

Opinion Issued: July 8, 2026

SCR 25-0003
SPECIAL COURT OF REVIEW

IN RE INQUIRY CONCERNING THE HONORABLE NATALIA “NATA” CORNELIO
CJC No. 25-0319

Before this Review Tribunal¹ is an appeal from a Public Reprimand issued by the Texas State Commission on Judicial Conduct (the “Commission”) against Respondent, the Honorable Natalia “Nata” Cornelio, judge of the 351st Criminal Judicial District Court in Harris County. The Commission’s Public Reprimand concluded that Judge Cornelio (1) performed her judicial duties with bias in favor of a litigant by signing and issuing a bench warrant knowing that it contained false information about a nonexistent court appearance; and (2) failed to afford the State an opportunity to be heard on a motion to quash. In the Public Reprimand, the Commission further concluded that:

Judge Cornelio’s failures in the foregoing respects constituted willful and persistent conduct that is clearly inconsistent with the proper performance of her judicial duties and cast public discredit on the judiciary and on the administration of justice, in violation of Canons 3B(5), 3B(6) and 3B(8) of the Texas Code of Judicial Conduct and Article V, Section 1-a(6)A of the Texas Constitution.

Respondent timely appealed. *See* TEX. GOV’T CODE § 33.034 (providing the procedure to appeal Commission sanctions). The Review Tribunal conducted a trial de novo to review the Commission’s sanctions. As set forth herein, we conclude that the Commission met its burden of proving that Respondent willfully violated Canons 3B(5), 3B(6), and 3B(8) of the Texas Code of Judicial Conduct and Article V, Section 1-a(6)A of the Texas Constitution and we uphold the issuance of a Public Reprimand to Petitioner.

We note at the outset that the function of the Commission “is not to punish; instead its purpose is to maintain the honor and dignity of the judiciary and to uphold the administration of justice for the benefit of the citizens of Texas.” *In re Slaughter*, 480 S.W.3d 842, 845 (Tex. Spec.

¹This Special Court of Review consists of the Honorable John M. Bailey, Chief Justice of the Eleventh Court of Appeals, presiding by appointment; the Honorable Brian Hoyle, Justice of the Twelfth Court of Appeals, participating by appointment; and the Honorable Judy C. Parker, Chief Justice of the Seventh Court of Appeals, participating by appointment.

Ct. Rev. 2015) (per curium) (quoting *In re Lowery*, 999 S.W.2d 639, 648 (Tex. Rev. Trib. 1998, pet. denied)). Similarly, a special court of review is not charged with punishing but with providing guidance to judges and protection to the public. *In re Davis*, 82 S.W.3d 140, 150 (Tex. Spec. Ct. Rev. 2002).

I. Stipulated Facts²

1. On September 26, 2014, a Harris County Grand Jury returned an Indictment against Ronald Lee Haskell (“Haskell”) for Capital Murder. On October 11, 2019, Haskell was convicted of murdering six members of his ex-wife’s family and sentenced to death. The presiding judge during the 2019 trial was the Honorable George Powell, judge of the 351st Criminal District Court, Harris County, Texas.
2. On January 1, 2021, Judge Cornelio was sworn in as judge of the 351st Criminal District Court in Houston, Harris County, Texas, and continues to serve as judge of the 351st through the present day.
3. On June 21, 2021, Judge Cornelio appointed Attorney Christina Thompson “Christi” Dean, Chief Public Defender of the Dallas County Public Defender’s Office, to represent Haskell as habeas counsel pursuant to Texas Code of Criminal Procedure art. 11.071. Under that statute, Ms. Dean was required to “investigate expeditiously...the factual and legal grounds for the filing of an application for writ of habeas corpus,” and “file with the convicting court an ex parte, verified, and confidential request for prepayment of expenses, including expert fees, to investigate and present potential habeas corpus claims” pursuant to this appointment.
4. On March 6, 2024, the State filed a motion to recuse Judge Cornelio from Haskell’s habeas proceedings. On April 11, 2024, Judge Susan Brown, the presiding judge of the Eleventh Administrative Judicial Region, denied this motion to recuse.
5. On June 26, 2024, Judge Cornelio granted an ex parte request for a bench warrant filed by Ms. Dean, and sealed said motion and the June 26, 2024 order itself (the “June 26, 2024 Order”).
6. On June 27, 2024, Judge Cornelio signed a bench warrant as anticipated in her June 26, 2024 Order. The bench warrant authorized the Texas Department of Criminal Justice (TDCJ) to transfer custody of Haskell to the Harris County Sheriff’s Department (the “Bench Warrant”) and read, in relevant part, “The case is set on the court docket for July 22, 2024, at 12:00 a.m. in the Harris County District Court listed above,” in *State of Texas v. Ronald Lee Haskell*,

²The Commission and Respondent executed agreed stipulations of fact.

