

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE
PAROLE DIVISION**



**POLICY AND
OPERATING PROCEDURE**

NUMBER: PD/POP-4.2.5

DATE: 7/30/97

PAGE: 1 of 2

SUPERSEDES: N/A

SUBJECT: HEARING CONTINUANCE REQUEST

AUTHORITY: TEXAS GOV'T CODE ANN. § 508.282

PURPOSE: To provide instructions for a district attorney to request a continuance of a scheduled preliminary or revocation hearing when a pending felony charge exists against an offender.

PROCEDURE:

- I. When a preliminary or revocation hearing has been scheduled for an offender for whom a pending felony charge exists, the district attorney who filed the charge may request a continuance of the hearing until the charge has been adjudicated.
 - A. The supervising officer shall complete Part I and the distribution section of the Hearing Continuance Request form (PSV-100) and forward it to the district attorney.
 - B. If the district attorney requests a continuance, he or she must complete Part II of the PSV-100 to the district attorney and the distribution list. If the continuance is granted, the hearing section will cancel the scheduled hearing.

- II. The supervising officer shall notify all parties of the continuance and
 - A. Provide the offender and the defense attorney, if any, a copy of form PSV-100 immediately after the PSV-100 has been assigned and approved; and
 - B. Cancel any witnesses scheduled to appear at the hearing.

- III. The supervising officer shall notify all parties of the continuance and
 - A. Provide the offender and the defense attorney, if any, a copy of form PSV-100 immediately after the PSV-100 has been signed and approved; and

- B. Cancel any witnesses scheduled to appear at the hearing.

- IV. The supervising officer shall continue to track the pending charge and notify the BPP Hearing Section Scheduling Unit when a hearing date, if any, is required.

- V. Regular supervision shall enter continuance information into a database and generate a report on the 180th day after warrant execution.

- VI. Regular supervision shall withdraw the warrant pursuant to Parole Division policy 4.2.2 if the hearing has not been held.

Carl Jeffries
Director, Parole Division