

GENERAL ORDER 2020-02

COUNTY CRIMINAL
COURT AT LAW # 8
HARRIS COUNTY, TEXAS

EMERGENCY PROCEDURES ORDER

The Court takes judicial notice that on March 11, 2020, the Harris County Judge declared a public health emergency and that on March 13, 2020 the Court of Criminal Appeals authorized suspension of court rules to protect staff and the public.¹

The Court values the dignity and safety of all people in the community. Consequently, the following measures are effective Monday, March 16, 2020.

This Order completely supersedes the previous Court Procedure Order, dated March 12, 2020. This Order expires on May 8, 2020, or the date of the expiration of the Court of Criminal Appeals' emergency order,² whichever comes later.

APPEARANCES

The daily bond docket at 11:00 a.m. is canceled for all purposes.

DAILY COURTROOM PROCEDURES

The daily jail docket will continue as scheduled at 9:00 a.m. **Appointed counsel who are scheduled to be assigned new jail cases should not personally appear.** Court staff will remotely assign counsel to jail cases, notify by e-mail, and reschedule. Sheriff's deputies assigned to the courtroom should continue to appear to operate the jail docket and manage the courtroom.

Other court staff, from all agencies, should work from home. If remote work is not possible, staff should remain in their offices, maintaining social

¹ "First Emergency Order Regarding the Covid-19 State of Disaster", Misc. Docket No. 20-007.

² *Id.*

distancing at all times as recommended by public health authorities. Counsel should contact court staff only by phone or e-mail absent exceptional circumstances. **Personal appearance at court offices is emphatically discouraged.**

Counsel must inform their clients of the appearance policies and maintain contact outside of court. Any lawyer who instructs a client to appear for a docket contrary to this order may be subject to disciplinary action.

APPOINTED COUNSEL

The Court, under Local Rule 24.10.4, instructs that all appointed counsel who are scheduled to be assigned new on-bond cases **should not personally appear to receive the cases.** Counsel will be notified by e-mail on the day of their assignment of each case appointment for the day.

Appointed counsel will be compensated for an assigned day as if they had personally appeared and must strictly comply with Local Rule 24.10.1, requiring every reasonable effort to make contact with the defendant not later than the first working day after appointment. Counsel must keep a record of the initial contact with the client. By filing a payment voucher for an appointment term, counsel certifies that they have complied with Rule 24.10.1 for every case listed on the voucher.

ELECTRONIC FILING

Absolutely no paper filings will be accepted by courtroom staff. The Court will strictly enforce the order of the Court of Criminal Appeals mandating electronic filing.³ This includes interlock orders and bond surrenders.

ATTORNEY CONFERENCES

Until further notice, the courtroom and other court facilities will not be used for attorney conferences. Parties are ordered to confer outside of the courthouse on all matters.

³ Misc. Docket No. 16-003.

CERTIFICATE OF CONFERENCE REQUIRED

Parties are ordered to include a certificate of conference with every motion indicating whether the other party opposes the relief sought.

Motions filed without a certificate of conference may be denied without prejudice or rejected from filing.

DISPOSITION OF MOTIONS

All matters will be heard by submission, on the filed papers only, unless the Court orders a hearing.

Counsel must not personally appear to urge any motion, particularly not any uncontested motion. The only manner counsel may bring an urgent matter to the Court's attention: e-mail the Court Coordinator with a copy to opposing counsel.

CASE FILING

New case filings are strongly discouraged at this time. For cases filed on or after March 16, 2020, the Court suspends Article 23.04 of the Code of Criminal Procedure.

The Harris County District Clerk is ordered not to issue a capias automatically upon filing of an information and complaint. All cases must be filed according to the summons procedures in Article 23.03(c) of the Code of Criminal Procedure, except those cases described in Local Rule 9.4.1 (Penal Code § 25.07) and 9.4.2 (Penal Code § 22.01 with family member or dating relationship allegation).

Subject to those exceptions, an information filed without a complaint "to be" and a summons will be subject to rejection by the District Clerk or dismissal.

CASE DISPOSITION

Guilty Pleas

If a defendant wishes to resolve a case by pleading guilty, the case must be scheduled for a plea through the Court Coordinator by e-mail, with every party copied. Pleas not scheduled in advance and docketed as a 'PLEA' setting will not be accepted.

Pretrial Intervention

If the State wishes to enter into a pretrial intervention program authorized by Section 76.011 of the Government Code, all program application requirements must be conducted outside of the courtroom. Orders seeking reimbursement fees under Section 102.012 of the Code of Criminal Procedure must be electronically filed. **The defendant need not and must not appear personally in the courtroom to enter into a pretrial intervention program.**



JUDGE FRANKLIN BYNUM

March 15, 2020