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Dallas County DA seeks to indict judge for official oppression

By JENNIFER EMILY

Staff Writer

jemily@dallasnews.com

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The Dallas County district attorney's office is seeking an official-oppression indictment against a sitting judge after a prosecutor was held in contempt and detained in a courtroom for several hours.

Prosecutors contend in a letter to Criminal Court Judge Julia Hayes that she broke the law. But her attorney said the district attorney's office is retaliating against the judge.

"The real official oppression here is the DA's office trying to intimidate this judge by issuing her a subpoena, trying to get her to testify in front of a grand jury," said J. Michael Price II, who represents Hayes. "This whole thing is a circus."

District Attorney [Craig Watkins](#) said Tuesday that he would not talk about whether there is an investigation and called it "unfortunate that an officer of the court would characterize anything that we do with this administration, in this office, as retaliation."

Both Watkins and Hayes are [Democrats](#). Hayes is in her first term as a misdemeanor court judge and Watkins is in his second as district attorney.

The escalating legal feud follows Hayes' ruling Thursday that a prosecutor was in contempt of court for disregarding her order to conduct a criminal background check on police officers who were to testify in a domestic case in her court. The district attorney's office believes such searches are illegal, insisting that federal law prohibits giving the information to defense attorneys.

Hayes said she wanted to inspect the records to determine if the defense was legally entitled to any information. Prosecutors are required to give the defense any evidence that could help the defendant. A criminal record of a police officer involved in the case could fall into that category.

Hayes a short time later on Thursday suspended the contempt order against prosecutor Keena Miller after meeting with Watkins. She set a hearing for the next day. Lawyers held in contempt are entitled to a hearing within 24 hours before another judge.

But early in the morning, representatives of the district attorney's office served her a subpoena and ordered her to appear before the grand jury at 10 a.m. Hayes was given a letter from Watkins saying she was a target of an investigation.

"Please be advised that there is now pending before the Dallas County Grand Jury an investigation of Official Oppression, where you are the person accused of the crime," Watkins wrote on the district attorney's office letterhead.

"This letter is to advise you that it would be in your best interest to retain the services of an attorney," it states. "If you do retain the services of an attorney, he or she may contact our office to discuss the allegations with the Dallas County District Attorney, Honorable Craig Watkins or his designee. We will not discuss the facts of the case with you over the telephone."

The letter also tells Hayes: "You have the right to remain silent."

Hayes said in an interview that the timing of the investigation was questionable.

"I find it peculiar that I was served with a subpoena at 9:40 a.m. ordering me to appear before the grand jury at 10 when I was scheduled to rule on my contempt consideration at 11" the same day, Hayes said.

The subpoena of Hayes was quashed by state District Judge Carter Thompson, a felony court judge, after Price objected, citing that his client needed time to prepare for an appearance, that the district attorney's office is supposed to represent her on legal matters and has a conflict, and that the "subpoena appears to be in retaliation for rulings made in court."

The district attorney's office has asked Thompson to reconsider his decision. A hearing has been scheduled for later this week in Thompson's chambers. That hearing is not expected to be public.

The district attorney's office, meanwhile, has appealed Hayes' order to do the criminal background checks, and there is no timeline for the appellate court to rule.

The district attorney's office has asked that all records of the proceedings in Thompson's court

be sealed from public view because they relate to grand jury proceedings, which are typically secret.

The Texas Penal Code defines official oppression, in part, as public servants using their offices to "intentionally subject another to mistreatment or to arrest, detention." It is a Class A misdemeanor, punishable by up to one year in the county jail and a \$4,000 fine.

Because official oppression is a misdemeanor, prosecutors are not required to present the case to a grand jury. They could just charge Hayes.

"Because I am being investigated for a criminal act, I fear that I could be arrested at any time," Hayes said. "Judges shouldn't have to live in fear when we're just doing our jobs."

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