



**BEFORE THE STATE COMMISSION  
ON JUDICIAL CONDUCT**

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**CJC Nos. 23-0875 & 24-0138**

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**PUBLIC ADMONITION  
AND  
ORDER OF ADDITIONAL EDUCATION**

**HONORABLE STEPHEN ROGERS  
268<sup>TH</sup> DISTRICT COURT  
RICHMOND, FORT BEND COUNTY, TEXAS**

During its meeting on October 2-3, 2024, the State Commission on Judicial Conduct concluded a review of the allegations in these matters against the Honorable Stephen Rogers, the judge of the 268<sup>th</sup> District Court in Richmond, Fort Bend County, Texas. Judge Rogers was advised by letter of the Commission's concerns and provided a written response. On December 3, 2024, Judge Rogers appeared before the Commission and gave testimony regarding this matter.

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

**FINDINGS OF FACT**

1. At all relevant times, the Honorable Stephen Rogers served as judge of the 268<sup>th</sup> District Court in Richmond, Fort Bend County, Texas.
2. Criminal defense attorneys Annie Scott ("Scott") and Michael Elliott ("Elliott") were serving as co-counsels in the matters *State of Texas v. Amanda Lynn Vasquez*<sup>1</sup> (the "Vasquez Cases") set in the 268<sup>th</sup> District Court with Judge Rogers presiding.
3. On July 25, 2023, Scott and Elliott appeared for the trial setting in the Vasquez Cases in the 268<sup>th</sup> District Court and were asked to approach Judge Rogers' bench. Scott and Elliott

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<sup>1</sup> Case Nos. 21-DCR-097864, 21-DCR-097864A, 23-DCR-102328, 23-DCR-104115 and 23-DCR-104321.

announced, “ready for trial,” with the understanding that they would not be proceeding that day, as Judge Rogers had a current jury trial still pending.

4. During the bench conference, Judge Rogers inquired about a “rumor” he heard that Scott and Elliott were planning to allow their client, Amanda Lynn Vasquez (“Vasquez”), to appear for trial in jail clothing. When Scott and Elliott confirmed Vasquez would be appearing in jail clothing, Judge Rogers responded by stating it “was not going to happen in [my] courtroom” and that they “were not going to pull that in [my] courtroom.”
5. Scott and Elliott requested Vasquez be brought in from the inmate holding cells to confirm her desire to appear in jail clothes for trial. Judge Rogers denied the request and instead ordered Scott and Elliott to go to Walmart to purchase clothes for Vasquez for trial. Judge Rogers ended the hearing by slamming his hand on the bench and yelling, “Don’t fuck with me in my court.”
6. John Brewer (“Brewer”), Fort Bend County Assistant District Attorney, confirmed that on July 25, 2023, Judge Rogers stated he would not allow Vasquez to appear in jail clothes, ordered Scott and Elliott to go to Walmart to purchase clothes for Vasquez, pointed his finger at Elliott, slammed something on the bench, making a loud noise, and said in a loud voice, “Do not fuck with me in my courtroom.” After Judge Rogers left the bench, Brewer observed Scott and Elliott stand silent before someone said, “Okay, what now?”
7. In a video from the 286<sup>th</sup> District Court on July 25, 2023, Judge Rogers can be observed pointing his finger, wagging his finger, hitting the bench with his hands, and standing up while pointing at Scott and Elliott.
8. The transcript from the hearing on July 25, 2023 is only five lines long. Judge Rogers admits he did not ask the court reporter, Gina Jackson (“Jackson”) to go on the record at the beginning of the hearing in the Vasquez Cases, because he was about to resume a jury trial and was unsure what Scott and Elliott wanted.
9. On August 4, 2023, Scott filed her *Motion for Recusal of Trial Judge*, seeking recusal of Judge Rogers from the Vasquez Cases.
10. Judge Rogers admitted that three days after the *Motion for Recusal of Trial Judge* was filed, he filed an *Order on Motion for Recusal of Trial Judge*, which did not refer the motion to the Presiding Judge, but instead stated: “DENIED. In the interest of preserving defendant’s right to speedy trial, court is appointing a visiting judge.”
11. Six days after the *Motion for Recusal of Trial Judge* was filed, Judge Rogers filed his *Order on Motion to Recuse and to Refer to Presiding Judge*, declining to voluntarily recuse himself and referring the motion to the Presiding Judge.
12. On August 30, 2023, the Presiding Judge signed an *Order Denying Motion to Recuse as Moot*, as Judge Rogers requested Judge James Showmake be assigned to hear the Vasquez Cases.
13. Judge Rogers confirmed that he transferred the Vasquez Cases but was not recused. Therefore, Judge Rogers remained the Judge responsible for signing Scott and Elliott’s pay vouchers and there was no order preventing the Vasquez Cases from being transferred back to Judge Rogers’ court.

