



BEFORE THE STATE COMMISSION

FILED

Clerk of the Commission

ON JUDICIAL CONDUCT

Date 11/9/09 In Re Judge No. 94

By [Signature]

INQUIRY CONCERNING

JUDGE NO. 94

NOTICE OF FORMAL PROCEEDINGS

**TO THE HONORABLE THOMAS G. JONES, JUSTICE OF THE PEACE,
PRECINCT 1, PLACE 1, IN DALLAS, DALLAS COUNTY, TEXAS:**

Pursuant to TEXAS GOVERNMENT CODE Section 33.022 and PROCEDURAL RULE 10 FOR THE REMOVAL OR RETIREMENT OF JUDGES, as promulgated by the Texas Supreme Court, this NOTICE is hereby given to the Honorable Thomas G. Jones, Justice of the Peace, Precinct 1, Place 1, Dallas, Dallas County, Texas, that formal proceedings have been instituted against him by the State Commission on Judicial Conduct, based upon the following:

FACTUAL ALLEGATIONS

1. At all times relevant hereto, the Honorable Thomas G. Jones ("Jones") was Justice of the Peace for Precinct 1, Place 1, in Dallas, Dallas County, Texas.

Complaint No. 1, by Johnnie Jones (CJC No. 06-0163-JP):

2. On or about April 14, 2004, Dallas Area Rapid Transit ("DART") enforcement officers cited Johnnie Jones for improperly walking across DART's rail lines. The citation instructed Johnnie Jones to appear before the Court on May 17, 2004.
3. When Johnnie Jones appeared in court to contest the citation, the Court's clerks told him that the Court would notify him of a trial setting.
4. In November 2004, Johnnie Jones received the Court's notice that the trial was set for December 7, 2004.
5. When Johnnie Jones appeared for trial, Judge Jones told him to complete a "trial request form"; before Johnnie Jones could finish his paperwork; a court clerk took the form from Johnnie Jones, however, and told Johnnie Jones that that the Court would notify him of the next new trial date.
6. Thereafter, Johnnie Jones contacted the Court several times. The Court told Johnnie Jones that he would receive written notice of his new trial setting.
7. Johnnie Jones did not receive any further notice of his trial date.

8. In early September 2005, Johnnie Jones received a collection letter from a law firm regarding the case pending against him. The letter demanded payment of \$321.10 within ten days, and advised him that if an arrest warrant had already been issued, he might be arrested at any time.
9. Johnnie Jones went to Judge Jones's court and learned that his case had been set for trial in February 2005 and, since he did not appear at trial, Judge Jones had issued a warrant for his arrest.
10. On September 8, 2005, Johnnie Jones entered a plea of *nolo contendere* (no contest), and signed a statement agreeing "to be imprisoned for sufficient length of time to discharge the full amount of fine and/or court cost adjudged against" him.
11. Johnnie Jones told Judge Jones's clerk that he could not afford to pay the fine. She gave Johnnie Jones a 30-day extension, and he explained that he would not be able to pay in 30 days, either. Johnnie Jones served time in jail and paid \$39.10 towards his fine.
12. In October 2005, the clerk gave Johnnie Jones another month to pay the balance.
13. In November 2005, Johnnie Jones filed an appeal bond and affidavit of indigency in Judge Jones's court. Without a hearing, Judge Jones decided that Johnnie Jones filings were untimely and he denied Johnnie Jones' requests.

Complaint No. 2, by Robert Wightman-Cervantes (CJC No. 06-0214-JP):

14. In March 2002, Robert Wightman-Cervantes ("Wightman-Cervantes") received a speeding citation, which was filed in Jones's court. Wightman-Cervantes pleaded "not guilty" and requested a jury trial.
15. In August 2003, just before the jury trial began, the prosecutor dismissed the case against Wightman-Cervantes.
16. On or about August 19, 2005, Wightman-Cervantes received a collection letter from a law firm concerning his "pending" case. The letter demanded payment of \$221 within 10 days, and cautioned Wightman-Cervantes that if an arrest warrant had been issued in the case, he might be arrested.
17. Wightman-Cervantes contacted Jones's court, and spoke with D. Williams ("Williams"), a court clerk. Williams told him that his case had been mistakenly flagged as "unresolved" in the court's computer system, and that it was the court's practice to send all such cases to collection, without first verifying the accuracy of the information.
18. In his testimony before the Commission, Jones stated that there was no system or procedure in place to check for the accuracy of his court clerks' computer entries before the county's collection firm is allowed to contact defendants.

