



**BEFORE THE STATE COMMISSION
ON JUDICIAL CONDUCT**

CJC No. 19-0342

PUBLIC ADMONITION

**HONORABLE JOSE “JOEY” CONTRERAS
FORMER JUDGE OF THE 187TH CRIMINAL DISTRICT COURT¹
SAN ANTONIO, BEXAR COUNTY, TEXAS**

During its meeting on December 4-5, 2019, the State Commission on Judicial Conduct concluded a review of the allegations against the Honorable Jose “Joey” Contreras, Former Judge of the 187th Criminal District Court, San Antonio, Bexar County, Texas. Judge Contreras was advised by letter of the Commission’s concerns and provided a written response. Judge Contreras appeared before the Commission on August 5, 2020 and gave testimony.

BACKGROUND

On October 23, 2018, Judge Contreras presided over a murder trial in Case No. 2016-CR6802, *State of Texas v. Jesse David Vasquez, III* (the “Vasquez Case”). On the Friday preceding the trial, Judge Contreras was approached by counsels for the defendant, Jessica Gonzalez and Amy Owen, who informed the judge their client had allegedly received an anonymous letter that indicated his attorneys were unqualified to handle the case and he should replace them. The anonymous letter received by the defendant had been typewritten, but the address on the envelope in which the letter was sent was handwritten. Both Ms. Gonzalez and Ms. Owen indicated to Judge Contreras they were certain the handwriting on the envelope belonged to attorney Veronica Legarreta (“Legarreta”), as they were each well-acquainted with her and familiar with her handwriting.

In his written responses and his testimony before the Commission, Judge Contreras confirmed that the morning of October 23, 2018, he asked his court coordinator to summon Legarreta to appear that day in his court. The judge further instructed his court coordinator not to tell Legarreta the purpose for her requested appearance. While Judge Contreras initially attempted

¹ Judge Contreras was appointed to an unexpired term by Gov. Abbott on October 24, 2017. He lost in the Republican primary during the 2018 election and left the bench on December 31, 2018.

to summon Legarreta to appear late in the afternoon, she was unable to attend that late in the day, so he requested she appear around lunchtime.

After a full morning of trial, Judge Contreras called a recess for lunch and excused the jury, though there were still several persons in the courtroom. He then called Legarreta to the bench and explained to her the existence of the letter, and that the handwriting on the envelope had been identified as hers. In response to several questions from the judge, Legarreta repeatedly denied having written the letter. Judge Contreras again informed Legarreta that someone who professed knowledge of her writing had identified it as hers, and when Legarreta inquired as to whom, the judge acknowledged her denials and indicated he was putting her on warning regarding the matter. Judge Contreras then excused Legarreta.

In her complaint to the Commission, Ms. Legarreta stated she felt “embarrassed, blindsided, attacked and helpless,” regarding her appearance before Judge Contreras on October 23, 2018. In his testimony before the Commission, Judge Contreras stated Legarreta did not seem embarrassed when she appeared before him, rather she seemed angry and defiant, and was disrespectful to the court.

On October 29, 2018, after the conclusion of the sentencing portion of the Vasquez Case, Judge Contreras convened a second proceeding regarding the anonymous letter, with Ms. Gonzalez and Ms. Owen present, along with a court reporter. Legarreta was not present for the October 29th proceeding, and had not been given notice of that proceeding. During the October 29th proceeding Judge Contreras took sworn testimony from both Ms. Gonzalez and Ms. Owen, and admitted various exhibits offered by Ms. Gonzalez and Ms. Owen as part of the record. After listening to the testimony of Ms. Owen, and reviewing the exhibits admitted, Judge Contreras concluded that Legarreta had authored the letter.

Judge Contreras testified that his sole intent regarding both the October 23rd and the October 29th proceedings was to carry out his “duty” with respect to the allegations regarding Legarreta and he further explained he did not believe Legarreta’s presence was necessary at the October 29th proceeding as he was simply carrying out his administrative duties.

After considering the evidence before it, the Commission enters the following Findings and Conclusion:

FINDINGS OF FACT

1. At all times relevant hereto, the Honorable Jose “Joey” Contreras, was Judge of the 187th Criminal District Court, San Antonio, Bexar County, Texas.
2. On October 23, 2018 Judge Contreras summoned Ms. Legarreta to appear before him regarding Ms. Gonzalez and Ms. Owens’ allegations; the judge did not inform Legarreta beforehand as to the reason for her appearance, nor did he issue an order requiring her attendance.
3. On October 29, 2018 Judge Contreras convened a 2nd proceeding regarding Ms. Gonzalez and Ms. Owens’ allegations, but did not accord Legarreta notice or an opportunity to be heard regarding such proceeding.
4. Judge Contreras held the proceedings on October 23 & 29, 2018 for the purpose of investigating Ms. Gonzalez and Ms. Owens’ allegations against Ms. Legarreta.

RELEVANT STANDARDS

1. 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..."
2. 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."

CONCLUSION

Based upon the record before it and the factual findings recited above, the State Commission on Judicial Conduct has determined that the Honorable Jose "Joey" Contreras, Former Judge of the 187th Criminal District Court in San Antonio, Bexar County, Texas, should be publicly admonished for his actions in connection with the October 23rd and 29th, 2018 proceedings, including; (i) going beyond the scope of his judicial role and undertaking an independent investigation regarding Ms. Gonzalez and Ms. Owens' allegations against Ms. Legarreta; (ii) summoning Ms. Legarreta to court without notice of the reason for his summons on October 23, 2018, and questioning her in open court regarding the allegations; and, (iii) holding a 2nd proceeding on the matter on October 29, 2018, without providing Ms. Legarreta notice and an opportunity to be heard regarding same. In so doing, Judge Contreras failed to treat Ms. Legarreta with the patience, dignity and courtesy required of the judge for those with whom he deals in an official capacity, and failed to accord Ms. Legarreta the right to be heard according to law with respect to those proceedings, in violation of Canons 3B(4) and 3B(8) of the Texas Code of Judicial Conduct.

The Commission has taken this action pursuant to the authority conferred it in Article V, §1-a of the Texas Constitution in a continuing effort to promote confidence in and high standards for the judiciary.

Issued this the 8th day of September, 2020.



David Hall
Chairman, State Commission on Judicial Conduct