

The office of

District Attorney

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Upon completion of this lesson, you should be able to:

- 1) Outline the constitutional authority of the district attorney, county attorney and criminal district attorney
- 2) Examine the qualifications for assuming the office of district attorney
- 3) Explain the basic responsibilities and duties of the district attorney

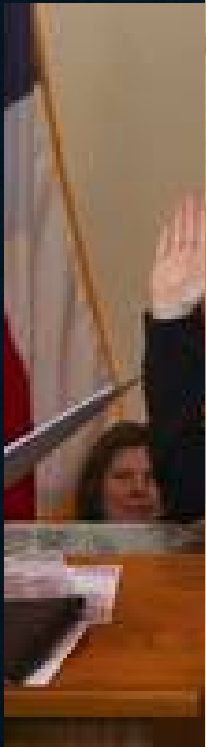












LAW & ORDER

IN THE CRIMINAL JUSTICE SYSTEM, THE PEOPLE ARE REPRESENTED BY TWO SEPARATE YET EQUALLY IMPORTANT GROUPS: THE POLICE WHO INVESTIGATE CRIME, AND THE DISTRICT ATTORNEYS WHO PROSECUTE THE OFFENDERS. THESE ARE THEIR STORIES.

QUALIFICATIONS FOR DISTRICT ATTORNEY

- **Qualifications & Term**

- 4 year term (Tex. Const. art. V, § 21.)
- Licensed attorney (Tex. Gov't Code §41.001.)
- Reside within their district or county
 - Failure = **vacating the office**

- **Bond \$5,000**

- To ensure turning over all monies collected (Tex. Gov't Code §43.002; §44.002).

Oath of Office

“I, _____, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of _____ of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.”

Anti-Bribery Statement

- “I _____, do solemnly swear (or affirm), that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God.”

Tex. Const. art. XVI, §1(a)

Salary

- DA or CDA entitled to compensation of District Judge base salary \$140,000
 - Tex. Gov't Code §§ 41.013; 695.012(a)(1); and 46.001(2).
- Longevity Pay -10%, 20%
- Note: Discretionary funds may be used supplement salaries of his staff members, but cannot be used for DA's salary. Tex. Code Crim. Proc. art. 102.007(f).

Private Practice:

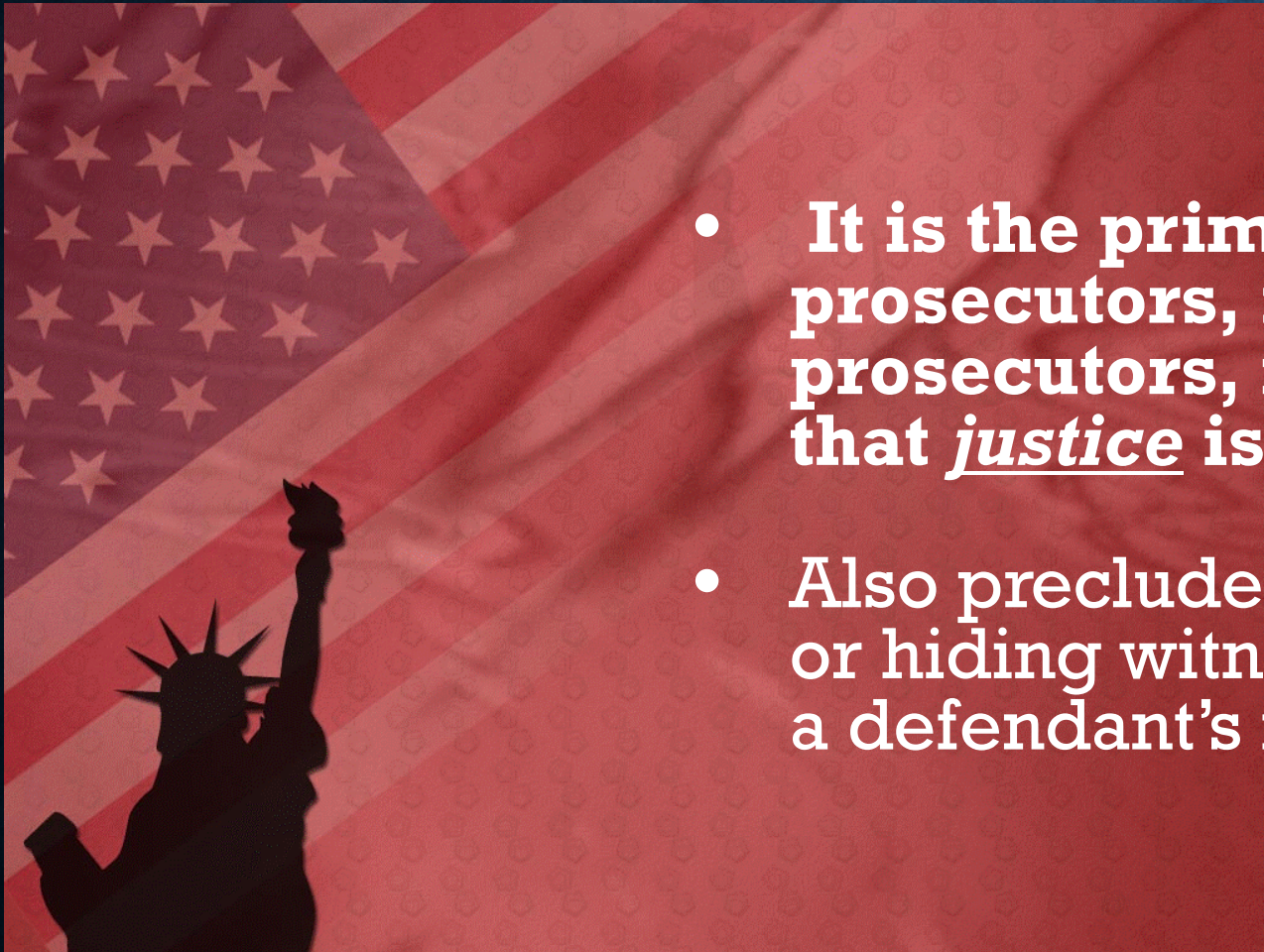
- **Professional Prosecutors Act** (and who receive state salary supplement) may not engage in private practice and are expressly prohibited from accepting a fee from another attorney to whom the prosecutor has referred a case. Tex. Gov't Code §46.005(a), (b).

