

NAVARRO COUNTY

MELISSA BUTLER
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NAVARRO COUNTY COURTHOUSE
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October 1, 2019

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RE: State vs. Ramon Santuario-Mendoza (Cause Nos. D39,471-CR; D39,473-CR; D39,475-CR; D39,477-CR; D39,479-CR; D39,481-CR; D38,483-CR; D38,485-CR) /
Magistration and Bond Amounts; Defendant's Motions to Restrict Publicity; Defendant's Motion to Reconsider Bond

Dear Counsel:

This letter will cover three areas in the above-referenced cases: Magistration and Bond amounts; Defendant's Motions to Restrict Publicity; and Defendant's Motion to Reconsider Bond. The Court's ruling on Defendant's Motions to Restrict Publicity will apply to all cause numbers pending in this Court. The Court's ruling on Defendant's Motion to Reconsider Bond will only apply to Cause No. D39,473-CR.

Magistrations and Bond Amounts

On August 20, 2019, the Court with parties present went through on the record the tedious process of matching magistration forms and bond amounts with the respective trial court numbers. The following is the current state of magistration and bond amounts as of that date:

Cause No. D39,471-CR – Arrest warrants issued by the Justice Court on two counts of indecency with a child by contact. Bonds set at \$75,000 surety by the magistrate on each case which were posted and remain in the Court's file. No magistration forms in the Court's file on indecency with a child by contact prior to the August 20, 2019 hearing. The Navarro County Grand Jury returns an indictment for the offense of Continuous Sexual Abuse of Young Children. No request by the Grand Jury for a different bond. On August 20, 2019, this Court magistrates the Defendant on the charge of Continuous Sexual Abuse of Young Children and sets bond at \$150,000 to which Defendant's counsel objects. The Court carried the objection. **[Today, the Court overrules the Defendant's objection to the \$150,000 bond.]** The Court also notes from the hearing that 6 charges were originally in place in this cause number. (See exhibit "A")

Cause No. D39,473-CR – Arrest warrant issued by the Justice Court on one count of indecency with a child by contact. Bond set at No Bond as requested by the Navarro County Grand Jury. The Justice Court magistrates the Defendant on the charge. Magistration form is in the Court's file on indecency with a child by contact. After a hearing on August 2, 2019, the State concedes that the Defendant is entitled to a bond. This Court sets bond at \$76,000 with conditions. This Court finds that the bond is insufficient when the Defendant fails to immediately report to have an ankle monitor attached upon his person. Bond is set at \$3,000,000 which is subject of the Motion to Reconsider which will be discussed in the final section of this ruling. As of this ruling, the \$76,000 bond is not present in the Court's file.

Cause No. D39,475-CR – Arrest warrant issued by the Justice Court on one count of indecency with a child by contact. Bond is set at \$75,000 surety by the magistrate on the charge. Magistration form present in the Court's file. Bail bond is present in the Court's file.

Cause No. D39,477-CR – Arrest warrant issued by the Justice Court on one count of indecency with a child by contact. Bond is set at \$75,000 surety by the magistrate on the charge. Magistration form present in the Court's file. Bail bond is present in the Court's file.

Cause No. D39,479-CR – Arrest warrant issued by the Justice Court on one count of indecency with a child by contact. Bond is set at \$75,000 surety by the magistrate on the charge. Magistration form present in the Court's file. Bail bond is present in the Court's file.

Cause No. D39,481-CR – Arrest warrant issued by the Justice Court on one count of indecency with a child by contact. Bond is set at \$75,000 surety by the magistrate on the charge. Magistration form present in the Court's file. Bail bond is present in the Court's file.

Cause No. D39,483-CR – Arrest warrant issued by the Justice Court on one count of indecency with a child by contact. Bond is set at \$100,000 surety although it is unclear as to where the bond amount originated. No magistration form present in the Court's file. No bail bond is present in the Court's file. This file was left with counsel for both sides to resolve as the Court cannot and will not assume what occurred without matching numbers.

Cause No. D39,485-CR – Arrest warrant issued by the Justice Court on one count of indecency with a child by contact. Bond is set at \$100,000 surety although it is unclear as to where the bond amount originated. No magistration form present in the Court's file. No bail bond is present in the Court's file. This file was left with counsel for both sides to resolve as the Court cannot and will not assume what occurred without matching numbers.

