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SPECIAL ORDER NO. _____

STATE OF TEXAS

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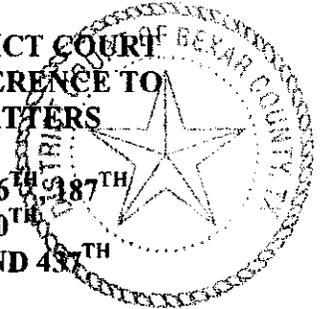
IN THE DISTRICT COURT
GIVING PREFERENCE TO
CRIMINAL MATTERS

AND

144TH, 175TH, 186TH, 187TH,
226TH, 227TH, 290TH,
379TH, 399TH, AND 431TH

COUNTY OF BEXAR

OF BEXAR COUNTY, TEXAS



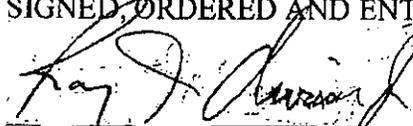
STANDING ORDER REGARDING ESCORTING OF JURORS AFTER HOURS

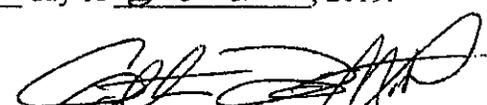
The Criminal District Court Judges of Bexar County do hereby issue this Standing Court

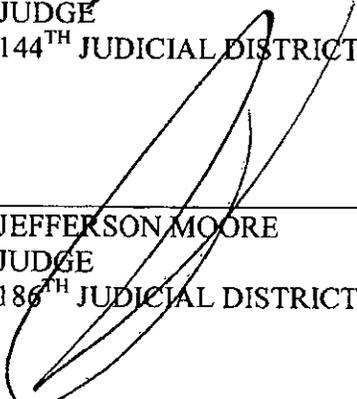
Order as follows:

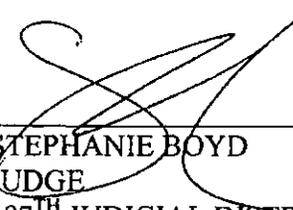
The Bexar County Sheriff's Department and Bexar County Court Security are hereby **ORDERED** to use the Sally Port exit out of the Cadena Reeves Justice Center when they are called upon after hours to escort potential jurors, existing jurors, former jurors, and members of the public out of the Paul Elizondo Tower and Cadena Reeves Justice Center.

SIGNED, ORDERED AND ENTERED THE 11TH day of December, 2019.


RAY OLIVARRI
JUDGE
144TH JUDICIAL DISTRICT COURT

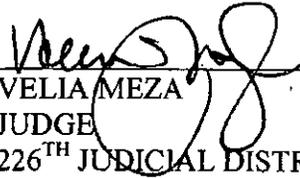

CATHERINE TORRES-STAHL
JUDGE
175TH JUDICIAL DISTRICT COURT


JEFFERSON MOORE
JUDGE
186TH JUDICIAL DISTRICT COURT

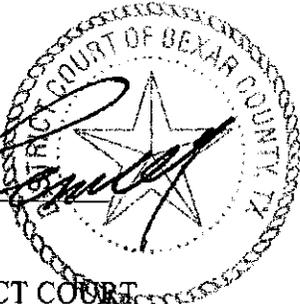

STEPHANIE BOYD
JUDGE
187TH JUDICIAL DISTRICT COURT

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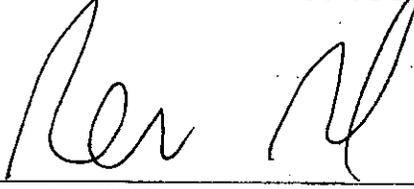
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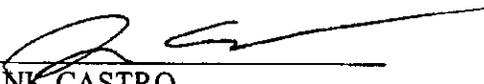

