

The Dallas Morning News

Texas Supreme Court orders salon owner released after Gov. Greg Abbott forbids putting coronavirus scofflaws in jail

The Texas Supreme Court ordered a response to their order by 4 p.m.



Texas Gov. Greg Abbott on Thursday rewrote his coronavirus orders so as to free hair salon operators and other scofflaws from confinement. Abbott said his action "if correctly applied" should free Dallas hair salon owner Shelley Luther from jail. On Wednesday, her supporters demanded her release. (Lynda M. Gonzalez)

By [Robert T. Garrett](#) 2:58 PM on May 7, 2020 *Updated at 10:40 a.m.:* to include information from the Texas Supreme Court.

AUSTIN -- Reacting to a national brouhaha over the jailing of Dallas salon owner Shelley Luther, Gov. Greg Abbott on Thursday rewrote his previous coronavirus orders so that no violators will face jail time. And then a couple of hours later, the Texas Supreme Court ordered Luther released.

Abbott announced he was eliminating confinement as a punishment for violating the emergency orders over COVID-19, and said they would apply retroactively.

That means Luther should be freed from the Dallas County Jail before her week-long sentence is completed, if the Republican governor's latest tweak is "correctly applied," he said in a new release.

Dallas County jail spokesman Raul Reyna said before the Supreme Court decision that Abbott's order wouldn't have an immediate impact on Luther, but the court's writ of habeas corpus would appear to guarantee her release.

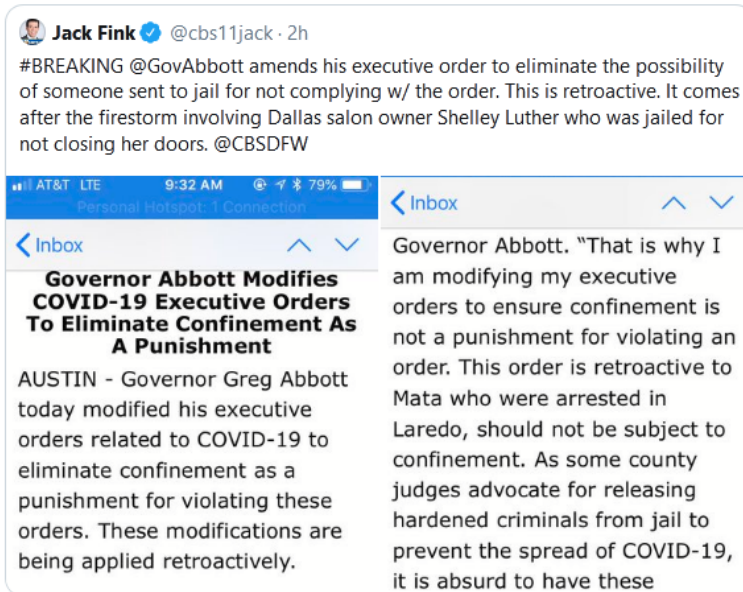
Luther is in jail for contempt of court, not for violating the governor's orders, he noted. She won't be freed from jail unless the court frees her.

"Until we get something from the court, we have to abide by the court order," Reyna said.



Jack Fink 
@cbs11jack

MORE: A spokesman with the Dallas County Sheriff's office says @GovAbbott's amended, retroactive order is not an immediate order for Shelley Luther to get out of jail. Spokesman says Luther still needs an order by Judge Eric Moye to make this happen. @CBSDFW



7:45 AM · May 7, 2020 · Twitter for iPhone

"Throwing Texans in jail who have had their businesses shut down through no fault of their own is nonsensical, and I will not allow it to happen," Abbott said in a written statement.

“That is why I am modifying my executive orders to ensure confinement is not a punishment for violating an order,” he said. “This order is retroactive to April 2nd, supersedes local orders and if correctly applied should free Shelley Luther.”

Abbott indirectly responded to Wednesday’s criticism by some Democratic state lawmakers that he, Lt. Gov. Dan Patrick and Attorney General Ken Paxton were rushing to free Luther, who is white, when they often are silent about injustices borne by racial and ethnic minorities in the law enforcement and prosecution of crimes.

Abbott noted that two Hispanic hair salon owners in Laredo also face criminal sanctions for reopening their businesses.

He said his revised order “may also ensure that other Texans like Ana Isabel Castro-Garcia and Brenda Stephanie Mata who were arrested in Laredo, should not be subject to confinement.”

Castro-Garcia, 31, allegedly agreed to provide an undercover officer with nail service, while Mata, 20, allegedly agreed to perform an eyelash service inside her residence, according to local news reports. She has been released on a personal recognizance bond.

Abbott then repeated points he and Paxton made Wednesday, that Luther shouldn’t be jailed at the same time some Democratic county elected officials are trying to reduce the spread of the virus by freeing nonviolent offenders from jails.

“As some county judges advocate for releasing hardened criminals from jail to prevent the spread of COVID-19, it is absurd to have these business owners take their place,” Abbott said.

Some conservative activists, though, remain dissatisfied, saying Abbott’s coronavirus orders have overreached.

Julie White McCarty, who has been a leader of the Northeast Tarrant Tea Party, said in a Facebook post that Abbott once praised local enforcers but has now reversed himself.

“Governor Abbott is now condemning the enforcement as if he’s innocent,” she wrote. “Governor Abbott has yet to undo any damage done. Words are not action.”



Julie White McCarty

4 hrs · 🌐

It's been explained in words that confuse people so I want to repeat it very simply for all to understand.

1. Governor Abbott gave orders putting severe limitations in place.
2. Governor Abbott doubled down by praising those enforcing them.
3. Governor Abbott is now condemning the enforcement as if he's innocent.
4. Governor Abbott has yet to undo any damage done. Words are not action.

I know many of you are shocked at what a manipulative, self-serving, game-player Abbott is. This is not news to those of us who have watched him bully his way to one bad bill after another by strong-arming and literally threatening any and all who get in his way. Folks, he is really a nasty and mean person. He is not a friend. Of course he seems nice and will shake your hand and be warm. That's what politicians do. They couldn't win otherwise.

Politics is a dirty business.

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Staff writers LaVendrick Smith, Lauren McGaughy and Allie Morris contributed to this report.

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