

LAW OFFICES OF  
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December 9, 2021

Via email to: [sables@co.kerr.tx.us](mailto:sables@co.kerr.tx.us)

Hon. Stephen B. Ables  
Presiding Judge of the Sixth Administrative Judicial Region  
Kerr County Courthouse  
700 Main Street, 2nd Floor  
Kerrville, TX 78028

Re: Authority to remove judges who are assigned by the Presiding Judge

Your Honor:

We write to ensure that you're aware of a delicate and unusual situation that affects hundreds of our clients, the Texas judiciary, and efficient law enforcement in South Texas.

Apparently yesterday afternoon Judge Shahan attempted to remove three judges who you assigned to hear Operation Lone Star cases, namely Judge Kitty Schild, Judge Vivian Torres, and Judge Genie Wright. See Judge Shahan's Dec. 8 Letter, attached. Judge Shahan does not appear to have authority to remove the judges who you appointed. See Tex. Govt Code Sec. 74.056. If the presiding judge assigns a judge within the region, only the presiding judge can remove that judge. Furthermore, any of these judges also has authority under Tex. Code Crim. Proc. Art. 11 to hear any pending habeas applications in addition to the matters on their arraignment dockets.

Those arraignment dockets are exceedingly full. Currently we represent 153 detained clients who have pending pretrial writs of habeas corpus. Many if not all had been agreed to be heard by Judge Schild and Judge Torres on their upcoming dockets over the next few days. All of our clients have been held in state prisons at taxpayer expense for months. Most were arrested solely for misdemeanor trespass more than 100 days ago, and have been in prison ever since. They are finally on dockets for December before one of the assigned judges whose authority has been called into question by Judge Shahan's attempt to remove them.

Judge Shahan would cancel existing dockets for the next three weeks, after Kinney County having previously canceled all four dockets last week due to a Covid outbreak. This would further aggravate a situation in courts that is already chaotic. We ask that you renounce Judge Shahan's attempt to exercise authority vested only in you as the presiding judge of

Administrative Region 6 by Tex. Govt. Code Sec. 74, and not permit any further disruption to the hearings currently scheduled, or the dockets that were established before his Dec. 8 letter.

There can be no question but that the services of Judges Schild, Torres, and Wright remain urgently needed. Consider this Operation Lone Star Data:

<b>Kinney County Arraignments if Arrested 12/4/21</b>	
Kinney arrests through 11/30/21	1658
Arraigned	125
Remaining to be arraigned	1533
Present Rate of arraignment per month (Nov & Dec)	120
Months until arraignment at present rate	12.78
Days until arraignment if arrested 12/1/21	389.64
Earliest Date of Arraignment at Present Rate	<b>1/2/2023</b>

If Kinney County has filed more cases than it can effectively administer, the solution is to bring in more judges, more prosecutors, more court staff, and more defense lawyers, not to remove the judges who have heard the vast majority of OLS cases in the county. Yet Judge Shahan’s only attempt to supply a reason for removal of the judges is to cite “the large volume of misdemeanor cases filed under Operation Lone Star.” This illogical explanation for removal of judges who have proven their capacity for service in the unusual circumstances created by Operation Lone Star instead could present an appearance of impropriety that all judges are sworn to avoid.

We ask that you immediately confirm for the three judges who you assigned to hear Operation Lone Star cases that their authority remains intact and unaffected by Judge Shahan’s December 8 letter, especially as to cases that were already set for hearing prior to that letter. The prosecuting attorney is aware of these filings and settings and was served with copies of the pending writs of habeas corpus over a week ago. The upcoming dockets that Judge Shahan attempts to cancel been set since November 5. We have prepared our clients accordingly, and urge you to permit these proceedings to occur. We are at your service for any questions, and can be reached at (512) 374-2794.

Respectfully,

Robert Doggett  
Executive Director  
TEXAS RIOGRANDE LEGAL AID

Kristin Etter  
Special Project Director  
Operation Lone Star  
TEXAS RIOGRANDE LEGAL AID

copy via email: Hon. Tully Shahan  
Hon. Vivian Torres  
Hon. Genie J. Wright  
Hon. Kitty Schild  
Brent Smith, Kinney County Attorney



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Fax: 830-563-9163

December 08, 2021

To: All Members of the Judicial Administration under Operation Lone Star

Re: Termination of Judicial Assignments and notification of upcoming hearings under Operation Lone Star.

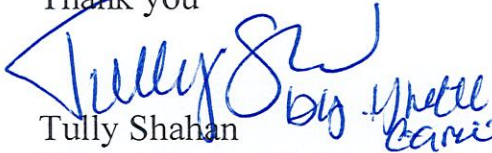
Dear Members of the Judicial Administration under Operation Lone Star:

Due to the large volume of misdemeanor cases filed under Operation Lone Star, it is in the best interest of Kinney County that other eligible County Judges be appointed to administer the efficient administration of justice. We appreciate the services, and the court recognizes the efforts of Judges Vivian Torres, Kitty Schild, and Genie Wright. However, at this time, their services will no longer be needed.

Therefore, let this be a written notice that the Court Coordinator of Kinney County Court shall have sole authority in setting any and all court dates and docketed hearings for all cases under the jurisdiction of Kinney County.

It is further noted that as of December 8, 2021, all parties involved with the misdemeanor cases filed under Operation Lone Star will be notified of the date and time of all upcoming docket hearings.

Thank you

  
Tully Shahan  
Kinney County Judge