

McLennan County Courts at Law Temporary Docket Plan

Pleas and Uncontested Probation Revocation Hearings

Entered on June 2, 2020, and effective June 8, 2020, through July 31, 2020, the McLennan County Courts at Law hereby adopt the following supplemental rules of Court, which shall take precedence over the standing rules of Court, regarding criminal cases in which the Defendant is on bond and 1) a plea of guilty or nolo contendere is to be entered, or 2) a probation revocation matter not requiring witnesses other than the Defendant or the supervising officer is to be heard. The standing Court rules shall remain in effect to the extent they do not conflict with this plan. This plan may be extended, in whole or in part, beyond July 31, 2020, by further Court order(s).

The Courts are aware that varying levels of concern regarding the Covid-19 virus exist, and attorneys, court personnel and litigants are encouraged to make every reasonable effort to comply with social distancing standards. Masks in the courthouse and the courtroom are allowed, but remain discretionary. No one may enter the courthouse pursuant to this Order who is ill or displaying any of the well-documented symptoms of the virus. Current regulations limit the number of people allowed in the Courthouse at any time, and gatherings of people in the courtrooms should be limited to ten (10). Prosecutors will utilize the jury box, defendants and defense counsel will remain at the counsel table, court administrators shall occupy the usual location near the bench, and probation officers, representatives of Recovery Healthcare, and other support staff will remain in the gallery. The restrictions on "stand in" counsel will be relaxed.

Cases will be scheduled for these dockets only as requested by defense counsel or as ordered by the Court; otherwise, the standing order abating the regular schedule will remain in effect. Jury trials will not resume until, tentatively, August 3, 2020.

Plea Docket

The County Courts at Law will schedule pleas in 30 minute segments between 9:00 a.m. and 11:30 a.m. on Tuesday and Thursday of each week. The 11:00 time slot will be reserved for overflow. No more than 4 defendants will be scheduled for any 30 minute time slot. Attorneys wishing to schedule a plea must adhere to the following requirements:

1. All required plea documents must be completed (including the Defendant's signature) and submitted in person or via facsimile or email transmission to the Court Administrator no later than 3:00 p.m. on the business day immediately prior to the requested plea date;
2. Upon submitting plea paperwork, defense counsel must schedule the plea with the Court Administrator in one of the time slots, on a first come, first served basis. Pleas may not be scheduled unless all paperwork has been submitted and accepted;
3. Pleas requiring a Spanish-English interpreter must be scheduled for the 9:00 a.m. or 9:30 a.m. time slots;
4. Prosecutors will confer with the Court Administrator between 3:00 p.m. and 5:00 p.m. on the day before a scheduled plea to complete paperwork and obtain a list and schedule of the cases slated for the following day;
5. All conferences between attorneys, or between defense counsel and the defendant, must occur away from the courthouse prior to the hearing. Use of the hallways, the breakroom and other common areas of the courthouse for conferences, preparation or review of documents, or signatures will not be allowed;
6. A defendant may be accompanied by no more than one person, other than his/her attorney(s). Children may not enter the courthouse unless pursuant to a court order;
7. The defendant, and anyone accompanying him/her, may not enter the courthouse on the scheduled plea date earlier than 15 minutes before the time the plea is scheduled, and must proceed directly to the assigned courtroom, remaining in the hallway until the case is called;
8. Following the plea hearing, the defendant will submit to fingerprinting and, if necessary, receive instructions from the probation department representative and promptly leave the courthouse;
9. If the defendant or defense counsel are not present at the beginning of their scheduled time slot, the case may be removed from the docket. In this event, defense counsel must request a new date and time, or the Court Administrator may add the Defendant to a later time slot that day, if available.

Revocation Docket

The County Courts at Law will schedule uncontested revocation hearings in 30 minute segments between 1:30 p.m. and 3:30 p.m. on Tuesday and Thursday of each week. The 3:00 time slot will be reserved for overflow. No more than 4 defendants will be scheduled for any 30 minute time slot. Attorneys wishing to schedule a revocation hearing must adhere to the following requirements.

1. All required revocation documents must be completed (including the Defendant's signature) and submitted in

person or via facsimile or email transmission to the Court Administrator no later than 3:00 p.m. on the business day immediately prior to the requested hearing date;

2. Upon submitting paperwork, defense counsel must schedule the hearing with the Court Administrator in one of the time slots, on a first come, first served basis. Hearings may not be scheduled unless all paperwork has been submitted and accepted;
3. Hearings requiring a Spanish-English interpreter must be scheduled for the 1:00 p.m. or 1:30 p.m. time slots;
4. Prosecutors will confer with the Court Administrator between 3:00 p.m. and 5:00 p.m. on the day before a scheduled hearing to complete paperwork and obtain a list and schedule of the cases slated for the following day;
5. All conferences between attorneys, or between defense counsel and the defendant, must occur away from the courthouse prior to the hearing. Use of the hallways, the breakroom and other common areas of the courthouse for conferences, preparation or review of documents, or signatures will not be allowed;
6. A defendant may be accompanied by no more than one person, other than his/her attorney(s). Children (under 17) may not enter the courthouse unless pursuant to a court order;
7. The defendant, and anyone accompanying him/her, may not enter the courthouse on the scheduled plea date earlier than 15 minutes before the time the hearing is scheduled, and must proceed directly to the assigned courtroom, remaining in the hallway until the case is called;
8. Following the hearing, the defendant will submit to fingerprinting and, if necessary, receive instructions from the probation department representative and promptly leave the courthouse;
9. If the defendant or defense counsel are not present at the beginning of their scheduled time slot, the case may be removed from the docket. In this event, defense counsel must request a new date and time, or the Court Administrator may add the Defendant to a later time slot that day, if available.

“Time Served” Pleas and Revocations

To avoid the necessity of “book-in/book-out” in cases where the defendant has full credit for a jail sentence, and has previously been arrested and released on bond in the instant case, the following procedure will be implemented.

1. No later than 1:00 p.m. on the business day preceding the plea or revocation hearing, the defense counsel will notify the Court Administrator of the defendant’s name, cause number(s) and charge(s), including specifics in cases with multiple counts;
2. The Court Administrator will forward a list containing this information to the Sheriff’s Department, County Clerk and DA’s office;
3. Prior to 9:00 on the plea date, the Sheriff’s Department will notify the Court Administrator by email of the defendant’s actual days served on each charge or count;
4. Following the hearing,
 - a. The defendant will be remanded to custody and shall remain in the courtroom;
 - b. Defense counsel will immediately deliver the plea papers to the County Clerk, who will immediately issue a commitment and bill of costs;
 - c. Defense counsel will return those documents to the courtroom bailiff, who will serve the defendant with the commitment and bill of costs;
 - d. The defendant may leave;
 - e. The bailiff will deliver the commitment to the Court Administrator, who will forward it to the jail booking desk for completion; and,
 - f. The jail will return the completed commitment to the County Clerk.

The Courts will be monitoring the progress of these temporary procedures for the purpose of determining if they will be continued long-term, in some form, when the pandemic threat is no longer. For example, defense counsel should take advantage of this circumstance to develop a comprehensive process for preparation and completion of plea documents, in their offices or other locations outside of the courthouse, in advance of court appearances, as this may become a permanent requirement. “Time served” hearings may likewise be converted to a permanent practice of the Courts.

We appreciate your continued patience and understanding of the limitations being imposed upon the Courts from many sources, including those we have voluntarily adopted. Our daily thoughts and hopeful wishes are for the safety and support of attorneys, courthouse personnel and those within their care, and we welcome any ideas that may be conducive to that goal.