

***J'accuse*¹: Judge Denise Pratt Has Backdated Orders and Probably Committed the Crime of Tampering With a Public Record**

(Version 2 - October 27, 2013)

by **Greg B. Enos**

Judge Denise Pratt of the 311th Family District Court of Harris County has almost certainly backdated orders and renditions in apparent violation of the Texas Penal Code provision regarding tampering with government records. If Judge Pratt has indeed committed the crime of tampering with a government record, she should be charged criminally and removed from office.

A preliminary copy of this document was sent to Judge Pratt, so that in fairness she could point out errors or provide her side of the story. Judge Pratt has not responded. Every possible effort has been made to verify the facts in this document. All attorneys involved in the cases discussed below have been contacted and sent drafts of the sections of this paper involving their cases. The feedback and corrections from those attorneys have been incorporated into this document.

Judge Pratt's apparent intentional backdating of orders, renditions and findings she signed as a judge involves several, probably many, different cases and these common themes:

1. Pratt often takes months to make rulings in contested cases (a problem which all on its own should disqualify her from being a judge). In contrast, most of her fellow family court judges make their rulings immediately at the end of the hearing or deliver their rulings within a few days or rarely within a few weeks.
2. When the Court of Appeals or my attorney newsletter² publicly chastised Pratt for not taking action in certain cases, it appears that Pratt would rush and create an order or ruling and backdate the document as if she had done what she was supposed to have done weeks or months before.

¹ "J'accuse" (French: "I accuse", or, in context, "I accuse you") was an open letter published on January 13, 1898 in the newspaper *L'Aurore* by the writer Émile Zola. Zola's letter became a world-wide sensation and helped focus attention on "The Dreyfus Affair" – an outrageous injustice involving Alfred Dreyfus, an army officer of Jewish descent, who had been sentenced by an army court to prison for life for espionage. Dreyfus was eventually freed from prison and acquitted of all charges.

² I publish the *International Journal on the Reform of Family Courts*, also known as *The Mongoose*. This newsletter is sent out a few times a month to about 1,100 family law attorneys and judges (and the news media) in the Houston area. The newsletter covers matters of general interest to those who practice in family law, such as new laws or appellate decisions or political events involving judges, but it also addresses instances where judges are not acting properly. Two judges and a district clerk have resigned or been removed in part because of stories in *The Mongoose* which pointed out improper or unethical behavior. Most family court judges who are hard working and fair, actually like *The Mongoose* and often provide me story ideas and news tips. You can look through the archive of past issues of *The Mongoose* at <http://www.divorcereality.com/the-mongoose/>.

3. Pratt was apparently motivated by a desire to “not look bad” even though she should have known she could not get away with backdating court orders.
4. In two of the cases discussed below, the attorneys went to the time and expense to file motions with the Court of Appeals seeking orders that would have required Judge Pratt to do her job. In those two cases, on the day after the Court of Appeals ruled, Pratt suddenly created a court document that was dated far earlier. Pratt was acting like a 4th grader who, on the day after her parents got the report card with the “F” for not doing homework, stayed up late and did her home work assignments and dated them six weeks before. Pratt presumably did not stop for a moment to think how odd it would look for these attorneys to spend so much time filing motions with the Court of Appeals because Pratt had not signed an order only to “discover” the order on the day after the Court of Appeals ruled.
5. Pratt does not do her judicial work alone. She is assisted by clerks from the District Clerk’s office and by a court coordinator. When a judge signs an order or signs a ruling, the document goes to a deputy clerk who file stamps the document and initials the file stamp. The document is then entered into the District Clerk’s computer system. Thus, we have fairly definitive proof of when these documents were actually created.
6. The problem of Pratt not signing orders and not making rulings had become an enormous headache for everyone involved with her court by the Spring of 2013. Lawyers who were waiting for rulings called or went by in person to her court on a regular basis to ask Pratt’s court coordinator if Pratt had ruled. The coordinator would check and tell the attorneys there was no ruling. It is hard to imagine that Pratt’s own court coordinator, who kept track of her work she needed to do and already had done, would not have known that Pratt was signing orders but not giving them to her clerks.

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. 1.

Here are six clear examples of Judge Pratt almost certainly backdating orders in violation of the above law.

The Bates Case

The *Bates* case (2009-66904) was an enforcement action filed by a father who was not being allowed to see his oldest child. Judge Pratt heard the case on June 28, 2012 and months went by without her making a ruling. The father’s attorney even filed a Motion for Ruling and/or Judgment and Motion for Additional Orders on January 15, 2013. That motion was set for a hearing on February 12 and then reset for February 28, but Judge Pratt simply did not show up to either setting, so there was no hearing. The Amicus Attorney, appointed by Pratt to represent the children, Liza Greene, on February 6, 2013, filed a response to that motion (see Exhibit No. 2), which stated:

Amicus Attorney is unopposed to the Court issuing a ruling on KEVIN’s Motion for Enforcement, however, request is made for the Court to consider the foregoing information when assessing punishment, if any, against MELISSA.

Clearly, as of February 6, 2013, the Amicus Attorney knew that Judge Pratt had not yet ruled. Just as surely, the father knew on January 15 that no ruling had been issued because he filed his motion asking Pratt to rule.

Finally, on April 22, 2013, Mr. Bates filed a Petition for Writ of Mandamus with the Court of Appeals (see Exhibit No. 3). This petition asked the Court of Appeals to make Pratt issue a ruling on the father's enforcement suit. Obviously, Mr. Bates' attorneys would not have gone to the trouble of preparing this petition with the Court of Appeals if Judge Pratt had already ruled.

The mother's attorney filed a response with the Court of Appeals on May 6, 2013 that basically agreed with everything the father's petition for mandamus said (see Exhibit No. 4).

Copies of the petition for mandamus, the request from the Court of Appeals for a response, and the mother's response all were sent to Judge Pratt. Clearly, Pratt knew that this action in the Court of Appeals was pending. If she had already made a ruling but for some reason kept it secret from the parents and their attorneys, she had ample motivation and opportunity to let the Court of Appeals and everyone else know that she had already ruled. Yet, she did nothing until after the Court of Appeals issued an opinion.

