



**BEFORE THE STATE COMMISSION
ON JUDICIAL CONDUCT**

CJC No. 11-0047-JP

**PUBLIC REPRIMAND
AND
ORDER OF ADDITIONAL EDUCATION**

**HONORABLE GEORGE HENRY BOYETT
JUSTICE OF THE PEACE, PRECINCT 3
COLLEGE STATION, BRAZOS COUNTY, TEXAS**

During its meeting on June 15-17, 2011, the State Commission on Judicial Conduct concluded a review of allegations against the Honorable George Henry Boyett, Justice of the Peace for Precinct 3, College Station, Brazos County, Texas. Judge Boyett 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

7. At all times relevant hereto, the Honorable George Henry Boyett was Justice of the Peace for Precinct 3, College Station, Brazos County, Texas.
8. On or about September 11, 2010, several fraternities gathered on the Texas A&M University campus, located in College Station, Texas, to participate in a recruitment event known as "Bid Day" or "Bid House."
9. At some point, individuals from two fraternities became involved in a minor altercation. During the altercation, someone took a class ring belonging to Brian Pownall, a student at Texas A&M University, and threw it into the grass.
10. Shortly thereafter, an officer with the Texas A&M University Police Department detained Thomas Andrew Slauter (hereinafter "Slauter") while the incident was being investigated by other officers.

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11. Despite repeated denials of any involvement in the incident, Slauter was arrested for Theft from a Person, a State Jail Felony offense, and transported to the Brazos County jail.
12. On or about September 12, 2010, Slauter was magistrates *via* teleconference by Judge Boyett.
13. After advising all of the defendants present for magistration of their constitutional rights, Judge Boyett called Slauter's name indicating that it was his turn to be magistrates.
14. Judge Boyett first asked Slauter where he was from, to which Slauter responded, "Sugarland, Texas."
15. Judge Boyett then asked Slauter if he was a student at Texas A&M University.
16. When Slauter responded that he was a student at nearby Blinn College, Judge Boyett made the following observation: "You might want to think about going somewhere else considering the nature of your criminal activity."
17. Judge Boyett then asked Slauter if he knew what an "Aggie" ring was, to which Slauter responded that he did not.
18. At this point in the proceedings, Judge Boyett held up his right hand and said, "See this on my hand?" indicating to Slauter that the judge was wearing an "Aggie" ring.
19. Judge Boyett made no other statements to Slauter about the case, other than to advise Slauter of the charge filed against him and set his bond at \$50,000.
20. According to the Brazos County bond schedule in effect at the time of Slauter's arrest, the "threshold" bond amount for a state jail felony is \$5,000.
21. In his written response to the Commission's inquiry, Judge Boyett explained that he advised Slauter that he might want to consider attending another school out of concern that Slauter "would be a target remaining in this area."
22. Judge Boyett further explained that he displayed his own "Aggie" ring because he felt that Slauter was entitled to know that he wore one.
23. Judge Boyett stated that he had considered recusing himself from the matter, but then concluded that he could go forward if he disclosed that he wore an "Aggie" ring.
24. Judge Boyett went on to explain that the Aggie ring "is a manifestation of one of the highest traditions in the community...[i]t is an outward, visible symbol of the wearer's commitment to the school."
25. Judge Boyett also stated that he was able to conclude a statement in the probable cause affidavit that "some sort of assault had occurred although not charged," which warranted enhancing the bond to \$50,000.
26. A copy of the audio/video recording of Judge Boyett's September 12, 2010 magistration of Slauter was provided to the Commission.
27. On or about September 15, 2010, the theft charge against Slauter was dropped after another individual confessed to throwing the ring into the field.
28. The incident became the subject of local media attention critical of the judge's actions in the case.

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(5) of the Texas Code of Judicial Conduct states, in pertinent part: “A judge shall perform judicial duties without bias or prejudice.”
3. Article V, §1-a(6)A of the Texas Constitution states that a judge may be disciplined for willful or persistent conduct that casts public discredit upon the judiciary or administration of justice.

CONCLUSION

1. The Commission concludes based on the facts and evidence before it that Judge Boyett willfully violated Canons 3B(4) and 3B(5) of the Texas Code of Judicial Conduct, as well as Article V, §1-a(6)A of the Texas Constitution, when, during the magistration of Slauter for the alleged theft of Pownell’s Aggie ring, the judge (a) displayed his own Aggie ring, (b) advised Slauter that he should consider attending another school outside of College Station, and then (c) relied on information not contained or charged in the probable cause affidavit to enhance the standard bond for a state jail felony to \$50,000. By these actions and statements, Judge Boyett acted in an impatient, undignified, and discourteous manner toward a defendant and abandoned his role as a neutral, detached and impartial magistrate. Instead, the judge indicated a strong bias in favor of the victim while also suggesting that he believed the defendant had in fact engaged in criminal activity. In reaching this decision, the Commission took into account Judge Boyett’s prior public disciplinary history as an aggravating factor.

In condemnation of the conduct described above that violated Canons 3B(4) and 3B(5) 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 REPRIMAND AND ORDER OF ADDITIONAL EDUCATION** to the Honorable George Henry Boyett, Justice of the Peace for Precinct 3, College Station, Brazos County, Texas.

Pursuant to this Order, Judge Boyett must obtain **ten (10) hours** of instruction with a mentor, in addition to his required judicial education. In particular, the Commission desires that Judge Boyett receive this additional education in the area of proper judicial demeanor.

Judge Boyett shall complete the additional **ten (10) hours** of instruction recited above within **sixty (60) days** from the date of written notification of the assignment of a mentor. It is Judge Boyett’s responsibility to contact the assigned mentor and schedule the additional education.

Upon the completion of the **ten (10) hours** of instruction described herein, Judge Boyett shall sign and return the Respondent Judge Survey indicating compliance with this Order.

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Failure to complete, or report the completion of, the required additional education in a timely manner may result in further Commission action.

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 AND ORDER OF ADDITIONAL EDUCATION** 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 **11th** day of **July**, 2011.

ORIGINAL SIGNED BY

State Commission on Judicial Conduct