


Order

of the Supreme Court of Texas

The State Commission on Judicial Conduct by its request of September 26, 1990, having recommended that Ronald Prichard, Judge of the County Court at Law of Comal County, Texas be suspended from office without pay, pending final disposition of the charges filed against him; and The Supreme Court, having considered the record of Judge Prichard's appearance before the State Commission on Judicial Conduct, the findings of the Master and the recommendation of the Commission:

It is hereby ordered, pursuant to Article V, § 1-a, sub §6, paragraph A, of the Texas Constitution, that Judge Ronald Prichard, Judge of the County Court at Law of Comal County, Texas is suspended from office without pay, pending final disposition of the charges against him. This suspension is effective immediately.

In Chambers this 3rd day of October, 1990.

  
Thomas R. Phillips, Chief Justice

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Franklin S. Spears, Justice


\_\_\_\_\_  
C.L. Ray, Justice

  
Raul A. Gonzalez, Justice

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Oscar H. Mauzy, Justice

\_\_\_\_\_  
Eugene A. Cook, Justice

  
Jack Hightower, Justice

  
Nathan L. Hecht, Justice

  
Lloyd A. Doggett, Justice

**IN THE SUPREME COURT OF TEXAS**

**INQUIRY CONCERNING  
A JUDGE NO. 55**

**IN RE: RONALD PRICHARD  
JUDGE, COUNTY COURT AT  
LAW, COMAL COUNTY, TX**

**REQUEST FOR ORDER OF SUSPENSION**

**TO THE HONORABLE SUPREME COURT OF TEXAS:**

Comes now the State Commission on Judicial Conduct (Commission) and files this recommendation that the Supreme Court suspend without pay the Honorable Ronald Prichard, Judge of the Comal County Court at Law, New Braunfels, Texas, pending final disposition of the charges in the formal proceedings currently pending before the State Commission on Judicial Conduct and styled, "Inquiry Concerning A Judge No. 55," and would show the court as follows:

**I.**

Article 5, Section 1-a, Paragraph (6)A of the State Constitution provides, in part, "On the filing of a sworn complaint charging a person holding such office with willful or persistent violation of the rules promulgated by the Supreme Court of Texas, incompetence in performing the duties of 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 on 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."

**II.**

On April 5, 1990, a sworn complaint was filed with the State Commission on Judicial Conduct charging Judge Prichard with, ". . .willful conduct which casts public discredit on the judiciary and the administration of justice. . ." and with, ". . .willful and persistent conduct that is clearly inconsistent with the proper performance of his duties and casts public discredit on the judiciary and the administration of justice." See Attachment 1. The sworn complaint was precipitated by a violent physical altercation on March 14, 1990, between the judge and his wife, which altercation resulted in the judge's arrest and jailing.

III.

By letter dated April 5, 1990, Judge Prichard was furnished a copy of the sworn complaint and offered an opportunity to appear before the Commission on Friday, April 20, 1990, ". . .to show cause why formal proceedings for removal should not be instituted against you and to show cause why the Commission should not recommend to the Supreme Court your suspension from office pending final disposition of any formal charges which might be filed against you arising from the matters set forth in the enclosed sworn complaint." See Attachment 2.

IV.

On Friday, April 20, 1990, Judge Prichard did appear before the Commission on Judicial Conduct to reply, under oath, to the sworn complaint and to show cause why the Supreme Court should not be requested to suspend him until such time as a decision on whether or not he should be removed from office would be made. See Attachment 3, pages 24-26.

V.

Following Judge Prichard's appearance before the Commission, the State Commission on Judicial Conduct instructed that formal charges be filed against Judge Prichard to develop the facts as to whether Judge Prichard had engaged in misconduct that casts discredit upon the judiciary, in an open forum, with full due process. The Commission also decided that any Commission recommendation to the Supreme Court for suspension would be deferred until such time that the Commission could review the Report by the Special Master of the facts developed in the formal proceedings.

VI.

Formal charges were filed against Judge Prichard on May 9, 1990, and the Supreme Court appointed the Honorable Robert R. Murray as Special Master. See Attachments 4 and 5. The formal hearing was held on August 23 and 24, 1990, following which the Special Master issued his report.

VII.

In the Special Master's report, received by the Commission on September 13, 1990, the Honorable Robert R. Murray, found that the factual allegations contained in Charge I of the Notice of Formal Proceedings and the Matters in Aggravation were true and that such facts cast public discredit on the judiciary and the administration of justice. Additionally, the Master found that the factual allegations contained in Charge II of the Notice of Formal Proceedings were true and that the conduct was in violation of the provisions of Canon 2A of the Code of Judicial Conduct. See Attachment 6.

VIII.

A copy of the Master's report has been furnished to the Honorable Ronald Prichard who has until Monday, October 1, 1990, to file objections to such report in accordance with Rule 13 of the Rules for the Removal or Retirement of Judges.

IX.

A copy of the Master's report was also furnished to the members of the State Commission on Judicial Conduct by letter dated September 18, 1990, and pursuant to the directions of the Commission Chairman, a telephonic conference was held by Commission members on Friday, September 21, 1990, with a unanimous decision that a request be filed immediately with the Supreme Court recommending suspension of Judge Prichard pursuant to the provisions of Article 5, Section 1-a, Paragraph (6)A of the State Constitution, pending final disposition of the charges in the Formal Proceedings.

ARGUMENT

Judge Prichard was defeated in his reelection bid with the consequence that his term of office ends at the end of this calendar year. Nevertheless, Judge Prichard's conduct as charged in the Notice of Formal Proceedings was found to be contrary to the Code of Judicial Conduct and to cast public discredit on the judiciary. Further, aggravating circumstances, including a previous public warning issued to Judge Prichard by the Commission and resulting from another arrest of Judge Prichard after he had imbibed alcoholic beverages, were found to exist. A final consideration resulting in this recommendation is the fact that a number of the witnesses who testified in the case against Judge Prichard, including officers from three law enforcement agencies (the Comal County Sheriff's Department, the New Braunfels Police Department, and the Texas Highway Patrol) appear from time to time in Judge Prichard's court in their official capacities and occasionally in connection with offenses precipitated by excessive consumption of alcohol. For Judge Prichard to continue to preside over such cases would be exceedingly awkward.

PRAYER

WHEREFORE, the State Commission on Judicial Conduct respectfully prays that this Honorable Court issue an order suspending the Honorable Ronald Prichard without pay from the office of Judge, Comal County Court at Law, pending final disposition of the formal charges against him.

Respectfully submitted,

Robert C. Flowers  
Executive Director  
Commission on Judicial Conduct

BY:



William E. Hornung, Examiner  
Start Bar No. 10011000  
Commission on Judicial Conduct  
P.O. Box 12265, Capitol Station  
Austin, Texas 78711  
(512) 463-5533

**Certificate of Service**

I, William E. Hornung, Examiner for the State Commission on Judicial Conduct hereby certify that I forwarded a true and correct copy of the foregoing Request for Order of Suspension by depositing the same in the United States Mail, postage prepaid, on this 26th day of September, 1990, addressed to Mr. Stephen Parten, Attorney at Law, 267 W. Mill Street, New Braunfels, Texas, 78130.

  
William E. Hornung

Affidavit  
of William E. Hornung  
in Support of the  
Request for Order of Suspension

State of Texas        )  
County of Travis    ){

Before me, the undersigned authority, personally appeared William E. Hornung, who after being by me duly sworn stated upon oath:

I am William E. Hornung. I am an attorney licensed to practice in the State of Texas. I have prepared and read the Request for Order of Suspension, to which I have attached this affidavit.

The Statement of Facts contained in such Request for Order of Suspension are based on the information which I have been able to obtain for the proceedings thus far before the State Commission on Judicial Conduct and my own personal knowledge. The Statements of Fact are true and correct to the best of my knowledge.

