



FILED

Jul 31 2024

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

THE BOARD OF DISCIPLINARY APPEALS
Appointed by the Supreme Court of Texas

IN THE MATTER OF
MASON WILLIAM HERRING
STATE BAR CARD NO. 24071746

§
§
§

CAUSE NO. 69030

PETITIONER'S BRIEF IN SUPPORT OF COMPULSORY DISCIPLINE

Petitioner, the Commission for Lawyer Discipline (“CFLD”), by and through the Office of the Chief Disciplinary Counsel of the State Bar of Texas, files the instant Brief in Support of the Commission for Lawyer Discipline’s Petition for Compulsory Discipline.

I. INTRODUCTION

The CFLD filed its Petition for Compulsory Discipline in the instant matter on March 4, 2024. This proceeding is predicated on two separate Judgments of Conviction by Court. In the first matter, Cause No. 177210601010, styled *The State of Texas v. Herring, Mason William*, 185th District Court of Harris County Texas, Respondent pleaded guilty to the charge of Assault of a Pregnant Person. *See Petitioner’s EX 3*. In the second matter, Cause No. 179893201010, styled *The State of Texas v. Herring, Mason William*, 185th District Court of Harris County Texas, Respondent pleaded guilty to the charge of Attempted Injury of a Child Under 15 with Bodily Injury. *See Petitioner’s EX 4*. Respondent was issued a sentence of confinement (suspended) and placed on community supervision for 10 years. Respondent was also ordered to be confined in the County Jail for 180 days as a condition of his community supervision. *See Petitioner’s EX 3 and 4*.

Respondent was served with the First Amended Petition for Compulsory Discipline, Notice of Hearing, and Exhibits 1-5 via personal service on May 15, 2024. Respondent filed his Original Answer on June 10, 2024. On June 20, 2024, Respondent filed a motion for continuance. In its Order Granting Continuance issued on June 27, 2024, the Board of Disciplinary Appeals set forth a briefing schedule requesting Plaintiff and Respondent to address the following issues:

- 1) Was Respondent convicted of an “Intentional Crime” and “Serious Crime” as those terms are defined by Texas Rule of Disciplinary Procedure 1.05, as interpreted by the Supreme Court of Texas?
- 2) Was Respondent’s sentence “fully probated” as the term is used in Texas Rule of Disciplinary Procedure 8.05, such that the Board has discretion to suspend Respondent’s license to practice law during the remainder of Respondent’s criminal probation?

Petitioner’s briefing was originally due on or before July 25, 2024, and Respondent’s briefing was originally due on or before August 22, 2024. However, pursuant to an agreed request for extension, Petitioner’s brief is now due on or before August 1, 2024, and Respondent’s brief is due on or before August 29, 2024.

II. BACKGROUND

On or about May 25, 2022, a Complaint was filed in case number 1772106, styled *The State of Teas Vs. Mason William Herring*, in Harry County District Court No. 185. *See Petitioner’s EX 6.* The Complaint reads in pertinent part:

...[O]n March 17, 2022 at approximately 8:00 a.m., Defendant [Mason William Herring (“Defendant”)] came to [Catherine Herring’s] residence,...and brought [Catherine Herring] breakfast and a cup full of water. [Catherine Herring] stated that Defendant presented a cup of water and told her that she needed to drink more and that he would not leave until she drank the whole cup. [Catherine Herring] stated that she drank out of the cup and stopped to take a breath, noticing that the water inside the cup appeared to be cloudy. [Catherine Herring] stated that she questioned Defendant about this and he stated that perhaps the cup was dirty or the pipes

were dirty. [Catherine Herring] stated that Defendant then took the cup and left.

[Catherine Herring] stated that approximately thirty minutes later, she became very ill... [Catherine Herring] stated that she then began to suspect that something had been placed in her drink and that perhaps it was some kind of abortion drug due to her symptoms and the Defendant's reaction to finding out that she was pregnant... [Catherine Herring] stated that she then went to the emergency room for treatment.

[Catherine Herring] stated that on March 18, 2022 at her residence, Defendant attempted to give her another beverage in an orange sports bottle. [Catherine Herring] stated that she did not drink from this beverage and saved it because she observed an unknown substance inside of the liquid...

[Catherine Herring] stated that Defendant attempted to give her another drink on March 21, 2022 and March 22, 2022, again at her residence. [Catherine Herring] stated that in both of these beverages, she observed an unknown substance in of [sic] the liquid...

[Catherine Herring] stated that on April 20, 2022, she invited witnesses Kelly Elliot and Patty Smolik to her residence due to being concerned about Defendant. [Catherine Herring] stated that Defendant arrived at the residence to bring breakfast and take their child to school. She stated that he attempted to give her another beverage to drink even though she had two in front of her already. [Catherine Herring] stated that she and both witnesses observed that the drink Defendant gave [Catherine Herring] contained an unknown substance floating in it.

[Catherine Herring] stated that on April 21, 2022, Defendant came to her residence and brought her a drink from Sonic that she observed to contain an unknown substance.

[Catherine Herring] stated that she had cameras installed on the outside of her residence. She stated that on April 24, 2022, she observed on the cameras that Defendant had cleaned out his truck and took the trash to the curb. [Catherine Herring] stated that this was out of character for Defendant as he does not do chores around the house. [Catherine Herring] stated that when Defendant left residence, she went to the trash can to see what was inside. [Catherine Herring] stated that she then found opened blister packs labeled as "Cyrux," which she discovered was a Mexican pharmacy version of the American drug Cytotec and the main ingredient of

which is Misoprostol, a drug that [Catherine Herring] knows is used to cause abortion.

[Catherine Herring] stated that on April 26, 2022, Defendant came to her residence and she observed him preparing her a beverage in the kitchen. [Catherine Herring] stated that she observed Defendant pull a Ziploc bag out of his pocket, empty its contents into the beverage then gave the drink to her in her bedroom. [Catherine Herring] stated that she again observed an unknown substance in the liquid.

[Catherine Herring] stated that she did not drink any more of the drinks provided by Defendant besides the first one...

On May 4, 2022, ... [A. Otero, a certified peace officer employed with the Houston Police Department as an Investigator in the Major Assaults and Family Violence Division] conducted a digitally recorded interview with Dr. Jason Cooper, a credible and reliable person who is [Catherine Herring]'s treating OBGYN. Dr. Cooper informed [A. Otero] that the drug Misoprostol could be used to cause a miscarriage due to causing strong uterine contractions. He stated that taking the drug could terminate a pregnancy and thus kill any unborn child in the pregnant woman.

See Generally Petitioner's EX 6.

