

12:16

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BAIL BOND BOARD MEETING

2

JANUARY 19, 2017

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THOSE PRESENT:

Judge Clint Woods

5

Judge Raquel West

6

Cindy Ferguson

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Jill Wiebusch

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Becky Garcia

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Theresa Goodness

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Tim Funchess

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Keith Day

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Mary Godina

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Tina Landry

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Rhonda Brode

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Tom Roebuck

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Dustin Galmor

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Sheriff Zena Stephens

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Ashley Molfino

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12:16

1 MR. FUNCHESS: I'm going to call this January
2 meeting of the Bail Bond Board together. The first thing on
3 here is a review of the minutes from last month's meeting. I
4 think those were emailed out today, and they've been posted.
5 Y'all had a chance to review those? If so, I'll get a motion to
6 approve the minutes from last month's meeting.

7 JUDGE WEST: So moved.

8 JUDGE WOODS: Second.

9 MR. FUNCHESS: Motion. I need a second.

10 JUDGE WOODS: Second.

11 MR. FUNCHESS: Motion and a second. All in
12 favor?

13 (RESPONSES MADE)

14 MR. FUNCHESS: Approved.

12:34

15 We have a report from the district attorney's
16 office regarding status of collections and judgments.

17 MS. GARCIA: It's been passed out.

18 MR. FUNCHESS: Okay. Any comments or
19 questions? All right. Moving on.

20 Item number three, consideration and approval
21 of applications to become bondsmen or agents or renewals.

22 Becky, do you have anything?

23 MS. GARCIA: I did e-mail this out to everyone
24 back in December. I have a new application for a bail bond
25 representative that will be working for Stan Stanley's office.

12:35 1 The applicant's name is Hollie Schmidtke.

2 MS. SCHMIDTKE: Yes.

3 MS. GARCIA: Is that right? She is present and

4 everything seemed to be order in the application.

5 MR. FUNCHESS: This is new?

6 MS. GARCIA: This is a new bail bond

7 representative.

8 MR. FUNCHESS: Okay. All right.

9 JUDGE WEST: I make a motion to approve it.

10 MR. FUNCHESS: Motion.

11 MS. GOODNESS: Second.

12 MR. FUNCHESS: We have a second. All in favor?

13 (RESPONSES MADE)

14 MR. FUNCHESS: Any opposed? All right. It's

12:35 15 approved. All right.

16 Item number four, consider complaints against

17 bondsmen.

18 MS. GODINA: I did receive a complaint

19 yesterday. The complaint's against Al Reed. I have passed it

20 out to several of us. We also got a new one this morning in

21 addition to that one; so I don't know what we want to do with

22 that.

23 MR. ROEBUCK: I've reviewed the complaint; and

24 given the nature of the complaint and the accusations that were

25 made, many of which are opinion, some of which allege facts, I

12:36 1 believe that the complaint on its face is not properly sworn to.
2 So until -- I would suggest that the Board reject the complaint
3 in its entirety and give him an opportunity to put it in the
4 proper form before we consider it.

5 MS. GODINA: I'm sure he's going to call me
6 today.

7 MR. FUNCHESS: Well, can I hear a motion to
8 reject?

9 MR. DAY: I make that motion.

10 JUDGE WEST: Second.

11 MR. FUNCHESS: Motion and second. All in
12 favor?

13 (RESPONSES MADE)

14 12:37 15 MR. FUNCHESS: Opposed? All right. It's
rejected.

16 I passed out my treasurer's report, and
17 everybody should have it. If not, (tendering copies). Anybody
18 have any questions or concerns?

19 Well, if not, we'll move on to the auditor's
20 office. Rhonda, do you have a report?

21 MS. BRODE: Yes, sir. I've handed them out.
22 The only question I had was about Keith's collateral. According
23 to your list, I know that we pulled in a 100,000 CD yesterday;
24 but it's not calculating out to the bond limit.

25 MS. LANDRY: Because I went ahead, when I added

12:37 1 the CD in, I took the property off that they're voting on today
2 so he would know exactly how much he had to work with.

3 MS. BRODE: Okay.

4 MR. FUNCHESS: Is that it?

5 MS. BRODE: Yes.

6 MR. FUNCHESS: All right. Item number seven,
7 clarity on the over 60-day bond rule. Who wants to speak to
8 that?

9 MS. GARCIA: Well, I guess I'll begin.

10 JUDGE WEST: The issue that will never die.

11 MS. GARCIA: It will just never go away.

12 That's okay. We'll rehash it every time.

13 The concern that I have that I have been
14 hearing from some of the bondsmen is they want to know -- well,
12:38 15 actually, I think they're under the impression that all the
16 other bonds they've written to date on cases that have not yet
17 been filed are grandfathered in. The courts' response has been,
18 no, because that's illegal, we can't do that because it's in
19 violation of the law. So any bond that's been written on cases
20 that still haven't been filed are no longer going to be
21 considered over 60 days. Am I correct?

22 JUDGE WOODS: That's what I thought we had
23 agreed to. I thought that -- when we came up with -- when we
24 looked at the law and determined that we cannot have a 60-day
25 rule --

12:39 1 JUDGE WEST: Right.
2 JUDGE WOOD: -- the bond is good on the
3 case --

4 JUDGE WEST: It's --
5 JUDGE WOODS: -- from beginning to end.
6 MS. GARCIA: So the Sheriff's office still has
7 in their possession bonds written in 2014, '13, they're still
8 good bonds.

9 MS. FERGUSON: It was my understanding anything
10 that was written --

11 JUDGE WEST: No, it's not retroactive, I guess.

12 MS. FERGUSON: Right.

13 JUDGE WEST: Yeah. I don't know.

14 MS. FERGUSON: The meeting we had a couple of
15 times back, they had made the statement that all bonds are good,
16 they don't expire until the statute runs out, correct?

17 JUDGE WEST: If a bond was written before,
18 under the policy that we had before, I don't know. Can you make
19 it to where --

20 MS. GARCIA: Well, let me just say this, and
21 one of the points that I think that they are trying to be made
22 is this: There is a bondsman that wrote two bonds, one
23 misdemeanor and one felony, on the same day. The cases -- the
24 felony and misdemeanor -- were filed one day apart. The
25 misdemeanor bond was filed and attached to the misdemeanor file

12:40 1 while the felony bond was stamped over 60 days. And I think
2 that's where some of the confusion is coming in with the
3 bondsmen saying, "Hey, y'all are doing it sometimes on these
4 cases but not all the time."

5 So across the board, what's the decision going
6 to be?

7 MS. FERGUSON: On the felony bonds, they were
8 returned. Misdemeanor bonds were never returned. They stayed
9 in my file for two years, I mean, period. Felony bonds were
10 always returned after 60 days. That's why this fell like that.
11 This bond was already gone when we made the rule. This one was
12 not. That's why this got picked up, even though they were one
13 day apart. Do you understand?

14 MR. SEGURA: They wasn't one day apart. It's
12:41 15 on the same day.

16 MS. FERGUSON: The same day.

17 MR. SEGURA: Same day.

18 MS. FERGUSON: Do you understand what I'm
19 saying as far as --

20 MR. SEGURA: No.

21 MS. FERGUSON: The felony bonds, I did not,
22 before we got rid of the 60-day rule --

23 MR. SEGURA: It was nine months.

24 MS. FERGUSON: -- I did not keep the felony
25 bonds. When was this one returned?

12:41 1 MR. SEGURA: Both of them nine months.

2 MS. FERGUSON: When it was stamped bond over 60

3 days, you received this back.

4 MR. SEGURA: All of them had 60 days on them.

5 MS. FERGUSON: What I'm saying, you received

6 this bond back within --

7 MR. SEGURA: Yes, uh-huh.

8 MS. FERGUSON: -- sixty days? Then three

9 months later it was picked up, correct?

10 MR. SEGURA: No.

11 MS. FERGUSON: Okay.

12 JUDGE WEST: Let's just deal with what --

13 MR. SEGURA: No. It was nine months.

14 MR. DAY: I think the question that the

12:42 15 bondsmen have is if we wrote a bond prior to the rule taking

16 place, on the bond that says the bond is good for 60 days and it

17 goes over the 60 days, so the question is: Bonds written before

18 that rule took place, are we going by the 60-day deal?

19 Y'all are saying it's unlawful to do that; am I

20 correct?

21 JUDGE WOODS: Uh-huh.

22 JUDGE WEST: It is.

23 JUDGE WOODS: It is.

24 MR. DAY: Even if it's on the bond, it's

25 unlawful.

12:42

1 JUDGE WOODS: Right.

2 MR. DAY: So it seems to me the easiest way to
3 resolve this issue is -- and I don't think they're actually -- I
4 mean, we've discussed this before. There aren't actually that
5 many bonds that actually come up in this situation; but if a
6 situation does come up, that we are able to go to the judges and
7 say, "Judge, look this bond was written prior to the rule taking
8 place. This guy got indicted, or the charges were filed after
9 the 60 days. He ended up forfeiting. Can I have some sort of
10 relief on this deal?"

