

The DOCKET

Sharen Wilson – Tarrant County Criminal District Attorney



Summer 2022



Make no mistake.

Many of the Tarrant County criminal courts are open for business, and our attorneys are busy prosecuting cases.

We are working hard to seek justice for all victims – no matter their place in life, education level or neighborhood.

Justice isn't always about getting a conviction or jail time. Sometimes it can be found through a rehabilitation program or giving someone a second chance.

But some people deserve to be behind bars as penance for the heinous crimes they commit.

Here's a look at the result of some of our jury trials this year:

- Laderris Eugene Kersh was found guilty of sexual assault and sentenced to 48 years in prison and a \$2,000 fine.
- Richard Santana Loza was convicted and sentenced to 60 years in prison for continual sexual abuse of a child and 50 years in prison for indecency with a child.
- Rey Alfaro Guadian was sentenced to life in prison plus a \$40,000 fine after being convicted on four counts of aggravated sexual assault of a child.
- Justin Edward Gilman was convicted and sentenced to life in prison on a charge of indecency with a child sexual contact.
- Sergio Enrique Valdes Galvan was found guilty of aggravated assault with a deadly weapon and sentenced to 18 years in prison.
- Clifford Morris pled guilty to murder and arson. He was sentenced to 31 years in prison for each offense.

In this newsletter, you'll read stories about other cases, such as the aggravated robbery conviction that led to a life sentence for James Floyd and the guilty plea that led to multiple life sentences for Reginald Kimbro, a serial rapist and murder.

Know this.

We work hard every day to make sure those who break the law are held accountable.

Very truly yours,

Sharen

A handwritten signature in black ink that reads "Sharen Wilson". The signature is fluid and cursive, written over a white background.





Serial killer

Guilty. Guilty. Guilty. Guilty. Guilty. Guilty.

Those were the words Reginald Kimbro uttered March 18, 2022, when asked how he pled to charges that he raped several women and murdered two of them.

Those killed: Molly Jane Matheson, a 22-year-old Fort Worth woman, and Megan Getrum, a 36-year-old Plano woman. For each of those capital murders, Kimbro received a sentence of life in prison without the possibility of parole.

Kimbro also pled guilty to three aggravated sexual assaults – one in Collin County in 2012, another in Collin County in 2014 and one in South Padre in 2014 – and one sexual assault in Collin County in 2014.

He received three 20-year sentences in prison for the North Texas rapes and a life sentence for the South Padre rape. As part of the arrangement, Kimbro waived all appeals.

This unusual multi-county disposition was orchestrated in part by Assistant Criminal District Attorneys Allenna Bangs and Page Simpson with the help of prosecutors in Dallas, Collin and Cameron counties.

“Reginald Kimbro is a serial rapist and a serial killer. He used his personality and charm to attract women or drugged them when that did not work,” Allenna Bangs said. “He talked his way out of case after case until his violence culminated in the deaths of Molly Matheson and Megan Getrum.”

This case led to the Texas Legislature creating Molly Jane’s Law – which requires law enforcement officers investigating sexual assault cases to input pertinent information into a national database maintained by the FBI – in 2019. The measure was authored by state Rep. Craig Goldman, R-Fort Worth, and the first arrest under this law occurred in June 2020.



Reginald Kimbro

Pro Se

James Earnest Floyd Jr. in April was found guilty of aggravated robbery and sentenced to life in prison by a Tarrant County jury.



James Floyd

Floyd represented himself in the trial but Judge George Gallagher appointed three “standby” attorneys to help Floyd. The U.S. Supreme Court in *Faretta v. California* has ruled that a person charged with a crime has a right to defend himself. Defense attorneys did represent him during the sentencing portion of the trial.

Assistant Criminal District Attorneys Lisa Callaghan and Art Clayton walked the jury through how Floyd broke into John and Diane Porter’s home on March 28, 2017. He beat John Porter, 69, with metal table legs, shot him in the head, shot Diane Porter in the stomach, stole the couple’s bank card and demanded their PIN number. He drove off in their 2008 Kia Sorento SUV.

Jurors took about 1½ hours to find Floyd guilty. They took about 30 minutes to sentence him to life in prison.

A separate capital murder charge against Floyd is pending an appeal on double jeopardy grounds in the Second Court of Appeals.

Infamous cold case on appeal

On August 24, 2021, Glen McCurley – on the third day of his capital murder trial – pleaded guilty to kidnapping and killing Carla Walker, 17, in 1974.



Carla Walker

Glen McCurley

It was an abrupt end to the long-awaited trial that drew attention throughout the country, but Judge Elizabeth Beach accepted the plea and sentenced the then 78-year-old to life in prison.

The case was back in court May 24, when Assistant Criminal District Attorney Fredericka Sargent and defense attorney Steven Richard Mears argued McCurley's appeal before the Second Court of Appeals. The primary issues centered on the DNA evidence that sealed McCurley's fate.

