



**BEFORE THE STATE COMMISSION  
ON JUDICIAL CONDUCT**

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**CJC No. 18-1062**

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**PUBLIC ADMONITION**

**HONORABLE BOBBY LOCKHART  
RETIRED 102<sup>ND</sup> DISTRICT COURT JUDGE  
TEXARKANA, BOWIE COUNTY, TEXAS**

During its meeting on June 5-6, 2019, the State Commission on Judicial Conduct concluded a review of allegations of unethical conduct against the Honorable Bobby Lockhart, Retired 102<sup>nd</sup> District Court Judge, Texarkana, Bowie County, Texas. Judge Lockhart was advised by letter of the Commission's concerns and provided a written response. Judge Lockhart appeared before the Commission on October 9, 2019, and gave testimony. After considering the evidence before it, the Commission enters the following findings and conclusion:

**FINDINGS OF FACT**

1. In January 2004, Robert Lorance's adopted daughter, T.L., a 14 year-old child, made an outcry of sexual and physical abuse and was interviewed by the local Children's Advocacy Center ("CAC"). The Bowie County Sheriff's Office subsequently initiated a criminal investigation.
2. In December 2004, the Bowie County Sheriff's Office turned their investigation file on Robert Lorance over to the Bowie County District Attorney's Office and recommended that the case be presented to a grand jury.
3. Then-District Attorney Lockhart personally spoke with the CAC forensic interviewer that met with T.L. regarding her allegations against Robert Lorance. Then-District Attorney Lockhart participated in several meetings with investigators from local law enforcement, Child Protective Services caseworkers, and CAC interviewers in which the Lorance case was discussed.
4. On March 15, 2006, then-District Attorney Lockhart sent a letter to T.L.'s family expressing doubts about the viability of the case and concerns about their contact with the media.

5. On February 15, 2007, then-District Attorney Lockhart requested assistance from the Texas Attorney General's Office in the Lorange case, citing the fact that Lorange's father worked in law enforcement and had personal relationships with the District Attorney's Office staff.
6. In early March 2009, then-District Attorney Lockhart filed a motion to recuse the District Attorney's Office from the Lorange case, requesting the appointment of Assistant Attorney General Julie Stone as District Attorney Pro Tem.
7. Judge Lockhart said that he moved to recuse the Bowie County District Attorney's Office, "due to the relationship between a member of the Criminal District Attorney's staff and the defendant," because the Bowie County District Attorney's Office "had hit a dead end in trying to prosecute the Lorange matter," and because he thought that "the A.G.'s office had more clout and could maybe achieve more than [the D.A.'s office] had been able to do." Judge Lockhart emphasized that the recusal was not because of any personal relationship between himself and either the defendant or the defendant's father.
8. On March 3, 2009, Assistant A.G. Stone filed a felony information in the 102<sup>nd</sup> Judicial District Court in Bowie County charging Robert Lorange with injury to a child causing bodily injury by hitting. On that same day, Robert Lorange pleaded guilty to the charge as alleged. Lorange was sentenced to eight years' deferred adjudication by now-retired 102<sup>nd</sup> District Judge John Miller.
9. On January 1, 2011, Judge Bobby Lockhart was sworn in as the judge of the 102<sup>nd</sup> District Court.
10. On March 15, 2011, counsel for Robert Lorange filed a motion for early termination of his deferred adjudication probation. Judge Lockhart took no action on that motion.
11. On January 22, 2014, counsel for Robert Lorange filed a second motion for early termination of his deferred adjudication probation.
12. On February 26, 2014, Judge Lockhart granted Robert Lorange's requested early discharge from probation.

### RELEVANT STANDARDS

1. Canon 2A of the Texas Code of Judicial Conduct provides, in pertinent part, that a judge "shall comply with the law..."
2. Canon 3B(1) of the Texas Code of Judicial Conduct provides that "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 provides, in pertinent part, "A judge shall be faithful to the law and shall maintain professional competence in it."
4. A trial judge is disqualified to preside over a case "where he [or she] has been of counsel for the State or the accused." *See* Tex. Code Crim. Proc. 30.01 (Vernon Supp. 2005). Similarly, a judge is disqualified under the Texas Constitution if he has "been counsel in the case." Tex. Const. art. V, § 11. Under these provisions, a judge is clearly disqualified if he "actively participated in the preparation of the case against the defendant." *Gamez v. State*, 737 S.W.2d 315, 319 (Tex.Crim.App. 1987).
5. A trial judge may be disqualified if the judge actually participated in the case "in any manner in the preparation or investigation" of the case while serving as the district attorney. *Rideaux v.*

*State*, 498 S.W.3d 634, 637 (Tex.App.—Houston [14th Dist.] 2016, no pet.) citing *Lee v. State*, 555 S.W.2d 121, 124 (Tex.Crim.App. 1977). In *Lee*, the Court of Criminal Appeals concluded that the trial judge was disqualified because while employed as the chief of the trial division of the district attorney’s office, he sent a letter to defense counsel stating that he had reviewed the case, it was a “very serious offense,” the defendant’s record was “deplorable,” and he would not recommend less than a life sentence. *Id.* at 122-23.

### CONCLUSION

Based upon the record before it and the factual findings recited above, the Texas State Commission on Judicial Conduct has determined that the Honorable Bobby Lockhart, retired judge of the 102nd Judicial District Court, Texarkana, Bowie County, Texas, should be publicly admonished for issuing a judicial order while disqualified from the case due to his involvement in the preparation and investigation of the case as a prosecutor in violation of Canons 2A, 3B(1) and 3B(2) of the Texas Code of Judicial Conduct.

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

Issued this the 12<sup>th</sup> day of November, 2019.

  
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David Hall  
Chairman, State Commission on Judicial Conduct