

# Proof That Judge Denise Pratt Backdated A Court Order and Committed the Crime of Tampering With a Public Record

February 14, 2014  
by Greg B. Enos

The *Osborn - Hyde* child custody modification case (2008-40895) has been pending in the 311<sup>th</sup> Family District Court of Harris County since July 2012. The mother in this case, Karen Hyde, is representing herself and is pro se. On February 1, 2013, Karen Hyde filed a Motion to Enforce asking the court to hold her ex-husband in contempt for violating orders regarding child support and possession of their daughter. A hearing was scheduled for March 5, 2013 but only Karen Hyde appeared and the Amicus attorney but not Mr. Osborne. The Associate Judge refused to conduct a hearing because he said Mr. Osborn had not been served properly. So, Karen Hyde tried again and got a hearing on her motion set for April 25.

On April 25, 2013, Mr. Osborn again did not appear in court. Karen Hyde and her new husband waited from 9:30 a.m. until about 3:30 p.m. until they were the last people in the court before Judge Pratt called them to the bench and discussed the case. Judge Denise Pratt on April 25, 2013 backdated an "Order for Capias for Arrest of Respondent" and wrote the date of March 5 on the order in open court before Karen Hyde and her husband. **Judge Pratt told the Hydies, "I am backdating this order to March 5."** The Order for Capias for Arrest of Respondent is attached as Exhibit 1. Karen Hyde's sworn affidavit is attached as Exhibit 2. The affidavit of Wes Hyde is attached as Exhibit 3. The District Clerk web site printout which verifies that the capias order was issued on April 25, 2013 (not March 5, 2013) is attached as Exhibit 4.

The capias order probably should never have been issued in the first place and it certainly should not have been intentionally backdated by the judge. The order resulted in the arrest of Gary Osborn on May 24, 2013 in Montgomery County. Mr. Osborn's attorney immediately went to Judge Pratt's court and convinced her to sign an order that same day withdrawing the capias. See Exhibit 5. After several hours, Mr. Osborn was released.

The story gets even worse. The *Osborn-Hyde* child custody case was one of several hundred cases that Judge Pratt dismissed on December 31, 2013 without notice or hearing in clear violation of the Constitution and the Texas Rules of Civil Procedure. See Exhibit 6. Even though the dismissal was clearly illegal, the case was dismissed.

Apparently, Judge Pratt was concerned that her court has more cases pending for more than a year than any other district court, so she decided to make her statistics look better by dismissing 631 cases that were over a year old. All of the dismissals are dated December 30 or 31, 2013. December 31 is the date used for courts' statistical reports.

Texas Rule 165a of Civil Procedure states that the court must send notice of its intent to dismiss and the date and place of the dismissal hearing to the parties or attorneys. The rule describes a dismissal

hearing. Pratt followed none of these procedures when she dismissed the hundreds of cases on December 30 and 31.

All attorneys have at some time received DWOP (Dismissal for Want of Prosecution) notices during our careers that told us to appear on a specific date and time and explain why our old cases should not be dismissed. We all know to file a motion to retain and appear at the hearing to keep our cases from being dismissed. Pratt herself has presided over many DWOP dockets as a judge and she attended them when she was a lawyer, so she should have known exactly how this all works.

On December 30 and 31, when Pratt sat alone in her chambers signing hundreds of dismissal orders, surely she wondered why her courtroom was not full of attorneys at a DWOP docket. Did Pratt not realize that some of the cases she was dismissing had been settled and the final orders were sitting on her desk waiting for her to simply sign them? Many of the cases Pratt dismissed, like the example cited above, were set for trial in Pratt's court and the litigants had done everything expected of them to resolve their case. Did Pratt consider what she was doing to the hundreds of families and children effected by these dismissals? Many of these dismissed cases had temporary orders made by Pratt keeping a parent away from a child or limiting visitation or requiring very specific behaviors because Pratt thought it essential to protect the child. Did Pratt not understand that dismissing those cases meant that her temporary orders went away, leaving the children unprotected by court order

Sadly, for Karen Hyde, the story gets even worse. On January 31, 2014, after her case was dismissed, Karen Hyde received a letter from Judge Pratt's court stating that the case was set for trial on February 5, 2014, just five days later. See Exhibit 7. Karen Hyde called Judge Pratt's court and her court staff told her the case was still dismissed. The District Clerk web site said her case was dismissed. So, Karen Hyde did not go to court on February 5 because her case was dismissed. However, Mr. Osborn and his attorney did go to court and Judge Pratt issued a default order in the father's favor and switched custody of the child to him. It now appears that a secret motion to reinstate the case was filed on January 24, 2014, but no copy was ever sent to Karen Hyde. Mr. Osborn's attorney, Ruby Bolton, has confirmed to me that no copy of the motion to reinstate was sent to Karen Hyde. The image of the motion to reinstate did not appear on the District Clerk's web site until February 12, 2014. The District Clerk web site as of February 6, 2014 (the day after the "trial"), still showed that the case has been dismissed and did not show any motion or order to reinstate. See Exhibit 8. Presumably, Judge Pratt signed an order which reinstated the case but no one told Karen Hyde that the case was no longer dismissed. The father's attorney, Ms. Bolton, never sent notice of the February 5 trial date. In December 2013, Ms. Bolton sent a letter to Karen Hyde via regular mail and certified mail but she sent a notice of a trial set for December 16, 2013 which never occurred. The letter sent by Ms. Bolton to Karen Hyde via regular mail is attached as Exhibit 9 and the letter sent via certified mail is attached as Exhibit 10. Oddly, both letters were mailed by Ms. Bolton after the December 16 trial date yet both letters purported to give notice of the December 16 trial, which never occurred.