On November 4, 2022, a grand jury entered an indictment against Defendant, Mason William Herring, for the Felony Charge of Assault of a Pregnant Person in Case No. 1772106, styled *The State of Texas vs. Mason William Herring*, in the 185th District Court of Harris County, Texas. *See generally Petitioner's EX 1.* On December 14, 2022, a grand jury entered an indictment against Defendant, Mason William Herring, for the Felony Charge of Attempted Injury to Child with Bodily Injury in Case No. 1798932, styled *The State of Texas vs. Mason William Herring*, in the 185th District Court of Harris County, Texas. *See generally Petitioner's EXs 1 and 2.*

Thereafter, on February 7, 2024, Respondent pleaded guilty to the charge of Assault of a Pregnant Person in Cause No. 177210601010, styled *The State of Texas v. Herring, Mason William*, 185th District Court of Harris County Texas, and Respondent pleaded guilty to the charge

of Injury of a Child Under 15 with Bodily Injury in Cause No. 179893201010, styled *The State of Texas v. Herring, Mason William*, 185th District Court of Harris County Texas, Respondent. *Petitioner's EXs 3 and 4*. Respondent was issued a sentence of confinement (suspended) and placed on community supervision for 10 years. Respondent was also ordered to be confined in the County Jail for 180 days as a condition of his community supervision. *Id.*

III. Arguments and Authorities

Under Texas Rules of Disciplinary Procedure Section 7.08(G), the Board of Disciplinary Appeals has the power and duty to hear and determine actions for compulsory discipline for attorneys licensed in Texas under Part VIII. Tex. Rules Disciplinary P. R. 7.08(G), *reprinted in* Tex. Gov't Code Ann., tit. 2, subtit. G, app. A-1 (West 2013) Part VIII, Section 8.03 of the procedural rules states the following,

A Disciplinary Action under this part must be initiated by the filing of a petition with the Board of Disciplinary Appeals. The petition must allege the adjudication of guilt (or probation without an adjudication of guilt) of an Intentional Crime; allege that the Respondent is the same person as the party adjudicated guilty or who received probation with or without an adjudication of guilt for such Intentional Crime; and seek the appropriate discipline.

Tex. Rules Disciplinary P. R. 8.03.

Section 8.04 further states that during a Compulsory Disciplinary Proceeding,

The Board of Disciplinary Appeals shall hear and determine all questions of law and fact. When an attorney has been convicted of an Intentional Crime or has been placed on probation for an Intentional Crime without an adjudication of guilt, he or she shall be suspended as an attorney licensed to practice law in Texas during the appeal of the conviction or the order of deferred adjudication. Upon introduction into evidence of a certified copy of the judgment of conviction or order of deferred adjudication and a certificate of the Clerk of the Supreme Court that the attorney is licensed to practice law in Texas, the Board of Disciplinary Appeals shall immediately determine whether the attorney has been convicted of an Intentional Crime or granted probation without an adjudication

of guilt for an Intentional Crime. Uncontroverted affidavits that the attorney is the same person as the person convicted or granted probation without an adjudication of guilt are competent and sufficient evidence of those facts. Nothing in these rules prohibits proof of the necessary elements in such Disciplinary Action by competent evidence in any other manner permitted by law. The Board of Disciplinary Appeals shall sit, hear and determine whether the attorney should be disciplined and enter judgment accordingly within forty-five days of the answer day; however, any failure to do so within the time limit will not affect its jurisdiction to act. Any suspension ordered during the appeal of a criminal conviction or probation without an adjudication of guilt is interlocutory and immediately terminates if the conviction or probation is set aside or reversed.

Tex. Rules Disciplinary P. R. 8.04.

This Board retains sole jurisdiction of Compulsory Discipline matters throughout the entirety of the analysis. The question of whether a crime is an Intentional Crime is a question of law. *Duncan v. Bd. of Disciplinary Appeals*, 898 S.W.2d 759, 761 (Tex. 1995); *See also United States v. Tuttle*, 46 F.2d 342, 345 (E.D.La.1930); *In re McAllister*, 14 Cal.2d 602, 95 P.2d 932, 933 (1939). It is a question of law that must be determined by the Board of Disciplinary Appeals.

Tex. Rules Disciplinary P. R. 8.04.

A. Respondent’s convictions constitute “Intentional” and “Serious” Crimes and he is subject to Compulsory Discipline.

This Board is now tasked with determining whether a conviction of Assault of a Pregnant Person and/or a conviction of Attempted Injury of a Child Under 15 with Bodily Injury are “Serious” and “Intentional” crimes, and therefore subject to Compulsory Discipline.

- a. *The crimes of Assault of a Pregnant Person and Attempted Injury of a Child Under 15 with Bodily Injury are classified as Serious Crimes*

As stated above, in order for this Board to find that Respondent’s convictions are “Intentional Crimes,” the Board must first determine if the crime of Assault of a Pregnant Person and/or Attempted Injury of a Child Under 15 with Bodily Injury are “Serious Crimes” as defined

by Texas Rule of Disciplinary Procedure 1.06(GG). Tex. Rules Disciplinary P. R. 1.06(V). Texas Rule of Disciplinary Procedure 1.06(GG) defines a “Serious Crime” as barratry; *any felony involving moral turpitude*; any misdemeanor involving theft, embezzlement, or fraudulent or reckless misappropriation of money or other property; or any attempt, conspiracy, or solicitation of another to commit any of the foregoing crimes. Tex. Rules Disciplinary P. R. 1.06(GG) (*emphasis added*).

Both of Respondent’s convictions are third-degree felonies, meeting 1.06(GG) requirement that the “serious crime” involve a felony. The only thing left to determine is whether Respondent’s convictions qualify as crimes of moral turpitude. Thankfully, Texas Courts have definitively answered the question as to both charges: Assault of a Pregnant Person and/or Attempted Injury of a Child Under 15 with Bodily Injury.

As previously argued, the determination of whether a particular crime involves moral turpitude is a question of law. *Duncan v. Bd. of Disciplinary Appeals*, 898 S.W.2d 759 at 761. Courts have repeatedly held that a crime of moral turpitude is one that involves dishonesty, fraud, deceit, misrepresentation, deliberate violence, or that reflect adversely on a lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects. *Duncan v. Bd. of Disciplinary Appeals*, 898 S.W.2d 759 at 761. *See also State Bar of Tex. v. Heard*, 603 S.W.2d 829, 835 (Tex. 1980) (holding [i]t is clear from our cases that the term “moral turpitude” connotes a fraudulent or dishonest intent, and that a crime in which an intent to defraud is an element is a crime involving moral turpitude.).

Texas courts have repeatedly held that assault by a man against a woman is an offense involving moral turpitude, and, specifically, that assault by a man against his wife involves moral turpitude. *Hardeman v. State*, 868 S.W.2d 404, 405–07 (Tex. App.—Austin 1993, pet. granted),

See also Lloyd v. State, 151 Tex.Crim. 43, 204 S.W.2d 633, 634 (1947); *Stewart v. State*, 100 Tex.Crim. 566, 272 S.W. 202, 203 (1925); *Curtis v. State*, 46 Tex.Crim. 480, 81 S.W. 29, 30 (1904); *see also Crawford v. State*, 412 S.W.2d 57, 59 (Tex.Crim.App.1967). The *Hardeman* court also held that “an assault by a man against a woman is generally regarded by the members of our society as more morally culpable than some other types of assaultive crimes.” *Hardeman v. State*, 868 S.W.2d at 407. Accordingly, Respondent’s conviction of Assault of a Pregnant Person is a felony crime of moral turpitude and therefore a Serious Crime as defined by Texas Rule 1.06(GG). Tex. Rules Disciplinary P. R. 1.06(GG).

In regards to Respondent’s conviction of Attempted Assault of a Child Under 15 with Bodily Injury, Texas courts have held that, “as with assaults committed against women, an assault committed against a child is ‘generally regarded by the members of our society as more morally culpable’ and that this offense involves conduct that is ‘knowingly contrary’ to ‘good morals.’” *Campos v. State*, 458 S.W.3d 120, 149 (Tex. App.—Houston [1st Dist.] 2015), petition for discretionary review granted, judgment vacated, 466 S.W.3d 181 (Tex. Crim. App. 2015), *See also Hardeman*, 868 S.W.2d at 407; *see also Escobedo*, 202 S.W.3d at 848 (defining “moral turpitude” as involving conduct committed “knowingly contrary to ... good morals”). Consequently, Respondent’s conviction of Attempted Assault of a Child Under 15 with Bodily Injury is likewise a crime of moral turpitude.

