

BAIL BOND BOARD MEETING

OCTOBER 21, 2021

THOSE PRESENT: JUDGE RAQUEL WEST

PAT KNAUTH

BECKY BERTRAND

KELLIE HOLMES

GLEND A SEGURA

JUDGE RANSOM "DUCE" JONES

VALENCIA SIMPSON

CHARLIE HALLMARK

KEITH DAY (via ZOOM)

RHONDA BRODE

TOM ROEBUCK

TAMIKA MARTIN

TERESA GOODNESS

DUSTIN GALMOR

QUENTIN PRICE

TONJA VOORHIES

JOHN SHAUBERGER

CAPT. LADONNA LI

1 JUDGE WEST: All right. I'm going to ask
2 everyone to please come to order. We will start the meeting.
3 I'm trying to get going as quickly as we can. We have a limited
4 time because I have a jury deliberating in a murder case and
5 they're deliberating here in the courtroom. So I just let them
6 go to lunch and anyway so -- that being said, the first thing on
7 the agenda is the approval of the minutes. We actually need
8 to -- and I think you got an e-mail -- to approve July and
9 September. We approved August, but we have not approved July.

10 MS. GOODNESS: I make a motion to approve those
11 minutes as written.

12 JUDGE WEST: I've got a motion.

13 JUDGE JONES: Second.

14 JUDGE WEST: Who second it? All right. Do you
15 want to come up a little closer and come be part of the group?

18 JUDGE JONES: Duce is okay.

19 JUDGE WEST: You can come over here on the end
20 maybe if you would like, just get up a little closer.

21 Any discussion? All those in favor?

22 (RESPONSES MADE)

23 JUDGE WEST: Any opposed? All right. July and
24 September are approved.

25 Report from the district attorney's office

1 regarding collections, status of collections. Do we have anyone
2 from and did we get their --

3 MR. PRICE: I don't know. Do we have it?

4 MS. BERTRAND: Yes.

5 MR. PRICE: Do we have it?

6 MS. SEGURA: Yes.

7 MR. PRICE: We provided that, your Honor.

8 JUDGE WEST: Any questions with regard to the
9 report on collections from the district attorney's office? All
10 right.

11 Consideration and approval of applications, I
12 think we have a couple, correct?

13 MS. BERTRAND: Correct. The first one I have
14 for Ronald L. "Butch" Ducote. It was emailed to all the
15 members. Everything is in good standing. However, I do want to
16 point out that he has not taken his class due to Covid reasons,
17 but he does intend to take it in December when it's offered in
18 Houston.

19 JUDGE WEST: All right. We will need to have a
20 motion on that one first, and then we will go to the next one.

21 MS. GOODNESS: I make a motion that we approve
22 Ronald Ducote's application for renewal.

23 JUDGE WEST: Thank you. We have a motion.

24 MR. HALLMARK: I second.

25 JUDGE WEST: We have a motion and a second. Is

1 there any discussion with regard to his? And so, if you'll just
2 let us know, maybe at the January meeting, let's double check
3 that he's gotten that class taken care of. All those in favor
4 of approving that application, say aye.

5 (RESPONSES MADE)

6 JUDGE WEST: Any opposed? All right. That
7 passes.

8 Is there another one?

9 MS. BERTRAND: There is. The second one is on
10 Ronnie Leblanc. Same scenario, didn't take his course but he
11 does intend to take it in December when it's offered in Houston.
12 Everything else is in order.

13 JUDGE WEST: All right. Perfect. Anyone other
14 than Theresa want to make a motion?

15 JUDGE JONES: So moved.

16 JUDGE WEST: Thank you, Judge Jones. We've got
17 a motion. Is there a second?

18 MR. PRICE: I'll second.

19 JUDGE WEST: All right. Thank you. Any
20 discussion? Same thing with him, if you'll just let us know at
21 the January meeting that you've gotten both of their
22 confirmations of those classes. All right. All those in favor?

23 (RESPONSES MADE)

24 JUDGE WEST: Any opposed? All right. That
25 passes as well. Those were the only two, correct?

1 MS. BERTRAND: Correct.

2 JUDGE WEST: Okay. Why don't we skip the --
3 the next one is the complaints against bondsmen. Let's go
4 through the easy stuff and then we will get to the complaint
5 that's pending that we need to take care of.

6 Everyone should have a report from the
7 treasurer on cash, CDs up for collateral. Any discussion on
8 that?

9 MR. HALLMARK: I sent out a revised report and
10 disseminated it out here, too.

11 JUDGE WEST: Okay. Great. Thank you. And
12 that's just for our review.

13 Is there any release of -- there is a release
14 of property, correct?

15 MS. SEGURA: Yes.

16 JUDGE WEST: There was a request from --

17 MS. SEGURA: Phillip Dowden.

18 JUDGE WEST: Attorney Phillip Dowden had put up
19 some -- I don't know if it was money or if it was property.

20 MS. BERTRAND: It was money.

21 JUDGE WEST: And he is -- did not end up using
22 it, I guess, and wants it back. So there is no issue in regard
23 to -- it's \$70,000. So he's still in good standing if we
24 approve that. We just need a motion and a second to approve him
25 getting that back.

