Filed
1/20/2023 4:21 PM
Anne Lorentzen
District Clerk
Nueces County, Texas

2023DCV-0244-G
CAUSE NO. _____

THE STATE OF TEXAS,	§	IN THE DISTRICT COURT OF
EX. REL. COLBY WILTSE	§	
	§	
Relator-Plaintiff	§	NUECES COUNTY, TEXAS
	§	
v.	§	
	§	
MARK GONZALEZ, IN HIS OFFICAL	§	
CAPACITY AS DISTRICT ATTORNEY	§	_____ JUDICIAL DISTRICT
OF THE 105th JUDICIAL DISTRICT	§	
	§	
Respondent-Defendant	§	

PETITION TO REMOVE
DISTRICT ATTORNEY FOR THE 105th JUDICIAL DISTRICT PURSUANT TO TEXAS CONSTITUTION, ART. V., § 24 & CHAPTER 87, LOCAL GOV'T CODE

TO HONORABLE JUDGE OF SAID COURT:

NOW COMES **THE STATE OF TEXAS**, by relation of Plaintiff, **COLBY WILTSE** (hereinafter "Plaintiff"), in his capacity as a citizen of Nueces County, Texas, and hereby files this Petition for Removal seeking to remove Defendant, District Attorney for the 105th Judicial District of Nueces County, Texas **MARK GONZALEZ** (hereinafter "Defendant"), as pursuant to Art. V, § 24 of the Texas Constitution and Chapter 87, Local Gov't Code, and in support thereof, respectfully submits the following:

I. INTRODUCTION

1. **THE STATE OF TEXAS**, by relation of Plaintiff **COLBY WILTSE**, seeks to have Defendant **MARK GONZALEZ** permanently removed from public office due to incompetency, official misconduct, and failure to give bond.

2. The District Attorney for the 105th Judicial District holds positions for 71 attorneys, investigators, and technical staff, and is funded by an annual operating budget of approximately $6,500,000.00. Defendant's office has the sole responsibility for prosecution of all criminal offenses and is the Chief Law Enforcement Officer responsible for the administration of justice for thousands of felony and misdemeanor crimes in Nueces County.[1] Defendant represents the State of Texas and is expected to enforce duly enacted law, administer justice, and guard the public welfare for the people of Nueces County.

3. In order to accomplish its declared mission and fulfill the official duties assigned by law, the District Attorney for the 105th Judicial District of Texas must be of high integrity, thoroughly committed to the efficient and effective administration of justice, and capable of ensuring the just enforcement of duly enacted laws.

4. As required by the Texas Constitution, Defendant swore an Oath of Office to "faithfully execute the duties" and further "preserve, protect, and defend the Constitution and laws of the United States and of this State."[2]

5. Defendant's incompetence and official misconduct under the guise of prosecutorial discretion is a failure to properly administer justice, resulting in the nullification of duly enacted law. This failure undermines the legislative, executive, and

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[1] *See* Texas Gov't Code §43.148 (a): "The district attorney [for the 105th Judicial District] serves all the district, county, and justice courts of Nueces County." *And* §43.148 (b): "The district attorney shall attend each term and session of the district, county, and justice courts of Nueces County and shall represent the state in criminal cases pending in those courts."

[2] *See* Texas Oath of Office Requirements, Art. 16: General Provisions §1 (a).

judicial branches of government in Texas and far exceeds Defendant's authority. Defendant has intentionally reshaped and reimagined the District Attorney's authority to ignore duly enacted law passed by the Texas Legislature and signed by the Governor of Texas. Defendant's nullification of duly enacted law is an abuse of authority and violates Defendant's oath to faithfully execute his duty to preserve, protect, and defend the Constitution and laws of the United States and Texas.

6. As laid forth in this petition, Defendant's conduct in public office has been thoroughly tainted with incompetence and official misconduct, thereby justifying his removal. Defendant has proven himself unfit and unable to discharge his official duties promptly and properly as District Attorney for the 105th Judicial District of Texas. This Honorable Court should immediately issue citation, and allow this matter to proceed pursuant to Texas Local Gov't Code § 87.016.

II. JURISDICTION, VENUE & RULE 47 DISCLOSURES

7. Pursuant to Texas Local Gov't Code § 87.015, this petition for removal is being filed in the county residence of Defendant.

8. The subject matter is within the jurisdiction of this Court and all parties are subject to this Court's personal jurisdiction.

9. Pursuant to Rule 47, Plaintiff seeks non-monetary relief that is properly allowed pursuant to Art. V., § 24 of the Texas Constitution and Chapter 87, Texas Local Gov't Code.

III. DISCOVERY CONTROL PLAN

10. Plaintiff intends to conduct discovery pursuant to Rule 190.4, Texas Rules of Civil Procedure (Level 3).

IV. PARTIES

11. The **STATE OF TEXAS**, on the relation of Plaintiff, **COLBY WILTSE**, files this suit and seeks to remove Defendant **MARC GONZALEZ** from the Office of District Attorney of the 105th Judicial District of Texas, pursuant to Art. V., § 24 of the Texas Constitution and Chapter 87, Texas Local Gov't Code.

12. Plaintiff is a resident of Texas who has lived in Nueces County for at least six (6) months and is not currently under any indictment, nor has he ever been under indictment in any jurisdiction.[3]

13. Defendant is District Attorney for the 105th Judicial District of Nueces County, Texas. On information and belief, Defendant is a resident of Nueces County, Texas, and may be served with citation at 901 Leopard Street Corpus Christi, TX 78401.

V. LEGAL GROUNDS FOR REMOVAL

14. Art. V., § 24 of the Texas Constitution authorizes the removal of certain named officers, as well as "other county officers" by district judges for official misconduct and other causes, upon the cause "being set forth in writing and the finding of its truth by a jury."[4] This provision, in place since 1876, is self-executing.[5]

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[3] Plaintiff meets the requirements of Tex. Loc. Gov't Code § 87.015: Petition for Removal.

[4] *See* Tex. Const. V, § 24: Removal of County Officers.

[5] *See Trigg v. State*, 49 Tex. 645, 652–53 (1878).

15. The Texas Legislature enacted a statutory removal process for county officers in subchapter B of Chapter 87 of the Local Gov't Code.[6] Chapter 87 authorizes the removal of a county officer for official misconduct and other causes by petition to the district judge, a formal citation on the officer, and a trial by jury, with the right to appeal the court's final judgment.[7]

16. A district attorney may be removed from office upon petition and trial if, after trial, a jury finds evidence that at least one of the statutory grounds for removal alleged in the removal petition is true. [8]

17. The statutory grounds for removal are found in § 87.013(a), Texas Local Gov't Code, providing a public officer may be removed from office upon proof of incompetency or official misconduct.[9]

18. "**Incompetency**" is defined as "(A) gross ignorance of official duties; (B) gross carelessness in the discharge of those duties; or (C) unfitness or inability to promptly and properly discharge official duties because of a serious physical or mental defect that did not exist at the time of the officer's election."[10]

19. "**Official Misconduct**" is defined as "intentional, unlawful behavior relating to official duties by an officer entrusted with the administration of justice or the

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[6] *See* Tex. Loc. Gov't Code §§ 87.011–.019.

[7] *See Id.* §§ 87.015 (petition), .016 (citation), .018 (trial), .019 (appeal).

[8] *See* Tex. Loc. Gov't Code § 87.018(c).

[9] *See* Tex. Loc. Gov't Code (a)(1),(2).

[10] *See* Tex. Loc. Gov't Code § 87.011(2).

execution of the law. The term includes an intentional or corrupt failure, refusal, or neglect of an officer to perform a duty imposed on the officer by law."[11]

20. Texas Code of Criminal Procedure Art. 3.04 also defines "official misconduct" as "an offense that is an intentional or knowing violation of a law committed by a public servant while acting in an official capacity as a public servant." An elected officer can be removed for official misconduct only if he violates a specific statutory duty that amounts to unlawful conduct.[12]

21. The statutory grounds for removal is found in § 87.014, Texas Local Gov't Code, providing that a county officer who is required by law to give an official bond may be removed if the officer fails to execute the bond within the time prescribed by law or does not give a new bond or an additional bond or security if required by law to do so.[13]

VI. FACTUAL GROUNDS FOR REMOVAL

A. General Factual Allegations

22. Defendant was first elected to the position of District Attorney for the 105th Judicial District of Nueces County, Texas in November of 2016 and assumed his official duties on January 1, 2017.

23. Defendant was reelected in November of 2020 and assumed his duties on January 1, 2021, with his current term set to end on December 31, 2024.

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[11] *See* Tex. Loc. Gov't Code § 87.011(3).

[12] *See Stern v. State ex rel. Ansel*, 869 S.W.2d 614,619–23 (Tex. App. - Houston [14th Dist.]1994), writ denied. *State ex rel. Edwards v. Reyna*, 160 Tex. 404, 333 S.W.2d 832 (Tex. 1960).

[13] *See* Tex. Loc. Gov't Code § 87.014(1), (2).

24. As set forth in this petition, Defendant's conduct met the statutory grounds for removal extending into or occurring during the current term of office which began on January 1, 2021.

25. The official duties of this public office include:

> DUTIES OF DISTRICT ATTORNEYS. Each district attorney shall represent the State in all criminal cases in the district courts of his district and in appeals therefrom . . . It shall be the primary duty of all prosecuting attorneys, including any special prosecutors, not to convict, but to see that justice is done. They shall not suppress facts or secrete witnesses capable of establishing the innocence of the accused.[14]

26. Defendant assumed the official duties of his second term on January 1, 2021, taking the Oath of Office by swearing or affirming the following:

> I, [Mark Gonzalez], do solemnly swear (or affirm), that I will faithfully execute the duties of the office of District Attorney of Nueces County and of the State of Texas, and will to the best of my abilities preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.[15]

27. Pursuant to § 87.015(c), Texas Local Gov't Code, **THE STATE OF TEXAS**, by relation of Plaintiff **COLBY WILTSE**, contends that the following facts are grounds for removal of Defendant from the position of District Attorney for Nueces County, Texas.

B. The Brenna Wood Murder Case

28. On January 11, 2021, during Defendant's current term of office, Defendant and his office were recused from all criminal court cases related to the 2016 murder of

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[14] *See* Tex. Code Crim. Proc., Art. 2.01.

[15] *See* Tex. Const. Art. XVI, § 1.

Breanna Wood.

29. In Cause No. 17-FC-5191-D, *State of Texas* v. *Sandra Vasquez*, one of the criminal cases pending for the murder of Brenna Wood, the Court examined the facts of Defendant and his office and found credible evidence of "gross incompetence, negligence and/or carelessness on the part of the Nueces County District Attorney's Office in the prosecution and investigation of the cases." (105th Jud. Dist., Aug. 30, 2022) A true and correct copy of the Court Order Denying Motion to Set Aside and/or Dismiss the Indictment for Prosecutorial and State Misconduct is attached hereto as **Exhibit A**.

30. Defendant failed to provide adequate oversight, supervision, and expediency to the Breanna Wood murder cases. A media article published in the Caller Times describing Defendant's request to be recused from the Breanna Wood murder cases is attached hereto as **Exhibit B**.

C. Defendant's Failure to Provide Office Oversight, Policies, and Procedures

31. Defendant has failed to enact policies for the handling or accountability of evidence in high profile cases, often leading to significant delays in the administration of justice. *See State* v. *Sandra Vasquez*, No. 17-FC-5191-D (105th Jud. Dist., Dec. 28, 2017) and *State* v. *Juan Villarreal*, No. 18-FC-4900E (148th Jud. Dist., Oct. 11, 2018). Media articles describing the incompetence of Defendant in a local OBGYN sexual assault case and further in the aforementioned Breanna Wood murder cases are attached hereto as **Exhibit C**.

32. In Cause No. 18-FC-4900E, *State of Texas* v. *Juan Villarreal*, Defendant's failure to establish proper procedures for the handling of evidence resulted in a loss of evidence in a case with 14 alleged victims of sexual assault. In that case, defense attorneys for the accused sought a dismissal of the indictment and requested the "District Attorney's Office to establish a procedure for handling of evidence" (148th Jud. Dist., Oct. 11, 2018). Attorneys for Villarreal cited the previous ruling in *State of Texas* v. *Sandra Vasquez* (105th Jud. Dist., Dec. 28, 2017), alleging that "the District Attorney's office acted with gross incompetence and negligence in maintaining evidence…." *See* Exhibit C.

33. In the highly visible United States Supreme Court death penalty case of John Ramirez, Defendant unsuccessfully submitted a Motion to Withdraw Order Setting Execution after his office moved for an execution date on the death warrant. Defendant attempted to rescind the death warrant in his motion, stating the "Assistant District Attorney who most recently moved for an execution date in the cause was not aware of my desire in this matter and did not consult me prior to moving for an execution date." A true and correct copy of the Motion to Withdraw Order is attached hereto as **Exhibit D**.

D. Defendant's Failure to Pursue Indictments in Support of Motions to Revoke Probation

34. Defendant has failed to pursue indictments in support of motions to revoke probation filed by the Nueces County Community Supervision and Corrections Department (CSCD). A media article describing Cause No. 22-FC-2253-B, *State v. City of*

Lara (117th Jud. Dist., May 19, 2022) is attached hereto as **Exhibit E**.

35. In *State* v. *Jason Edward Lara,* Lara was charged with the alleged capital murder of multiple persons on May 10, 2022. Prior to Lara's arrest for capital murder of multiple persons, CSCD requested Defendant's office revoke Lara's probation twice in an eight-month period: once in July 2021 and again in March 2022. Instead of revoking probation, Defendant abandoned an aggravated robbery charge which had a direct result on the ability to revoke probation, allowing Lara to remain free to commit the alleged capital murder of multiple persons. *See* Exhibit E.

36. In May 2022, Defendant declined to prosecute another motion to revoke probation for a defendant with three previous driving while intoxicated convictions and more than 150 violations. *See* Exhibit E.

E. Defendant's Dismissal of Cases and Total Court Dispositions

37. In March 2021 and March 2022, approximately 865 felony-level cases were dismissed including aggravated assault or attempted murder, sexual assault, family violence, aggravated robbery, burglary, theft, drug sale or manufacturing, and felony driving under the influence (DUI). The Nueces County Felony Case Activity Detail (March 2021-March 2022) is attached hereto as **Exhibit F**.

38. In March 2021 and March 2022, nearly two thousand (1,978) misdemeanor cases were dismissed including DUIs, theft, drug offenses, family violence, and assault. The Nueces County Misdemeanor Case Activity Detail (March 2021-March 2022) is attached hereto as **Exhibit G**.

39. From January 1, 2021, until December 31, 2022, 8,690 misdemeanors were dismissed—out of 10,055 court dispositions. The Nueces County Misdemeanor Case Activity Detail (Jan 2021-Dec 2022) is attached hereto as **Exhibit H**.

40. During the previous District Attorney's tenure, only 4,882 misdemeanors were dismissed out of 13,831 total court dispositions from January 1, 2015, until December 31, 2016. The Nueces County Misdemeanor Case Activity Detail (Jan 2015-Dec 2016) is attached hereto as **Exhibit I**.

41. From January 1, 2021, until December 31, 2022, only 3,862 felonies were dismissed out of 11,672 total court dispositions including aggravated assault or attempted murder, sexual assault, family violence, aggravated robbery, burglary, theft, drug sale or manufacturing, and felony DUI. The Nueces County Felony Case Activity Detail (Jan 2021-Dec 2021) is attached hereto as **Exhibit J**.

42. From January 1, 2021, until December 31, 2022, a total of 21,535 felony cases were on the court docket. *See* Exhibit J.

43. During the previous District Attorney's tenure, only 1,001 felonies were dismissed out of 8,765 total court dispositions from January 1, 2015, until December 31, 2016. The Nueces County Felony Case Activity Detail (Jan 2015-Dec 2016) is attached hereto as **Exhibit K**.

44. Defendant has an approximate 286% increase in felony dismissals from the previous District Attorney to include aggravated assault or attempted murder, sexual assault, family violence, aggravated robbery, burglary, theft, drug sale or

manufacturing, and felony DUI.[16] In other words, the Defendant lacks competency to prosecute the majority of cases assigned to his office.

F. Defendant's Failure to Represent the State Government in the Prosecution of Criminal Offenses, Ignoring Duly Enacted Texas Law, and Nullifying the Criminal Justice System

45. On or about June 24, 2022, Defendant stated he will not pursue criminal prosecutions or seek assistance from the Texas Attorney General for violations of Texas abortion prohibitions, which are duly enacted law. A media article on Defendant's failure to prosecute abortion cases upon the Supreme Court's reversal of *Roe v. Wade*, is attached hereto as **Exhibit L**. 410 U.S. 113 (1973).

> "We will not be prosecuting cases where someone saw any kind of medical assistance regarding any type of pregnancy," Gonzalez said. "Whether it's an abortion or anything in between. We feel that we just shouldn't be involved in a woman's decision between her and her healthcare provider."
>
> …"Each individual district attorney has to allow or welcome the Attorney General to come in and prosecute a case, right? They have to ask them to take a case and then the Attorney General has to agree to do that, "So I will not be asking them to assist in these types of cases, and therefore they won't be able to do so."

46. On February 18, 2022, Texas Attorney General Ken Paxton issued Office of Attorney General Opinion No. KP-0401 that described elective procedures on children for gender transitioning as child abuse. *See* Texas Attorney General Ken Paxton AG

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[16] A 286% increase in felony dismissals compares the tenure of the previous District Attorney from the same time period, January 1, 2015-December 31, 2016 (1,001 dismissals) and January 1, 2021-December 31, 2022 (3,862 dismissals).

Opinion No. KP-0401, attached hereto as **Exhibit M**. These would include reassignment surgeries that can cause sterilization, the performance of mastectomies, the removal of otherwise healthy body parts, and the administration of puberty-blocking drugs or supraphysiologic doses of testosterone or estrogen.[17]

47. On June 29, 2021, in a press release for Fair and Just Prosecution, attached hereto as **Exhibit N**, Defendant pledged to ignore laws that prohibit gender transitioning for children, stating such laws "…go against my duty to protect every member of my community and to pursue equity and justice."

G. Defendant's Failure to Represent the 105th Judicial District

48. Defendant is the Chief Law Enforcement Officer and Legal Officer of the 105th Judicial District.

49. In June 2022, Chief Felony Prosecutor Angelica Hernandez told the Nueces County Board of Judges that Defendant's "office was down 13 prosecutors" and "we no longer have enough prosecutors to man the courts" and "the situation is desperate, and the office is on the brink." Media articles on office staff shortages and mismanagement are attached hereto as **Exhibit O**. In July 2022, Defendant was on the agenda to attend two special meetings called by Nueces County Board of Judges to address the growing backlog of cases and shortage of prosecutors raised by Chief Felony Prosecutor Angelica Hernandez. *See* Exhibit O.

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[17] *See* Tex. Fam. Code § 261.001(1)(A)–(D) (defining "abuse").

50. The Nueces County Jail was at 100% capacity in June 2022. *See* Exhibit O.

51. Defendant failed to attend either of the two meetings and was unable to be reached. Chief Felony Prosecutor Angelica Hernandez did not know where he was. *See* Exhibit O.

52. Rather than attend the July 2022 special meetings to address the backlog of cases and shortage of prosecutors, Defendant traveled to Cabo San Lucas, Mexico, and failed to inform Chief Felony Prosecutor Angelica Hernandez where he was located.

H. Defendant's Misuse of Government Resources to Obtain a Private Benefit

53. On January 26, 2022, Defendant registered a for-profit LLC with the Nueces County clerk as the owner of a privately held business, a BBQ restaurant called "Cruiser's Country Store." A true and correct copy of the registration is attached hereto as **Exhibit P.**

54. Since January 26, 2022, and during his current term, Defendant has made social media posts from the District Attorney's office advertising for the privately held business.

55. On September 7, 2022, Defendant used government property and official time to advertise food and drink specials for his registered for-profit LLC.

56. On or about September 28, 2022, Defendant used government property and official time to advertise food and drink specials for his registered for-profit LLC.

I. Defendant's Failure to Disclose Travel Benefits Provided by the Fair and Just Prosecution Organization

57. As a District Attorney public officeholder, Defendant is required to file an annual Personal Financial Statement with the Texas Ethics Commission under Chapter 572 of the Texas Gov't Code.

58. On September 20, 2022, Defendant submitted his Calendar Year 2021 Personal Financial Statement under penalty of perjury. A true and correct copy of Defendant's Personal Financial Statement is attached hereto as **Exhibit Q.**

59. Defendant's Calendar Year 2021 Personal Financial Statement was submitted with the statement, "I swear, or affirm, under penalty of perjury, that this financial statement covers calendar year ending December 31, 2021, and is true and correct and includes all information required to be reported by me under Chapter 572 of the Government Code."

60. On October 1, 2022, Defendant traveled to New York to attend an event sponsored by the Fair and Just Prosecution organization. Social media posts featuring the Defendant's attendance at the October 1 event are attached hereto as **Exhibit R.**

61. On December 10, 2021, Defendant traveled to Los Angeles, California to attend an event sponsored by the organization, Fair and Just Prosecution. Social media posts featuring the Defendant's attendance at the December 10th event are attached hereto as **Exhibit S.**

62. Fair and Just Prosecution is a fiscally sponsored project of The Tides Center, a 501(c)(3) nonprofit organization. The Fair and Just Prosecution Information Page w/Link is attached hereto as **Exhibit T**.

63. On September 20, 2022, Defendant did not disclose travel-related benefits under Chapter 572 of the Gov't Code for his attendance at the Fair and Just Prosecution events as a gift in Part 8 of his Personal Financial Statement for Calendar Year 2021.

64. On September 20, 2022, Defendant did not disclose travel related benefits under Chapter 572 of the Gov't Code for his attendance at the Fair and Just Prosecution events as expenses accepted under the honorarium exception of his Personal Financial Statement for 2021.

65. Defendant did not file any vouchers in 2021 for official travel reimbursement to attend Fair and Just Prosecution events during 2021. Defendant's Public Information Response for Official Travel Vouchers is attached hereto as **Exhibit U**.

66. The term "gift" in Texas Gov't Code § 572.023(b)(7) is broader than the term "gift" in Penal Code Chapter 36 (bribery and gift laws).[18]

67. Section 36.02 of the Texas Penal Code makes it a crime of bribery for a person to offer, confer, or agree to confer, or for a public official or employee to accept, agree to accept or solicit, any benefit as consideration for a decision, opinion, recommendation, vote, or other exercise of discretion.[19]

68. The Penal Code defines a prohibited "benefit" as anything reasonably regarded as pecuniary [monetary] gain or pecuniary advantage, including benefit to any

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[18] *See* Tex. Ethics Comm'n Op. No. 71 (1992). Some examples of gifts that may require disclosure include a reception to honor a state officer (see Tex. Ethics Comm'n Op. No. 415 (1999), and waiver of a symposium fee (*see* Tex. Ethics Comm'n Op. No. 29 (1992).

[19] *See* Tex. Pen. Code § 36.02(a).

other person in whose welfare the beneficiary has a direct and substantial interest.[20]

69. Defendant is prominently featured in the Fair and Just Prosecution organization as part of "the movement."[21]

J. Defendant's Failure to Give Bond within the Time Prescribed by Law

70. As the elected District Attorney for the 105th Judicial District, Defendant is required to give bond within the time or manner prescribed by law.[22]

71. On information and belief, Defendant has neither given bond within the time or manner prescribed by law for his current term. Nor has he obtained coverage from the Nueces County risk management pool. Nor has he been self-insured by an order adopted by the Nueces County commissioner's court. Defendant's bond paperwork is attached hereto as **Exhibit V**.

