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Via Electronic Filing and Hand Delivery

Scott S. Harris
Clerk of the Court
Supreme Court of the United States
One First Street, N.E.
Washington, DC 20543

Re: No. 21-1065

Dear Mr. Harris:

Respondents write to inform the Court of factual developments relevant to their suggestion of mootness and to clarify certain facts brought to their attention by petitioner Dennis Wayne Hope.

I. On May 31, Hope completed the Cognitive Intervention Transition Program and on June 2, he was transferred to the Connally Unit. As anticipated, he is housed in general population housing at G2 (minimum) custody status. *See* BIO App. 2a. Hope agrees that he has been out of solitary confinement since February 7.

II. Hope disagrees with several facts as stated in the brief in opposition. In the interest of complete disclosure, respondents provide the following clarification.

A. In their statement of the case, respondents described (at 3) Hope's original aggravated robberies as follows: "During the first few robberies, Hope used a fake ID and uniform to pose as an armored-vehicle guard; disguised, he deceived employees into handing over the store's cash deposits. He later switched his *modus operandi* and began robbing Albertsons cashiers and actual armored-vehicle guards at gunpoint." Hope disputes the final statement, saying he "was never accused, by police or prosecutors, of robbing armored-vehicle guards at gunpoint."¹

¹ Letter dated May 24, 2022, from Easha Anand to Natalie Thompson at 1 (on file with counsel).

The fact Hope disputes came from a television episode detailing Hope's crimes, for which Hope gave an extensive interview and in which he appears. A former Dallas Police Department detective who investigated Hope's crimes states that "[Hope] would rob the stores at gunpoint or he would wear a uniform of an armored-car personnel and take the money from the delivery person."² Hope's own interview explains his thinking: "Criminologists say when you form a pattern and you continue to do it, they'll catch you."³

Hope disputes that he was accused of robbing armored-vehicle guards at gunpoint. Respondents accept Hope's characterization for present purposes. Respondents may have misunderstood Hope's and the detective's descriptions of Hope's crimes, and they regret any inaccuracy caused by such a misunderstanding.

B. In support of their suggestion of mootness, respondents submitted evidence that "[p]articipants in the Cognitive Intervention Transition Program attend classes together each day, eat communal meals, and may congregate in the common area during their free time," that "[m]ost participants, including Mr. Hope, are housed with a cellmate, and that participants "are eligible for regular visitation and may use the inmate telephone system." BIO App. 2a. Petitioner takes issue with two of these details. First, Hope states that "he had a cellmate for approximately two hours on February 10, 2022, and for approximately four days in April, [but] he did not have a cellmate aside from that time as of May 19, 2022."⁴ Second, petitioner states "[h]is first communal meal took place [on May 9,] the day that the Brief in Opposition was filed."⁵

Having inquired with staff at the Ellis Unit, respondents have determined that certain aspects of the CITP were modified to allow for social distancing due to the COVID-19 pandemic. Respondents have no reason to disagree with Hope's characterization of his experience and regret the imprecision.

² *I (Almost) Got Away With It*, Season 3, Episode 10 (first aired June 28, 2011), at timestamp 8:20-31.

³ *Id.* at timestamp 8:06-17.

⁴ Anand letter at 1.

⁵ Anand letter at 1.

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Respectfully submitted.

/s/ Judd E. Stone II

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cc: Easha Anand, *Counsel of Record for Petitioner* (via e-mail)