

CAUSE NO. S-25-5203 CV-B

IN RE: INVESTIGATION OF	§	IN THE DISTRICT COURT
ALLISON SKIPPER	§	36TH JUDICIAL DISTRICT
ON OR ABOUT October 18, 2024	§	SAN PATRICIO COUNTY, TEXAS

MOTION TO RECUSE AND APPOINT ATTORNEY PRO TEM

Now comes MARGIE SILVA, the duly elected District Attorney for San Patricio County, Texas, and makes this Motion to Recuse and Appoint Attorney Pro Tem for San Patricio County and in support thereof would show the Court the following:

I.

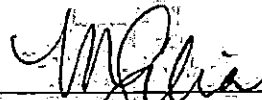
There is a conflict of interest between the District Attorney's office and this investigation, this case. Two material witnesses in this investigation are employed by the District Attorney's office. There exists an appearance of impropriety should this District Attorney's office remain the prosecutor for the above entitled matter. Therefore, justice would be better served if the District Attorney and all Assistant District Attorneys of San Patricio County, Texas be recused, and the appointment of an Attorney Pro Tem be made. The Motion to Quash Grand Jury Subpoena of Audio Recordings in Cause No.: 24-FL-50129-A is also a part of this investigation.

II.

The undersigned District Attorney has contacted James Reeves, elected District Attorney in Lavaca County, Texas and he has agreed to accept this matter and to perform the constitutional duties of the District Attorney's Office.

NOW THEREFORE, for the above good cause shown, Margie Silva respectfully prays this Court to recuse the District Attorney and any other Assistant District Attorneys for San Patricio County, Texas as the attorney for the State in the above-entitled matter, and further requests that the Court appoint James Reeves, elected District Attorney of Lavaca County, Texas to be Attorney Pro Tem for the above-entitled matter.

Respectfully submitted,



Margie Silva
State Bar No. 00788416
District Attorney
San Patricio County, Texas
400 W. Sinton St., Ste. 233
Sinton, Texas 78387
(361) 364-9390
FAX: (361) 364-9490
mflores@sanpatriciocountytx.gov

VERIFICATION

STATE OF TEXAS

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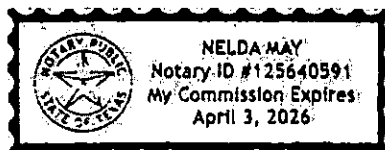
COUNTY OF SAN PATRICIO

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BEFORE ME, the undersigned authority on this day personally appeared Margie Silva Attorney for the State, in this case and who upon oath deposes and says that all of the facts and issues contained in the foregoing Motion for to Recuse and Appoint Attorney Pro Tem are true and correct and all of which are most vital for the State in this cause.

M Silva

SUBSCRIBED and SWORN TO before me on this the 19th day of March 2025



Nelida May
Notary Public

CERTIFICATE OF SERVICE

I, Margie Silva, District Attorney for San Patricio County, do hereby certify that a copy of the Motion to Recuse and Appoint Attorney Pro Tem was delivered to defense counsel on this 19th day of March, 2025.

A handwritten signature in black ink, appearing to read 'MSilva', is written over a horizontal line.

Margie Silva
District Attorney

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. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Margie Silva

Bar No. 788416

mflores@sanpatriciountytx.gov

Envelope ID: 98652749

Filing Code Description: Motion (No Fee)

Filing Description: Motion to Recuse & Appoint Attorney Pro Tem

Status as of 3/19/2025 4:00 PM CST

Associated Case Party: Melanie Morel

Name	BarNumber	Email	TimestampSubmitted	Status
John Gilmore	24096676	johnstuartgilmore@gmail.com	3/19/2025 3:42:00 PM	SENT

Associated Case Party: THE STATE OF TEXAS

Name	BarNumber	Email	TimestampSubmitted	Status
Margie Silva	788416	mflores@sanpatriciountytx.gov	3/19/2025 3:42:00 PM	SENT

CAUSE NO. S-25-5203CV-B

IN RE: INVESTIGATION OF § IN THE DISTRICT COURT
ALLISON SKIPPER § 36TH JUDICIAL DISTRICT
ON OR ABOUT October 18, 2024 § SAN PATRICIO COUNTY, TEXAS

ORDER APPOINTING ATTORNEY PRO TEM

The Court has reviewed the State's Motion to Recuse and Appoint Attorney Pro Tem and after due consideration, said motion is hereby GRANTED.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Margie Silva, is hereby recused in the above-entitled matter and therefore is disqualified from proceeding herein as attorney for the State.