VII. CAUSES OF ACTION & ARGUMENTS/AUTHORITIES

A. Removal under Local Govt Code § 87.013(a)(1)

72. Plaintiff incorporates the preceding paragraphs as if fully repeated here.

73. What is set forth above herein establishes Defendant as wholly "incompetent" and who must therefore be removed from office. The Defendant has acted with gross ignorance of his official duties or gross carelessness in the discharge of those duties. Defendant's actions amount to more than a mere error in judgment.

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[20] Id. § 36.01(3)

[21] *See* Fair and Just Prosecution, *Meet the Movement* (last visited January 17, 2023).

[22] *See* Tex. Gov't Code § 43.002.

74. During Defendant's current term of office, he has mishandled and mismanaged murder cases, motions to revoke, and has intentionally nullified duly enacted law in violation of his oath of office. When compared to the previous District Attorney, Defendant has a 286% increase in felony dismissals, significant increases in misdemeanor dismissals, and continues to build a backlog of cases. As the Chief Law Enforcement Officer and Legal Officer of the 105th Judicial District, Defendant's incompetence has failed to represent the State of Texas or administer justice for the citizens of Nueces County.

75. Under the Defendant's charge and supervision, the criminal justice system in Nueces County is in a crisis, with backlogged cases and a shortage of experienced professional prosecutors. In July 2022, despite representations of Defendant's office as "down 13 prosecutors" which "no longer ha[d] enough prosecutors to man the courts" and which was subsequently characterized as "desperate" and "on the brink", Defendant was wholly incompetent in representing the 105th Judicial District as the Chief Law Enforcement Officer and Legal Officer when called upon, choosing to be unavailable and unreachable to address the crisis with the panel of judges. *See* Exhibit O.

76. As the Chief Law Enforcement Officer and Legal Officer of the 105th Judicial District, Defendant's use of his elected position and government resources in September 2022 to advertise his private business for pecuniary gain is incompetent by showing a gross ignorance and carelessness in the discharge of his official duties.

77. As the Chief Law Enforcement Officer and Legal Officer of the 105th Judicial District, Defendant is incompetent and has displayed gross ignorance and carelessness in the discharge of official duties by failing to meet Personal Financial Statement reporting requirements for his position under Texas Gov't Code §572.023.

78. On September 20, 2022, Defendant committed perjury when he prepared, swore, and affirmed a Personal Financial Statement and submitted to the Texas Ethics Commission as well in his failure to list or report gifts or travel exceptions from the Fair and Just Prosecution organization by Texas Gov't Code §572.023. Defendant's actions of committing perjury are incompetent and constitute gross ignorance and carelessness related to the discharge of official duties.

B. Removal under Local Gov't Code § 87.013(a)(2)

79. Plaintiff incorporates the preceding paragraphs as if fully repeated here.

80. Defendant's actions amount to "official misconduct," and Defendant must be removed from office on that basis. Defendant's official misconduct demonstrates his intentional, unlawful behavior relating to official duties with his failure, refusal, or neglect in the administration of justice and the performance of duties imposed on the officer by law. Defendant's official misconduct has undermined the administration of justice, improperly usurping the Texas Legislative and Executive branches of government by picking and choosing which laws to enforce. Defendant's nullification of duly enacted laws of the State of Texas has interfered with his official duties and demonstrates his failure, refusal, or neglect with the administration of justice and the performance of his duties.

81. Defendant has violated a specific statutory duty that constitutes unlawful conduct.[23] Defendant's conduct is without reasonable grounds and is therefore not in accordance with lawful behavior.[24] The Texas Penal Code provides criminal penalties relating to a public officer's office or employment in support of the constitutional requirement to use public money for a public purpose. § 39.02(a)(2) of the Texas Penal Code states that a public servant may not, with intent to obtain a benefit,[25] intentionally or knowingly "misuse" government property, services, personnel, or any other thing of value belonging to the government that has come into the public servant's custody or possession by virtue of the public servant's office or employment.[26] Defendant, by using his official title, official office, and official government resources to advertise events, specials, and solicitation of the public to his privately-owned venue, has violated Texas Penal Code and the special trust and confidence that the citizens of Nueces County have placed in him as the District Attorney.

82. Defendant has failed to meet the statutory requirements of Chapter 572 of the Gov't Code of personal financial disclosure, standards of conduct, and conflicts of interest with gifts of travel and other benefits he received from the Fair and Just Prosecution organization.

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[23] *Stern v. State ex rel. Ansel*, 869 S.W.2d 614,619–23 (Tex. App.Houston [14th Dist.] 1994, writ denied). *State ex rel. Edwards v. Reyna*, 160 Tex. 404, 333 S.W.2d 832 (Tex. 1960).

[24] *Meyer v. Tunks*, 360 S.W.2d 518 (Tex.1962) (orig. proceeding); *State ex rel. Edwards v. Reyna*, 160 Tex. 404, 333 S.W.2d 832 (Tex. 1960).

[25] "Benefit" is defined, in pertinent part, as "anything reasonably regarded as economic gain or advantage." Penal Code § 1.07(a)(7).

[26] "Public Servant" includes an elected officer or agent of government, as defined in § 1.07(a) of the Penal Code.

83. As a public servant, Defendant committed the offense of bribery for accepting a "benefit" in exchange for his decision, opinion, recommendation, vote, or other exercise of official discretion. *See* Penal Code § 36.02.

84. Defendant's failure to disclose his acceptance of benefits from the Fair and Just Prosecution organization, his affiliation with which has bolstered his national notoriety, casts doubt on whether or not these benefits were given in exchange for Defendant's decisions, opinions, recommendations, or other exercise of his official discretion.

C. Removal under Local Gov't Code § 87.014(1),(2)

85. Plaintiff incorporates the preceding paragraphs as if fully repeated here.

86. A search of public records indicates Defendant has failed to give bond within the time or manner prescribed by law. The only available record, which Defendant signed, indicated bond was first obtained on February 1, 2019. Defendant also listed an incorrect commencement date of office that exceeded the date as required by law by over two years. *See* Exhibit V.

87. Although Defendant's failure to post bond occurred in his first term, there is no indication that bond has been filed in the time or manner prescribed by law for the current term of office, thereby subjecting Defendant to removal. Should Defendant rely upon the previous bond alleging the requirement is met, it should be noted that the previous bond does not indicate the proper date of taking office in the manner as prescribed by law and is therefore, on information and belief, null and void.

D. Removal under Art. V., § 24 of the Texas Constitution

88. Plaintiff incorporates the preceding paragraphs as if fully repeated here.

89. In addition to incompetency, official misconduct, and failure to give bond, the Texas Constitution also allows for removal based on "other causes defined by law." Plaintiff incorporates by reference the arguments made in paragraphs 70-85 as if fully repeated, since such arguments can be made under Texas Constitution Art. V., § 24 and Chapter 87, Local Gov't Code.

E. Suspension under Local Gov't Code § 87.017

90. Plaintiff incorporates the preceding paragraphs as if fully repeated here.

91. After the issuance of the order requiring citation of the officer, a district judge may temporarily suspend the officer and appoint another person to perform the duties of the office.[27]

92. Plaintiff requests that this Court immediately suspend Defendant from serving as District Attorney for the 105th Judicial District of Nueces County, Texas to guard the public welfare and protect the interest of the people of Nueces County.

VIII. MOTION TO ISSUE CITATION

93. Plaintiff requests that the Court order an issuance of citation and service by certified copy of this Petition pursuant to Texas Local Gov't Code § 87.016(a) and § 87.016(d) to Nueces County Attorney Jenny P. Dorsey, and require her to file an answer as required. An application for citation and proposed order will be forthcoming.

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[27] *See* Local Gov't Code § 87.017.

IX. DECLARATION OF PLAINTIFF

94. Plaintiff swears to the filing of this petition as required by Local Gov't Code § 87.015(b). Plaintiff's signed verification form is attached hereto as **Exhibit W**.

PRAYER FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, **THE STATE OF TEXAS**, on the relation of Plaintiff, **COLBY WILTSE**, respectfully requests that:

a. The Court order that citation and a certified petition be served on Defendant to answer this suit within the time required by law;

b. The Court enter an order temporarily suspending Defendant from the public office of District Attorney for the 105th Judicial District during the pendency of this case, and appoint another person to perform the duties of that office during that suspension;

c. The Court, upon the jury trial of this cause, enter a final judgment permanently ousting and removing Defendant from his public office as District Attorney for the 105th Judicial District;

d. After trial on the merits, a jury finding is entered that Defendant warrants permanent removal pursuant to Local Gov't Code Chapter 87 because he is (1) incompetent, and/or that he (2) committed official misconduct, and/or that he (3) failed to post bond, and/or that he (4) should be removed based on "other causes defined by law" under Texas Constitution Art. V., § 24, and that Defendant be so removed; and

e. The Court award attorney's fees and court costs to the State and/or Plaintiff and to any other relief to which it may be entitled.

Respectfully submitted,

/s/ Jonathan K. Hullihan

Representing Relator-Plaintiff

Texas Bar No. [redacted]

Tel.: [redacted].com
[redacted].com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been delivered to Nueces County District Attorney Mark Gonzalez on January 20, 2023, via electronic means in accordance with the Texas Rules of Civil Procedure.

/s/ Jonathan K. Hullihan
Jonathan K. Hullihan

EXHIBIT A

IN THE DISTRICT COURT OF NUECES COUNTY, TEXAS
THE 105TH JUDICIAL DISTRICT

No. 17-FC-5191-D
THE STATE OF TEXAS V. SANDRA VASQUEZ

ORDER DENYING DEFENDANT'S MOTION TO SET ASIDE AND/OR DISMISS THE INDICTMENT FOR PROSECUTORIAL AND STATE MISCONDUCT

Today, the Court resumed the hearing from July 20, 2022 on the Defendant's, SANDRA VASQUEZ, "Motion to Set Aside and/or Dismiss the Indictment for Prosecutorial and State Misconduct." The Defendant is charged by indictment with the offense of Capital Murder. The Defendant appeared by telephone from the Institutional Division of the Texas Department of Criminal Justice[1] and by her appointed counsel. The Defendant, JOSEPH TEJEDA, indicted separately in No. 17-FC-0162-D for the same offense and in custody at the Nueces County Jail, joined the Defendant VASQUEZ on the motion and appeared in person and by appointed counsel. The State appeared by its State's Attorney[2] and his Assistants.

The Defendant alleges prosecutorial misconduct by the Corpus Christi Police Investigators, the Medical Examiner of Nueces County, and the office of District Attorney of Nueces County has jeopardized the rights of the capital murder Defendants.

Evidence was presented. Counsel argued the motion.

The Court finds that, although there was credible evidence of gross incompetence, negligence and/or carelessness on the part of the Nueces County District Attorney's Office in the prosecution and investigation of these cases,[3] such misconduct does not rise to the level requiring the dismissal of the capital murder indictments. Moreover, the Court further finds that no evidence was presented of intentional or knowing misconduct on the part of the State designed to jeopardize the rights of the Defendants.

---

[1] The Defendant was convicted in an unrelated case and is presently serving a sentence of 25 years.

[2] Because Mark Gonzalez, the elected District Attorney for Nueces County, recused himself and his office from the cases involving both Defendants and as well as Rosalinda Musella on another related case, on April 7, 2022 the Court appointed James Haugh, an Assistant Attorney General of the State of Texas, as the State's Attorney under Art. 2.07, Tx.C.Cr.P. Mr. Haugh filed his written Oath of Office to "execute the duties of the office of District Attorney *Pro Tem* of Nueces County" on April 18, 2022 on these and the other related cases.

[3] All references in this Order to the actions of the State predate the appointment of the District Attorney *Pro Tem* and concern District Attorney Mark Gonzalez and his office.

The Court further finds that the mere refusal of a police detective to accept a large envelope containing items of evidence from Fallon Wood, the mother of the victim of the offense, without disclosing the contents of the envelope or proving the claimed evidence was relevant and/or material to the Vasquez-Tejeda cases, does not amount prosecutorial misconduct.

Dr. Adel Shaker, the former Medical Examiner of Nueces County, appeared in response to a subpoena. Dr. Shaker is charged in multiple indictments for acts committed during his tenure as the Medical Examiner. After taking the oath of a witness, Dr. Shaker asserted his Fifth Amendment right not to testify. Counsel for Vasquez suggested that Dr. Shaker's assertion of his Fifth Amendment right may be construed as an implicit admission of misconduct. The Court finds that the mere assertion of that right cannot be held to be an admission of misconduct.

Ms. Hernandez testified at the first hearing that she wrote the motion to recuse Mr. Gonzalez and his office on behalf of Mr. Gonzalez in which she wrote that Ms. Wood threatened civil litigation against Judge Jack Pulcher[4]. After Ms. Wood testified today that she never threatened to sue Judge Pulcher or that she so told anyone, including Ms. Hernandez, the defense claimed that Ms. Hernandez falsely stated in the motion that Ms. Wood's threat of civil litigation against Judge Pulcher forced Judge Pulcher to recuse himself from these causes. Even if the litigation statement were true and/or that Judge Pulcher recused himself for that reason, the Court finds that the defense failed to show how the rights of either Defendant were violated by the alleged misrepresentation by Ms. Hernandez or by Judge Pulcher's recusal.

For the foregoing reasons, the Court will deny the motion to dismiss the indictment.

It Is Therefore Ordered that the Defendant Vasquez' "Motion to Set Aside and/or Dismiss the Indictment for Prosecutorial and State Misconduct" be and is hereby **Denied**.

Signed on August 30, 2022.

José Manuel Bañales
Senior Judge Presiding By Assignment

Send copies to:

James Haugh, District Attorney *Pro Tem*, james.haugh@oag.texas.gov
Rory Perez, rory.perez@oag.texas.gov
Patrick Sloan, patrick.sloan@oag.texas.gov,

David Klein, kleinlaw@att.net
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Fred Jimenez, fred@fjimenezlaw.com
Dee Ann Torres, deeann.torres@torreslawtx.com
Lisa Harris, lisaharrislawco@yahoo.com

[4] Judge Pulcher is the elected Judge of this Court.

Caller Times

EXHIBIT B

NEWS

'Enough is enough': After 5 years, Breanna Wood cases to get new judge, prosecutor

Kailey E. Hunt
Corpus Christi Caller Times

Published 7:30 a.m. CT Jan. 13, 2022 | Updated 12:53 p.m. CT Jan. 13, 2022

It has been five years since the body of Breanna Wood was discovered in an abandoned oil field trailer surrounded by brush off State Highway 666 near Robstown.

However, three of the seven people indicted for crimes in connection with Wood's death — including Joseph Tejeda, accused of murdering Wood, his ex-girlfriend, in 2016 — are still awaiting trial.

In the latest turn of events, 105th District Court Judge Jack Pulcher has recused himself from the cases and been replaced, and Nueces County District Attorney Mark A. Gonzalez also has asked to recuse himself.

More: Christopher Gonzalez takes plea deal in Breanna Wood's killing, gets 10 years

More: Two more suspects in Breanna Wood's death take pleas

"Five years is just not acceptable," said Breanna Wood's mother, Fallon Wood, who is also known for having built the Nueces County Victims' Memorial Garden. "Enough is enough with all the delays."

Three people — Christopher Gonzalez, Gregorio Cruz, and Magdalena Yvette Carvajal — took plea deals in 2018, and one, Theodore Allen, died in jail in 2020.

Trials for Tejeda, as well as Sandra Vasquez and Rosalinda Musella (Tejeda's mother), have been repeatedly delayed over the years — most recently due to the COVID-19 pandemic.

However, Fallon Wood said it is not just the delays that stand in the way of getting justice for her daughter. She claims the Nueces County District Attorney's Office has treated her

daughter's cases with negligence, as well as failed to provide proper communication.

In October 2021, Wood alleged Gonzalez blocked her personal email address.

As a result, Wood said, she filed a grievance with the Texas Attorney General's Office and the Texas State Bar.

Now, Nueces County court records show that a new judge has been assigned to all cases involving Breanna Wood's death.

In a court order dated Dec. 20, 2021, Pulcher motioned to recuse himself from cases involving Tejeda, Vasquez and Musella.

Court records also show Presiding Judge of the 5th Administrative Judicial Region Missy Medary subsequently assigned Senior Judge J. Manuel Bañales to the cases on Dec. 27, 2021.

The reassignment came just days after Gonzalez asked to recuse himself and his office from any cases involving Wood's death.

In a motion filed on Dec. 15, 2021, Gonzalez said the office became aware of Fallon Wood's "grievance against the Nueces County District Attorney (although it was dismissed by the State Bar)" and "has concerns they will not be able to fulfill their obligation under the victim's bill of rights."

Additionally, Gonzalez claimed in the motion that Fallon Wood had "threatened civil litigation against the Nueces County District Attorney's Office, CCPD and the Honorable (105th District Court) Judge Jack Pulcher."

Fallon Wood disputes this claim. In a text message to the Caller-Times, Wood said she never threatened the Nueces County District Attorney's Office with litigation; instead, Wood said she told the office it needs to be "responsible and accountable."

Wood said she first became aware of the state's motion for recusal "in an email, not a phone call," from Nueces County First Assistant District Attorney Angelica E. Hernandez, who also served as the state's lead prosecutor in all of the cases involving Wood's death.

The Caller-Times obtained that email, in which Hernandez wrote, "I fully admit that this case could have been handled better, should have been handled better, from the very beginning."

More: Death penalty taken off table against Breanna Wood murder suspect

When asked by the Caller-Times to comment, Hernandez declined, citing a gag order signed by Pulcher in 2018.

While the state's motion for recusal has yet to be granted, Fallon Wood said her only hope now is that "a professional DA, a caring DA comes in and handles this case with some compassion for us victims."

"I have been through five years of emotional distress, and enough is enough," she said.

Kailey E. Hunt covers breaking news and public safety in South Texas. Help support more local coverage with a subscription at caller.com/subscribe.

More: New court dates set for two Woodsboro teens charged in alleged hate crime

More: Coastal Bend families honor loved ones lost to violent crime

EXHIBIT C

DA's office missing evidence in local OB-GYN sexual assault case

CORPUS CHRISTI, Texas — A prosecutor assigned to a high-profile sexual assault case with 14 alleged victims became aware evidence was missing in late June, and never notified the judge — nor the defense attorneys assigned to the case, according to testimony during a hearing Wednesday.

Defense attorneys for former local OB-GYN Dr. Juan Villarreal filed a motion to designate and disclose lost evidence earlier this month.

That hearing began Wednesday and will resume Friday in the 148th District Court.

Recent Stories from kristv.com

Nueces County District Attorney Felony Chief Prosecutor Will Greenlee testified he first learned evidence was missing on June 30, the date he was assigned the case.

An evidentiary hearing was held on July 11 and Greenlee stated on the stand he did not disclose the missing evidence during that hearing.

"I was very optimistic that we were going to find it. I have text messages showing we were very optimistic," Greenlee testified. "We were up here on Saturdays, we were here on Sundays searching for it so, at that time, I was optimistic. It was after we conducted that exhaustive search — I mean every office, multiple times — every box was opened. It was after that I started to realize we were not going to be able to find it."

In early August, Greenlee said he asked the Corpus Christi Police Department to recreate the file, believing one to two boxes of evidence was missing.

He said he learned files were missing by speaking with former prosecutors assigned to the case.

And while CCPD was able to provide several files, they informed Greenlee that the document retention date had expired on two witness statements and could not be provided.

That's a problem, Ron Barroso said, one of two defense attorneys representing Villarreal.

He said that it means the DA's office cannot comply with its obligation to turn over all evidence, which is established under the Michael Morton Act.

Barroso said that the failure by Greenlee to inform the court, or the defense of the missing evidence during the evidentiary hearing on July 11 was also a violation of the Michael Morton Act.

He added while the DA's office may not have acted in bad faith in losing the files, it did so in not informing the defense that they had been lost.

"I think it's a serious violation of the Michael Morton act," he said. "The Michael Morton was passed specifically for this purpose. You want to turn over to the defense all evidence that you have, any

evidence that may be material, any evidence that may be exculpatory. And this certainly, in our opinion, violates this act."

Barroso also said it is impossible for the DA's office to recreate a file it doesn't have.

A fact Greenlee stipulated to on the stand.

"They still don't know what is missing, but more than that they know there's at least a box full of evidence that is missing, not knowing exactly what it is really hampers our ability to prepare a defense and also infringes on Dr. Villarreal's right to a fair trial," he said.

Barroso and defense attorney Lisa Greenberg are asking that the indictment against Villarreal be dismissed.

They also ask the DA's office establish a procedure for the handling of evidence, citing the ruling by Visting Judge Manuel J. Banales that the DA's office acted with gross incompetence and negligence in maintaining evidence in the cases related to Breanna Wood.

Tejeda, Vasquez cases will proceed in Breanna Wood capital murder case

CORPUS CHRISTI — The capital murder cases against Joseph Tejeda and Sandra Vasquez will proceed after motions to dismiss were denied Tuesday.

The state will waive the death penalty for both.

Tejeda and Vasquez are accused of killing Tejeda's ex-girlfriend Breanna Wood in 2016.

Tejeda's attorney filed the motion claiming prosecutorial misconduct after it came to light that the Nueces County District Attorney's Office granted Wood's mother, Fallon Wood, access to case files.

Recent Stories from kristv.com

"The very notion that the evidence in this case could be trustworthy is out the window," said Vasquez's defense attorney David Klein.

Torres and Klein both said the boxes that were made accessible to Fallon Wood were not accessible to the public.

“Between 10 to 13 boxes that she was categorizing and that she was putting in order for the district attorney’s office, and yet we have one box and half a box,” said Tejeda's defense attorney De Ann Torres.

The judge in the matter Manuel Banales agreed that the circumstances are unusual.

“No DA’s office that I have ever heard of would ever do that," he said. "It’s never been done until now. And it’s a matter of great concern to this court.”

But after hearing testimony from Fallon Wood, Nueces County District Attorney Mark A. Gonzalez, first assistant district attorney Angelica Hernandez, and the district clerk's office, Banales sided with

the state.

"I do not find that whatever incompetence, negligence or carelessness may have occurred — that'd been done by the DA's office, in this county, on this case — it does not rise to the level that requires this court to dismiss the indictment."

Nueces County First District Attorney Angelica Hernandez has admitted that Fallon Wood had seen files pertaining to her daughter's case, but only those that had been entered into the public record.

Klein argued that this posed a problem.

"The only way that I have been able to see these documents was when I issued a subpoena for the clerk to bring the file up here," he said. "So Number 1, we are starting off with — it is not correct that anybody can go to that computer terminal and look at those documents."

Banales and Texas assistant attorney general James Hough were assigned to the Breanna Wood murder case after 105th District Court Judge Jack Pulcher and Nueces County District Attorney Mark A. Gonzalez recused themselves from the case.

Hough agreed that what the Nueces County District Attorney's Office did shouldn't have happened.

"I agree with that," he said. "But, I don't understand how that affects the right of the defendant. Or, I definitely don't understand how it taints this case."

Gonzalez said he recused himself because Wood threatened to sue both he and Pulcher.

"They stated in their motion that Mrs. Wood intended to sue Judge Jack Pulcher," Torres said. "Which is why Jack Pulcher recused himself. Which we know now based on her testimony that that wasn't the case."

"How does that affect the rights of each of these defendants?" Banales said. "How are they denied a fair trial? It doesn't matter who the judge is."

