

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

OSCAR SANCHEZ, MARCUS
WHITE, TESMOND MCDONALD,
MARCELO PEREZ, ROGER
MORRISON, KEITH BAKER, PAUL
WRIGHT, TERRY MCNICKLES,
AND JOSE MUÑOZ, on their own
behalf and on behalf of a class of
similarly situated persons,

**Civil Action
Case No. 3:20-cv-00832**

V.

**DALLAS COUNTY SHERIFF
MARIAN BROWN, *in Her Official
Capacity; DALLAS COUNTY,
TEXAS,***
Respondents/Defendants.

BRIEF IN SUPPORT OF DEFENDANT'S MOTION TO DISMISS

Plaintiffs, all of whom are, or were, state detainees at the Dallas County Jail, challenge their conditions of confinement under the auspices of a Section 2241 habeas claim. The Fifth Circuit has held that habeas relief is not an appropriate vehicle to challenge conditions of confinement. As such, Plaintiffs have failed to state a claim for which relief can be granted, and their habeas claims should be dismissed. FED. R. CIV. P. 12(b)(6).

Plaintiffs' habeas claims should also be dismissed because they have failed to exhaust their remedies in state court, and have not provided any basis on which one can reasonably conclude that Plaintiffs are excused from exhausting their state law remedies. *Id.*

Finally, the post-adjudication Plaintiffs may not use § 1983 to seek release because doing so would undermine the validity of their convictions. Those claims should also be dismissed. *Id.*

I. Standard of Review

To survive a Rule 12(b)(6) motion to dismiss for failure to state a claim, a plaintiff must plead “enough facts to state a claim to relief that is plausible on its face.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). A claim is facially plausible when the plaintiff pleads factual content that allows the court to draw a reasonable inference that the defendant is liable for the misconduct alleged. *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). Assuming they are true, a plaintiff’s allegations must be enough to raise a right to relief above the speculative level. *Twombly*, 550 U.S. at 555.

II. Plaintiffs’ habeas claims must be dismissed under Rule 12(b)(6) because they have not exhausted available state court remedies.

In order to be eligible for habeas relief a petitioner must have exhausted his or her available state remedies. *Dickerson v. Louisiana*, 816 F.2d 220, 224 (5th Cir. 1987). The common law exhaustion doctrine imposed on Section 2241(c)(3) was crafted based on concerns about the delicate state–federal balance in order to protect state courts’ opportunity to confront and resolve initially any constitutional issues arising within their jurisdictions as well as to limit federal interference in the state adjudicatory process. *Braden v. 30th Judicial Circuit Court of Ky.*, 410 U.S. 484, 489–92 (1973).

Texas law provides for the reduction of bail and release thereon. TEX. CODE CRIM. P. art. 17.09 § 3. The Texas Code of Criminal Procedure provides factors that guide judicial discretion in setting bond amounts. *Id.* art. 17.15. Texas procedure also affords clear timeframes for mandatory bond reduction or imposition of a personal bond. *Id.* art. 17.151. Habeas relief is also available under Texas law. See, e.g., *In re McCray*, 324 S.W.3d 685 (Tex. App.—Dallas 2010, orig. proceeding).

Plaintiffs do not allege that they have exhausted their state law remedies. In fact, Plaintiffs do not allege that any one of them has sought any state law remedy. Instead, they allege that “Section 2241 contains no exhaustion requirement conceivably applicable to prisoners seeking COVID-based discharge.” ECF No. 1 at 38 ¶ 86. Plaintiffs’ claim ignores the longstanding principle that, as a matter of comity, federal courts do not ignore available state adjudicatory processes.

The only exception to the exhaustion requirement that Plaintiffs cite is the exception for when state procedures do not afford swift vindication. *Id.* The pre-adjudication Plaintiffs do not contend that they sought expedited bond review hearings or initiated any state court remedy. The post-adjudication plaintiffs likewise do not allege that they initiated any state court proceedings to seek release. They merely say that these processes “would take months under normal circumstances, and certainly will now take longer.” *Id.* Plaintiffs’ argument fails for four reasons.

First, Plaintiffs pretend, without evidence, that they would lose at every stage of the habeas process and be forced to pursue appeals. Second, while Plaintiffs ignore the bond reduction process, they attach an e-mail from the Dallas County Criminal District Courts Manager, Keta Dickerson. ECF No. 1-11 at 4. Ms. Dickerson informed court-appointed counsel that the Criminal District Courts are:

- Currently open;
- Conducting essential hearings by any and all available means;
- Prioritizing bail hearings and jail pleas;
- Taking all reasonable steps to avoid exposing people to the threat of coronavirus; and
- Working to try to streamline an electronic system for hearing bond matters and jail pleas.

ECF No. 1-11 at 4. This evidence does not support a contention that available state law remedies, such as bond reduction or personal bonds, are futile or will take months; it supports a finding that state courts are “prioritizing bail hearings and jail pleas” and “taking all reasonable steps to avoid exposing people to the threat of coronavirus.” *Id.*

Third, Plaintiffs’ attempt to escape their obligation to seek adequate state law remedies fails because their conclusory allegation that COVID-19 will lengthen the time it takes for them to obtain relief in state courts. ECF No. 1 at 38 ¶ 86 & n.103. What Plaintiffs fail to mention is that the only Dallas County courts that are closed are municipal courts.¹ Municipal courts do not have jurisdiction over offenses that may result in incarceration. TEX. GOV’T CODE § 29.003.

Finally, available state law remedies have been anything but futile or slow in the last month. Plaintiffs rely on the Dallas County Jail’s daily population report data for April 6, 2020. ECF No. 1 at 30 ¶ 71.

