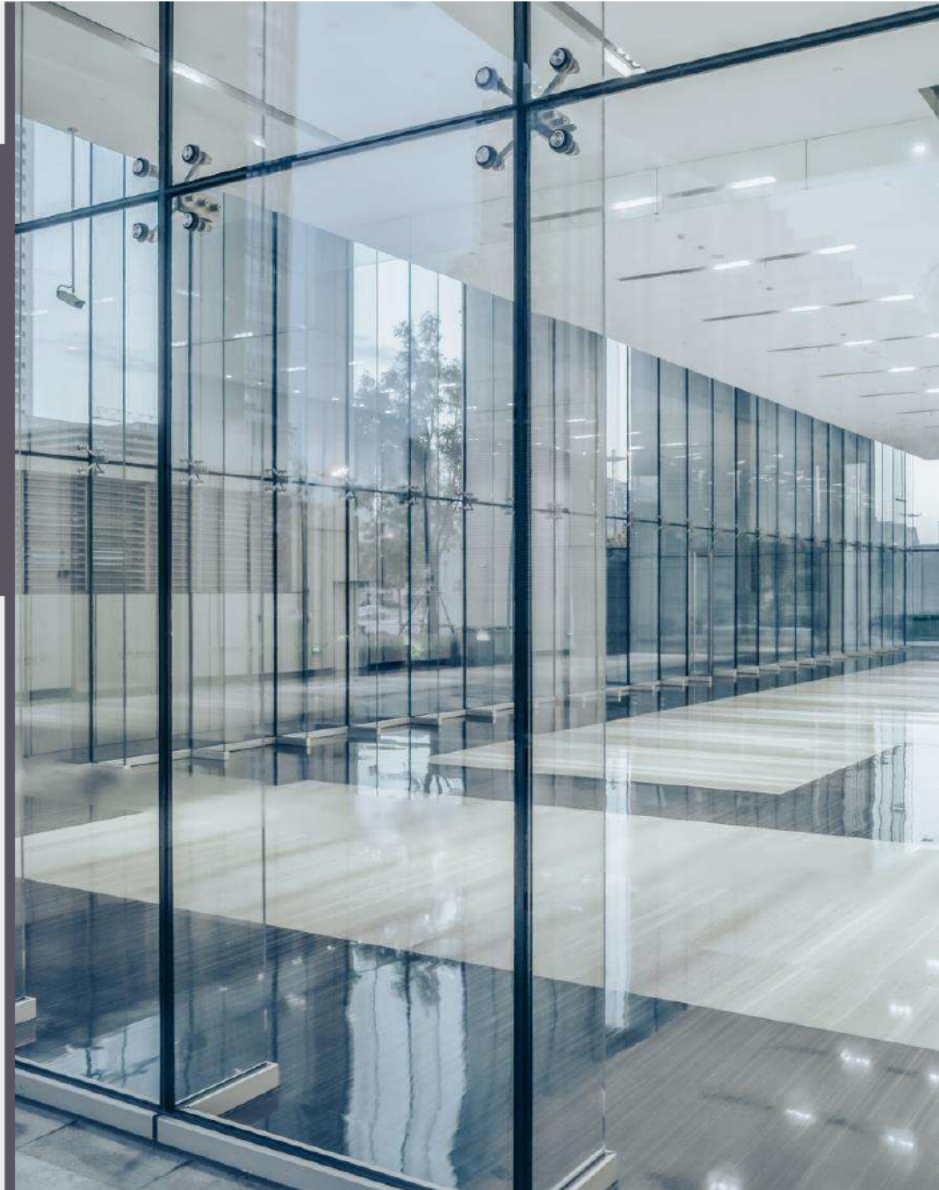


MAGISTRATE'S OFFICE

AND

ASSOCIATE JUDGES' DUTIES

Kristen Jernigan
Senior Associate Judge and Magistrate



HOURS

COVERAGE 24 HOURS A DAY, 7 DAYS A WEEK, 365 DAYS A YEAR

**AVERAGE OF 52 HOURS PER WEEK PER AJ
(BUT OFTEN EXCEEDS THAT)**

12-HOUR SHIFTS





MAGISTRATION

- 8:00 AM - 5:00 PM (or until all arrestees are seen)
- SEVEN DAYS A WEEK
- All Defendants seen by the Magistrate within 24 hours (Misdemeanors) and 48 hours (Felonies).
- BUT – The vast majority of Defendants are seen within 24 hours.
- In compliance with SB6, Article 15.17, Article 17.15, and the Sandra Bland Act