One more grave injustice in this case should be noted. The original divorce decree gave Karen Hyde primary custody of her daughter. Mr. Osborn filed his motion to modify custody and asked for

temporary orders after he had gone to his ex-wife's house and picked up his teenage daughter and kept her. The Texas Family Code says that primary custody cannot be changed in temporary orders except by agreement or after a hearing showing that the child is in danger or an interview of the child in chambers by the judge. Tex. Fam. Code Sec. 156.006(b). The parents and Mr. Osborn's attorney appeared before Judge Pratt's Associate judge on October 9, 2012 and they discussed the situation but no evidence was presented. No hearing on temporary orders was held and the child was not interviewed by the judge. On October 19, 2012, Judge Pratt signed an order entitled "Temporary Injunctions In Suit to Modify Parent-Child Relationship." That order, attached as Exhibit 11, stated in part, "IT IS ORDERED that the primary residence of the child shall be 10123 Caddo, Magnolia, TX 77354 [the father's address] and the parties shall not remove the child from 10123 Caddo, Magnolia, TX 77354 for the purpose of changing the primary residence of the child until modified by further order of the court..." Without agreement or proof that the child was in danger with the mother and at least giving the mother a hearing and a chance to present her side of the story, this order clearly violated Texas law and should not have been granted.

### **The Crime of Tampering With a Governmental Record**

The Texas Penal Code, Sec. 37.01 (2) defines a "governmental record" to include a court record.

The Texas Penal Code, Sec. 37.10 states in part:

#### Sec. 37.10. TAMPERING WITH GOVERNMENTAL RECORD.

(a) A person commits an offense if he:

(1) knowingly makes a false entry in, or false alteration of, a governmental record;

....

(5) makes, presents, or uses a governmental record with knowledge of its falsity;

....

(c)(1) Except as provided by Subdivisions (2), (3), and (4) and by Subsection (d), an offense under this section is a Class A misdemeanor unless the actor's intent is to defraud or harm another, in which event the offense is a state jail felony.

A copy of these criminal statutes is attached as Exhibit No. 12.

It is a crime for a judge to back date a court order and this time there a two witnesses who saw Judge Pratt backdate the capias order.

Judge Pratt also "knowingly made a false entry in...a government record" when she signed the December 31, 2013 order dismissing the *Osborn-Hyde* case because the order falsely states that "all parties were given notice of the setting date and that failure to appear would be grounds for dismissal..." No judge dismisses a case for want of prosecution without proof that the parties and attorneys were given notice of the hearing on dismissal, yet that is exactly what Pratt did.

### Questions to Ask Judge Pratt

1. It is true that on April 25, 2013, you signed the capias order and backdated it to March 5, 2013 as you told the Hydes and as shown on the District Clerk website?
2. There is no proof in the court file of service on Mr. Osborn regarding Karen Hyde's petition for enforcement. Without proof before you that the Respondent had been served with an order to appear in your court, how could you possibly issue a capias order that required the man to be arrested for not appearing?
3. If you properly issued the capias order, why did you immediately sign an order withdrawing the capias as soon as Mr. Osborn's attorney asked you to (without motion, notice to Karen Hyde or hearing)?
4. Why did you dismiss the *Osborn - Hyde* case on December 31, 2013 for want of prosecution without notice to the parties and apparently after you had set the case for trial on February 5?
5. Why did your order dismissing the case for want of prosecution state that notice of the dismissal hearing had been given when no notice of the dismissal had been given and there was no DWOP docket that day for the parties to even appear for?
6. Why would you reinstate the case without a hearing or notice to Karen Hyde? Attorneys are required to send copies of all motions to opposing attorneys or pro se parties and Mr. Osborn's attorney did not do that.
7. Your staff and the district clerk web site were telling Karen Hyde that the case was dismissed, so why would you go forward with a trial without proof that Mrs. Hyde had been given notice of the trial?

# Exhibit 1

CAUSE NUMBER 2008-40895

Osborn  
VS.  
Osborn

IN THE 31<sup>TH</sup> JUDICIAL DISTRICT COURT OF  
HARRIS COUNTY, TEXAS

P-2  
(02) MICAX

ORDER FOR CAPIAS FOR ARREST OF RESPONDENT

On this the 5 day of March, 20 13, upon the Court's call of the Motion to hold in contempt the RESPONDENT, Gary Osborn, pursuant to the affidavit of COMPLAINANT, [redacted], alleging that RESPONDENT has failed to make payments of child support as ordered by this Court, and it appearing that said RESPONDENT, although served with notice to appear at a time and place certain, then and there to show cause why he should not be held in contempt, wholly FAILED TO APPEAR.

THEREFORE, IT IS ORDERED that the Clerk of this Court issue a CAPIAS FOR THE ARREST OF THE RESPONDENT, directed to any Peace Officer of the State of Texas, commanding him to arrest and take into his custody the body of the RESPONDENT, Gary Osborn, and him safely keep, notify this Court immediately of his arrest and bring him before this Court INSTANTER, or if this Court is not in session, then him safely keep and have him before this Court on or before the first working day of this Court after the arrest of the RESPONDENT.

IT IS ORDERED that the RESPONDENT be released upon the posting of an appearance bond or security in the amount of \$ 5,000.00, or a cash bond in the amount of \$ 5,000.00.

IT IS ORDERED that if the RESPONDENT is taken into custody and released on bond, the bond shall be conditioned on the RESPONDENT'S promise to appear in this Court for a hearing as required by this Court without the necessity of further personal service of notice to the RESPONDENT.

In conformance with Section 157.102, Texas Family Code, the Capias shall be treated by law enforcement officials in the same manner as an arrest warrant for a criminal offense, and shall enter the Capias in the computer records for outstanding warrants maintained by the local police, sheriff and Department of Public Safety.

SIGNED and ENTERED this 5 day of March, 20 13.

Dennis Pratt  
DENISE PRATT, JUDGE PRESIDING

# Exhibit 2

**AFFIDAVIT OF KAREN HYDE**

THE STATE OF TEXAS

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COUNTY OF MONTGOMERY

\*

BEFORE ME, the undersigned authority, on this day personally appeared Karen Hyde, who by me being duly sworn deposes as follows:

"My name is Karen Hyde. I am over 18 years of age, of sound mind, and capable of making this affidavit. The matters stated below are within my personal knowledge and are true and correct.