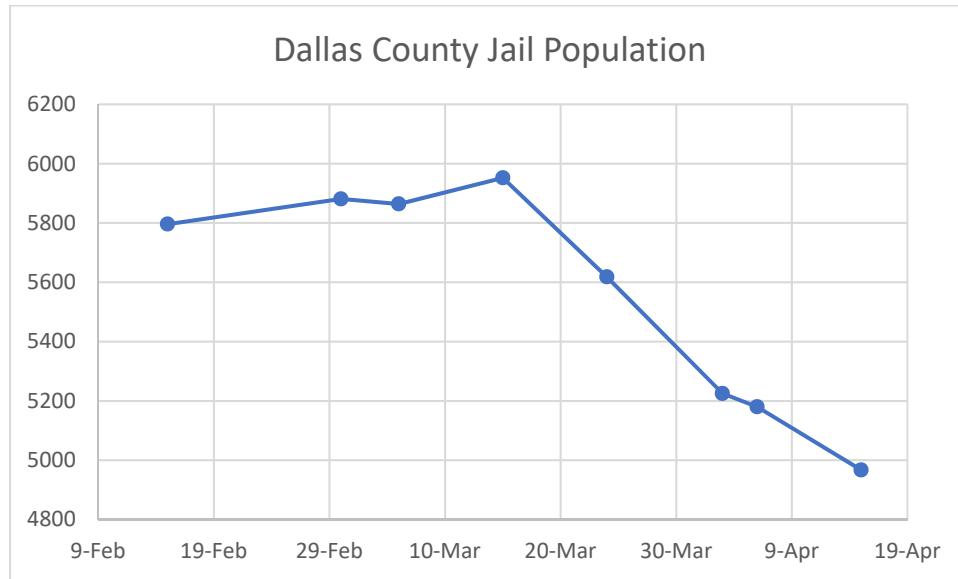
The Supreme Court of Texas and the Texas Court of Criminal Appeals jointly issued their first order regarding court operations during COVID-19 on March 13, 2020. Misc. Order No. 20-9042 (Tex. Mar. 13, 2020); Misc. Order No. 20-007 (Tex. Crim. App. Mar. 13, 2020).² The daily population report to which Plaintiffs refer shows a steep decline in Dallas County Jail population since March 13, 2020. On March 15, 2020, the total Jail population was 5,952. The population declined to 5,618 on March 24, and again to 5,225 on April 3, and finally to 5,180 on April 6. Today’s Jail population is under 5,000.³

¹ Current & Upcoming Closures, Texas Judicial Branch, <https://www.txcourts.gov/programs-services/court-security/emergency-court-preparedness/closures/> (last visited Apr. 15, 2020).

² Available at <https://www.txcourts.gov/media/coronavirus-covid-19-emergency-orders/>.

³ Courts may routinely consider not just documents named in Plaintiffs’ Complaint, but also documents that, if not named, are pertinent, central, or integral to Plaintiffs’ claim. *Bryant v. Avado Brands*, 187 F.3d 1271, 1281 (11th Cir. 1999). Documents relied on by a defendant are

Plaintiffs' Complaint acknowledges that detainees have been released recently. ECF No. 1 at 26 ¶ 61. The data to which Plaintiffs refer, however, demonstrates just how diligently the Dallas County Criminal Court at Law and State District Court judges have been working to release detainees when possible.⁴



There is no support for Plaintiffs' conclusory allegation that state law remedies have been slow or unavailable. At a minimum, it is incongruous for Plaintiffs to allege that state procedures do not afford swift vindication; attach evidence that Dallas County courts are open, using all available means to conduct essential hearings, and prioritizing bail hearings and jail pleas; and not allege or show that any plaintiff has sought any relief in state court. There is no reason to depart from the well-established rule that habeas plaintiffs must exhaust state court remedies before seeking relief in federal court. Plaintiffs' habeas claims should be dismissed.

considered part of the pleadings if they are referred to in the plaintiffs' complaint and are central to plaintiffs' claims. *Collins v. Morgan Stanley Dean Witter*, 224 F.3d 496, 498–99 (5th Cir. 2000).

⁴ For context, Defendants refer to the remainder of the relevant public reports to which Plaintiffs refer. Those reports are attached as Exhibit 1.

III. Plaintiffs have not stated a claim for habeas relief because their claims raise questions unrelated to the myriad causes of their detention.

Habeas is not available to review questions unrelated to the cause of detention. The “sole function” of a writ of habeas corpus is to grant relief from unlawful imprisonment or custody and it cannot be used properly for any other purpose.” *Pierre v. United States*, 525 F.2d 933, 935–36 (5th Cir. 1976). Plaintiffs complain about their conditions of confinement, not the cause for their detention. Plaintiffs do not allege that any order of confinement was procured or issued improperly. Plaintiffs do not allege that their convictions and the judgments thereon were entered in violation of their constitutional rights. Instead, they say the conditions of their confinement require release. Whatever their conditions of confinement, they are not related to Plaintiffs’ “cause of detention.” As such, Plaintiffs’ Petition for Writ of Habeas Corpus must fail, and the Court should dismiss those claims pursuant to Rule 12(b)(6).

Plaintiffs attempt to distinguish *Pierre*—which remains binding precedent—by saying that it is not clear how Section 2241 would apply in the context of COVID-19. This argument fails. “Allegations that challenge rules, customs, and procedures affecting conditions of confinement are properly brought in civil rights actions.” *Schipke v. Van Buren*, 239 Fed. App’x 85, 85–76 (5th Cir. 2007). Even when a habeas petitioner alleges that inadequate conditions of confinement create the risk of serious physical injury, illness, or death, a petition for a writ of habeas corpus is not the proper vehicle for such a claim. *See, e.g., Spencer v. Bragg*, 310 Fed. App’x 678, 679 (5th Cir. 2009) (affirming the lower court’s dismissal of petitioner’s habeas claim even though he alleged that the conditions of confinement endangered his life). A petition for habeas corpus may not be used as a vehicle to challenge conditions of confinement. As such, Plaintiffs have not pleaded, and cannot plead, any set of facts under which they could

conceivably obtain habeas relief. Their habeas claims should be dismissed. FED. R. CIV. P. 12(b)(6).

IV. The post-adjudication Plaintiffs fail to state a § 1983 claim because they challenge the fact of their confinement and seek immediate release.

Plaintiffs' Complaint makes no effort to hide what they seek: "immediate release is the only medically and legally sound remedy, rather than mere mitigation and/or further proceedings." ECF No. 1 at 37 ¶ 85. "Plaintiffs . . request immediate release of all Plaintiffs and Class Members." *Id.* at 4 ¶ 9.

