

BAIL BOND BOARD MEETING

3 THOSE PRESENT: Judge Branick
4 Judge Woods
5 Judge West
6 Judge Dollinger
7 Judge Lively
8 Cindy Ferguson
9 Cory Kneeland
10 Casi DeLa Torre
11 Becky Garcia
12 Tim Funchess
13 Al Reed
14 James Maken
15 Mary Godina
16 Liz Parks
17 Tina Benoit
18 Rhonda Brode
19 Tom Roebuck
20
21 TIM FUNCHESS: I'm going
22 meeting together for the bail bond b
23 for business is review the minutes f
24 meeting.

25 | COURT REPORTER: Brandi told me she did not

1 have them posted yet, judge.

2 TIM FUNCHESS: Good deal. Next, we'll move
3 onto report from the district attorney's office. We'll
4 look at those minutes along with these minutes next
5 month.

6 A report from the district attorney's
7 office, regarding the status of collection and
8 judgments. I think that's been passed out. Anybody
9 have any questions?

10 (NONE.)

11 TIM FUNCHESS: Judge Dollinger, you want
12 your seat?

13 JUDGE DOLLINGER: Keep on rolling.

14 TIM FUNCHESS: All right. Well, next is
15 consideration of approval of applications to become
16 bondsmen, agents, renewals. Becky?

17 BECKY GARCIA: Yes, sir, we do have one
18 application today. It's Al Reed's. I actually e-mailed
19 it to all the members yesterday, except for the three
20 that the e-mail wouldn't allow it for -- and I just
21 passed out one. I don't see the other two members
22 today. Everything looked to be in order.

23 JUDGE BRANICK: Move for approval.

24 TIM FUNCHESS: We have a motion to approve.
25 Is there a second?

1 JUDGE WOODS: Second.

2 THE COURT: All in favor say aye.

3 (RESPONSE.)

4 TIM FUNCHESS: Opposed?

5 (NONE.)

6 TIM FUNCHESS: It is approved. Now, we move
7 on to consider complaints against bondsmen.

8 MARY GODINA: I don't have any.

12 (NONE .)

15 RHONDA BRODE: Yes, sir, I passed it out.
16 If anyone needs a copy let me know. I have a few extra.
17 On the bondsman's report, Richard Colter, we never
18 changed his bond limit amount, as we said we would do.
19 So, the calculated bond limit and the actual bond limit
20 in the system don't match. C.

21 And then the attorneys, we've discussed
22 Audwin Samuel, the status of "over" in the last couple
23 of meetings. He has no balance. So, can we take that
24 status off? Is that -- is that a problem for anyone, to
25 take it off? Everyone looked at it. No one said they

1 put it on.

2 TINA BENOIT: I don't know how to take it
3 off. I don't know where you put it on at. It's not
4 something I put on, unless it's something she did?

5 RHONDA BRODE: Can you do it? Can you do
6 it? I know you put status on.

7 CASI DELA TORRE: I can put him in default;
8 but I can't --

9 MARY GODINA: I think that's an MIS thing, I
10 bet.

11 RHONDA BRODE: An MIS thing?

12 MARY GODINA: Maybe.

13 RHONDA BRODE: I will call Paul, then. And
14 Michael Lindsey's unpaid forfeitures exceed his
15 forfeiture amount -- balance -- I'm sorry, limit. I
16 didn't know if those were actually in process or if they
17 were due? I was going to ask Casi and Becky to look at
18 that, get back with me after the meeting.

19 CASI DELA TORRE: I think I checked into
20 this one last time; but I will check into it just to be
21 sure.

22 RHONDA BRODE: I'll make a note. And that's
23 it. Oh, I'm sorry. Our revenue actually exceeds our
24 expenses so far this year? Yes, we're doing good.

25 TIM FUNCHESS: Well, next on the agenda is

1 creating a new bail bond board application for bail bond
2 representatives. Who wants to speak on that?

3 BECKY GARCIA: We -- Theresa and I have
4 revamped it. I'm in the test mode to test the PDF
5 functions of it, the drop downs that those bondsmen that
6 have used that capability before. We're fixing to move
7 it over -- well, not move it over.

8 I'll e-mail it out to all the members, get
9 your feedback on it. If it looks good, if it looks good
10 at the next meeting, I'll put it on the agenda to put on
11 the website.

12 TIM FUNCHESS: Okay. And lastly, have to
13 discuss the issuance of -- what?

14 TINA BENOIT: You printed that out from an
15 e-mail I send you, right? Correct? What you're reading
16 off of right now?

17 TIM FUNCHESS: Uh-huh.

18 TINA BENOIT: That's not right.

19 RHONDA BRODE: Yeah. I -- just -- yeah.

20 TIM FUNCHESS: Excuse me. Okay. Concerns
21 over accusation and surety bonds over 60 days.

22 JUDGE WOODS: Yeah, I wanted to bring that
23 up. That's become an issue in misdemeanors courts.
24 What I found out is that what is taking place is
25 somebody will get arrested on a misdemeanor. It's

1 usually going to be a DWI or drug offense most of the
2 time. Accusation is 60 days -- which is a number -- I
3 don't know where that number comes from; but before the
4 case is filed, when the 60 days runs, the bondsman is
5 allowed to get off the case free and clear.

