

Rockwall Chronicle

Rockwall's only Home-Owned Newspaper

Wednesday, March 3, 1999

50¢

Custody hearing ends with mother in jail

By Mary Cecil and Rick Moran
The Rockwall Chronicle

A routine custody hearing in District Court Friday ended with a distraught mother being led from the Government Center in hand cuffs after she became hysterical and refused to leave the building until someone would tell her when

she could see her children. Observers later asked why the emergency medical service was not called to deal with the woman.

Robin Duckworth was in court Friday over custody of her two children. The hearing in Judge Sue Pirtle's court ran four hours at which time the judge continued the case to a later date. Mrs.

Duckworth reportedly became hysterical and was directed by a court security officer to leave the building.

Mrs. Duckworth reportedly refused to move, saying that she wanted to know when she could see her children, one and three years of age. During the court proceedings, Duckworth told the

court that she had only seen her children under a court mandated supervised visitation twice in the last four months.

Duckworth, a resident of Barberville, KY has a teenage son in that state, while her two small children live in Rockwall with their father in Heath. A previous arrangement had split custody be-

tween the parents, with the two children shuttling half way across the country on a weekly basis.

Taken into custody Duckworth was booked into the Rockwall County Jail and later released when friends raised \$500 cash bond. According to Duckworth she was jailed with a female drug user who cried when she heard Duckworth's story. "She told me that even with a drug history and arrest record, no one had ever challenged her right to her chil-

Teachers training for marathon in Hawaii

By Mary Cecil
The Rockwall Chronicle

Julie Aldridge and Shelley Ladd are both second grade teachers at Amy Parks Elementary School in Heath. As they became friends, they discovered



see Hearings, page 2

No New District

Rotarian Roy Hance presents the Rotary Policeman of the Year to Johnny Solis of the Heath Police Department. Heath Police Chief Dennis Watson is at right.

Hearing, from page 1

dren in Rockwall," Duckworth said. "But she is a resident and I'm from Kentucky!"

Further complicating the issue, Duckworth's request for a supervised visit with her children was denied this week by the court appointed monitor of such visitations, Tish Verde.

"Tish Verde told me that she wanted nothing to do with me. That she would not let me see my babies," Duckworth reported Tuesday.

During Friday's court hearing Ms. Verde, owner of Time Together, a company that supervises court ordered closed visitation, said that she wanted Duckworth's visitation to be limited to the Heath Police Station. Fearing, she said, the opportunity for someone to take the children from public places. She told the court she had not yet talked to the Heath Police about the idea. Verde had been directed to make visitation available to Mrs. Duckworth on a regular basis by the court previously.

In an interview Tuesday, Ms. Verde said that she had been contacted by Mrs. Duckworth on Monday and that she refused to participate in any visitation between Duckworth and the children, because she felt uncomfortable and unsafe in Duckworth's presence. She added that she had fears that Mrs. Duckworth would try to take the children back to Kentucky if she had the opportunity.

Over the last four months, Mrs. Duckworth visited with the children only twice and was criticized for her failure to visit more often. Mrs. Duckworth maintained that the infrequency of her visits were due to Ms. Verde's reluctance to oversee the visits.

"I don't know how I got to this point in my life. I've been criticized over my religious convictions and where I live, yet I meet people every day who have less education, who use drugs and alcohol and who never go to church and they have their babies. I don't know what I've done so terribly wrong," Duckworth said.

Where else can you read:

For What It's Worth

by Mary Cecil

Sailing with the Commodore

by Bob Williams

Cooking with Eatse

by Nancy Tate

The Rockwall Chronicle

306 E. Washington

COUNTY COURT OF ROCKWALL COUNTY, TEXAS

CAUSE NO. CR99-0273

THE STATE OF TEXAS VS. Robin Kerr Duckworth

DATE 3-16-99

PUNISHMENT RECOMMENDATION

FILED FOR RECORD
PAULETTE BURKS, COUNTY CLERK
ROCKWALL COUNTY, TEXAS

MAR 16 1999

It is recommended to the Court that:
PUNISHMENT SHOULD BE ASSESSED AS FOLLOWS:

1 day in the ROCKWALL COUNTY JAIL - credit 1 day
\$500 FINE
\$214.25 COURT COSTS

IF PROBATION IS GRANTED, ADDITIONAL CONDITIONS ARE:

- PROBATION is recommended for a period of _____.
- DEFERRED ADJUDICATION OF GUILT is recommended pursuant to 41.12.
- Payment of RESTITUTION in the amount of \$ _____ payable to _____.
- Payment of FINE.
- Payment of COURT COSTS within thirty (30) days of the judgment.
- Payment of PROBATION SUPERVISORY FEE of \$40.00 per month.
- TIME PAYMENT PLAN FEE of \$25.00 within thirty (30) days of judgment.
- Driver's License Suspension for _____.
- Obtain a GED/High School Diploma.
- Pay \$25.00 to Crime Stoppers within 60 days of the judgment.
- _____ hours of Community Base Service at the rate of 10 hours per month.
- D.W.I. Education/Repeat Offender Education.
- Alcohol/Drug Evaluation.
- Serve a term in jail of _____ days as follows:
- Install interlock device on defendant's vehicle or vehicle most regularly driven by defendant.
- Complete Drug Offenders Program.
- Attorney fees of \$ _____ to be paid within _____ days.
- _____

All parties understand that in the event that the Court rejects this agreement, the Defendant will be permitted to withdraw his plea and no statement or other evidence received during the plea may be admitted against the defendant on the issue of guilt or punishment in any subsequent criminal proceedings, in accordance with Art. 26.13 C.C.P. Furthermore, if the Court sets punishment at or below this recommendation, all parties understand that no appeal is possible without the permission of the court unless based on motions previously filed.

I accept the above listed recommendation:

Recommendation made by:

Robin Kerr Duckworth
DEFENDANT

David E. [Signature]
COUNSEL FOR STATE

[Redacted Address]
DEFENDANT'S ADDRESS

ATTORNEY FOR DEFENDANT

WRITTEN PLEA ADMONISHMENTS

Without an Attorney

County Court

ROCKWALL COUNTY, TEXAS

CR 99-0273

DATE: 3-16-99

TO: Robin Kerr Duckworth Defendant

Pursuant to Art. 26.13 C.C.P., You are hereby admonished in writing:

FILED FOR RECORD
PAULETTE BURKS, COUNTY CLERK
ROCKWALL COUNTY, TEXAS

MAR 16 1999

1. You are hereby admonished in writing:

2. If adjudged guilty, you face the following range of punishment:

CLASS A MISDEMEANOR: a fine not to exceed \$4,000; confinement in jail for a term not to exceed one year; or both such fine and jail confinement.

CLASS B MISDEMEANOR: a fine not to exceed \$2,000; confinement in jail for a term not to exceed 180 days; or both such fine and jail confinement.

CLASS C MISDEMEANOR (APPEAL): a fine not to exceed \$500.

DRIVING WHILE INTOXICATED (1st): a fine not to exceed \$2,000 and confinement in jail not less than 72 hours and not more than 180 days. Your drivers license may be suspended up to one year.

Driving While Intoxicated (2nd): a fine not to exceed \$4,000; and confinement in jail not less than 30 days and not more than one year. Your drivers license may be suspended up to two years.

For DWI (1st): where an open container is alleged, the minimum jail confinement is 6 days.

DRIVING MOTOR VEHICLE WHILE LICENSE INVALID/ SUSPENDED: CLASS B MISDEMEANOR, a minimum of \$100 fine, a maximum of \$500 fine and confinement in jail not less than 72 hours and not to exceed 180 days.

OTHER: _____

3. PLEA BARGAINS: If no plea bargain exists, the recommendation of the prosecuting attorney is not binding on the Court. If a plea bargain does exist the court will inform you whether it will follow the agreement in open court and before any finding on your plea. Should the court reject the agreement, you will be permitted to withdraw your plea if you desire.

