

THE STATE OF TEXAS

SECOND ADMINISTRATIVE JUDICIAL REGION

ORDER OF ASSIGNMENT BY THE PRESIDING JUDGE

Pursuant to Section 74.056, Texas Government Code, I hereby assign the Honorable **F. Lee Duggan, Jr.**, Retired Appellate Judge of the , to the **228th Judicial District Court** of **Harris County, Texas**.

This assignment begins the 5th day of January, 2010 and is for the primary purpose of presiding over **Cause No. 780883; State of Texas vs. Barry Crawford** and to hear cases and dispose of any accumulated business requested by the court.

This assignment shall continue as may be necessary for the assigned Judge to dispose of any accumulated business and to complete trial of any case or cases begun during this assignment, and to pass on motions for new trial and all other matters growing out of accumulated business or cases heard before the Judge herein assigned, or until terminated by the Presiding Judge.

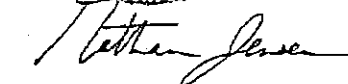
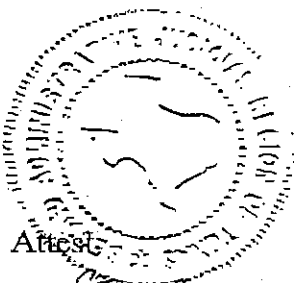
It is ordered that the Clerk of the Court to which this assignment is made, if it is reasonable and practicable, and if time permits, give notice of this assignment to each attorney representing a party to a case that is to be heard in whole or in part by the assigned Judge.

It is further ordered that the Clerk, upon receipt hereof, shall post a copy of this order in a prominent place in the public area of the Clerk's office. This posting shall constitute "Notice of Assignment" as required by Section 74.053, Texas Government Code.

Ordered this 5th of January, 2010.



Olen Underwood, Presiding Judge
Second Administrative Judicial Region



Nathan Jensen
Administrative Assistant

Assignment # 18507



Second Administrative Judicial Region of Texas

Olen Underwood

Presiding Judge

Kassi Cranfill
Regional Administrator

Nathan Jensen
Administrative Assistant

Melanie Sipes
Administrative Assistant

FAX

To: Vanessa Fax: 713-368-9178
From: Melanie Fax: (936) 538-8167
Date: 12-10-09 Page(s) to follow: 1
Re: Cause 780883 State of Texas vs. Barry Crawford

Please be advised that the Honorable
F. Lee Duggan, Jr. has been assigned
to the above Voluntary Recusal.

HARRIS COUNTY

Request for Assignment of Judge

Second Administrative Judicial Region of Texas

Honorable Olen Underwood, Presiding

Please return to Nathan Jensen by Fax (936) 539-8167 or email to njensen@co.montgomery.tx.usREQUESTING JUDGE (Elected Judge): Judge Marc CarterCourt: 22814 County: Harris

Date(s) Needed: _____

☒ REGIONAL OFFICE TO ASSIGN VISITING JUDGE F. Lee Duggan ^{12/10/09} md
 (If a specific VISITING JUDGE is not requested, the Regional office will assign VISITING JUDGE by rotation, if possible)

Type of docket (CR, CV, FAMILY, JURY, NON JURY, GENERAL DOCKET) _____

OR

Request for Judge to hear specific case: Cause Number: 780883Style of Case: State of Texas vs. Barry CrawfordNature of Suit: MRP HearingEstimated time to try case: 1-2 DaysAttorney/Pro Se: Alvin Nunnery Address: 909 Texas #205, Houston, TXPhone: 713-222-1919 Fax: 713-226-8097 77002Attorney/Pro Se: Martina Longoria Address: 201 Franklin, 4th FloorPhone: 713-755-6132 Fax: 713-

Please attach list of any additional parties.

Reason for Request: (Please check one)

☐ Capital Case Cause No. _____; Style _____☒ Voluntary Recusal (explain) _____☐ Attorney Contempt, Election Contest or Suit to Remove Local Official _____☐ Disqualification ☐ Educational Responsibilities or Judicial Conference☐ Assistance with Heavy Docket ☐ Ancillary Responsibilities☐ Vacation ☐ Illness/Personal Emergency

☒ Other It is highly likely that another sitting judge
could have the same issue
12/9/09 713-755-6150 713-368-9178

Signature of Judge or Coordinator Vanessa Date of request 12-10-09 Phone Number _____ Fax Number _____
☒ Arrangements have been made with the Administrative Office of District Courts to schedule facilities and court staff for visiting judge
☒ Copy to Administrative Office of District Courts and Local Administrative Judges

2nd Administrative Judicial Region Use Only: Assignment # _____

Date sent _____

Updated Feb 2007

1229/12

CAUSE NO. 780883

STATE OF TEXAS

¶

IN THE DISTRICT COURT OF

VS.

¶

HARRIS COUNTY, TEXAS

BARRY CRAWFORD

¶

228TH JUDICIAL DISTRICT

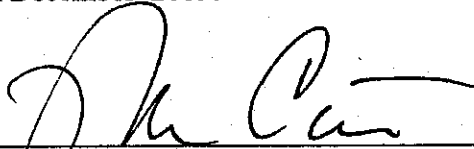
ORDER OF VOLUNTARY RECUSAL

On this day, the Court on its own motion considered a voluntary recusal in this case. As the Presiding Judge of the 228th District Court, I do not harbor any personal bias or prejudice against the defendant or the State nor do I lack impartiality. Furthermore, I remain able to base any decisions on the facts as they develop and to render a fair judgment in this case.