1 JUDGE JONES: So moved.

2 JUDGE WEST: Thank you, Judge Jones. Is there
3 a second?

4 MS. GOODNESS: Second.

5 JUDGE WEST: Thank you. All those in favor say
6 aye.

7 (RESPONSES MADE)

8 JUDGE WEST: Any opposed? All right. That
9 passes. That's signed.

10 Report from the auditor's office.

11 MS. BRODE: I have distributed everything. I
12 am working with Becky and Mary Ann on the out of counties and
13 Becky and Quentin and Valencia on the rest of the stuff. We are
14 really -- they're working very hard at cleaning things up.
15 Nothing has happened yet, but in the background a lot has
16 happened.

17 JUDGE WEST: Good. Thank you.

18 MS. BRODE: So that's it.

19 JUDGE WEST: Any questions about that, anybody?
20 All right.

21 The next is to discuss accusation process at
22 the jail. Is that something that came up? What's that about?

23 MR. GALMOR: I may have brought that up.
24 Sorry. I was a minute late. I had brought it up the other --
25 right after the last meeting. I had a situation happen with two

1 of my clients, and I just thought I would share it. I'm not
2 here to offer any tips on how to fix accusation unfortunately.

3 JUDGE WEST: Well, then we don't want to hear
4 it. If you have a complaint, you have to have a fix. I'm
5 sorry.

6 MR. GALMOR: But I think these two problems
7 were not unique, and I'm sure that some people are aware of this
8 issue but maybe not everyone is and so as the criminal defense
9 representative, I guess I'll share two experiences I had.

10 So I had a client, I think in this court,
11 probably six months ago, a year ago, was charged with many, many
12 counts of child pornography and his bond was really high and the
13 State and the defense had worked out an agreement that his bond
14 would be lowered some and there would be quite a few
15 stipulations, conditions of his bond obviously, you know, for
16 obvious reasons in the type of case that it was. And there were
17 conditions that would not even normally be present on a child
18 pornography case even. There was some extra things that we had
19 all agreed to do. And so the Court agreed and made an order,
20 sent it out to the jail. My client's mother went out to pick
21 him up, and he just got released, for free, obviously, with no
22 conditions at all. So, you know, a couple of days later or
23 maybe it was later that afternoon. Maybe it was the next day.
24 I can't really remember. But he went back to jail, you know,
25 bonded out. Well, actually, you know what. I take that back.

1 It was awhile later because he wasn't -- there wasn't indicted
2 so I think he had to be indicted before he could go back to jail
3 and have those conditions put on him. Those conditions
4 included, you know, don't talk to minors on the internet. I
5 think it might even have said don't use the internet. So even
6 though everyone thought that was a good idea, he didn't have to
7 abide by any of that for, you know, a pretty good while until
8 he, you know --

9 JUDGE WEST: So did he have a bond that was set
10 by one of the magistrates that went out in the morning --

11 MR. GALMOR: He did.

12 JUDGE WEST: -- that just didn't have the
13 conditions that I put on it?

14 MR. GALMOR: Correct. He had a bond with
15 normal conditions. The bonds were 50,000 each, I think. And so
16 10 counts made it 500,000. He couldn't bond out. We lowered
17 the bonds with these extra conditions; but like I said, before
18 the mother could get with the bondsman and get the bond posted,
19 the jail released him.

20 CAPTAIN LEWIS: Okay. You saying the jail
21 released him. Was he released on accusation?

22 JUDGE WEST: Yes.

23 MR. GALMOR: Yes, yes.

24 CAPTAIN LEWIS: Okay. So then when they're
25 released on accusation, you can't enforce those conditions of

1 the bond because he didn't post bond.

2 MR. GALMOR: No. I understand completely. I'm
3 just saying that that happened and that that may not be best for
4 the community and may not be best for the defendants either
5 because, I mean, now he's got free rein to do anything he wants
6 and will have to go back to jail one day, you know, and may get
7 a warrant. I mean, from my perspective as an attorney, if I'm
8 just looking at it from the defendant's perspective, you know,
9 you get out on accusation and you get a warrant again, a lot of
10 times, you don't know you get a warrant again. So you're at
11 work, police come to your job, your boss fires you because, you
12 know, you're getting rearrested or whatever. It doesn't always
13 happen. Sometimes you find out.

14 Then more recently and I just brought it up, I
15 had a DWI -- I think it was a second but I'm going off memory
16 here. He, for whatever reason, didn't bond out and he was
17 released and when he was released, he got no interlock
18 requirement which is statutorily required. He's got no
19 conditions saying he can't drink alcohol and, you know, probably
20 not a good idea either. Right? I mean, I don't know.

21 So I think it's just a by-product of that
22 situation and it's probably not good for the defendants and it's
23 certainly not good for the community to have no condition
24 release type scenarios for these types of cases.