  
\_\_\_\_\_  
William E. Hornung

Sworn and subscribed to before me the undersigned authority on this 26th day of September, 1990.

  
\_\_\_\_\_  
Terri Crites  
Commission expires: 6/3/91

I, Herb Owens, Investigator, State Commission on Judicial Conduct, Austin, Texas, have good reason to believe and do believe the following:

On or about Wednesday, March 14, 1990, an altercation occurred between Comal County Court at Law Judge Ronald Prichard and his wife Darlene early in the day at their residence near Canyon Lake, Texas. During the altercation, Judge Prichard, while wearing boots, kicked his wife. He then left his residence. Thereafter, in the early afternoon hours of the same date, Judge Prichard returned to his residence and the altercation between his wife and himself resumed. Judge Prichard again kicked his wife, Darlene, this time in the shoulder and leg, and she advised him to stop or she would call the police. He persisted in his violent conduct after which Mrs. Prichard went to the telephone and requested that the operator send police to the residence. At or about 2:52 p.m. of the same date, the Comal County sheriff's office dispatched deputies to the Prichard residence. Following inquiries by sheriff's deputies at the scene, Mrs. Prichard signed a "Notice to Adult Victims of Family Violence" form indicating that, "I have been subjected to, or am aware of an incident of family violence and will prosecute the person(s) responsible in a court of law." Darlene Prichard also requested at the time that her husband be arrested by the law enforcement officers. Judge Prichard was arrested for "family violence/assault" and was transported to the Comal County Jail where he was booked for "assault with bodily injury", and then released on a personal recognizance bond authorized by Comal County Justice of the Peace Howard Smith.

Officers dispatched to the Prichard residence on March 14, 1990, have stated that both Judge Prichard and his wife Darlene had alcohol on the breath and appeared to have imbibed alcohol prior to Judge Prichard's arrest. Comal County law enforcement officers have also furnished information that they have responded to disturbance calls involving Judge Prichard previously.

The San Antonio Express-News, the Austin American Statesman and the New Braunfels Herald-Zeitung have printed one or more stories covering the incident, the arrest and the related prosecution.

Judge Prichard is the presiding judge of the Comal County Court at Law which exercises exclusive original criminal jurisdiction of misdemeanors including assaults (other than misdemeanors involving official misconduct and cases in which the highest fine that may be imposed is \$200 or less). In addition to other jurisdiction, Judge Prichard's court also has concurrent jurisdiction with the district court in family law cases and proceedings.

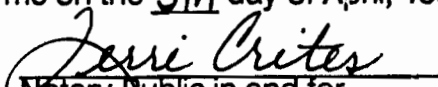
Judge Prichard's conduct in assaulting his wife, which conduct was publicized in area newspapers, was willful conduct which casts public discredit on the judiciary and the administration of justice. Further, Judge Prichard's involvement in the assault on his wife and other disturbance calls was willful and persistent conduct that is clearly inconsistent with the proper performance of his duties and casts public discredit on the judiciary and the administration of justice.

  
Herb Owens

STATE OF TEXAS  
COUNTY OF TRAVIS

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SUBSCRIBED AND SWORN TO before me on the 5th day of April, 1990.

  
Notary Public in and for  
Travis County, Texas.  
My Commission Expires: 6-3-91

Attachment 1



**MEMBERS**  
BILL BASS  
LOWELL CABLE  
BOB DUNN  
MAX EMMERT  
RODERICK NUGENT  
JACK RICHBURG  
HOMER SALINAS  
HILDA TAGLE

## State Commission on Judicial Conduct

April 5, 1990

**CONFIDENTIAL**  
**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Honorable Ronald Prichard  
Judge, County Court at Law  
100 Main Plaza  
New Braunfels, Texas 78130

Dear Judge Prichard:

Enclosed herewith please find a copy of a sworn complaint charging you with engaging in willful and persistent conduct that is clearly inconsistent with the proper performance of your duties and casts public discredit on the judiciary and the administration of justice.

Pursuant to the provisions of Article 5, Section 1-a, Paragraph (6)A of the Texas Constitution, you are hereby offered an opportunity to appear before the Commission at its next regularly scheduled meeting to show cause why formal proceedings for removal should not be instituted against you and to show cause why the Commission should not recommend to the Supreme Court your suspension from office pending final disposition of any formal charges which might be filed against you arising from the matters set forth in the enclosed sworn complaint.

Your appearance before the Commission would be informal in nature and confidential, except that pursuant to the provisions of Section 33.022(e) of the Government Code, you have the right to open the hearing to any person you may choose or to the public in general. You are advised, however, that at the hearing, no oral testimony other than your own will be received. Although you are free to submit any written documents, including witness statements, you deem material, no other live witnesses, either for you or against you, will be heard. Your appearance will allow you the opportunity to explain to the Commission your position. Such discussion may result in early resolution of the issue. However, please be advised that your testimony will be under oath, and; may be used in subsequent Commission proceedings including formal proceedings.

During the hearing, you may be asked to discuss any matter related to the alleged assault on March 13, 1990, as well as any other disturbance calls which may have involved you with law enforcement officers and the relationship, if any, of alcohol consumption to such incidents.

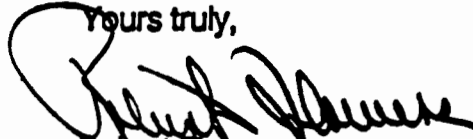
Your appearance would be scheduled for 3:00 p.m., Friday, April 20, 1990, at the Commission's office, 720 Brazos Street, Suite 706, The Perry Brooks Building, Austin, Texas.



In order that we may confirm the schedule and make arrangements, please advise by letter, which should be forwarded on or before April 16, 1990, and state whether or not you intend to honor the Commission's request to appear. Further, if you intend to appear and desire to open that part of the meeting to other persons, your letter should identify those persons.

Thank you for your time and consideration.

Yours truly,



Robert Flowers

RF:th  
enclosure

Transcript of Testimony of Judge Ronald Prichard on April 10, 1990, 3:00 p.m.:

Chairman Charles Smith: Judge Prichard, thank you so much for coming up here today. We appreciate the fact that you've done so. As you are aware, the Commission is looking into an incident which allegedly occurred at your residence on the afternoon of March 14, 1990, at which time it appears that you and your wife may have been involved in some sort of altercation which resulted in the police being dispatched to your residence and ultimately resulted in your arrest and as you know and were notified by letter dated March 20, 1990, that the Commission was commencing an investigation into that matter. The possibility of similar incidents having occurred at other times and the possibility that such incidents, if in fact they did occur, may be related to the consumption of alcohol and as you know by letter dated April 5, 1990, you were furnished a sworn statement of a complaint and were also invited to appear at this meeting to show cause why formal proceedings for removal should not be instituted against you and also to show cause why the Commission should not recommend to the Supreme Court your suspension from office pending final disposition of any formal charges which might be filed. I would also like to advise you that short of initiating formal proceedings or recommending suspension from office pending conclusion of these proceedings, the Commission could dismiss the current allegations or issue an appropriate sanction which would include a public or private admonition, warning, or reprimand or requirement that you obtain further training or education. Judge, you, you know that you have the right to be represented by an attorney and I'm assuming by the fact that there is none here, that you do not wish to be represented by an attorney here today. Is that right?

Judge Ronald Prichard: **Um, no.** Not at this...at least not at this time.

*Attachment 3*

Smith: Alright. Also, I believe that you are aware that at this point these proceedings are confidential, but that you do have the right to open up the hearing to any person or persons you may choose or to the public in general if you so desire. Do you wish to have the hearing remain confidential or do you want to open up the meeting to anyone?

Prichard: I prefer that it remain confidential.

