

**IN THE 506TH JUDICIAL DISTRICT COURT
WALLER COUNTY, TEXAS**


**FIRST AMENDED JAIL INMATE BOND REVIEW PROCEDURES IN
COMPLIANCE WITH COVID-19 EMERGENCY**

This Order amends the Order issued March 20, 2020, regarding Jail Inmate Bond Review. In accordance with Orders of the Supreme Court of Texas and The Court of Criminal Appeals of Texas (the “SCT/CCA Order”) issued on March 13, the 506th District Court hereby enters the following first amended emergency orders pertaining to review of Waller County Jail inmates regarding bail bonds, and modifying or reducing of same to reduce the inmate population of the Waller County Jail. This order applies to all felony, whether indicted or not indicted, and is intended to provide flexibility to modify proceedings as necessary to address the disaster.

1. This Order is in conformity with the recommendation of the Texas Commission on Jail Standards to reduce the jail population where possible to reduce the risk of COVID-19 in the jail.
2. In order to apply for a change in bond status of a jail inmate, all defense attorneys, whether retained or appointed, with clients who are inmates in the Waller County Jail, shall initiate contact with the appropriate Assistant District Attorney to discuss current bond amounts on each respective inmate. Contact may be made via telephone, email, text, or other social media. Face-to-face contact is discouraged.
3. All state’s attorneys are directed to respond to such contact in a manner and in a time as expeditiously as possible to accomplish the requirements of this Order. If a state’s attorney knows of a represented inmate and no contact has been received by the defense attorney, the state’s attorney is encouraged to initiate contact.
4. Counsel for the state and the defense shall negotiate in good faith to determine if a bond amount and appropriate bond conditions can be agreed upon. If an agreement is reached, the parties will notify the Trial Court via email or telephone of the terms of the agreement and the Trial Court will prepare and issue the appropriate bond orders or modifications.
5. In the event no agreement can be reached the parties shall notify the Trial Court and a 3-way telephonic hearing, not on the record, will be had between the State, the Defense, and the Trial Court. In the event a resolution is reached, the Trial Court will prepare and issue the appropriate bond orders. In the event a resolution is not reached, see item #6., below.

6. In the event a satisfactory resolution is not reached, the Defense may file an application for a habeas proceeding or a motion for bond reduction or modification. Any applications or motions for bond reduction or modification shall be efiled with the Trial Court Clerk in the usual manner. The Court, at its discretion, may order a remote hearing of the matter via Zoom or other online, remote procedure.
7. The Office of the District Clerk, the County Clerk, and the Jail Division staff of the Waller County Jail are requested to assist with information as necessary to accomplish the requirements of this Order.
8. Nothing in this Order shall require either the State, the Defense, or the Trial Court, to agree to reduce or modify a bond if the situation does not warrant it. Nothing in this Order shall be construed to limit or circumvent the constitutional rights of any person.
9. This Order may be extended or modified by written Order of this Court without notice. Any such extension or modification shall be posted with the appropriate Clerk, and posted on the Court's website.
10. This Order is effective upon entry, and expires July 1, 2020, unless extended by the Court.

Signed and entered May 5, 2020, at 3:00 p.m.


ALBERT M. McCAIG, JR.
JUDGE, PRESIDING