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CAUSE NO. J19CG

STATE	)	COUNTY COURT AT LAW
	)	
VS.	)	
	)	ANDERSON COUNTY, TEXAS
	)	
CARTER GENTRY	)	

\*\*\*\*\*

**HEARING**

**DECEMBER 11, 2019**

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Proceedings was taken in the above-styled and numbered cause on December 11, 2019 before the Honorable Judge Doran, reported by computerized stenotype machine at the pursuant to the Texas Rules of Civil Procedure and the provisions stated on the record or attached hereto.

**ORIGINAL**

APPEARANCES

FOR STATE OF TEXAS:

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FOR DEFENDANT:  
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4 THE COURT: And this is J19-CG in the matter of Carter  
5 Ryan Gentry. What brings us together today?

6 MR. CARGILL: Your Honor, we had request a status in  
7 regards to being able to modify two conditions of the conditions  
8 of release.

9 THE COURT: Okay.

10 MR. CARGILL: Those being one, a GPS monitor. And two,  
11 permission to be able to be supervised by his uncle as an  
12 additional supervisor from his parents those -- Juvenile  
13 Probation hasn't even had a chance to speak with the uncle or  
14 evaluate him.

15 THE COURT: Okay.

16 MR. CARGILL: Your Honor, as far as speaking with the  
17 uncle and evaluating -- they spoke with the uncle and evaluated  
18 and allowed Carter to go -- travel on a trip with him just  
19 recently.

20 STATE: Again, not in the sense to where he would be,  
21 you know, a permanent trustee.

22 THE COURT: Right. Let me ask everyone that expects to  
23 testify to raise your right hand. Do you and each of you  
24 solemnly swear or affirm the testimony you shall give in the  
25 cause now on trial will be the truth, the whole truth and nothing

1 but the truth so help you God?

2 THE WITNESS: I do.

3 THE COURT: Very well. Okay. Mr. Hays?

4 MR. CARGILL: It's my motion.

5 THE COURT: I guess, it's your motion, Mr. Cargill.

6 MR. CARGILL: I call Julie Stevens.

7 THE COURT: Go ahead.

8 DIRECT EXAMINATION

9 Q I've known you, Ms. Stevens, for a long time.

10 A It's all right.

11 Q Can you please state your name for the record?

12 A Julie Sharp.

13 Q And are you currently the supervising officer for  
14 Carter Gentry?

15 A I am.

16 Q And you're aware of the conditions of release he has?

17 A Yes sir.

18 Q And has there been a violation of any of these  
19 conditions of release?

20 A No sir.

21 Q And specifically, has there been a violation of the GPS  
22 monitor?

23 A No sir.

24 Q Okay. And recently Carter was allowed to be supervised  
25 and travel with his uncle; is that correct?

1 A With his aunt and uncle, yes sir.

2 Q But you would like an opportunity to be able to meet  
3 with them, talk with them, any other type of information that you  
4 can obtain from them; is that correct?

5 A Yes sir, I wasn't aware that the family wanted the  
6 uncle to be a supervisor for him.

7 Q Were you told in your meetings with the -- the family  
8 that Carter had previously worked a job; were you aware of that?

9 A I believe they may have mentioned that he worked with  
10 his uncle, yes sir.

11 Q And his uncle does -- do you know what his uncle does?

12 A I don't.

13 Q Okay. But that you -- they told you that he worked for  
14 his uncle; is that correct?

15 A Yes sir.

16 Q In regards to the family, are you aware whether or not  
17 they had a significant financial set back in the last month or  
18 so?

