

IN RE:

ORDER FURTHER ESTABLISHING
PROCESSES AND PROCEDURES
FOR UNFILED MATTERS IN THE
DENTON COUNTY MAGISTRATE COURT

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IN THE DISTRICT AND
COUNTY CRIMINAL
COURTS AT LAW FOR
DENTON COUNTY, TEXAS
ADMINISTRATIVE POLICY

FILED
DENTON COUNTY, TEXAS
2019 DEC 12 AM 9:50
DAVID TRANHAM
CLERK
DEPUTY
FILED FOR RECORD
DENTON COUNTY CLERK
DEC 12 2019
DUKE
DEPUTY

**STANDING ORDER OF THE DENTON COUNTY AND DISTRICT COURTS
ESTABLISHING PROCESSES AND PROCEDURES FOR
UNFILED CRIMINAL MATTERS OF THE MAGISTRATE COURT TRIAL PROCESSES**

ON THIS DATE, came on to be considered by the Presiding Judges of the District and County Courts of Denton County, Texas, in their administrative authority. The purpose of this Standing Order is to provide for the most efficient method of addressing and disposing of current and anticipated case types, arrest, subsequent unfiled case disposition and filing processes with the court of jurisdiction, and to better anticipate and define future needs and legislative initiatives related to unfiled criminal matters. This Standing Order relates to all "unfiled" criminal matters initiated subsequent to arrest and pursuant to a magistrate's warrant or "on-view" arrest as provided under Chapters 14, 15 or 16 of the Texas Code of Criminal Procedure, but prior to the filing of a formal complaint, information, or indictment by the Denton County District Attorney or a Grand Jury in a County or District Court of Denton County, Texas.

ACCORDINGLY, ON AND AFTER JANUARY 1st, 2020:

1. Assignment of Magistrate Court Authority.

- a. Pursuant to this authorization, and as provided under Chapter 54A of the Tex. Gov't. Code, the Judges of the 16th, 158th, 211th, 362nd, 367th, 393rd, 431st, 442nd and 462nd District Courts of Denton County, the Judges of the 1st, 2nd, 3rd, 4th, and 5th County Criminal Courts at Law and the Judge of County Court at Law No. 1 (Sitting as the Juvenile Court), herein direct and authorize the designation of the Magistrate Court as the court in which all criminal matters related to the arrest or any individuals in the custody of the Denton County Sheriff pursuant to arrest under warrant or "on-view" arrest pursuant to Chapters 14 and 15 of the Texas Code of Criminal Procedure, and which remain in custody or free on bail or conditions of release prior to the filing of a criminal complaint, information or indictment by the Denton County District Attorney. The Magistrate Court retains authority to modify or consider any motions and issue any orders necessary for the enforcement or modification of any bond or conditions related to the custody or release or any defendant or criminal matter prior to the filing of a complaint, information or indictment.
- b. Upon the filing of any criminal matter against any individual in the custody of the Denton County Sheriff by criminal complaint, information or indictment in a court of competent jurisdiction in Denton County, Texas, the Magistrate Court shall no longer have the authority to enforce, modify or dispose of any criminal matter without the express permission or direction of the Court in which such matter is properly filed.



competent jurisdiction in Denton County, Texas, the Magistrate Court shall no longer have the authority to enforce, modify or dispose of any criminal matter without the express permission or direction of the Court in which such matter is properly filed.

- c. The Associate District and County Criminal Court Judge (Associate Criminal Judge) shall preside over the Magistrate Court. In addition to the duly elected District and County Court Judges of Denton County, the Associate Criminal Judge shall be responsible for issuance of all process necessary for the lawful arrest and any processes necessary for the continued detention or release of any persons who have been detained, arrested or delivered into the custody of the Denton County Sheriff and which stand accused of a penal offense which has not been charged by complaint, information or indictment through the District Attorney of Denton County in a court of appropriate jurisdiction. The appointed Associate Criminal Court Judge, under the direction of the elected District and County Court Judges of Denton County, shall be responsible for defining appropriate processes for magistration, issuance of arrest or search warrants or orders of commitment for individuals in the custody of the Denton County Sheriff. The Magistrate Court shall be responsible for the implementation of appropriate risk assessment instruments, conditions of bail and mechanisms for compliance and enforcement of any conditions of bail ordered. The Associate Criminal Judge shall present any promulgated policies or recommendations to the District and County Criminal Court Judges for approval or modification as required or necessary.
- d. Any and all motions, writs and filings of any kind in any criminal matter prior to filing of a complaint, information or indictment arising from a charge or arrest of an individual by the Denton County Sheriff or any police agency of Denton County, Texas shall be filed with the Denton County District Clerk, as the designated clerk of the Magistrate Court.
- e. The Magistrate Court shall establish a docket and maintain all records related to any defendants detained and in the custody of the Denton County Sheriff including copies of affidavits of probable cause, orders of commitment or warrants of arrest, recordings of magistrate's admonitions and warnings, conditions of bail, risk assessments, mental health evaluations and all other documents related to the offenses charged or the basis for detention or release. The Magistrate Court shall file all such papers or records with the **District Clerk for Denton County**, as the designated clerk of the magistrate court. The Associate Criminal Judge as Presiding Judge of the Magistrate Court, shall have sole authority to establish appropriate business rules for the operation of the Magistrate Court and shall work with the District and County Clerks to achieve the goals of this Order.
- f. Copies of any arrest or search warrants, writs or orders of commitment issued by a duly elected District or County Court Judge may be maintained as those Courts see fit and appropriate, but may, at that Judge's discretion, be transferred to the Magistrate Court for filing into the Magistrate Court's records through the District Clerk prior to the filing of the underlying case.

