

REVISED GENERAL ORDER
REGARDING COURT HEARINGS IN FELONY CASES
IF THE COURTHOUSE IS INACCESSIBLE DUE TO THE EXIGENT CIRCUMSTANCES
CREATED BY COVID-19 AND RELATED CORONAVIRUS

This General Order supersedes, in its entirety, the “General Order Regarding Court Hearings in Felony Cases if the Courthouse is Inaccessible due to the Exigent Circumstances Created by COVID-19 and Related Coronavirus” issued on March 24, 2020.

Due to the continuing state of emergency ordered by the Governor, and in an effort to ensure that defendants in felony cases may be heard, in compliance with the relevant orders of the Supreme Court of Texas and the Court of Criminal Appeals, the Court ORDERS that, until further order, hearings in felony cases are restricted to the following issues:

1. Pleas;
2. Emergency Hearings; and
3. Bail Hearings.

Additionally, because of the public health risk associated with in-person gatherings as articulated in various executive orders issued by the President, Governor, and County Judge, the court ORDERS that EFFECTIVE MONDAY APRIL 6, 2020 hearings in felony cases shall continue to be conducted exclusively on an electronic basis, and in conformance with the “Revised Procedure for Setting and Conducting Electronic & Telephone Court Hearings in Felony Cases” attached as Exhibit A. Counsel should note that the procedure outlined in Exhibit A contains important refinements related to deadlines and eFiling that result from input from the bar and other participants in the justice system.

As in previously adopted orders, the Court reminds counsel that we take seriously our obligation to balance the interest of justice and the health and safety of our courthouse community and the community at large, and we request patience as our processes continue to evolve with this exigency.

IT IS SO ORDERED THIS _____ DAY OF APRIL, 2020



Donna King
Judge, 26th District Court

Stacey Mathews
Judge, 277th District Court

Rick Kennon
Judge, 368th District Court

EXHIBIT A

REVISED PROCEDURE FOR SETTING AND CONDUCTING ELECTRONIC & TELEPHONE COURT HEARINGS IN FELONY CASES

1. Hearings in Felony cases are limited to Pleas, Emergency Hearings, and Bail Hearings.
2. Hearings will be conducted electronically using the Microsoft Teams application. In the event a hearing or other meeting is scheduled you will receive an email with a calendar invitation to the meeting. At the appointed time, all invitees will join the meeting by selecting the link provided.
3. Counsel may access Microsoft Teams to join a meeting anytime, from any device, with or without a Microsoft Teams account. To join as a guest:
 - a. You will receive an email from the Court with a link to “Join Microsoft Teams Meeting.” Click on this link.
 - b. It will bring you to a webpage where you can choose to “Download the Teams App” or “Join on the Web.” You can choose either one.
 - i. If you are on a desktop computer, “Join on the Web” is easiest. Note: You must use Google Chrome or Microsoft Edge as your web-browser to use Teams on the web.
 - ii. If you are using a mobile device, downloading the Teams App is easiest.
 - c. It will ask you to allow Teams to use your Audio and Video from your computer (you must have a camera and a microphone), and it will ask you to type in your name and click “Join Now.”
 - d. This will place you in the “Lobby” for the Videoconference to begin.
 - e. The person coordinating the call will let you into the Videoconference once it begins.
 - f. Please be advised that the call may be recorded by the Court or Court Staff for record purposes
4. Key Parties
 - a. District Court Judges will conduct Plea Hearings on a rotating basis.
 - b. Other than Plea Hearings, each District Court Judge will manage all other hearings on their respective dockets.
 - c. Amber Norton will manage the centralized hearing schedule for hearings involving inmates and will schedule all electronic hearings based on the centralized hearing schedule. *There will be limited time slots available for hearings involving inmates.*
 - d. Court Administrator of the Court in which the matter is set is responsible for sending out notices of hearings (including Teams invitations).
 - e. Sheriff’s Office will manage the paperwork flow in the jail and ensure that signed paperwork is scanned and provided to the Court.

