

# Essential Judicial Forms: Getting it Right and Streamlining Your Workload...

Judicial Forms Available  
on  
OCA's Internet Website

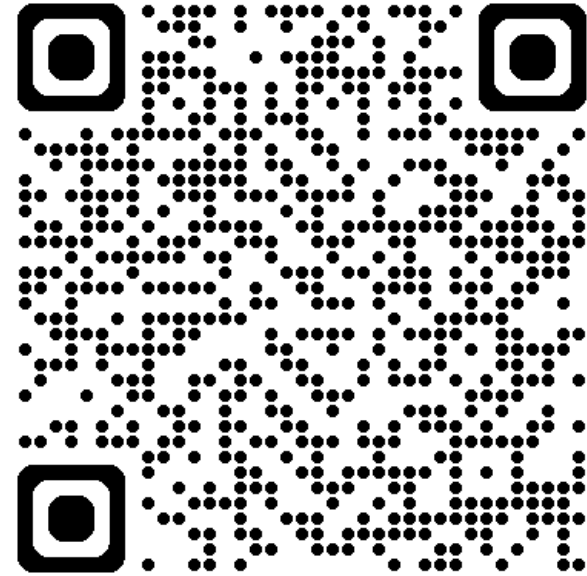
COURSE NO: 174244735

ACCREDITED CLE HOURS: 1.00 / Ethics Hours 0.00



# Criminal Forms Available

- Felony Judgment Forms
- Protective Order Forms
- Other Forms
  - Judicial Clemency Forms
  - Petit Juror Forms
  - Grand Juror Forms
  - Reconsideration of Ability to Pay Form
  - Nondisclosure Forms



# The *Bench* and *Bar*

## Have a Vested Interest in Accurate Judgments

Applicable to *Felonies* and *Misdemeanors*

- “A judgment is the written declaration of the court **signed by the trial judge** and entered of record showing the conviction” CCP, Art. 42.01 § 1.
- “The judge may order the **prosecuting attorney**, or the **attorney or attorneys representing any defendant**, or the **court clerk** under the supervision of an attorney, to prepare the judgment, or the court may prepare the same.” CCP, Art. 42.01 § 2.



# Felony Judgment Forms

- **OCA is required to develop judgment forms.** (CCP, Art. 42.01, § 4)
- **Court are required to use them.** (CCP, Art. 42.01, § 4)
  - Some courts create their own forms (e.g., Hidalgo and Midland) – not authorized
- **Last major update – 2018/19**
  - We solicit input from stakeholders for major updates (TDCJ, Clerks, DAs, PDs, Judges).
  - We work closely with TDCJ on final drafts.
- **Last revision – 2/23/2023**
  - We removed language regarding the court conducting an ability-to-pay inquiry.
  - Courts were not conducting the inquiry.
  - Appellate courts were denying appeals based on language in the judgment, even if reporter's record showed no inquiry was made.
    - Recitals in a judgment create a presumption of regularity and truthfulness.
    - The record must affirmatively reflect that error occurred.



# Why It's Important to Use the Standardized Forms and Not Modify Them

- 254 different counties – justifies the use of a standard form.
- The law requires the use of the forms.
- Makes it easier to streamline training and provide uniform instructions.
- The forms meet the statutory requirements for a judgment form.
- Contains the information TDCJ needs in the order TDCJ needs it.
- Decreases intake processing times when used correctly.
- Reduces appellate court corrections when used correctly.



# Last Revision to Felony Judgment Forms

- **Old Language:**

Having been convicted of the offense designated above, the Court **ORDERS** Defendant punished in accordance with the Court's findings as to the proper punishment as indicated above, and after having conducted an inquiry into Defendant's ability to pay, as directed by Article 42.15, Code Crim. Proc., the Court **ORDERS** Defendant to pay the fine, court costs, reimbursement fees, and restitution as indicated above and further detailed below.