Tejeda's trial is set to begin in January 2023 and Vasquez is expected to begin in March.

This is a developing story. Check back with KRIS 6 News for more.

EXHIBIT D

Filed
4/14/2022 10:52 AM
Anne Lorentzen
District Clerk
Nueces County, Texas

CAUSE NO: CR04003453-C

EX PARTE	§	IN THE DISTRICT COURT
	§	
JOHN HENRY RAMIREZ	§	94TH JUDICIAL DISTRICT
	§	
TDCJ-ID: # 999544	§	NUECES COUNTY, TEXAS

MOTION TO WITHDRAW ORDER SETTING EXECUTION

COMES NOW the State of Texas, by and through its District Attorney for the 105th Judicial District of Texas, and files this Motion to Withdraw Order Setting Execution, and would show the Court as follows:

On the 8th day of December, 2008, in the 94th District Court of Nueces County, Texas, JOHN HENRY RAMIREZ was duly and legally convicted of the crime of Capital Murder and sentenced to death. All appeals and applications for writ having been exhausted, this Court on April 12, 2022, signed an order setting the execution date for October 5, 2022, and the Nueces County District Clerk signed a death warrant on that same date.

The undersigned District Attorney for Nueces County has the firm belief that the death penalty is unethical and should not be imposed on Mr. Ramirez or any other person while the undersigned occupies the office in question. The Assistant District Attorney who most recently moved for an execution date in this cause was not aware of my desire in this matter and did not consult me prior to moving for an execution date.

PRAYER

The State hereby requests that the Court issue an order withdrawing the order setting Ramirez's execution date and recall the death warrant.

Respectfully submitted,

/s/ *Mark Gonzalez*

Mark Gonzalez
State Bar No. 24055565
District Attorney
105th Judicial District of Texas
901 Leopard, Room 206
Corpus Christi, Texas 78401
(361) 888-0410
FAX: (361) 888-0399
mark.gonzalez@nuecesco.com

CERTIFICATE OF SERVICE

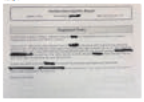
I certify that a true and correct copy of the foregoing State's Motion to Withdraw Order Setting Execution has been e-served on April 14, 2022, on the Applicant's Attorneys, Mr. Seth Kretzer, at seth@kretzerfirm.com, and Mr. Eric Allen, at eric@ericallenlaw.com, and on the Office of Capital and Forensic Writs, Mr. Benjamin Wolff, at Benjamin.Wolff@ocfw.texas.gov.

/s/ *Mark Gonzalez*

Mark Gonzalez

EXHIBIT E

6 Investigates examines cases in which Nueces County DA doesn't pursue charges



District and Statutory County Courts
Felony Case Activity Detail
March 1, 2021 to March 31, 2021
County: Nueces

EXHIBIT F

FELONY CASES								
Cases on Docket:	**Capital Murder**	**Murder**	**Other Homicides**	**Agg. Assault or Attempted Murder**	**Sexual Assault of Adult**	**Indecency With or Sexual Assault of Child**	**Family Violence Assault**	**Aggravated Robbery or Robbery**
Cases Pending 3/1/2021:								
Active Cases	24	49	0	566	46	109	300	207
Inactive Cases	3	5	0	227	16	35	175	56
Docket Adjustments	0	0	0	0	0	0	0	0
Cases Added:								
Filed by Indictment or Information	0	3	0	37	0	3	15	4
Other Cases Reaching Docket:								
Motions to Revoke Filed	1	1	0	35	1	5	26	7
Cases Reactivated	1	1	0	26	1	2	30	7
All Other Cases Added	0	0	0	0	0	0	0	0
Total Cases on Docket:	26	54	0	664	48	119	371	225
Dispositions:								
Convictions:								
Guilty Plea or Nolo Contendere	0	0	0	6	0	0	0	7
By the Court	0	0	0	0	0	0	0	1
By the Jury	0	0	0	0	0	0	0	0
Total Convictions	0	0	0	6	0	0	0	8
Placed on Deferred Adjudication	0	0	0	4	0	0	2	1
Acquittals:								
By the Court	0	0	0	0	0	0	0	0
By the Jury	0	0	0	0	0	0	0	0
Total Acquittals	0	0	0	0	0	0	0	0
Dismissals	0	0	0	10	1	0	17	2
Motions to Revoke:								
Granted/Revoked	0	0	0	3	0	1	5	2
Denied/Continued	1	0	0	21	0	7	17	5
All Other Dispositions	0	0	0	0	0	0	0	0
Total Cases Disposed	1	0	0	44	1	8	41	18
Placed on Inactive Status	1	2	0	49	4	4	41	8
Cases Pending 3/31/2021:								
Active Cases	24	52	0	571	43	107	289	199
Inactive Cases	3	6	0	250	19	37	186	57
Cases in Which								
Death Penalty Sought	0	---	---	---	---	---	---	---
Death Penalty Not Sought	0	---	---	---	---	---	---	---
Sentencing Information:								
Prison	0	0	0	6	0	0	0	8
State Jail	0	0	0	0	0	0	1	0
Local Jail	0	0	0	0	0	0	1	0
Probation/Community Supervision	0	0	0	2	0	0	2	1
Shock Probation	0	0	0	0	0	0	0	0
Fine Only	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0

District and Statutory County Courts
Felony Case Activity Detail
March 1, 2021 to March 31, 2021
County: Nueces

FELONY CASES								
Cases on Docket:	**Burglary**	**Theft**	**Auto Theft**	**Drug Sale or Manufacture**	**Drug Possession**	**Felony DWI**	**Other Felony**	**Total Cases**
Cases Pending 3/1/2021:								
Active Cases	305	406	133	186	1,325	188	877	4,721
Inactive Cases	132	218	37	89	394	77	308	1,772
Docket Adjustments	0	0	0	0	0	0	0	0
Cases Added:								
Filed by Indictment or Information	14	22	8	4	60	8	37	215
Other Cases Reaching Docket:								
Motions to Revoke Filed	16	15	6	12	82	19	33	259
Cases Reactivated	14	27	11	14	137	9	47	327
All Other Cases Added	0	0	0	0	0	0	0	0
Total Cases on Docket:	349	470	158	216	1,604	224	994	5,522
Dispositions:								
Convictions:								
Guilty Plea or Nolo Contendere	10	4	1	1	14	5	9	57
By the Court	0	1	0	1	1	0	0	4
By the Jury	0	0	0	0	0	0	0	0
Total Convictions	10	5	1	2	15	5	9	61
Placed on Deferred Adjudication	3	4	1	1	11	0	1	28
Acquittals:								
By the Court	0	0	0	0	0	0	0	0
By the Jury	0	0	0	0	0	0	0	0
Total Acquittals	0	0	0	0	0	0	0	0
Dismissals	7	12	5	10	534	3	70	671
Motions to Revoke:								
Granted/Revoked	6	2	3	4	14	4	10	54
Denied/Continued	13	18	4	19	66	14	34	219
All Other Dispositions	0	0	0	0	0	0	0	0
Total Cases Disposed	39	41	14	36	640	26	124	1,033
Placed on Inactive Status	21	30	8	8	65	11	55	307
Cases Pending 3/31/2021:								
Active Cases	289	399	136	172	899	187	815	4,182
Inactive Cases	139	221	34	83	322	79	316	1,752
Cases in Which								
Death Penalty Sought	---	---	---	---	---	---	---	---
Death Penalty Not Sought	---	---	---	---	---	---	---	---
Sentencing Information:								
Prison	2	0	1	3	7	4	9	40
State Jail	9	2	2	0	8	1	3	26
Local Jail	0	1	0	0	2	1	1	6
Probation/Community Supervision	3	4	2	4	4	5	3	30
Shock Probation	0	0	0	0	0	0	0	0
Fine Only	0	0	0	0	1	0	0	1
Other	0	0	0	0	0	0	0	0

District and Statutory County Courts
Felony Case Activity Detail
March 1, 2021 to March 31, 2021
County: Nueces

Age of Cases Disposed:	90 Days or Less	91 to 180 Days	181 to 365 Days	Over 365 Days	Total Cases
Number of Cases	368	153	210	312	1,043

Additional Court Activity:	Felony
Cases in Which Jury Selected	0
Cases in Which Mistrial Declared	0
Motions to Suppress Granted or Denied	0
Mental Illness or Intellectual Disability Assessments	188
Competency Examination Reports	1
Cases Set for Review	867
Cases in Which Attorney Appointed as Counsel	132
Cases with Retained Counsel	192
Cases Filed for Trafficking of Persons	0
Cases Filed for Prostitution	0
Cases Filed for Compelling Prostitution	0
Cases Filed for Solicitation of Prostitution	0
Cases in Which Defendant Failed to Appear	0
Cases Defendant Violated Condition of Release	0
Cases Def. Committed Offense on Bail/Supervision	0

County-Level Courts
Misdemeanor Case Activity Detail
March 1, 2021 to March 31, 2021
County: Nueces

EXHIBIT G

MISDEMEANOR CASES												
Cases on Docket:	**DWI - First Offense**	**DWI - Second Offense**	**Theft**	**Theft by Check**	**Drug Possession-Marijuana**	**Drug Offenses-Other**	**Family Violence Assault**	**Assault - Other**	**Traffic**	**DWLS / DWLI**	**All Other Misdemeanor Cases**	**Total Cases**
Cases Pending 3/1/2021:												
Active Cases	2,822	252	973	1	457	370	0	1,793	357	404	3,215	10,644
Inactive Cases	189	23	252	0	102	47	0	536	40	127	461	1,777
Docket Adjustments	(6)	(1)	0	0	0	0	0	0	0	0	(1)	(8)
Cases Added:												
New Cases Filed	132	7	22	0	0	7	0	95	16	5	109	393
Appealed from Lower Courts	0	0	0	0	0	0	0	0	0	0	0	0
Other Cases Reaching Docket:												
Motions to Revoke Filed	7	0	4	0	0	0	0	0	0	0	2	13
Cases Reactivated	22	6	34	0	29	12	0	41	7	18	86	255
All Other Cases Added	0	0	0	0	0	0	0	0	0	0	0	0
Total Cases on Docket	2,983	265	1,033	1	486	389	0	1,929	380	427	3,412	11,305
Dispositions:												
Convictions:												
Guilty Plea/Nolo Contendere	4	0	3	0	0	0	0	2	0	0	6	15
By the Court	0	0	0	0	0	0	0	0	0	0	0	0
By the Jury	0	0	0	0	0	0	0	0	0	0	0	0
Total Convictions	4	0	3	0	0	0	0	2	0	0	6	15
Deferred Adjudication	11	2	4	0	0	0	0	0	0	0	1	18
Acquittals:												
By the Court	0	0	0	0	0	0	0	0	0	0	0	0
By the Jury	0	0	0	0	0	0	0	0	0	0	0	0
Total Acquittals	0	0	0	0	0	0	0	0	0	0	0	0
Dismissals	53	9	147	0	224	68	0	45	70	117	509	1,242
Motions to Revoke:												
Granted/Revoked	0	0	0	0	0	0	0	1	0	0	0	1
Denied/Continued	2	1	3	0	1	0	0	1	0	0	2	10
All Other Dispositions	0	0	0	0	0	0	0	0	0	0	0	0
Total Cases Disposed	70	12	157	0	225	68	0	49	70	117	518	1,286
Placed on Inactive Status	9	0	13	0	1	3	0	33	4	4	33	100
Cases Pending 3/31/2021:												
Active Cases	2,904	253	863	1	260	318	0	1,847	306	306	2,861	9,919
Inactive Cases	176	17	231	0	74	38	0	528	37	113	408	1,622
Sentencing Information:												
Local Jail	2	1	1	0	0	0	0	2	0	0	7	13
Probation/Comm. Supervision	3	0	2	0	0	0	0	0	0	0	2	7
Fine Only	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0

County-Level Courts
Misdemeanor Case Activity Detail
March 1, 2021 to March 31, 2021
County: Nueces

Age of Cases Disposed:	30 Days or Less	31 to 60 Days	61 to 90 Days	Over 90 Days	Total Cases
Number of Cases	51	51	48	1,136	1,286

Additional Court Activity:	Misdemeanor
Cases in Which Jury Selected	0
Cases in Which Mistrial Declared	0
Motions to Suppress Granted or Denied	0
Competency Examination Reports	0
Cases Set for Review	146
Cases in Which Attorney Appted as Counsel	108
Cases with Retained Counsel	154
Mental Illness or Intellectual Disability Assessments	151
Cases in Which Defendant Failed to Appear	
Cases in Which Defendant Violated Condition of Release	
Cases in Which Defendant Committed Offense on Bail/Supervision	

County-Level Courts
Misdemeanor Case Activity Detail
March 1, 2022 to March 31, 2022
County: Nueces

MISDEMEANOR CASES												
Cases on Docket:	**DWI - First Offense**	**DWI - Second Offense**	**Theft**	**Theft by Check**	**Drug Possession-Marijuana**	**Drug Offenses-Other**	**Family Violence Assault**	**Assault - Other**	**Traffic**	**DWLS / DWLI**	**All Other Misdemeanor Cases**	**Total Cases**
Cases Pending 3/1/2022:												
Active Cases	2,576	247	851	1	96	339	0	1,935	337	308	2,901	9,591
Inactive Cases	154	19	194	0	12	36	0	381	36	85	366	1,283
Docket Adjustments	(10)	0	(1)	0	0	1	0	(1)	0	0	0	(11)
Cases Added:												
New Cases Filed	23	2	11	0	0	2	0	27	3	1	40	109
Appealed from Lower Courts	0	0	0	0	0	0	0	0	0	0	0	0
Other Cases Reaching Docket:												
Motions to Revoke Filed	3	1	1	0	0	0	0	1	0	0	0	6
Cases Reactivated	32	8	26	0	1	6	0	51	6	6	41	177
All Other Cases Added	0	0	0	0	0	0	0	0	0	0	0	0
Total Cases on Docket	2,634	258	889	1	97	347	0	2,014	346	315	2,982	9,883
Dispositions:												
Convictions:												
Guilty Plea/Nolo Contendere	14	1	2	0	0	0	0	8	0	0	12	37
By the Court	0	0	0	0	0	0	0	0	0	0	0	0
By the Jury	0	0	0	0	0	0	0	0	0	0	0	0
Total Convictions	14	1	2	0	0	0	0	8	0	0	12	37
Deferred Adjudication	19	3	1	0	0	0	0	1	0	0	2	26
Acquittals:												
By the Court	0	0	0	0	0	0	0	0	0	0	0	0
By the Jury	0	0	0	0	0	0	0	0	0	0	1	1
Total Acquittals	0	0	0	0	0	0	0	0	0	0	1	1
Dismissals	248	34	71	0	4	24	0	105	24	30	196	736
Motions to Revoke:												
Granted/Revoked	0	0	0	0	0	0	0	0	0	0	0	0
Denied/Continued	2	0	0	0	0	0	0	1	0	0	0	3
All Other Dispositions	0	0	0	0	0	0	0	0	0	0	0	0
Total Cases Disposed	283	38	74	0	4	24	0	115	24	30	211	803
Placed on Inactive Status	8	1	12	0	0	0	0	29	1	4	12	67
Cases Pending 3/31/2022:												
Active Cases	2,343	219	803	1	93	323	0	1,870	321	281	2,759	9,013
Inactive Cases	130	12	180	0	11	30	0	359	31	83	337	1,173
Sentencing Information:												
Local Jail	6	0	2	0	0	0	0	8	0	0	12	28
Probation/Comm. Supervision	8	1	0	0	0	0	0	0	0	0	1	10
Fine Only	0	0	0	0	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0

County-Level Courts
Misdemeanor Case Activity Detail
March 1, 2022 to March 31, 2022
County: Nueces

Age of Cases Disposed:	30 Days or Less	31 to 60 Days	61 to 90 Days	Over 90 Days	Total Cases
Number of Cases	32	16	15	740	803

Additional Court Activity:	Misdemeanor
Cases in Which Jury Selected	1
Cases in Which Mistrial Declared	0
Motions to Suppress Granted or Denied	0
Competency Examination Reports	0
Cases Set for Review	163
Cases in Which Attorney Appted as Counsel	145
Cases with Retained Counsel	217
Mental Illness or Intellectual Disability Assessments	153
Cases in Which Defendant Failed to Appear	
Cases in Which Defendant Violated Condition of Release	
Cases in Which Defendant Committed Offense on Bail/Supervision	

County-Level Courts
Misdemeanor Case Activity Detail
January 1, 2021 to December 31, 2022
County: Nueces

EXHIBIT H

MISDEMEANOR CASES												
Cases on Docket:	**DWI - First Offense**	**DWI - Second Offense**	**Theft**	**Theft by Check**	**Drug Possession-Marijuana**	**Drug Offenses-Other**	**Family Violence Assault**	**Assault - Other**	**Traffic**	**DWLS / DWLI**	**All Other Misdemeanor Cases**	**Total Cases**
Cases Pending 1/1/2021:												
Active Cases	2,809	257	965	1	480	368	0	1,695	354	404	3,166	10,499
Inactive Cases	293	30	295	0	177	65	0	557	45	150	573	2,185
Docket Adjustments	(99)	(11)	(7)	0	1	3	0	(9)	2	0	(10)	(130)
Cases Added:												
New Cases Filed	1,240	103	313	0	0	181	0	1,272	142	135	1,637	5,023
Appealed from Lower Courts	0	0	0	0	0	0	0	0	7	0	0	7
Other Cases Reaching Docket:												
Motions to Revoke Filed	124	14	16	0	0	1	0	25	0	0	20	200
Cases Reactivated	430	59	427	0	127	82	0	890	80	172	951	3,218
All Other Cases Added	0	0	0	0	0	0	0	0	0	0	0	0
Total Cases on Docket	4,603	433	1,721	1	607	632	0	3,882	583	711	5,774	18,947
Dispositions:												
Convictions:												
Guilty Plea/Nolo Contendere	148	33	53	0	0	3	0	89	3	2	166	497
By the Court	0	0	0	0	0	0	0	0	1	0	0	1
By the Jury	0	0	0	0	0	0	0	1	0	0	1	2
Total Convictions	148	33	53	0	0	3	0	90	4	2	167	500
Deferred Adjudication	561	37	27	0	0	8	0	31	11	0	40	715
Acquittals:												
By the Court	0	0	0	0	0	0	0	0	0	0	1	1
By the Jury	0	0	0	0	0	0	0	3	0	0	1	4
Total Acquittals	0	0	0	0	0	0	0	3	0	0	2	5
Dismissals	1,485	145	753	0	579	370	0	1,668	289	416	2,985	8,690
Motions to Revoke:												
Granted/Revoked	5	1	1	0	0	0	0	2	0	0	2	11
Denied/Continued	64	10	16	0	1	0	0	25	0	0	18	134
All Other Dispositions	0	0	0	0	0	0	0	0	0	0	0	0
Total Cases Disposed	2,263	226	850	0	580	381	0	1,819	304	418	3,214	10,055
Placed on Inactive Status	389	51	368	0	8	69	0	830	86	132	886	2,819
Cases Pending 12/31/2022:												
Active Cases												
Inactive Cases												
Sentencing Information:												
Local Jail	106	21	48	0	0	3	0	84	2	2	152	418
Probation/Comm. Supervision	50	17	5	0	0	0	0	9	1	0	17	99
Fine Only	0	0	1	0	0	0	0	0	1	0	1	3
Other	0	0	0	0	0	0	0	0	0	0	0	0

County-Level Courts
Misdemeanor Case Activity Detail
January 1, 2021 to December 31, 2022
County: Nueces

Age of Cases Disposed:	30 Days or Less	31 to 60 Days	61 to 90 Days	Over 90 Days	Total Cases
Number of Cases	660	366	320	8,709	10,055

Additional Court Activity:	Misdemeanor
Cases in Which Jury Selected	7
Cases in Which Mistrial Declared	0
Motions to Suppress Granted or Denied	0
Competency Examination Reports	1
Cases Set for Review	2,645
Cases in Which Attorney Appted as Counsel	2,252
Cases with Retained Counsel	2,078
Mental Illness or Intellectual Disability Assessments	2,986
Cases in Which Defendant Failed to Appear	
Cases in Which Defendant Violated Condition of Release	
Cases in Which Defendant Committed Offense on Bail/Supervision	

EXHIBIT I

County-Level Courts
Misdemeanor Case Activity Detail
January 1, 2015 to December 31, 2016
County: Nueces

MISDEMEANOR CASES												
Cases on Docket:	**DWI - First Offense**	**DWI - Second Offense**	**Theft**	**Theft by Check**	**Drug Possession-Marijuana**	**Drug Offenses-Other**	**Family Violence Assault**	**Assault - Other**	**Traffic**	**DWLS / DWLI**	**All Other Misdemeanor Cases**	**Total Cases**
Cases Pending 1/1/2015:												
Active Cases	2,184	0	1,468	0	0	1,816	0	1,513	553	0	2,665	10,199
Inactive Cases	65	0	135	0	0	83	0	86	45	0	215	629
Docket Adjustments	(461)	151	(250)	10	1,361	(1,512)	0	(45)	(134)	396	(194)	(678)
Cases Added:												
New Cases Filed	1,561	31	1,201	0	142	2,632	0	1,176	87	22	3,888	10,740
Appealed from Lower Courts	0	0	0	0	0	0	0	0	0	0	33	33
Other Cases Reaching Docket:												
Motions to Revoke Filed	316	10	406	0	33	322	0	215	14	1	302	1,619
Cases Reactivated	35	0	51	0	47	63	0	39	22	15	108	380
All Other Cases Added	0	0	0	0	0	0	0	0	0	0	0	0
Total Cases on Docket	4,096	41	3,126	0	222	4,833	0	2,943	676	38	6,996	22,971
Dispositions:												
Convictions:												
Guilty Plea/Nolo Contendere	1,205	10	749	0	162	1,247	0	316	172	26	2,501	6,388
By the Court	9	2	1	0	13	1	0	1	0	0	10	37
By the Jury	16	0	2	0	0	0	0	6	0	0	2	26
Total Convictions	1,230	12	752	0	175	1,248	0	323	172	26	2,513	6,451
Deferred Adjudication	42	1	329	1	47	308	0	188	16	0	274	1,206
Acquittals:												
By the Court	5	0	2	0	0	1	0	10	0	0	8	26
By the Jury	22	0	7	0	0	1	0	42	0	0	11	83
Total Acquittals	27	0	9	0	0	2	0	52	0	0	19	109
Dismissals	575	7	510	0	90	921	0	1,142	221	42	1,374	4,882
Motions to Revoke:												
Granted/Revoked	151	0	176	0	14	207	0	116	8	0	172	844
Denied/Continued	59	2	45	0	48	11	0	22	2	0	29	218
All Other Dispositions	37	0	13	0	0	17	0	12	5	0	37	121
Total Cases Disposed	2,121	22	1,834	1	374	2,714	0	1,855	424	68	4,418	13,831
Placed on Inactive Status	188	11	152	0	98	205	0	181	12	23	436	1,306
Cases Pending 12/31/2016:												
Active Cases	1,449	155	1,025	9	1,056	584	0	1,002	130	319	2,290	8,019
Inactive Cases	99	15	107	0	106	64	0	102	10	32	212	747
Sentencing Information:												
Local Jail	87	4	51	0	131	76	0	24	6	28	266	673
Probation/Comm. Supervision	89	7	27	0	19	10	0	12	1	1	26	192
Fine Only	0	0	0	0	0	1	0	0	0	1	1	3
Other	7	0	9	0	13	2	0	10	1	0	14	56

