



**BEFORE THE STATE COMMISSION
ON JUDICIAL CONDUCT**

CJC No. 10-0516-JP

PUBLIC WARNING

**HONORABLE CESAR PEREZ
JUSTICE OF THE PEACE, PRECINCT 2
EAGLE PASS, MAVERICK COUNTY, TEXAS**

During its meeting on February 16-17, 2011, the State Commission on Judicial Conduct concluded a review of allegations against the Honorable Cesar Perez, Justice of the Peace for Precinct 2 in Eagle Pass, Maverick County, Texas. Judge Perez was advised by letter of the Commission's concerns and provided written responses. 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 Cesar Perez was Justice of the Peace for Precinct 2 in Eagle Pass, Maverick County, Texas.
2. On or before January 25, 2010, a local citizen (hereinafter "I.H.") came to Judge Perez's courthouse and spoke with his court staff, requesting that Judge Perez issue a "protective order" against her ex-husband (hereinafter "R.H.").
3. I.H. provided Judge Perez's court staff with copies of several "incident" and "offense" reports involving situations in which I.H. had contacted the local sheriff's office reporting that R.H. had been verbally harassing her and her current boyfriend.
4. The incident and offense reports were dated from March 16, 2007 to November 2, 2009.
5. On January 25, 2010, Judge Perez's court staff, acting at Judge Perez's direction, prepared a summons directing R.H. to appear in court to "answer THE STATE OF TEXAS for an offense against the laws of said state, to-wit: Civil Matter of which offense [R.H.] is accused by the written complaint, under oath of [I.H.] filed before me."
6. The summons warned that R.H.'s failure to appear in court "will cause the court to immediately issue a WARRANT for the ARREST of the said accused."

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7. The summons did not contain a cause number, and did not reference any pending case in which R.H. had been charged with a criminal offense.
8. The court's file, as supplied by Judge Perez, did not contain any written complaint filed by I.H.
9. Judge Perez did not review the summons before it was issued, and instead allowed his court staff to use his signature stamp on the document in his absence.
10. After R.H. was served with the summons on January 29, 2010, he retained the services of an attorney, who contacted Judge Perez on his behalf.
11. According to R.H.'s attorney, Judge Perez informed him that he had issued the summons because he "just wanted to speak to [R.H]."
12. After R.H.'s attorney challenged his authority to issue the summons, Judge Perez acknowledged his mistake and did not require R.H. to appear in court.
13. In his written responses to the Commission's inquiry, Judge Perez stated that he directed his staff to issue the summons in order to "determine if a protective order was appropriate."
14. Judge Perez, however, did not cite to any authority that would allow him to issue a summons and/or a protective order under these circumstances.

RELEVANT STANDARD

1. Canon 2A of the Texas Code of Judicial Conduct states, in pertinent part: "A judge shall comply with the law."
2. Canon 3B(2) of the Texas Code of Judicial Conduct states, in pertinent part: "A judge . . . shall maintain professional competence in [the law]."

CONCLUSION

The Commission concludes based on the facts and evidence before it that Judge Perez failed to follow the law and demonstrated a lack of professional competence in the law when he issued a summons for a citizen to appear in his court when no case was pending against the citizen and no criminal charges had been filed against him. The citizen was threatened with arrest if he did not appear in court, and was forced to retain the services of an attorney in order to resolve the matter. The Commission concludes that Judge Perez's conduct as described herein constituted willful violations of Canons 2A and 3B(2) of the Texas Code of Judicial Conduct. In reaching its decision, the Commission also took into account Judge Perez's prior public disciplinary history as an aggravating factor.

In condemnation of the conduct described above that violated Canons 2A and 3B(2) of the Texas Code of Judicial Conduct, it is the Commission's decision to issue a **PUBLIC WARNING** to the Honorable Cesar Perez, Justice of the Peace for Precinct 2, in Eagle Pass, County, Texas.