THE STATE OF TEXAS COUNTY OF MATAGORDA
ORDER OF COMMITMENT
TO THE SHERIFF OF MATAGORDA COUNTY, GREETINGS:

You are hereby commanded to commit to the jail of Matagorda County, Texas, the body of:

Tony Lee Kirkham for the charge (s) of :

CAUSE NO.	CHARGE	FINE	COMMITMENT FEE	TOTAL	BOND	COURT
2.24.0020	Assault BI./Inred. Breath F3	$_____ +	$ 5.00	$_____	$5,000 22	DC
		$_____ +	$ 5.00	$_____	$_____	
		$_____ +	$ 5.00	$_____	$_____	
		$_____ +	$ 5.00	$_____	$_____	
		$_____ +	$ 5.00	$_____	$_____	
		$_____ +	$ 5.00	$_____	$_____	

GRAND TOTAL $_____

I, the above mentioned defendant do hereby enter a plea of: _____ Nolo Contendre
_____ Guilty
_____ Not Guilty

On the above mention class C misdemeanor charge (s), I waive my right to a trial by jury and accept the above mentioned fines and costs for said offense.

X _____, **Defendant**

The said defendant may be released upon the payment and/or credit of fines and costs as ordered above and/or the posting of said bond (s). Herein fail not, but this make due return showing how you have executed the same. (**Required Signature of judge**) Witness my signature this the 11 day of March, 2024

x S Sullivan S Sullivan, **Justice of the Peace, Matagorda County, Texas**

Paid Fine $ _____, Made Payment On Fine of $ _____, or Served _____ Days In Jail At $ _____ per day. Total Credit $ _____

Released to pay by authority of: _____ Served fine and Released on: _____ Released on Bond to: _____

Signature of Jailer/Deputy: _____

***EPO ISSUED** effective date beginning _____ day of _____, 20__. Ending _____ day of _____, 20__. Judge _____

***BONDING CONDITIONS** issued by Judge _____

Revised 4/12/2021

Booking Sheet

Matagorda County Sheriff's Office
2308 Avenue F./ Bay City, Texas
(979)245-5526

SO NUMBER	DATE BOOKED	CURRENT CLASS	PAGE
63997	03/05/2024	MED. ASLT/ESC	1
CURRENT CELL: DETOX	CUSTODY STATUS: F. PRETRIAL FELONS (DO NOT INCLUDE PAROLE VIOLATORS, ETC.)		OF 2

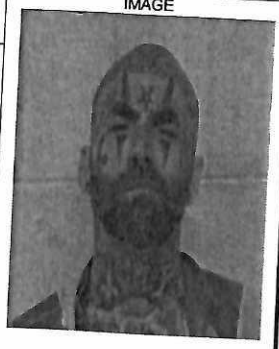
IDENTIFICATION

NAME	PID	SID	JAIL ID / BOOKING NUMBER
KIRKHAM, TONY LEE	100585	07051174	2024-019513

ALIAS NAME(S):

FBI: 300700AC1

IMAGE



RACE	SEX	ETHNICITY	DATE OF BIRTH	AGE	DL / ID NO.
W	MAL	NON HISPANIC	08/10/1983	40	

HEIGHT	WEIGHT	HAIR	EYES	BUILD	COMPLEXION	SOCIAL SECURITY NO.
5 FT. 11	210	BLN	GRN	MED	LIT	

SCARS, MARKS, TATTOOS, AMPUTATIONS:

ADDRESS	PHONE	PLACE OF BIRTH
328 2ND ST VAN VLECK TX 77482		PALACIOS, TX UNITED STATES

EMER

EMERGENCY CONTACT NAME	EMERGENCY CONTACT ADDRESS & PHONE	PHONE NUMBER(S) CALLED AT BOOKING:
DEBBIE, SANCHEZ	328 2ND ST VAN VLECK TX 77482	

RELATIONSHIP: MOTHER

ADDITIONAL IMAGE



ARREST

ARRESTING AGENCY	ARRESTING OFFICER	ARREST DATE	ARREST TIME	ARREST LOCATION
MATAGORDA COUNTY SHERIFF'S OFFICE	2886, MARIAM, LINSY	03/05/2024	10:00 AM	328 2ND VAN VLECK, TX

VEHICLE MAKE	MODEL	LICENSE NO.	STATE	VEHICLE TOWED BY	VEHICLE STORED AT

THUMB PRINT

PROPERTY

PROPERTY BOX	INITIAL DEPOSIT AMT.
083	CURRENT BALANCE

I certify that this is a correct list of items removed from my possession at the time I was placed in jail.

QTY	ITEM DESCRIPTION	LOCATION	BIN/BOX
1	BLK PANTS	Property	083
1	RED SHIRT	Property	083
1	BLK SHOES	Property	083
1	BRN BELT	Property	083
1	BLK UNDERWEAR	Property	083
1	WHITE SOCKS	Property	083
1	BRN BILLFOLD	Property	083
1	GLASSES	Property	083
1	WATCH	Property	083
1	GRN CELL PHONE	Property	083
1	BLK CHARGER	Property	083
1	WHITE CHARGER	Property	083

◄ END OF LIST ►

☒ TONY KIRKHAM
Prisoner's Signature

DATE RECEIVED: 03 05 24

MAGISTRATE'S WARNING
(Art. 15.17)

Law Enforcement Agency MCSO Court DC
Date of Arrest 3/5/24 Time 10 AM Matagorda County, Texas
Warrant # 2-24-0020A
Place of Arrest 328 2nd
Has a probable cause affidavit been filed? ☒. YES ☐. NO . ☐NOT APPLICABLE Bail Set $ 5000.00

THE STATE OF TEXAS
COUNTY OF MATAGORDA

Before me, the undersigned, a magistrate of Matagorda County, Texas, on the 11 day of March, 2024 at 650 A.m. appeared Tonylee Kirkham Defendant and I gave defendant the following warnings:

☒. You are charged with the offense of Assault BI/Imped. Breath
☒ a felony ☐ a misdemeanor.
☒. You have the right to hire an attorney to represent you.
☒. You have the right to have an attorney present prior to and during any interview and questioning by peace officers or attorneys representing the State.
☒. You have the right to remain silent.
☒. You are not required to make a statement, and any statement you make may be used against you in court.
☒. You have the right to stop any interview or questioning at any time.
☒. You have the right to have an examining trial if you have been charged with a felony.
☒. You have the right to request the appointment of counsel if you cannot afford counsel.

