

EXHIBIT C-1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MARANDA LYNN O'DONNELL, et al.,
Plaintiffs,

v.

Case No.

HARRIS COUNTY, TEXAS; HONORABLE
ALEX SALGADO; HONORABLE SHANNON
BALDWIN; HONORABLE DAVID M.
FLEISCHER; HONORABLE KELLEY
ANDREWS; HONORABLE ANDREW A.
WRIGHT; HONORABLE TORIA J.
FINCH; HONORABLE SEDRICK T.
WALKER, II; HONORABLE ASHLEY
GUICE; HONORABLE RAUL RODRIGUEZ;
HONORABLE TONYA JONES; HONORABLE
LINDA GARCIA; HONORABLE ERIKA
RAMIREZ; HONORABLE PAULA
GOODHART; HONORABLE LESLIE R.
JOHNSON; HONORABLE JESSICA N.
PADILLA; and HONORABLE JUANITA
A. JACKSON,

Defendants.

16-cv-01414

DEPOSITION OF CHERYL DIGGS

DATE: Thursday, August 13, 2026

TIME: 9:31 a.m.

LOCATION: Remote Proceeding

Houston, TX 77002

OFFICIATED BY: Elizabeth Boneta

JOB NO.: 8304874

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1 And you know, for people either not being
2 renewed, or personnel issues, or retirements, and so
3 wouldn't say high turnover necessarily, but it -- we --
4 - we kind of got shellacked last year, so -- and had --
5 - had been having a hard time before people filled the
6 positions.

7 Q You said you were awarded three more
8 positions. So before, you could have a maximum of
9 12 hearing officers, and now you can have 15, is that
10 right?

11 A Yes.

12 Q But the issue is even though you were
13 awarded more hearing officers, it's just hard to fill
14 those roles. Is that right?

15 A That is correct.

16 Q So even if you were awarded five more
17 hearing officers, say -- now you could have up to 20 --
18 - the issue is not necessarily getting the ability to
19 hire 20 hearing officers, but actually hiring those
20 hearing officers. Is that right?

21 A That's correct.

22 Q If you were to receive, say, an award of --
23 you could get up to five more hearing officers, how
24 long would you estimate it would take to get five more
25 hearing officers on board? Or do you think that'd

1 along in the process.

2 For example, it may be somebody that --
3 again, a case that should have been GOB -- coded as
4 GOB-eligible that was not, then we'll go ahead and
5 grant a hundred dollars personal bond on that case.
6 Sometimes they do end up in court because we miss it.
7 We're human.

8 But normally it's a process to get
9 misdemeanor offenders that don't have -- well, yeah,
10 misdemeanor offenders to go ahead and get some of
11 those cases processed with a personal bond before
12 court.

13 Q What percentage of the carve-out misdemeanor
14 cases receive personal bonds using the early
15 presentment process?

16 A I'm going to say -- I -- I don't know an
17 exact number, but I'm going to say a fair number. A
18 majority of them do.

19 Q But even with a majority of those cases
20 being able to go through the early presentment
21 process, it's still taking the full day, if not
22 longer, to get through your dockets; right?

23 A Yes, it is.

24 Q On average, about how long would you say,
25 from start to finish, does it take you to review a

1 case that results in an individual receiving a
2 personal bond using the early presentment process?

3 A Probably takes about 10 minutes, 15.

4 Q Earlier today, I believe you testified that
5 the individualized hearings each take about normally
6 10 to 15 minutes, sometimes 20 minutes. Is that
7 right?

8 A Yes.

9 Q So it's not tremendously shorter going
10 through the early presentment process. Is that right?

11 A Yes.

12 Q On average, about how much longer would you
13 say does it take to conduct an individualized hearing
14 as compared to early presentment?

15 A Probably about the same amount of time.

16 Q Are you aware that in 2025, Judges Goodhart,
17 Padilla, Johnson, and Garcia proposed a modification
18 to the consent decree?