For these reasons, it is clear that both of Respondent’s convictions constitute Serious Crimes as defined by Texas Rules of Disciplinary Procedure 1.06(GG). Tex. Rules Disciplinary P. R. 1.06(GG).

b. Respondent’s convictions of Assault of a Pregnant Person and Attempted Injury of a Child Under 15 with Bodily Injury constitute Intentional Crimes

Texas Rule of Disciplinary Procedure 1.06(V) defines an “Intentional Crime” as any “Serious Crime” that requires proof of knowledge or intent as an essential element or any crime involving misapplication of money or other property held as a fiduciary. Tex. Rules Disciplinary P. R. 1.06(V). As argued, Respondent’s convictions are “Serious Crimes,” and this Board must now determine if Respondent’s convictions also constitute “Intentional Crimes,” as defined under the rules.

The elements of the crime of Assault of a Pregnant Person are enumerated in Texas Penal Code § 22.01: [a] person commits an offense of assault if the person *intentionally, knowingly, or recklessly* causes bodily injury to another, including the person's spouse. Tex. Pen. Code Ann. §22.01(a)(1) (*emphasis added*). Further, an offense under Subsection (a)(1) is a Class A misdemeanor, except that the offense *is a felony of the third degree if the offense is committed against a person the actor knows is pregnant at the time of the offense*. Tex. Pen. Code Ann. §22.01(b)(8)(*emphasis added*).

The elements of the crime of Attempted Injury of a Child Under 15 with Bodily Injury are defined by Texas Penal Code Section 22.04(a)(1): [a] person commits an offense if he intentionally, knowingly, recklessly, or with criminal negligence, by act or intentionally, knowingly, or recklessly by omission, causes to a child, elderly individual, or disabled individual: (1) serious bodily injury; (2) serious mental deficiency, impairment, or injury; or (3) bodily injury. Tex. Pen. Code Ann. §22.04(a)(1). Further, code provision 22.04(e) states that an offense under subsection 22.04(a)(1) is a felony of the first degree when the conduct is committed intentionally or knowingly, and a second-degree felony when the conduct is engaged in recklessly. Tex. Pen. Code Ann. §22.04(e) However, when an offense is attempted, and not completed, the charge is one category lower than the offense attempted. Tex. Pen. Code Ann. § 15.01(a) – (b).

The criminal indictment in Case No. 177210601010, for Assault of a Pregnant Person against Respondent, reads as follows: on or about March 17, 2022, [Respondent] did then and there unlawfully, *intentionally and knowingly* cause bodily injury to Catherine Herring. *Petitioner's EX 1 (emphasis added)*. Similarly, the criminal indictment in Case No. 179893201010, for Attempted Injury to a Child under 15 with Bodily Injury, reads: on or about March 17, 2022, [Respondent] did then and there *unlawfully and intentionally*, with the specific intent to commit the offense of Injury to a Child Serious Bodily Injury of J. G. H.... do an act, to-wit: intentionally and knowingly attempt to cause serious bodily injury to...a child young than 15 years of age. *Petitioner's EX 2(emphasis added)*.

As is shown in all of the corresponding documentation, Respondent intentionally and knowingly committed his actions in pursuit of harming his family members. Therefore, Respondent's convictions meet the requirements of both "Serious" and "Intentional" crimes as defined by the Texas Rules of Disciplinary Procedure and he is subject to Compulsory Discipline.

B. Respondent is subject to disbarment.

Rule 8.05 of the Texas Rules of Procedural Discipline states that "[w]hen an attorney has been convicted of an Intentional Crime, and that conviction has become final, or the attorney has accepted probation with or without an adjudication of guilt for an Intentional Crime, the attorney *shall be disbarred* unless the Board of Disciplinary Appeals, under Rule 8.06, suspends his or her license to practice law. Tex. Rules Disciplinary P. R. 8.05 (*emphasis added*). Rule 8.06 further states that "[i]f an attorney's sentence upon conviction of a Serious Crime is fully probated, or if an attorney receives probation through deferred adjudication in connection with a Serious Crime, the attorney's license to practice law shall be suspended during the term of probation. If an attorney is suspended during the term of probation, the suspension shall be conditioned upon the attorney's

satisfactorily completing the terms of probation. If probation is revoked, the attorney shall be disbarred. An early termination of probation does not result in reinstatement until the entire probationary period, as originally assessed, has expired. Tex. Rules Disciplinary P. R. 8.05.

In the current instance, Respondent was ordered to 180 days in the County Jail as a condition of his community supervision. Ergo, Respondent's punishment is not fully probated as Respondent was incarcerated for a period of time. Therefore, Respondent should not be eligible for a probated suspension as opposed to disbarment. However, in the event that this Board finds that Respondent is eligible for probation, the magnitude and severity of Respondent's actions are such that Respondent should not be considered for probation as opposed to disbarment. For these reasons, Petitioner asks that Respondent be disbarred.

IV. Conclusion

As shown, Respondent pleaded guilty to two separate third-degree felonies in the form of Assault on a Pregnant Person and Attempted Injury of a Child Under 15 with Bodily Injury. *See EXs 1 – 4, 6.* Respondent's convictions are final and both are Serious and Intentional Crimes, subject to Compulsory Discipline. Accordingly, and subject to all of Petitioner's arguments, Petitioner asks that Respondent be disbarred.

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

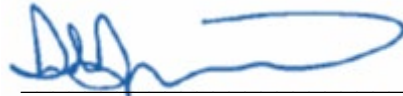
Austin, Texas 78711-2487
512.427.1350 Phone
512.427.4253 Fax
akates@texasbar.com Email

/s/ Amanda M. Kates
Amanda M. Kates
State Bar Card No. 24075987

ATTORNEYS FOR PETITIONER

CERTIFICATE OF SERVICE

I hereby certify that on the 31st day of July, 2024, a true and correct copy of the above document was served on Respondent through his counsel of record, Harry G. Potter III, The Potter Law Firm, PLLC, 8441 Gulf Freeway, Suite 600, Houston, Texas 77017-5066 at hpotter@thepotterlawfirm.com.



Amanda M. Kates

B

THE STATE OF TEXAS
VS.
MASON WILLIAM HERRING
711 HOLY ROOD LN
HOUSTON, TX 77024

SPN: 03145091
DOB: W M 11/10/1984
DATE PREPARED: 11/3/2022

D.A. LOG NUMBER: 2841402
CJIS TRACKING NO.:
BY: AO DA NO: 1978003
AGENCY: HPD
O/R NO: 055530122
ARREST DATE: TO BE

NCIC CODE: 139986
RELATED CASES: SD-2 CHARGES
FELONY CHARGE: ASSAULT OF PREGNANT PERSON

CAUSE NO: 1772106
HARRIS COUNTY DISTRICT COURT NO: 185
FIRST SETTING DATE:

COURT ORDERED BAIL:
PRIOR CAUSE NO:
CHARGE SEQ NUM: 2

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

The duly organized Grand Jury of Harris County, Texas, presents in the District Court of Harris County, Texas, that in Harris County, Texas, **MASON WILLIAM HERRING**, hereafter styled the Defendant, heretofore on or about **March 17, 2022**, did then and there unlawfully, intentionally and knowingly cause bodily injury to Catherine Herring, hereinafter called the Complainant, by placing a substance containing the drug Misoprostol into a liquid and giving it to the Complainant to ingest, and at the time of the assault the defendant knew the complainant was pregnant.

