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COMMISSION ON
JUDICIAL PERFORMANCE

STATE OF CALIFORNIA
BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE

INQUIRY CONCERNING A JUDGE
NO. 131

SECOND AMENDED NOTICE OF
FORMAL PROCEEDINGS, ANSWERS

TO THE COMMISSION ON JUDICIAL PERFORMANCE:

COMES NOW, JUDGE NO. 131 AND BRINGS THE FOLLOWING ANSWERS
TO THE INQUIRY, PURSUANT TO RULE 906.

NOW AND HEREAFTER SUBMITS THAT ANY ALLEGED WILLFUL AND
ALLEGED MISCONDUCT IN OFFICE AND ANY ALLEGED CONDUCT THAT
WAS PREJUDICIAL TO THE ADMINISTRATION OF JUSTICE THAT BRINGS
THE JUDICIAL OFFICE INTO DISREPUTE WAS ACTED IN GOOD FAITH
BELIEF, OR IN IGNORANCE, AND INEXPERIENCE TO THE CANONS OF
ETHICS. OR WAS FALSELY OR MISSTATED, OUT OF MALICE AGAINST
JUDGE NO. 131. ALL THE ALLEGATION WERE THE RESULT OF A GROUP OF
INDIVIDUALS, CONSPIRING, IN RETALIATION, FOR THEIR LOST
EMPLOYMENT AND, OR, THERE DISAGREEMENT WITH JUDGE NO. 131
OVER THE OPERATION OF THE COURT.

COUNT ONE

JUDGE NO. 131 DENIES WILLFULLY AND KNOWINGLY ENGAGING IN
ANY IMPROPER EX PARTE COMMUNICATION, OR WILLFULLY FAILED TO
DISQUALIFY MYSELF, OR BELIEVING THAT DISQUALIFICATION WAS

REQUIRED UNDER THE CIRCUMSTANCES. ALL ACTION BY THE COURT WAS WITH THE FULL KNOWLEDGE OF THE DISTRICT ATTORNEY AND THEIR RECOMMENDATION. UNDER THE GUIDELINE OF RURAL COURT JUDGES.

ONE A

JUDGE NO. 131 RESPECTFULLY SUBMITS THAT THE CLERK OF THE COURT MADE AN ERROR ON THE MINUTE ORDER. DURING THE COURT HEARING, IT WAS RECOMMENDED THAT THE DEFENDANT'S FATHER SEEK SOME EXTRA OR ADDITIONAL COUNSELING. THIS WAS RECOMMENDED BY THE COURT AT THE REQUEST OF THE FAMILY. AT THE TIME JUDGE NO. 131 BELIEVED THAT IT WAS PERMISSIBLE TO TALK CONFIDENTIALLY WITH THE FAMILY ABOUT THE DEFENDANT'S DRUG PROBLEM, AS LONG AS DEFENDANT WAS NOT INVOLVED AND HAD NO KNOWLEDGE, AND THE DISTRICT ATTORNEY AND THE DEFENSE ATTORNEY HAD BEEN ADVISED.

JUDGE NO. 131 WAS INTRODUCED TO REV. BOB JOHNSON AT LUNCH AT THE POINT OF VIEW RESTAURANT IN OAKHURST, BY A MR. RICO BRAZIL. REV. JOHNSON, DURING LUNCH STATED THAT HIS SISTER'S SON WAS ARRESTED FOR DRUGS. JUDGE NO. 131 ADVISED REV. JOHNSON NOT TO SAY ANYTHING ABOUT THE CASE, OR JUDGE NO. 131 WOULD HAVE DISQUALIFY HIMSELF, IF THE CASE CAN BEFORE HIS COURT. REV. JOHNSON STATED THAT HE WOULD BE WILLING TO COUNSEL HIS NEPHEW. JUDGE NO. 131 ADVISED REV. JOHNSON THAT IN ALL DRUG CASES THE DISTRICT ATTORNEY MAKES THE DECISION ON WHAT THE DEFENDANT WILL BE OFFERED. HE MAY OFFER A DRUG PROGRAM AS A CONDITION. OR ALLOWED DEFENDANTS TO SEEK HIS OWN COUNSELING. REV. JOHNSON ASKED IF HIS SISTER COULD CALL HIM ABOUT WHAT SHE COULD DO FOR HER SON. JUDGE NO. 131 ADVISED REV. JOHNSON THAT SHE COULD IF SHE DID NOT DISCUSS THE CASE , AND IT IS ONLY FOR THAT PURPOSE, JUDGE NO. 131 CAN DO NOTHING FOR HIM.

MRS. HENDERSON CALLED JUDGE NO. 131 AT HIS HOME. MRS. HENDERSON WAS ADVISED BY JUDGE 131 NOT TO DISCUSS THE CASE. MRS. HENDERSON STATED THAT SHE FELT HER SON HAD A SERIOUS DRUG PROBLEM AND REQUESTED ANY INFORMATION THAT WOULD HELP HER HELP HER SON. JUDGE NO. 131 ADVISED MRS. HENDERSON THAT SHE SHOULD GET HER SON HELP. JUDGE NO. 131 ADVISED MRS. HENDERSON THAT THE DISTRICT ATTORNEY WOULD BE ADVISED OF HER CONCERNS AND THAT HER BROTHER WAS WILLING TO COUNSEL HIM, THAT IT WAS UP TO THE D.A, MR. PURSELL.

ON SEPTEMBER 6, 1994 THE COURT HELD A DIVERSION HEARING. JUDGE NO.131 REQUESTED MR. PURSELL AND MS. FLETCHER TO MEET IN CHAMBERS. THE REASON FOR THE MEETING WAS TO ADVISE THE ATTORNEYS OF MR. HENDERSON'S FAMILY REQUEST, OUT OF THE HEARING OF MR. HENDERSON. AS THE ATTORNEYS WERE LEAVING THE COURT ROOM, MS. FLETCHER INFORMED JUDGE NO. 131 THAT HER CLIENT HAD TOLD HER THAT, " DIVERSION WAS A DONE DEAL, THAT THE JUDGE AND HIS UNCLE WERE GOOD FRIENDS, AND THAT THE JUDGE GOES TO CHURCH WITH HIS FAMILY, AT HIS UNCLE'S CHURCH." JUDGE " NO. 131 BELIEVING THAT REV. JOHNSON HAD ARRANGE THE LUNCH MEETING FOR THE PURPOSE OF GETTING JUDGE NO. 131 TO ORDER HIS NEPHEW TO ACCEPT HIS COUNSELING, MRS. HENDERSON CALLED JUDGE NO. 131 FOR THE SAME REASONS, BECAME CONCERNED THAT HE COULD NO LONG BE FAIR AND IMPARTIAL, REMOVED HIMSELF FROM THE DECISION OF DIVERSION.

IN CHAMBERS JUDGE NO. 131 ADVISED MR. PURSELL AND MS. FLETCHER THAT THE FAMILY CONTACT ME AND WANTED MR. HENDERSON TO GET DRUG TREATMENT. THAT HIS UNCLE WAS WILLING TO COUNSELING HIM. JUDGE NO. 131 ADVISED THE ATTORNEYS, THAT HE WOULD NOT GRANT THE DEFENDANT DIVERSION, IT WOULD BE MR. PURSELL'S DECISION, AND IF THERE WAS A HEARING TO DETERMINE IF MR. HENDERSON WAS TO BE GRANTED DIVERSION, OR IF THERE IS A PRELIMINARY HEARING. JUDGE NO. 131 WOULD DISQUALIFY HIMSELF.

THE ATTORNEYS AND JUDGE NO. 131 RETURNED TO THE COURT AND JUDGE NO. 131 INFORMED MR. HENDERSON THAT HE WOULD NOT RULE ON DIVERSION, THAT THE COURT BELIEVED THAT HE WAS NOT ELIGIBLE FOR DIVERSION AND THAT HE WAS TRYING TO MANIPULATE THE COURT AND HIS FAMILY FOR HIS OWN SELFISH REASON; AND THAT THE COURT BELIEVED THAT HE WOULD NOT BENEFIT FROM DIVERSION. THE COURT ADVISE THE ATTORNEYS THAT MR. HENDERSON WAS NOT ELIGIBLE FOR DIVERSION FOR THE REASON SET OUT IN THE PROBATION REPORT. MR. PURSELL REQUESTED A CONTINUANCE TO OBTAIN MORE INFORMATION ON THE PRIOR.

ON SEPTEMBER 20, 1994 MR. HENDERSON APPEARED WITH HIS ATTORNEY MR. LEVY. MR. PURSELL STATED THAT HE WAS NOT GOING TO CONSIDER THE MINOR CONVICTION IN THE STATE OF NEVADA. THAT HE WAS GOING TO GRANT MR. HENDERSON DIVERSION. JUDGE NO. 131 MADE IT CLEAR THAT IT WAS NOT THE COURT'S DECISION. MR. HENDERSON WAS ORDERED TO COMPLETE FORMAL DIVERSION THROUGH THE PROBATION AND TO RETURN IN SIX MONTHS WITH PROOF.

MR. AND MRS. HENDERSON MADE AN APPOINTMENT WITH JUDGE NO. 131 TO MEET FOR MORE INFORMATION ABOUT THEIR SON. JUDGE NO. 131 MET WITH THE HENDERSONS IN CHAMBERS. JUDGE NO. 131 EXPLAINED THE IMPORTANCE OF UNDERSTANDING THEIR SONS PROBLEMS AND THE IMPORTANCE THAT THEY DO NOT ENABLE HIM TO CONTINUE THIS LIFE STYLE. JUDGE NO. 131 GAVE THEM COPIES OF THE POLICE REPORT AND THE DIVERSION REPORT, SO THEY WOULD SEE THE SERIOUSNESS OF THE CRIME AND THEIR SON'S PROBLEMS. JUDGE NO. 131 FELT THAT THE HENDERSONS HAVE BEEN ENABLING THEIR SON AND THE ONLY HOPE HE HAS IS THAT THEY STAND UP TO THEIR SON AND FORCE HIM TO GIVE UP DRUGS.

ON OCTOBER 26, 1994 MR. BOB HENDERSON CALLED JUDGE NO. 131 AND ASK WHAT HIS SON WAS SUPPOSED TO BEING DOING? JUDGE NO. 131

ADVISED MR. HENDERSON THAT HIS SON SHOULD BE IN DIVERSION THROUGH THE PROBATION DEPARTMENT, THAT HE WAS ORDERED TO CONTACT THE PROBATION DEPARTMENT AND COMPLETE DIVERSION. MR. HENDERSON ADVISED JUDGE NO. 131 THAT HE WOULD SEE TO IT THAT HIS SON DID THAT.

AFTER TALKING WITH MR. HENDERSON, JUDGE NO. 131 CALLED THE PROBATION DEPARTMENT AND WAS ADVISED THAT THEY HAD NO RECORD OF MR. HENDERSON BEING REFEREED FOR DIVERSION. JUDGE NO. 131

PULLED THE FILE, DISCOVERED THAT THE MINUTE WAS NOT SENT, THAT THE ORDER DID NOT REFLECT WHAT HAD ACTUALLY OCCURRED ON SEPTEMBER 20, 1994. JUDGE NO. 131 ADVISED THE CLERK, THAT FILLED OUT THE MINUTE ORDER ON SEPTEMBER 20, 1994, MS. FRAN SAUNDERS, HE DISQUALIFIED HIMSELF, THAT IT WAS MR. PURSELL DECISION TO GIVE MR. HENDERSON DIVERSION, THAT HE BE REFERRED TO THE PROBATION FOR FORMAL DIVERSION; THAT ORDER SHOULD HAVE BEEN SENT TO THE PROBATION DEPARTMENT. JUDGE NO. 131 ORDERED MS. SAUNDERS TO PREPARE A MINUTE ORDER AND SENT IT TO PROBATION DEPARTMENT.

MS. SAUNDERS APPARENTLY, HAD A DIFFICULTY IT COURT, PAYING ATTENTION TO WHAT THE COURT HAD ORDERED. THERE ARE MANY EXAMPLES OF HER MINUTE ORDERS, THAT SHE HAS FAILED TO NOTE WAIVERS, WHEN VISITING JUDGES HAVE BEEN TO THE COURT SHE HAS FAILED TO STRIKE JUDGE NO. 131 NAME AND WRITE IN THE VISITING JUDGE MANY OF HER MINUTE ORDERS ARE INCOMPLETE. JUDGE NO. 131 HAD BROUGHT IT TO THE ATTENTION OF THE HEAD CLERK, MRS. BUCHANAN. UP TO THE TIME MS. SAUNDERS LEFT THE CLERKS OFFICE, IT WAS DISCOVERED BY MRS BUCHANAN, THE HEAD CLERK, THAT MS. SAUNDERS WAS NOT CORRECTLY FILLING OUT MINUTE ORDERS, SENTENCING ORDERS AND NOT FILING OUT DMV ABSTRACTS FORMS PROPERLY, AND HER OVERALL WORK HAD FALLEN DOWN. THIS STARTED WHEN SHE WAS RULED ELIGIBLE FOR THE HEAD CLERK'S POSITION BY THE COUNTY PERSONNEL RULES.

JUDGE NO. 131 PAST EXPERIENCE AS A POLICE OFFICER, DEALING WITH DRUG ADDICTS AND AS A DISTRICT ATTORNEY, HAS ALWAYS BEEN WITH THE DESIRE TO HELP THE PUBLIC AND SERVE THEM THE BEST WAY HE COULD UNDER THE LAW.

JUDGE NO. 131 HAS TAKEN STEPS TO ELIMINATE POSSIBLE FUTURE IMPROPER EX PARTE COMMUNICATIONS. JUDGE NO. 131 HAS CAUSED HIS RESIDENCE TELEPHONE NUMBER TO BE UNLISTED . JUDGE NO. 131 HAS ADVISED ALL CALLER THAT IF THEY MENTION A NAME OR A CASE THAT IS BEFORE THE COURT THE JUDGE WILL HAVE TO DISQUALIFY HIMSELF.

IT HAS BEEN VERY DIFFICULT FOR JUDGE 131 TO CHANGE HIS THINKING ABOUT BEING A PUBLIC SERVANT, AVAILABLE TO HELP ANYONE THAT NEEDS HELP. FOR 38 YEARS JUDGE NO. 131 HAS BEEN ACTIVE IN LAW ENFORCEMENT, COMMITTED TO SERVICING THE PUBLIC IN ANY WAY THAT WOULD HELP THE PUBLIC. JUDGE NO. 131 HAS ATTENDED MANY CLASSES ON JUDICIAL ETHICS, HAVE TALKED TO MANY JUDGES ON THE SUBJECT AND HAS THOROUGHLY STUDIED THE NEW RULES OF ETHICS AND THEIR APPLICATIONS. JUDGE NO. 131 HAS READ ALL THE JUDGES COURT CASES AND WILL RESIST ANY TEMPTATION TO INVOLVE HIMSELF IN ANY ACTIVITY THAT HAS BEEN RULED TO BE IMPROPER. JUDGE NO. 131 NOW KEEPS THE CHECKLIST FOR JUDICIAL ACTIVITIES ON THE BENCH AND HIS DESK, AND MAKES IT A DAILY PRACTICE TO GO OVER THEM, AND APPLY THEM, TO THE POSSIBILITY THAT ANY APPEARANCE OF MISCONDUCT, OR CONDUCT PREJUDICIAL TO THE ADMINISTRATION OF JUSTICE WILL BE AVOIDED AT ALL COST. AND WILL IN THE FUTURE STRICTLY ABIDE BY IT.

ONE B

JUDGE NO. 131 ADMITS THE FACTS IN THIS CASE WITH MR. PETER VANDERPUTTEN. JUDGE NO. 131 OFFERS THE EXPLANATION, THAT MR. VANDERPUTTEN WAS ANOTHER PERSON OF THE COMMUNITY THAT NEEDED HELP. THE TRAGEDY OF HIS WIFE FORCING HIM TO LEAVE HIS HOME AND THEIR FOUR CHILDREN. MR. VANDERPUTTEN REPRESENTED HIMSELF, HE MADE MANY COURT APPEARANCES, AND ARGUED WITH MR. PURSELL OVER

THE VALIDITY OF THE CHARGES. MR. PURSELL AND THE COURT AGREED THAT THE CHARGES WERE NOT SERIOUS AND PROBABLY UNFOUNDED. MR. PURSELL FASHIONED A PLEA BARGAIN THAT WOULD PROTECT THE VICTIM AND CONTROL THE DEFENDANT. THE COURT AGREED AND ACCEPTED THE PLEA BARGAIN. MR. PURSELL WAS FULLY ADVISED OF THE FACT THAT JUDGE 131 HAD FIRST MET MR. VANDERPUTTEN AT A MEN'S DINNER, JUDGE NO. 131 WAS THE GUEST SPEAKER AT MR. VANDERPUTTEN'S CHURCH. JUDGE NO. SPOKE ON ALCOHOL TREATMENT PROGRAMS. MR. VANDERPUTTEN APPROACHED JUDGE NO. 131 AND INTRODUCED HIMSELF AND ASKED SOME QUESTION ABOUT THE 12 STEP PROGRAM. JUDGE NO. 131 OFFERED TO SEND HIM COPY OF THE PROGRAM. THAT WAS THE EXTENT OF JUDGE NO. 131 PRIOR KNOWLEDGE OF HIM, UNTIL MR. VANDERPUTTEN CALLED JUDGE NO. 131 AND ASKED WHETHER HE SHOULD GET AN ATTORNEY, HIS WIFE IS SUING HIM FOR A DISSOLUTION OF THEIR MARRIAGE.

MR. PURSELL HAD NO PROBLEM WITH JUDGE NO. 131 SITTING ON THE CASE. JUDGE NO. 131 DID NOT KNOW MR. VANDERPUTTEN BEYOND THAT ABOVE CONTACT, HAD NO PERSONAL REASONS TO DISQUALIFY HIMSELF. OR TO TREAT MR. VAMDERPUTTEN ANY DIFFERENT THAN ANYONE ELSE. MR. VANDERPUTTEN WAS ADVISED TO GET COUNSELING BY JUDGE NO. 131 AFTER MR. VANDERPUTTEN HAS SAID THAT HE THOUGHT ABOUT SUICIDE JUDGE NO. 131 ADVISED MR. VANDERPUTTEN THAT HE WAS WELCOME AT THE LITTLE CHURCH OF THE PINES MEN'S SATURDAY MORNING FELLOWSHIP, IF HE DECIDED NOT TO GET COUNSELING. MR. VANDERPUTTEN ATTENDED A FEW MEETING, OVERCAME HIS DEPRESSION, DID NOT RETURN.

