

# m Balch Springs council

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District Court in Dallas lifted a June 28 stay barring council meetings. Judge Ashby lifted the order Monday and scheduled a hearing for Tuesday to determine whether the council has the authority to remove council members without a quorum.

City Attorney David Berman said Judge Ashby also will consider whether the council had the authority to fire Mrs. Warner.

Minutes after the hearing ended Monday, Mr. Watkins said the council would proceed with plans to remove Mr. Middleton, Mr. Huddleston and Mr. Jones.

"Absolutely," the mayor said outside the courtroom. "No change in the agenda."

Both sides are predicting victory at next week's hearing.

Mr. Middleton said he believes that Judge Ashby will decide that Mr. Watkins and the other three council members — James Kelsey, Gary Ross and D. Shawn Pederson — did not have the authority to remove any council members or fire Mrs. Warner.

Eventually, he predicted, everyone will get their old jobs back.

"We just have to wait and see what the judge says," Mr. Middleton said. "I don't see any way it could be any other way. We Please see 3 TAKEN on Page 4M.



The Dallas Morning News: John F. Rhodes

## Judge voids indictment of lawyer

### Grand jury problems cited as perjury counts dropped

By Jeff Mosier

Staff Writer of The Dallas Morning News

ROCKWALL — A judge voided the indictment of Rockwall lawyer David E. Rohlf on Tuesday, a day after a grand jury announced two counts of aggravated perjury against him.

The order by presiding state District Judge Ethil Karl Prohl said ~~that~~ the grand jury he called on Friday was improperly impaneled and that all of its actions were void. The two indictments returned against Mr. Rohlf on Monday were the only actions taken by the grand jury.

Judge Prohl was in court Tuesday and could not be reached for comment. The order did not explain how the grand jury was improperly impaneled.

Mr. Rohlf could not be reached for comment Tuesday.

Rockwall County District Attorney Ray Sum- Please see JUDGE on Page 2M.

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# Judge voids indictment of lawyer

Continued from Page 1M.

row said he called Judge Prohl on Tuesday because of problems with the grand jury dismissal. Mr. Sumrow said that only one grand jury can be called for each six-month session, so after the Rockwall panel was released Monday, the county legally could not call another grand jury until January.

"It would shut us down," he said. "We average about 50 indictments a month. There would be a 300-indictment backlog by the end of the year that would impact the jail. It would absolutely be a nightmare."

Mr. Sumrow said Judge Prohl's actions will prevent that from happening.

The status of the perjury allegations against Mr. Rohlf was not known Tuesday. The indictments

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— Rockwall County District Attorney Ray Sumrow

released Monday alleged that Mr. Rohlf made false statements about state District Judge Sue Pirtle during a court hearing in December and a grand jury hearing this month.

Judge Pirtle declined to comment about the indictment or Mr. Rohlf's statements.

According to the indictment, Mr.

Rohlf said to visiting Judge Pat McDowell during a hearing in December that Judge Pirtle had told him: "You've done it now. You're through in Rockwall County." During a special grand jury hearing this month, the document said, Mr. Rohlf claimed Judge Pirtle had offered to resolve issues between them in his favor if he revealed

*political secrets*

Mr. Sumrow said he would not comment on the validity of the charges, but he said there were problems with the grand jury's indictments.

He said there is no transcript or recording of the December testimony that would likely cause a judge to dismiss that charge. Also, he said a grand jury can't indict someone for perjured testimony given to them. Another grand jury must make that decision.

If Mr. Rohlf was convicted of the aggravated perjury charges, he could receive two to 10 years in prison and be fined up to \$10,000 on each felony count. He would also be disbarred if convicted of a felony.

Staff writer Jeff Mosier can be reached at 972-278-7478 and at [jmosier@dallasnews.com](mailto:jmosier@dallasnews.com).

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Students arrive with everything they need, including insurance and spending money. Families provide a bed and share their way of life. Families without children and single parents can apply.

Call 1-800-467-8262 (toll free) for more information.

keynote speaker. Updates will be provided by representatives of TXU, Southwestern Bell Communications, the North Texas Municipal Water District, the American Red Cross, the city of Mesquite and the Small Business Administration.

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#### Children's choirs

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Parents of those interested in joining the children's choirs can register the youths at 4

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