VELIA MEZA
JUDGE
226TH JUDICIAL DISTRICT COURT

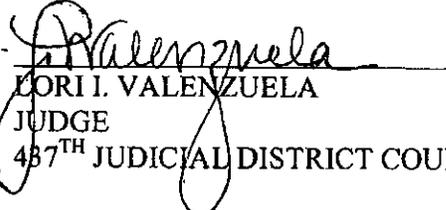

KEVIN O'CONNELL
JUDGE
227TH JUDICIAL DISTRICT COURT




JENNIFER PENA
JUDGE
290TH JUDICIAL DISTRICT COURT

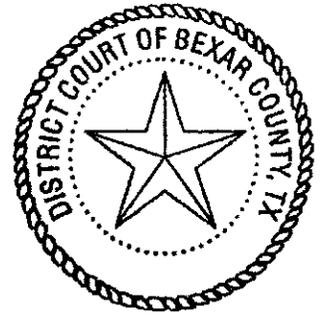

RON RANGEL
JUDGE
379TH JUDICIAL DISTRICT COURT


FRANK CASTRO
JUDGE
399TH JUDICIAL DISTRICT COURT


CORI I. VALENZUELA
JUDGE
487TH JUDICIAL DISTRICT COURT

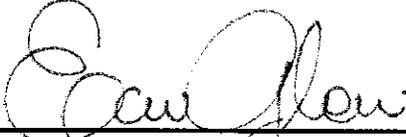
FOR INFORMATION ONLY

CERTIFIED COPY CERTIFICATE STATE OF TEXAS
I, MARY ANGIE GARCIA, BEXAR COUNTY DISTRICT
CLERK, CERTIFY THAT THE FOREGOING IS A TRUE
AND CORRECT COPY OF THE ORIGINAL RECORD AS
INDICATED BY THE VOLUME, PAGE AND COURT ON
SAID DOCUMENT. WITNESSED MY OFFICIAL HAND
AND SEAL OF OFFICE ON THIS:



December 18, 2019

**MARY ANGIE GARCIA
BEXAR COUNTY, TEXAS**

By: 
ERIC GLORIA, Deputy District Clerk
(NOT VALID WITHOUT THE CLERK'S ORIGINAL SIGNATURE.)

SPECIAL ORDER NO. **35751**

IN RE: § STATE OF TEXAS
§
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§
GRAND JURY SUMMONS § COUNTY OF BEXAR

STANDING ORDER

In consideration of the Court's Opinion issued on this date, the Court issues the following Order pursuant to 5 U.S.C. § 552a(b)(7) & (11):

IT IS ORDERED that the Foreperson of any Grand Jury empaneled by this Court and the attorney representing the State before the Grand Jury are hereby authorized, without further Order of this Court, to request from any entity all information necessary to resolve criminal investigations undertaken by the Grand Jury.

IT IS FURTHER ORDERED that a copy of this Order shall be attached to all Grand Jury Summons that are directed to a federal agency as that term is defined in 5 U.S.C. §§ 551(1), 552(f)(1), 552a(a)(1).

IT IS FURTHER ORDERED that the federal agency or individual identified by the Grand Jury Summons attached hereto and incorporated herein by reference shall forthwith comply with the Grand Jury Summons. If necessary, the federal agency shall supply an employee who is competent to provide testimony before the Grand Jury related to the requested information.

SO ORDERED on this the 5 day of October, 2001


JUANITA VASQUEZ GARDNER
JUDGE
399TH JUDICIAL DISTRICT


RAYMOND ANGELINI
JUDGE
187TH JUDICIAL DISTRICT

IN RE:

§
§
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§

STATE OF TEXAS

GRAND JURY SUMMONS

COUNTY OF BEXAR

OPINION ON STANDING ORDER

On this day, the Court considered the impact of the Privacy Act, 5 U.S.C. § 552a, upon the function of grand juries empaneled under this Court's jurisdiction for the purposes of investigating criminal complaints. Pursuant to the terms of the Privacy Act, federal agencies, as defined at 5 U.S.C. §§ 551(1), 552(f)(1) & 552a(a)(1), are prohibited from disclosing "any record¹ which is contained in a system of records by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains...." 5 U.S.C. § 552a(b). This prohibition against the disclosure of records on individuals maintained by federal agencies has hampered the investigations conducted by grand juries empaneled by this Court by proscribing the ability of federal agencies to comply with summons issued by the grand jury. However, this Court finds that two statutory exceptions to the prohibition against disclosure apply to summons from the grand jury, and this Opinion and Standing Order shall effectuate them both. *See*, 5 U.S.C. §§ 552a(b)(7) & (11).