Case No. 1434395 (the “Haskell Case”). The Bench Warrant was filed and made part of the public record on June 27, 2024.

7. On July 19, 2024, Haskell was transferred from TDCJ custody to the custody of the Harris County Sheriff’s Department.
8. On July 22, 2024, Judge Cornelio signed an order granting Ms. Dean’s Second Transport Motion (the “Order”). The Order required the Harris County Sheriff’s Department to transport Haskell to the expert’s imaging facility for the investigative MRI. The Order included language that the “Sheriff’s Office retains the authority to make any arrangements to ensure the custody of the Defendant and the safety and protection of the community.” The Order also sealed the Second Transport Motion and the July 22, 2024 order.
9. On July 23, 2024, the Harris County Sheriff’s Department publicly filed the Officer’s Return of the Bench Warrant.
10. On July 23, 2024, Haskell called his mother, Carla Haskell, and discussed various matters. One of the topics discussed was Ms. Dean’s phone call with Carla Haskell and the need for keeping the pending imaging confidential.
11. On July 30, 2024, the Harris County Sheriff’s Department transported Haskell to and from the expert’s MRI facility (SimonMed Imaging). SimonMed Imaging is a medical imaging facility available to the public. Haskell was examined by medical staff at SimonMed Imaging on the same date while in custody of the Harris County Sheriff’s Department. When the Sheriff’s Deputies and Haskell arrived at SimonMed Imaging at 8:00 a.m., there were no patients in the lobby. When Sheriff’s Deputies and Haskell left the facility, there were patients in the lobby.
12. On July 31, 2024, Haskell called his mother, Carla Haskell, again. During the call, Haskell said that the imaging “was only 20 minutes and it was supposed to be an hour and a half.” Haskell and his mother left a voicemail for Haskell’s attorney, Ms. Dean, about the imaging procedure. Haskell described the imaging procedure as “TBI protocol.” Haskell further told his mother that Ms. Dean was “putting me in danger” because he “almost got put in general population.” Haskell called the whole experience “cloak and dagger bull crap.”
13. On August 7, 2024, the Harris County Sheriff’s Department returned Haskell to TDCJ.
14. At all times relevant hereto, Haskell was in the custody of either TDCJ or the Harris County Sheriff’s Department.
15. At no time has Judge Cornelio had any direct contact with Haskell.

16. According to the Harris County District Attorney's Office (the "State") in its motion to recuse, the State learned about the Bench Warrant from a survivor of Haskell's attack, who received notification from the Texas Victim Information and Notification Everyday ("VINE") system that Haskell was transferred to the Harris County Jail for a court proceeding and in turn, on August 28, 2024, the State subpoenaed Haskell's transport logs (the "Subpoena"). The Subpoena issued by the State directed that the recipient contact the State's attorney who signed the Subpoena and further indicated that a response was due "Instantly at 8:45am." The State did not notify or coordinate with the Court about its Subpoena or how the information sought should be delivered. The Court was never informed by the Subpoena recipient or the State as to whether responsive information was ever provided.
17. On September 10, 2024, Ms. Dean notified the State and the Court via email that the State had issued subpoenas, and that she would be filing a motion to quash the Subpoena. On September 12, 2024, Ms. Dean filed a motion to quash the State's Subpoena (the "Motion to Quash"). The State did not request a hearing on the Motion to Quash.
18. On Saturday, September 14, 2024, finding the State sought to "invade matters protected by privilege," Judge Cornelio granted the Motion to Quash without a hearing or a response from the State. The State did not seek rehearing on the Motion to Quash.
19. On October 27, 2024, the State filed a recusal motion in the Haskell Case accusing Judge Cornelio of bias and misconduct (the "Recusal Motion").
20. The Recusal Motion alleged that in June of 2024, in connection with her decision to grant the Second Motion, Judge Cornelio:
 - a. issued the Bench Warrant for Haskell to be transported for a court setting knowing the information to be false;
 - b. issued the ex parte travel orders in a "cloak and dagger" manner that prevented the State from challenging her actions;
 - c. quashed the State's Subpoena seeking information about the matter without affording the State an opportunity to be heard; and
 - d. exhibited a "high degree of favoritism" towards Haskell in her handling of the case.
21. After conducting several hearings and/or status conferences on the Recusal Motion and other related issues, Judge Susan Brown granted the Recusal Motion and removed Judge Cornelio from the Haskell Case on January 15, 2025. Judge Brown did not make any findings of fact or conclusions of law.

