

# **Proof That Judge Denise Pratt Backdated A Court Order and Committed the Crime of Tampering With a Public Record**

**February 14, 2014**  
**by Greg B. Enos**

The *Osborn - Hyde* child custody modification case (2008-40895) has been pending in the 311<sup>th</sup> Family District Court of Harris County since July 2012. The mother in this case, Karen Hyde, is representing herself and is pro se. On February 1, 2013, Karen Hyde filed a Motion to Enforce asking the court to hold her ex-husband in contempt for violating orders regarding child support and possession of their daughter. A hearing was scheduled for March 5, 2013 but only Karen Hyde appeared and the Amicus attorney but not Mr. Osborne. The Associate Judge refused to conduct a hearing because he said Mr. Osborn had not been served properly. So, Karen Hyde tried again and got a hearing on her motion set for April 25.

On April 25, 2013, Mr. Osborn again did not appear in court. Karen Hyde and her new husband waited from 9:30 a.m. until about 3:30 p.m. until they were the last people in the court before Judge Pratt called them to the bench and discussed the case. Judge Denise Pratt on April 25, 2013 backdated an "Order for Capias for Arrest of Respondent" and wrote the date of March 5 on the order in open court before Karen Hyde and her husband. **Judge Pratt told the Hydies, "I am backdating this order to March 5."** The Order for Capias for Arrest of Respondent is attached as Exhibit 1. Karen Hyde's sworn affidavit is attached as Exhibit 2. The affidavit of Wes Hyde is attached as Exhibit 3. The District Clerk web site printout which verifies that the capias order was issued on April 25, 2013 (not March 5, 2013) is attached as Exhibit 4.

The capias order probably should never have been issued in the first place and it certainly should not have been intentionally backdated by the judge. The order resulted in the arrest of Gary Osborn on May 24, 2013 in Montgomery County. Mr. Osborn's attorney immediately went to Judge Pratt's court and convinced her to sign an order that same day withdrawing the capias. See Exhibit 5. After several hours, Mr. Osborn was released.

The story gets even worse. The *Osborn-Hyde* child custody case was one of several hundred cases that Judge Pratt dismissed on December 31, 2013 without notice or hearing in clear violation of the Constitution and the Texas Rules of Civil Procedure. See Exhibit 6. Even though the dismissal was clearly illegal, the case was dismissed.

Apparently, Judge Pratt was concerned that her court has more cases pending for more than a year than any other district court, so she decided to make her statistics look better by dismissing 631 cases that were over a year old. All of the dismissals are dated December 30 or 31, 2013. December 31 is the date used for courts' statistical reports.

Texas Rule 165a of Civil Procedure states that the court must send notice of its intent to dismiss and the date and place of the dismissal hearing to the parties or attorneys. The rule describes a dismissal

hearing. Pratt followed none of these procedures when she dismissed the hundreds of cases on December 30 and 31.

All attorneys have at some time received DWOP (Dismissal for Want of Prosecution) notices during our careers that told us to appear on a specific date and time and explain why our old cases should not be dismissed. We all know to file a motion to retain and appear at the hearing to keep our cases from being dismissed. Pratt herself has presided over many DWOP dockets as a judge and she attended them when she was a lawyer, so she should have known exactly how this all works.

On December 30 and 31, when Pratt sat alone in her chambers signing hundreds of dismissal orders, surely she wondered why her courtroom was not full of attorneys at a DWOP docket. Did Pratt not realize that some of the cases she was dismissing had been settled and the final orders were sitting on her desk waiting for her to simply sign them? Many of the cases Pratt dismissed, like the example cited above, were set for trial in Pratt's court and the litigants had done everything expected of them to resolve their case. Did Pratt consider what she was doing to the hundreds of families and children effected by these dismissals? Many of these dismissed cases had temporary orders made by Pratt keeping a parent away from a child or limiting visitation or requiring very specific behaviors because Pratt thought it essential to protect the child. Did Pratt not understand that dismissing those cases meant that her temporary orders went away, leaving the children unprotected by court order

