



League of Women Voters  
of Plano/Collin County  
[www.lwvcollin.org](http://www.lwvcollin.org)

# Voters Guide

## Mar. 2, 2010 Primary Elections Collin County District Attorney, Clerk and Judges

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Early voting – February 16 – 26, 2010

Election day – Polls open 7 a.m. to 7 p.m.

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This Voters Guide is published by the League of Women Voters of Plano/Collin County to help citizens prepare to cast an informed vote. The League of Women Voters, a nonpartisan organization, encourages informed and active participation in government. The League does not support or oppose any political party or candidate.

This guide includes contested races in which two or more candidates are running regardless of party. All candidates for the respective offices were invited to participate. If a candidate did not respond by the deadline, "No response from the candidate" is printed. Responses were limited to 100 words and truncated with /// after the 100<sup>th</sup> word. Where there are multiple candidates for the same office in a party, the candidates appear in ballot order.

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### Candidates for Collin County District Attorney

*4 year term. Must be 18 years or older, a U.S. citizen, a practicing lawyer, a resident of Texas and a resident of the district represented. Responsible for representing the state in criminal cases.*

#### **Jeff Bray, Republican**

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[BRAYforDA@gmail.com](mailto:BRAYforDA@gmail.com)  
214-724-8679

1. Please describe the education and experience that qualify you for the position of District Attorney.

11 year prosecutor – Collin, Dallas, and Gregg counties.

Including volunteering, worked in six DA's offices under eight DA's. Will bring the best of each office to Collin County.

Last 3 years – Senior Legal Advisor to the Plano Police Department

Unique experience on front lines of law enforcement.

Invaluable to D.A. as D.A. is functional head of all law enforcement.

Board certified in criminal law by Texas Board of Legal Specialization.

National and State prosecutor instructor.

100 felony jury trials. You must know how much felony trial experience your candidate has.

Worked in every section in the DA's office.

Special prosecutor.

2. What is your position related to prosecution, incarceration and/or rehabilitation for drug offenses?

Being district attorney is the best position to use my God-given gifts to help my fellow man, including criminals. In my 20 years in law enforcement I've found that

those most likely to benefit from the criminal justice system are juveniles and drug offenders. Keeping offenders out of the “prison, can’t get a job, use dope, back to prison” loop saves societal resources. I favor any program that will keep people from using drugs. However, I also favor long prison sentences for delivery of controlled substances. We want dealers to remain afraid to sell their poison in Collin County.

3. What measures do you support to prevent or correct wrongful convictions of innocent persons?

No honest prosecutor wants to convict an innocent person. Usually these cases arise from mistaken eyewitness identification and faulty technology. Eyewitness identification procedures have greatly improved, and the bad identifications that caused these cases were mostly bad even by standards in place when they were conducted. Improved technology that is revealing the faulty convictions is available for new cases, so the current risk of a faulty conviction is much lower. I don’t believe it can be eliminated. I favor following the rules for post-conviction testing of evidence. I want to see that justice is served, not sacrificed for conviction rates.

4. A large number of inmates in the county jail have been diagnosed with mental or emotional disorders. How should persons with mental disorders be handled in the Collin County justice system?

If a defendant is incompetent or insane, there are procedures spelled out by the law to deal with them. What is much harder to adequately address is the defendant that is legally sane and competent, but moderately or severely affected by mental illness. The first duty of law enforcement is to protect the public. It is in the public’s interest to address the mental health issue, but not in exchange for sacrificing their safety. Court ordered therapy has proven quite effective, but we can only make these defendants accept their treatment as long as they are under court control.

5. What other issues do you believe will be most pressing in Collin County, and what is your position on these issues?

Funding will be the most pressing issue facing Collin County. Due to a 2011 change in personnel at the courthouse, all conflicts will dissolve and all courts will be able to hear criminal cases. Therefore, we will need a new trial team of prosecutors, a chief and two others. Due to my white collar experience, I can take over the special crimes section, freeing up a chief. I have identified two other prosecutors that can be moved. I am the only candidate that has this special experience to allow the formation of a new trial team without hiring new prosecutors.

