

## **MICHELE ESPARZA**

*Candidate for Judge – 361<sup>st</sup> District Court*

2014 Election Cycle

### **QUESTIONNAIRE RESPONSES**

**1. Please tell us about yourself, why you are running for District Judge; and, what background, education and experience you have had to prepare you to execute the duties of a Texas District Judge.**

My husband, Stuart Ervin and I have 3 sons who graduated from Bryan High School. Jonathan is a Major in the USAF and is assigned to an F-22 Fighter Squadron, Marcos is an Attorney in Chicago, and Kyle is in Industrial Distribution in Houston, Texas. Our sons are married, and we have 3 daughter-in-laws and one grandchild. We are members of St. Joseph Catholic Church and have participated in numerous community activities over the years. Brazos County is our home.

As a candidate for the 361st Judicial District my experience and background qualify me to serve as your District Judge. I have been practicing law since 1987 having the opportunity to represent clients in every category of case heard in the 361st District Court. I came to Brazos County in December of 1987, and served as an Assistant Brazos County Attorney and Assistant District Attorney. During that time I tried over 42 cases to a jury and authored over 25 Appellate Response Briefs for the State. In 1992, I joined the law firm of Youngkin, Catlin, Bryan, Stacy and Dillard where I practiced both civil and criminal law in State and Federal Court. In 1996, I became Board Certified in Criminal Law by the Legal Board of Specialization in Texas. Over the last 15 years, I have operated my own firm and have been involved in criminal defense work, civil litigation, and family law.

I am the only candidate certified to try Death Penalty Cases, and I have tried 4 capital cases where the State was seeking the death penalty. I am the only candidate who has written Capital Appeals and argued in the Court of Criminal Appeals on these issues. This includes a capital case tried in the 361st District Court and presided over by Judge Smith that was recently reversed by the Court of Criminal Appeals in an 8-1 decision sending the case back to Brazos County for a new Punishment Trial. In that case, I was one of the trial attorneys, co-authored the appeal and argued the case in the Court of Criminal Appeals.

The depth of my legal career and my life experiences has prepared me to serve as District Judge for 361st Judicial District. For more information you are welcome to contact me or go to our website at [www.MicheleEsparza.com](http://www.MicheleEsparza.com).

**2. Please describe a factual historical case that has been resolved in the 361st/85th District Court which demonstrates the role District Court plays in our Texas judicial system.**

Generally over 60% of cases filed in the District Courts in Brazos County are felony criminal cases. Most of these cases are resolved by plea bargains. Over 90% of all jury trials in the District Courts of Brazos County are felony criminal cases. An example of the role our District Courts play in our legal system was the case in 1988 involving a serial rapist in Brazos County, Texas.

The Bryan Police Department suspected that there was a serial rapist in our community, who had been terrifying his victims with a knife and wore a mask. There were 7 sexual assaults and none of the victims could identify him. The police finally got a good lead, a shoe print outside the victim's window, and the victim's neighbor who saw the defendant in the area at the time of the assault wearing the same clothes described by the victim. With this evidence a search warrant and an arrest warrant were obtained. He was arrested, indicted and the case was filed in the 85th District Court.

At the time, I was working as an Assistant District Attorney here in Brazos County. Bill Turner, the District Attorney, selected me to assist him in trying the case. I will never forget how terrified the victim in the case was and how it affected her that she could not identify the defendant. DNA evidence was new at the time, and we had a match.

Prior to trial, the District Judge had to determine 2 issues in a pre-trial hearing: the validity of the search warrant in the case and, the admissibility of DNA evidence. After the hearing the Judge ruled that the search was legal and that DNA evidence was admissible. Once these issues were resolved, the case proceeded to a jury trial. The jury was selected, evidence was presented and the defendant was found guilty by the jury, of 1st degree aggravated sexual assault punishable by 5-99 years or life in prison. The Defendant in this case filed a motion to be sentenced by the Judge. After the punishment hearing was conducted, the District Judge sentenced the Defendant to life in prison. The case was appealed and the conviction was affirmed.

This case represents a textbook example of using DNA evidence appropriately to ensure justice. The serial sexual assaults stopped after his arrest and he remains in the penitentiary.

For more information, this case is on our website [www.MicheleEsparza.com](http://www.MicheleEsparza.com).

### **3. What improvements are necessary and can be made in the Brazos County Judicial System?**

Access to the Courts is very important. At the present time there are 4 Associate Judges that are assigned cases from the District Courts. The 4 Associate Judges preside over Family Law Cases, Child Protective Cases, Child Support Enforcement Cases, and Criminal Cases. The purpose of the Associate Judges is to provide the District Court Judges with more time for hearings on contested matters and jury trials.

There may be a time when it is determined that Brazos County needs more Courts. However, before more courts are established, we should confirm that the District Judges are maximizing their time, effort, and resources to provide access to the existing courts.

**4. How can voters judge who is most qualified both personally and professionally when there are many questions that candidates for judge cannot answer?**

In selecting a District Judge it is important to look at the Candidate's knowledge of the law, work ethic, and respect for other people. Candidates for this position should have practical courtroom experience that demonstrates knowledge of the law. They should have a strong work ethic and have shown the proper judicial temperament. The candidate should be committed to serving as the Judge of the 361st District Court and be willing to work with other Judges and Officials at the Courthouse to resolve all issues involving the Courts.

To determine if the candidate possesses these qualities, the voters can rely on information provided by the candidate, ask people they trust who work in the legal system, and ask people who are familiar with the candidate's work history and treatment of others.

**5. If elected, what will you do as District Judge to respect the laws of Texas?**

A District Judge takes an Oath to faithfully execute the duties of the office and to preserve, protect and defend the Constitution and laws of the United States and the Constitution and laws of the State of Texas. I will honor that oath, and I will follow the law. Also, I will respect the rights of all people who come into the Court and, I will respect the rights of the victim of a crime.

I will be forever mindful that it is the duty of a judge to follow the law, to be fair, to be just, and to see that justice is done.

I will be there, I will be fair and I will follow the law.

I appreciate your vote.