



**BEFORE THE STATE COMMISSION
ON JUDICIAL CONDUCT**

**CJC Nos. 19-1353, 19-1355, 19-1356, 19-1357, 19-1358, 19-1384, 19-1385,
19-1388, 19-1449, 19-1472, 19-1483, 19-1485, 19-1487, 19-1505, 19-1515,
19-1533, 19-1573, 19-1623, 19-1641, 19-1642, 19-1643 & 21-1723**

PUBLIC ADMONITION

**HONORABLE MARCOS LIZARRAGA
168TH JUDICIAL DISTRICT COURT
EL PASO, EL PASO COUNTY, TEXAS**

During its meeting on April 2-3, 2025, the State Commission on Judicial Conduct concluded a review of the allegations against the Honorable Marcos Lizarraga, 168th Judicial District Court, in El Paso, El Paso County, Texas. Judge Lizarraga was advised by letter of the Commission's concerns and provided a written response. Judge Lizarraga appeared before the Commission on April 3, 2025, and gave testimony.

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 Marcos Lizarraga served as the judge of the 168th Judicial District Court in El Paso, El Paso County, Texas.
2. On March 2, 2017, Moises Galvan ("Galvan") was charged in a two-count indictment for the murder of Rogelio Franco and aggravated assault with a deadly weapon of David Ortega in *State of Texas v. Moises Galvan*, Cause No. 20170D00969 (the "Galvan Case").
3. On or about May 8, 2019, the trial commenced in the Galvan Case with Judge Lizarraga presiding.
4. On May 17, 2019, during the Galvan Case, Judge Lizarraga engaged in an *ex parte* conference with the defense counsel, Francisco Macias ("Macias"), outside the presence of the State regarding the court inquiring as to the relevance of particularly touchy testimony which Macias asked for because he did not want to divulge his defense to the State. After the *ex parte* conference, Judge

Lizarraga ruled the topic and subject matter were relevant and allowed Macias to question on this topic.

5. On May 28, 2019, Judge Lizarraga engaged in an *ex parte* conference with Macias outside the presence of the State regarding alleged witness tampering by attorney, Daniel Gonzalez, attorney for David Ortega, approaching Brian Rodriguez, the significant other of Christa Estrada, a witness for the defense.
6. Also, on May 28, 2019, Judge Lizarraga engaged in an *ex parte* conference with Assistant District Attorney Stacy Scofield (“ADA Scofield”) and Linzui Vergara (“ADA Vergara”) outside the presence of the defense counsels regarding the alleged witness tampering as the reason why a witness was reluctant to testify in the Galvan Case.
7. On June 1, 2019, during the Galvan Case, Judge Lizarraga engaged in an *ex parte* conference with Macias outside the presence of the State regarding whether a witness for the prosecution, Luis Ruiz (“Ruiz”), could invoke the Fifth Amendment and how that would affect Ruiz’s federal case if the State had already submitted a statement by Ruiz.
8. During the June 1st *ex parte* conference, Macias stated, on the record, “well, I wanted to *ex parte* so I don’t get in a fight with these two women,” and “No, I don’t want to get - - I don’t want these two prosecutors - - you’re absolutely correct. These two prosecutors tried to jump in and say something different and - -”. In response to Macias, Judge Lizarraga stated to Macias, “That’s not a reason to *ex parte*.”
9. During his appearance before the Commission, Judge Lizarraga acknowledged he had *ex parte* conferences with either the State or the Defense outside the presence of the other party during the Galvan Case. Judge Lizarraga rationalized that he adopted these “effective” *ex parte* conferences based on an opinion from the Fourth Court of Appeals styled *Ex Parte Miguel Martinez*¹.

RELEVANT STANDARD AND AUTHORITY

Canon 3B(8) of the Texas Code of Judicial Conduct provides, in relevant parts, “A judge shall not initiate, permit, or consider *ex parte* communications or other communications made to the judge outside the presence of the parties between the judge and a party, an attorney, ..., or any other court appointee concerning the merits of a pending or impending judicial proceeding.”

CONCLUSION

Based upon the record before it and the factual findings recited above, the State Commission on Judicial Conduct has determined that the Honorable Marcos Lizarraga, judge of the 168th Judicial District Court, in El Paso, El Paso County, Texas should be publicly admonished for considering improper *ex parte* communications from either the Defense or the State concerning the merits of the Galvan Case, in violation of Canon 3B(8) of the Texas Code of Judicial Conduct.

The Commission has taken this action pursuant to the authority conferred it in Article V, Sec. 1-a(8) of the Texas Constitution in a continuing effort to promote confidence in and high standards for the judiciary.

¹ 560 S.W.3d 681 (Tex. App. – San Antonio 2018, pet. ref’d).

Issued this the 11 day of April, 2025.



Ken Wise
Vice-Chair, State Commission on Judicial Conduct