



July 19, 2021

**CHAIR:**

The Honorable Sharon Keller  
Presiding Judge  
Court of Criminal Appeals

**EX OFFICIO MEMBERS:**

Honorable Sharon Keller  
Honorable Nathan Hecht  
Honorable John Whitmire  
Honorable Brandon Creighton  
Honorable Nicole Collier  
Honorable Reggie Smith  
Honorable Sherry Radack  
Honorable Vivian Torres

**MEMBERS APPOINTED BY GOVERNOR:**

Mr. Alex Bunin  
Honorable Valerie Covey  
Honorable Richard Evans  
Honorable Missy Medary  
Mr. Gonzalo Rios

**EXECUTIVE DIRECTOR:**

Geoffrey Burkhart

The Honorable Tano Tijerina  
Webb County Judge  
Via E-mail: [webbcountyjudge@webbcountytx.gov](mailto:webbcountyjudge@webbcountytx.gov)

RE: FY22 Statement of Grant Award -RPDO-- Grant Number 212-22-D04

Dear Judge Tijerina,

I am pleased to inform you that the Texas Indigent Defense Commission has awarded a FY22 Sustainability Grant to Webb County of \$11,561 for the **Weekend Indigent Defense Coordinator**.

Your Statement of Grant Award for fiscal year 2022 is attached. Please sign, scan, and return via e-mail the Statement of Grant Award to [ecolfax@tidc.texas.gov](mailto:ecolfax@tidc.texas.gov) on or before **August 30, 2021**. You do not need to mail a copy.

Congratulations to Webb County on creating this new indigent defense program. If you have any questions or need clarification of the information contained in this letter or the attached Statement of Grant Award, please contact Edwin Colfax, the Commission Director of Grant Funding at (512) 463-2508.

Sincerely,

**Sharon Keller**  
Chair, Texas Indigent Defense Commission  
Presiding Judge, Court of Criminal Appeals

Copy: Rafael Perez, [rafaelperez@webbcountytx.gov](mailto:rafaelperez@webbcountytx.gov)  
Cornell Mickley, [cmickley@webbcountytx.gov](mailto:cmickley@webbcountytx.gov)



**Statement of Grant Award  
FY2022 Improvement Grant**

Grant Number: 212-22-D04  
 Grantee Name: Webb County  
 Program Title: Weekend Indigent Defense Coordinator  
 Grant Period: 10/1/2021-9/30/2022  
 Grant Award Amount: **\$11,561**

The Texas Indigent Defense Commission (herein, the Commission) has awarded the above-referenced grant to Webb County (herein, the County) for indigent defense services. The authorized official named on the grant application must sign this Statement of Grant Award and return it to the Commission by August 30, 2021. The grantee will not receive any grant funds until this notice is executed and returned to the Commission. Funding is provided as listed in the categories in the table below:

<b>1) Personnel - Salaries (Total Number of FTEs: &lt;1 )</b>	\$12,613
<b>2) Fringe Benefits (incl. non-salary costs of employment)</b>	\$1,838
<b>3) Travel and Training</b>	
<b>4) Equipment</b>	
<b>5) Supplies</b>	
<b>6) Contract Services</b>	
<b>7) Office Space costs</b>	
<b>Total Proposed Costs</b>	\$14,451
<b>Less County Contributions</b>	\$2,890
<b>Total Amount Funded by Commission</b>	<b>\$11,561</b>

**Standard Grant Conditions:**

- The authorized official for the grantee accepts the grant award.
- The authorized official, financial officer, and program director, referred to below as grant officials, must comply with the terms of the grant as written in the Request for Applications issued in January 2020, including the rules and documents adopted by reference in the Commission’s Grant Rules in Title 1, Part 8, Chapter 173, Texas Administrative Code.
- The grant officials understand that a violation of any term of the grant may result in the Commission placing a temporary hold on grant funds, permanently de-obligating all or part of the grant funds, requiring reimbursement for funds already spent, or barring the organization from receiving future grants.
- Disbursement of funds is always subject to the availability of funds.
- The grant officials agree to follow the grant terms contained in the “Terms and Conditions” contained in Attachment A which includes the final grant application.
- Any indigent defense plan documents submitted to the Commission must continue to meet all grant eligibility requirements.
- ~~The judges hearing criminal and juvenile matters must amend the Indigent Defense Plan for their respective courts as needed to include the program funded under this award and submit it to the Commission by November 1, 2021.~~

The authorized official for this grant program has read the preceding and indicates agreement by signing the Statement of Grant Award included below.

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Signature of Authorized Official

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Name & Title (please print)

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Date

**Attachment A**  
**Terms and Conditions**

In addition to the program requirements stated in the Request for Applications (RFA), these specific program requirements apply to this program.

