



**BEFORE THE
STATE COMMISSION ON JUDICIAL CONDUCT**

**IN RE: HONORABLE ELIZABETH E. COKER
258TH JUDICIAL DISTRICT COURT JUDGE
LIVINGSTON, POLK COUNTY, TEXAS
CJC Nos. 13-0376-DI, 13-0448-DI, 13-0471-DI, 13-0712-DI, 13-0815-DI, 13-0101-DI**

**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 Elizabeth E. Coker was Judge of the 258th Judicial District Court in Livingston, Polk County, Texas;¹ and

WHEREAS in late December 2012 and early January 2013, complaints and media stories were brought to the Commission's attention alleging that Judge Coker had engaged in improper *ex parte* text communications with Polk County Assistant District Attorney Kaycee Jones while Judge Coker presided over the criminal jury trial of *State v. David M. Reeves* in August 2012; and

WHEREAS based on the above-referenced complaints, the Commission commenced an investigation into allegations that Judge Coker used Assistant District Attorney Jones to privately communicate information about the *Reeves* case to the assistant district attorney prosecuting the case; to suggest questions for the prosecutor to ask during the trial; to ensure that a witness was able to refresh his memory and rehabilitate his testimony by reviewing his videotaped interview with law enforcement before he took the stand for the second time the following day; and to discuss legal issues pertinent to the case, in an unsuccessful effort to assist the State obtain a guilty verdict in the case;

WHEREAS in addition to the allegations arising out of the *Reeves* trial, the Commission investigated claims that Judge Coker allegedly engaged in other improper *ex parte* communications and meetings with Jones, other members of the Polk County District Attorney's Office, the San Jacinto County District Attorney, and certain defense attorneys regarding various cases pending in her court; Judge Coker allegedly exhibited a bias in favor of certain attorneys and a prejudice against others in both her judicial rulings and her court appointments; and Judge Coker allegedly met with jurors in an inappropriate manner, outside the presence of counsel, while the jurors were deliberating in one or more criminal trials;

¹ The 258th Judicial District includes Polk, San Jacinto, and Trinity Counties.

WHEREAS following a full investigation into the complaints, the Commission conducted informal hearings in the matter and obtained the sworn oral testimony of several witnesses and Judge Coker; and

WHEREAS the Commission also expressed concerns that Judge Coker discussed the Commission's investigation and Judge Coker's written responses to the investigation with a material witness prior to that witness' testimony before the Commission in an apparent attempt to influence that witness, and that the judge may not have been candid and truthful in her testimony before the Commission when questioned about her contact with the witness; and

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

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

WHEREAS the parties to this Agreement wish to resolve this matter without the time and expense of further disciplinary proceedings.

IT IS THEREFORE AGREED that Judge Coker, upon the signing of this Agreement, agrees that she will officially and formally resign her judicial office effective **December, 6, 2013**. On **October 21, 2013**, Judge Coker shall send a formal letter of resignation to the Governor notifying him of the effective resignation date, and will take a voluntary leave of absence from all of her duties and responsibilities as Judge of the 258th Judicial District Court starting **October 21, 2013 through December 6, 2013**. Judge Coker 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 Coker in connection with the above-referenced matters.

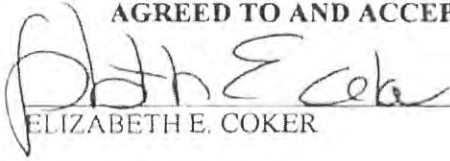
IT IS FURTHER AGREED that, upon the effective date of Judge Coker's resignation, Judge Coker shall thereafter be disqualified in the future from: sitting or serving as a judge in the State of Texas; standing for election or appointment to judicial office in the State of Texas; or performing or exercising any judicial duties or functions of a judicial officer in the State of Texas, including the performance of wedding ceremonies.

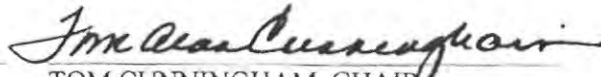
IT IS FURTHER AGREED that any violation of this Agreement by Judge Coker would constitute willful or persistent conduct that is clearly inconsistent with the proper performance of her duties or casts public discredit upon the judiciary or administration of justice in violation of Art. 5, §1-a(6)A of the Texas Constitution, and Section 33.001(b) of the Texas Government Code, and would result in the commencement of formal proceedings against Judge Coker by the Commission, and the release of an Agreed Statement of Facts in support of the Commission's charges against Judge Coker.

IT IS FURTHER AGREED that 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 Coker, 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 her by any court or tribunal.

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

AGREED TO AND ACCEPTED upon its execution by the parties.



ELIZABETH E. COKER



TOM CUNNINGHAM, CHAIR
STATE COMMISSION ON JUDICIAL
CONDUCT

Date: 10/19/13

Date: 10/21/2013

AGREED AS TO FORM:


Attorney for Elizabeth E. Coker


Dick Deguerin
Special Counsel for the Commission

VERIFICATION

State of Texas §
County of Polk §

BEFORE ME, the undersigned authority, on this day personally appeared **ELIZABETH E. COKER**, who by me being first duly sworn, on her 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 parties' Agreement and accurately reflects her understanding of the terms and conditions of, and voluntary consent to enter into, such Agreement.

SWORN TO BEFORE ME, on this the 19 day of October, 2013.

Maria Ramirez
NOTARY PUBLIC, IN AND FOR THE
STATE OF TEXAS

