



THE DOCKET

SHAREN WILSON, CRIMINAL DISTRICT ATTORNEY

FALL 2019



AN UPDATE FROM
SHAREN WILSON
CRIMINAL DISTRICT ATTORNEY

For almost 25 years, our office has sent a prosecutor to Austin during the bi-annual legislative sessions to serve as a resource on civil and criminal law. The legislative issues on which we focus are driven by the events we see and handle here each day in Tarrant County's justice system.

This summer, we worked in partnership with our local legislators on several new laws that will directly improve our ability to serve, protect and represent the residents of Tarrant County against criminals.

Adult sexual assault was an issue on which we focused our efforts in the legislature this term. One new law that will be critical in assisting law enforcement in the investigation and tracking of sex offenders is known as "Molly Jane's Law." To facilitate information sharing, this law requires Texas law enforcement to enter information into the FBI's national Violent Criminal Apprehension Program database for every sex offense they investigate, which will alert officers if a suspect for a sex offense in their area has been under consideration for similar crimes in other jurisdictions. Vincent Giardino, our prosecutor in Austin, was instrumental in the drafting of "Molly Jane's Law".

This legislation was sponsored by Fort Worth Representative Craig Goldman and Senator Joan Huffman from Houston, and went into effect on September 1. We recently welcomed Rep. Goldman at a legal training session held by our office, where he was given the Law and Order Award from the Texas District and County Attorneys Association for championing this important new tool in the fight against adult sexual assault.

This office also supported legislation to ensure victims of sexual assault had greater rights to receive a specialized medical examination after the assault and to extend the statute of limitations for victims of child sexual abuse to seek civil damages against their abusers. We are also proud to have worked on legislation that allows jurors to consider more evidence in intimate partner violence cases. Under certain circumstances, past behavior of the defendant can be introduced if it helps explain the relationship between the parties involved in the incident.

One of the highest priority issues we are facing in our community is adult sexual assault. Beginning in FY2020, I am creating a new special prosecution team that will focus exclusively on handling these cases of adult rape. I am pleased to announce the Commissioners substantially approved this request, and the new team begins its work on November 1.

In the coming months I look forward to sharing more information about our new special prosecution team. As with our highly successful Intimate Partner Violence team, it is our goal that through this concentrated focus on adult sexual assault, we can change the way that these crimes are prosecuted, and become more educated and conscientious as a community about the realities of these cases in today's society.

Sincerely,

CDA Sharen Wilson with Rep. Craig Goldman while presenting an award of appreciation for his authorship of "Molly Jane's Law."



MARIJUANA & CBD: MYTH VS. REALITY

One change by this year's legislature that has already had sweeping effects was the passage of HB 1325. Considered in the Agriculture Committee, legislators intended to clarify and set standards regarding the legal growth and use of hemp products. However, it had a major impact on one of the most common offenses in the criminal justice system: marijuana possession.

By legalizing hemp, which is still a cannabis plant but with a very, very low Tetrahydrocannabinol (THC) concentration, the law now requires officers to obtain an expensive lab test to determine if the plant is marijuana or hemp before a case can be prosecuted. Similar testing was already done on felony cases with larger amounts of the drug, but often not done on the 4,000 misdemeanor cases filed in Tarrant County just last year. When HB 1325 went immediately into effect in June, law enforcement statewide was left wondering how to manage the cost and logistics of this new level of testing. Only one lab in Texas was even qualified to perform the THC test. This was not only a problem in Texas – legislators in Ohio, Florida and Virginia all passed similar laws this summer, and many of them realized the complications from this change only after the bills were passed.

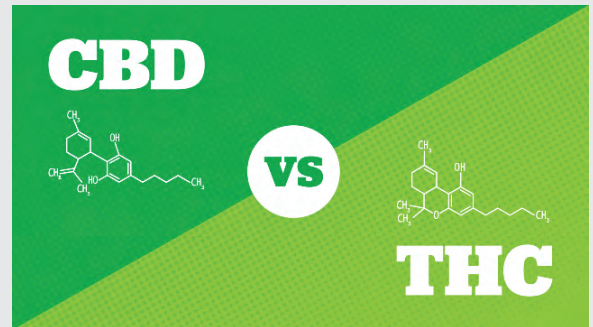
Our office acted quickly to analyze the new law and implement the needed changes. Working closely with law enforcement agencies, we dismissed pending misdemeanor cases without lab results so defendants were not incarcerated or on bond conditions while the testing issue was sorted out – but also with the caveat that cases could be refiled if a lab test was performed. We also identified which labs around the nation could meet the state's strict forensic testing standards and passed this information on to local law enforcement agencies so they could coordinate testing. Through those efforts, all misdemeanor marijuana cases now filed with our office by police departments include a lab report ensuring a THC level above the legal limit of 0.3%.

We continue, however, to seek the most effective and efficient ways to handle these cases. Even before the new law passed, CDA Wilson implemented a program for low-level misdemeanor marijuana cases that focused on rehabilitation.

Many participants in our Deferred Prosecution Program (DPP) are young, first-time offenders charged with possession of small amounts of marijuana. We have had inspiring and positive feedback from them after completing the program and staying sober throughout the months required. Participants reported thinking more clearly than they had in a long time, and realizing the profound effects marijuana can have on quality of life. Completing DPP allows them the chance to earn the dismissal of their case and, hopefully, move forward without marijuana holding them back.