4. PERMISSION TO APPEAL: If the punishment assessed does not exceed the punishment recommended by the prosecutor and agreed to by you, the court must give its permission to you before you can prosecute an appeal on any matter in the case except for matters raised by written motion filed prior to trial.

5. CITIZENSHIP: If you are not a citizen of the United States of America, a plea of Guilty or nolo contendere for this offense may result in deportation, the exclusion from admission to this country, or the denial of naturalization under federal law.

6. DEFERRED ADJUDICATION: If the Court defers adjudication of your guilt and places you on probation, on violation of any imposed condition, you may be arrested and detained as provided by law. You will then be entitled to a hearing limited to the determination by the court of whether to proceed with an adjudication of guilt on the original charge. No appeal may be taken from this determination. After adjudication of guilt, all proceedings, including assessment of punishment, pronouncement of sentence, granting of probation and your right to appeal continue as if adjudication of guilt had not been deferred.

7. DEFENDANT'S RIGHTS: The defendant was admonished, and stated understanding of the following rights. To a speedy public trial by an impartial jury. To demand explanation of the nature and cause of the accusation. To have a copy of the accusation. To not be compelled to give evidence. To be heard in person or by attorney. To have a lawyer appointed for representation if he is unable to hire one. To be confronted with the witnesses for the State. To cross-examine any witnesses. To have witnesses to be called to testify. To make bond and be released from jail until trial time. To have at least 10 days from arrest until the case is brought to trial. To apply for a probated sentence, if eligible. To plead guilty, not guilty, or no contest before the Court or a jury. To object to the introduction of testimony by affidavits, written statements of witnesses, and any other documentary evidence in support of the charges by the state.


PRESIDING JUDGE

Comes now the defendant and states that I understand the foregoing admonishments from the Court and am aware of the consequences of my plea. I further state that I am mentally competent and that my plea is freely and voluntarily entered. I also waive and give up under Art. 1.14 C.C.P. all rights given to me by law, whether of form, substance or procedure. I waive and give up my rights in this case under Art. 1.13 C.C.P. I waive and give up the right to appearance, confrontation and cross-examination of the witnesses, ten days to prepare for trial and I consent to oral and written stipulations of evidence.

JUDICIAL CONFESSION AND WAIVER OF RIGHTS

I further state that I have read the indictment or Information filed in this case and that I committed each and every allegation it contains. I am guilty of the offense alleged as well as all lesser included offenses. I swear to all the foregoing and I further swear that all testimony I give in the case will be the truth, the whole truth and nothing but the truth, so help me God. I also state that any enhancement allegations are true. I waive all rights contained in this admonishment. I have been advised by the Rockwall County Court of my right to representation by counsel in the trial of the charge pending against me. I have been further advised that if I am unable to afford counsel, one will be appointed for me free of charge. Understanding my right to have counsel appointed for me free of charge if I am not financially able to employ counsel, I wish to waive that right and request the court to proceed with my case without an attorney being appointed for me. I hereby waive my right to counsel and enter my plea.

Rob Duckworth
DEFENDANT

Sworn to and subscribed to before me on this date: 3-16-99

Glenda Denton
DEPUTY COUNTY CLERK ROCKWALL COUNTY, TEXAS

We join and approve the waiver of jury trial pursuant to Art. 1.13 C.C.P. In addition, the Court finds as a fact that the Defendant is fully competent and that Defendant's plea is freely and voluntarily entered.

Dani E. ...
PROSECUTOR

Rob Duckworth
DEFENDANT

Ray ...
PRESIDING JUDGE

WAIVER OF COURT REPORTER

Now comes the undersigned defendant and hereby waives the requirement for a court reporter in this case.