Defendant's Motion to Restrict Publicity

The Defendant seeks to have the Court restrict publicity. Specifically, the Defendant's motion asks for relief in several areas as to the parties, the general public, and media.

"Every person shall be at liberty to speak, write or publish his opinions on any subject, being responsible for the abuse of that privilege; and no law shall ever be passed curtailing the liberty of speech or the press." Article I, section 8 of the Texas Constitution. Both the U.S. and Texas constitutions guarantee the right to freedom of speech. Decades of federal and state appellate decisions have dealt specifically with parties in litigation and gag orders. Appellate courts in Texas have ruled on the issues that permeate the pending cases in this Court. This Court will not recite the law but apply it to these cases based upon the evidence admitted during the hearing. An exhaustive review of the evidence admitted as well as the case law has been conducted by this Court.

In a previous ruling issued by this Court on April 30, 2012 (see exhibit "B"), the Court touched on the issue of social media and the press. In that case, the State had sought a protective order which was denied. As the readers of this ruling can see, the Court was unimpressed with social media.

Before addressing the contents of Defendant's Motions to Restrict Publicity, counsel for the Defendant referenced possibly filing a motion for a change of venue. And while that is currently not before the Court, the Court will note that the evidence admitted in these hearings causes the

Court concern about its ability to seat a fair and impartial jury. The Court hopes that the rulings on Defendant's Motion to Restrict Publicity will prevent the possibility of not being able to find a fair and impartial jury in Navarro County.

In a criminal proceeding, judicial notice of pretrial publicity may be appropriate. In Re Graves, 217 S.W.3d 744 (2007). In general, judicial notice may be taken of facts or law. *See also In re Houston Chronicle Publishing Company*, 64 S.W.3d 103 (Tex.App.-Houston [14th Dist.] 2001, orig. proceeding).

In In re Houston Chronicle Publishing Company, the trial court issued a gag order in the Andrea Yates case which the Houston Court held did not infringe on freedom of the press under the First Amendment. And while the issue was procedurally different than the issues in this Court, this Court notes that the trial court issued specific findings in its order. The Houston court found that the gag order was justified by specific findings supported by the evidence that established a threat to the defendant's Sixth Amendment rights. In re Houston Chronicle Publishing Company, 64 S.W.3d 103 (Tex.App.-Houston [14th Dist.] 2001, orig. proceeding).

In In re Graves, the trial court issued a gag order in a capital murder trial. The trial court took judicial notice of prior proceedings. However, the Waco Court held that the trial court acted outside its discretion in taking judicial notice of facts regarding pretrial publicity without giving the defendant an opportunity to be heard and that absent specific findings of from the trial court that the gag order violated the defendant's right to free speech. In Re Graves, 217 S.W.3d 744 (2007).

In In re Benton, the trial court granted a gag order. In re Benton, 238 S.W.3d 587 (2007). In that case, the defense had made extrajudicial statements to the media which were reported in the Houston Chronicle. And while Benton does not mention social media, this Court assumes the reporting was done in print format due to the age of the case. There were references to possible plea agreements reported in the paper in addition to other matters. The Houston court found that the trial court abused its discretion in issuing the gag order. A thorough read of the Benton and Houston Chronicle cases will show that this Court adopted some of those trial courts' findings and orders to incorporate into its ruling issued here today.

Fast forward to 2019 and it appears that many people cannot seem to get off their phone or social media much less their couches to actually think for themselves. By all accounts, some people gather their information not from respectable news outlets but from other people on social media who declare something as though it is the Holy Gospel. It appears that many of the high profile cases in the U.S. are now tried in the press and social media where the facts are manipulated to prove one's point of view or opinion. It would be too much for some to let the legal process (i.e. the courtroom) allow a case to be tried where there are rules of law and procedure that control. It is a society that is quick to judge but impatient to let the process actually work. On social media, some are experts on all matters.

In the case before this Court, there are multiple media and social media posts which garnered a multitude of responses at opposite ends of the spectrum. Contained within the posts were threats against the Defendant as well as the Court. [The parties should note that all security measures will be requested by this Court to prevent any threats or acts of violence in the 13th District Courtroom, the Navarro County Courthouse or its grounds.] [The Court trusts that the parties in these cases will prepare for any act of violence that could be attempted on them outside of the premises of the Navarro County Courthouse.]

