

Brent Smith

From: Sylvia Delgado <sylvia@sdelgadolaw.com>
Sent: Wednesday, December 15, 2021 1:31 PM
To: Philip Wischkaemper; Tully Shahan; sehlers@tidc.texas.gov; gburkhart@tidc.texas.gov
Cc: Shannon Evans; SylviaDelgado; William Cox; Yvette Garcia; Brent Smith
Subject: Re: Sylvia Delgado cases from today's docket.
Attachments: Page1.pdf; Page2.pdf; Page3.pdf

To all concerned:

I am requesting to NOT be removed from the cases as requested by Philip Wischkaemper. It is not my responsibility to find my clients and make them appear at court. I have done my due diligence: I gave them my two cell phone numbers, two EZ texting numbers, and we provided them with the court date on their bond documents.

I am requesting a hearing on the matter of my removal from any and all LPDO appointed cases.

Attached is a copy of the State Bar Grievance I just filed against Philip Wischkaemper for ordering me to NOT abide by my clients' wishes when they desire to plead guilty. He directed me and all the OLS defense counsel to refuse to plead our clients guilty even if they are guilty and even if it is their desire (and it is) to plead guilty.

I consulted with the State Bar Ethics Helpline Attorney who advised me to file a grievance and then I could go public with my complaints. Philip is acting in a retaliatory fashion against me in this and many other instances because I plead five clients guilty. Honoring his request to remove me would only result in further undue delay.

Thank you,
Sylvia Delgado
903-420-0000

On 12/15/2021 11:04 AM, Philip Wischkaemper wrote:

Judge Shahan: I have concerns about the notice to Ms. Delgado's clients who did not appear at the docket this morning. I am letting you know that because of those concerns, I am removing Ms. Delgado from the cases that were on the docket this morning and will have them reassigned to new attorneys by the end of the week. By this e-mail, I am asking that you refrain from calling bond forfeitures this afternoon in these cases as I do not believe the client had proper notice.

If you have any questions, please advise.

Philip Wischkaemper

Chief Defender

Lubbock Private Defenders Office

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pwishkaemper@lpdo.org



From: county.judge@co.kinney.tx.us <county.judge@co.kinney.tx.us>
Sent: Thursday, October 7, 2021 10:20 AM
To: Philip Wischkaemper <pwischkaemper@lpdo.org>; sehlers@tidc.texas.gov;
gburkhart@tidc.texas.gov
Cc: Shannon Evans <scavasos@lpdo.org>; Luz Muro <luzidaliamuro84@gmail.com>
Subject: Re: Concerns of slow process for names of indigent counsel

Philip:

We have names of all the attys who will be representing these defendants-TRILA. It's my mistake for not being more thorough in my office. Our Court Coordinator and I did not communicate well enough for me to understand who was representing who. She was assuming that if there was no Notice of Representation (Appearance) by the Attys on file, we could not set that case for hearing and there was no appointment. We have worked out the kinks and are moving forward.

We will be setting cases for November, December and January with all 3 judges beginning today.

I apologize for the confusion which stems from me-the author of the letter; so lets make lemonade. We will try our best.

Thanks for your patience.

Tully

-----Original Message-----

From: "Philip Wischkaemper" <pwischkaemper@lpdo.org>
Sent: Wednesday, October 6, 2021 7:26pm
To: "Tully Shahan" <county.judge@co.kinney.tx.us>
Cc: "Shannon Evans" <scavasos@lpdo.org>, "Luz Muro" <luzidaliamuro84@gmail.com>
Subject: Re: Concerns of slow process for names of indigent counsel

Judge: I am out of the office at a conference. Let me forward this to Lucy and Shannon and see if they can correct any problems that may be present

Sent from my iPhone

On Oct 6, 2021, at 1:57 PM, Tully Shahan <county.judge@co.kinney.tx.us> wrote:

Philip:

I'm out of town and will be back this evening. My understanding is that the Court Coordinator has only been entering an attorneys name for each defendant when an order was issued and filed for representation of that defendant. That's normal for our court in the past but now it's a practice that needs attention.

Your spreadsheet evidently shows attorneys that are appointed but no record of that appointment being filed.

I stand corrected and apologize for my rush of concern to you and your staff.

I will review the documentation thoroughly and call you in the morning to discuss the issue going forward.

Again, I apologize!

Respectfully

Tully

Sent from my iPhone

On Oct 6, 2021, at 9:24 AM, Philip Wischkaemper <pwischkaemper@lpdo.org> wrote:

Judge: Whether the attorneys are sending their notices or not, (As I have e-mailed them and asked them to do) you should have notice of every individual who has an attorney appointed. Lucy has sent Yvette a master spreadsheet of every client we have assigned a lawyer to and has been sending notice of assignment to Yvette and since Monday, to your county clerk as well.

Of the 251 you have filed, they will all have lawyers and should be on that spreadsheet. If Yvette has questions, she can call Lucy directly.

From: county.judge@co.kinney.tx.us <county.judge@co.kinney.tx.us>
Sent: Tuesday, October 5, 2021 5:47 PM
To: gburkhart@tidc.texas.gov; sehlers@tidc.texas.gov; wshackleford@tidc.texas.gov; Philip Wischkaemper <pwischkaemper@lpdo.org>; Lucy Muro <lmuro@lpdo.org>
Cc: yvette <yvette.garcia@co.kinney.tx.us>; Brandon Bellows <brandon.bellows@txcourts.gov>
Subject: Concerns of slow process for names of indigent counsel

Dear All:

We are s l o w l y receiving names of attorneys who have been appointed to represent inmates arrested for criminal trespass/mischief in Kinney County.

Out of the 251 cases on file in county court, only 40 have attorneys appointed to represent them. We are receiving a few notices from Ms Muro but it's 2-4 appointments per day. (More cases have been approved by the County Attorney but due to workload, our clerk can only file a few each day.) My concern is that we are not receiving notices from your organizations or the attys themselves of who has been appointed to set dockets 20 days out. We now have 3 judges to hold hearings for these 750 plus inmates but as of today only 40 can be scheduled b/c only 40 have attys that we know of. Our clerk receives notices occasionally from an atty who emails an appearance notice but it's s l o w!

We are making every effort to streamline our process (software, 2 court coordinators, assistant county clerk, hardware, etc.) but need to know who represents who! This is emailed to you for your help and advice as we want to get our cases heard asap.

Thanks for listening.

Very respectfully

Tully Shahan

