



**BEFORE THE
STATE COMMISSION ON JUDICIAL CONDUCT**

CJC No. 01-0798-JP

PUBLIC ADMONITION

**HONORABLE MONA D.L. VELASQUEZ
JUSTICE OF THE PEACE, PRECINCT 2
SABINAL, UVALDE COUNTY, TEXAS**

During its meeting in Austin, Texas, on February 7-8, 2002, the State Commission on Judicial Conduct (the Commission) concluded a review of allegations against the Honorable Mona D.L. Velasquez, Justice of the Peace, Precinct 2, Sabinal, Uvalde County, Texas. Judge Velasquez was advised by letter of the Commission's concerns and provided a verified written response. Judge Velasquez appeared before the Commission on February 7, 2002 and gave testimony. After considering the evidence before it, the Commission entered the following Findings and Conclusions:

FINDINGS OF FACT

1. At all times relevant hereto, the Honorable Mona D.L. Velasquez was Justice of the Peace for Precinct 2, Sabinal, Uvalde County, Texas.
2. On or about March 24, 2001, Precinct 2 Constable Jesus Reyes witnessed several young women, including Janet Michelle Milam and Anita Ortiz, yelling profanities and making profane hand gestures toward one another.
3. After taking their statements, Constable Reyes advised the women that he would not place them under arrest because they had young children; however, they would receive a summons to appear in Judge Velasquez' court.

4. On or about April 4, 2001, Janet Milam, Sherri Milam, Hilda Marie Chavez, Laura Haby, Brandi Goodall, Anita Ortiz and Erica Sloan were summoned to appear on April 6, 2001 in Judge Velasquez' court to answer charges of disorderly conduct.
5. At the time of the April 6, 2001 court appearance, no criminal complaint had been filed against any of these women and no case was pending before the judge.
6. On April 6, 2001, the seven women appeared before the judge.
7. Judge Velasquez commenced the hearing without advising the women of their constitutional rights, including their right to counsel and their right to a jury trial, and without taking a plea from any of them.
8. At the conclusion of the hearing, Constable Reyes issued citations for disorderly conduct to Anita Ortiz and Janet Michelle Milam only.
9. Judge Velasquez found Janet Michelle Milam and Anita Ortiz guilty of disorderly conduct and placed the young women on three months' probation with a \$250.00 fine.
10. On or about January 27, 2000, Judge Velasquez wrote a letter of recommendation on behalf of a friend, Fabian Villasana, who was a candidate for Bandera County Sheriff.
11. According to Judge Velasquez, the letter, which was written on official court letterhead and addressed only to "To Whom it May Concern," was intended to assist Villasana in his search for employment in the area of law enforcement. The judge testified that she was not aware of any specific employment opportunity being sought by Villasana at the time she wrote the letter. Additionally, the judge acknowledged that Villasana had never been one of her employees or coworkers.
12. On February 2, 2000, the judge's letter appeared in *The Bandera Review*, as a public endorsement by Judge Velasquez of Villasana's candidacy for Sheriff.

RELEVANT STANDARDS

1. Canon 2A of the Texas Code of Judicial Conduct states that "A judge shall comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary."
2. Canon 2B of the Texas Code of Judicial Conduct states, in relevant part, that "[a] judge shall not lend the prestige of judicial office to advance the private interests of the judge or others."
3. Canon 5(3) of the Texas Code of Judicial Conduct states, in relevant part, that "A judge or judicial candidate shall not authorize the public use of his or her name endorsing another candidate for any public office."

CONCLUSIONS

The Commission finds from the evidence presented that Judge Velasquez' actions regarding the April 6, 2001 hearing violated the law. Specifically, without a criminal complaint or case pending in her court, the judge had no authority to summons anyone to appear before her to answer "charges" of disorderly conduct. Additionally, the judge was required by the Texas Code of Criminal Procedure and the Texas Constitution to admonish the accused about their right to counsel and the right to a jury trial. Finally, the judge abdicated her role as a detached and neutral magistrate by acting as an ombudsman in an attempt to mediate the dispute between the feuding parties. The Commission concludes that Judge Velasquez' conduct on April 6th violated Canon 2A of the Texas Code of Judicial Conduct.

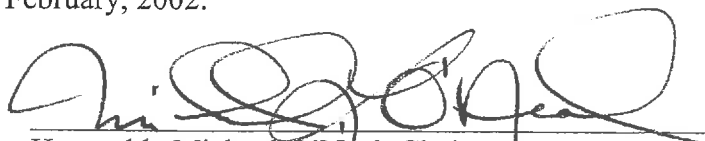
The Commission further finds that Judge Velasquez lent the prestige of her judicial office in an effort to advance the private interests of her friend, Fabian Villasana, by writing a "blind" letter of recommendation, on official court letterhead, purportedly to assist him in his efforts to obtain employment in the law enforcement field while a candidate for Sheriff. The Commission also found the judge's explanation for writing the letter to be disingenuous. Finally, because the judge failed to control how the letter of recommendation was to be used by Villasana, the contents of the letter appeared in the local newspaper as a public endorsement for Villasana's candidacy for Sheriff. The Commission concludes that the judge's conduct regarding the letter of recommendation, including her testimony on this issue before the Commission, violated Canons 2A, 2B and 5(3) of the Texas Code of Judicial Conduct.

In condemnation of the above-described conduct that violated Canons 2A, 2B and 5(3) of the Texas Code of Judicial Conduct, it is the Commission's decision to issue a **PUBLIC ADMONITION** to the Honorable Mona D.L. Velasquez, Justice of the Peace, Precinct 2, Sabinal, Uvalde County, Texas.

Pursuant to the authority contained in Article V, Section 1-a(8) of the Texas Constitution, it is ordered that the conduct described above be made the subject of a **PUBLIC ADMONITION** by the Commission.

The Commission takes this action in a continuing effort to protect public confidence in the judicial system, and to assist the state 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 15 day of February, 2002.


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