



**BEFORE THE  
STATE COMMISSION ON JUDICIAL CONDUCT**

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**CJC No. 12-0048-JP**

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**PUBLIC ADMONITION**

**HONORABLE BOBBY R. NICHOLDS  
JUSTICE OF THE PEACE, PRECINCT 3  
TRINITY, TRINITY COUNTY, TEXAS**

During its meeting on December 7-8, 2011, the State Commission on Judicial Conduct concluded a review of allegations against the Honorable Bobby R. Nicholds, Justice of the Peace, Precinct 3, Trinity, Trinity County, Texas. Judge Nicholds 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 Bobby R. Nicholds was Justice of the Peace, Precinct 3, Trinity, Trinity County, Texas.
2. On or about April 22, 2011, a defendant was arrested following a grand jury indictment charging her with one count of burglary of a habitation.
3. Following the arrest, Justice of the Peace Bernie Beard magistrated the defendant and set bond at \$50,000.00 (hereinafter the "first bond").
4. While out on bond, the defendant was indicted on three separate counts of burglary of a habitation.
5. On June 7, 2011, Judge Beard magistrated the defendant on the new burglary charges and set an additional bond of \$35,000.00 (hereinafter the "second bond").
6. At the time of the arrests, Judge Nicholds was living with the defendant's mother.
7. After the second bond was set, Judge Nicholds immediately telephoned Judge Beard to express his opinion that an additional bond should not have been set and that the defendant should have been released from custody under the first bond.

8. When the defendant was placed in a patrol car, Judge Nicholds approached the vehicle to speak to the deputy constables before they transported her to the county jail.
9. During the conversation, Judge Nicholds made several comments indicating that he was a “good friend” of the defendant’s mother; that the defendant’s mother lived with him; and that the defendant’s mother could not afford to post a second bond.
10. Judge Nicholds repeatedly expressed his dissatisfaction that a second bond had been set, and stated (referring to Judge Beard): “I’m going to try to get that man’s job. That’s what I’m going to do. He’s just picking on people . . . Damn Bastard.”
11. Judge Nicholds also told the deputies that he thought the constable’s office was “picking on” the defendant.
12. The entire conversation was recorded on the patrol car’s dash-cam video.
13. Shortly thereafter, Judge Nicholds contacted the district attorney who was prosecuting the defendant’s case. In that conversation, Judge Nicholds expressed frustration that Judge Beard had set an additional bond in the case, and stated his opinion that the defendant should have been released on the first bond.
14. Judge Nicholds subsequently spoke with the district judge in whose court the defendant’s cases were pending, and again expressed his opinion that Judge Beard should not have set a second bond in the case.
15. Thereafter, the district judge, upon agreement with the district attorney, discharged the second bond, and released the defendant from custody under the first bond.
16. Shortly after the defendant was released, a deputy constable observed what he believed to be suspicious activities at an apartment that the defendant shared with her boyfriend, and reported his suspicions to the defendant’s landlord.
17. When Judge Nicholds learned about the deputy’s report, he contacted the landlord and advised him that he believed the defendant was not doing anything “wrong” and that “everything was okay” at the apartment.
18. Judge Nicholds also spoke with the deputy constable who made the report and accused him of harassing the defendant.
19. Shortly thereafter, Judge Nicholds contacted the constable’s office and spoke with a constable about the deputy’s report. During the conversation, which the constable recorded, Judge Nicholds informed him that the defendant’s mother was his “good friend,” and that, in his opinion, the defendant was “not doing anything wrong.”
20. Judge Nicholds also advised the constable that he had already spoken to the defendant’s landlord about the situation, explaining that he did not want the defendant to “lose her place.”

21. Throughout the conversation, Judge Nicholds accused the constable's office of "harassing" and "picking on" the defendant, and complained that the constable's deputies "ke[pt] going by" the defendant's apartment.
22. Judge Nicholds also repeatedly requested that the constable's office leave the defendant and him alone.
23. Judge Nicholds assured the constable that he was not trying to tell him "how to do his job," but stated that he would "protect anybody" that he believed the constable's office was harassing.

### **RELEVANT STANDARD**

Canon 2B of the Texas Code of Judicial Conduct states, in pertinent part: "A judge shall not allow any relationship to influence judicial conduct or judgment. 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."

### **CONCLUSION**

The Commission concludes based on the facts and evidence before it that Judge Nicholds allowed his relationship with a criminal defendant and her mother to influence his conduct and judgment, causing him to repeatedly intercede in a pending criminal matter on behalf of the defendant. The judge's activities on behalf of the defendant lent the prestige of his judicial office to advance her and her mother's private interests, particularly when he (1) contacted the prosecutor and the district judge in an attempt to influence them to discharge the second bond and to release her from custody on her first bond; and (2) attempted to influence law enforcement officials to curtail any investigation into possible on-going criminal activities by the defendant. The Commission concludes that Judge Nicholds' conduct in this matter constituted willful and/or persistent violations of Canon 2B of the Texas Code of Judicial Conduct.

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In condemnation of the conduct described above that violated Canon 2B of the Texas Code of Judicial Conduct, it is the Commission's decision to issue a **PUBLIC ADMONITION** to the Honorable Bobby R. Nicholds, Justice of the Peace, Precinct 3, Trinity, Trinity 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 ADMONITION** 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 the 3<sup>rd</sup> day of January, 2012.

**ORIGINAL SIGNED BY**

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Tom Cunningham, Chair  
State Commission on Judicial Conduct