2. District Clerk Designated as Clerk for the Denton County Magistrate Court.

- a. The Denton County District Clerk is herein designated as, and shall serve as the clerk of the Magistrate Court for the filing and safekeeping of any and all records, motions or other filings in any criminal matter pending in the Magistrate Court prior to filing of a complaint, information or indictment.



- b. After acceptance of any misdemeanor criminal offense by the Denton County District Attorney, and upon the filing of a complaint or information as to any matter previously pending in the magistrate court in a County Criminal Court at Law for Denton County, Texas, the District Clerk shall transfer said matter to the County Clerk for filing with a County Criminal Court at Law.
- c. The district clerk shall establish a docket at the direction of the Magistrate Court, and keep the minutes for the cases filed in or transferred from the Magistrate Court. The District Clerk shall perform any other duties that local administrative rules require in connection with the implementation of this order. To facilitate the duties associated with serving as the clerk of the magistrate court, the district clerk and the deputies of the district clerk may serve as deputy county clerks at the discretion of the district clerk.
- d. Any preliminary motion, writ or request related to a criminal matter which has not been charged by complaint, information or indictment through the District Attorney of Denton County in a court of appropriate jurisdiction, may be considered by the Magistrate Court, without a specific order of referral by a Judge of a District or County Court Judge. However, any preliminary motion, writ or request that does, other than one resulting in adjudication or final disposition as to any matter which has been filed and assigned to a Denton County District or County Court, may be assigned to the Magistrate Court, but only if an Order of Assignment specifically referencing the case, authority and subject matter of the hearing has been issued by the presiding judge of the Court from which the matter has been referred. Under no circumstances may the Magistrate Court consider or rule on any motion, writ or request that results in final disposition or adjudication of the matter.
- e. The clerk of the Court shall include as part of the record on appeal a copy of the order and local administrative rule under which a Magistrate Court acted.
- f. At the request of a party, the court may provide a court reporter to record the proceedings before the magistrate. If the magistrate court provides a court reporter, the cost may be taxed as a cost of court.
- g. A witness who appears before a magistrate and is sworn is subject to the penalties for perjury provided by law. The magistrate court may issue attachment against and may fine or detain a witness whose failure to appear after being summoned or whose refusal to answer questions has been certified to the court.
- h. At the conclusion of any proceeding to which the Magistrate Court has been assigned, the Magistrate Court shall transmit to the referring court any papers relating to the case, including the magistrate's findings, conclusions, orders, recommendations, or other action taken.
- i. As to any matter referred to the magistrate court, a referring court may modify, correct, reject, reverse, or recommit for further information any action taken by the magistrate. If the court does not modify, correct, reject, reverse, or recommit an action of the magistrate, the action becomes the decree of the court.
- j. Bail bonds and personal bonds may be forfeited by the magistrate court in the manner provided by Chapter 22, Code of Criminal Procedure, and those forfeitures shall be filed with (1) the district clerk if the case has not been filed by complaint, information or indictment in either a




district or county criminal court, (2) the district clerk if the case has been filed in a district court as a felony, or (3) the county clerk if the case has been filed as a misdemeanor case in a county criminal court at law.

- k. When the district clerk is the clerk as herein authorized, the district clerk shall charge the same court costs for cases filed in, transferred to, or assigned to the magistrate court that are charged in the district courts. When the county clerk is the clerk under this subchapter, the county clerk shall charge the same court costs for cases filed in, transferred to, or assigned to the magistrate court that are charged in the county courts.

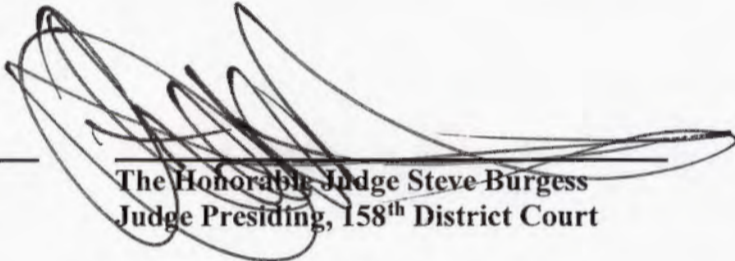
3. Modification of Order.

