



**BEFORE THE  
STATE COMMISSION ON JUDICIAL CONDUCT**

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**IN RE: THE HONORABLE MATT H. ZEPEDA  
JUSTICE OF THE PEACE, PRECINCT 3, PLACE 2  
PEARLAND, BRAZORIA COUNTY, TEXAS  
(CJC Nos. 03-0107-JP, 03-0275-JP, and 03-0632-JP)**

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**VOLUNTARY AGREEMENT TO RESIGN FROM  
JUDICIAL OFFICE IN LIEU OF DISCIPLINARY ACTION**

This Agreement is being entered into by the undersigned parties pursuant to Section 33.032(h) of the Texas Government Code.

**WHEREAS** on October 23, 2002, a complaint (CJC No. 03-0107-JP) was opened by the State Commission on Judicial Conduct (hereinafter the "Commission") based on media reports concerning Judge Zepeda's alleged use of profanities and a racial epithet while magistrating prisoners in the Pearland city jail, and

**WHEREAS** on December 5, 2002, a complaint (CJC No. 03-0275-JP) was filed with the Commission alleging that Judge Zepeda exhibited impatience, a lack of dignity and courtesy, and used profanity, in the course of performing his judicial duties, and

**WHEREAS** on December 13, 2002, a complaint (CJC No. 03-0632-JP) was filed with the Commission alleging that Judge Zepeda exhibited impatience, a lack of dignity and courtesy, and used profanity, in the course of performing his judicial duties, and

**WHEREAS** on December 6, 2002, following Judge Zepeda's informal appearance before the Commission, the Commission voted to institute formal proceedings against Judge Zepeda, and also recommended to the Texas Supreme Court that Judge Zepeda be suspended from office, without pay, pending the outcome of the formal proceedings, and

**WHEREAS** on December 11, 2002, *Examiner's Notice of Formal Proceedings* was served on Judge Zepeda, and

**WHEREAS** on December 16, 2002, the Texas Supreme Court issued an Order of Suspension against Judge Zepeda, suspending him from office, without pay, pending the outcome of the formal proceedings, and

**WHEREAS** on June 23, 2003, a public fact-finding trial was convened and continued in Austin, Texas, before the Honorable Sid L. Harle, Special Master appointed by the Texas Supreme Court, and

**WHEREAS** from July 14, 2003 through July 16, 2003, the Special Master heard evidence on the charges against Judge Zepeda, and

**WHEREAS** on September 5, 2003, the Special Master filed his Findings of Fact with the Commission, and

**WHEREAS** on October 10, 2003, the Commission heard oral argument from Judge Zepeda's Counsel and from the Examiners on their objections to the Special Master's Findings of Fact, and

**WHEREAS** on February 12, 2004, the Commission entered its rulings on said objections and issued its Findings, Conclusions and Recommendations, requesting that the Texas Supreme Court appoint a Review Tribunal, that Judge Zepeda be removed from office, and that Judge Zepeda be prohibited from holding judicial office in the future, and

**WHEREAS** the parties to this Agreement are desirous of resolving these matters without the time and expense of further disciplinary proceedings.

**IT IS THEREFORE AGREED** that Judge Zepeda has resigned his judicial office as Justice of the Peace for Precinct 3, Place 2, in Pearland, Brazoria County, Texas, effective upon the date this Agreement is executed by all parties, in lieu of further disciplinary action by the Commission, pursuant to Section 33.032(h) of the Texas Government Code. The Commission agrees that it shall pursue no further disciplinary proceedings against Judge Zepeda in connection with the above-referenced matters.

**IT IS FURTHER AGREED** that, upon the Commission's approval of this Agreement, Judge Zepeda shall be disqualified in the future from: sitting or serving as a judge in the State of Texas; standing for election or appointment to judicial office in the State of Texas; or, performing or exercising any judicial duties or functions of a judicial officer in the State of Texas, including the performance of wedding ceremonies.

**IT IS FURTHER AGREED** that any violation of this Agreement by Judge Zepeda would constitute 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 in violation of Art. 5, §1-a(6)A of the Texas Constitution, and Section 33.001(b) of the Texas Government Code.

**IT IS FURTHER AGREED** that the Commission may enforce this Agreement through any legal process necessary, including injunctive relief; that Travis County, Texas, shall be the proper venue for any dispute between the parties or proceeding relating to this Agreement; and that Judge Zepeda, individually, shall bear the expense, cost, and any reasonable and necessary attorneys' fees in the event any dispute arising under this Agreement is decided against him by any court or tribunal.

**IT IS FURTHER AGREED** that Judge Zepeda, by his execution of this voluntary agreement, does not admit guilt, fault or liability regarding the matters contained in the Commission's Findings, Conclusions and Recommendations issued on February 12, 2004.

**AGREED TO AND ACCEPTED** upon its execution by the parties.

Matt H. Zepeda  
The Honorable Matt H. Zepeda

Tom Broussard  
Tom Broussard, Examiner  
State Commission on Judicial Conduct

Date: 2-23-04

Date: FEBRUARY 26, 2004

**AGREED AS TO FORM:**

Robert S. Bennett  
Robert S. Bennett  
Attorney for Judge Zepeda

Date: 2-23-04

**AGREED TO AND ACCEPTED** by the Commission as the final disposition of this matter.

Joseph B. Morris  
The Honorable Joseph B. Morris, Chair  
State Commission on Judicial Conduct

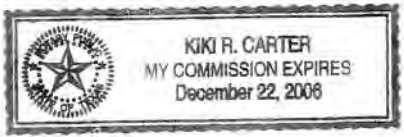
Date: March 1, 2004

**VERIFICATION**

State of Texas §  
County of Harris §  
§

**BEFORE ME**, the undersigned authority, on this day personally appeared MATT H. ZEPEDA, who by me being first duly sworn, on his oath deposed and said that the above "Voluntary Agreement to Resign from Judicial Office in Lieu of Disciplinary Action" is a true and correct recitation of the facts and accurately reflects his understanding of the terms and conditions of, and voluntary consent to enter into, such Agreement.

**SUBSCRIBED AND SWORN TO BEFORE ME**, on this the 23rd day of February, 2004.



Kiki R. Carter  
NOTARY PUBLIC, IN AND FOR THE  
STATE OF TEXAS