On May 14, 2013, the Court of Appeals issued its opinion and conditionally granted Mr. Bates' request for a writ of mandamus (see Exhibit No. 5). The Court of Appeals criticized Pratt in very clear words:

The necessity for a prompt ruling is important in cases such as this that concern parental rights and the best interest of children. We conclude that the delay in this case is unreasonable. A parent's right to visitation with his child is at issue. Relator's motion has been pending a decision for over ten months. According to the record before us, it appears that relator has not had regular visits with his oldest child in over a year. It is the public policy of this state to assure that children have frequent and continuing contact with parents who have shown the ability to act in their best interest, and to encourage parents to share in the rights and duties of raising their children after the parents have separated or dissolved their marriage. A parent's right to access to his child is a fundamental liberty interest more precious than property rights. A parent's entitlement to periodic visitation with his child "cannot be denied except in extreme circumstances." In suits involving the parent-child relationship, "[j]ustice demands a speedy resolution," and mandamus may issue "to protect the rights of parents and children." We hold that respondent has abused her discretion in failing to timely render a decision on relator's pending motion for enforcement of his right to possession or access to his child. We express no opinion on whether relator's motion should be granted. Although we have jurisdiction to direct the trial court to exercise its discretion under these circumstances, we may not tell the trial court what its decision should be. Accordingly, we conditionally grant the petition for a writ of mandamus and direct the trial court to rule on relator's pending motion within fifteen days of the date of this opinion. The writ will issue only if the trial court fails to act in accordance with this opinion

(Citations omitted).

Judge Pratt and the attorneys in the *Bates* case received the opinion from the Court of Appeals on May 14, 2013.

On May 15, 2013, a document entitled "Judge's Rendition" was faxed to the attorneys in the *Bates* case from Pratt's court. The document purports to be Pratt's ruling in the *Bates* case and is entirely written in Pratt's handwriting and is dated in her writing "August 1, 2012." A copy of this document is attached as Exhibit No. 6 but is also reproduced below. This document was faxed to the attorneys but is not imaged on the District Clerk's website.

05/15/2013 13:31 7137558886 PAGE 01/01

Case No. 2009-66904

Kevin Bates

Melissa Bates

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

JUDGES RENDITION

DATE June 28, 2012 RECORD: Mpuler Anderson

PROCEEDING: Enforcement

Resp. in Contempt 2/23/12 + 2/24/12.
180 days incarceration; suspended so long
as movant receives all P+A through 12/31/12.
Resp to pay \$2500.00 atty fees by 8/10/12.

SIGNED: August 1, 2012 D.V. Pratt
JUDGE DENISE V. PRATT

ENTRY SET: August 17, 2012
9³⁰ am

Look carefully at this document and consider the following:

1. The date and time the document was faxed is clearly shown at the top: 05/15/2013 at 13:31 (1:31 p.m.).
2. Pratt dated the document August 1, 2012 and even wrote that entry was set for August 17, 2012 at 9:30 a.m.
3. Ms. Bates was ordered to pay \$2,500 in attorneys fees to Mr. Bates by 8/10/12.
4. Ms. Bates was held in contempt for not allowing visitation with the child and sentenced to 180 days in jail but put on probation as long as Mr. Bates received all possession and access ("P&A") through 12/31/12.

None of the attorneys or Mr. Bates or Ms. Bates knew about this supposed order until it was faxed by Pratt's court on May 15, 2013. Ms. Bates did not allow visitation with the child between August and December 2012, so according to this ruling, she should have gone to jail for 180 days.

If Judge Pratt is ever forced to give sworn testimony, as in a grand jury proceeding, she should be asked these questions:

- If Judge Pratt really did make this ruling on August 1 and set the order for entry on August 17, why does the District Clerk's record not show any setting for August 17?
- If Judge Pratt really signed this ruling on August 1, 2012, why didn't Judge Pratt say anything when Mr. Bates filed his motion in January 2013 asking her to rule?
- If Judge Pratt really signed this ruling on August 1, 2012, why didn't the Amicus Attorney Pratt appointed know about her ruling?
- If Judge Pratt actually signed this ruling on August 1, 2012, why didn't Pratt say anything when she received notice that Mr. Bates had filed a petition for writ of mandamus with the Court of Appeals in April 2013?
- If Judge Pratt actually signed this ruling on August 1, 2012, why wasn't it received by her own clerks until May 15, 2013?
- If Judge Pratt actually signed this ruling on August 1, 2012, why wasn't the ruling sent to the attorneys and the parties? Did Pratt think it was fair to hold Ms. Bates in contempt of court and sentence her to jail and not even tell her what she had to do to stay out of jail?
- If Judge Pratt actually signed this ruling on August 1, 2012, why was her court coordinator telling the attorneys for months that no ruling had been made?
- If this really was Judge Pratt's ruling, why didn't Ms. Bates go to jail?

- Is it just coincidence that the Court of Appeals issued its ruling on May 14, 2013 and Judge Pratt “found” her ruling the next day and had it faxed out on May 15, 2013?
- Why isn’t this “Judge’s Rendition” even entered into the District Clerk’s electronic records in this case? This document is not electronically imaged and the supposed date of ruling, August 1, 2012, is not entered, nor is the fictitious entry date of August 17, 2012.

This document is entirely in Pratt’s own handwriting and it would seem to be irrefutable proof that Pratt backdated this rendition. Pratt’s own coordinator was telling the lawyers for months that Pratt had not ruled in this case. Her own clerks will presumably testify that Pratt did not give them this ruling prior to May 15, 2013.

It is not only a crime to intentionally back date a court order, it is a very unfair way to treat these parents and their children. How could Judge Pratt possibly think she could create this order after the Court of Appeals ruled and make everyone believe she had really ruled when she should have?

Is Pratt’s defense that she was so incompetent that she would make a ruling but forget to tell the attorneys and her own clerks, “lose” the document she signed for 10 months, fail to speak up when a petition for mandamus was filed with the Court of Appeals and then coincidentally “find” her rendition on the day after the Court of Appeals ruled?

Pratt really runs into a problem explaining the rendition she backdated in the *Bates* case when you consider that she was doing the same thing in other cases at the same time.

The DuPont Case

The *DuPont* case (2011-56375) was a divorce case. Ironically, the husband in that case is a Harris County Sheriff’s Deputy who works with the Secret Service and who routinely arrests people for tampering with government records, such as fake auto insurance cards and false vehicle registration papers.