14. On September 25, 2023, Elliott appeared in Judge Rogers' court for unrelated matters. As Elliott sat down, he was immediately approached by the bailiff, Jared Reyes, ("Reyes"), and escorted out of the courtroom. Once outside the courtroom, Reyes informed Elliott that he was "banned" from Judge Rogers' courtroom and could not enter for any reason. When Elliott raised concerns regarding his clients in the courtroom, Reyes informed Elliott that the Court Coordinator, Gabriella Romero ("Romero") would reset his cases. Romero met Elliott in the hallway and confirmed Elliott was banned from the courtroom and his cases would be transferred out of Judge Rogers' court. One of Elliott's cases was reset, and Elliott was removed as counsel of record in his second case.
15. Video of the 268<sup>th</sup> District Court from September 25, 2023 shows Elliott entering the courtroom before being immediately approached by Reyes and escorted out of the courtroom. Reyes returned to the courtroom without Elliott.
16. In his written responses to the Commission, after being provided *Estelle v. Williams*<sup>2</sup>, and reading it, Judge Rogers stated that he "believes(s) Texas law allows [him], in [his] discretion, to protect a defendant's rights" and that "wearing jail clothes in a jury trial...could also be an effort to cause error if there were not a knowing and intelligent waiver, or could be setting the stage for an ineffective assistance of counsel error argument if there was a conviction."
17. Judge Rogers blamed Scott and Elliott for his ignorance of the law, stating "there had been no written motion or request from defense counsel...defense counsel also did not present any briefing or case law at that time to support their intention to request their client appear in jail clothes."
18. Judge Rogers denied speaking in a high, aggressive voice, instead insisting he spoke in a firm or stern voice. Also, he denied towering over Scott and Elliott.
19. Judge Rogers admitted he "regrettably" said, "Don't fuck with me in my court" and slammed his palm on the bench when he was standing the leave but asserted the noise was amplified by the sound system.
20. Judge Rogers denied demonstrating bias and/or prejudice towards Elliott. However, Judge Rogers then stated he was "aware that Mr. Elliott seemed to be of the opinion that he was smarter than just about everyone else and seemed to be of the opinion that he could do or get away with whatever he wanted."
21. Judge Rogers denied demonstrating bias and/or prejudice towards Scott. However, Judge Rogers then opined that someone might question Scott's credibility or practice skills, "if she was asking for an extraordinary request-having her client tried before a jury wearing jail clothes-without having a clear and well-reasoned motion on file with case law or statutory authority to back up the request in hand to present to the judge."
22. When asked if he has apologized to Scott and/or Elliott, Judge Rogers stated, "I have not and I am uncertain precisely for what I would be apologizing."

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<sup>2</sup> 425 U.S. 501, 96 S. Ct. 1691, 48 L. Ed. 2d 126 (1976).

23. Judge Rogers denies violating Texas Rules of Civil Procedure 18a(f)(1) or the Texas Code of Judicial Conduct but admits he “could and should have used a less crude term in [his] final statement to Mr. Elliott.”
24. During his informal appearance, Judge Rogers testified that his discussion with Scott and Elliott on July 25, 2023, occurred in open court, while he was on the bench, and approximately ten people were present in the courtroom at the time.
25. Judge Rogers admitted the bench conference from July 25, 2023 is not reflected in the record, as he did not inform Jackson to go on the record, except for the last five lines of the hearing.
26. Judge Rogers testified that as a District Judge, he does not have access to legal research tools, such as LexisNexis or Westlaw. Judge Rogers stated that if he needs legal research done, he asks the State or Defense Counsel to conduct the research. However, Judge Rogers admitted he has access to Google and legal books but testified that he does not conduct his own legal research.
27. Judge Rogers testified that he had approximately two months of experience in criminal law before he became a District Judge. Since taking the bench, Judge Rogers does not remember participating in any Continued Legal Education or Judicial courses focusing on criminal law.
28. Judge Rogers testified that Reyes was acting outside of his purview and instruction when he spoke to Elliott on September 25, 2023. However, Judge Rogers admitted he had asked that Elliott not come in his courtroom that day, due to his previous interactions with Jackson, and that he transferred the cases on which Elliott was assigned out of his courtroom for approximately six months after September 25, 2023.
29. Judge Rogers testified that at the time of his appearance, he had still not apologized to Elliott, asserting that he had not seen Elliott in several months. However, Judge Rogers later provided conflicting testimony stating Elliott has appeared in front of him “several times in the last six to eight months.”
30. Judge Rogers admitted that he had access to Elliott’s and Scott’s information but testified that he has never reached out to either attorney to apologize.

