



KEN PAXTON  
ATTORNEY GENERAL OF TEXAS

December 18, 2017

Stephen E. Boyd  
Assistant Attorney General  
U.S. Department of Justice  
Office of Legislative Affairs  
Main Justice Building, Room 1145  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530

Dear Mr. Boyd:

We are in receipt of your notification that the Department of Justice has begun review of Texas's request for certification of its system for providing counsel in postconviction proceedings for capital offenders. In response to your invitation to supplement, modify, or update our request, we submit the following changes have occurred in the intervening four-and-a-half years. Specifically, please note that:

- The state agency established by the Texas Legislature to provide representation in state postconviction proceedings, discussed in section I.A. of our 2013 request, has changed from the Office of Capital Writs to the Office of Capital and Forensic Writs (OCFW). This change reflects an expansion of the agency's postconviction duties. OCFW is now permitted to represent inmates in competency-to-be-executed proceedings, postconviction DNA proceedings, applications under Article 11.073 of the Texas Code of Criminal Procedure, and matters referred by the Forensic Science Commission as well. *See* TEX. GOV'T CODE § 78.054.
- OCFW continues to represent a large majority of eligible prisoners in initial state postconviction proceedings. *See* Legislative Appropriations Request for FY2018-19, *available at* [http://www.ocfw.texas.gov/media/11422/ocfw\\_fy2018-19\\_revised\\_lar.pdf](http://www.ocfw.texas.gov/media/11422/ocfw_fy2018-19_revised_lar.pdf) at 1.
- OCFW now has a permanent staff of eight attorneys, five investigators, and one legal assistant. OCFW's lawyers have graduated from some of the nation's top law schools, including Harvard, New York University, Northwestern, the University of California at Berkeley, and the University of Texas at Austin. *See id.* at 4; *see also* Office of Capital and Forensic Writs, Staff Directory, *available at* <http://www.ocfw.texas.gov/office-of-capital-and-forensic-writs/staff-directory/> (last updated Dec. 15, 2017).

- OCFW attorneys remain well compensated, earning salaries from \$60,000 to \$137,000, which is commensurate with salaries in the Criminal Appeals Division of the Office of the Attorney General and the Public Defender's Office for Dallas County.
- OCFW's caseload remains modest, with 53 pending cases involving 40 clients, and it accepts approximately seven new cases per year. *See* Legislative Appropriations Request for FY2018-19, *available at* [http://www.ocfw.texas.gov/media/11422/ocfw\\_fy2018-19\\_revised\\_lar.pdf](http://www.ocfw.texas.gov/media/11422/ocfw_fy2018-19_revised_lar.pdf) at 1, 3.A.
- The State's Office of Courts Administration continues to maintain a statutorily mandated roster of competent private-sector attorneys who can take any case OCFW cannot, as discussed in section I.C.2a. of our 2013 request. A copy of the updated application form is attached as Exhibit A.
- The active roster of private attorneys now includes nineteen highly qualified attorneys and is attached as Exhibit B. One is a professor at the University of Houston Law Center who has represented more than one hundred capital prisoners in their state and federal appeals and who founded the Texas Innocence Network in 2000; one is a tenured professor at the South Texas College of Law; one is a former judge advocate general in the United States Marine Corps who, after entering private practice, won postconviction relief for a client in a capital case; one is a former elected district attorney with 29 years of experience in criminal trials and appeals.
- The rate of compensation for private attorneys varies depending on the county in which the convicting court sits, as discussed in section II.A.2 of our application. Private attorneys in Dallas County earn \$125 per hour for all work on capital writs. *See* Exh. C at 2. Attorneys in Harris County earn \$100 per hour for work on capital writs in death penalty cases and \$75 per hour for investigations. *See* Exh. D. Tarrant County has not set a specific hourly rate for post-conviction writs in death penalty cases, but private attorneys earn \$50 to \$125 for work on postconviction writs in non-death capital cases. *See* Exh. F.

Please feel free to contact me if you require anything further. Thank you for your time.

Sincerely,

A handwritten signature in black ink, appearing to read 'E. Marshall', written over the printed name.

