

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

DWIGHT RUSSELL, *et al.*,
Plaintiffs,

v.

HARRIS COUNTY, TEXAS, *et al.*,
Defendants,

STATE OF TEXAS, *et al.*,
Intervenor-Defendants.

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Case No. 4:19-cv-00226

**STATE INTERVENORS' RESPONSE TO PLAINTIFFS' MOTION FOR
TEMPORARY RESTRAINING ORDER AND PRELIMINARY
INJUNCTION REGARDING EXECUTIVE ORDER GA 13**

INTRODUCTION

Plaintiffs' demand for emergency relief moves far beyond their complaint in this matter and therefore, unsurprisingly, beyond their standing to obtain such relief, because the individual Plaintiffs have not suffered any injury from Executive Order GA 13 ("GA 13").¹ Plaintiffs are also asking this Court to interpret a state statute that has not been determined by any Texas state court. And their fundamental premise, that there is some constitutional right to a personal bond is simply wrong as a matter of law.

Over a year ago, Plaintiffs filed this action to challenge Harris County's bail processes. Governor Abbott's recently-issued GA 13 is unrelated. Plaintiffs do not have roving authority over all aspects of the Harris County bail system and all changes in Texas bail law. And Plaintiffs have no standing to seek forward-looking relief to remedy a hypothetical future injury. *O'Shea v. Littleton*, 414 U.S. 488 (1974). Plaintiffs simply cannot enjoin an emergency order that they were never subject to in the first place.

What's more, sovereign immunity bars this Court from awarding relief against the State Intervenor. And binding Supreme Court precedent obligates this Court to abstain here because state courts have not yet had the opportunity to interpret GA 13 or to determine the scope of its application.

¹ As explained in the State Intervenor's response to the first emergency motion, Plaintiffs have made no effort in well over a year to certify a class. As a result, any analysis of the underlying claims must be limited to the named-Plaintiffs.

Finally, Plaintiffs will not succeed on the merits. There is simply no fundamental right to a personal bond. The State created that interest and may suspend it—or even take it away altogether. And the Governor’s police powers—which are at a zenith during a public health crisis and include the ability to control the movement of citizens and suspend statutes—easily defeat Plaintiffs’ constitutional claims.²

For all these reasons, this Court should deny Plaintiffs’ Motion for Temporary Restraining Order and Preliminary Injunction Regarding Executive Order GA 13.

BACKGROUND

I. Governor Abbott issues GA 13.

As the Chief Executive Officer of the State of Texas, Governor Abbott is charged with “meeting the dangers to the state and people presented by disasters.” TEX. CONST. ART. IV, § 1; TEX. GOV. CODE § 418.011. To meet this weighty task, the Legislature provided sitting governors with extremely broad powers. *See* TEX. GOV. CODE. § 418.001, *et seq.* These powers include the ability to suspend statutes; issue executive orders carrying the force and effect of law; control ingress, egress, movement of persons, and occupancy of premises; and even to take public and private property. *Id.* at §§ 418.012; 418.016–418.018.

On March 29, 2020, Governor Abbott used his lawfully-vested authority and issued GA 13. Ex. 1. This emergency order’s purpose was to protect the public and maintain the rule of law during the unprecedented threat posed by COVID-19. *Id.*

² The State Interveners’ response (ECF No. 54) to Plaintiffs’ last motion for emergency relief (ECF No. 32) applies with equal force to the instant motion.

This order prevents magistrates from releasing, on solely their own recognizance, large numbers of arrestees charged with violent crimes or who had a prior conviction for such offenses. *Id.* Specifically, GA 13 suspends Texas Code of Criminal Procedure Art. 17.03's personal bond provisions, and all other related statutes, in order to:

preclude the release on personal bond of any person previously convicted of a crime that involves physical violence or the threat of physical violence, or of any person currently arrested for such a crime that is supported by probable cause.

Id. GA 13's effect is that personal bonds are temporarily unavailable for violent arrestees unless, after an individualized assessment, a judge determines that release is justified for a health or medical reason. *Id.* GA 13 does not preclude judges from conducting individualized assessments of arrestees using the specific factors provided in article 17.15 of the Texas Code of Criminal Procedure. *See generally id.*

Governor Abbott issued GA 13 to respond to a real and meaningful COVID-19-related threat to Texans. *See id.* Many advocates appear to believe that no arrested defendants—even the most potentially dangerous persons charged with violent felonies—should be placed in jail during the COVID-19 crisis. As a result of the concerns regarding COVID-19 spreading in jails, the personal bond process was being misused to release potentially dangerous individuals back into the public. In some instances, this has continued to occur even after the issuance of GA 13.

A stark example is Arrestee A³ whom was arrested for Assault Family Violence Strangulation. *See Ex. 2.* The State alleged that Arrestee A assaulted his victim on

³ Where possible pseudonyms will be used for pretrial arrestees that are not already publicly known or parties to this action. State Intervenors have attempted to redact non-essential information

March 26, which caused her to flee their residence. *Id.* When the victim returned on March 28, he started a verbal altercation with her and damaged some home valuables. *Id.* He then became more aggressive and pushed her. The victim tried to leave, and Arrestee A grabbed her by the neck. *Id.* When the victim told him to let her go, Arrestee A placed her in a choke hold and she began to gasp for air, losing her breath. *Id.* This assault was observed by a witness on FaceTime. *Id.* Arrestee A was released on personal bond over the prosecutor's objection. Ex. 3.

Another example is Arrestee B. Officers observed Arrestee B sitting in the middle of the street. Ex. 4. They determined that Arrestee B was under the influence of PCP and attempted to arrest him for impeding the use of a roadway. *Id.* He resisted attempts to lift him from the street and place him in handcuffs. *Id.* When police officers attempted to place him in handcuffs, he turned his head and spit into an officer's face. *Id.* Despite having many prior convictions, including aggravated sexual assault of a child and assault of a family member, Arrestee B was also released on a personal bond over the State's objection. Ex. 5; Ex. 6; Ex. 7.

Violent felons caught with firearms have also been receiving personal bonds without any stated health or medical reason. On December 2, 2019, Humble Police Department officers were following Arrestee C's car when he stopped, turned on his emergency flashers, and exited the vehicle to talk to the officers. Ex. 8. The officers determined that Arrestee C was intoxicated and detained him for driving while intoxicated. *Id.* During an inventory of the car, they found a loaded pistol in a console

from exhibits that could lead to identification. Unredacted versions will be made available upon request from the Court or the other parties.

compartment on the driver's side floorboard. *Id.* Arrestee C has numerous prior convictions, including making a terroristic threat and two assaults of a family member. Ex. 9. Despite the seriousness of his criminal history and his current charges (Felon in Possession of a Weapon and felony Driving While Intoxicated), Arrestee C was also granted a personal bond—again without input from the prosecutor. Ex. 10.

Judges are considered “highly visible symbols of government under the rule of law.” *Johnson v. Johnson*, 948 S.W.2d 835, 840 (Tex. App.—San Antonio 1997) (citing Tex. Code Jud. Conduct, *Preamble* (1993)). The possible abuse of personal bonds to release potentially violent felons, especially without any individualized inquiry, could have dangerous ramifications in the months ahead as the State struggles with the unprecedented danger posed by COVID-19. Governor Abbott, using his lawfully-vested authority, issued GA 13 to respond to this real and meaningful threat to the public.

II. Plaintiffs were never subject to GA 13 and each received all the process required by *ODonnell*.

During the April 3, 2020 telephone conference, Plaintiffs' counsel were unable to provide basic information about the Plaintiffs, including whether they were still in custody, the nature of their crimes, and whether they were ever subject to GA 13. To clarify the matter, the State Intervenors provide the following information about the Plaintiffs.

A. Plaintiff Joseph Ortuno

Plaintiff Ortuno is currently charged with aggravated assault with a deadly weapon and selling ecstasy, which is categorized as a Penalty Group 2 controlled substance. TEX. PENAL CODE § 481.103(a)(1). He has been out of jail for over a year.

On November 25, 2018, a complaining witness was doing a drug deal with Ortuno when they decided to discontinue the deal. Ex. 11. Ortuno (later identified by a photograph) shot at the complainant's departing car, damaging the complainant's front and rear windshields. *Id.* Minutes later, Ortuno and others drove by the complainant's home and shot at the house several times before speeding off. *Id.*

On January 17, 2019, Houston Police spotted Ortuno and two other men sprinting to a car in an area known for narcotics and gang activity. *Id.* The car sped away and entered the freeway without signaling. *Id.* During the high-speed pursuit that followed, two guns were thrown out of the car which were later recovered. *Id.* After police apprehended Ortuno, they found Xanax, ecstasy, and marijuana in his backpack, individually wrapped in bags for easy distribution. *Id.*

For his aggravated assault and drug dealing, Ortuno was charged by felony complaint. Ex. 12. His original recommended bail amount was \$888,888. Ex. 13. After an individualized assessment, the hearing officer deviated from the bail schedule and set Ortuno's bail at \$30,000. *Id.* The bail order includes a written reason for not allowing a personal bond. *Id.* And the order shows that Ortuno was represented by counsel, completed a financial affidavit, and had that affidavit considered in lowering his bail. *Id.*

On April 4, 2019, Ortuno made his \$30,000 bail and has been free since. Ex 14. GA 13—issued nearly a year after Ortuno made bail—never prevented Ortuno from obtaining pretrial release.

B. Plaintiff Dwight Russell

Plaintiff Russell was charged with felony DWI; went through a bail process compliant with *ODonnell*; and has already pleaded guilty and been released.

On January 19, 2019, Department of Public Safety officers conducted a traffic stop on Russell. Ex. 15. There was an open beer in the car. *Id.* Russell failed field sobriety tests. *Id.* Russell was charged by felony complaint on January 19, 2019 for a third or subsequent DWI offense. Ex. 16.

After a hearing, his bond was set at \$25,000. Ex. 17. His bond order shows that he had an individualized assessment, he was represented by counsel, his financial affidavit was considered, and the hearing officer noted the reason why a personal bond was denied. *Id.*

Russell entered an agreed plea of guilty to misdemeanor DWI and was sentenced to a one-year confinement in the Harris County Jail. Ex. 18. Russell was released from jail approximately ten months before GA 13 was issued.

C. Plaintiff Johnnie Pierson

Plaintiff Pierson appears to be currently in jail. But this is only because he keeps getting arrested while out on bond and because his probation is in the process of being revoked.

Pierson has been arrested numerous times since January 18, 2019 for selling crack cocaine. Ex. 19. In each instance he received all the process required under

ODonnell. Ex. 20. And twice Pierson was able to post a surety bond and secure his release. Ex. 21.

On November 21, 2019, he was placed on four years deferred adjudication probation. Ex. 22. However, on March 5, 2020, a motion revoking Pierson's probation was filed. *Id.* On March 9, 2020, bond was set on his case at \$25,000. Ex. 23.

GA 13 is not preventing Pierson from obtaining unsecured pretrial release. Instead, Pierson remains in jail because he has repeatedly violated the conditions of his bond and probation. And based on his charges and criminal history GA 13 is inapplicable.

ARGUMENT

I. The Court lacks jurisdiction over this motion because it does not relate to the underlying complaint.

Plaintiffs' instant motion for emergency relief fails at the outset. A request for preliminary injunctive relief must grow out of the underlying complaint that created the action. Federal courts have jurisdiction to hear "Cases" (or "Controversies"), U.S. Const. art. III, § 2, cl. 1, and a party commences a case "by filing a complaint," Fed. R. Civ. P. 3. If a party in an existing case seeks relief unrelated to the complaint, then it effectively asks the court to entertain a case that has not commenced. Because Plaintiffs' "motion raises issues different from those presented in the complaint, the court has no jurisdiction over the motion." *Adair v. England*, 193 F. Supp. 2d 196, 200 (D.D.C. 2002).

The Supreme Court applied this rule in *De Beers Consolidated Mines v. United States*, 325 U.S. 212 (1945). There the United States sued various companies and

individuals for alleged violations of federal antitrust laws and sought to enjoin them from engaging in anticompetitive activity in the future. *Id.* at 215, 219. At the same time, the United States also filed a motion for a preliminary injunction asking the district court to enjoin the defendants from transferring any property outside of the United States. *Id.* That would ensure defendants had assets available to satisfy any judgment the court might later issue on the merits. *Id.* The Supreme Court held the United States had no power to seek—and the district court had no power to award—the preliminary injunction because “[i]t is not an injunction *in the cause*, and it deals with a matter lying wholly outside the issues in the suit.” *Id.* at 220 (emphasis added). *DeBeers* is not limited to the antitrust context. “This suit, as we have said, *is not to be distinguished from any other suit in equity*.” *Id.* at 222 (emphasis added). Federal courts across the Country consistently apply this rule in cases that (like this one) involve underlying claims brought under 42 U.S.C. § 1983.⁴

One simple question demonstrates why this motion fails: If Plaintiffs won the underlying suit based on the pleadings in their complaint, would they necessarily have won the relief they seek in this motion? *Pac. Radiation Oncology, LLC*, 810 F.3d 631, 636-37 (9th Cir. 2015). The answer is no. In their complaint, Plaintiffs sought a declaration and an injunction against Harris County and its Sheriff based on

⁴ See, e.g., *Colvin v. Caruso*, 605 F.3d 282, 299-300 (6th Cir. 2010); *Little v. Jones*, 607 F.3d 1245, 1251 (10th Cir. 2010); *Devose v. Herrington*, 42 F.3d 470, 471 (8th Cir. 1994) (per curiam). They apply the same rule in other contexts as well. See, e.g., *Pac. Radiation Oncology, LLC v. Queen’s Med. Ctr.*, 810 F.3d 631, 635-36 (9th Cir. 2015); *Omega World Travel, Inc. v. Trans World Airlines*, 111 F.3d 14, 16 & n.2 (4th Cir. 1997); *Kaimowitz v. Orlando*, 122 F.3d 41, 43 (11th Cir. 1997) (per curiam); *Stewart v. INS*, 762 F.2d 193, 198-99 (2d Cir. 1985); *Imagine Medispa, LLC v. Transformations, Inc.*, 999 F. Supp. 2d 862, 868 (S.D. W.Va. 2014); *Pinson v. U.S. Dep’t of Justice*, 74 F. Supp. 3d 283, 290 (D.D.C. 2014).

allegedly defective bail procedures. ECF No. 1 at 42. That complaint nowhere requested an injunction against the enforcement of the Governor’s executive order. Nor could it have, as GA 13 did not yet exist. Plaintiffs first requested this distinct relief in the instant motion more than one year after filing their underlying complaint. ECF No. 53 at 9; *Colvin*, 605 F.3d at 287 (motion filed two months after complaint was unrelated). So even if Plaintiffs succeed in obtaining a declaration that the County defendants are violating the Constitution and an injunction enjoining them from doing so, those remedies would say *nothing* about GA 13. Whether GA 13 is constitutional is “unrelated to any supposed violation of” the Constitution by Harris County. *DeBeers*, 325 U.S. at 222.

It does not matter that the complaint and this motion, in a broad sense, involve the same general issue of bail. *Colvin v. Caruso* is a good example. Colvin, an inmate, sued prison officials for interruptions, mistakes, and other deficiencies in the administration of the prison’s kosher food program. 605 F.3d at 287-88. After Colvin filed his complaint, prison officials removed him from the kosher food program, and Colvin sought a preliminary injunction ordering officials to reinstate him. *Id.* at 299. Both pleadings sought relief related to the prison’s kosher food program. But the Sixth Circuit nevertheless concluded Colvin’s motion “was improper because he did not bring his wrongful-removal claim in his original complaint.” *Id.* at 300.

Finally, granting the preliminary injunction here in no way “enable[s] or aid[s]” this Court in giving the relief Plaintiffs ultimately request in the underlying complaint. *United States ex rel. Rahman v. Oncology Assoc.*, 198 F.3d 489, 498 (4th

Cir. 1999). In fact, it would do the opposite. Suppose the Court declines to enjoin GA 13. In that scenario, some violent felony arrestees would continue being held until this Court renders judgment on the merits. If the Court ordered their release at final judgment, they could be released at that time. But suppose Court enjoins GA 13 until it is able to render a judgment. Those violent felony arrestees may be released before this Court is ever able to reach a decision. Oddly, Plaintiffs' request *inhibits* this Court's ability to render an ultimate judgment in the underlying action.

The mere fact that Plaintiffs filed a federal lawsuit does not entitle them to enjoin an Executive Order they were never subjected to. Plaintiffs may respond that this Court's equitable powers are expansive enough to evade these legal niceties, but the Supreme Court has rejected attempts to circumvent the limits of equity jurisdiction in the name of whatever is most "practical or efficient." *Grupo Mexicano de Desarrollo S.A. v. Alliance Bond Fund, Inc.*, 527 U.S. 308, 321 (1999). "This expansive view of equity must be rejected." *Id.*

II. Even if this motion relates to the original Complaint, this court lacks jurisdiction over the entire action.

Regardless of the above, Plaintiffs' motion must fail because, as the State Intervenor previously argued, this Court lacks subject-matter jurisdiction over the case. The Court should therefore dismiss the suit. Fed. R. Civ. P. 12(b)(1).

This Court lacks jurisdiction for two independent reasons. First, insofar as Plaintiffs seek relief from their past bail hearings through a federal court order changing their existing bail determinations, the *Rooker-Feldman* doctrine bars suit. Lower federal courts are powerless to revisit (or order state courts to revisit)

individual state-court decisions setting bail. Second, while *Rooker-Feldman* does not prevent a litigant from challenging a state policy or practice as opposed to a particular state-court decision, Plaintiffs' challenge to Harris County's bail practices is based on a future injury that is pure "speculation and conjecture." *O'Shea*, 414 U.S. at 497. Plaintiffs therefore lack an Article III injury in fact. In a putative class action like this one, "federal courts lack jurisdiction if no named Plaintiff has standing." *Frank v. Gaos*, 139 S. Ct. 1041, 1046 (2019).

The State Intervenor's arguments on these points, *see* ECF No. 54 at 19–28, continue to apply here because the original complaint is the benchmark against which this Court assesses subject-matter jurisdiction. *See Grupo Dataflux v. Atlas Global Grp., L.P.*, 541 U.S. 567, 574 (2004). And this Court "has a duty of making further inquiry as to its own jurisdiction." *In re Gee*, 941 F.3d 153, 159 (5th Cir. 2019) (*per curiam*). The Fifth Circuit recently found that a failure to observe that duty presented extraordinary circumstances justifying a writ of mandamus ordering the district court to address "obvious" jurisdictional defects. *Id.* at 160, 170.

The defects are obvious here too. State courts have already made bail determinations for Plaintiffs, remanded them to custody, and released them. ECF No. 1 at 11-13; *see* TEX. CODE CRIM. PROC. ARTS. 16.20(6), 17.25, 17.27. Insofar as Plaintiffs ask this Court to order the state courts to revisit those determinations, they ask this "Court to overturn the injurious state-court judgment" rendered as to them. *Skinner v. Switzer*, 562 U.S. 521, 531 (2011). In other words, this Court "is in essence being called upon to review the state court decision[s]" setting Plaintiffs' bail. *D.C. Court of*

Appeals v. Feldman, 460 U.S. 462, 482 n.16 (1983). Put simply, the Court cannot order the release of (or reassessment of bail for) a felony arrestee who has already had bail set and been remanded to custody without violating the *Rooker-Feldman* doctrine. *See, e.g., Ingram v. Fish*, No. 09-204, 2010 WL 3075747, at *4 (W.D. Pa. Aug. 5, 2010); *Brown v. City of New York*, 210 F. Supp. 2d 235, 240 (S.D.N.Y. 1999); *Mounkes v. Conklin*, 922 F. Supp. 1501, 1508-10 (D. Kan. 1996).

Even Plaintiffs seem to recognize this obvious *Rooker-Feldman* problem. Presumably that is why they walked back from any backward-looking theory of relief during the Court's April 3 teleconference. For the very first time, Plaintiffs' counsel attempted to disclaim any interest in having Plaintiffs (or any putative class member for that matter) released from custody or having their existing bail status redetermined. Plaintiffs, he said, seek only constitutionally adequate bail hearings going forward. Yet, the April 3 telephonic hearing focused on release or reassessment for individuals who have *already been subjected* to the challenged procedures: How many felony arrestees have already been released? How many will be released in the short term? Who is eligible for release under GA 13?

Plaintiffs admittedly seek injunctive relief to redress a *future* injury. That injury, however, is not "certainly impending." *Ctr. for Biol. Diversity v. U.S. Env't'l Prot. Servs.*, 937 F.3d 533, 537 (5th Cir. 2019). Because, each Plaintiff had already been subjected to the Harris County bail procedures they challenge here when they filed their complaint, and because any backward-looking relief ordering a state court reassess an existing bail decision is out of bounds, Plaintiffs could be injured by the

County's bail procedures only the *next time* they are arrested. In other words, Plaintiffs' future injury depends on this Court speculating that at some future time (1) they will commit criminal acts (2) in Harris County (3) be arrested (4) have secured bail set (5) pursuant to an unlawful policy (6) at amounts they cannot pay (7) because they remain too poor to pay a bondsman. The Supreme Court rejected that theory of injury in *O'Shea*, 414 U.S. at 496-98.

At the April 3 teleconference, Plaintiffs' counsel revealed that he was unsure about the named Plaintiffs' current custodial status.⁵ But to be clear, whether the named Plaintiffs are currently in custody is irrelevant to the standing inquiry. At the time Plaintiffs filed their complaint, any challenge to Harris County's procedures was already premised on a *future* injury. That is why this Court's suggestion that the capable-of-repetition-yet-evading-review exception to *mootness* could save Plaintiffs' case is wrong. The Court seems to suggest that Plaintiffs' subsequent release did not strip the district court of jurisdiction because they were in custody when their original complaint was filed. The crucial point for standing purposes, however, is that Plaintiffs had already been subjected to the bail procedures they challenge at the time they filed this lawsuit. They were never subject to GA 13.

The Fifth Circuit made a similar point several months ago in *Stringer v. Whitley*, 942 F.3d 715 (5th Cir. 2019). The plaintiffs there sought injunctive and declaratory relief requiring Texas to change its voter registration system. Based on the existing system, plaintiffs were unable to vote in the 2014 elections. *Id.* at 719.

⁵ Nor did he know the details of their current charges or prior convictions, threshold issues that determine whether they are even covered by GA 13 at all.

But they had successfully registered to vote by the time they filed suit. *Id.* The policy they challenged therefore could affect them only in a future election if they moved again and had to re-register. *Id.* at 721-22. Plaintiffs nevertheless argued “they have standing because their claims are capable of repetition, yet evading review.” *Id.* at 724. The Fifth Circuit disagreed: Because the plaintiffs lacked standing at the time their complaint was filed, the mootness exception “is not implicated.” *Id.* at 725.

There is nothing novel about *Stringer’s* holding. The Supreme Court said the same thing decades ago. Standing and mootness are two entirely different things. Mootness permits an exception for injuries capable of repetition yet evading review. *Gerstein v. Pugh*, 420 U.S. 103, 110 n.11 (1975). But “[s]tanding admits of no similar exception; if a plaintiff lacks standing at the time the action commences, the fact that the dispute is capable of repetition yet evading review will not entitle the complainant to a federal judicial forum.” *Friends of the Earth, Inc. v. Laidlaw Env’tl Servs. (TOC), Inc.*, 528 U.S. 167, 191 (2000). “That a suit may be a class action . . . adds nothing to the question of standing.” *Lewis v. Casey*, 518 U.S. 343, 357 (1996).

On the day they filed their complaint, all three named Plaintiffs had already been through bail proceedings, had bail set by state courts, and been remanded to custody. *See* ECF No. 1 at 11-13 (describing past bail proceedings for Plaintiffs Russel, Pierson, and Ortuno); *cf. supra* II A-C (detailing that Plaintiffs received process meeting the minimums of *ODonnell*). Because Harris County’s (allegedly) unlawful bail policies could affect them only at some future time, Plaintiffs lacked

Article III standing to seek injunctive relief reforming those procedures going forward *on day one*.

III. Sovereign immunity bars Plaintiffs' requested relief.

In their motion, Plaintiffs ask this Court to “enjoin[] Defendants from enforcing” GA 13. ECF No. 53 at 1; *see also id.* at 9 (“Plaintiffs move this Court for a temporary restraining order prohibiting enforcement of the Executive Order as applied to Plaintiffs.”). But they are not entirely clear about *whom* they wish this Court to enjoin.

To the extent Plaintiffs seek to enjoin the State Intervenors from enforcing GA 13 their efforts run headfirst into sovereign immunity. The State retains its immunity from suit even after intervening because it immediately asserted that this Court lacks jurisdiction. *See, e.g., Calif. v. Deep Sea Research, Inc.*, 523 U.S. 491, 496-97 (1998); *Mo. v. Fiske*, 290 U.S. 18, 24-25 (1933); *cf. Okla.ex rel. Edmondson v. Pope*, 516 F.3d 1214, 1215-16 (10th Cir. 2008) (citing 28 U.S.C. § 2403 and FED. R. CIV. P. 5.1). The Governor and the Attorney General are likewise immune from suit because they appear in their capacities as state officials.⁶ *Edelman v. Jordan*, 415 U.S. 651, 663 (1974).

