

RZ

**The Haslam Law Firm, PLLC**

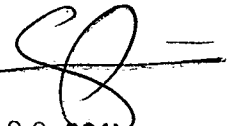
G. Donald Haslam, Jr., Esq.

1800 S. Baltimore, Ste. 1000  
Tulsa, OK 74119

3140 Clark Lane  
Paris, TX 75460

[903] 739-9221  
[888] 541-9780 FAX  
[dhaslam@alumni.uchicago.edu](mailto:dhaslam@alumni.uchicago.edu)  
[www.donhaslam.com](http://www.donhaslam.com)

June 01, 2014

Received by   
JUN 09 2014  
STATE COMMISSION  
ON JUDICIAL CONDUCT

*Re: Supplement to existing complaint CJC No. 14-0795-DI*

Texas State Commission on Judicial Conduct  
P.O. Box 12265  
Austin, TX 78711-2265  
(877) 228-5750

Dear Sir or Mme:

Please find enclosed materials offered to supplement the existing complaint in the captioned matter. There are two [2] sets of materials relating to three [3] distinct judicial issues. Each is related to the Texas judge identified in the captioned, existing complaint, Hon. Eric Clifford, 6<sup>th</sup> District Court, Lamar County [Paris].

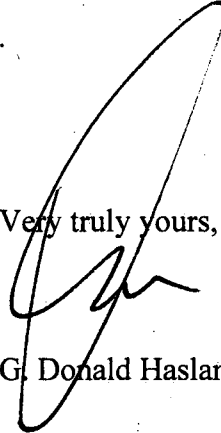
The first following set relates to the matter of Mitzi Edwards Black, a woman charged in a misdemeanor matter and a felony in Lamar County. The enclosed materials relate Judge Clifford's interference in the routine appointment of counsel in Ms. Black's felony matter. As the enclosed email details, I had already been appointed to represent Ms. Black in a misdemeanor, *State v. Misty Black* [Cause 60839]. According to the local convention of appointing the same counsel to new matters where a defendant is already represented by that counsel in another Lamar County matter, Judge Clifford did appoint me in Ms. Miller's felony matter on January 23, 2014. [See enclosed order]. On the next day, however, Clifford substituted Dave Turner as Ms. Black's counsel. [See enclosed order.] It is evident Clifford knew of my prior appointment as set forth in the enclosed email instruction to the District Clerk. Witnesses to these events may be readily identified by inspection of the enclosures.

The second following set relates yet another episode of *ex parte* communications by Judge Clifford. In this instance, defense counsel Jim Burnham of Dallas, TX apparently approached Clifford and orally moved for his recusal premised on the facts alleged in the enclosures. It is unclear to me whether Clifford refused or agreed, because in the first instance he *merely transferred* the matter of *State v. Tracy Bratcher* [Lamar][Cause 25067] to County Court at Law Judge Bill Harris. Mr. Burnham objected to this transfer and apparently Judge Harris acceded without incident. Witnesses may be readily identified by inspection of the enclosed materials.

The third issue involves no enclosed materials and relates to Judge Clifford's position as Director of Lamar National Bank, Paris, TX ["LNB"]. I have been unable to determine how many shareholders of LNB exist. However, Canon 4.D.2. of the *Texas Code of Judicial Conduct* [the "Code"] proscribes service as a director of a "publicly owned business" as defined in the *Code*. Clifford is described as a current Director on the LNB website found at [www.lamarnational.com](http://www.lamarnational.com). A number of criminal matters involving a national bank fraud ring has been prosecuted before Clifford in the last couple of years. It is unclear whether any involved LNB.

Please contact me if further information is requested.

Very truly yours,

A handwritten signature in black ink, appearing to read 'G. Donald Haslam, Jr.', written over the typed name below.

G. Donald Haslam, Jr.

Encl. [Set 1: 5 pp., Set 2: 11 pp.]