BASIC RESPONSIBILITIES OF A TEXAS PROSECUTOR

- Duties--Seeking Justice
- Filing Cases- Indictments, Informations
- Prosecutor Discretion
- Prosecutor Initiatives

BASIC RESPONSIBILITIES OF A TEXAS PROSECUTOR

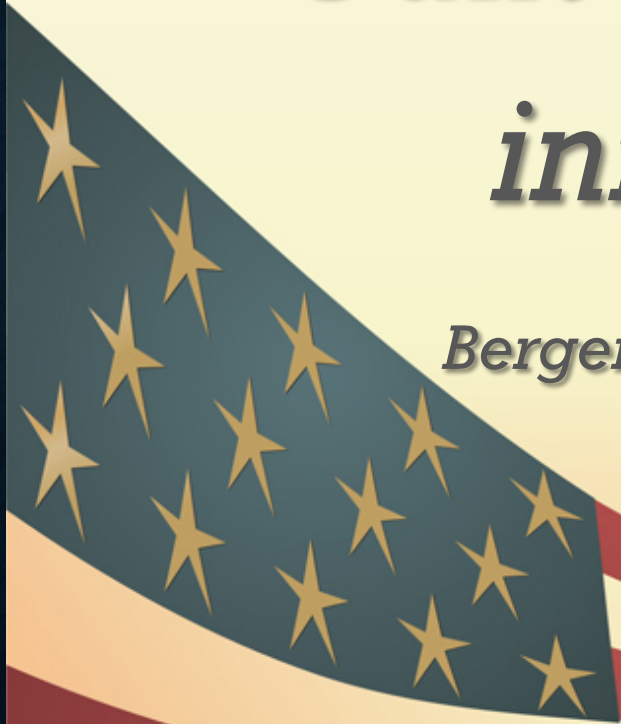
- It is the primary duty of all prosecutors, including any special prosecutors, not to convict, but to see that justice is done. Tex. CCP. art. 2.01.
- Also precluded from suppressing facts or hiding witnesses that could establish a defendant's innocence.