22. The Commission initiated this complaint in December of 2024 based on news reports about the Recusal Motion.
23. Judge Cornelio did not dispute the fact findings as they concerned the issuance and substance of the Bench Warrant and the sequence of events concerning the Motion to Quash. Judge Cornelio did not and does not agree with all characterizations of her conduct contained in the Recusal Motion, the questions asked by Commission members during an informal hearing, and other places in the record.
24. Judge Cornelio acknowledged the Bench Warrant contained inaccurate information about a court setting. Judge Cornelio explained that her staff used a standard electronic form for the Bench Warrant and, as is a common and long-standing practice in Harris County, identified a docket setting even though the defendant was not going to appear in court. Judge Cornelio admitted she “should have been more careful about the details of the form [she] was signing” and that it was ultimately her responsibility to ensure the Bench Warrant did not contain inaccurate information.
25. Judge Cornelio stated that she has taken steps to ensure a situation such as this does not occur again, including changing her processes and requiring both parties to appear before issuing a bench warrant. Additionally, Judge Cornelio told the Commission she has initiated a system-wide effort to ensure this legacy practice with bench warrants will no longer be used by any of the twenty-nine (29) criminal district courts in Harris County, Texas.
26. Judge Cornelio acknowledged she granted the Motion to Quash on a Saturday without setting a hearing or inviting the State to brief the issues. Judge Cornelio indicated she no longer rules on motions without either holding a hearing or confirming the parties do not want a hearing.

II. Charges

The Commission filed Examiners’ Charging Document on November 25, 2025. The Charging Document alleges three charges:

Charge I: Canons 3B(5) and 3B(6)

Judge Cornelio performed her judicial duties with bias in favor of Haskell, and manifested by words or conduct such bias in the performance of her judicial duties, when she signed and issued the Bench Warrant knowing it contained false information about a nonexistent court appearance, in violation of Canons 3B(5) and 3B(6) of the Texas Code of Judicial Conduct.

Charge II: Canon 3B(8)

During the Haskell Case, Judge Cornelio denied the State the right to be heard according to law when she failed to afford the State an opportunity to be heard on the Motion to Quash, in violation of Canon 3B(8) of the Texas Code of Judicial Conduct.

Charge III: Article V, Section 1-a(6)A of the Texas Constitution

Judge Cornelio's behavior and actions as set forth above constituted willful and persistent conduct that was clearly inconsistent with the proper performance of her duties and cast public discredit upon the judiciary and the administration of justice, in violation of Article V, Section 1-a(6)A of the Texas Constitution.

III. Relevant standards and burden of proof

The Texas Constitution provides that a judge may be disciplined for demonstrating incompetence in performing the duties of his or her office, a willful violation of the Code of Judicial Conduct, or willful or persistent conduct that is clearly inconsistent with performance of his or her duties or that casts public discredit upon the judiciary or the administration of justice. TEX. CONST. Art. V, § 1-a(6)A. The rules of law, evidence, and civil procedure govern our review. *In re Sharp*, 480 S.W.3d 829, 833 (Tex. Spec. Ct. Rev. 2013). The Commission has the burden to prove the charges against Petitioner by a preponderance of the evidence. *Slaughter*, 480 S.W.3d at 845 (citing GOV'T § 33.034(f)).

The type of alleged error, legal or non-legal, determines the applicable standard of review. *In re Bailey*, 692 S.W.3d 900, 906 (Tex. Spec. Ct. Rev. 2022); *In re Ginsberg*, 630 S.W.3d 1, 8–9 (Tex. Spec. Ct. Rev. 2018). Non-legal errors are reviewed by a willfulness standard. *See Ginsberg*, 630 S.W.3d at 7–9. In judicial misconduct cases, “willful” error occurs when a judge intentionally or with gross indifference misuses the power of the judicial office. *See Sharp*, 480 S.W.3d at 833 (citing *Davis*, 82 S.W.3d at 148). A judge acts intentionally “when the act is done with the conscious objective of causing the result or of acting in the manner defined in the pertinent rule of conduct.” *Ginsberg*, 630 S.W.3d at 7. Conduct constitutes gross indifference when it is “flagrant, shameful and beyond all measure and allowance.” *Id.* The inquiry is not into whether the judge intended to violate the Code of Judicial Conduct itself, but whether the judge intended to engage in the conduct for which he or she is disciplined. *Id.*

