



**BEFORE THE STATE COMMISSION
ON JUDICIAL CONDUCT**

CJC Nos. 18-0055 & 18-0088

**PUBLIC REPRIMAND
AND
ORDER OF ADDITIONAL EDUCATION**

**HONORABLE MIKE TREJO
JUSTICE OF THE PEACE, PRECINCT 5, PLACE 3
LA FERIA, CAMERON COUNTY, TEXAS**

During its regularly scheduled meeting on April 3-5, 2019, the State Commission on Judicial Conduct concluded a review of the allegations against the Honorable Mike Trejo, Justice of the Peace, Precinct 5, Place 3, La Feria, Cameron County, Texas. Judge Trejo was advised by letter of the Commission's concerns and provided written responses. Judge Trejo appeared before the Commission on April 4, 2019, 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 Mike Trejo was Justice of the Peace for Precinct 5, Place 3 in La Feria, Cameron County, Texas.
2. The Commission received complaints from Laura Sanchez and Xenaida Zavala, two of Judge Trejo's former court clerks.
3. In her complaint, Ms. Sanchez alleged, among other things, that Judge Trejo would regularly recommend dismissal traffic citations as favors for family, friends, and other local constituents that would be accompanied to his court by a local musician named Fruity Villarreal.
4. In response to a written inquiry from Commission Staff, Complainants recommended that Staff review all case files involving Felipe Alaniz, Diana Cecilia Ruiz and Joseph Palacios.
5. The Commission reviewed Alaniz's cases filed in Judge Trejo's court, and noted:

- a. On June 8, 2007, Alaniz was cited for speeding. On February 18, 2016, the State filed a motion to dismiss the case in the interest of justice, which was granted by Judge Trejo.
 - b. On May 20, 2012, Alaniz was cited for not wearing a seat belt. On November 26, 2013, the State filed a motion to dismiss the case in the interest of justice, which was granted by Judge Trejo. Another unidentified charge was also dismissed the same day by Judge Trejo.
 - c. On August 21, 2012, Alaniz was cited for driving 77 mph in a 55 mph zone and for not having a valid inspection certificate. On October 14, 2013, the State filed a motion to dismiss both charges in the interest of justice, which was granted by Judge Trejo.
 - d. On October 11, 2012, Alaniz was cited for driving 67 mph in a 55 mph zone and for driving while license invalid. On November 13, 2013, the State filed a motion to dismiss both charges in the interest of justice, which was granted by Judge Trejo. Another unidentified charge was also dismissed the same day by Judge Trejo.
 - e. On January 26, 2016, Alaniz was cited for driving 69 mph in a 55 mph zone. On March 14, 2016, the State filed a motion to dismiss the case in the interest of justice, which was granted by Judge Trejo.
 - f. On May 8, 2017, Alaniz was cited for not wearing a seat belt. In late June 2017, he pled no contest and received 15 days deferred adjudication. On August 17, 2017, Judge Trejo entered an order of dismissal.
 - g. On November 27, 2017, Alaniz filed a petition for occupational driver's license in Judge Trejo's court. Two days later, Judge Trejo entered an order granting Alaniz's request.
6. The Commission reviewed Diana Cecilia Ruiz's case filed in Judge Trejo's court, and observed that on November 6, 2016, she was cited for driving 55 mph in a 40 mph zone. On December 8, 2016, the State filed a motion to dismiss the case in the interest of justice, which was granted by Judge Trejo.
 7. The Commission reviewed a copy of Joseph Palacios' case filed in Judge Trejo's court, and observed that in March 2017, he was cited for driving 71 mph in a 55 mph zone. On June 8, 2017, the State filed a motion to dismiss the case in the interest of justice, which was granted by Judge Trejo.
 8. The Commission observed that all of the above-referenced motions to dismiss were signed by Cameron County Assistant District Attorney Rene Garza.
 9. During the Commission's investigation, ADA Rene Garza voluntarily submitted a notarized statement in which he testified that he "never witnessed or participated in any disposition that was out of the ordinary or questionable."
 10. ADA Alexandria Salas also voluntarily submitted a sworn statement in which she testified that "[o]n one occasion...[Judge Trejo] asked me if I would sign some dismissals for him for some friends or people he knew...I let him know that I wasn't the prosecutor who signed these dismissals and I would have to review the cases and evaluate them each individually and determine if a dismissal was warranted based on the evidence that I had. He asked me if the other prosecutor who reported to the JP courts, Rene Garza, would be the one to sign them, and I explained to him that I wasn't certain but he could talk to Mr.

Garza about that...It was common knowledge in the office that [Judge Trejo] would ask the prosecutors who worked in his court to sign dismissals for people he knew.”

