

tx citizen

VOLUME FIVE
ISSUE 5
02.04.16



WE PUT THE SCREWS TO THE CANDIDATES FOR COMAL COUNTY SHERIFF

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North Trib Contract Void Due to City Violations of OMA and Bribery Statues

PLUS: 7 DAY NEW BRAUNFELS LIVE MUSIC GUIDE

POSTSEASON - PRO BOWL
RESULTS ARE IN!

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COUNTY BEAT

WITH NICK ROGERS

Recently, the TX Citizen sat down with Sheriff candidates James "Rick" Walker, DJ Seeger, Mark Reynolds (no relation to TX Citizen publisher Mike Reynolds), Brent Paullus and Joshua Dean to discuss their credentials and goals. This is the first of three parts from that interview. The comments below have been edited for clarity and brevity, but not for content.

TX Citizen: What experience do you bring to the job?



James "Rick" Walker:

I've been involved in law enforcement for over 40 years. I have worked with a variety of organizations. I spent 23 years in the Houston Police Department. Before I retired, I received my master's degree from Sam Houston State University then went to get my doctorate from Texas A&M in College Station. Since that time I have been mainly teaching.



D.J. Seeger: I have two key pieces of experience I bring. The first one is that I spent my four years of high school with the Junior State of America, a student-

led political organization. What makes that so significant is that it gave me experience on how government works, how bills become laws, how budgets work and where the tax dollars are coming from, from the local level all the way up to the federal.

After high school, I have spent the past 2 1/2 years with the Crisis Center of Comal County, which is for victims of domestic violence and sexual assault. That's given me

the legal experience, as a victim advocate, of learning family law. Through that, I got to see the difference between crime that is being reported and crime that is actually happening. We are a nonprofit, so we see domestic violence and sexual assault cases that law enforcement will never see. There are weak points in handling victims, and there are some strong suits that need to stay the same.

I don't have any law enforcement experience, but that will come with time.

TXC: Why run now rather than after you've completed your law enforcement training?

Seeger: Comal County is growing at a rate we've never seen before. This is the time when we need fresh government. There are simple changes that need to be made and they mostly deal with the openness and how we interact with the community. Things like social media are simple, free tools that the Sheriff's Office can use, and should be using. The reason I ran now is that I absolutely think I am capable of handling it.



Mark Reynolds: I am celebrating my 29th year in law enforcement, the last 26 of which have been here at the Comal County Sheriff's Office.

Currently, I am the captain assigned to corrections, which includes all of the corrections at the jail and courthouse. Prior to that, I was the lieutenant over two patrol shifts, training, crime prevention, SRO, K9, open records, firearms. I think I bring the experience and knowledge from different parts and different facets of the Sheriff's Office, and this is the next progressive step.

Continued on page 4.

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Brent Paullus: I have 28 years of experience, starting out working in the jail in Nacadoches while I was working through college. I worked my way

into narcotics investigations, even working undercover at a high school for a while.

In 1993, my wife and I moved to Comal County, and I got hired as a patrol deputy. I worked my way into narcotics investigations, criminal investigations, supervised investigations and, like Mark, I was a patrol lieutenant for nine years where I supervised all uniform shifts, the Comal County Communications Center, the warrants section, courthouse security, animal control and I've been the chief deputy of the Sheriff's Office for the last six years. I'm second in command under Sheriff Bob Holder and responsible for daily operations of law enforcement, jail, courthouse security and animal control. I feel that I have the experience over the other candidates.



Joshua Dean: To go back for public safety, law enforcement and security, it's been almost 26 years for me, since I started out as a lifeguard at Schlitterbahn in

high school. There, I worked my way from lifeguard to seasonal security. When I turned 21, I got a job with the Comal County Sheriff's Department. I finished my degree, a Bachelor of Science in Criminal Justice from Sul Ross. In 2000, I went to work with the LCRA, and was a state police officer. I worked fulltime with the LCRA and reserved with the Sheriff's Office again up to 2011. I currently reserve with the Constable's office, Precinct 4. In 2007, I took a job that moved me from the LCRA to the San Antonio Water Systems, where I have been their director of security. One of the things that I bring different from the other guys is that I have branched out into other things. I am the sector

chief for critical infrastructure for the FBI for water, which is for all of South Texas. I am the only candidate who is board certified in security management and I am tasked with protecting the water system for the second largest area in Texas. I think bring the law enforcement side and the critical infrastructure side.