The standard for legal error is more rigorous; because every judge’s ruling is intentional and thus willful, any legal error would constitute judicial misconduct under the willfulness standard. *Id.* at 8. For a legal error to rise to the level of judicial misconduct, the challenged ruling must be “made contrary to clear and determined law about which there is no confusion or question as to its interpretation, and the complained-of legal error additionally must be (1) egregious, (2) made as part of a pattern or practice of behavior, or (3) made in bad faith.” *Id.* (quoting *In re Barr*, 13 S.W.3d 525, 545 (Tex. Rev. Trib. 1998, no appeal)). Given this heightened standard, “disciplinary proceedings are inappropriate when the judge’s complained-of ruling is made under a law that is arguably unclear or ambiguous.” *Bailey*, 692 S.W.3d at 907.

The parties dispute whether the Commission has alleged legal or non-legal error. The Examiners contend that the Commission has charged Petitioner with non-legal error because the Commission does not challenge her legal rulings. Conversely, Petitioner asserts that the Commission has asserted legal error because the proceedings arise from her interpretation of Article 11.071 of the Texas Code of Criminal Procedure.

Here, the Commission charged Petitioner in two material respects—acting with bias and failing to afford the State an opportunity to be heard prior to granting a motion to quash. With respect to the allegation of acting with bias, the Commission cited Canons 3B(5) and 3B(6). Canon 3B(5) of the Texas Code of Judicial Conduct provides, “[a] judge shall perform judicial duties without bias or prejudice.” TEX. CODE JUD. CONDUCT, Canon 3B(5). Canon 3B(6) of the Texas Code of Judicial Conduct provides, in relevant part, “[a] judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice.” TEX. CODE JUD. CONDUCT, Canon 3B(6).

Charges based on Canon 3B(5) and 3B(6) were recently addressed in *In re Bynum*, 704 S.W.3d 278, 292, 295-96 (Tex. Spec. Ct. Rev. 2024). There, the special court of review determined that these charges are in the nature of non-legal error. *Id.* at 292. The special court of review in *In re Bailey* also determined that an alleged violation of Canon 3B(5) is in the nature of non-legal error. 692 S.W.3d at 916-17.

The other charge in this proceeding is based on Canon 3B(8). Canon 3B(8) of the Texas Code of Judicial Conduct provides, in relevant part, “[a] judge shall accord to every person who has a legal interest in a proceeding, or that person’s lawyer, the right to be heard according to law.” TEX. CODE JUD. CONDUCT, Canon 3B(8). The special court of review in *In re Bynum* also

addressed Canon 3B(8). 704 S.W.3d at 292, 296-97. There, the special court of review determined that a charge under Canon 3B(8) is in the nature of non-legal error. *Id.* at 292.

We agree with the *Bynum* court's determination that allegations of acting with bias and failing to provide all parties a right to be heard on a matter are non-legal errors reviewed by a willfulness standard. *Id.*; see *Ginsberg*, 630 S.W.3d at 7–9. In this regard, Canons 3B(5), 3B(6), and 3B(8) address a judge's ethical and professional conduct. See *Bailey*, 692 S.W.3d at 914-15 (addressing Canon 3B(4) requiring a judge to be “patient, dignified and courteous”) As such, we conclude that the allegations in this judicial conduct proceeding involve non-legal error.

Our discussion of Respondent's legal rulings should not be perceived as legal authority. In this regard, the Texas Court of Criminal Appeals is vested with exclusive appellate and writ jurisdiction in death penalty cases. We further note that the Texas Court of Criminal Appeals has issued at least one opinion after Respondent's rulings in this matter that addresses Article 11.071. See *In re Tex. Dep't of Criminal Justice*, No. WR-97,366-01, 2026 WL 1029116 (Tex. Crim. App. Apr. 16, 2026) (not designated for publication). Respondent obviously did not have the benefit of this decision in making her rulings in this case.

IV. Analysis

Charge I - Canons 3B(5) and 3B(6)

Canon 3B(5) simply provides that “[a] judge shall perform judicial duties without bias or prejudice.” Canon 3B(6) expands upon Canon 3B(5) by specifying that a judge shall not manifest bias or prejudice by words or conduct in the performance of judicial duties. Canon 3B(6) identifies various classes of individuals who should not be the subject of bias or prejudice, and it prohibits a judge from “knowingly [permitting]” staff and court officials to manifest bias or prejudice by words or conduct.

