

Tonya Spaeth Ahlschwede

From: Vivian Torres <judgetorres@schuchartlaw.com>
Sent: Tuesday, November 30, 2021 12:41 PM
To: Brent Smith
Cc: Kristin Etter; Kitty Schild; Genie Wright; Rachel Garza(AUS); Tonya Spaeth Ahlschwede; Nicole Mata
Subject: Re: Personal Bond Requests

Thank you counsel for your comments and arguments. I do not need a conference call. I will handle this by submission and send the PR Bonds as soon as I am done with them.

On Tue, Nov 30, 2021 at 12:27 PM Brent Smith <bsmith@co.kinney.tx.us> wrote:

Good afternoon Ms. Etter,

Thank you for your follow-up email last night. I momentarily stopped in Junction in order to reply to your email. Please let me clarify certain points:

First, with respect to your statement regarding our "concern about the personal bond only applying to the Class A (and it is a Class B in some cases) misdemeanor," our concern is actually that upon receipt of the "Order of Personal Recognizance Bond" jailers may end up releasing defendants from pretrial custody on all charges, and not just the misdemeanor charges (whether Class A or B) that an individual faces under the unique Kinney County cause number. So we are not intending to limit the application of the personal bond only to Class A misdemeanors.

Secondly, the language we are proposing about bail jumping is intended to underscore the importance with which Kinney County is treating these cases. We are not saying that bail jumping charges will be filed, only that such charges may be filed for failure to appear. We think it fair for the County Court to admonish these individuals that other charges may be filed if they fail to appear. And, to your concerns, section 38.10 (c) provides a defense if the actor has a "reasonable excuse" for failing to appear. Because of the written waivers, there will be no in-court arraignment and therefore no other opportunity for the Court to admonish these defendants.

With the understanding that defendants are waiving arraignment in writing and that (1) defendants are only being released on Kinney County misdemeanor charges, whether Class A or B, and no other offenses which they may be facing, and that (2) Kinney County has an interest in admonishing defendants about another offense which could be charged if they should fail to appear at future settings, we will not oppose personal bonds for these defendants.

If you need to discuss these matters further, I will try to make time available.

Regards,

Brent Smith
Kinney County Attorney

From: Kristin Etter <ketter@trla.org>

Sent: Monday, November 29, 2021 8:56 PM

To: Brent Smith <bsmith@co.kinney.tx.us>; Vivian Torres <judgetorres@schuchartlaw.com>

Cc: Kitty Schild <kschild@elp.rr.com>; Genie Wright <geniejwright@gmail.com>; Rachel Garza(AUS) <RachelGarza@trla.org>; tsa@452da.net <tsa@452da.net>; Nicole Mata <n.mata@co.kinney.tx.us>

Subject: Re: Personal Bond Requests

Good evening -

Mr. Smith, thank you for your proposal and for your agreement to not oppose personal bonds for the clients we previously sent to you that were scheduled for arraignments this week.

As far as your concern about the personal bond only applying to the Class A (and it is a Class B in some cases) misdemeanor, we would obviously be unopposed and have only included the cause number specific to the misdemeanor charge.

The language you proposed about the bail jumping is a new proposal that has not been included in previous personal bond agreements and one that I do not believe to be appropriate or necessary given the circumstances that you are aware our clients have found themselves in after either being deported or detained in ICE custody. As you know, our clients that have been deported continue to attend court via zoom but may not be able to attend future in-person court settings without the federal government's authorization via the immigration parole process. And our clients in ICE custody have been unable to attend court proceedings despite our attempts due to ICE facilities declining our requests to facilitate zoom proceedings or transportation. However, I'm happy to further discuss this provision, as well as any other issue, with you and the court at any time. I know you will be out of town the remainder of the week but please let me know if you are available to speak sometime tomorrow to finalize this.

Best,
Kristin

From: Brent Smith <bsmith@co.kinney.tx.us>

Sent: Monday, November 29, 2021 8:30 PM

To: Vivian Torres <judgetorres@schuchartlaw.com>

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Subject: [External Email] Re: Personal Bond Requests

Ms. Etter,

Thank you for your emails today and your offer to submit written waivers of arraignment. We assume that these waivers will be signed by your clients.

Please advise your clients that we will make the same offers in exchange for your clients' guilty pleas that have been made in earlier cases. That is, in exchange for their pleas of guilty to a reduced charge, the State will recommend sentences of "time served" and the payment of no fines. However, these offers will remain open only until the next setting.

Regarding your proposed "Order for Personal Recognizance Bond," we would like to see the language highlighted in yellow within the attached word document.

We would like to see additional specificity about in-court appearances. And, to avoid possible confusion that may arise at the Briscoe and Segovia Units upon receipt of the Order, we would ask the Court to consider language that specifies that the order of release applies only to the misdemeanor charges filed in Kinney County and to no other offenses, including felonies, that a defendant may be charged with.

To this end, please see the attached sample language for an Order for Personal Bond, using your format.

With these changes, we would have no other objections to your clients being released on personal bonds.

On a different note, I will be out of the office for the remainder of the week attending a conference with the other elected prosecutors assisting with OLS. I will stay in touch with my secretary if anything further arises.

Sincerely,

Brent Smith
Kinney County Attorney

From: Vivian Torres <judgetorres@schuchartlaw.com>
Sent: Monday, November 29, 2021 3:45 PM
To: Brent Smith <bsmith@co.kinney.tx.us>
Cc: Kristin Etter <ketter@trla.org>; Kitty Schild <kschild@elp.rr.com>; Genie Wright <geniejwright@gmail.com>; Rachel Garza(AUS) <RachelGarza@trla.org>; tsa@452da.net <tsa@452da.net>; Nicole Mata <n.mata@co.kinney.tx.us>
Subject: Re: Personal Bond Requests

That will be fine Mr. Smith. I will wait until noon tomorrow.

If I understood Ms Etter's email all these individuals have been in detention for some time therefore, I think it is urgent that we address the matter as soon as possible.

Thank you.

Vivian Torres
Retired Senior Judge

On Mon, Nov 29, 2021 at 3:41 PM Brent Smith <bsmith@co.kinney.tx.us> wrote:
Judge Torres,

I would ask that you please give us until tomorrow to review these proposed orders and formulate an agreed proposal.

