



**BEFORE THE
STATE COMMISSION ON JUDICIAL CONDUCT**

CJC No. 04-1044-CC

PUBLIC ADMONITION

**HONORABLE MICHAEL PETERS
CRIMINAL COUNTY COURT AT LAW NO. 2
HOUSTON, HARRIS COUNTY, TEXAS**

During its meeting in Austin, Texas, on April 19-21, 2006, the State Commission on Judicial Conduct concluded a review of allegations against the Honorable Michael Peters, Judge of the Criminal County Court at Law No. 2 in Houston, Harris County, Texas. Judge Peters was advised by letter of the Commission's concerns and provided a written response. Judge Peters appeared before the Commission on April 19, 2006, and gave testimony. 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 Michael Peters was Judge of the Criminal County Court at Law No. 2 in Houston, Harris County, Texas.
2. On or about June 7, 2004, Judge Peters sentenced a woman convicted of severely neglecting two horses to spend 30 days in jail and to have a diet restricted to bread and water for the first three (3) days.
3. Judge Peters' "bread and water" order could not be carried out by county officials because it was in direct conflict with the Texas Commission on Jail Standards.
4. On or about June 8, 2004, Judge Peters sentenced a man convicted of illegally dumping chromium from his metal-plating business to drink "from a non-toxic volume of water containing the pollutants dumped into the dumpsters."
5. Judge Peters' "toxic sludge cocktail" order was not carried out because officials determined that drinking any amount of chromium could seriously threaten the defendant's health.

6. Judge Peters failed to amend or withdraw the “bread and water” or “toxic sludge cocktail” conditions after being advised by county officials that neither condition could be enforced under state law.
7. Judge Peters’ sentences received local media coverage.

RELEVANT STANDARDS

1. Canon 2A of the Texas Code of Judicial Conduct states: “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. Article V, §1-a(6)A of the Texas Constitution states that a judge may be disciplined or removed from office for willful or persistent conduct that casts public discredit upon the judiciary or administration of justice.

CONCLUSION

The Commission concludes from the facts and evidence presented that Judge Peters failed to comply with the law and failed to act at all times in a manner that promotes public confidence in the integrity of the judiciary by issuing orders that he knew or should have known were unenforceable and in violation of state law. Such conduct constituted willful and persistent violations of Canon 2A of the Texas Code of Judicial Conduct. Moreover, as a public official charged with upholding the honor and integrity of the judiciary, Judge Peters’ actions cast public discredit upon the integrity of the judiciary and the administration of justice, in violation of Article V, §1-a(6)A of the Texas Constitution.

In condemnation of the conduct described above that violated Canon 2A 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 Michael Peters, Judge of the Criminal County Court at Law No. 2 in Houston, Harris County, Texas.

Pursuant to the authority contained in Article V, Section 1-a(8) of the Texas Constitution, it is ordered that the conduct described above is made the subject of a **PUBLIC ADMONITION** 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 4th day of May, 2006.

ORIGINAL SIGNED BY

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