JUDGE NO. 131 MAINTAINED A JUDGE/ PROBATIONER RELATIONSHIP AT ALL TIMES. JUDGE NO. 131 DID NOT BELIEVE THAT IT WAS A VIOLATION OF JUDICIAL ETHICS. JUDGE NO. 131 HAD SEEN JUDGES IN HIS PAST EXPERIENCE INVOLVED IN ALCOHOL AND DRUG PROGRAMS, FELT THAT IT WAS PART OF HIS DUTY TO THE PUBLIC AND HIS PROBATIONER, TO HELP THEM, AND ENCOURAGE THEM. MR. PURSELL DISMISSED THE CASES AGAINST MR. VANDERPUTTEN PURSUANT TO THE PLEA BARGAIN, I.E.: NO NEW CHARGES

OR PROBLEMS WITH HIS WIFE. THE FACT THAT MR. VANDERPUTTEN ATTENDED A FEW SATURDAY MORNING MEN'S FELLOWSHIP MEETING DID NOT HAVE ANYTHING TO DO WITH THE CASES BEING DISMISSED. IF MR. VANDDERPUTTEN HAD VIOLATED THE PLEA BARGAIN, JUDGE NO. 131 BELIEVED THAT HE WAS STILL IN A POSITION TO BE FAIR AND IMPARTIAL. JUDGE NO. 131, UNFORTUNATE DID NOT CONSIDER THE OUTWARD APPEARANCE, THAT WOULD BE USED IN AN ATTEMPT TO DESTROY HIS CREDITABILITY.

JUDGE NO. 131 WAS NOT A FRIEND OF MR. VANDERPUTTEN, HAD NO REASON, OR DID HE INFLUENCE MR. PURSELL IN ANYWAY TO TREAT MR. VANDERPUTTEN ANY DIFFERENT THAN ANYONE ELSE, THAT WAS IN THE SAME SET OF CIRCUMSTANCES. JUDGE NO. 131 SINCERELY BELIEVED THAT MR. VANDERPUTTEN NEEDED HELP AND FELT THAT IT WOULD BENEFIT THE COMMUNITY AND SERVE JUSTICE TO HELP MR. VANDERPUTTEN. MR. VANDERPUTTEN FELT THAT HIS CHURCH HAD FAILED HIM AND HAD NO ONE TO HELP HIM. JUDGE NO. 131 HAD TERMINATED THE MEETING WHEN HE DISCOVERED THAT THERE WAS A PROBLEM AND WILL NOT INVOLVE HIMSELF IN ANY FUTURE MEETINGS.

ONE C

JUDGE NO. 131 ADMITS MOST OF THE FACTS IN ONE C, HOWEVER SOME OTHER FACTS IS OFFERED FOR CONSIDERATION. JUDGE NO. 131 HAD ADVISED MR. PURSELL THAT MR. JONATHAN WAS KNOWN BY THE JUDGE. IN 1988 MR. JONATHAN INTRODUCED HIMSELF TO THEN CANDIDATE FOR JUDGE NO. 131, MR. JONATHAN OFFERED TO GET HIS EMPLOYEES TO VOTE FOR THE JUDGE NO. 131, THAT MR. JONATHAN 'S PARENTS ATTENDED THE LITTLE CHURCH IN THE PINES. AND THAT HE ATTENDED ONCE IN A WHILE WITH HIS PARENTS. MR. JONATHAN HAD ATTENDED ONE MEETING OF THE SATURDAY MORNING FELLOWSHIP. MR. PURSELL AND MS. FLETCHER STATED THAT THEY HAD NO PROBLEM WITH JUDGE NO. 131 SETTING ON THE CASE AS LONG AS THE JUDGE HAD NO PROBLEMS. JUDGE 131 ADVISED THE PARTIES THAT THERE WAS NO PROBLEM, BUT WOULD NOT DECIDE THE SENTENCING, THAT MR. PURSELL AND MS. FLETCHER WOULD AGREE ON THE

TERMS OF SENTENCING, IN THAT WAY THERE COULD BE NO CLAIM THAT JUDGE NO. 131 WAS GIVING MR. JONATHAN A LENIENT SENTENCE.

MR. PURSELL OFFERED PROBATION SB-38 PROGRAM, \$970 FINE 30 DAYS IN JAIL WITH THE OPPORTUNITY TO DO IT ON COMMUNITY SERVICE. SENTENCE WOULD BE CONTINUED FOR MR, JONATHAN TO SHOW PROOF OF AN ALCOHOL PROGRAM. JUDGE NO. 131 REQUESTED THAT THE COURT NEEDED A ROOFER FOR A ROOM ADDITION TO THE COURT, THAT MR. JONATHAN BE ALLOWED TO ROOF THE COURT'S ADDITION IN LIEU OF THE FINE AND THE 30 DAYS. MR. PURSELL AGREED.

ON THE DAY OF SENTENCING, MR. JONATHAN CAME TO THE COURT AT 8: 00 AM, REQUESTING THAT HE BE SENTENCED, HE STATED THAT HE TOOK OFF WORK SO HE COULD GET SENTENCING OVER WITH, HE WAS VERY BUSY AND DID NOT WANT TO HAVE TO COME IN ON A DAY THAT WOULD CAUSE HIM A HARDSHIP. THE COURT HAD NOT CONVENED, JUDGE NO. 131 WAS WORKING IN HIS CHAMBERS, REQUESTED THAT IT WOULD BE MORE CONVENIENT TO SENTENCE MR. JONATHAN IN CHAMBERS. JUDGE NO. 131 SUMMONS MR. PURSELL AND MS. FLETCHER TO THE CHAMBERS. MR. PURSELL ARRIVED, BUT MS FLETCHER DID NOT. JUDGE NO. 131 WENT TO MS FLETCHER'S OFFICE AND ASKED HER TO COME TO CHAMBERS FOR SENTENCING OF MR. JONATHAN. MS. FLETCHER STATED THAT SHE WAS BUSY INTERVIEWING CLIENTS, THAT SHE KNEW WHAT HE WAS GOING TO GET, UNLESS MR. JONATHAN OBJECTED, SHE WOULD NOT ATTEND.

JUDGE NO. 131 RETURNED TO CHAMBERS, ADVISED MR. JONATHAN OF HIS RIGHT TO HAVE HIS ATTORNEY PRESENT. MR. JONATHAN WAIVED THE RIGHT AND WAS SENTENCED ACCORDING TO MR. PURSELL'S OFFER.

JUDGE NO. 131 RECOGNIZED THAT MR. JONATHAN HAD A SERIOUS ALCOHOL PROBLEM, HAD STARTED A FAMILY AND A BUSINESS. JUDGE NO.131 PLANNED A CLOSE WATCH OVER MR. JONATHAN, FORCING HIM TO COMPLETE HIS ALCOHOL PROGRAM. JUDGE NO. 131 HAS MAINTAIN A JUDGE.

PROBATIONER RELATIONSHIP WITH MR. JONATHAN, AND TO THIS DAY IS STILL ENCOURAGING HIM TO STAY IN THE PROGRAM.

JUDGE NO. 131 HAD THE SAME BELIEF AND INTENT AS HE DID IN THE OTHER CASES, BUT WILL REFRAIN FROM ANY FUTURE INVOLVEMENT. JUDGE NO. 131 CONTENDS THAT, HAD THE COURT BUILT THE ADDITION TO THE COURT, MR. JONATHAN WOULD HAVE BENEFITED THE COUNTY MORE THAN \$970.00 AND THIRTY DAYS COMMUNITY SERVICE. MR. JONATHAN WOULD HAVE PAID MUCH MORE FOR HIS CONVICTION. THAT WAS JUDGE NO. 131 INTENT. JUDGE NO. 131 HAD NO DESIRE, OR OBLIGATION TO GIVE MR. JONATHAN ANY LESSER THAN HE DESERVED.

JUDGE NO. 131 BELIEVED THIS CONDUCT WAS IN ACCORDANCE WITH THE RURAL COURT RULES. RURAL COURTS HAVE THE PROBLEM OF KNOWING MOST PEOPLE IN THEIR DISTRICT, TO DISQUALIFY THEMSELVES EVERY TIME SOMEONE CAME BEFORE THEM THAT THEY KNEW, WOULD PUT THEM OUT OF THEIR COURT. JUDGE NO. 131 HAS CONFIRMED THIS RULE WITH THE PRESIDENT OF THE RULE COURT ASSOCIATION, THE HONORABLE STEVE BRADBURY. NEVERTHELESS JUDGE NO. 131 HAS BEEN DISQUALIFYING HIMSELF ON ALL CASES THAT HE KNOWS THE DEFENDANTS OUTSIDE THE COURT, WHICH COULD POSSIBLY GIVE AN APPEARANCE OF A CONFLICT. FORTUNATELY THE COURT IS ABLE TO TRANSFER THE CASE TO ANOTHER DIVISION OF THE FOUR COURT SYSTEM, WE NOW HAVE UNDER THE NEW LAW; MAKING ALL JUSTICE COURTS MUNICIPAL COURTS.

SOME WEEKS LATER JUDGE NO. 131 SAW MR. JONATHAN AT THE COUNTER OF THE BUILDING DEPARTMENT. ASKED HIM TO COME OVER TO THE CLERKS OFFICE AFTER HE WAS FINISHED. MR. JONATHAN CAME TO THE CLERKS OFFICE COUNTER AND JUDGE NO. 131 INFORMED HIM OF THE BOARD TURNING DOWN THE REQUEST TO BUILD THE ROOM ADDITION, THAT THE COURT MUST MODIFY HIS SENTENCE AND SET UP PAYMENTS AND A PROGRAM FOR HIS COMMUNITY SERVICE OF 30 DAYS OR 240 HOURS. MR. JONATHAN PAID HIS FINE OF \$970, DID HIS 30 DAYS, COMPLETED HIS AA PROGRAM, PLUS SB-38. MR. JONATHAN'S DRIVERS LICENSE WAS SUSPENDED FOR ONE YEAR. MR. JONATHAN COMPLETED HIS PROBATION WITHOUT A VIOLATION, OVER CAME HIS ALCOHOLISM, AND IS DOING VERY WELL, MR. JONATHAN WAS NOT A FRIEND, OR EVEN AN ACQUAINTANCE OF JUDGE NO. 131. DURING HIS PROBATION PERIOD. THE JUDGE/PROBATIONER RELATIONSHIP WAS MAINTAINED, AS WAS WITH MR. VANDERPUTTEN AND MR. PEARSON. UNDER THE GUIDELINES SET BY THE RURAL JUDGES ASSOCIATION.

ONE D

IN 1991 JUDGE NO. 131 KNEW MR. REAGAN, JR., MOSTLY BY HIS APPEARANCE IN COURT. MR. REAGAN JR. HAD APPEARED ON SEVERAL VIOLATIONS OF REGISTRATION. MR. REAGAN, JR. WAS ALSO IN COURT ON A JURY TRIAL, HIS DAUGHTER WAS A VICTIM OF A DOG ATTACK. JUDGES NO. 131 RECALLS THAT IT WAS THE FIRST TIME THAT HE REALIZED THAT MR. REAGAN JR. WAS THE FATHER OF A GIRL THAT HIS SON TY WENT TO SCHOOL WITH. JUDGE NO. 131 WAS NOT AWARE OF A PREVIOUS SPEEDING OFFENSE HE BELIEVES THAT THE TRAFFIC DOCKET WAS CHECKED AND SHOWED THAT HE WAS ELIGIBLE. JUDGE NO. 131 WAS APPROACHED IN A RESTAURANT BY MR. REAGAN, JR. AND ASKED WHAT HE COULD DO ABOUT A TRAFFIC CITATION THAT HE COULD NOT RAISE THE MONEY TO PAY FOR. JUDGE NO. 131 ADVISED HIM THAT HE COULD HAVE AN EXTENSION, OR TIME TO PAY. MR. REAGAN, JR. ADVISED JUDGE NO. 131 THAT HE WAS OUT OF WORK AND COULD NOT PAY EVEN IF HE HAD AN

EXTENSION. JUDGE FLETCHER THEN ADVISED MR. REAGAN THAT IN THOSE CASES THE COURT ALLOWS COMMUNITY SERVICE IN LIEU OF FINE. JUDGE NO. 131 ADVISED MR. REAGAN, JR. THAT SINCE HE WAS A PAINTER HE COULD PAINT SOMETHING AT THE SCHOOL FOR THE COMMUNITY SERVICE. MR. REAGAN, JR. ADVISED THAT HE DID NOT WHAT TO DEAL WITH THE SCHOOLS, BUT HE WAS DOING COMMUNITY SERVICE WITH A YOUTH GROUP EXPLORERS. JUDGE NO. 131 ADVISED MR. REAGAN, JR. THAT HE WOULD HAVE TO HAVE IT VERIFIED BY A RELIABLE SOURCE AND THE TIME SPENT SO THE COURT COULD GIVE HIM CREDIT. JUDGE NO. 131 ADVISED MR. REAGAN, JR. TO BRING OR SEND THE PROOF IN, THAT THE CASE WOULD BE EXTENDED FOR HIM TO GET IT IN.

SOMETIME AFTER THAT JUDGE NO. 131 RECEIVED A WARRANT FOR FAILURE TO PAY ON MR. REAGAN, JR. THE WARRANT WAS ISSUED. MR. REAGAN, JR. CAME TO THE COURT ON THE FAILURE TO PAY. JUDGE NO. 131 ADVISED MR. REAGAN, JR. THAT HE FAILED TO SEND PROOF OF HIS COMMUNITY SERVICE AND PROOF OF TRAFFIC SCHOOL. MR. REAGAN, JR. CLAIMED THAT HE DID NOT UNDERSTAND WHAT HE WAS REQUIRED TO DO AND ASKED FOR ANOTHER CHANCE TO COMPLETE IT. JUDGE NO. 131 GRANTED THE REQUEST.

OTHER THAN THE ENCOUNTER AT THE RESTAURANT, JUDGE NO. 131 ONLY CONTACT WITH MR. REAGAN, JR. WAS IN COURT. JUDGE NO. 131 TREATED MR. REAGAN, JR. THE SAME AS HE WOULD ANYONE ELSE UNDER THE CIRCUMSTANCES. ABSOLUTELY NO REASON TO DO OTHERWISE.

ONE E

IN 1990, DEFENDANT STEVEN PEARSON WAS CHARGED WITH RECKLESS DRIVING AND BRANDISHING A FIREARM. JUDGE NO. 131 HAD NEVER SEEN MR. PEARSON BEFORE, IN COURT OR OUT OF COURT. THE CASE WAS SET FOR JURY TRIAL AND ON THE DAY OF TRIAL MR. PURSELL HAD SOME SORT OF PROBLEM WITH THE CASE GOING TO TRIAL ON THAT DATE. A PLEA BARGAIN WAS ACCOMPLISHED, MR. PEARSON PLEAD AND WAS SENTENCE UNDER THE RECOMMENDATION OF MR. PURSELL. JUDGE NO. 131 ORDERED MR. PEARSON TO GET ANGER MANAGEMENT COUNSELING.

MR. PEARSON WENT TO DR. BJORKLUND AT THE LITTLE CHURCH IN THE PINES FOR COUNSELING. DR. BJORKLUND RECOMMENDED THAT HE ATTEND THE SATURDAY MEN FELLOWSHIP AT THE CHURCH. MR. PEARSON STARTED ATTENDING. MR. PEARSON HAD SOME VERY SERIOUS SPOUSAL ABUSE PROBLEMS THAT WERE NOT COVERED IN HIS SENTENCING. JUDGE NO. 131 KEPT A JUDGE-PROBATIONER RELATIONSHIP AND WORK ON MR. PEARSON SPOUSAL ABUSE WITH MR. PEARSON. SOME OF THE OTHER MEN AT THE MEETING ALSO HELPED IN TRYING TO GET MR. PEARSON TO AVOID ABUSING HIS WIFE VERBALLY. APPARENTLY HE WAS NO LONGER PHYSICALLY ABUSING HER. JUDGE NO. 131 ADVISED MR. PEARSON TO BE SURE THAT HE DOES NOT VIOLATE THE LAW IN ANYWAY, INCLUDING ANY PHYSICAL ABUSE TO HIS WIFE. MR. PEARSON DID NOT VIOLATE THE CONDITION OF HIS PLEA BARGAIN WITH MR. PURSELL AND HIS CASES WERE DISMISSED PURSUANT TO THE CONDITION PLEA BARGAIN. JUDGE NO. 131 HAD A SOCIAL OR FRIENDSHIP WITH MR. PEARSON. DID NOT IN ANYWAY WANT TO VIOLATE THE JUDGE-PROBATIONER RELATIONSHIP. AND DID NOT GIVE MR. PEARSON ANY SPECIAL TREATMENT THAT WOULD HAVE BEEN PROVIDED ANYONE ELSE IN THE COMMUNITY UNDER THE SAME CIRCUMSTANCES. AT THE TIME JUDGE NO. 131 BELIEVED HE WAS DOING THE RIGHT THING AND WAS NOT VIOLATING ANY ETHICAL CODE.

JUDGE NO. 131 EXPERIENCE AS A POLICE OFFICER AND DISTRICT ATTORNEY GAVE HIM THE ABILITY TO DEAL WITH PEOPLE INFORMALLY, BUT MAINTAIN THE OFFICIAL CAPACITY TO ARREST THEM, PROSECUTE THEM, AND AS A JUDGE SENTENCE THEM, IF IT WAS REQUIRED UNDER THE LAW.

WHEN MRS. PEARSON WAS CHARGED WITH A ZONING VIOLATION, JUDGE NO. 131 ADVISED MR. PURSELL THAT THE JUDGE WAS AWARE OF THE FACTS IN THE CASE AND THAT IT WAS NOT MRS. PEARSON FAULT FOR THE VIOLATION, BUT HER HUSBAND, MR. STEVEN PEARSON. AND THAT SINCE THE JUDGE KNEW THE FACTS IN THE CASE THAT JUDGE NO. 131 SHOULD NOT HEAR THE CASE. MR. PURSELL ADVISED THE COURT THAT HE INTENDED TO CONTINUE THE ARRAIGNMENT UNTIL THE ZONING VIOLATION WAS CORRECTED AND THEN DISMISS THE COMPLAINT. THERE WERE TWO OR

THREE CONTINENCE OF THE CASE. MR. PURSELL AMEND THE COMPLAINT TO ADD MR. PEARSON AND SET THE CASE FOR TRIAL SO THE COURT COULD GET ANOTHER JUDGE TO COME IN AND RESOLVE THIS CASE. MR. PURSELL AMENDED THE COMPLAINT AND ADDED MR. PEARSON. MR. PEARSON CAME TO COURT AND NOTIFIED MR. PURSELL THAT HE HAD SOLD THE PROPERTY AND NEEDED A CONTINENCE TO COMPLETE ESCROW AND CLEAN THE YARD OF JUNK.

