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**ORDER  
DISTRICT JUDGES, HARRIS COUNTY, TEXAS**

The Direct Filing Order, filed on September 1, 1977, Volume 1465, Page 56-72; and amended on: May 15, 1978, Volume 1562, Page 41-42; May 22, 1978, Vol. 1587, Page 102-118; September 18, 1978, Volume 616, Page 159-175; March 27, 1979, Volume 1699, Page 709, *et seq*; September 31, 1980, Volume 1978, Page 292, *et seq*; July 20, 1981, Volume 2140, Page 337-397; August 29, 1983, Volume 2589, Page 165, *et seq*; September 1, 1984, Volume 1, Page 546, *et seq*; January 31, 1985, Volume 1, Page 967-973; June 11, 1986, Volume 2, Page 822-827; June 9, 1987, Volume 3, Page 869-872; April 25, 1989, Volume 5, Page 531-541; June 26, 1992, Volume 3, Page 578-584; March 3, 1993, Volume 4, Page 624-635; July 20, 1993, Volume 4, Page 688-699; and November 4, 1993, Volume 5, Page 13, *et seq*; and July 2, 2001, Volume 6, Page 735, *et seq*; is hereby further amended as follows:

Section 3. CRIMINAL CASES is hereby replaced with following:

**I. CRIMINAL CASES:**

The following rules shall govern the filing, assignment and docketing of felony cases and other matters within the jurisdiction of the of the district court in the Harris County District Courts Trying Criminal Cases {hereinabove referred to as the Criminal District Court Division):

**A. Filing, Assignments and Docketing**

1. The district clerk shall accept and file all felony complaints presented and initiate an electronic case file and identify each case with a unique file number in numerical sequence. Said cases shall be assigned to one of the district courts by the utilization of the Automated Random Assignment System.
2. The unique file number shall be placed on the original complaint presented and the district clerk shall initiate the district court felony electronic case file provided for in (1) above.
3. Upon the filing of said complaint, jurisdiction is vested in the district court sitting as a magistrate to which the case has been pre-assigned.
4. The district clerk shall provide, as part of the public records of their office, full and complete alphabetical indexes of the parties to all such complaints filed in the district courts sitting as magistrates so as to show the name of each party under the proper letter, and further reference shall be indexed under the name of the defendant, showing the volume and page of any order by the district court sitting as a magistrate pertaining to said defendant.
5. When the district clerk files a felony complaint and the defendant is then in the custody of law enforcement officials in Harris County, the district clerk shall update the electronic records in the JWEB Case Management

System which certifies that charges have been filed, and the sheriff will then take custody of the defendant based on said record. By this order of the judges of the Criminal District Court Division, law enforcement officials in Harris County shall cause the defendants in their respective custody to be delivered to the criminal law hearing officer within twelve hours of charges being filed and entered by the district clerk in the JWEB Case Management System and the District Attorney Intake Management System, but no later than 48 hours after arrest. Defendants released on bail prior to appearance before the criminal law hearing officer shall appear before the assigned district court at the posted docket time on the Preliminary Assigned Court Appearance docket as set forth in 1(A)7 below. If the defendant is not then in the custody of law enforcement officials in Harris County at the time charges are filed, the procedure set forth in Section 1(B) "No Arrest Cases," herein, shall be followed.

6. The district clerk at criminal intake division shall enter the bond instruction to "Refer to Magistrate". If a bail amount is set by the Criminal Law Hearing Officer, the district clerk at Probable Cause Court will enter the bail amount set to appear on the Preliminary Assigned Court Appearance Docket.
7. Upon creation of the case, the district clerk shall cause to be established a separate Preliminary Assigned Court Appearance (PACA) Docket for all complaints filed for each of the said district courts as follows:
  - a. Monday's docket will be composed of all those cases wherein the defendant was scheduled to appear before the criminal law hearing officer between 12:01 a.m. of the preceding Friday through 12:00 midnight of the preceding Sunday;
  - b. Tuesday's docket will be composed of all those cases wherein the defendant was scheduled to appear before the criminal law hearing officer between 12:01 a.m. through 12:00 midnight of the preceding Monday;
  - c. Wednesday's docket will be composed of all those cases wherein the defendant was scheduled to appear before the criminal law hearing officer between 12:01 a.m. through 12:00 midnight of the preceding Tuesday;
  - d. Thursday's docket will be composed of all those cases wherein the defendant was scheduled to appear before the criminal law hearing officer between 12:01 a.m. through 12:00 midnight of the preceding Wednesday; and

