

Court upholds ruling that Houston bail system is unfair

MICHAEL GRACZYK
ASSOCIATED PRESS

HOUSTON - Dozens of inmates who couldn't afford bail were set to be released from a Houston jail Wednesday after a federal appeals court upheld a ruling that the county's bail system unfairly discriminates against the poor.

Harris County officials asked the U.S. Supreme Court on Tuesday for an emergency order blocking the original ruling, which the 5th U.S. Circuit Court of Appeals upheld earlier in the day. But Justice Clarence Thomas, without referring the case to the full court and without comment, rejected the county's request on Wednesday. The county could still ask the Supreme Court to consider the case.

U.S. District Judge Lee Rosenthal ruled in April that the inmates could be released on personal bond. In her ruling, which was stayed pending Tuesday's decision, Rosenthal said the bail system violated equal protection rights against wealth-based discrimination and violated due process protections against pre-trial detention without proper procedures or an opportunity to be heard.

The county jail began releasing eligible inmates late Tuesday and was expected to release about 100 others on Wednesday, said Jason Spencer, a spokesman for the county sheriff's office. Before being released, inmates had to fill out an affidavit swearing to their financial situations.

"I think some people were expecting a massive release, but it's really just sort of steady," Spencer said.

The 100 releases represent just over 1 percent of the jail's population and would become a daily occurrence unless the Supreme Court stayed the lower court ruling.

"We're going to operate under whatever the latest order is," Spencer said.

Similar legal challenges have been brought in at least 10 states, and other courts have struck down such bail policies.

In a Georgia case that is under federal court review, a man who couldn't come up with \$160 bond was held for six days. The U.S. Justice Department argued last year that the practice was unconstitutional and cited Supreme Court case law that jailing people just because they can't pay a fine or fee, without considering some other alternative, "effectively denies equal protection to one class of people within the criminal justice system."

Another federal court struck down a

similar bail policy in Moss Point, Mississippi, in 2015.

"It's a huge problem all over the country," said Alec Karakatsanis, a Washington-based attorney for Civil Rights Corps, a group involved in bail lawsuits. "It got to the point where 450,000 human beings are in American jail cells every night just because they can't make a payment. It's terrible abuse to subject someone to that inhumane treatment."

Rosenthal's ruling came in a lawsuit filed last year against Harris County by two civil rights groups and a Houston law firm after a woman was jailed for two days for driving without a valid license because she couldn't afford her \$2,500 bail. They argued that poor offenders are unfairly incarcerated while awaiting trial.

The jail handles about 50,000 misdemeanor offenders annually.

More than 50 percent of the county's misdemeanor defendants are detained until the conclusion of their cases, many due to an inability to post bail, according to a study last year by the University of Pennsylvania Law School.

In its Supreme Court filing, Harris County defended its bail system as "facially neutral."

July execution of Dallas real estate agent's killer halted

ASSOCIATED PRESS

HUNTSVILLE, Texas - The Texas Court of Criminal Appeals has halted the scheduled execution next month of a North Carolina parolee convicted of killing a suburban Dallas real estate agent 11 years ago.

Kosoul (Koh-SOOL') Chanthakoummane (Chan-tuh-kool-MAHN') had been set for lethal injection July 19.

The state's highest criminal court Wednesday sent his case back to the trial court in Collin County to review an appeal that contends improper forensic evidence and scientifically invalid testimony was used to convict him and that he's innocent of the slaying of real estate agent Sarah Walker.

Chanthakoummane had been paroled to Dallas to live with relatives after serving time for a Charlotte, North Carolina, abduction and robbery when he was arrested two months after Walker was beaten and stabbed at a model home in McKinney.

Police: Man tired of paying child support meant to kill kids

ASSOCIATED PRESS

BEEVILLE, Texas - Police say a West Texas man tired of paying child support drove some 450 miles (724 kilometers) with the intention of killing his two young children and their mother.

Beeville police Sgt. Greg Baron said Wednesday that 34-year-old Bryan Campbell of Odessa is being held in the Bee County jail on four counts of attempted murder.

Baron says Campbell was armed with a machete and hatchet May 31 when he broke into the Beeville home of the woman he used to date and their children.

The three were not there and Campbell threatened a man house-sitting. The house-sitter called police.

Baron says Campbell did weeks of research to commit the killings, even watching the former TV series "Dexter," about a serial killer.

Jail records don't indicate whether Campbell has an attorney.

Beeville is northwest of Corpus Christi.

Texas grand jury to review death of man involving off-duty sheriff's deputy

ASSOCIATED PRESS

HOUSTON - A Texas grand jury this week will review the death of a man restrained by an off-duty sheriff's deputy and her husband during a late-night confrontation outside a Houston-area restaurant, prosecutors said Wednesday.

Harris County District Attorney Kim Ogg said her office is committed to a "fair, evidence-based process." No charges have been filed and Ogg's top prosecutor, First Assistant Tom Berg, said the DA's office is "acting deliberately and not hurriedly."

John Hernandez died three days after the May 28 confrontation with Harris County deputy Shauna Thompson and her husband, Terry.

Investigators have said the altercation started after Terry Thompson took offense when he saw an intoxicated Hernandez urinating outside the Denny's

restaurant in Sheldon, 17 miles (27.36 kilometers) northeast of Houston. They said Shauna Thompson helped her husband restrain Hernandez.