Smith: Alright. Now, although your free to submit any written documents or witness statements or affidavits, I think you know that no live witnesses either for or against you will be considered at the hearing today, do you not?

Prichard: Correct.

Smith: You also know that the testimony that you give will be under oath?

Prichard: Thats correct.

Smith: And, with that in mind, would you mind raising your right hand. Judge Prichard, do you swear that the testimony that you are about to give will be the truth, the whole truth and nothing but the truth so help you God?

Prichard: I do.

Smith: Thank you sir. Our procedure is that a member of the staff will ask you questions concerning the issues and that thereafter members of the Commission will have an opportunity to question you and to ask any further questions and you yourself are free to make any comments or explanations or statements at any time that you feel relevant or appropriate. Do you know that?

Prichard: Thank you.

Smith: Alright, at this point, I would like to ask Mr. Flowers and the staff to go ahead with....

Robert C. Flowers: Mr. Chairman, Mr. Hornung has been reviewing this case, so I'll ask him to ask the questions.

William E. Hornung: Judge, for the record, if you would state your name and your address and your occupation.

Prichard: Ronald J. Prichard, County Court at Law Judge, Comal County, Texas, 100 Main Plaza, Suite 201.

Hornung: And, how long have you been judge there at the county court-at-law?

Prichard: Since January 1st of 87.

Hornung: With reference to the jurisdiction of your court, I would like to establish a little background. Does your court exercise jurisdiction over assaults?

Prichard: Its a general jurisdiction court. We handle all misdemeanors, family law, condemnation, mental commitments, mental health, alcohol commitments, everything other than felonys are handled in my court.

Hornung: Does your court handle offenses such as like DWI or public intoxication?

Prichard: Yes it does.

Hornung: If I could invite your attention back to March of this year, I understand your a candidate for reelection in the years primary.

Prichard: Thats correct.

Hornung: And, that was on the 13th of March when the primary was held?

Prichard: Yes.

Hornung: During that day, up until the time the polls closed, had you at any time drank or imbibed any alcoholic beverages?

Prichard: No sir.

Hornung: Following the close of the polls on that day, did you drink any alcohol?

Prichard: I believe it was about 10 or 10:30 once I knew what the outcome was. My brother was with me and I did have a couple of drinks of Baileys Irish Creme I think it was called.

Hornung: And, where was that?

Prichard: It was in my home.

Hornung: Was your wife present with you?

Prichard: I believe she was.

Hornung: Uh...During that evening, at any time, were you in town around the HEB store?

Prichard: No.

Hornung: Do you know whether your wife was? We understand basically that your automobile was left in the parking lot at HEB. Is that correct?

Prichard: That's my wife's automobile.

Hornung: Had you been driving it?

Prichard: No.

Hornung: And, so you weren't the one who left it at the HEB store?

Prichard: I believe my wife was running around from poll to poll with a woman that worked at Century 21 with her and for some reason Sandra drove her home.

Hornung: And, you wife's name is?

Prichard: Darlene.

Hornung: Then, inviting your attention to the following morning of March 14, we understand from the newspaper reports that your...apparently some sort of dispute may have occurred between your wife and yourself, at home. Is that correct?

Prichard: Yes, there was a...well, actually it started the night before. Darlene was very upset about the election loss and lets see my brother was there and my bailiff was there, Darlene was there and I was there and I recall her saying that she hadn't eaten in a couple of days and it was obvious that she was...had an emotional collapse when I...somewhere in there about 9 or 10 o'clock when the handwriting was on the wall and there was no way that the precincts that supported me were going to be able to pull it out. So, she was ranting and raving about election fraud and that the ballots were all messed up and this, that and the other and I was pretty well reconciled to it. Uh, it really didn't surprise me considering my opponent and the newspaper...what him and the newspapers were doing. It was you know, it wasn't, I don't mean it derogatory toward Judge Clark. He's a...well, like I say an eight year incumbent judge and a local boy and you know it was going to be tough. I knew that from the beginning. But, I work full time, my wife pretty much has to work full time down at the real estate office.

We had not had alot of time to spend doing the things that were available to my opponent and I think that was kind of what it was, you know, we got to fussing about it and I should have done more, should have done this, should have done that, hindsight is 20/20.

Hornung: This was in the morning or was this in...

Prichard: This was that night. I don't know, it was clear to me that she was out of control and I remember I was sitting there in my lazy boy recliner, my brother was across the room and I think I must have said something to her about maybe we should have worked harder or maybe you didn't work hard enough and like I say she just could not accept it. The next thing I know, a glass came whistling by my head and crashed into the wall. So, I think I asked what you...what are you doing.

Hornung: Was that a...had she been drinking? Was that a...

Prichard: I don't...to be honest with you, I never saw her mix a drink. We have a little bar there downstairs. We keep some stuff there, small thing, you know just for when people drop by and visit. I might say along those lines, as many of you know, I was up here a couple of years ago. Our lives have basically been under a microscope the last two years. I mean its not just like a fish bowl, its like **under a microscope**. We had a campaign to run and I knew what the strategy of my opponent was going to be. The whispered campaigns and lets keep this thing going about the judge is a drunk. We went to all of the functions and went alot of places in that county and I dare say you will not find anybody to ever say...as a matter of fact, Darlene and I went out of our way to make sure we had coca colas or big reds. In that regard, I think I lived up to what the Commission expected of



me up until this incident here and going back to that this particular night, like I say I could furnish statements from my bailiff and my twin brother who was there and I think they could testify to her state of mind and that she was totally out of control, going berserk. But, I don't, I can't really state whether I never saw her drinking, but she was upstairs part of the time and part of the time she was downstairs.

Hornung: Other than the thrown glass that night, was there any physical combatant, so to speak, between the two of you?

Prichard: No.

Hornung: Like pushing, shoving, slapping...

Prichard: No. As a matter of fact, I didn't do anything. I just sat there and then about...she ran on back upstairs and then she came back down, ranting and raving again. I was sitting in my chair again, talking with my brother and she walked over and sat on the side of the chair and said, "Ron, lets go to bed." I said, fine, I'll be up there in a little bit. I was still talking with Don and I guess I was about half asleep. Anyway, I was sitting in my chair and she walked over and hit me right square in the face with a book that she had picked up off the coffee table. You know, knocked my teeth out of my mouth, smashed my glasses and there again, that was when I realized that she really was you know totally gone, crazy and I think by this time Andy had left, my bailiff, and my brother though was still there and observed this, but getting....moving along here to the events of the next day. The only thing that occurred in particular was when I got up I realized that that was the date that the cleaning lady was there and I was going downstairs in my shorts and Darlene says don't go down there, the cleaning lady is there. I

said, well, I don't want here in here today. This is the day after election. She was still upset. I wasn't particularly in a good mood myself. I guess it was about 8 o'clock in the morning and so we had a dispute there. She wanted the cleaning lady to clean up the house there. I didn't want her around the house all day. I wanted to go down, relax, watch tv and forget about this stupid election that I lost. So, I went...she left, the lady, the girl overheard us arguing about it. So, she, I told her, look I'll pay you for coming by, go ahead and leave. So, I heard her get in her car and leave. Matter of fact, I think she was, Darlene was talking to her mother at the time.

Hornung: What is your cleaning lady's name?

