



**BEFORE THE STATE COMMISSION
ON JUDICIAL CONDUCT**

CJC No. 18-1145

PUBLIC WARNING

**HONORABLE RANDY GRAY
COMAL COUNTY COURT AT LAW NO. 1
NEW BRAUNFELS, COMAL COUNTY, TEXAS**

During its meeting on August 7-9, 2019, the State Commission on Judicial Conduct concluded a review of the allegations against the Honorable Randy Gray, Comal County Court at Law No. 1, New Braunfels, Comal County, Texas. Judge Gray was advised by letter of the Commission's concerns and provided a written response. Judge Gray appeared before the Commission on December 5, 2019 and gave testimony. After considering the evidence before it, the Commission entered the following Findings and Conclusion:

FINDINGS OF FACT

1. At all times relevant hereto, the Honorable Randy Gray was the Judge for the Comal County Court at Law #1 in New Braunfels, Comal County, Texas.
2. Stefanie Collins is an attorney who represented defendant Joshua Paul Singh on a Class B Misdemeanor Possession of Marijuana charge in Case No. 2017CR1581.
3. Mr. Singh appeared in court on February 26, 2018 to enter a guilty plea pursuant to a plea agreement with the prosecution.
4. In accordance with the court's policy in possession cases, Judge Gray advised Mr. Singh that if he pled guilty, he would be required to submit to a drug test urinalysis, and if he tested positive for any illicit substances, Mr. Singh would be incarcerated in the Comal County Jail for ten days as part of the plea agreement. Judge Gray offered Mr. Singh the opportunity to reset his case for 30 days, which Singh accepted.
5. After Mr. Singh decided to not accept the plea agreement offered by the prosecution, Ms. Collins appeared Judge Gray's court on March 26, 2018 and sought to have Mr. Singh's case moved to

the jury docket. Judge Gray's court coordinator, Judith Zamora, informed Ms. Collins that she would first need to confer with the Judge in his chambers.

6. While in chambers, Judge Gray exhibited a demeanor that caused Ms. Collins to believe he was angry at Mr. Singh "for changing his mind and deciding to exercise his constitutional right to a jury trial."
7. According to Ms. Collins, Judge Gray stated:

I will let your client withdraw his plea. However, no matter what happens, I am putting him in jail for 10 days for wasting the court's time. Unless he gets a not guilty, he should expect to go to jail for 10 days. If the jury gives him 30 days, I will give him forty. If he pleads, he's going in for at least 10 days as a condition.
8. Judge Gray instructed Ms. Zamora to set the case for jury trial, and to make a note that Mr. Singh was "going to get 'ten days in jail.'" The March 26, 2018 Case Reset Form reflects a handwritten notation marked with an asterisk that reads, "Plea withdrawn – 10 days jail if found guilty."
9. In his response to the Commission's inquiry, Judge Gray denied stating that Mr. Singh would serve ten days in jail as a condition of withdrawing his plea, or that he directed Ms. Zamora to make a notation regarding the same.
10. Judge Gray further denied having knowledge of who made the handwritten notation on the reset form but stated that "numerous persons" sign the forms, and suggested "it is possible that the notation was made by another party regarding another matter."
11. However, Ms. Zamora confirmed that it is her handwriting that appears on the reset form and that she made the notation at Judge Gray's direction.
12. At the request of the Commission, Judge Gray was asked to reconcile his version of events with that of Ms. Zamora's statements, but he failed to do so.
13. Subsequently, Judge Gray advised the Commission that Ms. Zamora's recollection of events had changed and that she was no longer certain he directed her to make the notation on the case reset.
14. Shortly thereafter, Ms. Zamora provided a written statement again confirming that the notation on the reset form is in her handwriting, but she now stated she was "not sure that [she] was supposed to write that or why [she] wrote it."
15. Judge Gray provided a supplemental written response acknowledging that he behaved improperly in his interactions with Ms. Collins on March 26, 2018, stating, "I admit that I did not act properly in this case. I threatened to put a defendant in jail for asking for a jury trial. This was wrong, and I am sorry. I have struggled over the past year over why I would act in such a manner, and have come to the conclusion that I was having a 'low blood sugar' episode caused by my Type 1 Diabetes. This is not an excuse, but rather, an explanation."
16. During his appearance, Judge Gray testified that he has no recollection of his interactions with Ms. Collins on March 26th, but that he has no reason to doubt the veracity of her allegations.
17. Rather, Judge Gray expressed his belief that his behavior and his subsequent memory loss were caused by his Diabetes, which he said was inadequately controlled at the time.
18. Judge Gray testified that he has since taken affirmative steps to ensure that his medical condition is adequately controlled at all times while he is performing his judicial duties.

19. Judge Gray also testified that after learning Ms. Zamora confirmed she made the notation on the case reset form and did so at his direction, he reverted to “defense attorney mode” and interrogated her about her recollection of the incident.
20. Judge Gray acknowledged that as a result of his communications with Ms. Zamora, she changed her response to the Commission.

RELEVANT STANDARDS

1. Canon 2A of the Texas Code of Judicial Conduct states, in relevant part, “A judge shall comply with the law...”
2. Canon 3B(2) of the Texas Code of Judicial Conduct in relevant part, “A judge shall maintain professional competence in it...”
3. Canon 3B(5) of the Texas Code of Judicial Conduct states: “A judge shall perform judicial duties without bias or prejudice.”
4. Article V, Section 1-a(6) of the Texas Constitution prohibits a judge from engaging in willful or persistent conduct that is clearly inconsistent with the proper performance of the judge’s duties.
5. Section 33.001(b)(5) of the Texas Government Code states, in relevant part, that, “For purposes of Section 1-a, Article V, Texas Constitution, ‘willful and persistent conduct that is clearly inconsistent with the proper performance of the judge’s duties’ includes...failure to cooperate with the Commission.”

CONCLUSION

Based upon the record before it and the factual findings recited above, the Texas State Commission on Judicial Conduct has determined that Judge Gray should be publicly warned for failing to comply with the law, failing to maintain competence in the law, and exhibiting bias by improperly attempting to impose a ten-day jail sentence on a defendant who failed to accept a plea agreement, in violation of Canons 2A, 3B(2) and 3B(5) of the Texas Code of Judicial Conduct. The Commission further concludes that Judge Gray interfered with the Commission’s investigation by attempting to influence a witness’s statement to the Commission, which constitutes willful conduct that is clearly inconsistent with the proper performance of a judge’s duties, in violation of Article V, Section 1-a(6) of the Texas Constitution.

Issued this the 7th day of February, 2020.



David C. Hall,
Chairman, State Commission on Judicial Conduct