“Bias” is a “mental inclination or tendency; prejudice; predilection.” *Bias*, BLACK'S LAW DICTIONARY (10th ed. 2014). The “bias rule” is “a principle of procedural fairness requiring a decision maker not to be personally biased and not to appear to a reasonable, informed, detached observer to be prejudiced in any way in legal proceedings.” *Bias rule, id.* Rule 18b(b) of the Texas Rules of Civil Procedure provides that a judge “must recuse in any proceeding in which (1) the judge's impartiality might reasonably be questioned;” or “(2) the judge has a personal bias or prejudice concerning the subject matter or a party.” TEX. R. CIV. P. 18b(b)(1), (2).

Charge I alleges that Respondent acted with bias in favor of Haskell when she signed a bench warrant knowing that it contained false information about a non-existent court appearance. The bench warrant provided in relevant part as follows:

The State of Texas
vs.
HASKELL, RONALD LEE
In the 351st District Court
of Harris County, Texas

Writ of Attachment or Bench Warrant

...

TO THE DIRECTOR OF THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE

TO: Any Peace Officer of the State of Texas

The above-named individual is a DEFENDANT in the above styled and numbered case. The case is set on the court's docket for **July 22, 2024**, at **12:00 AM** in the Harris County District Court listed above.

So that he may appear before this Court, we order you to deliver the above named individual to the custody of the Harris County Sheriff or any of his deputies.

Please have the prisoner delivered to the Harris County Sheriff's Department as soon as possible.

ORDERED in Harris County, Texas on this date **June 27, 2024**.

/s/ _____
Presiding Judge

Respondent essentially contends that the bench warrant only contained a single error—the midnight setting—that she did not catch before signing it. Respondent contends that this error was simply an oversight.

Contrary to Respondent's contention, the setting at midnight was not the only incorrect information contained in the bench warrant. Haskell never had a court setting before Respondent at any time in the summer of 2024. Instead, Respondent issued the bench warrant for the purpose of removing Haskell from death row at the Polunsky Unit of TDCJ to be returned to the Harris

County Jail. Respondent signed another order for sheriff's deputies to then transport Haskell from the jail to a private medical facility, which appears to be located in a strip mall in Houston beside a CVS Pharmacy, so that an MRI could be performed on him outside of death row confinement at TDCJ.

Respondent's court coordinator, Christopher Gil, testified with respect to the preparation of the bench warrant. He testified that he prepared the subject bench warrant at Respondent's request. Gil testified that the template for bench warrants will sometimes populate a time of midnight for a court setting, and that he failed to correct it on this bench warrant. Gil selected the date of July 22, 2024 for the purported court setting on the bench warrant of Haskell's case, because the Harris County Sheriff's Office needs a minimum of fourteen days to process a bench warrant. Further, Gil testified that he also placed Haskell's case on the court's docket for July 22, 2024. In this regard, Gil testified:

Q. But in general, though, any time you – any time you fill out a bench warrant, you are going to put it on on the Court -- on the Court's docket, right?

A. That's correct. The sheriff's office, I think, even goes in and makes sure that the court date reflects the date that is on the bench warrant before they even notify which ever unit they're going to be requesting the inmate from.

Gil's answer indicates that the Harris County Sheriff's Office confirms that a case is set on the court's docket before processing a bench warrant. At Respondent's request, Gil later removed the setting for Haskell's case from the court's July 22 docket.

Respondent adduced evidence at trial that the criminal district courts in Harris County routinely issue bench warrants for inmates in the custody of TDCJ when the inmates have no actual court settings. This practice is so pervasive that a criminal defense attorney that Respondent called as a witness at trial testified to an instance when he wanted one of his former clients in custody at TDCJ to speak to one of his current clients that was an inmate at the Harris County Jail. The defense attorney simply asked a court coordinator to issue a bench warrant for the TDCJ inmate to be returned to the Harris County Jail for the meeting to occur. The defense attorney further testified that he routinely obtains the issuance of bench warrants for his clients to be returned to Harris County from TDCJ. He opined that it was cheaper for Harris County to bring the inmate back to the Harris County Jail rather than paying him to travel to visit the inmate at TDCJ.

Respondent executed the bench warrant and transport order after extensive ex parte communications between Respondent and the writ counsel that she had appointed for Haskell. Respondent takes the position that issuance of the bench warrant was justified based upon her interpretation of Article 11.071 and the Sixth Amendment. This argument is the principal basis for Respondent's contention that the Commission is asserting that she committed a legal error because it disagrees with her interpretation of Article 11.071.

