

The Enos Law Firm, P.C.

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Greg B. Enos, Attorney & Mediator

"Helping families through tough times"

January 16, 2014

Ms. Terese Buess
Public Integrity Unit
Harris County District Attorney's Office
1201 Franklin, 6th Fl.
Houston, TX 77002

Re: Criminal complaint against 311th District Judge Denise Pratt

Dear Ms. Buess:

I am filing a new criminal complaint against Judge Denise Pratt. On December 30 and 31, 2013, Judge Pratt signed orders dismissing 631 pending cases in her court. In each instance, Judge Pratt violated Texas Penal Code Sec. 37.10(a)(1) by making a "false entry" in a government record, which is defined to include a court document. Judge Pratt signed orders stating that parties, "were given notice of the setting date and that failure to appear would be grounds for dismissal..." I attach just two of the 631 orders she signed.

The truth is that none of these parties were given notice that their case would be dismissed on December 30 or 31, 2013. The District Clerk's own records and the court files show that no such notices were sent out. The orders signed by Judge Pratt also state that the parties failed to make an announcement at the call of the docket and Judge Pratt knows very well that she conducted no docket calls on December 30 or 31 on those cases. A Dismissal for Want of Prosecution (DWOP) docket takes up at least half a day and usually involves dozens and dozens of attorneys in the courtroom with motions to retain. Pratt knew that no one was in her court for a dismissal docket on those days, and yet she signed 631 identically false orders dismissing these cases. Now, the citizens must pay their attorneys to file motions to reinstate, get a hearing and pay their attorney to attend a hearing (which in Pratt's overcrowded court, could take hours). I estimate that each party whose cases was wrongfully dismissed may pay \$700 - \$1,200 each in attorney's fees to get their cases back on Pratt's docket. That would mean over a half million dollars belonging to Harris County citizens will be wasted because of Pratt's illegal act.

I attach two sample orders regarding these dismissals. Cause number 2012-06882 is a post-divorce suit to address undivided property pending in the 311th since February 2, 2012. The case has been set for trial seven times and six times it was continued by Judge Pratt. On December 2, 2013, Judge Pratt continued the trial until January 27, 2014 and told the attorneys that the case had to go to trial on January 27 or she would dismiss it. On December 30, 2013, along with hundreds of other cases, this lawsuit was dismissed by Judge Pratt without notice or hearing. The attorneys received notification that the case was dismissed for "want of prosecution" after the fact.

The Enos Law Firm serves families in Galveston & Harris Counties, Texas

Greg Enos is Board Certified in Family Law

by the Texas Board of Legal Specialization. Other attorneys not board certified.

Cause No. 2008-38384 is a pending child custody modification case that is set for trial in June 2014. Judge Pratt dismissed this case on December 31, 2013 using the identical order without giving any notice to the parties or attorneys. This case has a temporary order made by Judge Pratt that switched custody of this little girl and which gives the mother no visitation with the child because Pratt felt she was a danger to the child. This dismissal will mean that unless the case is reinstated, that the temporary order goes away and the child will go back to the mother that Pratt thought was so dangerous for the child.

Apparently, Judge Pratt was concerned that her court has more cases pending for more than a year than any other district court, so she decided to make her statistics look better by dismissing 631 cases that were over a year old. All of the dismissals are dated December 30 or 31, 2013. December 31 is the date used for courts' statistical reports.

Texas Rule 165a of Civil Procedure states that the court must send notice of its intent to dismiss and the date and place of the dismissal hearing to the parties or attorneys. The rule describes a dismissal hearing. Pratt followed none of these procedures when she dismissed the hundreds of cases on December 30.

All attorneys have at some time received DWOP (Dismissal for Want of Prosecution) notices during our careers that told us to appear on a specific date and time and explain why our old cases should not be dismissed. We all know to file a motion to retain and appear at the hearing to keep our cases from being dismissed. Pratt herself has presided over many DWOP dockets as a judge and she attended them when she was a lawyer, so she should have known exactly how this all works.

On December 30 and 31, when Pratt sat alone in her chambers signing hundreds of dismissal orders, surely she wondered why her courtroom was not full of attorneys at a DWOP docket. Did Pratt not realize that some of the cases she was dismissing had been settled and the final orders were sitting on her desk waiting for her to simply sign them? Many of the cases Pratt dismissed, like the example cited above, were set for trial in Pratt's court and the litigants had done everything expected of them to resolve their case. Did Pratt consider what she was doing to the hundreds of families and children effected by these dismissals? Many of these dismissed cases had temporary orders made by Pratt keeping a parent away from a child or limiting visitation or requiring very specific behaviors because Pratt thought it essential to protect the child. Did Pratt not understand that dismissing those cases meant that her temporary orders went away, leaving the children unprotected by court order?

