

## Re: Complaint for Violation of Right to a Speedy Trial, Isaiah Gonzales

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From matt <matt@lawlis.me>

To tx25jdc@gmail.com, lynnb@co.guadalupe.tx.us

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Date Thursday, June 20th, 2024 at 7:00 AM

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### Re: Complaint for Violation of Right to a Speedy Trial, Isaiah Gonzales

**Defendant:** Isaiah Aden Gonzales

**DOB:** 09/19/2002

**SID:** 17299008

**Case:** 24-088

**Charge:** THEFT PROP >=\$30K<\$150K, RESISTING ARREST

Dear Honorable Presiding Judge William D. Old III,

I am writing as the attorney-in-fact for Isaiah Gonzales to formally lodge a complaint regarding the violation of his constitutional right to a speedy trial as provided by the Sixth Amendment to the United States Constitution and Article 1, Section 10 of the Texas Constitution.

#### **Background:**

##### **1. Initial Charges and Arrest:**

- On April 30, 2024, Isaiah Gonzales was arrested and charged with theft and resisting arrest in Colorado County, Texas.
- Subsequently, Mr. Gonzales was seen by a judge for the theft charge, to which he pled guilty and received four years of probation.

##### **2. Current Status:**

- Mr. Gonzales has not been seen by a judge for the lesser petty misdemeanor charge of resisting arrest.
- Despite his cooperation and the non-violent nature of the charge, Mr. Gonzales has been held in jail without knowledge of when he will be seen by a judge or when he will be released.

**Legal Grounds for Complaint:**

The right to a speedy trial is a fundamental constitutional right intended to limit the amount of time a defendant may be held in pretrial detention and to reduce the likelihood of prolonged anxiety and public suspicion. The delay in addressing Mr. Gonzales's charge of resisting arrest has caused significant hardship and anxiety, including:

- Prolonged detention without a timely hearing.
- Uncertainty about his legal status and future.
- Inability to adequately prepare a defense due to the extended detention period.

**Grounds for Dismissal of Resisting Arrest Charge:**

According to the Texas Penal Code, Section 38.03, resisting arrest is defined as follows:

**Section 38.03 - Resisting Arrest, Search, or Transportation:**

- (a) A person commits an offense if he intentionally prevents or obstructs a person he knows is a peace officer or a person acting in a peace officer's presence and at his direction from effecting an arrest, search, or transportation of the actor or another by using force against the peace officer or another.
- (b) It is no defense to prosecution under this section that the arrest or search was unlawful.

In Mr. Gonzales's case, the facts do not meet the elements of this statute. Mr. Gonzales did not use force against the arresting officer or anyone else. He merely made a phone call to inform someone of his arrest. This action does not constitute resisting arrest as defined by Texas law.

**Relief Requested:**

In light of the circumstances, we respectfully request the following relief from the court:

**1. Immediate Hearing:**

- A prompt scheduling of a hearing for the charge of resisting arrest to ensure that Mr. Gonzales's case is dealt with in a timely and just manner.

**2. Review of Detention:**

- A review of the legality and necessity of Mr. Gonzales's continued detention given the nature of the charge and the prolonged delay.

**3. Dismissal of Resisting Arrest Charge:**

- Dismissal of the resisting arrest charge on the grounds that Mr. Gonzales did not use force to prevent or obstruct the arrest, as required by Texas Penal Code Section 38.03.

**4. Expedited Legal Process:**

- Implementation of measures to ensure that Mr. Gonzales's right to a speedy trial is upheld and that such delays do not occur in the future.

**Conclusion:**

We urge the court to take immediate action to address this matter, ensuring that Mr. Gonzales's constitutional rights are protected and that justice is served without further delay. Thank you for your attention to this serious issue.

Sincerely,

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210.997.7711

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**CC:**

The Honorable Ty Prause, Colorado County Judge, [ty.prause@co.colorado.tx.us](mailto:ty.prause@co.colorado.tx.us)

Paul Watkins, Colorado County Attorney, [countyattorney@co.gonzales.tx.us](mailto:countyattorney@co.gonzales.tx.us)

Lona Ackman, Colorado County Clerk, [gcc@co.gonzales.tx.us](mailto:gcc@co.gonzales.tx.us)

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Lynn Bothe, 25th Judicial District Court Administrator, Colorado County, [lynnb@co.guadalupe.tx.us](mailto:lynnb@co.guadalupe.tx.us)

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**Enclosures:**

1. Re: Complaint for Violation of Right to a Speedy Trial, Isaiah Gonzales.pdf

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**139.69 KB** 3 files attached

Re- Complaint for Violation of Right to a Speedy Trial, Isaiah Gonzales.pdf 114.08 KB

image 12.80 KB

image 12.80 KB