6 Then the state will or the DA's office will
7 file the case; and then a warrant will go out and
8 another bond will have to be posted. I don't think
9 that's fair. I don't know what the solution is. That's
10 why I wanted to talk to everybody and see if we can come
11 up with some sort -- either extend the accusation period
12 or -- because I've heard, and I don't know whether it's
13 true or not, some bondsmen once they get off the bond
14 and then the state files the case, is that they'll
15 charge the same person another fee or another bond. And
16 I don't know who's doing that. I've just heard that
17 feedback.

18 AL REED: How do you get off a bond during
19 accusation?

20 TINA BENOIT: He's talking about if the case
21 is not filed within the 60 days.

22 MARY GODINA: It's not during accusation.

23 AL REED: Right.

24 TINA BENOIT: You-all are not responsible.

25 AL REED: Exactly.

1 TINA BENOIT: Okay. Then, they come back
2 and file the case.

3 AL REED: Yes.

6 AL REED: Right.

7 TINA BENOIT: They come back.

8 AL REED: Right.

12 AL REED: I understand.

16 AL REED: Right.

17 TINA BENOIT: And so we're trying to find
18 out how to avoid that, simply because I think it's
19 costing the sheriff's department a lot of money to go
20 arrest these people that have already been arrested and
21 been on bond for 60 days.

22 AL REED: Well, his phrase was that we're
23 getting off the bond. We can't get off the bond during
24 the accusation.

25 TINA BENOIT: Yeah. No, but after 60 days

1 you're off.

2 AL REED: Right.

3 JUDGE DOLLINGER: Right, because there is no
4 more accusation at the end of 60 days.

5 AL REED: Exactly.

6 JUDGE DOLLINGER: I think what Judge is
7 trying to figure out is is that 60-day time limit
8 statutory? Is that a local custom and practice? Where
9 does the 60 days magic number comes from?

10 AL REED: It's a local DA, what -- well,
11 they've been doing it over 30 years, since I've been a
12 bondsman for 28 and a half years, they've been doing
13 that.

14 JUDGE WOODS: And that was just some number
15 that was agreed upon?

16 AL REED: And that's -- that's probably been
17 the one most few things that the bondsmen has ever been
18 had going for them; now. Some of the bondmen are
19 abusing that, charging the full fee, you know, those
20 persons should go to another bondsman that -- you know,
21 because -- we never do that. We never do that.

22 JUDGE WOODS: Right.

23 AL REED: We may charge the additional \$15,
24 and -- that we have to pay the jail; but never a new fee
25 for that.

1 JUDGE WOODS: Okay.

2 JUDGE DOLLINGER: How would we get word --
3 we can't tell defendants that you-all --

4 AL REED: I know that.

5 JUDGE DOLLINGER: -- use different bondsman.

6 AL REED: I know. I know. I know. But,
7 you know, that's one of few things that's been in our
8 favor --

9 JUDGE DOLLINGER: I'm not --

10 AL REED: -- for the bonding companies
11 forever. You take away that from us, and we know -- we
12 have -- we have been -- taken away almost everything
13 from us.

14 JUDGE DOLLINGER: Taken away what? What are
15 you saying taken away what, the 60 days?

16 AL REED: Yes.

17 JUDGE BRANICK: If they made 90 days, how
18 would that effect you?

19 AL REED: Well -- it wouldn't hurt us
20 tremendously; but if they do it in 90 days and then they
21 collect the full fee; and then the defendant's come back
22 to the bondsman and they're going to say it's been
23 90 days, yeah, we're going to charge you a new fee.

24 It's going to be an enhancement to the
25 bondsmen to charge more after the 90 days than it would

1 be after the 60 days, in my opinion.

2 JUDGE WEST: They would charge more -- I
3 don't understand. They would charge more because it's
4 been 90 days? Is that what you're --

5 AL REED: Well, the argument was that if
6 somebody posted a bond; and the accusation runs out in
7 60 days. A few of the bondsmen are charging the full
8 fee again.

9 JUDGE WEST: Yeah, I understand -- I know
10 we've got -- I've got some of same issues. Ours is just
11 a lot shorter amount of time.

12 AL REED: I don't know who's doing that; and
13 they shouldn't be that.

14 JUDGE WEST: I guess my question is I didn't
15 understand what you said about the 90 days being --

16 AL REED: Okay. Well, if they say -- within
17 the 60 days, okay, I'm not going to charge you the full
18 fee. But now it's been 90 days, we're entitled to a
19 full fee again, which -- we would never do it; but I
20 would assume some other bonding companies would feel
21 that way.

22 JUDGE WEST: The ones who are doing it are
23 doing it within the 60 days anyway.

24 AL REED: Yes, yes.

25 JUDGE WEST: So, that would just give a

1 little more time possibly to spend the days. If you
2 have the ones who are going to do it, we can't dictate
3 if they do or not; right? I mean, we can't tell you
4 guys not to do that --

5 AL REED: Right.

6 JUDGE WEST: -- if you're let off of the
7 bond.

8 AL REED: Right.

9 JUDGE WEST: But if the time is extended,
10 then at least that may lessen how many of them it
11 happens to.

12 AL REED: While I'm thinking about it, if we
13 could write it in as a local rule, you know, that we
14 shouldn't --

15 TINA BENOIT: The only thing is, the cost of
16 going out and rearresting these people as well. It's --

17 JAMES MAKEN: I do have kind of a little on
18 this. Someone's makes a felony bond for \$50,000; okay?
19 Sixty days goes by, they're not indicted, bond expires.
20 They get arrested in South Texas. To make a bond down
21 there to get out is going to cost them another \$10,000
22 or more.

