

Docket No. SCR 22-0006

In Re:	§	Before the
	§	
Inquiry Concerning	§	Special Court of Review,
	§	
HON. GRACE UZOMBA	§	Appointed by the
CJC No. 20-0623	§	Supreme Court of Texas

Examiners' Charging Document

TO THE HONORABLE MEMBERS OF THE SPECIAL COURT OF REVIEW:

Pursuant to Section 33.034(d) of the Texas Government Code, Examiners for the State Commission on Judicial Conduct (the "Commission") file this Charging Document requesting that this Special Court of Review conduct a *de novo* trial in review of the Commission's Public Reprimand of the Honorable Grace Uzomba issued October 24, 2022.

I. The Sanction

As required by Section 33.034(d) of the Texas Government Code, and for the purpose of establishing the Special Court of Review's jurisdiction over these proceedings, a true and correct copy of the Public Reprimand for CJC No. 20-0623 issued against the Honorable Grace Uzomba by the Commission on October 24, 2022 is attached as **Exhibit A**, and is incorporated by reference.

II. Factual Allegations

On February 9, 2018, the named defendant in *State of Texas v. Dario E. Davis* (Cause No. 503703)(the “Davis Case”) pled no contest to the offense of Driving While Intoxicated and was placed on probation for two years. In 2019, while Dario Davis (“Davis”) was on probation, Judge Grace Uzomba assumed the bench in the County Court at Law No. 2 in San Antonio, Bexar County, Texas and inherited the Davis Case from her predecessor.

On August 5, 2019, during a compliance hearing in the Davis Case, Judge Uzomba amended the conditions of community supervision by ordering Davis to attend a substance abuse retreat conducted by the Ministry of the Third Cross¹ (“MOTC”) on September 25-29, 2019 in San Antonio. Davis did not attend the MOTC retreat as directed by the court, and instead completed Spiritual Retreat for Recovery hosted by his own church, Church of the Resurrection, on October 5-7, 2019.

During a subsequent compliance hearing on October 9, 2019, Judge Uzomba admonished Davis for attending a retreat other than the one operated by MOTC and advised Davis he would be required to complete the MOTC retreat in San Antonio on December 5-8, 2019. Judge Uzomba announced this modification orally, but no

¹ MOTC is a retreat ministry for persons in the criminal justice system. Through the weekend retreats, attendees experience the love of Jesus Christ within a Spirit filled, supportive, community environment. The retreats are times of reflection, repentance and renewal.

written order amending Davis' conditions of community supervision to require him to attend the December MOTC retreat was prepared or signed.

Davis' attorney, Andrew Froelich ("Froelich"), texted Bexar County Community Liaison Officer Gerald Wright ("Liaison Officer Wright") to ask if Judge Uzomba objected to Davis attending the MOTC retreat in Corpus Christi instead of San Antonio. Froelich received a text from Liaison Officer Wright on October 21, 2019 stating that Judge Uzomba had granted Davis permission to attend the Corpus Christi MOTC retreat on October 24-29, 2019. Accordingly, Davis traveled to Corpus Christi and began the retreat on October 24, 2019.

When Judge Uzomba learned Davis was attending the MOTC retreat in Corpus Christi, she accused Davis of yet again disregarding her order, and directed that Davis be brought before her the following day. At the October 25, 2019 hearing, Liaison Officer Wright explained to Judge Uzomba it was his understanding she had given Davis permission to attend the Corpus Christi retreat. Judge Uzomba denied ever giving Davis permission to attend the MOTC retreat in Corpus Christi or travel outside of Bexar County.

Judge Uzomba again amended Davis' conditions of community supervision, requiring Davis to obtain a Portable Alcohol Monitoring device and increasing the number of mandatory urinalysis tests each week. In addition to reinstating Davis' fine and requiring him to perform additional community service, Judge Uzomba

ordered Davis to attend and complete a specific substance abuse outpatient treatment program but did not specify the December MOTC retreat in San Antonio.

During a December 9, 2019 compliance hearing, when Davis explained to the court he had not attended the December MOTC retreat, Judge Uzomba ordered her bailiffs to take Davis into custody, overruling Froelich's objection. Judge Uzomba set a hearing for December 11, 2019 but refused Froelich's request for bond.

As a result of Judge Uzomba's refusal to set bond, Davis remained in custody for hours, first handcuffed in the jury box and then detained in a holding cell. Eventually, after discussions in chambers with Froelich and First Assistant District Attorney Philip Kazan, during which Kazan told the judge he would not support a motion to revoke Davis' probation, Judge Uzomba ordered Davis' release.

III. Relevant Ethical Standards

Canon 2A of the Texas Code of Judicial Conduct provides, in pertinent part:
“A judge shall comply with the law...”

Canon 3B(2) of the Texas Code of Judicial Conduct provides in pertinent part:
“A judge ... shall maintain professional competence in [the law].”

Canon 3B(4) of the Texas Code of Judicial Conduct provides in pertinent part:
“A judge shall be patient, dignified and courteous to litigants, jurors, witnesses, lawyer, and others with whom the judge deals in an official capacity...”

Article V, Section 1-a(6)A of the Texas Constitution provides in pertinent part that a judge shall not engage in “willful or persistent conduct” that “is clearly inconsistent with the proper performance of his duties or casts public discredit upon the judiciary...”

Art. 42A.108(a) of the Texas Code of Criminal Procedure provides in pertinent part: “On violation of a condition of deferred adjudication community supervision ..., the defendant may be arrested and detained as provided in Art. 42A.751.”

Art. 42A.751(b) of the Texas Code of Criminal Procedure provides in pertinent part: “At any time during the period of community supervision, the judge may issue a warrant for a violation of any condition of community supervision and cause the defendant to be arrested.”

IV. Specific Misconduct Charges

Judge Uzomba’s behavior, described above, represents willful conduct that violated Canons 2A, 3B(2), and 3B(4) of the Texas Code of Judicial Conduct, as well as Article V, Section 1-a(6)A of the Texas Constitution, as follows:

Charge I: Canons 2A and 3B(2)

Judge Uzomba failed to comply with the law and demonstrated professional incompetence in the law with respect to Davis’ conditions of community

supervision, including placing Davis in custody for allegedly violating a condition of his community supervision which had not been ordered.

Charge II: Canon 3B(4)

Judge Uzomba failed to be patient, dignified and courteous towards Davis during this case, including ordering that he be handcuffed for hours in the jury box for allegedly violating a condition of his community supervision which had not been ordered.

Charge III: Art. V, § 1-a(6)A

Judge Uzomba's failure to comply with and maintain professional competence in the law and her inability to be patient, dignified and courteous towards Davis constituted willful and persistent conduct clearly inconsistent with the proper performance of her judicial duties and cast public discredit upon the judiciary or the administration of justice.

V. Notice of Filing/Compliance with Procedural Rule 9(b)

In compliance with Rule 9(b) of the Procedural Rules for the Removal or Retirement of Judges, Examiners have attached, and incorporated by reference as **Exhibit B**, the "papers, documents, records, and evidence upon which the Commission based its decision." Examiners have attached and incorporate by reference **Exhibit C**, a transcript of Judge Uzomba's informal appearance before the Commission on October 12, 2022.

VI. Conclusion and Prayer

Examiners respectfully request that the Special Court of Review conduct a public *de novo* hearing pursuant to Section 33.034(e)(2) of the Texas Government Code and issue a Public Reprimand to Judge Uzomba, and for such other relief to which they may show themselves entitled.

Respectfully Submitted,

EXAMINERS:

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State Commission on Judicial Conduct
P.O. Box 12265
Austin, Texas 78711
Telephone: (512) 463-5533
Facsimile: (512) 463-0511

BY: /s/ Zindia Thomas
Zindia Thomas

Certificate of Service

Service of this instrument has been made on December 12, 2022, to Michael Black, counsel for the Honorable Grace Uzomba, by electronic mail and automated service in accordance with the Texas Rules of Civil Procedure and the Texas Supreme Court's rules for electronic filing and service.

/s/ Zindia Thomas
Zindia Thomas

EXHIBIT A



**BEFORE THE STATE COMMISSION
ON JUDICIAL CONDUCT**

CJC No. 20-0623

PUBLIC REPRIMAND

**HONORABLE GRACE UZOMBA
COUNTY COURT AT LAW NO. 2
SAN ANTONIO, BEXAR COUNTY, TEXAS**

During its meeting on August 9-11, 2022, the State Commission on Judicial Conduct concluded a review of the allegations against the Honorable Grace Uzomba, County Court at Law No. 2, San Antonio, Bexar County, Texas. Judge Uzomba was advised by letter of the Commission's concerns and provided a written response.

After considering the evidence before it, the Commission enters the following findings and conclusions:

FINDINGS OF FACT

1. At all times relevant hereto, the Honorable Grace Uzomba, was judge of the County Court at Law No. 2, San Antonio, Bexar County, Texas.
2. On February 9, 2018, Dario Davis ("Davis"), defendant in *State of Texas v. Dario E Davis* (the "Davis Case"), Cause No. 503703, pled no contest to the offense of Driving While Intoxicated and was placed on probation for two years.
3. While presiding over the Davis Case, on August 5, 2019 during a complinace hearing, Judge Uzomba amended Davis' conditions of his community supervision by ordering Davis to attend a Ministry of the Third Cross ("MOTC") retreat in San Antonio on September 25-29, 2019.
4. During a compliant hearing on October 9, 2019, Judge Uzomba admonished Davis for taking his own initiative and completing a retreat that the court did not order. She explained to Davis that he would complete the MOTC retreat in San Antonio on December 5-8, 2019. However, an order amending conditions of community supervision was not completed regarding the MOTC retreat for December because Gerald Wright ("Wright"), a Bexar County Community Liaison Officer, had left court before the hearing ended.

5. On October 21, 2019, Wright informed Andrew Froelich (“Froelich”), Davis’ attorney, that Judge Uzomba granted permission for Davis to attend the MOTC retreat in Corpus Christi on October 24-29, 2019.
6. On October 24, 2019, Davis began attending the MOTC retreat in Corpus Christi.
7. On October 25, 2019, Judge Uzomba ordered Davis to be transported from MOTC in Corpus Christi to appear in her court on the basis that he did not have permission to attend the retreat in Corpus Christi.
8. At the compliance hearing on October 25, 2019, Wright stated Judge Uzomba had given Davis permission to attend the MOTC retreat in Corpus Christi.
9. After Wright’s statement, Judge Uzomba proceeded to amend Davis’ conditions of community supervision by: (1) ordering an increase in the amount of urinalysis required a week, (2) requiring him to acquire a Portable Alcohol Monitoring device, (3) having him attend and complete a specific substance abuse outpatient treatment program, (4) reinstating a fine and (5) performing more community service. However, with regard to this order, Judge Uzomba did *not* order Davis to attend the MOTC retreat in San Antonio on December 5-8, 2019.
10. Judge Uzomba stated she did not recall granting permission for Davis to attend the MOTC retreat in Corpus Christi and when she learned he was attending the retreat in Corpus Christi, she understood that Davis was yet again violating his probation agreement.
11. Judge Uzomba stated she recognized there was a breakdown in communication between her, Wright and the Probation Officer assigned to Davis’ case, which created confusion regarding where Davis was permitted to attend the MOTC retreat in Corpus Christi.
12. Judge Uzomba stated she has never set conditions of community supervision as a “punishment” and the conditions she set for Davis were not “outside of the ordinary and common conditions of any other individual with similar circumstances.”
13. At a compliance hearing on December 9, 2019, Judge Uzomba asked Davis if he attended the MOTC retreat on December 5-8, 2019. Davis responded he had not, and Judge Uzomba ordered Davis taken into custody. After Froelich objected and requested a hearing and bond be set, Judge Uzomba set a hearing for December 11, 2019, but refused to set a bond.
14. For a few hours, Davis remained handcuffed and detained in the jury box and subsequently in a holding cell.
15. After a discussion in chambers with Froelich and Philip Kazen, First Assistant District Attorney of the Bexar County District Attorney’s Office (“ADA Kazen”), Judge Uzomba ordered Davis released after ADA Kazen stated he would not support a motion to revoke probation.
16. On December 11, 2019, Froelich filed a Motion to Recuse Judge Uzomba. Judge Uzomba voluntarily recused herself.
17. Judge Uzomba stated no prosecutors were present at these compliance hearings because it is not typical for prosecutors to be at these hearings. However, a representative of the Probation Department was always present during compliance hearings.
18. Judge Uzomba stated, “I willingly acknowledge that I have made mistakes as a new judge pursuing my belief of restorative and rehabilitative justice. However, I reaffirm that any mistakes I made were isolated and made in good faith, without any improper purpose.”

RELEVANT STANDARDS

1. Canon 2A of the Texas Code of Judicial Conduct provides, in relevant part: “A judge shall comply with the law...”
2. Canon 3B(2) of the Texas Code of Judicial Conduct provides, in relevant part: “A judge should be faithful to the law and shall maintain professional competence in it...”
3. Canon 3B(4) of the Texas Code of Judicial Conduct provides, in relevant part: “A judge shall be patient, dignified and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity...”
4. Article V, Section 1-a(6)A of the Texas Constitution provides, in relevant part, that a judge shall not engage in “willful or persistent conduct” that “is clearly inconsistent with the proper performance of his duties or casts public discredit upon the judiciary...”
5. Art. 42A.108(a) of the Texas Code of Criminal Procedure provides, in relevant part: “On violation of a condition of deferred adjudication community supervision ..., the defendant may be arrested and detained as provided in Art. 42A.751.”
6. Art. 42A.751(b) of the Texas Code of Criminal Procedure provides, in relevant part: “At any time during the period of community supervision, the judge may issue a warrant for a violation of any condition of community supervision and cause the defendant to be arrested.”

CONCLUSION

Based on the record before it and the factual findings recited above, the Texas State Commission on Judicial Conduct has determined that the Honorable Grace Uzomba, judge of the County Court at Law No. 2, San Antonio, Bexar County, Texas, should be publicly reprimanded for: (1) her failure to comply with the law and maintain professional competence in the law regarding the handling of Davis’ conditions of community supervision regarding the MOTC retreat, and detaining Davis for allegedly violating a condition of his community supervision regarding attending a certain MOTC retreat which was not ordered in the Davis Case; and (2) failure to be patient, dignified and courteous to Davis regarding the conditions of his community supervision regarding the MOTC retreat and ordering him handcuffed for a few hours while waiting to have a warrant issued or motion to revoke his probation filed against him for allegedly violating the conditions of his community supervision regarding attending a certain MOTC retreat in the Davis Case which constituted willful and persistent conduct that is clearly inconsistent with the proper performance of her duties and that cast public discredit upon the judiciary or the administration of justice, in violation of Canons 2A, 3B(2), and 3B(4) of the Texas Code of Judicial Conduct, and Article V, Section 1-a(6)A of the Texas Constitution.

The Commission has taken this action pursuant to the authority conferred it in Article V, §1-a(8) of the Texas Constitution in a continuing effort to protect the public and promote public confidence in the judicial system.

Issued this the 24 day of October, 2022



David Schenck
Chairman, State Commission on Judicial Conduct

EXHIBIT B

From: [noreply](#)
To: [SCJC Complaints](#)
Subject: Complaint Form - Online Request Form
Date: Wednesday, January 08, 2020 10:42:18 PM
Attachments: [REDACTED]

Complaint Details

Submitter Information

Name: [Dario](#)
DOB: [REDACTED]
Mailing Address: [REDACTED]
Email Address: [REDACTED]
Day time Phone: [REDACTED]
Cell Phone: [REDACTED]

Judge Information

Court Type: [County Court](#)
County: [Bexar](#)
Court: [County Court at Law No. 2](#)
Judge: [Uzomba, Grace](#)
Other:

Court Case Information

Cause Number: [503703](#)
Case Status: [Pending](#)

Your Attorney

Name: [Andrew Froelich](#)
Mailing Address: [101 Stumberg](#)
City, State Zip: [San Antonio, TX, 78204](#)
Email Address: [REDACTED]
Day time Phone: [REDACTED]
Cell Phone: [REDACTED]

Opposing Attorney

Name:
Mailing Address:
City, State Zip: ,,
Email Address:
Day time Phone:
Cell Phone:

Witness 1

Name: [Noelia Flores](#)
Mailing Address: [725 Montana](#)
City, State Zip: [San Antonio, TX, 78203](#)
Email Address: [noeliaflores.tx@gmail.com](#)
Day time Phone: [210-773-1094](#)
Cell Phone:
Witness statement: [Noelia was present on December 9th for the entire time I was detained. She was also present during my](#)

Witness 2

Name:
Mailing Address:
City, State Zip: ,,
Email Address:
Day time Phone:
Cell Phone:
Witness statement:

first and third appearance before judge Uzomba.

Details of the Complaint

Date of Alleged Misconduct of Judge: 12/09/2019

Factual Details of your complaint against Judge:

On December 9, 2019, when appearing before Judge Gace Uzomba , she had me detained with the intent of being arrested. I was placed in handcuffs, my belong were taken and I was sat in the jury box for 6 hours for “not attending Ministry of The Third Cross Faith Retreat” (MOTC). Attending MOTC has never been a written stipulation of my probation. During the duration of my probation, I have never had an alcohol violation or been ordered to a compliance hearing. I first appeared Judge Uzomba in April to request a new probation officer. At my first appearance she asked I go the VA outpatient program and return in 3 months. When I returned with documentation from the VA that I was rejected from the program because I had no drugs or alcohol or any other symptoms of substance abuse, she asked I attend MOTC. At the time I was unaware that it was weekend long retreat, I was unable to make it. When I reported again 3 months later, she again asked me to attend MOTC in December. Instead of attending the December MOTC, I received permission from Court 2, a probation supervisor, MOTC, and my attorney to attend the retreat MOTC in Corpus Christi, Tx 24-27th of October 2019. I reported to MOTC on the 24th and Judge Uzomba ordered me back to San Antonio on October 25th saying that permission was not granted for me to attend the retreat in Corpus. I appeared before her on that same day and she amended the conditions of my probation to include 4 UAs a week at the cost of \$20 each, intox-a-lock, \$300 fine, a weekly meeting with PO, and 20 hours of community service. Not included in the amended conditions was attending MOTC retreat in San Antonio Tx 4-7th of December. When I showed up in court 9 December and informed the judge that I did not attend she had the bailiff detain me. My lawyer, Andrew Froelich, tried to explain it wasn't a stated condition but she was insistent I be arrested and held without bail till Wednesday. I was detained for about 6 hours. As I recall, after about 2 hours, the judge was aware the prosecutors had refused to sign a warrant and revoke my probation. Judge Grace Uzomba ultimately recused herself from my case (503703). The details provide above regarding my detainment are only detail a small amount of the months of misinformation, inconsistency in communication, and lack of justice that I received. These events as a whole and leading up to December 9th have been challenging and caused me overwhelming embarrassment and emotional distress. I am filing this grievance willingly under the recommendation of my representation Andrew Froelich and our official filing for the ‘Motion to Recuse Judge’ case 503703.

Information about State Commission on Judicial Conduct obtained from: News Media, Attorney,

Confidentiality & Authorization

Complainant requests identity be confidential: Yes
Printed Name: Dario Davis

Submission Date: [1/08/2020](#)

From: [Dario Davis](#)
To: [Cherie Thomas](#)
Subject: Re: Confidentiality
Date: Tuesday, November 03, 2020 12:16:33 PM

Good afternoon Cherie,
I am waiving my confidentiality in regards to my case from 2019.

Respectfully Sent,
Dario Davis

On Tue, Nov 3, 2020 at 12:14 PM Dario Davis [REDACTED] wrote:

Good afternoon

--

Respectfully Sent,
Dario Davis

--

Respectfully Sent,
Dario Davis

COUNTY COURT AT LAW # 2 BEXAR COUNTY, TEXAS

THE STATE OF TEXAS

GERARD RICKHOFF
BEXAR COUNTY CLERK

VS

DAVIS, DARIO E

10/28/15 DRIVING WHILE INTOXICATED-20
CC2 CAUSE 503703 TYPE MR
SID 0799817 JN 1714141 DOB 03/07/80

DATE	ORDERS OF THE COURT
DEC 08 2015	4740 VIOL REPORT SUBMTD (Pretrial Svs) ✓
DEC 15 2015	4740 VIOL REPORT SUBMTD (1-5-16) HIP - COURT OF BOND 2nd (Pretrial Svs) ✓
DEC 16 2015	RWOB - to be set by Judge Wolff ONLY to 1549923 ✓ 12-18-15 Recall warrant & 1549923 bond. D to provide court today of 175 dollar fine at Tarrant County Jail (7) ✓
FEB 23 2016	4740 VIOL REPORT SUBMTD (Pretrial Svs) 3-3-16
FEB 23 2016	Bond amount \$1556862 ✓
3-3-16	FTA - ACTIVE
6-23-16	(15) Motions filed; (2) Requests filed ✓
7-11	recessed ✓
11/21/17	4740 VIOL REPORT SUBMTD (PTS) 4th OLC BOND 12-11-17
DEC 22 2017	4740 VIOL REPORT SUBMTD (PTS) - Cont. w/ J.P. Order, Antebond w/ 15 day to comply w/ Substance Abuse Test (Offender pd) ✓ 1-31-18 DT
1/31/18	May 11 2018
2/11/18	Plan Inten

ATTORNEY: H) Marc Lahood
BAR NO: _____ PH#: _____

ATTORNEY: Andrew Froelich
BAR NO: 24050430 PH#: 210-725-4658

ASST DA _____
BAR # _____

COURT REPORTER: _____

COURT COST: 377.00 ✓

WARRANTS: 12/16 + 2/23

SUBPOENAS: _____

JURY TRIAL: _____

PR BOND FEE: _____

ATTY FEES: _____

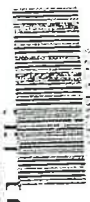
TOTAL: _____

PENDING CASES: _____

JAIL TIME CREDIT: _____

DATE FILED: NOV 05 2015 SUMMONS/CAPIAS ISSUED: _____

RIGHT THUMB / SIGNATURE



BOND

THE STATE OF TEXAS
 DAVIS, DARIO E
 10/28/15 DRIVING WHILE INTOXICATED-20
 CC2 CRUISE 503703 TYPE WA
 SID: 0799817 JN: 1714141 DOB 03/07/80

COUNTY COURT AT LAW # 2 BEXAR COUNTY, TEXAS
 VS
 CLERK

ATTORNEY: Andrew Froelich
 BAR NO: 405630 PH#: 210-725-4658
 ASST DA
 BAR #
 COURT REPORTER:
 COURT COST: 47.00 x
 WARRANTS: 1/16 + 7/23
 SUBPOENAS:
 JURY TRIAL:
 PR BOND FEE:
 ATTY FEES:
 PENDING CASES:
 JAIL TIME CREDIT:
 TOTAL:
 DATE FILED: NOV 05 2015 SUMMONS/CAPIAS ISSUED:

DATE	ORDERS OF THE COURT
DEC 08 2015	4740 VIOL REPORT SUBMTD (Printed 8/15) HIR - CORD OF BOND
DEC 15 2015	4740 VIOL REPORT SUBMTD (Printed 8/15) 2nd (Printed 8/15) w/ Judgment Planning
DEC 16 2015	RWOB - to be set by Judge Hoff ONLY for 154923
12-18-15	Result waiver & promise bond. D to provide exact value
FEB 23 2016	4740 VIOL REPORT SUBMTD (Printed 8/15) 3-3-16 of 175 million at Texas Inmate loc (3) 44 Bond # 1556862 w/
FEB 23 2016	FTA - ACTIVE
6-23-16	(15) Matures filed; (2) Requests filed w/
4-7-17	status filed
11/21/17	4740 VIOL REPORT SUBMTD (PIS) 1/16 OLC BOND 12-11-17 3-18
DEC 24 2017	4740 VIOL REPORT SUBMTD (PIS) - And. w/ J.P. Order Database w/ (5) days to complete substance abuse report (off and on) 1/18

The defendant appeared before the Court in person and by attorney and entered a plea of guilty to violation of condition of prob number _____ and the defendant having been admonished of his rights as required by the Texas Code of Criminal Procedure and having acknowledged that he understands same, the court therefore enters a finding that the allegations in the motion to revoke/adjudicate are true and the court:

- revokes the defendant's probation
- adjudicates the defendant guilty
- Punishment is assessed as/the defendant is sentenced to
 - a fine of \$ _____
 - confinement in the Bexar County Jail for _____
- Plus Court Costs Time and monies to run concurrent.
 - Sentence to run concurrent internally and with all other sentences.
 - Time to be served in TDCJ-ID concurrently with Felony Case # _____
 - Credit awarded for all time served in jail
 - Judgment satisfied. Time and money to run concurrent.
 - Work release approved. Reimbursement for confinement expenses assessed _____
 - Imposition of jail, fine portion of the sentence is suspended and the defendant is placed on probation for _____.
- Terms and conditions of probation include:
 - supervisory fees ordered in the monthly amount of \$ _____
 - community service for _____ hours.
 - aggression counseling ATP evaluation/counseling DIP AIDE _____
 - drivers license ordered suspended for _____
 - Court makes an affirmative finding of family violence

JUDGE SIGNATURE

DATE

DATE

DATE

DATE

PROBATION PLEA

Defendant pled guilty (no contest)

- Defendant granted Deferred Adjudication; assessed \$ _____ fine + court costs.
- Defendant found guilty; sentenced to 180 days probated for 240 assessed \$ 750 fine + court costs
- Conditions of Probation/Deferred: 70 hours community service: D.O.E.P.; A.P.S.E.
- A.T.S.E.; SR compliance restitution if any: DWI ed class; A.T.P. eval.
- D.I.P.; D.R.O.P. DWI intervention; 12 months T.D.L. suspension/ignition interlock
- _____ days E.L.M. in lieu of jail; \$ 15 per month supervisory fee.
- OTHER: TRIP / Random DMV

JUDGE SIGNATURE

DATE

DATE

JAIL PLEA

- Defendant pled guilty/ no contest: assessed \$ 4433-DISC ACKNOWLEDGED
- Defendant sentenced to _____ days (c.t.s.)
- Defendant sentenced to _____ days work release beginning _____
- Defendant sentenced to _____ days E.L.M. in lieu of jail _____
- _____ T.D.L. Suspension

CRT DEF RT OF APPL

JUDGE SIGNATURE

DATE

MOTION TO REVOKE PLEA

- Defendant pled true to Motion to Revoke / Deferred Adjudication:
- Probation revoked: Sentence reformed to \$ _____ fine + court costs
 - Probation revoked: Defendant adjudicated guilty: assessed \$ _____ fine + court costs
 - Defendant sentenced to _____ days (c.t.s.)
 - Defendant sentenced to _____ days work release _____
 - Defendant sentenced to _____ days E.L.M. in lieu of jail _____

JUDGE SIGNATURE

DATE

DATE	
7/24/18	Terms & Conditions (Prob) 4750 SUPPL REPORT SUBMTD
AUG 14 2018	Public Guardian's Conditions of Probation 4750 SUPPL REPORT SUBMTD
SEP 14 2018	Extend J.P. for duration of 4 Test Wkly for 45 days, notify court if her increase or new usage occurs
OCT 16 2018	Public Guardian's Conditions of Probation 4750 SUPPL REPORT SUBMTD - Forward to Incl. BCC
2/20/19	OP of JURY COURT 4750 SUPPL REPORT SUBMTD
2/20/19	Public Guardian's Conditions of Probation 4750 SUPPL REPORT SUBMTD

Judgment satisfied. Time and money to run concurrent.
 Work release approved. Reimbursement for confinement expenses assessed _____ DATE _____
 Imposition of jail, fine portion of the sentence is suspended and the defendant is placed
 on probation for _____. Terms and conditions of probation include: *5000 unrec charges*
 supervisory fees ordered in the monthly amount of \$ _____
 community service for _____ hours.
 aggression counseling ATP evaluation/counseling DIP AIDE *allegation not pled on*
 drivers license ordered suspended for _____ *B. DWI*
 Court makes an affirmative finding of family violence

PROBATION PLEA

Defendant pled guilty/no contest

JUDGE SIGNATURE _____

Defendant granted Deferred Adjudication; assessed \$ _____ fine + court costs
 Defendant found guilty; sentenced to 180 days probated for 270 assessed \$ 950 fine + court costs
 Conditions of Probation/Deferred: 30 hours community service: D.O.E.P.; A.P.S.E. *2.0.1*
 A.T.S.E.; SR compliance; restitution if any; DWI ed class; A.T.P. eval.
 D.I.P.; D.R.O.P. DWI intervention; 12 months T.D.L. suspension/signition interlock DATE _____
 _____ days E.L.M. in lieu of jail; \$ 15 per month supervisory fee. *for 1 yr*
 OTHER: TRIP / Random UA's

JAIL PLEA

CRT DEF RT OF APPL

Defendant pled guilty/ no contest: assessed \$ 4433-DISC ~~ACKNOWLEDGED~~
 Defendant sentenced to _____ days (c.t.s.)
 Defendant sentenced to _____ days work release beginning _____
 Defendant sentenced to _____ days E.L.M. in lieu of jail _____
 _____ T.D.L. Suspension

JUDGE SIGNATURE _____

DATE _____

MOTION TO REVOKE PLEA

Defendant pled true to Motion to Revoke / Deferred Adjudication:

Probation revoked: Sentence reformed to \$ _____ fine + court costs
 Probation revoked: Defendant adjudicated guilty: assessed \$ _____ fine + court costs
 Defendant sentenced to _____ days (c.t.s.)
 Defendant sentenced to _____ days work release _____
 Defendant sentenced to _____ days E.L.M. in lieu of jail.

JUDGE SIGNATURE _____

DATE _____

DATE	DESCRIPTION
2/12/18	Terms & Conditions Pled <i>(initials)</i>
7/24/18	4750 SUPPL REPORT SUBMTD <i>(initials)</i>
AUG 14 2018	Order Amending Conditions of Probation
SEP 14 2018	4750 SUPPL REPORT SUBMTD; Extend I.P. for duration of 1 yr & Test Weekly for 45 days, notify court if hair increase or new usage occurs
OCT 16 2018	Order Amending Conditions of Probation
2/20/19	4750 SUPPL REPORT SUBMTD. Awarded to Incl. BCC
3/15/19	100 & Drug Court Assessment
	Order of Referral Filed to Prob Court

4750 SUPPL REPORT SUBMID

7/30/19 - Comphearing

Order amending cond of comm superv

R/S CH for 8/5/19 @ 3:30pm

CH set 10/9/19 @ 1:30pm

Order amending conditions of comm supervision

4740 VIOL REPORT SUBMID 4740 VIOL REPORT SUBMID

Set 12/4/19 - Per Judge. CH @ 2:30pm

NDA filed

Order Amending Conditions of Community Supervision

Set 12/16/19 - Mornings Per Judge

Filed: Def's Request for Court Reporter

Filed: Motion for Copying Inspection Probation Officer File

Filed: Def's Objection to Modification of Community Supervision

Filed: Motion to Recuse Judge w/ Exhibits

Verbal amendment. Weekly UAs until termination (Feb 9, 20). IOP Del in abeyance.

Δ to report in person. Withdraw the \$300

fine. Δ eliminated (w/rev)

Condition of participation w/ MOTC.

is removed. Condition of P.A.M. is removed.

MS

Order to Remove In Home Services/ amended conditions requested

File change from Comm Supr

BOND



300103

CAUSE # 503703

2020 FEB 19 PM 3:21

THE STATE OF TEXAS

IN THE COUNTY COURT 5

VS.

OF

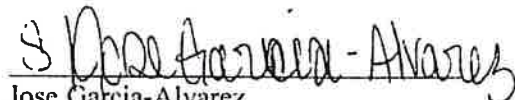
DARIO E DAVIS

BEXAR COUNTY, TEXAS

DISCHARGE FROM COMMUNITY SUPERVISION


OFFENSE: Driving While Intoxicated

The defendant, Dario E Davis, was placed on probation on Community Supervision on February 9, 2018, for a period of 2 Years. The Community Supervision Corrections Department hereby acknowledges to the Court that the Defendant has shown progress and adherence to the conditions of community supervision: and further informs the Court that the Defendant's community supervision expires on February 9, 2020.


Jose Garcia-Alvarez
Community Supervision Officer
Bexar County CSCD

It is therefore the **ORDER** of the Court, after taking into consideration this information provided to the Court and any other matters in evidence, that the Community Supervision in this cause be hereby discharged.

Entered this the 19th day of February, A.D., 2020.


HONORABLE JOHN A. LONGORIA
COUNTY COURT 5
BEXAR COUNTY, TEXAS

PLEA OF GUILTY, TRIAL BY COURT

COURT COST	FINE	TOTAL	CFTS	
527.00	850.00	1,377.00		6 MTHS IN JAIL

15.00 MO SF, 80 HRS SR, DIP LIVE, DWI INTERV., TAIP, RANDOM UA'S, 12 MOS
 TDLS, 1 YR I.I. W/CAMERA, 72 HRS BCJ, DEF TO REPORT TO BCJ ON 2-23-18 BY 5 P.M
 ** APO TO COLLECT ALL MONIES **

2 YRS PROBATION

THE STATE OF TEXAS

JUDGMENT CAUSE NO. 503703

VS

REDUCED FROM: DRIVING WHILE INTOXICATED-2D
OFFENSE DRIVING WHILE INTOXICATED

DARIO E DAVIS

ON THE 9th of February, 2018, THE ABOVE ENTITLED AND NUMBERED CAUSE WAS CALLED. THE STATE OF TEXAS APPEARED BY HER ASSISTANT CRIMINAL DISTRICT ATTORNEY, BENTON WILLIAM LEACHMAN. THE DEFENDANT, DARIO E DAVIS APPEARED IN PERSON AND BY COUNSEL, MARC LAHOOD.

HAVING BEEN DULY ARRAIGNED, THE DEFENDANT ENTERED A PLEA OF NOLO CONTENDERE TO THE OFFENSE AS CHARGED IN THE INFORMATION. THE DEFENDANT IN OPEN COURT WAIVED A TRIAL BY JURY. THEREUPON, THE COURT ADMONISHED THE DEFENDANT OF THE RANGE OF PUNISHMENT ATTACHED TO THE OFFENSE AND THE FACT THAT ANY RECOMMENDATION OF THE PROSECUTING ATTORNEY AS TO PUNISHMENT IS NOT BINDING ON THE COURT. THE COURT INQUIRED AS TO THE EXISTENCE OF ANY PLEA BARGAIN AGREEMENT BETWEEN THE STATE AND THE DEFENDANT. THE COURT WAS INFORMED THAT THERE WAS A PLEA BARGAIN AGREEMENT AND THAT THE DEFENDANT PERSONALLY AGREED TO THE TERMS OF SUCH AGREEMENT.

IT PLAINLY APPEARING TO THE COURT THAT THE DEFENDANT WAS MENTALLY COMPETENT AND THE PLEA WAS FREE AND VOLUNTARY, THE SAID PLEA OF NOLO CONTENDERE WAS RECEIVED BY THE COURT AND ENTERED OF RECORD. HAVING HEARD SAID PLEA AND HAVING HEARD EVIDENCE WHICH WAS SUBMITTED AND HAVING DULY CONSIDERED SAME, THE COURT INFORMED THE DEFENDANT THAT IT WOULD FOLLOW ANY PLEA BARGAINING AGREEMENT AND THE COURT FOUND THE DEFENDANT GUILTY OF A MISDEMEANOR, TO - WIT: DRIVING WHILE INTOXICATED AND THAT SAID DEFENDANT COMMITTED SAID OFFENSE ON 28th of October, 2015 AS CHARGED IN THE INFORMATION, AND HE SHOULD BE PUNISHED BY A FINE OF \$850.00, COURT COSTS OF \$527.00, AND 6 MTHS IN JAIL.

IT IS THEREFORE CONSIDERED, ORDERED, AND ADJUDGED BY THE COURT THAT THE SAID DEFENDANT IS GUILTY OF THE MISDEMEANOR OFFENSE OF: DRIVING WHILE INTOXICATED. AND THAT HE BE PUNISHED BY CONFINEMENT IN THE ADULT DETENTION CENTER OF BEXAR COUNTY FOR 6 MTHS AND BY A FINE OF \$850.00, AND THE STATE OF TEXAS DO HAVE AND RECOVER OF HIM ALL COSTS IN THIS PROSECUTION EXPENDED.

ON THE 9th of February, 2018, THIS CAUSE AGAIN BEING CALLED, THE STATE APPEARED BY HER ASSISTANT CRIMINAL DISTRICT ATTORNEY, BENTON WILLIAM LEACHMAN. THE DEFENDANT APPEARED IN PERSON AND REPRESENTED BY COUNSEL MARC LAHOOD FOR THE PURPOSE OF HEARING ON SAID DEFENDANT'S APPLICATION FOR ADULT PROBATION. THE COURT, HAVING DULY CONSIDERED ALL THE MATTERS PRESENTED IS OF THE OPINION THAT PROBATION SHOULD BE GRANTED.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT THE IMPOSITION OF SENTENCE (EXCEPT THAT PORTION THEREOF PERTAINING TO A FINE OF \$850.00 AND COSTS OF PROSECUTION \$527.00, WHICH IS HEREBY ORDERED EXECUTED) IS SUSPENDED. THE DEFENDANT IS HEREBY PLACED ON ADULT PROBATION FOR A TERM OF 2 YRS EFFECTIVE ON THE 9th of February, 2018 AND CONDITIONED THAT THE DEFENDANT FULLY COMPLIES AND ABIDES BY ALL TERMS AND CONDITIONS OF PROBATION AS ARE CONTAINED IN THE ORDER GRANTING PROBATION, WHICH ORDER IS ATTACHED HERETO AND MADE A PART OF THIS JUDGMENT.

IT IS FURTHER ORDERED BY THE COURT THAT THE STATE OF TEXAS DO HAVE AND RECOVER FROM SAID DEFENDANT (THE FINE HERETOFORE IMPOSED AND) ALL COSTS OF PROSECUTION FOR WHICH EXECUTION MAY ISSUE.

THE COURT THEREUPON FULLY ADVISED THE DEFENDANT OF HIS APPELLATE RIGHTS.

AS IT APPEARING THAT THE DEFENDANT HAS BEEN IN JAIL, FROM THE TIME OF HIS ARREST AND CONFINEMENT ON THE FOLLOWING DATE(S): N/A.

HE IS HEREBY GIVEN CREDIT ON THIS SENTENCE FROM N/A TO THE DATE OF THIS SENTENCE FOR THE TIME THE SAID DEFENDANT HAS SPENT IN JAIL IN SAID CAUSE.

IT IS FURTHER ORDERED BY THE COURT THAT THE STATE OF TEXAS DO HAVE AND RECOVER FROM SAID DEFENDANT ALL COSTS OF PROSECUTION FOR WHICH EXECUTION MAY ISSUE.

SIGNED AND ENTERED OF RECORD THIS 9th of February, 2018.

RIGHT THUMB

SIGNATURE

JUDGE, COUNTY COURT AT LAW #1 CC2
BEXAR COUNTY, TEXAS

CCC \$ 83.00	CLK \$ 40.00	DR \$ 25.00	JE \$ 15.00	RMP \$ 22.50
CS \$ 3.00	TP \$ 25.00	EMSTF \$ 100.00	JR \$ 4.00	CCRMP \$ 2.50
JSP \$ 6.00	DGCRT \$ 60.00	INDIG \$ 2.00	PR BOND 50.00	CRTCH \$ 4.00
FINE \$ 850.00	EFF-CIV 5.00	PEACE OF 80.00		

TOTAL 1,377.00

THE STATE OF TEXAS

COUNTY OF BEXAR

CERTIFICATE

I, GERARD RICKHOFF, CLERK OF THE COUNTY AT LAW NO. CC2, OF BEXAR COUNTY, TEXAS, DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE JUDGMENT OF CONVICTION AND SENTENCE IN THE CAUSE STYLED, THE STATE OF TEXAS VS. DARIO B DAVIS AND BEING NO. 503103 IN THE CRIMINAL DOCKET OF SAID COURT, AND AS APPEARS IN THE CRIMINAL MINUTES OF SAID COURT IN SUCH CAUSE.

IN TESTIMONY WHEREOF WITNESS MY HAND AND OFFICIAL SEAL IN THE COUNTY OF BEXAR, TEXAS, ON THIS THE 9th of February, 2018.

DAVIS, DARIO B
 SW # 799817

PROBATION GRANTED

DUTY / RELEASE

Gerard Rickhoff
 Deputy Signature

Placed in Bexar County Jail on the 16
 day of Feb 2018 and released
 On the 19 day of Feb
 after serving 4 days
 J.S.L. 12/18
 N. M. 12/18



GERARD RICKHOFF
 CLERK, COUNTY COURT AT LAW NO. CC2
 BEXAR COUNTY, TEXAS

BY: *Gerard Rickhoff* DEPUTY

SHERIFF'S RETURN

FEB 22 2018

Came to hand the _____ day of _____, A.D. 20____
 And executed the _____ day of _____, A.D. 20____
 By _____

JAVIER SALAZAR, SHERIFF
 SHERIFF, BEXAR COUNTY, TEXAS

BY: *Javier Salazar* Deputy

INFORMATION – CLERK'S ORIGINAL

NAME: DARIO E DAVIS

MG. NO. 287506

JN: 1714141-1

SID: 799817

COUNTY COURT CASE NO: 503703

OFFENSE CODE / CHARGE: 540411 - DRIVING WHILE INTOXICATED-2D

FILED IN MY OFFICE
OF CLERK RICHIE
CLERK BEXAR CO
2015 NOV - 5 P 2: 02

1269

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

Now comes the undersigned Assistant Criminal District Attorney of Bexar County, Texas, upon the affidavit of affiant, hereto attached and made a part thereof, and in behalf of said State presents in the County Court at Law No. 2 of Bexar County, Texas, that heretofore, to-wit: in said County of Bexar and State of Texas, and before the making and filing of this information,

on or about the 28th Day of October, 2015, DARIO E DAVIS did operate a motor vehicle in a public place while intoxicated;

And it is further presented in and to said Court that, prior to the commission of the aforesaid offense, on the 10th day of DECEMBER, 2002, in cause number 2002OC14815 in the County Court No. 1 of El Paso County, Texas, the defendant was convicted of an offense relating to the operating of a motor vehicle while intoxicated;

against the peace and dignity of the State.

Amanda C. Brown
Assistant Criminal District Attorney
Bexar County, Texas

INFORMATION – CLERK'S ORIGINAL

COMPLAINT – CLERK’S ORIGINAL

FILED IN MY OFFICE
BEVANS ROCKWELL
2015 NOV -5 P 2:02

NAME: DARIO E DAVIS

OFFENSE CODE / CHARGE: 540411 - DRIVING WHILE INTOXICATED-2D

MAG NO: 287506

COUNTY COURT CASE NO: 503703

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

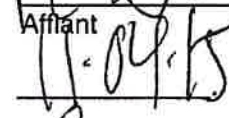
Before me the undersigned authority on this day personally appeared affiant, who, after being by me duly sworn on oath deposes and says that affiant has good reason to believe and does believe that in the County of Bexar and the State of Texas, and before the making and filing of this complaint on or about October 28, 2015, DARIO E DAVIS committed the offense of DRIVING WHILE INTOXICATED-2D;

against the peace and dignity of the State.



Affiant

SWORN TO AND SUBSCRIBED before me on this date:



Amanda C. Brew
Assistant Criminal District Attorney
Bexar County, Texas

VS.

DARIO E DAVIS
AKA DARIO DAVIS

OFFENSE: DRIVING WHILE INTOXICATED

TERMS AND CONDITIONS OF COMMUNITY SUPERVISION
ADJUDICATED

On 9th day of February, 2018, you were placed on community supervision for a period of 2 Years with the following terms and conditions as denoted below by (x) in left margin:

- [X] 1. Neither commit nor be convicted of any offense against the Laws of the State of Texas; or any other State or of the United States of America.
- [X] 2. Avoid injurious or vicious habits and abstain from the illegal use of controlled substances, dangerous drugs, nor use alcoholic beverages; submit to drug testing or as directed by the Court/Court Officer/Supervision Officer and pay a one time urinalysis fee of \$20.00 ninety (90) days after being granted community supervision. An additional fee per urinalysis test will be charged by the Provider conducting the test.
- [X] 3. Avoid places and persons of harmful or disreputable character, including those who engage in criminal activity or have a criminal record.
- [X] 4. Obtain and keep gainful employment in a lawful occupation and show proof of employment. Notify the Supervision Officer of any changes within 48 hours. You will tender any and all financial documents as directed by the Court and/or the Supervision Officer.
- [X] 5. Beginning February 9, 2018 report to the Supervision Officer as directed by the Court/Supervision Officer and obey all rules and regulations of the Community Supervision and Corrections Department. You will conduct yourself in a proper and orderly manner during any office visit, field visit, or any other contact with any Supervision Officer or employee of the Bexar County Community Supervision and Corrections Department.
- [X] 6. A. Permit the Supervision Officer, or his Assistants, to transport you as needed in Bexar County and to visit you in your home or elsewhere.
B. You are subject to possible search of your person, residence or any vehicle, which you operate, occupy or possess at any time by any Supervision Officer, without prior notice or search warrant, to determine if you are in compliance with the conditions of community supervision. Any contraband found to be in your possession will be subject to confiscation and ultimately destroyed.
C. You shall not possess any contraband in your home, vehicle, or on your person, including, but not limited to: prohibited or illegal weapons, controlled substances or illegal drugs, pornographic materials and obscene devices.
- [X] 7. Remain within Bexar County, Texas, unless permitted in writing to depart by the Court and/or by the Supervision Officer.
- [X] 8. Support your dependents.
- [X] 9. A. Provide proof of residence and report any change of address to the Supervision Officer within 48 hours.
B. If you are arrested notify the Supervision Officer within 48 hours. If you are released from jail report to the Supervision Officer the next working day.
- [X] 10. Pay the following, in one or several sums, through the Bexar County Community Supervision and Corrections Department, and/or Bexar County Collections Section as directed by the payment plan agreement and in any sum that the Court shall determine during the term of your community supervision until all fees have been paid in full.