19 A I heard that something was going on. I --
20 and I'm aware that they are now -- they have their own
21 counsel, yes.

22 Q And when you say you heard something was
23 going on, what did you hear?

24 A Just that there may be some movement in
25 O'Donnell that was coming -- coming down the pike.

1 not --

2 Q Yeah, please correct me if I'm wrong on
3 that.

4 A Okay. So that's actually five dockets plus
5 two.

6 Q Five dockets. Okay. And five dockets plus
7 two, that's two hearing officers would hear four
8 dockets, and then you would have an additional docket
9 plus two. So you more or less need about three
10 hearing officers to cover an additional 77 cases a
11 day. Is that right?

12 A Yeah, three or four.

13 Q Okay. Is there currently any plan in place
14 for how the hearing officers could accommodate an
15 additional 28,000 cases a year or 77 cases a day?

16 A No --

17 MR. NWAOKORO: Objection, form.

18 THE WITNESS: No.

19 BY MS. MCCOLLUM:

20 Q Sorry, did you say no? Okay. Is there
21 currently any plan in place for paying hearing
22 officers more money if they had to accommodate an
23 additional 28,000 cases a year?

24 MR. NWAOKORO: Objection, form.

25 THE WITNESS: No.

1 BY MS. MCCOLLUM:

2 Q Is there currently a plan in place for
3 hiring more hearing officers if you had to accommodate
4 an additional 28,000 cases a year?

5 MR. NWAOKORO: Objection, form.

6 THE WITNESS: Not that I'm aware of.

7 BY MS. MCCOLLUM:

8 Q Even if the number were significantly less -
9 - say 10,000 cases a year -- could the hearing
10 officers accommodate an additional 10,000 cases a year
11 with current staffing and dockets?

12 A No.

13 Q Can the current staffing of hearing officers
14 and dockets -- do you think there's an ability to
15 handle any more cases than what are currently before
16 you?

17 A No, we're already stretched to the max.

18 Q And as we discussed earlier today, it's not
19 easy to just hire additional hearing officers; right?

20 A Right.

21 Q How many more hearing officers would you
22 realistically need to handle an additional 77 cases a
23 day?

24 A My goodness, I -- I don't even know. I -- I
25 wouldn't even know where to begin to determine how

1 many more we would need.

2 Q And again, even if you needed more hearing
3 officers, that's a different problem than actually
4 finding and hiring the hearing officers and retaining
5 them; right?

6 A Yes.

7 Q Assuming that you can't hire more hearing
8 officers, and these changes go through, and hearing
9 officers also have all the non-carve-out misdemeanor
10 cases on their dockets, with those additional cases,
11 you'd have less time to devote to every case than you
12 currently have now; right?

13 A Yes.

14 Q And that would be less time to devote to
15 cases involving carve-out offenses; right?

16 A Possibly, yes.

17 Q And you mentioned that your existing docket
18 is about 60 to 70 percent felonies; right?

19 A Most days, yes.

20 Q So you would have less time to devote to
21 cases involving felony offenses; right?

22 A Yes.

23 Q And that would significantly increase the
24 workload of the hearing officers; right?

25 A Yes.

1 Q And these hearing officers are already
2 working more hours than their shifts are supposed to
3 be; right?

4 A Yes.

5 Q Adding the non-carve-out offenses to hearing
6 officers' dockets would mean more cases that can't be
7 reviewed within the 48-hour time period; right?

8 MR. RUSSO: Object to form --

9 MR. NWAOKORO: Objection.

10 THE WITNESS: Possibly.

11 BY MS. MCCOLLUM:

12 Q So people would have to be released without
13 any hearing at all. Is that right?

14 MR. RUSSO: Object to form.

15 THE WITNESS: Possibly.

16 BY MS. MCCOLLUM:

17 Q And some of those people could be charged
18 with serious offenses; right?

19 A Yes.

20 MR. NWAOKORO: Objection, form.

21 BY MS. MCCOLLUM:

22 Q An additional 28,000 cases a year would
23 increase your personal workload as chief hearing
24 officer; right?

25 A Yes, it would.

1 Q Let's assume for a minute that the consent
2 decree goes away. You have no way of knowing how many
3 of those 28,000 cases would receive personal bonds
4 through early presentment; right?