Sadly, for Karen Hyde, the story gets even worse. On January 31, 2014, after her case was dismissed, Karen Hyde received a letter from Judge Pratt's court stating that the case was set for trial on February 5, 2014, just five days later. See Exhibit 7. Karen Hyde called Judge Pratt's court and her court staff told her the case was still dismissed. The District Clerk web site said her case was dismissed. So, Karen Hyde did not go to court on February 5 because her case was dismissed. However, Mr. Osborn and his attorney did go to court and Judge Pratt issued a default order in the father's favor and switched custody of the child to him. It now appears that a secret motion to reinstate the case was filed on January 24, 2014, but no copy was ever sent to Karen Hyde. Mr. Osborn's attorney, Ruby Bolton, has confirmed to me that no copy of the motion to reinstate was sent to Karen Hyde. The image of the motion to reinstate did not appear on the District Clerk's web site until February 12, 2014. The District Clerk web site as of February 6, 2014 (the day after the "trial"), still showed that the case has been dismissed and did not show any motion or order to reinstate. See Exhibit 8. Presumably, Judge Pratt signed an order which reinstated the case but no one told Karen Hyde that the case was no longer dismissed. The father's attorney, Ms. Bolton, never sent notice of the February 5 trial date. In December 2013, Ms. Bolton sent a letter to Karen Hyde via regular mail and certified mail but she sent a notice of a trial set for December 16, 2013 which never occurred. The letter sent by Ms. Bolton to Karen Hyde via regular mail is attached as Exhibit 9 and the letter sent via certified mail is attached as Exhibit 10. Oddly, both letters were mailed by Ms. Bolton after the December 16 trial date yet both letters purported to give notice of the December 16 trial, which never occurred.

One more grave injustice in this case should be noted. The original divorce decree gave Karen Hyde primary custody of her daughter. Mr. Osborn filed his motion to modify custody and asked for

temporary orders after he had gone to his ex-wife's house and picked up his teenage daughter and kept her. The Texas Family Code says that primary custody cannot be changed in temporary orders except by agreement or after a hearing showing that the child is in danger or an interview of the child in chambers by the judge. Tex. Fam. Code Sec. 156.006(b). The parents and Mr. Osborn's attorney appeared before Judge Pratt's Associate judge on October 9, 2012 and they discussed the situation but no evidence was presented. No hearing on temporary orders was held and the child was not interviewed by the judge. On October 19, 2012, Judge Pratt signed an order entitled "Temporary Injunctions In Suit to Modify Parent-Child Relationship." That order, attached as Exhibit 11, stated in part, "IT IS ORDERED that the primary residence of the child shall be 10123 Caddo, Magnolia, TX 77354 [the father's address] and the parties shall not remove the child from 10123 Caddo, Magnolia, TX 77354 for the purpose of changing the primary residence of the child until modified by further order of the court..." Without agreement or proof that the child was in danger with the mother and at least giving the mother a hearing and a chance to present her side of the story, this order clearly violated Texas law and should not have been granted.

### **The Crime of Tampering With a Government Record**

The Texas Penal Code, Sec. 37.01 (2) defines a "governmental record" to include a court record.

The Texas Penal Code, Sec. 37.10 states in part:

#### **Sec. 37.10. TAMPERING WITH GOVERNMENTAL RECORD.**

(a) A person commits an offense if he:

(1) knowingly makes a false entry in, or false alteration of, a governmental record;

....

(5) makes, presents, or uses a governmental record with knowledge of its falsity;

....

(c)(1) Except as provided by Subdivisions (2), (3), and (4) and by Subsection (d), an offense under this section is a Class A misdemeanor unless the actor's intent is to defraud or harm another, in which event the offense is a state jail felony.

A copy of these criminal statutes is attached as Exhibit No. 12.

It is a crime for a judge to back date a court order and this time there a two witnesses who saw Judge Pratt backdate the capias order.

Judge Pratt also "knowingly made a false entry in...a government record" when she signed the December 31, 2013 order dismissing the *Osborn-Hyde* case because the order falsely states that "all parties were given notice of the setting date and that failure to appear would be grounds for dismissal..." No judge dismisses a case for want of prosecution without proof that the parties and attorneys were given notice of the hearing on dismissal, yet that is exactly what Pratt did.

