



**BEFORE THE STATE COMMISSION  
ON JUDICIAL CONDUCT**

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**CJC No. 19-1878**

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**PUBLIC ADMONITION  
AND  
ORDER OF ADDITIONAL EDUCATION**  
*(Nunc Pro Tunc)*

**HONORABLE PAUL LILLY  
COUNTY JUDGE  
BROWNWOOD, BROWN COUNTY, TEXAS**

During its meeting on June 9-10, 2021, the State Commission on Judicial Conduct concluded a review of the allegations against the Honorable Paul Lilly, County Judge, Brownwood, Brown County, Texas. Judge Lilly was advised by letter of the Commission's concerns and provided written responses. Judge Lilly appeared before the Commission on June 10, 2021, and gave testimony.

**BACKGROUND**

Complainant Joe R. Cooksey ("Cooksey") alleged Judge Lilly improperly revoked Defendant, Adam Ben Carter's ("Carter") misdemeanor probation without a hearing, upon the filing of a motion to revoke based on his arrest in Runnels County on a separate, felony charge. The effect of the judge's "no bail" order was that Carter was then held in the Runnels County jail. In a supplement, Cooksey stated Judge Lilly called Carter in jail after counsel was appointed to represent him and offered to make a deal before bringing him to court.

In response to the Commission's Letter of Inquiry, Judge Lilly acknowledged his mistake in making notes on the order related to the motion to revoke probation. The judge admitted calling Carter and speaking to him while he was in jail in another county. Judge Lilly also stated he spoke to one of the jailers concerning Carter. The judge said he was simply replying to Carter's letter to him and wanted to confirm Carter's intention to plead guilty and accept "time served" before bringing him to court. Judge Lilly confirmed that Carter's appointed lawyer had filed a motion for continuance by the time he was brought to court, but Carter wanted to waive his right to counsel and plead to the motion to revoke.

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 Paul Lilly was the County Judge for Brown County, Texas.
2. As Brown County Judge, Judge Lilly performs judicial functions.
3. At the time of Adam Ben Carter's arrest in Runnels County, Carter contacted the Brown County Probation Office to request that his Brown County misdemeanor probation be revoked. Subsequently, the State filed its motion to revoke.
4. Bonds were set on Carter's felony charges in Runnels County.
5. Judge Lilly ordered "no bail" while the motion to revoke Carter's misdemeanor probation was pending, without considering any factors other than that Carter was in jail in another county on the new felony charge.
6. Judge Lilly's "no bail" order resulted in Carter's confinement in Runnels County Jail for over 120 days without a hearing.
7. The maximum jail term Carter would have faced upon revocation of his probation was 180 days.
8. While the motion to revoke remained pending, Judge Lilly called Carter directly in the Runnels County Jail and discussed Carter's intentions regarding the pending motion to revoke, as well as a potential plea agreement. Judge Lilly also spoke to a Runnels County Carter jailer about Carter's conduct in jail.

### **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(2) of the Texas Code of Judicial Conduct provides, in pertinent part, that "a judge should be faithful to the law and shall maintain professional competence in it."
3. Canon 3B(8) of the Texas Code of Judicial Conduct provides, in pertinent part, that "a judge shall not initiate, permit, or consider *ex parte* communications made to the judge outside the presence of the parties between the judge and a party or an attorney concerning the merits of a pending or impending judicial proceeding."
4. Art. V, Sec. 1-a(6)A of the Texas Constitution provides, in relevant part, that a judge can be sanctioned for "willful or persistent conduct that is clearly inconsistent with the proper performance of his duties..."

### **CONCLUSION**

Based on the record before it and the factual findings recited above, the Texas State Commission on Judicial Conduct has determined that the Honorable Paul Lilly, County Judge of Brownwood, Brown County, Texas, should be publicly admonished for: (i) setting "no bond" on a misdemeanor motion to revoke probation without addressing the statutory factors for setting bail, in violation of Canons 2A and 3B(2); and, (ii) engaging in impermissible *ex parte* communications with a criminal defendant and others

concerning the merits of a pending or impending judicial proceeding, in violation of Canon 3B(8) of the Texas Code of Judicial Conduct and Art. V, Sec. 1-a(6)A of the Texas Constitution.

Pursuant to this Order, Judge Lilly must obtain **two (2) hours** of instruction with a mentor, in addition to his required judicial education for Fiscal Year 2021. In particular, the Commission desires that Judge Lilly receive this additional education concerning judicial ethics and criminal procedure. 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 Association of Counties to the extent necessary to enable that entity to assign the appropriate mentor for Judge Lilly.

Judge Lilly 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 Lilly's responsibility to 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 14<sup>th</sup> day of July, 2021.

  
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David Hall  
Chairman, State Commission on Judicial Conduct