Prichard: I don't know. Uh, Debbie, Becky or something. I have no idea who she is or where...but, anyhow, she, I went on down, I think I must have had my jeans upstairs. I went on downstairs, she left, uh, my brother got up. We went over to...went and had breakfast, came back, and this was about 10 o'clock. We got back to my house and Darlene was downstairs, still in her nightgown, and then she lit in on my brother about how you know every time he comes down here, he causes problems. So, Don, got in his truck and left. Still nothing and then Darlene went back upstairs and somewhere in there I got ahold of, I called my bailiff up and made arrangements to meet him later that afternoon because we needed to go out and take all the signs down that were stuck up all over the county and some of them were on rather precarious situation type of things and that's why having been scared to death to put some of them up I assure you I would not have drunk anything to go back out there and take these things off the side of these hills and twenty foot sign stands, but anyway I was waiting around for Andy to come. This was like around 2:00 and I looked around or I heard

Darlene come back downstairs, I looked around and she had, oh, I might add, I forgot in there. I was so concerned about Darlene the following morning I called her mother twice and said look Mickey, you know, the lady ain't handling this at all. I said, I, she's out of my control. I don't know what I'm going to do. Something, you know, I'm just getting out of the house and that's when I left with my brother, came back...

Hornung: Prior to that time, had there been any physical contact in terms of aggressive slapping, hitting...

Prichard: Yes...

Hornung: ...defending yourself or?

Prichard: No, I never layed a finger...I'll say this, I've never hit that woman. I've never slapped her. I've never hit her, but Darlene, she's crazy. I'll be honest with you. I hate to come here bad mouthing my wife, but that woman's crazy. She's what you used to call a mean \_\_\_\_\_ temper, violent. She's a violent person and she's very, kind of very destructive. Like I say, I'm not here to put all the blame and responsibility on Darlene. You know, I was there and maybe there's things I could have done, but I never layed a finger on her. I never touched, never slapped her. There had been occasions in the past, like I say, it usually starts with we'll be arguing about the finances. Well, how come your giving so much money to your kids. How come your giving so much money to your child support. Its like, the first year we were married, it wasn't too much of a problem. After I won the election, about a year after that, you know, here we go buying a new home, new car. I've got to subsidize her business down at 21,

Century 21 because the real estate business being what it is. It just seemed like we were never able to put a dollar in the bank. That was usually the source of nearly every...

Hornung: Judge, I...

Prichard: ...argument we had.

Hornung: ...I realize that's an extremely touchy, difficult subject of the marital relations in any marriage and you probably don't really need to go into that.

Prichard: Okay.

Hornung: The question is, whether there was any, whether, did you leave then that, some time to go and take your campaign signs down and the like?

Prichard: That's what I was waiting on was for Andy to come over to, so we, because a lot of these were two man jobs. These were big signs. There weren't that many, but they were in difficult places some of them, so, I was just waiting for Andy to come down and then I guess it was like about 2 o'clock or a little after 2:00. Once again, I was down there in my recliner and I heard Darlene come downstairs. I could hear her coming down the stairs and she walked over to a closet and I heard her go into my closet where I had my suits. Okay, so I looked around and she's got this high-powered pellet rifle in her hands. So, I can tell just by, because I happened to look around this way and I can see she's up there trying to figure out how to get it pumped up. So, I wasn't gonna wait. You know, I knew it was loaded. All it needed to do was get pumped up a few times and that

thing would go about...its got a muzzle velocity of about a 45 automatic if you get it pumped up. I went up to...she was standing there at the kitchen and started trying to get the thing pumped up and I grabbed the gun and she was holding on to it. We went down the stairs, she started kicking me. Like I say, I was clothed in jeans and cowboy shirt, boots, hat because I was going to go out and do that stuff and she was kicking and like I say, we were struggling over the gun. You know, she was trying to kick me in the crotch, I stuck my foot out there, you know, she, so, I guess she kicked my cowboy boots. I did not kick her. It was pretty defensive on my part. You know, thats just the way it happened and it was all over like in a flash. So, I told her...well, early that morning I was so concerned about her I had taken a pistol out of the house. I put it in my brother's truck when we left and I called her mother, okay, but I had forgot about the air rifle. So, there I was and I took the gun away and she got, she kicked my boot and apparently got a little, I guess she got a little knot on her leg. I saw her limping later on.

Hornung: Excuse me, when you and your brother left the house, where did you go?

Prichard: Wimberley, Wimberley.

Hornung: Where specifically in Wimberley?

Prichard: I think its the Lone Star Cafe.

Hornung: Did you have a meal there?

Prichard: Yeah, we had breakfast.

Hornung: Did you do any drinking there?

Prichard: No.

Hornung: And, then you returned getting back to your house sometime after lunch?

Prichard: We got back before lunch.

Hornung: What, then after she apparently kicked you, then, what was the next...what transpired? Did you defend yourself, did you leave or?

Prichard: No, I put her on the ground.

Hornung: How did you put her on the ground?

Prichard: Well, I got the rifle away from her and I guess I more or less just kind of tripped her because she was still coming at me. You know, she had already, was kicking at me and I didn't throw her down...

Hornung: Was your brother there?

Prichard: ...like I, you know, over my shoulder or anything. I think I just had the gun when I grabbed her and pulled her down onto the carpet and then I said, Darlene, I've had it, I am leaving and I went outside, stashed the gun in the garage where the pistol was and waited around out there for awhile because like I say

Andy was supposed to be there like within about 30 minutes. So, I guess that must have been when she and all I remember is she said something to me as I was walking out the door which is well, I'm going to fix you and I guess that's when she called, you know, the, Ma Bell and told them something was going down and then, next thing I know I saw the police car drive up and I was over on the side of the house. I went into the living room and I asked, Darlene, what, did you call the police over here. I, you know, it's kind of hard to remember, I think she said no I didn't or it seems like she said no she didn't, you know, but obviously somebody did and I didn't know, so.

Hornung: Could you give us just a real quick summary of how many police arrived or who may have arrived at your house following that incident?

Prichard: The lady officer arrived first. A pretty tall gal with red hair. A funny looking haircut.

Hornung: Were either you or your wife at that time drinking? Or having a drink in your hand?

Prichard: I wasn't, but I can't speak, I mean I can't say for sure about Darlene because I don't like she was up and down all the time.

Hornung: Both officers have said they smelled alcohol on your breath and on your wife's breath although they did not feel you were intoxicated. How would you reply to that? Both of them saying they smelled alcohol.

Prichard: I had nothing to drink that day. Now, I know over at the bar area there was some glasses and stuff around there where people had dropped by. There had been a few folks that had come by like between seven and ten or whatever right after elections and the first polls starting coming in you know to say good luck and this that and the other.

Hornung: You mean that morning?

Prichard: No, that evening.

Hornung: Oh, the previous evening.

Prichard: Yeah, but see none of that was cleaned up.

Hornung: Had there been much alcohol in your house the previous evening and during the....

Prichard: I had one bottle of Bailey's Irish Creme or whatever they call it and I don't know I did not see Darlene with anything. I know my brother had something. I think he was drinking, he brought down a bottle of vodka. He was drinking screwdrivers, I think. I think Andy...I think he may have been drinking beer. I don't I'm not sure you know I just didn't sit around and you know...

Hornung: Lets go back to the morning. Were you, in fact, arrested?

Prichard: Oh, yes. Definitely arrested.



Hornung: Oh, excuse me, that afternoon. The afternoon of the 14th.

Prichard: Yes.

Hornung: Describe as specifically as you can what caused your arrest.

Prichard: Okay. She came down the stairs with Vasquez.

Hornung: Vasquez is...

Prichard: He was the officer that was upstairs interrogating her and they came by the table and I was sitting there at the kitchen table and I remembered saying to Darlene, I said Darlene, you know, this is real simple. If you sign any complaints or pieces of paper. I said there going to take me to jail. I said if you don't sign then I'll take a hike. Because the officers outside had already told me several of them had said well look Ron why don't you just go take off for awhile you know and come back. I know a couple of officers said well this is just a bunch of bullshit I'm going back out on the road, but there were at one time like four or five police cars there. They had me all blocked in. They were running all around my house you know. The...

Hornung: How many officers were inside the house?

