

WHO DECIDES PERRY'S FATE IF CONVICTED?

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by LANA SHADWICK (/COLUMNISTS/LANA-SHADWICK) | 2 Sep 2014 | 37
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HOUSTON, Texas – The recent indictments of Governor Rick Perry has brought attention to the criminal justice system in Texas. The question of who selects special prosecutors and grand jurors, and how a criminal case runs its course through the criminal judicial system, are all in the mind of the public. Tom Delay's appeal was recently argued in the highest criminal court in Texas, but many voters are not acquainted with that court, or its candidates. More voters are now seeing the significance of their vote in these races where the constitutional issues of life, liberty, due process, and the death penalty are at stake. So who are the candidates seeking to determine these important constitutional issues?

There are nine judges on the [Texas Court of Criminal Appeals](http://www.cca.courts.state.tx.us/) (<http://www.cca.courts.state.tx.us/>). Three of these judges are retiring. There are three non-incumbent candidates who are vying for these positions on the ballot.

In Place 3, is Republican Judge Bert Richardson of San Antonio. Richardson was recently propelled into the public spotlight after he appointed the special prosecutor in the Governor Perry case. He has been serving as a visiting court judge. Richardson was a criminal district judge in Bexar County from 1999-2008 but was defeated in a Democratic sweep. He served as a prosecutor prior to becoming a judge. He faces Democrat criminal defense lawyer John Granberg of El Paso, and Libertarian Houston criminal defense lawyer Mark W. Bennett. Judge Richardson won the State Bar of Texas Judicial Poll.

In Place 4, is Republican Kevin Yeary who is an appellate prosecutor in Bexar County. He has served as a briefing attorney on the Texas Court of Criminal Appeals and he has practiced criminal defense law. Yeary does not have a Democrat opponent but faces Libertarian Quanah Parker of Abilene, and Green Party candidate Judith Sanders-Castro from San Antonio. Yeary won the Judicial Bar Poll.

In Place 9, is Republican nominee David Newell from Richmond. Newell is an appellate prosecutor in Harris County. Like Yeary, Newell does not have a Democrat opponent but faces criminal defense lawyer George Altgelt, a Green Party candidate from Laredo, and William Bryan Strange, Libertarian candidate from Dallas. Strange does not list an area of legal practice on the Texas State Bar website. Strange and Newell are both from large cities and they had only one vote difference between them in the Bar Poll.

So who will be serving on the Texas Court of Criminal Appeals in January? Republicans dominate statewide offices and the judges on the Texas Court of Criminal Appeals and the Texas Supreme Court are all Republicans.

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Brian Wice is a criminal trial and appellate lawyer who has practiced for over three decades. Wice represented Tom Delay on his successful appeal to the Austin intermediate court of appeals, and represents him now at the Texas Court of Criminal Appeals. Wice told Breitbart Texas that “it worries me that even I cannot tell you who the Democrat nominees are for the Texas Court of Criminal Appeals. These are the nine most powerful judges in the state but I will tell you that talent, ability, and character play little or no part, in the process. Democrats have not served in two decades and quite frankly, the Cubs have a better chance to win the World Series.”

Phillip Hilder, a criminal defense lawyer who represented Sherron Watkins in the famous Enron whistleblower case, told Breitbart Texas “The Court of Criminal Appeals has perhaps the most direct impact on the criminal justice system in Texas, yet its members are virtually invisible to voters who elect them. The Judges are elected solely on party label. Other than the Court itself, one would be hard-pressed to find a single voter in the state who could name the full Court let alone anything about them. Voters must educate themselves, because the standard of criminal justice is just too important to blindly elect the Court.”

Judicial races are important, but there are so many candidates, and so many courts, it is hard for the average voter to know who to vote for. When compared to candidates in other statewide races, candidates running for statewide criminal courts do not have a huge war chest. Money for getting the word out is limited. The significance of who sits on these courts has now become more apparent to voters.

Lana Shadwick is a contributing writer and legal analyst for Breitbart Texas. She has served as a judge and a prosecutor. Follow her on Twitter @LanaShadwick2 (<https://twitter.com/LanaShadwick2>).

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anotherinterestedreader • 3 days ago

The problem with the Perry indictment is that it came from Travis County - a very partisan county with a history of abuses. Just because the state capitol is located in Travis County should not give that county authority to indict public officials on criminal charges related to their elected office. Such authority should go to a commission - as does ethics violations made by public officials in Texas. Or to the authority of the Texas Attorney General which is a state wide elected office. This should have been fixed years ago. Hopefully the next legislative session will address this mess.

14 ^ | ▾ • Reply • Share ›



Marjoe75 • 3 days ago

Reforms are clearly needed. Should the State and legislators think that public corruption is actually a problem, maybe there should be an independent system for reporting corruption and for whistleblowers. Then again, what's wrong with public corruption like the (alleged) RIVERGATE-AUSTIN official cover-up. 5 plus years, no investigation, no arrests. Corruption is wonderful (sarcasm).