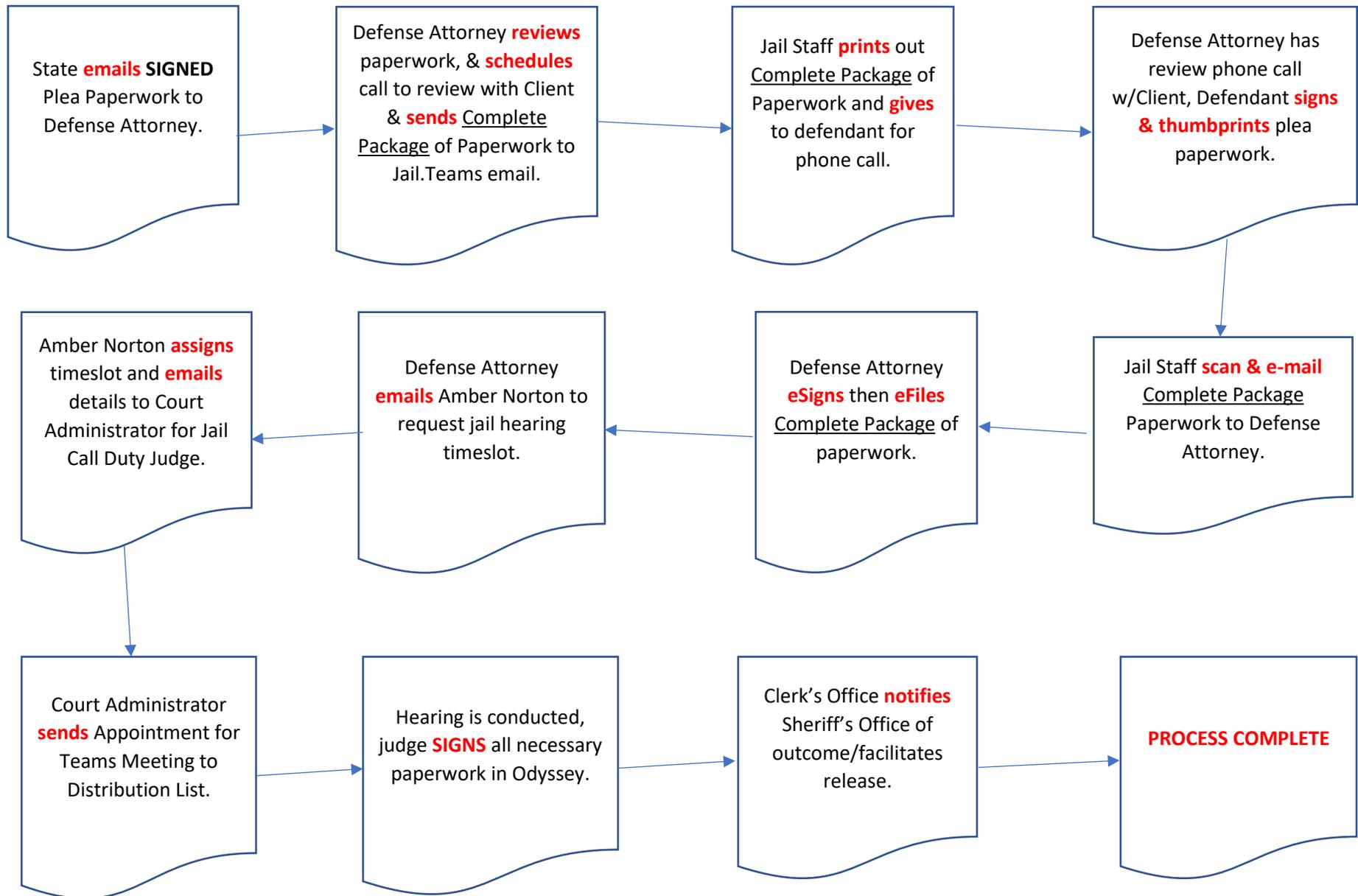
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PROCESS FOR SETTING HEARINGS CONTINUES ON NEXT PAGE]***