### **Greg Willis, Republican**

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469-235-9555

1. Please describe the education and experience that qualify you for the position of District Attorney.

Only candidate having served Collin County in each corner of the triangle of our court system: judge, prosecutor, and attorney. The most unbiased observer in the

courtroom, the judge, not the prosecutor or the defense attorney, is in best position to evaluate strengths/weaknesses of each case. DA who has been judge can best convey to prosecutors the most effective ways to argue/advocate to judge. University of Virginia School of Law (1991); honors graduate Baylor University (1986). Fellow attorneys twice selected me as Texas SuperLawyer (*Texas Monthly*, 2004, 2005); President, Collin County Bar Association (2001 – 2002).

2. What is your position related to prosecution, incarceration and/or rehabilitation for drug offenses?

Will continue and expand divert program for 1<sup>st</sup> time and youthful offenders. Each case beyond divert must be evaluated on case by case basis---for those seeking help programs will be offered and work with probation to understand all options as to what works and what doesn't---also meet with all judges to try and establish guidelines for drug cases so results are consistent. Work on creation and/or expansion of a drug treatment court for felony offenders. Repeat offenders or drug offenders who commit other crimes of more serious nature go to jail or prison.

3. What measures do you support to prevent or correct wrongful convictions of innocent persons?

Any innocent person requires exoneration—no innocent person will be convicted in this administration. An innocent person's incarceration offends the very foundation of our American criminal justice system. Therefore, though many innocence claims have proved false, all requests regarding innocence claims will be prioritized and full and complete access given to claimants/innocence project/etc.

4. A large number of inmates in the county jail have been diagnosed with mental or emotional disorders. How should persons with mental disorders be handled in the Collin County justice system?

Texas law is very specific on this issue---all cases with any indication of mental disorder will be required to be evaluated by a mental health professional and thereafter depending on diagnosis the person may be treated in or out patient (if confirmed mental health issue found). Those found not competent to stand trial have to regain competency first. Once competent, case will proceed with consideration given to sentencing options to assist those with mental issues to avoid re-offense and help with rehabilitation.

5. What other issues do you believe will be most pressing in Collin County, and what is your position on these issues?

First, population growth will continue to bring an influx of children to Collin County. Their safety is my highest priority. I will ensure our crimes against children unit is sufficiently funded and trained. Second, repeat jail prisoners with mental health issues need more thorough evaluation and treatment. Reducing the frequency of their visits will save money in the long run and delay the need to issue bonds for more jail space. Third, I will train investigators and prosecutors to fight cyber-crime expansion. Fourth, I will work closely with police agencies to fight the growth in economic and substance abuse crimes.

## **James Angelino, Republican**

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214-533-0183

1. Please describe the education and experience that qualify you for the position of District Attorney.

I am a Graduate of SMU School of Law. I am the only candidate who has been a police officer (Dallas PD), a prosecutor who has had over 190 jury trials (Denton County 1996-2007), a Felony Chief, a Chief of a Specialized Unit who supervised attorneys (DWI Prosecution Unit), a Military Officer, an Iraqi Freedom Veteran, and a defense attorney. I am the only candidate who has gotten out from behind his desk, and who has put his life on the line to protect our community. These experiences make me uniquely qualified for the job of District Attorney

2. What is your position related to prosecution, incarceration and/or rehabilitation for drug offenses?

I am a firm believer in Drug/DWI courts. I worked for years in a DWI Court in Denton County. If we can get these type criminals treatment and help give them the tools they need to live a sober and drug free life , the cost to society and our budget would be cut dramatically.

3. What measures do you support to prevent or correct wrongful convictions of innocent persons?

You have to give your prosecutors the ability to do what they have to if they believe a person who is charged with a crime may not be guilty. You have to engrain in your office that your job is not to get convictions, but to see that justice is done. Also you must investigate any evidence given to you that could lead you to believe that a person either charged or convicted of a crime is innocent. You must never be afraid to seek the truth.

4. A large number of inmates in the county jail have been diagnosed with mental or emotional disorders. How should persons with mental disorders be handled in the Collin County justice system?

You can start with an MHMR jail liaison that would help identify inmates with serious mental illness. Once identified the liaison would work closely with jail personnel to ensure proper treatment plans and medication needs are met. (This is what Williamson County has done). I would also like to see Veterans Courts up and running. They are meant to deal with the mental and emotional disorders that our returning Heroes may have.

5. What other issues do you believe will be most pressing in Collin County, and what is your position on these issues?

One other issue that the next District Attorney must deal with is the budget and what to do about getting more prosecutors. The District Attorney's Office is extremely shorthanded. They are in need of at least 4 new prosecutors. There are 2 things I do to try to fix this situation:

1. Search for grant money
2. Raise the fines and lower the years of probation. Most people on probation who violate their probation do it during their first couple of years. So on non-high risk offenders you can cut the probation time in half and raise the fine amount.