Judge Pratt presided over the divorce trial in the *DuPont* case on February 4, 6 and 7, 2013. Starting a few weeks after the trial, the wife’s attorney began to regularly ask Judge Pratt’s Court Coordinator at the time, Lawrence Jeffcoat, about getting a ruling. Mr. Jeffcoat gave the attorney a variety of reasons why there was no ruling through March and April. Then, a new coordinator took over. The wife’s attorney went to the new coordinator and explained that she had been waiting for a ruling on the *DuPont* case for months. Then, the following occurred:

- | | |
|--------------|---|
| May 14, 2013 | Fourteenth Court of Appeals issued mandamus order in the <i>Bates</i> case (2009-66904) and ordered Judge Pratt to make a ruling in the father’s enforcement motion that Pratt heard June 28, 2012. |
| May 15, 2013 | <i>DuPont</i> case (2011-56375) - Pratt’s court faxed a Judge’s Rendition to the |

wife's attorney that was dated February 15, 2013 with an entry date of February 22, 2013. This is the same day that the Judge's Rendition was faxed out on the *Bates* case, as discussed above.

Two different version of the Judge's Rendition in this case are attached as Exhibit No. 7 but also reproduced below:

85/15/2013 08:28 7137508006 PAGE 01/02

Case No. 2011-56375

H. Dupont IN THE DISTRICT COURT

311TH JUDICIAL DISTRICT
HARRIS COUNTY, TEXAS

JUDGES RENDITION

DATE: February 14, 2013 RECORD: Meilen Anderson

PROCEEDING: Final Trial

Since granted.
Respondent's
Property division as per First and Proposed
Prop. Division of Sandra Dupont, filed 2/1/13.
Attys fees \$5000. due entry, \$5000. due 30 days
after entry + \$5000. due 60 days after
entry.

SIGNED: February 15, 2013 S.V. Pratt
JUDGE DENISE V. PRATT

ENTRY SET: February 22, 2013
@ 9:30 a.m.

Case No. 2011-56375

H. Dupont IN THE DISTRICT COURT

311TH JUDICIAL DISTRICT
HARRIS COUNTY, TEXAS

JUDGES RENDITION

DATE: February 14, 2013 RECORD: Meilen Anderson

PROCEEDING: Final Trial

Since granted.
Respondent's
Property division as per First and Proposed
Prop. Division of Sandra Dupont, filed 2/1/13.
Attys fees \$5000. due entry, \$5000. due 30 days
after entry + \$5000. due 60 days after
entry.

FILED
Chris Daniel
District Clerk
FEB 15 2013

TIME: _____
By: _____
Copy

SIGNED: February 15, 2013 S.V. Pratt
JUDGE DENISE V. PRATT

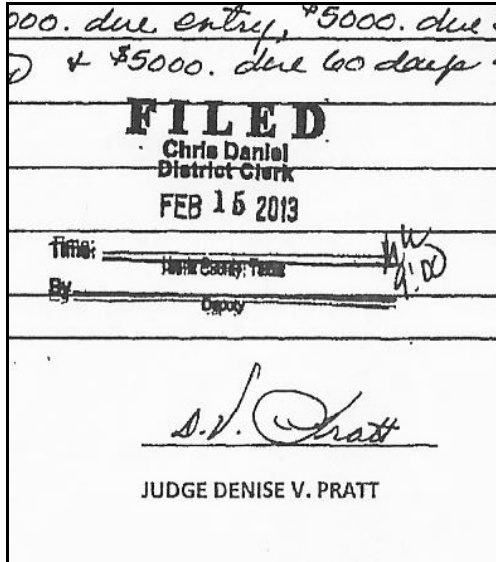
ENTRY SET: February 22, 2013
@ 9:30 a.m.

RECORDED & MEMORANDUM
This instrument is of good quality
at the time of recording.

P-2
JREPO

The Judge's Rendition on the left was faxed to the wife's attorney on May 15, 2013 and does not have a file stamp. The Judge's Rendition on the right is the same document that is imaged by the District Clerk and it has a file stamp dated "February 15, 2013" and the file stamp is initialed by a clerk.

The obvious problem with these two versions of the Judge's Rendition is that the version faxed to the wife's attorney does not have the file stamp. If the document was really signed by Judge Pratt on February 15, 2013 and file stamped "February 15, 2013" that day, then the version faxed on May 15, 2013 should have had the file stamp on it.



However, the really astounding problem with this clerk’s file stamp is that the clerk whose initials are on this stamp did not start working in Judge Pratt’s court until April 2013 and thus that clerk could not have actually initialed this file stamp on February 15.

I understand that this deputy clerk has been questioned about this specific document by her superiors at the District Clerk’s office as a result of my inquiries. I understand that this deputy clerk has confirmed that she rolled back her date stamp so that the date she stamped, “February 15, 2013,” would match what Judge Pratt had written. The clerk has apparently confirmed she made this “rolled back” date stamp on or after May 15, 2013. If the deputy clerk rolled back her date stamp so that the date she stamped matched the date the judge had written,

then the clerk violated her office’s very clear policies on file stamping court documents.

If Judge Pratt is ever forced to give sworn testimony, as in a grand jury proceeding, she should be asked these questions:

- If Judge Pratt really did make this ruling on February 15, 2013 and set the order for entry on February 22, 2013, why does the District Clerk’s record not show a setting for an entry hearing on February 22?

201156375 - DUPONT, RAY A vs. DUPONT, SANDRA MARIE (Court 311)								Chronological History	Print All (non-financial)
Summary		Appeals	Cost Statements	Transfers	Post Trial Writs	Abstracts	Parties		
Court Costs		Judgments/Events	Settings	Services/Notices	Court Registry	Child Support	Images		
Click column headings to sort. Click again to toggle direction.								Print Settings	
Date	Court	Post Jdgm	Docket Type	Reason	Results	Comments	Requesting Party		
9/30/2013 10:00 AM	311		Family Trial Docket	Trial on Merits	Set In Error				
5/29/2013 09:30 AM	311		Show Cause Docket (Family)	ENTRY OF JUDGMENT	Passed	ORDER REC'V 5/29/2013			
5/24/2013 09:30 AM	311		Show Cause Docket (Family)	ENTRY OF TEMPORARY ORDERS	Hearing Held				
2/15/2013 09:30 AM	311		Show Cause Docket (Family)	MOTION FOR ORAL HEARING	Passed		LUCIDO, RITA		
2/01/2013 09:30 AM	311		Show Cause Docket (Family)	ENTRY OF TEMPORARY ORDERS	Passed	PER ATTY 01/30	LUCIDO, RITA		
1/29/2013 09:30 AM	311		Show Cause Docket (Family)	DOCKET CALL	Tried				
1/29/2013 09:30 AM	311		Show Cause Docket (Family)	MOTION FOR ORAL HEARING	Tried		LUCIDO, RITA		
1/29/2013 09:30 AM	311		Show Cause Docket (Family)	SET ASIDE JUDGMENT - MOTION TO (TRCP 329B)	Granted		PHILLIPS, CLAUDE C. III		