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FILED
Marilyn Burgess
District Clerk

NOV 04 2022

Time: 1:300
Harris County, Texas
By: [Signature]
Deputy

EXHIBIT
1

Foreman

351st

Kay Kero

AGAINST THE PEACE AND DIGNITY OF THE STATE.

FOREMAN OF THE GRAND JURY

INDICTMENT



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this February 12, 2024

Certified Document Number: 104963122 Total Pages: 1

Marilyn Burgess, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 51.301 and 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com

THE STATE OF TEXAS
VS.
MASON WILLIAM HERRING
711 HOLY ROOD LN
HOUSTON, TX 77024

SPN: 03145091 -999
DOB: W M 11/10/1984 ✓
DATE PREPARED: 12/13/2022

D.A. LOG NUMBER: 2897804
CJIS TRACKING NO.: 9269697193D001
BY: AO DA NO: 1978003
AGENCY: HPD
O/R NO: 055530122
ARREST DATE: TO BE

NCIC CODE: 139933

RELATED CASES: RID: 1772105

FELONY CHARGE: Attempted Injury to Child SBI

CAUSE NO: 1798932
HARRIS COUNTY DISTRICT COURT NO: 185
FIRST SETTING DATE:

COURT ORDERED BAIL: \$TO BE SET BY
JUDGE
PRIOR CAUSE NO:
CHARGE SEQ NUM: 1

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

The duly organized Grand Jury of Harris County, Texas, presents in the District Court of Harris County, Texas, that in Harris County, Texas, **MASON WILLIAM HERRING**, hereafter styled the Defendant, heretofore on or about **March 17, 2022**, did then and there unlawfully, The duly organized Grand Jury of Harris County, Texas, presents in the District Court of Harris County, Texas, that in Harris County, Texas, **MASON WILLIAM HERRING**, hereafter styled the Defendant, heretofore on or about March 17, 2022, did then and there unlawfully and intentionally, with the specific intent to commit the offense of Injury to a Child Serious Bodily Injury of J. G. H., hereafter styled the Complainant, do an act, to-wit: intentionally and knowingly attempt to cause serious bodily injury to the Complainant, a child younger than fifteen years of age, by placing a substance containing the drug Misoprostol into a liquid and giving that liquid to Catherine Herring, hereinafter referred to as the mother of the Complainant, to ingest, knowing that the Mother of the Complainant was pregnant with the Complainant, which amounted to more than mere preparation that tended to but failed to effect the commission of the offense intended.

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FILED

Marilyn Burgess
District Clerk

DEC 14 2022

Time: 12:30
Harris County, Texas

By: NLO Deputy 180th
Foreman



AGAINST THE PEACE AND DIGNITY OF THE STATE.

FOREMAN OF THE GRAND JURY

INDICTMENT

EXHIBIT
2



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this February 12, 2024

Certified Document Number: 105581966 Total Pages: 1

Marilyn Burgess, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 51.301 and 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com



CAUSE NO. 177210601010

INCIDENT NO. /TRN: 9269697193A001

THE STATE OF TEXAS

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§
§

IN THE 185TH DISTRICT

V.

COURT

HERRING, MASON WILLIAM

HARRIS COUNTY, TEXAS

STATE ID No.:TX18908622

JUDGMENT OF CONVICTION BY COURT—WAIVER OF JURY TRIAL

Judge Presiding: ANDREA BEALL

Date Sentence Imposed: 2/7/2024

Attorney for State: ABNER, STEPHANY

Attorney for Defendant: COGDELL, DAN LAMAR

Offense for which Defendant Convicted:

ASSAULT OF PREGNANT PERSON

Charging Instrument:

Statute for Offense:

INDICTMENT

Date of Offense:

Plea to Offense:

3/17/2022

GUILTY

Degree of Offense:

Findings on Deadly Weapon:

3RD DEGREE FELONY

N/A

Terms of Plea Bargain (if any): or [] Terms of Plea Bargain are attached and incorporated herein by this reference.

10 YEARS TDC PROBATED 10 YEARS

Reduced from: N/A

1st Enhancement

Finding on 1st Enhancement

Paragraph: N/A

Paragraph: N/A

2nd Enhancement

Finding on 2nd Enhancement

Paragraph: N/A

Paragraph: N/A

[X] SENTENCE OF CONFINEMENT SUSPENDED, DEFENDANT PLACED ON COMMUNITY SUPERVISION FOR 10 YEARS.

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

Punishment and Place of Confinement:

10 YEARS TDCJ, CORRECTIONAL INSTITUTIONS DIVISION

DATE SENTENCE COMMENCES:

N/A

THIS SENTENCE SHALL RUN:

CONCURRENT

(Date does not apply to confinement served as a condition of community supervision.)

Fines:

Restitution:

Restitution Payable to: N/A

\$ N/A

\$ N/A

(See special finding or order of restitution which is incorporated herein by this reference.)

Court Costs:

Reimbursement Fees:

\$ 290.00

\$ 110.00

[] 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 .

Total Jail Time

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

Credit:

DAYS

NOTES: N/A

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

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

Counsel / Waiver of Counsel (select one)

[X] Defendant appeared with counsel.



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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. Defendant waived the right of trial by jury and entered the plea indicated above. It appeared to the Court that Defendant was mentally competent to stand trial, made the plea freely and voluntarily, and was aware of the consequences of the plea. The Court received the plea and entered it of record. After hearing the evidence submitted, if any, the Court **ADJUDGES** Defendant **GUILTY** of the offense indicated above. 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.

Having been convicted of the offense designated above, the Court **ORDERS** Defendant punished as indicated above and to pay the fine, 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.

County Jail—State Jail Felony Conviction. Pursuant to §12.44(a), Tex. Penal Code, the Court **FINDS** that the ends of justice are best served by imposing confinement permissible as punishment for a Class A misdemeanor instead of a state jail felony. Accordingly, Defendant will serve punishment in the county jail as indicated above. The Court **ORDERS** Defendant committed to the custody of the County Sheriff immediately or on the date the sentence commences. 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 **180** days in **the County Jail** 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.) \$ as assessed as a Cond. CS (\$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.) \$ As assessed in Cond of CS (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.) \$ as assessed as a Cond. CS. (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.

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Furthermore, the following special findings or orders apply:

The Court enters an affirmative finding that the Defendant has been found guilty of a felony. **APPEAL WAIVED, NO PERMISSION TO APPEAL GRANTED.**

SEE THE ATTACHED FIREARM ADMONISHMENT

Fine in Lieu of DL Suspension.

DEF TO SERVE 180 DAYS HCJ AS A COP BEG 03/01/24

FAMILY VIOLENCE:

THE COURT FINDS THAT DEFENDANT WAS PROSECUTED FOR AN OFFENSE UNDER TITLE 5 OF THE PENAL CODE THAT INVOLVED FAMILY VIOLENCE. TEX. CODE CRIM. PROC. ART. 42.013..

