

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

Oscar Sanchez, Marcus White, Tesmond McDonald, Marcelo Perez, Roger Morrison, Keith Baker, Paul Wright, Terry McNickels, and Jose Munoz; *on their own and on behalf of a class of similarly situated persons;*

Petitioners/Plaintiffs,

v.

DALLAS COUNTY SHERIFF MARIAN BROWN, *in her official capacity*; DALLAS COUNTY, TEXAS;

Respondents/Defendants

Civil Action No. 20-cv-832

AMENDED DECLARATION OF ALISON GRINTER

I, ALISON GRINTER, DECLARE:

1. I am an attorney practicing almost exclusively criminal defense in the Dallas and Collin County Courts. I am Board Certified in Criminal Law. I serve as counsel for the plaintiffs and the putative class herein.

2. I make this declaration of my personal knowledge.

3. Prior to the COVID-19 outbreak, an individual pretrial habeas petition seeking consideration of bond by a District Judge in Dallas County would, under normal circumstances, heard and decided within a day or two.

4. Even after the COVID-19 outbreak, these bond hearings are given priority by Courts and are held as expeditiously as possible given restraints on staffing, and with consent of the parties, many are done informally or via email or telephone.

5. An interlocutory appeal of a decision unfavorable to the defendant would likely take months even before the courts were slowed due to the pandemic, but a decision from a

Dallas County District Judge would not be the source of that delay, rather the normal delays built into the appellate process.

6. Pre-trial writs alleging that a person is being restrained of their liberties in any way other than lack of reasonable bond set by a District Judge (for instance unconstitutional jail conditions) would take a distinct and presumably longer timeline, as they are not at all common in the State criminal district courts and presumably would require time for a prosecutor to brief.

7. Post-conviction writs would follow a different timeline with deliberative processes of many months before the COVID-19 outbreak.

8. Texas Courts, including those in Dallas, are issuing emergency closures and slowing their operations in response to the COVID-19 pandemic.

9. I am not aware of any avenue in the state courts through which a class of both pre- and post-adjudication detainees could seek relief regarding the constitutionality of their confinement in the Dallas County Jail.

10. Attached hereto as Exhibit A is a true and correct copy of an email from K. Dickerson, Criminal District Courts Manager, March 24, 2020, re: Dallas County Criminal District Courts.

11. Attached hereto as Exhibit B is a true and correct copy of an email from K. Dickerson, Criminal District Courts Manager, March 19, 2020, re: Criminal District Court 1 COVID-19 Protocol

12. Attached hereto as Exhibit C is an email from K. Dickerson, Criminal District Courts Manager, March 17, 2020, re: CDC 2 COVID-19 Protocol.

13. Attached hereto as Exhibit D is an email from K. Dickerson, Criminal District Courts Manager, March 16, 2020, re: CDC 5 COVID-19 Protocol.

14. As a criminal defense attorney practicing in Dallas County I received similar emails regarding COVID-19 protocols in many of the other Criminal District Courts.

15. Many of the Criminal District Courts have not adopted any specific written policies, but all have slowed or suspended functions. Policies and available services are often fluid and change daily depending on Court and staff availability.

16. As court staff have become exposed or have contracted the COVID-19, several courts have closed all or parts of the court operations for quarantine purposes.

17. I made a declaration on April 9th 2020 in this cause which stated, in relevant part: “Prior to the COVID-19 outbreak, an individual petitioner seeking habeas relief in the Texas State Courts could expect his or her petition to remain pending for months, particularly if an appeal were taken.”

18. The drafting of this sentence was inartful in a way that might be misleading, and I want to clarify it in advance of any Court proceeding. It was a sentence given to me in proposed language, and I read it to be commenting on the duration of a habeas petition that was in fact appealed after a decision unfavorable to the defendant.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 15th day of April, 2020.



Alison Grinter

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Dallas County Criminal District Courts

Keta Dickerson <Keta.Dickerson@dallascounty.org>
To: CDCDefense <CDCDefense@dallascounty.org>

Tue, Mar 24, 2020 at 5:15 PM

To all Court Appointed Counsel:

The Criminal District Courts are currently open and conducting essential hearings, by any and all available means, at this time. As appointed counsel you have an ongoing responsibility to work your jail cases. The Courts are prioritizing bail hearings and jail pleas pursuant to the directives issued by the higher courts. Please be aware that the Courts are taking all reasonable steps to avoid exposing people to the threat of coronavirus.

In light of this pandemic, if you for health reasons, or any other reason, wish not to accept new appointments, which may require a visit to the jail or a court setting for a plea or bond matter, you may request to be temporarily removed from the wheel. If that is the case, please reply to this email and advise the Court Managers Office of your preference. If you are high risk and need to be removed from your current cases, please file a motion to withdraw with the appropriate court.

The Criminal District Courts are working to try to streamline an electronic system for hearing bond matters and jail pleas in an effort to limit contact and we will let you know as soon as that system can be implemented. If you have specific questions about hearings or court cases, please contact the coordinator where the case is pending.

We encourage everyone to take the recommended precautions and remain safe and healthy.

