

Misc. Docket No. ⁰⁴02- 9148

**INQUIRY CONCERNING
CJC NO. 04-0638-JP**

ORDER

OF THE SUPREME COURT OF TEXAS

The State Commission on Judicial Conduct has recommended that the Honorable Lloyd Locke, Justice of the Peace, Precinct 1, Place 1, Glen Rose, Somervell County, Texas, be suspended without pay pursuant to Texas Constitution Article V, Section 1-a(6)A, and Rule 15(b) of the Procedural Rules for the Removal or Retirement of Judges, pending final disposition of the charge against him.

Having considered the Commission's Request for Order of Suspension of Judge Lloyd Locke and its exhibits, it is the Order of the Supreme Court of Texas that the Honorable Lloyd Locke, Justice of the Peace, Precinct 1, Place 1, Glen Rose, Somervell County, Texas, be immediately suspended from office without pay pursuant to Texas Constitution Article V, Section 1-a(6)A, pending final disposition of the charge before the Commission.

As ordered by the Supreme Court of Texas, in chambers,

With the Seal thereof affixed at the
City of Austin

This 28th day of June, 2004.



ANDREW WEBER, CLERK
SUPREME COURT OF TEXAS

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 04- 9148

INQUIRY CONCERNING
CJC No. 04-0638-JP

COMMISSION'S REQUEST FOR ORDER OF SUSPENSION OF JUDGE

TO THE HONORABLE SUPREME COURT OF TEXAS:

COME NOW the undersigned counsel for the State Commission on Judicial Conduct (the "Commission") and file this request that the Supreme Court suspend, without pay, the Honorable Lloyd Locke, Justice of the Peace for Precinct 1, Place 1, Glen Rose, Somervell County, Texas, and would show the Court as follows:

I. Authority

Article V, Section 1-a(6)A of the Texas Constitution provides, in pertinent part, as follows:

On the filing of a sworn complaint charging a person holding such office with willful or persistent violation of rules promulgated by the Supreme Court of Texas, incompetence in performing the duties of the office, willful violation of the Code of Judicial Conduct, or willful and persistent conduct that is clearly inconsistent with the proper performance of his duties or casts public discredit upon the judiciary or on the administration of justice, the Commission, after giving the person notice and an opportunity to appear and be heard before the Commission, may recommend to the Supreme Court the suspension of such person from office. The Supreme Court, after considering the record of such appearance and the recommendation of the Commission, may suspend the person from office with or without pay, pending final disposition of the charge.

Rule 15(b) of the Procedural Rules for the Removal or Retirement of Judges sets forth the procedure for the suspension of a judge by using substantially the same language as that used in the Texas Constitution, as recited above.

II. Factual and Procedural Background

Since assuming the bench on January 1, 2003, and at all times relevant hereto, the Honorable Lloyd Locke ("Respondent") has been the Justice of the Peace for Precinct 1, Place 1, Glen Rose, Somervell County, Texas.

On or about March 8, 2004, Dwayne Griffin, Justice of the Peace, Precinct 2, Place 1, Glen Rose, Somervell County, Texas, ("Griffin"), filed a complaint (the "Griffin Complaint") with the Commission alleging that Respondent had engaged in sexually inappropriate conduct toward several women with whom Respondent dealt in his official capacity. These women included Judge Patti Fain, a fellow justice of the peace; Jackie Rains, a juvenile probation officer; and defendants Janet Hinz and Tiffany Davis. Shortly thereafter, a Commission investigator took sworn statements from Rains and Hinz, as well as from Nicole Vallese, Brandi Lloyd, and Sharon Baker, all of whom had dealings with Respondent in his official capacity when the incidents described herein are alleged to have occurred. Subsequently, Judge Fain and Jennifer D'Nell Bonner provided the Commission with sworn statements. True and correct copies of the Griffin Complaint and the supporting written witness statements are attached hereto as **Exhibits A-1 through A-8**, and incorporated herein for all relevant purposes. The statements from these witnesses substantiated the allegations of sexual misconduct raised in the Griffin Complaint. The Commission investigator also video-taped Rains, Hinz, Vallese, and Baker as they provided sworn statements about the incidents described herein. A true and correct copy of the video-taped witness statements is attached hereto as **Exhibit A-9**, and incorporated herein for all relevant purposes. Copies of the Griffin Complaint, as well as the aforementioned witness statements, were provided to Respondent before his June 10, 2004 appearance before the Commission.

