



Questions for Candidates for Court of Criminal Appeals Conservative Coalition of Harris County

This questionnaire will be posted onto the Conservative Coalition of Harris County website for public voter viewing.

Candidate Name	Position for which Candidate is Running
BERT RICHARDSON	JUDGE, TEXAS COURT OF CRIMINAL APPEALS PL.3

Please give your answer to each of the following questions and please include your rationale with each answer. Please be concise & clear.

1.

1.	Please describe the qualifications and experience that make you the best candidate for the office for which you are running.
	Answer: 1) I have practiced criminal law full time for over 31 years. 2) Currently a Judge on Texas Court of Criminal Appeals. 3) Former State and Federal Prosecutor with significant trial and appellate experience. 4) State District Court Judge for over 15 years. 5) Board Certified in Criminal Law. 6) Adjunct Law Professor 10+ years. 7) As a trial and appellate judge, I have participated in 8 actual innocence cases and hundreds of post conviction writs. 8) As a prosecutor and judge I have written and participated in hundreds of appeals. 9) As a prosecutor, trial judge and appellate judge I have participated in over 50 death penalty cases. 10) Senior Visiting Judge in over 50 Texas Counties. 11) Distinguished Law Graduate St. Mary's University School of Law, 2015.

2.

2.	Please describe what you believe are the most significant issues in this race and why.
	Answer: Experience is the critical issue in this race. This is the State high court for criminal cases that on a regular basis determines life, liberty and death issues. These judicial positions of public trust should be for the most qualified individuals in our State's criminal justice system.

3.

3.	List the state(s) in which you are or have been licensed to practice law, and the date(s) you received such licenses.
	Answer: Texas, 1988

4. List the state or federal court(s) in which you are or have been licensed to practice, and the date(s) you received such licenses.

Answer: Western District of Texas, 1993 and 5th Circuit Court of Appeals 1998.

5. Are your licenses in “good standing” in each state and federal jurisdiction in which you have been licensed; why or why not?

Answer: Yes. I don’t believe this requires any explanation beyond “yes.”

6. Please list the undergraduate colleges or universities, law schools and any other graduate schools that you attended, the years you attended, the degrees you received and the years of any and all graduations.

Answer: BYU, B.S. (1974-1975, 1979-1982);

St. Mary’s University School of Law, J.D., 1984-87.

Note: I served a volunteer mission for my church in Argentina from 1976 to 1978.

7. Do you have judicial experience? To what extent have you practiced in the area of Civil or Criminal law?

Answer: Yes, 20+ years. I have practiced criminal law almost exclusively for 30+ years. I served as an Asst. DA and Asst. US Attorney before being appointed to a criminal district court bench in Bexar County by Gov. Bush. However, as a visiting judge, I presided over a variety of civil cases from 2009-2014. I also participated as “of counsel” in two international trials representing a two-time Olympian against the New Zealand Olympic Committee.

8. What carries the greatest influence in your rulings: criminal case law, the Constitution, state statutes, or other?

Answer: The Constitution. Simply put, under Article VI of the Constitution, the Supremacy Clause states the Constitution is the supreme law of the land. However, not all issues that come before the Court of Criminal Appeals involve U.S. or Texas Constitutional issues.

9. What has been your greatest accomplishment in your legal career? In your personal life?

Answer: A) LEGAL CAREER: During a thirty-year career there are many memorable cases, but presiding over an actual innocence writ hearing, and recommending that actual innocence be granted, was a remarkable experience. Cacy was wrongfully convicted of murdering her Uncle by arson. She received a life sentence. I was assigned to preside over the post-conviction writ hearing as a trial judge. Based on the testimony from arson experts, that the arson science was flawed and there was no accelerant used to start the fire, I wrote Findings of Fact and Conclusions of Law (over 100 pages) finding her actually innocent and recommending that the Texas Court of Criminal Appeals (TCCA) adopt my Findings. Although the DA's Office opposed her claim, the State Prosecuting Attorney took over the case before the TCCA and recommended she be granted relief. The TCCA agreed and declared her "actually innocent." It was the first time the TCCA agreed a defendant had been wrongfully convicted in this State with arson evidence now known as "junk science." Texas Monthly wrote the equivalent of a book on this case in six separate articles, the link is copied below.