### **Questions to Ask Judge Pratt**

1. It is true that on April 25, 2013, you signed the capias order and backdated it to March 5, 2013 as you told the Hydes and as shown on the District Clerk website?
2. There is no proof in the court file of service on Mr. Osborn regarding Karen Hyde's petition for enforcement. Without proof before you that the Respondent had been served with an order to appear in your court, how could you possibly issue a capias order that required the man to be arrested for not appearing?
3. If you properly issued the capias order, why did you immediately sign an order withdrawing the capias as soon as Mr. Osborn's attorney asked you to (without motion, notice to Karen Hyde or hearing)?
4. Why did you dismiss the *Osborn - Hyde* case on December 31, 2013 for want of prosecution without notice to the parties and apparently after you had set the case for trial on February 5?
5. Why did your order dismissing the case for want of prosecution state that notice of the dismissal hearing had been given when no notice of the dismissal had been given and there was no DWOP docket that day for the parties to even appear for?
6. Why would you reinstate the case without a hearing or notice to Karen Hyde? Attorneys are required to send copies of all motions to opposing attorneys or pro se parties and Mr. Osborn's attorney did not do that.
7. Your staff and the district clerk web site were telling Karen Hyde that the case was dismissed, so why would you go forward with a trial without proof that Mrs. Hyde had been given notice of the trial?

# Exhibit 1

CAUSE NUMBER 2008-40895

Oshorn  
VS.  
Oshorn

IN THE 31<sup>TH</sup> JUDICIAL DISTRICT COURT OF  
HARRIS COUNTY, TEXAS

P-2  
(02) MICAX

ORDER FOR CAPIAS FOR ARREST OF RESPONDENT

On this the 5 day of March, 20 12, upon the Court's call of the Motion to hold in contempt the RESPONDENT, Gary Oshorn, ~~pursuant to the affidavit of COMPLAINANT,~~ ~~alleging that RESPONDENT has failed to make payments of child support as ordered by this Court,~~ and it appearing that said RESPONDENT, although served with notice to appear at a time and place certain, then and there to show cause why he should not be held in contempt, wholly FAILED TO APPEAR.

THEREFORE, IT IS ORDERED that the Clerk of this Court issue a CAPIAS FOR THE ARREST OF THE RESPONDENT, directed to any Peace Officer of the State of Texas, commanding him to arrest and take into his custody the body of the RESPONDENT, Gary Oshorn, and him safely keep, notify this Court immediately of his arrest and bring him before this Court INSTANTER, or if this Court is not in session, then him safely keep and have him before this Court on or before the first working day of this Court after the arrest of the RESPONDENT.

IT IS ORDERED that the RESPONDENT be released upon the posting of an appearance bond or security in the amount of \$ 5,000.00, or a cash bond in the amount of \$ 5,000.00.

IT IS ORDERED that if the RESPONDENT is taken into custody and released on bond, the bond shall be conditioned on the RESPONDENT'S promise to appear in this Court for a hearing as required by this Court without the necessity of further personal service of notice to the RESPONDENT.

In conformance with Section 157.102, Texas Family Code, the Capias shall be treated by law enforcement officials in the same manner as an arrest warrant for a criminal offense, and shall enter the Capias in the computer records for outstanding warrants maintained by the local police, sheriff and Department of Public Safety.

SIGNED and ENTERED this 5 day of March, 20 13.

D. V. Pratt  
DENISE PRATT, JUDGE PRESIDING

# Exhibit 2

**AFFIDAVIT OF KAREN HYDE**

THE STATE OF TEXAS

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COUNTY OF MONTGOMERY

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BEFORE ME, the undersigned authority, on this day personally appeared Karen Hyde, who by me being duly sworn deposes as follows:

"My name is Karen Hyde. I am over 18 years of age, of sound mind, and capable of making this affidavit. The matters stated below are within my personal knowledge and are true and correct.

