

BAIL BOND BOARD MEETING

OCTOBER 20TH, 2022

THOSE PRESENT: Judge Clint Woods
Judge Craig Lively
Pat Knauth
Valencia Simpson
Becky Bertrand
Keith Day
Kellie Holmes
Glenda Segura
Rhonda Brode
Tom Roebuck
Dustin Galmor
Al Reed
Haylee Fournier
Valencia Fontenot
Lisa Marks

1 JUDGE WOODS: Call the October 20th, 2022,
2 bail bond meeting to order. First on the agenda, number
3 one, review minutes from last month's meeting. Are
4 those posted? Yes, those are posted.

12:38PM 5 MR. REED: I know Keith Day is in town but
6 he's --

7 MS. BERTRAND: He said he's running late.
8 He said he's running late, but he will be here.

9 MR. REED: I'll sit in until he gets here.

12:38PM 10 JUDGE WOODS: Okay. All right. They've
11 been posted. Do I have a motion to approve September's
12 minutes?

13 JUDGE LIVELY: I'll make the motion.
14 Lively.

12:38PM 15 JUDGE WOODS: Second? Oh, yeah. Please
16 state your name, so Ada can get everybody's name when
17 you speak.

18 MS. FOURNIER: Haylee, second.

19 JUDGE WOODS: Haylee. Second. All in
12:38PM 20 favor say aye?

21 (ALL RESPONDED.)

22 JUDGE WOODS: Any opposed? That will pass.

23 On number two, the agenda report from the
24 district attorney's office. That's been passed around.

12:39PM 25 Any question or comments regarding the report from the

1' district attorney's office?

2 MS. HOLMES: I don't -- you got it, Glenda?

3 JUDGE WOODS: We have it --

4 MS. HOLMES: I didn't --

12:39PM 5 MS. SEGURA: I didn't get it.

6 MS. HOLMES: I didn't get it passed. I
7 checked. We'll get it next time.

8 JUDGE WOODS: Okay. Consideration of
9 approval of applications to become bondsmen or agents.

12:39PM 10 There is one.

11 MS. BERTRAND: I have one application.
12 It's for Erica Berge. This is going to be a renewal for
13 her. That was E-mailed out to all the members and
14 everything is in order.

12:39PM 15 JUDGE WOODS: And that's Becky. Please
16 state your name.

17 MS. BERTRAND: Becky.

18 JUDGE WOODS: Name, rank, and serial
19 number.

12:40PM 20 Everything is in order, correct, is that
21 what you said?

22 MS. BERTRAND: Correct.

23 JUDGE WOODS: All right. Do I have a
24 motion to approve?

12:40PM 25 MS. FOURNIER: I'll make a motion. Haylee.

1 MR. REED: I'll second that. Al Reed.

2 MS. BERTRAND: I will make one note after
3 that. She has pledged another piece of property. Her
4 value has increased. She is now at eight times. And
12:40PM 5 then this information will be passed out to those that
6 need it to increase it in the system.

7 JUDGE WOODS: Okay. All in favor for the
8 approval of the application?

9 (ALL RESPONDED.)

12:40PM 10 JUDGE WOODS: Any opposed?

11 Hearing none, it will be approved. Anymore
12 applications or renewals?

13 MS. BERTRAND: No, sir.

14 JUDGE WOODS: Okay. Number four on the
12:40PM 15 agenda consider complaints against bondsmen. Any
16 complaints?

17 MS. HOLMES: No, sir, no complaints.

18 JUDGE WOODS: Okay. Number five, report
19 from the treasurer's office, cash, CDs, that's been
12:40PM 20 passed out, I know for sure. Any questions or comments
21 regarding any cash or CDs or any other collateral --
22 other than what you just stated on this -- that's it?

23 MS. BERTRAND: I don't have anything to do
24 with that report.

12:41PM 25 JUDGE WOODS: I know. But you just said

1 something -- we were going to address something on --
2 did you say about collateral?

3 MS. BERTRAND: I said Erica's value is
4 going up.

12:41PM 5 MS. BRODE: That was going up. So that
6 needs to be adjusted. Rhonda.

7 JUDGE WOODS: All right. Number six, any
8 release of any property or CDs or cash or checks?

9 MS. SEGURA: Yes. Keith Day.

12:41PM 10 JUDGE LIVELY: Well, since he's not here we
11 can probably --

12 MS. SEGURA: And I have Larry -- Phillip
13 Dowden.

14 MS. FOURNIER: How much?

12:41PM 15 MS. SEGURA: Who?

16 JUDGE WOODS: For Keith Day, how much?

17 MS. SEGURA: I don't know. Oh shoot,
18 Becky, what was it?

19 MS. BETRAND: I don't know.

12:42PM 20 MS. SEGURA: Whatever it was, he was still
21 going to be in compliance. I can get with you on it
22 afterwards.

23 MS. BERTRAND: There he is.

24 MS. SEGURA: Hey, Keith.

12:42PM 25 JUDGE LIVELY: We're just about to release

1 the security because you weren't here.

2 MS. FOURNIER: They were going to write the
3 check to me.

4 JUDGE LIVELY: What is your having to
12:42PM 5 release?

6 MR. DAY: Do what now?

7 JUDGE LIVELY: What are you having
8 released?

9 MR. DAY: Cashier check. How much?

12:42PM 10 MS. SEGURA: No.

11 JUDGE WOODS: That's Keith Day.

12 MR. DAY: I don't know the exact amount and
13 a piece of property.

14 MS. SEGURA: Is he serious?

12:42PM 15 MS. BERTRAND: Was that a piece of
16 property, too?

17 MR. DAY: Yes. I sent two E-mails.

18 MS. SEGURA: Okay. I can go look before
19 the meeting is over. But I have another document. Let
12:43PM 20 me fill it out.

21 JUDGE WOODS: What's the release for on --

22 MS. SEGURA: He has a cashier check
23 totaling 14,500.

24 JUDGE WOODS: So any issue releasing this
12:43PM 25 cashier check for Mr. Phillip Dowden from the

1 treasurer's office, it would be okay?

