



*Harris County District Courts Trying Criminal Cases*

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**FELONY ASSOCIATE JUDGES**

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In a continuing effort to address the backlog of cases caused by Hurricane Harvey displacement and the COVID-19 global pandemic, the District Courts Trying Criminal Cases in Harris County, Texas, have appointed three Felony Associate Judges. In the coming weeks, the Felony District Judges will appoint an additional three Felony Associate Judges.

Under the Local Rules of the District Courts Trying Criminal Cases, the six Felony Associate Judges will assist the 23 Felony District Courts in criminal matters pursuant to Texas Government Code Chapter 54A, Subchapter A. Each of the Felony Associate Judges will preside over dockets consisting of any matters referred by the Felony District Judges, as allowed by the statute. The current statute allows the following matters to be referred:

- Negotiated Plea of Guilty or No Contest Before the Court
- Bond Forfeiture / Setting, Adjusting, or Revoking Bond
- Pretrial Motions
- Writs of Habeas Corpus
- Examining Trials
- Occupational Driver's License
- Appeal of an administrative driver's license revocation hearing
- Civil Commitment under Subtitle C, Title 7, Health and Safety Code
- Issuance of search warrants, including a search warrant under Article 18.02(a)(10), Code of Criminal Procedure, notwithstanding Article 18.01(c), Code of Criminal Procedure
- Acceptance of agreed plea of guilty or no contest and assessment of punishment if a plea agreement is announced on the record between the parties.
- Jury selection
- Other matters considered necessary and proper

**REFERRAL METHODS**

Each Felony District Judge shall retain autonomy to control the Judge's docket. The decision of what matters to refer and when to refer shall be left to each Judge, to best handle what might help relieve the backlog in that court. A Felony District Judge may refer matters to the Felony Associate Judges by entering transfer orders that designate whether there is a general referral of all matters under Government Code 54A or a

specific referral of only certain enumerated matters. A Felony District Judge also may refer a single case, if necessary.

1. General Transfer Order. Under this method of referral, the Felony District Judge authorizes the Felony Associate Judges to preside over any matter as provided for by Government Code 54A.
2. Specific Transfer Order. This method authorizes a Felony Associate Judge to assist a Felony District Judge in only certain enumerated matters as allowed by Government Code 54A.
3. Single Case Transfer. Whether a Felony District Judge has entered a general referral order, a specific referral order, or neither, the Judge may still refer a single case to the Felony Associate Judges for assistance.

By entering any of the above orders, the Felony District Judge is authorizing any of the appointed Felony Associate Judges to preside over such matters. The method of docketing cases will be random to ensure fair distribution of caseloads among the Felony Associate District Judges.

### **TRANSFER OF CASES**

The entry of any of the above orders does not create an automatic transfer of any case from the Felony District Judge to the Felony Associate Judge. The actual transfer process shall be conducted on a case-by-case basis. If the Felony District Judge has entered a transfer order, the Judge may direct the coordinator of the Court to docket a specific matter on the Felony Associate Judge Docket in accordance with the Criteria for Transfer to Felony Associate Judges. This criteria shall be managed and updated by the Associate Judge Standing Committee. The Chair of the Associate Judge Standing Committee shall ensure that all modifications to the Criteria for Transfer to Felony Associate Judges are published on the Harris County District Courts website and the State and Defense Bar are notified.

The District Court Administrator shall ensure that the dockets of the Felony Associate Judges are created by an equalization process. To ensure accountability and transparency, a JWEB entry shall be made upon transfer of the matter to the Felony Associate Judge dockets. A JWEB entry also shall be required when the Felony Associate Judge coordinator transfers the matter back to the home court. In no event shall a Felony District Judge be authorized to transfer any matter directly to any particular Felony Associate Judge.

### **AUTHORITY OF ASSOCIATE JUDGES**

The Felony Associate Judges shall have all the express, implied or inherent powers, duties, and authority of an associate judge appointed under Texas Government Code Section 54A. This power, duty, and authority is effective for the duration of the Felony Associate Judges' appointment by the Harris County District Courts Trying Criminal Cases.