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## **Jailed councilman can keep his seat**

**City attorney says misdemeanor not enough to require removal**

**By RUTH RENDON**

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A Jacinto City councilman in jail for child enticement will keep his seat despite his conviction, City Attorney Jim Defoyd said Tuesday.

Claudio "Clyde" Ochoa Jr. pleaded guilty last week to a misdemeanor charge.

Ochoa was sentenced to serve 45 days in the Harris County Jail.

The city's charter says a person forfeits his or her office if convicted of a felony or "crime involving moral turpitude."

Defoyd said there is no statutory list of crimes involving moral turpitude in Texas or other states.

He said he relied on case law to determine if child enticement was such a crime.

"It is my opinion that a conviction (of child enticement) does not constitute a crime involving moral turpitude," Defoyd wrote in a two-page memo.

"Therefore," Defoyd said, "the conviction of a City Councilman of this Class B misdemeanor does not constitute grounds for his removal" under the city's charter or the Texas Government Code.

Ochoa, 25, who was re-elected to a second term in May, was charged last summer with sexually assaulting a 15-year-old female Galena Park High School student.

At the time, Ochoa was a substitute teacher at the school. He also was charged with indecency with a child.

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