



**BEFORE THE STATE COMMISSION  
ON JUDICIAL CONDUCT**

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**CJC No. 19-1872**

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**PUBLIC REPRIMAND  
AND  
ORDER OF ADDITIONAL EDUCATION**

**HONORABLE LEE HARPER WILSON  
COUNTY CRIMINAL COURT AT LAW NO. 10  
HOUSTON, HARRIS COUNTY, TEXAS**

During its meeting on February 4 and 9-10, 2022, the State Commission on Judicial Conduct concluded a review of the allegations against the Honorable Lee Harper Wilson, Judge of the County Criminal Court at Law No. 10, Houston, Harris County, Texas. Judge Wilson was advised by letter of the Commission's concerns and provided a written response. Judge Wilson appeared before the Commission on May 13, 2022 and gave testimony. After considering the evidence before it, the Commission entered the following Findings and Conclusion:

**BACKGROUND**

Beginning August 14, 2019, Judge Wilson presided over the misdemeanor driving while intoxicated trial of State v. Tabitha Lynn Lang; Case No. 223015801010. Following jury selection, the defendant was arraigned before the jury and announced her intent to plead guilty to the charge. Judge Wilson rejected the defendant's guilty plea and entered a plea of "not guilty" for her.

The jury found Ms. Lang guilty of the offense and retired to deliberate her punishment. During the jury's deliberations, Judge Wilson approached the defendant and stated he intended to appoint a new lawyer after the verdict on punishment to represent her on a motion for new trial. Following punishment, Judge Wilson convened a post-trial hearing at which he announced his concern about the handling of the case and confirmed his intent to appoint Lang a new lawyer on a motion for new trial limited to punishment issues. Ms. Lang told the judge she did not want a new lawyer appointed and said that she was happy with the results.

In his written responses to the Commission, Judge Wilson confirmed his refusal to accept the defendant's guilty plea and asserted that her defense lawyer was "ineffective." He continued, "I believed that Ms. Lang's interest would be better served by appointing new legal counsel for her." Judge Wilson also claimed that not accepting Lang's guilty plea "had no effect" because Pham asked the jury to find Lang guilty in his opening statement.

Judge Wilson said he was "attempting to appoint a second competent attorney to replace Mr. Pham" and "a motion for new trial allows for the setting aside of the assessment of punishment without disturbing the finding of guilt." Judge Wilson believed "a total breakdown of the adversarial process occurred in the Lang case" and a different outcome should have occurred in punishment because Ms. Lang would have received community supervision.

After considering the evidence before it, the Commission enters the following Findings and Conclusion:

### **FINDINGS OF FACT**

1. At all relevant times, the Honorable Lee Harper Wilson was Judge of the County Criminal Court at Law No. 10, Houston, Harris County, Texas.
2. In August 2019, Judge Wilson presided over a jury trial in *State v. Tabitha Lynn Lang*; Case No. 223015801010.
3. Following jury selection, the defendant, Lang, was arraigned and announced her plea of "guilty" to the misdemeanor charge of driving while intoxicated. At that time, Lang never claimed to be "not guilty" or that she did not understand the charge pending against her.
4. Judge Wilson rejected Lang's guilty plea stating, "Well we're going to proceed to a jury trial, so your plea has to be not guilty." Although Lang again insisted that she wanted to plead guilty, the judge entered a plea of not guilty for her.
5. On conclusion of the evidence on guilt/innocence, Judge Wilson prepared and presented Jury Instructions which stated that Lang had pled "not guilty" to the charge; gave instructions regarding the law of driving while intoxicated; applied the law to the facts; and gave the jury the option of finding Lang "guilty or not guilty."
6. The jury found Lang guilty of misdemeanor driving while intoxicated.
7. While the jury was deliberating punishment, Judge Wilson announced, "what I intend to do is appoint a lawyer after the verdict on punishment to represent Ms. Lang on the motion for new trial."
8. The jury assessed Lang's punishment at 7 days in jail and a fine of \$1500, which Lang was willing to accept.
9. Judge Wilson convened a post-trial hearing but did not appoint a different lawyer to represent Lang and did not ultimately conduct any proceeding regarding a new trial on punishment.

### **RELEVANT STANDARDS**

1. Canon 3B(8) of the Texas Code of Judicial Conduct provides, in part, "A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law."

## CONCLUSION

Based upon the record before it and the factual findings recited above, the Texas State Commission on Judicial Conduct has determined that the Honorable Lee Harper Wilson, Judge of the County Criminal Court at Law No. 10, Houston, Harris County, Texas, should be publicly reprimanded and ordered to obtain additional education for failing to accord Lang and/or her lawyer the right to be heard according to law. Judge Wilson's conduct in this respect violated Canon 3B(8) of the Texas Code of Judicial Conduct.

Pursuant to this Order, Judge Wilson must obtain **3 hours** of instruction with a mentor, in addition to his required judicial education for Fiscal Year 2022. In particular, the Commission desires that Judge Wilson receive this additional education in the area of criminal pleas. Pursuant to the authority contained in §33.036 of the Texas Government Code, the Commission authorizes the disclosure of certain information relating to this matter to the Texas Center for the Judiciary to the extent necessary to enable that entity to assign the appropriate mentor for Judge Wilson.

Judge Wilson shall complete the additional **3 hours** of instruction recited above within **60 days** from the date of written notification from the Commission of the assignment of a mentor. Upon receiving such notice, it is Judge Wilson's responsibility to contact the assigned mentor and schedule the additional education.

Upon the completion of the **3 hours** of education described herein, Judge Wilson shall sign and return the Respondent Judge Survey indicating compliance with this Order. Failure to complete, or report the completion of, the required additional education in a timely manner may result in further Commission action.

The Commission has taken this action pursuant to the authority conferred it in Article V, §1-a(8) of the Texas Constitution in a continuing effort to promote confidence in and high standards for the judiciary.

Issued this the 8<sup>th</sup> day of June, 2022.

  
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David Schenck  
Chairman, State Commission on Judicial Conduct