deborah Oakes Evans, 87th Judicial District



Judge Patrick H. Simmons, 77th Judicial District



Judge Linda Grant, Freestone County Court

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