



**BEFORE THE STATE COMMISSION
ON JUDICIAL CONDUCT**

CJC No. 17-0423-DI

PUBLIC REPRIMAND

**HONORABLE CARTER SCHILDKNECHT
106TH DISTRICT COURT
LAMESA, DAWSON COUNTY, TEXAS**

During its meeting in June of 2017, the State Commission on Judicial Conduct concluded a review of the allegations against the Honorable Carter Schildknecht, 106th District Court, in Lamesa, Dawson County, Texas. Judge Schildknecht was advised by letter of the Commission's concerns and provided a written response. Judge Schildknecht appeared with counsel before the Commission on August 10, 2017, 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 Carter Schildknecht was Judge of the 106th District Court, in Lamesa, Dawson County, Texas.¹
2. Michael Munk was the former District Attorney for the 106th Judicial District. He lost the Republican primary election in May of 2016, and his last day as district attorney was December 31, 2016.
3. On December 13, 2016, Judge Schildknecht presided over a writ of habeas corpus hearing involving defendant Robert Ortiz. Ortiz was charged with Aggravated Sexual Assault of a Child.
4. During the hearing, Judge Schildknecht stated, "So our district attorney's failure to do the job with which he was being paid to do has created a lot of problems for everybody: the citizens, the defendants."

¹ The 106th Judicial District Court serves Garza, Lynn, Gaines and Dawson Counties.

5. During the hearing, Judge Schildknecht also stated, “So my other choice is a PR bond. I do not like to be put in this position. It is something that goes against everything that I believe; but, unfortunately, the present district attorney has – has caused this situation to happen.”
6. Regarding her comments about Munk during the *Ortiz* hearing, Judge Schildknecht stated, “I made the referenced statements during the hearing to put on the record the reason for the unconscionable delay and why the grand jury had not been meeting to take care of this very serious case in a timely manner. It was a fact that Mr. Munk caused this situation to happen by cancelling the grand jury meetings.”
7. On December 13, 2016, Judge Schildknecht presided over the writ of habeas corpus hearing of defendant Charles Cisco, Jr. Cisco, Jr., was charged with Possession of a Controlled Substance.
8. During the hearing, the judge stated, “Now, I guess I’m going to have to put on the record the reason that he has not been indicted within the 90 days back from his arrest in August is because our present district attorney -- who, fortunately, will only be in office for another couple of weeks -- has chosen to cancel grand juries all over the district since he was defeated in May.”
9. Regarding the comments about Munk during the *Cisco, Jr.*, hearing, Judge Schildknecht stated, “I made the referenced statements during the hearing to put on the record that the grand jury had not been meeting because Mr. Munk had chosen to cancel almost all of the scheduled meetings.”
10. On December 13, 2016, Judge Schildknecht presided over the writ of habeas corpus hearing of defendant Jessica Perez. Perez was charged with Possession of a Controlled Substance.
11. During the hearing, the judge stated, “But the reason you’ve not been indicted is because our current district attorney -- who, fortunately, will only be in office for a couple of more weeks -- has canceled almost every grand jury that has been held since I first impaneled all of them in our four counties back at the beginning of this term, which was July 3 when it began. And it has put everybody in a bind because now our hands are tied.”
12. Regarding the comments about Munk during the *Perez* hearing, the judge stated, “I made the referenced statement during the hearing to put on the record that Mr. Munk had cancelled almost every grand jury meeting throughout the district since the impaneling [sic] in July and that it indeed had put everyone in a bind because nothing had been done to serve justice.”
13. On December 13, 2016, Judge Schildknecht presided over the writ of habeas corpus hearing of defendant Terry Reed. Reed was charged with Possession of a Controlled Substance.
14. During the hearing, the judge stated, “Unfortunately, our present DA, who I have said, fortunately, is going out of office in a couple of more weeks, has chosen to cancel almost all of the grand jury meetings that we had planned for the past six months. It has been a problem for everybody.”

15. Regarding the comments about Munk made during the *Reed* hearing, the judge stated, “I made the referenced statement because Mr. Munk had cancelled almost all of the grand jury meetings that we had scheduled for the six months preceding the December 13, 2016, hearing and it had been a problem for everybody. Justice was being thwarted.”
16. Munk reported to the Commission that he could not indict the cases of Possession of a Controlled Substance because he had not received the drug results from the Department of Public Safety lab.
17. Judge Schildknecht stated, “Although my comments were the truth, perhaps it was not courteous to bluntly tell why the accuseds had not had their cases timely brought before a grand jury.”
18. Judge Schildknecht also stated, “I regret that I made those statements. I recognize that I should have been more soft spoken and generic about the situations and request forgiveness and mercy.”
19. The Commission previously issued Judge Schildknecht a Public Admonition with an Order of Additional Education, in part, for referring to Munk as a “New York Jew.”²
20. In her response to the Letter of Inquiry in that case, Judge Schildknecht stated: “I may be too blunt, but I am not biased or prejudiced against New Yorkers or Jews.” She also stated her comments were not made with bias or prejudice, or to disparage Munk.
21. In the prior case, the Commission concluded, *inter alia*, that Judge Schildknecht failed to treat Munk with the patience, dignity and courtesy required by Canon 3B(4).

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. Article V, §1-a(6)A of the Texas Constitution provides that a judge may be disciplined for “willful or persistent violation of rules promulgated by the Supreme Court of Texas, incompetence in performing the duties of the office, willful violation of the Code of Judicial Conduct, or willful or persistent conduct that is clearly inconsistent with the proper performance of his duties or casts public discredit upon the judiciary or administration of justice.”

CONCLUSION

After considering the facts and evidence before it, the Commission concludes that Judge Schildknecht failed to be patient, dignified and courteous with Mr. Munk on

² <http://www.scjc.texas.gov/media/796/hon-carter-t-schildknecht-cjc-nos-14-1080-di-15-0002-di-public-admonition-oaewebsite.pdf>

December 13, 2016. The Commission further concludes that Judge Schildknecht's statements constitute a willful violation of Canon 3B(4) of the Texas Code of Judicial Conduct and Article V, Section 1-a(6) of the Texas Constitution.

In condemnation of the conduct described above that violates Canon 3B(4) of the Texas Code of Judicial Conduct and Article V, Section 1-a(6) of the Texas Constitution, it is the Commission's decision to issue a **PUBLIC REPRIMAND** to Carter Schildknecht, 106th District Court Judge, Lamesa, Dawson 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**.

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 22nd day of August, 2017.

ORIGINAL SIGNED BY

Honorable Valerie Ertz, Chair
State Commission on Judicial Conduct