- If Judge Pratt really signed this ruling on February 15, 2013, why didn't Judge Pratt's Court Coordinator know when the wife's attorney kept asking him about getting a ruling in March and April?
- If Judge Pratt actually signed this ruling on February 15, 2013, why wasn't it received by her own clerks until May 15, 2013? The clerks entered the Judge's Rendition into the computer system on May 15, 2013 on the same day it was faxed to the wife's attorney.
- If Judge Pratt actually signed this ruling on February 15, 2013, why wasn't the ruling sent to the attorneys and the parties? For that matter, once the ruling was faxed on May 15, 2013, why was it only sent to one of the attorneys?
- How is it possible that the version of this document faxed to the wife's attorney on May 15, 2013 is not file stamped "February 15, 2013" yet the official version imaged by the District Clerk does have the file stamp?
- If the clerk whose initials are on the file stamp did not start work in Pratt's court until April 2013, how could her initials be on a file stamp dated February 15, 2013?
- Is it just coincidence that the Court of Appeals issued its ruling in the *Bates* case on May 14, 2013 and Judge Pratt "found" her rulings the next day in both the *Bates* case and the *DuPont* case and faxed both rulings out on May 15, 2013?

This document is entirely in Pratt's own handwriting and it would seem to be irrefutable proof that Pratt backdated this rendition. Pratt's own coordinator was telling the lawyers for months that Pratt had not ruled in this case. Someone file stamped this document "February 15" after it had been faxed out on May 15 and the file stamp is initialed by a deputy clerk who did not start work in Pratt's court until April 2013.

The Hernandez - Rivera Child Custody Case

The *Hernandez - Rivera* case (2012-03040) was a child custody case that Judge Pratt heard for the 310th District Court because Judge Lisa Millard was unavailable. Pratt heard the trial on January 30 and January 31, 2013 and, again, months went by without a ruling.

Almost every week, the attorney for the father in this case checked with the staff of Judge Pratt's court to see if a ruling had been issued and each time he was told that Pratt had not yet ruled. The father's attorney even filed a "Motion for Status Conference" on April 9, 2013 (see Exhibit No. 8) which stated:

This case was tried before the Honorable Denise Pratt on January 30, 2013, February 1, 2013 and February 2, 2013. No rendition has been made in this matter. The Temporary Orders were not intended to be in effect for an extended period of time.

Obviously, the father's attorney would not have filed this document with the court on April 9 if Judge Pratt had already ruled. Notably, the request for a status conference was set for a hearing on April 18, 2013, but Judge Pratt did not appear. It should be noted that this motion filed by the father's attorney contains an error. He said the trial took three days and occurred on January 30, February 1 and 2. The trial actually took place on January 30 and 31, 2013, according to the attorneys, their billing records and Judge Pratt's court reporter. There is no doubt that the trial ended on the afternoon of January 31, 2013.

Now, consider this chronology of events:

- May 14, 2013 Fourteenth Court of Appeals issued mandamus order in the *Bates* case (2009-66904) and ordered Judge Pratt to make a ruling in the father's enforcement motion that Pratt heard June 28, 2012.
- May 15, 2013 *Bates* case (2009-66904) - Court faxed a Judge's Rendition to counsel dated August 1, 2012 with an entry date of August 17, 2012.
- DuPont* case - court faxed a rendition dated Feb. 15, 2013 with an entry date of February 22, 2013
- May 22, 2013 *The Mongoose* runs story: "Judge Pratt Ordered To Do Her Job"
- May 24, 2013 ***Hernandez - Rivera* case - attorneys are notified that there is a ruling in the case. Pratt's handwritten rendition is dated January 30 but it was not entered into the computer by the clerk until in late May. The clerk's file stamp that says "January 30" is not initialed or signed by a clerk.**

The week after the events described above in the *Bates* case, my newsletter, *The Mongoose*, was sent out to over 1,100 family law attorneys and judges in the Houston area. My newsletter, which was e-mailed to Judge Pratt as well, included this story (see Exhibit No. 9):

Judge Pratt Ordered To Do Her Job

The First Court of Appeals conditionally granted a writ of mandamus directing Judge Denise Pratt to get off her kiester and issue a ruling in an enforcement case she heard in June 2012! [Click here](#) to download this opinion, which involves just one example of many cases in which Judge Pratt has not ruled, signed an order or otherwise done the job she was elected to do.

On May 24, 2013, two days after the story ran in *The Mongoose*, the attorneys in the *Hernandez - Rivera* case were notified that there was a ruling in the case. The attorneys went to the court, looked through the file and found a document that had just been imaged, which purported to be a ruling from Judge Pratt dated January 30, 2013 (See Exhibit No. 10).

Unlike the purported ruling in the *Bates* case, this rendition is filed stamped with a date of "January 30, 2013." However, there is very strong reason to believe that the file stamp date is also not accurate. Unlike the clerk's file stamp in the *DuPont* case, the file stamp on this document is not initialed by a clerk. Judge Pratt's hand written rendition is reproduced below:

P-1
JREPO

Case No. 2012-03040

Aaron Hernandez
FILED
Chris Daniel
District Clerk
JAN 30 2013

IN THE DISTRICT COURT

311TH JUDICIAL DISTRICT
HARRIS COUNTY, TEXAS

Time: Harris County, Texas
By: Erika Rivera Deputy
JUDGES RENDITION

DATE January 30, 2013 RECORD: Marilee Anderson

PROCEEDING: Final Trial

: JMC: Mom primary: Sea Restriction, Harris County: Rt refusal over 48 hrs
(Upon conviction of Mom of anything over Class A mtd);
Dad primary: SPD to Mom: & CS

: P+A to Dad: SPD without summer til 3 years old and without holidays til 12/1/13.
Child to sleep at paternal grandmother's til 4 yrs old.

Name Change granted.
Child not to reside with anyone w/ a crim conviction over the offense grade of a traffic ticket.

: CS \$1,000.00/mo start 2/1/13: Med. ins + 100\$ to ins by Dad.
Retro CS 4/1/12 through 1/31/13 \$1,000/mo less amt pd: Due by entry.