19 A Are you referring to their house burning?

20 Q Yes ma'am.

21 A Yes, I'm aware of that.

22 Q And their house -- they were living in Anderson County;  
23 is that correct?

24 A They were up until this whole case became an issue.

25 Q But they were living in Anderson County?

1 A Yes sir.

2 Q And they owned a house in Katyville?

3 A Yes sir.

4 Q And they agreed as part of this case that they would  
5 move out of Anderson County?

6 A Yes sir.

7 Q And they did that?

8 A Yes sir.

9 Q And then they had their house for sale and it burned;  
10 is that correct?

11 A I don't know if it was for sale or not, I'm just aware  
12 that it burned.

13 Q Okay. Are you aware that all of their contents were in  
14 the house as well?

15 A That's what Mrs. Gentry had advised me, yes sir.

16 Q And how much is the -- the GPS monitor a month?

17 A It's \$300 per month.

18 Q And the conditions also require him to go to  
19 counseling; is that correct?

20 A Yes sir.

21 Q Are you aware of the cost of that counseling?

22 A I am not, no sir.

23 Q Are you aware that he was to go online homeschooling?

24 A Yes sir.

25 Q And do you -- are you aware of the cost of that?

1 A No sir.

2 Q Now, another thing that was agreed to, or has been  
3 agreed to, is that it would change from him reporting here for  
4 him to report in Athens; is that correct?

5 A Actually, Van Zandt County.

6 Q Van Zandt?

7 A The family sent me an email yesterday asking if as a  
8 courtesy they could report into Van Zandt County and we checked  
9 with them today and Van Zandt County they agreed to as a courtesy  
10 let him report in there. And then they'll also drug test him  
11 which will be a cost of \$10 per drug test for the family.

12 Q Okay. You don't have any issue as to any of that; do  
13 you?

14 A No sir.

15 MR. CARGILL: Pass the witness.

16 THE COURT: Okay. Mr. Hays?

17 CROSS EXAMINATION

18 BY STATE:

19 Q All right. How long has Carter Gentry been on, I  
20 guess, conditions?

21 A He's been on conditions of release since September 23.

22 Q So about two and a half months?

23 A Almost, yes sir.

24 Q Okay. Would you consider that a long time on  
5 conditions or a short time on conditions?



1 A A short time.

2 Q Okay. Was having an ankle monitor part of, I guess,  
3 the conditions of getting out of detention?

4 A It was actually agreed to at the initial hearing, Mr.  
5 Cargill presented that to the Court as an agreement.

6 Q So I guess, Mr. Cargill offered that up as a way to get  
7 out detention?

8 A Yes sir.

9 Q So it was his idea?

10 MR. CARGILL: Objection, Your Honor, this is a  
11 misstatement of the evidence.

12 THE COURT: Well, I'll give it the weight it's entitled  
13 to.

14 MR. CARGILL: Okay.

15 Q (BY STATE) Do you feel like Juvenile has had  
16 sufficient time with the ankle monitor on?

17 A I think almost two and a half months is not a very long  
18 period of time. I would say at this point it would be premature  
19 to have the monitor removed.

20 Q Do you think removing the ankle monitor at this point  
21 in time would be a mistake?

22 A Given the nature of the allegations, yes sir.

23 Q Okay. What is he alleged to have done?

24 A There are a lot of incidents that were reported that  
25 led to the actual case being filed. I would have to get the

1 office report and go back through that if you would like me to  
2 but in summary basically they're allegations that the Juvenile  
3 has shown up where --

4 Q An alleged stalking case?

5 A -- yes sir.

6 Q Okay. Given that it's an alleged stalking case do you  
7 feel that an ankle monitor here more than I guess, other types of  
8 cases it's more important to have I guess, a track of the  
9 Juvenile?

10 A Yes sir.

11 Q Okay. Is part of the ankle monitor there a protection  
12 of the alleged victim?

13 A Yes sir.

14 Q Okay. Do you feel that they would -- that the Juvenile  
15 might disobey orders to stay out of Anderson County if he did not  
16 have an ankle monitor on?

17 A Again, given the nature of the allegations, I think  
18 there's a possible risk that they may happen, yes sir.

19 Q Okay. All right. I guess, with regard to the uncle --  
20 what would you call it being -- able to being released to his  
21 custody?

22 A This is the first I've heard any mention of it so I'm  
23 not really sure what they're wanting. If they're wanting him to  
24 go and live with his uncle or for him to just supervise him  
25 during the day while he works with him.

1 Q Okay. So you've had no notice from the Juvenile or the  
2 family or his attorney about this request?

3 A No sir.

4 Q Okay. Would -- in order to determine if he's a  
5 suitable candidate for that would you need sufficient time to  
6 look into him, background checks, home visits, that sort of  
7 thing?

