

Standing Order No. _____

A STANDING ORDER)
)
ESTABLISHING AND IMPLEMENTING)
POLICIES AND PROCEDURES)
IN COMPLIANCE WITH)
ART. 17.027 OF THE TEXAS)
CODE OF CRIMINAL PROCEDURE)

IN THE DISTRICT COURTS
AT 12:02 O'CLOCK P M
MAY 17 2023
DISTRICT CLERK
Denton County, Texas
DENTON COUNTY, TEXAS DEPUTY

**STANDING ORDER OF THE DENTON COUNTY DISTRICT COURTS
ESTABLISHING AUTHORITY TO SET BAIL AS TO A DEFENDANT CHARGED
WITH COMMITTING A SUBSEQUENT FELONY OFFENSE WHILE ON BAIL
(Texas Code of Criminal Procedure Art. 17.027)**

Having considered certain statutory provisions of the Texas Code of Criminal Procedure as amended by Senate Bill 6, 2nd Called Session of the 87th Session of the Texas State Legislature, the Presiding Judges of the District Courts of Denton County, Texas designated with criminal jurisdiction, in their administrative capacity as to felony criminal matters, find the following Standing Order to be necessary and appropriate. Specifically, this Standing Order designates certain magistrates in Denton County, Texas, and authorizes those designated magistrates, to set bail pursuant to Texas Code of Criminal Procedure, Art. 17.027.

1. Designation and Assignment of Authority to Set Bail as to Defendants Charged With the Commission of a Felony Offense After Release on Bail for a Prior Felony Offense Alleged to Have Been Committed in Denton County.

- a. **Cases Filed by Indictment in a Denton County District Court.** As set forth in T.C.C.P. Art. 17.027(a)(1)(A), the District Judges herein reserve all authority and right to set or take bail, issue appropriate conditions of bond, or modify, reduce or hold bond to be insufficient as to any charge or offense, whether the offense remains unfiled and pending, or filed by indictment in any District Court of Denton County, Texas.
- b. **Pending Denton County Cases;** As to any pending criminal offenses which have not been indicted, and which remain unfiled or otherwise undisposed, in addition to the courts referenced above, the District Judges of Denton County, Texas herein designate the following judges or magistrates as the court with authority to set or take bail, or order the release of any person alleged to have committed a felony offense after release on bond for a felony offense pending in Denton County, pursuant to Texas Code of Criminal Procedure Art. 17.027(a)(1)(B):
 - 1. The Appointed Title 54A Associate Criminal County and District Judge of Denton County;
 - 2. Any magistrate specifically designated and assigned to perform magistrate duties in the Denton County Pre-trial Detention Facility (Jail) by written order of the Title 54A Associate Criminal District Judge of Denton County.

2. Definition of "Pending" Felony Offense. The District Judges of Denton County define the term "pending", in the context of T.C.C.P. Art. 17.027, to mean "any felony criminal offense alleged to have been committed in Denton County for which (1) probable cause has been found by any elected or appointed magistrate for Denton County; (2) the offense charged has not been filed by indictment in a District Court of Denton County; (3) the defendant has been transferred and delivered to the custody of the Denton County

Sheriff or his Deputies, or released on bail by way of a surety, cash or attorney bond received and approved by the Denton County Sheriff; and, (4) the offense or charge has not otherwise been disposed by dismissal, judgement, conviction or acquittal, regardless of whether or not the offense or charge has been formally filed by indictment in a Denton County District Court.”

3. **T.C.C.P. 17.027(a)(1) - Arrest of Defendant for Felony Offense Committed in Denton County After Release on Bail for Pending Felony Offense Committed in Denton County, Texas.**

Upon determining that a defendant is alleged to have committed a new felony offense in Denton County after release on bail for a prior and pending felony offense alleged to have also been committed in Denton County, any magistrate not specifically designated or authorized under Section 1(b)(2) of this Standing Order, may:

- a. Without a finding of probable cause, within twelve (12) hours of the defendant’s arrest, order the transfer and delivery of the defendant to the custody of the Denton County Sheriff, together with any sworn probable cause affidavit, confirmed warrant of arrest, or other documentation necessary to establish probable cause as to the offense for which the defendant is currently in custody, so that a judge or magistrate designated by this Standing Order may perform all duties required under T.C.C.P Art. 15.17, and set bail;

or, in the alternative,

- b. Within twenty-four (24) hours of the defendant’s arrest, consider any affidavit, confirmed warrant, or other documentation necessary to determine if probable cause exists for further detention of the defendant as to the offense for which the defendant is currently in custody, and, *without setting or releasing the defendant on bail*, (1) perform all duties of a magistrate as set forth in Art. 15.17, T.C.C.P.; (2) order the transfer and delivery of the defendant to the custody of the Denton County Sheriff so that a district judge, associate judge, or assigned magistrate as designated under Sec. 1 (b) of this Standing Order may set bail, and; (3) provide written notification by electronic means, in the form attached as “EXHIBIT A”, or a notice containing substantially the same information, to the Denton County District Court Administrator and Magistrate Court, at the email address provided prior to, or at the time the defendant is transferred to the custody of the Sheriff.

4. **T.C.C.P. 17.027(a)(2) - Arrest of Defendant for Felony Offense Committed in Denton County After Release on Bail for Pending Felony Offense Committed in Any Texas County Other Than Denton County.**

Upon determining that a defendant is alleged to have committed a felony offense in Denton County after release on bail for a prior felony offense alleged to have been committed in some county other than Denton County, any judge or magistrate for Denton County may:

- a. Within twenty-four (24) hours of the defendant’s arrest, and after review of the defendant’s criminal history and Public Safety Report, perform all duties of a magistrate as set forth in Texas Code of Criminal Procedure, *and set or take bail as allowed* under Chapter 17.15, T.C.C.P. as to:
 1. any “on-view” felony offense alleged in Denton County; and,
 2. any felony offense pending in any other county of the State of Texas, if bail not been set, and if allowed by the county from which the prior case originated; and,
- b. as required by T.C.C.P. Art. 17.027(2), promptly notify the court or county in which any previous felony offense is pending of the defendant’s current arrest in Denton County, so the originating court may reevaluate the bail decision as to the previous offense or take other

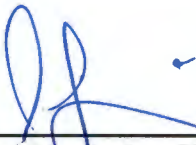
appropriate action. An example of necessary information can be found in "EXHIBIT B", as attached.

or, in the alternative,

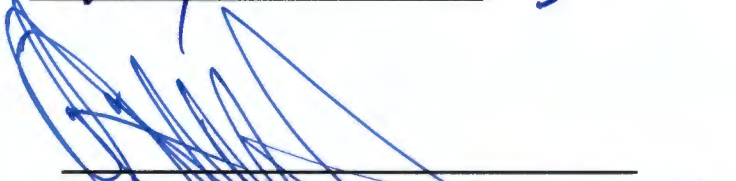
c. Order the transfer of the defendant, to the custody of the Denton County Sheriff

This standing order may be superseded and amended as necessary by subsequent standing order of the District Court Judges of Denton County with designated criminal jurisdiction.


ORDERED and ISSUED on the 4 day of May, 2023




The Honorable Judge Sherry Shipman
Judge Presiding, 16th Judicial District Court



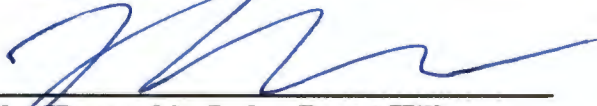
The Honorable Judge Steve Burgess
Judge Presiding, 158th Judicial District Court



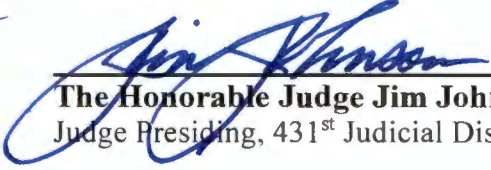
The Honorable Judge Brody Shanklin
Judge Presiding, 211th Judicial District Court



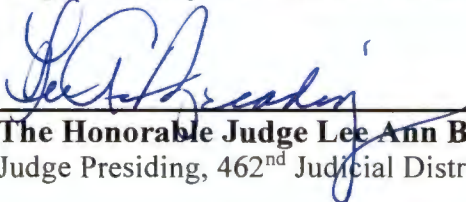
The Honorable Judge Bruce McFarling
Judge Presiding, 362nd Judicial District Court




The Honorable Judge Brent Hill
Judge Presiding, 367th Judicial District Court



The Honorable Judge Jim Johnson
Judge Presiding, 431st Judicial District Court



The Honorable Judge Lee Ann Breeding
Judge Presiding, 462nd Judicial District Court



The Honorable Judge Crystal Levonius
Judge Presiding, 481st Judicial District Court