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DA still could indict Pratt if new evidence arises

The Harris County district attorney still could investigate and charge former family court Judge Denise Pratt, despite striking a deal with the freshman jurist to resign to avoid prosecution on charges of tampering with government records.

Asked to elaborate on the terms of the agreement that led to Pratt's March 28 resignation, a spokesman for District Attorney Devon Anderson said Thursday, "If new evidence is discovered, we can investigate and move forward with charges if warranted."

Whether the deal Anderson struck with Pratt made the former judge immune from future charges was one of many questions raised by her critics on Thursday, the day after the county's top prosecutor revealed the agreement in a statement that said pursuing a conviction would have been difficult.

The agreement, Anderson's statement said, was the best and quickest way to get Pratt off the bench and bring the "ongoing damage to a stop."

The district attorney issued the statement in response to criticism from her opponent in the November general election, Democrat Kim Ogg, who said earlier this week that the evidence brought against Pratt was more than sufficient to bring charges. Ogg said the lack of charges was suspicious because Pratt and Anderson — both Republicans — used the same political consultant.

Just this week, the administrative judge for the county's nine family courts, David Farr, said he forwarded a tip he received from a fellow judge to the district attorney's office about a backdated order in a case transferred out of Pratt's court.

Problems persist

Farr said Thursday that the administrative mess Pratt left behind in the 311th Court persists. Orders are missing, he said, and lawyers still are discovering that their cases were among more than 630 Pratt dismissed without notice on the final two days of 2013, a move that nullified numerous child custody and other court orders.

Ogg on Thursday took credit for "exposing the back room deal," describing it as a "double standard."

News of the agreement with the district attorney left the lawyers and families who rallied against Pratt crying foul on Thursday.

"I feel as helpless now as I did before," said Houston father Kevin Bates, who did not see his teenage daughter for a year while he awaited a ruling from Pratt, who later was reprimanded by an appeals court for taking too long to make a decision in the case. "I didn't know that there was one set of laws for us and another set of laws for the lawmakers or the people that enforce the laws."

Webster family lawyer Greg Enos, whose criminal complaints against Pratt prompted at least two district attorney investigations that resulted in no charges, took issue with Anderson's contention that the resignation was the quickest way to get the judge off the bench.

He said the State Commission on Judicial Conduct, the state agency charged with policing Texas judges, typically suspends judges who have been indicted, and that "Any brand new attorney fresh out of law school could have gotten an indictment of Pratt."

Commission Executive Director Seana Willing confirmed that the commission typically votes to suspend indicted judges.

Enos' three criminal complaints against Pratt alleged she had tampered with government records by backdating court orders in an apparent attempt to cover up tardy rulings and also by signing orders dismissing the 630-plus cases, which stated that the parties had been properly notified and had failed to appear at a hearing.

The mass dismissal on Dec. 30 and 31 occurred, Enos and other lawyers said, without hearings or notice to lawyers or their clients. More than 230 of those cases have been reinstated.

Enos said Anderson's failure to indict is "proof positive that the current DA is not willing to go after her fellow elected Republicans like she goes after regular citizens charged with a crime."

Scores charged

Last year, 278 people were charged with tampering with a government record in Harris County, according to the District Clerk's office.

Most of those probably were citizens charged with falsifying proof of auto insurance after a wreck, said South Texas College of Law associate professor Amanda Peters, a former Harris County prosecutor.

However, at least two justices of the peace and former District Attorney Pat Lykos have been accused of tampering with a governmental record in the past decade, she said.

"None of them, I don't think, served any jail time or went to prison," she said.

Peters and other experts say Pratt's alleged actions definitely would qualify as tampering with a government record under state law. Section 37 of the penal code says court records qualify as governmental records and that tampering includes "knowingly entering a false record."

"My read of the statute is that, if it is true that she backdated court orders, knowing that she was making false entries, this should be a violation of the law," said Sandra Guerra Thompson, director of the Criminal Justice Institute at the University of Houston Law Center.

Anderson's statements this week, however, suggested there was not sufficient evidence to prove Pratt guilty.

"The process of getting Judge Pratt before a jury for trial would take years," her Wednesday statement said.

"The likelihood of success would be uncertain at best."

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