11 And maybe instead of issuing a bond forfeiture
12 warrant and charging the bondsman with a bond forfeiture,
13 issuing a warrant without proper --

14 MS. GARCIA: Proper bond.

12:43 15 MR. DAY: -- proper bond or whatever; and a
16 nisi is just not filed in that situation on bonds prior to.
17 That would be the simplest way to resolve it.

18 Now, I don't know if that's the way y'all would
19 want to do it or not; but, like I said, there aren't that many
20 cases that I would -- that I'm aware of -- that would come up in
21 that situation because not only do you not have that many bonds
22 that fall into that category, then you have, you know, people
23 that forfeit after that case, you know, and that way you don't
24 file a warrant against someone that's already posted bond but
25 they're actually not appearing in court so you have reason to

12:43 1 file the warrant at that point but should the bondsmen be
2 punished when we wrote the bond under that condition that the
3 bond was only good for 60 days. So it kind of -- it kind of
4 relieves everybody basically is what it does.

5 JUDGE WEST: That sounds --

6 MR. SEGURA: I disagree with you.

7 MR. DAY: Okay. What part?

8 MR. SEGURA: What way? If you wrote two bonds
9 at the same time on the same person, you get one back and they
10 keep the other one for nine months, that's not fair.

11 MR. DAY: That's -- the issue that I just gave
12 you resolves that.

13 MR. SEGURA: I know the issue you gave me, but
14 it's not fair.

12:44 15 MR. DAY: What's not fair about it?

16 MR. SEGURA: Well, you say it's not fair.

17 (PEOPLE SPEAKING SIMULTANEOUSLY)

18 THE COURT REPORTER: Wait. One at a time.

19 MR. FUNCHESS: One at a time.

20 MR. SEGURA: If you refuse one, refuse the
21 other because they were written at the same time. It did not
22 hit my printout until for nine months.

23 MR. DAY: But a case may be filed and not hit
24 your printout. We have cases that come up that are filed and
25 don't hit our printouts that's why when the cases are --

12:44 1 MR. SEGURA: It wasn't filed at that time.

2 I think it's about nine months later, if I'm not mistaken.

3 JUDGE WEST: I mean, my thought is that -- I
4 mean, I'm willing to -- I mean, I think that sounds like a
5 reasonable fix. At least we can try that.

6 MR. DAY: Uh-huh.

7 JUDGE WEST: You know, I'm not going to try --
8 I'm not going to hurt -- I don't want to hurt a bondsman who
9 is -- and I don't -- the main thing is we don't want to hurt the
10 bondsman or the defendant who has made bond. But if they're not
11 doing what they're supposed to do, then we could revoke it in a
12 way that it doesn't hurt you guys because of that. I mean, I'm
13 okay with that.

14 JUDGE WOODS: I'm okay with it.

12:45 15 MR. DAY: It takes the liability off the courts
16 because, you know, the situation --

17 MR. ROEBUCK: You can revoke a bond and not
18 forfeit.

19 MR. DAY: -- if a defendant did not obviously
20 appear in court, there is a reason to have a warrant issued for
21 them anyway. Then the bondsmen are relieved.

22 JUDGE WEST: Yeah.

23 MR. DAY: Like I said, I don't think it's a
24 common -- it's going to be common thing that --

25 JUDGE WEST: And eventually --

12:45 1 MR. DAY: It's going to be a case by case
2 issue.

3 JUDGE WEST: Case by case -- if everybody will
4 come -- I know you come to me and people have come to us and
5 we're reasonable, I think. I hope that's what y'all think we
6 are. But, I mean, we can revoke it without forfeiting it and
7 that --

8 JUDGE WOODS: In those situations.

9 JUDGE WEST: Yeah. And eventually we're going
10 to get to a point where this isn't an issue and maybe we can
11 stop talking about it.

12 MS. FERGUSON: There are no bonds that are
13 returned now unless they are refused, dismissed or whatever the
14 case is. In this situation, what I was trying to say, this
15 was -- this bond was returned after 60 days. So even though it
16 was picked up in nine months, this one was returned after 60
17 days. The misdemeanors, I do not return.

18 JUDGE WEST: Right.

19 MS. FERGUSON: That's why he had this one bond
20 over 60 days and did not have this one. And then when they both
21 got picked up the same day, we had already changed the rule. So
22 this one got put in, this one did not because it did not have a
23 bond on it.

24 JUDGE WEST: Right.

25 MS. LANDRY: And if it's returned to the

12:46 1 bondsmen, there is actually no bond to attach because it's
2 already been -- and that's on felonies only. Misdemeanors,
3 ours, across the board, should be good, period, because she has
4 them until --

5 MS. FERGUSON: There is no bonds being returned
6 now, period. Since we started that, I keep all bonds.

7 JUDGE WEST: I mean, that instance was the
8 difference was the felony and the misdemeanor during the
9 different time that we were doing all of this.

10 MS. FERGUSON: Exactly. This was in our
11 transition period of while it was still getting returned.

12 MR. DAY: Okay. So let's go back to this
13 scenario that Joe is talking about. So he's on a case now, a
14 misdemeanor case, that should have gone over 60 days, right?

12:47 15 MS. FERGUSON: Yes.

16 MR. DAY: He was showing to be the bondsman on
17 that case.

18 MS. FERGUSON: Yes.

19 MR. DAY: Now, you have a scenario where he may
20 continue to stay on that client's bond if the client is a good
21 client and if they're doing everything they're supposed to. But
22 if not, if this thing hits the docket and, he says, "I don't --
23 you know, I thought this went over 60 days. I don't want to be
24 on this bond." He files an AFRS. If he puts in his reason why
25 he's filed -- why he's filing the AFRS, that it fell under the

12:47 1 60, you know, what we're talking about now the 60-day rule, it
2 was written prior to that and you grant the AFRS and the guy
3 forfeits at that point, then he forfeits --

4 JUDGE WEST: I don't think that's a valid
5 reason to forfeit a bond. I mean, if a client is not being a
6 good client, then that's a reason to get off the bond.

7 MR. DAY: Right.

8 (SIMULTANEOUS CONVERSATION)

9 THE COURT REPORTER: Wait. Y'all have got to
10 talk one at a time, please.

11 MR. DAY: So if he puts on there failure to
12 comply with, you know, bondsmen obligations and then also under
13 that puts the, you know, the bond, the 60-day rule deal in
14 there, like that's not the reason he's dropping the bond but
15 just to sub, you know, note that in there, that way when y'all
16 get the AFRS and y'all sign it that y'all see that that's one of
17 those situations. That's not going to -- if it's something
18 where it -- where if anybody wants something not forfeited,
19 revoked, they need to do more than just put an AFRS on our desk.
20 It's not going to be read that carefully for it to raise some
21 flag for us to do it. It needs to be brought personally to us.

22 MR. DAY: So he files an AFRS and warrant is
23 issued and this guy doesn't show up for court, then at that
24 point whenever you -- when the bond forfeiture was issued, he
25 would come to you -- whatever bondsmen would come talk to you at

12:49 1 this point, "Judge, here is the situation on this one. This
2 bond was written before the 60-day rule took place. It went
3 over 60 days. The case was filed. I was put on it. I filed
4 AFRS but the guy has forfeited." At that point, instead of
5 issuing a bond forfeiture warrant, you would issue a warrant at
6 large without proper bond. You see what I'm saying? And that
7 releases the bondsmen from any nisi, receiving a nisi on that
8 case.

9 JUDGE WEST: Maybe I'm just confused because if
10 you file an AFRS --

11 MR. DAY: Uh-huh.

12 MS. FERGUSON: There has to be a different
13 reason other than the 60 days.

14 MR. DAY: Right. And --

12:49 15 JUDGE WEST: And if there is a valid reason and
16 we granted that, then you're off the hook any way, right?

17 MR. DAY: No, no. Not until the person goes
18 back to jail.

19 JUDGE WEST: Right.

20 MR. DAY: Right. That's what I'm saying, if
21 they don't go back to jail and then the person has court
22 appearance obviously set and they don't show up for that court
23 appearance, then that bond forfeiture warrant is going to
24 overtake the AFRS warrant.

25 JUDGE WOODS: Oh, okay.

12:50 1 MR. DAY: Then a nisi is going to be given to
2 the bondsmen. At that point the bondsman would come to you, and
3 I would say, Hey, Judge West, this -- and I sit down. I explain
4 the situation to you.

5 You say, Okay. Instead of a bond forfeiture
6 warrant, we'll issue an at large or whatever.

7 JUDGE WEST: Yeah. Figure that out, yeah.

8 MR. DAY: I don't know how they would do it.

9 JUDGE WEST: Revocation without proper bond or
10 something.

11 MR. DAY: That way, I wouldn't be subjected to
12 a nisi on the case. But if I chose to stay on a bond and I
13 didn't file an AFRS, and I chose to stay on the person's bond,
14 then obviously that would follow me. As a bondsman, it wouldn't
15 be fair for me to stay on the guy's bond, he's a good client,
16 he's checking in, he's doing everything he's supposed to be
17 doing and then I come to y'all whenever he forfeits after I've
18 had him on bond for six, seven months and all and then he
19 forfeits, for me come to you and say, Oh, by the way, this thing
20 went over 60 days.