TXC: What prompted you to run? Is there something that you want to achieve?

Walker: Probably the most important thing to me is that our crime rate has really skyrocketed, specifically what I'm talking about is our violent crime rate. From 2000-12, the violent crime rate, which includes murders, aggravated assaults and robbery, all have gone up, according to the Bureau of Justice Statistics. That was a concern to me. We all live in this county and I want to make it safer, but the crime rate is trending in the wrong direction.

Seeger: I was born and raised here in Comal County, and the only thing I have ever wanted to do with my life is be the Sheriff of Comal County. When I was 10 years old, I would dress up as the sheriff. I would go to H-E-B dressed as the Sheriff and told everyone I was Sheriff of Comal County. When I would go to Barnes & Noble with my mom, I would get the Texas Penal Code textbooks and criminology textbooks, and I tore those things apart taking notes and trying to see how the different pieces fit together. Then, coming into the JSA and with the Crisis Center I have been able to see how rampant domestic violence is and why we have domestic violence, which is often caused by drug abuse. You have totally different demographics in this community – you have extremely high socioeconomics, you have extremely low socioeconomics – and I think that a lot of the issues we deal with are community issues.

For me, it was the idea that we need somebody with a sense of community and vision. Not so much with an enforcement approach. Enforcement is an integral part, but I don't think that's the solution. Since the

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Continued from page 4.

dawn of the ages, we've arrested people and executed people, and it still isn't working. The crime rate, including violent crime, continues to climb. It's about getting creative problem solvers involved and sitting down and putting our heads together and asking, 'how we can involve ourselves in the community?' Having that vision of becoming Sheriff and working toward that goal, that's all I have worked toward in high school.

Reynolds: I'm running for Sheriff because Comal County is my home. I came here 26 years ago and I want to make a safe place to live, work and raise a family. I have committed my career to the people at the Sheriff's Office. After Sheriff Holder's retirement announcement, I thought about how much I cared about the 287 employees at the Sheriff's Office, the community, the County and the people who live in it. We need to have a vision and a plan, and we need some changes and I think I'm the person with the experience who can make those changes.

Paullus: With the position I'm in now, I've seen the need for stability at the office. There's a lot of change going on in this community, especially with growth. With those changes, you need to have some stability, but you also have to have the experience to be able to lead an entity of the size of the Sheriff's Office. We have 287 employees who depend on the leadership to get the job done. I'm not an egomaniac. I like to get the job done, and give the credit to those out there who work hard on a daily basis. Really, it's about the men and women out there in the community itself.

Dean: I've been involved with the Comal County Sheriff's Office since 1996. Even though I have experience managing a large-scale budget and working on a security operation the size of the San Antonio Water System, I still know what's going on in the department. A lot of times, when you get into the management level of the Sheriff's Office, folks don't want to take those issues or ideas to you. The main reason I'm running is because

I've always been involved and I still volunteer my time here. I really think I can bring a new outlook to the department that you just don't get if you've always been there. That is not to say that everything there is bad, but there are other ways to do things and bring a fresh perspective, but still keep that stability.

TXC: Recently, Attorney General Paxton released an opinion that seemingly loosens the definition of "premises" in regards to allowing people to open/conceal carry firearms into courthouses (although not into courtrooms or court offices). Some counties, such as Hays, are expanding the areas to allow the public to carry firearms in and around courthouses in order to avoid conflict with the state, while others are ignoring his opinion. Since courthouse security is the charge of the Sheriff, what are your views concerning his opinion and how would you respond?

Seeger: While I do support more liberal carry laws that allow licensed civilians to carry in more places, I am in agreement with the current Sheriff's orders (or policies) prohibiting civilians from entering the Annex Courthouse with firearms. As a part of the attorney general's opinion, civilians may not enter a courtroom or court offices with a weapon. If we did allow civilians into the courthouse with weapons, we would need more deputies to check persons and property at the entrance to each court office and courtroom, which is unreasonable. Even if civilians were permitted inside of the courthouse building with a weapon, they would be limited to the hallways and restrooms, since the rest of the building is court offices and courtrooms.

Dean: First, you have to look at the law as it currently relates to public buildings and see if Comal County is in compliance or not. I personally believe in our current setup we are not in compliance. I also know that there are already multiple legal challenges going forward this year to clear up this conversation. To make Comal County compliant will cost money to move physical security that is currently in place. At this time, it doesn't make financial sense to spend money to change

physical security until a clearer definition can be made. Once that definition is given, then changes will be made to comply with the definition. Ask five attorneys and you will get five different answers to this question. Before we start spending taxpayer's dollars we need to make sure we are only doing it once.