Keta Dickerson, MPA

Criminal District Courts Manager

Office of Court Management

FCCB, 2nd Floor

(214) 653-5723 office



Privacy and Confidentiality Notice

Note: This e-mail (including any attachments) is confidential and may be legally privileged. This e-mail is intended only for the use of the individual or entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not an intended recipient or an authorized representative of an intended recipient, you are prohibited from using, copying or distributing the information in this e-mail or its attachments. If you have received this e-mail in error, please notify the sender immediately by return e-mail and delete all copies of this message and any attachments. Thank you.



Alison Grinter <alisongrinter@gmail.com>

CDC 1 protocol

Keta Dickerson <Keta.Dickerson@dallascounty.org>
To: CDCDefense <CDCDefense@dallascounty.org>

Thu, Mar 19, 2020 at 2:52 PM

Please see CDC 1 protocol. Thank you

 **CDC 1 protocol.pdf**
42K

EFFECTIVE IMMEDIATELY!!!

ALL PASSES/RESETS IN CDC 1

MUST

BE DONE VIA EMAIL, ONLY!!!

bdoyle@dallascounty.org

**INCLUDE YOUR NAME, CLIENT'S NAME,
CASE NUMBER, RESET DATE**

**IF YOU HAVE A DISPOSITION THAT
REQUIRES A COURT REPORTER, INCLUDE
THE REQUEST WITH THE RESET**

NO REQUEST, NO REPORTER

**THIS POLICY WILL REMAIN IN PLACE
UNTIL FURTHER NOTICE**

BOND RESETS:

AFTER MAY 8, 2020

JAIL RESETS:

2 WEEKS

NO ADMONISHMENTS

**DEFENDANTS ONLY BROUGHT TO COURT
FOR DISPOSITION**

**REQUESTS FOR THE NEXT DAY MUST BE
RECEIVED BY 3:00 PM**

**THERE WILL BE NO PHYSICAL ACCESS TO
THE COORDINATOR'S OFFICE BY
ATTORNEYS UNTIL FURTHER NOTICE**

**PLEASE EMAIL COORDINATOR WHEN
FILING ANY TYPE OF MOTION**

bdoyle@dallascounty.org



Alison Grinter <alisongrinter@gmail.com>

CDC 2 protocol

Keta Dickerson <Keta.Dickerson@dallascounty.org>
To: CDCDefense <CDCDefense@dallascounty.org>

Tue, Mar 17, 2020 at 10:31 AM

Please find CDC 2 protocol.

Thank you

 **procedures.pdf**
264K



**CRIMINAL DISTRICT COURT #2
NANCY KENNEDY, JUDGE**

TEMPORARY PROCEDURES FOR CASES IN CRIMINAL DISTRICT COURT #2

In March, all jail cases may be reset to a date 4 weeks out. All bond cases may be reset to a date 8 weeks out.

In April, all cases may be reset to a date 4 weeks out.

Please email Lupe Mercado at lupe.mercado@dallascounty.org with the reset date and include the defendant's name and cause number(s) and please copy opposing counsel. The appearance of bond defendants is waived until further notice.

The court will continue to have dispositive hearings on all jail cases including bond hearings and defendants in jail will only be brought over for these dispositive settings.

The court is equipped with teleconferencing and videoconferencing equipment for any dispositive settings, jail pleas and bond hearings. Please contact the court for more information if needed.

Jury trials will resume on May 18, 2020. If you have a jury trial set before then, you will receive an email with a new date.

We will NOT be using pass slips during this time. All communication regarding new court dates should be electronic through the coordinator.



Alison Grinter <alisongrinter@gmail.com>

CDC 5 protocol

Keta Dickerson <Keta.Dickerson@dallascounty.org>
To: CDCDefense <CDCDefense@dallascounty.org>

Mon, Mar 16, 2020 at 1:02 PM

Please find CDC 5 protocol. Thank you

 **CDC 5 protocol.pdf**
37K

ATTENTION: ALL ATTORNEYS NEW POLICIES EFFECTIVE IMMEDIATELY

***CDC 5 ALL BOND CASES WILL BE RESET 30-45 DAYS OUT FROM THE CURRENT SETTING.**

***CDC5 WILL WAIVE ALL APPEARANCES FOR PERSONS ON BOND, UNTIL FURTHER NOTICE BY THE COURT.**

***JAIL CASES WILL BE RESET 4 WEEKS FROM CURRENT SETTING, UNLESS IT IS SCHEDULED FOR A DISPOSITION. IF THERE ARE ANY ISSUES THAT NEEDS TO BE ADDRESSED OR CONCERNS ON DATES, EMAIL THE COURT COORDINATOR.**

***WE WILL NOT BE USING PASS SLIPS DURING THIS TIME. RESETS WILL BE DONE VIA EMAIL, YOU CAN REACH THE COURT COORDINATOR AT DEIRDRE.GILL@DALLASCOUNTY.ORG.**

***TRIAL SETTING WILL BE SET VIA EMAIL. (PLEASE VISIT WITH THE PROSECUTER FOR TRIAL RESETS) EMAIL COORDINATOR WITH NEW TRIAL DATE.**

THANK YOU,

DEIRDRE GILL-COURT COORDINATOR

CRIMINAL DISTRICT COURT #5

214-653-5942