21 JUDGE WEST: Right.

22 MR. DAY: It needs to be something that's done
23 immediately, as soon as the bondsmen is notified that the
24 person -- because it may be six months that, you know, that the
25 person is filing it.

12:51 1 Did I say too much and not say anything?

2 JUDGE WEST: I think. Do we have that look on

3 our face?

4 MR. ROEBUCK: Not any different than usual.

5 MR. DAY: I understand. Y'all don't?

6 (SIMULTANEOUS CONVERSATION)

7 JUDGE WEST: I think I follow and I think I

8 understand. I just don't know that there is going to be a whole

9 lot of those and that's fine. So as long as something is done,

10 like you said, it's not going to be a tool to be used just when

11 someone doesn't show up. It has to have something done before

12 by the bondsman --

13 MR. DAY: Right. It's got to be done promptly

14 as soon as the bondsman finds out. And, like I said, it can't

12:51 15 be something when we file AFRS's, we put our reasoning in there.

16 I don't know how closely y'all look at the reasons but anyway.

17 JUDGE WEST: I was just kidding earlier when I

18 said we didn't look at them very closely.

19 MR. DAY: Oh, okay.

20 JUDGE WEST: Yeah, but I see now why you say a

21 notation so that later when you come, you can say, well, look,

22 we did that and then we even made that notation. That part

23 makes sense. It doesn't change what we do, how we act on it

24 then. It changes how we might act later.

25 MR. DAY: Right.

12:52 1 JUDGE WEST: Yeah. Probably in the notation.

2 MR. DAY: The bondsmen's main thing is we just
3 -- we don't -- I mean, obviously we want all of our clients to
4 appear in court, but it's not a perfect world so our main thing
5 is we're not hit with a nisi. We just want to make sure that
6 we're playing by the same rules.

7 JUDGE WEST: Some notation on it would probably
8 be a good idea then.

9 MS. FERGUSON: So we're still to the
10 understanding that all bonds are good until the statute runs
11 out?

12 JUDGE WOODS: Right.

13 JUDGE WEST: Correct. That's what the law
14 says.

12:52 15 MS. FERGUSON: Right.

16 MR. SEGURA: So I'm waiting on an answer.

17 MR. ROEBUCK: No, that's not --

18 MR. SEGURA: I'm the one with the bond.

19 MR. ROEBUCK: -- subject to the code of
20 criminal procedure of indicting somebody within six months.

21 (SIMULTANEOUS CONVERSATIONS)

22 THE COURT REPORTER: I can't get both of y'all
23 at the same time.

24 JUDGE WEST: Hang on a second because -- hang
25 on. There is a court reporter and she can only take down one

12:53 1 person at a time.

2 MR. SEGURA: That's why I was asking a
3 question.

4 JUDGE WEST: I know but then he was trying to
5 answer and you were still talking so be sure to --

6 MR. DAY: If the case just got filed -- if this
7 just took place. Am I right, Cindy?

8 MS. FERGUSON: It took place -- the bond -- the
9 original felony bond was returned -- let me look on --

10 MR. SEGURA: The bond was written in January of
11 last year.

12 MR. DAY: But when was the case filed?

13 MS. FERGUSON: The case was filed -- both cases
14 were filed 10/21/16.

12:53 15 MR. SEGURA: 10/21/16.

16 MS. FERGUSON: Before -- hold on. Before -- as
17 we were doing all the changes of changing to 60 days, getting
18 rid of all of the stuff as we were going, all of the felony
19 bonds were returned after 60 days, period. That was standard
20 long before I got here. Misdemeanor bonds did not get returned.
21 They all stayed in the file with our division. Once we changed
22 this rule, I stopped returning all felony bonds. You received
23 your felony bond back 60 days after you posted the bond.

24 MR. SEGURA: Uh-huh.

25 MS. FERGUSON: The misdemeanor bond stayed with

12:54 1 me because that's how all misdemeanor bonds were done. When we
2 changed the rule, it was understood with all -- everybody on the
3 board -- all bonds in my possession were good until the statute
4 runs out, correct? I still had your misdemeanor bond. That's
5 why your misdemeanor bond was good. I had returned your felony
6 bond after 60 days because at that time that was the rule.

7 MR. SEGURA: Okay.

8 MS. FERGUSON: That is why one got picked up
9 and one did not. Does that answer your question?

10 MR. SEGURA: Okay.

11 MR. DAY: So this would fall into the category,
12 although it's been two, three months but because we didn't
13 really have a procedure on this, this might be an issue where
14 Joe would file an AFRS on that misdemeanor case and if he has
15 legitimate reason to file an AFRS on that case and then Judge
16 Woods or Judge Holmes would look at the case and he would denote
17 that. Now, obviously, it's going to be a situation where you
18 would have to talk to Judge Holmes and I guess -- I don't know
19 if us going in there to talk to Judge Stevens and Judge Holmes
20 about this if they would quite, you know, be as accepting to it
21 maybe as if y'all spoke with them about it and found out what
22 they -- they --

23 JUDGE WEST: Yeah, I would say the bondsmen
24 had -- if this comes up in a case where the bond is out of
25 either of their courts that they may want to -- like, I'll try

12:55 1 to go talk to Judge Stevens about it, but maybe if they were to
2 come to me to go with them and say this is what the bail bond
3 board discussed and agreed to and this is why. And I would be
4 glad to go with them to Judge Stevens and explain, and I'm sure
5 Judge Woods would do the same with Judge Holmes.

6 MR. DAY: Do you follow, Joe, what you need to
7 do now?

8 MR. SEGURA: Yeah.

9 MR. DAY: On this particular case?

10 MR. SEGURA: File an AFRS?

11 MR. DAY: File an AFRS and make sure you note
12 on that AFRS the new 60-day rule under there.

13 JUDGE WEST: As long as the AFRS is for a
14 reason other than the 60 days.

12:56 15 MR. DAY: Yeah, but the judge would --

16 JUDGE WEST: Then yes.

17 MR. DAY: -- you know, look at the reason and
18 see if it's a legitimate reason --

19 JUDGE WEST: Correct.

20 MR. DAY: -- to drop the bond.

21 MR. FUNCHESS: All right. Moving on. Item
22 number eight, further discussion on AFRS surrender procedures on
23 accusation bonds. Who put that up there?

24 MS. GARCIA: I think this is something Tina and
25 I had been discussing, although it's been some time since we

12:57 1 discussed it. We might want to pass this and go on to the next
2 one.

3 MS. GODINA: I do have something on that.

4 MS. GARCIA: Oh, do you?

5 MS. GODINA: Yeah. We had a bondsman that
6 filed a surrender at the jail that was messed up from the
7 get-go. They presented it to the jail on a Tuesday. It got
8 skipped over on a Wednesday, didn't get presented to the
9 magistrate. It got presented to the magistrate on the Thursday,
10 but the guy got indicted on a Wednesday for a different charge.
11 The bond was written for theft from person. The DA's office
12 accepted that charge, but he got indicted for theft.

13 MS. FERGUSON: And I did talk with the DA's
14 office about that. They put in the wrong code. The actual
12:57 15 charge was theft from a person.

16 MS. GODINA: Right. So -- but the first thing
17 and I don't know how it actually initiated. I don't know -- I
18 know on the form the jail is supposed to put it's still on
19 accusation. They're supposed to verify it's on accusation and
20 put the TRN number that pertains to that charge.

21 I'm siding with the officer at the jail because
22 this says theft from person. This case was not filed. A theft
23 charge was filed in December but not theft from person. So I
24 side with the officer saying this is 100 percent correct. Other
25 people are saying the old school way, you know, we always let

12:58 1 the bonds go -- if the charge is theft from a person and they
2 indict them for theft, we're going to let that bond stand for
3 that other charge. But I think now that we've started this,
4 I think it needs to be clarified: Are we going to let those
5 bonds stand or not stand?

6 MS. FERGUSON: I think you're right on the fact
7 that whatever the charge is when the bond is written, that's
8 what -- if they're -- when the charge is picked up, that's what
9 that charge needs to be. If he's posted bond, like you said,
10 theft from a person and it gets picked up as a theft state jail,
11 they're alike but they are totally two different charges and
12 that's where you get the confusion when you come to the end --

13 MS. GODINA: Exactly right.

14 MS. FERGUSON: -- as far as the judgments are.

12:59 15 MS. GODINA: I say this part is 100 percent
16 correct, and I can't talk for anybody at the jail or his
17 superiors or whatever, but this person that took this, I
18 definitely agree this was 100 percent correct because on here it
19 says the bond was written for theft from person. That's not
20 what got filed. It got -- it is changed now after 25,000
21 conversations but he got indicted for theft and the case for
22 theft had been filed in December.