**Shawntel Golden**

---

**From:** Kathy Coker <kcoker@neto.com>  
**Sent:** Friday, January 17, 2014 10:35 AM  
**To:** 'Shawntel Golden'  
**Subject:** Mitzi Edwards Black

Case on file that has not been indicted....Judge has asked that David Turner be appointed to represent her. She has a misdemeanor that is pending with Don Haslam..I pointed this out to him but he still wants Turner on this case. Thanks!

**Kathy Coker - Assistant**  
Office of Eric S. Clifford - District Judge  
Sixth Judicial District of Texas

FILED  
10:35 AM  
JAN 17 2014  
District Clerk, Tarrant Co., Texas  
SHAWNTEL GOLDEN

NO. LEAVE BLANK

In the

District

Court

THE STATE OF TEXAS VS.

NAME: Mit. Black

LAMAR

COUNTY, TEXAS

OFFENSE:

DATE OF OFFENCE

**APPLICATION FOR COURT APPOINTED ATTORNEY**

Every question on this form must be answered. Failure to do so could result in the application not being considered. If you need assistance, notify the person in charge of taking this application. You must answer each question truthfully. Failure to do so could subject you to additional criminal charges.

- 1. LAST NAME Black FIRST NAME Mit MIDDLE Elaine
- 2. ADDRESS 531 10th NE Paris TX 75460 (903) 486-495  
Number and street City State Phone
- 3. MARRIED  SINGLE  DIVORCED  SEPARATED  SOC. SEC. NO. 464-68-956
- 4. NAME OF SPOUSE N/A
- 5. NUMBER OF CHILDREN UNDER 18 LIVING WITH YOU 0 AGES \_\_\_\_\_
- 6. ARE YOU PAYING? N/A RECEIVING? N/A CHILD SUPPORT? HOW MUCH? N/A PER MO.
- 7. ARE YOU EMPLOYED? N/A IF YES, NAME OF EMPLOYER \_\_\_\_\_
- 8. YOUR WAGES \$ N/A PER N/A SPOUSES INCOME IF AVAILABLE \$ N/A PER \_\_\_\_\_
- 9. ARE YOU RECEIVING INCOME OR BENEFITS FROM ANY OTHER SOURCE? YES  NO   
IF YES, FROM WHOM RECEIVED, FREQUENCY OF PAYMENT, AND DATES PAYMENTS END.  
N/A George Johnson Child Support 92.38 weekly  
Samuel Johnson receives it when in his possession
- 10. NAMES OF EMPLOYERS FOR THE LAST TWO YEARS AND MONTHLY SALARY FOR EACH.  
Regis Salon 1500-2000 DELEON Sp + Salon 1500-2000
- 11. CLOSEST RELATIVE Debbie Leonard PHONE (903) 486-495

MONTHLY	EXPENSES	LIABILITIES	ASSETS
Rent/ House Payment		House Loan	House Value
Car Payment		Car Loan	Car Value
Credit Cards		Credit Cards	Cash
Loan Payments		Loans	Bank Accounts
Medical Pmts		Medical	Stocks
Child Care		Taxes	Jewelry
Child Support		IRS	Furniture
Insurance		Other	Other
Utilities		<b>TOTAL</b>	<b>TOTAL</b>
Food & Clothing		COUNTY REPRESENTATIVE	DEFENDANT
IRS/ Other		1-157-14	
<b>TOTAL</b>			
<b>INCOME</b>		Date:	Date:
<b>DIFFERENCE</b>			

No. \_\_\_\_\_ In the Justice \_\_\_\_\_ Court

THE STATE OF TEXAS VS.