[Texas Monthly - Sonia Cacy Articles link](#)

B) PERSONAL LIFE: I served a volunteer mission for my church from 1976-1978 in Argentina. In addition to the earning all the money to cover my expenses while in Argentina, serving the church members in that country and learning to speak Spanish fluently in just six months, will always be a highlight of my personal life.

10. Do you believe that voluntary professional and community service is a necessary commitment for persons holding public office? What forms of voluntary professional and community service have you been involved with in the past? Currently?

Answer: Yes, but unlike other positions of public office, judges have restrictions under the Texas Code of Judicial Conduct on some types of public service. I have served in many ways over the years, these are positions that are representative of my involvement in my community; Court Liaison to the State Bar; State Bar Advanced Criminal Law Planning Committee; Frequent State Bar and School Lecturer on the TCCA; Active in my church in many roles; Contributing photographer to State Bar Publications and other online publications; Mentor to undergrad and law students by providing internships throughout the year; Member - Bexar County GOP, Alamo City Republican Women, Bexar County Republican Women; Two year volunteer church mission to Argentina; Volunteer and Adjunct Professor at local colleges and Universities; Successful pro bono representation in 2004 and 2008 of Liza Galvan against the NZ Olympic Committee. High School Booster Club all 4 years while my son was in high school.

11. Are you a constitutional conservative? If yes, what does that mean to you?
- Answer:** Yes. In the context of being a judge, I make every effort to interpret the U.S. and Texas Constitutions in the manner the original authors intended (originalism). As Neil Gorsuch once said, there is a way to expand rights not included in the Constitution and that is through the amendment process. I believe statutes should be interpreted literally (textualism) without delving into the legislative intent. I am mindful that case law allows for the use of legislative history in some rare exceptions, but having discussed the possibility of including legislative history in TCCA opinions, I am mindful it can be fraught with problems.
12. Does the US Supreme Court have unlimited power in interpreting the US Constitution, or do you believe that they are bound by certain rules of interpretation? Please explain.
- Answer:** Ultimately, I believe the USSCT has the power to interpret the Constitution as they view it through the majority's judicial philosophy in any given opinion. In my opinion they should be bound by the plain meaning of the words in the Constitution, but that view has been widely debated between liberals and conservatives for decades. I don't believe any branch of the government should have unlimited power. If the USSCT pushed the limits of their power, I believe there could be ways built into our Constitution to address that abuse of power, but those discussions are more appropriate for a law review article and not an answer to this question.
13. Do judges have the authority to interpret statutes and the Constitution by deferring to public policy without first applying the plain meaning of the text? Please explain.
- Answer:** In my opinion no, but that answer would depend on a judge's judicial philosophy of interpreting those documents. My philosophy is more in line with textualism when interpreting statutes and originalism when interpreting the Constitution.
- Both of those theories require analyzing those documents based on the plain meaning of the words. However, I must point out that there are some majority opinions written by conservative jurists of this State that state there can exceptions to deferring to public policy and/or legislative intent in deciding legal issues, however, it is typically discouraged.
14. What ideas do you have to improve the efficiency of the Court of Criminal Appeals System to reduce case backlog and better serve the public?
- Answer:** The TCCA is the busiest appellate court in the country. I believe we timely dispose of thousands of cases every year. One way to streamline that process is for the Court to move towards electronic filing of pleadings like the Texas Supreme Court; however, given the nature of our work it poses it's own set of problems, because many of the pleadings are filed by inmates that have no access to computers. Nevertheless, we are moving in that direction for the legal community.

15. What do you think are the most important aspects of the Court of Criminal Appeals that voters should be aware of?

Answer: Unfortunately, most of the voting public has little idea of what this Court does on a regular basis. I believe voters should understand the three important roles of our court. First, we decide if defendants should be executed after reviewing the trial, appellate and writ records. Second, we review opinions from 14 intermediate appellate courts and have the power to reverse the decisions of those courts. Finally, we review thousands of writs every year and have the power to declare defendants actually innocent after they have spent decades in prison.

BY RETURNING THIS QUESTIONNAIRE, THE CANDIDATE ASSUMES FULL RESPONSIBILITY FOR ALL ANSWERS TO THIS QUESTIONNAIRE. THE ANSWERS ON THE FOREGOING REFLECT THE CANDIDATE'S BEST EFFORTS TO ANSWER THIS QUESTIONNAIRE HONESTLY AND DIRECTLY.