A prisoner in state custody cannot use a § 1983 action to challenge the fact or duration of confinement and seek immediate release. *Preiser v. Rodriguez*, 411 U.S. 475, 489 (1973). He or she must seek federal habeas corpus relief or appropriate state relief instead. *Id.* When a prisoner's action demands immediate release or a shorter period of detention, it lies at the core of habeas corpus, and the prisoner may not pursue relief under § 1983. *Id.*

Under *Preiser*, the post-adjudication Plaintiffs may not seek release under § 1983. When they are not seeking relief contrary to *Preiser* or ancillary relief predicated on release, the post-adjudication Plaintiffs' prayer seeks to alter the terms of their valid convictions and sentences. *See, e.g.*, ECF. No. 1 at 42–43 ¶¶ 2, 5(a), 5(d). This relief is unavailable because it would necessarily imply the invalidity of their convictions and sentences. *Heck v. Humphrey*, 512 U.S. 477 (1994). Plaintiffs ask this Court to impose additional restrictions on the validity of state court judgments ordering Plaintiffs to serve terms of confinement. According to Plaintiffs, they may not be sentenced to a term of confinement absent judicially recorded findings by clear and convincing evidence that the individual poses a danger to others that no condition other than confinement can mitigate. *See, e.g.*, ECF No. 1 at 42–43 ¶¶ 2, 5(a), 5(d). Plaintiffs cite no authority that this requirement arises from the Constitution, or that such a requirement can be

retroactively applied to invalidate state court judgments. There is none.⁵ Because they seek release or additional findings to support their state court judgments, which would necessarily invalidate those judgments, the post-adjudication Plaintiffs have failed to state a § 1983 claim.

V. The Court should abstain from entertaining Plaintiffs' claims.

In a memorandum opinion issued yesterday, Judge Rosenthal explained the prudential reasons for a federal court to abstain from wading into the fracas to interfere with ongoing state efforts to respond to dynamic conditions. ECF No. 31. Abstention is particularly warranted where Plaintiffs seek to deploy the blunt instrument of constitutional litigation to obtain crude court-fashioned remedies that carry the threat of contempt. *Id.*; see *Benzman v. Whitman*, 523 F.3d 119, 125 (2d Cir. 2008). Abstention is also counseled by the strong policy that federal courts should not intervene in pending state court proceedings, such as those in which the pre-adjudication Plaintiffs are involved. *Younger v. Harris*, 401 U.S. 37 (1971); *Middlesex Cnty. Ethics. Comm'n v. Garden State Bar Ass'n*, 457 U.S. 423, 431 (1983).

If the Court does not dismiss all of Plaintiffs' claims, the Court should nevertheless abstain from intervening at this juncture in order to allow state officials to weigh the competing interests at play in managing the Dallas County jail during this COVID-19 outbreak.

CONCLUSION AND PRAYER

Under binding Fifth Circuit precedent, Plaintiffs' cannot use habeas claims to challenge their conditions of confinement. As such, Plaintiffs' habeas claims should be dismissed under Rule 12(b)(6). Further, Plaintiffs do not allege that they have attempted to access state law remedies, much less exhaust them. Federal courts do not entertain state prisoners' habeas claims unless those petitioners first exhaust state court remedies. In light of the available state court

⁵ See also *Daves v. Dallas Cnty., Tex.*, 341 F. Supp. 3d 688, 695–96 (N.D. Tex. 2018).

remedies, and the fact that Plaintiffs' own evidence demonstrates the efficacy of those remedies, there is no good reason for the Court to excuse Plaintiffs from the exhaustion requirement. Their failure to exhaust is an additional and independent reason for which Plaintiffs' habeas claims should be dismissed.

Not only can Plaintiffs not use habeas as a vehicle to challenge the conditions of their confinement, the post-adjudication Plaintiffs may not use § 1983 to collaterally attack their conviction or seek relief. Because the post-adjudication Plaintiffs' § 1983 claim seeks release, those claims should be dismissed under Rule 12(b)(6) as well.

Regarding the remaining claims—the pre-adjudication § 1983 claims—the Court should abstain from ruling on the basis of *Younger*.

Defendants also pray for all other and further relief to which they are justly entitled.

Date: April 15, 2020

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was served on all counsel of record via the ECF system of the Court on April 15, 2020.

/s/ Nicholas D. Stepp _____
Nicholas D. Stepp

EXHIBIT 1



DALLAS COUNTY CRIMINAL JUSTICE MANAGEMENT COMMITTEE INFORMATION STATISTICS

DETENTION EARLY WARNING REPORT

Description	Currently in Jail	Avg-Stay Days	1-10 Days	11-20 Days	21-30 Days	31-40 Days	41-50 Days	51-60 Days	61-70 Days	GT-70 Days	% OF TOTAL POP
A FELONY NOT FILED	857	24.11	348	151	115	71	57	40	16	59	14.78%
B FILED FELONY PENDING GRAND JURY	492	36.55	50	95	96	89	64	26	26	46	8.49%
C FELONY NOT INCLUDING SJF PENDING DISP.	1,772	164.27	81	51	51	81	48	81	103	1,276	30.57%
D STATE JAIL FELONY PENDING DISPOSITION	287	66.21	32	27	33	22	17	32	21	103	4.95%
E PROBATION VIOLATION -- FELONY	323	27.93	132	63	47	22	13	8	7	31	5.57%
F TDC > 10 YEARS ON APPEAL OR TDC NO APPEAL	243	188.16	9	23	13	16	10	7	13	152	4.19%
G BENCH WARRANTS	36	123.73	4	3	2	1	0	0	0	26	0.62%
H TDC 10 YEARS OR LESS ON APPEAL	14	224.60	0	0	0	0	0	1	1	12	0.24%
I SENTENCED SJF	61	80.53	10	4	7	4	0	2	4	30	1.05%
J SENTENCED SJF ON APPEAL	1	170.50	0	0	0	0	0	0	0	1	0.02%
K SJF SERVING IN COUNTY JAIL	41	36.07	9	11	3	5	1	6	1	5	0.71%
L MISDEMEANOR NOT FILED	76	3.71	75	0	0	0	0	0	0	0	1.31%
M FILED MISDEMEANOR PENDING DISP.	173	29.40	79	29	16	12	8	7	2	20	2.98%
N PROBATION VIOLATION -- MISDEMEANOR	0	0.00	0	0	0	0	0	0	0	0	0.00%
O SERVING IN COUNTY JAIL(COND. OF PROB.)	64	35.83	23	12	7	3	2	2	3	12	1.10%
P SERVING COUNTY TIME AND FINES	26	28.63	8	7	3	2	0	0	3	3	0.45%
Q SERVING FINE AND COURT COST ONLY	1	13.50	0	0	1	0	0	0	0	0	0.02%
R OUT OF COUNTY/STATE HOLD	52	25.17	42	3	0	0	0	0	0	7	0.90%
S PAROLE VIOLATION	273	71.78	51	44	28	25	12	9	10	94	4.71%
T SAFFP	207	81.17	17	19	27	18	16	11	9	90	3.57%
U SPECIAL PROGRAMS	339	87.14	17	22	24	32	23	23	27	171	5.85%
V OTHER -- (INCOMPETENT)	203	184.03	5	3	9	11	5	5	8	157	3.50%
W U S MARSHAL	112	173.24	5	3	0	1	0	5	1	97	1.93%
X CONTEMPT -- IN JAIL	16	29.06	4	3	0	6	0	1	1	1	0.28%
Y CONTEMPT -- ON FURLough	1	50.50	0	0	0	0	0	0	0	1	0.02%
Z PEACE BOND	0	0.00	0	0	0	0	0	0	0	0	0.00%
AA TYC	0	0.00	0	0	0	0	0	0	0	0	0.00%
BB IMMIGRATION	14	39.47	7	2	0	1	0	1	1	2	0.24%
CC CLASS C ONLY	23	30.13	14	3	1	1	1	0	0	3	0.40%
DD CONTRACT INMATES	0	0.00	0	0	0	0	0	0	0	0	0.00%
EE U S MILITARY	0	0.00	0	0	0	0	0	0	0	0	0.00%
ZZ DEFAULT -- IN ERROR	90	25.66	73	6	0	1	0	0	1	9	1.55%
TOTAL	5,797	95.94	1,095	584	483	424	277	267	258	2,409	100%
TOTAL LESS FURLough	5,796										

