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REPORTER'S RECORD
VOLUME 1 OF 1 VOLUMES
TRIAL COURT CAUSE NO. 13-CR-1365

STATE OF TEXAS,) IN THE DISTRICT COURT OF
)
Plaintiff,)
)
VS.) GALVESTON COUNTY, TEXAS
)
HON. CHRISTOPHER DUPUY,)
)
Defendant) 405TH JUDICIAL DISTRICT

SENTENCING HEARING

On the 19th day of September, 2013, the
Following proceedings came on to be heard in the
above-entitled and numbered cause before the Honorable
Ryan Patrick, Judge presiding, held in Galveston,
Galveston County, Texas:

Proceedings reported by Machine Shorthand.

A P P E A R A N C E S

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1 THE COURT: All right. We're here in Cause
2 Nos. 13-CR-1365; 13-CR-2027; State of Texas versus
3 Christopher Michael Dupuy. That's you, sir?

4 THE WITNESS: Yes, sir.

5 THE COURT: All right, sir. You have been
6 indicted on two charges here, one of the abuse of
7 official capacity, five hundred to fifteen hundred
8 dollars; that is a Class A misdemeanor, the range of
9 punishment of up to one year in the county jail and up
10 to a four-thousand-dollar fine. Do you understand that,
11 sir?

12 THE WITNESS: Yes, sir.

13 THE COURT: All right. You've also been
14 indicted with the felony offense of aggravated perjury.
15 There's a motion by the State to reduce this down to a
16 Class A misdemeanor offense of perjury, again a Class A
17 misdemeanor as a range of punishment up to one year in
18 the county jail and up to a four-thousand-dollar fine.
19 Do you understand that, sir?

20 THE WITNESS: Yes, sir.

21 THE COURT: As to the perjury offense, how
22 do you plead, guilty or not guilty?

23 THE WITNESS: Guilty.

24 THE COURT: Sir, are you pleading guilty
25 because you are guilty and for no other reason?

1 THE WITNESS: Yes, sir.

2 THE COURT: Other than your plea bargain,
3 you've not been coerced and promised anything, anything
4 like that? You're pleading on your own free will; is
5 that correct, sir?

6 THE WITNESS: Yes.

7 THE COURT: You understand that by pleading
8 guilty, sir, that you waive your right to a jury trial?

9 THE WITNESS: I do.

10 THE COURT: And you waive your right to
11 appeal?

12 THE WITNESS: Yes.

13 THE COURT: Along with 13-CR-2027, you have
14 executed an affidavit, sir, under 1245 where you are
15 admitting guilt as to the offense in Cause No.
16 13-CR-1366, the offense of official oppression, the case
17 where the victim is named Lori Laird. And you executed
18 that affidavit with your attorney, sir?

19 THE WITNESS: I did.

20 THE COURT: As to 13-CR-1365, how do you
21 plea to the offense of abuse of official capacity,
22 guilty or not guilty?

23 THE WITNESS: Guilty.

24 THE COURT: Are you pleading to that offense
25 because you are guilty and for no other reason?

1 THE WITNESS: Yes.

2 THE COURT: It's either yes, sir, or no,
3 sir, Mr. Dupuy?

4 THE WITNESS: Yes, sir.

5 THE COURT: You understand that by pleading
6 guilty to this charge, sir, that you waive your right to
7 a jury trial?

8 THE WITNESS: I do.

9 THE COURT: And you also waive your right to
10 appeal in this case?

11 THE WITNESS: Yes.

12 THE COURT: As to both cases, sir, have you
13 had a chance to go over all this plea paperwork in these
14 packets with Mr. Brown, your attorney?

15 THE WITNESS: I have.

16 THE COURT: Do you have any questions for
17 him or any questions for me?

18 THE WITNESS: No.

19 THE COURT: Sir, have you ever been
20 diagnosed with any mental disease, mental disorder or
21 anything like that?

22 THE WITNESS: Nothing.

23 THE COURT: Mr. Brown, have you had time to
24 go over all this paperwork with your client?

25 MR. BROWN: I have, Your Honor.

1 THE COURT: And do you feel that's he's
2 competent?

3 MR. BROWN: He is, Judge. As a matter of
4 fact, the Court ordered the psychological evaluation
5 done on Mr. Dupuy. I have not received a copy of that
6 report; however, Mr. Glickler and myself were both
7 notified by the doctor by phone that he was deemed
8 competent.