1. This award covers one year of operation at 80% reimbursement of the approved total budget. The County must submit a brief continuing grant application and Commissioners Court Resolution as described in the Improvement Grant Request for Applications for each subsequent year of funding. The funding plan includes 60% grant reimbursement in the second year, 40% in the third year, and 20% in the fourth year.
2. The county must provide to TIDC the minimum job requirements and a full job description of the staff positions specified under this project before positions are publicly posted.
3. This grant requires quarterly progress reports to provide information on the operation of the program. The TIDC grant manager will create an online progress report to document the work performed in this program. The County may request modifications to the report. See the Timeline for Reporting and Fund Distribution at the end of this document for dates.
4. The County will submit quarterly grant program expenditure reports to obtain reimbursement of the scheduled percentage of expended funds based on actual expenditures. The reimbursements will be proportional to the county's required match. See the Timeline for Reporting and Fund Distribution at the end of this document for dates.
5. Requests to revise the scope, target, or focus of the project, or substantively alter project activities require advance written approval from TIDC. Budget adjustments consisting of reallocations of funds among or within budget categories in excess of \$10,000 or ten percent of the original approved budget, whichever is less, are considered budget adjustments and are allowable only with prior approval of the executive director of the Commission.

**Original grant application follows**

**2022 Webb County Improvement Grant Application Narrative**

**(Multi-Year Grant)**

**a. Application Form**

Counties Represented: **Webb**

Fiscal Year: **2022**

State Payee Identification Number: **746001587**

Division To Administer Grant: **Auditors/Pre-Trial Services**

**Program Title: Webb County Staffing at the front-end indigent defense process during the weekend magistrate process.**

**Requested Grant Amount: \$11,561**

**Financial Officer: Rafael Perez**

**Program Director: Cornell Mickley**

**Mailing Address: 1110 Victoria. Suite 501; Laredo, TX 78040**

**b. Introduction (Executive Summary)**

The Webb County Pre-Trial Services Department is seeking to establish a part-time Assistant Indigent Defense Coordinator that will enhance services provided by pre-trial services to all criminal indigent offenders during the weekend that qualify for a criminal defense attorney. This position is critically needed to allow the office to be in compliance with legislative policies and guidelines pertaining to Article 26, of the Texas Criminal Code of Procedure regarding indigent criminal defendants. Our goal is to have an efficient and effective indigent defense process at the front-end of the criminal justice proceeding during the weekend. This will provide indigent offenders quality legal representation in accordance with legislative and local guidelines.

**c. Problem Statement**

The Pre-Trial Service Department is in need of an Assistant Indigent Defense Coordinated to provide a court appointed attorney to qualifying indigent criminal offenders that are arrested during the weekend.

The Webb County Board of Judges have implemented a weekend magistrate process at our jail. The Pre-Trial Services Department has been designated and has the responsibility to interview individuals that are arrested for criminal offenses during the weekend and identify those that are indigent and qualify for a court appointed attorney. Our department is limited in staff, which places a hinderance on our regular business operations during the weekday. In addition, it has made it difficult to schedule our limited staff during the regular work week. This has placed employees earning accrued comp-time , that the county may pay-out, if an employee resigns.

**d. Objectives**

Our desired outcome is to enhance the responsibility of the pre-trial services department in scheduling a weekend process that will provide services to criminal indigent offenders that qualify for court appointed attorney. Our local judiciary are moving forward and have established a weekend criminal justice process such as many jurisdictions have establish, which includes the pre-trial services departments throughout the state.

The objective of the Assistant Indigent Defense Coordinator is to identify and provide the indigent criminal offender a qualified court appointed attorney as it partially pertains to Article 26, of the Texas Criminal Code of Procedure regarding indigent defendants and refer the defendant to the attorney appointed to his case.

If Webb County is granted the funding, for this weekend position for the pre-trial service department pertaining to the appointment of attorney to indigent offenders, it will lay down the foundation for Webb County to have a efficient and effective weekend process for the local judiciary and the stakeholders to assure that each qualified indigent offender has the appropriate legal representation at the front-end of the magistrate process. Our intent

is to show and make clear to the local stakeholders the importance to have this position funded in the future by county fund.

The pre-trial services department will hire for this position 60-90 days from the grant award received.

**e. Activities**

A job description has been designed and is pending approval from the Webb County Civil Service Commission. The Webb County hiring policies and process will be followed. Advertisement will be posted on the Webb County website.

