



Spring 2021

The Docket



Sharen Wilson – Criminal District Attorney

It's hard enough to be a crime victim.

It would be even harder trying to seek justice alone.

But that's not going to happen. Victim Assistance Advocates are here to help victims of violent crimes and their families navigate the unfamiliar criminal justice system. And they'll be with them every step of the way.

That's the message – **Every Step of the Way** – that we are sharing in April, as this office works to highlight National Crime Victims' Rights Week, which runs from April 18-24.

We will share the message on videos and social media posts. It even will be emblazoned on blue silicone wrist bands that people in my office – along with county officials, victims' advocates and area law enforcement officers – will wear.

We always have worked to help victims of violent crimes – and we always will.

We hope to be able to soon help them in the courtroom, as courts prepare to reopen after being closed for a year under Texas Supreme Court orders. We are more than ready to continue seeking justice for all the crime victims who have had justice delayed because of the COVID pandemic.

Sincerely,



Every Step of the Way

Erin McColm, who asked us to use her real name, will never forget one night in 2019.

That night, the then-28-year-old Benbrook woman went to a saloon in the Fort Worth Stockyards and ran into a bartender she knew from another bar in town. After he gave her a few drinks, she realized she couldn't drive home.

McColm was about to schedule a ride with Uber when the bartender said he would drive her home.

Once he got her home, he raped her on the couch in her apartment.

The next morning, McColm went in for a sexual assault exam.

She then began a lengthy and often confusing legal process – filled with police and lawyers – to press charges against the bartender. It ended up with her assailant accepting a plea bargain that gave him seven years of probation and a lifetime of being on the Texas Sex Offender Registry.

She is speaking out about that night, hoping to serve as a strong advocate for other sexual assault victims. "I want to help bring awareness," she said.

Through the process, McColm had friends helping her – and CDA Victim Assistance Coordinator Laura Flores standing with her.

Flores was a constant presence in McColm's life during the legal stage of this case, offering information about everything from how the Crime Victims' Compensation Program could help replace the couch cushions that were taken into evidence to counseling and therapy options.

"Every step of the way, there was somebody there for me," she said. "When it first happened, I didn't want to come forward. I thought they're not going to believe me. But having people ... who believed me helped.

"I didn't know anyone who had actually walked



CDA Victim Assistance Coordinators

through this legal process,” McColm said. “To have someone who knows what’s going on and is able to help you, and wants to, it feels awesome.”

Teams of victim advocates are at local police departments, the CDA’s Office, the Community Supervision and Corrections Department and the Texas Department of Criminal Justice.

Our coordinators help victims of assault, sexual assault, kidnapping, aggravated robbery, trafficking of persons, injury to a child, elderly or disabled person, family violence and close family members of victims in death cases.

“The work they do is critical,” said Allison Bowen, director of the CDA’s Victim Services team. “Most of the time, victims are unaware of how the legal process works because they haven’t been victims before. We provide resources because their lives have been turned upside down.

“We tell them about the trial process, talk to them, ease their fears on testifying, support them along the way. We ensure their victim rights are handled.” Victim advocates serve a crucial role, said Lisa Callaghan, an assistant criminal district attorney and assistant chief over the misdemeanor team.

“The criminal justice system in general is very frightening to victims and families,” she said. “As prosecutors, we are focused on putting our case together and presenting it in court. That’s where victim advocates come in.

“They act as a line of communication between the prosecutor and the victim and are with the victim.”



National Crime Victims’ Rights Week
April 18-24

For more information or to reach out for help, go to our website cda.tarrantcounty.com and click the Services and Information button.

After COVID-19

One year ago, the Texas Supreme Court shut down most jury trials to keep people safe during the COVID-19 pandemic.

While the courts were closed, people were still committing crimes, being arrested and facing charges filed against them with the Criminal District Attorney’s Office.

The backlog of felony and misdemeanor cases grew to more than 43,000 cases by the end of 2020.

Now that courts are preparing to reopen, the question is how to address the growing backlog of cases.