In reviewing the evidence admitted during the hearing, it is interesting to note that these cases have yet to reach a courtroom where 12 people get to hear evidence and decide guilt/innocence and possibly punishment yet the posts admitted during the hearing appear to the Court that the individuals have already been privy to the evidence and what the outcome should be in these cases. These cases will be tried in a courtroom where participants and spectators alike will actually be required to leave the confines of their couches, phones, and computers to actually observe and participate in these trials. These cases will not be tried in the news media nor will they be tried in social media.

Further review of the evidence admitted presents an article from the internet indicating this Court reduced the Defendant's bond. A review of the official court transcript shows the Court originally set bond at No Bond as requested by the Grand Jury. However, a subsequent proceeding shows the Court set a bond as required by law. While the State initially objected, the State conceded that the Defendant was entitled to a bond. This Court never reduced a bond. All other bonds had been set by other magistrates by the August 2, 2019 hearing. It appears that erroneous information was given to the author of the article which caused outrage in the social media world.

As required, this Court makes its following findings prior to issuing its ruling on the Defendant's Motion to Restrict Publicity:

1. The Court considers the evidence admitted during the hearing to restrict publicity.
2. This Court has a duty to preserve the Defendant and the State's right to a fair trial by an impartial jury and, if possible, to ensure that potential jurors will not be prejudiced by pretrial publicity. This Court is also mindful of the First Amendment rights of the parties, counsel for the parties, the media, as well as the Open Courts Provision of the Texas Constitution. In efforts to balance these sometimes competing interests, courts have found that prior restraint may be imposed only in extraordinary circumstances, and only if there is the threat of imminent, severe harm. Accordingly, before issuing a gag order, a court must find that the extensive media coverage will harm the judicial process.
3. This Court takes judicial notice of
 - a. The highly emotional nature of the issues involved in these cases;
 - b. The extensive local and statewide media coverage these cases have already generated;

- c. The various and numerous media reports and social media commentary that has been made by counsel for the parties that have been published and broadcast by local and statewide media; and
 - d. The threats of violence on the Defendant and the Court.
4. The Court finds that counsels' willingness to give interviews or comment to the media or social media would only serve to increase the volume of pre-trial publicity.
 5. The Court finds that if counsel for the parties continue to make comments to the media or social media, the pre-trial publicity will interfere with the Defendant or the State's right to a fair trial by an impartial jury.
 6. The Court further finds that no less restrictive means exists to treat the specific threat to the judicial process generated by this pre-trial publicity.
 7. The Court further finds that an order restricting extra-judicial commentary by the Defendant, all attorneys, and all attorney's staff, employees and/or agents associated with or participating in these cases, is necessary to preserve all venue options and a delay in proceedings would not lessen the publicity generated by these cases.

As to the Defendant's Motion to Restrict Publicity, it is granted in part and denied in part. The following rulings will address each request specifically:

Section 2 of Defendant's Motion to Restrict Publicity

As to the Defendant's request in Section 2 to have all pre-trial hearings held in chambers, that is denied. The Court will not conduct hearings in secret nor will the Court close the courtroom to the general public or the media.

Section 3 (Letters A, B, and C) of Defendant's Motion to Restrict Publicity

Defendant's request in Section 3 to restrict the news media in letters A, B, and C are granted in part and denied in part. The following ruling addresses A, B, and C:

1. No film, video, or any other form of visual recordings of court proceedings may be taken without the prior written permission of the Court. The Court reserves the right to withdraw the permission at its discretion.
2. No film, video, or any other form of visual recordings may be taken outside the courtroom on the second floor of the Navarro County Courthouse without the prior written permission of the Court. The Court reserves the right to withdraw the permission at its discretion.
3. In the event that the Court grants permission for visual recordings to be taken in the courtroom, all press and media entities will be collectively allowed to have one camera with one operator present at a fixed location in the courtroom. Multiple media entities, if any, are required to share the visual recordings taken a prerequisite to permission to film. The media entities will also be required to agree upon the equipment to be use, the operator, and the location of the equipment in the courtroom

before permission will be granted, and the Court reserves the right to deny the media entities permission to use certain equipment, operators, or filming locations. The use of flashes or special lighting is prohibited.

