

## DIRECT FILE ORDER

This order hereby supersedes the Direct File Order for criminal cases entered on November 5, 1987 and is hereby further amended as follows:

The following rules shall govern the filing, assignment, docketing of felony cases and other matters within the jurisdiction of the Fort Bend County District Courts (herein after District Courts) trying criminal cases.

### A. Filing, Assignments and Docketing

1. The District Clerk shall accept and file all felony complaints, docket each case with a unique file number in numerical sequence by assigning the case to one of the district courts trying criminal cases utilizing the automated random assignment system.
2. The District Clerk shall provide full and complete alphabetical indexes of the parties to all complaints filed.
3. Upon the filing of said complaints with the district clerk, jurisdiction is vested in the district court sitting as a magistrate to which the case has been pre-assigned.
4. Magistrate Duties:
  - a. Sitting as the magistrate, the District Judge may demand the appearance of the defendant prior to his indictment. If defendant appears the judge shall inform the defendant of his statutory rights as required by Art. 15.17 of the Texas Code of Criminal Procedure; he shall identify the defendant's counsel and if the defendant is without counsel and is indigent, appoint counsel to represent defendant; and inform the defendant of his rights to waive indictment as provided in Art. 1.141 of the Texas Code of Criminal Procedure.
  - b. At any time, the District Judge sitting as magistrate may also review any bonds that have been set on the defendant. If no bond has been set, the judge may set bond in a proper case.
  - c. The District Judge sitting as magistrate may consider any waiver of statutory rights by the defendant and his counsel and rule on same or reschedule the case to consider and/or rule on any such waiver. If the State of Texas, through its representative moves to dismiss a case prior to indictment, the judge may consider said motion.

### B. Research, Pre-Assignment and Transfer of Indicted Case Filings

1. The District Clerk shall pre-assign to the District Courts newly filed felony complaints and indictments returned by the Grand Jury on a random basis to the district courts using the next sequential identifying number.
2. Upon acceptance of a felony complaint or notice that an indictment has been returned from the grand jury, the district clerk shall determine whether the named defendant has a prior connection in any of the district courts having original jurisdiction.
3. Prior connection research shall be conducted by the district clerk and shall include the defendant's name, case file number, assigned court and the relationship of the previous case to the defendant named in the new case being filed.

4. A prior connection is defined as:
  - a. The defendant has been accorded adult community supervision in a district court where probation is pending;
  - b. The defendant has prior pending felony charges or indictments;
  - c. The charge or indictment under consideration arises from the same criminal transaction or episode which was the basis of a complaint or indictment previously filed against another individual in a district court; or
  - d. The defendant presently has a conviction in the appellate process out of one of the district courts.
5. Cases identified as a prior connection shall be pre-assigned, filed and docketed in the same district court where the prior connection originated.
6. In instances where a prior connection is subsequently identified, the district court may, for good cause, transfer a case on its own motion or motion of either party.
7. Should research fail for any reason to discover a prior connection and it becomes necessary to later transfer the case from one court to another because of a prior connection, the coordinator of the court into which the case is transferred shall provide a copy of the transfer order to the district clerk.
8. In order to accomplish equalization of cases assigned to each court by either assignment or transfer because of prior connection, the system shall adjust assignment totals to reflect this transaction. The automated random assignment system shall keep an assignment sub-file for each of the criminal district courts. A record shall be made of all transfer and attractions in the automated random assignment system.

**C. Re-indictments and other Matters**

1. The district attorney shall file the Notice To Transfer along with the re-indictment and the district clerk shall file, docket and assign re-indictment cases to the district court where the prior indictment was filed by adding A, B, C, etc. after the original cause number.
2. The district clerk shall file and docket Waivers of Extradition, writs and ex parte matters on defendants for which there are no pending criminal cases shall be randomly assigned as outlined in Section A. 1.
3. All other writs and ex parte matters on defendants for which there is a prior connection with one of the district courts shall be filed and docketed in such court.
4. Cases consolidated into one indictment shall be assigned by the district clerk as directed by a court order. Upon receipt of the Court Order, the district clerk shall dispose of all other cause numbers.

**D. Duties of District Clerk**

The district clerk shall receive and file in the proper case file all papers pertaining to any felony complaint or indictment and issue all process required by law, order or directive of the court.

E. Effective Date and Transition

This order shall become effective at 9 a.m. on the 21 day of February, 2022.

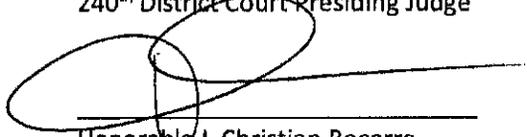
All cases in which felony complaints have been filed prior to the effective date of this order shall be processed in accordance with procedures in effect at the time of filing of said complaints.

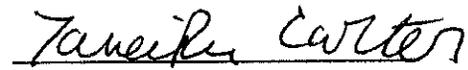
The district clerk is hereby directed to spread a copy of this Order upon the Minutes of each of the said district courts.

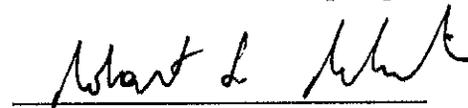
Signed and entered this 21 day of February, 2022.

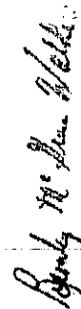
  
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Honorable R. O'Neil Williams  
268<sup>th</sup> District Court Presiding Judge

  
\_\_\_\_\_  
Honorable Frank J. Fraley  
240<sup>th</sup> District Court Presiding Judge

  
\_\_\_\_\_  
Honorable J. Christian Becerra  
434<sup>th</sup> District Court Presiding Judge

  
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Honorable Tameika Carter  
400<sup>th</sup> District Court Presiding Judge

  
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Honorable Robert L. Rolnick  
458<sup>th</sup> District Court Presiding Judge

**FILED**  
2022 FEB 21 AM 9:17  
  
CLERK DISTRICT COURT  
FORT BEND CO., TX 