2 MS. FOURNIER: He's good.

3 JUDGE WOODS: So I guess we'll take that to
4 vote. All in favor for releasing cashier's check to
12:43PM 5 return to Mr. Phillip Dowden, all in favor say aye?

6 (ALL RESPONDED.)

7 JUDGE WOODS: Any opposed?

8 Hearing none, that will pass. And we'll
9 come back to Mr. Day's in just a minute. And report
12:44PM 10 from the auditor's office?

11 MS. FOURNIER: I need to back up to Keith
12 Day. What are we doing with him?

13 JUDGE WOODS: We're passing for right now
14 until she comes back. We'll come back to that in just a
12:44PM 15 minute.

16 MS. BRODE: At the very front of my report,
17 I included attorneys and bondsmen who have outstanding
18 bond fee assessment. There are some that are very, very
19 old. If anyone knows a name on here that's not current,
12:44PM 20 what I did was the gray ones are very old and the black
21 ones are current, I'm not as concerned about the type in
22 black. It's the gray. If you know any of these people,
23 you want to contact them and tell them they owe the
24 county money. And if they are a vendor, their vendor
12:45PM 25 has been inactivated. No, Mr. Roebuck, you are not on

1 there. I know you looked.

2 MR. ROEBUCK: I quit that a long time ago.

3 MS. BRODE: Just looking for a little bit
4 of help if you know any of these names. That's it, sir.

12:45PM 5 JUDGE WOODS: Okay.

6 JUDGE LIVELY: Steve Thomas is a judge in
7 Hardin County.

8 JUDGE WOODS: He's easy to find.

9 MR. ROEBUCK: It's only 14-1/2 years old.

12:45PM 10 MS. BRODE: Hardin County Judge?

11 JUDGE LIVELY: District judge.

12 JUDGE WOODS: District judge.

13 MR. ROEBUCK: I haven't seen Tom Pearson in
14 years.

12:46PM 15 MS. BRODE: Is that it? Perfect.

16 JUDGE WOODS: Okay. Any other questions or
17 comments regarding a report from the auditor's office?

18 MS. BRODE: Am I going to be able to drive
19 through Hardin County now? Look, what he is doing.

12:46PM 20 JUDGE WOODS: Right.

21 MS. BRODE: Oh, lord. Okay.

22 JUDGE LIVELY: There's probably an active
23 warrant already out there for you.

24 MS. BRODE: That's okay.

12:46PM 25 JUDGE WOODS: And number eight, we'll move

1 onto number eight for now. A discussion of attorneys
2 writing bonds.

3 MS. BRODE: Do we need a recap on that?
4 Last month I brought it up that Brennon Mitchell was in
12:47PM 5 default, and the jail allowed him to bail someone out.
6 And I needed to know how that action occurred, if it was
7 a system failure or if it was a personal failure. And
8 they were supposed to bring it back.

9 MS. FONTENOT: Since I'm here from the jail
12:47PM 10 and the only one, nothing dramatic, a little bit of
11 both. The system does not lock you out when you're
12 posting a bond and they're at default. They have to go
13 through different menus in the AS400 to do that. If --
14 I know and it happened. So I would say a little bit of
12:47PM 15 both. When we moved from the AS400, so it's not
16 anything that they can go in and correct or whatever
17 unless there's -- a reason that we're not moving from
18 the AS400 right now, you can ask Mary Helm. But it
19 doesn't lock them out.

12:48PM 20 MS. BRODE: We've always been told it
21 locked them out.

22 MS. FONTENOT: No. That's two separate
23 menus that does not lock them out.

24 MR. DAY: That's for the attorneys not the
12:48PM 25 bondsman, right? The bondsman is if -- it does lock the

1 bondsman out, doesn't it?

2 MS. FONTENOT: When you -- my understanding
3 is for the bondsman numbers it does. I'm not sure about
4 that part. But it didn't at that time when you put in
12:48PM 5 his attorney number bonding him out, it did not lock him
6 out.

7 MS. BRODE: I would like to request that
8 procedures be reviewed at that desk so that everyone
9 understands where the default, if it's not going to be
12:48PM 10 the system that locks them out, we need the people to be
11 aware of what the procedures are.

12 MS. FONTENOT: I can tell you that's
13 already been done when it was brought up the last time.

14 MS. BRODE: Perfect.

12:49PM 15 MS. FONTENOT: Captain Lewis did because it
16 was a couple of months that it passed.

17 MS. BRODE: Yeah.

18 MS. FONTENOT: But because I'm on the
19 receiving end of bonds, even if you see it at the end of
12:49PM 20 the month, call me. Because if nothing else -- I mean,
21 he got a percentage down for that -- for placing that
22 bond, so I can at least reach out to him within that
23 time period to get \$15 from him or give the bond back to
24 him.

12:49PM 25 MS. BRODE: Right.

1 MS. FONTENOT: But at the end of the month
2 when you do get the report, if you have anybody on
3 there, call me. So I can -- I mean, faster, because if
4 you -- if we wait until August for something in June, we
12:49PM 5 can try to get in touch with him. We can try, you know,
6 do all avenues that we can but...

7 MS. BRODE: I feel that the jail, the
8 sheriff department, whatever, that creates this report
9 needs to be responsible for contacting these people.
12:50PM 10 Right now the only way that I can collect is when
11 they're processing some sort of voucher to get paid. I
12 call them and --

13 MS. FONTENOT: Right.

14 MS. BRODE: -- catch that way but...

12:50PM 15 MS. FONTENOT: And all of this is done --

16 MS. BRODE: You see them at the jail, and
17 you have the list. So we'll get Tanja (phonetic) to add
18 you to the list.

19 MS. FONTENOT: And that's what I'm saying,
12:50PM 20 call me because I don't see them at the jail. I'm not
21 in that side.

