



**BEFORE THE STATE COMMISSION
ON JUDICIAL CONDUCT**

CJC No. 11-0574-JP

**PUBLIC REPRIMAND
AND
ORDER OF ADDITIONAL EDUCATION**

**HONORABLE RONALD KEITH BILLINGSLEY
JUSTICE OF THE PEACE, PRECINCT 1, PLACE 1
JASPER, JASPER COUNTY, TEXAS**

During its meeting on June 13-15, 2012, the State Commission on Judicial Conduct concluded a review of allegations against the Honorable Ronald Keith Billingsley, Justice of the Peace for Precinct 1, Place 1, Jasper, Jasper County, Texas. Judge Billingsley 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 Ronald Keith Billingsley was Justice of the Peace for Precinct 1, Place 1, Jasper, Jasper County, Texas.
2. On or about November 23, 2010, Molly Dean Duncan (hereafter, "Duncan") was cited for Parent Contributing to Non-Attendance, and was summoned to appear in Judge Billingsley's court on December 15, 2010.
3. When Duncan appeared, she entered a plea of no contest and was assessed a fine of \$200, together with court costs in the amount of \$87.00; however, the fine was suspended on the condition that her child complete the school year with no further unexcused absences.
4. Duncan needed additional time to pay her court costs; therefore, she entered into a "payment agreement" promising to pay the court costs on or before January 3, 2011.

5. The "Scheduled Payment Agreement" contained a "notice to defendant" stating that if the defendant failed to make a payment, he or she would be required to appear in court, and if the defendant did not appear, a warrant would be issued for the defendant's arrest, and charges of "failure to appear" would be filed against the defendant.
6. Due to financial problems, Duncan was unable to pay the court costs on or before the January 3, 2011 deadline.
7. On or about January 6, 2011, Duncan appeared at the courthouse to try to explain her situation to Judge Billingsley, and to ask if she could make a partial payment of \$20.00.
8. According to Duncan, Judge Billingsley and his court clerk were very rude and hostile toward her when she told them she did not have all of the money and asked to make a partial payment.
9. Judge Billingsley's court clerk did give Duncan another week, until January 13, 2011, to pay, but warned Duncan that a warrant would be issued and she would go to jail if she did not pay.
10. Duncan failed to pay the court costs by the January 13, 2011 deadline.
11. On January 31, 2011, Judge Billingsley issued a *capias pro fine* warrant for Duncan's arrest.
12. On or about February 4, 2011, Duncan purchased a money order for the total amount of court costs, and left the money in the court's drop box.
13. On or about February 7, 2011, the court mailed the money order back to Duncan, advising her by letter that because she "did not pay as agreed, and ordered by the court, warrants have been issued for your arrest," and that she now needed to pay \$337.00 - \$287.00 in fines and court costs, and \$50.00 in warrant fees - "to clear [her] case."
14. According to Duncan, Judge Billingsley and his court clerk were again rude and hostile toward her when she contacted the court in response to the letter notifying her that warrants had been issued for her arrest.
15. On February 20, 2011, Duncan was arrested and jailed on the warrant that Judge Billingsley issued on January 31, 2011.
16. In his written response to the Commission's inquiry, Judge Billingsley acknowledged that he failed to issue a written deferred disposition order, a final written judgment, or a "Show Cause" notice in the case against Duncan.
17. Judge Billingsley also acknowledged that he never held a "Show Cause" hearing, nor did he inquire into Duncan's ability to pay the fine or court costs through an indigency hearing, before imposing the previously suspended \$200.00 fine against Duncan and issuing the *capias pro fine* warrant.

RELEVANT STANDARDS

1. Canon 2A of the Texas Code of Judicial Conduct states, in relevant part, that: “A judge shall comply with the law at all times . . .”
2. Canon 3B(2) of the Texas Code of Judicial Conduct states, in relevant part, that: “A judge should be faithful to the law and shall maintain professional competence in it.”
3. Canons 3B(4) of the Texas Code of Judicial Conduct states, in relevant part, that: “A judge shall be patient, dignified and courteous to litigant, jurors, witnesses, lawyers and others with whom the judge deals in an official capacity...”

CONCLUSION

The Commission concludes based on the facts and evidence presented that Judge Billingsley failed to comply with the law and failed to demonstrate professional competence in the law by issuing a *capias pro fine* warrant that resulted in Duncan’s arrest and incarceration without first: (1) issuing a written deferred disposition order against Duncan as required by law; (2) issuing a written final judgment in the case as required by law; (3) providing Duncan notice and an opportunity to appear at a “Show Cause” hearing to determine if Duncan had failed to comply with the terms of a court order; and (4) providing Duncan with an indigency hearing to determine if she had the financial ability to pay the fine and court costs. The judge also failed to treat Duncan in a patient, dignified and courteous manner in his interactions with her concerning payment of the court costs. The Commission concludes that Judge Billingsley’s conduct, as described herein, constituted willful violations of Canons 2A, 3B(2) and 3B(4) of the Texas Code of Judicial Conduct.

In condemnation of the conduct that violates Canons 2B, 3B(2) and 3B(4) of the Texas Code of Judicial Conduct recited above, it is the Commission’s decision to issue a **PUBLIC REPRIMAND AND ORDER OF ADDITIONAL EDUCATION** to the Honorable Ronald Keith Billingsley, Justice of the Peace for Precinct 1, Place 1, in Jasper, Jasper County, Texas.

Pursuant to this Order, Judge Billingsley must obtain **four (4) hours** of instruction with a mentor, in addition to his required judicial education. In particular, the Commission desires that Judge Billingsley receive this additional education in the area of the proper handling of truancy cases, deferred disposition, *capias pro fine* warrants, and indigence.

Judge Billingsley shall complete the additional **four (4) hours** of instruction recited above within **sixty (60) days** from the date of written notification of the assignment of a mentor. It is Judge Billingsley’s responsibility to contact the assigned mentor and schedule the additional education.

Upon the completion of the **four (4) hours** of instruction described herein, Judge Billingsley 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 REPRIMAND AND ORDER OF ADDITIONAL EDUCATION** by the Commission.

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 3rd day of August, 2012.



Tom Cunningham, Chair
State Commission on Judicial Conduct