EDWARD L. MARSHALL  
Chief, Criminal Appeals Division  
Texas Attorney General's Office

# **Exhibit A**

**APPLICATION FOR APPOINTMENT AS COUNSEL PURSUANT  
TO ARTICLE 11.071, CODE OF CRIMINAL PROCEDURE**

Texas Office of Court Administration  
P. O. Box 12066, Capitol Station  
Austin, Texas 78711-2066

**DATE:** \_\_\_\_\_

**STATE BAR CARD NO.:** \_\_\_\_\_

**I. GENERAL INFORMATION**

Full Legal Name: \_\_\_\_\_

Office Address: \_\_\_\_\_

Suite/Building/Number/Street

AC( )

City/State/Zip

Office Telephone

\*\*Mailing Address (if different): \_\_\_\_\_

Home Address: \_\_\_\_\_

Number/Street

AC( )

City/State/Zip

Home Telephone

Email Address: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Social Security Number \_\_\_\_\_

**II. PEER REVIEW**

I submit the following 5 lawyers and judges, not partners or associates of mine, who may be contacted and who can attest to my competence in criminal law.

A. Three lawyers who practice in my geographical area and are familiar with my practice:

1. \_\_\_\_\_ AC( )

Name

Office Telephone

Address

City/State/Zip

2. \_\_\_\_\_ AC( )  
Name Office Telephone

\_\_\_\_\_  
Address City/State/Zip

3. \_\_\_\_\_ AC( )  
Name Office Telephone

\_\_\_\_\_  
Address City/State/Zip

B. One judge of a court of record in Texas before whom I have appeared as an advocate in a criminal law matter within the two (2) years immediately preceding this application:

4. \_\_\_\_\_  
Name of Judge

\_\_\_\_\_  
Name of Court AC( )  
Office Telephone

\_\_\_\_\_  
Address City/State/Zip

C. One Texas lawyer with whom or against whom I have tried a criminal law matter within the two (2) years immediately preceding this application:

5. \_\_\_\_\_ AC( )  
Name Office Telephone

\_\_\_\_\_  
Address City/State/Zip

D. The following is a representative list of the judges before whom I have appeared in criminal law matters during the two (2) years immediately preceding this application:

STATE DISTRICT COURTS

<u>Name</u>	<u>Court</u>	<u>County</u>	<u>Office Telephone</u>
_____	_____	_____	( ) _____
_____	_____	_____	( ) _____
_____	_____	_____	( ) _____

\_\_\_\_\_  
\_\_\_\_\_ ( ) \_\_\_\_\_  
\_\_\_\_\_ ( ) \_\_\_\_\_

STATE APPELLATE COURTS

\_\_\_\_\_ ( ) \_\_\_\_\_  
\_\_\_\_\_ ( ) \_\_\_\_\_  
\_\_\_\_\_ ( ) \_\_\_\_\_  
\_\_\_\_\_ ( ) \_\_\_\_\_  
\_\_\_\_\_ ( ) \_\_\_\_\_

FEDERAL COURTS

\_\_\_\_\_ ( ) \_\_\_\_\_  
\_\_\_\_\_ ( ) \_\_\_\_\_  
\_\_\_\_\_ ( ) \_\_\_\_\_  
\_\_\_\_\_ ( ) \_\_\_\_\_  
\_\_\_\_\_ ( ) \_\_\_\_\_

OTHER COURTS

\_\_\_\_\_ ( ) \_\_\_\_\_  
\_\_\_\_\_ ( ) \_\_\_\_\_  
\_\_\_\_\_ ( ) \_\_\_\_\_

**III. EDUCATION/LAW PRACTICE**

A. College and Law Schools Attended:

	<u>From</u>	<u>To</u>	<u>Degree</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

B. Date admitted to the State Bar of Texas: \_\_\_\_\_

C. Name of firm, partnership or professional corporation: \_\_\_\_\_

D. How long have you maintained an office at the above address? \_\_\_ Years \_\_\_ Months

E. Other offices maintained during the period of five (5) years immediately preceding the date of this application:

	<u>From</u>	<u>To</u>
Firm or Employer: _____	_____	_____

Address _____	City/State/Zip _____	Month/Year _____	Month/Year _____
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Firm or Employer: \_\_\_\_\_

Address _____	City/State/Zip _____	Month/Year _____	Month/Year _____
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F. I am an active member in good standing of the State Bar of Texas, currently maintaining an office in the State of Texas. \_\_\_ Yes \_\_\_ No

G. I have been engaged in the actual practice of law on a full time basis for a period of \_\_\_\_\_ years.

H. I have been found by a court to have rendered ineffective assistance of counsel in a criminal law case.

\_\_\_ Yes \_\_\_ No If yes, attach a separate sheet with full details.