¹"...the term 'record' means any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, his education, financial transactions, medical history, and criminal or employment history and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as a finger or voice print or a photograph." 5 U.S.C. § 552a(a)(4).

Law Enforcement Request

The Privacy Act provides an exception to the prohibition against disclosure where disclosure is made "to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if the head of the agency or instrumentality has made a written request to the agency which maintains the record specifying the particular portion desired and the law enforcement activity for which the record is sought." 5 U.S.C. § 552(b)(7).

The Court takes judicial notice that the State of Texas, and the County of Bexar, Texas, are governmental jurisdictions within and under the control of the United States. All individuals residing in Bexar County have the right to have a grand jury consider any felony charges brought against them, and no individual shall be tried upon felony charges unless the individual is indicted by a grand jury or chooses to waive the right. *See*, U. S. CONST. amend. V; *see also*, TEX. CONST. art. I, § 10. In order to facilitate felony prosecutions in compliance with the individual's right to a grand jury hearing, the Texas Legislature has empowered this Court to summon and select qualified individuals to serve upon the grand jury. TEX. CODE CRIM. PROC. ANN. art. 19.04(b) (Vernon Supp. 2001). This Court reviews the qualifications of individuals summoned for grand jury service, and the Court rejects those that do not meet certain statutorily mandated qualifications. *Id.*, TEX. CODE CRIM. PROC. ANN. arts. 19.08, 19.20, 19.21, 19.22, 19.23, 19.24 (Vernon 1977 & Supp. 2001). Once the

Court has obtained fourteen qualified individuals, the grand jury is empaneled. TEX. CODE CRIM. PROC. ANN. art. 19.26(a) (Vernon Supp. 2001).

Once empaneled, the grand jury is charged with the duty of "inquir[ing] into all offenses liable to indictment of which any member may have knowledge, or of which they shall be informed by the attorney representing the State, or any other credible person." TEX. CODE CRIM. PROC. ANN. art. 20.09 (Vernon 1977). In order to allow the grand jury to investigate the allegations brought before it, the law authorizes the grand jury to issue summons and subpoenas to obtain evidence. TEX. CODE CRIM. PROC. ANN. arts. 20.10, 20.11 (Vernon 1977). The summons and subpoenas issue under either the signature of the Grand Jury's Foreperson or the signature of the attorney representing the State before the grand jury. TEX. CODE CRIM. PROC. ANN. arts. 20.10, 20.11, 20.12 (Vernon 1977). The Grand Jury Foreperson presides over the grand jury, conducting and organizing the business of the grand jury. TEX. CODE CRIM. PROC. ANN. art. 20.07 (Vernon 1977).

The grand jury is a law enforcement instrumentality that is authorized by law to investigate complaints of felonious criminal conduct and to issue indictments where warranted. TEX. CODE CRIM. PROC. ANN. art. 20.09 (Vernon 1977); *see, Regard to Gren*, 633 F.2d 825, 827 (9th Cir. 1980), *quoting, In re Grand Jury Proceedings*, 486 F.2d 85, 89-90 (3rd Cir. 1973). The Grand Jury Foreperson clearly heads this instrumentality. TEX. CODE CRIM. PROC. ANN. art. 20.07 (Vernon 1977). As writs of process, summons and subpoenas are "written requests" as that term is employed in 5 U.S.C. § 552a(b)(7). The issuance of

summons and subpoenas comprise the investigatory activity that is the grand jury's duty to perform, and the issuance of subpoenas and summons by the grand jury is specifically authorized by law. TEX. CODE CRIM. PROC. ANN. arts. 20.09, 20.10, 20.11 (Vernon 1977). The summons issued by Grand Juries empaneled by this Court are directed to specific individuals or to the Custodian of Records of a specific entity, and also specify what, if any, records are being sought for review by the grand jury. Due to the secrecy requirement for grand jury investigations, the specific subject matter of the investigation is not revealed by the summons, but the summons clearly shows that it relates to a grand jury investigation.

This Court **FINDS** that summons or subpoenas which are issued pursuant to law comply with the requirements of the law enforcement request exception to the Privacy Act. *See*, 5 U.S.C. § 522a(b)(7).