22 MS. BRODE: Right.

23 MS. FONTENOT: That's only corrections.

24 MS. BRODE: Okay.

12:50PM 25 MS. FONTENOT: So that's why I said at the

1 end of month when you get the report but -- to back it
2 up, Tanja, I guess does the report now, so...

3 MS. BRODE: Yeah. We'll get her to contact
4 you.

12:50PM 5 MS. FONTENOT: But she doesn't do it until
6 the end of the month. All of it is not done until the
7 end of the month.

8 MS. BRODE: Right. Okay. Thank you.

9 MS. FONTENOT: Valencia Fontenot.

12:51PM 10 MS. BERTRAND: So I want to go back and do
11 this. It's collateral that Keith Day has requested to
12 be released. We're still working on the CDs, but we did
13 prepare the release of lien for the property that was
14 pledged. He is asking for the property located at 9035
12:51PM 15 Glen Meadow, Beaumont, to be released. The value of
16 that property is \$101,445. Once that is taken off, he
17 will still be in the good. That's something we can do
18 today. We'll have to go back and review his request for
19 the CDs and address that at another time. So this is a
12:51PM 20 good action item to vote on.

21 JUDGE WOODS: So if we release the property
22 today, he's still in --

23 MS. BERTRAND: Yes, sir, good standing.

24 JUDGE WOODS: All right. Do I have a
12:51PM 25 motion to allow Mr. Day to -- the return of 9035 Glen

1 Meadow, here in Beaumont, the property, do I have a
2 motion to approve that release?

3 JUDGE LIVELY: So moved, Lively.

4 MS. FOURNIER: Second, Haylee.

12:52PM 5 JUDGE WOODS: All in favor say aye?

6 (ALL RESPONDED.)

7 JUDGE WOODS: Any opposed?

8 And that will pass. Then we'll hold off on
9 the CDs and until we get further information.

12:52PM 10 MS. SEGURA: I do want to apologize. I
11 didn't get the CDs because my -- I moved offices, and I
12 did not get a lot of my E-mails. I lost a lot. And I
13 think that day when you did contact me. I told you to
14 forward it to Kelly.

12:52PM 15 MR. DAY: Well --

16 MS. SEGURA: And then I told you that it
17 was okay. I thought I was getting them, but evidently I
18 didn't.

19 MR. DAY: I just looked -- the day I did
12:52PM 20 the -- I did the property first. And that's the day you
21 told me to just send it to Kelly and I did.

22 MS. SEGURA: Yes.

23 MR. DAY: But when I went back and did
24 the -- it was cashier's checks, by the way, not CDs.

12:52PM 25 But not that matters but -- when I went back and did the

1 cashier checks, I sent it -- I didn't add you because I
2 thought you were still having problems with your
3 E-mails. You weren't attached on the list of cashier
4 checks.

12:53PM

5 MS. SEGURA: Okay.

6 JUDGE LIVELY: So if each of you will open
7 our wallets to Keith before he leaves today to help him
8 through the crisis here.

9 MS. BERTRAND: Half of inflation.

12:53PM

10 JUDGE LIVELY: Transitional --

11 MS. SEGURA: I apologize that for. I
12 just --

13 MR. DAY: That's -- I've got to have that
14 money.

12:53PM

15 JUDGE WOODS: Last on the agenda, discuss
16 bonds being transferred on reindicted cases. Has that
17 been a issue?

18 MS. FONTENOT: Yes. We have the -- the
19 bondsman, they refused -- if it's an accusation bond and
12:53PM 20 they're refused, that bond goes with the refusal, has
21 the same description on it. Then at some point, they're
22 reindicted or some kind of change happens. And the
23 judges are -- some are asking if that accusation bond
24 can go with this new indictment charge. But that bond
12:54PM 25 is pretty much dead. That bond is gone. It's gone with

1 the refusal. So we can't transfer it to a new
2 indictment or I'm not aware that we can. Second thing
3 that's happening is we have accusation bond with
4 possession of a controlled substance or something. And
12:54PM 5 then they get reindicted on totally different name.
6 That bond is considered a legal document. It's signed
7 by the bondsman and the defendant that they are bonding
8 out on that per se charge. So when you change the name,
9 it's a problem with the bond going with that indictment
12:54PM 10 when the whole name -- when the charge is changed. So I
11 actually got a -- my question is: Can that happen?
12 Should that happen?

13 JUDGE WOODS: What the bond be transferred?

14 MS. FONTENOT: I know the bond will be
12:55PM 15 transferred if it has the same, you know, name or the
16 same accusation or charge. But can it be transferred
17 when the charge is different?

18 JUDGE WOODS: Well, this -- I think this
19 has come up before. And I think there's ways where if
12:55PM 20 it's like an equal -- it's charged. So like if you were
21 charged or accused of a third degree but you're also
22 indicted with a different type of third degree and it
23 makes sense because it's the same degree of offense.
24 But the problem comes in when it changes from, say, a
12:55PM 25 state jail felony goes up to a first degree felony or if

1 it drops down to -- from a felony down to misdemeanor.

2 MS. FONTENOT: Right.

3 JUDGE WOODS: And I see the problem with
4 the bondsmen, that creates a big problem because they're
12:56PM 5 out on the hook for -- of course, more people violate
6 their bonds on misdemeanors than they do on felonies --

7 MS. FONTENOT: Correct.

8 JUDGE WOODS: -- they don't show up for
9 court they forfeit their bonds.

12:56PM 10 MS. FONTENOT: I've also had to call
11 because a misdemeanor has been upgraded to a felony
12 without any refusals or paperwork going on. And I'm
13 like this -- this is a misdemeanor bond. This bond
14 can't go with that felony charge. And we had a big
12:56PM 15 problem where the misdemeanor bond was bonded at \$750.
16 They indicted him on a felony. The court is following
17 that charge. They put a felony charge at \$750 bond.

18 JUDGE WOODS: Yeah.

19 MS. FONTENOT: Because it was a
12:56PM 20 misdemeanor. So it can't go together or not that I'm
21 aware of. I've never known it to go together.

