

291st Judicial District Court
Hon. Stephanie N. Mitchell Huff



Court: **291st JDC**

Judge's Name: **Stephanie N. Mitchell Huff**

Date Licensed: **November 2006**

Year Elected/Appointed: **January 2015**

Previous legal experience/area of practice before becoming a judge: **Criminal Law**

Clerk's Name and Phone No.: **N/A (214) 653-5872**

Court Coordinator's Name and Phone No.: **Jeanette Hollingsworth (214) 653-5872**

Bailiff's Name and Phone No.: **Michael Richmond and Ceaphus Gordon, III (214) 653-2057**

Court Reporter's Name and Phone No.: **Sherylanne Dennie (214) 653-5872**

Email address (optional): Stephanie.Huff@dallascounty.org

COURT SETTINGS

Describe the Court's policies regarding court settings. How many announcement settings are

allowed before a disposition setting? How many plea settings does the Court allow before disposition? What length of time is allowed between passes (jail vs. bond vs. MTR)? Is the Defendant required to be present at all settings (including first setting)? When are Defendants in jail brought down on the jail chain? Is the DA required to sign the pass slip? If so when?

The court operates on scheduling orders. There are three case tracks,

- 1. Complex (Cases involving deceased individuals and most First Degree Felony cases, etc.);**
- 2. Basic (Assault Family Violence and most Second Degree offenses);**
- 3. Expedited (Drug cases and most Third Degree and State Jail felony offenses)**

The length of time between settings varies depending on the case track. The scheduling order is prepared, signed by all parties and submitted to the Court Coordinator at the "First Setting". All parties are required to appear at each setting, jail defendants however are not brought to court for the Initial Status or Status Update hearings. The scheduling order settings are as follows:

Initial Status Hearing:

At this setting the State should convey their offer and any treatment/program options should be discussed. Defense will be expected to submit any required documentation to begin this process.

Status Update Hearing:

At this setting the attorneys will be expected to provide any updates about the treatment/program options along with any outstanding preliminary issues that would impact disposition.

Disposition Decision Docket:

At this setting the attorneys will be expected to finalize any treatment/program options so the case can be pled or dismissed. Attorneys can present any motions to suppress, etc. If there is no dispositive outcome, we will proceed with the next settings and attorneys will be expected to provide the court with updates regarding outstanding discovery and deadlines for completion.

Pre-Trial and Discovery Conference:

At this setting the attorneys will be expected to proceed on pre-trial motions and discuss any outstanding discovery. Attorneys will need to outline/acknowledge the discovery that has been tendered and provide the court with any status updates regarding any outstanding

discovery. Final plea bargain offers will be put on the record. Any motions for continuance will need to be presented at this time.

Trial Announcement:

Attorneys will need to announce for trial setting and will receive the trial lineup. If the defendant wishes to plead, this will be the final opportunity.

Jury Trial Setting:

The trial lineup will be finalized at the trial announcement setting with the understanding that you could be called to trial Monday through Thursday the week of your jury trial setting.

Motions to Adjudicate or Revoke:

Once a probation violation is served the parties have 14 days to resolve any motion that alleges only technical violations. If there is a new lower level case alleged, the parties are allowed 30 days to resolve the motion. If the new case alleged is a higher level offense than the probation case, all cases will be put on a scheduling order for disposition set out above.

What are the Court's policies regarding bond forfeitures? When are the bond forfeitures called? What are the Court's policies regarding reinstatement?

Bond forfeitures are called at the end of the morning docket between 11:45 am and 12:00 pm. If someone fails to show up, the bond is forfeited and a warrant is issued that day. Bonds are reinstated on a case-by-case basis and the defendant must appear before a bond will be reinstated.

PLEAS AND MOTIONS TO REVOKE

Describe the Court's procedure regarding pleas. What preliminary work must be completed before the Court will take the plea? (e.g., clerks type the judgments, etc.) What are the Court's policies regarding the Pre-Sentence Investigation?

All paperwork for pleas must be filled out and completed by the parties. If receiving or asking for probation, a pre-sentence report must be requested prior to disposition setting. If the disposition setting is reached, the pre-sentence report will be completed once the defendant is on probation. Same day probation pleas are done with the exception of sex offenses.