Using the latest innovation in DNA testing – forensic-grade genome sequencing (FGGS) – law enforcement was able to close in on McCurley as a suspect. The testing, which combines DNA testing and traditional genealogy, was done by Othram, Inc., a lab in the Woodlands, Texas. Othram has not been accredited by the Texas Forensic Science Commission, and under state law, this should have made its work inadmissible. However, Fredericka Sargent argued that because FGGS is so new and, because there are no national standards for accreditation, state law should not apply.

Another issue in the appeal is the propriety of collecting DNA from abandoned property. Law enforcement conducted a trash run and took DNA from McCurley's trash. That DNA sample matched a sample taken from Carla's bra. The courts have long held that this practice does not violate the Constitution, but in the modern era, there are new privacy concerns about DNA testing and the information that it can reveal about a person. Importantly, those concerns were not present in this case because law enforcement only uses DNA for identification purposes.

This appellate court, like others through the state, closed its doors during the worst of the COVID-19 pandemic. Oral arguments started up again last April.

Honoring Victims

We honored crime victims this year by placing wreaths at the county administration building and subcourthouses throughout Tarrant County in April.

The wreaths, decorated with ribbons, were a tribute to crime victims and a promise that all victims will have the rights and services they need to recover.

"We are the voice for crime victims," Sharen Wilson said. "We will always be here for them."





The “Great Resignation”

District Attorney offices across the country have one thing in common lately: A shortage of prosecutors.

It was hard enough with the pandemic when courts closed throughout the country to help keep people safe. Then, in the wake of COVID, prosecutors joined the throngs of people quitting their jobs in what become known as the Great Resignation, leaving many DA offices short staffed and looking for attorneys.

“We’re seeing a prosecutor shortage throughout the country; it’s not limited to large jurisdictions versus small jurisdictions,” Nelson Bunn, executive director of the National District Attorneys Association (NDAA), has said.

Take Arizona’s Maricopa County, for instance. There, in a county of more than 4.4 million, prosecutor vacancies grew more than 50% between July 2020 and April 2022.

On the other hand, a small Texas community – Ector County, with around 165,000 residents in West Texas – has 16 prosecutors but should have 22. The district attorney there, Dusty Gallivan, has said he has a problem hiring or retaining young attorneys because many prefer bigger cities such as Houston.

A look across the country shows similar shortages. The Salt Lake County District Attorney’s Office in Utah has around 25 open positions in their office that should have 133 lawyers. Anchorage’s DA office had nine unfilled positions out of 38. The San Diego County DA’s Office in California has 330 attorneys but the number of people applying for jobs there dropped 28% from 2019 to 2021, Reuters reported.

Forty-seven lawyers left the Philadelphia District Attorney’s Office recently, in addition to the 72 prosecutors who left between January 2021 and November 2021, Law.com reports. And in

Wisconsin, a general shortage of attorneys prompts District Attorney Offices to regularly ask the Legislature to fund more prosecutor positions. There’s a shortage of 140 prosecutors statewide, FOX11 TV reported.

“This is a problem impacting many District Attorney Offices,” Criminal District Attorney Sharen Wilson said. “Fewer people are applying for positions and the caseload continues to grow for the prosecutors we do have.”

In mid-May, the Tarrant County Criminal District Attorney’s office, which has 200 attorney positions, had 24 open prosecutor jobs.

The Dallas County DA’s Office, with 280 prosecutors, had nine open prosecutor jobs. The Harris County DA’s Office, which has 349 prosecutors, has 78 open positions.

Tarrant County
Criminal District Attorney's Office
IS HIRING
LICENSED ATTORNEYS

Resumes And Cover Letters
Should Be Sent To
applicants@tarrantcountytx.gov

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The Bexar County DA’s Office, with 176 attorneys, had 15 attorney job listings.

This issue is so prevalent that it dominated discussion at the Texas District & County Attorneys Association’s (TDCAA) Long Range Planning Committee meeting in March.

“Recruitment and retention of prosecutors was on everyone’s minds, and each of the three groups at the meeting ended up talking about this exact subject for a majority of the allotted time,” said Sarah Halverson, communications director at TDCAA.

Halverson said she posts eight to 10 job openings on the TDCAA website every week, which is more than in the past.

The prosecutor shortage also is drawing attention at national conventions.

The National District Attorneys Association (NDAA) is hosting a class for its 2022 Executive Course to help DA offices across the country. The topic is Surviving the Great Resignation: Strategies for Recruitment and Retention.

“Prosecutors’ offices are experiencing serious turnover all across the country,” said Susan Ryan, principal of the Vera Causa Group, a consulting company that supports prosecutors and law enforcement. She teaches the class for the NDAA.