25 JUDGE WEST: On accusations. And I did --

1 Captain Lewis and Chief Shauberger and I and Judge Woods met
2 yesterday about a lot of issues. That isn't one that we talked
3 about; but part of what we learned at that meeting is there are
4 things that they are trying to do in the future to help some of
5 those issues; working with the district attorney's office and
6 things like that. I don't know now something that maybe we can
7 sit together again and maybe talk about because those are
8 some --

9 CAPTAIN LEWIS: They are.

10 JUDGE WEST: -- serious things that are
11 happening when they are released on accusation.

12 CAPTAIN LEWIS: But, I mean, again, how can we
13 enforce something if the case haven't even been presented to the
14 D.A. and they haven't even accepted the case and so that's where
15 it kind of like falls because it on pretty much the district
16 attorney, not saying, but I'm mean, it's on the officer to do
17 the report to get the case filed.

18 JUDGE WEST: Right.

19 CAPTAIN LEWIS: Because we -- at the jail, you
20 know, we have can only abide by our rules and our laws. We have
21 nothing to enforce.

22 JUDGE WEST: Right. So it's something I'll
23 make sure -- and Mr. Knauth is here and I know they are in
24 discussions as well, I think their office, with the jail and
25 different people to try to help some of the situations that have

1 been arising. So I'll make -- you obviously heard, so we can
2 all sit and talk about what options we have, but there are
3 definitely problems that need to be resolved.

4 MR. GALMOR: And it certainly is strange that a
5 magistrate decided that he needed to pose a 500-thousand-dollar
6 bond because of various reasons; but yet three days later, he
7 gets out for free.

8 JUDGE WEST: Because the case isn't filed.
9 Right.

10 MR. GALMOR: He gets out for free, yeah.

11 JUDGE WEST: All right. Thank you for sharing
12 and we will see if we can put that in the big bag of things that
13 are --

14 MR. GALMOR: All right. I wish I had a fix.

15 JUDGE WEST: -- issues. Yeah.

16 So actually, the complaints, let's go back to
17 that. Are there any new complaints that have been filed?

18 MS. HOLMES: No, ma'am.

19 JUDGE WEST: Okay. So that was that.

20 The notice of hearing to suspend and revoke
21 bondsmen that we are here having today. So my understanding is
22 last month when I was not here, that the board voted that there
23 was a valid complaint against Erika Francois and so they were
24 given -- everyone that needed to get notice to be here today for
25 us to hold a hearing with regard to what, if any, number one, is

1 the complaint valid and correct or not just correct in the way
2 it was presented but is there a true complaint. And then, if
3 so, what, if anything, are we going to do as far as any type of
4 punishment for that.

5 So our laws, our policies and Bail Bond Board
6 policies provide that if there is a complaint that is found
7 true, obviously, we have the ability to, I guess, do nothing.
8 We have the ability to suspend for a certain amount of time and
9 we have the ability to revoke a license for some amount of time,
10 as well.

11 So with that being said, I would -- I don't
12 know exactly -- I'm just going to -- we haven't really had one
13 of these since I've been doing this where we had people here but
14 I think the best thing to do -- I mean, we are on the record so
15 those people who are going to speak, I am actually -- I think it
16 would be best to put them under oath and so I'll ask you to take
17 the oath to tell the truth if you're going to speak. I believe
18 we have the gentleman here who has -- do we have his -- what's
19 his name?

20 MS. HOLMES: Mr. Desmond.

21 JUDGE WEST: Mr. Desmond is here.

22 So, Mr. Roebuck, help me out with regard to
23 maybe who should speak first, who do I need to let speak first.

24 MR. ROEBUCK: Well, I think the complainant.
25 It's incumbent since the complaint is brought --

1 MS. HOLMES: By him.

2 MR. ROEBUCK: -- by us.

3 JUDGE WEST: And the complaint is that Erika
4 Francois recommended an attorney to Mr. Desmond, which is in
5 violation of bail bond board policy and law. So I guess the
6 first thing, Mr. Desmond --

7 MR. DESMOND: If I may say --

8 JUDGE WEST: Let me do this real quick. Do you
9 mind raising your right hand?

10 JUDGE JONES: Excuse me. If we are going to
11 have multiple speakers, witnesses, anybody that's going to be or
12 just one speaker?

13 JUDGE WEST: I mean, there is going to be --
14 with regard to this complaint, we will have a couple, I think.
15 I mean, we will allow Mr. Desmond to speak and then we will
16 allow obviously Ms. Francois and who is -- what is your name,
17 ma'am?

18 MS. DESMOND: Debbie Desmond.

19 JUDGE WEST: Okay.

20 JUDGE JONES: Let's swear them in all at one
21 time so we don't have to keep doing it.

22 JUDGE WEST: Sure.

23 (WITNESSES SWORN)

24 JUDGE WEST: Thank you, sir. Mr. Desmond, you
25 may go ahead, sir.

1 MR. DESMOND: Okay. I wasn't in the office
2 when the recommendation was made. I was outside. She made the
3 recommendation to my son, Ray Desmond, Jr., and my wife was in
4 there with him.

