

**Docket No. SCR 23-0002**

**In Re:** § **Before the**  
§  
**Inquiry Concerning** § **Special Court of Review,**  
§  
**HON. MARY CURNUTT** § **Appointed by the**  
**CJC No. 21-1592** § **Supreme Court of Texas**

---

---

**Stipulations of the Parties**

---

---

**TO THE HONORABLE MEMBERS OF THE SPECIAL COURT OF REVIEW:**

Examiners for the State Commission on Judicial Conduct (the “Examiners”) and Respondent, the Honorable Mary Curnutt (the “Respondent”) (collectively, the “Parties”), show as follows:

By their signatures below, the Parties stipulate to the following matters for the purpose of aiding the Special Court of Review and expediting the trial of this matter. The following matters are stipulated to be true and correct for all purposes in connection with the above-captioned proceeding before the Special Court of Review.

**A. Agreed Stipulations of Fact**

1. At all relevant times, the Honorable Mary Curnutt (“Judge Curnutt” or “Respondent”) was the Justice of the Peace for Precinct 2, in Arlington, Tarrant County, Texas.
2. Judge Curnutt presided over *Juan Miguel Torres Mejia vs. Jorge Midence*, Case No. JP02-21-SC00022214 and *Jose Andres Torres Mejia vs. Jorge*

- Midence*, Case No. JP02-SC00022215 (the “Midence Cases”). The Midence Cases were each filed as a “Small Claims Petition”. Both Midence Cases sought repayment of a loan to Jorge Midence-Sosa (“Midence-Sosa”).
3. On May 5, 2021, Midence-Sosa was served in the Midence Cases, and on May 10, 2021, he filed a *pro se* answer in both the Midence Cases.
  4. A pretrial hearing was scheduled in both the Midence Cases for August 4, 2021. The Court’s Notice of Pre-Trial Hearing in both the Mejia Cases was dated June 17, 2021, and stated the following in all bold capital letters: **“IF YOU ARE THE DEFENDANT (THE PARTY BEING SUED IN THIS CIVIL SUIT) AND YOU (OR YOUR ATTORNEY) DO NOT APPEAR AT THIS HEARING, PLEASE UNDERSTAND THAT A DEFAULT JUDGMENT MAY BE ENTERED AGAINST YOU. (DEFAULT JUDGMENT IS A JUDGMENT ENTERED AGAINST A DEFENDANT WHO HAS FAILED TO DEFEND AGAINST THE PLAINTIFF’S CLAIM)”**.
  5. In response, Midence-Sosa’s criminal defense attorney, Former Judge Vickers Cunningham, Sr. (“Cunningham”), directed his paralegal, Rose Flores, to notify Judge Curnutt’s Court by telephone and email that Midence-Sosa would not be present for the hearing due to his incarceration and the lack of a bench warrant. Cunningham did not file a notice of appearance for Midence-Sosa in either of the Midence Cases, nor did he file a motion to continue the pretrial hearing in either of the Midence Cases. In addition, Cunningham’s paralegal, Rose Flores, stated in her telephone call with Judge Curnutt’s Court that Cunningham did not represent Midence in the two Midence Cases. As such, neither Midence-Sosa nor an attorney for Midence appeared at the August 4, 2021 pretrial hearings.
  6. Judge Curnutt proceeded with the pretrial hearings on August 4, 2021, and rendered judgments by default against Midence-Sosa in both the Midence Cases.
  7. On August 5, 2021, Cunningham filed the subject Complaint against Judge Curnutt with the State Commission on Judicial Conduct (the “Commission”). Cunningham stated in his Complaint that although his office was retained on Midence-Sosa’s criminal cases, “We were not retained on any civil matters.”

8. On November 7, 2022, the Commission forwarded to Judge Curnutt a Letter of Inquiry regarding this matter, which was addressed to the mailing address of her court. Judge Curnutt was requested to provide a response by November 23, 2022.
9. On December 1, 2022 the Commission contacted Judge Curnutt by telephone and offered her an extension of time to respond to the Letter of Inquiry, giving Judge Curnutt a new requested response date of December 9, 2022.
10. Judge Curnutt failed to provide her responses before the extended requested response date of December 9, 2022.
11. On January 20, 2023, the Commission received responses to the Letter of Inquiry from Judge Curnutt.

