

## **How to Arrange Hearings with Offenders Incarcerated in the Texas Department of Criminal Justice**

This brochure provides basic information for courts that want to conduct civil or criminal court proceedings involving offenders incarcerated at a Texas Department of Criminal Justice (TDCJ) facility.

### **Types of Hearings**

Different types of hearings may be held within a correctional facility or by an electronic broadcast system. *Tex. Code Crim. Pro. Ann. art. 27.18*

Peace officers may testify before a grand jury using video teleconferencing with the consent of the grand jury foreman and the attorney representing the state. *Tex. Code Crim. Pro. Ann. art. 20.151*

A district judge may hear a nonjury matter relating to a civil or criminal case at a correctional facility in the county in which the case is filed or prosecuted if a party to the case or the criminal defendant is confined in a correctional facility. A correctional facility includes a facility operated by or under contract with the TDCJ. *Tex. Gov't Code Ann. §24.012(e)*

With the consent and approval of the court, an offender may waive the right of trial by jury via video teleconferencing except in cases whether the death penalty will be sought. *Tex. Code Crim. Pro. Ann. art. 01.13 and 27.19*

Courts may also accept a plea of guilty or *nolo contendere* from an offender via video teleconferencing. *Tex. Code Crim. Pro. Ann. art. 27.19*

With the agreement of the parties, a trial judge may order that a hearing of a preliminary matter or witness testimony at trial be conducted by electronic means, including satellite transmission, closed-circuit television transmission, or any other method of two-way electronic communication that is available to the parties, approved by the court, and capable of visually and audibly recording the proceedings. Witness testimony at trial may be conducted by electronic means only if the witness is deposed before the commencement of the trial. *Tex. Civ. Prac. Rem. Code Ann. art. 30.012*

In a proceeding in the prosecution of a criminal offense in which an offender is required to testify as a witness, any deposition or testimony of the offender may be conducted by electronic means. *Tex. Code Crim. Pro. Ann. art. 38.073*

If the court has sentenced an offender to pay a fine or costs or both and the defendant has defaulted in payment and is currently incarcerated in the TDCJ, the court may hold a hearing by videoconference to determine whether the defendant is indigent and has failed to make a good faith effort to discharge the fines and costs. *Tex. Code Crim. Pro. Ann. art. 43.03(f) and 45.046*

Federal judges and magistrates may also conduct hearings involving any civil or criminal matter pending before the court if a party to the case is confined in a facility operated by or under contract with the TDCJ. *Spears* evidentiary hearings may be ordered by the judge presiding over a federal cause of action. The term “Chapter 14 hearings” references Chapter 14 of the Texas Civil Practice & Remedies Code, which contains screening provisions applicable to offender litigation in state court where the plaintiff files *in forma pauperis*.

### **Scheduling the Hearing**

When a court wants to hold a hearing within a correctional facility or by an electronic broadcast system, the appropriate TDCJ personnel to contact will depend upon the nature of the hearing. To schedule a Chapter 14 hearing or a *Spears* evidentiary hearing, the requesting court will need to contact the Office of General Counsel. For other types of hearings, court personnel will need to contact the central Access to Courts office (see Additional Information Section below). Whenever possible, the TDCJ requests 45 days advance notice be provided. Once the appropriate TDCJ personnel are able to check on the availability of space and confirm the date of the hearing or provide an alternative date, the TDCJ requests that the court enter an order setting the date of the hearing, and provide a copy of the order to the relevant TDCJ personnel.

At least 10 business days before the hearing date, the court will need to submit a list of all persons whose attendance is required at the hearing. All participants who will be attending the hearing must provide a photo identification card to enter the unit. Attorneys must also present a bar card. Attire should be professional, appropriate, and compatible with a correctional institutional setting. The list of persons to attend the hearing is to be submitted to the warden’s office at the unit where the hearing will be held and to the appropriate TDCJ contact personnel. If problems arise, the contact person will be notified before the hearing at the earliest opportunity.

### **Testing the VTC Equipment**

The TDCJ recommends that the VTC system be tested before the date of the hearing as not all systems have been able to connect to the TDCJ network. Court personnel need to contact the TDCJ telecommunications personnel for assistance with this test.

### **Additional Information**

TDCJ Offender Search (unit location): <http://168.51.178.33/webapp/TDCJ/index2.htm>

Unit List with contact information: <http://www.tdcj.state.tx.us/stat/unitdirectory/all.htm>

For questions or assistance in scheduling hearings not categorized as *Spears* or Chapter 14, please contact the central Access to Courts Department at 936-437-4815 or [atc@tdcj.state.tx.us](mailto:atc@tdcj.state.tx.us).

For court appearances that will involve the transfer of an offender, contact Nicole Boston with the Classification & Records Department 936-437-8748  
[Nicole.Boston@TDCJ.STATE.TX.US](mailto:Nicole.Boston@TDCJ.STATE.TX.US)

Contact information for the Office of the General Counsel (OGC):

Texas Department of Criminal Justice, Office of the General Counsel  
209 W. 14<sup>th</sup> Street, Suite 500, P.O. Box 13084, Austin, Texas 78711-13084

Contact Melissa Marx with OGC if you have any questions regarding the scheduling of Spears or Chapter 14 hearings. 512-936-6399, [Melissa.Marx@TDCJ.STATE.TX.US](mailto:Melissa.Marx@TDCJ.STATE.TX.US)

For technical assistance and questions involving connectivity to the TDCJ dial-up network: Communications Division 936-437-6463, Fax 936-437-1181.

### **Facility Locations for VTC Equipment**

Allred Unit-Iowa Park - 940-855-7477; Fax 940-855-3928  
Briscoe Unit-Dilley – 830-965-4444; Fax 830-965-1199  
Clements Unit-Amarillo - 806 381-7080; Fax 806-383-7113  
Cole State Jail-Bonham - 903 583-1100; Fax 903-583-7903  
Dalhart Unit-Dalhart - 806 249-8655; Fax 806-249-8136  
Daniel Unit-Synder – 325-573-1114; Fax 325-573-3590  
Darrington Unit-Rosharon – 281-595-3465; Fax 281-595-3300  
Hughes Unit-Gatesville – 254-865-6663; Fax 254-865-6964  
Jester IV Unit-Richmond – 281-277-3700; Fax 281-277-3714  
Lopez State Jail-Edinburg – 956-316-3810; Fax 956-316-7447  
Luther Unit-Navasota – 936-825-7547; Fax 936-825-6714  
Lynaugh Unit-Fort Stockton 432-395-2938; Fax 432-395-2372  
McConnell Unit-Beeville 361-362-2300 x3102; Fax 361-358-9295  
Michael Unit-Tennessee Colony 903-928-2311; Fax 903-928-2197  
Montford Unit-Lubbock 806-745-1021; Fax 806-748-1726  
Mountain View-Gatesville 254-865-7226; Fax 254-865-1381  
Plane State Jail- Dayton 936-258-2476; Fax 936-257-4449  
Polunsky Unit-Livingston 936-967-8082; Fax 936-967-8437  
Roach Unit-Childress 940-937-6364; Fax 940-937-3182  
Robertson Unit-Abilene – 325-548-9035; Fax 325-548-9031  
Sanchez State Jail-El Paso - 915-856-0046; Fax 915-856-0046 x150  
Stiles Unit-Beaumont - 409-722-5255; Fax 409-729-0114  
Telford Unit-New Boston - 903-628-3171; Fax 903-628-5896  
Torres Unit-Honda – 830-426-5325; Fax 830-426-8320  
Young Facility-Dickinson - 409-948-0001; Fax 409-945-3758