TOTAL MAGISTRATED CASES

2023

13,517

Average of 37 arrestees per day

3,379 per AJ

7.7 minutes per case

2022 – 12,661

PROJECTED 2024

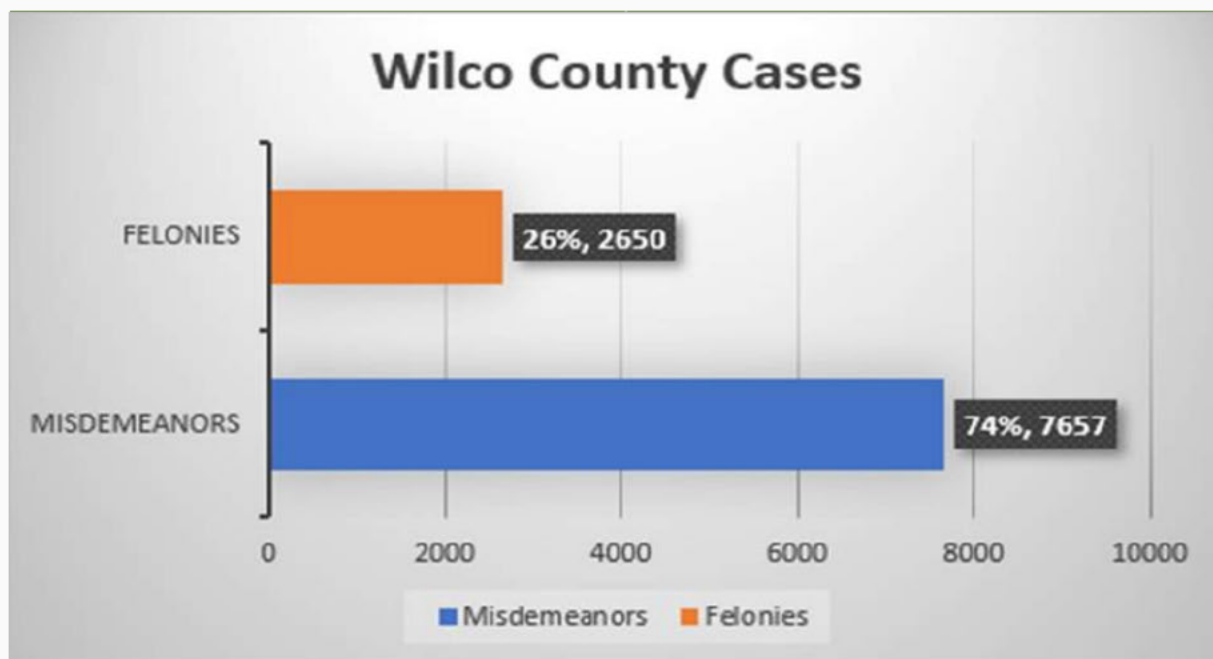
At the current rate for
January and February 2024:

15,500

Will need to move to
12-hour Magistration this year



WILCO TOTAL: 10,307





Process

- Research in Odyssey to determine if Arrestee has pending cases in Williamson County and, if so, notify the Judge whose Court it is pending in and include PC Affidavit or Arrest Warrant for new charge.
- Review Financial Screening Information
- Review Probable Cause Affidavit or Arrest Warrant
- Review Medical Intake and Mental Health Questionnaire and determine if 16.22 is necessary
- Review Criminal History
- Determine if EPO is appropriate/required
- Set bond amount and bond conditions
- Handle any Bond Increase Orders and Warrants as requested by Elected Judge
- Enter bond amount, bond conditions, time & date Magistration occurred in PSRS

