

IN THE
173RD AND 392ND DISTRICT COURTS

HENDERSON COUNTY, TEXAS

DOCKET CONTROL ORDER

To promote efficiency and economy in the courts of Henderson County, Texas, and pursuant to Rule 3a, Tex. Rules Civ. Proc., Sec. 24.003 (b) (2), and Sec. 74.094, Tex. Gov. Code, and the agreement of the undersigned, the following orders apply to cases filed on and after November 1, 2019:

1. Cases filed in the 173rd and 392nd District Courts shall be subjected to the lottery and assigned cause numbers under the system currently in effect, but shall be heard and determined as set out below.
2. Cause numbers having the prefix "CR__" shall be heard and determined by the Judge of the 392nd District Court; provided, in addition, that applications for Writ of Habeas Corpus seeking reduction of bail and/or determination of probable cause, and actions brought pursuant to Chapter 59, Tex. Code Crim. Proc., shall be heard and determined by the Judge of the 392nd District Court.
3. Cause numbers having the prefixes "CV__," "FAM__," "JUV__," and "TAX__" shall be heard and determined by the Judge of the 173rd District Court; provided, that cases brought under Tex. Fam. Code referable to a Title IV-D court, Child Protection Specialty court, or other such court, shall be referred to those courts and heard and determined by the associate judges presiding over those courts under the rules governing same.



4. Nothing in these orders shall be construed to affect the rules of this Administrative Region or the authority of the Presiding Judge thereof to assign cases in the event of recusal or disqualification, or otherwise.

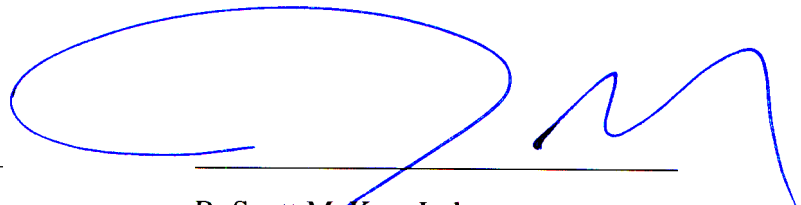
5. To the extent necessary to give effect to these orders, these orders constitute a modification of the Amended Rules for Administration of Cases in the District Courts of Henderson County, Texas.

6. The District Clerk shall record these orders in the Minutes of the 173rd and 392nd District Courts.

SO ORDERED this 10 day of September, 2019.



Dan Moore, Judge
173rd District Court



R. Scott McKee, Judge
392nd District Court



**AMENDED RULES FOR ADMINISTRATION OF
CASES IN THE DISTRICT COURTS
OF HENDERSON COUNTY, TEXAS**

Three District Courts have jurisdiction in Henderson County, Texas; to wit:
173rd Judicial District
392nd Judicial District
3rd Judicial District

These Rules are promulgated in order to fairly administer the allocation of cases filed in the District Courts of Henderson County, Texas.

RULE 1 - CIVIL CASES IN THE DISTRICT COURTS

A. Docketing and Assignment of Cases Filed: All civil cases (other than those filed in the County Courts-at-Law) filed with the District Clerk shall be assigned by the District Clerk to one of the three District Courts in accordance with the following procedures:

(1) The District Clerk shall assign by lot, 2/5 (40%) to the 173rd District Court, 2/5 (40%) to the 392nd District Court, and 1/5 (20%) to the 3rd District Court. **See Chart 1.**

(a) In the event a District Court is made aware of a potential conflict, the District Court may notify the District Clerk of the potential conflict and the District Clerk shall not assign such cases to that District Court.

(2) Cases filed with the District Clerk in the District Courts shall be filed in numerical sequence at the time of filing. The clerk will assign a cause number to each case in accordance with the following format: "CV" denoting civil cases, "FAM" denoting family cases, "JUV" denoting juvenile cases, and "TAX" denoting tax cases, followed by the last two digits of the calendar year, followed by a dash (-), followed by a four digit sequential number beginning with 0001 each January 1st, followed by a dash (-), followed by the district number of the Court to which the case was assigned. **See Table 1.**

Examples: CV19-0001-173, FAM19-0001-173, JUV19-0001-173, TAXCV19-0001-173

B. Re-Filing of Cases: When a case is filed and assigned to a particular District Court by the District Clerk under the present rules, and is then non-suited and re-filed involving the same or similar parties or cause of action, the District Clerk shall file the latter case or cases in the same District Court in which the original case was filed.

C. Temporary Restraining Orders: In cases where an immediate temporary restraining order or other emergency order is requested, the request shall be made to the Judge of the court in which the case has been or is to be filed, unless that Judge is unavailable, in which event the request may be submitted to another judge.

