

REPORTER'S RECORD
VOLUME 1 OF 1 VOLUME
CAUSE NO. 13937CR

| | | |
|-------------------------|---|----------------------|
| STATE OF TEXAS | § | IN THE COUNTY COURT |
| | § | |
| VS. | § | OF |
| | § | |
| RUBICEL SANCHEZ CASANGO | § | KINNEY COUNTY, TEXAS |

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| OMAR GAMBOA SAAVEDRA | § | KINNEY COUNTY, TEXAS |

SPECIAL HEARING

On the 21st day of January, 2023, the following proceedings came on to be heard in the above-entitled and numbered cause before the Honorable Todd Blomerth, Retired Senior District Judge presiding, held remotely via videoconference;

Proceedings reported by machine shorthand.

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INDEXJanuary 21, 2023PAGE

| | |
|--------------------------------------|----|
| Statements by Ms. Jindal | 7 |
| Court's statements | 9 |
| Statements by Mr. Hackebeil. | 12 |
| Jury trial cancelled | 17 |
| Statements by Ms. Jindal | 20 |
| Statements by Mr. Hackebeil. | 22 |
| Statements by Mr. Shapleigh. | 23 |
| Reporter's Certificate | 27 |

EXHIBIT

STATE'S

NO.DESCRIPTIONOFFERED

| | | |
|---|---------------------------|----|
| A | 1/23/23 email from Jindal | 23 |
|---|---------------------------|----|

1 (Not simulcast on YouTube.)

2 (Defendants not present.)

3 THE COURT: Good afternoon. My name is
4 Todd Bromerth. Please unmute. We are missing one
5 person. Mr. Wolbert. He was the attorney of record.
6 Where is he?

7 Please unmute, Ms. Jindal.

8 MS. JINDAL: Good afternoon, Judge. I
9 do not know where Mr. Wolbert is. He -- I saw that his
10 email was cc'd on the email that the Court sent out
11 yesterday, the same email that all of us received. I
12 have independently reached out to him as well this
13 morning. I have not heard back from him, so I don't
14 know if he did not receive the email. I'm -- I'm not
15 sure where he is.

16 THE COURT: Okay. Here we have a
17 situation, and I'm trying to connect the dots. He is
18 the attorney of record. He is a private lawyer. He
19 has not filed a motion to withdraw. He has not filed a
20 motion for continuance.

21 Please can you connect the dots for me as to
22 how any rules that you may have about retaining people
23 to represent indigent trumps the State rules as it
24 relates to a trial setting where he is the attorney of
25 record. I am -- I am confused.

1 MS. JINDAL: Sure. Let me try to
2 explain, Judge. So when Governor Abbott started
3 Operation Lone Star, the Texas Indigent Defense
4 Commission went to the legislature for funding for the
5 defense program, and the Supreme Court of Texas passed
6 a border security order that lays out a variety of --
7 details about how the defense program operates
8 including designating TIDC, the Indigence Defense
9 Commission, and its designee to have certain kinds of
10 responsibilities.

11 Pursuant to that Supreme Court order, TIDC
12 issued its own order on appointment procedures which
13 designates the Lubbock Private Defenders Office, which
14 is my office, with the authority to do everything from
15 appoint counsel to cases, to recruit attorneys, to join
16 the panel and maintain a list of attorneys for the
17 panel, and to remove attorneys from the -- from cases
18 or from the panel for any reason.

19 The indigence -- the -- what is it called?
20 The IDP, Indigent Defense Plan for Operation Lone Star
21 trumps any plans that are in place in any of the
22 counties that we operate in according to these orders,
23 and so it's pursuant to these orders that LPDO appoints
24 counsel in cases instead of the Court.