Walker: Ultimately, I will follow whatever the law may be at the time I am elected, and while an attorney general's opinion is not considered law, the opinions are 'highly persuasive and are entitled to great weight: however the ultimate determination of a law's applicability, meaning or constitutionality is left to the courts' (Texas Attorney Generals Website, 2016). I will make a decision based upon the safety for the judiciary and visitors to the courthouse. In these times of increasing levels of violence played out in and around courthouses, we must be very careful what we do in regards to allowing guns around the courthouse. I think that a risk assessment should be done to help guide any such decisions.

Paullus: The courts and the offices that serve them will remain as they have always been: Secure with no firearms allowed. Other buildings that do not serve the courts will be open to those that have their license to carry firearms. I respect those who have committed the time to obtain their license and believe they are law abiding citizens. This has never been an issue, and I do not believe it will become one.

Reynolds: Courthouse security is a very important issue. We want a safe environment for everyone working within and visiting. The opinion of Attorney Paxton is just that, his opinion, an interpretation of his definition in the law. Each county has also made their interpretations and based their plans accordingly. Those ignoring the order are subject to be taken to court. It will be the scrutiny of the court then to decide. I believe Comal County should follow the AG's opinion.

Part Two of our interview with the candidates will appear in next week's issue of the TX Citizen.