Miti Black \_\_\_\_\_ LAMAR \_\_\_\_\_ COUNTY, TEXAS

On this 3 day of January, 2014 have been advised by  
Risinger  
Judge who arraigned you of my right to representation by counsel in the

Prosecution of the charge pending against me. I certify that I am without means to employ  
Counsel of my choosing and I hereby request the court to appoint counsel for me

Miti Black  
Defendant (Your name) you must sign

THE STATE OF TEXAS  
COUNTY OF LAMAR

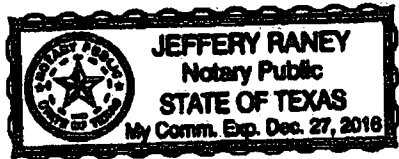
Know by all men by these presents:

Before me, the undersigned authority, on this day personally appeared

(Print Name) Miti Black

Who upon his/ her oath deposed and said "I am the applicant in the foregoing Application for  
Court Appointed Attorney, and state that all my answers on the application are true and correct."

20 14 SWORN TO AND SUBSCRIBED BEFORE ME on this 19th day of January  
Jeffery Raney



IN THE SIXTH DISTRICT COURT OF LAMAR COUNTY, TEXAS

THE STATE OF TEXAS  
VS. NO. H13-1027  
MITZI EDWARDS BLACK

ORDER APPOINTING COUNSEL  
DATE: January 23rd, 2014

BY

DEPUTY

2014 JAN 23 AM 11:39

CLERK OF DISTRICT COURT  
SIXTH DISTRICT COURT  
LAMAR COUNTY, TEXAS

The defendant in the above entitled and numbered cause having made affidavit that he/she is too poor to employ counsel for his/her defense and having requested the appointment of same, the Honorable Don Haslam, a practicing attorney at this bar, is hereby appointed to represent said defendant in said cause.



\_\_\_\_\_  
Presiding Judge  
Sixth District Court  
Lamar County, Texas

IN THE SIXTH DISTRICT COURT OF LAMAR COUNTY, TEXAS

THE STATE OF TEXAS

VS. NO. *H13.1027*

MITZI EDWARDS BLACK

ORDER APPOINTING COUNSEL

DATE: January 24th, 2014

The defendant in the above entitled and numbered cause having made affidavit that he/she is too poor to employ counsel for his/her defense and having requested the appointment of same, the Honorable David C. Turner , a practicing attorney at this bar, is hereby appointed to represent said defendant in said cause.



Presiding Judge  
Sixth District Court  
Lamar County, Texas

FILED FOR RECORDED  
LAMAR COUNTY, TEXAS  
2014 JAN 24 PM 4:08  
MARVIN JIM PATTERSON  
DISTRICT CLERK  
SHANNTEL GORDON  
CLERK

IN THE SIXTH DISTRICT COURT OF LAMAR COUNTY, TEXAS

THE STATE OF TEXAS ) (
VS. ) ( CAUSE NO. 25067
TRACY LYNN BRATCHER ) (

ORDER OF REFERRAL ON MOTION TO RECUSE

A motion to recuse having been presented to me in the above styled and numbered cause, I respectfully.

decline to recuse myself herein and request the Presiding Judge of the First Administrative Region to Assign a Judge to hear the motion to recuse pursuant to Rule 18a T.R.C.P.

OR

recuse myself herein and request the Presiding Judge of the First Administrative Region to assign a Judge to hear the above cause pursuant to Rule 18a T.R.C.P.

Signed this the 4th day of Nov, 2013.

[Signature]
JUDGE PRESIDING
SIXTH JUDICIAL DISTRICT COURT

I HEREBY CERTIFY THAT THE AFORESAID IS A TRUE AND CORRECT COPY ON FILE OR OF RECORD IN THE JUDICIAL DISTRICT COURT, LAMAR CO., TX

SIGNED AND SEALED THIS 30th DAY OF May 2014 A.D.

