



**BEFORE THE STATE COMMISSION
ON JUDICIAL CONDUCT**

CJC No. 17-1239-DI

PUBLIC REPRIMAND

**HONORABLE GUY WILLIAMS
148TH DISTRICT COURT
CORPUS CHRISTI, NUECES COUNTY, TEXAS**

During its meeting on December 7, 2018, the State Commission on Judicial Conduct concluded a review of the allegations against the Honorable Guy Williams, 148th District Court, in Corpus Christi, Nueces County, Texas. Judge Williams was advised by letter of the Commission's concerns and provided a written response. On December 7, 2018, Judge Williams appeared through counsel. 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 Guy Williams was Judge of the 148th District Court, in Corpus Christi, Nueces County, Texas.
2. Judge Williams presided over two family law cases involving a common parent and ex-husband, Guadalupe Martinez, Jr. ("Martinez"), styled *In the Matter of the Marriage of Melissa Ann Martinez and Guadalupe Martinez, Jr.* (Cause No. 2015-FAM-1270-E) and *In the Matter of the Marriage of Guadalupe Martinez, Jr. and Iris Yvonne Martinez* (Cause No. 08-04460-00-0-E).
3. Martinez fathered children with Melissa Ann Martinez ("Melissa") and Iris Yvonne Martinez ("Iris") during their respective marriages.
4. On July 28, 2016, Melissa filed a Motion for Enforcement of Child Support for Martinez's alleged failure to pay child support.
5. The parties set a single hearing for both cases on July 26, 2017, to consider Melissa's Motion for Enforcement as well as her claim that Martinez had failed to

complete anger management classes and a batterer's intervention program. Additionally, Melissa alleged that Martinez did not participate in supervised visitation of their child.

6. As of the hearing on July 26, 2017, Melissa and Iris were the primary caregivers for their respective children.
7. At the hearing on July 26, 2017, Judge Williams spent time in chambers with the parties and their counsel off the record.
8. After speaking with the parties off the record in chambers, Judge Williams returned to the bench and announced his ruling. He ordered the children be removed from Melissa and Iris. According to the transcript, the judge stated, "The children are to be removed from the mothers and given to the biological father. Mothers are to have visitation every Saturday for one hour at QL&L.¹ No phone calls with the children during father's visitation."
9. The judge also told the mothers that they "have incurred the wrath of this Court and the extreme displeasure of this Court by not following this Court's orders."
10. Judge Williams added, "If I find out there's any more parental alienation between you two, then these orders will remain in effect and you will be paying child support."
11. When Jerry Guerra, the attorney for the petitioners, tried to object, Judge Williams interrupted him, stating "those are my sanctions and those are my orders."
12. At the time Judge Williams ordered providing Martinez with custody of his children, there was no pending motion requesting that the respective children be removed from Melissa's or Iris' custody, or for sanctions.
13. Judge Williams vacated his temporary order the next day.
14. In his response to the Commission's Letter of Inquiry, Judge Williams stated Martinez was "in substantial compliance" with the court's temporary orders "given his economic and disability circumstances."
15. Judge Williams also stated "it was clear the mothers intentionally violated the Court's orders and withheld the children from the complainant for over two and a half years and alienating the father."
16. Regarding his decision to remove the children from their primary parent *sua sponte* without a hearing, Judge Williams responded that he had authority under the Family Code because he found the "present circumstances significantly impair[ed] the child's health or emotional development."
17. The judge denied prohibiting anyone from speaking at the hearing. He commented that "everyone had their chance to speak."

¹ QL&L is a supervised child exchange service.

RELEVANT STANDARDS

1. Canon 2A of the Texas Code of Judicial Conduct states: “A judge shall comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.”
2. Canon 3B(2) of the Texas Code of Judicial Conduct states: “A judge should be faithful to the law and shall maintain professional competence in it.”
3. Canon 3B(4) of the Texas Code of Judicial Conduct states, in relevant part: “A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers and others with whom the judge deals in an official capacity.”
4. Canon 3B(8) of the Texas Code of Judicial Conduct states, in relevant part: “A judge shall accord to every person who has a legal interest in a proceeding, or that person’s lawyer, the right to be heard according to law.”
5. Article V, §1-a(6)A of the Texas Constitution provides that a judge may be disciplined for “willful or persistent violation of rules promulgated by the Supreme Court of Texas, incompetence in performing the duties of the office, willful violation of the Code of Judicial Conduct, or 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.”
6. Section 105.001(c) of the Texas Family Code generally prevents a court from entering an order excluding a parent from access to his or her children absent a verified pleading or affidavit in accordance with the Texas Rules of Civil Procedure.

CONCLUSION

After considering the facts and evidence before it, the Commission concludes that during the hearing on July 26, 2017, Judge Williams: failed to be dignified and courteous to Melissa and Iris in making his rulings and by his statements; denied Melissa and her attorney the right to be heard; and failed to follow the law when he issued orders affecting the custodial rights of Melissa and Iris regarding their children in the absence of a verified pleading or affidavit in accordance with the Texas Rules of Civil Procedure.

In addition, Judge Williams’ conduct toward Melissa and Iris during the hearing on July 26, 2017, cast public discredit upon the judiciary or administration of justice, and was clearly inconsistent with the proper performance of his duties, in violation of Article V, §1-a(6)A of the Texas Constitution.

In condemnation of the conduct violative of Canons 2A, 3B(2), 3B(4), and 3B(8) of the Texas Code of Judicial Conduct and the Texas Constitution recited above, it is the Commission’s decision to issue a **PUBLIC REPRIMAND** to Guy Williams, 148th District Court Judge, Corpus Christi, Nueces County, Texas. 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** by the Commission.

The Commission has taken this action with the intent of assisting Judge Williams 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 14th day of December, 2018.


Justice Douglas S. Lang, Chair
State Commission on Judicial Conduct