IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

TEXAS TRIBUNE, MANO AMIGA, CALDWELL/HAYS EXAMINER, Plaintiffs, v. CALDWELL COUNTY, TEXAS, TREY HICKS, in his official capacity as Caldwell County Court at Law Judge and Caldwell County Magistrate, MATT KIELY, SHANNA CONLEY, ANITA DELEON, and YVETTE MIRELES, in their official capacities as Caldwell County Justices of the Peace and Caldwell County Magistrates, and MIKE LANE, in his official capacity as the Sheriff of Caldwell County, Defendants.	Civil Action No. 1:23-cv-910-RP

DECLARATION OF CALDWELL/HAYS EXAMINER IN SUPPORT OF PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION

I, Jordan Buckley, hereby declare and state as follows:

1. I am Executive Director of Plaintiff Caldwell/Hays Examiner. I am over the age of eighteen and am competent to make the statements herein. I have personal knowledge of the facts stated in this declaration, and, if called and sworn as a witness, could and would competently testify to them.

2. The Caldwell/Hays Examiner is a nonprofit local publication founded in January 2022 that covers criminal legal issues in Caldwell and Hays Counties, including access to counsel, bail, policing, and mental health services.

3. In April 2022, I had a conversation with County Judge Hoppy Haden about the possibility of establishing a Public Defender Office in Caldwell County. Shortly after that, Judge Haden and the Executive Director of the Texas Indigent Defense Commission met to discuss the procedure for setting up a Public Defender Office. The Caldwell/Hays Examiner would like to attend magistration hearings to get a better sense of what role a Public Defender could play at those hearings and to better understand the operations of the criminal legal system in Caldwell County in general.

4. Additionally, we are interested in possible racial disparities in bail amounts set by magistrates in Caldwell County. As an example, according to press reports, drastically different bail amounts were set for the suspects in two killings that occurred just three weeks apart in Caldwell County in the fall of 2021. In the first case, a 69-year-old white woman, Dena Storch, was arrested for allegedly shooting to death her 82-year-old white husband, Lothar Storch, in their home. She was arrested shortly after the killing and her bail was set at $1 million. In the second incident, a 65-year-old white male, Terry Turner, was arrested for allegedly shooting to death Adil Dghoughi, a young Moroccan immigrant, who was backing his car out of Mr. Turner's driveway when Turner allegedly shot him through the windshield. Turner was not taken into custody until 11 days later, and his bail was set at $150,000. He spent less than two hours in jail before posting bond. Dena Storch and Terry Turner were both eventually charged with first-degree-murder. To understand the reasons why magistrates in Caldwell County are imposing these wildly differing bail amounts, we need access to magistration.

5. On June 7, 2022, I visited the Caldwell County Jail and spoke with Captain James Short about public access to magistration. Captain Short confirmed that all magistration proceedings are closed to the public. At my request, Captain Short showed me the room where magistration takes place. He explained that the County uses video conferencing technology to connect that room with the Magistrate on duty. In response to my questions, Captain Short said that if the County decided to open magistration proceedings to the public, the room used for magistration and the adjoining space could possibly be remodeled for that purpose. He also said that the County could potentially provide the public with remote access if the County obtained a different type of video conferencing account.

6. On August 17, 2022, I again sought access to magistration at the Caldwell County Jail. A jail sergeant refused to permit me to enter the jail for the purpose of attending magistration. She informed me that the public is not permitted to observe magistration at the jail.

7. The Caldwell County magistrates' refusal to allow the Caldwell/Hays Examiner access to magistration impedes the Examiner's reporting on newsworthy cases or issues that intersect with its beat in the Caldwell County criminal legal system, including racial disparities in the bail amounts set by the Magistrates, whether the Magistrates are inquiring into arrestees' ability to pay bail, the County's compliance with the Sandra Bland Act and other issues related to detainees' mental health, and the jail population size and demographics.

8. I declare under penalty of perjury that the foregoing is true and correct. Executed on this 22nd day of September, 2023.

Jordan Buckley