

BEFORE THE BOARD OF DISCIPLINARY APPEALS
APPOINTED BY
THE SUPREME COURT OF TEXAS

IN THE MATTER OF
SUZANNE H. WOOTEN
STATE BAR CARD NO. 00794881

§
§
§

CAUSE NO. 50489

ORDER TERMINATING SUSPENSION

On October 24, 2012, the Board of Disciplinary Appeals signed its Judgment of Suspension, suspending Respondent Suzanne H. Wooten from the practice of law based on conviction of nine felony counts in *The State of Texas v. Suzanne H. Wooten*, Case No. 366-81639-2011 in the 366th District Court of Collin County, Texas. On May 24, 2017, the 366th District Court of Collin County, Texas, VACATED all nine felony counts as void *ab initio*, declaring further that Respondent was ACQUITTED of each and every allegation. A copy of the Order on Applicant's First Amended 11.072 Writ of Habeas Corpus Declaring Actual Innocence as a Matter of Law is attached to this Order and incorporated for all purposes, as if set out in full.

The Board finds the order granting 11.072 Writ of Habeas Corpus Declaring Actual Innocence as a Matter of Law is final. The Board finds Petitioner does not oppose termination of the suspension. The Board retains jurisdiction to terminate the suspension.

Therefore, the Board **ORDERS** that the suspension imposed October 24, 2012 be, and hereby is, **TERMINATED**.

Signed this 7 day of June 2017.

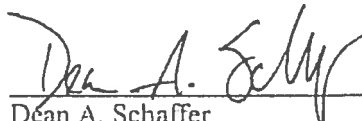


CHAIR PRESIDING

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ORDER ON APPLICANT'S FIRST AMENDED 11.072
WRIT OF HABEAS CORPUS DECLARING ACTUAL
INNOCENCE AS A MATTER OF LAW

NO. 366-81639-2011

SUZANNE H. WOOTEN

v.

STATE OF TEXAS

§ IN THE DISTRICT COURT
§
§ 366TH JUDICIAL DISTRICT
§
§ COLLIN COUNTY, TEXAS

**ORDER ON APPLICANT'S FIRST AMENDED 11.072 WRIT OF
HABEAS CORPUS DECLARING ACTUAL INNOCENCE
AS A MATTER OF LAW**

Upon consideration of Suzanne H. Wooten's (Applicant) First Amended 11.072 Writ of Habeas Corpus Declaring Actual Innocence as a Matter of Law and the Response filed by the State of Texas where the State *agrees* that the relief requested should be granted, the Court hereby GRANTS the Applicant's requested relief.

The Court FINDS that the Texas Court of Criminal Appeals, in its decisions in *Stacy Stine Cary v. State*, 507 S.W.3d 750 (Tex. Crim. App. 2016) and in *David Cary v. State*, 507 S.W.3d 761 (Tex. Crim. App. 2016), acquitted those co-defendants in this case on all counts (which were substantially identical to the charges against the Applicant), finding the evidence presented legally insufficient because the allegations, even if true, were not crimes under Texas law. The Court FINDS that those Opinions by the highest criminal court in the State of Texas are directly relevant to the Applicant's case and require the Court to GRANT the relief requested.

The Court FURTHER FINDS that, in light of *Stacy Stine Cary v. State*, 507 S.W.3d 750 (Tex. Crim. App. 2016) and *David Cary v. State*, 507 S.W.3d 761 (Tex. Crim. App. 2016), the evidence presented at Applicant's trial was legally insufficient to convict her of the following nine (9) felony convictions: one (1) count of Conspiracy to Commit Engaging in Organized Criminal Activity, six (6) counts of Bribery, one (1) count of Money Laundering, and one (1) count of Tampering with a Governmental Record with Intent to Defraud/Harm. The Court therefore FINDS a violation of Applicant's due process rights.

MAY 24 PM 1:45

LYNNE FINLEY
DISTRICT CLERK
COLLIN COUNTY, TX
BY *[Signature]* DEPUTY



The Court FURTHER FINDS that Article 11.072 of the Texas Code of Criminal Procedure is the appropriate means for Applicant to obtain relief in this matter, as the Court of Criminal Appeals ruled on December 14, 2016, more than five years after Applicant was convicted of the charges listed above, that the allegations brought against Applicant in the Indictment, even if true, were not crimes under Texas law. An acquittal is therefore appropriate. *See generally Ex parte Perales*, 215 S.W.3d 418 (Tex. Crim. App. 2007). Because relief is granted, it is not necessary for the Court to review the "Supplemental Legal Challenges" alleged in the Applicant's Application. Therefore, those "Supplemental Legal Challenges" contained in the Application are denied.

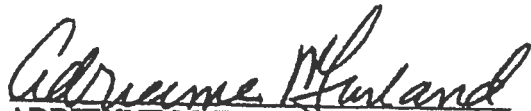
THEREFORE, based upon these findings, IT IS ORDERED, DECREED, AND ADJUDGED that each and every of the nine (9) felony convictions of Applicant, the Honorable Suzanne H. Wooten, in this cause are immediately VACATED, that the convictions in this cause are void *ab initio*, and that the Applicant is **DECLARED, DECREED, AND ORDERED ACQUITTED OF EACH AND EVERY ALLEGATION CONTAINED IN THE INDICTMENT**. The State of Texas is FURTHER ORDERED that it is prohibited from any further prosecution of the Applicant based on the instant indictment. IT IS FURTHER ORDERED that any legal disabilities rendered against Applicant as a result of the convictions in this cause are VOID and ORDERED SET ASIDE and that the Applicant be immediately provided all release and relief from those legal disabilities.

IT IS SO ORDERED, this the 24th day of MAY, 2017.


HON. ANDREA STROH THOMPSON
JUDGE PRESIDING

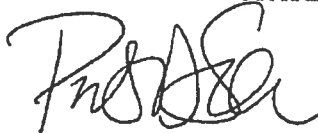


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