23 JUDGE WOODS: Well, I agree with that because
24 it could be a situation where someone gets arrested for DWI and
25 the officer doesn't know he has two prior DWIs --

12:59

1 MS. GODINA: That's right.

2 JUDGE WOODS: -- so it's a misdemeanor bond and
3 then the D.A.'s office filed it as a felony third because he
4 does have two priors. So I don't see why y'all should be on the
5 hook for a felony bond, you know, on a felony bond which is --

6 MR. DAY: I think that's the example that we
7 were talking about and we used the DWIs in this situation.

8 MS. GODINA: Well, it's partly our fault as in
9 the coordinators of the courts and Tina has been here the
10 longest out of anybody, I think we did it as a courtesy per se
11 to the bondsmen or for the bondsmen that we would just -- if the
12 new charge has got the word theft in it and it's going to fall
13 in the same category, we're going to let that bond go so you
14 don't have to make another bond, so the defendant doesn't have
15 to go pay another bondsman or pay for another bond. So we did
16 it, I think, as a courtesy; and we just let it go.

17 MS. LANDRY: If it was the same degree or the
18 same class and it's the same offense with the same TRN number,
19 it's obviously the same case.

20 JUDGE WEST: So why should --

21 MS. LANDRY: And to make them make another
22 bond, you're back to are you breaking the law because they're
23 already actually on bond on that offense.

24 JUDGE WEST: Yeah, that's what I'm thinking.

25 MS. LANDRY: But if the degree changes, then it

01:01 1 changes, I would think, because your bond amounts are going to
2 be different.

3 MS. GODINA: On this particular one --

4 MS. LANDRY: The degree was the same.

5 MS. GODINA: I know. But on this particular
6 one, then I'm just going to throw it out there: Why did Keith's
7 office bring this to get off the surrender when the case has
8 already been filed in December?

9 MS. FERGUSON: Right.

10 MS. GODINA: So if you want us --

11 MS. LANDRY: Because they're not using the TRN
12 number like they should.

13 MS. GODINA: It's the same TRN number. That's
14 what I'm saying.

01:01 15 (SIMULTANEOUS CONVERSATION)

16 THE COURT REPORTER: Wait, y'all.

17 MS. GODINA: Then why would Keith's office even
18 bring it to do the surrender if they knew the case had been
19 filed in December, under another charge, just theft?

20 MS. LANDRY: It's not another charge. It's the
21 same charge. It's the same TRN number. It's the same offense.
22 It's -- the offense didn't change. They just didn't file it
23 under the same thing; but degree is the same, the actual act
24 itself that they were arrested for.

25 JUDGE WEST: They didn't go commit a new one,

01:02 1 right? They still just did one thing.

2 MS. LANDRY: They did one thing, right.

3 JUDGE WEST: It's not their fault that things
4 were --

5 MS. LANDRY: Yes.

6 JUDGE WEST: That's kind of where I have a
7 little issue is it's not the defendant's fault.

8 MS. GODINA: No, it's not. But my thing is
9 then what even initiated y'all trying to get off this bond if
10 you knew the case had been filed?

11 MR. DAY: Uh-huh.

12 MS. GODINA: That you have been in business
13 for --

14 MR. DAY: Well, we wouldn't have known the case
01:02 15 was filed, or we wouldn't have filed that.

16 MS. LANDRY: If -- if -- if the -- when they
17 brought it to the sheriff's office with the TRN, if they matched
18 the TRN number up to the case that was actually filed, they
19 would have saw that the case was filed and they would have said,
20 "You need to bring it to the court. You have the wrong place."

21 MS. GODINA: But the jail puts the TRN number
22 not the bonding company.

23 MS. LANDRY: And they should look at the TRN
24 number and correspond it with the case that is filed because
25 it's the same TRN number.

01:03

1 MR. GALMOR: Can I say something?

2 MS. GODINA: Uh-huh.

3 MR. GALMOR: I can see from the bondsman's
4 perspective that if they agreed to bond somebody on a third
5 degree felony, they didn't agree to bond somebody on a second
6 degree felony. But let's say a situation where somebody is
7 charged with a DWI third and then they file it as a DWI second
8 or somebody gets arrested for burglary of a hab second degree
9 and they file him on a state jail burglary of a building, well,
10 that's less risk for the bondsman so why -- you know, if the TRN
11 is the same and the same instance, why wouldn't that carry down?
12 I think just going up would be the problem for the bondsmen.

13 JUDGE WOODS: Right.

14 MR. GALMOR: Same level or going down, what's
01:03 15 the problem?

16 MR. DAY: Well, that does make a difference
17 actually because if we write a -- if it reduces from a felony to
18 a misdemeanor, a \$10,000 felony is a lot different than a
19 \$10,000 misdemeanor because there's a lot more risk involved for
20 a \$10,000 misdemeanor than there is a \$10,000 felony.

21 MR. GALMOR: This has been tradition?

22 MR. DAY: Well, amongst many other things,
23 time, extradition. So there is -- so in that scenario, yeah,
24 that's the reason why. To me --

25 MS. FERGUSON: I can tell you now --

01:03 1 MR. DAY: To me, it seems like the easiest
2 way -- you know, I know you don't like the idea. I don't really
3 like the idea either. They're just going to have to post a new
4 bond for the case. I mean, the -- like Mary said, the theft
5 would be -- it would go from a theft to a theft from person and
6 they would have to post a new bond. But does that fall under
7 the same rule that we talked about with the 60-day thing?

8 JUDGE WEST: That's the only thing. It's not
9 liking it or not liking it, it's just how you read the law that
10 says a person is only required to make a bond in a case one
11 time. You cannot make them make a bond in the same case more
12 than once. So then you get into what's the definition of a case
13 or whatever the word is actually in the law: Are we making them
14 do that?

01:04 15 MS. FERGUSON: Well, example --

16 JUDGE WEST: And I don't know the answer.

17 MS. FERGUSON: We had a person bonded out on
18 aggravated assault with a deadly weapon. They got charged with
19 deadly conduct, discharge of a firearm. We put them at large
20 because that's two different charges, even though this is -- I
21 mean, that's the thing. And I called the D.A.'s office, talked
22 it over with them, and that's what they agreed to.

01:05 1 had a bond for it, but it's a different charge. So where do you
2 go from there?

3 JUDGE WEST: I don't know.

4 MS. GODINA: That's why I say --

5 MS. FERGUSON: That's the thing, you have
6 different charges. Even though they may carry the same
7 liability, they're different charges. The TRN numbers are the
8 same; but at the end, the judgment could be different.

9 JUDGE WEST: Oh, no. I understand. For all
10 the paperwork is different, all that. I understand all of that.
11 I just don't know the issue of that person did one thing and
12 it's requiring them to make two bonds for doing one thing.

13 MS. FERGUSON: Right. And I do understand
14 that.

01:05 15 MS. GODINA: Yeah, right. But, I mean, it
16 can't be we're going to do it this way this time and we're not
17 going to do it this time.

18 MS. FERGUSON: Exactly. It messes it all up.

19 (SIMULTANEOUS CONVERSATION)

20 MS. GODINA: Out of the seven pages on the
21 docket, there is two good examples right there.

22 MS. FERGUSON: Exactly.

23 MS. LANDRY: I can say for misdemeanors, we've
24 been doing it for a while now if they were arrested for DWI and
25 they file it as a DWI enhanced, it's the same thing. We use

01:06 1 that bond. It's that at the time of the arrest, the officer
2 booked them in as one thing and then the D.A. in-took it as
3 something else, but it was the exact same offense and charges.
4 I mean, the bond amount is the same. Everything is the same.
5 It's the same.

6 JUDGE WEST: When it's all the same, it's easy.
7 It's when it goes from something like Dustin was saying a third
8 degree up to a first or a first degree down to something, that's
9 affects your --

10 MR. DAY: But I don't think this was ever a
11 situation until we come across these bonds, this situation,
12 because we've never done this before. Before I just filed a
13 voluntary surrender on that case, and it wasn't changed. It
14 all, I guess, stayed the same. I mean, now there is -- it
01:07 15 almost looks like two different cases because of the voluntary
16 surrender that we're filing now for cases that are filed versus
17 cases that are unfiled. So I don't -- was it ever an issue
18 before, Mary?

19 MS. GODINA: I don't know. I mean, I don't
20 know.

21 MR. DAY: Before we did this?

22 MS. GODINA: I don't know. I mean, even on
23 this particular guy, looking at it, the actual offense code is
24 different from one charge to another charge.

25 MR. DAY: Uh-huh.

01:07 1 MS. GODINA: Which I understand it all stays
2 the same, a state jail felony or whatever it might -- third
3 degree felony or whatever it might be but the charge, the
4 offense code, everything is different.

5 MS. LANDRY: The offense code is the internal.
6 That's with the county.

7 MR. ROEBUCK: I must have different Code of
8 Criminal Procedure. Mine doesn't have accusation bonds in it.

9 MS. GODINA: I mean, but I think we need to set
10 it clear.

11 MS. FERGUSON: One way or the other.

12 MS. GODINA: Because on yours from yesterday,
13 were those bond amounts the same?

14 MS. FERGUSON: Well, I just got the bond
01:07 15 amounts back. I didn't check that part of it. Possibly.

16 MS. GODINA: Maybe. I mean, either way.

17 MS. FERGUSON: Exactly. I won't know that at
18 the time I'm doing this. Whenever I get the indictments, I
19 don't know what they're going to set the bond amounts at.
20 Sometimes a person can bond out and the judge decides, oh, wait
21 a minute. I'm upping that bond no matter what.

22 So that part of it doesn't matter on that.
23 It's just the fact of what the charge states and then what's in
24 the D.A. file as far as where the bond goes.