There has also been confusion relating to the legalization of hemp/CBD oil products, which have become popular for holistic uses. The new law does make the production and ownership of these products legal, when they meet regulations set by the Texas Agriculture Commission to ensure that these products are safe and contain legal levels of THC. However, those regulations do not yet exist.

What is important for consumers to remember is that until the safeguards are put in place, any CBD oil products you purchase remain unregulated, and thus untested for THC levels or contaminants. In short, you don't know what you're truly getting. There have been instances in which people who believe they are innocently using a legal product end up testing positive for illicit drugs because the unregulated product contained an illegal level of THC. Until the Texas Department of Agriculture has established the proper regulations and the oversight needed to ensure companies are compliant, buyers should beware.



A CLASS IN CRIMINAL JUSTICE

We are taking applications for the Spring 2020 Citizen Prosecutor Academy! Don't miss out on this 12-week program created to give citizens an insider's look at the criminal justice system in Tarrant County.

For more information on the program, or to apply, please visit cda.tarrantcounty.com or contact our Community Outreach Coordinator, Amy Bearden at (817) 884-3126 or AHBearden@tarrantcountytx.gov.

AN INTERN'S PERSPECTIVE

This past summer also brought our summer interns from law schools around the state and the country to assist our prosecutors in ensuring every one of the almost 50,000 cases filed with this office each year receives individual attention. Intern Baleigh Hale, a student at Southern Methodist University School of Law, shared her thoughts on her experience:

It is extremely difficult to get a sense of what a prosecutor's job is like from coffee meetings and panel discussions in law school; fortunately, this internship has given me spectacular insight into the day-to-day duties of being a prosecutor. I was in a group of about 12 other interns. Each of us were assigned to a different felony district court, and within that court is a team consisting of 5 to 6 prosecutors, an investigator, and a legal secretary. Much of what I did as an intern consisted of reviewing digital media evidence such as watching body cam/ dash cam videos of police officers making arrests, watching surveillance videos, reading laboratory results and police reports in order to write a Grand Jury summary. A Grand Jury summary, essentially, is the first step to move a felony case forward to either a plea or trial. It sets out whether there is probable cause to indict a case. A majority of the interns wrote a plethora of Grand Jury summaries, which was a perfect segue into what a prosecutor does. We looked at the elements of each charge to ensure that the evidence in the case matched those elements.



CDA Sharen Wilson with our Summer 2019 law school interns.

I was often asked to perform other tasks that included taking notes during a "free talk" with a defendant, observing witness or victim interviews, making witness lists, compiling trial binders, transcribing victim or suspect interviews, researching evidentiary issues, writing motions, and more. I reviewed everything from possession of controlled substance cases to capital murder cases, and everything in between. One of the invaluable opportunities was being able to sit in on as many trials and hearings as I could. I was told by most of the attorneys in this office that watching trials is one of the most beneficial things a law student, and even an attorney, can do. It is helpful in allowing me to see how all the things I have learned in law school, such as criminal procedure, evidence, and advocacy, come together. One of the trials I observed was a murder trial for a man who stabbed his girlfriend. I watched the trial from the pre-trial hearing, where the defendant attempted to fire his defense attorney and represent himself, through jury selection, opening statements, direct and cross-examination of all witnesses, closing statements, and finally to the jury verdict of guilty.

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Some of the interns, including myself, were given the opportunity to go on field trips outside the courthouse. I went on a visit to JPS Hospital in Fort Worth with two of the attorneys from my court to speak with a Sexual Assault Nurse Examiner (SANE) for a sexual assault case. Others have gone to the Fort Worth police station and watched a detective extract data from a phone, visited crime scenes, or have gone out in the community with their attorneys to interview witnesses or victims.

A couple of the interns were assigned to special units in the office such as White Collar Crime and Intimate Partner Violence. Both spoke so highly about their experiences. They got an opportunity to work in specialized fields with a unique set of cases. The intern in White Collar was asked to write down arguments the prosecutor could argue; and, when she watched the sentencing for the defendant who did not pay his subcontractors after the job had been completed, the prosecutor actually incorporated the argument she had crafted. In intimate partner violence cases, the subject matter is very weighty, yet the intern in that unit stated how gratifying it was to know what she was doing helped make the community safer in general and safer for the victims.

It is so clear to me that the attorneys in this office enjoy what they do and where they do it. One of the most rewarding things about working at TCCDA's office is the people you meet here. All the attorneys provided a learning environment for each of us. The attorneys in my court willingly answered all of my questions and explained new concepts. They wanted me to fully understand the answer and why that was the answer. Additionally, the attorneys are very willing to hear what you think about the subject at hand, which is gratifying as an intern. I heard fascinating "war stories" that taught me certain tactics that other attorneys have used successfully (or unsuccessfully) in the courtroom. Every other week the interns also had "lunch and learns" with attorneys that specialized in different units within the office or bar association. For example, we met with the chief of White Collar Crime, and private defense attorney Leon Haley who spoke about their jobs. Mr. Haley had a unique perspective and revealed insight for what it takes to be successful in private defense.

This internship program at this office is unique because it provides so many opportunities that cater to the interests of each intern. It sets you up for success. I am so grateful for my experience here and hope to pursue future opportunities at this office.

If you are, or know, a law student who would be interested in an internship with the Tarrant County Criminal District Attorney's office, visit our website at cda.tarrantcounty.com or send an email to CDAInternApp@tarrantcountytx.gov for more information.