County-Level Courts
Misdemeanor Case Activity Detail
January 1, 2015 to December 31, 2016
County: Nueces

Age of Cases Disposed:	30 Days or Less	31 to 60 Days	61 to 90 Days	Over 90 Days	Total Cases
Number of Cases	1,884	1,026	651	10,270	13,831

Additional Court Activity:	Misdemeanor
Cases in Which Jury Selected	0
Cases in Which Mistrial Declared	0
Motions to Suppress Granted or Denied	9
Competency Examination Reports	2
Cases Set for Review	929
Cases in Which Attorney Appted as Counsel	451
Cases with Retained Counsel	1,295
Mental Illness or Intellectual Disability Assessments	0
Cases in Which Defendant Failed to Appear	
Cases in Which Defendant Violated Condition of Release	
Cases in Which Defendant Committed Offense on Bail/Supervision	

District and Statutory County Courts
Felony Case Activity Detail
January 1, 2021 to December 31, 2022
County: Nueces

EXHIBIT J

FELONY CASES								
Cases on Docket:	**Capital Murder**	**Murder**	**Other Homicides**	**Agg. Assault or Attempted Murder**	**Sexual Assault of Adult**	**Indecency With or Sexual Assault of Child**	**Family Violence Assault**	**Aggravated Robbery or Robbery**
Cases Pending 1/1/2021:								
Active Cases	22	43	0	530	45	96	301	194
Inactive Cases	3	6	0	213	15	45	170	52
Docket Adjustments	(4)	(1)	0	(51)	(1)	(1)	(35)	(13)
Cases Added:								
Filed by Indictment or Information	9	49	0	898	55	110	509	220
Other Cases Reaching Docket:								
Motions to Revoke Filed	1	8	0	717	8	62	436	187
Cases Reactivated	4	15	0	745	56	100	635	208
All Other Cases Added	0	0	0	1	0	0	0	0
Total Cases on Docket:	36	115	0	2,891	164	368	1,881	809
Dispositions:								
Convictions:								
Guilty Plea or Nolo Contendere	11	28	0	127	7	27	38	91
By the Court	0	6	0	16	1	3	3	11
By the Jury	2	2	0	3	1	3	1	0
Total Convictions	13	36	0	146	9	33	42	102
Placed on Deferred Adjudication	1	6	0	251	7	20	99	79
Acquittals:								
By the Court	0	0	0	1	0	0	0	1
By the Jury	0	0	0	0	1	0	2	0
Total Acquittals	0	0	0	1	1	0	2	1
Dismissals	2	6	0	494	34	22	422	96
Motions to Revoke:								
Granted/Revoked	0	1	0	93	2	16	85	36
Denied/Continued	1	8	0	599	7	39	358	157
All Other Dispositions	0	0	0	0	0	0	0	0
Total Cases Disposed	17	57	0	1,584	60	130	1,008	471
Placed on Inactive Status	2	20	0	790	62	119	644	210
Cases Pending 12/31/2022:								
Active Cases	0	0	0	0	0	0	0	0
Inactive Cases	0	0	0	0	0	0	0	0
Cases in Which								
Death Penalty Sought	0	---	---	---	---	---	---	---
Death Penalty Not Sought	0	---	---	---	---	---	---	---
Sentencing Information:								
Prison	14	33	0	108	8	28	38	95
State Jail	0	1	0	1	0	2	2	1
Local Jail	0	0	0	31	1	2	18	7
Probation/Community Supervision	0	4	0	62	0	8	36	19
Shock Probation	0	0	0	0	0	0	0	0
Fine Only	0	0	0	0	0	0	0	0
Other	0	1	0	0	0	0	0	0

District and Statutory County Courts
Felony Case Activity Detail
January 1, 2021 to December 31, 2022
County: Nueces

FELONY CASES								
Cases on Docket:	**Burglary**	**Theft**	**Auto Theft**	**Drug Sale or Manufacture**	**Drug Possession**	**Felony DWI**	**Other Felony**	**Total Cases**
Cases Pending 1/1/2021:								
Active Cases	271	368	121	171	1,179	171	837	4,349
Inactive Cases	123	212	38	82	422	76	288	1,745
Docket Adjustments	(21)	(10)	0	(21)	(58)	(12)	(40)	(268)
Cases Added:								
Filed by Indictment or Information	415	584	248	207	1,749	262	1,314	6,629
Other Cases Reaching Docket:								
Motions to Revoke Filed	430	385	130	285	1,308	302	847	5,106
Cases Reactivated	456	605	167	190	1,112	175	981	5,449
All Other Cases Added	0	0	0	0	1	0	0	2
Total Cases on Docket:	1,572	1,942	666	853	5,349	910	3,979	21,535
Dispositions:								
Convictions:								
Guilty Plea or Nolo Contendere	107	125	48	33	197	105	250	1,194
By the Court	21	21	9	6	24	7	37	165
By the Jury	1	0	0	0	0	0	5	18
Total Convictions	129	146	57	39	221	112	292	1,377
Placed on Deferred Adjudication	119	86	45	42	261	9	264	1,289
Acquittals:								
By the Court	0	0	0	0	0	0	1	3
By the Jury	0	0	0	0	0	0	3	6
Total Acquittals	0	0	0	0	0	0	4	9
Dismissals	167	300	111	113	1,414	57	624	3,862
Motions to Revoke:								
Granted/Revoked	95	87	34	30	221	28	127	855
Denied/Continued	350	306	95	257	1,119	285	699	4,280
All Other Dispositions	0	0	0	0	0	0	0	0
Total Cases Disposed	860	925	342	481	3,236	491	2,010	11,672
Placed on Inactive Status	480	615	184	187	1,096	190	1,114	5,713
Cases Pending 12/31/2022:								
Active Cases	0	0	0	0	0	0	0	0
Inactive Cases	0	0	0	0	0	0	0	0
Cases in Which								
Death Penalty Sought	---	---	---	---	---	---	---	---
Death Penalty Not Sought	---	---	---	---	---	---	---	---
Sentencing Information:								
Prison	62	16	8	27	63	44	172	716
State Jail	54	74	38	6	93	5	54	331
Local Jail	14	53	6	2	94	6	35	269
Probation/Community Supervision	41	72	21	36	106	129	120	654
Shock Probation	1	0	0	0	0	1	0	2
Fine Only	0	0	0	0	1	0	0	1
Other	0	0	0	0	0	0	0	1

District and Statutory County Courts
Felony Case Activity Detail
January 1, 2021 to December 31, 2022
County: Nueces

Age of Cases Disposed:	90 Days or Less	91 to 180 Days	181 to 365 Days	Over 365 Days	Total Cases
Number of Cases	6,567	1,603	1,646	2,051	11,867

Additional Court Activity:	Felony
Cases in Which Jury Selected	27
Cases in Which Mistrial Declared	1
Motions to Suppress Granted or Denied	8
Mental Illness or Intellectual Disability Assessments	3,944
Competency Examination Reports	117
Cases Set for Review	16,118
Cases in Which Attorney Appointed as Counsel	3,649
Cases with Retained Counsel	2,984
Cases Filed for Trafficking of Persons	1
Cases Filed for Prostitution	1
Cases Filed for Compelling Prostitution	2
Cases Filed for Solicitation of Prostitution	0
Cases in Which Defendant Failed to Appear	900
Cases Defendant Violated Condition of Release	68
Cases Def. Committed Offense on Bail/Supervision	63

District and Statutory County Courts
Felony Case Activity Detail
January 1, 2015 to December 31, 2016

County: Nueces

EXHIBIT K

FELONY CASES								
Cases on Docket:	**Capital Murder**	**Murder**	**Other Homicides**	**Agg. Assault or Attempted Murder**	**Sexual Assault of Adult**	**Indecency With or Sexual Assault of Child**	**Family Violence Assault**	**Aggravated Robbery or Robbery**
Cases Pending 1/1/2015:								
Active Cases	10	20	0	421	14	43	0	83
Inactive Cases	0	7	0	52	8	27	0	7
Docket Adjustments	0	(71)	0	(221)	(17)	2	223	(42)
Cases Added:								
Filed by Indictment or Information	12	91	0	1,059	54	117	66	169
Other Cases Reaching Docket:								
Motions to Revoke Filed	0	2	0	695	17	30	55	132
Cases Reactivated	0	1	0	44	2	7	34	11
All Other Cases Added	0	0	0	0	0	1	0	0
Total Cases on Docket:	22	114	0	2,219	87	198	155	395
Dispositions:								
Convictions:								
Guilty Plea or Nolo Contendere	5	13	0	333	16	50	39	77
By the Court	0	3	0	17	1	4	8	3
By the Jury	4	6	0	15	0	0	0	1
Total Convictions	9	22	0	365	17	54	47	81
Placed on Deferred Adjudication	0	3	0	356	8	33	13	54
Acquittals:								
By the Court	0	0	0	6	3	0	1	0
By the Jury	0	1	0	16	0	0	1	0
Total Acquittals	0	1	0	22	3	0	2	0
Dismissals	2	2	0	329	12	19	33	21
Motions to Revoke:								
Granted/Revoked	0	1	0	273	5	14	9	45
Denied/Continued	0	1	0	357	11	17	8	52
All Other Dispositions	0	0	0	27	1	0	1	4
Total Cases Disposed	11	30	0	1,729	57	137	113	257
Placed on Inactive Status	1	2	0	222	5	19	60	54
Cases Pending 12/31/2016:								
Active Cases	11	19	0	242	19	79	192	65
Inactive Cases	0	0	0	35	0	4	39	27
Cases in Which								
Death Penalty Sought	0	---	---	---	---	---	---	---
Death Penalty Not Sought	0	---	---	---	---	---	---	---
Sentencing Information:								
Prison	0	1	0	10	0	9	10	8
State Jail	0	0	0	1	0	0	0	0
Local Jail	0	0	0	11	1	0	8	2
Probation/Community Supervision	0	0	0	16	0	0	10	2
Shock Probation	0	0	0	0	0	0	0	0
Fine Only	0	0	0	0	0	0	0	0
Other	0	0	0	8	0	1	8	0

District and Statutory County Courts
Felony Case Activity Detail
January 1, 2015 to December 31, 2016
County: Nueces

FELONY CASES								
Cases on Docket:	**Burglary**	**Theft**	**Auto Theft**	**Drug Sale or Manufacture**	**Drug Possession**	**Felony DWI**	**Other Felony**	**Total Cases**
Cases Pending 1/1/2015:								
Active Cases	227	261	42	46	752	116	483	2,518
Inactive Cases	41	105	17	7	178	29	122	600
Docket Adjustments	(165)	55	(29)	40	(226)	(46)	(14)	(511)
Cases Added:								
Filed by Indictment or Information	432	583	138	111	1,508	225	901	5,466
Other Cases Reaching Docket:								
Motions to Revoke Filed	344	403	91	44	993	193	722	3,721
Cases Reactivated	50	56	14	11	121	22	109	482
All Other Cases Added	0	0	0	0	0	1	0	2
Total Cases on Docket:	1,053	1,303	285	212	3,374	557	2,215	12,189
Dispositions:								
Convictions:								
Guilty Plea or Nolo Contendere	227	451	73	44	707	204	470	2,709
By the Court	18	21	1	3	24	7	15	125
By the Jury	1	3	0	0	2	1	4	37
Total Convictions	246	475	74	47	733	212	489	2,871
Placed on Deferred Adjudication	106	132	40	33	528	6	284	1,596
Acquittals:								
By the Court	3	1	0	0	6	1	3	24
By the Jury	1	1	0	0	5	1	7	33
Total Acquittals	4	2	0	0	11	2	10	57
Dismissals	37	59	19	10	243	28	187	1,001
Motions to Revoke:								
Granted/Revoked	113	191	37	14	366	61	258	1,387
Denied/Continued	179	175	36	20	469	73	356	1,754
All Other Dispositions	9	7	5	0	30	1	14	99
Total Cases Disposed	694	1,041	211	124	2,380	383	1,598	8,765
Placed on Inactive Status	112	168	28	29	419	69	254	1,442
Cases Pending 12/31/2016:								
Active Cases	153	320	38	113	707	115	557	2,630
Inactive Cases	32	46	10	11	118	20	59	401
Cases in Which								
Death Penalty Sought	---	---	---	---	---	---	---	---
Death Penalty Not Sought	---	---	---	---	---	---	---	---
Sentencing Information:								
Prison	7	11	2	10	16	5	25	114
State Jail	2	27	3	2	27	0	6	68
Local Jail	4	2	0	0	12	2	5	47
Probation/Community Supervision	10	15	4	7	38	21	32	155
Shock Probation	0	0	0	0	0	0	0	0
Fine Only	0	0	0	0	0	0	0	0
Other	3	7	0	2	10	0	7	46

District and Statutory County Courts
Felony Case Activity Detail
January 1, 2015 to December 31, 2016
County: Nueces

Age of Cases Disposed:	90 Days or Less	91 to 180 Days	181 to 365 Days	Over 365 Days	Total Cases
Number of Cases	3,213	1,336	886	3,341	8,776

Additional Court Activity:	Felony
Cases in Which Jury Selected	11
Cases in Which Mistrial Declared	0
Motions to Suppress Granted or Denied	17
Mental Illness or Intellectual Disability Assessments	0
Competency Examination Reports	1
Cases Set for Review	1,657
Cases in Which Attorney Appointed as Counsel	9,104
Cases with Retained Counsel	247
Cases Filed for Trafficking of Persons	1
Cases Filed for Prostitution	2
Cases Filed for Compelling Prostitution	0
Cases Filed for Solicitation of Prostitution	0
Cases in Which Defendant Failed to Appear	0
Cases Defendant Violated Condition of Release	0
Cases Def. Committed Offense on Bail/Supervision	0

EXHIBIT L

Nueces County DA says he will not prosecute abortion cases after overturning of Roe v. Wade

[illegible]

CORPUS CHRISTI, Texas — Nueces County District Attorney [illegible] said Genaro Ramos some of which handle an abortion case in this state. He recently said he would not prosecute an [illegible] of abortion cases.

Genaro said [illegible] this is a result Friday after the U.S. Supreme Court [illegible] overturning Roe v. Wade [illegible] same court.

"We [illegible] not be prosecuting cases. There are some cases [illegible] an [illegible] of medical [illegible] abortions [illegible] right of my own. I [illegible] pass off to anyone," Genaro said. "Whether [illegible] an abortion or an [illegible] thing or [illegible] been. We have had [illegible] a couple of times [illegible] in [illegible] and [illegible] cases [illegible] and [illegible] has been three years ago."

With a Genaro said he [illegible] will [illegible] prosecute these cases in Nueces County. It [illegible] called [illegible] has her office [illegible] of some [illegible] the [illegible] prosecutor and go after doctors performing [illegible] have [illegible] help [illegible] an abortion.

"Each [illegible] case [illegible] is [illegible] and [illegible] the [illegible] Genaro [illegible] [illegible] prosecution [illegible] right?" The [illegible] a call from [illegible] and then [illegible] Genaro [illegible] going to do that," Genaro said. "So [illegible] not be calling them to [illegible] of these [illegible] and therefore the [illegible] do [illegible]."

Genaro added that he [illegible] the Supreme Court's decision [illegible] the type of [illegible] rights and [illegible] marriage equal [illegible] in the near future.

More [illegible]

Want to send us a news tip?

Put your name and contact information below [illegible] about your story. [illegible] questions or need more [illegible] We [illegible] return. Let us know [illegible] more.

[illegible] click OK [illegible]

5NEWS

[illegible]

EXHIBIT M

KEN PAXTON
ATTORNEY GENERAL OF TEXAS

February 18, 2022

The Honorable Matt Krause
Chair, House Committee on General
Investigating
Texas House of Representatives
Post Office Box 2910
Austin, Texas 78768-2910

Opinion No. KP-0401

Re: Whether certain medical procedures performed on children constitute child abuse (RQ-0426-KP)

Dear Representative Krause:

You ask whether the performance of certain medical and chemical procedures on children—several of which have the effect of sterilization—constitute child abuse.[1] You specifically ask about procedures falling under the broader category of "gender reassignment surgeries." Request Letter at 1. You state that such procedures typically are performed to "transition individuals with gender dysphoria to their desired gender," and you identify the following specific "sex-change procedures":

> (1) sterilization through castration, vasectomy, hysterectomy, oophorectomy, metoidioplasty, orchiectomy, penectomy, phalloplasty, and vaginoplasty; (2) mastectomies; and (3) removing from children otherwise healthy or non-diseased body part or tissue.

Id. at 1 (footnotes omitted). Additionally, you ask whether "providing, administering, prescribing, or dispensing drugs to children that induce transient or permanent infertility" constitutes child abuse. *See id*. at 1–2. You include the following categories of drugs: (1) puberty-suppression or puberty-blocking drugs; (2) supraphysiologic doses of testosterone to females; and (3) supraphysiologic doses of estrogen to males. *See id.*

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[1]*See* Letter from Honorable Matt Krause, Chair, House Comm. on Gen. Investigating, to Honorable Ken Paxton, Tex. Att'y Gen. at 1 (Aug. 23, 2021), https://www2.texasattorneygeneral.gov/opinions/opinions/51paxton/rq/2021/pdf/RQ0426KP.pdf ("Request Letter"); *see also* Letter from Honorable Jaime Masters, Comm'r, Tex. Dept. of Family & Protective Servs., to Honorable Greg Abbott, Governor, State of Tex. at 1 (Aug. 11, 2021), https://gov.texas.gov/uploads/files/press/Response_to_August_6_2021_OOG_Letter_08.11.2021.pdf (on file with the Op. Comm.) (hereinafter "Commissioner's Letter").

You qualify your question with the following statement: "Some children have a medically verifiable genetic disorder of sex development or do not have the normal sex chromosome structure for male or female as determined by a physician through genetic testing that require procedures similar to those described in this request." *Id.* at 2. In other words, in rare circumstances, some of the procedures you list are borne out of medical necessity. For example, a minor male with testicular cancer may need an orchiectomy. This opinion does not address or apply to medically necessary procedures.

I. Executive Summary

Based on the analysis herein, each of the "sex change" procedures and treatments enumerated above, when performed on children, can legally constitute child abuse under several provisions of chapter 261 of the Texas Family Code.

- These procedures and treatments can cause "mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development, or psychological functioning." TEX. FAM. CODE § 261.001(1)(A).

- These procedures and treatments can "caus[e] or permit[] the child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child's growth, development, or psychological functioning." *Id*. § 261.001(1)(B).

- These procedures and treatments can cause a "physical injury that results in substantial harm to the child." *Id*. § 261.001(1)(C).

- These procedures and treatments often involve a "failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child[,]" particularly by parents, counselors, and physicians. *Id*. § 261.001(1)(D).

In addition to analysis under the Family Code, we discuss below the fundamental right to procreation, issues of physical and emotional harm associated with these procedures and treatments, consent laws in Texas and throughout the country, and existing child abuse standards. Each of the procedures and treatments you ask about can constitute child abuse when performed on minor children.

II. Nature and context of the question presented

Forming the basis for your request, you contend that the "sex change" procedures and treatments you ask about are typically performed to transition individuals with gender dysphoria to their desired gender. *See* Request Letter at 1. The novel trend of providing these elective sex changes to minors often has the effect of permanently sterilizing those minor children. While you refer to these procedures as "sex changes," it is important to note that it remains medically impossible to truly change the sex of an individual because this is determined biologically at

conception. No doctor can replace a fully functioning male sex organ with a fully functioning female sex organ (or vice versa). In reality, these "sex change" procedures seek to destroy a fully functioning sex organ in order to cosmetically create the illusion of a sex change.

Beyond the obvious harm of permanently sterilizing a child, these procedures and treatments can cause side effects and harms beyond permanent infertility, including serious mental health effects, venous thrombosis/thromboembolism, increased risk of cardiovascular disease, weight gain, decreased libido, hypertriglyceridemia, elevated blood pressure, decreased glucose tolerance, gallbladder disease, benign pituitary prolactinoma, lowered and elevated triglycerides, increased homocysteine levels, hepatotoxicity, polycythemia, sleep apnea, insulin resistance, chronic pelvic pain, and increased cancer and stroke risk.[2]

While the spike in these procedures is a relatively recent development,[3] sterilization of minors and other vulnerable populations without clear consent is not a new phenomenon and has an unsettling history. Historically weaponized against minorities, sterilization procedures have harmed many vulnerable populations, such as African Americans, female minors, the disabled, and others.[4] These violations have been found to infringe upon the fundamental human right to procreate. Any discussion of sterilization procedures in the context of minor children must, accordingly, consider the fundamental right that is at stake: the right to procreate. Given the uniquely vulnerable nature of children, and the clear dangers of sterilization demonstrated throughout history, it is important to emphasize the crux of the question you present today—*whether facilitating (parents/counselors) or conducting (doctors) medical procedures and treatments that could permanently deprive minor children of their constitutional right to procreate, or impair their ability to procreate, before those children have the legal capacity to consent to those procedures and treatments, constitutes child abuse*.

The medical evidence does not demonstrate that children and adolescents benefit from engaging in these irreversible sterilization procedures. The prevalence of gender dysphoria in children and adolescents has never been estimated, and there is no scientific consensus that these sterilizing procedures and treatments even serve to benefit minor children dealing with gender dysphoria. As stated by the Centers for Medicare and Medicaid Services, "There is not enough high-quality evidence to determine whether gender reassignment surgery improves health outcomes for Medicare beneficiaries with gender dysphoria and whether patients most likely to benefit from these types of surgical intervention can be identified prospectively."[5] Also, "several studies show a higher rate of regret at being sterilized among younger women than among those

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[2]*See* Timothy Cavanaugh, M.D., *Cross-Sex Hormone Therapy*, FENWAY HEALTH (2015), https://www.lgbtqiahealtheducation.org/wp-content/uploads/Cross-Sex-Hormone-Therapy1.pdf.

[3]SOCIETY FOR EVIDENCE BASED GENDER MEDICINE, https://segm.org/ (demonstrating a spike in referrals to Gender Identify Development Services around the mid-2010s).

[4]Alexandra Stern, Ph.D., *Forced sterilization policies in the US targeted minorities and those with disabilities – and lasted into the 21st Century*, (Sept. 23, 2020), https://ihpi.umich.edu/news/forced-sterilization-policies-us-targeted-minorities-and-those-disabilities-and-lasted-21st.

[5]Centers for Medicare and Medicaid Services, Decision Memo for Gender Dysphoria and Gender Reassignment Surgery (CAG-00446N) (Aug. 30, 2016), http://www.lb7.uscourts.gov/documents/17-264URL1DecisionMemo.pdf.

who were sterilized at a later age." 43 FED. REG. at 52,151, 52,152. This further indicates that minor children are not sufficiently mature to make informed decisions in this context.