25 MS. GARCIA: Okay. Hold on. The offense code

01:08 1 that you're looking at, that offense code 27, if it's in the
2 D.A. screen actually is tied in to the DPS office codes. Mary
3 Ann knows this because that's how we report it to the state upon
4 disposition of the case.

5 So the problem with this case -- let me back
6 up. The TRN is initiated and created at the jail upon arrest.
7 When the prosecutor comes in and picks up the charge, they can
8 either say, yes, I'm accepting this. And correct me if I'm
9 wrong. Or they can say, yes, I'm accepting it but I'm
10 changing it. And then, of course, your offense -- so, you know,
11 it can change in every stage of the game. It's kind of how we
12 mentioned it earlier. And even upon the disposition, we can
13 reduce it down to a lesser. So at every stage of the game on
14 the TRN it can change; but the constant is that TRN number and I
15 think that's what we need to be tracking.

01:09 1 MR. DAY: Did you just ask me what my office is
2 doing?

3 MS. GARCIA: I just called you out. I sure
4 did.

5 MR. DAY: Since my office manager is not here
6 to answer that question, I'll hear to Lisa or DeeDee on that.

7 UNIDENTIFIED SPEAKER: I just bring mine over
8 and let them put the TRN number.

9 MS. GARCIA: Okay. Because the handwriting on
10 this one seems to be very similar is what I'm asking. So I
11 think it's very important how they're even presented out to the
12 jail because if the person at the jail is taking this
13 information in and they're going in and pulling this information
14 and they're looking for this charge and they're looking for that
15 TRN number, they're going to see if that case has been filed and
16 then say, we can't accept it.

17 MS. GODINA: Right.

18 MS. GARCIA: You need to file it with the
19 court.

20 MS. GODINA: That's why I said --

21 MS. GARCIA: That would have shoved this back
22 from very beginning.

23 MS. GODINA: Right.

24 MR. DAY: Right.

25 MS. GODINA: But then the flip side was on here

01:10 1 it says theft from person when the theft had been filed in
2 December not theft from person.

3 MR. DAY: Right.

4 MS. FERGUSON: Right.

5 MS. GODINA: So either it shouldn't have been
6 accepted at the jail and/or you side with the officer at the
7 jail who took it because he was looking for theft from person
8 not theft.

9 MR. DAY: Right.

10 MS. GODINA: Which in the end, I understand
11 it's all the same; but we need -- it needs to be decided, I
12 mean, oh, how are we doing -- are they going to let this stand?

13 MR. DAY: Right. We're going -- we're going to
14 write on there the case that we wrote -- we wrote a theft from
15 person. That's what we're going to write. So if it was filed
16 as a theft, you know, that's not what we're going to have in our
17 files. We're going to have theft from person. So that's what
18 we're going to write on there.

19 MS. GODINA: That's what I say.

20 MR. DAY: On the surrender.

21 MS. GODINA: But then we, as in the
22 coordinators, for years had always let it stand. So that's what
23 we need to, I guess, clarify. Is it still going to be that way,
24 not that way? Are we looking exactly for the way the bond was
25 written per that charge?

01:11 1 MS. LANDRY: I don't know that it's up to the
2 board. I think it's up to the judge how they determine the law
3 on those particular bonds because we may say, okay, we're not
4 going to carry that bond over. But if it's the same class and
5 the judge feels like it's the same charge with the same TRN, he
6 doesn't want an arrest for that person because they're actually
7 on bond. So, I mean, I don't know.

8 MS. GARCIA: But I think it's the same point --
9 if the judge agrees to that, they would at some point have to
10 make contact to the bondsmen to let them know, hey, you wrote a
11 bond on theft, they filed it theft from person.

12 MS. LANDRY: Right.

13 MS. GARCIA: You know, communicate that with
14 the bondsmen because, otherwise, they're going to be looking for
15 a case that doesn't exist according to their files.

16 MS. GODINA: But the magistrates at the jail, I
17 understand work for the judges here, but they don't have all the
18 background when they sign it or don't sign it.

19 MR. DAY: Some --

20 MS. GODINA: At the time that these are
21 presented to the jail.

22 MR. DAY: If we post a bond, let's say this
23 one, for example, on a theft and the D.A.'s office files it as a
24 theft from person --

25 MR. ROEBUCK: Well, that's a felony.

01:12 1 MS. GODINA: It was a felony from the get-go.

2 MR. DAY: Okay. Well, let's say they enhance,
3 you know, they change the charge and it's still a misdemeanor.
4 That person forfeits, okay, and can they forfeit that bond and
5 issue a nisi to the -- on the bondsman?

6 MR. ROEBUCK: I don't think you can forfeit an
7 accusation bond anyway.

8 MR. DAY: Even if it's the same class, if the
9 case is different?

10 MR. ROEBUCK: If it's -- well, I can think of a
11 lot of scenarios. Let's follow judge's scenario. It gets
12 charged initially with a DWI; and when the D.A. gets it, they
13 realize that out of Hardin County that doesn't keep very good
14 records, they got another DWI. Thereby it is filed as a DWI
15 second. So, you know, what's good for the goose is good for the
16 gander. It seems to me that if -- if we're going to take the
17 position that the bond is good and it carries through, then if
18 there is a forfeiture, then there ought to be a forfeiture. If
19 we take the position that it's got to be a new bond, then no.
20 So, I mean, you got to decide which side of that horse you're
21 going to ride. If I'm talking like you, nobody understands me.

22 MR. DAY: I understand. I understand what
23 you're saying; but we speak the same language, I guess.

24 That would be my issue is where if, you know,
25 in a situation like that because if you're going to charge them,

01:14 1 you know, I think in the big scheme of things, you probably --
2 the safest way to do it is if it's lawful, like Judge West said,
3 if it's lawful, that that person needs to repost the bond.

4 JUDGE WEST: And maybe that's something we need
5 to look into.

6 MR. ROEBUCK: But the problem -- I've got to be
7 careful what role I'm playing here but --

8 JUDGE WEST: Don't play the defense attorney
9 role.

10 MR. ROEBUCK: I'm trying not to. But if I was
11 playing that role, I would say, Wait a minute. Don't make my
12 guy go down there twice, you know, and don't put the jail and
13 everybody else through that. If he goes down there at shift
14 change, he's got to stay there for six hours while they're
01:15 15 counting heads. So I don't know.

16 MS. GARCIA: New bond -- if we decide a new
17 bond has to be made, why can't they do it at their first court
18 appearance? Why make them go out to the jail?

19 MS. GODINA: They have to.

20 (SIMULTANEOUS CONVERSATION)

21 JUDGE WEST: If they're making a new bond, it's
22 because they are making it on a new case.

23 MR. ROEBUCK: Seems to me what the rule ought
24 to be, you ought to make a distinction between misdemeanors and
25 felonies. If it's the same transaction and it's a misdemeanor

01:15 1 going under the same -- subject to having the same number, then
2 unless the bond amount changes, then I think it seems to me the
3 logic would just dictate the bond ought to carry through.

4 If it's filed initially as misdemeanor theft,
5 for example, and it gets changed to theft from person, well,
6 that's a completely different offense and the bond is going to
7 be greater and the level of offense is going to be greater. So
8 that first bond ought to be, well, it's no good.

9 MS. FERGUSON: I can tell you now: We don't
10 carry misdemeanor bonds to felonies or the felonies back to
11 misdemeanors. If they're arrested on a misdemeanor and it gets
12 picked up as a felony, that bond is no good and vice versa. So
13 we don't carry them through.

14 (SIMULTANEOUS CONVERSATIONS)

01:16 15 MS. GODINA: This was a felony from the get-go
16 and it was a felony to a felony, just a different charge.

17 MS. FERGUSON: Exactly.

18 MR. DAY: Is that a different class? I mean, I
19 don't know.

20 MS. LANDRY: Both state jail.

21 MR. DAY: They're both state jail.

22 MR. ROEBUCK: What realistically --

23 THE COURT REPORTER: Please. If y'all want a
24 record of this, I have to have you one at a time. Please.

25 Sorry, Mr. Roebuck.

01:16 1 MR. ROEBUCK: That's my fault. I ought to
2 know better.

3 Realistically, what could happen would be
4 somebody is charged -- the initial charge is theft and when the
5 D.A. gets it, they can't prove theft but they can prove criminal
6 mischief, the same transaction, different offense completely.
7 What do we do there? That's a more realistic problem.

8 JUDGE WEST: I've got a capital murder jury; so
9 get all this resolved and let me know how y'all figure it out.
10 I'm sorry. I do have a jury waiting.

11 MS. LANDRY: We are going to table it to next
12 time.

13 JUDGE WEST: No, huh-huh. Y'all figure it all
14 out and let me know what the answer is. I'm good with whatever.

01:17 15 MR. DAY: Your issue as a defense attorney is
16 why is my guy coming in to post a bond on the same -- basically
17 the same case?

18 MR. ROEBUCK: No. I think that ought to carry
19 across the board. Why -- why go -- if it's -- if it carries the
20 same TRN number, it seems to me, and the bondsman doesn't put it
21 on there, seems to me that it's the -- whether you call it an
22 apple or an egg, it's the same offense and that bond ought to be
23 good, seems to me. Just why put everybody through all of that?