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DALLAS COUNTY CRIMINAL JUSTICE MANAGEMENT COMMITTEE INFORMATION STATISTICS

DETENTION EARLY WARNING REPORT





DALLAS COUNTY CRIMINAL JUSTICE MANAGEMENT COMMITTEE INFORMATION STATISTICS

DETENTION EARLY WARNING REPORT

Description	Currently in Jail	Avg-Stay Days	1-10 Days	11-20 Days	21-30 Days	31-40 Days	41-50 Days	51-60 Days	61-70 Days	GT-70 Days	% OF TOTAL POP
A FELONY NOT FILED	889	23.73	351	194	111	80	31	25	31	66	15.11%
B FILED FELONY PENDING GRAND JURY	527	37.53	35	104	102	100	74	53	11	48	8.96%
C FELONY NOT INCLUDING SJF PENDING DISP.	1,825	162.65	80	59	59	84	71	108	71	1,293	31.02%
D STATE JAIL FELONY PENDING DISPOSITION	278	71.70	34	12	21	32	16	19	19	125	4.72%
E PROBATION VIOLATION -- FELONY	344	27.39	130	76	41	33	18	10	6	30	5.85%
F TDC > 10 YEARS ON APPEAL OR TDC NO APPEAL	262	167.73	13	19	18	23	8	17	5	159	4.45%
G BENCH WARRANTS	31	116.63	1	1	6	1	1	1	0	20	0.53%
H TDC 10 YEARS OR LESS ON APPEAL	14	247.07	0	0	0	1	0	0	0	13	0.24%
I SENTENCED SJF	60	84.16	6	8	3	8	2	3	1	29	1.02%
J SENTENCED SJF ON APPEAL	1	178.00	0	0	0	0	0	0	0	1	0.02%
K SJF SERVING IN COUNTY JAIL	36	44.65	6	8	5	2	3	1	1	10	0.61%
L MISDEMEANOR NOT FILED	68	2.78	67	1	0	0	0	0	0	0	1.16%
M FILED MISDEMEANOR PENDING DISP.	171	27.78	84	29	13	10	6	8	1	20	2.91%
N PROBATION VIOLATION -- MISDEMEANOR	1	24.50	0	0	0	0	1	0	0	0	0.02%
O SERVING IN COUNTY JAIL(COND. OF PROB.)	43	38.98	12	5	8	5	1	4	0	8	0.73%
P SERVING COUNTY TIME AND FINES	21	30.64	7	6	2	1	0	0	0	5	0.36%
Q SERVING FINE AND COURT COST ONLY	1	21.00	0	0	0	0	1	0	0	0	0.02%
R OUT OF COUNTY/STATE HOLD	49	23.62	36	4	1	2	1	0	0	5	0.83%
S PAROLE VIOLATION	275	71.76	50	47	32	16	14	18	5	93	4.67%
T SAFFP	228	81.65	9	23	24	27	21	15	12	97	3.87%
U SPECIAL PROGRAMS	338	84.65	21	13	26	34	22	24	18	180	5.74%
V OTHER -- (INCOMPETENT)	196	193.54	4	3	7	7	10	8	3	154	3.33%
W U S MARSHAL	105	182.14	1	4	1	1	0	1	2	95	1.78%
X CONTEMPT -- IN JAIL	17	30.72	4	3	1	3	2	2	0	2	0.29%
Y CONTEMPT -- ON FURLough	3	29.50	2	0	0	0	0	0	0	1	0.05%
Z PEACE BOND	0	0.00	0	0	0	0	0	0	0	0	0.00%
AA TYC	0	0.00	0	0	0	0	0	0	0	0	0.00%
BB IMMIGRATION	1	0.50	1	0	0	0	0	0	0	0	0.02%
CC CLASS C ONLY	23	13.75	18	0	1	0	1	0	1	2	0.39%
DD CONTRACT INMATES	0	0.00	0	0	0	0	0	0	0	0	0.00%
EE U S MILITARY	0	0.00	0	0	0	0	0	0	0	0	0.00%
ZZ DEFAULT -- IN ERROR	77	23.63	58	11	2	2	0	0	0	4	1.31%
TOTAL	5,884	95.54	1,030	630	484	472	304	317	187	2,460	100%
TOTAL LESS FURLough	5,881										