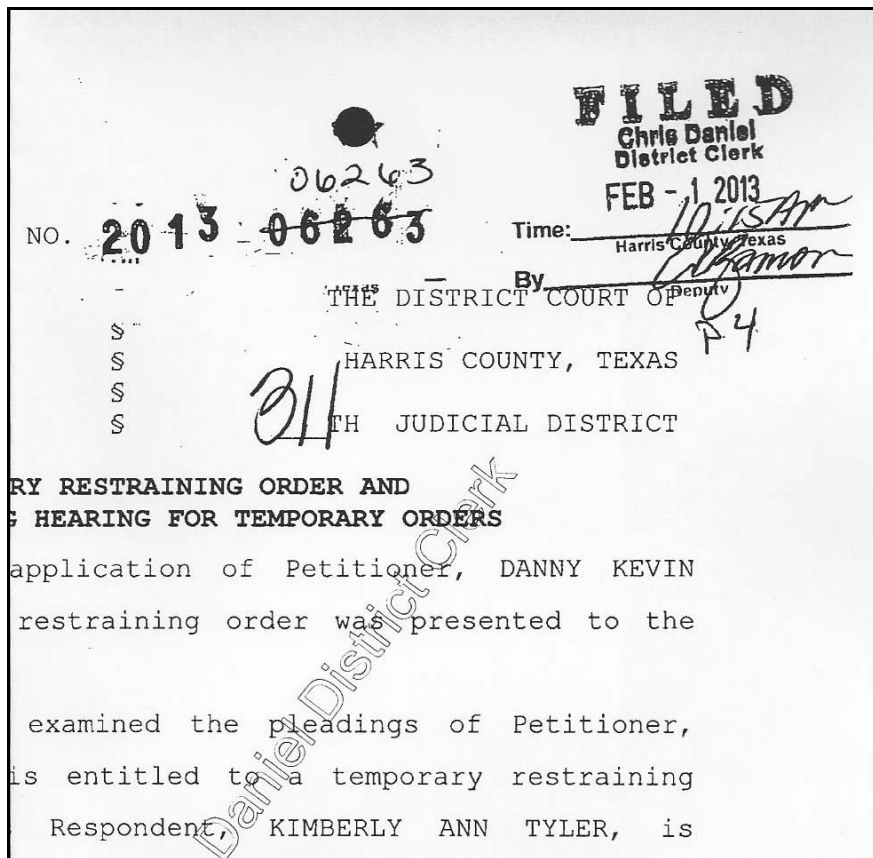
Inj: Good behavior, & abt during + 8 hrs before P+A; & illegal drugs; & Rx out of Rx; & drive w/ child w/in 24 hrs of alcoholing; & cig. smoke indoors/closed areas/child's presence; & disappear; spankings only by parents and only by hand; & foul language as defined by school code in presence of child; Remove child from any location w/ illeg. drugs or intoxicated persons; 9 pm-7 am

Morals clause; only parents or grandparents bath child.
No person w/ a felony shall be in charge of, or alone with, the child, or alone w/ another felony w/ the child.

SIGNED January 30, 2013 D.V. Pratt
JUDGE DENISE V. PRATT

ENTRY SET: February 8, 2013
9:30 am in 311th

The clerk's file stamp on this document does not contain a handwritten time and signature of the deputy clerk as required by the District Clerk's standard operating procedures (see Exhibit No. 11). Reproduced below is a sample of what the file stamp is supposed to look like for an order signed by the judge and then properly delivered to the clerk for filing and imaging:



The most important reason that the District Clerk requires his staff to write the time and sign file stamps is to verify that the document was actually stamped by a clerk. Otherwise, anyone could take a clerk's stamp off a desk, reset the date and stamp a document. It is unusual that in this instance the purported order is not signed by a clerk, as in the above sample.

The clerks did input the Judge's Rendition in the *Hernandez-Rivera* case into the District Clerk's system in May 2013 but they typed in the date of January 30, 2013 as shown on the document. However, there is plenty of reason to believe that Judge Pratt also backdated this rendition. In this case, the father's attorney filed a Motion to Set Aside Rendition of Judge Denise Pratt, and For Rehearing of Final Trial of the Merits (see Exhibit No. 12.). This motion, which was granted by Judge Lisa Millard, alleges:

...At the conclusion of the evidence, Judge Pratt did not request any report or recommendation from the Amicus Attorney, Michelle LeBlanc Folger. Judge Pratt simply

stated that she would take the matter under advisement and would let the parties know of the ruling.

After approximately a week had passed, the undersigned counsel began to check with the staff in the 311th Judicial District Court to see if Judge Pratt had made a rendition on the case. Each time Petitioner's counsel checked on an almost weekly basis until the beginning of May 2013, and each time was informed by court staff that no ruling had been made. Counsel expressed his extreme frustration both to the staff in the 310th and the 311th Judicial District Courts, but yet Judge Pratt issued no rendition. The undersigned counsel went so far to file a Motion for Status conference and set the motion for hearing.

On or about May 24, 2013, the Amicus Attorney contacted the undersigned attorney for Petitioner, and stated that Judge Pratt had finally issued a ruling. The Amicus Attorney was notified on or about May 24, 2013, that a document had been filed in the case, and after search [sic] the recently imaged documents found Judge Pratt's ruling...

The *Hernandez - Rivera* case actually belonged in the 310th District Court and Judge Pratt only heard the trial because Judge Millard was out. The father's attorney presented the above motion to Judge Millard and Judge Millard granted a new trial on July 9, 2013. A copy of Judge Millard's order is attached as Exhibit No. 13. Please note that Judge Millard's order is file stamped with a stamp that is properly signed by the deputy clerk who accepted the order from the judge and who properly wrote the time the document was received. A small portion of that order is reproduced below and even Judge Millard's order seems to impliedly question the validity of the clerk's file stamp on Pratt's "January 30" order.

2. **Order Setting Aside Rendition**

2.1. The Court, after examining the pleadings, and hearing the evidence and argument of counsel, **FINDS** that the *Motion to Set Aside Rendition of Judge Denise Pratt, and for Rehearing for Final Trial on the Merits* in all things be **GRANTED**.

2.2. **IT IS THEREFORE ORDERED** that the rendition of Judge Denise Pratt, which is file stamped January 30, 2013 is hereby **SET ASIDE**, and that this matter shall be placed for final trial upon the trial docket of the 310TH Judicial District Court of Harris County, Texas.

FILED
Chris Daniel
District Clerk
JUL 16 2013
Time: _____ 10 AM
Harris County, Texas
By: _____
Deputy

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Aside from the highly suspicious date on the ruling from Judge Pratt, her actual ruling should make anyone question Pratt's judicial abilities. Pratt heard two days of testimony, never asked for the opinion of the attorney appointed to represent the child's best interest, and awarded primary custody to the mother provided "no person with a felony shall be in charge of, or alone with, the child, or

alone with another felon(s) with the child.” Since the mother had been convicted of felony drug possession of cocaine in 2007 and served two years in prison, Pratt’s own ruling meant that the woman she granted primary custody of the child to could not be in charge of or alone with the child.

