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Local / State

Local taxpayers would foot bill

More courts costly decision

Editor's note: This is the last in three-part series on the burden of the increasing caseload in the Brazos County District courts.

By MARCY L. BOYCE

Brazos County jurors have returned their verdict: the pendulum has swung, steeper penalties will come, crooks will receive due punishment.

"Jurors are getting stiffer and stiffer," Travis Bryan III, Brazos County district attorney, says. "People are getting tired. We've had 20 years of liberalism in our courts and people are just sick and tired of seeing criminals go free on what is known as technicalities."

In short, jurors at Brazos County Courthouse are ready to sock it to the guilty IF they're given the help they need. But, just as laws don't always make law abiders, wishes don't always come true — especially when funds and manpower are limited.

Getting stiffer sentences for criminals requires overwhelming evidence in most cases. And Bryan says this means hours of additional investigation and case preparation time and, with no additional available manpower.

With their rapidly expanding dockets, the county's two district courts already are operating at

capacity, state District Judge W.T. McDonald says. So far this year, the District Attorney's Office has opened more than 800 cases, compared to 667 in 1980, and Bryan predicts that number will reach 900 by the end of the year.

Brazos County's situation is not unique. But following Bryan's month-old decision to prohibit

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plea bargaining on an experimental basis, the district courts have only one real hope for alleviating their growing pains — creation of another district court.

Under the present prosecution system, defendants who wish to plead guilty are made one offer which is determined by a grid system that takes into account the seriousness of the crimes and the defendants' background.

"They can either accept or refuse this offer, but no bargaining is permitted."

In the long run, Bryan says, this means more cases probably will have to be tried as defendants are displeased with the offers made to them, hence the pressure to create another district court also increases.

But needed or not, it would not be easy to venture. District courts can be created only by an act of the Texas Legislature, but funding of the courts falls on the Brazos County Commissioners Court.

"In effect, what the Legislature is doing is saying, 'You've got yourself another district court.

Now, you find the funds to support it,'" Bill Cooley, commissioner from Precinct 1, says.

The two existing district courts in the county, the 85th and the 272nd, are operating yearly budgets of about \$61,000 each, the bulk of which is appropriated to compensate such personnel as bailiffs (\$16,822 each), court reporters (\$19,098 each) and secretaries (\$9,829 each). Judges are paid by the state.

However, County Judge Dick Holmgren estimates that by the 1983 session of the Legislature, the earliest possible year in which a court could be created, operating expenses alone for a third district court probably would cost taxpayers an additional \$110,000 a year over the \$61,000 court cost.

That comes to a total operating budget of about \$170,000, even though construction costs would not be a factor. Jack Cumpton says the \$10 million courthouse complex, now under construction, will contain space for three additional courtrooms.

The county also would incur expenses for at least one additional prosecutor and for a court coordinator.

Determining where that money comes from and how it is distributed is the commissioners' headache.

But paying that bill is the taxpayers' burden because there's no question that ultimately it would be necessary to raise taxes, Bill Beard, commissioner from Precinct 3, says.

"So you can imagine, we are not overanxious that another district court be created," he says.

Revenue for district courts is obtained from the basic property tax. Estimations of how much that

"Next to inflation, the criminal justice system is probably what most concerns the average citizen right now. I think that if there is one area that the taxpayers would not complain about spending their taxes for, it is (to fight) crime." — Bryan.

tax rate might be raised if a court is created are unavailable.

However, after the Legislature established the 272nd District Court in 1979, the tax rate was increased 17 cents per \$100 evaluation, from 98 cents to \$1.15, Ruth McCloud, administrative assistant for the Commissioners Court, says.

However, she is quick to add that the tax increase cannot be attributed solely to the creation of the court. Other budgetary concerns also were accounted for in the tax hike, she said.

Bryan, however says the exact tax rate increase is irrelevant.

"Next to inflation, the criminal justice system is probably what most concerns the average citizen right now," he says. "I think that if there is one area that the taxpayers would not complain about spend-

ing their taxes for, it is crime."

"I believe that if you believe we're going to raise your taxes on every dollar you put in another court and to have more prosecutors and patrolmen and two more judges in our police department people would say, 'That's not a good idea.'"

But when it comes to creating another district court in Brazos County, it's not the taxpayers, the press, the commissioners' decision, it's the legislature, says Sen. Kent Caperton, district, and Rep. Bill Presnal, 28th District, who must pass final year.

"We (the commissioners) have some influence in the legislature, but if they want it, it isn't anything we could do," W.A. Stasney, commissioner from the 4th Precinct, says.

"This last one (the 272nd) really didn't ask for it, it couldn't turn it down, it shovels on down."

Stasney said he doesn't believe Brazos County needs another district court now and that he doesn't see how it could be done in a couple of years because of the expense.

Nevertheless, Beard of the Commissioners Court has publicly opposed, it is probably likely that it will get through the Legislature.

And Cooley said he doesn't believe Presnal and Caperton are receptive to alternate suggestions to shut the courts down, he said, "but there is not an alternative."

"We've got two district courts running at capacity and we're having judges' salaries add \$1,000 a year, judges salaries, which are the state) come in almost every week (to lessen the load), so we'll probably have another (court) soon."

Presnal said he has not seen the district courts' press releases nor has he seen the district court's press releases, but he said that a new court is created in the merits of Brazos County.

"It boils down to how much up as opposed to other merits of our case," he said. "The Legislature created a number of courts across the state last session and with the rapid growth in Texas, it probably be a clamoring for a number of courts again."

Presnal said decisions are made by the merit of the whether it is really necessary by the clout of those favoring the bill.

For that reason alone, Brazos County needs to be able to justify its request. "To be able to make a good case," he said.

In this regard, the Commissioners Court's support would be helpful, he said, "handicap not to have it."

You never have all the your favor, but you certainly have all that you can be striving to do something. And if local people there fighting it, it would be more difficult."

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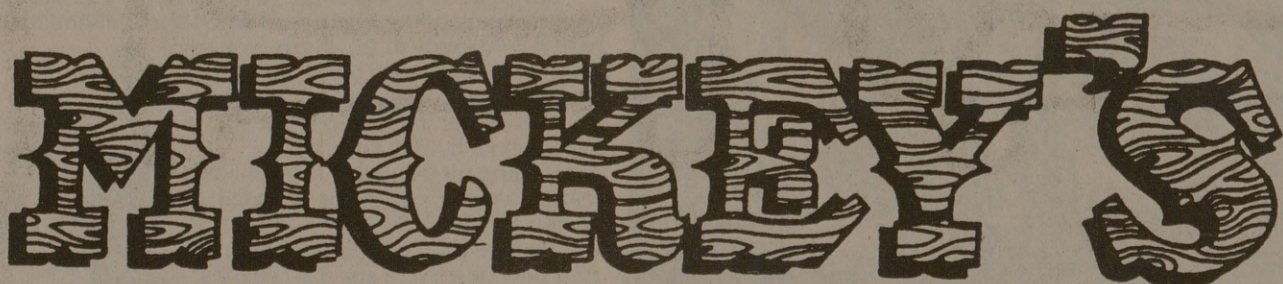


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