**Rafael de la Garza, Democrat**

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 972-351-2769

1. Please describe the education and experience that qualify you for the position of District Attorney.

AS A FORMER STATE AND FEDERAL PROSECUTOR, I HAVE ATTENDED MANY CONTINUING LEGAL EDUCATION PROGRAMS REGARDING THE PROSECUTION OF STATE AND FEDERAL CRIMES. I HAVE ALSO TRIED NUMEROUS STATE AND FEDERAL JURY TRIALS. I AM BOARD CERTIFIED IN CRIMINAL LAW BY THE TEXAS BOARD OF LEGAL SPECIALIZATION AND I HAVE BEEN RECOGNIZED BY TEXAS MONTHLY AS A SUPER LAWYER FOR THE PAST THREE YEARS.

2. What is your position related to prosecution, incarceration and/or rehabilitation for drug offenses?

THE PROSECUTION OF DRUG OFFENSES SHOULD BE DIVIDED INTO TWO CATEGORIES BEING DELIVERY/MANUFACTURING AND POSSESSION. POSSESSION CASES SHOULD BE VIEWED WITH AN EYE TOWARDS REHABILITATION AND DELIVERY/MANUFACTURING CASES SHOULD BE VIEWED TOWARD INCARCERATION. WHEN DEALING WITH SMALL POSSESSION CASES WITH NO CRIMINAL HISTORY, NON PROSECUTION OPTIONS SHOULD BE EXPLORED SUCH AS A DIVERSION PROGRAM WHERE FORMAL CRIMINAL CHARGES ARE WITHHELD PENDING SUCCESSFUL COMPLETION OF THE PROGRAM.

3. What measures do you support to prevent or correct wrongful convictions of innocent persons?

THE DISTRICT ATTORNEY MUST ENSURE THAT JUSTICE IS SOUGHT EVERY TIME SOMEONE IS PROSECUTED WHICH MEANS CHARGING THE RIGHT PERSON FOR THE RIGHT CRIME WITH CREDIBLE EVIDENCE. IT BEGINS WITH ACTIVE COMMUNICATION WITH LAW ENFORCEMENT AND ENDS WITH THE DISTRICT ATTORNEY MAKING SURE THEY HAVE CREDIBLE EVIDENCE TO PROSECUTE THE RIGHT PERSON FOR THE RIGHT CRIME.

4. A large number of inmates in the county jail have been diagnosed with mental or emotional disorders. How should persons with mental disorders be handled in the Collin County justice system?

INDIVIDUALS WHO HAVE BEEN DIAGONSED WITH A MENTAL DISORDER AND ARE CHARGED WITH NON-VIOLENT OFFENSES WITH NO HISTORY OF VIOLENT OFFENSES SHOULD BE DIVERTED FROM THE COUNTY JAIL. THESE INDIVIDUALS CAN NOW SEEK TREATMENT AS A CONDITION OF

THEIR BOND. THOSE WITH MENTAL DISORDERS SHOULD BE GIVEN EVERY OPPORTUNITY TO GET HELP SO THAT THEY WILL BE ABLE TO PARTICIPATE IN THEIR DEFENSE.

5. What other issues do you believe will be most pressing in Collin County, and what is your position on these issues?

AS DISTRICT ATTORNEY, I WILL BE PROACTIVE TOWARDS CRIME. TWO COMMON THEMES AMONG THOSE WHO VIOLATE THE LAW ARE LACK OF EDUCATION AND UNEMPLOYMENT. I WILL WORK HARD WITH COMMUNITY LEADERS TO DEVELOP PROGRAMS OR STRATEGIES THAT ENSURE OUR KIDS STAY IN SCHOOL AND HAVE POSITIVE ROLE MODELS. WE ARE LOSING THE BATTLE WITH SOME OF OUR YOUTH. THEY ARE BEING RECRUITED BY GANGS AND PEERS INTO A CRIMINAL LIFESTYLE. WE NEED TO REACH AT-RISK KIDS BEFORE THEY DO. WE NEED TO WORK WITH COUNTY LEADERS TO ENCOURAGE A STRONG JOB MARKET TO GIVE INDIVIDUALS A SENSE OF SELF-WORTH.

