

CAUSE NOS. 25-DCR-110888 & 25-DCR-110889

THE STATE OF TEXAS § **IN THE 458TH DISTRICT COURT**
v. § **OF**
KYLE PRASAD GEORGE § **FORT BEND COUNTY, TEXAS**

**STATE'S MOTION REQUESTING HEARING TO ADDRESS DEFENSE
COUNSEL JARED WOODFILL'S CONFLICT OF INTEREST AND
POSSIBLE DISQUALIFICATION**

COMES NOW, the State of Texas, by and through its District Attorney for Fort Bend County, files this motion requesting a hearing to address Defense Counsel Jared Woodfill's conflict of interest and possible disqualification in the above-mentioned causes and would show the following in support thereof:

Procedural History

On March 31, 2025, Defendant was indicted for the felony offenses of money laundering in cause numbers 25-DCR-110888 and 25-DCR-110889. On April 8, 2025, attorneys Jared Woodfill and Terry Yates (hereinafter collectively referred to as "Defense Counsel") gave notice of appearance as Defendant's attorneys of record in these cases.

On May 19, 2025, Defendant filed a motion to recuse and disqualify the trial court judge, the Honorable Maggie Jaramillo, who soon afterwards referred the

recusal motion to the presiding judge of the judicial region. On June 23, 2025, the Honorable Susan Brown, presiding judge of the Eleventh Administrative Judicial Region, after receiving evidence and arguments, denied the recusal and disqualification motion.

On October 31, 2025, Defendant filed motions to dismiss the money laundering indictments and to disqualify the Fort Bend County District Attorney's Office from prosecuting these cases. These motions are currently pending before this Court.

Recently Discovered Information

On October 2, 2025, Defendant made a report to the Houston Police Department (hereinafter "HPD") concerning a theft of approximately \$4200 from his campaign account over the months of July 2025 through September 2025. Upon being assigned the investigation, HPD Detective J. Tucker (hereinafter "Tucker") contacted Defendant who reported that several unauthorized ACH (or electronic) monetary transfers were made from his Frost Bank account over three consecutive months to three vendors: Greenridge Place Apartments (an apartment complex located in Houston, Harris County, Texas); T-Mobile; and Xfinity.

During the investigation, Tucker identified a person of interest.¹ This individual was the sole resident of the apartment unit linked to multiple ACH transfers that appeared to be payments for rent or other services. Using open-source search tools, Tucker learned that the person of interest held himself/herself out to be an employee of the “Woodfill Law Firm PC.” According to its website, Defense Counsel Woodfill is the founding partner of the “Woodfill Law Firm PC.” See <https://www.woodfilllaw.com/meet-the-team/jared-woodfill/>.

On November 12, 2025, Tucker spoke with Defense Counsel Terry Yates who confirmed that the person of interest² had once been employed by the Woodfill Law Firm. At this time, it was not known how the person of interest used his/her position in the Woodfill Law Firm to obtain Defendant’s account information—whether upon receipt of a check for payment of legal services or through materials provided by the State through a pre-trial discovery disclosure.

¹ The State does not identify the person of interest in this motion because this theft offense involves an on-going law enforcement investigation.

² Defense Counsel has been informed of the identity of the person of interest, and the State can provide the identity of the person of interest if this Court desires such information.

Arguments and Arguments

-- Law Regarding Right to Counsel of Choice

Both the Sixth Amendment of the United States Constitution and Article I, Section 10, of the Texas Constitution grant a criminal defendant the right to counsel. Furthermore, Article 1.05 of the Texas Code of Criminal Procedure grants a criminal defendant the right to assistance of counsel. Inherent within those constitutional and statutory rights to counsel is the defendant's right to counsel of choice. *Powell v. Alabama*, 287 U.S. 45, 54 (1932) (stating "a defendant should be afforded a fair opportunity to secure counsel of his own choice."); *Ex parte Prejean*, 625 S.W.2d 731, 733 (Tex. Crim. App. 1981) (recognizing "freedom of choice in the selection of counsel by the accused.")

