

Tarrant County judge used electric shocks to punish sex offender, who is getting a new trial | Fort Worth Star-Telegram

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 State District Judge George Gallagher of Tarrant County told a bailiff on three occasions to punish an uncooperative defendant with electric shocks, and now the sex offender's conviction has been overturned and a new trial ordered.

Stun belts can be strapped around the legs of some defendants and used to deliver thousands of volts of electric shock in the instance a defendant turns violent or attempts to escape the courtroom. However, in the case of Terry Lee Morris, who was tried in 2014 and convicted of charges of soliciting sexual performance from a 15-year-old girl, an appeals court found that Gallagher used electric shock as punishment after Morris failed to answer the judge's questions properly.

No trial date has been set. Gallagher, the District 396 judge since 2000, declined to comment, according to a spokesman with the judge's office.

After enduring the 50,000-volt shocks, Morris was apparently too scared to return to the courtroom and actually did not attend the remainder of his own trial. He appealed his conviction, alleging Gallagher violated his constitutional rights by repeatedly shocking him for failing to answer questions while showing no signs of becoming violent or being a flight risk.

The Texas Eighth Court of Appeals in El Paso handed down its ruling on Feb. 28. [Texas Lawyer first reported the ruling Tuesday](#). The ruling said judges are not permitted to shock defendants who won't answer questions or don't follow the court's rules of decorum.

"While the trial court's frustration with an obstreperous defendant is understandable, the judge's disproportionate response is not. We do not believe that trial judges can use stun belts to enforce decorum," Justice Yvonne T. Rodriguez said of Gallagher's actions in the court's opinion.

"A stun belt is a device meant to ensure physical safety; it is not an operant conditioning collar meant to punish a defendant until he obeys a judge's whim. This Court cannot sit idly by and say nothing when a judge turns a court of law into a [Skinner Box](#), electrocuting a defendant until he provides the judge with behavior he likes," Rodriguez wrote.

'Hit him again'

Gallagher ordered a bailiff to administer the electric shocks on the first day of his trial. When Gallagher asked Morris for his plea, guilty or not guilty, Morris refused to answer the question.

"Sir, before I say that, I have the right to make a defense," Morris responded, according to the appeals court.

Morris told the judge he had a pending lawsuit against his defense attorney, whom he wanted recused from the case, and against Gallagher.

Gallagher became irritated and warned Morris about further "outbursts."

"Mr. Morris, I am giving you one warning," Gallagher said outside the presence of the jury, according to the appeals court. "You will not make any additional outbursts like that, because two things will happen: No. 1, I will either remove you from the courtroom or I will use the shock belt on you."

Morris answered, "All right, sir."

When Morris continued to talk, Gallagher instructed the bailiff to activate the stun belts around Morris' legs.

Gallagher asked Morris twice more if he was going to follow the rules. When Morris did not provide a plea, Gallagher said to the bailiff, "Hit him," according to the appeals court.

The bailiff pressed the button that was to send the electric shock through Morris' body. Gallagher asked him again if he was going to comply. Morris told him he had a history of mental illness. Gallagher ordered another shock.

"Hit him again," Gallagher said.

When Morris contended he was being "tortured" for seeking a recusal, Gallagher, according to the appeals court, ordered the bailiff to do it again: "Would you hit him again?"

The appeals court said that 50,000 volts can have cognitive impairment effects on a defendant. Morris' condition after the three shocks was not reported in the court's opinion, however.

'The shock collar didn't work'

And not everybody believes the stun belts were actually functioning. Morris' defense attorney, Bill Ray, said he did not believe Morris was really being shocked, he told Texas Lawyer.

"And oddly enough, the shock collar didn't work," Ray said. "That was the second trial I had where they didn't hook the shock collar up properly. I know it says he was getting electrocuted, but they didn't shock him."

On top of that, Ray said Morris was behaving like a "loaded cannon ready to go off" and said "that guy is out of control. I was standing right next to him and I was scared of him. And I've stood next to some pretty nasty people."

However, El Paso's Eighth Court of Appeals ruled that Gallagher shocked Morris as punishment and not for security reasons.

"Never before have we seen behavior like this, nor do we hope to ever see such behavior again," Rodriguez wrote. "As the circumstances of this case perfectly illustrate, the potential for abuse in the absence of an explicit prohibition on non-security use of stun belts exists and must be deterred."

Gallagher later stated for the record that he was concerned by Morris' agitation and movements, suggesting he was within reach of a 200-pound wall-mounted courtroom video monitor that he could have pulled off and used to injure attorneys in the courtroom.

"It was based on the totality of his continuing escalation and his movements that the court ordered the shock belt be initiated," Gallagher said at the time, according to Texas Lawyer. "It was done for the safety of the lawyers and all of the participants."

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