



**BEFORE THE
STATE COMMISSION ON JUDICIAL CONDUCT**

CJC No. 02-0906-JP

PUBLIC REPRIMAND

**HONORABLE BENNIE OCHOA, III
JUSTICE OF THE PEACE, PRECINCT 1, PLACE 1
PORT ISABEL, CAMERON COUNTY, TEXAS**

During its meeting in Austin, Texas, on December 5-6, 2002, the State Commission on Judicial Conduct concluded a review of allegations against the Honorable Bennie Ochoa, III, Justice of the Peace for Precinct 1, Place 1, Port Isabel, Cameron County, Texas. Judge Ochoa was advised by letter of the Commission's concerns and provided a written response. Judge Ochoa appeared before the Commission on December 6, 2002 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, Judge Bennie Ochoa, III, was the Justice of the Peace for Precinct 1, Place 1, in Port Isabel, Cameron County, Texas.
2. On September 19, 1996, Alex Martinez approached Judge Ochoa and requested that the judge take some action to forbid his wife, Blanca Martinez, from picking up their child from school. Mr. Martinez was allowed to make a criminal complaint to this end, and the matter was opened as cause number 96-1342 CO.
3. On that same day, without notice to Ms. Martinez, Judge Ochoa issued a "Court Order" directed at the principal and teacher of the child, instructing that Ms. Martinez not be allowed to "[pick-up] or [make] contact with the child."
4. No Texas law at the time gave Judge Ochoa the jurisdiction to take such action.

5. Since September 19, 1996, the “Court Order” has been used on occasion by school officials to deny Ms. Martinez access to her child.

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 is clearly inconsistent with the proper performance of his duties or casts public discredit upon the judiciary or administration of justice.
2. Canon 2A of the Texas Code of Judicial Conduct states, “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.”

CONCLUSION

Based on the facts and evidence before it, the Commission concludes that by issuing a court order without authority in a matter over which his court had no jurisdiction, Judge Ochoa did not comply with the law, in violation of Canon 2A of the Texas Code of Judicial Conduct. The Commission further concluded that Judge Ochoa’s actions in this case were willful and persistent, and clearly inconsistent with the proper performance of his duties, in violation of Article V, §1-a(6)A of the Texas Constitution.

In condemnation of the above-described conduct that violated Article V, §1-a(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 Judge Bennie Ochoa, III, Justice of the Peace for Precinct 1, Place 1, Port Isabel, Cameron 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 be made the subject of a **PUBLIC REPRIMAND** 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 __17th__ day of December, 2002

ORIGINAL SIGNED BY

Honorable Kathleen Olivares, Chair
State Commission on Judicial Conduct