Disclosure Pursuant to Court Order

The Privacy Act provides a second exception to the prohibition against disclosure where such disclosure is made "pursuant to the order of a court of competent jurisdiction." 5 U.S.C. § 552a(b)(11). This Court is a court of "competent jurisdiction" as that term is employed in 5 U.S.C. § 552a(b)(11). "A court of competent jurisdiction is a court 'having power and authority of law at the time of acting to do the particular act.'" *In re: A Motion for a Standing Order*, 1 Vet. App. 555, 559 (1990). State courts which are authorized by law with jurisdiction over the subject matter at issue are courts of competent jurisdiction. *See, e.g., In re Tucker*, 689 A.2d 1214, 1215-1216 (D.C. App. 1997) ["...the court with

jurisdiction over the substantive controversy likewise has jurisdiction to determine whether disclosure of the records in question should be required.”] The judicial power of the State Texas has been vested in this Court by the Texas Constitution, and this Court has been specifically directed to investigate and litigate violations of Texas criminal law. TEX. CONST. art. V, §§ 1, 7 & 8; TEX. GOV’T CODE ANN. § 24.139(d) (Vernon Supp. 2001). This Court has jurisdiction over all felony grade cases, all misdemeanor cases involving official misconduct, and of certain misdemeanors transferred to the Court. TEX. CODE CRIM. PROC. ANN. art. 4.05 (Vernon Supp. 2001). Grand juries empaneled by this Court are authorized to investigate any criminal matter arising in Bexar County, Texas. TEX. CODE CRIM. PROC. ANN. arts. 20.09, 21.01, 21.26 (Vernon 1977, 1989). Thus, this Court is a court of competent jurisdiction to determine the necessity of disclosing records protected by the federal Privacy Act when those records are relevant to criminal investigations conducted by the grand jury. *See, Gilbreath v. Guadalupe Hospital Foundation, Inc.*, 5 F.3d 785, 787, 791 (5th Cir. 1993) [Where authorized by law, subpoenas issued by an administrative law judge constitute orders of a court of competent jurisdiction.]

The purpose of the federal Privacy Act is to protect sensitive information on individuals from inappropriate public disclosure. *See, Doe v. DiGenova*, 779 F.2d 74, 84 (D.C. Cir. 1985). All grand jury deliberations are cloaked in secrecy pursuant to Texas law. TEX. CODE CRIM. PROC. ANN. arts. 19.34, 20.02 (Vernon 1977). Violations of the secrecy requirement may be punished with incarceration of up to thirty days and a five hundred

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dollar fine. TEX. CODE CRIM. PROC. ANN. art. 20.02 (Vernon 1977). Thus, appropriate protections are in place to ensure that records containing information on an individual will not be made public unless the individual is indicted and the information becomes relevant evidence in a criminal prosecution.

Therefore, the Court **FINDS** that a Standing Order commanding compliance with summons or subpoenas issued by the grand jury will comprise an Order from a court of competent jurisdiction, and will invoke the exception to the prohibition against disclosure found at 5 U.S.C. § 552a(b)(11).

The Court **FURTHER FINDS** that the issuance of the Standing Order is appropriate to ensure the viability of the grand jury system in this County, and that such Order will not conflict with the purposes of the federal Privacy Act. Thus, a strong public policy need exists for the implementation of this exemption.

ENTERED on this the 5 day of October, 2001



JUANITA VASQUEZ-GARDNER
JUDGE

399TH JUDICIAL DISTRICT



RAYMOND ANGELINI
JUDGE

187TH JUDICIAL DISTRICT

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SPECIAL ORDER NO. _____

STATE OF TEXAS

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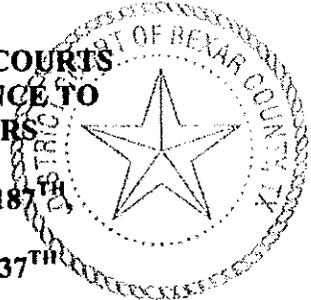
IN THE DISTRICT COURTS
GIVING PREFERENCE TO
CRIMINAL MATTERS

AND

144TH, 175TH, 186TH, 187TH,
226TH, 227TH, 290TH,
379TH, 399TH, AND 437TH

COUNTY OF BEXAR

OF BEXAR COUNTY, TEXAS



STANDING ORDER REGARDING TRIAL SUBPOENAS

The Health Information Portability and Accountability Act, 45 CFR 160 and 164 (HIPAA), provides that a covered entity may use or disclose protected health information to the extent that such use or disclosure is required by law and the use or disclosure complies with and is limited to the relevant requirements of such law.