From: Vivian Torres <judgetorres@schuchartlaw.com>
Sent: Monday, November 29, 2021 3:06 PM
To: Kristin Etter <ketter@trla.org>
Cc: Kitty Schild <kschild@elp.rr.com>; Genie Wright <geniejwright@gmail.com>; Rachel Garza(AUS) <RachelGarza@trla.org>; tsa@452da.net <tsa@452da.net>; Brent Smith <bsmith@co.kinney.tx.us>; Nicole Mata

[<n.mata@co.kinney.tx.us>](mailto:n.mata@co.kinney.tx.us)

Subject: Re: Personal Bond Requests

Good Afternoon,

I just saw Ms Etter's email regarding the individuals that are in detention and have been for more than the time permitted by the Code of Criminal Procedure.

In order to address this matter without disturbing the recovery of Judge Shahan and Ms Garcia, I will address the bond requests unless I receive an objection from Mr. Smith, the county attorney, or other ACA by 5:00 pm today. I will include in the bond a reset date of December 14th which is my next scheduled OLS docket.

Mr. Smith or Ms Etter, you will need to file the bonds with the county clerk and make sure they are forwarded to the appropriate detention center. I realize that this may result in an additional day in detention for your clients but this is the only way I can think of to address this matter under the circumstances. It would be best if Mr. Smith or other ACA would work with defense counsel to resolve this.

Thank you.

Vivian Torres
Retired Senior Judge

On Mon, Nov 29, 2021 at 2:50 PM Kristin Etter <ketter@trla.org> wrote:

Good afternoon Judge Torres, Judge Schild and Judge Wright -

I am reaching out to you all directly in an effort to not bother Ms. Garcia with anything related to OLS while she focuses on her health. I have reached out to Mr. Smith and Ms. Ahlschwede about personal bonds for our clients in custody (attached) as many of them set on the docket this week have been in custody more than 90 days but have not yet heard back.

Would it be possible to schedule a conference call or zoom meeting to discuss this matter as well as general issues related to the OLS dockets and how best we can proceed while also supporting and giving space to those in Kinney County that need time to focus on their health?

Please let me know and thank you.

Best,
Kristin

From: Kristin Etter

Sent: Monday, November 29, 2021 11:08 AM

To: tsa@452da.net <tsa@452da.net>; bsmith@co.kinney.tx.us <bsmith@co.kinney.tx.us>

Cc: Rachel Garza(AUS) <RachelGarza@trla.org>

Subject: Personal Bond Requests

Good afternoon –

I am just following up on my email from this morning with the attached personal bond requests for our in-custody clients this week. I do not want to bother Yvette with this but rather will reach out to the visiting judges or the magistrates to request rulings so please let me know as soon as you can if you are opposed or unopposed. We will

file written waivers of arraignment and request the cases be reset to a pretrial motions hearing at a time in the future that is convenient for the court.

Thanks,
Kristin

Tonya Spaeth Ahlschwede

From: Sylvia Delgado <sylvia@sdelgadolaw.com>
Sent: Tuesday, November 30, 2021 1:25 PM
To: Kitty Schild; Genie Wright; Rachel Garza(AUS); Tonya Spaeth Ahlschwede; bsmith@co.kinney.tx.us; n.mata@co.kinney.tx.us; Vivian Torres
Subject: PR Bond requests

Judge Torres and/or Judge Wright,

I have many clients who fit the same criteria: misdemeanors, in detention for more than the time permitted by the CCP, unable to meet bonds, some with Cause numbers some without.

If we submit "Agreed No Fee PR Bond Orders" in cooperation with the State, could we email them to you for your signature this week?

Then, only if some remain unresolved, would we ask that those clients in jail more than 90 days, at that point, be added to your 12/14/21 docket?

If docket space is limited, I could further narrow that by the most time spent in jail.

Thank you,

Sylvia Delgado
OLS Crim.Def.Atty
903-420-0000

From: Vivian Torres <judgetorres@schuchartlaw.com>
Sent: Monday, November 29, 2021 3:06 PM
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Subject: Re: [External Email] Personal Bond Requests

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Mr. Smith or Ms Etter, you will need to file the bonds with the county clerk and make sure they are forwarded to the appropriate detention center. I realize that this may result in an additional day in detention for your clients but this is the only way I can think of to address this matter under the circumstances. It would be best if Mr. Smith or other ACA would work with defense counsel to resolve this.

Thank you.

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From: Kitty Schild <kschild@elp.rr.com>
Sent: Tuesday, November 30, 2021 1:32 PM
To: Sylvia Delgado
Cc: Genie Wright; Rachel Garza(AUS); Tonya Spaeth Ahlschwede; bsmith@co.kinney.tx.us; n.mata@co.kinney.tx.us; Vivian Torres
Subject: Re: PR Bond requests

Absolutely.

Sent from my iPhone

On Nov 30, 2021, at 12:25 PM, Sylvia Delgado <sylvia@sdelgadolaw.com> wrote:

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To: Sylvia Delgado
Cc: Genie Wright; Rachel Garza(AUS); Tonya Spaeth Ahlschwede; bsmith@co.kinney.tx.us; n.mata@co.kinney.tx.us; Vivian Torres
Subject: Re: PR Bond requests

I also have December 7 and 9 dockets and I'll be glad to add cases to my dockets. I think that we need to add Sue Castro to this email group. She is the court coordinator for the district judges and maybe the CCL judges from Del Rio and she's helping Yvette out. I've gotten some emails from her and just realized that she wasn't on this list. Let me know if you don't have her contact information.

Sent from my iPhone

On Nov 30, 2021, at 12:31 PM, Kitty Schild <kschild@elp.rr.com> wrote:

Absolutely.

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Sent: Tuesday, November 30, 2021 1:47 PM
To: Kitty Schild
Cc: Sylvia Delgado; Genie Wright; Rachel Garza(AUS); bsmith@co.kinney.tx.us; n.mata@co.kinney.tx.us; Vivian Torres
Subject: Re: PR Bond requests

Judges and Defense Attorneys,

I am assisting Mr Smith.

