

CAUSE NO. \_\_\_\_\_

COMMISSION FOR  
LAWYER DISCIPLINE

v.

DANIEL J. RIZZO  
File No. 201903578

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IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

\_\_\_\_\_ JUDICIAL DISTRICT

**DISCIPLINARY PETITION AND REQUEST FOR DISCLOSURE**

**TO THE HONORABLE JUDGE OF SAID COURT:**

Petitioner, the Commission for Lawyer Discipline, a committee of the State Bar of Texas (Petitioner), complains of Respondent, DANIEL J. RIZZO (Respondent), State Bar Card No. 16965400, showing the Court:

**I.**

**Discovery Control Plan**

Pursuant to Rules 190.1 and 190.3, TEXAS RULES OF CIVIL PROCEDURE (TRCP), Petitioner intends discovery in this case to be conducted under the Level II Discovery Control Plan.

**II.**

Petitioner brings this disciplinary action pursuant to the State Bar Act, Tex. Gov't. Code Ann. §81.001, et seq. (Vernon 1988), the Texas Disciplinary Rules of Professional Conduct, and the Texas Rules of Disciplinary Procedure. The complaint that forms the basis of the Disciplinary Petition was filed on or after January 1, 2004.

**III.**

Respondent is an attorney licensed to practice law in Texas and is a member of the State Bar

of Texas. Respondent has his principal place of practice in Harris County, Texas. Petitioner requests the clerk to return the citation to State Bar of Texas, 14651 Dallas Parkway, Suite 925, Dallas, Texas 75254, for service upon Respondent.

**IV.**

Beginning in or around 2003, Respondent, was lead prosecutor in a capital murder case against Alfred Dewayne Brown (Brown). During the prosecution of Brown, Respondent failed to make timely disclosure to the defense of evidence or information that tended to negate the guilt of Brown, specifically including but not limited to, landline telephone records of Brown's girlfriend, Ericka Dockery (Dockery). Further, by withholding the records, Respondent failed to abide by the Court's orders to produce any and all favorable evidence to Brown and any and all evidence showing Brown's lack of culpability. In 2005, Brown was convicted. However, in March 2019, Brown was declared "actually innocent."

**V.**

Such acts and/or omissions on the part of Respondent as are described in Paragraph IV, hereinabove, which occurred on or after January 1, 1990, constitute conduct that violates Rules 3.04(d), and 3.09(d) of the Texas Disciplinary Rules of Professional Conduct.

**VI.**

The complaint that forms the basis of the cause of action hereinabove set forth was brought to the attention of the Office of the Chief Disciplinary Counsel of the State Bar of Texas, by John Wesley Raley, III, filing a complaint on or about June 4, 2019.

**PRAYER**

**WHEREFORE, PREMISES CONSIDERED,** Petitioner prays for judgment that Respondent be disciplined, as the facts shall warrant, and that Petitioner have such other relief to

which entitled, including direct expenses, costs of Court and reasonable attorney's fees.

**REQUEST FOR DISCLOSURE**

Pursuant to Tex. R. Civ. P. 194, Respondent is requested to disclose, within 50 days of service of this request, the information or material described in Rule 194.2(a) - (l), Texas Rules of Civil Procedure.

Respectfully submitted,

Seana Willing  
**Chief Disciplinary Counsel**

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**ATTORNEYS FOR PETITIONER**