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Filed
Caroline Woodburn
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10/30/2015 5:03:58 P
Potter County, Texas
By _____ Deputy

IN THE COUNTY COURT AT LAW
NUMBER _____
POTTER COUNTY, TEXAS

In Re: D. CHRIS HESSE,
Relator

**PETITION FOR WRIT OF MANDAMUS,
PETITION FOR WRIT OF PROHIBITION AND
REQUEST FOR EMERGENCY RELIEF**

Original Proceeding from
Cause No. 60084732-01
Pending in the Amarillo Municipal Court, Texas

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Relator, Pro Se

IDENTITY OF PARTIES

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Respondent:
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Real Party In Interest:
The State of Texas

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ISSUE NO. TWO: Will a writ of prohibition issue to prohibit a judge from banning an attorney without a hearing and in violation of the constitutional right of public trials, especially when the ban is unlimited as to time and not required to control conduct within or restore order in the courtroom?

ISSUE NO. THREE: Will a writ of prohibition issue to prohibit Respondent from taking any further action on the banishment order?

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APPENDIX A – Relator’s Declaration

TO THE HONORABLE COUNTY COURT AT LAW:

Relator, D. Chris Hesse., shows:

PRELIMINARY STATEMENT

This Petition presents the simple, but important, question of whether a Judge may ban an attorney from her courtroom.

STATEMENT OF THE CASE

The underlying suit (Cause No. 60088732-01 in the Amarillo Municipal Court, Texas) is a criminal suit wherein Relator represents John Lee Brooks. Mr. Brooks is charged by Complaint with Following Too Closely – Class C. The case is currently pending.

On October 30th, 2015, Relator appeared at 9:07 a.m. to represent Mr. John Lee Brooks and was denied entry. Relator later learned that Respondent banned Relator from her courtroom. Respondent has refused to lift this ban and the instant application results.

STATEMENT OF JURISDICTION

This Petition is brought pursuant to, and this Court has jurisdiction of this Petition pursuant to § 30.00014, Tex. Gov't Code (Vernon 2011).

This Petition is also brought pursuant to the First, Fifth, Sixth, Eighth, and Fourteenth Amendments to the United States Constitution.

And this Petition is brought pursuant to the provisions of Article 1, §§ 8, 13 and 19, Texas Constitution.

ISSUES PRESENTED

ISSUE NO. ONE: May Respondent ban Relator from her courtroom when the ban is (1) not required to control conduct within or restore order in the courtroom; (2) unlimited as to time; and (3) not reduced to writing? If not, will a writ of mandamus issue to require Respondent to set aside the ban?

ISSUE NO. TWO: Will a writ of prohibition issue to prohibit a judge from banning an attorney without a hearing and in violation of the constitutional right of public trials, especially when the ban is unlimited as to time and not required to control conduct within or restore order in the courtroom?

ISSUE NO. THREE: Will a writ of prohibition issue to prohibit Respondent from taking any further action on her banishment order?

STATEMENT OF FACTS

Relator is an attorney at law, licensed to practice law in the State of Texas and self-employed. He regularly represents clients in all courts in the Amarillo area, Texas .¹

¹

Relator's Declaration, Appendix A

Relator represents John Lee Brooks in Cause # 60084732-01 in the Amarillo Municipal Court.²

On October 30th, 2015, Relator arrived to court at 9:07 a.m. to defend John Lee Brooks for a scheduled jury trial set for 9:00 a.m.. Relator found that Judge Jennifer Cates had locked the courtroom doors and Relator could not get in. Relator knocked and no one answered.³

Relator's client, Mr. John Lee Brooks, arrived at 9:18 a.m..⁴

Relator was told by Bailiff Robert Ruiz that Judge Jennifer Cates had signed a warrant for John Lee Brook's arrest for not appearing at 9:00 a.m..⁵

John Lee Brooks was taken into custody.⁶

At approximately 10:15 a.m., Relator attempted to file an Attorney Bond with the Court Clerk for the release of John Lee Brooks. Relator was still not able to gain access to the courtroom because it was locked.⁷

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Relator's Declaration, Appendix A

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Relator's Declaration, Appendix A

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Relator's Declaration, Appendix A

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Relator's Declaration, Appendix A

