

**BEFORE THE
STATE COMMISSION ON JUDICIAL CONDUCT**

**IN RE: THE HONORABLE MARK THOMAS FURY
JUSTICE OF THE PEACE, PRECINCT 5, PLACE 1
HOUSTON, HARRIS COUNTY, TEXAS
(CJC Nos. 01-0753-JP and 02-0125-JP)**

**VOLUNTARY AGREEMENT TO RESIGN FROM
JUDICIAL OFFICE IN LIEU OF DISCIPLINARY ACTION**

This Agreement is being entered into by the undersigned parties pursuant to Section 33.032(h) of the Texas Government Code.

WHEREAS on May 18, 2001, a complaint (CJC No. 01-0753-JP) was opened by the State Commission on Judicial Conduct (hereinafter the "Commission") based on reports concerning Judge Fury's alleged tampering and/or mishandling of employees' time records, and

WHEREAS the Commission had presented to it copies of eight (8) indictments all handed up on or about October 25, 2001, by the duly constituted Grand Jury of the 338th Judicial District Court of Harris County, Texas, in Cause Nos. 891960 through 891967, inclusive, all styled *The State of Texas vs. Mark Thomas Fury*, and

WHEREAS on October 29, 2001, the Commission issued an Order of Suspension against Judge Fury (CJC No. 02-0125-JP) based on said indictments pursuant to its authority under Article 5, §1-a(6)A of the Texas Constitution, and Rule 15a of the Texas Procedural Rules for the Removal or Retirement of Judges, and

WHEREAS no Notice of Formal Proceedings has been filed against Judge Fury in connection with the above-referenced matters, and

WHEREAS no Findings of Fact or Conclusions of Law have been made in connection with the above-referenced matters, and

WHEREAS the parties agree that the allegations of judicial misconduct, if found to be true, could result in further disciplinary action against Judge Fury, and

WHEREAS the parties to this Agreement are desirous of resolving these matters without the time and expense of further disciplinary proceedings.

IT IS THEREFORE AGREED that Judge Fury, upon the signing of this Agreement, has resigned his judicial office as Justice of the Peace, Harris County, Precinct Five, Place 1, effective midnight on May 11, 2003, in lieu of disciplinary action by the Commission, pursuant to Section 33.032(h) of the Texas Government Code. The Commission agrees that it shall pursue no further disciplinary proceedings against Judge Fury in connection with the above-referenced matters and that it shall lift the aforementioned suspension against Judge Fury.

IT IS FURTHER AGREED that, upon the Commission's approval of this Agreement, Judge Fury shall not be disqualified in the future from: sitting or serving as a judge in the State of Texas; standing for election or appointment to judicial office in the State of Texas; or, performing or exercising any judicial duties or functions of a judicial officer in the State of Texas.

IT IS FURTHER AGREED that any violation of this Agreement by Judge Fury would constitute 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 in violation of Art. 5, §1-a(6)A of the Texas Constitution, and Section 33.001(b) of the Texas Government Code.

IT IS FURTHER AGREED that the Commission may enforce this Agreement through any legal process necessary, including injunctive relief; that Travis County, Texas, shall be the proper venue for any dispute between the parties or proceeding relating to this Agreement; and that Judge Fury, individually, shall bear the expense, cost, and any reasonable and necessary attorneys' fees in the event any dispute arising under this Agreement is decided against him by any court or tribunal.

IT IS FURTHER AGREED that Judge Fury, by his execution of this voluntary agreement, does not admit guilt, fault or liability to the allegations contained in the indictments which were previously presented to the Commission.

AGREED TO AND ACCEPTED upon its execution by the parties.



HON. MARK THOMAS FURY

HON. KATHLEEN OLIVARES, Chair
State Commission on Judicial Conduct

Date: May 7, 2003

Date: _____

AGREED AS TO FORM:


Rusty Hardin, Attorney for Judge Fury

IT IS FURTHER AGREED that, upon the Commission's approval of this Agreement, Judge Fury shall not be disqualified in the future from: sitting or serving as a judge in the State of Texas; standing for election or appointment to judicial office in the State of Texas; or, performing or exercising any judicial duties or functions of a judicial officer in the State of Texas.

IT IS FURTHER AGREED that any violation of this Agreement by Judge Fury would constitute 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 in violation of Art. 5, §1-a(6)A of the Texas Constitution, and Section 33.001(b) of the Texas Government Code.

IT IS FURTHER AGREED that the Commission may enforce this Agreement through any legal process necessary, including injunctive relief; that Travis County, Texas, shall be the proper venue for any dispute between the parties or proceeding relating to this Agreement; and that Judge Fury, individually, shall bear the expense, cost, and any reasonable and necessary attorneys' fees in the event any dispute arising under this Agreement is decided against him by any court or tribunal.

IT IS FURTHER AGREED that Judge Fury, by his execution of this voluntary agreement, does not admit guilt, fault or liability to the allegations contained in the indictments which were previously presented to the Commission.

AGREED TO AND ACCEPTED upon its execution by the parties.

HON. MARK THOMAS FURY



HON. KATHLEEN OLIVARES, Chair
State Commission on Judicial Conduct

Date: _____

Date: 5-8-03

AGREED AS TO FORM:

Rusty Hardin, Attorney for Judge Fury

VERIFICATION

State of Texas, §
County of Harris §

BEFORE ME, the undersigned authority, on this day personally appeared MARK THOMAS FURY, who by me being first duly sworn, on his oath deposed and said that the above "Voluntary Agreement to Resign from Judicial Office in Lieu of Disciplinary Action" is a true and correct recitation of the facts and accurately reflects his understanding of the terms and conditions of, and voluntary consent to enter into, such Agreement.

SUBSCRIBED AND SWORN TO BEFORE ME, on this the 7th day of May, 2003.

Bridget A. Daspit
NOTARY PUBLIC, IN AND FOR THE
STATE OF TEXAS