22 JUDGE WOODS: Right.

23 MS. FONTENOT: So that's the problem that
24 we -- I'm having.

12:56PM 25 JUDGE WOODS: So are you needing just

1 clarification on what you can and cannot transfer or --

2 MS. HOLMES: I think we all are.

3 MS. FONTENOT: Yes.

4 MS. HOLMES: Even on -- I'm not talking

12:57PM 5 about accusations. I know that is important too. But
6 for the court anyway, it's when someone has made a bond
7 on an indicted case and they're on bond. And they amend
8 the indictment to change -- I don't even have --

9 JUDGE WOODS: They don't amend.

12:57PM 10 Reindict --

11 MS. HOLMES: No. They reindict it.

12 JUDGE WOODS: That's different. Okay.

13 MS. HOLMES: I'm sorry.

14 JUDGE WOODS: Okay. Just make sure.

12:57PM 15 MS. HOLMES: Reindict. And it's the same
16 act. It's the same thing, and we've always transferred
17 the bond.

18 JUDGE WOODS: Okay.

19 MS. HOLMES: Sorry.

12:57PM 20 JUDGE WOODS: And I think it makes sense in
21 that regard as long as it's not changing the degree of
22 offense. I don't think there ought to be an objection
23 by a bondsman for that. But I can see where a bondsman
24 will have a problem where they're changing the charge
12:57PM 25 and it's changing the degree of the offense.

1 MR. DAY: Judge West and I have had that
2 conversation at the end of the last meeting about
3 classification change. She said that they have -- they
4 will keep us on the bond if the classification doesn't
12:58PM 5 change. But once the degree -- if it changes, then they
6 issue a warrant, you know, out --

7 JUDGE WOODS: I agree with that.

8 MR. DAY: And he bonds or whatever. I'm
9 not sure on paperwork what that has to do with this.

12:58PM 10 MS. HOLMES: I think that's the question at
11 the district clerk's office --

12 MS. FONTENOT: The jail.

13 MS. HOLMES: -- and the jail, everywhere,
14 is how does that bond get transferred -- they're on
12:58PM 15 bond. How does it get transferred to that new case
16 number?

17 MS. BERTRAND: Well, I can tell you in
18 previous discussion that we had. A bond cannot be
19 transferred from a misdemeanor to felony; a felony to a
12:58PM 20 misdemeanor. That's an obvious one.

21 JUDGE WOODS: Right.

22 MS. BERTRAND: But when you're talking
23 about classifications, the amount of the bond is really
24 kind of irrelevant because if the Court agrees to set it
12:58PM 25 at that amount, that is the Judge's amount.

1 MS. FONTENOT: Okay.

2 MS. BERTRAND: So the amount is irrelevant.

3 MS. FONTENOT: Okay.

4 MS. BERTRAND: When transferring a bond,

12:59PM 5 it's typically -- again like we're saying

6 classification, you're not going from a DWI third to an
7 aggravated robbery.

8 MS. FONTENOT: Right.

9 MS. BERTRAND: That is two different

12:59PM 10 things. Because the bondsmen are taking a risk on that
11 one charge they did write the bond on. They're not
12 taking -- they didn't sign up to take that risk on the
13 other charge.

14 MS. FONTENOT: Exactly.

12:59PM 15 MS. BERTRAND: We've always had it to where
16 we would get the Court's approval.

17 MS. FONTENOT: Right.

18 MS. BERTRAND: That would have to

19 automatically get the Court's approval. This is what
12:59PM 20 the bond was written on. This is what the new case is.
21 If the bond is dead, it is not up for discussion.

22 MS. FONTENOT: That's not -- that's the
23 whole thing.

24 MS. BERTRAND: On bond refusal, it's dead.

12:59PM 25 There is no bond to transfer.

1 MS. FONTENOT: Exactly.

2 MS. BERTRAND: The Court would have to set
3 a new bond in order for a new bond to be written with a
4 warrant.

12:59PM

5 MS. FONTENOT: Exactly.

6 MS. BERTRAND: That bond is not bond. If
7 they want a bond setting on it, they can redo that. Or
8 if they want to leave it open, they'll be arraigned out
9 there with the new amount.

01:00PM

10 MS. FONTENOT: That's been my
11 understanding, so...

12 MS. BERTRAND: Yeah.

13 MS. FONTENOT: Thank you.

14 MR. DAY: Now, Judge, going back on

01:00PM

15 something Becky just said, I can't remember if this has
16 ever happened to us, I don't remember it ever happening.
17 Al is here. Deedee is here. Erica is here, so they
18 might know. But if there is a situation where we post a
19 bond, let's say, a \$10,000 felony bond on someone and it
20 gets refiled or whatever as a misdemeanor -- going to

01:00PM

21 what you said with bond -- the bond amount is the bond
22 amount. But a \$10,000 misdemeanor is much more risky --

23 JUDGE WOODS: Right.

24 MR. DAY: -- than a \$10,000 felony. For

01:00PM

25 obvious reasons, so that would be -- that would cause an

1 issue, a strain on a bondsman if that were to happen.
2 Like I said, I can't remember a time where it's happened
3 with us? Has it ever happened with you guys? That
4 y'all know of off the top -- I don't think it has. But
01:00PM 5 if that happened, that would cause an issue because
6 that's a huge risk --

7 JUDGE WOODS: Sure.

8 MR. DAY: -- for a bondsman to take on.

9 MS. FONTENOT: And that's usually something
01:01PM 10 I really, really try hard to catch because if that bond
11 is an accusation and we get something where it's gone
12 down to a misdemeanor, they will call me and say, hey,
13 this guy has bonded on a felony or accusation. And I
14 will immediately call to get a refusal on that felony.

01:01PM 15 MR. DAY: Okay.

