



FILED
Sep 15 2025

**BEFORE THE BOARD OF DISCIPLINARY APPEALS
APPOINTED BY
THE SUPREME COURT OF TEXAS**

**IN THE MATTER OF
CASEY RENEE HALL,
STATE BAR CARD NO. 24077936**

§
§
§

CAUSE NO. 71740

PETITION FOR COMPULSORY DISCIPLINE

TO THE BOARD OF DISCIPLINARY APPEALS:

The Commission for Lawyer Discipline (hereinafter referred to as the “Commission”), brings this compulsory discipline action against attorney Casey Renee Hall, (“Respondent”), and would show the following:

1. This action is commenced by the Commission pursuant to Part VIII of the Texas Rules of Disciplinary Procedure. The Commission is providing Respondent a copy of this Board's procedures for handling a compulsory discipline matter by attaching a copy of such procedures to this petition.

2. Respondent, Casey Renee Hall, may be served with a true and correct copy of this Petition for Compulsory Discipline and its attachments, as well as a notice of hearing, at Casey Renee Hall, Hopkins County Sheriff's Department Jail, 298 Rosemont Sulphur Springs, TX 75482.

3. On or about February 11, 2025, Respondent was charged by Indictment (Exhibit 1) with Count I Theft Prop $\geq$ \$2,500<\$30K in violation of Texas Penal Code 31.03(e)(4)(A)PC Third Degree Felony, and Count II Misapplication of Fiduciary Property $\geq$ \$2,500<\$30K in violation of Texas Penal Code 32.45(c)(4)PC State Jail Felony, in Cause Number 24-169-DCKK-0083, styled *The State of Texas v. Casey Hall*, in Montague County, Texas, that states in pertinent part as follows:

COUNT I - THEFT BY A PUBLIC SERVANT

THE GRAND JURORS, for the County of Montague, State of Texas, duly selected, empaneled, sworn, charged, and organized as such at the January term, A.D. 2025 of the 97TH Judicial District Court for said County, upon their oaths present in and to said court at said term that CASEY HALL, hereinafter styled Defendant, did then and there pursuant to one scheme or continuing course of conduct that began on or about the 31ST day of May A.D. 2022, and continued through on or about the 4TH day of October A.D. 2022, and before the presentment of this indictment, in the County and State aforesaid, did then and there unlawfully appropriate, by acquiring or otherwise exercising control over property, namely money of the aggregate value of \$2,500 or more but less than \$30,000, from Montague County, Texas, the owner thereof, without the effective consent of the owner, and with intent to deprive the owner of the property, and the Defendant was then and there a public servant, to-wit: the District Attorney for Montague County, Texas, and such property appropriated by the Defendant had therefore come into her custody, possession, or control by virtue of her status as a public servant;

COUNT II - MISAPPLICATION OF FIDUCIARY PROPERTY

THE GRAND JURORS, for the County of Montague, State of Texas, duly selected, empaneled, sworn, charged, and organized as such at the January term, A.D. 2025 of the 97TH Judicial District Court for said County, upon their oaths present in and to said court at said term that CASEY HALL, hereinafter styled Defendant, did then and there pursuant to one scheme or continuing course of conduct that began on or about the 31ST day of May A.D. 2022, and continued through on or about the 4TH day of October A.D. 2022, and before the presentment of this indictment, in the County and State aforesaid, did intentionally or knowingly, misapply property, namely money of the aggregate value of \$2,500 or more but less than \$30,000, that the Defendant held as a fiduciary or as a person acting in a fiduciary capacity contrary to AN AGREEMENT UNDER WHICH THE FIDUCIARY HOLDS THE PROPERTY, and in a manner that involved substantial risk of loss of the property to Montague County, Texas, the owner of said property, and for whose benefit the property was held, to-wit: by depositing funds from the Texas Comptroller of Public Accounts intended for the District Attorney's Office of Montague County, Texas, into the Defendant's personal banking account;

AGAINST THE PEACE AND DIGNITY OF THE STATE.

4. On or about May 14, 2025, a Judgment of Conviction by Jury (Exhibit 2) was filed in Cause No. F25-1425-362; styled *The State of Texas v. Casey Hall*, in the 362nd District Court, Denton County, Texas, wherein Respondent was found guilty of Count I – Theft by a Public Servant (\$2,500<\$30,000), in violation of Texas Penal Code §31.03(e)(4)(A), a third degree

felony. Respondent was sentenced to three years in the Texas Department of Criminal Justice for which the Defendant is to be placed on Community Supervision and pay a fine of \$9,166.67 (the fine is not probated).

5. On or about May 14, 2025, a Judgment of Conviction by Jury (Exhibit 3) was filed in Cause No. F25-1425-362; styled *The State of Texas v. Casey Hall*, in the 362nd District Court, Denton County, Texas, wherein Respondent was found guilty of Count II – Misapplication of Fiduciary Property (\$2,500<\$30,000), in violation of Texas Penal Code §32.45(c)(4), a State Jail felony. Respondent was sentenced to one year confinement in a State Jail Facility.

6. Attached hereto and made a part hereof for all intents and purposes as if the same were copied verbatim herein, are true and correct copies of the following documents in the Hall criminal case: Indictment (Exhibit 1); Judgment of Conviction by Jury as to Count I (Exhibit 2); Judgment of Conviction by Jury as to County II (Exhibit 3); and Charge of the Court, filed May 15, 2025 (Exhibit 4). The Commission expects to introduce certified copies of all exhibits at the time of hearing of this cause.

7. Respondent, Casey Renee Hall, whose bar card number is 24077936, is the same person as the Casey Hall, who is the subject of the Indictment and Judgments of Conviction by Jury, described above, true and correct copies of which are attached hereto.

8. Attached hereto as Exhibit 5 and made a part hereof for all intents and purposes as if the same were copied verbatim herein is a true and correct copy of an affidavit of Amanda M. Kates, Attorney of Record for the Commission herein, attesting to the fact that Respondent is the same person as the person who is the subject of the Indictment and Judgments of Conviction by Jury, entered in the Hall criminal case. The Commission expects to introduce the original of said affidavit at the time of hearing of this cause.

9. The offenses under TEX. PEN. CODE 31.03(e)(4)(A) and TEX. PEN. CODE 32.45(c)(4) for which Respondent was convicted are Intentional Crimes (as defined by Rule 1.06(V)(1) of the Texas Rules of Disciplinary Procedure) because Respondent's offenses are Serious Crimes (as defined by Rule 1.06(GG) of the Texas Rules of Disciplinary Procedure) that require knowledge or intent as an essential element. In addition, Respondent's offenses are Intentional Crimes (as defined by Rule 1.06(V)(2) of the Texas Rules of Disciplinary Procedure), because such involved the misapplication of money or other property held as a fiduciary.

10. Having pled guilty to an intentional and serious crime, and such judgment being final, Respondent is subject to compulsory discipline as provided in Part VIII, Texas Rules of Disciplinary Procedure.

PRAYER

WHEREFORE, PREMISES CONSIDERED, the Commission prays that Respondent be given notice of these proceedings as provided by law and, upon hearing of this matter, that the Board enter an order imposing compulsory discipline on Respondent and for such other and further relief to which the Commission may be entitled to receive.

Respectfully submitted,

Seana Willing
Chief Disciplinary Counsel

Amanda M. Kates
Assistant Disciplinary Counsel
Office of the Chief Disciplinary Counsel
STATE BAR OF TEXAS
P.O. Box 12487, Capitol Station
Austin, Texas 78711-2487
Telephone: 512.427.1350
Facsimile: 512.427.4253
Email: amanda.kates@texasbar.com



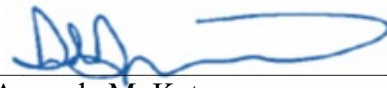
Amanda M. Kates

State Bar Card No. 24075987

ATTORNEYS FOR THE COMMISSION

CERTIFICATE OF SERVICE

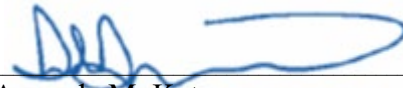
I hereby certify that a true and correct copy of the foregoing instrument has been sent for personal service on Casey Renee Hall, Hopkins County Sheriff's Department Jail, 298 Rosemont Sulphur Springs, TX 75482, on this 15th day of September 2025.



Amanda M. Kates

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that a trial on the merits of the Petition for Compulsory Discipline heretofore sent to be filed with the Board of Disciplinary Appeals on this day, will be held in the courtroom of the Supreme Court of Texas, Tom C. Clark Building, 14th and Colorado Streets, Austin, Texas, at 9:00 a.m. on the **24th day of October, 2025**. The Board of Disciplinary Appeals will notify the parties of any changes to the hearing location or format.



Amanda M. Kates

No. 24-169-DCC-0083
DA# M-23-2016Bond \$ 5,000 ²⁰ LG

THE STATE OF TEXAS VS. CASEY HALL

CHARGE: THEFT PROP >=\$2,500<\$30K—31.03(e)(4)(A)PC
Third Degree FelonyMISAPPLICATION OF FIDUCIARY PROPERTY
>=\$2,500<\$30K—32.45(c)(4)PC
State Jail FelonyFILED
2025 FEB 11 PM 4:21
DISTRICT CLERK
MONTAGUE COUNTY

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

COUNT I – THEFT BY A PUBLIC SERVANT

THE GRAND JURORS, for the County of Montague, State of Texas, duly selected, empaneled, sworn, charged, and organized as such at the January term, A.D. 2025 of the 97TH Judicial District Court for said County, upon their oaths present in and to said court at said term that CASEY HALL, hereinafter styled Defendant, did then and there pursuant to one scheme or continuing course of conduct that began on or about the 31ST day of May A.D. 2022, and continued through on or about the 4TH day of October A.D. 2022, and before the presentment of this indictment, in the County and State aforesaid, did then and there unlawfully appropriate, by acquiring or otherwise exercising control over property, namely money of the aggregate value of \$2,500 or more but less than \$30,000, from Montague County, Texas, the owner thereof, without the effective consent of the owner, and with intent to deprive the owner of the property, and the Defendant was then and there a public servant, to-wit: the District Attorney for Montague County, Texas, and such property appropriated by the Defendant had theretofore come into her custody, possession, or control by virtue of her status as a public servant;

EXHIBIT

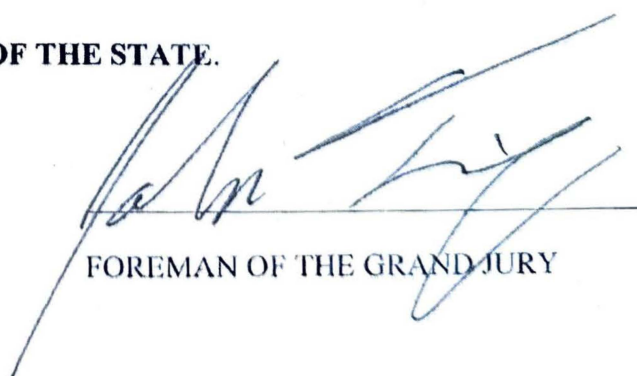
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COUNT II – MISAPPLICATION OF FIDUCIARY PROPERTY

THE GRAND JURORS, for the County of Montague, State of Texas, duly selected, empaneled, sworn, charged, and organized as such at the January term, A.D. 2025 of the 97TH Judicial District Court for said County, upon their oaths present in and to said court at said term that CASEY HALL, hereinafter styled Defendant, did then and there pursuant to one scheme or continuing course of conduct that began on or about the 31ST day of May A.D. 2022, and continued through on or about the 4TH day of October A.D. 2022, and before the presentment of this indictment, in the County and State aforesaid, did intentionally or knowingly, misapply property, namely money of the aggregate value of \$2,500 or more but less than \$30,000, that the Defendant held as a fiduciary or as a person acting in a fiduciary capacity contrary to AN AGREEMENT UNDER WHICH THE FIDUCIARY HOLDS THE PROPERTY, and in a manner that involved substantial risk of loss of the property to Montague County, Texas, the owner of said property, and for whose benefit the property was held, to-wit: by depositing funds from the Texas Comptroller of Public Accounts intended for the District Attorney's Office of Montague County, Texas, into the Defendant's personal banking account;

AGAINST THE PEACE AND DIGNITY OF THE STATE.


FOREMAN OF THE GRAND JURY



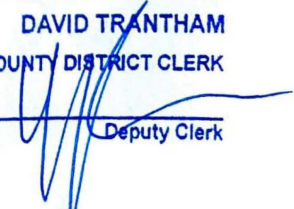
CERTIFIED A TRUE AND CORRECT COPY
OF THE RECORD ON FILE IN MY OFFICE

DAVID TRANHAM

DENTON COUNTY DISTRICT CLERK

06/06/25
Date

By:


Deputy Clerk



CAUSE NO. F25-1425-362

COUNT NO. I

INCIDENT NO. /TRN: 9147242930 TRS A001

THE STATE OF TEXAS

V.

