

## **390th DISTRICT COURT:**

TO: All Attorneys

FROM: Judge Julie Kocurek

RE: Procedures in the 390th District Court

### **I. Guilty Pleas**

- (1) Pursuant to the Texas Penal Code requirements regarding pleas of guilt, a form with the admonishments, voluntary statements, waivers, stipulation and judicial confessions must be signed by all parties. The Court will have copies of these in English with Spanish translations on the back. In addition, a certification of defendant's right to appeal must be signed by all parties.
- (2) Any plea to an offense described in Chapter 62 of the Texas Code of Criminal Procedure, requires the attorney and client to complete the Sex Offender Registration Admonishment Form. The Court will have copies of these in English and Spanish.
- (3) Attorneys must go over the forms thoroughly with their clients prior to entry of the plea. The defendant must initial all appropriate blanks before signing the last
- (4) If the case has been reduced to a misdemeanor or the punishment is not a standard penal code felony punishment, use the appropriate blank to insert the proper punishment range for the offense for which the Defendant will be sentenced.
- (5) The Court will question the defendant briefly under oath concerning his rights, his voluntary plea and his understanding of the document. Attorneys will be free to question the defendant to the extent necessary.

### **II. Sentencing**

- (1) Attorneys should review presentence reports prior to asking the Court to call the case for sentencing.

- (2) Attorneys should carefully review all conditions of probation with their clients prior to sentencing.
- (3) If your client is pleading to a lesser included misdemeanor and you wish to have sentencing occur contemporaneously with the plea, advise the probation officer when you fill out your plea form. No presentence report is required, and the conditions can be completed and presented to the Court at the time of the plea. This way the case can be concluded in one short, efficient hearing.

### **III. Jury Docket**

- (1) Cases should not be placed on the jury docket until discovery and plea negotiations have occurred.
- (2) Cases should not be placed on the jury docket unless a jury trial is seriously contemplated at the time of the setting. If the attorneys need additional time for some legitimate purpose, the Court will allow a reasonable delay and place the case on the pre-jury docket.
- (3) Jury docket call is set for 9:00 a.m. on the Thursday prior to jury weeks. If there are two consecutive jury weeks, then the jury docket call on the initial Thursday will be for BOTH jury weeks.
- (4) If the parties announce "Ready" or all motions for continuance are denied, and the case is set for trial the following Monday, then any final plea negotiations should be concluded by the close of docket call on that Thursday. The Court must be notified about all plea agreements before 5:00 p.m. on Friday.
- (5) Generally, arraignment will take place at the Jury Docket, or on Monday at 9:00. Jury selection will begin at 9:00 a.m. on Mondays.
- (6) Friday afternoons before jury week are reserved for the Court to meet with the attorneys to discuss legal issues, trial motions or any problems expected during the trial. Attorneys should be prepared to discuss all issues relevant to insuring an efficient and expeditious trial.

#### **IV. Probation Revocations**

(1) Probation Revocation cases are time consuming. Therefore, all attorneys must be well prepared to discuss all issues relevant to their client's situation.

(2) Attorneys will be expected to know the status of the following relevant factors:

1. Pending misdemeanors or other subsequent offenses;
2. Out of county holds or warrants;
3. Parole or other probations;
4. Employment;
5. Living arrangements if released;
6. Number of days incarcerated;
7. Any other mitigating or exculpatory information.

**V.** When filing motions or other documents in person with the clerk's office concerning cases assigned to the 390th District Court, please bring these documents to the attention of the 390th Deputy Clerk or place them on his desk.

#### **VI. APPEARANCES**

Defendants represented by counsel are not required to appear for Designation settings. Defendants who have not been appointed counsel or retained counsel are required to appear at Designation settings. All Pretrial settings up to 6 months after indictment, attorneys have the option of a facetime appearance of their client to the bailiff or judge. If a case is older than 6 months from indictment date, the defendant is required to be present at all Pretrial Settings, Pre-trial Settings with Witnesses, Jury settings, and/or other settings determined by the Court, unless excused by the Court.

- **Unindicted status**

If a case is unindicted and the defendant is represented by an attorney, the defendant does not have to appear. The case will be reset prior to the court date and an email notice will be sent to the attorney of record with the new setting information so the attorney does not have to appear as well. If a defendant has an active warrant, the case will not be reset and the defendant will be expected to

appear. Finally, if the defendant is out of jail without an attorney, appearance by the defendant for all settings is required.

- **Defendants in treatment facilities**

Judge Kocurek requires current, written verification from the treatment center confirming the defendant is still in the facility.

- **Expunctions**

Are handled on Mondays of non-jury weeks.

When in court please turn off all cell phones before entering the Courtroom.

Thank you!

*The 390<sup>th</sup> District Court*