



**BEFORE THE  
STATE COMMISSION ON JUDICIAL CONDUCT**

---

**CJC No. 06-0064-JP**

---

**PUBLIC WARNING  
AND  
ORDER OF ADDITIONAL EDUCATION**

**HONORABLE LEONARDO SANTOYA  
JUSTICE OF THE PEACE, PRECINCT 1  
EAGLE PASS, MAVERICK COUNTY, TEXAS**

During its meeting on August 31, 2006, the State Commission on Judicial Conduct concluded a review of allegations against the Honorable Leonardo Santoya, Justice of the Peace, Precinct 1, Eagle Pass, Maverick County, Texas. Judge Santoya 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 Leonardo Santoya was Justice of the Peace, for Precinct 1, in Eagle Pass, Maverick County, Texas.
2. On or about August 8, 2005, two criminal complaints were filed against Ms. Margarita Torres for disorderly conduct stemming from an incident that allegedly took place on July 18, 2005, in the office of the Justice of the Peace for Precinct 3.
3. On or about August 24, 2005, Ms. Torres was cited by the Maverick County Sheriff's Department for disorderly conduct, and ordered to appear before Judge Santoya on September 1, 2005. It is unclear from a review of the court's records

if the August 24, 2005, citations related to the July 18 incident or were new offenses.

4. According to Judge Santoya's written responses to the Commission's inquiry, on September 1, 2005, the judge held a "pre-trial hearing to ascertain what the issues were" in the case. The matter was reset to September 6, 2005, "by agreement of the parties . . . in order to continue with discovery and to locate the witnesses."
5. On September 6, 2005, a trial was held in the matter and, according to Judge Santoya, "all interested parties were present" and afforded "an opportunity to speak" and "present their case."
6. Following the trial, Judge Santoya found Ms. Torres guilty and assessed a \$200 fine for each count of disorderly conduct.
7. At no time prior to the commencement of the proceedings did Judge Santoya advise Ms. Torres of her constitutional rights, including her right to counsel, her right to remain silent, and her right to a jury trial.
8. At no time prior to the commencement of the proceedings did Ms. Torres enter a plea to the charges against her.
9. At no time during the proceedings did a prosecutor appear before Judge Santoya to present the State's case against Ms. Torres.
10. Based on a review of the court's file regarding the Torres matter, it appears that Judge Santoya failed to enter or issue a written order of conviction or judgment against Ms. Torres.

### **RELEVANT STANDARDS**

1. Canon 2A of the Texas Code of Judicial Conduct states, in pertinent part: "A judge shall comply with the law. . ."
2. Canon 3B(2) of the Texas Code of Judicial Conduct states, in pertinent part, "A judge shall maintain professional competence in [the law]."

### **CONCLUSION**

The Commission concludes based on the facts and evidence before it that Judge Santoya failed to comply with the law and demonstrated a lack of professional competence in the law by proceeding to trial in a criminal case in the absence of a prosecutor, by finding the defendant guilty when no *prima facie* proof was presented to the court by a prosecutor, by failing to advise the defendant of her basic constitutional rights, and by failing to reduce the judgment of conviction to writing. The Commission further concludes that the judge demonstrated a lack of understanding of the differences between civil and criminal proceedings. Judge Santoya's actions in this matter constituted willful violations of Canons 2A and 3B(2) of the Texas Code of Judicial Conduct.

\*\*\*\*\*

In condemnation of the conduct described above that violated Canons 2A and 3B(2) of the Texas Code of Judicial Conduct, it is the Commission's decision to issue a **PUBLIC WARNING AND ORDER OF ADDITIONAL EDUCATION** to the Honorable Leonardo Santoya, Justice of the Peace, Precinct 1, Eagle Pass, Maverick County, Texas.

Pursuant to this Order, Judge Santoya must obtain **four (4) hours** of instruction with a mentor in addition to his required judicial education. In particular, the Commission desires that Judge Santoya receive this additional education in the area of criminal procedure, with particular attention given to Articles 45.101(a), 45.031 and 45.032 of the Texas Code of Criminal Procedure.

Judge Santoya shall complete the additional **four (4) hours** of instruction recited above within **sixty (60) days** from the date of written notification of the assignment of a mentor. It is Judge Santoya's responsibility to contact the assigned mentor and schedule the additional education.

Upon the completion of the **four (4) hours** of instruction described herein, Judge Santoya shall sign and return the Respondent Judge Survey indicating compliance with this Order. 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 Section 33.036 of the Texas Government Code, the Commission authorizes the disclosure of certain information relating to this matter to the Texas Justice Court Training Center to the extent necessary to enable that entity to assign the appropriate mentor to Judge Santoya.

Pursuant to the authority contained in Article V, Section 1-a(8) of the Texas Constitution, it is ordered that the conduct described above be made the subject of a **PUBLIC WARNING AND ORDER OF ADDITIONAL EDUCATION** by the State Commission on Judicial Conduct.

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  29TH  day of  September , 2006.

**ORIGINAL SIGNED BY**

---

Honorable Monica A. Gonzalez, Chair  
State Commission on Judicial Conduct