If seeking a pretrial diversion program agreement, that application needs to be submitted at the "Initial Status" setting, to allow time for it to be processed. If nothing has been submitted by the "Disposition Decision" setting, or the defendant has not been accepted, the case will be set for trial. If the "Trial" setting is reached and the defendant still has not been accepted for a pretrial diversion, the case will proceed to trial.

Does the Court accept plea bargains on all cases? If not, when are plea bargains not accepted?

The Court typically accepts plea bargains but reserves the right to reject any agreement that it believes is unjust or unfair.

What are the Court's policies regarding open pleas? Are parties required to sit at counsel table or may they stand at the bench? Does the Court require the Defendant to enter the first half of the plea before the PSI?

The Court is flexible. If there are multiple witnesses, the parties should sit at counsel table. If a case is at the "Trial Setting" and a PSI is needed, the Court requires the first half of the plea to be entered to remove the case from the trial docket.

What conditions of probation are typically assessed? Can the Defendant request community service to be served at a particular venue? What alternatives to incarceration does the Court typically utilize (specific rehabs, bootcamp, shock, etc.)?

The standard conditions of probation are assessed, i.e., community service, no new offenses, fees, etc. It is in the Court's discretion to waive or add conditions, which is determined on a case-by-case basis. Requests to serve community service hours at a particular venue will also be reviewed on a case-by-case basis. The Court utilizes a variety of incarceration alternatives, treatment facilities, high risk caseload probation, boot camps, shock probation, etc.

What are the Court's policies regarding work release?

Work release is permitted when proof of suitable employment is shown.

What are the Court's policies regarding Motions to Revoke? Who makes the recommendations for punishment (DA, Probation Officer, or all open). Are parties required to sit at counsel table or allowed to proceed at the bench?

Once a probation violation is served the parties have 14 days to resolve any motion that alleges only technical violations. If there is a new lower level case alleged, the parties are allowed 30 days to resolve the motion. If the new case alleged is a higher level offense than the probation case, all cases will be put on a scheduling order for disposition set out above.

The DA makes recommendations for punishment and the defendant always has the option of going open to the Court. The Court is flexible, if there are multiple witnesses the parties should sit at counsel table.

MAGISTRATE COURTS/VISITING JUDGES

Describe the Court's policy on the use of Magistrate Courts and visiting judges. For what types of cases or matters do you request the use of Magistrate Court (agreed pleas, ODL'S, bond hearings)? Are there certain types of cases or matters that you do not want to heard in Magistrate Court or by visiting judges?

Agreed matters may go to the Magistrate Court when the Court is otherwise in session. Competency hearings are held in Magistrate Court.

Visiting judges are utilized if the presiding judge is going to be away for an extended period of time or to assist with a heavy trial docket. The visiting judge is permitted to hear all matters.

COURT APPOINTMENTS

Describe how court appointments are conducted in your court. Does the Court use a Public Defender? If so, what types of cases are reserved for the Public Defender?

The Court uses the rotating wheel and utilizes two Public Defenders at this time. There are no particular types of cases reserved just for the Public Defenders. Appointments are made by the Court Coordinator and attorneys will be notified by email.

When should a lawyer report to court to do the jail chain? Is the jail chain required to be finished by a certain time? Are lawyers allowed to go into the holdover during trial? Are the prosecutors required to put recommendations in the file the day before? Does the Court give backtime credit for fines and court costs? Any other special considerations regarding jail chain cases?

Court is open from 8:00 am to 4:30 pm. The jail chain is typically done before the lunch hour, 12:00 pm. Attorneys are allowed to go into the holdover during trial and can take up any matters it needs to with the court before trial begins and during trial breaks. Trials typically begin at 9:00 am and 15 minute breaks are taken at 10:30 am and 2:30 pm. The court is closed for lunch from 12:00 pm to 1:00pm and there is a 15 minute window to address matters before the jury returns at 1:15 pm. If a defendant is determined to be indigent the Court is willing to give back-time credit for fines and court costs.