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Relator's Declaration, Appendix A

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Relator's Declaration, Appendix A

Docket Clerk Karen Lacy informed Relator that she would not accept for filing Relator's Attorney Bond. Relator asked Docket Clerk Karen Lacy to have Judge Jennifer Cates open her courtroom so he could get a ruling on whether the Court would accept on deny Attorney D. Chris Hesse's Attorney Bond for John Lee Brooks. Ms. Karen Lacy refused.⁸

At approximately 10:30 a.m. Relator was approached by a woman who identified herself as the Court's Administrator and Clerk of the Court. She gave the name of Ms. Victoria Jaramillo-Medley.⁹

Ms. Medley informed Relator that she would accept for filing the Attorney Bond, but that the Judge informed her that the Attorney Bond would be rejected by the Judge.¹⁰

Relator stated to Ms. Medley that he needed to get a signed ruling from Judge Jennifer Cates on his Attorney Bond and requested that Judge Jennifer Cates open her courtroom doors so that Relator may approach Judge Jennifer Cates and put his conversation and her ruling on the record.¹¹

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Relator's Declaration, Appendix A

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Relator's Declaration, Appendix A

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Relator's Affidavit, Appendix A

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Relator's Affidavit, Appendix A

Ms. Medley informed that Judge Jennifer Cates would not open the courtroom doors “for security reasons.”¹²

Ms. Medley then provided Relator with a “CT Violation Status Maintenance” document which stated that the Attorney Bond presented to the Court was not accepted.¹³

Relator stated to Ms. Medley that the document provided to Relator was not a signed order. Relator again asked Ms. Medley to have Judge Jennifer Cates open the courtroom doors. Ms. Medley refused again, stating the Judge would not open the courtroom doors “for security reasons.”¹⁴

Respondent’s banishment order remains in effect and Relator cannot enter Judge Jennifer Cates’ courtroom.

Each Appendix is attached hereto and is incorporated by reference for all intents and purposes as though set forth herein verbatim.

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Relator’s Declaration, Appendix A

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Relator’s Declaration, Appendix A

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Relator’s Declaration, Appendix A

SUMMARY OF THE ARGUMENT

A sitting judge does not have the authority to unilaterally ban an attorney from a courtroom when due process / due course of law protections apply. The sitting judge does not have the authority to attempt such a decree because it denies due process / due course of law rights in violation of law. A blanket order restricting the attorney from entering the courtroom is overly broad and violative of the constitutional right of due process and remedy by due course of law. There is no legal vehicle available or authority for Respondent to threaten to hold Relator in contempt without due process or prevent Relator from exercising his First Amendment Right.

ARGUMENT AND AUTHORITY

Relator finds himself in a predicament not of his own making, and fears he will subject himself to contempt punishment should he disobey Respondent's ban excluding him from her court in any way. While the Supreme Court and the Court of Criminal Appeals have held that a contempt of an oral order is void,¹⁷ neither court has held that an oral order itself is void. The closest either seems to have come is found in the following quotes: "One who is committed to jail for civil

contempt should be able to find somewhere in the record the written order, which meets the requirements of *Ex parte Slavin*, 412 S.W.2d 43 (Tex.1967). It is the written order which is entered on the minutes, which a court is directed to sign ... and which evidences one's rights and duties. Oral orders are poor substitutes for the requirement of one final judgment.”¹⁸

But the United States Supreme Court has held that an order must be obeyed until it is set aside.¹⁹ This would include oral orders, no matter how vague.

Because the ban is constitutionally infirm, as set forth below, Relator seeks mandamus relief from this Court.

Entitlement to Writ of Mandamus

Mandamus is an extraordinary remedy. A writ of mandamus will issue to correct trial court actions when there has been a clear abuse of discretion, particularly where the remedy by appeal is inadequate.²⁰ A trial court abuses its discretion if it acts without reference to any guiding rules and principles, or if the

Ex parte Davis, 171 Tex. Crim. 629 (1962); *Ex parte Price*, 741 S.W.2d 366 (Tex. 1987). The reasoning in both cases is that the oral order was too vague to be enforceable by contempt. *Id.*

¹⁸

Ex parte Padron, 565 S.W.2d 921, 924 (Tex. 1978)

¹⁹

Maness v. Meyers, 419 US 449, 95 S.Ct. 584, 42 L.Ed.2d 574 (1975).