4. Audio recordings are to be treated analogously to visual recordings. The Court official reporter shall be exempt.
5. No press interviews of any form are allowed within the courtroom without the prior written permission of the court.

Section 3 (Letter D) of Defendant's Motion to Restrict Publicity

As to letter D in Section 3, the Court denies the request. The media has a right to report on courtroom proceedings and motions filed with the Court. The Court trusts the media will exercise fair and accurate reporting of any and all proceedings and motions.

Section 3 (Letter E) of Defendant's Motion to Restrict Publicity

As to letter E in Section 3, the Court grants the request with the following clarification. At no time shall any members or potential members of any jury be depicted in the press without the prior written permission of the Court. Should any juror be inadvertently or accidentally depicted, described, or identified in any form of media recording or representation, the media entity should edit that juror from the recording or representation so that they are not depicted in the public in any way.

Section 4 of Defendant's Motion to Restrict Publicity

As to Section 4, the Court grants in part and denies in part the relief requested. Accordingly, the Court orders that prior to and during the trials in all cause numbers, the Defendant, all attorneys, all attorney's staff, employees and/or agents associated with or participating in these cases, and law enforcement officers involved in these cases shall refrain from making any extrajudicial statements to the media, the general public, or on social media, relating to one or more of the following subjects:

1. All cases except as noted below.
2. The character, credibility, reputation, or criminal record of an attorney, a juror, a party, or a witness in the cases;
3. The possibility of a guilty plea and the substance or details of any plea-bargain negotiations;
4. The identity of a witness or the expected testimony of a party or a witness;
5. The contents of any pretrial confession, admission, statement, or examination given or taken by the defendant or the defendant's refusal or failure to make any statement;
6. Any opinion of the Defendant's guilt or innocence;
7. The identity or nature of physical evidence expected to be presented at trial or the absence of such physical evidence;

8. The jury's composition, any juror's identity, or the contents of any communications from or to the jury during deliberations;
9. The strengths or weaknesses of either party's case;
10. Any other information an attorney knows or reasonably should know is likely to be inadmissible as evidence and would create a substantial risk of prejudice if disclosed.

Furthermore, it is ordered that all attorneys involved in this case shall strictly adhere to the letter and spirit of the provisions of the Texas Code of Professional Responsibility governing comments to the media.

This order shall not prohibit the Defendant, all attorneys, all attorney's staff, employees and/or agents associated with or participating in these cases, and law enforcement officers involved in these cases associated with or participating in these cases from communicating with the parties or their witnesses in order to prepare for trial. This order shall not prohibit the general public and members of the media from attending any session before the Court or from publishing any information they obtain from observing proceedings in these cases or court documents.

Nothing in this order shall prohibit the Defendant, all attorneys, all attorney's staff, employees and/or agents associated with or participating in these cases, and law enforcement officers involved in these cases from making any extrajudicial statements without elaboration or characterization relating to one or more of the following subjects:

1. The general nature of the cases, an allegation or defense;
2. Any information contained in the public record;
3. The scheduling or result of any step in these proceedings; or
4. The content or substances of any motions or steps in the proceedings, to the extent that such motions or steps in the proceedings is a matter of public record.

This order applies to any and all communications made to the media, the general public, or on social media. Failure to comply with this Court's order may result in contempt of court. The Court will entertain reasonable requests to modify its order as the need arises.

Defendant's Motion for Rehearing, Motion to Reset Bond, And/Or Motion to Rescind Court Order in Cause Number D39,473-CR

The issue before the Court is whether to reduce the current bond of \$3,000,000 in Cause Number D39,473-CR. Bond was originally set by this Court at \$76,000 surety with bond conditions. The range of punishment in this case is 2 to 20 years in the Texas Department of Criminal Justice and a fine not to exceed \$10,000.

Article 17.15 of the Code of Criminal Procedure list five factors for a court to consider when setting bond:

1. The bail shall be sufficiently high to give reasonable assurance that the undertaking will be complied with.
2. The power to require bail is not to so used as to make it an instrument of oppression.
3. The nature of the offense and the circumstances under which it was committed are to be considered.
4. The ability to make bail is to be regarded, and proof may be taken upon this point.
5. The future safety of a victim of the alleged offense and the community shall be considered.

