

506TH JUDICIAL DISTRICT COURT
REPORT ON THE COURT FOR WALLER COUNTY
2010

Mission Statement:

The Mission Statement for the 506th Judicial District Court is: "To serve all the citizens of Waller and Grimes Counties, providing fair access to the courts, effective administration, and efficient stewardship of resources, both public and private; to encourage and develop the members of the legal community in their professional and personal relations; to have an inquisitive mind; be consistent; and display moral courage."

Overview:

The 506th Judicial District Court is one of the highest level trial courts in the state. It is a general jurisdiction court, handling serious criminal cases, significant civil cases, property tax cases, and other crucial matters. In Grimes County, the court handles family law matters as well. Waller County has two district courts, the 506th and the 155th, which until January 1st of this year was under Judge Dan Beck. Judge Beck retired after 20 years of faithful service and Judge Jeff Steinhauser now sits on that bench. This report only deals with cases in the 506th Judicial District.

2010 was a good year for the 506th District Court. Out of a possible 240 work days in the year, 101 days were scheduled for actual bench time. The rest were taken up in research, administrative duties, reading cases, and educational requirements. My administrative duties include assignment as Local Administrative Judge in Grimes County, and since January 1st in Waller County, sitting on the Grimes County Bail Bond Board, serving on both the Waller and Grimes County Juvenile Boards, working with the Texas Task Force on Indigent Defense, coordinating activities of the Community Supervision and Corrections Departments (Adult Probation) in both counties, dealing with issues related to the County Auditor including statutory oversight, and other administrative duties related to the office.

In Waller County alone, 150 new felony criminal cases were filed, while 257 criminal cases were disposed of over that same time. 52 new civil cases were filed, and 104 civil cases were disposed of. Therefore, the 506th District Court resolved in one way or another 42 percent more criminal cases than were filed, and twice as many civil cases as were filed over the course of the year.

It is only when a court has great support is it possible to achieve disposition rates like we have over the past year. The Waller County District Attorney's Office under the leadership of Mr. Elton Mathis is professional, efficient and it effectively manages the case load for the two district courts, the Waller County Court at Law, a significant number of Justice Court cases, and the Juvenile Offender dockets. Our Contract Criminal Defense team is professional, experienced and dedicated to the work of providing indigent defendants a fair trial as required by law and our principles of freedom. Police agencies within the county have become more professional and capable over the last few years, thus

bringing better prepared cases in for prosecution. In all, I have found the public servants in this county to be dedicated, professional and capable in performing their duties.

The 506th District Court has its own website designed to assist in making my court as accessible and available to the citizens as possible. Information for calendars, case settings, local rules, procedures and links to relevant sites outside the district are included on the website. You can find contact information and other resources at www.court506.com. My court is supported by Ms Susie Schubert as Court Coordinator and Ms Kelly Kelly as Official Court Reporter.

Finally, what we do cannot be accomplished without a great District Clerk. Ms Patricia Spadachene operates a modern, efficient office that manages a huge array of files, papers, recordings, and online services. District court files in both the civil and criminal areas are always accurately maintained and complete. The Waller County District Clerk has stayed ahead of the technology and innovation curve in providing services to the people and courts of the county.

Criminal Cases:

Of the 257 cases disposed of in 2010, the numbers and types of cases provide a dramatic statement on the state of our society.

- ▶ 32% (83) of the cases were direct drug possession, manufacturing or delivery
- ▶ 10% (25) of the cases were felony level alcohol related cases

Thus, 42% of all cases disposed of in 2010 were directly related to drugs and alcohol.

- ▶ 14% (35) of the cases were assault, family violence or other form of physical violence. Drugs and alcohol use was included in the facts of most of those cases
- ▶ 5% (12) of the cases were sex crimes and 9 of those cases involved children
- ▶ There were 4 murder cases disposed of in 2010

Most of the rest of the criminal cases were theft, burglary, unauthorized use of a vehicle or some other property crime, and many, if not most, of those crimes were directly related to drug and alcohol use, or to support a drug habit.

Our goal is to dispose of 80% of the new criminal cases filed within four months of the grand jury indictment. That may seem like a long time but compared to most courts and most jurisdictions, that is moving at light speed. We have not quite met our goals in moving cases through the system that quickly, but we are well on the way there.