²⁰

In re Kuntz, 124 S.W.3d 179 (Tex. 2003); *Ayres v. Canales*, 790 S.W.2d 554 (Tex. 1990); *Garcia v. Peeples*, 734 S.W.2d 343 (Tex. 1987); *West v. Solito*, 563 S.W.2d 240 (Tex. 1978); *Walker v. Packer*, 827 S.W.2d 833 (Tex. 1992), *Jampole v. Touchy*, 673 S.W.2d 569 (Tex. 1984).

trial court's act is arbitrary or unreasonable.²¹ A trial court's erroneous legal conclusion, even in an unsettled area of law, is an abuse of discretion.

Mandamus also lies over an interlocutory order or temporary order that the court had no jurisdiction to make.²² Stated another way, a writ of mandamus is an appropriate remedy to nullify an order entered without legal authority.²³ Mandamus is available to challenge a void order of the trial court.²⁴

Mandamus is proper when a trial court issues an order beyond its jurisdiction, and when a court does so, the relator need not show that he does not have an adequate remedy on appeal.²⁵

Criminal Mandamus Standards

Mandamus and prohibition are available in a criminal proceeding if the Relator shows (1) that the act he seeks to compel or prohibit does not involve a discretionary or judicial decision and (2) that he has no adequate remedy at law to redress the harm that he alleges will ensue.²⁶

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Downer v. Aquamarine Operators, Inc., 701 S.W.2d 238 (Tex. 1985).

²²

In re Cornyn, 27 S.W.3d 327 (Tex. App.—Houston [1st Dist.] 2000, orig. proceeding).

²³

Eckels v. Gist, 743 S.W.2d 330 (Tex. App.—Houston [1st Dist.] 1987, no writ).

²⁴

See, e.g., *In re Dilley I.S.D.*, 23 S.W.3d 189 (Tex. App.—San Antonio 1999, orig. proceeding).

²⁵

In re Southwestern Bell Tel. Co., 35 S.W.3d 602 (Tex. 2000).

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“The first prong requires the Relator to show that he has a clear right to the relief sought, meaning that the facts and circumstances dictate only one rational decision under unequivocal, well-settled, and clearly controlling legal principles. The second prong requires that Relator has no adequate remedy at law to redress the harm he alleges will ensue.”²⁷ As will be shown, Respondent was not provided required due process protections for this oral order and has no adequate remedy to redress the harm that flows and is flowing from the ban.

Entitlement to Writ of Prohibition

The writ of prohibition is an extraordinary judicial writ that may be issued by a Court of Appeals, as a court of superior jurisdiction, directed to a court of inferior jurisdiction. Its purpose may be to prevent an inferior tribunal from exercising a jurisdiction that it has no lawful right to exercise. The writ of prohibition as used in Texas has three principal functions: (1) preventing interference with the higher courts in deciding a pending appeal; (2) preventing an inferior court from entertaining suits which will relitigate controversies which have already been settled by the issuing court; and (3) prohibiting a trial court's action when it affirmatively appears that the court lacks jurisdiction.²⁸ As will be shown,

²⁷ *Simon v. Levario*, 306 S.W.3d 318, 320 (Tex.Crim. App.2009).

²⁸ *Simon v. Levario*, 306 S.W.3d 318, 320 (Tex.Crim. App.2009).

Respondent lacks any jurisdiction or authority to ban Relator from her courtroom. Since Respondent banned Relator from practicing law in the Amarillo Municipal Court, Respondent has not taken any further action but there remains the possibility that she will try to do so, should this Court not issue the writ. Because of the Respondent's ban, Relator cannot enter the Relator's courtroom because he is physically being prevented from doing so.

Issues Restated: No court has jurisdiction to sanction an attorney by oral banishment nor hold an attorney in contempt for entering that court without due process. The Constitution clearly requires that the doors of the court "shall be open" but Respondent has essentially slammed the doors shut. Therefore, Judge Cates' oral ban is void, should be set aside and prohibited.

The Issues are addressed together as they rely upon the same facts and authority.