16 MS. FONTENOT: So --

17 MR. DAY: That may be why we don't --

18 MS. FONTENOT: I try -- I'm -- yeah. If
19 they call me, because everybody is looking over the
01:01PM 20 warrant to see if the warrant is good. Everybody is
21 looking through the screen to see if the warrant is, you
22 know, good or if it's on bond. So if there is -- if
23 they get a warrant that's a misdemeanor but we can't
24 find any traces of it, back tracing, or if the
01:01PM 25 accusation date -- it was only a felony, they will call

1 me. And I will get a refusal for that felony to send
2 back.

3 MR. DAY: Maybe that's why we've never
4 seen, which is good because that --

01:02PM 5 JUDGE WOODS: They're catching it.

6 MR. DAY: Right. That would cause a major
7 problem.

8 MS. FONTENOT: Now, I have a -- we have one
9 case that I'm looking at right here -- I printed it out.
01:02PM 10 It was actually an arrest on a DWI. And they bonded
11 out, and then it came back as obstruction of highway.

12 JUDGE WOODS: Well, I think those are
13 actually --

14 MS. FONTENOT: -- highway.

01:02PM 15 JUDGE WOODS: -- the same level offense.

16 MS. FONTENOT: Exactly. So -- and that's
17 my question: The same level offense but that bond says
18 DWI, can that bond go with that new charge?

19 JUDGE WOODS: I don't know. If it's a
01:02PM 20 totally different charge.

21 MS. FONTENOT: Yeah. Exactly. What I mean
22 at that totally different charge, right? That bondsman
23 bonded him out on the DWI. So now you want me to take
24 that DWI and attach it to that obstruction of highway
01:02PM 25 and keep it rolling, you know.

1 MS. BERTRAND: If that was to happen, it
2 was brought to my attention. Here's what my game plan
3 is, the first of all, I would call the bondsman to see
4 if he's willing to stay on the bond.

01:03PM

5 MS. FONTENOT: Okay.

6 MS. BERTRAND: Because you are talking
7 about two different charges.

8 MS. FONTENOT: Right.

01:03PM

9 MS. BERTRAND: If he's willing to stay on
10 the bond, then next phone call is to the judge and see
11 if he's willing to let that bond come in and attached.
12 So then I would call you and say attach to this number
13 and send it over to my attention.

14 MS. FONTENOT: Okay.

01:03PM

15 MS. BERTRAND: But the first step is to
16 call them to see if they're willing to stay on it
17 because they also now have to go back and change it in
18 their documentation --

19 MS. FONTENOT: Right. Exactly.

01:03PM

20 MS. BERTRAND: -- and their records. So
21 that's kind of how I treat those instances.

22 MR. DAY: Unless it's a forfeiture, then I
23 tell Becky I never talked to you.

24 MS. BERTRAND: What confirmation?

01:03PM

25 MS. FONTENOT: But you know, my only phone

1 call has been to the D.A.'s office for refusal. You
2 have to because -- for me, I have to see it in that
3 D.A.'s screen where it moved from one to the other.
4 That just makes sense to me.

01:04PM

5 MS. BERTRAND: But that's the problem.
6 Because -- well, I'm saying it's probably a refusal,
7 because for one thing the TRN, the initial TRN is going
8 to show the arrest on the DWI. However when the D.A.'s
9 office gets this, they have a choice to accept it but
10 change the charge. So you're keeping the same TRN
11 number. So in the end result, what it's going to appear
12 for that person if they come back and get a criminal
13 history, he's going to have a charge on the DWI and he
14 is going to have a charge on the reckless. So it now
15 shows it's two, but it's actually the same.

01:04PM

16 MS. FONTENOT: The one.

17 MS. BERTRAND: So we don't really need a
18 refusal in that instance if the D.A. is going to accept
19 it but change the charge. Because it is now considered
20 the same event, the same TRN number. So that bond will
21 still attach in that instance.

01:04PM

22 MS. BRODE: How does she see that?

23 MS. BERTRAND: That screen.

24 MS. FONTENOT: They would have to tell me,
25 right?

01:05PM

1 MS. BERTRAND: Yeah. The TRN is broken
2 down upon the jail -- upon arrest, the D.A. upon the
3 filing and accepting the charge, and the court's
4 disposition. There are three parts to a TRN that get
01:05PM 5 sent off. And each stage, each office reports what
6 happened to that TRN.

7 MR. DAY: Now, you do that in the county
8 clerk's office?

9 MS. BERTRAND: They can see it all over.

01:05PM 10 MR. DAY: What do you do in the district
11 court's office?

12 MS. HOLMES: They don't do the TRN.

13 MR. DAY: I'm talking about if the charge
14 changes, would y'all call the bondsman in that case?

01:05PM 15 MS. FONTENOT: That's the --

16 MR. GALMOR: Can I ask a question about
17 this discussion? How does the refusal --

18 MS. BERTRAND: What's your name?

19 MR. GALMOR: Dustin Galmor. How does a
01:05PM 20 refusal terminate the bond? I don't understand that.
21 Because especially if the refusal doesn't actually kill
22 the case forever and the D.A. can go back and charge the
23 case anyways. Then how -- I don't understand why the
24 bond is being terminated at least until the statute of
01:06PM 25 limitation runs.

1 MS. BERTRAND: The refusal is in attaching
2 to that TRN saying we're not going to prosecute on that
3 charge at this time.

4 MR. GALMOR: Well, at this time. So it's
01:06PM 5 like a conditional thing. So I mean, the computer says
6 the person cannot be making bond twice in the same
7 charge. But you release the bondsman at a refusal and
8 then the D.A. goes and charges the case anyway later,
9 which they're allowed to do. Well, then that's exactly
01:06PM 10 what happens. The person bonded twice in the same exact
11 charge. That's not allowed.

12 MR. REED: Even on accusations?

13 MR. GALMOR: Well, I mean, that's something
14 else I want talk about again today for the 15,000th time
01:06PM 15 accusation. Accusation is also an issue because when --
16 they're not really making PR bond. They're just being
17 discharged, but they're being arrested and bonded on it
18 later. I was going to wait to get into that discussion.
19 My first question is: How does the refusal by the D.A.
01:07PM 20 saying we don't want to charge at this time? We'll
21 reserve the right to charge at any time at the end of
22 the statute limitations. How does that terminate the
23 bond? Because they're still subject to being charged.
24 MS. BERTRAND: So how else do we write off
01:07PM 25 this liability limit for the bondsman? How else do we

1 keep this cash bond on file for so long before it has to
2 be -- the state?