Complaint No. 3, by Cora Canady (CJC No. 06-0883-JP):

19. In January 2006, Cora Canady (“Canady”) appealed Jones’s order evicting her from her apartment.
20. In April 2006, Jones’s ruling was reversed on appeal and Canady was told she could recover the funds she had been required to deposit into the court registry.
21. Later that month, Linda Cancino (“Cancino”), Canady’s property manager, filed another eviction suit against Canady in Jones’s court.
22. On the morning of May 1, 2006, Canady, her lawyer, and Cancino appeared for trial. The parties announced to Jones that if Canady would turn over the funds still held in the court registry to Cancino, they would agree to dismiss the case.
23. That afternoon, Cancino contacted Jones *ex parte* and told him that she had tried to get the county clerk to release the funds directly to her but was told that the funds could only be released to Canady.
24. Based on his *ex parte* discussion with Cancino, Jones entered an eviction order against Canady without giving notice to Canady or her attorney and without conducting another hearing.

Complaint No. 4, by Phil Smart (CJC No. 06-0927-JP):

25. Phil Smart (“Smart”) received a Notice of Judgment (“Notice”) from Jones that a judgment had been entered against him on June 2, 2005. The Notice contained no information as to the amount of judgment.
26. Smart had not been served with citation on the underlying suit, nor had Jones sent him any other documents.
27. Jones told the Commission that the Notice was intended to inform Smart that the case against him had been dismissed and that Smart did not owe any money.

Complaint No. 5, by Brian Breckenridge (CJC No. 06-0929-JP):

28. On June 8, 2006, Brian Breckenridge (“Breckenridge”) filed for a “tow hearing” in Jones’s court, alleging that his vehicle had been towed improperly.
29. When Breckenridge filed his case, Jones’s clerks did not set it for a hearing. They told him that they would telephone him once it was set.
30. When he did not hear from the clerks, Breckenridge telephoned the court twice, but was never able to reach a clerk. He left messages on the court’s answering system, but his calls were not returned.
31. On June 23, 2006, Breckenridge received written notice that, because he had failed to appear at his hearing, his case had been dismissed.
32. Jones conducted the tow hearing on June 19, 2006, without evidence in the court’s file that Breckenridge had been notified.
33. Jones dismissed Breckenridge’s case without prejudice.

34. After the Commission notified Jones about Breckenridge's complaint, Jones set the case for hearing again on July 14, 2006, and notified both parties.
35. At the second hearing, Jones again dismissed Breckenridge's case.

Complaint No. 6, by Joe E. Walton (CJC No. 06-1106-JP):

36. On January 18, 2006, Joe E. Walton ("Walton") received a speeding citation, which was filed in Jones's court.
37. On January 23, 2006, Walton went to Jones's court, entered a plea of "not guilty" and invoked his right to a jury trial by signing the form that a clerk handed him.
38. When Walton appeared for trial, Jones refused to conduct a jury trial, and told him that the form he signed did not indicate Walton was requesting a jury trial.
39. When Walton objected, Jones responded in a rude and confrontational manner, and would not allow him to discuss the matter or sign a new form.
40. Jones conducted Walton's trial in July 2006, refused Walton a jury, and found Walton guilty of speeding.

