**CAUSE NO.**

**STATE OF TEXAS § IN THE TH DISTRICT COURT §**

**V. § OF**

**§**

**§ HARRIS COUNTY, TEXAS**

**MOTION FOR COURT TO RELEASE DEFENDANT ON PERSONAL BOND**

**TO THE HONORABLE JUDGE OF SAID COURT:**

**COMES NOW ,** Defendant, in the above styled and numbered causes, by and through his undersigned counsel, **ANA PAULA FUNES-BAKER,** respectfully moves this Honorable Court to release Defendant on a $20,000 personal recognizance bond. This motion is based on the attached points and authorities.

**Changed Circumstances: COVID-19 Outbreak**

Currently, Harris County is experiencing a COVID-19 outbreak via community transmission. An outbreak is when a large number of people suddenly get sick. The Mayor of Houston, along with County Judge Lina Hidalgo, have declared a State of Emergency on March 11, 2020.[[1]](#footnote-1) Public health officials recommended community actions to reduce people’s risk of being exposed to COVID-19.[[2]](#footnote-2)

On March 11, 2020, the Harris County Department of Public Health announced “aggressive recommendations” for Harris County to reduce the spread of COVID-19 Coronavirus, including social distancing and that people over 60 or with underlying health conditions stay at home as much as possible.[[3]](#footnote-3)

With confirmed cases that indicate community spread, the time is now to take action to protect vulnerable populations and the community at large. According to the Centers for Disease Controls and Prevention the people at higher risk of getting very sick from this illness include: (1) adults over the age of 60 and (2) people who have serious chronic medical conditions like heart disease, diabetes and lung disease.[[4]](#footnote-4) The Houston Health Department people with weakened immune systems in its definition of “vulnerable populations.”[[5]](#footnote-5)

People regularly cycle in and out of jails and prisons, people who work in them leave and return daily, and visitors regularly stream through. Viruses of all kinds have multiple entry points, and those that enter tend to spread fast. Outbreaks of the flu regularly occur in jails, and during the H1N1 epidemic in 2009, many jails and prisons dealt with high numbers of cases. Many people who are incarcerated also have chronic conditions, like diabetes, or HIV, which makes them vulnerable to severe forms of COVID-19.[[6]](#footnote-6)

When coronavirus suddenly exploded in China’s prisons, there were reports of more than 500 cases spreading across five facilities in three provinces. In Iran, 54,000 inmates were temporarily released back into the country amid virus fears.[[7]](#footnote-7)

**Defendant is Particularly Vulnerable**

  Mr. recently had surgery while housed at the Harris County Jail, for a serious infection, which has lowered his immune system’s ability to fight viruses, making him particularly vulnerable. The defendant moves the court to set bond and an order granting own-recognizance release or release on appropriate financial or non-financial conditions. The Defendant is currently being held at no bond on a motion to adjudicate filed on January 23, 2020 due to failure to pay fees and picking up a new misdemeanor theft (Cause No. 2296368, County Court No. 13). Mr. has since paid all of his fees and was granted a personal bond on the new law violation. Because the Defendant is among the vulnerable population at higher risk of getting very sick from this illness he should not be detained pending adjudication, and we pray this Court grant him a personal bond.

Under Texas law, a defendant whose adjudication of guilt has been deferred is entitled to bail pending a hearing on a motion to adjudicate.[[8]](#footnote-8) A defendant whose adjudication of guilt has been deferred, not yet been convicted, is entitled to reasonable bail pending an adjudication hearing. That the Defendant, pursuant to Article 42.12 (3d)(b) V.A.C.C.P., has no formal adjudication of guilt and that the Defendant is entitled to the granting of reasonable bail in accordance with Article I, sec. 11 of the Texas Constitution.

**Conclusion**

  Defendant should be granted a personal recognizance bond and ordered released because Mr. is among the vulnerable population at higher risk of getting very sick from this illness due to a serious medical condition.

