

Kinney District Court and County Court Plan

Operation Lone Star Addendum

Adopted: August 27, 2021

The District and County Court Judges hearing criminal cases in Kinney County adopt this addendum to the indigent defense plan to provide for the appointment of counsel providing representation for defendants arrested and charged with jailable misdemeanors and felonies as part of Operation Lone Star (OLS). The existing indigent defense plan remains in effect for cases charged under OLS to the extent it is unchanged by this addendum, and it applies fully to all other cases.

The judges designate to determine indigence any magistrate presiding at a hearing held under Article 15.17, Code of Criminal Procedure, at the special magistration facility established for OLS cases.

The judges of the district and county court trying felony and misdemeanor cases in the county delegate their authority to the Lubbock Private Defender Office (LPDO) to:

- (a) specify the objective qualifications necessary for an attorney to be included on the list or more than one list graduated according to the degree of seriousness of the offense, the attorneys' qualifications, and whether representation will be provided in trial court proceedings, appellate proceedings, or both;
- (b) establish a public appointment list of attorneys qualified to provide representation in the county in felony and misdemeanor cases punishable by confinement;
- (c) appoint counsel in OLS cases; and
- (d) approve and pay fee vouchers for legal services, interpreter services, investigator services, travel expenses, and other expenses necessary for the criminal case representation, contingent on the availability of state funds.

The magistrates may also appoint counsel in OLS cases.

The LPDO may appoint a private attorney from the attorney list created above, Texas Rio Grande Legal Aid, and public defender offices to represent defendants in OLS cases. LPDO will also support appointed counsel with the provision of investigative services and interpreters needed for representation.

Payment process if state funds are available: Fee vouchers will be submitted to LPDO for review and approval. LPDO will also make payments so long as it has funding from the state to cover OLS case expenses.

Payment process if state funds are not available: If state funding is completely expended, then after reviewing vouchers, LPDO will forward the vouchers to the judge presiding in the respective case. The judge will be responsible for approving payments for indigent defense services provided pursuant to the fee schedule adopted by the district and statutory county court judges of Kinney County and approved fee vouchers will be paid by Kinney County.

Expenses related to the administration of the appointment system by LPDO and representation provided by Texas Rio Grande Legal Aid will be paid by TIDC.