

73522



Bexar County Criminal District Court Local Rules

The aim of the local rules is to provide the Criminal District Courts of Bexar County with policies and direction in practice, procedure, and administration. There are 3 divisions in Bexar County Courts, Civil, Criminal, and Juvenile. Each court division handles their respective types of cases and their respective local rules.

Part 1. Criminal District Court Rules

- 1.1 Opening – The court shall be formally opened each day upon which business is transacted as follows:
 - 1.1.1 Immediately before the scheduled item for opening court, the bailiff shall direct all court officers, the jury (if applicable), litigants, witnesses and spectators to their seats. As the judge enters the courtroom the bailiff shall announce: "All rise. The Honorable Judge _____ of the _____ District Court of Bexar County, Texas. Court is now in session. Please be seated."
 - 1.1.2 In recessing, the bailiff shall announce: "all rise, the court is now in recess."
 - 1.1.3 In reconvening, the bailiff shall announce: "all rise, court is now in session."
 - 1.1.4 Announcements shall be made at the direction and in the discretion of the court.
- 1.2 All judges will wear robes during trial proceedings.
- 1.3 The following rules of conduct shall govern both laymen and attorneys appearing in the District Courts of Bexar County, Texas, while court is in session:
 - 1.3.1 No person questioning or being questioned shall chew gum.
 - 1.3.2 Cellular phones shall be silenced and not interfere with court proceedings.
 - 1.3.3 No noise or talking which interferes with court proceedings.
 - 1.3.4 Food or drinks shall not be brought into the courtroom except as allowed by the court.
 - 1.3.5 No food or drinks shall be brought to the court's bench.
- 1.4 The following rules of conduct shall govern attorneys appearing in any Criminal District Court of Bexar County, Texas:
 - 1.4.1 When addressing the Court, attorneys shall rise and remain standing.
 - 1.4.2 Attorneys shall only approach the bench with permission or on request of the court.
 - 1.4.3 Attorneys shall remain seated at counsel table while questioning a witness, except as allowed by the Court.
 - 1.4.4 Leaning on the bench will not be permitted.
 - 1.4.5 Ex parte communications will not be permitted unless invited by the court.
 - 1.4.6 All attorneys and court officials shall wear business attire while in Court. Business casual attire shall be permitted at the discretion of the Court.
 - 1.4.7 Attorneys shall advise their clients and witnesses of Court formalities.
 - 1.4.8 Judges and opposing counsel should be respectfully addressed at all times.
 - 1.4.9 All objections and legal arguments by attorneys shall be directed to the Court.

1.4.10 Judges, attorneys, and all other officers of the Court shall be prompt in attendance at all sessions.

1.5 Courtroom Media

1.5.1 The taking of photographs, the televising, or broadcasting by news media outlets of judicial proceedings in the courtroom that disturbs the order or decorum of the courtroom while in session or in recess is prohibited.

1.5.2 Non-disruptive photographing, televising, or broadcasting by news media outlets in the courtroom shall be allowed at the discretion of the court.

1.5.3 Photographing, televising, or broadcasting by the general public is not permitted.

1.6 Judicial Portraits- Judicial portraits are eligible for hanging when the judicial officer honored with a portrait is retired, or at a point in their career where they are unlikely to sit in a particular courtroom again.

Part 2. Presiding Judge – Criminal Division

2.1 The Rotating Presiding Criminal Judge and the Rotating Alternate Presiding Criminal Judge¹

2.1.1 Rotating Presiding & Rotating Alternate Presiding Criminal Judge Rules:

2.1.1.1 The Presiding Criminal District Court will handle warrants and any matters that require immediate attention and that cannot be handled remotely by the originating court.

2.1.1.2 The Presiding Judge is responsible for contacting the Alternate Presiding Judge to request coverage in the event the Presiding Judge will not be in the courthouse for an extended period of time during the court's designated week. (this does not include the lunch hour)

2.1.1.3 If neither the Presiding Judge nor the Alternate Presiding Judge is available, the County Magistrates can sign warrants. This should not be a routine occurrence, but only in the rare circumstance when no district court judge is available at the Justice Center.

2.1.1.4 The Presiding Judge is not responsible, for signing other courts' orders, judgments or for setting bonds for other courts. The Presiding Judge may perform these actions if that judge chooses to. Each court should handle the court's regular business, unless the originating court has pre-arranged it with the Presiding Court; or in rare circumstances when a matter cannot be handled by the originating court and it requires immediate attention.

2.1.1.5 If the Presiding Court is in trial, the Presiding Court should instruct any law enforcement officers to wait and take a break as soon as possible to accommodate the officers.

2.1.1.6 The Presiding Court is not an overflow court for other courts, the main focus of the Presiding Court is to review and sign warrants for officers.

