



**BEFORE THE  
STATE COMMISSION ON JUDICIAL CONDUCT**

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**CJC No. 04-0767-JP**

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**PUBLIC WARNING**

**HONORABLE JIM RICHARD  
JUSTICE OF THE PEACE, PRECINCT 4  
SUGAR LAND, FORT BEND COUNTY, TEXAS**

During its regularly scheduled meeting on February 9-10, 2005, the State Commission on Judicial Conduct concluded a review of the allegations against the Honorable Jim Richard, Justice of the Peace for Precinct 4 in Sugar Land, Fort Bend County, Texas. Judge Richard was advised by letter of the Commission's concerns and provided a written response. Judge Richard appeared before the Commission on February 10, 2005, and gave testimony. 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 Jim Richard was Justice of the Peace for Precinct 4 in Sugar Land, Fort Bend County, Texas.
2. On or about January 10, 2003, Peter Walters, who was 18 years old at the time, received a speeding citation in Fort Bend County.
3. On or about February 3, 2003, Judge Richard signed an order granting Peter deferred adjudication for a period of six (6) months.
4. On or about August 20, 2003, Peter provided the court with an *Affidavit of Compliance* ("Affidavit"), which recited that he had committed no offense against the state during the probationary period.
5. Although Judge Richard testified in his written responses to the Commission's inquiry that Peter's case was dismissed upon the court's receipt of the *Affidavit*, court records do not reflect this action.

6. In or around early November 2003, Peter's father, Charles "Ric" Walters, contacted Judge Richard to discuss Peter's case.
7. Although Judge Richard had previously testified in his written responses that Peter's case had been dismissed prior to his initial meeting with Ric Walters, Judge Richard later testified before the Commission that he had assumed that Peter's case was still pending when Ric Walters initially contacted him.
8. According to Judge Richard's written and oral testimony, he agreed to meet and discuss Peter's case with Ric Walters after consulting the Texas Code of Judicial Conduct and determining that Canon 6C(2) authorized communications concerning a determination of where jurisdiction of an impending claim or dispute may lie, or whether a claim or dispute might more appropriately be resolved in some other judicial or non-judicial forum.
9. In his meeting with Ric Walters, Judge Richard was advised that Peter may have "lied" in the *Affidavit*. Specifically, Ric Walters informed Judge Richard that Peter had received a speeding citation in late July 2003, but had kept the second citation a secret.
10. During the course of the conversation, Ric Walters told Judge Richard that he would like for Peter to enlist in the military.
11. According to his written testimony regarding this conversation, Judge Richard understood that the court had no jurisdiction in Peter's case because the deferred adjudication period had ended. Further, according to Judge Richard, "even if the court did have jurisdiction, military service is not anything the court can order." Judge Richard explained this fact to Ric Walters.
12. On or about November 13, 2003, based solely on Ric Walters' allegation that Peter had lied in the *Affidavit*, Judge Richard issued a summons ordering Peter to appear before him on December 5, 2003.
13. At the December 5<sup>th</sup> hearing, with a bailiff present, Judge Richard advised Peter that he might face criminal prosecution for a felony perjury offense for allegedly lying in the *Affidavit* he had filed with the court. Judge Richard proceeded to describe in graphic detail what could happen to Peter if perjury charges were filed against him.
14. There was no prosecutor present at the December 5<sup>th</sup> hearing.
15. According to a sworn statement from Ric Walters provided to the Commission, Judge Richard "suggested" that Peter be drug tested, complete twenty-four (24) hours of community service, complete his high school education, and return to the court on March 1, 2004, for a compliance hearing.
16. According to Judge Richard's written testimony, after Judge Richard asked Peter and his father "what they thought should be appropriate," it was Ric Walters who suggested that in lieu of having the perjury complaint referred to the District Attorney's Office, Peter should perform community service, submit to drug screening, and enlist in the Coast Guard.

17. At the conclusion of the December 5<sup>th</sup> hearing, with the threat of criminal prosecution and possible incarceration hanging over his head, Peter “agreed” to complete twenty-four (24) hours of community service, submit to a drug screening, and obtain his high school diploma. Peter obtained official court forms to record the performance of these items and filed these forms with the court upon their completion.
18. Prior to the March 1<sup>st</sup> compliance hearing, Ric Walters contacted Judge Richard to discuss Peter’s progress, Judge Richard’s decision regarding Peter’s punishment, and the possibility that Judge Richard might intercede on the Walters’ behalf to have Peter enlist in the Coast Guard. Specifically, Ric Walters told Judge Richard “that a suggestion from the bench might be the motivation [Peter] needed to [join the military].”
19. At the March 1<sup>st</sup> hearing, Judge Richard told Peter “that it might be in his best interest if he were to join the Coast Guard for a period of four years.” Judge Richard then reminded Peter that “aggravated perjury has a statute of limitations, and that [Judge Richard] had the option of referring this matter to the District Attorney’s Office any time during that period should events prove it necessary.”
20. Based on Judge Richard’s and Ric Walters’ statements to him at and prior to the March 1<sup>st</sup> compliance hearing, Peter left Judge Richard’s courtroom believing he had been ordered to enter military service for a period of four (4) years or face criminal prosecution for aggravated perjury.

### **RELEVANT STANDARDS**

1. Canon 2A of the Texas Code of Judicial Conduct states, in pertinent part: “A judge shall comply with the law . . . .”
2. Canon 2B of the Texas Code of Judicial Conduct states, in pertinent part: “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.”

### **CONCLUSIONS**

The Commission concludes from the facts and evidence before it that Judge Richard failed to comply with the law in violation of Canon 2A of the Texas Code of Judicial Conduct when he summoned Peter Walters to appear in court on a case that Judge Richard believed had been dismissed months earlier and in which the judge knew, or should have known, he no longer had jurisdiction to act. Judge Richard knew or should have known that he had no authority to order Peter to comply with additional conditions of deferred adjudication in this case, or to use the threat of criminal prosecution to ensure Peter’s compliance with those conditions. The Commission further concludes that by allowing his office and position to be used to promote and advance Ric Walters’ private interests – that Peter be punished for allegedly lying in the *Affidavit*, but strong-armed into joining the military to avoid criminal prosecution - Judge Richard conveyed to Peter, and allowed Ric Walters to convey, the impression that Ric Walters was in a special

position to influence the judge, in violation of Canon 2B of the Texas Code of Judicial Conduct.

In making these findings and reaching this conclusion, the Commission notes that it found Judge Richard's testimony before it to be inconsistent with other evidence presented at the hearing. Moreover, the Commission rejects Judge Richard's arguments that (a) Canon 6C(2) gave him the legal authority to act in this case, and (b) Ric Walters' interest in seeing his son punished for allegedly lying in the Affidavit was a public, rather than a private, interest.

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In condemnation of the conduct described above that violated Canons 2A and 2B of the Texas Code of Judicial Conduct, it is the Commission's decision to issue a **PUBLIC WARNING** to the Honorable Jim Richard, Justice of the Peace for Precinct 4 in Sugar Land, Fort Bend County, Texas.

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 WARNING** 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 \_\_\_21st\_\_\_ day of February, 2005.

**ORIGINAL SIGNED BY**

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Honorable James A. Hall, Chair  
State Commission on Judicial Conduct