23 AL REED: Right.

24 JAMES MAKEN: You know, that's the scary
25 thing because even though you're calling to see if

1 they're getting indicted, well, if it shows they're
2 at-large, even though they've already posted one bond,
3 they won't tell you they've been indicted. So you don't
4 tell your client. So he gets arrested; and then it's
5 this huge thing.

6 I had something happen with Judge West; and
7 luckily she helped us out. But, I mean, it's scary.
8 Maybe the DA's office can -- you know, once somehow see
9 they've made a bond and we're the attorney, let us know
10 when they get indicted.

11 AL REED: Well, if they made a bond, there
12 won't be any warrant out there.

13 JAMES MAKEN: No, it expired. After 60 days
14 it expires --

15 AL REED: Oh, yeah, after 60 days, yeah.

16 JAMES MAKEN: Okay? Well, then they get
17 indicted --

18 AL REED: Right, exactly.

19 JAMES MAKEN: And you're checking to see if
20 they've been indicted --

21 AL REED: Right, exactly.

22 JAMES MAKEN: And they don't tell you
23 they've been indicted because they're at-large.

24 AL REED: Right.

25 JUDGE WEST: Yes.

1 BECKY GARCIA: Well, on the flip side, what
2 this report is actually -- that I handed out earlier --
3 is saying, these are examples, some examples of when the
4 offense occurred, when they were released on bond; and
5 the pending date is the date that the DA's office went
6 in there and said, okay, I received the information from
7 the agency; and I'm sending it off, you know to the lab
8 for maybe further testing -- hence, the lab report
9 status or maybe some other kind of disposition. Maybe
10 they want the BAC specific level on it or whatever;
11 but -- that date when they received it from the agency
12 is within 60 days. It's just when they come back later
13 on and they get the results and they're filing it,
14 that's when it goes over the 60 days.

15 AL REED: I would be okay with the 90 days,
16 though. I don't think anybody is going to get hurt.

17 BECKY GARCIA: So, I guess the question is
18 how long does it take -- I mean, one of the questions I
19 feel like we need to answer at intake -- to get results
20 back?

21 CORY KNEELAND: If I could speak to that?

22 BECKY GARCIA: Sure.

23 CORY KNEELAND: We have two systems that
24 drugs and blood alcohol are submitted into. One is
25 local and the other is through DPS which goes to Houston

1 and Austin, particularly drugs. If it hits the DPS side
2 of it, it takes months. For drugs particularly, six to
3 nine months. These cases, Judge showed me this list
4 here, these cases are sitting in a drawer right now in
5 my division waiting on blood/alcohol, drug results. If
6 it's local, we can have in a matter of weeks; but we
7 don't have any control; and legally we can't go forward
8 without this information.

9 TINA BENOIT: Can I ask you something?

10 CORY KNEELAND: Sure.

11 TINA BENOIT: We have some filed in court
12 that are already filed and in our court that we reset
13 the court dates simply because they don't have the
14 results from the Austin. How does some of them get
15 stuck in a file and some get filed and we push it back
16 for a court date?

17 CORY KNEELAND: Excellent question. For
18 one, I don't -- I don't do misdemeanors directly; but
19 I'm aware of the process with it. If we can file the
20 case because blood/alcohol is just kind of icing on the
21 case or something, we'll go forward; because we know
22 timing is of the essence. We try to keep these cases as
23 fresh as possible. But if we need the results -- and on
24 drugs we legally have to have the results. There should
25 be no drug case that's filed without a drug result. If

1 there is one, let me know; and I'll fix that. That
2 cannot happen. But as far as DWI's, if they're tanked
3 or something, we might go forward with it anyway,
4 because we don't need it legally. They might plea. But
5 they should be waiting on all results.

6 JUDGE WEST: I have several. I have -- you
7 know, we'll have all the time felony DWIs that have been
8 indicted without the blood/alcohol back, if they did a
9 blood result test; and -- but -- you're not going to
10 move the case until that comes back.

11 TINA BENOIT: Right.

12 JUDGE WEST: Everybody wants to obviously
13 wait for those results; but it's already indicted, which
14 saves the issue of that; but they can't indict them all,
15 because some of them that is what they are relying on.

16 CORY KNEELAND: If that's a problem in your
17 court, let me know. We can address it.

18 JUDGE WEST: No, it's -- we're good.

19 BECKY GARCIA: So, is it -- specifically are
20 we talking about drugs and alcohol as opposed all other
21 cases?

22 JUDGE WOODS: Most the time.

23 CORY KNEELAND: Yes.

24 BECKY GARCIA: Well, you've got one, two,
25 three cases for failure to identify.

1 CORY KNEELAND: That just seems ludicrous.
2 I don't know the facts of that case. I don't --
3 couldn't even think of a reason why we'd be waiting; but
4 I say that, and then there's on a reason.

5 JUDGE WEST: Right.

6 CORY KNEELAND: Ninety-nine percent should
7 be drugs and alcohol. If there's another case, I can
8 probably get those taken care of. So that problem is a
9 non-issue.