Complaint No. 7, by Judge Vicki Gray (CJC No. 07-0090-JP):

41. On January 29, 2005, Judge Vicki Gray, a Justice of the Peace in Corsicana, Navarro County, arraigned Lonnie D. Ward ("Ward") following his arrest in Navarro County on three warrants issued against him by Jones in Dallas County.
42. Before arraigning Ward, Judge Gray contacted the Dallas County Sheriff and explained that Ward had been arrested. The sheriff's office sent Judge Gray information showing that Jones had issued three warrants against Ward, each with a \$200 bond, for a seat belt violation, failure to maintain financial responsibility, and failure to display a driver's license.
43. Ward then plead guilty to the three charges, and Judge Gray set fines based on the fine schedule used in her court, for a total of \$602.
44. Judge Gray credited Ward \$300 for the time he spent in jail, collected the remaining \$302 owed on his fines, and released him from jail.
45. On February 3, 2005, Judge Gray sent Jones the "Class C Plea Form on Out of County Charges" disposing of Ward's cases, a Navarro County check for \$302, and a copy of article 15.18, TEX. CODE CRIM. PROC..
46. Several months later, Ward came to Judge Gray's office and told her that Jones had not recalled the warrants for his arrest.
47. Ward told Judge Gray that he could not get anyone in Jones's court to discuss the situation with him, and that Jones's clerks had treated him rudely.
48. In July 2006, Ward came back to Judge Gray, upset because Jones's clerks told him that his arrest warrants were still pending and that he now owed approximately \$900. Ward said that the clerks refused to clear up the matter or listen to his explanation.
49. Judge Gray called the Dallas County warrant division and confirmed that Ward's warrants were still outstanding.

50. Judge Gray then called Jones, but was not allowed to talk with him. Instead, Jones's clerk, Williams, informed Judge Gray that Ward's cases were still pending and that Ward owed approximately \$900. Williams also confirmed that the court had received Ward's paperwork and the check from Navarro County.
51. Although Judge Gray tried to explain that the law required Jones to close Ward's cases, Williams refused to "discuss the law" with her.
52. Williams ended the call by informing Judge Gray that if she had any further questions or problems to call Dallas County Commissioner John Wiley Price ("Price"). After telling Judge Gray to look up Price's number herself, Williams hung up on her.
53. In his responses to the Commission's inquiries, Jones asserted that he did not close Ward's cases because Judge Gray had not required Ward to pay a separate fine to the Department of Public Safety, and because her instruction that Ward was to report to Dallas County was "non-specific."
54. According to Jones, Ward had forfeited his bonds and still owed nearly \$900 on his three cases.
55. According to an affidavit from Williams, a woman named "Judge Gray" did call, but did not identify herself as a judge.
56. Williams also confirmed that she told Judge Gray that if she had a complaint, she could contact Price and could look up Price's number herself. Williams denied that she hung up on Judge Gray.

Complaint No. 8, by Jerry Lee Godsey, Jr. (CJC No. 07-0269-JP):

57. In January 2003, Jerry Lee Godsey, Jr. ("Godsey") was cited for operating an unregistered motor vehicle and failure to maintain evidence of financial responsibility. His cases were filed in Jones's court.
58. In March 2003, Jones issued warrants for Godsey's arrest for failing to appear.
59. In August 2003, Godsey was arrested in Parker County on the two warrants.
60. Godsey appeared before Judge B. Wayne Hayes, Parker County Justice of the Peace, pled guilty on both cases, and paid off his fines by serving time in the Parker County Jail.
61. On September 2, 2003, Judge Hayes sent Godsey's records to Jones, showing that Godsey had resolved his Dallas County cases in full by pleading guilty and paying his fines by serving time in the Parker County Jail.
62. Two years later, Godsey discovered that he could not renew his driver's license because Jones still reported his cases as pending.
63. Godsey reported the problem to Judge Hayes, who unsuccessfully tried to resolve Godsey's matter with Jones.
64. Godsey spoke to Jones's clerks, who promised to resolve the problem. Thereafter, when Godsey called to check on the status, the clerks routinely told him to stop calling, hung up on him, spoke to him in a rude manner, and put his calls on hold for 30 minutes or more.

