



**BEFORE THE  
STATE COMMISSION ON JUDICIAL CONDUCT**

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**CJC No. 04-0958-DI**

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**PUBLIC REPRIMAND**

**HONORABLE MARY ANNE BRAMBLETT  
41<sup>ST</sup> JUDICIAL DISTRICT COURT  
EL PASO, EL PASO COUNTY, TEXAS**

During its meeting in Austin, Texas, on August 10-11, 2005, the State Commission on Judicial Conduct concluded a review of allegations against the Honorable Mary Anne Bramblett, Judge of the 41<sup>st</sup> Judicial District Court in El Paso, El Paso County, Texas. Judge Bramblett was advised by letter of the Commission's concerns and provided her written response. Judge Bramblett appeared with counsel before the Commission on June 9, 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 Mary Anne Bramblett was Judge of the 41<sup>st</sup> Judicial District Court in El Paso, El Paso County, Texas.
2. On or about May 3, 1996, Jose Jesus Zuniga (hereinafter "Zuniga"), a native and citizen of Mexico, was convicted of a felony offense, to-wit: Unlawful Delivery of a Controlled Substance, in *State vs. Jose Jesus Zuniga*, Cause No. 81388-411 (re-numbered as Cause No. 960D01197), in the 41<sup>st</sup> Impact District Court of El Paso County, Texas, Judge Sam W. Callan, presiding.
3. Zuniga's punishment was assessed at 10 years' confinement, suspended, and he was placed on community supervision for a period of ten years.
4. On or about June 12, 2002, the U. S. Immigration and Naturalization Service charged Zuniga with being subject to removal from the United States based upon his May 3, 1996 felony conviction described above.

5. A critical issue in the removal proceeding was whether Zuniga was eligible for discretionary relief from deportation, or whether his deportation was mandatory under the *Anti-Terrorism and Effective Death Penalty Act* (hereinafter the “AEDPA”), Pub. L. No. 104-132, 110 Stat. 1214 (1996).
6. The effective date of the AEDPA was the date of its enactment, April 24, 1996.
7. The government’s position during the removal proceeding was that Zuniga’s deportation was mandatory because he was convicted after the effective date of the *AEDPA*.
8. On or about June 9, 2003, while the removal proceedings were still pending, Judge Bramblett signed an *Order for Judgment Nunc Pro Tunc* (hereinafter the “Order”), in which she changed Zuniga’s conviction date from May 3, 1996 to April 22, 1996.
9. Zuniga’s revised date of conviction now pre-dated the effective date of the AEDPA.
10. The Order states that the reason for changing the date was due to a “clerical error” in Zuniga’s original judgment of conviction; however, it is undisputed that the original judgment recited the correct date of conviction.
11. Judge Bramblett signed the Order at the request of Zuniga’s attorney, Vivek Grover. Grover approached the judge in her chambers on June 9, 2003, along with the prosecutor assigned to her court, who indicated he would consent to the action only if the judge agreed to it.
12. In her appearance before the Commission, Judge Bramblett testified that although there was no written motion, Grover explained the reason for his request. Grover also provided the judge with favorable information about Zuniga’s conduct in the period since his conviction, including information regarding his family and work history. Finally, Grover advised her that the immigration judge had previously indicated that he would abide by a state court order backdating Zuniga’s actual conviction date.
13. Based on the information provided to her by Grover, Judge Bramblett formed the opinion that it was in Zuniga’s best interest to be eligible for discretionary relief from deportation.
14. Judge Bramblett further testified that although she knew at the time that Zuniga’s actual conviction date was May 3, 1996, she believed she had authority to change that date if doing so was in Zuniga’s best interest.
15. Judge Bramblett also explained that by signing the Order, it was not her intention to deceive or perpetrate a fraud on the immigration court.
16. Finally, Judge Bramblett opined that her judgment may have been affected by stress. According to the judge, at the time the Order was presented to her, she was caring for her son, who had been disabled following a serious accident and recently sent home to recover. At the same time, the judge was preparing for the selection of a jury in a high-profile capital murder case that was receiving national media attention.
17. On or about September 12, 2003, Zuniga was ordered to be deported to Mexico. In reaching this decision, the immigration judge expressly refused to give legal effect to Judge Bramblett’s Order.

## 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, among other things, willful violation of the Code of Judicial Conduct, or willful or persistent conduct that is clearly inconsistent with the proper performance of his duties.
2. Canon 2A of the Texas Code of Judicial Conduct states, in pertinent part: “A judge shall comply with the law . . . .”

## CONCLUSION

The Commission concludes from the facts and evidence presented that Judge Bramblett failed to comply with the law, in violation of Canon 2A of the Texas Code of Judicial Conduct, when she signed the Nunc Pro Tunc Order. The Commission further concludes that the judge’s conduct in this instance was willful, as that term has been defined by the courts of this State. Specifically, the Commission concludes that when Judge Bramblett caused a false date to be substituted for the actual date of a criminal defendant’s conviction in an effort to affect that individual’s immigration status, she manifested a specific intent to use the powers of the judicial office to accomplish a purpose which the judge knew or should have known was beyond the legitimate exercise of her authority. See *In re Thoma*, 873 S.W.2d 477, 489-490 (Tex.Rev.Trib. 1994, no appeal).

In reaching this conclusion, the Commission recognizes that Judge Bramblett acted with good intentions as far as trying to assist this defendant; however, as a panel of justices on the 4<sup>th</sup> Court of Appeals once pointed out, “good intentions are not enough. The law would be chaos unless all judges, . . . , follow the law. . . .” *In re Jones*, 55 S.W.3d 243, 249 (Spec.Ct.Rev. 2000). The Commission further notes that this was an isolated incident inconsistent with this judge’s reputation in the legal community. Finally, the Commission accepts that if Judge Bramblett was under a considerable amount of stress at the time, both at home and at work, these pressures could have caused the judge to exercise poor judgment when the Order was presented to her. Taking these mitigating circumstances into account, the Commission nevertheless concludes that the judge’s conduct compromised the integrity of the judicial system and seriously undermined the public’s trust and confidence in both the judicial office and the legal system as a whole.

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In condemnation of the conduct described above that violated Article V, §1a(6)A of the Texas Constitution and Canon 2A of the Texas Code of Judicial Conduct, it is the Commission’s decision to issue a **PUBLIC REPRIMAND** to the Honorable Mary Anne Bramblett, Judge of the 41<sup>st</sup> Judicial District Court in El Paso, El Paso 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 is made the subject of a **PUBLIC REPRIMAND** by the State Commission on Judicial Conduct.

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 \_\_11th\_\_\_\_ day of August, 2005.

**ORIGINAL SIGNED BY**

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