PRETRIAL MATTERS

Describe any specific requirements of the Court regarding filing motions with the court. Is there any specific time or other requirement for filing motions prior to the hearing?

Motions need to be filed in accordance with the Texas Rules of Criminal Procedure and Evidence.

Does the Court accept filings by fax or e-mail? If available, where can this filing be made?

Yes. Filings can be made through the Dallas County District Clerk's Office system.

Describe any specific requirements of the Court regarding Pretrial Motions. Do you specifically schedule Pretrial Hearings? What matters are handled on the day of trial and when (before or after voir dire)? Do you want the attorneys to confer upon agreed matters before approaching the bench?

All pre-trial matters need to be handled prior to voir dire. Pre-Trial hearings can be scheduled any time prior to the trial date. The Court prefers the attorneys to conference and see what matters can be agreed on before approaching.

Describe the Court's requirements and policies regarding Motions for Continuance or Motions to Withdraw.

All motions for continuance must be in writing and be presented to Judge Mitchell Huff in advance of the trial setting. A continuance is not considered granted until ruled on in writing by Judge Mitchell Huff.

All motions to withdraw must be submitted to Judge Mitchell Huff. A motion to substitute is not granted until an order is signed by the Court. Any motion to substitute after the disposition setting can ONLY BE APPROVED by Judge Mitchell Huff. A substitution does not guarantee a motion to continuance or additional time will be granted for disposition.

Describe the Court's requirements or policies regarding Bonds and Bond Hearings.

Bond hearings can be scheduled with the Court Coordinator. If the case is unindicted and the defendant does not have a pending indicted matter in the 291st JDC, a writ will need to be filed with the Dallas County District Clerk's Office prior to the hearing.

Describe the Court's requirements or policies regarding competency hearings.

Competency hearings are done by the Magistrate Court.

Does the Court prefer briefs or case law to be presented to the court prior to hearings? How should same be organized (case law highlighted, etc.)?

Yes. Please highlight any supporting case law. If this is not done prior to the hearing, the Court may request a brief prior to issuing a ruling.

What are the Court's specific policies regarding Occupational Licenses and Expunctions? Who hears the Motion (Court or Magistrate)?

The Magistrate Court will handle occupational licenses and expunctions.

Describe the Court's policy on appointing experts, investigators, and interpreters.

The Court will appoint experts, investigators and/or interpreters as needed. Any fees in

excess of the Court's allocated amount must first be approved.

COURT DOCKETS

Describe the Court's policy regarding the setting of the Court docket. Who does the attorney contact to get a trial setting? Are policies different for TBJ vs. TBC? Does the Court require a waiver be signed before getting a TBC setting? What days of the week are TBJ's and TBC's set? When are competency trials set and Motions to Revoke set? Are there any other special settings?

Once a case is indicted, the first setting is scheduled by the Court Coordinator. Attorneys are notified via email. At that first setting, the Court will prepare a scheduling order for any future settings. Both jury trials and bench trials are set by Judge Mitchell Huff. Jury trials start Monday and continue until completion. Bench trials are typically set on non-jury trial weeks, Thursdays or Fridays. Competency trials are handled by the Magistrate Court. Motions to Revoke are set throughout the week Monday to Thursday. The Court does not run a docket on Fridays. Fridays are reserved for bench trials, motions to revoke or lengthy matters that could not be addressed during the week.

TRIALS

What is the Court's policy regarding calling the Trial Docket? Is the docket order determined before the day of trial? What time are attorneys (State and Defense) required to announce ready? When are police officers and other State's witnesses required to be present? When does the Court typically begin voir dire?

The trial docket order is emailed to the attorneys a week before their trial announcement setting. The trial announcement docket is set the Thursday prior to the Monday trial setting. All parties are required to appear and any plea agreement must be entered by 12:00 pm Thursday prior trial Monday.

Attorneys must appear for voir dire at 9:00 am Monday mornings. Testimony begins at 9:00 am Tuesdays, so witnesses should be present starting Tuesday. Any pretrial hearings that require the testimony of witnesses will be scheduled with the Court and parties accordingly.