Respectfully Submitted,

ALEX BUNIN

CHIEF PUBLIC DEFENDER

*/s/Ana Paula Funes-Baker*\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Ana Paula Funes-Baker TBN: 24109898

Assistant Public Defenders

Harris County Public Defender’s Office

1201 Franklin, 13th Floor

Houston, TX 77002

Phone: 713-274-6700

Fax: 713-368-9278

**CERTIFICATE OF SERVICE**

I certify that a copy of the defendant's Motion to Release Defendant on a Personal Bond has been delivered to the District Attorney's Office, on this date of March 13th, 2020.

\_*/s/Ana Paula Funes-Baker*\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

ANA PAULA FUNES-BAKER

**CAUSE NO.**

**STATE OF TEXAS § IN THE TH DISTRICT COURT §**

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**§ HARRIS COUNTY, TEXAS**

**ORDER TO RELEASE DEFENDANT ON PERSONAL BOND**

On this date came to be heard Defendant’s Motion to Release on Personal Bond, and the Court, having heard the evidence and argument of counsel, is of the opinion that said Motion should be GRANTED.

It is therefore ORDERED that the Defendant be released on a personal bond in the amount of $20,000.

Signed this \_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_, 2020.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**JUDGE PRESIDING**

**Proof of Servic**

**-  -**          
                OR/Bail Motion  
                People v. Defendant / \_\_\_\_\_\_\_\_\_\_\_[[9]](https://docs.google.com/document/u/0/d/1IpdAFy65-cYRuW2BKZkTTU1ZLO_5zU4W2MbmENtT3Qk/mobilebasic?fbclid=IwAR1IlqK5KZoVmJ36L-azGiwVZ--KIluqmjd7DhNPltMHUWNhVJVrE7kjz2E#ftnt_ref9) [https://www.sfchronicle.com/bayarea/article/SF-mayor-London-Breed-declares-state-of-emergency-15083811.php](https://www.google.com/url?q=https://www.google.com/url?q%3Dhttps://www.sfchronicle.com/bayarea/article/SF-mayor-London-Breed-declares-state-of-emergency-15083811.php%26amp;sa%3DD%26amp;ust%3D1584124014963000&sa=D&ust=1584124015017000&usg=AFQjCNGhp7R8JpQtTg9Sowpkda3rQYYE0Q)

[[10]](https://docs.google.com/document/u/0/d/1IpdAFy65-cYRuW2BKZkTTU1ZLO_5zU4W2MbmENtT3Qk/mobilebasic?fbclid=IwAR1IlqK5KZoVmJ36L-azGiwVZ--KIluqmjd7DhNPltMHUWNhVJVrE7kjz2E#ftnt_ref10) [https://www.sfdph.org/dph/alerts/coronavirus.asp](https://www.google.com/url?q=https://www.google.com/url?q%3Dhttps://www.sfdph.org/dph/alerts/coronavirus.asp%26amp;sa%3DD%26amp;ust%3D1584124014964000&sa=D&ust=1584124015017000&usg=AFQjCNGrfD87HPUYlHCM1jUXD3wBNyEPwQ), [https://abc7news.com/5990803/](https://www.google.com/url?q=https://www.google.com/url?q%3Dhttps://abc7news.com/5990803/%26amp;sa%3DD%26amp;ust%3D1584124014964000&sa=D&ust=1584124015017000&usg=AFQjCNEY6wzp_hBx-4lVaOF9r7Zp4DTs-Q)

[[11]](https://docs.google.com/document/u/0/d/1IpdAFy65-cYRuW2BKZkTTU1ZLO_5zU4W2MbmENtT3Qk/mobilebasic?fbclid=IwAR1IlqK5KZoVmJ36L-azGiwVZ--KIluqmjd7DhNPltMHUWNhVJVrE7kjz2E#ftnt_ref11) [https://www.cdc.gov/coronavirus/2019-ncov/index.html](https://www.google.com/url?q=https://www.google.com/url?q%3Dhttps://www.cdc.gov/coronavirus/2019-ncov/index.html%26amp;sa%3DD%26amp;ust%3D1584124014965000&sa=D&ust=1584124015017000&usg=AFQjCNH_90REkuxgblsCLMzfOYbLidq5FQ)