24 MR. DAY: Okay. So let's go back to my
25 original question to you: Theft or theft from person, I posted

01:18 1 a theft -- I don't remember which one it was.

2 MS. GODINA: Theft from person.

3 MR. DAY: Okay. I post a theft from person.

4 The D.A.'s office files it as a theft. Okay? Court time comes,

5 the guy doesn't show up for court. Okay. I get a nisi. The

6 guy doesn't get arrested and I want to go argue the forfeiture.

7 I didn't write a theft bond; I wrote a theft from person bond.

8 Do I have a legitimate argument there?

9 MR. ROEBUCK: No, I don't think so.

10 MR. DAY: That was my question.

11 MR. ROEBUCK: No.

12 MS. GODINA: Then we would be out of the money

13 because if you're saying that bond wouldn't be good --

14 MR. ROEBUCK: I think the bond is good.

01:18 15 MR. DA: No, he's saying he thinks it would be

16 good but --

17 MS. GODINA: Then I go back to you. Then why

18 did your office go file this if your case has already been

19 filed?

20 MR. DAY: Because we wouldn't have known the

21 case was filed because we call the D.A.'s office -- Lisa, when

22 y'all try to find out if a case is -- has been filed, you would

23 call the D.A.'s office? Call the D.A.'s office, right? So we

24 call the D.A.'s and say, We're checking to see if this case

25 theft from person was filed. The D.A.'s office is going to tell

01:19 1 us, no, the case was never filed. Okay?

2 MS. GODINA: Uh-huh. But yet, you want us to
3 let this bond go through on this other case?

4 MR. DAY: Well, we don't know --

5 MS. GODINA: I know. But, I mean, it's one of
6 two things.

7 MR. DAY: No, I'm not saying let the bond --
8 no, I never said that. I'm not saying that. You asked me why
9 we filed it that way. That's why we filed it.

10 MS. GODINA: Not just you. I mean, I'm just
11 saying that I have this as an example because I think they
12 were --

13 MR. DAY: I wouldn't have known they changed it
14 to theft.

01:19 15 MS. GODINA: Yeah.

16 MR. DAY: We wrote the theft from person. We
17 called the D.A.'s office. Was this theft from person ever
18 filed, this case ever filed? No.

19 Okay. So we go and file the voluntary
20 surrender on the -- on that voluntary surrender form.

21 MR. KNEELAND: Can I chirp in?

22 MS. GODINA: Uh-huh.

23 MR. KNEELAND: I've been kind of waiting for an
24 opportunity. I'm from the D.A.'s office and I'm in charge of
25 intake. So Sarah and I, we've had an opportunity to listen to

1 what was said. There is two things that are being spoken back
2 and forth that are incorrect. On that particular case that
3 you're dealing with the theft of a person to a theft was
4 actually indicted as a theft of a person. It was an internal
5 code that was input incorrectly. That may reflect on your
6 screen, but it was actually the same charge that was the
7 indicted. The better example is the aggravated assault being
8 changed to deadly conduct because that brings up the conundrum
9 that we're in and that's this: If someone is arrested on a
10 particular charge and I as the intake attorney choose to file it
11 as something different, we are now faced with do I just change
12 it or I do a refusal and then file a brand new case. Okay?

21 So the question I need to ask this group is
22 what do you want us to do as the D.A.'s office to make your
23 system clearly reflect it? I can tell you that if you call our
24 department -- and we get calls all the time -- we will tell you
25 if it was changed. If you say I need to know was this agg

01:21 1 assault filed, we certainly tell you that was actually filed as
2 a deadly conduct. So I want to help you with that in any way I
3 can. But we need to know what is going to least gum up your
4 system if we get a charge and I choose to change that charge, do
5 I refuse it and then file or do I just straight up change it
6 without the hope that this bond issue is going to be a nightmare
7 because I don't see that stuff on my end but I don't want to
8 mess up your end. Okay? Does that make sense what I just said?

9 MS. FERGUSON: I think it would come into play
10 with the TRN number, that if you change the charge and it stays
11 the same, the TRN number, when you call to check to see if that
12 charge is picked up and you have theft from a person on your
13 bond with a TRN number, you call and ask has it been picked up
14 with that TRN number, they can look, oh, yes, it was picked up
15 but it's picked up as theft state jail opposed to theft from a
16 person. That way you know it's the same. We have the TRN
17 numbers --

18 MS. GARCIA: But hold on. Time out. The
19 morning this happened, when Mary came down and explained this to
20 me, I took screen shots. The screen shots of the TRN said the
21 D.A.'s office accepted and filed this case as a theft from a
22 person. However, on the internal screen they said I'm filing it
23 as a theft. So you got apples and oranges.

24 MS. BUSER: Because that's the one where they
25 enter the code wrong.

01:22 1 MR. KNEELAND: Right. That's an internal
2 issue.

3 MS. GARCIA: So if the bondsmen are calling and
4 saying how was this case filed, that's what they're going to go
5 back and look at. They're saying I filed it as a theft by
6 person but they really didn't. They filed it as a theft so
7 we're not looking at the same -- so if someone calls the jail
8 and -- or another office, they're going to see two different
9 things. It is an internal clerical error but --

10 MS. LANDRY: It's a clerical error. That's
11 all. This is an isolated incidence of a clerical error.

12 MS. GARCIA: But this right here would have
13 said if they would have accepted it and even changed it. So,
14 yeah, you do have a way to track but it depends on I guess how
01:23 15 you're looking at it.

16 MS. GOODNESS: Let me ask a question: If it's
17 very easy for you to refuse -- I know that may skew your numbers
18 at some point. If it is, like Dustin said, a change of you're
19 going from misdemeanor up to a felony or you're changing the
20 range of punishment significantly, would it be a problem to
21 refuse those kinds of cases?

22 MR. KNEELAND: Not at all.

23 MS. GOODNESS: And that way it's easy for the
24 bondsman to know, you know, I'm getting off this bond because it
25 was refused and then I can decide whether or not I want to write

01:23 1 the bond on the enhanced charge. Wouldn't that be simpler?

2 MR. KNEELAND: It's very easy for us to refuse
3 a case. Using the McAndrews example, that's the one we just
4 did, it was a double agg assault. I just chose that the statute
5 felt better with a deadly conduct so I filed it. Then they
6 brought it to my attention -- she makes the world go round. You
7 need to clean that up because we're going to get a call on it.
8 Well, sure enough, it's an issue. So I'm like, well, I'll just
9 refuse the one that originally came in. Maybe we ought to talk
10 with somebody before we start doing that. If you are saying
11 that that's the way it wants to go, I have no problem with that
12 at all, except one issue. And I don't even know how to answer
13 question.

14 MS. BUSER: On this TRN, that situation,
01:24 15 normally, if we're going to change the charge, we will put our
16 C. In this situation if they're going to post a brand-new bond,
17 will we just outright refuse the agg assault TRNs because they
18 would get another TRN when they were booked in on the deadly
19 conduct?

20 MS. FERGUSON: No.

21 MS. BUSER: No? Still put the C like we have
22 been doing?

23 MS. GODINA: This one was really messed up from
24 the get-go because it was presented at the jail on a Tuesday. I
25 don't know when these get filed. They get put on the clipboard

01:25 1 supposedly. And maybe we need to talk to you and the jail
2 staff. They get put on the clipboard whenever they come in.
3 Okay? Morgan received this one, who works days but sometimes
4 they work over. So I don't know what time he received it.
5 Okay? It got put on the clipboard. Midnight is when they got
6 ready to pull the paperwork to take it to Judge Giblin on
7 Wednesday morning. Somebody didn't look at the clipboard so it
8 didn't get presented on the Wednesday, which happened to be a
9 day I wasn't there either, which was -- this was messed up from
10 the get-go. So on Wednesday indictments came out, he got
11 indicted but this got presented to judge on Thursday so it was
12 messed it from the get-go anyway. So I think maybe we need to
13 talk about maybe a better system, too, at the jail as to where
14 are they going to be, every sergeant, lieutenant, whoever is in
01:26 15 charge of each shift knows and they go to put it on this
16 clipboard but then the midnight shift needs to make sure to go
17 to that clipboard to get it off to present it to Judge. I've
18 had these even in the pretrial box, which this has nothing to do
19 with pretrial. I don't even know how they got stuck in there.
20 I just happened -- I get Carolyn's stuff and I bring it to her
21 every morning. I just thumb through and I saw two or three
22 stuck in there during the Christmas holidays. I don't even know
23 how they got in with pretrial. So that's something maybe I can
24 talk about or we can talk about with the jail people and clarify
25 where are they going to be put, make sure the midnight crew gets

01:26 1 it to present it to the magistrate the next morning because,
2 like I said, this was messed up from the get-go.

3 UNIDENTIFIED SPEAKER: To make something clear
4 for the jail, when you guys say you change that charge, we don't
5 still use the same TRN number?

6 MR. KNEELAND: Well, I think that was the
7 question that I wanted to have answered because that will
8 determine what we do on our end. Whatever you guys want.

