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Texas Governor Rick Perry Is Indicted

Governor Rick Perry has been in the limelight recently over his handling of immigration issues in his home state of Texas. He even met with President Obama. Before that he was routinely [urging businesses to move to Texas](#) away from states like California with their high tax burdens.

But now, he's in the public eye in a more negative way. And the issue could impact his presidential prospects. Mr. Perry was [indicted on two charges](#) related to trying to force District Attorney Rosemary Lehmberg to resign after she was arrested on drunk driving charges.

The grand jury charged Mr. Perry with [abuse of official capacity, a first-degree felony, and with coercion of a public official](#). Those are serious crimes, that could carry very serious prison time if proven at trial and if Mr. Perry is convicted.

In fact, the maximum punishment on the first charge is five to 99 years in prison. The maximum punishment on the second charge is 2 to 10 years. The indictments arise out of Mr. Perry's threat to withhold \$7.2 million in funding from Ms. Lehmberg's office unless she resigned.



Governor Rick Perry of Texas speaking at the Republican Leadership Conference in New Orleans, Louisiana.

When Ms. Lehmberg refused, Mr. Perry did as he promised and vetoed an appropriation in Texas' state budget. The money had been earmarked for the state's Public Integrity Unit, housed in Lehmberg's office. Mr. Perry's veto forced Travis County taxpayers to partially fund the office, but several employees lost their jobs or had to be reassigned.

Ms. Lehmberg is a democrat, and some Republicans have said that her Public Integrity Unit unfairly targeted their party for prosecutions. Had Lehmberg resigned, Mr. Perry would have named her replacement.

Ms. Lehmberg was arrested and charged with DWI in April 2013. She later pled guilty and was sentenced to 45 days in jail. Ultimately, she prevailed in a civil lawsuit over whether she should be removed from office.

Mr. Perry defended his veto action at the time, stating that, "Despite the otherwise good work (of) the Public Integrity Unit's employees, I cannot in good conscience support continued state funding for an office with statewide jurisdiction at a time when the person charged with ultimate responsibility of that unit has lost the public's confidence." Now, Mr. Perry faces a flap of his own.

You can reach me at Wood@WoodLLP.com. This discussion is not intended as legal advice, and cannot be relied upon for any purpose without the services of a qualified professional.