IT IS THEREFORE ORDERED, pursuant to Article 2.07 of the Texas Code of Criminal Procedure, that James Reeves, District Attorney of Lavaca County, Texas is appointed Attorney Pro Tem in the above-entitled matter to evaluate and make any and all decisions, and to take any and all actions, pertaining to such matter, including investigation, grand jury presentation, prosecution, hearings, negotiations, trials, and postconviction proceedings, if any, arising from the matter.

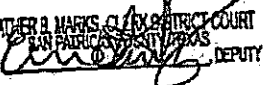
SIGNED this the 20 day of MARCH, 2025


Judge Presiding

PATRICK L. FLANIGAN

FILED
AT 10:40 AM O'CLOCK

MAR 21 2025

HEATHER B. MARKS, CLERK OF DISTRICT COURT
SAN PATRICIO COUNTY, TEXAS
BY:  DEPUTY

CAUSE No. S-25-3790CR

THE STATE OF TEXAS

v.

ALLISON MINTON SKIPPER

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IN THE DISTRICT COURT

36TH JUDICIAL DISTRICT

SAN PATRICIO COUNTY, TEXAS

**STATE'S RESPONSE TO DEFENDANT'S MOTION TO DISMISS FOR LACK OF
LAWFUL AUTHORITY TO PROSECUTE**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the State of Texas, by and through her Attorney Pro Tem, James M. Reeves, and provides the Court with this response to the Defendant's motion to dismiss for lack of lawful authority to prosecute, in support thereof, would show the Court the following:

I.

The Defendant stands charged by indictment in Cause No. S-25-3790CR with the offense of Barratry. This case is not set for Trial.

II.

On February 9, 2026, the Defendant filed his Motion to Dismiss for Lack of Lawful Authority to Prosecute (the "motion"). In that motion, the Defendant sets forth false assertions that there was no Motion or Order to Recuse regarding this matter and that the Appointed Attorney Pro-Tem acted with no authority. Upon reviewing the facts of the matter, in its entirety, in conjunction with the law, the Defendant's claim of a Lack of Lawful Authority to Prosecute is without merit and should be denied.

Processed On: 4/22/2026 9:54:02 am
By: Maribel Salazar, Deputy Clerk

Filed 4/22/2026 9:44 AM
Heather B. Marks
District Clerk
San Patricio County, Texas

III.

The following chronology of events is significant to an analysis of the Defendant's claim:

1. On or about November, 2024, the Texas Rangers Division, Texas Department of Public Safety opened an investigation into Allison and Shaun Scott Skipper regarding allegations of Barratry.
2. On or about December 18, 2024 a Grand Jury Subpoena was issued seeking the transcript of a December 16, 2024 Hearing in Case No. 24-FL-050129-A in the County Court at Law No. 1, San Patricio County, Texas.
3. On or about December 30, 2024 a transcript was provided to Texas Ranger S. Cody Lankford pursuant to the above subpoena.
4. A review of the transcript revealed that the transcript was not a true and accurate transcription of all of the audio pertaining to the case as heard in Court.
5. A subsequent Grand Jury Subpoena was issued on February 20, 2025 seeking the audio recordings of the aforementioned hearing.
6. A Motion to Quash the above Subpoena was filed on March 11, 2025 and was given the Cause Number S-25-5203CV-B in the 36th Judicial District Court of San Patricio County.
7. On March 19, 2025 San Patricio County District Attorney Margie Silva filed her Motion to Recuse and Appoint Attorney Pro-Tem in Cause Number S-25-5203CV-B.
8. On March 20, 2025 156th Judicial District Judge Patrick Flanigan signed an order recusing District Attorney Margie Silva and an order appointing James Reeves, County Attorney of Lavaca County, Texas as Attorney Pro-Tem in the matter to: "evaluate and make any and all decisions, and to **take any and all actions, pertaining to such matter, including investigation, grand jury presentation, prosecution, hearings, negotiations, trials, and postconviction proceedings, if any, arising from the matter.**" (emphasis added). (Attached

as Exhibit A)