Other factors that a court can consider when setting bond include family and community ties, work history, length of residence in the county, prior criminal record, conformity with conditions of prior bonds, and any aggravating circumstances of the offense. Ex Parte Brossett, 524 S.W.3d 273 (2016).

The Court assumes that the other magistrates who set bonds in the other cases considered the same factors when setting bond. This Court is bound by the exact same factors as those magistrates. While the Court has already discussed Cause No. D39,473-CR in the above-referenced section on magistration and bond amounts, the Court will address the procedural history of this case prior to addressing the motion.

On June 20, 2019, the Navarro County Grand Jury asked this Court to set a No Bond in this case where the Defendant is charged with the offense of Indecency with a Child. The Court granted this request. Subsequent to that request being granted, Defendant's counsel filed a motion to have this Court set bond. After a short hearing, the State conceded (and the Court agreed) that the Defendant was legally entitled to a bond. In conformity with what the other magistrates set bonds at in the other cases, this Court set a bond in the amount of \$76,000 with conditions. It should be noted that these conditions only applied to Cause Number D39,473-CR.

On August 5, 2019, the Court personally faxed the ruling to counsel for both sides, the jail, and the Navarro County Adult Probation Department with confirmation received. At this point, the Court assumed that the recipients of the ruling had in fact received the ruling. It is not the Court's responsibility to make sure that the parties check their fax machines nor is it the Court's responsibility to verify if they have opened and read e-mails.

The August 5, 2019 ruling, among many conditions, required that the Defendant immediately report to the Navarro County Probation Department to have an ankle monitor attached upon his person. At 5:47 pm that same day, the Court received a phone call from the jail captain that the Defendant was ready to post bond on all cases. At that point, the Court issued a ruling via e-mail. In hindsight, the Court should have had the Defendant and counsel for both sides back in the courtroom the next morning to discuss the attachment of the ankle monitor during normal business hours. However, this Court is on call 24 hours a day 7 days and week and it felt it necessary to issue a ruling that evening. At 6:34 pm, the Court issued a ruling via e-mail which

was sent to counsel for both sides including the jail captain and director of adult probation. The Court assumed that the attorneys for both sides had received and read the e-mail ruling.

The evidence reflects that the Defendant was not released until almost noon the next day which conflicts with the Court's e-mail ruling that he be released at 7:45 am assuming that all bonds had been satisfied. According to evidence, the Defendant was malnourished upon release from the Navarro County Jail and unable to drive. The evidence also reflects that the Defendant's only attorney at the time did not see the email ruling due to being in trial in another court. The Court is quite confident that had his attorney seen the e-mail that he would have explained to his client the importance and meaning of definition of immediately. And while the word immediately does not contain a specific measure of time, Black's Law Dictionary defines "immediately" as follows: Without interval of time, without delay, straightway, or without any delay or lapse of time. In hindsight, the Court should have given a specific and measurable amount of time for the Defendant to report.

Furthermore, the evidence reflects that the Defendant was unable to obtain a ride to Dallas, Texas for attachment of an ankle monitor until later in the afternoon. The evidence also indicates that the Defendant had no family members to drive him to Dallas until later that day even though the Court will take judicial notice that Defendant has appeared to always have a large group of supporters who come to his hearings who would appear to be able-bodied and able to legally drive a motor vehicle on a public roadway.

At approximately 3:59 pm on August 6, 2019, Chris Aldama, Director of the Navarro County Supervision and Corrections Department, reported to the Court that the Defendant has not reported to the location to have the ankle monitor attached. At that point, the Court found the bond insufficient and raised bond to \$3,000,000 at 4:34 pm. The Defendant was arrested later that evening and sits as of today in the Navarro County Jail.

No evidence has been admitted that the Defendant is unable to read and write the English language nor has evidence been admitted indicating that the Defendant has learning difficulties. In fact, the evidence indicates that the defendant was a school teacher in the Corsicana Independent School District prior to his arrest. The Court takes judicial notice that public school teachers in the State of Texas are required to have a college degree. Furthermore, the Court takes judicial notice that in order to obtain a college degree in the State of Texas that one should be able to read and write the English language.