9 UNIDENTIFIED SPEAKER: Because if you come with
10 a new charge, the jail automatically going to submit a new TRN
11 number because they're going to reprint it.

12 MR. KNEELAND:

13 MS. GARCIA: I think Mary Ann has an answer.

14 MS. PITRE: Hi, I'm Mary Ann Pitre, criminal
01:27 15 justice programmer. I'm the one that handles all the TRNs. And
16 the way DPS wants it is, say, you're arrested, one arrest, one
17 time, you're going to have one TRN number. But you don't want
18 to just look at that 10-digit TRN number, you have to look at
19 the A-0-0-1-2 so forth because a lot of times we get somebody
20 arrested with four theft charges. That's going to be A001,
21 A002, 3 and 4 and so forth. But that TRN and A001 charge have
22 to stay with that particular offense charged all the way through
23 whether it goes to the D.A. and they change it, refuse it,
24 refile it three or four times, that one TRN and that one A00
25 whatever supplement number has to stay with that particular

01:28 1 charge. So if we refuse it, we don't just say, oh, we refuse
2 this TRN. Once you refile it or move it to another court or
3 misdemeanor to felony, that particular TRN with that supplement
4 has to stay with that charge. Now, they can get -- a lot of
5 times, they get rearrested, we create a second TRN; but that's
6 an error and we have to go back and cancel it. So DPS wants one
7 offense, one number per arrest, even if you just show up at the
8 jail just to turn yourself in you're going to get new -- a
9 number but then underneath, those are your different supplement
10 offenses. So as soon as one arrest is made, DPS has to follow
11 that through. Does that kind of make a little more sense?

12 MR. KNEELAND: She's shaking her head so I'm
13 going to say yes.

14 MS. BUSER: It does.

01:29 15 MS. PITRE: As far as keeping a TRN tracked, it
16 has to stay with that one offense. A lot of times the TRNs are
17 reported wrong to begin with. Then we have to go in and change
18 them. If we're reporting to DPS on the arrest before it's gone
19 to the D.A.'s office, I can go in and actually change the
20 original TRN on DPS to be what it's supposed to be; but we also
21 need to be able to communicate those numbers including that
22 supplement -- that's really important -- to the bondsmen,
23 everybody that's involved.

24 MR. FUNCHESS: Al, did you want to say
25 something?

01:29

1 MR. REED: One thing about, need to be careful
2 when you start refusing these bonds because we got some bondsmen
3 in here, they're just in it for the money. Somebody comes to
4 make a \$10,000 bond, they post one thousand dollars up front,
5 which they don't normally do, and then that bond gets refused,
6 that client is out \$1,000, just because somebody made a mistake.
7 And then he says, well, can you make my other bond? Yeah, it's
8 going to cost you another thousand dollars. Well, that's not
9 fair for the client. So you may want to get a committee
10 together and hash all of this stuff out and then come up with
11 something that would workable for everybody.

12 MR. ROEBUCK: Can I make an observation here?

13 We've been talking for the last 30 minutes about this issue and
14 it's all based upon this fiction, this -- and I'm not saying we
01:30 15 shouldn't do it -- we engage in, of these accusation bonds. As
16 far as I know, this is the only county on the planet that uses
17 them. So if we're going to -- and I'm okay with it because it
18 works, you know, it is kind of good because it, you know, it --
19 if somebody is committing a crime and he's arrested or she's
20 arrested and they're put under some conditions and, on the other
21 hand, he or she gets out of jail, what happens then if the man
22 hits the DA's office and they just don't like the case the way
23 it's filed at all? And then therein creates the problem. So,
24 you know, I don't know exactly -- it just may be one of these
25 things where we're just going to have problems as long as we're

01:31 1 using this concept of accusation bonds, this stuff is going to
2 happen. And Al has got the biggest -- I think he brought up the
3 best point, somebody is going to get tagged paying extra money.

4 MR. DAY: Is there anybody here from MIS? I
5 don't know everybody. Oh, you're MIS?

6 MS. PITRE: Yes.

7 MR. DAY: Is there any way -- every morning we
8 get a -- bondsmen get a printout of everybody that I have on
9 bond sent to us.

10 MS. PITRE: Right.

11 MR. DAY: But the bonds -- the people that
12 aren't on that list are accusation bonds that we make. They
13 don't -- they don't come on that list. Okay? Is there a way to
14 get those people that everybody that we post bond for in
01:32 15 Jefferson County, on Jefferson County charges excluding, you
16 know, traffic warrants, JP charges, things that just county
17 charges, is there a way to get those people put on that docket?
18 Yet every time someone is put on that docket, our liability goes
19 down. Now obviously, accusation bonds, our liability does not
20 adjust based on an accusation bond, it stays the same. Is there
21 a way to get those people put on our list without reducing our
22 liability? I've been told MIS can do anything.

23 MR. KNEELAND: That's true.

24 MR. DAY: Because that might eliminate a lot of
25 problems if we actually -- if I don't have to make a phone call

01:32 1 to the D.A.'s office, to the county clerk's office, to the
2 district clerk's office and I have access to the whatever
3 information I can get legally, it would make things a lot easier
4 whenever we go file the stuff because the biggest problem
5 obviously are the accusation bonds and we're limited on the, you
6 know, the information that we have on these cases. But maybe if
7 we had --

8 MS. PITRE: On an accusation bond there is not
9 necessarily a case in the D.A.'s office yet.

10 MR. DAY: Right.

11 MS. PITRE: Your report that you get in the
12 morning, they all are driven out of the D.A.'s office and cases
13 set on the dockets. What we would have to look at is those that
14 are on bond through the jail but not outstanding but not already
01:33 15 applied to a case.

16 MR. DAY: Right. And that would work, too,
17 almost like a separate docket of people.

18 MS. PITRE: Right, right.

19 MR. DAY: That would work, too. But my next
20 question would be: Is there a way to -- because once the case
21 is filed and it has a case number, the TRN number to us is
22 meaningless because we have a case number now. So the TRN -- I
23 don't know about everybody else --

24 MS. PITRE: The only reason it should not be is
25 because what if it is refiled, then you got another case number

01:34 1 and another case number --

2 MR. DAY: But we have case number.

3 MS. PITRE: -- your bond is on that TRN.

4 MR. DAY: But we have a case number which
5 should attach at that point.

6 MS. PITRE: As long as it's not refiled.

7 MR. DAY: Oh, okay. But anyway if we could
8 have it separate so maybe that would work.

9 MS. PITRE: Okay. I can look into that.

10 MS. GARCIA: But, Mary Ann, when you're looking
11 into it, it has to pull from that little field where they are
12 supposed to be putting the three-digit code in, right?

13 MS. PITRE: Yes.

14 MS. GARCIA: That's something we'll need to
01:34 15 talk to the sheriffs about to make sure that they put it in that
16 certain field and not free type it.

17 MS. PITRE: Well, we -- there is a code in
18 there. You just don't see it. It's just not showing up on the
19 screen but there is a code and, yes, sometimes the codes don't
20 match but we'll always go by the code rather than whatever they
21 print out.

22 MS. GARCIA: Okay.

23 MS. PITRE: But we are talking about money that
24 was just put on at the jail and then we're still waiting for
25 them to receive the case or file the case; is that --

01:35

1 MS. GARCIA: Yes.

2 MS. PITRE: Okay. Got it.

3 MR. FUNCHESS: All right. Moving on again. We
4 got -- we got four action items here. First is to amend the
5 personal financial statement on bondsmen applications. What
6 we're doing is changing the wording on here for current putting
7 current assets, current liabilities and then for income and
8 expenses making it annual income and annual expenses. And if
9 you're okay with that, I'll take a motion that we amend it.

10 MS. GOODNESS: So moved.

11 MR. FUNCHESS: Second?

12 JUDGE WOODS: Second.

13 MR. FUNCHESS: All in favor?

14 (RESPONSES MADE)

01:35

15 MR. FUNCHESS: All right. It's approved.

16 And ten is an amendment to 11(1) local rules
17 and address any other concerns.18 MS. BRODE: I'm sorry, Tim. I need to take a
19 step back. Why are we changing it to the word current because
20 mortgages aren't current, they're long-term? I'm just --21 MS. GARCIA: Well, the reason we need to
22 address and get some kind of across-the-board, same information
23 that's being reported on these applications. I have bondsmen
24 saying are you wanting a monthly or are you wanting, you know,
25 the total for this month or the monthly income or are you -- we

01:36 1 wanting a six-month report on the income or -- so I need to have
2 some kind of consensus equally every time they turn in these
3 applications to say what monies we're looking at.

4 MS. BRODE: Okay. Assets and liabilities, that
5 shouldn't be a question because it's their assets and
6 liabilities as of today.

7 MS. GARCIA: It shouldn't be, but sometimes it
8 is.

9 MS. BRODE: Maybe if we put it -- the wording
10 as of today or something like that because current --

11 MR. FUNCHESS: Yeah, I agree.

12 MS. BRODE: -- they wouldn't have to give you
13 any of their long-term debt.

14 MS. GARCIA: I'm open. I just need to have --

01:37 15 MS. WIEBUSCH: Present?