## **B. Agreed Evidentiary Stipulations**

The Parties stipulate to the admission into evidence and consideration by the Court in its review of this matter the following items and offer same, as follows:

1. The above-described stipulations of fact.
2. Commission's Notice of Service of Declarations with Attached Business Records of CJC No. 21-1592 Complaint and Commission's Private Warning in CJC No. 21-1592 issued August 7, 2023 (CX-1) is admissible for all purposes, except for the truth of the matter asserted.
3. Commission's Notice of Service of Declarations with Attached Business Records of Judge Curnutt's Response to Letter of Inquiry dated January 20, 2023 (CX-2) is admissible for all purposes
4. Transcription of Audio Recording of Judge Curnutt's Appearance before the Commission on June 8, 2023 (CX-3) is admissible for all purposes.
5. Pursuant to Texas Rule of Civil Procedure 500.3(a), "Small claims cases are governed by Rules 500-507 of Part V of the Rules of Civil Procedure."

6. Certified Copies of records in *Juan Miguel Torres Mejia vs. Jorge Midence Case* No. JP02-21-SC00022214 (CX-5) are admissible for all purposes.
7. Certified Copies of records in *Jose Andres Torres Mejia vs. Jorge Midence Case* No. JP02-21-SC00022215 (CX-6) are admissible for all purposes.

WHEREFORE, PREMISES CONSIDERED, the Parties stipulate to the foregoing for all purposes in connection with this proceeding.

Respectfully Submitted,

**EXAMINERS:**

**Jacqueline Habersham**

Executive Director

Texas Bar No. 00785931

[Jacqueline.Habersham@scjc.texas.gov](mailto:Jacqueline.Habersham@scjc.texas.gov)

**Zindia Thomas**

General Counsel

Texas Bar No. 24004947

[Zindia.Thomas@scjc.texas.gov](mailto:Zindia.Thomas@scjc.texas.gov)

**Lorin Hayes**

Senior Commission Counsel

Texas Bar No. 00790322

[Lorin.Hayes@scjc.texas.gov](mailto:Lorin.Hayes@scjc.texas.gov)

**Erin Morgan**

Commission Counsel

Texas Bar No. 24108938

[Erin.Morgan@scjc.texas.gov](mailto:Erin.Morgan@scjc.texas.gov)

**James Parsons**

Commission Counsel

Texas Bar No. 00791408

[James.Parsons@scjc.texas.gov](mailto:James.Parsons@scjc.texas.gov)

State Commission on Judicial Conduct  
P.O. Box 12265  
Austin, Texas 78711  
Telephone: (512) 463-5533  
Facsimile: (512) 463-0511

BY: /s/ Erin Morgan  
Erin Morgan

**Kelly J. Curnutt**  
**Curnutt & Hafer, LLP**  
301 West Abram Street,  
Arlington, TX 76010  
Telephone: 817-548-1000  
Fax: 817-548-1070  
Email: [KCurnutt@CurnuttHafer.com](mailto:KCurnutt@CurnuttHafer.com)

By: /s/ Kelly Curnutt  
**KELLY J. CURNUTT**  
Texas Bar No. 00787316

**ATTORNEY FOR  
THE HONORABLE  
MARY CURNUTT**

### **Certificate of Service**

Service of this instrument has been made on October 23, 2023, upon Kelly Curnutt, attorney for the Honorable Mary Curnutt, by electronic mail and automated service in accordance with the Texas Rules of Civil Procedure and the Texas Supreme Court's rules for electronic filing and service.

/s/ Erin Morgan  
Erin Morgan

### Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below:

Envelope ID: 80877148  
Filing Code Description: Unlisted  
Filing Description: Stipulations of the Parties  
Status as of 10/23/2023 3:40 PM CST

Associated Case Party: Judge Mary Curnutt

Name	BarNumber	Email	TimestampSubmitted	Status
Lauren Beard		LBeard@CurnuttHafer.com	10/23/2023 3:37:40 PM	SENT
Kelly Curnutt		KCurnutt@CurnuttHafer.com	10/23/2023 3:37:40 PM	SENT
Deanne Schmidt		DSchmidt@curnutthafer.com	10/23/2023 3:37:40 PM	SENT

Associated Case Party: State Commission on Judicial Conduct

Name	BarNumber	Email	TimestampSubmitted	Status
Zindia Thomas		zindia.thomas@scjc.texas.gov	10/23/2023 3:37:40 PM	SENT
Jacqueline Habersham		jackie.habersham@scjc.texas.gov	10/23/2023 3:37:40 PM	SENT
Erin Morgan		erin.morgan@scjc.texas.gov	10/23/2023 3:37:40 PM	SENT
Lorin Hayes		lorin.hayes@scjc.texas.gov	10/23/2023 3:37:40 PM	SENT
James Parsons		james.parsons@scjc.texas.gov	10/23/2023 3:37:40 PM	SENT