Art. 15.17 Hearing



- **Identify Arrestee**
- **Read them their rights**
- **Let them know the charge and bond amount**
- **Ask if they want to apply for a Court-Appointed Attorney**
- **Review Bond Conditions**
- **Answer any questions they have**

NON-ENGLISH SPEAKERS

- Use language line to translate
- Advise them of their right to request Consular Notification
- Complete Consular Notification paperwork if notification is requested
- Bond Conditions have been translated into Spanish
- We have also had Russian, Mandarin, Cantonese, Nepalese, Telegu, Albanian, ASL, and other speakers



24/48 HR. Compliance



- Multiple checks during the day on our Magistrate List Report
- “Holdover” email between all 4 AJs every day to inform the Magistrate on duty the next day of any pending cases which includes time of arrest, type of charge, and any special issues

MAG PACKET

Documents compliance with CCP 17.15, SB6
Documents authority for custody of arrestee
Provides a checklist for all Agencies &
Departments
New: includes Capias Warrants for No Bond
cases & PC affidavits for out of county warrants

Arrest Date: 01/09/2024 Arrest Time: 11:35 PM SO# [REDACTED] Loc: M-HOLD

FAMILY VIOLENCE OFFENSE		DISPOSITION		ASSESSMENTS		CS Involvement	
<input type="checkbox"/> CPO Issued _____ Days	<input type="checkbox"/> Commitment	<input checked="" type="checkbox"/> Release W/O Jail (Class C)	<input type="checkbox"/> C/SA N/A	<input type="checkbox"/> C/SA N/A	<input type="checkbox"/> Ignition Interlock	<input type="checkbox"/> C/SA N/A	<input type="checkbox"/> C/SA N/A
<input type="checkbox"/> Further Det. _____ Hours	<input type="checkbox"/> C/SA N/A	<input type="checkbox"/> C/SA N/A	<input type="checkbox"/> C/SA N/A	<input type="checkbox"/> C/SA N/A	<input type="checkbox"/> Ignition Interlock	<input type="checkbox"/> C/SA N/A	<input type="checkbox"/> C/SA N/A
<input type="checkbox"/> C/HD C/NC	<input type="checkbox"/> C/HD C/NC	<input type="checkbox"/> C/HD C/NC	<input type="checkbox"/> C/HD C/NC	<input type="checkbox"/> C/HD C/NC	<input type="checkbox"/> Ignition Interlock	<input type="checkbox"/> C/SA N/A	<input type="checkbox"/> C/SA N/A
<input type="checkbox"/> EPO # _____	<input type="checkbox"/> EPO # _____	<input type="checkbox"/> EPO # _____	<input type="checkbox"/> EPO # _____	<input type="checkbox"/> EPO # _____	<input type="checkbox"/> Ignition Interlock	<input type="checkbox"/> C/SA N/A	<input type="checkbox"/> C/SA N/A
<input type="checkbox"/> Exp. Date _____	<input type="checkbox"/> Exp. Date _____	<input type="checkbox"/> Exp. Date _____	<input type="checkbox"/> Exp. Date _____	<input type="checkbox"/> Exp. Date _____	<input type="checkbox"/> Ignition Interlock	<input type="checkbox"/> C/SA N/A	<input type="checkbox"/> C/SA N/A

CHARGE	PSE	PF#/CAUSE #	WARRANT #	COURT	BAIL
EVADING DET/ARREST W/VEHICLE	PSR				20,000
BOND FORFEITURE TAMPER/FABRICATE PHYS EVID	PSR				10,000
BE/POSS CS PG 1/1-B <1G	PSR				10,000
POSS CS PG 1/1-B >1G <4G	PSR				10,000
THEFT PROP >=\$30K <\$150K	PSR				20,000

On 1/10/2024 at 4:00 AM, [REDACTED] Defendant, appeared before me. I informed the said defendant in clear language of the accusation(s) against the defendant and of any affidavit filed therewith, and I further informed the defendant as follows as required by Article 15.17 Code of Criminal Procedure:

1. You have the right to remain silent;
2. You have the right to talk to a lawyer for advice before we ask you any questions and to have him with you during questioning;
3. You have the right to stop answering any questions at any time;
4. You have the right to stop answering any questions at any time;
5. You have the right to request the appointment of counsel if you are indigent and cannot afford counsel;
6. If you are charged with a felony offense, you have the right to have an examining trial;
7. You are not required to make a statement and any statement made by you may be used against you;

Are you currently in the U.S. Armed Forces (Active Duty, Reserve or National Guard), or are you a veteran of the U.S. Armed Forces?