MARVIN ANN PATTERSON, DISTRICT CLERK

[Signature] DEPUTY

FILED FOR RECORD
AMAR COUNTY, TEXAS
2013 NOV -4 AM 8:32
MARVIN ANN PATTERSON
DISTRICT CLERK
BY [Signature] DEPUTY
M. BRANT L. GOLDEN



THE STATE OF TEXAS  
FIRST ADMINISTRATIVE JUDICIAL REGION  
ORDER OF ASSIGNMENT BY THE PRESIDING JUDGE

Pursuant to Chapter 74, Texas Government Code, I assign the

Honorable Robert Scott McDowell

Senior Judge of The 62nd District Court

to the

6th District Court of Lamar County, Texas

FILED FOR RECORD  
LAMAR COUNTY, TEXAS  
2013 NOV 13 AM 9:34  
SHANTELL GOLDEN  
HARRIEN ANN PATTERSON  
DISTRICT CLERK

This assignment is for the cause(s) and style(s) as stated in the conditions of assignment from this date until plenary jurisdiction has expired or the undersigned Presiding Judge has terminated this assignment in writing, whichever occurs first.

CONDITION(S) OF ASSIGNMENT

Cause No. 25067: The State of Texas vs. Tracy Lynn Bratcher.

In addition, whenever the assigned Judge is present in the county of assignment for a hearing in the above cause(s), the Judge is also assigned and empowered to hear, at that time, any other matters presented for hearing.

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 public area of the Clerk's office or courthouse in order that attorneys and parties may be advised of this assignment.

SIGNED: November 8, 2013  
Date

Mary Murphy  
Mary Murphy, Presiding Judge  
First Administrative Judicial Region of Texas

ATTEST: Sandy Hays  
Administrative Assistant

Assign# 24105  
U.S. DISTRICT COURT, HOUSTON, TEXAS

CAUSE NO. 25067

STATE OF TEXAS

V.

TRACY LYNN BRATCHER

00000000000000000000

IN THE DISTRICT COURT  
LAMAR COUNTY, TEXAS  
6TH JUDICIAL DISTRICT

BY SHARON WHITE, DEPUTY  
MARVIN A. BURNHAM, ATTORNEY  
DISTRICT CLERK

13 NOV - 1 PM 3:50

FILED FOR RECORD  
LAMAR COUNTY TEXAS

**DEFENDANT'S MOTION TO RECUSE JUDGE ERIC CLIFFORD**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES TRACY LYNN BRATCHER, Defendant in the above styled cause through his attorneys of record, Jim Burnham, and files this Motion to Recuse Judge Eric Clifford, and request an evidentiary hearing. The Defendant respectfully shows the honorable court as follows:

I.

This motion seeks the recusal of presiding Judge Eric Clifford from the above entitled cause. A judge "shall recuse himself in any proceeding in which... his impartiality might be questioned," or "he has a personal bias or prejudice concerning the subject matter or a party" Tex. R. Civ. P. 18b(2)(a)(b). The language of this rule is imperative and mandatory. It is neither permissive nor discretionary. The standard is objective, not subjective. *See* Justice Gammage's declaration of recusal in Rogers v. Bradley, 909 S.W.2d 872, 873 (Tex. 1995).

The rule does not require that the judge must have engaged in any biased or prejudicial conduct for recusal to be mandated. Recusal is required if a judge's impartiality might reasonably be questioned. Gammage declaration of recusal, Rogers, supra at 874.

Procedures for recusal of judges set out in Rule 18 of the Texas Rules of Civil Procedure also apply in criminal cases. *See* Arnold v. State, 853 S.W.2d 543, 544 (Tex. Cr. App. 1993); DeLeon v. Aguilar, 27 S.W.3d 1, 5 (Tx. Cr. App. 2004).

