

Materials Submitted for the Record at the June 10 Full Committee Markup:

- June 9 letter from Judge Kent's counsel to the committee
- June 9 letter from the Judicial Conference of the United States to the Speaker of the House

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June 9, 2009

United States House of Representatives  
Committee on the Judiciary  
2138 Rayburn House Office Building  
Washington, D.C. 20515

RE: The Potential Impeachment of Judge Samuel B. Kent

Dear Honorable House Committee on the Judiciary:

I write to inform you that the testimony the Task Force heard from Cathy McBroom and Donna Wilkerson was greatly exaggerated, and in some respects flatly false. The focus of this letter is on the testimony of Donna Wilkerson, Judge Kent's longtime secretary.

Donna Wilkerson's most outrageous claim in her congressional testimony was that Judge Kent is a racist against African-Americans. This is patently false.

Over the years Judge Kent served on the bench, he received awards and praise from the NAACP. He ordered the creation of African-American Justice of the Peace and Constable positions in Galveston County, against the vehement objection of county officials. Judge Kent's true sentiments have been expressed in numerous civil judgments in race discrimination cases in favor of African-Americans against officials in Galveston and Brazoria Counties and against officials in the municipalities of Freeport, Texas City, and The City of Galveston. In contrast, on Friday, June 5<sup>th</sup> a federal employee formerly employed at the Galveston Federal Courthouse called my office and reported that Donna Wilkerson often and flagrantly used the "N word" around the courthouse.

The Government dismissed all sexual misconduct charges against Judge Kent. Although Judge Kent has admitted to nonconsensual contact with Donna Wilkerson, this does not justify Ms. Wilkerson exaggerating or lying about the extent of his contact or the circumstances. Evidence exists that during the time period when Donna Wilkerson now says Judge Kent was sexually abusing her, she gave Judge Kent a Valentine's Day card with the handwritten message, "Love you bunches—Donna" and "P.S. I sure am glad you found me—my life was certainly not as interesting!!" I have the card. During the same time period, Ms. Wilkerson pressured Judge Kent to attend her children's sporting events, and encouraged him to buy a home near her home.

When Cathy McBroom first accused Judge Kent of sexual misconduct, Donna Wilkerson worked eagerly with me to marshal favorable witnesses. Ms. Wilkerson told the Fifth Circuit,

and me, that during the time period when Cathy McBroom now says Judge Kent was sexually abusing her, Ms. Wilkerson walked into Judge Kent's chambers and saw Judge Kent and Ms. McBroom engaged in an apparently mutual embrace. Ms. Wilkerson also offered to testify that Cathy McBroom flirted and socialized with Judge Kent throughout the relevant time period.

The federal employee who called my office on June 5<sup>th</sup> had been assigned to the Galveston Federal Courthouse during the time period relevant to Donna Wilkerson's complaints about Judge Kent. The caller stated that she and several others believe that Donna Wilkerson blatantly lied to the Task Force. The caller stated that she and several others with personal knowledge found Ms. Wilkerson's testimony before the Task Force to be "ridiculous" and "sickening." The caller stated that during the time period Donna Wilkerson now says Judge Kent sexually abused her, Ms. Wilkerson exploited her position as Judge Kent's secretary, projecting the impression that she loved her job and that she could do as she pleased around the Galveston Federal Courthouse because of her relationship with Judge Kent.

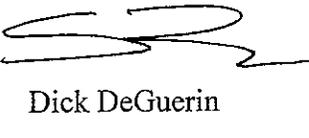
I encourage you to interview the reportedly outraged people who formerly worked in the Galveston Federal Courthouse, who I understand to include at least Teri Bonura and Joe Maffei (employees of the United States Marshals Service) and Cathy Eaton (a former employee of the Galveston Federal Clerk).

Of course, none of Cathy McBroom's and Donna Wilkerson's lurid testimony was necessary to your task. Judge Kent's guilty plea to the felony of Obstruction presents sufficient grounds for impeachment.

Now that proceedings are under way, my continuing request is that Congress work to seek the complete truth and not allow to go unchallenged the gratuitous exaggerated and false claims of the complainants. A person who provides a false account to Congress violates the same criminal statute to which Judge Kent pled guilty.

Again, please do not hesitate to contact me if I can be of assistance in identifying and providing evidence for your consideration.