2.1.1.7 Court staff and clerks should be made aware of these rules.

2.1.2 The Grand Jury Presiding Judge

¹ See Texas Government Code §75.013

73522

- 2.1.2.1 The Grand Jury Presiding Judge shall be determined by the Order of Grand Jury Assignment, as entered by the Local Administrative Judge.
- 2.1.2.2 The Grand Jury Presiding Judge shall conduct the petit juror introductions and exemptions.
- 2.1.2.3 Petit juror introductions may be held in the Central Jury Room or remotely.
- 2.1.2.4 The Grand Jury Presiding Judge shall: receive bills of indictment for that term.
- 2.1.3 Any Criminal District Court judge may preside in the absence of the Presiding Criminal Judge at the Presiding Criminal Judge's request.

Part 3. Local Administrative Judge

- 3.1 Appointment and duties shall be governed by Texas Government Code §74.091 and §74.092.
- 3.2 Chair of the Local Rules and Procedures Committee
 - 3.2.1 There shall be two Local Rules and Procedure Committees, one Criminal and one Civil.
 - 3.2.2 Chair of the Local Criminal Rules and Procedures Committee shall be a Criminal District Court Judge.
 - 3.2.3 The Chair of the Local Criminal Rules and Procedures Committee shall be the immediate past Local Administrative Judge or if immediate past Local Administrative Judge is unavailable, then by majority vote of the Criminal District Court judges.
 - 3.2.4 Note: The Chair of the Local Criminal Rules and Procedures Committee is often referred to as the Presiding Judge of the Criminal District Courts.
 - 3.2.5 When the Local Administrative Judge is a Civil District Court Judge, the duties of the Local Chair of the Criminal Rules and Procedures Committee include but are not limited to:
 - 3.2.5.1 Representation of the Criminal District Courts in all criminal matters, serving as liaison to the Local Administrative Judge.
 - 3.2.5.2 Adjust the case flow so that each court receives approximately an equal share of indictments.
 - 3.2.5.3 Transfer Cases – Which shall be governed by Texas Government Code §24.003.
 - 3.2.5.4 Docket Equalization – Which shall be governed by Texas Government Code §24.950.

Part 4. Grand Jury

- 4.1 Grand Jury proceedings shall be done in accordance with the Texas Code of Criminal Procedure, Chapters 19 & 20. Also see Texas Govt. Code §24.139(k) & (l).

Part 5. Filing and Return of Indictments

- 5.1 Felony indictments shall be filed and returned in weighted sequential order of the courts.
- 5.2 When indictments are returned against two or more co-defendants, the Court in which the first indictment is filed shall receive all indictments against such co-defendants.

73522

- 5.3 When several indictments are returned against the same individual, the Court in which the first indictment is filed shall receive, by filing or transfer, all such indictments against that individual. In the event of any conflict between this rule and other rules, this rule shall control.
- 5.4 When an indictment is returned against an individual who is on felony probation, the Court which granted probation shall receive such indictment.
- 5.5 When an indictment is returned against an individual who has an indictment pending in one Court, that Court shall receive the subsequent indictment.
- 5.6 Capital Cases – Capital cases shall be distributed in sequential order of the courts.
- 5.7 A case indicted and called for trial as a “capital case” will count as a “capital case” even if subsequently reduced to a lesser offense. Capital cases remanded for a new trial will be heard by the original trial judge, if requested, or may be transferred to another judge by mutual consent; otherwise the case will be rotated in the same manner as a “new capital case.”

Part 6. Arraignments

- 6.1 Shall be handled as per the Texas Code of Criminal Procedure, Chapter 26.

Part 7. Counsel

- 7.1 Qualifications and Appointments of counsel shall be governed by the Bexar County Criminal District Court’s Indigent Defense Plan.

Part 8. Pretrial Matters

- 8.1 The amount of bail to be required shall be set after considering the rules per Chapter 17 of the Code of Criminal Procedure.
- 8.2 Matters concerning bond forfeitures shall be governed by relevant provisions found in Chapter 22 of the Code of Criminal Procedure.

Part 9. Motions and Pre-Trial Hearings

- 9.1 An application to the court for an order, whether in the form of a motion, plea or other form of request, shall:
 - 9.1.1 Be made in writing;
 - 9.1.2 State the grounds for the motion;
 - 9.1.3 State the relief sought;
 - 9.1.4 Have a proposed order attached;
 - 9.1.5 Be filed with the court; and
 - 9.1.6 If the request is for a bond reduction, a Bond Reduction Form is required. Forms can be obtained from the court coordinator.
- 9.2 Requests for orders presented during hearings or trials shall comply with this rule at the discretion of the court.
- 9.3 An application to the court for an order and notice of any hearing, not presented during a hearing or trial, shall be served on the adverse party not less than three (3) days before the time specified for the hearing, unless otherwise agreed to by the parties or *sua sponte* by the court. Parties are to notify each other of such proposed orders by the next business day or as soon as practical.