25 We also are responsible for reviewing

1 vouchers and we pay vouchers instead of the Court
2 and then again --

3 THE COURT: Okay. I understand that,
4 and I respect that. I think, if I'm not mistaken,
5 Lubbock was the one that started the capital murder
6 defense. I don't know if it was you guys, but it was
7 your predecessor who --

8 MS. JINDAL: Correct.

9 THE COURT: -- when I was an
10 attorney -- I mean, Judge in Lockhart, took advantage
11 of or made my commissioners take advantage of that
12 because they were, shall we say, unaware or chose to be
13 unaware of the excellent opportunity for good defense
14 work, and I -- so I'm familiar with Lubbock's efforts.
15 They go back several years in -- in the indigent world.

16 So I'm pretty sympathetic. What I'm still
17 not connecting the dots with -- and I'm still troubled
18 about even having this discussion without the attorney
19 of record being here now. I need to have him on here.
20 I -- I'm -- I'm just confused.

21 He's not answering phone calls from the
22 court -- court personnel. He's not responding. He is
23 the attorney of record, and he announced ready subject
24 to the motion which was denied on Friday.

25 I'm fairly flexible in many areas on some --

1 I'm brand new with helping out down in Kinney County
2 with the -- with Mr. Saavedra and Mr. Sanchez Casango,
3 or whatever that is, the issues for Monday, but I'm
4 just puzzled about how the matter where Kinney County
5 has picked -- got a jury panel coming in on Monday.

6 The attorney of record -- and I respect what
7 you're doing, but this Court has not granted a motion
8 for continuance, nor has it been asked for, nor has
9 there been a motion to withdraw. These are some pretty
10 fundamental things the Texas Civil and Criminal
11 Procedure require of me, and I'm sitting here
12 scratching my head, ma'am.

13 MS. JINDAL: I -- I understand, Judge.
14 Let me address two things. The first with respect to
15 the motion to withdraw. I understand the Rules related
16 to that.

17 We've discussed this issue with the Texas
18 Indigent Defense Commission. This came to light after
19 Judge Shahan had indicated a desire for attorneys to
20 file withdrawal motions, and the response from the
21 Texas Indigent Defense Commission is that our defense
22 program, because we are set up like a managed
23 assigned-counsel program, it just operates differently
24 where we have authority to remove counsel from cases.

25 That being said --

1 THE COURT: Okay.

2 MS. JINDAL: That being said, let me
3 just quickly provide some context as to my email
4 requests as best as I can here.

5 Yesterday, as you know, the attorney of
6 record, Mr. Wolbert, had a writ hearing before Judge
7 Powell on these two cases that were also set for trial
8 on Monday, and Judge Powell denied those writs.

9 I will tell you that it seemed very obvious
10 that Mr. Wolbert was not prepared. He didn't have
11 witnesses ready to testify, so the outcome I don't
12 think was surprising to anyone since he was not ready
13 for the writ, but more troubling than -- than the
14 denial, which all of us have experienced. When we're
15 defense attorneys, you get motions denied, is that
16 Mr. Hackebeil raised to the Court and -- in -- in both
17 a written filing and it was discussed orally during the
18 motion hearing or during the writ hearing, that the
19 State had grave concerns related to Mr. Wolbert's
20 representation.

21 So the two allegations made in the State's
22 written filing was that Mr. Wolbert had not conveyed
23 plea offers to these two individuals and that he had
24 not reviewed discovery in these two individuals' cases.

25 Mr. Wolbert had to address those allegations

1 on the record with Judge Powell, and Judge Powell felt
2 comfortable with Mr. Wolbert's representations and the
3 hearing continued with -- with the claim denied.

4 Once that was brought to my attention, in my
5 role as the Chief Defender of the Lubbock Private
6 Defenders Office and recognizing that our role is not
7 only to assign, but also to monitor, ensure that
8 quality representation is being provided, and after a
9 discussion with Mr. Hackebeil, I felt it imperative in
10 my duty to ensure that these two individuals were
11 properly represented to have a limited meeting with
12 them to discuss the quality of representation that they
13 have been receiving and to ensure that quality meets
14 our standards but more importantly meets ethical
15 standards.