11. In his sworn written responses to the Commission’s first letter of inquiry, Judge Trejo denied that he dismissed citations for family and friends and at the request of Fruity Villarreal. He explained that “all of these have been done based on the facts and circumstances of the specific matter before me and the particular merits and based upon appropriate matters of judicial discretion and/or only after consulting with the assistant district attorneys assigned to my court, including Rene Garza and Alexandria Salas.”
12. The judge explained that Fruity Villarreal is a local musician (and political supporter) who, on occasion, “assisted individuals he accompanied with understanding the proceedings or their options particularly when English language proficiency was limited.” He asserted that the individuals that appeared with Fruity did not receive favorable consideration in the determination of their cases merely because of their affiliation with Fruity.
13. On October 30, 2018, Commission Staff traveled to Harlingen to interview additional witnesses. Staff first interviewed Precinct 5 Constable Eddie Solis, who testified, in pertinent part:

On at least three occasions in 2017, Judge Trejo contacted me by phone and requested that my office change particular traffic citations into “warnings.” I specifically recall that in the summer of 2017, Judge Trejo requested that my office change the following two citations into warnings: (1) citation no. 269624 issued to Noe Aleman on a charge of speeding 64 miles per hour (m.p.h.) in a 45 m.p.h. zone and (2) citation no. 171064 issued to Mandela Garcia on a charge of speeding 50 m.p.h. in a 30 m.p.h. zone. On citation no. 171064, my office complied with Judge Trejo’s request and changed the citation to a warning.
14. Three of Judge Trejo’s former court clerks submitted sworn statements. They each testified, in pertinent part:

At Judge Trejo’s request, court staff would maintain a folder of traffic citations that he wanted to dismiss as favors to family, friends, and other local constituents. Judge Trejo would then request that Assistant District Attorney Rene Garza file a motion to dismiss each citation. ADA Garza was reluctant to do so, but he would ultimately give in to Judge Trejo’s demands. ADA Garza made to sure [sig] write Judge Trejo’s initials (“mt”) on each motion to dismiss in order to indicate which cases were being dismissed at the judge’s request.
15. Staff subsequently reviewed all of the traffic cases that were dismissed in May 2018¹ and observed that slightly more than half of the motions to dismiss filed by ADA Garza included the initials “mt” next to the reason for the requested dismissal.
16. In his sworn written responses to the Commission’s second letter of inquiry, Judge Trejo stated that he does “not remember a Ms. Salas” and could not “recall ever asking her to sign dismissals for [him].” He concluded that he does “not dispose of matters to advance the private interests of either [himself] or others.”

¹ May 2018 is the last full month before the Commission sent its first letter of inquiry to Judge Trejo.

17. In response to Constable Solis' affidavit, the judge stated that he could "not specifically recall asking Constable Solis to change particular traffic citations ever." He explained that "[i]f I did request Constable Solis to make any change, which I do not recall ever doing, it would have only been based on the merits of the individual matter and after considering the specific circumstances to determine whether a request to change anything to a warning was appropriate." He concluded that he does "not believe [Constable Solis] is a fair or unbiased source of evidence and his claims should not be afforded any weight or credibility."
18. The Commission subpoenaed ADA Rene Garza to appear and testify regarding the process in which traffic citations are handled in Judge Trejo's court. ADA Garza testified before the Commission that when he would appear in Judge Trejo's court, court personnel presented him with a folder of cases that had been pulled by Judge Trejo for Garza's "consideration." Garza testified that he would then review the files and take what he perceived to be the appropriate action. On those cases that he would recommend dismissal, Garza testified that he would write the judge's initials ("mt") next to the reason for the dismissal.
19. ADA Garza was unable to recall a single case in which he disagreed with Judge Trejo's request that a citation should be dismissed. ADA Garza further testified that he was unaware that such an arrangement was improper, and indicated that he had no concerns about a judge flagging cases for his "consideration."
20. During Judge Trejo's appearance in front of the Commission, he reiterated that he did not dismiss traffic citations for family and friends. However, he acknowledged that he would pull cases for ADA Garza's "consideration."

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 should be faithful to the law and maintain professional competence in it."
3. Art. 32.02 of the Texas Code of Criminal Procedure provides that "[t]he attorney representing the State may, by permission of the court, dismiss a criminal action at any time upon filing a written statement with the papers in the case setting out his reasons for such dismissal, which shall be incorporated in the judgment of the dismissal. No case shall be dismissed without the consent of the presiding judge."

CONCLUSION

The Commission concludes based on the facts and evidence before it that Judge Trejo failed to follow the law and exhibited incompetence in the law when he knowingly pulled traffic citations that were pending in his court for the purpose of having ADA Rene Garza file a motion to dismiss their case and/or provide other preferential treatment. By requesting the prosecutor dismiss certain cases, Judge Trejo was violating the text and spirit of Art. 32.02 of the Texas Code of Criminal Procedure which provides that any such motion to dismiss should be filed at the discretion of the prosecutor and contain a reason for said dismissal. The fact that a judge desires a

certain traffic citations be dismissed does not usurp a prosecutor's responsibility and duty to comply with his obligations under Texas law and the Disciplinary Rules of Professional Conduct. The Commission concludes that Judge Trejo's conduct, described above, constitutes a willful violation 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 and Article V, Section 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 Mike Trejo, Justice of the Peace for Precinct 5, Place 3 in La Feria, Cameron County, Texas.

Pursuant to this Order, Judge Trejo must obtain **twenty hours** of instruction with a mentor, in addition to his required judicial education for Fiscal Year 2019. In particular, the Commission desires that Judge Trejo receive this additional education in the area of Class C traffic citations and warrants.

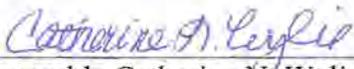
Judge Trejo shall complete the additional **twenty hours** of instruction recited within **ninety days** from the date of written notification of the assignment of a mentor. It is Judge Trejo's responsibility to contact the assigned mentor and schedule the additional education.

Upon the completion of the **twenty hours** of education described herein, Judge Trejo 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 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 the 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 26th day of April, 2019.



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