The magistrate SHALL ensure that the person is informed of the following procedures:

☐. A financial affidavit must be signed;
☐. An affidavit is a written or printed declaration or statement of facts made voluntarily and confirmed by oath before a person having authority to administer such oath;
☐. If defendant meets indigence standards, defendant will qualify for a court-appointed attorney;
☐. An application for a court-appointed attorney must be completed to determine if defendant qualifies for a court-appointed attorney;
☐. That reasonable assistance will be provided to defendant when filling out the application for a court-appointed attorney, if needed;
☐. That an attorney should attempt to contact defendant by the end of the first working day after appointed and to interview defendant as soon as practicable after the appointment. If the appointment is made when defendant is before the Court, defendant will be given the attorney's name, address, and phone number.
☐. If you (the defendant) are not a United States citizen and you have been arrested or detained, you may be entitled to have us notify your country's consular representative here in the United States.
Do you want us to notify your country's consular officials? ☐ NO ☐YES IF YES, WHAT COUNTRY?
_____
If you are a citizen of a country that requires us to notify your country's consular representative, we shall notify them as soon as possible.

NOTICE: If you are convicted of a misdemeanor offense involving violence where you are or were a spouse, intimate partner, parent, or guardian of the victim or are or were involved in another, similar relationship with the victim, it may be unlawful for you to possess or purchase a firearm, including a handgun or long gun, or ammunition, pursuant to federal law under 18 USC Section 922(g)(9) or Section 46.04(b), Texas Penal Code. If you have any questions whether these laws make it illegal for you to possess or purchase a firearm, you should consult an attorney. (*Ref: Art. 27.14*)

ARE YOU REQUESTING AN ATTORNEY AT THIS TIME? ☐ NO ☐ YES
I acknowledge that I was given the above warnings and I also acknowledge that this is not an admission of guilt.

TONY KIRKHAM Defendant . ☐Defendant refused to sign

Date signed: March 11, 2024

☐. Having found that conditions are NOT reasonably necessary to secure the defendant's attendance at trial NOR are related to the safety of a victim of the alleged Offense and to the safety of the community, NO CONDITIONS Are required for release at this time.

☐ Having found that conditions are reasonably necessary to secure the defendant's attendance at trial and are related to the safety of a victim of the alleged offense and to the safety of the community, the **ATTACHED CONDITIONS OF BAIL** Are required for release. **Said conditions are ORDERED to be Attached to any bail bond executed in this case.**

Sullivan S. Sullivan
Magistrate

Witness/Officer

Place of warning: Matagorda County Sheriff's Office, Bay City, Matagorda County, Texas
This hearing was interpreted (if necessary) by _____

MAGISTRATES RECORD FOR MAGISTRATION PROCESS

STATE VS. Tony Kirkham

Charge (s) : Assault Family Mem. Impede Breath

Date of Arrest : 3/6/24 Time of Arrest: 10AM

I was unable to magistrate the above named defendant due to the following:

⊗ Defendant was in the padded cell and could not be presented for magistration due to the fact the defendant was a danger to himself and others.

○ Defendant refused to cooperate with the jail staff and was combative and abusive and could not be presented to the judge for magistration.

○ Defendant was awaiting evaluation for mental status from Texana Mental Health Services

○ Defendant had been transported to another court for disposition by the Matagorda County Sheriff's Office.

○ Defendant is at another facility (BCPD/ MCSO/DA office) and will be magistrate upon return to the jail.

○ Other:

Judge: S Sullivan S Sullivan

Date and Time: 3/9/24 9AM

MAGISTRATES RECORD FOR MAGISTRATION PROCESS

STATE VS. Tony Kirkham

Charge (s) : Assault Family Mem/Impede Breath

Date of Arrest : 3/6/24 Time of Arrest: 10pm

I was unable to magistrate the above named defendant due to the following:

⊗ Defendant was in the padded cell and could not be presented for magistration due to the fact the defendant was a danger to himself and others.

○ Defendant refused to cooperate with the jail staff and was combative and abusive and could not be presented to the judge for magistration.

○ Defendant was awaiting evaluation for mental status from Texana Mental Health Services

○ Defendant had been transported to another court for disposition by the Matagorda County Sheriff's Office.

○ Defendant is at another facility (BCPD/ MCSO/DA office) and will be magistrate upon return to the jail.

○ Other:

Judge: S Sullivan S Sullivan

Date and Time: 3/10/24 9:10pm

CAUSE NUMBER 2-24-0020

THE STATE OF TEXAS
VS.
Tony Kirkham

§
§
§

IN THE 2 JUSTICE COURT
MATAGORDA COUNTY, TEXAS

APPLICATION FOR
MAGISTRATE'S ORDER FOR EMERGENCY PROTECTION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES ,

- ☐ the Victim
- ☒ a Law Officer
- ☐ the Guardian of the Victim
- ☐ Attorney Representing the State

and moves that the Court enter an **ORDER FOR EMERGENCY PROTECTION** against and as grounds would show the Court the following:

I.

has been arrested for an offense involving

- ☒ Family Violence
- ☐ Stalking under **Section 42.071, Texas Penal Code**

II.

has engaged in the following conduct: Impeding Breath-Family Violence

III.
VICTIM AND CHILDREN

A protective order should be issued for the safety and welfare of the following: Jo Ann Garay

and the following members of the victim's family or household, including a child or children, namely:

CHILD(REN):

NAME AND RELATIONSHIP	DATE OF BIRTH	SOCIAL SECURITY NUMBER
1.		
2.		
3.		

OTHER PERSON(S) NEEDING PROTECTION:

NAME AND RELATIONSHIP	DATE OF BIRTH	SOCIAL SECURITY NUMBER
1. Jimmy Montalvo	6/23/1996	
2.		
3.		