I believe you can get a list of cases that Pratt dismissed from the District Clerk. Please make sure that they run the correct report for you. There are 2 batches of cases that need to be run. The first is for active ORIGINAL cases that were dismissed and the other batch is for active POST JUDGMENT cases. One batch has 306 cases, the other has 330 cases.

It is a lie for Judge Pratt or her criminal defense attorney to blame either the District Clerk or the state-wide e-filing system for this situation because:

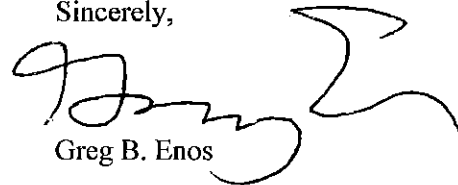
1. The District Clerk does not send out DWOP notices. Those notices are generated by the Court Coordinator and are sent out by the Office of Court Administration.

2. The e-filing system attorneys use to file documents now has nothing at all to do with the court sending out notices to attorneys of hearings. That is done by the court.
3. On December 30 and 31, it was easily apparent that there was no DWOP docket on the court's calendar and it should have been clear that the courtroom was empty. Pratt did not call a docket of these cases and even a cursory examination of each case file would have clearly shown that no notice of the DWOP docket had been sent out.
4. This situation does not routinely occur. I have been a lawyer for 27 years and I have never heard of something like this happening in any court in any county. Old cases are often dismissed for want of prosecution but only after proper procedures are followed – that is routine. What is not routine is the mass dismissal of hundreds of cases in complete disregard for the law, the constitutional Due Process rights of the parties and the safety of children who are no longer protected because the cases have been dismissed.

This time, I respectfully request that an independent prosecutor be appointed to investigate Judge Pratt instead of your office. The District Attorney is on the same Republican primary ballot as Judge Pratt and uses the same political consultant, Mr. Blakemore. If you want the public to have confidence in the investigation, it needs to be removed from politics completely.

Please call me if you need any more information.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg B. Enos", with a large, stylized flourish extending to the right.

Greg B. Enos

FILED

Chris Daniel
District Clerk

DEC 31 2013

Time:

By

Harris County, Texas

Deputy

956

KL

NO. 2012-06882

P-1
EPO

3

Shear
VS. Shear

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§
§
§
§

IN THE DISTRICT COURT

311TH JUDICIAL DISTRICT

HARRIS COUNTY, TEXAS

DISMISSAL ORDER

BE IT REMEMBERED that on the ___ day of _____ this matter came on to be heard, the above numbered and styled cause, where all parties were given notice of the setting date and that failure to appear would be grounds for dismissal, and there being no announcement at the call of the docket, or for some other reason, the Court finds that this cause should be dismissed for want of prosecution.

It is therefore ORDERED that the above numbered and styled cause be and is hereby DISMISSED FOR WANT OF PROSECUTION.

All costs of court are taxed against the party incurring the same.

Signed: DEC 30 2013

D. V. Pratt
Judge Presiding
Denise V. Pratt

Unofficial Copy Office of Chris Daniel District Clerk

NO. 2008-38384

P-1
EPO
(01) 14NG

Doyle
VS. Davis

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§
§
§

IN THE DISTRICT COURT
311TH JUDICIAL DISTRICT
HARRIS COUNTY, TEXAS

EPO
(02) 14NG

(03) EPO
14NG

(04) EPO
14NG

DISMISSAL ORDER

BE IT REMEMBERED that on the ___ day of _____ this matter came on to be heard, the above numbered and styled cause, where all parties were given notice of the setting date and that failure to appear would be grounds for dismissal, and there being no announcement at the call of the docket, or for some other reason, the Court finds that this cause should be dismissed for want of prosecution.

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DEC 31 2013

Signed: _____

D. V. Pratt
Judge Presiding
Denise V. Pratt

FILED
Chris Daniel
District Clerk

DEC 31 2013

129

Time: _____
Harris County, Texas
By: RR
Bopity

Unofficial Copy of Chris Daniel District Clerk