65. Jones told the Commission that he did not close Godsey's cases because no *capias* warrant had been issued, and, in the absence of such warrant, Jones did not believe that Godsey should have been given credit for the time he served in the Parker County Jail.
66. After receiving the Commission's inquiry on December 15, 2006, Jones closed Godsey's cases, recalled the warrants, and lifted the administrative hold on Godsey's driver's license.

Complaint No. 9, by Nickalette Cook Brisby and John Cook (CJC No. 07-0393-JP):

67. On April 13, 2006, Nickalette Cook Brisby ("Nickalette") and her father, John Cook ("Cook"), bought a car from a dealership that had purchased it at a police auction on March 30, 2006. The dealer placed the red paper license tag on the car and gave Nickalette and Cook the paperwork needed to register the car. The dealer executed a Dealer's Reassignment of Title for a Motor Vehicle, and Nickalette executed an Application for Texas Certificate of Title.
68. The Dallas County Tax Assessor processed Nickalette's application on the vehicle on April 28, 2006.
69. On April 25, 2006, Nickalette was cited by law enforcement for misuse of a dealer's tag and for expired license plates. The case was filed in Jones's court.
70. At trial in October 2006, Jones ruled that the dealer had 20 working days to register the car, and refused to listen to Nickalette and Cook's defense that 20 working days had not elapsed when Nickalette was cited.
71. Jones found Nickalette guilty and fined her \$50 on each case.
72. Due to Nickalette's failure to pay her fines by November 21, 2006, Jones issued warrants for Nickalette's arrest and set bond at \$200 on each of the two cases.
73. The warrants do not comply with the requirements of article 45.045, TEX. CRIM. PROC. CODE, regarding *Capias Pro Fine* warrants, including that they fail to state that Nickalette had already been convicted of the offenses.
74. On January 30, 2007, the Commission asked Jones to respond to the complaint by February 28, 2007. Jones did not submit his responses until June 2007.

Complaint No. 10, by Terry James (CJC No. 07-0557-JP):

75. On March 8, 2007, Terry James ("James") filed a small claims suit in Jones's court, along with an affidavit of inability to pay costs.
76. That same day, without notice and on his own motion, Jones challenged James's indigency claim and conducted a hearing with only Jones and James present.
77. At the indigency hearing, James presented proof to Jones that he received housing assistance and food stamps, and that he was only able to work part-time due to a disability.
78. Without ruling on James's indigency claim, and over James's objections, Jones transferred the suit to a court in Lancaster, where neither James nor the defendant resides, and where there is no direct bus service.

79. On March 9, 2007, Jones prepared and signed a document entitled "Order Sustaining Motion to Transfer Venue," transferring the case to Judge Valencia Nash, Justice of the Peace of Place 2.
80. Jones's order erroneously states that the defendant participated in the hearing.
81. On March 20, 2007, due to problems with Jones's paperwork, Judge Nash rejected the transfer and returned the case to Jones.
82. On April 20, 2007, although the defendant still had not been served with citation, Jones sent both James and the defendant a "Notice of Hearing," setting a "recusal hearing/inability to pay" for May 4, 2007.
83. James requested a continuance and, on April 30, Jones sent another notice to both parties, resetting the matter to June 29, 2007.
84. On May 7, 2007, Jones entered a new order, entitled "Order of Recusal and Transfer of Venue," which stated that Jones was recusing himself from hearing James's case because Jones's impartiality might reasonably be questioned, that the case was being transferred to Judge Nash's court, that Jones had made no ruling or finding on James's indigency claim, and that the new order replaced Jones's March 9th order.
85. Judge Nash accepted Jones's transfer of James's case on May 10, 2007.
86. On January 30, 2007, the Commission asked Jones to respond to the complaint by February 28, 2007, but Jones failed to submit his responses until June 2007.