Respondent's issuance of the bench warrant for a non-existent court setting set off a wave of unintended consequences. Because the issuance of the bench warrant affected Haskell's custody status, a family member of the victims received a VINE notification that Haskell had a court setting at a time when the family expected Haskell to remain in custody on death row. Upset, the family member contacted the Harris County District Attorney's Office to find out why Haskell was going to be in court. The District Attorney's Office was unable to answer the family member's inquiry because the State was not aware of any setting. Additionally, the issuance of the bench warrant was a precursor to Haskell being taken to a private medical facility where he came into relatively close contact with members of the public in the facility's waiting room as he exited the facility. The bench warrant led to the State filing the second motion to recuse Respondent which her regional presiding judge granted after protracted hearings. Also, the issuance of the bench warrant and the subsequent recusal were extensively covered by local media—coverage which included this special court of review proceeding.

“A judge's role is to serve as a neutral party.” *Bailey*, 692 S.W.3d at 917. “Bias or prejudice is indicated through improper statements, favoritism, and antagonism.” *Id.* (citing *In re Williams*, SCR No. 19-0001, slip. op. at 19–21 (Tex. Spec. Ct. Rev. May 17, 2019), <http://www.scjc.texas.gov/media/47075/scr-19-0001-opinion-judgment-and-concurring-dissenting-opinion.pdf> (last visited Jul. 6, 2026) (finding a violation of Canon 3B(5) when a judge made disparaging comments about the district attorney's office)).

The evidence presented to this special court of review includes a conversation occurring between Respondent and David Mitcham, first assistant district attorney of Harris County and chief of courts. The conversation occurred on August 27, 2019, in Mitcham's office. Thus, the conversation occurred prior to Respondent's service as a judge. Mitcham prepared an affidavit about the conversation in 2022 that stated in relevant part as follows:

Sometime after I assumed my present position at the District Attorney's Office, I was asked to meet with Natalia Cornelio, a lawyer working in the office of Harris County Precinct One Commissioner Rodney Ellis. This meeting occurred Tuesday, August 27, 2019, from approximately 10:07 a.m. until around noon. [Please see attached Exhibit A.] Ms. Cornelio (registered in the entry log as Natalia Velasco) came to my office for a "meet and greet" conversation concerning several pending issues involving criminal jurisprudence in Harris County.

During our conversation, Ms. Cornelio advised that she was from Chicago, Illinois. She expressed disgust that Texas still pursued and sentenced defendants to the death penalty. At that time, the capital murder trial of State of Texas v. Ronald Haskell, cause number 1434395, was in progress in the 351st District Court. Mr. Haskell stood accused of murdering his sister-in-law, her husband, and four of their children, in a single criminal episode. One child survived her head wound and was able to identify her former uncle as the shooter.

In response to Ms. Cornelio's comments about Texas and the death penalty, I offered the Haskell case as an example, and stated somewhat facetiously that, even though "we hated to do it (impose the death penalty for such an egregious crime), we feel like we owe it to him." Ms. Cornelio immediately recoiled, and exclaimed, "Oh – he's, sick!" She made it clear to me that, in her opinion, even a crime the magnitude of the one for which Mr. Haskell was convicted did not merit the death penalty.

Mitcham testified at the hearing on the second motion to recuse Respondent. He testified that Respondent was working for County Commissioner Rodney Ellis as a legal adviser at the time of the 2019 meeting and that she was there to discuss criminal justice matters with Mitcham. He elaborated that Respondent seemed to physically "recoil" when she stated "Oh, he's sick" in reference to Haskell. Mitcham further opined that he felt at the time that Respondent was a "criminal justice reformer."

At trial, Respondent testified that she recalled having a meeting with Mitcham in 2019. When asked if she recalled what they discussed, Respondent answered: "No. I mean, no, not really. We were there to discuss data keeping with regards to bail practices in Harris County." When asked if she expressed disgust to Mr. Mitcham about the death penalty during the 2019 conversation, Respondent answered "I don't recall doing that." In another instance, Respondent was asked if she ever had a discussion with Mitcham about the death penalty to which she replied:

A. I've had a discussion with him. I tried to avoid a discussion with him about the death penalty.

Q. You tried to avoid, but you failed?

A. I think so, a little bit.

These responses were in reference to the 2019 conversation.

Respondent testified that she did "not remember discussing Ronald Haskell, at all" during the 2019 conversation. She further testified that "I did not know who Ronald Haskell was at the time." Additionally, Respondent testified that "Haskell's name was never said. . . to be clear, Haskell's name was never mentioned in that conversation, and if it had been, I would not have known who [he] was talking about." Respondent testified that she first became aware of the Haskell case in 2021 after taking the bench. Respondent also testified that she does not have a fundamental moral opposition to the death penalty.