**IV. SUBSTANTIAL INVOLVEMENT IN CRIMINAL LAW MATTERS**

A. I estimate that my time practicing criminal law has been \_\_\_\_\_% \_\_\_\_\_% and \_\_\_\_\_% of my practice for each of the three (3) immediately preceding years, respectively.

B. During the three (3) years immediately preceding the date of this application, I have participated in the criminal law activities listed below to the extent and in the capacity indicated:

NUMBER HANDLED (Approximate)

	<u>Lead Counsel</u>	<u>Co- Counsel</u>	<u>Supervisor of Jr. Counsel</u>
1. Federal habeas corpus applications--death penalty	_____	_____	_____
2. Federal habeas corpus applications--non-death penalty	_____	_____	_____
3. State habeas corpus applications--death penalty	_____	_____	_____
4. State habeas corpus applications--non-death penalty	_____	_____	_____
5. Federal appeals	_____	_____	_____
6. State appeals--death penalty	_____	_____	_____
7. State appeals--non-death penalty	_____	_____	_____
8. Capital murder trials	_____	_____	_____
9. State district court trials	_____	_____	_____
10. Federal criminal trials	_____	_____	_____
11. Others	_____	_____	_____

**V. CONTINUING LEGAL EDUCATION**

Please list the courses you have attended and other CLE involvement you have had during the past three (3) years. (Attached additional sheets if necessary)

**VI. GRIEVANCE MATTERS**

A. State whether you have been disbarred, suspended, reprimanded, or otherwise disciplined by any segment of the bar, including, but not limited to any local, district or state grievance authority of an organized bar. If yes, give full details by attachment to this application. \_\_\_\_ Yes \_\_\_\_ No

B. Do you now have any charges pending against you, either in court or grievance committee, that could result in the filing of a malpractice suit, a grievance committee proceeding or a suit for disciplinary action? If yes, give full details by attachment to this application. \_\_\_\_ Yes \_\_\_\_ No

C. State whether you have been adjudicated guilty of any offense of theft or any other offense above the grade of a Class C Misdemeanor and whether such resulted from a plea of guilty or nolo contendere or from a verdict after trial or otherwise and regardless of the pendency of an appeal. If yes, give full details by attachment to this application.  
\_\_\_\_ Yes \_\_\_\_ No

**VII. BOARD CERTIFICATION**

(Areas in which certified by Texas Board of Legal Specialization.)

Areas

Date of Certification

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**VIII. GEOGRAPHICAL APPOINTMENTS**

The State of Texas is divided into nine administrative judicial regions. A map reflecting those regions is included within the attached materials. Please indicate the region(s) from which you would be willing to accept appointments: \_\_\_\_\_

IX. A. I have read the rules and standards adopted by the Regional Presiding Judges for appointment of counsel under Art. 11.071, C.C.P., and certify that I am fully qualified for appointment.  Yes  No

B. I agree to abide by the provisions of the rules and standards adopted by the Regional Presiding Judges concerning the appointment of counsel under Art. 11.071, C.C.P. and all rules and standards which may be promulgated by the Regional Presiding Judges from time to time.  Yes  No

C. I agree that I will immediately notify the Office of Court Administration of any reason which would render me unfit for appointment.  Yes  No

D. In filing this application, I authorize all persons, firms, officers, corporations, associations, organizations, state or federal agencies, and institutions to furnish to the Office of Court Administration or any of its authorized representatives all relevant documents, records or other information that may be requested in the investigation of this application, specifically including the records of grievances in possession of a Grievance Committee or the general counsel of the State Bar of Texas. I further agree that all information received by the Office of Court Administration shall be treated confidentially and that I have no right of access to information received by the Office of Court Administration from third parties.