IV.
PROHIBITED AREA

should be prohibited from:

☒ Committing family violence or an act in furtherance of an offense under §42.071, Texas Penal Code as these terms are defined herein;

☒ Communicating directly with a member of the family or household of the victim in a threatening or harassing manner; or communicating a threat through any person to a member of the family or household of the victim; or

☒ Going within 200 ☐ feet/ ☐ yards of:

Victim's Residence Location

the residence of Jo Ann Garay, located at , 178 2nd Street, Van Vleck, Matagorda County
☐ City of Blessing TX
☐ Unincorporated part of Matagorda County, TX;

Victim's Employment Location

the place of business or employment of , located at , in the
☐ City of
☐ Unincorporated part of County, TX;

Child(ren)'s Residence Location

the residence of , minor child(ren), located at , in the
☐ City of
☐ Unincorporated part of County, TX;

School and/or Child Care Facility of Child #1

the school attended by , minor child #1, , located at in the
☐ City of
☐ Unincorporated part of County, TX;

the day care attended by , minor child #1, , located at , in the
☐ City of
☐ Unincorporated part of County, TX;

V.

WHEREFORE, Deputy L. Mariam, Prays that the Court enter an **ORDER FOR EMERGENCY PROTECTION.**

Signed this 3/5/2024.

Respectfully Submitted,

NAME L. Mariam

ADDRESS 2308 Ave F Bay City

TELEPHONE 9792455526

TITLE Deputy

WARNING

A VIOLATION OF THIS ORDER BY COMMISSION OF AN ACT PROHIBITED BY THE ORDER MAY BE FELONY PUNISHABLE BY A FINE AS MUCH AS $10,000 OR BY IMPRISONMENT IN PRISON FOR AS LONG AS 10 YEARS OR BY BOTH. FURTHER VIOLATIONS OF THIS ORDER MAY BE PUNISHABLE BY IMPRISONMENT IN PRISON FOR AS LONG AS 99 YEARS. AN ACT THAT RESULTS IN FAMILY VIOLENCE OR A STALKING OFFENSE MY BE PROSECUTED AS A SEPARATE MISDEMEANOR OR FELONY OFFENSE. IF THE ACT IS PROSECUTED AS A SEPARATE FELONY OFFENSE, IT IS PUNISHABLE BY CONFINEMENT IN PRISON FOR AT LEAST TWO YEARS.

"NO PERSON, INCLUDING A PERSON WHO IS PROTECTED BY THIS ORDER, MAY GIVE PERMISSION TO ANYONE TO IGNORE OR VIOLATE ANY PROVISION OF THIS ORDER, DURING THE TIME IN WHICH THIS ORDER IS VALID. EVERY PROVISION OF THIS ORDER IS IN FULL FORCE AND EFFECT UNLESS A COURT CHANGES THE ORDER."

The term "**family violence**" means: An act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault or sexual assault; but does not include defense measures to protect oneself; or abuse.

The term "**abuse**" means the follow acts or omissions by a person:

physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with a history or explanation given and excluding an accident or reasonable discipline by a parent, guardian, or managing or possessory conservator that does not expose the child to a substantial risk of harm;

sexual contact, sexual intercourse, or sexual conduct as defined by law, sexual penetration with a foreign object, prohibited sexual conduct, sexual assault or sodomy inflicted on, shown to, or intentionally practiced in the presence of a child if the child is present only to arouse or gratify the sexual desires of any person; or

compelling or encouraging the child to engage in sexual conduct as defined by law.

The term "**family**" includes individuals related by consanguinity or affinity, individuals who are the biological parents of the same child, without regard to marriage, and a foster child and foster parent, whether or not those individuals reside together.

Two individuals are related to each other by consanguinity if one is a descendant of the other; or they share a common ancestor. An adopted child is considered to be a child of the adoptive parent for this purpose.

Two individuals are related to each other by affinity if they are married to each other, or the spouse of one of the individuals is related by consanguinity to the other individual. The ending of a marriage by divorce or the death of a spouse ends relationships by affinity created by that marriage unless a child of that marriage is living, in which case the marriage is considered to continue as long as a child of that marriage lives.

"**Family**" also includes Individuals who are former spouses of each other.

The term "**household**" means a unit composed of persons living together in the same dwelling, whether or not they are related to each other.

The term "**member of a household**" includes a person who previously lived in a household.

The term "**child**" or "**minor**" means a person under 18 years of age who has not been married or who has not had the disabilities of minority removed for general purposes.

A person commits the offense of **"stalking"** if, with intent to harass, annoy, alarm, torment, or embarrass another, the person:

(1) on more than one occasion engages in conduct directed specifically toward another person, including following that person, that is reasonably likely to harass, annoy, alarm, abuse torment, or embarrass that person; and

(2) on at least one of those occasions by acts or words threatens to inflict bodily injury on that person or to commit an offense against that person, a member of that person's family, or that person's property.

The conditions imposed by this Order shall prevail over any existing order granting possession of or access to a child named herein for the duration of this Order.

IT IS FURTHER ORDERED that the Defendant shall remain in the courtroom until served with a copy of this Order.

IT IS FURTHER ORDERED that the clerk of the court shall send a copy of this order:

☐ to the Chief of Police in the municipality where the member of the family or household or individual protected by the Order resides:

☒ to the Sheriff of the county where the member of the family or household or individual protected by the Order resides, if any of these persons do not reside in a municipality;

☐ the principal, director or person in charge of the school or child care facility attended by a person covered by this Order and named herein

Signed,_____entered,_____and issued_____

"I, _____ Justice of the Peace, Pct. ____, Matagorda County, Texas having read the above find that there is sufficient probable cause for the issuance of order for Emergency Protection."

_____

Signature

EPO Data For TCIC Entry

Name of Defendant Tony Lee Kirkham
☒**Male** ☐**Female** **Race** w
Place of Birth unkown **DOB** 8/10/1983
Height 5-11 **Weight** 190
Skin: ☐**Albino** ☐**Black** ☐**Dark** ☐**Dk-Brown** ☐**Fair** ☒**Light** ☐**Lt Brown** ☒**Med-Brown** ☐**Olive** ☐**Ruddy** ☐**Sallow** ☐**Yellow** ☐**Unknown**
Eye Color: ☐**Black** ☐**Blue** ☐**Brown** ☐**Gray** ☒**Green** ☒**Hazel** ☐**Maroon** ☐**Pink** ☐**Multi colored** ☐**Unknown**
Hair Color: ☒**Black** ☒**Blonde** ☐**Brown** ☐**Gray** ☒**Red** ☐**White** ☐**Sandy** ☐**Bald** ☐ **Unknown**
Scars, Marks, Tattoos Clown make up on eye area
DL 48848745 **State** TX **ID** **State** **SSI** 629092415
Address 328 2nd Street **City** Van Vleck **State** TX **County** Matagorda
Relationship to Protective Person Ex-Boyfriend

