

## Timing of Cox complaint unfortunate for everybody

By MICHAEL A. SMITH Jan 11, 2018 □ 12

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The timing of Friendswood attorney Greg Enos' accusations against Judge Lonnie Cox — less than two months before early voting begins in a bitter GOP primary race pitting Cox against incumbent County Judge Mark Henry — was unfortunate.

It was unfortunate for Cox, of course, because he may still be dragging the allegations along as he enters the most intense part of the campaign — the period when people who haven't already made up their minds finally begin tuning in.

The timing is unfortunate for Enos, too, however, because it inevitably makes his work, which has raised some valid points, look like a political attack against Cox conducted on Henry's behalf.

Cox certainly is arguing that: "This is simple crony politics and the politics of personal destruction," Cox said in a statement. "The complaint was filed months after the alleged incident — but in the middle of a heated election. Why? Because the present county judge cannot run on his record, rather all he knows is how to smear his opponent."

Without a doubt, some voters will dismiss the allegations as just that, which could be unfortunate for Henry, who may have had nothing to do with Enos' allegations.

Enos denied political motive and argued he had nothing to gain by taking on a powerful judge.

He filed the complaint against Cox on Jan. 4 and revealed it Tuesday through a long item in a newsletter aimed at courthouse insiders that he's published for years.

The complaint centers on the relationship between Cox and Galveston attorney Mark Stevens, who has represented Cox in an ongoing dispute between the judge and Galveston County Commissioners. It accuses Cox of illegally receiving discounted or free legal services from Stevens in that case, while the attorney continued to represent criminal and civil clients in Cox's court.

Enos asked District Attorney Jack Roady to recuse himself and appoint a special prosecutor to investigate the complaint.

The timing is unfortunate for Roady, too. He also is a candidate on the GOP primary ballot and facing an opponent whose platform is that something's wrong in the DA's office. He's pretty much obliged to do something, no matter what he thinks about the complaint's merits.

Enos told a Daily News reporter he got interested in the relationship in December and filed the complaint as soon as he'd finished his research.

We have no reason to think otherwise, but skeptics may note that Stevens had been providing Cox with cut-rate legal services since at least June 2015, when The Daily News first reported it in detail. That story spelled out that Stevens would be charging Cox \$66 an hour, while the county's attorneys were billing about \$350 an hour. Cox and Stevens have seldom missed a chance to point out that difference in cost since then.

It's fair to ask how a keenly interested and informed insider like Enos missed what he now says was such a clear and obvious problem for 30 months.

That's not to say there's nothing to the issues Enos raised. An assertion that Cox paid Stevens with political campaign money is especially troubling.

Meanwhile, James Alfini, a law professor and dean emeritus at South Texas College of

Law who specializes in judicial ethics, told a Daily News reporter he saw ethical problems.

“This situation has all sorts of ethical issues,” Alfini said. “It seems to me there’s enough here it would trigger an investigation pretty quickly.”

It’s important to note he said “ethical” problems, not potential criminal violations, which is what the complaint claims.

Alfini makes another relevant point, however, in wondering why Enos hadn’t taken his evidence to the State Commission on Judicial Conduct, which exists to investigate judicial misconduct, instead of to the district attorney’s office.

Enos told The Daily News he didn’t take this complaint to the commission because he’d taken other complaints to it and found it to less than zealous about investigating. Alfini said he’d found the commission to be diligent in its work.

What is clearly true about the commission is that it works quietly. It won’t disclose whether it’s investigating a complaint and probably wouldn’t ever make a complaint public unless it found some proven wrongdoing.

It’s also fair to ask, if justice alone were the motive, and he didn’t trust the commission, why Enos didn’t just complain to the DA? Why publish a 9,500-word article about the complaint so soon after it was filed?

It could be that publishers of newsletters, like those of newspapers, are just compelled to publish. We get that.

Still, that caused a big splash just before a big local election and splattered both Enos and his work with some political muck that will be hard to scrape off.

Perhaps most of all, the timing was unfortunate for Galveston County voters attempting to decide who would be the best choice for county judge. It added another layer of insider intrigue to a race that has been mostly about insider intrigue and hardly at all about who’d be best at getting ditches mowed and roads paved.

• **Michael A. Smith**



## (12) comments

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**micheal moore** Jan 11, 2018 11:44pm

Mr. Enos has done a great public service, shining a light on the nonstop corruption of this County's Judiciary, where Crooked Cox has been ensconced far too long.



**Richard Moore** Jan 12, 2018 9:34am

This is all a smoke screen! Neither Cox or Henry stand to personally benefit from the outcome of the legal dispute and this "conflict of interest" claim is misguided. Tx Commission on Judicial Misconduct would figure that out and that is why it wasn't filed there as a complaint.



**Doyle Beard** Jan 12, 2018 11:22am

Commission on judicial misconduct is a farce



**glenn COFFEy** Jan 12, 2018 9:58am

we need an independent to run.



**Ken Hufstetler** Jan 12, 2018 10:53am

As to the motivation behind the complaint made by Mr Enos, I don't know Mr Enos so I can't even pretend that I know his motivation. But, I do know some of the history of Mr Enos going after the judiciary, and based on history, I will accept what he has stated as his motivation. As I recall, Mr Enos used the same approach when his complaint resulted in the removal of Judge Dupuy. In that case he filed his complaint with the DA's office and a special prosecutor was appointed to investigate. I don't recall a big outcry from the public on his approach in that case.



**Carol Dean** Jan 12, 2018 10:12pm

Judge Dupuy's case did not ever measure up. One, he should not ever have been elected. To compare the two cases is nothing more than a farce. Better yet, Mark Henry should never have been elected with his "troubled" record of misdoings in Florida and Alabama.



**Donald Glywasky** Jan 15, 2018 4:20pm

There was already significant momentum to deal with Judge Dupuy when Mr. Enos jumped on board.



**Alan Waters** Jan 13, 2018 9:16am

I would like to thank Michael A. Smith for writing an article that doesn't take sides and reports facts. It would be refreshing if all news outlets did the same. I feel this was a fair article.



**PD Hyatt** Jan 14, 2018 7:45am

What you want is what we used to get from journalists a long time ago, but that time is passed and something tells me that time will never happen again within our life time.... Facts mean nothing today, just get a good story out for the sheeple to swallow whole....



**Ken Hufstetler** Jan 13, 2018 12:21pm

I agree the cases are not comparable. Only Enos' approach to handling the two cases is comparable.



**PD Hyatt** Jan 14, 2018 7:47am

So from reading some of the comments it would seem as if people do not care that someone in authority goes out and spends a million dollars on a wasted lawsuit that was over turned by our Texas Supreme Court.... How sad....



**Diane Brodie** Jan 14, 2018 2:16pm

Mark Henry is the one who spent millions of dollars and lost in multiple courts before the Supreme Court decision on one small part of the whole story, the setting of the salary being the Commissioner's Court's responsibility. The original issue was the firing of the court coordinator which was not Henry's responsibility, and the subsequent lowering of the salary range so that a competent coordinator can't be found. That's why we have these issues with the jail overcrowding and ACLU lawsuit. Why do people worry about Judge Cox using his donations to defend himself but not Mark Henry using our tax money? I made a donation of \$66 to Judge Cox's campaign. Not a coincidence.

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#### **The Daily News**

8522 Teichman Road

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**Phone:** 409-683-5200

**Email:**

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