III. Suspension

On April 22, 2004, pursuant to Article V, Section 1-a(6)A of the Texas Constitution and Rule 15(b) of the Procedural Rules for the Removal or Retirement of Judges, copies of the Griffin Complaint and the written witness statements of Jackie Rains, Janet Hinz, Nicole Vallese, Sharon Baker, Brandi Loyd, Judge Patti Fain, and Jennifer D'Nell Bonner were served on Respondent. In addition, Respondent was notified that the Commission had set the matter of

Respondent's suspension for an informal hearing to be held in the Commission's offices located in the William P. Clements, Jr., Building, 300 West 15th Street, Suite 415, Austin, Texas, on June 10, at 9:00 a.m. A true and correct copy of the notice to Respondent is attached hereto as **Exhibit B** and incorporated herein for all relevant purposes.

On June 10, 2004, prior to his appearance before the Commission, Respondent was provided with a copy of the video-taped statements of Rains, Hinz, Vallese, and Baker. At approximately 9:00 a.m. that day, Respondent began testifying at the informal hearing held before the Commission. A true and correct copy of the reporter's record of the June 10, 2004 suspension hearing is attached hereto as **Exhibit C** and incorporated herein for all relevant purposes. After considering the Griffin Complaint, the additional written and video-taped witness statements, and Respondent's testimony, the Commission made the following findings:

1. In November 2002, Respondent was elected to the position of Justice of the Peace for Precinct 1, Place 1, in Glen Rose, Somervell County, Texas. He assumed the bench on January 1, 2003;
2. In December 2002, as judge-elect, Respondent made unwanted sexual advances toward Judge Patti Fain, a fellow justice of the peace, while they were attending a judicial education program sponsored by the Texas Justice Court Training Center. According to Judge Fain, Respondent invited her to his hotel room for a neck and back rub, and harassed her with numerous unsolicited telephone calls and visits to her room. Respondent testified before the Commission that he had a vibrating massager in his hotel room that he offered to use on Judge Fain because she had complained of neck pain.
3. After assuming the bench in January 2003, Respondent kissed Jackie Rains, a juvenile probation officer, and attempted to push his tongue into her mouth. The judge also asked her to come over to his house for a massage or back rub. After receiving dozens of unsolicited telephone calls from Respondent at home and at work, and after Respondent continued to harass her in person while she was working, Rains reported this incident to the human relations director. Rains stated that she was placed in an uncomfortable position because of Respondent's position and standing in the community. In his testimony before the Commission, Respondent admitted that he did kiss Rains somewhere in the area close to her mouth. After Respondent was counseled by the County Judge and the County Attorney about his behavior, he agreed to leave Rains alone.
4. In or around September 2003, Respondent invited Janet Hinz, one of his wife's co-workers, to come over to his house for margaritas. Hinz declined his offer. In February 2004, Respondent approached Hinz while she was performing community service at a local nursing home as part of a traffic ticket sentence she received out of another judge's court. Respondent told Hinz that if she had come to see him, she would not have had to perform any community service. Respondent then demanded that Hinz come over to his

house for margaritas. After Hinz returned home from working at the nursing home, Respondent pulled into her driveway and honked his vehicle's horn to get Hinz to come out and talk to him. Respondent left when Hinz' landlord approached him and asked him what he needed. Over the next several days, Respondent returned to Hinz' home and honked the car horn to get Hinz' attention. Hinz stated that Respondent's conduct frightened her and her three-year-old daughter. In his testimony before the Commission, Respondent acknowledged that he drove to Hinz' house to inquire if she had completed her community service. Respondent also admitted that he offered to give Hinz some margaritas if she stopped by his house.

