

The article also had this little nugget, an oh so rare felony reduction in Williamson County, for opponent **Robert Chody's mother**:

Meanwhile, Chody may have received another assist from elected law-enforcement officials in a criminal case involving his mother, Marisia Chody, who in May 2006 was charged with passing a fake prescription for a controlled substance. She ultimately entered into a felony plea agreement. Months later, as Chody's campaign was revving up, defense attorney Marc Ranc requested sentencing continuances so he could consult with an immigration attorney regarding an "immigration issue," according to records. Next, the D.A.'s office, which ordinarily prides itself as being a "zero-tolerance" crime-fighting operation, initiated a "felony reduction" on Marisia Chody's behalf, which allowed her to re-enter a plea to a misdemeanor on Oct. 1. In a voice mail, Assistant D.A. Jana McCown offered this explanation of the do-over: "Initially, that defendant pled guilty to the offense in the felony [case]. ... Then, at some point after that, when she came back to be sentenced, the defense attorney had come up with some issue regarding immigration, and the judge allowed her to withdraw her plea. ... It was subsequently renegotiated and sent to the county attorney's office to be prosecuted as a misdemeanor."

By most accounts, such plea deals involving immigrants are very rare. Asked what the immigration issue concerned, defense lawyer Ranc responded loudly, "It's none of your business!" Indeed, Pat Reilly, of the U.S. Department of Homeland Security Office of Public Affairs, confirmed that U.S. immigration agencies must keep such records confidential. "But it does sound like she had a lot at stake," Reilly offered. What little information the Chronicle could glean on this front is that in 1956, Mrs. Chody entered the U.S. as a tourist named Marisia Stepien, arriving here from Paris.

In the Constable's race we hear Robert Chody is promising to **expand the reach of this office, get all up in your business, if elected**. Just what we've come to expect from a WCGOP machine-backed candidate. Also, from what we hear, he doesn't like being asked about **his APD past**. Constable Gary

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Some have questioned whether constable offices are still even necessary in Texas.

Griffin sent the Leader a question Bradley posted in 2004 on the Texas District and County Attorneys Association's Web site.

On Feb. 4, 2004 Bradley wrote: "Is anyone else out there in favor of abolishing the office of constable?"

Griffin argues Bradley should not be making an endorsement for an office he doesn't believe in. Bradley is not alone in his opinions, though.

Bell County Attorney Rick Miller responded to Bradley's posting, stating: "I do agree that the

office of constable is an outmoded one. The commissioners could save additional staffing for the sheriff for process serving and attending the J.P. courts”

Since then Texas voters have amended the state’s Constitution, allowing commissioners courts to do away with constable offices.

Griffin pointed out Chody is a reserve deputy constable, noting in 2004 Bradley posted: “The only thing worse [than a constable] A reserve deputy constable.”

Bradley told the Leader this week he should not have made that generalization four years ago.

The RRL didn’t clarify that while “some may question” if constables are still necessary, and the constables office can be abolished by a Commissioners Court, the office cannot just be eliminated at the whim of the Court, and the wish of the DA. The office of constable is a constitutionally mandated office, that has historic significance in Western democracies. For there even to be a question of eliminating a constable, the office has to have been empty for 7 years. Then a constitutional amendment must be passed, and ratified by county voters, to do away with the constable. So there’s little chance of that happening any time soon.

Keeping An Eye On Williamson County, Texas

09.27.07

[Millionaire Constable Candidate Has Issues In His APD Past](#)

Posted in [2008 Primary](#), [Commentary](#), [Constables](#), [Williamson County](#) at 1:00 pm by wnews

Anytime someone is applying for a job it’s only natural that they would want to highlight the positive and omit negative. But it’s also imperative in a job interview that when asked about a character flaw or previous mistake that the person shows they’ve corrected that flaw and/or learned from that mistake to prove that it’s no longer an issue so the flaw or mistake doesn’t happen again.

In today’s [AusChron](#) article on Precinct 1 Constable candidate Robert Chody, [The Millionaire Who Would Be Constable](#), we learn that APD settled a policy brutality lawsuit – involving himself and another officer, Jerry Sullivan – shortly after winning the lottery and just before leaving the Austin Police Department.

As it happens, the 2001 lottery win proved doubly lucky for Chody. [When](#) he won the money, then-APD Officer Chody was the principal defendant in a police-brutality lawsuit, with claims that appeared of considerable merit. According to court documents, Chody stood accused of beating a much [smaller 15-year-old black teenager in East Austin](#), smashing the youth’s face on the hood of a patrol car, putting him in a “full nelson” (a forceful, immobilizing wrestling hold that places pressure on the neck), triggering a seizure in the terrified youth and bruising his ribs – and finally arresting, without apparent probable cause, Marcus Dewayne Frank, then an exemplary student at Johnston High School.

