



**BEFORE THE  
STATE COMMISSION ON JUDICIAL CONDUCT**

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**CJC Nos. 04-0513-JP AND 04-0514-JP**

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**PUBLIC REPRIMAND  
AND  
ORDER OF ADDITIONAL EDUCATION**

**HONORABLE SANTOS BENAVIDES  
JUSTICE OF THE PEACE, PRECINCT 2  
LAREDO, WEBB COUNTY, TEXAS**

During its meeting in Austin, Texas, on October 13-15, 2004, the State Commission on Judicial Conduct concluded a review of allegations against the Honorable Santos Benavides, Justice of the Peace, Precinct 2, Laredo, Webb County, Texas. Judge Benavides was advised by letter of the Commission's concerns and provided a written response. Judge Benavides appeared with counsel before the Commission on October 13, 2004, 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 Santos Benavides was Justice of the Peace, Precinct 2, Laredo, Webb County, Texas.
2. On or about January 15, 2004, six individuals were arrested and taken into custody for the alleged assault of Officer Jorge Luna, Jr., a Laredo police officer. One of the individuals, Adrian Rodriguez, was charged with aggravated assault, and three related offenses, in connection with the incident.
3. On the same day, Judge Benavides, who was in the hospital, received a telephone call from his court clerk advising the judge that Rodriguez's father was at the judge's office requesting that his son be released from jail.
4. Judge Benavides had been acquainted with Rodriguez's father for "more than 25 years."

5. Judge Benavides testified that although he had been taking pain medication at the time, he nevertheless called the jail, spoke to Rodriguez personally concerning the incident in question, and then ordered that Rodriguez be released on a personal recognizance bond.
6. Judge Benavides further testified that he ordered Rodriguez's release despite his knowledge of Rodriguez's criminal history, including Rodriguez's felony probation status at the time of his arrest.
7. Judge Benavides added that he felt justified in "bend[ing] the law," due to his relationship with Rodriguez's father.
8. Rodriguez's release from jail on a personal recognizance bond generated a great deal of negative media attention directed against Judge Benavides.
9. On February 2, 2004, Judge Benavides called a press conference to explain his actions. In his comments to the media, Judge Benavides stated several times that he ordered Rodriguez's release because he feared for his own "safety and security."
10. In his testimony before the Commission, the judge stated that his comments to the media about the case were "inappropriate," and did not accurately reflect what he was trying to say.
11. Judge Benavides also testified that he told the media he acted out of fear for his own safety because he was on medication and was afraid that any complications from his recent surgery might put his life at risk.
12. Judge Benavides further testified that a previous heart condition had caused him to have memory lapses, which may have prevented him from recalling important details about the incident regarding the release of Rodriguez.

### **RELEVANT STANDARDS**

1. Article V, Section 1-a(6)A of the Texas Constitution provides that any Texas justice or judge may be disciplined for willful or persistent conduct that casts public discredit upon the judiciary.
2. Canon 2A of the Texas Code of Judicial Conduct states, in pertinent part: "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."
3. 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."
4. Canon 3B(2) of the Texas Code of Judicial Conduct states, in pertinent part: "A judge shall maintain professional competence in [the law.] A judge shall not be swayed by partisan interests, public clamor, or fear of criticism."
5. Art. 15.17(a), Texas Code of Criminal Procedure, provides that a person who is arrested shall be taken before a magistrate, "either in person or by closed circuit television."

## CONCLUSION

The Commission concludes from the facts and evidence presented that Judge Benavides failed to comply with the law and failed to maintain professional competence in the law when he released Rodriguez on a personal recognizance bond over the telephone, in violation of Art. 15.17(a) of the Texas Code of Criminal Procedure, and Canons 2A and 3B(2) of the Texas Code of Judicial Conduct. The Commission further concludes that Judge Benavides' conduct and judgment was improperly influenced by his relationship with Rodriguez's father, in violation of Canon 2B of the Texas Code of Judicial Conduct. Additionally, the Commission concludes that Judge Benavides acted out of fear for his own safety, in violation of Canon 3B(2) of the Texas Code of Judicial Conduct. Finally, the Commission concludes that Judge Benavides engaged in willful conduct that cast public discredit upon the judiciary in violation of Article V, Section 1-a(6)A of the Texas Constitution.

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In condemnation of the conduct described above that violated Article V, Section 1-a(6)A of the Texas Constitution, Canons 2A, 2B, and 3B(2) of the Texas Code of Judicial Conduct, it is the Commission's decision to issue a **PUBLIC REPRIMAND AND ORDER OF ADDITIONAL EDUCATION** to the Honorable Santos Benavides, Justice of the Peace, Precinct 2, Laredo, Webb County, Texas.

Pursuant to the order, Judge Benavides must obtain **ten (10) hours** of instruction in addition to his required judicial education. In particular, the Commission desires that Judge Benavides:

- Attend any one of the two (2) hour courses on magistration offered by the Texas Justice Court Training Center; and
- Receive eight (8) hours of instruction with a mentor judge in the area of magistration, including the setting of bonds and all applicable Texas Code of Criminal Procedure provisions relating to this area of the law.

Pursuant to the authority contained in §33.036 of the Texas Government Code, the Commission authorizes the disclosure of certain information relating to this matter to the Texas Justice Court Training Center to the extent necessary to enable that entity to assign the appropriate mentor for Judge Benavides in this case.

Judge Benavides is hereby directed to complete the two-hour course on magistration on or before **January 28, 2005**. It is Judge Benavides' responsibility to contact the Texas Justice Court Training Center and schedule the additional education. Upon the completion of this training, Judge Benavides is hereby directed to provide documentation from the Texas Justice Court Training Center certifying his timely completion of the additional education.

Judge Benavides shall complete the additional eight hours of instruction recited above within **ninety (90) days** from the date of written notification of the assignment of a mentor. It is Judge Benavides' responsibility to contact the assigned mentor and schedule the additional education.

Upon the completion of the ten (10) hours of instruction described herein, Judge Benavides 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, Section 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 \_\_\_\_2\_\_\_\_ day of November, 2004.

**ORIGINAL SIGNED BY**

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Honorable Joseph B. Morris, Chair  
State Commission on Judicial Conduct