



**BEFORE THE STATE COMMISSION
ON JUDICIAL CONDUCT**

CJC Nos. 20-0296 & 20-0676

**PUBLIC WARNING
AND
ORDER OF ADDITIONAL EDUCATION**

**HONORABLE ORALIA MORALES
JUSTICE OF THE PEACE, PRECINCT 2
FALFURRIAS, BROOKS COUNTY, TEXAS**

During its meeting on July 8, 2022, the State Commission on Judicial Conduct concluded a review of the allegations against the Honorable Oralia Morales, Justice of the Peace, Precinct 2, Brooks County, Texas. Judge Morales was advised by letter of the Commission's concerns and provided written responses.

After considering the evidence before it, the Commission entered the following Findings and Conclusion:

BACKGROUND

CJC No. 20-0296

Judge Morales presided over *State of Texas v. Gavin Vincent Carolan* (the "Carolan Case"), Cause No. 18-10-35916-TR. Complainant, Gavin Carolan ("Carolan"), a defendant in a traffic citation case, alleged Judge Morales failed to resolve his case in a timely manner, failed to respond to his motion to dismiss based on his right to a speedy trial, and she and her staff failed to return his telephone calls and emails on multiple occasions.

In her written response to the Commission, Judge Morales asserted she handles her docket as efficiently as possible with the staff provided by the county. She stated that with COVID-19, it was difficult, but they continued to handle the dockets as well as possible. Also, she noted her precinct covers an area that has unusually heavy traffic. Regarding her failure to respond to

Carolán's motion to dismiss, Judge Morales stated she forwarded it to the County Attorney, and that it would have been improper for her to discuss the motion with the defendant. Also, Judge Morales believed the problem with Carolán was that he "did not want to wait for his docket to be called. He wants special attention to be given to his case because he demanded it."

CJC No. 20-0676

Judge Morales presided over *State of Texas v. Esther Noemi Camacho* (the "Camacho Case"), Cause No. 18-01-28913-TR. Complainant, Esther Camacho ("Camacho"), a defendant in a traffic citation, alleged Judge Morales failed to resolve her case in a timely manner, failed to respond to her request for dismissal based on her right to a speedy trial, failed to provide her with a pretrial hearing, and failed to allow her to file pretrial motions.

In her written response, Judge Morales asserted she never received the letter from Camacho requesting dismissal of her case based on the right to a speedy trial. Regarding the length of time it was taking for the court to resolve the traffic citation, Judge Morales stated, "We are back logged."

FINDINGS OF FACT

1. At all times relevant hereto, the Honorable Oralía Morales was the judge for Justice of the Peace, Precinct 2 for Brooks County, Texas.

CJC No. 20-0296

2. Judge Morales presided over *State of Texas v. Gavin Vincent Carolán* (the "Carolán Case"), Cause No. 18-10-35916-TR, where Gavin Vincent Carolán, ("Carolán"), the defendant, received a traffic citation on October 10, 2018.
3. On October 17, 2018, Carolán submitted a Reply Form pleading not guilty and requesting a pretrial hearing and a jury trial.
4. On March 6, 2019, Carolán emailed Judge Morales' court asking for an update on his case. He also sent an email on March 12, 2019 asking for the court to please advise him.
5. On March 14, 2019, Carolán received an email from Rey Mejía, Judge Morales' Court Clerk, stating, "YOU WILL RECEIVE NOTICE 15 DAYS PRIOR TO THE PRETRIAL. NOTHING SET UP YET."
6. On August 20, 2019, Judge Morales received Carolán's motion to dismiss based on the right to a speedy trial. Judge Morales did not respond.
7. Judge Morales stated it would have been improper for her to discuss the motion to dismiss with the defendant and therefore she forwarded it to the County Attorney.
8. On November 10, 2020, David T. Garcia, Brook County Attorney ("CA Garcia"), sent a letter to Judge Morales inquiring about the Carolán Case and to provide the number of pending jury trial requests and number of tickets outstanding for the year 2018.
9. On November 12, 2020, Judge Morales responded to CA Garcia by sending the Carolán Case's court file and email transmissions between Carolán and the Court. Judge Morales also stated, "Pending 2018 cases are 47 trial by Jury, 33 Trial by Judge, 36 are waiting for Pre-Trial. All other tickets are in collections."

