



## **JANA DUTY**

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January 21, 2011

Re: For Immediate Release

On December 22, 2010, the Office of County Attorney filed a Petition for the Removal of County Judge Dan A. Gattis for official misconduct. The Petition alleges five instances of misconduct on the part of the county judge, namely, the misappropriation of county funds.

By law, the Presiding Judge, 26<sup>th</sup> District Court Judge Stubblefield was required to appoint a visiting judge who does not reside in Williamson County. Judge Stubblefield requested the Presiding Judge of the Texas Supreme Court to make the appointment, which he did. Bell County District Court Judge Rick Morris was appointed on January 4, 2011. Unlike other civil suits filed in District Court, this type of suit has an unusual provision; if Judge Morris "refuses to issue the order of citation," which is the order that allows the suit to proceed to trial, the "petition shall be dismissed...and the Petitioner may not appeal".

On January 5, 2005 Judge Dan A. Gattis, by and through his attorney, Martha Dickie, filed a Motion to Dismiss the lawsuit, based on what is commonly called the "Forgiveness Doctrine". This law states that, "An officer may not be removed for an act the officer committed before election to office". Basically, once County Judge Dan A. Gattis was re-elected, on November 2, 2010, the slate was wiped clean and any alleged misdeeds committed during his prior term, are forgiven.

On January 21, 2011, Judge Rick Morris dismissed the lawsuit. The law does not require that any reason be given for the dismissal and none was given in this case. As there is no right to appeal, I consider this civil case closed.

I want to assure the citizens of Williamson County that I will continue to be vigilant in fulfilling the duties of the Office of County Attorney and do my best to ensure that the interests of the citizens of Williamson County are protected.

Jana Duty  
Williamson County Attorney