



**BEFORE THE STATE COMMISSION
ON JUDICIAL CONDUCT**

CJC No. 25-0123

PUBLIC WARNING

**HONORABLE LORI GRAY
262ND DISTRICT COURT
HOUSTON, HARRIS COUNTY, TEXAS**

During its meeting on August 6-7, 2025, the State Commission on Judicial Conduct concluded a review of the allegations in this matter against the Honorable Lori Gray, the judge of the 262nd District Court in Houston, Harris County, Texas. Judge Gray was advised by letter of the Commission's concerns and provided a written response.

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

FINDINGS OF FACT

1. At all relevant times, the Honorable Lori Gray served as judge of the 262nd District Court in Houston, Harris County, Texas.
2. Walter Hinton, Jr.¹ ("Hinton") filed an *Application for Writ of Habeas Corpus Seeking Relief from Final Felony Conviction Under Code of Criminal Procedure, Article 11.07* ("Writ") on October 26, 2015 and a *Motion for Leave to File Amended Application for Writ of Habeas Corpus Pursuant to T.C.C.P. 11.07* ("Amended Writ") on February 29, 2016 in *Ex Parte Walter Hinton, Jr., Applicant*, Case Number 1316867-A (the "Hinton Case"). The Writ and the Amended Writ were based on ineffective assistance of counsel, first for his appellate counsel and then modified to include his trial counsel ("Habeas Application").
3. On June 27, 2018, the Court of Criminal Appeals of Texas (the "Court of Criminal Appeals") remanded Hinton's Habeas Application and ordered the trial court to make

¹ Hinton was convicted of Murder on February 13, 2013 and received a life sentence.

findings of fact and conclusions of law within 90 days from the date of the remand order. Specifically, the Court of Criminal Appeals ordered:

The trial court shall order trial counsel and appellate counsel to respond to Applicant's claims of ineffective assistance of counsel. The trial court may use any means set out in TEX CODE CRIM PROC art 11.07, § 3(d). In the appropriate case, the trial court may rely on its personal recollection...The trial court shall make findings of fact and conclusions of law as to whether the performance of Applicant's trial counsel was deficient and, if so, whether trial counsel's deficient performance prejudiced Applicant. The trial court shall also make findings of fact and conclusions of law as to whether the performance of Applicant's appellate counsel was deficient, and if so, whether appellate counsel's deficient performance prejudiced Applicant. The trial court shall also make any other findings of fact and conclusions of law that it deems relevant and appropriate to the disposition of Applicant's claims for habeas corpus relief. This application will be held in abeyance until the trial court has resolved the fact issues. The issues shall be resolved within 90 days of this order.”

4. On July 11, 2018, Judge Denise Bradley, the then Presiding Judge of the 262nd District Court, signed the *State's Proposed Order for Filing Affidavit Following Remand*, ordering Hinton's trial counsels, Tara Long (“Long”), Charles Brown (“Brown”), and Sonya Chandler-Anderson (“Chandler-Anderson”), and Hinton's appellate counsel, Kurt Wentz (“Wentz”), to provide an affidavit within thirty days regarding their representation of Hinton (the “July 11, 2018 Order”).
5. Judge Gray became the Presiding Judge of the 262nd District Court on January 1, 2019, while Hinton's Habeas Application was still pending.
6. On April 10, 2019, Hinton filed a *Motion to Compel Response for Affidavits* requesting Long, Brown, Chandler-Anderson, and Wentz to respond to the July 11, 2018 Order by filing their affidavits.
7. Wentz filed his affidavit on July 9, 2019; Long filed her affidavit on November 13, 2019; and Brown filed his affidavit on November 15, 2019. The record did not contain an affidavit from Chandler-Anderson.
8. On December 2, 2020, the Court of Criminal Appeals reminded Judge Gray by letter that they had not received her findings of fact and conclusions of law, and the record developed on remand.
9. On August 4, 2021, the Court of Criminal Appeals again reminded Judge Gray by letter that they had not received her findings of fact and conclusions of law, and the record developed on remand.
10. On August 10, 2021, the Harris County District Clerk filed the supplemental record with the Court of Criminal Appeals.
11. On August 16, 2021, Judge Gray requested an extension to allow Hinton's newly appointed counsel time to review Hinton's forensic DNA testing claim. On September 13, 2021, the Court of Criminal Appeals granted Judge Gray's request for an extension of time for 30 days from the date of the notice.

