



**BEFORE THE STATE COMMISSION
ON JUDICIAL CONDUCT**

CJC No. 17-1480

**PUBLIC REPRIMAND
AND
ORDER OF ADDITIONAL EDUCATION**

**HONORABLE SAMUEL BERRY
JUSTICE OF THE PEACE, PRECINCT 2 AND
CITY OF CAMERON MUNICIPAL COURT
CAMERON, MILAM COUNTY, TEXAS**

During its meeting on December 6-8, 2017, the State Commission on Judicial Conduct concluded a review of the allegations against the Honorable Samuel Berry, City of Cameron Municipal Court Judge and Justice of the Peace, Precinct 2, Milam County, Texas. Judge Berry was advised by letter of the Commission's concerns and provided a written response. Judge Berry appeared before the Commission on February 8, 2018, 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 Samuel Berry was the Municipal Court Judge for the City of Cameron, Milam County, Texas.
2. The Commission received a confidential complaint alleging that Judge Berry, while serving as the judge for the City of Cameron's Municipal Court, engaged in an intimate relationship with the City's prosecutor, Jenny Gebhart.
3. In his written responses to the Commission, Judge Berry acknowledged that he engaged in an intimate relationship with Ms. Gebhart while she was still employed by the City of Cameron as its prosecutor.

4. Judge Berry stated he began a relationship outside of the office with Ms. Gebhart in March of 2014, and that in May of 2014, Ms. Gebhart confirmed she was pregnant with his child.
5. In a written statement provided to the Commission, Ms. Gebhart indicated she does not recall the exact date on which she resigned her prosecutorial duties, but stated that the City of Cameron was last invoiced for her services in August of 2014.
6. Therefore, based on their own admissions, between the months of March and August of 2014, Judge Berry and Ms. Gebhart were involved in an intimate relationship while Ms. Gebhart served as the prosecutor in the Judge's court.
7. According to Ms. Gebhart, in her role as the prosecutor for the City of Cameron, she conducted pretrial hearings in the Municipal Court on January 22, February 19, April 23, May 21, June 18, and July 23, 2014. During these pretrial hearings, Ms. Gebhart negotiated plea agreements with many criminal defendants, who then entered guilty pleas with the court and paid the requisite fine. Judge Berry signed the judgments in many of these cases.
8. Had any of the defendants who entered a plea at one of these pretrial hearings requested a trial, Judge Berry would have presided over the proceeding. However, by all accounts, no trials were held in Judge Berry's court between March and August of 2014.
9. In his appearance before the Commission, Judge Berry acknowledged that people in his community were aware of his intimate relationship with Ms. Gebhardt while she was still serving as the prosecutor in his court.

RELEVANT STANDARD

Canon 3B(1) of the Texas Code of Judicial Conduct provides in relevant part that a judge "shall hear and decide matters assigned to the judge except those in which disqualification is required or recusal is appropriate."

CONCLUSION

The Commission concludes from the facts and evidence presented that Judge Berry violated Canon 3B(1) of the Texas Code of Judicial Conduct when, between the months of March and August of 2014, he failed to recuse himself from cases in which attorney Jenny Gebhart, with whom he was having an intimate relationship, participated on behalf of the City of Cameron.

In view of the conduct described above that violated Canon 3B(1) of the Texas Code of Judicial Conduct, it is the Commission's decision to issue a **PUBLIC REPRIMAND AND ORDER OF ADDITIONAL EDUCATION** to the Honorable Samuel Berry, Municipal Court Judge for the City of Cameron and Justice of the Peace, Precinct 2, Milam County, Texas.

Pursuant to this Order, Judge Berry must obtain **two (2) hours** of instruction with a mentor, in addition to his required judicial education for Fiscal Year 2018. In particular, the Commission desires that Judge Berry receive this additional education in the areas of appropriate judicial conduct, taking pleas, and recusal.

Pursuant to the authority contained in §33.036 of the Texas Government Code, the Commission authorizes the disclosure of certain information relating to this matter to the Texas Municipal Courts

Education Training Center to the extent necessary to enable that entity to assign the appropriate mentor for Judge Berry.

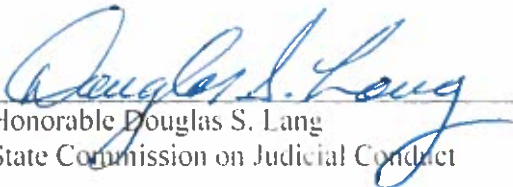
Judge Berry shall complete the additional **two (2) hours** of instruction recited above within **60 days** from the date of written notification from the Commission of the assignment of a mentor. Upon receiving such notice, it is Judge Berry's responsibility to contact the assigned mentor and schedule the additional education.

Upon the completion of the **two (2) hours** of instruction described herein, Judge Berry shall sign and return the Respondent Judge Survey indicating compliance with this Order. Failure to complete, or report the completion of, the required additional education in a timely manner may result in further Commission action.

Pursuant to the authority contained in Article V, §1-a (8) of the Texas Constitution, it is ordered that the actions described above be made the subject of a **PUBLIC REPRIMAND AND ORDER OF ADDITIONAL EDUCATION**.

The Commission has taken this action with the intent of assisting Judge Berry in his continued judicial service, as well as in a continuing effort to protect public confidence in the judicial system and to assist the state's judiciary in its efforts to embody the principles and values set forth in the Texas Constitution and the Texas Code of Judicial Conduct.

Issued this the 21st day of February, 2018.



Honorable Douglas S. Lang
State Commission on Judicial Conduct