\_\_\_\_\_  
Signature of Applicant

THE STATE OF TEXAS )(

COUNTY OF \_\_\_\_\_ )(

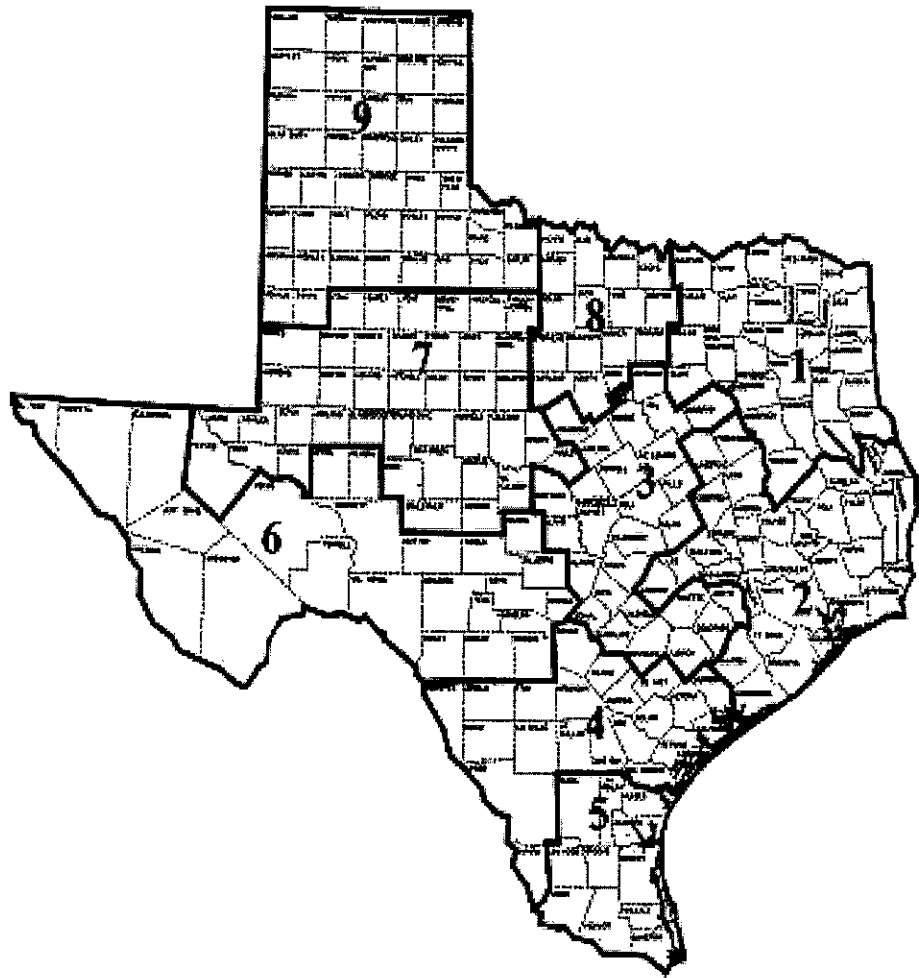
I, \_\_\_\_\_, being duly sworn, state that I have read the foregoing application and have made each statement and representation therein and answered each question therein fully and frankly and without concealment or reservation, and such questions and answers are, to the best of my knowledge true and complete.

\_\_\_\_\_  
Signature of Applicant

SUBSCRIBED AND SWORN TO before me, on this the \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for The State of Texas