Public policy demands that the judge who sits in a case act with absolute impartiality. *See* Pendergrass v. Beale, 59 Tex. 446, 447 (1883). Beyond the demand that a judge must be impartial is the requirement that a judge *appear to be* impartial so that no doubts or suspicions exist as the fairness

or integrity of the court. *See Aetna Life Insurance Co. v. Lavoie*, 475 U.S. 813, 160 S.Ct. 1580, 89 L.Ed.2d 823 (1986); *Marshall v. Jerricho, Inc.*, 446 U.S. 238, 100 S.Ct. 1610, 64 L.Ed. 182 (1980). The judiciary must strive not only to give all parties a fair trial but also to maintain a high level of public trust and confidence. *See Indemnity Ins. Co. v. McGee*, 163 Tex. 412, 356 S.W.2d 666, 668 (Tex. 1962).

"Fairness requires an absence of actual bias, and our legal system has always endeavored to prevent even the probability of unfairness." *See Texaco v. Pennzoil*, 729 S.W.2d 768, 844 (Tex. 1987).

"The neutrality requirement helps to guarantee that life, liberty, or property will not be taken on the basis of an erroneous or distorted conception of the facts of the law." *See* 28 U.S.C.S. § 455 and *Marshall v. Jerrico Inc.*, 446 U.S. 238, 242, 100 S.Ct. 1610, 64 L. Ed. 2d 182 (1980). This is applicable to this court by application of Article VI of the United States Constitution and *Stone v. Powell*, 428 U.S. 465, 483 n. 35, 96 S.Ct. 3037, 49 L. Ed. 2d 1067 (1976), which states, "State courts, like federal courts, have a constitutional obligation to safeguard personal liberties and to uphold federal law."

Without any serious question, unfairness to the Defendant will likely occur should Judge Eric Clifford be allowed to hear Tracy Bratcher's case.

## II.

Judge Will Biard was originally assigned to this case before Judge Eric Clifford personally took over Defendant, Tracy Bratcher's case. Before the case was heard, Judge Eric Clifford stated to Assistant District Attorney, Jill Drake, that he "would give Defendant, Tracy Bratcher, 180 days in jail as a condition of his probation, and that Tracy Bratcher would have to serve every day of that condition, because he deserves it." Judge Eric Clifford later orally agreed to recuse himself from Tracy Bratcher's case upon request from Tracy Bratcher's Defense Attorney, Barney Sawyer.

Upon recusal, Judge Eric Clifford appointed Judge Bill Harris to preside over Tracy Bratcher's case. The replacement judge must be appointed by the Administrative Judge according to the Tex. Gov. Code Ann. Chapt. 74.

Judge Bill Harris has recused himself from Tracy Bratcher's case. Upon the recusal of Judge Bill

Harris, the above matter has subsequently been returned to Judge Eric Clifford.

III.

The impartiality of Judge Eric Clifford in Tracy Bratcher's case is undoubtedly questioned, as Judge Eric Clifford has orally agreed to recuse himself from Tracy Bratcher's case once before. To return this case to Judge Eric Clifford and allow him to preside over this matter would violate the Defendant's right to have his case heard by an impartial and neutral party. See Rogers, supra at 874. Given the overwhelming evidence that the "probability of unfairness" exists should Judge Eric Clifford be allowed to hear this case, Defendant, respectfully requests that Judge Eric Clifford be recused for a second time from Tracy Bratcher's case. The Defendant requests the recusal of Judge Eric Clifford and requests that the Administrative Judge the Honorable Mary Murphy appoint a visiting Judge to hear Tracy Bratcher's case.

VERIFICATION

STATE OF TEXAS  
COUNTY OF DALLAS

§  
§

"My name is Jim Burnham and I am the attorney in this cause. The above information stated in the foregoing Defendant's Motion to Recuse Judge Eric Clifford regarding Judge Eric Clifford's statement regarding Tracy Bratcher's disposition in this case was given to me by Barney Sawyer, Tracy Bratcher's former attorney, and I believe the information given to me by Mr. Barney Sawyer to be honest and truthful."

Signed on the 1 day of November, 2013.

*Jim Burnham*  
Jim Burnham

Subscribed and sworn to before me, the undersigned authority, on this 1 day of November, 2013.

