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 THE TEXAS TRIBUNE IN SUPPORT OF PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION

I, Sewell Chan, hereby declare and state as follows:

1. I am the Editor in Chief of The Texas Tribune and have served in that role since October 2021. 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 Texas Tribune, founded in 2009, is a nonprofit, nonpartisan news organization that promotes civic engagement and discourse on public policy, politics,

government, and other matters of statewide concern. The Tribune's model of nonprofit journalism, supported by individual contributions, major gifts, corporate sponsorships, and grants from foundations and endowments, has been recognized with numerous national awards, including the Edward R. Murrow Awards, the Online Journalism Awards and the Texas Managing Editors Awards. The Tribune covers a wide range of public policy, including criminal justice, prisons and jails. It employs journalists across the state, including one who lives in Lockhart, in Caldwell County.

3. Access to criminal proceedings, including magistration, is fundamental to The Texas Tribune's mission of ensuring that every Texan is empowered with the civic information they need to become full participants in our democracy. The Tribune regularly reports on a broad range of criminal justice issues, including the role that bail and pretrial detention play in the criminal legal system.[1]

4. The Caldwell County magistrates' refusal to allow The Texas Tribune access to magistration proceedings prevents the Tribune from investigating magistrates' conduct and decision-making during the proceedings and from bringing any issues of concern to the public's attention. For example, the Tribune cannot evaluate the fairness of the proceedings, including the bail amount set for individual arrestees. The closure of magistration also prevents the Tribune from assessing whether magistrates are fully carrying out their duties. If magistrates fail to inform arrestees of their right to counsel, including court-appointed counsel, that would be a matter of public concern.

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[1] E.g., Jolie McCullough, *Federal judge orders Galveston County to have defense lawyers at bail-setting hearings*, Tex. Tribune (Sept. 11, 2019), https://perma.cc/WW2Y-28L7; Jolie McCullough, *Gov. Greg Abbott prioritized changing how bail is set. He isn't addressing people stuck behind bars because they can't afford to pay.*, Tex. Tribune (Feb. 11, 2021), https://perma.cc/Z54G-PQK6.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 25th day of September 2023.

Sewell Chan