Timely disposition of cases is important for more than just the economics involved, although that is a large factor. It costs approximately \$45 a day to house a prisoner in the County Jail. Every month

that a prisoner lingers awaiting disposition of his or her case costs Waller County about \$1,350; that is, unless they have to go to the doctor or hospital, and those costs then sky rocket. Further, it is not fair to the victims of crime to wait months and even years to see that justice is done. And, finally, for the defendants accused of a crime, justice delayed is justice denied. If they did the crime then we need to get them sentenced and either into prison or onto probation. If they are not guilty, then we need to get them out of jail and back out into society.

We achieve all of those goals by pressing hard to move our criminal cases. We use a scheduling order with specific dates and objectives in order to achieve good results.

Civil Cases:

There were 104 civil cases disposed of in 2010 by the 506th District Court. These included resolving title to real property, oil and gas disputes, serious personal injury cases, contract disputes and many other serious civil matters. By their nature, civil cases at the district court level tend to be more complicated and time consuming than most criminal cases. My job as the judge of a court handling such cases is to get these matters resolved either through trial or settlement as quickly as possible. My goal is to have a case completed and closed in 18 months after filing. We do better on some cases than others, but here is our record for 2010:

- ▶ 28% (29) of the cases disposed of had a final judgment entered
- ▶ 38% (39) of the cases disposed of reached a settlement prior to trial
- ▶ 34% (36) of the cases were dismissed by the Court for want of prosecution

Our system of justice is predicated on each person being entitled to his or her day in court in matters of dispute. In the best of circumstances, civil lawsuits are, as I stated, time consuming and that time makes them expensive to the parties. Every trip the lawyers make to the courthouse without a resolution of the case can cost literally thousands of dollars. Every wasted step, every time a case is reset without a trial date and other delays all cost money. Besides the money, the emotional burden on the parties of having a serious matter pending for years on end is unnecessary and causes many people to not seek a remedy for the wrongs committed against them.

The 506th District Court actively manages its civil case load through Docket Control Orders and status hearings to insure that the case is moving forward and getting set for trial. At the same time, virtually all civil cases are referred to mediation so that the expense and hardship of a trial can be reduced. As shown by the statistics, 38% of the cases disposed of in 2010 were disposed of through some form of an agreed settlement or mediation.

Challenges:

Facilities and Scheduling. In 2009, renovation of the District Courtroom was completed. The new facilities have enhanced our ability to present cases in a modern, efficient manner with acoustical applications and contemporary technology. The District Courtroom has an open WiFi bubble that

will handle most applications. In addition, the audio-visual suite is designed to operate with laptop and RGB-cable ready equipment. An ELMO document presenter is installed in the Courtroom and operates within the overall tech suite. The Courtroom is equipped with two, 10' X 12' drop-down video screens with Eiki 6500 lumen projectors. Lapel microphones are provided for counsel and witnesses. Attorneys may use software applications (such as PowerPoint and jpeg photographs) with the system from their own laptop. For those familiar with the audio-visual suites in the Harris County Civil Courthouse, Waller County has comparable applications, only better.

However, two district courts and the Waller County Court at Law compete for this facility. Frequently, the courts are required to use the County Commissioners Courtroom or the Courthouse Assembly Room for conducting court business. Our county is growing and the strain on facilities will soon overwhelm us. With tight budgets in the foreseeable future, the judges have committed to work together to resolve as much of the strain and conflict on the use of the facilities as can be arranged. These limited facilities can impact how quickly a given case can be heard.

Mental Health. In the news lately has been the need for budget cuts at the state level. These are understandable, and frankly are needed in order to keep our great state out of the debt that plagues so many of our sister states and the federal government. However, by necessity, there will be a reduction in the number of criminal, mental health beds available in the future. This report does not address civil mental commitments handled by the Waller County Court at Law, but only those mental issues related to the district court.

The ravages of a drug-using society permeated with sexual permissiveness and babies with fetal alcohol syndrome over the past thirty years has produced a general population packed with individuals with some form of mental disorder. Coupled with a high school dropout rate of over 25% of all students, the case load of those afflicted with mental disabilities in some form is enormous. Our system of justice is predicated on the premise that a person must be competent to stand trial for the crime for which he or she is accused, and they must be able to communicate sufficiently with their defense attorney to assist in the preparation of a defense. A person suffering significant mental disabilities from disease, drugs or disabilities cannot do those things.

