



**BEFORE THE STATE COMMISSION
ON JUDICIAL CONDUCT**

CJC No. 17-1259-CO

PUBLIC WARNING

**HONORABLE CARBETT J. ("TREY") DUHON III
COUNTY JUDGE
HEMPSTEAD, WALLER COUNTY, TEXAS**

During its meeting on June 6, 2018, the State Commission on Judicial Conduct concluded a review of the allegations against the Honorable Carbett J. ("Trey") Duhon III, County Judge, Hempstead, Waller County, Texas. Judge Duhon was advised by letter of the Commission's concerns and provided a written response. Judge Duhon appeared before the Commission on June 6, 2018, and gave testimony. After considering the evidence before it, the Commission entered the following Findings and Conclusion:

FINDINGS OF FACT

1. At all times relevant hereto, the Honorable Carbett J. ("Trey") Duhon III was the County Judge for Waller County, Texas.
2. On June 30, 2017, the political action committee "Citizens in Support of Duhon & Mathis" (the "PAC") held a concert at the Waller Creek Fairgrounds to raise money for the re-election campaigns of Judge Duhon and Waller County District Attorney Elton Mathis (the "Fundraising Event").
3. Campaign flyers advertising the Fundraising Event included photographs of Judge Duhon and DA Mathis, and contained the statement "IN SUPPORT OF County Judge Trey Duhon & D.A. Elton Mathis and their 2018 Re-Election campaigns." The flyer stated that tickets could be purchased online, by telephone, or "at the law firm of Trey Duhon."
4. During his testimony before the Commission, Judge Duhon acknowledged that he reviewed a copy of the flyer when it was created, and did not object to its contents or its distribution.

5. Judge Duhon explained that his wife, who was a member of the PAC, was very involved in planning the Fundraising Event, and kept him apprised of those plans. He stated that he attended portions of PAC meetings, some of which were held at his law office, and that he and his wife made contributions to the PAC by underwriting certain event expenses that were reimbursed by the PAC. Judge Duhon acknowledged that tickets for the Fundraising Event were available for purchase at his law office.
6. Following the Fundraising Event, the PAC distributed \$19,529.00 each to the campaigns of Judge Duhon and DA Mathis.
7. Judge Duhon testified that he does not currently preside over criminal cases. However, he does perform criminal magistrations, and signs both search and DWI blood warrants.
8. According to Judge Duhon, DA Mathis also serves as the Waller County Attorney, and represents Judge Duhon and the other members of the Waller County Commissioner's Court in legal matters involving the county.

RELEVANT STANDARDS

1. Canon 2B of the Texas Code of Judicial Conduct provides in relevant part, "A judge shall not lend the prestige of judicial office to advance the private interests of the judge or others; nor shall a judge convey or permit others to convey the impression that they are in a special position to influence the judge."
2. Canon 5(2) of the Texas Code of Judicial Conduct provides in relevant part that a judge "shall not authorize the public use of his or her name endorsing another candidate for any public office, except that either may indicate support for a political party."

CONCLUSION

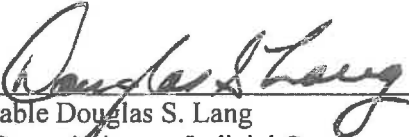
The Commission concludes from the facts and evidence presented that Judge Duhon lent the prestige of his judicial office to advance the private interests of the elected district attorney for Waller County when he participated in a joint fundraising event with the elected district attorney. Moreover, by authorizing the use of his name, title, and photograph on fundraising advertisements for the benefit of the judge and the elected district attorney, Judge Duhon's conduct constituted a public endorsement expressly prohibited by Canon 5(2). The Commission concludes that Judge Duhon's conduct constituted a willful violation of Canons 2B and 5(2) of the Texas Code of Judicial Conduct.

In view of the conduct described above that violated Canons 2B and 5(2) of the Texas Code of Judicial Conduct, it is the Commission's decision to issue a **PUBLIC WARNING** to the Honorable Carbett J. ("Trey") Duhon III, County Judge, Hempstead, Waller County, Texas.

Pursuant to the authority contained in Article V, §1-a (8) of the Texas Constitution, it is ordered that the actions described above be made the subject of a **PUBLIC WARNING**.

The Commission has taken this action with the intent of assisting Judge Duhon in his continued judicial service, as well as 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 the 28th day of June, 2018.



Honorable Douglas S. Lang
State Commission on Judicial Conduct