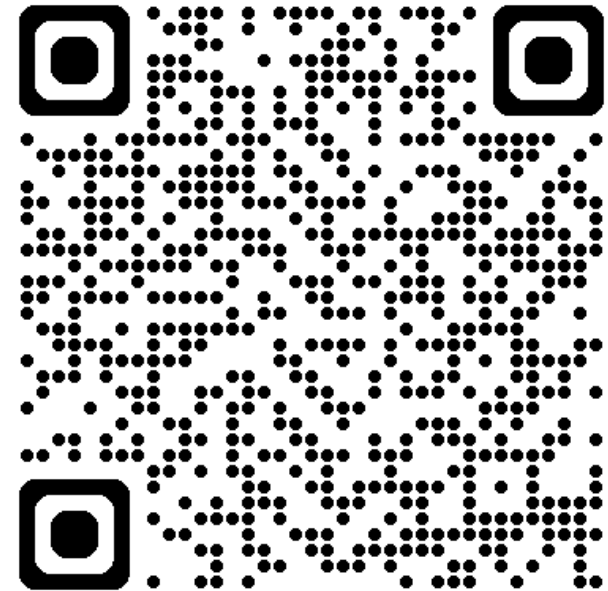
- **New Language:**

Having been convicted of the offense designated above, the Court **ORDERS** Defendant punished as indicated above and to pay the fine, court costs, reimbursement fees, and restitution as indicated above and further detailed below.



# Felony Judgment Forms - Updates

- Made when new law requires it.
- To clarify or accommodate TDCJ.
- CCP, Art. 42.01 controls the content.
- Check our website for the most recent form and instructions.
  - <http://txcourts.gov/forms/>
  - Some courts are using the old forms.



# Felony Judgment Form – Common Mistakes

- Not using the standardized felony judgment form.
- *Degree of Offense* and *Degree of Punishment* do not match.
- Reporting jail credit incorrectly.
  - **Report the total number of days ONLY.** Do not list date ranges -that's the old way.
- Ensure jail credit is recorded in the appropriate location and not under Fines or Costs.
- *Date Sentence Commences* is different from *Date Sentence Imposed* without explanation (e.g., the defendant is allowed to turn himself in at a later date, etc.).
- Dates – Problems arise when judgment dates are different (*Date Sentence Imposed*, *Date Judgment Entered*, *Date Sentence Commences*).
- Consecutive Sentences – The stacking order is not always clear.
  - Provide an explanation or more details in the Special Findings and Orders section of the Judgment.
  - Sufficiency of stacking order is currently at issue in *Strickland*, PD-0616-23 (submitted 5/29/24).





# Felony Judgment Form – Common Mistakes

- Offense For Which Defendant Convicted – Not properly reported when Defendant is convicted of the lesser included offense.
  - Charged with Possession of Cocaine 1-4 grams
  - Convicted of Possession of Cocaine less than one gram
  - **Wrong:** LIO – POSS C/S      **Wrong:** Possession of Cocaine 1-4 grams
  - **Correct:** Possession of Cocaine less than one gram
- SID Number – SID number is not provided, DL number is used instead of SID number, or SID number is incorrect.
- Not providing TRN and TRS – Both are needed.
  - TRS is the suffix and should be included w/TRN
- Place of Confinement Incorrect – Specify which division (Institutional Division or State Jail Division)
- Not providing the statute along with the subsection for the offense.
- Clerical entry or data errors.



# Felony Judgment Form – Who Completes It?

- The Court is responsible ultimately.
  - And ensures the judgment's accuracy by his or her signature.
- But may delegate responsibility to the:
  - Prosecuting attorney
  - Defense attorney
  - Court clerk under the supervision of an attorney



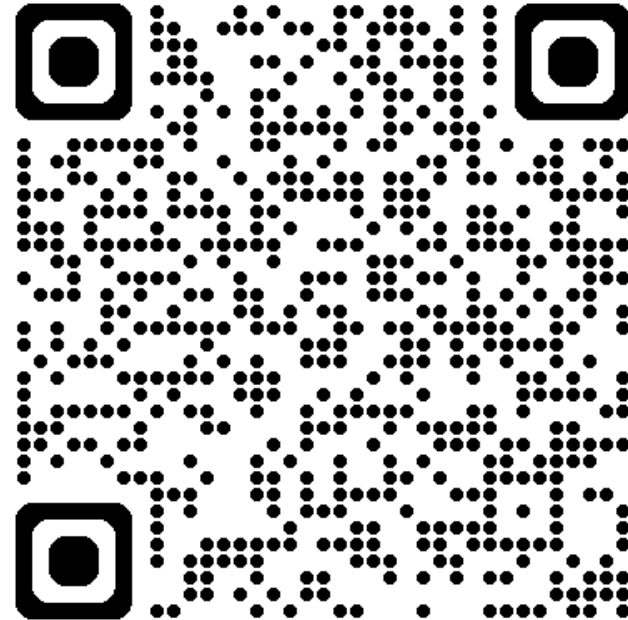
# CJIS INFORMATION – TRN/TRS

Definitions and Guidelines for Completing the  
TDCJ Pen Packet Document Checklist:

