

497th District Court Trial Procedures

Attorneys and pro se defendants are expected to understand general trial procedures as well as all applicable substantive laws and rules. Specific procedures for trials in the 497th District Court follow. The Court may depart from these procedures based on circumstances attendant to a specific case.

1. Setting a Case for Trial

- 1.1. Parties should approach the Court to set a case for trial. The Court will then:
 - 1.1.1. Review the facts as alleged by both sides;
 - 1.1.2. Conduct an arraignment if not previously conducted;
 - 1.1.3. Address any final discovery issues; and
 - 1.1.4. Discuss the status of any plea bargains and ensure the Defendant's understanding and rejection of any existing settlement offers.
- 1.2. Parties shall then ensure that any special issues existing in the case are addressed and arranged (interpreters, foreign witnesses, etc.).

2. Trial Generally

- 2.1. Trial can begin any day, but most often begins on Friday.
- 2.2. If the case is not reached on its assigned trial date, the parties shall remain on call for 1 week and be prepared to begin trial any time during that week.
- 2.3. Daily hours are generally from 9:30 a.m. to between 4:30 and 5:30 p.m. with at least 1 hour for lunch and mid-morning and mid-afternoon breaks. Hours may vary depending on specific case circumstances.

3. Conduct During Trial

- 3.1. One attorney per side shall handle all objections and questions for any given witness.
- 3.2. Each witness shall be subjected to one direct/cross examination and one re-direct/re-cross examination.
- 3.3. An attorney need not seek Court permission to approach a testifying witness or publish an exhibit that has been admitted into evidence.

- 3.4. Parties shall raise anticipated charge issues at the earliest possible opportunity. Parties shall inform the Court of anticipated general issues prior to voir dire and a proposed jury charge when the State rests its case-in-chief.
- 3.5. Speaking objections are discouraged. Parties shall provide only the legal basis for the objection unless the Court requests clarification.
- 3.6. Witnesses must be present and ready to testify when called. A party choosing to place a witness “on call” must ensure that the witness is ready when needed. If a called witness is not present, the Court will likely instruct the party to call its next witness and move forward with trial.
- 3.7. Parties must admonish their witnesses prior to testimony not to discuss any matters the Court has deemed inadmissible (order suppressing evidence, order in limine, etc.).
- 3.8. Parties must immediately bring to the Court’s attention any circumstances that could undermine a trial’s impartiality (prejudicial material on display, shackles visible to venire/jury, contact with a juror, etc.).
- 3.9. Parties shall understand courtroom technology in advance. Either side may contact the Court before trial to schedule time to practice with the technology (email coordinator Daisy Linares at daisy_linares@justex.net or call 832-927-8660 or 832-927-8662).

4. Plea Deadline

- 4.1. Plea bargains will not be considered less than 7 days before a trial setting absent exceptional circumstances.

5. Dismissal Deadline

- 5.1. Motions to dismiss will not be considered if filed less than 48 hours before a trial setting absent exceptional circumstances.

6. Requests for Continuance

- 6.1. Requests for continuance will not be considered if filed less than 7 days before a trial setting absent exceptional circumstances.

7. Pretrial Conference

- 7.1. 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

- 7.2. 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.
- 7.3. Parties requiring accommodations (interpreters, special security measures, aids for the hearing impaired, etc.) must arrange to have the accommodations in place when needed.

8. Motions to Suppress

- 8.1. Motions to suppress shall be carried with trial. If necessary, the jury will be excused to address a motion when the issue becomes ripe.

9. Jury Selection

- 9.1. The Court will question the venire on general legal concepts applicable to criminal cases. Each party will then have time to question the venire on relevant matters. The Court will intervene to clarify, instruct, or expedite the proceedings or to correct or restrict confusing or misleading questions.
- 9.2. Parties shall raise strikes for cause after all questioning is concluded.
- 9.3. All juror information documents provided by the clerk shall be returned to the clerk when jury selection concludes.

10. Witness List; Exhibit List; Exhibits

- 10.1. Parties shall confer about exhibits in advance and bring to the court's attention any disputed requests for redaction. Trial will not be suspended so a party can redact an exhibit. If an exhibit is only admissible once redacted, it is inadmissible until redacted.
- 10.2. Parties are encouraged to pre-admit unopposed exhibits.
- 10.3. Each party shall provide the Court and court reporter with a witness list and an exhibit list before beginning its case-in-chief.
- 10.4. Parties must not mark on or otherwise alter an exhibit that has been admitted.

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.

- 10.5. Redactions are the parties' responsibility. The court reporter does not alter exhibits.

11. Invoking the Rule

- 11.1. Either party may invoke the rule or the Court may do so sua sponte.
- 11.2. If the rule has been invoked, parties shall bring all witnesses who are present into the courtroom to be sworn and instructed in front of the jury. Parties shall thereafter alert the Court whenever a new witness appears so the Court may pause proceedings to swear and instruct the new witness in front of the jury.

12. Jury Charge

- 12.1. Prior to jury selection, each party shall provide the Court with a list of jury instructions and other issues it anticipates will be required in the charge.
- 12.2. At the conclusion of the State's case-in-chief, each party shall provide a proposed jury charge in Word/Pages/WordPerfect format to the Court and opposing counsel by email and to the clerk in paper copy for filing. Any proposed charge not filed with the clerk will not be included in the clerk's record.