I believe Mr. Smith responded to Mrs Etter's request before. I would respectfully ask you all to give him time to respond to Mrs Delgado's request. As you all know, we are traveling to a conference that is over 5 hour drive for many of us. I just happened to see part of this email chain and haven't had time to see all the emails on my phone.

I would request that each Judge only respond to the cases set on their dockets at this time and that the State have time to review Mrs Delgado's request before a decision is made. There is no way that can happen today and the cases are not set today.

I do not know what the response is for adding cases to a docket. There is an in-person docket on the 15th.

Thank you all for your professional courtesy. I am asking that we reconvene this issue.

Tonya Spaeth Ahlschwede
District Attorney, 452nd Judicial District
Mason, McCulloch, Menard, Kimble and Edwards Counties
P.O. Box 635
Mason, Texas 76856
(325) 347-8400 phone (325) 347-8404 fax
tsa@452da.net

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Cc: Kristin Etter; Kitty Schild; Genie Wright; Rachel Garza(AUS); Tonya Spaeth Ahlschwede; Nicole Mata; kc.courts@co.kinney.tx.us
Subject: Re: Personal Bond Requests
Attachments: 10403CR Rodriguez Lopez, Luis Alberto - Agreed Order Granting Bond Reduction.pdf; 10450CR Montejo Gomez, Jose Manuel - Agreed Order Granting Bond Reduction.pdf; 10451CR Canul, Javier Damian - Agreed Order Granting Bond Reduction.pdf; 10452CR Ortiz Canul, Jesus Miguel - Agreed Order Granting Bond Reduction.pdf; 10453CR Perez Canul, Roberto Carlos - Agreed Order Granting Bond Reduction.pdf; 10454CR Godoy Ordonez, Carlos Alberto - Agreed Order Granting Bond Reduction.pdf; 10455CR Guevara Linarez, Jairo Joel - Agreed Order Granting Bond Reduction.pdf; 10456CR Buezo Mendosa, Josue Naun - Agreed Order Granting Bond Reduction.pdf; 10457CR Vasquez Mazariegos, Carlos Eduardo - Agreed Order Granting Bond Reduction.pdf; 10458CR Bonilla Paz, Jose Eliseo - Agreed Order Granting Bond Reduction.pdf; 10459CR Lopez Bonillo, Jason Josue - Agreed Order Granting Bond Reduction.pdf; 10460CR Arana Arriola, Erick Vioney - Agreed Order Granting Bond Reduction.pdf; 10462CR Padilla Pineda, Ivan Evier - Agreed Order Granting Bond Reduction.pdf; 10473CR Fajardo Lopez, Cristian Ariel - Agreed Order Granting Bond Reduction.pdf; 10475CR Padilla Flores, Edgar Manrique - Agreed Order Granting Bond Reduction.pdf; 10476CR Arriaga Flores, Alexander - Agreed Order Granting Bond Reduction.pdf; 10484CR Reyes, Cristian Calix - Agreed Order Granting Bond Reduction.pdf; 10499CR Sambrano Guevara, Cristian Josue - Agreed Order Granting Bond Reduction.pdf

Attached are the PR Bonds that were sent to me yesterday. I have taken into consideration the concerns and arguments of both the state and the defense.

I apologize that my technical skills do not allow me to make these pretty or exactly alike but what I have done addresses all the concerns. Ms Etter, please be sure that your clients sign the PR Bonds and the waivers as requested by Mr. Smith.

I decided to make the next court date in January to allow the defendants to get settled wherever ICE may send them. I am including Ms Castro in this email so she is aware of what we are doing and the need to add these cases to the January 12th docket. Please include her in any future emails concerning the OLS dockets.

Thank you all for your cooperation in this matter.

Vivian Torres
Retired Senior Judge

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If you need to discuss these matters further, I will try to make time available.

Regards,

Brent Smith
Kinney County Attorney

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The language you proposed about the bail jumping is a new proposal that has not been included in previous personal bond agreements and one that I do not believe to be appropriate or necessary given the circumstances that you are aware our clients have found themselves in after either being deported or detained in ICE custody. As you know, our clients that have been deported continue to attend court via zoom but may not be able to attend future in-person court settings without the federal government's authorization via the immigration parole process. And our clients in ICE custody have been unable to attend court proceedings despite our attempts due to ICE facilities declining our requests to facilitate zoom proceedings or transportation. However, I'm happy to further discuss this provision, as well as any other issue, with you and the court at any time. I know you will be out of town the remainder of the week but please let me know if you are available to speak sometime tomorrow to finalize this.

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Regarding your proposed "Order for Personal Recognizance Bond," we would like to see the language highlighted in yellow within the attached word document.

We would like to see additional specificity about in-court appearances. And, to avoid possible confusion that may arise at the Briscoe and Segovia Units upon receipt of the Order, we would ask the Court to consider language that specifies that the order of release applies only to the misdemeanor charges filed in Kinney County and to no other offenses, including felonies, that a defendant may be charged with.

To this end, please see the attached sample language for an Order for Personal Bond, using your format.

With these changes, we would have no other objections to your clients being released on personal bonds.

On a different note, I will be out of the office for the remainder of the week attending a conference with the other elected prosecutors assisting with OLS. I will stay in touch with my secretary if anything further arises.

Sincerely,

Brent Smith
Kinney County Attorney

From: Vivian Torres <judgetorres@schuchartlaw.com>
Sent: Monday, November 29, 2021 3:45 PM
To: Brent Smith <bsmith@co.kinney.tx.us>
Cc: Kristin Etter <ketter@trla.org>; Kitty Schild <kschild@elp.rr.com>; Genie Wright <geniejwright@gmail.com>; Rachel Garza(AUS) <RachelGarza@trla.org>; tsa@452da.net <tsa@452da.net>; Nicole Mata <n.mata@co.kinney.tx.us>
Subject: Re: Personal Bond Requests

That will be fine Mr. Smith. I will wait until noon tomorrow.

If I understood Ms Etter's email all these individuals have been in detention for some time therefore, I think it is urgent that we address the matter as soon as possible.