5 JUDGE WEST: Okay. So, Ms. Desmond, if you
6 will, please, then just tell us on the board what happened in
7 there and what you were told.

8 MS. DESMOND: Well, the first time when we got
9 there, her sister is the one that did the initial -- took half
10 down and told us we had to go get Ray. So Ray and I go in and
11 we are talking to her and she -- her mother works for this
12 lawyer so she said call -- you can call my mother and she will
13 know. The lawyer was actually on vacation, but she was going to
14 talk to him. And so we got, you know, got him out. A few days
15 later he was picked back up. Our -- his 14-year-old daughter
16 saw the police coming for him because he was let out on bail
17 when we wasn't supposed to be.

18 JUDGE WEST: Right. I understand that. And I
19 understand y'all's frustration with that part of what happened.
20 Today, the complaint technically is about whether or not you
21 were told and referred a lawyer. And I do understand and I have
22 looked back at the paperwork with regard -- what happened, I set
23 a bail, a no bond. Another magistrate set a bond without
24 seeing, apparently, my no bond. So he was released. I got
25 information that he had been released, called the jail and then

1 he was picked back up again. So that's kind of what started, I
2 guess, the information coming in.

3 MS. DESMOND: Uh-huh.

4 JUDGE WEST: So anything -- do y'all have any
5 questions with regard to what Ms. Desmond testified to as far as
6 the referral? We are not going to get all into why certain
7 things happened or shouldn't have happened at the jail
8 necessarily. It's not part of the complaint that we are dealing
9 with. But any questions about specifically her testimony of her
10 or Mr. Desmond about the referral of the lawyers?

11 MS. GOODNESS: Yes. It's not clear to me who
12 made the recommendation. You mentioned several people.

13 MS. DESMOND: The owner did.

14 MS. GOODNESS: The owner did.

15 MS. DESMOND: See, she was there when we went
16 back with Ray. And we were talking, my son and I, to her. She
17 gave this lawyer's name and said her mother worked for him, to
18 call her mother because the lawyer was on vacation.

19 JUDGE WEST: And the lawyer -- you can just say
20 the name. So the lawyer that you're talking about is --

21 MR. DESMOND: Mr. Kimler.

22 JUDGE WEST: Mr. Kimler.

23 MR. DESMOND: And the information --

24 JUDGE WEST: And Ms. Francois' mother is who --
25 I mean, you're saying "her" and "she" and I know who you're

1 talking about but I don't know that they do.

2 MS. DESMOND: Yeah, Erika's mother.

3 JUDGE WEST: Erika's mother works for Mr.
4 Kimler.

5 MS. DESMOND: Yes.

6 JUDGE WEST: Does that clear it up?

7 MS. GOODNESS: Yes. Thank you.

8 MR. ROEBUCK: Mr. Desmond, were you going to
9 say something?

10 MR. DESMOND: Yeah, I was going to say that she
11 wrote the information on a sticky note, which I thought I sent
12 up here with my other information because I haven't been able to
13 find it. I hope I sent it.

14 MS. HOLMES: I didn't -- I don't have that. I
15 don't think I'm seeing that.

16 JUDGE WEST: All right. Any other questions of
17 either Mr. or Ms. Desmond with regard to that?

18 MR. KNAUTH: Had anyone asked for help in
19 finding an attorney? Had anyone asked -- said, "I don't know an
20 attorney."

21 MS. DESMOND: I want to say not -- no but I'm
22 not going to -- don't hold me to that. It's possible she did.

23 JUDGE WEST: No. Did you guys ask for help in
24 finding an attorney?

25 MS. DESMOND: No.

1 JUDGE WEST: Is that what you asked,
2 Mr. Knauth?

3 MR. KNAUTH: Yes.

4 JUDGE WEST: Right. He's asking you if y'all
5 asked for recommendations of lawyers.

6 MS. DESMOND: I'm trying to think what my son
7 said. Well, she told us she's not supposed to give that
8 information out, recommending a lawyer. She said that.

9 JUDGE WEST: Okay.

10 MS. DESMOND: Now, that I can tell you. I
11 know that. I heard it. Ray could have asked, and I can't tell
12 you yes or no.

13 MR. KNAUTH: Okay.

14 JUDGE WEST: OKAY.

15 MS. DESMOND: I'm not going to lie.

16 JUDGE WEST: No. We don't want you to. If you
17 remember, you remember.

18 MS. DESMOND: I'm unsure; so let's just leave
19 it at that.

20 JUDGE WEST: Okay. Any other questions of
21 them? All right.

22 So, Ms. Francois, if you would like to -- you
23 can speak or you cannot speak. It's up to you if you want to
24 speak on your behalf or if you choose not to, that's up to you
25 as well.

1 MS. FRANCOIS: Just briefly, Judge. If I I
2 remember correctly, he was at the dream center and he was
3 worried about another warrant being issued and there was a back
4 and forth between him and his mom just about the entire time.
5 And they were unaware whether he was going to go back to the
6 residence at the dream center. And when I was filling out the
7 paperwork, there was a section where we ask if they are on
8 parole or probation and he said that he was on probation and he
9 was worried about another warrant being issued because of him
10 violating his original probation. And if I remember correctly,
11 I don't think it was the mother but I think it was Mr. Desmond
12 who asked about an attorney and I told him that I was unable to
13 give that information.