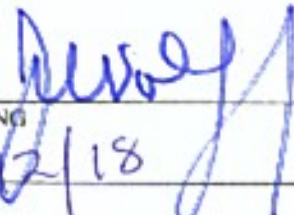
MANDATORY FEES:

- A. ADMINISTRATIVE SUPERVISORY FEE of \$15.00 per month, each month, beginning 03/01/18.
- B. IF AFTER A HEARING THE COURT DETERMINES YOU HAVE THE ABILITY TO PAY, COURT APPOINTED ATTORNEY FEE in the amount of \$_____ assessed by the Court, calculated into a monthly payment schedule, and subject to increase with a new payment schedule based on subsequent court appearances related to this case.
- C. IF ON PROBATION FOR SEX OFFENSE SPECIFIED IN STATUTE, SEXUAL ASSAULT PROGRAM FEE of \$5.00 per month, under Texas CCP Chapter 42.12 Sec 19(e) sixty days after the granting of community supervision, beginning _____.
- D. IF COURT DETERMINES OFFENSE INVOLVES FAMILY VIOLENCE, FAMILY VIOLENCE SHELTER FEE of \$100 to a family violence center that receives state or federal funds that serves Bexar County, including but not limited to the BATTERED WOMEN'S SHELTER, payable by _____.

PERMISSIVE FEES:

- E. COURT COSTS/FINE paid in accordance with the Bill of Cost, beginning 03/01/18.
- F. RESTITUTION of \$_____, beginning _____.
- G. IF SEX OFFENDER, SEX OFFENDER PUBLICATION FEE of \$105.00 payable 90 days from publication date. Such amount will be paid each and every time a change of address is made.
- H. CHILD ADVOCACY CENTER FEE in a one time payment of \$50.00, payable by _____.
- I. CRIME STOPPERS PROGRAM FEE in a one time payment of \$_____, payable by _____.
- [X] 11. You shall not unlawfully purchase, receive possess, or transport any weapon, including but not limited to: a club, explosive weapon, firearm, ammunition, illegal knife, martial arts weapon, brass knuckles, or chemical dispensing device during your term of community supervision.
- [X] 12. EXTRADITION: You will waive extradition to the State of Texas from any jurisdiction in or outside the United States where you may be found and also agree that you will not contest any effort by any jurisdiction to return you to the State of Texas.
- [X] 13. You shall not operate a motor vehicle without a valid Texas Driver's License.

- [X]14. Perform 80.00 hours of Community Service Restitution, and provide proof as directed by the Court at the rate of 27.00 hours per month. You will fully comply with all rules, regulations, and instructions as directed by the head or authorized personnel of that Agency.
- [X]15. Serve a term of imprisonment in the **Bexar County Jail** for **72 HOURS**. This period of detention shall begin . If allowed to participate in the Work Release Program you will comply with all rules, regulations, and instructions as directed by the authorized personnel of this program. **TO REPORT BEXAR COUNTY JAIL. ON 02-23-18 BY 5PM**
- [X]16. Beginning 02/09/18, attend and successfully complete a **Live Version of the Victim Impact Panel** as directed by the supervision officer – See attached list. Provide verification of completion to your supervision officer.
- [X]17. Beginning 02/09/18, attend and successfully complete a certified **DWI Intervention (DWII)** as directed by the supervision officer – See attached list. Provide verification of completion to your supervision officer.
- [X]18. You are mandated to install a **Ignition Interlock device equipped with a camera** in your vehicle or on any vehicle most regularly driven by you, within 30 days of days of being placed on community supervision and comply with all rules, regulations, instructions and financial agreements associated with the device, as directed by the Court and/or Supervision Officer for a period of **1 Year** . See attached list of providers.
- [X]19. Submit to a substance abuse evaluation with the Bexar County CSCD's **Treatment Alternative to Incarceration Program (TAIP)** and follow all **treatment recommendations** if so ordered by the Court. **APPT 03-20-18 9AM**
- [X]20. You will submit to **RANDOM urinalysis** as directed by the court/supervision officer
- [X]21. Your State of Texas Driver License shall be suspended for **12 Months**.



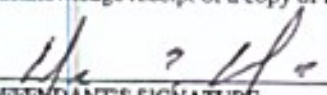
 JUDGE PRESIDING

 DATE: 2/2/18

You are hereby advised that under the Laws of this State, the Court shall determine the Terms and Conditions of your Community Supervision and may at anytime during the period of your community supervision, alter or modify the terms and conditions of your community supervision. **The Court, Also, Has The Authority, At Any Time During The Period Of Your Community Supervision, To Revoke Same For Violation Of Any Of The Conditions Of Your Community Supervision Set Out Above.** The Court has placed you on community supervision, believing that if you sincerely try to obey and comply with the conditions of your community supervision, your attitude and conduct will improve to the benefit of the public and of yourself.

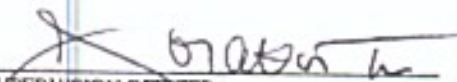
I acknowledge receipt of a copy of the Conditions of Community Supervision and attached addenda and fully understand same. **Conditions And Gun Control Act Were Explained, Conditions Fingerprinted, And Signed. I Also Acknowledge That I Must Report In Person Whether Or Not I Have The Money For Fees.**

I acknowledge receipt of a copy of the Conditions of Community Supervision and fully understand same.



 DEFENDANT'S SIGNATURE
 A copy furnished to the above-named Defendant and noted on The docket this 9 day of February A.D. 2018.

Address: 2003 Morning Dove St
 City: San Antonio State: Texas
 Zip: 78232 Phone: 210-373-1226



 SUPERVISION OFFICER
 Bexar County Community Supervision and Corrections Department
 207 N Comal, San Antonio, Texas 78207
 (210) 335-7200

RIGHT THUMB PRINT



THE STATE OF TEXAS

IN THE COUNTY COURT 2

VS.

OF

DARIO E DAVIS

BEXAR COUNTY, TEXAS

**ORDER AMENDING CONDITIONS OF
COMMUNITY SUPERVISION**

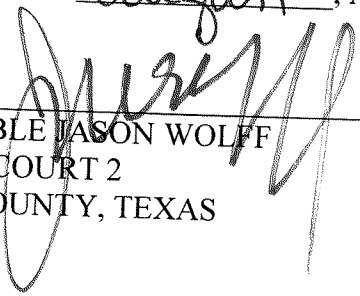
On this date, the Court finds that the Order placing the defendant on Adjudicated Community Supervision in Cause No. 503703 for the offense of DRIVING WHILE INTOXICATED, for a period of 2 Years, should be, and the same is hereby amended by adding the condition(s) of community supervision in said Order as follows, to wit:

Condition 22. You are mandated to install an **Ignition Interlock device equipped with a camera** in your vehicle or on any vehicle most regularly driven by you, and comply with all rules, regulations, instructions and financial agreements associated with the device, as directed by the Court and/or Supervision Officer for **AN ADDITIONAL MONTH UNTIL 03/08/19.**

Condition 23. You will submit to weekly urinalysis for a period of 30 days with Recovery Healthcare as directed by the court/supervision officer.

All other terms and conditions of the original Order of community supervision dated the 9th day of February, 2018, shall remain in full force and effect as heretofore ordered.

SIGNED AND ENTERED this the
14 DAY OF August, A.D., 20 18



HONORABLE JASON WOLFF
COUNTY COURT 2
BEXAR COUNTY, TEXAS



Defendant

Jocelyn Trujillo
Community Supervision Officer

8/13/2018

Date

8/13/18

Date

RIGHT THUMB PRINT



THE STATE OF TEXAS

VS.

DARIO E DAVIS

IN THE COUNTY COURT 2

OF

BEXAR COUNTY, TEXAS

**ORDER AMENDING CONDITIONS OF
COMMUNITY SUPERVISION**

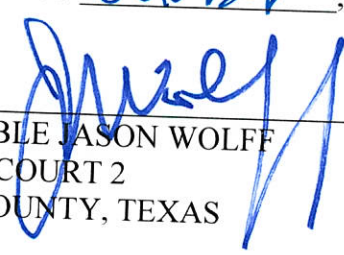
On this date, the Court finds that the Order placing the defendant on Adjudicated Community Supervision in Cause No. 503703 for the offense of DRIVING WHILE INTOXICATED, for a period of 2 Years, should be, and the same is hereby amended by adding the condition(s) of community supervision in said Order as follows, to wit:

Condition 24. You are mandated to install an **Ignition Interlock device equipped with a camera** in your vehicle or on any vehicle most regularly driven by you, and comply with all rules, regulations, instructions and financial agreements associated with the device, as directed by the Court and/or Supervision Officer for **DURATION OF PROBATION.**

Condition 25. You will submit to weekly urinalysis for a period of 45 days as directed by the court/supervision officer.

All other terms and conditions of the original Order of community supervision dated the 9th day of February, 2018, shall remain in full force and effect as heretofore ordered.

SIGNED AND ENTERED this the 16 DAY OF October, A.D., 20 18


HONORABLE JASON WOLFF
COUNTY COURT 2
BEXAR COUNTY, TEXAS

10-15-2018
Date

10/15/18
Date


Defendant


Jocelyn Trujillo
Community Supervision Officer

RIGHT THUMB PRINT



THE STATE OF TEXAS

IN THE COUNTY COURT 2

VS.

OF

DARIO E DAVIS

BEXAR COUNTY, TEXAS

**ORDER AMENDING CONDITIONS OF
COMMUNITY SUPERVISION**


On this date, the Court finds that the Order placing the defendant on Adjudicated Community Supervision in Cause No. 503703 for the offense of DRIVING WHILE INTOXICATED, for a period of 2 Years, should be, and the same is hereby amended by adding the condition(s) of community supervision in said Order as follows, to wit:


Condition 26. Submit to evaluation for placement into the **Drug Court**. If accepted into the program, participate in the Bexar County Community Supervision and Corrections Department Drug Court and comply with all rules, regulations and instructions as directed by the Court and/or Drug Treatment Court Team. Pay a Misd Drug Court fee of \$1000.00 at the rate of \$56.00 per month, payable on the 1st working date of each month following placement into the program or as directed by the Drug Court.

Condition 27. Beginning 03/11/19, attend and successfully complete the **Bexar County CSCD's Substance Abuse Outpatient Treatment Program**, 207 N. Comal, San Antonio, TX 78207. Comply with all rules, regulations, instructions and financial agreements as directed by the Court, Supervision Officer and the head of the program.

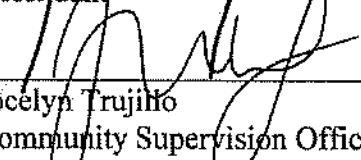
All other terms and conditions of the original Order of community supervision dated the 9th day of February, 2018, shall remain in full force and effect as heretofore ordered.

SIGNED AND ENTERED this the
13th DAY OF March, A.D., 20 19


HONORABLE GRACE M. UZOMBA
COUNTY COURT 2
BEXAR COUNTY, TEXAS


Defendant

3/11/2019
Date


Jocelyn Trujillo
Community Supervision Officer

3/11/19
Date

RIGHT THUMB PRINT



THE STATE OF TEXAS

IN THE COUNTY COURT 2

VS.

OF

DARIO E DAVIS

BEXAR COUNTY, TEXAS

**ORDER AMENDING CONDITIONS OF
COMMUNITY SUPERVISION**

On this date, the Court finds that the Order placing the defendant on Adjudicated Community Supervision in Cause No. 503703 for the offense of Driving While Intoxicated, for a period of 2 Years, should be, and the same is hereby amended by adding the condition(s) of community supervision in said Order as follows, to wit:

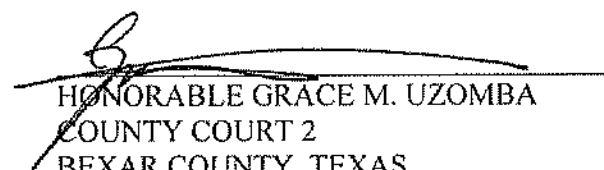
Condition 28. Ministry of the Third Cross (MOTC) (9/25/19 – 9/29/19).

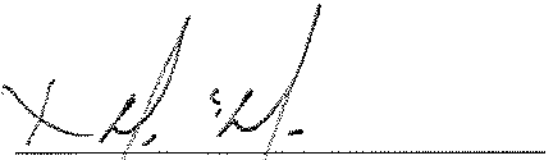
Condition 29. Confirmation of urinalysis submitted by defendant on 7/25/19.

Condition 30. Compliance Hearing on 10/9/19.

All other terms and conditions of the original Order of community supervision dated the 9th day of February, 2018, shall remain in full force and effect as heretofore ordered.

SIGNED AND ENTERED this the 5th DAY OF August, A.D., 2019


HONORABLE GRACE M. UZOMBA
COUNTY COURT 2
BEXAR COUNTY, TEXAS


Defendant

8/5/19
Date

Norma Maya-Guerra
Norma Maya-Guerra
Community Supervision Officer

8/5/19
Date

RIGHT THUMB PRINT



THE STATE OF TEXAS

IN THE COUNTY COURT 2

VS.

OF

DARIO E DAVIS

BEXAR COUNTY, TEXAS

**ORDER AMENDING CONDITIONS OF
COMMUNITY SUPERVISION**

On this date, the Court finds that the Order placing the defendant on Adjudicated Community Supervision in Cause No. 503703 for the offense of Driving While Intoxicated, for a period of 2 Years, should be, and the same is hereby amended by adding the condition(s) of community supervision in said Order as follows, to wit:

Condition 31. You are mandated to acquire the **Portable Alcohol Monitoring** device within five (5) days of 10/25/2019 and comply with all rules, regulations, instructions, and financial agreements associated with the device as directed by the Court.

Condition 32. Beginning 10/28/2019, report to your supervision officer on a weekly basis and submit to random urinalysis four (4) times a week for thirty (30) days to include ETG/ETS as designated by your Conditions of Supervision. After thirty (30) days, report to your supervision officer on a weekly basis and submit to random urinalysis via Sentry IVR color code three (3) times a week for the remainder of Supervision to include ETG/ETS.

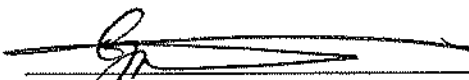
Condition 33. Beginning 10/25/2019, attend and successfully complete the **Bexar County CSCD's Substance Abuse Outpatient Treatment Program**, 207 N. Comal, San Antonio, TX 78207. Comply with all rules, regulations, instructions and financial agreements as directed by the Court, Supervision Officer and the head of the program. **(IOP)**

Condition 34. You are mandated to complete (work) twenty (20) hours of Community Service at Goodwill or the City of San Antonio Parks and Recreations Department.

Condition 35. The previously waived \$300 fine is reinstated.

All other terms and conditions of the original Order of community supervision dated the 9th day of February, 2018, shall remain in full force and effect as heretofore ordered.

SIGNED AND ENTERED this the
25th DAY OF October, A.D., 20 19


HONORABLE GRACE M. UZOMBA
COUNTY COURT 2
BEXAR COUNTY, TEXAS

THE STATE OF TEXAS

IN THE COUNTY COURT 2

VS.

OF

DARIO E DAVIS

BEXAR COUNTY, TEXAS

**ORDER AMENDING CONDITIONS OF
COMMUNITY SUPERVISION**

On this date, the Court finds that the Order placing the defendant on Adjudicated Community Supervision in Cause No. 503703 for the offense of Driving While Intoxicated, for a period of 2 Years, should be, and the same is hereby amended by adding the condition(s) of community supervision in said Order as follows, to wit:

Condition 36. You will submit to weekly urinalysis via Norchem Sentry call line for the term of probation

Condition 37. Beginning 12/20/2019, attend and successfully complete the **Bexar County CSCD's Substance Abuse Outpatient Treatment Program (Intensive Outpatient Program) Held in Abeyance** 207 N. Comal, San Antonio, TX 78207. Comply with all rules, regulations, instructions and financial agreements as directed by the Court, Supervision Officer and the head of the program.

Condition 38. Report in person to your supervision officer until term of probation.

Condition 39. Remove Ministry of Third Cross

Condition 40. Waive \$300 fine.

All other terms and conditions of the original Order of community supervision dated the 9th day of February, 2018, shall remain in full force and effect as heretofore ordered.

SIGNED AND ENTERED this the
20th DAY OF December, A.D., 20 19

John O. Longoria

HONORABLE GRACE M. UZOMBA
COUNTY COURT 2
BEXAR COUNTY, TEXAS

[Signature]

Defendant

[Signature]

José Garcia-Alvarez
Community Supervision Officer

12-20-19

Date

12-20-19

Date

RIGHT THUMB PRINT



DECLARATION UNDER PENALTIES OF PERJURY

I, Andrew Froelich, declare under penalties of perjury that the following information and allegations of this Declaration are true and correct:

1. I have personal knowledge of the facts stated in this declaration.
2. I have not been compelled or threatened to sign this declaration in any manner.
3. I am signing this declaration knowingly, voluntarily, and freely.
4. I fully understand the contents of this declaration, and I read, write, and speak English.

“On the 28th day of October, 2015, Dario Davis was charged with the offense of Driving While Intoxicated in Bexar County Court #2 in Cause 503703. Mr. Davis was placed on probation on the 9th day of February, 2018 for a period of two years. According to court records, the Court modified the conditions of Mr. Davis’ community supervision 6 (six) times in the 22 months Mr. Davis was on community supervision. No Motion to Revoke Probation was ever filed.

Mr. Davis had been called to attend “pre-MTR Conferences” on June 3rd, August 5th, October 9th, October 25th, and December 9, 2019. Prior to Retaining Counsel on October 25th, Judge Uzomba would interrogate Mr. Davis in open court, and modify bond conditions based on his answers – again, without due process. On June 3rd, August 5th, and October 9th, Judge Uzomba would conduct said “hearings” off the record, with no prosecutor, no court reporter, and NO attorney present.

During one of the “Pre-MTR Conferences,” Judge Uzomba **ordered** Mr. Davis to attend a Ministry of the Third Cross Retreat in December, in San Antonio. According to their website, The Ministry of the Third Cross (MOTC) is a retreat ministry for persons in the criminal justice system. Through the weekend retreats, attendees experience the love of Jesus Christ within a Spirit filled, supportive, community environment. The retreats are times of reflection, repentance and renewal.

Gerald Wright, a Community Liaison Officer (CLO) employed by Bexar County Community Supervision and assigned to County Court #2, spoke with Judge Uzomba regarding permission to attend Ministry of the Third Cross Retreat in Corpus Christi in October. Judge Uzomba gave permission for Mr. Davis to attend Ministry of the

Third Cross retreat in Corpus Christi from October 24-27, as evidenced by text messages from Gerald Wright to Attorney and attached as Exhibit A.

Mr. Davis further obtained a Written Travel Permit (Exhibit C) from his Community Supervision Officer Darrel Morrison authorizing travel to Ministry of the Third Cross retreat in Corpus Christi. Mr. Davis further inquired “because while he is at the MOTC retreat, he will miss 2 UA’s (Court ordered Urinalysis) he is required to submit” and was told by Probation Officer Darrel Morrison that “since the Court ordered him to attend the retreat, he would not be required to submit those 2 UA’s”.

Mr. Davis travelled to Ministry of the Third Cross in Corpus Christi on October 24th and was present for the retreat. Judge Uzomba personally called either Director Richard Martinez or Adam Healy of MOTC Corpus Christi and informed said provider that Mr. Davis was not authorized to attend a Ministry of the Third Cross Retreat (See Exhibit B). Mr. Davis spent the night participating in the MOTC Retreat, and on October 25th, was transported directly to the Bexar County Court #2 by MOTC staff member Milton Troy Smith. Counsel was retained, and a hearing was conducted on the record on October 25th – without the State of Texas presenting any motion and no representative of the State of Texas being present for said hearing. During this hearing, Community Liaison Officer Gerald Wright testified that Judge Uzomba gave permission for Dario Davis to attend Ministry of the Third Cross Retreat in Corpus Christi.

Judge Uzomba told Mr. Davis she would give him a choice – “would you like 4 UAs per week, or would you prefer five?” Judge Uzomba then punitively modified the conditions of Mr. Davis’ Community Supervision to include 4 UAs Per week, a portable breath Monitoring device “or would you prefer SCRAM?”, an increase of \$300 to Mr. Davis fine and court costs, Intensive Outpatient with Bexar County Pretrial Services. Counsel inquired as to whether this was a punishment for NOT attending the MOTC Retreat, and the Judge responded that this was not punishment, but a modification due to having diluted samples, and not doing outpatient with the Veterans Administration in June. This punitive and unsupported modification without cause not only violated Mr. Davis’ Due Process rights, but again demonstrated the appearance of bias and prejudice against Mr. Davis by Judge Uzomba.

On December 4, 2019, Mr. Davis was set to have a “Pre-MTR Conference” when the Coordinator for the Court reset the case to December 9th by directly contacting Mr. Davis and not attorney of record Andrew Froelich. At the “hearing” on December 9th, no record was taken, no attorney for the State was present, and no motion was presented for the court to rule on.

Judge Uzomba asked Mr. Davis directly if he had attended the Ministry of the Third Cross Retreat in San Antonio on December 5th through 8th. Mr. Davis responded that he had not and Judge Uzomba had Mr. Davis taken into custody. Counsel objected, requested a hearing, and that bond be set. Judge Uzomba ordered a hearing two days later on December 11, but more importantly denied Mr. Davis’ request for a bond.

For approximately five hours, Mr. Davis was in handcuffs, liberty restrained and detained in the Jury Box of County Court #2 and in a holding Cell. During that time, numerous members of the Bexar County District Attorneys Office entered the Courtroom. At approximately 7:00 in the evening, Counsel for the Defendant approached and requested an immediate hearing and bond. When both were denied, First Assistant District Attorney Philip Kazen made a request to consult with Judge and Counsel in Chambers.

During this off the record conversation in her Chambers, Judge Uzomba referred to Dario Davis as a “trickster” and openly showed her disapproval with Defendant’s not following her **direct order**. Judge Uzomba’s comments to Counsel for Dario Davis and members of the Bexar County District Attorney’s Office in Chambers on December 11, 2019 demonstrate the appearance of bias. Ultimately, Mr. Davis was released that evening without being transported to the Bexar County Jail.

Counsel for Mr. Davis filed a motion to recuse Judge Uzomba on Dec. 11, 2019 and it was granted the same day. Dario Davis finished his probation without incident in County Court 5 in February 2020. No motion to revoke Probation was ever filed against Mr. Davis.

End of testimony.

DECLARATION

Under 28 U.S.C. § 1746 and Texas Civil Practice and Remedies Code § 132.001 *et seq.*, I declare under penalties of perjury under the laws of the United States and the State of Texas that my name is Andrew Froelich I am over the age of 18 years and am competent to make this declaration. My date of birth is 6/15/80. My address is 101 Stumberg San Antonio, TX 78204. This document is not a lien required to be filed with a county clerk, an instrument concerning real or personal property required to be filed with a county clerk, or an oath of office or an oath required to be taken before a specified official other than a notary public. I have not been forced to sign this declaration. I declare that under the penalties of perjury that all assertions provided in this document are correct and true.

Executed on the 5th day of November, 2020. Bexar County, Texas.



Andrew Froelich.

NO. 503703

STATE OF TEXAS	§	IN THE COUNTY COURT AT LAW
	§	
V.	§	COUNTY COURT #2
	§	
DARIO DAVIS	§	BEXAR COUNTY, TEXAS

MOTION TO RECUSE JUDGE

This Motion to Recuse Judge is brought by DARIO DAVIS, Movant, who shows in support:

The United States Constitution guarantees an unbiased Judge who will always provide litigants with full protection of all rights. The governing Rules of Motions to Recuse can be found in the Texas Rules of Civil Procedure – Rules 18 (a) and (b). These rules apply to criminal cases. See *DeBlanc v. State*, 799 S.W.2d 701 (Tex. Crim. App. 1990); *Arnold v. State*, 853 S.W.2d 543 (Tex. Crim. App. 1993).

I. PROCEEDINGS LEADING TO MOTION

On the 28th day of October, 2015, Dario Davis was charged with the offense of Driving While Intoxicated. Mr. Davis was placed on probation on the 9th day of February, 2018 for a period of two years. According to court records, the Court has modified the conditions of Mr. Davis' community supervision 6 (six) times in the 22 months Mr. Davis has been on community supervision.

To date, no Motion to Revoke Probation has been filed.

II. LEGAL BASIS FOR RECUSAL OF A JUDGE

Texas Rule of Civil Procedure 18(a) provides the following:

Grounds for Recusal. A judge must recuse in any proceeding in which:

- (1) the judge's impartiality might reasonably be questioned;
- (2) the judge has a personal bias or prejudice concerning the subject matter or a party;
- (3) the judge has personal knowledge of disputed evidentiary facts concerning the proceeding;

Upon presentation of a motion to disqualify or recuse a judge, the judge must either recuse himself or refer the matter to the presiding judge of the administrative region in which he sits. In *Wright v. Wright*, 867 S.W.2d 807, 811 (Tex. App. -El Paso 1993, writ denied), the Court stated: When a motion to recuse a judge is filed, the judge must either recuse him- or herself or request the administrative judge to assign another judge to hear the motion. See Tex.R.Civ.P. 18a(c); see also *General Motors Corp. v. Evins*, 830 S.W.2d 355, 357 (Tex.App.-Corpus Christi 1992, no writ); *Gonzalez v. Gonzalez*, 659 S.W.2d 900, 901 (Tex.App.-El Paso 1983, no writ). In either case, the judge is prohibited from taking any further action in the case until the motion to recuse has been resolved. See *id.*

As noted above, the legal framework for the motions to recuse is set out in Tex. R. Civ. P. 18(b), and particularly rule 18(b)(2), which provides in part that "a judge shall recuse himself in any proceeding in which "his impartiality might reasonably be questioned ... [or] he has a personal bias or prejudice concerning the subject matter or a party." On the issue of whether Judge Uzomba's "impartiality might reasonably be questioned," the issue is not whether the judge is actually biased.

Texas courts have consistently held that "[t]he impartiality of the judge is not only a matter of constitutional law but of public policy, as well." See *Johnson v. Pumjani*, 56 S.W.3d 670, 672 (Tex. App. - Houston [4th Dist.] 2007, no writ). In *Bracy v. Gramley*, a federal appellate court noted that pertinent U.S. Supreme Court cases "tell us that ordinarily actual bias is not required, the **appearance of bias** is sufficient to disqualify a judge." *Richardson v. Quarterman*, 537 F.3d 466, 471 (5th Cir. 2008).

In determining whether a judge's impartiality might be reasonably questioned so as to require recusal, the proper inquiry is whether a reasonable member of the public at large, knowing all the facts in the public domain concerning the judge would have a reasonable doubt that the judge is actually impartial. Moreover, the need for a recusal is triggered when a judge displays an "attitude or state of mind so resistant to fair and dispassionate inquiry" as to cause a reasonable member of the public to question the objective nature of the judge's rulings." *Ex parte James W. Ellis*, 275 S.W.3d 109, 117 (Tex. App. -- Austin 2008, no pet.)

III. FACTUAL BASIS FOR RECUSAL

Personal Bias

Judge Grace Uzomba has a personal bias or prejudice concerning Dario Davis, and her impartiality is called into question.

On multiple occasions, Judge has modified conditions of Defendant's probation without hearing, a record, counsel for the State or Attorney for the Defendant present. It appears from the record that at some point prior to Counsel being retained, Judge Uzomba had modified Community Supervision Conditions and ordered Mr. Davis to attend a Ministry of the Third

Cross Retreat. On December 4, 2019, Mr. Davis was set to have a “Pre-MTR Conference” when the Coordinator for the Court reset the case to December 9th by directly contacting Mr. Davis and not attorney of record Andrew Froelich. At the “hearing” on December 9th, no record was taken, no attorney for the State was present, and no motion was presented for the court to rule on.

Judge Uzomba asked Mr. Davis directly if he had attended the Ministry of the Third Cross Retreat in San Antonio on December 5th through 8th. According to their website, The Ministry of the Third Cross (MOTC) is a retreat ministry for persons in the criminal justice system. Through the weekend retreats, attendees experience the love of Jesus Christ within a Spirit filled, supportive, community environment. The retreats are times of reflection, repentance and renewal.

Mr. Davis responded that he had not and Judge Uzomba had Mr. Davis taken into custody. Counsel objected, requested a hearing, and that bond be set. Judge Uzomba ordered a hearing two days later on December 11, but more importantly denied setting any bond. This violated Mr. Davis’ personal liberties upon being detained without a warrant, without any motion by the State, or any determination of probable cause, and without a hearing, in direct violation of Code of Criminal Procedure Art. 17.033.

RELEASE ON BOND OF CERTAIN PERSONS ARRESTED WITHOUT A WARRANT. (a) Except as provided by Subsection (c), a person who is arrested without a warrant and who is detained in jail **must be released on bond**, in an amount not to exceed \$5,000, not later than the 24th hour after the person's arrest if the person was arrested for a misdemeanor and a magistrate has not determined whether probable cause exists to believe that the person committed the offense. If the person is unable to obtain a surety for the bond or unable to deposit money in the amount of the bond, the person must be released on personal bond.

Refusing to set a bond violated Mr. Davis fundamental rights, and specifically demonstrates the bias Judge Uzomba holds for Mr. Davis. For approximately five hours, Mr. Davis was in handcuffs, liberty restrained and detained in the Jury Box of County Court #2 and in a holding Cell. During that time, numerous members of the Bexar County District Attorneys Office entered the Courtroom. At approximately 7:00 in the evening, Counsel for the Defendant approached and requested an immediate hearing and bond. When both were denied, First Assistant District Attorney Philip Kazen made a request to consult with Judge and Counsel in Chambers.

During this conversation, Judge Uzomba referred to Dario Davis as a “trickster” and openly showed her disapproval with Defendant’s not following her direct order. Judge Uzomba’s comments to Counsel for Dario Davis and members of the Bexar County District Attorney’s Office in Chambers on December 11, 2019 demonstrate the appearance of bias. Judge Uzomba referred to Mr. Davis a “trickster” implying that Judge Uzomba has made negative conclusions with regard to his character, and truthfulness. According to Miriam Webster’s Dictionary Definition of Trickster: “one who tricks: such as a dishonest person who defrauds others by trickery.” The labeling of Mr. Davis as a “trickster” shows that Judge Uzomba has pre-judged Mr. Davis and no longer has the appearance of impartiality.

Denial of Defendant’s Constitutional Rights

Judge Uzomba has repeatedly and deliberately violated Defendant’s personal liberties and/or has wantonly refused to provide due process and equal protection to him while before the court. The Judge has behaved in a manner inconsistent with that which is needed for full, fair,

impartial hearings.

This Court has repeatedly modified the conditions of probation without due process. Mr. Davis has been called to attend “pre-MTR Conferences” on June 3rd, August 5th, October 9th, October 25th, and December 9, 2019. Prior to Retaining Counsel on October 25th, Judge Uzomba would interrogate Mr. Davis in open court, and modify bond conditions based on his answers – again, without due process. On June 3rd, August 5th, and October 9th, Judge Uzomba would conduct said “hearings” off the record, with no prosecutor, court reporter, or attorney present. This practice has become commonplace and is in direct conflict with the 4th Court’s opinion in *Jacobs v. State* 2019 Tex. App. LEXIS 4825 * | 2019 WL 2439108 (2019) wherein the Court stated:

The central issue to be determined in reviewing the trial court's exercise of discretion in a community supervision revocation case is whether the defendant was afforded due process. *Tapia v. State*, 462 S.W.3d 29, 41 (Tex. Crim. App. 2015). “[T]he minimum requirements of due process which must be observed in community supervision revocation hearings [are]: (1) written notice of the claimed violations of probation; (2) disclosure to the probationer of the evidence against him [or her]; (3) opportunity to be heard in person and to present witnesses and evidence, and the right to confront and cross-examine adverse witnesses; (4) a neutral and detached hearing body; and (5) a written statement by the fact finders as to the evidence relied on and the reasons for revoking probation.” *Id.* at 41-42 (citing *Gagnon v. Scarpelli*, 411 U.S. 778, 786, 93 S. Ct. 1756, 36 L. Ed. 2d 656 (1973)). (Quoting *Jacobs* at 5).

The “off the record hearings” denied Mr. Davis of due process wherein he was stripped of his right to have counsel present. The lack of a court reporter denied Mr. Davis of his right to have a record of the proceeding preserved for legal objection and or protection. The lack of counsel for Defendant or a representative for the State of Texas is deeply troubling and a gross violation of Mr. Davis’ rights. Mr. Davis has received no written notice of the claimed

violations of probation. Mr. Davis has had no disclosure of the evidence against him. Mr. Davis has had no opportunity to present witnesses and/or evidence, and no rights to confront and cross examine adverse witnesses.

Judge is a Material Witness in the Case

Judge Uzomba has personal knowledge of disputed evidentiary facts concerning the proceeding. Because these “pre- MTR Conferences” were off the record, Judge Uzomba has become a necessary fact witness. It cannot be established from the record what evidence the Judge relied upon to amend the conditions of probation because no record was taken by a court reporter. Per the 5th Amendment to the U.S. Constitution, Mr. Davis cannot be compelled to be a witness against himself, leaving only Judge Uzomba as a material fact witness to the proceedings.

Judge Grace Uzomba has personal knowledge of facts regarding Mr. Davis’ attendance at a Ministry of the Third Cross in Corpus Christi. During one of the “Pre-MTR Conferences,” Judge Uzomba told Mr. Davis to attend a Ministry of the Third Cross Retreat in December, in San Antonio. Gerald Wright, a Community Liaison Officer (CLO) employed by Bexar County Community Supervision and assigned to County Court #2, spoke with Judge Uzomba regarding permission to attend Ministry of the Third Cross Retreat in Corpus Christi in October. Judge Uzomba gave permission for Mr. Davis to attend Ministry of the Third Cross retreat in Corpus Christi from October 24-27, as evidenced by text messages from Gerald Wright to Attorney and attached as Exhibit A.

Mr. Davis further obtained a Written Travel Permit (Exhibit C) from his Community Supervision Officer Darrel Morrison authorizing travel to Ministry of the Third Cross retreat in Corpus Christi.

Mr. Davis further inquired “because while he is at the MOTC retreat, he will miss 2 UA’s (Court ordered Urinalysis) he is required to submit” and was told by Probation Officer Darrel Morrison that “since the Court ordered him to attend the retreat, he would not be required to submit those 2 UA’s”.

Mr. Davis travelled to Ministry of the Third Cross in Corpus Christi on October 24th and was present for the retreat. Judge Uzomba *personally called* either Director Richard Martinez or Adam Healy of MOTC Corpus Christi and informed said provider that Mr. Davis was **not** authorized to attend a Ministry of the Third Cross Retreat (See Exhibit B). Mr. Davis spent the night participating in the MOTC Retreat, and on October 25th, was transported directly to the Bexar County Court #2 by MOTC staff member Troy Smith. Counsel was retained, and a hearing was conducted on the record on October 25th – without the State of Texas presenting any motion and no representative of the State of Texas being present for said hearing. During this hearing, Community Liaison Officer Gerald Wright testified that Judge Uzomba gave permission for Dario Davis to attend Ministry of the Third Cross Retreat in Corpus Christi.

Judge Uzomba told Mr. Davis she would give him a choice – “would you like 4 UAs per week, or would you prefer five?” Judge Uzomba then punitively modified the conditions of Mr. Davis’ Community Supervision to include 4 UAs Per week, a portable breath Monitoring device “or would you prefer SCRAM?”, an increase of \$300 to Mr. Davis fine and court costs, Intensive

Outpatient with Bexar County Pretrial Services. Counsel inquired as to whether this was a punishment for NOT attending the MOTC Retreat, and the Judge responded that this was not punishment, but a modification due to having diluted samples, and not doing outpatient with the Veterans Administration in June. This punitive and unsupported modification without cause not only violates Mr. Davis' Due Process rights, but again demonstrates the appearance of bias and prejudice against Mr. Davis by Judge Uzomba.

When Judge Uzomba called Ministry of the Third Cross, she not only became aware of disputed evidentiary facts – specifically whether Mr. Davis had a) permission to attend Corpus Christi Ministry of the Third Cross Retreat, and b) whether he was, in fact, attending a Corpus Christi Ministry of the Third Cross Retreat - she inserted herself as a fact witness in a central part of the issues presented – whether or not Mr. Davis was complying with probation.

Furthermore, material questions necessitate Judge Uzomba being called as a fact witness in any proceeding involving modification or revocation of Mr. Davis' Community Supervision. How did Judge Uzomba become aware that Mr. Davis was attending MOTC in Corpus Christi? What prompted her phone call to MOTC in Corpus Christi? Who did Judge Uzomba speak with that informed her of Mr. Davis' attendance in Corpus Christi? Why did Judge Uzomba change her mind in regard to her approval of MOTC Corpus Christi? What was her motivation for insisting that Mr. Davis attend MOTC in San Antonio? Does Judge Uzomba deny approving Mr. Davis' request to attend MOTC in Corpus Christi? There exists is a material question of fact – Did Judge Uzomba give Mr. Davis her permission to attend MOTC in Corpus Christi to CLO Gerald Wright? What was the context of the conversation between Gerald Wright and Judge

Uzumba? What was said during that conversation? Does Judge Uzumba give permission then later change her mind? Does Judge Uzumba dispute Gerald Wrights testimony regarding Mr. Davis's authorization to attend a different MOTC Retreat?

IV. CONCLUSION AND PRAYER

Counsel for Defendant seeks the following relief pursuant to this motion:

(a) That Judge Uzomba voluntarily recuse herself from any further participation in this case, and refer this matter to the Chief Justice of the Texas Supreme Court for assignment of a judge;

(b) That in the alternative, should Judge Uzomba not recuse herself the matter be referred to the Chief Justice of the Texas Supreme Court for assignment of a judge to consider this motion;

(c) That in the event a judge is assigned to consider this motion, that the assigned judge schedule and conduct a hearing on this motion;

(d) That following such a hearing, this motion be granted and Judge Uzomba be Ordered recused from any further participation in this matter and that following said recusal, that this case be referred to the Chief Justice of the Texas Supreme Court for assignment of a judge to conduct further proceedings in this case.

Defendant Dario Davis also requests any other relief to which he may be entitled in law or equity.

Respectfully submitted,

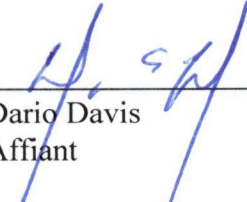
The Law Office of Andrew C Froelich
101 Stumberg

San Antonio, TX 78204
Tel: (210) 725-4658
Fax: (210) 366-2541

By: */S/ Andrew C. Froelich*
Andrew C Froelich
State Bar No. 24056930
Attorney for Defendant

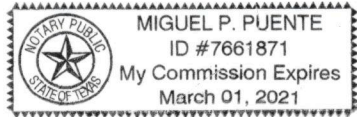
Verification

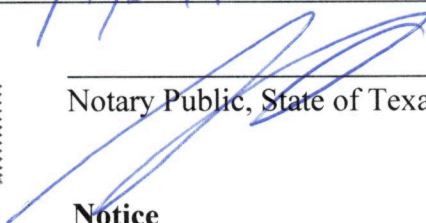
The undersigned states under oath: "I am Movant in the foregoing Motion to Recuse Judge. I have personal knowledge of the allegations and facts stated in it, and they are true and correct."



Dario Davis
Affiant


SIGNED under oath before me on 12/11/2019 _____.





Notary Public, State of Texas
Notice

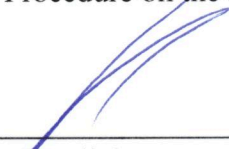
This motion will be presented three days after the file mark on it, unless otherwise ordered by the Court.



Andrew C. Froelich
Attorney for Dario Davis

Certificate of Service

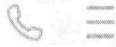
I certify that a true copy of the above was served on the Bexar County District Attorneys Office in accordance with the Texas Rules of Criminal Procedure on the Date of Filing



Andrew C. Froelich
Attorney For Dario Davis

Gerald Wright

+12102491695



Wednesday, October 16, 2019

2:57 PM Gerald, it's Andrew Froelich

G Hey Drew! Got your Number now 3:01 PM

Excellent

3:02 PM Quick question -about that guy who needs to take the retreat... can he do it in corpus?

Corpus Christi Retreats

Women's Retreat
 March 28-31, 2019
 Our Lady of Corpus Christi Retreat Center
 1200 Lantana Street
 Corpus Christi, Tx 78407
 Director: Jeana Luevano
 Alternate: Maylynne Healy 830-837-8133

Men's Retreat
 October 24-27, 2019
 Our Lady of Corpus Christi Retreat Center
 1200 Lantana Street
 Corpus Christi, Tx 78407
 Director: Richard Martinez 210-988-8834
 Alternate: Adam Healy 830-515-8466

MMS

Enter message



SEND

Exhibit A

Gerald Wright

+12102491695

Women's Retreat
 March 28-31, 2019
 Our Lady of Corpus Christi Retreat Center
 1200 Lantana Street
 Corpus Christi, Tx 78407
 Director: Jeana Luevano
 Alternate: Maylynne Healy 830-837-8133

Men's Retreat
 October 24-27, 2019
 Our Lady of Corpus Christi Retreat Center
 1200 Lantana Street
 Corpus Christi, Tx 78407
 Director: Richard Martinez 210-988-8834
 Alternate: Adam Healy 830-515-8466

MMS
3:03 PM

G Only if Ministry of the third cross is located in corpus! 3:58 PM

G Sorry, I can't talk right now.
Still doing these fucking compliance hearings! 4:03 PM

4:03 PM Fuuuuuck that shit

And yes, it's ministry of the 3rd cross

4:04 PM In corpus

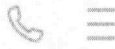
Enter message SEND

Exhibit A



Gerald Wright

+12102491695



Thursday, October 17, 2019

4:19 PM Does she give a damn where he does the course?

G Sorry Drew. I'm home with sick child so I'll find out tomorrow 4:24 PM

4:37 PM Hope feeling better

Monday, October 21, 2019

G Hey Drew! I totally forgot to text you but the Judge said, "Yes!" He can do the corpus MOTC. 8:24 AM

8:24 AM Haha thanks!

Thursday, October 24, 2019

The judge apparantly denied his travel permit???

11:54 AM Can u talk?

G Hmmmm, I don't remember seeing a travel request coming through for him but I'll check.

Enter message



SEND

< +18305158466



Friday, October 25, 2019

9:16 AM I'll call you back later.



This is Adam Healy with MOTC Judge Uzuma said Dario must attend Dec retreat in San Antonio not authorized for the Corpus Christi retreat he has left with a board member of ours Troy Smith who is taking him home. I will text you when he gets home as well.

9:21 AM

9:27 AM Bring him here to court #2



Yes sir I will let them know

9:27 AM

Enter message



SEND



COUNTY COMMUNITY SUPERVISION
CORRECTIONS DEPARTMENT

Jarvis Anderson
Director
Texas 78207
35-7319

TRAVEL PERMIT

Name: Dario E Davis
Cause: 503703

Court: County Court 2
DL: 18186262 TX

The above probationer who is on probation for the offense of Driving While Intoxicated has been granted by this department permission to travel to Corpus Christi, Tx for the purpose of motc retreat leaving October 24th, 2019.

The probationer will return to this Jurisdiction No Later Than October 27th, 2019.
This case Will Not be transferred.

Address during stay:

Phone
Number:

City State & Zip:

Manner of travel:

Auto:

Special Instructions:

Probationer has requested and been granted this travel permit with the understanding that he must continue to comply with all the conditions of his community supervision. The Defendant also agrees to the following:

1. I will, when duly instructed by the Court of Jurisdiction of the State of Texas or its duly authorized agents return at any time to the State of Texas.
2. I hereby do waive extradition to the State of Texas from any jurisdiction in or outside the U.S.