There is no evidence that long-term mental health outcomes are improved or that rates of suicide are reduced by hormonal or surgical intervention. "Childhood-onset gender dysphoria has been shown to have a high rate of natural resolution, with 61-98% of children reidentifying with their biological sex during puberty. No studies to date have evaluated the natural course and rate of gender dysphoria resolution among the novel cohort presenting with adolescent-onset gender dysphoria."[6] One of the few relevant studies monitored transitioned individuals for 30 years. It found high rates of post-transition suicide and significantly elevated all-cause mortality, including increased death rates from cardiovascular disease and cancer, although causality could not be established.[7] The lack of evidence in this field is why the Centers for Medicare & Medicaid Services rejected a nationwide coverage mandate for adult gender transition surgeries during the Obama Administration. Similarly, the World Professional Association for Transgender Health states that with respect to irreversible procedures, genital surgery should not be carried out until patients reach the legal age of majority to give consent for medical procedures in a given country.[8]

Generally, the age of majority is eighteen in Texas. TEX. CIV. PRAC. & REM. CODE § 129.001. With respect to consent to sterilization procedures, Medicaid sets the age threshold even higher, at twenty-one years old. Children and adolescents are promised relief and asked to "consent" to life-altering, irreversible treatment—and to do so in the midst of reported psychological distress, when they cannot weigh long-term risks the way adults do, and when they are considered by the State in most regards to be without legal capacity to consent, contract, vote, or otherwise. Legal and ethics scholars have suggested that it is particularly unethical to radically intervene in the normal physical development of a child to "affirm" a "gender identity" that is at odds with bodily sex.[9]

State and federal governments have "wide discretion to pass legislation in areas where there is medical and scientific uncertainty." *Gonzales v. Carhart*, 550 U.S. 124, 163 (2007). Thus, states routinely regulate the medical profession and routinely update their regulations as new trends arise and new evidence becomes available. In the opioid context, for instance, states responded to an epidemic caused largely by pharmaceutical companies and medical professionals. Dismissing as "opioidphobic" any concern that "raising pain treatment to a 'patients' rights' issue could lead to overreliance on opioids," these experts created new pain standards and assured doctors that

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[6]SOCIETY FOR EVIDENCE BASED GENDER MEDICINE, https://segm.org/.

[7]*See* Cecilia Dhejne, et al., *Long-term Follow-up of Transsexual Persons Undergoing Sex Reassignment Surgery: Cohort Study in Sweden*, 6 PLOS ONE, Issue 2, 5 (Feb. 22, 2011) (19 times the expected norm overall (Table 2), and 40 times the norm for biological females (Table s1)), https://journals.plos.org/plosone /article?id=10.1371/journal.pone.0016885.

[8]WORLD PROFESSIONAL ASS'N FOR TRANSGENDER HEALTH, *Standards of Care for the Health of Transsexual, Transgender, and Gender-Nonconforming People* at 59 (7th ed. 2012), available at https://www. wpath.org/media/cms/Documents/SOC%20v7/SOC%20V7_English2012.pdf?_t=1613669341.

[9]Ryan T. Anderson & Robert P. George, Physical Interventions on the Bodies of Children to "Affirm" their "Gender Identity" Violate Sound Medical Ethics and Should Be Prohibited, PUBLIC DISCOURSE: THE JOURNAL OF THE WITHERSPOON INSTITUTE (Dec. 8, 2019), https://www.thepublicdiscourse.com/2019/12/58839/.

prescribing more opioids was largely risk free.[10] *Id.* As we know now, the results were—indeed, *are*—nothing short of tragic.[11] There is always the potential for novel medical determinations to promote purported remedies that may not improve patient outcomes and can even result in tragic harms. The same potential for harm exists for minors who have engaged in the type of procedures or treatments above.

The State's power is arguably at its zenith when it comes to protecting children. In the Supreme Court's words, that is due to "the peculiar vulnerability of children." *Bellotti v. Baird*, 443 U.S. 622, 634 (1979); *see also Ginsberg v. New York*, 390 U.S. 629, 640 (1968) ("The State also has an independent interest in the well-being of its youth."). The Supreme Court has explained that children's "inability to make critical decisions in an informed, mature manner" makes legislation to protect them particularly appropriate. *Bellotti*, 443 U.S. at 634. The procedures that you ask about impose significant and irreversible effects on children, and we therefore address them with extreme caution, mindful of the State's duty to protect its children. *See generally T.L. v. Cook Children's Med. Ctr.*, 607 S.W.3d 9, 42 (Tex. App.—Fort Worth 2020), *cert. denied*, 141 S. Ct. 1069 (2021) ("Children, by definition, are not assumed to have the capacity to take care of themselves. They are assumed to be subject to the control of their parents, and if parental control falters, the State must play its part as *parens patriae.* In this respect, the [child]'s liberty interest may, in appropriate circumstances, be subordinated to the State's *parens patriae* interest in preserving and promoting the welfare of the child.") (citation omitted).

III. To the extent that these procedures and treatments could result in sterilization, they would deprive the child of the fundamental right to procreate, which supports a finding of child abuse under the Family Code.

A. The procedures you describe can and do cause sterilization.

The surgical and chemical procedures you ask about can and do cause sterilization.[12] Similarly, the treatments you ask about often involve puberty-blocking medications. Such medications suppress the body's production of estrogen or testosterone to prevent puberty and are being used in this context to pause the sexual development of a person that occurs during puberty. The use of these chemical procedures for this purpose is not approved by the federal Food and Drug Administration and is considered an "off-label" use of the medications. These chemical procedures prevent a person's body from developing the capability to procreate. There is insufficient medical evidence available to demonstrate that discontinuing the medication resumes a normal puberty process. *See generally Hennessy-Waller v. Snyder*, 529 F. Supp. 3d 1031, 1042 (D. Ariz. 2021), citing *Bell v. Tavistock and Portman NHS Foundation Trust*, 2020 EWHC 3274,

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[10]*See* David W. Baker, *The Joint Commission's Pain Standards: Origins and Evolution* 4 (May 5, 2017) (footnotes omitted), https://perma.cc/RZ42-YNRC ("[N]o large national studies were conducted to examine whether the standards improved pain assessment or control.").

[11]*See generally* U.S. HEALTH & HUMAN SERVS., WHAT IS THE U.S. OPIOID EPIDEMIC?, https://www.hhs.gov/opioids/about-the-epidemic/index html.

[12]*See* Philip J. Cheng, *Fertility Concerns of the Transgender Patient*, TRANSL ANDROL UROL. 2019;9(3):209-218 (explaining that hysterectomy, oophorectomy, and orchiectomy "results in permanent sterility"), https://www ncbi nlm nih.gov/pmc/articles/PMC6626312/.

¶ 134 (Dec. 1, 2020) (referring to *Bell's* conclusion that a clinic's practice of prescribing puberty-suppressing medication to individuals under age 18 with gender dysphoria and determining such treatment was experimental). Thus, because the procedures you inquire about can and do result in sterilization, they implicate a minor child's constitutional right to procreate.

B. The United States Constitution protects a fundamental right to procreation.

The United States Supreme Court recognizes that the right to procreate is a fundamental right under the Fourteenth Amendment. *See Skinner v. Oklahoma*, 316 U.S. 535, 541 (1942). Almost a century ago, the Court explained the unique concerns sterilization poses respecting this fundamental right:

> The power to sterilize, if exercised, may have subtle, far reaching and devastating effects. In evil or reckless hands it can cause races or types which are inimical to the dominant group to wither and disappear. There is no redemption for the individual whom the law touches. Any experiment which the State conducts is to his irreparable injury. He is forever deprived of a basic liberty.

Id. To the extent the procedures you describe cause permanent damage to reproductive organs and functions of a child before that child has the legal capacity to consent, they unlawfully violate the child's constitutional right to procreate. *See generally* 43 FED. REG. at 52,146–52,152 (discussing ripeness for coercion and regret rates among minor children).

C. Because children are legally incompetent to consent to sterilization, procedures and treatments that result in a child's sterilization are unauthorized and infringe on the child's fundamental right to procreate.

Under Texas law, a minor is a person under eighteen years of age that has never been married and never declared an adult by a court. *See* TEX. CIV. PRAC. & REM. CODE § 129.001; TEX. FAM. CODE §§ 1.104, 101.003 (including a minor on active duty in the military, one who does not live with a parent or guardian and who manages their own financial affairs, among others). State law recognizes seven instances in which a minor can consent to certain types of medical treatment on their own. *See id.* § 32.003. None of the express provisions relating to a minor's ability to consent to medical treatment addresses consent to the procedures used for "gender-affirming" treatment. *See generally id.*

The lack of authority of a minor to consent to an irreversible sterilization procedure is consistent with other law. The federal Medicaid program does not allow for parental consent, has established a minimum age of 21 for consent to sterilization procedures, and imposes detailed requirements for obtaining that consent. 42 C.F.R. §§ 441.253(a); 441.258 ("Consent form requirements"). Federal Medicaid funds may not be used for any sterilization without complying with the consent requirements, meaning a doctor may not be reimbursed for sterilization procedures performed on minors. *Id*. § 441.256(a).

The higher age limit for sterilization procedures was implemented due to a number of special concerns, including historical instances of forced sterilization. *See* 43 FED. REG. 52146, 52148. "[M]inors and other incompetents have been sterilized with federal funds and . . . an indefinite number of poor people have been improperly coerced into accepting a sterilization operation under the threat that various federally supported welfare benefits would be withdrawn unless they submitted to irreversible sterilization." *Relf v. Weinberger*, 372 F. Supp. 1196, 1199 (D.D.C. 1974), *vacated*, 565 F.2d 722 (D.C. Cir. 1977). In addition, the 21-year minimum age-of-consent rule accounted for concerns that minors were more susceptible to coercion than those over 21 and that younger women had higher rates of regret for sterilization than those who were sterilized at a later age. 43 FED. REG. at 52,151 (pointing to comments suggesting that "persons under 21 are more susceptible to coercion than those over 21 and are more likely to lack the maturity to make an informed decision" and acknowledging "these considerations favor protecting such individuals by limiting their access to the procedure"); *see id.* at 52,151–52,152 (pointing to "several studies [that] show a higher rate of regret at being sterilized among younger women than among those who were sterilized at a later age").

Regarding parental consent, Texas law generally recognizes a parent's right to consent to a child's medical care. TEX. FAM. CODE § 151.001(a)(6) ("A parent of a child has the following rights and duties: . . . (6) the right to consent to the child's . . . medical and dental care, and psychiatric, psychological, and surgical treatment . . .".). But this general right to consent to certain medically necessary procedures does not extend to elective (not medically necessary) procedures and treatments that infringe upon a minor child's constitutional right to procreate. Indeed, courts have analyzed the imposition of unnecessary medical procedures upon children in similar circumstances in the past to determine whether doing so constitutes child abuse.

One such situation that the law has addressed is often referred to as "Munchausen by proxy" or "factitious disorder imposed on another":

> [A] psychological disorder that is characterized by the intentional feigning, exaggeration, or induction of the symptoms of a disease or injury in oneself or another and that is accompanied by the seeking of excessive medical care from various doctors and medical facilities typically resulting in multiple diagnostic tests, treatments, procedures, and hospitalizations. Unlike the malingerer, who consciously induces symptoms to obtain something of value, the patient with a factitious disorder consciously produces symptoms for unconscious reasons, without identifiable gain.[13]

In situations such as this, an individual intentionally seeks to procure—often by deceptive means, such as exaggeration—unnecessary medical procedures or treatments either for themselves or others, usually their children. In Texas, courts have found that these "Munchausen by proxy" situations can constitute child abuse. *See generally Williamson v. State*, 356 S.W.3d 1, 19–21 (Tex. App.—Houston [1st Dist.] 2010, pet. ref'd) (recognizing that an unnecessary medical procedure

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[13] *Factitious disorder*, MERRIAM-WEBSTER.COM DICTIONARY, https://www merriam-webster.com/ dictionary/factitious%20disorder.

may cause serious bodily injury, supporting a charge of injury to a child under section 22.04 of the Penal Code).[14]

In the context of elective sex change procedures for minors, the Legislature has not provided any avenue for parental consent, and no judicial avenue exists for the child to proceed with these procedures and treatments without parental consent. By comparison, Texas law respecting abortion requires parental consent and, in extenuating circumstances, permits non-parental consent for a minor to obtain an abortion. TEX. OCC. CODE § 164.052(19) (requiring written consent of a child's parent before a physician may perform an abortion on an unemancipated minor); TEX. FAM. CODE § 33.003 (authorizing judicial approval of a minor's abortion without parental consent in limited circumstances). But the Texas Legislature has not decided to make those same allowances for consent to sterilization, and thus a parent cannot consent to sterilization procedures or treatments that result in the permanent deprivation of a minor child's constitutional right to procreate.[15] Thus, no avenue exists for a child to consent to or obtain consent for an elective procedure or treatment that causes sterilization.

IV. The procedures and treatments you describe can constitute child abuse under the Family Code.

Having established the legal and cultural context of this opinion request, we now consider whether these procedures and treatments qualify as child abuse under the Family Code. *See* Request Letter at 1. Where, as a factual matter, one of these procedures or treatments cannot result in sterilization, a court would have to go through the process of evaluating, on a case-by-case basis, whether that procedure violates any of the provisions of the Family Code—and whether the procedure or treatment poses a similar threat or likelihood of substantial physical and emotional harm. Thus, where a factual scenario involving non-medically necessary, gender-based procedures or treatments on a minor causes or threatens to cause harm or irreparable harm[16] to the child—comparable to instances of Munchausen syndrome by proxy or criminal injury to a child—or demonstrates a lack of consent, etc., a court could find such procedures to constitute child abuse under section 261.001.

A. The Texas Legislature defines child abuse broadly.

Family Code chapter 261 provides for the reporting and investigation of abuse or neglect of a child. *See* TEX. FAM. CODE §§ 261.001–.505; *see also* TEX. PENAL CODE § 22.04 (providing for the offense of injury to a child). Section 261.001 defines abuse through a broad and nonexclusive list of acts and omissions. TEX. FAM. CODE § 261.001(1); *see also In re Interest of*

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[14]*See also* Tex. Dep't of Fam. & Protective Servs., Tex. Practice Guide for Child Protective Servs. Att'ys, § 7, at 15 (2018), https://www.dfps.state.tx.us/Child_Protection/Attorneys_Guide/default.asp.

[15]Federal Medicaid programs will not reimburse for these types of procedures on minors, regardless of whether the child or parent consents, because of the numerous concerns outlined in the Federal Register provisions discussed above. *See* 43 FED. REG. at 52,146–52,159.

[16] For example, a non-medically necessary procedure or treatment that seeks to alter a minor female's breasts in such a way that would or could prevent that minor female from having the ability to breastfeed her eventual children likely causes irreparable harm and could form the basis for a finding of child abuse.

S.M.R., 434 S.W.3d 576, 583 (Tex. 2014). Of course, this broad definition of abuse would apply to and include criminal acts against children, such as "female genital mutilation"[17] or "injury to a child."[18]

Your questions implicate several components of section 261.001(1). Subsection 261.001(1)(A) identifies "mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development, or psychological functioning." Subsection 261.001(1)(B) provides that "causing or permitting the child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child's growth, development, or psychological functioning" is abuse. Subsection 261.001(1)(C) includes as abuse a "physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child." And subsection 261.001(1)(D) includes "failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child."

Offering some clarity to the scope of "abuse" under subsection 261.001(1), the Texas Department of Family and Protective Services ("Department") adopted rules giving meaning to the key terms and phrases used in the definition. The Department acknowledges that emotional abuse is a subset of abuse that includes "[m]ental or emotional injury to a child that results in an observable and material impairment in the child's growth, development, or psychological functioning." 40 TEX. ADMIN. CODE § 707.453(a) (Tex. Dept. of Fam. & Protective Servs., What is Emotional Abuse?). The Department's rules provide that "[m]ental or emotional injury" means

> [t]hat a child of any age experiences significant or serious negative effects on intellectual or psychological development or functioning. . . . and exhibits behaviors indicative of observable and material impairment . . . . mean[ing] discernable and substantial damage or deterioration to a child's emotional, social, and cognitive development.

Id. § 707.453(b)(1)–(2).

With respect to physical injuries, the Department further clarified the meaning of the phrase "[p]hysical injury that results in substantial harm to the child," explaining that it means in relevant part a

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[17]A person commits an offense if the person: (1) knowingly circumcises, excises, or infibulates any part of the labia majora or labia minora or clitoris of another person who is younger than 18 years of age; (2) is a parent or legal guardian of another person who is younger than 18 years of age and knowingly consents to or permits an act described by Subdivision (1) to be performed on that person; or (3) knowingly transports or facilitates the transportation of another person who is younger than 18 years of age within this state or from this state for the purpose of having an act described by Subdivision (1) performed on that person. TEX. HEALTH & SAFETY CODE § 167.001.

[18]A person commits an offense if he intentionally, knowingly, recklessly, or with criminal negligence, by act or intentionally, knowingly, or recklessly by omission, causes to a child, elderly individual, or disabled individual: (1) serious bodily injury; (2) serious mental deficiency, impairment, or injury; or (3) bodily injury. TEX. PENAL CODE § 22.04.

> real and significant physical injury or damage to a child that includes but is not limited to . . . [a]ny of the following, if caused by an action of the alleged perpetrator directed toward the alleged victim: . . . *impairment of or injury to any bodily organ or function*; . . . .

Id. § 707.455(b)(2)(A) (emphasis added). The Department's rules also define a "[g]enuine threat of substantial harm from physical injury" to include the

> *declaring or exhibiting the intent or determination to inflict real and significant physical injury or damage to a child.* The declaration or exhibition does not require actual physical contact or injury.

Id. § 707.455(b)(1) (emphasis added).

Subsection 261.001(1) and these rules define "abuse" broadly to include mental or emotional injury in addition to a physical injury. To the extent the specific procedures about which you ask may cause mental or emotional injury or physical injury within these provisions, they constitute abuse.

Further, the Legislature has explicitly defined "female genital mutilation" and made such act a state jail felony. *See* TEX. HEALTH & SAFETY CODE § 167.001(a)–(b). While the Legislature has not elsewhere defined the phrase "genital mutilation", nor specifically for males of any age,[19] the Legislature's criminalization of a particular type of genital mutilation supports an argument that analogous procedures that include genital mutilation—potentially including gender reassignment surgeries—could constitute "abuse" under the Family Code's broad and non-exhaustive examples of child abuse or neglect.[20] *See* TEX. FAM. CODE § 261.001(1)(A)–(M); *see generally* Commissioner's Letter at 1 (concluding that genital "mutilation may cause a genuine threat of substantial harm from physical injury to the child"). Thus, many of the procedures and treatments you ask about can constitute "female genital mutilation," a standalone criminal act. But even where these procedures and treatments may not constitute "female genital mutilation" under Texas law, a court could still find that these procedures and treatments constitute child abuse under section 261.001 of the Family Code.

B. Each of these procedures and treatments can constitute abuse under Texas Family Code § 261.001(1)(A), (B), (C), or (D).

The Texas Family Code is clear—causing or permitting substantial harm to the child or the child's growth and development is child abuse. Courts have held that an unnecessary surgical

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[19]Your letter does not mention nor request an analysis under federal law. However, under federal law, there are at least two definitions of female genital mutilation, 8 U.S.C § 1374 and 18 U.S.C. § 116. For purposes of this opinion, we have not considered federal statutes, nor have we undertaken any analysis under state or federal constitutions beyond that included here.

[20]The Eighty-seventh Legislature considered multiple bills that would have amended Family Code subsection 261.001(1) to expressly include in the definition of abuse the performing of surgery or other medical procedures on a child for the purpose of gender transitioning or gender reassignment. Those bills did not pass. *See, e.g.*, Tex. H.B. 22, 87th Leg., 3d C.S. (2021).

procedure that removes a healthy body part from a child can constitute a real and significant injury or damage to the child. *See generally Williamson v. State*, 356 S.W.3d 1, 19–21 (Tex. App.—Houston [1st Dist.] 2010, pet. ref'd) (recognizing that an unnecessary medical procedure may cause serious bodily injury, supporting a charge of injury to a child under section 22.04 of the Penal Code). The *Williamson* case involved a "victim of medical child abuse, sometimes referred to as Munchausen Syndrome by Proxy." *Id.* at 5. Munchausen syndrome by proxy is "where an alleged perpetrator . . . attempts to gain medical procedures and issues for [their] child for secondary gain for themselves . . . . [A]s a result, the children are subjected to multiple diagnostic tests, therapeutic procedures, sometimes operative procedures, in order to treat things that aren't really there." *Williamson*, 356 S.W.3d at 11. In the *Williamson* case, the abuse was perpetrated on the child when he was five and six years old by his mother. *Id.* The evidence showed that two surgeries performed on the child "were not medically necessary and that [his mother] knowingly and intentionally caused the unnecessary procedures to be performed by fabricating, exaggerating, and inducing the symptoms leading to the surgeries." *Id.*

Similarly, in *Austin v. State*, a court of appeals upheld the conviction for felony injury of a child of a mother suffering from Munchausen syndrome by proxy who injected her son with insulin. *See* 222 S.W.3d 801, 804 (Tex. App.—Austin 2007, pet. ref'd); *see also In re McCabe*, 580 S.E.2d 69, 73 (N.C. Ct. App. 2003) (concluding that abuse through Munchausen syndrome by proxy was abuse under state statute defining abuse in a similar manner as chapter 261); *Matter of Aaron S.*, 625 N.Y.S.2d 786, 793 (Fam. Ct. 1993), *aff'd sub nom. Matter of Suffolk Cnty. Dep't of Soc. Servs on Behalf of Aaron S.*, 626 N.Y.S.2d 227 (App. Div. 1995) (finding that a mother neglected her son by subjecting him to a continuous course of medical treatment for condition which he did not have and that he was a neglected child under state statute governing abuse of a child). In guidance documents published for its child protective services attorneys, the Texas Department of Family and Protective Services explains that "Munchausen by proxy syndrome is relatively rare, but when it occurs, it is frequently a basis for a finding of child abuse."[21] Whether motivated by Munchausen syndrome by proxy or otherwise, it is clear that unnecessary medical treatment inflicted on a child by a parent can constitute child abuse under the Family Code.

By definition, procedures and treatments resulting in sterilization cause "physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child" by surgically altering key physical body parts of the child in ways that render entire body parts, organs, and the entire reproductive system of the child physically incapable of functioning. Thus, such procedures and treatments can constitute child abuse under section 261.001(1)(C). Even where the procedure or treatment does not involve the physical removal or alteration of a child's reproductive organs (*i.e.* puberty blockers), these procedures and treatments can cause "mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development, or psychological functioning" by subjecting a child to the mental and emotional injury associated with lifelong sterilization—an impairment to

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[21]TEX. DEP'T OF FAM. & PROTECTIVE SERVS., TEX. PRACTICE GUIDE FOR CHILD PROTECTIVE SERVS. ATT'YS, § 7, at 15 (2018), https://www.dfps.state.tx.us/Child_Protection/Attorneys_Guide/default.asp (citing *Reid v. State*, 964 S.W.2d 723 (Tex. App.—Amarillo 1998, pet. ref'd) (mem. op.) (expert testimony admitted regarding general acceptance of Munchausen diagnosis as a form of child abuse)).

one's growth and development. Therefore, a court could find these procedures and treatments to be child abuse under section 261.001(1)(A). Further, attempts by a parent to consent to these procedures and treatments on behalf of their child may, if successful, "cause or permit the child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child's growth, development, or psychological functioning[,]" and could be child abuse under section 261.001(1)(B). Additionally, the failure to stop a doctor or another parent from conducting these treatments and procedures on a minor child can constitute a "failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child[,]" and this "failure to make a reasonable effort to prevent" can also constitute child abuse under section 261.001(1)(D). Any person that conducts or facilitates these procedures or treatments could be engaged in child abuse, whether that be parents, doctors, counselors, etc.