### **Candidates for Collin County District Clerk**

*4 year term. Must be 18 years or older, a U.S. citizen, a resident of Texas and a resident of the district represented. Responsible for the judicial records of the District Courts.*

#### **Patricia Wysong Crigger, Republican**

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pwcigger@gmail.com  
214-734-3391

1. Please describe the education and experience that qualify you for the position of District Clerk.

I earned a business degree from UNT, but more importantly, I have over 20 years work experience in the District Clerk's Office, the last 15 as Chief Deputy. I understand how to compile and administer a 5 million dollar budget, how to stay within budget, and how to lead a staff of 67 employees. I have implemented processes in the jury system such as E-juror and juror call-in to save the juror time and the taxpayer money. Also, fax filing and e-filing have been made available for the convenience of attorneys and citizens.

2. What is the biggest challenge in protecting the accuracy and integrity of records of the district courts and how would you address it?

We are currently using the newly implemented Odyssey system for management of civil and family files. Since the petition, pleading, or anything that is filed in the case is immediately scanned upon receipt, I feel comfortable that the accuracy and integrity of each file is protected. Even without Odyssey, our clerks are trained and realize the importance of the integrity of our records. When pleadings are filed, they are listed as an event on the computer as well as being scanned. It is a double-check that would call attention to anything missing in one spot or another.

3. Would you support putting case files online?

We are testing a process with 5 attorneys where they enter their bar code number, receive a pin number, and they can log on and view civil/family cases. Certainly, I support having the index to case files online to the general public, and if and when we get a redaction tool to remove personal information from the files, I would definitely support viewing online by all. The files are public record, but I don't want children's names and addresses a click away from anyone on the Internet. (Or anyone's SS number)!

4. What other issues do you believe will be most pressing in Collin County District Courts, and what is your position on these issues?

We are presently in configuration labs to convert criminal files to Odyssey so they can be scanned and viewed, and hopefully the criminal system will be more integrated with the Sheriff's Office, since they are also converting to Odyssey. One of the biggest issues we face is the continuing growth of cases in our courts and the lack of resources to hire the personnel to alleviate the burden. At some point, additional personnel will have to be employed, or overtime will have to be approved.

### **Terrye Evans, Republican**

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469-247-9444

1. Please describe the education and experience that qualify you for the position of District Clerk.

I have a BA in English. I have over 25 years of marketing and corporate communications experience. I have supervised a department that had over 30 employees. I was a Deputy District Clerk for nearly five years and progressed to 219<sup>th</sup> Court Administrator. This combined experience will bring a unique and innovative perspective on how this office can run more efficiently. I have the expertise with our case management system as well as the overall knowledge of how our court system works to elevate the District Clerk's office to the best in the state!

2. What is the biggest challenge in protecting the accuracy and integrity of records of the district courts and how would you address it?

I believe that the accuracy and integrity of our records are only as good as the clerks who maintain them. We have awesome clerks now, and I would make sure that they are trained and kept abreast of the knowledge necessary to ensure the integrity and accuracy of all records are sustained. Also, I would make sure that the historic files are archived properly and preserved so that our history is not compromised. I will also explore new and innovative ways to store our existing files.

3. Would you support putting case files online?

Yes, as long as a good redaction system can be put in place to ensure and protect the privacy of our citizens. There are some good systems out there, but we need to

make sure the system that we select is compatible with our existing case management system. This issue certainly needs to be resolved.

4. What other issues do you believe will be most pressing in Collin County District Courts, and what is your position on these issues?

One of the biggest challenges we face is growth. I believe that in order to sustain a proficient office we will need to utilize and enhance the existing case management system so that the increased volume of filings, juror serves, etc. will not compromise the quality of service. In doing all of this, we must also keep a watchful eye on ensuring that increased costs are kept to a minimum.

### **Alma Hays, Republican**

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alma@electalmahays.com  
972-896-4701

1. Please describe the education and experience that qualify you for the position of District Clerk.

I have a degree from Grayson County College and have worked in the District Clerk's office. I have 26 years experience as a paralegal and office manager. My work ethic, education, problem solving skills and experience qualify me to lead the District Clerk's office. I have extensive knowledge of how the entire judicial system works. I am the only candidate who has been on both sides of the counter of the District Clerk's office. This gives me a unique perspective of how the public views the District Clerk's office and how the office can be improved.

2. What is the biggest challenge in protecting the accuracy and integrity of records of the district courts and how would you address it?

