



**BEFORE THE
STATE COMMISSION ON JUDICIAL CONDUCT**

**IN RE: THE HONORABLE DAVID MONROE MCCOY
100TH JUDICIAL DISTRICT COURT JUDGE*
CHILDRESS, CHILDRESS COUNTY, TEXAS
(CJC No. 08-0244-DI)**

**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 at all times relevant hereto, the Honorable David Monroe McCoy was the Judge of the 100th Judicial District Court in Childress, Childress County, Texas, and

WHEREAS on November 29, 2007, the Grand Jury of the 100th District Court of Childress County, Texas, handed up Indictments in Cause Nos. 5089 and 5090, styled *The State of Texas vs. David Monroe McCoy*. True and correct copies of the Indictments are attached hereto as **Exhibits "A" and "B"** respectively and are incorporated herein for all relevant purposes, and

WHEREAS on November 30, 2007, after considering the Indictments, the State Commission on Judicial Conduct (the "Commission") opened CJC No. 08-0244-DI, and entered an order suspending Judge McCoy from office, without pay, pending the outcome of the charges pending against him, and

WHEREAS on December 12, 2007, following a Rule 15(a) post-suspension hearing at which several witnesses, including Judge McCoy, testified in person or by affidavit on the judge's behalf, the Commission amended the Order of Suspension to reinstate Judge McCoy's pay, 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 McCoy, and

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

*The 100th Judicial District Court covers Childress, Carson, Collingsworth, Donley, and Hall Counties.

IT IS THEREFORE AGREED that Judge McCoy agrees that he has officially and formally resigned his judicial office, effective at the end of the day on March 15, 2008, and is entering into this agreement to resolve the above-referenced matters 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 dismiss the Amended Order of Suspension and pursue no further disciplinary proceedings against Judge McCoy in connection with the above-referenced matters.

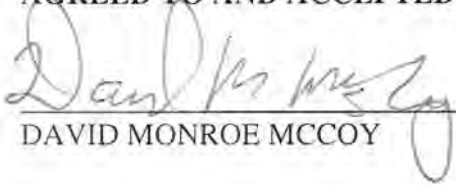
IT IS FURTHER AGREED that, upon the Commission's approval of this Agreement, Judge McCoy shall be disqualified from future judicial service; sitting or serving as a judge in the State of Texas in the future; or standing for election or appointment to judicial office in the State of Texas, or performing or exercising any judicial duties or functions of a judicial officer in the State of Texas, including the performance of wedding ceremonies.

IT IS FURTHER AGREED that any violation of this Agreement by Judge McCoy 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.

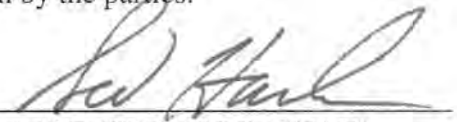
IT IS FURTHER AGREED that the Commission may enforce this Agreement through any legal process necessary, including injunctive relief; that Travis County, Texas, shall be the proper venue for any dispute between the parties or proceeding relating to this Agreement; and that Judge McCoy, individually, 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 McCoy, by his execution of this voluntary agreement, does not admit guilt, fault or liability regarding the matters contained in the complaint referenced above.

AGREED TO AND ACCEPTED upon its execution by the parties.



DAVID MONROE MCCOY



HONORABLE SID HARLE, CHAIR
STATE COMMISSION ON JUDICIAL
CONDUCT

Date: 2-21-08

Date: 2-28-08

APPROVED AS TO FORM:

By: 

WILLIAM E. KELLY
ATTORNEY FOR JUDGE MCCOY

VERIFICATION

State of Texas §
County of Childress §

BEFORE ME, the undersigned authority, on this day personally appeared DAVID MONROE MCCOY, 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.

SWORN TO BEFORE ME, on this the 21st day of February 2008.



Elaine Peoples
NOTARY PUBLIC, IN AND FOR THE
STATE OF TEXAS

DATE OF INDICTMENT
November 29, 2007

CAUSE NO. 5089

THE STATE OF TEXAS

OFFENSES
THEFT BY A PUBLIC SERVANT
TPC 31.03(a)(1)
Second Degree Felony

VS.

DAVID MONROE McCOY
(WM) (DOB: 11-05-1943)

CHILDRESS, TEXAS 79201
TEXAS DL #04719394

INDICTMENT

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS:

THE GRAND JURORS for Childress County, Texas, duly organized as such at the May Term, A.D., 2007, of the 100th District Court of Childress County, Texas, upon oath in said Court present that, before the presentment of this indictment:

DAVID MONROE McCOY,

hereafter styled defendant, on or about and between February 1, 2002 and June 30, 2005, pursuant to one scheme or continuing course of conduct, did then and there unlawfully appropriate property, to-wit: money, and the total value of property so obtained was \$20,000 or more but less than \$100,000, with the intent to deprive the 100th Judicial District Juvenile Probation Office, the owner of the property, and without the effective consent of the owner, and DAVID MONROE McCOY was then and there a public servant at the time of the offense, and the property appropriated came into the defendant's custody, possession, or control by virtue as of his status as a public servant;

AGAINST THE PEACE AND DIGNITY OF THE STATE.


FOREMAN OF THE GRAND JURY

Exhibit "A"

DATE OF INDICTMENT
November 29, 2007

CAUSE NO. 5090

THE STATE OF TEXAS

OFFENSE
ABUSE OF OFFICIAL CAPACITY
TPC 39.02(a)(2)
Third Degree Felony

VS.

DAVID MONROE McCOY
(WM) (DOB: 11-05-1943)

CHILDRESS, TEXAS 79201
TEXAS DL #04719394

INDICTMENT

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS:

THE GRAND JURORS for Childress County, Texas, duly organized as such at the May Term, A.D., 2007, of the 100th District Court of Childress County, Texas, upon oath in said Court present that, before the presentment of this indictment in Childress County, Texas,

DAVID MONROE McCOY,

hereafter styled defendant, on or about and between February 5, 2002, and May 18, 2006, did then and there, with intent to obtain a benefit, intentionally and knowingly misuse government personnel en gros, to-wit: county employees, said items belonging to the government which came into the defendant's custody or possession by virtue of the defendant's employment as a public servant, to-wit: 100th Judicial District Judge, and the value of the use of the thing or things misused is \$20,000 or more and less the \$100,000,

AGAINST THE PEACE AND DIGNITY OF THE STATE.


FOREMAN OF THE GRAND JURY