

## FICTION

There are 1,174 felony cases currently pending in the 410<sup>th</sup> that would be “moved down the hall” if the 410<sup>th</sup> were specialized to general civil and family only.

Specialization creates a backlog of cases.

Specialization creates more over-crowding of the jail.

Court specialization is not supported by the Texas Constitution and would strip the court of its general jurisdiction.

Court specialization deviates from the Court for “We, The People.”

Robin only wants to specialize the court to general civil and family cases to cater to her strengths.

There is nowhere for the criminal cases to go if the 410<sup>th</sup> is specialized to general civil and family cases.

## FACT

**THERE ARE ONLY 528 PENDING FELONY CASES IN THE 410<sup>th</sup> AS OF 12/31/15, WITH APPROXIMATELY 120 BEING ALMOST TWO YEARS OLD. THE 410<sup>th</sup> ONLY RECEIVES 11% OF ALL NEW FELONY CASES FILED, AND THE REMAINDER IS SPLIT EVENLY AMONG FOUR SPECIALIZED FELONY COURTS. (Montgomery County District Clerk).**

**BAYS WAS PRO-SPECIALIZATION IN 2010 WHEN RUNNING FOR A DIFFERENT COURT AND THEN CLAIMED: “SPECIALIZATION STREAMLINES THE CASES.” (Conroe Courier, January 21, 2010); “THAT DOCKET WORKS BECAUSE IT IS SPECIALIZED. YOU SLOW THINGS DOWN WHEN YOU USE BREADTH AND NOT DEPTH.” (Conroe Courier, August 25, 2009); and “THIS COURT HAS A GREAT TRACK RECORD WITH SPENDING AND RESULTS. THAT IS A PRODUCT OF THE SPECIALIZATION OF THE COURT IN HEARING ONLY PROBATE CASES AND CIVIL LITIGATION CASES...” (Bays’ Answer to Conservative Coalition of Montgomery County Judicial Questionnaire, 2010).**

**JAIL CAPACITY HAS BEEN REDUCED FROM A HIGH OF 99.28% IN 2014 TO 74.14% AS OF FEBRUARY 1, 2016, AFTER TWO OTHER DISTRICT COURTS BECAME SPECIALIZED FELONY COURTS DURING THAT TIME PERIOD. (Texas Commission on Jail Standards).**

**“DISTRICT COURT JURISDICTION CONSISTS OF EXCLUSIVE, APPELLATE, AND ORIGINAL JURISDICTION OF ALL ACTIONS, PROCEEDINGS, AND REMEDIES, EXCEPT IN CASES WHERE EXCLUSIVE, APPELLATE, OR ORIGINAL JURISDICTION MAY BE CONFERRED BY THIS CONSTITUTION OR OTHER LAW ON SOME OTHER COURT, TRIBUNAL, OR ADMINISTRATIVE BODY.” (Texas Constitution, Art. V, § 8). THE GOVERNMENT CODE AUTHORIZES THE ASSIGNMENT, DOCKETING, TRANSFER AND HEARING OF CASES BY THE BOARD OF JUDGES OR THE LOCAL ADMINISTRATIVE JUDGE. (Tex. Gov’t Code, Chapter 74, Subchapter D).**

**RESULTING EFFICIENCY, UNIFORMITY, EXPERTISE AND IMPROVED CASE MANAGEMENT CREATES A TENDENCY IN METROPOLITAN AND MORE POPULATED AREAS FOR DISTRICT COURTS TO SPECIALIZE IN SPECIFIC TYPES OF CASES. (State of Texas, Judicial Branch, Texas Courts: A Descriptive Summary, and About Texas Courts). MONTGOMERY COUNTY IS THE 11<sup>th</sup> LARGEST COUNTY IN TEXAS. 11 OUT OF 12 COURTS IN MONTGOMERY COUNTY ARE SPECIALIZED BECAUSE IT WORKS. THE 410<sup>th</sup> IS THE ONLY NON-SPECIALIZED COURT.**

**ON JUNE 1, 2015, AFTER ANALYZING ALL APPLICABLE DATA, THE DIRECTOR FOR THE OFFICE OF COURT ADMINISTRATION (“OCA”) OF MONTGOMERY COUNTY MADE A RECOMMENDATION THAT THE 410<sup>th</sup> BE SPECIALIZED IN GENERAL CIVIL AND FAMILY CASES. (OCA Memo, June 1, 2015). ROBIN CONCURS AND HAS NOT WAIVERED ON THIS ISSUE.**

**THE 435<sup>th</sup> HAS A COMPARABLY SMALL CASELOAD AFTER LOSING SVP JURISDICTION, HAVING ONLY 288 PENDING FELONY CASES AS OF 12/31/15 AS COMPARED TO 700-900 FELONY CASES IN THE OTHER THREE FELONY COURTS. (Montgomery County District Clerk).**