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International Journal on the Reform of Family Courts

The Mongoose



Together, family law attorneys can reform our family courts!
Published by attorney Greg Enos

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**Please forward this e-mail newsletter
to everyone on your e-mail contact list!**

"The hard necessity of bringing the judge on the bench down into the dock has been the peculiar responsibility of the writer in all ages of man."

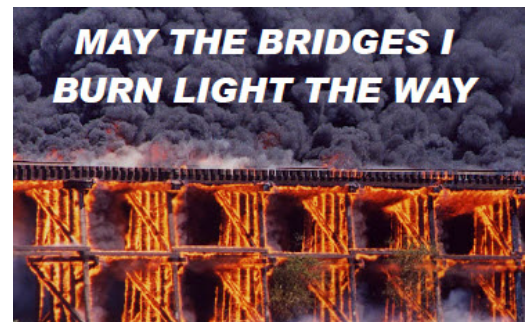
- Nelson Algren, *Chicago: City on the Make*

Greetings!

This issue reviews who is running for judge in Galveston County and discusses the crime of witness tampering, a topic that has arisen as a result of allegations made by both sides in Chris Dupuy's child custody case. Dupuy's former fiancé (who plead the Fifth, then testified Dupuy plotted murder then partially recanted, on three successive days of testimony), recorded her many conversations with the various attorneys trying to get her to testify or not testify. I understand the recordings are very interesting on many levels. [Click here](#) for a *Houston Chronicle* story that tries to summarize the weird twists and turns of Dupuy's custody case.

Mr. Dupuy deserves a fair trial in all of his many cases, just like he should have provided litigants in his court. Our justice system works only if everyone involved follows the rules; including judges, lawyers, prosecutors and witnesses.

The good news is that another of my odd hobbies has born fruit -- the *2013 Harris County Family Law Directory* is ready!



**2013 Harris County Family
Law Directory is Here!**

The newest edition of the Harris County Family Law Directory is now available for free download at www.divorcereality.com. You can order a bound, color version of the directory at \$25 per directory by mailing a check payable to "The Enos Law Firm" to 17207 Feather Craft Lane, Webster, TX

www.divorcereality.com

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400 N. Texas Ave., Ste. C		Webster	77598	kblack@zimlaw.com
Blackwell	Lori	Ms.	Bar No. 24057577	Tel: 713-783-3110
Kerr, Hendershot & Cannon, P.C.		Legal Assistant:		Fax: 713-783-2809
1800 Bering Drive, Ste. 600		Houston	77057	lblackwell@k-hpc.com
Blanchard	Judith	Ms.	Bar No. 02446300	Tel: 281-286-7744
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Bludworth	Billy	Mr.	Bar No. 02510000	Tel: 713-225-8505

This 142 page directory lists over 800 attorneys who practice family law in Harris County. The directory also has court listings for Harris and surrounding counties, custody evaluators, forensic accountants, computer experts, mediators, process servers, etc. as well as legal articles on property division issues. You can download a free PDF version at www.divorcereality.com or purchase a bound, color copy of the directory for \$25. The database of attorneys is searchable on-line for free and you can create a link for your smart phone. See details in the column to the right. Also, my web site has been changed to make it easier to find prior editions of *The Mongoose*.

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[Check our new web site!](http://www.divorcereality.com)

greg@enoslaw.com




The Mongoose is watching!

Judicial Candidates In Galveston County

Galveston County will very likely complete its transition to being a county with all Republican judges next year and the few Democratic incumbents know it. Here is the breakdown of who is running or not

77598. The directory has listings of attorneys, family courts, AG offices, custody evaluators, real estate appraisers, court reporters and much more. This year I included practical and useful legal articles from the 2012 "Ultimate Property Division Seminar" I organized with the judges in Galveston County.


**2013 HARRIS COUNTY
FAMILY LAW
DIRECTORY**



**Attorneys
Should Work
Together To
Improve Our
Family Law
Courts!**

Greg Enos publishes the Mongoose newsletter, also known as The International Journal on the Reform of Family Courts.

Full issues of the Mongoose are at www.divorcereality.com.



Published by Greg B. Enos
The Enos Law Firm, P.C.
Serving Attorneys in Harris County
& Galveston County, Texas
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The Mongoose Website is:

**The Mongoose
Is Watching!**

Download or search this directory online at www.divorcereality.com

The Harris County Family Law Directory is also searchable on-line at www.divorcereality.com and you can use our Internet forms to send us corrections or updates to your listing.

Harris County Family Law Directory

Last Name	<input type="text" value="enos"/>
First Name	<input type="text"/>
MI	<input type="text"/>
Firm	<input type="text"/>
City	<input type="text"/>
Zip	<input type="text"/>
Board Certified in Family Law	<input type="radio"/> Yes <input type="radio"/> No
Mediator	<input type="radio"/> Yes <input type="radio"/> No
<input type="button" value="Search"/>	

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[Click here](#) to go directly to my legal directories page.