Pending Case Increase in 2020

December	43,759
November	42,206
October	40,310
September	38,384
August	36,933
July	36,316
June	35,198
May	33,033
April	29,882
March	29,614
February	29,096
January	29,253



Going back to trial

Everyone in the criminal justice system has a key role to play. Everyone means prosecutors, defense attorneys, judges and defendants. Here’s how it breaks down:

Judges have the sole discretion to set trial dates subject to the Texas Supreme Court order that closed courts from in-person proceedings during the worst of the pandemic.

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Judges are responsible for scheduling trials, hearings and calling citizens for jury duty. They also are responsible for making their courtrooms safe.



Prosecutors review their cases and make offers to the defense attorney. Those offers are the beginning of negotiations if the defendant decides to plead guilty. Our prosecutors and their teams have been preparing for trial and are ready to be in court when their cases are scheduled.

Defense attorneys play a role, too. They must be ready to be in court when judges schedule their cases. It is their duty to review all evidence provided by the state and consider plea bargains extended by the Criminal District Attorney’s Office. They are obligated to present the offers to their clients and discuss with them what they consider to be their best legal options.

Defendants make decisions. They decide, with the advice of their attorneys, whether to take plea bargains or seek a trial. They decide if a judge or jury will determine their punishment, if convicted.

Most criminal cases are settled through plea offers, many which include prison time – and in rare cases even life sentences. A very small number of cases – no more than 5% – actually go to trial. That is true in Tarrant County, across the state and the country.

“As we deal with the tremendous backlog, it is more important than ever that everyone in the criminal justice system does our jobs,” Sharen Wilson said. “We are ready to get back in the courtrooms.”

It’s a win

ACDA Keith Ogle made the most of his opportunity.

Last year, he had the chance to argue a case before the New Orleans-based U.S. Court of Appeals for the Fifth Circuit. Unfortunately, he couldn’t do it in person because of COVID-19, so he improvised and argued the case from his office.

(He needed to stand up for the arguments, so he stacked boxes on top of his desk, put his laptop on top of them – and plugged in a headset to best hear the judges overseeing the hearing).



That case involved a former associate judge who filed a civil rights employment lawsuit against Tarrant County and seven state district court family law judges, claiming they violated her First Amendment rights. In 2019, a United States District Court dismissed her claims. The associate judge appealed the dismissal.

Ogle, in his first case argued to the Fifth Circuit, urged the court to affirm the district court’s judgment.

Earlier this year, the appeals court agreed with Ogle and the district court.

“I am glad that the Court ruled in the County’s favor,” Ogle said about the case. “Arguing to a screen is a somewhat surreal experience, but I am grateful for the opportunity to have presented oral argument.”

“Hopefully, next time will be in New Orleans,” he added.

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Ogle also received an honor last year, when he was scheduled to be licensed to practice before the U.S. Supreme Court. He had hoped to go to Washington, D.C.

to be sworn in with a group from the Federal Bar Association, but COVID pre-empted his plans. Now he's hoping the Court resumes in-person ceremonies this year, so he can be personally sworn in for this important and special honor.

Being licensed to practice before the Supreme Court is an opportunity shared by a small number of attorneys across the United States.

Others in our office who are licensed to practice before the U.S. Supreme Court include Steve Conder, Ann Diamond, Anne Grady, Andrea Jacobs, Larry Moore, David Richards, Joe Spence and Shelby White.

"It is such an honor for Keith Ogle to join the prestigious group of attorneys who have earned the ability to practice before the U.S. Supreme Court," Sharen Wilson said. "I'm proud that they work for the people of Tarrant County."

In the spotlight

Tarrant County Assistant Criminal District Attorneys have been featured in the news and real crime TV shows – and will appear on programs later this year.



Anna Hernandez

Lucas Allan

Lucas Allan and Anna Hernandez appeared in January on a CBS 48 Hours episode detailing the case of Charles Bryant. Bryant was convicted of the brutal murder and dismemberment of 24-year-old Jaqueline Vandagriff, whose remains were found near Lake Grapevine in 2016.