"I was divorced from my husband, Gary Osborn, in February 2009. I was granted primary custody of my two girls, who were then ages 15 and 11. I have since remarried and my name is now Karen Hyde. On July 24, 2012, my ex-husband filed a petition to modify and switch custody our youngest daughter to him. While that case was pending, on February 1, 2013, I filed a Motion for Enforcement to hold my ex-husband in contempt for violating court orders regarding visitation and child support. A court hearing on my contempt motion was scheduled for March 5, 2013. My ex-husband was served with the petition for enforcement on February 20, 2013.

"I appeared in court on March 5, but my ex-husband and his attorney did not appear. The Associate Judge of the 311<sup>th</sup> District Court refused to conduct a hearing because he said I did not give my ex-husband proper notice of the hearing. The District Clerk's website shows that the March 5 hearing was "passed" but that is not true. The Associate Judge refused to conduct a hearing.

"So, I re-filed my motion for enforcement on March 28, 2013 and my ex-husband was again served with my motion on April 4, 2013, with a hearing set for April 25, 2013. I appeared in the 311<sup>th</sup> District Court on April 25, 2013 for the 9:00 a.m. hearing accompanied by my new husband, Wesley Hyde. My ex-husband, Mr. Osborn again did not appear. My case was called at the docket call and I refused to allow the Associate Judge to hear my case. I said I wanted Judge Denise Pratt to hear my case. Judge Pratt went through her cases that day and made me wait. I was told to come back after lunch and finally about 3:30 p.m., I was the last person left in the courtroom (other than my husband and court employees). Judge Pratt took a break and went to her office but finally she came out and called me up to her bench. I explained to her why I was there and what had happened on March 5. Judge Pratt asked the clerk if my husband had been served for the March 5 hearing and the clerk confirmed that he had been served. So, Judge Pratt said she would go ahead and sign a capias order, which she explained was basically an arrest warrant for my ex-husband to be taken into custody and brought to court. Judge Pratt asked how much I was owed in child support and she said she would set the bond on the capias at \$5,000. Judge Pratt told me to stay close to a phone because things would move fast once the capias order was issued. Then Judge Pratt said to me in front of my husband who was standing next to me, "I will back date the order to March 5 when you were here before." Judge Pratt then signed the "Order for Capias for Arrest of Respondent" attached as Exhibit 1. Judge Pratt signed this order in front on me on April 25, 2013 and she dated the order "March 5, 2013." The District Clerk's website accurately states "hearing held" on April 25 and it reflects that a capias with a \$5,000 bond was signed. This occurred on April 25 and not on March 5. I was in court representing myself that day without a lawyer and I did not understand the significance of what Judge Pratt was doing. My husband, Wesley Hyde, was with me in court on April 25 and he heard Judge Pratt say how she was backdating the capias order to March 5.



"My ex-husband, Mr. Osborn, was arrested on May 24, 2013 based on the capias order signed by Judge Pratt on April 25. However, Mr. Osborn's attorney went directly to Judge Pratt that same day and got the judge to sign an order withdrawing the capias and Mr. Osborn was immediately released. No motion to withdraw the capias was filed and I was not given any notice of a hearing and I was not notified that his attorney would be speaking to the judge. I do not know how or why Judge Pratt spoke to his attorney without me being present or why she so quickly withdrew the capias order she has signed just a few weeks before.

"On November 4, 2013, Judge Pratt issued a notice that my case was set for trial on December 16, 2013. However, I was not notified until December 18, 2013 by certified mail from Mr. Osborn's attorney that a Trial by Merits was being held December 16, 2013, two days after the fact. Apparently, on December 18, Judge Pratt set my case for trial on February 5, 2014. On December 31, 2013, Judge Pratt signed an order dismissing my case along with hundreds of other cases. On January 13, 2014 I called the 311<sup>th</sup> court and spoke to Kerry Forney, who informed me that my case was dismissed and that I could file a re-instatement, I also called Bridget Foster in the Harris County District Clerk's office who verified that the case was dismissed. The Harris County District Website also stated the case was dismissed. On January 23, 2014, I called Kerry Forney again and advised him that I had received a notice in the mail from Mr. Osborn's attorney stating that Trial by Merits was scheduled for February 5, 2014; Mr. Kerry Forney advised me again that there was no Trial set for February 5, 2014. The Harris County District Clerks office confirmed this as well. I was never given any notice that my case might be dismissed on December 31 and I never received any notice to appear in court that day. It is totally untrue to say that my case was dismissed because I did not appear.

