

**BEFORE THE STATE COMMISSION
ON JUDICIAL CONDUCT**

CJC No. 16-0652-JP

**PUBLIC WARNING
AND
ORDER OF ADDITIONAL EDUCATION**

**HONORABLE VICKI RODRIGUEZ
JUSTICE OF THE PEACE, PCT. 1
COTULLA, LA SALLE COUNTY, TEXAS**

During its meeting on December 6-8, 2017, the State Commission on Judicial Conduct concluded a review of allegations against the Honorable Vicki Rodriguez, Justice of the Peace Precinct 1, Cotulla, La Salle County, Texas. Judge Rodriguez 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 times relevant hereto, the Honorable Vicki Rodriguez was Justice of the Peace in Precinct 1, Cotulla, La Salle County, Texas.
2. On August 3, 2014, Sonia Medrano received a citation for driving 90 miles per hour (m.p.h.) in a 75 m.p.h. zone, and was instructed to appear in Judge Rodriguez's court on or before August 29, 2014.
3. On August 29, 2014, Ms. Medrano appeared in Judge Rodriguez's court and entered a plea of not guilty and requested a jury trial. On the same day, Judge Rodriguez ordered Ms. Medrano to obtain an appearance bond in the amount of \$301.70.
4. On September 5, 2014, Ms. Medrano sent an email to the court specifically requesting a jury trial on her case. Five days later, Ms. Medrano submitted another written request for a jury trial.

5. On December 30, 2014, one of Judge Rodriguez's clerks submitted a sworn affidavit of probable cause stating that Ms. Medrano failed to appear for her August 29, 2014 court appearance, which resulted in a new criminal charge against Ms. Medrano.
6. On January 9, 2015, Ms. Medrano appeared in court on the Failure to Appear charge, entered a plea of not guilty and requested a jury trial. On the same day, Judge Rodriguez ordered Ms. Medrano to obtain an appearance bond in the amount of \$325.00.
7. On September 29, 2015, Elizabeth Martinez, the La Salle County Attorney, sent a letter to Ms. Medrano regarding her "plea bargain settlement options." On October 21, 2015, Ms. Medrano sent a written response reiterating that she was entering a plea of not guilty and requesting a jury trial.
8. On December 28, 2015, and again on January 11, 2016, Ms. Medrano sent letters to the court inquiring as to the status of her case. On January 19, 2016, Judge Rodriguez's court staff sent Ms. Medrano an email stating that her case was "pending [a] trial date."
9. On April 6, 2016, the La Salle County Attorney's Office filed a motion to dismiss both cases "in the interest of justice." The motions were granted by Judge Rodriguez on the same day.
10. In her response, Judge Rodriguez stated that because the cases were ultimately dismissed, Ms. Medrano "was not denied her right for a trial."
11. Regarding her decision to require Ms. Medrano to post an appearance bond on her speeding citation after she entered a plea of not guilty, the judge stated that she had previously consulted with the Texas Justice Court Training Center, who advised her that it was within her discretion to require an appearance bond to secure appearances. According to the judge, she stopped requiring traffic defendants to post appearance bonds as of January 15, 2015.

Relevant Standards

1. Canon 2A of the Texas Code of Judicial Conduct states, in pertinent part, that "A judge shall comply with the law..."
2. Canon 3B(2) of the Texas Code of Judicial Conduct states: "A judge should be faithful to the law and shall maintain professional competence in it. A judge shall not be swayed by partisan interests, public clamor, or fear of criticism."
3. In determining whether a defendant was denied his right to a speedy trial, a reviewing court considers four factors: (1) the length of the delay; (2) the State's reasons for the delay; (3) the defendant's effort to obtain a speedy trial; and (4) the prejudice to the defendant. *See Barker v. Wingo*, 407 U.S. 514, 530 (1972). No single factor is necessary or sufficient to establish a violation of the defendant's right to a speedy trial. *Barker*, 407 U.S. at 533; *Shaw v. State*, 117 S.W.3d 883, 889 (Tex. Crim. App. 2003). The primary burden is on the prosecution and the courts to insure that defendants are speedily brought to trial. *Turner v. State*, 504 S.W.2d 843, 845 (Tex. Crim. App. 1974); *McKinney v. State*, 491 S.W.2d 404, 407 (Tex. Crim. App. 1973). Both the trial court and prosecution are under a positive duty to prevent unreasonable delay. *Wilson v. Bowman*, 381 S.W.2d 320, 321 (Tex. 1964).
4. The Eastland Court of Appeals has held "that a delay of eight months resulted in a violation of [the criminal defendant's] federal and state constitutional rights to a speedy trial on the alleged Class C misdemeanor offense that is punishable by fine only, and that the eight-

month delay resulted in prejudice.” *State v. Reedy*, No. 11-09-00087-CR, 2010 Tex.App. LEXIS 3988, at *5-6 (Tex.App.—Eastland May 27, 2010, pet. ref’d) (mem. op. not designated for publication).

5. The Texas Attorney General has issued an opinion stating that a judge cannot require an accused person to post an appearance bond on a speeding ticket just because they entered a plea of not guilty. Op. Tex. Att’y Gen. No. JM-701 (1987).

CONCLUSION

The Commission concludes based on the facts and evidence before it that Judge Rodriguez failed to comply with the law, and failed to maintain professional competence in the law, when she denied Ms. Medrano a jury trial for over 20 months for her speeding citation despite her numerous written requests. The Commission further concludes that Judge Rodriguez failed to comply with the law and failed to maintain professional competence in the law when she ordered Ms. Medrano to post an appearance bond on her speeding citation after she entered a plea of not guilty. The Commission concludes that Judge Rodriguez’s conduct, as described above, constituted a willful violation of Canons 2A and 3B(2) of the Texas Code of Judicial Conduct.

In condemnation of the conduct described above that violated Canons 2A and 3B(2) of the Texas Code of Judicial Conduct, recited above, it is the Commission’s decision to issue a **PUBLIC WARNING AND ORDER OF ADDITIONAL EDUCATION** to the Honorable Vicki Rodriguez, Justice of the Peace, Precinct 1, Cotulla, La Salle County, Texas.

Pursuant to this Order, Judge Rodriguez must obtain **two hours** of instruction with a mentor, in addition to her required judicial education for Fiscal Year 2018. In particular, the Commission desires that Judge Rodriguez receive this additional education in the areas of (a) due process and (b) right to a speedy trial.

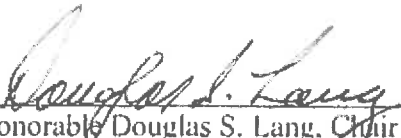
Judge Rodriguez shall complete the additional **two hours** of instruction recited within **sixty** days from the date of written notification of the assignment of a mentor. It is Judge Rodriguez’s responsibility to contact the assigned mentor and schedule the additional education.

Upon the completion of the **two hours** of education described herein, Judge Rodriguez shall sign and return the Respondent Judge Survey indicating compliance with this Order. Failure to complete, or report the completion of, the required additional education in a timely manner may result in further Commission action.

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 AND ORDER OF ADDITIONAL EDUCATION** by the Commission.

The Commission has taken this action in a continuing effort to protect the 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 4th day of January, 2018.



Honorable Douglas S. Lang, Chair
State Commission on Judicial Conduct