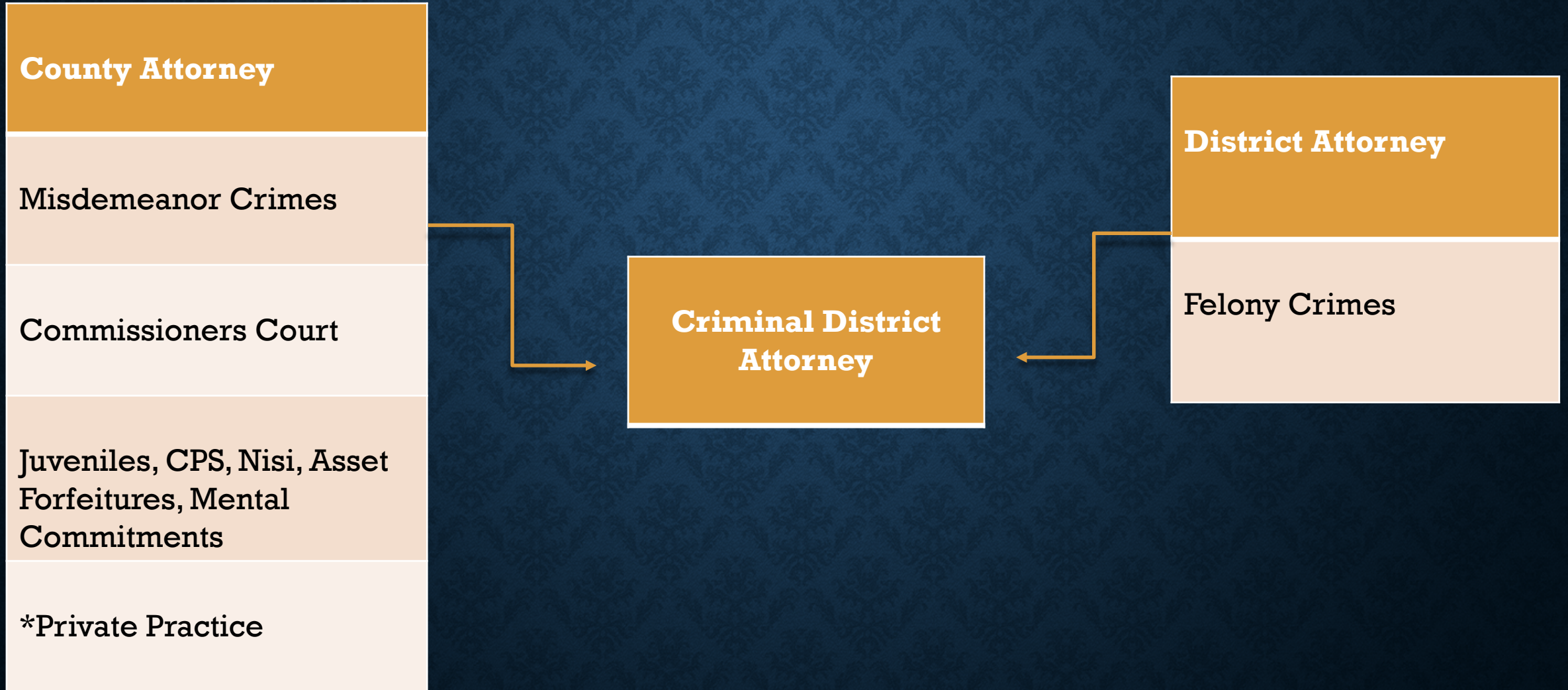
MISSION STATEMENT OF MY OFFICE:

*“Guilt shall not escape or
innocence suffer*

Berger v. United States, 295 US 78 (1935).



TEXAS PROSECUTORS



“CRIMINAL DISTRICT ATTORNEY”

- Criminal Justice is predominantly a crime entity that take place within a Sheriff's Office, County Jail, and Court System. Services include: Pretrial Services, Bond, Asset Forfeiture, Mental Health, Departmental Protective Orders, and Expunctions. Criminals range from Misdemeanors up to Capital Murder.
- every legal issue you can imagine

CIVIL JURISDICTION

Roads & Subdivisions

Contracts

Environmental protection

Election

Fire Code

Writ of Execution

Public Health/Disasters

Employment

Real estate

Tax

County Authority

Indigent Health

Civil Process

Economic Development

GRAND JURY ROOM



PROSECUTORIAL DISCRETION

- Whether or not to charge someone with a crime
- Which charges to file against a defendant
- Whether multiple charges should be filed together or separately
- Whether or not to accept or negotiate a plea bargain agreement
- What evidence to present, including witnesses
- What sentencing recommendations to make



The district attorney has no duty to file all complaints presented to her office.