Questions that need to be asked of Judge Pratt, under oath, about this case include:

- **How could Judge Pratt possibly have signed this ruling on January 30, 2013 if the trial took two days and started on January 30 and ended on January 31?** Did Judge Pratt write out her ruling before she heard all of the evidence?
- If the trial lasted through January 31, 2013, and if Judge Pratt wrote her ruling on or after January 31, why would a clerk file stamp the rendition with “January 30, 2013?” Why didn’t the clerk initial the file stamp?
- If Judge Pratt really did sign this rendition on January 30, 2013 and set the order for entry on February 8, 2013, why does the District Clerk’s record not show any setting for February 8, 2013?
- If Judge Pratt really signed this ruling on January 30, 2013, why didn’t Judge Pratt say anything when the father filed his motion for a status conference on April 9 complaining that she had not yet ruled?
- If Judge Pratt really signed this ruling on January 30, 2013, why didn’t the Amicus Attorney know about her ruling?
- Is it just pure coincidence that the Amicus Attorney was informed of this mysteriously dated ruling just two days after The Mongoose ran the story about the mandamus opinion in the Bates case?
- If there was not something wrong with what Judge Pratt did, why would Judge Millard grant the motion to set aside Pratt’s ruling?

The Messier Case - Part 1

The *Messier* case (2009-45158) is a very complicated case. A divorce decree signed in February 2011 was appealed by the wife. While the appeal was pending, both sides filed motions with the trial court, including petitions for enforcement, a petition to modify, a motion for nunc pro tunc, a motion to give the mother first right of refusal for visitation and a motion to compel the mother to comply with the prior order.

A hearing was held on June 26, 2012 on the mother’s motion for judgment nunc pro tunc, but Judge Pratt did not issue a ruling. On December 28, 2012 the Fourteenth Court of Appeals issued an opinion reversing a small portion of the divorce decree that had been entered in February 2011.

On January 14 and 15, 2013, Judge Pratt presided over hearings involving several of the motions in this case, including a motion for right of first refusal and a motion to compel, but she did not issue any ruling.

On May 25, 2013, the clerk in the 311th District Court file stamped a "Judge's Rendition" that is handwritten and signed by Judge Pratt and bears the handwritten date of March 25, 2013. The rendition (Exhibit no. 13) sets an entry date for April 5, 2013 and is reproduced below:

Case No. 2009-45158

FILED
Chris Daniel
District Clerk
MAY 25 2013

Messier
Messier

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

JUDGES RENDITION

DATE: January 14 + 15, 2013 RECORD: Messier

PROCEEDING:

None Pro Tunc: granted in its entirety.
Right of First Refusal: granted.
Motion to Compel #1 + 200 granted.
#2 granted
#3 granted in part: compel to use Farm. Whjeed
#4 - #6 denied

SIGNED: March 25, 2013 D. V. Pratt
JUDGE DENISE V. PRATT

ENTRY SET: April 5, 2013 9³⁰ a.m.

In this rendition, Judge Pratt finally got around to ruling on the motion for judgment nunc pro tunc she heard on June 26, 2012 (see Exhibit No. 14). She also granted the mother's motion for right of first refusal and granted most of the father's motion to compel the mother to comply with the court order.

This rendition is suspicious for the following reasons:

1. If Judge Pratt signed the order and hand wrote the date of March 25, 2013, why is the order file stamped by the clerk with a date of May 25, 2013? Note that this file stamp has the clerk's initials and a time as it is supposed to and is presumably correct.
2. The rendition sets an entry date of April 5, 2013 but there is no such setting on the District Clerk's calendar and the attorneys were never noticed of any such hearing.
3. If one assumes that the clerk's stamped date of May 25 is correct, that is the very next day after the probably bogus handwritten rendition from Judge Pratt in the *Hernandez-Rivera* case was discovered (as described above) and only three days after the story in *The Mongoose* about the *Bates* mandamus decision.

The Messier Case - Part 2

The *Messier* case (2009-45158) also involved a motion for enforcement and declaratory judgment filed by the ex-wife trying to make the former husband sell stock options issued by his employer which had been awarded in part to the wife in the earlier divorce. Pratt presided over the trial on December 19, 2012. Pratt actually did make a ruling, but she then took months to sign the actual order. On March 25, 2013, there was an "entry" hearing set for the attorneys to argue over the language in the proposed order. Judge Pratt, oddly, refused to come out into the courtroom until the lawyers in the *Messier* case left. The attorneys were told just to leave their proposed orders with the coordinator and the judge would rule later.

Here is the chronology of events involved in this aspect of the *Messier* case:

- | | |
|-----------------------|--|
| March 25, 2013 | <i>Messier</i> entry (2009-45158) for trial heard December 19. Pratt refuses to enter the courtroom until the attorneys on this case leave. |
| May 14, 2013 | Fourteenth Court of Appeals issued mandamus order in the <i>Bates</i> case (2009-66904) and orders Pratt to make a ruling in the father's enforcement motion that Pratt heard June 28, 2012. |
| May 15, 2013 | <i>Bates</i> case (2009-66904) - Court faxed a Judge's Rendition to counsel that is dated August 1, 2012 with an entry date of August 17, 2012. |

DuPont case - court faxes a rendition dated Feb. 15, 2013 with an entry date of February 22, 2013

- May 22, 2013 *The Mongoose* runs story: "Judge Pratt Ordered To Do Her Job"
- May 24, 2013 *Hernandez - Rivera* case - attorneys notified that there is a ruling in the case. Pratt's handwritten rendition is dated January 30 but it was not entered into the computer by the clerk until late May. The clerk's file stamp that says "January 30" is not initialed or signed by a clerk.
- May 25, 2013 Clerk file stamps Pratt's rendition in the *Messier* case that was hand dated March 25, 2013.
- June 4, 2013 *The Mongoose* runs story "Judge Pratt is hard at work" that includes a photograph showing a box of court files in the front seat of Pratt's car.**
- June 5, 2013 *Messier* case: Attorney Donn Fullenweider receives a notice that a final order may have been signed on March 25, 2013.**

On June 5, 2013, Mr. Fullenweider received a notice that a final order may have been signed on March 25, the day of the entry hearing. That was odd since Judge Pratt's Court Coordinator, Mr. Jeffcoat, had e-mailed Fullenweider's co-counsel, Sallee Smyth, on April 3, 2013 and said that he had not received any ruling from Judge Pratt and that he would let the attorneys know when a ruling was made.

