

By: Dutton

H.R. No. 106

R E S O L U T I O N

1 WHEREAS, The House of Representatives of the Texas
2 Legislature has exclusive power to present articles of impeachment
3 against a state officer under Section 1, Article XV, Texas
4 Constitution, and Chapter 665, Government Code; and

5 WHEREAS, Section 4, Article XV, Texas Constitution,
6 specifically states that "[a] party convicted on impeachment shall
7 also be subject to indictment, trial and punishment according to
8 law," thereby allowing the legislature to pursue impeachment
9 concurrently with another investigation or proceeding conducted
10 under other legal authority regarding the same matters; and

11 WHEREAS, The Texas Supreme Court in *Ferguson v. Maddox*, 263
12 S.W. 888 (Tex. 1924), established that impeachable offenses need
13 not be violations of the law, finding that "'the purposes of an
14 impeachment lie wholly beyond the penalties of the statute or the
15 customary law.' The Constitution, in relation to impeachment, has
16 in mind the protection of the people from official delinquencies or
17 malfeasances. The Penal Code, on the other hand, has in mind an
18 offender merely as a member of society who should be punished for
19 his individual wrongdoing. The primary purpose of an impeachment
20 is to protect the state, not to punish the offender"; and

21 WHEREAS, Judge Elizabeth Coker, Judge of the 258th Judicial
22 District, demonstrated conduct unbecoming a judge by violating the
23 Texas Code of Judicial Conduct; now, therefore, be it

24 RESOLVED, That the Texas House of Representatives impeach

1 Judge Elizabeth Coker, Judge of the 258th Judicial District; and,
2 be it further

3 RESOLVED, That in accordance with Section 5, Article XV,
4 Texas Constitution, Judge Elizabeth Coker, Judge of the 258th
5 Judicial District, be suspended from the exercise of the duties of
6 her office during the pendency of her impeachment, and that the
7 governor may make a provisional appointment to fill the vacancy
8 occasioned by the suspension of Judge Coker until the conclusion of
9 her trial by the Senate on the impeachment charges; and, be it
10 further

11 RESOLVED, That the House of Representatives of the 83rd Texas
12 Legislature conduct an investigation under Section 1, Article XV,
13 Texas Constitution, and Chapter 665, Government Code, prepare
14 appropriate articles of impeachment against Judge Elizabeth Coker,
15 Judge of the 258th Judicial District, and consider those articles
16 for presentment to the Texas Senate.