Article 1, section 19 of the Texas Constitution guarantees that, "No citizen of the State shall be deprived of life, liberty, property, privileges or immunities, or in any manner disfranchised, except by due course of law of the land." The Fourteenth Amendment, United States Constitution, provides in relevant part: "nor shall any State deprive any person of life, liberty, or property, without due process of law..."

Humble Oil Co. Inc. v. Walker, 641 S.W.2d 941, 943 (Tex. App.—Dallas 1982, orig. proceeding).

“Texas courts have inherent power to punish contempt.”²⁹ That power is limited to direct contempt (contempt occurring in the presence of the court)³⁰ or constructive contempt, which often consists of violation of a court’s order outside of the presence of the court.³¹

In addition, the Texas Government Code Section 21.001(a), reads that a court has “all powers necessary for the exercise of its jurisdiction and the enforcement of its lawful orders.”³² But “due process limits a court’s power to sanction.”³³

Here, Respondent was not acting to control conduct or restore order in the Amarillo Municipal Court.

Furthermore, the Court of Appeals has stated that “a court does not have the power to violate a party’s due process rights.”³⁴ In fact, when dealing with contempt proceedings, the Court of Appeals has found that courts must follow the

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Kutch v. Del Mar College, 831 S.W.2d 506 (Tex. App. – Corpus Christi 1992, no writ).

³⁰

In re Reece, 341 S.W.3d 360 (Tex. 2011).

³¹

In re Alloju, 987 S.W.3d 486 (Tex. 1995).

³²

Tex. Gov’t Code § 21.001(a)(Vernon 2011)

³³

Kutch v. Del Mar College, 831 S.W.2d 506 (Tex. App.—Corpus Christi 1992, no writ).

³⁴

In re Aceptance Ins. Co., 33 S.W.3d 443 (2000). Art. 1, § 19, Texas Constitution

“due process safeguards” laid out in § 21.002(d) of the Texas Government Code.³⁵ Accordingly, the Respondent must observe and follow the rules, and she has no authority to deviate from them, assuming *arguendo* that Relator could even be punished for his out-of-court statements.

In a similar situation, the Court of Criminal Appeals stated, “An order barring one reporter from entering an area of the courtroom inside the rail was void if the order was based on the judge’s personal resentment toward that one reporter.”³⁶ In addition, they stated that if they allowed the order to stand, it would constitute a deprivation of relator’s (Davis) rights, which would infringe upon due process.”³⁷ Furthermore, the Court of Criminal Appeals specifically stated, “We can see no difference if a judge were to enter such an order, as was done here, excluding a member of the bar from coming inside the rail.”³⁸ Which is exactly what Respondent has done, except that he expanded the zone of exclusion to include Relator even entering into the courtroom itself.

In other words, Respondent has no authority to orally ban a member of the Bar from entering into or appearing in the courtroom. Moreover, Respondent

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Kidd v. Lance, 794 S.W.2d 586, 587 n. 1 (Tex. App.—Austin 1990, orig. proceeding)

³⁶

Ex parte Davis, 171 Tex. Crim. 629 (1962).

³⁷

Ex parte Davis, 171 Tex. Crim. 629 (1962).

³⁸

must comply with due process safeguards provided in the statute and the constitution before she would attempt to issue any such ban.

The Supreme Court has held “that a judgment of contempt based on an oral order was void.”³⁹ In fact, the Supreme Court of Texas has held that “due process requires both a written judgment of contempt and a written order of commitment.”⁴⁰ In other words, an oral order of contempt not reduced to writing is void.

“It is an accepted rule of law that for a person to be held in contempt for disobeying a court decree, the decree must spell out the details of compliance in clear, specific and unambiguous terms.”⁴¹

The oral decree issued by Respondent is clearly in violation of the accepted rule because Respondent never reduced the decree to writing, generally bans Relator with absolutely no guidelines and without specifying any exact terms.

The message that Judge Jennifer Cates sent to Relator refusing him entry to her court did not satisfy notice or due process requirements either, because it was simply an oral communication and did not allow Relator a meaningful hearing.

Ex parte Davis, 171 Tex. Crim. 629 (1962).
³⁹

Ex parte Price, 741 S.W.2d 366 (Tex. 1987).
⁴⁰

Ex parte Price, 741 S.W.2d 366 (Tex. 1987).
⁴¹

Ex parte Slavin, 412 S.W.2d 43 (Tex. 1967).

