

# JUDGE WARNED AFTER CREATING "CARNIVAL A

by JOHN COUNCIL

**A**ccused of screaming at a defense lawyer and conveying his disapproval of the defense by using facial expressions during a jury trial, a San Antonio criminal district judge recently received a public warning from the State Commission on Judicial Conduct.

In a decision released on Jan. 10, the commission punished 187th District Judge Raymond Angelini for actions he took during the November 2000 high-profile trial of a San Antonio police officer charged with aggravated sexual assault of a child.

Angelini's actions created a "carnival atmosphere" in the courtroom as a result of the judge's "theatrical performance," according to the commission's warning. On appeal, a visiting judge granted the defendant,

*Judge Raymond Angelini says the videotaped argument was not indicative of his behavior during the four-day trial.*

Richard Rodriguez, a new trial because of Angelini's conduct, according to the commission.

Angelini strongly denies the commission's allegations.

While a public warning is not the most serious punishment a judge can receive from the commission (the commission can remove a judge from office), it could have political implications for Angelini, a Republican who is facing re-election for a third term this year and has an opponent in the November general election.

Several witnesses told the commission that they observed Angelini "rolling his eyes, smirking, frowning in disapproval, shaking his head in the negative, yawning in boredom, or sighing in an exaggerated manner throughout the trial, and particularly when the defense team was presenting their side of the case," according to the commission's warning, which was decided on Dec. 17.

"As a result of the judge's inappropriate behavior, the public perceived that the judge lacked impartiality and was biased in favor of the prosecution," the commission stated.

A key issue the commission examined was an argument in which Angelini screamed at Rodriguez's attorney — an exchange captured by a television camera and used as evidence in Angelini's disciplinary hearing.

In an interview, Angelini says the videotaped argument was not indicative of his behavior during the four-day trial.

"It was about a minute long and that was it. There wasn't anything before or after," Angelini says of the exchange. "And I haven't had any since."

Angelini says he did not use any facial gestures on the bench that harmed the defense's case.

"I'm not totally insane," Angelini says. "I'm not going to sit there in front of a camera and make secret gestures to jurors or lawyers or anyone else."

In a December 2001 hearing before the commission, the judge conceded that he is sometimes "aggressive" when it comes to maintaining control over his court but denied that his actions harmed the defense's case. He also conceded he "talks with his hands" but denied that his expressions indicated that he favored one side of the case.

## High-Profile Case

The videotaped exchange that judicial conduct commissioners viewed showed a disagreement between Angelini and Mark Stevens, Rodriguez's lawyer.

The commission's warning characterized the exchange as a "verbal altercation" in which Angelini "lost his temper and screamed at defense counsel."

The tape shows Angelini and Stevens disagreeing over whether the prosecution was about to violate a motion in limine by pursuing a line of questioning of Stevens' client. Part of the exchange, according to the commission's transcript, is as follows:

Angelini: "You don't know what they're going to ask. And when they ask it, then we'll deal with it as it comes up! We can't read the future. Maybe you can, but I can't."

Stevens: "That's the reason I filed the motion in limine."

Angelini: "I understand.

I've read your motion in limine, and I asked them questions concerning your motion in limine."

Stevens: "I disagree with that."

Angelini: "All right then, fine. You can take it up with someone else."

Stevens: "Looks like

I'm going to have to."

During a Dec. 7 hearing before the commission in Austin, Angelini said the incident occurred while the jury was not in the courtroom. Transcripts of the closed-door committee meeting were released after Angelini's punishment was announced on Jan. 10.

"I got upset with Mr. Stevens at this time. I usually don't get upset with Mr. Stevens or any other lawyer," Angelini said after the videotape was played to commissioners during the hearing. "I'm not proud of my behavior there at all."

Angelini also told the commissioners the incident was isolated, and he didn't remember it.

"It sounds like to me you don't know how to behave," said commission member L. Scott Mann. "If you didn't remember that — I mean, judge, that's outrageous."

Another commissioner was concerned that Angelini lost his composure in front of television cameras; several news crews covered the high-profile trial.

"It may, in your opinion, make you a tough judge, you know, against crime, but the perception is to be someone out of control," said commission member Kathleen-Olivares, El Paso's 205th district judge. "You can tell us not to take this out — you know, put this into context, it was four days of trial. Well, the news is going to only show 10 seconds of that, and the worst part of it is going to come out on TV."

Stevens, a veteran San Antonio criminal-defense attorney, declines to comment on the disciplinary action; he says the commission's warning speaks for itself.

Van Hilley, a San Antonio lawyer who represented Angelini before the commission, told commissioners that Angelini shouldn't have his entire career judged on one incident. Hilley also expressed concern to the commissioners that their decision may have political implications for Angelini.

"He's got an opponent, and there's some talk about

*"As a result of his behavior, the judge lacked impartiality in favor of the prosecution."*

## "ATMOSPHERE" IN COURT

this in the community already," Hilley told the commissioners during the hearing. "And I hate that to be the case when we're talking about what we're going to do and how we're going to elect our judges."

Margaret Reaves, executive director of the commission, says in an interview that the timing of Angelini's punishment was in no way influenced by his re-election campaign.

"We do not issue sanctions or withhold issuing sanctions based on any political agenda," Reaves says. "This is not a political commission."

Andrew Thomas, a San Antonio defense lawyer who will face Angelini in the general election as a Democrat, says, "The only thing that it [the warning] may do is make the newspapers more aware of his behavior. I have been talking about this behavior for a long time, and they discount it by saying, 'Oh, you're



**Margaret Reaves (above) says the timing of Angelini's warning was in no way influenced by his re-election campaign.**

an opponent.' But this has opened some eyes."

Thomas unsuccessfully ran against Angelini, a Republican, four years ago. Neither has primary opponents.

Angelini says plenty of lawyers will vouch for him, but he's not sure how the disciplinary action will affect

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his campaign for re-election.

"I will find out," Angelini says. "I guess you will have to ask me in November." **ENL**

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