



MICHAEL T. McSPADDEN



**PRESIDING JUDGE
209TH
DISTRICT COURT**

July 9, 2015

**1201 FRANKLIN
HOUSTON, TEXAS 77002
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**Senator John Whitmire
803 Yale
Houston, Texas 77007**

Dear John,

I just received a copy of your letter to Sheriff Hickman regarding the "Movement of Harris County inmates to a private for-profit jail in Jefferson County."

First, I have a difficult time being lectured to by someone who has limited personal experience handling criminal cases. The majority of your criminal experience was acquired after I ordered you to be present during the trial of a brutal rape case where you signed on in order to delay the case by use of a motion for "legislative continuance." You were such an "active participant," as the Code required, the other defense attorneys who hired you relegated you to the audience for the duration of the trial.

In regards to the current jail overcrowding issue:

- ◆ If you and your fellow legislators had followed the advice of the Harris County Judges and reduced the penalty for "trace cases" to a class "C" misdemeanor, the number of inmates would have been reduced, negating the need to house inmates in other correctional facilities. Further, had the punishment for these offenses been reduced, our dedicated and brave police officers would have been able to spend more time preventing and/or arresting more violent offenders.**
- ◆ If our District Attorney, Devon Anderson, would use her discretion in not prosecuting these same offenses as felonies, it would have the same desired effect on the jail population.**
- ◆ In your letter you urged Harris County to improve its "abysmal use of pre-trial or personal bonds"; however, you obviously have not examined the abysmal record of Harris County defendants who have committed new offenses while on bond. Thus, any decision regarding a bond must be based not only on its own merits but**

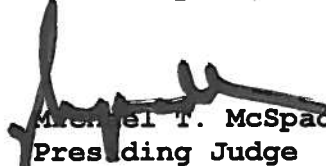
also with regard to protecting the public. I frequently meet with attorneys in my office trying to determine a reasonable and appropriate bond on cases where the defendant has been charged with committing a new offense while free on bond for a previous offense(s).

On another matter, regarding our brave police officers, I hope you have made it clear to the public the primary reason you zealously supported the change in the Grand Jury selection process was to ensure more police officers are indicted when they use deadly force to protect themselves or someone else. Due to your efforts and those of Lisa Falkenberg and District Attorney Devon Anderson, the bill you championed has become law and randomly selected grand jurors will be making very important decisions with no procedure in place to properly vet each juror as to their dependability, independence, lack of bias, etc.

Your efforts, together with the actions of protestors/rioters in Missouri, New York and Baltimore, have only served to further demonize the men and women of law enforcement.

In talking to former grand jurors, who compose the very best of our community, none could ever recall the "party-like" atmosphere portrayed by Lisa Falkenberg's false rantings. What they did remember was the stressful work and long days of making the best decisions possible, based on the evidence.

Sincerely,


Michael T. McSpadden
Presiding Judge
209th District Court

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