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

running:

306h Family District Court - Judge Jan Yarbrough is expected to retire but she is not officially confirmed she will not seek reelection. Anne Darring and Jennifer Burnett are the only announced candidates on the Republican side.

212th District Court - Incumbent Judge Susan Criss has already said she will retire. Now, it is rumored that she may well resign this Fall to run for the State Representative seat being vacated by the retiring Craig Eiland. That district is clearly winnable by a Democrat and Criss would be trying to follow in the footsteps of her father, former Rep. Lloyd Criss. A Criss resignation would allow Governor Perry to appoint someone to fill out the term. The appointee would become the *de facto* incumbent and have big advantage in the 2014 Republican primary.

Announced candidates for the 212th District Court on the GOP side are Patricia Grady and Keith Gross. Brett Griffin is rumored to be considering entering this race.



It is a little hard to swallow the notion that Republican Governor Rick Perry might appoint Democrat Judge Susan Criss' replacement if Judge Criss resigns this Fall to run for State Representative

County Court No. 3 - It is safe to assume that Christopher Dupuy will not be the Republican nominee again for County Court No. 3. Announced candidates for the Republican nomination so far are Donnie Quintanilla, Jack Ewing, Phillip Morris, and G. Byron Fulk. A Vinson & Elkins associate attorney named Holly Rumbaugh is being introduced as a likely candidate for CC3 at political functions, even though her experience seems to be in oil and gas and not family, criminal or juvenile law.

If Judge Dupuy is temporarily removed as part of the removal lawsuit filed by the Texas Attorney General, a temporary replacement judge would be appointed and that lawyer could also become a *de facto* incumbent and change the nature of this race. If Dupuy is not removed in the removal lawsuit but rather remains suspended by the Texas Commission on Judicial Ethics, only assigned visiting judges will be handling cases in CC3. Contrary to rumor, Dupuy is expected to remain suspended without pay until he resigns or his criminal cases are resolved regardless of the outcome of the civil removal lawsuit filed by the AG.

122nd District Court - Judge John Ellisor is running for reelection and there are no announced candidates to oppose this fine judge.

County Courts No. 1 and No. 2 - Judges John Grady and Barbara Roberts will seek election to their second terms and are not

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.

Upcoming Campaign Events

With apologies to candidates who have already hosted campaign events, I am going to try to post notices for upcoming campaign functions for all races in Galveston County and family court races in Harris County. Candidates: please send me your notices and I will help get the word

expected to face opponents.

Probate Court - Judge Kim Sullivan is going to run for reelection and she does not have an opponent.

District Clerk and County Clerk - Republicans John Kinard and Dwight Sullivan are up for reelection and so far neither has announced opponents.

District Attorney - Jack Roady is already running hard for reelection and despite grumbles from criminal defense attorneys, no one has filed against him.

The Crime of Witness Tampering

The crime of tampering with a witness applies to both civil and criminal cases and can involve either offering or providing "any benefit" to the witness or acting to coerce a witness. Witness tampering can involve influencing a witness to testify falsely, influencing a witness to avoid testifying or influencing a witness to not press criminal charges. "Any benefit" is a very broad term and could include promises of money, assistance with a lawsuit or helping covering the costs of a move or vacation. Case law summarized below shows that it does not take much to be considered coercion. All lawyers should be very careful in dealing with witnesses, especially those witnesses who are crazy, who have a history of making false allegations or who tape record the promises and threats they receive about their testimony. The best practice is to tell any potential witness, "I just want you to tell the truth," early and often.

Section 36.05 of the Texas Penal Code states in part:

Sec. 36.05. TAMPERING WITH WITNESS.

(a) A person commits an offense if, with intent to influence the witness, he offers, confers, or agrees to confer any benefit on a witness or prospective witness in an official proceeding or coerces a witness or prospective witness in an official proceeding:

- (1) to testify falsely;**
- (2) to withhold any testimony, information, document, or thing;**
- (3) to elude legal process summoning him to testify or supply evidence;**
- (4) to absent himself from an official proceeding to which he has been legally summoned; or**
- (5) to abstain from, discontinue, or delay the prosecution of another.**

(b) A witness or prospective witness in an official proceeding commits an offense if he knowingly solicits, accepts, or agrees to accept any benefit on the representation or understanding that he will do any of the things specified in Subsection (a).

(c) It is a defense to prosecution under Subsection (a)(5) that the benefit received was:

- (1) reasonable restitution for damages suffered by the complaining witness as a result of the offense; and**
- (2) a result of an agreement negotiated with the assistance or acquiescence of an attorney for the state who represented the state in the case.**