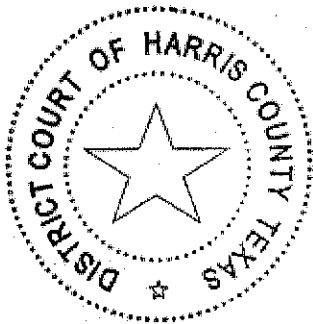
While I am qualified to participate in this case, the Court FINDS the interest of judicial economy along with the appearance of propriety dictate I *sua sponte* recuse myself from any further proceedings in this case.

So that the State of Texas, the defense, and the public will have confidence in a fair and impartial tribunal, the Court asks that the Presiding Judge of the Second Administrative Region assign a judge to preside over this case.

SIGNED AND ENTERED this the 9th day of December 2009.



Marc Carter, Presiding Judge
228th District Court



I, Loren Jackson, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date
Witness my official hand and seal of office
this December 31, 2009

Certified Document Number: 44189774 Total Pages: 1

LOREN JACKSON, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

Carter, Judge Marc (DCA)

From:
Sent:
To:
Subject:

Carter, Judge Marc (DCA)
Friday, September 25, 2009 12:40 PM
Curtiss, Andrea (CSC); Lykos, Patricia R. (HCDA)
RE: Revised/Narrowed Request for Information from the DA's Office re: Barry Crawford (SPN 01657250)

Dear Judge Lykos,

I have been under ever increasing public pressure that I believe is the product of Ms Hardin, the victims mother, and Andy Kahan, the Mayor's Crime Victim Director. Through her website she has been able to reach people all over the country that write me letters demanding that I send Mr. Crawford to prison. Additionally, Mr. Kahan has written me a letter on the Mayor's letterhead requesting that I take negative action in this case.

I find it inappropriate for the Mayor or his designated representative to attempt to use the Office of the Mayor to exert public pressure on a judge to take a particular action in a case. Essentially, what they have done is make it even more difficult for me to do anything because it may appear that the action was the result of public pressure and not the law. Nothing would offend the Constitution more than a Judge that makes his decisions based on public pressure. That kind of justice has always been reserved for lynch mobs.

In the instant case Crawford was given probation by a jury. Judge Poe set the terms and conditions of probation. Some of the conditions had to be modified because they resulted in face to face confrontations between the victim's family and the defendant. Community service was modified because of an injury. And he is delinquent in restitution in part due to the fact that it is hard for a convicted murder to find work. I cannot revoke probation for him out on jail time as a condition of probation.

It appears that the same forces that have been working against me in following the law and the fair administration of justice are attempting to assert pressure on you as well. I review Crawford's case at least every 6 months, and I ordered probation to assign a supervisor to the case to ensure that no errors are made. I am not sure why your office is making the attached request, but the information sought is available through JIMS.

Sincerely
Judge Marc Carter

From: Curtiss, Andrea (CSC) [mailto:Andrea.Curtiss@csc.hctx.net]
Sent: Friday, September 25, 2009 11:48 AM
To: Carter, Judge Marc (DCA)
Subject: FW: Revised/Narrowed Request for Information from the DA's Office re: Barry Crawford (SPN 01657250)

From: Settle, Mia (CSC)
Sent: Thursday, September 24, 2009 6:05 PM
To: Curtiss, Andrea (CSC)

Christina (CSC)

Subject: Information Request from the DA's Office re: Barry Crawford (SPN 01657250)
Importance: High

Dear Andrea,

The Department received an information request from Chief Investigator McWilliams of the Harris County DA's Office on behalf of District Attorney Lykos regarding Barry Crawford (SPN 01657250) (attached). Specifically, as a result of recent media coverage and other inquiries, the DA's Office has requested the opportunity to speak with Mr. Crawford's CSO to obtain compliance information from Mr. Crawford's file. If Judge Carter would like to review the file, please contact Randy Martin or Ray Garcia so that arrangements can be made to make it available since the CSO is out this week.

As you know, the contents of a probationer's probation file are judicial records, not subject to release pursuant to a request under the Texas Public Information Act. See Section 552.003(1)(B), Tex. Gov't. Code. As a result, Judge Carter have complete discretion regarding whether to release or not release Mr. Crawford's probation file.

Please advise whether or not you wish us to provide the requested information to the DA's Office as and intergovernmental transfer.

I am out of the office today due to an injury; however, if Judge Carter wishes to speak with me, please obtain my mobile telephone number from Christina (Ext. 5-2730) and provide him with it (I prefer not to convey that information via email since it is my private mobile number).

Regards,

Mia

Mia Settle
General Counsel
Harris County Community Supervision and Corrections Department
49 San Jacinto, Suite 600
Houston, Texas 77002
713.755.2134 Voice
713.755.2782 Facsimile

PERSONAL & CONFIDENTIAL DO NOT FORWARD

Confidentiality Notice

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Thank You.