********Protective Person Information********

Name of Protected Person Jo Ann Garay
☐**Male** ☒**Female** **Race** W **DOB** 4/7/1978 **SSI**
DL 10192785 **State** TX **ID** **State** **SSI**
Address 178 2nd Street **City** Van Vleck **State** TX **County** Matagorda
Name of Employment
Address of Employment N/A

********Protective Child Information********

Name ☐**Male** ☐**Female** **Race** **DOB**
Address
Child Care Facility/School)
Address of Child Care Facility/School
Name ☐**Male** ☐**Female** **Race** **DOB**
Address
Child Care Facility/School
Address of Child Care Facility/School
Name ☐**Male** ☐**Female** **Race** **DOB**
Address
Child Care Facility/School
Address of Child Care Facility/School
Name ☐**Male** ☐**Female** **Race** **DOB** 0
Address
Child Care Facility/School
Address of Child Care Facility/School

NO. 2.24.00

STATE OF TEXAS § MAGISTRATE FOR

VS. § Justice of the Peace Pct. 2

Tony Lee Kirkham § MATAGORDA COUNTY, TEXAS

MAGISTRATE'S RECORD OF SERVICE OF ORDER OF PROTECTION

I, the undersigned Magistrate of the State of Texas, certify that a complete copy of the Magistrate's Order of Emergency Protection, issued on March 11, 2024, was served on March 11, 2024, Defendant, by:

☑ The undersigned Magistrate of the State of Texas in person

☐ The undersigned Magistrate of the State of Texas electronically

☐ The undersigned Magistrate's designee, _____, in person

☐ The undersigned Magistrate's designee, _____, electronically

On _____, 2024.

Signed this the 11 day of March, 2024

S Sullivan

MAGISTRATE

PRINTED NAME: S. Sullivan

MAGISTRATE

Justice of the Peace, Pct. 2
MATAGORDA COUNTY, TEXAS

ORDER REQUIRING CONDITIONS OF RELEASE ON BOND[1]

[TO BE PHYSICALLY ATTACHED TO ANY BAIL BOND ISSUED IN THIS CASE]

CAUSE NUMBER 2-24-0020

STATE OF TEXAS §
VS. Tony Lee Kirkham §
§

IN THE JP 2 **COURT**

OF MATAGORDA COUNTY, TEXAS

OFFENSE: Assault BI Imped Breath

LEVEL OF OFFENSE (CIRCLE ONE)
CAP F1 F2 (F3) SJ MA MB

BAIL AMOUNT: $ 5000.00

DEFENDANT DOB: 8/10/83

DL/ID STATE/NUMBER: Tx None

SURETY / AGENT NAME: _____

DL/ID STATE/NUMBER: _____

As a condition of release on bond, the defendant is ORDERED to comply with the following conditions of release:

1. **INITIAL REPORTING.** Submit and report to pretrial supervision under the direction of Pretrial Services (PTS) of the Community Supervision and Corrections Department (CSCD) of Matagorda County at least once per week beginning on the first Friday after release on bond and continuing on every Friday thereafter and submit an accurately completed and signed Community Supervision report to the PTS officer;

2. **PROVIDE INFORMATION.** Provide PTS with your current address, phone number, place of employment, and name, address, and phone number of a local contact. If you change address, cell or residence phone number or place of employment, you must notify PTS within 24 hours of any such change;

3. **POSSESS ORDER.** Possess on your person at all times a copy of this Order containing the conditions of release on bond;

4. **COMMIT NO OFFENSE** against the laws of this State, any other State, the United States, or any governmental entity; if arrested, report the arrest within 24 hours to the PTS officer;

5. **SUPERVISION FEE.** Pay a bond supervision fee to PTS of $60 each month beginning on the first Friday after release on bond and continuing each month thereafter;

6. **AVOID INJURIOUS OR VICIOUS CONDUCT AND TOTALLY ABSTAIN** from the use or consumption of alcoholic beverages of any kind or any substance capable of or calculated to cause intoxication or the illegal use of any controlled substance;

7. **AVOID PERSONS OF DISREPUTABLE OR HARMFUL CHARACTER,** including but not limited to persons on community supervision or parole or who have been previously convicted of a crime or who have a history or

[1] Texas Code of Criminal Procedure Art. 17.40(a). [To secure a defendant's attendance at trial, a magistrate **may impose any reasonable condition of bond related to the safety of a victim of the alleged offense or to the safety of the community.**]

reputation for violating the laws of this State or of any other State of the United States and specifically avoid contact or association of any type with known felons.

8. **AVOID PLACES OF DISREPUTABLE OR HARMFUL CHARACTER,** including but not limited to any place where unlawful activities are being conducted or any place where alcoholic beverages are sold, served or delivered for on premises consumption except bona fide eating establishments, where you will remain only for such length of time as is reasonably necessary for the consumption of food ordered by or served to you;

9. **OBEY ALL RULES, REGULATIONS AND POLICIES of the CSCD.** These rules additionally require that, upon reporting to the CSCD, the defendant adhere to the dress policies applicable in the 130th Judicial District Courtroom to include 1) no shorts; 2) no tank tops or halter tops; 3) no mesh/net/see-through shirts or blouses; 4) no shirts or clothing with racial, sexual, ethnic, profane, or offensive language; 5) no bare feet or thong-type sandals; 6) no hats or caps; 7) no sunglasses; 8) no short skirts or bare midriffs; and 9) shirt/blouses shall be tucked into the tops of pants or skirts.

