BEFORE THE
STATE COMMISSION ON JUDICIAL CONDUCT

CJC NO. 01-0442-DI

PUBLIC WARNING

HONORABLE RAYMOND ANGELINI
187TH JUDICIAL DISTRICT COURT
SAN ANTONIO, BEXAR COUNTY, TEXAS

During its meeting in Austin, Texas, on December 6-7, 2001, the State Commission on Judicial Conduct concluded a review of allegations against the Honorable Raymond Angelini, Judge of the 187th Judicial District Court, San Antonio, Bexar County, Texas. Judge Angelini was advised by letter of the Commission's concerns and provided a written response. Judge Angelini appeared with counsel before the Commission on December 7, 2001 and gave testimony. After considering the evidence before it, the State Commission on Judicial Conduct entered the following Findings and Conclusions:

FINDINGS OF FACT

1. At all times relevant hereto, the Honorable Raymond Angelini was judge of the 187th Judicial District Court, San Antonio, Bexar County, Texas.

2. On November 14, 2000, Judge Angelini presided over Cause Number 2000-CR-0933, styled *State of Texas v. Richard Rodriguez*, a high-profile criminal case against a veteran San Antonio police officer charged with the aggravated sexual assault of a child.

3. Several members of the local media were present in the courtroom throughout the trial.

4. Witnesses who sat through the week-long jury trial later testified (through affidavits and at a January 26, 2001 hearing on Defendant's Motion for New Trial) that they had observed the judge, in response to the testimony of witnesses or the arguments of counsel, express disgust, disbelief, and disapproval of the defendant and a bias in favor of the prosecution through his nonverbal facial expressions and body movements.

5. Several witnesses testified that they observed the judge rolling his eyes, smirking, frowning in disapproval, shaking his head in the negative, yawning in boredom, or sighing in an exaggerated manner throughout the trial, and particularly when the defense team was presenting their side of the case.

6. One witness testified that he observed the judge shaking his head and mouthing the word "unbelievable" as defense counsel cross-examined the young victim in the case.

7. Another witness testified that a "carnival atmosphere" existed in the court as a result of the judge's "theatrical performance."

8. At one point during the trial, the jury was asked to leave the courtroom as the judge and defense counsel engaged in a heated exchange over defense counsel's request for sanctions against the prosecution for allegedly violating the judge's ruling on a motion in limine.

9. During the verbal altercation that ensued between the judge and defense counsel, the judge lost his temper and screamed at defense counsel.

10. Although the jury in the Rodriguez case witnessed much of the judge's courtroom behavior, ten (10) of the jurors stated that the judge's conduct did not influence their decision to find Rodriguez guilty or to assess the punishment of probation.

11. On January 26, 2001, as a result of the judge's conduct during the Rodriguez trial, a visiting judge granted the Defendant's Motion for a New Trial.

RELEVANT STANDARDS

1. Canon 3B(3) of the Texas Code of Judicial Conduct states that "[a] judge shall require order and decorum in proceedings before the judge."

2. Canon 3B(4) of the Texas Code of Judicial Conduct states, in relevant part, that "[a] judge shall be patient, dignified and courteous to litigants, jurors, witnesses, lawyers and others with whom the judge deals in an official capacity,..."

3. Canon 3B(5) of the Texas Code of Judicial Conduct states that "[a] judge shall perform judicial duties without bias or prejudice."

CONCLUSIONS

The Commission concludes from the evidence presented that Judge Angelini's verbal altercation with defense counsel lacked the patience, dignity or courtesy required of a judicial officer pursuant to Canon 3B(4) of the Texas Code of Judicial Conduct. The Commission further concludes that throughout the Rodriguez trial, Judge Angelini failed to maintain proper order and decorum in the courtroom, and directly contributed to the undignified, "carnival"-like atmosphere described by witnesses, in violation of Canon 3B(3) of the Texas Code of Judicial Conduct. As a result of the judge's inappropriate behavior, the public perceived that the judge lacked impartiality and was biased in favor of the prosecution in violation of Canon 3B(5) of the Texas Code of Judicial Conduct.

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In condemnation of the above-recited conduct that violated Canons 3B(3), 3B(4) and 3B(5) of the Texas Code of Judicial Conduct, it is the Commission's decision to issue a **PUBLIC WARNING** to the Honorable Raymond Angelini, Judge of the 187th Judicial District Court, San Antonio, Bexar County, Texas.

Pursuant to the authority contained in Article 5, Section 1-a(8) of the Texas Constitution, it is ordered that the actions described above be made the subject of a **PUBLIC WARNING** by the State Commission on Judicial Conduct.

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 the 17 day of December, 2001.

Honorable Michael O'Neal, Chair
State Commission on Judicial Conduct