It is important to note that anyone who has "a reasonable cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report" as described in the Family Code. TEX. FAM. CODE § 261.101(a). Further, "[i]f a professional has reasonable cause to believe that a child has been abused or neglected or may be abused or neglected, or that a child is a victim of an offense under Section 21.11, Penal Code, and the professional has reasonable cause to believe that the child has been abused as defined by Section 261.001, the professional shall make a report not later than the 48th hour after the hour the professional first has reasonable cause to believe that the child has been or may be abused or neglected or is a victim of an offense under Section 21.11, Penal Code." TEX. FAM. CODE § 261.101(b). The term includes teachers, nurses, doctors, day-care employees, employees of a clinic or health care facility that provides reproductive services, juvenile probation officers, and juvenile detention or correctional officers. *Id*. A failure to report under these circumstances is a criminal offense. TEX. FAM. CODE § 261.109(a).

S U M M A R Y

Each of the "sex change" procedures and treatments enumerated above, when performed on children, can legally constitute child abuse under several provisions of chapter 261 of the Texas Family Code.

When considering questions of child abuse, a court would likely consider the fundamental right to procreation, issues of physical and emotional harm associated with these procedures and treatments, consent laws in Texas and throughout the country, and existing child abuse standards.

Very truly yours,

K E N P A X T O N
Attorney General of Texas

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VIRGINIA K. HOELSCHER
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EXHIBIT N

FAIR AND JUST PROSECUTION

FOR IMMEDIATE RELEASE
June 29, 2021

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Over 75 Criminal Justice Leaders Condemn the Criminalization of Transgender People and Gender-Affirming Healthcare

Elected prosecutors and law enforcement leaders say legislation discriminating against trans people harms public safety and pledge to not use limited resources to criminalize gender-affirming healthcare

Today, 76 elected prosecutors and law enforcement leaders – including Attorneys General, District Attorneys and law enforcement heads, as well as **Law Enforcement Action Partnership** and the **National Organization of Black Law Enforcement Executives** – issued a joint statement condemning efforts by state legislatures across the country to criminalize transgender people and gender-affirming healthcare. In 2021 alone, at least 105 bills that discriminate against transgender people have been proposed in 34 states and 10 have become law. The signatories emphasize that these efforts are a threat to public safety, serve no legitimate purpose and erode trust that is critical to protecting all members of our community.

"Transgender people experience unconscionably high rates of violent victimization, and discriminatory laws will only heighten that danger," said **Miriam Krinsky, Executive Director of Fair and Just Prosecution**, the organizer of the statement. "These laws have no public safety benefit and only put transgender members of our communities more at risk. Elected prosecutors have a responsibility to use their discretion to promote the safety and well-being of *every* person they are charged with protecting – these laws are in direct contravention of those obligations."

The joint statement deems the recent tide of anti-trans bills "blatantly unconstitutional attacks on some of the most vulnerable Americans [which] will deeply harm public safety." It notes that the high rate of violence against trans people is "both a moral travesty and an obstacle in our collective efforts to prevent crime, build public trust, and promote community well-being." Accordingly, signatories state: "[W]e pledge to use our settled discretion and limited resources on enforcement of laws that will not erode the safety and well-being of our community. And we do not support the use of scarce criminal justice and law enforcement resources on criminalization of doctors who offer medically necessary, safe gender-affirming care to trans youth, parents who safeguard their child's health and wellbeing by seeking out such treatments, or any individuals who use facilities aligned with their gender identity."

"My community elected me to make decisions about how to use limited resources in the pursuit of justice and public safety. Laws criminalizing and discriminating against transgender people go

against my duty to protect every member of my community and to pursue equity and justice," said **Nueces County, Texas District Attorney Mark Gonzalez**, a signatory to the statement.

Among the most concerning of these efforts are proposals to prevent trans youth from accessing life-saving gender-affirming healthcare, with some going so far as to criminalize parents who allow their children to receive these treatments. In 2021 alone, 20 state legislatures have considered these bills, which would only put trans youth in harm's way – research has found that access to gender-affirming healthcare reduces suicide risk, which is critical given a 2020 survey that found over half of trans and non-binary youth had seriously considered suicide.

"Efforts to discriminate against any group of people within my community undermine the trust I work every day to build as a law enforcement leader," said **Charlottesville, Va. Police Chief RaShall M. Brackney**, a signatory to the statement. "We must invest in the strategies proven to improve public safety and not allow the bias and bigotry of some to become the starting point for our law enforcement or criminal legal systems."

Read the joint statement here and see the full list of signatories below.

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Fair and Just Prosecution is a national network of elected prosecutors working towards common-sense, compassionate criminal justice reforms. To learn more about FJP's work, visit our website and follow us on Facebook, Twitter, and LinkedIn.

List of Signatories

Diana Becton
District Attorney, Contra Costa County, California

Wesley Bell
Prosecuting Attorney, St. Louis County, Missouri

Buta Biberaj
Commonwealth's Attorney, Loudoun County, Virginia

Richard Biehl
Chief, Dayton Police Department, Ohio

Sherry Boston
District Attorney, DeKalb County, Georgia

Chesa Boudin
District Attorney, City and County of San Francisco, California

RaShall M. Brackney, Ph.D.
Chief, Charlottesville Police Department, Virginia

Aisha Braveboy
State's Attorney, Prince George's County, Maryland

John Choi
County Attorney, Ramsey County, Minnesota

Jerry L. Clayton
Sheriff, Washtenaw County (Ann Arbor), Michigan

Shameca Collins
District Attorney, 6th Judicial District, Mississippi

Scott Colom
District Attorney, 16th Judicial District, Mississippi

John Creuzot
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Satana Deberry
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Joseph Platania
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Organizations

Law Enforcement Action Partnership

National Organization of Black Law Enforcement Executives

EXHIBIT O

Caller Times

CRIME

Nueces County DA says he informed judges he would miss meeting on staffing shortage

The Board of Judges discussed District Attorney Mark Gonzalez's whereabouts after he didn't attend their meeting. However, he said the judges were told ahead of time that he would miss the meeting.

Chase Rogers
Corpus Christi Caller Times

Published 1:17 p.m. CT July 29, 2022 | Updated 2:53 p.m. CT July 29, 2022

Nueces County District Attorney Mark Gonzalez said he is on vacation this week and thus was unavailable to attend a specially called Board of Judges meeting to discuss staffing shortages in his office.

The judges last week asked to speak with Gonzalez about the office's efforts to hire and retain prosecutors, expressing concern that further staff shortages could compound an extensive court backlog and ballooning jail population in the wake of the COVID-19 pandemic.

In a text message to the Caller-Times on Friday, Gonzalez said he was on vacation he had planned six months in advance. His first assistant district attorney, Angelica Hernandez, emailed judges on Tuesday and informed them he would not be able to attend, he said.

District Judge Carlos Valdez, the presiding judge over the monthly meetings, told the Caller-Times he did not see this email, which was sent to all of the judges. It is not immediately clear how many of the judges saw the email and knew Gonzalez would not be able to attend.

However, Valdez said the discussion was already on the agenda for the Thursday meeting and, even if he had seen the email, the item would not have been removed.

The board voted to reconvene next week to meet with the district attorney.

"I'm on vacation. A vacation that was planned over (six) months ago. All the judges knew I wouldn't be there. I'm not sure why anyone would make it seem as if I was going to be there

and was a no show," Gonzalez wrote. "I will be at the next meeting."

Speaking with media after the Thursday meeting, Hernandez said she did not know where Gonzalez was last week when the judges first asked. This week, she said he was out of town.

During the meeting, Hernandez said Gonzalez would be calling in to speak with the judges. However, she could not reach him and he did not call. Asked about this, Gonzalez said, "I wasn't (going to) to be available, but if I could, I would and will always take a call or even a (Z)oom. Just didn't work out."

Valdez on Friday said he was "surprised" to hear Hernandez say she did not know where Gonzalez was.Gonzalez, who said he is not normally asked to attend the monthly meetings, said most of the judges have his contact information and can call or text him with any questions.

"My understanding is that Valdez was calling the meeting. And the (first) meeting, I wasn't even aware they wanted me there," Gonzalez said on Friday. "Most judges have my cell phone. If they need to ask me a question, they simply call me or text me."

Valdez, who was Nueces County's district attorney from 1992 to 2010, said he is unsure to what degree the judges could assist the office and whether such help would be appropriate.

"The system is based on adversarial relationships. ... We've got the defense on the other side. If we're trying to help the DA, we're losing that impartiality that is required of the judiciary," Valdez said on Friday. "But the judges want to hear from (Gonzalez). There might be something we could do, but I am not sure what it would be."

At least one of the judges, District Judge Sandra Watts, wants to address the looming court backlog and how it is expanding, according to her calculations of inmates in the jail who have been there for more than 100 days.

She estimates at least 315 inmates currently in the jail have been in custody for more than 100 days and are waiting to go to trial. On June 16, when Watts began tracking that metric, she said about 281 inmates were waiting for the same.

"We have to find a way to dispose as many cases are coming in, and the problem is we are not — we're adding to the number," Watts said on Thursday. “(Gonzalez's) problem is that as we continue to try to unload this backlog that we got, we have got to have the ability to have the prosecutors move on these cases and not request time, not request continuances for cases that have been in jail for over 100 days."

An Agua Dulce native, Gonzalez ran as a Democrat for the office and won in 2016. He then won reelection in 2020. He has previously indicated he would not run for reelection when his term is up.

Caller Times

CRIME

Board of Judges to reconvene on Nueces County's prosecutor staffing issues after DA is a no-show

The whereabouts of Nueces County District Attorney Mark Gonzalez has come in up in the board's two meetings this month.

Chase Rogers
Corpus Christi Caller Times

Published 6:30 a.m. CT July 29, 2022

Last week, the Board of Judges during their regular monthly meeting made plans to convene again to get more information on staffing issues in the Nueces County District Attorney's Office.

The judges expressed that the dwindling staff could compound issues the local criminal justice system is already contending with in the wake of the COVID-19 pandemic, including an extensive court backlog and ballooning jail population — the latter of which the sheriff said led to the jail falling out of compliance with state regulators.

Among other issues, the primary reasoning for holding the Thursday special meeting was so judges would get a chance to hear from the office's elected leader, Mark Gonzalez, about his plan to address the issue and the office's path forward.

However, Gonzalez did not show.

Gonzalez's first assistant district attorney, Angelica Hernandez, said the district attorney was out of town and would be attending the meeting by phone. However, she could not reach him during the meeting.

She then offered to provide an update on the district attorney's office, as she had during the meeting last week when the judges requested to speak with Gonzalez.

The judges insisted on getting an update from Gonzalez.

“Some of the other judges wanted to put this on the agenda for him to be here with us,” said District Judge Carlos Valdez, the presiding judge over the board. “Whenever we're talking about any problems, I always prefer to talk face to face instead of Zoom. It's always better to have a face-to-face conversation.”

About an hour into the meeting, Hernandez said Gonzalez would be available next week to meet with the judges. The board then made arrangements to meet with him on Tuesday, which will mark the third time the district attorney’s office was the subject of a meeting and the second time it was the subject of a specially called meeting.

Gonzalez did not immediately respond to an inquiry from the Caller-Times on Thursday.

Staffing issues

At the Board of Judges meetings in June and earlier this month, Hernandez said the staffing deficiencies in the district attorney's office are a result of a statewide shortage of seasoned prosecutors that has made them a "top commodity."

Other district attorney's offices in the state, she said, are countering the shortage by offering higher salaries for incoming prosecutors. Those salaries often “greatly surpass” what Nueces County is currently offering.

The Nueces County Commissioners Court approved raises for employees in the district attorney's office as well as other departments in September. However, Hernandez said the salaries on offer for incoming prosecutors are not enough to attract many applicants.

“It's not an excuse. (That) is just a fact," Hernandez said, adding that Nueces County's salaries are $10,000 to $15,000 less than those of other counties.

Last week, Nueces County Judge Barbara Canales disagreed with Hernandez’s reasoning, saying a job in public service such as a district attorney is likely to come with a lower salary. Instead, she said efforts should be made to find candidates eager for prosecutorial experience or public service.

Hernandez said the office is engaged in recruiting efforts with law schools and by purchasing ads to be displayed on the Texas State Bar website.

Valdez said he felt the judges could not have a heavy hand in helping the district attorney's office because it could make the judges appear to favor the state. However, he said the issue needs to be addressed before “something explodes and a serious, serious problem occurs.”

“Be a little creative in trying to address these problems,” Valdez said to Hernandez.

Missing in action

The whereabouts of Nueces County’s district attorney has come in up in the two Board of Judges meetings this month.

Speaking with media after the Thursday meeting, Hernandez said she did not know where Gonzalez was last week, when the judges first asked. This week, she said he is out of town.

Asked where Gonzalez currently is, Hernandez suggested searching his Facebook page. The public Facebook page did not give a clear indication of where he was.

Hernandez, who said she does not see the district attorney every day in the office, said she is tasked with running the office when Gonzalez is out.

The level of involvement Gonzalez has had in recent weeks as the district attorney's office has struggled with staffing issues was not immediately clear.

Running as a Democrat, the Agua Dulce native was first elected in 2016 and won reelection in 2020. He spent most of his career as a defense attorney before running for office. He previously indicated he would not run for reelection when his term is up.

Backlog is growing

District Judge Sandra Watts expressed fears the court backlog is growing, an issue she worries could worsen as the district attorney’s office struggles to hire and retain prosectors.

Watts estimates that at least 315 inmates currently in the jail have been in custody for more than 100 days and are waiting to go to trial. On June 16, when Watts began tracking the figure, she said about 281 inmates were waiting for the same.

“We have to find a way to dispose as many cases are coming in, and the problem is we are not — we're adding to the number,” Watts said. "(Gonzalez’s) problem is that as we continue to try to unload this backlog that we got, we have got to have the ability to have the prosecutors move on these cases and not request time, not request continuances for cases that have been in jail for over 100 days."

In June, the judges voted to remove most of the board's COVID-19 restrictions dictating where juries can be selected and establishing an alternating schedule limiting how many

trials can be held simultaneously on courtroom floors. They did, however, keep an order permitting virtual hearings over Zoom.

That decision could see the courts return to a pre-pandemic pace, which could chip at the backlog and subsequently the jail population. However, a district attorney's office with a dwindling staff could slow the process and bottleneck ongoing cases.

Partial relief may be coming

Some upcoming initiatives — both temporary and permanent — could make a positive impact on the jail population and court backlog.

In October, the county will set up an additional court to tackle the backlog. Presided over by a visiting judge and operated by temporary staff, the auxiliary court will focus on cases assigned to inmates who have been in jail for 100 days.

The additional court, which will be paid for with a nearly $1 million grant from the state's Office of Court Administration, was originally slated to start hearing cases in August, but that date was pushed back.

A more permanent fixture will be the Nueces County Mental Health Public Defender's Office, which a newly established oversight board is shooting to have operational in January 2023.

The public defender's office will represent 45% of the mental health-related and 13% of non-mental health-related indigent cases, introducing more attorneys to take on and move cases through the system.

Nueces County District Attorney's Office facing shortage of more than a dozen prosecutors

94th District Court Judge Bobby Galvan listens to Prosecutor Angelica Hernandez before the jury is brought in for the start of the capital murder trial in February 2020.

As Nueces County courts plan to return to a pre-pandemic pace for criminal jury trials, a new obstacle has come up: a district attorney's office that is quickly losing its most seasoned prosecutors.

Chief Felony Prosecutor Angelica Hernandez on Tuesday told the Board of Judges that her office is down 13 prosecutors, a deficit she says has strained the remaining attorneys and could hinder efforts to tackle the courts' growing backlog.

Worse yet, she said, three more prosecutors could be leaving in the coming weeks.

"We no longer have enough prosecutors to man the courts," Hernandez said during the judge's monthly meeting.

Hernandez, a former district judge, said the staffing deficiencies are a result of a statewide shortage of seasoned prosecutors that has made them a "top commodity."

In addition, other counties in the region offer more competitive salaries, luring many of the office's top

prosecutors. They leave Nueces County, Hernandez said, for positions in civil law firms or other district attorney's offices, where the pay is often higher and the workload lighter.

Hernandez shared an example of a prosecutor who left for a position as a misdemeanor prosecutor in another county. That position boasted a salary that was $35,000 more than that of their Nueces County position.

The Commissioners Court approved raises for employees in the district attorney's office as well as other departments in September. However, Nueces County Judge Barbara Canales said that may not have been enough to be competitive in the current market.

Hernandez told the Caller-Times that the office currently has no intake attorneys, who are typically tasked with determining the appropriate charges to file against a defendant based on the facts presented by arresting law enforcement officers.

In lieu of intake attorneys, many prosecutors have added that work — which is critical to determining whether the case will move forward — on top of what they were already doing, increasing the workload and running the "risk now of redeveloping that backlog," she said.

The backlog, in part, has contributed to the overcrowding of the Nueces County Jail. Sheriff J.C. Hooper on Tuesday said the jail remained at 100% capacity, not including inmates housed in the Victoria and Aransas county jails to alleviate overcrowding.

Hooper said the county has spent more than $420,000 for the out-of-county housing of inmates. The Commissioners Court voted this month to use federal funds from the American Rescue Plan Act to pay for that ongoing expense.

Courts to lift COVID restrictions

The courts could soon be unburdened of plastic barriers, social distancing and other precautionary COVID-19 measures.

Hernandez's comments came as the Board of Judges unanimously approved a motion by District Judge Sandra Watts to remove most of the board's COVID-19-related restrictions on where in the courthouse juries can be selected and an alternative schedule limiting how many trials can be held simultaneously on the courtroom floors.

The judges did, however, keep an order allowing judges to hold virtual hearings over Zoom.

Canales, who attends Board of Judges meetings to serve as a liaison between the judges and the Commissioners Court, said it was time to get the courts running normally again. However, she advised the judges against "throwing caution to the wind."

Watts, who said opening the courts up could cut into the backlog, said jurors could wear masks and take precautions if they want to.

'A state and national issue'

The deficit of prosecutors is not unique to Nueces County.

Robert Kepple, the executive director of the Texas District & County Attorneys Association, said the issue is prevalent in many counties — small and large — in Texas.

issue is prevalent in many counties — small and large — in Texas.

"We've got a number of offices with significant shortages," he said.

On the low end, district attorneys coming to Nueces County are offered a salary of more than $63,500, with incremental increases depending on the level of experience.

Kepple said he could not speak specifically to Nueces County, but more populous or suburban counties offering salaries in the $60,000 range have struggled to attract and retain talent.

"Prosecution is a great job and there's a lot to it, but at some point, the salaries are going to have to get better," he said. "I know our electeds are working hard to work with their commissioners to find a way to increase the salaries."

Some counties have opted to raise their salaries in the face of staffing issues. This week, the San Antonio Express-News reported that Bexar County commissioners voted to approve a 5% across-the-board pay hike for county employees, including for the waning district attorney's staff.

A possible talent deficiency

The issues of the staffing shortages could bleed into the courtroom and, at worst, affect the outcome of cases.

District Judge David Stith on Tuesday raised the issue, saying an inexperienced prosecutor assigned to more complex cases — such as murder or crimes involving children — could result in the wrong outcome.

"That affects everybody," Stith said. "That's going to be a 'not guilty' — that person's going to go back out on the street."

Hernandez agreed, later telling the Caller-Times that she worries for the new attorneys employed in the office with fewer mentoring opportunities.

"We have tried to not do a trial by fire with prosecutors. We are at that point now," Hernandez told the judges, adding that "brand-new prosecutors" who have never even tried a misdemeanor would be trying murder and other high-level cases.

Kepple said retaining talented and specialized prosecutors can be a challenge for smaller to mid-sized counties.

"It takes years to train up a good prosecutor. You hate to lose them because the salaries aren't good enough," he said.

Commissioners may consider raises

Hernandez said her office has been working with Canales on resolutions to address the issue, suggesting salary raises could make a difference.

But Canales said the Commissioners Court is in the middle of planning next fiscal year's budget. Any broad change made now, she said, would only hold until Oct. 1 unless it was continued with full approval of the court.

Instead, Canales directed the district attorney's office to bring salary increase proposals to the

Instead, Canales directed the district attorney's office to bring salary increase proposals to the Commissioners Court individually in the meantime. The court has done this before.

Earlier this month, the Commissioners Court unanimously approved raising the salary level for a candidate interested in joining the district attorney's office as a gang prosecutor. Until a broader change can be considered sometime during the beginning of the next fiscal year, Canales said this is the best process.

Hernandez said the situation is desperate and that the office is on the brink.

"We will endeavor to do our best as we always do, and we understand you have to take everything on a case-by-case basis," Hernandez told the judges. "But we literally may be about 16 prosecutors down in the next three weeks."

Chase Rogers covers local government and industry in South Texas. Contact him at chase.rogers@caller.com or on Twitter @chasedrogers. You can support local journalism with a subscription to the Caller-Times.

This article originally appeared on Corpus Christi Caller Times: Nueces County DA facing shortage of more than a dozen prosecutors

EXHIBIT P

KARA SANDS,
COUNTY CLERK
NUECES COUNTY, TEXAS

VETERAN OWNED_____

ASSUMED NAME RECORD CERTIFICATE OF OWNERSHIP FOR UNINCORPORATED BUSINESS OR PROFESSION

Business Name Cruiser's Country Store

Business Address [redacted] **City** [redacted] **State** [redacted] **Zip** [redacted]

Mailing Address [redacted] **City** [redacted] **State** [redacted] **Zip** [redacted]

Business is to be conducted as (check one):

_____ **Sole Proprietorship** _____ **Sole Practitioner** _____ **Joint Venture**

_____ **General Partnership** _____ **Real Estate Investment Trust** _____ **Other** LLC

CERTIFICATE OF OWNERSHIP

NOTICE: A CERTIFICATES OF OWNERSHIP ARE VALID ONLY FOR A PERIOD **NOT TO EXCEED 10 YEARS** FROM THE DATE FILED IN THE COUNTY CLERK'S OFFICE **(CHAPTER 36, SEC.1, TITLE 4 - BUSINESS AND COMMERCE CODE)** THIS CERTIFICATE PROPERLY EXECUTED IS TO BE FILED IMMEDIATELY WITH THE COUNTY CLERK.

I/WE, THE UNDERSIGNED, ARE THE OWNER(S) OF THE ABOVE BUSINESS AND MY/OUR NAME(S) AND ADDRESS(ES) GIVEN IS/ARE TRUE AND CORRECT. AND THERE IS NO OWNERSHIP(S) IN SAID BUSINESS OTHER THAN THOSE LISTED HEREIN BELOW.

Name Cruiser's Country Store, LLC **Signature** [signature]
(PRINT) (First – Middle - Last Name)

Address [redacted] City [redacted] State [redacted] Zip [redacted]

Name Mark Anthony Gonzalez **Signature** [signature]
(Print) (First – Middle – Last Name)

Address [redacted] City [redacted] State [redacted] Zip [redacted]

Name _____ **Signature** _____
(PRINT) (First – Middle - Last Name)

Address_____ City_____ State_____ Zip_____

The State of Texas, County of Nueces

BEFORE ME, THE UNDERSIGNED AUTHORITY, on this day personally appeared

_____

known to me to be the person whose name is subscribed to the foregoing instrument and, under oath, acknowledged to me that he/she signed the same for the purpose and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS 26th **DAY OF** January **20** 22

LAURA RODRIGUEZ
Notary ID #: 12645267-6
My Commission Expires
03/06/2022

Notary Public

VG-63-2022-2022004074

Nueces County
Kara Sands
Nueces County Clerk

Instrument Number: 2022004074

Assumed Name

CORPORATION

Recorded On: January 26, 2022 02:27 PM

Number of Pages: 2

" Examined and Charged as Follows: "

Total Recording: $19.00

STATE OF TEXAS
Nueces County
I hereby certify that this Instrument was filed in the File Number sequence on the date/time printed hereon, and was duly recorded in the Official Records of Nueces County, Texas

Kara Sands
Nueces County Clerk
Nueces County, TX

Kara Sands

********** ***THIS PAGE IS PART OF THE INSTRUMENT*** **********
Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

File Information:

Document Number:	2022004074
Receipt Number:	20220126000114
Recorded Date/Time:	January 26, 2022 02:27 PM
User:	Regina C
Station:	CLERK04.nuecescc.local

Record and Return To:

MARK ANTHONY GONZALEZ

EXHIBIT Q

PERSONAL FINANCIAL STATEMENT

FORM PFS
COVER SHEET
PAGE 1

Filed in accordance with chapter 572 of the Government Code.
For filings required in 2022, covering calendar year ending December 31, 2021.
Use FORM PFS--INSTRUCTION GUIDE when completing this form.