- e. Friday's docket will be composed of all the cases wherein the defendant was scheduled to appear before the criminal law hearing officer between 12:01 a.m. through 12:00 midnight of the preceding Thursday.
  - f. Preliminary Assigned Court Appearance docket settings occurring on holidays observed by the district court, will be set before the court to which the case is assigned on the next working day for the district court to which the case is assigned, except as otherwise directed by the Administrative Judge of the Criminal District Court Division
  - g. The format of said docket shall be established by directives of the judges of the Criminal District Court Division.
8. The Preliminary Assigned Court Appearance (PACA) Docket shall contain the date of the Preliminary Assigned Court Appearance (PACA) and shall contain sufficient columns so that it will reflect the (a) case number, (b) defendant's name, (c) charge, (d) amount of bond, (e) status of defendant (as to whether he is in jail, on bond, or "no arrest"), (f) attorney name or request for representation, and columns for entry of setting dates for (i) preliminary assigned court appearance, (ii) examining trial, and (iii) arraignment.
  9. The Preliminary Assigned Court Appearance (PACA) docket will generate electronically each night and be printed each morning in the district court and available electronically to all stakeholders in Justice Application Reports.
  10. Upon acceptance of a "Petition for Occupational Driver's License" or a "Petition for Restricted Driver's License," the district clerk shall determine by research whether the driver's license of the petitioner named in such petition was suspended as a result of a judgment entered by a district court. If the district clerk's research indicates that said driver's license of the petitioner was suspended by a district court, the district clerk shall docket said petitioner in the district court which issued the final judgment, and in no other district court.
  11. Assignment of cases transferred from Juvenile District Courts under 54.051 of the Family Code to district courts shall be determined by the published Judge on Duty Schedule. On the date the Juvenile District Court Judge signs the transfer order, the cases shall be assigned to the district court of the judge acting as Judge on Duty for the Criminal District Court Division on the Friday following the tenth day after the

defendant's eighteenth birthday. Upon the transfer, the district court shall assume the supervision of the remainder of the defendant's community supervision.

**B. No Arrest Cases**

1. If the defendant named in the complaint filed is not in custody and the arresting officer filing same desires to secure a magistrate's or criminal law hearing officer's signature on an arrest warrant prior to the Preliminary Assigned Court Appearance (PACA) Docket setting, the district clerk shall, at the request of and when same has been prepared by the district attorney at the District Attorney's Office Intake Division, issue an arrest warrant form to be signed by a magistrate or criminal law hearing officer. The district clerk shall retain in the case file a copy of any arrest warrant form issued and record thereon the police agency and name and badge number of the officer to whom the arrest warrant form is issued.
2. When an arrest warrant form is transmitted electronically, the district clerk shall retain in the case file the original and copy of such arrest warrant form, record on each the police agency and name and badge number of the officer to whom same was issued and time and date by electronic transmission.
3. In all other cases where a felony complaint has been filed and the defendant is not under arrest on the charge, the district clerk shall not issue an arrest warrant prior to grand jury indictment unless same is presented to and signed by the magistrate before whom such complaint is pending, or the criminal law hearing officer. Any arrest warrant so issued shall order the sheriff of Harris County to deliver, or cause to be delivered, the defendant when arrested to the magistrate or criminal law hearing officer.

**C. Return on Arrest Warrant**

In all cases, the sheriff shall make or cause to be made a return showing the date and time the defendant was arrested and the facility where he is held in custody or, if released on bail, the date and time of such release.

**D. Preliminary Initial Appearance Before Criminal Law Hearing Officer**

1. The criminal law hearing officer shall inform the defendant of the accusation and any affidavits filed therewith, and require the State to establish probable cause for further detention or restraint of the defendant. If the criminal law hearing officer does not find that probable cause exists, the criminal law hearing officer shall order the defendant discharged.

2. If the criminal law hearing officer finds that probable cause exists, the criminal law hearing officer shall inform the defendant of the defendant's statutory rights as required by Art. 15.17 of the Texas Code of Criminal Procedure, and shall take all actions required under Art. 16.22. The criminal law hearing officer may, under the authority of the district court to which the case is assigned, determine whether the defendant is eligible for release on a personal bond, set the bail amount or refer to assigned district court, and commit the defendant to the custody of the sheriff subject to the defendant's posting bond in the amount of bail set.

**E. Waiver of Indictment**

Following the Preliminary Assigned Court Appearance (PACA) Docket, the district clerk for each court shall make appropriate notations on the docket sheet reflecting waiver of indictment.

**F. Juvenile Cases**

1. Upon certification of a juvenile as an adult to the district court by the juvenile district court, the district clerk shall file the case according to procedures set forth herein for felony complaints filed directly in the district court sitting as a magistrate.
2. All further proceedings, including indictment, if any, shall be filed in the original case file.

