

City of Corpus Christi
Municipal Court

0624

INTEROFFICE MEMORANDUM

TO: Hector Hernandez, Chief Prosecutor

FROM: Joe A. Garza, Chief Judge DATE: November 11, 1985
Municipal Court/Judicial

SUBJECT: -ARRAIGNMENTS-

In reviewing your memo regarding the above mentioned subject, I find that instead of making things easier and simpler you have gone to great lengths to do just the opposite.

As for the "Judge's Remarks", this is information which you or your assistants can very well inform the public about, since, I do not believe a Judge is necessary to accomplish this. You currently do this now, and I see no reason to shift that to a Judge. Now, if you and your assistants feel that you are unable to perform that function, we can get other prosecutors who can adequately perform this task.

This is also to inform you that I have no intention of giving anyone a reading lesson; not only that, I find many half-truths and omissions in the "Judge's Remarks" as well. For instance:

1. You tell people they may attend defensive driving school once in 2 years; and under §143(a) (2) that is a correct statement. However, §143(a) (1) mentions that under the judges discretion, a judge can send anyone to defensive driving school more than once, and this may be done even after a trial.
2. You also did not mention alternative punishment which at the present time we do. (For example: probation, deferred adjudication, warning by a Judge or prosecutor, or even a reduced fine.)

It seems that the more I learn about this "arraignment project", the more I realize that it indicates an attempt by you to do away with the judge's discretion in sentencing; and an attempt by you again to deal with everyone in a collective manner. However, as long as I am presiding as the Chief Judge, this task will not be accomplished much less allowed.

I feel that those people who wish to enter pleas of guilty and pay a fine may do so before a Judge; and for those who wish to attend a

defensive driving school, it is not necessary that they see a judge. This procedure has been in effect at the present time under the present trial docket system.

Your "arraignment procedure" is also unclear as to whether all the defendants are going to be present at 12:00 noon so that your written "speech" is to be delivered only once; or to each of those who show-up (ie. those who come in late; those who don't even come in; those who come in the next day, 2 or 3 days later). My question is, how do you plan to take care of these people, or do you have in mind as a solution directing them to see a judge?

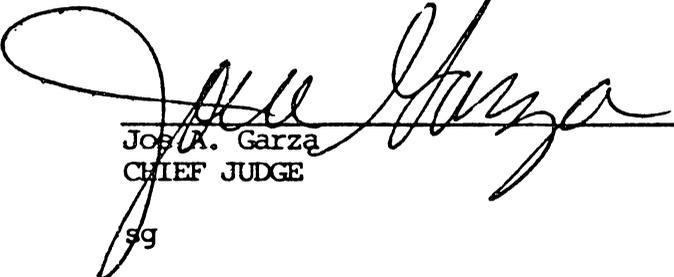
As for the signing of warrants, I have no intention of signing warrants at the end of the docket as you so command.

It is my responsibility to see that warrants be signed only after each judge has carefully determined that it should be signed. Changes will be done after we (Judges) agree on a procedure concerning the signing of those warrants.

I further add that your "arraignment procedure" requires more than one person to function, whereas my "walk-in procedure" only requires one person (the Judge). If your "plan" can better that, you will have my complete support.

In closing, I might add that we can accomplish much more by keeping things simple. This is Municipal Court, and based on my experience as Judge and in working with the public, I find these are simple people who need simple solutions not a complicated set of rules.

MUNICIPAL COURT/JUDICIAL



Jose A. Garza
CHIEF JUDGE

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