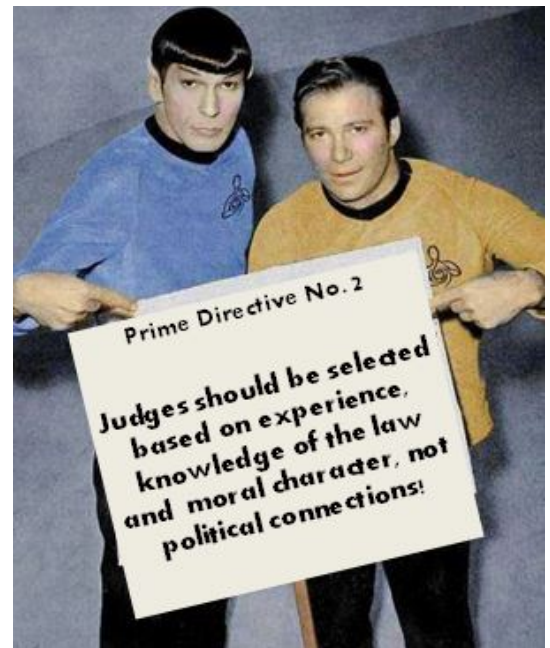
out and please stop holding secret exclusive events for just a few big fat cats that us little people are not invited to!

Anne Darring Campaign Kickoff
Wednesday, June 5 at 5:30 pm
La Brisa on the Creek,
501 N. Wesley at IH 45, League
City

Judge David Farr Campaign Event
Wednesday, June 12, 5:30 p.m. until 8
p.m.
The Cadillac Bar
1802 Shepherd Drive Houston, TX 77007

**County Clerk Dwight Sullivan
Campaign Kickoff**
Thursday, June 13 at 5:30 p.m.
DSW Homes, 1021 61st Street,
Galveston, Texas 77551

Judge Charley Prine Campaign Kickoff
Thursday, June 20 at 5:30 PM
The Cadillac Bar
1802 Shepherd Drive Houston, TX 77007



(d) An offense under this section is a felony of the third degree, except that if the official proceeding is part of the prosecution of a criminal case, an offense under this section is the same category of offense as the most serious offense charged in that criminal case.

Arnold v. State, 68 S.W.3d 93 (Tex.App.- Dallas 2001, pet. ref'd) provides a good historical review of this crime. In that case, a former stripper worked for a lawyer and the lawyer paid for her to leave town to avoid testifying in the drug possession trial of a Dallas Cowboy star. The conviction and two year sentence for the lawyer was upheld.

Nunez v. State, 27 S.W.3d 210, 216 (Tex. App. - El Paso 2000, no pet.) involved a lawyer who took a client's \$6,000 insurance settlement check. After the client filed complaints with the State Bar, the District Attorney and the police, the lawyer met with his former client at a restaurant. The attorney asked the client to drop the charges in exchange for future payments of \$3,000 within a few weeks and the remaining amount owed within three months. If the client decided not to drop the charges, then the attorney assured the client that the attorney would "drag it on as long as he could" so that there would be a good chance that the witness would never see any money. The attorney was convicted of witness tampering and sentenced to 180 days in jail. The conviction was upheld in part because of the recording the client made of the attorney saying:

"All you have to do is go and withdraw that criminal complaint at the D.A.'s office and write a notice to the State Bar that you're withdrawing your complaint. That's all I'm asking you and you can have that immediately. That's going to be much better than what's going to happen to me. That's all I can do. You can have the Cadillac if you want."

Davis v. State, No. 13-08-00406-CR, 13-08-00407-CR (Tex. App. - Corpus Christi August 26, 2009)(mem. op.) involved the infamous "mom's boyfriend" who threatened to kick a 15 year old out of his house after she gave a statement about having sex with an adult who was a friend of the homeowner.

Landers v. State, No. 10-11-00408-CR (Tex. App. - Waco 8/30/2012)(mem. op.) is an example of a mother trying to get her nine year old daughter not to testify that her step-father sexually molested her. The mother was convicted of tampering with a witness for telling the child she was a liar and driving her daughter to a deposition and telling her "not to tell what happened" (even though the child was not asked about the sexual assault at the deposition).

Morlett v. State, 656 S.W.2d 603 (Tex. App. – Corpus Christi 1983, no pet.) involved a fellow who was indicted but then acquitted of murder. He still got life in prison for tampering with a witness enhanced by two prior felony convictions. The coercion of a witness in this case involved the following:

One of the State's witnesses against appellant in that trial was Rodolfo Herrera. In the trial of the cause now before us Herrera testified that prior to the murder trial appellant phoned him at least three times and said (in Herrera's words) "... I better not say anything in the trial, you know, say that if--I mean that if he didn't want it to have a bad grudge on me or something like

Attorney Greg Enos has been through his own divorce and child custody battle (he won) and understands what his clients are going through. Enos graduated from the University of Texas Law School and was a very successful personal injury attorney in Texas City before he decided his true calling was to help families in divorce and child custody cases. Greg Enos is active in politics and in Clear Lake area charities. He has served as President of the Bay Area Bar Association and President of the Board of Interfaith Caring Ministries.



that, you know." He further testified that when he (Herrera) entered the courtroom to testify appellant made two silent gestures to him. The first was to place a finger over his lips and the second was to make a fist. Herrera interpreted these gestures to indicate a threat. He then proceeded to retract a statement he had earlier given to the prosecutor and refused to implicate appellant in the murder.

Attorney Greg Enos





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