Defendant's Signature

Date

UPON RETURN CALL MY OFFICE AT THE NUMBER LISTED BELOW:

Norma Maya-Guerra
Community Supervision Officer
210-335-7231

**BEFORE THE STATE COMMISSION ON JUDICIAL CONDUCT
AUSTIN, TEXAS**

CJC No. 20-0623

IN THE MATTER OF DARIO E. DAVIS,

Complainant

AND

**THE HONORABLE GRACE M. UZOMBA,
PRESIDING JUDGE – BEXAR COUNTY COURT AT LAW NO. 2**

Respondent

RESPONDENT’S ORIGINAL ANSWER

**TO THE HONORABLE CHAIR, VICE CHAIR, SECRETARY
AND MEMBERS OF THE STATE COMMISSION ON JUDICIAL CONDUCT:**

**THE HONORABLE GRACE M. UZOMBA, PRESIDING JUDGE – BEXAR
COUNTY COURT AT LAW NO. 2** (“Respondent” and/or “Judge Uzomba”), Respondent in CJC
No. 20-0623, entitled *In the Matter of Dario E. Davis, Complainant, and The Honorable Grace M.
Uzomba, Presiding Judge – Bexar County Court at Law No. 2, Respondent* (“the 2020 Complaint,”
“the Davis Complaint,” “the Complaint,” and/or “CJC No. 20-0623”), timely submits this her
Original Answer to the Davis Complaint and/or any amendments and/or supplements thereto, if any,
and respectfully would show the Commission as follows:

General Denial

1. Judge Uzomba specifically denies all of the allegations contained in the Davis Complaint and any related documents / statements submitted with or regarding such complaint.

Specific Denials

2. Judge Uzomba specifically denies the allegations set forth in Mr. Davis's Complaint, his attorney Mr. Froelich's statement, and/or in any exhibits submitted with the Complaint.

Affirmative Defenses

3. Judge Uzomba specifically asserts that at all times she fully complied with Texas law and all provisions / requirements / standards of the Texas Code of Judicial Conduct.

Judge Grace M. Uzomba

3. A copy of Judge Uzomba's résumé and biography is attached hereto as Exhibit 1, which is fully incorporated herein by reference for all purposes.

4. Judge Uzomba is a highly accomplished, dedicated, diligent, passionate and compassionate jurist who follows and applies the law in the best interest of justice and all those appearing in her Court, and who in pertinent part, in full accordance with the law, expects all defendants appearing in Bexar County Court at Law No. 2 to comply with conditions of probation. The Davis Complaint against Judge Uzomba is false and wholly without merit, and should in all things be dismissed.

Summary

5. The Mission Statement of the State Commission on Judicial Conduct provides in pertinent part that the "mission of the (Commission) is to protect the public, promote public confidence in the integrity, independence, competence, and impartiality of the judiciary, and encourage judges to maintain high standards of conduct both on and off the bench."

6. The Preamble to the Texas Code of Judicial Conduct (“the Code”) provides further that:

Our legal system is based on the principle that an independent, fair and competent judiciary will interpret and apply the laws that govern us. The role of the judiciary is central to American concepts of justice and the rule of law. Intrinsic to all sections of this Code of Judicial Conduct are the precepts that judges, individually and collectively, must respect and honor the judicial office as a public trust and strive to enhance and maintain confidence in our legal system. The judge is an arbiter of facts and law for the resolution of disputes and a highly visible symbol of government under the rule of law.

The Code of Judicial Conduct is not intended as an exhaustive guide for the conduct of judges. They should also be governed in their judicial and personal conduct by general ethical standards. The Code is intended (in 2019), however, to state basic standards which should govern the conduct of all judges and to provide guidance to assist judges in establishing and maintaining high standards of judicial and personal conduct.

7. In accordance with the SCJC Mission Statement, and for the reasons set forth in this Answer and its attached Exhibits, including the Judge Uzomba’s Responses to the Commission’s Questions to the Judge (“QJ’s”), the Complaint is false and without merit, and the State Commission on Judicial Conduct should dismiss the 2020 Davis Complaint in its entirety insofar as Judge Uzomba did not violate any of the Canons set forth in the Texas Code of Judicial Conduct and/or as alleged in the 2020 Davis Complaint.

Conclusion

8. In accordance with the Code, and for the reasons set forth above and in the attached Exhibits, the State Commission on Judicial Conduct should in all things dismiss the 2020 Davis Complaint alleged against Judge Uzomba insofar as Judge Uzomba did not violate any of the Canons set forth in the Texas Code of Judicial Conduct and/or as alleged in the Davis Complaint.

9. Judge Uzomba is a dedicated, accomplished, and compassionate jurist who works very hard every day to ensure that in her Court she follows all the laws, rules and regulations toward justice in all matters and regarding all persons in and before her Court. These allegations are false and offensive, and should be in all things dismissed.

10. Judge Uzomba looks forward to working with the Commission concerning these matters, toward an expeditious dismissal as set forth herein, and to continuing to work very hard and improving every day as the Presiding Judge of and for Bexar County Court at Law No. 2 in the best interests of justice and, under the law, of all persons appearing before the Court. under oftentimes emotional and trying circumstances.

11. Respondent Judge Uzomba expressly reserves the right to supplement and/or amend any pleadings and/or evidence for or on behalf of Judge Uzomba in this matter and/or as otherwise may be allowed by the Commission.

PRAYER

WHEREFORE, the Respondent, **THE HONORABLE GRACE M. UZOMBA, PRESIDING JUDGE – BEXAR COUNTY COURT AT LAW NO. 2**, prays respectfully that the State Commission on Judicial Conduct find no violations of the Texas Code of Judicial by Judge Uzomba, as alleged in the 2020 Davis Complaint, and that the Respondent Judge Uzomba be granted such other and further relief, both general and special, at law and/or in equity, to which Judge Uzomba may be justly entitled.

Respectfully submitted,

BURNS & BLACK, PLLC

750 Rittiman Road


San Antonio, Texas 78209-5500

Telephone: (210) 829-2020

Facsimile: (210) 829-2021

Email: mblack@burnsandblack.com

jgmcentire@burnsandblack.com

By: 

MICHAEL J. BLACK
Bar No. 02384400

JARED G. McENTIRE
Bar No. 24126590

**ATTORNEYS FOR RESPONDENT,
THE HONORABLE
GRACE M. UZOMBA,
PRESIDING JUDGE – BEXAR
COUNTY COURT AT LAW NO. 2**

HON. GRACE M. UZOMBA
10004 Wurzbach Road #132
San Antonio, Texas 78230
(210) 693-0774
gmumasi@gmail.com



RÉSUMÉ OF JUDGE GRACE M. UZOMBA

SUMMARY

Paramount in my objectives is a position conducive to the varied experience I have acquired in procurement, in contracting, in automation, in administration, in the United States Army, and in the legal industry as a tax professional, Attorney and Judge. My strong organizational and creative skills are immediately transparent. My work ethic is the hallmark of a loyal core and belief system that makes me a valuable contributor to the success of any organization.

EXPERIENCE

2019-2023: **Elected Presiding Judge**, Bexar County Court at Law No. 2, San Antonio, Bexar County, Texas

Presiding Judge of a very busy, important criminal (misdemeanor) court in San Antonio. My Court also handles civil cases. Additionally, I have served as the presiding judge for all of the Bexar County Courts at Law in both criminal and civil matters. I work very hard to be a passionate and compassionate jurist who follows and applies the law in the interest of justice, striving always to apply the law fairly to all those appearing in my Court.

2007-2018: **Law Office of Grace M. Uzomba, Owner** - San Antonio, Texas

2003-2006: **Deputy Director**, the St. Mary's University School of Law Center for Terrorism Law - San Antonio, Texas

Pivotal in establishing and defining the Center for Terrorism Law at St. Mary's University School of Law from inception to growth into a \$650,000.00 facility. Started as a Research Fellow with peers, leadership talents and organizational creativity was quickly recognized, thus promoted to Assistant Director within three months. Upon graduation from law school was promoted to Deputy Director. Departed to focus on the studying for the Bar exam. Proudest accomplishment was that while a law student started a not-for-profit organization from concept to reality that has garnered national and international notoriety and graduated with class. Mettle was challenged and proven.

1981-2001: **Logistics Management Executive**, United States Army, National & International (active duty) - Highest officer rank attained: Major

National and international experience gained in managing and directing multi-million dollar logistical budgets. Supervised and trained highly technical, skilled and dedicated multi-cultural personnel. Provided just-in-time logistics support to operations conducted on a variety of landscapes including hostile and life saving environments. Proudest accomplishment was support rendered to the United Nations Peacekeeping operations in the former Yugoslavia, whereby 42 nations spread over six countries were clients. While there, built up logistical operations from "shack" conditions to viable state-of-art warehouse operations and stabilized routes of delivery by air and ground. Mettle was tested and proven.

1987-2016: **Master Tax Advisor**, H&R Block

National

National experience acquired concurrently with military service. Seasonally assisted thousands of clients meet their personal and business financial reconciliation responsibilities with the Internal Revenue Service. Represented clients in audit situations and assist in business development and management. Instruct foundational and advanced tax courses. Provided basic concepts of financial management advice in relation to tax management. Proudest accomplishment was the growth in financial savvy and confidence observed in long-term clients and earning their trust, respect and gratitude. Thoroughly enjoyed this aspect of unique set of people skills.

EDUCATION

2002-2005: **Juris Doctor degree**, St. Mary's University School of Law, San Antonio, Texas

Comprehensive legal education. Took several tax and business related legal courses. Re-elected Senator in Student Bar Association and served as a member/officer in other organizations. Pivotal role was establishing the St. Mary's University School of Law Center for Terrorism Law.

1990-1991: **Logistics Management**, Florida Institute of Technology M.S.

Assigned as Deputy Commander and later Commander of one of the largest medical research contracting organizations in the nation. Served as the Freedom of Information Act officer and researched and resolved requests for release of information.

1988-1990: **Procurement Internship Certification**

Selected to acquire the above-noted fully funded Master of Science degree program.

1987-1989: **Computer Resources Management**, Webster University M.A.

Served as the Administrative Officer of a 120-bed medical facility and simultaneously as the logistics as well as the automation officer - fondly referred to by the commander as "Captain Everything."

OTHER

2004-Present: Board of Directors for Partners for International Development and Education.

2004: Recipient of the Hattie Briscoe scholarship

2006: Certificate in Professional Program Development and Grant Communication.

Recipient of the **Service Above Self** scholarship from The Institute For Communication Improvement: The Grant Institute

**BEFORE THE STATE COMMISSION
ON JUDICIAL CONDUCT**

QJ-1

CJC No. 20-0623

LETTER OF INQUIRY: HONORABLE GRACE M. UZOMBA

1. Please specify the physical address, telephone number, and email address you would like the Commission to use when contacting you.

RESPONSE: Please send all communication to my attorneys, Michael J. Black, and Jared G. McEntire, located at 750 Rittiman Road, San Antonio TX 78209, mblack@burnsandblack.com, (210) 829-2020.

2. Please state the dates and nature of your judicial service.

RESPONSE: Judicial Term (1st) January 1, 2019 – December 31, 2022. I preside over a misdemeanor criminal court as well as preside over a civil court once a month every year.

3. Please confirm that you presided over the following case: State of Texas v. DAVIS; Case No. 503703 (the “Davis Case”). If you cannot confirm so unequivocally, please explain fully.

RESPONSE: Yes, I can confirm that I presided over the above-cited case. I inherited this case from Judge Jason Wolff, who presiding over Mr. Davis’s case for nearly four years prior to my becoming Judge of Bexar County Court at Law No. 2.

4. Please respond to the Complainant's allegation that you ordered Complainant to attend a Ministry of the Third Cross ("MOTC") retreat as a condition of community supervision; this despite the possibility that the Complainant could be opposed to the religious nature of the MOTC retreat. [Exh. C-1, pp 1-3]. Please explain your legal authority for doing so. Please also explain whether, in your opinion, you acted in compliance with Tex. Code. Crim. Proc. Arts. 42A.301 and 42A.752.

RESPONSE: I acted in compliance with TEX. CODE. CRIM. PROC. Arts. 42A.301 and 42A.752. Section 42A.301 authorizes a judge to exercise her / his discretion in setting the conditions of a community supervision agreement. The same section in pertinent part authorizes a judge to order a probationer to participate in substance abuse treatment services in a program or facility. The Ministry of the Third Cross was and is commonly used by other Bexar County Court at Law judges in the misdemeanor criminal courts. Additionally, the Ministry of the Third Cross is listed as an approved community partner in the 2021 Bexar County Specialty Courts Resource Guide. It was my understanding that the Ministry of the Third Cross was / is an approved program that commonly used among / by other judges as a treatment program for which I could grant probationers credit for community service restitution hours. It has always been my intent, and indeed my passion, under the law, to help offenders, especially those with substance abuse problems, on their road to recovery toward leading productive and law-abiding lives. At no time have I ever demanded a probationer participate in a treatment program as a means of punishment or for any other improper purpose.

5. Please respond to Mr. Froelich's allegation that you granted permission for Complainant to attend the MOTC retreat in Corpus Christi on October 24-27, 2019, and then in the middle of the retreat, you informed MOTC that Complainant did not have permission to attend the retreat and had him transported to your court. [Exh. CJC-2, pp 1-4]. Please also explain why you did this and how you knew where Complainant was on October 24-25, 2019. Please provide any supporting documentation.

RESPONSE: Such allegation is contained in Mr. Froelich's statement submitted with the 2020 Davis Complaint. I do not recall ever granting permission for Mr. Davis to attend MOTC retreat in Corpus Christi, Texas, and such is not reflected in Mr. Davis's criminal case file. Additionally, I do not recall ever granting permission for Mr. Davis to travel outside of the County. When I learned that Mr. Davis was attending MOTC in Corpus Christi, it was my understanding that he had yet again violated his probation agreement (which he violated before Judge Wolff and me) by traveling to Corpus Christi. The first time I was ever notified Mr. Davis had received any permission to travel to Corpus Christi (not by the Court, but by the Community Liaison Office [CLO]) was after having Mr. Davis transported to my courtroom. At that time Mr. Froelich showed me the text messages between Mr. Froelich and CLO Gerald Wright; [Ex. A]. When I ordered that Mr. Davis be transported to my Court, it appeared that Mr. Davis had blatant disregard for his probation agreement (again) and for my Court. I recognize now that there was a breakdown in communication between myself, the CLO Officer Wright, and the Probation Officer assigned to this case, which created confusion as to where Mr. Davis was permitted to attend the MOTC retreat. I can only say that it was an honest error on my part, and was not in any way a violation of any Rules of Judicial Conduct. I have learned from this unintentional mistake, and have taken remedial action to improve communications in my Court so that no

similar mistakes may occur again in the Court.

6. Please respond to Mr. Froelich's allegation that at October 25, 2019, hearing, you increased the Complainant's conditions of community supervision because he attended the MOTC retreat in Corpus Christi, despite having been informed by Community Liaison Officer Gerald Wright ("CLO Wright") that you had granted permission for Complainant to attend the MOTC retreat in Corpus Christi. [Exh. CJC-2, pp 1-4].

RESPONSE: The increase in Mr. Davis's conditions was a restoration of prior conditions that were held in abeyance to incentivize Mr. Davis to comply with his probation. [Ex. 2 – Judge's Notes, 3 June Compliance Hearing]. This increase to Mr. Davis's conditions resulted from the Court's review of the case file and determination at that time that Mr. Davis was not being compliant with his current conditions.

7. Please respond to Mr. Froelich's allegation that at the hearing on December 9, 2019, you had Complainant handcuffed and held for several hours. Please discuss your legal authority for doing so. [Exh. CJC-2, pp 1-4].

8. **RESPONSE:** Believing Mr. Davis again to be in violation of the conditions of his probation, I ordered him placed unrestrained in the jury box, and later properly handcuffed only while I started the process of issuing a warrant. It was the Court's intention at that time for Mr. Davis to be placed under arrest and taken to the Bexar County Jail pursuant to TEX. CODE. CRIM. PROC. Arts. 42A.108, 42A.751(b). However, the Complainant's and his attorney Mr. Froelich's allegations that Mr. Davis was handcuffed for up to six hours is false. For Mr. Davis to have been handcuffed for six hours he would need to have been handcuffed while the Court was on break for lunch. Had this been the case, Mr. Davis would have been relocated to a more permanent holding area and there would be a record. Additionally, according to both my Court Guidelines

and the recollection of my Bailiff at the time, Mr. Michael Alvarado, it was my practice not to begin holding compliance hearings until at least 2:30-3:00 PM; *see* court guidelines. Moreover[Ex. 3. County Court #2 Guidelines]; [Ex. 4. Community Supervision Version of County Court #2 Guidelines]; [Ex. 5. Case Setting Form 6/3/2019]; [Ex. 6. Case Setting Form 10/9/2019]. Furthermore, Mr. Alvarado recalls that Mr. Davis was not placed in handcuffs until at least 4:30 PM and was properly and necessarily handcuffed for approximately an hour and a half. Please respond to Mr. Froelich's allegation that the hearing on December 9, 2019, you set the Davis Case for hearing on December 11, 2019, and at one point refused Complainant's request that you set a bond. [Ex. CJC-2, pp 1-4]. Please discuss your legal authority for doing so. Please also explain whether, in your opinion, you acted in compliance with Tex. Code Crim. Proc. Art. 17.033.

RESPONSE: When Mr. Davis was properly handcuffed in accordance with the law and court procedures, I was in the process of issuing a warrant. TEX. CODE CRIM. PROC. Art. 17.033 requires a bond to be set for a person who is arrested without a warrant and who is in jail. Mr. Davis was neither in jail nor was he arrested without a warrant. Furthermore, article 17.033 only requires a bond to be set not later than 24 hours after the arrest. If the bond was requested, the Court was well within the 24-hour threshold required by law.

9. Please respond to Mr. Froelich's allegation that you set and conducted compliance or "pre-MTR" hearings in the Davis Case on June 3, 2019, August 5, 2019, and October 9, 2019; and that these hearings took place without a court reporter, without Defendant's attorney, and without a prosecutor or a motion filed by the prosecutor. [Ex. CJC-2, pp 1-4]. Please discuss your legal authority for doing so.

RESPONSE: Compliance hearings or pre-MTR hearings were a part of the court guidelines of my predecessor judge in Bexar County Court Number 2 as well as by other judges who preside over probationers. Hearings of this kind are a regular part of managing probationers in Bexar County. By the time probation is set, the attorney who represented the probationer's initial case usually is no longer active in the case and probationers typically proceed unrepresented during probation hearings. At the time of these hearings, Mr. Davis had not retained an attorney, nor had he expressed interest in having an attorney appointed, and it was the Court's understanding that Mr. Davis was representing himself *pro se* in these hearings. [Ex. 7, Notice of Appearance of Retained Counsel (October 25, 2019)]. Once Mr. Davis had retained an attorney, his attorney was notified and present for all subsequent hearings.

No prosecutor or representative of and for the State was present at these hearings because it is not typical for prosecutors to be present at / for a compliance hearing. The purpose of compliance hearings is merely to ensure that probationers are being compliant with their conditions and to see if any modifications need to be made to their conditions in order to help them become compliant. However, a representative of the Probation Department was / is always present during compliance hearings. If a revocation hearing had been set, which was not, all parties including the State, Defendant, Defendant's attorney, and the Probation Department would have been notified and present.

10. Please describe in detail the conversations you had in your chambers on December 9, 2019, with Assistant District Attorneys related to the Davis Case. [Ex. CJC-2, pp 1-4].

RESPONSE: I do not remember the exact conversation that took place between myself, Mr. Froelich, and Mr. Kazen in my chambers, however, I remember the substance of the meeting and the ultimate result. The primary import of the meeting was that Mr. Kazen informed me that the

District Attorney's Office would not join or sign a motion to revoke Mr. Davis's probation. Following this meeting, I had Mr. Davis released, and I voluntarily recused myself from the case in accordance with best evidence practices.

11. Please respond to Mr. Froelich's allegation that you set onerous conditions of community supervision as a punishment and with the intent that Defendant would be unable to fulfill the requirements. [Ex. CJC-2, pp 1-4].

RESPONSE: At no point as a Judge, and in no case, have I ever set conditions of community supervision as a punishment and/or with the intent that a probationer would be unable to fulfill the requirements. It has always been my objective to rehabilitate and assist those I preside over, in full accordance with the law, so that they can lead productive and fulfilling lives in their communities. I set no conditions on Mr. Davis that were outside of the ordinary and common conditions of any other individual with similar circumstances.

12. Please discuss how you handle amendments to conditions of community supervision and compliance or "pre-MTR" hearings generally, including how you keep records or notes about the specific conditions ordered. Please provide relevant supporting documentation.

RESPONSE: My intent is always to get probationers into compliance, usually through incentives and connecting them to outside resources. In situations where the violations are particularly egregious or numerous and sanctions are being considered, I ask the probationer if they want an attorney. If they do, the discussion stops and there is a reset for when their attorney may be present. I usually follow up with probationers every one to four months depending on how successfully the probationer is progressing.

I have kept notes in various formats over my tenure as a judge and I am currently working on developing a consistent system for tracking the progression of probationers as well as the input

from CLOs and Probation Officers. The Court kept Court Jacket and D-Page Notes in the criminal information justice system. The D-pages tracked court proceedings, court actions, and input by clerks and court coordinators. Community Liaison Officers, and Community Supervision Officers would prepare and present modifications of the conditions of probation documents for me to sign.

13. Please discuss whether any Motions to Revoke Community Supervision were filed in the Davis Case. Please provide any supporting documentation.

RESPONSE: A violation report whereby the state requested a motion to revoke was filed on September 18, 2019. [Ex. 8. Violation Report with State Signature Requesting a Motion to Revoke]. The violation report was filed, but the Court denied the motion. In this case, it is noted that a compliance hearing to address those issues was held on October 9, 2019.

14. Please provide a copy of any court document setting out the terms and conditions of community supervision in the Davis Case that is not contained in Ex. CJC-1, pages 26-33.

RESPONSE: I am aware of no other documents other than those contained in Ex. CJC-1, pages 26-33.

15. Please explain your reasons, legal, factual, or otherwise, for setting the “pre-MTRP” hearings in the Davis Case on June 3, 2019, August 5, 2019, and October 9, 2019? Please explain how your Court notified the State, the Defendant and/or the Defendant’s attorney, and Pretrial Services or the Supervision office of these “pre-MTRP” hearings. Please provide any supporting documentation.

RESPONSE: During the June 3, 2019 hearing, there were reports that Mr. Davis had previously struggled to meet the requirements of his community supervision. Because of these reported issues, I scheduled Mr. Davis for regular follow-up hearings. Mr. Davis was scheduled for a follow-up hearing on August 5, 2019, and on October 9, 2019.

The state is notified through the CLO and the Court Coordinator who input any relevant information into the Criminal Justice Information System. The CLO also notifies the CSO who is in regular communication with the probationer and notifies them of upcoming hearings. Mr. Davis had not requested a court-appointed attorney at that time nor had he retained counsel.

16. Please respond to the allegations in the Motion to Recuse filed on December 11, 2019, that you have a personal bias or prejudice against Complainant. Ex. CJC-1, pages 34-50.

RESPONSE: I do not recall ever calling Mr. Davis a trickster; if I did say anything to that effect it was certainly unintentional and possibly (if at all) only reflective of the Court's determination at that time that Mr. Davis had not been and was not being entirely forthright with the Court. I have no personal bias against Mr. Davis, nor did I have any reason or motivation other than to help Mr. Davis successfully complete his probation. In fact, during the August 9, 2019, hearing, the Court was presented with a motion to revoke that was signed by the Assistant District Attorney and the Community Supervision Officer. [Ex. 8. Violation Report Signed by State Requesting Motion to Revoke]. If I had any bias or ill will against Mr. Davis, which is unequivocally and specifically denied, the Court had every opportunity to have his probation revoked for multiple violations. [Ex. 9. Probation Officer Notes 8/12/2019]; [Ex. 10. Urinalysis Lab Results]. However, I refused to sign that motion because I wanted Mr. Davis to complete his probation successfully. The only other "bias" I can recall expressing towards Mr. Davis, and positively so, was my great appreciation and respect for his military service.

17. Please review the documents included in Ex. CJC-1 and indicate if you believe they are in any way inaccurate or incomplete. Please provide a copy of any document that is part of the Davis Case file that is not included in Ex. CJC-1.

RESPONSE: I have no reason to dispute the documents contained in CJC-1. My only objection is that I do not recall ever granting permission for Mr. Davis to attend MOTC in Corpus Christi, as discussed more specifically above. If I become aware of any other documents that are part of Mr. Davis's file, I will amend the Exhibits.

18. Please review the statement of Andrew Froelich included as Ex. CJC-2 and indicate if you believe it is inaccurate or incomplete.

RESPONSE: There are inaccuracies, incompleteness, and false statements in Mr. Froelich's statement. Specifically, Mr. Froelich claims that Mr. Davis was cuffed for up to approximately six hours, this is inaccurate. Had Mr. Davis been cuffed for approximately six hours he would have been in cuffs while the court went on break for lunch. Had this been the case, Mr. Davis would have been taken to a more permanent detention location, not just the court holding cell while the court was out on lunch. Additionally, it is my recollection and the regular practice in my court to begin compliance hearings between 2:30-3:00 PM. [Ex. 3. County Court #2 Guidelines]. I spoke with my Bailiff at the time, Michael Alvarado, it is his recollection that this is when I normally conducted compliance hearings at that time. It is Mr. Alvarado's recollection that on the day in question it started at 2:30 PM. It is also Mr. Alvarado's recollection that Mr. Davis was only in handcuffs for at most an hour and a half. In his complaint, Mr. Froelich did not provide any specific time stamps for any events other than that Mr. Davis was released at approximately 7:00 PM. Froelich's statement makes serious allegations without sufficient supporting evidence to show that Mr. Davis was handcuffed nearly as long as he claims. It seems frivolous and reckless to me to make such serious allegations without providing basic evidence, such as providing specific times when each of the alleged events occurred. Froelich's allegations and lack of supporting evidence display a reckless disregard for the truth.

19. Please discuss whether, in your opinion, your conduct in the Davis Case constitutes lending the prestige of judicial office to advance the private interests of MOTC in violation of Canon 2B.

RESPONSE: Not at all; the allegation is false. As a non-profit organization and a Bexar County Courts' approved community partner, I believe that the only interest advanced was the public interest of rehabilitation and reintegration of probationers into society. [Ex. 1. Bexar County Specialty Court Resource Guide]. I see no way this differs from any of the other programs or resources that we refer probationers to.

20. Please discuss whether, in your opinion, in the Davis case, you failed to be patient, dignified, and courteous to a litigant in violation of Canon 3B(4).

RESPONSE: Not at all; this allegation is false. On the contrary, I believe I was very patient, and courteous with Mr. Davis. I sincerely believe that I tried to work with, help, and understand Mr. Davis. I did not move to revoke Mr. Davis's probation despite multiple violations of his conditions of probation, including several drug tests that came back positive for Marijuana. [Ex. 8. Violation Report Singed by State Requesting Motion to Revoke]; [Ex. 9. Probation Officer Notes 8/12/2019]; [Ex. 10. Urinalysis Lab Results]. In hindsight, the Court's decision on or about October 25, 2019, was based on miscommunications and/or on inaccurate or incomplete information, and was not at all in violation of Canon 3B(4) or any other provisions of the Code.

21. Please discuss whether, in your opinion, in the Davis Case, you failed to perform judicial duties without bias or prejudice in violation of Canon 3B(5).

RESPONSE: No; this allegation is false. As previously stated, I did not treat Mr. Davis with any implicit or explicit bias. At no point was my judgment was ever clouded by any prejudice whatsoever toward Mr. Davis.

22. Please discuss whether, in your opinion, in the performance of judicial duties in the Davis Case, you manifested bias or prejudice, including but not limited to bias or prejudice based upon religion in violation of Canon 3B(6).

RESPONSE: No; this allegation is false. At no time did I manifest any prejudice or bias based upon religion, or otherwise. The use of the MOTC program in the Davis matter was entirely based on the Court's understanding that it is a program that is commonly used among other judges and is an approved program with which the Court is familiar and regularly credits for community supervision attendance. The "Christian" nature of the program played no role in the Davis case. The only reason for denying Mr. Davis's request to attend a program for credit through his own church, was because the Court and the Probation Department were entirely unfamiliar with that program, which to my knowledge had not been approved by Bexar County or other judges.

23. Please discuss whether, in your opinion, your conduct in the Davis Case constitutes willful or persistent conduct that is clearly inconsistent with the proper performance of judicial duties or casts public discredit upon the judiciary or administration of justice, in violation of Tex. Const. Art. V, Sec. 1-a(6)A.

RESPONSE: No; this allegation is false. None of my conduct in the Davis matter was willful or persistent so that it is clearly inconsistent with the proper performance of judicial duties. I willingly acknowledge that I have made mistakes as a new judge pursuing my belief of restorative and rehabilitative justice. However, I reaffirm that any mistakes I made were isolated and made in good faith, without any improper purpose. I sincerely regret any embarrassment that may have occurred as a result of my unintentional mistakes. It has always been my desire to work with community members, in and throughout my judicial service, to build trust in the justice system. I have not done, and would never intentionally do, anything to undermine public trust in the

judiciary.

24. Please provide the Commission with any additional information, and/or copies of documentation that you believe to be relevant to this matter. You may also include sworn statements or affidavits from fact witnesses in support of your response.

RESPONSE: Please see the attached exhibits. I reserve the right to supplement or augment these answers with additional facts and documentation as it becomes available.



HON. GRACE M. UZOMBA

April 27, 2022

Judge Grace M. Uzomba
(Printed Name)

**VERIFICATION
QJ-1
CJC No. 20-0623**

STATE OF TEXAS §
COUNTY OF BEXAR §

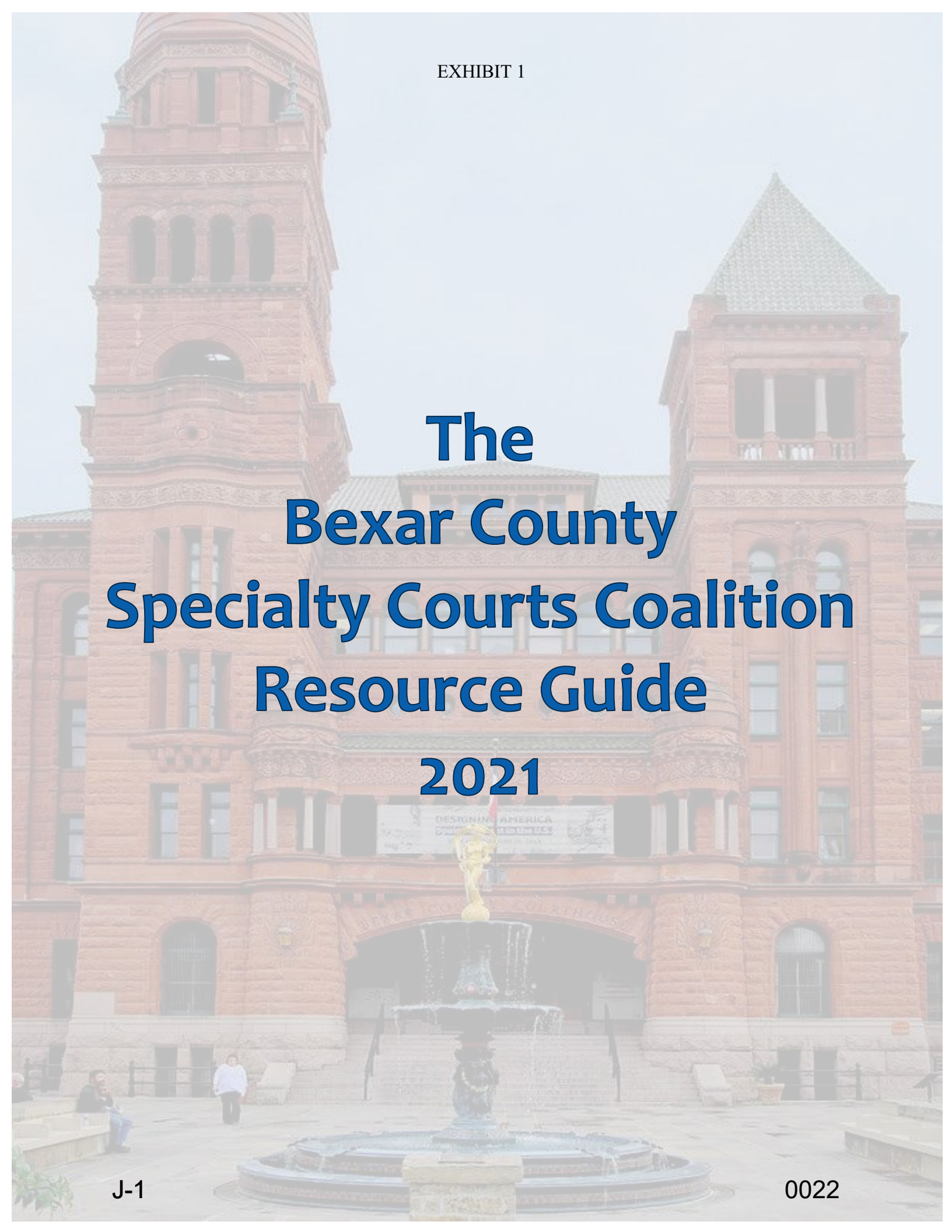
BEFORE ME, the undersigned authority, on this day personally appeared **HON. GRACE M. UZOMBA**, who by me being first duly sworn, on her oath deposed and said that the above responses to the commission's inquiries are based on personal knowledge and are true and correct.

SWORN TO AND SUBSCRIBED BEFORE ME on this 27th day of April 2022.



NOTARY PUBLIC, IN AND FOR
THE STATE OF TEXAS
My commission expires: 08/20/2024





The Bexar County Specialty Courts Coalition Resource Guide 2021

For a printed copy contact
(210) 335-0835 or
Email mstarr-salazar@bexar.org

For a digital copy, go to
<https://www.bexar.org/1833/County-Court-12>

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Introduction

The Bexar County Specialty Courts Coalition was formed in July 2019 by Judge Yolanda Huff. The Coalition is comprised of the Bexar County Specialty Court Judges and court staff, members from the District Attorney's Office, Department of Behavioral Health, Office of Criminal Justice and Court Administration. The Coalition will identify barriers to implementing best practices and gaps within the Specialty Courts and will work with County officials to resolve.

Specialty courts differ from traditional courts in that they focus on one type of offense or offender. The specialized dockets offer intensive judicial supervision for people with mental health, substance use or co-occurring disorders. Specialty courts include pre-adjudication and post-adjudication dockets.

Specialty courts provide judicially supervised, community-based treatment plans to participants who meet specific eligibility criteria. The courts work to address the underlying issues that can contribute to criminal behavior and teach participants skills needed to address the underlying issues of trauma, mental illness, and substance abuse. The participant is able to avoid incarceration, reduce recidivism and reintegrate back into the community.

Judge Al Alonso was instrumental in establishing the first Drug Court in Bexar County in 2001. Since the first Drug Court, additional specialty courts have emerged, and a widespread Therapeutic Justice movement within Bexar County's criminal justice system. Therapeutic justice merges the law, and social-behavioral specialist in treating offender populations with identified diseases of addiction, mental illness and co-occurring disorders. The model is rendering cost savings and benefits economically and socially.

Texas has utilized therapeutic justice principles in an attempt to reduce jail populations, crime, and rising costs related to detention, apprehension, and adjudication.

MISSION

To build a collaboration among specialty courts to identify gaps, advocate for resources and provide training.

PURPOSE

The Bexar County Specialty Court Coalition was formed to:

- Advance common goals
- Identify solutions to address gaps and provide recommendations to leadership
- Develop training manual for incoming prosecutors
- Provide a resource book for the community on the various Specialty Courts

SPECIALTY COURT GUIDELINES

To identify as a specialty court in Texas, under section 121.002 of the Texas Government Code, Specialty Court programs must provide written notice of the program, any resolution or other official declaration under which the program was established, and a copy of the applicable community justice plan that incorporates duties related to probation and supervision that will be required under the program. To remain in good standing as a specialty court, programs must also comply with any required reporting, whether they are funded by the Criminal Justice Division of the Governor's Office or not. Specialty courts must also comply with the National Association of Drug Court Professionals Best Practice Standards .

TREATMENT RECOVERY ACCOUNTABILITY COURT - A

(Adult Drug Court)

Honorable Judge Tommy Stolhandske Bexar County Court At Law No. 11



Judge Tommy Stolhandske has presided in the Bexar County Court at Law No. 11 since 2014, and presides over the Bexar County TRAC-A. Under his leadership, the Court received statewide recognition on May 31, 2018 as the OUTSTANDING SPECIALTY COURT TEAM “For Effective Teamwork & Utilizing Best Practice Standards To Save Souls” by the Texas Association of Specialty Courts.

Tommy was born and raised in San Antonio, and is a graduate of Churchill High School. He earned his undergraduate degree from Texas Lutheran University, going on to receive his J.D. from St. Mary's University School of Law. Stolhandske worked as an attorney in Bexar County from 2009 until his judicial election in 2014. He has also been recognized as one of KENS 5 People Who Make San Antonio Great.

COURT REVIEW

The Bexar County Treatment Recovery Accountability Court A or TRAC-A was originally named the Bexar County Adult Drug Court. Established by the Honorable Judge Al Alonso, who presided in County Court at Law No.1 at the time that the Court was launched on September 1, 2001. TRAC-A is the first drug court in Bexar County and targets a hybrid of misdemeanor and addicted offenders using a multi-disciplinary team that included the judge, prosecutor, defense attorney, probation officer, treatment provider, and case manager. On average those that successfully complete drug court, 78% do not recidivate.

Who IS ELIGIBLE?

18 years of age or older
On Probation for a DWI Subsequent Offense
Diagnosis of Alcohol Use Disorder- Moderate or Severe
Resides in Bexar County
High Risk/High Need offender

Who is NOT ELIGIBLE?

Current or Pending Violent Offense
Current or Pending Felony Charge
Out of County Residence
Participating in another problem- solving court

What does the TRAC-A court have to offer?

Trained probation officers equipped with the latest evidence-based practices to better supervise addicted offenders.

Assigned to a Case Manager to focus on addressing the ancillary needs of each participant.

Low program fee in lieu of Fines, Court Costs and Probation fees, which are waived upon successful completion.

Incentives awarded to the participants for progress made.

Therapeutic Court Mentors, past graduates themselves provide much needed support to the current participants.

For additional information contact Court Manager Roberto Ruiz at roberto.ruiz@bexar.org or (210) 335-2637

TREATMENT RECOVERY ACCOUNTABILITY COURT - D

(DWI Court)

Honorable Judge Helen Petry Stowe Bexar County Court At Law No. 1



The Honorable Judge Helen Petry Stowe presides over Bexar County Court at Law No. 1. Judge Stowe is a proud native San Antonian who received her Bachelor of Arts in English from UTSA in 1999. During college, she was a young single mom working her way through school. After college, Judge Stowe taught English at S.J. Davis Middle School in the San Antonio Independent School District before attending St. Mary's University School of Law and graduating in 2007.

In February 2008, Judge Stowe joined the Bexar County District Attorney's Office as an assistant district attorney, where she sought justice for the citizens of Bexar County. Judge Stowe served as a prosecutor until 2018, when she was appointed and later elected to be a Bexar County Judge.

Judge Stowe has spent her career serving Bexar County, and now also serves as the presiding judge of the Treatment Recovery Accountability Court D (TRAC-D), formerly referred to as the DWI Court. Judge Stowe loves being married to Jerome Stowe, also a native San Antonian, and is mom to two incredible daughters here on Earth and a wonderful son in Heaven.



Therapeutic Court Mentors

Mission Statement

Our mission is to mentor the therapeutic court participants through positive contacts to successfully comply with court-ordered requirements and live sober, healthy, happy and productive lives. Mentors maintain the standard by sharing personal experiences, and involvement in participants' recovery. Mentors give hope to participants derived from individual differences and diverse backgrounds rich with unique talents and perspectives.

Explanation of the TCM Logo

The makeup of Therapeutic Court Mentors logo includes the medical serpents along with the scales of justice, merging both worlds into what we term as Therapeutic Justice; the Lone star represents our Texas community supported by the olive leaves underneath as a symbol of victory over addiction. The three human figures embraced is a reminder that it takes a community to overcome this disease and indicates that drug addiction does not only affect the individual but it is a family and community affair. Moreover, these figures appear to be in a Rise Up motion, above the Lone Star and the olive branches, indicating victory, survival, and liberation from the chains of addiction.

TREATMENT RECOVERY ACCOUNTABILITY COURT - D

(DWI Court)

Honorable Judge Helen Petry Stowe Bexar County Court At Law No. 1

COURT REVIEW

The Bexar County Treatment Recovery Accountability Court D or TRAC-D was originally named the Bexar County DWI Court. Established by the Honorable Judge Liza A. Rodriguez, who presided in County Court at Law No.8 at the time that the Court launched its first docket on May 3, 2013. TRAC-D was the first stand-alone DWI Court in Bexar County targeting subsequent DWI offenders.

The Mission of the Bexar County TRAC-D is to increase public safety and offender accountability through therapeutic judicial management, collaborative treatment, education and supervision. The goal of the Court is to promote more responsible and productive members of the community, thereby decreasing recidivism and reducing costs.

Who IS ELIGIBLE?

18 years of age or older
On Probation for a DWI Subsequent Offense
Diagnosis of Alcohol Use Disorder- Moderate or Severe
Resides in Bexar County
High Risk/High Need offender

Who is NOT ELIGIBLE?

Current or Pending Violent Offense
Current or Pending Felony Charge
Out of County Residence
Participating in another problem- solving court

What does the TRAC-D court have to offer?

TRAC-D takes a public health approach using a specialized model in which the judiciary, prosecution, defense bar, probation, law enforcement, mental health, social service, and treatment communities work together to help addicted offenders into long-term recovery.

Assists with ancillary needs such as housing, education, employment, rental assistance, bus passes, etc.

Violations of program orders are discussed by the team and addressed by the Judge on an individual basis.

Low program fee that takes the place of fines, court costs, and probation fees.

Incentives available as participant progresses.

Judge meets with the participant every other week and knows the unique circumstances of each participant.

Therapeutic Court Mentors, past graduates themselves, mentor the current program participants and provide much needed support.

Driving While Intoxicated Cases are overwhelming our Courts. Other methods of addressing the daunting problem of DWI offenders have been tried and have been unsuccessful. The arrest numbers continue to grow and alcohol related traffic fatalities and serious injuries continue to affect our community on almost a daily basis.

The DWI Court offers hope to our community by addressing the core problem of many repeat offenders by combining treatment with strict supervision.

For additional information contact Court Manager Roberto Ruiz at roberto.ruiz@bexar.org or (210) 335-2637

MENTAL HEALTH COURT

Honorable Judge Yolanda T. Huff Bexar County Court Of Law No. 12



Judge Yolanda Huff who now presides over County Court of Law No. 12 and the Mental Health Court in San Antonio, Texas, obtained her undergraduate degree from the University of Texas at Austin and her JD from St. Mary's Law School. Before running for judge in 2018, Judge Huff was a solo practitioner in Bexar County for 22 years. In her 22 years of practice, Judge Huff handled criminal, Child Protective Services (CPS) and personal injury cases.

Judge Huff is a mother of three and donates her time and money to several worthwhile organizations. She is a board member for YTIA (Youth Transitioning Into Adulthood). This worthy nonprofit helps foster kids who are leaving the foster care system. She was member of CCAA (Children's Court Ad Litem Association) and she served twice as president for the San Antonio Black Lawyers Association. Judge Huff served 12 years on the advisory board for the Dispute Resolution Center (Mediation).

She has been a member of the San Antonio Criminal Defense Lawyers Association and she was a staff attorney for the Felony Drug Court for two years.

This much needed treatment court works with defendants who have substance abuse issues. Judge Huff has been asked to serve on the board of the nonprofit "Driving Single Parents." This nonprofit gives car to needy and deserving single parents. Judge Huff has been a member of NAACP for the past three years and was recognized as an "Outstanding Woman" by the NAACP in 2019. Judge Huff also serves on the Bexar County Domestic Violence Committee and the Bexar County 16.22 Progress Committee.

One of Judge Huff's greatest accomplishments since taking the bench on January 1, 2019, has been the founding of the Bexar County Specialty Courts Coalition. Judge Huff chairs the coalition in which the goal is to educate the community about Specialty Courts. In 2020, Judge Huff was awarded the Bexar County "Pioneer Award" by the Bexar County Small Business & Entrepreneur Department (SBED). Most recently in 2021, the Supreme Court of Texas and the Texas Court of Criminal Appeals invited Judge Huff to serve on the Judicial Commission on Mental Health.

In her spare time she enjoys reading, spending time with family, hiking the state and national parks and running marathons.



