



**BEFORE THE STATE COMMISSION
ON JUDICIAL CONDUCT**

CJC No. 16-1056-DI

PUBLIC ADMONITION

**HONORABLE STACEY BOND
176TH DISTRICT COURT
HOUSTON, HARRIS COUNTY, TEXAS**

During its meeting on October 2-4, 2017, the State Commission on Judicial Conduct concluded a review of the allegations against the Honorable Stacey Bond, the former Judge of the 176th District Court, in Houston, Harris County, Texas. Judge Bond was advised by letter of the Commission's concerns and provided a written response. On February 8, 2018, Judge Bond appeared with counsel before the Commission and gave testimony. After considering the evidence before it, the Commission entered the following Findings and Conclusion:

FINDINGS OF FACT

1. At all times relevant hereto, the Honorable Stacey Bond was Judge of the 176th District Court, in Houston, Harris County, Texas.¹
2. On December 8, 2015, Judge Bond called to trial the Aggravated Sexual Assault case against defendant Keith Hendricks. The victim in the case was Jane Doe,² a woman who was homeless at the time she was sexually assaulted.
3. At the time of the trial, Ms. Doe was living in Longview, Texas. She came to court voluntarily with former District Attorney Investigator Brandon Plagens and was not subpoenaed. Judge Bond testified before the Commission that "I do agree that she came to court voluntarily with the district attorney investigator Brandon Plagens, and that she was not subpoenaed."

¹ Judge Bond lost her re-election bid in November of 2016.

² Out of respect for the privacy of the victim, the Commission will refer to her as "Jane Doe."

4. After opening statements, the prosecution called Ms. Doe to the stand. Her testimony was largely incoherent. During a break in her testimony, she left the stand and indicated that she was not planning to return.
5. Ms. Doe left the courthouse and walked outside into a busy street. An unidentified individual called 911, and Ms. Doe was taken away by ambulance.
6. During a hearing outside the presence of the jury, Assistant District Attorney Nick Socias told the court that Ms. Doe was taken into custody on a mental health warrant. He told Judge Bond “from what I saw and from what other people have seen, she was a danger to herself. She was walking away. She was stating she was not going to return. She was speaking incoherently, quoting random things that I’m not sure where they were from. She also began walking in the middle of the street where cars were coming by where we had to stop traffic.”
7. Judge Bond stated on the record that Ms. Doe appeared to be “responding to internal stimuli” during Ms. Doe’s testimony.
8. Mr. Socias requested that Judge Bond issue a witness bond for Ms. Doe “to ensure her presence and that her release is back into our custody and not released out into the street.”
9. Judge Bond signed a writ of attachment on December 8, 2015, using a form entitled “Writ of Attachment or Bench Warrant.” The form included the following language: “So that he may appear before this Court, we ORDER you to deliver the above named individual to the custody of Harris County Sheriff or any of his deputies.” The writ also included a handwritten note that “witness bond is fixed at \$10,000.”
10. On December 18, 2015, Ms. Doe was discharged from St. Joseph Medical Center. At that time, Investigator Plagens stated he handcuffed Ms. Doe, per policy, and transported her to the Harris County jail.
11. Ms. Doe filed a federal lawsuit³ alleging that during the booking process into the jail, Ms. Doe was incorrectly identified as a defendant in a sexual assault case, rather than the victim. The lawsuit stated Ms. Doe was unable to convince the employees and medical providers in the jail that she was the victim of a crime, rather than a criminal defendant.
12. The federal lawsuit also alleged that Ms. Doe was assigned to the general population in the Harris County jail where she was assaulted by another inmate, who repeatedly slammed her head into the concrete floor.
13. On January 8, 2016, Ms. Doe became involved in an altercation with a guard. Ms. Doe was charged with Assault of a Public Servant, a third degree felony, and her case was assigned to Judge Bond’s court.
14. On January 11, 2016, Ms. Doe was transported to the courthouse from the Harris County jail. The federal lawsuit alleged the Harris County Sheriff’s Office refused to provide Ms.