[...]

But a month after Chody and his family got their lottery winnings, the lawsuit – originally

scheduled for trial on April 2, 2001 –“ was quietly settled. Despite Chody’s sudden wealth, the lottery winnings apparently had no direct affect on the settlement, which was paid by the city of Austin –“ as is customary for lawsuits arising from an officer acting in his official capacity. In stories about the lottery jackpot, local reporters were quick to mention the two commendations in Chody’s file –“ but the feel-good stories didn’t mention the brutality lawsuit against him. The lawsuit was settled on April 25, and Chody resigned from APD in June, leaving, says his website, with the department’s “blessings.”

As his campaign proceeds, Chody is likely to face additional questions about the lawsuit and about his actions on Aug. 30, 1998. According to the court record, as described in the March 2001 order issued by U.S. District Judge Sam Sparks, Chody would have had a hard time explaining his actions at trial. In denying the defendants’ motion for summary judgment, Sparks’ sharply worded order suggests that the plaintiffs were amply justified in suing –“ a result that likely prompted the city’s quick settlement of the case.

[...]

“Indeed Chody admits there was a question in his mind, and in the mind of his supervisor, as to whether there was probable cause to arrest Frank,” the order states. After Sparks’ decision, the parties settled, with the city paying about \$30,000 to Perkins and Frank. According to the city attorney for the defendants, Frederick Hawkins, after internal discussions with former Chief Stan Knee and others, the city decided that a trial would be “somewhat burdensome” and wanted to “get this thing behind Chody.”

They have a link to the judges order [here](#) [.PDF]. From APD’s actions, settling this lawsuit as they did, it’s pretty clear that they believed Chody and Sullivan wouldn’t have fared well at a trial. Not putting this on his resume is not the issue. What is the issue is how he responds to this issue coming to light.

There are a couple of troubling parts to this story. As the AusChron story points out, on his web site/resume Chody drops the GOP religious code word “calling” in his bio:

The website paints a warm and fuzzy portrait of the would-be cowboy candidate. Grinning from beneath the rim of his 10-gallon hat is a religious family man, generous donor, and police officer who loves working with the youth of his community. He touts his service as a Katrina volunteer as well, declares not once but four times that police work is his true “calling,” and adds that serving as reserve deputy constable under Precinct 2 Constable Dale Vannoy is his post-APD “newfound calling.”

Recognizing a calling to a more humble lifestyle after winning the mammon “jackpot” is admirable. But what seems to be lacking, so far, in all of this is any admission of making a mistake and atonement for that mistake. Which is pretty big part of a calling like the one he mentions.

The other disturbing part is that none of the law enforcement groups that have endorsed his campaign, so far, knew anything about the brutality lawsuit or seemed to care about it when it was brought to their attention.

Needless to say, there’s no mention of the lawsuit on Chody’s campaign website. But a long list of endorsements includes the political action committee of the Austin Police Association and the WilCo Sheriffs Association. APA PAC President Wuthipong Tantaksinukij said he had not heard of the Chody lawsuit but that the APA PAC endorsement would stand. “I know Chody personally –“ this does not change my opinion of him,” Tantaksinukij said. The WilCo

sheriff's group was also unaware of Chody's litigation history, but declined to comment.

Chody goes and asks law enforcement groups for their endorsement and doesn't inform them that he's got an issue in his past regarding brutality and excessive. But that's OK, the head of the APA knows him personally. It would seem that his record as a police officer would matter more to getting the APA endorsement than a personal relationship. This is not Mr. Tantaksinanukij's personal endorsement after all. As for the WilCo sheriff's group, well, they've had it out for Gary Griffin, along with the rest of the WC GOP for a while now. For that reason that endorsement is not surprising, especially when looking at the [issues](#) they've [had](#).

Police officers do very hard, and often times thankless work. And yes, they some times make mistakes, as we all do. What proves a persons character is what is done after a mistake to atone for it and make sure it doesn't happen again. EOW would like to hear from Chody regarding that as his campaign progresses. For example does he feel he did anything wrong that August night, and if so did he seek forgiveness from the person he harmed? That's something his he should have been called him to do regarding this incident.

Again what is key here is how Chody responds. Will he respond by attacking the messenger or will he respond by with “**Integrity, Professionalism and Leadership**” (stated on his web site), not to mention with the humility of his “calling” to insure voters that this type of thing won't happen if he's elected Constable.

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