10 JUDGE WEST: I mean, another 30 days isn't
11 going to help those, though.

12 JUDGE WOODS: Right. That's -- another 30
13 days --

14 JUDGE WEST: Extending something to 90 days
15 isn't going to help, typically the DPS results and
16 things like that when you're looking at months.

17 AL REED: I can tell you most of our cases,
18 if it goes over 90 days, we're aware of it. We call
19 them up. I would say 75 or 80 percent are going to come
20 in and take care of it because they don't want a -- a
21 warrant out there on them. But not all; but most of
22 them.

23 BECKY GARCIA: Just as an option -- and I'm
24 just kind of throwing this out there -- do we want to
25 look at whatever we're going to do based on the charge

1 of the case, whether we keep 60 days for all other case
2 types except for drug and alcohol; or do we want to
3 collectively address this issue in a whole?

4 CORY KNEELAND: My concern with that would
5 only be -- I'm just thinking off the cuff here -- would
6 be what if they had multiple charges, some which fall
7 within that extension and others don't? Then they would
8 have two time frames, hypothetically.

9 TOM ROEBUCK: If you look at this, 90 days
10 doesn't do a whole lot of good.

11 JUDGE WEST: No, I don't think 90 days --
12 that's not the fix.

13 JUDGE WOODS: That's not going to fix it.

14 JUDGE WEST: I don't know what the fix is.

15 JUDGE WOODS: I don't know. I just --

16 AL REED: And the bondsman standpoint, if
17 you have somebody that's over this -- that's under this
18 60 days, or say if you extend it out, and you know that
19 he's moved off, you can't get in touch with him, he's
20 gone, no contact with the office, we can't even put a
21 warrant out there because it's still on accusation; and
22 this is -- this is time that we don't have to get the
23 person back in.

24 JUDGE DOLLINGER: If he gets out of contact
25 with you, you can't get off the bond?

1 AL REED: Not if it's an accusation.

2 BECKY GARCIA: If the misdemeanor case
3 hasn't been filed, there's no paperwork they can submit
4 to the Court for the Court's approval to issue a
5 warrant.

6 JUDGE WEST: Is there a -- is there a -- you
7 have said that the 60 days is something that's just out
8 there as a local policy.

9 AL REED: Yes.

10 JUDGE WEST: Maybe can we -- look and --
11 what do other areas do? What is the actual -- is there
12 rule, a statutory rule that says --

13 AL REED: No.

14 JUDGE WEST: -- you get to get off at a
15 certain time? I mean, we can make it zero. I'm not
16 saying we want to do that; but we could say you don't
17 get to get off automatically, until something
18 statutory -- I'm mean, I'm not saying we want to or
19 should. I'm saying that's an option; or is that an
20 option is my question? What does the law say, maybe is
21 what we need to look into; and then go from there. Just
22 to see what the options are.

23 Do you know, Tommy.

24 TOM ROEBUCK: I knew you were going to put
25 me to work.

1 JUDGE WEST: I saw you looking --

2 JUDGE DOLLINGER: That's why you get the big
3 bucks.

4 TOM ROEBUCK: I don't -- I mean, there is no
5 law as far as I know, an accusation law. Just -- that's
6 something we've created. So, my suggestion is, seems
7 to -- seems the problem is with the fees. I think,
8 Judge, isn't that what your concern is?

9 JUDGE WOODS: Right. Is -- well that,
10 and --

11 JUDGE WEST: They're having to make two
12 bonds on the same case.

13 JUDGE WOODS: Yeah, having to make two bonds
14 on same charge; and they've never missed a court date.
15 So I don't see why the penalty.

16 BECKY GARCIA: Now, there is a mandatory \$15
17 bond assessment fee, regardless of the situation --
18 regardless of the situation, regardless of anything that
19 happens, that fee has to be paid by the bondsman because
20 that's a fee that goes to the state.

21 JUDGE WEST: Sure, that makes sense. But
22 making a whole another \$2,000 bond, \$3,000, \$10,000,
23 whatever it is.

24 JUDGE WOODS: The other idea that was
25 bounced off me was a pretrial program. It's my

1 understanding that's how they do it in the federal
2 system, where there's -- you have court dates. You show
3 up. This is what's going on with your case. The state
4 makes an announcement, we're waiting on the results. We
5 keep setting it later and later until we finally -- you
6 show up; yes, we're filing the case today. Or something
7 like that.

8 BECKY GARCIA: We used to have a pretrial
9 release program.

10 TOM ROEBUCK: Well, what happens -- what the
11 feds will do a lot of times is they'll issue summons as
12 opposed to warrants.

13 AL REED: And our pretrial release budget
14 was about \$400,000 a year. Bondsmen, that's a nasty
15 word for the bonding industry is pretrial release.

16 JUDGE DOLLINGER: Maybe the solution would
17 be for you to have a meeting with your fellow bondsmen
18 and see if they couldn't amongst their selves come up
19 with an agreement that would forestall any action being
20 taken. Maybe if they understood --

21 AL REED: Right.

22 JUDGE WEST: Yeah.

23 JUDGE DOLLINGER: -- the situation and what
24 the threat hanging in the air was, they might want to
25 get together among yourselves, and say, hey, we need to

1 come up with a policy to save us problems.