☐ YES ☒ NO

The defendant advises the Magistrate that he/she is:

☒ A citizen of the United States of America ☐ A citizen of _____ (Notification: ☐ Mandatory ☐ Discretionary)

You are entitled to have consular officials from your country contacted regarding your arrest. Your consulate may be able to help you obtain legal counsel, contact your family and visit you in detention. If you want us to notify your consulate officials, you can request this notification now or at any time in the future.

Do you want us to notify your country's consular official? ☐ YES ☐ NO ☐ Requires Mandatory Notification

ATTORNEY INFORMATION: On the above stated date, Defendant was informed by the Magistrate of their right to request a determination of indigency to decide if they are entitled to have an attorney appointed to represent them in response to the charges pending against them. Defendant advised the Magistrate that in respect to these charges as they:

☒ DO WANT ☐ DO NOT WANT to request court appointed attorney

Defendant's Initials: [REDACTED]

Other Information:

☐ Pending Charges: _____

☐ Co-defendant(s): _____

IN WITNESS WHEREOF, I have subscribed my name on the date indicated above.

KRISTEN FERNIGAN, MAGISTRATE JUDGE

I hereby acknowledge that the foregoing warnings were administered to me in clear language and I fully understand the meaning of each. I understand that if I change my mind regarding my ability to hire an attorney, I can request that an attorney be appointed subsequent to this date. The Magistrate explained to me the local procedures for requesting an appointed attorney.

WITNESS [REDACTED]

Magistrate Clerks

Also work 7 days a week & holidays

Each Clerk has received training on:

The Judicial Canons

SB6

Sandra Bland Act

TCCP Bail statutes





**ASSOCIATE JUDGE
IN THE
COURTHOUSE**

M-F 8:00 AM – 5:00 PM

(512) 943-1977

Associatejudges@wilco.org



AJ Jernigan

Back-up Judge
for TJ Docket &
Mental Health
Docket



AJ Spainhour

Back-up Judge
for DWI Court
Judge
EPO Modifications



AJ McWilliams

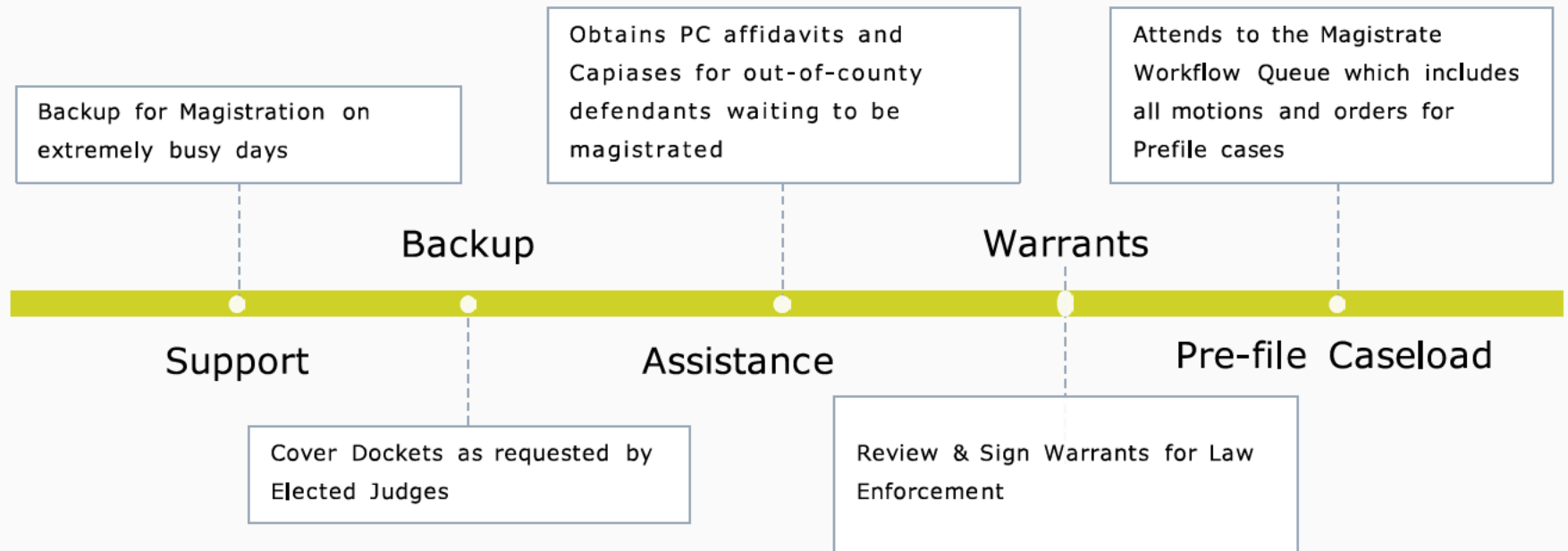
Judge & Trainer
Cite & Release
Back-up Judge
for Juvenile