10. On January 18, 2022, Judge Morales signed an Order to Dismiss the Carolan Case based on a Motion to Dismiss in the interest of justice filed by CA Garcia.

CJC No. 20-0676

11. Judge Morales presided over *State of Texas v. Esther Noemi Camacho* (the “Camacho Case”), Cause No. 18-01-28913-TR, where Esther Noemi Camacho (“Ms. Camacho”), the defendant, received a traffic citation on January 9, 2018.
12. On January 18, 2018, Camacho submitted a Reply Form in which Camacho plead not guilty and requested a pretrial hearing.
13. On February 4, 2019, Camacho sent a letter to Judge Morales requesting her case be dismissed because she had not received a speedy trial and it had been over a year. Judge Morales did not respond.
14. Judge Morales stated she never received Camacho’s letter requesting a dismissal of her case.
15. On December 13, 2019, a Pretrial Notice Letter was sent to Camacho notifying her that the requested pretrial hearing was scheduled for January 7, 2020.
16. On December 17, 2019, a Trial Date Notice was sent to Camacho notifying her that she was scheduled for a trial on January 7, 2020 and further stated, “Any Motion must be in writing, received at least one week prior to trial. This Court will not accept any Motions after the Friday before trial date.”
17. On December 30, 2019, Camacho received the Trial Date Notice.
18. On January 7, 2020, Judge Morales held a bench trial in the Camacho Case and found Camacho guilty and fined her \$223.00.
19. Judge Morales did not hold a pretrial hearing before the bench trial in the Camacho Case even though Camacho originally requested one.
20. During the trial, Camacho stated Judge Morales interrupted her.
21. Judge Morales stated, to the best of her knowledge, she did not interrupt Camacho and she was found guilty and started talking after the fact.
22. Judge Morales stated Camacho’s trial did not take place until January 2020 because, “We are back logged in cases.”

RELEVANT STANDARD

1. Canon 2A of the Texas Code of Judicial Conduct provides that 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. Canon 3B(2) of the Texas Code of Judicial Conduct states, in relevant part: “A judge...shall maintain professional competence in [the law].”
3. 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...”

4. Canon 3B(8) of the Texas Code of Judicial Conduct states, in relevant part: “A judge shall accord to every person who has a legal interest in a proceeding, or that person’s lawyer, the right to be heard according to law.”
5. Tex. Const. Art. V, Sec. 1-a(6) provides, in pertinent part, a judge shall not engage in “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

Based upon the record before it and the factual findings recited above, the State Commission on Judicial Conduct has determined that the Honorable Oralía Morales, Justice of the Peace, Precinct 2, Brooks County, Texas, should be publicly warned and ordered to obtain additional education for: (1) her failure to comply with the law and maintain professional competence in the law regarding providing Camacho a pretrial hearing that she requested in the Camacho Case; (2) her and her staffs failure to be patient, dignified and courteous towards Carolan and Camacho regarding failing to respond to the several letters and emails sent to the Court regarding the status of the Carolan Case and the Camacho Case; (3) failure to accord Camacho the right to be heard according to law by failing to provide Camacho a requested pretrial hearing in the Camacho Case; and (4) failure to timely dispose of the business of the court in the Carolan Case and in the Camacho Case which constituted willful and persistent conduct that cast public discredit on the judiciary or administration of justice, in violation of Canons 2A, 3B(2), 3B(4), and 3B(8) of the Texas Code of Judicial Conduct and Article V, Section 1-a(6)A of the Texas Constitution.

Pursuant to this Order, Judge Morales must obtain **two (2) hours** of instruction with a mentor, in addition to her required judicial education for Fiscal Year 2023. In particular, the Commission desires that Judge Morales receive this additional education in the area of the timely disposition of the business of the court. Pursuant to the authority contained in §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 for Judge Morales.

Judge Morales shall complete the additional **two (2) hours** of instruction recited above within 60 days from the date of written notification from the Commission of the assignment of a mentor. Upon receiving such notice, it is Judge Morales’s responsibility to contact the assigned mentor and schedule the additional education.

The Commission has taken this action pursuant to the authority conferred it in Article V, §1-a(8) of the Texas Constitution in a continuing effort to promote confidence in and high standards for the judiciary.

Issued this the 13 day of October, 2022.



David Schenck
Chairman, State Commission on Judicial Conduct