



Lamar County Courthouse
119 N. Main Street
Paris, TX 75460
or
P.O. Box 1118
Paris, TX 75461

ERIC S. CLIFFORD
DISTRICT JUDGE
Sixth Judicial District Court
Presiding in Lamar & Red River County, Texas

(903) 737-2431
fax (903) 784-7857

Received by

JUN 16 2015

State Commission on
Judicial Conduct

June 12, 2015

Royce LaMoine
State Commission on Judicial Conduct
P.O. Box 12265
Austin, TX 78711-2265

This letter will confirm that I have received and opened the audio recording submitted to me by email on June 8, 2015. To the best of my knowledge this recording pertains to the complaint filed against me known as QJC 14-0795 DI, to which I have previously responded. As requested, I am providing an explanation of my statements depicted in the recording:

“My statements to Mr. Bigler were made in response to a conversation I had with my Court reporter about Mr. Bigler’s children harassing her family. I never contacted juvenile probation and I never heard anything more from this incident - from my court reporter or any other individual until this complaint was filed.”

Respectfully,

A handwritten signature in black ink, appearing to be "Eric S. Clifford", written over a horizontal line.

Eric S. Clifford

RECORD COPY

In re Honorable Eric Clifford

Appearance

August 14, 2015 Commission Meeting

Supplemental Exhibits from District Attorney David Young:

Affidavit of Laurie K. Pollard

Statement from Jill Drake, Assistant County/District Attorney

AFFIDAVIT OF LAURIE K. POLLARD


I, Laurie K. Pollard, am over the age of eighteen (18) and am competent to make this affidavit. I have personal knowledge of the facts herein which are true and correct.

1. I am an assistant district attorney in the Lamar County District Attorney's Office, and have been since Jan. 10, 2011. Since my start date, I have been assigned felony duties and have appeared before Judge Eric Clifford each month during his monthly general docket call (usually the third week of the month).
2. Since I began working here, I have heard both members of the local bar and court personnel make statements to the effect that Judge Clifford has a habit of communicating ex parte with both defense attorneys and even defendants themselves. I also have heard accounts of the judge making statements regarding how he was going to rule in cases prior to any evidentiary hearings.
3. I handled the bond hearing in the case of *State of Texas v. Kathleen Erskine* in 6th District Court Cause No. 24949. The defense attorney was David Turner. The original bond was \$250,000.00; but after the bond hearing, the judge set the bond at \$20,000.00. After the hearing, the judge made several remarks in open court implying that he didn't believe that the defendant was a violent woman and that he believed the victim was a bad person. I don't remember the exact words that the judge used, but it sounded to me like the judge already had decided that the victim had acted in self-defense. These remarks are not contained in the bond hearing transcript; however, I believe that the court reporter continued to record the judge's remarks, even after she officially stopped reporting the hearing.
4. Based on this fact, I have believed for some time that the judge and David Turner had discussed the facts of the Erskine case during ex parte communications prior to the bond hearing.
5. On or about Jan. 23, 2014, I went to the hallway behind the district court courtroom, looking for a certain attorney in an unrelated case. Court personnel told me that they hadn't seen the attorney for whom I'd been searching, but that I'd "better go check on the judge because he was down there talking to Dave."
6. I knew that earlier that same day, Ms. Jill Drake (first chair on the Erskine case) had telephoned Mr. Turner to offer him a plea offer that would have allowed the defendant to plead guilty to manslaughter in front of the judge, with the Court to assess punishment. Based on that fact, I suspected that Mr. Turner had gone to speak with the judge about the Erskine case without the State being present. I went down the hallway, toward the judge's office; and heard the judge and Mr. Turner speaking, but I couldn't distinguish the words. I thought that was unusual because the two normally speak very loudly because each has a hearing problem. When I reached a point just outside the doorway, I heard Mr. Turner say that the State "was bringing in a child of hers from California to testify." Although I didn't hear Mr. Turner mention any names, at that time, Ms. Erskine had an adult child living in California.

7. Based on that statement, I suspected that Mr. Turner was discussing the Erskine case with the judge; and I entered the room. I said that I hoped that I wasn't interrupting, and the judge volunteered that he and Mr. Turner had been "talking about C-PAP machines." I made small talk, and after a few moments I excused myself. I informed Ms. Drake and Mr. Young of what I'd overheard.
8. A few days later, Ms. Drake confronted Mr. Turner during a telephone conversation that she knew Mr. Turner had had an ex parte exchange with the judge. As far as I'm aware, Ms. Drake did not give Mr. Turner any particulars about the circumstances or, more importantly, the date of the ex parte exchange. Mr. Turner admitted that he'd been speaking with the judge about the Erskine case, but said that he'd been talking about scheduling and didn't think that he (Mr. Turner) had done anything wrong.

I hereby swear the foregoing facts are recounted to the best of my ability and truly and accurately represent the events as I recall them.

Sworn to this, the 11th day of August, 2015.



Laurie K. Pollard

SUBSCRIBED AND SWORN TO before me, the undersigned authority,
on this, the 11th day of August, 2015.





Notary Public, State of Texas

On January, 28, 2013, I was on the telephone with David Turner regarding the Erksine case. I had informed him that Ms. Erskine's daughter (from California) would testify if we got to the punishment phase of the trial and he was inquiring about the substance of her testimony. I responded that she would say that her mother is a psychopath, but not that it would matter since we both knew the judge was going to give Erskine deferred adjudication. He said, "yeah."

Mr. Turner then told me that he'd previously called Erskine and given her the plea offer. He said her response was that it was self-defense and she didn't want to plead guilty to anything. I responded with, "why did it matter since we both knew the judge was going to give her deferred adjudication?" and he said, "yeah, and I talked to her this morning and she said she would do the deal."

I explained to him that I was truly annoyed and frustrated that he was talking to the judge without a prosecutor present. I told him that I knew he'd talked to the judge before today and he denied it. When I told him that someone from my office was standing in the hall and heard the conversation, he asked what did we hear and I told him that he knew what he said. He responded that he was only talking about scheduling; that his client was going to take the deal and so we would just have a trial on punishment. I asked him if she called and accepted the offer today, how is it that you were talking to the judge prior to today? His response was that he was 99% sure she would do the deal, so that's why he talked to the judge. I told him that I knew he'd talked to the judge about a witness as well and that I was very frustrated that he would talk to the judge about a pending case. I told him that I felt we had a good working relationship and I didn't appreciate what he was doing. He said that he didn't think that he'd done anything inappropriate and that if I thought that he did..... he stammered for a bit and said he would try not to do that anymore.



Jill Drake

Assistant Lamar County/District Attorney