

*Bonilla
Read
Bonilla
& Berlanga
Inc*

March 18, 1987

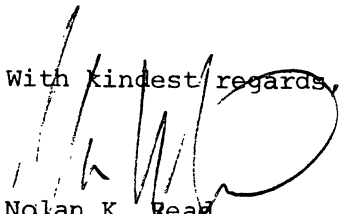
*(A Professional Corporation)
Attorneys At Law*

Hon. Joe Garza, Judge
Municipal Court
904 N. Brownlee Blvd.
Corpus Christi, Texas 78401

Dear Judge Garza:

Under Article I, Section 10, Texas Constitution, and Article 1.05, Code of Criminal Procedure, a defendant is entitled to have a copy of any charge against him. The Municipal Court clerk, relying on a directive from an assistant city manager authorizing a charge of \$2.00 per page for "Docket" insists that a defendant, or his counsel, pay for such copy, where none is authorized by statute, and none can be authorized by ordinance (Art. 45.07 & Art. 103.002, CCP). The authorized cost is found in Art. 102.051, CCP. Misdemeanors are by complaint, information or indictment. Art. 25.04, CCP, addresses misdemeanors by information and indictment, stating the accused or his counsel may demand a copy, which shall be given as early as possible. Probably this article also encompasses misdemeanors by complaint. Any charge extracted is a limitation to that extent on the constitutional and statutory right to a copy of the charge. I have no alternative but to continue demanding by motion and hearing that the defendant be furnished a copy of the complaint a sufficient period of time before trial to enable him or her to adequately prepare for trial. This procedure is time consuming for both the City and counsel for defendant but is required if the defendant is to be assured of adequate assistance of counsel. As you know, a copy of the complaint will be supplied on appeal; however, this will not cure any error appearing of record in the trial court, namely, the failure to grant the defendant his rights at every stage of the proceeding. This needs to be immediately corrected, if for no other reason than to avoid a Title 42, Sec. 1983, USCA, action.

With kindest regards,


Nolan K. Read

William David Bonilla
Nolan K. Read
Tony Bonilla
Ruben Bonilla, Jr.
Mary Helen Berlanga
David Bonilla
Jon Bonilla
Vaughn Westheimer
Celeste E. Scalise Boyd
Donald R. Stowe
Randy Mack
Peter G. Merkl