



**BEFORE THE  
STATE COMMISSION ON JUDICIAL CONDUCT**

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**CJC No. 10-1018-JP**

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**PUBLIC ADMONITION**

**HONORABLE JEFF COX  
JUSTICE OF THE PEACE, PRECINCT 1  
HEMPHILL, SABINE COUNTY, TEXAS**

During its meeting on August 18, 2011, the State Commission on Judicial Conduct concluded a review of the allegations against the Honorable Jeff Cox, Justice of the Peace, Precinct 1, Hemphill, Sabine County, Texas. Judge Cox was advised by letter of the Commission's concerns and provided a written response. After considering the evidence before it, the Commission entered the following Findings and Conclusions.

## FINDINGS OF FACT

1. At all times relevant hereto, the Honorable Jeff Cox was Justice of the Peace for Precinct 1 in Hemphill, Sabine County, Texas.
2. On November 24, 2009, Texas Park and Wildlife Game Warden Randy Button (“Button”) cited Nathan Ener (“Ener”) for failing to complete the harvest log on the back of his hunting license after killing a buck white-tail deer.
3. On November 25, 2009, Judge Cox and Button met outside the judge’s house to discuss the Ener citation.
4. Without the judge’s knowledge, Button recorded their conversation using his truck’s dash cam and a lapel microphone.
5. Based on the recording provided to the Commission, the following discussion occurred outside the judge’s home:
  - a Judge Cox and Button exchanged pleasantries and discussed Button’s struggles with a local automobile dealer;
  - b Judge Cox then initiated a conversation about the citation by asking Button to “tell me about your deal with Ener;”
  - c After Button discussed the circumstances leading to the issuance of the citation, Judge Cox informed Button that he was going to dismiss the citation to avoid a potential official oppression lawsuit from being filed against Button and other county officials by Ener;
  - d Judge Cox went on to explain that Ener and others wanted to “stir up stuff” about the Sheriff, and that the citation issued by Button “will open up a shit storm.”
  - e Judge Cox informed Button that he had learned of Ener’s plans through private conversations with Ener;
  - f Judge Cox advised Button that the dismissal would prevent Ener from “muddy[ing] your [Button’s] name for bullshit;” and
  - g Judge Cox told Button, “a \$160 ticket ain’t worth that.”
6. On or about December 8, 2009, Ener appeared in Judge Cox’s court, entered a plea of not guilty, and requested a bench trial. Thereafter, Ener filed motions to obtain discovery from the State, as well as a motion to dismiss.
7. On March 4, 2010, Judge Cox granted Ener’s motion and dismissed the case against Ener with prejudice. There is no evidence that the prosecutor was involved in this process.
8. In his written responses to the Commission’s inquiry, Judge Cox acknowledged having the conversation with Button about the Ener citation, stating that, “I was off work and thought I was visiting with a friend.” Judge Cox added that he did not know he was being recorded by Button and did not believe he was performing any official duties at the time.

9. Judge Cox explained that he told Button the citation had no merit and would only serve as a catalyst for Ener to make trouble for the county.
10. Judge Cox admitted that he unilaterally dismissed the citation against Ener, and that the prosecutor played no part in the process.
11. Judge Cox stated that his decision was based on his belief that “justice would be served” by dismissing the citation.
12. The November 25, 2009 meeting and conversation between Judge Cox and Button gained local media attention.

### **RELEVANT STANDARDS**

1. Canon 2A of the Texas Code of Judicial Conduct states, in pertinent part: “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, in pertinent part: “A judge shall not be swayed by partisan interests, public clamor, or fear of criticism.”
3. Canon 6C(2) of the Texas Code of Judicial Conduct states, in pertinent part, that a judge, “except as authorized by law, shall not directly or indirectly initiate, permit, nor consider *ex parte* or other communications concerning the merits of a pending judicial proceeding.”
4. Article V, §1-a(6)A of the Texas Constitution states in pertinent part that a judge may be disciplined for “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.”

### **CONCLUSION**

The Commission concludes from the facts and evidence presented that Judge Cox failed to comply with the law by unilaterally dismissing a criminal case without the consent of the State and was swayed to dismiss the criminal case based on improper *ex parte* communications with the defendant and the fear of a potential lawsuit. This conduct was clearly inconsistent with the proper performance of the judge’s duties and cast public discredit upon the judiciary and the administration of justice, in violation of Article V, §1-a(6)A of the Texas Constitution. The Commission concludes that Judge Cox’s conduct, as described herein, constituted willful or persistent violations of Canons 2A, 3B(2) and 6C(2) of the Texas Code of Judicial Conduct and Article V, §1-a(6)A of the Texas Constitution.

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In condemnation of the conduct described above that violated Canons 2A, 3B(2) and 6C(2) of the Texas Code of Judicial Conduct, and Article V, §1-a(6)A of the Texas Constitution, it is the Commission’s decision to issue a **PUBLIC ADMONITION** to the Honorable Jeff Cox, Justice of the Peace, Precinct 1, Hemphill, Sabine 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 ADMONITION** by the Commission.

The Commission has taken this action 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 8th day of September, 2011.

**ORIGINAL SIGNED BY**

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Honorable Jorge C. Rangel, Chair  
State Commission on Judicial Conduct