The biggest challenge is documenting the location of files. Despite having a bar code tracking system currently being utilized by the Clerk's office, it seems that many files cannot be located. I have often had the clerk's office tell me that they could not find files. One incident involved an adoption file that is supposed to be kept in a special vault, but was not in the vault and they could not find it with the other files. I will implement a strict policy of immediate scanning of bar codes to document the location of each file.

3. Would you support putting case files online?

Yes, but only to be accessible by attorneys and their staff. I would like the access to be similar to the Federal Court's system (PACER). While in theory it would be good to have public access to the court's records, there is sensitive information in the family law files such as social security numbers and driver's license numbers. This information could be used to steal someone's identity. Unfortunately it is not financial feasible to redact all of the sensitive information out of the files to allow public internet access.

4. What other issues do you believe will be most pressing in Collin County District Courts, and what is your position on these issues?

The most pressing issue in the District Clerk's office is expanding office hours. Currently the District Clerk's office closes at 4:30 p.m. They quit processing passports at 4:00 p.m. They quit issuing court documents at 3:30 p.m. These hours need to be expanded to 5:00 p.m. There are other county offices that stay open until 5:00 p.m.

The limited work hours of the District Clerk's office is one of the reasons that revenue from passports dropped \$0.2 million during the calendar year ending September 30, 2008. This figure is from the Comprehensive Financial Report available on the County's website.

### **Candidates for 219<sup>th</sup> District Judge**

*4 year term. Must be 25 years or older, a U.S. citizen, a practicing lawyer, a resident of Texas and a resident of the district represented. Responsible for cases including felony criminal cases, civil cases with higher amounts of controversy, and family law matters.*

#### **Scott J. Becker, Republican**

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817-269-0889

1. Please describe the education and experience that qualify you for the position of District Judge.

I have dealt with matters in all three major areas over which this Court has jurisdiction; criminal, civil, and family law. Currently, I'm a prosecutor with over 170 jury trials in every type of criminal case from Speeding to Murder. In private practice I defended criminal matters. I also represented both plaintiffs and defendants in civil lawsuits, and dealt with a handful of family law issues. This broad experience gives me perspective that will serve the citizens of Collin County best.

2. What, in your opinion, is the fairest method for the selection of judges?

Regularly scheduled democratic election is the fairest method. The basis of our country is democracy. Those who seek to serve the citizens should be chosen by the citizens. Our country works best with more democracy, not less. It increases accountability. Recently, some officials have advocated non-partisan elections for judges. Municipal races are supposed to be non-partisan in Texas. However, both major political parties are routinely involved in municipal races, and candidates regularly identify themselves with a political party. Realistically, partisanship cannot be removed from the process. At least under the current system, there is transparency.

3. When should an elected judge disqualify himself/herself from a case?

Texas Code of Judicial Conduct Canon 2A requires a judge to comply with the law and to at all times act in a manner that promotes public confidence in the integrity

and impartiality of the judiciary. Accordingly, a judge should disqualify himself if this Canon is being violated if he were to stay on the case.

4. Do you think there is a problem with disparities in sentencing in Collin County? Please explain.

Texas law provides for a broad range of punishment for felony offenses. This broad range accounts for the idea that it is not possible to anticipate every possible criminal scenario and predetermine a punishment range for said behavior. Texas law also allows for juries to impose the sentence rather than the judge if the Defendant so chooses. Each jury gets to evaluate the criminal scenario it has been presented and make the decision about the appropriate sentence in that case. Given these factors it is possible for there to be disparate sentencing in Collin County.

5. Collin County has strict financial guidelines for providing court-appointed attorneys. Do you believe that this denies representation to some defendants who cannot afford counsel?

Texas Code of Judicial Conduct Canon 2A requires a judge to comply with the law and to all times act in a manner that promotes public confidence in the integrity and impartiality of the judiciary. As a judge I will likely be required to preside over cases involving indigent defendants and make decisions about whether they qualify for a court appointed attorney. Given these circumstances I believe it would be improper for me to comment on the financial guidelines for court appointed attorneys.

6. A large number of inmates in the county jail have been diagnosed with mental or emotional disorders. How should persons with mental disorders be handled in the Collin County justice system?