[https://www.tdcj.texas.gov/documents/Pen\\_Packet\\_Guidelines.pdf](https://www.tdcj.texas.gov/documents/Pen_Packet_Guidelines.pdf)

**TRN Number:** The incident tracking number issued by the DPS and assigned by the county for a defendant at the time of arrest.

**TRS Number(s):** The tracking number suffix added to the TRN to identify each offense and count arising from a single arrest. Often, there is more than one TRS number for an individual TRN. **It is important to list all TRS numbers affiliated with a TRN on the Felony Judgment Form.**



TDCJ Classification & Records website:

[https://www.tdcj.texas.gov/divisions/cid/supt\\_ops\\_class.html](https://www.tdcj.texas.gov/divisions/cid/supt_ops_class.html)

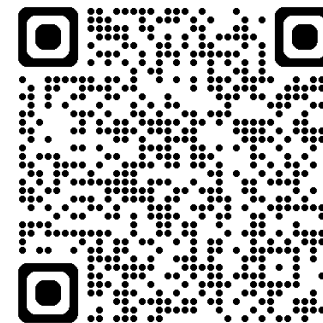
Questions regarding how best to complete the felony judgment form contact:

[Brittney.losack@tdcj.texas.gov](mailto:Brittney.losack@tdcj.texas.gov)

(936) 437-6387



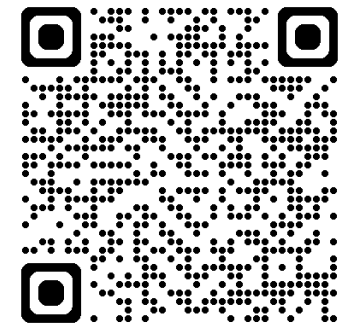
# Protective Order Forms



- SB 48 (88R) requires OCA to develop and post on its website forms for protective orders.
  - Applying / Issuing / Revising / Rescinding / Serving / Enforcing
- Effective 6/1/2024, Applicants must use OCA's application when applying for a protective order based on FV or Criminal Conduct.
- Courts issuing a PO must use (*really may use*) OCA's standardized order, but failure to do so does not affect the validity or enforceability of the PO issued.
- Not available in Spanish yet, but courts can provide their own or continue using whatever Spanish forms they have.
- Contact: [kim.piechowiak@txcourts.gov](mailto:kim.piechowiak@txcourts.gov) or (512) 936-6390 (Our FV, PO expert)



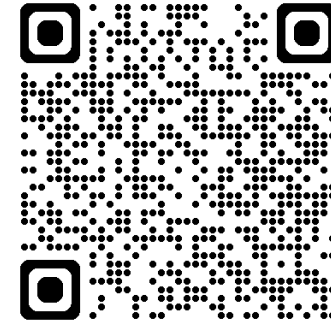
# Judicial Clemency Forms



- Notice of Judicial Clemency
  - For Defendants Placed on Community Supervision (Probation)
  - The law requires the judge to inform the Defendant in writing on OCA's form that judicial clemency is possible. (CCP, 42A.058)
- Order of Early Discharge From Community Supervision (2 Forms)
  - Includes judicial clemency language (2<sup>nd</sup> Option on both forms)
  - One form original term expires (Order of Discharge....).
  - The other form is for early discharge (Order of Early Discharge....).
- Instructions for the forms are provided.
  - [Instructions for Notice of Judicial Clemency and Order of Discharge](#)



# Petit Juror Forms



- Model Juror Summons & Questionnaire
  - New forms went into effect 09/01/2023.
  - Instructions are provided.
  - Courts have more options.
  - Use is mandated. (Must choose 1 of 3.)
- However, use of Model Grand Juror Summons & Questionnaire is optional.
  - Instructions are provided.



# Contacts

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