

A STANDING ORDER	)	IN THE 105 TH DISTRICT COURT
ESTABLISHING AND IMPLEMENTING	)	
POLICIES AND PROCEDURES IN	)	OF
COMPLIANCE WITH ART. 17.027 OF THE	)	
TEXAS CODE OF CRIMINAL PROCEDURE	)	KLEBERG COUNTY, TEXAS

STANDING ORDER OF THE 105TH DISTRICT COURT OF KLEBERG COUNTY 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 Judge, Jack W Pulcher, of the 105th District Court of Kleberg County, Texas designated with criminal jurisdiction, in his administrative capacity as to felony matters, find the following Standing Order to be necessary and appropriate. Specifically, this Standing Order designates certain magistrates in Kleberg 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 Kleberg County.**
 - a. **Cases Filed by Indictment in the 105th District Court of Kleberg County.** As set for in the T.C.C.P. Art. 17.027(a)(1)(A), the District Judge herein reserves 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 the 105th District Court of Kleberg County, Texas.
 - b. **Pending Kleberg County Cases:** As to any pending criminal offenses which have not been indicted, and which remain unfiled or otherwise undisposed, in addition to the court referenced above, the District Judge of Kleberg County, Texas herein designates 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 Kleberg County, pursuant to Texas Code of Criminal Procedure Art. 17.027(a)(1)(B):
 1. The Appointed Title 54A Associate Criminal County Court of Law and District Judge of Kleberg County;
 2. Any magistrate specifically designated and assigned to perform magistrate duties in the Kleberg County Jail by written order of the Title 54A Associate District Judge of Kleberg County.

2. **Definition of "Pending" Felony Offense.** The District Judge of Kleberg County defines 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 Kleberg County for which (1) probable cause has been found by any elected or appointed magistrate for Kleberg County; (2) the offense charged has not been filed by indictment in a District Court of Kleberg County; (3) the defendant has been transferred and delivered to the custody of the Kleberg County Sheriff or his Deputies, or released on bail by way of surety, cash, attorney, or Community Supervision and Corrections Department bond received and approved by the

Kleberg County Sheriff, and (4) the offense or charge has not otherwise been disposed by dismissal, judgment, conviction or acquittal, regardless of whether or not the offense or charge has been formally filed by indictment in a Kleberg County Court.”

3. **T.C.C.P. 17.027(a)(1) – Arrest of Defendant for Felony Offense Committed in Kleberg County After Release on Bail for Pending Felony Offense Committed in Kleberg County, Texas.** Upon determining that a defendant is alleged to have committed a new felony offense in Kleberg County after release on bail for a prior and pending felony offense alleged to have also been committed in Kleberg 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 Kleberg 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;

4. **T.C.C.P. 17.027(a)(2) – Arrest for Felony Offense Committed in Kleberg County After Release on Bail for Pending Felony Offense in Any Texas County Other Than Kleberg County.** Upon determining that a defendant is alleged to have committed a felony offense in Kleberg County after release on bail for a prior felony offense alleged to have been committed in some county other than Kleberg County, any judge or magistrate for Kleberg 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 and 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 Kleberg County; and,
 2. any felony offense pending in any other county of the State of Texas, if bail has 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 Kleberg County, so the originating court may reevaluate the bail decision as to the previous offense or take other appropriate action.

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

This standing order may be superseded and amended as necessary by subsequent standing order of the 105th District Court Judge of Kleberg County with designated criminal jurisdiction.

ORDERED AND ISSUED ON THE 2nd day of June, 2023.



The Honorable Judge Jack W Pulcher
Judge Presiding, 105th District Court