16 Based on that conversation, which I'm happy
17 to share more details ex parte if the Court would like,
18 but based on that conversation I was led to the
19 conclusion that we have no choice but to remove
20 Mr. Wolbert from these cases, and our office is also
21 looking into whether he needs to be removed from the
22 defense panel completely.

23 THE COURT: The other thing is is that
24 you've asked him to be removed, but you've got --
25 according to Ms. Muñoz and Ms. Rojas, you have multiple

1 other cases with this gentleman.

2 I tell you what we're going to do right now
3 before -- 'cause I'm -- quite frankly I'm a little
4 uncomfortable. We don't have this guy. He's been
5 noticed of this by multiple attempts, and he's not
6 here, and I feel uncomfortable about this.

7 I have a court reporter because I requested
8 one because of the -- shall we say the anomaly of this
9 matter.

10 I am not opposed to a continuance under the
11 circumstances. I know that Mr. Shapleigh, a/k/a the
12 Kinney County Attorney will be probably harrumph,
13 harrumph, harrumph on that. I don't know.

14 What is your thought, Mr. Shapleigh?

15 MR. SHAPLEIGH: Judge, I don't know if
16 the Court knows this, but I'm out here in El Paso, and
17 a trial would be conducted by Mr. Smith and
18 Mr. Hackebeil in --

19 (Simultaneous talking.)

20 MR. SHAPLEIGH: Pardon?

21 THE COURT: Okay. So you're
22 representing the office, though, are you not?

23 MR. SHAPLEIGH: I am, and -- well, and
24 so -- so are the other gentlemen here. I'd like the
25 record to reflect that Mr. Hackebeil's here and

1 Mr. Smith is here as well as our --

2 (Simultaneous talking.)

3 MR. SMITH: Yes, Your Honor. We're
4 both here.

5 THE COURT: Okay. I'm sorry.

6 (Simultaneous talking.)

7 MR. HACKEBEIL: You probably thought I
8 looked like a defense -- a defendant sitting here, but
9 that --

10 (Simultaneous talking.)

11 THE COURT: No. You're -- no, no, no.
12 I'm sorry, but you're too old for most defendants in
13 most criminal cases, just like this old rascal is here.
14 We're -- we're too tired for this, and certainly we're
15 not dealing with the folks that -- most of the folks
16 there certainly are trying to find a better life on --
17 on this side of the border that are involved in these
18 cases.

19 MR. HACKEBEIL: Would you --

20 THE COURT: All right.

21 MR. HACKEBEIL: -- indulge me just a
22 minute to let me comment on why I'm uncomfortable with
23 this also? Would it be important -- I mean --

24 THE COURT: Yes.

25 MR. HACKEBEIL: Let -- let me -- let me

1 just say this. First of all, the reason I am in the
2 appearance I'm in is that I'm --

3 THE COURT: Don't worry about that.
4 Just move on.

5 MR. HACKEBEIL: Okay. The reality of
6 this, and I'm -- you already mentioned that you are new
7 to the Kinney County goings on, and maybe -- although I
8 didn't hear you say it, maybe you're new to the OLS
9 operation, but what's most troubling to me about this,
10 and it is not necessarily specific to these cases, is
11 that this practice of removing attorneys from cases
12 throughout the -- the last year that I've been employed
13 here is unbelievable.

14 The -- it frequently happens, and then, as
15 you might guess, what happens when the new attorney
16 appears in court, they ask for further delay of these
17 cases because we just got reassigned to this case.

18 So I'm -- I'm -- I'm curious and would like
19 to know if Ms. Jindal can respond to this at all, how
20 does the order trump the Code of Criminal Procedure and
21 the -- the -- the processes for actually withdrawing
22 and maybe even making an appearance by an additional
23 attorney?

24 It has never been discussed. Believe it or
25 not, you're the first Judge that has actually

1 questioned how that can happen, and I'm happy to say
2 that we have a court reporter taking this down because
3 this has been troubling to me for the last year.