9. On November 12, 2025 under the lawful authority of District Judge Flanigan's order in Cause Number S-25-5203CV-B Attorney Pro-Tem James Reeves presented the results of the Texas Rangers' Investigation to a duly appointed San Patricio County Grand Jury who True Billed Indictments for Barratry in Cause Numbers S-25-3790CR and S-25-3791CR against Allison Minton Skipper and Shaun Scott Skipper, respectively.
10. On February 6, 2026 District Attorney Margie Silva filed Motions to Recuse and Appoint Attorney Pro-Tem in Cause Numbers S-25-3790CR and S-25-3791CR, respectively to ensure there was no confusion as to the identity of Prosecuting Attorney was in these matters and to create a record of the potential conflict of interest her office had with these respective cases.
11. On February 11, 2026, Judge McConnel signed the Order recusing the San Patricio County District Attorney's Office and appointing James Reeves as Attorney Pro-Tem in Cause Numbers S-25-3790CR and S-25-3791CR.
12. On February 9, 2026, Defense Counsel filed three Motions: 1. Motion to Dismiss for Lack of Lawful Authority to Prosecute; 2. Motion to Disqualify Purported Attorney Pro Tem and For Related Relief; and 3. Defendant's Objection to the State's Motion Selecting Attorney Pro-Tem.

A. Legal Background

Under Texas law, "[e]ach district attorney shall represent the State in all criminal cases in the district courts of his district and in appeals" from those cases. (TEX.CODE CRIM. PROC. Art. 2.01.) A district attorney who is not legally disqualified may request that the district court permit him to recuse himself in a particular case for good cause. This procedure allows the district attorney

to avoid conflicts of interest and even the appearance of impropriety by deciding not to participate in certain cases. (See *State ex rel. Eidson v. Edwards*, 793 S.W.2d 1, 6 & n. 6 (Tex.Crim.App.1990) (discussing the distinction between legal disqualification and voluntary recusal for a possible conflict of interest to avoid the appearance of impropriety). Once the trial court approves his voluntary recusal, the district attorney is deemed "disqualified." (TEX.CODE CRIM. PROC Art. 2.07(b-1).) The responsibility for making the decision to recuse himself is on the district attorney himself; the trial court cannot require his recusal. (*Johnson v. State*, 169 S.W.3d 223, 229 (Tex.Crim.App.2005); *State ex rel. Hill v. Pirtle*, 887 S.W.2d 921, 939 (Tex.Crim.App. 1994).

When the district attorney is disqualified (or has voluntarily recused himself and been deemed disqualified), absent from the district, or otherwise unable to perform his duties, the trial court may appoint any competent attorney to perform the duties of the district attorney. (TEX.CODE CRIM. PROC. Art. 2.07). The appointed attorney is called an attorney pro tem. (TEX.CODE CRIM. PROC. Art. 2.07; *Marbul v. State*, 76 S.W.3d 742, 748 (Tex.App.-Waco 2002, pet. ref'd); *Stephens v. State*, 978 S.W.2d 728, 731 (Tex.App.-Austin 1998, pet. ref'd). The attorney pro tem stands in the place of the regular attorney for the state and performs all the duties the state attorney would have performed under the terms of the appointment. (*State v. Lackey*, 35 Tex. 357, 358 (Tex. 1872) ("A district attorney pro tem is legally authorized to do whatever the law authorizes a district attorney to do.") The attorney pro tem acts "during the absence or disqualification of the attorney for the state." (*Coleman v. State*, 246 S.W.3d 76 (Tex. Crim. App. 2008).

B. ARGUMENT

In Defendant's Motion to Dismiss for Lack of Lawful Authority to Prosecute, Motion to Disqualify Purported Attorney Pro Tem and for related relief and Defendant's Objection to the State's Motion Selecting Attorney Pro Tem, the Defendant misstates the law. Article 2.07 is not

case specific as argued by Defendant. Article 2.07 states:

“Whenever an attorney for the state is disqualified to act in any case or proceeding, is absent from the county or district, or is otherwise unable to perform the duties of the attorney's office, or in any instance where there is no attorney for the state, the judge of the court in which the attorney represents the state may appoint, from any county or district, an attorney for the state or may appoint an assistant attorney general to perform the duties of the office during the absence or disqualification of the attorney for the state.”