In-jail medical and prescription drug intervention may be required to get individuals back onto prescribed medications. The cost is borne by the county. If that kind of treatment is not sufficient, the individual may be sent to Austin State Hospital or similar facilities for treatment and further diagnosis. The waiting list for transport to such a facility is currently over four months, again at the cost to the county.

These are the realities that we face. There is little that can be done to change the situation in light of the significant financial requirements that would be needed to double or triple the mental health beds at the state level. We must simply do our best to serve our citizens and to work with those suffering mental disabilities that cause them to be in the criminal justice system.

Drug & Alcohol Abuse and Addiction. With 42% of the total criminal case load being directly

related to drug and alcohol abuse and addiction, the court spends an enormous amount of time working with both pretrial and post-trial defendants in an effort to break the cycle of abuse and addiction. In virtually every case involving drugs or alcohol, I will establish a conditional bond that requires the individual to begin early intervention, treatment and reporting in an effort to break the drug cycle. The state has an extensive drug and alcohol treatment program called SAFFP-F (Substance Abuse Felony Punishment Facilities). These are either six or nine month long, inpatient, lock-down programs with intense counseling, training, medical treatment and intervention designed to reorient drug and alcohol offenders. They are marginally successful, but are better than just a lock up prison in breaking the cycle of abuse.

In my opinion, the most insidious drug on the underground market these days is Methamphetamine. Meth, also called crystal Meth is highly addictive, socially devastating, and physically destructive. The mental effects of Meth use are similar to advanced Alzheimer Disease or Dementia. It will literally kill brain cells beginning with the first use, and those cells do not regenerate.

The challenge in all drug cases is to find the right blend of coercive counseling, punishment and supervision to force individuals to seek a change in their lives. We are having some success but the situation is critical with not enough resources, counseling or treatment available. Waller County is fortunate to have a new resource, privately funded, that recently opened in Hempstead, Texas, through Shield Bearer. Ms Kim Parmer is heading the Waller County office and can be reached through the Shield Bearer website at www.fightingforhearts.org.

Illegal Aliens. Illegal aliens, undocumented workers, and other terms are used to describe those who have entered the United States without proper authority and documentation. This is a hot topic in Texas and I will not elaborate on the morality of the subject other than to say that “illegal” indicates a violation of some law, federal or state. Regardless of how that status is described, when any defendant is accused of committing a crime and is arrested, they are placed in the Waller County Jail. Notice is given to the Immigration & Custom Enforcement (I.C.E.) Division of the Department of Homeland Security to determine if the person is in this country legally or not. If they are here illegally, a hold is placed on them. Those criminal defendants with an I.C.E. hold are not eligible for a bond. Therefore, Waller County is footing the bill for housing a large number of prisoners who are subject to a hold or detainer by I.C.E.

As an example, for the fourth week of January, 2011, out of 91 jail prisoners in Waller County, 12 were under an immigration hold from I.C.E. While in jail custody, each prisoner costs Waller County about \$45 per day each. Those numbers have been fairly consistent throughout 2010. For instance, if Waller County is holding a daily average of just 10 illegal aliens for one year, the total annual cost would amount to about \$164,000.

Sheriff Glenn Smith does an excellent job working with I.C.E. to handle these prisoners as quickly as possible. Sheriff's Department employees constantly monitor this situation and are prompt in their reports and in getting inmates moved into I.C.E. custody once their charges have been resolved in Waller County. However, the financial drain is tremendous.

Added to the inmate housing cost is the cost of translators, defense attorneys, medical treatment when needed and a host of other administrative costs. Illegal alien defendants are costing Waller County literally hundreds of thousands of dollars each year.

We are required by current law to respect the rights of these individuals and provide language and medical services while in custody. Under current law, I do not anticipate a change to the situation.

Summary:

It is an honor to serve the citizens of this great and historic county. Along with good schools, good churches and responsible businesses, good courts go a long way to provide our citizens with a healthy and wholesome community in which to live. Contact me or my staff through email, phone or mail with your questions or comments. Thank you for this opportunity to serve.

ALBERT M. McCAIG, JR.
Judge, 506th Judicial District Court