5 A I -- yeah, I would not know.

6 Q You wouldn't know what percentage would
7 require individualized 15.17 hearings; right?

8 A Right.

9 Q Even with Local Rule 9 and the consent
10 decree in place, it's already difficult for hearing
11 officers to manage their existing workload; right?

12 A Yes.

13 Q If the consent decree goes away and Local
14 Rule 9 is eliminated, would the hearing officers be
15 able to manage their dockets?

16 MR. NWAOKORO: Objection, form.

17 THE WITNESS: I doubt it.

18 BY MS. MCCOLLUM:

19 Q And that would be true even if you assume
20 that every case received personal bonds through early
21 presentment; right?

22 A Sorry, repeat the question.

23 Q That would be true even if every one of
24 those cases ultimately received personal bonds through
25 early presentment; right?

1 time?

2 A The other hearing officer is preparing their
3 next docket. They are handling our ancillary matters,
4 such as the mental health warrants, the other
5 walkthrough warrants, or out-of-county magistrations
6 that may come up.

7 Q When you say the other hearing officers
8 preparing their docket, can only one hearing officer
9 go through their docket at a time?

10 A Yes. We only -- jointly, there's only the
11 capacity to run one courtroom at a time. And so it's
12 only one docket going at a time. So if someone's in
13 docket, the other hearing officer's out handling all
14 the other responsibilities.

15 Q What do you mean by there's only the
16 capacity to run one courtroom at a time?

17 A With all of our justice partners, we're all
18 short-staffed. And so to run double dockets, there
19 would need to be an additional prosecutor, an
20 additional public defender, an additional clerk, an
21 additional pretrial officer, an additional --
22 additional bailiffs, and an additional interpreter.

23 Q And as you understand it, it's not currently
24 possible to get an additional one of each of those
25 people. Is that --

1 A Yeah, it's -- it's -- yeah, my understanding
2 is that it's just -- we -- we can't do it right now.

3 Q What would it take in order to get -- when
4 you say "we can't do it right now," what would be
5 needed?

6 A And -- and I -- we may not ever be able to
7 do it at all, but again, we would have to have, I
8 guess, cooperation with -- between all of the justice
9 partners, and adequate staffing. And so the
10 challenges that we are having getting hearing
11 officers, sheriff's department is having trouble with
12 staffing as well.

13 Again, I know on evening shift, pretrial
14 services is low, so yeah, it's just hard. We just
15 don't have the -- the people to do it. And I don't
16 know if we ever could.

17 Q So I understand a little more breakdown of
18 the shift -- so the shift starts at 2 p.m. The first
19 hearing officer goes and handles their docket, which
20 takes about three to four hours and is about 15 cases;
21 right?

22 A Okay, let me -- yeah, so the person that
23 comes in at 2:00 will normally handle the first docket
24 in the shift, which is the 3 p.m. And again,
25 depending on what's going on, that could take -- I'm

1 BY MS. MCCOLLUM:

2 Q So let me back up for a second. When we
3 just walked through what the current day sort of looks
4 like, it seems like -- and correct me if I am wrong --
5 that hearing officers are routinely going past their
6 allotted shift times. Is that right?

7 MR. NWAOKORO: Objection, form.

8 THE WITNESS: Yes, that is correct.

9 BY MS. MCCOLLUM:

10 Q And if you added even two to three more
11 people to each docket, you would not be able to
12 complete that within the allotted shift time; right?

13 A Possibly, yeah, I -- doubtful.

14 Q Earlier, you testified -- I asked if the
15 consent decree goes away and Local Rule 9 is
16 eliminated, would the hearing officers be able to
17 manage their dockets? And you responded, "I doubt
18 it." Do you recall that?