4 THE COURT: Okay. What we're going to
5 do right now, Ms. Jindal, you're going to get on the
6 phone, and I'm going to get on the phone, and we're
7 going to mute, and you're going to go get -- attempt to
8 contact this lawyer. I want him on this conversation
9 because I'm not comfortable with this whole situation,
10 and I respect Ms. Jindal's role in this thing and the
11 defense's role in this thing because it's absolutely
12 necessary and critical for the fair representation of
13 these guys.

14 But the bottom line is, this lawyer is not
15 around, and I don't know where the heck he is, and he's
16 the attorney of record, ma'am, and he's the attorney of
17 record under the Code of Criminal Procedure, and I
18 haven't heard a darn thing yet that tells me that your
19 operating (audio distortion) trump what I've got to do,
20 and that's not saying that I wouldn't grant a
21 continuance in this case or a motion to withdraw,
22 because here we are and these guys apparently have been
23 in jail since around November or October, and
24 normally -- I'm just guessing -- well, I'm not opining
25 an opinion, but I'm guessing most of these cases are

1 handled out by a time-served matter on -- especially
2 someone who has not made bond. That's just my
3 impression on these things.

4 MS. JINDAL: Yes, Judge. I'm happy --
5 I'm happy to try to reach him again. I -- I do want to
6 just make sure everyone understands. I think it's very
7 important for -- for Your Honor to hear from
8 Mr. Wolbert. I do want to make sure everyone
9 understands that in light of the information provided
10 by the County Attorney's office in court on Friday, I
11 did conduct my own independent due diligence of this.

12 THE COURT: You can have all the
13 independent investigations you want, ma'am. The bottom
14 line is there's nothing that I see that you have done
15 or not done that in any way approaches or addresses the
16 standard rules for representation.

17 He is a private lawyer -- as I understand
18 it, he's not hired -- he's not -- he is -- he's
19 contracted with you, but this is contract law in some
20 ways, and I'm just -- and -- and -- and believe me.
21 I'm not interested in dragging anybody to trial on
22 Monday on this, but I'm absolutely befuddled by the
23 process that's going on in Kinney County right now, and
24 -- and what's being done here and failure of this
25 lawyer to even show up at this hearing.

1 So what I'm going to do is I'm going to
2 mute, and there's going to be some attempts made to
3 contact this gentleman and get him on here, and --
4 because I'm not going to let everybody go until we get
5 this matter resume -- resolved someday or another.

6 Mr. Shapleigh, I represented Mr. -- I
7 represent Mr. Shapleigh's name looks familiar now that
8 you say you're from El Paso 'cause that's an old
9 El Paso family name as I recall. So are you from
10 there, sir?

11 MR. SHAPLEIGH: I'm sorry, sir? Yeah.
12 I'm from El Paso. We've been here for a long time.

13 THE COURT: Where do you -- yeah, I
14 know. Where did you go to high school?

15 MR. SHAPLEIGH: Coronado. Well --

16 THE COURT: Well --

17 MR. SHAPLEIGH: Well, I take that back.
18 I went there 7th, 8th, and 9th grade, but I was living
19 kind of right next to El Paso High, but they just built
20 Coronado, and then we moved to Mexico City and then to
21 Mexicali, and then eventually I made it home, so....

22 THE COURT: Okay. Well, we had nothing
23 good to say about Coronado because I went to Eastwood.
24 So there you go.

25 MR. SHAPLEIGH: Okay. Troopers versus

1 thunderbirds. Troopers versus thunderbirds.

2 THE COURT: Yeah.

3 MR. SHAPLEIGH: But you know --

4 THE COURT: All right.

5 MR. SHAPLEIGH: -- I've got family
6 members that go there now, Judge.

7 MR. HACKEBEIL: Judge, I am personally
8 familiar with the name of the lawyer in whose office
9 Mr. Wolbert works in Uvalde County, Texas. Would you
10 like me to reach out to that lawyer to --

11 THE COURT: Yes. I want some people
12 reaching out and give me -- first of all, I want --
13 I'll -- I'll ask -- we'll go off the record right now,
14 and I'm going to ask the court personnel to give me
15 Mr. Wolbert's phone number.