Date Judgment Entered: February 7, 2024

X 

ANDREA BEALL

JUDGE PRESIDING

Clerk: C CZEPINSKI

Notice of Appeal Filed: _

Mandate Received: _____ Type of Mandate: _____

After Mandate Received, Sentence to Begin Date is: _____

Jail Credit: _____ DAYS



Thumbprint

Case Number: 1772106 Court: 185TH Defendant: **HERRING, MASON WILLIAM**

WRITTEN ADMONITION ON INELIGIBILITY TO POSSESS FIREARM OR AMMUNITION

In accordance with Texas Administrative Code §176.1, the Court hereby admonishes you of the following:

1. You are, by entry of order or judgment, ineligible under Texas law to possess a firearm or ammunition.
2. Beginning now, if you possess a firearm or ammunition it could lead to charges against you. If you have questions about how long you will be ineligible to possess a firearm or ammunition, you should consult an attorney.
3. Under Texas Penal Code §46.01(3):
 - a. **“Firearm”** means any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use
 - b. **“Firearm”** does not include a firearm that may have, as an integral part, a folding knife blade or other characteristics of weapons made illegal by Penal Code Chapter 46 and that is (1) an antique or curio firearm manufactured before 1899 or (2) a replica of an antique or curio firearm manufactured before 1899 but only if the replica does not use rim fire or center fire ammunition.

The statutes listed below are a starting point for ineligibility to possess a firearm or ammunition. For more information about the laws that make you ineligible to possess a firearm or ammunition, or for more information on how long your ineligibility to possess a firearm or ammunition lasts, the Court recommends you contact an attorney.

- Code of Criminal Procedure Article 17.292 – Magistrate’s Order for Emergency Protection
- Code of Criminal Procedure Article 42.0131 – Notice for Persons Convicted of Misdemeanors

Involving Family Violence

- Penal Code §46.02 – Unlawful Carrying Weapons
- Penal Code §46.04 – Unlawful Possession of Firearm
- Penal Code §25.07 – Violation of Certain Court Orders or Conditions of Bond in a Family Violence, Child Abuse or Neglect, Sexual Assault or Abuse, Indecent Assault, Stalking, or Trafficking Case
- Family Code §85.026 – Warning on Protective Order

DATE: 02/07/2024

DEFENDANT: 

CASE NUMBER: 177210601010

DEFENDANT NAME: HERRING, MASON WILLIAM

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STATE OF TEXAS
VS.
MASON WILLIAM HERRING

185TH DISTRICT COURT
OF
HARRIS COUNTY, TEXAS

CONDITIONS OF COMMUNITY SUPERVISION

On this the 7th day of February, 2024, you are sentenced to 10 years confinement in the TEXAS DEPARTMENT OF CRIMINAL JUSTICE INSTITUTIONAL DIVISION probated to 10 years community supervision for the FELONY - LEVEL 3 offense of ASSAULT OF PREGNANT PERSON in accordance with Article 42A, Texas Code of Criminal Procedure, in the 185TH DISTRICT COURT of Harris County, Texas, by the Honorable Andrea Beall Judge Presiding. It is the order of this Court that you abide by the following Conditions of Community Supervision:

1. Commit no offense against the laws of this or any other State or of the United States. You are to report any arrests within 24 hours.
2. Not use, possess, or consume any illegal drug or prescription drug not currently prescribed to you by a medical professional. You shall bring all current prescription containers to your Community Supervision Officer. If new medication is prescribed, you must bring the new prescription containers by your next scheduled report date.
3. Report to the Community Supervision Officer as directed for the remainder of the supervision term unless so ordered differently by the Court.
4. Permit a Community Supervision Officer to visit you at your home, place of employment or elsewhere.
5. Work at suitable employment and/or attend school full-time. Present either verification of employment or provide a log of all attempts to secure employment to your Community Supervision Officer as directed. You must notify HCCSCD of any change in your employment status by your next scheduled reporting date.
6. Abide by the rules and regulations of the Harris County Community Supervision and Corrections Department (hereinafter referred to as HCCSCD).
7. Remain within Harris County, Texas or any counties directly touching Harris County, Texas. You may not travel outside these locations unless you receive prior written permission from the Court through your Community Supervision Officer.
8. Notify HCCSCD by your next report date of any change in residence.
9. Submit a non-diluted, valid, unaltered sample for the purpose of alcohol/drug monitoring at the request of the HCCSCD.
10. Support your dependents as required by law. Provide your Community Supervision Officer with proof that you are in compliance with all court-ordered support of dependents.
11. Not ship, transport, possess, receive, or purchase a firearm, altered firearm, or ammunition, or attempt to ship, transport, possess, receive, or purchase a firearm, altered firearm, or ammunition.

CONDITIONS OF COMMUNITY SUPERVISION

Defendant Mason William Herring

Cause 177210601010

12. Pay all fees through HCCSCD. All payments MUST be in the form of a Money Order, Cashier's Check or credit card. Online payments may be made with a credit card at PAYCSCD.COM. A \$2.00 transaction fee will be charged by HCCSCD to process each payment.
13. Pay a fine of \$.00 and Court Costs at the rate of \$45.00 per month beginning 02/07/2025 to Harris County through HCCSCD. Court grants credit for 0 days served.
14. Submit to an assessment through HCCSCD Assessment Unit as directed. Participate and successfully complete any program(s) as indicated by the assessment or until further order of the court.
15. Submit to an evaluation of your Educational skill level by 02/07/2025. If it is determined that you have not attained the average skill of students who have completed the sixth grade in public schools in this State, you shall participate in a program that teaches functionally illiterate persons to read. If you are non-English speaking, you will participate in English as a Second Language (ESL) program, if it is determined there is a need in order for you to meet the state mandate beginning upon referral until successfully discharged or released by further order of the Court.
16. Participate in a domestic violence treatment program, specifically a Batterer Intervention Prevention Program (BIPP), beginning 02/07/2025.
17. Not use, consume, or possess alcoholic beverages.
18. Have no contact with CATHERINE PRESSLY HERRING & J.H. in person, in writing, by telephone, via the internet, a third party or any other means for any reason except as specifically permitted by the Court.
19. Serve 180 DAYS of confinement in the Harris County Jail or otherwise directed by the court beginning 03/01/2024.
20. NO POSSESSION OF FIREARMS OR AMMUNITION.
21. CLIENT SHALL HAVE NO CONTACT W/ CATHERINE PRESSLY HERRING & J.H. OUTSIDE OF FAMILY COURT ORDERS.

CONDITIONS OF COMMUNITY SUPERVISION

Defendant Mason William Herring

Cause 177210601010

I understand that under the laws of this State, the Court shall determine the terms and conditions of Community Supervision, and may alter or modify said conditions during the period of Community Supervision. I further understand that failure to abide by these Conditions of Community Supervision may result in the revocation of Community Supervision or an adjudication of guilt.

Court Directive for Release

[Empty rectangular box for Court Directive for Release]

Community Supervision expires on February 6, 2034.



SIGN

Mason William Herring
Defendant

02/07/2024
Date Signed

Signed this the February 7, 2024.



SIGN

Andrea Beall
Presiding Judge

 _____

Court Liaison Officer

02/07/2024
Date Signed

SPN 03145091

Plea Guilty



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this February 12, 2024

Certified Document Number: 112656239 Total Pages: 7

Marilyn Burgess, DISTRICT CLERK
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 51.301 and 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com



CAUSE NO. 179893201010

INCIDENT NO. /TRN: 9269697193D001

THE STATE OF TEXAS

§
§
§
§
§
§
§

IN THE 185TH DISTRICT

v.