soundcheck

YOUR LIVE MUSIC GUIDE

Thu 2.4

ADOBE VERDE
Historia Gruena, Texas

Josh Holden

6:30pm

OMA GRUENE'S
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SECRET GARTEN

Jam Night

6pm

THE PHOENIX
SALOON

Junior Nash

5pm

Riley's
TAVERN

Ryan Roberts

9pm

Gruene Hall

Bo Porter

6pm

Moonshine & Ale

Rock & Roll Piano Sing Along

8pm

On the Rocks

TBA

7pm

The Pour Haus

Cody Coggins

8:30pm

Fri 2.5

ADOBE VERDE
Historia Gruena, Texas

Shandy

6:30pm

HAPPY COW
BAR & GRILL

TBA

8pm

LONGSHOT
WINE BAR & TASTING ROOM

Bob Schmueckle & Derek Krueger

7pm

OMA GRUENE'S
OGSG
SECRET GARTEN

Adam Johnson

7pm

THE PHOENIX
SALOON

Andrew Howard

5pm

The Nightowls

8:30pm

Riley's
TAVERN

Big John Mills

9pm

THE WATERING HOLE
SALOON

Monte Good & the Honky Tonk Heroes

8pm

Alpine Haus Restaurant

Off the Grid Polka Band

6pm

Billy's Ice House

The Bigsby's

8pm

Gruene Hall

Charlie Robison

w/ Austin Meade

8pm, \$25

On the Rocks

TBA

7:30pm

Moonshine & Ale

Rock & Roll Piano Sing Along

8pm

The Pour Haus

Hipsonic

8:30PM

Vino en Verde

Jackson Parten

8:30pm

Sat 2.6

ADOBE VERDE
Historia Gruena, Texas

Bru's Tunes

6:30pm

HAPPY COW
BAR & GRILL

TBA

8pm

OMA GRUENE'S
OGSG
SECRET GARTEN

Jamie Krueger Group

1pm

Chris Ruest

6pm

THE PHOENIX
SALOON

Zack Walther Band

w/ Kerry Pastine & the Crime Scene

9pm

Riley's TAVERN

Bri Bagwell

9pm



J Abram Band

9pm

Billy's Ice House

LC Rocks

8pm

Gruene Hall

Gene "Birdleggy" Pittman

1pm

Kyle Park

w/ Parker McCollum

8pm, \$15

Moonshine & Ale

Rock & Roll Piano Sing Along

8pm

NB Farmers Market

Wes Creech

9am

On the Rocks

TBA

9pm

The Pour Haus

Matt Begley & Bitter Whiskey

9:30pm

Vino en Verde

Leanne and Noah

9pm

Sun 2.7

OMA GRUENE'S OGSG SECRET GARTEN

Mardi Gras Party w/ Brett Cline Group

2pm

THE PHOENIX SALOON

Significant Sporting Event

5:30pm

Riley's TAVERN

Shake Russel

4pm

Geronimo VFW #8456

TBA

3pm

Gruene Hall

Greg Harris & the World Famous Bandini

Brothers

12pm

The Pour Haus

The Vagabonds

8:30pm

Mon 2.8

Gruene Hall

Bret Graham

6pm

The Pour Haus

Sam Williams

8:30pm

Tues 2.9

Billy's Ice House

Austin Gilliam

8pm

Bonzai Steak & Sushi

Smooth Jazz

w/ Sam Harriss

6pm

Gruene Hall

Slim Bawb

6pm

Wed 2.10

THE PHOENIX SALOON

Sam Pace

8:30pm

Riley's TAVERN

TBA

9pm

Gruene Hall

Bottom Dollar String Band

6pm

The Pour Haus

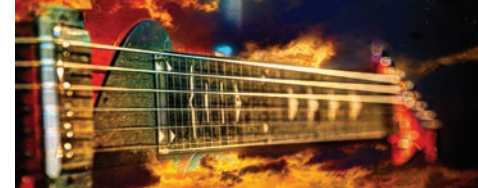
Doug Garrett

8:30pm



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Jan 28

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Jan 29

@ 6:30 Jumbo Funk

Jan 30

@ 2 Texas T & The Shine Runners

@7 Lucas Jack

Jan 31

@ 2 Robert Johnson's Soul

Feb 4

@ 6 Jam Night

SOUND OUT OF TOWN

San Antonio
YOUR LIVE MUSIC GUIDE

Fri 2.5

Cheatham Street Warehouse

Dalton Domino
w/ Randall King
9pm

The Continental Club

Blues Specialists
6:30pm
Alien Knife Fight, Vapors of Morphine
10pm, \$13
Robert Kraft Trio, 8:30pm
Josh Perdue, 10:30pm, \$5

Floore's Country Store

Max Stalling
w/ Shane Walker
9pm, \$10-\$12

Luckenbach Dance Hall

Hayden Whittington
1pm
West Creek
4pm
Mark Jungers
7pm

Luna

PM Soul
8pm, \$10

Sam's Burger Joint

Terri Hendrix
w/ Lloyd Maines
8pm, \$15-\$60

Stubb's BBQ

Major Grizz
w/ Yuma, Marcus Brown
9pm, Inside, \$8

Sat 2.6

Cheatham Street Warehouse

TBA
9pm

The Continental Club

Redd Volkaert, 3:30pm
45's, Vapors of Morphine
10pm, \$22
Hillary York, 8:30pm
Josh Perdue, 10:30pm, \$5

Floore's Country Store

Cody Jonks
w/ Ward Davis
9pm, \$12-\$75

Luckenbach Dance Hall

Emily Herring
1pm
Blue Water Highway Band
9pm, \$10

Luna

Matt Stansberry & the Romance
9pm, \$10

Sam's Burger Joint

Scott H Biram
w/ Garrett T Capps
8pm, \$10-\$40

Stubb's BBQ

PT Banks
w/ Tinnarose, Lomelda
9pm, Inside, \$8



SUNDAY 1-31-16
POOL TOURNAMENT

SUNDAY 2-7-16
SUPER BOWL PARTY
GAME AT 5:30
FOOD 4:30-WHENEVER

TUESDAY 2-9-16
FAT TUESDAY PARTY
CAJUN FOOD

TUESDAY 2-12-16
SINGLES AWARENESS PARTY

SATURDAY 2-13-16
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SUNDAY 2-14-16
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Karaoke
Thursdays, Saturdays
DJ Johnny V
Fridays



Trivia Night
Tuesdays



Karaoke
Thursdays

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FREEMAN ON SPORTS

WITH BRANT FREEMAN

If you thought I'd stay away from football in the Week In Review then you thought WRONG, brother (Hulk Hogan 1987 voice). While there were no games to recap from last week and only one left to recap until SEPTEMBER, (slams fist into a fridge), there's still plenty to discuss as it pertains to the National Football League. Let's get to it.

NFL: "Technically" there was a game last week, the Pro Bowl, but it's so utterly unwatchable, I, well, didn't watch it. One would think that a football game featuring the NFL's best players all on one field together would make for awesome entertainment. People freak out over pre-season games for Christ's sake. I watch the Titans play 16 games on NFL Sunday Ticket every year (not um, money well spent), why wouldn't I want to watch the NFL's All-Star Game?

