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YOUNG COUNTY TEXAS

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CAROLYN COLLINS
DISTRICT CLERK

BY *Ann Sand* DEPUTY

Local Rules for Criminal Cases

Introduction

These Rules are made pursuant to the authority granted District Courts under Art. 33.08 of the Texas Code of Criminal Procedure to promulgate Rules of Practice for conducting the business of District Courts unless subsequently modified, changed or amended. All prior Rules pertaining to criminal cases in the 90th Judicial District Court of Texas are hereby expressly repealed.

A copy of these rules is filed with the District Clerks of both Young and Stephens Counties and are available to all persons and attorneys involved in litigation before this Court.

These rules are promulgated for the benefit of the Court, the Court personnel, attorneys, and litigants having matters before the Court, and are adopted for the purpose of establishing and maintaining an orderly, dignified and expeditious procedure for handling and conducting the Court's business. Nothing contained herein shall be construed or interpreted as interfering or limiting the right of the Trial Judge to additionally make such orders, settings or procedural directions as in his discretion may be necessary or proper for the expedient and orderly dispatch of the business of the Court.

As District Judge of this Court, I have freely used desirable court rules written by other Judges, and I acknowledge those contributions. It is my hope the rules of the Court will be workable and helpful in disposing of the criminal cases before this Court as expeditiously as possible and with as little inconvenience as possible to any defendant or their attorneys.

ORDER ADOPTING RULES


It is hereby ordered by the District Judge of the 90th Judicial District Court of Young and Stephens counties, Texas, that in all criminal cases before said court, that:

1. The following rules of practice and procedure are adopted;
2. The respective Clerks of this Court shall record these rules and this Order in the Minutes of this Court.
3. A copy of these rules and this Order be furnished to the Supreme Court of Texas, the Court of Appeals for the Second Supreme Judicial District of Texas, the Court

of Appeals for the Eleventh Supreme Judicial District of Texas, and the Presiding Judge of the Eighth Administrative District of Texas.

4. The respective Clerks of this Court shall immediately deliver to each attorney residing or maintaining an office within the county, who represents defendants in criminal actions, a copy of these rules and this Order;
5. These rules shall be construed and interpreted, in addition to, in conformity with and not as superseding the Constitution of the United States, the Constitution and laws of the State of Texas or the Texas Code of Criminal Procedure. They shall not prohibit or prevent the Court from making orders, settings, or procedures which, in the Court's sole discretion, may further the orderly administration of justice;
6. Should any of these Rules, or any part thereof, be held invalid for any reason, such invalidity shall not affect the validity of the other rules or parts of rule, all of which have been separately considered and adopted;
7. All prior rules of the 90th Judicial District Court of Texas which pertain to criminal cases are hereby expressly repealed;
8. These rules shall be effective September 1, 2010, and thereafter until amended, modified or repealed by order of the Court; and
9. Such rules shall be and shall be read as set forth hereinafter.

Ordered this 10 day of September, 2010.


**STEPHEN O. CRAWFORD, DISTRICT
JUDGE, 90TH JUDICIAL DISTRICT
YOUNG AND STEPHENS COUNTIES,
TEXAS**

**LOCAL RULES IN CRIMINAL CASES
90TH JUDICIAL DISTRICT COURT
YOUNG AND STEPHENS COUNTIES, TEXAS**

SECTION I: RULES OF DECORUM

- 1.1 All officers of the Court, parties, witnesses and the public shall at all times conduct themselves with dignity so as not to interfere with or disrupt the court's business.
- 1.2 No gestures, facial expressions nor sounds indicating approval or disapproval of any person, act, testimony or proceeding shall be permitted.
- 1.3 Participants in all proceedings shall be prompt.
- 1.4 Counsel shall instruct parties not to directly contact the Judge concerning pending matters.
- 1.5 Counsel shall advise their clients and witnesses of these rules to avoid embarrassment and delay.

SECTION II: CRIMINAL DOCKET AND PRETRIAL PROCEDURES

- 2.1 Immediately upon employment or court appointment, the defense attorney shall give written notice thereof to the Court, District Attorney, and the proper District Clerk stating the name of the defendant, the offense(s) charged and the cause number(s), if known. The Clerk will note the attorney's name on the docket sheet.
- 2.2 Immediately following the return of an Indictment, the Clerk shall notify the accused, and his/her bondsman, if any, and the attorney, if any, shall be notified to appear at a formal Arraignment at a time and date set by the Court. At Arraignment the Court shall also fix the defendant's identity, hear his/her plea, determine the sufficiency of the defendant's bond, if any, and receive the defendant's plea to the charges.
- 2.3 Immediately after Arraignment, the Court will enter a Pre-Trial Discovery Order in substantially the form attached hereto as Exhibit "A".
- 2.4 Following Arraignment, the Court will schedule a Pre-Trial Hearing in accordance with Article 28.01 of the Code of Criminal Procedure at a time and date determined by the Court and at which the defendant and his/her attorney shall be present. At this hearing, the Court will hear any announcements and presentment of motions and other preliminary matters as set forth in Art. 28.01 C.C.P. The provisions of Art. 28.01(2), C.C.P. will be strictly complied with, and preliminary matters not raised or filed at least seven (7) days before the Pre-Trial Hearing will not thereafter be allowed to be raised or filed, except by permission of the Court for good cause shown. Copies of all pretrial motions shall be forwarded to the District Attorney at the time of filing.

- 2.5 A Trial Docket shall be set by the Court and the defendant and his attorney shall be ready for trial at the time and date set by the Court. Attorneys receiving the Trial Docket shall be ready and available to proceed to trial upon one-week notice.
- 2.6 The District Attorney shall advise the trial Court of the status of the criminal cases set upon the Trial Docket and indicate to the Court which cases the state is ready to proceed upon. If there is a plea bargain in any case upon the docket, the Court will set the case for a plea at a time and date to be determined by the Court.
- 2.7 The District Attorney will advise the Judge, in advance of trial, if any plea bargain has been reached in a pending criminal case.
- 2.8 Except upon permission of the Court, all state witnesses must be present at the courthouse and ready to testify no later 2:00 p.m. on the day that jury selection begins and by 9:30 a.m. in the event of a non-jury trial. If a witness is not available as required by these rules, and if the absence of such witness does not require a continuance, the Court, in its discretion, may require counsel to present the witness out of order, may require the use of deposition in lieu of the witness if possible, may submit the case to the jury without benefit of the witness's testimony or may make any other order which appears just to avoid delay of the trial.
- 2.9 In the event of a jury trial, Counsel is urged not to repeat or restate information on juror information cards during their voir dire of the jury.
- 2.10 Counsel shall advise witnesses to speak distinctly and to answer questions audibly so as to be heard by the Court, jury and court reporter.
- 2.11 There shall be no argument by counsel in the presence of the jury relative to the Court's rulings on objections. Counsel wishing to argue shall first ask the Court if the jury might be retired and then present such arguments as the Court may permit.