10. **RESIDE WITHIN MATAGORDA COUNTY** and do not change your place of residence without first notifying your PTS officer and obtaining written permission. In the event you are permitted to leave Matagorda County, you must do the following:

    A. Surrender passport;
    B. Provide PTS officer with your current cell phone number and report to PTS officer weekly by telephone and respond immediately to any telephone calls from PTS officer;
    C. Other:_____

11. **HOME VISITS.** Permit the PTS officer to visit you at your home or elsewhere;

12. **WORK FAITHFULLY AT SUITABLE EMPLOYMENT.** Do not change employment without notifying PTS officer and, if terminated, notify the PTS officer by the next business day thereafter and secure employment within 30 days thereafter. If unable to secure employment within 30 days, complete the Job Readiness Training Program. Any employment shall be subject to advance approval of the PTS officer;

13. **ABIDE BY TERMS OF PRIOR ORDERS.** If a prior Order in a Suit Affecting Parent-Child Relationship (SAPCR) and/or Magistrate's Emergency Protective Order (EPO) have been entered by any Court, the defendant is hereby ORDERED to abide by the terms of said Order, including, but not limited to payment of Court-Ordered child support payments and contact limitations. Violation of the terms of said SAPCR Order or EPO may subject defendant to contempt proceedings in the appropriate court of continuing jurisdiction in addition to subjecting defendant to a finding that he/she has violated the terms & conditions of this Order;

14. **DRUG TESTING.** Freely cooperate and voluntarily submit to drug testing by submitting a sample of breath, blood, urine, and/or saliva as requested by the PTS officer immediately upon arrest for any offense, or when requested by the PTS officer, such request not to exceed once a week, to determine whether or not you are using or are under the influence of alcohol or any controlled substance[2] (NOTE: DRUG USAGE MAY RESULT IN THE COURT ASSESSING ADDITIONAL JAIL TIME AS A CONDITION OF RELEASE ON Bond). You are required to pay a $15.00 fee for the administration of each test.[3]

15. **UNDERGO SASSI** (Substance Abuse Subtle Screening Inventory) Evaluation as given by the PTS Officer. Pay a fee of $20 to CSCD for cost of SASSI. If evaluation results indicate a need for further counseling, attend as directed by PTS officer and be responsible for payment for the services;

---

[2]**Permitted** by Texas Code of Criminal Procedure Art. 17.44(a)(1).
[3]**Permitted** by Texas Code of Criminal Procedure Art. 17.44(e).

- Your bail may be forfeited, meaning you will have to pay the full amount of your bail as a penalty for not following the conditions of your release. If you have a bail bond company, they may sue you to recover this amount, and your assets could be seized and sold to satisfy that debt.

THE SHERIFF OF MATAGORDA COUNTY IS ORDERED TO ATTACH A COPY OF THIS ORDER TO ANY BAIL BOND WHICH IS ISSUED IN THIS CASE. THE SHERIFF OF MATAGORDA COUNTY IS FURTHER ORDERED TO PROVIDE A COPY OF THE BAIL BOND AND A COPY OF THIS ORDER TO THE FOLLOWING:

1) **DEFENDANT/PRINCIPAL;**
2) **SURETY;**
3) **PRETRIAL SERVICES (PTS) OF THE COMMUNITY SUPERVISION AND CORRECTIONS DEPARTMENT (CSCD) OF MATAGORDA COUNTY; AND**
4) **MATAGORDA COUNTY DISTRICT ATTORNEY'S OFFICE.**

IF THIS ORDER IS ENTERED SUBSEQUENT TO FORMAL CHARGES BEING FILED IN A COURT OF COMPETENT JURISDICTION, THE CLERK OF THE COURT IS ORDERED TO FILE THIS ORDER AMONG THE PAPERS IN THE CASE.

IF, AT A HEARING LIMITED TO DETERMINING WHETHER THE DEFENDANT VIOLATED A CONDITION OF BOND IMPOSED UNDER TEXAS CODE OF CRIMINAL PROCEDURE ART. 17.40(A), THE MAGISTRATE FINDS BY A PREPONDERANCE OF THE EVIDENCE THAT THE VIOLATION OCCURRED, THE MAGISTRATE SHALL REVOKE THE DEFENDANT'S BOND AND ORDER THAT THE DEFENDANT BE IMMEDIATELY RETURNED TO CUSTODY. ONCE THE DEFENDANT IS PLACED IN CUSTODY, THE REVOCATION OF THE DEFENDANT'S BOND DISCHARGES THE SURETIES ON THE BOND, IF ANY, FROM ANY FUTURE LIABILITY ON THE BOND. A DISCHARGE UNDER THIS SUBSECTION FROM ANY FUTURE LIABILITY ON THE BOND DOES NOT DISCHARGE ANY SURETY FROM LIABILITY FOR PREVIOUS FORFEITURES ON THE BOND.[18]

March 11, 2024
Date Signed

S. Sullivan
Judge Presiding

[18] *See* Texas Code of Criminal Procedure Art. 17.40(b).

ACKNOWLEDGMENT BY DEFENDANT/PRINCIPAL

I, the defendant named herein, swear that I will appear before the appropriate Court at 1700 7th Street, Bay City, Texas on the date and at the time stated below or upon notice by the Court, or pay to the Court the principal sum indicated above plus all necessary and reasonable expenses incurred in any arrest for failure to appear.

I understand the conditions of release on bond as stated above and agree to obey all conditions of release on bond. I further understand that if I violate any condition of release on bond, my bond may be revoked, I will be rearrested, and I may be kept in jail until my case is reached for trial.

I am fully aware that I must appear, and do promise to appear, in Court on dates and times as directed by the applicable court.

I acknowledge that I have received a copy of these Conditions of Release on Bond and having understood them, will comply herewith.

TONY KIRKHAM
Signature of Defendant

Witness (Peace Officer, State of Texas)

Defendant's Street Address: _____

_____

Defendant's Phone Number: _____

ACKNOWLEDGMENT BY SURETY

I am the surety in this case and having agreed to act as Surety for the defendant (Principal) named above, I further understand that I am financially bound and obligated to the Court in the event the defendant (Principal) does not comply with these conditions of release on bond. I hereby acknowledge that I have read, understood, and received a copy of these Conditions and further agree to be financially bound and obligated to the Court for the faithful compliance of these Conditions by the defendant (Principal) as well as the defendant's appearance in Court as required.