2 AL REED: That's a great idea, Judge.

3 JUDGE WEST: Yeah, before something happens.

4 AL REED: Exactly.

5 JUDGE WEST: That's a good idea.

6 JUDGE DOLLINGER: That's what I'd do.

7 (LOTS OF CONVERSATIONS GOING ON AMONG
8 MEMBERS.)

9 THE COURT REPORTER: You know that none of
10 these conversations are going on the record, right?

11 BECKY GARCIA: Tom, on your suggestion on
12 the summons, how -- they issue the summons under the
13 case or under -- how would that work?

14 TOM ROEBUCK: Yeah, see, the -- I'm afraid
15 that there would have to be a way to revamp the software
16 so that there would be a way to -- to trigger it so that
17 you would know if it was a case where there had been a
18 bond made initially; and I don't know if there's anyway
19 to do that.

20 BECKY GARCIA: I mean, that's how we got
21 this report. But the problem is how do I tie that back
22 to the case, because the case hasn't been filed?
23 Because everything --

24 TOM ROEBUCK: That's -- that's my point.

25 BECKY GARCIA: -- we do is under the case

1 number.

2 TOM ROEBUCK: Then it gets -- then it
3 gets --

4 CORY KNEELAND: I just want to throw
5 something -- I was chit-chatting with him. Again, I'm
6 just throwing it out there. Statutorily where does the
7 Judge gain the authority to summon a person to court
8 without a case being filed? In other words --

9 TOM ROEBUCK: I was talking about after it
10 was filed. Instead of a bond being issued, a summons
11 being issued.

12 JUDGE WOODS: Oh, after the 60 days run?

13 TOM ROEBUCK: Yeah. That way it solves --
14 then the person shows up; and he or she could post a
15 bond after he was summonsed; as opposed to having to be
16 rearrested.

17 CORY KNEELAND: So, hypothetically, you have
18 a DWI that's filed; but it's past 60 days. A summons
19 would be triggered to go out to tell them your first
20 court date is X. If they fail to show, you do an FTA
21 and get a warrant; and if they did show, you're saying
22 that at that point they would --

23 TOM ROEBUCK: Post a new bond.

24 AL REED: That would be a great way to do
25 it.

1 JUDGE BRANICK: But the question is, still,
2 they have to post a new bond. The question is are they
3 going to be charged the --

4 TOM ROEBUCK: Well, then -- then my
5 suggestion is -- and Al came up with it is -- let's
6 maybe have a local rule that limits the amount of the
7 fee to be charged.

8 JUDGE WEST: Do we have the authority to do
9 that, to tell the bonding companies not to -- I mean if
10 someone technically doesn't have a bond, if we have a
11 policy or a rule or whatever it is that automatically
12 says you're off after 60 days, can we as a board say you
13 can't charge the next time you make what looks like a
14 new bond?

15 JUDGE BRANICK: Well, isn't there something
16 in that application that says I've complied with the
17 local rules?

18 BECKY GARCIA: Yes, that they have to comply
19 with all the local and --

20 CORY KNEELAND: As long as those rules --

21 TOM ROEBUCK: Well, I mean the other -- the
22 other way of doing it is since -- since there's -- if a
23 bond is posted, I mean, technically that bond ought to
24 still be valid until limitations run.

25 JUDGE WEST: Bondsmen won't like that

1 answer. You don't like that answer.

2 CORY KNEELAND: Your answer is change the 60
3 to forever or until the statute of limitations --

4 JUDGE WEST: Until the statute of
5 limitations.

6 BECKY GARCIA: Well, and the problem I
7 foresee immediately with that is if a bondsman goes out
8 and writes numerous bonds, the cases that aren't filed,
9 by the time they come run and file them, they're going
10 to be hit on their liability report; and they're going
11 to exceed.

12 JUDGE WEST: Yeah.

13 AL REED: Well, I don't think you put the
14 accusations on the liability report.

15 MARY GODINA: No.

16 TINA BENOIT: That's what she's saying.

17 When it's put on your report, you-all may have already
18 exceeded.

19 AL REED: We have -- we have to keep up with
20 these guys forever; you know.

21 BECKY GARCIA: Which, I mean, the sheriff's
22 office, they have bonds that's 20 years old and are
23 still sitting on the cases that have never been filed.

24 AL REED: That's a big burden on the
25 bondsmen.

1 BECKY GARCIA: We have cash bonds that's
2 20 -- you've got bonds from the 80's.

3 CINDY FERGUSON: Well, no, from probably
4 like the late 90's.

5 CORY KNEELAND: From cases that have or have
6 not been filed?

7 CINDY FERGUSON: Have not.

8 BECKY GARCIA: Have not.

9 CINDY FERGUSON: I have a huge amount of
10 bonds that have been there, that -- they're just in
11 there. They're not filed. I mean, when I say a stack,
12 I mean a stack like that (indicating) if not more,
13 that --

14 CORY KNEELAND: Have I spoked with you on
15 the phone?

16 CINDY FERGUSON: What's your name?

17 CORY KNEELAND: Cory.

18 CINDY FERGUSON: Yep.

19 CORY KNEELAND: We may be able to address
20 that issue.

21 CINDY FERGUSON: And so we're -- that -- I
22 mean, I'm in the process of going back and getting all
23 the birthdays, all that information to the people, and
24 making a list.