Furthermore, the banishment order is an oral decree that does not spell out the terms, isn't written, and is essentially a never-ending punishment. This punishment violates the 8TH Amendment's prohibition against cruel and unusual punishment. It also adversely impacts Relator's ability to represent those clients whose cases are pending in Respondent's court and to which Relator defends.

Because the oral ban cannot be reviewed and due process has been denied, this Court should issue its writ of mandamus requiring Respondent to set same aside. Further, the oral order banning Relator denies Relator due process and is, therefore, void and should be so declared by the Court.

There are two additional reasons why the oral order banning Relator from entering her courtroom is void. The first is the violation of the constitutional right to open courts provision of the Texas Constitution, which was violated when Respondent denied Relator a remedy.⁴³

Article 1, Section 13 of the Texas Constitution clearly reads, "All courts shall be open, and every person from an injury done him, in his lands, goods, person or reputation, shall have a remedy by due course of law." However, Respondent's oral order prevents Relator from even entering the Amarillo

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Tex. Const. Art. 1, § 13.

Municipal Court for an unlimited amount of time and has clearly “closed” the court for any potential remedy.

Respondent has no authority to issue a blanket order denying access to the courts.⁴⁴ In fact, the Court of Criminal Appeals has stated that a judge does not have the authority to exclude one particular person from the courtroom and continue to allow other individuals similarly situated from the same area.⁴⁵

Secondly, the oral order is in clear violation of Relator’s constitutionally protected First Amendment Right and corresponding Art. 1, § 8, of the Texas Constitution rights. It is therefore void.

This Court should therefore either declare the oral contempt order void, or it should issue its writ of mandamus.

Writ of Prohibition:

Because there is absolutely no jurisdiction or authority to orally ban an attorney without due process, this Court should also issue its writ of prohibition, prohibiting Respondent from preventing Relator from entering or practicing law in the Amarillo Municipal Court.

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Tex. Const. Art. 1, § 13.

⁴⁵

CONCLUSION

Respondent has the authority and ability to maintain decorum and control in her courtroom. But Respondent Cates cannot unilaterally ban an attorney from her courtroom without due process. Respondent Cates has no authority or jurisdiction to issue such a ban on practicing law in the Amarillo Municipal Court, especially without providing Relator due process. There is no authority for Respondent Cates to ban Relator in violation of the open courts provision. Relator has no adequate remedy by appeal and mandamus relief is appropriate.

This Court should, therefore, issue its writ of mandamus and writ of prohibition in accordance with the allegations hereof, requiring Respondent to set aside his order banning Relator from his courtroom. Alternatively, this Court should declare the Judge's oral banishment decree and restriction on Relator's First Amendment Right void. This Court should grant Relator general relief.

Respectfully submitted,

/s/ David C. Hesse
D. Chris Hesse #24049081
112 West 8th Avenue, Suite 301
Amarillo, Texas 79101
(806) 350-6785
Fax: (806) 350-6786
Relator, Pro Se

CERTIFICATE OF SERVICE

I, the undersigned attorney, certify that on October 30th, 2015, a true and correct copy of the foregoing pleading was served in accordance with the Rules of Appellate Procedure on:

Honorable Jennifer Cates
201 S.E. 4th Avenue
P.O. Box 1366
Amarillo, Texas 79105-1366
T-(806) 378-3082
F-(806) 378-9317

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P.O. Box 1366
Amarillo, Texas 79105-1366
P-(806) 378-3016
F-(806) 378-3544

/s/ David C. Hesse
D. Chris Hesse

CERTIFICATION

I certify that I have reviewed the petition and concluded that every factual statement in the petition is supported by competent evidence included in the appendix or record.

/s/ David C. Hesse
D. Chris Hesse

CERTIFICATE OF COMPLIANCE WITH RULE 9.4, T.R.A.P.

