

## **ANSWERS TO FREQUENTLY ASKED QUESTIONS**

### **What can I expect at my first court appearance?**

Defendants will be permitted to enter the County Courtroom several minutes before the docket is called. Once the docket is called, the County Judge will make a statement regarding each individual's rights regarding counsel as well as the opportunity to speak with a prosecutor, if desired.

### **Do I need an attorney at my first appearance docket?**

No, an attorney is not necessary at the first docket, or in any Court setting for misdemeanors. If an individual makes a decision to hire an attorney, the case will be reset to the next appropriate docket.

### **If I am indigent, how can I get a "free" lawyer?**

A common misconception, but court-appointed attorneys are not "free". The taxpayers are the ones that pay for a court-appointed attorney. If a defendant claims indigency and is granted a court-appointed attorney, the costs of the attorney may be assessed upon the defendant if he or she is found guilty.

Any Defendant who believes themselves to be indigent may fill out an application for a Court Appointed Attorney. Once sworn to, the Application is reviewed by the County Judge who makes a determination whether to appoint an attorney. If an attorney is appointed, the case is moved to the next appropriate docket.

### **Why would I speak with a Prosecutor?**

Every Defendant is entitled to review the evidence in a criminal case. The Prosecutor holds the Peace Officer's "offense report" in the file, as well as a Plea Bargain Offer for each defendant. The Plea Bargain Offer in the file is the same for defendants with or without an attorney. This is an opportunity for each defendant to learn the contents of the State's file and make an informed decision on what step to take next. It also provides the opportunity for a defendant to ask questions about the case, and discuss the terms and conditions of a plea bargain.

### **What is Probation / Community Supervision?**

Community Supervision is an alternative to a jail sentence. Under the terms of probation, a defendant is supervised for a set period of time by a probation officer, reports regularly to that officer, performs community service in the community, completes necessary educational/rehabilitative courses, and pays their fines, court costs, and restitution to victims.

### **Can my charge be changed or reduced in a plea deal?**

If the offense alleged is different from the offense committed, the offense will be changed to reflect the correct nature of that offense.

However, by example, an actual DWI offense will not become an Obstructed Highway, Reckless Driving, or Public Intoxication.

### **Can I drop charges if I am the victim of an assault case?**

No, only the prosecutor can make the determination to dismiss a case. Victims may contact the County Attorney's Office to set an appointment for discussion of the case, including the desire to dismiss. An Affidavit of Non-Prosecution, the written notice of a Victim's desire to drop charges, is taken into consideration for each case.

However, the strength of the evidence in all criminal cases determines whether the case is "dropped" (dismissed) or not.

### **Does the County Court allow a "payment plan" on criminal cases?**

In a probation judgment, the Court requires \$100.00 at the time of the plea. There is a \$25.00 one-time administration fee imposed which is calculated into the fines and costs. Payment of the fines and costs are spread out over the probation term.

Jail sentences require the full fine and costs to be paid at the time of the plea, or for those fines/costs to be laid-out in the jail at the rate of \$100.00 per day.

### **What happens if I don't come to court?**

Individuals on a docket who do not answer will have their bond forfeited. The Court standard is to double the amount of the initial bond. Upon apprehension, a defendant will remain incarcerated until the new bond has been made for release.

### **How do I file charges with the County Attorney's office?**

The County Attorney's Office is comprised of three (3) attorneys and three (3) support staff. There is no Investigator/Peace Officer assigned to the Office. As such, only a few offenses (ex. "Hot Checks") are taken in and filed without a Peace Officer's offense report.

The majority of investigations must originate with a Law Enforcement Agency, which then submits the case for Intake (review) by the County Attorney's Office.

**\*\*Please note:** The Chambers County Attorney's Office does not give legal advice or interpretation through this website.