⁶ Plaintiffs may argue that sovereign immunity has been waived because of the intervention. This argument misses that sovereign immunity consists of two distinct immunities: immunity from suit and immunity from liability. *See Meyers ex rel. Benzing v. Texas*, 410 F.3d 236 (5th Cir. 2005), reh'g denied with opinion 454 F.3d 503 (2006), cert. denied 550 U.S. 917 (2007); *Kelley v. Papanos*, No. H-11-0626, 2012 U.S. Dist. LEXIS 8071, at *11-12 (S.D. Tex. Jan. 24, 2012) (holding that the state may continue to “assert its state sovereign immunity as defined by Texas law as a defense” to the claims removed to federal court); *Bonillas v. Harlandale Indep. Sch. Dist.*, 832 F. Supp. 2d 729, 737 (W.D. Tex. 2011) (“The Fifth Circuit has held that there is a distinction between immunity from suit in federal court, which a state may waive by removal to federal court, and immunity from liability”); *Delaney v. Miss. Dep't of Pub. Safety*, No. 3:12CV229TSL-MTP, 2013 U.S. Dist. LEXIS 9600, at *11-14 (S.D. Miss. Jan. 24, 2013)(same); *Pathria v. Univ. of Tex. Health Sci. Ctr.*, No. SA-12-CV-388, 2013 U.S. Dist. LEXIS 10795, at *3-4 (W.D. Tex. Jan. 23, 2013); *In re Supreme Beef Processors, Inc.*, 468

The Supreme Court has carved out a narrow exception to sovereign immunity where “a federal court commands a state official to do nothing more than refrain from violating federal law.” *Va. Office for Prot. & Advocacy v. Stewart*, 563 U.S. 247, 255 (2011). That means the officer “must have some connection with the enforcement of the act.” *Ex parte Young*, 209 U.S. 123, 157 (1908). What has come to be known as the *Ex parte Young* doctrine is therefore subject to two limits relevant here: (1) The state officer must enforce the challenged statute and (2) a court may not order that officer to take official acts.

Even when an official has authority to enforce a statute, the plaintiff seeking to invoke *Ex parte Young* must show that official “is likely to [do] so.” *City of Austin v. Paxton*, 943 F.3d 993, 1002 (5th Cir. 2019). Plaintiffs have not alleged that the Governor or the Attorney General can enforce GA 13—much less that they are *likely* to do so. And because Plaintiffs have not shown that either official is tasked with enforcing the executive order, this motion merely and impermissibly seeks to “mak[e] [either official] a party as a representative of the state.” *Young*, 209 U.S. at 157.

Assuming the Governor and the Attorney General have the authority to enforce GA 13 and are likely to exercise it, this Court could not order either of them to affirmatively exercise official power. *Ex parte Young* is about “prevent[ing] [a state officer] from doing that which he has no legal right to do.” *Id.* at 159. By acting *ultra vires*, so the theory goes, the official loses his official status with respect to that act and can be ordered to stop. *Id.* at 159–60. But ordering him to take “affirmative” action *intra vires* is premised on the idea that he retains his “official or representative

F.3d 248, 257–58 (5th Cir. 2006) (Higginbotham, J., concurring) (explaining Meyers). Even assuming sovereign immunity from suit has been waived, which it has not, sovereign immunity from liability is still intact and, therefore, makes Plaintiffs unlikely to succeed on the merits.

character.” *Id.* at 160. Accordingly, “a suit may fail” if a party requests relief that “cannot be granted by merely ordering the cessation of the conduct complained of but will require affirmative action by the sovereign.” *Larson v. Domestic & Foreign Commerce Corp.*, 337 U.S. 682, 691 n.11 (1949); *see also United Tribe of Shawnee Indians v. United States*, 253 F.3d 543, 548 (10th Cir. 2001) (“Because this requested relief would require us to order federal officials to take various forms of affirmative action and affect the disposition of sovereign property, the suit does not fall within the ultra vires doctrine.”).

Here, it would not be enough for this Court to order the Governor or the Attorney General to merely stop enforcing GA 13. State and local judges have an independent obligation to comply with state law, and the Governor’s executive orders “have the force and effect of law.” TEX. GOV’T CODE § 418.012. To afford Plaintiffs effective relief, then, this Court would need to order the officials to take some kind of “affirmative action,” like ordering the Governor to withdraw the executive order. But withdrawing the executive order would have significance only as an official act. Because this Court would be ordering the Governor “to satisfy the court decree only *by acting in an official capacity*” sovereign immunity bars such relief. *Zapata v. Smith*, 437 F.2d 1024, 1026 (5th Cir. 1971) (emphasis added).

IV. Federal abstention doctrines bar this Court from awarding the requested equitable relief.

Plaintiffs complain that “[t]he Order does not define or give guidance for different local officials or judges across the state to determine what categories would be encompassed by the term ‘violence,’ and indications are that implementation of

different views of this vague term would be chaotic and unpredictable.” ECF No. 53 at 2. Throughout this Court’s most recent teleconference on April 3, 2020, the parties and the Court discussed questions regarding GA 13’s sweep. Does it prevent judges from conducting individualized hearings? May judges release for health-related reasons individuals who would otherwise be kept in custody? May they release others as well? Plaintiffs suggest this confusion bolsters their motion. But it is more accurate to say that a lack of clarity prevents the Court from providing relief.

It is undisputed that the instant motion seeks equitable relief. *See* ECF No. 53 at 1, 9. The “common-law background” of federal courts’ equity jurisdiction, however, obligates them to abstain from awarding equitable relief in certain cases. *New Orleans Public Serv., Inc. v. New Orleans*, 491 U.S. 350, 359 (1989). Abstention remains “the exception, not the rule.” *Colo. River Water Conserv. Dist. v. United States*, 424 U.S. 800, 813 (1976). But the Supreme Court has required abstention in a variety of circumstances, *see Quackenbush v. Allstate Ins. Co.*, 517 U.S. 706, 716–17 (1996) (collecting examples), two of which are pertinent here.

First, the Supreme Court has instructed federal courts to abstain where an antecedent question of state law would obviate the need to address a federal constitutional question, *R.R. Comm’n v. Pullman Co.*, 312 U.S. 496, 500 (1941), or would at least “significantly modify” the federal analysis, *Lake Carriers Ass’n v. MacMullan*, 406 U.S. 498, 512 (1972).

Plaintiffs here assert constitutional claims: They allege violations of the Due Process Clause (U.S. Const. amend. XIV, § 1) and Equal Protection Clause (U.S.

Const. amend. XIV, § 1). *See* ECF No. 53 at 1, 5. But if state law establishes that GA 13 does none of the things Plaintiffs fear—either because it prevents the creation of a state-created liberty interest or because it continues to permit release for certain violent arrestees—then this Court may not need to decide those constitutional questions at all. GA 13 clearly strips covered arrestees of their state-created liberty interest. *Infra* Part V.A. But GA 13 is one week old, and the Texas courts have yet to interpret the order’s scope. *See Lake Carriers Ass’n*, 406 U.S. at 511 (Michigan law “has not been construed in any Michigan court”); *Reetz v. Bozanich*, 397 U.S. 82, 86 (1970) (Alaska constitutional provisions “have never been interpreted by an Alaska court”). GA 13’s application is “uncertain.” *Haw. Hous. Auth. v. Midkiff*, 467 U.S. 229, 236 (1984).

Second, the Supreme Court has instructed federal courts to observe a general “doctrine of nonintervention” in state proceedings. *See, e.g., Middlesex Cty. Ethics Comm’n v. Garden State Bar Ass’n*, 457 U.S. 423, 432-35 (1982) (state bar disciplinary proceedings); *Judice v. Vail*, 430 U.S. 327, 334-35 (1977) (state contempt proceedings); *Huffman v. Pursue, Ltd.*, 420 U.S. 592, 604-05 (1975) (state nuisance proceedings); *Younger v. Harris*, 401 U.S. 37, 54-55 (1971) (state criminal proceedings). Federal courts must abstain where (1) “an ongoing state judicial proceeding” (2) “implicate[s] important state interests” and (3) offers “adequate opportunity” to “raise constitutional challenges.” *Middlesex Cty. Ethics Comm’n*, 457 U.S. at 432.

State Intervenors believe there are ongoing state court proceedings that involve the question Plaintiffs seek to press here. *See, e.g., State v. Jones, Dustin* Cause No. 2285846, 2297288 (Harris County Court at Law 16). That question undoubtedly implicates important state interests. The rules governing bail are “in aid of and closely related to criminal statutes,” *Huffman*, 420 U.S. at 604, and Texas has an “interest in administering [its own] criminal justice system[] free from federal interference,” *Kelly v. Robinson*, 479 U.S. 36, 49 (1986). Moreover, any question regarding the Governor’s power to issue GA 13 implicates the State’s authority to formulate policy in the face of a pandemic ravaging the State. *Infra* Part V.C. It is difficult to imagine a greater “offense” to state authority than a federal court’s interference with (1) the State’s management of its own criminal justice system (2) in the midst of a public health crisis. *Huffman*, 420 U.S. at 604. This Court should abstain—even though the state court proceedings commenced after Plaintiffs filed this suit. *Hicks v. Miranda*, 422 U.S. 332, 348-49 (1975).

V. Plaintiffs also cannot enjoin GA 13 because they have not satisfied the preliminary injunction factors.

Aside from the threshold problems discussed above, Plaintiffs are not entitled to the relief they seek for at least 3 reasons. First, Plaintiffs cannot succeed on the merits of their claims given the Fifth Circuit’s decision in *ODonnell*. Second, they likewise cannot meet the significant burden needed to mount a facial challenge to GA 13. Third, Supreme Court precedent gives Governor Abbott broad power to protect Texans and, as a result, his decision to issue GA 13 is entitled to significant deference.

For these reasons plus those already set out in the response to Plaintiffs' first motion, this Court should deny the requested relief.

A. Plaintiffs are unlikely to succeed on their due process and equal protection claims given the Fifth Circuit's decision in *ODonnell*.

At the outset, Plaintiffs misunderstand the preliminary injunction analysis. They argue they "are likely to succeed on the merits of *this Motion*." ECF No. 53 at 9. Accordingly, they devote most of their briefing to whether GA 13 is constitutional. *Id.* at 5-9. But that is the wrong "merits" question. The first preliminary injunction factor is concerned with the merits of *the underlying action*. See, e.g., *Munaf v. Geren*, 553 U.S. 674, 690-91 (2008) (holding preliminary injunction analysis was concerned with "the merits of the underlying habeas petition"); *Walgreen Co. v. Hood*, 275 F.3d 475, 478 (5th Cir. 2001) (holding plaintiff "does not have a substantial likelihood of success on the merits of its underlying claim").

Plaintiffs' fixation on the entirely different question of GA 13's constitutionality only confirms that their motion seeks relief that is not related to their underlying complaint. *Supra* Part I. Because the proper question here is the same one the parties have already briefed—*i.e.*, whether Harris County's bail procedures violate the Constitution as pleaded in the complaint—the State Intervenor incorporates by reference their earlier arguments on that question. See ECF No. 54 at 5-18, 40.

Even if the relevant question were whether Plaintiffs are likely to succeed on their (unpleaded) claim that GA 13 is unconstitutional, the clear answer would still be no. By temporarily suspending the operation of state statutes that authorize

unsecured pretrial release, GA 13 precludes the existence of the liberty interest that grounds Plaintiffs' due process and equal protection claims.

Notwithstanding Plaintiffs' claims to the contrary, the Fifth Circuit's decision in *ODonnell* did not recognize a substantive *federal* right to be free from wealth-based detention. *ODonnell v. Harris County*, 892 F.3d 147, 163 (5th Cir. 2018) ("*ODonnell I*"). To the contrary, the Fifth Circuit recognized that "there is no such . . . fundamental substantive due process right." *ODonnell v. Goodhard*, 900 F.3d 220, 228 (5th Cir. 2018) ("*ODonnell II*"). Instead, the Fifth Circuit concluded that "Texas *state law* create[d]" the right at issue, which "weighs the detainees' interest in pretrial release and the court's interest in securing the detainee's attendance." *ODonnell I*, 892 F.3d at 158 (emphasis added). And "[h]aving found a *state-created* interest," *id.* (emphasis added), the Court considered what procedures the federal Constitution requires States to provide in order to protect that interest, *id.* at 158–59.

Because the interest at issue in that case and this one is a creature of "Texas state law," not a federal constitutional entitlement, the State may take away what it gives. And it may do so without running afoul of the U.S. Constitution.

A related example is a criminal defendant's right to appeal under state law, for which the Supreme Court has developed numerous precedents protecting the constitutional rights of indigent defendants. Like the rights asserted by Plaintiffs here, those rights arise under the Due Process and Equal Protection Clauses. *See, e.g., Griffin v. Illinois*, 351 U.S. 12, 20 (1956) (barring state rule requiring indigents

to purchase a trial transcript for appeal); *Burns v. Ohio*, 360 U.S. 252, 258 (1959) (barring state rule requiring indigents to pay filing fee to docket an appeal); *Douglas v. California*, 372 U.S. 353, 357–58 (1963) (requiring State to furnish indigent defendant with appellate counsel); *Evitts v. Lucey*, 469 U.S. 387, 396 (1985) (requiring appointed appellate counsel to be constitutionally effective).

But these due process and equal protection rights safeguard a *state-created* interest: For instance, criminal defendants have no federal constitutional right to appeal. *McKane v. Durston*, 153 U.S. 684, 687 (1894). A criminal defendant’s right to appeal is either “a creature of a federal statute” or “of state statute[.]” *United States v. Bergrin*, 885 F.3d 416, 419 (6th Cir. 2018) (Sutton, J.).

So, while an indigent criminal defendant is entitled to effective counsel on appeal, *Evitts*, 469 U.S. at 396, a State may take away the underlying right to which the federal protection attaches. In other words, Texas could eliminate altogether the right to appeal that criminal defendants currently enjoy under Texas law. If it did, that would not infringe the due process and equal protection rights indigent defendants possess when appeal *is* available. So too here. Texas may suspend (or eliminate altogether) the statutory provisions that allow arrestees to be released on unsecured bond. By doing so, it has not infringed the federal due process and equal protection rights that mandate certain procedures when that state-created right exists.

Nor can an absolute right to a personal bond be found in the Texas Constitution’s “sufficient sureties” provision. This provision creates two important

rights for defendants. First is the right to have one's bail determined based on a balancing of the individual's "interest in pretrial freedom" against "the court's interest in assurance." *ODonnell I*, 892 F.3d at 158. *ODonnell I & II* found that an individualized bail hearing based on the factors enumerated inquired by TEX. CODE CRIM. PROC. ART. 17.15 satisfies this right. *See ODonnell I*, 892 F.3d at 158; *ODonnell II*, 900 F.3d at 226-27. Second is the right to be free from excessive bail or to otherwise be free from having bail imposed "as an instrument of oppression." *Ex parte Smith*, No. 09-06-104 CR, 2006 WL 1511480, at *1 (Tex. App. May 31, 2006); *see also* Tex. Const. Art. 1, § 13.

But the Texas Constitution's "sufficient sureties" provision does not imbue defendants with an absolute right to a personal bond. *ODonnell II* appeared to foreclose any such interpretation when it explained that "'sufficient sureties' is 'not purely defined by what the detainee can afford' and does not create an automatic right to pretrial release.'" *ODonnell II*, 900 F.3d at 226 (quoting *ODonnell I*, 892 F.3d at 158).

Plaintiffs overlook this fatal flaw in their motion. They make no attempt to explain how a liberty interest in personal bonds was created or where it can be found. Plaintiffs are asking this Court to be the first ever to find that the Texas Constitution *requires* personal bonds. Plaintiffs' four-page analysis vastly undersells the unprecedented nature of their request and provides no meaningful guidance on the issue. *See* ECF No. 53 at 5–9.

Faulkner v. Gusman, No. CIV.A. 13-6813, 2014 WL 1876213 (E.D. La. May 9, 2014), is instructive. In *Faulkner*, the plaintiff argued that a Louisiana statute prohibiting recognizance bonds violated, among other things, the Fourteenth Amendment's Due Process Clause. *Id.* at *1–2. The district court rejected this argument, concluding that the challenged statute “does not deprive defendants of their interest in pretrial release, because it does not require judges to set bond in any amount that is likely to prevent defendants from obtaining pretrial release.” *Id.* at *3.

The court explained that Louisiana law (like Texas law) directed judges to consider specific enumerated factors, which included the defendant's ability to pay, when setting the amount of bail. *Id.* Thus, a defendant “may argue that the statutory factors favor a low or nominal money bond” and, “[i]f the judge agrees, she may set bond in an amount the defendant can satisfy, be it a hundred dollars or ten dollars or even ten cents.” *Id.* In short, the difference between being released on personal recognizance and being released on a ten-cent bond did not meaningfully impact any constitutionally-protected liberty interest. *See id.* at *4 (describing the alleged deprivation as “minimal, if not non-existent”). The court further explained that the plaintiff's due process claim also could not survive a *Mathews v. Eldridge* balancing test in light of: (1) the minimal deprivation of liberty attributable to the challenged statute; (2) the minimal risk of erroneous deprivation of that interest given judges' ability to set nominal money bonds as they see fit; and (3) the “‘great leeway’ given to

governments in ‘protect[ing] public health and safety.’” *Id.* at *4-6 (quoting *Bevis v. City of New Orleans*, 686 F.3d 277, 281 (5th Cir. 2012)) (alteration in original).

The *Faulkner* plaintiff, like the Plaintiffs here, tried to extract an absolute right to release on a defendant’s recognizance from the Fifth Circuit’s decision in *Pugh v. Rainwater*, 572 F.2d 1053 (5th Cir. 1978). *Id.* at *6; ECF No. 53 at 7. The court rejected this argument, explaining that *Pugh*’s refusal “to invalidate a Florida bail rule that did not include a presumption against money bonds” was not tantamount to a holding “that state bail schemes must make personal recognizance bonds available in all categories of cases.” *Id.* Likewise here, Plaintiffs cannot establish a constitutionally-protected interest in obtaining release on personal bond.

B. Plaintiffs fall far short of establishing a facial challenge to GA 13.

Because Plaintiffs do not (and cannot) argue that GA 13 is unconstitutional as applied to them (because they were never subject to it), their challenge amounts to a facial attack on the order. Yet facial challenges are “disfavor[ed]” and pose a “daunting burden” to the challenger. *Roy v. City of Monroe*, 950 F.3d 245, 251–52 (5th Cir. 2020) (quotations omitted). To prevail, Plaintiffs “must establish that no set of circumstances exists under which the [Order] would be valid.” *United States v. Salerno*, 481 U.S. 739, 745 (1987).

Plaintiffs cannot meet that high bar. For instance, various types of arrestees may be refused bail altogether under the Texas Constitution and Code of Criminal Procedure. *See, e.g.*, Tex. Const. Art. I, § 11 (carving out capital offenses); TEX. CONST. ART. I, § 11a (“Denial of Bail After Multiple Felonies”); TEX. CODE CRIM. PROC. ART.

17.152 (“Denial of Bail for Violation of Certain Court Orders or Conditions of Bond in a Family Violence Case”); TEX. CODE CRIM. PROC. ART. 17.153 (“Denial of Bail for Violation of Condition of Bond Where Child Alleged Victim”). The challenged portion of GA 13—which generally prohibits personal bonds for certain arrestees without health or medical reasons—has no effect on those persons that are not entitled to release on bail at any amount, let alone on a personal bond. Clearly, GA 13 is valid in those circumstances. Thus, Plaintiffs’ facial challenge fails because they have not, and cannot, establish that no set of circumstances exists under which the Order would be valid.

C. Supreme Court precedent gives Governor Abbott broad power to protect Texans and, as a result, his decision to issue GA 13 is entitled to significant deference.

The State’s police power to protect its citizens from the unprecedented threat posed by COVID-19 trumps the minimal theoretical deprivations at issue in Plaintiffs’ instant motion. And the State’s decisions on how best to protect its citizens from the unprecedented threats posed by COVID-19 are entitled to great deference.

The Supreme Court recognizes that a State “has the right to protect itself against an epidemic of disease which threatens the safety of its members.” *Jacobson v. Mass.*, 197 U.S. 11, 27-28 (1905). In that case, the Supreme Court upheld a Massachusetts law requiring compulsory smallpox vaccinations against due process and equal protection challenges. *Id.* at 25–26, 30. The plaintiff argued mandatory vaccination infringed his liberty and was unnecessary to combat a localized smallpox outbreak. The Supreme Court disagreed: The State had concluded those measures were “necessary in order to protect the public health and secure the public safety,”

and federal courts could not “usurp the functions of another branch of government” by second-guessing that conclusion. *Id.* at 28. The Supreme Court further explained that the health of a State’s people are “in the first instance[] for that [state] to guard and protect” and that a court should only invade this authority “when it is plainly necessary to do so in order to enforce the law.” *Id.* at 38.

Three years earlier, the Supreme Court had similarly recognized States’ sweeping power in the area of combatting “the spread of contagious or infectious diseases.” *Compagnie Francaise de Navigation a Vapeur v. La. State Bd. of Health*, 186 U.S. 380, 378 (1902). In that case, Louisiana’s Board of Health (pursuant to a statutory grant of authority) restricted travel into the State and prevented a French ship from landing. *Id.* at 384–85. A French corporation and a French citizen sued, alleging Louisiana had violated the Due Process Clause, Equal Protection Clause, Commerce Clause, and treaties with France and Italy. *Id.* at 385, 387, 393, 397. The Supreme Court rejected every challenge, noting that the States’ power “to enact and enforce quarantine laws for the safety and protection of the health of their inhabitants” was “beyond question.” *Id.* at 387.

Here, Chapter 418 of the Texas Government Code furnishes the sitting Governor with sweeping authority to protect the public from disasters like COVID-19, which presents an “imminent threat of widespread or severe damage, injury, or loss of life.” TEX. GOV’T CODE § 418.004(1). That authority includes the power to declare a state of disaster; to use all available resources of state government and of political subdivisions that are reasonably necessary to cope with a disaster;” to control

ingress and egress to and from a disaster area and the movement of persons and the occupancy of premises in the area; and to suspend the operation of certain laws. *See id.* at §§ 418.014, 418.016(a), 418.017(a), 418.018(c).

On March 13, 2020, Governor Abbott invoked this authority and declared a state of disaster in response to the spread of COVID-19. *See* Proclamation, Office of Tex. Governor (March 13, 2020).⁷ In GA 13, Governor Abbott recognized that COVID-19 “represents a public health disaster Chapter 81 of the Texas Health and Safety Code.” Ex. 1. He further concluded that broad-scale release of arrestees “would not only gravely threaten public safety, but would also hinder efforts to cope with the COVID-19 disaster.” *Id.* Police Chiefs from thirteen different cities agree with Governor Abbott on both scores. *See* ECF No. 54 at 2–3 n.1. To fulfill his goal of protecting Texans, Governor Abbott made personal bonds temporarily unavailable for violent arrestees unless, after an individualized assessment, a judge determines that such a bond is justified for a health or medical reason.

Plaintiffs disagree with that policy approach. The fact that they continue to press for the release of *violent* felony arrestees—the only ones affected by GA 13—underscores the State Intervenors’ arguments regarding the public interest and balance of the equities. *See* ECF No. 54 at 28-34. Plaintiffs may believe that letting violent felony arrestees roam the streets during a pandemic is good for the public. But Governor Abbott—the individual actually tasked with making such

⁷ A copy of this Proclamation is publicly available at the following location: https://gov.texas.gov/uploads/files/press/DISASTER_covid19_disaster_proclamation_IMAGE_03-13-2020.pdf.

determinations—has a different view. And “[i]t is no part of the function of [this Court] to determine which [method] [i]s likely to be the most effective for the protection of the public against disease.” *Jacobson*, 197 U.S. at 30. As a result, Governor Abbott’s decision on how to protect Texans from the historic-level threat posed by COVID-19 is entitled to great deference. Over a century’s-worth of binding and persuasive precedents support this conclusion.⁸

CONCLUSION

The Court should dismiss this suit in its entirety for lack of subject-matter jurisdiction. FED. R. CIV. P. 12(b)(1). At the very least, it should deny Plaintiffs’ additional request for preliminary injunctive relief.

⁸ See, e.g., *Moyer v. Peabody*, 212 U.S. 78, 85 (1909) (“When it comes to a decision by the head of the state upon a matter involving its life, the ordinary rights of individuals must yield to what he deems the necessities of the moment.”); *Smith v. Avino*, 91 F.3d 105, 109 (11th Cir. 1996) (“[G]overning authorities must be granted the proper deference and wide latitude necessary for dealing with [an] emergency . . .”), *abrogated on other grounds by Steel Co. v. Citizens for a Better Env’t*, 523 U.S. 83 (1998); *United States v. Chalk*, 441 F.2d 1277, 1281 (4th Cir. 1971) (finding that judicial review of an executive’s emergency measures “must be limited to a determination of whether the [executive’s] actions were taken in good faith and whether there is some factual basis for his decision that the restrictions he imposed were necessary to maintain order”); *United States v. Ferguson*, No. 1:07-CR-70, 2007 WL 4146319, at *5 (E.D. Tex. Nov. 16, 2007) (“Cases have consistently held that it is a proper exercise of police power to respond to emergency situations with temporary curfews that might curtail the movement of persons who otherwise would enjoy freedom from restriction.”); *Hickox v. Christie*, 205 F. Supp. 3d 579, 584 (D.N.J. 2016); (“The State is entitled to some latitude, however, in its prophylactic efforts to contain what is, at present, an incurable and often fatal disease.”); *People ex rel. Barmore v. Robertson*, 302 Ill. 422, 427 (1922) (“Generally speaking, what laws or regulations are necessary to protect public health and secure public comfort is a legislative question, and appropriate measures intended and calculated to accomplish these ends are not subject to judicial review.”).

