

NO. _____

BRETT H. PRITCHARD
Plaintiff,

V.

JUSTICE OF THE PEACE
CLAUDIA BROWN
Defendant.

§ IN THE DISTRICT COURT
§
§
§ JUDICIAL DISTRICT
§
§
§ OF BELL COUNTY, TEXAS

**PLAINTIFF'S ORIGINAL PETITION FOR REMOVAL OF
JUSTICE OF THE PEACE CLAUDIA BROWN**

TO THE HONORABLE JUDGE OF SAID COURT:

**This is an action under the Texas Local Government Code Chapter 87 for the
Removal by Petition and Trial of Justice of the Peace Claudia Brown.**

**NOW COMES BRETT H. PRITCHARD, hereinafter called Plaintiff, complaining of
and about JUSTICE OF THE PEACE CLAUDIA BROWN, hereinafter called Defendant, and
for cause of action shows unto the Court the following:**

DISCOVERY CONTROL PLAN LEVEL

1. Plaintiff intends that discovery be conducted under Discovery Level 2.

PARTIES AND SERVICE

2. Plaintiff, BRETT H. PRITCHARD, is an Individual whose address is 5596 W.
FM 436, Belton, Texas 76513. Plaintiff, BRETT H. PRITCHARD, also owns a law firm located
at 1201 S. WS Young Drive, Killeen, Texas 76543.

Plaintiff, BRETT H. PRITCHARD is a resident of Texas, has lived in Bell County, Texas for over six months, and is not currently under any indictment.

3. The last three numbers of BRETT H. PRITCHARD's driver's license number are 275. The last three numbers of BRETT H. PRITCHARD's social security number are 819.

4. Defendant, JUSTICE OF THE PEACE CLAUDIA BROWN, an Individual who is a resident of Texas, may be served with process at her place of employment at the following address: Bell County Killeen Annex, 301 Priest Drive, Killeen, Texas 76541. Service of said Defendant as described above can be effected by personal delivery.

Defendant, JUSTICE OF THE PEACE CLAUDIA BROWN is the duly elected Justice of the Peace for Bell County Precinct 4, Place 1. She took office on January 2, 2017.

JURISDICTION AND VENUE

5. The subject matter in controversy is within the jurisdictional limits of this court.

6. Plaintiff seeks:

a. the removal of JUSTICE OF THE PEACE CLAUDIA BROWN from her office as the Bell County Justice of the Peace of Precinct 4, Place 1.

7. This court has jurisdiction over the parties because Defendant, JUSTICE OF THE PEACE CLAUDIA BROWN, is an Officer Subject to Removal per Section 87.012(13) of the Texas Local Government Code; and, Section 87.015 the Texas Local Government Code requires that "a proceeding for the removal of an officer is begun by filing a written petition for removal **in a district court of the county** in which the officer resides."

8. Venue in Bell County is proper in this cause.

FACTS

9. On or about January 2, 2017 the Defendant, JUSTICE OF THE PEACE CLAUDIA BROWN, took office as a Bell County Justice of the Peace for Precinct 4, Place 1. The Defendant, JUSTICE OF THE PEACE CLAUDIA BROWN, took the official oath as found in Article 16, Section 1 of the Texas Constitution and as required by the Texas Constitution. Her oath was substantially as follows:

I, Claudia Brown, do solemnly swear (or affirm), that I will faithfully execute the duties of the office of Bell County Justice of the Peace, Precinct 4, Place 1, of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and laws of the United States and of this State, so help me God.

10. On or about February 8, 2017 the Defendant, JUSTICE OF THE PEACE CLAUDIA BROWN, set a bail for \$4,000,000,000.00 (4 billion dollars) for a criminal defendant appearing in front of her for a first-degree felony. The excessive bail set a record for the highest bond ever given a criminal defendant in the United States of America.

In a statement to the Temple Daily Telegram the Defendant, JUSTICE OF THE PEACE CLAUDIA BROWN, admitted that “she knew that the high bond is unconstitutional, but set it anyway.” She went on to state that “I set it as high as I could to illustrate the fact that it’s ridiculous how we are railroading people without them even having their constitutional rights to a fair trial to determine if they are guilty or innocent.” In a statement to KCEN television the Defendant, JUSTICE OF THE PEACE CLAUDIA BROWN, stated “I wanted to choose a number that was so big and so ridiculous it would get people to look.”

The \$4,000,000,000.00 bail set by the Defendant, JUSTICE OF THE PEACE CLAUDIA BROWN, made the national news and brought great embarrassment to residents of Bell County and to the judiciary itself.

11. On or about February 10, 2017 the District Judge of the 27th District Court of Bell County, Texas found, as surmised by the Defendant, JUSTICE OF THE PEACE CLAUDIA BROWN, that the criminal defendant's \$4,000,000,000.00 bail was unconstitutional and lowered the bond to \$151,000.00.

12. On or about February 13, 2017 the Defendant, JUSTICE OF THE PEACE CLAUDIA BROWN, set a \$2,000.00 (two thousand dollar) bail on a criminal defendant charged with the first-degree felony of burglary of a habitation with the intent to commit another felony.

Defendant, JUSTICE OF THE PEACE CLAUDIA BROWN, knew that this criminal defendant was arrested for a first-degree felony. She knew that the applicable rate of punishment for a conviction for this type of offense is 5 years to 99 years in a Texas prison. A \$2,000.00 bail for a criminal defendant facing 99 years in prison does nothing to secure the criminal defendant's appearance at trial and does little to keep the victim and society at whole safe.