Thank you.

Vivian Torres
Retired Senior Judge

On Mon, Nov 29, 2021 at 3:41 PM Brent Smith <bsmith@co.kinney.tx.us> wrote:
Judge Torres,

I would ask that you please give us until tomorrow to review these proposed orders and formulate an agreed proposal.

From: Vivian Torres <judgetorres@schuchartlaw.com>
Sent: Monday, November 29, 2021 3:06 PM
To: Kristin Etter <ketter@trla.org>
Cc: Kitty Schild <kschild@elp.rr.com>; Genie Wright <geniejwright@gmail.com>; Rachel Garza(AUS) <RachelGarza@trla.org>; tsa@452da.net <tsa@452da.net>; Brent Smith <bsmith@co.kinney.tx.us>; Nicole Mata <n.mata@co.kinney.tx.us>
Subject: Re: Personal Bond Requests

Good Afternoon,

I just saw Ms Etter's email regarding the individuals that are in detention and have been for more than the time permitted by the Code of Criminal Procedure.

In order to address this matter without disturbing the recovery of Judge Shahan and Ms Garcia, I will address the bond requests unless I receive an objection from Mr. Smith, the county attorney, or other ACA by 5:00 pm today. I will include in the bond a reset date of December 14th which is my next scheduled OLS docket.

Mr. Smith or Ms Etter, you will need to file the bonds with the county clerk and make sure they are forwarded to the appropriate detention center. I realize that this may result in an additional day in detention for your clients but this is the only way I can think of to address this matter under the circumstances. It would be best if Mr. Smith or other ACA would work with defense counsel to resolve this.

Thank you.

Vivian Torres
Retired Senior Judge

On Mon, Nov 29, 2021 at 2:50 PM Kristin Etter <ketter@trla.org> wrote:

Good afternoon Judge Torres, Judge Schild and Judge Wright -

I am reaching out to you all directly in an effort to not bother Ms. Garcia with anything related to OLS while she focuses on her health. I have reached out to Mr. Smith and Ms. Ahlschwede about personal bonds for our clients in custody (attached) as many of them set on the docket this week have been in custody more than 90 days but have not yet heard back.

Would it be possible to schedule a conference call or zoom meeting to discuss this matter as well as general issues related to the OLS dockets and how best we can proceed while also supporting and giving space to those in Kinney County that need time to focus on their health?

Please let me know and thank you.

Best,
Kristin

From: Kristin Etter
Sent: Monday, November 29, 2021 11:08 AM
To: tsa@452da.net <tsa@452da.net>; bsmith@co.kinney.tx.us <bsmith@co.kinney.tx.us>
Cc: Rachel Garza(AUS) <RachelGarza@trla.org>
Subject: Personal Bond Requests

Good afternoon –

I am just following up on my email from this morning with the attached personal bond requests for our in-custody clients this week. I do not want to bother Yvette with this but rather will reach out to the visiting judges or the magistrates to request rulings so please let me know as soon as you can if you are opposed or unopposed. We will file written waivers of arraignment and request the cases be reset to a pretrial motions hearing at a time in the future that is convenient for the court.

Thanks,
Kristin

Tonya Spaeth Ahlschwede

From: Kristin Etter <ketter@trla.org>
Sent: Tuesday, November 30, 2021 2:24 PM
To: Vivian Torres; Brent Smith
Cc: Kitty Schild; Genie Wright; Rachel Garza(AUS); Tonya Spaeth Ahlschwede; Nicole Mata; kc.courts@co.kinney.tx.us
Subject: Re: [External Email] Re: Personal Bond Requests

Thank you all so much -

We will get the personal bond and arraignment waivers signed asap and will send to the clerk and appropriate detention facility asap.

I greatly appreciate everyone's attention to this, thank you!!!

Best,
Kristin

From: Vivian Torres <judgetorres@schuchartlaw.com>
Sent: Tuesday, November 30, 2021 2:14 PM
To: Brent Smith <bsmith@co.kinney.tx.us>
Cc: Kristin Etter <ketter@trla.org>; Kitty Schild <kschild@elp.rr.com>; Genie Wright <geniejwright@gmail.com>; Rachel Garza(AUS) <RachelGarza@trla.org>; tsa@452da.net <tsa@452da.net>; Nicole Mata <n.mata@co.kinney.tx.us>; kc.courts@co.kinney.tx.us <kc.courts@co.kinney.tx.us>
Subject: [External Email] Re: Personal Bond Requests

Attached are the PR Bonds that were sent to me yesterday. I have taken into consideration the concerns and arguments of both the state and the defense.

I apologize that my technical skills do not allow me to make these pretty or exactly alike but what I have done addresses all the concerns. Ms Etter, please be sure that your clients sign the PR Bonds and the waivers as requested by Mr. Smith.

I decided to make the next court date in January to allow the defendants to get settled wherever ICE may send them. I am including Ms Castro in this email so she is aware of what we are doing and the need to add these cases to the January 12th docket. Please include her in any future emails concerning the OLS dockets.

Thank you all for your cooperation in this matter.

Vivian Torres
Retired Senior Judge

On Tue, Nov 30, 2021 at 12:41 PM Vivian Torres <judgetorres@schuchartlaw.com> wrote:

Thank you counsel for your comments and arguments. I do not need a conference call. I will handle this by submission and send the PR Bonds as soon as I am done with them.

On Tue, Nov 30, 2021 at 12:27 PM Brent Smith <bsmith@co.kinney.tx.us> wrote:

Good afternoon Ms. Etter,

Thank you for your follow-up email last night. I momentarily stopped in Junction in order to reply to your email. Please let me clarify certain points:

First, with respect to your statement regarding our "concern about the personal bond only applying to the Class A (and it is a Class B in some cases) misdemeanor," our concern is actually that upon receipt of the "Order of Personal Recognizance Bond" jailers may end up releasing defendants from pretrial custody on all charges, and not just the misdemeanor charges (whether Class A or B) that an individual faces under the unique Kinney County cause number. So we are not intending to limit the application of the personal bond only to Class A misdemeanors.