3 MR. GALMOR: I think -- I mean, my
4 perspective -- and I'm bias -- I'm thinking about my
01:07PM 5 client. I'm not thinking about anybody else's, you
6 know, interest here but...

7 MS. BERTRAND: Sure.

8 MR. GALMOR: If they can still be charged,
9 well, then they've got to stay on. If the D.A. says,
01:07PM 10 hey, we're going to refuse this case and we're going to
11 refuse it with prejudice, we cannot go back and charge
12 it. Well, then the bondsman should get their money
13 back. But it's an issue of can the person still be
14 charged or not, right?

01:07PM 15 MS. BERTRAND: I don't have esquire at the
16 end of my name, so that's above my pay grade.

17 JUDGE WOODS: What I think in that scenario
18 the D.A.'s office is refusing that charge, they're not
19 going to come back and charge them with that same charge
01:08PM 20 if they refuse it. I think they're coming back when
21 they refuse it, they're indicting them for a totally
22 different charge.

23 MR. GALMOR: And that would be different.
24 I mean, that would be a problem because it's a different
01:08PM 25 case and whatnot. But I don't think that's actually

1 true. I think sometimes they do go back and charge the
2 same case because the complainant files another assault
3 family violence on them six months later and they go
4 back and charge the first assault family violence, they
01:08PM 5 charge the second assault family violence. It does
6 happen. And if the D.A. is refusing without prejudice,
7 I don't see how the bond is terminated necessarily in
8 that scenario.

9 MR. DAY: Well, Dustin, in that case on the
01:08PM 10 judge's authority, somebody may have to post the bond on
11 more than one time on the same charge. I mean, for
12 instance, if they forfeit, they don't appear in court.

13 MR. GALMOR: Right.

14 MR. DAY: Or if we file 17.19 or 17.16 in
01:08PM 15 both of those -- either of those cases, the person has
16 to post a bond a second time on the same charge so...

17 MR. GALMOR: Those are exceptions -- you
18 cited the statute.

19 MR. DAY: Right.

01:09PM 20 MR. GALMOR: Exception.

21 MR. DAY: Those are the statute. So what
22 you're saying is not in the statute --

23 MR. GALMOR: Correct.

24 MR. DAY: -- is that right?

01:09PM 25 MR. GALMOR: There is no authority saying

1 that the D.A. decided they didn't want to charge right
2 now. But they might still decide to charge later. That
3 somehow terminates the bond that somebody made, you
4 know.

01:09PM

5 MR. REED: You're looking out for your
6 client. If he wants to move to Rhode Island and -- you
7 know, in three weeks you're saying you need us to wait
8 until the bond is insufficient or the statute to run
9 out, he can't do it. Or do I make the expense to come
10 back --

11

MR. GALMOR: Right.

12

MR. REED: -- and answer the charge.

13

MR. GALMOR: But -- I mean, I can see how
14 the -- especially between the bondsman and the client

01:09PM

15 and make an agreement you can't move away or something
16 like that, could be something this issue. But I'm just
17 thinking in the pure example of cases refused and they
18 then go file it later. Now we've got a situation where
19 word goes out, where the guy made the bond in a case

01:10PM

20 already, you know, for exact same charge. I'm not
21 talking about changing the name or felony versus
22 misdemeanor. I think those scenarios is a good argument
23 is not the same case. You increase it to a felony or
24 you change the name of it. But it appears an example of
01:10PM 25 where the case stays exactly the same.

1 MR. DAY: Well, then you also run into the
2 situation where your client has to wear an ankle
3 monitor. If that case is refused, does he get to take
4 the ankle monitor off?

01:10PM

5 MR. GALMOR: Well --

6 MR. DAY: I mean, that's a condition of the
7 bond if he is still on bond --

8 MR. GALMOR: Right.

01:10PM

9 MR. DAY: -- he could be wearing an ankle
10 monitor for two years, that's a pretty big expense for
11 somebody who may not ever see a case.

12 MR. GALMOR: Of course, it could be
13 addressed, obviously -- you know, especially if they
14 have a lawyer. But it's -- don't have a lawyer -- I
15 mean, still feel a necessity, that's a sign -- problem,
16 I guess, you know, somebody had conditions.

01:10PM

17 MR. DAY: But Judge, I mean, if they're
18 refusing, they're probably going to reindict most likely
19 under a different charge possibly.

01:11PM

20 JUDGE WOODS: That was just my experience
21 when I was up there. I don't know if there is some
22 change up there now that they do it -- they -- they've
23 started a pattern is that -- do you know? I mean, is
24 there something like what he is saying where y'all are
25 refusing a case but if that person commits the same

01:11PM

1 offense again then you're going back in time and
2 accepting the case you initially refused and adding
3 another charge to it? I don't know.

4 MR. KNAUTH: I don't know the fact
01:11PM 5 situation he's come up with. But I'll tell you this is
6 that we do leave it open if we get more evidence or we
7 just -- prosecutorial discretion is something we take
8 seriously. And if we can prove it, then we'll put it
9 in. Sometimes cases get better, and sometimes these
01:11PM 10 subsequent thing adds to the first case. So I mean,
11 it's just -- you know --

12 MR. GALMOR: The squeaky wheel.

13 MR. KNAUTH: Or sometimes the squeaky
14 wheel.

01:12PM 15 MR. GALMOR: Refuse the case.

16 MR. KNAUTH: Sometimes, but it's hard to
17 for me to respond to generic, you know, aspects of
18 individuality, so I mean it's -- I don't know but...

19 JUDGE WOODS: So in that specific scenario,
01:12PM 20 I guess, it would be upon the attorney to ask the Court
21 to honor the previous bond.

