

## **AGENDA PLACEMENT FORM**

(Submission Deadline – Monday, 5:00 PM before Regular Court Meetings)

**Date:** 02/12/2025

**Meeting Date:** 02/24/2025

**Submitted By:** Steve Watson

**Department:** County Auditor

**Signature of Elected Official/Department Head:**

*[Handwritten Signature]*

<b>Court Decision:</b> <small>This section to be completed by County Judge's Office</small>	
	<b>2-24-25</b>

**Description:**

Acknowledgment of receipt of schedule of fees for compensation of court  
appointed counsel and related expenses pursuant to articles 26.05 and 26.052,  
Texas Code of Criminal Procedure

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(May attach additional sheets if necessary)

**Person to Present:** Steve Watson

(Presenter must be present for the item unless the item is on the Consent Agenda)

**Supporting Documentation:** (check one)      ☒ PUBLIC      ☐ CONFIDENTIAL

(PUBLIC documentation may be made available to the public prior to the Meeting)

**Estimated Length of Presentation:** \_\_\_\_\_ minutes

**Session Requested:** (check one)

☐ Action Item    ☒ Consent    ☐ Workshop    ☐ Executive    ☐ Other \_\_\_\_\_

**Check All Departments That Have Been Notified:**

☐ County Attorney      ☐ IT      ☐ Purchasing      ☐ Auditor  
☐ Personnel      ☐ Public Works      ☐ Facilities Management

**Other Department/Official (list)** \_\_\_\_\_

**Please List All External Persons Who Need a Copy of Signed Documents  
In Your Submission Email**

SIXTH AMENDED  
COMPENSATION OF COURT APPOINTED COUNSEL AND RELATED EXPENSES PURSUANT  
TO ARTICLES 26.05 AND 26.052, TEXAS CODE OF CRIMINAL PROCEDURE

I. MISDEMEANOR, FELONY AND CAPITAL  
CASE COMPENSATION (INCLUDING JUVENILE)

The total compensation listed in paragraph C below are preferred and expected in all cases.

- A. Compensation for time spent by counsel shall be not less than ONE HUNDRED DOLLARS AND NO CENTS (\$100.00) per hour nor more than THREE HUNDRED DOLLARS AND NO CENTS (\$300.00) per hour.
- B. Flat, fixed fee compensation for all pretrial, trial, post-trial, and appellate court appointed counsel shall not exceed the following:

Dismissal or Plea in Bar — Misdemeanor	S	300.00
Plea and Bar to Felony	S	200.00
Guilty Plea, Motion to Revoke or Motion to Adjudicate - Misdemeanor	S	300.00
Guilty Plea — Misdemeanor Multiple Cases (plus \$100.00 for every case over two)		500.00
Guilty Plea — State Jail Felonies and Motions to Revoke	\$	350.00
Guilty Plea — Second and Third Degree Felonies and Motions to Adjudicate	S	450.00
Guilty Plea — 1 <sup>st</sup> Degree Felony (as indicted)	S	650.00
Guilty Plea — Felony Case with Misdemeanor		300.00 (in addition to above fees)
Dismissal of Filed Case — Felony Felony Indictment Quashed Pre-Trial representation where case never filed.		Fee based on indictment or charge pending indictment

- D. Trials and Appeals

Attorneys may request the flat fee under the previous section or submit a request for payment within five (5) days of the conclusion of the trial or submission of the brief to the clerk of the Court of Appeals documented by verified hourly billing statement in 15 minute intervals.

Appeals:

Misdemeanor	\$	1500.00 – 2500.00
Felony	\$	2500.00 — 4500.00

- E. Attorneys appointed from the 8<sup>th</sup> Administrative Regional list, in non-death penalty cases, shall be paid an hourly rate of not less than \$75.00 per hour nor more than \$250.00 per hour.

## II. DEATH PENALTY CAPITAL CASE COMPENSATION

In a capital case in which the state seeks the death penalty, the rates for the lead attorney's services (first chair) shall be double the hourly rate provided above for non-capital felony attorney's fees.

In capital cases, in which the state seeks the death penalty, the rates for appellate attorney services shall be double the hourly rate provided above for non-capital felony attorney's fees.

## III. JUVENILE CASES

Flat, fixed fee compensation for all pretrial, trial, post-trial, and appellate court appointed Counsel in juvenile cases shall not exceed the following:

Detention Hearing	\$	200.00
Adjudication and Disposition Hearing — Uncontested	\$	300.00
Adjudication and Disposition Hearing — Contested	\$	300.00
Motion to Modify Disposition — Uncontested	\$	300.00
Motion to Modify Disposition — Contested	\$	300.00
Determinate Sentencing Proceeding Under Section 53.045 Texas Family Code AND Waiver of Jurisdiction and Discretionary Transfer to	\$	500.00 to 2,500.00

## Criminal Court

### IV. INVESTIGATIVE AND EXPERT EXPENSES

Counsel appointed in juvenile, misdemeanor and felony cases shall be reimbursed for reasonable and necessary expenses, including expenses for investigation and for mental health and other experts.

The total compensation for investigation and expert expenses shall not exceed the following, unless the Court finds that the additional amount of expenses are reasonable and necessary to provide effective assistance of counsel for the defendant. The Defendant's attorney shall submit a Motion and proposed Order for the approval and/or payment of investigative and expert expenses.

#### Juvenile

A. Investigation	\$ 250.00
B. Expert Fees	\$ 300.00

#### Misdemeanor

A. Investigation	\$ 250.00
B. Expert Fees	\$ 300.00

#### Non-Capital Felony

A. Investigation	Available upon Request
B. Expert Fees	Available upon Request

#### Capital Felony

A. Investigation	Available upon Request
B. Expert Fees	Available upon Request

Expenses incurred with or without prior court approval shall be reimbursed, according to the procedures set forth below. Where possible, prior court approval should be obtained before incurring expenses for investigation and for mental health and other experts.

#### A. Procedure with Prior Court Approval:

Appointed counsel may file with the trial court a pretrial ex parte confidential request for advance payment of investigative and expert expenses. The request for expenses must state, as applicable:

- (1) the type of investigation to be conducted or the type of expert to be retained;
- (2) specific facts that suggest the investigation will result in admissible evidence or that the services of any expert are reasonably necessary to assist in the preparation of a potential defense; and
- (3) an itemized list of anticipated expenses for each investigation or each expert.

The Court shall grant the request for advance payment of expenses in whole or in part if the request is reasonable. If the Court denies in whole or in part the request for expenses, the court shall:

- (1) state the reasons for the denial in writing;
- (2) attach the denial to the confidential request; and
- (3) submit the request and denial as a sealed exhibit to the record.

B. Procedure Without Prior Court Approval:

Appointed counsel may incur investigative and/or expert expenses without prior approval of the court. On presentation of a claim for reimbursement, the court shall order reimbursement of counsel for the expenses, if the expenses are reasonably necessary and reasonably incurred.