1 ^ | ▾ • Reply • Share ›



jimmy • 2 days ago

We should get used to the targeting of politicians (and everyday citizens, re: Michael Sullivan of EmpowerTexans.com) who try to do the right thing. It's one way government keeps its power.

2 ^ | ▾ • Reply • Share ›



ron44 • 2 days ago

If they pursue a conviction then the people of Texas should through out the mayor of San Antonio and the rest of the judges in the state who side with this undue process brought on by this drunken DA whose last several cases ought to be examined for sentencing of people from her court. They might find evidence of false sentences.

4 ^ | ▾ • Reply • Share ›



TheRealJohnDoeNJ • 2 days ago

Come on Breitbart! There are far bigger fish to fry than this non-story.

This case will never go to trial. Indicting a sitting governor for acting within his authority and in compliance with the Texas state constitution? A tampered with, partisan grand jury? A partisan radical left DA who uses the office to further political vendettas?

Do prosecutorial lawyers really want to become the next Nifong? The next Bill Clinton? Disgraced and disbarred for unethical behaviour? Not a chance.

This is another example of radical Dems trying to create a circus environment to distort facts and poison jury pools with bizarre opinions and demagoguery. This is another example of the radical Dems trying to use a very tiny but vocal minority to run roughshod over the vast majority. This is part of the radical left Dem strategy to turn a major red state blue, for purposes of the 2016 and subsequent national elections.

If you want to give time to this story, focus on the radical left pissants who are a burr in everyone's saddle.

2 ^ | ▾ • Reply • Share ›



Lana Shadwick → **TheRealJohnDoeNJ** • 2 days ago

The case will hopefully not go to trial. The intent of the article is to highlight the importance of this Court so that voters will not drop off the ballot when it comes to voting in these races. Tom Delay's appeal was heard there in June. It matters who is on this Court.

4 ^ | ▾ • Reply • Share ›



TheRealJohnDoeNJ → **Lana Shadwick** • 2 days ago

Fair enough, Counselor. I read your August 18th article when it was published and felt it was excellent and spot on. My point was that few people seem to be focused on the real issue at play, which is that this is a political witch hunt by a real world witch. I agree with many others that the entire case is a sham and any reasonable judge would toss it into the circular file and publicly chastise the prosecutors who brought it to the court.

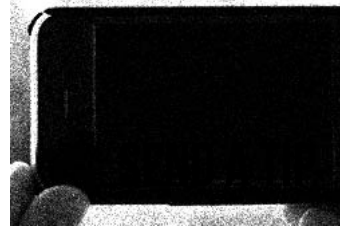
While it's worth keeping the Delay case in mind because he experienced

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While it's worth keeping the Delay case in mind because he experienced getting run over roughshod by the legal system, his case and the Governor's case are similar only in that they were prosecutorial witch hunts conducted to serve out political vendettas.

My wish is for the focus to be taken off the Governor and placed squarely upon the seemingly corrupt and unethical practices taking place in the Austin DA's office. The Austin DA's office seems very clearly to be one of the staging points for executing strategy to turn Texas from red to blue. It should be the focus of investigation, not the Governor.

At this early stage, it's a very big step to go from baseless charges to opinions on the possible court make up and resulting outcome for the Governor.

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Lana Shadwick → TheRealJohnDoeNJ • 9 hours ago

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Lana Shadwick → TheRealJohnDoeNJ • 2 days ago

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Susan → TheRealJohnDoeNJ • 2 days ago

Paying attention to the big picture isn't your forte is it Skippy?

1 ^ | v • Reply • Share ›



TheRealJohnDoeNJ → Susan • 2 days ago

Skippy? Gimme a break sweet pants. Name calling sucks, doesn't it?

As stated above ... At this early stage, it's a very big step to go from baseless charges to opinions on the possible court make up and resulting outcome for the Governor.

How about taking the focus away from the Governor and speculation on the outcome of a case that isn't even close to going to court yet, and moving that focus on to a seemingly corrupt and unethical Austin DA office, and a Democrat movement that is not above using every dirty trick in the book to advance their radical agenda?

3 ^ | v • Reply • Share ›



David Sanders • 2 days ago

Wendy Davis loses big on this issue.... she won't even address it.

^ | v • Reply • Share ›



Phantomp • 2 days ago

Imagine trying to fire a Democratic drunkard . They wouldn't get rid of Ted Kennedy and he was the biggest booze bag in history of the Senate . What was Perry thinking going after a protected class .

5 ^ | v • Reply • Share ›



The_Truth_Hurts2012 → Phantomp • 2 days ago

Boehner and Hillary must of found teddy's stash.

I can hear Boehner scream, pour pour Hillary.

1 ^ | v • Reply • Share ›



Susan • 2 days ago

There is just something wrong with one country and its voters getting to decide stuff like this statewide. If I was a voter, it would make me feel disenfranchised and very angry that a group of liberals gets to decide stuff like this.