12. On September 27, 2021, the State filed the *State's Proposed Findings of Fact, Conclusions of Law, and Order Following Remand* (the "Proposed Findings and Conclusions").
13. On October 12, 2021, Judge Gray requested an extension until December 13, 2021, to allow Hinton's counsel more time due to medical appointments and scheduling conflicts. The Court of Criminal Appeals granted the extension but specified that no further extensions would be granted.
14. Despite the Court of Criminal Appeals specifying that no further extensions would be granted, on August 3, 2022, Judge Gray requested a 60-day extension of time. On August 7, 2022, the Court of Criminal Appeals denied Judge Gray's request for an extension of time to file the supplemental record.
15. As of February 22, 2023, the Court of Criminal Appeals had not received a response from Judge Gray. As a result, they issued an *Order to Show Cause and Efile Response in Ex Parte Hinton in Cause Number 1316867-A in the 262nd District Court Harris County*, (the "Show Cause Order") which ordered Judge Gray to show cause, via sworn affidavit(s), as to why she should not be held in contempt and punished by the Court for failing to comply with the Court of Criminal Appeals' remand order.
16. On February 23, 2023, the day after the Court of Criminal Appeals issued the Show Cause Order, Judge Gray signed the Proposed Findings and Conclusions, which had been on file since September 27, 2021.
17. On March 15, 2023, Judge Gray responded to the Court of Criminal Appeals' Show Cause Order via sworn affidavit. In her affidavit, Judge Gray asserted the following: (1) It took her time to learn of the Hinton Case and the outstanding habeas application after assuming the bench; (2) She sought extensions due to the requests of Hinton's trial and appellate attorneys; (3) several important documents were filed into the closed, underlying case file instead of the Writ cause number; and (4) the 262nd District Court lacked a tracking or tickler system in place for writs, and COVID-19 created a backlog on an already busy docket.
18. In her written responses to the Commission, Judge Gray stated the Harris County District Attorney's Office assumed the responsibility of tracking and calendaring post-conviction writs and attached an affidavit from Andrew Smith ("Smith"), the current Division Chief of Post-Conviction Writs at the District Attorney's Office. However, Smith noted that after the passage of Tex. R. App. Proc. 73.5 in 2014, "the district court was ordered to send a writ after the expiration of 180 days from the filing of the writ. In practice, this (eventually) became its own tickler system of the status of pending writs."
19. Judge Gray asserted that when the writ process changed in 2014, the Clerk was "slow to incorporate the new law into its processes on post-conviction writs." While the new law mandated that all post-conviction writs, regardless of the writ's status, shall be forwarded to the Court of Criminal Appeals, unbeknownst to the judiciary, this was not occurring.
20. Judge Gray admitted she did not hold a hearing regarding Hinton's *Motion to Compel*, as she instructed her coordinator to follow up with each attorney to determine the status of the affidavits, and she did not find it necessary to hold a hearing.

21. Judge Gray stated she fully respects the authority of the Court of Criminal Appeals, worked diligently to comply with them, and refuted the allegation that she failed to comply with their letters or in any manner disrespected their authority.

RELEVANT STANDARDS AND AUTHORITIES

1. Canon 2A of the Texas Code of Judicial Conduct provides, in relevant part: “A judge shall comply with the law...”
2. Canon 3B(2) of the Texas Code of Judicial Conduct provides, in relevant part: “A judge...shall maintain professional competence in [the law].”
3. Article V, Section 5 of the Texas Constitution provides, in relevant part: (a) The Court of Criminal Appeals shall have final appellate jurisdiction coextensive with the limits of the state, and its determinations shall be final, in all criminal cases of whatever grade, with such exceptions and under such regulations as may be provided in this Constitution or as prescribed by law.

(b) ... The appeal of all other criminal cases shall be to the Courts of Appeal as prescribed by law. In addition, the Court of Criminal Appeals may, on its own motion, review a decision of a Court of Appeals in a criminal case as provided by law. Discretionary review by the Court of Criminal Appeals is not a matter of right, but of sound judicial discretion.

(c) Subject to such regulations as may be prescribed by law, the Court of Criminal Appeals and the Judges thereof shall have the power to issue the writ of habeas corpus, and, in criminal law matters, the writs of mandamus, procedendo, prohibition, and certiorari. The Court and the Judges thereof shall have the power to issue such other writs as may be necessary to protect its jurisdiction or enforce its judgments. The court shall have the power, upon affidavit or otherwise, to ascertain such matters of fact as may be necessary to the exercise of its jurisdiction.
4. Art. 4.04 of the Texas Code of Criminal Procedure provides, in relevant part: Sec. 1. The Court of Criminal Appeals and each judge thereof shall have, and is hereby given, the power and authority to grant and issue and cause the issuance of writs of habeas corpus, and, in criminal law matters, the writs of mandamus, procedendo, prohibition, and certiorari. The court and each judge thereof shall have, and is hereby given, the power and authority to grant and issue and cause the issuance of such other writs as may be necessary to protect its jurisdiction or enforce its judgments.

Sec. 2. The Court of Criminal Appeals shall have, and is hereby given, final appellate and review jurisdiction in criminal cases coextensive with the limits of the state, and its determinations shall be final. ... In addition, the Court of Criminal Appeals may, on its own motion, with or without a petition for such discretionary review being filed by one of the parties, review any decision of a court of appeals in a criminal case. Discretionary review by the Court of Criminal Appeals is not a matter of right, but of sound judicial discretion.
5. Texas Rule of Appellate Procedure 73.5 provides, “Within 180 days from the date of receipt of the application by the State, the convicting court shall resolve any issues that the court has timely designated for resolution. Any motion for extension of time must be filed in the Court of Criminal Appeals before the expiration of the 180-day period.”

6. U. S. Const. amend. V provides, in relevant part: "...nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law..."
7. U. S. Const. amend. XIV, sec. 1: "...No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

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 Lori Gray, the judge of the 262nd District Court in Houston, Harris County, Texas, should be warned publicly for failing to comply with the law and maintain professional competence in the law when she failed to make findings of fact and conclusions of law within the deadlines provided in orders from the Court of Criminal Appeals, in violation of Canons 2A and 3B(2) of the Texas Code of Judicial Conduct.

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

Issued this the 20th day of October, 2025.

Ken Wise

Ken Wise
Vice-Chair, State Commission on Judicial Conduct