8 A Again, if they're wanting him to live with him, I  
9 definitely need to go through those steps. It just depends on  
10 what type of supervision they're requesting, and I don't know  
11 that right now.

12 Q Okay. Because they have not made any mention of that  
13 to you?

14 A That is correct.

15 STATE: Pass the witness.

16 THE COURT: Okay. Mr. Cargill.

17 REDIRECT EXAMINATION

18 Q If the request is that he be able to get re- employed  
19 with his uncle, and that they're requesting the parents don't  
20 have to be present at the time he's at his employment, what type  
21 of investigation needs to be completed before?

22 A I would just need them to let me know where he would be  
23 working, what hours. I would need to get -- which actually I  
24 already have the uncle and aunt's signatures on the conditions of  
25 release, just to kind of reiterate with them the rules that he's

1 to follow.

2 And again, just to give me the information of where  
3 he's going to be and who is going to be responsible for him.  
4 What hours during the day, how often that will be.

5 Q And in regards to Mr. Gentry's conditions, was the  
6 request for an ankle monitor by Allison Mitchell?

7 A I -- there was a lot of conversation going on that day,  
8 if you will recall when the case was called it was presented as  
9 an agreement by all parties. I don't recall who mentioned it  
10 first, but it was presented by you to the Judge as an agreement.

11 Q Right. Well, the State presented it, and then we said  
12 that we agreed to the conditions; is that how you remember it?

13 A Yes sir.

14 Q In regards to stalking offenses, in general, have you  
15 had any other cases in which the conditions of release were that  
16 the family had to move out of the county?

17 A That was not a condition of his release. That was  
18 offered up by you and the family.

19 Q Okay. Was there a condition ever that he had to have  
20 permission to come in and out of Anderson County?

21 A Well, given that that was the agreement that he -- that  
22 they had moved and he would be residing in Van Zandt County that  
23 was also offered up that they would only come here to report in.  
24 Normally, our conditions state that they have to get permission  
5 to leave whatever county that they're in.

1 Q In regards to the monitor, have you ever had any other  
2 stalking case which a monitor was required?

3 A I have not personally had another stalking case.

4 Q Okay.

5 A I can't speak for the other probation officers.

6 Q And as far as the time period that this case has taken  
7 the two and a half months, are you aware of my office and myself  
8 as well requesting some information and evidence that was to be  
9 delivered to our office?

10 A If you're referring to the cell phone --

11 STATE: Objection, Your Honor, this is not relevant to  
12 this hearing.

13 MR. CARGILL: They talked about the time period and how  
14 come it's taken so long.

15 STATE: That's not what we talked about, Judge, we  
16 talked about the amount of time he's been on conditions of  
17 release just for the purpose of this hearing. This is kind of a  
18 fishing expedition.

19 THE COURT: I don't want to get sidetracked on  
20 discovery stuff. If -- I'll let you ask the question and get an  
21 answer to it but let's not spend any time on it.

22 MR. CARGILL: Well, I wasn't leading to discoverable  
23 material.

24 Q (BY MR. CARGILL) When did we receive that phone?

5 A I believe your office received that on Monday of this

1 week.

2 Q And when did the officer say that he was going to  
3 deliver it?

4 STATE: Objection, Your Honor, relevance again.

5 THE COURT: If she knows the answer, go ahead and  
6 answer it.

7 A I can't give you an exact date of the first time.  
8 There were at least a couple of occasions.

9 Q (BY MR. CARGILL) Would you say September?

10 A I can't give a date. I don't --

11 Q Somewhere close to that?

12 STATE: Objection, Your Honor, asked and answered. She  
13 doesn't know.

14 THE COURT: Well, let me ask what the point of this is.  
15 I mean, are you wanting a trial?

16 MR. CARGILL: Your Honor, we've asked for them file a  
17 petition and go ahead and go forward with the trial or release  
18 this on conditions or make the conditions --

19 THE COURT: He's released on conditions.

20 STATE: Exactly Judge.

21 MR. CARGILL: Release us from the conditions. Or make  
22 them to where my clients will be able to comply. It's financial  
23 burden to continue them --