MR. PEARSON SOLD THE PROPERTY RECEIVED CLEARANCE FROM THE ZONING DEPARTMENT, MR. PURSELL, AS YET TO DISMISSED THE CASE. THE SAME DISPOSITION THAT HAVE BEEN GIVEN TO MANY PERSONS APPEARING BEFORE THE COURT. JUDGE NO. 131 DID NOT INVOLVE HIMSELF IN THE CASE, DID NOT MAKE ANY RECOMMENDATION, OTHER THAN THE ONES STATED ABOVE. JUDGE NO. 131 FELT THAT MR. PURSELL GAVE MR. PEARSON TOO MUCH TIME, AND SHOULD FORCED MR. PEARSON TO ACT FASTER IN CLEANING HIS YARD OF JUNK, THE JUDGE RECALLED IT WAS A CIRCUMSTANCE IN THE BRANDISHING THE FIREARM AT A NEIGHBOR WHO WAS ANGERED AT MR. PEARSON FOR A JUNK IN HIS YARD.

ONE F

JUDGE NO. 131 DENIES FREQUENTLY TELEPHONING VICTIM WITNESSES AND OR LAW ENFORCEMENT PERSONNEL TO OBTAIN THEIR VIEWS AND INFORMATION CONCERNING MATTERS BEFORE HIM.

IN THE CASE OF PEOPLE V. EDDIE RIEGLE, 93S0353. DURING A PRE-TRIAL HEARING MS. FLETCHER ATTEMPTED TO GET MR. PURSELL TO GIVE MR. RIEGLE AN EIGHT DAY COMMUNITY SERVICE AND A SMALL FINE, SO HE COULD GO INTO THE SERVICE. MR. RIEGLE CLAIMED THAT HE ONLY HAD A SHORT TIME LEFT TO CLEAR THIS MATTER UP. HE WANTED A DISPOSITION THAT DAY. MS. FLETCHER BECAME VERY DEMANDING, SHE DID NOT WANT HIM TO LOSE OUT IN GETTING INTO THE SERVICE. MR. RIEGLE MADE REPRESENTATION THAT HE WAS A MODEL CITIZEN, THAT THE CASE WAS AN ACCIDENT, AND THAT HE WAS TOTALLY COOPERATIVE

WITH LAW ENFORCEMENT. JUDGE NO. 131 SUGGESTED THAT THE CASE BE PUT OVER FOR A WEEK TO ALLOW MR. PURSELL AN OPPORTUNITY TO VERIFY THE CLAIMS, THAT REJECTED BY MS. FLETCHER, SHE DEMAND THAT THE COURT ACCEPT THE PLEA BARGAIN.

MR PURSELL STATED THAT HE WANTED AN OPPORTUNITY TO VERIFY THE DEFENDANT'S CLAIMS AND AGREED TO SET THE MATTER OVER FOR ONE WEEK. MS. FLETCHER MOVED FOR THE COURT TO ACCEPT THE PLEA BARGAIN AS IS. JUDGE NO. 131 OFFERED TO CALL THE ARRESTING OFFICER, IF AVAILABLE, TO VERIFY THE DEFENDANT CLAIMS, TO AVOID A ONE WEEKS CONTINENCE; AND THE NECESSITY OF THE DEFENDANT RETURNING FROM THE LOS ANGELES IN A WEEK, SO HE CAN GET INTO THE SERVICE. BECAUSE OF THE URGENCY AND A BUSY DAY, JUDGE NO. 131 MADE THE CALL FROM THE BENCH. NORMALLY THE CASE WOULD TRAIL, TO ALLOW THE DISTRICT ATTORNEY TO VERIFY WITH VICTIMS OR LAW ENFORCEMENT. ON THIS PARTICULAR DAY THE COURT WOULD HAVE TO RECESS WHILE THE DISTRICT ATTORNEY LOCATED THE ARRESTING OFFICER. TO SAVE COURT TIME IT SEEMED MORE EXPEDIENT TO MAKE THE CALL FORM THE BENCH, WHICH BOTH PARTIES AGREED TO.

JUDGE NO. 131 TELEPHONED THE OFFICE OF THE ARRESTING OFFICER. THE PERSON WHO ANSWERED THE TELEPHONE STATED THAT THE RANGER WAS OUT IN THE FIELD, SHE WOULD ATTEMPT TO CONTACT HIM AND HAVE HIM CALL THE COURT. THE COURT TRAILED THE CASE WAITING FOR THE ARRESTING OFFICER TO CALL THE COURT.

A SHORT TIME LATER, JUDGE NO. 131 WAS ADVISED THAT THE OFFICER WAS ON THE TELEPHONE. JUDGE NO. 131 ANSWERED THE TELEPHONE ON THE BENCH WHILE COURT WAS IN SESSION. ALL PARTIES WERE PRESENT. JUDGE NO. 131 EXPLAINED THE CIRCUMSTANCES TO THE ARRESTING OFFICER. BEFORE JUDGE NO. 131 COULD PUT THE TELEPHONE ON SPEAKER, THE ARRESTING OFFICER BECAME VERY ANGRY OVER THE FACT THAT WE WERE PLEA BARGAINING THE CASE. BECAUSE OF HIS HOSTILITY, JUDGE NO. 131 FELT IT WOULD INAPPROPRIATE TO PUT THE OFFICER ON THE SPEAKER TELEPHONE . JUDGE NO. 131 FELT IT WOULD BE MORE EXPEDIENT TO RELAY THE OFFICER'S REFUTING THE DEFENDANT'S CLAIMS. THE CASE WAS CONTINUED TO ALLOW THE DISTRICT ATTORNEY TO MAKE A DETERMINATION WHETHER TO KEEP THE PLEA BARGAIN OR

TO MAKE A NEW OFFER. AT THE NEXT HEARING THE CASE WAS SETTLED.

JUDGE NO. 131 DOES NOT RECALL SETTTLING A CASE IN THAT MANNER BEFORE THAT TIME OR SINCE. JUDGE NO. 131 WILL NOT IN THE FUTURE CALL ANYONE FROM THE BENCH, UNLESS IT IS AN ATTORNEY TO MAKE AN APPEARANCE ON THE RECORD. AND AT ALL TIMES IT WILL BE ON THE SPEAKER TELEPHONE FOR THE RECORD.

ONE G

JUDGE NO. 131 ADMITS THAT IN PART OF 1992 AND 1993 WHEN THE COURT WAS TWO CLERKS SHORT MADE TELEPHONE CALLS TO PERSON THAT HAD BENCH WARRANTS, IF THEIR TELEPHONE NUMBERS WERE LISTED IN THE TELEPHONE BOOK OR THE COURT HAD THEIR TELEPHONE NUMBER FOR A COURT DOCUMENT. JUDGE NO. 131 ALSO SERVICE AS A CLERK, ANSWERING THE TELEPHONE, PULLING CASE, TAKING PAYMENTS AT THE COUNTER PUTTING THEM INTO THE COMPUTER, AND PUTTING CITATION IN THE TRAFFIC COMPUTER. DID CLOSING OUTS, PAYROLL, TYPED WARRANTS, AND ANYTHING ELSE TO HELP THE CLERKS SURVIVE.

JUDGE NO. 131 BELIEVED IT WAS A GREAT WAY TO GET PEOPLE TO TAKE CARE OF THEIR WARRANT BEFORE THEY ARE ISSUED, SAVING THE COURT CLERK TIME. JUDGE NO. 131 STOPPED TELEPHONING WARRANT SUSPECTS WHEN A JUDGE TOLD HIM ON THE ETHICS HOT-LINE THAT IT MAY BE A VIOLATION OF THE SEPARATION OF POWER DOCTRINE.

JUDGE NO. 131 RECALLS TWO OR THREE PERSONS THAT HE KNEW THEIR NAMES. THE ONE JUDGE NO. 131 REMEMBERS THE MOST IS MRS. BEVERLY HOUCHEIN, SHE AND HER HUSBAND JOE HAVE HOUCHEIN JEWELERS 209 683 7550 JUDGE NO. 131 TELEPHONED HER TO ADVISE HER TO COME IN AND TAKE CARE OF HER TRAFFIC CITATION OR IT WOULD GO TO WARRANT. MRS. HOUCHEIN BECAME VERY UPSET, SHE STATED THAT SHE HAD TELEPHONED THE COURT AND MRS. SHOLLENBARGER HAD TOLD HER SHE WOULD LET HER KNOW.

JUDGE NO. 131 RECALLS A CHRISTIAN MURRAY WHO HAS APPEARED BEFORE JUDGE NO. 131 MANY TIMES, HAD FAILED TO DO COMMUNITY SERVICE IN LIEU OF HIS FINES. JUDGE NO. 131 TELEPHONE MR. MURRAY AND ADVISED HIM OF THE FAILURE TO PAY, MR. MURRAY CAME TO COURT THE NEXT MONDAY. JUDGE NO. 131 DID NOT HAVE REASON TO CALL THEM, OTHER THAN TO TAKE CARE OF THEIR FAILURE TO APPEARS. JUDGE NO. 131 RECALLS WARRANTS THAT WERE PEOPLE HE KNEW, BUT DID NOT HAVE THEIR TELEPHONE NUMBER AND DID NOT MAKE ANY ATTEMPT TO NOTIFY THEM. JUDGE NO. 131 ONLY INTENT WAS TO ASSIST THE CLERK'S PROCESSING THE WORK.

COUNT TWO

JUDGE NO. 131 CONTENDS THAT HE HAS NEVER WILLFULLY AND KNOWINGLY FAILED TO DISQUALIFY HIMSELF.

TWO A

IN THE MATTER OF PEOPLE V. SCOTT BUTCHER (case no. 92s0038) JUDGE 131 ADVISED MR. BUTCHER'S ATTORNEY MS. EPSTEIN THAT HE HAD DISQUALIFIED MYSELF. MS. EPSTEIN AND MR. PURSELL REQUESTED, THAT SINCE JUDGE NO. 131 WAS THE ONLY JUDGE OF THE COURT AND JUDGE NO 131 TOOK THE PLEA THAT HE MUST HEAR THE MOTION. JUDGE NO. 131 MADE AN UNBIASED AND NONPREJICIAL REVIEW OF THE RECORD, APPLIED ALL THE RULES OF PROCEDURE AND THE EVIDENCE DILIGENTLY. JUDGE NO. 131 DENIED THE MOTION, ON CLEAR AND CONVINCING EVIDENCE THAT MR. BUTCHER'S MOTION SHOULD NOT BE GRANTED. JUDGE NO. 131 IS CERTAIN THAT NO OTHER JUDGE COULD HAVE REACHED A DIFFERENT CONCLUSION.

TWO B

IN THE MATTER OF BONNIE WILLIAMS, JUDGE NO. 131 HAD NEVER MET MS WILLIAMS UNTIL THE SUMMER OF 1993, WHEN HIS SONS AGAIN WORKED AT HER MARINA. JUDGE NO. 131 DID NOT BELIEVE AT THE TIME THAT THERE WAS A CONFLICT. HIS SONS JUST STARTED WORKING AT THE MARINA, THEY ARE VERY GOOD WORKERS AND GOOD WITH THE PUBLIC. JUDGE NO. 131 HAD NO REASON TO GIVE MS WILLIAMS FAVORABLE TREATMENT, NOR WOULD HE HAVE. JUDGE NO. 131 BASED HIS RULING ON THE FACTS AND THE LAW AND TREATED MS WILLIAM THE SAME AS ANY OTHER CITIZEN IN THE SAME CIRCUMSTANCES. THE FACTS WERE AS STATED MS. WILLIAMS HAD PAID FOR THE REGISTRATION, DMV HAD DELAYED THEIR RETURN. MS WILLIAMS SENT THE COPIES OF SEVEN REGISTRATIONS, THAT WERE CLEARLY ISSUED BEFORE THE CITATIONS AND JUSTICE DEMANDED THAT THEY BE DISMISSED. THE OTHER TWO BOATS DID NOT HAVE CURRENT REGISTRATION AND MS. WILLIAMS WAS NOTIFIED BY THE CLERK'S OFFICE THAT SHE NEEDED TO SEND IN THE PROOF OF CORRECTION ON THE OTHER TWO, AND GAVE HER A DATE BY WHICH SHE WAS TO SHOW PROOF OF CORRECTION. MS WILLIAMS

PAID \$270.00 FOR EACH VIOLATION, HAD SHE SENT IN PROOF OF CORRECTION, JUDGE NO. 131 MAY HAVE DISMISSED THOSE TWO ALSO, OR CHARGED HER \$10.00 CORRECTION FEE FOR EACH BOAT. JUDGE NO. 131 HAD NOT TALKED PERSONALLY WITH MS WILLIAMS OVER THESE CASES. OR ANY SUBSEQUENT CASES. THE ONLY OTHER TIME JUDGE NO. 131 HAD SEEN MS. WILLIAMS WAS AT HER 647f (DRUNK IN PUBLIC), COURT TRIAL. THE DISTRICT ATTORNEY FAILED TO PUT EVIDENCE THAT MS. WILLIAMS WAS UNABLE TO CARE FOR HER OWN SAFETY AND THE SAFETY OF OTHER, A NECESSARY ELEMENT OF THE CRIME. JUDGE NO. 131 GRANTED A 1118 MOTION BY THE DEFENSE. MR. EARL BANDY WAS THE DEFENSE ATTORNEY AND MR. JOE GASPERITTI WAS THE DEPUTY DISTRICT ATTORNEY. MS. WILLIAMS HAS HAD TRAFFIC CITATION SINCE THAT TIME AND HAS NEVER TRIED TO CONTACT JUDGE NO. 131, OR ASKED FOR SPECIAL TREATMENT. MS. WILLIAMS IS NOT WELL LIKED IN THE COMMUNITY, MANY RUMORS THAT SHE USES AND SELLS COCAINE, NOT A PERSON A JUDGE WOULD WANT TO BE LINKED WITH, AND CERTAINLY NOT ONE WHO WOULD GET SPECIAL TREATMENT. JUDGE NO. 131 SONS WERE NOT OVER JOIED WITH WORKING FOR SOMEONE OF MS. WILLIAMS REPUTATION, BUT THEY PREFERRED WORKING ON THE BOAT DOC, THAN GOING BACK TO RALEYS OR MACDONALDS.

COUNT THREE

JUDGE NO. 131 INCORPORATES ANSWER TO COUNT ONE, ONE A, TO THIS ANSWER. JUDGE NO. 131 WAS ONLY CONCERNED THAT MR. HENDERSON HAD NOT CONTACTED THE PROBATION FOR DIVERSION, BECAUSE OF THE COURT'S ERROR ON THE MINUTE ORDER AND THE FACT THAT THE CLERK MADE ERRORS IN THE MINUTE ORDER, SOMETHING SHE HAD DONE FRICGUENTLY AND POSSIBLY, DELIBERATELY

COUNT THREE

JUDGE NO. 131 ASSERTS ANSWER FOUND UNDER ONE A AS HIS ANSWER TO THE CHARGE. JUDGE NO.131 ALSO CLAIMS THAT HE NEVER DIRECTED MS. SAUNDERS TO DO FALSE ALTERATION, OR TO DO ANY THING OTHER THAN TO CORRECT THE MINUTE ORDER TO REFLECT WHAT ACTUALLY OCCURRED IN COURT. IT WAS CLEAR IN COURT WHAT THE ORDER WAS , MS. SAUNDERS FOR REASONS OF HER OWN FAILED TO PUT THEM ON THE MINUTE ORDER. THE MINUTE ORDER WAS CORRECTED SO THAT PROBATION WOULD HAVE NOTICE OF THE DIVERSION AND ACT ACCORDINGLY. A MORE EXPERIENCED CLERK WOULD HAVE MADE OUT A NEW MINUTE ORDER INSTEAD OF CHANGING THE OLD ONE. JUDGE NO. 131 MERELY ORDERED THE CLERK TO CORRECT THE ERRORS.

THE RECORD ON SEPTEMBER 6, 1994 SHOULD CLEARLY REFLECT JUDGE NO.131 DISQUALIFYING HIMSELF FROM RULING ON DIVERSION AND IT WAS CLEARLY UNDERSTOOD BY BOTH ATTORNEYS, MR. PURSELL AND MS. FLETCHER AND LATER MR. LEVY THAT JUDGE NO. 131 . WAS NOT DECIDING DIVERSION.

COUNT FOUR

IN THE SMALL CLAIMS CASE OF HERTWIG V. HENDERSON, CASE NO. 10663, JUDGE NO. 131 EXAMINED THE FILE AND REALIZED THAT MR. HERTWIG HAD NOT PROPERLY AMENDED THE COMPLAINT TO ADD MR. SAVAGE. MR. HENDERSON, BECAUSE OF HIS JOB WAS UNABLE TO RETURN TO COURT FOR SOME MONTHS. JUDGE NO. 131 INVITED THE PARTIES INTO CHAMBERS FOR A SETTLEMENT CONFERENCE, SAVAGE AGREED TO PAY HIS SHARE OF THE COST OF THE SEWER SYSTEM THAT HE HIRED MR. HERTWIG TO DO. THE JUDGMENT WAS MODIFIED LEAVING THE BALANCE OF \$1,357.93 PLUS \$265.00 FOR PUMPING. MR. HENDERSON HAD ALREADY PAID HIS SHARE OF THE JUDGMENT AND MR. SAVAGE AGREED TO PAY THE REMAINING AMOUNT.

APPROXIMATELY FOUR MONTH LATER MR. HERTWIG CALLED THE CIVIL

CLERK AND REQUESTED A JUDGMENT BE ISSUED FOR THE \$1622.93 AGAINST MR. SAVAGE BECAUSE HE REFUSED TO PAY HIS SHARE. JOANN PENNINGTON THE CIVIL CLERK ASKED JUDGE NO. 131 WHAT SHOULD SHE DO? JUDGE NO. 131 ORDER MRS. PENNINGTON TO ISSUE A JUDGMENT IN MR. SAVAGE NAME BECAUSE HE STIPULATED TO THAT, IF HE HAS CHANGED HIS MIND HE NEEDS TO ATTACKED THE JUDGMENT. IN A SMALL CLAIMS CASE JUDGE NO. 131 BELIEVED THAT THE COURT CAN USE ANY METHOD THAT IS AVAILABLE TO THE COURT TO REACH A FAIR AND JUST RESULTS.