Once Judge Flanigan signed his order of March 20, 2025 recusing District Attorney Margie Silva and appointing James Reeves as Attorney Pro-Tem, he was given the authority under well settled Texas Law to “stand in the place of the regular attorney for the state and performs all the duties the state attorney would have performed under the terms of the appointment.” (State v. Lackey, 35 Tex. 357, 358 (Tex. 1872).

Specifically in Paragraph IV “Application to this Case” of Defendant’s Motion to Dismiss for Lack of Lawful Authority, opposing counsel makes the misleading statement, “the purported attorney pro tem was never lawfully appointed in this criminal cause.” The recusal and order of March 20, 2025 gave James Reeves the lawful authority to take any and all actions, pertaining to such matter, including investigation, grand jury presentation, prosecution, hearings, negotiations, trials, and postconviction proceedings, if any, arising from the matter.

In Defendant’s Motion to Disqualify Purported Attorney Pro Tem and for Related Relief, the Defendant makes the same misleading arguments regarding lawful authority but finds it necessary to include the false assertion: “Her office reached out to Benjamin Gray, a former employee of the office who worked for Mr. Reeves and conversations were had about this prosecution.” Mr. Reeves was appointed on March 20, 2025. Benjamin Gray was an employee of the San Patricio County District Attorney’s Office from on or about January 15, 2025 to on or about April 21, 2025. Mr. Gray was an employee of the San Patricio County District Attorney’s Office at the time of Mr. Reeves Appointment.

In Defendant's Objection to the State's Motion Selecting Attorney Pro Tem, Defendant cites no legal authority for this objection, because none exists. This objection should be overruled in that it is an unlawful objection.

WHEREFORE, PREMISES CONSIDERED, the State of Texas requests that the Court deny the Defendant's motion:

Respectfully Submitted,

LAVACA COUNTY ATTORNEY
109 North La Grange, Second Floor
Hallettsville, Texas 77964
(361) 798-4757 Office
(361) 798-2816 Fax

/s/James M. Reeves

James M. Reeves, San Patricio County
Attorney Pro Tem
SBOT: 24072514
Email: jamesreeves@co.lavaca.tx.us

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing State's Response to Defendant's Motion to Dismiss for Lack of Lawful Authority to Prosecute served via EFile to defense counsel on April 21, 2026.

/s/James M. Reeves

James M. Reeves, San Patricio County
Attorney Pro Tem

Case No. _____

THE STATE OF TEXAS

§

IN THE DISTRICT COURT

VS.

§

36TH JUDICIAL DISTRICT

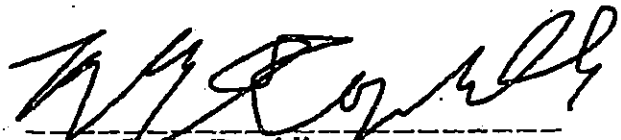
SHAUN SCOTT SKIPPER

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SAN PATRICIO COUNTY, TEXAS

ORDER APPOINTING ATTORNEY PRO TEM

On this day, 05/01/2026, this court hereby appoints as Attorney Pro Tem, pursuant to Texas Code of Criminal Procedure, Article 2A.104, Bexar County Criminal District Attorney Joe Gonzales, and Bexar County Assistant Criminal District Attorney and Chief of the Public Integrity & Civil Rights Division Nicole Thornbro, and Assistant Criminal District Attorney Steve Speir and Jeffrey Wright assigned by them to work on this case. The Attorney Pro Tem hereby appointed is to perform the duties of the office of Criminal District Attorney of San Patricio County Texas in regard to the above styled and numbered case until further Order of this court.



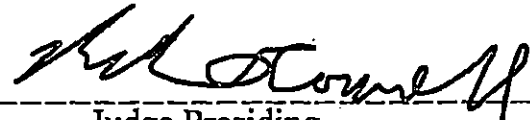
Judge Presiding

Case No. _____

THE STATE OF TEXAS	§	IN THE DISTRICT COURT
VS.	§	36 TH JUDICIAL DISTRICT
ALLISON MINTON SKIPPER	§	SAN PATRICIO COUNTY, TEXAS

ORDER APPOINTING ATTORNEY PRO TEM

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Judge Presiding