PAGE # 17

ACCOUNT # 00069776

1 NAME	TITLE; FIRST; MI Mr. Mark A. NICKNAME; LAST; SUFFIX Gonzalez	OFFICE USE ONLY Date Received ELECTRONICALLY FILED 09/20/2022
2 ADDRESS	ADDRESS / PO BOX; APT / SUITE #; CITY; STATE; ZIP 901 leopard, room 206 Corpus Christi, TX 78401 ☐ (CHECK IF FILER'S HOME ADDRESS)	Receipt # HD / PM Amount Date Processed
3 TELEPHONE NUMBER	AREA CODE PHONE NUMBER; EXTENSION [redacted]	Date Imaged

4 REASON FOR FILIING STATEMENT

- ☐ CANDIDATE _____ (INDICATE OFFICE)
- ☒ ELECTED OFFICER District Attorney (INDICATE OFFICE)
- ☐ APPOINTED OFFICER _____ (INDICATE AGENCY)
- ☐ EXECUTIVE HEAD _____ (INDICATE AGENCY)
- ☐ FORMER OR RETIRED JUDGE SITTING BY ASSIGNMENT
- ☐ STATE PARTY CHAIR _____ (INDICATE PARTY)
- ☐ OTHER _____ (INDICATE POSITION)

5 Family members whose financial activity you are reporting (see instructions).

SPOUSE Mrs. Janna Gonzalez

DEPENDENT CHILD
1. [redacted]
2. [redacted]
3. [redacted]

In Parts 1 through 18, you will disclose your financial activity during the preceding calendar year. In Parts 1 through 14, you are required to disclose not only your own financial activity, but also that of your spouse or a dependent child (see instructions).

PERSONAL FINANCIAL STATEMENT

ADDITIONAL DEPENDENT CHILDREN

FORM **PFS**
COVER SHEET ADDENDUM

5 Family members whose financial activity you are reporting (see instructions).

DEPENDENT CHILDREN (continued from Cover Sheet)

DEPENDENT CHILD 4. [redacted]

5. [redacted]

6. _____

SOURCES OF OCCUPATIONAL INCOME

PART 1A

If the requested information is not applicable, indicate that on Page 2 of the Cover Sheet, **and DO NOT include this page in the report.**

When reporting information about a dependent child's activity, indicate the child about whom you are reporting by providing the number under which the child is listed on the Cover Sheet.

1 FILER INFORMATION	FILER NAME Gonzalez, Mark A. (The Honorable)	FILER ID 00069776
2 INFORMATION RELATES TO	[X] FILER [ ] SPOUSE [ ] DEPENDENT CHILD ____	
3 EMPLOYMENT [ ] EMPLOYED BY ANOTHER	NAME AND ADDRESS OF EMPLOYER / POSITION HELD [X] (Check if Filer's Home Address) EMPLOYER SELF ADDRESS / PO BOX; APT / SUITE #; CITY; STATE; ZIP CODE [redacted] [redacted] POSITION HELD	
[X] SELF-EMPLOYED	NATURE OF OCCUPATION Attoney	

INFORMATION RELATES TO	[X] FILER [ ] SPOUSE [ ] DEPENDENT CHILD ____
EMPLOYMENT [X] EMPLOYED BY ANOTHER	NAME AND ADDRESS OF EMPLOYER / POSITION HELD [ ] (Check if Filer's Home Address) EMPLOYER State of Texas ADDRESS / PO BOX; APT / SUITE #; CITY; STATE; ZIP CODE 901 Leopard Corpus Christi, TX 78401 POSITION HELD District Attorney
[ ] SELF-EMPLOYED	NATURE OF OCCUPATION

SOURCES OF OCCUPATIONAL INCOME

PART 1A

If the requested information is not applicable, indicate that on Page 2 of the Cover Sheet, **and DO NOT include this page in the report.**

When reporting information about a dependent child's activity, indicate the child about whom you are reporting by providing the number under which the child is listed on the Cover Sheet.

1 FILER INFORMATION	FILER NAME Gonzalez, Mark A. (The Honorable)	FILER ID 00069776
2 INFORMATION RELATES TO	[X] FILER	[ ] SPOUSE [ ] DEPENDENT CHILD _____
3 EMPLOYMENT [X] EMPLOYED BY ANOTHER	NAME AND ADDRESS OF EMPLOYER / POSITION HELD [ ] (Check if Filer's Home Address) EMPLOYER Not Guilty Inc ADDRESS / PO BOX; APT / SUITE #; CITY; STATE; ZIP CODE [redacted] [redacted] POSITION HELD Owner	
[ ] SELF-EMPLOYED	NATURE OF OCCUPATION	

INFORMATION RELATES TO	[ ] FILER [X] SPOUSE [ ] DEPENDENT CHILD _____
EMPLOYMENT [X] EMPLOYED BY ANOTHER	NAME AND ADDRESS OF EMPLOYER / POSITION HELD [ ] (Check if Filer's Home Address) EMPLOYER Hill-Rom ADDRESS / PO BOX; APT / SUITE #; CITY; STATE; ZIP CODE 1020 W. CR F South Paul, MN 55126 POSITION HELD Registerd Respitory Therapist
[ ] SELF-EMPLOYED	NATURE OF OCCUPATION

BONDS, NOTES & OTHER COMMERCIAL PAPER

PART 3

If the requested information is not applicable, indicate that on Page 2 of the Cover Sheet, **and DO NOT include this page in the report.**

List all bonds, notes, and other commercial paper held or acquired by you, your spouse, or a dependent child during the calendar year. If sold, indicate the category of the amount of the net gain or loss realized from the sale. For more information, see FORM PFS--INSTRUCTION GUIDE.

When reporting information about a dependent child's activity, indicate the child about whom you are reporting by providing the number under which the child is listed on the Cover Sheet.

1 FILER INFORMATION	FILER NAME Gonzalez, Mark A. (The Honorable)	FILER ID 00069776
2 DESCRIPTION OF INSTRUMENT	Insuance	
3 HELD OR ACQUIRED BY	[X] FILER [ ] SPOUSE [ ] DEPENDENT CHILD _____	
4 IF SOLD [ ] NET GAIN [ ] NET LOSS		

DESCRIPTION OF INSTRUMENT	Annuity
HELD OR ACQUIRED BY	[X] FILER [ ] SPOUSE [ ] DEPENDENT CHILD _____
IF SOLD [ ] NET GAIN [ ] NET LOSS	

DESCRIPTION OF INSTRUMENT	Annuity
HELD OR ACQUIRED BY	[X] FILER [ ] SPOUSE [ ] DEPENDENT CHILD _____
IF SOLD [ ] NET GAIN [ ] NET LOSS	

INCOME FROM INTEREST, DIVIDENDS, ROYALTIES & RENTS

PART 5

If the requested information is not applicable, indicate that on Page 2 of the Cover Sheet, **and DO NOT include this page in the report.**

List each source of income you, your spouse, or a dependent child received in excess of $930 that was derived from interest, dividends, royalties, and rents during the calendar year and indicate the category of the amount of the income. For more information, see FORM PFS--INSTRUCTION GUIDE.

When reporting information about a dependent child's activity, indicate the child about whom you are reporting by providing the number under which the child is listed on the Cover Sheet.

1 FILER INFORMATION	FILER NAME Gonzalez, Mark A. (The Honorable)	FILER ID 00069776
2 SOURCE OF INCOME ☐ Publicly held corporation	NAME AND ADDRESS Cimarron Engineering ADDRESS / PO BOX; APT / SUITE #; CITY; STATE; ZIP CODE 230 E. KIng Ave KIngsville, TX 78353	
3 RECEIVED BY	☒ FILER ☐ SPOUSE ☐ DEPENDENT CHILD _____	
4 AMOUNT	At least $9,320 but less than $18,630	

SOURCE OF INCOME ☐ Publicly held corporation	NAME AND ADDRESS Double Play Oil ADDRESS / PO BOX; APT / SUITE #; CITY; STATE; ZIP CODE 505 Elm St Portland , TX 78374
RECEIVED BY	☒ FILER ☐ SPOUSE ☐ DEPENDENT CHILD _____
AMOUNT	Less than $9,320

PERSONAL NOTES AND LEASE AGREEMENTS

PART 6

If the requested information is not applicable, indicate that on Page 2 of the Cover Sheet, **and DO NOT include this page in the report.**

Identify each guarantor of a loan and each person or financial institution to whom you, your spouse, or a dependent child had a total financial liability of more than $1,860 in the form of a personal note or notes or lease agreement at any time during the calendar year and indicate the category of the amount of the liability. For more information, see FORM PFS--INSTRUCTION GUIDE.

When reporting information about a dependent child's activity, indicate the child about whom you are reporting by providing the number under which the child is listed on the Cover Sheet.

1 FILER INFORMATION	FILER NAME Gonzalez, Mark A. (The Honorable)	FILER ID 00069776
2 PERSON OR INSTITUTION HOLDING NOTE OR LEASE AGREEMENT	chemcel credit union	
3 LIABILITY OF	[X] FILER [ ] SPOUSE [ ] DEPENDENT CHILD _____	
4 GUARANTOR	NONE	
5 AMOUNT	At least $18,630 but less than $46,580	

PERSON OR INSTITUTION HOLDING NOTE OR LEASE AGREEMENT	GM Financial
LIABILITY OF	[X] FILER [ ] SPOUSE [ ] DEPENDENT CHILD _____
GUARANTOR	NONE
AMOUNT	At least $46,580 or more

INTERESTS IN REAL PROPERTY

PART 7A

If the requested information is not applicable, indicate that on Page 2 of the Cover Sheet, **and DO NOT include this page in the report.**

Describe all beneficial interests in real property held or acquired by you, your spouse, or a dependent child during the calendar year. If the interest was sold, also indicate the category of the amount of the net gain or loss realized from the sale. For an explanation of "beneficial interest" and other specific directions for completing this section, see FORM PFS--INSTRUCTION GUIDE.

When reporting information about a dependent child's activity, indicate the child about whom you are reporting by providing the number under which the child is listed on the Cover Sheet.

1 FILER INFORMATION	FILER NAME Gonzalez, Mark A. (The Honorable)	FILER ID 00069776
2 HELD OR ACQUIRED BY	[X] FILER [ ] SPOUSE [ ] DEPENDENT CHILD _____	
3 STREET ADDRESS [ ] NOT AVAILABLE [ ] CHECK IF FILER'S HOME ADDRESS	STREET ADDRESS, INCLUDING CITY, COUNTY, AND STATE 2739 Cr 26 Robstown, TX 78380	
4 DESCRIPTION [ ] LOTS [X] ACRES	NUMBER OF LOTS OR ACRES AND NAME OF COUNTY WHERE LOCATED 10.01000 acres nueces	
5 NAMES OF PERSONS RETAINING AN INTEREST [X] NOT APPLICABLE (SEVERED MINERAL INTEREST)		
6 IF SOLD [ ] NET GAIN [ ] NET LOSS		

INTERESTS IN REAL PROPERTY

PART 7A

If the requested information is not applicable, indicate that on Page 2 of the Cover Sheet, **and DO NOT include this page in the report.**

Describe all beneficial interests in real property held or acquired by you, your spouse, or a dependent child during the calendar year. If the interest was sold, also indicate the category of the amount of the net gain or loss realized from the sale. For an explanation of "beneficial interest" and other specific directions for completing this section, see FORM PFS--INSTRUCTION GUIDE.

When reporting information about a dependent child's activity, indicate the child about whom you are reporting by providing the number under which the child is listed on the Cover Sheet.

1 FILER INFORMATION	FILER NAME Gonzalez, Mark A. (The Honorable)	FILER ID 00069776
2 HELD OR ACQUIRED BY	[X] FILER [ ] SPOUSE [ ] DEPENDENT CHILD _____	
3 STREET ADDRESS [ ] NOT AVAILABLE [ ] CHECK IF FILER'S HOME ADDRESS	STREET ADDRESS, INCLUDING CITY, COUNTY, AND STATE 1702 2nd St Agua Dulce , TX 78330	
4 DESCRIPTION [X] LOTS [ ] ACRES	NUMBER OF LOTS OR ACRES AND NAME OF COUNTY WHERE LOCATED 2.00000 lots nueces	
5 NAMES OF PERSONS RETAINING AN INTEREST [X] NOT APPLICABLE (SEVERED MINERAL INTEREST)		
6 IF SOLD [ ] NET GAIN [ ] NET LOSS		

INTERESTS IN REAL PROPERTY

PART 7A

If the requested information is not applicable, indicate that on Page 2 of the Cover Sheet, **and DO NOT include this page in the report.**

Describe all beneficial interests in real property held or acquired by you, your spouse, or a dependent child during the calendar year. If the interest was sold, also indicate the category of the amount of the net gain or loss realized from the sale. For an explanation of "beneficial interest" and other specific directions for completing this section, see FORM PFS--INSTRUCTION GUIDE.

When reporting information about a dependent child's activity, indicate the child about whom you are reporting by providing the number under which the child is listed on the Cover Sheet.

1 FILER INFORMATION	FILER NAME Gonzalez, Mark A. (The Honorable)	FILER ID 00069776
2 HELD OR ACQUIRED BY	[X] FILER [ ] SPOUSE [ ] DEPENDENT CHILD _____	
3 STREET ADDRESS [ ] NOT AVAILABLE [ ] CHECK IF FILER'S HOME ADDRESS	STREET ADDRESS, INCLUDING CITY, COUNTY, AND STATE 1213 Antelope Corpus Christi, TX 78401	
4 DESCRIPTION [ ] LOTS [ ] ACRES	NUMBER OF LOTS OR ACRES AND NAME OF COUNTY WHERE LOCATED 2.00000 Nueces	
5 NAMES OF PERSONS RETAINING AN INTEREST [X] NOT APPLICABLE (SEVERED MINERAL INTEREST)		
6 IF SOLD [ ] NET GAIN [ ] NET LOSS		

INTERESTS IN REAL PROPERTY

PART 7A

If the requested information is not applicable, indicate that on Page 2 of the Cover Sheet, **and DO NOT include this page in the report.**

Describe all beneficial interests in real property held or acquired by you, your spouse, or a dependent child during the calendar year. If the interest was sold, also indicate the category of the amount of the net gain or loss realized from the sale. For an explanation of "beneficial interest" and other specific directions for completing this section, see FORM PFS--INSTRUCTION GUIDE.

When reporting information about a dependent child's activity, indicate the child about whom you are reporting by providing the number under which the child is listed on the Cover Sheet.

1 FILER INFORMATION	FILER NAME Gonzalez, Mark A. (The Honorable)	FILER ID 00069776
2 HELD OR ACQUIRED BY	[X] FILER [ ] SPOUSE [ ] DEPENDENT CHILD _____	
3 STREET ADDRESS [ ] NOT AVAILABLE [ ] CHECK IF FILER'S HOME ADDRESS	STREET ADDRESS, INCLUDING CITY, COUNTY, AND STATE 7237 Sweetgum Brownsville, TX 78586	
4 DESCRIPTION [X] LOTS [ ] ACRES	NUMBER OF LOTS OR ACRES AND NAME OF COUNTY WHERE LOCATED 1.00000 lots Cameron	
5 NAMES OF PERSONS RETAINING AN INTEREST [ ] NOT APPLICABLE (SEVERED MINERAL INTEREST)	Gonzalez, Janna	
6 IF SOLD [ ] NET GAIN [ ] NET LOSS		

INTEREST IN BUSINESS ENTITIES

PART 7B

If the requested information is not applicable, indicate that on Page 2 of the Cover Sheet, **and DO NOT include this page in the report.**

Describe all beneficial interests in business entities held or acquired by you, your spouse, or a dependent child during the calendar year. If the interest was sold, also indicate the category of the amount of the net gain or loss realized from the sale.
For an explanation of "beneficial interest" and other specific directions for completing this section, see FORM PFS--INSTRUCTION GUIDE.

When reporting information about a dependent child's activity, indicate the child about whom you are reporting by providing the number under which the child is listed on the Cover Sheet.

1 FILER INFORMATION	FILER NAME Gonzalez, Mark A. (The Honorable)	FILER ID 00069776
2 HELD OR ACQUIRED BY	[X] FILER [ ] SPOUSE [ ] DEPENDENT CHILD _____	
3 DESCRIPTION	NAME AND ADDRESS [ ] (Check if Filer's Home Address) Not Guilty Inc 924 leopard Corpus Christi, TX 78401	
4 IF SOLD [ ] NET GAIN [ ] NET LOSS		

OWNERSHIP OF BUSINESS ASSOCIATIONS

PART 11A

If the requested information is not applicable, indicate that on Page 2 of the Cover Sheet, **and DO NOT include this page in the report.**

Describe each corporation, firm, partnership, limited partnership, limited liability partnership, professional corporation, professional association, joint venture, or other business association in which you, your spouse, or a dependent child held, acquired, or sold 5 percent or more of the outstanding ownership. For more information, see FORM PFS--INSTRUCTION GUIDE.

When reporting information about a dependent child's activity, indicate the child about whom you are reporting by providing the number under which the child is listed on the Cover Sheet.

1 FILER INFORMATION	FILER NAME Gonzalez, Mark A. (The Honorable)	FILER ID 00069776
2 BUSINESS ASSOCIATION	NAME AND ADDRESS ☐ (Check If Filer's Home Address) Not Guilty INC PO Box 3 Corpus Christi, TX 78401	
3 BUSINESS TYPE	☒ Corporation ☐ Firm ☐ Partnership	☐ Limited Partnership ☐ Limited Liability Partnership ☐ Professional Corporation ☐ Profesional Association ☐ Joint Venture ☐ Other _____
4 HELD, ACQUIRED, OR SOLD BY	☒ FILER ☐ SPOUSE ☐ DEPENDENT CHILD _____	

ASSETS OF BUSINESS ASSOCIATIONS

PART **11B**

If the requested information is not applicable, indicate that on Page 2 of the Cover Sheet, **and DO NOT include this page in the report.**

Describe all assets of each corporation, firm, partnership, limited partnership, limited liability partnership, professional corporation, professional association, joint venture, or other business association in which you, your spouse, or a dependent child held, acquired, or sold 50 percent or more of the outstanding ownership and indicate the category of the amount of the assets. For more information, see FORM PFS--INSTRUCTION GUIDE.

When reporting information about a dependent child's activity, indicate the child about whom you are reporting by providing the number under which the child is listed on the Cover Sheet.

1 FILER INFORMATION	FILER NAME Gonzalez, Mark A. (The Honorable)	FILER ID 00069776
2 BUSINESS ASSOCIATION	NAME AND ADDRESS ☐ (Check If Filer's Home Address) Not Guilty INC PO Box 3 Corpus Christi, TX 78401	
3 BUSINESS TYPE	Corporation	
4 HELD, ACQUIRED, OR SOLD BY	☒ FILER ☐ SPOUSE ☐ DEPENDENT CHILD _____	

5 ASSETS

DESCRIPTION	CATEGORY
None	Less than $9,320

BOARDS AND EXECUTIVE POSITIONS

PART 12

If the requested information is not applicable, indicate that on Page 2 of the Cover Sheet, **and DO NOT include this page in the report.**

List all boards of directors of which you, your spouse, or a dependent child are a member and all executive positions you, your spouse, or a dependent child hold in corporations, firms, partnerships, limited partnerships, limited liability partnerships, professional corporations, professional associations, joint ventures, other business associations, or proprietorships, stating the name of the organization and the position held. For more information, see FORM PFS--INSTRUCTION GUIDE.

When reporting information about a dependent child's activity, indicate the child about whom you are reporting by providing the number under which the child is listed on the Cover Sheet.

1	FILER INFORMATION	FILER NAME Gonzalez, Mark A. (The Honorable)	FILER ID 00069776
2	ORGANIZATION	CBCAC	
3	POSITION HELD	Board Member	
4	POSITION HELD BY	[X] FILER [ ] SPOUSE [ ] DEPENDENT CHILD _____	

PERSONAL FINANCIAL STATEMENT

PARTS MARKED "NOT APPLICABLE" BY FILER

FORM **PFS**
COVER SHEET
PAGE 2

On this page, indicate any Parts of Form PFS that are not applicable to you. If you do not place a check in a box, then pages for that Part must be included in the report. ***If you place a check in a box, do NOT include pages for that Part in the report.***

6 PARTS NOT APPLICABLE TO FILER

- [ ] N/A Part 1A - Sources of Occupational Income
- [X] N/A Part 1B - Retainers
- [X] N/A Part 2 - Stock
- [ ] N/A Part 3 - Bonds, Notes & Other Commercial Paper
- [X] N/A Part 4 - Mutual Funds
- [ ] N/A Part 5 - Income from Interest, Dividends, Royalties & Rents
- [ ] N/A Part 6 - Personal Notes and Lease Agreements
- [ ] N/A Part 7A - Interests in Real Property
- [ ] N/A Part 7B - Interests in Business Entities
- [X] N/A Part 8 - Gifts
- [X] N/A Part 9 - Trust Income
- [X] N/A Part 10A - Blind Trusts
- [X] N/A Part 10B - Trustee Statement
- [ ] N/A Part 11A - Business Associations
- [ ] N/A Part 11B - Assets of Business Associations
- [X] N/A Part 11C - Liabilities of Business Associations
- [ ] N/A Part 12 - Boards and Executive Positions
- [X] N/A Part 13 - Expenses Accepted Under Honorarium Exception
- [X] N/A Part 14 - Interest in Business in Common with Lobbyist
- [X] N/A Part 15 - Fees Received for Services Rendered to a Lobbyist or Lobbyist's Employer
- [X] N/A Part 16 - Representation by Legislator Before State Agency
- [X] N/A Part 17 - Benefits Derived from Functions Honoring Public Servant
- [X] N/A Part 18 - Legislative Continuances
- [X] N/A Part 19 - Contracts with Governmental Entity
- [X] N/A Part 20 - Bond Counsel Services Provided by a Legislator

PERSONAL FINANCIAL STATEMENT AFFIDAVIT

The law requires the personal financial statement to be verified. Without proper verification, the statement is not considered filed.

The verification page on a personal statement filed electronically with the Texas Ethics Commission must have the electronic signature of the individual required to file the personal financial statement.

The verification page on a personal financial statement filed with an authority other than the Texas Ethics Commission must have the signature of the individual required to file the personal financial statement as wells as the signature and stamp or seal of office of a notary public or other person authorized by law to administer oaths and affirmations.

I swear, or affirm, under penalty of perjury, that this financial statement covers calendar year ending December 31, 2021 , and is true and correct and includes all information required to be reported by me under chapter 572 of the Government Code.