14 JUDGE WEST: Okay. And so -- but did you, in
15 fact, give them the information about your mother and Mr.
16 Kimler?

17 MS. FRANCOIS: No, Judge.

18 JUDGE WEST: So your position is that what
19 they're saying is not true?

20 MS. FRANCOIS: Correct.

21 JUDGE WEST: Any questions of Ms. Francois?

22 JUDGE JONES: My question is how did they get
23 his name? How did they -- they just pull up his name? How did
24 they get the name Kimler? How did they get that name? And they
25 saying somebody's mother worked there. So how did that come up?

1 How did they get that? I'm asking.

2 JUDGE WEST: Ms. Francois, he's asking you.

3 MS. FRANCOIS: I'm unaware of how they get --
4 how they received his name. But, I mean, as most of you
5 probably know my mother has worked for him for X amount of
6 years. Even she worked with him even before I went into
7 business. I was still with Keith Day at the time. I guess -- I
8 don't know how they would have attained an actual name but,
9 again, like I said, the way -- a lot of y'all know that she has
10 worked for him for years, even before I had my own business.

11 JUDGE WEST: We know that. I don't know how
12 the how the public would know, you know. Obviously, we all know
13 that; but I think it's something different when it's coming from
14 someone who wouldn't have that type of information that we do.

15 MS. SEGURA: Unless the defendant may have had
16 cases before and hired Rife.

17 JUDGE WEST: Do you know if Rife had ever
18 been -- had you guys used Rife prior?

19 MS. DESMOND: Ray said he had.

20 MS. SEGURA: Okay. Wow.

21 MS. DESMOND: Only after the name was given, he
22 said, "Yes, I know who that is."

23 MS. HOLMES: He has an office in her office.

24 JUDGE WEST: And, right, and just so that, I
25 mean, logically, also, Rife's office is in the same building

1 as Erika's office. So they do have in the same building. He
2 has -- but you guys have used Mr. Kimler before?

3 MS. DESMOND: My son did a long time ago.

4 MR. GALMOR: Mr. Kimler have signage on the
5 front of the building as you approach the building?

6 MS. DESMOND: I never seen it.

7 MS. SEGURA: When we went to check, his name is
8 not on the building.

9 MR. GALMOR: Not on the building.

10 MS. SEGURA: Just the scale of justice, a
11 picture of the scale of justice but not his name when we went to
12 investigate.

13 MR. DESMOND: May I say something?

14 JUDGE WEST: Yes, sir.

15 MR. DESMOND: I never asked not one time for
16 any legal advice or recommendations. I've been to her office
17 twice to make payments and one conversation was about the fact
18 that she is a teacher and one time she was talking about -- or I
19 asked her a question about a picture of a family member I think
20 she has in her office who was killed and we talked a minute
21 about that. I never asked for any legal advice whatsoever. Two
22 times I've been there, both times to make payments and what form
23 of payments I could make.

24 JUDGE WEST: All right. Any other questions of
25 any of the witnesses?

1 MR. DAY: Judge, I have a question.

2 JUDGE WEST: Yes, sir.

3 MR. DAY: Can you hear me?

4 JUDGE WEST: Yes, we can. You kind of scared
5 us all, I think.

6 MR. DAY: Sorry about that. The question I
7 have is I'm having a little trouble hearing so I couldn't quite
8 make out whether Rife Kimler was specifically recommended as an
9 attorney. Was that what I heard?

10 JUDGE WEST: The testimony of Ms. Desmond was
11 that he -- that Ms. Francois specifically recommended him and
12 that she said, "I'm not supposed to do this," but did it anyway.
13 That's the testimony of Ms. Desmond.

14 MR. DAY: Okay. I guess my question would be,
15 after reading the complaint: Would this complaint been bought
16 to the board had it not been for the situation with the
17 financial end of things?

18 JUDGE WEST: Probably not. Right?

19 MS. DESMOND: No.

20 JUDGE WEST: They said no.

21 MR. DAY: Okay. That's what I wanted to know.

22 MS. DESMOND: May I say? We would not have
23 done anything had it been turned over to us. We would -- we
24 would let know that the bail, he was not supposed to be picked
25 up. Therefore, we would have never gone to the bail bondsman.

1 And I personally asked her when we found out that he was picked
2 back up, I said, "Is there anything we can do?"

3 I didn't say, "Give me my money back." I
4 didn't argue with her.

5 She said, "No, you have a contract."

6 And I would have never said anything had he not
7 been picked back up.

8 JUDGE WEST: Right. All right. Anything else?

9 MR. GALMOR: Was he present when the
10 recommendation was made or was that while he was in custody?

11 MS. DESMOND: My son?

12 MR. GALMOR: Yes.

13 MS. DESMOND: No. He was -- we had picked him
14 up. I had put down the half down, we went and picked him up and
15 then him and I went back.