Secondly, the language we are proposing about bail jumping is intended to underscore the importance with which Kinney County is treating these cases. We are not saying that bail jumping charges will be filed, only that such charges may be filed for failure to appear. We think it fair for the County Court to admonish these individuals that other charges may be filed if they fail to appear. And, to your concerns, section 38.10 (c) provides a defense if the actor has a "reasonable excuse" for failing to appear. Because of the written waivers, there will be no in-court arraignment and therefore no other opportunity for the Court to admonish these defendants.

With the understanding that defendants are waiving arraignment in writing and that (1) defendants are only being released on Kinney County misdemeanor charges, whether Class A or B, and no other offenses which they may be facing, and that (2) Kinney County has an interest in admonishing defendants about another offense which could be charged if they should fail to appear at future settings, we will not oppose personal bonds for these defendants.

If you need to discuss these matters further, I will try to make time available.

Regards,

Brent Smith
Kinney County Attorney

From: Kristin Etter <ketter@trla.org>
Sent: Monday, November 29, 2021 8:56 PM
To: Brent Smith <bsmith@co.kinney.tx.us>; Vivian Torres <judgetorres@schuchartlaw.com>
Cc: Kitty Schild <kschild@elp.rr.com>; Genie Wright <geniejwright@gmail.com>; Rachel Garza(AUS) <RachelGarza@trla.org>; tsa@452da.net <tsa@452da.net>; Nicole Mata <n.mata@co.kinney.tx.us>
Subject: Re: Personal Bond Requests

Good evening -

Mr. Smith, thank you for your proposal and for your agreement to not oppose personal bonds for the clients we previously sent to you that were scheduled for arraignments this week.

As far as your concern about the personal bond only applying to the Class A (and it is a Class B in some cases) misdemeanor, we would obviously be unopposed and have only included the cause number specific to the misdemeanor charge.

The language you proposed about the bail jumping is a new proposal that has not been included in previous personal bond agreements and one that I do not believe to be appropriate or necessary given the circumstances that you are aware our clients have found themselves in after either being deported or detained in ICE custody. As you know, our clients that have been deported continue to attend court via zoom but may not be able to attend future in-person court settings without the federal government's authorization via the immigration parole process. And our clients in ICE custody have been unable to attend court proceedings despite our attempts due to ICE facilities declining our requests to facilitate zoom proceedings or transportation. However, I'm happy to further discuss this provision, as well as any other issue, with you and the court at any time. I know you will be out of town the remainder of the week but please let me know if you are available to speak sometime tomorrow to finalize this.

Best,
Kristin

From: Brent Smith <bsmith@co.kinney.tx.us>
Sent: Monday, November 29, 2021 8:30 PM
To: Vivian Torres <judgetorres@schuchartlaw.com>
Cc: Kristin Etter <ketter@trla.org>; Kitty Schild <kschild@elp.rr.com>; Genie Wright <geniewright@gmail.com>; Rachel Garza(AUS) <RachelGarza@trla.org>; tsa@452da.net <tsa@452da.net>; Nicole Mata <n.mata@co.kinney.tx.us>
Subject: [External Email] Re: Personal Bond Requests

Ms. Etter,

Thank you for your emails today and your offer to submit written waivers of arraignment. We assume that these waivers will be signed by your clients.

Please advise your clients that we will make the same offers in exchange for your clients' guilty pleas that have been made in earlier cases. That is, in exchange for their pleas of guilty to a reduced charge, the State will recommend sentences of "time served" and the payment of no fines. However, these offers will remain open only until the next setting.

Regarding your proposed "Order for Personal Recognizance Bond," we would like to see the language highlighted in yellow within the attached word document.

We would like to see additional specificity about in-court appearances. And, to avoid possible confusion that may arise at the Briscoe and Segovia Units upon receipt of the Order, we would ask the Court to consider language that specifies that the order of release applies only to the misdemeanor charges filed in Kinney County and to no other offenses, including felonies, that a defendant may be charged with.

To this end, please see the attached sample language for an Order for Personal Bond, using your format.

With these changes, we would have no other objections to your clients being released on personal bonds.

On a different note, I will be out of the office for the remainder of the week attending a conference with the other elected prosecutors assisting with OLS. I will stay in touch with my secretary if anything further arises.

Sincerely,

Brent Smith
Kinney County Attorney

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Sent: Monday, November 29, 2021 3:45 PM
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Cc: Kristin Etter <ketter@trla.org>; Kitty Schild <kschild@elp.rr.com>; Genie Wright <geniejwright@gmail.com>; Rachel Garza(AUS) <RachelGarza@trla.org>; tsa@452da.net <tsa@452da.net>; Nicole Mata <n.mata@co.kinney.tx.us>
Subject: Re: Personal Bond Requests

That will be fine Mr. Smith. I will wait until noon tomorrow.

If I understood Ms Etter's email all these individuals have been in detention for some time therefore, I think it is urgent that we address the matter as soon as possible.

Thank you.

Vivian Torres
Retired Senior Judge

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I would ask that you please give us until tomorrow to review these proposed orders and formulate an agreed proposal.

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Cc: Kitty Schild <kschild@elp.rr.com>; Genie Wright <geniejwright@gmail.com>; Rachel Garza(AUS) <RachelGarza@trla.org>; tsa@452da.net <tsa@452da.net>; Brent Smith <bsmith@co.kinney.tx.us>; Nicole Mata <n.mata@co.kinney.tx.us>
Subject: Re: Personal Bond Requests

Good Afternoon,

I just saw Ms Etter's email regarding the individuals that are in detention and have been for more than the time permitted by the Code of Criminal Procedure.

In order to address this matter without disturbing the recovery of Judge Shahan and Ms Garcia, I will address the bond requests unless I receive an objection from Mr. Smith, the county attorney, or other ACA by 5:00 pm today. I will include in the bond a reset date of December 14th which is my next scheduled OLS docket.

Mr. Smith or Ms Etter, you will need to file the bonds with the county clerk and make sure they are forwarded to the appropriate detention center. I realize that this may result in an additional day in detention for your clients but this is the only way I can think of to address this matter under the circumstances. It would be best if Mr. Smith or other ACA would work with defense counsel to resolve this.

Thank you.