Prichard: At one time, there was I think five or six anyway. Maybe more. I think at one time I think I counted as many as eight officers.

Hornung: In addition to the officers, were there any other individuals?

Prichard: Just Curly, my father-in-law. He was the only non-uniformed or non-commissioned officer.

Hornung: Did you hear any discussion between your wife and any of the officers concerning a family violence form or concerning her desires as to whether you should be arrested?

Prichard: No. Like I said, when I told I men...said to Darlene. I said, Darlene, its just real simple. I said you know this is I think I said this is one of these family deals. I said if you sign anything there going to take me to jail. I said so you know if you don't sign it then I'll take a hike meaning I'll just go away for awhile till you till we both cool off, but I think she interpreted that to mean that I was once again telling her that I was leaving her you see and that was like seconds before she went around the corner and signed it. Now, I've got anyway in that regard I took a tape of my wife where she says that which have the actual tape here if ya'll want to look and see. It says here this is a conversation between my wife and myself.

Hornung: Did she know, Judge, was this kind of like a deposition or was it scriptitious?

Prichard: Scriptitious. She knows about it now. I played the tape back to her after I took it and she said well you can do with it what you want to. But, in my conversation with her, I asked her you specifically requested that I be taken to jail that I be arrested and taken to jail, is that what you...then she interrupted and said you know what, you know why I did it. Did you request it thats my question. Did you request for me to be arrested and put in jail. Ms. Prichard: Just listen. Judge

Prichard: No. I'm asking yes or no. Did you? You tell me you didn't. I want to know right now. She says I did not initial it. Then, as we stood there you, you and my father were outside and I heard you tell my father that I needed to be committed. I said that's right and I said well fuck this. Oh, you heard him is what you mean. Anyway, she goes on with some more. You were out there telling my father to put me in an insane asylum. Anyway, that's basically what she says. Now, this was taken on April 9, 1990. I had this done by the same court reporter....

Hornung: Could you leave a copy here for the Commission's benefit.

Prichard: Yeah, I will leave it here. I would be honest with you there a lot of this is not particularly relevant. I'm not particularly proud of this conversation, but it...

Hornung: Judge, we might move on from that one. Let me ask you, have there been other incidents since you've become a judge where law enforcement officers responded to some type of disturbance at your home?

Prichard: They came out over a year ago and the reason I didn't really remember the date, but Darlene did because we had been to San Antonio, it was her birthday, I'd taken her out to dinner and we came in shortly like we were hardly in the door we'd only been there like five minutes and an officer drove up and said that they'd had a call on an incident or something like that. So...

Hornung: Had ya'll been drinking at the time?

Prichard: No.

Hornung: Had you tussled around any at the time?

Prichard: No. I think as it turned as I recall what happened was that we had, we, I think, as a matter of fact I think we were having a little argument there because I think I had run out of cigarettes and I think she didn't didn't want to give me one of hers and we....

Hornung: Do you have neighbors living real close by?

Prichard: Well, not I'd say real close, but the thing is if out there if you, you can go outside and talk and it just kind of rolls down the hill. I mean, I can hear people talking on the other side of the lake out there like I mean miles away. They can be over there some kids and teenagers cutting up now you can sit over there and almost hear everything they're saying because it just rolls right across that lake because my house is situated such that there are many places around there where anybody could sit up there and watch my house.

Hornung: Was there any arrest on that occasion that you just related?

Prichard: No, he left and said no report and then I had a few more calls after that, but this time I had gone in and I'd tried to find out who had put that call in.

Hornung: When you say a few more calls. What do you mean a few calls?

Prichard: The dispatcher...

Hornung: Police officers came out to your house?

Prichard: No, the dispatcher would call me up and say Judge Prichard I yes, he says have you got is there anything going on out at your house, I say no so I got a little suspicious. I didn't know if it was somebody I'd thrown in jail or was it somebody...because up at the lake if you get on that scanner that's like immediately notifying about 10,000 people that something's going on over there at the judge's house see so if they can get it on that scanner it's often like free media, negative media. So, I get the dispatchers to call me first before they send anybody out there and I went ahead and got the county to buy me a police radio and after that I got no more mysterious you know phone calls out to my house.

Hornung: Of course, the Commission is aware of the incident that occurred at the VFW hall which resulted in your arrest here a year and a half or so ago. Other than that, have there been any other incidents not at your residence where police have responded to a disturbance in which you may have been involved?

Prichard: No.

Hornung: Anywhere?

Prichard: No. No.

Hornung: With regards to that previous incident at the VFW hall that you appeared before the Commission on, do you recall making any commitment to the Commission that you had a problem with the abuse of alcohol or drinking with alcohol? Any statement or any...

Prichard: I'm sure that I made a statement, a written statement to the Commission and I think even in the oral testimony I told the Commission members, yes, there had been occasions when I'd had one to many or, but that the issue, the question, well, am I an alcoholic or no, do I have a you get into a kind of relative thing there. I, at this time you recall I had an attorney and I think the way you know its like if you get a DWI I guess you'd have to say you got a problem, you got a drinking problem there.

Hornung: Did you make any kind of a commitment to the Commission that you were going to seek any help, professional help, or any alcoholic counselling.

Prichard: Thats true, I did. I did.

Hornung: What did you do in regards to keeping that commitment?

Prichard: Okay, well, I'll tell you. I went out to Kerrville to see, to check out the VA situation and to be quit honest about it when the Commission's report said, basically said four things. You know, it said you were arrested, you were in the newspaper, you admitted that your a drunk and you's gonna take the cure. Well, the, those weren't the words, but I, but it was my mind I think that was the perception the public would have to draw from it and of course when my wife read that in the newspaper she was outraged, you know. She said, I do not believe you did this. And, I said, well, it wasn't exactly what I said, but you know its like a committee has to kind of work together and maybe there was some folks there that didn't, thought it was too harsh, some maybe thought it was too easy, but, you know, the main thing is you know, but the problem with it was it...since it was

public, then it became a political thing and in our, in her mind and my mind and my families' mind and Curly's and Mickey's, all those people up there said well, its like Darlene told me, she said well if you go check into a hospital don't bother coming home because you are admitting that your either lying to me or your admitting to what they said about you. So, the only thing I did not do in terms of compliance with this committee was its true I did not go to the, to a hospital. However, I did take up my own counsel and its just like I told everybody I send down to sash on a alcohol or drug commitment. I say, look fellow your going to go down there for sixty days or ninety days. You know, your going, the doctors will help you. The counselors will help you, but when you get out the bottom line is your the guy thats got to do it. Otherwise, your just wasting everybody's time.

Hornung: Judge, let me come back to that question, but do you have an alcohol problem?

Prichard: No, I do, personally given up drinking.

Hornung: Did you drink alcohol today before coming up here?

Prichard: No.

Hornung: Any, any at all?

Prichard: No.

Hornung: But, you then, in regard to what you may have previously told the Commission, you didn't really seek any kind of professional help. It was a self-help within your own mind or within your own character and purposes.

Prichard: Yes, that's fair. I did go visit with my brother for several days and we discussed it and he's, he's a lawyer too and he's had a....he's had a DWI too and....talked it over...

Hornung: Judge, your court handles DWI's and your court handles assaults. How do you respond if somebody who is charged with DWI comes before you? Do you believe that what has occurred to you whether you caused it or not has it brought...has it shed discredit on the judiciary? Could you sit on the bench without people raising eyebrows? I realize it's a vague question, but I can rephrase it if you like.

Prichard: Well, uh, are we going back to the old...

Hornung: Right now, right now, if somebody comes before you and ~~their~~ charged with DWI, ~~their~~ charged with assaulting their wife. Do you think you can sit on the case without gossip and rumors running around?