Based upon our review of the credible evidence, we conclude that Respondent and Mitcham discussed both the death penalty and Haskell's case specifically as recounted by Mitcham's affidavit and his testimony at the hearing on the second motion to recuse. A significant fact in our analysis is the notoriety of Haskell's crime and subsequent trial. As recited by the State in its second motion to recuse:

On July 9, 2014, masquerading as a delivery person even though he was known to the victims, Ronald Lee Haskell ("Haskell") appeared at the home of his former sister-in-law and family. Upon arrival, Haskell tried to persuade 15-year-old Cassidy Stay to let him enter. When that was unsuccessful, Haskell forced his way into the residence. At gunpoint, Haskell ordered Cassidy to bring her four siblings into the living area, where he held them until her parents, Katie and Stephen, returned home. Haskell forced the entire family to lie on the ground, and then shot each of them.

Haskell shot Cassidy in the head; however, she managed to survive the shooting by "playing dead" and then calling 9-1-1. All other members of the family - Zachery Stay, age 4; Rebecca Stay, age 6; Emily Stay, age 9; Bryan Stay, age 13; Katie Stay, age 34, and Stephen Stay, age 39 - died from their injuries.

...

Haskell's alleged mental illness was the dominant issue at trial. Haskell pleaded not guilty by reason of insanity.

Thus, Haskell's crime of shooting his ex-wife's six family member execution-style was particularly heinous. Both the State and Haskell asserted that his criminal act and subsequent trial were covered extensively by the media. Further, at the time of her meeting with Mitcham in August 2019, the presentation of evidence in Haskell's trial had just begun. Despite the attendant heavy media coverage and the fact that Respondent's job dealt with criminal justice policy issues on behalf of a county commissioner with a long history of working on criminal justice issues, Respondent disclaimed any knowledge of Haskell, his crime, or trial until after she became judge in 2021.

Further, Respondent's recollection of her conversation with Mitcham in 2019 is not consistent. Respondent initially denied having any recollection of the specifics of her conversation with Mitcham, yet she later definitively stated that Haskell was not mentioned during the conversation. Accordingly, we conclude that Mitcham discussed the death penalty during his conversation in 2019 with Respondent, that Respondent expressed her disagreement with the death penalty as an acceptable form of punishment, that Mitcham referenced Haskell during their conversation, that Respondent stated "Oh, he's sick" and visibly recoiled in response to Mitcham's reference to Haskell, and that Respondent was aware of Haskell and his crime at the time of the 2019 conversation with Mitcham and prior to taking the bench.

Our determination that Mitcham's account of the 2019 conversation is accurate is a lens through which we view Respondent's subsequent actions in Haskell's case. Armed with the knowledge that Respondent characterized Haskell as being "sick," it would appear to a reasonable, informed, detached observer that Respondent's issuance of the bench warrant to permit Respondent to receive an MRI was an act of an advocate rather than a neutral decision maker. Thus, irrespective of Respondent's statements that she based her decision to issue the bench warrant for Haskell to obtain the MRI based on her reading of Article 11.071 and the advice of her staff attorney, we conclude that the Examiners have established by a preponderance of the evidence that she willfully violated Canon 3B(5) by acting with bias in favor of Haskell as alleged in Charge I. Our affirmative finding of a violation of Canon 3B(5) necessarily implicates a violation of Canon 3B(6).

Charge II – Canon 3B(8)

The Commission alleges that Respondent violated Canon 3B(8) by failing to provide the State with the right to be heard "according to law" when she ruled on the motion to quash. There

is no dispute that Respondent granted Haskell’s motion to quash the State’s subpoena seeking the production of the jail transport logs. Respondent asserts that she was unfamiliar with any law requiring a hearing before ruling on a motion to quash a subpoena. “Due process at a minimum requires notice and an opportunity to be heard at a meaningful time and in a meaningful manner.” *In re Uzomba*, 683 S.W.3d 358, 364 (Tex. Spec. Ct. Rev. 2024) (quoting *Univ. of Tex. Med. Sch. at Hous. v. Than*, 901 S.W.2d 926, 930 (Tex. 1995)). Thus, minimal procedural due process required that Respondent provide the State an opportunity to be heard *before* she granted Haskell’s motion to quash. Accordingly, the Examiners established that Respondent committed a willful violation of Canon 3B(8).

We additionally note that Respondent did not simply grant Haskell’s motion to quash the State’s subpoena. In this regard, Haskell provided Respondent with a proposed order that provided: “All relief requested is GRANTED.” Respondent added the following language to Haskell’s proposed order: “**The Court finds that the subpoena seeks to invade matters protected by privilege.**” Respondent’s decision to make a finding without a contested hearing reinforces our conclusion that she acted with bias in the Haskell proceeding.

