

## CAUSE NO. 1042204D

STATE OF TEXAS	§	IN THE CRIMINAL DISTRICT
	§	
v.	§	COURT NO. 3
	§	
PAUL DAVID STOREY	§	TARRANT COUNTY, TEXAS

## STATE'S MOTION TO BE REINSTATED AFTER RECUSAL

## To the Honorable Judge of said Court:

Defendant was convicted of capital murder and sentenced to death. Judgment was entered on September 15, 2008. Defendant was set to be executed on April 12, 2017. Two months before the execution date, defense counsel learned that the prosecution had failed to turn over critical evidence during the 2008 trial. During closing arguments, Assistant Criminal District Attorney Christy Jack told the jury that Jonas Cherry's family favored the death penalty when, in fact, they did not. The Cherry family strongly opposed the death penalty and had advocated for a sentence of life without parole.

In order to develop a *Brady*<sup>1</sup> claim, defense counsel requested an affidavit from Larry Moore, who had represented Defendant at trial and who is currently the Chief of the Criminal Division of the Tarrant County Criminal District

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<sup>1</sup> *Brady v. Maryland*, 373 U.S. 83 (1963).

Attorney's Office. Up to that point, Mr. Moore had been walled off from anything involving this case; but with that request, it became apparent that he might be called as a witness. For that reason, this office moved to be recused, and on March 1, 2017, this Court found good cause to allow the Tarrant County Criminal District Attorney's Office to be recused. Travis Bragg, Assistant Attorney General, was appointed as Tarrant County Criminal District Attorney Pro Tem.

Since then, Defendant's subsequent requests for relief in both state and federal court have been unsuccessful. *Ex parte Storey*, 584 S.W.3d 437 (Tex. Crim. App. 2019); *Storey v. Lumpkin*, 8 F.4th 382 (5th Cir. 2021), *cert. denied*, 2022 WL 2347620 (June 30, 2022).

Now, given that Mr. Moore is no longer a potential witness, the Tarrant County Criminal District Attorney's Office requests to be reinstated for all purposes and for all further prosecutorial duties. Mr. Moore will continue to be walled off from any matter having to do with this case.

Undersigned counsel has conferred with counsel for Storey, and they are not opposed to this motion.

## CONCLUSION

The State of Texas respectfully requests that the Tarrant County Criminal District Attorney be reinstated as the lead prosecutor for all purposes in this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Sharen Wilson", written over a horizontal line.

SHAREN WILSON  
Tarrant County Criminal District Attorney  
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Tim Curry Criminal Justice Center  
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## CERTIFICATE OF SERVICE

A true copy of the State's Motion to be Reinstated after Recusal has been e-served to counsel listed below on this, the 14th day of July 2022:

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SHAREN WILSON

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ORDER GRANTING STATE'S REQUEST TO BE REINSTATED AFTER  
RECUSAL

The Court has considered Tarrant County Criminal District Attorney Sharen Wilson's request to be reinstated in the above-styled matter.

The Court finds that because the claim giving rise to the recusal is no longer viable, it is appropriate to reinstate the Criminal District Attorney and her office. Therefore, Travis G. Bragg is removed as Criminal District Attorney Pro Tem. The Criminal District Attorney and her office are reinstated for all purposes and for all further prosecutorial duties.

IT IS SO ORDERED.

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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ROBB CATALANO  
Judge Presiding  
Criminal District Court No. 3

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Associated Case Party: PAULDAVIDSTOREY

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