Prichard: Oh yea, I think, as a matter of fact I've discussed this with attorneys down there and as a matter of fact I was going to say I'd furnish statements from attorneys that are ~~from~~ from that area and know what the pulse of the community is and basically it's been about a month since this was ever in the papers and it's just not a...not an issue...you know it's not like something that people are thinking about or wondering about. It's all kind of...you might say it's all kind of died down.



Hornung: That may be your word judge, but why, why, at this point, should not the Commission proceed to develop the facts in an open forum as to whether or not you've been engaging in misconduct that sheds discredit upon the judiciary? The formal proceedings. Can you tell this Commission why we shouldn't initiate formal proceedings to remove and also why we shouldn't ask the Supreme Court to suspend you in the interim until the Commission can make a decision on whether or not you should be removed?

Prichard: Well, I'll have to agree that this is very unfortunate. My position is I did nothing wrong. I think I've had a rocky marriage and there was a lot of pressure around this particular situation here. I think my wife collapsed and she got conned by a friend of ours who happens to work for the San Antonio Express-News. In terms more directly toward your question, uh, I'm a lame duck. I've got a few more months to go. I mean these are...the personal problems with it. You know, kids in school, couple of them, one of them that doesn't know how to balance a check book. I guess what I feel like right now is, is I would like to go out with a little dignity and I don't think that this press the publicity has affected my ability to ruling cases. I just call 'em as I see 'em. Now there might be some folks out there that....well, its just like the last time I was up here for the VFW thing. You know, there's always somebody thats going to judge you harshly you know. There's a lot of foregiveness out there in the old world and all I can say is I've had a lot of experience in my life. Some of its been good, some of its been a little bad, but you know I can still rely on my life experiences to make judicial decisions as being part of my you might say my dossier is a word. No, I can't change what happened with the newspapers on this. But, I just think, it just seems to me that to go public again with it. Its going to be on the front pages from now till I don't

know when and I don't think that, that will destroy, probably destroy me professionally around Cornal County in terms of ever practicing law down there because you know its, you know how things are nowadays. You just make the allegation and don't worry about the proof later. Because it takes a life of its own and that can happen. In the end, I would feel like well, perhaps, I could be vindicated. I think if I look in hindsight's 20/20. If I went back to that other situation, had I known that the newspapers were going to hound me with that right up to the last day of the election they were slapping me with that VFW thing. They simple would not let it go. Had I known that, I would gone ahead and probably just gone ahead and tried to get totally vindicated rather than you know like I ended up pleading no contest to calling the arresting officer a son of a bitch down at the jail. You know, after they'd ruined my life. I don't think a jury would have found me guilty on that. But, I did it to get it out of the newspapers because it was harming me personally and it was harming the judiciary to have the newspapers keep sensationalizing it, distorting it. They would never print anything that might make me look to slightest bit good. They only printed the things that made me look like a creep you know and thats the local media down there and they certainly take sides. But, I just don't see that you know stirring up the bucket here. It just seems to me like there is just so much pressure on us right now, my wife and I trying to figure out what we're going to do, you know. Do we practice law? Do we go look for a firm to get with? Just alot of unanswered questions and In think since this is over, I'm getting along okay with Darlene now. I think she's accepted the election loss and realizes that even if I had another shot at it, it wouldn't do me much good. But, I don't think its impaired or hurt my ability to rule. I had protective orders today along with DWI pleas my court has carried on since this has happened and I have not heard any complaints from the attorneys or the people that are in my court. As a matter of fact, they, uh, its a

small community. I can tell. People are hi judge, how's it going. I think most of the people that supported me when this came out in the papers, uh, they seemed to be more sincere concern or hurt about it you know the way it came down you know. One day my wife is saying I'm Darth Vader, the next minute she says well, nothing happened you know. I said, well, I'm here to tell you something did happen, but I'm in a position where I've got to come in here and bad mouth my wife which I don't, is not something I want to do. This is something I probably have to do so ya'll will get a clear understanding that you know I do have a problem marriage. However, I think I can finish out my term without anymore incidents like this. This is like I say a....I have to say its a very isolated thing and Darlene just, not that we haven't had our arguments and pushings and shovings before, but I think this is just really directly tied into the fact that she just collapsed after...had an emotional collapse after the election.

Smith: Anybody have any questions over here?

Dr. Roderick Nugent: Well, does your wife have a problem with alcoholism?

Prichard: No, she...we both essentially gave it up. I mean I have, we have some stuff there in the house because we have people come by you know....want a drink, want a drink. But, my wife's basic problems is I thought she was going through menopause. She takes diet pills because she's always worried about her stomach. Last year she took my, our internal revenue check went down and had a tummy tuck done. I think they snipped out part of her lower intestines. Now she's got some kind of weird blood disease that they discovered after the operation, but you know she's just very vain about her looks and I think she goes on diets and fasts and doesn't eat and generally speaking she, she's kind, she's

pretty...if I didn't know better I'd think she was you know, her daddy might have been a scorpion or something.

Nugent: Does she take drugs to diet with?

Prichard: Yea. I...you know that's part of the problem is because I can never tell. She doesn't eat, she's taking those diet pills you know she gets real strung out.

Nugent: Are you taking any kind of drugs?

Prichard: No. She had to start taking B12 after that operation, but and that seems to have some kind of negative effect on her attitude too. She's a hand full.

Smith: Mr. Cable?

Mr. Lowell Cable: I don't...I'm not able to help much. Your situation is more to be pitied than censured in a sense, but we cause most of our own problems also. Do you mind my asking how much you make as a judge?

Prichard: Uh, \$53,000 gross roughly.

Cable: Well, that's...I'm just saying about your alternatives here. Go home and say Mama to hell with this judgeship. I'm going to get...I'm going to start us a law practice and go from there. What's the matter with that? I'm just, I'm not trying to cut any deals for this Commission or anything, but we've all got a problem here that we're going to have to address.

Prichard: Well, I've considered resigning, but I don't know how I'm going to explain that to all the mortgage companys and my ex-wife. I mean its like I tried to tell Darlene she said why don't you just forget it and I said wait a minute. I said do you have any idea what it takes to start up a private practice of law. I mean its not like I walk out there one day and get a yellow pad and pencil and say start beating a path to my door.

Cable: I understand that.

Prichard: I mean it takes a year or more to even build up a clientele.

Cable: But, your going to have to do that sooner or later.

Prichard: Thats right, but I've got to the end of the year and I have been talking with some attorneys in San Antonio that were interested in having me come in with them. Its just that I really just need the time. I cannot..if I walked out just cut and ran right now, I would be diluged with creditors and all I can say in that regard is that I'm glad they don't have a debtor's prison anymore because I'd be in it. My wife has me so far in debt that I don't know how I'm going to climb out of it unless I can make a very smooth transition at the end of the year. I mean everything I own and am going to make is almost spoken for. You know if we can sell the house.

Cable: How much equity you got in your house?

Prichard: Sir?

Cable: How much equity do you think you've got in your house?

Prichard: None. Not today.

Cable: I'm in the real estate business, so I can believe that.

Prichard: Its a...the only way I can make a dollar on that home would be to sell it for more than we paid for it and that, right now, is....

Cable: What price house is it? Roughly.

Prichard: We paid \$84,000.

Cable: Okay.

Prichard: Its a nice home. It worth the money, but theres homes sitting up there at Canyon Lake that been sitting up there for five years with for sale signs on em.

Cable: Well, I think its something for your to think about. If you can move your schedule up some that'd just kind of solve everybody's problem. Thats all I've got to say.

Smith: Judge Bass?

Justice Bill Bass: Your basic position is that you - one, you haven't done anything wrong and two, it would be personally destructive for us to proceed further. In other words, you had not done anything to provoke the police visit on March the 14th.

Prichard: No. You know, I disarmed my wife you know and...