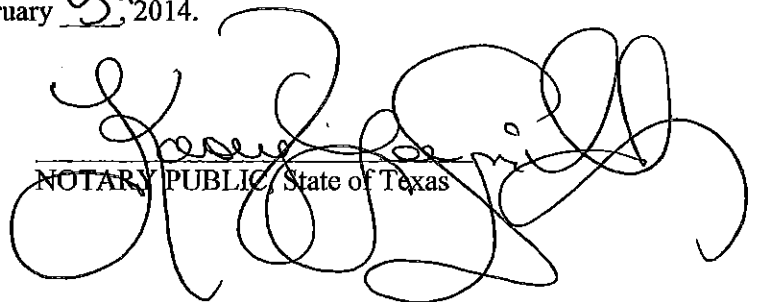
"Now, my ex-husband has my daughter even though the court order gives me custody of her. I am still owed child support and the divorce decree is being violated every day. Unfortunately, I do not have a judge and a court to protect my child or make sure that the court's orders are followed.

Signed on February 5, 2014.

  
Karen Hyde

SUBSCRIBED AND SWORN TO before me on February 5<sup>th</sup>, 2014.



  
NOTARY PUBLIC, State of Texas

CAUSE NUMBER 2008-40895

Oshorn

IN THE 3<sup>RD</sup> JUDICIAL DISTRICT COURT OF

P-1

VS.

Oshorn

HARRIS COUNTY, TEXAS

(02) MICAX

ORDER FOR CAPIAS FOR ARREST OF RESPONDENT

On this the 5 day of March, 20 13, upon the Court's call of the Motion to hold in contempt the RESPONDENT, Gary Oshorn, ~~pursuant to the affidavit of COMPLAINANT,~~ ~~alleging that RESPONDENT has failed to make payments of child support as ordered by this Court,~~ and it appearing that said RESPONDENT, although served with notice to appear at a time and place certain, then and there to show cause why he should not be held in contempt, wholly FAILED TO APPEAR.

THEREFORE, IT IS ORDERED that the Clerk of this Court issue a CAPIAS FOR THE ARREST OF THE RESPONDENT, directed to any Peace Officer of the State of Texas, commanding him to arrest and take into his custody the body of the RESPONDENT, Gary Oshorn, and him safely keep, notify this Court immediately of his arrest and bring him before this Court INSTANTER, or if this Court is not in session, then him safely keep and have him before this Court on or before the first working day of this Court after the arrest of the RESPONDENT.

IT IS ORDERED that the RESPONDENT be released upon the posting of an appearance bond or security in the amount of \$ 5,000.00, or a cash bond in the amount of \$ 5,000.00.

IT IS ORDERED that if the RESPONDENT is taken into custody and released on bond, the bond shall be conditioned on the RESPONDENT'S promise to appear in this Court for a hearing as required by this Court without the necessity of further personal service of notice to the RESPONDENT.

In conformance with Section 157.102, Texas Family Code, the Capias shall be treated by law enforcement officials in the same manner as an arrest warrant for a criminal offense, and shall enter the Capias in the computer records for outstanding warrants maintained by the local police, sheriff and Department of Public Safety.

SIGNED and ENTERED this 5 day of March, 20 13.

D. V. Pratt  
DENISE PRATT, JUDGE PRESIDING

# Exhibit 3

**AFFIDAVIT OF WESLEY HYDE**

THE STATE OF TEXAS

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COUNTY OF MONTGOMERY

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BEFORE ME, the undersigned authority, on this day personally appeared Wesley Hyde, who by me being duly sworn deposes as follows:


"My name is Wesley Hyde. I am over 18 years of age, of sound mind, and capable of making this affidavit. The matters stated below are within my personal knowledge and are true and correct.

