

# COUNTY of HIDALGO

**HIDALGO COUNTY AUDITOR'S OFFICE**  
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EDINBURG, TEXAS 78539

October 1, 2018

Honorable J.R. "Bobby" Flores, 139<sup>th</sup> District Court  
100 N. Closner  
Edinburg, Texas 78539

Honorable Ramon Garcia, Hidalgo County Judge  
100 E. Cano, 2nd Floor  
Edinburg, Texas 78539

Honorable Laura Hinojosa, Hidalgo County District Clerk  
100 N. Closner  
Edinburg, Texas 78539

Honorable Eddie Guerra, Hidalgo County Sheriff  
711 El Cibolo Road  
Edinburg, Texas 78541

Mr. Valde Guerra, County Executive Officer  
2818 S. Business Highway 281  
Edinburg, Texas 78539

Re: Rebollar Trial Transferred to Hidalgo County on a Change of Venue

Dear Sirs and Madam:

The trial for Jesus Angel Rebollar (CR-1456-18-C) was transferred to Hidalgo County from Starr County on a change of venue. Pursuant to the Code of Criminal Procedure, the county in which a case originated is liable for the expenses for safekeeping the prisoner and for jury pay and other expenses paid to jurors where the case is tried in another county on a change of venue. In addition, the county in which the prosecution was instituted or habeas corpus hearing held is liable for the compensation of appointed counsel.

The Code of Criminal Procedure establishes procedures for requesting reimbursement from the origination county as detailed below. Our office created a receivable account 8-1100-126-30-000-004-0-000 to be used for expenses directly related to this trial.

Article 104.001 of the Code of Criminal Procedure related to jury pay and expenses for jurors, provides in part:

*(a) The sheriff of a county shall, with the approval of the commissioners court, provide food and lodging for jurors impaneled in a felony case tried in the county. A juror may pay his own expenses and draw his script.*

*(e) If a defendant is indicted in one county and tried in another county after a change of venue, the county in which the defendant was indicted is liable for jury pay and expenses paid to jurors by the county trying the case.*

## HIDALGO COUNTY DISTRICT JUDGES

LUIS M. SINGLETERRY  
JUDGE, 32<sup>nd</sup> D.C.

JAMIE E. TIJERINA  
JUDGE, 33<sup>rd</sup> D.C.

J. R. "BOBBY" FLORES  
JUDGE, 139<sup>th</sup> D.C.

ROSE GUERRA REYNA  
JUDGE, 204<sup>th</sup> D.C.

JUAN R. PARTIDA  
JUDGE, 275<sup>th</sup> D.C.

MARIO E. RAMIREZ, JR.  
JUDGE, 332<sup>nd</sup> D.C.

NOE GONZALEZ  
JUDGE, 370<sup>th</sup> D.C.

LETICIA LOPEZ  
JUDGE, 389<sup>th</sup> D.C.

L. KENO VASQUEZ  
JUDGE, 398<sup>th</sup> D.C.

ISRAEL RAMON, JR.  
JUDGE, 430<sup>th</sup> D.C.

RENEE R. BETANCOURT  
JUDGE, 449<sup>th</sup> D.C.

*(f) At each regular meeting of the commissioners court of a county, the court shall determine whether, since the last regular meeting of the court, a defendant described by Subsection (e) has been tried in the county. The commissioners court shall prepare an account against another county liable for jury pay and expenses under this article. The account must show the number of days the jury was impaneled in the case and the jury pay and expenses incurred by the county in the case.*

*(g) The county judge of the county in which the defendant was tried shall certify the correctness of the account and send the account to the county judge of the county in which the defendant was indicted.*

The information necessary to prepare the invoice for jury pay and expenses for jurors can be obtained from the District Clerk (# of days jury was impaneled, amount of jury pay) and the District Judge (expenses for jurors such as food). The County Executive Officer may assist in placing an item on the agenda at each regular commissioners court meeting to present the invoice for approval by the Court. Once approved, the County Judge must certify the invoice and submit to the Starr County Judge.

Article 104.002 of the Code of Criminal Procedure related to expenses for prisoners, provides in part:

*(a) Except as otherwise provided by this article, a county is liable for all expenses incurred in the safekeeping of prisoners confined in the county jail or kept under guard by the county. If a prisoner is transferred to a county from another county on a change of venue, for safekeeping, or for a habeas corpus hearing, the county transferring the prisoner is liable for the expenses described by this article.*

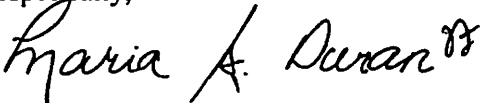
*(b) If a county incurs expenses for the safekeeping of a prisoner from another county, the sheriff shall submit to the county judge an account of expenses incurred by the county for the prisoner. The county judge shall approve the amount he determines is a correct statement of the expenses and sign and date the account.*

*(c) The county judge shall submit to the commissioners court of the county for which the prisoner was kept, at a regular term of the court, his signed statement of the account described by Subsection (b).*

The information necessary to prepare the invoice for expenses of prisoners must be obtained by the Sheriff. It is recommended that the Sheriff maintain detailed timesheets as documentation for man hours used for the safekeeping of the prisoner. Although not required by law, it is recommended that his invoice also be presented to Commissioners Court at the time the invoice for jury pay and expenses for jurors is presented to the Court. The County Judge must approve the invoice and present it to the Starr County Commissioners Court at their regular meeting.

If you have any questions, please contact Letty Chavez, Director of Audit Division, at ext. 4651, Linda Fong, First Assistant Auditor, at ext. 4668, or me at ext. 4645.

Respectfully,



Maria Arcilia Duran, CPA  
Hidalgo County Auditor

cc: Honorable Eloy Vera, Starr County Judge  
Mr. Boyd Carter, Starr County Auditor

**HIDALGO COUNTY DISTRICT JUDGES**