Respectfully submitted.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been sent by electronic notification through ECF by the United States District Court, Southern District of Texas, Houston Division, on April 6, 2020 to all parties of record.

/s/ Adam Arthur Biggs

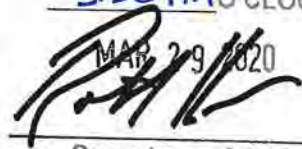
ADAM ARTHUR BIGGS
Special Litigation Counsel



GOVERNOR GREG ABBOTT

March 29, 2020

The Honorable Ruth R. Hughs
Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3:30 PM O'CLOCK
MAR 29 2020

Secretary of State

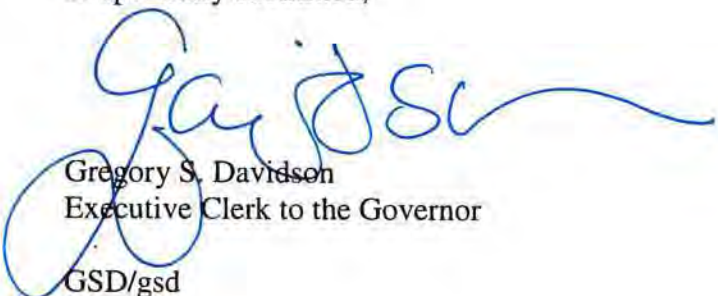
Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

Executive Order No. GA-13 relating to detention in county and municipal jails
during the COVID-19 disaster.

The original executive order is attached to this letter of transmittal.

Respectfully submitted,


Gregory S. Davidson
Executive Clerk to the Governor

GSD/gsd

Attachment

Executive Order

BY THE
GOVERNOR OF THE STATE OF TEXAS

Executive Department
Austin, Texas
March 29, 2020

EXECUTIVE ORDER GA 13

Relating to detention in county and municipal jails during the COVID-19 disaster.

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in the State of Texas; and

WHEREAS, the Commissioner of the Texas Department of State Health Services has determined that COVID-19 represents a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code; and

WHEREAS, I have issued numerous executive orders and suspensions of Texas laws in response to the COVID-19 disaster, aimed at protecting the health and safety of Texans and ensuring an effective response to this disaster; and

WHEREAS, the jail population in Texas presents unique challenges in mitigating against and responding to the spread of COVID-19; and

WHEREAS, my office has worked with the Texas Commission on Jail Standards and with state and local officials to address these challenges while ensuring public safety for all Texans; and

WHEREAS, several counties are now reportedly considering the broad-scale release of arrested or jailed individuals as a result of COVID-19, including potentially those who have committed felonies, in order to reduce the size of the jail population; and

WHEREAS, such releases from county or municipal jails of those charged with, convicted of, or having a history of offenses involving physical violence or threats of physical violence would not only gravely threaten public safety, but would also hinder efforts to cope with the COVID-19 disaster; and

Governor Greg Abbott
March 29, 2020

Executive Order GA-13
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Article 17.15 of the Texas Code of Criminal Procedure, which does not include the option of releases based solely on concerns or fears surrounding COVID-19; and

WHEREAS, the “governor is responsible for meeting ... the dangers to the state and people presented by disasters” under Section 418.011 of the Texas Government Code, and the legislature has given the governor broad authority to fulfill that responsibility; and

WHEREAS, under Section 418.012, the “governor may issue executive orders ... hav[ing] the force and effect of law;” and

WHEREAS, under Section 418.016(a), in addition to the other powers given, the “governor may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business ... if strict compliance with the provisions ... would in any way prevent, hinder, or delay necessary action in coping with a disaster;” and

WHEREAS, under Section 418.017(a), the “governor may use all available resources of state government and of political subdivisions that are reasonably necessary to cope with a disaster;” and

WHEREAS, under Section 418.018(c), the “governor may control ingress and egress to and from a disaster area and the movement of persons and the occupancy of premises in the area.”

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby order the following on a statewide basis effective immediately:

Article 17.03 of the Texas Code of Criminal Procedure, and all other relevant statutes and rules relating to personal bonds, are hereby suspended to the extent necessary to preclude the release on personal bond of any person previously convicted of a crime that involves physical violence or the threat of physical violence, or of any person currently arrested for such a crime that is supported by probable cause. I hereby order that no authority should release on personal bond any person previously convicted of a crime that involves physical violence or the threat of physical violence, or any person currently arrested for such a crime that is supported by probable cause.

Article 17.151 of the Texas Code of Criminal Procedure is hereby suspended to the extent necessary to prevent any person’s automatic release on personal bond because the State is not ready for trial.

Article 15.21 of the Texas Code of Criminal Procedure is hereby suspended to the extent necessary to prevent any person’s automatic release on personal bond

Governor Greg Abbott
March 29, 2020

Executive Order GA-13
Page 3

serving a sentence for a crime that involves physical violence or the threat of physical violence. I hereby order that no authority should grant the commutation of time for good conduct, industry, and obedience to achieve the release of any person who has previously been convicted of or is currently serving a sentence for a crime that involves physical violence or the threat of physical violence. This provision does not preclude the accumulation of credit for good conduct, industry, and obedience during the pendency of this executive order.

Article 42.035 of the Texas Code of Criminal Procedure is hereby suspended to the extent necessary to preclude any release of a person to an electronic monitoring program, rather than being confined in the jail, if the person has previously been convicted of or is currently serving a sentence for a crime that involves physical violence or the threat of physical violence.

Sections 418.1015(b) and 418.108 of the Texas Government Code are hereby suspended to the extent necessary to preclude any county judge or mayor of a municipality, or any emergency management director, from releasing persons under any circumstances inconsistent with this order.

Provided, however, that nothing herein shall prevent the lawful exercise of authority by a county criminal court judge, district judge, or appellate judge in considering release on an individualized basis for health or medical reasons, provided that proper notice is given to the district attorney and an opportunity for hearing is given.

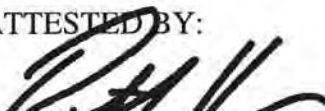
This executive order shall remain in effect and in full force until modified, amended, rescinded, or superseded by the governor.



Given under my hand this the 29th
day of March, 2020.


GREG ABBOTT
Governor

ATTESTED BY:



REPORTING OFFICER NARRATIVE

Harris County Sheriff's Office

Victim [REDACTED]	Offense ASSAULT	Date / Time Reported Sat 03/28/20 13:37
THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY		

Scene Summary

The scene is commonly known as the [REDACTED] apartments located at [REDACTED] Drive. [REDACTED] Drive is a public access roadway that extends north and south for vehicular travel within Harris County, Texas. The apartments are situated on the west side of the roadway and faces east. Building # [REDACTED] is positioned on the east side of the complex, unit # [REDACTED] is a multi-level townhome and front door faces west.

The complainant is light complexioned and there were visible markings on the neck area of her person. The complainant did state she felt pain during the assault.

The weather was cloudy and visibility was good due to daytime hours.

Investigative Narrative

On Saturday, March 28, 2020, I, Deputy C. J. Sutton, Unit #41E60, was on patrol in north Harris County, Texas. At approximately 1338 hours, I was dispatched to [REDACTED] in reference to an Assault call for service.

The call slip stated the following.

REF'D FROM HPD/ REP ADV SHE WAS FACETIME W/ FRIEND AND BOYFRIEND STARTED CHOCKING FRIEND.

Upon my arrival to the location, I attempted to make contact with the residents, but there was no answer at the front door. I was then advised per Harris County dispatch the complainant wanted to meet at another location for her safety. I contacted the complainant via cellular phone and was advised she was assaulted and was able to leave afterwards.

The complainant who was later identified as [REDACTED], advised she was assaulted by the defendant 2 days ago at the same location and he was not arrested see case ([REDACTED]). [REDACTED] advised she believed the defendant was not going to be arrested today based on the assault prior to today's incident. I continued to knock at the door as being advised by [REDACTED] the defendant informed her there was someone knocking at the door. [REDACTED] advised the defendant was inside the residence and he would definitely run out of the back door if the opportunity presented itself. [REDACTED] agreed to return to the original location to open the door so that contact with the defendant was possible.

I continued to knock at the door and finally a black male answered and identified himself as [REDACTED]. I instructed the male to raise his shirt up for safety precaution, which he did so and then I advised him I was detaining him based on some alleged accusations. The male was placed in handcuffs and then escorted to my marked patrol vehicle where he was placed in the rear seat. I advised the male I would speak with him after I talked to [REDACTED] who arrived to the scene.

Harris County Sheriff's Office

Victim [REDACTED]	Offense ASSAULT	Date / Time Reported Sat 03/28/20 13:37
THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY		

[REDACTED] stated the following.

[REDACTED] advised due to the prior incident she was staying with a friend and the defendant contacted her asking her to return today. [REDACTED] arrived to the location and the defendant began arguing with her about not returning and then bumped her with his shoulder causing her to break a glass which belonged to her and she became upset. [REDACTED] stated she selected 3 shirts belonging to the defendant and tossed them down the stairs on the first floor.

[REDACTED] stated the defendant turned around and placed his hands around her throat for a brief moment and then slid his arm around her neck placing her in a rear choke hold. [REDACTED] states, "HE CHOKED ME TO THE POINT I COULD NOT BREATHE." [REDACTED] stated she was "GASPING FOR AIR FOR 2 MINUTES, WHILE ATTEMPTING TO GET OUT OF THE CHOKE HOLD." [REDACTED] stated during the altercation her friend, [REDACTED] FaceTime her and she answered the phone. [REDACTED] observed the assault and called 911.

[REDACTED] advised she did not feel safe calling 911 because nothing occurred the last time she called and now she got assaulted again. I advised [REDACTED] I was not present during the last incident but I would contact the District Attorney Office and inform them of the incident.

Cypress Creek Medic #51 arrived on the scene for precautionary reasons based on the statements and observed injuries. [REDACTED] was observed with blood on her legs and the defendant was bleeding on the right arm. The defendant stated he reinjured his arm while jumping the Iron Gate going to the store.

The defendant was afforded the opportunity to provide a statement of the incident. The defendant advised nothing physically occurred other than a booty bump. The defendant stated everything was verbal and he at no time placed his hands or arms around her neck.

[REDACTED] provided me with a Harris County written statement form which was completed and signed, a Harris County Family Violent Packet, and a strangulation form was completed. See all attachments in the E-Files section.

I also contacted [REDACTED] via cellular phone who advised she observed the assault on her phone (Facetime) and was afraid for [REDACTED] and called 911.

I contacted the Harris County District Attorney Office and spoke to ADA T. Alfred, who after hearing the facts of the case accepted the Felony charge on the defendant.

The defendant was advised the medics were going to check his vital signs for precautionary and he began to display combative behavior, ramming his head into the flexi-glass of the cage in the rear of the marked patrol vehicle. The defendant was removed from the rear seat and he began to strike his head against the back window of the patrol vehicle. The defendant was then escorted to the ground and assisted with his head to prevent him from causing more injury to himself. While taking preventive measures Cypress Creek medic #51 was advised to sedate the defendant due to his irate behavior. Deputy A. Brown, Unit #40M14 assisted with gaining control of the defendant. See supplement report.

The defendant was transported by medic #51 to Houston North West hospital for further evaluation where he was seen by a doctor and later released pending the current charges.

After receiving his discharged documents, the defendant was transported to the Joint Processing Center where he was booked and released into the custody of the jail staff.

HARRIS COUNTY PRETRIAL SERVICES

1201 Franklin, 12th Floor

Houston, Texas 77002

FILED
 Marilyn Burgess
 District Clerk
 THE STATE OF TEXAS
 MAR 30 2020
 COUNTY, Texas

PERSONAL BOND

KNOW ALL MEN BY THESE PRESENTS

CAUSE NO. [REDACTED]

SPN NO. [REDACTED]

THAT I, [REDACTED]
 (Felony), to wit,

As 1st Fam/House

charged with the offense of a (Misdemeanor /

am held and firmly bound unto the State of Texas in the penal sum stated below for the payment of which sum well and truly to be made, and in addition all necessary and reasonable fees and expenses that may be incurred by peace officers in re-arresting me in the event the conditions of this bond are violated, I do bind myself, my heirs, executors and administrators, jointly and severally by these presents.

THE CONDITIONS OF THE ABOVE OBLIGATIONS ARE THAT I swear that I will appear before the 230th District Court at the Criminal Justice Center,
1201 Franklin

Houston, Harris County, Texas, on the 17 of June, 2020, at the hour of _____ A.M./P.M.
 or upon notice by the Court, or pay to the Court the principal sum of \$ 5000 plus all necessary and reasonable expenses incurred in any arrest for failure to appear.

I further swear that I will appear before any court or magistrate before whom this cause may hereinafter be pending at any time and place as may be required, I will comply with any court ordered release conditions, and I will comply with Pretrial Services' instructions relating to my release conditions or appearance in court.

Now if I shall well and truly make said appearance before said Court, and there remain from day to day and term to term of said Court, until discharged by due course of law, then and there to answer said accusation against me, and further shall well and truly make my personal appearance in any and all subsequent proceedings that may be had relative to said charge in the course of the criminal action based on said charge, this obligation shall become void; Otherwise to remain in full force and effect.

I further understand that all or part of the information collected in the defendant report may be available to law enforcement or criminal justice personnel, including, but not limited to, the Judge or Magistrate, the District Attorney's Office, and the defense attorney of record in this cause.

Fee=\$ 150 Waived

Signature of Defendant

Special Conditions of bond in effect: YES / NO

SWORN TO AND SUBSCRIBED BEFORE ME,

this 30 day of March, 2020

APPROVED

JUDGE

02421881

TLL
 PERSONAL BOND OFFICE EMPLOYEE
 HARRIS COUNTY, TEXAS

IDENTIFICATION INFORMATION

Filed with DC on 3/30/2020 at 350 A.M./P.M. by: TLL
 Defendant Notified TLL HPD HCJ Non-Arrest

HOUSTON POLICE DEPARTMENT**WITNESS STATEMENTS:**

=====

None at this time.

REPORTER STATEMENT:

=====

The reportee that flagged down officers did not stay on scene.

SCENE DESCRIPTION:

=====

The listed location is inside the city limits of Houston, Texas and is inside Harris County, Texas. The listed location is a block number along the east/west street S [REDACTED] Blvd. The nearest cross street is the north/south street [REDACTED], which is east of the listed location.

Officers observed a male, later identified as Suspect [REDACTED], sitting in the middle of the eastbound lanes of [REDACTED] Blvd., on the south side of the street. We observed Sergeant Calhoun with Precinct 5 Constables, along with a civilian, talking to Suspect [REDACTED] and trying to get him to stand up. Suspect [REDACTED] was completely stiff in his entire body, his fists were tightly clenched, and his eyes were wide open with a blank stare. Officers attempted to speak with Suspect [REDACTED], but only noises were coming out of his mouth. Officer Segura shined a flashlight in Suspect [REDACTED]'s eyes and we both immediately saw that his pupils were pinpoint in size, which officers know from prior training and experience to be indicative that a person is under the influence of PCP. In addition, officers observed Suspect [REDACTED] with resting nystagmus in his eyes, another indicator of a person high on PCP, that officers know from prior training and experience.

Suspect [REDACTED] resisted arrest and spit on me while trying to detain him (see Officer's Actions for details).

Once Suspect [REDACTED] was detained, Officer Segura and I smelled a strong chemical odor coming from Suspect [REDACTED]'s person. Officer Segura and I have smelled PCP on numerous occasions in the course of our duties and we know that PCP has a strong chemical smell.

OFFICER'S ACTIONS:

=====

Officer Segura and I were patrolling a high crime, high narcotic area and were flagged down by the anonymous reportee (he did not stay on the scene) and he advised us that there was a male running in the middle of [REDACTED] Blvd. The reportee stated that he was driving down [REDACTED] Blvd and almost hit the male in the road with his vehicle. Officer Segura and I turned the corner at [REDACTED] Way and [REDACTED] Blvd. we observed a male, later identified as Suspect [REDACTED], sitting in the middle of the eastbound lanes of [REDACTED] Blvd., on the south side of the street. We stopped our marked patrol vehicle near Suspect [REDACTED] and initiated our emergency red and blue lights to indicate to Suspect [REDACTED] that police were on scene.

We observed Sergeant Calhoun with Precinct 5 Constables, along with a civilian, talking to Suspect [REDACTED] and trying to get him to stand up. Suspect [REDACTED] was completely stiff in his entire body, his fists were tightly clenched, and his eyes were wide open with a blank stare. Officers attempted to speak with Suspect [REDACTED], but only noises were coming out of his mouth. Officer Segura shined a flashlight in Suspect [REDACTED]'s

HOUSTON POLICE DEPARTMENT**19403220**

eyes and we both immediately saw that his pupils were pinpoint in size, which officers know from prior training and experience to be indicative that a person is under the influence of PCP. In addition, officers observed Suspect [REDACTED] with resting nystagmus in his eyes, another indicator of a person high on PCP, that officers know from prior training and experience.

Officer Segura and I made the determination to detain Suspect [REDACTED] for impeding the use of the roadway and for officer safety purposes, due to the unpredictable and violent nature of persons intoxicated on PCP. I then requested for back-up units. When officers went to detain Suspect [REDACTED], he resisted arrest. While resisting arrest, Suspect [REDACTED] turned to me, took a deep inhale in, and spit on my face (see Response to Resistance section for details on the resisting and the spitting incident).

Once Suspect [REDACTED] was detained, we had to lift him up and place him onto the sidewalk to get him out of the middle of the roadway. Officers continued to keep Suspect [REDACTED] on the ground, but ensured he was laying on his side to prevent asphyxiation. Officers positively identified Suspect [REDACTED] by his Texas Identification Card. Officer Segura and I attempted to search Suspect [REDACTED]'s persons for any weapons and/or contraband and we did not locate any. We both searched his person due to officer safety reasons.

I requested HFD to the scene, along with a supervisor. HFD engine 68 arrived on scene to ensure Suspect [REDACTED] was medically cleared. They determined that Suspect [REDACTED] would need to be transported to the hospital due to his [REDACTED].

Sergeant Rose arrived on scene and was advised of the incident. Sergeant Rose authorized us to request for resisting arrest charges on Suspect [REDACTED], along with Harassment of a Public Servant. I contacted DA Intake and spoke with ADA Ortiz. I requested ADA Ortiz to accept charges for Harassment on a Public Servant and Resisting Arrest, and if not Resisting Arrest, then Interfering with Public Duties. ADA Ortiz accepted charges for Harassment on a Public Servant and declined charges for Resisting Arrest and/or Interfering with Public Duties. ADA Ortiz advised that the reason she declined Resisting Arrest and Interfering with Public Duties is because the probable court judges would throw out the charge and get angry with DA Intake for accepting either one.

I conducted a standard persons' check on Suspect [REDACTED] and he returned with one warrant hit for a City of Houston municipal warrant. Due to the RMS servers being down, I contacted City Warrant Verification and they confirmed one verified City of Houston municipal warrant on Suspect [REDACTED].

[REDACTED]

[REDACTED]

RESPONSE TO RESISTANCE



CASE NO. [REDACTED]
INCIDENT NO./TRN: [REDACTED]

THE STATE OF TEXAS

v.

[REDACTED]

STATE ID No.: [REDACTED]

§ IN THE 232ND DISTRICT
§
§ COURT
§
§ HARRIS COUNTY, TEXAS
§
§

JUDGMENT OF CONVICTION BY COURT—WAIVER OF JURY TRIAL

Judge Presiding:	HON. MARY LOU KEEL	Date Judgment Entered:	6/27/2006
Attorney for State:	J. JOCHER	Attorney for Defendant:	R.P. CORNELIUS

Offense for which Defendant Convicted:

AGGRAVATED SEXUAL ASSAULT OF A CHILD

Charging Instrument:

INFORMATION

Statute for Offense:

N/A

Date of Offense:

5/19/2006

Degree of Offense:

1ST DEGREE FELONY

Plea to Offense:

GUILTY

Findings on Deadly Weapon:

N/A

Terms of Plea Bargain:

12 YEARS TDCJID

Plea to 1st Enhancement Paragraph:

N/A

Plea to 2nd Enhancement/Habitual Paragraph:

N/A

Findings on 1st Enhancement Paragraph:

N/A

Findings on 2nd Enhancement/Habitual Paragraph:

N/A

Date Sentence Imposed: 6/27/2006

Date Sentence to Commence: 6/27/2006

Punishment and Place of Confinement:

12 YEARS INSTITUTIONAL DIVISION, TDCJ

THIS SENTENCE SHALL RUN CONCURRENTLY.

☐ SENTENCE OF CONFINEMENT SUSPENDED, DEFENDANT PLACED ON COMMUNITY SUPERVISION FOR N/A YEARS.

Fine:	Court Costs:	Restitution:	Restitution Payable to:
\$ N/A	\$ 1076.00	\$ N/A	<input type="checkbox"/> VICTIM (see below) <input type="checkbox"/> AGENCY/AGENT (see below)

Sex Offender Registration Requirements apply to the Defendant. TEX. CODE CRIM. PROC. chapter 62

The age of the victim at the time of the offense was 13 years.

If Defendant is to serve sentence in TDCJ, enter incarceration periods in chronological order.

From 5/19/2006 to 6/27/2006 From to From to

From to From to From to

If Defendant is to serve sentence in county jail or is given credit toward fine and costs, enter days credited below.

N/A DAYS NOTES: N/A

All pertinent information, names and assessments indicated above are incorporated into the language of the judgment below by reference.

This cause was called for trial in Harris County, Texas. The State appeared by her District Attorney.

Counsel / Waiver of Counsel (select one)

☒ Defendant appeared in person with Counsel.☐ Defendant knowingly, intelligently, and voluntarily waived the right to representation by counsel in writing in open court.

Both parties announced ready for trial. Defendant waived the right of trial by jury and entered the plea indicated above. The Court then admonished Defendant as required by law. It appeared to the Court that Defendant was mentally competent to stand trial, made the plea freely and voluntarily, and was aware of the consequences of this plea. The Court received the plea and entered it of record. Having heard the evidence submitted, the Court found Defendant guilty of the offense indicated above. In the presence of Defendant, the Court pronounced sentence against Defendant.



The Court FINDS Defendant committed the above offense and **ORDERS, ADJUDGES AND DECREES** that Defendant is **GUILTY** of the above offense. The Court FINDS the Presentence Investigation, if so ordered, was done according to the applicable provisions of TEX. CODE CRIM. PROC. art. 42.12 § 9.

The Court ORDERS Defendant punished as indicated above. The Court ORDERS Defendant to pay all fines, court costs, and restitution as indicated above.

Punishment Options (select one)

☒ **Confinement in State Jail or Institutional Division.** The Court ORDERS the authorized agent of the State of Texas or the Sheriff of this County to take, safely convey, and deliver Defendant to the **Director, Institutional Division, TDCJ**. The Court ORDERS Defendant to be confined for the period and in the manner indicated above. The Court ORDERS Defendant remanded to the custody of the Sheriff of this county until the Sheriff can obey the directions of this sentence. The Court ORDERS that upon release from confinement, Defendant proceed immediately to the **Harris County District Clerk's office**. Once there, the Court ORDERS Defendant to pay, or make arrangements to pay, any remaining unpaid fines, court costs, and restitution as ordered by the Court above.

☐ **County Jail—Confinement / Confinement in Lieu of Payment.** The Court ORDERS Defendant immediately committed to the custody of the **Sheriff of Harris County, Texas** on the date the sentence is to commence. Defendant shall be confined in the **Harris County Jail** for the period indicated above. The Court ORDERS that upon release from confinement, Defendant shall proceed immediately to the **Harris County District Clerk's office**. Once there, the Court ORDERS Defendant to pay, or make arrangements to pay, any remaining unpaid fines, court costs, and restitution as ordered by the Court above.

☐ **Fine Only Payment.** The punishment assessed against Defendant is for a **FINE ONLY**. The Court ORDERS Defendant to proceed immediately to the **Office of the Harris County**. Once there, the Court ORDERS Defendant to pay or make arrangements to pay all fines and court costs as ordered by the Court in this cause.

Execution / Suspension of Sentence (select one)

☒ The Court ORDERS Defendant's sentence **EXECUTED**.

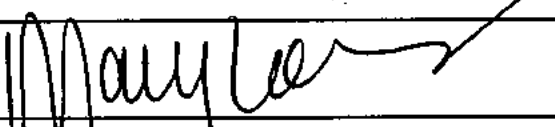
☐ The Court ORDERS Defendant's sentence of confinement **SUSPENDED**. The Court ORDERS Defendant placed on community supervision for the adjudged period (above) so long as Defendant abides by and does not violate the terms and conditions of community supervision. The order setting forth the terms and conditions of community supervision is incorporated into this judgment by reference.

The Court ORDERS that Defendant is given credit noted above on this sentence for the time spent incarcerated.

Furthermore, the following special findings or orders apply:

"APPEAL WAIVED. NO PERMISSION TO APPEAL GRANTED."