D. Transfer to another Court: The district judges, in order to efficiently distribute the cases and workload of the District Courts, may from time to time transfer individual or certain categories of cases from one District Court to another with the consent of the judge of the District Court in which the case or category of cases is transferred.



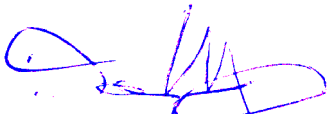
- E. Hearing of Another Court's Case: The three District Judges may legally sit in the other Courts without the necessity of transferring cases. The District Judges encourage attorneys to explore that possibility in the event the Judge of the court in which the case is filed is engaged in the trial of other cases or unavailable on the trial date. This procedure requires the consent of both District Judges.
- F. Bills of Review: Bill of Review cases shall be assigned to the District Court whose judgment is sought to be set aside.

RULE 2 - CRIMINAL CASES IN THE DISTRICT COURTS

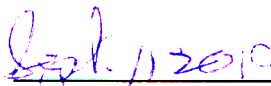
- A. Criminal Cases Filed in the 173rd District Court Only: All felony cases shall be filed in the 173rd District Court. However, the three District Court judges will share the responsibility of empanelling grand juries, trying the cases, and handling pre-trial, writs of habeas corpus, and other incidental matters in criminal cases.
- B. Docketing and Assignment of Cases Filed: Although all felony cases are filed in the 173rd District Court, each case shall be assigned and docketed by the District Clerk to one of the three District Courts in accordance with the following procedures:
- (1) The District Clerk shall assign by lot, 2/5 (40%) to the 173rd District Court, 2/5 (40%) to the 392nd District Court, and 1/5 (20%) to the 3rd District Court. **See Chart 1.**
 - (a) Murder and Capital Murder cases will be assigned as follows in order of offense date on a rolling basis: 173rd, 392nd, 173rd, 392nd, 3rd.
 - (b) In the event a District Court is made aware of a potential conflict, the District Court may notify the District Clerk of the potential conflict and the District Clerk shall not assign such cases to that District Court.
 - (2) Cases filed with the District Clerk in the District Courts shall be filed in numerical sequence at the time of filing. The clerk will assign a cause number to each case in accordance with the following format: "CR" denoting criminal cases, followed by the last two digits of the calendar year, followed by a dash (-), followed by a four digit sequential number beginning with 0001 each January 1st, followed by a dash (-), followed by the district number of the court to which the case was assigned. **See Table 1.**
- Example: CR19-0001-173**
- C. Seizure Cases: Felony cases associated with a civil seizure case shall be assigned to the District Court in which the civil seizure case is assigned.
- D. Habeas Corpus Cases: Felony cases associated with a habeas corpus action shall be assigned to the District Court in which the habeas corpus case is assigned.

- E. Disposition of Cases: Felony cases will be set for arraignment approximately 30 days after indictment. A pre-trial hearing will be set approximately 60 days from arraignment. Any pre-trial matters set out in Article 28.01, Texas Code of Criminal Procedure, must be raised or filed seven days before the pre-trial hearing, and will not thereafter be allowed to be raised or filed except by permission of the Court for good cause shown. Cases will be docketed on a trial docket to dispose of the cases as expeditiously as possible.

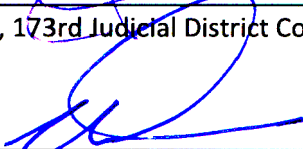
The Courts will hold one or more Status Conference hearings prior to the trial date. At the Final Status Conference hearing, the Court will be advised as to whether a plea bargain has been reached. As a general rule, the Court will not approve a plea bargain agreement after the date of the Final Status Conference hearing. Also, the Court will be informed by the attorneys at the Final Status Conference hearing whether the case will be tried before the Court or jury.



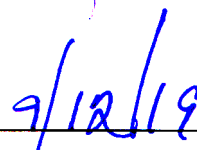
Dan Moore, 173rd Judicial District Court



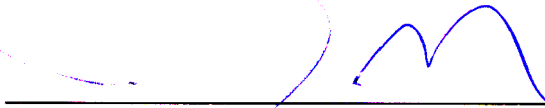
Date



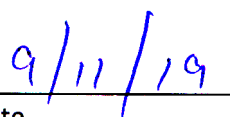
Mark Calhoon, 3rd Judicial District Court



Date



R. Scott McKee, 392nd Judicial District Court



Date

Chart 1 (Assignment of cases, other than murder and capital murder, between the three District Courts)