3/1/2020
7:00:12 AM

DALLAS COUNTY CRIMINAL JUSTICE MANAGEMENT COMMITTEE INFORMATION STATISTICS

DETENTION EARLY WARNING REPORT





DALLAS COUNTY CRIMINAL JUSTICE MANAGEMENT COMMITTEE INFORMATION STATISTICS

DETENTION EARLY WARNING REPORT

Description	Currently in Jail	Avg-Stay Days	1-10 Days	11-20 Days	21-30 Days	31-40 Days	41-50 Days	51-60 Days	61-70 Days	GT-70 Days	% OF TOTAL POP
A FELONY NOT FILED	871	24.21	357	170	127	57	41	20	27	72	14.85%
B FILED FELONY PENDING GRAND JURY	548	36.73	56	95	114	86	85	52	18	42	9.34%
C FELONY NOT INCLUDING SJF PENDING DISP.	1,813	161.68	69	52	78	84	75	116	79	1,260	30.91%
D STATE JAIL FELONY PENDING DISPOSITION	287	71.95	35	19	17	31	23	16	20	126	4.89%
E PROBATION VIOLATION -- FELONY	322	28.59	113	58	55	24	28	8	6	30	5.49%
F TDC > 10 YEARS ON APPEAL OR TDC NO APPEAL	259	154.59	17	15	21	16	12	16	8	154	4.42%
G BENCH WARRANTS	30	127.23	1	2	2	1	1	1	1	21	0.51%
H TDC 10 YEARS OR LESS ON APPEAL	16	233.71	0	0	0	1	0	0	0	15	0.27%
I SENTENCED SJF	57	86.64	7	4	10	2	1	3	3	27	0.97%
J SENTENCED SJF ON APPEAL	1	180.50	0	0	0	0	0	0	0	1	0.02%
K SJF SERVING IN COUNTY JAIL	29	46.40	7	1	7	3	0	3	0	8	0.49%
L MISDEMEANOR NOT FILED	90	2.41	90	0	0	0	0	0	0	0	1.53%
M FILED MISDEMEANOR PENDING DISP.	151	27.38	71	29	13	10	3	4	5	16	2.57%
N PROBATION VIOLATION -- MISDEMEANOR	2	18.33	1	0	0	0	0	1	0	0	0.03%
O SERVING IN COUNTY JAIL(COND. OF PROB.)	45	38.28	16	4	6	2	4	5	0	8	0.77%
P SERVING COUNTY TIME AND FINES	31	32.00	14	6	2	3	0	0	0	6	0.53%
Q SERVING FINE AND COURT COST ONLY	1	23.50	0	0	0	1	0	0	0	0	0.02%
R OUT OF COUNTY/STATE HOLD	69	23.91	47	6	2	1	0	2	1	10	1.18%
S PAROLE VIOLATION	283	67.93	63	40	37	17	14	16	6	90	4.83%
T SAFFP	231	80.68	7	25	27	24	24	20	13	91	3.94%
U SPECIAL PROGRAMS	328	85.95	19	17	20	29	29	25	21	168	5.59%
V OTHER -- (INCOMPETENT)	198	189.75	4	5	8	7	5	12	6	151	3.38%
W U S MARSHAL	81	171.46	1	2	2	2	0	1	0	73	1.38%
X CONTEMPT -- IN JAIL	18	29.58	5	3	1	3	0	5	0	1	0.31%
Y CONTEMPT -- ON FURLough	1	60.50	0	0	0	0	0	0	0	1	0.02%
Z PEACE BOND	0	0.00	0	0	0	0	0	0	0	0	0.00%
AA TYC	0	0.00	0	0	0	0	0	0	0	0	0.00%
BB IMMIGRATION	5	17.83	1	3	0	0	0	1	0	0	0.09%
CC CLASS C ONLY	20	49.33	14	1	1	1	0	0	0	3	0.34%
DD CONTRACT INMATES	0	0.00	0	0	0	0	0	0	0	0	0.00%
EE U S MILITARY	0	0.00	0	0	0	0	0	0	0	0	0.00%
ZZ DEFAULT -- IN ERROR	78	24.78	64	2	3	3	1	1	0	4	1.33%
TOTAL	5,865	93.82	1,079	559	553	407	347	328	214	2,378	100%
TOTAL LESS FURLough	5,864										

3/6/2020
7:00:11 AM

DALLAS COUNTY CRIMINAL JUSTICE MANAGEMENT COMMITTEE INFORMATION STATISTICS

DETENTION EARLY WARNING REPORT





DALLAS COUNTY CRIMINAL JUSTICE MANAGEMENT COMMITTEE INFORMATION STATISTICS

DETENTION EARLY WARNING REPORT

Description	Currently in Jail	Avg-Stay Days	1-10 Days	11-20 Days	21-30 Days	31-40 Days	41-50 Days	51-60 Days	61-70 Days	GT-70 Days	% OF TOTAL POP
A FELONY NOT FILED	925	23.60	375	194	120	75	48	29	12	72	15.54%
B FILED FELONY PENDING GRAND JURY	539	37.61	47	99	105	98	65	59	27	39	9.06%
C FELONY NOT INCLUDING SJF PENDING DISP.	1,821	161.04	80	60	63	80	84	92	117	1,245	30.59%
D STATE JAIL FELONY PENDING DISPOSITION	319	68.13	43	24	22	26	29	26	20	129	5.36%
E PROBATION VIOLATION -- FELONY	292	29.24	93	59	44	31	14	20	7	24	4.91%
F TDC > 10 YEARS ON APPEAL OR TDC NO APPEAL	301	150.24	15	25	20	26	13	17	13	172	5.06%
G BENCH WARRANTS	36	113.00	4	0	4	3	1	1	1	22	0.60%
H TTDC 10 YEARS OR LESS ON APPEAL	15	254.44	0	0	0	0	0	0	0	15	0.25%
I SENTENCED SJF	55	93.98	4	11	2	3	6	2	2	25	0.92%
J SENTENCED SJF ON APPEAL	1	185.00	0	0	0	0	0	0	0	1	0.02%
K SJF SERVING IN COUNTY JAIL	27	45.96	3	9	1	4	2	0	2	6	0.45%
L MISDEMEANOR NOT FILED	83	3.32	83	0	0	0	0	0	0	0	1.39%
M FILED MISDEMEANOR PENDING DISP.	142	32.04	54	30	15	8	8	5	4	18	2.39%
N PROBATION VIOLATION -- MISDEMEANOR	4	38.80	1	1	0	0	0	0	1	1	0.07%
O SERVING IN COUNTY JAIL(COND. OF PROB.)	39	45.55	7	8	5	3	2	4	4	6	0.66%
P SERVING COUNTY TIME AND FINES	36	26.22	10	11	6	3	3	0	0	3	0.60%
Q SERVING FINE AND COURT COST ONLY	1	28.00	0	0	0	0	0	1	0	0	0.02%
R OUT OF COUNTY/STATE HOLD	63	46.11	33	9	1	2	2	2	1	13	1.06%
S PAROLE VIOLATION	294	69.85	50	57	32	26	11	12	14	92	4.94%
T SAFFP	240	80.64	11	15	28	28	20	27	17	94	4.03%
U SPECIAL PROGRAMS	345	83.89	15	28	15	29	26	33	25	174	5.80%
V OTHER -- (INCOMPETENT)	201	186.94	4	5	6	11	5	8	11	151	3.38%
W U S MARSHAL	80	181.19	2	0	1	3	1	0	1	72	1.34%
X CONTEMPT -- IN JAIL	10	22.73	6	0	1	0	1	0	1	1	0.17%
Y CONTEMPT -- ON FURLough	1	65.00	0	0	0	0	0	0	0	1	0.02%
Z PEACE BOND	0	0.00	0	0	0	0	0	0	0	0	0.00%
AA TYC	0	0.00	0	0	0	0	0	0	0	0	0.00%
BB IMMIGRATION	1	23.00	0	0	0	0	1	0	0	0	0.02%
CC CLASS C ONLY	11	3.83	9	2	0	0	0	0	0	0	0.18%
DD CONTRACT INMATES	0	0.00	0	0	0	0	0	0	0	0	0.00%
EE U S MILITARY	0	0.00	0	0	0	0	0	0	0	0	0.00%
ZZ DEFAULT -- IN ERROR	70	27.99	56	4	1	1	2	0	2	4	1.18%
TOTAL	5,952	94.31	1,005	651	492	460	344	338	282	2,380	100%
TOTAL LESS FURLough	5,951										<i>3/15/2020 7:00:07 AM</i>

