



**BEFORE THE  
STATE COMMISSION ON JUDICIAL CONDUCT**

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**CJC No. 18-0611**

**INQUIRY CONCERNING**

**HONORABLE RODOLFO “RUDY” DELGADO  
93<sup>RD</sup> JUDICIAL DISTRICT COURT  
EDINBURG, HIDALGO COUNTY, TEXAS**

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**ORDER OF SUSPENSION**

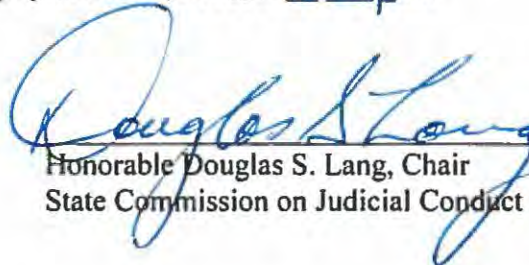
Be it known that on March 1, 2018, the State Commission on Judicial Conduct was presented with a copy of an Indictment handed up on February 28, 2018, by the duly constituted Grand Jury of the United States District Court for the Southern District of Texas, Houston Division, in Cause No. 18-CR-115, styled *United States of America vs. Rodolfo “Rudy” Delgado* (the “Indictment,” a true and correct copy of which is attached hereto as **Exhibit “A”** and incorporated herein for all relevant purposes).

Having considered the Indictment, the Commission concluded that the charges include three counts of Federal Program Bribery (18 U.S.C. § 666(a)(1)(B)) and three counts of violating the Travel Act (18 U.S.C. § 1952). The Commission determined that **RODOLFO “RUDY” DELGADO** should be **SUSPENDED, WITHOUT PAY**, from the office of Judge of the 93<sup>rd</sup> Judicial District Court for Hidalgo County, Texas, pursuant to the authority contained in Article 5, sect. 1-a(6)A of the Texas Constitution and Rule 15(a) of the Texas Procedural Rules for the Removal or Retirement of Judges, and that such suspension shall remain in effect until further orders of the Commission.

Accordingly, it is **ORDERED** that **RODOLOFO “RUDY” DELGADO** is **SUSPENDED, WITHOUT PAY**, from the office of Judge of the 93<sup>rd</sup> Judicial District

Court for Hidalgo County, Texas. It is **FURTHER ORDERED** that such suspension shall be effective immediately and shall remain in effect until further order of the Commission. It is **FURTHER ORDERED** that the Commission retains the authority to reconsider this Order should additional information not yet received warrant such action.

ISSUED on the 1<sup>ST</sup> day of March, 2018, at 6:27pm.



Honorable Douglas S. Lang, Chair  
State Commission on Judicial Conduct

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

United States Court  
Southern District of Texas  
FILED

FEB 28 2018

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA

v.

RODOLFO "RUDY" DELGADO

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CRIMINAL NO. 18-cr-

18 CR 115

INDICTMENT

The United States Grand Jury charges:

GENERAL ALLEGATIONS

At all times material to this Indictment:

1. Defendant Rodolfo "Rudy" DELGADO served as a district judge for the 93rd District Court of Texas, based in the town of Edinburg in Hidalgo County, Texas.

Texas Judiciary Background

2. The Texas Constitution creates judicial districts and decrees that there shall be at least one judge in each district. The district courts have "exclusive, appellate, and original jurisdiction of all actions, proceedings, and remedies" in Texas except those designated to other courts. As a judge for the 93rd Judicial District, DELGADO was an agent of the State of Texas.

3. DELGADO was elected to serve as a state district judge for the 93rd Judicial District in 2004, 2008, 2012, and 2016. DELGADO's responsibilities as a district judge include presiding over matters civil and criminal matters of Texas state law in the 93rd Judicial District and in other judicial districts of Texas by assignment.

4. As a district judge, DELGADO took an oath to uphold the Constitution of the United

States and the Constitution and laws of the State of Texas and to faithfully execute the duties of his office. Furthermore, the Texas Code of Judicial Conduct, which sets standards of conduct for the judges of Texas state courts, including the District Court for the 93rd Judicial District, requires judges to “participate in establishing, maintaining and enforcing high standards of conduct, and should personally observe those standards so that the integrity and independence of the judiciary is preserved. The Code of Judicial Conduct also requires that state judges “comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.”

5. At all times material to this Indictment the State of Texas received benefits in excess of \$10,000 per year under Federal programs involving grants, contracts, subsidies, loans, guarantees, insurance, and other forms of Federal assistance.

#### Arrest and Bond Procedure

6. As part of his duties as a district judge, DELGADO oversaw cases involving defendants assigned to the 93rd District Court who were being supervised by the Hidalgo County Adult Probation Office. When one of those defendants was alleged to have violated the terms governing his or her community supervision, DELGADO issued orders authorizing the arrest of those defendants. Once the defendants were arrested, they were detained pending a hearing on the alleged violations.