#Eliminating the stigma breaking the silence

MENTAL HEALTH COURT

Honorable Judge Yolanda T. Huff
Bexar County Court Of Law No. 12

COURT OVERVIEW

Mental Health Court

The Mental Health Court (MHC) is a non-adversarial specialty court, specialized in working with participants who have been diagnosed with a mental illness and/or a co-occurring disorder. In collaboration with the Public Defenders Office, County Courts, Pretrial Services, District Attorney’s Office and Treatment Providers, the MHC staff identify participants to offer access to mental health treatment and community resources, as an alternative to incarceration. The participant receives medication management, intensive case management and supervision by the court and adult probation.

There is ongoing collaboration among the Judge and court team members to monitor and support participants mental stability, sobriety and successful completion of probation conditions. With the attorney’s permission, the participant is scheduled for a screening. Upon verification of diagnosis, the case is staffed with the court team. If accepted, case will be transferred to county court #12 and placed on the docket to enter a plea. The MHC is a five-phase treatment program. The participant attends ongoing court review hearings with the Judge and the court team to monitor program compliance. MHC is held every Monday afternoon in county court #12.

Program length: 12 months

Who can refer: courts, prosecutors, attorneys, jail, pretrial, providers, community

- Eligibility criteria:**
- ◆ Bexar County Resident
 - ◆ Mental Health Diagnosis
 - ◆ 17 Years or Older
 - ◆ Misdemeanor Offenses
 - ◆ Must plea guilty or “no contest”
 - ◆ High Risk/High Need Offender

Mental Health Pretrial Diversion

Mental Health Pretrial Diversion (MHPTD) is a 12 month pretrial diversion program. The Attorney must submit an application. The participant is scheduled for a screening. Upon verification of the diagnosis, the case is forwarded to the District Attorney’s Office for approval. If approved, the case will be transferred to county court #12 and set for hearing to sign the participant agreement. MHPTD is a five-phase treatment program. The participant will attend ongoing bond review hearings with the Judge and court team to monitor treatment compliance. MHPTD docket is held every Thursday morning in county court #12. A participant advances the phases as the goals for each phase are completed. Participants who have completed treatment goals and court requirements are eligible to graduate and have their case dismissed.

Program length: 12 months

Who can refer: courts, prosecutors, attorneys, jail, pretrial, providers, community

- Eligibility criteria:**
- ◆ Bexar County Resident
 - ◆ Mental Health Diagnosis
 - ◆ 17 Years or Older
 - ◆ Misdemeanor Offenses
 - ◆ High Risk/High Need Offender
 - ◆ DA Approves Cases

For additional information contact Court Manager Michelle Starr-Salazar at mstarr-salazar@bexar.org or (210) 335-0835

VETERANS TREATMENT COURT

Honorable Judge Wayne Christian COL, US Army, Retired Bexar County Court Of Law No. 6



Judge Wayne Christian is a native of San Antonio and a graduate of Alamo Heights High School, Trinity University and St. Mary's University School of Law. Following law school, Judge Christian volunteered for active duty with the U.S. Army's 82nd Airborne Division as an Airborne Infantry and Judge Advocate General's Corps officer. Upon leaving the active army, he continued his military career as a Special Operations Legal Advisor in the Army Reserve, serving in Panama, Thailand and Afghanistan with U.S. Army Special Forces. Retiring after 30 years of service, Colonel Christian's awards and decorations include the Legion of Merit, Bronze Star Medal, Expert Infantryman's Badge, Master Parachutist Badge and British, Thai and Canadian Parachute Badges.

First elected as a County Court at Law Judge in 1996, Judge Christian has disposed of more criminal cases, tried more jury trials and recovered more restitution for victims than any other County Court Judge in Bexar County history during his term in office.

Judge Christian has served for over 30 years as a Certified Texas Peace Officer, Criminal Justice Prosecutor, Criminal Defense Counsel and Texas State Judge. He has been an Adjunct Instructor at the San Antonio Police Academy and is presently an Adjunct Professor of Law and Consultant for the Center For Terrorism Law and the Warrior Defense Project at St. Mary's University School of Law.



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VETERANS TREATMENT COURT

**Honorable Judge Wayne Christian
COL, US Army, Retired
Bexar County Court Of Law No. 6**

COURT OVERVIEW

With the passage of SB 1940, The Bexar County Commissioner's Court, Bexar County Criminal District Attorney, Veterans' groups, representatives from the Veterans Administration and other interested persons designed and implemented the Bexar County Veterans Treatment Court. The Veterans Court docket is called in County Court at Law Number 6.

The Court promotes sobriety, recovery, and stability through a coordinated response that involves the cooperation and collaboration with the Veterans Administration through partnership with Veterans Justice Outreach Coordinators. Additionally, community partners such as local Veteran Service Organizations, non-profit treatment providers, the Texas Veterans Commission & Office of the Governor's grant funded support make the mission of the VTC possible.

Based on the successful Drug Court model, the Veterans Treatment Court serves veterans struggling with Post Traumatic Stress Disorder (PTSD), Military Sexual Trauma (MST), Traumatic Brain Injury (TBI), substance use disorders, mental health and/or co-occurring disorders. The long-term goal of this problem-solving court is the restoration of the veteran's quality of life and the reduction of conflicts that might lead to additional incarceration events. This goal is accomplished by providing the veteran with treatment and supportive services.

TRACK I

For veterans who are accepted for the pre-trial component (Track I) of the Veterans Court, successful completion of the Veterans Court program will mean that their case will be dismissed with no criminal conviction on their record. Participation in the program is generally 1 year.

TRACK II

For veterans who are accepted in the probation component (Track II), the veteran is expected to participate in and comply with the treatment plan and terms of probation. Generally, the term of probation is 1 year. The veteran's compliance will determine how often the veteran must meet with the judge and the other members of the treatment team. Substance abuse and mental health services are provided by the Veterans Administration. Under certain circumstances, substance abuse and mental health services will be provided by local non-profit providers for active-duty service members and Veterans who do not qualify for VA Healthcare.

**For additional information contact VTC Director Joshua Childers at
joshua.childers@bexar.org or (210) 335-2639**

REFLEJO COURT
(The Domestic Violence Court)

Honorable Judge Rosie Speedlin Gonzalez
Bexar County Court At Law No. 13



The Honorable Judge Rosie Speedlin Gonzalez presides over Bexar County Court at Law No. 13. Judge Speedlin Gonzalez was born and raised in Brownsville, Texas. After graduating from Homer Hanna High School in 1983, she attended Vermont College of Norwich University located in Montpelier/ Northfield, Vermont and in 1987; she earned her Bachelor of Arts degree in Political Science from St. Mary’s University.

After working in the field of adolescent social work, juvenile corrections and education for 11 years, she attended St. Mary’s Law School and received her Doctorate of Jurisprudence in 2001. From 2002 until November 2018, Judge Speedlin Gonzalez worked as a solo practitioner attorney. Her general practice was eventually streamlined as a family law practice with an emphasis on Child Welfare and dependency cases. At the time of her election, Judge Speedlin Gonzalez, was the only attorney in South Texas that was recognized as a Board Certified Child Welfare Law Specialist by the

National Association of Counsel for Children and had represented hundreds of children in the Texas foster care system. Her background in Child Protective Services, Indigent Services, Juvenile Probation and Substance Abuse Treatment and Education, assisted her in being a highly sought-after Attorney Ad Litem for children in some of the most contentious family cases in recent history.

As an attorney, Judge Speedlin Gonzalez’ career was devoted to advocating for fairness and justice for the disenfranchised and the voiceless. She has been, and continues to be, committed to ensuring that women have a seat at the policy-making table of their respective communities of origin. Throughout her career, Judge Speedlin Gonzalez has been recognized for her leadership and community work by various organizations and associations. She has previously served as a consultant to women seeking public office and has been the recipient of numerous awards, which include the Adele Advocate for the Poor Award, the Presidential National Leadership Award, the Bexar County Pioneer Award, the PRIDE Center’s Political Icon Award, and she has been inducted into the Order of Barristers and INNS of Court.

Judge Speedlin Gonzalez has served as a Commissioner on the Hispanic National Bar Association’s Commission on the Status of Latinas in the Legal Profession and has served on various non-profit and educational boards. On November 6, 2018, Rosie Speedlin Gonzalez was elected to preside over County Court at Law No. 13, which is one of two designated misdemeanor Domestic Family Violence Courts, in Bexar County, Texas. She is the first out LGBTQ Judge and the third Judge to serve on this bench.



REFLEJO COURT
(The Domestic Violence Court)

Honorable Judge Rosie Speedlin Gonzalez
Bexar County Court At Law No. 13

COURT REVIEW

During the 2019 Texas legislative session, Judge Speedlin Gonzalez and her wife, Dr. Stacy Speedlin Gonzalez, co-authored House Bill 3529, which was signed into law by Governor Greg Abbott. This created a pathway for the development of a Domestic Violence Specialty Court within County Court at Law No. 13. The court, known as Reflejo court, launched its first docket on July 31, 2020. Reflejo Court is a court of first impression, targeting first time offenders of domestic violence who struggle with substance abuse.

The mission of the Bexar County Reflejo Court is to provide a holistic approach to treatment in order to (1) reduce the risk of aggressive behaviors and establish more effective coping skills in relationships, (2) promote strategies for maintaining sobriety, and (3) increase participant accountability through therapeutic judicial management, intensive supervision, education, and collaborative treatment. The goal of the court is to decrease recidivism by recognizing the absolute value of every human person and expressing compassion toward the most vulnerable in the justice system, while encouraging accountability and responsibility.

Who IS ELIGIBLE?

- Resides in Bexar county
- Case filed as misdemeanor family assault
- Pre-adjudication Only
- No active or pending felonies
- Moderate or Severe Substance Abuse Disorder
- Moderate & High Risk Offender

Who is NOT ELIGIBLE?

- Resides outside of Bexar county
- Cases NOT filed as misdemeanor family assault
- Sentenced to probation
- Active or pending felonies
- Mild Substance Abuse Disorder
- Low Risk Offender

What does Reflejo Court have to offer?

Reflejo court takes a public health approach utilizing a multidisciplinary model in which the judiciary, prosecution, defense bar, community supervision, law enforcement, mental health, social services, and treatment communities work together to provide offenders with the necessary tools to build healthy relationships and maintain sobriety.

Assists with ancillary needs such as housing, education, employment, rental assistance, bus passes, etc.

Violations of program orders are discussed by the team and addressed by the Judge on an individual basis.

Low program fee that takes the place of fines, court costs, and probation fees.

Incentives available as participant progresses.

Judge meets with the participant every other week and knows the unique circumstances of each participant.

Domestic violence cases continue to rise in Bexar County and are overwhelming our courts. Reflejo court combines treatment and strict supervision, offering offenders the opportunity to address the core issues that triggered these incidents of violence and hope for a better life.

For more information contact Case Manager Jacqueline Aguirre at
Jacqueline.Aguirre@bexar.org or (210) 291-3179

ESPERANZA COURT

Honorable Judge Catherine Torres-Stahl 175th Criminal District Court



Catherine Torres-Stahl is currently the Judge of the 175th District Court, a court handling all felony matters and a specialized Prostitution Prevention Court called Esperanza Court. She has the privilege of being an adjunct faculty member of her alma mater, St. Mary's University School of Law, teaching a Trial Advocacy course. She is the former Deputy Director and General Counsel for the Bexar County Community Supervision and Corrections Department and a former adjunct professor at the University of Texas in San Antonio for the Criminal Justice Department. She has spent the majority of her 27 year law career in the criminal justice arena, and 19 years of that in a judicial capacity. She is a former Criminal Defense and Family Law practitioner with Gonzales & Torres-Stahl. Prior to that she was elected to the 144th District Court, where she presided as a District Court Judge over felony criminal matters. For 10 years, prior to her election to this bench, she was a Municipal Court Judge presiding over Juvenile matters, initiating several early intervention programs for juveniles and the Teen Court in San Antonio. Her legal career began as an Assistant District Attorney, prosecuting in the areas of Family Violence, Juvenile and Appellate cases. She is a native San Antonian having attended Fox Tech High School and St. Mary's University undergraduate, graduate school and graduated from the law school in 1993.

Judge Torres-Stahl, has had the privilege of being awarded the Latina Judge of the Year Award from the Hispanic National Bar Association in 2010; the Amicus Award from St. Mary's University School of Law Center for Legal & Social Justice; and the Legal Profession Award from the Mexican American Bar Association. Additionally, as a cancer survivor she has been honored by the ThriveWell Cancer Foundation. Ms. Torres-Stahl has dedicated countless hours to many boards, commissions and bar associations in pursuit of the advancement of women, the protection of children and the promotion of diversity. She is the past Co-chair of the Hispanic National Bar Association Judicial Council and former President of the Mexican American Bar Association in San Antonio. She is currently a member of the St. Mary's University School of Law Hispanic Alumni Board, St. Mary's University School of Law Alumni board, City of San Antonio Municipal Court Advisory Committee, a State Bar of Texas Fellow, an Advisory board member for Las Misiones (recognized UNESCO World Heritage Site), Board Member of MABA and Co-Chair of the National Association of Women Judges 2018 Conference Gala, Pan American League member and an Honorary Girl Scout. She is married to Paul Stahl, who is the Chair of the San Antonio Public Library and has two children, ages 21 and 24.

ESPERANZA COURT

Honorable Judge Jennifer Pena 290th Criminal District Court



Jennifer Peña is currently the Judge of the 290th District Court. This court handles all felony matters. In addition to presiding over the 290th District Court, Judge Peña assists with presiding over the Esperanza Court, a specialty court that focuses on individuals struggling with addiction and mental health issues.

Judge Peña graduated from the University Of Texas in Austin in 1998 and St Mary's Law School in 2001. Soon after Judge Peña began teaching at La Universidad de Guayaquil in Ecuador. In 2002, Judge Peña started her legal career in Cameron County as an Assistant District Attorney. She moved back to San Antonio and continued to serve as an Assistant District Attorney with Bexar County. In 2009, Judge Peña opened her own law practice. Her focus was on criminal cases in State and Federal Courts where she worked with both juvenile and adult offenders. In addition to her criminal practice, she represented parents and served as ad litem to children in Children's Court.

Judge Peña was introduced to Specialty Courts in 2010 serving as a defense attorney for the misdemeanor DWI Court. After seeing the positive impact these specialty courts had on the lives of the participants she joined Judge Roman's Esperanza Court and Judge Glenn's Felony Drug Court as the defense attorney assigned to help participants with any legal issue they may encounter and overall encouragement to stay in the program. In 2018, she was elected to serve as Judge for the 290th District Court. Over the past year, Judge Torres-Stahl has encouraged Judge Peña to resume her work with Esperanza Court, which she has been doing so since then.

Judge Peña is married and has two children.

COURT OVERVIEW

Esperanza Court helps individuals in different areas of their lives in hopes of a chance of becoming self-sufficient productive members of society.

Esperanza court is about a 30 month program in which defendants must be on felony probation on a prostitution or prostitution related offense. Participants must be willing to participate in all aspects of the program to include weekly court visits, 5 treatment/counseling sessions per week, probation visits once a week, case manager visits once a week, and calling the UA line on a daily basis.

Participants must also be willing to participate in inpatient treatment if needed. Participants are allowed to work and/or go to school once they are stable in their sobriety and mental health. Participants will be provided with all of their basic and immediate needs to include housing, bus passes, clothing, hygiene and food. Participants will also receive assistance with Municipal/JP tickets, CPS cases, etc.

For more information contact Case Manager Rachel Estrada at
Rachel.Estrada@bexar.org or (210) 335-0572

FELONY DRUG COURT

Honorable Judge Ernie L. Glenn



Judge Glenn attended the University of Houston where he earned a Bachelor of Science May, 1977. He attended Bates College of Law at University of Houston and earned his Juris Doctor December, 1979. It was at the University of Houston where he met his wife of 42 years, Graciela Aguilar. Upon passing the bar, he and his wife moved to her hometown of San Antonio, Texas to begin his first legal job as Bexar County Assistant Criminal District Attorney.

After 5 years of prosecuting criminal cases, he went into private practice for the next 22 years. In 2007, Judge Roman, Judge Herr and Judge Harle spearheaded a move to create a Felony Drug Court Magistrate position to run the court full time. Judge Glenn has been presiding over the court ever since October, 2007. Judge Glenn has completed countless drug court trainings since becoming the FDC Magistrate. Judge Glenn has presented on various Drug Court and Mental Health topics locally to the San Antonio Bar Association, various community group symposiums, UTSA Criminal Justice classes, Trinity University Sociology and Anthropology classes, and Texas A&M San Antonio classes; for TADCP in El Paso and NADCP in Houston and National Harbor.

Judge Glenn started with a coordinator, along with four probation officers, and a case load of up to 90 individuals. The court now has five case managers, a court manager, and an assistant court manager/data tracker working with our four probation officers to handle the case load of 250. Judge Glenn has expanded his court to include a Co-Occurring Diagnosis Court, Reentry Court and a DWI Court to meet the specialized needs of the different populations. Judge Glenn implemented that all referrals be screened with the TCU Drug Screen, the Mental Health Screening form III, the ACE questionnaire, and the Wisconsin Risk/Needs to determine the most suitable docket for each Individual. A TRAS is administered by Probation upon entry into the program.

FELONY DRUG COURT

Honorable Judge Ernie L. Glenn

COURT OVERVIEW

Multi-disciplinary Team:

All parties are involved in the court proceedings and decisions, including the judge, prosecutor, defense attorneys, probation officers, counselors, case managers, and mental health services managers.

Length of Participation: Minimum of 52 months to complete the five phase program

Felony Specialty Courts Eligibility Standards: Felony Drug Court /Co-Occurring Diagnosis Court /Reentry Court /
DWI Court

- ◇ Must be at least 17 years of age
- ◇ Must be a resident of Bexar County (or work in Bexar County)
- ◇ Must be evaluated as being chemically dependent
- ◇ Must be willing and able to comply with court ordered substance abuse treatment
- ◇ Will accept cases for violent offenses, including family violence, on a case by case basis; sex offenders are exclude
- ◇ Active gang affiliation is a disqualification --- will review past affiliation on a case by case basis
- ◇ Must be willing to comply with educational and/or employment development
- ◇ Must be willing to submit to random urinalysis and other drug/alcohol monitoring devices (Ignition Interlock/SCRAM/Drug Testing Patches/In-home devices)
- ◇ Must be legally able to serve (at least) 18 months on community supervision from the date of entry into the program

Referral from a Criminal District Court must be signed by the referring Judge and submitted to the Felony Specialty Court Team.

For more information contact Court Manager Diana Zamarron at
dzamarron@bexar.org or (210) 335-3063

FELONY VETERANS TREATMENT COURT

Honorable Judge Jefferson Moore 186th Criminal District Court



Judge Moore began his legal career as an assistant district attorney in New Orleans before joining the US Army JAG Corps. There he prosecuted court-martial cases and later became a military magistrate.

While stationed at Fort Sam Houston, the State Bar of Texas awarded Judge Moore the honor of the Military Attorney of the Year and the American Bar Association recognized his office as the best military Legal Assistance Office world-wide. After becoming a private practitioner, the State Bar of Texas appointed him to the Grievance Committee (Region 10) for several terms before he took the bench.

He has several published articles and is a frequent presenter at legal conferences regarding criminal law, military legal matters, and ethics. The Texas Court of Criminal Appeals appointed Judge Moore to its Rules Advisory Committee as the only district court

judge to serve on that committee.

Judge Moore has an undergraduate degree from Tulane University and his law degree from Loyola University of New Orleans.

Judge Moore is a former US Army paratrooper and a graduate from the US Army Air Assault School with deployments to Egypt, Korea, Panama, Bolivia, Israel, Germany, Japan, Romania, and Bulgaria.

COURT OVERVIEW

The Bexar County Felony Veterans Treatment Court Program is a Specialty Court that specializes in helping Veterans in Bexar County who are charged with a felony offense that may have been related to Post Traumatic Stress Disorder (PTSD), or any other Mental Health diagnosis resulting from their military service. By participating in the program Veterans may be offered an opportunity to avoid prosecution or criminal conviction, through either Pre Trial Diversion or Deferred Adjudication.

With acceptance into the Veterans Treatment Court Program, participants will be offered an opportunity to address any psychological issues, chemical dependency, or other various types' of issues and personal needs through a variety of treatment and supportive services. Participants will also be given an opportunity to gain assistance in obtaining employment, education, health, as well as housing services through various Veteran and Community Resources that are available.

Additionally, the program offers veterans an opportunity to avoid prosecution and a criminal conviction. The Veterans Felony Treatment Court Program utilizes a non-adversarial approach in which a team that includes the Judge, the Defense Attorney, the Prosecutor, the Program Manager, and a Veterans Administration Veterans Justice Outreach specialist who work together with the veteran to guide him/her toward successfully attaining goals. The Veterans Justice Outreach Specialist will develop a treatment plan, and the veteran will be provided with referrals for services needed to begin the implementation of the treatment plan. The veteran will be scheduled for a series of court appearances to monitor and reinforce their progress toward meeting the objectives of their treatment plan. Once the objectives have been successfully met, the case will be dismissed from prosecution.

Eligibility Criteria For Participation

Eligibility criteria for participation with the Bexar County Veterans Felony Court include being a Veteran or current member of the United States Armed Forces. This includes a member of the Reserves, National Guard, State Guard or Coast Guard. Discharge from the military must be Honorable or General Under Honorable Conditions. Also, the veteran must have or receive a clinical diagnosis of Post-Traumatic Stress Disorder (PTSD), a traumatic brain injury (TBI), or mental disorder that resulted from military service, and materially affected the Veteran's criminal conduct for which they are being charged. Felony charges pending in Bexar County are currently eligible.

FELONY VETERANS TREATMENT COURT

Honorable Judge Jefferson Moore 186th Criminal District Court

Process

Applicants who wish to participate in the Felony Veterans Treatment Court Program must submit a packet to the Veterans Treatment Case Manager by their Defense Attorney of record. Once the VTC Case Manager receives a referral, the applicant will then be screened by the Case Manager and a VA Representative for program eligibility. Once a packet is fully completed with a VA Assessment and other necessary documents, the case will then be staffed by the Bexar County District Attorney's Office with the Veterans Treatment Court Team for possible acceptance. If the Veteran meets all criteria and is accepted into the Felony Veterans Treatment Court Program, their case will then be transferred to either the Honorable Jefferson Moore (186th) for the duration of the program.

If the Veteran was appointed legal counsel through the court, the Veteran will then receive legal representation from one a Defense Attorney from the VTC Team free of charge while in the program. If the participant retains their attorney, then the attorney and the participant will have the option of remaining on the case, or utilizing one of the Defense Attorney's on staff while in the program.

Program Length

The Veterans Treatment Court Program is an 18 to 24 month program. The exact length of time in the program is determined by each participant's needs, progress toward successful implementation of the Treatment Plan, nature of the offense and arrest history.

Felony Veterans Treatment Court 437th and 186th District Courts Referral Quick Reference Guide

FVTC Referral packets must include:

- Signed referral from the originating court
- Defendants full name, case and SID #
- Good contact phone # and email for the defendant (CSO's name if on probation)
- Defense attorneys name, contact phone # and email if pending MTR or disposition
- Last four of the social security #

Defendants must be a veteran of the United States Military or National Guard

**** (Active duty assessed on a case by case basis) ****

Must be on bond

Must be able to provide DD214

Must be a legal us resident/citizen living in Bexar or surrounding counties

Must be willing to attend a VA mental health assessment

Defendants must have an eligible felony offense either already granted or pending disposition.

Non-eligible cases (past and current) include:

Sex offenses to include Child Pornography

42a.054 (3g) cases

Defendants with cases to be reviewed on a case by case basis include:

- Intoxication assault
- Fraud
- Injury to Child/Elderly
- Burglary-Force

FVTC packets need to be emailed to John Herman (JohnPHerman@Bexar.org) and Carolyn Alvarado (Carolyn.Alvarado@Bexar.org)

**Please note FVTC evaluations may take up to 4-6 weeks to be completed so resets for court dates need to be set accordingly.
Judicial questions or concerns may be addressed via email to either FVTC staff members.**

For more information contact

**Felony Veterans Treatment Court Program Coordinator John Herman at JohnPHerman@Bexar.org or (210) 753-4368
Felony Veterans Treatment Court Case Manager Carolyn Alvarado at Carolyn.Alvarado@Bexar.org or (210) 606-5319**

BEXAR COUNTY FAMILY DRUG COURT

Honorable Judge Peter Sakai 225th District Court



On November 7, 2006, Judge Peter Sakai was elected with nearly 60% of the entire Bexar County vote to the 225th District Court bench and was the highest vote-getter among the contested judicial races. In 2010, 2014 and 2018, Judge Sakai has been unopposed for reelection for his second, third and fourth term of office.

He is the first Asian-American to sit on a District Court bench in Bexar County. Judge Sakai has served on the Board of the Texas Center for the Judiciary and the Board of the Judicial Section of the State Bar of Texas. In 2018, he was most recently elected Local Administrative Judge of the District Courts of Bexar County.

Judge Sakai was born and raised in the Rio Grande Valley in South Texas. He received his Bachelor of Arts and Doctorate of Jurisprudence from the University of Texas at Austin.

He has been a Chief Prosecutor for the D.A.'s Office and experienced trial litigator. He was appointed Associate Judge of the 289th District Court (Juvenile Court) and for 11 years was the Presiding Judge for the nationally renowned Bexar County Children's Court.

Judge Sakai is widely recognized as a community leader and child advocate with numerous local, state and national awards.

COURT OVERVIEW

The **Bexar County Family Drug Court** (FDC) was established in 2003.

The mission of the Bexar County Family Drug Court is to provide services to families separated by the effects of alcohol and drug abuse and to use the power of the Courts to bring the community together, helping parents to recover from addiction, and appropriately care for their children.

FDC has been helping families reunify for 15 years.

FDC not only provides services, but it also tailors them to fit the specific needs of each family.

Average reunification rate for FDC is six months while reunification can take up to 18 months in traditional Children's Court. This is able to occur since families receive services in an intensive manner.

FDC has had graduates and 893 children reunified. (As of October 1, 2020—FDC will have 417 graduates and 934 children reunified).

The Bexar County Family Drug Court (FDC) is under the leadership of the Honorable Peter Sakai, 225th district court.

Court Team: Doreen M. Jaramillo, FDC Manager 210-335-0727

Basil Franks 210-335-3389

Vanessa Knight 210-335-2835

Tomas Reyes 210-335-0463

BEXAR COUNTY EARLY CHILDHOOD COURT

Honorable Judge Peter Sakai 225th District Court

COURT OVERVIEW

The **Bexar County Early Childhood Court** (ECC) was established in 2015 under the guidance of Judge Peter Sakai, 225th Judicial District Court.

The mission of the Bexar County Early Childhood Court is to establish a comprehensive, integrated, and coordinated systems approach to help families with children ages 0-5. This intensive court model is designed to work intimately and early in the life of a child to develop mental and physical health and well-being that maintain the parent-child bond. The program provides these unique services via community partners specializing in therapeutic models just for infant and toddlers. These families volunteer to work with our court team and specialized providers to help nurture the paternal role that infants need to thrive. Research has shown us that bonding and attachment are paramount in infant and children under the age of three. Additionally, we prepare the family for early education and introduce them to the Pre-K for SA school system.

Court Team:

Lorena Medellin, Early Childhood Court Manager
210-335-3026

Caroline Briones, Early Childhood Court Monitor
210-335-0723

Amanda Garcia, Early Childhood Court Monitor
210-335-1407

Macy Clark, Early Childhood Court Monitor
210-335-2830

For more information contact
Children's Court Division & Programs Administrator Barbara J Schafer at
bschafer@bexar.org or (210) 335-2959

FELONY MENTAL HEALTH PRETRIAL DIVERSION

Honorable Judge Ron Rangel 379th District Court



Judge Ron Rangel has served as the judge of the 379th Criminal District Court since his election in 2008. This court handles serious criminal felony cases that range from state jail felonies to capital murders. Judge Rangel earned a Bachelor's degree in History in 1991 and a law degree in 1996, both from St. Mary's University. He has worked as a caseworker for Child Protective Services, as a felony prosecutor, and as a criminal defense attorney.

During Judge Rangel's service on the bench, he has presided over numerous high profile jury trials, including the first two child victim human trafficking cases and the first adult continuing human trafficking jury trial in Bexar County. Judge Rangel has earned a reputation for exceptional community service projects. He is an active speaker at various seminars and colleges, including working in his 8th year as an adjunct professor at the University of Texas at San Antonio. He has received numerous awards, such as the "2013 Man of the Year" by the Observer Newspaper group, numerous "Judge of the Year" awards from numerous organizations and other various community service awards. He is in his 6th year of service as an Administrative Judge, currently as the Local Administrative Judge. He is the spokesperson and representative for all 27 Bexar County district courts and has been responsible for courthouse operations during the COVID-19 pandemic. Judge Rangel has pushed through many criminal justice reform measures, including creating and now presiding over Felony Mental Health Pretrial Diversion and has since worked closely with local providers to assist the needs of citizens caught in the criminal justice system.

COURT OVERVIEW

Multidisciplinary team approach that includes the judge, prosecutor, defense attorney, court case managers, pretrial services and treatment providers. An alternative to the traditional court system emphasizing a problem-solving model. Connecting participants to treatment, rehabilitative services and supports. Regular status hearings with judicial monitoring and review of the community-based treatment plan and court ordered conditions. Incentives are offered to reward adherence to treatment plan and conditions. Sanctions are imposed when participants do not adhere to treatment plan and conditions. The court promotes a participants mental health stability and sobriety to enable them to become productive, law-abiding members of the community.

- Eligibility:**
- ◆ 17 years or older
 - ◆ Bexar County resident
 - ◆ Mental health diagnosis
 - ◆ Must be willing to comply with treatment
 - ◆ Felony offense
 - ◆ High risk, high needs

Program duration: 12-18 months

Who can refer: Courts, Attorneys, Prosecutors, Pretrial Services, Community

- Program benefits:**
- ◆ Mental health treatment and medications
 - ◆ Case management services
 - ◆ Community referrals and supports
 - ◆ Substance abuse treatment
 - ◆ Transportation assistance
 - ◆ Case dismissed upon successful completion

For additional information contact Court Manager Michelle Starr-Salazar at
mstarr-salazar@bexar.org or (210) 335-0835

JUVENILE PRE-ADJUDICATION DRUG COURT AND SPECIALTY DOCKETS

Honorable Judge Lisa Jarrett 436th Juvenile District Court



Judge Jarrett was appointed to the 436th District Court in September of 2009. She presides over a general jurisdiction court with a preference for juvenile matters. In addition to her regular docket, Judge Jarrett presides over the Pre-Adjudication Drug Court docket and 4 additional specialty dockets including the Family Enrichment Courts, Crossover Court and RESTORE Court. These dockets focus on family violence, crossover youth, and victims of sexual exploitation, respectively. In 2011, the Governor appointed Judge Jarrett to serve on the Juvenile Justice Advisory Board. She is the Chair of the Bexar County Juvenile Board, and prior to that, she served on both the Trial Court and Programs and Services Committees. She also serves on the Juvenile Probation Department and Court Reporters Oversight Committees, on behalf of the District Courts. Prior to her appointment to the 436th District

Court, Judge Jarrett was in private practice and was serving as a juvenile law referee. She also served as an assistant district attorney in Bexar County. Judge Jarrett obtained her B.A. from The University of Texas at Austin and her J.D. from the University of Houston Law Center.

In addition to her judicial responsibilities, Judge Jarrett is also very active in the community. She serves on the board of directors for Texas Juvenile Justice Department and is active with the Friends of Communities in Schools. She is also a Fellow of the Texas Bar Foundation.

Honorable Judge Carlos Quezada 289th Juvenile District Court



Judge Carlos Quezada was elected to the 289th District Court of Bexar County in November of 2018. In this capacity, he holds the task to preside over this general jurisdictional court, with a preference for juvenile matters. In addition to his regular docket, Judge Quezada presides over the Pre-Adjudication Drug Court docket and 2 additional specialty dockets including the JUNTOS Court and MIND Court. These dockets focus on gang-involved youth and young males with mental health issues, respectively.

Judge Quezada is a proud graduate of Harlandale High School and a lifelong resident of San Antonio's south side. It was with great honor and pride that he was able to serve as President of the Harlandale ISD school board. Judge Quezada received an Associate's degree from Palo Alto College in 2002. He continued his undergraduate education at St. Mary's University and received his Bachelor of Arts in political science with a minor in criminal justice in 2004. He later attended Thurgood Marshall School of Law and received his Juris Doctor degree in 2008.

Judge Quezada began his legal career by serving as an assistant jury room bailiff in Bexar County. After law school, he served the Webb County community as a felony state prosecutor and fought for justice to be fairly dispensed. He returned back to his roots, the county near and dear to his heart, as a dedicated attorney to serve his very own Bexar County community.

For more information contact
Deputy Chief Mental Health Services Division Dr. Jeannine Von Stultz at
jvonstultz@bexar.org or (210) 335-7515

JUVENILE POST-ADJUDICATION DRUG COURT JUVENILE PRE-ADJUDICATION DRUG COURT AND SPECIALTY DOCKETS

Honorable Judge Jacqueline Herr Valdes 386th Juvenile District Court



Judge Valdes was sworn in as Judge of the 386th District Court on January 1, 2021. She presides over a general jurisdiction trial court with a preference for juvenile matters. In addition to conducting her regular docket and detention hearings, Judge Valdes also presides over several juvenile specialty courts and dockets, as she believes that juveniles have the best chance to succeed when they are provided with specialized services and programs to address their specific needs. Her specialty courts consist of the Juvenile Post-Adjudication Drug Court and Pre-Adjudication Drug Court. Her specialty dockets include Crossroads Specialty Docket, designed to address the mental health needs of young females, and STRIVE Specialty Docket, geared toward youth between 16-17 years of age who have had difficulties in meeting educational and employment goals. Judge Valdes will be adding an additional “Re-entry” specialty docket in the coming months. This new docket will focus on children who are coming back into the community after completing a residential treatment program. Each of these Specialty Courts and Dockets provide a collaborative team approach to children referred to the Juvenile Justice System who have underlying issues that would benefit from specialized services, supervision, and treatment.

Judge Valdes was born and raised in San Antonio. She obtained a Bachelor’s Degree in Mathematics from Trinity University and a Juris Doctorate Degree from St. Mary’s Law School. Prior to taking the bench, Judge Valdes dedicated over 10 years of her career in the practice of juvenile law at the Bexar County District Attorney’s Office. Judge Valdes is Board Certified by the Texas Board of Legal Specialization in Juvenile Law.

For more information contact
Deputy Chief Mental Health Services Division Dr. Jeannine Von Stultz at
jvonstultz@bexar.org or (210) 335-7515

COURT PROGRAMS

In addition to specialty courts, Bexar County has specialized court programs. The specialized court programs represent a non-traditional approach to helping youth and parents. Addressing the effects of substance abuse, trauma and co-occurring mental health disorders through evidence-based treatment, case management and court supervision. Youth and parents are empowered to lead sober, healthy, and responsible lives. Breaking the cycle of substance use and criminal justice involvement. Reunifying and stabilizing families.

Family Court:

Judge David A. Canales	EAGLES Court
All 14 District Court Judges	Family Violence Prevention Program
Judge Rosie Alvarado	PEARLS Court
Judge Angelica Jimenez	PEARLS Court

Juvenile Court:

Judge Lisa Jarrett	Crossover Court
	Family Enrichment Court
	Juvenile Re-entry Court
	RESTORE Court
Judge Carlos Quezada	JUNTOS Court
	Juvenile Re-entry Court
	MIND Court
Judge Jacqueline Herr Valdes	Crossroads Court
	Juvenile Re-entry Court
	STRIVE Court

EAGLES COURT

Honorable Judge David A. Canales 73rd Civil District Court



Judge David A. Canales presides over the 73rd Judicial District Court in Bexar County, Texas. He was first elected in 2012 to serve a 4-year term beginning January 1, 2013. Judge Canales sought re-election, unopposed in the primary and general elections, in 2016 and 2020. His third term began on January 1, 2021. He earned his J.D. from Texas Southern University in 2006, summa cum laude, graduating as class valedictorian. He began his legal career as an associate attorney at Sidley Austin in Chicago, Illinois, before moving to San Antonio, Texas, and opening a solo law practice focused on civil, personal injury, and family law matters. As a state district judge, Judge Canales presides over a court of unlimited general jurisdiction that gives preference to civil and family law matters.

Judge Canales chairs and serves on numerous committees, including co-chairing the San Antonio Legal Services Association in Bexar County, formerly known as the Community Justice Program (CJP), a local organization whose vision is to ensure that everyone in the San Antonio community has equal access to justice regardless of their ability to pay for legal services. He is a frequent speaker at continuing legal education seminars.

Judge Canales is married to Cecilia, his wife of 25 years. They are parents of 3 boys, Samuel, Elias, and Benjamin.

COURT PROGRAM OVERVIEW

In 2020, Judge Canales helped found and he currently presides over E.A.G.L.E.S. Court (Esteem, Achievement, Grit, Learning & Leadership, Empowerment, and Strength), a therapeutic restorative foster care court in Bexar County. The vision of EAGLES Court is to invest in teen boys between the ages of 14 to 18 placed in foster care, helping them value their whole selves and their inherent strengths. The Court provides therapeutic care, case management, life skills training, programming, and mentoring to our teen boys.

FAMILY VIOLENCE PREVENTION PROGRAM

Family Violence Prevention Program (FVPP) vision is founded on the belief that every person and child has the right to be safe, empowered, and free from violence and the fear of violence. Central to this belief, FVPP seeks to eliminate domestic violence, sexual assault, stalking, dating violence, human trafficking and possession of firearms. Additionally, FVPP aims to reduce related social problems, such as child abuse, substance abuse, sexism, racism, and other forms of oppression.

The FVPP program serves all 14 District Court Judges.

**For more information contact
Children's Court Division & Programs Administrator Barbara J Schafer at
bschafer@bexar.org or (210) 335-2959**

PEARLS COURT

Honorable Judge Rosie Alvarado 438th Civil District Court



Elected in 2017, Judge Rosie Alvarado serves the citizens of Bexar County, Texas in the 438th District Court hearing a wide assortment of civil matters. In addition to her duties as a district court Judge, Judge Alvarado presides over a restorative care court, called PEARLS Court. The mission of PEARLS Court is to invest in female girls ages 14 to 18 who have been placed in foster care. PEARLS Court supplies therapeutic care, case management, life skills training, programming, and mentoring.

Appointed by the Texas Supreme Court, Judge Alvarado serves as a Commissioner on the Texas Children's Commission. She also serves on the Bexar County Juvenile Court Board, and is the Chair of the Bexar County Children's Court Oversight committee within the Bexar County district courts administration. Judge Alvarado was licensed to practice law in 2002 and during the course of her practice focused on personal injury, family law and federal civil trial law. She earned her BA in

biology from St. Mary's University and her law degree from St. Mary's University School of Law, in San Antonio. She is licensed to practice law in all Texas courts, and in the United States District Court for the Western and Southern districts of Texas.

Judge Alvarado has received recognition and awards, including the La Prensa Foundation Salute to Outstanding Women in Action and the Northside Education Foundation Pillar of Character Award. When not serving the citizens of Bexar County, she is an engaged and proud mother of two teens. Her hobbies include cycling and fitness, gardening, writing, and adventuring (skiing, white water rafting, hiking, camping, and scuba diving).

Honorable Judge Angélica Jiménez 408th Civil District Court



Judge Angélica Jiménez is a graduate of the University of Texas at Austin with a B.A. in Spanish Literature and received her J.D. from St. Mary's University School of Law. Prior to her election Judge Jiménez practiced primarily family law and some civil litigation. She was elected to serve Bexar County as Judge of the 408th Civil District Court in 2016. On January 1, 2019 she and Judge Rosie Alvarado became the presiding judges of the PEARLS Court. A program within the Restorative Foster Care Courts of Bexar County that assist youth within the Foster Care System between the ages 14-18 who are about to age out of the System. Judge Jiménez has taken this on in addition to her regular duties as Civil District Court Judge. This program was started by Judge Renee Yanta in 2015 and continues to help youth in foster care in and around the Bexar County area. Restorative Foster Care Courts provide case management and oversight by the Court,

trauma informed therapeutic care, mentoring and life-skills training.

Judge Jiménez currently volunteers in various programs in the legal community and serves on the Hispanic Law Alumni Board for St. Mary's University School of Law, the Law Alumni Board for St. Mary's University School of Law, and the Bexar County Juvenile Board.

COURT PROGRAM OVERVIEW

Our vision is to serve adolescent youth in foster care in Bexar County with successful experiences that build their confidence and resiliency. The PEARLS (Preparation, Esteem, Achievement, Resiliency, Learning, Strength & Stamina) Court and EAGLES (Esteem, Achievement, Grit, Learning & Leadership, Empowerment, and Strength) sharing accountability with government and private organizations work to ensure these youth can successfully participate in and feel that they belong in our community.

These two courts provide foster care teen youth with resiliency, esteem-building, and life-skill training, by enhancing this curriculum by introducing the teens youth to new experiences with positive and inspirational role models. The youth can explore education, recreation, along with meeting healthy and inspirational men and women and toll in a variety of jobs and roles, as part of the process of directing the youth to focus on their strengths and meet new goals.

501C3 COMMUNITY PARTNERS

Ministry of the Third Cross - Jorge R. Cuellar D. Min, Founder and President



Jorge R. Cuellar D. Min, founder and president of the Ministry of the Third Cross (MOTC) Faith Based Services for women, men and children on supervision in Bexar County and surrounding counties. MOTC is a Faith Based Initiative that began in 1997 under the Clinton Administration. It is an organization serving persons that are under Bexar County Community Supervision and Corrections supervision, TDCJ Pardons and Parole. MOTC is an Ecumenical Spiritually grounded mentoring program for justice involved men and women with a desire to commit to change in their lives through spiritual development and mentorship that may promote a harmonious, healthier, more productive and spiritually driven life while helping to decrease the likelihood of future involvement in the legal system. The program offers resources such as faith based spiritual weekend retreats, mentoring, spiritual guidance, family outreach services and a rich tradition of outreach and other psychosocial referral services. We are part of a collaborative with church communities, business organizations, treatment facilities, Bexar County re-entry services, and the criminal justice system. MOTC is a volunteer driven organization that is committed to serve Our Lord and offers services to those on supervision and their families.

Our work with the formerly incarcerated offers encouragement and support to re-examine their life experiences and how these have led to criminal activity so that they can take responsibility of their criminal behavior, rebuild their lives through the changing of life long negative patterns. Most importantly these men and women will be provide the opportunities for exploring, examining and sharing spirituality. The MOTC obtained its 501c3 status and is a Texas non-profit organization. This phenomena of the MOTC retreats has recently gone statewide, as more and more Texas cities and counties are recognizing the significance of these faith based renewing retreats. The power of God is the cornerstone of this ministerial organization.





THERAPEUTIC JUSTICE FOUNDATION

The Therapeutic Justice Foundation (TJF) is the result of Judge Al Alonso’s innovative judicial vision and his collaboration with a group of dedicated community leaders. Founded in 2010, the Foundation’s continued support has proven a valuable resource for Therapeutic Court participants. All proceeds from contributions and fundraising events go directly towards benefiting the participants of the Bexar County Therapeutic Courts.

Mission Statement: To provide financial support toward the success of the participants of the Bexar County Therapeutic Courts through treatment, education, training and public awareness.

As of July 2020, the Therapeutic Justice Foundation had spent approximately a quarter of a million dollars in assisting participants with much needed services

- ◆ Annual Commencement
- ◆ Emergency Food Pantry
- ◆ Transitional Housing
- ◆ Monitoring Devices
- ◆ Treatment Resources
- ◆ Annual Training Conference
- ◆ Pro-Social Activities
- ◆ Therapeutic Court Mentors
- ◆ Bus Passes/Tickets
- ◆ Food Gift Cards
- ◆ Urinalysis Vouchers
- ◆ College Scholarships
- ◆ Holiday Food Baskets
- ◆ Family Recreational Gift Cards
- ◆ Research Studies
- ◆ Court Parking Vouchers
- ◆ Incentives



Judge Al Alonso graduated from Trinity University with a Bachelor of Science and received his Doctorate of Jurisprudence from St. Mary’s School of Law. As part of his Master of Judicial Studies, he authored **Best Practices in Drug Courts**, a thesis approved by the National Judicial College. Elected as Administrative Judge in 2010, he represented 15 Bexar County Courts at Law. He has been board certified in criminal law since 1975 by the Texas Board of Legal Specialization and has over 50 years experience in the criminal justice system with 16 years spent in the judiciary.

It was in 2001 that Judge Alonso established the first Bexar County Adult Drug Court, paving the way for the 14 Specialty Courts now in existence. In 2007, Judge Alonso was President of the Texas Association of Drug Court Professionals representing over 100 Texas Drug Courts.

