



**F I L E D**

**Aug 05 2022**

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

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

**IN THE MATTER OF**

**JESSE JOE PONCE III**

**TEXAS BAR NO. 24014329**

§  
§  
§  
§  
§

**No. 62308**

---

**MOTION TO WITHDRAW AS ATTORNEY OF RECORD**

---

**Ed Stapleton  
Ed Stapleton, Lawyer PLLC  
613 E. Saint Charles  
Brownsville, Texas 78520**

TO THE HONORABLE COURT:

COMES NOW Ed Stapleton attorney of record in the above cause, and makes this his Motion to Withdraw as Counsel in the above-styled and numbered causes, and for cause would show as follows:

I.

Withdrawal can be accomplished without material adverse effect on the interests of the client and without unnecessarily delaying the due administration of justice.

Since Ed Stapleton was first retained some three years ago, he has made many changes in his practice. Ed Stapleton has explained to Mr. Ponce that the last three years of aging and illness, Ed Stapleton no longer handles litigation cases outside of Cameron County or anything except criminal defense and appeals.

When the undersigned was retained, Mr. Ponce needed a lawyer quickly and had been unable to retain one in his case. Although this was not Ed Stapleton's usual area of practice, he accepted the case because Mr. Ponce was in immediate need of a lawyer.

Except for some sums defraying travel expenses, no fees have been paid to Ed Stapleton and in recent years, Mr. Ponce, unable to practice law, has been unable to contribute even to travel expenses.

Because Ed Stapleton practices in Cameron County, Texas, the cases on which Ed Stapleton has worked for Mr. Ponce have all involved travel.

Mr. Ponce and Ed Stapleton spoke to a lawyer who does most of his work with the Texas State Bar and is in Austin, and if Mr. Ponce hires him, he will be able to handle this case with fewer expenses.

Rehearing of this matter is set for October 28, 2022. Ed Stapleton is scheduled to try a murder case in the 357<sup>th</sup> on August 15, 2022, and a capital murder case on September 26, 2022. He anticipates the capital case will still be in trial on October 23, 2022, because it requires individual voir dire of the prospective jurors. As a result, Ed Stapleton does not believe he will be available for the upcoming setting.

Ed Stapleton requests leave to withdraw from this case. He has spoken to Mr. Ponce about this matter and by his affixed signature he indicates his agreement.

## II.

Continued representation of Mr. Ponce by counsel will result in prejudice to Mr. Ponce in that he will not receive effective assistance of counsel and/or a fair representation in this case because of Ed Stapleton's hectic criminal case load and capital murder/murder trial schedule.

## III.

A copy of this Motion and court order has been emailed to Mr. Ponce:

[joejponceiii@gmail.com](mailto:joejponceiii@gmail.com)

WHEREFORE, PREMISES CONSIDERED, Ed Stapleton, Movant, respectfully requests that the Court grant his motion and withdraw his name as attorney of record in the above styled and numbered cause.

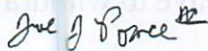
Respectfully submitted,

/s/ **ED STAPLETON**

---

**ED STAPLETON**  
Texas State Bar No. 19058400  
E-mail: [stapletonstapleton@icloud.com](mailto:stapletonstapleton@icloud.com)  
**Ed Stapleton, Lawyer P.L.L.C.**  
613 E. Saint Charles  
Brownsville, Texas 78520  
T: 956-504-0882  
F: 956-504-0814

DocuSigned by:



A7B7A7E3509E475

---

Joe Ponce, Appellant

### CERTIFICATE OF SERVICE

I certify that on this 5 day of August 2022, a true and correct copy of the foregoing document has been served in accordance with the Texas Rules of Civil Procedure to:

Michael G. Graham  
Appellate Counsel  
Office of the Chief Disciplinary Counsel State Bar of Texas  
P.O. Box 12487  
Austin, Texas 78711  
E-mail: [michael.graham@texasbar.com](mailto:michael.graham@texasbar.com)

/s/ **ED STAPLETON**

---

**ED STAPLETON**