_____
Signature of Surety

submit to monitoring through use of a CSCD-approved in-home or portable alcohol monitoring device to be obtained at your expense; **(USE OF MOTOR VEHICLE IGNITION INTERLOCK IS REQUIRED FOR ALL SUBSEQUENT OFFENSES UNDER TEXAS PENAL CODE SECTIONS 49.04-49.06 OR ANY OFFENSE UNDER 49.045, 49.07 OR 49.08 OF THAT CODE.[13] USE OF PORTABLE ALCOHOL MONITORING DEVICE IS PERMISSIBLE.[14]);**

_____30. **IID NOT REQUIRED.** Although otherwise required by Texas Code of Criminal Procedure Art. 17.441(a), the Court finds that the installation of a deep-lung breath analysis mechanism (described above) is not in the best interest of justice;[15]

TK 31. **NO FIREARMS.** Not possess or have access to any firearm as the term "firearm" is defined by State or federal law;[16]

_____32. **OTHER (SPECIFY):** _____

_____;

IF YOU ARE ON PROBATION, YOU ARE FURTHER ORDERED TO COMPLY WITH EXISTING CONDITIONS OF YOUR PROBATION AND ANY ADDITIONAL CONDITIONS OF RELEASE ON BOND DENOTED ABOVE. THESE ORDERS ARE ENTERED TO SECURE YOUR ATTENDANCE AT TRIAL AND ARE RELATED TO THE SAFETY OF A VICTIM OF THE ALLEGED OFFENSE AND TO THE SAFETY OF THE COMMUNITY. AT A HEARING LIMITED TO DETERMINING WHETHER YOU HAVE VIOLATED A CONDITION OF BOND IMPOSED HEREIN, THE COURT MAY REVOKE YOUR BOND UPON A FINDING BY A PREPONDERANCE OF THE EVIDENCE THAT THE VIOLATION OCCURRED.[17]

NOTICE TO DEFENDANT OF PENALTIES FOR VIOLATING CONDITIONS OF RELEASE ON BOND

This is to notify you that though you have been released from custody on bail, the magistrate has ordered that you follow certain conditions or requirements in order to be released. A magistrate may impose any reasonable condition of bond related to the safety of a victim of the alleged offense or to the safety of the community. Please review the attached order for the specific conditions ordered in your case. You must follow these conditions/requirements and appear at all scheduled court appearances until your case is fully resolved.

If you do not follow these conditions/requirements you may face significant consequences:

- A warrant may be issued for you to be re-arrested and brought before the magistrate or court for a hearing.
- You may be ordered to post additional bail or follow additional conditions, or your bail may be revoked, meaning you will be detained in jail until your trial, which could take several months.

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[13] **Required** by Texas Code of Criminal Procedure Art. 17.441.

[14] **Permitted** by Texas Code of Criminal Procedure Art. 17.40.

[15] Texas Code of Criminal Procedure Art. 17.441(b).

[16] **Permitted** by Texas Code of Criminal Procedure Art. 17.40.

[17] Texas Code of Criminal Procedure Art. 17.40(b) and Art. 17.44(c). [At a hearing limited to determining whether the defendant violated a condition of bond imposed under Subsection (a), the magistrate may revoke the defendant's bond only if the magistrate finds by a preponderance of the evidence that the violation occurred. If the magistrate finds that the violation occurred, the magistrate shall revoke the defendant's bond and order that the defendant be immediately returned to custody. Once the defendant is placed in custody, the revocation of the defendant's bond discharges the sureties on the bond, if any, from any future liability on the bond. A discharge under this subsection from any future liability on the bond does not discharge any surety from liability for previous forfeitures on the bond.]

SECTION 43.05 (COMPELLING PROSTITUTION) COMMITTED AGAINST A VICTIM 18 YEAS OF AGE OR OLDER.)[8] The locations are described specifically (name and physical address) as:
Residence: 178 2nd VanVleck Tx
Place of Employment: _____
Place of Business: _____
School: _____
Day Care Facility: _____
Similar Child-Care Facility/School: _____

TK 24. **FAMILY VIOLENCE VICTIM SAFETY DISTANCING.** Refrain from going within 200 yards of a residence, school, place of employment or other location frequented by the victim.[9] The locations are described specifically (name and physical address) as:
Residence: 178 2nd VanVleck Tx
Place of Employment: _____
School: _____
Other Location(s): _____

_____25. **GPS REQUIREMENT.** Carry upon your person or wear at all times a global positioning monitoring system (GPS) device and pay the costs associated with operating that system;[10]

_____26. **VICTIM GPS PROTECTION.** Pay the costs associated with providing the victim of the offense with an electronic receptor device that is capable of receiving the GPS information from the device carried or worn by defendant and which receptor is capable of notifying the victim if the defendant is at or near a location that the defendant is refrained from going;[11]

TK 27. **NO CONTACT WITH VICTIM.** Avoid the victim of the offense, namely Jo Ann Garcia including the victim's family;

_____28. **AIDS / HIV COUNSELING.** Submit to AIDS and HIV counseling or education; **(FOR AN OFFENSE UNDER TEXAS PENAL CODE SECTION 43.02 (PROSTITUTION).)**[12]

_____29. **IGNITION INTERLOCK DEVICE (IID) / ALCOHOL MONITORING.** Operate only vehicles installed with a TXDPS-approved IID (with camera). This device shall be installed at your expense. (If you do not operate a motor vehicle due to loss of driver's license or other matters, you shall submit to monitoring through use of a CSCD-approved in-home or portable alcohol monitoring device to be obtained at your expense). Said device is ORDERED to be installed on the appropriate vehicle, at your expense, before the 30th day after the date of your release on bond. You are further ORDERED to submit said vehicle to the PTS officer of the CSCD to verify the installation of the device within 7 days after the installation of said device. If you do not operate a motor vehicle due to loss of driver's license or other matters, you shall

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[8] **Required** by Texas Code of Criminal Procedure Art. 17.465(b) for an offense under Penal Section 20A.02 (Trafficking of Persons), Section 20A.03 (Continuous Trafficking of Persons), Section 43.03 (Promotion of Prostitution), Section 43.031 (Online Promotion of Prostitution), Section 43.04 (Aggravated Promotion of Prostitution), Section 43.041 (Aggravated Online Promotion of Prostitution), or Section 43.05 (Compelling Prostitution) committed against a victim 18 years of age or older. **Permitted** by Texas Code of Criminal Procedure Art. 17.46(a) (Penal Section 42.072 - Stalking) and Art. 17.40 for other offenses.

[9] **Permitted** by Texas Code of Criminal Procedure Art. 17.49(b) for offenses involving family violence. And permitted by Texas Code of Criminal Procedure Art. 17.40.

[10] **Permitted** by Texas Code of Criminal Procedure Art. 17.49(b) for offenses involving family violence. And permitted by Texas Code of Criminal Procedure Art. 17.40.