Mr. Mark A. Gonzalez

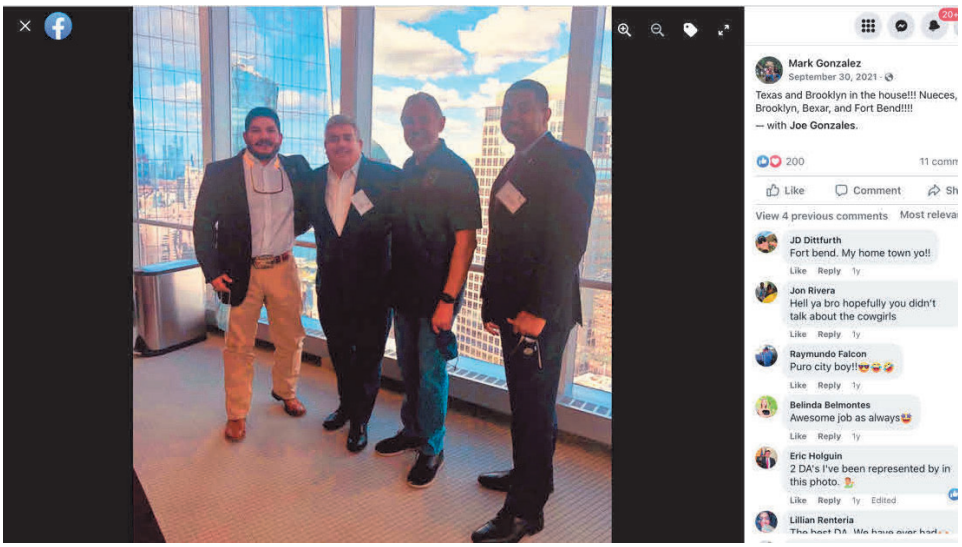
Signature of Filer

AFFIX NOTARY STAMP / SEAL ABOVE

Sworn to and subscribed before me, by the said _____, this the _____ day of_____, 20_____, to certify which, witness my hand and seal of office.

Signature of officer administering oath | Printed name of officer administering oath | Title of officer administering oath

EXHIBIT R


Mark Gonzalez
September 30, 2021 ·
Texas and Brooklyn in the house!!! Nueces, Brooklyn, Bexar, and Fort Bend!!!!
— with Joe Gonzales.
200
11 comm
Like
Comment
Sh
View 4 previous comments
Most releva
JD Dittfurth
Fort bend. My home town yo!!
Like Reply 1y
Jon Rivera
Hell ya bro hopefully you didn't talk about the cowgirls
Like Reply 1y
Raymundo Falcon
Puro city boy!!
Like Reply 1y
Belinda Belmontes
Awesome job as always
Like Reply 1y
Eric Holguin
2 DA's I've been represented by in this photo.
Like Reply 1y Edited
Lillian Renteria

Fair and Just Prosecution
October 1, 2021 ·

Our fall convening wrapped up with two insightful panels on the future of public safety. First, Ithaca Mayor Svante Myrick and Center for Policing Equity's Hans Menos discussed how we can reimagine law enforcement to reduce the footprint of policing and also promote public safety for all. And our final panel featured Reframe Health and Justice's Kate D'Adamo, Transgender Law Center Lynly Egyes, Eli Savit (Washtenaw County Prosecutor's Office), and Cecilia Gentili on protecting the dignity and safety of people involved in the sex trade and the trans community.

A big thank you to all the elected prosecutors in our network who joined us in New York. We look forward to seeing how the important information and innovations shared by all permeate offices and communities around the nation!

8 2 shares

Like Comment

This photo is from a post. Vie

Fair and Just Prosecution
October 1, 2021 ·

1

Like Comment S

Write a comment...

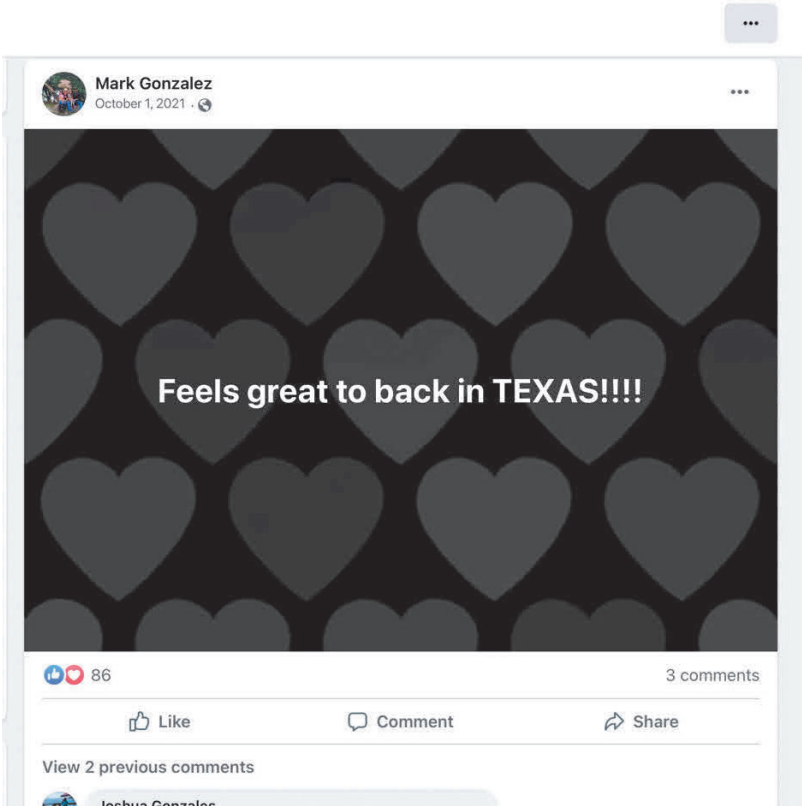
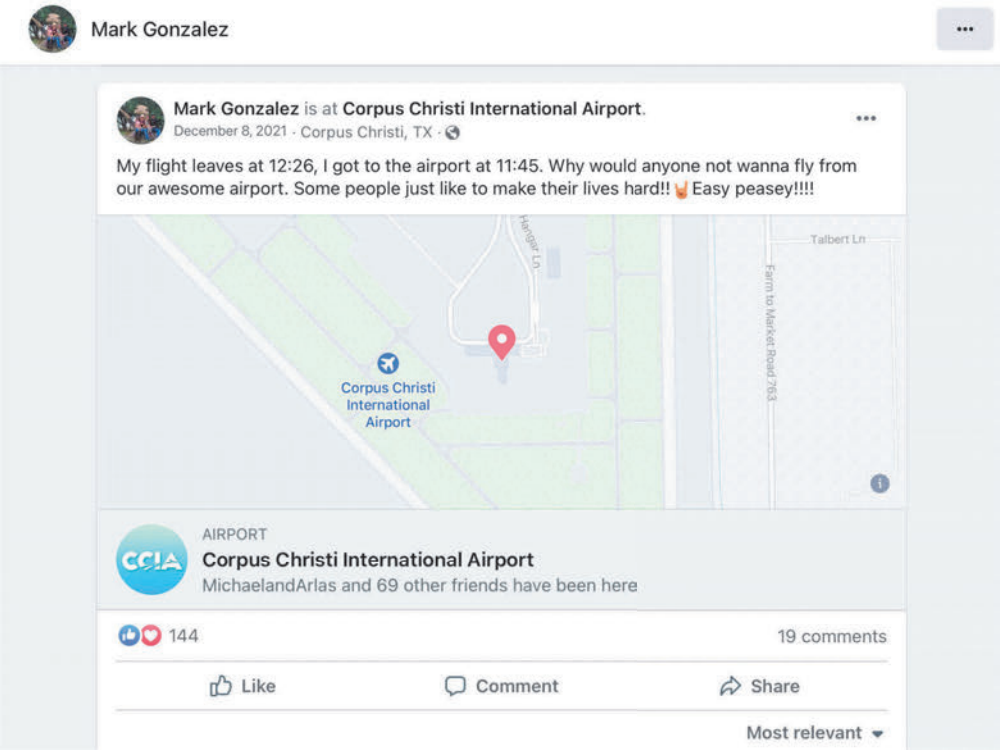


EXHIBIT S


Mark Gonzalez
Mark Gonzalez is at Corpus Christi International Airport.
December 8, 2021 · Corpus Christi, TX ·
My flight leaves at 12:26, I got to the airport at 11:45. Why would anyone not wanna fly from our awesome airport. Some people just like to make their lives hard!! Easy peasey!!!!
Hangar Ln
Talbert Ln
Farm to Market Road 763
Corpus Christi International Airport
AIRPORT
Corpus Christi International Airport
MichaelandArlas and 69 other friends have been here
144
19 comments
Like
Comment
Share
Most relevant

Fair and Just Prosecution
December 10, 2021

We wrapped up our convening with conversations on topics of great significance for reform-minded prosecutors. We first heard from Urban Institute's Leigh Courtney and Andreea Matei and University of Wisconsin-Madison's Cecilia Klingele on how to use data to propel change and build research capacity within prosecutors' offices. And with over 90% of cases ending in plea bargains, our final panel featured Texas A&M University School of Law's Cynthia Alkon, Wake Forest Law's Ron Wright, & Wilson Center for Science and Justice at Duke Law's Jennifer Teitcher on how to make plea bargaining more fair and just.

A big thank you to all the elected prosecutors in our network and the experts in the field who joined us in Los Angeles. We look forward to seeing how the important information and innovations shared by all spread to offices and communities around the nation!

EXHIBIT T

Support Our Work

Fair and Just Prosecution (FJP) brings together newly elected local prosecutors as part of a network of leaders committed to promoting a justice system grounded in fairness, equity, compassion, and fiscal responsibility. These recently elected leaders – and the vision they share for safer and healthier communities – are supported by FJP's unique network through ongoing information sharing, research and resource materials, opportunities for on the ground learning, in-person convenings, technical assistance, and access to national experts. By supporting our work, you help to drive transformation of the justice system across the United States.

Donate

FJP is a sponsored project of the Tides Center (EIN 94-3213100), a 501(c)(3) charitable organization. Click here to make your one time or recurring donation.

Donate Today

A Time for Transformation

FJP is dedicated to shrinking the footprint of the justice system, ending mass incarceration, supporting community-led policing reform, and advancing policies that promote racial equity. Learn more about our work in this critical moment by reading our Blueprint for Police Accountability and Reform and hear from the inspiring DAs we work with about their new vision for our justice system. To learn more about how FJP is supporting prosecutors in responding to COVID-19, read our statement signed by 35 elected prosecutors.

"FJP is like a breath of fresh air!...It is great to have connections and to do things with others around the country and be inspired by them...When you're fighting a constant battle this is invaluable."

—NUECES COUNTY, TX DISTRICT ATTORNEY MARK GONZALEZ

EXHIBIT U

OFFICE OF THE  **DISTRICT ATTORNEY**

901 LEOPARD, ROOM 206
NUECES COUNTY COURTHOUSE
CORPUS CHRISTI, TX 78401-3681

TELEPHONE
361-888-0410 FELONY DIVISION

MARK A. GONZALEZ
DISTRICT ATTORNEY
105TH JUDICIAL DISTRICT
NUECES COUNTY

FACSIMILE
361-888-0474 FELONY DIVISION
361-888-0410 MISDEMEANOR DIVISION
361-888-0743 VICT M ADVOCATE

December 20, 2022

Michael L. Rittgers
[redacted]

RE: Texas Public Information Act Request for Travel Vouchers/Receipts

Dear Mr. Rittgers:

The Nueces County District Attorney's Office received your Texas Public Information Act request via email on December 19, 2022. We understand your request to be for "*Travel Vouchers and all receipts related to the travel expenses for Nueces County District Attorney Mark Gonzales and The First Assistant District Attorney Angelica Hernandez, for the years 2020, 2021 and 2022 to date.*"

After a diligent search and additional communications with the individuals, we were able to determine that there are no vouchers and receipts as to the First Assistant Angelica Hernandez for the years 2020, 2021 and 2022. Ms. Hernandez has not traveled at the expense of the Nueces County District Attorney's Office.

As to District Attorney Mark Gonzales, we have determined that there are no vouchers and no receipts as to his county travel as well for the years 2020, 2021 and 2022.

Please do not hesitate to contact me directly if you have any questions about this letter or if I may be of any assistance.

Sincerely,
/s/ Jason B. Supplee

Chief of Intake
Nueces County District Attorney's Office
901 Leopard St., Room 206
Corpus Christi, TX 78401
Tel: 361-888-0410
Fax: 361-888-0474

DH-105+4

Doc# 2019012283

RLI

RLI Insurance Company
P.O. Box 3967 Peoria IL 61612-3967
Phone: (309)692-1000 Fax: (309)683-1610

RECEIVED
APR 15 2019
JUDICIARY

Official Bond And Oath

EXHIBIT V

Bond No. [redacted]

KNOW ALL MEN BY THESE PRESENTS:

That we, Mark Anthony Gonzalez, as Principal, and **RLI Insurance Company**, a corporation duly licensed to do business in the State of Texas, as Surety, are held and firmly bound unto the Governor of the State of Texas in the penal sum of Five Thousand and 00/100 DOLLARS ($ 5,000.00), to the payment of which sum, well and truly to be made, we jointly and severally bind ourselves and our legal representatives firmly by these presents.

Signed this 1st day of February, 2019.

THE CONDITION OF THIS OBLIGATION IS SUCH, That whereas, the said Principal was duly ☒ elected ☐ appointed to the office of District Attorney, State of Texas, for the term commencing on the 1st day of February, 2019.

NOW THEREFORE, if the said Principal shall faithfully perform the duties of his said office, then this obligation shall be void and of no effect, otherwise to remain in full force and effect.

Mark Anthony Gonzalez
Principal

Countersigned

N/A

RLI Insurance Company
Martin W. Davis — Vice President

RLI INSURANCE COMPANY CORPORATE SEAL ILLINOIS

Inna Klein
214th District Court Judge

OATH OF OFFICE
(COUNTY COMMISSIONERS and COUNTY JUDGE)

I, _____, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of _____ of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State; and I furthermore solemnly swear (or affirm) that I will not be, directly or indirectly, interested in any contract with or claim against the County, except such contracts or claims as are expressly authorized by law and except such warrant as may issue to me as fees of office. So help me God.

_____
Principal

Sworn to and subscribed before me, at, _____ Texas, this _____ day of _____, _____.

SEAL

_____
Notary Public
_____ County, Texas

04200418-10.0

STATE OF TEXAS
COUNTY OF NUECES

The above and foregoing is a true and correct copy as the same appears on file and/or recorded in the appropriate records of Nueces County, Texas.

Thereby certified on APR 01 2019

County Clerk
Nueces County, Texas

OATH OF OFFICE
(GENERAL)

I, _____, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of _____ of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.

_____
Principal

Sworn to and subscribed before me, at, Corpus Christi Texas, this 21 day of April, 19.

GABRIELA FLORES
ID# 12957438-9
Notary Public
STATE OF TEXAS
My Comm. Exp. 09-26-2021

_____
Notary Public

Nueces County, Texas

ACKNOWLEDGEMENT OF SURETY

THE STATE OF Illinois
County of Peoria } ss

On this 1st day of February, 2019, before me, the undersigned officer, personally appeared Barton W. Davis who acknowledged himself to be the aforesaid Vice President of the **RLI Insurance Company**, a corporation, and he as such officer, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as such officer.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Gretchen L Johnigk
Notary Public
Gretchen L. Johnigk

Peoria
County

GRETCHEN L JOHNIGK
"OFFICIAL SEAL"
My Commission Expires
May 26, 2020

O4200418-10,0

STATE OF TEXAS
COUNTY OF NUECES

The above and foregoing is a true and correct copy as the same appears on file and/or recorded in the appropriate records of Nueces County, Texas.

Thereby certified on APR 01, 2019

County Clerk
Nueces County, Texas

Form #2201 Rev. 10/2011

Submit to:
SECRETARY OF STATE
Government Filings Section
P O Box 12887
Austin, TX 78711-2887
512-463-6334
512-463-5569 - Fax
Filing Fee: None

This space reserved for office use

STATEMENT OF OFFICER

Statement

I, Mark Anthony Gonzalez, do solemnly swear (or affirm) that I have not directly or indirectly paid, offered, promised to pay, contributed, or promised to contribute any money or thing of value, or promised any public office or employment for the giving or withholding of a vote at the election at which I was elected or as a reward to secure my appointment or confirmation, whichever the case may be, so help me God.

Position to Which Elected/Appointed: District Attorney

City and/or County: Nueces

Execution

Under penalties of perjury, I declare that I have read the foregoing statement and that the facts stated therein are true.

Date: _____

_____
Signature of Officer

Revised 10/2011

STATE OF TEXAS
COUNTY OF NUECES

The above and foregoing is a true and correct copy as the same appears on file and/or recorded in the appropriate records of Nueces County, Texas.

Thereby certified on APR 0 4 2019

County Clerk
Nueces County, Texas

POWER OF ATTORNEY

RLI Insurance Company

9025 N. Lindbergh Dr. Peoria, IL 61615
Phone: 800-645-2402

Bond No. [redacted]

Know All Men by These Presents:

That the **RLI Insurance Company**, a corporation organized and existing under the laws of the State of Illinois, and authorized and licensed to do business in all states and the District of Columbia does hereby make, constitute and appoint: Barton W. Davis in the City of Peoria, State of Illinois, as it's true and lawful Agent and Vice President, with full power and authority hereby conferred upon him/her to sign, execute, acknowledge and deliver for and on its behalf as Surety, in general, any and all bonds and undertakings in an amount not to exceed Five Million and 00/100 Dollars ($ 5,000,000.00) for any single obligation, and specifically for the following described bond.

Principal: Mark Anthony Gonzalez
Obligee: **Governor of the State of Texas**
Type Bond: **District Attorney**
Bond Amount: **$ 5,000.00**
Effective Date: **February 1, 2019**

The **RLI Insurance Company** further certifies that the following is a true and exact copy of a Resolution adopted by the Board of Directors of **RLI Insurance Company**, and now in force to-wit:

"All bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or Agents who shall have authority to issue bonds, policies or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile."

IN WITNESS WHEREOF, the **RLI Insurance Company** has caused these presents to be executed by its Vice President with its corporate seal affixed this 1st day of February, 2019.

RLI Insurance Company

By: Barton W. Davis — Vice President

State of Illinois
County of Peoria } SS

On this 1st day of February, 2019, before me, a Notary Public, personally appeared Barton W. Davis, who being by me duly sworn, acknowledged that he signed the above Power of Attorney as the aforesaid officer of the **RLI Insurance Company**, and acknowledged said instrument to be the voluntary act and deed of said corporation.

By: Gretchen L. Johnigk — Notary Public

GRETCHEN L JOHNIGK
"OFFICIAL SEAL"
My Commission Expires
May 26, 2020

CERTIFICATE

I, the undersigned officer of **RLI Insurance Company** do hereby certify that the attached Power of Attorney is in full force and effect and is irrevocable; and furthermore, that the Resolution of the Company as set forth in the Power of Attorney, is now in force. In testimony whereof, I have hereunto set my hand and the seal of the **RLI Insurance Company** this 1st day of February, 2019.

RLI Insurance Company

By: Jean M. Stephenson — Corporate Secretary

A0082817

STATE OF TEXAS
COUNTY OF NUECES

The above and foregoing is a true and correct copy as the same appears on file and/or recorded in the appropriate records of Nueces County, Texas.

Thereby certified on APR 01 2019

County Clerk
Nueces County, Texas

P.O. Box 3967
Peoria, IL 61612-3967
Phone: (309)692-1000 Fax: (309)683-1610

Texas Policyholder Notice

TEXAS
IMPORTANT NOTICE

To obtain information or make a complaint:

You may call **RLI Insurance Company**'s toll free telephone number for information or to make a complaint at (800)645-2402.

You may also write to **RLI Insurance Company** at:

9025 N. Lindbergh Drive
Peoria, IL 61615
FAX # (309)683-1610

You may contact the Texas Department of Insurance to obtain information on companies, coverages, rights or complaints at 1-800-252-3439.

You may also write the Texas Department of Insurance:

P.O. Box 149104
Austin, TX 78714-9104
Fax Number: (512) 490-1007
Web: www.tdi.texas.gov
E-mail: ConsumerProtection@tdi.texas.gov

PREMIUM OR CLAIM DISPUTES:
Should you have a dispute concerning your premium or about a claim, you should contact the agent first. If the dispute is not resolved, you may contact the Texas Department of Insurance.

ATTACH THIS NOTICE TO YOUR POLICY:
This notice is for information only and does not become a part or condition of the attached document.

TEXAS
AVISO IMPORTANTE

Para obtener informacion o para presentar una queja:

Usted puede llamar al numero de telefono gratuito de **RLI Insurance Company** para obtener informacion o para presentar una queja al (800)645-2402.

Usted tambien puede escribir a **RLI Insurance Company**:

9025 N. Lindbergh Drive
Peoria, IL 61615
FAX # (309)683-1610

Usted puede comunicarse con el Departamento de Seguros de Texas para obtener informacion sobre companias, coberturas, derechos o quejas al 1-800-252-3439.

Usted puede escribir al Departamento de Seguros de Texas a:

P.O. Box 149104
Austin, TX 78714-9104
Fax Number: (512) 490-1007
Sitio web: www.tdi.texas.gov
E-mail: ConsumerProtection@tdi.texas.gov

DISPUTAS POR PRIMAS DE SEGUROS O RECLAMACIONES:
Si tiene una disputa relacionada con su prima de seguro o con reclamacion, usted debe comunicarse con el agente primero. Si la disputa no es resuelta, puede comunicarse con el Departamento de Seguros de Texas.

ADJUNTE ESTE AVISO A SU POLIZA:
Este aviso es solamente para propositos informativos y no se convierte en parte o en condicion del documento adjunto.

Doc# 2019012283
Pages 6
04/01/2019 5:09PM
Official Records of
NUECES COUNTY
KARA SANDS
COUNTY CLERK
Fees $0.00

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of Race, Color, Relision, Sex, Handicap, Familial Status, or National Origin is invalid and unenforceable under FEDERAL LAW, 3/12/89.

STATE OF TEXAS
COUNTY OF NUECES
I hereby certify that this instrument was FILED in file number sequence on the date and at the time stamped herein by me, and was duly RECORDED in the Official Public Records of Nueces County, Texas
KARA SANDS

Kara Sands

STATE OF TEXAS
COUNTY OF NUECES

I, KARA SANDS, COUNTY CLERK OF NUECES COUNTY, TEXAS, do hereby certify that the foregoing is a true and correct copy of the original record now on file and/or recorded by me in the Official Public records.

WITNESS MY OFFICIAL HAND AND SEAL OF OFFICE, this 1st day of April 2019

KARA SANDS, COUNTY CLERK
NUECES COUNTY, TEXAS
BY Margarita Sanchez
Deputy
Margarita Sanchez

COUNTY COURT TEXAS COUNTY OF NUECES

EXHIBIT W

VERIFICATION

STATE OF TEXAS §

§

COUNTY OF NUECES §

Before me, the undersigned authority, on this day personally appeared Colby Wiltse, the Relator in the above-referenced lawsuit, who upon his oath stated that he has read the foregoing Petition for Removal and that the facts stated in the foregoing pleading are all within his personal knowledge, or information and belief, and are true and correct.

Colby Wiltse

SUBSCRIBED TO AND SWORN BEFORE ME, the undersigned authority, on this 18 day of January, 2023.

NOTARY PUBLIC STATE OF TEXAS
CARRIE MOORE
Notary ID #: 13336890-6
My Commission Expires
11/15/2025

Notary Public

State of Texas