Selected in 2009 as one of two representatives from the state of Texas, he served in the Congress of drug court professionals for the National Drug Court Institute. In addition to his leadership of the Therapeutic Justice Foundation, he is currently a practicing private attorney.

Donations Appreciated!

Mailing Address: Therapeutic Justice Foundation - 104 Babcock Rd, Suite 107 - San Antonio, Texas 78201

www.therapeuticjusticefoundation.org

210-225-7114

DEFINITIONS

10-Key Components	The core framework for most types of problem-solving court programs.
Assessment	A way of diagnosing and determining treatment.
Best Practices	Are the foundation which all specialty courts should operate. https://www.nadcp.org/standards/adult-drug-court-best-practice-standards/
Deferred Adjudication	A form of plea deal, where a defendant pleads "guilty" or "no contest" to criminal charges in exchange for meeting certain conditions within a specified period of time ordered by the court. Upon completion of the conditions, the defendant may avoid a conviction on their record or have their case dismissed
Evidenced Based Practices	Are practices that have a definable outcome; are measureable; and are defined according to practical realities, such as recidivism.
Incentives	Are used to reinforce positive behaviors, such as meeting treatment goals.
Pretrial Diversion	An alternative to prosecution which diverts certain offenders from traditional criminal justice processing into a program of supervision and services. Participants who successfully complete the program will not be charged or, if charged, will have the charges dismissed.
Problem-Solving Courts	Take a public health approach using a specialized model in which the judiciary, prosecution, defense bar, probation, law enforcement, mental health, social service, and treatment communities work together to help addicted offenders into long-term recovery.
Sanctions	Are used to decrease undesired behaviors, such as engaging in crime or drug abuse.
Screening	Used to identify possible signs or symptoms that may determine a need for an evaluation and treatment.
Specialty Court	Specialized court sessions that offer an intensive probation program for individuals with mental health and /or substance abuse disorders.
Treatment Court	Intervention to lead people living with substance use and mental health disorders out of the justice system and into recovery and stability.
Therapeutic Jurisprudence	A concept founded by David Wexler, a law professor from the University of Arizona (Therapeutic Jurisprudence, 2009). The concept described an integration of criminal justice law and mental health law allowing for the rendering of humanistic sentencing strategies that would allow treatment in lieu of incarceration.

THE 10 KEY COMPONENTS OF SPECIALTY COURTS

The National Association of Drug Court Professionals' (NADCP) Standards Committee developed a manual on specialty courts which sets forth ten key elements of a successful specialty court.

Key Component #1:

Drug courts integrate alcohol and other drug treatment services with justice system case processing

Key Component #2:

Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants' due process rights

Key Component #3:

Eligible participants are identified early and promptly placed in the drug court program

Key Component #4:

Drug courts provide access to a continuum of alcohol, drug, and other related treatment and rehabilitation services

Key Component #5:

Abstinence is monitored by frequent alcohol and other drug testing

Key Component #6:

A coordinated strategy governs drug court responses to participants' compliance

Key Component #7:

Ongoing judicial interaction with each drug court participant is essential

Key Component #8:

Monitoring and evaluation measure the achievement of program goals and gauge effectiveness

Key Component #9:

Continuing interdisciplinary education promotes effective drug court planning, implementation, and operations

Key Component #10:

Forging partnerships among drug courts, public agencies, and community-based organizations generates local support and enhances drug court program effectiveness



CS# 503703

Mon/3 Jun 2019

DAVIS, David

Probate \$300⁰⁰ fine

No DWLI

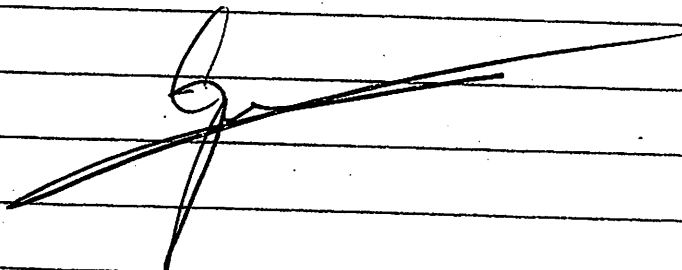
CBD ok

Outpt. w/VAT w/10 days -

Fu 2mos.

FILED IN MY OFFICE
LUCY ADAMS-OLARK
COUNTY CLERK
SAN BERNARDO

2019 JUN -3 P 4:27



CSCD Court Guidelines | 2019-2022

Honorable Grace M. Uzomba, Judge Presiding

ARRESTS (NEW Offense)

- File MTR and /or Amended MTR on all New #1s Submit
- State's Motion to Supplement on technical violations.

VIOLATION REPORTS

VRs go to ADA and the Judge. Please ADD signature line for Judge Uzomba on VR with recommendation as follows:

ADD compliance hearing as recommendation #2. *[Example]*

- 1) File MTR;
- 2) Compliance Hearing;
- 3) Other

COMPLIANCE / (PRE-MTR) HEARINGS

- CSO can recommend Compliance Hearings by filing an SR and set up with CLO.
- Compliance hearings are to be set on Mondays, Tuesdays, Wednesdays, and Thursdays at 2:30pm.
- Please have Probationer sign Case Setting Form and submit to CLO.

EARLY TERMINATION

Status Report to the Judge.

- ✓ Entire balance should be PIF (except Supervisory fees for months he/she will not be supervised);
- ✓ All classes and CSR hours must be completed and the Probationer must not have any new cases pending.

EXTENSIONS

First state date granted probation, Offense, term, expiration date. Request to extend and NEW expiration date.

Second: Conditions Completed - Date completed

Third: Conditions Due

Fourth: CSO's Recommendation

Fifth: Additional Relevant Information

COMMUNITY SERVICE RESTITUTION (CSR)

Monetary donations allowed to Therapeutic Justice Foundation at a rate of \$7.50 per hour.

TAIP

- When made a condition of probation - to be done within 90 days of Sentencing.
- SR listing TAIP recommendations for Judge's approval.
- As part of graduation sanction, CSO may send SR to recommend TAIP (include date scheduled)

IGNITION INTERLOCK

- ✓ Affidavit of Non-driving of a vehicle without an Ignition Interlock (I/I) within 5 calendar days on all DWI cases to include OBS HWY. Other vehicles accessible at the same address must be listed to include relation to vehicle owner, year, make, model, license plate and last 6 of VIN.
- ✓ If Probationer has no vehicle, a Portable Alcohol Monitoring Device (PAMD) will be required.
- ✓ If relations at the same address are wife, fiancé, significant other, parents, or siblings, an affidavit of NO PERMISSION to drive their vehicles must be submitted within 10 days.



**BEXAR COUNTY COMMUNITY SUPERVISION
AND CORRECTIONS DEPARTMENT**

207 N. Comal
San Antonio, Texas 78207
(210) 335-7200
FAX (210) 335-7319

Jarvis Anderson
Director

County Court 2

<p>Arrests:</p>	<p>File MTR and /or Amended MTR on all New #1s Submit State's Motion to Supplement on technical violations.</p>
<p>Violation Reports:</p>	<p>VRs go to ADA and the Judge. Please ADD signature line for Judge Uzomba on VR with recommendation as follows: ADD compliance hearing as recommendation #2. [Example] 1) File MTR; 2) Compliance Hearing; 3) Other</p>
<p>Compliance / Pre-MTR Hearing:</p>	<p>CSO can recommend Compliance Hearings by filing an SR and set up with CLO. Compliance hearings are to be set on Mondays, Tuesdays, and Wednesdays, and Thursdays at 2:30pm. Please have Probationer sign Case Setting Form and email to CLO (Hardcopy is not required)</p>
<p>Early Termination:</p>	<p>Status Report to the Judge. Entire balance should be PIF (except Supervisory fees for months he/she will not be supervised); All classes and CSR hours must be completed and the Probationer must not have any new cases pending.</p>
<p>Extension:</p>	<p>Status report required with the following information; First: state date granted probation, Offense, term, expiration date. Request to extend and NEW expiration date. Second: Conditions Completed - Date completed Third: Conditions Due Fourth: CSO's Recommendation Fifth: Additional Relevant Information</p>

CSR:	Monetary donations allowed to Therapeutic Justice Foundation at a rate of \$7.50 per hour.
TAIP:	When made a condition of probation - to be done within 90 days of Sentencing. SR listing TAIP recommendations for Judge's approval. As part of graduation sanction, CSO may send SR to recommend TAIP (include date scheduled)
Interlock:	If offender has no vehicle, send Supplemental Report for a Portable Alcohol Monitoring Device (PAMD) will be required along with an affidavit of non-driving. If relations at the same address are wife, fiancé, significant other, parents, or siblings, an affidavit of Non- Driving to drive their vehicles must be submitted within 10 days.

Updated 5/23/19

***** UPDATE COMPLETED *****
 DPW: *** Case Inquiry Page (Bl-Page) *** *Action Code: __
 Selection: JCI Qualifier: CC503703
 Trn: 9112350753 Sfx: A001 060320191608 CC7E 39435
 JN CNC Juris *Court Case Nbr Loc Defendant's Name
 1714141 1 YES CC2 503703 PRB DAVIS, DARIO E
 Assignment Nbrs: BCSO: 2018000000 SID: 0799817 Suff: 03
 COMPLAINT Date: 10 28 2015 : SAPD: 2015233945 R: B S: M DOB: 03 07 1980
 *Code *Description :Other: *Stat Code Date Nbr
 540409 DRIVING WHILE INTOXICATED G Jury: FLD 10 29 2015
 State Off Code: GOC: Prosecutor Action: A *ORI: TX015025A
 Off Date: 10 28 2015 Type: MB R/H: *Warrant: RET 0804 10 26 2017 1556862
 Reduce Off: Y *Special Crime Code: Summons: War Agcy/Case:
 Date *St
 Arrgn: 12 08 2015 H Ph-Crt Custody 02 16 2018 B20180741201
 Hrng: 07 30 2019 P Mag Court: NM 287506 Mag Date: 10 29 2015
 Trial: 02 09 2018 W Track: Release: 0214 02 19 2018 PROBATION GRANTED
 Sent: Bnd Org: *Bond: 02 19 2018 CAPIAS
 *Case St: 0142 02:09 2018 PROBATION GRANTED *Court ORI: TX015033J
 *Disp St: 0641 02:09 2018 NOLO CT-GUILTY Yr Mo Dy
 *Sent/Jdgt: 0708 02:09 2018 PROB-TERM + FINE Term: 002 __ __
 Strt Date: 02 09 2018 End Date: 02 09 2020 *Credit:
 Deadly Weapon: Last Updated 06 03 2019 1608 CC7E 39435
 KJMPICB1 Help = <PF1> Schd = <PF6> KJCIDB1

8/5/19

COUNTY COURT AT LAW NO. 2

~~8:15 AM~~ 2:30pm

NOTICE OF ABOVE SETTING IS ACKNOWLEDGED ON THIS DATE

6/3/19

DEFENDANT SIGNATURE

COURT COORDINATOR

DEFENDANT PHONE NUMBER

ATTORNEY FOR DEFENDANT

BAR NUMBER

ATTORNEY PHONE NUMBER

- (PTC) -- CALL DOCKET
- PLEA
- JURY TRIAL
- State Def Court
- DISPOSITIVE MTN TO SUPPRESS
- CONDITIONAL DISMISSAL PROGRAM
- APPLY PRETRL DIV TO COMPLETE PRETRL DIV
- MTR PRE-MTR
- FELONY PENDING
- TO HIRE ATTORNEY
- NO FILE
- TO MAKE A PAYMENT

SUNRISE

*****NO OTHER REMINDER WILL BE SENT*****

FAILURE TO APPEAR WILL RESULT IN A WARRANT OF ARREST TO BE ISSUED BY THE COURT
COURT PHONE (210) 335-2573

EXHIBIT 6

***** UPDATE COMPLETED *****

DPW: *** Case Inquiry Page (Bl-Page) *** *Action Code: ___
 Selection: JDG Qualifier: 1714141
 Trn: 9112350753 Sfx: A001 100920191633 CC7E 39435
 JN CNC Juris *Court Case Nbr Loc Defendant's Name
 1714141 1 YES CC2 503703 PRB DAVIS, DARIO E
 Assignment Nbrs: BCSO: 2018000000 SID: 0799817 Suff: 03
 COMPLAINT Date: 10 28 2015 : SAPD: 2015233945 R: B S: M DOB: 03 07 1980
 *Code *Description :Other: *Stat Code Date Nbr
 540409 DRIVING WHILE INTOXICATED G Jury: FLD 10 29 2015
 State Off Code: GOC: Prosecutor Action: A *ORI: TX015025A
 Off Date: 10 28 2015 Type: MB R/H: *Warrant: RET 0804 10 26 2017 1556862
 Reduce Off: Y *Special Crime Code: Summons: War Agcy/Case:
 Date *St
 Arrgn: 12 08 2015 H Ph-Crt Custody 02 16 2018 B20180741201
 Hrng: 01 15 2020 P Mag Court: NM 287506 Mag Date: 10 29 2015
 Trial: 02 09 2018 W Track: Release: 0214 02 19 2018 PROBATION GRANTED
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 *Case St: 0142 02 09 2018 PROBATION GRANTED *Court ORI: TX015033J
 *Disp St: 0641 02 09 2018 NOLO CT-GUILTY Yr Mo Dy
 *Sent/Jdgt: 0708 02 09 2018 PROB-TERM + FINE Term: 002
 Strt Date: 02 09 2018 End Date: 02 09 2020 *Credit:
 Deadly Weapon: Last Updated 10 09 2019 1633 CC7E 39435
 KJMPICB1 Help = <PF1> Schd = <PF6> KJCIDB1

COUNTY COURT AT LAW NO. 2

~~8:25 AM~~ 2:30pm

NOTICE OF ABOVE SETTING IS ACKNOWLEDGED ON THIS DATE 10/9/19

[Signature]
 DEFENDANT SIGNATURE

[Signature]
 COURT COORDINATOR

DEFENDANT PHONE NUMBER

- (PTC) - CALL DOCKET
- PLEA

ATTORNEY FOR DEFENDANT

Mr. Davis
will be attending
5-8 Dec 2019
NOTE

**SUPPRESS
 SAL PROGRAM
 TO COMPLETE PRETRL DIV**

BAR NUMBER

ATTORNEY PHONE NUMBER

SCANNED

*****NO
 **FAILURE TO APPEAR WILL RESL
 COI

THE COURT**

NO. 503703

STATE OF TEXAS

IN THE COUNTY COURT

VS.

AT LAW NO 2

Dario Davis


BEXAR COUNTY, TEXAS

NOTICE OF APPEARANCE AS RETAINED COUNSEL

TO THE HONORABLE JUDGE OF SAID COURT:

Now Comes the undersigned attorney and files this Notice of Appearance as Retained Counsel in above-styled and numbered cause.

FILED IN MY OFFICE
LUCY ADAME-CLARK
COUNTY CLERK BEXAR CO
2019 OCT 29 10 3 11 AM



Attorney at Law.
SBN: 24056980
Address:
Phone:
Date:
Email:
Cell#:

ANDREW FROELICH
SBN # 24056980

Certificate of Service

I hereby certify that a copy of Defendant's Notice of Appearance as Retained Counsel was delivered to the Appointed Attorney of Record, _____ by facsimile at () _____, or by mail to _____, on this the _____ day of _____, 20_____.

SCANNED

ATTORNEY FOR DEFENDANT

THE STATE OF TEXAS

IN THE COUNTY COURT 2

VS.

OF

DARIO E DAVIS

BEXAR COUNTY, TEXAS

VIOLATION REPORT

On the 9th day of February, 2018 the above named defendant was granted Adjudicated probation for a period of 2 Years for the offense Driving While Intoxicated.

The following violation(s) has/have occurred:

- Condition 24 Comply with the rules and regulations of Ignition Interlock
- Condition 28 Comply with Ministry of the Third Cross

COMMENTS: Due to defendant not agreeing to treatment and his continued driving without a valid driver license, a compliance hearing was set for 06/03/19. On 06/03/19, the judge admonished the defendant and conditions were amended for outpatient treatment with the VA. The case was then reset to 08/05/19. On 08/05/19, the judge ordered the defendant to attend the Ministry of the Third Cross from 9/5/19 through 9/8/19, have his urinalysis from 7/25/19 confirmed and case was reset for 10/09/19.

On 09/04/19, the defendant informed this officer he had not attended MOTC due to not realizing it was over night, thus not being able to attend due to work.

On 09/16/19, the defendant was present for his office visit and stated he had no issues with the Ignition Interlock device. On 09/17/19, the defendant called this officer stating his vehicle had been repossessed since the prior week and when asked why he did not mention this during his visit, he stated he thought he would take possession of the vehicle, but since he would have to pay a lot of money, he could not afford it. This officer received verification that the vehicle was repossessed on 09/11/19.

FILED IN MY OFFICE
LUCY ADAMS-CLARK
COUNTY CLERK BEXAR CO
2019 OCT 10 A 8:51

September 18, 2019
Date Submitted


Norma Maya-Guerra
Community Supervision Officer


Mary A. Deater
Manager
Bexar County CSCD

Recommendation:

File MTR
 Other *CH held 9 Oct 2019 - Issues addressed*


Assistant District Attorney

10/2/19
Date Returned


The Honorable Grace M. Uzomba

9 Oct 2019
Date Returned

LAST UA: 08/22/19 – Diluted.

*Entered by Norma Maya-Guerra on 09/16/19 at 11:29AM
Modified by Norma Maya-Guerra on 09/16/19 at 11:50AM*

08/12/19 OFFICE VISIT

PROBLEM:

CBD oil

DATA:

No Warrants/new offenses per Mocha

The def. reported for his office visit. No changes to report. Def denies use of alcohol/illegal drug use and has no new arrests.

ASSESSMENT:

Def states he used CBD oil in error while he drank some tea his mother drinks and that is what caused the + ua for thc.

PLAN:

- provide proof of residence/employment
- abide by all terms and conditions of Probation
- inform CSO of any changes
- avoid new arrests and stay drug/alcohol free
- pay for confirmation for 7/25/19 ua by no later than 8/14/19
- attend MOTC retreat 9/5-8
- comply with II
- submit to ua on 8/26 downtown

Test Date	Lab Received	Result Released	Accession #	COC #	Result	Creatinine	Abnormal Reason(s)	Collection Notes
DARIO DAVIS								
02/05/2020	02/06/2020	02/06/2020	0W2042312	AL2050C75	Dilute / Abnormal	16	Dilute Validity	
01/31/2020	02/04/2020	02/04/2020	0A2041756	AL131146A	Normal	81.6		
01/24/2020	01/28/2020	01/28/2020	0F2029069	AL1241870	Dilute / Abnormal	17.8	Dilute Validity	
01/14/2020	01/16/2020	01/16/2020	0G2017609	AL114126A	Dilute / Abnormal	9.8	Dilute Validity	
01/08/2020	01/09/2020	01/09/2020	0A2010940	AL1080F1E	Normal	37.4		
01/02/2020	01/03/2020	01/03/2020	0L2002298	AL102180D	Normal	42.9		
12/27/2019	12/30/2019	12/30/2019	9A2386561	AKC270A5B	Normal	35.2		
12/11/2019	12/12/2019	12/12/2019	9L2391978	AKC111FDF	Normal	63.9		
12/02/2019	12/04/2019	12/04/2019	9F2364412	AKC021F33	Normal	30.4		
11/27/2019	12/03/2019	12/03/2019	9W2370080	AKB270BFF	Normal	60.7		
11/26/2019	12/02/2019	12/02/2019	9U2380737	AKB2613E1	Dilute / Abnormal	13	Dilute Validity	
11/25/2019	11/26/2019	11/26/2019	9K2337131	AKB251D48	Dilute / Abnormal	16.3	Dilute Validity	
11/22/2019	11/25/2019	11/25/2019	9L2371393	AKB221A49	Normal	26.4		
11/21/2019	11/22/2019	11/22/2019	9F2355045	AKB2114AE	Normal	32.6		
11/19/2019	11/20/2019	11/20/2019	9L2366224	AKB1916BE	Normal	213.6		
11/18/2019	11/19/2019	11/19/2019	9G2361738	AKB1816D2	Normal	46.9		
11/15/2019	11/19/2019	11/19/2019	9G2359989	AKB150E46	Normal	53.8		
11/13/2019	11/14/2019	11/14/2019	9U2362471	AKB130C65	Normal	40.2		
11/12/2019	11/15/2019	11/15/2019	9X2347596	AKB1223E1	Normal	173.4		
11/11/2019	11/13/2019	11/14/2019	9U2359927	AKB110F02	Dilute / Abnormal	15.2	Dilute Validity	
11/08/2019	11/11/2019	11/11/2019	9G2351790	AKB081039	Normal	41.6		
11/06/2019	11/08/2019	11/08/2019	9G2350112	AKB062111	Normal	34.9		
11/05/2019	11/06/2019	11/06/2019	9A2329254	AKB050CD9	Dilute / Abnormal	11.4	Dilute Validity	
11/04/2019	11/06/2019	11/06/2019	9W2339086	AKB0415C8	Dilute / Abnormal	16.3	Dilute Validity	
11/01/2019	11/04/2019	11/04/2019	9A2325564	AKB0114CD	Normal	28.1		
10/31/2019	11/01/2019	11/01/2019	9C2315780	AKA311F57	Normal	39.3		
10/30/2019	10/31/2019	10/31/2019	9L2343409	AKA300BD3	Normal	20.1		
10/29/2019	10/30/2019	10/30/2019	9X2328985	AKA291EDF	Normal	54.6		
10/28/2019					Missed Test			
10/24/2019	10/25/2019	10/25/2019	9C2309538	AKA241973	Normal	25.8		
10/21/2019					Missed Test			
10/18/2019	10/22/2019	10/22/2019	9F2317662	AKA18099B	Normal	110.9		
10/17/2019	10/18/2019	10/18/2019	9A2309372	AKA1715FA	Dilute / Abnormal	17	Dilute Validity	
09/18/2019	09/19/2019	09/19/2019	9W2287510	AK9181BDF	Normal	142.5		
08/22/2019	08/26/2019	08/26/2019	9G2260574	AK8220AAC	Dilute / Abnormal	16.5	Dilute Validity	
07/25/2019	07/26/2019	08/29/2019	9F2223555	AK7251379	Abnormal	52.1	Marijuana, See Report	
04/23/2019	04/24/2019	04/24/2019	9L2128298	AK4231C5B	Normal	25.7		
02/12/2019	02/14/2019	02/14/2019	9G2050405	AK2121074	Abnormal	123.6	Marijuana	

Test Date	Lab Received	Result Released	Accession #	COC #	Result	Creatinine	Abnormal Reason(s)	Collection Notes
11/15/2018	11/19/2018	11/19/2018	8K2312229	AJB150E39	Normal	141.5		
11/07/2018	11/08/2018	11/08/2018	8X2333665	AJB07134A	Normal	22.2		
11/01/2018	11/02/2018	11/02/2018	8K2298375	AJB01109A	Normal	49.3		
10/25/2018	10/26/2018	10/26/2018	8A2237288	AJA25084E	Normal	53.8		
10/18/2018	10/19/2018	10/19/2018	8X2312750	AJA18126E	Normal	51.5		
10/10/2018	10/11/2018	10/11/2018	8A2222147	AJA1008E0	Normal	49.7		
10/04/2018	10/05/2018	10/05/2018	8X2297588	AJA040922	Normal	50		
09/28/2018	10/01/2018	10/01/2018	8U2281999	AJ92807C9	Normal	88.3		
09/21/2018	09/24/2018	09/24/2018	8C2278080	AJ92108F8	Normal	69.7		
09/07/2018	09/10/2018	09/10/2018	8L2265308	AJ9071017	Normal	28.1		
08/29/2018	08/30/2018	08/30/2018	8L2255406	AJ82912ED	Abnormal	27.2	Marijuana	
08/22/2018	08/27/2018	08/28/2018	8A2173670	AJ82217E4	Abnormal	54.2	Marijuana	
08/16/2018	08/17/2018	08/17/2018	8F2251496	AJ8161725	Normal	22.9		
07/19/2018	07/20/2018	07/20/2018	8G2206306	AJ7190F9D	Normal	28.8		
04/12/2018	04/13/2018	04/13/2018	8L2111317	AJ4121383	Normal	21.8		

TENTATIVE



**BEFORE THE STATE COMMISSION
ON JUDICIAL CONDUCT**

CJC No. 20-0623

PUBLIC REPRIMAND

**HONORABLE GRACE UZOMBA
COUNTY COURT AT LAW NO. 2
SAN ANTONIO, BEXAR COUNTY, TEXAS**

During its meeting on August 9-11, 2022, the State Commission on Judicial Conduct concluded a review of the allegations against the Honorable Grace Uzomba, County Court at Law No. 2, San Antonio, Bexar County, Texas. Judge Uzomba was advised by letter of the Commission’s concerns and provided a written response.

After considering the evidence before it, the Commission enters the following findings and conclusions:

FINDINGS OF FACT

1. At all times relevant hereto, the Honorable Grace Uzomba, was judge of the County Court at Law No. 2, San Antonio, Bexar County, Texas.
2. On February 9, 2018, Dario Davis (“Davis”), defendant in *State of Texas v. Dario E Davis* (the “Davis Case”), Cause No. 503703, pled no contest to the offense of Driving While Intoxicated and was placed on probation for two years.
3. While presiding over the Davis Case, on August 5, 2019 during a pre-motion to revoke conference hearing, Judge Uzomba amended Davis’ conditions of his community supervision by ordering Davis to attend a Ministry of the Third Cross (“MOTC”) retreat in San Antonio on September 25-29, 2019. This hearing was conducted without a court reporter nor prosecutor present.
4. On October 21, 2019, Gerald Wright (“Wright”), a Bexar County Community Liaison Officer, informed Andrew Froelich (“Froelich”), Davis’ attorney, that Judge Uzomba granted permission

for Davis to attend the MOTC retreat in Corpus Christi on October 24-29, 2019 instead of the retreat in September.

5. On October 24, 2019, Davis began attending the MOTC retreat in Corpus Christi.
6. On the same day, Judge Uzomba ordered Davis to be transported from MOTC in Corpus Christi to appear in her court the next day on the basis that he did not have permission to attend the retreat in Corpus Christi.
7. At the pre-motion to revoke conference hearing on October 25, 2019, Wright testified Judge Uzomba had given Davis permission to attend the MOTC retreat in Corpus Christi. This hearing was conducted without a motion to revoke probation nor a prosecutor present.
8. After Wright's testimony, Judge Uzomba proceeded to amend Davis' conditions of community supervision by: (1) ordering an increase in the amount of urinalysis required a week, (2) requiring him to acquire a Portable Alcohol Monitoring device, (3) having him attend and complete a specific substance abuse outpatient treatment program, (4) reinstating a fine and (5) performing more community service. However, Judge Uzomba did *not* order Davis to attend the MOTC retreat in San Antonio on December 5-8, 2019.
9. Judge Uzomba stated she did not recall granting permission for Davis to attend the MOTC retreat in Corpus Christi and when she learned he was attending the retreat in Corpus Christi, she understood that Davis was yet again violating his probation agreement.
10. Judge Uzomba stated she recognized there was a breakdown in communication between her, Wright and the Probation Officer assigned to Davis' case, which created confusion regarding where Davis was permitted to attend the MOTC retreat.
11. Judge Uzomba stated she has never set conditions of community supervision as a "punishment" and the conditions she set for Davis were not "outside of the ordinary and common conditions of any other individual with similar circumstances."
12. At a pre-motion to revoke conference hearing on December 9, 2019, Judge Uzomba asked Davis if he attended the MOTC retreat on December 5-8, 2019. Davis responded he had not, and Judge Uzomba ordered Davis taken into custody. After Froelich objected and requested a hearing and bond be set, Judge Uzomba set a hearing for December 11, 2019, but refused to set a bond. This hearing was conducted without a court reporter nor a prosecutor.
13. For several hours, Davis remained handcuffed and detained in the jury box and subsequently in a holding cell.
14. After a discussion in chambers with Froelich and Philip Kazen, First Assistant District Attorney of the Bexar County District Attorney's Office ("ADA Kazen"), Judge Uzomba ordered Davis released after ADA Kazen stated he would not support a motion to revoke probation.
15. On December 11, 2019, Froelich filed a Motion to Recuse Judge Uzomba. Judge Uzomba voluntarily recused herself.
16. Judge Uzomba stated no prosecutors were present at these compliance hearings because it is not typical for prosecutors to be at these hearings. However, a representative of the Probation Department was always present during compliance hearings.

17. Judge Uzomba stated, “I willingly acknowledge that I have made mistakes as a new judge pursuing my belief of restorative and rehabilitative justice. However, I reaffirm that any mistakes I made were isolated and made in good faith, without any improper purpose.”

RELEVANT STANDARDS

1. Canon 2A of the Texas Code of Judicial Conduct provides, in relevant part: “A judge shall comply with the law...”
2. Canon 3B(2) of the Texas Code of Judicial Conduct provides, in relevant part: “A judge should be faithful to the law and shall maintain professional competence in it...”
3. Canon 3B(4) of the Texas Code of Judicial Conduct provides, in relevant part: “A judge shall be patient, dignified and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity...”
4. Canon 3B(8) of the Texas Code of Judicial Conduct provides, in relevant part: “A judge shall accord to every person who has a legal interest in a proceeding, or that person’s lawyer, the right to be heard according to law.”
5. Canon 3B(8) of the Texas Code of Judicial Conduct provides, in relevant part: “A judge shall not initiate, permit, or consider *ex parte* communications or other communications made to the judge outside the presence of the parties between the judge and a party, an attorney, ..., or any other court appointee concerning the merits of an pending or impending judicial proceeding.”
6. Article V, Section 1-a(6)A of the Texas Constitution provides, in relevant part, that a judge shall not engage in “willful or persistent conduct” that “is clearly inconsistent with the proper performance of his duties or casts public discredit upon the judiciary...”
7. Art. 17.033(a) of the Texas Code of Criminal Procedure provides, in relevant part: “..., a person who is arrested without a warrant and who is detained in jail must be released on bond, in an amount not to exceed \$5,000, not later than the 24th hour after the person’s arrest for a misdemeanor and a magistrate has not determined whether probable cause exists to believe that the person committed the offense.”
8. Art. 42A.108(a) of the Texas Code of Criminal Procedure provides, in relevant part: “On violation of a condition of deferred adjudication community supervision ..., the defendant may be arrested and detained as provided in Art. 42A.751.”
9. Art. 42A.751(b) of the Texas Code of Criminal Procedure provides, in relevant part: “At any time during the period of community supervision, the judge may issue a warrant for a violation of any condition of community supervision and cause the defendant to be arrested.”

CONCLUSION

Based on the record before it and the factual findings recited above, the Texas State Commission on Judicial Conduct has determined that the Honorable Grace Uzomba, judge of the County Court at Law No. 2, San Antonio, Bexar County, Texas, should be publicly reprimanded for: (1) her failure to comply

with the law and maintain professional competence in the law regarding the handling of Davis' conditions of community supervision regarding the MOTC retreat, detaining Davis for allegedly violating a condition of his community supervision regarding attending a certain MOTC retreat which was not ordered, and refusing to set a bond for Davis after detaining him for an alleged violation of his community supervision in the Davis Case; (2) failure to be patient, dignified and courteous to Davis regarding the conditions of his community supervision regarding the MOTC retreat and ordering him handcuffed for several hours while waiting to have a warrant issued or motion to revoke his probation filed against him for allegedly violating the conditions of his community supervision regarding attending a certain MOTC retreat in the Davis Case; (3) failure to accord Davis the right to heard regarding his alleged violation of his community supervision regarding attending a certain MOTC retreat; and (4) having improper *ex parte* communication when she held compliance hearings without the presence of a prosecutor in the Davis Case which constituted willful and persistent conduct that is clearly inconsistent with the proper performance of her duties and that cast public discredit upon the judiciary or the administration of justice, in violation of Canons 2A, 3B(2), 3B(4) and 3B(8) of the Texas Code of Judicial Conduct, and Article V, Section 1-a(6)A of the Texas Constitution.

The Commission has taken this action pursuant to the authority conferred it in Article V, §1-a(8) of the Texas Constitution in a continuing effort to protect the public and promote public confidence in the judicial system.

Issued this the ____ day of _____, 2022.

David Schenck
Chairman, State Commission on Judicial Conduct

**BEFORE THE STATE COMMISSION
ON JUDICIAL CONDUCT**

QJ-1

CJC No. 20-0623

LETTER OF INQUIRY: HONORABLE GRACE M. UZOMBA

**AMENDED RESPONSE OF THE HONORABLE GRACE M. UZOMBA TO
QJ-1(5-6)(9-10)(13-14)(17-18)&(24) [WITH CLERICAL AND/OR
NUMBERING CORRECTIONS ONLY TO QJ-1 (4), (7)&(8)]**

Respondent, the **HONORABLE GRACE M. UZOMBA**, hereby resasserts, incorporates by reference, and does not intend to waive, any and all Responses to QJ-1 in the above-entitled and numbered matter as timely submitted to the Commission on or about April 27, 2022, except as amended and set forth herein.

Otherwise, Judge Uzomba hereby amends her Responses to QJ-1(5-6)(9-10)(13-14)(17-18)&(24) (and/or makes clerical or numbering corrections only, with regard to Judge Uzomba's Responses to QJ-1(4), (7)&(8)], as follows:

4. Please respond to the Complainant's allegation that you ordered Complainant to attend a Ministry of the Third Cross ("MOTC") retreat as a condition of community supervision; this despite the possibility that the Complainant could be opposed to the religious nature of the MOTC retreat. [Exh. C-1, pp 1-3]. Please explain your legal authority for doing so. Please also explain whether, in your opinion, you acted in compliance with Tex. Code. Crim. Proc. Arts. 42A.301 and 42A.752.

(Original / unamended) **RESPONSE:** *(clerical error only, corrected)* – I acted in compliance with TEX. CODE. CRIM. PROC. Arts. 42A.301 and 42A.752. Section 42A.301 authorizes a judge to exercise her / his discretion in setting the conditions of a community supervision agreement. The same section authorizes a judge to order a probationer to participate in substance abuse treatment services in a program or facility approved or licensed by the Texas Department of State Health Services. The Ministry of the Third Cross was and is commonly used by other Bexar County Court at Law judges in the misdemeanor criminal courts. Additionally, the Ministry of the Third Cross is listed as an approved community partner in the 2021 Bexar County Specialty Courts Resource Guide. It was my understanding that the Ministry of the Third Cross was / is an approved program that commonly used among / by other judges as a treatment program for which I could grant probationers credit for community service restitution hours. It has always been my intent, and indeed my passion, under the law, to help offenders, especially those with substance abuse problems, on their road to recovery toward leading productive and law-abiding lives. At no time have I ever demanded a probationer participate in a treatment program as a means of punishment or for any other improper purpose.

5. Please respond to Mr. Froelich’s allegation that you granted permission for Complainant to attend the MOTC retreat in Corpus Christi on October 24-27, 2019, and then in the middle of the retreat, you informed MOTC that Complainant did not have permission to attend the retreat and had him transported to your court. [Exh. CJC-2, pp 1-4]. Please also explain why you did this and how you knew where Complainant was on October 24-25, 2019. Please provide any supporting documentation.

AMENDED RESPONSE: Such allegation is contained in Mr. Froelich's statement submitted with the 2020 Davis Complaint. Mr. Froelich's statement contains erroneous and false allegations. I did not grant permission for Mr. Davis to attend MOTC retreat in Corpus Christi, Texas, and such is not reflected in Mr. Davis's criminal case file. Additionally, I did not ever grant permission for Mr. Davis to travel outside of the County. When I learned that Mr. Davis was attending MOTC in Corpus Christi, it was my understanding that he had yet again violated his probation agreement (which he also violated previously before Judge Wolff and me) by traveling to Corpus Christi. The first time I was ever notified Mr. Davis had received any permission to travel to Corpus Christi (not by the Court, but by the Community Liaison Office [CLO]) was after having Mr. Davis transported to my courtroom. At that time, Mr. Froelich showed me part of (unexpected and surprising) text messages between Mr. Froelich and CLO Gerald Wright; [Ex. A]. When I ordered that Mr. Davis be transported to my Court, it appeared that Mr. Davis had blatant disregard for his probation agreement(s) (again) and for my Court. As stated in his written "Chronologicals" in Mr. Davis's criminal proceeding ("[n]o modification order was completed because CLO [Wright] left before the end of the compliance hearing due to End of Duty"), CLO Wright left early on October 9, 2019 (as set forth in the additional documents timely submitted to the Commission on October 3, 2022, and attached to this Amended Response), and failed to review the Court's notes and notate in his file that Mr. Davis was ordered from the bench on that date to attend the MOTC retreat only in San Antonio on December 5-8, 2019. I recognize now that there was a failure by the CLO Wright to properly notate and communicate the order of the Court from the bench on October 25, 2019, and consequently a breakdown in communication between the CLO Wright, the Probation Officer who was then handling Mr. Davis's case, and the Court, which created confusion by the Probation Officer and

CLO Wright as to when and where Mr. Davis was ordered by the Court to attend the MOTC retreat (i.e., on December 5-8, 2019, in San Antonio). I can only say that it was a consequential, honest error on my part, and was not in any way a violation of any Rules of Judicial Conduct. I have learned from this unintentional mistake, and have taken remedial action to improve communications in my Court so that no similar mistakes may occur again in the Court.

6. Please respond to Mr. Froelich's allegation that at (the) October 25, 2019, hearing, you increased the Complainant's conditions of community supervision because he attended the MOTC retreat in Corpus Christi, despite having been informed by Community Liaison Officer Gerald Wright ("CLO Wright") that you had granted permission for Complainant to attend the MOTC retreat in Corpus Christi. [Exh. CJC-2, pp 1-4].

AMENDED RESPONSE: CLO Wright's improper, inappropriate, and unauthorized text communications with Mr. Froelich (designed purposely to circumvent the Court) apparently began more than a week prior to Mr. Froelich's appearance as Defendant's counsel for Mr. Davis in the subject criminal proceeding. Additionally, Mr. Froelich's allegation that the Court "had granted permission for (Mr. Davis) to attend the MOTC retreat in Corpus Christi" is erroneous, and CLO Wright's text message to Mr. Froelich regarding any such "permission" (which is specifically denied) was unauthorized and false. Moreover, the Court did not "increase" Mr. Davis's conditions of community service (i.e., one of the Defendant's conditions of probation). The Court merely restored the prior conditions that previously were held in abeyance to incentivize Mr. Davis to comply with his probation. *See* Ex. CJC-1, pp 28-33. This restoration of Mr. Davis's prior conditions resulted from the Court's review of the case file and determination at that time that Mr. Davis was not being compliant with his current conditions.

7. Please respond to Mr. Froelich's allegation that at the hearing on December 9, 2019, you had Complainant handcuffed and held for several hours. Please discuss your legal authority for doing so; [Exh. CJC-2, pp 1-4].

(Original / unamended) **RESPONSE:** *(numbering only, corrected)* – Believing Mr. Davis again to be in violation of the conditions of his probation, I ordered him placed unrestrained in the jury box, and later properly handcuffed only while I started the process of issuing a warrant. It was the Court's intention at that time for Mr. Davis to be placed under arrest and taken to the Bexar County Jail pursuant to TEX. CODE. CRIM. PROC. Arts. 42A.108, 42A.751(b). However, the Complainant's and his attorney Mr. Froelich's allegations that Mr. Davis was handcuffed for up to six hours is false. For Mr. Davis to have been handcuffed for six hours he would need to have been handcuffed while the Court was on break for lunch. Had this been the case, Mr. Davis would have been relocated to a more permanent holding area and there would be a record. Additionally, according to both my Court Guidelines and the recollection of my Bailiff at the time, Mr. Michael Alvarado, it was my practice not to begin holding compliance hearings until at least 2:30-3:00 PM; *see* court guidelines. Moreover, Mr. Alvarado recalls that Mr. Davis was not placed in handcuffs until at least 4:30 PM and was properly and necessarily handcuffed for only approximately an hour and a half.

8. *(Numbering only, corrected)* – Please respond to Mr. Froelich's allegation that the hearing on December 9, 2019, you set the Davis Case for hearing on December 11, 2019, and at one point refused Complainant's request that you set a bond. [Exh. CJC-2, pp 1-4]. Please discuss your legal authority for doing so. Please also explain whether, in your opinion, you acted in compliance with TEX. CODE CRIM. PROC. Art. 17.033.

(Original / unamended) **RESPONSE:** When Mr. Davis was properly handcuffed in accordance with the law and court procedures, I was in the process of issuing a warrant. TEX. CODE CRIM. PROC. Art. 17.033 requires a bond to be set for a person who is arrested without a warrant and who is in jail. Mr. Davis was neither in jail nor was he arrested without a warrant. Furthermore, article 17.033 only requires a bond to be set not later than 24 hours after the arrest. If the bond was requested, the Court was well within the 24-hour threshold required by law.

9. Please respond to Mr. Froelich's allegation that you set and conducted compliance or "pre-MTR" hearings in the Davis Case on June 3, 2019, August 5, 2019, and October 9, 2019; and that these hearings took place without a court reporter, without Defendant's attorney, and without a prosecutor or a motion filed by the prosecutor. [Exh. CJC-2, pp 1-4]. Please discuss your legal authority for doing so.

AMENDED RESPONSE: Compliance hearings or pre-MTR hearings were held regularly by my predecessor judge in Bexar County Court Number 2 as well as by other judges who preside over probationers. Hearings of this kind are a regular part of managing probationers in Bexar County. By the time probation is set, the attorney who represented the probationer's initial case usually is no longer active in the case and probationers typically proceed unrepresented during probation hearings. These hearings are now referred to as "performance review hearings," and were part of a program evaluation regarding the feasibility of establishing a multi-tracking specialty court in Bexar County as an alternative model of Specialty Courts (previously commonly referred to as "Adult Drug Courts"). At the time of these hearings in Mr. Davis's criminal proceeding, Mr. Davis had not retained an attorney, nor had he expressed interest in having an attorney appointed, and it was the Court's understanding that Mr. Davis was representing himself *pro se* in these hearings. Once Mr. Davis had retained an attorney,

his attorney was notified and present for all subsequent hearings.

No prosecutor or representative of and for the State was present at these hearings because it is not typical for prosecutors to be present at / for a compliance hearing. The purpose of compliance hearings is merely to ensure that probationers are being compliant with their conditions and to see if any modifications need to be made to their conditions in order to help them become compliant and complete their probation successfully. However, a representative of the Probation Department was (and is) always present during compliance hearings. If a revocation hearing had been set, which was not, all parties including the State, Defendant, Defendant's attorney, and the Probation Department would have been notified and present.

10. Please describe in detail the conversations you had in your chambers on December 9, 2019, Assistant District Attorneys related to the Davis Case. [Exh. CJC-2, pp 1-4].

AMENDED RESPONSE: I do not remember the exact conversation that took place between myself, Mr. Froelich, and Mr. Kazen in my chambers; however, I remember the substance of the meeting and the ultimate result. The primary import of the meeting was that Mr. Kazen informed me that the District Attorney's Office would not join or sign a motion to revoke Mr. Davis's probation. During this meeting, I had Mr. Davis released, and following the meeting I voluntarily recused myself from the case in accordance with best evidence practices. To the best of my recollection, there was no discussion at that meeting of any restraint of Mr. Davis in the courtroom or otherwise during the compliance hearing before the Court on that date.

13. Please discuss whether any Motions to Revoke Community Supervision were filed in the Davis Case. Please provide any supporting documentation.

AMENDED RESPONSE: The CSO (i.e., Mr. Davis’s probation officer) prepared and filed a violation report on September 18, 2019, with the state requesting a motion to revoke (which is usually filed following a violation report) on October 2, 2019. In this case, a compliance hearing to address those issues was held by the Court on October 9, 2019, and the Court denied the motion.

14. Please provide a copy of any court document setting out the terms and conditions of community supervision in the Davis Case that is not contained in Exh. CJC-1, pages 26-33.

AMENDED RESPONSE: I am aware of no other documents other than those contained in Exh. CJC-1, pages 26-33, and the additional documents (including Judge’s Notes) timely submitted to the Commission on October 3, 2022, and attached to this Amended Response.

17. Please review the documents included in Exh. CJC-1 and indicate if you believe they are in any way inaccurate or incomplete. Please provide a copy of any document that is part of the Davis Case filed that is not included in Exh. CJC-1.

AMENDED RESPONSE: I have no reason to dispute the documents contained in CJC-1. My only objection is that I did not grant permission for Mr. Davis to attend MOTC in Corpus Christi, as discussed more specifically above.

18. Please review the statement of Andrew Froelich included as Exh. CJC-2 and indicate if you believe it is inaccurate or incomplete.