COURT

HERRING, MASON WILLIAM

HARRIS COUNTY, TEXAS

STATE ID No.:TX18908622

JUDGMENT OF CONVICTION BY COURT—WAIVER OF JURY TRIAL

Judge Presiding: ANDREA BEALL

Date Sentence Imposed: 2/7/2024

Attorney for State: ABNER, STEPHANY

Attorney for Defendant: COGDELL, DAN LAMAR

Offense for which Defendant Convicted:

INJURY CHILD UNDER 15 B/INJURY (3802 49)

Charging Instrument:

Statute for Offense:

INDICTMENT

Date of Offense:

Plea to Offense:

3/17/2022

GUILTY

Degree of Offense:

Findings on Deadly Weapon:

3RD DEGREE FELONY

N/A

Terms of Plea Bargain (if any): or [] Terms of Plea Bargain are attached and incorporated herein by this reference.

10 YEARS TDC PROBATED FOR 10 YEARS

Reduced from: 2ND DEGREE

1st Enhancement

Finding on 1st Enhancement

Paragraph: N/A

Paragraph: N/A

2nd Enhancement

Finding on 2nd Enhancement

Paragraph: N/A

Paragraph: N/A

[X] SENTENCE OF CONFINEMENT SUSPENDED, DEFENDANT PLACED ON COMMUNITY SUPERVISION FOR 10 YEARS.

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

Punishment and Place of Confinement:

10 YEARS TDCJ, CORRECTIONAL INSTITUTIONS DIVISION

DATE SENTENCE COMMENCES:

N/A

THIS SENTENCE SHALL RUN:

CONCURRENT

(Date does not apply to confinement served as a condition of community supervision.)

Fines:

Restitution:

Restitution Payable to: N/A

\$ N/A

\$ N/A

(See special finding or order of restitution which is incorporated herein by this reference.)

Court Costs:

Reimbursement Fees:

\$ 290.00

\$ 80.00

[] 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 .

Total Jail Time

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

Credit:

DAYS

NOTES: N/A

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

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

Counsel / Waiver of Counsel (select one)

[X] Defendant appeared with counsel.



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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. Defendant waived the right of trial by jury and entered the plea indicated above. It appeared to the Court that Defendant was mentally competent to stand trial, made the plea freely and voluntarily, and was aware of the consequences of the plea. The Court received the plea and entered it of record. After hearing the evidence submitted, if any, the Court **ADJUDGES** Defendant **GUILTY** of the offense indicated above. 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.

Having been convicted of the offense designated above, the Court **ORDERS** Defendant punished as indicated above and to pay the fine, 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.

County Jail—State Jail Felony Conviction. Pursuant to §12.44(a), Tex. Penal Code, the Court **FINDS** that the ends of justice are best served by imposing confinement permissible as punishment for a Class A misdemeanor instead of a state jail felony. Accordingly, Defendant will serve punishment in the county jail as indicated above. The Court **ORDERS** Defendant committed to the custody of the County Sheriff immediately or on the date the sentence commences. 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 **180** days in **the County Jail** 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.) \$ as assessed as a Cond. CS (\$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.) \$ As assessed in Cond of CS (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.) \$ as assessed as a Cond. CS. (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.

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Furthermore, the following special findings or orders apply:

The Court enters an affirmative finding that the Defendant has been found guilty of a felony. **APPEAL WAIVED, NO PERMISSION TO APPEAL GRANTED.**

SEE THE ATTACHED FIREARM ADMONISHMENT

Fine in Lieu of DL Suspension.

DEF TO SERVE 180 DAYS HCJ AS A COP BEG 3/1/24. FAMILY VIOLENCE, TEX. CODE CRIM. PROC. ART. 42.013

THE COURT ENTERS AN AFFIRMATIVE FINDING THAT DEFENDANT'S OFFENSE INVOLVED FAMILY VIOLENCE, AS DEFINED BY SECTION 71.008, FAMILY CODE..

Date Judgment Entered: February 7, 2024

X 

ANDREA BEALL

JUDGE PRESIDING

Clerk: E HALLIGAN

Notice of Appeal Filed: _

Mandate Received: _____ Type of Mandate: _____

After Mandate Received, Sentence to Begin Date is: _____

Jail Credit: _____ DAYS



Thumbprint

Case Number: 1798932 Court: 185TH Defendant: **HERRING, MASON WILLIAM**

WRITTEN ADMONITION ON INELIGIBILITY TO POSSESS FIREARM OR AMMUNITION

In accordance with Texas Administrative Code §176.1, the Court hereby admonishes you of the following:

1. You are, by entry of order or judgment, ineligible under Texas law to possess a firearm or ammunition.
2. Beginning now, if you possess a firearm or ammunition it could lead to charges against you. If you have questions about how long you will be ineligible to possess a firearm or ammunition, you should consult an attorney.
3. Under Texas Penal Code §46.01(3):
 - a. “**Firearm**” means any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use
 - b. “**Firearm**” does not include a firearm that may have, as an integral part, a folding knife blade or other characteristics of weapons made illegal by Penal Code Chapter 46 and that is (1) an antique or curio firearm manufactured before 1899 or (2) a replica of an antique or curio firearm manufactured before 1899 but only if the replica does not use rim fire or center fire ammunition.

The statutes listed below are a starting point for ineligibility to possess a firearm or ammunition. For more information about the laws that make you ineligible to possess a firearm or ammunition, or for more information on how long your ineligibility to possess a firearm or ammunition lasts, the Court recommends you contact an attorney.

- Code of Criminal Procedure Article 17.292 – Magistrate’s Order for Emergency Protection
- Code of Criminal Procedure Article 42.0131 – Notice for Persons Convicted of Misdemeanors Involving Family Violence
- Penal Code §46.02 – Unlawful Carrying Weapons
- Penal Code §46.04 – Unlawful Possession of Firearm
- Penal Code §25.07 – Violation of Certain Court Orders or Conditions of Bond in a Family Violence, Child Abuse or Neglect, Sexual Assault or Abuse, Indecent Assault, Stalking, or Trafficking Case
- Family Code §85.026 – Warning on Protective Order

DATE: 02/07/2024

DEFENDANT: 

CASE NUMBER: 179893201010

DEFENDANT NAME: HERRING, MASON WILLIAM

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STATE OF TEXAS
VS.
MASON WILLIAM HERRING

185TH DISTRICT COURT
OF
HARRIS COUNTY, TEXAS

CONDITIONS OF COMMUNITY SUPERVISION

On this the 7th day of February, 2024, you are sentenced to 10 years confinement in the TEXAS DEPARTMENT OF CRIMINAL JUSTICE INSTITUTIONAL DIVISION probated to 10 years community supervision for the FELONY - LEVEL 3 offense of ATT INJ CHILD/ELD/DIS W/INT SBI in accordance with Article 42A, Texas Code of Criminal Procedure, in the 185TH DISTRICT COURT of Harris County, Texas, by the Honorable Andrea Beall Judge Presiding. It is the order of this Court that you abide by the following Conditions of Community Supervision:

1. Commit no offense against the laws of this or any other State or of the United States. You are to report any arrests within 24 hours.
2. Not use, possess, or consume any illegal drug or prescription drug not currently prescribed to you by a medical professional. You shall bring all current prescription containers to your Community Supervision Officer. If new medication is prescribed, you must bring the new prescription containers by your next scheduled report date.
3. Report to the Community Supervision Officer as directed for the remainder of the supervision term unless so ordered differently by the Court.
4. Permit a Community Supervision Officer to visit you at your home, place of employment or elsewhere.
5. Work at suitable employment and/or attend school full-time. Present either verification of employment or provide a log of all attempts to secure employment to your Community Supervision Officer as directed. You must notify HCCSCD of any change in your employment status by your next scheduled reporting date.
6. Abide by the rules and regulations of the Harris County Community Supervision and Corrections Department (hereinafter referred to as HCCSCD).
7. Remain within Harris County, Texas or any counties directly touching Harris County, Texas. You may not travel outside these locations unless you receive prior written permission from the Court through your Community Supervision Officer.
8. Notify HCCSCD by your next report date of any change in residence.
9. Submit a non-diluted, valid, unaltered sample for the purpose of alcohol/drug monitoring at the request of the HCCSCD.
10. Support your dependents as required by law. Provide your Community Supervision Officer with proof that you are in compliance with all court-ordered support of dependents.
11. Not ship, transport, possess, receive, or purchase a firearm, altered firearm, or ammunition, or attempt to ship, transport, possess, receive, or purchase a firearm, altered firearm, or ammunition.



CONDITIONS OF COMMUNITY SUPERVISION

Defendant Mason William Herring

Cause 179893201010

12. Pay all fees through HCCSCD. All payments MUST be in the form of a Money Order, Cashier's Check or credit card. Online payments may be made with a credit card at PAYCSCD.COM. A \$2.00 transaction fee will be charged by HCCSCD to process each payment.
13. Pay a Supervision Fee at the rate of \$60.00 per month for the duration of your community supervision beginning 02/07/2025 to HCCSCD.
14. Pay a \$12.50 fee for a Client Card by 02/07/2025 to HCCSCD if the client does not have a valid state issued Driver's License or Texas ID Card.
15. Pay a fine of \$.00 and Court Costs at the rate of \$45.00 per month beginning 02/07/2025 to Harris County through HCCSCD. Court grants credit for 0 days served.
16. Pay \$10.00 per month to cover expenses of drug testing beginning 02/07/2025.
17. Report in person to HCCSCD to provide a DNA sample to the Department of Public Safety at the direction of and through HCCSCD for the purpose of creating a DNA Record by 02/07/2025 and pay a fee by this date of \$25.00 unless a sample has already been submitted under other state law.
18. Submit to an assessment through HCCSCD Assessment Unit as directed. Participate and successfully complete any program(s) as indicated by the assessment or until further order of the court.
19. Pay a one-time fee of \$100.00 to HCCSCD for the purpose of screening and assessment.
20. Submit to an evaluation of your Educational skill level by 02/07/2025. If it is determined that you have not attained the average skill of students who have completed the sixth grade in public schools in this State, you shall participate in a program that teaches functionally illiterate persons to read. If you are non-English speaking, you will participate in English as a Second Language (ESL) program, if it is determined there is a need in order for you to meet the state mandate beginning upon referral until successfully discharged or released by further order of the Court.
21. Participate in a domestic violence treatment program, specifically a Batterer Intervention Prevention Program (BIPP), beginning 02/07/2025.
22. Serve 180 DAYS of confinement in the Harris County Jail or otherwise directed by the court beginning 03/01/2024.
23. Not use, consume, or possess alcoholic beverages.
24. Have no contact with CATHERINE PRESSLY HERRING & J.H. in person, in writing, by telephone, via the internet, a third party or any other means for any reason except as specifically permitted by the Court.
25. NO POSSESSION OF FIREARMS OR AMMUNITION.

CONDITIONS OF COMMUNITY SUPERVISION

Defendant **Mason William Herring**

Cause **179893201010**

26. CLIENT SHALL HAVE NO CONTACT W/ CATHERINE PRESSLY HERRING & J.H. OUTSIDE OF FAMILY COURT ORDERS.

CONDITIONS OF COMMUNITY SUPERVISION

Defendant Mason William Herring

Cause 179893201010

I understand that under the laws of this State, the Court shall determine the terms and conditions of Community Supervision, and may alter or modify said conditions during the period of Community Supervision. I further understand that failure to abide by these Conditions of Community Supervision may result in the revocation of Community Supervision or an adjudication of guilt.

Court Directive for Release

[Empty rectangular box for court directive]

Community Supervision expires on February 6, 2034.



SIGN

02/07/2024

Mason William Herring
Defendant

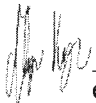
Date Signed

Signed this the February 7, 2024.



SIGN

Andrea Beall
Presiding Judge



_____ eys

Court Liaison Officer

02/07/2024

Date Signed

SPN 03145091

Plea Guilty



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this February 12, 2024

Certified Document Number: 112672787 Total Pages: 8

Marilyn Burgess, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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

**IN THE MATTER OF
MASON WILLIAM HERRING
STATE BAR CARD NO. 24071746**

§
§
§

CAUSE NO. 69030

PETTITIONER'S BRIEF IN SUPPORT OF COMPULSORY DISCIPLINE

THERE IS INTENTIONALLY NO EX. 5



THE STATE OF TEXAS
VS.
MASON WILLIAM HERRING
711 HOLY ROOD LN
HOUSTON TX 77024

SPN: **03145091**
DOB: **W M 11/10/1984**
DATE PREPARED: **05/25/2022**

D.A. LOG NUMBER: **2841402**
CJIS TRACKING NO.:
AGENCY: **HPD**
O/R NO: **055530122**
ARREST DATE: **TO BE**

NCIC CODE: **1399 86**

RELATED CASES: **SD-2 CHARGES**

FELONY CHARGE: **Assault**

CAUSE NO: **1772106**
HARRIS COUNTY DISTRICT COURT NO: **185**
FIRST SETTING DATE:

COURT ORDERED BAIL: **TO BE SET AT
MAGISTRATION**
PRIOR CAUSE NO:
CHARGE SEQ NUM **(2)**

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

Before me, the undersigned Assistant District Attorney of Harris County, Texas, this day appeared the undersigned affiant, who under oath says that he has good reason to believe and does believe that in Harris County, Texas, **MASON WILLIAM HERRING**, hereafter styled the Defendant, heretofore on or about **March 17, 2022**, did then and there unlawfully, intentionally and knowingly cause bodily injury to Catherine Herring, hereinafter called the Complainant, by placing a substance containing the drug Misoprostol into a liquid and giving it to the Complainant to ingest, and at the time of the assault the defendant knew the complainant was pregnant.

Probable Cause

Affiant A. Otero, a certified peace officer employed with the Houston Police Department as an Investigator in the Major Assaults and Family Violence Division, does solemnly swear that he has reason to believe and does believe that Mason Herring, a white male with date of birth November 10, 1984, did on or about March 17, 2022 commit the felony offenses of Assault on a Pregnant Person and Assault to Force Abortion in Harris County, Houston TX.