73522

9.4 When a date is set on the docket for a pretrial hearing:

9.4.1 Defendants shall have not less than 10 days notice of the hearing; and

9.4.2 All preliminary matters must be raised or filed seven days before the hearing, except by permission to the court upon a showing of good cause as per Code of Criminal Procedure Chapter 28.

9.5 Formal pre-trial hearings, motions, pleadings and exceptions will be filed as per Chapter 28 of the Code of Criminal Procedure.

Part 10. Guilty Pleas, Nolo Contendere Pleas

10.1 In addition to the procedures in Article 26.13 Code of Criminal Procedure, the terms of a plea bargain will be in writing, signed by counsel and signed by the defendant, and filed with the court.

Part 11. Docket Calls and Announcements

11.1 Attorneys:

11.1.1 Shall appear in court at the appointed time or notify the court coordinator by e-mail the day before the court setting as to the reason for the expected delay and when the attorney expects to appear.

11.1.2 Will not depart unless excused by the court or the coordinator.

11.1.3 Must file vacation notices via the Bexar County District Clerk's Office website as well as notify the courts where the attorney is set on the docket during those specific vacation dates. Vacation letters are accepted and honored at the discretion of each court.

11.2 Requests for resets, postponements and Motions for Continuance will be governed as per Chapter 29 of the Code of Criminal Procedure.

Part 12. Examining Trials

12.1 Examining trials shall be conducted in accordance with Chapter 16 of the Code of Criminal Procedure.

Part 13. Trial Matters

13.1 All trial matters including matters pertaining to witnesses, evidence, jury selection, voir dire, probation, deferred adjudication, pre-sentence reports, judgments, motions to revoke probation, and writs of habeas corpus will be governed by the Code of Criminal Procedure.

13.2 Once the Court has called a jury panel, attorneys on the trial docket may leave only after being excused by the court or court coordinator.

13.3 Trial setting conflicts between the District Courts

13.3.1 As between bond and jail cases, a jail case with over 90 days in custody takes precedent over a bond case.

13.3.2 Jail Case – The case with the longest number of days in jail takes precedent.

13.3.3 Bond Case – The case with the older indictment date takes precedent.

Part 14. Criminal Law Magistrates

14.1 Pursuant to the Texas Government Code Chapter 54, the Bexar County Criminal District Court Judges are authorized to appoint Criminal Law Magistrates, with the consent and approval of the Commissioners Court. Each appointment must be with the approval of a majority of the Criminal District Court Judges.

14.2 District Courts may refer all matters to Magistrate Court except for trials.

Part 15. Plan for Management of Juries

15.1 Petit juries will be managed in accordance with the plan submitted and adopted by the Criminal District Court Judges and adopted by the Commissioners Court. That plan is hereby adopted and incorporated into these rules. Juries will be specifically managed as provided for in the Chapters 61 and 62 of the Government Code.

Part 16. Absence of Judges (Per the Government Code & Rules of Judicial Admin, this must be in the Local Rules)

16.1 Leave

16.1.1 District Judges may take personal vacation. Generally, a judge is afforded 30 vacation days per year.

16.1.2 Judges may take sick leave as needed.

16.1.3 Attendance at Judicial Conferences is considered an official duty and considered court time.

16.1.4 Military leave is not to be considered as vacation or sick time.

16.2 Judges should notify the Administrative Judge if a need arises for an extended absence.

Part 17. Boards and Appointments

17.1 County Auditor shall be appointed by a majority of District Judges as per Chapter 84 of the Texas Local Government Code.

17.2 The Juvenile Board consists of all the District Judges and the County Judge. The Board appoints the Juvenile Probation Officer as well as adopts a budget and established policies for juvenile services with in Bexar County as per Human Resources Code Sec. 152.0211.

17.3 The Bexar County Purchasing Agent is appointed by a board composed of three (3) District Judges and two (2) members of Commissioners Court as per Texas Local Government Code Sec. 262.011.

17.4 The Adult Community Supervision Corrections Department is appointed by the Criminal District Court Judges. Additionally, these Judges shall approve the department's budget and strategic plan as per Chapter 76 of the Texas Government Code.

17.5 The Central Jury Room Bailiff is appointed by a majority of district judges, with the approval of the commissioners court.

17.6 The Civil Jury Assignment Clerk is appointed by a board consisting of all the District Judges, as per Chapter 75 of the Texas Government Code.