AMENDED RESPONSE: Yes, there are certainly inaccuracies, incompleteness and false statements / allegations contained in Mr. Froelich’s statement. See my other original and amended Responses. Specifically, Mr. Froelich inaccurately claims that Mr. Davis’s CSO was Mr. “Darrel Morrison,” who allegedly authorized “Mr. Davis to (travel to and) attend MOTC in

Corpus Christi” *Compare* the blank, signature-stamped “Travel Permit” form in Mr. Davis’s criminal case file (containing CSO Norma Maya-Guerra’s stamped signature) *with* the altered signature-stamped “Travel Permit” signed by Mr. Davis purportedly on October 22, 2019 (with an altered first paragraph, and containing the same stamped signature of Ms. Maya-Guerra) (set forth in the additional documents timely submitted to the Commission on October 3, 2022, and attached to this Amended Response). Additionally, Mr. Froelich claims that Mr. Davis was handcuffed for up to seven hours; such allegation is false. Had Mr. Davis been handcuffed for seven hours, he would have been in handcuffs before lunchtime on that date, and the proceeding did not even begin until at least 2:30 or 3:00 PM. Had this been the case, which is not admitted but rather unequivocally and specifically denied, Mr. Davis would have been taken to a more permanent detention location and not the Court’s holding cell while the Court was out on lunch. Additionally, it is my recollection and the regular practice in my Court to begin compliance hearings between 2:30-3:00 PM. I spoke with my Bailiff at the time, Bexar County Deputy Sheriff Michael Alvarado, who recalls that this is when the Court normally conducted compliance hearings at that time. It is Deputy Alvarado’s recollection that on the day in question the compliance hearings started as scheduled at or after 2:30 PM. It is also Deputy Alvarado’s recollection that Mr. Davis was only in handcuffs for at most an hour and a half.

24. Please provide the Commission with any additional information, and/or copies of documentation that you believe to be relevant to this matter. You may also include sworn statements or affidavits from fact witnesses in support of your response.

AMENDED RESPONSE: *See* the exhibits attached to my Answer and Responses to QJ-1 as timely submitted to the Commission on or about April 27, 2022, along with the additional documents timely submitted to the Commission on October 3, 2022, and attached to this

Amended Response. I reserve the right to supplement or augment these answers with additional facts and documentation as it becomes available.

**VERIFICATION OF
AMENDED RESPONSE TO QJ-1
CJC No. 20-0623**

**STATE OF TEXAS §
 §
COUNTY OF BEXAR §**

“My name is **GRACE CHRISTINA MMASINULO UZOMBA** (commonly known as **GRACE M. UZOMBA**), my date of birth is December 26, 1957, and my address is 10004 Wurzbach Road, # 132, San Antonio, Bexar County, Texas 78230.

“I declare under penalty of perjury that the foregoing is true and correct.”

Executed in Bexar County, State of Texas on October 3, 2022.



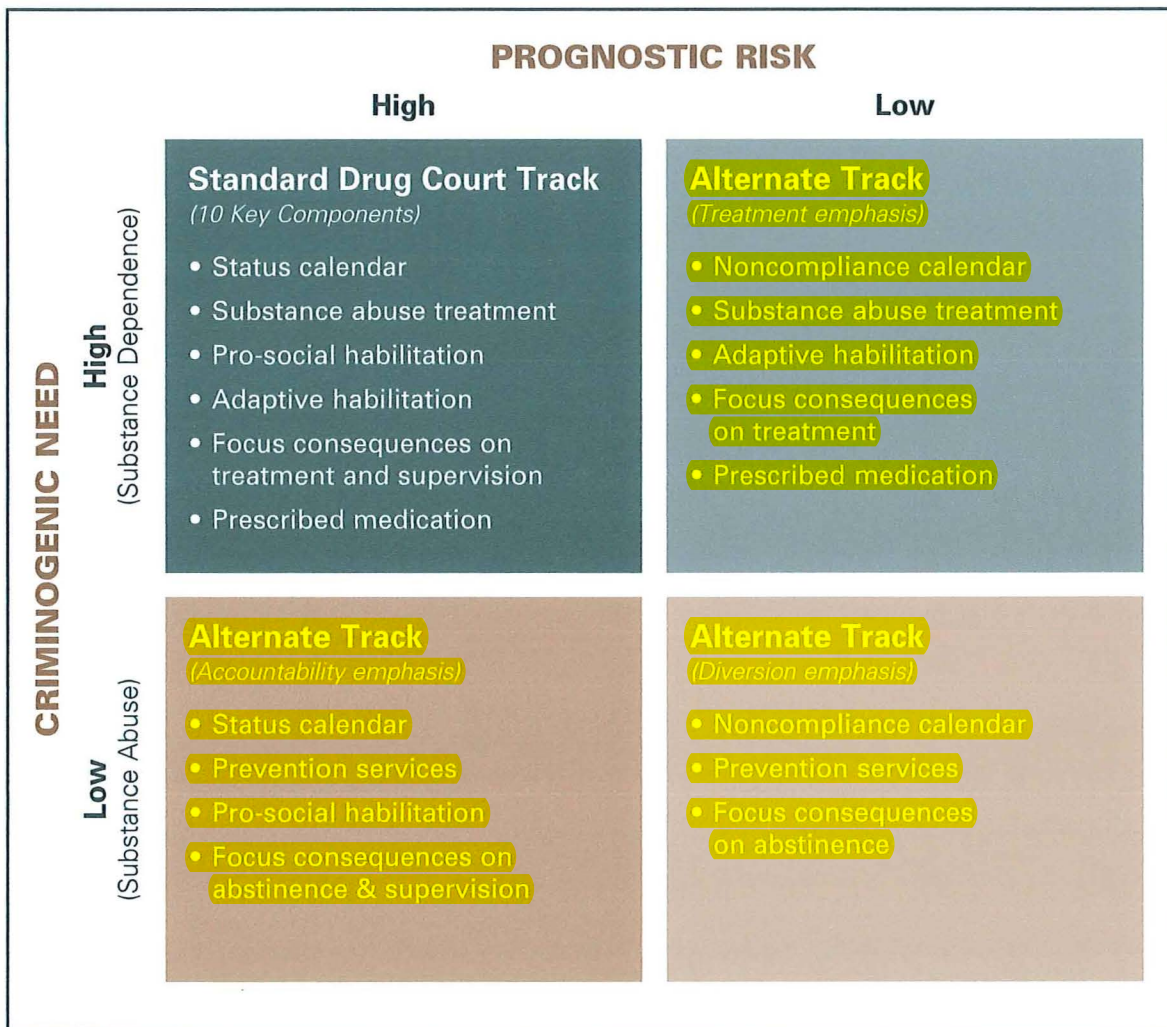
HON. GRACE M. UZOMBA

and high-need (HR/HN), low-risk and high-need (LR/HN), high-risk and low-need (HR/LN) or low-risk and low-need (LR/LN). To be most effective and cost-efficient, treatment and supervision services should be specifically tailored to the risk/need profile of the offender. Interventions that are well-suited for participants in one quadrant may be a waste of resources or contraindicated for those in another quadrant.

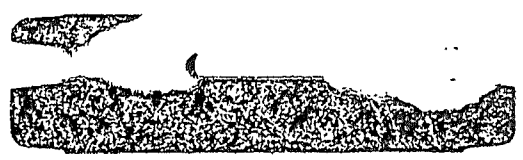
Figure 1 summarizes alternative treatment and supervisory regimens that might be

administered within a drug court to serve different types of participants. The purpose of this figure is not to describe all of the interventions that should be administered in a drug court. As will be discussed, some services such as drug testing, community surveillance, and positive incentives should be administered to *all* participants regardless of their risk level or clinical diagnosis. The aim here is to highlight the specific adaptations that research suggests should be implemented in a drug court to serve different offender subtypes.

FIGURE 1: Alternative Tracks Within An Adult Drug Court



Note: Figure 1 adapted with permission from: Marlowe, D. B. (2009). Evidence-based sentencing for drug offenders: An analysis of prognostic risks and criminogenic needs. *Chapman Journal of Criminal Justice*, 1, 167–201.



DATE	
APR 12 2019	4750 SUPPL REPORT SUBMTD (10)
6-3-19	7/30/19 - Comp hearing
6-3-19	Order amending cond of comm supv (10)
7-29-19	R/S CH for 8/5/19 @ 2:30pm (10)
8-5-19	CH set 10/9/19 @ 1:30pm (10)
8-6-19	order amending conditions of comm supervision (10)
10-9-2019	4740 VIOL REPORT SUBMTD 4740 VIOL REPORT SUBMTD (10)
10-25-19	Set 12/4/19 - Re: Judge. CH @ 2:30pm (10)
10-25-19	NDA filed (10)
10-25-2019	Order Amending Conditions of Community Supervision (10)
12-10-19	Set 12/16/19 - Hearing per Judge (10)
12-11-19	Filed: Def's Request for Court Reporter (10)
12-11-19	Filed: Motion for Copying on Inspection Probation Officers File (10)
12-11-19	Filed: Def's Objection to Modifications of Community Supervision (10)
12-11-19	Filed: Motion to Recuse Judge w/ Exhibits (10)
DEC 20 2019	<p>Agreed amendment. Weekly UAs until termination (Feb 9, 20). TOP Off in abeyance to report in person. Withdraw the \$300 fine as eliminated (waived). Condition of participation w/ MOTL is removed. Condition of P.A.M. is removed. (10)</p> <p>Order to Remove on Home Detention / Amended conditions granted (10)</p> <p>Discharge from Comm Supv (10)</p>

THE STATE OF TEXAS

IN THE COUNTY COURT 2

VS.

OF

DARIO E DAVIS

BEXAR COUNTY, TEXAS

SUPPLEMENTAL REPORT

On February 9, 2018, the above named defendant was granted 2 Years Adjudicated for DRIVING WHILE INTOXICATED.

Since being granted probation, Mr. Davis has completed the DWI Intervention Program, Live-Victim Impact Panel, TAIP Evaluation, 80 Community Service Restitution hours, and has paid \$795.00 towards his financial obligation of \$1,779.00.

On March 20th, 2018, Mr. Davis completed the TAIP Evaluation in which no treatment was recommended.

On August 22nd, 2018 and August 29th, 2018, Mr. Davis tested positive for Marijuana with increased THC levels suggesting new usage. The TAIP Coordinator was notified and a TAIP Revision was made on September 7th, 2018 recommending BCCSCD's Intensive Outpatient Treatment Program (IOP).

An SR was submitted to the court on September 13th, 2018 informing the court of Mr. Davis' violations and it was ordered for him to submit to weekly urinalysis for 45 days and inform the court if THC levels increased or new usage occurred.

On February 12th, 2019, Mr. Davis submitted to a positive drug test for Marijuana with THC levels at 0.59. At this time, this Officer is requesting Mr. Davis completes BCCSCD's Intensive Outpatient Treatment Program (IOP) to monitor his compliance.

Would the Honorable Judge wish to consider the following:

1. Amend to include BCCSCD's Intensive Outpatient Treatment Program (IOP).

AND 2. Other. Drug Court Assessment

The Foregoing report is respectfully submitted to the Honorable Court.

2/12/19
Date Submitted

Date Returned

Jocelyn Trujillo (M.N.)
Community Supervision Officer
210-335-7260

Manager, Bexar County CSCD

Judge Presiding

FILED IN CLERK'S OFFICE
LUCY ADAME-CLARK
COUNTY CLERK BEXAR CO
2019 FEB 22 A 9 55

22 Feb 2019

CAUSE # 503703

THE STATE OF TEXAS

VS.

DARIO E DAVIS

IN THE COUNTY COURT
OF
BEXAR COUNTY, TEXAS

Lucy Adame-Clark
FILED IN MY OFFICE
LUCY ADAME-CLARK
COUNTY CLERK BEXAR CO
2019 MAR 13 P 3:45

**ORDER AMENDING CONDITIONS OF
COMMUNITY SUPERVISION**

On this date, the Court finds that the Order placing the defendant on Adjudicated Community Supervision in Cause No. 503703 for the offense of DRIVING WHILE INTOXICATED, for a period of 2 Years, should be, and the same is hereby amended by adding the condition(s) of community supervision in said Order as follows, to wit:

Condition 26. Submit to evaluation for placement into the **Drug Court**. If accepted into the program, participate in the Bexar County Community Supervision and Corrections Department Drug Court and comply with all rules, regulations and instructions as directed by the Court and/or Drug Treatment Court Team. Pay a Misd Drug Court fee of \$1000.00 at the rate of \$56.00 per month, payable on the 1st working date of each month following placement into the program or as directed by the Drug Court.

Condition 27. Beginning 03/11/19, attend and successfully complete the Bexar County CSCD's Substance Abuse Outpatient Treatment Program, 207 N. Comal, San Antonio, TX 78207. Comply with all rules, regulations, instructions and financial agreements as directed by the Court, Supervision Officer and the head of the program.

All other terms and conditions of the original Order of community supervision dated the 9th day of February, 2018, shall remain in full force and effect as heretofore ordered.

SIGNED AND ENTERED this the
13th DAY OF March, A.D., 20 19

[Signature]
HONORABLE GRACE M. UZOMBA
COUNTY COURT 2
BEXAR COUNTY, TEXAS

[Signature]
Defendant

Date

3/11/2019

[Signature]
Jocelyn Trujillo
Community Supervision Officer

Date

3/11/19

RIGHT THUMB PRINT



RECORDED

P-29-18
Prob

ORDER OF REFERRAL TO BEXAR COUNTY SPECIALTY COURT

CAUSE 503703
THE STATE OF TEXAS § IN THE COUNTY COURT 2
VS. § OF
DARIO E DAVIS § BEXAR COUNTY, TEXAS

- Drug Court
- DWI Court
- Veteran's Court
- Mental Health Court
- Esperanza Court

The above-named defendant would benefit from a Specialty Court Program and it is requested that He be screened for participation in the above referenced Specialty Court.

This referral is for consideration of the following type of case:

- Defendant has been sentenced and is placed on community supervision.
- Defendant is currently on probation, with an active motion to revoke community supervision.

Additional information that would be helpful in conducting screening: _____

SIGNED AND REFERRED this 13th day of March, 2019.


PRESIDING JUDGE

ACCEPTED _____ Please transfer to Specialty Court: _____
Date

NOT ACCEPTED 4-3-19 Reason: DOES NOT MEET clinical criteria at this time. Re-refer if need be.
Date

SCANNED

CAUSE # 503703

THE STATE OF TEXAS

IN THE COUNTY COURT OF BEXAR CO

VS.

DARIO E DAVIS

BEXAR COUNTY, TEXAS

FILED IN MY OFFICE
LUCY ADAME-CLARK
COUNTY CLERK
BEXAR CO
2019 APR 12 A 10:16
OF

SUPPLEMENTAL REPORT

On February 9, 2018, the above named defendant was granted 2 Years Adjudicated for DRIVING WHILE INTOXICATED.

Since being granted probation, Mr. Davis has completed the DWI Intervention Program, Live-Victim Impact Panel, TAIP Evaluation (no treatment recommended), 80 Community Service Restitution hours, and has paid \$895.00 towards his financial obligation of \$1,781.00.

An SR was sent to court on February 20th, 2019 informing the court of Mr. Davis' positive urinalysis for Marijuana in which it was ordered for conditions to be amended to include BCCSCD's Intensive Outpatient Treatment Program (IOP) and he evaluate for Drug Court. Conditions were amended on March 11th, 2019.

On April 3rd, 2019, Mr. Davis completed the evaluation in which he did not qualify for Drug Court-See screening results attached.

Mr. Davis is 39 years old, single, had no dependents, and employed full-time with Portfolia Real Estate.

Would the Honorable Court wish to consider the following:

1. Allow him to commence IOP and notify the court if any positive urinalysis.
2. Other.

The Foregoing report is respectfully submitted to the Honorable Court.

4/5/19
Date Submitted.

Date Returned

Jocelyn Trujillo (M.U.)
Jocelyn Trujillo
Community Supervision Officer
210-335-7260

Manolo Santos
Manager, Bexar County CSCD

[Signature] 11 April 2019
Judge Presiding

RECORDED

Spoke w/ Roberto Ruiz
P.O. - TRAZ Score? (MA)

Hearing Date: 5 Aug 2019

Time: S: _____ E: _____ T: _____

Initial Date: 3 Jun 2019
1st FU Date: _____
2nd FU Date: _____
3rd FU Date: _____

NAME: Dario DAVIS TRAZ 4
Offense: DWI-2nd
Case #: 503 703 DOB: _____ Age: 39
Initial Term: 2yrs Granted: 9 Feb 2018 TYPE: DA Regular UL 180d.

Issue(s) Initiating Hearing: Report Type: VR Suppl Update Sentencing

1	13 Mar 2019 <u>Follow-up from 3 Jun 2019</u>	<input type="checkbox"/>	Denial
2	<u>SH</u>	<input type="checkbox"/>	Denial
3	<u>25 July 2019 - UA (+) FHE. -</u>	<input type="checkbox"/>	Denial
4		<input type="checkbox"/>	Denial

Person Accused Response to Allegations:

1 25 July 2019 - UA - Forth coming - letter
2 _____
3 _____
4 _____

Officer Input:

1 Output VA - Completed
2 VIP, DOJ Intervention
3 Valid DL
4 PIF - Motivated!

Judicial Response:

1 25 Jul 2019 - UA - Confirm
2 MOTC - 25-29 Sep 2019 -
3 * No Formal Dx of PTSD
4 * Anxiety - VA Benefits

Person Accused Response to Judicial Response:

1 ok w/ All
2 Motivated
3 _____
4 _____

NOTES: 15 Oct 2019 - I/I created ordered / mod to pend. / 22 Feb 2019 - 10P +
13 Mar 2019 - ADC Referral - Denied on 3 Apr 2019 - Did not meet ADC Access

CBD ok to help w/ (Anxiety + PTSD - self report) to Intake Specialist - ADA
VA doctor - ASD NV Needs Ass. 0017

THE STATE OF TEXAS

IN THE COUNTY COURT 2

/S.

OF

DARIO E DAVIS

BEXAR COUNTY, TEXAS

**ORDER AMENDING CONDITIONS OF
COMMUNITY SUPERVISION**

On this date, the Court finds that the Order placing the defendant on Adjudicated Community Supervision in Cause No. 503703 for the offense of Driving While Intoxicated, for a period of 2 Years, should be, and the same is hereby amended by adding the condition(s) of community supervision in said Order as follows, to wit:


Condition 28. Ministry of the Third Cross (MOTC) (9/25/19 – 9/29/19).

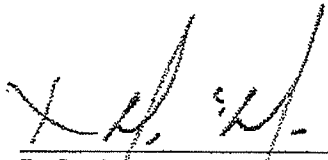
Condition 29. Confirmation of urinalysis submitted by defendant on 7/25/19.

Condition 30. Compliance Hearing on 10/9/19.

All other terms and conditions of the original Order of community supervision dated the 9th day of February, 2018, shall remain in full force and effect as heretofore ordered.

SIGNED AND ENTERED this the 5th DAY OF August, A.D., 2019


HONORABLE GRACE M. UZOMBA
COUNTY COURT 2
BEXAR COUNTY, TEXAS

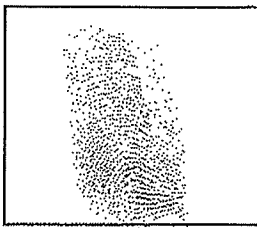

Defendant

8/5/19
Date

Norma Maya-Guerra
Norma Maya-Guerra
Community Supervision Officer

8/5/19
Date

RIGHT THUMB PRINT



THE STATE OF TEXAS § IN THE COUNTY COURT 2
§
VS. § OF
§
DARIO E DAVIS § BEXAR COUNTY, TEXAS

VIOLATION REPORT

On the 9th day of February, 2018 the above named defendant was granted Adjudicated probation for a period of 2 Years for the offense Driving While Intoxicated.

The following violation(s) has/have occurred:

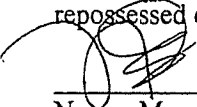
- [X] Condition 24 Comply with the rules and regulations of Ignition Interlock
- [X] Condition 28 Comply with Ministry of the Third Cross

COMMENTS: Due to defendant not agreeing to treatment and his continued driving without a valid driver license, a compliance hearing was set for 06/03/19. On 06/03/19, the judge admonished the defendant and conditions were amended for outpatient treatment with the VA. The case was then reset to 08/05/19. On 08/05/19, the judge ordered the defendant to attend the Ministry of the Third Cross from 9/5/19 through 9/8/19, have his urinalysis from 7/25/19 confirmed and case was reset for 10/09/19.

On 09/04/19, the defendant informed this officer he had not attended MOTC due to not realizing it was over night, thus not being able to attend due to work.

On 09/16/19, the defendant was present for his office visit and stated he had no issues with the Ignition Interlock device. On 09/17/19, the defendant called this officer stating his vehicle had been repossessed since the prior week and when asked why he did not mention this during his visit, he stated he thought he would take possession of the vehicle, but since he would have to pay a lot of money, he could not afford it. This officer received verification that the vehicle was repossessed on 09/11/19.

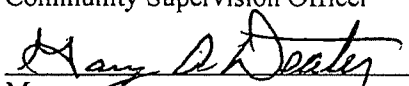
FILED IN MY OFFICE
LUCY ADAME-CLARK
COUNTY CLERK BEXAR CO
2019 OCT 10 A 8:51



Norma Maya-Guerra
Community Supervision Officer

September 18, 2019

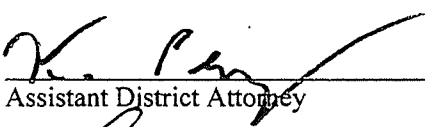
Date Submitted



Mary P. Deater
Manager
Bexar County CSCD

Recommendation:

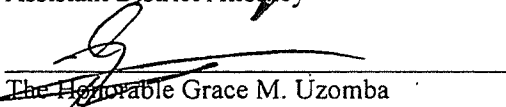
File MTR
 Other CH held 9 Oct 2019 - Issues addressed



Assistant District Attorney

10/2/19

Date Returned



The Honorable Grace M. Uzomba

9 Oct 2019

Date Returned

SCANNED

Case Number: 503703

Date: 10/9/2019

Compliance Checklist

Defendant Name: Dario Davis

Current Age: 39

Offense: DWI

Adjudicated Terminates: 02/08/2020

❖ Company used for breathalyzer:

❖ CATS Intoxalock Draeger Smart Start Lifesaver

❖ Which type of breathalyzer are you ordered:

❖ Ignition Interlock In-Home SCRAM/GPS/SOBERLINK

❖ Theft Class DOEP

❖ Community Service Hours Ordered Completed

➤ GED or HS in lieu of CSR Yes or No

➤ Current grade level (or highest completed) College Bachelor's Degree

➤ Are you employed Yes No Where are you employed NEIA / American Allegiance Construction

❖ Living situation:

➤ Currently living with Mother/Family

➤ Current marital status Single

➤ Number of children 0

➤ Names, ages and gender of children N/A

➤ FEES:

➤ ORDERED: \$1,485 PAID: \$1,485 BALANCE: \$0.00

COUNTY COURT AT LAW

NO FILE- CASE FLOW SHEET

CASE NO.

503702

DEFENDANT NAME

SID

DARIO DAUS

799817

DATE	DESCRIPTION	INITIALS
9 Oct 2019		
	MOTC 5-8 Dec 2019	
	UA - Sent by IVR / 2x/week to include	
	ETS and ETG - 45 days.	
9 Dec 2019	MOTC - No Completed - Revised Custody	
	He for Being in from Custody	
	Wednesday 11 Dec 2019 in the	
	Afternoon. G	

***** UPDATE COMPLETED *****

DPW: *** Case Inquiry Page (B1-Page) *** *Action Code: ___
 Selection: JDG Qualifier: 1714141
 Trn: 9112350753 Sfx: A001 100920191633 CC7E 39435
 JN CNC Juris *Court Case Nbr Loc Defendant's Name
 1714141 1 YES CC2 503703 PRB DAVIS, DARIO E
 Assignment Nbrs: BCSO: 2018000000 SID: 0799817 Suff: 03
 COMPLAINT Date: 10 28 2015 : SAPD: 2015233945 R: B S: M DOB: 03 07 1980
 *Code *Description :Other: *Stat Code Date Nbr
 540409 DRIVING WHILE INTOXICATED G Jury: FLD 10 29 2015
 State Off Code: GOC: Prosecutor Action: A *ORI: TX015025A
 Off Date: 10 28 2015 Type: MB R/H: *Warrant: RET 0804 10 26 2017 1556862
 Reduce Off: Y *Special Crime Code: Summons: War Agcy/Case:
 Date *St
 Arrgn: 12 08 2015 H Ph-Crt Custody 02 16 2018 B20180741201
 Hrng: 01 15 2020 P Mag Court: NM 287506 Mag Date: 10 29 2015
 Trial: 02 09 2018 W Track: Release: 0214 02 19 2018 PROBATION GRANTED
 Sent: Bnd Org: *Bond: 02 19 2018 CAPIAS
 *Case St: 0142 02 09 2018 PROBATION GRANTED *Court ORI: TX015033J
 *Disp St: 0641 02 09 2018 NOLO CT-GUILTY Yr Mo Dy
 *Sent/Jdgt: 0708 02 09 2018 PROB-TERM + FINE Term: 002
 Strt Date: 02 09 2018 End Date: 02 09 2020 *Credit:
 Deadly Weapon: Last Updated 10 09 2019 1633 CC7E 39435
 KJMPICB1 Help = <PF1> Schd = <PF6> KJCIDB1

COUNTY COURT AT LAW NO. 2

~~8:25 AM~~ 2:30pm

NOTICE OF ABOVE SETTING IS ACKNOWLEDGED ON THIS DATE

10/9/19

DEFENDANT SIGNATURE

COURT COORDINATOR

DEFENDANT PHONE NUMBER

- (PTC) - CALL DOCKET
- PLEA

ATTORNEY FOR DEFENDANT

BAR NUMBER

ATTORNEY PHONE NUMBER

Mr. Davis
will be attending
5-8 Dec 2019
NOTE

**SUPPRESS
 SAL PROGRAM
 TO COMPLETE PRETRL DIV**

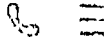
SCANNED

(3)

*****NO
 **FAILURE TO APPEAR WILL RESL
 COL

THE COURT**

< +18305158466



Friday, October 25, 2019

9:16 AM I'll call you back later.



This is Adam Healy with MOTC. Judge Uzuma said Dario must attend Dec retreat in San Antonio not authorized for the Corpus Christi retreat he has left with a board member of ours Troy Smith who is taking him home. I will text you when he gets home as well.

9:21 AM

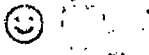
9:27 AM Bring him here to court #2



Yes sir I will let them know

9:27 AM

liter messages



SCANNED

Exhibit B

Page 1/1

***** UPDATE COMPLETED *****

DPW: *** Case Inquiry Page (B1-Page) *** *Action Code: ___
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 Assignment Nbrs: BCSO: 2018000000 SID: 0799817 Suff: 03
 COMPLAINT Date: 10 28 2015 : SAPD: 2015233945 R: B S: M DOB: 03 07 1980
 *Code *Description :Other: *Stat Code Date Nbr
 540409 DRIVING WHILE INTOXICATED G Jury: FLD 10 29 2015
 State Off Code: GOC: Prosecutor Action: A *ORI: TX015025A
 Off Date: 10 28 2015 Type: MB R/H: *Warrant: RET 0804 10 26 2017 1556862
 Reduce Off: Y *Special Crime Code: Summons: ___
 Date *St War Agcy/Case:
 Arrgn: 12 08 2015 H Ph-Crt Custody 02 16 2018 B20180741201
 * Hrng: 12 04 2019 P Mag Court: NM 287506 Mag Date: 10 29 2015
 Trial: 02 09 2018 W Track: Release: 0214 02 19 2018 PROBATION GRANTED
 Sent: Bnd Org: *Bond: 02 19 2018 CAPIAS
 *Case St: 0142 02 09 2018 PROBATION GRANTED *Court ORI: TX015033J
 *Disp St: 0641 02 09 2018 NOLO CT-GUILTY Yr Mo Dy
 *Sent/Jdgt: 0708 02 09 2018 PROB-TERM + FINE Term: 002 ___
 Strt Date: 02 09 2018 End Date: 02 09 2020 *Credit: ___
 Deadly Weapon: Last Updated 10 25 2019 1447 CC7E 39435
 KJMPCIB1 Help = <PF1> Schd = <PF6> KJCIDB1

COUNTY COURT AT LAW NO. 2

~~2:30pm~~ 2:30pm

NOTICE OF ABOVE SETTING IS ACKNOWLEDGED ON THIS DATE

10/25/19

[Signature]
DEFENDANT SIGNATURE

[Signature]
COURT COORDINATOR

210-373-1224
DEFENDANT PHONE NUMBER

ATTORNEY FOR DEFENDANT

BAR NUMBER

ATTORNEY PHONE NUMBER

- (PTC) - CALL DOCKET
- PLEA
- JURY TRIAL
- State Def Court
- DISPOSITIVE MTN TO SUPPRESS
- CONDITIONAL DISMISSAL PROGRAM
- APPLY PRETRL DIV TO COMPLETE PRETRL DIV
- MTR PRE-MTR
- FELONY PENDING
- TO HIRE ATTORNEY
- NO FILE
- TO MAKE A PAYMENT

*****NO OTHER REMINDER WILL BE SENT*****

FAILURE TO APPEAR WILL RESULT IN A WARRANT OF ARREST TO BE ISSUED BY THE COURT
COURT PHONE (210) 335-2573

SCANNED

THE STATE OF TEXAS

VS.

DARIO E DAVIS

FILED IN NY OFFICE
LUCY ADAME-CLARK
COUNTY CLERK BEXAR CO
2019/OCT 28 A 10:41

IN THE COUNTY COURT 2

OF

BEXAR COUNTY, TEXAS

**ORDER AMENDING CONDITIONS OF
COMMUNITY SUPERVISION**

On this date, the Court finds that the Order placing the defendant on Adjudicated Community Supervision in Cause No. 503703 for the offense of Driving While Intoxicated, for a period of 2 Years, should be, and the same is hereby amended by adding the condition(s) of community supervision in said Order as follows, to wit:

Condition 31. You are mandated to acquire the **Portable Alcohol Monitoring** device within five (5) days of 10/25/2019 and comply with all rules, regulations, instructions, and financial agreements associated with the device as directed by the Court.

Condition 32. Beginning 10/28/2019, report to your supervision officer on a weekly basis and submit to random urinalysis four (4) times a week for thirty (30) days to include ETG/ETS as designated by your Conditions of Supervision. After thirty (30) days, report to your supervision officer on a weekly basis and submit to random urinalysis via Sentry IVR color code three (3) times a week for the remainder of Supervision to include ETG/ETS.

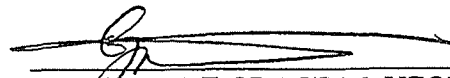
Condition 33. Beginning 10/25/2019, attend and successfully complete the **Bexar County CSCD's Substance Abuse Outpatient Treatment Program**, 207 N. Comal, San Antonio, TX 78207. Comply with all rules, regulations, instructions and financial agreements as directed by the Court, Supervision Officer and the head of the program. **(IOP)**

Condition 34. You are mandated to complete (work) twenty (20) hours of Community Service at Goodwill or the City of San Antonio Parks and Recreations Department.

Condition 35. The previously waived \$300 fine is reinstated.

All other terms and conditions of the original Order of community supervision dated the 9th day of February, 2018, shall remain in full force and effect as heretofore ordered.

SIGNED AND ENTERED this the
25th DAY OF October, A.D., 20 19


HONORABLE GRACE M. UZOMBA
COUNTY COURT 2
BEXAR COUNTY, TEXAS

SCANNED

NO. 503703 ?

STATE OF TEXAS

IN THE COUNTY COURT

VS.

AT LAW NO 2

Dario Davis

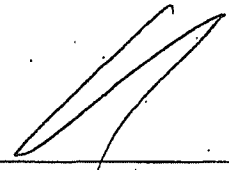
BEXAR COUNTY, TEXAS

NOTICE OF APPEARANCE AS RETAINED COUNSEL

TO THE HONORABLE JUDGE OF SAID COURT:

Now Comes the undersigned attorney and files this Notice of Appearance as Retained Counsel in the above-styled and numbered cause.

FILED IN MY OFFICE
CLERK OF DISTRICT COURT
BEXAR COUNTY, MISSOURI
2019 OCT 25 10 3 AM



Attorney at Law
SBN: 24056930
Address:
Phone:
Date:
Email:
Cell#:

ANDREW FROELICH
SBN # 24056930

Certificate of Service

I hereby certify that a copy of Defendant's Notice of Appearance as Retained Counsel was delivered to the Appointed Attorney of Record, _____ by facsimile at () _____, or by mail to _____, on this the _____ day of _____, 20_____.

SCANNED

ATTORNEY FOR DEFENDANT

***** UPDATE COMPLETED *****

DPW: *** Case Inquiry Page (Bl-Page) *** *Action Code: __
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 Assignment Nbrs: BCSO: 201800000 SID: 0799817 Suff: 03
 COMPLAINT Date: 10 28 2015 : SAPD: 2015233945 R: B S: M DOB: 03 07 1980
 *Code *Description :Other: *Stat Code Date Nbr
 540409 DRIVING WHILE INTOXICATED G Jury: FLD 10 29 2015
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 Arrgn: 12 08 2015 H Ph-Crt Custody 02 16 2018 B20180741201
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 *Disp St: 0641 02 09 2018 NOLO CT-GUILTY Yr Mo Dy
 *Sent/Jdgt: 0708 02 09 2018 PROB-TERM + FINE Term: 002
 Strt Date: 02 09 2018 End Date: 02 09 2020 *Credit:
 Deadly Weapon: Last Updated 12 09 2019 1909 CC7E 39435
 KJMPCIB1 Help = <PF1> Schd = <PF6> KJCIDB1

COUNTY COURT AT LAW NO. 2

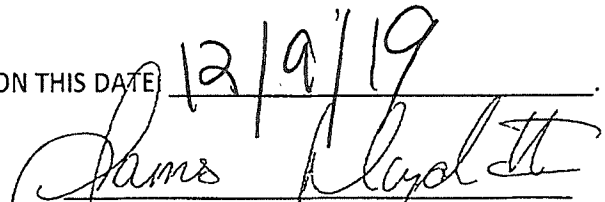
8:25 AM

NOTICE OF ABOVE SETTING IS ACKNOWLEDGED ON THIS DATE

12/9/19

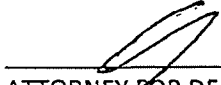


 DEFENDANT SIGNATURE



 COURT COORDINATOR

 DEFENDANT PHONE NUMBER



 ATTORNEY FOR DEFENDANT

 BAR NUMBER

 ATTORNEY PHONE NUMBER

- (PTC) - CALL DOCKET
- PLEA
- JURY TRIAL
- State Def Court
- DISPOSITIVE MTN TO SUPPRESS
- CONDITIONAL DISMISSAL PROGRAM
- APPLY PRETRL DIV TO COMPLETE PRETRL DIV
- MTR PRE-MTR
- FELONY PENDING
- TO HIRE ATTORNEY
- NO FILE
- TO MAKE A PAYMENT

SCANNED

*****NO OTHER REMINDER WILL BE SENT*****

FAILURE TO APPEAR WILL RESULT IN A WARRANT OF ARREST TO BE ISSUED BY THE COURT
COURT PHONE (210) 335-2573

Case Number: 503703

Date: 12/9/2019

Compliance Checklist

Defendant Name: Dario Davis

Current Age: 39

Offense: DWI

Adjudicated Terminates: 02/08/2020

- ❖ Company used for breathalyzer:
- ❖ CATS ___ Intoxalock Draeger ___ Smart Start ___ Lifesafer ___
- ❖ Which type of breathalyzer are you ordered:
- ❖ Ignition Interlock ___ In-Home SCRAM/GPS/SOBERLINK ___
- ❖ Theft Class ___ DOEP ___
- ❖ Community Service Hours Ordered 20 Completed
 - GED or HS in lieu of CSR Yes or No
 - Current grade level (or highest completed) COLLEGE UTEP/UTSA
 - Are you employed Yes/No Where are you employed NEIA / PORTFOLIO REAL ESTATE
- ❖ Living situation:
 - Currently living with FAMILY / MOTHER
 - Current marital status SINGLE
 - Number of children 0
 - Names, ages and gender of children N/A
 - FEES:
 - ORDERED: \$2,777 PAID: \$1,485 BALANCE: \$1,292

SCANNED

CHRONOLOGICALS SID NUMBER : 06954900 NAME : DARIO E DAVIS
March 17, 2022, 1:03 pm

12/04/19 COURT ACTION REPORT

Ct. Coordinator contacted probationer and rescheduled compliance hearing to 12/09/19 at 2:30pm.

Entered by Gerald Wright on 12/04/19 at 02:05PM

07/29/19 COURT ACTION REPORT

All, Judge Uzomba just notified me that CC2 is beginning a week-long trial so she has asked that we attempt to reschedule tomorrow's compliance hearings. Please reset beginning next week on a Monday, Tuesday or Wednesday at 2:30pm. No need for a new case setting form but please just notify me of the new date. Attached is the list of probationers that need to be rescheduled. If you are not able to get in touch with them, don't panic, I will reset them once they arrive to court tomorrow. We are just attempting to save them a trip downtown.

Entered by Gerald Wright on 07/29/19 at 11:58AM

05/23/19 COURT ACTION REPORT

Probationers attorney approached Judge Uzomba to ask for travel permit. Judge Uzomba referred attorney to CSO to request said travel permit.

Entered by Gerald Wright on 05/23/19 at 10:36AM

04/12/19 COURT ACTION REPORT

SR signed by Judge Uzomba.

Entered by Gerald Wright on 04/12/19 at 12:44PM

Modified by Gerald Wright on 04/12/19 at 12:45PM

03/13/19 COURT ACTION REPORT

Drug Court referral signed by Judge Uzomba.

Entered by Gerald Wright on 03/13/19 at 05:21PM

03/13/19 COURT ACTION REPORT

A&A signed by Judge Uzomba.

Entered by Gerald Wright on 03/13/19 at 11:45AM

02/22/19 COURT ACTION REPORT

SR signed by Judge Uzomba. Drug court assessment.

Entered by Gerald Wright on 02/22/19 at 12:06PM

financial agreements as directed by the Court, Supervision Officer and the head of the program. **(IOP)**

Condition 34. You are mandated to complete (work) twenty (20) hours of Community Service at Goodwill or the City of San Antonio Parks and Recreations Department.

Condition 35. The previously waived \$300 fine is reinstated.

Mr. Davis is to return for his next compliance hearing on 12/04/19 at 2:30pm.

*Entered by Gerald Wright on 10/26/19 at 11:19AM
Modified by Gerald Wright on 10/26/19 at 12:05PM*

10/09/19 COURT VISIT

Face to face contact made with defendant for the purpose of a compliance hearing. Judge Uzomba admonished probationer for latest violations and admonished him for taking his own initiatives and completing a retreat that the court did not order. Also, he did not complete counseling at the VA. Judge Uzomba explained to probationer that he is to complete the MOTC and begin Sentry IVR color code 2 X week to include ETS/ETG for 45 days. No modification order was completed because CLO left before the end of the compliance hearing due to End of Duty. Also, the VR/MTR submitted to court was denied for this compliance hearing and the next compliance hearing that is set for 01/15/20 at 2:30pm.

*Entered by Gerald Wright on 10/09/19 at 02:32PM
Modified by Gerald Wright on 10/10/19 at 12:01PM*

08/05/19 COURT VISIT

Face to face contact made. The def was present in court for his compliance hearing. The Judge ordered the def to go to Ministry of Third Cross (MOTC) fro 9/5/19 through 9/8/19. The def was also ordered by the Judge to get his UA submitted on 7/25/19 confirmed and he was reset for another compliance hearing for 10/9/19. Def signed A&A conditions today.

*Entered by Roberto Flores on 08/05/19 at 04:02PM
Modified by Roberto Flores on 08/05/19 at 04:25PM*

06/03/19 COURT VISIT

Def. was present for Compliance hearing . Def. was admonished . Conditions were altered and amended for out patient treatment with the VA . \$300 of the def's fine will be probated. This case will be reset to 7/30/19 for progress update.

Entered by Nicole Moss on 06/03/19 at 04:27PM

CHRONOLOGICALS SID NUMBER : 06954900 NAME : DARIO E DAVIS
March 17, 2022, 1:02 pm

12/20/19 COURT VISIT

def was present for off docket matter. ADA and defense came to an agreement. Judge agreed to amend conditions for, #36 weekly UA's until term of probation, #37 IOP held in abeyance, #38 report in person to your supervision officer, #39 remove MOTC, #40 waive \$300 fine

Def signed the new conditions and was given a copy

Entered by Maricela Luna on 12/20/19 at 03:12PM

10/25/19 COURT VISIT

Face to face contact made with defendant for the purpose of a compliance hearing. Judge Uzomba summoned Mr. Davis and his attorney, Andrew Froelich, due to this probationer attempting to complete the ordered MOTC in the Corpus region. After much discussion at the bench, Judge Uzomba modified the conditions to read:

Condition 31. You are mandated to acquire the **Portable Alcohol Monitoring** device within five (5) days of 10/25/2019 and comply with all rules, regulations, instructions, and financial agreements associated with the device as directed by the Court.

Condition 32. Beginning 10/28/2019, report to your supervision officer on a weekly basis and submit to random urinalysis four (4) times a week for thirty (30) days to include ETG/ETS as designated by your Conditions of Supervision. After thirty (30) days, report to your supervision officer on a weekly basis and submit to random urinalysis via Sentry IVR color code three (3) times a week for the remainder of Supervision to include ETG/ETS.

Condition 33. Beginning 10/25/2019, attend and successfully complete the **Bexar County CSCD's Substance Abuse Outpatient Treatment Program**, 207 N. Comal, San Antonio, TX 78207. Comply with all rules, regulations, instructions and

COS:

PAM/Smart Start Mobile -

Weekly UA for SCP -

Bexar Outpatient Program -

Ignition Interlock -

Scheduled UA's -

POR: 2003 Morning Dove St, San Antonio, Texas 78232 - H- C-(210) 373-1226

POE: Portfolia Real Estate - San Antonio, Texas -

CSR: 503703-20.00 Hrs Bal, Last Worked 10/10/18 -

FEES: 503703 -B \$1292.00 -D \$-91.00 Last Pmt 08/05/2019 -

LAST UA: 11/13/19 - Negative

CASE NOTES:

Entered by Jose Garcia-Alvarez on 11/19/19 at 11:10AM

11/15/19 OFFICE VISIT

PROBLEM: Conditions of probation

DATA: Deft reported in person for his ov. A warrant check was conducted; defendant did not have any active warrant per KJ. Def stated no new arrests or contact with law enforcement. No changes to address, contact number or employment. Def stated no illegal drugs or alcohol consumption. Deft has been complying with RHC system, deft fully aware of his IOP appointment, deft has not had any problems with mobile device. Def stated no other issues or concerns at this time.

11/08/19 OFFICE VISIT

PROBLEM: Conditions of probation

DATA: Deft reported in person for his ov. A warrant check was conducted; defendant did not have any active warrant per KJ. Def stated no new arrests or contact with law enforcement. No changes to address, contact number or employment. Def stated no illegal drugs or alcohol consumption. CSO reminded deft about his weekly RHC, IOP program and his weekly drug test, deft has not had any problems with In-Hom device. Def stated no other issues or concerns at this time.

ASSESSMENT: Deft was respectful toward this CSO

PLAN: Report and comply with conditions of probation

COS:

Scheduled UA's -

Ignition Interlock -

Weekly UA for SCP -

PAM/Smart Start Mobile -

Bexar Outpatient Program -

POR: 2003 Morning Dove St, San Antonio, Texas 78232 - H- C-(210) 373-1226

POE: Portfolia Real Estate - San Antonio, Texas -

CSR: 503703-20.00 Hrs Bal, Last Worked 10/10/18 -

FEES: 503703 -B \$300.00 -D \$-91.00 Last Pmt 08/05/2019 -

LAST UA: 11/01/19 - Negative

CASE NOTES:

Entered by Jose Garcia-Alvarez on 11/08/19 at 11:20AM

11/01/19 OFFICE VISIT

PROBLEM:

Pending compliance hearing

DATA:

No Warrants/new offenses per Mocha, but has a compliance hearing on 12/4/19

The def. reported for his weekly office visit. No changes to report. Def denies use of alcohol/illegal drug use and has no new arrests.

ASSESSMENT:

Def is not happy that he has additional conditions

PLAN:

- provide proof of residence/employment
- inform CSO of any changes

- inform CSO of any changes
- avoid new arrests and stay drug/alcohol free
- attend court on 10/9/19 and provide proof of the VA not believing he had to attend OP
- continue to comply with IID

COS:

OP (VA)– did remind def if possible, take a letter from the VA indicating he does not need treatment, as the paper he provided to this officer showed, "physical exam."

Compliance hearing – reminded to attend 10/9/19

Completion of MOTC – did not attend due to not knowing it was overnight and that would not work with his job.

