

BAIL BOND BOARD MEETING

THOSE PRESENT: Judge Branick  
Judge Woods  
Judge West  
Judge Dollinger  
Judge Lively  
Cindy Ferguson  
Cory Kneeland  
Casi DeLa Torre  
Becky Garcia  
Tim Funchess  
Al Reed  
James Maken  
Mary Godina  
Liz Parks  
Tina Benoit  
Rhonda Brode  
Tom Roebuck

TIM FUNCHESS: I'm going to call this meeting together for the bail bond board. First item for business is review the minutes from the last meeting.

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.

9 TIM FUNCHESS: I have passed out my report  
10 as treasurer on cash and CD's up for collateral.  
11 Anybody have any questions on my report?

12 (NONE.)

13 TIM FUNCHESS: Hearing none, we'll move on  
14 to the auditor's report. Rhonda?

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.

4                   TINA BENOIT:   The sheriff's department has  
5   to go out and arrest them.

6                   AL REED:    Right.

7                   TINA BENOIT:   They come back.

8                   AL REED:    Right.

9                   TINA BENOIT:   The bondsman gets the full  
10   fee -- some of them are charging the full fee again,  
11   when it's not -- some of them are.   Okay?

12                  AL REED:    I understand.

13                  TINA BENOIT:   The full fee again when it's  
14   not their fault that it wasn't filed within that 60  
15   days.

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 thing 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 spoke 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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