CASEY HALL

STATE ID NO.: TX11414060

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IN THE 362ND DISTRICT

COURT

DENTON COUNTY, TEXAS

AT 10:07 FILED
MAY 14 2025
DISTRICT CLERK
BY Denton County, Texas
DEPUTY

JUDGMENT OF CONVICTION BY JURY

Judge Presiding:	Sherry Shipman	Date Sentence Imposed:	May 14, 2025
Attorney for State:	Matthew Shawhan Joshua Somers	Attorney for Defendant:	Heath Hyde
Offense for which Defendant Convicted:			
COUNT I - THEFT BY A PUBLIC SERVANT (\$2,500<\$30,000)			
Charging Instrument:		Statute for Offense:	
INDICTMENT		COUNT I - TPC 31.03(e)(4)(A)	
Date of Offense:		Plea to Offense:	
May 31, 2022 through October 4, 2022		NOT GUILTY	
Degree of Offense:			
COUNT I - THIRD DEGREE			
Verdict of Jury:		Findings on Deadly Weapon:	
GUILTY		N/A	
1 st Enhancement Paragraph:	N/A	Finding on 1 st Enhancement Paragraph:	N/A
2 nd Enhancement Paragraph:	N/A	Finding on 2 nd Enhancement Paragraph:	N/A
Punishment Assessed by:	Date Sentence Commences: (Date does not apply to confinement served as a condition of community supervision.)		
JURY	May 14, 2025		
Punishment and Place of Confinement:	3-Years TDCJ for which the Defendant is to be placed on Community Supervision and pay a fine of \$9,166.67 (the fine is not probated)		

THIS SENTENCE SHALL RUN: N/A.

☒ SENTENCE OF CONFINEMENT SUSPENDED, DEFENDANT PLACED ON COMMUNITY SUPERVISION FOR 6 years.

(The document setting forth the conditions of community supervision is incorporated herein by this reference.)

☐ Defendant is required to register as sex offender in accordance with Chapter 62, Tex. Code Crim. Proc.

(For sex offender registration purposes only) The age of the victim at the time of the offense was N/A

Fines:	Restitution:	Restitution Payable to:
\$ 9,166.67	\$	(See special finding or order of restitution which is incorporated herein by this reference.)
(not probated)		
Court Costs:	Reimbursement Fees:	
\$	\$	

Was the victim impact statement returned to the attorney representing the State? N/A

(FOR STATE JAIL FELONY OFFENSES ONLY) Is Defendant presumptively entitled to diligent participation credit in accordance with Article 42A.559, Tex. Code Crim. Proc.? N/A

Total Jail

Time Credit: If Defendant is to serve sentence in county jail or is given credit toward the fine and costs, enter days credited below.

N/A DAYS

NOTES: N/A

EXHIBIT

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This cause was called for trial by jury and the parties appeared. The State appeared by her District Attorney as named above.

Counsel / Waiver of Counsel (select one)

- ☒ Defendant appeared with counsel.
☐ Defendant appeared without counsel and knowingly, intelligently, and voluntarily waived the right to representation by counsel in writing in open court.
☐ Defendant was tried in absentia.

Both parties announced ready for trial. It appeared to the Court that Defendant was mentally competent to stand trial. A jury was selected, impaneled, and sworn, and Defendant entered a plea to the charged offense. The Court received the plea and entered it of record.

The jury heard the evidence submitted and argument of counsel. The Court charged the jury as to its duty to determine the guilt or innocence of Defendant, and the jury retired to consider the evidence. Upon returning to open court, the jury delivered its verdict in the presence of Defendant and defense counsel, if any.

The Court received the verdict and ORDERED it entered upon the minutes of the Court.

Punishment Assessed by Jury / Court / No election (select one)

- ☒ **Jury.** Defendant entered a plea and filed a written election to have the jury assess punishment. The jury heard evidence relative to the question of punishment. The Court charged the jury and it retired to consider the question of punishment. After due deliberation, the jury was brought into Court, and, in open court, it returned its verdict as indicated above.
☐ **Court.** Defendant elected to have the Court assess punishment. After hearing evidence relative to the question of punishment, the Court assessed Defendant's punishment as indicated above.
☐ **No Election.** Defendant did not file a written election as to whether the judge or jury should assess punishment. After hearing evidence relative to the question of punishment, the Court assessed Defendant's punishment as indicated above.

In accordance with the jury's verdict, the Court ADJUDGES Defendant GUILTY of the above offense. The Court FINDS that the Presentence Investigation, if so ordered, was done according to the applicable provisions of Subchapter F, Chapter 42A, Tex. Code Crim. Proc.

The Court ORDERS Defendant punished in accordance with the jury's verdict or Court's findings as to the proper punishment as indicated above. The Court ORDERS Defendant to pay the fines, court costs, reimbursement fees, and restitution as indicated above and further detailed below.

Punishment Options (select one)

- ☐ **Confinement in State Jail or Institutional Division.** The Court ORDERS the authorized agent of the State of Texas or the County Sheriff to take and deliver Defendant to the Director of the Correctional Institutions Division, TDCJ, for placement in confinement in accordance with this judgment. The Court ORDERS Defendant remanded to the custody of the County Sheriff until the Sheriff can obey the directions in this paragraph. Upon release from confinement, the Court ORDERS Defendant to proceed without unnecessary delay to the District Clerk's office, or any other office designated by the Court or the Court's designee, to pay or arrange to pay any fines, court costs, reimbursement fees, and restitution due.
☐ **County Jail—Confinement / Confinement in Lieu of Payment.** The Court ORDERS Defendant committed to the custody of the County Sheriff immediately or on the date the sentence commences. Defendant shall be confined in the county jail for the period indicated above. Upon release from confinement, the Court ORDERS Defendant to proceed without unnecessary delay to the District Clerk's office, or any other office designated by the Court or the Court's designee, to pay or arrange to pay any fines, court costs, reimbursement fees, and restitution due.
☐ **Fine Only Payment.** The punishment assessed against Defendant is for a FINE ONLY. The Court ORDERS Defendant to proceed immediately to the District Clerk's office, or any other office designated by the Court or the Court's designee, to pay or arrange to pay the fine, court costs, reimbursement fees, and restitution ordered by the Court in this cause.
☐ **Confinement as a Condition of Community Supervision.** The Court ORDERS Defendant confined _____ days in _____ as a condition of community supervision. The period of confinement as a condition of community supervision starts when Defendant arrives at the designated facility, absent a special order to the contrary.

Fines Imposed Include (check each fine and enter each amount as pronounced by the court):

- ☐ General Fine (§12.32, 12.33, 12.34, or 12.35, Penal Code, or any other Code) \$ _____ (not to exceed \$10,000)
☐ Add'l Monthly Fine for Sex Offenders (Art. 42A.653, Code Crim. Proc.) \$ _____ (\$5.00/per month of community supervision)
☐ Child Abuse Prevention Fine (Art. 102.0186, Code Crim. Proc.) \$ _____ (\$100)
☐ EMS, Trauma Fine (Art. 102.0185, Code Crim. Proc.) \$ _____ (\$100)
☐ Family Violence Fine (Art. 42A.504 (b), Code Crim. Proc.) \$ _____ (\$100)
☐ Juvenile Delinquency Prevention Fine (Art. 102.0171(a), Code Crim. Proc.) \$ _____ (\$50)
☐ State Traffic Fine (§542.4031, Transp. Code) \$ _____ (\$50)
☐ Children's Advocacy Center Fine - as Cond of CS (Art. 42A.455, Code Crim. Proc.) \$ _____ (not to exceed \$50)
☐ Repayment of Reward Fine (Art. 37.073/42.152, Code Crim. Proc.) \$ _____ (To Be Determined by the Court)
☐ Payment of Fine to Crime Stoppers Organization - as Cond of CS (Art. 42A.301 (b) (19), Code Crim. Proc.) \$ _____ (not to exceed \$50)
☐ DWI Traffic Fine (a/k/a Misc. Traffic Fines) (§709.001, Transp. Code) \$ _____ (not to exceed \$6,000)



Execution of Sentence

☒ The Court **ORDERS** Defendant's sentence **EXECUTED**. The Court **FINDS** that Defendant is entitled to the jail time credit indicated above. The attorney for the state, attorney for the defendant, the County Sheriff, and any other person having or who had custody of Defendant shall assist the clerk, or person responsible for completing this judgment, in calculating Defendant's credit for time served. All supporting documentation, if any, concerning Defendant's credit for time served is incorporated herein by this reference.

Furthermore, the following special findings or orders apply:

☒ The Court enters an affirmative finding that Defendant has been found guilty of a felony.

- (a) Commit no offense against the laws of this State or of any other state or of the United States;
- (b) Avoid the use of illegal narcotics, barbiturates, or controlled substances;
- (c) Avoid persons or places of disreputable or harmful character;
- (d) Report to the Community Supervision and Corrections Department of Denton County, Texas, immediately upon release from the State Jail, and no less than monthly thereafter, or as scheduled by the court or supervision officer and obey all rules and regulations of the department;
- (e) Pay to the Community Supervision and Corrections Department of Denton, Texas, a supervision fee in the amount of \$60.00 on or before the 20th day of May, 2025, and pay \$60.00 on or before the 20th day of each and this fee will run concurrent with month thereafter during the period of community supervision any other active Denton County probation case;
- (f) Permit the supervision officer to visit her at her home or elsewhere;
- (g) Work faithfully at suitable employment as far as possible;
- (h) Remain within the State of Texas during the pendency of the term of community supervision unless given permission to leave the State in writing by the Court;
- (i) Pay the fine in the amount of \$9,166.67 to the office of the District Clerk of Denton County, Texas, said fine to be paid **INSTANTER**; however, if applying for a payment plan, you are Ordered to immediately report to the Denton County Collections Compliance Department located in the Denton County Courts Building at 1450 E. McKinney, Suite 2443 and make payments in accordance with the terms and conditions agreed upon;
- (j) Pay the Court Costs the amount that is due and any other fee incurred herein to the office of the District Clerk of Denton County, Texas, P.O. Box 2146, Denton County, Texas 76202, said court costs and other fees to be paid **INSTANTER**; however, if applying for a payment plan, you are Ordered to immediately report to the Denton County Collections Compliance Department located in the Courts Building at 1450 E. McKinney, Suite 2443 and make payments in accordance with the terms and conditions agreed upon;
- (k) Pay a time payment fee of \$15.00 to the District Clerk of Denton County not earlier than 31 days nor more than 120 days from the date of this judgment if within thirty days from the date of this judgment the defendant has not paid in full all of the ne, court costs, and restitution ordered in this judgment;
- (l) Pay to the District Clerk of Denton County, P.O. Box 2146, Denton, Texas 76202 the sum of \$ ____ and reimburse Denton **INSTANTER** however applying ions Compliance Department located in the Courts Building at 1450 E. McKinney, Suite 2443 and make payments in accordance with the terms and conditions agreed upon;
- (m) Support her dependents;
- (n) Do not own or possess a firearm;



Execution of Sentence

☒ The Court **ORDERS** Defendant's sentence **EXECUTED**. The Court **FINDS** that Defendant is entitled to the jail time credit indicated above. The attorney for the state, attorney for the defendant, the County Sheriff, and any other person having or who had custody of Defendant shall assist the clerk, or person responsible for completing this judgment, in calculating Defendant's credit for time served. All supporting documentation, if any, concerning Defendant's credit for time served is incorporated herein by this reference.

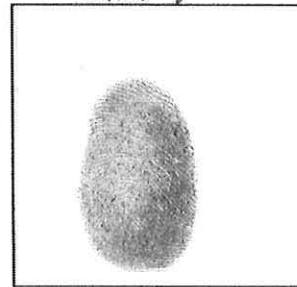
Furthermore, the following special findings or orders apply:

☒ The Court enters an affirmative finding that Defendant has been found guilty of a felony.

Date Judgment Entered: May 14, 2025

X
Judge Sherry Shipman

Cory Hall



Thumbprint



CERTIFIED A TRUE AND CORRECT COPY
OF THE RECORD ON FILE IN MY OFFICE

DAVID TRANHAM

DENTON COUNTY DISTRICT CLERK

06/06/25
Date

By:

Deputy Clerk



CAUSE NO. F25-1425-362

COUNT NO. II

INCIDENT NO. /TRN: 9147242930 TRS A001

THE STATE OF TEXAS

V.

