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State Commission on Judicial Conduct

April 13, 1987

CONFIDENTIAL
CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Honorable Joe Garza
Municipal Court Judge
904 North Brownlee
Corpus Christi, Texas 78401

Dear Judge Garza:

As you are aware, the State Commission on Judicial Conduct exercises jurisdiction over allegations of judicial misconduct. Enclosed herewith, please find a copy of a complaint that we received from Mr. Hector Hernandez, Chief Prosecutor, City of Corpus Christi.

With regard to the enclosed complaint, we hasten to assure you that this Commission has no interest or desire to intervene in any pending litigation, any matter of judicial discretion, or any matter that is properly a subject matter of appellate review. However, the Commission does review each allegation of misconduct and has the statutory obligation of advising the complainant of the ultimate disposition of the complaint.

Accordingly, we respectfully request that you address the enclosed complaint in a written response, which should be forwarded to the Commission no later than May 4, 1987. If your schedule is such that this is an insufficient amount of time for you to submit your reply, please advise us of the earliest date by which you can conveniently reply.

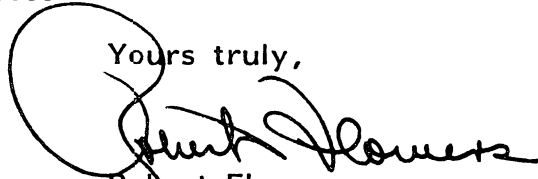
Our inquiries at this point are confidential, and it has been our experience that the majority of complaints can be resolved on the basis of information received from the judge. Of course, you are free to submit any comment, explanation, or justification you feel appropriate; however, our particular interest is that you clarify or provide additional information on the following points:

1. Please address the allegation that you have continuous ex parte communication with persons having cases pending before your court?

2. Please address the allegation that you frequently dismiss cases without recommendation from the state.
3. Please address the allegation that you enter judgments of not guilty when the state has not been heard and these judgments are entered outside of the formal courtroom setting.
4. Please address the allegation that you are often abusive and discourteous to lawyers practicing in your court.
5. It is alleged that you have been unprofessional on the bench. Did you, on one occasion, suggest to a defendant in open court that he "sue the shit out of the city?"
6. Please address the allegation that you act for the state in many cases and that on one occasion on February 27, 1987, the state refused to waive the presence of a defendant, and you stated "I'll waive her presence for you." Please explain fully.
7. Please address the allegation that you are giving arbitrary advice while on the bench, and that on one occasion you stated that you bent over backward to find people not guilty, thus indicating a potential for prejudgment of cases. Please explain fully.

In making this request, the Commission makes no prejudgment that you have done anything improper, and we look forward to resolving this matter as expeditiously as possible. We do appreciate you helping us to carry out our responsibilities, and hope to hear from you soon. If you have any questions, or if we may be of any assistance, please do not hesitate to write or call at 512/463-5533.

Yours truly,



Robert Flowers

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enclosure