In February, Kim D'Avignon, who heads the Adult Sexual Assault team, spoke on a Crime Stories podcast with Nancy Grace, weighing in as an expert in prosecuting sexual assault and child abuse cases.

And coming up later this year, Bill Vassar, who heads the Special Victims Unit, will appear on Snapped, a true-crime show that airs on the Oxygen network. He will talk about the case of Eunice Rodriguez. She and her boyfriend, Braylon Ellis, each were sentenced to life in prison for robbing her old boyfriend and then using a toilet tank lid to kill him.

It could happen to you

As residents continue to recover from winter weather that damaged homes and pipes, our office offered helpful tips: Don't hire someone who comes to your house unsolicited, get several quotes before deciding, don't pay up front, don't pay in cash and don't sign a contract with blank spaces.



This advice might have helped an 80-year-old Eules woman who had roof problems in 2019.

She hired a contractor she previously had used. When he asked for \$9,000 up front, she wrote him a check – and he cashed it. Then he never came back to work.

The woman called him several times. When he finally answered, he said he used her money to pay workers for a different job and needed to get another job before he could pay her back. He never paid her back – or did her roof.

Last year, our office indicted the contractor for theft of property. Facing up to 10 years in jail if convicted, he agreed to pay the full amount back to the woman and accepted a plea to a misdemeanor with two years of deferred adjudication.

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Assistant Criminal District Attorney Arshad Majid, who is part of the Elder Financial Fraud team, talked to the woman in late 2020 to let her know a \$9,000 check was coming her way.

She became very emotional, saying that her husband died in 2019 after their money was taken and she never really thought she would get it back. She said she “really needs the money right now” and she was grateful for “the things that our office does for victims of crime.”



Elder Financial Fraud Team

End of an era

Three long-time employees recently left the Tarrant County Criminal District Attorney’s Office.

Helena Faulkner, an assistant criminal district attorney in the Post-Conviction Unit, retired three days shy of working here for 27 years. We are so glad she’s back on a contract basis.



Helena

Eddie

Dixie

Eddie Hargroves also retired in December after working more than 16 years as an investigator in the TCCDA’s Narcotic Unit, and many more years in law enforcement.

And Dixie Bersano, chief of the Grand Jury team, retired in January after 22 years. She came to the CDA after a long career at the Arlington Police Department, where she was one of the first female police officers on the force.

A perfect paw-ty!

Our emotional support DA Dog Brady turned 6 years old in March. He has helped many children and adult victims through the emotional process of seeking justice through trial.



The office threw a big Birthday Paw-ty for Brady, complete with a special dog cake (thanks to Amy Bearden for baking the delicacy) filled with all the healthy stuff Brady likes. Brady’s playmate Annie came to wish him Happy Birthday too.

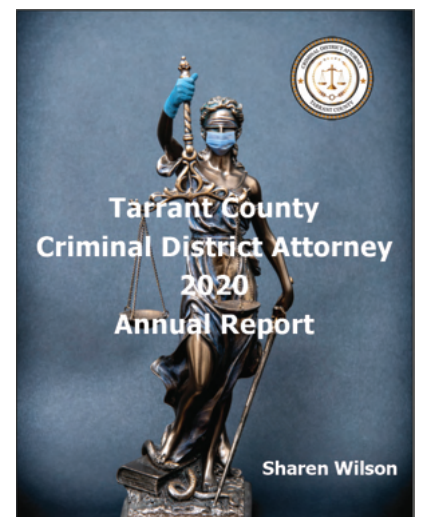
Brady is so beloved in our office because, in addition to helping victims, he brings all of us emotional comfort too. Happy Birthday, Brady!

Read All About it

We recently released our 2020 Annual Report.

This publication provides information about how this office made it through the COVID-19 pandemic and 2020.

In the report you can read about topics ranging from the top crimes in Tarrant County last year to programs that are geared to give first-time offenders a second chance.



Read or download the entire 2020 Annual Report by going to our website, cda.tarrantcounty.com. On the front page scroll down and click the “Annual Reports” button.

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