"I was divorced from my husband, Gary Osborn, in February 2009. I was granted primary custody of my two girls, who were then ages 15 and 11. I have since remarried and my name is now Karen Hyde. On July 24, 2012, my ex-husband filed a petition to modify and switch custody our youngest daughter to him. While that case was pending, on February 1, 2013, I filed a Motion for Enforcement to hold my ex-husband in contempt for violating court orders regarding visitation and child support. A court hearing on my contempt motion was scheduled for March 5, 2013. My ex-husband was served with the petition for enforcement on February 20, 2013.

"I appeared in court on March 5, but my ex-husband and his attorney did not appear. The Associate Judge of the 311<sup>th</sup> District Court refused to conduct a hearing because he said I did not give my ex-husband proper notice of the hearing. The District Clerk's website shows that the March 5 hearing was "passed" but that is not true. The Associate Judge refused to conduct a hearing.

"So, I re-filed my motion for enforcement on March 28, 2013 and my ex-husband was again served with my motion on April 4, 2013, with a hearing set for April 25, 2013. I appeared in the 311<sup>th</sup> District Court on April 25, 2013 for the 9:00 a.m. hearing accompanied by my new husband, Wesley Hyde. My ex-husband, Mr. Osborn again did not appear. My case was called at the docket call and I refused to allow the Associate Judge to hear my case. I said I wanted Judge Denise Pratt to hear my case. Judge Pratt went through her cases that day and made me wait. I was told to come back after lunch and finally about 3:30 p.m., I was the last person left in the courtroom (other than my husband and court employees). Judge Pratt took a break and went to her office but finally she came out and called me up to her bench. I explained to her why I was there and what had happened on March 5. Judge Pratt asked the clerk if my husband had been served for the March 5 hearing and the clerk confirmed that he had been served. So, Judge Pratt said she would go ahead and sign a capias order, which she explained was basically an arrest warrant for my ex-husband to be taken into custody and brought to court. Judge Pratt asked how much I was owed in child support and she said she would set the bond on the capias at \$5,000. Judge Pratt told me to stay close to a phone because things would move fast once the capias order was issued. Then Judge Pratt said to me in front of my husband who was standing next to me, "I will back date the order to March 5 when you were here before." Judge Pratt then signed the "Order for Capias for Arrest of Respondent" attached as Exhibit 1. Judge Pratt signed this order in front on me on April 25, 2013 and she dated the order "March 5, 2013." The District Clerk's website accurately states "hearing held" on April 25 and it reflects that a capias with a \$5,000 bond was signed. This occurred on April 25 and not on March 5. I was in court representing myself that day without a lawyer and I did not understand the significance of what Judge Pratt was doing. My husband, Wesley Hyde, was with me in court on April 25 and he heard Judge Pratt say how she was backdating the capias order to March 5.

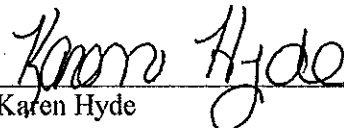


“My ex-husband, Mr. Osborn, was arrested on May 24, 2013 based on the capias order signed by Judge Pratt on April 25. However, Mr. Osborn’s attorney went directly to Judge Pratt that same day and got the judge to sign an order withdrawing the capias and Mr. Osborn was immediately released. No motion to withdraw the capias was filed and I was not given any notice of a hearing and I was not notified that his attorney would be speaking to the judge. I do not know how or why Judge Pratt spoke to his attorney without me being present or why she so quickly withdrew the capias order she has signed just a few weeks before.

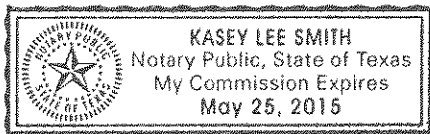
“On November 4, 2013, Judge Pratt issued a notice that my case was set for trial on December 16, 2013. However, I was not notified until December 18, 2013 by certified mail from Mr. Osborn’s attorney that a Trial by Merits was being held December 16, 2013, two days after the fact. Apparently, on December 18, Judge Pratt set my case for trial on February 5, 2014. On December 31, 2013, Judge Pratt signed an order dismissing my case along with hundreds of other cases. On January 13, 2014 I called the 311<sup>th</sup> court and spoke to Kerry Forney, who informed me that my case was dismissed and that I could file a re-instatement, I also called Bridget Foster in the Harris County District Clerk’s office who verified that the case was dismissed. The Harris County District Website also stated the case was dismissed. On January 23, 2014, I called Kerry Forney again and advised him that I had received a notice in the mail from Mr. Osborn’s attorney stating that Trial by Merits was scheduled for February 5, 2014; Mr. Kerry Forney advised me again that there was no Trial set for February 5, 2014. The Harris County District Clerks office confirmed this as well. I was never given any notice that my case might be dismissed on December 31 and I never received any notice to appear in court that day. It is totally untrue to say that my case was dismissed because I did not appear.

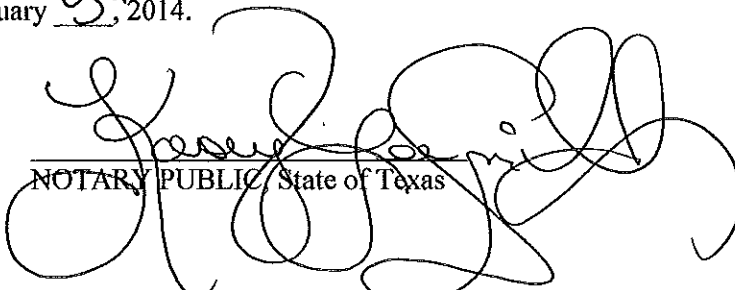
“Now, my ex-husband has my daughter even though the court order gives me custody of her. I am still owed child support and the divorce decree is being violated every day. Unfortunately, I do not have a judge and a court to protect my child or make sure that the court’s orders are followed.

Signed on February 5, 2014.

  
Karen Hyde

SUBSCRIBED AND SWORN TO before me on February 5<sup>th</sup>, 2014.



  
NOTARY PUBLIC, State of Texas

CAUSE NUMBER 2008-40895

Oshorn

IN THE 3<sup>RD</sup> JUDICIAL DISTRICT COURT OF

P-1

VS.