12. On or about February 14, 2017 the Defendant, JUSTICE OF THE PEACE CLAUDIA BROWN, set a \$1,000.00 (two thousand dollar) bail on a criminal defendant, Chance Pearson, charged with felony sexual assault.

Defendant, JUSTICE OF THE PEACE CLAUDIA BROWN, knew that this criminal defendant, Chance Pearson, was arrested for felony sexual assault. She knew that the applicable rate of punishment for a conviction for this type of offense. A \$1,000.00 bail for a criminal defendant facing a long prison sentence does nothing to secure the criminal defendant's appearance at trial and does little to keep the victim and society at whole safe.

On February 15, 2017 the District Judge of the 27th Judicial District Court raised the criminal defendant, Chance Pearson's bail to \$125,000.00.

APPLICABLE LAW TO THIS CASE

13. The Rules for setting bail are governed by Constitution and statute. The 8th Amendment of the United States Constitution states, “**Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments afflicted.**” (Emphasis added).

Article 1 Section 11 of the Bill of Rights of the Texas Constitution states, “**All prisoners shall be bailable** by sufficient sureties, unless for capital offenses, when the proof is evident...” (Emphasis added).

Article 17.15 of the Texas Code of Criminal Procedure also set the statutory Rules for Fixing Amount of Bail.

Case law also sets forth bail factors as found in *Smith v. State*, 829 S.W.2d 885, 887 (Tex.App.–Houston [1st Dist.] 1992, pet. ref'd); *Ex Parte Watson*, 940 S.W.2d 733, 734 (Tex.App.– Texarkana 1997, no pet.); *Ex Parte Green*, 940 S.W.2d 799, 801 (Tex.App.– El Paso 1997, no pet.); *Ex Parte Rubac*, 611 S.W.2d 848, 849-850 (Tex. Crim. App. 1981).

14. Canon 1 of the Texas Code of Judicial Conduct states that, “An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing high standards of conduct, and should personally observe those standards so that the integrity and independence of the judiciary is preserved.”

Canon 2 of the Texas Code of Judicial Conduct states that “A judge shall comply with the law and at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.” It further states, “A judge shall not lend the prestige of judicial office to advance the private interests of the judge...”

Canon 3 of the Texas Code of Judicial Conduct states that “A judge should be faithful to the law and shall maintain professional competence in it.” It further states, “A judge shall not be

swayed by partisan interests..." And further, "A judge shall perform judicial duties without bias or prejudice."

PLAINTIFF, BRETT H. PRITCHARD'S CLAIM

FOR REMOVAL OF JUSTICE OF THE PEACE CLAUDIA BROWN

Section 87.013 of the Texas Local Government Code states the General Grounds for Removal. They are (1) incompetency and (2) official misconduct.

Defendant, JUSTICE OF THE PEACE CLAUDIA BROWN, has demonstrated by her actions that she is **incompetent** to handle the position of Justice of the Peace. She has shown "gross ignorance of her official duties and gross carelessness in the discharge of those duties." See Texas Local Government Code Sections 87.011 and 87.013.

Moreover, Defendant, JUSTICE OF THE PEACE CLAUDIA BROWN, has engaged in **official misconduct** by openly admitting that she knows her decisions violate the constitution. Further misconduct is observed when she openly uses her position to advance her own personal interests.

Defendant, JUSTICE OF THE PEACE CLAUDIA BROWN, has engaged in **official misconduct** by failing to abide by the Canons of the Texas Code of Judicial Conduct.

RELIEF REQUESTED BY PLAINTIFF, BRETT H. PRITCHARD

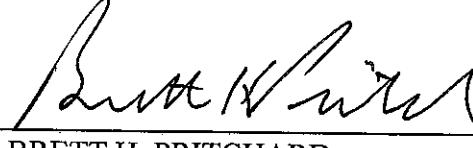
16. As a direct and proximate result of the occurrence made the basis of this lawsuit, Plaintiff, BRETT H. PRITCHARD, requests that this Court set this matter in front of a jury as required by Section 87.018 of the Texas Local Government Code, to determine whether Defendant, JUSTICE OF THE PEACE CLAUDIA BROWN should be removed from office.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff, BRETT H. PRITCHARD, respectfully prays that the Defendant be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for the Plaintiff against Defendant for the removal of the Defendant from her elected office.

Respectfully submitted,

BRETT H. PRITCHARD, P.C.
1201 S. WS Young Drive, Ste. C
Killeen, TX 76543
Tel. (254) 501-4040
Fax. (254) 953-1360

By: 

BRETT H. PRITCHARD
Texas Bar No. 24010324
Email: legal.bpattorney@gmail.com

STATE OF TEXAS

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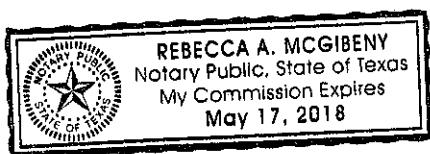
COUNTY OF BELL

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On February 15, 2017, BRETT H. PRITCHARD appeared and after being placed under oath, deposed and said:

"My name is BRETT H. PRITCHARD. The facts contained in this petition are true and correct and within my personal knowledge."

SWORN TO AND SUBSCRIBED BEFORE ME, on February 15, 2017 by BRETT H. PRITCHARD.




NOTARY PUBLIC, STATE OF TEXAS