CASEY HALL

STATE ID No.: TX11414060

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§IN THE 362ND DISTRICT
COURT
DENTON COUNTY, TEXASAT 10:07 FILED 12
O'CLOCK M
MAY 14 2025
DISTRICT CLERK
Denton County, Texas
VED DEPUTY

JUDGMENT OF CONVICTION BY JURY

Judge Presiding:	Sherry Shipman	Date Sentence Imposed:	May 14, 2025
Attorney for State:	Matthew Shawhan Joshua Somers	Attorney for Defendant:	Heath Hyde
Offense for which Defendant Convicted: COUNT II - MISAPPLICATION OF FIDUCIARY PROPERTY (\$2,500<\$30,000)			
Charging Instrument: INDICTMENT		Statute for Offense: COUNT II - TPC 32.45(c)(4)	
Date of Offense: May 31, 2022 through October 4, 2022		Plea to Offense: NOT GUILTY	
Degree of Offense: COUNT II - STATE JAIL FELONY			
Verdict of Jury: GUILTY		Findings on Deadly Weapon: N/A	
1 st Enhancement Paragraph:	N/A	Finding on 1 st Enhancement Paragraph:	N/A
2 nd Enhancement Paragraph:	N/A	Finding on 2 nd Enhancement Paragraph:	N/A
Punishment Assessed by: JURY		Date Sentence Commences: (Date does not apply to confinement served as a condition of community supervision.) May 14, 2025	
Punishment and Place of Confinement:		1-year confinement in a State Jail Facility	

THIS SENTENCE SHALL RUN: N/A.

☐ SENTENCE OF CONFINEMENT SUSPENDED, DEFENDANT PLACED ON COMMUNITY SUPERVISION FOR

(The document setting forth the conditions of community supervision is incorporated herein by this reference.)

☐ Defendant is required to register as sex offender in accordance with Chapter 62, Tex. Code Crim. Proc.(For sex offender registration purposes only) The age of the victim at the time of the offense was **N/A**.

Fines: \$ 9,166.67 (fine to be probated)	Restitution: \$	Restitution Payable to: (See special finding or order of restitution which is incorporated herein by this reference.)
Court Costs: \$	Reimbursement Fees: \$	

Was the victim impact statement returned to the attorney representing the State? **N/A**(FOR STATE JAIL FELONY OFFENSES ONLY) Is Defendant presumptively entitled to diligent participation credit in accordance with Article 42A.559, Tex. Code Crim. Proc.? **N/A**

Total Jail Time Credit:	If Defendant is to serve sentence in county jail or is given credit toward the fine and costs, enter days credited below: N/A DAYS	NOTES: N/A
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EXHIBIT

3



This cause was called for trial by jury and the parties appeared. The State appeared by her District Attorney as named above.

Counsel / Waiver of Counsel (select one)

- ☒ Defendant appeared with counsel.
☐ Defendant appeared without counsel and knowingly, intelligently, and voluntarily waived the right to representation by counsel in writing in open court.
☐ Defendant was tried in absentia.

Both parties announced ready for trial. It appeared to the Court that Defendant was mentally competent to stand trial. A jury was selected, impaneled, and sworn, and Defendant entered a plea to the charged offense. The Court received the plea and entered it of record.

The jury heard the evidence submitted and argument of counsel. The Court charged the jury as to its duty to determine the guilt or innocence of Defendant, and the jury retired to consider the evidence. Upon returning to open court, the jury delivered its verdict in the presence of Defendant and defense counsel, if any.

The Court received the verdict and ORDERED it entered upon the minutes of the Court.

Punishment Assessed by Jury / Court / No election (select one)

- ☒ **Jury.** Defendant entered a plea and filed a written election to have the jury assess punishment. The jury heard evidence relative to the question of punishment. The Court charged the jury and it retired to consider the question of punishment. After due deliberation, the jury was brought into Court, and, in open court, it returned its verdict as indicated above.
☐ **Court.** Defendant elected to have the Court assess punishment. After hearing evidence relative to the question of punishment, the Court assessed Defendant's punishment as indicated above.
☐ **No Election.** Defendant did not file a written election as to whether the judge or jury should assess punishment. After hearing evidence relative to the question of punishment, the Court assessed Defendant's punishment as indicated above.

In accordance with the jury's verdict, the Court ADJUDGES Defendant GUILTY of the above offense. The Court FINDS that the Presentence Investigation, if so ordered, was done according to the applicable provisions of Subchapter F, Chapter 42A, Tex. Code Crim. Proc.

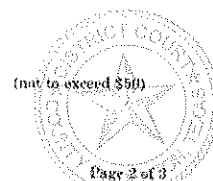
The Court ORDERS Defendant punished in accordance with the jury's verdict or Court's findings as to the proper punishment as indicated above. The Court ORDERS Defendant to pay the fines, court costs, reimbursement fees, and restitution as indicated above and further detailed below.

Punishment Options (select one)

- ☒ **Confinement in State Jail or Institutional Division.** The Court ORDERS the authorized agent of the State of Texas or the County Sheriff to take and deliver Defendant to the Director of the Correctional Institutions Division, TDCJ, for placement in confinement in accordance with this judgment. The Court ORDERS Defendant remanded to the custody of the County Sheriff until the Sheriff can obey the directions in this paragraph. Upon release from confinement, the Court ORDERS Defendant to proceed without unnecessary delay to the District Clerk's office, or any other office designated by the Court or the Court's designee, to pay or arrange to pay any fines, court costs, reimbursement fees, and restitution due.
☐ **County Jail—Confinement / Confinement in Lieu of Payment.** The Court ORDERS Defendant committed to the custody of the County Sheriff immediately or on the date the sentence commences. Defendant shall be confined in the county jail for the period indicated above. Upon release from confinement, the Court ORDERS Defendant to proceed without unnecessary delay to the District Clerk's office, or any other office designated by the Court or the Court's designee, to pay or arrange to pay any fines, court costs, reimbursement fees, and restitution due.
☐ **Fine Only Payment.** The punishment assessed against Defendant is for a FINE ONLY. The Court ORDERS Defendant to proceed immediately to the District Clerk's office, or any other office designated by the Court or the Court's designee, to pay or arrange to pay the fine, court costs, reimbursement fees, and restitution ordered by the Court in this cause.
☐ **Confinement as a Condition of Community Supervision.** The Court ORDERS Defendant confined _____ days in _____ as a condition of community supervision. The period of confinement as a condition of community supervision starts when Defendant arrives at the designated facility, absent a special order to the contrary.

Fines Imposed Include (check each fine and enter each amount as pronounced by the court):

- ☐ General Fine (§12.32, 12.33, 12.34, or 12.35, Penal Code, or any other Code) \$ _____ (not to exceed \$10,000)
☐ Add'l Monthly Fine for Sex Offenders (Art. 42A.653, Code Crim. Proc.) \$ _____ (\$5.00/per month of community supervision)
☐ Child Abuse Prevention Fine (Art. 102.0186, Code Crim. Proc.) \$ _____ (\$100)
☐ EMS, Trauma Fine (Art. 102.0185, Code Crim. Proc.) \$ _____ (\$100)
☐ Family Violence Fine (Art. 42A.504 (b), Code Crim. Proc.) \$ _____ (\$100)
☐ Juvenile Delinquency Prevention Fine (Art. 102.0171(a), Code Crim. Proc.) \$ _____ (\$50)
☐ State Traffic Fine (§542.4031, Transp. Code) \$ _____ (\$50)
☐ Children's Advocacy Center Fine - as Cond of CS (Art. 42A.455, Code Crim. Proc.) \$ _____ (not to exceed \$50)
☐ Repayment of Reward Fine (Art. 37.073/42.152, Code Crim. Proc.) \$ _____ (To Be Determined by the Court)
☐ Payment of Fine to Crime Stoppers Organization - as Cond of CS (Art. 42A.301 (b) (19), Code Crim. Proc.) \$ _____ (not to exceed \$50)
☐ DWI Traffic Fine (a/k/a Misc. Traffic Fines) (§709.001, Transp. Code) \$ _____ (not to exceed \$6,000)



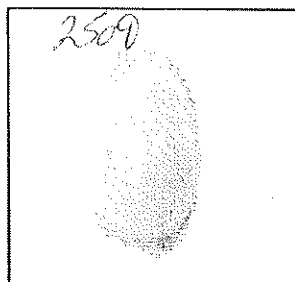
- (o) Notify the community supervision officer of any change of address or employment within 30 days prior to such change;
- (p) Pay \$50.00 fee to the Denton County Crime Stoppers Program through the Denton County Community Supervision Department within 90 days after being placed on community supervision;
- (q) Defendant is to complete 120 hours of Community Service Restitution at a community service project or projects for an organization or organizations approved by the judge and designated by the Denton County Community Supervision Department to be completed at a rate of not less than four hours per week starting by but not later than 60 days from the date of community supervision;
- (r) Submit to testing for alcohol or drug usage at the request of a community supervision officer. Pay the cost for these tests within thirty (30) days of giving the specimen;
- (s) Consume no alcoholic beverages,
- (t) As a condition for receiving Community Supervision in this case, the defendant has irrevocably Waived extradition to the State of Texas to a jurisdiction outside the United States in the event a Motion to Revoke or Adjudicate Community Supervision. As a condition of Community Supervision, therefore, is prohibited from contesting extradition to the State of Texas for any alleged violation of such Community Supervision,
- (u) Furnish a sample of his/her breath, blood, or urine to any peace officer who has probable cause to believe the probationer has committed any crime in chapter 49 of the Texas Penal Code and who requests such a sample;
- (v) Take all medications as prescribed by a physician, and provide to the supervision officer documentation from the physician stating such medication is prescribed to the defendant;
- (w) Defendant shall immediately submit a DNA sample as directed by the Denton County Community Supervision and Corrections Department;
- (x) Defendant shall avoid the use in any form of cannabidiol (CBD) and any products derived from CBD.
- (y) If deemed appropriate by the TRAS risk assessment instrument, submit to a psychological evaluation and participate in and complete any counseling recommended by said evaluation, and pay all costs associated with the evaluation and counseling;

Date Judgment Entered: May 14, 2025

Cory Hall

X
Judge Sherry Shipman

Thumbprint



CERTIFIED A TRUE AND CORRECT COPY
OF THE RECORD ON FILE IN MY OFFICE

DAVID TRANTHAM

DENTON COUNTY DISTRICT CLERK

06/06/25
Date

By: *[Signature]*
Deputy Clerk

Filed at the bench in open
Court @ 9:25 Am on 14th
Day of May, 2025

CAUSE NUMBER F25-1425-362

THE STATE OF TEXAS § IN THE 362ND JUDICIAL DISTRICT COURT
VS. § DISTRICT COURT OF
CASEY HALL § DENTON COUNTY, TEXAS

CHARGE OF THE COURT

MEMBERS OF THE JURY:

You have found the defendant, Casey Hall, guilty of the offense of theft by a public servant, as charged in Count I of the indictment. You have also found the defendant, Casey Hall, guilty of the offense of misapplication of fiduciary property, as charged in Count II of the indictment. Now you must determine the sentence to be imposed on the defendant.

Both sides will soon present final arguments on sentencing. Before they do so, I must now give you the instructions you must follow in determining the defendant's sentence.

You will have a copy of these instructions to take with you and to use during your deliberations.

First, I will tell you about some general principles of law that must govern your decision of the case. Then I will tell you about the specific law applicable to this case. Finally, I will instruct you on the rules that must control your deliberations.

EXHIBIT

4

Page 1 of 19



GENERAL PRINCIPLES

Jury as Fact Finder. As the jurors, you review the evidence and determine the facts and what they prove. You judge the believability of the witnesses and what weight to give their testimony.

In judging the facts and the believability of the witnesses, you must apply the law provided in these instructions.

Evidence. In determining the sentence to be imposed on the defendant, you may take into consideration all the evidence admitted before you. This includes the evidence admitted during the first stage of the trial concerning the defendant's guilt as well as any evidence admitted during this punishment stage.

The evidence consists of the testimony and exhibits admitted in the trial. You must consider only evidence to reach your decision. You must not consider, discuss, or mention anything that is not evidence in the trial. You must not consider or mention any personal knowledge or information you may have about any fact or person connected with this case that is not evidence in the trial.

Statements made by the lawyers are not evidence. The questions asked by the attorneys are not evidence. Evidence consists of the testimony of the witnesses and materials admitted into evidence.

Nothing the judge has said or done in this case should be considered by you as an opinion about the facts of this case or influence you to vote one way or the other.



You should give terms their common meanings, unless you have been told in these instructions that the terms are given special meanings. In that case, of course, you should give those terms the meanings provided in these instructions.

While you should consider only the evidence, you are permitted to draw reasonable inferences from the testimony and exhibits that are justified in the light of common experience. In other words, you may make deductions and reach conclusions that reason and common sense lead you to draw from the facts that have been established by the evidence.

You are to render a fair and impartial verdict based on the evidence admitted in the case under the law that is in these instructions. Do not allow your verdict to be determined by bias, prejudice, or sympathy.

Admitted Exhibits. You may, if you wish, examine exhibits. If you wish to examine an exhibit, the foreperson will inform the Court and specifically identify the exhibit you wish to examine. Only exhibits that were admitted into evidence may be given to you for examination.