Because it's terrible, and the NBA's All-Star Game isn't that entertaining anymore either but AT LEAST you get see a few kewl dunks in the game. As a kid I made any All-Star Game of any sport appointment television. Maybe growing older has made me more cynical, and this may come across as a little "get off my lawn-y" but bear with me.

The NFL has tried its best to recreate interest in the Pro Bowl through several measures, including moving the game to the week between the conference title games and the Super Bowl, scrapping the NFC vs AFC format by having former players draft the teams, moving the game to the host Super Bowl city, etc.

God bless 'em, but none of it has worked.

For starters, moving the Pro Bowl to the week before the Super Bowl was a bad idea. We all know there is a far, more important game coming. I can't be distracted by your laser light show while I'm trying to mentally prepare for a championship game and funny puppy commercials. Besides, by dangling the Pro Bowl the week AFTER the Super Bowl, it gave morons like me one more week to strrrrrretch out our football fix. Of course, there's the other issue that the players from the league's two best teams can't even play in the game. How else are we supposed to get mad

at Cam Newton showboating for Team Irvin?

Going from NFC vs AFC to teams being drafted... I mean, I can't yawn loud enough for how little that means. Occasionally moving the game from Hawaii to somewhere else doesn't mean much to Joe Fan but for the players that's gotta suck. While this year's game was again in Hawaii, last year's Pro Bowl was in Glendale. Rewarding the Pro Bowl players with a trip to the Phoenix area opposed to Honolulu is like giving your kid a stapler for getting straight A's after last year you got their older sibling an iPad 11.

The easiest solution is to scrap the game entirely and turn the Pro Bowl into something different. Come up with some innovative skills competitions (stuff we don't see at the combine), like football's version of H-O-R-S-E. Have them do a spelling bee, ANYTHING other than what it is now. I miss caring about it. Other NFL musings as we prepare for the Super Bowl this Sunday...

- The only Super Bowl my team ever played in featured one of the greatest endings ever: the tackle of Tennessee's Kevin Dyson by St. Louis' Mike Jones at the 1-yard line as time expired, keeping the Titans from (likely) tying the game and sending Super Bowl XXXIV to overtime (which oddly, 49 Super Bowls in now, STILL hasn't happened). What's strange is I wasn't all that upset about the loss. 18-year-old me was thrilled my team was in the freaking Super Bowl and were a part of an epic finish. Now they're working on seven straight playoff-less seasons and have a wet roll of paper towels as a head coach. Ok, NOW I'm upset.

- Star wide receiver Calvin Johnson is calling it a career after just nine NFL seasons and at the age of 30. Barry Sanders, who of course also played for the Lions, retired after 10 NFL seasons, also at 30 years old. The Detroit Lions are the stapler gifts of the NFL.

- Carolina wins in a rout on Sunday. Enjoy the game and we'll catch up again next week...

Brant Freeman is a seasoned local sportscaster, delivering the goods as a reporter for major pro and collegiate sporting events in the greater San Antonio area for over a decade.



POSTSEASON - PRO BOWL TOP PLAYERS

(TIE BREAKER PLAYED FOR ALL POSITIONS)

1ST PLACE: ROBERT LILEY @ THE WATERING HOLE - 100%

SECOND PLACE: JOHN PERRY @ THE HAPPY COW - 100%

THIRD PLACE: JERRY DENNIS @ SCORES - 100%

THIRD PLACE: KATIE WAHRMUND @ THE PRICKLY PEAR - 100%

THIS WEEK'S WINNING TEAM:

THE WATERING HOLE: 100% ACCURACY

LEAGUE STANDINGS:

OVERALL ACCURACY ON SEASON

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ASK A MEXICAN!

By Gustavo Arellano

any other ethnic group do this to their trucks as regularly as Mexicans.

What gives?

Juan Confused Coloradan

Dear Mexican: I enjoyed reading the letter some years back from the lovely Mexican lesbian about lip liner. I have met several guys from Mexico who come to the U.S. so they can come out of the closet. Nothing warms my middle-aged gay heart more than when a nice Mexican young man says "Hola, papi"! However, it seems that when they go home to Mexico to visit their mamasitas, they go back in the closet. I've read in the news that things are getting better for my fellow homos in Mexico. Are more macho muchachos "out" in Mexico these days?