Vivian Torres
Retired Senior Judge

On Mon, Nov 29, 2021 at 2:50 PM Kristin Etter <ketter@trla.org> wrote:
Good afternoon Judge Torres, Judge Schild and Judge Wright -

I am reaching out to you all directly in an effort to not bother Ms. Garcia with anything related to OLS while she focuses on her health. I have reached out to Mr. Smith and Ms. Ahlschwede about personal bonds for our clients in custody (attached) as many of them set on the docket this week have been in custody more than 90 days but have not yet heard back.

Would it be possible to schedule a conference call or zoom meeting to discuss this matter as well as general issues related to the OLS dockets and how best we can proceed while also supporting and giving space to those in Kinney County that need time to focus on their health?

Please let me know and thank you.

Best,
Kristin

From: Kristin Etter
Sent: Monday, November 29, 2021 11:08 AM
To: tsa@452da.net <tsa@452da.net>; bsmith@co.kinney.tx.us <bsmith@co.kinney.tx.us>
Cc: Rachel Garza(AUS) <RachelGarza@trla.org>
Subject: Personal Bond Requests

Good afternoon –

I am just following up on my email from this morning with the attached personal bond requests for our in-custody clients this week. I do not want to bother Yvette with this but rather will reach out to the visiting judges or the magistrates to request rulings so please let me know as soon as you can if you are opposed or unopposed. We will file written waivers of arraignment and request the cases be reset to a pretrial motions hearing at a time in the future that is convenient for the court.

Thanks,
Kristin

Tonya Spaeth Ahlschwede

From: Vivian Torres <judgetorres@schuchartlaw.com>
Sent: Tuesday, November 30, 2021 2:35 PM
To: Sylvia Delgado
Cc: Kitty Schild; Genie Wright; Rachel Garza(AUS); Tonya Spaeth Ahlschwede; bsmith@co.kinney.tx.us; n.mata@co.kinney.tx.us
Subject: Re: PR Bond requests

I don't show that you had any cases on my docket today. Were these set for another day?

I may not have the latest docket for today.

On Tue, Nov 30, 2021 at 1:25 PM Sylvia Delgado <sylvia@sdelgadolaw.com> wrote:
Judge Torres and/or Judge Wright,

I have many clients who fit the same criteria: misdemeanors, in detention for more than the time permitted by the CCP, unable to meet bonds, some with Cause numbers some without.

If we submit "Agreed No Fee PR Bond Orders" in cooperation with the State, could we email them to you for your signature this week?

Then, only if some remain unresolved, would we ask that those clients in jail more than 90 days, at that point, be added to your 12/14/21 docket?

If docket space is limited, I could further narrow that by the most time spent in jail.

Thank you,

Sylvia Delgado
OLS Crim.Def.Atty
903-420-0000

From: Vivian Torres <judgetorres@schuchartlaw.com>
Sent: Monday, November 29, 2021 3:06 PM
To: Kristin Etter <ketter@trla.org>
Cc: Kitty Schild <kschild@elp.rr.com>; Genie Wright <geniejwright@gmail.com>; Rachel Garza(AUS) <RachelGarza@trla.org>; tsa@452da.net <tsa@452da.net>; bsmith@co.kinney.tx.us <bsmith@co.kinney.tx.us>; n.mata@co.kinney.tx.us <n.mata@co.kinney.tx.us>
Subject: Re: [External Email] Personal Bond Requests

Good Afternoon,

I just saw Ms Etter's email regarding the individuals that are in detention and have been for more than the time permitted by the Code of Criminal Procedure.

In order to address this matter without disturbing the recovery of Judge Shahan and Ms Garcia, I will address the bond requests unless I receive an objection from Mr. Smith, the county attorney, or other ACA by 5:00 pm today. I will include in the bond a reset date of December 14th which is my next scheduled OLS docket.

Mr. Smith or Ms Etter, you will need to file the bonds with the county clerk and make sure they are forwarded to the appropriate detention center. I realize that this may result in an additional day in detention for your clients but this is the only way I can think of to address this matter under the circumstances. It would be best if Mr. Smith or other ACA would work with defense counsel to resolve this.

Thank you.

--

Sylvia Delgado
OLS Crim.Def.Atty.

Tonya Spaeth Ahlschwede

From: Vivian Torres <judgetorres@schuchartlaw.com>
Sent: Tuesday, November 30, 2021 3:41 PM
To: Amrutha Jindal
Cc: Brent Smith; Eric Sundin; Genie Wright; Kitty Schild; Kristin Etter; Tonya Spaeth Ahlschwede; Sue Castro
Subject: Re: Personal Bond Requests for In-Custody Clients on this week's docket
Attachments: 10450CR Montejo Gomez, Jose Manuel - Agreed Order Granting Bond Reduction.pdf; Kinney OLS 2021 Nov 29 - Prosecutor Suggested PR Bond.pdf

Yes, since Judge Shahan is out sick I can help. I am assigned to his court.

Please confer with the state regarding the PR Bonds.

In order to expedite this matter attached are Mr. Smith's comments regarding Ms Etter's bond form and one of the bonds I revised and signed.

Mr. Smith also requested that the defendants waive arraignment and sign the waiver. He is on the road to a conference and may not have seen your email.

I can take care of this tomorrow in order to give the state time to review the cases.

On Tue, Nov 30, 2021 at 2:33 PM Amrutha Jindal <amrutha@restoringjustice.org> wrote:

Hi Judge Torres,

That was Judge Shahan who is out sick this week due to Covid. Would you, Judge Schild, or Judge Wright be able to assist?

Thank you,
Amrutha

On Tue, Nov 30, 2021 at 2:31 PM Vivian Torres <judgetorres@schuchartlaw.com> wrote:

Ms Jindal,

Please forward your request to the judge who was set to hear your cases.

Thank you.

Vivian Torres
Retired Senior Judge

On Tue, Nov 30, 2021 at 1:20 PM Amrutha Jindal <amrutha@restoringjustice.org> wrote:

Good afternoon Judge Torres,

I am reaching out to you regarding my organization's 7 clients who are in custody and were scheduled for court on December 2nd. I know Ms. Etter has been in touch with you and Mr. Smith about a similar situation in her cases.