25 CORY KNEELAND: Good. Because

1 statutorily --

2 CINDY FERGUSON: Because it's -- it's -- an
3 enormous stack of bonds; and on the cash bonds, we have
4 probably about 20, 25,000 cash bonds that expired; that
5 are over 20 years.

6 JUDGE BRANICK: The statute of limitation
7 has run, the money needs to be sent back to the person.

8 CINDY FERGUSON: But I have to have
9 something that's stating that it was never picked up,
10 refused or what have you. I can't just send it back.

11 CORY KNEELAND: We'll work on that.

12 JUDGE BRANICK: Send it to the state
13 comptroller.

14 JUDGE WOODS: What if the bonds were
15 lowered? I know we recently increased our bonds in
16 misdemeanors; but what if they were lowered? Does that
17 make it easier --

18 AL REED: It would be even worse. If you
19 lower your bonds, the -- the bonds in Jefferson County
20 are probably the lowest in the state already.

21 CORY KNEELAND: That's not the answer.

22 JUDGE WEST: Wouldn't that --

23 JUDGE DOLLINGER: He's talking about from an
24 incentive.

25 JUDGE WOODS: You didn't hear that.

1 JUDGE WEST: I heard that.

2 TINA BENOIT: That still doesn't address the
3 problem Mr. Maken brought up if they're arrested in
4 another county; that the bondsmen over here, I mean,
5 they're going to use another bondsman in another county,
6 and pay \$10,000 to this one and \$10,000 to that one.

7 JUDGE WEST: Yeah, we had to go through a
8 whole thing. It was just something based on Mr. Maken
9 coming to me and us being able to do what we needed to
10 do to make it happen --

11 CORY KNEELAND: That's --

12 JUDGE WEST: -- is what we did, and calling
13 the other jurisdiction.

14 JAMES MAKEN: It was noticed; and Pat and I
15 have been talking; and I'm going to send him a letter;
16 and we're going to try to work something out. I mean,
17 once we've been hired and given notice we represent
18 someone; and they posted a big bond; then let the 60
19 days run, the bond expires; and then they get indicted
20 four months down the road, well, they're at-large.

21 So when we call, you know, check and see if
22 there's a warrant, they're not going to tell us because
23 they're at-large. And so we're --

24 JUDGE WEST: Can't get that information as a
25 defense attorney.

1 TINA BENOIT: You can't?

2 JAMES MAKEN: No. We're going to work
3 something out.

4 TINA BENOIT: There's a glitch in that
5 system, because -- because --

6 MARY GODINA: If it's sealed.

7 JUDGE WEST: But it's sealed until they're
8 arrested.

9 MARY GODINA: No. But there's a difference
10 between at-large and sealed. Two different things.

11 THE COURT REPORTER: I'm sorry. I have two
12 conversations going on, loudly.

13 CORY KNEELAND: I'm sorry.

14 JAMES MAKEN: My issue, Mr. Knauth and I are
15 going to talk and see what we can work out.

16 CORY KNEELAND: Let me add this -- and going
17 to what the Judge said. By statute now -- I don't know
18 why they passed this law -- I am prohibited from telling
19 anybody if there is an indicted person that has not been
20 arrested; and that includes his own attorney. If they
21 call up, the answer is I can't talk to you. I'm barred
22 from doing that now. So, I can't deal anybody anything
23 until they're arrested. That's just the law.

24 MARY GODINA: They're just transferred to
25 the sheriff's office. If I see it's sealed, you ain't

1 getting that out of me.

2 CINDY FERGUSON: Are you the only one that's
3 not allowed? Because I can tell you now, as far as the
4 sheriff's office and everything else, from working in
5 the warrant division, if they call and ask if they have
6 a warrant or if they've been indicted --

7 CORY KNEELAND: No, that's different. You
8 can -- you are legally allowed to tell someone if they
9 have a warrant. I cannot tell someone if they've been
10 indicted until they've been arrested on the warrant.
11 That's why it says sealed in the computer.

12 MARY GODINA: Sealed. There's a difference
13 between sealed and at-large.

14 CORY KNEELAND: That's true.

15 MARY GODINA: Right. But they were saying
16 that -- he was saying that his client was at-large.

17 JUDGE WEST: Uh-huh.

18 MARY GODINA: There's a difference, though.
19 If there's a sealed indictment, even -- we were told,
20 the clerks -- and I don't know on the misdemeanor; but
21 we in the felony side -- were told if someone calls and
22 the indictment is sealed, you cannot give them any
23 information. I transfer to it the sheriff's office.

24 CINDY FERGUSON: And we'll --

25 MARY GODINA: The monkey is not on my back

1 any more. I'm not telling you nothing.

2 CINDY FERGUSON: I was told that we were
3 allowed to give them any information as far as that.
4 Now, we can't tell them if something is pending.

5 CORY KNEELAND: Correct.

6 CINDY FERGUSON: If it's pending, we just
7 tell them we don't know. But if they've already been
8 indicted or if there's a warrant issued for their
9 arrest, they do tell them.

10 CORY KNEELAND: Right. Legally --

11 CINDY FERGUSON: Even if it's in red and
12 it's sealed.

13 MARY GODINA: Right. And we don't, on this
14 side.

15 CINDY FERGUSON: If they send it over to
16 us -- when I was in the warrant division, we would tell
17 them.

18 MARY GODINA: And I don't think the district
19 clerk -- I don't think district clerk does either. Do
20 you?

21 CASI DELA TORRE: We do not give
22 information. And once the indictment comes through,
23 they are at-large, they automatically seal it.

