

GUIDE: CIVIL REMOVAL OF COUNTY OFFICIALS UNDER TEXAS LOCAL GOVERNMENT CODE CHAPTER 87

THE MOLAE SANDWICH STRATEGY

(REVISED AND STRENGTHENED EDITION – APRIL 2026)

Disclaimer

This document compiles publicly available information from official Texas statutes and governmental sources. It is not legal advice. It does not create an attorney-client relationship. Removal proceedings are serious and can have significant consequences for all parties. Individuals must consult qualified legal counsel for advice specific to their situation. False statements in a verified petition can result in sanctions or perjury charges. Always verify current statutes and procedures on official websites before use.

The Molae Sandwich Strategy

This strategy “sandwiches” a criminal complaint (bottom layer) and a civil removal petition (top layer) around the targeted corrupt official.

1. First, file your notarized Affidavit in Support of Criminal Complaint (ASCC) as a separate criminal complaint with an appropriate magistrate. This creates a formal criminal case number (or further felonies if refused) and puts the official on notice of criminal allegations.
2. Second, immediately file your Chapter 87 civil removal petition in district court, attaching the filed ASCC (and any criminal case number, or note the NAME and COURT of the Magistrate who refused; you will add them to the ASCC later) as Exhibit A.

The official is now simultaneously facing criminal investigation and civil removal. The criminal case provides strong evidence of “official misconduct” for the civil removal, while the civil petition keeps public and political pressure on the official and the funding body (County Commissioners Court). This dual-track approach maximizes accountability and makes it much harder for the official to claim ignorance or delay.

Read on for more titillation and bizarre strategies...you were warned.

CHAPTER 87 REMOVAL – OVERVIEW

Texas Local Government Code Chapter 87 authorizes district courts to remove certain county officers (including sheriffs, district attorneys, county judges, county attorneys, constables, and other county officers) for:

- Incompetency, or
- Official misconduct (defined as intentional, unlawful behavior or intentional failure to perform a duty imposed by law).

REQUIRED ELEMENTS FOR A SUCCESSFUL CHAPTER 87 REMOVAL PETITION (TEXAS LOCAL GOVERNMENT CODE §§ 87.011–87.015)

- The petitioner must be a resident of the county for at least six months.
- The petition must be verified (sworn before a notary).
- The petition must state the specific grounds with particularity (dates, times, places, and facts showing official misconduct or incompetency).
- The petition must be filed in the district court of the county where the officer serves.
- The petition must be served on the officer.
- The court will hold a hearing; if the allegations are sustained, the officer is removed from office. (There are many ways to get this done, depending upon the overall strategy).

THE MOLAE SANDWICH STRATEGY – STEP-BY-STEP PROCESS

1. Prepare and file your notarized ASCC with a magistrate (justice court, county court, or district court clerk) as a separate criminal complaint. Obtain any criminal case or investigation number, or document the refusal and Violation of Oath of Office.
2. Prepare the Chapter 87 Removal Petition (template below).
3. Attach the filed ASCC and any criminal case number (or documented refusal and Violation of Oath of Office by Magistrate) as Exhibit A.
4. File the verified Chapter 87 petition in district court.
5. Serve the petition on the officer (and the County Commissioners Court if desired).
6. Request a hearing and any temporary relief (e.g., suspension with pay pending hearing).

Fillable Template: Chapter 87 Verified Petition for Removal

CAUSE NO. _____ [to be filled by court]

VERIFIED PETITION FOR REMOVAL UNDER CHAPTER 87 LOCAL GOVERNMENT CODE

COMES NOW [Your Full Legal Name], a resident of [County Name] County, Texas for more than six months, and files this Verified Petition for Removal of [Full Name and Official Title] pursuant to Texas Local Government Code Chapter 87.

I. JURISDICTION AND VENUE

This Court has jurisdiction under Texas Local Government Code § 87.015. Venue is proper in this county because the officer serves here.