Bass: Without saying anymore, that's it, isn't it. I didn't do anything wrong.

Prichard: Well, I'm not gonna go so far as to say I did not...I did argue with, I did argue with her.

Bass: What did you do wrong?

Prichard: We did have, you know, words between us.

Bass: Is that wrong?

Prichard: Well, I didn't think it was wrong in your own home. I mean, I, as far as breaking the law is what I'm saying. I did not break any laws.

Bass: And, you weren't drinking.

Prichard: No I wasn't.

Bass: As far as you know your wife wasn't drinking.

Prichard: As far as I know, she wasn't, but like I say....

Bass: I have no more questions.

Smith: Mr. Emmert?

Max Emmert: No questions.

Smith: Judge Salinas?

Judge Homer Salinas: Judge, a while ago you mentioned that...I just want to be sure the chronology here is...sometime the morning of the 14th you had a fight with your wife over a pellet gun.

Prichard: Over what?

Salinas: Over a pellet gun, an air rifle. Is that correct?

Prichard: That was in the afternoon like about 2:00.

Salinas: On the 14th?

Prichard: Yes.

Salinas: The day after the election. And, when was it that you removed a pistol from the bedroom?



Prichard: That was at 8 o'clock in the morning. Not from the bedroom. It was downstairs in the kitchen, but when I went to eat with my brother...

Salinas: Where was that gun then? That same morning.

Prichard: Right.

Salinas: And, where was it. I believe you told me you took that pistol to your pickup truck.

Prichard: I put it in my brother's truck.

Salinas: In your brothers truck and where was your brother's truck?

Prichard: It was in the driveway.

Salinas: And, where did you take the pellet gun after you took it away from your wife.

Prichard: In the garage.

Salinas: In the garage. So you did not put the pellet gun in the same place you had your gun?

Prichard: No. When we got back from...

Salinas: Is that correct?

Prichard: Yeah. I put em...they ended up in the same place.

Salinas: Which is what?

Prichard: In the garage under the, what do you call it, the tool, the big tool table that goes along there. Something you know of course she would never look for it.

Salinas: When did you put the pistol in that place?

Prichard: I put that there when we got back from breakfast like I said my wife got on his case just like about 10 or 10:30 maybe 11 and he left and I went out there with him and got the pistol, put it in the garage. And, then later after ~~he~~ pulled the gun on me, the pellet rifle on me and I took the pellet rifle, took it out there and put it with the pistol.

Salinas: Okay.

Cable: Did you unload your pistol?

Prichard: Yes.

Smith: Is that all, Judge Salinas?

Salinas: Thats all.

Smith: Judge Tagle?

Smith: Are you and your wife still together?

Prichard: Uh, well, we're uh, this, we're still together and I think I've found it kind of amusing attorneys you know will come up and say uh, kind of approached us like gee your having, I bet your really having to get along with your wife right now because she's got these charges and all, but really my fear of and I'll be honest with ya. I'd really, would almost just as soon see the thing get developed. You know, to get myself exonerated, but not at the expense of what the newspapers are going to do with it. Its the same boat I'm in the last time. If you don't put an end to it, they'll go on forever with it and, uh, like I say, I look at this as an isolated thing. I think theres a strong possibility that, uh, I mean we've talked about divorce.

Smith: Has she filed a suit for divorce?

Prichard: No.

Smith: Have you filed a suit for divorce?

Prichard: No, but which ever way we go, whether she wants to or I want to....I don't think she will. However, I'm not so sure that I won't. I mean the woman, I can take alot of the blame for arguing with her and this, that and the other and not having a real happy, harmonious marriage. I guess we're just not compatible. I felt like after we won the election that I've discovered that we do not have alot in common. She doesn't even like football. Likes no forms of sports. You don't find those things out sometimes till after your in there and then I don't apparently don't

do the things she likes me to do such as clean house and....

Salinas: You know judge, you may have answered some of the questions yourself and I apologize for.....Mr. Chairman, but when you said we live in a fishbowl, we live in a glass house. You're so right. Everybody looks at us, everything we do and as such we should be aware that the slightest thing we do is going to be reflected and is going to come out in the press and as the Honorable Chairman says, whats best for you. My sympathys go out to you sir. I don't mind telling you that. I feel very sorry in this situation, but many of these things are of our own doing, rightly or wrongly, they occur. Many times you're a pilot...

Prichard: I agree.

Salinas: The best thing to do is a 180 and don't do any explaining. Your going to state your own ground. Thats the best thing to do.

Prichard: I'm not sure I follow the....

Smith: Judge,....

Prichard: There's not going to be any more election losses for me. I'm in the twilight of my political career and I don't think I'm going to have to worry about Darlene freaking out on me because I lost an election. I might have some, continue to have some minor problems, but I doubt seriously that she's going to call the police department ever again.

Smith: Judge, before I forget about it, would you mind leaving a copy of that statement with us so that we'll have that. Is there anything else that you'd like to say?

Prichard: Un, well, like, I'd certainly be willing to if I could have a little time to get some statements up here if ya'll would be interested in looking at em concerning from my brother or eye witnesses to the....what transpired at least up until the gun incident. I know I talked to Jack Robison the other day. He said he'd give me a statement that, what good it is, that I definitely have a problem wife in terms of demeanor and in deference to the judiciary and I hope everybody can understand this. I guess if I wanted to, to have taken the smart way out maybe I should have divorced my wife the day after I won the election or maybe I should have divorced her the day after she got that that VFW thing came out. Maybe thats when I should have done the right...done the best thing for the judiciary or the best thing for me or the best thing for her even. I don't know. I mean its easy to look back and say gee I wish I'd have dumped her two years ago, but I don't believe in divorcing people...

[Second side of tape]

Prichard: Are ya'll going to advise me whether you want any statements or...

Smith: Yes, we'll advise you of anything further.

Flowers: The Commission will instruct....of what to do, judge. Thank you.

Prichard: Thank you.

Smith: Thank you.

**BEFORE THE STATE COMMISSION ON JUDICIAL CONDUCT**  
**INQUIRY CONCERNING A JUDGE NO. 55**

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**NOTICE OF FORMAL PROCEEDINGS**

**TO THE HONORABLE RONALD PRICHARD:**

Pursuant to the Texas Government Code Annotated, Section 33.022 (Vernon 1987), you, Ronald Prichard, Judge, Comal County Court-at-Law, New Braunfels, Texas, are hereby notified that formal proceedings are being instituted against you based upon the following:

**I.**

**Factual Allegations**

On or about March 14, 1990, after having imbibed alcoholic beverages, you and your wife engaged in a violent physical altercation at your residence near Canyon Lake, Texas. At the time, your wife requested the telephone operator to send the police to the residence. At or about 2:52 p.m. of the same date, the Comal County Sheriff's Office dispatched deputies to your residence. Following inquiries by sheriff's deputies at the scene, your wife signed a "Notice to Adult Victims of Family Violence" form indicating that, "I have been subjected to, or am aware of an incident of family violence and will prosecute the person(s) responsible in a court of law." Your wife also requested, at the time, that you be arrested by the law enforcement officers. You were arrested for "family violence/assault" and you were transported to the Comal County Jail where you were booked for "assault with bodily injury" and then released on a personal recognizance bond authorized by a Comal County Justice of the Peace. The San Antonio Express-News, the Austin American Statesman, and the New Braunfels Herald-Zeitung have printed one or more stories covering the incident, the arrest and the related prosecution. The Comal County Court-at-Law exercises original criminal jurisdiction over misdemeanors (other than misdemeanors involving official misconduct and cases in which the highest fine that may be imposed is \$200 or less). Included within the criminal jurisdiction of your court are the offenses of assault and driving while intoxicated. In addition to other jurisdiction, your court also has concurrent jurisdiction with the district court in family law cases and proceedings.

