

**BEFORE THE STATE COMMISSION
ON JUDICIAL CONDUCT**

**IN RE: THE HONORABLE ROXANE E. MARTINEZ
FORMER MUNICIPAL JUDGE
HOUSTON, HARRIS COUNTY, TEXAS**

(CJC No. 04-0055-MU)

**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 September 11, 2003, the State Commission on Judicial Conduct (hereinafter the "Commission") initiated a complaint (CJC 04-0055-MU) based on several newspaper articles concerning allegations of personal misconduct by Judge Roxane E. Martinez, municipal judge for Houston, Harris County, Texas. The news stories contained allegations of theft and assault by Judge Martinez; and

WHEREAS no Findings of Fact or Conclusions of Law have been made in connection with the above-referenced matters; and

WHEREAS the parties agree that the allegations of misconduct, if found to be true, could result in judicial disciplinary action against Judge Martinez; and

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

WHEREAS Judge Martinez no longer serves as a municipal court judge for the City of Houston, Texas, or of any other Texas municipality.

IT IS THEREFORE AGREED that since Judge Martinez has not been reappointed to serve as a municipal court judge for the City of Houston, Texas, the Commission agrees that it shall pursue no further disciplinary proceedings against Judge Martinez in connection with the above-referenced matters.

IT IS FURTHER AGREED that, effective immediately upon the Commission's approval and execution of this Agreement, Judge Martinez shall be disqualified from future judicial service; sitting or serving as a judge in the State of Texas in the future; 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.

IT IS FURTHER AGREED that any violation of this Agreement by Judge Martinez 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. V, §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 Martinez, 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 her by any court or tribunal.

IT IS FURTHER AGREED that Judge Martinez, by her execution of this voluntary agreement, does not admit guilt, fault or liability to the allegations contained in the complaints set forth above.

AGREED TO AND ACCEPTED upon its execution by the parties.

Hon Roxane E. Martinez
JUDGE ROXANE E. MARTINEZ

Joseph B. Morris
HON. JOSEPH B. MORRIS, Chair
State Commission on Judicial Conduct

David R. Bires
DAVID R. BIRES
Attorney for Judge Roxane E. Martinez

Date: 6-23-04

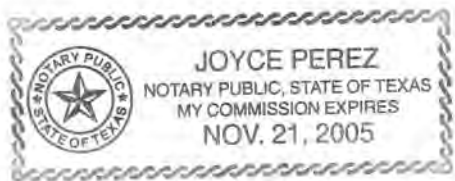
Date: 6-25-04

VERIFICATION

State of Texas §
 §
County of Harris §

BEFORE ME, the undersigned authority, on this day personally appeared ROXANE E. MARTINEZ, who by me being first duly sworn, on her 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 her understanding of the terms and conditions of, and voluntary consent to enter into, such Agreement.

SUBSCRIBED AND SWORN TO BEFORE ME, on this the 23 day of June, 2004.



Joyce Perez
NOTARY PUBLIC, IN AND FOR THE
STATE OF TEXAS