7. Under Texas law, defendants who are alleged to have violated the terms of their community supervision are not entitled to bail. However, as a district judge, DELGADO may, in his discretion, order that a defendant arrested pursuant to allegations that they violated the terms of their community supervision be released on bail pending the hearing. If DELGADO grants bail, DELGADO may order the defendant to post an amount of money, either in cash or through a surety,

to assure the defendant's appearance at the hearing. However, DELGADO may also release the defendant with a "personal bond," which is a promise by the defendant to pay a certain amount of money to the court if that defendant does not appear for future scheduled court dates, but does not require the defendant to post any amount of money with the court upon release.

8. When a defendant is released on bail, whether with a cash bond or a personal bond, the defendant may be required to adhere to conditions of release as dictated by DELGADO and administered by the Hidalgo County Adult Probation Office.

### **Bribes Paid to Delgado**

#### **Person A**

9. In or about June 2016, DELGADO signed an Order to Issue Capias for Arrest for Person A, an individual whose identity is known by the grand jury, based on a Motion to Revoke State Jail Felony Post Conviction Community Service filed by a Hidalgo County Assistant District Attorney.

10. On or about December 2016, Person A was arrested on the warrant issued on order of DELGADO and was detained in the Hidalgo County Jail.

11. In or about December 2016, Person A's attorney, Attorney A, a person who is known to the grand jury, paid DELGADO approximately \$260 in U.S. currency in exchange for DELGADO's agreement to release Person A on a personal bond.

12. On or about December 2016, Person A appeared before DELGADO for a hearing. DELGADO granted Person A a \$5,000 personal bond, and Person A was released from jail, pending a hearing in January 2017.

#### **Person B**

13. In or about April 2017, DELGADO signed an Order to Issue Capias for Arrest for

Person B, an individual whose identity is known by the grand jury, based on a Motion to Revoke State Jail Felony Post Conviction Community Service filed by a Hidalgo County Assistant District Attorney.

14. On or about November 2017, Person B was arrested on the warrant issued on order of DELGADO and was detained in the Hidalgo County Jail.

15. In or about November 2017, Person B's attorney, Attorney A, paid DELGADO approximately \$260 in U.S. currency in exchange for DELGADO's agreement to release Person B on a personal bond.

16. On or about November 2017, Person A appeared before DELGADO for a hearing. DELGADO granted Person B a \$5,000 personal bond, and Person B was released from jail.

Person C

17. In or about June 2017, DELGADO signed an Order to Issue Capias for Arrest for Person C, an individual whose identity is known by the grand jury, based on a Motion to Revoke State Jail Felony Post Conviction Community Service filed by a Hidalgo County Assistant District Attorney.

18. On or about January 2018, Person C was arrested on the warrant issued on order of DELGADO and was detained in the Hidalgo County Jail.

19. In or about January 2018, Person C's attorney, Attorney A, paid DELGADO approximately \$5,500 in U.S. currency in exchange for DELGADO's agreement to release Person C on a personal bond.

20. On or about January 2018, Person A appeared before DELGADO for a hearing. DELGADO granted Person C a \$5,000 personal recognizance bond and Person C was released from jail.

**COUNT 1:**

**Federal Program Bribery – 18 U.S.C. § 666(a)(1)(B)**

21. Paragraphs 1 through 20 of this Indictment are re-alleged as if fully set forth herein.

22. From at least in or about January 2016, up to and including in or about December 2016, in the Southern District of Texas and elsewhere, the defendant,

**RODOLFO “RUDY” DELGADO,**

the elected district judge for the 93rd District Court of Texas, did willfully, knowingly, and corruptly, solicit and demanded for his own benefit, and accepted and agreed to accept something of value, that is, U.S. currency from Attorney A, intending to be influenced and rewarded in connection with a business, transaction, and series of transactions of the State of Texas valued at \$5,000 or more, that is, the criminal matter of Person A, and during that same one-year period the State of Texas received benefits in excess of \$10,000 under Federal programs involving a grant, contract, subsidy, loan, guarantee, insurance, and other form of Federal assistance.

All in violation of Title 18, United States Code, Section 666(a)(1)(B).

**COUNT 2:**

**Federal Program Bribery – 18 U.S.C. § 666(a)(1)(B)**

23. Paragraphs 1 through 20 of this Indictment are re-alleged as if fully set forth herein.

24. From at least in or about January 2017, up to and including in or about December 2017, in the Southern District of Texas and elsewhere, the defendant,

**RODOLFO “RUDY” DELGADO,**

the elected district judge for the 93rd District Court of Texas, did willfully, knowingly, and corruptly, solicit and demanded for his own benefit, and accepted and agreed to accept something of value, that is, U.S. currency from Attorney A, intending to be influenced and rewarded in connection with a business, transaction, and series of transactions of the State of Texas valued at \$5,000 or more, that

is, the criminal matter of Person B and during that same one-year period the State of Texas received benefits in excess of \$10,000 under Federal programs involving a grant, contact, subsidy, loan, guarantee, insurance, and other form of Federal assistance.