Testimony. Certain testimony will be read back to you by the court reporter if you request. To request that testimony be read back to you, you must follow these rules. The court will allow testimony to be read back to the jury only if the jury, in a writing signed by the foreperson, (1) states that it is requesting that testimony be read back, (2) states that it has a disagreement about a specific statement of a witness or a particular point in dispute, and (3) identifies the name of the witness who made



the statement. The court will then have the court reporter read back only that part of the statement that is in disagreement.

Defendant's Right to Remain Silent. The defendant has a constitutional right to remain silent. The defendant may testify on her own behalf. The defendant may also choose not to testify. The defendant's decision not to testify cannot be held against her, and it is not evidence of guilt. You must not speculate, guess, or even talk about what the defendant might have said if she had taken the witness stand or why she did not. The foreperson of the jury must immediately stop any juror from mentioning the defendant's decision not to testify.

Evidence of Wrongful Acts Possibly Committed by Defendant. You are further instructed that in fixing the defendant's punishment, which you will show in your verdict, you may take into consideration all the facts shown by the evidence admitted before you in the full trial of this case and the law as submitted to you in this charge.

The State has introduced evidence of extraneous crimes or bad acts other than the one charged in the indictment in this case. This evidence was admitted only for the purpose of assisting you, if it does, in determining the proper punishment for the offenses for which you have found the defendant guilty. You cannot consider the testimony for any purpose unless you find and believe beyond a reasonable doubt that the defendant committed such other acts, if any.

You may consider evidence of an extraneous crime or bad act in assessing punishment, even if the defendant has not yet been charged with or finally convicted of the crime or act. However, you may consider such evidence only if the extraneous



crime or bad act has been shown by the State beyond a reasonable doubt to have been committed by the defendant or is one for which the defendant could be held criminally responsible.

Therefore, if you find and believe beyond a reasonable doubt that the defendant committed an extraneous crime or bad act or could be held criminally responsible for an extraneous crime or bad act, then you may consider such evidence in assessing the defendant's punishment. However, if you have a reasonable doubt that the defendant committed an extraneous crime or bad act or could be held criminally responsible for an extraneous crime or bad act, then you may not consider such evidence in assessing punishment.

Assessing the Punishment. In arriving at the amount of punishment, you must decide the sentence by a full, fair, and free expression of the opinion of the individual jurors. You must not decide the sentence by lot or by chance. For example, you may not agree before-hand to be bound by the result of a procedure by which each juror gives the number of years the juror thinks should be served, these are then added, and the result is divided by twelve.

Unanimous. To reach a verdict, all twelve of you must agree.



SPECIFIC LAW APPLICABLE TO THEFT BY A PUBLIC SERVANT

You have found the defendant, Casey Hall, guilty of theft by a public servant.

Relevant Statutes

This offense is punishable by—

1. a term of imprisonment for no less than two years and no more than ten years, or
2. a term of imprisonment for no less than two years and no more than ten years and a fine of no more than \$10,000.

Parole and Good Conduct Time

The length of time for which a defendant is imprisoned may be reduced by the award of parole.

Under the law applicable in this case, the defendant, if sentenced to a term of imprisonment, may earn early parole eligibility through the award of good conduct time. Prison authorities may award good conduct time to a prisoner who exhibits good behavior, diligence in carrying out prison work assignments, and attempts at rehabilitation. If a prisoner engages in misconduct, prison authorities may also take away all or part of any good conduct time earned by the prisoner.

Under the law applicable in this case, if the defendant is sentenced to a term of imprisonment, the defendant will not become eligible for parole until the actual time served plus any good conduct time earned equals one-fourth of the sentence imposed. Eligibility for parole does not guarantee that parole will be granted.



It cannot accurately be predicted how the parole law and good conduct time might be applied to this defendant if sentenced to a term of imprisonment, because the application of these laws will depend on decisions made by prison and parole authorities.

You may consider the existence of the parole law and good conduct time. However, you are not to consider the extent to which good conduct time may be awarded to or forfeited by this particular defendant. You are not to consider the manner in which the parole law may be applied to this particular defendant.

Verdict

You are therefore to determine and state in your verdict—

1. the term in prison to be imposed on the defendant for no less than two years and no more than ten years, or
2. the term in prison to be imposed on the defendant for no less than two years and no more than ten years and a fine of no more than \$10,000.

Community Supervision or Probation

For the charge of theft by a public servant, the defendant has asked that you recommend she be granted community supervision. You may in this case be able to recommend that the confinement assessed by you, any fine assessed by you, or both, be suspended and the defendant placed on community supervision.

"Community supervision" is often called "probation." The two terms mean the same thing.



If the defendant is placed on community supervision, the defendant will not be required during the period of community supervision to serve the period of confinement assessed by you. If you assess a fine and recommend that the fine be suspended, the defendant will not be required during the period of community supervision to pay that fine.

If the defendant successfully completes the period of community supervision, the court will discharge the defendant. A defendant so discharged will never have to serve the confinement assessed by you or pay any fine that you have recommended be suspended.

During the period of community supervision, conditions will be imposed on the defendant, and the defendant will be placed under a variety of programs. If the defendant is believed to have violated the conditions of community supervision, the defendant will be brought before the court. The court, after a hearing without a jury, will either continue or revoke the community supervision.

If the court revokes the community supervision, the court will dispose of the case as if there had been no community supervision. It will sentence the defendant to a term of confinement not exceeding the term assessed by this jury. It may also require the defendant to pay any fine assessed by this jury that the jury recommended be suspended.

The duration of the period of community supervision will be determined by the court. It may not be for a period of longer than ten years or shorter than two years.



If you recommend that the defendant be placed on community supervision, the court must grant the defendant community supervision.

If the defendant is placed on community supervision, the Court will determine what conditions to impose on the defendant.

During the period of community supervision, the court may, at any time, alter or modify the conditions imposed on the defendant.

You may recommend that the defendant be placed on community supervision only if you find the defendant has never been convicted of a felony in this or any other state.

If you decide to recommend that the defendant be placed on community supervision, you should indicate whether you recommend suspension of the term of confinement, any fine, or both.

If you decide not to recommend that the court suspend the sentence and place the defendant on community supervision, you should use the verdict form that does not recommend community supervision.



**SPECIFIC LAW APPLICABLE TO
MISAPPLICATION OF FIDUCIARY PROPERTY**

You have found the defendant, Casey Hall, guilty of misapplication of fiduciary property.

Relevant Statutes

This offense is punishable by—

1. any term of confinement in a state jail for no less than 180 days and no more than two years, or
2. any term of confinement in a state jail for no less than 180 days and no more than two years a fine of no more than \$10,000.

Parole and Good Conduct Time

A defendant confined in a state jail for a specific term is not subject to release on parole. The term of confinement is not reduced by good conduct time earned during that period of confinement.

Verdict

You are therefore to determine and state in your verdict—

1. the term of confinement in a state jail to be imposed on the defendant for no less than 180 days and no more than two years, or
2. the term of confinement in a state jail to be imposed on the defendant for no less than 180 days and no more than two years and a fine of no more than \$10,000.



Community Supervision or Probation

For the charge of misapplication of fiduciary property, the defendant has asked that you recommend she be granted community supervision. You may in this case be able to recommend that the confinement assessed by you, any fine assessed by you, or both, be suspended and the defendant placed on community supervision.

"Community supervision" is often called "probation." The two terms mean the same thing.

If the defendant is placed on community supervision, the defendant will not be required during the period of community supervision to serve the period of confinement assessed by you. If you assess a fine and recommend that the fine be suspended, the defendant will not be required during the period of community supervision to pay that fine.

If the defendant successfully completes the period of community supervision, the court will discharge the defendant. A defendant so discharged will never have to serve the confinement assessed by you or pay any fine that you have recommended be suspended.

During the period of community supervision, conditions will be imposed on the defendant, and the defendant will be placed under a variety of programs. If the defendant is believed to have violated the conditions of community supervision, the defendant will be brought before the court. The court, after a hearing without a jury, will either continue or revoke the community supervision.



If the court revokes the community supervision, the court will dispose of the case as if there had been no community supervision. It will sentence the defendant to a term of confinement not exceeding the term assessed by this jury. It may also require the defendant to pay any fine assessed by this jury that the jury recommended be suspended.

The duration of the period of community supervision will be determined by the court. It may not be for a period of longer than five years or for a period of shorter than two years.

If you recommend that the defendant be placed on community supervision, the court must grant the defendant community supervision.

If the defendant is placed on community supervision, the Court will determine what conditions to impose on the defendant.

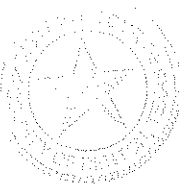
During the period of community supervision, the court may, at any time, alter or modify the conditions imposed on the defendant.

You may recommend that the defendant be placed on community supervision only if you find the defendant has never been convicted of a felony in this or any other state.

If you decide to recommend that the defendant be placed on community supervision, you should indicate whether you recommend suspension of the term of confinement, any fine, or both.



If you decide not to recommend that the court suspend the sentence and place the defendant on community supervision, you should use the verdict form that does not recommend community supervision.



RULES THAT CONTROL DELIBERATIONS

You must follow these rules while you are deliberating and until you reach a verdict. After the closing arguments by the attorneys, you will go into the jury room.

The foreperson should conduct the deliberations in an orderly way. Each juror has one vote, including the foreperson. The foreperson must supervise the voting, vote with other members on the verdict, and sign the verdict sheet.

While deliberating and until excused by the trial court, all jurors must follow these rules:

1. You must not discuss this trial with any court officer, or the attorneys, or anyone not on the jury.
2. You must not discuss this case unless all of you are present in the jury room.
If anyone leaves the room, then you must stop your discussions about the case until all of you are present again.
3. You must communicate with the judge only in writing, signed by the foreperson and given to the judge through the officer assigned to you.
4. You must not conduct any independent investigations, research, or experiments.
5. You must not communicate with or provide any information to anyone by any means about this case. You may not use any electronic device or media, such as telephone, cell phone, smart phone, or computer; the internet, any internet service, or any text or instant messaging service; or any internet chat room, blog, or website to communicate with anyone any information



about this case or to conduct any research about this case until I accept your verdict.

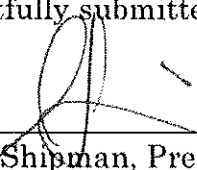
6. You must tell the judge if anyone attempts to contact you about the case before you reach your verdict.

After you have arrived at your verdict, you are to use one of the forms attached to these instructions. You should have your foreperson sign his or her name to the particular form that conforms to your verdict.

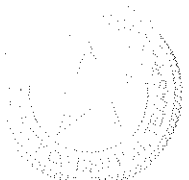
After the closing arguments by the attorneys, you will begin your deliberations to decide your verdict.

SIGNED AND ENTERED this the 14th day of May, 2025.

Respectfully submitted,



Sherry Shipman, Presiding Judge
16th Judicial District Court
Denton County, Texas



CAUSE NUMBER F25-1425-362

THE STATE OF TEXAS § IN THE 362ND JUDICIAL
VS. § DISTRICT COURT OF
CASEY HALL § DENTON COUNTY, TEXAS

VERDICT - COUNT I
NO RECOMMENDATION OF COMMUNITY SUPERVISION

We, the jury, having found the Defendant, Casey Hall, guilty of the offense of Theft by a Public Servant, assess her punishment at: (select one)

☐ Confinement in the Texas Department of Criminal Justice for a term of _____ (2 to 10 years) and no fine.

☐ Confinement in the Texas Department of Criminal Justice for a term of _____ (2 to 10 years) and a fine of \$_____ (no more than \$10,000).

Foreperson of the Jury

Printed Name of Foreperson



CAUSE NUMBER F25-1425-362

THE STATE OF TEXAS § IN THE 362ND JUDICIAL
VS. § DISTRICT COURT OF
CASEY HALL § DENTON COUNTY, TEXAS

VERDICT – COUNT I
RECOMMENDATION OF COMMUNITY SUPERVISION

We, the jury, having found the Defendant, Casey Hall, guilty of the offense of Theft by a Public Servant, assess her punishment at: (select one)

☐ Confinement in the Texas Department of Criminal Justice for a term of _____ (2 to 10 years) and no fine.

☒ Confinement in the Texas Department of Criminal Justice for a term of 3 (2 to 10 years) and a fine of \$9,116.67 (no more than \$10,000).

We further find that the defendant has never been convicted of a felony and recommend she be placed on community supervision. We recommend suspension of: (select one)

☒ the term of imprisonment only.

☐ any fine assessed only.

☐ the term of imprisonment and any fine assessed.



Foreperson of the Jury



Printed Name of Foreperson
CAUSE NUMBER F25-1425-362

THE STATE OF TEXAS § IN THE 362ND JUDICIAL
VS. § DISTRICT COURT OF
CASEY HALL § DENTON COUNTY, TEXAS

VERDICT - COUNT II
NO RECOMMENDATION OF COMMUNITY SUPERVISION

We, the jury, having found the Defendant, Casey Hall, guilty of the offense of Misapplication of Fiduciary Property, assess her punishment at: (select one)

☐ Confinement in a state jail for a term of _____ (180 days to 2 years) and no fine.