22 MR. GALMOR: Well, yeah. That's generally
23 not going to happen. Most of the time someone gets
24 arrested, they're just going to go bond back out
01:12PM 25 without -- maybe not even hire a lawyer yet, you know.

1 I'm just pointing out that I think under the current
2 system that a refusal terminates the bond is allowing,
3 you know -- it's requiring sometimes people to bond out
4 twice on the exact same charge. That's not supposed to
01:12PM 5 happen. On the exact same charge, it's just not
6 supposed to happen. You know, probably not super
7 common, I'm not saying it's super common. It's not.
8 I'm sure it's not.

9 MR. KNAUTH: And we do try to avoid it.

01:13PM 10 And -- I mean, a lot of it's caused -- I mean, by the
11 accusation bond that creates a lot of different hurdles
12 but that in errs into the benefit of the defendant most
13 of the time, so...

14 MR. DAY: Judge, I can reach out to our
01:13PM 15 attorneys for the bond association here in Texas and
16 find out if they're familiar with a lot of counties and
17 see if that situation comes up and how they handled it,
18 you know.

19 JUDGE WOODS: Okay.

01:13PM 20 MR. DAY: We can talk about it at the next
21 meeting.

22 JUDGE WOODS: All right.

23 MS. FONTENOT: Do I need to call the courts
24 each time they want to --

01:13PM 25 MS. HOLMES: I think we need to leave it

1 open. I'm more interested in the reindicted part, of
2 course, because that's what --

3 MS. FONTENOT: Right. I know that's --

4 MS. HOLMES: -- court.

01:13PM 5 MS. FONTENOT: And that's why I'm making my
6 calls. But I know -- you know, I guess it's tiring to
7 the court. I will call every time for, you know, a
8 refile or something --

9 MS. HOLMES: Yeah.

01:14PM 10 MS. FONTENOT: -- to see if the judge is
11 okay with that bond going with -- whether it's the same
12 one or not -- well, the same one that -- the same name
13 that's no problem, I'll just, you know, let it go with
14 it. But different name or whatever if I'm not sure of
01:14PM 15 it, I'm going to call.

16 MS. HOLMES: Good.

17 JUDGE WOODS: Keep the bondsman in the
18 loop. I think the bondsman needs to know first because
19 I think it's really up to them whether they want to
01:14PM 20 continue forward.

21 MS. FONTENOT: Okay.

22 JUDGE WOODS: And if they approve it and
23 the court approves, then it's good.

24 MS. FONTENOT: I'll do that.

01:14PM 25 JUDGE WOODS: Anymore discussion on

1 transfer of bonds? We went back to Mr. Day's release,
2 right? I can't remember.

3 MS. SEGURA: Yes.

4 JUDGE WOODS: Okay. Any other new

01:14PM

5 business?

6 MR. GALMOR: I would like to add accusation
7 back to the new business, I'm a lawyer.

8 JUDGE WOODS: You can table that for next
9 time.

01:15PM

10 MR. GALMOR: Sure.

11 JUDGE WOODS: That we talk about

12 accusations.

13 MR. GALMOR: That sounds good.

14 JUDGE WOODS: Okay. Any other old

01:15PM

15 business?

16 MR. REED: Yes.

17 JUDGE WOODS: Motion to adjourned.

18 MR. REED: Yes, old business.

19 JUDGE WOODS: Old business, Mr. Al Reed.

01:15PM

20 MR. REED: I was supposed to follow up on
21 the report that he is doing about the -- the ankle
22 monitors and the --

23 MR. ROEBUCK: You're just not going to let
24 that go. I can't get anybody to talk to me. I don't
01:15PM 25 know what anybody else is doing. Harris County -- of

1 course, I mean, it's such a nightmare over there. Let
2 me reach out.

3 MR. REED: Well, it's -- it could be a
4 policy of this bail bond board.

01:15PM 5 MR. ROEBUCK: We can do a new rule.

6 MR. DAY: On my mind the vetting process
7 for the vendors, is that what y'all are talking about?

8 MR. ROEBUCK: Yeah.

9 MR. REED: Yeah.

01:16PM 10 MR. DAY: Oh you're talking about vendors.

11 MR. REED: Sharing the liability they're --
12 you know, they're in the business of lightening
13 liability. Most of them don't know what they're doing
14 anyway. Because they're not familiar with the bonding
01:16PM 15 industry.

16 MR. DAY: Did the jail change any
17 procedures on -- that you know of who can and who can't
18 go back there to put on an ankle monitor, a drug patch
19 or anything?

01:16PM 20 MS. FONTENOT: I have nothing -- I don't
21 know. It's --

22 MR. ROEBUCK: That's not what Al is talking
23 about.

24 MR. DAY: Well, I had mentioned to it.

01:16PM 25 MR. ROEBUCK: Al is talking about what

1 happens if a monitor quits working or somebody pulls it
2 off or something like that.

3 MR. REED: Yes. Or they don't turn in the
4 patch to get it tested and get it back to the courts.

01:16PM 5 MR. ROEBUCK: Or they don't pay the fee,
6 yeah.

7 MR. GALMOR: The real question can the bond
8 board say a particular business is not acceptable
9 because of something that maybe bad act they've done in
01:16PM 10 the past or something like that. It wasn't -- like
11 there was a GPS monitoring company that didn't tell the
12 CDC that Mary Bond had pulled her GPS off for over a
13 month or something like that.

14 MR. KNAUTH: I think the court can make
01:17PM 15 that call.

16 MR. DAY: I don't think the bail bondsman
17 can.

18 MR KNAUTH: Yeah. I really think the
19 court -- because it's going to be different from court
01:17PM 20 to court. There is a difference between what Johnny
21 would say and someone else would say. I mean, you know,
22 and you get a history of somebody not able to do their
23 job if I know --

24 MS. HOLMES: They send us the drug patch
01:17PM 25 results. The GPS, you know -- and if they're not doing

1 something or even not paying or something like that,
2 Judge can up the bond or have a hearing on it.