However, this right to counsel of choice is not absolute. *Wheat v. United States*, 486 U.S. 153, 159 (1988); *Gonzalez v. State*, 117 S.W.3d 831, 837 (Tex. Crim. App. 2003). For example, a criminal defendant has no right to be represented by (1) an advocate who is not a member of the bar, (2) an attorney that the defendant cannot afford or who declines to represent him, or (3) an attorney who has a previous or ongoing relationship with an opposing party. *Gonzalez*, 117 S.W.3d at 837 (citing *Wheat*, 486 U.S. at 159).

There is a strong presumption in favor of a defendant's right to retain counsel of choice. *Gonzalez*, 117 S.W.3d at 837. However, this presumption may be overridden by other important considerations relating to the integrity of the judicial process and the fair and orderly administration of justice. *Id.*

Because a trial court unreasonably or arbitrarily interfering with a defendant's right to counsel of choice rises to the level of a constitutional violation, trial courts must exercise caution in disqualifying defense attorneys, especially if less serious means would adequately protect the government's interests. *Id.* In moving to disqualify a defendant's counsel of choice, the government bears a heavy burden of establishing such disqualification is justified. *Id.*

-- Rule 1.06 of Texas Disciplinary Rules of Professional Conduct³

Rule 1.06 establishes the general disciplinary rules regarding conflicts of interest. While subject to exception, Rule 1.06(b)(2) provides that "a lawyer shall not represent a person if the representation of that person reasonably appears to be

³ "The Texas Disciplinary Rules of Professional Conduct were adopted by the State Bar of Texas to establish the 'minimum standards of conduct below which no lawyer can fall without being subject to disciplinary action.' While the disciplinary rules are not controlling as standards governing motions to disqualify, they have been viewed by the courts as guidelines that articulate considerations relevant to the merits of such motions." *Spears v. Fourth Court of Appeals*, 797 S.W.2d 654, 656 (Tex. 1990) (internal citations omitted); *see also Palomo v. State*, 06-14-00076-CR, 2015 WL 1546148, at *7 (Tex. App.—Texarkana Apr. 1, 2015, pet. ref'd) (mem. op., not designated for publication).

or become adversely limited by the lawyer's or law firm's responsibilities to another client or to a third person or by the lawyer's or law firm's own interests." Rule 1.06(c) establishes the exception to Rule 1.06(b) and provides:

A lawyer may represent a client in the circumstances described in [Rule 1.06(b)] if:

- (1) the lawyer reasonably believes the representation of each client will not be materially affected; and
- (2) each affected or potentially affected client consents to such representation after full disclosure of the existence, nature, implications, and possible adverse consequences of the common representation and the advantages involved, if any.

While the express language of Rule 1.06 establishes the "black-letter" rule concerning conflicts of interest, the Rule comments give guidance to the nuances in its application. Comment 4 to Rule 1.06 specifically addresses a conflict between a client and a lawyer's own interests and states:

Loyalty to a client is impaired not only by the representation of opposing parties in situations within paragraphs (a) and (b)(1) but also in any situation when a lawyer may not be able to consider, recommend or carry out an appropriate course of action for one client because of the lawyer's own interests or responsibilities to others. The conflict in effect forecloses alternatives that would otherwise be available to the client. Paragraph (b)(2) addresses such situations. A potential possible conflict does not itself necessarily preclude the representation. The critical questions are the likelihood that a conflict exists or will eventuate and, if it does, whether it will materially and adversely affect the lawyer's independent professional judgment in considering alternatives or foreclose courses of action that reasonably should be

pursued on behalf of the client. It is for the client to decide whether the client wishes to accommodate the other interest involved. However, the client's consent to the representation by the lawyer of another whose interests are directly adverse is insufficient unless the lawyer also believes that there will be no materially adverse effect upon the interests of either client.

As discussed in this comment, a lawyer's loyalty can be compromised not only by representing opposing parties, a circumstance addressed in Rule 1.06(a), but also whenever the lawyer's own interests or obligations to others limit their ability to fully advise or act for a client, the situation addressed in Rule 1.06(b)(2) and presented in the instant case. Such conflicts may block possible options and strategies that should otherwise be available.