[11] **Permitted** by Texas Code of Criminal Procedure Art. 17.49(b) for offenses involving family violence. And permitted by Texas Code of Criminal Procedure Art. 17.40.

[12] **Permitted** by Texas Code of Criminal Procedure Art. 17.45 and Art. 17.40.

16. **ATTEND COUNSELING** as deemed appropriate by PTS officer and pay any and all fees incurred in obtaining and participating in said counseling;

17. **DNA RECORD.** Provide the PTS officer a specimen for the purpose of creating a DNA record;[4]

18. **REMAIN AT YOUR RESIDENCE** between the hours of 10:00 p.m. and 6:00 a.m. unless otherwise approved in writing by the PTS officer;[5]

19. **REPORT IN PERSON to the CSCD** upon request by the PTS officer. You shall report within one (1) hour of the request;

20. **APPEAR IN COURT** as Ordered or as notified by the Clerk of any Court with Jurisdiction over this case;

You are further ORDERED to comply with the following marked conditions of release:

TK 21. **CELL PHONE REQUIREMENT.** Maintain an operable cellular telephone at which the PTS may contact you. Failure to answer or immediately respond to calls from PTS officer shall be a violation of these conditions;

_____ 22. **CHILD VICTIM SAFETY DISTANCING.** Not directly communicate with the alleged child victim of the offense or go within 200 yards of the child's residence, school or specified location(s) **(REQUIRED BY ART. 17.41(B) FOR AN OFFENSE UNDER PENAL CODE CHAPTER 20A (TRAFFICKING OF PERSONS), CHAPTER 21 (SEXUAL OFFENSES), CHAPTER 22 (ASSAULTIVE OFFENSES), CHAPTER 43 (PUBLIC INDECENCY), OR SECTION 25.02 (PROHIBITED SEXUAL CONDUCT), COMMITTED AGAINST A CHILD YOUNGER THAN 18 YEARS OF AGE.)**[6] The locations are described specifically (name and physical address) as:
Residence:_____
School:_____
Other location(s):_____
If the victim is related to you, you may have the following supervised visitation[7]:_____
_____

TK 23. **ADULT VICTIM AND VICTIM DEPENDENT CHILDREN SAFETY DISTANCING.** Not communicate directly or indirectly with the victim, or go within 200 yards of the residence, place of employment or business of the victim or near a school, day-care facility or similar facility where a dependent child of the victim is in attendance. **(REQUIRED BY TEXAS CODE OF CRIMINAL PROCEDURE ART. 17.465(B) FOR AN OFFENSE UNDER PENAL SECTION 20A.02 (TRAFFICKING OF PERSONS), SECTION 20A.03 (CONTINUOUS TRAFFICKING OF PERSONS), SECTION 43.03 (PROMOTION OF PROSTITUTION), SECTION 43.031 (ONLINE PROMOTION OF PROSTITUTION), SECTION 43.04 (AGGRAVATED PROMOTION OF PROSTITUTION), SECTION 43.041 (AGGRAVATED ONLINE PROMOTION OF PROSTITUTION), OR**

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[4]**Permitted** for all defendants released on bail or bond (Texas Code of Criminal Procedure Art. 17.47(a) as well as Art. 17.40 and required for all defendants released on bail or bond for offenses described in Texas Government Code Section 411.1471(a) upon indictment or waiver of indictment or arrested after having been previously convicted or placed on deferred adjudication for offenses described in that same section.

[5]**Permitted** by Texas Code of Criminal Procedure Art. 17.43 and Art. 17.40.

[6]**Required** by Art. 17.41(b) for an offense under Penal Code Chapter 20A (Trafficking of Persons), Chapter 21 (Sexual Offenses), Chapter 22 (Assaultive Offenses), Chapter 43 (Public Indecency), or Section 25.02 (Prohibited Sexual Conduct), committed against a child younger than 18 years of age. **Permitted** by Texas Code of Criminal Procedure Art. 17.40 for other offenses.

[7]**Permitted** by Texas Code of Criminal Procedure Art. 17.41(c) and Art. 17.40.

MAGISTRATE'S EMERGENCY PROTECTIVE ORDER (Page 1 of 6)
(Art. 17.292, C.C.P.)

NO. 2-24-0020

STATE OF TEXAS §

VS. §

Tony Lee Kirkham §

MAGISTRATE FOR

JUSTICE COURT PCT. 2

MATAGORDA COUNTY, TEXAS

MAGISTRATE'S ORDER OF EMERGENCY PROTECTION

On this 11 day of March, 2024 hereinafter called the Defendant, appeared the undersigned Magistrate of the State of Texas, after an arrest for an offense involving family violence or a Penal Code offense under Section 20A.02 (Trafficking of Persons), Section 20A.03 (Continuous Trafficking of Persons), Section 22.011 (Sexual Assault), Section 22.012 (Indecent Assault), Section 22.021 (Aggravated Sexual Assault), or Section 42.072 (Stalking).

After a post-arrest appearance as provided by Article 17.292(a), Code of Criminal Procedure, the Court:

(1) 23 Entered the following order for emergency protection as mandated by Article 17.292(b), Code of Criminal Procedure, a matter of law because the arrest was for an offense that also involved ☒ serious bodily injury to the victim or ☐ the use or exhibition of a deadly weapon during the commission of an assault;

(2) 25 Entered an order for emergency protection as allowed by Article 17.292(a), Code of Criminal Procedure, ☐ on its own motion; ☐ at the request of the ☐ victim ☐ guardian of the victim ☒ a peace officer ☐ the attorney representing of the State;

Intended to protect Jo Ann Garay Relationship to **Defendant** Ex boyfriend

Hereinafter called the victim, and the following members of the victim's family or household, namely,

Jimmy Montalvo Relationship to **Victim** Son

_____ Relationship to **Victim** _____

_____ Relationship to **Victim** _____

_____ Relationship to **Victim** _____

_____ Relationship to **Victim** _____

_____ Relationship to **Victim** _____

_____ Relationship to **Victim** _____

MAGISTRATE'S ORDER OF EMERGENCY PROTECTION (Art. 17.292, C.C.P.) (Page 2 of 4)

IT IS HEREBY ORDERED that effective immediately and for the next 61 days (31-61 days, or up to 91 days for assault with a deadly weapon) from the issuance of this Order, the Defendant, is prohibited from:

☒ Committing family violence or an assault on the person(s) protected under this Order.

