



**BEFORE THE STATE COMMISSION  
ON JUDICIAL CONDUCT**

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**CJC Nos. 17-0189-DI & 17-0362-DI**

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**PUBLIC REPRIMAND**

**HONORABLE TERESA HAWTHORNE  
203<sup>RD</sup> JUDICIAL DISTRICT COURT  
DALLAS, DALLAS COUNTY, TEXAS**

During its regularly scheduled meeting on August 9-10, 2017, the State Commission on Judicial Conduct concluded a review of the allegations against the Honorable Teresa Hawthorne, Judge of the 203<sup>rd</sup> Judicial District Court of Dallas County, Texas. Judge Hawthorne 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:

**FINDINGS OF FACT**

1. At all times relevant hereto, the Honorable Teresa Hawthorne was Judge of the 203<sup>rd</sup> Judicial District Court of Dallas County, Texas.

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2. On September 12, 2014, Judge Hawthorne sent an email to Judge Jim Bob Darnell, Judge of the 140<sup>th</sup> Judicial District Court in Lubbock County, Texas, about her nephew's criminal case pending in his court. In her email, Judge Hawthorne requested that Judge Darnell withdraw the warrant for her nephew's arrest.
3. The Lubbock County Criminal District Attorney's Office had no record of being copied on Judge Hawthorne's September 12, 2014 email to Judge Darnell.
4. According to Judge Darnell, Judge Hawthorne called him on September 24, 2014, and asked if he would set a bond on the Motion to Proceed to Adjudicate that had been filed August 24, 2014. During the conversation, Judge Hawthorne stated that she was allowed to represent members of her family under an unspecified rule.

5. On June 30, 2015, Judge Hawthorne sent a second email to Judge Darnell requesting that he and the Assistant District Attorney agree to remove the warrant. The email was forwarded to the Assistant District Attorney the following day.
6. On August 24, 2016, Judge Hawthorne testified on her nephew's behalf at a probation revocation hearing before Judge Darnell. She was not subpoenaed to testify. During her testimony, Judge Hawthorne referenced her judicial position on three separate occasions, and offered her opinion as to her nephew's character.
7. In her responses, Judge Hawthorne stated that "neither [she], nor Judge Darnell ever communicated with each other without the Assistant District Attorney being involved."
8. The judge denied that she ever had any oral conversations with Judge Darnell about her nephew's pending criminal case in his court.
9. Judge Hawthorne acknowledged that she was not subpoenaed to testify on her nephew's behalf at his revocation hearing.

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10. In October 2016, Judge Hawthorne presided over a jury trial in Cause No. F14-76338-P, *State of Texas v. Joe L. Garrison*, in the 203<sup>rd</sup> Judicial District Court of Dallas County, Texas. After a brief deliberation, the jury rendered a guilty verdict, and assessed a prison sentence of 99 years. After they rendered their verdict, Judge Hawthorne met with the jurors to discuss their verdict.
11. According to Juror Jennifer Galek, Judge Hawthorne made the following comments to the jurors:
  - "Quite frankly, I am disturbed. I am disturbed by the way you came back with such a harsh verdict and sentence for this man's life in such a short time. Did you even discuss the details of the case at all?"
  - "I can tell y'all this. If I had been a juror on this case, it would have been a hung jury."
  - "I definitely would have wanted to hear from the defendant's mother."
12. According to Juror Casey Herr, Judge Hawthorne told the jurors:
  - She "could not believe that we found the defendant guilty."
  - She thought "we were extremely harsh."
  - She "accused us of not deliberating."
  - She told us that we were "too quick to judge the defendant."
  - She asked us "how could we have a good conscience about our decision."
  - She "would have liked to have heard from the defendant's mother."
13. According to Foreperson Nora Creed, Judge Hawthorne made the following comments to the jurors:
  - Their "punishment was too harsh"
  - She "did not believe the victim was raped at all."

- That if any of the jurors “are ever selected as a juror again, that we need to spend more time going over the facts, and that we should be sure that we give the defendant a fair decision on his or her being guilty, because she thought we convicted a [sic] innocent man.”
14. Judge Hawthorne acknowledged that she told the jurors that she would have found the defendant not guilty, but denied the other comments attributed to her by the jury.
  15. Judge Hawthorne stated that the jurors became shocked and angered when they heard she would have not found the defendant guilty.
  16. The judge denied that she shamed or reprimanded the jury for their verdict. She stated that she regrets “that all of this happened” and that she “never intended to upset anyone,” but she could not lie to the jury when they asked her what she thought of the case.

### RELEVANT STANDARDS

1. Canon 2B of the Texas Code of Judicial Conduct states, in pertinent part: “A judge shall not lend the prestige of judicial office to advance the private interests of the judge or others; nor shall a judge convey or permit others to convey the impression that they are in a special position to influence the judge. A judge shall not testify voluntarily as a character witness.”
2. Canon 3B(8) of the Texas Code of Judicial Conduct states, in pertinent 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.”
3. Canon 3B(4) of the Texas Code of Judicial Conduct states, in pertinent 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...”

### CONCLUSION

The Commission concludes based on the facts and evidence before it that Judge Hawthorne: (1) used the prestige of her judicial office to help resolve her nephew’s pending criminal matter in violation of Canon 2B; (2) voluntarily testified as a character witness on her nephew’s behalf at his probation revocation hearing in violation of Canon 2B; and (3) engaged in an *ex parte* conversation with Judge Jim Bob Darnell during the pendency of her nephew’s criminal case that was pending in his court in violation of Canon 3B(8). The Commission further concludes that Judge Hawthorne failed to treat the jurors in Cause No. F14-76338-P, *State of Texas v. Joe L. Garrison*, in the 203<sup>rd</sup> Judicial District Court of Dallas County, Texas with patience, dignity and courtesy when she shamed and reprimanded them for their verdict. The Commission concludes that Judge Hawthorne’s conduct, as described above, constituted willful and/or persistent violations of Canons 2B, 3B(4) and 3B(8) of the Texas Code of Judicial Conduct and constituted willful or persistent conduct that is clearly inconsistent with the proper performance of her duties, in violation of Article V, §1-a(6)A of the Texas Constitution.

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In condemnation of the conduct described above that violated Canons 2B, 3B(4) and 3B(8) of the Texas Code of Judicial Conduct, it is the Commission's decision to issue a **PUBLIC REPRIMAND** to the Honorable Teresa Hawthorne, Judge of the 203<sup>rd</sup> Judicial District Court of Dallas 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** 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 9<sup>th</sup> day of November, 2017.



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Hon. Valerie E. Ertz, Chair  
State Commission on Judicial Conduct