9 MR. GLICKLER: That's confirmed, Your Honor.

10 THE COURT: Thank you, Mr. Glickler.

11 MR. GLICKLER: Your Honor, it's possible
12 that on the judgment of conviction on 13-CR-2027 the
13 date judgement entered needs to be filled in with the
14 number 19.

15 THE COURT: Okay. I see it. If you could
16 help me out with the plea papers here, where is the
17 defendant's signature on these?

18 MR. BROWN: It's not on there, Judge. It's
19 on the admonishments.

20 THE COURT: It's on the admonishments. All
21 right.

22 MR. BROWN: That's just kind of a packet.

23 THE COURT: I gotcha. Mr. Dupuy, is that
24 your signature there, sir?

25 THE WITNESS: Yes, sir.

1 THE COURT: That's your signature there,
2 sir?

3 THE WITNESS: Yes, sir.

4 THE COURT: And your signature there, sir?

5 THE WITNESS: Yes, sir.

6 THE COURT: State, do you offer State's 1?

7 MR. GLICKLER: State offers State's 1.

8 THE COURT: On both cases?

9 MR. GLICKLER: One on both cases, and, Your
10 Honor, we have State's Exhibit Number 2. It's a sworn
11 executed voluntarily statement of the defendant. We
12 would offer that in CR-1365.

13 THE COURT: This is the affidavit we
14 discussed as kind of the conditions of the probation?

15 MR. GLICKLER: It's the affidavit that
16 discusses the three offenses for which he's admitted
17 guilty here today and addresses one of the conditions of
18 probation which we were going to additionally address on
19 the record regarding grievances.

20 THE COURT: All right. Any objection to
21 State's 1 and State's 1 and 2?

22 MR. BROWN: No objection.

23 THE COURT: With no objections they are
24 admitted.

25 (State's Exhibit Nos 1 & 2 admitted)

1 THE COURT: Mr. Dupuy, based on your plea of
2 guilty 13-CR-2027, I find you guilty of the offense of
3 perjury and sentence you to ten days in the county jail
4 in the Class A misdemeanor offense. I'll give you
5 credit for the time you served on that case. As to
6 13-CR-1365, I find there's sufficient evidence to find
7 you guilty. But I'm going to defer finding guilt at
8 this time and instead place you on a two-year deferred
9 adjudication, 20 days in jail as a condition of
10 probation that you've already served. It looks like
11 this has been structured in a way that your first year
12 will be supervised. Your second year will be an
13 unsupervised probation. There's other conditions of
14 your probation. There will be no fine. Obviously part
15 of this plea deal is your resignation from the office of
16 County Court At Law. No. 3. Has that document been --

17 MR. GLICKLER: It's been executed and
18 tendered to the County Judge at 1:35 this afternoon.

19 THE COURT: So it's my understanding, Mr.
20 Dupuy, just because of the way the Commissioner's Court
21 needs to handle things, your resignation is effective --

22 MR. GLICKLER: At 5:00 o'clock, Friday,
23 tomorrow afternoon, the 20th of September. And Mr.
24 Richardson my co-counsel is here today and as a result
25 of the resignation, the civil lawsuit -- he'll be filing

1 a motion to dismiss that civil lawsuit.

2 MR. BROWN: And, Judge, if you would, there
3 are a few of the terms that the State has requested that
4 I would like to address. If you would let me know when
5 you want to do that, I will.

6 THE COURT: Let's go ahead and do that.

7 MR. BROWN: Okay. I believe on there, Your
8 Honor, there's two items, actually four that we need to
9 address. The first one is, I don't know if community
10 service was put on there or not; but we have agreed not
11 to do any community service. Do we agree to that?

12 MR. GLICKLER: I don't know that we agreed
13 to that, Your Honor. I said it was between Mr. Brown
14 and Mr. Dupuy and the Court. I have no position on
15 community service.

16 MR. BROWN: Okay. So let's put it this way:
17 We request no community service.

18 THE COURT: I see No. 26, 80 hours of
19 community service. What were the other issues?

20 MR. BROWN: There's three others: Number 2,
21 Judge, deals with travel outside the County of
22 Galveston. We would ask that he be able to travel
23 within the adjoining counties. I think that's normally
24 what we are allowed to do. I would ask that he be able
25 to do that so that he could work and handle other

1 things. The third thing, Judge, is -- and probably the
2 third and fourth thing are the most important. On that
3 document they are requesting a 9:00 o'clock curfew for
4 Mr. Dupuy.

