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**HARRIS COUNTY DISTRICT ATTORNEY**  
DEVON ANDERSON

July 17, 2015

Mr. Stanley Schneider  
Ms. Casie Gotro  
Schneider & McKinney, P.C.  
440 Louisiana, Suite 800  
Houston, Texas 77002

Re: *State of Texas v. David Temple*, Cause No. 1008763 (178<sup>th</sup> District Court,  
Harris County, Texas).

Dear Mr. Schneider and Ms. Gotro:

I am in receipt of your letter of July 13 asking for me to request appointment of an attorney pro tem to handle the prosecution of David Temple.

You have essentially raised two disqualification issues: (1) whether this office should disqualify itself from the prosecution of David Temple; and (2) whether this office should disqualify itself from investigating any current or former employee of this office for criminal misconduct. I will address each issue in turn.

You have not stated a basis for this office to disqualify itself from prosecuting Mr. Temple. You claim that there is "an actual conflict of interest and [sic] has prevented and continues to prevent the Harris County District Attorney's Office from fulfilling its constitutional and statutory obligations to seek justice in this matter." Although you do not specifically identify which interests actually conflict, the tenor of your letter is apparent: you believe that this office's objectivity with respect to Mr. Temple is currently compromised by a conflicting interest in protecting Kelly Siegler.

I disagree. Ms. Siegler does not work for this office and has no influence over the manner in which I exercise my prosecutorial discretion and delegate that discretion to my staff. If we have taken an advocacy position defending the manner in which she tried that case, it is because we believe, in good faith, that the record does not justify reversal of Mr. Temple's conviction. And if you disagree with that position, the remedy is not to forum shop for a more acquiescent prosecutor – your remedy is to convince the Court of Criminal Appeals that the facts and law justify your position. That remains an open question in this pending case.

Mr. Stanley Schneider and Ms. Casie Gotro  
July 17, 2015  
Page 2.

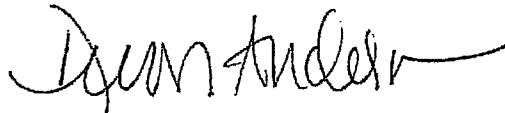
The second disqualification issue is more complex. There is no question that, when there is a credible accusation of criminal misconduct by a current or former member of this office, that accusation should be investigated and prosecuted, if necessary, by an attorney pro tem.

You have alleged that "four judges were misled by Ms. Siegler," that "members of your office interfered with the investigation of the special prosecutor" and that "a member of your office denied the existence of tapes when in truth they existed." We take these accusations very seriously. But to justify disqualifying this office and bringing an attorney pro tem in to investigate potential criminality, this conduct itself has to state a basis for criminal prosecution within the statute of limitations.

Accordingly, please specifically state how these allegations merit disqualification of the office and investigation by an attorney pro tem. For each such allegation, please provide the factual basis for this accusation. As first-hand witnesses familiar with the record of the hearing, you are uniquely situated to provide this information.

I will await your response before deciding whether to seek an attorney pro tem on that issue.

Yours sincerely,



DEVON ANDERSON  
District Attorney