DALLAS COUNTY CRIMINAL JUSTICE MANAGEMENT COMMITTEE INFORMATION STATISTICS

DETENTION EARLY WARNING REPORT





DALLAS COUNTY CRIMINAL JUSTICE MANAGEMENT COMMITTEE INFORMATION STATISTICS

DETENTION EARLY WARNING REPORT

Description	Currently in Jail	Avg-Stay Days	1-10 Days	11-20 Days	21-30 Days	31-40 Days	41-50 Days	51-60 Days	61-70 Days	GT-70 Days	% OF TOTAL POP
A FELONY NOT FILED	841	26.29	303	157	119	90	51	33	23	65	14.97%
B FILED FELONY PENDING GRAND JURY	594	37.28	37	142	126	84	74	44	35	52	10.57%
C FELONY NOT INCLUDING SJF PENDING DISP.	1,786	165.59	33	69	45	85	97	101	99	1,257	31.79%
D STATE JAIL FELONY PENDING DISPOSITION	299	72.25	34	31	21	19	19	27	16	132	5.32%
E PROBATION VIOLATION -- FELONY	267	37.94	53	49	48	40	21	13	14	29	4.75%
F TDC > 10 YEARS ON APPEAL OR TDC NO APPEAL	259	149.91	4	30	21	16	14	11	10	153	4.61%
G BENCH WARRANTS	33	119.44	1	4	0	4	3	1	1	19	0.59%
H TDC 10 YEARS OR LESS ON APPEAL	13	276.64	0	0	0	0	0	0	0	13	0.23%
I SENTENCED SJF	67	80.75	7	9	9	6	4	5	2	25	1.19%
J SENTENCED SJF ON APPEAL	1	189.50	0	0	0	0	0	0	0	1	0.02%
K SJF SERVING IN COUNTY JAIL	23	43.88	3	4	7	1	1	2	1	4	0.41%
L MISDEMEANOR NOT FILED	56	3.53	53	3	0	0	0	0	0	0	1.00%
M FILED MISDEMEANOR PENDING DISP.	131	39.95	37	26	19	15	5	4	2	23	2.33%
N PROBATION VIOLATION -- MISDEMEANOR	2	31.33	0	0	1	0	0	0	0	1	0.04%
O SERVING IN COUNTY JAIL(COND. OF PROB.)	37	53.87	3	9	4	2	2	3	4	10	0.66%
P SERVING COUNTY TIME AND FINES	33	36.65	3	13	4	6	1	2	0	4	0.59%
Q SERVING FINE AND COURT COST ONLY	1	32.50	0	0	0	0	0	0	1	0	0.02%
R OUT OF COUNTY/STATE HOLD	32	42.55	17	2	1	2	0	2	1	7	0.57%
S PAROLE VIOLATION	248	73.99	33	53	30	16	13	6	8	89	4.41%
T SAFFP	227	80.48	3	18	20	29	31	19	24	83	4.04%
U SPECIAL PROGRAMS	297	88.12	2	20	27	17	32	22	25	152	5.29%
V OTHER -- (INCOMPETENT)	204	192.68	2	3	7	5	12	6	9	160	3.63%
W U S MARSHAL	81	188.45	0	2	0	2	2	2	0	73	1.44%
X CONTEMPT -- IN JAIL	3	3.25	2	1	0	0	0	0	0	0	0.05%
Y CONTEMPT -- ON FURLough	1	69.50	0	0	0	0	0	0	0	1	0.02%
Z PEACE BOND	0	0.00	0	0	0	0	0	0	0	0	0.00%
AA TYC	0	0.00	0	0	0	0	0	0	0	0	0.00%
BB IMMIGRATION	11	17.58	5	2	2	0	1	1	0	0	0.20%
CC CLASS C ONLY	11	15.17	8	0	0	0	1	2	0	0	0.20%
DD CONTRACT INMATES	0	0.00	0	0	0	0	0	0	0	0	0.00%
EE U S MILITARY	0	0.00	0	0	0	0	0	0	0	0	0.00%
ZZ DEFAULT -- IN ERROR	60	33.49	45	4	4	0	0	1	1	5	1.07%
TOTAL	5,618	99.11	688	651	515	439	384	307	276	2,358	100%
TOTAL LESS FURLough	5,617										<i>3/24/2020 7:00:24 AM</i>