*Michelle Serrato* Notary Public, In and For the State of Texas

My Commission Expires: 12/6/2016

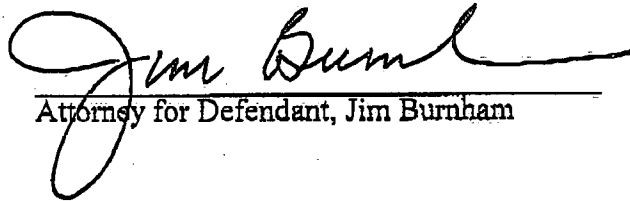


Respectfully Submitted,  
*Jim Burnham*  
JIM BURNHAM  
State Bar. No. 03441000  
6116 N. Central Expressway, Suite 515

Dallas, TX 75206  
(214) 750-6616 (214) 750-6649 - Fax  
ATTORNEY FOR DEFENDANT

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing Defendant's Motion to Recuse Judge Eric Clifford was served upon the Assistant District Attorney, Laurie Pollard for Lamar County Texas on November 1, 2013.

  
\_\_\_\_\_  
Attorney for Defendant, Jim Burnham

NOV 1 2013 3:40 PM  
LAW OFFICES OF JIM BURNHAM  
DALLAS, TEXAS 75206  
TEL: (214) 750-6616 FAX: (214) 750-6649  
WWW.LAWOFFICESOFJIMBURNHAM.COM

CAUSE NO. 25538

STATE OF TEXAS

V.

TRACY LYNN BRATCHER

0000000000

IN THE DISTRICT COURT  
LAMAR COUNTY, TEXAS  
6TH JUDICIAL DISTRICT

BY MARVIN AND PATTERSON  
ERIC DIERK  
DEPUTY

13 DEC 12 PM 4:14

FILED FOR RECORD  
LAMAR COUNTY TEXAS

**DEFENDANT'S MOTION TO RECUSE JUDGE ERIC CLIFFORD**

TO THE HONORABLE JUDGE ERIC CLIFFORD:

NOW COMES TRACY LYNN BRATCHER, Defendant in the above styled cause through his attorneys of record, Jim Burnham, and files this Motion to Recuse Judge Eric Clifford, and request an evidentiary hearing. The Defendant respectfully shows the honorable court as follows:

I.

This motion seeks the recusal of presiding Judge Eric Clifford from the above entitled cause no. 25538. **This case has merely been re-indicted from the theft case under cause no. 25067 to a charge of engaging in organized criminal activity, and maintains the exact same facts and defendant as in the previous cause no. 25067.**

On November 4, 2013 Judge Eric Clifford recused himself for a second time from cause no. 25067, because of a statement he made to Assistant District Attorney, Jill Drake before Tracy Bratcher's case was heard. Prior to the case being heard, Judge Eric Clifford told Assistant District Attorney, Jill Drake that he "would give Defendant, Tracy Bratcher, 180 days in jail as a condition of his probation, and that Tracy Bratcher would have to serve every day of that condition, because he deserves it." Judge Eric Clifford later orally agreed to recuse himself for the first time from Tracy Bratcher's case upon request from Tracy Bratcher's Defense Attorney at the time, Barney Sawyer.

Upon recusal, Judge Eric Clifford appointed Judge Bill Harris to preside over Tracy Bratcher's case. The replacement judge must be appointed by the Administrative Judge according to the Tex. Gov. Code Ann. Chapt. 74.

Judge Bill Harris recused himself from Tracy Bratcher's case upon the request of Tracy

Bratcher's Defense Attorney, Jim Burnham. Following the recusal of Judge Bill Harris, the above matter was subsequently returned to Judge Eric Clifford's docket. It is at this point where Judge Eric Clifford was recused for the second time from cause no. 25067.

Because this present case is merely a re-indictment of cause no. 25067, this would be the third recusal of Judge Eric Clifford from this same legal matter now under cause no. 25538.