As noted below, four clients were scheduled for arraignments and three have already been arraigned and were scheduled for motion hearings. All 7 clients have been in custody for almost 90 days - since September 5th or 6th. In

all cases, we have filed Applications for Writs of Habeas Corpus requesting release on personal bond that we intended to address this week (I am happy to send you copies of those Applications if you'd like).

We are attaching Proposed Orders in our 7 cases. Please let us know if you have any questions or need more information from us.

December 2nd - 8:30 am Arraignment Docket

- Gerardo Acosta Sanchez, 10554CR
- Luis Carlos Soltero Castellon, 10558CR
- Javier Ahedo Arias, 10562CR
- Valentin Hernandez Cordova, 10538CR

December 2nd - 1:30 pm Motions Docket

- David Rodriguez, 10573CR
- Germen Antonio Elvir Garcia, 10591CR
- Angel Alexander Pineda Hernandez, 10586CR

Best,
Amrutha

Amrutha N. Jindal
(she/her/hers)
Chief Defender Attorney
RESTORING JUSTICE



[832-386-6198](tel:832-386-6198) | [844-737-3363](tel:844-737-3363)

amrutha@restoringjustice.org

www.restoringjustice.org

P.O. Box 2813, Houston, TX 77252

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Amrutha N. Jindal
(she/her/hers)
Chief Defender Attorney
RESTORING JUSTICE



[832-386-6198](tel:832-386-6198) | [844-737-3363](tel:844-737-3363)

amrutha@restoringjustice.org

www.restoringjustice.org

P.O. Box 2813, Houston, TX 77252

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Tonya Spaeth Ahlschwede

From: Sylvia Delgado <sylvia@sdelgadolaw.com>
Sent: Tuesday, November 30, 2021 3:49 PM
To: Tonya Spaeth Ahlschwede; Kitty Schild
Cc: Genie Wright; Rachel Garza(AUS); bsmith@co.kinney.tx.us; n.mata@co.kinney.tx.us; Vivian Torres
Subject: Re: PR Bond requests

I am fine with that.
I am trying to move cases without the need for a docket setting.
I will happy to work with the State.
Sylvia

On 11/30/2021 1:46 PM, Tonya Spaeth Ahlschwede wrote:

Judges and Defense Attorneys,

I am assisting Mr Smith.

I believe Mr. Smith responded to Mrs Etter's request before. I would respectfully ask you all to give him time to respond to Mrs Delgado's request. As you all know, we are traveling to a conference that is over 5 hour drive for many of us. I just happened to see part of this email chain and haven't had time to see all the emails on my phone.

I would request that each Judge only respond to the cases set on their dockets at this time and that the State have time to review Mrs Delgado's request before a decision is made. There is no way that can happen today and the cases are not set today.

I do not know what the response is for adding cases to a docket. There is an in-person docket on the 15th.

Thank you all for your professional courtesy. I am asking that we reconvene this issue.

Tonya Spaeth Ahlschwede
District Attorney, 452nd Judicial District
Mason, McCulloch, Menard, Kimble and Edwards Counties
P.O. Box 635
Mason, Texas 76856
(325) 347-8400 phone (325) 347-8404 fax
tsa@452da.net

On Nov 30, 2021, at 1:36 PM, Kitty Schild <kschild@elp.rr.com> wrote:

I also have December 7 and 9 dockets and I'll be glad to add cases to my dockets. I think that we need to add Sue Castro to this email group. She is the court coordinator for the district judges and maybe the CCL judges from Del Rio and she's helping Yvette out. I've gotten some emails from her and just realized that she wasn't on this list. Let me know if you don't have her contact information.

Sent from my iPhone

On Nov 30, 2021, at 12:31 PM, Kitty Schild <kschild@elp.rr.com> wrote:

Absolutely.

Sent from my iPhone

On Nov 30, 2021, at 12:25 PM, Sylvia Delgado <sylvia@sdelgadolaw.com> wrote:

Judge Torres and/or Judge Wright,

I have many clients who fit the same criteria: misdemeanors, in detention for more than the time permitted by the CCP, unable to meet bonds, some with Cause numbers some without.

If we submit "Agreed No Fee PR Bond Orders" in cooperation with the State, could we email them to you for your signature this week?

Then, only if some remain unresolved, would we ask that those clients in jail more than 90 days, at that point, be added to your 12/14/21 docket? If docket space is limited, I could further narrow that by the most time spent in jail.

Thank you,

Sylvia Delgado
OLS Crim.Def.Atty
903-420-0000

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Sent: Monday, November 29, 2021 3:06 PM
To: Kristin Etter <ketter@trla.org>
Cc: Kitty Schild <kschild@elp.rr.com>; Genie Wright <geniejwright@gmail.com>; Rachel Garza(AUS) <RachelGarza@trla.org>; tsa@452da.net <tsa@452da.net>; bsmith@co.kinney.tx.us <bsmith@co.kinney.tx.us>; n.mata@co.kinney.tx.us <n.mata@co.kinney.tx.us>
Subject: Re: [External Email] Personal Bond Requests

Good Afternoon,

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In order to address this matter without disturbing the recovery of Judge Shahan and Ms Garcia, I will address the bond requests unless I receive an objection from Mr. Smith, the county attorney, or other ACA by 5:00 pm today. I will include in the bond a reset date of December 14th which is my next scheduled OLS docket.

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result in an additional day in detention for your clients but this is the only way I can think of to address this matter under the circumstances. It would be best if Mr. Smith or other ACA would work with defense counsel to resolve this.

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Sylvia Delgado
OLS Crim.Def.Atty.

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OLS Crim.Def.Atty.

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To: Sylvia Delgado
Cc: Tonya Spaeth Ahlschwede; Kitty Schild; Genie Wright; Rachel Garza(AUS); bsmith@co.kinney.tx.us; n.mata@co.kinney.tx.us
Subject: Re: PR Bond requests
Attachments: Kinney OLS 2021 Nov 29 - Prosecutor Suggested PR Bond (1).pdf; 10450CR Montejo Gomez, Jose Manuel - Agreed Order Granting Bond Reduction (1).pdf

Ms Delgado, do you have your cases addressed?