16 (Recess at 12:25 p.m. to 12:45 p.m.)

17 MR. SHAPLEIGH: Judge, may I just -- I
18 was alerted to the fact that you may be on "speaker
19 view," and in "speaker view" you won't be able to see
20 everybody that's here and so you might want to go to
21 the "gallery view."

22 THE COURT: Well, okay. I -- oh,
23 there's the County Judge. Okay.

24 Howdy, Judge.

25 Okay. I have -- I just picked -- I

1 attempted to make a phone call to the number that was
2 provided by Judge Powell to the clerk's office. I also
3 talked to Judge Powell about this. I think I have the
4 authority under the circumstances to *sua sponte* cancel
5 the jury trials for Monday. That's all I'm going to
6 do. I'm not going to address anything else, and these
7 matters will be rescheduled.

8 I think I have the right to do that, and I
9 understand that Ms. -- Judge Powell had trouble getting
10 a hold of this gentleman in December based upon what
11 was provided to me, and I've just tried calling the
12 number, and it went to voicemail.

13 So as of now, these matters are -- or jury
14 trial -- the only thing that's going to happen today is
15 this Court has the authority and is going to cancel the
16 jury trial because the only two defendants on there are
17 the two gentlemen that were represented by this -- this
18 lawyer who's not here today, and I -- I've talked with
19 Judge Powell and I think both of us understand, and I
20 asked for a little wisdom on this on -- and I think I
21 have the authority to do that. There's some confusion
22 here, and so that's it.

23 Now, I'm not going to address Mr. -- is it
24 Hackebeil? Did I pronounce that right?

25 MR. HACKEBEIL: Yes, you did.

1 THE COURT: Okay. With a name like
2 Bromerth, I spent half my time when I was assistant DA
3 in Houston either riding on an elevator and the other
4 half trying to pronounce my name for people.

5 I'm -- I'm an ex prosecutor. I'm an ex
6 defense lawyer. I am board certified in criminal law
7 and stuff, so I understand both sides, but I'll -- I'll
8 just tell you that procedurally -- and we're off,
9 'cause I already cancelled the hearing.

10 Procedurally, Ms. Jindal knows and
11 Mr. Hackebeil knows, and, you know, harrumphing aside,
12 is while you can appoint -- you know, go ahead and have
13 somebody on the attorney -- from your group and he --
14 somebody disappears, leaves, such as Texas Rural Legal
15 Aid where they have a bevy of lawyers that handle all
16 kinds of cases. I'm just using them because I'm
17 familiar with them -- is that, you know, while a new
18 lawyer may get on there, they may or may not get a
19 continuance because they're a rookie, you know, brand
20 new on the case, and that -- you know, that -- that's
21 just -- that's just some opining that this Judge is
22 saying.

23 And -- but that -- that's -- that's nothing
24 before the Court today, so while I appreciate
25 Mr. Hackebeil's views for the prosecution point of

1 view, that's not before the Court today. That's just a
2 comment on this Judge's view on how civil and criminal
3 cases are handled when somebody with the same office
4 steps into the case or it -- or not as the case may be,
5 but that has nothing to do with it.

6 This -- all I'm saying today is we need to
7 get a hold, madam clerk -- madam court -- madam clerk,
8 notify jurors that they don't have to show up Monday.
9 I'm sure many of them will be dif -- it will be
10 difficult.

11 I don't know if you have a call-in line or
12 not. Most counties -- some counties do, some counties
13 don't, but you'll have a bunch of people harrumph,
14 harrumph, harrumphing on Monday, but that's -- that's
15 just part of life.