The enforcement order as submitted by the ex-wife's attorney (see Exhibit No. 15) was signed by Judge Pratt and is dated in her handwriting "March 25, 2013." By the time the ex-husband's attorneys received the notice on June 5, 2013 from the District Clerk that an order had been signed, it was, in theory, too late to file a notice of appeal. This order actually bears a clerk's file stamp of March 25, 2013 and is initialed by a clerk with a time noted. **However, the clerk who initialed this file stamp dated March 25, 2013, did not start work in Pratt's court until April 2013.** Since this complaint was initially filed by me, that clerk has resigned as a result of the District Clerk's investigation. That same clerk did not enter this order in the District Clerk's computer system until June 4, 2013. Coincidentally, June 4, 2013 is the very date that The Mongoose ran the following story (see Exhibit No. 16):

Judge Pratt Is Hard at Work!

Judge Denise Pratt apparently became very energized after my last newsletter. Judge Pratt has been issuing ruling after ruling on cases heard months ago. For example, last week she issued a ruling in a case she heard in September 2012. Oddly, she dated her ruling in early February. Judge Pratt has even been taking her work home with her. An anonymous citizen sent me a photograph of Judge Pratt's car clearly showing a box of court files sitting on her front passenger seat (to protect the judge, this photo has been cropped to conceal the make of the car and the location where it was parked).



You can see a court docket sheet and what appear to be original court documents in this box. The cause number on one case in this photo is even visible - 2000-32280. The people in that case turned in an agreed final order in a modification suit in January 2012. Judge Pratt all on her own changed the order to read "Temporary Orders" when she signed the order on January 5, 2012. There are no pending motions according to the District Clerk website, so it is not clear why Judge Pratt is taking this file away from the courthouse. I can only hope that the attorneys and parties involved in this case realize that they still have a pending case. I also hope the good judge's car is not stolen or broken into while she has original District Clerk files in her car.

On June 13, 2013, the ex-husband in the *Messier* case filed a Motion to Extend Post-Judgment Deadlines and provided affidavits from the husband and his attorneys proving that they did not get notice of Pratt's order in the ex-wife's enforcement motion until June 4, 2013 (see Exhibit No. 17). Attached to that motion is evidence that shows:

1. The District Clerk did not enter Pratt's order that is handwritten with a date of March 25, 2013 until June 4, 2013 (the very day the story in The Mongoose was published).
2. Pratt's own court coordinator replied to an e-mail from the ex-husband's attorney, Sallee Smyth, on April 2, 2013 inquiring "about the status of any rulings made by Judge Pratt in connection with the entry of the proposed order of enforcement in this case. As you recall, we were set for a hearing on entry and objection to the proposed order on Monday, March 25, 2013." Pratt's Court Coordinator, Mr. Jeffcoat, responded to Smyth's email on April 3 and stated, "I have not received a decision from Judge Pratt as of this morning. I will follow up with all attorneys once a decision is reached." A combined image of those e-mails is below.



Sallee Smyth <smyth.sallee@gmail.com>

Cause NO. 2009-45158; Messier v. Messier

Sallee Smyth <smyth.sallee@gmail.com>
To: lawrence_jeffcoat <lawrence_jeffcoat@justex.net>
Cc: Keely Campbell <kcampbell@fullenweider.com>

Tue, Apr 2, 2013 at 12:01 PM

Lawrence ... I am writing again to inquire about the status of any rulings made by Judge Pratt in connection with the entry of the proposed order of enforcement in this case. As you recall, we were set for a hearing on entry and objection to the proposed order on Monday, March 25, 2013. At that time the Court decided to consider the issues by submission. Because potential appellate deadlines will be triggered upon action by the court, I'm trying to stay proactive in determining if anything has occurred. I would appreciate you letting me know something, even if it is that no action has yet been taken.

Thank you, Sallee Smyth

--
Sallee S. Smyth
Attorney at Law
800 Jackson Street
Richmond, Texas 77469
(281) 238-6200
(281) 238-6202 (Fax)
smyth.sallee@gmail.com

Cause NO. 2009-45158; Messier v. Messier

Jeffcoat, Lawrence (DCA) <Lawrence_jeffcoat@justex.net>
To: Sallee Smyth <smyth.sallee@gmail.com>

Wed, Apr 3, 2013 at 7:20 AM

Ms Smyth -

I have not received a decision from Judge Pratt as of this morning. I will follow up with all attorneys once a decision has been reached.

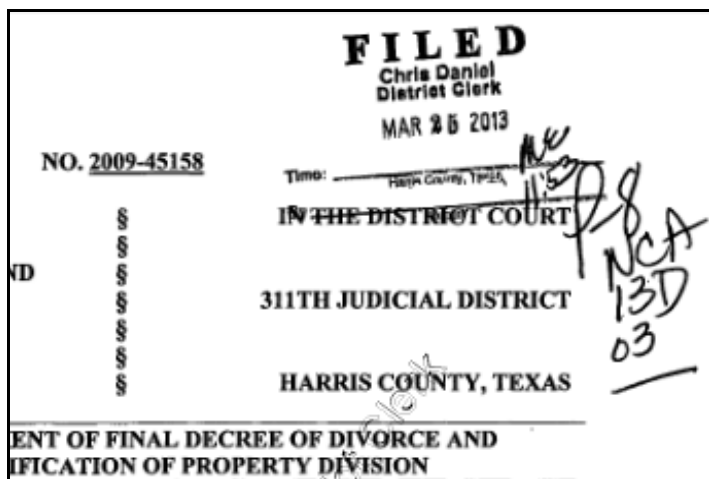
Let me know if I can help you with anything else.

--
Lawrence Jeffcoat
Court Coordinator
311th District Court

Why would Judge Pratt's coordinator say on April 3 that he had not received any decision from Judge Pratt if she had indeed already signed an order on March 25? Why would the District Clerk not receive and input the order until June 4 if the order was signed on March 25? It appears that once more Judge Pratt was playing games with the dates she wrote on her order in response to a story in my newsletter, The Mongoose, published on June 4, 2013.

The order in question is, as noted above, filed stamped by a deputy District Clerk March 25, 2013, which is the same date that Judge Pratt handwrote, "March 25, 2013." However, that clerk did not start work in Pratt's court until April 2013 and she could not have been there on March 25, 2013 to have stamped and initialed that order for Judge Pratt. The District Clerk launched an investigation because of the original version of this complaint and that deputy clerk admitted that she "rolled back" her file stamp so that the date she stamped would match what Judge Pratt had handwritten.

