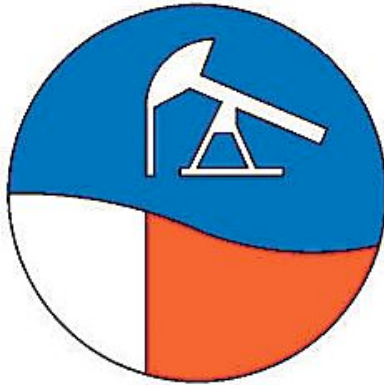




Budget, legal questions jeopardize pretrial intervention program

BY JON VANDERLAAN

2011-07-25 19:01:44



The future of pretrial intervention in Ector County hinges on County Attorney Cindy Weir-Nutter, but recent doubts about the program have caused her to question whether she can make it happen.

In a Monday morning Commissioner's Court debate between Weir-Nutter and commissioner Dale Childers, the commissioner said he wants the three county court judges to approve and sign policy and procedures documents on the program before he approves a budget for it.

In fact, Childers moved to deny the budget for the program during Monday's meeting, and commissioner Freddie Gardner was the only opposition to that motion.

"I had a meeting with both Judge (Mark) Owens and Judge (Jim) Bobo and both of them have concerns," he said. "They don't know what (the program) is. They don't know what it's about."

And for a program that promises dismissal of a misdemeanor in exchange for a \$500 administrative fee, 90 hours of community service and counseling among other requirements, commitments from the judges to dismiss the cases upon completion of the program is necessary.

But Weir-Nutter said she didn't know the judges had reservations about the program and that she was blind-sided by accusations that she did not try to resolve any issues judges had about the program.

She was visibly upset in her office when she questioned whether the judges and commissioner's court even wanted the program to advance.

"At this point, I don't know if I want to do this. Because I care about the people and I care about the program, but to be accused of doing something by the judges without getting their input ..." she said. "I'm used to the money thing with the commissioner's court and the politics, but if I would have known anything at all about the judges wanting to do things differently, I would have changed it."

Later on Monday evening, Wier-Nutter said in a text message that she would not give up on the program.

Despite being the easy thing to do, she said quitting on the program would not be the "right thing" to do.

Owens said two meetings he and Bobo set up with Weir-Nutter were canceled by her, although Weir-Nutter said she sent multiple copies of drafts and emails to both judges asking for feedback to make it work. She said she thought all the issues were resolved.

Ector County Judge Susan Redford said she would not be able to guarantee dismissals with the program

as-is, and Owens told the Odessa American he didn't know any details about the program.

"There's going to be a lot of factors you're going to have to look at on a case-by-case basis," Redford said.

For judges to consider signing off on the program, she said they would need a list of policies and procedures, as well as the types of cases that will be admitted into the program, both for the county and a stipulation form for the defendant to sign.

Redford said both are needed for uniformity, to protect the county from favoritism accusations and to protect the defendant from being taken advantage of.

Prior to the last several days, Redford said the program had neither of these elements, and even questioned whether defendants had their rights fully explained when they entered the program.

The program, which faced scrutiny last year from the commissioner's court about where the money would go, is estimated to cost just more than \$550,000 in 2012, and Weir-Nutter said she hoped it could conservatively bring in \$480,000.

As the commissioners proved Monday morning, though, a budget for the program will not be passed until the three county court judges approve of policies and procedures for the program as set out by Weir-Nutter.

Childers said it's even a problem that the program has been running despite commissioners not approving a budget. He also voiced concerns about legal aspects of the program, including whether defendants should have an attorney to sign up for pretrial intervention.

Weir-Nutter said during the meeting that she has already vetted any possible legal concerns.

"I am a lawyer, and I've looked into all this, but whatever hoops you want me to jump through, Dale, I will," she said.

Redford said she likes the program and wants it to succeed, but it cannot succeed without having set procedures that are agreed upon by the judges.

The budget for the intervention program will be brought up at the next commissioner's court meeting

[@OAcourts](#)

© Copyright 2011 Freedom Communications. All Rights Reserved.
[Privacy Policy](#) | [User Agreement](#) | [Site Map](#)