

R. SCOTT MCKEE
DISTRICT JUDGE



392nd JUDICIAL DISTRICT COURT

STANDING ORDER REGARDING CRIMINAL CASE SETTINGS

AS ENTERED, THE 13TH DAY OF JUNE, 2019.

THIS ORDER IS A STANDING ORDER OF THE 392ND DISTRICT COURT OF HENDERSON COUNTY TEXAS AND APPLIES TO ALL CRIMINAL CASES HEARD IN THE 392ND DISTRICT COURT. THE COURT RESERVES THE RIGHT TO MODIFY OR CHANGE THIS ORDER. THIS ORDER IS NECESSARY TO ENSURE THE EFFICIENT HANDLING AND RESOLUTION OF CRIMINAL CASES.

- I. ARRAIGNMENT:** All criminal cases will be set for Arraignment approximately 30 days after the indictment is assigned to the Court from the District Clerk. Written waivers of arraignment are acceptable without the necessity of appearance, provided that a proper **WAIVER OF ARRAIGNMENT AND ACKNOWLEDGMENT OF PRE-TRIAL AND STATUS CONFERENCE HEARINGS** document is filed with the District Clerk with notice to the State, at least 3 business days prior to the Arraignment docket.
- II. DISCOVERY STATUS HEARING:** Approximately 60 days after Arraignment, a Discovery Status Hearing will be held. The purpose of the Discovery Status Hearing is to ensure that all available discovery has been provided to the defendant, make the Court and parties aware of outstanding discovery, and to resolve any discovery issues.
- III. PRE-TRIAL HEARING:** Approximately 30 days after the Discovery Status Hearing, a Pre-trial Hearing will be held. Any pre-trial matters set out in Article 28.01, Texas Code of Criminal Procedure, must be raised or filed seven days before the Pre-trial Hearing, and will not thereafter be allowed to be raised or filed except by permission of the Court for good cause shown. Should the parties desire a contested Pre-trial Hearing, arrangements must be made with the court coordinator.

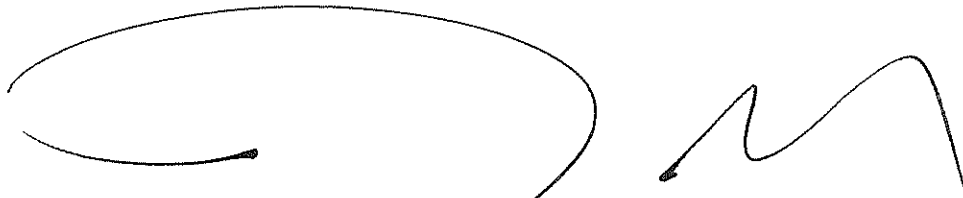
FILED FOR RECORD
At 12:14 O'clock P.M.
KEVIN ENDSLEY
Court Coordinator
903.675.6110
903.677.7280 Fax
Betty Herriage
District Clerk
MELANIE FORBES
Court Reporter Deputy
903.675.6111

RONNY HALBERT
Bailiff
903.675.7202
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- IV. STATUS CONFERENCE HEARING:** Approximately 30 days after the Pre-trial Hearing, a Status Conference Hearing will be held. At the Status Conference Hearing, the Court will be advised as to whether a plea bargain has been reached. **The Court will not approve a plea bargain agreement after the date of the Status Conference Hearing except for good cause shown.** Also, the Court will be informed by the attorneys at the Status Conference Hearing whether the case will be tried before the Court or jury, the estimated time it will take to try the case, and whether a special setting is requested. Cases not resolved at the Status Conference Hearing will be docketed on a rolling trial docket to dispose of the cases as expeditiously as possible. As a general rule, the Court will not reset the Status Conference Hearing except for good cause shown.
- V. ROLLING TRIAL DOCKET:** The Court will periodically publish the Rolling Trial Docket which will contain all unresolved cases that have been through Status Conference. Cases will appear on the Rolling Trial Docket in numerical order based upon a number of factors, including, but not limited to, the age of the case, whether the defendant is in jail, the Court's calendar, complexity of the case, and other factors which may affect the efficient and orderly resolution of cases.
- VI. SCHEDULED JURY TRIAL WEEKS:** The Court will periodically publish its scheduled jury trial weeks many months in advance. The schedule will designate which weeks are for civil cases and which weeks are for criminal cases. In the event all civil cases scheduled for that civil jury trial week are resolved without the necessity of a jury trial, the Court will re-designate that jury trial week as a criminal jury trial week and set a Trial Announcement Hearing approximately one week prior to trial. Attorneys with cases on the Rolling Trial Docket are expected to monitor the Court's calendar and the Rolling Trial Docket. As a general rule, jury selection will begin on Monday at 8:30AM of the scheduled jury trial week.
- VII. TRIAL ANNOUNCEMENT HEARING:** The Court will hold a Trial Announcement Hearing approximately one week prior to a given scheduled criminal trial week. As a general rule, the first ten cases on the Rolling Trial Docket will be set at the Trial Announcement Hearing. The parties are highly encouraged to communicate with one another regarding the status of cases ahead of them. **Any case within the top ten cases on the Rolling Trial Docket that is not ready for trial will only be reset to another scheduled trial week by the granting of an order continuing the case made by a written motion for continuance.** Motions for continuance must be filed prior to the Trial Announcement Hearing. The Court will hear motions for continuance at the Trial Announcement Hearing. At the conclusion of the Trial Announcement Hearing, the lowest numbered case for which a continuance has not been granted on the Rolling Trial Docket will be immediately set for trial.

- VIII. AGREEMENT AS TO CASE TRIED:** If the State and the attorney(s) for the defendant with a case in the top ten cases on the Rolling Trial Docket reach an agreement as to which case is ready and should be tried at the next scheduled trial week, the Court will pay great deference to that agreement with consideration given to any objections to that agreement made on behalf of a defendant who also has a case within the top ten cases on the Rolling Trial Docket.
- IX. SPECIAL SETTINGS:** All requests for special settings should be made in writing prior to the Status Conference Hearing date. The written request should state the reasons for the special setting request as well as the estimated time the trial will take. The Court reserves the right to specially set cases without request.

SO ORDERED AND SIGNED ON THIS THE 13TH DAY OF JUNE, 2019

A handwritten signature in black ink, consisting of a large, sweeping loop on the left and a smaller, more angular signature on the right.

R. Scott McKee
Presiding Judge, 392nd District Court
Henderson County, Texas