

14-17-00521-CV

IN THE COURT OF APPEALS FOR THE
FOURTEENTH JUDICIAL DISTRICT AT HOUSTON, TEXAS

ROBERT S. BENNETT,
Appellant,
v.
COMMISSION FOR LAWYER DISCIPLINE,
Appellee.

Appellant's Amicus Letter

On Appeal from the 344th District Court, Harris County, Texas

Cause No. 2013-56866
Hon. Craig Smith, presiding

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ORAL ARGUMENT REQUESTED

October 9, 2018

Honorable Christopher A. Pine, Clerk
Fourteenth Court of Appeals
301 Fannin Street, Suite 245
Houston, Texas 77002

RE: ***Robert S. Bennett, Appellant. V. Commission for Lawyer Discipline, Appellee***
On Appeal from the 344th District Court, Harris County, Texas Cause No. 2013-56866

Dear Mr. Pine:

The purpose of this letter is to provide the Court with an e-mail from Attorney Karon Connelly State Bar of Texas Bar No. 04684400 Address PO Box 18219 Corpus Christi, TX 78480 regarding the case at issue. The Appellant, Robert S. Bennett and Texas Attorney Karon Connelly, files this their Letter Amicus pursuant to Texas Rule of Appellate Procedure 38.7. Request is hereby made that this letter be submitted to the Panel so that the Court may rule on this request that it supplement the briefing with this letter and consider this Attorney Amicus Letter regarding issues raised in the Appeal.

First, it was wise of the court and we appreciate the considered opinion in: *Robert S. Bennett vs. Commission for Lawyer Discipline*, No. 14-14-00740-CV, Fourteenth Court of Appeals-Houston, March 24, 2016. This decision vindicated the Appellant's handling of any client funds. It also corrected the serious judicial mistake which abruptly and unfairly deprived the Appellant of his livelihood. Unfortunately, on June 17, 2017 the second trial judge on the case, Judge Craig Smith of Dallas, Texas at the Second Sanction Hearing that this Court ordered, imposed the same sentence as Juvenile Judge Carmen Kelsey did who was removed from the case. This second sanction Hearing partially undid what this Court had tried to accomplish in a just way.

Second, since the Second Sanction Hearing was decided by the second sanction trial judge, the Honorable Craig Smith, the Appellant Trial Brief was filed on November 20, 2017, the Appellant Reply Brief was filed on January 23, 2018. Amicus letters and briefs were filed on August 16, 2018 August 27, 2018, and September 17, 2018. It is anticipated that additional Amicus Briefs and Letters will be filed.

Third, Texas Attorney Karon K. Connelly in her attached Email joins the other submissions that Oral Argument should be granted, the Disciplinary Rules of Procedure 3.10 were not properly considered or followed, no evidence was offered at the Second Sanction Hearing that would support a 2 years plus six months suspension, that no

evidence was offered that any consideration under Tex. R. of Disciplinary Procedure 3.10 was violated, and it was a judicial abuse of discretion to impose a public reprimand of two years plus six months suspension – even with credit for time served. Connelly joins in the request that this Court find that former Disciplinary Assistant Counsel Tim Bersch committed prosecutorial misconduct, and that the *Thompson Decision*, 455. S. W. 2nd 569 (Tex. 2014) should be followed to invalidate the period of the sanction. The Court should allow oral argument, and if a finding of no sanction is not imposed, then the Court should return the Case for an appropriate Sanction Hearing.

In conclusion and in reference to the attached email, Texas attorney Karon Connelly joins thousands of other Texas attorneys in requesting that the case be set for Oral Argument and if no Sanction is not entered by this Court that it be returned for a new Sanction Hearing

Respectfully submitted,

By: /s/ Robert S. Bennett
Robert S. Bennett

By: /s/ Karon K. Connelly
Karon K. Connelly

CC: Karon Connelly

CC: Office of Chief Disciplinary Counsel

See attachment - Karon Connelly Letter to the Court

Karon Connelly Letter to the Court

I admit that my mouth hit the floor when I read the summation of the decision of the second hearing.

You have my permission to include my support in your favor for the next round.

I have for 30+ years supported the State Bar of Texas, and did so with heartfelt pride. Over the years, I served on several local and State committees. I donate my time, energy, and funds and do so gladly.

However, there's no doubt that at least one wheel of the cart has flown off. Our members must reevaluate whether the head is wagging the dog or the other way around and figure out how to fix it.

This is our legacy to our children, communities, and our profession. Let's get it right.

Best wishes,
Karon K. Connelly

CERTIFICATE OF SERVICE

I certify that on October 16, 2018, a copy of this letter was served on the parties listed below by electronic service and that the electronic transmission was reported as complete.

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