Due to their unique nature, mental and emotional disorders are difficult to treat with a blanket policy. There are safeguards in place to provide for the evaluation of inmates who may fall in to this category. Depending upon the results of the individual evaluation, an inmate can be given treatment at an appropriate facility until he can be found competent to stand trial. Upon regaining such competency, the inmate can proceed through the justice system by either pleading or exercising his right to a trial.

7. What measures do you support to reduce the rates of incarceration and recidivism?

Texas Code of Judicial Conduct Canon 2A requires a judge to comply with the law and to all times act in a manner that promotes public confidence in the integrity and impartiality of the judiciary. As a judge I will keep open all possible sentences within the range of punishment for an offense, and not be predisposed to a particular sentence before hearing any facts of a case.

8. What other issues do you believe will be most pressing in Collin County District Courts, and what is your position on these issues?

One of the most pressing issues to the Collin County District Courts is the volume of cases. As one of the fastest growing counties in the state, we have a rapidly increasing caseload. More cases make it harder to give each case the attention it

deserves. The challenge is to balance moving cases quickly to account for this increase, without shortchanging any one case. As a judge I can make sure I make myself available as much as possible to help keep the backlog from getting any worse.

**Angela Tucker, Republican**

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214-585-9899

1. Please describe the education and experience that qualify you for the position of District Judge.

**EDUCATION:**

SMU School of Law  
J.D., 5/1996

UT at Austin  
B.A., 12/1992

7/ 2007 – Present

**DANIEL TUCKER & HARRISON**

**Partner** – *Practice Areas*: CPS, Civil, Criminal, Family, and Juvenile.

12/2000 - 7/2007

**LAW OFFICE OF ANGELA IVORY**

**Solo Practitioner** – *Practice Areas*: Bankruptcy, CPS, Civil, Criminal, Family, Juvenile, and Mental Commitments.

12/1996 – 12/2000

**COLLIN COUNTY DISTRICT ATTORNEY**

*Practice Areas*: Appellate, Case Intake, CPS, Civil Asset Forfeitures, Criminal, Juvenile, Mental Commitments.

11/1995 – 11/1996

**LAW OFFICE OF GEORGE E. ASHFORD III**

*Practice Areas*: Appellate, Bankruptcy, Civil Litigation, Criminal Defense, Personal Injury  
**Intern**

1995

**THE SUPREME COURT OF TEXAS**

**Intern**

1994

**GRAYSON COUNTY ATTORNEY**

**Intern**

2. What, in your opinion, is the fairest method for the selection of judges?

In my opinion, Judges should be elected by the people they serve. The democratic process allows the community to select its candidate of choice, and remove office holders that are not serving the community well.

3. When should an elected judge disqualify himself/herself from a case?

(1) Any case where the Judge's impartiality might be questioned; (2) Any case where the Judge or his/her family member has a personal or financial interest; (3) Any case where the Judge is related to a party or a witness; (4) Any case in which the Judge has personal knowledge of disputed facts; (5) Any case in which the Judge has a personal bias against a party or witness.

4. Do you think there is a problem with disparities in sentencing in Collin County? Please explain.

Yes. I believe there is often great disparity between the Judges. The disparity can be based on race, socio-economic status, lack of cultural understanding, or a personal bias of the Judge. If elected, I would make every effort to treat all citizens the same no matter what their background or current circumstance might be.

5. Collin County has strict financial guidelines for providing court-appointed attorneys. Do you believe that this denies representation to some defendants who cannot afford counsel?

Yes. Many employed citizens do not meet the income guidelines for a court-appointed attorney, but they do not have sufficient disposable income to hire retained counsel. Also, there are individuals that sit in our local jail waiting for an attorney to be appointed.

If elected, I would like to set up a payment plan for individuals that fall into the first category. Secondly, I believe it is extremely important for Judges to check their "jail list" frequently. This will allow the Court to monitor the number of inmates without attorneys and the number of days they have been in custody.

6. A large number of inmates in the county jail have been diagnosed with mental or emotional disorders. How should persons with mental disorders be handled in the Collin County justice system?

More resources need to be allocated for the mentally ill. Ideally, inmates with mental health issues should be housed in a separate area, instead of general population, with guards trained to work with the mentally ill. The jail should have more mental health staff (doctors and counselors) so that the length of time an inmate waits to see the doctor/counselor is reduced, and more time can be spent with each individual patient. In addition, the jail should offer a better variety of mental health medications, so that inmates can receive the medications that have been prescribed prior to incarceration.