³ Ms. Doe filed a federal lawsuit on September 30, 2016, for her imprisonment (Cause No. H-16-2133, *Jane Doe v. Harris County*). On September 29, 2017, District Judge Sim Lake found Assistant District Attorney Socias was entitled to absolute prosecutorial immunity. He also dismissed claims against Harris County based on 42 U.S.C. § 1983, Title II of the Americans with Disabilities Act and § 504 of the Rehabilitation Act. However, Ms. Doe’s claims asserting that Harris County failed to provide adequate medical care and failure to protect Ms. Doe were not dismissed.

Doe's own clothes, so she testified to the jury wearing a mismatched outfit provided by the district attorney's office and bright orange jail-issued rubber shoes.

15. That day, Judge Bond transferred the assault case against Ms. Doe to another court, stating, "This defendant testified as a complaining witness in a jury trial before me. I have a great deal of sympathy for this individual. It would be improper for me to oversee her case. I would feel terrible about punishing her." Judge Bond also spoke to Mr. Socias and the defense attorney, Danny Easterling, about the assault charges against Ms. Doe, asking, "So the complainant over the weekend was charged with assaulting a guard while she was housed in the county jail; is that right?"
16. On January 14, 2016, Judge Bond released Ms. Doe from her material witness bond, and Ms. Doe was released from the Harris County jail. The Harris County District Attorney's Office subsequently dismissed the felony charges against Ms. Doe.
17. On July 21, 2016, reporter Travis M. Andrews published an article in the *Washington Post* entitled "Bipolar rape victim jailed after having a mental breakdown while testifying against rapist" (the "Article").
18. The Article reported that Ms. Doe suffered a mental health crisis during her December 2015 testimony before the jury.
19. The Article reported Ms. Doe was involuntarily committed to the psychiatric ward of St. Joseph Medical Center for stabilization, and eventually transferred to the Harris County Jail after her psychiatric commitment ended. The Article also reported Ms. Doe spent twenty-eight days in custody waiting for the trial to resume.
20. The Article reported that the Harris County District Attorney's Office requested and received a writ of attachment for Ms. Doe to ensure her testimony when the trial resumed in January 2016 from Judge Bond.
21. The Article quoted a legal analyst as saying, "At the end of the day [Jane Doe] received less due process, less protection than the rapist did."
22. In her responses to the Letter of Inquiry, Judge Bond stated she believed Article 24.12 of the Texas Code of Criminal Procedure (CCP) authorized her to issue the writ of attachment for Ms. Doe. She said she "assumed" Ms. Doe had been properly served with a subpoena, and concluded Ms. Doe failed to appear "insofar as she did not return for testimony."
23. Judge Bond concluded that Ms. Doe's mental health "caused her to be unavailable to testify thereby disobeying the subpoena." The judge pointed out that Ms. Doe was in the custody of another institution and, absent a bench warrant or court order, there would be "no mechanism or instrument to get her back to court to testify."
24. Judge Bond indicated that neither the prosecutor nor defense attorney provided Ms. Doe notice of the writ of attachment, and does not believe they were required to do so. She indicated she did not provide Ms. Doe notice either, and believes she was not required to do so.
25. Judge Bond stated she did not appoint Ms. Doe counsel because she had no knowledge Ms. Doe was confined as a material witness in the Harris County jail. She also denied that her writ of attachment served as a witness bond, and she was not "relying on Article 24.24 of

the Code of Criminal Procedure regarding the requirement of bail for Jane Doe” despite the language on the document indicating that the “Witness bond is fixed at \$10,000.”

26. Judge Bond stated, “It was my intention that the attachment would allow the District Attorney’s office to bring her to the court room if she remained in the secure psychiatric facility until January 11, 2016. Otherwise, I anticipated that if she was released prior to the trial date that she would be brought before me so I could admonish her about the importance of appearing on the trial date and place her on a P.R. bond.”
27. Judge Bond denied having knowledge that Ms. Doe had been released from St. Joseph or taken to the Harris County Jail before January 11, 2016.
28. In referring to the writ of attachment, Judge Bond testified to the Commission that “this is a form order that was provided by the clerk. I’m not positive but I believe the prosecutor filled it out, and I signed it. I did not read it as carefully as you’re describing, and I’m ridiculously, horribly sorry that I did not.”