Rob Duckworth
DEFENDANT

NO. CR99-0273

THE STATE OF TEXAS

IN THE COUNTY COURT OF

VS DUCKWORTH, ROBIN KARR

ROCKWALL COUNTY, TEXAS

JUDGMENT

NO CONTEST (B)

On this day, the above numbered and entitled cause was called for trial, and the State appeared by and through Criminal District Attorney, and the Defendant, DUCKWORTH, ROBIN KARR, appeared in person, (and waived the right to representation by counsel, said waiver being accepted by the Court after the Court determined that said Defendant knowingly, intelligently and voluntarily waived said right), thereupon the Criminal District Attorney announced ready for trial, and the Defendant also announced ready for trial, the Defendant in person and in open Court Plead "Guilty" to the charge as alleged in the information; thereupon the Defendant was admonished by the Court as to the consequences of said plea, including the minimum and maximum punishment, and the said Defendant persisted in pleading guilty; and it plainly appearing to the Court that the said Defendant is sane and that said Defendant is not influenced in making said plea by any consideration of fear, or by persuasion or delusive hope of pardon prompting him to confess guilt, the said plea is by the Court received and now entered of record in the minutes of the Court as the plea herein of the offense of **CRIMINAL TRESPASS** committed on the 26th day of February, 1999.

NO CONTEST (B)

IT IS THEREFORE ORDERED by the Court that the Defendant, is guilty of the offense of **CRIMINAL TRESPASS** as charged in the information in this case and as confessed by him in his plea of guilty herein made and the Court having heard evidence on the question of punishment and argument of counsel thereon fixed punishment by payment of a fine in the amount of \$ 500.00, Court Cost in the amount of \$ 214.25 and by confinement in the Rockwall County jail for a term of 1 days and that the State of Texas do have and recover of the said Defendant said fine and all cost in this prosecution expended, for which execution will issue, and that the said Defendant be remanded to the custody of the Sheriff of Rockwall County, Texas to await further orders of the Court herein.

DATED this the 16th day of March, 1999.

Jose B...
 JUDGE OF THE COUNTY COURT ROCKWALL COUNTY, TEXAS

FILED FOR RECORD PAULETTE BURKS, COUNTY CLERK ROCKWALL COUNTY, TEXAS

MAR 16 1999

R+ Index



NO. CR99-0273

THE STATE OF TEXAS
VS
DUCKWORTH, ROBIN KARR

IN THE COUNTY COURT
OF
ROCKWALL COUNTY, TEXAS

SENTENCE

On this day, this cause being again called, the State appeared by her Criminal District Attorney, and the Defendant, DUCKWORTH, ROBIN KARR, came in open court in person, for the purpose of having the sentence of the law pronounced in accordance with the judgment herein rendered and entered against the said Defendant. Thereupon, the said Defendant being present in person, in open court, waived the time allowed by law for making the Motion for New Trial and the Motion in Arrest of Judgment, and requested the Court to pronounce sentence herein immediately. And thereupon, the said Defendant was asked by the Court whether said Defendant has anything to say why sentence of the law should not be pronounced against said Defendant, and said Defendant answered nothing in bar thereof. Whereupon, the Court proceeded, in the presence of said Defendant to pronounce sentence against said Defendant as follows:

IT IS THE ORDER OF THE COURT that the said Defendant, who has been adjudged to be Guilty of the offense of
CRIMINAL TRESPASS

be and is hereby sentenced to confinement in the Rockwall County jail for a period of 1 days and a fine of \$ 500.00, Court Cost in the amount of \$ 214.25 and the State of Texas do have and recover of said Defendant all costs of this prosecution, for which execution may issue against the property of said Defendant, and that the Defendant be delivered to the Sheriff of Rockwall County, Texas, to be confined in the County jail in the manner and for the period aforesaid.

The said Defendant is allowed 1 days credit upon this sentence since the time of arrest and confinement herein.

The Court orders restitution in the amount of \$ _____ be made payable to _____

The Defendant waived appeal in open Court.

DATED this the 16th day of March, 1999.

[Signature]

JUDGE OF THE COUNTY COURT, ROCKWALL COUNTY, TEXAS

(X) (Check if applicable) Jail time to be served on a work release program to be served as follows:

CREDIT FOR 1 DAY SERVED.

FILED FOR RECORD
GAULETTE BUEKES, COUNTY CLERK
ROCKWALL COUNTY, TEXAS

MAR 16 1999

PAGE 2 OF 2

Rt Indey