PLEASE SAVE YOUR COMPLETED QUESTIONNAIRE TO YOUR LOCAL MACHINE IN THE EVENT THAT THERE ARE ANY TECHNICAL PROBLEMS WHEN YOU ATTEMPT TO EMAIL IT BACK.

Once this questionnaire has been completed, please email it to:

alex@cchc-pac.org

* **Please note:** You **must** return your questionnaire from the email address to which it was sent. Questionnaires returned from any other email address will be considered fraudulent and will **not** be recorded and no answers will be published in the voter's guide. CCHC-PAC deems a return from the proper email address as authentication of the correct respondent.

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Robert C. “Bert” Richardson serves as a Judge (Place 3) on the Texas Court of Criminal Appeals. He is the son of the late Lt. Col. Marlin Richardson (USAF) who was a career fighter pilot and Veteran of 160 missions in the Vietnam War. His mother, NanEtte Richardson, is the owner of NanEtte Richardson Fine Art in San Antonio, Texas. His brother recently retired from his 23rd deployment to the Middle East as a member of the USAF Special Ops. After his family lived overseas and across the country, his father retired in San Antonio. He graduated from high school in San Antonio, received his B.S. degree from Brigham Young University, and his J.D. Degree from St. Mary’s University School of Law. He worked his way through undergraduate and law school as a photographer, employee of Southwest Airlines, and an intern in the Bexar County DA’s Office.

Admitted to the State Bar of Texas in 1988, Judge Richardson has 30 years of trial experience as a lawyer and judge. He became Board Certified in Criminal Law in 5 years and is fluent in Spanish, which he was able to use while presiding in courts across the State. He was named a Distinguished Law Graduate of St. Mary’s University School of Law in 2015. From 1988 to 1999 he served as an Assistant District Attorney in Bexar County and an Assistant United States Attorney for the Western District of Texas. He has written and been involved in hundreds of appellate cases while working at the Court of Criminal Appeals and as both a State and Federal prosecutor. He also has an extensive experience in death penalty cases both at the trial and appellate level. In addition to his trial experience as a judge and prosecutor, he has successfully participated (pro bono) in 2 international cases requiring a foreign country to place one of their own citizens on their Olympic team after refusing to provide her a place on the team, even though she had met the Olympic standard. He was appointed to the 379th District Court by Governor George Bush in 1999 and served in that position until 2009. As a Senior Visiting Judge from 2009-2014, he presided over a wide variety of civil and criminal matters throughout three Judicial Regions, including capital trials, writs ordered by the Texas Court of Criminal Appeals and many other high-profile cases. He was elected to the Texas Court of Criminal Appeals in 2014. He currently serves as the Court Liaison to the State Bar of Texas. Judge Richardson taught law-related classes at San Antonio College for several years and was an Adjunct Professor of Trial Advocacy at St. Mary’s University School of Law for over 10 years. He also served as a private judge and mediator.

Judge Richardson has been married for 35 years. His wife is a retired teacher and school and city employee benefits administrator, and their son is a graduate of Texas Tech University and a Bexar County Probation Officer. An avid photographer, Richardson was an assistant photo editor of his college yearbook and is currently a contributing photographer to several national and regional publications and websites. He runs and bikes on a regular basis and is actively involved in his church and local community.

VOTE FOR EXPERIENCE. VOTE FOR JUDGE BERT RICHARDSON.

QUALIFICATIONS MATTER ON THE TEXAS COURT OF CRIMINAL APPEALS, PL 3

QUALIFICATION	JUDGE RICHARDSON	GINA PARKER
Judicial Experience	20 Years	0 Years
Senior Visiting Judge	6 Years	0 Years
Board Certification in Criminal Law	Yes	No
Capital Death Penalty Cases	50+	0
Actual Innocence Cases	6	0
Criminal Appeals	Hundreds	3*
WRITS	Hundreds	0
Law School & College Adjunct Professor	15 Years	0
Prosecutor	11 Years	3 Years
• Felony Prosecutor	Yes	No
• Misdemeanor Prosecutor	Yes	Yes
• Assistant US Attorney Prosecutor	Yes	No
Primary Occupation	Judge, Texas Court of Criminal Appeals	General Manager/Partner Dental Creations, LLP <u>and</u> Personal Injury/Criminal Defense Lawyer*

*Westlaw, TexasCourts.Gov, and LinkedIn

Judge Bert Richardson Campaign, Lionel Sosa, Treasurer, 126 Lavaca, San Antonio, TX 78210