Oshorn

HARRIS COUNTY, TEXAS

(02) MICAX

ORDER FOR CAPIAS FOR ARREST OF RESPONDENT

On this the 5 day of March, 20 12, upon the Court's call of the Motion to hold in contempt the RESPONDENT, Gay Oshorn, ~~pursuant to the affidavit of COMPLAINANT,~~ ~~alleging that RESPONDENT has failed to make payments of child support as ordered by this Court,~~ and it appearing that said RESPONDENT, although served with notice to appear at a time and place certain, then and there to show cause why he should not be held in contempt, wholly FAILED TO APPEAR.

THEREFORE, IT IS ORDERED that the Clerk of this Court issue a CAPIAS FOR THE ARREST OF THE RESPONDENT, directed to any Peace Officer of the State of Texas, commanding him to arrest and take into his custody the body of the RESPONDENT, Gay Oshorn, and him safely keep, notify this Court immediately of his arrest and bring him before this Court INSTANTER, or if this Court is not in session, then him safely keep and have him before this Court on or before the first working day of this Court after the arrest of the RESPONDENT.

IT IS ORDERED that the RESPONDENT be released upon the posting of an appearance bond or security in the amount of \$ 5,000.00, or a cash bond in the amount of \$ 5,000.00.

IT IS ORDERED that if the RESPONDENT is taken into custody and released on bond, the bond shall be conditioned on the RESPONDENT'S promise to appear in this Court for a hearing as required by this Court without the necessity of further personal service of notice to the RESPONDENT.

In conformance with Section 157.102, Texas Family Code, the Capias shall be treated by law enforcement officials in the same manner as an arrest warrant for a criminal offense, and shall enter the Capias in the computer records for outstanding warrants maintained by the local police, sheriff and Department of Public Safety.

SIGNED and ENTERED this 5 day of March, 20 13.

D. V. Pratt  
DENISE PRATT, JUDGE PRESIDING

# Exhibit 3

**AFFIDAVIT OF WESLEY HYDE**

THE STATE OF TEXAS

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COUNTY OF MONTGOMERY

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BEFORE ME, the undersigned authority, on this day personally appeared Wesley Hyde, who by me being duly sworn deposes as follows:

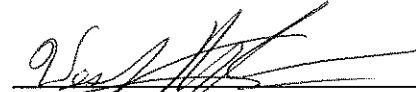
"My name is Wesley Hyde. I am over 18 years of age, of sound mind, and capable of making this affidavit. The matters stated below are within my personal knowledge and are true and correct.

"I appeared in court with my wife Karen Hyde on March 5, 2013 for a scheduled hearing concerning her February 1, 2013 filing of a Motion for Enforcement against her ex-husband Gary Osborn. Her ex-husband and his attorney (Ruby Bolton) did not appear; although he was served with the petition for enforcement on February 20, 2013. The Associate Judge of the 311<sup>th</sup> District Court refused to conduct a hearing because he said Karen did not give Gary Osborn proper notice of the hearing. The District Clerk's website shows that the March 5 hearing was "passed" but that is not true. The Associate Judge refused to conduct a hearing.

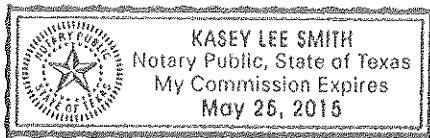
"Karen re-filed the Motion for Enforcement on March 28, 2013 and her ex-husband was served with said motion on April 4, 2013, with a hearing set for April 25, 2013. Karen and I appeared in the 311<sup>th</sup> District Court on April 25, 2013 for the 9:00 a.m. hearing. Gary Osborn again did not appear. The case was called at the docket call and Karen refused to allow the Associate Judge to hear her case. Karen requested that Judge Denise Pratt hear her case. Judge Pratt went through her cases that day and made us wait. We were told to come back after lunch and finally at about 3:30 p.m. Judge Pratt returned from her chambers and called us up to the bench. We were the last person left in the courtroom other than the court employees. Karen explained to the judge why we were there and what had happened on March 5, 2013. Judge Pratt asked the clerk if Gary Osborn had been served for the March 5, 2013 hearing and the clerk confirmed that he had been served. Judge Pratt then informed us that she would go ahead and sign a capias order, which she explained was basically an arrest warrant for Gary Osborn to be taken into custody and brought to court. Judge Pratt asked how much Karen was owed in child support and she said she would set the bond on the capias at \$5,000. Judge Pratt told us to stay close to the phone because things would move fast once the capias order was issued. Judge Pratt then said to us, "I will back date the order to March 5 when you were here before." Judge Pratt then signed the "Order for Capias for Arrest of


Respondent". Judge Pratt signed this order in front on me on April 25, 2013 and she dated the order "March 5, 2013." The District Clerk's website accurately states "hearing held" on April 25 and it reflects that a capias with a \$5,000 bond was signed. This occurred on April 25 and not on March 5.

Signed on February 5, 2014.

  
Wesley Hyde

SUBSCRIBED AND SWORN TO before me on February 5<sup>th</sup>, 2014.



  
NOTARY PUBLIC, State of Texas

# Exhibit 4

7/16/2008	ORDER TRANSFERRING CASE TO ANOTHER DISTRICT COURT SIGNED	7/16/2008	1			
7/16/2008	ORDER SIGNED SETTING HEARING	7/16/2008	5			
7/16/2008	ORDER SIGNED GRANTING TEMPORARY RESTRAINING ORDER	7/16/2008	5			
7/15/2008	TRANSFERRED TO HARRIS COUNTY DISTRICT COURT		0			
7/15/2008	TRANSFERRED TO ANOTHER HARRIS COUNTY DISTRICT COURT		0			
7/9/2008	ORIGINAL PETITION		0	SCHNACK, BARBARA LYNCH	OSBORN, GARY VERNON	