DALLAS COUNTY CRIMINAL JUSTICE MANAGEMENT COMMITTEE INFORMATION STATISTICS

DETENTION EARLY WARNING REPORT





DALLAS COUNTY CRIMINAL JUSTICE MANAGEMENT COMMITTEE INFORMATION STATISTICS

DETENTION EARLY WARNING REPORT

Description	Currently in Jail	Avg-Stay Days	1-10 Days	11-20 Days	21-30 Days	31-40 Days	41-50 Days	51-60 Days	61-70 Days	GT-70 Days	% OF TOTAL POP
A FELONY NOT FILED	472	21.21	226	94	43	33	18	17	16	25	9.03%
B FILED FELONY PENDING GRAND JURY	707	36.04	79	123	141	122	98	66	31	47	13.53%
C FELONY NOT INCLUDING SJF PENDING DISP.	1,726	173.73	20	31	78	43	80	93	99	1,282	33.03%
D STATE JAIL FELONY PENDING DISPOSITION	263	78.34	8	19	28	18	19	20	34	117	5.03%
E PROBATION VIOLATION -- FELONY	246	39.09	62	38	37	21	28	15	9	36	4.71%
F TDC > 10 YEARS ON APPEAL OR TDC NO APPEAL	294	154.23	2	7	31	24	20	15	16	179	5.63%
G BENCH WARRANTS	34	125.31	0	3	3	0	4	3	1	20	0.65%
H TDC 10 YEARS OR LESS ON APPEAL	15	254.19	0	0	1	1	0	0	0	13	0.29%
I SENTENCED SJF	84	77.39	2	9	11	11	8	7	6	30	1.61%
J SENTENCED SJF ON APPEAL	1	194.50	0	0	0	0	0	0	0	1	0.02%
K SJF SERVING IN COUNTY JAIL	18	38.95	1	4	4	3	1	1	2	2	0.34%
L MISDEMEANOR NOT FILED	53	3.31	51	0	2	0	0	0	0	0	1.01%
M FILED MISDEMEANOR PENDING DISP.	135	41.89	41	25	21	13	5	3	1	26	2.58%
N PROBATION VIOLATION -- MISDEMEANOR	3	34.25	0	0	1	1	0	0	0	1	0.06%
O SERVING IN COUNTY JAIL(COND. OF PROB.)	25	52.12	0	4	6	2	1	2	1	9	0.48%
P SERVING COUNTY TIME AND FINES	22	41.65	1	3	8	1	4	1	1	3	0.42%
Q SERVING FINE AND COURT COST ONLY	1	37.50	0	0	0	0	0	0	0	1	0.02%
R OUT OF COUNTY/STATE HOLD	56	60.39	6	8	7	7	2	6	2	18	1.07%
S PAROLE VIOLATION	240	75.48	34	30	21	13	13	4	91	4.59%	
T SAFFP	204	86.90	3	3	17	17	29	30	17	88	3.90%
U SPECIAL PROGRAMS	276	91.04	13	0	21	27	21	26	19	149	5.28%
V OTHER -- (INCOMPETENT)	206	193.67	0	5	7	7	7	11	6	163	3.94%
W U S MARSHAL	84	191.73	2	0	2	1	2	3	1	73	1.61%
X CONTEMPT -- IN JAIL	1	11.00	0	0	1	0	0	0	0	0	0.02%
Y CONTEMPT -- ON FURLough	1	74.50	0	0	0	0	0	0	0	1	0.02%
Z PEACE BOND	0	0.00	0	0	0	0	0	0	0	0	0.00%
AA TYC	0	0.00	0	0	0	0	0	0	0	0	0.00%
BB IMMIGRATION	11	34.08	2	4	2	1	0	0	1	1	0.21%
CC CLASS C ONLY	0	0.00	0	0	0	0	0	0	0	0	0.00%
DD CONTRACT INMATES	0	0.00	0	0	0	0	0	0	0	0	0.00%
EE U S MILITARY	0	0.00	0	0	0	0	0	0	0	0	0.00%
ZZ DEFAULT -- IN ERROR	47	49.38	34	1	2	2	0	1	2	5	0.90%
TOTAL	5,225	107.17	587	415	504	376	360	333	269	2,381	100%
TOTAL LESS FURLough	5,224										

4/3/2020
7:00:57 AM

DALLAS COUNTY CRIMINAL JUSTICE MANAGEMENT COMMITTEE INFORMATION STATISTICS

DETENTION EARLY WARNING REPORT





DALLAS COUNTY CRIMINAL JUSTICE MANAGEMENT COMMITTEE INFORMATION STATISTICS

DETENTION EARLY WARNING REPORT

Description	Currently in Jail	Avg-Stay Days	1-10 Days	11-20 Days	21-30 Days	31-40 Days	41-50 Days	51-60 Days	61-70 Days	GT-70 Days	% OF TOTAL POP
A FELONY NOT FILED	494	20.94	246	91	49	33	14	12	21	28	9.54%
B FILED FELONY PENDING GRAND JURY	695	37.08	54	143	125	117	98	74	29	55	13.42%
C FELONY NOT INCLUDING SJF PENDING DISP.	1,719	175.31	15	35	56	67	66	86	109	1,285	33.19%
D STATE JAIL FELONY PENDING DISPOSITION	247	78.48	11	17	20	19	18	20	28	114	4.77%
E PROBATION VIOLATION -- FELONY	255	40.16	56	45	38	24	19	23	13	37	4.92%
F TDC > 10 YEARS ON APPEAL OR TDC NO APPEAL	299	156.51	3	6	15	35	21	12	15	192	5.77%
G BENCH WARRANTS	34	128.23	0	3	3	0	3	3	1	21	0.66%
H TTDC 10 YEARS OR LESS ON APPEAL	15	257.00	0	0	0	2	0	0	0	13	0.29%
I SENTENCED SJF	84	80.73	1	9	10	12	5	6	7	34	1.62%
J SENTENCED SJF ON APPEAL	1	196.00	0	0	0	0	0	0	0	1	0.02%
K SJF SERVING IN COUNTY JAIL	17	42.06	1	3	3	3	2	0	3	2	0.33%
L MISDEMEANOR NOT FILED	59	3.58	57	0	1	1	0	0	0	0	1.14%
M FILED MISDEMEANOR PENDING DISP.	134	37.22	46	22	18	16	7	3	1	21	2.59%
N PROBATION VIOLATION -- MISDEMEANOR	2	40.00	0	0	0	1	0	0	0	1	0.04%
O SERVING IN COUNTY JAIL(COND. OF PROB.)	23	56.63	0	2	6	3	0	2	0	10	0.44%
P SERVING COUNTY TIME AND FINES	19	41.40	1	1	7	3	3	1	1	2	0.37%
Q SERVING FINE AND COURT COST ONLY	1	39.00	0	0	0	0	0	0	0	1	0.02%
R OUT OF COUNTY/STATE HOLD	62	59.48	10	6	9	7	2	6	3	19	1.20%
S PAROLE VIOLATION	255	74.76	40	30	23	33	14	15	6	94	4.92%
T SAFFP	173	92.37	0	5	12	16	19	19	19	83	3.34%
U SPECIAL PROGRAMS	244	93.19	8	8	10	29	24	14	17	134	4.71%
V OTHER -- (INCOMPETENT)	209	196.32	0	2	9	4	13	6	8	167	4.03%
W U S MARSHAL	87	188.89	4	0	2	1	1	3	3	73	1.68%
X CONTEMPT -- IN JAIL	4	10.40	2	0	2	0	0	0	0	0	0.08%
Y CONTEMPT -- ON FURLough	1	76.00	0	0	0	0	0	0	0	1	0.02%
Z PEACE BOND	0	0.00	0	0	0	0	0	0	0	0	0.00%
AA TYC	0	0.00	0	0	0	0	0	0	0	0	0.00%
BB IMMIGRATION	4	5.00	3	1	0	0	0	0	0	0	0.08%
CC CLASS C ONLY	0	0.00	0	0	0	0	0	0	0	0	0.00%
DD CONTRACT INMATES	0	0.00	0	0	0	0	0	0	0	0	0.00%
EE U S MILITARY	0	0.00	0	0	0	0	0	0	0	0	0.00%
ZZ DEFAULT -- IN ERROR	43	55.43	29	3	1	2	0	1	1	6	0.83%
TOTAL	5,180	108.29	587	432	419	428	329	306	285	2,394	100%
TOTAL LESS FURLough	5,179										