16 JUDGE WEST: So yes he was present.

17 Any other questions? All right.

18 So is this something we discuss publicly? Is
19 this something that we would go into executive session for?
20 That part, I'm not --

21 MR. ROEBUCK: I think that's executive session,
22 your Honor.

23 JUDGE WEST: I think it is, as well. So what
24 we are going to do is ask everyone who is not on the board at
25 this time to just step right outside the courtroom doors,

1 please.

2 (BOARD IN EXECUTIVE SESSION)

3 JUDGE WEST: We are back on the record. And
4 after discussion, is there any motion with regard to the
5 complaint with regard to Erika Francois?

6 JUDGE JONES: I move that there be no
7 complaint, that it's not enough evidence to do anything. So I
8 move that we do nothing.

9 MR. GALMOR: I second that.

10 JUDGE WEST: All right. There is a motion and
11 a second. Is there -- all in favor say aye.

12 (RESPONSES MADE)

13 JUDGE WEST: Any opposed? All right. So
14 that's just -- the finding is that there was not enough evidence
15 to move forward.

16 Obviously, Ms. Francois and any other bondsmen
17 are here, you guys all know the rules. Make sure that it is
18 very clear that everyone that you visit with knows that you're
19 not making any recommendations so that we don't have to have
20 this issue again. Thank y'all very much. Thank you for being
21 here. You're welcome to stay for the or leave.

22 The last thing real quick is discussion of
23 updated bond conditions. Today -- last week Judge Stevens came
24 to me with requests that he and I update bond conditions with
25 regard to felony cases. I am going to be honest and say I

1 signed off on it real quick without looking at it very closely
2 but we made a new change today that added a 48-hour requirement
3 for those new conditions so they do not have to have the drug
4 patch, the scram device, any of those things that we are
5 requiring before they leave custody. They have 48 hours to get
6 those, and the bondsmen would be the ones who would get that
7 information from them. So I'm hoping that that timeline clears
8 up the issues that the jail had and that the bondsmen had with
9 regard to a timeframe.

10 Keith, you had some issues. Does that clear it
11 up and make it where it works better for you guys?

12 MR. DAY: Yeah. Yeah, it does. And I think,
13 also, there was a couple of us reading that a little bit
14 differently on the pre-indictment.

15 Does that also include cases that are
16 accusations? I know it's something Dustin was talking about it
17 a few minutes ago and I couldn't understand what he was saying.
18 But do these conditions also include people who are arrested on
19 accusation?

20 JUDGE WEST: Okay. If they're released on
21 accusation, then we cannot --

22 MR. DAY: No, no, no.

23 JUDGE WEST: What do you mean arrested?

24 MR. DAY: If we post a bond on someone who is
25 on accusation, they're required?

1 JUDGE WEST: Yes.

2 MR. DAY: Okay. I just wanted to clear that
3 up. We had just a little bit of misunderstanding.

4 JUDGE WEST: On any bond that's made -- yeah, I
5 mean, obviously, if they're released on accusation, we can't
6 impose bond conditions because there is no bond. But if a bond
7 is made, whether a case has been filed, prefiling or not, if
8 they make that bond, then on those rules would be the ones that
9 we would want to apply.

10 MR. DAY: Okay.

11 MS. RITENOUR: I have a question. My name is
12 Tamara. On the accusation, okay, that we post and they're
13 required to have the monitor, required to have the drug patch,
14 who does Johnny report to if they're not paying or their drug
15 patch comes back dirty for us to be able to -- normally, we let
16 the Court know. If it's an accusation, it hasn't been assigned
17 to a court.

18 MR. PELT: Right now, I usually -- whatever
19 judge set their bond and they get out, that's who we send the
20 drug patch results or whatever report.

21 JUDGE WEST: Well, the magistrate wouldn't be
22 the one. So I guess the only way to do it would be for them to
23 notify the bondsman and then the bondsman to notify either of us
24 felony judges because if it's not assigned, we know from their
25 date of arrest whose court it is going to be assigned to and so

1 we can figure that out with the bondsmen. If you guys call and
2 safe, "Hey, we have got notifications they're not following the
3 bond conditions," we can figure out real quick through our
4 clerks who it should go to, me or Judge Stevens. Y'all contact
5 us and then we can set it for a hearing. We can revoke the
6 bond. Do whatever we need to do at that time.

7 MS. RITENOUR: I just want to make sure we all
8 understand. If they do not post bond and get released on
9 accusation, the jail cannot force them to do anything?

10 JUDGE WEST: No. Correct.

11 MS. RITENOUR: I was just making sure.

12 MR. GALMOR: Can I ask a question about this?

13 JUDGE WEST: Yes. And I know what you're going
14 to ask.

15 MR. GALMOR: Well, under number four, which is
16 an old condition, any offense under Chapter 49, driving while
17 intoxicated offenses, require a breath interlock device. But
18 when you look at number five, it defines that differently. It
19 says if charged with an alcohol-related offense, which are two
20 different things. And so I'm going to take it to the extreme:
21 What if my client steals alcohol, is that an alcohol-related
22 offense?