Taylor v. Gately, 870 S.W.2d 204 (Tex. App. — Waco 1994).

The prosecutor has discretion about which cases to file. A judge cannot instruct a prosecutor's office how to handle charges against a defendant.

State ex rel. Holmes v. Denson, 671 S.W.2d 896 (Tex. Crim. App. 1984).



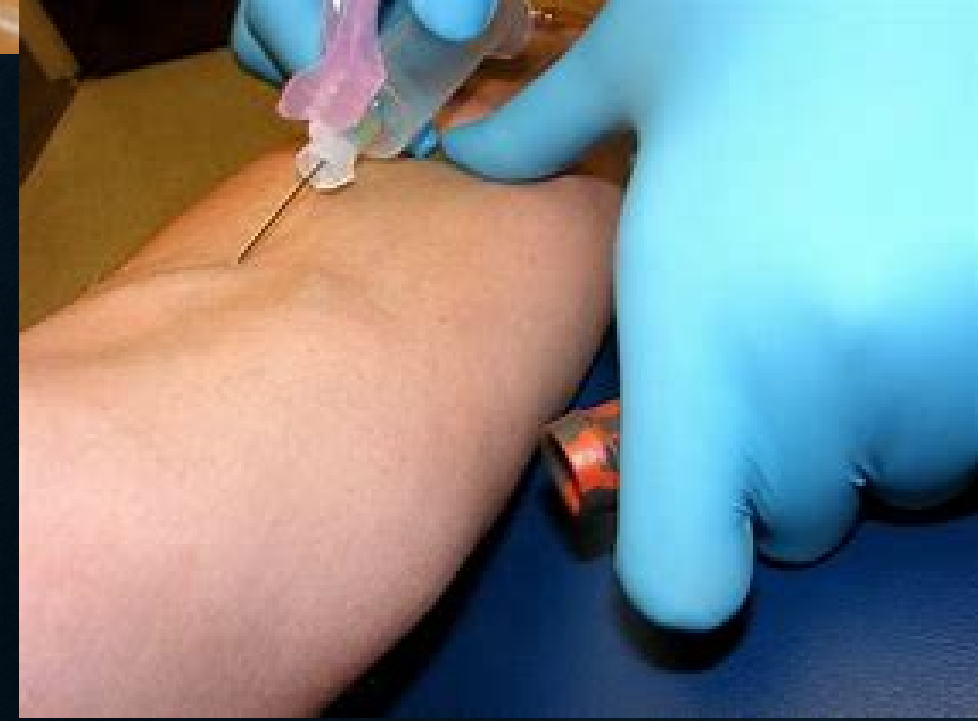
LAW & ORDER

3 Priorities



- Safer Roads
 - No Refusal 24/7
 - Trainings with local and seasonal law enforcement
 - Available (“On-Call”) for Officers at all hours

MEANING





EVERY 48 SECONDS,
A DRUNK DRIVER
MAKES ANOTHER PERSON
ELIGIBLE TO PARK HERE.





EXHIBIT
5X 2-
3 29-1



EXHIBIT
9 29-1



TEXAS MOTOR VEHICLE TRAFFIC CRASH HIGHLIGHTS

Based on reportable crashes in 2013:

1 person was killed every 2 hours 35 minutes

1 person was injured every 2 minutes 16 seconds

1 reportable crash occurred every 74 seconds


In 2013, there were 1,036 people killed in motor vehicle traffic crashes where a driver was under the influence of alcohol.

This is 30.6% of the total number of people killed in motor vehicle traffic crashes.

There were no deathless days on Texas roadways in 2013.

Information contained in this report represents reportable data collected from Texas Peace Officer's Crash Reports (CR-3) received and processed by TxDOT as of November 25th, 2014.

SB106 & HB 3582



Texas Legislature Online
History

[Home](#) [My TLO](#) [House](#) [Senate](#) [Legislation](#) [Search](#) [Committees](#) [Calendars](#)

[History](#) [Text](#) [Actions](#) [Comparisons](#) [Amendments](#) [Authors](#) [Sponsors](#) [Captions](#) [Bill Stages](#)

Bill: **HB 3582**

Legislative Session: 86(R)

Council Document: 86R 3326 GCB-F

Last Action:

06/14/2019 E Effective on 9/1/19

Caption Version:

Enrolled

Caption Text:

Relating to the punishment for certain intoxication offenses, the conditions of bond for defendants charged with certain intoxication offenses, and the eligibility for deferred adjudication community supervision of defendants who committed certain intoxication offenses.