4/6/2020
7:00:30 AM

DALLAS COUNTY CRIMINAL JUSTICE MANAGEMENT COMMITTEE INFORMATION STATISTICS

DETENTION EARLY WARNING REPORT





DALLAS COUNTY CRIMINAL JUSTICE MANAGEMENT COMMITTEE INFORMATION STATISTICS

DETENTION EARLY WARNING REPORT

Description	Currently in Jail	Avg-Stay Days	1-10 Days	11-20 Days	21-30 Days	31-40 Days	41-50 Days	51-60 Days	61-70 Days	GT-70 Days	% OF TOTAL POP
A FELONY NOT FILED	444	19.70	235	71	51	26	18	7	7	29	8.94%
B FILED FELONY PENDING GRAND JURY	557	35.88	61	112	112	73	57	69	36	37	11.21%
C FELONY NOT INCLUDING SJF PENDING DISP.	1,774	174.75	29	14	56	91	83	76	113	1,312	35.71%
D STATE JAIL FELONY PENDING DISPOSITION	244	79.27	14	14	23	18	20	13	19	123	4.91%
E PROBATION VIOLATION -- FELONY	243	40.39	59	36	33	28	17	17	19	34	4.89%
F TDC > 10 YEARS ON APPEAL OR TDC NO APPEAL	319	160.41	1	5	12	20	34	21	14	212	6.42%
G BENCH WARRANTS	36	138.24	4	0	3	4	1	1	2	21	0.72%
H TDC 10 YEARS OR LESS ON APPEAL	16	256.94	0	0	0	1	1	0	0	14	0.32%
I SENTENCED SJF	92	83.02	6	1	10	12	11	7	8	37	1.85%
J SENTENCED SJF ON APPEAL	1	200.50	0	0	0	0	0	0	0	1	0.02%
K SJF SERVING IN COUNTY JAIL	10	40.27	1	1	2	0	2	1	0	3	0.20%
L MISDEMEANOR NOT FILED	75	3.50	73	0	0	2	0	0	0	0	1.51%
M FILED MISDEMEANOR PENDING DISP.	105	44.19	36	14	12	8	10	4	1	20	2.11%
N PROBATION VIOLATION -- MISDEMEANOR	1	22.00	0	0	0	0	1	0	0	0	0.02%
O SERVING IN COUNTY JAIL(COND. OF PROB.)	14	73.47	3	1	0	1	2	0	1	6	0.28%
P SERVING COUNTY TIME AND FINES	24	51.56	2	6	1	6	1	2	1	5	0.48%
Q SERVING FINE AND COURT COST ONLY	1	43.50	0	0	0	0	0	0	0	1	0.02%
R OUT OF COUNTY/STATE HOLD	69	66.10	13	9	1	6	7	2	6	25	1.39%
S PAROLE VIOLATION	302	78.49	28	47	33	27	27	15	16	109	6.08%
T SAFFP	130	101.46	0	0	7	10	10	15	18	70	2.62%
U SPECIAL PROGRAMS	165	102.67	8	4	3	11	15	15	11	98	3.32%
V OTHER -- (INCOMPETENT)	199	207.56	0	1	3	7	5	10	6	167	4.01%
W U S MARSHAL	83	204.80	0	1	0	2	1	1	3	75	1.67%
X CONTEMPT -- IN JAIL	1	17.00	0	0	0	1	0	0	0	0	0.02%
Y CONTEMPT -- ON FURLough	1	80.50	0	0	0	0	0	0	0	1	0.02%
Z PEACE BOND	0	0.00	0	0	0	0	0	0	0	0	0.00%
AA TYC	0	0.00	0	0	0	0	0	0	0	0	0.00%
BB IMMIGRATION	6	11.57	4	0	2	0	0	0	0	0	0.12%
CC CLASS C ONLY	0	0.00	0	0	0	0	0	0	0	0	0.00%
DD CONTRACT INMATES	0	0.00	0	0	0	0	0	0	0	0	0.00%
EE U S MILITARY	0	0.00	0	0	0	0	0	0	0	0	0.00%
ZZ DEFAULT -- IN ERROR	56	41.70	39	3	2	2	0	2	0	8	1.13%
TOTAL	4,968	113.77	616	340	366	356	323	278	281	2,408	100%
TOTAL LESS FURLough	4,967										<i>4/15/2020 7:00:01 AM</i>

DALLAS COUNTY CRIMINAL JUSTICE MANAGEMENT COMMITTEE INFORMATION STATISTICS

DETENTION EARLY WARNING REPORT

