

Cause No. 55073

In re CHARLES CHANDLER DAVIS,

BEFORE THE BOARD OF

Relator

v.

HONORABLE WILLIAM ALTMAN,

Respondent



DISCIPLINARY APPEALS

FROM THE 14th DISTRICT GRIEVANCE COMMITTEE

BRIEF IN SUPPORT OF CONDITIONAL MANDAMUS RELIEF

COMES NOW, Charles Chandler Davis, Pro Se, seeking timely temporary relief through an appropriate petition for writ of mandamus and in support thereof offer the following to wit:

SUMMARY

1. A verified motion to recuse was filed in the 14-1 Evidentiary Panel, chaired by Honorable William Altman, prior to a hearing or the presentation of evidence, on September 26, 2014. Notice was given to all parties, including the Respondent. Respondent sent correspondence indicating he was in receipt of such notice. Prior to the hearing a formal bill of exception was made on the record, the Chairman was advised that all actions taken subsequent to such

notice were void, pursuant to the provisions of T.R.C.P, 18a(f) and 18b.

Loss of Legal Capacity

At the conclusion of the purported hearing, the respondent announced disbarment. Relator left, pursuant to information and belief, in front of several witnesses, Respondent stated it was “too late now, this is public” and boasted to the complainants and other witnesses that he had disbarred Relator. These acts all occurred after the loss of judicial capacity, for which Relator has no remedy on appeal. See, *In re Norman*, 191 S.W. 3rd 858(Houston 14th 2006);*McLeod v. Harris*, 582 S.W. 2nd 772 (Tex, 1979);*In re Thompson*, 330 S.W. 3rd 411 (Austin 2010).

2. After the time allowed for the Respondent to notify the Regional Presiding Judge, the Relator may notify the Presiding Judge. The presiding judge was notified electronically on the 2nd day of October 2014, copies of these proceedings were sent to the presiding judge, who has mandatory duties set out in T.R.C.P., Rule 18a. No other items were sent to the Regional Presiding Judge, either verbally or in writing.

3. Under *Johnson v. Pumjani*, 56 S.W. 3rd 670(Houston 14th 2001, no pet.);*Jamilah v. Bass*, 862 S.W. 2nd 201(Houston 14th 1993, original proceeding.);*Lamberti v. Tschope*, 776 S.W. 2nd 657(Dallas 1989, writ denied), once the motion to recuse the Respondent was filed, he was precluded from taking any further action, other than issuing an order of recusal or an order of referral for hearing to the Regional

Presiding Judge. All subsequent actions are mandatory and statutory, any actions which do not comport to this standard, respectfully, are void. The Respondent was advised of this at every opportunity, he still is issuing proclamations as if he had the judicial capacity to act.

Conditional Mandamus Relief

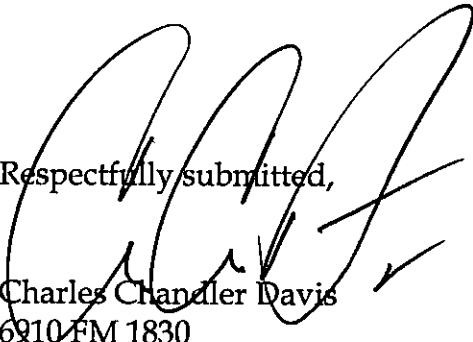
4. Refusal and violation of a mandatory statutory duty to either recuse or refer is an abuse of discretion. *In re Healthmark Partners, LLC*, No. 14-04-00743-CV(Houston 14 2004, original proceeding)(Memorandum Opinion). and unenforceable. *In re Thompson*, 330 S.W. 3rd 411, (Austin 2010).
5. *Walker v. Packer*, 827 S.W. 2nd 833(Tex. 1992) sets out the use of mandamus to compel compliance with entrance of a statutory or ministerial requirement.
6. The Respondent had three days to notify the Regional Presiding Judge. On October 2, 2014, three business days had expired. Relator notified Regional Presiding Judge on October 2, 2014, and requested Temporary Relief from the Board to allow the completion of these tasks and to prevent any further void actions on behalf of Respondent. The continuing threat to enter a void order is unseemly. This alone projects an appearance of impropriety and violates due process of law, as well as evidence of the necessity of the recusal motion.

Prayer

Relator requests relief by original proceeding to correct a misapplication of

law and continuing abuse of discretion. We respectfully require that the Respondent recuse or refer to the Regional Presiding Judge, and prevent any further void actions. An abuse of discretion of this magnitude, after the loss of judicial capacity to act has no remedy by appeal.

Respectfully submitted,



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CERTIFICATE

On this the 3rd day of October 2014, I have had no opportunity to confer with either Lisa Holt, Esq. or Cynthia Hamilton. I am sending a file marked copy of this pleading to the Respondent to the Regional Presiding Judge and to all know counsel, including Ms. Holt and Ms. Hamilton to their electronic addresses.



Charles Chandler Davis, Pro Se
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