Although not every potential conflict prevents representation, the key issues are (1) how likely the conflict is to arise and (2) whether this potential conflict would materially and adversely affect the lawyer's independent judgment or limit reasonable courses of action. Unquestionably, Rule 1.06 affords the client the option of choosing to accept and waive certain conflicts. However, the right to conflict-free counsel may only be waived if done so knowingly and voluntarily. *Prejean*, 625 S.W.2d at 733. Such a waiver of the right to conflict-free counsel should include a showing that the defendant is aware of the conflict of interest, realizes the consequences of continuing with such counsel, and is aware of the right to obtain

other counsel. *Id.*

The client's consent is insufficient when the client and attorney's interests are directly adverse. Pursuant to provisions of Rule 1.06, the representation is only permissible if the lawyer reasonably believes that his client's interests will be materially harmed despite the lawyer's conflicting interests.

-- Defense Counsel Woodfill's Interests are Adverse To Defendant's Interests

At this point, the HPD investigation has revealed that Defense Counsel Woodfill's employee stole money from Defendant's bank account without Defendant's knowledge or authorization. Based on assertions from Defense Counsel Yates, it appears undisputed that the person who misappropriated Defendant's funds was an individual currently or previously in Defense Counsel Woodfill's employ.

Although the State is not presently making any such accusation, it is not entirely out of the realm of possibility that Defense Counsel Woodfill could be a party to his employee's theft of Defendant's money. If the law enforcement investigation develops evidence that Defense Counsel Woodfill acted in a manner which would render him criminally liable as a party to the theft offense, especially after he undertook the representation, then Defense Counsel Woodfill's interest would be adverse, directly or otherwise, to Defendant's interests.

On the other hand, it appears more likely that Defense Counsel Woodfill is subject to greater conflict based on possible civil liability. Because his employee seemingly stole money from Defendant, Defense Counsel Woodfill could be civilly liable under the legal doctrine of *respondeat superior*, which makes an employer potentially liable for tortious acts committed by an employee within the scope of employment.

While this Court has greater knowledge and understanding of civil law and the legal doctrine of *respondeat superior* than the undersigned assistant district attorney, the mere prospect of such civil liability exists which could place Defense Counsel Woodfill in a substantially adverse position to Defendant's interests. Such adverse interests must be investigated and resolved before the prosecution of Defendant for his money laundering offenses can proceed.

-- Trial Court's Responsibility to Investigate Conflict of Interest Issue

In the instant motion, the State has presented information to this Court that a potential, if not actual, conflict of interest exists between Defendant and Defense Counsel Woodfill. Under federal and state jurisprudence, this Court must investigate to determine the nature of the conflict and the proper manner of proceeding forward with the prosecution of Defendant's money laundering charges.

See Holloway v. Arkansas, 435 U.S. 475, 484 (1978) (affirming principle "Upon the

trial judge rests the duty of seeing that the trial is conducted with solicitude for the essential rights of the accused....The trial court should protect the right of an accused to have the assistance of counsel."); *Dunn v. State*, 819 S.W.2d 510, 519 (Tex. Crim. App. 1991) (stating "...the trial court is nonetheless under the obligation to make the necessary inquiries into a conflict problem once it is brought to its attention....").

Conclusion

In sum, Defense Counsel Woodfill's interests appear directly and materially adverse to Defendant's interests. Under the current situation, Defense Counsel Woodfill is possibly criminally liable, as a party, for his employee's theft of Defendant's property. In a more likely scenario, Defense Counsel Woodfill is potentially civilly liable for his employee's theft of Defendant's property.

The State is requesting a hearing to address the potential conflict of interest and any possible disqualification of Defense Counsel Woodfill based on uncontested facts and well-established legal principles. At the very least, this Court should conduct a hearing to determine (1) the extent of this potential conflict of interest; (2) whether Defendant, after being made fully aware of his circumstances and options, desires to waive his right to conflict-free counsel, and (3) even if Defendant waives conflict-free counsel, whether Defense Counsel Woodfill can reasonably

demonstrate that Defendant's interests will not be materially affected based on the conflict of interest to which Defense Counsel Woodfill is currently subject.

Prayer

Wherefore, premises considered, the State of Texas respectfully prays that this Court grant the State's motion requesting a hearing to address Defense Counsel Jared Woodfill's conflict of interest and possible disqualification in cause numbers 25-DCR-110888 and 25-DCR-110889.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned assistant district attorney certifies that a copy of the State's Motion Requesting Hearing to Address Defense Counsel Jared Woodfill's Conflict of Interest and Possible Disqualification was served on Defendant's counsel identified below by E-File Texas E-Service or electronic mail on the date of filing:

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Respectfully submitted,

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