Signed and entered on June 27, 2006

X 
MARY LOU KEEL
 JUDGE PRESIDING

Ntc Appeal Filed: _____ Mandate Rec'd: _____

Mandate Received: _____

After Mandate Received, Sentence to Begin Date is: _____

Received on 6/27/08 at 1235 AM / PM PM

By: , Deputy Sheriff of Harris County

Clerk: kp 4999



Right Thumbprint



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this April 2, 2020

Certified Document Number: 23031019 Total Pages: 2

Marilyn Burgess, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com



JUDGMENT ON PLEA OF GUILTY/NOLO CONTENDERE/NOT GUILTY BEFORE COURT--WAIVER OF JURY TRIAL

CAUSE NO. [REDACTED]

THE STATE OF TEXAS

IN THE _____ DISTRICT COURT

VS.

COUNTY CRIMINAL COURT

AT LAW NO. 5

(Name of Defendant)

AKA _____

OF HARRIS COUNTY, TEXAS

Date of JUN 08 2006Date Sentence JUN 08 2006Sentence JUN 08 2006

Date of

Judgment:

Imposed:

to Begin:

Offense: 3/2/04

Attorney for

State: L. Fowell

Attorney for

Defendant: F. Rodriguez☐ Defendant Waived CounselOffense Convicted of: Assault - FM☒ A MISDEMEANOR, CLASS: A | B | C ☐ A FELONY, DEGREE: SJ | 3rd | 2nd | 1st | CAPITAL

Terms of Plea Bargain (In Detail):

15 Days HCAbandon Enhancement

(Circle appropriate selection - N/A = not available or not applicable)

Plea to Enhancement

1st Paragraph

2nd Paragraph

Charging

Paragraph(s):

True | Not True

N/A

True | Not True

N/A

Instrument:

Complaint | Indictment | Information

Findings on

1st Paragraph

2nd Paragraph

Enhancement(s):

True | Not True

N/A

True | Not True

N/A

Plea:

Guilty | Nolo Contendere | Not Guilty

Affirmative Findings:

Deadly

Family

Victim Selected

Victim Younger

Controlled Substance

Weapon: Yes | No | N/AViolence: Yes | No | N/Aby Bias/Prejudice: Yes | No | N/AThan 17 years: Yes | No | N/AUsed to Commit Crime: Yes | No | N/A

Punishment Imposed

(Mark all that apply)

and Place of Confinement:

☐ Institutional Division, TDCJ☐ Sentence suspended, Defendant

placed on community supervision for _____

☐ State Jail Division, TDCJ☒ Harris County Jail☐ SEE SPECIAL INSTRUCTIONS, incorporated herein by reference.

Fine in the Amount of: \$ _____

☐ Fine Only

Time

days toward

days toward

days toward incarceration,

Credited: _____

incarceration _____

fine and costs 20

fine and costs

COURT COSTS: \$ 259.00

(Mark appropriate selections below, if applicable)

- ☐ Name changed from _____
- ☐ Judgment Addendum incorporated herein by reference.
- ☐ Driver's license is suspended for a period of _____ days/months/years.
- ☐ The Defendant is entitled to _____ days credit toward suspension of driver's license.
- ☐ It is ORDERED by the Court, that any weapon(s) seized in this case is/are hereby forfeited.
- ☐ Educational program waived in accordance with Article 42.12 Sec. 13 (h), upon a finding of good cause by the Court.
- ☐ In accordance with Section 12.44(a), Penal Laws of Texas, the Court finds that the ends of justice would best be served by punishment as a Class A misdemeanor. The Defendant is adjudged to be guilty of a state jail felony and is assessed the punishment indicated above.
- ☐ In accordance with Section 12.44(b), Penal Laws of Texas, the Court authorizes the prosecuting attorney to prosecute this cause as a Class A misdemeanor. The Defendant is adjudged to be guilty of a Class A misdemeanor and is assessed the punishment indicated above.



This cause being called for trial, in Harris County, Texas, unless otherwise referenced, the State appeared by her District Attorney as named above and the Defendant named above appeared in person with Counsel as named above; or the Defendant knowingly, intelligently, and voluntarily waived the right to representation by counsel as indicated above in writing in open court, and both parties announced ready for trial. The Defendant waived his right of trial by jury, and pleaded as indicated above. Thereupon, the Defendant was admonished by the Court as required by law. It appearing to the Court that the Defendant is mentally competent to stand trial, that the plea is freely and voluntarily made, and that the Defendant is aware of the consequences of his plea; the plea is hereby received by the Court and entered of record. The Court having heard the evidence submitted found the Defendant guilty of the offense indicated above. The Defendant was granted the right of allocution and answered nothing in bar thereof. The Court proceeded in the presence of the Defendant to pronounce sentence against the Defendant.

IT IS ORDERED AND ADJUDGED by the Court that the Defendant is guilty of the offense indicated above, and that the Defendant committed the offense on the date indicated above, and that the Defendant be punished as indicated above for the period indicated above, and that the State of Texas do have and recover of the Defendant all costs of the prosecution for which execution will issue. Further, the Court finds the Presentence Investigation, if so ordered, was done according to the applicable provisions of Art. 42.12, Sec. 9, Code of Criminal Procedure.

IT IS ORDERED by the Court that if the punishment assessed against the Defendant is confinement in the Institutional Division or the State Jail Division of the Texas Department of Criminal Justice (TDCJ) that the Defendant be delivered by the Sheriff of Harris County, Texas immediately to the Director of the Institutional Division or the State Jail Division, TDCJ, or any other person legally authorized to receive such convicts, and said Defendant shall be confined in the Institutional Division or State Jail Division, TDCJ for the period indicated above, in accordance with the provisions of the law governing the Institutional Division or State Jail Division, TDCJ. The Defendant is remanded to the custody of the Sheriff of Harris County until said Sheriff can obey the directions of this sentence.

IT IS ORDERED by the Court that if the punishment assessed against the Defendant is confinement in the Harris County Jail that the Defendant is remanded to the custody of the Sheriff of Harris County, Texas; unless the Defendant is instructed to voluntarily surrender to the Sheriff on the date the sentence is to begin, as indicated above. The Sheriff shall confine the Defendant in the Harris County Jail as required by law.

IT IS ORDERED by the Court that if the punishment assessed against the defendant is for a fine only, the Defendant is ordered to immediately proceed to the Office of the Harris County Sheriff and pay all fine and court costs as ordered by the Court in this cause; unless the Court orders the Defendant to be committed to the custody of the Sheriff of Harris County, Texas on the date the sentence is to begin, as indicated above, to be confined in the Harris County Jail until the fine and costs are fully satisfied in accordance with law; or as indicated above.

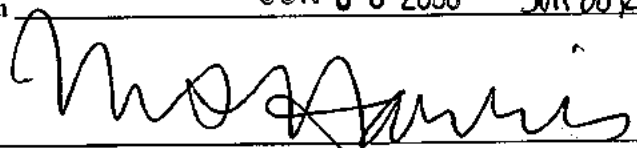
IT IS ORDERED by the Court that the sentence indicated above is to be executed, unless it is indicated above that the sentence is to be suspended, and if so, the Defendant is placed on community supervision for the period indicated above pending his abiding by and not violating the terms and conditions of his community supervision.

IT IS ORDERED by the Court that this sentence runs concurrent with any other sentence(s) unless it is indicated on the Judgment Addendum that the sentence is to run cumulatively.

Signed and entered on

JUN 08 2006

Jun 08 2006

X 
Margaret S. Harris

JUDGE PRESIDING

Community Supervision

Expires on: _____

Notice of Appeal: _____

Mandate Received: _____

After Mandate Received, Sentence to Begin Date is: _____

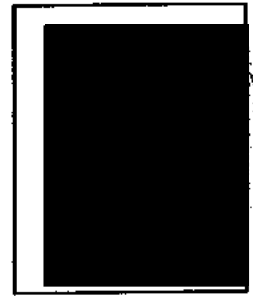
Received on _____ at _____ AM | PM.

Sheriff, Harris County, Texas

By: _____ Deputy

SPECIAL INSTRUCTION OR NOTES: _____

Entered	230899
Verified	EW
LCBT	CP
LCBU	EW



Right Thumbprint



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this April 2, 2020

Certified Document Number: 22565109 Total Pages: 2

Marilyn Burgess, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

MAR 30 2020

HARRIS COUNTY PRETRIAL SERVICES

1201 Franklin, 12th Floor
Houston, Texas 77002

Time: _____
Harris County, Texas

By _____

THE STATE OF TEXAS

PERSONAL BOND

KNOW ALL MEN BY THESE PRESENTS

CAUSE NO. _____

COUNTY OF HARRIS

SPN NO. _____

THAT I, _____ charged with the offense of a (Misdemeanor /
Felony) to wit, Harassment of Public Servant

am held and firmly bound unto the State of Texas in the penal sum stated below for the payment of which sum well and truly to be made, and in addition all necessary and reasonable fees and expenses that may be incurred by peace officers in re-arresting me in the event the conditions of this bond are violated, I do bind myself, my heirs, executors and administrators, jointly and severally by these presents.

THE CONDITIONS OF THE ABOVE OBLIGATIONS ARE THAT I swear that I will appear before the _____
230th District Court at the Criminal Justice Center,
1201 Franklin

Houston, Harris County, Texas, on the 15 of June, 2020, at the hour of 9:00 A.M./P.M.
or upon notice by the Court, or pay to the Court the principal sum of \$ 5000 plus all necessary and reasonable expenses incurred in any arrest for failure to appear.

I further swear that I will appear before any court or magistrate before whom this cause may hereinafter be pending at any time and place as may be required, I will comply with any court ordered release conditions, and I will comply with Pretrial Services' instructions relating to my release conditions or appearance in court.

Now if I shall well and truly make said appearance before said Court, and there remain from day to day and term to term of said Court, until discharged by due course of law, then and there to answer said accusation against me, and further shall well and truly make my personal appearance in any and all subsequent proceedings that may be had relative to said charge in the course of the criminal action based on said charge, this obligation shall become void; Otherwise to remain in full force and effect.

I further understand that all or part of the information collected in the defendant report may be available to law enforcement or criminal justice personnel, including, but not limited to, the Judge or Magistrate hearing the case, the District Attorney's Office, and the defense attorney of record in this cause.

Fee=\$ 150 Waived OR

Signature of Defendant

Special Conditions of bond in effect: YES NO

SWORN TO AND SUBSCRIBED BEFORE ME,

APPROVED

this 30 day of March, 2020

JUDGE

TLL
PERSONAL BOND OFFICE EMPLOYEE
HARRIS COUNTY, TEXAS

IDENTIFICATION INFORMATION

REPORTING OFFICER NARRATIVE

Humble Police Department		OCA 19-005726
Victim Society	Offense UNLAWFUL POSSESSION OF FIREARM	Date / Time Reported Mon 12/02/2019 19:31
THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY		

INTRODUCTION:

ON THIS DATE, 12/02/2019 AT APPROXIMATELY 1931 HOURS, I, OFFICER OLVERA #131, AND OFFICER LANDRUM #167 WERE CONTACTED BY OUR SUPERVISOR, SGT MARTIN #107, WHO ADVISED HE OBSERVED A SUSPICIOUS VEHICLE IN THE HOME DEPOT PARKING LOT LOCATED AT 20360 US HWY 59, HUMBLE, HARRIS COUNTY, TEXAS.

I OBSERVED THE SUSPICIOUS VEHICLE, A BLACK 2015 NISSAN ALTIMA BEARING THE PAPER TAG NUMBER [REDACTED], TRAVEL FROM ONE END OF THE PARKING LOT TO THE OTHER AND BEGIN TO TURN ONTO THE US HWY 59 NORTH BOUND SERVICE ROAD WHEN THE VEHICLE STOPPED BEFORE ENTERING THE ROADWAY.

THE WEATHER WAS CLEAR AND WARM, VISIBILITY WAS GOOD DUE TO THE NIGHT TIME ARTIFICIAL LIGHTING. UPON ARRIVAL I MADE CONTACT WITH THE DRIVER, [REDACTED], WHO ADVISED HE HAD APPROXIMATELY ONE ALCOHOLIC BEVERAGE APPROXIMATELY 8 HOURS BEFORE OPERATING HIS MOTOR VEHICLE AND WAS OBSERVED TO HAVE AN OPEN CONTAINER OF BEER IN THE CENTER CONSOLE.

AFTER FURTHER INVESTIGATION I FOUND THE SUSPECT TO BE INTOXICATED TO THE DEGREE HE LOST THE NORMAL USE OF HIS MENTAL AND/OR PHYSICAL FACULTIES AND THEREFORE, WAS SUBSEQUENTLY ARRESTED FOR DRIVING WHILE INTOXICATED.

THE PASSENGER, [REDACTED], WAS FOUND TO HAVE 4 HUMBLE WARRANTS AND WAS SUBSEQUENTLY ARRESTED FOR SUCH. DURING AN INVENTORY OF THE SUSPECT VEHICLE A LOADED GLOCK 23 WAS LOCATED IN A CONSOLE COMPARTMENT LOCATED ON THE RIGHT DRIVER SIDE FLOORBOARD. BOTH SUSPECTS WERE THEN ARRESTED FOR UNLAWFUL POSSESSION OF A FIREARM (FELON) DUE TO BOTH HAVING FELONY CONVICTIONS ON THEIR CRIMINAL HISTORY.

SCENE:

HOME DEPOT HAS A PHYSICAL ADDRESS OF 20360 US HWY 59 AND IS LOCATED INSIDE THE INCORPORATED CITY LIMITS OF HUMBLE, HARRIS COUNTY, TEXAS.

UPON ARRIVAL OFFICERS SMELLED A STRONG ODOR OF ALCOHOL AND MARIJUANA EMITTING FROM THE VEHICLE. DURING AN INVENTORY AN OPEN CONTAINER OF BEER WAS LOCATED IN THE SUSPECT VEHICLE'S CENTER CONSOLE.

EVIDENCE:

- 1.) BLOOD KIT
- 2.) GLOCK 23 SERIAL NUMBER BCKY436
- 3.) (14) 40. CAL ROUNDS OF AMMUNITION
- 4.) GLOCK 23 MAGAZINE



THE STATE OF TEXAS

v.

STATE ID No.:

 CASE NO. [REDACTED]
 INCIDENT No./TRN: [REDACTED]
§
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§
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§
§
§

IN THE COUNTY CRIMINAL

COURT AT LAW NO. 13

HARRIS COUNTY, TEXAS

JUDGMENT OF CONVICTION BY COURT—WAIVER OF JURY TRIAL

Judge Presiding: **HON. DON SMYTH**Date Judgment Entered: **05/26/2016**Attorney for State: **M. PIERCE**Attorney for Defendant: **ARREDONDO,**Offense for which Defendant Convicted:**TERRORISTIC THREAT**Charging Instrument:**INFORMATION**Statute for Offense:**N/A**Date of Offense:**05/09/2016**Degree of Offense:**CLASS B MISDEMEANOR**Plea to Offense:**GUILTY**Findings on Deadly Weapon:**N/A**Terms of Plea Bargain:**50 DAYS HCJ 18 DAYS CREDIT**Plea to 1st Enhancement Paragraph:**N/A**Plea to 2nd Enhancement/Habitual Paragraph:**N/A**Findings on 1st Enhancement Paragraph:**N/A**Findings on 2nd Enhancement/Habitual Paragraph:**N/A**Date Sentence Imposed: **05/26/2016**Date Sentence to Commence: **05/26/2016**

Punishment and Place of Confinement:

50 DAYS COUNTY JAIL**THIS SENTENCE SHALL RUN CONCURRENTLY.**
☐ SENTENCE OF CONFINEMENT SUSPENDED, DEFENDANT PLACED ON COMMUNITY SUPERVISION FOR N/A .

Fine:	Court Costs:	Restitution:	Restitution Payable to:
\$ N/A	\$ As Assessed	\$ N/A	<input type="checkbox"/> VICTIM (see below) <input type="checkbox"/> AGENCY/AGENT (see below)

If Defendant is to serve sentence in county jail or is given credit toward fine and costs, enter days credited below.

Time Credited: **18 DAYS** **NOTES: TOWARD INCARCERATION, FINE, AND COSTS**

Driver's license is suspended for a period of N/A .

☐ **Family Violence:**

The Court FINDS that Defendant was prosecuted for an offense under Title 5 of the Penal Code that involved family violence. TEX. CODE CRIM. PROC. art. 42.013.

☐ **Weapon Forfeiture:**

The Court FINDS that a law enforcement agency, namely , seized a weapon, namely , in connection with an offense involving the use of a weapon or an offense under Chapter 46 of the Penal Code. The Court FINDS that 1) Defendant has been previously convicted under Chapter 46 of the Penal

Name changed from

All pertinent information, names and assessments indicated above are incorporated into the language of the judgment below by reference.

This cause was called for trial in Harris County, Texas. The State appeared by her District Attorney.

Counsel / Waiver of Counsel (select one)☒ Defendant appeared in person with Counsel.☐ Defendant knowingly, intelligently, and voluntarily waived the right to representation by counsel in writing in open court.

Both parties announced ready for trial. Defendant waived the right of trial by jury and entered the plea indicated above. The Court then admonished Defendant as required by law. It appeared to the Court that Defendant was mentally competent to stand trial, made the plea freely and

voluntarily, and was aware of the consequences of this plea. The Court received the plea and entered it of record. Having heard the evidence submitted, the Court found Defendant guilty of the offense indicated above. In the presence of Defendant, the Court pronounced sentence against Defendant.

The Court **FINDS** Defendant committed the above offense and **ORDERS, ADJUDGES AND DECREES** that Defendant is **GUILTY** of the above offense. The Court **FINDS** the Presentence Investigation, if so ordered, was done according to the applicable provisions of TEX. CODE CRIM. PROC. art. 42.12 § 9.

The Court **ORDERS** Defendant punished as indicated above. The Court **ORDERS** Defendant to pay all fines, court costs, and restitution as indicated above.

Punishment Options (select one)

☒ **County Jail—Confinement / Confinement in Lieu of Payment.** The Court **ORDERS** Defendant immediately committed to the custody of the Sheriff of Harris County, Texas on the date the sentence is to commence. Defendant shall be confined in the Harris County Jail for the period indicated above. The Court **ORDERS** that upon release from confinement, Defendant shall proceed immediately to the Harris County District Clerk's office. Once there, the Court **ORDERS** Defendant to pay, or make arrangements to pay, any remaining unpaid fines, court costs, and restitution as ordered by the Court above.

☐ **Fine Only Payment.** The punishment assessed against Defendant is for a FINE ONLY. The Court **ORDERS** Defendant to proceed immediately to the Office of the Harris County District Clerk. Once there, the Court **ORDERS** Defendant to pay or make arrangements to pay all fines and court costs as ordered by the Court in this cause.

Execution / Suspension of Sentence (select one)

☒ The Court **ORDERS** Defendant's sentence **EXECUTED**.

☐ The Court **ORDERS** Defendant's sentence of confinement **SUSPENDED**. The Court **ORDERS** Defendant placed on community supervision for the adjudged period (above) so long as Defendant abides by and does not violate the terms and conditions of community supervision. The order setting forth the terms and conditions of community supervision is incorporated into this judgment by reference.

The Court **ORDERS** that Defendant is given credit noted above on this sentence for the time spent incarcerated. The Court further **ORDERS** that if the defendant is convicted of two or more offenses in a single criminal action, that each cost or fee amount must be assessed using the highest category of offense. Tex. Code Crim. P. art. 102.073.

Furthermore, the following special findings or orders apply:

Signed and entered on 05/26/2016

X

DON SMYTH

JUDGE PRESIDING

Community Supervision Expires On:

Ntc Appeal Filed: Mandate Rec'd:

After Mandate Received, Sentence to Begin Date is:

Def. Received on at ☐ AM ☐ PM

By: , Deputy Sheriff of Harris County

Clerk: L ACOSTA

Case Number: [REDACTED]

Defendant: [REDACTED]

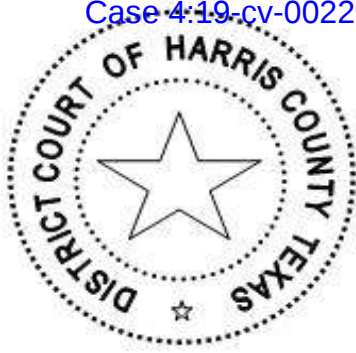
EN/KR23: LCBT: LCBU:

999

✓



Right Thumbprint



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this April 2, 2020

Certified Document Number: 70698706 Total Pages: 2

Marilyn Burgess, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

THE STATE OF TEXAS
VS.

SPN: [REDACTED]

DATE PREPARED: 8/10/2012

NCIC CODE: 1313 02

RELATED CASES:

MISDEMEANOR CHARGE: Assault

CAUSE NO:

BAIL: \$5000

PRIOR CAUSE NO:

HARRIS COUNTY CRIMINAL COURT AT LAW NO:

FIRST SETTING DATE:

3
08-17-12

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

Before me, the undersigned Assistant District Attorney of Harris County, Texas this day appeared the undersigned affiant, who under oath says that he has good reason to believe and does believe that in Harris County, Texas, [REDACTED] hereafter styled the Defendant, heretofore on or about AUGUST 9, 2012, did then and there unlawfully intentionally and knowingly cause bodily injury to [REDACTED] hereinafter called the Complainant, by STRIKING THE COMPLAINANT WITH HIS HAND.

Before the commission of the offense alleged above, on SEPTEMBER 24, 2008, in Cause No. [REDACTED] in the COUNTY CRIMINAL COURT AT LAW NO. 1 of HARRIS County, Texas, the Defendant was convicted of the misdemeanor offense of ASSAULT - FAMILY MEMBER.

AGAINST THE PEACE AND DIGNITY OF THE STATE.

Sworn to and subscribed before me on August 10, 2012

AFFIANT

ASSISTANT DISTRICT ATTORNEY
OF HARRIS COUNTY, TEXAS.

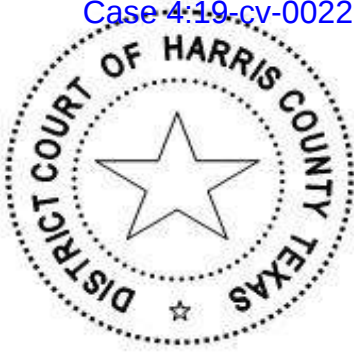
BAR NO.

Probable Cause found _____ Capias to issue _____

Date

Magistrate, Harris County, Texas

COMPLAINT



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this April 2, 2020

Certified Document Number: 53029274 Total Pages: 1

Marilyn Burgess, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com



CASE NO. [REDACTED]
INCIDENT NO./TRN: [REDACTED]

P2

THE STATE OF TEXAS

V.

§
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§
§
§
§
§

IN THE COUNTY CRIMINAL

COURT AT LAW NO. 3

HARRIS COUNTY, TEXAS

STATE ID No.: [REDACTED]

JUDGMENT OF CONVICTION BY COURT—WAIVER OF JURY TRIAL

Judge Presiding: HON. ROWENA YOUNG

Date Judgment Entered: 8/13/2012

Attorney for State: C. AGBU

Attorney for Defendant: Y. GUERRERO

Offense for which Defendant Convicted:

ASSAULT-BODILY INJURY

Charging Instrument:
INFORMATIONStatute for Offense:
N/ADate of Offense:
8/9/2012Degree of Offense:
CLASS A MISDEMEANORPlea to Offense:
GUILTYFindings on Deadly Weapon:
N/A

Terms of Plea Bargain:

20 DAYS HCJ 5 DAYS CREDIT

Plea to 1st Enhancement Paragraph:

Abandoned

Plea to 2nd Enhancement/Habitual Paragraph:

N/A

Findings on 1st Enhancement Paragraph:

Abandoned

Findings on 2nd

Enhancement/Habitual Paragraph:

N/A

Date Sentence Imposed: 8/13/2012

Date Sentence to Commence: 8/13/2012

Punishment and Place of Confinement: 20 DAYS COUNTY JAIL

THIS SENTENCE SHALL RUN CONCURRENTLY.

☐ SENTENCE OF CONFINEMENT SUSPENDED, DEFENDANT PLACED ON COMMUNITY SUPERVISION FOR N/A .

Fine:

\$ N/A

Court Costs:

\$ 222.00

Restitution:

\$ N/A

Restitution Payable to:

☐ VICTIM (see below) ☐ AGENCY/AGENT (see below)

Time

If Defendant is to serve sentence in county jail or is given credit toward fine and costs, enter days credited below.

Credited:

5 DAYS

NOTES: TOWARD INCARCERATION, FINE, AND COSTS

Driver's license is suspended for a period of N/A

☒ Family Violence:

The Court FINDS that Defendant was prosecuted for an offense under Title 5 of the Penal Code that involved family violence. TEX. CODE CRIM. PROC. art. 42.013.

☒ Weapon Forfeiture:

The Court FINDS that a law enforcement agency, namely [REDACTED], seized a weapon, namely [REDACTED], in connection with an offense involving the use of a weapon or an offense under Chapter 46 of the Penal Code. The Court FINDS that 1) Defendant has been previously convicted under Chapter 46 of the Penal

Name changed from

All pertinent information, names and assessments indicated above are incorporated into the language of the judgment below by reference.

This cause was called for trial in Harris County, Texas. The State appeared by her District Attorney.

Counsel / Waiver of Counsel (select one)

☒ Defendant appeared in person with Counsel.

☐ Defendant knowingly, intelligently, and voluntarily waived the right to representation by counsel in writing in open court.

Certified Document

Both parties announced ready for trial. Defendant waived the right of trial by jury and entered the plea indicated above. The Court then admonished Defendant as required by law. It appeared to the Court that Defendant was mentally competent to stand trial, made the plea freely and voluntarily, and was aware of the consequences of this plea. The Court received the plea and entered it of record. Having heard the evidence submitted, the Court found Defendant guilty of the offense indicated above. In the presence of Defendant, the Court pronounced sentence against Defendant.