## II.

A judge "shall recuse himself in any proceeding in which... his impartiality might be questioned," or "he has a personal bias or prejudice concerning the subject matter or a party" Tex. R. Civ. P. 18b(2)(a)(b). The language of this rule is imperative and mandatory. It is neither permissive nor discretionary. The standard is objective, not subjective. *See* Justice Gammage's declaration of recusal in Rogers v. Bradley, 909 S.W.2d 872, 873 (Tex. 1995).

The rule does not require that the judge must have engaged in any biased or prejudicial conduct for recusal to be mandated. Recusal is required if a judge's impartiality might reasonably be questioned. Gammage declaration of recusal, Rogers, supra at 874.

Procedures for recusal of judges set out in Rule 18 of the Texas Rules of Civil Procedure also apply in criminal cases. *See* Arnold v. State, 853 S.W.2d 543, 544 (Tex. Cr. App. 1993); DeLeon v. Aguilar, 27 S.W.3d 1, 5 (Tx. Cr. App. 2004).

Public policy demands that the judge who sits in a case act with absolute impartiality. *See* Pendergrass v. Beale, 59 Tex. 446, 447 (1883). Beyond the demand that a judge must be impartial is the requirement that a judge *appear to be* impartial so that no doubts or suspicions exist as the fairness or integrity of the court. *See* Aetna Life Insurance Co. v. Lavoie, 475 U.S. 813, 160 S.Ct. 1580, 89 L.Ed.2d 823 (1986); Marshall v. Jerricho, Inc., 446 U.S. 238, 100 S.Ct. 1610, 64 L.Ed. 182 (1980). The judiciary must strive not only to give all parties a fair trial but also to maintain a high level of public trust and confidence. *See* Indemnity Ins. Co. v. McGee, 163 Tex. 412, 356 S.W.2d 666, 668 (Tex. 1962).

"Fairness requires an absence of actual bias, and our legal system has always endeavored to prevent even the probability of unfairness." *See* Texaco v. Pennzoil, 729 S.W.2d 768, 844 (Tex. 1987).

"The neutrality requirement helps to guarantee that life, liberty, or property will not be taken on the basis of an erroneous or distorted conception of the facts of the law." See 28 U.S.C.S. § 455 and Marshall v. Jerrico Inc., 446 U.S. 238, 242, 100 S.Ct. 1610, 64 L. Ed. 2d 182 (1980). This is applicable to this court by application of Article VI of the United States Constitution and Stone v. Powell, 428 U.S. 465, 483 n. 35, 96 S.Ct. 3037, 49 L. Ed. 2d 1067 (1976), which states, "State courts, like federal courts, have a constitutional obligation to safeguard personal liberties and to uphold federal law."

Without any serious question, unfairness to the Defendant will certainly occur should Judge Eric Clifford be allowed to hear Tracy Bratcher's case under a new cause no. after previously being recused from this matter on two separate occasions.

### III.

The impartiality of Judge Eric Clifford in Tracy Bratcher's case is undoubtedly questioned, as Judge Eric Clifford has recused himself from Tracy Bratcher's case on two separate occasions, once through oral agreement, and once through a written order signed on November 4, 2013. To return this case to Judge Eric Clifford under a the new cause no. 25538 and allow him to preside over this matter would violate the Defendant's right to have his case heard by an impartial and neutral party. See Rogers, supra at 874. Given the overwhelming evidence that the "probability of unfairness" exists should Judge Eric Clifford be allowed to hear this case, Defendant, respectfully requests that Judge Eric Clifford be recused for a third time from Tracy Bratcher's case. The Defendant requests the recusal of Judge Eric Clifford and requests that the Administrative Judge the Honorable Mary Murphy appoint a visiting Judge to hear Tracy Bratcher's case.