16 All right. I only have -- I have a writ
17 docket on Tuesday of next week, and we'll get on down
18 the road.

19 In the meantime, Ms. Jindal, you need to get
20 with the -- the other attorney involved in this thing,
21 and -- do the fray, and we're going to set -- set these
22 matters. I'm going to ask the court to -- I'm ordering
23 that these matters be set on -- on a -- on a fairly
24 short docket given the fact they're in jail. They're
25 incarcerated, and these guys take precedence over

1 somebody on bond and their -- their rights need to be
2 looked at.

3 I appreciate Ms. Jindal's concern. I'm not
4 going to opine one way or the other on that, but
5 nonetheless, these matters can be resolved, and the
6 defendants who have not -- again, I haven't gotten
7 anything in writing from any of these gentlemen that
8 they want their lawyer -- that they're objecting to
9 their lawyer being released.

10 So you've got some -- some -- you've got
11 some mountains to climb, but they don't need to be
12 climbed today before Monday.

13 MS. JINDAL: Judge?

14 THE COURT: Yes.

15 MS. JINDAL: If -- Judge, if I may, so
16 two things. First, we don't need to get into the
17 details of this, but I did want to alert Your Honor as
18 well as others on the call that I did put in the chat
19 the Supreme Court Order that relates to the provisions.
20 So -- we don't need to get into it today. I just
21 wanted to mention that it's there for anyone who wants
22 to reference it, but --

23 THE COURT: I'm -- go ahead.

24 MS. JINDAL: -- the other thing, Your
25 Honor -- I did want to -- given the fact that

1 Mr. Wolbert didn't show up today, given the fact
2 that the individuals have communicated to me their
3 desire to have new counsel represented, the fact that
4 he didn't show, no one's gotten -- been able to get a
5 hold of him, and they've been in custody for three
6 months now, I think it is necessary for me to appoint
7 them a new attorney who can advocate for their interest
8 in trying --

9 THE COURT: Oh, I'm going to --

10 MS. JINDAL: -- to get these cases
11 resolved.

12 THE COURT: I'll -- I'll let you deal
13 with that --

14 MS. JINDAL: Okay.

15 THE COURT: -- at some other time,
16 'cause I -- I just glanced at the hearing -- I mean,
17 glanced at the Emergency Order based on the -- the
18 border emergency that was done by our Governor, and
19 whether or not -- and to what extent it trumps certain
20 matters in the Code of Criminal Procedure, I haven't
21 been able to absorb with my -- my brain doesn't read as
22 fast as my eyes do.

23 So that's not before us today. This is just
24 my -- I'm cancelling jury trial for Monday. We're not
25 going to go into anything else today. Okay?

1 And, Mr. Hackebeil, I'm going to give you
2 one more shot.

3 MR. HACKEBEIL: Okay. Well, I'm -- I'm
4 not going to go into an argument on that issue, Judge,
5 but I -- I was wondering if the Court would entertain
6 actually setting this issue for a hearing so that we
7 can resolve it, because while Ms. Jindal believes the
8 Emergency Order says one thing, it is my opinion, and I
9 think my colleagues on the prosecution side share that,
10 that we don't think that it says what she thinks it
11 says, and so it would be I think extremely helpful to
12 the operation altogether.

13 THE COURT: Okay. Hold on. You want
14 me to consider that or any of these judges to consider
15 that, file a motion, serve it on the appropriate -- and
16 either the Court will look at it by -- by -- and hear
17 it or not at the appropriate time, but that's not
18 before us now.

19 MR. HACKEBEIL: Yes, sir.

20 THE COURT: Judge, it's good seeing our
21 County Judge appear. I didn't get an order for --

22 JUDGE SCHUSTER: Yes, sir. Thank you.

23 THE COURT: I didn't get an order in
24 order to hear your matters should they have -- before
25 me. I called the -- the Presiding Judge and got

1 authorization because apparently I was not authorized
2 to do that without, but I did reach out to our -- the
3 Presiding Judge and got that. He was very prompt at
4 getting back and giving me an order to hear your
5 cases --

6 JUDGE SCHUSTER: Yes, sir.

7 THE COURT: -- had they gone next week.
8 So that's good to know. You've got a great presiding
9 judge in that region that is trying to help everybody
10 out, and I'm not sure I can think of a better -- a
11 better man or a woman as a presiding judge, and I'm not
12 even in the region. So I'm not getting any brownie
13 points for that. I just have a lot of respect for this
14 gentleman.

