



**BEFORE THE STATE COMMISSION
ON JUDICIAL CONDUCT**

CJC No. 20-0281

**PUBLIC ADMONITION AND
ORDER OF ADDITIONAL EDUCATION**

**HONORABLE ANDY ISAACS
JUSTICE OF THE PEACE, PRECINCT 3
ROCKDALE, MILAM COUNTY, TEXAS**

During its meeting on December 2-3, 2020, the State Commission on Judicial Conduct concluded a review of the allegations against the Honorable Andy Isaacs, Justice of the Peace, Precinct 3, Rockdale, Milam County, Texas. Judge Isaacs was advised by letters of the Commission's concerns and provided written responses. Judge Isaacs appeared before the Commission on April 7, 2021 and gave testimony.

BACKGROUND

On September 26, 2015, Kathleen Julie Washpon received a traffic citation. In January of 2016, after Ms. Washpon's plea of nolo contendere, Judge Isaacs orally ordered her to perform 20 hours of community service cleaning the government offices in which his court is located. After falling ill, Ms. Washpon did not complete her community service and on April 5, 2016, Judge Isaacs issued a warrant for her arrest.

Judge Isaacs timely responded to the Commission's written inquiries. In his response, the judge stated he assigned Ms. Washpon 20 hours of community service to be performed over three consecutive Wednesdays, but that he told her to take as long as she needed to complete the required service. Judge Isaacs further stated that was all done orally and he did not issue a written order documenting Ms. Washpon's required community service. The judge also acknowledged that after Ms. Washpon failed to complete her community service, she was provided neither written notice of such failure nor a show cause hearing before he issued a warrant for her arrest. Judge Isaacs indicated there was not a written order of deferral in Ms. Washpon's case because he was handling everything "in house."

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

FINDINGS OF FACT

1. At all times relevant hereto, the Honorable Andy Isaacs was the Justice of the Peace, Precinct 3, in Rockdale, Milam County, Texas.
2. On or about January 28, 2016, Judge Isaacs accepted Ms. Washpon's plea of nolo contendere on her traffic offense and orally ordered her to complete 20 hours of community service in order to obtain dismissal of the case. There was no set time limit within which Ms. Washpon was to complete the community service.
3. Judge Isaacs did not enter a written order of deferral specifying the number of hours of community service Ms. Washpon was to complete or the date by which she must verify her completion of same to the court.
4. Ms. Washpon did not complete the community service.
5. On or about April 5, 2016, Judge Isaacs issued a Warrant of Arrest against Ms. Washpon as a result of her failure to complete the community service.
6. The court did not notify Ms. Washpon in writing of her failure to complete the community service as required, nor did it require Ms. Washpon to appear at the time and place stated in such notice to show cause why her deferral should not be revoked.
7. Judge Isaacs appeared before the Commission and gave testimony regarding this matter. Judge Isaacs did not dispute the above findings of fact.
8. Judge Isaacs acknowledged the problems identified by the Commission in his handling of Ms. Washpon's case and testified that since this incident occurred, he has instituted procedures in his court to ensure his compliance with the Code of Criminal Procedure, including reducing his orders to writing.

RELEVANT STANDARDS AND AUTHORITIES

1. Canon 2A of the Texas Code of Judicial Conduct states in relevant part that a judge shall comply with the law.
2. Canon 3B(2) of the Texas Code of Judicial Conduct states in relevant part that a judge shall maintain professional competence in the law.
3. Canon 3B(8) of the Texas Code of Judicial Conduct provides in relevant part that a judge shall accord to every person who has a legal interest in a proceeding the right to be heard according to law.
4. Texas Code of Criminal Procedure Art. 45.049(b) states: "In the justice's or judge's order requiring a defendant to perform community service under this article, the justice or judge must specify: (1) the number of hours of community service the defendant is required to perform; and (2) the date by which the defendant must submit to the court documentation verifying the defendant's completion of the community service."
5. Texas Code of Criminal Procedure Art. 45.051(a) & (a-1) provide in relevant part: (1) on a plea of guilty or nolo contendere by a defendant in a misdemeanor case punishable by fine only and payment of court costs, the judge may defer further proceedings without entering an adjudication of guilt and place the defendant on probation for a period not to exceed 180 days; and, (2) the

judge may require an eligible defendant to discharge all or part of those fines and costs by performing community service under Article 45.049.

6. Texas Code of Criminal Procedure Art. 45.051(c-1) states: “If the defendant fails to present within the deferral period satisfactory evidence of compliance with the requirements imposed by the judge under this article, the court shall: (1) notify the defendant in writing, mailed to the address on file with the court or appearing on the notice to appear, of that failure; and (2) require the defendant to appear at the time and place stated in the notice to show cause why the order of deferral should not be revoked.”

CONCLUSION

Based on the record before it and the factual findings recited above, the Texas State Commission on Judicial Conduct has determined the Honorable Andy Isaacs, Justice of the Peace, Precinct 3, Rockdale, Milam County, Texas, should be publicly admonished and ordered to obtain additional education for; (i) failing to comply with the requirements of Texas Code of Criminal Procedure Chapter 45 in his handling of Ms. Washpon’s case with respect to both his order of community service and his issuance of the arrest warrant, in violation of Canons 2A and 3B(2) of the Texas Code of Judicial Conduct; and, (ii) denying Ms. Washpon the right to be heard according to law when he issued a warrant for her arrest without providing her notice and an opportunity to appear before the court to show cause why such action should not be taken, in violation of Canon 3B(8) of the Texas Code of Judicial Conduct.

Pursuant to this Order, Judge Isaacs must obtain **four (4) hours** of instruction with a mentor, in addition to his required judicial education for Fiscal Year 2021. In particular, the Commission desires that Judge Isaacs receive this additional education in the area of criminal procedure, including, without limitation, appropriate use and issuance of arrest warrants and/or *capias*, the importance of reducing orders to writing, and properly documenting the proceedings in his 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 Isaacs.

Judge Isaacs shall complete the additional **four (4) 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 Isaacs’ 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 of the Texas Constitution in a continuing effort to protect the public and promote public confidence in the judicial system.

Issued this the 9th day of April, 2021.



David Hall
Chairman, State Commission on Judicial Conduct