

497th District Court General Policies and Procedures

1. Appearance Policy

- 1.1. Docket is held **Monday through Friday at 9:00 a.m.** unless the court is closed for a holiday or other issue (inclement weather, etc.). All defendants and their counsel must be present at all settings unless the Court has excused their presence in advance.
- 1.2. Waived presence is the exception rather than the norm and will be granted only upon a showing of exceptional need.
- 1.3. Video appearances are rarely allowed.

2. Correspondence with the Court

- 2.1. All correspondence with the Court—whether in person or by email—concerning the substance of any pending case shall include the opposing party to avoid ex parte communication or the appearance of such. Email communication shall be limited to addressing matters that cannot wait until the next court appearance (alleged bond violations, emergency continuances, etc.).
- 2.2. Parties are warned that email communications are not automatically included in official court records. A party seeking their inclusion must ensure that they are properly filed in the court's records.

3. Inclement Weather

- 3.1. The Court adheres to the Local Rules concerning emergencies such as inclement weather. This generally results in court closure whenever the Houston Independent School District has announced school closures due to inclement weather.

4. Dress and Decorum

- 4.1. The courtroom shall be an area of solemnity and respect. All individuals in court shall behave in a way that is non-disruptive and respectful of others. The Court will not tolerate outbursts or disrespectful behavior.
- 4.2. Shorts, sleeveless t-shirts, and clothing with lewd or provocative words or images are prohibited. Shirts shall be tucked in.

5. Open Courtroom

- 5.1. The courtroom is open to the public when court is in session, subject to occupancy limits and other legal restrictions.

6. Recording Proceedings

- 6.1. Recording anything inside the courtroom is strictly prohibited. This includes photographing as well as audio or video recording. The official court reporter is responsible for preserving court activities upon the request of any party.

7. Media

- 7.1. Media wishing to record proceedings should contact the court's coordinator (daisy_linares@justex.net or call 832-927-8660 or 832-927-8662) or bailiff (email Toni Garner at toni.garner@sheriff.hctx.net or Jesus Sanchez at jesus.sanchez@sheriff.hctx.net, or call 832-927-8667 or 832-927-8668) as soon as possible in advance of the relevant setting—ideally the day before.
- 7.2. The Court often grants permission on a case-by-case basis, and upon request, to video record public proceedings through the courtroom window. The Court generally denies permission to video record proceedings from inside the courtroom or to audio record proceeding in any fashion, although exceptions are made in certain circumstances.
- 7.3. Media professionals—like any other individuals—are expected to understand and rigidly obey all protective orders issued by the Court.

8. Warrant Surrenders

- 8.1. Warrant surrenders are considered during docket on **Tuesday through Thursday no later than 10:30 a.m.** or when trial commences, whichever happens first. Counsel must have the case placed on the docket in advance (email coordinator Daisy Linares at daisy_linares@justex.net no later than the morning before the surrender date) and ensure that a Public Safety Report has been completed (email pretrial services officer Gia Wilson at gia.wilson@pts.hctx.net the morning of the surrender).
- 8.2. “Walkthrough” requests are considered on a case-by-case basis and are not guaranteed. Parties requesting a walkthrough must ensure that an approved bondsman is present in court.

9. Vouchers and Expenses

- 9.1. The Court does not approve daily vouchers unless based on a term appointment.
- 9.2. Appointed attorneys are invited to submit interim vouchers if six or more months have passed since the last voucher on a case.
- 9.3. Motions to approve expenses for investigators, experts, and other personnel shall be accompanied by sufficient information about those individuals to establish competency in the relevant field. They shall also include the individual's hourly rate and request a maximum expenditure amount (cap). Parties may not exceed the maximum amount authorized without additional Court approval.
- 9.4. Vouchers seeking payment for approved expenses must include a copy of the Court's order(s) authorizing the expenses.

10. Attorneys "Standing In"

- 10.1. An attorney who appears at a hearing or conference shall: (1) be familiar with the case and be prepared to argue any pending motions; (2) have authority to bind the client; and (3) be in charge for that appearance.

11. Pro Se Defendants (Defendants Representing Themselves)

- 11.1. Pro se defendants are held to the same standard as attorneys and must adhere to the same rules and policies that govern attorney behavior. Pro se defendants are expected to know and follow the rules of evidence and procedure as well as all substantive law applicable to the case.

12. General Case Progression

- 12.1. The State shall obtain all material evidence upon filing a charge, or as soon as practicable thereafter, and immediately honor its disclosure obligations.
- 12.2. The Defense shall perform an initial case review and request all apparent material evidence as soon as practicable.
- 12.3. Cases will typically be set for trial within a year of the Defendant's arrest. **Parties must approach the judge before resetting any case older than 150 days.** Appearances (resets) will generally be longer when a case is young (1-2 months apart) and shorter when the case is older (2-4 weeks apart) and follow this progression:

- 12.3.1. Preliminary Assigned Court Appearance (PACA): If not previously addressed, the Court will consider probable cause, statutory warnings, bail, bond conditions, and any need for appointed counsel.
- 12.3.2. Refer Bail to District Court (RBDC): Typically concurrent with a PACA setting. Used when a magistrate has deferred addressing bail so the district court can consider it.
- 12.3.3. Arraignment (ARRG): The Court will address any magistration issues. Cases continue to be set for arraignment until an indictment has issued. Once an indictment has issued (at the final ARRG setting), the defense may request a copy (if necessary) and the Court will address any bail and bond issues in light of the indictment. The Court will also address any non-magistration issues necessary in the case.
- 12.3.4. Non-Trial (NTRL): A status conference. Parties are free to approach for Court intervention whenever necessary.
- 12.3.5. Discovery Hearing: Used only when a discovery dispute requires a witness's appearance/testimony or legal briefing and argument.
- 12.3.6. Disposition (DISP): A final status conference. Parties shall finalize any discovery (or other) issues and request Court intervention if necessary.
- 12.3.7. Pretrial Motions (PTMO): Parties should be prepared to resolve the case (plea or dismissal) or set the case for trial. The Court will hear any matters that require court intervention. Cases that are not resolved will receive both a PTC date and a JTRL/CTRL date.
- 12.3.8. Pretrial Conference (PTC): The hearing contemplated and controlled by CCP Art. 28.01. The parties are bound by the dictates of that article and any other relevant law. Court will also address any other matters that must be resolved prior to trial. Parties should be prepared to discuss evidence that must be redacted so the exhibits can be prepared prior to the first day of trial. A party needing an interpreter must request the interpreter if not already requested. See Rule 16 for more information.
- 12.3.9. Jury Trial (JTRL) or Court Trial (CTRL)
- 12.3.10. Plea: A case can be set for a Plea (or have its current setting changed to a Plea setting) at any time. The Court will review the circumstances of the case and the terms of the plea agreement and either accept (and execute) or reject the plea agreement. Cases

with a trial setting must have the Court's permission before the setting type will be changed to Plea.

13. Must Approach Before Resetting

13.1. Parties must approach the Court prior to resetting a case if any of these apply:

- 13.1.1. Case is older than 150 days;
- 13.1.2. Defendant has an active warrant or bond violation report;
- 13.1.3. Either party wishes to set the case for trial;
- 13.1.4. Either party wishes to approach for any other reason.

14. Motions

14.1. Motions Generally

- 14.1.1. All motions must be accompanied by a proposed order.
- 14.1.2. The Court will entertain most agreed or unopposed motions by submission. Such motions must contain a Certificate of Conference certifying that the movant has discussed the requested relief with the opposing party and the opposing party stated that they were [unopposed, in agreement, etc.].
- 14.1.3. Parties must contact the clerk to request that motions be released to the judge for review, as the Court is not automatically notified of new filings.
- 14.1.4. Motions that are opposed or lack a Certificate of Conference must be heard in person.

14.2. Motions to Substitute or Withdraw

- 14.2.1. Motions to Substitute must bear the signature of the Defendant, current counsel, and substituting counsel. Substituting counsel may sign for the Defendant and/or current counsel assuming permission has been expressly given to do so. Counsel must approach the Court for a ruling in any case that has been set for trial. In other cases, Counsel should approach the Court for a ruling if the Court has not ruled on the motion by submission within 3 business days.
- 14.2.2. Any counsel filing a Motion to Withdraw must approach the Court to address the motion.

14.3. *Motions to Suppress Evidence*

- 14.3.1. Non-dispositive motions to suppress evidence shall be carried with trial.

14.4. *Motions to Seal*

- 14.4.1. The clerk strives to ensure that all documents filed in a case are quickly and accurately included in the public record. Parties seeking to seal a motion or other document must present the Court with the motion or document as well as a separate motion/order seeking to seal it.

14.5. *Motions to Revoke Probation (MRP) / Motions to Adjudicate Guilt (MAJ)*

- 14.5.1. After the initial appearance, cases shall be reset one time for the parties to review the allegations and evidence, discuss the case, and bring a proposed resolution to the Court. The Court will then set the case for a hearing if not resolved.

15. Setting a Case for Trial

- 15.1. Parties should approach the Court to set a case for trial. The Court will then:
- 15.1.1. Review the facts as alleged by both sides;
 - 15.1.2. Conduct an arraignment (if not previously conducted);
 - 15.1.3. Address any final discovery issues; and
 - 15.1.4. Discuss the status of any plea bargains and ensure the Defendant's understanding and rejection of any existing settlement offers.
- 15.2. Parties shall then ensure that any special issues existing in the case are addressed and arranged (interpreters, foreign witnesses, etc.).
- 15.3. See the *497th District Court Trial Procedures* for additional information about trials.

16. Pretrial Conference

- 16.1. A "Pretrial Conference" setting is designed to address all motions and matters described by TEX. CODE CRIM. P. art. 28.01. Parties are expected to adhere to

the provisions of that article and risk waiving matters that are not timely raised.¹

- 16.2. The Court will also address any other matters that must be resolved prior to trial. Parties should be prepared to discuss evidence that must be redacted so the exhibits can be prepared prior to the first day of trial.
- 16.3. Parties requiring accommodations (interpreters, special security measures, aids for the hearing impaired, etc.) must arrange to have the accommodations in place when needed.

17. Reporter's Record

- 17.1. Court activities are not automatically recorded by the official court reporter (with the exception of jury selections and trials). Any party wishing to make a record must affirmatively request that the record be made.

18. Young (Less Experienced) Lawyers

- 18.1. The Court encourages parties to allow young lawyers to participate in hearings before the Court—within legal and policy parameters (FDAMS, etc.)—particularly when the young lawyer contributed significantly to the matter at issue. Substantive speaking opportunities benefit the young lawyer, clients, and the profession generally.

¹ All pre-trial motions to be heard at the Pretrial Conference Setting must be filed in compliance with TEX. CODE CRIM. P. Art. 28.01, and any preliminary matters not raised or filed seven (7) days before the Pretrial Conference Setting will not be allowed to be raised or filed, except by permission of the Court for good cause shown. Written responses, if required, shall be filed three (3) days prior to this setting.