There are certainly numerous cases throughout the various appellate courts in Texas that deal with bonds and a trial court's abuse of discretion. In fact, counsel for the Defendant referenced the Robert Durst case from Galveston. The defendant in that case was a wealthy individual. There, bail was set at \$1 billion on each offense alleged totaling \$3 billion. The defendant was charged with three 3rd degree felonies. [It should be noted that his bail for murder was set at \$300,000 which did not keep him in the State of Texas.] While this Court will not cover the analysis in that case, the Houston court reversed the trial court's ruling denying the motion to

reduce bond and set bond on each case at \$150,000 each. Ex parte Durst, 148 SW.3d 496 (2004). And while this case is not controlling on this Court, it certainly is persuasive authority. A review of cases from the 10th Court of Appeals contains authority that provides a guide for this Court. This Court will cover two of the cases.

In 2004, the Waco court issued a ruling regarding the issue before this Court. The defendants had both been charged with the first degree murder. Bail was set at \$1,000,000 each. The trial court denied the motions to reduce bond. The Waco Court of Appeals found after a review of the evidence that the trial court abused its discretion and reversed and rendered setting bail on each defendant at \$500,000 and \$750,000. In Ex parte Davis, 174 S.W. 3d 546 (2004)

In 2016, the Waco Court issued yet another ruling regarding the issue before this Court. In that case, the defendant had been arrested for harassment and posted bond. Soon thereafter, the defendant was arrested again for stalking, violation of a protective order, and violation of bond conditions where he again posted bond. While out on bond, he was arrested and charged with capital murder. Bond was set at \$5,000,000. The State indicated that it was seeking the death penalty. The trial court denied the motion to reduce bond. The Waco Court of Appeals found after a review of the evidence that the trial court abused its discretion and reversed and rendered setting bail at \$1,000,000. It is noted that it was remanded for conditions of bond to be determined by the trial court. In Ex parte Brossett, 524 S.W. 3d 273 (2016).

And while the facts in those cases are vastly different than in the case before this Court, the issue of abuse of discretion in this case permeates like the smell of fresh cut grass on a spring day or more appropriately the smell of a feed lot in West Texas on a hot windless day. Accordingly, the Court issues the following ruling:

After considering the factors to be considered in setting bail and reviewing the evidence admitted during the bond hearing on the Motion to Reduce Bond, the ruling from August 5, 2019 setting bail in the amount of \$3,000,000 is vacated as to bond amount and conditions. Accordingly, bail is set at \$101,000.00 surety with the following conditions:

1. Defendant, **prior to release**, will have an ankle monitor attached upon his person at his expense.
2. Defendant will report every Monday to the Navarro County Adult Probation Department (hereinafter "Department").
3. Defendant will report current address, telephone number, and work address every week.
4. Defendant is ordered to remain at his residence located at 408 SW CR 0020, Corsicana, Texas 75110 (address provided by Defendant's counsel) unless traveling to report to the Department, the Court, or employment which is verified through the Department.
5. Defendant is ordered to allow the Department to make home visits to the Defendant's residence, place of employment, or any other location the Defendant is found.
6. Defendant is ordered to be subject to random drug screens.

7. Defendant is prohibited from going within 1000 feet from any and all Corsicana Independent School District property.
8. Defendant is prohibited from going within 1000 feet from any and all private and public school property.
9. Defendant is prohibited from going within 1000 feet from any and all private and public daycare facilities.
10. Defendant is prohibited from going to any church services or religious functions where children frequent or congregate.
11. Defendant is ordered to abstain from the use or possession of illegal drugs.
12. Defendant is ordered to abstain from the use of alcohol.
13. Defendant is ordered to make all Court appearances in a timely manner.
14. Defendant is ordered to have no contact with individuals with criminal histories.
15. Defendant is ordered to have no contact with individuals engaged in criminal activity whether felony or misdemeanor in nature.
16. Defendant is ordered to remain in Navarro County.
17. Defendant is ordered to turn over any valid passport to the Court immediately.
18. Defendant is prohibited from communicating with the alleged victims or their family members.
19. Defendant is prohibited from going within 1000 feet of a residence, school, or any other location frequented by the alleged victims.
20. Defendant is prohibited from going within 1000 feet of locations where children frequent or congregate.
21. Defendant is prohibited from using any type of social media.
22. Defendant is prohibited from viewing or possessing any type of pornographic material.