☐ Confinement in a state jail for a term of _____ (180 days to 2 years) and a fine of \$_____ (no more than \$10,000).

Foreperson of the Jury

Printed Name of Foreperson



CAUSE NUMBER F25-1425-362

THE STATE OF TEXAS

§

IN THE 362ND JUDICIAL

VS.

§

DISTRICT COURT OF

CASEY HALL

§

DENTON COUNTY, TEXAS

VERDICT - COUNT II
RECOMMENDATION OF COMMUNITY SUPERVISION

We, the jury, having found the Defendant, Casey Hall, guilty of the offense of Misapplication of Fiduciary Property, assess her punishment at: (select one)

☐ Confinement in a state jail for a term of _____ (180 days to 2 years) and no fine.

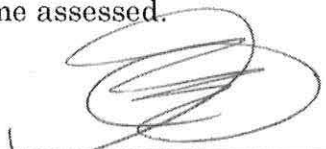
☒ Confinement in a state jail for a term of 1 year (180 days to 2 years) and a fine of \$ 9,100.00 (no more than \$10,000).

We further find that the defendant has never been convicted of a felony and recommend she be placed on community supervision. We recommend suspension of: (select one)

☐ the term of imprisonment only.

☒ any fine assessed only.

☐ the term of imprisonment and any fine assessed.



Foreperson of the Jury

Evelyn Solórzano
Printed Name of Foreperson

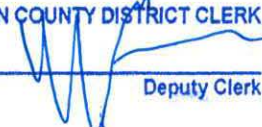


CERTIFIED A TRUE AND CORRECT COPY
OF THE RECORD ON FILE IN MY OFFICE

DAVID TRANTHAM

DENTON COUNTY DISTRICT CLERK

06/06/25
Date

By: 

Deputy Clerk

AFFIDAVIT

THE STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

BEFORE ME, the undersigned authority, on this day personally appeared Amanda M. Kates, the Commission's attorney of record, who, being by me duly sworn, deposed as follows:

"My name is Amanda M. Kates. I am over the age of 18 years, of sound mind, capable of making this affidavit, and state the following:

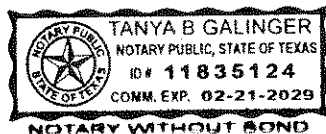
Based upon information and belief, Casey Renee Hall, whose Texas Bar Card Number is 24077936, is licensed as an attorney and counselor at law in the State of Texas. Based upon information and belief Casey Hall, named as Respondent in the Petition for Compulsory Discipline filed with the Board of Disciplinary Appeals is one and the same person as the Casey Hall who is the subject of the Judgment of Conviction by Jury as to Count I – Theft by a Public Servant (\$2,500<\$30,000), in violation of Texas Penal Code §31.03(e)(4)(A), a third degree felony wherein Respondent was sentenced to three years in the Texas Department of Criminal Justice for which the Defendant is to be placed on Community Supervision and pay a fine of \$9,166.67 (the fine is not probated), and Judgment of Conviction by Jury as to Count II – Misapplication of Fiduciary Property (\$2,500<\$30,000), in violation of Texas Penal Code §32.45(c)(4), a State Jail felony wherein Respondent was sentenced to one year confinement in a State Jail Facility "

FURTHER Affiant saith not.



Amanda M. Kates

SWORN AND SUBSCRIBED before me on the 10th day of September 2025.




NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

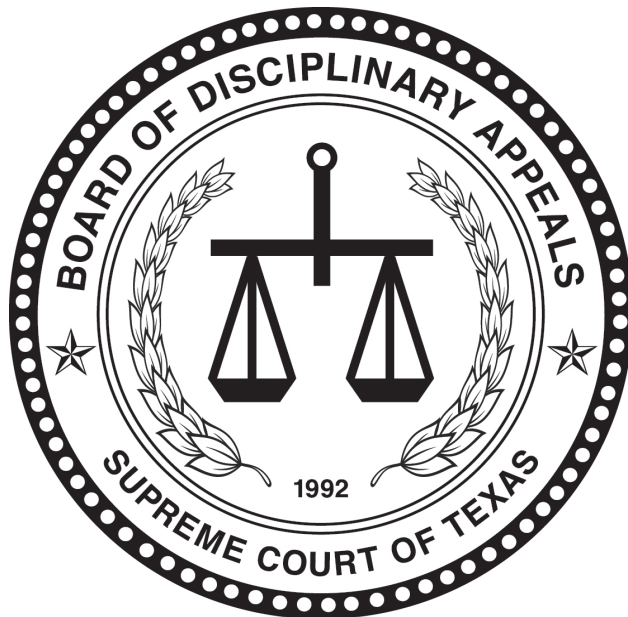
EXHIBIT

5

THE BOARD *of* DISCIPLINARY APPEALS
APPOINTED BY THE SUPREME COURT *of* TEXAS



INTERNAL PROCEDURAL RULES
(EFFECTIVE SEPTEMBER 24, 2024)



Mailing Address:
P.O. Box 12426
Austin TX 78711

1414 Colorado, Suite 610
Austin TX 78701

Tel: 512 427-1578
FAX: 512 427-4130
website: txboda.org

INTERNAL PROCEDURAL RULES

BOARD OF DISCIPLINARY APPEALS

Current through September 24, 2024

Contents

I. General Provisions 1

 Rule 1.01. Definitions..... 1

 Rule 1.02. General Powers 1

 Rule 1.03. Additional Rules in Disciplinary Matters 1

 Rule 1.04. Appointment of Panels 1

 Rule 1.05. Filing of Pleadings, Motions, and Other Papers 1

 Rule 1.06. Service of Petition 2

 Rule 1.07. Hearing Setting and Notice 2

 Rule 1.08. Time to Answer 2

 Rule 1.09. Pretrial Procedure 2

 Rule 1.10. Decisions 3

 Rule 1.11. Board of Disciplinary Appeals Opinions..... 3

 Rule 1.12. BODA Work Product and Drafts 3

 Rule 1.13. Record Retention..... 3

 Rule 1.14. Costs of Reproduction of Records..... 3

 Rule 1.15. Publication of These Rules 3

II. Ethical Considerations 3

 Rule 2.01. Representing or Counseling Parties in Disciplinary Matters and Legal Malpractice Cases 3

 Rule 2.02. Confidentiality..... 4

 Rule 2.03. Disqualification and Recusal of BODA Members 4

III. Classification appeals..... 4

 Rule 3.01. Notice of Right to Appeal 4

 Rule 3.02. Record on Appeal..... 4

 Rule 3.03. Disposition of Classification Appeal..... 4

IV. Appeals from Evidentiary Panel Hearings..... 4

 Rule 4.01. Perfecting Appeal..... 4

 Rule 4.02. Record on Appeal..... 5

 Rule 4.03. Time to File Record..... 6

 Rule 4.04. Copies of the Record 7

 Rule 4.05. Requisites of Briefs 7

 Rule 4.06. Oral Argument..... 7

 Rule 4.07. Decision and Judgment 8

 Rule 4.08. Appointment of Statewide Grievance Committee..... 8

 Rule 4.09. Involuntary Dismissal..... 8

V. Petitions to Revoke Probation..... 8

 Rule 5.01. Initiation and Service..... 8

Rule 5.02. Hearing.....	8
VI. Compulsory Discipline	8
Rule 6.01. Initiation of Proceeding	8
Rule 6.02. Interlocutory Suspension	8
VII. Reciprocal Discipline	9
Rule 7.01. Initiation of Proceeding	9
Rule 7.02. Order to Show Cause.....	9
Rule 7.03. Attorney’s Response.....	9
VIII. District Disability Committee hearings	9
Rule 8.01. Appointment of District Disability Committee	9
Rule 8.02. Petition and Answer	9
Rule 8.03. Discovery	10
Rule 8.04. Ability to Compel Attendance.....	10
Rule 8.05. Respondent’s Right to Counsel	10
Rule 8.06. Hearing.....	10
Rule 8.07. Notice of Decision.....	10
Rule 8.08. Confidentiality.....	10
IX. Disability reinstatements	10
Rule 9.01. Petition for Reinstatement.....	10
Rule 9.02. Discovery	11
Rule 9.03. Physical or Mental Examinations	11
Rule 9.04. Judgment	11
X. Appeals from BODA to the Supreme Court of Texas.....	11
Rule 10.01. Appeals to the Supreme Court.....	11

INTERNAL PROCEDURAL RULES

Board of Disciplinary Appeals

Current through September 24, 2024

I. GENERAL PROVISIONS

Rule 1.01. Definitions

- (a) “BODA” is the Board of Disciplinary Appeals.
- (b) “Chair” is the member elected by BODA to serve as chair or, in the Chair’s absence, the member elected by BODA to serve as vice-chair.
- (c) “Classification” is the determination by the CDC under TRDP 2.10 or by BODA under TRDP 7.08(C) whether a grievance constitutes a “complaint” or an “inquiry.”
- (d) “BODA Clerk” is the executive director of BODA or other person appointed by BODA to assume all duties normally performed by the clerk of a court.
- (e) “CDC” is the Chief Disciplinary Counsel for the State Bar of Texas and his or her assistants.
- (f) “Commission” is the Commission for Lawyer Discipline, a permanent committee of the State Bar of Texas.
- (g) “Executive Director” is the executive director of BODA.
- (h) “Panel” is any three-member grouping of BODA under TRDP 7.05.
- (i) “Party” is a Complainant, a Respondent, or the Commission.
- (j) “TDRPC” is the Texas Disciplinary Rules of Professional Conduct.
- (k) “TRAP” is the Texas Rules of Appellate Procedure.
- (l) “TRCP” is the Texas Rules of Civil Procedure.
- (m) “TRDP” is the Texas Rules of Disciplinary Procedure.
- (n) “TRE” is the Texas Rules of Evidence.

Rule 1.02. General Powers

Under TRDP 7.08, BODA has and may exercise all the powers of either a trial court or an appellate court, as the case may be, in hearing and determining disciplinary proceedings. But TRDP 15.01 [17.01] applies to the enforcement of a judgment of BODA.

Rule 1.03. Additional Rules in Disciplinary Matters

Except as varied by these rules and to the extent applicable, the TRCP, TRAP, and TRE apply to all disciplinary matters before BODA, except for appeals from classification decisions, which are governed by TRDP 2.10 and by Section 3 of these rules.

Rule 1.04. Appointment of Panels

- (a) BODA may consider any matter or motion by panel,

except as specified in (b). The Chair may delegate to the Executive Director the duty to appoint a panel for any BODA action. Decisions are made by a majority vote of the panel; however, any panel member may refer a matter for consideration by BODA sitting en banc. Nothing in these rules gives a party the right to be heard by BODA sitting en banc.

- (b) Any disciplinary matter naming a BODA member as Respondent must be considered by BODA sitting en banc. A disciplinary matter naming a BODA staff member as Respondent need not be heard en banc.

- (c) BODA may, upon decision of the Chair, conduct any business or proceedings—including any hearing, pretrial conference, or consideration of any matter or motion—remotely.

Rule 1.05. Filing of Pleadings, Motions, and Other Papers

- (a) **Electronic Filing.** All documents must be filed electronically. Unrepresented persons or those without the means to file electronically may electronically file documents, but it is not required.

- (1) Email Address. The email address of an attorney or an unrepresented party who electronically files a document must be included on the document.

- (2) Timely Filing. Documents are filed electronically by emailing the document to the BODA Clerk at the email address designated by BODA for that purpose. A document filed by email will be considered filed the day that the email is sent. The date sent is the date shown for the message in the inbox of the email account designated for receiving filings. If a document is sent after 5:00 p.m. or on a weekend or holiday officially observed by the State of Texas, it is considered filed the next business day.

- (3) It is the responsibility of the party filing a document by email to obtain the correct email address for BODA and to confirm that the document was received by BODA in legible form. Any document that is illegible or that cannot be opened as part of an email attachment will not be considered filed. If a document is untimely due to a technical failure or a system outage, the filing party may seek appropriate relief from BODA.

- (4) Exceptions.

- (i) An appeal to BODA of a decision by the CDC to classify a grievance as an inquiry or a complaint is not required to be filed electronically.

- (ii) The following documents must not be filed electronically:

- a) documents that are filed under seal or subject to a pending motion to seal; and

- b) documents to which access is otherwise restricted by court order.

(iii) For good cause, BODA may permit a party to file other documents in paper form in a particular case.

(5) **Format.** An electronically filed document must:

(i) be in text-searchable portable document format (PDF);

(ii) be directly converted to PDF rather than scanned, if possible; and

(iii) not be locked.