**G. Felony Complaints Not Filed Through Criminal Intake Division**

Any original felony complaint not cleared through criminal intake division of the district clerk's office, certified to by a magistrate, and received by the district clerk shall be filed and docketed in the same manner as complaints cleared through the criminal intake division.

**H. Research, Pre-Assignment, Transfer and Equalization of Case Filings**

1. Upon acceptance of a felony complaint or notice that an indictment has been returned direct from the grand jury, the district attorney shall determine by research whether the defendant named in such complaint or indictment has a prior criminal record and existing System Person Number (SPN) in the JWEB Case Management System.
2. If the defendant has a prior criminal record and an existing SPN in JWEB Case Management System, the district attorney will include the SPN of the defendant on the complaint. If the charge or indictment being considered arises from the same criminal transaction or episode which was the basis of a complaint or indictment against another individual or individuals, the district attorney will indicate the co-

defendant(s) name(s) on each of the complaints.

3. The district clerk will determine whether the defendant has a prior connection in any of the undersigned district courts. Such prior connection is defined as:
  - a. A defendant has been accorded adult probation in one of the undersigned district courts where that period of probation has not expired or been terminated; or
  - b. A defendant has pending felony charges or indictments in one of the undersigned district courts; or
  - c. The charge or indictment being considered arises from the same criminal transaction or episode which was the basis of a complaint or indictment previously filed against another individual in any of the undersigned district courts; or
  - d. The defendant presently has a conviction in the appellate process out of one of the undersigned district courts; or
  - e. Capital cases assigned to a court shall attract other capital cases and lesser offenses charged against the same defendant named in such capital case; or
  - f. When a complaint is dismissed because it is determined that the defendant is a juvenile and subsequently the same defendant is certified as an adult; or
  - g. When a complaint or an indictment is dismissed and subsequently re-filed or re-indicted, the case shall be filed and docketed into the district court where the case was pending.
4. Said case shall be pre-assigned, filed and docketed in the same district court where the defendant has such prior connection.
5. Should research fail for any reason to discover a prior connection and it becomes necessary to later transfer the case from one court to another because of a prior connection, the coordinator of the district court that received the case in error shall generate a transfer order and file with the district clerk. The sending district court judge and the receiving district court judge must both approve and sign prior to the transfer order being entered by the district clerk.
6. In order to accomplish equalization of cases assigned to each district court by either assignment or transfer because of prior connection, the system shall adjust assignment totals to reflect this transaction. The Automated Random

Assignment System shall keep an assignment sub-file for each of the district courts. A record shall be made of all transfers and attractions in the Automated Random Assignment System. A transfer order showing a case transferred into each district court because of a prior connection, shall be filed in the case by the district clerk.

#### **I. Bail**

The district judges shall enter the initial amount of bail required of any person charged with a felony offense, if bail has not yet been set, or is specifically required by law to be set by only the district judge. Bail shall be set, waived or denied in accordance with Texas law, including but not limited to Chapter 17 of the Texas Code of Criminal Procedure. Should the attorney for either party desire a bond different in amount than that initially set, it is his duty to make written application to the judge where the case is then pending at the next call of the docket.

#### **J. Random Selection Filing**

1. Capital cases shall be filed and docketed into the undersigned district courts based on a separate random pre-assignment cycle (blind filing process operated in the same manner as the process for pre-assignment of regular felonies as described below) providing for equal distribution among these district courts of defendants charged with capital cases.
2. Capital murder complaints filed with co-defendants also charged with capital murder and defendants charged with less than capital murder growing out of the same episode shall be assigned to one district court.
3. All felony complaints presented to the district clerk for filing, whether through the criminal intake division or otherwise, and all indictments returned by the grand jury where a complaint had not theretofore been filed by the Automated Random Assignment System into one of the district courts and no previous connection established for such cases, the district clerk shall cause, by the utilization of the Automated Random Assignment System, said cases to be assigned on a random basis to the district courts.
4. Said automated Random Assignment System shall be a blind filing process which provides:
  - a. Equal distribution of all new defendants.
  - b. That assignment cannot be determined until after said district court assignment.
  - c. An automated means of accounting for attractions as directed by Section H, and transfers as directed by Section H.
  - d. Create management reports on the operation of the Automated Random Assignment System as deemed

appropriate by the Criminal District Court Division.