#### **RELEVANT STANDARDS AND AUTHORITIES**

1. Canon 2A of the Texas Code of Judicial Conduct provides, in relevant part: “A judge shall comply with the law...”
2. Canon 3B(2) of the Texas Code of Judicial Conduct provides, in relevant part: “A judge...shall maintain professional competence in [the law].”
3. Canon 3B(4) of the Texas Code of Judicial Conduct provides, in relevant part: “A judge shall be patient, dignified, and courteous to...lawyers and others with whom the judge deals in an official capacity...”
4. Canon 3B(5) of the Texas Code of Judicial Conduct provides: “A judge shall perform judicial duties without bias or prejudice.”

5. Article V, Section 1-a(6)A of the Texas Constitution provides, in relevant part, a judge shall not engage in “willful or persistent conduct that is clearly inconsistent with the proper performance of his duties or casts public discredit upon the judiciary or administration of justice.”
6. Tex. R. of Civ. P. 18a(f)(1) in relevant part, provides, “the respondent judge, within three business days after the motion is filed, must either: (A) sign and file with the clerk an order of recusal or disqualification; or (B) sign and file with the clerk an order referring the motion to the regional presiding judge.”
7. Tex. R. of Civ. P. 18a(f)(2)(A) in relevant part, provides, “If a motion is filed before evidence has been offered at trial, the respondent judge must take no further action in the case until the motion has been decided, except for good cause stated in writing or on the record.”
8. *Estelle v. Williams*, 425 U.S. 501, 512-13, 96 S. Ct. 1691, 1697 (1976) in relevant part, provides: “Nothing in this record, therefore, warrants a conclusion that respondent was compelled to stand trial in jail garb or that there was sufficient reason to excuse the failure to raise the issue before trial. Nor can the trial judge be faulted for not asking the respondent or his counsel whether he was deliberately going to trial in jail clothes. To impose this requirement suggests that the trial judge operates under the same burden here as he would in the situation in *Johnson v. Zerbst*, 304 U.S. 458 (1938), where the issue concerned whether the accused willingly stood trial without the benefit of counsel. Under our adversary system, once a defendant has the assistance of counsel the vast array of trial decisions, strategic and tactical, which must be made before and during trial rests with the accused and his attorney. Any other approach would rewrite the duties of trial judges and counsel in our legal system. Accordingly, although the State cannot, consistently with the Fourteenth Amendment, compel an accused to stand trial before a jury while dressed in identifiable prison clothes, the failure to make an objection to the court as to being tried in such clothes, for whatever reason, is sufficient to negate the presence of compulsion necessary to establish a constitutional violation.”

## 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 Stephen Rogers, the judge of the 268<sup>th</sup> District Court, in Richmond, Fort Bend County, Texas, should be publicly admonished and ordered to obtain additional education for: (1) failing to comply with the law and maintain professional competence in the law when he: (a) refused to allow Vasquez to wear jail clothes for her jury trial; (b) failed to sign and file an order referring the motion to recuse to the regional presiding judge within three business days after the motion was filed in the Vasquez Cases; and (c) transferred the Vasquez Cases after a motion to recuse was filed; (2) failing to be patient, dignified and courteous towards: (a) Scott and Elliott during the Vasquez Cases; and (b) Elliott when he removed him from the 268<sup>th</sup> District Court; and (3) failing to perform his judicial duties without bias or prejudice when he: (a) made negative statements about Scott and Elliott in his written responses to the Commission; (b) blamed Scott and Elliott for his ignorance in the law and (c) punished Elliott by removing him from the 268<sup>th</sup> District Court without authority to do so. Judge Rogers’ failures in these respects constituted willful and persistent conduct that is clearly

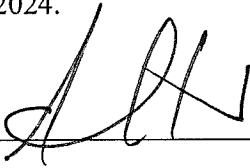
inconsistent with the proper performance of his duties and cast public discredit upon the judiciary or the administration of justice, in violation of Canons 2A, 3B(2), 3B(4) and 3B(5) of the Texas Code of Judicial Conduct and Article V, Section 1-a(6)A of the Texas Constitution.

Pursuant to this Order, Judge Rogers must obtain **four (4) hours** of instruction with a mentor, in addition to his required annual judicial education for Fiscal Year 2025. In particular, the Commission desires that Judge Rogers receive: (1) **two (2) hours** of this additional education in the area of demeanor; and (2) **two (2) hours** in the area of the legal rights of criminal defendants and recusal motions. Pursuant to the authority contained in Section 33.036 of the Texas Government Code, the Commission authorizes the disclosure of certain information relating to this matter to the Texas Center of the Judiciary to the extent necessary to enable that entity to assign the appropriate mentor for Judge Rogers.

Judge Rogers shall complete the additional **four (4) hours** of instruction recited above within **60 days** from the date of written notification of the assignment of a mentor. Upon receiving such notice, it is Judge Rogers' 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, Section 1-a(8) of the Texas Constitution in a continuing effort to promote confidence in and high standards for the judiciary.

Issued this the 18 day of December, 2024.

  
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Gary Steel  
Chairman, State Commission on Judicial Conduct