



**PRESS RELEASE**

**LAWSUIT ASSERTS HARRIS COUNTY JUDGES CIRCUMVENTED  
DEFENDANTS' CONSTITUTIONAL RIGHT TO BAIL**

**FOR IMMEDIATE RELEASE:**

Lakewood, CO (February 14, 2019) – A lawsuit involving the on-going fight between bail reform and the legal right to bail was filed today (February 14) in the State District Court in Harris County, Texas.

The case of *McCleveland v. Salgado* pertains to actions taken by all 16 misdemeanor Criminal Court at Law judges in Harris County who, it is alleged, circumvented the constitutional right to bail when they ordered the release of 85 percent of all defendants who were in jail at the time, leaving 15 percent with no recourse whatsoever.

The lawsuit has its roots in the federal civil rights case of *ODonnell v. Harris County*. Plaintiffs in that case argued that they were unlawfully denied the right to bail because of their inability to pay the amount prescribed. Last August, the U.S. Court of Appeals for the Fifth Circuit ruled that there is no fundamental right to be free from any form of wealth-based detention.

As part of settlement negotiations in the *ODonnell* case, the 16 misdemeanor judges -- 15 of whom were newly-elected -- adopted Local Rule 9.1, which ordered the release of 85 percent of all defendants without bail. In so doing, it is alleged, the constitutional right to bail was effectively denied to all defendants when it was removed as an option.

Judge Lee Rosenthal, who presided over the *ODonnell* case, has not yet entered a decree and no settlement has been reached.

With *McCleveland v. Salgado*, bail bondsmen argue that they have a protected property right to engage in the business of bail bonding in Texas. Further, they assert that defendants have a right to use the services of a bondsman when allowed under the Texas constitution and state statute. Their lawsuit alleges that Rule 9.1 violates Texas law in six separate respects.

In addition to the 16 Harris County misdemeanor Criminal Court at Law judges, Sheriff Ed Gonzalez is also named in the suit, and is accused of being complicit with the actions of the judges.

The plaintiffs are asking that an injunction be issued, preventing the Rule 9.1 policy from coming into further effect, and also demand an immediate hearing on whether the policy should be temporarily enjoined pending the outcome of the case.



### **About the American Bail Coalition**

The American Bail Coalition is dedicated protecting the Constitutional right to bail and the promotion, protection and advancement of the surety bail profession in the United States. Comprised of the nation's largest surety insurance companies, ABC works with local communities, law enforcement, legislators and other criminal justice stakeholders to utilize its expertise and knowledge of the surety bail industry to develop more effective and efficient criminal justice solutions. [www.ambailcoalition.org](http://www.ambailcoalition.org)

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