## **Typical Felony Caseflow** 1. Determine probable cause 2. Bind over or dismiss 3. Bail may be reviewed Indigence Examining Magistration Determination Incident Trial Arrest (Art. 15.17) (Art. 1.051, (Art. 11.44) 26.04(m)) Magistration must occur w/in 48 hours of For jailed persons, must occur w/in 1 Warrant Probable cause for misdemeanor must working day in counties w/ census occur w/in 24 hours of arrest (Art. 17.033). (Art. 15.03) population of 250,000 or more; 3 1. Arrestee advised of rights including working days for other counties (Art. appointed counsel 2. Record of whether counsel requested For bonded persons, must occur by 3. Request promptly forwarded to initiation of adversary judicial appointing authority (must be w/in 24 proceedings (Art. 1.051(j)) hours). Tex. Disc. Rules Prof. Cond. § 1.01(b) requires competent and diligent representation **Defense** Art. 26.05(h) requires reimbursement for Investigation reasonable and necessary expenses Counsel **Motions** Discovery Arraignment **Immediately** (Art. 39.14) (Art. 28.01) (Art. 26.01) **Appointed** (Art. 1.051) 1. Attack sufficiency of charge 1. Charges read 2. Advised of rights including right to 2. Approval of indigent expenses Indictment/ counsel and procedures for requesting 3. Mental condition of defendant Information (Art. 21.01, 3. Initial Plea (Guilty, not guilty) 4. Bail may be reviewed 21.21) 5. Correspondence between defendant and prosecutor not allowed if request for counsel pending (Art. 1.051) 6. If counsel present or if counsel validly waived, plea may be finalized (Art. 1.051) **Motions** Pre-trial Trial Sentence (Art. 28.01) Conference (Chapts. 33-37) (Art. 37.07) Utilized in some jurisdictions 1. Jury selected 1. To suppress evidence 1. Simplify issues 2. Opening statements 2. Relating to discovery 2. Exchange witness lists 3. State's case 3. Investigate plea possibilities 4. Motion for directed verdict 4. Establish trial time 5. Defendant's case 6. State's rebuttal 7. Motion for directed verdict 8. Closing arguments 9. Instructions 10. Deliberations 11. Verdict or findings **FY07 District Summary Totals** Conviction - 45.7% Collateral Judgment and Appeal Acquittal – 0.4% Attack on Service of (Chapter 44) Dismissal – 14.8% Sentence Sentence Other - 39.1% (Chapter 11) (Chapter 42) Jury Empanelled – 1.4%