5. PROCESS FOR SETTING PLEA HEARINGS

NOTE: **AGREED DISPOSITION REQUIRED PRIOR TO REQUESTING SETTING**

- a. After an agreed disposition is reached, the state will email all required paperwork, including the judgement, to the defense attorney. *It should be assumed that, from this point, it will take at least 2 days to accomplish the remaining tasks needed to schedule a plea.*
- b. **Counsel should avoid printing and scanning documents so that the only time a plea document is printed and scanned is by the Sheriff's Office (helps with preserving document quality).**
- c. **PRIOR TO THE SCHEDULED HEARING:**
 - i. Defense attorney should review all paperwork.
 - ii. Defense attorney will schedule a time to meet with defendant via phone following these steps:
 1. Call 512-943-1365 to schedule phone call with defendant, and at the same time as the call is scheduled forward **ALL** paperwork provided by State (including judgment, fingerprint page, etc.) to Jail.Teams@wilco.org. *Calls may be scheduled Monday-Friday 8:30A-4:30P. WCSO requires 2 hours lead time prior to desired phone call time.*
 2. Sheriff's officers will print out **ALL** Plea Paperwork and provide to Defendant prior to scheduled phone call.
 3. Attorney and Defendant participate in phone call. If Defendant agrees to plea, Attorney will instruct defendant to sign & thumbprint all necessary paperwork.
 - iii. Sheriff's Office will ensure that Defendant signs and provides thumbprint as required.
 - iv. Sheriff's Office will scan and email **ALL** paperwork to Defense Attorney (& retain original).
- d. Defense attorney will **electronically sign** and **eFile ALL** paperwork as a proposed order.
- e. **After eFiling**, and once ready to schedule a plea, the defense attorney will email Amber Norton at Amber.Norton@wilco.org to ask for a setting for the plea.
- f. Ms. Norton will schedule the hearing in an available time slot based on the hearing schedule set by the Judges. She will then email the Court Administrator of the Duty Judge for that day, sending the time and date of the hearing.
- g. Court Administrator will send a Teams Meeting appointment (or invitation) **at least 24 hours in advance of the setting** to a specified Distribution List, which will include the defendant in custody (via WCSO), Counsel for the State and Defense, the Judge, the Court Reporter, and the Deputy District Clerk.
- h. Court Administrator will initiate the hearing as the "meeting organizer" in Teams. At the conclusion of the hearing, the Judge will sign the paperwork **in Odyssey**, after placing his or her name and the number of days credit (if applicable) on the Waiver and Plea Agreement and the Judgment.
- i. District Clerk will email file stamped copy of judgment to jail staff to be forwarded to the defendant and send paperwork needed for D to be released (if appropriate).
- j. If it becomes necessary for the defense attorney and client to speak privately, the defendant will have access to a phone which will allow for unrecorded conversations with counsel, and the hearing will be recessed to allow for this to happen. Teams should be muted from the jail and attorney inputs.

Graphical Representation of Workflow for Plea



6. PROCESS FOR SETTING ALL OTHER NECESSARY “ON RECORD” HEARINGS

- a. Moving party will submit paperwork through **eFile**, as usual, and should separately notify the Other Party that paperwork is being filed and a hearing is being sought.
- b. Moving party will contact Court Administrator to request hearing and will advise the Court Administrator as to whether the Defendant needs to be present for the hearing, and whether the defendant is in custody.
- c. *If the Defendant is not in custody and needs to be present for the hearing*, Defense Counsel will be responsible for ensuring that he can either be present in Counsel’s Office or will provide information about Microsoft Teams so that the Defendant can participate in that way. Defense Counsel will forward the Teams Meeting Appointment (or Invitation) to the Defendant who is out of custody and needs to be present for the hearing.
- d. *If the Defendant is in custody and needs to be present for the hearing*, the Court Administrator will contact Ms. Norton to ask for a jail hearing slot (see 1(e) above).
- e. The court administrator will send a Teams Meeting Appointment (or Invitation) **at least 24 hours in advance of the setting** to the following distribution list:
 - i. Defense Attorney
 - ii. State
 - iii. Judge,
 - iv. Court Reporter; and
 - v. Deputy District Clerk
 - vi. Jail Staff: via email to cwatts@wilco.org, lalderson@wilco.org, & pschmidt@wilco.org (*if the Defendant is in custody and needs to be present*)
 - vii. Jail.Teams@wilco.org (*if the Defendant is in custody and needs to be present*)
- f. The Hearing will take place, the Judge will sign necessary paperwork **in Odyssey**.
- g. If it becomes necessary for the defense attorney and client in custody to speak privately, the defendant will have access to a phone which will allow for unrecorded conversations with counsel, and the hearing will be recessed to allow for this to happen. Teams should be muted from the jail and attorney inputs.

7. PROCESS FOR SETTING NON-RECORD TELEPHONIC CONFERENCES

- a. Party seeking a non-record telephonic hearing will contact the Court Administrator, with copy to the other party, via email asking for a non-record telephonic hearing.
- b. Any necessary paperwork must be submitted through eFile before hearing is scheduled.
- c. The Court Administrator will work with the Judge to set a time and will notify the Judge and all parties of the time, via an appointment.
- d. The Judge will initiate the conference call and will add the parties into the call.
- e. The hearing will take place.
- f. The judge will direct one of the parties to send an email to the Court and participants confirming the outcome of the hearing.
- g. The Judge will make a docket entry to reflect that the hearing has taken place and its outcome.