

# PROCEDURES AND RULES FOR THE 299<sup>TH</sup> DISTRICT COURT

(effective 01-03-11)

Welcome to the 299<sup>th</sup> District Court of Travis County, Texas. The following procedures and rules are meant to create a professional court setting and to facilitate the handling of cases in an orderly and efficient manner.

## I. GENERAL RULES

- A. Be professional and courteous to the judge, court staff, opposing counsel, witnesses and defendants. Notify the judge immediately if you are treated discourteously.
- B. Court will start promptly at 9:00am. Please be on time. The defendant must be present unless otherwise provided by these rules or excused by the judge.
- C. Defendants who are represented by counsel need not appear at pre-indictment (unindicted) settings. Defendants without counsel must appear at all pre-indictment settings. All defendants must appear at all post-indictment appearances unless excused by the judge.
- D. To reset out of jail cases, notify the court coordinator, Lisa McCormick, of the reason for the reset. Please complete a three-part reset form found in front of the court coordinator and she will provide a reset date and type of setting. The reset form must be signed by the defense counsel and the defendant (if present and not in custody). Neither the defendant, nor counsel, may leave without executing the reset form. The defendant will receive the WHITE copy of the reset form and the remaining forms are to be given to the court coordinator.
- E. Cell phones, pagers, etc. must be turned off before entering the courtroom. If such a device interrupts court proceedings, a fine may be assessed.
- F. Notify the court coordinator if an interpreter will be needed for any proceeding as soon as possible.
- G. At general docket calls, defense attorneys should ask the clerk, Vivian Capello, to pull files if the case is six months or more past the date of indictment. The clerk will place them in the order pulled. This will eliminate lines in front of the Bench. If an attorney is not present when the case is called, that case will be placed at the bottom of the stack and re-called in order. See the court coordinator to reset cases within six months of indictment.
- H. Many common forms will be available in the courtroom, e.g. guilty please, waivers of jury trial, motions for community supervision, etc. Use these forms, not your own or those from other courts.
- I. A standing discovery order will be entered in every indicted case. This order is deemed sufficient to satisfy the defendant and the State's discovery requests. If additional discovery is needed, the defendant and/or the State shall file a written motion addressing only matters not covered in the standing discovery order.
- J. File motions, pleadings, memorandums of law, etc., with the clerk in the 299<sup>th</sup> District Court. At the time of filing, provide a copy of same to the prosecutor handling the case. Please provide a courtesy copy of non-standard pleadings to the court coordinator for the judge.
- K. The defendant, defense counsel, and the State must execute a jury trial waiver before the case may be set on the non-jury docket.
- L. All spectators and witnesses are welcome. Please see the bailiff, Art Guerrero, with any questions about courtroom conduct. The judge has affirmative obligation to control the courtroom and keep it free of improper influence. Therefore, all spectators and witnesses must behave appropriately and refrain from disruptive and disrespectful behavior such as fighting, laughing, and smirking. Additionally, no one is permitted to wear an article of clothing, button, etc., that indicates favoritism toward or support for either the State, the victim or the defendant. The lawyers are ordered to inform their witnesses and spectators of this rule. Violation of this rule could result in contempt or other sanction.

## **II. BAIL**

- A. As a general rule, Pre-Trial Services must evaluate all personal bonds, including case bonds.
- B. No personal bond will be considered until a criminal record check has been done and Pre-Trial Services has made a recommendation.
- C. The attorney's name and contact information should always be printed on the bond.
- D. The judge will sign only bonds from the 299<sup>th</sup> District Court, unless another judge is unavailable or the case has not been assigned a court.
- E. An attorney who indicates that s/he is the "attorney of record" on a personal bond will not be permitted to withdraw without the express permission of the judge and must submit a Motion to Withdraw.
- F. A warrant will issue the same day a defendant does not appear for a scheduled court appearance. After the warrant has issued, defense attorneys will be required to follow the procedure for setting aside a bond forfeiture. Cases will not be held for attorneys to locate their clients and bring them to court at a later date.

