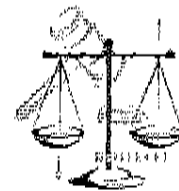


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FAX COVER SHEET

DATE: September 16, 2015

TO: Mr. Don Haslam

YOUR FAX NO: (888) 541 9780

FROM: M. Mark Leshner

OUR FAX NO: (903) 572-2893

NUMBER OF PAGES (including this cover sheet): 3

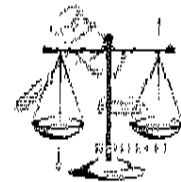
NOTES/COMMENTS:

Re: Judge Eric Clifford

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TEXARKANA, TX

State rebukes district judge

State issues reprimand over variety of violations

By LYNN LAROWE
Texarkana Gazette

Sixth District Judge Eric Clifford was publicly reprimanded this month by the Texas Commission on Judicial Conduct for a wide range of misconduct.

Clifford's district serves Red River and Lamar Counties. He did not return a call from the Gazette for comment Tuesday.

According to a nine-page report, Clifford used his title as judge to promote a private business, made inappropriate public comments about pending criminal and custody cases, played favorites when appointing lawyers, threatened a law enforcement officer and misused his office when demanding that a neighbor pay him for veterinary bills.

"Finally, the commission concludes that Judge Clifford's initial lack of candor during the Commission's investigation into these allegations proved to be an aggravating factor in reaching a final decision in this case," the reprimand states.

The Commission's reprimand reviews in detail numerous instances of Clifford's conduct deemed to violate the Texas Code of Judicial Conduct and includes some of Clifford's responses to questions about his behavior given during an Aug. 14 appearance.

See **JUDGE** on Page 2A

Continued from Page 1A

Lamar National Bank

Clifford and his family have an ownership interest in Lamar National Bank worth more than \$10 million, according to the reprimand. After assuming the bench in 2009, Clifford continued to serve on the board of directors at the bank and included his title as judge on the bank's Website.

Clifford told the commission that while he knew his service on the bank's board was prohibited once he became a judge, he continued to do so to look after his family's "substantial investment."

The Child Custody Hearing

Clifford presided over a Child Protective Services hearing concerning the children of a man accused of sexually abusing his children in Lamar County. After the hearing, and after the father and his lawyer, Donald Haslam, left the courtroom, Clifford made derogatory statements about the man in front of other attorneys and individuals waiting for their cases to be called.

Haslam filed a motion to have Clifford removed from the case as a result of the disparaging comments.

Threatening a Law Enforcement Officer

Sometime before Aug. 26, 2013, Clifford instructed his court reporter, Terry Spangler, to arrange for Paris police officer Forrest Bigler to meet privately with him in his court office to "discuss Spangler's allegations that Bigler's children were harassing some of her relatives," the reprimand states.

At a meeting Aug. 26, Clifford met with Bigler and threatened him with reprisals from juvenile probation and with police involvement if Bigler didn't resolve the issue.

"In his written responses to the Commission's inquiry, Judge Clifford initially denied meeting with Bigler and/or calling law enforcement concerning Spangler's allegations," the reprimand states.

But after being confronted with an audio recording of the meeting, Clifford admitted to it and professed it "likely" that he'd contacted the chief of juvenile probation on the issue as well.

State v. Erskine

At a Kiwanis Club meeting, Clifford expressed his opinions concerning the Oct. 12, 2012, death of Rocky Virgil.

During the meeting, Judge Clifford made disparaging remarks about Rocky and expressed his opinion that some people "need to be killed," the reprimand states. "Judge Clifford also opined that the 'state will never get an indictment,' in the case."

Virgil's wife, Kathleen Erskine, was later indicted for murder in Virgil's death. The case wound up in Clifford's court, and the charge was reduced to manslaughter. In January 2014, Clifford and Erskine's lawyer, David Turner, discussed a possible plea deal in the case without a prosecutor present. Such discussions are not permitted unless a representative from both the state and defense are present.

The state eventually filed a motion to remove Clifford from the case based on the Kiwanis Club statements and the improper meeting between the judge and defense attorney.

State v. Baker

One of Jason Baker's relatives informed Clifford that Baker had failed a drug test in violation of his probation. Clifford contacted the chief of adult probation, and a motion to revoke Baker's probation was filed.

When Lamar County District Attorney Gary Young and Baker's lawyer, Donald Haslam, learned of Clifford's discussion with the probation chief "and that the judge had conducted his own investigation into whether Baker had violated his probation," they made an agreement to resolve the case.