24 CORY KNEELAND: That's -- that should be the
25 law, because if you're at-large, the indictment is

1 sealed.

2 CASI DELA TORRE: So it's not pending;
3 but --

4 CINDY FERGUSON: That needs to be redone.

5 MARY GODINA: It's not.

6 TOM ROEBUCK: Judge, when -- do you still do
7 it the way -- historically it's been done when somebody
8 is indicted, you just go through the indictments and set
9 the bonds?

10 So, then there will be a bond -- then --
11 what you're saying then, is you can't tell -- you can't
12 tell -- say if someone has been indicted; but there's
13 going to be a warrant issued and a bond established?

14 JUDGE WEST: Yes. The bond is established,
15 the day -- pretty much the day we get indictments.

16 TOM ROEBUCK: So -- so how is a person going
17 to know what case to make a bond in, if you can't --

18 MARY GODINA: If you can't tell them.

19 TOM ROEBUCK: You can't tell them?

20 MARY GODINA: That's exactly what I said.

21 CORY KNEELAND: Let me just say, that's why
22 that law is ridiculous; because you wouldn't have a
23 warrant if we didn't indict them, which means they know
24 that they been indicted; but I still can't legally tell
25 them. So, the answer is they have to call the sheriff's

1 department and ask what warrants do I have, and what
2 information --

3 TOM ROEBUCK: Well, you got to have a case
4 number, too.

5 CORY KNEELAND: Can't you just give them
6 their name?

7 CINDY FERGUSON: They'll give their name and
8 birth date. You know, we just make sure we get the
9 name, birth date; and if we're in doubt, we'll get you
10 know, Social Security -- whatever it is to verify that's
11 who it is. And then we'll give them, yes, you have this
12 warrant; or yes, you've been indicted for this; or
13 whatever the case is; and we let them know.

14 TOM ROEBUCK: But you've got to put the case
15 number on the bond?

16 CINDY FERGUSON: But this is before they
17 posted bond, if they're calling after they have an
18 active warrant or if they are at-large. That's before
19 they post bond. They're calling asking if they've been
20 indicted or if they have an active warrant. And when
21 they call -- I mean if nothing is in there, there's not
22 an active warrant. If they have --

23 JUDGE WEST: There's a case number assigned
24 to it as soon as it's indicted.

25 CINDY FERGUSON: If it's in our system -- if

1 it's an accusation, then yeah.

2 MARY GODINA: There may be a case number
3 even before when it goes to the JP, before it goes to
4 the grand jury.

5 CINDY FERGUSON: Right. That's a
6 pre-indictment. That's a pre-indictment.

7 MARY GODINA: So, you have your accusation.
8 You have your JP number. You have your indictment
9 number. There's three scenarios.

10 CINDY FERGUSON: Yes.

11 MARY GODINA: So, they may have a case
12 number; but it just may be a JP case number.

13 CINDY FERGUSON: Because they haven't been
14 indicted; but there's still an active warrant.

15 MARY GODINA: Right. But there could be a
16 warrant issued on the JP warrant if they never posted
17 bond on the original charge.

18 JUDGE WEST: Right.

19 CINDY FERGUSON: Typically, like if a JP
20 warrant is issued and they're not arrested and then when
21 the indictment comes out, the indictment replaces that
22 JP number. So, they don't have two warrants. They just
23 have the one. And they bond on -- which would be the
24 indictment at that point.

25 JUDGE LIVELY: I'm staying out of it. It's

1 complicated.

2 MARY GODINA: It's dumb not being able to
3 tell somebody.

4 CORY KNEELAND: I agree. That's the law.

5 MARY GODINA: How can they turn themselves
6 in if they don't know they have a warrant?

7 CORY KNEELAND: I don't want to get fined on
8 it.

9 MARY GODINA: I transfer them to the
10 sheriff's office.

11 CINDY FERGUSON: That's what I'm saying.
12 When I started working there, it said sealed; and I'm
13 like, well, we're not supposed to. And then I was told,
14 no, you can. We can. So.

15 CORY KNEELAND: That law applies to us. I
16 don't know why.

17 CINDY FERGUSON: I have no idea. Like I
18 said, when I started that's what I was told.

19 CORY KNEELAND: But that doesn't -- that
20 doesn't fix the bond issue deal.

21 TINA BENOIT: No.

22 JUDGE WEST: No.

23 BECKY GARCIA: Well, a question or maybe a
24 suggestion that I had, when the DA's office is logging I
25 received this case and they're putting in their

1 disposition pending lab report or whatever -- just a
2 thought -- why -- why can't the case actually be filed,
3 and pending that lab result coming in, they can go back
4 and do a motion order to amend the information? You can
5 change the charge at that point; but at least the case
6 was filed, the bond's been accepted, it wasn't over 60
7 days.

8 CORY KNEELAND: Let me break it into two,
9 DWI's and drug cases. On DWIs for the most part, it's
10 legally inadvisable; and on drug cases it's legally
11 impossible. I cannot indict a drug case or file a drug
12 case because the lab report.

13 TOM ROEBUCK: You don't have probable cause.

14 CORY KNEELAND: Well, even if I did. Say
15 the drug was NEAT tested on the scene. Yeah, they say
16 this is Alprazolam or coke or whatever. I don't know
17 the weight; and the law requires that you know the
18 weight so we know the punishment range.