SOMETIME AFTER FEBRUARY 24, 1994 MR. SAVAGE CALL MRS. PENNINGTON AND WANTED TO KNOW WHY A JUDGMENT WAS ISSUED, MRS. PENNINGTON TOLD HIM THAT THE COURT ORDER IT BECAUSE HE DID NOT PAY MR. HERTWIG. MR. SAVAGE REQUESTED THAT HE BE ALLOWED TO TALK TO THE JUDGE. MRS. PENNINGTON ADVISED MR. SAVAGE THAT HE COULD NOT TALK TO THE JUDGE ABOUT A SMALL CLAIMS DECISION. MR. SAVAGE BECAME IRATE AND DEMANDED THAT THE JUDGE BE PUT ON THE TELEPHONE. MRS. PENNINGTON ASKED JUDGE NO. 131 IF HE WOULD TALK TO MR. SAVAGE BECAUSE HE WILL NOT TAKE NO FOR AN ANSWER.

JUDGE NO. 131 TOLD MRS PENNINGTON THAT HE WOULD TALK TO MR. SAVAGE. MR. SAVAGE ASKED JUDGE NO. 131 WHY HE GOT A JUDGMENT, JUDGE NO. 131 ADVISED MR. SAVAGE , THAT IS WHAT YOU AND MR. HERTWIG STIPULATED TO. MR. SAVAGE SAID HE HAD NOT STIPULATED TO IT. JUDGE NO.131 TOLD MR. SAVAGE TO BRING MR. HERTWIG IN AND WE WOULD GET IT STRAIGHTEN OUT. MR. SAVAGE ADVISED JUDGE NO, 131 THAT HE HIRED AN ATTORNEY TO APPEAL THE JUDGMENT.

JUDGE NO. 131 TOOK THE TELEPHONE CALL BECAUSE HE WAS UPSETTING THE CLERK, AND FELT THAT WAS THE BEST WAY TO HANDLE IT.

IT SHOULD BE NOTED THAT JUDGE NO. 131 WAS ADVISED THAT MR. SAVAGE WAS A FRIEND OF MR. WATKINS JUDGE NO. 131 OPPONENT IN THE ELECTION. THAT MR. WATKINS' WIFE WORKED FOR MR. SAVAGE. AND WAS INVOLVED IN CAMPAIGN COMMITTEE WITH THE EX-CLERKS OF THE COURT.

COUNT FIVE

JUDGE NO. 131 DENIES EXERTING ANY PRESSURE ON MRS. MERRIMAN, OR MS. FLETCHER, OR MAKING ANY DISPARAGING COMMENTS ABOUT THEIR RELIGIOUS BELIEFS.

FIVE A

BETWEEN 1990 AND 1991 WHEN MRS. MERRIMAN WAS WORKING AS EXTRA HELP, MRS DOGGETT AND MRS VON WAGNER ADVISED JUDGE 131 THAT MRS MERRIMAN WAS LOOKING FOR A CHURCH TO GO TO. MRS. MERRIMAN WAS RECENTLY DIVORCED WAS RAISING TWO YOUNG DAUGHTERS. THE CLERKS SAID THAT SHE WAS LOOKING INTO THE CHRISTIAN SCIENCE RELIGION. JUDGE NO. 131 WAS RAISED IN THAT RELIGION AND SUFFERED MANY THING BECAUSE THEY REFUSED TO BE TREATED BY DOCTORS OR TAKE MEDICINE. MRS. MERRIMAN WAS VERY VULNERABLE BECAUSE OF HER CIRCUMSTANCES, JUDGE NO. 131 OFFERED TO SHARE HIS EXPERIENCE WITH HER, SO SHE COULD MAKE A MORE INFORMED CHOICE. AT APPROPRIATE TIMES DURING BREAKS OR SLACK TIMES, JUDGE NO. 131 SHARED WITH MRS. MERRIMAN HIS EXPERIENCES AND FINDINGS, WITH MRS. MERRIMAN. JUDGE NO. 131 LOANED TWO BOOKS ON THE SUBJECT. ALL THE DISCUSSIONS WERE FRIENDLY AND NON-PRESSURED CONVERSATIONS. MRS. MERRIMAN ASKED MANY QUESTION AND AT TIME APPEARED NOT TO BE INTIMIDATED. THE SECOND BOOK THAT JUDGE NO. 131 GAVE TO MRS. MERRIMAN, SHE REQUESTED.

MRS. MERRIMAN ADVISED JUDGE NO. 131 THAT SHE DECIDED NOT TO TAKE THE TEST FOR COURT CLERK I. JUDGE NO. 131 ASKED HER WHY SHE WAS NOT TAKING THE EXAM? MRS. MERRIMAN STATED THAT MRS. DOGGETT NEEDED THE JOB AND SHE DID NOT WANT TO COMPETE WITH HER, MRS.

MERRIMAN WAS A TEMPORARY EMPLOYEE AND HAD TO LEAVE WHEN THE COURT HIRED MRS. DOGGETT, AFTER SHE PASSED THE CLERK'S EXAM. MRS. MERRIMAN LEFT ON VERY FRIENDLY TERMS, RETURNED JUDGE NO. 131 BOOK, WITH A THANK YOU NOTE IN IT.

JUDGE NO. 131 NEVER SUGGESTED TO MRS. MERRIMAN THE CHURCH SHE SHOULD GO TO, OR WHAT TO BELIEVE IN RESPECTS TO ANOTHER RELIGION, DURING THIS PERIOD OF TIME IT WAS DISCOVERED BY THE CLERKS THAT MS. FLETCHER WAS INFLUENCING MRS. MERRIMAN AND TAKING HER TO THE CHRISTIAN SCIENCE CHURCH.

SOMETIME DURING THIS PERIOD, JUDGE NO. 131 WAS LEAVING THE COURT AT THE END OF A LONG DAY. MS. FLETCHER APPROACHED JUDGE NO. 131, AND ASKED THE JUDGE WHAT HE WAS TELLING MRS. MERRIMAN ABOUT CHRISTIAN SCIENCE. MS. FLETCHER SEEMED SINCERE AND INTERESTED. JUDGE NO. 131 TOLD MS. FLETCHER THAT HE HAD GIVEN MRS. MERRIMAN A BOOK ABOUT MARY BAKER EDDY. MS. FLETCHER ASKED WHAT TYPE OF THINGS? JUDGE NO. 131 TOLD WHAT HE COULD REMEMBER ABOUT THE BOOK, HE HAD NOT READ IT SINCE 1985 WHEN HE WAS ABLE TO GET HIS MOTHER OUT OF THE CHURCH AND GET HER MEDICAL TREATMENT. JUDGE NO. 131 REMEMBER THAT IT WAS CLAIMED IN THE BOOK THAT MRS. EDDY HAD BEEN A PROSTITUTE IN BOSTON, THAT SHE HAD NOT ACTUALLY WRITTEN THE BOOK "KEYS TO THE SCRIPTURES", THAT SHE HAD BEEN MARRIED 6 OR 7 TIMES, AND HER LAST WILL WAS TO TELL THE WORLD THAT SHE HAD BEEN MENTALLY MURDERED. MS. FLETCHER FOLLOWED JUDGE NO. 131 INTO HIS CHAMBERS. MS. FLETCHER SEEMED VERY CALM AND INTERESTED. JUDGE NO. 131 WAS SURPRISE AT MS. FLETCHER'S INTEREST. JUDGE NO. 131 WAS AWARE THAT MRS. FLETCHER WAS GOING TO THE CHRISTIAN SCIENCE CHURCH FROM A NEWSPAPER THAT WAS DELIVERED TO JUDGE NO. 131 HOUSE BY MISTAKE. THIS WAS BEFORE JUDGE NO. 131 WAS ELECTED IN 1988. FROM JUDGE NO. 131 EXPERIENCE IT IS NOT WISE TO CONFRONT A CHRISTIAN SCIENTIST, IT CAN CAUSE HOSTILITY AND DAMAGES RELATIONSHIPS.

JUDGE NO. 131 HAD NO INTENT TO DISCUSS RELIGION WITH MS. FLETCHER, BUT WHEN SHE INVITED IT AND SHE SEEMED OPEN AND INTERESTED, AND FRIENDLY, JUDGE NO. 131 VIOLATED HIS POLICY.

MS. FLETCHER AND JUDGE NO. 131 HAD LUNCH IN CHAMBERS TWO OR THREE TIMES, DISCUSSING THE DIFFERENCE IN WHAT MARY BAKER EDDY TEACHES AND WHAT THE BIBLE ACTUALLY SAYS ABOUT THE SUBJECTS. THEY AGREED NOT TO LET THIS EFFECT THEIR WORKING RELATIONSHIP AND EITHER PARTY MAY STOP IT AT ANYTIME AND NOTHING WOULD BE SAID. THE LAST TIME MS. FLETCHER HAD LUNCH WITH JUDGE NO. 131 IT WAS OBVIOUS TO BOTH THAT THEY WERE NOT GETTING ANYWHERE, SO MS. FLETCHER SUGGESTED THAT THEY STOP THE CONVERSATIONS ABOUT THE SUBJECT OF RELIGION. JUDGE NO. 131 AGREED AND JUDGE NO. 131 HAS NOT MENTIONED RELIGION TO MS. FLETCHER SINCE 1991 UP TO HER LEAVING THE PUBLIC DEFENDERS POSITION JULY, 1994. JUDGE NO. 131 AND MS. FLETCHER HAVE REMAINED FRIENDS SINCE THAT TIME.

AT THE TIME JUDGE NO. 131 FELT THAT ONE HAD A CONSTITUTIONAL RIGHT UNDER THE 1ST AMENDMENT TO FREELY EXPRESS ONES OPINION WHEN IT IS APPROPRIATE, AND IT IS NOT DONE AGAINST ANY ONES OBJECTION, THAT IT IS NOT DISTURBING TO THE OTHER PARTY, DOES NOT VIOLATE THEIR RIGHT TO PRIVACY, AND FREEDOM FROM HARASSMENT. THIS IS THE GUIDE LINES THAT JUDGE NO. 131 USED IN HIS DISCUSSIONS WITH MS. FLETCHER AND MRS. MERRIMAN. HAD THEY INDICATED DIFFERENTLY, JUDGE NO. 131 WOULD HAVE STOPPED IMMEDIATELY. JUDGE NO. 131 ONLY WANTED TO BE FRIENDLY AND HELPFUL. THE POLICY NOW IS NOT TO DISCUSS RELIGION IN ANY PART OF THE COURT HOUSE, BY ANY STAFF MEMBER, INCLUDING THE JUDGE.

JUDGE NO. 131 ADMITS TO GIVING MS. FLETCHER TAPES AND BOOKS FOR HER INFORMATION. JUDGE NO. 131 ASKED MS. FLETCHER IF SHE WOULD BE INTERESTED AND SHE SAID SHE WOULD LIKE TO READ OR HEAR THEM. AFTER SHE HAD READ THE BOOKS, OR LISTEN TO THE TAPES, JUDGE NO. 131, ASKED MS. FLETCHER WHAT SHE THOUGHT ABOUT THEM, AND SHE WOULD SAY SHE ENJOYED THEM. MS. FLETCHER AND JUDGE NO. 131 HAD TALKED ABOUT PRAYING ABOUT THINGS, AND EACH OTHERS NEEDS.

FIVE B

(24)

JUDGE NO. 131 ADMITS TO ENGAGING MRS. MERRIMAN IN A CONVERSATION ABOUT JUDGE NO. 131 EXPERIENCES AND KNOWLEDGE OF THE CHRISTIAN SCIENTIST, AS EXPLAINED IN FIVE A, AND INCORPORATED FOR THIS ANSWER.

JUDGE NO. 131 DENIES EXERTING ANY PRESSURE ON MRS. MERRIMAN TO CHANGE HER BELIEFS. JUDGE NO. 131 ONLY INTENT WAS TO GIVE MRS. MERRIMAN ALL THE INFORMATION SO SHE WOULD UNDERSTAND AND MAKE HER OWN INFORMED CHOICE.

JUDGE NO. 131 ONLY REFERENCE TO "CULT " WAS IN REFERENCE TO THE BOOK WITH THE TITLE "THE FOUR MAJOR CULTS", THAT THE WRITER DEFINES THE CHRISTIAN SCIENCE RELIGION AS A CULT. ANY REFERENCE TO THE CHRISTIAN SCIENCE RELIGION WAS IN TERMS OF JUDGE NO. 131 PERSONAL EXPERIENCES IN AN UNFORTUNATE, NEGATIVE FEELINGS ABOUT IT.

JUDGE NO. 131 ASSURES THE COMMISSION, THAT, HAD THE CLAIM THAT MRS. MERRIMAN WAS SEARCHING FOR A CHURCH FOR HER AND HER DAUGHTERS NOT BEEN MADE BY THE OTHER CLERKS, NONE OF THIS WOULD HAVE HAPPENED. JUDGE NO. 131 IS NOT IN THE HABIT OF INTERFERING WITH OTHER PERSONS RELIGIOUS BELIEFS, IT IS THEIR RIGHT PROTECTED BY THE CONSTITUTION OF THE FEDERAL AND THE STATE OF CALIFORNIA. A RIGHT THAT JUDGE NO. 131 HAS SWORN TO PROTECT, AND HAS PROTECTED, AS A POLICE OFFICER, DEPUTY DISTRICT ATTORNEY, AND NOW AS A JUDGE, FOR 38 YEARS.

FIVE C

JUDGE NO. 131 DENIES GIVING MRS. DOGGETT A NEGATIVE WORK EVALUATION, THAT WAS IN ANYWAY CONNECTED TO THE INCIDENT OF ASKING THEM A BIBLE QUESTION. MRS DOGGETT AND MRS. VON WAGNER HAD BEEN REPORTED FOR BEING RUDE TO THE PUBLIC. MRS. SHOLLENBURGER, THE HEAD CLERK, CONCURRED WITH THE REPORT AND MADE THE WORK EVALUATION. JUDGE NO. 131 SIGNED THE WORK EVALUATION, AND INTERVIEWED BOTH CLERKS, ADVISING THEM THAT THE EVALUATION WOULD BE REMOVED FROM THEIR FILE IF THEIR CONDUCT CHANGED IN THE NEXT 30 DAYS. MRS. DOGGETT IMPROVED, BUT MRS. VON WAGNER'S DID NOT. THIS OCCURRED IN MARCH OF 1992.

JUDGE NO. 131 DENIES BEING IN ANY DISPUTE, WHERE MRS. VON WAGNER WAS ON AN OPPOSING SIDE. MRS. VON WAGNER WAS NOT AN

ACTIVE MEMBER OF ANY CHURCH JUDGE NO. 131 ATTENDED, SHE WAS NOT A REGULAR ATTENDEE. SHE APPEARED ONCE IN AWHILE AT THE CHURCH SO SHE COULD BOAST, THAT SHE WENT TO CHURCH WITH THE JUDGE. MRS. VON WAGNER WAS A MEMBER OF THE FOUR SQUARE CHURCH.

THE ONLY DISPUTE AT THE CHURCH WAS OVER A STATEMENT OF FAITH THAT DR. BJORKLUND REFUSED TO ACCEPT. SEVERAL PEOPLE WERE UPSET AT DR. BJORKLUND AND LEFT THE CHURCH, JUDGE NO. 131 LEFT ALSO TO ELIMINATE MANY CONFLICTS THAT WERE OCCURRING. THE DISPUTE WAS PURELY LEADERSHIP, NOT INVOLVING MEMBERS, AND CERTAINLY NOT INVOLVING OCCASIONAL ATTENDEES.

MRS. VON WAGNER WAS TERMINATED FOR FALSE APPLICATION, FOR BEING RUDE TO THE PUBLIC AND FELLOW EMPLOYEES, FOR NOT DOING HER WORK, ALLOWING WARRANTS OF ARREST TO BE ISSUED ON CITIZENS THAT HAD PAID THEIR FINES, BUT MRS. VON WAGNER FAILED TO PROCESS THEM. MRS. VON WAGNER WAS FIRED FOR NOT FOLLOWING THE RULES AND ORDERS. SHE WAS FIRED FOR TELLING THE PUBLIC, "NOT TO PLED NOT GUILTY, THE JUDGE SIDES WITH THE POLICE OFFICERS". WHICH IS GIVING LEGAL ADVISE WITHOUT A LICENSE TO PRACTICE LAW. MRS. VON WAGNER WAS FIRED FOR GOING THROUGH THE JUDGE'S DESK AND REMOVING PAPERS AND UNKNOWN WHAT ELSE. MRS. VON WAGNER WAS ALSO FIRE FOR STARTING ARGUMENTS WITH EMPLOYEES AND THE PUBLIC, AND INSUBORDINATION. JUDGE NO. 131 REQUESTED MRS. SHOLLENBARGER, THE THEN HEAD CLERK TO DOCUMENT ALL THE ABOVE, SO WE COULD SUBMIT IT TO THE COUNTY COUNSEL AND THE PERSONNEL DEPARTMENT FOR THEIR RECOMMENDATIONS, MRS. SHOLLENBARGER REFUSED, STATING THAT THE JUDGE WAS BEING UNFAIR. JUDGE NO. 131 WAS TOLD BY THE OTHER CLERKS THAT MRS. SHOLLENBARGER WAS DISCLOSING TO THE CLERKS EVERYTHING THE JUDGE SAID ABOUT THE EMPLOYEES.

JUDGE NO. 131 BELIEVES THAT IT WAS BEFORE THE MARCH 1992 INCIDENT, THAT THEIR WERE MANY COMPLAINTS THAT MRS. VON WAGNER WOULD CONTINUALLY ENGAGE MRS. DOGGETT IN RELIGIOUS DISCUSSIONS. THIS WAS IN FRONT OF CITIZENS AND EMPLOYEES. JUDGE NO. 131 TOLD MRS. SHOLLENBARGER TO HAVE THE TWO CLERKS STOP THE RELIGIOUS TALK IN FRONT OF THE PUBLIC. MRS SHOLLENBARGER

TOOK NO ACTION, AND THE COMPLAINTS CONTINUED. JUDGE NO. 131 WAS LEAVING THE CLERK'S OFFICE , WHEN HE OVER HEARD MRS. VON WAGNER ASK MRS. DOGGETT, " HOW DO YOU KNOW WHO IS REALLY A CHRISTIAN?" JUDGE NO. 131 COULD NOT RESIST THE TEMPTATION TO PUT THEM IN THEIR PLACE. JUDGE NO. 131 TOLD THEM IT IS EASY TO TELL WHO IS A REAL CHRISTIAN. BOTH CLERKS TOOK THE BAIT, AND ASKED HOW CAN YOU TELL? JUDGE NO. 131 RELATED THE TEST; " JUST ASK THEM HOW THEY KNOW GOD IS THEIR FATHER?" BOTH CLERKS , INSTEAD OF ASKING FOR THE ANSWER TO THE QUESTION AS ANTICIPATED, THEY BOTH STARTED GIVING THEIR ANSWERS. JUDGE NO. 131 LISTENED TO THEIR ANSWERS AND THEN REPLIED, " SORRY WRONG ANSWER!" MRS. VON WAGNER, AS SHE USUALLY DID, STARTED ARGUING WITH JUDGE NO. 131 OVER THE QUESTION.