17.7 Committees

17.7.1 The Administrative Judge shall appoint members to the following committees:

- 17.7.1.1 The Auditor Oversight committee;
- 17.7.1.2 The District Court members of the Purchasing Agent Board;
- 17.7.1.3 The Central Jury Bailiff Oversight committee;
- 17.7.1.4 The Civil Jury Assignment Clerk Oversight committee;
- 17.7.1.5 The Technology Committee;
- 17.7.1.6 The Court Reporters Oversight Committee;
- 17.7.1.7 The Jail Population Oversight Committee;
- 17.7.1.8 The Member Bail Bond Oversight Committee;
- 17.7.1.9 The Central Magistration Oversight Committee;
- 17.7.1.10 The Interpreters Oversight Committee.

17.7.2 The Administrative Judge may appoint a special or ad hoc committee as necessary and appropriate including:

- 17.7.2.1 The Infrastructure Liaison Committee (Civil and Criminal); and
- 17.7.2.2 The Security Committee

Part 18. Procedure for Adoption and Amendment

18.1 Amendments or new rules may be proposed by any District Judge.

18.2 Amendment or adoption of any new rule(s) shall be by a majority of the District Judges of Bexar County at a special meeting expressly called for that purpose by the Administrative Judge.

18.3 Proposed rules or amendments shall be posted by providing written copies thereof to each appropriate Judge at least ten days before the meeting.

18.4 Notice of the meeting shall be in writing and delivered five days before the meeting.

18.5 The Judges may vote on the adoption or amendment by written proxy delivered to a Judge named therein or the Administrative Judge.

18.6 Notice and Publication of Rules - Upon adoption of the rules by either a majority of the Judges or being promulgated by the Administrative Judge, the rules shall be made available to all Judges and non-judicial personnel and shall be binding thereon. Thereafter, the rules shall be posted, as required, with the Texas Office of Court Administration.

73522

SIGNED, ORDERED AND ENTERED THE 10th day of June, 2025.

Michael Mery

Michael Mery (Jun 10, 2025 14:01 CDT)

MICHAEL MERY
JUDGE
144TH JUDICIAL DISTRICT COURT

Kristina Escalona

Kristina Escalona (Jun 10, 2025 14:01 CDT)

KRISTINA ESCALONA
JUDGE
186TH JUDICIAL DISTRICT COURT

Benjamin Robertson

Benjamin Robertson (Jun 10, 2025 11:29 CDT)

BEN ROBERTSON
JUDGE
226TH JUDICIAL DISTRICT COURT

Jennifer Peña

Jennifer Peña (Jun 10, 2025 09:46 CDT)

JENNIFER PEÑA
JUDGE
290TH JUDICIAL DISTRICT COURT

Frank Castro

Frank Castro (Jun 10, 2025 14:43 CDT)

FRANK CASTRO
JUDGE
399TH JUDICIAL DISTRICT COURT

Catherine Torres-Stahl

Catherine Torres-Stahl (Jun 10, 2025 14:30 CDT)

CATHERINE TORRES-STAH
JUDGE
175TH JUDICIAL DISTRICT COURT

Judge Stephanie Boyd

Judge Stephanie Boyd (Jun 10, 2025 08:34 CDT)

STEPHANIE BOYD
JUDGE
187TH JUDICIAL DISTRICT COURT

Christine Del Prado

Christine Del Prado (Jun 10, 2025 15:36 CDT)

CHRISTINE DEL PRADO
JUDGE
227TH JUDICIAL DISTRICT COURT

Ron Rangel

Ron Rangel (Jun 10, 2025 15:05 CDT)

RON RANGEL
JUDGE
379TH JUDICIAL DISTRICT COURT

Joel Perez

Joel Perez (Jun 10, 2025 14:03 CDT)

JOEL PEREZ
JUDGE
437TH JUDICIAL DISTRICT COURT

CERTIFIED COPY CERTIFICATE STATE OF TEXAS
I, GLORIA A. MARTINEZ, BEXAR COUNTY DISTRICT
CLERK, DO HEREBY CERTIFY THAT THE FOREGOING
IS A TRUE AND CORRECT COPY OF THE ORIGINAL
RECORD NOW IN MY LAWFUL CUSTODY. WITNESS
MY OFFICIAL HAND AND SEAL OF OFFICE ON THIS:



June 30, 2025

**GLORIA A. MARTINEZ
BEXAR COUNTY, TEXAS**

By:

A handwritten signature in blue ink, appearing to read "Eric Gloria", is written over a horizontal line.

ERIC GLORIA, Deputy District Clerk

(NOT VALID WITHOUT THE CLERKS'S ORIGINAL SIGNATURE.)