Charge III - Article V, Section 1-a(6)A of the Texas Constitution

Article V, Section 1-a(6)A of the Texas Constitution provides, in pertinent part, that 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.” TEX. CONST. art. V, § 1-a(6)A.

As set out above, Respondent actions constituted willful violations of Canon 3B(5), 3B(6), and 3B(8). Accordingly, we find the Examiners established by a preponderance of the evidence that Petitioner willfully violated Article V, Section 1-a(6)A of the Texas Constitution.

V. Discipline

Having found that Petitioner violated Canons 3B(5), 3B(6), and 3B(8) of the Texas Code of Judicial Conduct and Article V, Section 1-a(6)A of the Texas Constitution, we must now determine an appropriate degree of discipline to impose against Petitioner. *See* TEX. DISCIPLINARY R. JUDGES & JUD. CANDIDATES 6(h)(3).

The recently enacted Texas Disciplinary Rules for Judges and Judicial Candidates provide for a number of progressive sanctions that may be imposed upon a judge found to be in violation of the Canons of Judicial Conduct. Those sanctions include:

An education order (which may be issued in combination with another sanction)

An admonition

A warning

A reprimand

See TEX. DISCIPLINARY R. JUDGES & JUD. CANDIDATES 4(g)(2)-(5). Here, the Commission imposed the sanction of a reprimand. The sanction of reprimand has a collateral consequence—it precludes a judge that has been publicly reprimanded from serving as a visiting judge. *See* GOV'T. § 74.055(c)(4)(A). Respondent has asked us to reduce her sanction to a lesser degree in light of the statutory bar for her to serve as a visiting judge in the future.

A special court of review may consider the *Deming* factors when determining the appropriate sanction for a judge. *See Sharp*, 480 S.W.3d at 839 (citing to *In re Deming*, 736 P.2d 639 (Wash. 1987)). The *Deming* factors are:

- (a) whether the misconduct is an isolated instance or evidenced a pattern of conduct;
- (b) the nature, extent, and frequency of occurrence of the acts of misconduct;
- (c) whether the misconduct occurred in or out of the courtroom;
- (d) whether the misconduct occurred in the judge's official capacity or in his private life;
- (e) whether the judge has acknowledged or recognized that the acts occurred;
- (f) whether the judge has evidenced an effort to change or modify his conduct;
- (g) the length of service on the bench;
- (h) whether there have been prior complaints about this judge;
- (i) the effect the misconduct has upon the integrity of and respect for the judiciary;
and
- (j) the extent to which the judge exploited his position to satisfy his personal desires.

Deming, 736 P.2d at 659.

We focus on our finding that Respondent acted with bias in favor of Haskell's future habeas petition and his claim of a mental illness because Respondent's violation of Canons 3B(5) and 3B(6) is the more serious violation. Respondent's actions in support of Haskell's habeas claim were serious because they constituted merits-based conduct that occurred in her official capacity rather than in her personal life implicating *Deming* factors (c), (d), (i), and (j). We additionally note that while Respondent has indicated that she intends to change the way that she issues bench warrants and rules on motions, she has not acknowledged that she acted with bias. Conversely, Respondent's activities in Haskell's case appear to be an isolated incident, we are not aware of any prior complaints about Respondent, and she has only been a judge for five and one-half years. These are *Deming* factors that weigh in favor of lesser punishment.

Respondent's issuance of a bench warrant for a non-existent court setting that appeared to be set for midnight was an alarming matter for the victims' family. It set off a chain reaction that led to Respondent being recused from Haskell's case and it brought intense media attention to Respondent's actions in the case. The issuance of the bench warrant cast a black eye on the judiciary, particularly in light of Respondent's comment that she felt that Haskell was "sick." Under Rule 18b(b)(1) and (2) of the Texas Rules of Civil Procedure, Respondent should have recused herself from serving in Haskell's case.

Respondent issued a false order that foreclosed both the opportunity for all parties to be heard and review by the Court of Criminal Appeals of the propriety of Haskell's medical testing. That action had very real consequences. Because of the serious nature of Respondent's violation of the Canons of Judicial Conduct, we sustain the public reprimand. We base this decision on the need to preserve the integrity and independence of the judiciary, to restore and reaffirm public confidence in the administration of justice, and in recognition that judges must respect and honor the judicial office as a public trust. *See In re Bynum*, 704 S.W.3d at 300.

We affirm the Commission's decision to assess a public reprimand to Respondent. *See* TEX. DISCIPLINARY R. JUDGES & JUD. CANDIDATES 6(h)(2).

PER CURIAM