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Cc: Genie Wright; Kitty Schild; Rachel Garza(AUS); Tonya Spaeth Ahlschwede; bsmith@co.kinney.tx.us; n.mata@co.kinney.tx.us
Subject: Re: PR Bond requests

Please prepare bond forms consistent with the ones I signed to day and send them to me making sure you include the state. If I do not receive any objections to the forms from the state I will start signing them.

Judge Schild and Judge Wright, if you're available to help let me know. This will take awhile and I have other commitments tomorrow. I will weave around them to try and address this situation.

Thank you!

On Tue, Nov 30, 2021 at 5:30 PM Sylvia Delgado <sylvia@sdelgadolaw.com> wrote:
Yes all are misdemeanors.

On 11/30/2021 5:29 PM, Vivian Torres wrote:

Are these all misdemeanors?

On Tue, Nov 30, 2021 at 5:19 PM Sylvia Delgado <sylvia@sdelgadolaw.com> wrote:
Your Honor,

No, I have not had my cases addressed.
But Yes, I will follow suit.

The defense will waive arraignment and have the defendants' signatures affixed.
I will email signed docs to Brent and then on to the Judges for final signatures.

I am attaching a list of defendants for which the State, and the Court, would be on notice upon review.
I am copying the State and requesting these extended incarcerations be redressed at the State's earliest convenience.

We have tried Writs, Agreed Bond Orders, docket settings, emails, friendly requests, etc. so Yes, I would happily accept any help the Courts could provide.
Thank you Your Honors.

Sylvia

On 11/30/2021 3:57 PM, Vivian Torres wrote:

Ms Delgado, do you have your cases addressed?

Attached to assist you are Mr. Smith's comments on Ms Etter's bond form and one of the bonds I revised and signed.

The way I understand it the defendant must be released under these circumstances and it is incumbent upon the court where the case is filed to address it once the matter is brought to the court's attention.

Mr. Smith also requested that the defendants waive arraignment and sign the waiver.

On Tue, Nov 30, 2021 at 3:49 PM Sylvia Delgado <sylvia@sdelgadolaw.com> wrote:

I am fine with that.

I am trying to move cases without the need for a docket setting.

I will happy to work with the State.

Sylvia

On 11/30/2021 1:46 PM, Tonya Spaeth Ahlschwede wrote:

Judges and Defense Attorneys,

I am assisting Mr Smith.

I believe Mr. Smith responded to Mrs Etter's request before. I would respectfully ask you all to give him time to respond to Mrs Delgado's request. As you all know, we are traveling to a conference that is over 5 hour drive for many of us. I just happened to see part of this email chain and haven't had time to see all the emails on my phone. I would request that each Judge only respond to the cases set on their dockets at this time and that the State have time to review Mrs Delgado's request before a decision is made. There is no way that can happen today and the cases are not set today.

I do not know what the response is for adding cases to a docket. There is an in-person docket on the 15th.

Thank you all for your professional courtesy. I am asking that we reconvene this issue.

Tonya Spaeth Ahlschwede
District Attorney, 452nd Judicial District
Mason, McCulloch, Menard, Kimble and Edwards Counties
P.O. Box 635
Mason, Texas 76856
(325) 347-8400 phone (325) 347-8404 fax
tsa@452da.net

On Nov 30, 2021, at 1:36 PM, Kitty Schild
<kschild@elp.rr.com> wrote:

I also have December 7 and 9 dockets and I'll be glad to add cases to my dockets. I think that we need to add Sue Castro to this email group. She is the court coordinator for the district judges and maybe the CCL judges from Del Rio and she's helping Yvette out. I've gotten some emails from her and just realized that she wasn't on this list. Let me know if you don't have her contact information.

Sent from my iPhone

On Nov 30, 2021, at 12:31 PM, Kitty Schild
<kschild@elp.rr.com> wrote:

Absolutely.

Sent from my iPhone

On Nov 30, 2021, at 12:25 PM, Sylvia Delgado
<sylvia@sdelgadolaw.com> wrote:

Judge Torres and/or Judge Wright,

I have many clients who fit the same criteria:
misdemeanors, in detention for more than the
time permitted by the CCP, unable to meet
bonds, some with Cause numbers some
without.

If we submit "Agreed No Fee PR Bond Orders" in
cooperation with the State, could we email
them to you for your signature this week?

Then, only if some remain unresolved, would we
ask that those clients in jail more than 90 days,
at that point, be added to your 12/14/21
docket?

If docket space is limited, I could further narrow
that by the most time spent in jail.

Thank you,

Sylvia Delgado
OLS Crim.Def.Atty
903-420-0000

From: Vivian Torres

<judgetorres@schuchartlaw.com>

Sent: Monday, November 29, 2021 3:06 PM

To: Kristin Etter <ketter@trla.org>

Cc: Kitty Schild <kschild@elp.rr.com>; Genie Wright
<geniejwright@gmail.com>; Rachel Garza(AUS)
<RachelGarza@trla.org>; tsa@452da.net
<tsa@452da.net>; bsmith@co.kinney.tx.us
<bsmith@co.kinney.tx.us>; n.mata@co.kinney.tx.us
<n.mata@co.kinney.tx.us>

Subject: Re: [External Email] Personal Bond Requests

Good Afternoon,

I just saw Ms Etter's email regarding the individuals that are in detention and have been for more than the time permitted by the Code of Criminal Procedure.

In order to address this matter without disturbing the recovery of Judge Shahan and Ms Garcia, I will address the bond requests unless I receive an objection from Mr. Smith, the county attorney, or other ACA by 5:00 pm today. I will include in the bond a reset date of December 14th which is my next scheduled OLS docket.

Mr. Smith or Ms Etter, you will need to file the bonds with the county clerk and make sure they are forwarded to the appropriate detention center. I realize that this may result in an additional day in detention for your clients but this is the only way I can think of to address this matter under the circumstances. It would be best if Mr. Smith or other ACA would work with defense counsel to resolve this.

Thank you.

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Sylvia Delgado
OLS Crim.Def.Atty.

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