My commission expires: \_\_\_\_\_



# **Exhibit B**

**Approved Attorneys for 11.071 Appointment**

Updated November 8, 2016

LAST	FIRST	COMPANY	ADDRESS	CITY	ST.	ZIP	BAR NO.	PHONE NO.	FAX NO.	REGION
Bailey	Donald Lee		309 N. Willow	Sherman	TX	75090	01520480	903-892-9185		ALL
Bernhard	Catherine Clare		P.O. Box 2817	Red Oak	TX	75154	02216575	972-617-5548		ALL
Brandt	Lydia M.V.		P.O. Box 326	Farmersville	TX	75442-0326	00795262	972-752-5805		1,2,8
Bynum	Franklin Gordon		P.O. Box 801	Houston	TX	77001	24069451	713-343-8844		ALL
Calhoun	Alexander		4301 W. William Cannon Dr., Ste. B-150, #260	Austin	TX	78749	00787187	512-420-8850	512-233-5946	ALL
Dow	David Richard	University of Houston Law Center	4604 Calhoun Road	Houston	TX	77204-6060	06064900	713-743-2171		ALL
Ellis	Allen Richard		75 Magee Ave.	Mill Valley	CA	94941	06560400	415-389-6771		ALL
Godinich, Jr.	Santo Jerome		929 Preston, Ste 200	Houston	TX	77002	08054700	713-237-8388	713-224-2889	ALL
Gross	Michael C.		106 S. St. Mary's, Ste 260	San Antonio	TX	78205	08534480	210-354-1919	210-354-1920	3,4, 5
Haas	Jeffery L.		908 First Place	Tyler	TX	75702	08659600	903-593-8338		1
Kase	Kathryn M.	Texas Defender Service	510 S. Congress, # 304	Austin	TX	78704	11104050	713-222-7788, ext. 107		ALL
McCann	Patrick F.		909 Texas Avenue, Ste 209	Houston	TX	77002	00792680	713-223-3805	713-226-8097	ALL
Mansur	Paul E.		P. O. Box 1300	Denver City	TX	79323	00796078	806-592-2797		ALL
Mowla	Michael		P.O. Box 868	Cedar Hill	TX	75106	24048680	972-795-2401	972-692-6636	1, 3, 8
Newberry	Jeffrey Robert	University of Houston Law Center	4604 Calhoun Road	Houston	TX	77204-6060	24060966	713-743-6843		ALL
Schmucker	Margaret Loraine		2301 S. Lakeline Blvd., Suite 800	Austin	TX	78613	24030874	512-236-1590		3,4,5
Sheard	Hilary Ruth		7421 Burnet Rd., #300-512	Austin	TX	78757	50511187	512-524-1371	512-646-7067	ALL
Stickels	John W.		P.O. Box 121431	Arlington	TX	76012	19225300	817-479-9282	817-222-3330	6,7,8,9
Wentz	Kurt		5629 FM 1960, Ste 115	Houston	TX	77069	21179300	281-587-0088		ALL



# **Exhibit C**

**DALLAS COUNTY PROCEDURES FOR APPOINTMENT  
OF COUNSEL IN DEATH PENALTY CASES  
AS AMENDED MAY 2007**

**PURPOSE**

The judges of the Criminal District Courts and the District Courts giving preference to criminal cases of Dallas County, in compliance with Article 26.052 of the Code of Criminal Procedure, establish the procedures for the appointment and payment of counsel to represent indigent defendants in death penalty cases. This statute sets forth the practices and procedures to be followed by the district courts trying capital cases in Dallas County. The purpose of the procedures set forth below is to further codify and publish the statutory requirements so that members of the bar and the public may be more fully informed about the operation of the criminal justice system and the procedures followed in Dallas County in death penalty cases. To that end, a copy of these procedures shall be filed with the Dallas County District Clerk and Indigent Defense Task Force in Austin for publication.

**ATTORNEY QUALIFICATIONS**

As required by Article 26.052 of the Code of Criminal Procedure, the Courts adopt the standards and procedures for appointment of counsel in capital cases promulgated by the local selection committee for the First Administrative Judicial Region. The local selection committee is appointed by the Presiding Judge of the First Administrative Judicial Region and is comprised of not less than four members, including the Presiding Judge of the First Administrative Judicial Region, at least one district court judge, a representative from the local bar association, and at least one practitioner who is board certified by the State Bar of Texas in criminal law. [Art. 26.052 (c)]. The standards and procedures for the First Administrative Judicial Region are attached to this plan and are hereby incorporated by reference as if fully set forth in this plan.