Complaint No. 11, by Tammie Kaye Smith (CJC No. 07-0559-JP):

88. On February 1, 2007, Tammie Kaye Smith ("Smith") and her minor son, Quintin ("Quintin"), appeared in Jones's court on Quintin's speeding citation.
89. Before court began, Jones's bailiff distributed a financial form to all litigants and told them to complete it.
90. After Jones took the bench, but before he called any cases for trial, Jones explained the form that his bailiff had distributed, and asked if anyone in the courtroom had questions.
91. Smith asked Jones if the form was seeking information about Quintin or about herself. When Smith told Jones that Quintin was 16, he told her to provide information about herself on the form.
92. Smith continued asking questions, and Jones told her that she would be legally responsible for Quintin's fine and, if it was not paid, Smith would be arrested.
93. When Smith began to object, Jones's called her up to the bench, spoke to her in an angry manner, shook his finger at her, and told her to "shut her mouth" and return to her seat for the remainder of the court session. Jones then asked Smith if she understood his instructions.
94. When Smith began to answer his question by saying that she did not understand, Jones interrupted her, pointed his finger at her and said, "Didn't I just tell you to shut up," or words to that effect.
95. Smith told Jones that he had no right to treat her disrespectfully or to tell her to "shut up," and she reminded him that he had allowed her to ask questions.

96. Without warning, Jones instructed his bailiff to lock Smith up, telling Smith "I'm charging you with contempt of court," or words to that effect.
97. The bailiff handcuffed Smith and placed her in the jury box in open court while Jones heard several cases.
98. During this time, both Smith and Quintin tried to get Jones's attention, but he did not respond to either of them.
99. After about 15 minutes with her hands handcuffed behind her back in the jury box, Smith started crying. She stood up, told Jones she was in severe pain, and asked him to allow the bailiff to change the position of her handcuffs.
100. Jones spoke to the bailiff, who moved Smith's hands and handcuffs to her front.
101. Jones then made a telephone call from his bench, and shortly thereafter, deputies entered the courtroom and escorted Smith to the constable's office down the hall.
102. After talking with Smith, one of the deputies went back into Jones's courtroom to see if Jones would change his mind.
103. When the deputy returned, he told Smith that Jones said if Smith apologized, Jones would drop the charge. Smith agreed.
104. The deputies brought Smith back into Jones's court, and Smith apologized to Jones.
105. Jones told Smith that he owed her an apology because he realized he should have handled the matter differently.
106. When Jones heard Quintin's speeding case, he gave Quintin deferred adjudication, and sent Smith and Quintin to the clerk's office. Smith handed the clerk the form that the judge and bailiff had required her to complete before Quintin's case could be heard. It states "Complete this form Only If You Are Not Paying In Full."
107. The clerk told Complainant that it was the wrong form, and gave her the correct one to complete.

Complaint No. 12, by Carolyn Johnson (CJC No. 07-0966-JP):

109. Carolyn Johnson ("Johnson") was cited in November 2005, for driving 31 miles per hour in a school zone. Her case was filed in Jones's court.
110. Jones did not hear Johnson's case until July 2007, more than 18 months after she was cited.
111. At trial, Jones did not allow Johnson to present evidence that the alleged offense occurred at 4:35 p.m., after the expiration of reduced speed for the school zone.
112. Jones did not allow Johnson to present evidence that the officer did not identify her car correctly.
113. Jones did not allow Johnson to address him, and instructed her to address only the officer.
114. Jones told the Commission that the delay in conducting the trial in Johnson's case was due to a clerical error by the case docketing system, not by his court.
115. Jones failed to respond to the Commission's inquiry in a timely manner.