Pursuant to Texas Rule of Appellate Procedure 9.4, this is to certify that this document complies with the type-volume limitation of Texas Rule of Appellate Procedure 9.4 because as a petition for writ of mandamus, this document is computer-generated and does not exceed 4,500 words. Using the word-count feature of WordPerfect, the undersigned certifies that this document contains 2,801 words from the salutation to the Court to the signature block. The word count provided in this Certificate of Compliance excludes the parts of the document exempted by Texas Rule of Appellate Procedure 9.4, which are the caption, identity of parties and counsel, statement regarding oral argument, statement of issues presented, statement of jurisdiction, statement of procedural history, signature, proof of service, certification, certificate of compliance, and appendix. This document also complies with the typeface requirements of Texas Rule of

Appellate Procedure 9.4(e) because it has been prepared in a proportionally-spaced typeface using WordPerfect in 14-point Times New Roman.

/s/ David C. Hesse _____
D. Chris Hesse

UNSWORN DECLARATION

Under 28 U.S.C. § 1746 and Texas Civil Practice and Remedies Code § 132.001, I declare under penalty of perjury that my name is David Christopher Hesse. I am also known as D. Chris Hesse. My date of birth is April 30th, 1973, and my address is 112 West 8th Avenue, Suite 301, Amarillo, Texas 79101. This document is not a deposition, an oath of office, an oath required to be taken before a specified official other than a notary public, a lien required to be filed with a county clerk, or an instrument concerning real or personal property required to be filed with the county clerk. I declare under penalty of perjury that the foregoing is true and correct.

I am an attorney at law, licensed to practice law in the State of Texas and I am self-employed. I regularly represent clients in all courts in the Amarillo, Texas area.

I currently represent John Lee Brooks in Cause # 60084732-01 in the Amarillo Municipal Court, Texas.

A jury trial was scheduled in said cause # on October 30th, 2015 at 9:00 a.m.. I arrived to court at 9:07 a.m. only to find that the courtroom doors were locked. I knocked and no one answered.

Bailiff Robert Ruiz then approached me and informed that Judge Jennifer Cates issued a warrant for the arrest of my client for not appearing at 9:00 a.m.. I again tried the courtroom doors but found they were locked.

My client, John Lee Brooks, arrived at 9:18 a.m. and was taken into custody by Bailiff Robert Ruiz.

At approximately 10:15 a.m., I returned to the courtroom to present Judge Jennifer Cates with an Attorney Bond so that my client would be immediately released. I found that the courtroom doors were locked and no one answered. The Attorney Bond is attached as Exhibit A.

I then took my Attorney Bond to Docket Clerk Karen Lacy to file it. Docket Clerk Karen Lacy informed she would not accept my Attorney Bond for filing. I asked Ms. Lacy if she could inform the Judge to open the courtroom so that I might speak to her and get a ruling on whether the Judge would accept or reject my filing. Ms. Lacy refused.

At approximately 10:30 a.m. I was approached by a woman who identified herself as the Court's Administrator and Clerk of the Court. She gave the name of Ms. Victoria Jaramillo-Medley. Ms. Medley informed that she would in fact accept the Attorney Bond for filing, but that the Attorney Bond would be rejected by the Judge. I stated to Ms. Medley that I would like a signed ruling from the Judge and I would like to speak to the Judge in open court, on the record. Ms. Medley informed me that Judge Jennifer Cates would not open the courtroom doors "for security reasons."

Ms. Medley then presented to me a "CT Violation Status Maintenance" document. This document is attached as Exhibit B. Ms. Medley informed that she obtained a ruling from the Judge and Exhibit B was Judge Cates' ruling.

I stated to Ms. Medley that what I was being presented was not a signed document by the Judge. I again asked Ms. Medley to have Judge Jennifer Cates open the courtroom doors. Ms. Medley refused again, stating the Judge would not open the courtroom doors "for security reasons."

Judge Jennifer Cates has banished me from her courtroom and I am not allowed to enter.

EXECUTED in Potter County, State of Texas on the 30th day of October, 2015.

/s/ David Christopher Hesse
Declarant

ATTORNEY BOND

2015 OCT 30 AM 10:37

THE STATE OF TEXAS

POTTER COUNTY

KNOW ALL MEN BY THESE PRESENTS:

Municipal Court

That we, John Lee Brooks, as PRINCIPAL/DEFENDANT and David Christopher Hesse, as ATTORNEY, are held and firmly bound unto the STATE OF TEXAS, in the PENAL SUM of Five Hundred and no/100 (\$500.00) DOLLARS and in addition thereto, WE are bound for the payment of all necessary and reasonable expenses incurred by any and all sheriffs or other peace officers in re-arresting the said Principal in the event any of the hereinafter stated conditions of this bond are violated; for the payment of which sum or sums well and truly to be made, we do bind ourselves, and each of us, our heirs, executors, and administrators, jointly and severally.