Greatful White Queen

Dear Gabacha: Life for mariposas in Mexico have gotten much better since the days when the Aztecs would kill gay men by pulling their entrails through their culos. Just last month, the Mexican Supreme Court legalized gay marriage in Jalisco, stereotypically the most macho state in la república (the rest of us mexicanos always knew those charros from Los Altos were on the down-low, anyway). On the other mano, the Human Rights Commission of Mexico City's 2008 report on LGBT discrimination noted that a Mexican governmental survey found that 48.4 percent of households surveyed said they wouldn't allow a gay person to live in their house, and that over 90 percent of LGBT folks had experienced discrimination on account of their sexuality. In other words, Mexico is about as tolerant of gay folks as Ted Cruz, but far better looking.

Dear Mexican: How come Mexicans lower their pickup trucks and put those tiny wheels on there that stick out beyond the fender? In doing so, they have essentially ruined a perfectly good truck to nothing more than a low-riding car. I can honestly say that I haven't seen

Dear Pocho: Mexicans lower their cars, gabacho bros raise their Dodge Rams and F250s as high as possible. Such suspension choices are metaphors for our respective razas—Mexicans are close to Mother Earth, while gabas will forever remain uppity pendejos.

Dear Mexican: I work with Mexicans on a golf course. We eat lunch together and I love tortillas. I even learned how to make a spoon out of a tortilla. These guys know nothing about la cocina. So when I ask them how to make the red sauce that the meat is cooked in, they give me the furrowed brow look. I cook a lot at my house; I'm sure some of them think this gringo is a faggot. Where can I find a recipe for this red sauce?

My 18th Hole is You-Know-Where

Dear Gabacha: Not enough info here. What kind of salsa roja was it— from chile de arbol? Japones? Chipotle? Piquín? Chiltepín? Or was it a guisado? A mole? Maybe a thick consommé? There are as many Mexican salsas as there are narcos in the Mexican government, so get back at me with the details. But don't say that hombres can't cook; just take it from celebrity chef Anthony Bourdain, who said last year, "If [Donald] Trump deports 11 million people or whatever he's talking about right now, every restaurant would shut down." So can someone shove a cold burrito in Trump's face already?



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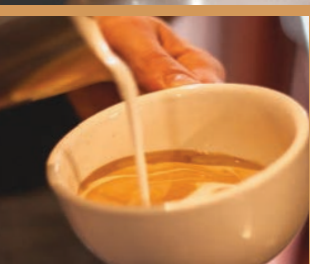
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impair



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adjudicate- possession
of a controlled
substance

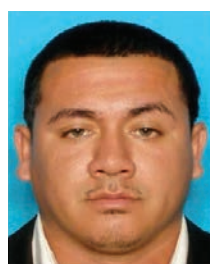


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to surrender



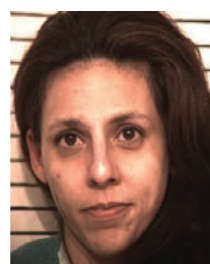
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controlled substance

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while intoxicated
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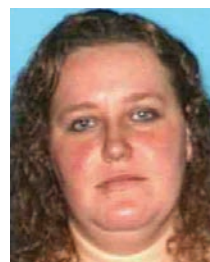
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JOHNNY RICHARD**
Male • 5'07" • 140 lbs
DOB: 04/12/1986
CHARGE: Theft
property over \$1,500
under \$20,000

**PARADA,
ROXANA PEREZ**
Female • 5'04" • 120 lbs
DOB: 08/31/1981
CHARGE: Possession
of a controlled
substance



**CAMPOS,
ORLANDO
MARTINEZ**
Male • 5'06" • 245 lbs
DOB: 02/15/1979
CHARGE: Motion to
revoke- possession
controlled substance

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AMY LEE**
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Due Process

WITH NICK ROGERS

Brilliant Starts Wins Appeal

A New Braunfels daycare embroiled in child abuse accusations can remain open while it challenges the revocation of its license, the Third Court of Appeals ruled.

The Court ruled that Judge Dib Waldrip, whose district includes Comal County, did not overstep when he ordered injunctions against the State from closing Brilliant Starts Learning Academy.

The State's Department of Family and Protective Services (DFPS) wanted to close the daycare after a teacher was reportedly seen on video abusing a child.