- e. An automated backup system to mirror the mainframe function operation. In the event the backup system is utilized, the Administrative Judge of the Criminal District Court Division shall be advised.
- f. There are two identical automated assignment procedures, one for regular felonies, and one for capital felonies.
- g. If a case is filed and pre-assigned as a capital case and subsequently reduced or filed in any other way other than a capital case through Grand Jury action, that district court keeps the case and all cases attracted to it, but the district court will go back into capital case rotation, and will receive credit in the regular rotation cycle, except where there is a pre-existing attraction as in H-3 (a) and H-3 (d), in such event then the case shall be transferred to the court with the pre-existing attraction.
- h. In the event a regular felony case is upgraded to a capital felony, the originally assigned district court will keep the capital murder and will be given credit for a capital assignment.
- i. In the event the Automated Random Assignment System and the Automated Back-Up System both fail to function as designed, the following manual system shall be utilized. The manual system of assignment of cases shall be accomplished by use of a spherical hollow device designed to contain 182 balls and rotate on an axis so that with each revolution of the sphere, it will randomly release one ball contained therein. The 182 balls shall be identified by the following:

|                |                |                |
|----------------|----------------|----------------|
| 7 marked 174th | 7 marked 185th | 7 marked 337th |
| 7 marked 176th | 7 marked 208th | 7 marked 338th |
| 7 marked 177th | 7marked 209th  | 7 marked 339th |
| 7marked 178th  | 7 marked 228th | 7 marked 351st |
| 7 marked 179th | 7 marked 230th | 7 marked 482nd |
| 7 marked 180th | 7 marked 232nd | 7 marked 486th |
| 7 marked 182nd | 7 marked 248th | 7 marked 487th |
| 7 marked 183rd | 7 marked 262nd | 7 marked 488th |
| 7 marked 184th | 7 marked 263rd |                |

5. The clerk assigned to operate the random selection device shall receive and account for all cases in an ascending numerical sequence. After each random selection and assignment, the ball selected shall be deposited in a separate, confidential container until such time as all 182 balls (one assignment cycle) contained within the device have been used. The random selection device shall then be refilled, as outlined above. Assignments made during this period shall be logged by the district clerk and such log made available to the Administrative Judge of the Criminal District Court Division.
6. At such time as the Automated Random Assignment System is available, the assignments made during the "down time" shall be entered into the Automated Random Assignment System.
7. By agreement of the undersigned district courts, the Administrative Judge of the Criminal District Court Division in Harris County is hereby authorized upon receipt of motion for assignment to approve assignment of cases and/or transfers of cases among the undersigned district courts. Unless said cases are later transferred by agreement of judges, all such assigned cases shall remain on the docket of the district court of assignment until final disposition.

**K. Re-indictment and Other Matters**

1. All re-indictments of cases already in the system shall be filed and docketed into the district court where the prior indictment is/was pending. All other writs and ex parte matters on defendants for which there is a prior connection with one of the undersigned district courts shall be filed and docketed in such district court.
2. Where various individually-numbered charges are consolidated into one complaint/indictment, the district clerk shall use the case file number of the lowest numbered of such consolidated charges as the complaint/indictment number for such case and shall dispose of the other case numbers with a notation on the respective docket sheets and file folders that such case was consolidated into the resulting complaint/indictment number.

**L. Duties of District Clerk**

1. The district clerk shall receive and file in the proper case file all filings pertaining to any felony complaint

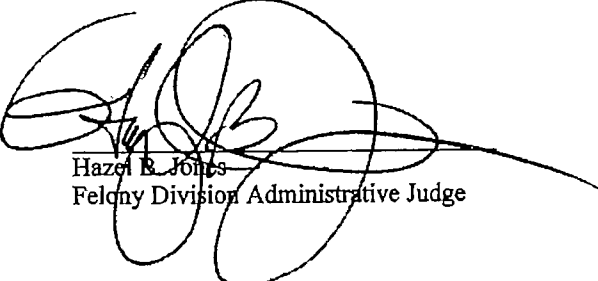
or indictment and issue all process required by law, order or directive of the court.

2. The district clerk shall record by appropriate entry all pleadings filed, action taken by the court and orders of the court, and process issued.
3. All process issued by the clerk for in custody defendants shall be addressed to "The Sheriff of Harris County, Texas" and provide for a return to be made by the sheriff as to how and when such process was executed.

**M. Effective Date and Transition:** Effective 12:01 a.m., October 1, 2023

1. All cases in which felony complaints have been filed prior to the effective date of this amended order shall be processed in accordance with procedures in effect at the time of filing of said complaints.
2. The district clerk is hereby directed to spread copy of this Order upon the Minutes of each of the said district courts.

So ordered this the 14<sup>th</sup> day of September 2023.



Hazel R. Jones  
Felony Division Administrative Judge