"I appeared in court with my wife Karen Hyde on March 5, 2013 for a scheduled hearing concerning her February 1, 2013 filing of a Motion for Enforcement against her ex-husband Gary Osborn. Her ex-husband and his attorney (Ruby Bolton) did not appear; although he was served with the petition for enforcement on February 20, 2013. The Associate Judge of the 311<sup>th</sup> District Court refused to conduct a hearing because he said Karen did not give Gary Osborn proper notice of the hearing. The District Clerk's website shows that the March 5 hearing was "passed" but that is not true. The Associate Judge refused to conduct a hearing.

"Karen re-filed the Motion for Enforcement on March 28, 2013 and her ex-husband was served with said motion on April 4, 2013, with a hearing set for April 25, 2013. Karen and I appeared in the 311<sup>th</sup> District Court on April 25, 2013 for the 9:00 a.m. hearing. Gary Osborn again did not appear. The case was called at the docket call and Karen refused to allow the Associate Judge to hear her case. Karen requested that Judge Denise Pratt hear her case. Judge Pratt went through her cases that day and made us wait. We were told to come back after lunch and finally at about 3:30 p.m. Judge Pratt returned from her chambers and called us up to the bench. We were the last person left in the courtroom other than the court employees. Karen explained to the judge why we were there and what had happened on March 5, 2013. Judge Pratt asked the clerk if Gary Osborn had been served for the March 5, 2013 hearing and the clerk confirmed that he had been served. Judge Pratt then informed us that she would go ahead and sign a capias order, which she explained was basically an arrest warrant for Gary Osborn to be taken into custody and brought to court. Judge Pratt asked how much Karen was owed in child support and she said she would set the bond on the capias at \$5,000. Judge Pratt told us to stay close to the phone because things would move fast once the capias order was issued. Judge Pratt then said to us, "I will back date the order to March 5 when you were here before." Judge Pratt then signed the "Order for Capias for Arrest of

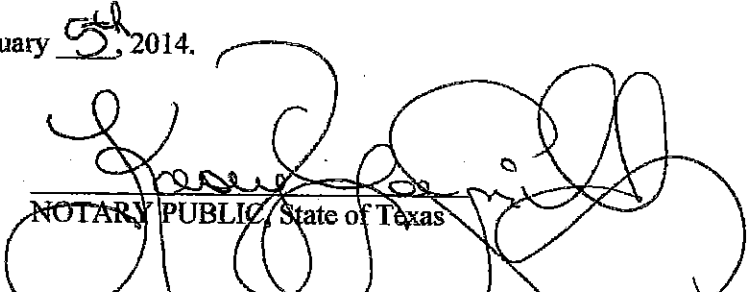
Respondent". Judge Pratt signed this order in front on me on April 25, 2013 and she dated the order "March 5, 2013." The District Clerk's website accurately states "hearing held" on April 25 and it reflects that a capias with a \$5,000 bond was signed. This occurred on April 25 and not on March 5.

Signed on February 5, 2014.

  
Wesley Hyde

SUBSCRIBED AND SWORN TO before me on February 5, 2014.



  
NOTARY PUBLIC, State of Texas

# Exhibit 4

7/16/2008	ORDER TRANSFERRING CASE TO ANOTHER DISTRICT COURT SIGNED	7/16/2008	1		
7/16/2008	ORDER SIGNED SETTING HEARING	7/16/2008	5		
7/16/2008	ORDER SIGNED GRANTING TEMPORARY RESTRAINING ORDER	7/16/2008	5		
7/15/2008	TRANSFERRED TO HARRIS COUNTY DISTRICT COURT		0		
7/15/2008	TRANSFERRED TO ANOTHER HARRIS COUNTY DISTRICT COURT		0		
7/9/2008	ORIGINAL PETITION		0	SCHNACK, BARBARA LYNCH	OSBORN, GARY VERNON