The Court FINDS Defendant committed the above offense and ORDERS, ADJUDGES AND DECREES that Defendant is GUILTY of the above offense. The Court FINDS the Presentence Investigation, if so ordered, was done according to the applicable provisions of TEX. CODE CRIM. PROC. art. 42.12 § 9.

The Court ORDERS Defendant punished as indicated above. The Court ORDERS Defendant to pay all fines, court costs, and restitution as indicated above.

Punishment Options (select one)

☒ **County Jail—Confinement / Confinement in Lieu of Payment.** The Court ORDERS Defendant immediately committed to the custody of the Sheriff of Harris County, Texas on the date the sentence is to commence. Defendant shall be confined in the Harris County Jail for the period indicated above. The Court ORDERS that upon release from confinement, Defendant shall proceed immediately to the Harris County District Clerk's office. Once there, the Court ORDERS Defendant to pay, or make arrangements to pay, any remaining unpaid fines, court costs, and restitution as ordered by the Court above.

☐ **Fine Only Payment.** The punishment assessed against Defendant is for a FINE ONLY. The Court ORDERS Defendant to proceed immediately to the Office of the Harris County District Clerk. Once there, the Court ORDERS Defendant to pay or make arrangements to pay all fines and court costs as ordered by the Court in this cause.

Execution / Suspension of Sentence (select one)

☒ The Court ORDERS Defendant's sentence EXECUTED.

☐ The Court ORDERS Defendant's sentence of confinement SUSPENDED. The Court ORDERS Defendant placed on community supervision for the adjudged period (above) so long as Defendant abides by and does not violate the terms and conditions of community supervision. The order setting forth the terms and conditions of community supervision is incorporated into this judgment by reference.

The Court ORDERS that Defendant is given credit noted above on this sentence for the time spent incarcerated.

Furthermore, the following special findings or orders apply:

Signed and entered on August 13, 2012

X

ROWENA YOUNG
JUDGE PRESIDING

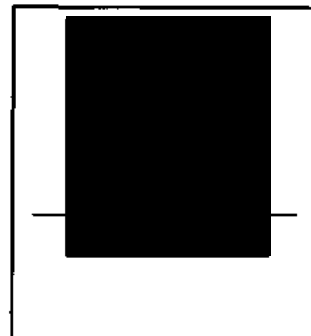
Community Supervision Expires On:

Ntc Appeal Filed: _____ Mandate Rec'd:

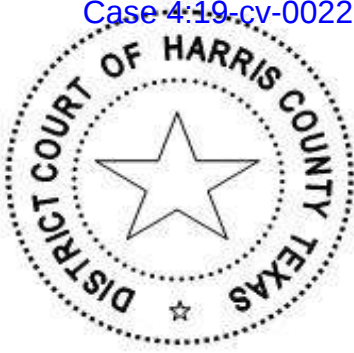
After Mandate Received, Sentence to Begin Date is: _____

Def. Received on _____ at _____ AM / PM

By: _____, Deputy Sheriff of Harris County



Right Thumbprint



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this April 2, 2020

Certified Document Number: 53127555 Total Pages: 2

Marilyn Burgess, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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**JUDGMENT ON PLEA OF GUILTY/NOLO CONTENDERE/NOT GUILTY
BEFORE COURT--WAIVER OF JURY TRIAL**

CAUSE NO. _____

THE STATE OF TEXAS
VS _____IN THE _____ DISTRICT COURT
COUNTY CRIMINAL COURT
AT LAW NO. _____

(Name of Defendant)

AKA _____

OF HARRIS COUNTY, TEXAS

Date of
Judgment: _____Date Sentence
Imposed: _____Sentence
to Begin: _____Date of
Offense: _____Attorney for
State: _____Attorney for
Defendant: _____☐ Defendant Waived Counsel

Offense Convicted of:

☒ A MISDEMEANOR, CLASS: A | B | C ☐ A FELONY, DEGREE: SJ | 3rd | 2nd | 1st | CAPITAL

Terms of Plea Bargain (In Detail):

Plea to Enhancement

1st Paragraph

2nd Paragraph

Charging

Paragraph(s):

True | Not True | N/A

True | Not True | N/A

Instrument:

Complaint | Indictment | Information

Findings on

1st Paragraph

2nd Paragraph

Enhancement(s):

True | Not True | N/A

True | Not True | N/A

Plea:

Guilty | Nolo Contendere | Not Guilty

Affirmative Findings:

Deadly

Family

Victim Selected

Victim Younger

Controlled Substance

Weapon: Yes | No | N/A

Violence: Yes | No | N/A

by Bias/Prejudice: Yes | No | N/A

Than 17 years: Yes | No | N/A

Used to Commit Crime: Yes | No | N/A

Punishment Imposed

and Place of Confinement:

☐ Institutional Division, TDCJ☐ Sentence suspended, Defendant

placed on community supervision for _____

☐ State Jail Division, TDCJ☒ Harris County Jail☐ SEE SPECIAL INSTRUCTIONS, incorporated herein by reference.

Fine in the Amount of: \$ _____

☐ Fine Only

Time

Credited: _____

days toward

incarceration

days toward

fine and costs

days toward incarceration,

fine and costs

COURT COSTS: \$ _____

(Mark appropriate selections below, if applicable)

- ☐ Name changed from _____
- ☐ Judgment Addendum incorporated herein by reference.
- ☐ Driver's license is suspended for a period of _____ days/months/years.
- ☐ The Defendant is entitled to _____ days credit toward suspension of driver's license.
- ☐ It is ORDERED by the Court, that any weapon(s) seized in this case is/are hereby forfeited.
- ☐ Educational program waived in accordance with Article 42.12 Sec. 13 (h), upon a finding of good cause by the Court.
- ☐ In accordance with Section 12.44(a), Penal Laws of Texas, the Court finds that the ends of justice would best be served by punishment as a Class A misdemeanor. The Defendant is adjudged to be guilty of a state jail felony and is assessed the punishment indicated above.
- ☐ In accordance with Section 12.44(b), Penal Laws of Texas, the Court authorizes the prosecuting attorney to prosecute this cause as a Class A misdemeanor. The Defendant is adjudged to be guilty of a Class A misdemeanor and is assessed the punishment indicated above.

RECORDER'S MEMORANDUM
This instrument is of poor quality
at the time of imaging



This cause being called for trial, in Harris County, Texas, unless otherwise referenced, the State appeared by her District Attorney as named above and the Defendant named above appeared in person with Counsel as named above; or the Defendant knowingly, intelligently, and voluntarily waived the right to representation by counsel as indicated above in writing in open court, and both parties announced ready for trial. The Defendant waived his right of trial by jury, and pleaded as indicated above. Thereupon, the Defendant was admonished by the Court as required by law. It appearing to the Court that the Defendant is mentally competent to stand trial, that the plea is freely and voluntarily made, and that the Defendant is aware of the consequences of his plea; the plea is hereby received by the Court and entered of record. The Court having heard the evidence submitted found the Defendant guilty of the offense indicated above. The Defendant was granted the right of allocution and answered nothing in bar thereof. The Court proceeded in the presence of the Defendant to pronounce sentence against the Defendant.

IT IS ORDERED AND ADJUDGED by the Court that the Defendant is guilty of the offense indicated above, and that the Defendant committed the offense on the date indicated above, and that the Defendant be punished as indicated above for the period indicated above, and that the State of Texas do have and recover of the Defendant all costs of the prosecution for which execution will issue. Further, the Court finds the Presentence Investigation, if so ordered, was done according to the applicable provisions of Art. 42.12, Sec. 9, Code of Criminal Procedure.

IT IS ORDERED by the Court that if the punishment assessed against the Defendant is confinement in the Institutional Division or the State Jail Division of the Texas Department of Criminal Justice (TDCJ) that the Defendant be delivered by the Sheriff of Harris County, Texas immediately to the Director of the Institutional Division or the State Jail Division, TDCJ, or any other person legally authorized to receive such convicts, and said Defendant shall be confined in the Institutional Division or State Jail Division, TDCJ for the period indicated above, in accordance with the provisions of the law governing the Institutional Division or State Jail Division, TDCJ. The Defendant is remanded to the custody of the Sheriff of Harris County until said Sheriff can obey the directions of this sentence.

IT IS ORDERED by the Court that if the punishment assessed against the Defendant is confinement in the Harris County Jail that the Defendant is remanded to the custody of the Sheriff of Harris County, Texas; unless the Defendant is instructed to voluntarily surrender to the Sheriff on the date the sentence is to begin, as indicated above. The Sheriff shall confine the Defendant in the Harris County Jail as required by law.

IT IS ORDERED by the Court that if the punishment assessed against the defendant is for a fine only, the Defendant is ordered to immediately proceed to the Office of the Harris County Sheriff and pay all fine and court costs as ordered by the Court in this cause; unless the Court orders the Defendant to be committed to the custody of the Sheriff of Harris County, Texas on the date the sentence is to begin, as indicated above, to be confined in the Harris County Jail until the fine and costs are fully satisfied in accordance with law; or as indicated above.

IT IS ORDERED by the Court that the sentence indicated above is to be executed, unless it is indicated above that the sentence is to be suspended, and if so, the Defendant is placed on community supervision for the period indicated above pending his abiding by and not violating the terms and conditions of his community supervision.

IT IS ORDERED by the Court that this sentence runs concurrent with any other sentence(s) unless it is indicated on the Judgment Addendum that the sentence is to run cumulatively.

SEP 24 2008

Signed and entered on _____

09/24/08 PM

X

h.k. [Signature]

JUDGE PRESIDING

Community Supervision

Expires on: _____

Notice of Appeal: _____

Mandate Received: _____

After Mandate Received, Sentence to Begin Date is: _____

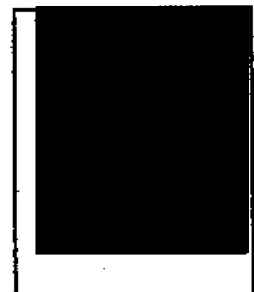
Received on _____ at _____ AM | PM.

Sheriff, Harris County, Texas

By: _____ Deputy

SPECIAL INSTRUCTION OR NOTES: _____

Entered	<i>[Signature]</i>
Verified	<i>[Signature]</i>
LCBU	<i>[Signature]</i>
LCBU	<i>[Signature]</i>



Right Thumbprint

Page 2 of 2
Certified Document Number: _____



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this April 2, 2020

Certified Document Number: 39416731 Total Pages: 2

Marilyn Burgess, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

FILEDMarilyn Burgess
District Clerk

HARRIS COUNTY PRETRIAL SERVICES

1201 Franklin, 12th Floor
Houston, Texas 77002

P2

MAR 26 2020

Time: _____
Harris County, Texas

THE STATE OF TEXAS

by _____
Deputy**PERSONAL BOND**

CAUSE NO _____

KNOW ALL MEN BY THESE PRESENTS

SPN NO _____

COUNTY OF HARRIS

THAT I, _____

charged with the offense of a (~~Misdemeanor~~ /

Felony), to wit:

DWI Third

am held and firmly bound unto the State of Texas in the penal sum stated below for the payment of which sum well and truly to be made, and in addition all necessary and reasonable fees and expenses that may be incurred by peace officers in re-arresting me in the event the conditions of this bond are violated, I do bind myself, my heirs, executors and administrators, jointly and severally by these presents.

THE CONDITIONS OF THE ABOVE OBLIGATIONS ARE THAT I swear that I will appear before the _____ at the Criminal Justice Center,

230th DE
1201 Franklin

Houston, Harris County, Texas, on the 13 of MAY, 2020, at the hour of 9.00 A.M. or upon notice by the Court, or pay to the Court the principal sum of \$ 10,000 plus all necessary and reasonable expenses incurred in any arrest for failure to appear.

I further swear that I will appear before any court or magistrate before whom this cause may hereinafter be pending at any time and place as may be required, I will comply with any court ordered release conditions, and I will comply with Pretrial Services' instructions relating to my release conditions or appearance in court.

Now if I shall well and truly make said appearance before said Court, and there remain from day to day and term to term of said Court, until discharged by due course of law, then and there to answer said accusation against me, and further shall well and truly make my personal appearance in any and all subsequent proceedings that may be had relative to said charge in the course of the criminal action based on said charge, this obligation shall become void; Otherwise to remain in full force and effect.

I further understand that all or part of the information collected in the defendant report may be available to law enforcement or criminal justice personnel, including, but not limited to, the Judge or Magistrate hearing the case, the District Attorney's Office, and the defense attorney of record in this cause.

Fee=\$ 300 Waived

Signature of Defendant

Special Conditions of bond in effect: YES / NO

APPROVED

SWORN TO AND SUBSCRIBED BEFORE ME,

this 26th day of MAY, 2020

JUDGE _____

PERSONAL BOND OFFICE EMPLOYEE
HARRIS COUNTY, TEXAS

HOUSTON POLICE DEPARTMENT**148986418**

Aggravated Assault Investigation

Case Synopsis:

On the 25th day of November, 2018, Patrol Officers responded to an alleged Aggravated Assault With a Deadly Weapon in the [REDACTED] block of [REDACTED] in Houston, Harris County, Texas [REDACTED]. Officer Stavinotha assigned to [REDACTED] Division generated the original report. In his report, Officer Stavinotha reported the Complainant and her friends attempted to make a drug transaction with the listed Suspect. During negotiation, the Complainant stated she did not like how the situation looked, so she told her friend to drive off. The Complainant stated as they were driving off, the Suspect shot at them several times shattering the back window of the vehicle. The Complainant stated she and her friends drove to her house and parked the vehicle. As they were standing outside the house, the Suspect then drove up and shot several times striking the house and vehicles at the location. Officer Stavinotha reported he canvassed the area and located evidence that may assist with this investigation. He also reported he collected video surveillance footage, and a possible photo of the Suspect. Officer Stavinotha reported he tagged those items in the Houston Police Department Property Room for safe keeping.

Follow up investigation:

On the 19th day of December, 2018, I conducted a criminal history check on all parties involved in this investigation by using all accessible law enforcement databases. I placed this information with the case file.

Criminal History Check

[REDACTED]
[REDACTED]
[REDACTED]

Complainant was found to be clear of wants / warrants at this time

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]

Witness was found to be clear of wants / warrants at this time

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

Witness was found to be clear of wants / warrants at this time

[REDACTED]

HOUSTON POLICE DEPARTMENT**7507019**

Officer Beveridge and I observed the suspicious activity and multiple traffic violations. After Officer Beveridge saw the suspicious plate hit in an Agg. Robbery report supplemented the same day 1-17-19, we advised other Officers with MW CST to come to our location before we initiated the traffic stop in case the vehicle fled. I initiated lights and sirens around 10500 US 59 S Fwy and the vehicle motioned to exit Bissonnet St exit. Officer Beveridge and I activated our city issued BWC's. Once exiting the suspect vehicle began to accelerate at a high rate of speed south. Officer Beveridge began to call the chase and the vehicle cut through the parking lot of a strip center along Wilcrest and the US 59 S service Rd. The vehicle fled northbound on Wilcrest eluding several vehicles and running multiple red lights along Wilcrest northbound. The suspect vehicle almost struck several pedestrian vehicles crossing through the intersection and nearly missing them going at excess speeds of 100+mph. The suspect vehicle continued to flee and we stayed close to the vehicle until hitting a bump at the intersection of Bissonnet / Wilcrest.

Our police vehicle began to lose speed and the suspect vehicle was able to pull away to where it was difficult to see the back lights. The suspect vehicle then made a sharp turn eastbound along Bexley Dr. I had to U-turn my police vehicle back into the neighborhood where we last saw the suspect vehicle. Officer Garza and Nguyen, 91G30 advised that 4 suspects were observed sprinting WB from 8500 Maplecrest Dr. Officer Garza and Nguyen were able to chase down and gain custody of suspect-Joseph Ortuno who was wearing a black backpack. Inside the backpack multiple narcotics were found inside (Xanax, Ecstasy, and Marijuana all individually wrapped). Through my knowledge and experience and in the way the items were packaged and appeared, they were intended for selling. Often drug dealers separate and make individual narcotics bagged for sale for small denominations of bills. See Officer Cole's supplement for further details. The suspect was placed in a shop while Officers quickly made a perimeter around the area. Where the suspects were last seen running from was when we discovered the suspect vehicle to be parked and unoccupied.

FOX and K-9 arrived on our scene and assisted in the search for the other outstanding suspects. I assisted K-9 Officer Ortiz but we were unable to locate the other suspects. Officers then regrouped near the suspect vehicle and searched the vehicle for evidence. We located several items in which were tagged as evidence. While on scene, I advised CRU Officers to head to the registered owner address before they spoke with the mother of the PS#2 and PS#3. I was able to learn that the registered owner of the vehicle left the vehicle with her 2 sons to whom she gave the keys too the night of 1-17-19. She advised those Officers that her sons had not yet returned home and that they were the only occupants. It was also later learned that the suspects had thrown firearms from the vehicle. The firearms were recovered and 1 was found to be confirmed stolen (See Officer Byland's supplement).

Officers were later able to confirm the identities of the possible suspects through multiple pictures found from within the vehicle (see Officer Bylands supplement for evidence tagged). I notified Sgt. K. Li of vehicle pursuit. While on scene, I got a time check for a dead body camera from NW Dispatch. I contacted DA intake relaying the facts of the case. ADA Kelley-Henry accepted charges for PCS w/ Intent to Deliver PG2 on the suspect-Ortuno. We took custody of the suspect and the narcotics. The narcotics were then given to Officer Cole to tag. After the scene was completed and the search was called off, I arranged to interview the suspect-Ortuno to see if he would speak. He invoked his right to counsel and the interview was terminated (see suspect statements below).

Officer Beveridge and I then transported and booked the suspect-Ortuno into SE jail. I completed the DIMS and this original report. Officer Beveridge is completing the supplement to the Agg. Robbery investigation. Further follow up will be conducted by MW CST Officers.

GANG AFFILIATION

2081487

P2

THE STATE OF TEXAS
VS.
JOSEPH ORTUNO PADILLA

02981487

SPN: [REDACTED]
DOB: [REDACTED]
DATE PREPARED: 1/17/2019

D.A. LOG NUMBER: 2505403
CJIS TRACKING NO.:
BY: RH DA NO: 2910899
AGENCY:HPD
O/R NO: 148986418
ARREST DATE: TO BE

FILED
Marilyn Burgess
District Clerk

Time: JAN 17 2019
By: [Signature]
Harris County, Texas

NCIC CODE: 1301 19

RELATED CASES:

FELONY CHARGE: Aggravated Assault

CAUSE NO:
HARRIS COUNTY DISTRICT COURT NO:
FIRST SETTING DATE:

1618457
174

BAIL: TO BE SET AT MAGISTRATE
PRIOR CAUSE NO:
CHARGE SEQ NUM:

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

Before me, the undersigned Assistant District Attorney of Harris County, Texas, this day appeared the undersigned affiant, who under oath says that he has good reason to believe and does believe that in Harris County, Texas, **JOSEPH ORTUNO PADILLA**, hereafter styled the Defendant, heretofore on or about November 25, 2018, did then and there unlawfully, intentionally and knowingly threaten [REDACTED] with imminent bodily injury by using and exhibiting a deadly weapon, namely, a firearm.

Probable Cause:

Affiant, D. Garner, a certified peace officer with the Houston Police Department, assigned to the Major Assaults Division, has reason to believe and does believe that Joseph Ortuno Padilla, hereinafter known as Defendants, committed the offenses of Aggravated Assault with a Deadly Weapon on or about November 25, 2018 in Harris County, Texas. Affiant bases his beliefs on the following facts:

Affiant was assigned to conduct a follow-up investigation pertaining to HPD incident number 1489864-18. Affiant read the original offense report authored by Officer Stavino, a certified peace officer employed by the Houston Police Department. Affiant learned from this report that [REDACTED] hereinafter known as Complainant stated to Officer Stavino that on November 25, 2018, she and her friends met the Defendant whom she knows by sight, to buy drugs. The Complainant stated when they arrived at the meeting place, the Defendant walked up to her and her friends as they were sitting in a vehicle. She stated as her friend was negotiating the cost of the drugs with Defendant, the Defendant became upset. The Complainant stated she did not like how the situation was going, so she told her friend to drive off. The Complainant stated as they were driving off, the Defendant shot at them several times with a hand gun smashing the front and back windshield of the vehicle. The Complainant stated when she and her friends arrived back at her house, approximately 10 minutes later, a vehicle drove by and shot at the house several times and sped off. The Complainant stated she and her friends were not injured during the assault.

During the course of this investigation, the Affiant contacted the Complainant, who Affiant found to be credible and reliable, and interviewed her regarding the assault. During this interview, the Complainant informed the Affiant that she gave Officers at the scene a photo of the Defendant from his instagram page. The Complainant stated he is the guy wearing eyeglasses, white T-shirt with 2/12 on the front and blue jeans. The Complainant also informed the Affiant that the Defendant lives in Alief and he attends a high school in the area. The Complainant sent the same photo of the Defendant via e-mail to the Affiant that she gave Officers while at the scene. The Affiant viewed the photo and observed three males sitting on the hood of a grey unknown car flashing what appeared to be gang signs.

On the 10th day of January, 2019, the Affiant met the Complainant at Houston Madison High School located at 13719 White Heather Drive Houston, Texas 77045. During this meeting, the Affiant showed the Complainant the photo that she sent via-email of the Defendant. The Complainant viewed the photo and verified that this was the photo she sent to the Affiant. While viewing the photo, the Complainant positively identified the Defendant wearing eye glasses, white T-Shirt with 2/12 on the front and blue jeans, as the male she met to buy drugs and shot at her and her friends as they drove away. The Complainant then circled and signed her name on that photo with a pink and blue marker.

Certified Peace Officer Number 18088

Case 1618457
Court 174

On the 13th day of January, 2019, the Affiant went to Alief Taylor High School located at 7555 Howell Sugar Land Rd, Houston, Texas, and met with Officer B. Johnson, a certified peace officer employed by the Alief ISD Police Department. During this meeting, the Affiant showed Officer B. Johnson the photo given to the Affiant by the Complainant. Officer B. Johnson viewed the photo and identified the Defendant as a former student by name of Joseph Ortuno Padilla Dob: [REDACTED] Officer Johnson then searched the Alief ISD data base and located a photo of Joseph Ortuno Padilla and his student information. The Affiant viewed the photo and observed Joseph Ortuno Padilla as the same male on the photo wearing eye glasses, white T-Shirt with 2/12 on the front and blue jeans, given to the Affiant by the Complainant. I placed those photos and documents with the case file. Affiant knows through training and experience that a firearm is a weapon capable of causing serious bodily injury or death.

83478267 Page 2 of 2
Certified Document
AGAINST THE PEACE AND DIGNITY OF THE STATE.

Sworn to and subscribed before me on January 17, 2019

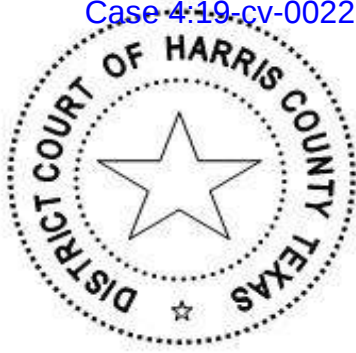


AFFIANT



Correll Ross
ASSISTANT DISTRICT ATTORNEY
OF HARRIS COUNTY, TEXAS
Bar No. 20097609

COMPLAINT



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this April 3, 2020

Certified Document Number: 83478267 Total Pages: 2

Marilyn Burgess, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

(N)

THE STATE OF TEXAS
VS.
JOSEPH PADILLA ORTUNO

02981659

SPN: [REDACTED]
DOB: [REDACTED]
DATE PREPARED: 1/18/2019

D.A. LOG NUMBER: 2505674
CJIS TRACKING NO.: 9266782866A001
BY: KS DA NO: 2664947
AGENCY:HPD
O/R NO: 007507019
ARREST DATE: 01/18/2019

NCIC CODE: 5599 48

RELATED CASES: 3 UNK CO-DEFS

FELONY CHARGE: POSSESSION WITH INTENT TO DELIVER A CONTROLLED SUBSTANCE

CAUSE NO:
HARRIS COUNTY DISTRICT COURT NO:
FIRST SETTING DATE:

1618583
263

BAIL: REFERRED TO (15.17)
PRIOR CAUSE NO:
CHARGE SEQ NUM: 1

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

Before me, the undersigned Assistant District Attorney of Harris County, Texas, this day appeared the undersigned affiant, who under oath says that he has good reason to believe and does believe that in Harris County, Texas, JOSEPH PADILLA ORTUNO, hereafter styled the Defendant, heretofore on or about January 17, 2019, did then and there unlawfully, knowingly possess with intent to deliver a controlled substance, namely, Methamphetamine, weighing more than 4 grams and less than 200 grams by aggregate weight, including any adulterants and dilutants.

FILED
Marilyn Burgess
District Clerk

JAN 18 2019

Time: 08:50
Harris County, Texas
By: NLO
Deputy

AGAINST THE PEACE AND DIGNITY OF THE STATE.