JUDGE NO. 131 ACKNOWLEDGES THAT IT WAS NOT A PROPER METHOD IN STOPPING THE RELIGIOUS DISCUSSION IN FRONT OF THE PUBLIC, BUT IT WORKED, THERE WERE NO MORE COMPLAINTS.

COUNT SIX

SIX A

JUDGE NO. 131 ADMITS TO MOVING THE MEN'S SATURDAY MORNING FELLOWSHIP TO THE COURT HOUSE. DR. BJORKLUND ASKED JUDGE NO. 131 TO BE THE LEADER OF A MEN'S FELLOWSHIP ON SATURDAY MORNING AT THE CHURCH. FOR NEARLY TWO YEARS THAT MEETING WAS GOING ON AT THE CHURCH. WHEN JUDGE NO. 131 LEFT THE CHURCH, DR. BJORKLUND ASKED THE BOARD OF TRUSTEES OF THE CHURCH TO ORDER JUDGE NO. 131 TO STOP HIM FROM PARTICIPATING IN THE SATURDAY MORNING MEETING AT THE CHURCH. THE BOARD REFUSED. JUDGE NO. 131 SUGGESTED TO THE MEN ATTENDING, THAT WE SHOULD STOP THE MEETING. ALL THE MEN OBJECTED AND WANTED TO KEEP THE MEETING GOING. JUDGE NO. 131 CALLED THE CHAIRMAN OF THE BOARD, MRS SILKWOOD, WHO VERIFIED DR. BJORKLUND'S OBJECTIONS. JUDGE NO. 131 INFORMED MRS. SILKWOOD THAT HE WOULD NOT MEET AT THE CHURCH ANY LONGER.

THE MEETINGS WERE HELD AT VARIOUS RESTAURANTS, BUT WERE FOUND TO BE TOO NOISY AND TOO EXPENSIVE FOR THE MEN. HOLDING THEM AT A HOME WAS DISCUSSED, BUT AT 6:00 AM IN THE MORNING WOULD DISTURB THE FAMILIES AND BE INCONVENIENT, AS TO THE DISTANCE, TO SOME OF THE MEN. JUDGE NO. 131 DISCOVERED THAT THE GOVERNMENT CENTER WAS BUILT, WITH THE INTENT THAT IT COULD BE USED FOR MULTIPLE PURPOSE FOR THE COMMUNITY. JUDGE NO. 131 HAS PERSONALLY WITNESSED THE HOLDING OF AA MEETING, PLANNING MEETING, AND VARIOUS OTHER MEETING AT THE COURT HOUSE. BASED ON THE BELIEF THAT IT WOULD NOT VIOLATE ANY RULES, JUDGE NO. 131 INVITED THE MEN TO MEET AT THE COURT. THE MEETING WERE PRIVATE, NOT ANNOUNCED IN ANYWAY, AND SOMEWHAT SECRETE, UNTIL MRS SHOLLENBARGER ASKED JUDGE NO. 131 ABOUT THE EXTRA COFFEE SHE FOUND IN THE KITCHEN. JUDGE NO. 131 MADE THE MISTAKE OF TELLING HER ABOUT THE MEETINGS.

JUDGE NO. 131 TERMINATED THE MEETINGS WHEN MRS. VON WAGNER FILED A FALSE RELIGIOUS HARASSMENT COMPLAINT AGAINST JUDGE NO. 131.

SIX B

JUDGE NO. 131 ADMITS TO ASKING MRS. DOGGETT TO TYPE A LETTER TO THE MEN OF THE CHURCH. WHEN MRS. DOGGETT WAS FIRST HIRED, SHE INFORMED JUDGE NO. 131 THAT SHE HAD WORKED AS A CHURCH SECRETARY FOR HER HUSBAND, WHO IS A PASTOR. SHE STATED THAT SHE WOULD BE VERY HAPPY TO TYPE ANY CHURCH MATERIAL THAT THE JUDGE MIGHT NEED. JUDGE NO. 131 INFORMED MRS. DOGGETT, THAT IT WOULD NOT BE PROPER FOR HER TO USE COUNTY TIME FOR CHURCH BUSINESS. MRS. DOGGETT TOLD JUDGE NO. 131 THAT SHE COULD DO IT ON HER LUNCH HOUR, OR DURING A BREAK, JUDGE NO. 131 THANKED MRS. DOGGETT FOR HER OFFER, BUT TOLD HER THAT HE WOULD NOT WANT TO TAKE UP HER BREAK TIME OR HER LUNCH HOUR. JUDGE NO. 131 ADVISED MRS. DOGGETT THAT THE CHURCH HAD A SECRETARY THAT WOULD DO ANY NEEDED TYPING. A FEW DAYS BEFORE MAY 21, 1991 JUDGE NO. 131 HAD BEEN WORKING ON A LETTER TO THE MEN OF THE CHURCH, INVITING THEM TO CONSIDER SERVING AS AN ELDER. IT WAS A

BUSY WEEK AND JUDGE NO. 131 COULD NOT FIND AN AVAILABLE TYPEWRITER, BEING A SLOW TYPIST, NEEDING THE TIME TO DO COURT WORK, JUDGE NO. 131 ACCEPTED MRS. DOGGETT,'S OFFER TO TYPE IT ON HER BREAK. THE LETTER WAS NEEDED BY THAT SUNDAY, BEFORE THE CHURCH NOMINATION MEETING. AND THE CHURCH SECRETARY WAS NOT AVAILABLE.

JUDGE NO. 131 INSTRUCTED MRS. DOGGETT THAT SHE DID NOT HAVE TO DO THE LETTER IF SHE DID NOT WANT TO, SHE WAS UNDER NO OBLIGATIONS TO DO IT AND IF SHE HAD ANY PROBLEMS, THAT SHE WAS NOT TO TAKE ANYMORE TIME WITH THE LETTER, THAN HER BREAK. MRS. DOGGETT HANDED THE TYPED LETTER TO JUDGE NO. 131 THAT SAME DAY, JUDGE NO. 131 ASKED MRS. DOGGETT IF SHE HAD ANY PROBLEMS, MRS. DOGGETT STATED THAT IT WAS EASY, IT ONLY TOOK A FEW MINUTES AND SHE STILL HAD TIME FOR A SHORT BREAK. JUDGE NO. 131 TOOK THE LETTER TO THE CHURCH OFFICE AND MADE 50 OR 60 COPIES AND HANDED THEM OUT TO THE MEN MEMBERS OF THE CHURCH ON THAT SUNDAY.

COUNT SEVEN

JUDGE NO. 131 DENIES INTENTIONALLY MAKING INAPPROPRIATE COMMENTS OF A RELIGIOUS NATURE IN THE COURSE OF COURT PROCEEDINGS.

SEVEN A

JUDGE NO. 131 ADMITS MAKING THE STATEMENT, BUT DENIES THAT IT WAS OF A RELIGIOUS NATURE. JUDGE NO. 131 WAS LEAVING THE BENCH AND HE STARTED OUT THE DOOR, THE LADY THAT HAD APPEARED AS THE PLAINTIFF, WAS STANDING AT THE TABLE STARRING AT THE JUDGE, AS IF SHE HAD EXPECTED THE COURT TO LOCK UP THE DEFENDANTS THAT HAD DESTROYED HER RENTAL. JUDGE NO. 131, TO GIVE THE LADY SOMETHING OF THE COURT'S UNDERSTANDING, INADVERTENTLY MADE A COMMON STATEMENT, USED BY MANY PEOPLE, WHEN EVERYTHING GOES WRONG.

THE COURT ROOM WAS EMPTY, EXCEPT FOR THE PLAINTIFF AND THE CLERK, THE WORD, "DEVIL," MEANS, "SLANDERER." ANYONE WHO SLANDERS IS ACTING LIKE THE DEVIL, ANYONE WHO DESTROYS OTHERS PROPERTY IS ACTING LIKE THE DEVIL. JUDGES HAVE SAID THEY WOULD HAVE PROBABLY MADE THE SAME REMARK.

JUDGE NO. 131 WAS IMMEDIATELY AWARE THAT IT COULD HAVE BEEN INTERPRETED MISTAKENLY, BUT THERE WAS NO WAY TO RETRACT IT. TRYING TO EXPLAIN THAT THE JUDGE DID NOT MEAN BY THE STATEMENT, THAT THERE IS AN ACTUAL DEVIL AT WORK AGAINST THE PLAINTIFF, THAT IT WAS JUST A FIGURE OF SPEECH. JUDGE NO. 131 SHOULD HAD SAID THAT, IF HE WOULD HAVE THOUGHT OF IT AT THE TIME. THE COMMENT JUST POPPED OUT. JUDGE NO. 131 DOES NOT RECALL THAT HAPPENING BEFORE OR SINCE. ANOTHER COMMON SAYING IS, " THE DEVIL MADE ME DO IT, " WHICH IS NOT TAKEN LITERALLY BY MOST PEOPLE, BUT AS A JOKE, IN THE CONTEXT AND CIRCUMSTANCES IN WHICH IT WAS SAID, MOST PEOPLE WOULD HAVE TAKEN IT AS NOTHING MORE THAN A FIGURE OF SPEECH, BUT TO SOME WHO IS LOOKING TO MAKE TROUBLE FOR SOMEONE, CAN MAKE A COMPLAINT OUT OF IT. JUDGE NO. 131 ASSURES THE COMMISSION THAT IT WILL NEVER BE USED AS A FIGURE OF SPEECH AGAIN.

JUDGE NO. 131 DOES NOT BELIEVE THAT THEIR ARE DEVILS THAT ATTACK AND DESTROY PEOPLES PROPERTY, OR DO ANY PHYSICAL HARM TO ANYONE. IF THEIR HAD BEEN MORE PEOPLE IN THE COURT, OR IF THERE HAD BEEN ANOTHER CASE WAITING JUDGE NO. 131 WOULD NOT HAVE MADE THE COMMENT.

JUDGE NO. 131 DOES NOT KNOW THE PLAINTIFF OR RECALLS THE CASE. JUDGE NO. 131 IS CERTAIN THAT THE PLAINTIFF WAS NOT OFFENDED BY THE REMARK, SHE SEEMED TO RELAX AND NOD IN AGREEMENT.

HAD THE PLAINTIFF OBJECTED OR SEEMED OFFENDED, JUDGE NO. 131 WOULD HAVE EXPLAINED THE REMARK AS INNOCENT AND INADVERTENT.

SEVEN B

JUDGE NO. 131 DENIES EVER TELLING ANY DEFENDANT THAT, "THEY WOULDN'T HAVE THESE PROBLEMS IF THEY HAD GOD IN THEIR LIVES." THE ONLY WAY THIS COULD BE EVEN REMOTELY POSSIBLE, IS WHEN A DEFENDANT WILL TELL THE COURT THAT HE IS DOING GOOD, AND THEN SAY IT IS BECAUSE THEY HAVE FOUND GOD, OR A HIGHER POWER IN THEIR LIFE. JUDGE NO. 131 USUALLY ENCOURAGES THE DEFENDANTS TO KEEP DOING WHAT WORKS; AND MAY HAVE REPEATED SOMETHING DEFENDANT SAID, TO ENCOURAGE HEM TO STAY SOBER, IE; JUDGE I HAVE NOT HAD A DRINK SINCE I FOUND THE LORD," JUDGE NO. 131, "GOOD, KEEP THE LORD IN YOUR LIFE AND YOU WON'T BE BACK!" JUDGE NO. 131 ASSURES THE COMMISSION THAT HE HAS NEVER INITIATED ANYTHING THAT INVOLVED ANY RELIGIOUS REMARKS IN COURT, TO ANY DEFENDANT.

JUDGE NO. 131 HAS MADE A VIGOROUS EFFORT TO CUT DOWN ON DRIVING UNDER THE INFLUENCE SINCE ELECTED IN 1988, AND HAS BEEN SUCCESSFUL IN REDUCING DRIVING UNDER THE INFLUENCE, FROM 10 TO 15 PER WEEK TO 0 TO 1 OR 2 PER WEEK. JUDGE NO. 131 ATTRIBUTES IT TO TAKING TIME TO SHOW CONCERN FOR THE DEFENDANT, EXPLAINING THE DISEASE OF ALCOHOLISM, AND ENCOURAGING THEM TO SEEK SOBRIETY. IF JUDGE NO. 131 ACTUALLY MADE THAT STATEMENT, WHICH HE DOUGH'S, HAS NO MEMORY OF, THEN IT WAS MADE IN THE CONTEXT OF RESPONSE, TO ENCOURAGE A DEFENDANT STATEMENT.

COUNT EIGHT

ON THE DATE IN QUESTION , DURING A PRELIMINARY HEARING, JUDGE NO. 131, DENIES MAKING BIAS AND PREJUDGMENT STATEMENTS. JUDGE NO. 131 HAD HEARD THE PEOPLE CASE AND DETERMINED THAT THE PEOPLE HAD MET THEIR BURDEN IN HOLDING THE DEFENDANT TO ANSWER. MR. LEVY HAD DEMAND THAT THE COURT ALLOW THE DEFENDANT TO TESTIFY. IT HAD BEEN A BUSY CALENDAR AND MR. WICKHAM WAS THE LAST PRELIMINARY HEARING, AND IT WAS NEAR OR PAST 5:00 PM WE WERE ALL PRETTY TIRED, AND NEAR FEELING BRAIN DEAD. MR. LEVY BECAME UPSET OVER THE FACT THAT HIS CLIENT WAS GOING TO BE HELD TO ANSWER TO SUPERIOR COURT FOR TRIAL.

JUDGE NO. 131 HAD EXPERIENCED THE EXPLOSIVENESS OF MR. LEVY'S TEMPER ON PRIOR OCCASIONS, AND DECIDED TO ALLOW MR. LEVY TO PUT HIS DEFENDANT ON THE STAND TO TESTIFY, IT SEEMED EASIER THAN ARGUING WITH MR. LEVY. MR. WICKHAM TESTIFIED THAT HE WAS NOT DRIVING, THAT MR. FISHBURN WAS DRIVING, AND WHEN THEY PULLED INTO THE SERVICE STATION, MR. FISHBURN RAN ACROSS THE STREET AND HID. THE OFFICER TESTIFIED THAT THE SERVICE STATION ATTENDANT, MS. SEARS, STATED THAT SHE SAW THE DEFENDANT DRIVE INTO THE STATIONED HE WAS ALONE IN THE VEHICLE. THE DEFENDANT GOT OUT OF THE VEHICLE AND CAME INTO THE STATION AND ASKED TO USE THE TELEPHONE. ALSO, STATED THAT THE DEFENDANT WAS DRUNK, SHE CALLED THE SHERIFF.

MR. WICKHAM'S TESTIMONY WAS NOT BELIEVED BY THE COURT. MR. LEVY DEMANDED THAT HE BE GIVEN AN OPPORTUNITY TO GET MR. FISHBURN TO TESTIFY. MR. LEVY DID NOT HAVE MR. FISHBURN SUBPOENAED. MR. LEVY WANTED TO TRAILED UNTIL THE NEXT DAY. JUDGE NO. 131 KNEW FROM PRIOR CONTACT WITH MR. FISHBURN, THAT HE WOULD NOT COME TO COURT. MR. WICKHAM AND MR. FISHBURN HAD BEEN IN COURT, BOTH IN CUSTODY A WEEK EARLIER, MR. WICKHAM KNEW HE WAS CHARGED WITH DRIVING UNDER THE INFLUENCE, BUT DID NOT ASK THE COURT TO HAVE MR. FISHBURN ORDERED TO APPEAR AS HIS WITNESS. AT HIS PRELIMINARY HEARING. MR. FISHBURN HAD MANY FAILURE TO APPEARS, HAD ADMITTED TO THE COURT THAT HE WAS AN ALCOHOLIC. MR. FISHBURN HAD LIED TO THE COURT ABOUT HIS ACTIVITIES TO GET RELEASED. THE COURT HAD A CIVIL CALENDAR THE NEXT DAY, NO SCHEDULED COURT REPORTER, AND TRANSPORTATION 50 MILES FROM THE COURT, WAS NOT ON THE JAIL'S SCHEDULE.

JUDGE NO. 131 HAD CONSIDERED WHAT THE TESTIMONY MIGHT BE IF MR. FISHBURN WAS TO TESTIFY AND UNDER PENAL CODE 866 SHOULD HAVE DENIED MR. LEVY'S REQUEST, AND HELD MR. WICKHAM TO ANSWER. MR. LEVY WAS BECOMING MORE AGITATED. JUDGE NO. 131 ALSO HAD THE SAME EXPERIENCES WITH MS. SEARS. MR. LEVY WAS NEW TO THE PUBLIC DEFENDERS OFFICE AND THE COURT, SO JUDGE NO. 131 GAVE MR. LEVY THE BACKGROUNDS ON MR. FISHBURN AND MS SEARS, WITH ANTICIPATION THAT MR. LEVY WOULD SEE THE FUTILITY OF PROLONGING THE HEARING AND WASTING COURT TIME. MR. LEVY STILL INSISTING THAT HIS CLIENT GET AN OPPORTUNITY TO CALL THE ONLY WITNESS THAT CAN FREE HIM, THE COURT ALLOWED MR. LEVY A RECESS TO SEE IF HE COULD CONTACT MR.

FISHBURN AND HAVE HIM IN COURT THE NEXT DAY. MR. LEVY ATTEMPTED TO REACH MR. FISHBURN BY TELEPHONE AND WAS UNABLE TO GET AN ANSWER AT THE NUMBER HE HAD FOR MR. FISHBURN. MR. LEVY AND MR. WICKHAM AGREED TO A WEEKS CONTINUANCE TO GIVE MR. LEVY AN OPPORTUNITY TO LOCATE MR. FISHBURN AND SUBPOENA HIM FOR THAT DATE.

JUDGE NO. 131 WOULD HAVE, UNDER NORMAL CIRCUMSTANCES, CALLED A RECESS AND WOULD HAVE HAD THE ATTORNEY'S IN CHAMBERS AND WORKED IT OUT.