RELEVANT STANDARDS

1. Article V, Section 1-a(6)A of the Texas Constitution provides, in relevant part, that any Justice or Judge of the courts established by the Constitution or created by the Legislature may be removed from office, disciplined, or censured for “incompetence in performing the duties of office, willful violation of the Code of Judicial Conduct, or willful or persistent conduct that is clearly inconsistent with the proper performance of duties or casts public discredit upon the judiciary on the administration of justice.”
2. Section 33.001(b)(5) of the Texas Government Code provides, in relevant part, that, for purposes of Section 1-a, Article V of the Texas Constitution, “willful or persistent conduct that is clearly inconsistent with the proper performance of a judge’s duties” includes failure to cooperate with the Commission.
3. Canon 2A of the Texas Code of Judicial Conduct provides that 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.
4. Canon 2B of the Texas Code of Judicial Conduct provides, in pertinent part, that a judge shall not allow any relationship to influence judicial conduct or judgment, nor shall a judge lend the prestige of judicial office to advance the private interests of the judge or others.
5. Canon 3B(1) of the Texas Code of Judicial Conduct provides that a judge shall hear and decide matters assigned to the judge except those in which disqualification is required or recusal is appropriate.
6. Canon 3B(2) of the Texas Code of Judicial Conduct provides, in pertinent part, that a judge shall maintain professional competence in the law, and that a judge shall not be swayed by partisan interests, public clamor, or fear of criticism.
7. Canon 3B(3) of the Texas Code of Judicial Conduct provides that a judge shall require order and decorum in proceedings before the judge.
8. Canon 3B(4) of the Texas Code of Judicial Conduct provides, in pertinent part, that a judge shall be patient, dignified and courteous to litigants, jurors, witnesses, lawyers and others with whom the judge deals in an official capacity.
9. Canon 3B(5) of the Texas Code of Judicial Conduct provides that a judge shall perform judicial duties without bias or prejudice.
10. Canon 3B(8) of the Texas Code of Judicial Conduct provides, in pertinent part, that a judge shall accord to every person who has a legal interest in a proceeding, or that person’s lawyer, the right to be heard according to law.
11. Canon 6C(2) of the Texas Code of Judicial Conduct provides, in pertinent part, that a justice of the peace shall not directly or indirectly initiate, permit or consider *ex parte* or other communications concerning the merits of a pending judicial proceeding.

CHARGE I

COMPLAINT NO. 1, BY JOHNNIE JONES

(CJC NO. 06-0163-JP)

Jones's denial of Johnnie Jones's appeal bond and affidavit of indigency without conducting a hearing, constituted willful or persistent conduct that was clearly inconsistent with the proper performance of his duties and cast public discredit on the judiciary, constituted a failure to follow the law and failure to maintain professional competence in the law, and denied Johnnie Jones the right to be heard according to law, in violation of:

1. Article V, § 1-a(6)A of the Texas Constitution;
2. Canon 2A of the Texas Code of Judicial Conduct;
3. Canon 3B(2) of the Texas Code of Judicial Conduct; and
4. Canon 3B(8) of the Texas Code of Judicial Conduct.

CHARGE II

COMPLAINT NO. 2, BY ROBERT WIGHTMAN-CERVANTES

(CJC NO. 06-0214-JP)

Jones's decision that his court staff would not check the accuracy of their computer entries by comparing with the underlying court records before allowing a collection firm to contact defendants constituted willful or persistent conduct that was clearly inconsistent with the proper performance of his duties and cast public discredit on the judiciary, in violation of:

1. Article V, § 1-a(6)A of the Texas Constitution.

CHARGE III

COMPLAINT NO. 3, BY CORA CANADY

(CJC NO. 06-0883-JP)

Jones's decisions to talk with the property manager about the merits of Canady's case and to issue an eviction order against Canady a few hours after dismissing the suit in open court constituted willful or persistent conduct that was clearly inconsistent with the proper performance of his duties and cast public discredit on the judiciary, constituted a failure to follow the law and failure to maintain professional competence in the law, demonstrated a failure to perform his judicial duties without bias or prejudice, demonstrated a failure to accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law, and constituted engaging in improper *ex parte* discussions concerning the merits of a pending judicial proceeding, in violation of:

1. Article V, § 1-a(6)A of the Texas Constitution;
2. Canon 2A of the Texas Code of Judicial Conduct;
3. Canon 3B(2) of the Texas Code of Judicial Conduct;
4. Canon 3B(5) of the Texas Code of Judicial Conduct;