Does the Court allow a plea on the day of trial? If not, when must the plea be completed or accepted before trial date?

No. The Court will not accept a plea after the trial announcement setting.

Trial Motions

When should parties present motions in limine and other trial motions? Does the Court have any special rules or policies governing same?

Motions should be presented at pretrial and prior to voir dire.

Voir Dire

Describe the Court's specific policies on conducting voir dire. What is the Court's policy regarding time limits? Does the Court conduct any portion of the voir dire, and, if so, describe what the Court does. What is the Court's procedure for striking jurors (i.e., during voir dire or after completion for voir dire)? Does the Court question jurors for cause during voir dire or after completion?

Time limits are determined based on the nature of the case and time may be limited if using questionnaires. If attorneys wish to use questionnaires, they are required to submit them to opposing counsel in advance of trial and any objections will be ruled on by the trial announcement settings. All questionnaires need to be on clipboards and ready to be distributed to the jury panel when they arrive. The Court conducts voir dire on basic legal concepts, i.e., burden of proof, phases of trial, indictment, 5th amendment, etc. The Court will address any scheduling conflicts, disqualifications and exemptions. Causes and strikes are done after the attorneys address the panel, disqualified and exempt jurors are excused immediately.

Opening and Closing Statements

Describe any specific requirements the Court has regarding opening and closing statements. Does the Court impose specific time limits? What are they? Do they vary by the type of case?

There are no time restrictions on opening statements. Time limits are imposed on closing statements and the length of time varies depending on the type of case and the length of the trial.

Trial Decorum

Describe the Court's specific policies regarding trial decorum (e.g., addressing the court, opposing counsel, or witnesses, approaching the witness, talking or passing notes at counsel table, beverages allowed at counsel table, etc.).

Judge Mitchell Huff expects everyone to be respectful of the Court, its staff and each other. Beverages, talking and passing notes are allowed as long as it does not interfere with or become distracting to courtroom operations.

Scheduling

Describe typical scheduling during a jury trial. When does the Court typically begin voir dire? When does testimony typically begin (same or next day)? During the trial, when does the Court usually break for the day and resume in the morning? What are the Court's policies regarding breaks?

Announcements and any remaining pre-trial matters are handled at 9:00 am Monday mornings. Voir dire will begin as soon as the panel arrives. Testimony begins Tuesday and goes from 9:00 am to 4:30 pm each day through the conclusion of trial. Breaks are taken at 10:30 am (15 minutes) and 2:30 pm (15 minutes). Any matters can be handled by the court before

trial begins and during breaks except for the lunch hour which is taken from approximately 12:00 pm - 1:00 pm each day. There is a 15 minute window for the Court to hear matters prior to the jury returning at 1:15 pm.

Audio/Visual Equipment

Does the Court provide its own blackboard, easel, overhead projector, video equipment, or other presentation equipment? What arrangements must be made to use them? Does the Court have special rules or preferences regarding physical or demonstrative evidence?

The Court is equipped with 3 television screens, and audio/visual equipment. Please make sure you are familiar with how to operate the equipment prior to trial.

GENERAL COURTROOM DECORUM

Describe the rules and policies the Court has regarding courtroom decorum. Are there specific rules regarding dress and behavior? Does the Court allow beverages to be brought into the courtroom?

The Court expects everyone to conduct themselves in a professional manner at all times and be mindful not to be distracting to courtroom operations.

Are attorneys allowed to go into the holdover during trial or other court proceedings?

Yes.

What is the Court's policy on allowing cameras and other news equipment in the courtroom?

Judge Mitchell Huff requires you get permission from the Court prior to utilizing microphone equipment and cameras to record or capture courtroom proceedings.

What is the Court's policy on allowing lawyers to go into the holdover (during trial or otherwise)?

Attorneys are allowed to go into the holdover during trial or otherwise. The Court expects it to be done with minimal distractions to the courtroom operations.

OTHER

Anything the Court would like attorneys practicing before it to know that is not covered above?

Judge Mitchell Huff has an open door policy and if you have questions or concerns, don't hesitate to come and speak with her.