

CAUSE NO. [REDACTED]

IN THE INTEREST OF [REDACTED]
[REDACTED]
and [REDACTED]
[REDACTED]

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IN THE DISTRICT COURT
[REDACTED] JUDICIAL DISTRICT
[REDACTED] COUNTY, TEXAS

IN RE: CONTEMPT (WRIT) AGAINST [REDACTED]

MOTION TO RECUSE JUDGE [REDACTED] UNDER TEXAS GOVT CODE
21.002(d)

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES [REDACTED] Accused Counsel, Attorney licensed by the State Bar of Texas, has been the subject of a contempt proceeding in the above entitled and numbered cause, represented by counsel Lennard K. Whittaker, and would show the following:

I.

JUDGE [REDACTED] was appointed as visiting judge for the court offended by the alleged contemptible act of [REDACTED]. The Court issued a Writ/Capias was issued for the person of [REDACTED] an officer of the Court. A failure to appear by Accused Counsel, the charge before the Court is constructive contempt. Ex Parte Alloju, 907 S.W. 2d 486, 487. "Constructive contempt is a violation of a court order outside the presence of the court, including failure to appear for a hearing."

II.

As the facts occurred outside the presence of the Court, Texas Govt Code 21.002(d) governs: "The presiding judge of the judicial region in which the alleged contempt occurred shall assign a judge who is subject to assignment by the presiding judge other than the judge of the offended court to determine the guilt or innocence of the officer of the court."

WHEREFORE PREMISES CONSIDERED, Accused Counsel respectfully prays that the Judge [REDACTED] recuse himself for the de novo review of the contempt action by another judge.

Respectfully submitted,

Law Office of Lennard K. Whittaker
P.O.Box 720876
McAllen, TX 78504
956 821 9918
fax: 866 596 6190

By:

Lennard K. Whittaker
SBT 24008274

Attorney for [REDACTED]

Certificate of Service

I, Lennard K. Whittaker, affirm that a true and correct copy of the foregoing instrument has been delivered to:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Lennard K. Whittaker

CAUSE NO. [REDACTED]

IN THE INTEREST OF [REDACTED]
[REDACTED],
[REDACTED]
[REDACTED]

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IN THE DISTRICT COURT

[REDACTED] JUDICIAL DISTRICT

[REDACTED] COUNTY, TEXAS

**ORDER REGARDING MOTION TO RECUSE JUDGE [REDACTED] UNDER
TEXAS GOVT CODE 21.002(d)**

On this ___ day of _____, 20[REDACTED] came to be heard the foregoing Motion to Recuse Judge [REDACTED] and upon consideration:

It is ordered that said Motion to Recuse Judge [REDACTED] is hereby:

GRANTED.

DENIED.

Signed this ___ day of _____, 20[REDACTED]

Judge Presiding

cc:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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CAUSE NO. [REDACTED]

IN THE INTEREST OF [REDACTED]

and [REDACTED]

[REDACTED]

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IN THE DISTRICT COURT

[REDACTED] JUDICIAL DISTRICT

[REDACTED] COUNTY, TEXAS

ORDER REGARDING MOTION TO RECUSE JUDGE [REDACTED] UNDER
TEXAS GOVT CODE 21.002(d)

ORDER SETTING HEARING

Hearing in the above matter is hereby set for _____ am/pm on the _____ day of
_____, 20[REDACTED] in the _____ District Court in the _____ County Court-
house.

Signed this _____ day of _____, 20[REDACTED]

Judge Presiding

cc:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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