ON THIS PARTICULAR NIGHT JUDGE NO. 131 WAS VERY EXHAUSTED, WAS AT THE END OF HIS RE-ELECTION CAMPAIGN, BECAUSE OF THE NEGATIVE CAMPAIGNING BY HIS OPPONENT, AND THE FRESNO BEE HAD JUST ADVISED JUDGE NO. 131 THEY HAD DECIDED TO GET INVOLVED IN HIS ELECTION. THEY PRINTED IN THE NEWS PAPER AN UP-DATE, AND NEW COMMENTS BY THE GROUP OF EX-EMPLOYEE AND THEIR FRIEND, WHO VOWED TO GET JUDGE NO. 131 OUT OF OFFICE.

JUDGE NO. 131 RECOGNIZES THAT THERE IS NO EXCUSES FOR PUTTING ON THE RECORD, THE PAST PERFORMANCES AND OPINIONS OF THE WITNESSES, HAD NEVER DONE IT BEFORE, AND CERTAINLY NEVER AGAIN. ON NOVEMBER 8, 1994 MR. LEVY DECLINED TO CALL ANY FURTHER WITNESSES

MR. LEVY ADVISED JUDGE NO. 131 THAT HE HAD CONTACTED MR. FISHBURN, MR. FISHBURN DENIED THAT HE WAS ANYWHERE NEAR THAT LOCATION ON THE NIGHT OF MR. WICKHAM'S ARREST. HE REFUSED TO COME TO COURT AND TESTIFY. THIS WAS AT A BENCH CONFERENCE, OFF THE RECORD. CONTINUING THE CASE UNTIL THE NEXT WEEK, GAVE MR. LEVY AN OPPORTUNITY TO LOCATE MR. FISHBURN AND DECIDE IF HE COULD EXONERATE MR. WICKHAM, SOMETHING THAT COULD NOT HAVE BEEN ACCOMPLISHED IF JUDGE NO. 131 TRAILED THE CASE UNTIL THE NEXT DAY. IT TOOK MR. LEVY SEVERAL DAYS TO LOCATE MR. FISHBURN AND HAVE HIM CALL MR. LEVY.

COUNT NINE

JUDGE NO. 131 DENIES THAT HE MADE ANY DISPARAGING COMMENTS INDICATING BIAS TO ANYONE, OR ABOUT ANY ONE, TOWARDS ANY GROUP.

NINE A

JUDGE NO. 131 DENIES MAKING BIAS COMMENTS AGAINST HOMOSEXUALS. JUDGE NO. 131 RECALLS MS. FLETCHER NOTIFYING THE COURT THAT HER CLIENT WITH AIDS HAD DIED. MS FLETCHER HAD NEVER INDICATED THAT HER CLIENT WAS A HOMOSEXUAL, JUDGE NO. 131 HAD NO KNOWLEDGE OR OPINION ABOUT MS. FLETCHER'S CLIENT. JUDGE NO. 131 ONLY RECOLLECTION OF MS. FLETCHER, WAS THAT HE WAS YOUNG, VERY NERVOUS, AND FRIGHTEN, WHEN HE APPEARED IN COURT. JUDGE NO. 131 RECALLS MS. FLETCHER BECOMING VERY FEARFUL THAT SHE COULD GET AIDS WHEN HER CLIENT ACCIDENTALLY SPIT ON HER HAND WHILE TALKING IN COURT.

JUDGE NO. 131 FELT SORROW FOR THE YOUNG MAN AND HIS FAMILY. HE SEEMED TO BE VERY NICE AND POLITE IN COURT. MS. FLETCHER HAD REITERATED THE INCIDENT OF THE SPITTING ON HER HAND, AND SHUTTERED AT THE RECOLLECTION OF IT. JUDGE NO. 131 COMMENTED ON THE FACT THAT IT WAS THE FIRST PERSON TO DIE OF AIDS IN THE MOUNTAIN COMMUNITY, HAD READ THAT OTHER CITIES LOST 10,000 TO DATE. JUDGE NO. 131 THEN TOLD MS. FLETCHER THAT SHE DID NOT HAVE TO WORRY ABOUT GETTING SPIT ON AGAIN. JUDGE NO. 131 DID NOT MEAN ANY INTENT TO DISPARAGE ANY VICTIM OF AIDS, THAT WOULD BE A GROSS INSENSITIVE REMARK AGAINST A GROUP OF HELPLESS VICTIMS OF A TRAGIC DISEASE. TAKEN OUT OF CONTEXT COULD BE TAKEN AS A HEARTLESS COMMENT. JUDGE NO. 131 WAS ATTEMPTING TO COMFORT MS. FLETCHER. HAD JUDGE NO. 131 KNEW THAT HIS CLERK MS. SAUNDERS' SON WAS WORKING WITH AIDS VICTIMS, JUDGE NO. 131 WOULD HAVE CHOSEN HIS WORDING MORE CAREFULLY.

JUDGE NO. 131 DOES NOT ASSUME THAT AIDS VICTIMS ARE HOMOSEXUALS, TWO OR THREE PEOPLE IN THE COMMUNITY ARE POSITIVE H.I.V. CARRIERS, ARE DRUG USERS

NINE B

JUDGE NO. 131 DENIES REFERRING TO PSYCHOLOGIST AND PSYCHIATRISTS AS "EVIL," JUDGE NO. 131 KNOWS PSYCHOLOGISTS AND PSYCHIATRISTS, MANY ARE LIKED AND ADMIRER, AND JUDGE NO. 131 REFERS DEFENDANTS TO THEM.

JUDGE NO. 131 AS HAD DISAGREEABLE, UNPLEASANT AND EVEN DETRIMENTAL EXPERIENCES WITH PSYCHIATRISTS AS WITNESSES. JUDGE NO. NO.131 WHEN A DEPUTY DISTRICT ATTORNEY, HAD A PSYCHIATRISTS, TESTIFY THAT A MINOR COULD NOT FORM THE SPECIFIC INTENT TO KILL BECAUSE HE DRANK A BEER. BECAUSE OF HIS TESTIMONY, THE CASE WAS REDUCED FROM A ROBBERY- MURDER TO MANSLAUGHTER. THE HONORABLE JUDGE DINO FULGONI OF THE SUPERIOR COURT OF LOS ANGELES HELPED JUDGE NO. 131 TO PREPARE FOR THE CROSS EXAMINATION OF THIS PSYCHIATRISTS. THIS OCCURRED WHEN JUDGE FULGONI WAS A DEPUTY DISTRICT ATTORNEY.

JUDGE NO. 131 HAS RELAYED THAT INCIDENT MANY TIMES AND TO MANY PERSONS. JUDGE NO. 131 DOES NOT BELIEVE DR. PAUL LEVY IS EVIL AND DOES NOT BELIEVE HE EVER REFERRED TO HIM AS EVIL.

JUDGE NO. 131 HAS HEARD OF INCIDENCES WHERE PSYCHOLOGIST AND PSYCHIATRISTS HAVE DESTROYED LIVES BY THEIR WRONG ANALYSIS, WITH WHAT APPEARED TO BE SOME EVIL OR DEPRAVED INTENT. AS A PROSECUTOR, JUDGE NO. 131 BELIEVED PSYCHIATRISTS DID NOT BELONG IN A CRIMINAL CASE, TO TESTIFY AS TO GUILT. AS A JUDGE, JUDGE NO. 131 DOES NOT HAVE A BIAS TOWARDS ANY EXPERT WITNESS, INCLUDING PSYCHOLOGIST AND PSYCHIATRISTS. JUDGE NO. 131 CONTENTS THAT THIS IS ANOTHER EXAMPLE OF TAKING STATEMENT OUT OF CONTEXT, OR ADDING TO SOMETHING A STATEMENT TO MAKE JUDGE NO, 131 APPEAR TO BE DERANGED OR DEMENTED. ONLY SOMEONE LIKE THAT WOULD MAKE SUCH A STATEMENTS.

COUNT TEN

JUDGE NO. 131 DENIES MOST OF THE ACCOUNTS IN THIS CHARGE. JUDGE NO. 131 ADMITS TO BE VERY EMOTIONALLY UP SET THAT MORNING. HIS OPPONENT HAD JUST STARTED A VICIOUS, NEGATIVE CAMPAIGN TO DISCREDIT JUDGE NO. 131, BECAUSE OF THE FALSE HARASSMENT SUIT, THREE CIVIL ATTORNEYS OF THE LOCAL BAR ASSOCIATION, FILED AND RAN FOR THE POSITION OF JUDGE, THEY TOOK ADVANTAGE OF THE SITUATION. DURING THE CAMPAIGNING, ALL THREE CLAIMED THAT THEY WERE WELL EXPERIENCED IN ALL AREA OF THE LAW, INCLUDING CRIMINAL LAW, WHICH WAS A FALSE. THE DEPOSITION ON THE CASE WERE SET. THE SMALL GROUP THAT VOWED TO GET JUDGE NO. 131 WERE TELEPHONE CAMPAIGNING. CLAIMING

JUDGE NO. 131 WAS A DRUNK, A WOMANIZER, HE SPOILED HIS CHILDREN, AND HE FORCED HIS CLERKS TO BELIEVE WHAT HE BELIEVED. JUDGE NO. 131 HAD DIFFICULTING WITH HIS WIFE, TO THE POINT HE FELT THAT HIS WIFE WAS READY TO LEAVE HIM. JUDGE NO. 131 WAS SUFFERING FROM MUCH ANGUISH OVER THE RE-ELECTION, THE HATRED THAT THE EX-CLERKS WERE DEMONSTRATING.

JUDGE NO. 131 HAD A PROBLEM OF KEEPING HIS MOUTH SHUT WHEN HE IS UPSET, THIS HAS BEEN CORRECTED BY A METHOD OF STRESS RELIEF, THAT THE JUDGE HAS FOUND IN THE CJER MATERIALS.

ON OCTOBER 18, 1994 AT APPROXIMATELY 9:30 AM JUDGE NO. 131 WAS LOOKING OVER THE CALENDAR TO SEE WHICH CASE TO CALL NEXT. JUDGE NO. 131 ASKED MR. PURSELL, "WHAT ABOUT THE WILLIAMS CASE?" MR. PURSELL SAID HE DID NOT KNOW. JUDGE NO. 131 ASKED THE CLERK, MRS BUCHANAN, "HAVE YOU HEARD FROM MS. STAGGS?" MRS. BUCHANAN STATED THAT SHE HAD NOT HEARD FROM HER. THE THOUGHT OF THE CIVIL ATTORNEYS THAT OPPOSED JUDGE NO. 131 CAME INTO HIS MIND AND THE CAMPAIGNING, AND HOW MISERABLE THINGS WERE, AND BLURRED OUT TO MR. PURSELL, "I AM TIRED OF THESE CIVIL ATTORNEYS THINKING THEY CAN HANDLE CRIMINAL CASES. THE COMMENT WAS DIRECTED TOWARDS THE THREE CIVIL ATTORNEYS THAT WAS MAKING LIFE QUITE MISERABLE FOR JUDGE NO. 131 , ESPECIALLY, CONSIDERING THAT ONE OF THE ATTORNEYS WHO WAS SUPPOSE TO BE A SUPPORTER OF JUDGE NO. 131, WAS THE REASON JUDGE NO. 131 DID NOT RECEIVE ENOUGH VOTES IN JUNE TO WIN, CAUSING THE RUN-OFF.

AT APPROXIMATELY 10:30 AM, JUDGE NO, 131 OBSERVED THAT MS. STAGGS HAD NOT APPEARED, AND THERE WAS NO MESSAGES RECEIVED FROM HER. JUDGE NO. 131 COMMENTED TO MR. PURSELL, "THIS IS THE FIRST TIME I HAVE BEEN DISQUALIFIED AND THE ATTORNEY FAILED TO SHOW UP, SHE SHOULD NOT HANDLE CRIMINAL CASES IF SHE DOES NOT KNOW THE LAW."

THE LAW JUDGE NO. 131 WAS REFERRING TO WAS THE REQUIREMENT THAT CLIENTS APPEAR AFTER BEING ORDERED BY THE COURT TO APPEAR. THE COURT MUST ISSUE A BENCH WARRANT TO RETAIN JURISDICTION OF THE DEFENDANTS, OTHERWISE THERE IS NO ORDER FOR HIM TO APPEAR ANYWHERE OR AT ANY TIME. ALSO THE LAW WHICH PREVENTS FORUM SHOPPING, BY TRANSFERRING CASES BETWEEN COURTS. THE PROPER PROCEDURE IS TO CONTINUE THE CASE AND CALL JUDICIAL ASSIGNMENTS AND HAVE ANOTHER JUDGE ASSIGNED TO THE SAME COURT. THIS PREVENTS WHAT MS. STAGGS WAS TRYING TO DO, WAS TO GET THE CASE TRANSFERRED NEAR HER OFFICE. OR SOME MAY PREFER THE OTHER COURT FOR SOME OTHER REASON. THE PROPER PROCEDURES IS TO APPEAR WITH YOUR CLIENT AND GET A NEW DATE FOR THE ASSIGNED JUDGE FOR ALL FELONY PRELIMINARY HEARINGS. OCCASIONALLY THE DISTRICT ATTORNEY AND DEFENSE ATTORNEY WILL STIPULATE TO HAVE THE CASE SENT DOWN TO MADERA FOR A PLEA, OR SOME OTHER SHORT MATTER.

TO AVOID HAVING AN ASSIGNED JUDGE FOR ONE SHORT MATTER, BUT NOT FOR LONG MATTERS OF PRELIMINARY HEARINGS. THE FIRST DISQUALIFICATION WAS FOR JUDGE DEGROOT, THE SECOND WAS FOR JUDGE NO. 131, WHICH CAME IN THAT MORNING OF OCTOBER 18, 1994. JUDGE NO. 131 WAS NOT AWARE, AT THE TIME, THAT MS. STAGGS WAS TRYING TO GET A NO APPEARANCE TRANSFER OF HER CASE, WHICH IS A PROCEDURE THAT DOES NOT EXIST. JUDGE NO. 131 HAS NEVER EXPERIENCED AN ATTORNEY NOT APPEARING AND NOT HAVING THE CLIENT APPEAR, NOR HAS JUDGE NO. 131 EXPERIENCED IT SINCE AND DOES NOT KNOW A JUDGE THAT HAS.

LATER THAT DAY, POSSIBLY AT THE 1:30 PM CALENDAR, MS. STAGGS OR HER CLIENT APPEARED, OR HAD SHE LEFT ANY MESSAGES. JUDGE NO. 131 CALLED HER OFFICE AND WAS ADVISED THAT MS. STAGGS WAS OUT OF THE OFFICE AND COULD NOT BE REACHED. JUDGE NO. 131 COMMENTED TO MR. PURSELL, " MS. STAGGS , I UNDERSTAND IS VERY INVOLVED IN HER COMMUNITY, SHE HAS A LARGE FAMILY AND SHE IS PROBABLY OFF DOING THAT OR WORDS TO THAT EFFECT. JUDGE NO. 131 IS ABSOLUTELY POSITIVE THAT HE DID NOT SAY, " SHE PROBABLY HAD SOMETHING MORE IMPORTANT TO DO TODAY, LIKE GO TO A PTA MEETING." NOR DID HE SAY "SHE HAS A WHOLE BUNCH OF KIDS. SHE'S BEEN HAVING KIDS EVER SINCE I'VE KNOWN HER." JUDGE NO. 131 ASSERTS THAT THIS WAS MADE UP AT A LATER TIME AND THE EXACT TERMS, WERE EITHER NOT RECALLED EXACTLY OR CHANGE TO MAKE JUDGE NO. 131 APPEAR TO BE DISRESPECTFUL OF MS. STAGGS AND HER ACCOMPLISHMENTS. JUDGE NO. 131 DOES NOT USES TERMS LIKE PTA, WOULD NOT USE THE TERM , " A WHOLE BUNCH OF KIDS." JUDGE NO. 131 HAS FOUR SONS OF HIS OWN, LOVES CHILDREN, AND BELIEVES THAT TERM IS DEROGATORY OF LARGE FAMILIES. JUDGE NO. 131 DOES NOT USE THE TERM, " KIDS," TO REFER TO CHILDREN. JUDGE NO. 131 HAD A VERY GOOD WORKING RELATIONSHIP WITH MS.

STAGGS SINCE EARLY PART OF 1980S IN FIREBAUGH, CALIFORNIA, AT THE JUSTICE COURT. HAS MET HER HUSBAND AND CHILDREN AT A BAR PICNIC LAST YEAR, HAS A GREAT RESPECT FOR HER AND HER FAMILY. JUDGE NO. 131 HAS SENT MS. STAGGS A LETTER OF APOLOGY. JUDGE NO. 131 MAINTAINS THAT THE CONCERN FOR HER AND HER CLIENT, BY ATTEMPTING TO CONTACT HER, AND BY AGREEING TO SEND THE CASE TO MADERA AGAINST PROCEDURES, IS INCONSISTENT WITH WHAT WAS REPORTED TO THE COMMISSION. IN THAT, IF JUDGE NO. 131 WAS THAT DISRESPECTFUL OF MS. STAGGS, HE WOULD HAVE ISSUED A BENCH WARRANT FOR HER CLIENT'S FAILURE TO APPEAR AND HELD IT UNTIL SHE APPEARED WITH HER CLIENT AND SET IT FOR AN ASSIGNED JUDGE, REFUSING TO TRANSFER THE CASE TO MADERA. JUDGE NO. 131 CONTENDS THAT HE DID NOT SPEAK FOR THE RECORD, IT WAS A BENCH DISCUSSION WITH THE DISTRICT ATTORNEY. THE COURT REPORTER WAS WORKING WITH THE GROUP THAT HAS VOWED TO GET JUDGE NO.131.

JUDGE NO. 131 BELIEVES THAT MS. STAGES MUST HAVE TELEPHONED A DIFFERENT COURT, NONE OF THE CLERKS RECALL SPEAKING WITH HER, THE CALENDAR THAT DAY WAS FOR ALL DAY AM AND PM, THE CLERKS ALL KNEW THAT AND WOULD NOT HAVE TOLD MS. STAGES THAT THERE WAS NOT GOING TO BE A JUDGE IN THE AFTERNOON. THERE HAS NEVER BEEN A POLICY TO TRANSFER CASES TO MADERA ON FELONY PRELIMINARY HEARING, UNLESS THE DISTRICT ATTORNEY DECIDES THAT IT IS APPROPRIATE, AND DEFENSE STIPULATES TO IT. MADE BY PRIOR ARRAIGNMENT WITH THE COURT. NO CLERK OF SIERRA COURT WOULD TELL AN ATTORNEY THAT THEY DID NOT HAVE TO APPEAR. THE BENCH WARRANT WAS HELD AND SENT TO MADERA, FOR THE JUDGE THERE TO DETERMINE IF THERE WAS AN UNLAWFUL FAILURE TO APPEAR.