The Condition of this Bond is that the Principal has been charged with a Misdemeanor Class C Violation of FOLLOWING TOO CLOSELY, Cause # 60084732, and to secure his/her release from custody, we are entering into this obligation binding Principal to appear before the following court: The City of Amarillo Municipal Court, Texas.

<u>X John L. Brooks</u>	<u>806-477 0065</u>	<u>white</u>	<u>5'11</u>	<u>Black</u>
Principal/Defendant	Phone #	Race	Height	Hair
<u>10507 Choctaw Trail</u>	<u>Amar., TX 79118</u>	<u>M</u>	<u>310</u>	<u>Brown</u>
Street Address	City, State, Zip	Sex	Weight	Eyes
<u>jay.bo AT suddenlink.net</u>	<u>10-31-64</u>	<u>10309183</u>	<u>TX</u>	
Email Address	Date of Birth	DL #	State	

/s/ David C. Hesse

David Christopher Hesse

State Bar No. 24049081

112 West 8th Avenue, Suite 301

Amarillo, Texas 79101

Ph: (806) 350-6785

Fax: (806) 350-6786

Chris@PanhandleCriminalDefense.Attorney

UNSWORN DECLARATION

Under 28 U.S.C. § 1746 and Texas Civil Practice and Remedies Code § 132.001, I declare under penalty of perjury that my name is David Christopher Hesse. I am also known as

D. Chris Hesse. My date of birth is April 30th, 1973, and my address is 112 West 8th Avenue, Suite 301, Amarillo, Texas 79101. This document is not a deposition, an oath of office, an oath required to be taken before a specified official other than a notary public, a lien required to be filed with a county clerk, or an instrument concerning real or personal property required to be filed with the county clerk. I declare under penalty of perjury that the foregoing is true and correct.

I do swear that I am worth in my own right a sum in excess of Five Hundred and no/100 (\$500.00) DOLLARS, after deducting from my property all that which is exempt by the Constitution of the State of Texas from forced sale and after payments of all of my debts of every description, whether individual or security debts, and after satisfying all encumbrances upon my property which are known to me, and that I reside in Potter County, Texas, and have property in this state liable to execution in excess of Five Hundred and no/100 (\$500.00) DOLLARS.

EXECUTED in Potter County, State of Texas on the 30th day of October, 2015.

/s/ David Christopher Hesse
Declarant

TAKEN AND APPROVED THIS 30 DAY OF October, 2015.

Sheriff Brian Thomas, Potter County, Texas

By: YN Buelow 1232 Deputy

City of Amarillo
2015 OCT 30 AM 10:37
Municipal Court

File Edit Options Help



Cit # 60084732 Viol # 1

** Comments **

Docket # 6008473201

Name BROOKS, JOHN LEE

* Adult *

Age at time of Violation 50

W, M, 10/31/1964, 10309183-TX

In Queues None



Violation | Fees | History | Receipts | Clerk Comments | Docket Comments | Prosecutor Comments | Judgment | OCA Report | Cnv. H |

Clerk Comments

New

>> 10/30/2015 10:41 crawfordi

Attorney bond presented to the Court. Bond not accepted pursuant to Standing Order No. 8 which requires a personal financial statement of the attorney to accompany the bond. The Court will re-review upon presentation of the financial statement.

>> 10/30/2015 10:08 lacyk

PRE-TRIAL HEARING TO BE SET FOR 11/13/2015 @ 2:30 IN COURT ROOM # 2

>> 10/30/2015 9:51 lacyk

ATTORNEY AGREED WITH 12/18 COURT DATE

>> 10/30/2015 9:49 lacyk

DEF ATTORNEY HAS A PROBLEM WITH THE

Offense FOLLOWING TOO CLOSELY

RIVE TO

Exit

View

lacyk

Filed
Caroline Woodburn
District Clerk
10/30/2015 5:03:58 PM
Potter County, Texas
By _____ Deputy