19 MR. RUSSO: Object to form.

20 THE WITNESS: Yes.

21 BY MS. MCCOLLUM:

22 Q Can you --

23 A Yes.

24 Q Can you explain why you believe hearing
25 officers would not be able to manage their dockets,

1 and what you understand that to mean?

2 MR. NWAOKORO: Objection, form.

3 THE WITNESS: What I understand that to
4 mean, again, not knowing, you know, what would
5 actually happen, would -- we would have more to do.
6 We -- it's not just about conducting the dockets. We
7 still have -- we have to stop, and we still look at
8 the law. We still sometimes have to do research.
9 There are times that, you know, we've got to -- it's
10 just -- it's a lot that we have to do.

11 We're still required to review, you
12 know, before setting bonds, we need to look at the
13 PSRs. And so there are things that we still have to
14 do before we get to the bail hearing. And so adding
15 more to the plate, we're already at capacity.

16 And in context, when I started, we
17 had 25 per docket. Then, we went to, I think, 21.
18 Then we went to 18. And now we're at 15. And that's
19 because of the requirements and the things that we
20 have to review and do before we even get to the bail
21 hearing. And so there are more demands, and it takes
22 more time, and adding to that is just going to delay
23 us even further.

24 BY MS. MCCOLLUM:

25 Q Can you elaborate on that for me? You said,

1 of non-appearance, recidivism, and mental health
2 issues?

3 A Repeat the question.

4 Q Did you understand Judge Goodhart to have
5 concerns about hearing officers releasing people with
6 mental health issues, or non-appearance, or
7 recidivism?

8 A I -- I believe so. I think all of the
9 judges have considered concerns with that.

10 Q Did you understand Judge Goodhart to be
11 concerned that hearing officers were being too
12 lenient?

13 MR. RUSSO: Object to form.

14 THE WITNESS: I don't think it was too
15 lenient. I think that it was just, you know, the why,
16 and making sure we had all of the information.

17 BY MS. MCCOLLUM:

18 Q If Rule 9 were eliminated, would it be
19 harder for hearing officers to spend the time needed
20 on each case to fully take into consideration factors
21 like non-appearance, recidivism, and mental health
22 issues when considering pretrial release?

23 MR. RUSSO: Object to form.

24 MR. NWAOKORO: Objection, form.

25 THE WITNESS: Possibly, yes.

1 BY MS. MCCOLLUM:

2 Q Why do you say that?

3 A Well, again, it -- it will just take more
4 time to get everything done, and the hearing -- the
5 bail hearings -- the individualized bail hearings
6 would take longer. And so maybe we wouldn't have the
7 time, or even the justice partners wouldn't have the
8 time to get us the information to even, for example,
9 an interview with -- a proper interview with somebody
10 that's in crisis maybe can't happen because they're in
11 the holdover.

12 On the other side, sometimes the DA -- the
13 DA's office knows this person was probably in mental
14 health court or something -- not necessarily a thing
15 for misdemeanor court, but just in general. And so
16 sometimes they're like, "Yeah, it looks like there's
17 some mental health stuff going on here, or I found
18 out X," and they let us know.

19 But there's not going to be as much time for
20 that -- possibly may not be enough time for those
21 types of -- for dedicating more time to those types of
22 special instances.

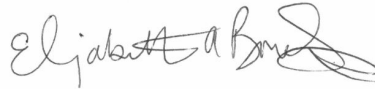
23 Q When you say "possibly," do you think it's
24 likely the case?

25 MR. RUSSO: Object to form.

CERTIFICATE OF DEPOSITION OFFICER

I, ELIZABETH BONETA, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

August 27, 2026



ELIZABETH BONETA

Notary Public in and for the
State of Texas

☒ [X] Review of the transcript was requested.

CERTIFICATE OF TRANSCRIBER

I, ANDREW CAMPBELL, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

August 27, 2026



ANDREW CAMPBELL