5. Canon 3B(8) of the Texas Code of Judicial Conduct; and
6. Canon 6C(2) of the Texas Code of Judicial Conduct.

CHARGE IV

COMPLAINT NO. 4, BY PHIL SMART

(CJC No. 06-0927-JP)

Jones's decision to send a "Notice of Judgment" to Smart indicating that a judgment had been entered against him when, in fact, the suit had been dismissed and Smart had not been served with citation on the suit constituted willful or persistent conduct that was clearly inconsistent with the proper performance of his duties and cast public discredit on the judiciary, and constituted a failure to follow the law and failure to maintain professional competence in the law, in violation of:

1. Article V, § 1-a(6)A of the Texas Constitution;
2. Canon 2A of the Texas Code of Judicial Conduct; and
3. Canon 3B(2) of the Texas Code of Judicial Conduct.

CHARGE V

COMPLAINT NO. 5, BY BRIAN BRECKENRIDGE

(CJC No. 06-0929-JP)

The failure of Jones's court to set Breckinridge's tow hearing immediately at the same time that he filed his suit, and Jones's decision to conduct the hearing although there was no evidence in the court file that Breckenridge had been notified of the setting, constituted willful or persistent conduct that was clearly inconsistent with the proper performance of his duties and cast public discredit on the judiciary, and constituted a failure to follow the law and failure to maintain professional competence in the law, in violation of:

1. Article V, § 1-a(6)A of the Texas Constitution;
2. Canon 2A of the Texas Code of Judicial Conduct; and
3. Canon 3B(2) of the Texas Code of Judicial Conduct.

CHARGE VI

COMPLAINT NO. 6, BY JOE E. WALTON

(CJC NO. 06-1106-JP)

Jones's refusal to honor Walton's request for a jury trial and refusal to allow Walton to discuss the matter with him or to sign a new jury request form, and Jones's rude and confrontational treatment of Walton, constituted willful or persistent conduct that was clearly inconsistent with the proper performance of his duties and cast public discredit on the judiciary, constituted a failure to follow the law and failure to maintain professional competence in the law, demonstrated a failure to act with patience, dignity and courtesy to a litigant, and demonstrated a failure to accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law, in violation of:

1. Article V, § 1-a(6)A of the Texas Constitution;
2. Canon 2A of the Texas Code of Judicial Conduct;
3. Canon 3B(2) of the Texas Code of Judicial Conduct;
4. Canon 3B(4) of the Texas Code of Judicial Conduct; and
5. Canon 3B(8) of the Texas Code of Judicial Conduct.

CHARGE VII

COMPLAINT NO. 7, BY JUDGE VICKI GRAY

(CJC NO. 07-0090-JP)

Jones's decision to forfeit the fines that Ward had paid in Navarro County in satisfaction of his Dallas County cases, and his refusal to close Ward's cases that were handled pursuant to the Texas Code of Criminal Procedure, constituted willful or persistent conduct that was clearly inconsistent with the proper performance of his duties and cast public discredit on the judiciary, and constituted a failure to follow the law and failure to maintain professional competence in the law, in violation of:

1. Article V, § 1-a(6)A of the Texas Constitution;
2. Canon 2A of the Texas Code of Judicial Conduct; and
3. Canon 3B(2) of the Texas Code of Judicial Conduct.

CHARGE VIII

COMPLAINT NO. 8, BY JERRY LEE GODSEY, JR.

(CJC NO. 07-0269-JP)

Jones's refusal to close Godsey's cases after Godsey plead guilty and served out his sentence in the Parker County Jail, constituted willful or persistent conduct that was clearly inconsistent with the proper performance of his duties and cast public discredit on the judiciary, and constituted a failure to follow the law and failure to maintain professional competence in the law, in violation of:

1. Article V, § 1-a(6)A of the Texas Constitution;
2. Canon 2A of the Texas Code of Judicial Conduct; and
3. Canon 3B(2) of the Texas Code of Judicial Conduct.