AJ Odiorne

Back-up Judge
for Juvenile

Team



Courthouse AJ Office Duties

WARRANTS

ON CALL 24 HRS./DAY, 7 DAYS/WEEK

2022

BLOOD WARRANTS: 199

ARREST WARRANTS: 928





WARRANTS

2023

BLOOD WARRANTS: 529

(increase of 330)

ARREST WARRANTS: 1,157

(increase of 229)

PROJECTED 2024

At the current rate for
January and February 2024:

Arrest Warrants: 1,300

(increase of 150)

Blood Warrants: 730

(increase of 200)



EMERGENCY PROTECTIVE ORDER MODIFICATION HEARINGS



881 EPOs issued in 2023

- **ASSOCIATE JUDGE CONDUCTS
EPO MODIFICATION HEARINGS
ON MISDEMEANORS**
- **EVERY WEDNESDAY AT 1:30**

DEPARTMENT OUTREACH

County Attorney

District Attorney – Intake Chief

Jonathan Lemuel – LMHA

Sheriff

Brad Weems – County Clerk

IT

JAIL

- Coordinated with the Jail to refine processes to ensure that Arrestees are timely booked into the jail & that Magistration paperwork is received promptly.
- Senior AJ runs a custom report twice a week to determine whether any defendant is entitled to a bond reduction or personal bond if they have been incarcerated more than 5 days (Class C), 15 days (Class B), 30 days (Class A) pursuant to Art. 17.151.



TRAINING & COORDINATION

MENTAL HEALTH

- All four AJs have received training from Jonathan Lemuel, LMHA
- All four AJs have toured the Diversion Center and Respite
- Senior AJ has met with Jonathan on multiple occasions to establish immediate communication at the jail and to determine Diversion options in an efficient manner

JAIL RESOURCE

- What medications to look out for in the medical intake paperwork to suggest Serious Mental Health Diagnoses
- What behaviors to identify during the Magistration Process for 16.22 purposes.
- Tips for communicating with arrestees with mental health disorder



UPDATED AND STREAMLINED PROCESSES

- EXPECTATIONS OF MAGISTRATION AND ASSOCIATE JUDGES IN WRITING
- MUCH BETTER ACCESS FOR OFFICERS
- MOVED TO 12-HOUR SHIFTS
- TRAINING FOR AGENCIES ON CITE & RELEASE
- COPY OF WARRANT AND PC AFFIDAVIT REQUIRED FOR ANY "TO BE SET BY MAGISTRATE" CASES
- COPY OF WARRANT FOR ALL "NO BOND" CASES AND ALL OUT OF COUNTY CASES
- FOCUS ON THOSE WITH MENTAL HEALTH CONCERNS

GOALS

Magistrations

- Attorney Appointment at Magistrations
- PSA (Risk Assessment)
- In person attorney representation

Associate Judges

- Continue to coordinate with other departments to implement efficient practices
- Cloud Gavel



**THANK YOU
FOR
LISTENING!**