5. In late February 2004, after arraigning Nicole Vallese, Respondent asked her to come to his barber shop to talk about her fine. While at the barber shop the next day, Respondent pulled Vallese's shirt open and remarked, "Oh!" Respondent then asked Vallese to "get rid of" her boyfriend and come to his house to drink some margaritas. Vallese declined Respondent's offer and left his shop in tears. Implying that she was intimidated by Respondent's position and standing in the community, Vallese stated that she did not know what to do or who to tell about the incident in the barbershop. Later, Respondent drove to Vallese's house, honked the car horn, and told her to come to his office if she was interested in performing community service. Later, while cutting Vallese's daughter's hair, Respondent told Vallese that no matter whom she told it would be her word against his and no one would believe her.
6. In December 2003 and January 2004, Respondent repeatedly called the home of Sharon Baker, whose son had recently appeared before Respondent on a juvenile matter. As part of his sentence, Baker's son had been ordered to turn in an essay to Respondent. When Baker returned his calls, Respondent invited her to his house for margaritas and a massage or "rubdown." Respondent advised Baker that "it would be to her benefit" to come see him. When Baker and her son came to Respondent's barbershop, Respondent grabbed Baker, pulled her into a back room, closed the curtain, and began touching and kissing her. After telling Respondent that what he was doing was wrong, Baker left the barbershop with her son. Baker stated that she was afraid of Respondent because of his position and standing in the community. Baker stated that Respondent was using her criminal history to threaten her. Baker feared that if she told anyone about what Respondent had done, particularly law enforcement officers, Respondent would come after her or her son. Baker was recently jailed after she failed to report to her bondsman. Although Baker's bond was set at \$30,000, Respondent came to the jail and reduced the bond to \$20,000. At that time, Respondent asked Baker if she could "get out [of jail] real fast." In his testimony before the Commission, Respondent acknowledged that he may have kissed Baker on the cheek at his barbershop when she came to turn in her son's essay.
7. On or about March 26, 2004, Jennifer Bonner appeared before Respondent to request a protective order. Respondent told her to meet him at his barber shop, which was not open to the public at that time. At the barber shop, Respondent rubbed Bonner's shoulders, kissed her, and asked her to come to his house for a back massage and margaritas. When asked about this incident, Respondent stated that he did not recall Bonner.
8. Brandi Loyd claimed that Respondent "...inappropriately touch all over breast, buttocks, vagina, kiss me forcefully on at least 20-30 occasions trying to get me out to his house for a 'back rub & drinks.'" Respondent denied Loyd's allegations.

Based on the facts and evidence before it, the Commission concludes that Respondent has engaged in willful violation of Canons 2A, 2B, 3B(4), 4A and 6C(1) of the Texas Code of Judicial Conduct, as well as willful and persistent conduct that is clearly inconsistent with the proper performance of his duties and casts public discredit upon the judiciary or on the administration of justice in violation of Article V, Section 1-a(6)A of the Texas Constitution.

Based on the above, the Commission recommends that the Texas Supreme Court order the immediate suspension of Respondent from his office as Justice of the Peace, Precinct 1, Place 1, Glen Rose, Somervell County, Texas, without pay, pending final disposition of the charges pending against him. A true and correct copy of the Commission's Recommendation of Suspension is attached hereto as **Exhibit D** and incorporated herein for all relevant purposes.

Prayer

WHEREFORE, premises considered, the undersigned counsel for the Commission respectfully requests that, pursuant to Article V, Section 1-a(6)A of the Texas Constitution and Rule 15(b) of the Procedural Rules for the Removal or Retirement of Judges, this Honorable Court issue an order suspending Judge Lloyd Locke, without pay, from his office as Justice of the Peace, Precinct 1, Place 1, Glen Rose, Somervell County, Texas, pending final disposition of the charges against him.

Respectfully submitted,

State Commission on Judicial Conduct

P.O. Box 12265

Austin Texas 78711

(512) 463-5533

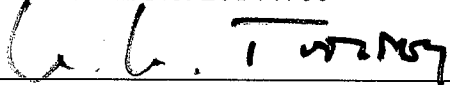
FAX: (512) 463-0511

Seana Willing

Executive Director

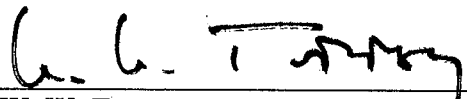
Texas State Bar No. 00787056

W. W. Torrey
Commission Counsel
Texas State Bar No. 20144700

By: 
W. W. Torrey

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the "Commission's Request for Order of Suspension of a Judge" has been sent to Judge Lloyd Locke, P O Box 237, Glen Rose, Texas 76043, on this the 24th day of June, 2004, via certified mail, return receipt requested.


W. W. Torrey