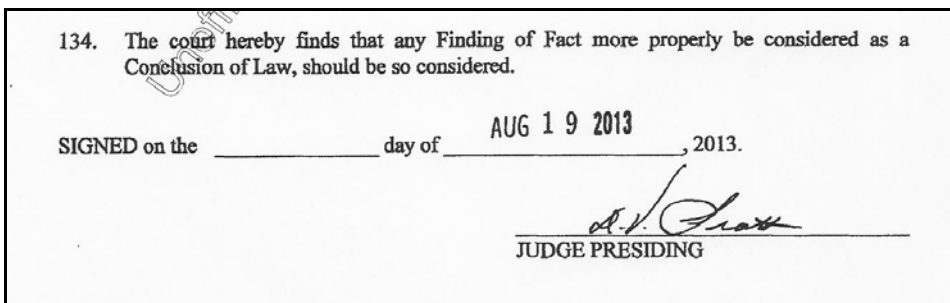
That clerk abruptly resigned. The false file stamp is reproduced below:



The Messier Case - Part 3

The *Messier* case (2009-45158) is still being fought on several fronts. The ex-husband's appeal of Judge Pratt's order granting the ex-wife's enforcement motion (the order signed on either March 25 or June 4, 2013) is still pending. The ex-husband's motion to extend the appellate deadlines because of the late notice of the final order was granted by Judge Pratt on June 25, 2013 (which is an admission that notice of the order being signed did not go out until June 4, 2013).

On September 12, 2013, the Fourteenth Court of Appeals ordered Judge Pratt to issue findings of fact and conclusions of law, which had been timely requested but never signed by Judge Pratt (see Exhibit No. 18). The Court of Appeals abated the appeal and ordered Pratt to do her job and issue the findings of fact. The very next day, September 13, 2013, according to the District Clerk web site, Judge Pratt signed findings which had been drafted and submitted by the ex-wife's attorney. However, the actual document signed by Pratt bears the date of August 19, 2013 (see Exhibit No. 19). This time the date on the order at the bottom of the last page just before Judge Pratt's signature is stamped rather than handwritten.



However, the records of the District Clerk very clearly show that these findings were signed by the

Judge on September 13, 2013, the day after the Court of Appeals ruled (see Exhibit No. 20) as shown below:

CASE: 200945158 - 7 COURT: 311 STYLE: MESSIER, LUC J VS. MESSIER, KATY SHUK CHI LAU STATUS: POST JUDGMENT *Http://www.hcdistrictclerk.com/eDocs/Public/CaseDetails.aspx? Get=/Z4e6pdF4vin945WuHc80B8y/QK0Eiiz3WIEvPw/J1e4ngmudJPmTmcMGIGP//22nFFPCxjW7fbBImotRxoFYGL9cZX/W9hQpH6dvpvBHA="	
ORDERS/JUDGMENTS	
DATE	ORDER DESCRIPTION
2013-09-13	ORD SIGNED GRANTING FINDINGS OF FACT/CONCLUSIONS OF LAW

These findings of fact were typed by the ex-wife's attorney and were e-filed with the District Clerk, so the only file stamp on the document is the electronic stamp on the first page that was generated when the unsigned findings were filed. Apparently, no additional stamp is added to electronic documents that are printed out and then signed by the judge.

The ex-husband in the *Messier* case filed a motion with the Court of Appeals on September 19, 2013 requesting an extension of time to seek additional findings of fact in light of the late discovery of the findings which Pratt claims she signed on August 19, 2013 (see Exhibit No. 21). The motion describes the highly suspicious sequence of events involving these findings of fact.

Judge Pratt then took the highly unusual step of sending a letter directly to the Court of Appeals on her court letterhead directly to the Court of Appeals, without sending a copy to the appellate counsel (until weeks later after The Mongoose ran a story about this issue). This highly unusual letter is dated September 19, 2013 and is attached as Exhibit No. 22. In the letter, Pratt claims she signed the Findings of Fact before the motion to make her do so was filed with the Court of Appeals. A few comments about this letter:

1. A trial judge who is being appealed does not write the Court of Appeals directly or file findings of fact herself. The judge signs the findings and the clerk prepares a supplemental record which the clerk files with the Court of Appeals.
2. Nothing is supposed to be sent to the Court of Appeals about a case unless it is sent to all counsel of record with a proper certificate of service.
3. Even this letter is "misdated" since it has a fax date on the top of 9/20/2013 but the body of the letter had the date of September 19, 2013. It is as if Pratt wanted it to appear that she wrote this letter before Mr. Messier filed his motion in the Court of Appeals about the suspicious dating of the findings of fact.

Questions that need to be asked of Judge Pratt, under oath, about this case include:

- Is it just coincidence that the Court of Appeals on September 12, 2013 issued its order directing Pratt to make findings of fact and then the very next day, the District Clerk's records show that Judge Pratt signed the findings?
- If Pratt signed the findings on August 19, why does the clerk's records show they were signed on September 13?
- Judge Pratt received notice that Mr. Messier had filed a motion with the Court of Appeals on August 29, 2013 complaining that no findings of fact had been signed by Pratt. If Pratt really had already signed the findings ten days earlier, why didn't she inform the attorneys or the Court of Appeals?
- Why would a trial judge ever write a letter directly to the Court of Appeals as Pratt did on September 19 or 20, 2013? Why didn't she send a copy of her letter to the attorneys as required by the Rules of Appellate Procedure until weeks later after The Mongoose published a story about this situation?
- Mr. Messier filed his motion with the Court of Appeals on September 20, 2013 complaining about the suspicious date on the findings of fact. If Pratt really did write a letter directly to the Court of Appeals on September 19, why does the fax date at the top of the letter say September 20? Was she again playing with dates just to make it look like she wrote her letter before she received the appellate motion pointing out the suspicious date on the findings of fact?
- Does Pratt really think that the two excellent appellate attorneys in this case, Sallee Smyth and Pamela George, could not have figured out whether findings had been signed by the judge before a motion to abate for lack of findings was filed with the Court of Appeals?

Conclusion

It is very likely that these six instances of backdating court orders are only the "tip of the iceberg," since I happened to hear about these cases from attorneys or citizens who contacted me after they had read earlier stories in *The Mongoose*. Investigators with the ability to go through court files and question Judge Pratt's current and former clerks and court coordinators will almost certainly find many other orders that were backdated. More family law attorneys will feel comfortable coming forward with their own stories once they hear that law enforcement or the public media is looking into Judge Pratt.

I hope the information I have provided, along with the investigation already underway by the District Clerk's office, will reveal the truth and stop what seems to be improper and illegal conduct by Judge Pratt.