Author:

Hurr | Moody | White | Wray | Wu

Sponsor:

Menéndez

Cosponsor:

Zaffirini

Subjects:

Criminal Procedure--Sentencing & Punishment (10205)
Vehicles & Traffic--DWI & DUI/D (10463)
DEFERRED ADJUDICATION (50185)
IGNITION INTERLOCK DEVICE (50147)
MANDATORY & COMMUNITY SUPERVISION (52314)

House Committee:

Corrections

Status:

Out of committee

Vote:

Ayes=9 Nays=0 Present Not Voting=0 Absent=0

Senate Committee:

Criminal Justice

Status:

Out of committee

Vote:

Ayes=5 Nays=0 Present Not Voting=0 Absent=2

House Conferees:

Appointed (05/23/2019) [Hurr](#) (Chair) | [Hoodie](#) | [Racheco](#) | [Smith](#) | [Wray](#)

Senate Conferees:

Appointed (05/23/2019) [Menéndez](#) (Chair) | [Buckingham](#) | [Heras](#) | [Perry](#) | [Zaffirini](#)

Actions: (descending date order)

Viewing Votes: [Most Recent House Vote](#) | [Most Recent Senate Vote](#)

	Description	Comment	Date *	Time	Journal Page
E	Effective on 9/1/19		06/14/2019		
E	Signed by the Governor		06/14/2019		6449
E	Sent to the Governor		05/29/2019		6446
S	Signed in the Senate		05/27/2019		3973
H	Signed in the House		05/27/2019		6443
H	Reported enrolled		05/26/2019	10:48 PM	6445
S	House adopts conf. comm. report-reported		05/26/2019		3918
H	Record vote	RV# 1963	05/26/2019		6202
H	House adopts conference committee report		05/26/2019		6197
H	Senate adopts conf. comm. report-reported		05/26/2019		6408
S	Record vote		05/25/2019		3569
S	Senate adopts conference committee report		05/25/2019		3569
H	Conf. Comm. Report distributed		05/25/2019	04:17 PM	
S	Conference committee report filed		05/24/2019		3400
H	Senate appoints conferees-reported		05/23/2019		5137
H	Senate grants request for conf comm reported		05/23/2019		5137
S	Senate appoints conferees		05/23/2019		3148
S	Senate grants request for conference comm.		05/23/2019		3148
S	House appoints conferees-reported		05/23/2019		2899
S	House requests conference committee-reported		05/23/2019		2899
E	House refuses to concur-reported		05/23/2019		2899
H	House appoints conferees		05/23/2019		4907
H	House requests conference committee		05/23/2019		4907
H	House refuses to concur in Senate amendments		05/23/2019		4907
H	Senate Amendments Analysis distributed		05/22/2019	12:48 PM	
H	Senate Amendments distributed		05/19/2019	04:34 PM	
H	Senate passage as amended reported		05/15/2019		3831
S	Record vote		05/15/2019		1921
S	Passed		05/15/2019		1921
S	Read 3rd time		05/15/2019		1921
S	Record vote		05/15/2019		1921
S	Three day rule suspended		05/15/2019		1921
S	Vote recorded in Journal		05/15/2019		1921
S	Read 2nd time & passed to 3rd reading		05/15/2019		1921
S	Laid before the Senate		05/15/2019		1921
S	Placed on local & uncontested calendar		05/15/2019		
S	Not again placed on intent calendar		05/14/2019		
S	Placed on intent calendar		05/13/2019		
S	Committee report printed and distributed		05/10/2019	12:17 PM	
S	Recommended for local & uncontested calendar		05/10/2019		
S	Reported favorably as substituted		05/10/2019		1847
S	Co-sponsor authorized		05/09/2019		1802
S	Testimony taken in committee		05/08/2019		
S	Considered in public hearing		05/08/2019		
S	Scheduled for public hearing on ...		05/08/2019		
S	Posting rule suspended		05/07/2019		1741
S	Referred to Criminal Justice		05/03/2019		1506
S	Read first time		05/03/2019		1506
S	Received from the House		05/02/2019		1479



- Safer Community

- Informed Citizens with Neighborhood Watch Programs, Civic Agencies
- G.O.N.E. Unit
- DVHRT Team
- Human Trafficking Task Force
- Encourage Reporting



GONE in action

Herald Zeitung - Sep 8, 2018

The Gang Offender Narcotics Enforcement Unit was formed here a ... Co
has about 500 documented gang members, he said.