19 So the answer is I can't. I simply cannot
20 file a case until I have -- on a drug case, I cannot
21 file it until I have the lab results. It may come back
22 inclusive; and I keep a guy in jail; and I get sued
23 because he's in there for nothing.

24 BECKY GARCIA: Well, I really don't care
25 about the indictment because that's not my --

1 CORY KNEELAND: Right. But for
2 misdemeanors, on Marijuana -- on drugs we've got to wait
3 for the lab results, period. On DWI's, I could file
4 every DWI without the blood; but all it's going to do is
5 gunk his system up. What if the guy comes back and his
6 blood is nothing. I'm going to refuse the case. So, I
7 don't want file a case on a guy that may not have
8 anything in his blood. He may just be goofy. So the
9 answer is, I can't. I can't do it.

10 BECKY GARCIA: You would dismiss the case
11 rather than --

12 CORY KNEELAND: I'm certainly not going to
13 do that.

14 TINA BENOIT: How often --

15 CORY KNEELAND: I have a boss to report to.

16 TINA BENOIT: How often are they goofy and
17 not messed up?

18 CORY KNEELAND: We have it all the time.

19 JUDGE WEST: Oh, yeah, it happens.

20 CORY KNEELAND: Look at me.

21 TINA BENOIT: There you go.

22 CORY KNEELAND: I'm goofy, and I'm
23 stone-cold sober.

24 JUDGE WEST: And what happens then, to the
25 defendant -- if you're filing cases and someone -- truly

1 it shouldn't have happened, later say oh, we shouldn't
2 have filed it, and dismiss at that point, you've --
3 you've messed up someone's record and --

4 MARY GODINA: Well, the arrest is always
5 there.

6 CORY KNEELAND: You have to expunge --

7 BECKY GARCIA: It's screwed up to begin with
8 based of the arrest.

9 CORY KNEELAND: But an arrest is easy to
10 non-disclose and expunge. A case being filed is a lot
11 harder.

12 JUDGE WEST: It would make it a more
13 difficult.

14 BECKY GARCIA: Well, I beg to differ with
15 the people that come to my counter arguing why it's
16 showing up on a criminal history report when they're
17 trying to get a job; and a case was never filed. It was
18 just an arrest.

19 CORY KNEELAND: Right, but they haven't
20 expunged it. They go to an attorney -- the statute is
21 real clear. For 250 bucks --

22 BECKY GARCIA: I get that. I'm just saying.

23 CORY KNEELAND: They're just not doing it.
24 But to go to your -- we're not going to do what you're
25 asking. We simply cannot do it legally.

1 BECKY GARCIA: I wasn't asking. I was just
2 throwing a suggestion out there.

3 TOM ROEBUCK: That's because the NCIC --
4 what happens, they'll show an arrest. There could be a
5 not guilty or a dismissal; and they don't ever follow
6 through with it. You'll just see it laying there.

7 BECKY GARCIA: Well, sure, I see those all
8 the time.

9 CORY KNEELAND: Yes.

10 TINA BENOIT: Okay. So what's the solution?

11 JUDGE DOLLINGER: That horse been beaten
12 down.

13 JUDGE WEST: I still -- I would still like
14 to know what the options are. I guess what -- what
15 other counties do, not every single county; but just
16 some counties our size, what their policies are; just to
17 get some ideas of what other people do, and what we're
18 legally able to do with regard to telling our bondsmen
19 what they can and can't do.

20 I don't know that we have authority to do
21 some of the things that were being thrown around here
22 today, about telling them they can and can't make a
23 second bond or require a second bond. I think they can.

24 I mean, I like the idea of them having a
25 meeting and saying, hey, they're thinking about doing

1 something. But I'd just like to know how -- what
2 somebody -- a few other counties do. See what our
3 options are.

4 TINA BENOIT: On either end, I mean, I don't
5 mind calling a couple of counties to find out what
6 they're doing. And if Al wants to, he can check with
7 other bondsmen in other counties to find out what --

8 JUDGE WEST: What happens.

9 TINA BENOIT: -- what happens. I'm sure
10 we're not the only county that has issues with it being
11 filed.

12 JUDGE WEST: If not, I would appreciate
13 that.

14 TIM FUNCHESS: Well, let's look into that
15 and bring it back next month for further discussion; and
16 then if you have any suggestions or recommendations that
17 need to take action on, it needs to be action item on
18 the agenda.

19 TINA BENOIT: It was this time. You just
20 had the wrong one.

21 TIM FUNCHESS: Well, it says discussion. It
22 doesn't say take action on anything; so --

23 JUDGE DOLLINGER: We discussed it.

24 TIM FUNCHESS: Does anybody have anything
25 else?

1 (NONE.)

2 TIM FUNCHESS: Do I get a motion to adjourn?

3 JUDGE DOLLINGER: So move.

4 TIM FUNCHESS: Judge Dollinger. Second?

5 JUDGE LIVELY: Second.

6 TIM FUNCHESS: Have a second by Judge

7 Lively. All in favor?

8 (RESPONSE.)

9 TIM FUNCHESS: Opposed?

10 (NONE.)

11 TIM FUNCHESS: We are adjourned.

12 (END OF MEETING.)

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