5 I would submit to the Court that he has
6 child care issues with that; he has job issues with
7 that. He's not going to be able to do probably the
8 legal things during this time. He may have to do shift
9 work, et cetera. There's absolutely no reason
10 whatsoever to put him on a curfew. He's never been not
11 on time. He's never been anywhere where -- done
12 anything to show this Court that he requires a curfew.
13 It's not like he's running the streets. So we would ask
14 that that be lifted.

15 MR. GLICKLER: That's Item No. 23, Your
16 Honor.

17 MR. BROWN: Finally, Judge, this is one
18 that's very important to us. They requested a GPS and
19 an ankle monitor device. I would submit to the Court
20 that that is utter nonsense to require that. There has
21 been absolutely nothing whatsoever, ever since these
22 cases were filed to show that there is a need for this
23 man to have an ankle monitor or a GPS system. He has
24 agreed as part of his probation to be at certain places
25 at certain times. He's taken on this responsibility.

1 It's very costly for him and he's been deemed indigent
2 and he would have to pay for all of that. There's
3 absolutely no reason whatsoever for him to have this
4 monitor, Judge. There's no drug abuse, none of that.

5 THE COURT: I agree with Mr. Brown. I'm
6 waiving the GPS. I'm not going to enforce a curfew at
7 this time, Mr. Dupuy, unless something comes up. And
8 even though today ends my trips down here to Galveston,
9 you're still going to be on my probation for the next
10 two years. I'll waive the curfew; I'll waive the GPS.
11 I am going to keep the 80 hours of community service on
12 there. And I will allow travel to Galveston and the
13 adjoining counties. Obviously if you need to go to
14 Travis County for anything administrative that may come
15 up, so long as you are in compliance and current with
16 everything on your probation, I give you permission to
17 do that for that sole purpose. Any other travel is
18 going to require my approval. Do you understand, sir?

19 THE WITNESS: Yes, sir.

20 MR. BROWN: And, Your Honor, one more thing.
21 I apologize. My client has spent several days in jail
22 and as a part of his probation I believe on there he is
23 required to pay his attorney's fees. I think my fees
24 were close to \$3,000. He's been deemed indigent, Your
25 Honor. He's very likely to, at least for a temporary

1 amount of time, not be able to practice law. He's
2 basically starting from scratch. I would ask the Court
3 to do one of two things: Either completely wipe that
4 requirement out or at least give him jail credit against
5 that amount of money for the time that he's been in.

6 THE COURT: This is what I'm going to do as
7 far as the attorney fees: I'm going to leave them on
8 the judgment but I'm going to write on the conditions of
9 probation that payments on those will be deferred for
10 nine months and we can revisit that issue at that time.

11 MR. BROWN: Thank you, Judge. And I do have
12 a few questions for my client, Judge, when you're done.

13 THE COURT: Okay.

14 MR. BROWN: May I proceed?

15 THE COURT: Yes, sir.

16 MR. BROWN: Chris, I'm going to ask you a
17 few questions on the record. And obviously you've been
18 sworn. And when I'm taking about the representation of
19 you, I'm including Mr. Curl in that conversation, okay?

20 THE WITNESS: Yes, sir.

21 MR. BROWN: Now, you and I -- I just got
22 this case about a month and a half ago. Despite that,
23 you and I have met on numerous occasions, haven't we?

24 THE WITNESS: That's correct.

25 MR. BROWN: And at those meetings you were

1 able to greatly assist us in defending your case,
2 correct?

3 THE WITNESS: Correct.

4 MR. BROWN: And whenever you wished
5 something to be filed, we discussed it; and we came up
6 with a way to defend your cases with your involvement,
7 correct?

8 THE WITNESS: Correct.

9 MR. BROWN: Was there anything that we did
10 not do in your opinion that you wanted us to do as far
11 as your representation?

