



**BEFORE THE
STATE COMMISSION ON JUDICIAL CONDUCT**

CJC Nos. 10-1202-MU & 10-1234-MU

PUBLIC REPRIMAND

**HONORABLE REYNALDO CEDILLO
FORMER MUNICIPAL COURT JUDGE
PENITAS, HIDALGO COUNTY, TEXAS**

During its meeting on April 9-10, 2014, the State Commission on Judicial Conduct concluded a review of allegations against the Honorable Reynaldo Cedillo, former Municipal Court Judge in Penitas, Hidalgo County, Texas. Judge Cedillo was advised by letter of the Commission's concerns and provided written responses. After considering the evidence before it, the Commission entered the following Findings and Conclusion:

FINDINGS OF FACT

1. At all relevant times, Judge Cedillo served as the Municipal Court Judge in Penitas, Hidalgo County, Texas.
2. As a part-time judge, Judge Cedillo attended court for approximately one hour per week. He left the bench in 2011.
3. During his seven years on the bench, Judge Cedillo entered numerous orders labeled as "Orders of Dismissal" and/or "Judgment Orders," in which he purportedly placed defendants on "probation" with the following single condition: "The Defendant must maintain a clear record in the State of Texas during the time ordered below, including any and all citation/warrants."
4. The orders did not include any assessment of court costs, as required by Article 45.051 of the Texas Code of Criminal Procedure. Instead, the orders typically stated that: "If Defendant doesn't comply with this order and regulation, he or she must give a secure payment in the amount of \$___ and court cost."
5. In his response to the Commission's inquiries, Judge Cedillo stated that he orally ordered defendants to pay court costs after accepting their pleas in open court and

placing them on deferred disposition. According to the judge, he relied on his court clerks to ensure that the defendants paid the court costs as required by statute. However, Judge Cedillo acknowledged that there was no documentation in the record to establish that any such court costs were assessed and/or collected by the clerks.

6. Judge Cedillo also entered numerous orders labeled as “Judgments of Acquittal” and “Judgment: Jury waived-Not Guilty.” These orders typically stated that the defendants had entered pleas of “not guilty” and had then waived a jury trial. The orders further reflected that the court had “heard the evidence and arguments,” and had then found the defendant “not guilty of the offense.” The orders concluded by stating that the defendants were “discharged . . . from all further liability for the offense,” and that the defendants “may go hence without payment of costs.”
7. During the course of its investigation, the Commission obtained a written statement from the city prosecutor assigned to Judge Cedillo’s court, who stated that he had never been noticed of any trials in Judge Cedillo’s court and had never appeared for any trial and/or other court proceedings.
8. The city prosecutor further stated that he had never filed any motions to dismiss any criminal cases pending in the judge’s court.
9. In his written response to the Commission’s inquiries, Judge Cedillo acknowledged that he had dismissed numerous cases without receiving a motion from the city prosecutor and/or without any other involvement from the prosecutor.
10. According to Judge Cedillo, in most instances, he dismissed cases when he believed there was something “wrong” with a citation, such as a lack of probable cause to initiate a traffic stop. To determine this, Judge Cedillo stated that he would discuss the circumstances of the stop with the defendant, contact the officer who conducted the stop, and then dismiss the defendant’s citation, without any involvement from the city prosecutor.
11. Judge Cedillo denied that he dismissed citations with the intent of favoring a particular defendant. Instead, Judge Cedillo averred that he dismissed the cases based on a mistaken belief that he had the authority to do so. The judge acknowledged that his decision to dismiss these cases stemmed from a “wrong judgment on [his] part.”
12. Although Judge Cedillo did suggest that his court staff may have signed some orders in his absence due to his limited presence at the courthouse, he also acknowledged that it was ultimately his responsibility to supervise his staff.

RELEVANT STANDARDS

1. Canon 2A of the Texas Code of Judicial Conduct states, in pertinent part: “A judge shall comply with the law...”
2. Canon 3B(2) of the Texas Code of Judicial Conduct states, in pertinent part: “A judge shall maintain professional competence in [the law.]”

3. Canon 3B(8) of the Texas Code of Judicial Conduct states, in pertinent part: “A judge shall accord every person who has a legal interest in a proceeding, or that person’s lawyer, the right to be heard according to law.”
4. Canon 6C(2) of the Texas Code of Judicial Conduct states, in pertinent part: “A justice of the peace or a municipal court judge, except as authorized by law, shall not directly or indirectly initiate, permit, nor consider *ex parte* or other communications concerning the merits of a pending judicial proceeding.”

CONCLUSION

The Commission concludes from the facts and evidence presented that Judge Cedillo routinely and persistently failed to comply with the law and displayed a lack of professional competence in the law when he: (a) entered orders of deferred disposition that did not include an assessment of court costs as required by the Texas Code of Criminal Procedure and failed to maintain court records, receipts, or bank statements to document the payment of court costs that were allegedly collected by court staff; (b) entered orders dismissing cases without notice to or a motion from the city prosecutor, as required by law; and (c) entered orders indicating that he was holding trials and finding defendants not guilty, without notifying the city prosecutor of trial settings and/or without giving the prosecutor an opportunity to appear.

Further, Judge Cedillo’s admitted practice of conducting his own independent investigation as to whether a citation lacked probable cause, which included engaging the defendant in a discussion concerning the merits of the case and contacting the officer that issued the citation, demonstrated a failure to understand the proper role of a judge as a neutral, detached magistrate. Because this was done in the absence of the prosecutor, it also violated the prohibition against improper *ex parte* communications and deprived the prosecution of its right to be heard.

In reaching its decision, the Commission took into account that Judge Cedillo was a part-time judge who was not present in the court on a daily basis. As a result, it is certainly possible that his staff may have been responsible for signing Judge Cedillo’s name to some of the orders in his absence. However, as Judge Cedillo acknowledged, judges are responsible for supervising their staff and ensuring that the court’s business is conducted in a timely, efficient and lawful manner. Judge Cedillo failed in performing this responsibility.

In light of the foregoing, the Commission concludes that Judge Cedillo’s conduct, as described above, constituted willful or persistent violations of Canons 2A, 3B(2), 3B(8) and 6C(2) of the Texas Code of Judicial Conduct.

In condemnation of the conduct described above that violated Canons 2A, 3B(2), 3B(8) and 6C(2) of the Texas Code of Judicial Conduct, it is the Commission’s decision to issue a **PUBLIC REPRIMAND** to the Honorable Reynaldo Cedillo, former Municipal Court Judge in Penitas, Hidalgo County, Texas.

Pursuant to the authority contained in Article V, Section 1-a(8) of the Texas Constitution, it is ordered that the conduct described above is made the subject of a **PUBLIC REPRIMAND** by the Commission.

The Commission has taken this action in a continuing effort to protect public confidence in the judicial system and to assist the state's judiciary in its efforts to embody the principles and values set forth in the Texas Constitution and the Texas Code of Judicial Conduct.

Issued this 15th day of May, 2014.

ORIGINAL SIGNED BY

Honorable Steven L. Seider, Chair
State Commission on Judicial Conduct