(b) A paper will not be deemed filed if it is sent to an individual BODA member or to another address other than the address designated by BODA under Rule 1.05(a)(2).

(c) **Signing.** Each brief, motion, or other paper filed must be signed by at least one attorney for the party or by the party pro se and must give the State Bar of Texas card number, mailing address, telephone number, email address, and fax number, if any, of each attorney whose name is signed or of the party (if applicable). A document is considered signed if the document includes:

(1) an “/s/” and name typed in the space where the signature would otherwise appear, unless the document is notarized or sworn; or

(2) an electronic image or scanned image of the signature.

(d) **Paper Copies.** Unless required by BODA, a party need not file a paper copy of an electronically filed document.

(e) **Service.** Copies of all documents filed by any party other than the record filed by the evidentiary panel clerk or the court reporter must, at or before the time of filing, be served on all other parties as required and authorized by the TRAP.

Rule 1.06. Service of Petition

In any disciplinary proceeding before BODA initiated by service of a petition on the Respondent, the petition must be served by personal service; by certified mail with return receipt requested; or, if permitted by BODA, in any other manner that is authorized by the TRCP and reasonably calculated under all the circumstances to apprise the Respondent of the proceeding and to give him or her reasonable time to appear and answer. To establish service by certified mail, the return receipt must contain the Respondent’s signature.

Rule 1.07. Hearing Setting and Notice

(a) **Original Petitions.** In any kind of case initiated by the CDC’s filing a petition or motion with BODA, the CDC may contact the BODA Clerk for the next regularly available hearing date before filing the original petition. If a hearing is set before the petition is filed, the petition must state the date, time, and place of the hearing. Except in the case of a petition to revoke probation under TRDP 2.23 [2.22], the hearing date must be at least 30 days from the date that the petition is served on the Respondent.

(b) **Expedited Settings.** If a party desires a hearing on a matter on a date earlier than the next regularly available BODA hearing date, the party may request an expedited setting in a written motion setting out the reasons for the request. Unless the parties agree otherwise, and except in the case of a petition to revoke probation under TRDP 2.23 [2.22], the expedited hearing setting must be at least 30 days from the date of service of the petition, motion, or other pleading. BODA has the sole discretion to grant or deny a request for an expedited hearing date.

(c) **Setting Notices.** BODA must notify the parties of any hearing date that is not noticed in an original petition or motion.

(d) **Announcement Docket.** Attorneys and parties appearing before BODA must confirm their presence and present any questions regarding procedure to the BODA Clerk in the courtroom immediately prior to the time docket call is scheduled to begin. Each party with a matter on the docket must appear at the docket call to give an announcement of readiness, to give a time estimate for the hearing, and to present any preliminary motions or matters. Immediately following the docket call, the Chair will set and announce the order of cases to be heard.

Rule 1.08. Time to Answer

The Respondent may file an answer at any time, except where expressly provided otherwise by these rules or the TRDP, or when an answer date has been set by prior order of BODA. BODA may, but is not required to, consider an answer filed the day of the hearing.

Rule 1.09. Pretrial Procedure

(a) **Motions.**

(1) Generally. To request an order or other relief, a party must file a motion supported by sufficient cause with proof of service on all other parties. The motion must state with particularity the grounds on which it is based and set forth the relief sought. All supporting briefs, affidavits, or other documents must be served and filed with the motion. A party may file a response to a motion at any time before BODA rules on the motion or by any deadline set by BODA. Unless otherwise required by these rules or the TRDP, the form of a motion must comply with the TRCP or the TRAP.

(2) For Extension of Time. All motions for extension of time in any matter before BODA must be in writing, comply with (a)(1), and specify the following:

(i) if applicable, the date of notice of decision of the evidentiary panel, together with the number and style of the case;

(ii) if an appeal has been perfected, the date when the appeal was perfected;

(iii) the original deadline for filing the item in question;

(iv) the length of time requested for the extension;

(v) the number of extensions of time that have been granted previously regarding the item in question; and

(vi) the facts relied on to reasonably explain the need for an extension.

(b) **Pretrial Scheduling Conference.** Any party may request a pretrial scheduling conference, or BODA on its own motion may require a pretrial scheduling conference.

(c) **Trial Briefs.** In any disciplinary proceeding before BODA, except with leave, all trial briefs and memoranda must be filed with the BODA Clerk no later than ten days before the day of the hearing.

(d) **Hearing Exhibits, Witness Lists, and Exhibits Tendered for Argument.** A party may file a witness list, exhibit, or any other document to be used at a hearing or oral argument before the hearing or argument. A party must bring to the hearing an original and 12 copies of any document that was not filed at least one business day before the hearing. The original and copies must be:

(1) marked;

(2) indexed with the title or description of the item offered as an exhibit; and

(3) if voluminous, bound to lie flat when open and tabbed in accordance with the index.

All documents must be marked and provided to the opposing party before the hearing or argument begins.

Rule 1.10. Decisions

(a) **Notice of Decisions.** The BODA Clerk must give notice of all decisions and opinions to the parties or their attorneys of record.

(b) **Publication of Decisions.** BODA must report judgments or orders of public discipline:

(1) as required by the TRDP; and

(2) on its website for a period of at least ten years following the date of the disciplinary judgment or order.

(c) **Abstracts of Classification Appeals.** BODA may, in its discretion, prepare an abstract of a classification appeal for a public reporting service.

Rule 1.11. Board of Disciplinary Appeals Opinions

(a) BODA may render judgment in any disciplinary matter with or without written opinion. In accordance with TRDP 6.06, all written opinions of BODA are open to the public and must be made available to the public reporting services, print or electronic, for publishing. A majority of the members who participate in considering the disciplinary matter must determine if an opinion will be written. The names of the participating members must be noted on all written opinions of BODA.

(b) Only a BODA member who participated in the

decision of a disciplinary matter may file or join in a written opinion concurring in or dissenting from the judgment of BODA. For purposes of this rule, in hearings in which evidence is taken, no member may participate in the decision unless that member was present at the hearing. In all other proceedings, no member may participate unless that member has reviewed the record. Any member of BODA may file a written opinion in connection with the denial of a hearing or rehearing en banc.

(c) A BODA determination in an appeal from a grievance classification decision under TRDP 2.10 is not a judgment for purposes of this rule and may be issued without a written opinion.

Rule 1.12. BODA Work Product and Drafts

A document or record of any nature—regardless of its form, characteristics, or means of transmission—that is created or produced in connection with or related to BODA's adjudicative decision-making process is not subject to disclosure or discovery. This includes documents prepared by any BODA member, BODA staff, or any other person acting on behalf of or at the direction of BODA.

Rule 1.13. Record Retention

Records of appeals from classification decisions must be retained by the BODA Clerk for a period of at least three years from the date of disposition. Records of other disciplinary matters must be retained for a period of at least five years from the date of final judgment, or for at least one year after the date a suspension or disbarment ends, whichever is later. For purposes of this rule, a record is any document, paper, letter, map, book, tape, photograph, film, recording, or other material filed with BODA, regardless of its form, characteristics, or means of transmission.

Rule 1.14. Costs of Reproduction of Records

The BODA Clerk may charge a reasonable amount for the reproduction of nonconfidential records filed with BODA. The fee must be paid in advance to the BODA Clerk.

Rule 1.15. Publication of These Rules

These rules will be published as part of the TDRPC and TRDP.

II. ETHICAL CONSIDERATIONS

Rule 2.01. Representing or Counseling Parties in Disciplinary Matters and Legal Malpractice Cases

(a) A current member of BODA must not represent a party or testify voluntarily in a disciplinary action or proceeding. Any BODA member who is subpoenaed or otherwise compelled to appear at a disciplinary action or proceeding, including at a deposition, must promptly notify the BODA Chair.

(b) A current BODA member must not serve as an expert witness on the TDRPC.

(c) A BODA member may represent a party in a legal

malpractice case, provided that he or she is later recused in accordance with these rules from any proceeding before BODA arising out of the same facts.

Rule 2.02. Confidentiality

(a) BODA deliberations are confidential, must not be disclosed by BODA members or staff, and are not subject to disclosure or discovery.

(b) Classification appeals, appeals from evidentiary judgments of private reprimand, appeals from an evidentiary judgment dismissing a case, interlocutory appeals or any interim proceedings from an ongoing evidentiary case, and disability cases are confidential under the TRDP. BODA must maintain all records associated with these cases as confidential, subject to disclosure only as provided in the TRDP and these rules.

(c) If a member of BODA is subpoenaed or otherwise compelled by law to testify in any proceeding, the member must not disclose a matter that was discussed in conference in connection with a disciplinary case unless the member is required to do so by a court of competent jurisdiction

Rule 2.03. Disqualification and Recusal of BODA Members

(a) BODA members are subject to disqualification and recusal as provided in TRCP 18b.

(b) BODA members may, in addition to recusals under (a), voluntarily recuse themselves from any discussion and voting for any reason. The reasons that a BODA member is recused from a case are not subject to discovery.

(c) These rules do not disqualify a lawyer who is a member of, or associated with, the law firm of a BODA member from serving on a grievance committee or representing a party in a disciplinary proceeding or legal malpractice case. But a BODA member must recuse him or herself from any matter in which a lawyer who is a member of, or associated with, the BODA member's firm is a party or represents a party.

III. CLASSIFICATION APPEALS

Rule 3.01. Notice of Right to Appeal

(a) If a grievance filed by the Complainant under TRDP 2.10 is classified as an inquiry, the CDC must notify the Complainant of his or her right to appeal as set out in TRDP 2.10 or another applicable rule. If a grievance is classified as a complaint, the CDC must notify both the Complainant and the Respondent of the Respondent's right to appeal as set out in TRDP 2.10 or another applicable rule.

(b) To facilitate the potential filing of an appeal of a grievance classified as an inquiry, the CDC must send the Complainant an appeal notice form, approved by BODA, with the classification disposition. For a grievance classified as a complaint, the CDC must send the Respondent an appeal notice form, approved by BODA, with notice of the classification disposition. The form must

include the docket number of the matter; the deadline for appealing; and information for mailing, faxing, or emailing the appeal notice form to BODA. The appeal notice form must be available in English and Spanish.

Rule 3.02. Record on Appeal

BODA must not consider documents or other submissions that the Complainant or Respondent filed with the CDC or BODA after the CDC's classification. When a notice of appeal from a classification decision has been filed, the CDC must forward to BODA a copy of the grievance and all supporting documentation. If the appeal challenges the classification of an amended grievance, the CDC must also send BODA a copy of the initial grievance, unless it has been destroyed.

Rule 3.03. Disposition of Classification Appeal

(a) BODA may decide a classification appeal by doing any of the following:

(1) affirm the CDC's classification of the grievance as an inquiry and the dismissal of the grievance;

(2) reverse the CDC's classification of the grievance as an inquiry, reclassify the grievance as a complaint, and return the matter to the CDC for investigation, just cause determination, and further proceedings in accordance with the TRDP;

(3) affirm the CDC's classification of the grievance as a complaint and return the matter to the CDC to proceed with investigation, just cause determination, and further proceedings in accordance with the TRDP; or

(4) reverse the CDC's classification of the grievance as a complaint, reclassify the grievance as an inquiry, and dismiss the grievance.

(b) When BODA reverses the CDC's inquiry classification and reclassifies a grievance as a complaint, BODA must reference any provisions of the TDRPC under which BODA concludes professional misconduct is alleged. When BODA affirms the CDC's complaint classification, BODA may reference any provisions of the TDRPC under which BODA concludes professional misconduct is alleged. The scope of investigation will be determined by the CDC in accordance with TRDP 2.12.

(c) BODA's decision in a classification appeal is final and conclusive, and such decision is not subject to appeal or reconsideration.

(d) A classification appeal decision under (a)(1) or (4), which results in dismissal, has no bearing on whether the Complainant may amend the grievance and resubmit it to the CDC under TRDP 2.10.

IV. APPEALS FROM EVIDENTIARY PANEL HEARINGS

Rule 4.01. Perfecting Appeal

(a) **Appellate Timetable.** The date that the evidentiary

judgment is signed starts the appellate timetable under this section. To make TRDP 2.21 [2.20] consistent with this requirement, the date that the judgment is signed is the “date of notice” under Rule [TRDP] 2.21 [2.20].

(b) Notification of the Evidentiary Judgment. The clerk of the evidentiary panel must notify the parties of the judgment as set out in TRDP 2.21 [2.20].

(1) The evidentiary panel clerk must notify the Commission and the Respondent in writing of the judgment. The notice must contain a clear statement that any appeal of the judgment must be filed with BODA within 30 days of the date that the judgment was signed. The notice must include a copy of the judgment rendered.

(2) The evidentiary panel clerk must notify the Complainant that a judgment has been rendered and provide a copy of the judgment, unless the evidentiary panel dismissed the case or imposed a private reprimand. In the case of a dismissal or private reprimand, the evidentiary panel clerk must notify the Complainant of the decision and that the contents of the judgment are confidential. Under TRDP 2.16, no additional information regarding the contents of a judgment of dismissal or private reprimand may be disclosed to the Complainant.