"On Aug. 20, 2012, the plea agreement was presented to Judge Clifford, who stated that he would not entertain any negotiated agreement," the reprimand states.

Clifford set the case for a hearing later the same day. The state moved to dismiss the case, but Clifford refused.

"After the state notified the judge that it would not be presenting any arguments and/or calling any witnesses, Judge Clifford ordered Baker's probation officer to the stand," the reprimand states.

Clifford sentenced Baker to 90 days in jail.

When questioned by the Commission about the case, Clifford told them he was "mad" and had become "too involved."

State v. Bratcher

Clifford told an assistant

state's attorney that he would sentence Tracy Bratcher to six months jail time as a condition of probation and that Bratcher would serve the time "because he deserves it." Bratcher's defense lawyer, Barney Sawyer, wasn't present when Clifford remarked to the state about the case. In his appearance before the Commission, Clifford conceded that his comments to the state's attorney were an example of poor judgment.

Court Appointment of Lawyers

Lamar County has policy in place for the appointment of lawyers to criminal cases involving defendants too poor to hire their own attorneys. The names of qualified attorneys are placed on a list or "wheel," and appointments are to be evenly spread among them.

Clifford instructed the Lamar County District Clerk to remove Donald Haslam's name from the felony appointment list without obtaining a majority vote from the other judges in Lamar County, in violation of county policy.

During the period of July 9, 2013, to Sept. 30, 2014, seven lawyers were to receive felony appointments.

"During this period, Judge Clifford approved fee vouchers for (David) Turner in the amount of \$82,062.60. This was the highest amount paid to any attorney on the felony wheel. According to records from the Lamar County Auditor's Office, Judge Clifford appointed attorney David Turner to represent indigent defendants in a disproportionately high percentage of criminal cases compared to other attorneys on the felony wheel."

Turner ran against Clifford in the 2008 race for the 6th District bench. Despite a narrow loss, Turner did not run against Clifford in 2012.

In January 2014, felony drug charges were filed against a woman with an existing misdemeanor case. Mitzi Black was already being represented via court appointment by Donald Haslam in the misdemeanor proceeding, but Clifford replaced Haslam with Turner in both cases.

Black's grandmother had called Clifford and asked for the substitution.

In a drug case involving the son, David Neeley, of a former Paris, Texas, mayor, Clifford appointed Turner.

"Neeley is an auto mechanic who has worked on Judge Clifford's automobiles and, at one time, reside in the judge's

2902 at IP. 3/3 airport," the reprimand states. "In the past in addition to working on the judge's cars, Neeley also ran errands for the judge."

Clifford did not step away from presiding over Neeley's case despite Neeley's personal connections to the judge.

"On June 2, 2013, Neeley was arrested for possession of a controlled substance, cocaine, while riding Judge Clifford's scooter, the reprimand states.

Clifford accepted a plea deal for five years probation in Neeley's case in January 2014.

In a felony drug case involving Jessica Mitchell, Clifford again appointed Turner. The state filed a motion to have Clifford removed from Mitchell's case.

"According to the motion Mitchell had advised others that Judge Clifford had: (1) invited her and her son to visit him at his airport hangar; (2) told her to plead guilty to her offense and request that he sentence her because he would not send her back to prison; (3) told her that he was not going to send her away and would take care of her; (4) told her he does not sleep at night because he has sleep apnea; and (5) told her he would help her get her kid back."

Clifford testified before the Commission that he told Mitchell he couldn't discuss the case but could appoint Turner to represent her.

Veterinary Bills

In May 2011, Clifford's daughter's dog was injured in a fight with a dog owned by his neighbor, William Mattoon. Clifford claimed he paid vet bills totaling \$1,162.87.

Clifford sent Mattoon a letter Aug. 29, 2011, on judicial letterhead demanding he pay the animal care costs within a month. When Mattoon didn't respond, Clifford sent another letter on judicial letterhead threatening legal action.

This month's judicial conduct reprimand isn't the first time Clifford has seen trouble while in office. While serving as mayor of Paris, Texas, Clifford was arrested for soliciting a prostitute in Austin. He offered an undercover deputy with the Travis County Sheriff's Office \$150 in exchange for sex. Clifford served a six-month term of probation as part of a plea bargain.

Clifford's current term expires Dec. 31, 2016. He has not publicly announced whether he will run for a third term.