Permitted disclosures include, but are not limited to, 45 CFR 164.512(f)(1)(ii)(A), which provides in pertinent part:

(f) Standard: Disclosures for law enforcement purposes. A covered entity may disclose protected health information for a law enforcement purpose to a law enforcement official if the conditions in paragraphs (f)(1) through (f)(6) of this section are met, as applicable.

(1) Permitted Disclosures: Pursuant to process and as otherwise required by law. A covered entity may disclose protected health information:

(ii) In compliance with and as limited by the relevant requirements of:

(A) A court order or court-ordered warrant, or a subpoena or summons issued by a judicial officer.

Pursuant to 45 CFR 164.512(f)(1)(ii)(A), and in recognition that the Bexar County Criminal District Attorney represents the State of Texas in all criminal cases in the County and District Courts of Bexar County, Texas, the Criminal District Court Judges of Bexar County issue this Standing Court Order.

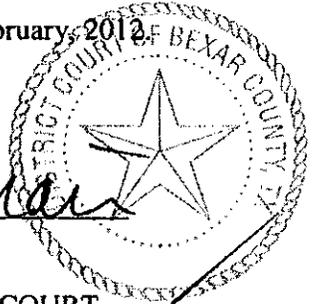
IT IS ORDERED that a copy of this Order shall be attached to all trial subpoenas issued at the request of the Bexar County Criminal District Attorney to covered entities for protected health information.

IT IS FURTHER ORDERED that the covered entity identified in the subpoena attached hereto and incorporated herein by reference shall forthwith comply with the subpoena and remains subject to all enforcement provisions of the law and Chapter 24 of the Texas Code of Criminal Procedure.

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SIGNED, ORDERED and ENTERED the 1st day of February, 2012.



Angus McGinty
ANGUS MCGINTY
JUDGE
144th JUDICIAL DISTRICT COURT

Mary Roman
MARY ROMAN
JUDGE
175TH JUDICIAL DISTRICT COURT

Maria Teresa Herr
MARIA TERESA HERR
JUDGE
186th JUDICIAL DISTRICT COURT

Raymond Angelini
RAYMOND ANGELINI
JUDGE
187th JUDICIAL DISTRICT COURT

Sid L. Harle
SID L. HARLE
JUDGE
226th JUDICIAL DISTRICT COURT

Philip A. Kazem Jr.
PHILIP A. KAZEM JR.
JUDGE
227th JUDICIAL DISTRICT COURT

Melisa Skinner
MELISA SKINNER
JUDGE
290th JUDICIAL DISTRICT COURT

Ron Rangel
RON RANGEL
JUDGE
379th JUDICIAL DISTRICT COURT

Juanita A. Vasquez-Gardner
JUANITA A. VASQUEZ-GARDNER
JUDGE
399th JUDICIAL DISTRICT COURT

Lori I. Valenzuela
LORI I. VALENZUELA
JUDGE
437TH JUDICIAL DISTRICT COURT

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CERTIFIED COPY CERTIFICATE STATE OF TEXAS
I, DONNA KAY MCKINNEY, BEXAR COUNTY DISTRICT
CLERK, CERTIFY THAT THE FOREGOING IS A TRUE
AND CORRECT COPY OF THE ORIGINAL RECORD AS
INDICATED BY THE VOLUME, PAGE AND COURT ON
SAID DOCUMENT. WITNESSED MY OFFICIAL HAND
AND SEAL OF OFFICE ON THIS:



February 01, 2012

**DONNA KAY MCKINNEY
BEXAR COUNTY, TEXAS**

By:

ANNA MORIN, Deputy District Clerk

(NOT VALID WITHOUT THE CLERK'S ORIGINAL SIGNATURE.)