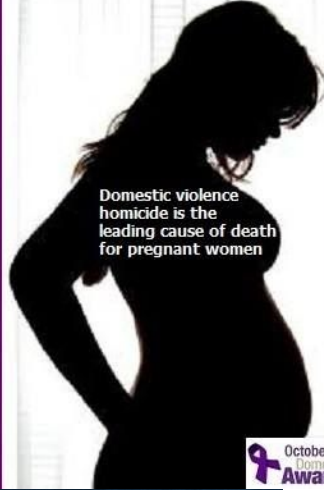


OPERATION CRYSTAL LAKE



COMMUNITY AWARENESS EVENTS





October is Domestic Violence Awareness Month

LETHALITY ASSESSMENT

Case #:

Suspect:

Abusers of animals are 5 times as likely to harm humans.

Photo by: Cameron Barrett

1. Has he/she ever threatened to harm you or your children?
2. Has he/she ever threatened to harm your pets?
3. Do you think he/she is capable of harming you or your children?

Negative Responses to Questions

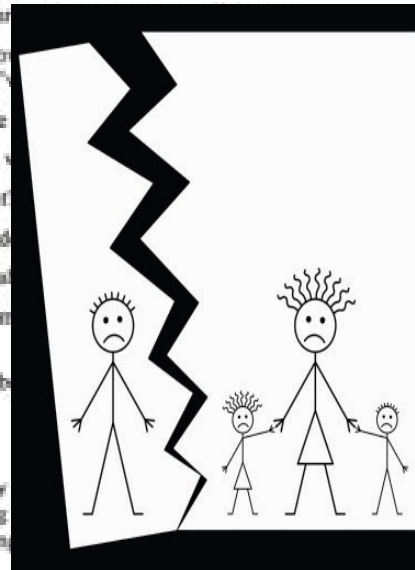
4. Does he/she ever threaten to harm you or your children?
5. Has he/she ever threatened to harm your pets?
6. Is he/she violently or constantly jealous or does he/she control most of your life?
7. Have you ever attempted to leave him/her? Are you currently separated?
8. Is he/she unemployed?
9. Has he/she ever threatened to harm you or your children?
10. Does he/she follow you or call you after you've hung up?
11. Does he/she have a history of violence?
12. Has the physical violence ever increased?
13. Are you pregnant?
14. Has he/she ever threatened to harm you or your children?
15. Has he/she ever threatened to harm your pets?
16. Has he/she ever threatened to harm your children?
17. Has he/she ever threatened to harm you or your children?



Read the resource: aldf.org/cruelty-domestic-violence



Threats to kill victim or their children



messages on answering machine/voicemail

pregnant?

could acts on him/her



Answers:

refused to answer any questions in accordance with the protocol?
No After advising the victim speak with the hotline

COORDINATOR'S ROLE...



In the first 171
days of 2019,

49

**Protective
Orders were
filed**





In the first 171 days of 2019,

49

**Protective Orders were
filed**

**AGE OF
VICTIMS
5 MOS. TO 83
YEARS**





- Safer Schools
 - Trainings with SRO's
 - Trainings with School Staff
 - Trainings with Students (Worth the Wait, Junior Deputy, Juvenile Probation)





BEWARE

WHAT YOU SHARE

SEX OFFENDERS TEXAS



Search for convicted sex offenders in Texas by category or county. You can enter your zip code to find sex offenders near you.

Offenders by County

Search Offenders By Zip

Home »