**SETTINGS**

Date	Court Post	Docket	Type	Reason	Results	Comments	Requesting Party
8/27/2008 09:00 AM	311		Show Cause Docket (Family)	TEMPORARY RESTRAINING ORDER	Tried		SCHNACK, BARBARA LYNCH
2/23/2009 10:00 AM	311		Family Trial Docket	Trial on Merits	Granted	HEARD	
8/15/2012 09:30 AM	311	1	Show Cause Docket (Family)	TEMPORARY INJUNCTION	Passed	BOLTON	BOLTON, RUBY KATHLEEN
8/15/2012 09:30 AM	311	1	Show Cause Docket (Family)	MOTION TO INTERVIEW MINOR	Passed	BOLTON	BOLTON, RUBY KATHLEEN
10/09/2012 09:30 AM	311	2	Show Cause Docket (Family)	TEMPORARY INJUNCTION	Granted	STIP FILED	BOLTON, RUBY KATHLEEN
10/09/2012 09:30 AM	311	1	Show Cause Docket (Family)	SUBSTITUTED SERVICE - MOTION FOR (TRCP 106)	Hearing Held		BOLTON, RUBY KATHLEEN
10/12/2012 09:30 AM	311	1	Show Cause Docket (Family)	ENTRY OF TEMPORARY ORDERS	Granted	TEMP INJ ORD SUB	
3/05/2013 09:30 AM	311	2	Contempt Docket (Family)	ENFORCE DECREE MOTION TO	Passed		
4/25/2013 09:30 AM	311	2	Show Cause Docket (Family)	ENFORCE DECREE MOTION TO	Hearing Held	CAPIAS \$5000.00 CASH BOND	HYDE, KAREN GAYLE OSBORN

**SERVICES**

Type	Status	Instrument	Person Requested	Issued	Served	Returned	Received	Tracking	Deliver To
CITATION SERVICE	RETURN/EXECUTED	ORIGINAL PETITION	OSBORN, 7/9/2008 KAREN GAYLE	7/17/2008	7/24/2008	7/30/2008	7/30/2008	81825643	CIV AGCY- CIVILIAN SERVICE AGENCY
	SERVICE RETURN/EXECUTED	ORIGINAL PETITION	OSBORN, 7/9/2008 KAREN GAYLE	7/17/2008	7/24/2008	7/30/2008	7/30/2008	81825644	CIV AGCY- CIVILIAN SERVICE AGENCY
CITATION SERVICE	ISSUED/IN POSSESSION OF SERVING AGENCY	MOTION (OTHER POST JUDGMENT)	OSBORN, 7/24/2012 KAREN GAYLE	7/25/2012				82199418	CIV AGCY- CIVILIAN SERVICE AGENCY
CITATION SERVICE	ISSUED/IN POSSESSION OF SERVING AGENCY	MOTION (OTHER POST JUDGMENT)	OSBORN, 7/24/2012 KAREN GAYLE	8/1/2012				82199422	CIV AGCY- CIVILIAN SERVICE AGENCY
PRECEPT SERVICE	RETURN/EXECUTED	MOTION (OTHER POST JUDGMENT)	OSBORN, 7/24/2012 KAREN GAYLE	8/1/2012				82199423	CIV AGCY- CIVILIAN SERVICE AGENCY
PRECEPT				9/10/2012	9/18/2012	9/29/2012	10/2/2012	10/2/2012	82209962

# Exhibit 5



No. 2008-40895

Osborn, Gary §

vs  
Osborn, Karen Gayle §

IN THE DISTRICT COURT OF  
HARRIS COUNTY, TEXAS  
311th DISTRICT COURT

**ORDER WITHDRAWING CAPIAS**

It is ORDERED that the "CAPIAS" signed in this cause on March 5, 2013, and which commanded any Sheriff, Constable or Peace Officer in the State of Texas to arrest Gary Osborn and bring that person instanter to the Harris County Jail and then there to answer to the court for such person's failure to appear at a hearing on a Motion for Contempt/Enforcement, is HEREBY WITHDRAWN and RECALLED.

Signed May 24, 2013

[Signature]  
Denise V. Pratt, Presiding Judge



**FILED**  
Chris Daniel  
District Clerk  
MAY 24 2013

Time: \_\_\_\_\_ ME  
Harris County, Texas  
By: \_\_\_\_\_ 5:11  
Deputy

RECORDER'S MEMORANDUM  
This instrument is of poor quality  
at the time of imaging

# Exhibit 6

(01) P-1  
EPO  
KING

NO. 2008-40895

Oskorn  
VS. Oskorn

§ IN THE DISTRICT COURT  
§  
§ 311<sup>TH</sup> JUDICIAL DISTRICT  
§  
§ HARRIS COUNTY, TEXAS

DISMISSAL ORDER

BE IT REMEMBERED that on the \_\_\_ day of \_\_\_\_\_ this matter came on to be heard, the above numbered and styled cause, where all parties were given notice of the setting date and that failure to appear would be grounds for dismissal, and there being no announcement at the call of the docket, or for some other reason, the Court finds that this cause should be dismissed for want of prosecution.

It is therefore ORDERED that the above numbered and styled cause be and is hereby DISMISSED FOR WANT OF PROSECUTION.

All costs of court are taxed against the party incurring the same.

Signed: \_\_\_\_\_  
DEC 31 2013  
DEC 31 2013

D. V. Pratt  
Judge Presiding  
Denise V. Pratt

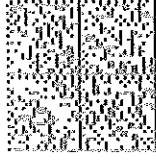
**FILED**  
Chris Daniel  
District Clerk  
DEC 31 2013  
Time: \_\_\_\_\_  
Harris County, Texas  
By: \_\_\_\_\_  
Deputy

Official Copy Office of Chris Daniel District Clerk

# Exhibit 7

CIVIL DISTRICT COURT COORDINATORS  
201 CAROLINE ROOM 844  
HOUSTON, TEXAS 77002

PRESORTED  
FIRST CLASS



U.S. POSTAGE



FITNEY BOWES

ZIP 77002 \$000.38<sup>1</sup>  
02 1W  
0001360947 JAN. 29. 2014

OSBORN, GARY VERNON

vs.