[[12]](https://docs.google.com/document/u/0/d/1IpdAFy65-cYRuW2BKZkTTU1ZLO_5zU4W2MbmENtT3Qk/mobilebasic?fbclid=IwAR1IlqK5KZoVmJ36L-azGiwVZ--KIluqmjd7DhNPltMHUWNhVJVrE7kjz2E#ftnt_ref12) [https://www.theverge.com/2020/3/7/21167807/coronavirus-prison-jail-health-outbreak-covid-19-flu-soap](https://www.google.com/url?q=https://www.google.com/url?q%3Dhttps://www.theverge.com/2020/3/7/21167807/coronavirus-prison-jail-health-outbreak-covid-19-flu-soap%26amp;sa%3DD%26amp;ust%3D1584124014965000&sa=D&ust=1584124015018000&usg=AFQjCNHhlSgZaEWLHLKJUMUzRS2ZV_T_VQ)

[[13]](https://docs.google.com/document/u/0/d/1IpdAFy65-cYRuW2BKZkTTU1ZLO_5zU4W2MbmENtT3Qk/mobilebasic?fbclid=IwAR1IlqK5KZoVmJ36L-azGiwVZ--KIluqmjd7DhNPltMHUWNhVJVrE7kjz2E#ftnt_ref13) [https://apnews.com/af98b0a38aaabedbcb059092db356697](https://www.google.com/url?q=https://www.google.com/url?q%3Dhttps://apnews.com/af98b0a38aaabedbcb059092db356697%26amp;sa%3DD%26amp;ust%3D1584124014965000&sa=D&ust=1584124015018000&usg=AFQjCNHvm35_ow7JxFGfHB4ro9BBSmPotA)

1. https://abc13.com/6003902/ (last accessed March 13, 2020). [↑](#footnote-ref-1)
2. *See* MAYOR SYLVESTER TURNER AND HARRIS COUNTY JUDGE LINA HIDALGO DECLARE PUBLIC HEALTH EMERGENCY DUE TO COVID-19, Local Health Authorities Say the Action Will Help Save Lives and Contain Spread of the Disease http://houstontx.gov/mayor/press/2020/public-health-emergency-declared-covid-19.html (last accessed March 13, 2020). [↑](#footnote-ref-2)
3. *See* HARRIS COUNTY DEPARTMENT OF PUBLIC HEALTH ANNOUNCES AGGRESSIVE RECOMMENDATIONS TO REDUCE THE SPREAD OF CORONAVIRUS (COVID-19), March 11, 2020, http://publichealth.harriscountytx.gov/Newsroom/Press-Releases. [↑](#footnote-ref-3)
4. *See* https://www.cdc.gov/coronavirus/2019-ncov/index.html. [↑](#footnote-ref-4)
5. *See* HOUSTON HEALTH DEPARTMENT REPORT’S CITY’S THIRD CODVID-19 CASE, https://www.houstontx.gov/health/NewsReleases/houston-health-department-reports-citys-third-COVID-19-case.html [↑](#footnote-ref-5)
6. *See* CENTER FOR PRISONER HEALTH AND HUMAN RIGHTS, Chronic and Infectious Diseases in Justice-Involved Populations, https://www.prisonerhealth.org/educational-resources/factsheets-2/chronic-and-infectious-diseases-in-justice-involved-populations/ (last visited, March 13, 2020) [↑](#footnote-ref-6)
7. https://apnews.com/af98b0a38aaabedbcb059092db356697. [↑](#footnote-ref-7)
8. *Ex parte Laday*, 594 S.W.2d 102, 104 (Tex.Crim.App.1980); *Ex parte Burton*, 2004 WL 256911, 2 (Tex.App.-Beaumont) (Tex.App. -Beaumont, 2004). [↑](#footnote-ref-8)