



**BEFORE THE STATE COMMISSION
ON JUDICIAL CONDUCT**

CJC No. 20-1561

PUBLIC ADMONITION

**HONORABLE ROBERT D. BURNS, III
CHIEF JUSTICE, 5TH COURT OF APPEALS¹
DALLAS, DALLAS COUNTY, TEXAS**

During its meeting on August 11-13, 2021, the State Commission on Judicial Conduct concluded a review of the allegations against the Honorable Robert D. Burns, III, Chief Justice, 5th Court of Appeals, Dallas, Dallas County, Texas. Judge Burns was advised by letter of the Commission's concerns and provided written responses. Judge Burns appeared before the Commission on August 12, 2021, and gave testimony.

After considering the evidence before it, the Commission enters the following findings and conclusions:

FINDINGS OF FACT

1. At all times relevant hereto, the Honorable Robert D. Burns, III, was the judge of Dallas County Criminal District Court No. 1, Dallas, Dallas County, Texas.
2. Judge Burns presided over a criminal case styled, *State of Texas v. Charles Wayne Phifer* (the "Phifer Case") in 2018. The case involved allegations that Defendant, Charles Wayne Phifer ("Phifer"), had caused the death of 4-year-old girl, Leiliana Wright ("Leiliana"), through the torture/beatings of Leiliana in March 2016.
3. Judge Burns presided over the jury trial in the Phifer Case from October 8, 2018, through October 15, 2018.

¹ The instant complaint relates to an underlying criminal case before Judge Burns while he was the presiding judge of Dallas County Criminal District Court No. 1. Now-Chief Justice Burns was elected to the position of Chief Justice of the Dallas Court of Appeals in November 2018, taking that bench on January 1, 2019.

4. On October 15, 2018, the jury in the Phifer Case returned a Guilty verdict, finding Phifer guilty of capital murder in Leiliana's death.
5. Pursuant to Tex. Pen. Code §12.31(a)(2), Phifer was subject to a mandatory sentence of life imprisonment, without the possibility of parole.
6. After the jury returned its guilty verdict, and while the jury was still in the courtroom, Judge Burns made the following comments:

"Mr. Phifer, in 28 years practicing criminal law and handling hundreds of murder cases, I thought I'd seen it all, and I've seen some pretty bad stuff. I think this is the worst case that I've ever seen. What you did was unfathomable, inhuman, and savage. You and Jeri did monstrous things to that little girl. Life in prison seems insufficient. Hanging a little girl in a closet is savage. You should die in a locked closet just - - if TDC had one, but they don't have one for you, unfortunately. Life in prison doesn't seem like enough for you, but nonetheless, that's the punishment you're getting."
7. Judge Burns then sentenced Mr. Phifer to life imprisonment without the possibility of parole.

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. Article V, Section 1-a(6) of the Texas Constitution prohibits a judge from engaging in willful or persistent conduct that casts public discredit upon the judiciary.

CONCLUSION

Based on the record before it and the factual findings recited above, the Texas State Commission on Judicial Conduct has determined that the Honorable Robert D. Burns, III, Chief Justice, 5th Court of Appeals, Dallas, Dallas County, Texas, should be publicly admonished for his undignified and discourteous comment during the pendency of the Phifer Case that the criminal defendant should die. Judge Burns failed to treat Mr. Phifer, with the patience, dignity and courtesy required of the judge for those with whom he deals in an official capacity, and his willful or persistent conduct cast public discredit upon the judiciary and the administration of justice in violation of Article V, Section 1-a(6) of the Texas Constitution.

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 protect the public and promote public confidence in the judicial system.

Issued this the 19th day of August, 2021.



David Hall
Chairman, State Commission on Judicial Conduct