### VERIFICATION

STATE OF TEXAS  
COUNTY OF DALLAS

§  
§

"My name is Jim Burnham and I am the attorney in this cause. The above information stated in the foregoing Defendant's Motion to Recuse Judge Eric Clifford regarding Judge Eric Clifford's statement regarding Tracy Bratcher's disposition in his case was given to me by Barney Sawyer, Tracy Bratcher's former attorney, and I believe the information given to me by Mr. Barney Sawyer to be honest and truthful."

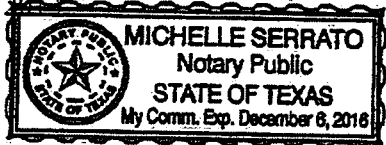
Signed on the 12<sup>th</sup> day of December, 2013.

  
Jim Burnham



Subscribed and sworn to before me, the undersigned authority, on this 12th day of

December, 2013



*Michelle Serrato*  
Notary Public, In and For the State of Texas

My Commission Expires: 12/6/16

Respectfully Submitted,

*Jim Burnham*

JIM BURNHAM  
State Bar. No. 03441000  
6416 N. Central Expressway, Suite 515  
Dallas, TX 75206  
(214) 750-6616 (214) 750-6649 - Fax

ATTORNEY FOR  
DEFENDANT

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing Defendant's Motion to Recuse Judge Eric Clifford was served upon the Assistant District Attorney, Laurie Pollard for Lamar County Texas on December 12th, 2013.

\_\_\_\_\_  
Attorney for Defendant, Jim Burnham

RECEIVED  
DISTRICT CLERK  
JAN 13 2014  
LAW OFFICE  
JIM BURNHAM  
6416 N. CENTRAL EXPRESSWAY, SUITE 515  
DALLAS, TEXAS 75206  
TEL: (214) 750-6616 FAX: (214) 750-6649

THE STATE OF TEXAS  
FIRST ADMINISTRATIVE JUDICIAL REGION  
ORDER OF ASSIGNMENT BY THE PRESIDING JUDGE

Pursuant to Section 74.056, Texas Government Code, I assign the:

Honorable Robert Scott McDowell  
Senior Judge of The 62nd District Court

to the

6th District Court of Lamar County, Texas

SHAWNTEL RODRIGUEZ

MARY ANN PATTERSON  
DISTRICT CLERK

2014 JAN -2 AM 10:26

FILED FOR RECORD  
LAMAR COUNTY, TEXAS

This assignment is for the cause(s) and style(s) as stated in the conditions of assignment from this date until plenary jurisdiction has expired or the undersigned Presiding Judge has terminated this assignment in writing, whichever occurs first.

CONDITION(S) OF ASSIGNMENT

Cause No. 25538: The State of Texas vs. Tracy Bratcher.

In addition, whenever the assigned Judge is present in the county of assignment for a hearing in the above cause(s), the Judge is also assigned and empowered to hear, at that time, any other matters presented for hearing.

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 public area of the Clerk's office or courthouse in order that attorneys and parties may be advised of this assignment.

SIGNED: December 16, 2013  
Date

Mary Murphy  
Mary Murphy, Presiding Judge  
First Administrative Judicial Region of Texas

ATTEST: Sindy Hays  
Administrative Assistant

FILED FOR RECORD  
LAMAR COUNTY, TEXAS  
Assign# 24148

MARY ANN PATTERSON  
DISTRICT CLERK

\$7.61<sup>0</sup>  
US POSTAGE  
FIRST-CLASS

071V00530289  
75460  
00115151



7013 2630 0000 6344 3495

**FIRST CLASS MAIL**

*Texas State Commission on Judicial Conduct*

*P.O. Box 12265*

*Austin, TX 78711-2265*

*[Signature]*

Received by

JUN 09 2014

STATE COMMISSION  
ON JUDICIAL CONDUCT

*3170 Clark Lane  
Pearl, TX 75260*

FIRST-CLASS

FIRST-CLASS

FIRST-CLASS

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FIRST-CLASS

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