



**BEFORE THE STATE COMMISSION
ON JUDICIAL CONDUCT**

CJC Nos. 18-0510, 18-0511, 18-0533, 18-0544, 18-0548, 18-0551, 18-0553, 18-0557, 18-0558, 18-0560, 18-0562, 18-0563, 18-0564, 18-0565, 18-0568, 18-0572, 18-0815 & 18-1146

PUBLIC WARNING

**HONORABLE JACK ROBISON
207TH JUDICIAL DISTRICT COURT
NEW BRAUNFELS, COMAL COUNTY, TEXAS**

During its meeting on February 6-7, 2019, the State Commission on Judicial Conduct concluded a review of the allegations against the Honorable Jack Robison, 207th Judicial District Court, New Braunfels, Comal County, Texas. Judge Robison was advised in writing of the Commission's concerns and provided written responses. Judge Robison appeared before the Commission on February 6, 2019, and gave testimony. 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 Jack Robison was the Judge for the 207th Judicial District Court in New Braunfels, Comal County, Texas.
2. In January of 2018, Judge Robison presided over the trial in *State of Texas v. Gloria Romero Perez* (Case No. CR2016-659), in which Gloria Romero Perez (the "Defendant") was charged with continuous sex trafficking and the sale or purchase of a child.
3. According to widespread news reports, on January 12, 2018, after being informed the jury had reached a verdict, Judge Robison went into the jury room, and told the jurors he believed Defendant was not guilty and that her conviction would be a miscarriage of justice. The Judge indicated to the jury that God told him Defendant was innocent, and urged them to reconsider their verdict. The judge later apologized to the jury, and said something to the effect of, "When God tells me I gotta do something, I gotta do it."

4. On January 18, 2018, Judge Robison filed a self-report with the Commission regarding his statements to the jury. The Commission also received 18 complaints about the Judge's conduct during the case from numerous sources, including the Comal County Criminal District Attorney's Office (the "CCCDA"), two jurors, and numerous citizens who learned about Judge Robison's actions through media reports.
5. In his self-report, Judge Robison explained that as the trial progressed, he "became increasingly concerned that [he] was witnessing a miscarriage of justice." The judge confirmed that after learning the jury had returned a guilty verdict on at least one count, he entered the jury room, told the jurors that "any guilty verdict would be a miscarriage of justice," and asked the jurors to "deliberate 10 to 15 minutes more . . . to make certain they were not making a mistake." Judge Robison stated he still believes that the prosecution failed to present sufficient evidence to support a guilty verdict against Defendant, but he acknowledged that he engaged in misconduct by entering the jury room and urging the jurors to reconsider their verdict.
6. Judge Robison indicated that immediately after his interaction with the jury, he realized his conduct was improper, and informed the prosecution and defense attorneys of his actions. The prosecution asked Judge Robison to recuse himself from the sentencing portion of the case, which he did, and requested that he poll the jury to confirm that their verdict was not affected by the Judge's interference. The jury found Defendant guilty on the single charge of sex trafficking, and imposed a sentence of 25 years in prison. Judge Gary Steele of the 274th Judicial District Court was assigned to preside over the sentencing.
7. In his self-report, Judge Robison indicated that he that he was experiencing memory lapses with respect to what transpired during the case, and was unable to provide a rational explanation for his interaction with the jury. However, the Judge explained that he was under extreme personal stressors at the time, including undergoing treatment for a severe medical condition, and the death of a close friend days before the trial began, and opined that these factors affected his behavior. Judge Robison readily acknowledged his conduct with respect to the jury was improper, and asserted his actions were entirely out of character for him and an aberration in his long judicial career. The Judge stated that he was in the process of consulting medical professionals in an attempt to determine the cause of his behavior.
8. The CCCDA's complaint against Judge Robison included affidavits from the prosecutors who worked on the case, all of whom averred that the Judge exhibited prejudice against the State and in favor of Defendant throughout the trial both in his rulings and in his demeanor. The Commission's review of the trial transcript supports this conclusion.
9. Two jurors filed complaints with the Commission alleging that Judge Robison entered the jury room twice to urge them to return a "not guilty" verdict on the charges. According to the jurors, Judge Robison told them he had prayed on the matter, and that he had received a message from God to take action because Defendant was innocent. The jurors stated that their interactions with the Judge did not affect their ultimate decision.
10. On October 2, 2018, Judge Gary Steele declared a mistrial in *State of Texas v. Gloria Romero Perez*. Among other things, Judge Steele found that many of Judge Robison's rulings during the trial were not in accordance with law, that Judge Robison made improper comments on the credibility of witnesses and the weight of certain evidence, and that Judge Robison was not fair or impartial in his comments and rulings throughout the trial. Judge Steele held that "the manifest injustice to all parties demanded that a mistrial be declared in the interest of justice."