On April 27, 2022, Affiant received a walk-in complainant wishing to file a report. The complainant, identified as Catherine Herring and a person I found to be credible and reliable, wished to pursue charges against Defendant for suspected poisoning. Affiant conducted a digitally recorded interview with Complainant. The complainant stated that she knows Defendant by name and by sight as her husband of eleven years. Complainant stated that on February 22, 2022, she confronted Defendant about lying about his whereabouts and continuing conversation with another female he had previously told her that he had fired and that he was no longer speaking to her. Complainant stated that Defendant then told her that he wanted to separate and that his relationship with other female had changed and they were now sending flirtatious texts. Complainant stated that they separated and agreed to go to couples counseling. Complainant stated that Defendant left their home and began staying at an unknown location.

Complainant stated that shortly after that, she learned that she was pregnant and knew it was the Defendant's child because she had not been intimate with anyone else. On March 8, 2022, Complainant stated that she and Defendant were in a couples counseling session and she informed him that she was pregnant. Complainant stated that Defendant had a negative reaction and after that evening, he sent her text messages expressing that he was not happy about the pregnancy and did not know what to do. Complainant stated that Defendant stated that this would ruin his plans and make him look like a jerk. Complainant stated that the couples counselor suggested that they spend spring break together.

Complainant stated that from March 12 to March 16, 2022, she and Defendant spent spring break together in West Texas with their children. Complainant stated that during that time, Defendant began talking to her about her hydration, stating that she needed to drink more water.

Complainant stated that on March 17, 2022 at approximately 8:00am, Defendant came to her residence, located at 711 Holy Rood Lane, Houston, Harris County, Texas, and brought her breakfast and a cup full of water. Complainant stated that Defendant presented the cup of water and told her that she needed to drink more and that he would not leave until she drank the whole cup. Complainant stated that she drank out of the cup and stopped to take a breath, noticing that the water inside the cup appeared to be cloudy. Complainant stated that she questioned Defendant about this and he stated that perhaps the cup was dirty or the pipes were dirty. Complainant stated that Defendant then took the cup and left.

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Official

Complainant stated that approximately thirty minutes later, she became very ill. She stated that she was suffering from extreme painful cramping and had such an intense urge to have diarrhea that she was unable to make it to the bathroom in time before soiling herself. Complainant stated that she went back to bed and shortly after had to return to the restroom with more diarrhea. She stated that she then began to suspect that something had been placed in her drink and that perhaps it was some kind of abortion drug due to her symptoms and the Defendant's reaction to finding out that she was pregnant. Complainant stated that she had two more bouts of diarrhea and on the final time, she discovered that she was bleeding. Complainant stated that it was a large amount of blood, much like having her period. Complainant stated that she then went to the emergency room for treatment where she provided a urine sample and observed that it was nearly black in color. She stated that she continued bleeding until after leaving the hospital later that evening.

Complainant stated that on March 18, 2022 at her residence, Defendant attempted to give her another beverage in an orange sports bottle. Complainant stated that she did not drink from this beverage and saved it because she observed an unknown substance inside of the liquid.

Complainant stated that Defendant attempted to give her another drink on March 21, 2022 and March 22, 2022, again at her residence. Complainant stated that in both of these beverages, she observed an unknown substance in of the liquid. Complainant stated that the beverage provided by the Defendant on March 22, 2022 was a bottle of orange juice and she observed that the seal on the bottle was broken and the bottle had been opened before the Defendant gave it to her.

Complainant stated that on April 20, 2022, she invited witnesses Kelly Elliot and Patty Smolik to her residence due to being concerned about Defendant. Complainant stated that Defendant arrived at the residence to bring breakfast and take their child to school. She stated that he attempted to give her another beverage to drink even though she had two in front of her already. Complainant stated that she and both witnesses observed that the drink Defendant gave Complainant contained an unknown substance floating in it.

Complainant stated that on April 21, 2022, Defendant came to her residence and brought her a drink from Sonic that she observed to contain an unknown substance.

Complainant stated that she had cameras installed on the outside of her residence. She stated that on April 24, 2022, she observed on the cameras that Defendant had cleaned out his truck and took the trash to the curb. Complainant stated that this was out of character for Defendant as he does not do chores around the house. Complainant stated that when Defendant left residence, she went to the trash can to see what was inside. Complainant stated that she then found opened blister packs labeled as "Cyrux," which she discovered was a Mexican pharmacy version of the American drug Cytotec and the main ingredient of which is Misoprostol, a drug that the Complainant knows is used to cause abortion.

Complainant stated that on April 26, 2022, Defendant came to her residence and she observed him preparing her a beverage in the kitchen. Complainant stated that she observed Defendant pull a Ziploc bag out of his pocket, empty its contents into the beverage then gave the drink to her in her bedroom. Complainant stated that she again observed an unknown substance in the liquid.

Complainant stated that she did not drink any more of the drinks provided by Defendant besides the first one that resulted in the cramping, diarrhea and bleeding.

On May 4, 2022, Affiant conducted a digitally recorded interview with Dr. Jason Cooper, a credible and reliable person who is the Complainant's treating OBGYN. Dr. Cooper informed Affiant that the drug Misoprostol could be used to cause a miscarriage due to causing strong uterine contractions. He stated that taking the drug could terminate a pregnancy and thus kill any unborn child in the pregnant woman. He stated that the drug could also cause diarrhea and bleeding, which is consistent with the symptoms described and exhibited by the Complainant. He also stated that the drug could cause shortness of breath and heart, liver and renal necrosis. In his opinion, giving someone this drug in an unknown amount is an assault.

Affiant observed digitally recorded videos provided by Complainant. Affiant observed Defendant cleaning his truck and taking the trash out, consistent with the Complainant statements. Affiant also observed Defendant preparing a drink in the kitchen, taking a Ziploc bag out of his pocket, and emptying the contents into the drink. Affiant then observed Defendant pour in some cranberry juice and add water to the drink. Affiant also reviewed digital photographs provided by Complainant of the drinks that the Defendant provided to her. Affiant observed an unknown substance in all of the drinks Complainant stated were provided to her by Defendant.

Based on the information provided by the Complainant, Affiant obtained the Defendant's Texas driver's license #09177264 photo and presented it to the Complainant, who positively identified him as Mason William Herring, DOB 11/10/1984, and the person who provided her with multiple drinks that she believed contained a substance intended to cause her to abort her unborn child and caused painful cramping, diarrhea and bleeding after she consumed one of them.

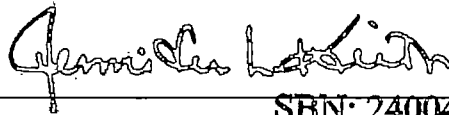
AGAINST THE PEACE AND DIGNITY OF THE STATE.

Signed and sworn by me on 5-25-22

Duly attested by me on 5-25-22

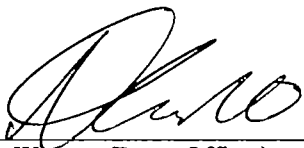


AFFIANT



SBN: 24004735

Assistant District Attorney
Harris County District Attorney's Office
TBC No.



Witness (Peace Officer)

Alejandro Camacho 05397

Witness Printed name & Badge or Payroll number

COMPLAINT

FILED
Marilyn Burgess
District Clerk

MAY 25 2022

Time: 12:30
Harris County, Texas

By: NLO
Deputy

1772106-185 ✓

COPY OF COMPLAINT/WARRANT DELIVERED TO
Officer's name: [Signature]
Police agency: HPD
Phone no: 05/25/2022 date/time: 13:45



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this February 12, 2024

Certified Document Number: 102151427 Total Pages: 4

Marilyn Burgess, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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