**SETTINGS**

Date	Court Post Jdgm	Docket Type	Reason	Results	Comments	Requesting Party
8/27/2008 09:00 AM	311	Show Cause Docket (Family)	TEMPORARY RESTRAINING ORDER	Tried		SCHNACK, BARBARA LYNCH
2/23/2009 10:00 AM	311	Family Trial Docket	Trial on Merits	Granted	HEARD	
8/15/2012 09:30 AM	311 1	Show Cause Docket (Family)	TEMPORARY INJUNCTION	Passed	BOLTON	BOLTON, RUBY KATHLEEN
8/15/2012 09:30 AM	311 1	Show Cause Docket (Family)	MOTION TO INTERVIEW MINOR	Passed	BOLTON	BOLTON, RUBY KATHLEEN
10/09/2012 09:30 AM	311 2	Show Cause Docket (Family)	TEMPORARY INJUNCTION	Granted	STIP FILED	BOLTON, RUBY KATHLEEN
10/09/2012 09:30 AM	311 1	Show Cause Docket (Family)	SUBSTITUTED SERVICE - MOTION FOR (TRCP 106)	Hearing Held		BOLTON, RUBY KATHLEEN
10/12/2012 09:30 AM	311 1	Show Cause Docket (Family)	ENTRY OF TEMPORARY ORDERS	Granted	TEMP INJ ORD SUB	
3/05/2013 09:30 AM	311 2	Contempt Docket (Family)	ENFORCE DECREE MOTION TO	Passed		
4/25/2013 09:30 AM	311 2	Show Cause Docket (Family)	ENFORCE DECREE MOTION TO	Hearing Held	CAPIAS \$5000.00 CASH BOND	HYDE, KAREN GAYLE OSBORN

**SERVICES**

Type	Status	Instrument	Person Requested	Issued	Served	Returned	Received	Tracking	Deliver To
CITATION SERVICE RETURN/EXECUTED		ORIGINAL PETITION	OSBORN, 7/9/2008 KAREN GAYLE	7/17/2008	7/24/2008	7/30/2008	7/30/2008	81825643	CIV AGCY-CIVILIAN SERVICE AGENCY
SERVICE RETURN/EXECUTED		ORIGINAL PETITION	OSBORN, 7/9/2008 KAREN GAYLE	7/17/2008	7/24/2008	7/30/2008	7/30/2008	81825644	CIV AGCY-CIVILIAN SERVICE AGENCY
CITATION SERVICE ISSUED/IN POSSESSION OF SERVING AGENCY		MOTION (OTHER POST JUDGMENT)	OSBORN, 7/24/2012 KAREN GAYLE	7/25/2012				82199418	CIV AGCY-CIVILIAN SERVICE AGENCY
CITATION SERVICE ISSUED/IN POSSESSION OF SERVING AGENCY		MOTION (OTHER POST JUDGMENT)	OSBORN, 7/24/2012 KAREN GAYLE	8/1/2012				82199422	CIV AGCY-CIVILIAN SERVICE AGENCY
PRECEPT SERVICE RETURN/EXECUTED		MOTION (OTHER POST JUDGMENT)	OSBORN, 7/24/2012 KAREN GAYLE	8/1/2012				82199423	CIV AGCY-CIVILIAN SERVICE AGENCY
PRECEPT				9/10/2012	9/18/2012	9/29/2012	10/2/2012	10/2/2012	82209962

# Exhibit 5



P-1  
WOWCX  
02

No. 2008-40895

Osborn, Gary §

vs

Osborn, Karen Gayle §

IN THE DISTRICT COURT OF  
HARRIS COUNTY, TEXAS  
311th DISTRICT COURT

**ORDER WITHDRAWING CAPIAS**

It is ORDERED that the "CAPIAS" signed in this cause on March 5, 2013, and which commanded any Sheriff, Constable or Peace Officer in the State of Texas to arrest Gary Osborn and bring that person instanter to the Harris County Jail and then there to answer to the court for such person's failure to appear at a hearing on a Motion for Contempt/Enforcement, is HEREBY WITHDRAWN and RECALLED.

Signed May 24, 2013

[Signature]  
Denise V. Pratt, Presiding Judge



**FILED**  
Chris Daniel  
District Clerk  
MAY 24 2013

Time: \_\_\_\_\_  
By: \_\_\_\_\_  
Harris County, Texas  
Deputy

RECORDER'S MEMORANDUM  
This instrument is of poor quality  
at the time of imaging