15 Okay. Nothing else but --

16 MR. SHAPLEIGH: Judge?

17 THE COURT: Mr. Shapleigh? What?

18 MR. SHAPLEIGH: There's two things,
19 Judge. I'd like to mark Ms. Jindal's email last night
20 that came in at 5:39 Mountain Time. I'd like to mark
21 it as State's Exhibit A and put that in the record and
22 send it to Ms. Greenwalt for the court -- for this
23 record in case there's speedy trial issues coming up.

24 The second thing is, the -- the Emergency
25 Order that she posted in the chat, No. 21-9157, is the

1 old one. The current order in effect is 22-9118, and
2 the old one is even on the TIDC website as well. So
3 the TIDC website is out of date as well. That's all I
4 want to say, Judge.

5 THE COURT: Okay. Let me ask you
6 something, Mr. Shapleigh. Is it basically the rehash
7 of -- of -- are they basically the same thing,
8 Ms. Jindal and Mr. Shapleigh?

9 MR. SHAPLEIGH: I think so.

10 MS. JINDAL: Yes.

11 THE COURT: Okay, and listen. I'll --
12 please make a note of that, Madam Court Reporter, that
13 Ms. Jindal has provided, and I have not had a chance to
14 really read it. Yeah. She's provided 22-9118, the
15 Renewed Emergency Order Regarding Indigent Defense and
16 Border Security.

17 Okay. Well, look. I've -- I've spent a lot
18 of time with some good lawyers and some incredibly kind
19 court personnel, and a patient -- and a patient County
20 Judge who's wondering where the buzz saw came from that
21 -- in these matters, and I appreciate all of your
22 attention.

23 I'll see a bunch of -- several of you next
24 week on some writ matters, but this is just the Court
25 *sua sponte* -- I'm cancelling the jury. We'll deal with

1 representation. We'll deal with all of these other
2 conundrums later on.

3 I just heard enough today. I've talked with
4 Judge Powell, and I'm concerned enough with what's
5 going on and perhaps not. I don't know, that the --
6 the jury trial for Monday is off.

7 And believe me. I enjoyed presiding over
8 jury trials so -- and I'd love to go to Brackettville.
9 Fort Clark Springs has got so much history that -- I
10 know somebody -- I -- I'll -- I'll shut up, but I know
11 somebody who actually traveled in the '20s by horseback
12 from Fort Clark to -- to Fort Bliss. He's long dead
13 now, that's the kind of geezer history I love. So
14 there you go.

15 All right. Good bye. We'll see you all --
16 I'll see you on Mon -- Tuesday, Ms. Muñoz, Madi, we'll
17 see you guys on Tuesday for some writ hearings. Please
18 check with -- I know there was some new filings with
19 the Fourth Court of Appeals on writs. They were filed.
20 I don't see any orders staying, but that could happen
21 on Monday. So we just need to double-check to make
22 sure, and as always it's a privilege talking with you
23 folks and --

24 MR. HACKEBEIL: Thank you.

25 THE COURT: -- and I -- and I look

1 forward to shaking some hands. Ms. Jindal,
2 Mr. Shapleigh, Mr. Smith, Mr. Hackebeil, Judge, and
3 especially court personnel who -- I told them, Judge.
4 They need to get -- be -- whatever you're paying them,
5 it's not enough, but you take that before the
6 Commissioners Court and I won't show up, and -- and
7 I'll run for the hills. Bye-bye.