Exhaustion and burnout makes work harder for prosecutors trying to catch up with a backlog of cases stalled by the pandemic. Each case currently takes longer to prepare than it has in the past because of the increase of Digital Media Evidence, which includes a variety of videos submitted by police officers.

Not only that, but private law firms and corporations have learned the value of trial attorneys and they know the best place to hire experienced trial attorneys is from a District Attorney’s Office.

“It’s very, very difficult to keep quality prosecutors,” Ryan said.

Second Chances

Not everyone who commits a crime needs to go to jail.

Some people simply need a second chance.

That’s why the Tarrant County Criminal District Attorney four decades ago created – and recently has worked to enhance – a program to give first-time offenders a second chance for a clean criminal record.

“Each day, we all make choices and decisions that positively or negatively impact the rest of our lives,” said Ken Mays – a former juvenile detention officer, juvenile probation officer, Texas Alcoholic Beverage Commission agent and probation officer – who guides the program. “Youthful indiscretions and doing ‘dumb things’ for excitement, or in response to a dare, are poor choices people make.”



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Our office has worked to boost our Deferred Prosecution Program (DPP) that is geared to rehabilitate young offenders who face a non-violent criminal charge. The program initially was for those between the ages of 17 and 24. We have now increased the age limit to 26.

The program length is four months for misdemeanor offenses and eight months for felony offenses, for individuals with no criminal history who are willing to stay crime- and drug-free. If they successfully complete the program, the case is dismissed, and the participant may ask for it to be erased from their criminal records.

A criminal record can prevent a person from getting a good job, going to college, even getting loans, or renting a place to live. This program can remove those criminal records.



Ken Mays

“None of us are successful in life without the support of others or an unexpected helping hand,” Mays said. “We all stand on the shoulders of someone or benefit from an opportunity extended to us.”

“TCCDA staff are proud to administer this diversion program opportunity to eligible individuals and are here to support program participants during their time of monitoring and beyond,” he said. “We view ourselves as agents of positive change and stand ready to work with stakeholders to collaboratively work towards the best interest of justice and the greater good for individuals.”

Since 2015, more than 2,675 people have successfully completed DPP.

“In adversity is an opportunity,” Mays said. “Although bad choices may disappoint an individual and those that love and support them,

the individual is not ‘damaged goods’ and can recover from the adversity and go on to be successful in life. The DPP program provides them an opportunity to do so.”

Congratulations



We are proud to announce the 15th class of Citizen Prosecutor Academy, which teaches participants about every step of prosecution in Tarrant County, has graduated.

Now our office is getting ready for the Fall 2022 CPA.

This class – which meets every Thursday night for 12 weeks – is where prosecutors, investigators and staff explain the ins and outs of the criminal justice system. Topics taught in this class include Adult Sexual Assault, Conviction Integrity, Elder Financial Fraud, The Civil Division, Digital Forensic & Technical Services, Diversion Programs, Gang Unit, Intimate Partner Violence, Introduction to a Trial and more.

The Fall semester runs from September 8 to November 17. To fill out an application, go here: cda.tarrantcounty.com.



A Good Cause

Thank you to all the CDA employees, family and friends who showed up April 9 to walk or run for a great cause – The Women’s Center.



IPV Team Leader Kim D’Avignon and CDA employees

The Women’s Center has worked tirelessly for more than 40 years to help victims heal from the trauma of assault.

This year’s annual Victory over Violence annual walk/run was a fundraising event geared to raise awareness and money for the center’s anti-violence initiatives. These funds help pay for initiatives such as counseling, a 24-hour crisis hotline, trauma training and court and hospital accompaniment.

These programs help survivors so much and our office is very proud to support them in their work. This year’s event – which brought thousands of people together – was the 25th in the race’s history.

“The CDA’s partnership with the Women’s Center helps us to better serve all survivors of sexual assault,” Assistant Criminal District Attorney Kim D’Avignon said. “We could not be more proud to help support this necessary cause.

“Together, we will continue to fight to help sexual assault survivors in Tarrant County get both the justice and the help they need.”

Of Note

Appointment: Ryan Hill, an assistant criminal district attorney in Tarrant County, on March 23, 2022, was appointed to serve as the judge for the 371st District Court by Texas Governor Greg Abbott. Hill, who had been with the Tarrant County Criminal District Attorney’s Office since 2015, won the Republican Party’s nomination for this position in the March 1 primary election and faced no Democrat in the November general election. This post had been vacant since Judge Mollie Westfall resigned from it last year.



Judge Ryan Hill

Civil trial: Tarrant County prevailed in its first Civil Court jury trial in eight years on March 23, 2022. In this case, a woman had sued claiming a county dump truck driver ran her off a road. The jury found the woman was 100% responsible for the accident. Assistant Criminal District Attorneys Justin Foster and Steve Lund handled the case.