23 JUDGE WEST: No.

24 MR. GALMOR: What if he's drunk and he assaults
25 somebody?

1 JUDGE WEST: No.

2 MR. GALMOR: Well, shouldn't it say --

3 (SIMULTANEOUS SPEAKING)

4 MS. LEWIS: So, Tamara, on the accusation bond,
5 if they're complying with the conditions of their bond --

6 MS. RITENOUR: We are not really having issues
7 on accusations because normally they don't have those
8 requirements. Now, they will; and so that is going to be
9 something that we have to pay closer attention to. We are
10 having more of -- I think Johnny is having more of an issue of
11 when they are filed and they're not paying and you know there is
12 no warrant so he is dealing with that.

13 MR. PELT: I don't just -- whatever monitor it
14 is, I don't just turn them off or cut it off or whatever
15 because, you know, the bondsman -- everybody wants to be able to
16 find this person, you know. So I'll just let them go. I will
17 report to, you know, whatever judge orders the bondsman. And,
18 you know, eventually they'll get brought back to court and
19 everything but there is usually a pretty good gap there before,
20 you know, a warrant is issued or they're brought back to court
21 over a hearing for that problem.

22 JUDGE WEST: Well, what we can do -- I can talk
23 to the other judges as well and -- because I'll say that there
24 are some where I will get a report that's for one thing or
25 another, it's not being paid or it's not charging or they tested

1 positive but we kind of expected them to for a little while and
2 so I'll say, "Let's wait until maybe the next court date." But
3 maybe we need to be more strict and bring those people in for
4 some hearings.

5 MR. PELT: On some of them, yes. I mean, like
6 I said, a lot of them, you know, test positive in court on a
7 drug patch so we know they're going to be positive at first.

8 JUDGE WEST: Right.

9 MR. PELT: So I don't really say a whole lot
10 about them. Y'all still get the reports. We send them, but we
11 already knew they were positive when I placed the patch on them
12 and that could go 30 to 90 days days.

13 JUDGE WEST: Two patches for sure. So if you
14 guys have someone that you really would like a judge to be --
15 you're tired of dealing with for those reasons and you feel like
16 they've been given those opportunities and you are not getting
17 that, if you'll let our clerks know. I'll let all the judges
18 know; and if you'll let y'all's clerks and judges know down the
19 hall, Glenda, that we can be more proactive on those.

20 MR. PELT: Okay. And one other thing on here,
21 y'all have, you know, like when you say the drug patch or the
22 scram unit. You know, scram, that's kind of confusing to a lot
23 of people. You know, Scram is a company not a device.

24 MR. GALMOR: Uh-huh. Uh-huh.

25 MR. PELT: You know, we have portable

1 breathalyzers and everything, you know, too. But when people
2 get out and they say Scram, well that's kind of a company so
3 they think --

4 MR. GALMOR: But the key word -- I think the
5 key word here, though, that is -- I mean, I take it when it says
6 "attached to the defendant's person," tells me the Court is
7 implying an ankle monitor.

8 MR. PELT: Exactly, you know. And not only
9 that, you know, there is nobody here local that does that to
10 start with, you know. They're out of Houston or something like
11 that and I don't -- I don't offer those. They call it a
12 transdermal unit but we do do a portable breathalyzer which so
13 does Scram. We just need to figure out -- and I understand some
14 people need the transdermal, you know, and we want them to have
15 that and a lot of them don't, you know. I usually call case by
16 case to see if it's possible for that person to have a portable.

17 JUDGE WEST: Yes. I wonder if it would be, or
18 I'm asking, I guess: Would it be probably as effective and
19 easier for them locally if we did a portable device instead of a
20 Scram?

21 MR. GALMOR: Yes, absolutely.

22 MR. PELT: Yes, yes.

23 JUDGE WEST: Everybody? Anybody disagree with
24 that from --

25 MR. GALMOR: The portable takes a picture of

1 their face every time they blow. They blow three times a day.

2 MR. PELT: It takes a pictures, it does a
3 location and a breath content.

4 JUDGE WEST: Is there a formal name for that
5 other than portable --

6 MR. PELT: It's, you know, the unit I use, the
7 company is Outreach Smartphone Monitoring. You know, and when
8 they take a test, it uploads immedately. You know, there is a,
9 you know, a portal that, you know, I could give all the
10 probation officers and everybody, you know. They can actually
11 log in and see, you know, right at any time.

12 JUDGE WEST: Right. So on number five, if we
13 change Scram to portable breathalyzer device, that would help?

14 MR. GALMOR: Yes.

15 JUDGE WEST: Real quick, what you got?

16 Oh, it's not real quick, though.

17 JUDGE WEST: Because my jury is about to come
18 in.

19 That's fine.

20 JUDGE WEST: We can, also -- I can talk to
21 Judge Stevens. I will read these more thoroughly. Maybe if
22 you'll come visit with me.

