



**BEFORE THE STATE COMMISSION
ON JUDICIAL CONDUCT**

CJC No. 11-0105-JP

PUBLIC REPRIMAND

**HONORABLE BENNIE OCHOA
JUSTICE OF THE PEACE, PRECINCT 1, PLACE 1
PORT ISABEL, CAMERON COUNTY, TEXAS**

During its meeting on February 16-17, 2011, the State Commission on Judicial Conduct concluded a review of allegations against the Honorable Bennie Ochoa, Justice of the Peace for Precinct 1, Place 1, Port Isabel, Cameron County, Texas. Judge Ochoa was advised by letter of the Commission's concerns and provided written responses. 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 Bennie Ochoa was Justice of the Peace for Precinct 1, Place 1, in Port Isabel, Cameron County, Texas.
2. On or about September 3, 2010, Judge Ochoa wrote a letter of support on behalf of Adrian Zuniga-Hernandez ("Zuniga"), a defendant in a criminal case pending before the United States District Court for the Southern District of Texas.
3. The letter in question was written on official court letterhead, addressed to "To Whom it May Concern," and signed by the judge in his official capacity as Justice of the Peace.
4. In his sworn written response to the Commission's inquiry, Judge Ochoa stated that he has known Zuniga for "some years," as Zuniga has been a member of the Laguna Madre community where the judge has lived for the past 14 years.
5. The judge further explained that the intent of the letter was to assist Zuniga, who was facing immigration deportation proceedings.
6. Judge Ochoa testified that he assumed the letter, which had been requested by Zuniga's spouse, was being submitted to United States Immigration authorities. He claimed that he was unaware that the letter would be submitted to the United States District Court.

Updated August 24, 2011

RELEVANT STANDARD

Canon 2B of the Texas Code of Judicial Conduct states, in pertinent part: “A judge shall not allow any relationship to influence judicial conduct or judgment. A judge shall not lend the prestige of judicial office to advance the private interests of the judge or others.”

CONCLUSION

The Commission concludes based on the facts and evidence before it that by writing a letter of support on behalf of Zuniga, Judge Ochoa was improperly lending the prestige of his judicial office to advance the private interests of Zuniga and his family. The Commission concludes that Judge Ochoa’s conduct constituted willful violation of Canon 2B of the Texas Code of Judicial Conduct. In reaching this decision, the Commission took into account Judge Ochoa’s prior public disciplinary history as an aggravating factor.

In condemnation of the conduct described above that violated Canon 2B of the Texas Code of Judicial Conduct, it is the Commission’s decision to issue a **PUBLIC REPRIMAND** to the Honorable Bennie Ochoa, Justice of the Peace for Precinct 1, Place 1, Port Isabel, Cameron 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 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 **31st** day of **March**, 2011.

ORIGINAL SIGNED BY

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