

**IN THE 242<sup>ND</sup> DISTRICT COURT OF SWISHER COUNTY, TEXAS**  
**and**  
**IN THE COURT OF CRIMINAL APPEALS, AUSTIN, TEXAS**

JASON JEROME WILLIAMS,	)	
	)	
Applicant,	)	Nos. 51,824 – 01, -02, -03, -04
	)	
v.	)	(Trial Court Cause Nos.
	)	B-3340-9907-CR, B-3341-9907-CR,
	)	B-3342-9907-CR, B-3356-9908-CR)
	)	
STATE OF TEXAS,	)	
	)	
Respondent.	)	
	)	

**MOTION FOR HEARING ON  
MOTION TO DISQUALIFY DISTRICT ATTORNEY**

JASON JEROME WILLIAMS, an indigent prisoner now incarcerated in the Roach Unit of the Texas Department of Corrections in Childress, Texas, by and through counsel, respectfully requests that this Court hold a hearing on the Motion to Disqualify District Attorney filed on October 25, 2002, pursuant to the Sixth and Fourteenth Amendments to the United States Constitution; Article 1, Sections 10 and 19 of the Texas Constitution; Rules 3.08 and 3.09 of the Texas Disciplinary Rules of Professional Conduct; Texas Code of Criminal Procedure, art. 2.01; and other relevant federal and Texas law.

1. Mr. Williams filed an Application for Writ of Habeas Corpus with the Swisher County Court on January 7, 2002. He then filed a Motion for Discovery on January 29, 2002, and a Motion for Evidentiary Hearing on February 1, 2002. His Application was transferred to the Court of Criminal Appeals on February 22, 2002. The District Attorney made no response to any of the claims presented in Mr. Williams’s Application. He also made no opposition to any of the motions

filed in conjunction with his Application. Furthermore, the District Court took no action on Mr. Williams' discovery or evidentiary hearing motions.

2. On October 6, 2002, Mr. Williams's counsel received notice that this Court remanded, on September 25, 2002, three of Mr. Williams's cases, Writ No. 51,824-01 (Trial Court Cause No. B-3341-99-07-CR), Writ No. 51,824-03 (Trial Court Cause No. B-3356-99-08-CR), Writ No. 51,824-04 (Trial Court Cause No. B-3342-99-07-CR) for an evidentiary hearing in the convicting court because this Court "believe[s] that Applicant has alleged facts which, if true, might entitle him to relief" and that "additional facts need to be developed." *See* Court Order (Sept. 25, 2002) at 1. The Court of Criminal Appeals of Texas expressly directed this Court to "develop . . . additional facts" and enter findings of fact and conclusions of law within 90 days.

3. On October 25, 2002, Mr. Williams filed a Motion to Disqualify District Attorney Terry McEachern along with several Applications to Take Depositions of witnesses whose testimony is critical to compliance with the Court of Criminal Appeals's Order. *See* Court Order (Sept. 25, 2002) at 2-3.

4. A hearing is necessary to determine the important issue of whether or not District Attorney McEachern should be disqualified.

WHEREFORE Mr. Williams requests that this Court hold a hearing on the Motion to Disqualify District Attorney filed on October 25, 2002, pursuant to the Sixth and Fourteenth Amendments to the United States Constitution; Article 1, Sections 10 and 19 of the Texas Constitution; Rules 3.08 and 3.09 of the Texas Disciplinary Rules of Professional Conduct; Texas Code of Criminal Procedure, art. 2.01; and other relevant federal and Texas law.

Respectfully submitted,

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