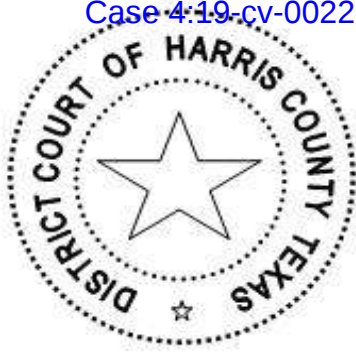
Sworn to and subscribed before me on January 18, 2019

K. Swearie

AFFIANT

ASSISTANT DISTRICT ATTORNEY
OF HARRIS COUNTY, TEXAS
Bar No. 24099532

COMPLAINT



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this April 3, 2020

Certified Document Number: 83494839 Total Pages: 1

Marilyn Burgess, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

CAUSE NO. 161858301010SPN: 02981659DATE/TIME OF ARREST: 1/17/2019 11:35 PM

THE STATE OF TEXAS

§ IN THE 263rd DISTRICT COURT

v.

§

ORTUNO, JOSEPH PADILLA

§

HARRIS COUNTY, TEXAS

DOB: [REDACTED]

STATUTORY WARNINGS BY MAGISTRATE - PROBABLE CAUSE FOR FURTHER DETENTION - PR BOND/BAIL ORDER

On this date and time the above-named defendant personally appeared before me, the undersigned Texas magistrate. The defendant appeared ☒ **in person** ☐ **by video teleconference** and I admonished the defendant as follows:

You are accused of **1ST DEGREE FELONY**, namely, **POSS W/INT DEL/MAN/DEL PG1 >=4<200G**.

- You have the right to hire an attorney to represent you.
- You have the right to remain silent.
- You have the right to have an attorney present prior to and during any interview with peace officers or attorneys representing the state.
- You have the right to stop any interview at any time.
- You have the right to an examining trial in a felony offense.
- You are not required to make a statement and any statement you make can be used against you.
- You have the right to request the appointment of counsel if you cannot afford counsel.

If you consent, I can appoint the Public Defender to represent you and describe evidence on your behalf in this bail hearing regardless of whether you are indigent. If you request appointed counsel and are later found to be indigent, another lawyer would be appointed to represent you in any trial or plea on the charge(s) listed above.

Do you consent to allow an assistant public defender to represent you in this bail hearing, knowing that this lawyer will not continue to represent you when this hearing is over? ☐ **NO** ☒ **YES**— Pursuant to Joint Administrative Order No. 2017-01, Assistant

Public Defender Kundiger, Daniel

(print name) represented the Defendant in this bail hearing.

Do you request the appointment of counsel to represent you in the county or district court if you are determined to be indigent?

☐ **NO** ☒ **YES**— The Court **ORDERS** Pretrial Services to help the defendant, if still in custody, prepare the request and any supporting paperwork, and then forward the request to the judge of the court in which the case is pending within 24 hours.

CONSULAR NOTIFICATION: If you are a foreign national, you may be entitled to have us notify your country's consular representative here in the United States. If your country requires notification, we will notify it as soon as possible.

The accused is a: ☒ **United States citizen** ☐ **foreign national of (country).**

☐ **The accused requests notification of consular officials.**

☐ **MANDATORY NOTIFICATION:** The clerk shall immediately alert the above country's consulate of this arrest.

If you are a foreign national, please provide the following information:

Name (father's last / mother's last / first)

Date of Birth

Place of Birth

Passport Number

Date Issued

Place Issued

PROBABLE CAUSE FINDING AND ORDER

- ☐ The Court **FINDS** that probable cause for further detention **DOES NOT EXIST**. The Court **ORDERS** the law enforcement agency and officer having custody of the defendant to immediately release the defendant from custody.
- ☒ The Court **FINDS** that probable cause for further detention **EXISTS**. The Court reviewed and/or set the defendant's bond as indicated in the BAIL ORDER below and, in clear and unambiguous language: (1) advised the defendant of his rights pursuant to TEX. CODE CRIM. P. Art. 15.17; and (2) provided the defendant with information required by law. The Court **ORDERS** the defendant committed to the custody of the Sheriff of Harris County, Texas, until he posts the required bond or until further order of the Court.
- ☐ Probable cause previously determined. The Court **ORDERS** the defendant committed to the custody of the Sheriff of Harris County, Texas, until he posts the required bond or until further order of the Court.

☒ **SEE NEXT PAGE FOR BAIL ORDER**

January 19, 2019 7:56 AM

Date and Time

Magistrate Licata, Joe (SPN 62325700)

Magistrate (Judge or Hearing Officer)

(Rev. July 24, 2018)

Interpreter (if applicable)

Page 1 of 2

STATUTORY WARNINGS BY MAGISTRATE - PROBABLE CAUSE FOR FURTHER DETENTION - PR BOND/BAIL ORDER**PERSONAL BOND / BAIL ORDER**

Having found probable cause exists for the further detention of ORTUNO, JOSEPH PADILLA, the Court next determined the conditions of release for the accused to ensure he/she will appear and answer before the proper Court.

PART 1: PUBLIC SAFETY ASSESSMENT

The Court considered the Public Safety Assessment results and also considered the following presumptive personal bond recommendation:

- ☐ Personal Bond Recommended
☐ Personal Bond **NOT** Recommended
☒ Personal Bond Recommendation referred to Magistrate
☐ PSA NOT available

PART 2: PERSONAL BOND / BAIL REQUESTS

Presumptive Bail Amount \$888,888.00

A. DISTRICT ATTORNEY PR BOND / BAIL REQUEST

- Personal Bond ☐ Requested ☐ Opposed
☒ No Position
- Bail Request ☐ No DA Bail Request
☐ Higher _____
☒ Lower \$30,000.00
☐ No Bail

B. PUBLIC DEFENDER PR BOND / BAIL REQUEST

- Personal Bond ☒ Requested ☐ Opposed
☐ No Position
- Bail Request ☐ No PD Bail Request
☐ Higher _____
☒ Lower \$30,000.00
☐ No Bail

PART 3: FINANCIAL AFFIDAVIT

Signed and Sworn: ☒ Yes
☐ No

ORDER

After considering the above, the Court (1) advised the defendant of his rights pursuant to TEX.CODE CRIM.P. ART 15.17; (2) set the defendant's conditions of release in clear and unambiguous language; and (3) provided the defendant with information required by law. The Court then ORDERED the following:

Bail is set at: ☐ No Bail ☒ \$30,000.00
☐ Conditions

Personal bond is: ☒ Not Approved 2/1, JUV Hist, weapons in this case, 9 g's X
☐ Approved ☐ Conditions

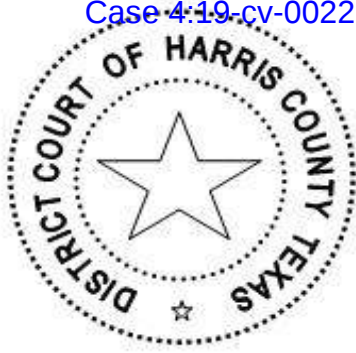
The reasons for this individual assessment of the appropriate conditions of release were explained to the above-named Defendant.

January 19, 2019 7:56 AM
 Date and Time
 Magistrate Licata, Joe (SPN 62325700)

Joe Licata 62325700
 Magistrate (Judge or Hearing Officer)
 (Rev. July 24, 2018)

Interpreter (if applicable)

Page 2 of 2



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this April 3, 2020

Certified Document Number: 83498844 Total Pages: 2

Marilyn Burgess, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

2404939

BAIL BOND

CASE NO. 1618583

COURT SETTING:

DATE 06.13.19 Y mm

TIME 09:00 am



CHARGE POSS W/INT

DEL/MAN/DEL PG 1 >=4

SPN 02981659

Known All Men By These Presents:

That we, ORTUNO, JOSEPH PADILLA, or principal, and the

undersigned financial casualty & surety inc. (agent, andy hernandez)
as sureties, are held and firmly bound unto the STATE OF TEXAS, in the penal sum of
THIRTY THOUSAND (\$ 30,000.00) Dollars and, in addition thereto, we are bound
for the payment of all fees and expenses that may be incurred by any peace officer in re-arresting the said principal in the event any of the
hereinafter stated conditions of this bond are violated for the payment of which sum or sums well and truly to be made, we do bind ourselves, and
each of us, our heirs, executors and administrators, jointly and severally.

THE CONDITION OF THIS BOND IS THAT THE DEFENDANT HAS BEEN CHARGE WITH A FELONY
(Felony-Misdemeanor)
offense and to secure his release from custody is entering into this obligation binding him to appear before 174
County of Harris County, Texas.

NOW THEREFORE, IF THE SAID PRINCIPAL SHALL WELL AND TRULY MAKE HIS PERSONAL APPEARANCE BEFORE SAID
COURT INSTANTER AS well as before any other court to which the same may be transferred and for any an all subsequent proceedings that may
be had relative to said charge in the course of criminal actions based on said charge, and there remain from day to day and term to term of said
courts, until discharged by due course of law, then and there to answer said accusation against him, this obligation shall become void, otherwise to
remain in full force and effect.

Taken and approved this
day of 4/4/19, 20
by [Signature], Deputy
Sheriff, Harris County Texas
financial casualty & surety inc.

SIGNED AND DATED 4/4/19, 20

[Signature]
(Principal Signature)

[Redacted]
(City and State)

[Redacted] Surety
(City and State) (Phone)

Lic.# 74587 Empl. _____

RACE _____ SEX _____ DOB _____ HT. _____ WT. _____

HAIR _____ EYES _____ DL# _____ STATE _____

[Redacted] THUMB [Redacted] PRINT

THE DEFENDANT SHALL NOT HAVE ANY
CONTACT WITH THE PROSECUTION /S/,
WITNESS /S/, THE COMPLAINANT /S/, OR
THE ALLEGED VICTIM /S/.

Jail Location _____

Citizen Status: _____

Holds: NOE 1511

ICE: A# _____

FILED
Marilyn Burgess
District Clerk
APR 05 2019

Time: _____
Harris County, Texas
By _____
Deputy

SB COST RECEIPT # 892330

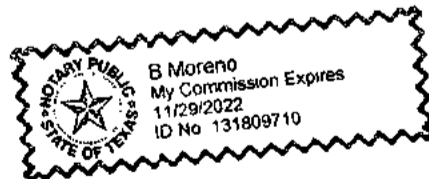
OATH OF SURETIES
THE STATE OF TEXAS
COUNTY OF HARRIS

I, financial casualty & surety inc. (agent, andy hernandez)

do swear that we are worth in our own
right, at least double the amount of the sum for which we are bound, exclusive of all property exempted by law from execution, and of
debts or other encumbrances, that we are residents of the State of Texas and I have property in the State of Texas liable to execution
worth the sum for which I am bound.

Surety (Signature) andy hernandez

Presenter (Signature) [Signature]



SUBSCRIBED AND SWORN to before me this

day of 4/4/19 A.D. 20

[Signature]

NOTARY PUBLIC HARRIS COUNTY

My Commission Expires: _____

ID #: _____

ORIGINAL-DISTRICT CLERK

RECORDER'S MEMORANDUM
This instrument is of poor quality
at the time of imaging.

2404940

BAIL BOND

CASE NO. 1618457

COURT SETTING:

CHARGE AGG ASSAULT

DATE 06.13.19 x mm

W/DEADLY WEAPON

TIME 09:00 am

SPN 02981659



Known All Men By These Presents:

That we, PADILLA, JOSEPH ORTUNO, or principal, and the

undersigned financial casualty & surety inc. (agent, andy hernandez)
as sureties, are held and firmly bound unto the STATE OF TEXAS, in the penal sum of
THIRTY THOUSAND (\$ 30,000.00) Dollars and, in addition thereto, we are bound
for the payment of all fees and expenses that may be incurred by any peace officer in re-arresting the said principal in the event any of the
hereinafter stated conditions of this bond are violated for the payment of which sum or sums well and truly to be made, we do bind ourselves, and
each of us, our heirs, executors and administrators, jointly and severally.

THE CONDITION OF THIS BOND IS THAT THE DEFENDANT HAS BEEN CHARGE WITH A FELONY
(Felony-Misdemeanor)
offense and to secure his release from custody is entering into this obligation binding him to appear before 174

County of Harris County, Texas.

NOW THEREFORE, IF THE SAID PRINCIPAL SHALL WELL AND TRULY MAKE HIS PERSONAL APPEARANCE BEFORE SAID
COURT INSTANTER AS well as before any other court to which the same may be transferred and for any an all subsequent proceedings that may
be had relative to said charge in the course of criminal actions based on said charge, and there remain from day to day and term to term of said
courts, until discharged by due course of law, then and there to answer said accusation against him, this obligation shall become void, otherwise to
remain in full force and effect.

Taken and approved this
day of 4/4/19, 20

SIGNED AND DATED 4/4/19, 20

by [Signature], Deputy
Sheriff, Harris County Texas
financial casualty & surety inc.

[Signature]

[Signature] Surety
andy hernandez

RACE _____ SEX _____ DOB _____ HT. _____ WT. _____

HAIR _____ EYES _____ DL# _____ STATE _____

(City and State) (Phone)

Lic.# 74587 Empl. _____

THE DEFENDANT SHALL NOT HAVE ANY
CONTACT WITH THE PROSECUTION /S/,
WITNESS /S/, THE COMPLAINANT /S/, OR
THE ALLEGED VICTIM /S/.

Jail Location _____

Citizen Status: _____

Holds: NO @ 1511

ICE: A# _____

FILED
Marilyn Burgess
District Clerk
APR 05 2019

SB COST RECEIPT # 892329

OATH OF SURETIES
THE STATE OF TEXAS
COUNTY OF HARRIS

Time: Harris County, Texas

By Deputy

I, financial casualty & surety inc. (agent, andy hernandez)

do swear that we are worth in our own
right, at least double the amount of the sum for which we are bound, exclusive of all property exempted by law from execution, and of
debts or other encumbrances, that we are residents of the State of Texas and I have property in the State of Texas liable to execution
worth the sum for which I am bound.

Surety (Signature) [Signature]
andy hernandez

Presenter (Signature) [Signature]
X Mo. SPS W.



RECORDER'S MEMORANDUM
This instrument is of poor quality
at the time of imaging.

SUBSCRIBED AND SWORN to before me this _____

day of 4/4/19 A.D. 20

[Signature]
NOTARY PUBLIC HARRIS COUNTY

My Commission Expires: _____

ID #: _____

ORIGINAL-DISTRICT CLERK

**TEXAS DEPARTMENT OF PUBLIC SAFETY
TEXAS HIGHWAY PATROL**

THIS REPORT IS THE PROPERTY OF THE TEXAS HIGHWAY PATROL. NEITHER IT NOR ITS
CONTENTS MAY BE DISSEMINATED OUTSIDE THE AGENCY TO WHICH LOANED.

STATUS: APPROVED

INVESTIGATING OFFICER:	MANUEL GRACIA	BADGE#:	DPS15071
CASE REPORT#:	2019I-THP2-23015	OFFENSE DATE:	01/19/2019
SUPERVISOR:	RICHARD ADKINS	TICKET#:	TX5DAF0JKA9K
CONTRIBUTORS:		SPURS URN:	CMCO00023015
CRIME TYPE:		POTENTIAL VICTIM INVOLVED:	N
TITLE:	RUSSELL 01/19/2019 DWI-3RD	REGION:	2
DIVISION:	TEXAS HIGHWAY PATROL	SERVICE:	HP
AREA:	08 MANVEL	DISTRICT:	D
PROGRAM:	DWI	SUB-PROGRAM:	FELONY

SUSPECTS

Russell, Dwight Edward - Black Male [REDACTED]

Hair: Black

Weight: 210 lbs

DL/ID Type: License

DL/ID#: [REDACTED]

DL/ID [REDACTED]

Home Address Street [REDACTED]

Home Address State: [REDACTED]

Eyes: Brown

Height: 5' 09"

CHARGES

Russell, Dwight Edward: [REDACTED] DRIVING WHILE INTOXICATED 3RD OR MORE, PC

State Offense: Y

Citation: 49.09(b)

Type of Arrest: On View

Charge County: Harris

Charge State: Texas

Level/Degree: F3

Court Type: District

Federal Offense:

Code: 54040011

Warrant Number:

Charge City: Houston

SYNOPSIS

On January 19, 2019, I, Trooper Gracia #15071, was patrolling in the area of MLK Blvd at Vanfleet, a public place, in the County of Harris, State of Texas. I observed a White Ford Pickup, bearing TX LP: [REDACTED], disregard a red light at the intersection. I made contact with the driver, later identified by TX DL: [REDACTED] as Russell, Dwight Edward, who displayed signs of impairment. Russell performed the Standardized Field Sobriety Tests poorly. Russell was then placed under arrest for Driving While Intoxicated. Russell was read the DIC-24 Statutory Warning in its entirety and he consented to provide a blood specimen. Russell was transported to HPD Mykawa substation, where a blood specimen was received and was then transported and released into the care and custody of Harris County jail, without incident.

DETAILS

1. I, Manuel Gracia, am employed with the Texas Department of Public Safety as a certified peace officer in the State of Texas. In my position as a peace officer with the Texas Department of Public Safety, I have successfully completed the state mandated requirements to become a peace officer and have also completed my department's requirements for employment in

DPS SENSITIVE

02/15/2019 10:39

177H

THE STATE OF TEXAS
VS.
DWIGHT EDWARD RUSSELL

00152594

SPN: 00152594
DOB: [REDACTED]
DATE PREPARED: 1/19/2019

D.A. LOG NUMBER: 2506074
CJIS TRACKING NO.: 9266786969A001
BY: HK DA NO: 2917065
AGENCY: DPS
O/R NO: TX5DAF0JKA9K
ARREST DATE: 01/19/2019

NCIC CODE: 5404 08

RELATED CASES:

FELONY CHARGE: DRIVING WHILE INTOXICATED

CAUSE NO:
HARRIS COUNTY DISTRICT COURT NO:
FIRST SETTING DATE:

1618782
177

BAIL: \$25000
PRIOR CAUSE NO:
CHARGE SEQ NUM: 1

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

Before me, the undersigned Assistant District Attorney of Harris County, Texas, this day appeared the undersigned affiant, who under oath says that he has good reason to believe and does believe that in Harris County, Texas, DWIGHT EDWARD RUSSELL, hereafter styled the Defendant, heretofore on or about January 19, 2019, did then and there unlawfully, operate a motor vehicle in a public place while intoxicated.

It is further presented that before the commission of the offense alleged above, on May 4, 2010, the Defendant was convicted of the offense of driving while intoxicated in Cause No. 1676012 in County Criminal Court at Law No. 7, Harris County, Texas.

It is further presented that before the commission of the offense alleged above, on April 15, 2015, the Defendant was convicted of the offense of driving while intoxicated in Cause No. CR63261 in County Court, Wharton County, Texas.

Before the commission of the offense alleged above, on February 7, 1985, in Cause No. 0256277, in the 208th District Court of Harris County, Texas, the Defendant was convicted of the felony offense of theft \$200 to \$10,000.

AGAINST THE PEACE AND DIGNITY OF THE STATE.Sworn to and subscribed before me on January 19, 2019

AFFIANT

FILED
Marilyn Burgess
District Clerk
JAN 19 2019
Time: [REDACTED]
By: [REDACTED]
Deputy

ASSISTANT DISTRICT ATTORNEY
OF HARRIS COUNTY, TEXAS
Bar No. 24055294

COMPLAINT



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this April 3, 2020

Certified Document Number: 83500847 Total Pages: 1

Marilyn Burgess, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

CAUSE NO. 161878201010SPN: 00152594DATE/TIME OF ARREST: 1/19/2019 03:50 PM

THE STATE OF TEXAS

§ IN THE 177th DISTRICT COURT

v.

§

RUSSELL, DWIGHT EDWARD

§

HARRIS COUNTY, TEXAS

DOB: [REDACTED]

STATUTORY WARNINGS BY MAGISTRATE - PROBABLE CAUSE FOR FURTHER DETENTION - PR BOND/BAIL ORDER

On this date and time the above-named defendant personally appeared before me, the undersigned Texas magistrate. The defendant appeared ☒ **in person** ☐ **by video teleconference** and I admonished the defendant as follows:

You are accused of 3RD DEGREE FELONY, namely, DWI THIRD.

- You have the right to hire an attorney to represent you.
- You have the right to remain silent.
- You have the right to have an attorney present prior to and during any interview with peace officers or attorneys representing the state.
- You have the right to stop any interview at any time.
- You have the right to an examining trial in a felony offense.
- You are not required to make a statement and any statement you make can be used against you.
- You have the right to request the appointment of counsel if you cannot afford counsel.

If you consent, I can appoint the Public Defender to represent you and describe evidence on your behalf in this bail hearing regardless of whether you are indigent. If you request appointed counsel and are later found to be indigent, another lawyer would be appointed to represent you in any trial or plea on the charge(s) listed above.

Do you consent to allow an assistant public defender to represent you in this bail hearing, knowing that this lawyer will not continue to represent you when this hearing is over? ☐ NO ☒ YES—

Pursuant to Joint Administrative Order No. 2017-01, Assistant Public Defender Cantu, Emma

(print name) represented the Defendant in this bail hearing.

Do you request the appointment of counsel to represent you in the county or district court if you are determined to be indigent?

☐ NO ☒ YES— The Court **ORDERS** Pretrial Services to help the defendant, if still in custody, prepare the request and any supporting paperwork, and then forward the request to the judge of the court in which the case is pending within 24 hours.

CONSULAR NOTIFICATION: If you are a foreign national, you may be entitled to have us notify your country's consular representative here in the United States. If your country requires notification, we will notify it as soon as possible.

The accused is a: ☒ United States citizen ☐ foreign national of (country).

☐ The accused requests notification of consular officials.

☐ **MANDATORY NOTIFICATION:** The clerk shall immediately alert the above country's consulate of this arrest.

If you are a foreign national, please provide the following information:

Name (father's last / mother's last / first)

Date of Birth

Place of Birth

Passport Number

Date Issued

Place Issued

PROBABLE CAUSE FINDING AND ORDER

- ☐ The Court **FINDS** that probable cause for further detention **DOES NOT EXIST**. The Court **ORDERS** the law enforcement agency and officer having custody of the defendant to immediately release the defendant from custody.
- ☒ The Court **FINDS** that probable cause for further detention **EXISTS**. The Court reviewed and/or set the defendant's bond as indicated in the BAIL ORDER below and, in clear and unambiguous language: (1) advised the defendant of his rights pursuant to TEX. CODE CRIM. P. Art. 15.17; and (2) provided the defendant with information required by law. The Court **ORDERS** the defendant committed to the custody of the Sheriff of Harris County, Texas, until he posts the required bond or until further order of the Court.
- ☐ Probable cause previously determined. The Court **ORDERS** the defendant committed to the custody of the Sheriff of Harris County, Texas, until he posts the required bond or until further order of the Court.

☒ **SEE NEXT PAGE FOR BAIL ORDER**

January 20, 2019 5:42 AM

Date and Time

Magistrate Porter, Lisa (SPN)

Lisa Porter 1676089

Magistrate (Judge or Hearing Officer)

(Rev. July 24, 2018)

Interpreter (if applicable)

Page 1 of 2

STATUTORY WARNINGS BY MAGISTRATE - PROBABLE CAUSE FOR FURTHER DETENTION - PR BOND/BAIL ORDER

PERSONAL BOND / BAIL ORDER

Having found probable cause exists for the further detention of RUSSELL, DWIGHT EDWARD, the Court next determined the conditions of release for the accused to ensure he/she will appear and answer before the proper Court.

PART 1: PUBLIC SAFETY ASSESSMENT

The Court considered the Public Safety Assessment results and also considered the following presumptive personal bond recommendation:

- ☐ Personal Bond Recommended
☒ Personal Bond **NOT** Recommended
☐ Personal Bond Recommendation referred to Magistrate
☐ PSA NOT available

PART 2: PERSONAL BOND / BAIL REQUESTS

Presumptive Bail Amount \$25,000.00

A. DISTRICT ATTORNEY PR BOND / BAIL REQUEST

- Personal Bond ☐ Requested ☐ Opposed
☒ No Position
- Bail Request ☒ No DA Bail Request
☐ Higher _____
☐ Lower _____
☐ No Bail

B. PUBLIC DEFENDER PR BOND / BAIL REQUEST

- Personal Bond ☒ Requested ☐ Opposed
☐ No Position
- Bail Request ☐ No PD Bail Request
☐ Higher _____
☒ Lower \$15,000.00
☐ No Bail

PART 3: FINANCIAL AFFIDAVIT

Signed and Sworn: ☒ Yes
☐ No

ORDER

After considering the above, the Court (1) advised the defendant of his rights pursuant to TEX.CODE CRIM.P. ART 15.17; (2) set the defendant's conditions of release in clear and unambiguous language; and (3) provided the defendant with information required by law. The Court then ORDERED the following:

Bail is set at: ☐ No Bail ☒ \$25,000.00
☐ Conditions

Personal bond is: ☒ Not Approved 4/2, 2010, 2015, 61 years old, instructed RE DLB.
☐ Approved ☐ Conditions

The reasons for this individual assessment of the appropriate conditions of release were explained to the above-named Defendant.

January 20, 2019 5:42 AM

Date and Time

Magistrate Porter, Lisa (SPN)

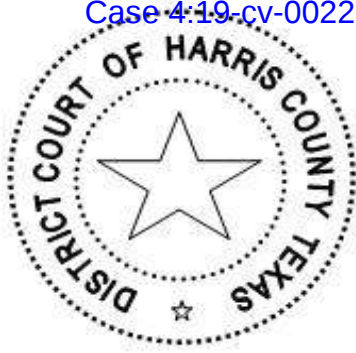
Lisa M Porter 1676089

Magistrate (Judge or Hearing Officer)

(Rev. July 24, 2018)

Interpreter (if applicable)

Page 2 of 2



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this April 3, 2020

Certified Document Number: 83500673 Total Pages: 2

Marilyn Burgess, DISTRICT CLERK
HARRIS COUNTY, TEXAS



In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com



THE STATE OF TEXAS

v.