All in violation of Title 18, United States Code, Section 666(a)(1)(B).

**COUNT 3:**

**Federal Program Bribery – 18 U.S.C. § 666(a)(1)(B)**

25. Paragraphs 1 through 20 of this Indictment are re-alleged as if fully set forth herein.

26. From at least in or about March 2017, up to and including in or about February 2018, in the Southern District of Texas and elsewhere, the defendant,

**RODOLFO “RUDY” DELGADO,**

the elected district judge for the 93rd District Court of Texas, did willfully, knowingly, and corruptly, solicit and demanded for his own benefit, and accepted and agreed to accept something of value, that is, U.S. currency from Attorney A, intending to be influenced and rewarded in connection with a business, transaction, and series of transactions of the State of Texas involving any thing of value at \$5,000 or more, that is the criminal matter of Person C, and during that same one-year period the State of Texas received benefits in excess of \$10,000 under a Federal program involving a grant, contact, subsidy, loan, guarantee, insurance, and other form of Federal assistance.

All in violation of Title 18, United States Code, Section 666(a)(1)(B).

**COUNT 4:**

**Travel Act – 18 U.S.C. § 1952**

27. Paragraphs 1 through 20 of this Indictment are re-alleged as if fully set forth herein.

28. On or about December 13, 2016, in the Southern District of Texas and elsewhere, the defendant,

**RODOLFO “RUDY” DELGADO,**



knowingly and willfully did use and cause to be used a facility in interstate and foreign commerce, namely a telephone, with the intent to promote, manage, establish, carry on, and facilitate the promotion, management, establishment, and carrying on of an unlawful activity, namely, bribery, contrary to Article XVI, § 41 of the Texas Constitution and Texas Penal Code § 36.02, and thereafter performed and attempted to perform an act to promote, manage, establish and carry on, and to facilitate the promotion, management, establishment and carrying on of the above unlawful activity. All in violation of Title 18, United States Code, Section 1952(a)(3).

**COUNT 5:**  
**Travel Act – 18 U.S.C. § 1952**

29. Paragraphs 1 through 20 of this Indictment are re-alleged as if fully set forth herein.

30. On or about November 27, 2017, in the Southern District of Texas and elsewhere, the defendant,

**RODOLFO “RUDY” DELGADO,**

knowingly and willfully did use and cause to be used a facility in interstate and foreign commerce, namely a telephone, with the intent to promote, manage, establish, carry on, and facilitate the promotion, management, establishment, and carrying on of an unlawful activity, namely, bribery, contrary to Article XVI, § 41 of the Texas Constitution and Texas Penal Code § 36.02, and thereafter performed and attempted to perform an act to promote, manage, establish and carry on, and to facilitate the promotion, management, establishment and carrying on of the above unlawful activity. All in violation of Title 18, United States Code, Section 1952(a)(3).

**COUNT 6:**  
**Travel Act – 18 U.S.C. § 1952**

31. Paragraphs 1 through 20 of this Indictment are re-alleged as if fully set forth herein.

32. On or about January 17, 2018, in the Southern District of Texas and elsewhere, the defendant,

**RODOLFO “RUDY” DELGADO,**

knowingly and willfully did use and cause to be used a facility in interstate and foreign commerce, namely a telephone, with the intent to promote, manage, establish, carry on, and facilitate the promotion, management, establishment, and carrying on of an unlawful activity, namely, bribery, contrary to Article XVI, § 41 of the Texas Constitution and Texas Penal Code § 36.02, and thereafter performed and attempted to perform an act to promote, manage, establish and carry on, and to facilitate the promotion, management, establishment and carrying on of the above unlawful activity.

All in violation of Title 18, United States Code, Section 1952(a)(3).

**NOTICE OF CRIMINAL FORFEITURE**  
**18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c)**

33. Pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), the United States gives notice to the defendant,

**RODOLFO “RUDY” DELGADO,**

that upon conviction of an offense in violation of Title 18, United States Code, Section 666(a)(1)(B), as charged in Counts One through Three of this Indictment, all property, real or personal, which constitutes or is derived from proceeds traceable to such offense, is subject to forfeiture.

**Property Subject to Forfeiture**

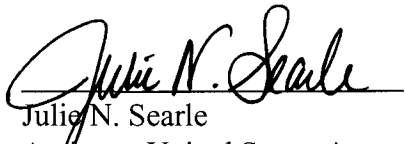
The property subject to forfeiture is approximately \$6,000.00. In the event that a condition

listed in Title 21, United States Code, Section 853 exists, the United States will seek to forfeit any other property of the defendant in substitution up to the total value of the property subject to forfeiture. The United States may seek the imposition of a money judgment.

A ~~TRUE~~ BILL:

ORIGINAL SIGNATURE ON FILE  
FOREPERSON OF THE GRAND JURY

RYAN K. PATRICK  
United States Attorney



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