



**BEFORE THE STATE COMMISSION
ON JUDICIAL CONDUCT**

**CJC Nos. 17-1146-DI, 18-0720, 18-0760, 18-0765, 18-0766, 18-0770, 18-0772, 18-0773,
18-0774, 18-0776, 18-0777, 18-0778, 18-0780, 18-0781 & 18-0782**

PUBLIC WARNING

**HONORABLE GEORGE GALLAGHER
396TH JUDICIAL DISTRICT COURT
FORT WORTH, TARRANT COUNTY, TEXAS**

During its meeting on August 6 and 11-13, 2021, the State Commission on Judicial Conduct concluded a review of the allegations in this matter against the Honorable George Gallagher, judge for the 396th Judicial District Court, Fort Worth, Tarrant County, Texas.¹ Judge Gallagher was advised by letter of the Commission’s concerns and provided written responses. Judge Gallagher appeared before the Commission on August 11, 2021, and gave testimony regarding these matters.

BACKGROUND

In 2016, Judge Gallagher presided over the trial in a criminal case styled *State of Texas v. Terry Lee Morris* (Cause No. 1382399D). As a result of Mr. Morris’ disruptive behavior at pretrial hearings, Judge Gallagher’s bailiffs recommended a stun cuff be placed on Mr. Morris’ ankle for the trial. During the trial, Judge Gallagher ordered his bailiffs to activate Mr. Morris’ stun cuff three times.

On appeal, the El Paso Court of Appeals overturned Mr. Morris’ conviction and ordered a new trial, finding Judge Gallagher did not order the activation of the stun cuff for legitimate security purposes. The Appellate Court stated Judge Gallagher’s conduct caused it to harbor “grave doubts as to whether Morris’ trial comported with basic constitutional mandates” and concluded it had “no choice but to overturn Morris’ conviction and remand for a new trial.”

¹ The first complaint against Judge Gallagher was received by the Commission in May of 2017. The Commission voted to stay its consideration of these matters until such time as the United States Department of Justice concluded its criminal investigation of Judge Gallagher for criminal civil rights violations relating to this incident. On May 26, 2021, the Commission received notification from the Justice Department that they were not pursuing criminal charges against Judge Gallagher.

In response to the Commission's inquiries regarding this matter, Judge Gallagher explained he ordered the activation of the stun cuff because Mr. Morris began moving from behind the defense counsel table into the court well and posed a security threat to others in the courtroom. Judge Gallagher acknowledged the contemporaneous record of the proceeding does not reflect this fact but pointed to a statement he made later that day for purposes of the record which details the threat Mr. Morris posed at the time the stun cuff was activated. Judge Gallagher also submitted written statements from, and summaries of interviews with, seven individuals who were present in court that day, including Mr. Morris' attorney, all of whom supported Judge Gallagher's version of events. Judge Gallagher acknowledged he did not elicit testimony from these witnesses after the incident for purposes of the court's record of the proceeding.

In his appearance before the Commission, Judge Gallagher testified the sole reason he ordered the activation of Mr. Morris' stun cuff was for security purposes but admitted this was not fully apparent from the record of the proceeding. Judge Gallagher expressed his opinion that his failure to adequately preserve the record resulted in the El Paso Court of Appeals making the findings it did with respect to this matter.

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

FINDINGS OF FACT

1. At all times relevant hereto, the Honorable George Gallagher was the judge for the 396th Judicial District Court, Fort Worth, Tarrant County, Texas.
2. Judge Gallagher presided over the 2016 trial in *State of Texas v. Terry Lee Morris* (Cause No. 1382399D).
3. A stun cuff was placed on Mr. Morris' ankle for the trial at the recommendation of Judge Gallagher's bailiffs, who believed the defendant posed a security risk based on his disruptive conduct during previous court appearances and while in custody.
4. During the trial, but outside the presence of the jury, Judge Gallagher ordered his bailiff to activate the stun cuff three times in response to Mr. Morris moving around the end of the counsel table and into the well of the courtroom in a manner Judge Gallagher perceived to be a security threat.
5. The activation of the stun cuff caused injury to Mr. Morris and resulted in his refusal to return to the courtroom that day.
6. The trial court's record is devoid of any description of a security threat.
7. Judge Gallagher continued and concluded the guilt-innocence phase of the trial in Mr. Morris' absence.

RELEVANT STANDARD AND AUTHORITY

Article V, Section 1-a(6)(A) of the Texas Constitution provides in relevant part, that a judge shall not engage in "willful or persistent conduct that is clearly inconsistent with the proper performance of his duties or casts public discredit upon the judiciary or administration of justice."

CONCLUSION

Based on the record before it and the factual findings recited above, the Texas State Commission on Judicial Conduct has determined the Honorable George Gallagher, judge for the 396th Judicial District

Court, Fort Worth, Tarrant County, should be publicly warned for engaging in willful conduct that cast public discredit upon the judiciary and the administration of justice in violation of Article V, Section 1-a(6)(A) of the Texas Constitution, when he ordered the activation of Mr. Morris' stun cuff which resulted in injury to Mr. Morris and his absence from the remainder of the guilt-innocence phase of his own criminal trial.

The Commission has taken this action pursuant to the authority conferred it in Article V, Section 1-a of the Texas Constitution in a continuing effort to protect the public and promote public confidence in the judicial system.

Issued this the 19th day of August, 2021.



David Hall

Chairman, State Commission on Judicial Conduct