The above and foregoing may be amended or modified as deemed necessary and appropriate by the elected District and County Criminal Court at Law Judges and County Court at Law No. 1 Judge (sitting as Juvenile Court) for Denton County by way of subsequent written order, as provided by statute.

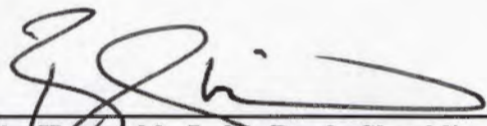
ORDER ENTERED by the elected Judges of the District and County Criminal Court Judges and County Court at Law No. 1 Judge (sitting as Juvenile Court) for Denton County do hereby indicate their approval to the entry of this this Standing Order on this _____ day of _____, 2019.



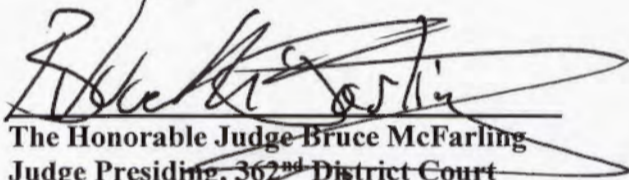
The Honorable Judge Sherry Shipman
Judge Presiding, 16th District Court




The Honorable Judge Steve Burgess
Judge Presiding, 158th District Court



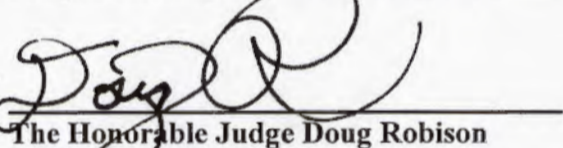
The Honorable Judge Brody Shanklin
Judge Presiding, 211th District Court



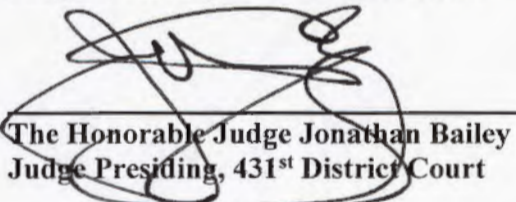
The Honorable Judge Bruce McFarling
Judge Presiding, 362nd District Court



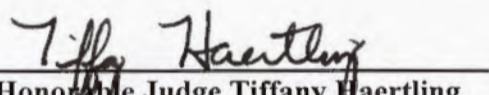
The Honorable Judge Margaret Barnes
Judge Presiding, 367th District Court



The Honorable Judge Doug Robison
Judge Presiding, 393rd District Court

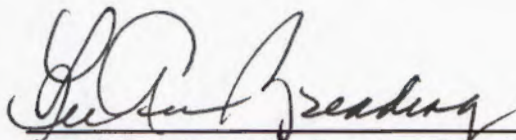


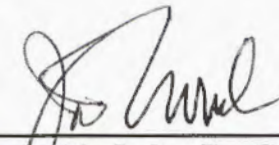
The Honorable Judge Jonathan Bailey
Judge Presiding, 431st District Court

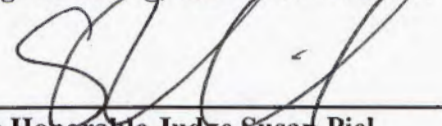


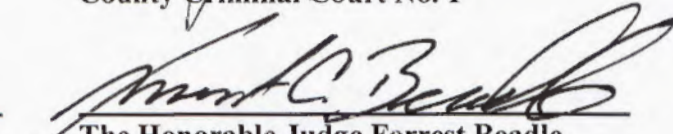
The Honorable Judge Tiffany Haertling
Judge Presiding, 442nd District Court

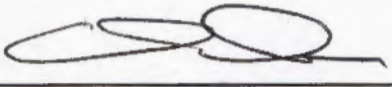


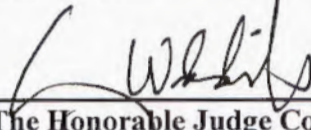

The Honorable Judge Lee Ann Breeding
Judge Presiding, 462nd District Court



The Honorable Judge Jim Crouch
County Criminal Court No. 1


The Honorable Judge Susan Piel
County Criminal Court No. 2


The Honorable Judge Forrest Beadle
County Criminal Court No. 3


The Honorable Judge Chance Oliver
County Criminal Court No. 4


The Honorable Judge Coby Waddill
County Criminal Court No. 5


The Honorable Judge Kimberly McCary
County Court No. 1, Sitting as a Juvenile Court
and Juvenile Mental Health Court




CERTIFIED A TRUE AND CORRECT COPY
OF THE RECORD ON FILE IN MY OFFICE

DAVID TRANTHAM

DENTON COUNTY DISTRICT CLERK

12/13/19
Date

By: 
Deputy Clerk

Michael McNeil
Deputy Clerk