In December 2014, Brilliant Starts employee Constance Digiovanni was accused of injuring and bloodying a child when she threw him to the floor. Owners of the daycare initially told the child's father that his son had fallen. The father, however, notified New Braunfels police. According to prosecutors, two weeks of video showed repeated abusive behavior by Digiovanni, incidents the owners didn't reveal to DFPS as required by law. Digiovanni has been charged with one felony count of injury to child with intent to cause bodily injury and 20 counts of abandonment endangering a child with criminal negligence.

Brilliant Starts owners Randal and Patricia Norman are charged with one felony count each of failure to make required child abuse report with intent to conceal, as well as five misdemeanor counts each of the same.

After the Comal County District Attorney's Office notified DFPS of the video, the State ordered in May that the daycare close for 30 days for further investigation. Waldrip ordered a temporary restraining order against DFPS, thus keeping the daycare open. Later that same month, after the State revoked Brilliant Starts' license, Waldrip issued a second temporary restraining order to allow the daycare to remain open while it appeals the revocation.

"The Plaintiff shall designate a person as a consultant, not related to any of the controlling persons nor a current employee of plaintiff who shall be allowed access to all

records, including digital video recordings, to ensure there is not a health or safety risk to the children in the future," Waldrip ordered. "The person designated shall report any violations discovered to the (Department) and the Court."

Waldrip ruled that closing Brilliant Starts could cause "irreparable harm" to attendees and employees.

The State argued in its appeal that placing someone else in charge of the daycare suggests Waldrip understood there must have been a risk, otherwise such an appointment would not have been necessary. By doing so, the State said, the judge went outside the boundaries of the Texas Human Resources Code, which reads, "The court may grant injunctive relief against the department's action only if the court finds that the child-care operation does not pose a health or safety risk to children."

Brilliant Starts countered that after several hearings, Waldrip found there was no longer any danger to students, and that there is no rule keeping the judge from ordering someone else to run the facility.

"The Appellant argues, without authority, that the additional conditions imposed in the Order somehow make the issuance of the injunction an abuse of discretion," the daycare argued. "The statute does not limit the relief, it merely requires that the trial court make the determination as to the risk."

The Third Court of Appeals agreed.

"The Department argues that the court's requirement that Brilliant Starts hire a consultant to monitor the daycare shows that the trial court did not mean what it found," Chief Justice Jeff Rose wrote for the Court. "But, despite requiring that Brilliant Starts hire a consultant ... the trial court did not qualify or withdraw its finding that the plaintiff does not pose a health or safety risk to the children, nor did it find that danger or future danger exists. The statute does not prohibit putting such a condition on an injunction, nor does it dictate that such a condition negates the trial court's express finding that Brilliant Starts does not pose a health or safety risk to the children."

Nick Rogers covers courts & crime for the TX Citizen.



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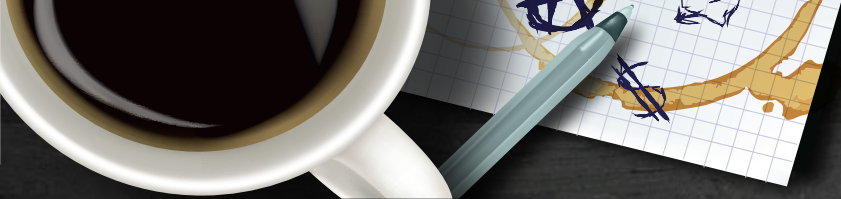
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Last Word

With Kelly Colby

Iowa.

As I write this, Iowa's in the rear-view mirror for the Republicans and over for the Democrats as well, even though there was no clear winner. Most of what happened was expected, or at least suspected. The real question is where things will go from here. Answering that is a dicey proposition. Karl Rove is still smarting from some of his predictions, but as of last night at least, he appears to be back in the business of second-guessing the electorate. If he can do it, I don't see any reason why I can't.

The Republican race is really down to three candidates and a Hail Mary. Cruz, Trump and Rubio went one, two and three last night, and that was mostly expected. New Hampshire is next, and Trump and Cruz will likely do just fine. It is possible, though, that Rubio might get knocked down by one of the other "establishment" candidates. If pressed, I would think that Jeb has the best chance of doing this because of his war chest, but Kasich is also doing quite well in the Granite State. Aside from "establishment" outliers, the rest of the Republican field should probably pack it up (Huckabee already has).

Ted Cruz came away the big winner in Iowa, and he outperformed expectations, but he gained some baggage doing so. From the last debate to the voting in Iowa, Cruz has let the mask of civility slip a little bit. For all his talk of being an outsider, Cruz is a politician, and a good one. He has certainly shifted positions in several areas, if he cannot be accused of changing them, and he has entered the realm of political dirty tricks more than once.

