

Cooley Files Second Amicus Brief in Texas Illegal Voting Case

February 17, 2023

Washington, DC – February 17, 2023 – Cooley filed a second amicus brief with co-counsel from States United Democracy Center and Susman Godfrey on behalf of a bipartisan group of prominent former federal and state prosecutors in support of Texas resident Crystal Mason before the Second Court of Appeals in Fort Worth, Texas. Lawyers Kathleen Hartnett and Darina Shtrakhman led the Cooley team.

Mason was sentenced to five years in prison in 2018 for casting a provisional ballot in the 2016 presidential election under the belief that she was eligible to vote. Texas election officials determined that Mason was ineligible to vote because she was on supervised release for a federal conviction at the time, and her vote was never counted. Despite the lack of harm to the county or any fraudulent intent, Mason was convicted of illegally voting, a second-degree state felony. Mason, supported by Cooley's prior amicus brief, won a remand from the Texas Court of Criminal Appeals for the lower appeals court to re-review her conviction.

The former prosecutors' latest amicus brief argues that Mason's conviction should be overturned because she was unaware that her actions were unlawful and did not have the intent to vote for fraudulent reasons. Additionally, Texas law has safeguards in place to ensure that only eligible voters' ballots are counted, and Mason's ballot was not counted. Allowing Mason's conviction to stand would undermine the public's trust in the criminal justice system and harm the democratic process by threatening harsh criminal consequences for voters' mistakes. As former prosecutors, the amici bring a unique perspective on prosecutorial discretion – in particular, as the brief explains, "that a prosecutor's highest service to this country is not to win, but to deliver justice."

[Read the full brief](#) 

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