Def did provide an email of confirmation for a retreat: Spiritual Retreat in Recovery with his church, Church of the Resurrection. The retreat will be from 10/5-10/7.

Scheduled UA's – reminded def not to drink too much fluids to avoid future dilutes

II(dop) – no violations

POR: 2003 Morning Dove St, San Antonio, Texas 78232 - H- C-(210) 373-1226

POE: Portfolia Real Estate - San Antonio, Texas -

CSR: No Hours Remaining

FEES: PIF

LAST UA: 08/22/19 – Diluted.

Entered by Norma Maya-Guerra on 09/16/19 at 11:29AM

Modified by Norma Maya-Guerra on 09/16/19 at 11:50AM

08/12/19 OFFICE VISIT

PROBLEM:

CBD oil

DATA:

No Warrants/new offenses per Mocha

The def. reported for his office visit. No changes to report. Def denies use of alcohol/illegal drug use and has no new arrests.

ASSESSMENT:

Def states he used CBD oil in error while he drank some tea his mother drinks and that is what caused the + ua for thc.

PLAN:

- provide proof of residence/employment
- abide by all terms and conditions of Probation
- inform CSO of any changes
- avoid new arrests and stay drug/alcohol free
- pay for confirmation for 7/25/19 ua by no later than 8/14/19
- attend MOTC retreat 9/5-8
- comply with II
- submit to ua on 8/26 downtown

COS:

OP(va) – has not attended

Compliance hearing - 10/9/19

Have UA confirmed - def states he called the lab and thought it was confirmed. Def was instructed to go in person and pay for confirmation of \$15 by no later 8/14/19.

Def states the positive ua must've been to drinking a tea from his mother and was not aware it contained CBD in it.

Completion of MOTC- def states he called motc last week 2 days in a row and has not received a call back. Flyer provided does show the dates of 9/5-8.

8/9 and he returned his call and Im. Def then checked his cell and found it 830am.

**officer called the Director, Manuel Ramos at 210-857-0417 and he stated he indeed did return def call and Im. He will be texting you the registration and def is to fill out and send it back to him and then he will call all participants at the end of the month.

Flores, Roberto 4:10 PM

dario davis, 503703

one of his conditions is MOTC but i put the wrong dates in there by mistake

i put 9/25 - 9/29

and its supposed to be 9/5-9/8

Scheduled UA's - compliant

II(dop) – reviewed recent report, no violations

POR: 2003 Morning Dove St, San Antonio, Texas 78232 - H- C-(210) 373-1226

POE: Portfolia Real Estate - San Antonio, Texas -

CSR: No Hours Remaining

FEES: PIF

LAST UA: 07/25/19 – Positive. submit to ua 8/26/19 downtown

Entered by Norma Maya-Guerra on 08/12/19 at 11:01AM

Modified by Norma Maya-Guerra on 08/12/19 at 11:29AM

07/22/19 OFFICE VISIT

PROBLEM:

OP

DATA:

No Warrants/new offenses per Mocha

The def. reported for his office visit. No changes in residence(provided proof), cell phone number, reference or employment (provided proof). Def denies use of alcohol/illegal drug use and has no new arrests.

ASSESSMENT:

Def did not complete OP but states that is due to the VA requirements and not his

PLAN:

- provide proof of residence/employment

Case Number: 503703

Date: 8/2/2019

Compliance Checklist

Defendant Name: Dario Davis

Current Age: 39

Offense: DWI

Adjudicated Terminates: 02/08/2020

Company used for breathalyzer:

CATS ___ Intoxalock ___ Draeger ___ Smart Start Lifesafer ___

Which type of breathalyzer are you ordered:

Ignition Interlock In-Home ___ SCRAM/GPS/SOBERLINK ___

Theft Class ___ DOEP ___

Community Service Hours Ordered ___ Completed

GED or HS in lieu of CSR Yes or No

Current grade level (or highest completed) College

Are you employed Yes/No Where are you employed NEIA / PORTFOLIO REAL ESTATE
(Solar)

Living situation:

Currently living with MOTHER / FAMILY

Current marital status SINGLE

Number of children 0

Names, ages and gender of children N/A

FEES: PASS IN FULL NO BALANCE

ORDERED: \$1,483.00 PAID: \$945.00 BALANCE: ~~\$538.00~~

COMMENTS:

I SUBMITTED SUPPORTING DOCUMENTS
8/1/2019 TO JUDGE UZOMBA'S CLERK
FROM THE VA TO HELP MY CASE.



BEXAR COUNTY COMMUNITY SUPERVISION & CORRECTIONS DEPARTMENT
 TREATMENT ALTERNATIVES TO INCARCERATION PROGRAM
 JARVIS ANDERSON, CHIEF PROBATION OFFICER
 207 N. COMAL
 SAN ANTONIO, TX 78207
 (210) 335-0423/FAX (210) 335-0413

TAIP REVISION

Client: Dario Davis

SID: 06954900

Date of Request: 11/4/19

Original Assessment date: 4/16/19

Change in funding

- Gross monthly income level has been reduced
- Insurance does not cover treatment/ or benefits were lost
- Client requesting to self-pay for treatment services at BCCSCD
- Court mandated treatment services at BCCSCD

Positive urinalysis/breathalyzer

Dates/Substance: _____

Subsequent Offense

Date/Charge: _____

Court mandate

Date/Modality ordered: 10/25/19 - IOP

Recommendation

- SAFPF SATF, followed by Aftercare through BCCSCD TAIP Outpatient
- MIOF **IOP** SOP DUAL DIAGNOSIS Bexar County ISF II

Funding Level: CSCD 100% Level 1 – 100% Level 2 – 50% Level 3 – Insurance/VA
 Level 4 – Self-pay N/A

Denied

Comments:

TAIP COORDINATOR/DESIGNEE: B. Kelly, LCDC DATE: 11/5/19

Michael Black

From: Milton Smith <mtsmith025@gmail.com>
Sent: Tuesday, April 5, 2022 8:54 AM
To: eescobedo@burnsansblack.com; Michael Black
Subject: Dario Davis vs Judge Uzomba

To whom it may concern,

My name is Milton "Troy" Smith, I am a retired San Antonio Police Officer and I am a board member for Ministry of the Third Cross(MOTC). I do not remember the date, however several years ago I was one of the board members assigned to monitor a MOTC retreat in Corpus Christi, Texas. While at church he location I was contacted about Dario Davis being on the retreat without consent from Judge Uzomba. It was stated to me, by one of the retreat team members, Mr. Davis was required to return to San Antonio immediately and was to report directly to Judge Uzomba's court. Mr. Davis drove his car to the retreat. I was informed Mr. Davis was not supposed to be out of Bexar County and he wasn't supposed to be driving. I contacted Mr. Davis and told him he needed to return to San Antonio immediately and since he wasn't supposed to drive would he consent to allow me to drive him back in his car. I would have my wife follow us in my car. Mr. Davis insisted on driving so I rode with him and my wife followed us. Mr. Davis went straight to Judge Uzomba's court. He met up with his attorney. I drove back to Corpus Christi with my wife and took no further action.

Humbly,

Milton "Troy" Smith
(210) 724-8938

Sent from my iPhone

Tex. Code Crim. Proc. Art. 17.033

This document is current through the 2021 Regular Session of the 87th legislature, 2021 1st Called Session, 2021 2nd Called Session, 2021 3rd Called Session, and the 2021 & 2022 ballot propositions.

Art. 17.033. Release on Bond of Certain Persons Arrested Without a Warrant.

(a) Except as provided by Subsection (c), a person who is arrested without a warrant and who is detained in jail must be released on bond, in an amount not to exceed \$5,000, not later than the 24th hour after the person's arrest if the person was arrested for a misdemeanor and a magistrate has not determined whether probable cause exists to believe that the person committed the offense. If the person is unable to obtain a surety for the bond or unable to deposit money in the amount of the bond, the person must be released on personal bond.

(a-1) [Expired pursuant to Acts 2011, 82nd Leg., ch. 1350 (H.B. 1173), § 1, effective September 1, 2013.]

(b) Except as provided by Subsection (c), a person who is arrested without a warrant and who is detained in jail must be released on bond, in an amount not to exceed \$10,000, not later than the 48th hour after the person's arrest if the person was arrested for a felony and a magistrate has not determined whether probable cause exists to believe that the person committed the offense. If the person is unable to obtain a surety for the bond or unable to deposit money in the amount of the bond, the person must be released on personal bond.

(c) On the filing of an application by the attorney representing the state, a magistrate may postpone the release of a person under Subsection (a) or (b) for not more than 72 hours after the person's arrest. An application filed under this subsection must state the reason a magistrate has not determined whether probable cause exists to believe that the person committed the offense for which the person was arrested.

(d) The time limits imposed by Subsections (a) and (b) do not apply to a person arrested without a warrant who is taken to a hospital, clinic, or other medical facility before being taken before a magistrate under Article 15.17. For a person described by this subsection, the time limits imposed by Subsections (a) and (b) begin to run at the time, as documented in the records of the hospital, clinic, or other medical facility, that a physician or other medical professional releases the person from the hospital, clinic, or other medical facility.

(e) [Expired pursuant to Acts 2011, 82nd Leg., ch. 1350 (H.B. 1173), § 1, effective September 1, 2013.]

STATE OF TEXAS §
 §
COUNTY OF BEXAR §

SWORN DECLARATION OF MILTON TROY SMITH

“My name is **MILTON TROY (“TROY”) SMITH**. I am a resident of San Antonio, Bexar County, Texas. I am over the age of twenty-one (21) years, have never been convicted of a criminal offense and am not incapacitated in any way from making this Declaration. I have personal knowledge of all the facts stated in this Declaration and I am in all respects qualified to make this Declaration.

“I am a retired police officer (23 years with the San Antonio Police Department [“SAPD”]), and I currently serve as a reserve peace officer in and for the office of the Bexar County Constable, Precinct 4. My spouse of more than 25 years, Jo Ann D. Smith, is a retired peace officer who served in and with the San Antonio Independent School District (“SAISD”). We have eight children and thirty grandchildren.

“At all pertinent times, I was a board member and a volunteer in and for the Ministry of the Third Cross (“MOTC”), based in San Antonio, which is a retreat ministry for persons in the criminal justice system, primarily in San Antonio and Corpus Christi, Texas. I provided a statement to the law offices of Burns & Black, PLLC, on April 5, 2022, with regard to Mr. Dario E. Davis. The statement is true and correct, and is attached to this Declaration as Exhibit 1.

“On the date referred to in Exhibit 1, which I now recall is October 25, 2019, I was informed that Mr. Davis was upset about having to leave the MOTC retreat in Corpus Christi, because he was attending the retreat then and there without a Court Order or the permission of the Court. Based on my long experience with SAPD, and the information I received on that date, I knew it was a violation of Mr. Davis’s conditions of probation to attend the retreat in Corpus

Christi without a Court Order or permission of the Court, and to have driven himself, in his own vehicle, to Corpus Christi in the first place. Mr. Davis stated that he was just trying to “get in” the MOTC retreat “early,” instead of attending the previously Court-ordered December 5-8, 2019, setting of the MOTC retreat in San Antonio. I informed Mr. Davis that, as a result, I needed to drive him back to San Antonio in his vehicle right away on that date, but he refused, saying that he will not let anyone else drive his car. Because Mr. Davis insisted on driving himself, in violation of his conditions of probation, on October 25, 2019, I accompanied Mr. Davis as he drove his vehicle to the courthouse in San Antonio. I brought Mr. Davis to Bexar County Court at Law No. 2, and turned him over to his attorney for appearing before the Court at that time, on October 25, 2019. After turning over Mr. Davis to his attorney in Bexar County Court at Law No. 2 on that date, I left immediately to return to my duties at the MOTC retreat in Corpus Christi.

“Further Declarant sayeth not.”

STATE OF TEXAS §
 §
COUNTY OF BEXAR §

“My name is **MILTON TROY SMITH**, my date of birth is January 6, 1961, and my address is 5714 Erroll Flynn Drive, San Antonio, Bexar County, Texas 78240.

“I declare under penalty of perjury that the foregoing is true and correct.”

Executed in Bexar County, State of Texas on October 3, 2022.


MILTON TROY SMITH

EXHIBIT 1

Michael Black

From: Milton Smith <mtsmith025@gmail.com>
Sent: Tuesday, April 5, 2022 8:54 AM
To: eescobedo@burnsansblack.com; Michael Black
Subject: Dario Davis vs Judge Uzomba

To whom it may concern,

My name is Milton "Troy" Smith, I am a retired San Antonio Police Officer and I am a board member for Ministry of the Third Cross(MOTC). I do not remember the date, however several years ago I was one of the board members assigned to monitor a MOTC retreat in Corpus Christi, Texas. While at church he location I was contacted about Dario Davis being on the retreat without consent from Judge Uzomba. It was stated to me, by one of the retreat team members, mr. Davis was required to return to San Antonio immediately and was to report directly to Judge Uzomba's court. Mr. Davis drove his car to the retreat. I was informed Mr. Davis was not supposed to be out of Bexar County and he wasn't supposed to be driving. I contacted Mr. Davis and told him he needed to return to San Antonio immediately and since he wasn't supposed to drive would he consent to allow me to drive him back in his car. I would have my wife follow us in my car. Mr. Davis insisted on driving so I rode with him and my wife followed us. Mr. Davis went straight to Judge Uzomba's court. He met up with his attorney. I drove back to Corpus Christi with my wife and took no further action.

Humbly,

Milton "Troy" Smith
(210) 724-8938

Sent from my iPhone

EXHIBIT C

TRANSCRIPTION OF AUDIO RECORDING
INFORMAL APPEARANCE HEARING BEFORE THE
STATE COMMISSION ON JUDICIAL CONDUCT
WEDNESDAY, OCTOBER 12, 2022

CJT NO. 20-0623 IN RE: HON. GRACE UZOMBA
COUNTY COURT AT LAW NO. 2
SAN ANTONIO, BEXAR COUNTY, TEXAS

Transcribed by: LuAnn M. Gill, CSR

1 APPEARANCES

2 SCJC COMMISSIONERS:

3 Honorable David Schenck, Chairman
4 Honorable David Hall
5 Honorable Valerie Ertz
6 Honorable Clifton Roberson
7 Honorable Lucy Hebron
8 Honorable Patrick Maguire
9 Honorable David Patronella
10 Honorable Janis Holt, Vice Chair
11 Honorable Fred Tate, Secretary
12 Honorable Sujeeth Draksharam
13 Honorable Gary Steel
14 Honorable Kathy Ward
15 Honorable Ronald Bunch

16 FOR THE STATE COMMISSION ON JUDICIAL CONDUCT

17 Ms. Zindia T. Thomas
18 General Counsel
19 State Commission on Judicial Conduct
20 P.O. Box 12265
21 Austin, Texas 78711
22 (512) 463-5533
23 Email: Zindia.thomas@scjc.texas.gov

24 FOR HON. GRACE UZOMBA:

25 Mr. Michael Black
Mr. Jared McEntire
BURNS & BLACK
7500 Rittiman Road
San Antonio, Texas 78209
(210) 829-2018
email: burnsandblack.com

ALSO PRESENT:

Rosario Reyes

1 (Audio recording begins.)

2 CHAIRMAN SCHENCK: Okay. Good morning.
3 Today is -- or afternoon, you know. Today is Wednesday
4 October 12, 2022. My name is David Schenck. I'm the
5 Chair of the State Commission on Judicial Conduct. I
6 also served as justice on Criminal Court of Appeals in
7 Dallas.

8 We're here today on CJT No. 20-0623
9 concerning Judge Grace Uzomba --

10 JUDGE UZOMBA: Yes, sir.

11 CHAIRMAN SCHENCK: -- County Court-At-Law
12 Number 2, Bexar County, Texas.

13 I will -- at this time -- (inaudible) --
14 asking each -- (inaudible) -- introduce themselves.
15 Instead, when we -- (inaudible) -- may not --
16 (inaudible) -- ask each of the commissioners --
17 (inaudible) -- any questions --

18 JUDGE UZOMBA: Thank you, sir.

19 CHAIRMAN SCHENCK: Judge Uzomba, would you
20 too please identify yourself for the record.

21 JUDGE UZOMBA: Thank you. I am Grace
22 Uzomba. I am the presiding judge for County
23 Court-At-Law Number 2 in Bexar County, Texas at --

24 (Simultaneous discussion)

25 (Inaudible)

1 JUDGE UZOMBA: I apologize. May I do
2 over?

3 CHAIRMAN SCHENCK: I could hear you.

4 UNIDENTIFIED SPEAKER: I heard you.

5 CHAIRMAN SCHENCK: They heard you. Thank
6 you.

7 JUDGE UZOMBA: Okay.

8 CHAIRMAN SCHENCK: Judge, you have the
9 right to be represented by counsel. I know that you do
10 have counsel present today.

11 Counsel, could you state your name for the
12 record.

13 MR. BLACK: Good afternoon, Your Honor.
14 Michael Black from Burns and Black in San Antonio.

15 MR. MCENTIRE: And Jared McEntire also
16 from Burns and Black.

17 CHAIRMAN SCHENCK: Thank you.

18 Counsel, this is a little different than
19 what you may be used to in terms with a court reporter
20 in court proceedings. Unlike in court, you are invited
21 to consult with your client during the course of our
22 proceedings here today. At the end of our questions by
23 the Staff and the Commission Counsel, Zindia, you're
24 invited to ask any questions you may have of your client
25 and will also have the opportunity at the conclusion to

1 sum up. If for some reason I forget that opportunity,
2 please remind me without any repercussions. You're
3 cautioned not to give testimony. You're here asking
4 as --

5 (Simultaneous discussion)

6 MR. BLACK: Absolutely. Thank you, Your
7 Honor.

8 CHAIRMAN SCHENCK: Judge, is there anyone
9 else that you intended to be present today at the
10 meeting for you?

11 JUDGE UZOMBA: Yes, sir. Thank you so
12 much for asking. I want to introduce my support, loyal
13 support and good friend I've known for quite sometime,
14 Rosalio Reyes, Dr. Rosalio Reyes.

15 CHAIRMAN SCHENCK: Is that the only one
16 you --(inaudible) -- today?

17 JUDGE UZOMBA: Yes. Yes. There were
18 others, but we have a child in the I -- in the hospital,
19 so they couldn't make it.

20 CHAIRMAN SCHENCK: Okay.

21 JUDGE UZOMBA: Thank you, sir.

22 CHAIRMAN SCHENCK: Judge -- (inaudible) --
23 you should have been provided some additional written
24 instructions concerning this proceeding. Did you, in
25 fact, receive those written instructions?

1 JUDGE UZOMBA: I received the predicate of
2 which myself and my counsel signed, sir.

3 CHAIRMAN SCHENCK: Did you have any
4 questions concerning that document?

5 JUDGE UZOMBA: No. We did get -- I mean,
6 pretty straight forward. It was explained well.

7 CHAIRMAN SCHENCK: Good. Judge, at this
8 time I'm going to stand. I'll ask you to do the same if
9 you're able.

10 JUDGE UZOMBA: Yes, sir.

11 CHAIRMAN SCHENCK: And raise your right
12 hand. Do you solemnly swear to tell the truth, the
13 whole truth, and nothing but the truth so help you God?

14 JUDGE UZOMBA: Yes, sir.

15 CHAIRMAN SCHENCK: Very good. At this
16 time I'm going to turn this matter over to Commission
17 General Counsel, Zindia Thomas.

18 JUDGE GRACE UZOMBA,
19 having been first duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MS. THOMAS:

22 Q Good afternoon.

23 A (Inaudible).

24 Q Good afternoon. So I'm going to ask you a few
25 questions before the commissioners get to ask questions.

1 My first one is: Have you had an opportunity to see the
2 complaint?

3 A Yes, I have.

4 Q Okay.

5 A Yes.

6 Q And have you had a chance to review the
7 complaint?

8 A Yes, I have.

9 Q And you had an opportunity to respond to the
10 complaint?

11 A Yes, I have.

12 Q Have you been given a copy of the tentative
13 sanction?

14 A Yes, I did, yes. I received it.

15 Q Have you had an opportunity to review that
16 tentative sanction?

17 A Yes.

18 Q So we will walk through the findings of fact,
19 and I'm going to ask you if you agree or disagree with
20 each one of them.

21 MS. THOMAS: Ron, could you put it up,
22 please?

23 Q (BY MS. THOMAS) Ron is going to put it up for
24 the Commissioners.

25 So what I'm going to do is just basically

1 ask you the -- I'm going to say which number it is. You
2 can read it for yourself and then tell me if you agree
3 or disagree on it.

4 A Okay.

5 Q Number 1?

6 A I agree.

7 Q Number 2?

8 A I agree.

9 Q Number 3?

10 A I agree in part, and I wish to clarify.

11 Q Okay. Please.

12 A The clarification was with the last sentence
13 that this hearing was conducted without court reporter
14 or prosecutor present. And there's no requirement in
15 the code for the presence of the court reporter or
16 prosecutor. All probationers usually at this time, once
17 they are placed on probation, they are -- will say
18 effectively, because most attorneys, they just wanted to
19 get off the case. And if they are hired, they hired to
20 the point of disposition. So there is no constitutional
21 right accorded to the probationer for an attorney to be
22 appointed to them for the subsequent proceedings.

23 Furthermore, the proceedings are informal,
24 non-adversarial and with the intent to bring the
25 probationer into compliance and successful on their

1 probation.

2 In contrast, I could just wait for a
3 motion to revoke to be filed and sign that and be done
4 with it. This is a proceeding that takes more time to
5 be able to meet with the probationers and the community
6 supervision officers to assist the probationer, again,
7 to get into compliance and to be successful on
8 probation.

9 CHAIRMAN SCHENCK: Judge, could you pull
10 the microphone a little closer to yourself?

11 JUDGE UZOMBA: Thank you, sir.

12 Q (BY MS. THOMAS) What about Number 4?

13 A I said I agree in part. And I will try to be
14 brief.

15 The portion that I would like to clarify
16 is that this was not instead of the September motion --
17 Ministry of the Third Cross. As a matter fact, a motion
18 to revoke was filed specifically because he registered,
19 Mr. Davis, registered for the Ministry of the Third
20 Cross in September but failed to attend. And that is
21 the motion to revoke that I denied -- and I will speak
22 more to that later -- I denied in order to give him a
23 chance to be able to attend and be in compliance.

24 Q Number 5?

25 A I agree.

1 Q Number 6?

2 A I agree in part. And my clarification would be
3 that that did not occur on the same day. The same day
4 would have been the 24th, and actually it was the 25th
5 that he was returned from the Ministry of the Third
6 Cross in Corpus Christi.

7 Q Number 7?

8 A Again, I agree in part. And I'd like to
9 clarify that CLO Wright did not testify, did not swear
10 him in. There's no testimony taken. He may have said
11 something. I don't quite recall. But there is no need
12 for testimony as these are again non-adversarial
13 proceedings in order to be able to get the defendant --
14 the probationer in compliance.

15 Q Number 8?

16 A And then Number 7. Oh --

17 And as well, again, that was conducted
18 without a motion to revoke probation nor a prosecutor
19 present. Now, if this was a motion to revoke, both
20 prosecutor -- a prosecutor would be present and a
21 defense attorney would be present, either hired or
22 appointed, and then they would be present. But at
23 this -- as far as this proceeding was concerned, again,
24 it was non-adversarial, and it's intended to bring the
25 probationer into compliance.

1 Q And that was all for that Number 7?

2 A Yes.

3 Q All right. Number 8?

4 A Again, I agree in part. And, again, CLO Wright
5 did not testify. There was no testimony. But the
6 import of this is the increase in the amount of
7 urinalysis or probation conditions. This was not an
8 increase. This was a restoration. And about the 5th of
9 August, I had to incentivize Mr. Davis to get in
10 compliance and be successful on probation. I had held
11 some of these conditions in abeyance or prorated them --
12 probated them in order to incentivize him. And he was
13 in agreement with all of this. And so the restoration
14 of them was not an actual increase. It was just
15 restoring.

16 And also regarding the last sentence, did
17 not order Mr. Davis to MOTC during December 5 to 8 -- 8
18 December, 2019, he was ordered in the October 9 where --
19 (inaudible) -- reviewed and noted on the motion to
20 revoke that all matters concerning the Ministry of the
21 Third Cross was addressed. I had judge's notes, and it
22 was thorough discussion back and forth with Mr. Davis
23 that he would be given another chance to attend MOTC in
24 December. And it stated clearly on my judge's notes as
25 well as a Post-it note so that CLO Wright would be able

1 to enter that into, not only the chronos, but as well as
2 the amended conditions of probation.

3 And so even that Post-it note was dated
4 the 22nd of October and stated specifically that
5 Mr. Davis would be attending the MOTC from 5 to 8,
6 December, 2019, and then initialed that.

7 So it was -- he was ordered and he was
8 well aware of it. And I can --

9 Q Number 9?

10 A I agree in part, but I'd like to clarify.

11 Although, I did not recall granting
12 permission for Davis to attend the motion -- excuse
13 me -- the Ministry of the Third Cross Retreat in Corpus
14 Christi, I'd like to even clarify more that a continued
15 review of these findings of facts, it is very, very
16 clear that I could not have given him permission to
17 attend the MOTC in Corpus Christi as I did not know
18 about it. I did not know that that retreat was
19 conducted in Corpus Christi.

20 Furthermore, upon learning more, Corpus
21 Christi is in Nueces County. The probationer has to be
22 cleared to attend those retreats by the probation
23 office. They have to do some background checking and
24 coordination -- and -- in Nueces County or by the
25 probation office. So I had zero jurisdiction in Nueces

1 County, I mean, Bexar County. And so the thing is that
2 Mr. Davis just showed up in the Corpus Christi retreat
3 at the Corpus Christi. He just showed up without any
4 clearance and no permission.

5 And then how I found out about it is that
6 Ministry of the Third Cross called me to see about
7 whether there was permission to -- (inaudible) --
8 definitely taking my breath away as far as I didn't even
9 know, one, that there was a facility there and, two, why
10 was he there. And that's when I saw that he again was
11 in violation of his probation and leaving county at that
12 time without permission, without a travel. This is what
13 I knew at that time when that occurred when I was
14 contacted.

15 Q Number 10?

16 A I agree in part. I believe the
17 communication -- my communication was very clear. In my
18 notes and in the notes that I made, I believe that there
19 perhaps is a confusion, probation between Mr. -- the CLO
20 and attorney -- prospective Attorney Froelich.

21 Q Number 11?

22 A I agree. And I'd like to be able to emphasize
23 that the ultimate punishment for a probationer is to
24 have their probation revoked and their being -- either
25 to adjudicate them or to be able to send them to jail.

1 Again, as I mentioned earlier, if that was something
2 that I wished to do, I would have just waited for a
3 motion to revoke and then hold the compliance hearing.

4 Q Number 12?

5 A I disagree. A bond did not need to be set. It
6 was a -- at that time in asking Mr. Davis the question
7 as far as did you attend the Ministry of the Third Cross
8 Retreat and from the 5th to 8th of December and him
9 saying no, this was in direct violation of his
10 conditions of probation. And that Ministry of the Third
11 Cross was in lieu of community service restitution
12 hours. And so he was in violation and was by law and by
13 the judicial canons in compliance with those to -- as
14 far as taking him into custody. At that time once he
15 was taken into custody, it was a warrantless arrest. We
16 continued to work on the warrant.

17 So with a warrantless arrest, in
18 accordance with Article 17.033, a bond hearing would
19 have to be set within 24 hours. This is when we're
20 working on a warrant. It wouldn't have been a
21 warrantless arrest. It would have been a warranted
22 arrest.

23 Now that was stayed because -- and there
24 was a lot of discussion back and forth. That was stayed
25 because Attorney Froelich -- at that time, he left the

1 courtroom, and so any proceedings or further discussions
2 were stayed. Then when he came back with the entourage
3 of the District Attorney's office, and they wanted to
4 talk to me in chambers. I went with them.

5 After some minutes, the bailiff came and
6 asked me what is the status of Mr. Davis, and I at that
7 time made the decision, having acquired more
8 information, to release him. So a bond was not required
9 and a bond hearing was not required. So I believe that
10 I acted very prudently and in accordance with the law
11 and the canons.

12 Q 13?

13 A Excuse me. If I may address 12 again.

14 This -- with that last sentence, again, in
15 these hearings, no prosecutor or reporter was not
16 required in anywhere in the code to have anyone present.
17 Again, an informal hearing was being held.

18 Q Number 13?

19 A I must disagree. And as in my response, my
20 earlier response and amended response, the -- there are
21 many factors physically impossible for Mr. Davis to have
22 been in handcuffs for several hours as we started at
23 around about 4:30 p.m. with the discussion with the
24 State and ended right about 7:00. He -- spoke with the
25 bailiff, and the bailiff had indicated that it was less

1 than two hours -- I believe less than two hours, as I
2 stated previously. And so previously I said one and a
3 half hours maximum, but it was less than two hours.

4 And so there is -- if we just look at the
5 numbers, we would have to have been in the courthouse
6 until about 9:30 or ten o'clock at night. And in the
7 complaint, I believe Mr. Davis said five, six hours or
8 five or six hours, and Mr. -- and Attorney Froelich said
9 something about six hours so, that it was six hours.

10 Q Number 14?

11 A This is true. I agree.

12 Q Number 15?

13 A Oh, excuse me. Number 14. Let me go ahead and
14 give a clarification to that, please.

15 (Pause)

16 A The -- just in my note, clarification is
17 that -- this is during the conversation -- the bailiff
18 came in right about -- within close to the middle of the
19 conversation, and I released Mr. Davis.

20 Q Number 15?

21 A By the -- by evidence based best practices, if
22 you had acquired information about a probationer under
23 informal, non-adversarial proceedings, the best thing is
24 to voluntarily recuse yourself. So by the end of that
25 evening, my mind was already set to voluntarily recuse

1 myself. I asked a senior judge with regard to that, and
2 I physically walked the documents, the court file, and
3 Mr. Davis had provided some documents or file of his,
4 and I walked it up and physically said, I'm recusing
5 myself, and I gave it to Judge Longoria, the
6 administrative -- the --(inaudible) -- court
7 administrative judge. In retrospect, I should have let
8 my court coordinator handle that so that there would be
9 documentation as to when that recusal actually occurred.

10 Q Number 16?

11 A I had the opportunity to review court
12 guidelines, to provide court guidelines, that is, for
13 the Community Supervision and Corrections Department
14 and, as I would say, otherwise known as the Probation
15 Office. We provided the -- we provided court
16 guidelines. And I -- I know -- I mean, I comport with
17 the majority of the judges and the practice and their --
18 (inaudible) -- and not having prosecutors present for
19 compliance hearings. The compliance hearings, there's
20 no requirement for them and they are conducted, and some
21 judges don't even conduct them. And so the -- this
22 is -- I've conducted compliance hearings in order to
23 assist probationers in becoming compliant with their
24 probation instead of revoking them.

25 If I may just share with you the testimony

1 that the director of the Federal Bureau of Prisons
2 stated is that, especially people on probation, when
3 they are released and they are in the community, they
4 are your neighbors, and we wanted people to be good
5 neighbors. So I then -- this kind of heart, servant's
6 heart that citizens of their county, they get this
7 opportunity to be able to serve them, their brothers,
8 their sisters, and to be able to take them into
9 consideration. And that is what I was hoping to
10 accomplish during my tenure as judge.

11 Q And the last one, Number 17.

12 A I agree. This is my first -- first term as a
13 judge, within my first year. And I started a program
14 evaluation to be able to assist people to be successful,
15 to be good neighbors, to be good citizens, productive in
16 the community.

17 As I went through this in formalizing it
18 to be able to determine and through the -- the National
19 Association for Drug Court Professionals, when you start
20 any kind of program, mistakes are going to be made, and
21 you make adjustments as you go through in order to be
22 able to continue to prove -- to improve the program.
23 And so with practice, I like to be able to seek
24 perfection, but I think that's only going to occur when
25 I'm perfectly dead. That's the only time when I'm going

1 to be able to achieve that. Until then, I'd like to
2 continue to grow and to learn and continue to serve the
3 community that I'm in and to serve this country that has
4 been so good to me, that helped give me opportunities
5 that I have enjoyed, the opportunities my family has
6 endured -- enjoyed.

7 So, thank you, Commissioners, for this
8 opportunity to be in front of you. I really, really am
9 grateful for your patience and in giving me this
10 opportunity to speak. Thank you.

11 Q And my last question for you: What are you
12 asking the Commissioners to do today?

13 A I'm hoping that at the end of this conclusion,
14 with the clarifications and correcting the record, and
15 to be able to complete the record for you, that you will
16 reconsider and dismiss this matter. I followed the law.
17 I was within and followed the judicial canons and had
18 the heart of the servant. If you do -- cannot dismiss,
19 then please consider the lowest private sanction, that
20 private order for additional education or some private
21 -- (inaudible) -- that would be -- once you -- I've
22 finished answering your questions, I believe that you
23 will see that whatever mistakes that I have made were
24 done in good faith and with the best of heart. Thank
25 you.

1 MS. THOMAS: Chairman, no further
2 questions.

3 CHAIRMAN SCHENCK: Thank you.

4 At this time, Judge, I'm going to ask that
5 the members of the Commission introduce themselves
6 individually and ask any questions that they might have.
7 I'm going to begin with Judge Davis Hall, who is unable
8 to be physically with us today. He may be on screen
9 behind you.

10 Judge Hall, could you introduce yourself.

11 COMMISSIONER HALL: Yes, Judge. My name
12 is David Hall. I'm a court at law judge from Nolan
13 County, Texas.

14 CROSS-EXAMINATION

15 BY COMMISSIONER HALL:

16 Q I guess generally my question relates to these
17 compliance hearings. Do you understand, Judge, that
18 there's a limited scope to these hearings that can be
19 without the involvement of the defendant or the
20 defendant's attorney or the prosecutor for the State?

21 A Good afternoon, Judge Hall. Thank you so much
22 for your question, sir.

23 There is a limited scope to them. And my
24 practice has been that if it gets to a point where the
25 probationer wishes an attorney, he's given the

1 opportunity for that, to either hire one or apply for a
2 court-appointed attorney because here the application --
3 so they apply for a court-appointed attorney, it was
4 immediately reset -- (inaudible) -- session for an
5 attorney to be present.

6 The presence of the prosecutor would
7 warrant -- would be a motion to revoke. Am I right? To
8 consider these compliance hearings the prevention of
9 motions to revoke.

10 Q And in the case -- in the case we're faced with
11 here, Judge, what would you do differently if you were
12 to reconsider some of the things that happened with
13 these -- during this period of time with the defendants
14 that were appearing at these compliance hearings?

15 A The Defendants or for Mr. Davis, in particular,
16 sir?

17 Q Really with Mr. Davis but, generally, how have
18 your practices changed?

19 A Thank you, sir. If I may just consult. Thank
20 you.

21 (Pause)

22 A In particular with Mr. Davis, I think the
23 things -- in looking at the entire scenario is -- I
24 would, in fact, make sure that in the amended conditions
25 that I continued to reaffirm the -- the requirement to

1 attend the Ministry of the Third Cross that was a
2 requirement that was in lieu of performing community
3 service, restitution service. And with the -- in
4 general, these hearings continue to improve the
5 non-adversarial.

6 Because of the non-adversarial nature of
7 this, I would subject myself to any suggestions that you
8 have, Judge Hall, as far as what improvements would be
9 needed because when a defendant comes in front of me, I
10 greet them and I ask them how they are doing and when
11 they're there that they have -- have the right to an
12 attorney, and the CLO provides information as far as the
13 last compliance hearing. Their CSO is there.

14 And I'm so sorry for the acronyms. You're
15 talking to a military person, so, please, a lot of
16 acronyms, but allow me, CLO, being the Court Liaison
17 Officer who is in the courtroom, a probation officer
18 that is really over court proceedings, and so that is
19 placed in the -- is assigned by the probation office to
20 that court.

21 The CSO is the court community supervision
22 officer, probation officer. And so the probation
23 officer also has been able to learn as far as case
24 management is concerned and being able to help and sort
25 things out more so for the defendant.

1 But, again, I am very open as far as
2 suggestions that you may have, sir.

3 Q Judge, thank you. I think it's somewhat
4 inappropriate for me to individually give you advice or
5 guidance. The Commission kind of has to speak as a
6 whole. And we may have different ideas about exactly
7 what's appropriate guidance. So we'll do that through
8 any correspondence and through Ms. Thomas there who is
9 seated beside you. But we will certainly give that type
10 of feedback, but I think it will be important that we do
11 it after we deliberate and speak kind of as one. But
12 you've answered my questions, Judge, and I really
13 appreciate your time today. Thank you.

14 A Judge Hall, thank you so much for your time and
15 for your kind questions.

16 CHAIRMAN SCHENCK: Commissioner Ertz.

17 CROSS-EXAMINATION

18 BY COMMISSIONER ERTZ

19 Q Good afternoon, Judge. I'm Valerie Ertz, a
20 public member from Dallas. And I'm just curious about
21 all this sanction and the -- (inaudible).

22 What specific changes can be made, if any,
23 in your court to prevent some of these miscommunications
24 and mistakes that you admitted that you made?

25 Have you set any -- have you changed

1 anything in your court to help prevent this type of
2 thing happening?

3 (Pause)

4 A Commissioner Ertz, thank you so much for that
5 question. What I have done is continue to improve
6 communication, continue as far as notes are concerned,
7 copious notes, and also to make sure of the -- any kind
8 of violation, should violation has occurred.

9 So, again, I ask upon the CLO to review
10 past hearings have been. I ask basically -- I say, CLO,
11 when was the last court proceeding for this probationer?
12 If it's a first time, they tell me they were granted,
13 what they were granted for, and how many months they
14 have been on probation and, one, what's happening with
15 compliance hearing. And then I ask the CSO -- and there
16 was a case, then I ask the CSO -- again, I'm sorry, the
17 community supervision officer -- I say, What -- how has
18 the probationer been improving, been performing while on
19 probation? They go through their list of they completed
20 their classes and probation fees, their community
21 service, the basic requirements because there is a set
22 of basic requirements under the code.

23 And in the Texas Code of Criminal
24 Procedure, it goes from one through whatever number it
25 is, and then we can specify some others such as Ignition

1 Interlock and those sort of things, some sort of
2 monitoring device.

3 So they go through and they identify if
4 there has been any sort of violations. And so once they
5 identify the violations, the first thing I will ask the
6 probationer is -- as I have given them opportunity, they
7 know they can ask for an attorney to be present. I say,
8 Listen, having heard these violations or do you wish to
9 speak to an attorney? We can reset this for an attorney
10 to be present.

11 So -- and then I -- if, again, if they
12 wish to have an attorney present, it is reset for that
13 attorney to be present. And then I say some encouraging
14 words to them for those things that they have been doing
15 right and that they have been doing correctly because
16 the import of these compliance hearings is for their
17 success. Folks who come before me is somebody's mother,
18 somebody's sister, uncle, brother, and we want to be
19 able to restore to the community to continue to -- to
20 be -- to be members of society, good members.

21 Q Thank you, Judge.

22 A Thank you for your question. I appreciate your
23 time and your attentiveness in listening to me. Thank
24 you.

25 COMMISSIONER WARD: Hi, Judge. Kathy

1 Ward --

2 (Simultaneous discussion)

3 COMMISSIONER WARD: -- I'm a member from
4 Collin County. How are you?

5 I don't have any questions at this time.
6 Thanks you so much for your time.

7 JUDGE UZOMBA: Thank you so much.
8 Appreciate you being here. Thank you.

9 CROSS-EXAMINATION

10 BY COMMISSIONER ROBERSON:

11 Q Good afternoon. Clifton Roberson, attorney out
12 of Smith County.

13 Do you think that -- you keep --
14 (inaudible) -- are we talking about a motion to amend
15 that's filed by the probation department?

16 A Thank you. The -- the probation office, the
17 CSO, the Community Supervision Office, currently is
18 referred to them as the "probation officer."

19 The probation officer files a supplemental
20 report or a violation report. Once they filed the
21 violation report, if it looks from, and they have stated
22 in there, that this person is supposed to -- is in
23 violation of their probation conditions -- so we're
24 talking about those. And in the court guidelines, again
25 majority of judges have these compliance hearings, and

1 some say they will not have these compliance hearings.

2 They can also file a violation report and
3 they attach a motion to revoke. The majority of the
4 time I deny those motions and set for -- I call them
5 non-performance review hearings.

6 Q And in these hearings, are there conditions to
7 amend, and do they have to sign off on those conditions?

8 A Yes.

9 Q And in this case, Mr. Davis, did he have those
10 conditions that he had to sign off on?

11 A Yes, he did --

12 Q And did he sign off on those conditions?

13 A He signed off on the conditions. I believe
14 each one of them. I can --

15 (Simultaneous discussion)

16 Q (BY COMMISSIONER ROBERSON) That's okay.

17 A -- yes.

18 Q And in those conditions they told him what he
19 had to do and where he had to complete it, the community
20 service, that he couldn't leave Bexar County to go to
21 mother or to Corpus Christi or whatever?

22 A Yes, sir. In the original conditions of
23 probation, it is by code that a probationer cannot leave
24 county without permission, so that is standard for all
25 probationers.

1 Q So this was a compliance on a motion to amend.
2 Now when did it turn into a motion to revoke?

3 A It did not.

4 Q If it didn't turn into a motion to revoke, why
5 did you have him put in handcuffs?

6 A At the time that -- because he was in violation
7 of those conditions of probation, and by law I can go
8 ahead and have him arrested while I am sorting things
9 out.

10 Q Was there -- oh, okay. So you had him arrested
11 on the bond, not bond violation, but the violation of
12 community supervision?

13 A Yes.

14 Q And since he was detained, did you think it was
15 necessary to set a bond?

16 A The bond was not necessary to be set. I don't
17 -- because it was a warrantless arrest and within 24
18 hours and Article 17.033, a bond was not required to be
19 set. There was nothing to set the bond to. If I had
20 completed the warrant, a bond would have been set. If
21 there was a motion to revoke, a bond would have been
22 needed to be set. And also I had -- there's options
23 with -- as far as that is concerned. The -- as
24 occurred, I released him.

25 Q And --

1 A Because it wasn't -- I'm sorry.

2 Q And so you -- so you released him because the
3 Probation Department or the District Attorney's office
4 said they were not going to file a motion to revoke?

5 A Yes. And to -- and, in part, it was a decision
6 that at the time, going back and forth with the
7 information that I learned, that to go ahead and be able
8 to release him.

9 Now, keep in mind, Mr. Roberson, that in
10 October, the 9th of October -- excuse me -- a motion
11 to -- a violation report had been submitted to the Court
12 with a violation for -- for the similar conditions --
13 similar violations. That was submitted to the Court
14 late September. On the 2nd of September, the District
15 Attorney's office -- 2nd of October -- I'm sorry -- the
16 District Attorney's office wanted to revoke him for
17 similar violations. I refused, denied that motion to
18 revoke; and in denying that motion to revoke, I stated
19 that those had been addressed at -- those issues,
20 violations had been addressed in the compliance hearing.
21 Now -- and in that proceeding. And I continued the
22 requirements that he was in violation --

23 (Simultaneous discussion)

24 A To give him an opportunity to go ahead and
25 comply.

1 Q (BY COMMISSIONER ROBERSON) Okay. And I'm
2 going to -- (inaudible)-- here.

3 Let me ask you this: Did he -- opposed to
4 a flight risk, I mean why put him in handcuffs? Did he
5 indicate to you that he was going to leave the court or
6 flee the court while y'all try to figure out what
7 procedure y'all going to play or revoke or bond, or did
8 he give you any indication that he was going to flee?

9 A He had been placed in the -- in the jury box,
10 but the thing about it is at that time -- and so the --
11 he was in violation of his probation conditions, his
12 probation requirements.

13 (Sound muted)

14 (Simultaneous discussion)

15 UNIDENTIFIED SPEAKER: There we go.

16 A Sir, he was placed in handcuffs. He violated
17 his probation conditions. He has been basically
18 thumbing his nose at the Court. I had given him chance
19 after chance to be in compliance with his probation
20 conditions. And he stated directly to the Court, no, I
21 did not comply even though I was registered for the 5 to
22 8 December, MOTC, Ministry of the Third Cross. This is
23 something that I rarely did. And if I look back at it
24 and with fresh eyes, I probably -- (sound muted) --
25 looked at -- looking at his history, looking at the

1 history of Mr. Davis, the number of times that he had
2 been arrested in pretrial, of which that was not my
3 doing, that was my predecessor because this case had
4 been going on -- his case had been going on since 2015.
5 Looking back now, looking at that sort of -- the number
6 of times that he had been arrested without being given
7 an opportunity to be heard and the number of times that
8 he was arrested after even -- and the number of
9 violations that he had, sir, I tried and I was merciful
10 with Mr. Davis. I was patient with him. I was hopeful
11 for him to be successful and still wish him the best of
12 luck, as he's now off probation and he's -- and I hope
13 that he will not recede again, but this is --(sound
14 muted).