The couple stopped restraining Hernandez when they noticed he had stopped resisting, Sheriff Ed Gonzalez said Wednesday. A motionless Hernandez was rushed to a hospital and died there three days later.

The death has been ruled a homicide and the deputy placed on administrative leave. A medical examiner ruled that the 24-year-old Hernandez died of lack of oxygen to the brain caused by strangulation and chest compression.

Berg said in its initial account of what happened, the sheriff's office told the district attorney's office that Hernandez was the aggressor and did not report that he was unresponsive when taken to a hospital.

Cellphone video recorded by an un-

identified bystander has been released by the bystander's attorney and posted on local media websites. The footage shows a man lying on top of Hernandez. Jack Carroll, the attorney for the person who recorded the video, has said the man restraining Hernandez used an illegal chokehold.

Sheriff Gonzalez has asked the Texas Rangers and U.S. Department of Justice to help investigate the fatal confrontation. He said his office is "capable of presenting a fair investigation" but those agencies will "provide some oversight."

An attorney for Hernandez's family, Randall Kallinen, said they "simply seek justice."

"From the very beginning, the Harris County Sheriff's Office showed favoritism towards the killer and disrespect towards the victims in this case," Kallinen said Wednesday.

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NOTICE OF PUBLIC MEETING TO DISCUSS BUDGET AND PROPOSED TAX RATE

The Socorro Independent School District will hold a public meeting at 6 p.m., June 20, 2017 in the District Service Center, Board Room, 12440 Rojas Dr. El Paso, Texas 79928.

The purpose of this meeting is to discuss the school district's budget that will determine the tax rate that will be adopted. Public participation in the discussion is invited.

The tax rate that is ultimately adopted at this meeting or at a separate meeting at a later date may not exceed the proposed rate shown below unless the district publishes a revised notice containing the same information and comparisons set out below and holds another public meeting to discuss the revised notice.

Maintenance Tax	\$0.981640/\$100 (Proposed rate for maintenance and operations)
School Debt Service Tax	Approved by Local Voters \$0.293154/\$100 (proposed rate to pay bonded indebtedness)

Comparison of Proposed Budget with Last Year's Budget

The applicable percentage increase or decrease (or difference) in the amount budgeted in the preceding fiscal year and the amount budgeted for the fiscal year that begins during the current tax year is indicated for each of the following expenditure categories:

Maintenance and operations	3.04% increase or _____ % (decrease)
Debt service	_____ % increase or (1.35) % (decrease)
Total expenditures	2.54% increase or _____ % (decrease)

Total Appraised Value and Total Taxable Value (as calculated under Section 26.04, Tax Code)		
	Preceding Tax Year /	Current Tax Year
Total appraised value* of all property	\$11,704,068,348	\$12,207,440,755
Total appraised value* of new property**	\$374,895,135	\$382,222,822
Total taxable value*** of all property	\$9,284,223,310	\$9,673,033,801
Total taxable value*** of new property**	\$357,147,101	\$359,268,216

* "Appraised value" is the amount shown on the appraisal roll and defined by Section 1.04(8), Tax Code.
 ** "New property" is defined by Section 26.012(17), Tax Code.
 *** "Taxable value" is defined by Section 1.04(10), Tax Code.

Bonded Indebtedness

Total amount of outstanding and unpaid bonded indebtedness* \$520,659,724

* Outstanding principal.

Comparison of Proposed Rates with Last Year's Rates					
	Maintenance & Operations	Interest & Sinking Fund*	Total	Local Revenue Per Student	State Revenue Per Student
Last Year's Rate	\$0.976140	\$0.298654*	\$1.274794	\$2,574	\$5,993
Rate to Maintain Same Level of Maintenance & Operations Revenue & Pay Debt Service	\$0.991170	\$0.296790*	\$1.287960	\$2,641	\$6,128
Proposed Rate	\$0.981640	\$0.293154*	\$1.274794	\$2,644	\$6,128

* The Interest & Sinking Fund tax revenue is used to pay for bonded indebtedness on construction, equipment, or both. The bonds, and the tax rate necessary to pay those bonds, were approved by the voters of this district.

Comparison of Proposed Levy with Last Year's Levy on Average Residence		
	Last Year	This Year
Average Market Value of Residences	\$127,989	\$ 130,103
Average Taxable Value of Residences	\$102,911	\$105,022
Last Year's Rate Versus Proposed Rate per \$100 Value	\$1.274794	\$1.274794
Taxes Due on Average Residence	\$1,311.90	\$1,338.81
Increase (Decrease) in Taxes		\$26.91

Under state law, the dollar amount of school taxes imposed on the residence homestead of a person 65 years of age or older or of the surviving spouse of such a person, if the surviving spouse was 55 years of age or older when the person died, may not be increased above the amount paid in the first year after the person turned 65, regardless of changes in tax rate or property value.

Notice of Rollback Rate: The highest tax rate the district can adopt before requiring voter approval at an election is 1.324354. This election will be automatically held if the district adopts a rate in excess of the rollback rate of 1.324354.

Fund Balances

The following estimated balances will remain at the end of the current fiscal year and are not encumbered with or by a corresponding debt obligation, less estimated funds necessary for operating the district before receipt of the first state aid payment:

Maintenance and Operations Fund Balance(s)	\$56,763,429
Interest & Sinking Fund Balance(s)	\$12,590,642

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