12 THE WITNESS: No. You did good, Adam.

13 MR. BROWN: Were you satisfied with our
14 representation?

15 THE WITNESS: Yes, sir.

16 MR. BROWN: That's all I have, Judge.

17 MR. GLICKLER: Your Honor, could I step back
18 for a minute, please, and speak to Mr. Brown?

19 THE COURT: Yes, sir.

20 MR. GLICKLER: Okay.

21 THE COURT: Anything else either side needs
22 to put on the record at this time?

23 MR. GLICKLER: Your Honor, I just would like
24 the Court to consider in State's Exhibit No. 2, the
25 final substantive paragraph. I would like the Court to

1 take a minute to review it. And if I could step forward
2 and direct your attention to the voluntary statement, I
3 would ask the Court to review that and double affirm it.

4 THE COURT: All right. State's Exhibit 2,
5 Mr. Dupuy, it should be part of the record; but I want
6 to make sure this was executed by you. It is notarized.
7 It has at the top here basically what appear to be
8 Miranda warnings. In here you make confessions to the
9 charges against you. Specifically also at the end of
10 this, on this document you are swearing that you have
11 found no evidence of wrongdoing by the State's attorney
12 involving witness Tara Compton, including but not
13 limited to the issues of tampering with witnesses and
14 anything under Section 3605 of the Penal Code. And I
15 think that goes to some of the issues we dealt with
16 during the contempt hearing and those allegations.

17 Mr. Dupuy, other conditions of your
18 probation here, you've executed your resignation letter.
19 You are not to run for or hold any public office while
20 you're on this probation. In addition, you're not to
21 file any grievances, any complaints. My understanding
22 is that's an issue y'all have negotiated and agreed to
23 that you're not going to grieve the state's attorneys,
24 any of the complainants, the witnesses in these cases,
25 anything like that. Do you understand, sir?

1 THE WITNESS: Yes, sir.

2 THE COURT: I'm just making sure that we're
3 very clear on that. Mr. Dupuy, I've also signed
4 dismissals in 13-CR-2028; 13-CR-1556. Both sides have
5 informed me that they're going to abandon their appeals,
6 both the State's appeals and the defense appeals and
7 habeas motions that are up right now, at least on the
8 criminal side. My understanding is the civil case is
9 going to be dismissed as well. As far as any
10 administrative issues in Austin, I have no answer for
11 that how this would affect that one way or the other,
12 Mr. Dupuy. I have no way to answer that.

13 But I am going to tell you this: I don't
14 care what people call me so long as they're polite. But
15 in this profession we get to be called the honorable.
16 And in this whole episode you've brought incredible
17 dishonor to yourself, your name, and our profession.
18 Anybody who reads about this case, knows about this
19 case, it makes our job as judges harder because of what
20 you did. I don't mind coming down here to Galveston for
21 vacation; but coming down here to see you and deal with
22 this case, I don't want to do it any more.

23 As you stand there now in a green jumpsuit,
24 you've put yourself in this position. And I don't feel
25 sorry for you, but I do feel sorry for your children

1 that you've had to put them through this public
2 humiliation. I don't wish any ill will on you, sir. I
3 hope you successfully complete this probation. I hope
4 we never have to have another conversation again. But
5 the fact of the matter is through this episode you've
6 been an embarrassment to the bench and to attorneys.
7 You've just added one more reason why we've all become
8 the butt of jokes. Particularly here in Galveston
9 County, you've probably eroded the respect of your
10 fellow judges in this building and of the criminal
11 justice system. Go with the bailiff, sir.

12 (Proceedings concluded)

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1 THE STATE OF TEXAS)

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3 COUNTY OF GALVESTON)

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5 I, Tara L. Wilson, Certified Court Reporter in and
6 for the State of Texas, do hereby certify that the above
7 and foregoing contains a true and correct transcription
8 of all portions of evidence and other proceedings
9 requested in writing by counsel for the parties to be
10 included in this volume of the Reporter's Record, in the
11 above-styled and numbered cause, all of which occurred
12 in open court or in chambers and were reported by me.

13 I further certify that this Reporter's Record of the
14 proceedings truly and correctly reflects the exhibits,
15 if any, admitted by the respective parties.

16 I further certify that the total cost for the
17 preparation of this Reporter's Record is \$ 85.00 and
18 was paid/will be paid by Mr. Greg Enos.

19 WITNESS MY HAND this the 20th day of September,
20 2013.

21

22

23 /s/ Tara L. Wilson

24 TARA L. WILSON, Texas CSR No. 7507
25 Expiration Date: December 31, 2013
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