16 MS. BRODE: Present. Just a different word
17 than current.

18 MS. GARCIA: Make a motion.

19 MS. BRODE: I can't.

20 MR. DAY: Why? Why?

21 MS. LANDRY: I can't help you.

22 MR. DAY: I'm not -- I'm not an accountant; but
23 if it's a debt and you have the debt today, it's current. So I
24 don't really understand.

25 MR. FUNCHESS: No, it's not.

01:37 1 MS. BRODE: No, it's not. It's a finance term.

2 MR. FUNCHESS: Current is short term.

3 MR. DAY: I'm not an accountant, so that

4 answers that question. I don't want to be either.

5 MR. FUNCHESS: There is an actual term for

6 current assets and that's your -- that's your liquidity. That's

7 your cash. That's your, you know, short term.

8 MS. BRODE: A good example -- a good example is

9 a car loan and a mortgage; one is current, and one is long-term.

10 So you could leave all your mortgages off if we were to word it

11 like that; but if someone were to make the motion to change

12 current to present --

13 MS. GOODNESS: I make a motion.

14 MR. DAY: Second.

01:38 15 MR. FUNCHESS: Motion and second. All in

16 favor?

17 (RESPONSES MADE)

18 MS. GARCIA: The second part of that was to

19 update the applications that this affidavit is reported in.

20 MS. GOODNESS: To update it with what, Becky?

21 MS. GARCIA: With this newly amended --

22 MS. GOODNESS: To change this -- to add that

23 exhibit with the word to the application?

24 MS. GARCIA: Yes.

25 MR. FUNCHESS: All right. We need a motion on

01:38

1 that.

2 MS. GOODNESS: I so move.

3 MR. FUNCHESS: So moved. Got a second?

4 JUDGE WOODS: Second.

5 MR. FUNCHESS: All in favor?

6 (RESPONSES MADE)

7 MR. FUNCHESS: Opposed? Passed.

8 Amend 11(1) local rules and address any other
9 concerns.10 MS. GARCIA: Before Tom throws me under the bus
11 again on an e-mail that I never received or read, Tom, do you
12 have the correct wording that you want to say on this? Here is
13 the old rule.14 MR. ROEBUCK: What did I tell you I wanted to
01:39 15 do? Oh, yeah, 11(1). To bring everybody up to speed may not be
16 aware, there was an issue with whether or not a person or
17 company who is in default in another county can be defaulted
18 over here. And so I went and looked at the rule and I thought
19 perhaps if we added two words -- the current rule reads no
20 person shall be licensed if the applicant has an unpaid final
21 judgment in Jefferson County. And I just suggested that we add
22 Jefferson or any other county.23 MS. GARCIA: And the reason this is being
24 addressed is because we've had -- Chambers County has reached
25 out to me saying that we have a licensed bondsmen with this

01:40 1 county that owes over \$30,000 with them. So I think it was, we
2 wanted to bring this up, correct the wording in it so that upon
3 renewal of the application with us, it would be correctly
4 reported if he owes any other counties some money and it would
5 be on our record.

6 JUDGE WOODS: I make a motion to amend the rule
7 to include those words.

8 MR. FUNCHESS: Do I hear a second?

9 MS. GOODNESS: Second.

10 MR. FUNCHESS: Motion and a second. All in
11 favor?

12 (RESPONSES MADE)

13 MR. FUNCHESS: Opposed? All right. It is
14 amended.

01:41 15 Next one is removal of 10(e) for electronic
16 voting. I know this is -- we tried to release your property
17 last week and I had an issue with the Open Meetings Act. I
18 don't think that since it's an action item, we can't do it
19 electronically. So I think we're just -- we're taking it out of
20 the rules, the local rules, so we'll be in compliance with the
21 Open Meetings Act. So that's what that amendment is; so, can I
22 get motion to do that?

23 MS. GOODNESS: So moved.

24 JUDGE WOODS: I second.

25 MR. FUNCHESS: Motion and a second. All in

01:41 1 favor?

2 (RESPONSES MADE)

3 MR. FUNCHESS: Opposed? All right.

4 Now, going on to Keith Day. Now, we get to
5 release your property.

6 MR. DAY: Yeah.

7 MR. FUNCHESS: I think the property description
8 is in front of you. I will also add the fact that we received a
9 CD from Keith today that will be replacing this property so can
10 I get a motion to release his property as described in front of
11 you.

12 JUDGE WOODS: I make a motion.

13 MR. FUNCHESS: Got a motion. Got a second?

14 MS. GOODNESS: Second.

01:42 15 MR. FUNCHESS: All in favor?

16 (RESPONSES MADE)

17 MR. FUNCHESS: Opposed? All right. I'll sign
18 your release.

19 Going back, do we need to respond or give any
20 kind of communication back to that complainant that it's been
21 rejected, or do we just let it go?

22 MS. GARCIA: I believe so. The rules require
23 us to respond to it.

24 MR. ROEBUCK: Hold on a second. What are we
25 doing with Keith?

01:42

1 MR. FUNCHESS: Releasing some real property and
2 replacing it with a CD.

3 JUDGE WOODS: So this is saying you can't
4 release unless it's the same form?

5 MR. ROEBUCK: That's what it says. That's only
6 an Attorney General's opinion so --

7 MR. FUNCHESS: Are you saying you can't
8 replace?

9 JUDGE WOODS: It has to be basically the same
10 form. You can't release and substitute a different type of
11 collateral. It has to be the same collateral, same type of
12 collateral. You can't substitute in another collateral.

13 MR. ROEBUCK: That's what it says. He can add
14 to.

01:43

15 JUDGE WOODS: You can't do a CD to personal --

16 MR. ROEBUCK: Yeah.

17 JUDGE WOODS: I mean, real property with a CD.
18 It has to be real property to real property.

19 MR. ROEBUCK: That sounds kind of stupid to me.

20 JUDGE WOODS: It does.

21 MR. FUNCHESS: Only CD to a CD?

22 JUDGE WOODS: Right You may want to wait.

23 MR. ROEBUCK: Just table it.

24 MR. FUNCHESS: All right. It's just been
25 brought to my attention that there is an Attorney General

01:44 1 opinion that says you cannot replace one form of collateral with
2 a different form of collateral. It has to be real property to
3 real property or cash to cash or CD to CD.

4 MS. BRODE: May I make note, and I don't have
5 anything to do with this but you received the CD yesterday and
6 we released the property today. We didn't replace the real
7 property with that CD. The CD came in yesterday.

8 MS. LANDRY: And not only that, he was still in
9 good-standing if we released the property and he were to come up
10 tomorrow and do the CD, he was -- he was still okay. It's not a
11 replacement.

12 MS. GARCIA: Now, is the AG opinion talking
13 about like the \$50,000? Are we talking about the part that goes
14 over the 50,000?

01:45 15 MS. BRODE: Right.

16 MR. DAY: Because property is five to one in
17 some -- some respects and cash is 10 to one but it wouldn't
18 matter either way because I've been in business long enough
19 where both would be 10 to one so --

20 MR. ROEBUCK: Attorney General says that if you
21 replace property, it has to be of the same nature. If you add
22 to it, it does not.

23 MR. REED: Right.

24 MR. ROEBUCK: Now, where is the logic in that?
25 I don't know but --

01:46 1 MR. DAY: That's what she's saying. I
2 didn't replace it.

3 JUDGE WOODS: So what you're saying is he
4 subtracted from it but added more to it so what you're saying is
5 the CD actually has more value than the real property you
6 released so then he just increased his value?

7 MS. BRODE: What I'm saying is he didn't
8 replace the property with the CD.

9 JUDGE WOODS: He's actually added?

10 MS. BRODE: Yesterday he brought in a CD to
11 increase his collateral. Today we're releasing his property.
12 Two unrelated events.

13 MR. ROEBUCK: Works for me.

14 JUDGE WOODS: Works for me.

01:46 15 MR. FUNCHESS: All right. Anybody else have
16 anything?

17 Motion to adjourn?

18 JUDGE WOODS: Move.

19 MR. FUNCHESS: Second?

20 MR. REED: I don't think we have voted on the
21 position of the bondsmen's chairperson. I think you have to do
22 that every year.

23 MR. DAY: Well, actually it's the bondsmen that
24 have to get together and vote. Yeah, the bondsmen have to
25 nominate someone, then the board votes on it.

01:47 1 MR. REED: But it occurs here.
2 MR. DAY: Okay. So we need to set that up on
3 the next agenda.

4 MS. LANDRY: I'll put it on the next agenda.
5 We can't just throw it in there today.

6 MS. GARCIA: I thought we did that. In
7 October, I think it has to be done.

8 MS. LANDRY: We did that when we voted on Judge
9 Dollinger.

10 MR. DAY: We did it last year. It's been a
11 year. It's been over a year actually.

12 MR. REED: Just want to make you legit.

13 MR. DAY: We need to before Al gets his
14 henchmen. I just found out in that complaint that Al has
01:47 15 henchmen so I don't want his henchmen after me.

16 UNIDENTIFIED SPEAKER: That's right. No more
17 apple butter.

18 MR. FUNCHESS: All right. Well, this meeting
19 is adjourned.

20 (MEETING ADJOURNED AT 1:47 P.M.)

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