



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

WILLIAM F. COLE
Deputy Solicitor General

(512) 936-2725
William.Cole@oag.texas.gov

October 28, 2024

Via eFiling

Blake Hawthorne, Clerk
Supreme Court of Texas

Re: No. 24-0884, *In re Texas House of Representatives*

Dear Mr. Hawthorne:

Counsel for Respondent, Texas Department of Criminal Justice, writes to inform the Court that on Friday, October 25, 2024, the Texas Court of Criminal Appeals by letter notified counsel in Case Nos. WR-63,081-03, WR-63,081-04, and WR-63,081-05 that counsel for the Relator in this case, Jeff Leach, sent *ex parte* communications to a Judge of the CCA. A copy of the CCA's letter, which includes a reproduction of those *ex parte* communications, is attached.

As explained in TDCJ's motion for reconsideration and to dismiss the petition for lack of jurisdiction, the equities disfavor the extraordinary writ relief Relator seeks. *See* Mot. 22; Reply 7-8. That conclusion is only underscored by this latest development.

Respectfully submitted.

/s/ William F. Cole

William F. Cole
Deputy Solicitor General

cc: all counsel of record (via eFiling)



COURT OF CRIMINAL APPEALS
P.O. BOX 12308, CAPITOL STATION
AUSTIN, TEXAS 78711

SHARON KELLER
PRESIDING JUDGE

BARBARA F. HERVEY
BERT RICHARDSON
KEVIN P. YEARY
DAVID NEWELL
MARY LOU KEEL
SCOTT WALKER
MICHELLE M. SLAUGHTER
JESSE F. McCLURE, III
JUDGES

DEANA WILLIAMSON
CLERK
(512) 463-1351

SEAN SCHILLAB
GENERAL COUNSEL
(512) 463-1397

October 25, 2024

Gretchen Sween
gsweenlaw@gmail.com

Callie Heller
cheller@texasdefender.org

District Attorney Allyson Mitchell
amitchell@co.anderson.tx.us

Asst. District Attorney Scott Holden
sholden@co.anderson.tx.us

Re: Ex parte communication purportedly received from Representative Jeffrey Curtis Leach

Please be advised that yesterday a member of this Court received the following text messages purportedly from Representative Leach:

[Leach] Judge - I've wracked my brain about whether I should send you this message... about where I even can send you this message legally and ethically.

Being that I am not a party to active litigation in front of the CCA nor an attorney representing any active party, and being that I've made comments publicly, I simply am compelled to send you this message.

One Judge. That's all that is needed to simply say... there are too many questions and too many holes and too much uncertainty... and Robert Roberson deserves a new trial.

Judge Alcalá communicated to the Committee that the CCA can sua sponte do so. And that's my hope and prayer.

Only sending this message to you. And you alone. As my friend and as a wonderful Judge who I have so much faith in, I hope you'll consider doing so.

[Judge] Jeff, this is still an ex parte communication. I cannot consider your message nor may I discuss any pending matters with you. Thank you in advance for your understanding.

[Leach] Ok got it. I was unaware there were any pending matters in front of the court. I thought it had disposed of all pending matters. So that's my error.

This Court sees this communication as a clear violation of Texas Disciplinary Rule of Professional Conduct 3.05 and takes appropriate action as required by Texas Code of Judicial Conduct Canon 3(D)(2) by notifying you about it.

Sincerely,



Sian R. Schilhab
General Counsel
Texas Court of Criminal Appeals

cc: Gretchen Sween (delivered via email)
Callie Heller (delivered via email)
Allyson Mitchell (delivered via email)
Scott Holden (delivered via email)