RUSSELL, DWIGHT EDWARD

STATE ID NO.: [REDACTED]

CASE NO. 161878201010
INCIDENT NO. /TRN: 9266786969A001

§ IN THE 177TH DISTRICT
§
§ COURT
§
§ HARRIS COUNTY, TEXAS
§
§

JUDGMENT OF CONVICTION BY COURT—WAIVER OF JURY TRIAL

Judge Presiding: **ROBERT JOHNSON** Date Sentence Imposed: **3/11/2019**
Attorney for State: **ROBINSON, ANTHONY** Attorney for Defendant: **PUBCHARA, SILVIA V 16373825**

Offense for which Defendant Convicted:

DWI 2ND (NCIC 540407)

Charging Instrument:
INFORMATION

Statute for Offense:

Date of Offense:

1/19/2019

Plea to Offense:

GUILTY

Degree of Offense:

CLASS A MISDEMEANOR

Findings on Deadly Weapon:

N/ATerms of Plea Bargain (if any): or ☐ Terms of Plea Bargain are attached and incorporated herein by this reference.**1 YEAR HCJ****Reduced from: 3RD DEGREE FELONY**1st Enhancement

Paragraph:

N/AFinding on 1st Enhancement

Paragraph:

N/A2nd Enhancement

Paragraph:

N/AFinding on 2nd Enhancement

Paragraph:

N/A

☐ SENTENCE OF CONFINEMENT SUSPENDED, DEFENDANT PLACED ON COMMUNITY SUPERVISION FOR N/A .

(The document setting forth the conditions of community supervision is incorporated herein by this reference.)

Punishment and Place of
Confinement:

1 YEAR HARRIS COUNTY JAIL

DATE SENTENCE COMMENCES:

(Date does not apply to confinement served as a condition of community supervision.)

03/11/2019

THIS SENTENCE
SHALL RUN:

CONCURRENTLY

Fine:

\$ N/A

Court Costs:

\$ as assessed

Restitution:

\$ N/ARestitution Payable to: **N/A**

(See special finding or order of restitution which is incorporated herein by this reference.)

☐ Defendant is required to register as sex offender in accordance with Chapter 62, Tex. Code Crim. Proc.

(For sex offender registration purposes only) The age of the victim at the time of the offense was **N/A**

Total Jail Time

Credit: **52**

If Defendant is to serve sentence in county jail or is given credit toward fine and costs, enter days credited below.

DAYS**52 DAYS NOTES: TOWARD INCARCERATION, FINE, AND COSTS**Was the victim impact statement returned to the attorney representing the State? **N/A**

(FOR STATE JAIL FELONY OFFENSES ONLY) Is Defendant presumptively entitled to diligent participation credit in accordance with Article 42A.559, Tex. Code Crim. Proc.? **N/A**

This cause was called and the parties appeared. The State appeared by her District Attorney as named above.

Counsel / Waiver of Counsel (select one)

☒ Defendant appeared with counsel.☐ Defendant appeared without counsel and knowingly, intelligently, and voluntarily waived the right to representation by counsel in writing in open court.☐ Defendant was tried in absentia.

Both parties announced ready for trial. Defendant waived the right of trial by jury and entered the plea indicated above. It appeared to the Court that Defendant was mentally competent to stand trial, made the plea freely and voluntarily, and was aware of the consequences of the plea. The Court received the plea and entered it of record. After hearing the evidence submitted, if any, the Court **ADJUDGES** Defendant **GUILTY** of the offense indicated above. The Court **FINDS** that the Presentence Investigation, if so ordered, was done according to the applicable provisions of Subchapter F, Chapter 42A, Tex. Code Crim. Proc.

Having been convicted of the offense designated above, the Court **ORDERS** Defendant punished in accordance with the Court's findings as to the proper punishment as indicated above. After having conducted an inquiry into Defendant's ability to pay, the Court **ORDERS** Defendant to pay the fine, court costs, and restitution as indicated above.

Punishment Options (select one)

☐ **Confinement in State Jail or Institutional Division.** The Court **ORDERS** the authorized agent of the State of Texas or the County Sheriff to take and deliver Defendant to the Director of the Correctional Institutions Division, TDCJ, for placement in confinement in accordance with this judgment. The Court **ORDERS** Defendant remanded to the custody of the County Sheriff until the Sheriff can obey the directions in this paragraph. Upon release from confinement, the Court **ORDERS** Defendant to proceed without unnecessary delay to the District Clerk's office, or any other office designated by the Court or the Court's designee, to pay or to make arrangements to pay any fine, court costs, and restitution due.

☒ **County Jail—Confinement / Confinement in Lieu of Payment.** The Court **ORDERS** Defendant committed to the custody of the County Sheriff immediately or on the date the sentence commences. Defendant shall be confined in the county jail for the period indicated above. Upon release from confinement, the Court **ORDERS** Defendant to proceed without unnecessary delay to the District Clerk's office, or any other office designated by the Court or the Court's designee, to pay or to make arrangements to pay any fine, court costs, and restitution due.

☐ **County Jail—State Jail Felony Conviction.** Pursuant to §12.44(a), Tex. Penal Code, the Court **FINDS** that the ends of justice are best served by imposing confinement permissible as punishment for a Class A misdemeanor instead of a state jail felony. Accordingly, Defendant will serve punishment in the county jail as indicated above. The Court **ORDERS** Defendant committed to the custody of the County Sheriff immediately or on the date the sentence commences. Upon release from confinement, the Court **ORDERS** Defendant to proceed without unnecessary delay to the District Clerk's office, or any other office designated by the Court or the Court's designee, to pay or to make arrangements to pay any fine, court costs, and restitution due.

☐ **Fine Only Payment.** The punishment assessed against Defendant is for a **FINE ONLY**. The Court **ORDERS** Defendant to proceed immediately to the District Clerk's office, or any other office designated by the Court or the Court's designee, to pay or to make arrangements to pay the fine, court costs, and restitution ordered by the Court in this cause.

☐ **Confinement as a Condition of Community Supervision.** The Court **ORDERS** Defendant confined N/A in the County Jail as a condition of community supervision. The period of confinement as a condition of community supervision starts when Defendant arrives at the designated facility, absent a special order to the contrary.

Execution of Sentence

☒ The Court **ORDERS** Defendant's sentence **EXECUTED**.

☐ The Court **ORDERS** Defendant sentence of confinement **SUSPENDED**. The Court orders Defendant placed on community supervision for the adjudged period (above) so long as Defendant abides by and does not violate the terms and conditions of community supervision. The Order setting forth the terms and conditions of community supervision are incorporated into this judgment by reference.

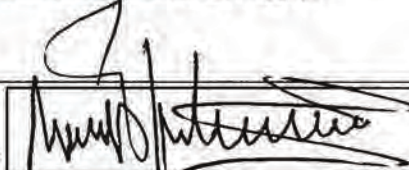
The Court **FINDS** that Defendant is entitled to the jail time credit indicated above. The attorney for the state, attorney for the defendant, the County Sheriff, and any other person having or who had custody of Defendant shall assist the clerk, or person responsible for completing this judgment, in calculating Defendant's credit for time served. All supporting documentation, if any, concerning Defendant's credit for time served is incorporated herein by this reference.

Furthermore, the following special findings or orders apply:

APPEAL WAIVED. NO PERMISSION TO APPEAL GRANTED.

TDL SUSPENDED FOR A PERIOD OF 2 YEARS.

Date Judgment Entered: 3/11/2019

X 
ROBERT JOHNSON
 JUDGE PRESIDING

Clerk: A GUZMAN DELGADO

Notice of Appeal Filed: _____

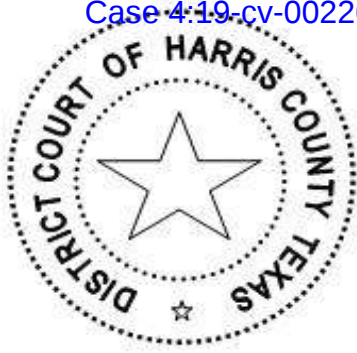
Mandate Received: _____ Type of Mandate: _____

After Mandate Received, Sentence to Begin Date is: _____

Jail Credit: _____ DAYS

Case Number: 161878201010 Court: 177th Defendant: **RUSSELL, DWIGHT EDWARD**

Thumbprint



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this April 3, 2020

Certified Document Number: 84266376 Total Pages: 2

Marilyn Burgess, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

THE STATE OF TEXAS
VS.
JOHNNIE PIERSON

SPN: 01054251
DOB: [REDACTED]
DATE PREPARED: 1/18/2019

D.A. LOG NUMBER: 2505676
CJIS TRACKING NO.: 9266782882A001
BY: ACH DA NO: 2501548
AGENCY:HPD
O/R NO: 007544419
ARREST DATE: 01/18/2019

NCIC CODE: 5599 04

RELATED CASES:

FELONY CHARGE: Possession of a Controlled Substance

CAUSE NO:
HARRIS COUNTY DISTRICT COURT NO:
FIRST SETTING DATE:

1618609
174 RIC

BAIL: REFERRED TO (15.17)
PRIOR CAUSE NO:
CHARGE SEQ NUM: 1

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

Before me, the undersigned Assistant District Attorney of Harris County, Texas, this day appeared the undersigned affiant, who under oath says that he has good reason to believe and does believe that in Harris County, Texas, **JOHNNIE PIERSON**, hereafter styled the Defendant, heretofore on or about **January 18, 2019**, did then and there unlawfully, intentionally and knowingly possess a controlled substance, namely, Cocaine, weighing less than one gram by aggregate weight, including any adulterants and dilutants.

Before the commission of the offense alleged above, (hereafter styled the primary offense), on June 7, 1993, in Cause Number 0634797, in the 180th District Court of Harris County, Texas, the Defendant was convicted of the felony offense of Possession of a Controlled Substance.

Before the commission of the primary offense, and after the conviction in Cause Number 0634797 was final, the Defendant committed the felony offense of Felon in Possession of a Weapon and was finally convicted of that offense on July 1, 2010, in Cause Number 1268836, in the 338th District Court of Harris County, Texas.

FILED

Marilyn Burgess
District Clerk

JAN 18 2019

Time: 12:30
Harris County, Texas
By: NLO
Deputy

AGAINST THE PEACE AND DIGNITY OF THE STATE.

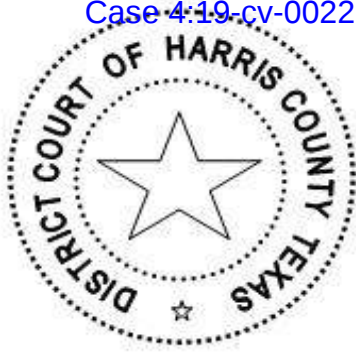
Sworn to and subscribed before me on January 18, 2019

A. D. Ryan

AFFIANT

ASSISTANT DISTRICT ATTORNEY
OF HARRIS COUNTY, TEXAS
Bar No. 24099932

COMPLAINT



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this April 3, 2020

Certified Document Number: 83494828 Total Pages: 1

Marilyn Burgess, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

248 RENE

THE STATE OF TEXAS
VS.
JOHNNY PIERSON

SPN: 01054251 01054251
DOB: [REDACTED]
DATE PREPARED: 6/7/2019

D.A. LOG NUMBER: 2541163
CJIS TRACKING NO.: 926713308XA001
BY: MRM DA NO: 2892257
AGENCY: HPD
O/R NO: 071775719
ARREST DATE: 06/06/2019

NCIC CODE: 5599 17

RELATED CASES: CLINTISE SHEPHERD-F

FELONY CHARGE: DELIVERY OF A CONTROLLED SUBSTANCE

CAUSE NO:
HARRIS COUNTY DISTRICT COURT NO:
FIRST SETTING DATE:

1634366
248

BAIL: REFERRED TO (15.17)
PRIOR CAUSE NO:
CHARGE SEQ NUM: 1

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

Before me, the undersigned Assistant District Attorney of Harris County, Texas, this day appeared the undersigned affiant, who under oath says that he has good reason to believe and does believe that in Harris County, Texas, JOHNNY PIERSON, hereafter styled the Defendant, heretofore on or about June 6, 2019, did then and there unlawfully, knowingly deliver by actual transfer to F. Haselberger, a controlled substance, namely, Cocaine, weighing by aggregate weight, including any adulterants and dilutants, less than 1 gram.

It is further presented that in Harris County, Texas, Johnny Pierson, hereafter styled the Defendant, heretofore on or about JUNE 6, 2019, did then and there unlawfully, knowingly deliver by constructive transfer to F. Haselberger, a controlled substance, namely, Cocaine, weighing by aggregate weight, including any adulterants and dilutants, less than 1 gram.

It is further presented that in Harris County, Texas, Johnny Pierson, hereafter styled the Defendant, heretofore on or about June 6, 2019, did then and there unlawfully, knowingly deliver by offering to sell to F. Haselberger, a controlled substance, namely, Cocaine, weighing by aggregate weight, including any adulterants and dilutants, less than 1 gram.

Before the commission of the offense alleged above, (hereafter styled the primary offense), on June 7, 1993, in Cause Number 0634797, in the 180th District Court of Harris County, Texas, the Defendant was convicted of the felony of Possession of a Controlled Substance.

Before the commission of the primary offense, and after the conviction in Cause Number 0634797 was final, the Defendant committed the felony of Felon in Possession of a Firearm and was finally convicted of that offense on July 1, 2010, in Cause Number 1268836, in the 338th District Court of Harris County, Texas.

FILED
Marilyn Burgess
District Clerk

JUN 07 2019

Time: 1020
Harris County, Texas
By: [Signature]
Deputy

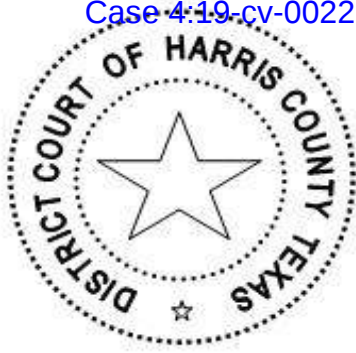
AGAINST THE PEACE AND DIGNITY OF THE STATE.

Sworn to and subscribed before me on June 07, 2019

[Signature]
AFFIANT

[Signature]
ASSISTANT DISTRICT ATTORNEY
OF HARRIS COUNTY, TEXAS
Bar No. 240797 PB

COMPLAINT



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this April 3, 2020

Certified Document Number: 85631681 Total Pages: 1

Marilyn Burgess, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

TK 248

PEND

THE STATE OF TEXAS
VS.
JOHNNIE RAY PIERSON

SPN: 01054251
DOB: [REDACTED]
DATE PREPARED: 10/2/2019

D.A. LOG NUMBER: 2577369
CJIS TRACKING NO.: 9267434497A001
BY: ACH DA NO: 1792915
AGENCY: HPD
O/R NO: 128777819
ARREST DATE: 10/02/2019

NCIC CODE: 5599 04

RELATED CASES:

FELONY CHARGE: Possession of a Controlled Substance

CAUSE NO:
HARRIS COUNTY DISTRICT COURT NO:
FIRST SETTING DATE:

1648342
248

COURT ORDERED BAIL: \$REFER TO
(15.17)
PRIOR CAUSE NO:
CHARGE SEQ NUM: 1

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

Before me, the undersigned Assistant District Attorney of Harris County, Texas, this day appeared the undersigned affiant, who under oath says that he has good reason to believe and does believe that in Harris County, Texas, JOHNNIE RAY PIERSON, hereafter styled the Defendant, heretofore on or about October 2, 2019, did then and there unlawfully, intentionally and knowingly possess a controlled substance, namely, Cocaine, weighing less than one gram by aggregate weight, including any adulterants and dilutants.

Before the commission of the offense alleged above, (hereafter styled the primary offense, on July 1, 2010, in Cause Number 1268836, in the 338th District Court of Harris County, Texas, the Defendant was convicted of the felony offense of Felon in Possession of a Weapon.

Before the commission of the primary offense, and after the conviction in Cause Number 1268836 was final, the Defendant committed the felony offense of Possession of a Controlled Substance and was finally convicted of that offense on June 7, 1993, in Cause Number 0634797, in the 180th District Court of Harris County, Texas.

FILED
Marilyn Burgess
District Clerk

OCT 02 2019

Time: 1100
Harris County, Texas
By: N/D
Deputy

AGAINST THE PEACE AND DIGNITY OF THE STATE.

Sworn to and subscribed before me on October 02, 2019

A. Haynes

AFFIANT

[Signature]

ASSISTANT DISTRICT ATTORNEY
OF HARRIS COUNTY, TEXAS
Bar No. 24030224

COMPLAINT



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this April 3, 2020

Certified Document Number: 87417487 Total Pages: 1

Marilyn Burgess, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

CAUSE NO. 161860901010SPN: 01054251DATE/TIME OF ARREST: 1/18/2019 01:45 AM

THE STATE OF TEXAS

§ IN THE 174th DISTRICT COURT

v.

§

PIERSON, JOHNNIE

§

HARRIS COUNTY, TEXAS

DOB: [REDACTED]

STATUTORY WARNINGS BY MAGISTRATE - PROBABLE CAUSE FOR FURTHER DETENTION - PR BOND/BAIL ORDER

On this date and time the above-named defendant personally appeared before me, the undersigned Texas magistrate. The defendant appeared ☒ **in person** ☐ **by video teleconference** and I admonished the defendant as follows:

You are accused of STATE JAIL FELONY, namely, POSS CS PG 1 <1G.

- You have the right to hire an attorney to represent you.
- You have the right to remain silent.
- You have the right to have an attorney present prior to and during any interview with peace officers or attorneys representing the state.
- You have the right to stop any interview at any time.
- You have the right to an examining trial in a felony offense.
- You are not required to make a statement and any statement you make can be used against you.
- You have the right to request the appointment of counsel if you cannot afford counsel.

If you consent, I can appoint the Public Defender to represent you and describe evidence on your behalf in this bail hearing regardless of whether you are indigent. If you request appointed counsel and are later found to be indigent, another lawyer would be appointed to represent you in any trial or plea on the charge(s) listed above.

Do you consent to allow an assistant public defender to represent you in this bail hearing, knowing that this lawyer will not continue to represent you when this hearing is over? ☐ NO ☒ YES— Pursuant to Joint Administrative Order No. 2017-01, Assistant

Public Defender Kundiger, Daniel

(print name) represented the Defendant in this bail hearing.

Do you request the appointment of counsel to represent you in the county or district court if you are determined to be indigent?

☐ NO ☒ YES— The Court **ORDERS** Pretrial Services to help the defendant, if still in custody, prepare the request and any supporting paperwork, and then forward the request to the judge of the court in which the case is pending within 24 hours.

CONSULAR NOTIFICATION: If you are a foreign national, you may be entitled to have us notify your country's consular representative here in the United States. If your country requires notification, we will notify it as soon as possible.

The accused is a: ☒ United States citizen ☐ foreign national of (country).

☐ The accused requests notification of consular officials.

☐ **MANDATORY NOTIFICATION:** The clerk shall immediately alert the above country's consulate of this arrest.

If you are a foreign national, please provide the following information:

Name (father's last / mother's last / first)

Date of Birth

Place of Birth

Passport Number

Date Issued

Place Issued

PROBABLE CAUSE FINDING AND ORDER

- ☐ The Court **FINDS** that probable cause for further detention **DOES NOT EXIST**. The Court **ORDERS** the law enforcement agency and officer having custody of the defendant to immediately release the defendant from custody.
- ☒ The Court **FINDS** that probable cause for further detention **EXISTS**. The Court reviewed and/or set the defendant's bond as indicated in the BAIL ORDER below and, in clear and unambiguous language: (1) advised the defendant of his rights pursuant to TEX. CODE CRIM. P. Art. 15.17; and (2) provided the defendant with information required by law. The Court **ORDERS** the defendant committed to the custody of the Sheriff of Harris County, Texas, until he posts the required bond or until further order of the Court.
- ☐ Probable cause previously determined. The Court **ORDERS** the defendant committed to the custody of the Sheriff of Harris County, Texas, until he posts the required bond or until further order of the Court.

☒ **SEE NEXT PAGE FOR BAIL ORDER**

January 19, 2019 8:03 AM

Date and Time

Magistrate Licata, Joe (SPN 62325700)

Magistrate (Judge or Hearing Officer)

(Rev. July 24, 2018)

Interpreter (if applicable)

Page 1 of 2

STATUTORY WARNINGS BY MAGISTRATE - PROBABLE CAUSE FOR FURTHER DETENTION - PR BOND/BAIL ORDER**PERSONAL BOND / BAIL ORDER**

Having found probable cause exists for the further detention of PIERSON, JOHNNIE, the Court next determined the conditions of release for the accused to ensure he/she will appear and answer before the proper Court.

PART 1: PUBLIC SAFETY ASSESSMENT

The Court considered the Public Safety Assessment results and also considered the following presumptive personal bond recommendation:

- ☐ Personal Bond Recommended
☐ Personal Bond **NOT** Recommended
☒ Personal Bond Recommendation referred to Magistrate
☐ PSA NOT available

PART 2: PERSONAL BOND / BAIL REQUESTS

Presumptive Bail Amount \$888,888.00

A. DISTRICT ATTORNEY PR BOND / BAIL REQUEST

- Personal Bond ☐ Requested ☒ Opposed
☐ No Position
- Bail Request ☐ No DA Bail Request
☐ Higher _____
☒ Lower \$30,000.00
☐ No Bail

B. PUBLIC DEFENDER PR BOND / BAIL REQUEST

- Personal Bond ☒ Requested ☐ Opposed
☐ No Position
- Bail Request ☐ No PD Bail Request
☐ Higher _____
☒ Lower \$5,000.00
☐ No Bail

PART 3: FINANCIAL AFFIDAVIT

Signed and Sworn: ☐ Yes
☒ No

ORDER

After considering the above, the Court (1) advised the defendant of his rights pursuant to TEX.CODE CRIM.P. ART 15.17; (2) set the defendant's conditions of release in clear and unambiguous language; and (3) provided the defendant with information required by law. The Court then ORDERED the following:

Bail is set at: ☐ No Bail ☒ \$15,000.00
☐ Conditions

Personal bond is: ☒ Not Approved 3/2, Facts & hist, TDC x 3+ drugs & Weapons, SJH Mtn of State
☐ Approved ☐ Conditions

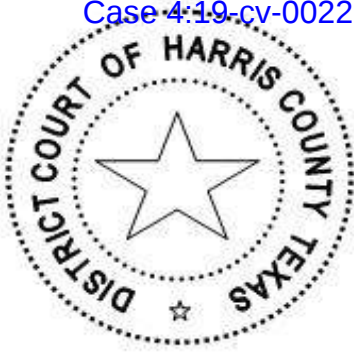
The reasons for this individual assessment of the appropriate conditions of release were explained to the above-named Defendant.

January 19, 2019 8:03 AM
 Date and Time
 Magistrate Licata, Joe (SPN 62325700)

Joe Licata 62325700
 Magistrate (Judge or Hearing Officer)
 (Rev. July 24, 2018)

Interpreter (if applicable)

Page 2 of 2



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this April 3, 2020

Certified Document Number: 83511617 Total Pages: 2

Marilyn Burgess, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

CAUSE NO. 163436601010SPN: 01054251DATE/TIME OF ARREST: 6/6/2019 09:00 PM

THE STATE OF TEXAS

§ IN THE 248th DISTRICT COURT

v.

§

PIERSON, JOHNNY

§

HARRIS COUNTY, TEXAS

DOB: [REDACTED]

STATUTORY WARNINGS BY MAGISTRATE - PROBABLE CAUSE FOR FURTHER DETENTION - PR BOND/BAIL ORDER

On this date and time the above-named defendant personally appeared before me, the undersigned Texas magistrate. The defendant appeared ☒ **in person** ☐ **by video teleconference** and I admonished the defendant as follows:

You are accused of STATE JAIL FELONY, namely, MAN/DEL CS PG I <1GRAM.

- You have the right to hire an attorney to represent you.
- You have the right to remain silent.
- You have the right to have an attorney present prior to and during any interview with peace officers or attorneys representing the state.
- You have the right to stop any interview at any time.
- You have the right to an examining trial in a felony offense.
- You are not required to make a statement and any statement you make can be used against you.
- You have the right to request the appointment of counsel if you cannot afford counsel.

If you consent, I can appoint the Public Defender to represent you and describe evidence on your behalf in this bail hearing regardless of whether you are indigent. If you request appointed counsel and are later found to be indigent, another lawyer would be appointed to represent you in any trial or plea on the charge(s) listed above.

Do you consent to allow an assistant public defender to represent you in this bail hearing, knowing that this lawyer will not continue to represent you when this hearing is over? ☐ NO ☒ YES—

Pursuant to Joint Administrative Order No. 2017-01, Assistant Public Defender Betancourt, Damaris

(print name) represented the Defendant in this bail hearing.

Do you request the appointment of counsel to represent you in the county or district court if you are determined to be indigent?

☐ NO ☒ YES— The Court **ORDERS** Pretrial Services to help the defendant, if still in custody, prepare the request and any supporting paperwork, and then forward the request to the judge of the court in which the case is pending within 24 hours.

CONSULAR NOTIFICATION: If you are a foreign national, you may be entitled to have us notify your country's consular representative here in the United States. If your country requires notification, we will notify it as soon as possible.