GOLCEFF,PAUL

Previous

Next



Golceff, Paul



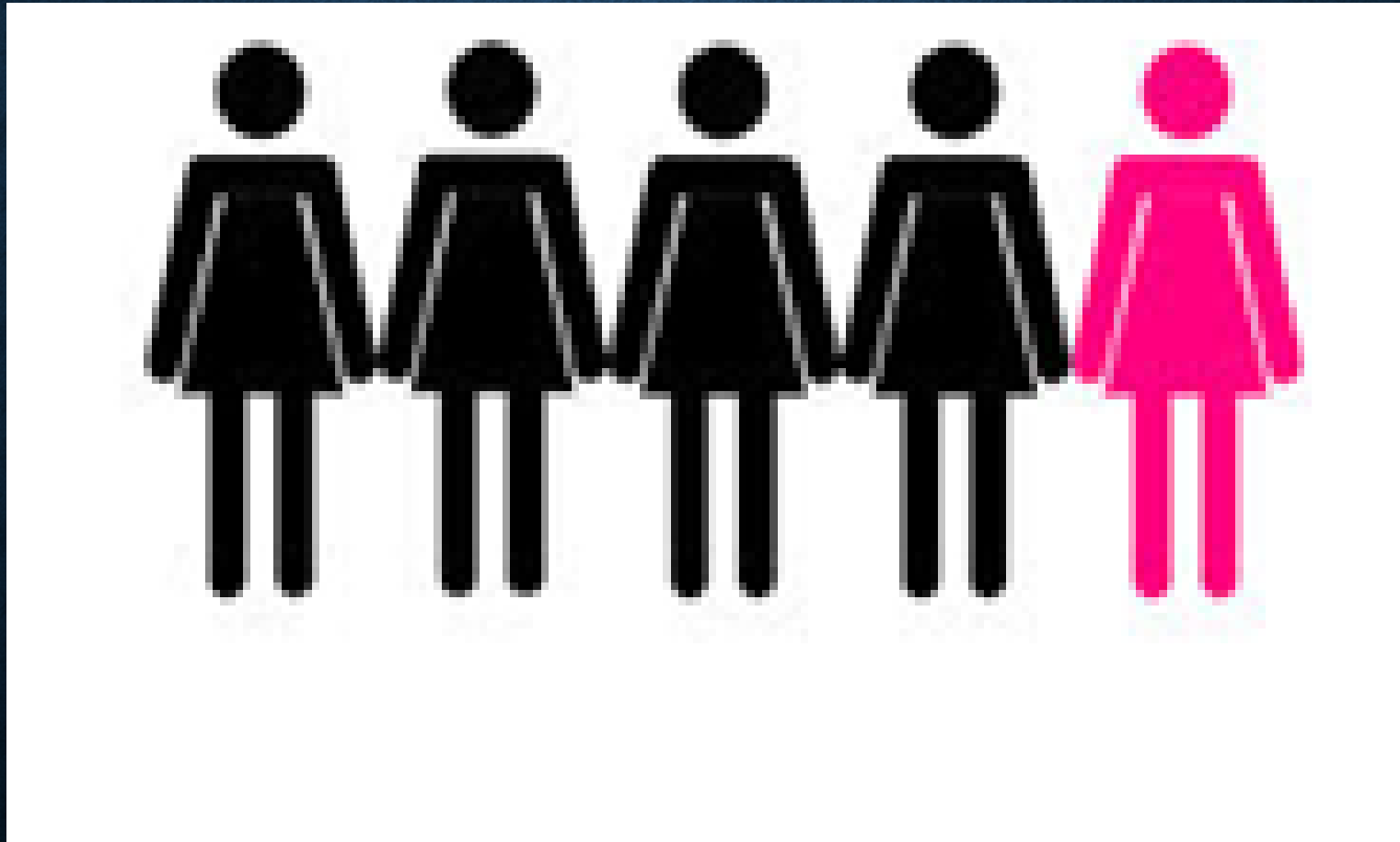
SID:	06918384
Risk Level:	N/A
Name:	GOLCEFF,PAUL
Date of Birth:	01/26/1967
Ending Registration Date (Projected):	06/23/2018
Verification Requirements:	N/A
Race:	W
Sex:	M
Hair:	BRO
Eyes:	BRO
Height:	5' 10"

**Never assume
anything you send
or post is private.**



**Anything you post
or send will never
truly go away.**

**PERCENT OF TEENAGERS SENT
OR POSTED NUDE OR SEMI-NUDE
PICTURES OR VIDEOS OF
THEMSELVES:**



BASIC RESPONSIBILITIES, CONT.

- Disqualification/Recusal
 - Special Prosecutor vs. Attorney Pro Tem


DISQUALIFICATION VS. RECUSAL

Formidable Lawyer at Center of Perry Prosecution

Michael McCrum, the special prosecutor who secured an indictment against Gov. Rick Perry on Friday, is described by colleagues as faithful and aggressive. One thing they don't call him is partisan.