COUNT ELEVEN

JUDGE NO. 131 DENIES REACTING ANGRILY AND INAPPROPRIATELY, OR THAT THERE WAS AN ATTEMPT TO DISQUALIFY HIM.

ELEVEN A

MR. RIEGLE HAD APPEARED ON 7-27-93 WITH AN UNLICENSED ATTORNEY, MR. GARY P. WHITELY, A FRIEND OF THE FAMILY AND WAS ONLY THERE TO GIVE MR. RIEGLE SUPPORT. IT APPEARED TO JUDGE NO, 131 THAT MR. WHITELY WAS COACHING MR. RIEGLE. MR. RIEGLE ADVISED THE COURT THAT HE WAS REPRESENTING HIMSELF, THAT HE WAS NOT GOING TO HIRE AN ATTORNEY. MR. RIEGLE ASKED TO TALK WITH THE DISTRICT ATTORNEY. TO GET THE CHARGES REDUCED. IF THAT FAILED, HE WOULD GET AN ATTORNEY, OR USE HIS FATHER'S ATTORNEY MR. SALVADOR SCIANDRA, WHO IS REPRESENTING HIS FATHER. MR. ROY W. RIEGLE WAS THE CO-DEFENDANT IN THE CASE. THE CASE WAS CONTINUED UNTIL 8-3-93, THE DISTRICT ATTORNEY MR. PURSELL WANTED TO CHECK WITH THE VICTIM FOR INJURIES.

ON 8-3-93 MR. RIEGLE APPEARED WITHOUT COUNSEL, AND WITH MR. WHITELY COACHING THE DEFENDANT. MR. PURSELL INDICATED THAT THE VICTIM HAD BEEN SHOT IN THE ARM, WHILE IN HER CAMP SITE. IT APPEARED TO BE DELIBERATE. JUDGE NO. 131 WAS ASKING MR. PURSELL, THE GROUNDS FOR REDUCING THE FELONY TO A MISDEMEANOR, MR. PURSELL EXPLAINED THAT THE DEFENDANT WANTED TO GO INTO THE ARMY, HE COULD NOT BE ON PROBATION, AND HE WANTED TO COMPLETE IT ALL IN 8 DAYS SO HE COULD MAKE THE INDUCTION DATE.

JUDGE NO. 131 STARTED QUESTIONING THE DEFENDANT ABOUT IF HE UNDERSTOOD THE SERIOUSNESS OF THE CRIME, WHEN MS. FLETCHER, WHO WAS ATTENDING TO HER PUBLIC DEFENDER CASES, ENTERED INTO THE CONVERSATION, SHE HAD NOT ASKED TO BE APPOINTED, NOR DID SHE ASKED THE DEFENDANT IF HE WAS REQUESTING ASSISTANCE.

MS. FLETCHER BEGAN ARGUING WITH THE COURT ABOUT THE DEFENDANT GETTING A PLEA BARGAIN. JUDGE NO. 131 ADVISED MS. FLETCHER THAT IT WAS NOT HER CASE. MS. FLETCHER BECAME VERY ANGRY AND DEMANDED THAT THE COURT APPOINT HER. JUDGE NO. 131 ADVISED MS. FLETCHER THAT THE DEFENDANT WAS PRO PER, AND STATED HE COULD HIRE HIS OWN ATTORNEY IF NEEDED, HE DOES NOT QUALIFY FOR

THE PUBLIC DEFENDER. MS. FLETCHER THEN WENT INTO A TIRADE, RAISING HER VOICE, STATING, " I AM QUALIFYING HIM FOR THE PUBLIC DEFENDER." MS. FLETCHER TURNED TO MR. REIGN AND STATED, " ISN'T THAT RIGHT, YOU ARE ASKING FOR HELP AND YOU QUALIFY FOR THE PUBLIC DEFENDER," WITHOUT INQUIRING AS TO HIS FINANCIAL ABILITY; "AND WE ARE GOING TO DISQUALIFY THE JUDGE BECAUSE HE HAS SHOWN BIAS AND PREJUDICE AGAINST YOU!" MS. FLETCHER ROUTINELY WAITS FOR THE DEFENDANT TO ASK FOR THE PUBLIC DEFENDER, THEN HANDS THEM A FORM TO FILL OUT TO SEE IF THEY QUALIFY. MS. FLETCHER WAS COMPLETELY OUT OF CONTROL, AND BOARDING ON CONTEMPT. MS. FLETCHER BECAME PERSONALLY INVOLVED, WAS MAKING A SCENE IN COURT, TOTALLY LOST HER OBJECTIVITY.

JUDGE NO. 131 REFUSED TO APPOINT HER BECAUSE SHE APPEARED TO HAVE A CONFLICT, AND APPOINTED MS THOMPSON THE SECOND LEVEL PUBLIC DEFENDER. AFTER COURT MS. FLETCHER APOLOGIES FOR HER ANGRY OUT BURST, STATING SHE HAD BEEN, " PRAYING," ABOUT CONTROLLING HER ANGER, IT WAS BECOMING A REAL PROBLEM FOR HER.

ON 8-24-93 MS. THOMPSON APPEARED WITH MR. REIEGLE. THE CASE WAS SETTLED . MR. RIEGLE PLED TO A MISDEMEANOR WITH 16 DAYS COMMUNITY SERVICE IN 30 DAYS, \$249.00 FINE , AND A LETTER OF APOLOGY TO THE VICTIM. MR. PURSELL ADVISED JUDGE NO. 131 HE WAS GOING TO ASK FOR A TRANSFER TO ANOTHER COURT, HE COULD NOT PUT UP WITH MS. FLETCHER ANGRY OUTBURSTS ANY LONGER. ALL CONDITIONS WERE MET ON 9-21-93 AND THE CASE WAS DISMISSED, AS PER THE PLEA BARGAIN.

JUDGE NO. 131 HAS NEVER EXPERIENCED OR WITNESSED AN ATTORNEY ACT IN SUCH AN UNPROFESSIONAL MANNER. JUDGE NO. 131 BELIEVES HE HANDLE THE SITUATION IN A MOST APPROPRIATE MANNER UNDER THE CIRCUMSTANCES. MR. PURSELL WITHDREW THE OFFER AFTER HE HEARD THE ARRESTING OFFICERS ACCOUNT OF THE ARREST AND INVESTIGATION.

MS FLETCHER WOULD LOSE HER TEMPER, WHEN DEFENDING YOUNG MEN, WHO DID NOT GET A PLEA BARGAIN THAT SHE THOUGHT WAS APPROPRIATE. JUDGE NO. 131 HAD OFTEN REMINDED MS. FLETCHER, THAT HER CONDUCT WAS BOARDING ON CONTEMPT, BUT HAS NEVER THREATEN ANY ATTORNEY

WITH CONTEMPT. MS. FLETCHER RAISED HER VOICE AT THE COURT AND DEMANDED THAT THE COURT'S REFUSAL BE PLACED ON THE RECORD. JUDGE NO. 131 ADVISED MS. FLETCHER, THAT THE MINUTE ORDER WAS SUFFICIENT. JUDGE NO. 131 CONTENDS THAT MS. FLETCHER HAS NEVER MOVED TO DISQUALIFY JUDGE NO. 131, SHE HAS OFTEN USED THE POSSIBILITY OF DISQUALIFICATION OR GOING TO JURY TRIAL TO GET HER CLIENT A OFFER FROM MR. PURSELL. ANOTHER REASON MR. PURSELL WAS GOING TO REQUEST A TRANSFER.

JUDGE NO. 131 FELT SORRY FOR MS. FLETCHER BECAUSE OF HER PERSONAL FAMILY PROBLEMS AND HER EFFORTS TO DO A GOOD JOB, BUT DID NOT UNDERSTAND CRIMINAL LAW THAT WELL AND QUITE FREQUENTLY GOT SO RAPPED UP IN SOME OF HER CLIENTS CLAIMS OF INNOCENCE, OR THAT THEY WERE OVER CHARGED, OR THAT MR. PURSELL WAS NOT BEING UNFAIR.

ELEVEN B

IN PEOPLE V. MARC NICHOLAS HALSTEAD, CASE NO. 94S0313, CHARGING MR. HALSTEAD WITH FELONY CHILD ABUSE. THE MADERA SHERIFF'S OFFICE AND CALLED JUDGE NO. 131, REQUESTING A HIGH BAIL ON MR. HALSTEAD, THEY FELT THAT IT WAS A MULTIPLE CHILD ABUSE CASE, AND THAT THE SUSPECT WAS FROM OUT OF THE COUNTRY AND WAS PLANNING ON FLEEING TO ENGLAND. JUDGE NO. 131 GRANTED A HIGH BAIL.

MR. HALSTEAD APPEARED IN COURT IN CUSTODY. MR. PURSELL REVIEWED THE EVIDENCE, TALKED TO THE CAMP DIRECTOR, WHO WAS IN COURT WITH SEVERAL SUPPORTERS OF MR. HALSTEAD, REQUESTED THAT MR. HALSTEAD BE RELEASED ON HIS OWN RECOGNIZANCE. IT WAS GRANTED ON CONDITIONS. MR. PURSELL INQUIRED, IF THE COURT WOULD ACCEPT A MISDEMEANOR PLEA AND ALLOW MR. HALSTEAD TO RETURN TO HIS HOME IN ENGLAND.

JUDGE NO. 131 ASKED MR. PURSELL IF THAT OFFER WAS ACCEPTABLE TO THE VICTIMS PARENTS. MR. PURSELL STATED THAT HE DID NOT CHECK WITH THE VICTIMS PARENTS, BUT HE WOULD. JUDGE NO. 131 SUGGESTED WHILE WAITING FOR THE PARENTS OF THE VICTIMS TO RESPOND, THAT MR.

HALSTEAD UNDERGO A PSYCHIATRIC EXAMINATION PURSUANT TO 1203(h), MR. PURSELL AGREED THAT WOULD BE GOOD IDEA. MS. FLETCHER DISAGREED, STATING THAT HER CLIENT DID NOT NEED A PSYCHIATRIC, HE WAS WITHIN LEGALLY NORMAL. JUDGE NO. 131 STATED THAT THE COURT WOULD PREFER TO HAVE MR. HALSTEAD EXAMINED TO SEE IF HE NEEDED COUNSELING. MS. FLETCHER LOST HER TEMPTER AND RAISED HER VOICE AT THE COURT AND STATED THAT HER CLIENT WAS NOT TAKING A PSYCHIATRIC EXAMINATION AND THE COURT DID NOT HAVE THE ANY REASONS TO ORDER IT, OR WORDS TO THAT EFFECT.

JUDGE NO. 131 ATTEMPTED EXPLAINED TO MS. FLETCHER, THAT IN CASES INVOLVING CHILDREN, IF THE COURT WOULD HAVE ORDER PSYCHIATRIC EXAMINES ON THEIR FIRST OFFENSE MANY MOLESTATION AND MURDERS COULD HAVE BEEN PREVENTED. THE COURT DOES NOT WANT TO SEND MR. HALSTEAD BACK TO ENGLAND WITHOUT SOME INDICATION THAT THIS WOULD NOT HAPPEN AGAIN IN ENGLAND WHERE THE COURT DOES NOT HAVE JURISDICTION, OR WORDS TO THAT EFFECT. APPARENTLY, MS. FLETCHER WAS TOO ANGRY TO UNDERSTAND WHAT THE COURT WAS SAYING AND ACCUSED THE COURT OF CALLING HER CLIENT A POTENTIAL MOLESTER OR KILLER., AND ASKED THE COURT TO DISQUALIFY ITSELF.

JUDGE NO. 131 EXPLAINED TO MS. FLETCHER, THAT THE COURT WAS NOT CALLING HER CLIENT A CHILD MOLESTER OR A KILLER, THE COURT WAS JUST TAKING PRECAUTIONS, BECAUSE WE DON'T REALLY KNOW WHAT MOTIVATED MR. HALSTEAD TO USE VIOLENCE ON THE CHILDREN. THE CASE WAS CONTINUED FOR MR. PURSELL TO ADVISE THE VICTIMS PARENTS OF THE OFFER, AND MR. HALSTEAD AGREED TO SUBMIT TO A PSYCHIATRIC EXAMINATION.

AT THE NEXT COURT HEARING MR. PURSELL ADVISED THE COURT THAT HE WANTED TO, AGAIN OFFER THE MISDEMEANOR, THAT THE PARENTS DID NO OBJECT TO THE DISPOSITION. THE PSYCHIATRIC ASSESSMENT INDICATED THAT MR. HALSTEAD DID NOT SHOW ANY SIGNS OF A DISORDER. MR. HALSTEAD PLED TO THE MISDEMEANOR AND WAS SENTENCED, AND RETURNED TO ENGLAND.

THIS WAS ANOTHER EXAMPLE OF MS. FLETCHER, OVER REACTING TO A NORMAL CONDITIONS OF A PLEA BARGAIN. MS. FLETCHER WAS REPRESENTING A YOUNG MAN, WHO SHE BELIEVED WAS INNOCENT OF ANY CRIME. WHEN IT WAS NOT GOING ACCORDING TO HER LIKING, SHE BECAME ANGRY AND THREATENED THE COURT WITH DISQUALIFICATION.

JUDGE NO. 131 DID NOT BECOME ENRAGED, NOR DID HE YELL AT COUNSEL. JUDGE NO. 131 HAS NEVER BECAME ENRAGED IN COURT, AND NEVER YELLED AT ANY ATTORNEY APPEARING BEFORE HIM. JUDGE NO. 131, HAS ALWAYS PRIDED HIMSELF ON HIS CALMNESS, AND HIS PATIENCE WITH DIFFICULT ATTORNEYS AND CLIENTS. JUDGE NO. 131 HAS BEEN VERY PATIENT WITH MS. FLETCHER, AND UNDERSTANDING, NEVER TAKING ANYTHING PERSONAL. MS. FLETCHER HAD WORKED IN THE COURT FOR FOUR YEARS APPEARING, AT LEAST TWO TO THREE TIMES A WEEK. JUDGE NO. 131 BELIEVES THAT MS. FLETCHER WAS ADVISED THAT SHE USES DISQUALIFICATION TO TRY AND GET HER WAY. MR. PURSELL HAS ALSO TOLD MS. FLETCHER THE SAME THING

ELEVEN C

IN THE PETTY THEFT, SHOP LIFT, CASE OF PEOPLE V. TIPPETS, MR. PURSELL HAD OFFERED MS TIPPETS A CONDITIONAL PLEA, TO 488 P.C. THE CASE WILL BE DISMISSED IN ONE YEAR IF THERE IS NO NEW CHARGES WITHIN THE YEAR. MS. TIPPETS DID NOT SEEMED TO UNDERSTAND THE OFFER. MS. TIPPETS BECAME UPSET AND STARTED ARGUING WITH THE COURT ABOUT HER INNOCENCE. JUDGE NO. 131, TO AVOID MS. TIPPETS GOING TO TRIAL AND MOST LIKELY BEING CONVICTED, AND THE WASTE OF TIME AND FUNDS OF HAVING A NEEDLESS JURY TRIAL, WENT BY THE GUIDELINES OF HIS JUDGE'S TRAINING AND TRY TO DO WHAT WAS NECESSARY TO SETTLE THE CASE.

MS. FLETCHER, AT THIS POINT HAD GIVEN UP TRYING TO CONVINCING HER CLIENT IN TAKING THE OFFER, STEPPED BACK AND ALLOWED HER CLIENT TO ADDRESS THE COURT. MR. PURSELL HAD PREVIOUSLY STATED THAT THE EVIDENCE WOULD SHOW THAT MS. TIPPETS HAD A NUMBER OF PACKAGES OF PHOTOGRAPH IN HER PURSE, AND WAS ARRESTED BY THE STORE SECURITY. JUDGE NO. 131 ASKED MS. FLETCHER WHAT HER DEFENSE WAS FOR THE PEOPLES EVIDENCE. IT APPEARED THAT MS. FLETCHER DID NOT HAVE AN ANSWER. MS. FLETCHER REFEREED IT TO HER CLIENT. MS. TIPPETS STATED THAT THE PHOTOGRAPH ACCIDENTALLY FELL INTO HER PURSE WHILE SHE WAS SHOPPING.

JUDGE NO. 131, AGAIN EXPLAINED THE DANGERS OF GOING TO TRY, CAN NOT TELL WHAT A JURY WILL DO. JUDGE NO. 131 TOLD MS. TIPPETS, THAT IN HIS EXPERIENCE HE DID NOT THINK THE JURY WOULD BELIEVE HER CLAIM, IF THE COURT HEARD THAT EVIDENCE, JUDGE NO. 131 WOULD PROBABLY NOT BELIEVE IT EITHER. MS. FLETCHER THEN BECAME ANGRY AND STATED TO THE COURT THAT IF THE COURT BELIEVES THAT HER CLIENT IS GUILTY, THEN THE COURT SHOULD DISQUALIFY ITSELF.

JUDGE NO. 131 REMAINDERED MS. FLETCHER, THAT THIS WAS A PRETRIAL SETTLEMENT CONFERENCE, THE COURT WAS MERELY SUGGESTING WHAT THE OUTCOME MIGHT BE IF THAT WAS THE EVIDENCE. THE COURT WAS NOT EXPRESSING AN OPINION, JUST TRYING TO HELP YOU CONVINCING YOUR CLIENT TO TAKE THE OFFER. BECAUSE MS. TIPPETS WAS TOO EMOTIONAL TO MAKE A DECISION, THE CASE WAS CONTINUED. AT THE NEXT HEARING THE JURY TRIAL DATE WAS VACATED, WHICH RELIEVED THE URGENCY TO REACH A SETTLEMENT. AT THE NEXT PRETRIAL, MS. TIPPETS ACCEPTED THE OFFER, COMPLETED THE CONDITION, AND THE CHARGE WAS DISMISSED.

JUDGE NO. 131 ADMITS, IN RETROSPECT, THAT HE WAS A LITTLE TOO PUSHY, PROBABLY BECAUSE OF HIS LACK OF CONFIDENCE IN MS. FLETCHER, IN CONVICTING HER CLIENT THAT THE OFFER WAS IN HER BEST INTEREST. AT THE TIME THERE WAS NOT SUFFICIENT FUNDS IN THE COUNTY THERE WAS A HIRING FREEZE, THE COURT WAS SHORT TWO CLERKS OUT OF FIVE AUTHORIZED, AND THE NEED TO SAVE MONEY WAS PARAMOUNT AT THE TIME. WITH THE TRIAL DATE THAT WEEK, IT WAS IMPERATIVE THAT WE REACH A SETTLEMENT ON THE DAY IN QUESTION. JUDGE NO. 131 BELIEVES THAT THE EFFORTS MADE, DID RESULT IN A SETTLEMENT.