Failure to comply with terms and conditions of bond could result in the bond being held insufficient. Forfeiture of bond could result in the Defendant being held without bond until trial of this case.

In closing, this will conclude the Court's rulings on the two above-referenced motions. These are certainly rulings where an appellate court could come up with a different opinion than this Court. This memorandum ruling shall not be considered as an order or findings of fact and conclusions of law, but shall have the same effect as if orally pronounced in open court. The Court has attached this ruling to the proposed orders. If clarification is needed, please contact the Court for a setting which will be conducted on the record.

Respectfully,



James Lagomarsino
District Judge

cc: Captain Charlie York (SENT VIA E-MAIL)
Mr. Chris Aldama (SENT VIA E-MAIL)

Exhibit "A"

OFFICE OF
WILLIAM J. DIXON
CRIMINAL DISTRICT ATTORNEY
NAVARRO COUNTY COURTHOUSE
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(903) 654-3045
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7/3/2019
(Date)

Re: RAMON SANTUARIO-MENDOZA
(Defendant)

The above-named Defendant's Bonds for Warrant numbers: 201904220047, 201904290058, 201904290059, 201904290060 and 201904290061 are to be discharged and subsumed by the \$100,000 bond on warrant number 201904220046 for the charge of CONTINUOUS SEXUAL ABUSE OF YOUNG CHILDREN, D39471. D39471 combines all of the crimes in the above referenced bonds into one case.

WILLIAM J. DIXON
Criminal District Attorney


BY: 
Assistant Criminal District Attorney

Exhibit "B"
NAVARRO COUNTY

MELISSA BUTLER
COURT COORDINATOR

CALVIN GRAY
BAILIFF



LESLIE KIRK
OFFICIAL REPORTER

JAMES LAGOMARSINO
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2012 APR 30 PM 3:16
CLERK OF COURT
NAVARRO COUNTY, TX
LESLIE KIRK
OFFICIAL REPORTER

April 30, 2012

Mr. Ed Jendrezy (SENT VIA FAX)
Attorney at Law

Mr. Randall Miller (SENT VIA FAX)
Assistant District Attorney

RE: State vs. Joey Dauben (Cause No. 34,055) / State's Motion For Protective Order

Dear Counsel:

The U.S. Constitution guarantees all criminal defendants the right to remain silent; however, it does not guarantee common sense. Common sense would dictate that any criminal defendant would exercise his own free will to keep his mouth shut with a pending criminal case, especially conversing with the media. And while the Court respects the media's right to report and inform the public, especially when it comes to our criminal justice system, it the right of all involved in any criminal case to be tried in a courtroom setting where rules of evidence and procedure are in place to guarantee a fair and proper trial. However, our narcissistic society informs the world on social media the progress of their daily bowel movements so it is no wonder the Court finds itself having to make a ruling on the State's motion.

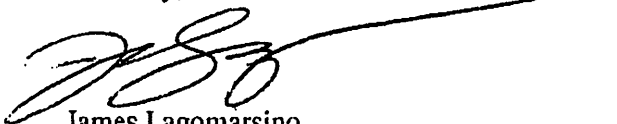
The Court's review of the evidence leads it to believe that the defendant is the only one talking publically about this case. However, the Court does not see anything in the evidence admitted that would lead it to believe that there is a substantial likelihood of material prejudice to the pending litigation. Having reviewed the case law, exhibits, and testimony, the Court denies at this time the State's Motion for Protective Order.

As far as the argument of counsel made at the April 25, 2012 hearing regarding the defendant being on the internet, the Court's March 2, 2012 ruling did not prohibit the defendant from accessing the internet. In fact, the Court prohibited the defendant from accessing merely those sites where children have access or that are dedicated to children. The Court assumes that a child could access any internet site but it was the Court's intent to prohibit the defendant from visiting

those sites that are dedicated to children or those that a child or children would be naturally inclined to visit such as Barney, Sesame Street, Thomas the Tank Engine, etc.

If clarification is needed, please do not hesitate to contact the Court in writing.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Lagomarsino', with a long horizontal flourish extending to the right.

James Lagomarsino
District Judge

cc: Mr. Tim Brooks – Probation Officer (SENT VIA FAX)