BY TERRI LANGFORD AUG. 18, 2014 2 PM



Gov. Rick Perry speaks at an Aug. 16, 2014, news conference, the day after a grand jury indicted him on charges related to his veto of public integrity unit funding. "This indictment amounts to nothing more than abuse of power," Perry said.  Marjorie Kamys Cotera

LOCAL // TEXAS POLITICS

Criminal case against Attorney General Ken Paxton jeopardized by court ruling

 Taylor Goldenstein | June 18, 2019 | Updated: June 26, 2019 6:28 p.m.



MARY ALDOUS
First Assistant



RAETHELLA JONES
Chief - Civil Division

VICKI KRAEMER
Chief Investigator

JERI YENNE
CRIMINAL DISTRICT ATTORNEY
BRAZORIA COUNTY

October 24, 2019

This investigation involves allegations of official misconduct against Dennis Bonnen, the Texas Speaker of the House and as such is a public matter. Given the unique public nature of these allegations and subsequent investigation, I have chosen to issue this statement.


Texas law under Chapter 411 of the Government Code provides that for offenses against public administration Title 8 of the Texas Penal Code, or for certain Election Code offenses, committed by a state officer, such as a state representative, in connection with the powers and duties of their state office, that the Texas Rangers Public Integrity Unit, has authority to perform an investigation. Venue for any prosecution is the county of residence of the state officer which in the case of Speaker Dennis Bonnen is Brazoria County, Texas.

As the District Attorney with venue, the Government Code allows me to file a request to recuse myself and request that another prosecuting attorney from another county be appointed. That is not the right thing to do. District Attorneys are elected to make tough decisions. Passing this responsibility to another District Attorney would only cause undue delay for many months and

The behavior and statements as reflected on the June 12, 2019 recording for which Speaker Bonnen has apologized are offensive, lacking in character and integrity, demeaning to other human beings including local government officials, cities and counties, and the Members of the Texas House of Representatives who placed their confidence in Speaker Bonnen and are entitled to his respect. As a Criminal District Attorney with civil jurisdiction, I am also the attorney for Brazoria County. Throughout this state, Texans live in cities and counties and are served by local public servants whose goal is to better the lives of their citizenry, communities and Texas, which benefits us all. The disparaging statements of Speaker Bonnen about local government officials, cities and counties and the statements of Representative Burrows indicating his hatred of cities and counties and his intent to harm local governments in the next Legislative Session are disappointing and disturbing.

As repugnant as Speaker Bonnen's actions and statements are, I do not believe there is sufficient evidence from the June 12, 2019 meeting to warrant a criminal prosecution of Speaker Bonnen for Bribery or Solicitation of a Gift by a Public Servant, therefore no criminal charges will be brought.

I want to express my appreciation to the Texas Rangers Public Integrity Unit for their tireless work on this investigation and for their professionalism. I anticipate upon this decision this investigation will now be delivered to the House General Investigating Committee for an appropriate review. A copy of this statement may also be found on the Brazoria County website www.brazoriacountytexas.gov under Departments, District Attorney Page.



Jeri Yenne, Criminal District Attorney
Brazoria County, Texas

BASIC RESPONSIBILITIES, CONT.

Allegations Against County Officials

- DA charged with prosecution of any county officer for neglect or abuse of duties.
 - Tex. Gov't Code §41.009; Tex. Code Crim. Proc. art. 2.03

Removal:

- Immediate removal -conviction of any felony or official misconduct misdemeanor.
 - Tex. Local Gov't Code §87.031(a).
- Removal after Jury Trial-(1) incompetency; (2) official misconduct; or (3) intoxication on or off duty caused by drinking an alcoholic beverage.
 - Tex. Local Gov't Code §87.013.

DISMISSALS



Judge does not have authority to dismiss unless the prosecutor asks for a dismissal except in a few circumstances:

- (1) necessary to neutralize a violation of the defendant's constitutional rights
- (2) defect of form or substance; or
- (3) denial of the constitutional right to a speedy trial.

State v. Johnson, 821 S.W.2d 609 (Tex. Crim. App. 1991)

BASIC RESPONSIBILITIES, CONT.

- Administrative Duties
- Open Records
- Collections
- No Rewards or Gratuities

DISTRICT ATTORNEY'S STAFF

- Hiring Assistants & Other Staff
- Salaries
- V.A.C.



STAFF & OFFICE EXPENSES

- Office Expenses
- Discretionary Funds
- Liability Insurance

QUESTIONS???