



**BEFORE THE
STATE COMMISSION ON JUDICIAL CONDUCT**

**IN RE: HONORABLE JESUS "CHUY" GARZA
COUNTY COURT AT LAW NO. 2
LAREDO, WEBB COUNTY, TEXAS**

CJC Nos. 13-0339-CC, 14-1005-CC, 15-0859-CC, 16-0812-CC, AND 17-0490-CC

**VOLUNTARY AGREEMENT TO RESIGN FROM
JUDICIAL OFFICE IN LIEU OF DISCIPLINARY ACTION**

This Agreement is being entered into by the undersigned parties pursuant to Section 33.032(h) of the Texas Government Code.

WHEREAS at all times relevant hereto, the Honorable Jesus "Chuy" Garza was the presiding judge of County Court at Law No. 2 in Laredo, Webb County, Texas, and

WHEREAS on December 13, 2012, a complaint was filed with the Commission alleging Judge Garza was: (1) receiving kickbacks from attorneys involved in a guardianship matter before his court; (2) awarding attorney's fees in excess of the amounts requested; and (3) awarding attorney's fees without an application and/or notice to all parties. The complaint also alleged that in another probate matter, after awarding an attorney \$20,000 more than the attorney had requested or was entitled to receive, the judge had a member of his staff solicit that same attorney to contribute the additional funds awarded to the judge's campaign and/or pay the additional money back to the judge, and

WHEREAS on July 11, 2014, a complaint was filed with the Commission alleging Judge Garza met with the mother of a fugitive and offered to help the fugitive get "minimal sentencing" in exchange for a payment of \$32,000. The complaint also alleged that after the mother paid \$16,000 to an attorney, that attorney withdrew from the case. After the mother attempted to get her money back, Judge Garza filed a complaint against her with the Webb County Sheriff's Office, and

WHEREAS on June 10, 2015, a complaint was filed with the Commission alleging that in a custody matter, Judge Garza participated in *ex parte* communications with the court-appointed ad litem and improperly sealed records in the case. The complaint also alleged that the judge exhibited bias and favoritism toward the mother's attorney, and

WHEREAS on May 10, 2016, a complaint was filed with the Commission alleging Judge Garza exhibited bias and favoritism towards two attorneys in a probate

matter in which the judge refused to rule on a pending summary judgment motion and improperly dismissed the case, and

WHEREAS the Commission suspended its investigation upon receiving notice of an active criminal investigation related to the allegations and/or attorneys involved in the above-referenced complaints, and

WHEREAS on January 11, 2017, Judge Garza was indicted on one count of accepting a Gift to Public Servant by Person Subject to His Jurisdiction, a Class A misdemeanor offense involving official misconduct, and

WHEREAS on January 12, 2017, as a result of the aforementioned indictment, the Commission filed a complaint against Judge Garza and issued an order suspending the judge from the bench without pay on January 13, 2017, and

WHEREAS no Findings of Fact or Conclusions of Law have been made in connection with the above-referenced matters, and

WHEREAS no prior disciplinary action has been taken against Judge Garza and the judge denies the allegations in their entirety, and

WHEREAS the parties agree that the allegations of judicial misconduct, if found to be true, could result in further disciplinary action against Judge Garza, and

WHEREAS the parties to this Agreement are desirous of resolving these matters without the time and expense of further disciplinary proceedings.

IT IS THEREFORE AGREED that Judge Garza, upon the signing of this Agreement, has officially and formally resigned his judicial duties, and is entering into this Agreement to resolve the above-referenced complaints in lieu of disciplinary action by the Commission, pursuant to Section 33.032(h) of the Texas Government Code. The Commission agrees that it shall pursue no further disciplinary proceedings against Judge Garza in connection with the above-referenced matters.

IT IS FURTHER AGREED that Judge Garza, by his execution of this voluntary agreement, does not admit guilt, fault, or liability regarding the matters contained in the complaints referenced above.

IT IS FURTHER AGREED that, upon the Commission's approval of this Agreement, Judge Garza shall be forever disqualified from judicial service in the State of Texas, including (a) sitting or serving as a judge, (b) standing for election or appointment to a judicial office, and/or (c) performing or exercising any judicial duties or functions of a judicial officer, including the performance of wedding ceremonies.

IT IS FURTHER AGREED that any violation of this Agreement by Judge Garza would constitute willful or persistent conduct that is clearly inconsistent with the proper performance of his duties or casts public discredit upon the judiciary or administration of justice in violation of Art. 5, §1-a(6)A of the Texas Constitution, and Section 33.001(b) of the Texas Government Code.


IT IS FURTHER AGREED that this agreement shall be made public as a voluntary agreement to resign from judicial office, pursuant to Section 33.032(h) of the Texas Government Code, and the Commission may enforce this Agreement through any legal process necessary, including injunctive relief; that Travis County, Texas, shall be the proper venue for any dispute between the parties or proceeding relating to this Agreement; and that Judge Garza, individually, shall bear the expense, cost, and any

reasonable and necessary attorneys' fees in the event any dispute arising under this Agreement is decided against him by any court or tribunal.

IT IS FURTHER AGREED that Judge Garza, by his execution of this voluntary agreement, does not admit guilt, fault or liability regarding the matters contained in the complaints referenced above.

AGREED TO AND ACCEPTED upon its execution by the parties.



JESUS "Chuy" GARZA

HON. VALERIE E. ERTZ, CHAIR
STATE COMMISSION ON JUDICIAL
CONDUCT

Date: Jan. 25, 2017

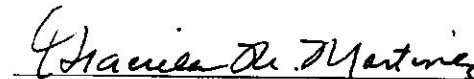
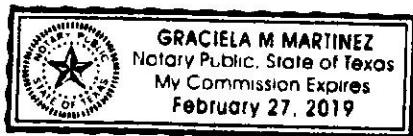
Date: 1/25/17

VERIFICATION

State of Texas §
County of Webb §

BEFORE ME, the undersigned authority, on this day personally appeared **JESUS GARZA**, who by me being first duly sworn, on his oath deposed and said that the above "Voluntary Agreement to Resign from Judicial Office in Lieu of Disciplinary Action" is a true and correct recitation of the facts and accurately reflects his understanding of the terms and conditions of, and voluntary consent to enter into, such Agreement.

SWORN TO BEFORE ME, on this the 25th day of January, 2017.



NOTARY PUBLIC, IN AND FOR THE
STATE OF TEXAS