**Relevant Standard**

The Texas Constitution, Article 5, Section 1-a, Paragraph 6A provides, among other things, that, "Any justice or judge of the courts established by this Constitution or created by the legislature as provided in Section 1, Article V of this Constitution, may, subject to the other provisions hereof, be removed from office for . . . willful or persistent conduct that is clearly inconsistent with the proper performance of his duties or casts public discredit upon the judiciary or the administration of justice. Any person holding such office may be disciplined or censured, in lieu of removal from office, as provided by this section."

*Attachment 4*

## **Charge**

Your violent conduct in the altercation with your wife on or about March 14, 1990, at your residence, which conduct resulted in your arrest and which conduct was publicized in area newspapers, was willful conduct which cast public discredit on the judiciary and the administration of justice contrary to Article 5, Section 1-a, Paragraph 6A of the Texas Constitution.

## **Matters In Aggravation**

Although not currently charged as matters of misconduct, should the above charge be proven by a preponderance of the evidence, the following are alleged as matters in aggravation, to be considered in determining an appropriate sanction or disposition of this case:

1. On December 12, 1988, the State Commission on Judicial Conduct issued a public warning to you for conduct which cast public discredit upon the judiciary after entering the following findings:
  - a) On September 9, 1988, you were arrested on charges of public intoxication and disorderly conduct.
  - b) Your arrest was reported by the area news media, including the New Braunfels Herald-Zeitung.
  - c) At a Judicial Conduct Commission meeting on December 2, 1988, you admitted that you had a problem with the abuse of alcohol, and
  - d) At such meeting, you stated that you would immediately seek professional help concerning your problem with the abuse of alcohol.
2. Comal County law enforcement officers have furnished information that they have responded to disturbance calls involving you on previous occasions.
3. You have a reputation in your community and among your associates as a heavy drinker and a person who often appears inebriated.

## **II.**

## **Factual Allegations**

On the afternoon of April 20, 1990, you appeared before the State Commission on Judicial Conduct at a regularly scheduled meeting of the Commission at its office in Austin, Texas. While under oath administered by the

Commission Chairman, you testified that you did not drink any alcoholic beverage at any time on the day of March 14, 1990, before the altercation with your wife. That sworn statement by you was not truthful. The statement was made with intent to deceive and with the knowledge of the statement's meaning. The statement was material to the issues being considered in an official proceeding.

#### **Relevant Standard**

The Texas Penal Code, Section 37.02 (Vernon 1989) provides, in essence, that a person commits the offense of perjury if, with intent to deceive and with knowledge of the statement's meaning, the person makes a false statement under oath and the statement is required or authorized by law to be made under oath. The Texas Penal Code, Section 37.03 (Vernon 1989) provides, in essence, that if an individual commits perjury during or in connection with an official proceeding, and such perjury is material, such perjury is considered aggravated.

The Texas Government Code, Annotated, Section 33.024 (Vernon 1988) provides that in conducting an investigation or formal proceeding, a member of the State Commission on Judicial Conduct may administer oaths.

The Texas Supreme Court, Code of Judicial Conduct, Canon 2A provides that, "A judge should respect and comply with the law and should conduct himself or herself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary."

#### **Charge**

The statement you made on April 20, 1990, to the State Commission on Judicial Conduct while under oath administered by the Chairman of the Commission on Judicial Conduct, that you had nothing (alcoholic) to drink on March 14, 1990, was false, was contrary to law, and, therefore, in violation of the provisions of Canon 2A of the Code of Judicial Conduct which require that you respect and comply with the law.

\*\*\*\*\*

You are hereby notified that you have a right to file a written answer to the foregoing charge within 15 days after service of this notice of formal proceedings upon you. Your answer should be forwarded or delivered to the State Commission on Judicial Conduct, 720 Brazos Street, Suite 706, P.O. Box 12265, Capitol Station, Austin, Texas, 78711.

Done this the 9th day of May, 1990.



Robert C. Flowers  
Executive Director  
Acting for and on behalf  
of the State Commission  
on Judicial Conduct with  
full authority to so act.



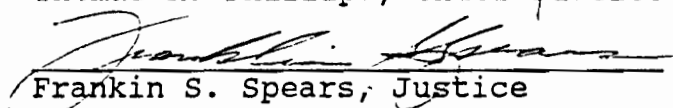
OF THE SUPREME COURT OF TEXAS

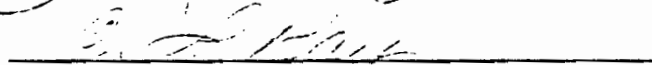
Pursuant to the request of the State Commission and article V, section 1-a(8) of the Texas Constitution, the Supreme Court of Texas appoints


The Honorable Robert R. Murray of San Antonio  
Master to conduct a formal hearing in the case of Judge No. 55.


In Chambers, this 27th day of June, 1990.

  
Thomas R. Phillips, Chief Justice

  
Franklin S. Spears, Justice

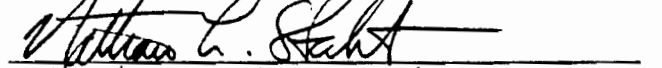
  
C.L. Ray, Justice

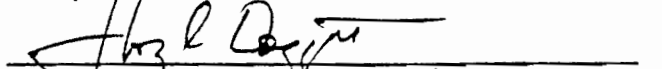
  
Raul A. Gonzalez, Justice

  
Oscar H. Mauzy, Justice

\_\_\_\_\_  
Eugene A. Cook, Justice

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Jack Hightower, Justice

  
Nathan L. Hecht, Justice

  
Lloyd A. Doggett, Justice

THE STATE COMMISSION ON JUDICIAL CONDUCT

INQUIRY CONCERNING  
A JUDGE, NO. 55

IN RE: RONALD PRICHARD, JUDGE  
COUNTY COURT A LAW  
COMAL COUNTY, TEXAS

REPORT OF ROBERT R. MURRAY,  
SPECIAL MASTER

TO THE HONORABLE MEMBERS: STATE COMMISSION ON JUDICIAL CONDUCT:

Comes now Robert R. Murray, Special Master, and files this report of his findings of fact with respect to the issues presented by the notice of formal proceedings and the answer of Judge Prichard as required by Rule 12, Rules for the Removal or Retirement of Judges adopted by the supreme Court of Texas.

On August 23 and 24, 1990, the formal hearing of this proceeding took place in New Braunfels, Texas, and present were the Examiner and his attorneys, Judge Prichard and his attorney, and the Special Master. On September 6, 1990, Judge Prichard filed a motion to reopen the hearing for the purpose of offering evidence concerning the testimony of officers Felix Roque and Douglas Dunlap. I reviewed the motion and the response thereto filed by the Examiner and denied the motion.

I have reviewed all the evidence presented at the formal hearing and have come to the following conclusion as to the facts with respect to the issues presented by the notice of formal proceedings and the answer thereto as required by Rule 12.

*Attachment 6*

N 1 3 2

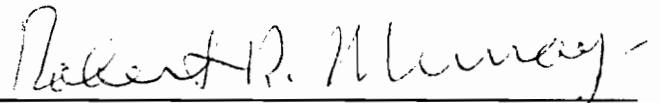
Charge I

I find that the factual allegations in Charge I of the notice of formal proceedings are true and that this conduct cast public discredit on the judiciary and the administration of justice contrary to Article 5, Section 1-a, Paragraph 6A of the Texas Constitution. I also find that the Matters in Aggravation in Charge I are true.

Charge II

I find that the factual allegations in Charge II of the notice of formal proceedings are true and that this conduct was in violation of the provisions of Canon 2A of the Code of Judicial Conduct.

Respectfully submitted,



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Robert R. Murray  
Special Master