An example of how this might hurt him comes from Ben Carson's campaign. They accuse Cruz of telling delegates that Carson

had dropped out in order to get their votes. (That this both surprises and distresses Carson is a perfect indication of why, for his sake and ours, he should not be President.) This sort of thing is slimy, if not particularly uncommon, and Cruz will almost certainly lose any hope of a Carson endorsement as a result. Carson ended Iowa with about nine percent. Cruz will need every bit of that to fight his way to the top. We've already seen that both Trump and Rubio are ready to make hay with Cruz's inability to get along with people. The Republican base doesn't particularly want someone to go along with the crowd, but they need someone who is personable enough to win in the general election. A current jab at Cruz has his young daughter turning away from him angrily as he tries to kiss her, the idea being that even his daughter doesn't like him. That this is actually an option for his opposition hurts. (Mind you, Cruz's daughter is young, and anger at that age is fleeting. For true seething hatred of parents, I would suggest no one has more right than Chelsea Clinton. She'll need to be slipping the Secret Service a little something extra in their Christmas cards to keep a close eye on her dad when he's with her daughter, and Hillary has left her in the possible unenviable position of explaining why Gramma is behind the glass.)

Trump underperformed, but may have helped himself with the demeanor he showed in taking that loss. One of my greatest concerns was that his ego might not be able to handle even minor setbacks. That appears not to be the case. Trump's biggest problem remains that he is long on rhetoric and short on actual specifics. Trump will need to start putting together some sound policy ideas to go with his

incendiary personality, or he's going to find himself dwindling away.

Rubio comes out of Iowa as the big winner. He outperformed expectations, made Jeb look insignificant and became the new media darling. That can be attributed to a media bias if you like, but there's little question that of the candidates on the Republican side, Rubio is the most polished. He is actually a better speaker than Ted Cruz. His positions may be more moderate, but he does seem to have bowed to the base somewhat, and that might be enough for all but the angriest of the conservative voters. An example of this is his evolution on immigration. Make no mistake, Rubio is in favor some form of amnesty, but he has been pretty clear that the public will not stand for any move like that until the border is secured. (Cruz could take a hint from Rubio on this for his own changes.) If Rubio can hold this through New Hampshire, he will have the establishment vote solidly, and he might well pull from Cruz.

I expect Cruz to be carpet-bombed into near oblivion in New Hampshire with negative ads from both Rubio and Trump. If he survives this and does well, the top three or so, he will be fine. If he takes first in New Hampshire, the race is probably his.

The Democrats were almost a dead heat in Iowa. At this writing, five votes separate Sanders and Clinton. This is bad news for Clinton. All indications are that she's going to be schlanged in New Hampshire, and if that's the case, it seems quite possible that Sanders will be able to compete in South Carolina as well.

It's been suggested that Sanders can't do well with the minority vote, but I don't see any reason why this needs to be the case. Sanders should have the same

appeal to ethnic groups that he has to other Democrats, and ever point lost by Hillary becomes a point gained by Bernie. I've mentioned before that HRC is her own worst enemy in this regard. She's about as unlikeable as a candidate can be and still be viable, and she's a scandal generator to boot. The only thing keeping her in place now is that Obama has not turned wholly against her. I think he sees her as a better candidate than Sanders and likely assumes that Hillary's death-throes as a candidate might well be damaging to him as well. Note, though, that Obama's support is pretty half-hearted at this point.

My perception is that barring HRC being led away from a campaign event in silver bracelets, that this will be all but over by South Carolina. If the past success of various prognosticators is any indication, I'll be so wrong that I'll be forced to go into hiding for a year or more, but I just can't resist playing Timmy-the-Psychic-Boy. Until South Carolina, I expect that things will get nasty on both sides. Cruz has placed a big target on his back, and I expect to see money being spent judiciously in attempts to knock him down a peg or two. I also suspect Bernie will take the gloves off. He has thus far played the outsider, but the truth is that Bernie has been a politician his entire adult life. He knows how these things are done, and I suspect that he will be prepared to get in the mud to win the nomination. Bernie might keep his powder dry until South Carolina, but if he waits beyond that I doubt there will be a fight to use it in.

You can reach Kelly for fan mail by email at kellycolby@txcitizen.com. Hate mail goes to mike@txcitizen.com.

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