7. What measures do you support to reduce the rates of incarceration and recidivism?

I am in support of Drug Court for individuals with substance abuse issues. If elected, I would also like to volunteer with community mentoring programs/organizations/schools to assist with efforts to keep individuals from entering "the system." I would also work closely with the Probation Department to monitor those individuals currently on probation.

8. What other issues do you believe will be most pressing in Collin County District Courts, and what is your position on these issues?
  1. Technology – The feasibility of obtaining the video/phone system currently used in Dallas County for attorneys to communicate with inmates at the courthouse; and the feasibility of placing all cases online like surrounding counties.
  2. Case Management - As the county grows, there will be an increase in the number of cases and therefore, an increased need for proper case management and allocation of resources in the absence of new courts.
  3. The Board of Judges and the Commissioners will need to find “common ground” to work together in a manner that is productive and beneficial to our county.

**Wendy McMillon, Republican** – No response from the candidate

### **Candidates for 296<sup>th</sup> District Judge**

*4 year term. Must be 25 years or older, a U.S. citizen, a practicing lawyer, a resident of Texas and a resident of the district represented. Responsible for cases including felony criminal cases, civil cases with higher amounts of controversy, and family law matters.*

**Keith Gore, Republican**

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 972-529-2220

1. Please describe the education and experience that qualify you for the position of District Judge.

I graduated *summa cum laude* from TCU with a B.S. degree, and law school from the University of Mississippi. Early in my career I was a chief misdemeanor and felony prosecutor in the Dallas County DA’s Office, trying over 100 cases to juries and judges. I’ve served as Municipal Court Judge for the City of Trenton, and I was Foreman of the Grand Jury in 2008. I am certified to handle death penalty cases. I worked for a civil firm in McKinney handling civil litigation and business transactions. I’ve worked in the area of family law, including cases involving CPS.

2. What, in your opinion, is the fairest method for the selection of judges?

While not perfect, I believe the *fairest* method for the selection of judges is by the educated vote of the people.

3. When should an elected judge disqualify himself/herself from a case?

I believe a judge should not hesitate to disqualify himself/herself when a reasonable person, knowing all the facts involved, would harbor doubts about the judge’s ability to be fair and impartial to all parties involved. Obviously, if a judge has a personal or economic interest in the outcome of a case, recusal is mandatory. To me, there is no shame or dishonor in a judge voluntarily disqualifying himself/herself; to the contrary, voluntary disqualification should bolster public confidence in the judiciary.

On the other hand, judges should not use recusal as a way to avoid making tough decisions in controversial cases.

4. Do you think there is a problem with disparities in sentencing in Collin County? Please explain.

No, but with notable exceptions. Sentencing generally happens in one of two ways: by plea agreement between accused and prosecution, or by a judge or jury after a guilty verdict. The disparity usually occurs in the plea-bargaining process. Cases with similar facts sometimes end with dissimilar punishments. For example, on the same facts, one prosecutor might recommend probation while another might recommend prison time. So sometimes sentences in criminal cases depend upon which prosecutor and defense attorney are involved in the case. Judges have a role to play in ensuring similarly situated defendants are treated equally under law.

5. Collin County has strict financial guidelines for providing court-appointed attorneys. Do you believe that this denies representation to some defendants who cannot afford counsel?

For the most part, no. I believe some indigent citizens have been denied representation in Collin County, but not maliciously. Judges have discretion in deciding whether a person qualifies for court-appointed counsel. So it is possible that two judges could view the same case and reach differing results. In deciding who qualifies for court-appointed counsel, judges should pay special attention to the requirements of the U.S. and Texas Constitutions and rule accordingly. However, if you are able, the law clearly requires that you pay for your own defense, and judges should rule accordingly.

6. A large number of inmates in the county jail have been diagnosed with mental or emotional disorders. How should persons with mental disorders be handled in the Collin County justice system?

Statistically, inmates suffer from mental and emotional disorders on a much larger scale than society in general. The Collin County Sheriff's Department has special housing for inmates with severe mental health issues and a psychiatrist and counselors available to help inmates with mental health needs. This is appropriate. The law does not allow an incompetent person to stand trial. In that situation, the accused should be treated and should stand trial once they regain competency. If convicted, the courts can take mental disorders into account in assessing punishment, which could include, in the appropriate case, mental health counseling and treatment.

