

Joshua B. Tackett  
District Clerk  
Navarro County, Texas  
**By Carolyn Kilcrease Deputy**

NO. D15-23949-CV

COMMISSION FOR  
LAWYER DISCIPLINE

V.

JOHN H. JACKSON

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§

IN THE DISTRICT COURT OF

NAVARRO COUNTY, TEXAS

13TH JUDICIAL DISTRICT

**ORIGINAL DISCIPLINARY PETITION AND REQUEST FOR DISCLOSURE**

**TO THE HONORABLE JUDGE OF SAID COURT:**

Petitioner, the Commission for Lawyer Discipline, a committee of the State Bar of Texas (Petitioner), complains of Respondent, John H. Jackson (Respondent), showing the Court:

**I.**

Pursuant to Rules 190.1 and 190.3, TEXAS RULES OF CIVIL PROCEDURE (TRCP), Petitioner intends discovery in this case to be conducted under the Level II Discovery Control Plan.

**II.**

Petitioner brings this disciplinary action pursuant to the State Bar Act, Tex. Gov't. Code Ann. §81.001, et seq. (Vernon 1988), the Texas Disciplinary Rules of Professional Conduct, and the Texas Rules of Disciplinary Procedure. The complaints that form the basis of the Disciplinary Petition were filed on or after January 1, 2004.

**III.**

Respondent is an attorney licensed to practice law in Texas and is a member of the State Bar of Texas. Respondent is a resident of and has his principal place of practice in Navarro County, Texas, specifically at 301 W. 3<sup>rd</sup> Avenue, Corsicana, Texas 75110. Petitioner requests that the clerk issue citation and return it to the State Bar of Texas, The Princeton, 14651 Dallas Parkway, Suite 925, Dallas, Texas 75254. Petitioner will employ private process service to serve Respondent.

#### IV.

In December 1991, the three minor children of Todd Willingham died in a fire at their home in Navarro County, Texas. Respondent was a Navarro County Assistant District Attorney and lead prosecutor in the case against Willingham, who was charged with the murder of the children in *The State of Texas vs. Todd Willingham*, Cause Number 24467- CR in the 13th Judicial District Court of Navarro County, Texas. The case against Willingham went to a jury trial in August 1992. Johnny E. Webb testified for the State of Texas at the trial that Willingham confessed to Webb that he started the fire. The jury found Willingham guilty of capital murder and he was sentenced to death. Willingham was executed in February 2004.

Before, during, and after the 1992 trial, Respondent knew of the existence of evidence that tended to negate the guilt of Willingham and failed to disclose that evidence to defense counsel. Specifically, Respondent failed to make timely disclosure to the defense details of an agreement for favorable treatment for Webb, an inmate, in exchange for Webb's testimony at trial for the State.

After the 1992 trial, Respondent took the following actions, among others, to obtain favorable treatment for Webb: (1) told the District Clerk's office to inform the Texas Department of Corrections that Webb was convicted of robbery and not aggravated robbery, of which Webb was convicted; (2) obtained a nunc pro tunc judgment for Webb that reduced his conviction to robbery instead of aggravated robbery; (3) requested early parole for Webb with the Board of Pardons and Paroles; (4) signed two bench warrants for Webb so he would be transferred from prison to the Navarro County jail.

During a pre-trial hearing on July 24, 1992, Respondent told the trial court that he had no evidence favorable to Willingham. That statement was false.

**V.**

Such acts and/or omissions on the part of Respondent as are described in Paragraph IV hereinabove, which occurred on or after January 1, 1990, constitute conduct that violate Rules 3.03(a)(1), 3.04(a), 3.09(d), 8.04(a)(1) and 8.04(a)(4) of the Texas Disciplinary Rules of Professional Conduct.

**VI.**

The complaints that form the basis of the cause of action hereinabove set forth were brought to the attention of the Office of the Chief Disciplinary Counsel of the State Bar of Texas by William Garrett filing a complaint on or about April 7, 2014, and by Eugenia Willingham and Patricia Cox filing a complaint on or about July 28, 2014.

**PRAYER**

**WHEREFORE, PREMISES CONSIDERED,** Petitioner prays for judgment that Respondent be disciplined as the facts shall warrant; and that Petitioner have such other relief to which entitled, including direct expenses, costs of court, and reasonable attorneys' fees and legal assistant fees.

**REQUEST FOR DISCLOSURE**

Pursuant to Tex. R. Civ. P. 194, Respondent is requested to disclose, within 50 days of service of this request, the information or material described in Rule 194.2(a) - (l), Texas Rules of Civil Procedure.

Respectfully submitted,

**Linda A. Acevedo**  
Chief Disciplinary Counsel

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