3 JUDGE WOODS: That's what I was about to
4 say instead of forfeiting the bond, just raise the bond.

01:17PM 5 MS. HOLMES: No.

6 JUDGE WOODS: If something like that
7 happens, if they're testing positive or -- because
8 that's not going to be on the bondsman.

9 MS. HOLMES: No.

01:17PM 10 JUDGE WOODS: That's -- just raise the
11 bond.

12 MS. HOLMES: That's what we do. That's
13 what Judge West does.

14 MR. KNAUTH: As to the conditions, he can
01:17PM 15 say I don't accept that versus -- you know, that
16 particular -- you know, patch or that particular, you
17 know, monitoring system, that's not sufficient for
18 protection of the community. And so you're going to
19 have to go to someone else. And he can list it.

01:18PM 20 MR. ROEBUCK: I don't think that's under
21 our --

22 MR. KNAUTH: I would not want that
23 responsibility.

24 MR. GALMOR: I think that was the question
01:18PM 25 is that the bond board domain or each judge has to deal

1 with that individually.

2 MR. KNAUTH: It doesn't -- wouldn't it --
3 couldn't it play out to where it doesn't matter what we
4 say because then the court gets in there and they decide
01:18PM 5 whatever is appropriate for them. And I would sort of
6 want it that way.

7 JUDGE WOOD: I think that's better.

8 JUDGE LIVELY: Yeah, on a case by case
9 basis.

01:18PM 10 JUDGE WOODS: Yeah.

11 MR. DAY: Judge, on a different note, I
12 talked to Judge West about this as well last time -- I
13 don't know -- she probably didn't mention anything to
14 you guys because the -- supposed to be the cases, did
01:18PM 15 she say anything to you guys about -- I had spoken with
16 her about -- her taking a court ordered ankle monitor
17 off of the potential client but getting with the
18 bondsman first because we may have only made that bond
19 because they have an ankle monitor. And so when the
01:19PM 20 judge is taking it off --

21 MS. HOLMES: Keith, I think she sent an
22 E-mail out to all the judges and coordinators requesting
23 that they --

24 MR. DAY: Let --

01:19PM 25 MS. HOLMES: Let y'all know if that's done,

1 if I'm not mistaken.

2 JUDGE WOODS: But let me say this,
3 though --

4 MS. HOLMES: I'll check.

01:19PM 5 JUDGE WOODS: I think there would be a
6 difference between a court ordered obligation and a
7 contract obligation between you and the client, so...

8 MR. DAY: Right. That's what I'm saying,
9 they -- not that we would get off the bond, but we may
01:19PM 10 form another contract with our client that they have to
11 keep an ankle monitor on them separately from --

12 JUDGE WOODS: Right.

13 MR. DAY: -- court orders.

14 MR. GALMOR: They do that sometimes, don't
01:19PM 15 they?

16 MR. DAY: I haven't done it. I've never
17 done. It's only come up a couple of times. I mean,
18 it's obviously become more common, the ankle monitors
19 are becoming more popular now. But we haven't done it,
01:19PM 20 no. I don't know another bondsman has so -- but it's
21 just something to think of. It's a high risk bond that
22 they release the ankle monitor on.

23 MS. HOLMES: And you're thinking they're
24 being monitored the whole time and...

01:20PM 25 MR. DAY: Right.

1 MS. HOLMES: You don't know that --

2 MR. DAY: And the only way we would know,

3 like -- Johnny and them are in my building. They were

4 in -- so they may tell me, hey, this is -- they're

01:20PM 5 taking this guy's. If it's another company I don't have

6 relationship with, I mean, the ankle monitor is taken

7 off.

8 MR. ROEBUCK: Roebuck here, if it's not in

9 your contract, I don't think you can pull a bond.

01:20PM 10 MR. DAY: Well, I'm not saying we would

11 pull the bond. I haven't -- we haven't yet. I'm not

12 saying -- it's just -- it would be beneficial for us to

13 know -- you know, one point someone is being monitored

14 and now all of a sudden they're not being monitored, you

01:20PM 15 know, just be good to know, you know.

16 MR. GALMOR: Would it change or changes to

17 a bond send to the bondsman? It seemed like that would

18 be something that would be said just because it's a

19 change of the bond that you're on.

01:21PM 20 MR. DAY: Well, we'll go back to what Al

21 just said. There is no real procedure in place for

22 this, so -- you know, when it comes that so...

23 MR. GALMOR: Just make changes --

24 MR. DAY: -- like I said, I know because

01:21PM 25 Johnny and them rent from me and we have a relationship

1 with them. So they kind of keep us, you know, up to
2 date on our clients. But if it's an ankle monitor
3 company out of Houston or something, I may not. We may
4 never know, so...

01:21PM

5 MR. GALMOR: I think you should know. I
6 agree any change to bond you should know.

7 MR. KNAUTH: Changes his risk.

01:21PM

8 JUDGE WOODS: And like I was saying, I
9 think you may want to shore up your contract too, just
10 make sure -- if that's the case, it's going to happen.
11 It's -- I'm sure it -- I know it happens a lot down on
12 this end of the hall more than down there, so...

01:21PM

13 MR. DAY: Like I said, it hasn't been a
14 problem for us yet. But I just wanted to get on top of
15 it and avoid that.

16 JUDGE WOODS: Anymore discussion? Motion
17 to adjourn?

18 JUDGE LIVELY: Lively, motion.

19 JUDGE WOODS: All right. All in favor.

01:22PM

20 (ALL RESPONDED.)

21 JUDGE WOODS: Let's go.

22 (END OF MEETING.)

23

24

25

1 REPORTER'S CERTIFICATE

2 THE STATE OF TEXAS)
3 COUNTY OF JEFFERSON)

4 I, Ada V. Christy, Official Court Reporter in and
5 for the Criminal District Court of Jefferson County,
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7 foregoing contains a true and correct transcription of
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