In addition to the continuing legal education requirements for first chair or lead attorney set forth in the standards promulgated by the local selection committee for the First Administrative Judicial Region, in order to be qualified for appointment as first chair or lead attorney in a death penalty case in Dallas County, the attorney must have completed a minimum of at least four additional hours of continuing legal education or other training related to criminal defense in death penalty cases over the previous two year period, bringing the minimum amount of such training to sixteen hours over the previous two year period.

**APPOINTMENT OF COUNSEL**

The presiding judge of the district court in which a capital case is filed shall appoint two attorneys, at least one of which is from the list of qualified attorneys approved by the local selection committee, to represent an indigent defendant. Attorneys shall be appointed as soon as practicable after charges are filed, unless the state gives notice in writing that the state will not seek the death penalty. [Art. 26.052(e)].

In appointing an attorney from the approved list the Court should consider the attorney's schedule or availability, the complexities of the case, the individualized needs of the defendant, and such other relevant factors as the Court deems appropriate.

In lieu of appointing counsel from the list of attorneys approved by the local selection committee, members of the Public Defender's Office may be appointed in accordance with guidelines established by the Dallas County Public Defender's Office. [Art. 26.052 (b)].

The judges shall ensure that appointments are reasonably and impartially allocated.

### **FEE SCHEDULE**

The following fees shall be paid to appointed counsel in capital cases where the death penalty is sought:

\$500.00 per half day of voir dire  
\$1000.00 for each full day of voir dire  
\$1500.00 for each day in trial

The judge of the court may approve additional time at a rate of \$150.00 per hour for all other reasonable and necessary documented legal activity. Work on capital appeals and capital writs will also be compensated at a rate of \$125.00 per hour for all reasonable and necessary documented legal activity. To be compensated for time not accounted for in the flat daily rates, an attorney must submit a separate hourly billing statement. The billing statement must reflect the date an itemized legal activity occurred and each itemized activity must be rounded to the nearest tenth of an hour. The billing statement must be signed by the attorney. The signature of the attorney is an attestation as to the billing statement's accuracy.

The courts shall approve reasonable and necessary expenses for investigators and expert witness fees.

Appointed counsel may file with the trial court a pretrial ex parte confidential request for advance payment of expenses to investigate potential defenses. The request for expenses must state: (1) the type of investigation to be conducted; (2) specific facts that suggest the investigation will result in admissible evidence; and (3) an itemized list of anticipated expenses for each investigation. [Art. 26.052 (f)].

The Court shall grant the request for advance payment of expenses in whole or in part if the request is reasonable. If the Court denies in whole or in part the request for expenses, the Court shall: (1) state the reasons for the denial in writing; (2) attach the denial to the confidential request; and (3) submit the request and denial as a sealed exhibit to the record. [Art. 26.052(g)].

Counsel may incur expenses without prior approval of the Court. On presentation of a claim for reimbursement, the Court shall order reimbursement of counsel for the expenses, if the expenses are reasonably necessary and reasonably incurred. [Art. 26.052(h)].

Advance payment of expenses anticipated, or reimbursement of expenses incurred for purpose of investigation or expert testimony may be paid directly to a private investigator licensed under Chapter 1702, Occupations Code, or to an expert witness in the manner designated by the appointed counsel and approved by the Court. [Art. 26.052 (i)].

## RECOMMENDATIONS


The Judges of the Criminal District Courts and the District Courts giving preference to criminal cases of Dallas County recommend that all attorneys appointed pursuant to these procedures for appointment of counsel in death penalty cases read and follow the Guidelines and Standards for Texas Capital Counsel promulgated by the Standing Committee on Legal Services to the Poor in Criminal Matters which were adopted by the State Bar Board of Directors on April 21, 2006.

## FUTURE AMENDMENTS

This plan shall be automatically amended without further action of the judges to conform to any amendments to the standards promulgated by the First Administrative Judicial Region.

The foregoing amended plan was adopted by a unanimous vote of the judges of the Criminal District Courts and the judges of the District Courts giving preference to criminal cases of Dallas County, Texas, on May 3, 2007. The fee schedule contained herein is to be effective immediately.

SIGNED this the 4 day of May, 2007.