(c) Filing Notice of Appeal. An appeal is perfected when a written notice of appeal is filed with BODA. If a notice of appeal and any other accompanying documents are mistakenly filed with the evidentiary panel clerk, the notice is deemed to have been filed the same day with BODA, and the evidentiary panel clerk must immediately send the BODA Clerk a copy of the notice and any accompanying documents.

(d) Time to File. In accordance with TRDP 2.24 [2.23], the notice of appeal must be filed within 30 days after the date the judgment is signed. In the event a motion for new trial or motion to modify the judgment is timely filed with the evidentiary panel, the notice of appeal must be filed with BODA within 90 days from the date the judgment is signed.

(e) Extension of Time. A motion for an extension of time to file the notice of appeal must be filed no later than 15 days after the last day allowed for filing the notice of appeal. The motion must comply with Rule 1.09.

Rule 4.02. Record on Appeal

(a) Contents. The record on appeal consists of the evidentiary panel clerk’s record and, where necessary to the appeal, a reporter’s record of the evidentiary panel hearing.

(b) Stipulation as to Record. The parties may designate parts of the clerk’s record and the reporter’s record to be included in the record on appeal by written stipulation filed with the clerk of the evidentiary panel.

(c) Responsibility for Filing Record.

(1) Clerk’s Record.

(i) After receiving notice that an appeal has been filed, the clerk of the evidentiary panel is responsible for preparing, certifying, and timely filing the clerk’s record.

(ii) Unless the parties stipulate otherwise, the clerk’s record on appeal must contain the items listed in TRAP 34.5(a) and any other paper on file with the evidentiary panel, including the election letter, all pleadings on which the hearing was held, the docket sheet, the evidentiary panel’s charge, any findings of fact and conclusions of law, all other pleadings, the judgment or other orders appealed from, the notice of decision sent to each party, any postsubmission pleadings and briefs, and the notice of appeal.

(iii) If the clerk of the evidentiary panel is unable for any reason to prepare and transmit the clerk’s record by the due date, he or she must promptly notify BODA and the parties, explain why the clerk’s record cannot be timely filed, and give the date by which he or she expects the clerk’s record to be filed.

(2) Reporter’s Record.

(i) The court reporter for the evidentiary panel is responsible for timely filing the reporter’s record if:

- a) a notice of appeal has been filed;
- b) a party has requested that all or part of the reporter’s record be prepared; and
- c) the party requesting all or part of the reporter’s record has paid the reporter’s fee or has made satisfactory arrangements with the reporter.

(ii) If the court reporter is unable for any reason to prepare and transmit the reporter’s record by the due date, he or she must promptly notify BODA and the parties, explain the reasons why the reporter’s record cannot be timely filed, and give the date by which he or she expects the reporter’s record to be filed.

(d) Preparation of Clerk’s Record.

(1) To prepare the clerk’s record, the evidentiary panel clerk must:

- (i) gather the documents designated by the parties’ written stipulation or, if no stipulation was filed, the documents required under (c)(1)(ii);
- (ii) start each document on a new page;
- (iii) include the date of filing on each document;
- (iv) arrange the documents in chronological order, either by the date of filing or the date of occurrence;
- (v) number the pages of the clerk’s record in the manner required by (d)(2);

(vi) prepare and include, after the front cover of the clerk's record, a detailed table of contents that complies with (d)(3); and

(vii) certify the clerk's record.

(2) The clerk must start the page numbering on the front cover of the first volume of the clerk's record and continue to number all pages consecutively—including the front and back covers, tables of contents, certification page, and separator pages, if any—until the final page of the clerk's record, without regard for the number of volumes in the clerk's record, and place each page number at the bottom of each page.

(3) The table of contents must:

(i) identify each document in the entire record (including sealed documents); the date each document was filed; and, except for sealed documents, the page on which each document begins;

(ii) be double-spaced;

(iii) conform to the order in which documents appear in the clerk's record, rather than in alphabetical order;

(iv) contain bookmarks linking each description in the table of contents (except for descriptions of sealed documents) to the page on which the document begins; and

(v) if the record consists of multiple volumes, indicate the page on which each volume begins.

(e) **Electronic Filing of the Clerk's Record.** The evidentiary panel clerk must file the record electronically. When filing a clerk's record in electronic form, the evidentiary panel clerk must:

(1) file each computer file in text-searchable Portable Document Format (PDF);

(2) create electronic bookmarks to mark the first page of each document in the clerk's record;

(3) limit the size of each computer file to 100 MB or less, if possible; and

(4) directly convert, rather than scan, the record to PDF, if possible.

(f) **Preparation of the Reporter's Record.**

(1) The appellant, at or before the time prescribed for perfecting the appeal, must make a written request for the reporter's record to the court reporter for the evidentiary panel. The request must designate the portion of the evidence and other proceedings to be included. A copy of the request must be filed with the evidentiary panel and BODA and must be served on the appellee. The reporter's record must be certified by the court reporter for the evidentiary panel.

(2) The court reporter or recorder must prepare and file the reporter's record in accordance with TRAP 34.6 and

35 and the Uniform Format Manual for Texas Reporters' Records.

(3) The court reporter or recorder must file the reporter's record in an electronic format by emailing the document to the email address designated by BODA for that purpose.

(4) The court reporter or recorder must include either a scanned image of any required signature or "/s/" and name typed in the space where the signature would otherwise

(6¹) In exhibit volumes, the court reporter or recorder must create bookmarks to mark the first page of each exhibit document.

(g) **Other Requests.** At any time before the clerk's record is prepared, or within ten days after service of a copy of appellant's request for the reporter's record, any party may file a written designation requesting that additional exhibits and portions of testimony be included in the record. The request must be filed with the evidentiary panel and BODA and must be served on the other party.

(h) **Inaccuracies or Defects.** If the clerk's record is found to be defective or inaccurate, the BODA Clerk must inform the clerk of the evidentiary panel of the defect or inaccuracy and instruct the clerk to make the correction. Any inaccuracies in the reporter's record may be corrected by agreement of the parties without the court reporter's recertification. Any dispute regarding the reporter's record that the parties are unable to resolve by agreement must be resolved by the evidentiary panel.

(i) **Appeal from Private Reprimand.** Under TRDP 2.16, in an appeal from a judgment of private reprimand, BODA must mark the record as confidential, remove the attorney's name from the case style, and take any other steps necessary to preserve the confidentiality of the private reprimand.

¹ So in original.

Rule 4.03. Time to File Record

(a) **Timetable.** The clerk's record and reporter's record must be filed within 60 days after the date the judgment is signed. If a motion for new trial or motion to modify the judgment is filed with the evidentiary panel, the clerk's record and the reporter's record must be filed within 120 days from the date the original judgment is signed, unless a modified judgment is signed, in which case the clerk's record and the reporter's record must be filed within 60 days of the signing of the modified judgment. Failure to file either the clerk's record or the reporter's record on time does not affect BODA's jurisdiction, but may result in BODA's exercising its discretion to dismiss the appeal, affirm the judgment appealed from, disregard materials filed late, or apply presumptions against the appellant.

(b) **If No Record Filed.**

(1) If the clerk's record or reporter's record has not been

timely filed, the BODA Clerk must send notice to the party responsible for filing it, stating that the record is late and requesting that the record be filed within 30 days. The BODA Clerk must send a copy of this notice to all the parties and the clerk of the evidentiary panel.

(2) If no reporter's record is filed due to appellant's fault, and if the clerk's record has been filed, BODA may, after first giving the appellant notice and a reasonable opportunity to cure, consider and decide those issues or points that do not require a reporter's record for a decision. BODA may do this if no reporter's record has been filed because:

- (i) the appellant failed to request a reporter's record; or
- (ii) the appellant failed to pay or make arrangements to pay the reporter's fee to prepare the reporter's record, and the appellant is not entitled to proceed without payment of costs.

(c) Extension of Time to File the Reporter's Record.

When an extension of time is requested for filing the reporter's record, the facts relied on to reasonably explain the need for an extension must be supported by an affidavit of the court reporter. The affidavit must include the court reporter's estimate of the earliest date when the reporter's record will be available for filing.

(d) Supplemental Record. If anything material to either party is omitted from the clerk's record or reporter's record, BODA may, on written motion of a party or on its own motion, direct a supplemental record to be certified and transmitted by the clerk for the evidentiary panel or the court reporter for the evidentiary panel.

Rule 4.04. Copies of the Record

The record may not be withdrawn from the custody of the BODA Clerk. Any party may obtain a copy of the record or any designated part thereof by making a written request to the BODA Clerk and paying any charges for reproduction in advance.

Rule 4.05. Requisites of Briefs

(a) Appellant's Filing Date. Appellant's brief must be filed within 30 days after the clerk's record or the reporter's record is filed, whichever is later.

(b) Appellee's Filing Date. Appellee's brief must be filed within 30 days after the appellant's brief is filed.

(c) Contents. Briefs must contain:

- (1) a complete list of the names and addresses of all parties to the final decision and their counsel;
- (2) a table of contents indicating the subject matter of each issue or point, or group of issues or points, with page references where the discussion of each point relied on may be found;
- (3) an index of authorities arranged alphabetically and

indicating the pages where the authorities are cited;

(4) a statement of the case containing a brief general statement of the nature of the cause or offense and the result;

(5) a statement, without argument, of the basis of BODA's jurisdiction;

(6) a statement of the issues presented for review or points of error on which the appeal is predicated;

(7) a statement of facts that is without argument, is supported by record references, and details the facts relating to the issues or points relied on in the appeal;

(8) the argument and authorities;

(9) conclusion and prayer for relief;

(10) a certificate of service; and

(11) an appendix of record excerpts pertinent to the issues presented for review.

(d) Length of Briefs; Contents Included and Excluded.

In calculating the length of a document, every word and every part of the document, including headings, footnotes, and quotations, must be counted except the following: caption, identity of the parties and counsel, statement regarding oral argument, table of contents, index of authorities, statement of the case, statement of issues presented, statement of the jurisdiction, signature, proof of service, certificate of compliance, and appendix. Briefs must not exceed 15,000 words if computer-generated, and 50 pages if not, except on leave of BODA. A reply brief must not exceed 7,500 words if computer-generated, and 25 pages if not, except on leave of BODA. A computer generated document must include a certificate by counsel or the unrepresented party stating the number of words in the document. The person who signs the certification may rely on the word count of the computer program used to prepare the document.

(e) Amendment or Supplementation. BODA has discretion to grant leave to amend or supplement briefs.

(f) Failure of the Appellant to File a Brief. If the appellant fails to timely file a brief, BODA may:

- (1) dismiss the appeal for want of prosecution, unless the appellant reasonably explains the failure, and the appellee is not significantly injured by the appellant's failure to timely file a brief;
- (2) decline to dismiss the appeal and make further orders within its discretion as it considers proper; or
- (3) if an appellee's brief is filed, regard that brief as correctly presenting the case and affirm the evidentiary panel's judgment on that brief without examining the record.

Rule 4.06. Oral Argument

(a) Request. A party desiring oral argument must note the

request on the front cover of the party's brief. A party's failure to timely request oral argument waives the party's right to argue. A party who has requested argument may later withdraw the request. But even if a party has waived oral argument, BODA may direct the party to appear and argue. If oral argument is granted, the clerk will notify the parties of the time and place for submission.

(b) **Right to Oral Argument.** A party who has filed a brief and who has timely requested oral argument may argue the case to BODA unless BODA, after examining the briefs, decides that oral argument is unnecessary for any of the following reasons:

- (1) the appeal is frivolous;
- (2) the dispositive issue or issues have been authoritatively decided;
- (3) the facts and legal arguments are adequately presented in the briefs and record; or
- (4) the decisional process would not be significantly aided by oral argument.

(c) **Time Allowed.** Each party will have 20 minutes to argue. BODA may, on the request of a party or on its own, extend or shorten the time allowed for oral argument. The appellant may reserve a portion of his or her allotted time for rebuttal.

Rule 4.07. Decision and Judgment

(a) **Decision.** BODA may do any of the following:

- (1) affirm in whole or in part the decision of the evidentiary panel;
- (2) modify the panel's findings and affirm the findings as modified;
- (3) reverse in whole or in part the panel's findings and render the decision that the panel should have rendered; or
- (4) reverse the panel's findings and remand the cause for further proceedings to be conducted by:
 - (i) the panel that entered the findings; or
 - (ii) a statewide grievance committee panel appointed by BODA and composed of members selected from the state bar districts other than the district from which the appeal was taken.

(b) **Mandate.** In every appeal, the BODA Clerk must issue a mandate in accordance with BODA's judgment and send it to the evidentiary panel and to all the parties.