RELEVANT STANDARDS

1. Canon 2A of the Texas Code of Judicial Conduct states, in relevant part: “A judge shall comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.”
2. Canon 3B(2) of the Texas Code of Judicial Conduct states, in relevant part: “A judge should be faithful to the law and shall maintain professional competence in it.”
3. Criminal Code of Procedure (CCP) Article 24.11 provides that a writ of attachment “command[s] some peace officer to take the body of a witness and bring him before such court, magistrate or grand jury on a day named, or forthwith, to testify in behalf of the State or of the defendant, as the case may be. It shall be dated and signed officially by the officer issuing it.”
4. CCP Art. 24.12 states the writ of attachment may be issued “when a witness who resides in the county of the prosecution has been duly served with a subpoena to appear and testify in any criminal action or proceeding fails to so appear, the State or the defendant shall be entitled to have an attachment issued forthwith for such witness.”
5. Absent proper service of a subpoena, a “trial court [does] not have authority to compel the presence of [the witness].” *Robinson v. State*, 453 S.W.2d 836, 838 (Tex. Crim. App. 1970).
6. CCP Art. 24.24 states: “Witnesses on behalf of the State or defendant may, at the request of either party, be required to enter into bail in an amount to be fixed by the court to appear and testify in a criminal action; but if it shall appear to the court that any witness is unable to give security upon such bail, he shall be released without security.”
7. The Supreme Court has held that “material witnesses enjoy the same constitutional right to pretrial release as other federal detainees.” *Ashcroft v. al-Kidd*, 563 U.S. 731, 733 (2011). The *al-Kidd* court also reminded judicial officers to be vigilant in reviewing and approving warrant applications. *Id. See also, Adams v. Hanson*, 656 F.3d 397, 408 (6th Cir. 2011) (“While it was [the prosecutor’s] job to present information about witnesses to the court, it was the court’s duty to respond with appropriate protections.”)

CONCLUSION

After considering the facts and evidence before it, the Commission concludes that Judge Bond failed to comply with the law, to maintain professional competence in the law, and to afford Jane Doe the right to be heard when she:

(1) issued an instrument described as a “Writ of Attachment/Bench Warrant” with a corresponding \$10,000 bond for Ms. Doe on December 8, 2015, when Ms. Doe did not meet any of the legal prerequisites for a writ of attachment, which resulted in Ms. Doe’s confinement in jail for approximately twenty-eight days;

(2) failed to appoint counsel (or other representative such as a guardian ad litem) for Ms. Doe; and

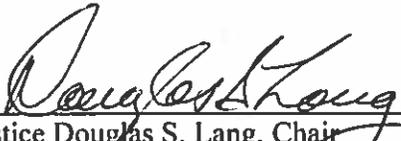
(3) failed to hold a hearing at which Ms. Doe (or her counsel) could be heard regarding Ms. Doe’s involuntary confinement.

The Commission further concludes that Judge Bond’s conduct constituted willful violations of Canons 2A and 3B(2) of the Texas Code of Judicial Conduct.

In condemnation of the conduct violative of Canons 2A and 3B(2) of the Texas Code of Judicial Conduct recited above, it is the Commission’s decision to issue a **PUBLIC ADMONITION** to Stacey Bond, 176th District Court Judge, Houston, Harris County, Texas. Pursuant to the authority contained in Article V, §1-a(8) of the Texas Constitution, it is ordered that the actions described above be made the subject of a **PUBLIC ADMONITION** by the Commission.

The Commission has taken this action in a continuing effort to protect public confidence in the judicial system and to assist the state’s judiciary in its efforts to embody the principles and values set forth in the Texas Constitution and the Texas Code of Judicial Conduct.

Issued this the 16th day of March, 2018.



Justice Douglas S. Lang, Chair
State Commission on Judicial Conduct