Typical Felony Caseflow

Arrest/Detention

Incident

Warrant
CCP Art. 15.03

Arrest or Detention

Duties of Magistrate
CCP 15.17
* "Magistrate" defendant within 48 hrs. of arrest
* Setting of Bond
* Advise defendant of rights, including right to request appointed counsel
*Advise defendant of procedures on requesting counsel and record whether counsel was requested
* Transfer request to appointing authority within 24 hrs. of request being made.

*Early ID of defendant with mental illness within 12 hours after custody. CCP 16.22

Appointment of Counsel CCP 26.04
Appointing authority must appoint counsel or deny request in accordance with county's financial standard as listed in the * Indigent Defense Plan.

Indigent Determination CCP 1.051
Persons in Custody - Upon receipt of request, appointing authority must determine indigence & appoint counsel or deny request within:
*1 working day - Persons in Custody (Counties 250,000 +)
*3 working days – Persons in Custody (Counties less than 250,000)
Persons out of Custody – Counsel must be appointed at first appearance or when the adversarial judicial proceedings are initiated, whichever is first.
Persons Arrested on Out-of-County Warrants - Arresting county must transfer request to warrant-issuing county within 24 hrs. of request being made.

Court Pretrial and Trial

Examining Trial Requested

Examining Trial
CCP 16.01
* Determine Probable Cause
* Bind over or Dismiss
*Bail may be reviewed

Indictment or Information
CCP 21.01, 21.20

Arraignment
CCP Chapter 26
* No earlier than 2 days after indictment is served, unless waived or on bond
* Identity established and charges read
* Advised of rights
*Right to counsel and procedures for requesting counsel
* Review Bail
* If counsel validly waived, plea may be entered
* Entry of Plea CCP26.13

Pre Trial Motions
CCP 28.01
* Attack sufficiency of Charge
* Review Mental Condition
* Review Bail
* To suppress evidence
* If court is on DCM, assign track for discovery deadlines and trial or, assign scheduling order.
*Address expert needs and reports
* Change of Venue
* Motion for Continuance

Discovery
CCP Art 39.14
Including State's disclosure of exculpatory, impeachment or mitigating evidence that tends to negate guilt or reduce punishment.

Pre Trial Conference
CCP 28.01
* Simplify Issues
*Review DCM compliance
* Exchange witness lists
*Investigate plea possibility
*Confirm Trial date

Plea by Defendant
CCP 27.13

Trial
CCP Chapter 33-38
* Jury Selected & Sworn
* Opening Statements
* State's Case
* Motion for Directed Verdict
* Defendant's Case
* State's Rebuttal
* Motions for Directed Verdict
* Closing Arguments
* Instructions to Jury
* Jury Deliberations
* Verdict or Findings

Post Trial

Plea of Guilty or Conviction

Presentence Investigation
CCP 42A.252

Victim Impact Statement
CCP 56.03(e)

PSI or Victim Impact Statement NOT ordered.

Judgment and Sentence
CCP Chapter 42

Motion for New Trial
CCP Chapter 40
* Filed no later than 30 days after sentence.
* Deemed denied if not ruled by court within 75 days.

Appeal
CCP Chapter 44

Collateral Attack on Sentence
CCP Chapter 11

Texas Indigent Defense Commission – Indigent Defense Plan

Office of Court Administration, 5/23/2018