OSBORN, KAREN GAYLE

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311th DISTRICT COURT  
HARRIS COUNTY, TEXAS

**SCHEDULING ORDER and NOTICE OF INTENT TO DISMISS**

\*\*\* ALL DEADLINES ARE PRIOR TO TRIAL SETTING DATE \*\*\*

\*\*Rule 11 Agreements will NOT delay trial date \*\*

It is hereby ORDERED that:

1. PRIOR TO TRIAL, spouses shall exchange a sworn INVENTORY AND APPRAISEMENT prepared in conformity with Local Rule 4.4. Compliance with this paragraph is not a substitute for the requirements in Local Rule 4.3. All supplements must be filed 10 days prior to trial setting.
2. BY TEXAS RULES OF CIVIL PROCEDURE, all parties must be added (JOINDER) and served, whether by amendment or third party practice. THE PARTY CAUSING THE JOINDER SHALL PROVIDE A COPY OF THIS SCHEDULING ORDER AT THE TIME OF APPEARANCE.
3. BY TEXAS RULES OF CIVIL PROCEDURE, all DISCOVERY must be completed. LATE discovery may be initiated by stipulation in conformity with Rule 11, Tex. Rules of Civil Procedure. Incomplete discovery may not delay the trial date.
4. BY TEXAS RULES OF CIVIL PROCEDURE regarding PLEADINGS, all amendments and supplements must be filed. This order does not preclude prompt filing of pleadings directly responsive to any timely filed pleadings.

NOTICE OF INTENT TO DISMISS ON TRIAL DATE: THIS CASE MAY BE DISMISSED FOR WANT OF PROSECUTION ON DATE OF TRIAL if, by the trial date there is no:

- a. Service with citation; or
- b. Answer on file; or
- c. Properly executed Waiver on file;

5. PRETRIAL CONFERENCE at \_\_\_\_\_ set by court or upon motion.  
It is further Ordered that any necessary paternity testing shall be completed and results obtained by this date so proceedings required by TFC 160.105-.108 may be conducted.
6. 02/05/2014 TRIAL at 10:00 AM THIS CASE IS SET FOR TRIAL ON THE MERITS ON THIS DATE. If not assigned by the second Friday after this date, this case will be reset.

SIGNED 01/23/2014

DENISE PRATT  
Judge, 311TH DISTRICT COURT



Karen Gayle Osborn Hyde  
439 N Rivershire Dr  
Conroe TX 77304-2762

PRO SE

**DENISE V. PRATT**

JUDGE 311TH JUDICIAL DISTRICT COURT  
FAMILY LAW CENTER  
1115 CONGRESS  
HOUSTON, TEXAS 77002  
(713) 755-6242

KERRY FORNEY  
COURT COORDINATOR  
(713) 755-4356

ROBERT NEWHEY  
ASSOCIATE JUDGE

**TRIAL SCHEDULING AND TRIAL OF CASES - 311TH DISTRICT COURT**

- 1) Cases will be set for trial for a particular trial week with docket call on Wednesdays at 10:00 A.M. All parties and counsel must be present for docket call unless excused by the Court.
- 2) The Court will generate a Scheduling Order approximately 90 days after a case is filed.
- 3) At any time before the court generates a Scheduling Order, attorneys may submit an agreed Scheduling Order following a consultation with and approval by the coordinator.
- 4) Scheduling Orders will set date and time for Trial.
- 5) Pre-Trial Conferences will be set only in jury cases or at the request of the parties.
- 6) Cases approximately 5 months old that have not been set for trial will be set for a DWOP hearing.
- 7) Cases preferentially set prior to the date set in the scheduling order will be tried when preferentially set. No Late calls are permitted on preferentially set hearings.
- 8) Failure to appear for trial may result in the case being DISMISSED FOR WANT OF PROSECUTION.

XX NOTE XX

COUNSEL IS ORDERED TO PROVIDE A COPY OF THIS SCHEDULING ORDER TO ALL PARTIES.

# Exhibit 8





200840895 - OSBORN, GARY VERNON vs. OSBORN, KAREN GAYLE (Court 314)

Chronological Print  
History All  
(non-financial)

Summary	Appeals	Cost Statements	Transfers	Post Trial Writs	Abstracts	Parties
Court Costs	Judgments/Events	Settings	Services/Notices	Court Registry	Child Support	Images

\* Note: Only non-confidential public civil/criminal documents are available to the Public. All non-confidential Civil documents are imaged. In Family Cases, select non-confidential documents and all e-filings are available in electronic format (not every document is available for electronic viewing and a document may be filed in the case that is not viewable electronically). In Criminal Cases, select non-confidential documents are available in electronic format (not every document is available for electronic viewing and a document may be filed in the case that is not viewable electronically). If the case or Civil document you are looking for is not available and should be, please click here to notify Customer Service.

You may print and save uncertified copies of documents from the preview window.

Purchase Order  
( 0 documents )

Print List

Image No.	Title	Post Jdgm	Date	Pages	Add Entire Case
59246033	MOTIONS FOR POST JUDGMENT D.W.O.P.		12/31/2013	1	Add to Basket
58904213	Notice of Trial Setting		12/18/2013	1	Add to Basket
58239285	Notice of Trial Setting		11/11/2013	1	Add to Basket
59132465	Family Mediation Program		11/08/2013	2	Add to Basket
58496528	SCHEDULING ORDER AND NOTICE OF INTENT TO DISMISS		11/06/2013	2	Add to Basket
57131018	ORDER GRANTING WITHDRAWAL OF ATTORNEY SIGNED		08/19/2013	2	Add to Basket
58539373	Agreed Motion For Withdrawal Of Counsel/Envelope		08/09/2013	4	Add to Basket
58539374	Capias Family/Constables Return/Signed Order-Withdrawing Capias		08/06/2013	4	Add to Basket



200840895 - OSBORN, GARY VERNON vs. OSBORN, KAREN GAYLE (Court 311)

Chronological Print  
History All  
(not-financial)

Summary	Appeals	Cost Statements	Transfers	Post Trial Writs	Abstracts	Parties
Court Costs	Judgments/Events	Settings	Services/Notices	Court Registry	Child Support	Images