24 THE COURT: Well, let me ask a question. You want him  
5 to work for the uncle. What's he do for the uncle?

1 MR. CARGILL: He's just a helper, construction helper.

2 THE COURT: How much does he get paid?

3 UNCLE: \$10 an hour.

4 THE COURT: How many hours a day?

5 UNCLE: Just depends on what the week is, usually eight  
6 hours a day.

7 THE COURT: Eight hours a day he can pay for the ankle  
8 monitor himself if he does that.

9 MR. CARGILL: If he's allowed to work for the uncle.

10 THE COURT: Yeah.

11 MR. CARGILL: The uncle -- where do you work?

12 UNCLE: Every where.

13 MR. CARGILL: What do you mean every where?

14 UNCLE: Every where in the State of Texas it can be in  
15 Dallas, Houston, Fort Worth, wherever.

16 STATE: That's a concern, Judge.

17 UNCLE: It's not in Anderson County.

18 MR. CARGILL: My question is this, if their concern is  
19 that my client is alleged to have stalked somebody that's in  
20 Anderson County --

21 THE COURT: Right.

22 MR. CARGILL: -- and that stays in Anderson County why  
23 is there concern whether he travels the State of Texas away from  
24 Anderson County?

25 THE COURT: Yeah, I'm not -- what my concern mostly is

1 at this point I don't have anything that indicates he's working  
2 on resolving the psychological issues that were -- came up in the  
3 evaluation.

4 MR. CARGILL: She testified as to the counseling.

5 THE COURT: I don't know what's going on with that  
6 though. He was deceptive in the evaluation. The evaluator  
7 indicated that if he's not able to adjust his conduct and control  
8 himself, that he should be in a structured environment. I mean,  
9 those are the recommendations of the report. I haven't heard  
10 anything that rebuts any of that. So at this point if the  
11 Department looks at the uncle and says he's okay, I don't have  
12 any problem with him working for that. And having him be a  
13 supervisor.

14 MR. CARGILL: If he can work for the uncle, we don't  
15 have an issue in regards to the monitor.

16 THE COURT: Right.

17 MR. CARGILL: But when we agreed to the monitor that  
18 was before their house burned down and lost all their contents.  
19 They can't afford to do that plus pay for counseling.

20 THE COURT: They didn't have any insurance on it?

21 MR. CARGILL: Not enough insurance -- they were --

22 STATE: Judge, they can get into that question -- I  
23 don't know this is just speculation at this --

24 THE COURT: If the Department approves the uncle, then  
25 I'm okay with the uncle and he can go to work with the uncle. If



1 he's making what would that be --

2 MR. CARGILL: 400 a week.

3 THE COURT: Yeah, 400 a week, he can pay for the ankle  
4 monitor. And it's his -- he's created the problem for all these  
5 folks he ought to be responsible for it.

6 STATE: Judge, we'd be okay with that.

7 THE COURT: Yeah.

8 MR. CARGILL: I'd be find with that, Your Honor.

9 THE COURT: Okay. All right. Anything else we need to  
10 do on this?

11 MR. CARGILL: Are you approving the supervision by Van  
12 Zandt?

13 THE COURT: Yeah, that makes more sense to me too.

14 STATE: Just courtesy supervision.

15 THE COURT: Yeah.

16 MS. STEVENS: Judge, Van Zandt is going to require a  
17 separate order for them to supervise him so that -- and include  
18 the drug testing.

19 THE COURT: Sure. Submit an order and let Mr. Cargill  
20 look at it. And if everybody approves it I'll sign it.

21 STATE: I think that's all we have, Your Honor.

22 THE COURT: All right. Good luck to you folks.

23

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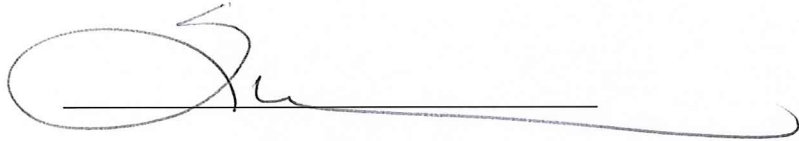
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