Rule 4.08. Appointment of Statewide Grievance Committee

If BODA remands a cause for further proceedings before a statewide grievance committee, the BODA Chair will appoint the statewide grievance committee in accordance with TRDP 2.27 [2.26]. The committee must consist of six members: four attorney members and two public members

randomly selected from the current pool of grievance committee members. Two alternates, consisting of one attorney and one public member, must also be selected. BODA will appoint the initial chair who will serve until the members of the statewide grievance committee elect a chair of the committee at the first meeting. The BODA Clerk will notify the Respondent and the CDC that a committee has been appointed.

Rule 4.09. Involuntary Dismissal

Under the following circumstances and on any party's motion or on its own initiative after giving at least ten days' notice to all parties, BODA may dismiss the appeal or affirm the appealed judgment or order. Dismissal or affirmance may occur if the appeal is subject to dismissal:

- (a) for want of jurisdiction;
- (b) for want of prosecution; or
- (c) because the appellant has failed to comply with a requirement of these rules, a court order, or a notice from the clerk requiring a response or other action within a specified time.

V. PETITIONS TO REVOKE PROBATION

Rule 5.01. Initiation and Service

(a) Before filing a motion to revoke the probation of an attorney who has been sanctioned, the CDC must contact the BODA Clerk to confirm whether the next regularly available hearing date will comply with the 30-day requirement of TRDP. The Chair may designate a three-member panel to hear the motion, if necessary, to meet the 30-day requirement of TRDP 2.23 [2.22].

(b) Upon filing the motion, the CDC must serve the Respondent with the motion and any supporting documents in accordance with TRDP 2.23 [2.22], the TRCP, and these rules. The CDC must notify BODA of the date that service is obtained on the Respondent.

Rule 5.02. Hearing

Within 30 days of service of the motion on the Respondent, BODA must docket and set the matter for a hearing and notify the parties of the time and place of the hearing. On a showing of good cause by a party or on its own motion, BODA may continue the case to a future hearing date as circumstances require.

VI. COMPULSORY DISCIPLINE

Rule 6.01. Initiation of Proceeding

Under TRDP 8.03, the CDC must file a petition for compulsory discipline with BODA and serve the Respondent in accordance with the TRDP and Rule 1.06 of these rules.

Rule 6.02. Interlocutory Suspension

(a) **Interlocutory Suspension.** In any compulsory proceeding under TRDP Part VIII in which BODA

determines that the Respondent has been convicted of an Intentional Crime and that the criminal conviction is on direct appeal, BODA must suspend the Respondent's license to practice law by interlocutory order. In any compulsory case in which BODA has imposed an interlocutory order of suspension, BODA retains jurisdiction to render final judgment after the direct appeal of the criminal conviction is final. For purposes of rendering final judgment in a compulsory discipline case, the direct appeal of the criminal conviction is final when the appellate court issues its mandate.

(b) **Criminal Conviction Affirmed.** If the criminal conviction made the basis of a compulsory interlocutory suspension is affirmed and becomes final, the CDC must file a motion for final judgment that complies with TRDP 8.05.

(1) If the criminal sentence is fully probated or is an order of deferred adjudication, the motion for final judgment must contain notice of a hearing date. The motion will be set on BODA's next available hearing date.

(2) If the criminal sentence is not fully probated:

(i) BODA may proceed to decide the motion without a hearing if the attorney does not file a verified denial within ten days of service of the motion; or

(ii) BODA may set the motion for a hearing on the next available hearing date if the attorney timely files a verified denial.

(c) **Criminal Conviction Reversed.** If an appellate court issues a mandate reversing the criminal conviction while a Respondent is subject to an interlocutory suspension, the Respondent may file a motion to terminate the interlocutory suspension. The motion to terminate the interlocutory suspension must have certified copies of the decision and mandate of the reversing court attached. If the CDC does not file an opposition to the termination within ten days of being served with the motion, BODA may proceed to decide the motion without a hearing or set the matter for a hearing on its own motion. If the CDC timely opposes the motion, BODA must set the motion for a hearing on its next available hearing date. An order terminating an interlocutory order of suspension does not automatically reinstate a Respondent's license.

VII. RECIPROCAL DISCIPLINE

Rule 7.01. Initiation of Proceeding

To initiate an action for reciprocal discipline under TRDP Part IX, the CDC must file a petition with BODA and request an Order to Show Cause. The petition must request that the Respondent be disciplined in Texas and have attached to it any information concerning the disciplinary matter from the other jurisdiction, including a certified copy of the order or judgment rendered against the Respondent.

Rule 7.02. Order to Show Cause

When a petition is filed, the Chair immediately issues a show cause order and a hearing notice and forwards them to the CDC, who must serve the order and notice on the Respondent. The CDC must notify BODA of the date that service is obtained.

Rule 7.03. Attorney's Response

If the Respondent does not file an answer within 30 days of being served with the order and notice but thereafter appears at the hearing, BODA may, at the discretion of the Chair, receive testimony from the Respondent relating to the merits of the petition.

VIII. DISTRICT DISABILITY COMMITTEE HEARINGS

Rule 8.01. Appointment of District Disability Committee

(a) If the evidentiary panel of the grievance committee finds under TRDP 2.17(P)(2), or the CDC reasonably believes under TRDP 2.14(C), that a Respondent is suffering from a disability, the rules in this section will apply to the de novo proceeding before the District Disability Committee held under TRDP Part XII.

(b) Upon receiving an evidentiary panel's finding or the CDC's referral that an attorney is believed to be suffering from a disability, the BODA Chair must appoint a District Disability Committee in compliance with TRDP 12.02 and designate a chair. BODA will reimburse District Disability Committee members for reasonable expenses directly related to service on the District Disability Committee. The BODA Clerk must notify the CDC and the Respondent that a committee has been appointed and notify the Respondent where to locate the procedural rules governing disability proceedings.

(c) A Respondent who has been notified that a disability referral will be or has been made to BODA may, at any time, waive in writing the appointment of the District Disability Committee or the hearing before the District Disability Committee and enter into an agreed judgment of indefinite disability suspension, provided that the Respondent is competent to waive the hearing. If the Respondent is not represented, the waiver must include a statement affirming that the Respondent has been advised of the right to appointed counsel and waives that right as well.

(d) All pleadings, motions, briefs, or other matters to be filed with the District Disability Committee must be filed with the BODA Clerk.

(e) Should any member of the District Disability Committee become unable to serve, the BODA Chair must appoint a substitute member.

Rule 8.02. Petition and Answer

(a) **Petition.** Upon being notified that the District Disability Committee has been appointed by BODA, the

CDC must, within 20 days, file with the BODA Clerk and serve on the Respondent a copy of a petition for indefinite disability suspension. Service must comply with Rule 1.06.

(b) **Answer.** The Respondent must, within 30 days after service of the petition for indefinite disability suspension, file an answer with the BODA Clerk and serve a copy of the answer on the CDC.

(c) **Hearing Setting.** The BODA Clerk must set the final hearing as instructed by the chair of the District Disability Committee and send notice of the hearing to the parties.

Rule 8.03. Discovery

(a) **Limited Discovery.** The District Disability Committee may permit limited discovery. The party seeking discovery must file with the BODA Clerk a written request that makes a clear showing of good cause and substantial need and a proposed order. If the District Disability Committee authorizes discovery in a case, it must issue a written order. The order may impose limitations or deadlines on the discovery.

(b) **Physical or Mental Examinations.** On written motion by the Commission or on its own motion, the District Disability Committee may order the Respondent to submit to a physical or mental examination by a qualified healthcare or mental healthcare professional. Nothing in this rule limits the Respondent's right to an examination by a professional of his or her choice in addition to any exam ordered by the District Disability Committee.

(1) Motion. The Respondent must be given reasonable notice of the examination by written order specifying the name, address, and telephone number of the person conducting the examination.

(2) Report. The examining professional must file with the BODA Clerk a detailed, written report that includes the results of all tests performed and the professional's findings, diagnoses, and conclusions. The professional must send a copy of the report to the CDC and the Respondent.

(c) **Objections.** A party must make any objection to a request for discovery within 15 days of receiving the motion by filing a written objection with the BODA Clerk. BODA may decide any objection or contest to a discovery motion.

Rule 8.04. Ability to Compel Attendance

The Respondent and the CDC may confront and cross-examine witnesses at the hearing. Compulsory process to compel the attendance of witnesses by subpoena, enforceable by an order of a district court of proper jurisdiction, is available to the Respondent and the CDC as provided in TRCP 176.

Rule 8.05. Respondent's Right to Counsel

(a) The notice to the Respondent that a District Disability Committee has been appointed and the petition for

indefinite disability suspension must state that the Respondent may request appointment of counsel by BODA to represent him or her at the disability hearing. BODA will reimburse appointed counsel for reasonable expenses directly related to representation of the Respondent.

(b) To receive appointed counsel under TRDP 12.02, the Respondent must file a written request with the BODA Clerk within 30 days of the date that Respondent is served with the petition for indefinite disability suspension. A late request must demonstrate good cause for the Respondent's failure to file a timely request.

Rule 8.06. Hearing

The party seeking to establish the disability must prove by a preponderance of the evidence that the Respondent is suffering from a disability as defined in the TRDP. The chair of the District Disability Committee must admit all relevant evidence that is necessary for a fair and complete hearing. The TRE are advisory but not binding on the chair.

Rule 8.07. Notice of Decision

The District Disability Committee must certify its finding regarding disability to BODA, which will issue the final judgment in the matter.

Rule 8.08. Confidentiality

All proceedings before the District Disability Committee and BODA, if necessary, are closed to the public. All matters before the District Disability Committee are confidential and are not subject to disclosure or discovery, except as allowed by the TRDP or as may be required in the event of an appeal to the Supreme Court of Texas.

IX. DISABILITY REINSTATEMENTS

Rule 9.01. Petition for Reinstatement

(a) An attorney under an indefinite disability suspension may, at any time after he or she has been suspended, file a verified petition with BODA to have the suspension terminated and to be reinstated to the practice of law. The petitioner must serve a copy of the petition on the CDC in the manner required by TRDP 12.06. The TRCP apply to a reinstatement proceeding unless they conflict with these rules.

(b) The petition must include the information required by TRDP 12.06. If the judgment of disability suspension contained terms or conditions relating to misconduct by the petitioner prior to the suspension, the petition must affirmatively demonstrate that those terms have been complied with or explain why they have not been satisfied. The petitioner has a duty to amend and keep current all information in the petition until the final hearing on the merits. Failure to do so may result in dismissal without notice.

(c) Disability reinstatement proceedings before BODA are not confidential; however, BODA may make all or any part of the record of the proceeding confidential.

Rule 9.02. Discovery

The discovery period is 60 days from the date that the petition for reinstatement is filed. The BODA Clerk will set the petition for a hearing on the first date available after the close of the discovery period and must notify the parties of the time and place of the hearing. BODA may continue the hearing for good cause shown.

Rule 9.03. Physical or Mental Examinations

(a) On written motion by the Commission or on its own, BODA may order the petitioner seeking reinstatement to submit to a physical or mental examination by a qualified healthcare or mental healthcare professional. The petitioner must be served with a copy of the motion and given at least seven days to respond. BODA may hold a hearing before ruling on the motion but is not required to do so.

(b) The petitioner must be given reasonable notice of the examination by written order specifying the name, address, and telephone number of the person conducting the examination.

(c) The examining professional must file a detailed, written report that includes the results of all tests performed and the professional's findings, diagnoses, and conclusions. The professional must send a copy of the report to the parties.

(d) If the petitioner fails to submit to an examination as ordered, BODA may dismiss the petition without notice.

(e) Nothing in this rule limits the petitioner's right to an examination by a professional of his or her choice in addition to any exam ordered by BODA.

Rule 9.04. Judgment

If, after hearing all the evidence, BODA determines that the petitioner is not eligible for reinstatement, BODA may, in its discretion, either enter an order denying the petition or direct that the petition be held in abeyance for a reasonable period of time until the petitioner provides additional proof as directed by BODA. The judgment may include other orders necessary to protect the public and the petitioner's potential clients.

X. APPEALS FROM BODA TO THE SUPREME COURT OF TEXAS**Rule 10.01. Appeals to the Supreme Court**

(a) A final decision by BODA, except a determination that a statement constitutes an inquiry or a complaint under TRDP 2.10, may be appealed to the Supreme Court of Texas. The clerk of the Supreme Court of Texas must docket an appeal from a decision by BODA in the same manner as a petition for review without fee.

(b) The appealing party must file the notice of appeal directly with the clerk of the Supreme Court of Texas within 14 days of receiving notice of a final determination by BODA. The record must be filed within 60 days after

BODA's determination. The appealing party's brief is due 30 days after the record is filed, and the responding party's brief is due 30 days thereafter. The BODA Clerk must send the parties a notice of BODA's final decision that includes the information in this paragraph.

(c) An appeal to the Supreme Court is governed by TRDP 7.11 and the TRAP.