CHARGE IX

COMPLAINT NO. 9, BY NICKALETTE COOK BRISBY AND JOHN COOK

(CJC NO. 07-0393-JP)

Jones's improper calculation of time requirements for vehicle registration by Nickalette, issuance of an inaccurate arrest warrant, and failure to respond to the Commission's inquiry in a timely manner, constituted willful or persistent conduct that was clearly inconsistent with the proper performance of his duties and cast public discredit on the judiciary, and constituted a failure to follow the law and failure to maintain professional competence in the law, in violation of:

1. Article V, § 1-a(6)A of the Texas Constitution;

2. Article V, § 1-a(7) of the Texas Constitution;
3. § 33.001(b)(5), Texas Government Code;
4. Canon 2A of the Texas Code of Judicial Conduct; and
5. Canon 3B(2) of the Texas Code of Judicial Conduct.

CHARGE X

COMPLAINT NO. 10, BY TERRY JAMES

(CJC No. 07-0557-JP)

Jones's failure to process properly the lawsuit James filed, his decision to challenge James's indigency claim and conduct a hearing immediately after James filed suit, Jones's decision to prepare and sign an inaccurate order about that hearing, his improper transfer of James's case to Judge Nash's court, and his failure to respond to the Commission's inquiry in a timely manner, constituted willful or persistent conduct that was clearly inconsistent with the proper performance of his duties and cast public discredit on the judiciary, and constituted a failure to follow the law and failure to maintain professional competence in the law, in violation of:

1. Article V, § 1-a(6)A of the Texas Constitution;
2. Article V, § 1-a(7) of the Texas Constitution;
3. § 33.001(b)(5), Texas Government Code;
4. Canon 2A of the Texas Code of Judicial Conduct; and
5. Canon 3B(2) of the Texas Code of Judicial Conduct.

CHARGE XI

COMPLAINT NO. 11, BY TAMMIE KAYE SMITH

(CJC No. 07-0559-JP)

Jones's distribution and discussion of court forms with litigants before hearing their cases, and his treatment of Smith, including telling her to 'shut her mouth,' holding her in contempt without following proper procedures, and causing her to be handcuffed in the jury box during court until she began to cry, constituted willful or persistent conduct that was clearly inconsistent with the proper performance of his duties and cast public discredit on the judiciary, constituted a failure to follow the law and failure to maintain professional competence in the law, and demonstrated a failure to treat Smith with patience, dignity and courtesy, and a failure to accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law, in violation of:

1. Article V, § 1-a(6) of the Texas Constitution;
2. Canon 2A of the Texas Code of Judicial Conduct;
3. Canon 3B(2) of the Texas Code of Judicial Conduct;
4. Canon 3B(4) of the Texas Code of Judicial Conduct; and
5. Canon 3B(8) of the Texas Code of Judicial Conduct.

CHARGE XII
COMPLAINT NO. 12, BY CAROLYN JOHNSON
(CJC No. 07-0966-JP)

Jones's decision to prevent Johnson from raising her defenses at trial, his failure to advise Johnson that she had the option of paying out her fine or performing community service, and his failure to respond to the Commission's inquiry in a timely manner, constituted willful or persistent conduct that was clearly inconsistent with the proper performance of his duties and cast public discredit on the judiciary, constituted a failure to follow the law and failure to maintain professional competence in the law, and demonstrated a failure to accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law, in violation of:

1. Article V, § 1-a(6)A of the Texas Constitution;
2. Article V, § 1-a(7) of the Texas Constitution;
3. § 33.001(b)(5), Texas Government Code;
4. Canon 2A of the Texas Code of Judicial Conduct; and
5. Canon 3B(2) of the Texas Code of Judicial Conduct.

Judge Jones is hereby notified that he has the right to file a written answer to the foregoing charges within fifteen (15) days after service of this Notice of Formal Proceedings upon him. Judge Jones's answer should be forwarded or delivered to Elaine Thompson, Clerk of the Commission, State Commission on Judicial Conduct, P.O. Box 12265, Austin, Texas, 78711-2265.

Signed this 9th day of December, 2008.

EXAMINERS

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