



**BEFORE THE
STATE COMMISSION ON JUDICIAL CONDUCT**

CJC No. 13-0496-JP

PUBLIC REPRIMAND

**HONORABLE BOBBY R. NICHOLDS
JUSTICE OF THE PEACE, PRECINCT 3
TRINITY, TRINITY COUNTY, TEXAS**

During its meeting on August 14-16, 2013, the State Commission on Judicial Conduct concluded a review of the allegations against the Honorable Bobby R. Nicholds, Justice of the Peace, Precinct 3, Trinity, Trinity County, Texas. Judge Nicholds was advised by letter of the Commission's concerns and provided a written response. After considering the evidence before it, the Commission entered the following Findings and Conclusions.

FINDINGS OF FACT

1. At all times relevant hereto, the Honorable Bobby R. Nicholds was Justice of the Peace, Precinct 3, Trinity, Trinity County, Texas.
2. On or about February 5, 2013, Judge Nicholds' close personal friend ("L.D.") was arrested for Driving While Intoxicated.
3. On or about February 6, 2013, another justice of the peace was preparing to magistrate L.D. when Judge Nicholds approached him in his office, in the presence of court staff, and asked if he could conduct her magistration instead.
4. Judge Nicholds thereafter magistrated L.D. and set a Personal Recognizance ("PR") bond for her release.
5. Judge Nicholds explained that he did so because he knew that L.D. would "not run."
6. Judge Nicholds acknowledged that he had been dating L.D. at the time that he magistrated her and set her PR bond.

7. In December of 2011, the Commission issued a Public Admonition to Judge Nicholds for lending the prestige of his judicial office in an attempt to assist L.D.'s daughter with a pending criminal matter, in violation of Canon 2B of the Texas Code of Judicial Conduct.
8. Judge Nicholds advised the Commission that he intends to retire from the bench in 2014, and does not intend to run for public office in the future.

RELEVANT STANDARD

Canon 2B of the Texas Code of Judicial Conduct states, in pertinent part, that, "A judge shall not allow any relationship to influence judicial conduct or judgment. 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."

CONCLUSION

The Commission concludes based on the facts and evidence before it that Judge Nicholds violated Canon 2B of the Texas Code of Judicial Conduct when he magistrated someone with whom he had a romantic relationship, allowed her to be released on a PR bond, and did so knowing that another judge who did not have a conflict of interest was willing and available to conduct the magistration. Although Judge Nicholds had the legal authority to magistrate a defendant charged with Driving While Intoxicated, and the discretion to release that defendant on a PR bond, his intervention in this particular case, which involved his girlfriend, created the appearance and the reality that he was allowing his relationship with her to influence his judicial conduct and judgment, that he was giving her favorable treatment, and that she was in a special position to influence the judge. The fact that Judge Nicholds has previously been disciplined for engaging in the same or similar conduct in aid of his girlfriend was an aggravating factor in determining the level of discipline in this case and demonstrates that his actions in this instance were both willful and persistent violations of Canon 2B of the Texas Code of Judicial Conduct.

In condemnation of the conduct described above that violated Canon 2B of the Texas Code of Judicial Conduct, it is the Commission's decision to issue a **PUBLIC REPRIMAND** to the Honorable Bobby R. Nicholds, Justice of the Peace, Trinity, Trinity 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 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 17th day of September, 2013.

ORIGINAL SIGNED BY
Tom Cunningham, Chair
State Commission on Judicial Conduct