11. Judge Robison provided the Commission with letters from two medical professionals who examined the judge at his request. They concluded that Judge Robison is not presently suffering from a mental illness. According to the doctors, the most plausible explanation for Judge Robison's behavior during the *Perez* case was a temporary, episodic medical condition referred to as a "delirium," brought on by a combination of personal stressors, the Judge's medical condition, and the drugs he was taking at the time to treat his condition. The doctors opined this was likely an isolated episode that quickly resolved itself, and indicated that Judge Robison is not currently experiencing a mental impairment that requires treatment or precludes the Judge's fitness for duty.
12. During his appearance before the Commission, Judge Robison disputed the allegation that he exhibited prejudice against the prosecutors and bias in favor of Defendant during the trial, but acknowledged that his interactions with the jurors constituted misconduct. He testified that he cannot sufficiently remember the details of his interactions with the jury to be able to deny the jury's allegations about his conduct.
13. Judge Robison testified that he has not experienced a recurrence of delirium, and assured the Commission that he will take immediate action and seek medical attention should he ever again experience the symptoms associated with the condition. The Judge indicated that he is not currently experiencing any mental or physical impairment that would preclude him from executing his judicial duties.

RELEVANT STANDARDS

1. Canon 2A of the Texas Code of Judicial Conduct provides in relevant part that a judge shall comply with the law.
2. Canon 3B(1) of the Texas Code of Judicial Conduct states, "A judge shall hear and decide matters assigned to the judge except those in which disqualification is required or recusal is appropriate."
3. Canon 3B(2) of the Texas Code of Judicial Conduct states in relevant part, "A judge should be faithful to the law and shall maintain professional competence in it."
4. Canon 3B(5) of the Texas Code of Judicial Conduct provides that a judge shall perform judicial duties without bias or prejudice.
5. Canon 3B(8) of the Texas Code of Judicial Conduct states in relevant part, "A judge shall not initiate, permit, or consider *ex parte* communications or other communications made to the judge outside the presence of the parties between the judge and a party, an attorney, a guardian or attorney ad litem, an alternative dispute resolution neutral, or any other court appointee concerning the merits of a pending or impending judicial proceeding."
6. Article V, §1-a(6)A of the Texas Constitution provides that a judge shall not engage in 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 Robison engaged in improper *ex parte* communications with the jury in violation of Canon 3B(8) of the Texas Code of Judicial Conduct, and engaged in conduct that 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 based on the facts and evidence presented that Judge Robison exhibited prejudice against the prosecution and

bias in favor of the defense during the trial, in violation of Canon 3B(5) of the Texas Code of Judicial Conduct, and that the Judge's failure to timely recuse himself from the matter constituted violations of Canons 2A, 3B(1), and 3B(2) of the Texas Code of Judicial Conduct.

In view of the conduct described above that violated Canons 2A, 3B(1), 3B(2), 3B(5), and 3B(8) 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 WARNING** to the Honorable Jack Robison, 207th Judicial District Court, New Braunfels, Comal 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 WARNING**.

The Commission has taken this action with the intent of assisting Judge Robison in his continued judicial service, as well as 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 30th day of February, 2019.



Honorable Catherine N. Wylie, Chair
State Commission on Judicial Conduct