## **III. GUILTY PLEAS & PLEAS OF TRUE**

- A. For guilty pleas and pleas of true to APRs and motions to adjudicate guilt, use only the forms for the 299<sup>th</sup> District Court which will be available in the courtroom
- B. Spanish plea forms are also available. Use these forms in addition to the foregoing forms in each case where Spanish translation is necessary.
- C. It is imperative that attorneys go over these forms thoroughly with their clients prior to entry of the plea. The defendant and counsel should sign and initial the forms where indicated.
- D. Fill out the guilty plea form completely, e.g., the offense charged, the reduced charge, whether enhancement allegations will be dismissed, full terms of the plea bargain agreement, etc.
- E. The judge will question the defendant. The State and defense counsel will be permitted to question the defendant to the extent necessary to make a full and complete record.
- F. Give the signed and executed plea form to the clerk and inform the clerk if the defendant is pleading to "time," so back-time credit can be calculated.
- G. If the defendant is to receive probation, please notify the court probation officer, Melissa Astrowski.

## **IV. SENTENCING**

- A. If the defendant is pleading to misdemeanor community supervision, sentencing will occur at the time of the plea. No PSI report will be prepared. Please notify the probation officer so she can prepare the community supervision conditions for imposition at the time of the plea.
- B. A PSI report will be ordered after each felony plea where the defendant is to receive community supervision. Attorneys should review the PSI report prior to asking the Court to call the case for sentencing.
- C. Attorneys should carefully review all conditions of community supervision with the defendant prior to sentencing.

## **V. COMMUNITY SUPERVISION REVOCATIONS**

- A. Attorneys will be expected to know the status of all relevant factors, such as:
  - 1. Pending subsequent offenses, including misdemeanors; parole or other probations.
  - 2. Out-of-county holds or warrants.
  - 3. Employment status.
  - 4. Living arrangements should the defendant be released.
  - 5. Number of days incarcerated.
  - 6. Any mitigating or exculpatory information.
- B. The court community supervision officer should be informed **before** any revocation cases are discussed.

## **VI. JURY TRIALS**

- A. Only cases where negotiations have been exhausted and all pretrial matters have been resolved will be set on the jury trial docket. The defendant's rejection of the State's punishment recommendation will not be put on the record unless requested by counsel. Counsel must be ready for every trial setting.
- B. Motions related to trial, e.g., election of judge/jury assessment of punishment, etc., should be filed the day the case is set on the jury trial docket. Common forms will be available.
- C. A motion for continuance for a case on the jury trial docket must be presented at the earliest opportunity to permit the judge to efficiently manage the trial docket and for opposing counsel to notify witnesses that their appearance will not be needed. Motions for continuance will be closely scrutinized; only meritorious motions will be granted.
- D. The judge will not be inclined to accept plea bargains on the day of trial.
- E. Generally, older jail cases will be given preference over newer jail cases and cases where the defendant is not in custody.

## **VII. RULES FOR CONDUCT OF COUNSEL WHILE IN TRIAL**

- A. Submit suggested/proposed jury instructions ASAP, preferably before trial.
- B. Be on time. If the defendant is not in custody ensure s/he is on time.
- C. Voir Dire: (1) Use your time wisely, e.g., do not continue to question venire members who are obviously going to be successfully challenged for cause; (2) Challenges for cause will be heard when both sides have concluded Voir Dire; and, (3) An alternate juror will be picked in some cases. Do not tell alternates they are alternates.
- D. Potential witnesses may not be present for opening statements but may be present for closing arguments.
- E. Have your witnesses ready to testify when needed. Do not expect a recess for a witness to appear. Notify the Court immediately if you have a problem securing the timely appearance of a witness.
- F. Have all exhibits marked with the court reporter, Angela Chambers, before trial begins. Mark exhibits on the front only.
- G. Prepare charts and drawings before trial.
- H. Delete hearsay from exhibits prior to trial.
- I. Thoroughly inform your witnesses of the judge's rulings, including motions in limine.
- J. Stand to object or address the Court.
- K. Make your objections briefly and on legal grounds (no speaking objections).
- L. Do not respond to opposing counsel's objections unless asked to respond by the judge.
- M. Do not argue with the judge's ruling.
- N. Do not make sidebar remarks; roll your eyes, etc. Be professional at all times.
- O. Do not talk at the same time as the judge, opposing counsel or a witness.
- P. Address witnesses as Mr., Ms., Dr., etc. No first names except for children.
- Q. Request permission before approaching the Bench or witness stand.
- R. If you intend to use any electronic equipment, you must make accommodations for its use prior to trial.

I will be happy to discuss these rules *ex parte* with attorneys who are not in trial. However, opposing counsel must be present during discussions with an attorney who is in trial. Failure to abide by these rules could subject an attorney to removal from the court appointment list (at least in the 299<sup>th</sup> District Court) and/or other appropriate sanctions.

KAREN SAGE  
Judge Presiding  
299<sup>th</sup> District Court