

**BEFORE THE
STATE COMMISSION ON JUDICIAL CONDUCT**

CJC No. 02-0983-JP

PUBLIC REPRIMAND

**HONORABLE SALVADOR ZARATE
JUSTICE OF THE PEACE, PRECINCT 3, PLACE 1
GRULLA, STARR COUNTY, TEXAS**

During its meeting in Austin, Texas, on August 6-8, 2003, the State Commission on Judicial Conduct concluded a review of allegations against the Honorable Salvador Zarate, Justice of the Peace, Precinct 3, Place 1, Grulla, Starr County, Texas. Judge Zarate was advised by letter of the Commission's concerns and provided a written response. Judge Zarate appeared with counsel before the Commission on August 6, 2003, and gave testimony. After considering the evidence before it, the Commission entered the following Findings and Conclusions:

FINDINGS OF FACT

1. At all relevant times, Judge Salvador Zarate was the Justice of the Peace for Precinct 3, Place 1, Grulla, Starr County, Texas.
2. On February 16, 2000, Judge Zarate was stopped by Texas Department of Public Safety ("DPS") Trooper Benito Reyes and charged with the offense of driving while intoxicated.
3. The February 16, 2000 arrest described above received local media attention.
4. On October 5, 2000, Judge Zarate was returning home from a birthday party when he was stopped by DPS Trooper Aaron De La Garza and charged with driving while intoxicated.
5. On June 21, 2003, Judge Zarate was stopped by DPS Trooper David Herrera and charged with the offense of driving while intoxicated.
6. Judge Zarate testified that he had identified himself as the justice of the peace to DPS Trooper Herrera and then asked, "Can you give me break?"
7. Judge Zarate testified that he had not had a drink of alcohol since October 5, 2000, but that he began drinking again on March 31, 2003, after receiving

notification of the Commission's investigation into his driving while intoxicated arrests.

8. In his testimony before the Commission, Judge Zarate admitted to consuming alcohol while under stress.
9. Judge Zarate has never participated in any alcohol treatment program.
10. The three driving while intoxicated charges against Judge Zarate remain pending.

RELEVANT STANDARD

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.

CONCLUSION

The Commission finds from the evidence presented that Judge Zarate's arrests for driving while intoxicated severely compromised the public's confidence in the integrity of the judiciary. The Commission concludes that Judge Zarate's actions cast public discredit upon the judiciary 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, it is the Commission's decision to issue a **PUBLIC REPRIMAND** to Judge Salvador Zarate, Justice of the Peace for Precinct 3, Place 1, Grulla, Starr County, Texas.

Pursuant to the authority contained in Article V, §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 9th day of September, 2003.

ORIGINAL SIGNED BY

Honorable Kathleen Olivares, Chair
State Commission on Judicial Conduct