☒ Committing an act in furtherance of an offense under Section 20A.02 or 42.072, Penal Code;

☒ Communicating directly with a member of the family or household or with the person(s) protected under the Order in a threatening or harassing manner.

☒ Communicating a threat through any person to a member of the family of household or to the person(s) protected under the Order.

☒ Communicating in any manner with a person protected under the Order or a member of the family or household of a person protected under the Order, except through the party's attorney or a person appointed by the court (if magistrate finds good cause).

☒ Possessing a firearm; unless the person is a peace officer as defined by Section 1.07, Penal Code, actively engaged in employment as a sworn, full-time, paid employee of a state agency or political subdivision.

☒ Tracking or monitoring personal property or a motor vehicle in the possession of the person protected under this Order or of a member of the family or household of the person protected under this Order, without the protected person's effective consent, including by:

A) Using a tracking application on a personal electronic device in the possession of the person or the family or household member or using a tracking device; or

B) Physically following the person or the family or household member or causing another to physically follow the protected person or the family or household member.

☒ Going to or within 200 Yard (distance) of:

1. The residence of the victim herein located at 178 2ND, Van Vleck;

2. The residence of a member of the family or household protected under this Order located at _____;

3. The place of employment of the victim herein located at _____;

4. The place of employment of a member of the family or household protected under this Order located at _____;

5. The childcare facility of _____, a child protected by this Order located at _____;

6. The school of _____, a child protected by this Order located at _____;

MAGISTRATE'S ORDER OF EMERGENCY PROTECTION (Art. 17.292, C.C.P.) (Page 3 of 4)

☐ **CONFIDENTIALITY OF ADDRESSES:**

Based on the facts presented, the Court further finds that for the safety of the person or persons protected under this Order, the addresses and specific locations of the person or persons protected by this Order remain confidential and shall be omitted from the Order.

☒ **IT IS FURTHER ORDERED** that the conditions imposed in this Order shall prevail over any existing order granting possession of or access to a child named herein for the duration of this Order.

☒ **IT IS FURTHER ORDERED** that the Defendant be served with a copy of this Order by the Magistrate or the Magistrate's designee in person or electronically.

☒ **IT IS FURTHER ORDERED** that the Clerk of the Court, as soon as possible, but not later than the next business day after the date the Order is issued, shall send a copy of this Order to:

1. The chief of police in the municipality where the member of the family or household or individual protected by this Order resides; ☐ Chief of Police _____(city)
2. The sheriff of the county where the member of the family or household or individual protected by this Order resides, if any of these persons do not reside in a municipality; ☐Sheriff of Matagorda (county)
3. The principal, director, or other person in charge of the school or childcare facility attended by a person covered by this Order and named herein; and
4. The victim at the victim's last known address.

☒ **IT IS FURTHER ORDERED** that a law enforcement officer shall make a good faith effort to notify the victim, within 24 hours, that this Order has been issued by calling the victim's residence and place of employment (if not present at hearing).

☐ *(Check this box if the Defendant holds a Handgun License)* **IT IS FURTHER ORDERED** that the license to carry a handgun issued under Subchapter H, Chapter 411, Government Code, held by the Defendant is **SUSPENDED** for the duration of this Order. The Clerk is **ORDERED** to send a copy of this Order to the appropriate division of the Department of Public Safety at its Austin headquarters *(see below for address)*:

If the Defendant is a handgun licensee, copies of this Order of Emergency Protection suspending handgun license be faxed (512-424-7284) or mailed to the following:

Attention: Suspension/Revocation
Texas Department of Public Safety
Concealed Handgun Licensing Section #0235
Post Office Box 4143, Austin, TX 78765-4143

☒ **IT IS FURTHER ORDERED** that this Order is effective upon issuance and shall remain in full force and effect until midnight on June 4, 2024. (this date should be no less than 31 and up to 91 days from the date of issuance).

SIGNED, ENTERED, AND ISSUED at 6:51 o'clock A m. on this the 11 day of March 2024.

S Sullivan

Printed Name: S Sullivan
Justice of the Peace, Pct. # 2
Matagorda County, Texas

DEFENDANT'S ACKNOWLEDGEMENT OF SERVICE OR EPO

I, Tony Lee Kirkham, Defendant, hereby acknowledge I received a copy of the Magistrate's Order of Emergency Protection issued in the above styled and numbered cause which was read to me in open court at the time I appeared for a Magistrate's hearing. I further understand this order is in effect for 61 days. (Minimum of 31 days for all offenses; use or exhibition of deadly weapon shall be 91 days but not less than 61 days).

Expiration of EPO June 4, 2024

TONY KIRKHAM Defendant

MODIFICATION

No modification shall be made to this protective order without notice to each affected party of a hearing to modify. After notice to each affected party, the ISSUING COURT may modify all or part of an order issued under this article if the court finds that:

a) The order as originally issued is unworkable
b) The modification will not place the victim of the offense at a greater risk than did the original order; and
c) The modification will not in any way endanger a person protected under the order.

THE TIME IN WHICH THIS ORDER IS VALID EVERY PROVISION OF THIS ORDER IS IN FULL

PROTECTION ORDER CONDITIONS
(CIRCLE ALL THAT APPLY)

01-Resondent is restrained from assaulting, threatening, abusing, harassing, following, interfering with or stalking the protected person and/or child of the protected person
02-Respondent may not threaten a member of the protected person's family/household.
03-The protected person is granted exclusive possession of the residence/household.
04-Respondent is required to stay away from the residence, property, school or place of employment of the protected person or other family member or household member.
05-Respondent is restrained from making any communication with the protected person including, but not limited to, personal, written, or phone contact, or their employers, employees or fellow workers, or other whom the communication would likely to cause annoyance or alarm.
06-Respondent is awarded temporary custody of the child(ren) named.
07-Respondent is prohibited from possessing and/or purchasing a firearm or other weapon.
08-See miscellaneous field for comments regarding the terms and conditions of the protection order.
09-Respondent is restrained from tracking or monitoring personal property or a motor vehicle in the possession of the protected person, member of the family or household of protected person by using a tracking application on a personal electronic device or by physically following the person or the family or household member or causing another to physically follow the person or family member,
10-The protected person is awarded temporary exclusive custody of the child(ren) named.