7. What measures do you support to reduce the rates of incarceration and recidivism?

In certain types of cases I would consider using pre-trial drug treatment programs, sometimes referred to as "drug" or "DWI" court. This has been tried in Collin County with some success. If the prosecution and defense agree, I think judges should consider alternative sentencing options or pre-trial diversion programs to get people back on the right track. In certain cases, incarceration, not treatment, is in order. There cannot be a cookie-cutter approach to justice; if we are going to do more than pay lip-service to the idea of cutting incarceration and recidivism, I believe we have to study all options.

8. What other issues do you believe will be most pressing in Collin County District Courts, and what is your position on these issues?

The integrity of the Collin County justice system has been tarnished over the past few years. Restoring the public's faith and trust should be one of the top priorities of our judges. The public trust will be restored when our judges put the Constitution first and respect the rights of each and every person with business before the courts. If the prosecution, defense or any party in a lawsuit asks for something that runs afoul of the Constitution, our judges must be willing to say "no."

**John R. Roach, Jr. (Incumbent), Republican**

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1. Please describe the education and experience that qualify you for the position of District Judge.

I was elected to serve as Judge of the 296th District Court in 2006. The 296<sup>th</sup> Judicial District Court is an exclusively family law and civil court. The Court hears cases ranging from complex business disputes to divorce and child custody cases including cases involving Child Protective Services. In 2009, I disposed of more cases than any other district court judge in Collin County. Over the last 3 years he has disposed of 6,480 cases, 35 of which were jury trials and over 800 were trials before the court, meaning the Judge makes the final decision.

2. What, in your opinion, is the fairest method for the selection of judges?

The fairest way to select judges is through election. The other alternative is by appointment. When judges, or anyone else, are appointed, there is still an enormous amount of politics involved. Most of the politics surrounding appointments is outside of public view and scrutiny. Selection of judges by election is equally political, but at least the process is transparent and the people, voters, are involved in the process.

3. When should an elected judge disqualify himself/herself from a case?

Anytime there is the slightest inference or possibility the judge cannot be fair.

4. Do you think there is a problem with disparities in sentencing in Collin County? Please explain.

I do not. Both the State (the District Attorney's Office) and the Defendant has the absolute right to a trial by jury, either to determine guilt innocence or punishment. For each offense there is a range of punishment that can be imposed. The judge or jury must stay within this range of punishment and must be able to consider the entire range of punishment. Sentences are usually disparate because the crimes in which defendants are so uniquely fact driven. Just as no two crimes are the same, no two sentences are the same.

5. Collin County has strict financial guidelines for providing court-appointed attorneys. Do you believe that this denies representation to some defendants who cannot afford counsel?

From my experience I do not believe the current Collin County guidelines for court-appointments deny representation. We have very fine lawyers on the appointment list who do a good job representing our clients. In unique cases in which the financial guidelines do not meet the need of the defendant's defense, then the lawyer for the defendant may appeal to the Board of District Judges for additional monies which would exceed the financial guidelines. I think the process protects defendants on the one hand and taxpayers on the other.

6. A large number of inmates in the county jail have been diagnosed with mental or emotional disorders. How should persons with mental disorders be handled in the Collin County justice system?

My experience as a judge has made it all too clear that we are in need of a better system for handling people with diagnosed with a mental or emotional disorder who enter the criminal justice system. The primary impediment to improve the system is the lack of financial resources. As a County we must continue to explore ways to improve the system. Treating these individuals appropriately is a matter of public safety, not to mention the safety of the person and their family. I will continue my efforts to find a solution to deal with this growing problem.

7. What measures do you support to reduce the rates of incarceration and recidivism?

The solution is to attempt to rehabilitate these folks when they first enter the criminal justice system. Whether it be when they enter the system as a juvenile or as an adult charged with a misdemeanor. We need to continue to implement early intervention programs to deal with these individual's unique problem like the implementation of drug courts and DWI courts. If we do not catch these offenders early then the rate of recidivism increases substantially and the cost of their continued presence in the criminal justice is more expensive. The sooner we get the offenders rehabilitated the better.

8. What other issues do you believe will be most pressing in Collin County District Courts, and what is your position on these issues?

There are many pressing issues confronting the district courts. First is a lack of courts. When I took the bench three years ago my daily docket of cases was around 1,200. In the last three years I disposed of 6,480 cases. However, my daily docket is now around 1,700 cases. While I dispose of more than 200 cases each month, the number of new cases exceeds the number of disposed cases. I support the addition of new district courts.