



Harris County Criminal District Court Trial Division

ORDER TO DISREGARD DIRECTIVE BY HARRIS COUNTY JUDGE

On April 1, 2020, Harris County Judge Lina Hidalgo issued an Order , the purpose of which was to release certain prisoners presently housed in the Harris County Jail.

FINDINGS OF FACT

The Court makes the following Findings of Fact:

1. Most of the inmates in the Harris County Jail are defendants charged with felony offenses, whose cases are assigned to one of the 22 Felony District Courts, each of which independently lawfully sit and exercise exclusive jurisdiction in such matters in this County;
2. The Felony District Court having jurisdiction over an inmate in the Harris County Jail has properly and lawfully set bail for that defendant's cause of action; and
3. Any Order issued by the County Judge of Harris County Texas to any Harris County agency, pertaining to bonds and/or release of felony prisoners or probationers assigned to a proper Court of felony jurisdiction is ultra vires, VOID ON ITS FACE and of NO FORCE AND EFFECT. See *Guerra v. Garza*, 987 S.W.2d 593 (Tex. Crim. App. 1999); and
4. Only the State District Judges of the 22 Felony District Courts of Harris County, Texas have exclusive constitutional and statutory jurisdiction over all felony cases assigned to their respective courts, including, but not limited to, the setting, raising and/or denial of bonds in any and all of said Courts, or the incarceration or release of probationers under supervision from said felony courts.

ORDER

THEREFORE, IT IS ORDERED and **DECREED** that the Sheriff of Harris County, Texas, as well as Harris County Pre-Trial Services Agency and the Harris County Community Supervisions and Corrections Department, **SHALL IGNORE** and **WHOLLY DISREGARD** any order and/or directive from the Harris County Judge regarding the issuance of felony Pre-Trial Bonds or Personal Recognizance Bonds or any other order of release, as the same purports to affect felony inmates or probationers now in custody of the Harris County Sheriff or the Harris County Community Corrections

and Supervision Department, and under the lawful jurisdiction of one of the 22 Harris County State District Courts.

IT IS FURTHER ORDERED that Pre-Trial Services Agency shall not prepare nor submit to the Sheriff of Harris County, Texas any bonds or other orders of release at the direction of the County Judge of Harris County, Texas which affect, or purport to affect or release any Harris County inmate held for or charged with any felony offense;

IT IS FURTHER ORDERED that the Harris County Community Corrections and Supervision Department shall ignore any and all orders from the Harris County Judge which affect or purport to affect any felony probationer incarcerated in the Harris County Jail or any other facility in which he or she may be housed pursuant to an Order of a Felony District Court; and

IT IS FURTHER ORDERED that the Harris County Sheriff shall ONLY release a felony inmate in accordance with and pursuant to a valid Bond or other Order of Release signed by a State District Judge of Harris County, Texas, or by a proper court Order from a Court of Appeals or the Texas Court of Criminal Appeals or by a federal court with lawful jurisdiction of a particular Harris County inmate or inmates.

THIS ORDER IS EFFECTIVE IMMEDIATELY. EACH VIOLATION OF THIS ORDER MAY RESULT IN CRIMINAL CONTEMPT OF COURT PENALTIES, WHICH MAY INCLUDE UP TO SIX MONTHS' CONFINEMENT IN JAIL AS WELL AS A POSSIBLE FINE NOT TO EXCEED \$500.00.

SIGNED this 3rd day of April, 2020 at 1:33 P. .m.



Herb Ritchie
Administrative Judge
Harris County District Courts Trying Criminal Cases