Print Summary

Case (Cause) Summary

File Date	7/9/2008
Case (Cause) Location	Civil Imaging Section
Case (Cause) Status	Post Judgment
Case (Cause) Type	DIVORCE WITH CHILDREN
Next/Last Setting Date	N/A
Judgment For	MOTIONS FOR POST JUDGMENT D.W.O.P.
Judgment Date	12/31/2013
Jury Fee Paid Date	N/A

Court Details

Current Court	311 <sup>th</sup>
Filing Court	311 <sup>th</sup>
Address	1115 Congress (Floor: 7) Houston, TX 77002 Phone:7137556242
JudgeName	Denise Pratt
Court Type	Family

# Exhibit 9

06250005547220



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US POSTAGE  
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FROM 77375  
DEC 18 2013  
stamps.com



The Bolton Law Firm  
724 West Main  
Tomball, Texas 77375



Karen Hyde  
439 N. Rivershire Drive  
Conroe TX 77304-2762

NO. 2008-40895

IN THE INTEREST OF

KAITLYN KENLIE OSBORN

A CHILD

§  
§  
§  
§  
§

IN THE DISTRICT COURT

311<sup>th</sup> JUDICIAL DISTRICT

HARRIS COUNTY, TEXAS

### NOTICE OF TRIAL SETTING

Please take notice that trial in the above-referenced cause of action is scheduled for **Monday, December 16, 2013 at 10:00 a.m.** in the 311<sup>th</sup> Judicial District Court of Harris County, Texas.

The Bolton Law Firm, PC  
724 W. Main St.  
Tomball, TX 77375  
281-351-7897  
Fax: 281-255-8159

By: *Ruby K. Bolton*

Ruby K. Bolton  
State Bar No. 00790331  
Attorney for Petitioner

### CERTIFICATE OF SERVICE

I certify that a true copy of the above was served on all parties in accordance with the Texas Rules of Civil Procedure on November 11, 2013.

*Ruby K. Bolton*

Ruby Bolton  
Attorney for Petitioner

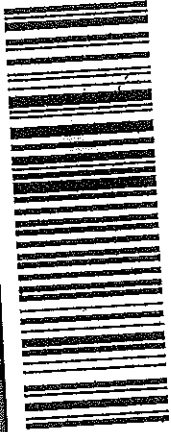
# Exhibit 10

362S0005547220

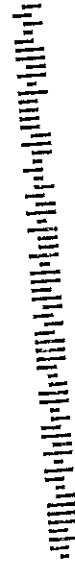


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Karen Hyde  
439 N. Rivershire Drive  
Conroe TX 77304-2762

The Bolton Law Firm  
724 West Main  
Tomball, Texas 77375

NO. 2008-40895

IN THE INTEREST OF

KAITLYN KENLIE OSBORN

A CHILD

§  
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IN THE DISTRICT COURT

311<sup>th</sup> JUDICIAL DISTRICT

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Attorney for Petitioner

**CERTIFICATE OF SERVICE**

I certify that a true copy of the above was served on all parties in accordance with the Texas Rules of Civil Procedure on November 11, 2013.

*Ruby K. Bolton*

Ruby Bolton  
Attorney for Petitioner



# Exhibit 11

P-4  
(01) Jinx

NO. 2008-40895

IN THE INTEREST OF

KAITLYN KENLIE OSBORN

A CHILD

§  
§  
§  
§  
§

IN THE DISTRICT COURT

311TH JUDICIAL DISTRICT

HARRIS COUNTY, TEXAS

**FILED**  
Chris Daniel  
District Clerk

OCT 12 2012

Time: \_\_\_\_\_  
By: RP  
Harris County, Texas  
Deputy

TEMPORARY INJUNCTIONS  
IN SUIT TO  
MODIFY PARENT-CHILD RELATIONSHIP

On 10/9/12 the Court heard Petitioner's application for temporary

orders.

*Appearances*

Petitioner, Gary Vernon Osborn, appeared in person and through attorney of record, Ruby Bolton, and announced ready.

Respondent, Karen Gayle Osborn, appeared in person and announced ready.

*Jurisdiction*

The Court, after examining the record, and hearing the evidence and argument of counsel, finds that all necessary prerequisites of the law have been legally satisfied and that this Court has jurisdiction of this case and of all the parties.

*Conservatorship*

The following orders are for the safety and welfare and in the best interest of the following child:

Name: Kaitlyn Kenlie Osborn  
Sex: Female  
Birth date: May 2, 1997  
Home state: Texas

Temporary Orders  
Osborn v Osborn  
Page | 1

The Court finds that, in accordance with section 153.001 of the Texas Family Code, it is the public policy of Texas to assure that children will have frequent and continuing contact with parents who have shown the ability to act in the best interest of the child, to provide a safe, stable, and nonviolent environment for the child, and to encourage parents to share in the rights and duties of raising their child after the parents have separated or dissolved their marriage. IT IS ORDERED that the primary residence of the child shall be 10123 Caddo, Magnolia, TX 77354, and the parties shall not remove the child from 10123 Caddo, Magnolia, TX 77354 for the purpose of changing the primary residence of the child until modified by further order of the court of continuing jurisdiction or by written agreement signed by the parties and filed with the court.

*Injunction*

The Court finds that, based on the public policy considerations stated in section 153.001 of the Texas Family Code, it is in the best interests of the child that the following temporary injunction be issued and related orders be entered.

IT IS ORDERED that the parties and their agents, servants, employees, attorneys, and those persons in active concert or participation with them who receive actual notice of this order by personal service or otherwise are temporarily enjoined from:

1. Disturbing the peace of the child or of any other party.
2. Withdrawing the child from enrollment in the school or day-care facility where the child is presently enrolled.

FAILURE OF A PARTY TO PAY CHILD SUPPORT DOES NOT JUSTIFY DENYING THAT PARTY COURT-ORDERED POSSESSION OF OR ACCESS TO A CHILD. REFUSAL BY A PARTY TO ALLOW POSSESSION OF OR ACCESS TO A CHILD DOES NOT JUSTIFY FAILURE TO PAY COURT-ORDERED CHILD SUPPORT TO THAT PARTY.

*Duration*

These Temporary Orders shall continue in force until the signing of the final order or until further order of this Court.