This position (Assistant Indigent Defense Coordinator), will be responsible to interview individuals that were arrested during the weekend and identify those that are indigent and qualify for a court appointed attorney, before the individual appears before the magistrate. There are anywhere between 15-25, individuals to interview according to our records during the weekend magistrate process. 95%, of these individuals qualify for a court appointed attorney. Jail personnel is responsible to escort one inmate at a time to be interviewed face-to-face by the clerk, at a designated location at the county jail. The clerk will ask the inmate a series of 22 questions concerning the his/her financial status. The clerk will input the numerical answers onto a computerize software document that will automatically calculate the Debit-to-Income Ratio. This software will automatically indicate if the individual falls below the poverty guideline and will determine if he/she qualifies for a court appointed attorney. If the individual qualifies for a court appointed attorney, the software will prompt the clerk to answer a series of questions concerning the charge/offense the individual was arrested for. This will automatic determine what attorney in the software is next on the rotation list and will assign the attorney to the indigent offender. The software will further prompt the clerk to fill out the Attorney Court Appointment Order to be present to the magistrate once the offender appears before the magistrate for his approval and signature. The assistant coordinator will further email the court appointed attorney all the necessary documents that pertains to offender and his case. Each interview will take 8-10 minutes to complete, depending if no computer delays or interruptions take place.

The importance of this weekend position will allow for Webb County to be in compliance with any legislative policies and guideline pertaining partially to Article 26, of the Texas Criminal Code of Procedure regarding indigent defendants.

Furthermore, this position will be responsible to assist in managing the court appointment list of private attorneys qualified to represent indigent clients for the magistrate. This position will be responsible for assuring that all front-end criminal court appointments of attorneys as administrated by all the state, local and department guidelines. These guidelines are generally clear and specific, but may require interpretation in application by the appropriate oversight agency.

**f. Evaluation**

The Webb County Pre-Trial Services Department has a sub-unit that has a limited staff that handles all criminal appointments of attorneys at the point of arraignment and at the magistrate level during the regular business week. Our department has a software program in its computer system that can be assessed to determine if a particular function or individual is producing positive results. Our office also has manual processed to determine productivity and outcomes of a particular office function. This includes a system of reports that will measure the qualifiable number of indigent defendants that are interview on a daily basis. Delays in the judicial process will occur if the appointment of an attorney is not completed the front-end of the indigent defense process. Monthly

reports are generated. These reports will document the number of inmates interviewed at intake in order to determine who qualifies for a court appointed attorney.

**g. Future Funding**

Our local stakeholders will be informed of the importance of having this position funded with local government funds, by producing a systematic report that allows to provide information on statistic and productively that is in concert with all legislative guideline pertaining to the indigent defense process.

**h. Budget Narrative and Budget Form**

Webb County is requesting \$14,451.52, of funding for this project. The initial submission of the grant application was discuss with the TIDC grant staff. They advised to submit a multi-year grant application for this project and for us to request an exception from the minimum funding amount required as explained in the policy. Suggestions were made that the final application may be modified before the approval level to be considered otherwise.

According to local Webb County policies, part-time employees do not receive any benefits. The only funding we are requesting is for the salary. The amount stated above includes the cost of Federal Insurance Contribution Tax, Workmen's Compensation and Unemployment. I placed these amounts under the Fringe Benefits box. The required county cash match stated is minus the 20% of the total amount of \$14,421.52, for the first year if this grant is awarded.

We realize that the amount requested is not within the guidelines for submitting this multi-year improvement grant application. We are in need to prioritize the function of the pre-trial services department. This office has been designated and has the responsibility to logistically undertake the weekend indigent defense process in accordance to legislative and local guideline in concert with Article 26, of the Texas Code of Criminal Procedure regarding indigent defense. This particular funding request is for a program that is intended to comply with such guidelines. Cost containments we are faced with during these uncertain times have forced us to request grant funding from the Texas Indigent Defense Commission. We desire to keep the integrity of this office with the assistance of grant funding.

Personnel Costs	\$14,451
FTE's <1	
Salary	\$12,613
Fringe Benefits	\$1,838
Travel and Training	\$0.00
Equipment	\$0.00
Supplies	\$0.00
Total	\$14,451

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## Timeline for Reporting and Fund Distribution

Reports will be submitted on-line at [tidc.tamu.edu](http://tidc.tamu.edu).

Reporting Period	Type Report Due	Date Report Due	Fund Distribution Date
October 2020 through December 2021	Grant Expenditure Report Progress report	January 15, 2022	February 2022
January 2022 through March 2022	Grant Expenditure Report Progress report	April 15, 2022	May 2022
April 2022 through June 2022	Grant Expenditure Report Progress report	July 15, 2022	August 2022
July 2022 through September 2022	Grant Expenditure Report Progress Report	October 15, 2022	December 2022