The accused is a: ☒ United States citizen ☐ foreign national of (country).

☐ The accused requests notification of consular officials.

☐ **MANDATORY NOTIFICATION:** The clerk shall immediately alert the above country's consulate of this arrest.

If you are a foreign national, please provide the following information:

Name (father's last / mother's last / first)

Date of Birth

Place of Birth

Passport Number

Date Issued

Place Issued

PROBABLE CAUSE FINDING AND ORDER

- ☐ The Court **FINDS** that probable cause for further detention **DOES NOT EXIST**. The Court **ORDERS** the law enforcement agency and officer having custody of the defendant to immediately release the defendant from custody.
- ☒ The Court **FINDS** that probable cause for further detention **EXISTS**. The Court reviewed and/or set the defendant's bond as indicated in the BAIL ORDER below and, in clear and unambiguous language: (1) advised the defendant of his rights pursuant to TEX. CODE CRIM. P. Art. 15.17; and (2) provided the defendant with information required by law. The Court **ORDERS** the defendant committed to the custody of the Sheriff of Harris County, Texas, until he posts the required bond or until further order of the Court.
- ☐ Probable cause previously determined. The Court **ORDERS** the defendant committed to the custody of the Sheriff of Harris County, Texas, until he posts the required bond or until further order of the Court.

☒ **SEE NEXT PAGE FOR BAIL ORDER**

June 07, 2019 17:15 PM

Ronald P. Nicholas 64993200

Date and Time

Magistrate (Judge or Hearing Officer)

Interpreter (if applicable)

Magistrate Ronald Nicholas (SPN 64993200)

(Rev. July 24, 2018)

Page 1 of 2

STATUTORY WARNINGS BY MAGISTRATE - PROBABLE CAUSE FOR FURTHER DETENTION - PR BOND/BAIL ORDER

PERSONAL BOND / BAIL ORDER

Having found probable cause exists for the further detention of PIERSON, JOHNNY, the Court next determined the conditions of release for the accused to ensure he/she will appear and answer before the proper Court.

PART 1: PUBLIC SAFETY ASSESSMENT

The Court considered the Public Safety Assessment results and also considered the following presumptive personal bond recommendation:

- ☐ Personal Bond Recommended
☐ Personal Bond **NOT** Recommended
☒ Personal Bond Recommendation referred to Magistrate
☐ PSA NOT available

PART 2: PERSONAL BOND / BAIL REQUESTS

Presumptive Bail Amount \$888,888.00

A. DISTRICT ATTORNEY PR BOND / BAIL REQUEST

- Personal Bond ☐ Requested ☐ Opposed
☒ No Position
- Bail Request ☐ No DA Bail Request
☐ Higher _____
☒ Lower \$30,000.00
☐ No Bail

B. PUBLIC DEFENDER PR BOND / BAIL REQUEST

- Personal Bond ☒ Requested ☐ Opposed
☐ No Position
- Bail Request ☐ No PD Bail Request
☐ Higher _____
☒ Lower \$5,000.00
☐ No Bail

PART 3: FINANCIAL AFFIDAVIT

Signed and Sworn: ☒ Yes
☐ No

ORDER

After considering the above, the Court (1) advised the defendant of his rights pursuant to TEX.CODE CRIM.P. ART 15.17; (2) set the defendant's conditions of release in clear and unambiguous language; and (3) provided the defendant with information required by law. The Court then ORDERED the following:

Bail is set at: ☐ No Bail ☒ \$5,000.00
☐ Conditions

Personal bond is: ☒ Not Approved _____
☐ Approved ☐ Conditions

The reasons for this individual assessment of the appropriate conditions of release were explained to the above-named Defendant.

June 07, 2019 17:15 PM

Date and Time

Magistrate Ronald Nicholas (SPN 64993200)

Ronald Nicholas 64993200
 Magistrate (Judge or Hearing Officer)

(Rev. July 24, 2018)

Interpreter (if applicable)

Page 2 of 2



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this April 3, 2020

Certified Document Number: 85632842 Total Pages: 2

Marilyn Burgess, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

CAUSE NO. 164834201010SPN: 01054251DATE/TIME OF ARREST: 10/2/2019 01:35 AM

THE STATE OF TEXAS

§ IN THE 248th DISTRICT COURT

v.

§

PIERSON, JOHNNIE RAY

§

HARRIS COUNTY, TEXASDOB: [REDACTED]**STATUTORY WARNINGS BY MAGISTRATE - PROBABLE CAUSE FOR FURTHER DETENTION - PR BOND/BAIL ORDER**

On this date and time the above-named defendant personally appeared before me, the undersigned Texas magistrate. The defendant appeared ☒ **in person** ☐ **by video teleconference** and I admonished the defendant as follows:

You are accused of STATE JAIL FELONY, namely, POSS CS PG 1 <1G.

- You have the right to hire an attorney to represent you.
- You have the right to remain silent.
- You have the right to have an attorney present prior to and during any interview with peace officers or attorneys representing the state.
- You have the right to stop any interview at any time.
- You have the right to an examining trial in a felony offense.
- You are not required to make a statement and any statement you make can be used against you.
- You have the right to request the appointment of counsel if you cannot afford counsel.

If you consent, I can appoint the Public Defender to represent you and describe evidence on your behalf in this bail hearing regardless of whether you are indigent. If you request appointed counsel and are later found to be indigent, another lawyer would be appointed to represent you in any trial or plea on the charge(s) listed above.

Do you consent to allow an assistant public defender to represent you in this bail hearing, knowing that this lawyer will not continue to represent you when this hearing is over? ☐ NO ☒ YES—

Pursuant to Joint Administrative Order No. 2017-01, Assistant Public Defender Robles, Jannell

(print name) represented the Defendant in this bail hearing.

Do you request the appointment of counsel to represent you in the county or district court if you are determined to be indigent?

☐ NO ☒ YES— The Court **ORDERS** Pretrial Services to help the defendant, if still in custody, prepare the request and any supporting paperwork, and then forward the request to the judge of the court in which the case is pending within 24 hours.

CONSULAR NOTIFICATION: If you are a foreign national, you may be entitled to have us notify your country's consular representative here in the United States. If your country requires notification, we will notify it as soon as possible.

The accused is a: ☒ United States citizen ☐ foreign national of (country).

☐ The accused requests notification of consular officials.

☐ **MANDATORY NOTIFICATION:** The clerk shall immediately alert the above country's consulate of this arrest.

If you are a foreign national, please provide the following information:

Name (father's last / mother's last / first)

Date of Birth

Place of Birth

Passport Number

Date Issued

Place Issued

PROBABLE CAUSE FINDING AND ORDER

- ☐ The Court **FINDS** that probable cause for further detention **DOES NOT EXIST**. The Court **ORDERS** the law enforcement agency and officer having custody of the defendant to immediately release the defendant from custody.
- ☒ The Court **FINDS** that probable cause for further detention **EXISTS**. The Court reviewed and/or set the defendant's bond as indicated in the BAIL ORDER below and, in clear and unambiguous language: (1) advised the defendant of his rights pursuant to TEX. CODE CRIM. P. Art. 15.17; and (2) provided the defendant with information required by law. The Court **ORDERS** the defendant committed to the custody of the Sheriff of Harris County, Texas, until he posts the required bond or until further order of the Court.
- ☐ Probable cause previously determined. The Court **ORDERS** the defendant committed to the custody of the Sheriff of Harris County, Texas, until he posts the required bond or until further order of the Court.

☒ **SEE NEXT PAGE FOR BAIL ORDER**

October 02, 2019 17:04 PM

Date and Time

Magistrate Colin Amann (SPN 51138100)

Magistrate (Judge or Hearing Officer)

(Rev. July 24, 2018)

Interpreter (if applicable)

Page 1 of 2

STATUTORY WARNINGS BY MAGISTRATE - PROBABLE CAUSE FOR FURTHER DETENTION - PR BOND/BAIL ORDER**PERSONAL BOND / BAIL ORDER**

Having found probable cause exists for the further detention of PIERSON, JOHNNIE RAY, the Court next determined the conditions of release for the accused to ensure he/she will appear and answer before the proper Court.

PART 1: PUBLIC SAFETY ASSESSMENT

The Court considered the Public Safety Assessment results and also considered the following presumptive personal bond recommendation:

- ☐ Personal Bond Recommended
☐ Personal Bond **NOT** Recommended
☒ Personal Bond Recommendation referred to Magistrate
☐ PSA NOT available

PART 2: PERSONAL BOND / BAIL REQUESTS

Presumptive Bail Amount \$888,888.00

A. DISTRICT ATTORNEY PR BOND / BAIL REQUEST

- Personal Bond ☐ Requested ☒ Opposed
☐ No Position
- Bail Request ☐ No DA Bail Request
☐ Higher _____
☐ Lower _____
☒ No Bail

B. PUBLIC DEFENDER PR BOND / BAIL REQUEST

- Personal Bond ☒ Requested ☐ Opposed
☐ No Position
- Bail Request ☐ No PD Bail Request
☐ Higher _____
☒ Lower \$1,500.00
☐ No Bail

PART 3: FINANCIAL AFFIDAVIT

Signed and Sworn: ☒ Yes
☐ No

ORDER


After considering the above, the Court (1) advised the defendant of his rights pursuant to TEX.CODE CRIM.P. ART 15.17; (2) set the defendant's conditions of release in clear and unambiguous language; and (3) provided the defendant with information required by law. The Court then ORDERED the following:

Bail is set at: ☐ No Bail ☒ \$15,000.00
☐ Conditions

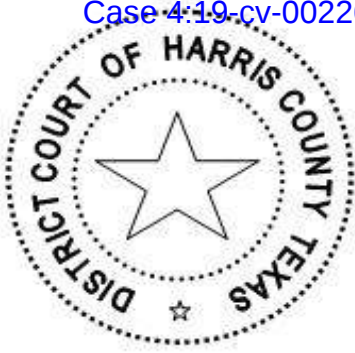
Personal bond is: ☒ Not Approved 0.26g. def on bond for felony PCS x2 (6-7-19 & 1-18-19).
☐ Approved ☐ Conditions

The reasons for this individual assessment of the appropriate conditions of release were explained to the above-named Defendant.

October 02, 2019 17:04 PM
 Date and Time
 Magistrate Colin Amann (SPN 51138100)

 51138100
 Magistrate (Judge or Hearing Officer)
 (Rev. July 24, 2018)

 Interpreter (if applicable)
 Page 2 of 2



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this April 3, 2020

Certified Document Number: 87420271 Total Pages: 2

Marilyn Burgess, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

BAIL BOND

CASE NO. 1618009
CHARGE POSS CS PG 1 4G
SPN 01054251 92

COURT SETTING:

DATE 02/21/19
TIME 9:00AM XSN



Known All Men By These Presents:

That we, PIERSON, JOHNNIE, or principal, and the undersigned Allegheny Casualty Company, (agent, Kelvin Hampton) as sureties, are held and firmly bound unto the STATE OF TEXAS, in the penal sum of Five Thousand Dollars And Zero Cents (\$ 5,000.00) Dollars and, in addition thereto, we are bound for the payment of all fees and expenses that may be incurred by any peace officer in re-arresting the said principal in the event any of the hereinafter stated conditions of this bond are violated for the payment of which sum or sums well and truly to be made, we do bind ourselves, and each of us, our heirs, executors and administrators, jointly and severally.

THE CONDITION OF THIS BOND IS THAT THE DEFENDANT HAS BEEN CHARGE WITH A Felony (Felony-Misdemeanor) 174th offense and to secure his release from custody is entering into this obligation binding him to appear before County of Harris County, Texas.

NOW THEREFORE, IF THE SAID PRINCIPAL SHALL WELL AND TRULY MAKE HIS PERSONAL APPEARANCE BEFORE SAID COURT INSTANTER AS well as before any other court to which the same may be transferred and for any an all subsequent proceedings that may be had relative to said charge in the course of criminal actions based on said charge, and there remain from day to day and term to term of said courts, until discharged by due course of law, then and there to answer said accusation against him, this obligation shall become void, otherwise to remain in full force and effect.

Taken and approved this

day of 01/30, 2019

by [Signature], Deputy Sheriff, Harris County Texas
Allegheny Casualty Company

[Signature] Surety
agent, Kelvin Hampton

Lic.# 745041 Empl. Home

THE DEFENDANT SHALL NOT HAVE ANY CONTACT WITH THE PROSECUTION /S/, WITNESS /S/, THE COMPLAINANT /S/, OR THE ALLEGED VICTIM /S/.

SIGNED AND DATED 01/30, 2019

Citizen Status: _____

Holds: _____

ICE: A# _____

FILED
Marilyn Burgess
District Clerk

JAN 31 2019

SB COST RECEIPT # 784597

OATH OF SURETIES
THE STATE OF TEXAS
COUNTY OF HARRIS

Time: Harris County, Texas

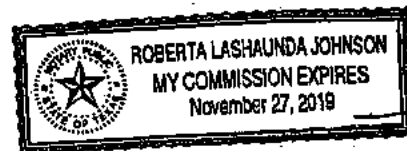
By Allegheny Casualty Company

I, _____ do swear that we are worth in our own

right, at least double the amount of the sum for which we are bound, exclusive of all property exempted by law from execution, and of debts or other encumbrances, that we are residents of the State of Texas and I have property in the State of Texas liable to execution worth the sum for which I am bound.

Surety (Signature) [Signature] agent, Kelvin Hampton

Presenter (Signature) [Signature]



SUBSCRIBED AND SWORN to before me this

day of 01/30 A.D. 2019

[Signature]
NOTARY PUBLIC HARRIS COUNTY

My Commission Expires: _____

ORIGINAL-DISTRICT CLERK

RECORDER'S MEMORANDUM
This instrument is of poor quality at the time of imaging.

BAIL BOND

COURT SETTING:

DATE 6/19/19
TIME 8:30 am



CASE NO. 1834366
CHARGE MAN/DEL CS PG I
ETGRAM
SPN 01054251

Known All Men By These Presents:

That we, PIERSON, JOHNNY, or principal, and the undersigned Allegheny Casualty Company, (agent, Kelvin Hampton)

as sureties, are held and firmly bound unto the STATE OF TEXAS, in the penal sum of Five Thousand Dollars And Zero Cents (\$ 5,000.00) Dollars and, in addition thereto, we are bound for the payment of all fees and expenses that may be incurred by any peace officer in re-arresting the said principal in the event any of the hereinafter stated conditions of this bond are violated for the payment of which sum or sums well and truly to be made, we do bind ourselves, and each of us, our heirs, executors and administrators, jointly and severally.

THE CONDITION OF THIS BOND IS THAT THE DEFENDANT HAS BEEN CHARGE WITH A Felony (Felony-Misdemeanor) 24th offense and to secure his release from custody is entering into this obligation binding him to appear before County of Harris County, Texas.

NOW THEREFORE, IF THE SAID PRINCIPAL SHALL WELL AND TRULY MAKE HIS PERSONAL APPEARANCE BEFORE SAID COURT INSTANTER AS well as before any other court to which the same may be transferred and for any an all subsequent proceedings that may be had relative to said charge in the course of criminal actions based on said charge, and there remain from day to day and term to term of said courts, until discharged by due course of law, then and there to answer said accusation against him, this obligation shall become void, otherwise to remain in full force and effect.

Taken and approved this 06/15, 2019
day of June,
by [Signature], Deputy
Sheriff, Harris County Texas
Allegheny Casualty Company

[Signature] Surety
agent, Kelvin Hampton
(City and State) 745041 (Phone) Home
Lic.# Empl.

THE DEFENDANT SHALL NOT HAVE ANY CONTACT WITH THE PROSECUTION /S/, WITNESS /S/, THE COMPLAINANT /S/, OR THE ALLEGED VICTIM /S/.

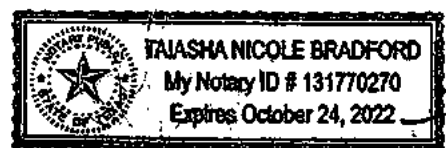
FILED
Marilyn Burgess
District Clerk

JUN 15 2019

OATH OF SURETIES
THE STATE OF TEXAS
COUNTY OF HARRIS
I, Allegheny Casualty Company

do swear that we are worth in our own right, at least double the amount of the sum for which we are bound, exclusive of all property exempted by law from execution, and of debts or other encumbrances, that we are residents of the State of Texas and I have property in the State of Texas liable to execution worth the sum for which I am bound.

Surety (Signature) agent, Kelvin Hampton
Presenter (Signature) [Signature]



SUBSCRIBED AND SWORN to before me this 06/15 day of June, A.D. 2019
A. Bradford
NOTARY PUBLIC HARRIS COUNTY

My Commission Expires: October 24, 2022

ORIGINAL-DISTRICT CLERK

RECORDER'S MEMORANDUM
This instrument is of poor quality at the time of imaging

CAUSE NUMBER 164834201010

**STATE OF TEXAS
VS.
JOHNNIE PIERSON**

**IN THE 248TH DISTRICT COURT
OF
HARRIS COUNTY, TEXAS**

MOTION TO ADJUDICATE GUILT

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, THE STATE OF TEXAS, by and through the undersigned Assistant District Attorney and shows the Court heretofore on 21st day of November, 2019, the Defendant herein entered a plea of Guilty for the State Jail Felony offense of POSS CS PG 1 <1G, and the Court after hearing the evidence introduced thereon and finding that it substantiates the Defendant's guilt, deferred entering an adjudication of guilt and placed the Defendant under the terms and conditions of Community Supervision for a period of 4 Years in accordance with Section 5 of Article 42.12 of the Texas Code of Criminal Procedure.

Further, the State would show that the Court ordered the Defendant herein to abide by certain conditions of Community Supervision during the term of Community Supervision and among the conditions of Community Supervision ordered by the Court were the following conditions of Community Supervision.

2. The State would further show the said Defendant did then and there violate terms and conditions of Community Supervision by: using, possessing, or consuming an illegal drug, to-wit; the Defendant admitted to the use of K2 on March 3, 2020 to the Gateway Facility Director, Dino Martinez.
18. The State would further show the said Defendant did then and there violate terms and conditions of Community Supervision by: Failing to comply with the program rules and regulations of the Substance Abuse Treatment Facility (SATF), to-wit; on or about March 2, 2020 and 3/3/200, the defendant violated the following program rules: by possessing Major Contraband-Cigarettes, tobacco, and a butane lighter.

Page 2 MOTION TO ADJUDICATE GUILT

THE STATE OF TEXAS VS. JOHNNIE PIERSON CAUSE NO. 164834201010

WHEREFORE, THE STATE PRAYS that Alias Capias issue and upon arrest that a hearing be given the Defendant and that on the final hearing an adjudication of guilt be entered.



SIGN

ASSISTANT DISTRICT ATTORNEY
HARRIS COUNTY, TEXAS

MOTION GRANTED AS PRAYED FOR and the Clerk is hereby ORDERED to issue Alias Capias for arrest of the Defendant and that a copy of this Motion be served on the Defendant.

SIGNED THIS March 5, 2020



SIGN


PRESIDING JUDGE


ATTEST

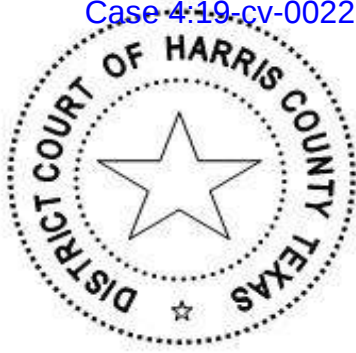
District Clerk
Harris County, Texas

ACTION DIRECTED BY THE COURT

- ☒ A. FILE MOTION TO REVOKE
☐ B. NO ACTION DESIRED
☐ C. HOLD PENDING

By:  SIGN
(Deputy)


Latoya Santee
Community Supervision Officer
DATE SUBMITTED: March 4, 2020



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this April 3, 2020

Certified Document Number: 89751300 Total Pages: 2

Marilyn Burgess, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

CAUSE NUMBER 163436601010

**STATE OF TEXAS
VS.
JOHNNIE PIERSON**

**IN THE 248TH DISTRICT COURT
OF
HARRIS COUNTY, TEXAS**

MOTION TO ADJUDICATE GUILT

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, THE STATE OF TEXAS, by and through the undersigned Assistant District Attorney and shows the Court heretofore on 21st day of November, 2019, the Defendant herein entered a plea of Guilty for the State Jail Felony offense of MAN DEL CS PG 1 <1G, and the Court after hearing the evidence introduced thereon and finding that it substantiates the Defendant's guilt, deferred entering an adjudication of guilt and placed the Defendant under the terms and conditions of Community Supervision for a period of 4 Years in accordance with Section 5 of Article 42.12 of the Texas Code of Criminal Procedure.

Further, the State would show that the Court ordered the Defendant herein to abide by certain conditions of Community Supervision during the term of Community Supervision and among the conditions of Community Supervision ordered by the Court were the following conditions of Community Supervision.

2. The State would further show the said Defendant did then and there violate terms and conditions of Community Supervision by: using, possessing, or consuming an illegal drug, to-wit; the Defendant admitted to the use of K2 on March 3, 2020 to the Gateway Facility Director, Dino Martinez.
21. The State would further show the said Defendant did then and there violate terms and conditions of Community Supervision by: Failing to comply with the program rules and regulations of the Substance Abuse Treatment Facility (SATF), to-wit; on or about March 2, 2020 and 3/3/2020, the defendant violated the following program rules: by possessing Major Contraband-Cigarettes, tobacco, and a butane lighter.

Page 2 MOTION TO ADJUDICATE GUILT

THE STATE OF TEXAS VS. JOHNNIE PIERSON CAUSE NO. 163436601010

WHEREFORE, THE STATE PRAYS that Alias Capias issue and upon arrest that a hearing be given the Defendant and that on the final hearing an adjudication of guilt be entered.



SIGN

ASSISTANT DISTRICT ATTORNEY
HARRIS COUNTY, TEXAS

MOTION GRANTED AS PRAYED FOR and the Clerk is hereby ORDERED to issue Alias Capias for arrest of the Defendant and that a copy of this Motion be served on the Defendant.

SIGNED THIS March 5, 2020



SIGN


PRESIDING JUDGE


ATTEST

District Clerk
Harris County, Texas

ACTION DIRECTED BY THE COURT

- ☒ A. FILE MOTION TO REVOKE
☐ B. NO ACTION DESIRED
☐ C. HOLD PENDING

By:  SIGN
(Deputy)


Latoya Santee
Community Supervision Officer
DATE SUBMITTED: March 4, 2020



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this April 3, 2020

Certified Document Number: 89751294 Total Pages: 2

Marilyn Burgess, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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CAUSE NO. 164834201010

C87 D1 (COURT ORDER)

IN THE 248 DISTRICT COURT
OF HARRIS COUNTY, TEXAS

T H E S T A T E O F T E X A S

VS.

PIERSON, JOHNNIE RAY

POSS CS PG 1 <1G

TO THE SHERIFF OF HARRIS COUNTY, TEXAS: GREETINGS

BY ORDER OF THE COURT ON THE 09 DAY OF MARCH, A.D. 2020 THE
FOLLOWING ACTION IS DIRECTED IN THE ABOVE STYLED AND NUMBERED CAUSE:

BOND SET IN THE AMOUNT OF \$25000

THE COURT HAS ORDERED THE FOLLOWING BAIL OPTIONS:

SET PER JUDGE UNGER

NOTES TO SHERIFF:

WITNESS MY HAND AND SEAL OF OFFICE AT HOUSTON, TEXAS, THIS 09 DAY OF
MARCH, A.D. 2020 AT 11 : 13 O'CLOCK

SNU : 997

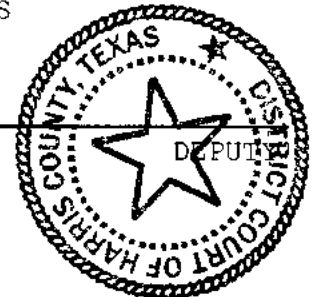
INITIATING DEPUTY:

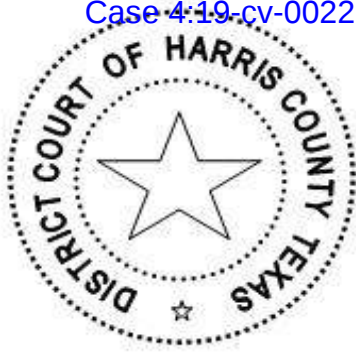
LEDEE, ALISON

755-6961

MARILYN BURGESS, DISTRICT CLERK
HARRIS COUNTY, TEXAS

BY





I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this April 3, 2020

Certified Document Number: 89804370 Total Pages: 1

Marilyn Burgess, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

DWIGHT RUSSELL, *et al.*,
Plaintiffs,

v.

HARRIS COUNTY, TEXAS, *et al.*,
Defendants.

§
§
§
§
§
§
§

Case No. 4:19-cv-00226

**ORDER DENYING PLAINTIFFS' MOTION FOR TEMPORARY
RESTRAINING ORDER AND PRELIMINARY
INJUNCTION REGARDING EXECUTIVE ORDER GA 13**

Before the Court is Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction Regarding Executive Order GA 13. After consideration of the motion and all responses thereto, the Court is of the opinion that the motion does not have merit and should be DENIED.

IT IS THEREFORE ORDERED that Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction is DENIED.

SIGNED on this the _____ day of _____, 2020.

LEE H. ROSENTHAL
CHIEF UNITED STATES DISTRICT JUDGE