SIGNED on October 19, 2012.

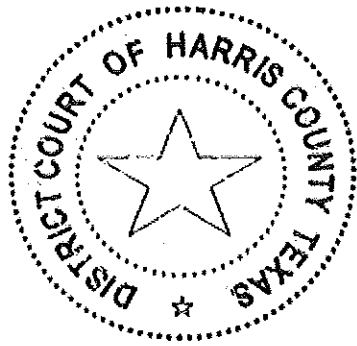
*Dr. J. Shatt*  
JUDGE PRESIDING

APPROVED AS TO FORM ONLY:

THE BOLTON LAW FIRM, PC  
724 West Main  
Tomball, Texas 77375  
Tel: (281) 351-7897  
Fax: (281) 255-8159

By: *Ruby H. Bolton*  
Ruby Bolton  
Attorney for Petitioner  
State Bar No. 00790331

sec 156



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.  
Witness my official hand and seal of office this April 25, 2013

Certified Document Number: 53769519

Chris Daniel, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail [support@hcdistrictclerk.com](mailto:support@hcdistrictclerk.com)

# Exhibit 12

# TEXAS PENAL CODE

## Sec. 37.01. DEFINITIONS. In this chapter:

(1) "Court record" means a decree, judgment, order, subpoena, warrant, minutes, or other document issued by a court of:

(A) this state;

(B) another state;

(C) the United States;

(D) a foreign country recognized by an act of congress or a treaty or other international convention to which the United States is a party;

(E) an Indian tribe recognized by the United States; or

(F) any other jurisdiction, territory, or protectorate entitled to full faith and credit in this state under the United States Constitution.

(2) "Governmental record" means:

(A) anything belonging to, received by, or kept by government for information, including a court record;

....

## Sec. 37.10. TAMPERING WITH GOVERNMENTAL RECORD.

(a) A person commits an offense if he:

(1) knowingly makes a false entry in, or false alteration of, a governmental record;

(2) makes, presents, or uses any record, document, or thing with knowledge of its falsity and with intent that it be taken as a genuine governmental record;

(3) intentionally destroys, conceals, removes, or otherwise impairs the verity, legibility, or availability of a governmental record;

(4) possesses, sells, or offers to sell a governmental record or a blank governmental record form with intent that it be used unlawfully;

(5) makes, presents, or uses a governmental record with knowledge of its falsity; or

(6) possesses, sells, or offers to sell a governmental record or a blank governmental record form with knowledge that it was obtained unlawfully.

(b) It is an exception to the application of Subsection (a)(3) that the governmental record is destroyed pursuant to legal authorization or transferred under Section 441.204, Government Code. With regard to the destruction of a local government record, legal authorization includes compliance with the provisions of Subtitle C, Title 6, Local Government Code.

(c)(1) Except as provided by Subdivisions (2), (3), and (4) and by Subsection (d), an offense under this section is a Class A misdemeanor unless the actor's intent is to defraud or harm another, in which event the offense is a state jail felony.

(2) An offense under this section is a felony of the third degree if it is shown on the trial of the offense that the governmental record was:

(A) a public school record, report, or assessment instrument required under Chapter 39, Education Code, or was a license, certificate, permit, seal, title, letter of patent, or similar document issued by government, by another state, or by the United States, unless the actor's intent is to defraud or harm another, in which event the offense is a felony of

the second degree;

(B) a written report of a medical, chemical, toxicological, ballistic, or other expert examination or test performed on physical evidence for the purpose of determining the connection or relevance of the evidence to a criminal action; or

(C) a written report of the certification, inspection, or maintenance record of an instrument, apparatus, implement, machine, or other similar device used in the course of an examination or test performed on physical evidence for the purpose of determining the connection or relevance of the evidence to a criminal action.

(3) An offense under this section is a Class C misdemeanor if it is shown on the trial of the offense that the governmental record is a governmental record that is required for enrollment of a student in a school district and was used by the actor to establish the residency of the student.

(4) An offense under this section is a Class B misdemeanor if it is shown on the trial of the offense that the governmental record is a written appraisal filed with an appraisal review board under Section 41.43(a-1), Tax Code, that was performed by a person who had a contingency interest in the outcome of the appraisal review board hearing.

(d) An offense under this section, if it is shown on the trial of the offense that the governmental record is described by Section 37.01(2)(D), is:

(1) a Class B misdemeanor if the offense is committed under Subsection (a)(2) or Subsection (a)(5) and the defendant is convicted of presenting or using the record;

(2) a felony of the third degree if the offense is committed under:

(A) Subsection (a)(1), (3), (4), or (6); or

(B) Subsection (a)(2) or (5) and the defendant is convicted of making the record; and

(3) a felony of the second degree, notwithstanding Subdivisions (1) and (2), if the actor's intent in committing the offense was to defraud or harm another.

(e) It is an affirmative defense to prosecution for possession under Subsection (a)(6) that the possession occurred in the actual discharge of official duties as a public servant.

(f) It is a defense to prosecution under Subsection (a)(1), (a)(2), or (a)(5) that the false entry or false information could have no effect on the government's purpose for requiring the governmental record.

(g) A person is presumed to intend to defraud or harm another if the person acts with respect to two or more of the same type of governmental records or blank governmental record forms and if each governmental record or blank governmental record form is a license, certificate, permit, seal, title, or similar document issued by government.

(h) If conduct that constitutes an offense under this section also constitutes an offense under Section 32.48 or 37.13, the actor may be prosecuted under any of those sections.

(i) With the consent of the appropriate local county or district attorney, the attorney general has concurrent jurisdiction with that consenting local prosecutor to prosecute an offense under this section that involves the state Medicaid program.

(j) It is not a defense to prosecution under Subsection (a)(2) that the record, document, or thing made, presented, or used displays or contains the statement "NOT A GOVERNMENT DOCUMENT" or another substantially similar statement intended to alert a person to the falsity of the record, document, or thing, unless the record, document, or thing displays the statement diagonally printed clearly and indelibly on both the front and back of the record, document, or thing in solid red capital letters at least one-fourth inch in height.