  
\_\_\_\_\_  
JOHN CREUZOT, PRESIDING JUDGE  
CRIMINAL DISTRICT COURTS  
DALLAS COUNTY, TEXAS

# **Exhibit D**



County Auditor's Form 40-1DV  
 Harris County, TX (REV. 2/12)  
**ATTORNEY FEES EXPENSE CLAIM**  
**DISTRICT COURTS-WRITS**  
 UNDER ARTICLE 26.05, CODE OF CRIMINAL PROCEDURE AS AMENDED

<b>Court No.</b>	<b>Defendant Name:</b>	<b>Case Number(s) - Charge(s):</b>
------------------	------------------------	------------------------------------

<b>Court of Criminal Appeals Case Number</b>	<b>Date of Writ Appointment</b>
--	---------------------------------

<b>11.071 DEATH PENALTY WRITS</b>	<b>No. of Court Days/Hours</b>	<b>Rate</b>	<b>Amount</b>
<b>WRIT</b>		<b>\$100/hour</b>	
<b>Investigation Hours</b>		<b>\$75/hour</b>	
<b>Investigation Other Expenses</b>			
<b>Expert Witness</b>			
<b>Travel (Paid expense receipts must be attached)</b>			
<b>Miscellaneous (Paid expense receipts must be attached)</b>			
<b>\$25,000 is the presumptive maximum for all fees incurred in an 11.071 writ.</b>			<b>TOTAL</b>

**Court Appearance(s) :**

**PERSONAL INFORMATION**

<b>Attorney Name</b>	<b>Telephone Number</b>	<b>Bar Card Number</b>
----------------------	-------------------------	------------------------

**Mailing Address**

**CERTIFICATION**

I swear or affirm that the Harris County Auditor may rely upon the information contained in this ATTORNEY FEES EXPENSE CLAIM to make payment according to the fee schedule adopted by the Board of District Judges Trying Criminal Cases pursuant to Tex. Code Crim. P. art. 26.05. I further swear or affirm that I have not received nor will I receive anything of value for representing the accused, except as otherwise disclosed to the Court in writing; and I wrote this writ and I am solely responsible for its contents.

/s/ \_\_\_\_\_ Bar# \_\_\_\_\_  
 Attorney at Law (Signature)

The above fees, including any fees which exceed the presumptive maximum fees set forth herein were reviewed by this court and determined to be both reasonable and necessary and are hereby approved for payment.

Approved \_\_\_\_\_  
 Judge Presiding

**CLAIM FOR REIMBURSEMENT**

Amount of Claim \$ \_\_\_\_\_ Amount of Prior Claims Paid \$ \_\_\_\_\_  
 The total amount of reimbursement to which a county is entitled is \$25,000.00. CPP Art. 11.071 §2A(a).

I hereby submit this claim for reimbursement of expenses under Art. 11.071. The information in this claim is to the best of my knowledge true and correct.

\_\_\_\_\_  
 Judge, Presiding \_\_\_\_\_  
 Date

Harris County Vendor Number 1-76-0454514-9  
 Address to Mail Check: Harris Country Auditor, 1001 Preston, 8th Floor, Houston, Texas 77002.  
 Instructions to Auditor's Office: Mail the completed form along with the Expense Worksheet, any attached itemized paid bill receipts, and the Appointed Counsel Hourly Worksheet to: Comptroller Judiciary, P.O. Box 13528, Austin, Texas 78711-3528. Contact Number 1-800-531-5441 ext.3-3609

# **Exhibit F**

## Fee Schedule for Attorney Services

### Tarrant County District Courts

Counsel appointed to represent indigent criminal defendants in non-death capital cases and first degree felony shall be compensated for their services as follows:

Court appearance (including uncontested disposition): \$50-300/appearance

Evidentiary court appearance (including jury trial): \$500-1500/day

Out-of-court time: \$50-150/hour

Appellate time: \$50-125/hour

Post-Conviction Writ/DNA \$50-125/hour

64.01(c) DNA Review \$300 flat

Counsel appointed to represent indigent criminal defendants in all other felony cases shall be compensated for their services as follows:

Court appearance \$50-300/appearance

Evidentiary court appearance \$500-1,250/day

Out-of-court time \$50-125/hour

Appellate time \$50-125/hour