

**IN THE 506TH JUDICIAL DISTRICT COURT OF TEXAS
GRIMES COUNTY and WALLER COUNTY**

**EMERGENCY ORDERS PERTAINING TO COVID-19;
Online Court Proceedings**

SUMMARY

This summary of online court proceedings is furnished for those who actually understand the process of online plea hearings.

1. Cut your plea deal between the state and the defense.
2. The DA prepares the plea package, including the new attachments.
3. As appropriate, CSCD reviews and approves the plea package.
4. All attorneys sign as required.
5. Defendant signs with the Clerk as required.
6. Set a time with the court coordinator to take the plea.
7. Take the plea over Zoom.

If you don't understand the implied tasks required to prepare for an online plea hearing, read the following.

**IN THE 506TH JUDICIAL DISTRICT COURT OF TEXAS
GRIMES COUNTY and WALLER COUNTY**

**EMERGENCY ORDERS PERTAINING TO COVID-19;
Online Court Proceedings**

These instructions apply to all online criminal court proceedings in the 506th Judicial District Court, in both Grimes County and Waller County, Texas.

1. The Court has established a premium level Zoom account. For all hearings, a specific time will be set for the hearing. The Court has established a YouTube account in order to fulfill the open courts requirements of the law (*506TH District Court*). All criminal hearings will be subject to recording on Zoom, but the official record of the proceeding remains the transcript of the Official Court Reporter.
2. All remote participants must have access to an internet device equipped with a camera, a microphone, and a speaker. Ear buds will suffice in lieu of a speaker. The device should not be held in the hand during the proceedings due to the unstable nature of doing so. Prop it up or balance the device to keep it pointed in the right direction and be stable. Be aware of potential background noise, what may be visible in the background, and possible incoming calls. Set up your devices and surroundings to minimize those interruptions. Avoid background noise such as pencil tapping, paper rustling, squeaking chairs, and other extraneous noises. Participants should familiarize themselves with Zoom meetings before the scheduled hearing. Use your search engine for “Zoom” to find out more, and download the app to your device.
3. For non-plea matters and hearings, any exhibits to be offered by either party are to be delivered to the opposing side and to the Court at least one hour before the scheduled hearing. Exhibits ARE NOT to be efiled with the Clerk. During the Zoom hearing exhibits will be offered and admitted in the usual manner. The Court copy of the exhibit shall be the original exhibit kept by the Court Reporter.
4. **FOR PLEA HEARINGS:** The following procedures will be used for all pleas before the Court, including original pleas as well as MTAG/MTRP pleas. This does not include MTAG/MTRP bench trials. It is fully anticipated that the usual exchanges between attorneys for the state and defense, and exchanges between the client and defense attorney will be fully concluded before the time set for the plea hearing. Attorneys will use their best discretion to determine how to communicate with his or her client to accomplish the plea. The jails have agreed to use their best efforts to allow attorney contacts in keeping with COVID-19 emergency procedures. Further, the jails have established Zoom locations within the jails for use by inmates.

- a. Once a plea bargain has been reached, the District Attorney's Office will prepare the plea paperwork as usual. An additional waiver has been created for inclusion in the plea package wherein the defendant waives any in-person appearance and consents to the online plea hearing. That waiver will be an exhibit or inclusion to the plea package with signature lines for the ADA, the defendant, defense counsel, and approval by the Court. The defendant will be questioned about and admonished on the waiver during the plea hearing.
- b. The District Attorney's Office will contact the jail to obtain a copy of the defendant's 10-print fingerprint card that was initiated on the defendant's booking. If that digital information cannot be obtained, the defendant will report to the jail for a new 10-print fingerprint card, a copy of which will be provided to the District Attorney's Office. On the Judgment being prepared, in the location at which the defendant's fingerprint is normally located, a statement will be added substantially as follows:

"Attached hereto and incorporated into this Judgment is the defendant's 10-print fingerprint card. This attachment is in compliance with Emergency Orders of the Supreme Court of Texas and The Court of Criminal Appeals of Texas issued on March 13, 2020, regarding the COVID-19 crisis."


If repeated scanning of documents in following the procedures contained in these instructions causes the degradation of the 10-print fingerprint card, with approval of the Court an original version of the 10-print fingerprint card may be substituted by the Clerk as the pen-pack is being prepared.

During the taking of the plea, the defendant will be admonished about and questioned by the Court relating to the authenticity of the 10-print fingerprint card.

- c. Once the plea package has been approved by the ADA and signed, on those matters needing CSCD review, the package will be transmitted to both CSCD and defense counsel for review and approval in the usual manner. Once CSCD has approved, CSCD will notify both the State and the Defense that the plea package is approved. If no CSCD approval is required, that step will be skipped.
- d. Once the plea package has been vetted and approved by the ADA, CSCD, and defense counsel, the defense counsel will present the plea package to the client and go over it in a manner in keeping with COVID-19 procedures. If N-95 masks and gloves are needed for client communications, contact the Court and efforts will be made through appropriate channels to provide N-95 masks. In most instances, normal no-contact discussions with inmates can be had at the jail at the visitor portal. Nothing in these instructions is intended to place any person into a situation that creates a reasonable risk of exposure to COVID-19.

- e. Once defense counsel is satisfied that the client understands the terms of the plea in the usual manner, if the defendant IS NOT IN CUSTODY, the defendant will be given an appointment time to appear via a Zoom video conference with the Deputy Clerk to swear to and sign the appropriate places on the plea package. The signed plea package will then be transmitted to the Clerk and counsel for the state and the defense showing signatures of the ADA, defense counsel, and the defendant. Defense counsel may, but is not required, to attend the signing via Zoom. If the defendant IS IN CUSTODY, a Zoom station has been provided at the jail to accommodate the discussions between Defense counsel and the defendant, to make appropriate arrangements with the Clerk for the defendant's signature, and for the plea hearing.
- f. Once the defendant has signed the documents, the Clerk will deliver the plea package to the Court either in person or electronically, whichever is available.
- g. All of the foregoing procedures are to be completed at least one-hour prior to the scheduled plea hearing which will be scheduled over and conducted on Zoom. A specific time for the plea hearing will be scheduled under the direction of the Court.
- h. The Zoom hearing will be conducted on the record with all parties appearing remotely as stated above. The plea package that the Court will use and sign will become the official, original of the plea package paperwork and all other copies may be deleted or destroyed.
- i. If the defendant is in custody and taking either jail or TDCJ time, the defendant will remain in custody pending completion of sentence or transport. If the defendant is taking either deferred or straight probation, at the time of the plea the defendant will be given instructions on how and when to set up an appointment with CSCD. CSCD will provide written instructions on how and when the defendant will report to the CSCD office following the plea.
- j. For all cases in which the defendant is represented by appointed counsel, the ADA should omit the charging of court costs and attorneys fees.

Effective April 9, 2020, at 8:00 a.m.



JUDGE, PRESIDING