*

*

If this even gets to court, a judge should throw it out and punish the drunk DA for corruption or something.

If it does get to a trial, the judge should be thrown out of office on their a\$\$es.

2 ^ | v • Reply • Share ›



redwolf6911 → Susan • 2 days ago

Well this crap has really angered millions of Texas voters.

3 ^ | v • Reply • Share ›



The_Truth_Hurts2012 → Susan • 2 days ago

I can't believe they haven't disbarred her; for her illegal actions while holding a state license.

3 ^ | v • Reply • Share ›



theendisnear → The_Truth_Hurts2012 • 2 days ago

Dang. Do you know how many lawyers would have to be disbarred by your standard?

1 ^ | v • Reply • Share ›



The_Truth_Hurts2012 → theendisnear • 2 days ago

Don't forget judges lol

2 ^ | v • Reply • Share ›



M. N. → theendisnear • a day ago

Wouldn't bother me, start the debarring process - they don't need to be in positions of judging others or aiding in criminal activity. DWI is a serious offense, it demonstrates a serious lack of judgement.

^ | v • Reply • Share ›



theendisnear → Susan • 2 days ago

You are clueless. A Special Prosecutor appointed by a republi can judge presented the evidence to a Grand Jury. The DA nor her Office had anything to do with the indictment. It won't go to the voters, but to a Petit Jury for trial.

^ | v • Reply • Share ›



Wally76 → Susan • 2 days ago

The DA has already served her time in jail for DWI.

^ | v • Reply • Share ›



redwolf6911 • 2 days ago

The Democrats see Perry as a candidate running in the Presidential Elections, which might beat Hillary with all of her baggage. They destroyed Tom Delay, who has been indicted again by this same stupid DA Lehmborg on the same charges that were overturned by the Appeals Court. This old bat should NOT be able to indict anyone who does NOT live in Travis County.

2 ^ | v • Reply • Share ›



David Epperson → redwolf6911 • 2 days ago

She's just an angry lesbian who was arrested for drunk driving while cruising around looking for some pu55y.

^ | v • Reply • Share ›



theendisnear → redwolf6911 • 2 days ago

Psssst. The State Capital is in Travis County where the Governor's mansion is.

^ | v • Reply • Share ›



Wally76 → redwolf6911 • 2 days ago

Your facts are mistaken. Lehmborg's office was recused from the Perry case and a Republican judge designated to hear the case appointed a special prosecutor, who indicted Perry. Lehmborg had nothing to do with the indictment.

^ | v • Reply • Share ›



Brian Davis → Wally76 • 2 days ago

LOL you can not possibly be that stupid, can you? Why yes, yes, I think you are.

^ | v • Reply • Share ›



Wally76 → Brian Davis • 2 days ago

What I said is accurate. You can check it out if you care to do the research. After Lehmborg recused her office from prosecuting

Perry because of the obvious conflict of interest, the matter was referred to Judge Billy Ray Stubblefield, Chief Judge of Williamson County and a Republican appointed by Governor Perry. Judge Stubblefield appointed Judge Bert Richardson of San Antonio, also a Republican, to oversee the case. Judge Richardson, who is widely expected to win a seat on the Texas Court of Criminal Appeals in November on the Republican ticket, in turn appointed Michael McCrum as special prosecutor. McCrum is a former prosecutor who was supported by both Republican Senators in Texas to serve as US Attorney for the Western District of Texas in 2010, although he later withdrew his name from consideration because of delays in the process and returned to private practice in San Antonio. McCrum is widely regarded as non partisan. It was McCrum who brought the indictment against Perry, not Lehmborg as can easily be confirmed by a Google search.

And the basis for your comment is . . . ?

^ | v • Reply • Share ›



David Epperson • 2 days ago

Don't think he's guilty of anything except excellence in government.



3 ^ | v • Reply • Share ›



theendisnear • 2 days ago

The trial jury. Anything else is an appeal of their adjudication.

^ | v • Reply • Share ›



Wally76 • 2 days ago

Lana's articles are very good. They're quite balanced and very readable. Much appreciated by those of us who have an interest in Texas legal matters.

^ | v • Reply • Share ›



USARetired • 2 days ago

Negativism regarding Governor Perry is unacceptable in America!!!

^ | v • Reply • Share ›



SoWhatBubb • 2 days ago

So, Delay's attorney, Brian Wice, is lamenting the fact that there are no dumbokraps on the court. This is peculiar, especially since thie lawyers beloved dumbokraps railroaded his client.

Sounds like Delay's lawyer is a typically despicable and deceitful libturd dumbokrap.

^ | v • Reply • Share ›



Syberlink • 2 days ago

I just hope and pray this wakes up everyone in Texas to understand that the progressive democrats are already "messaging with Texas". These democrats are like bedbugs, once they are found, they are almost impossible to get rid of.

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