II. GROUNDS FOR REMOVAL

Petitioner alleges the following acts of official misconduct (Texas Local Government Code §§ 87.011(3), 87.013): intentional, unlawful behavior and/or intentional failure to perform duties imposed by law.

III. SPECIFIC FACTS

[Insert concise, numbered factual allegations with dates, times, places, and specific violations. Attach the filed ASCC as Exhibit A and reference it here: "See Exhibit A – Affidavit in Support of Criminal Complaint filed with the Magistrate on [Date], which is incorporated herein by reference."]

IV. PRAYER

Petitioner prays that the Court:

1. Set this matter for hearing;

2. Remove [Official's Name and Title] from office;
3. Grant any other relief to which Petitioner may be entitled, including costs and attorney's fees if applicable.

Respectfully submitted,

[Your Full Legal Name]
Petitioner, Pro Se
Address: [Your Full Address]
Phone: [Your Phone Number]
Email: [Your Email (optional)]

Date: _____

VERIFICATION

I, [Your Full Legal Name], declare under penalty of perjury that I have read this Petition, that the facts stated herein are true and correct to the best of my knowledge and belief, and that I have personal knowledge of the facts contained herein unless otherwise noted.

[Your Full Legal Name]

Executed in [County Name] County, State of Texas, on this _____ day of _____, 20____.

NOTARY ACKNOWLEDGMENT

State of Texas

County of _____

Before me, the undersigned notary public, on this day personally appeared [Your Full Legal Name], known to me (or proved to me by satisfactory evidence) to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office on this _____ day of _____,
20____.

Notary Public, State of Texas

My Commission Expires: _____

(Place Notary Seal Here)

CERTIFICATE OF SERVICE

I certify that a true copy of this Petition was served on [Official's Name and Title] in accordance with Texas Rule of Civil Procedure 21a on this _____ day of _____,
20____.

[Your Full Legal Name]

**EXHIBIT A: AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT (ASCC) FILED WITH THE
MAGISTRATE ON [DATE] (ATTACH FULL COPY AND ANY CRIMINAL CASE NUMBER).**

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Helpful Resources and Links

- Texas Local Government Code Chapter 87 (full text):

<https://statutes.capitol.texas.gov/Docs/LG/htm/LG.87.htm>

- Texas Local Government Code § 87.011(3) (definition), § 87.013 (grounds) and § 87.015 (petition requirements): <https://statutes.capitol.texas.gov/Docs/LG/htm/LG.87.htm>

- Office of the Attorney General guidance on official misconduct:

<https://www.texasattorneygeneral.gov>

Note: This document is not legal advice. Consult qualified counsel before filing. Outcomes depend on the specific facts and the court's determination.

1-Page Instructions: How to Execute the Molae Sandwich Strategy (For First-Time Pro Se Users)

Step 1: File the Criminal Complaint First

- Complete and notarize your ASCC.
- File it separately with a magistrate (justice court, county court, or district court clerk).
- Obtain any criminal case or investigation number.

Step 2: Prepare the Chapter 87 Petition

- Use the fillable template above.

- Attach the filed ASCC (and criminal case number) as Exhibit A.

Step 3: File and Serve the Civil Petition

- File the verified Chapter 87 petition in district court.
- Serve the official (and Commissioners Court if desired).

Step 4: Follow-Up

- Request a hearing date.
- Document everything and add to your master file.
- Continue polite but persistent follow-up with all agencies.

Tips for Success

- File the criminal ASCC first so the civil petition can reference an existing criminal case.
- Keep all language factual and professional.
- This strategy creates simultaneous criminal and civil pressure – the “Molae Sandwich.”
- Persistence and complete documentation are key.

This guide is clean, professional, and ready to paste into Word. Use the Developer tab in Word 2019 to make all bracketed fields fillable (as explained in previous templates). Let me know if you need this combined with any other documents or further adjustments.

Disclaimer and common sense: Nothing contained herein is legal advice, and is freely available information retrieved from the internet and other resources.