15 And I just want to go ahead and make sure
16 that it is very clear that when I said that these were
17 all pretrial while he was a defendant and he violated
18 his conditions of bond and he was arrested.

19 And then I believe there was another -- if
20 you look at the court jacket, in which I think it's in
21 the packet, there was another arrest post-adjudication.
22 And so not wanting to -- that's why I was particularly
23 interested in being able to work with Mr. Davis to -- as
24 all, not particularly, but as all with the defendants,
25 and this was a program evaluation.

1 It was a beginning, as a young judge.
2 Don't let the gray hairs fool you. I am not new to the
3 legal profession, and so they're aren't any -- now I'm a
4 little bit longer in the tooth. But the practices --
5 my -- in ten years as an attorney before I was elected,
6 we had -- I worked with the national -- the specialty
7 force, and so these are practices that I have seen, and
8 in this case this is what happened. I acted while
9 something was happening in real, and I acted with the
10 information that I had available as to me and within the
11 law and the canons.

12 Q Thank you, Judge. I appreciate it.

13 A Mr. Roberson, thank you so much. I appreciate
14 your questions.

15 CROSS-EXAMINATION

16 BY COMMISSIONER HEBRON:

17 Q Good afternoon. My name is Lucy Hebron, and
18 I'm a constitutional county court judge from Wood County
19 in East Texas. I just have a quick question or two for
20 you.

21 I understand that you're a believer in
22 restorative justice. And I can't help but when I listen
23 to you and read about this that no good deed goes
24 unpunished. And I'm wondering in hindsight should you
25 have granted that motion to revoke instead of doing

1 these compliance hearings?

2 A You know, the saying should I, could I, should
3 I, you know, and the -- with the heart that I have and
4 the promise that I made to Bexar County, the citizens of
5 Bexar County, and the experience that I had and working
6 with these specialty force and seeing the miracle, the
7 miracle that results from them when we save lives,
8 families are being united, I wanted desperately to be
9 able to give Mr. Davis a second chance. And I had --
10 and from those motions to revoke is usually where I see,
11 this is an opportunity. This is somebody crying out for
12 treatment, especially if their violations are consistent
13 with violation of -- Condition Number 2 is drug or
14 substance abuse, some alcohol abuse -- (inaudible). So
15 that's something asking for treatment. That is -- and
16 all the other technical, nontechnical violations. I
17 just -- some of the folks -- (sound muted) -- don't.

18 And when I started this, I had about --
19 (sound muted) -- women who were violating their
20 probation. One of them drugs. And all they needed was
21 money knowledge. And so I asked them to read five
22 articles on money management and come back and tell me
23 about it and to save money. And I wanted to see that
24 money in their bank account. And they had to bring me
25 their bank account, a statement to look at it. If you

1 see the difference that is made with this woman -- these
2 women, you came back with such pride that they were able
3 to save their money, such pride that they were able to
4 move out of a hotel where they were staying with their
5 three children and be able to put down security deposit
6 and their first month's rent, such pride that they were
7 able to now a judge heard them and did not look at them
8 or consider them to be a thief and said, Hey, it seems
9 like you've got champagne taste on a beer budget, so
10 let's go ahead and see -- (inaudible). I like to give
11 them a chance.

12 Thank you very much, Judge Hebron.

13 (Pause)

14 CHAIRMAN SCHENCK: I've got a request for
15 a break for a few minutes.

16 Oh, Judge and Counsel, I'm going to make a
17 suggestion to you. It's very -- (inaudible) --
18 Everything you have to say. We mentioned before you'll
19 have an opportunity to ask your client questions --
20 (inaudible). Usually, if I could suggest a little more
21 direct and responsive answers to the question --
22 (inaudible) -- a little short probably, probably be
23 helpful.

24 But at this time I'm going to suggest that
25 we take a five or ten-minute break and -- (inaudible) --

1 at 2:30. Is that okay?

2 (Sound muted)

3 (Audio recording resumes)

4 CHAIRMAN SCHENCK: I'm happy to go back on
5 the record. (Inaudible) -- Commissioner Maguire
6 introduce himself and ask any questions you may have.

7 CROSS-EXAMINATION

8 BY COMMISSIONER MAGUIRE:

9 Q Good afternoon, Judge. My name is Pat Maguire.
10 I'm the municipal judge for the City of Kerrville.

11 I do have a couple of questions. A lot
12 has been covered, and I'm not going to rehash ground
13 that we've already plowed over. I did have one question
14 regarding the informal hearings that you held and, in
15 particular, in explaining the reasoning behind those, I
16 think that, in my opinion, is well founded. But when
17 you first took the bench and these compliance hearings,
18 the informal hearings where you were trying to have the
19 defendant in self-compliance, was there some specific
20 statutory requirement that you were doing these under or
21 was it just more that's how the practice had been
22 established in that court in the past?

23 A There's no statutory authority to have
24 compliance hearings and the -- and the previous -- my
25 predecessor on the bench did have compliance hearings,

1 as most of the other judges do, and the court guidelines
2 that they provide to the probation office.

3 Q And my follow-up question to that: And in
4 these follow-up, in these informal hearings were held to
5 monitor probationer's compliance and hopefully help
6 problem before they got too much bigger, were there
7 conflicts? Say somebody didn't show up. Were there any
8 consequence like a warrant issued for them, or would it
9 just be it would go to the next step and there would be
10 a motion to revoke prepared by the DA's office?

11 A A warrant can be. A warrant can be issued for
12 that because the court summons the probationer. And so
13 in like a regular court proceeding, if the court summons
14 them to come and orders them to come to court and they
15 do -- (sound muted) -- or their bond can be increased.

16 Q And was that -- was that generally the practice
17 of the Court in handling -- (inaudible)?

18 A The Court -- no. Actually, I gave them another
19 opportunity to show after I wanted to make sure that
20 they were properly notified and that they were given a
21 case setting form and contacted, emailed, text or
22 whatever. I wanted to make sure that -- (sound muted).

23 Q Regarding --

24 (Simultaneous discussion)

25 Q (BY COMMISSIONER MAGUIRE) Regarding when

1 Mr. Davis, when he was placed in custody at one of the
2 proceedings, was that pursuant to a verbal order from
3 you from the bench or was there some sort of legal
4 process or capias that was written, a written capias
5 that was prepared?

6 In other words, if that person had been
7 sent to the jail, what would the jailer have looked at
8 to say, okay, here's my authority to place this person
9 in jail?

10 A It would be the offense --

11 Q So -- well, as I understand, there was a --
12 Mr. Davis was placed in handcuffs in the courtroom
13 because there was an allegation that he had violated his
14 probation. I guess the simple question was, was that
15 pursuant to a written warrant or just a verbal directive
16 from the Court?

17 A As far as being placed in handcuffs and
18 arrested for --

19 Q Yes.

20 A -- for the violation probation?

21 Q Yes.

22 A Yes, it was verbal from the Court.

23 Q Okay. And you mentioned something, I believe I
24 heard this, that he had violated his bond condition.
25 Was he also being placed in handcuffs for violating his

1 bond conditions in addition to violating his terms of
2 probation?

3 A Sorry about the confusion with that. I had
4 said that he had done that -- (sound muted).

5 Q Okay. So not in this particular?

6 A Right. So what -- and probation, he's no
7 longer on bond. He was being monitored --

8 (Simultaneous discussion)

9 Q (BY COMMISSIONER MAGUIRE) Understood. Thank
10 you for clarifying that.

11 My last question is -- and I just wanted
12 to clarify this. In your amended responses you
13 amended -- or one of the questions -- (sound muted) --
14 you take Number 4.

15 Please respond to complainant's allegation
16 that you ordered complainant to attend the Ministry of
17 the Third Cross Retreat as a condition of community
18 supervision, this despite the possibility that the
19 complainant would be opposed to the religious nature of
20 the MOTC Retreat.

21 And, Judge, did he ever raise an objection
22 to the MOTC?

23 A No, sir.

24 Q Okay. Thank you. Thank you very much.

25 A Thank you very much, Judge Maguire. Appreciate

1 your questions. Thank you, sir.

2 CROSS-EXAMINATION

3 BY COMMISSIONER PATRONELLA:

4 Q Good afternoon, Judge. I'm David Patronella.
5 I'm a Justice of the Peace in Harris County. And I just
6 wanted to clarify a couple of things.

7 One, you say, just with Judge Maguire's
8 question, after -- if someone did not appear, would you
9 have a show cause before the warrant would go out? Is
10 that what you -- (inaudible). I just want to be clear.

11 So if someone did not appear after they
12 had been summoned to the court, do you -- is it
13 warranted immediately or do you show cause?

14 A It would be somewhat similar to a show cause,
15 sir, that I wanted to make sure that they had proper
16 notice, and so I reset to make sure of that and make
17 sure that they get proper notice.

18 Q And second thing is with regard to the
19 handcuffing in the courtroom -- and, again, this is just
20 to follow up a little bit with Commissioner Ertz was
21 asking -- (inaudible).

22 A Question --

23 (Inaudible)

24 Q (BY COMMISSIONER PATRONELLA) Was there
25 anything at all in the courtroom that you saw that

1 the -- lead you to think he really should be handcuffed,
2 or was it just based upon record of what you had before
3 you?

4 A It was based on the information that and the
5 facts that were occurring in realtime and what was going
6 on in realtime and so --

7 Q So by realtime, do you mean you saw his
8 demeanor as being confrontational or?

9 A As -- as the back and forth was going and the
10 fact that he had -- was in -- the information that I
11 had. I was operating on the information that I had at
12 that time and so -- (sound muted).

13 Q Okay. And I want to make sure I understand.
14 Is it your position that in the future that that would
15 be not a practice that you would continue of just having
16 someone handcuff based upon what you had -- (inaudible)
17 -- other than what you're saying (sound muted) --

18 In Harris County, we usually would reserve
19 handcuffing somebody for someone who is being difficult,
20 who is saying I'm leaving here or being confrontational
21 either to the judge, to the staff, to the bailiff. So
22 just considering the rehabilitative beliefs that you
23 have and restoring beliefs that you have and your heart,
24 I'm just concerned about the appearance of handcuffing
25 someone who is not presenting a present threat to the

1 court or a disruption of the court proceedings.

2 A And at that time, at the time of the event was
3 happening, sir, that may have been the present sense
4 impression that I had, you know, with regard to that --
5 the requirement for handcuffs. And, you know, this is
6 three, four years ago. I acted --

7 Q I guess what I'm getting at, now having gone
8 through this, is that still your position, that you
9 would -- (inaudible) -- handcuffs somebody who is not
10 presenting -- due to disruption of court proceedings,
11 disruption, threatening to leave, walking out (sound
12 muted)?

13 A Sir, you know, if somebody walks in as a matter
14 of fact --

15 Q I mean, we know that there's a history, that he
16 didn't comply with what he was previously ordered. If
17 he comes in court, he's contrite, he's listening to you
18 as a judge, even besides his history, what action would
19 you take?

20 A If he -- if -- (sound muted) -- would be any
21 need for handcuffs if he was acting in that manner.

22 Q Thank you.

23 A Thank you. Thank you for your patience and
24 clarifying. And it is Patronella?

25 Q Patronella.

1 Correct?

2 A Yes.

3 Q Okay. So I just want you -- and then in Number
4 5 your amended response where it says, At the time Mr.
5 -- I'm not sure how to say that -- Froelich.

6 A Froelich.

7 Q Shall be part of text messages, and they were
8 unexpected and surprising between Mr. Froelich and the
9 CLO. And then you ordered him to come back to court and
10 said, Mr. Davis had blatant disregard for his probation
11 agreement and my court.

12 Can you describe blatant disregard? What
13 did he do that you felt was blatant disregard?

14 A And that was in December?

15 Q December 5.

16 A (Sound muted) He -- at the time that -- at the
17 time that occurred, I did not -- (sound muted).

18 Q You said when I ordered that Mr. Davis to be
19 transported to my court, it appeared that Mr. Davis has
20 blatant disregard for his probation agreement again and
21 for my court.

22 Can you just describe to me what you felt
23 like was blatant disregard? What was he exhibiting that
24 you said, oh, that's blatant disregard for my court and
25 for the agreement?

1 A It's basically the fact that he had just, as
2 far as I knew at the time, he had left county --

3 Q Okay.

4 A -- without permission.

5 Q Okay. And who do you believe -- you think
6 Mr. Davis decided to go to the MOTC, or do you believe
7 it was Mr. Wright, the -- who said you could go there,
8 do you know, I mean to that specific retreat in Nueces
9 County?

10 A No, I didn't know who would have given him
11 permission to go. I have found out there was a
12 discussion between a attorney -- in the text messages
13 you should have in your packet, there -- as far as the
14 text messages. So I just did not know who had given him
15 permission to go.

16 Q Okay. Do you believe he chose it? Do you
17 think he knew about it and he chose it? Mr. Davis?

18 A In the -- in the supplemental information,
19 there was an indication that he knew that -- I believe
20 in the text messages that you have, there appear to have
21 been a research that they were -- the prospective
22 attorney for Mr. Davis, Mr. -- Attorney Froelich, that
23 they were conducting some research regarding that. And
24 so I didn't know anything about that.

25 Q And then the CLO said, Yeah, you can go there

1 basically. Right? He gave him permission to go?

2 A If he state that they -- the text messages
3 indicated that the CLO stated that he had asked him and
4 I gave him permission, but I cannot give information to
5 something I didn't know. And the MOTC called me, and I
6 was very surprised that he was there.

7 Q Okay. All right. That is all I have. Thank
8 you very much.

9 A Thank you very much. I appreciate your time
10 and attention --

11 Q Thank you.

12 A -- Ms. Holt. Thank you very much.

13 CROSS-EXAMINATION

14 BY CHAIRMAN SCHENCK:

15 Q Judge, thank you much very much for coming here
16 today.

17 A Thank you.

18 Q I'm going to avoid getting into the details and
19 particulars of this matter, however, I think probably
20 extensively. I just want to walk through some big
21 picture hypotheticals with you.

22 A Yes, sir.

23 Q Let's assume today I leave here, I drive
24 through Bexar County and someone in the sheriff's office
25 thinks I committed an offense. Okay? You're familiar

1 with the due process clause, 14th Amendment. Right?

2 A Yes.

3 Q Liberty and property?

4 A Yes, sir.

5 Q I'm presumed to be innocent, and I have a right
6 to counsel before I'm sent to prison. Are you with me
7 so far?

8 A Yes, sir.

9 Q Okay. I decided I want to fight this. I would
10 rather just take the -- (inaudible) -- go on probation,
11 and I've got terms of probation that puts me in this
12 type situation. I can -- on my own here, I just
13 researched on the phone due process right, the right to
14 counsel with respect to any potential revocation of
15 probation.

16 While I'm on probation, my liberty is not
17 restrained. Correct?

18 A There are limits to your liberty while on
19 probation.

20 Q I'm not -- (inaudible).

21 A Oh, yeah. You're not in prison, right, yes.

22 Q And do you know the circumstances in which a
23 hearing is about to start, and I might lose my liberty
24 at the end of that hearing but both sides are not aware
25 that by prior notice, in other words, the State and the

1 Defense and there is no court reporter present?

2 A So that would be a motion to revoke?

3 Q No. I'm trying to imagine -- I'm working
4 through this hypothetical with you.

5 A Okay.

6 Q I have a liberty interest. I have a due
7 process interest. There's about to be a hearing. The
8 State hasn't asked for my liberty to be restrained or my
9 probation to be revoked, and there's not going to be a
10 court reporter present.

11 Can you think of a circumstance where that
12 would be appropriate?

13 A Sir, the compliance hearings or the probation
14 of motions to revoke hearings were not adversarial.

15 Q Okay. Was there a motion to revoke here
16 pending?

17 A No, not at that time.

18 Q Was there a court reporter?

19 A No, sir.

20 Q Okay. Then so how was it he came to be
21 handcuffed at the end of this hearing?

22 A It wasn't at the end of the hearing, sir. It
23 was just (sound muted) -- the attorney was present. And
24 so it was in the process when he came in.

25 Q Okay. But you understand my hypothetical?

1 That is, do you agree with me that there's a due process
2 right to liberty in a person who is out on probation,
3 has that right? Do you agree with me?

4 A Yes, sir.

5 Q Okay. And so if that right is going to be
6 revoked, is there a right to notice and an opportunity
7 to be represented by counsel?

8 A Yes, sir.

9 Q Okay. And the State -- and was the State's
10 counsel present at the time the Defendant was placed in
11 handcuffs?

12 A For this particular purpose, this particular
13 situation, at the time that he was placed in handcuffs,
14 I do not believe so, sir --

15 (Simultaneous discussion)

16 Q (BY CHAIRMAN SCHENCK) What I'm trying to get
17 at is if you're walking into the courtroom and in your
18 mind there's a potential for a person to lose their
19 liberty, why isn't there a court reporter present and
20 why aren't both sides aware of that potentiality?

21 A Sir, again, these were compliance hearings that
22 are held, and there's no statutory requirement for them,
23 and majority of other judges hold them or do not hold
24 them.

25 Q I hear this a lot, and that's why I'm asking.

1 I understand that. I hear judges say, That's the way
2 we've always done it. But think about the U.S.
3 Constitution.

4 A Yes, sir.

5 Q The U.S. Supreme Court in 1967 said that the
6 revocation prospects are a contributing process to the
7 right to counsel.

8 So my question is: Under what
9 circumstances either in your court or any court in Bexar
10 County would it be appropriate for no court reporter to
11 be present and at the end of it for the person to be
12 placed in physical custody and restrained on the basis
13 of what the judge says in the violation of probation?

14 A I apologize, sir. I was not indicating that
15 this is how we've always done it. I was stating that
16 there's no statutory requirement.

17 Q Okay.

18 A There's no -- to have --

19 (Simultaneous discussion)

20 A Sir?

21 Q (BY CHAIRMAN SCHENCK) In what order of
22 priority would you say the U.S. Constitution and the
23 statutes govern?

24 A The U.S. Constitution is the supreme law --

25 Q Do you understand my concern? There's no --

1 there's no court reporter in the room for this hearing,
2 and so -- because anyone could have said anything about
3 what happened. Right? And that would have been a fight
4 about who's telling the truth about what transpired
5 during the hearing.

6 A Yes, sir.

7 Q Okay. Thank you, Judge.

8 A Thank you, Chairman Schenck. Appreciate your
9 questions. Thank you, sir.

10 CROSS-EXAMINATION

11 BY COMMISSIONER TATE:

12 Q Good afternoon, Judge. My name is Fred Tate.
13 I'm a public member from Collin County. My first
14 question is, is if we had perfect hindsight -- (sound
15 muted).

16 A Now, hindsight being 20/20, sir, and a clear
17 view in the rearview mirror, as Mrs. Hebron had asked at
18 the time -- excuse me -- as Judge Hebron had asked would
19 I have done something different, could I have the
20 opportunity and wish to have, should I have signed that
21 motion to revoke in October, that is one school of
22 thought, that perhaps I should have done that.

23 This other school of thought with my --
24 the rehabilitative and from mindset and --
25 (inaudible) -- I have to give him another chance.

1 So the compliance hearing, sir, is not for
2 everybody. It doesn't -- it doesn't -- that people have
3 come and have said, hey, listen I don't want to do
4 probation anymore, I just want to do my time. And still
5 at the same time, you try, and when they say something
6 like that, an attorney is definitely -- we stop and get
7 an attorney involved and the State and -- because then
8 you're talking about a motion to revoke.

9 So are there things that I could have done
10 differently? Always, sir, with looking back and looking
11 at the actions, yes.

12 Q Thank you.

13 A Thank you, Mr. Tate. I appreciate your
14 questions.

15 CROSS-EXAMINATION

16 BY UNIDENTIFIED MALE SPEAKER:

17 Q (Sound muted) -- ask you some questions. I
18 think that on settlement eve my finding mentioned --
19 (inaudible).

20 A Yes, sir.

21 Q (Inaudible) -- believe the last hearing --
22 improper -- (inaudible).

23 So if you look at it, follow the canons
24 right there, it says you're supposed to be competent.
25 And you broke the law right there.

1 So if you hear -- you're saying, you,
2 Judge -- (inaudible). Why didn't you recuse yourself --
3 (inaudible).

4 Y'all have a power to put someone in
5 prison or do whatever can be done.

6 (Inaudible). What makes you think that --
7 (inaudible).

8 A Sorry. I keep getting caught up with --

9 (Sound muted)

10 Sir, judges are human beings. Human
11 beings make mistakes. I seek to improve. And in any
12 new position you can make a mistake. Yes, I am very,
13 very acutely aware of the power and the prudence given
14 to use that power judiciously and to be guardians of the
15 citizens' trust and faith.

16 (Sound muted)

17 Assist probationers or anyone and accord
18 proper respect to anyone that comes before me, sir.

19 I had the pleasure of having a physician
20 come in front of me. And when he came in, he said, I
21 want to meet her and thank her.

22 (Sound muted)

23 Again, perfection is something --(sound
24 muted) -- is created to assist us as well as to -- there
25 are checks and balances that's guaranteed in their

1 constitution between the executive, the judiciary, and
2 the legislation.

3 Q Judge, I'm only asking a simple question. You
4 know, judges can make -- judges have -- they're human
5 beings, they are prone to error or make mistakes.
6 Seeing -- (inaudible) - defendants, okay, they also are
7 prone to make mistakes or whatever it is. So you are
8 higher than the rest of us right there. And you can
9 change someone's life and whatever it is. That's what
10 it is, you know, the power behind -- (inaudible) -- lost
11 his ability right there. But he's guaranteed something
12 right there or fairness or something.

13 So you're asking us to look at those
14 canons right there saying you're not ready, you're not
15 ready -- (inaudible) -- to yourself -- (inaudible) --
16 and you get ready.

17 A Sir, the requirements to run for office or to
18 become a judge I was competent and met those
19 requirements. I am competent to be a judge.

20 Q Very good.

21 A Thank you. I appreciate your service on this
22 commission, sir.

23 Q Thank you.

24 COMMISSIONER BUNCH: I'm Ron Bunch. I'm a
25 lawyer in Waxahachie, and I don't have any questions for

1 you.

2 JUDGE UZOMBA: Thank you, Attorney Bunch.
3 I appreciate your service in this commission. Thank
4 you, sir.

5 CROSS-EXAMINATION

6 BY COMMISSIONER STEEL:

7 Q I'm Gary Steel. I'm a district judge just
8 north of here -- (inaudible).

9 First question is basically a yes or no.
10 You had mentioned that -- I believe it's in Number 8.
11 Looks like you increased -- and you increased the
12 conditions of probation. Your estimation was that these
13 were in abeyance. Were these conditions actually in the
14 original conditions of probation and marked as abated,
15 or were they -- explain to me why you -- was it a
16 written condition that was abated? I want to make sure
17 I understand what you mean when you say those were
18 abated and now you are imposing.

19 A They were either held in abeyance or, sir, they
20 were probated, and/or they were modified to be able to
21 be in lieu of such as --

22 Q But they were in the original conditions?

23 A Yes, sir.

24 Q Okay. And then my last question. Just
25 wondered. I just want to understand why you would word

1 it this way.

2 Amended Response Number 6. It's on page 4
3 of 10:

4 CLO Wright's improper, inappropriate, and
5 unauthorized text communications with Mr. Froelich. And
6 then in parenthesis you put, Designed purposely to
7 circumvent the Court.

8 What does that parenthetical mean? Who
9 was trying to circumvent the Court?

10 A (Sound muted).

11 The short answer to that, sir, as far as
12 circumvention of the Court is probationer wanting to do
13 what they wanted to do when they wanted to do it. And
14 the MOTC was ordered from the 5th to the 8th of
15 December, and the probationer -- (sound muted) -- the
16 probationer knew that I had no jurisdiction over Nueces
17 County Probation Office --

18 Q I understand that. But are you saying that CLO
19 Wright who you called inappropriate, improper,
20 unauthorized --(sound muted) --

21 A It was a miscommunication that occurred and --

22 Q Miscommunication is different than purposefully
23 circumventing. That implies your probation officer went
24 intentionally around your back to change the conditions
25 of probation. Are you saying that?

1 A So when the -- as far as stating that I gave
2 permission to go to MOTC in October, I did not. Does he
3 text --

4 Q Well, if the probation officer intentionally
5 circumvents the court, I assume CLO Wright has been
6 terminated, because we control our own probation
7 departments. If they, quote, unquote, designed
8 purposely to circumvent the Court, have you let CLO
9 Wright go or asked your board of judges to get rid of
10 CLO Wright for purposefully circumventing the Court?

11 A I spoke to the chief of probation and asked
12 for -- because he's assigned to the court and he's under
13 the supervision of the probation office, I asked for him
14 to be removed from my court.

15 Q Thank you. I have no other questions.

16 A Yes, sir. Thank you very much for your service
17 and for your questions, sir. Thank you.

18 CHAIRMAN SCHENCK: Counsel, if you would
19 like to ask anything of your client, you're welcome to
20 --

21 (Simultaneous discussion)

22 MR. BLACK: Thank you, Your Honor. I'll
23 be brief.

24 (No omissions)

25

CROSS-EXAMINATION

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BY MR. BLACK:

Q Judge Uzomba, I just would like to take a minute or two in addition to the Commission, tell the Court or tell the Commission about your background.

MR. BLACK: And if it's all right, Your Honor, I'm going to lead a little bit to try to use some efficiency here and make -- (sound muted)

Q (BY MR. BLACK) Twelve children?

A Twelve children altogether, yes.

Q Left your home country where -- your birth country when you were ten years old to flee a civil war. Is that correct?

(Sound muted)

A Yes, sir.

Q (BY MR. BLACK) And you went to college in Buffalo, which is now SUNY, the State University of New York, and got a Bachelor's degree. And then you subsequently got two master's degrees from a Florida university and also from Webster University in St. Louis. Correct?

A Yes, sir.

Q And then you joined the United States Army. Where did you serve?

A I served in the -- I served at the 101st Air

1 Assault Division as a division medical supply officer
2 and was -- before I left -- before I formally joined, I
3 went airborne. I jumped out of perfectly good
4 airplanes. And then at the 101st, since it was air
5 assault, my battalion commander informed me I have had
6 two choices: go to airborne air assault school and get
7 it tattooed on your -- get a pin on your chest or get it
8 tattooed elsewhere so. But I was (inaudible) to go to
9 air assault.

10 Q And you did that?

11 A Yes, sir.

12 Q And in part, you're stationed at various bases
13 in the United States. But overseas where were you
14 stationed?

15 A I am PCS2, a permitting station. I was
16 stationed in Korea for 18 months; very much enjoyed
17 that. I enjoyed repelling off the side of the mountain,
18 Australian Sound at first; working with the Seals, the
19 Navy Seals. And also I was at the former Yugoslavia. I
20 was deployed to former Yugoslavia for the UN Protection
21 Forces there when Yugoslavia was breaking up into
22 Croatia, Bosnia, Herzegovina, and Serbia.

23 Q And in Korea what was the major operation that
24 you were in large part in charge of?

25 A The Five Star. I was the logistics officer in

1 charge of getting medical supplies as far forward to the
2 demilitarized zone in Korea. I was stationed in --

3 (Sound muted)

4 Q (BY MR. BLACK) Retired as a major in the
5 United States Army? Is that correct?

6 A Yes, sir.

7 Q And you have commendations and decorations.
8 Correct?

9 A Yes, sir.

10 Q And then you came and you stayed in San Antonio
11 upon your retirement and went to law school at St.
12 Mary's. Is that correct?

13 A Yes, sir.

14 Q And you were licensed by the State Bar of Texas
15 and served as a lawyer in private practice doing
16 criminal law for ten years. Is that correct?

17 A Yes, sir.

18 Q In state and federal courts?

19 A Yes, sir.

20 Q And then you ran for the bench in 2018 and were
21 elected to County Court at Law Number 2 in Bexar County.
22 Is that correct?

23 A Yes, sir.

24 Q Were you ready to be a judge?

25 A Yes.

1 Q Are you ready to be a judge?

2 A Yes.

3 Q Do you continue to be ready to be a judge?

4 A Yes, sir.

5 Q Do you always try your very best to follow the
6 law and all of the judicial canons?

7 A Yes, sir.

8 Q And the Bexar County court guidelines where all
9 of the other judges would do the compliance hearings and
10 some don't do it the same way?

11 A Yes.

12 Q Without a record and without a defense lawyer
13 here?

14 A As far as I know, yes.

15 Q All right. Now, going through what Justice
16 Schenck was inquiring about, was there any -- if I heard
17 you right, I think you said that Mr. Davis was put in
18 the jury box and your bailiff handcuffed him.
19 When --(sound muted) -- to take away any liberty
20 interest of Mr. Davis without a fair hearing before the
21 Court?

22 A Absolutely not.

23 Q At the time were you in the process of issuing
24 a warrant for his arrest with his lawyer present?

25 A Yes.

1 Q Is there any way and in any other compliance
2 hearing that a probationer could or would lose his
3 liberty at the compliance hearings, if proven?

4 A That's not the intention of the compliance
5 hearing.

6 Q And what happens if the Court gets to the stage
7 at the compliance hearing when something like that might
8 happen? It doesn't happen at the compliance hearing.
9 It happens after the District Attorney files a motion to
10 revoke and there's a hearing on that. Correct?

11 A Yes.

12 Q And there is no way that a probationer is going
13 to lose their liberty without a -- at the compliance
14 hearing?

15 A No. And the -- if he wants an attorney -- I
16 give them the opportunity. And the compliance hearing
17 is stopped and reset for attorney's presence.

18 Q Okay. I want to focus in on another thing that
19 Justice Schenck asked you about.

20 A Okay.

21 Q And that is, isn't it a fact, Judge, that
22 Mr. Davis could have lost his liberty at this compliance
23 hearing the way this came down with -- (sound muted) --
24 did it happen? Because he was there, you put him in
25 cuffs, and there was no court reporter, informal hearing

1 (inaudible) --

2 A This is correct as far as there --(sound
3 muted) -- there was no court reporter --

4 Q Why couldn't you just order or have the
5 District Attorney to file a motion to revoke and have a
6 motion to revoke hearing the next day in front of a
7 court reporter and get that done?

8 (Sound muted)

9 Q (BY MR. BLACK) Correct?

10 A Yes, sir.

11 Q What about his liberty interest under the
12 constitution when he had -- when you put him in
13 handcuffs with no court reporter, the lawyer was
14 present. Right?

15 A Yes.

16 Q All right. And you tried to work it out with
17 him and then decided because the District Attorney was
18 not going to do a motion to revoke during that
19 conference and you continued it. In the middle of that
20 conference, you said stop the process of the warrant.
21 And then can you as a county court at law judge or any
22 other trial judge in Texas issue a warrant for somebody
23 who is restrained in the courtroom, issue a warrant and
24 then have them taken to jail?

25 A I can do that, but I did stop it.

1 Q And he was never taken to jail?

2 A He was not.

3 Q And his liberty interest was never impacted or
4 even brought into play because his lawyer was present,
5 and then you stopped the warrant and indicated that that
6 was not going to occur. Is that correct?

7 A That's correct.

8 Q What about --(sound muted) --

9 Maybe Judge Maguire's question with regard
10 to -- no, Ms. Hebron's question with regard to the wish
11 you could have signed -- do you wish you could have done
12 anything different or would have done anything different
13 in Mr. Davis' case.

14 Do you wish that you would have signed the
15 motion to revoke in October while the District Attorney
16 asked you to and you were being nice, merciful and you
17 decided not to and you said no?

18 A I said, No. If I had signed it in October, I
19 would not be here. Right? And so -- (inaudible)-- the
20 methods that I employed to have these compliance
21 hearings are not for everybody. And so it's a lesson
22 learned and I continue to strive to be -- to improve.

23 Q All right. One last question.

24 In the compliance hearings there are
25 guidelines for Bexar County courts at law, and they are

1 lengthy and each judge has in there what the
2 requirements are in that court. Some court and even
3 district judges in San Antonio, some judges don't have
4 compliance hearings at all.

5 A Yes.

6 Q And for those who do, it is not on the record
7 and it was with no prosecutor present. And if they have
8 a lawyer, the lawyer is present; but if they don't, as
9 most probationers don't, it proceeds from the probation
10 hearing because it's a performance review and trying to
11 get in compliance without doing a motion to revoke.
12 That's why it's a pre-MTR hearing. Correct?

13 A This is correct.

14 Q All right.

15 A And I appreciate the prevention.

16 Q And you always followed the law and the canons?

17 A Yes, sir.

18 Q And you're asking the Commission to reduce the
19 proposed decision to a dismissal or a low level of
20 private?

21 A Low level of private, yes, sir, and dismissal,
22 yes, sir. Yes, that's what I'm asking.

23 Q All right.

24 MR. BLACK: Pass the witness, Your Honor.

25 CHAIRMAN SCHENCK: Thank you. Any further

1 from counsel?

2 MR. BLACK: I have nothing further.

3 CHAIRMAN SCHENCK: Counsel, if you would
4 like to make submission, please feel free to do so.

5 MR. BLACK: I didn't mean to make it sound
6 like that, but I kind of did when I was asking the
7 questions.

8 (Simultaneous discussion)

9 MR. BLACK: The reason that I was doing
10 that is I was trying to be efficient and trying to get
11 everything done. And I want to thank each and every
12 member of the Commission for your invaluable service and
13 for all of your hard -- (sound muted) -- practicing for
14 41 years in San Antonio.

15 I was San Antonio Bar Association
16 president. I was the chair of the San Antonio Bar
17 Foundation. I was on the State Bar Board of Directors
18 for three years, and I was on the Professional Rules
19 Committee, Disciplinary Rules Committee. After that, I
20 was on a Grievance Committee and was chair for two
21 years, and I know how it works and I know how -- what
22 importance and dedication and hard work means and the
23 impact that it has. And it is so -- it's so great -- to
24 great in our state. And I wanted to also commend
25 Ms. Habersham and Ms. Thomas and the entire staff for

1 all of their hard work on this.

2 I -- we think that your proposed decision,
3 although it is very laid out, it is much laid out, we
4 think your proposed decision is based a lot on
5 Mr. Froelich's statement that was committed -- that was
6 submitted with Mr. Davis' online complaint. And
7 primarily what he says over and over again at least
8 three or four times, he says this hearing, meaning the
9 compliance hearing, was handled and was conducted
10 without a court reporter and without a prosecutor. And
11 that's just the way -- number one, it's -- I agree with
12 Judge Steel. If it's just because it's the way it was
13 done doesn't mean it's the way it should be done, and
14 you have to do it the right way, but that's the way it's
15 done in Bexar County. These compliance hearings are
16 not, and I emphasize not, intended or conducted for the
17 purpose of depriving anyone of any liberty interest or
18 any constitutional interest.

19 And I've given these out, thousands of
20 them ever since I was San Antonio Bar president. And I
21 believe and I know the Commission believes strongly in
22 the constitution, as Justice Schenck says, and it needs
23 to be followed.

24 But even with the circumstances of what
25 happened, with the handcuffing where Mr. Davis, as Judge

1 Uzomba said, was thumbing his nose at the Court and
2 previously violating pretrial conditions where Judge
3 Wolfe put him in jail for a couple of times. And on
4 this one afterwards where she kept trying to bend over
5 backwards and be good to him at these compliance
6 hearing, he still wouldn't do it. He goes to Corpus
7 Christi on his own without authority of the court. And
8 even though there is the judge -- the CLO, Mr. Wright,
9 was texting with a prospective attorney. Mr. Froelich
10 wasn't even on the case yet. He was not the attorney of
11 record. And that didn't happen until the day he was
12 brought back from Corpus Christi.

13 On the 25th, the judge gets a call from
14 the guy running it in Corpus Christi. MOTC is in San
15 Antonio. There is no religious question about that or
16 First Amendment violation about that. He previously
17 tried to do it at his own church in violation of what
18 the judge had ordered, and she didn't know, the Court
19 know that he unilaterally decided, whether it was with
20 his counsel or Mr. Wright or whoever. And, again,
21 Mr. Froelich was not his counsel. He didn't come on
22 until the 25th.

23 So on the 21st or 22nd, he gets this pass
24 that the Court didn't know about, and on the 24th, he
25 goes down there. And the next morning, Judge Uzomba

1 gets a call from Mr. Healey (phonetic), the head of
2 that, on the board, the MOTC, which is based in San
3 Antonio -- she gets a call saying, Who is this guy?
4 He's supposed to -- he's not registered here. He's
5 supposed to get clearance from the Nueces County
6 Probation Department. I may have -- he said he's got a
7 travel permit, but he doesn't have an order or
8 permission of the Court or even knowledge of the Court,
9 and he didn't go through Nueces. I got to send him
10 back.

11 So he sends 23-year-old -- (inaudible) --
12 the declaration of Officer Cory Smith. Officer Smith
13 says, Hey, let me drive you back. You're not supposed
14 to be down here. You're not supposed to be driving.
15 And he says, No, I'm not going to let you drive. That's
16 what the declaration says, says, I'm not going to let
17 you drive. He said, I'm going to drive. So he said,
18 But I'm going with you, and I'm taking you to court
19 because Mr. Healey got from the judge directly when he
20 called him -- when he called her got from the Court that
21 you have to come to court right now, you're in violation
22 and continuing violation, repeated violation of your
23 probation conditions.

24 So he comes into court. The lawyer's
25 there. He's already in the case for about a month and a

1 half. And then, boom, you know, again, hindsight --
2 (sound muted) -- finally, counsel your client and get
3 him in here, do the right thing, and we're going to have
4 this hearing tomorrow or the next day or as soon as the
5 DA's office can get around to doing that. Didn't happen
6 that way.

7 But at the same time, you know, judges do
8 under certain circumstances in the courtrooms handcuff
9 prisoners. I don't know if any members or the
10 Commissioner ever done that. I don't mean prisoners. I
11 mean probationers. Let's be specific about that. Or
12 defendants in the courtroom. It's happened.

13 I'm not a criminal attorney, I'm a civil
14 attorney, but I've seen it. And the point is that in
15 this particular case because it happened it was being
16 done by the book, it was being done. We're going to do
17 it with warrant. You're sitting in the jury box.
18 Lawyer's here. We're going to issue a warrant. The
19 Court said -- Mr. Froelich says, Well, give me a bond.
20 The statute doesn't require a bond. The statute says --
21 and so the Court said, No. She did set a hearing, but
22 the hearing was a compliance hearing a couple of days
23 later. And then with regard to the statute it says 24
24 hours if it's a warrantless arrest and if you put him in
25 jail. It wasn't a warrantless arrest. They were

1 working on the warrant, and he was never put in jail.

2 So I greatly appreciate the argument about
3 the constitutional rights and liberties. I disagree
4 that it was a violation of the Constitution. I disagree
5 that it was a violation of due process, and I disagree
6 that -- strongly that this judge who has served this
7 country for 40 years and has really tried very hard to
8 follow all the laws and the rules and the constitution
9 and the laws of the State of Texas and to be a good,
10 merciful judge.

11 Mr. Froelich was wrong when he repeatedly
12 says in his statement, which I think was probably the
13 basis for the Commission's finding of facts several
14 times, that there was no court reporter and no hearing
15 and no prosecutor, that statement is wrong. It's not
16 based on the law. It's not based on the rules.

17 So Judge Uzomba handled those hearings the
18 way other judges do it. If she needs to be counseled
19 and have the private with the continuing education,
20 that, short of dismissal, that would be best, but the
21 point is that we strongly believe that this case should
22 not be any kind of public sanction -- (sound muted) --
23 or dismissal. But, you know, I've got the same kind of
24 questions and considerations that Justice Schenck and
25 several others have had questions with Judge Uzomba

1 about. You can see she's sincere. You can see that
2 she's really done -- tried to do -- do very well. And
3 you can see that in her background and what she's
4 testified to today that it really doesn't merit any kind
5 of public sanction and ought to be a low private, or
6 certainly a dismissal is what we strongly believe.

7 So, again, we appreciate everybody's
8 consideration and real -- (inaudible) -- it's hard when
9 you file something, and Justice Schenck knows this and
10 the other judges who issued decisions and opinions,
11 everybody knows this, it's hard to reconsider a decision
12 when everybody's worked really hard from Zindia and
13 Jacqueline and the whole staff and Ron and everybody
14 else has worked on this and the whole staff and
15 especially each and every one of you. It's hard to
16 reconsider and say, okay, we're not going to do it that
17 way after all. We're going to do it the way we heard at
18 the hearing. That's what we're asking you to do.

19 You asked what Judge Uzomba wants. And
20 that's what we're asking you to do, to reconsider it
21 and, please, we think the evidence and the facts warrant
22 it, that it should be dismissed or at least a low level
23 private with education. And that's what we're asking,
24 and we appreciate it very much. Thank you very much.

25 And my associate would like to say

1 something else, Jared McEntire.

2 (Simultaneous discussion)

3 MR. MCENTIRE: Thank you, Your Honor, and
4 Commission. We're both clarifying so we can't tell --

5 MR. BLACK: Was that not on the whole
6 time? I used to be a broadcaster. I know how to talk.

7 MR. MCENTIRE: Well, thank you, Your
8 Honor. (Inaudible)

9 I just hope -- (inaudible) -- along the
10 way regarding this. I think Judge Steel is right that
11 it is kind of he said she said about what occurred, but
12 I think there is something that's very clear from what
13 Attorney Froelich said and also Mr. Davis in the report,
14 and that is this is wrong, blatantly wrong and it's
15 clearly an exaggeration of the time that was -- they
16 said he was in custody. They said five or six hours --
17 (sound muted). He was not placed in handcuffs and that
18 time that -- (inaudible) -- the fact that this ended at
19 7:00 or 7:30 at night. It is not possible that he was
20 in handcuffs for five or six hours --(inaudible).

21 I mean, as the record shows again, and
22 we've highlighted this a lot, but I just want to point
23 out again that the prosecution wanted to have a motion
24 to revoke back in October and she didn't do it. And so
25 the idea that she had any special and virtual learning

1 like that, I think obviously it shows that there was no.
2 And she was kind of -- (inaudible) -- she didn't want
3 him to go to jail on the wrong foot.

4 At some point after a person violates
5 probation continually, you can't let them do that. It
6 doesn't help them, it doesn't help the Court, it does
7 not help society.

8 (Sound muted)

9 (Inaudible) -- text messages you can tell,
10 right? And Attorney Froelich, he did not know that
11 there was a travel permit issued at all. He had no idea
12 that a travel permit had been issued. And so it wasn't
13 in the chronos, the file that Judge Uzomba would look at
14 to see if the travel permit had has been issued.

15 And so she got this call in October 25th.
16 There were no record that she saw from -- that CLO
17 Wright would have given that updated to show that he was
18 allowed to be out of the county. And so I think it was
19 completely reasonable given what occurred that since she
20 never had given approval for him to leave that she
21 wasn't and she did have him to come back and that
22 occurred.

23 And also I wanted to point out one other
24 point. It's clear from the text messages that Dario
25 Davis knew that he was required to go to the MOTC. He

1 violated his probation in September when he did not go.
2 And she, Judge Uzomba, gave him another chance, even
3 though she could have sent him to jail then. It is
4 clear from the text messages that take place after
5 October 9 that he is supposed to go to MOTC. He knows
6 and he wants to do it on his time, and so he tries to
7 leave and go to Corpus Christi where he doesn't properly
8 do all the paperwork. They don't know he's coming.

9 And then on October 25th, she never says
10 he doesn't have to go on December 5th or 8th. He had
11 already been ordered to go on December 5th and 8th and
12 he already signed up for it. And so, again, the fact
13 that he wasn't ordered on December 25th did not revoke
14 her previous order to him, which he knew about, to go.
15 So he clearly did violate probation when he came --
16 (inaudible).

17 And so even under the relevant standard,
18 Judge Uzomba, the judge, did have the authority to
19 arrest him because he violated his probation and then
20 set a hearing for a motion to revoke where a prosecutor
21 and a reporter would have been at that time.

22 I think Judge Uzomba acted accordingly and
23 under the law and the canons. She was more than patient
24 with Mr. Davis given that she gave him every opportunity
25 to correct his behavior. And so I think she acted

1 professional within the canons and within the law to try
2 and help Mr. Davis. And, unfortunately, this came about
3 because she did that, but I do not think that she should
4 be punished and we do a lower level sanction.

5 CHAIRMAN SCHENCK: Thank you for both of
6 those summations. At this time we'll take this matter
7 under submission, and we'll get it in to you in due
8 course. Thank you.

9 (Audio recording ends)

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C E R T I F I C A T E

STATE OF TEXAS)
COUNTY OF TRAVIS)

I, LuAnn M. Gill, Certified Shorthand Reporter in and for the State of Texas, do hereby certify that the foregoing is a correct transcription, to the best of my ability, from the audio recording of the proceedings in the above-entitled matter.

I FURTHER CERTIFY THAT I am neither counsel for, related to, nor employed by any of the parties to the action in which this proceeding was taken, and further that I am not financially or otherwise interested in the outcome of the action.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 7th day of December, 2022.



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