8 (Hearing concluded at 12:56 p.m.)
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REPORTER'S CERTIFICATE

THE STATE OF TEXAS)

COUNTY OF KENDALL)

I, Lisa C. Greenwalt, Certified Shorthand Reporter in and for the State of Texas, do hereby certify that the above and foregoing contains a true and correct transcription of all portions of evidence and other proceedings requested in writing by counsel for the parties to be included in this volume of the Reporter's Record, in the above-styled and numbered cause, all of which occurred in chambers via videoconference not simulcast on YouTube and were reported by me.

I further certify that this Reporter's Record of the proceedings truly and correctly reflects the exhibits, if any, admitted by the respective parties.

I further certify that the total cost for the preparation of this Reporter's Record is \$ _____ and was paid / will be paid by _____.

WITNESS MY OFFICIAL HAND this the 29th day of January, 2023.

/s/ Lisa C. Greenwalt
Lisa C. Greenwalt, CSR 6067
Expiration Date: 04/30/24
Greenwalt Court Reporting
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From: Amrutha Jindal <ajindal@lpdo.org>

To: Kinney County Courts <kc.courts@co.kinney.tx.us>, Madison Rojas <m.rojas@co.kinney.tx.us>, Brent Smith <bsmith@co.kinney.tx.us>, Assistant County Attorney <thackebeil@co.kinney.tx.us>, Ballard C. Shapleigh <bpusr@452da.net>

Cc: Justin Wolbert <justin@swtexaslaw.com>

Sent: 1/20/2023 6:38 PM

Attachments: image001.png (image/png, 82 KB), image002.png (image/png, 429 B), image003.png (image/png, 699 B), image004.png (image/png, 954 B)

Subject: RE: 1/23/23 In Person Jury Trial FINAL Docket

Good evening everyone –

Sorry to email you late on a Friday but I wanted to advise the Court that, based on information learned today, I believe it is necessary to remove Mr. Wolbert from the two cases that are set for trial on Monday. The same authority that gives LPDO the ability to appoint counsel in OLS cases also provides that we can remove counsel. I believe that there is good cause to terminate Mr. Wolbert's representation in these two cases due to concerns related to conflicts of interest and/or ineffective assistance of counsel. I have alerted Mr. Wolbert as to my position.

Mr. Hackebeil and I spoke at length this afternoon and I believe he has relayed the situation to others within the County Attorney's Office. But I did want to make sure that the Court was also aware. I am sorry that this change in circumstances is being conveyed to you so close to trial – as stated above, this was only brought to my attention today and I've acted as quickly as possible to look into and address the issue.

I will be present in Court on Monday to address this with Judge Blomerth. I unfortunately do not have his email address – Ms. Munoz and Ms. Rojas – if you could forward this email to him that would be greatly appreciated. I hope that all of you have a good weekend. See you on Monday.

Best,
Amrutha



Amrutha N. Jindal (she/her)
Chief Defender, Operation Lone Star

☎ 806-363-5120 | ✉ ajindal@lpdo.org

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From: Kinney County Courts <kc.courts@co.kinney.tx.us>

Sent: Friday, January 20, 2023 11:14 AM

To: Neighborhood Defender Services <olsappointments@ndstexas.org>; Addy Miro <addy@mirolawfirm.com>; Amrutha Jindal <ajindal@lpdo.org>; Andrea Casares <olscasareslaw@gmail.com>; Angelica Cogliano <angelica@coglianolaw.com>; Armando Roman <aroman@ajr-law.com>; Aurora Zamora <aurora_zamora@aol.com>; Brandon Bibby <bbibby@bibbylawoffice.com>; Brian Ehrenberg

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Subject: 1/23/23 In Person Jury Trial FINAL Docket

Importance: High

Good Morning,

Attached to this email is the final draft of the docket for 1/23/23 In Person Jury Trial. The jury trial will be held at the Kinney County Courthouse at 9AM.

Thank You,

Kimberly Munoz
Court Coordinator

Email: kc.courts@co.kinney.tx.us