



June 3, 2015

## Rick Perry's Felony Indictments

### Background

A two-count [felony indictment](#) continues to saddle ex-Texas Gov. Rick Perry. The August 2014 indictment charges Perry with violating Texas Penal Code prohibitions barring the [Abuse of Official Capacity](#) and the [Coercion of a Public Servant](#). The indictment was triggered by a [complaint](#) that [Texans for Public Justice](#) (TPJ) filed on June 14, 2013. TPJ's complaint—filed shortly before Perry vetoed a \$7.5 million budget for the Austin-based Travis County Public Integrity Unit (PIU)—addresses pre-veto crimes that Perry allegedly committed. Neither TPJ's complaint nor the indictment challenge Perry's veto authority. The PIU prosecutes state political corruption and consumer fraud.

Perry's PR machine has dismissed the indictment as a partisan witch hunt orchestrated by Travis County Democrats despite the fact that [no Travis County official touched](#) this matter. When Travis County District Attorney Rosemary Lehmberg recused herself from the issue, TPJ's complaint was passed on to Williamson County Republican Judge Billy Ray Stubblefield, the *Perry-appointed* administrative judge of Texas's Third Judicial Region. Judge Stubblefield assigned the complaint to Republican Judge Bert Richardson of San Antonio, who appointed Michael McCrum as special prosecutor in the case. [McCrum is a San Antonio defense attorney](#) who served as a federal prosecutor under George H.W. Bush. If Perry's indictment is a partisan witch hunt, then it is one of his own party's making.

Prosecutor McCrum has said that [compelling evidence](#) persuaded the grand jury to indict Perry. McCrum's [updated indictment](#) alleges that Perry's motive for threatening the veto was to "obstruct the operation" of the Public Integrity Unit that was investigating state [contracting irregularities](#) by the Perry administration.

Perry's legal troubles are likely to outlive his latest presidential campaign. Trial court Judge Richardson, who has since been elected to the state's [top criminal court](#), already has dismissed three separate Perry motions to dismiss the indictments. Perry has [appealed](#) Judge Richardson's rulings to Texas's [3<sup>rd</sup> Court of Appeals](#). The case is assigned to a three judge panel. A member of that panel, Judge Bob Pemberton, is a Perry appointee who previously served as Gov. Perry's general counsel. Judge Pemberton so far has [resisted calls to recuse](#) himself from the case. The appeals court has not yet set a date for oral arguments. Even if that court eventually dismisses the indictment, the state would likely appeal, initiating yet another time-consuming judicial clock. Meanwhile, trial court preparations continue even as Perry's appeals unfold.

## Rick Perry Indictment Timeline

- April 12, 2013. Travis County DA Rosemary Lehmborg [arrested](#) for DWI.
- June 11, 2013. Mike Ward of the Austin American-Statesman [reports that Gov. Perry's intermediaries](#) threatened to veto the \$7.5 million budget of the Travis County Public Integrity Unit (PIU) if DA Lehmborg did not resign by June 14, 2013.
- June 14, 2013. Texans for Public Justice [files a criminal complaint](#) with the Travis County District Attorney, alleging that Perry's threats to Lehmborg likely violated four sections of the penal code.
- Evening of June 14, 2013. [Perry vetoes](#) the Public Integrity Unit's budget.
- July 16, 2013. The presiding judge of the 3<sup>rd</sup> Judicial District, Billy Ray Stubblefield, [assigns Senior Judge Bert Richardson](#) of San Antonio to oversee TPJ's Perry complaint.
- August 20, 2013. Judge [Richardson names Michael McCrum](#) Special Prosecutor.
- April 14, 2014. Judge Richardson seats a grand jury.
- August 14, 2014. The grand jury [indicts Perry for two felonies](#) related to his veto threats, one count of abuse of official capacity and one count of coercion of a public servant.
- January 27, 2015. Judge Richardson denies Perry motions to dismiss indictment on grounds that the law is unconstitutional. (Perry's appeal of that ruling is pending at the Third Court of Appeals).
- February 6, 2015. Judge Richardson [denies a Perry motion](#) that demanded a pretrial list of witnesses who appeared before the grand jury.
- February 13, 2015. Special Prosecutor McCrum files an [updated indictment](#) alleging Perry's actions were [motivated to "obstruct the operation"](#) of the PIU as it investigated the Perry administration's potentially illegal state contracts. (PIU says that Perry's funding veto killed that and other probes.)
- April 22, 2015. The 3<sup>rd</sup> Court of Appeals assigns Perry's case to a three-judge panel. TPJ and others [call on Perry-appointed panel-member Justice Bob Pemberton](#), who served as Gov. Perry's general counsel, to recuse himself. The court has not yet set a hearing date.

TPJ's archive of Perry-related [blog postings is available here](#). Case filings are available at the [Third Court of Appeals](#).

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