



**BEFORE THE STATE COMMISSION
ON JUDICIAL CONDUCT**

CJC No. 23-0537

PUBLIC ADMONITION

**HONORABLE MARK MOREFIELD
75TH DISTRICT COURT
LIBERTY, LIBERTY COUNTY, TEXAS**

During its meeting on April 3-4, 2024, the State Commission on Judicial Conduct concluded a review of the allegations against the Honorable Mark Morefield, judge of the 75th District Court in Liberty, Liberty County, Texas. Judge Morefield 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 Conclusion:

FINDINGS OF FACT

1. At all times relevant hereto, the Honorable Mark Morefield served as judge of the 75th District Court in Liberty, Liberty County, Texas.
2. Judge Morefield presided over the *State of Texas v. Bruce Karbowski*, Case Number CR35215 ("the Karbowski Case"). The Karbowski Case concerned Bruce Karbowski, the Liberty County Commissioner of Precinct 1 ("Karbowski"), being indicted for allegedly violating Chapter 573 of the Texas Government Code regarding nepotism when he hired Zachary Arthur, the son of Greg Arthur, the Liberty County Commissioner of Precinct 2.
3. On January 1, 2021, the newly elected District Attorney Jennifer Bergman ("DA Bergman") assumed office and became responsible for the pending matter.
4. On December 21, 2021, Assistant District Attorney Mark Boemio ("ADA Boemio") filed a Motion to Dismiss the Karbowski Case "in the interest of justice" because DA Bergman believed there was insufficient evidence to support the indictment after "further investigation and careful consideration of the resulting facts, as well as consideration of

the latest opinion of the Office of the Attorney General regarding the application of Section 573.084(b) of the Texas Government Code.”

5. On December 28, 2021, Judge Morefield denied the Motion to Dismiss in the Karbowski Case.
6. On October 24, 2022, the Karbowski Case proceeded to trial. ADA Boemio conducted a limited questioning of the panel of prospective jurors, accepted the first six jurors on agreement with opposing counsel, presented no evidence and rested.
7. Prior to submitting the matter to the jury, Judge Morefield made extensive comments on the record in front of all present and stated the following:

Now, what troubles me, sir, is that there seems to be an invidious virus that is going around the Country these days, and it’s infecting individuals and institutions whose sole duty is to make sure that equal justice is administered to all those involved in the criminal justice system.

Now, that virus has caused people in that particular group to have a belief that there is a class of people that based solely upon who they are, who they are related to, how much money they have, or their political affiliation or what public office that they hold, that these people are entitled to special treatment.

I do not cater to that. I have not been infected, and this court has not been infected by that virus. I harken back to more than 200 years ago to what Thomas Jefferson had to say about these circumstances, and what he said is that government's most sacred duty is to do equal justice to all of its citizens. Special treatment is not equal justice.
8. After an extended discussion with ADA Boemio and DA Bergman, Judge Morefield instructed the jury to proceed to the jury room with an instruction to acquit Karbowski since no evidence had been presented.
9. Upon the return of the jury with a verdict of acquittal, Judge Morefield released the jury with the following statement, “Members of the jury, I apologize to you for being perhaps a little bit too raucous. I think we have a huge problem in this Country about disparage of justice. It rankles me if I suspect that it may be going on in this community. Whether it is or not I don't know, but I have questions. So, I apologize to you.”
10. Because the nature of the case involved allegations of public corruption, there was extensive local and social media coverage of the Karbowski Case and Judge Morefield’s statements during the trial.
11. In his responses to the Commission, Judge Morefield stated he had made a legal conclusion about the validity of the charge of nepotism in the Karbowski Case that did not reflect the full legal guidance that he had relied upon.
12. Judge Morefield “consulted the 2021 Texas Association of Counties handbook entitled ‘Pitfalls and Perils of Public Office’ relating to nepotism.” (“Handbook”). He stated his cited language was in sections for determining the source of compensation and the degree of relationship, which were separate from the legal question of “hiring authority” regarding nepotism.

13. Also, Judge Morefield explained public opinion had caused him to develop a bias and prejudice in the Karbowski Case, partly based on out-of-court information provided to him by third parties and county rumor and speculation.
14. Additionally, Judge Morefield cited to a case that he had with DA Bergman from 2021 which he did not approve of her handling of that case. Judge Morefield stated, "I bring these facts to the attention of the Commission to demonstrate my history with Bergman and motion to dismiss indictments. The cavalier approach by the District Attorney's office to her duty 'to see that justice is done' was fresh in my mind when I heard the Karbowski case."

RELEVANT STANDARDS

1. Canon 3B(5) of the Texas Code of Judicial Conduct states, "A judge shall perform judicial duties without bias or prejudice."
2. Canon 3B(6) of the Texas Code of Judicial Conduct states in relevant part, "A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, including but not limited to bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status."
3. Canon 3B(10) of the Texas Code of Judicial Conduct states in relevant part, "A judge shall abstain from public comment about a pending or impending proceeding which may come before the judge's court in a manner which suggests to a reasonable person the judge's probable decision on any particular case."

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 Mark Morefield, judge of the 75th District Court in Liberty, Liberty County, Texas should be publicly admonished for: (1) failing to perform his judicial duties without bias or prejudice; (2) manifesting bias and prejudice by his words and conduct; and (3) failing to abstain from public comment about a pending or impending proceeding which may come before his court in a manner which suggests to a reasonable person his probable decision on any particular case with regards to the Karbowski Case, in violation of Canons 3B(5), 3B(6), and 3B(10) of the Texas Code of Judicial Conduct.

The Commission has taken this action pursuant to the authority conferred it in Article V, Section 1-a(8) of the Texas Constitution in a continuing effort to protect the public and promote public confidence in the judicial system.

Issued this the 3 day of May, 2024.



Gary Steel
Chairman, State Commission on Judicial Conduct