23 MR. FREGIA: I just wanted to say -- David
24 Fregia with Bail America. Couple of things, like the 48 hours,
25 it's understandable but we have to -- I mean, today is the first

1 day -- I don't know Johnny but, I mean, I would -- like I say,
2 I'm talking from a bail bonds part and I have an ankle monitor
3 business, also. I'm only talking about from the bail bonds
4 because if they get out within 48 hours, so we are relying on
5 one person to get all the patches on and then we are -- then the
6 bondsmen are going to be making sure that the patches are -- we
7 are going to be sending off and then we got to notify someone
8 that they're dirty, I guess whenever we get it back. I mean, so
9 that's one avenue that's kind of --

10 JUDGE WEST: No. They send --

11 (SIMULTANEOUS SPEAKERS)

12 MR. PELT: And right now, you know, most of the
13 time it works, you know, if it's a bond condition and they don't
14 actually get out of jail, we go to the jail and put it on them.
15 That's the way it works now.

16 MR. FREGIA: Is he under contract with the
17 county?

18 MS. HOLMES: No.

19 JUDGE WEST: No.

20 MR. FREGIA: So there is multiple -- so he's
21 not doing -- he can't be -- because let's just say Mr. Johnny is
22 not even in town and we can't do it, is there going to be
23 another business that's going to come in and let --

24 JUDGE WEST: I mean, we are not -- the judges,
25 the county, we are not -- no one here is saying that that's

1 where you have to go.

2 MR. FREGIA: Right, right.

3 JUDGE WEST: That's who is around and takes
4 care of most of them because that's the only one. But we
5 haven't had issues with regard to us being in court in ordering
6 these with them. I mean, so --

7 MR. FREGIA: So within 48 hours, we have to
8 make sure that our clients have them on a drug related or
9 alcohol and then it has to be set up something and then we are
10 going to monitor it or is the Court going to monitor or where
11 are they going?

12 JUDGE WEST: Like I said a minute ago, so what
13 will happen is if they test positive, then whoever will give you
14 that information because the case -- unless the case is filed,
15 then they can get it to us. But let's assume it's not, you guys
16 would get the information as the bondsman and then we are asking
17 you to get with the Court, either Judge Stevens or I, through
18 our clerks, to figure out whose case it's in if it's a felony.
19 These are only felonies.

20 MR. FREGIA: Yes, ma'am.

21 JUDGE WEST: So if it's a felony, it's easy to
22 figure out whose court it is in. And then Judge Stevens and I
23 will be revoking bonds and that kind of stuff.

24 MR. FREGIA: Good deal. One more thing and
25 I'll leave this at this. I just want to think about this. I

1 mean, it's the first day I've really -- I talked about it, heard
2 about it yesterday. But as far as the accusations are concerned
3 and I'm going to talk to the bonding industry in this town for
4 just one second is that it will get known out there that people
5 will get on an accusation and they're not going to have to have
6 bond conditions. So it's going to be used. I'm just -- if the
7 word gets spreads, then, you know -- I'm not just taking up so
8 we can get a bond in the bail community. But in that situation,
9 it's going to happen, that if they find out that they're getting
10 out on accusations without any rules and then they are only
11 going to get the rules on the drugs and the alcohol or when they
12 post bond, it will get out there and I'm just -- you know, I
13 want the board to know that, that that is a very thing. I know
14 y'all got to look into it, but I just wanted to make that known.
15 That's me talking for the bail side. I think that's a very
16 possibility that that's going to happen. So thank you for the
17 time.

18 JUDGE WEST: That's a good point. Thank you
19 very much.

20 MS. GUIDRY: This is Lisa with Al Reed. So
21 once someone is indicted, they have to have interlock. But
22 before they are indicted, they have to have the portable
23 breathalyzer because it mentions both in four and five.

24 JUDGE WEST: No, no, no.

25 MR. GALMOR: The statute requires number four.

1 JUDGE WEST: Right.

2 MR. GALMOR: Number five is what the county is
3 doing. Now, most of the time whenever I have a client who has
4 both, I petition the Court to do away with the interlock because
5 that can be done away with good cause shown. And a good cause
6 is that they are blowing in the machine three times a day. Why
7 do you need one in the car?

8 JUDGE WEST: Right.

13 (SIMULTANEOUS CONVERSATIONS)

14 MS. BERTRAND: Real quick question: How much
15 do they -- the clients are paying for this?

16 MR. PELET: For the portable breathalyzer?

17 MS. BERTRAND: For both.

18 MR. PELT: Portable breathalyzer is 130 a
19 month, where like the Scram ankle monitor is like 430 a month.
20 That's a company out of Houston. So there is a big price
21 difference there, you know.

22 MS. BERTRAND: Okay.

23 JUDGE WEST: We are going to -- is there a
24 motion to adjourn the meeting?

25 MS. GOODNESS: I move that we adjourn the

1 meeting.

2 MR. KNAUTH: Second.

3 JUDGE WEST: Meeting is adjourned. Thank
4 you-all very much.

5 (MEETING CONCLUDED)

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25