Respectfully,

  
for Dick DeGuerin

DD:bls

cc: Katherine E. McCarron, Assistant Counsel  
U. S. Houston of Representatives  
*Transmitted Via Email*



# JUDICIAL CONFERENCE OF THE UNITED STATES

WASHINGTON, D.C. 20544

THE CHIEF JUSTICE  
OF THE UNITED STATES  
*Presiding*

JAMES C. DUFF  
*Secretary*

June 9, 2009

Honorable Nancy Pelosi  
Speaker  
United States House of Representatives  
Washington, DC 20515

Dear Madam Speaker:

At a special session held today, the Judicial Conference of the United States, by its members present, determined unanimously to transmit to the House of Representatives, under 28 U.S.C. § 355(b)(1)-(2), the enclosed Certificate and attachments in a proceeding under the Judicial Conduct and Disability Act, 28 U.S.C. §§ 351-364. One member was not present and did not participate in the Conference's deliberations on this matter.

Please be advised that the Certificate is a "determination" within the meaning of the following provision in 28 U.S.C § 355(b)(1): "Upon receipt of the determination and record of proceedings in the House of Representatives, the Clerk of the House of Representatives shall make available to the public the determination and any reasons for the determination." The Judicial Conference will make no public statement on this matter, but has transmitted the Certificate and attachments to the subject judge and to the Chief Judge of the Fifth Circuit Court of Appeals in her capacity as chair of the Judicial Council of the Fifth Circuit.

Sincerely,

A handwritten signature in cursive script that reads "James C. Duff".

James C. Duff  
Secretary

Enclosures



# JUDICIAL CONFERENCE OF THE UNITED STATES

WASHINGTON, D.C. 20544

THE CHIEF JUSTICE  
OF THE UNITED STATES  
*Presiding*

JAMES C. DUFF  
*Secretary*

## CERTIFICATE

TO THE SPEAKER, UNITED STATES HOUSE OF REPRESENTATIVES:

Pursuant to 28 U.S.C. § 355(b), the Judicial Conference of the United States certifies to the House of Representatives its determination that consideration of impeachment of United States District Judge Samuel B. Kent, of the Southern District of Texas, may be warranted. Having been informed that Judge Kent was convicted of a felony, and that the judgment has become final by the exhaustion or termination of all rights of direct judicial review, the Conference, under Rule 1 of its *Rules for the Processing of Certificates from Judicial Councils that a Judicial Officer Has Engaged in Conduct that Might Constitute Grounds for Impeachment*, accepts the judgment as conclusive and has determined in its discretion to issue this certificate.

The Conference's determination in this matter is based on

- (1) the court record in Case No. 4:08-cr-00596, *United States v. Samuel B. Kent*, filed in the Southern District of Texas at Houston, which reflects Judge Kent's February 23, 2009, plea of guilty to obstruction of justice in violation of 18 U.S.C. § 1512(c)(2); the resulting judgment of conviction, dated May 11, 2009, in which Judge Kent is sentenced to a term of 33 months' imprisonment; and the absence of any timely notice of appeal of that judgment; and
- (2) the certification of the Fifth Circuit Judicial Council, premised on the judgment of conviction in said case, that Judge Kent has engaged in "conduct which constitutes one or more grounds for impeachment under Article II of the Constitution."

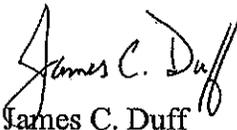
This certificate is transmitted with the certification of the Fifth Circuit Judicial Council and relevant portions of the court record.

In sum, Judge Kent has stipulated, as the basis for his plea of guilty, that

- (a) in August 2003 and March 2007, he engaged in non-consensual sexual contact with a person ("Person A") without her permission;
- (b) from 2004 through at least 2005, he engaged in non-consensual sexual contact with a person ("Person B") without her permission; and
- (c) in connection with a judicial misconduct complaint against him, he testified falsely before a Fifth Circuit special investigative committee regarding his unwanted, non-consensual sexual contact with Person B, by understating the extent of that contact and by falsely stating that it had ended after Person B told him it was unwelcome.

Judge Kent's conduct and felony conviction, as described above, have brought disrepute to the Judiciary.

Executed this 9<sup>th</sup> day of June, 2009.

  
James C. Duff  
Secretary