JUDGE NO. 131 HAS BEEN VERY SUCCESSFUL IN SETTLING JURY TRIALS. JUDGE NO. 131 HAS SETTLED OVER 90% OF JURY TRIAL THAT HE HAS BEEN ASSIGNED TO PRESIDE OVER. IN HIS COURT AND COURTS ALL OVER THE STATE. JUDGE NO. 131 WAS ASSIGNED TO MERIN COUNTY CIVIL TRIAL SETTLEMENT CONFERENCE. THE PRESIDING JUDGE LEFT A NOTE FOR THE JUDGE, ADVISING THAT THE TEN JURY TRIALS THAT WERE SET WERE PRETTY WELL CONFIRMED, NOT TO WASTE TIME TRYING TO SETTLE THEM. JUDGE NO. 131, NEVERTHELESS, WORK ON NINE OF THE TEN AND SETTLED ALL NINE, THE TENTH WAS NOT SETTLED BECAUSE THE PARTIES DID NOT WANT TO WAIT FOR THEIR CASE TO BE CALLED, THEY WERE LAST ON THE CALENDAR, AND CONVINCED THE COURT THAT IT NEEDED TO BE TRIED.

ELEVEN D

JUDGE NO. 131 DENIES THIS CHARGE. JUDGE NO. HAS NEVER DEMONSTRATED ANGER IN COURT AND AS NEVER SHOUTED IN COURT.

MR. CAMPBELL HAD BEEN IN COURT ON MANY OCCASIONS, AND ON MANY CASES. MR. PURSELL STANDING OFFER WAS TO CORRECT THE

ZONING VIOLATION AND THE CASES WOULD BE DISMISSED. JUDGE NO. 131 WAS VERY AWARE THAT MR. CAMPBELL WAS SUSPICIOUS OF AN ALL ANGLO COMMUNITY AND COURT. JUDGE NO. 131, WHO HAS MANY FRIENDS THAT ARE AFRO-AMERICAN, AND WAS ESPECIALLY CAREFUL NOT TO HAVE MR. CAMPBELL THINK HE IS NOT BEING TREATED FAIRLY AND IMPARTIALLY.

ON THE DATE IN QUESTION, MS. THOMPSON APPROACHED JUDGE NO. 131 IN THE CLERK'S OFFICE. MS THOMPSON SHARED A LETTER WITH THE JUDGE, WHERE MR. CAMPBELL HAD REFERRED TO MR. PURSELL AND JUDGE NO. 131 AS MAKING PREJUDICIAL REMARKS IN COURT. JUDGE NO. 131 WAS GREATLY DISAPPOINTED IN MR. CAMPBELL'S PERCEPTION, BECAUSE NOTHING COULD BE FURTHER FROM THE TRUTH. MS. THOMPSON ASKED JUDGE NO. 131 IF HE WOULD MIND DISQUALIFYING HIMSELF. JUDGE NO. 131 WAS, UNDER THE CIRCUMSTANCES, HAPPY TO BE RELIEVED OF THE CASES AGAINST MR. CAMPBELL. MR. CAMPBELL HAS APPEARED IN COURT ON CIVIL MATTER SINCE THAT DATE, AND TOLD THE CIVIL CLERK, THAT HE THOUGHT JUDGE NO. 131 WAS A VERY FAIR JUDGE.

THE ONLY TIME JUDGE NO. 131 HAS EVER USED THE TERM "THAT'S THE LAST TIME I GIVE YOU AN INDICATED SENTENCE", HAS BEEN IN JEST. PURHAPS ON THE SAME DAY THAT MR. CAMPBELL HAD APPEARED, MS. THOMPSON WAS REPRESENTING MR. WILLIE HUDSON, A YOUNG INDIAN MAN WHO HAD FOUR OR FIVE VIOLATIONS OF PROBATION, ALL ALCOHOL RELATED. MR. HUDSON WAS IN COURT IN CUSTODY. MS. THOMPSON ASKED THE COURT IF THERE WAS AN INDICATION OF WHAT THE COURT WOULD DO IF MR. HUDSON PLED GUILTY TO A NEW DRUNK CHARGE. MS. THOMPSON HAD PREVIOUSLY INDICATED THAT IT WAS A CHARGE THAT SHE COULD WIN IN A JURY TRIAL. JUDGE NO. 131 WHO WAS VERY FAMILIAR WITH MR. HUDSON, AND ON PRIOR CASES HAD ENCOURAGE MR. HUDSON TO GET TREATMENT IN AN ALCOHOL PROGRAM, HAS INDICATED THAT THE NEXT TIME HE WOULD GET SUBSTANTIAL TIME IN JAIL IF HE DID NOT STAY SOBER. JUDGE NO. 131 HAS WORKED WITH THE INDIAN COMMUNITY IN THE AREA OF ALCOHOL ABUSE. FOR MR. HUDSON'S BENEFIT, JUDGE NO. 131 STATED THAT HE WAS THINKING OF "MAXING" MR. HUDSON OUT, IE: TERMINATING ALL OF MR. HUDSON'S PROBATION AND IMPOSING ALL TIME PREVIOUSLY SUSPENDED. THE TIME AMOUNTED TO APPROXIMATELY TWO YEARS IN THE COUNTY JAIL. JUDGE NO. 131 HAD NO INTENTION OF IMPOSING THAT SENTENCE. MS. THOMPSON RESPONDED WITH, IF THAT THE CASE THAN WE WILL JUST DISQUALIFY YOU AND TAKE THE CASE TO TRIAL, MS. THOMPSON WAS SMILING AT THE TIME. JUDGE NO. 131 REPLIED, " WELL IN THAT CASE I WILL NOT GIVE YOU ANYMORE INDICATED." JUDGE NO. 131 SAID IT JEST, AS

THE COURT FELT MS. THOMPSON WAS JESTING. THE CASE WAS SET FOR IN CUSTODY JURY TIME, WITH A PRE-TRIAL THE NEXT WEEK FOR SETTLEMENT. THE CASE WAS SETTLED, BOTH SIDES AGREEING TO 30 DAYS IN JAIL AND THE DEFENDANT TO ENROLL IN TURTLE LODGE, AN INDIAN PROGRAM.

COUNT TWELVE

JUDGE NO. 131 DENIES THAT HE DELIBERATELY AND INTENTIONALLY OVERSTEPPED HIS JUDICIAL ROLE IN THE CASE OF PEOPLE V. TOSCHI. AND DENIES THAT HE KNEW OR UNDERSTOOD THAT HIS ACTION NECESSITATED HIS DISQUALIFICATION. HAD HE KNOW OR RECOGNIZED ANY PROBLEM WITH HIS ACTIONS HE WOULD NOT HAVE TAKEN THE COURSE HE TOOK.

IN THE 1989 JUDGE NO. 131 WAS NEW TO THE BENCH, HAD BEEN A PROSECUTOR IN FRESNO FOR THE PAST ELEVEN YEARS. HAD NEVER SEEN, NOR HEARD OF ANY DEPUTY DISTRICT ATTORNEY PLEA BARGAINING A DRIVING UNDER THE INFLUENCE, ESPECIALLY ONE THAT HAD TWO PRIORS. JUDGE NO. 131 WAS WARNED BY THE BAILIFF THAT PAUL AVENT, A DEPUTY DISTRICT ATTORNEY WAS GOING TO TRY SOMETHING IN MY COURT. JUDGE NO. 131 WAS ASSIGNED TO MADERA JUSTICE COURT TO PRESIDE OVER ALL THE CASES THAT DISQUALIFIED THE PRESIDING JUDGE. THE ASSIGNED JUDGE HAD THE LARGEST CALENDAR, SOME OF THE TIME. JUDGE NO. 131 HAD VOLUNTEERED TO TAKE THE CONFLICTS IN MADERA BECAUSE THE ASSIGNMENT SECRETARY WAS HAVING DIFFICULTY FINDING JUDGES TO TAKE THE ASSIGNMENT.

JUDGE NO. 131 WAS A REGULAR AT MADERA AND ALL KNEW HIS POLICY ON SENTENCING DRIVING UNDER THE INFLUENCE, ESPECIALLY MS. THOMPSON, WHO WAS THE SECOND LEVEL CONFLICT PUBLIC DEFENDER. JUDGE NO. 131 WOULD SENTENCE MOST DRIVING UNDER THE INFLUENCE, WITH TWO PRIORS; TO A YEAR IN JAIL WITH THE INCENTIVE TO TAKE A TREATMENT PROGRAM WHILE IN JAIL AND THE JUDGE WOULD MODIFY THE SENTENCE TO THE MINIMUM TIME OF 120 DAYS.

ON THE DAY IN QUESTION A YOUNG, NEW DEPUTY DISTRICT ATTORNEY, APPEARED IN THE TOSCHI PRETRIAL HEARING, MS. THOMPSON WAS APPEARING FOR HER CLIENT WHO WAS NOT PRESENT. THE YOUNG DEPUTY MADE A MOTION TO DISMISS THE CHARGES. JUDGE NO. 131 ASKED THE DEPUTY, "ON WHAT GROUNDS?" THE DEPUTY SEEMED CONFUSED AND UNCERTAIN, SAYING SOMETHING ABOUT A DEAL THAT A FELONY DEPUTY MADE. JUDGE NO. 131 ASKED IF THERE WAS ANY EVIDENTIARY PROBLEMS?

THE DEPUTY INDICATED THAT THERE WERE NONE. JUDGE NO. 131 ASKED WHAT THE BLOOD ALCOHOL LEVEL, THE DEPUTY INDICATED IT WAS SIGNIFICANTLY HIGH ENOUGH, THAT A DISMISSAL OR REDUCTION WAS NOT INDICATED AS A POSSIBLE DISPOSITION.

JUDGE NO. 131 WAS ABSOLUTELY SHOCKED THAT A DEPUTY DISTRICT ATTORNEY WOULD PLEA BARGAIN THAT CASE FOR ANYTHING SHORT OF STATE PRISON, WHICH WAS NOT INDICATED AT THE TIME. JUDGE NO. 131 DENIED THE MOTION TO DISMISS AS ABUSE OF DISCRETION ON THE PART OF THE DISTRICT ATTORNEY'S OFFICE. JUDGE NO. 131 QUESTIONED THE PARTIES AS TO SETTING THE CASE FOR JURY TRIAL. THE PARTIES REQUESTED THAT THE FELONY DEPUTY DISTRICT ATTORNEY WHO AUTHORIZED THE PLEA BARGAIN BE ALLOWED TO APPEAR, THAT WAS GRANTED AND THE CASE WAS TRAILED.

DEPUTY DISTRICT ATTORNEY PAUL AVENT APPEARED IN COURT ON THE TOSCHI MATTER. JUDGE NO. 131 REALIZED FOR THE FIRST TIME THAT THIS WAS THE CASE THAT MR. AVENT WAS GOING TO PULL SOMETHING. MR. AVENT WAS VERY BITTER OVER JUDGE NO. 131 BEING ELECTED. MR. AVENT DID NOT SURVIVE THE PRIMARIES AND ACCUSED JUDGE NO. 131 OF STEALING HIS VOTES AND CHEATING TO GET HIS JUDGES JOB. AT THAT POINT JUDGE NO. 131, IN RETROSPECT, SHOULD HAVE DISQUALIFIED HIMSELF, BUT BELIEVED THAT HE WOULD NOT BECOME BIAS OR PREJUDICE BECAUSE OF MR. AVENT'S PROBLEM. JUDGE NO. 131 WAS ALSO AWARE OF HOW MR. AVENT ATTACKED OTHER JUDGES THAT HE LOST A JUDGES RACE TO. BUT JUDGE NO. 131 FELT HE COULD BE FAIR AND IMPARTIAL. JUDGE NO. 131 HAD NO INTEREST IN SEEING MR. TOSCHI CONVICTED, JUST THAT JUSTICE WOULD PREVAIL. IT WAS OBVIOUSLY NOT IN THE INTEREST OF JUSTICE TO DISMISS MR. TOSCHI'S CASE UNDER THE CIRCUMSTANCES.

MR. AVENT ADDRESSED THE COURT AND DEMANDED THAT THE CASE BE DISMISSED, CHALLENGING THE COURT'S AUTHORITY FOR NOT GRANTING THE MOTION. JUDGE NO. 131 ADVISED MR. AVENT THAT THE PEOPLE OF THIS COMMUNITY WOULD NOT AGREE THAT JUSTICE WOULD BE SERVED IF THE CASE WAS DISMISSED BY THE COURT, 1385 P.C. MS. THOMPSON ALSO MADE SOME COMMENTS, BUT JUDGE NO. 131 DOES NOT RECALL HER COMMENTS. MR. AVENT REQUESTED THAT JUDGE NO. 131 DISQUALIFY HIM SELF, THAT WAS DENIED. JUDGE NO. 131 COULD NOT THINK OF ANY REASON WHY HE SHOULD DISQUALIFY HIMSELF. JUDGE NO. 131 EXPERIENCE IN FRESNO WAS THAT JUDGES WOULD FREQUENTLY DISAPPROVE PLEA BARGAINS, NONE

HAD DISQUALIFIED THEMSELVES, NOR WERE ATTORNEYS ANGRY OVER THE DENIAL. JUDGE NO. 131 WAS OBVIOUSLY IN A DIFFERENT WORLD IN MADERA.

JUDGE NO. 131 ASKED IF THEY WANTED TO SET IT FOR JURY TRIAL, THERE WAS A SHORT CONFERENCE BETWEEN THE TWO ATTORNEYS, AND THEY BOTH AGREED TO SETTING THE CASE FOR JURY TRIAL. MR. AVENT MADE THE STATEMENT THAT, "IF NO WITNESSES SHOW UP, THE COURT WILL HAVE TO DISMISS IT. JUDGE NO. 131 FELT THAT THERE WAS A CONSPIRACY TO OBSTRUCT JUSTICE ON THE PART OF THE ATTORNEYS, AND THE COURT WOULD UNNECESSARILY SUMMONS EIGHTY TO ONE HUNDRED CITIZEN FOR JURY TRIAL, WHEN THE ATTORNEYS HAD AGREED NOT TO BE READY FOR TRIAL.

JUDGE NO. 131, NOT KNOWING WHAT TO DO TO AT THIS POINT, FELT THAT, IF THE COURT ORDERED THE CLERK TO SUBPOENA THE WITNESSES, THAT THE ATTORNEYS WOULD BACK DOWN FROM THEIR POSITIONS AND ABANDON, WHAT APPEARED TO BE A SERIOUS VIOLATION OF ETHICS. JUDGE NO. 131 ORDERED THE CLERK TO SUBPOENA THE WITNESS. IN COURT WHILE MR. AVENT AND MS. THOMPSON WERE PRESENT. JUDGE NO. 131 RECALLED SECTION 859 OF THE PENAL CODE THAT AUTHORIZED THE COURT TO SET CASES AND SUBPOENA WITNESSES.

THE NEXT WEEK MS. THOMPSON NOTIFIED JUDGE NO. 131 THAT HER CLIENT WOULD WAIVE TIME FOR JURY TRIAL AND TO VACATE THE JURY TRIAL DATE, WHICH WAS GRANTED. MS. THOMPSON THEN FILED A MOTION TO DISQUALIFY JUDGE NO. 131 FOR ACTUAL PREJUDICE, 170.3 C.C.P. JUDGE NO. 131 WOULD HAVE DISQUALIFIED HIMSELF AT THAT POINT, BUT CALLED A COUPLE OF JUDGE FRIENDS AND ASKED FOR THEIR ADVISE, BOTH HAD TO INDICATED THAT HE SHOULD OPPOSE THE MOTION, IF IN FACT HE DID NOT HAVE ANY ACTUAL PREJUDICES. IF HE ACCEPTED THE MOTION HE WAS ADMITTING THAT HE HAD PREJUDICES AND SHOULD HAVE DISQUALIFIED HIMSELF IN THE FIRST PLACE, JUDGES GET IN TROUBLE IF THEY DO THAT.

JUDGE NO. 131 DID NOT BELIEVE THERE WERE ANY GROUNDS TO DISQUALIFY HIMSELF AND FILLED AN OPPOSITION TO THE MOTION, FEELING CONFIDENT THAT IT WOULD BE UPHeld. JUDGE NO. 131 WAS VERY SHOCKED AND DISMAYED OVER BEING DISQUALIFIED. LATER ONE OF THE CLERKS TOLD JUDGE NO. 131 THAT THE JUDGE THAT HEARD THE MOTION DID NOT FIND ANY PREJUDICE BUT FELT THAT IT WOULD PROBABLY BE BEST IF JUDGE NO. 131 WAS OUT OF THE CASE. JUDGE NO. 131 MR. DAVID MINIER,

THE DISTRICT ATTORNEY, AND NOW THE HONORABLE JUDGE MINIER, CONTACTED JUDGE NO. 131 AND APOLOGIZED TO THE JUDGE AND SAID MR. AVENT WAS CERTAINLY OUT OF LINE FOR DISMISSING THE CASE.

MR. AVENT KNEW WHAT JUDGE NO. 131 POLICIES ON DRIVING UNDER THE INFLUENCE WAS, AS WELL AS MS. THOMPSON. THEY ALSO KNEW THAT ALLOWING MR. TOSCHI TO PLEAD TO A LOW GRADE FELONY, CONDITION ON NO TIME IN CUSTODY, FOR A DISMISSAL ON A DRIVING UNDER THE INFLUENCE WITH TWO PRIORS, CARRIED A MORE SERIOUS CONSEQUENCES. MADERA ATTORNEYS HAVE CONTROLLED THE MADERA JUSTICE COURT AND THIS WAS AN ATTEMPT TO CONTROL JUDGE NO. 131, OR ELIMINATE HIM FROM BEING ASSIGNED TO MADERA. JUDGE NO. 131 DID NOT LIKE BEING ASSIGNED TO MADERA, AND WAS VERY DELIGHTED WHEN HE WAS ASSIGNED TO OTHER COURTS.

COUNT THIRTEEN

JUDGE NO. 131 DENIES EVER USING THE PRESTIGE OF HIS OFFICE TO INVESTIGATE CRIMINAL INVESTIGATION AGAINST A COURT EMPLOYEE FOR PERSONAL PURPOSES.

THIRTEEN A

IN 1989 JUDGE NO. 131 PERSUADED THE COUNTY TO REPLACE THE OLD ROTARY TELEPHONE SYSTEM IN THE GOVERNMENT CENTER WITH A NEW SYSTEM. THE COUNTY MADE A SURVEY OF THE TELEPHONE EXTENSION, TO DETERMINE THE COST OF THE REPLACEMENT. THE COUNTY DISCOVERED THAT THE GOVERNMENT BREAK ROOM HAD TWO UNAUTHORIZED EXTENSIONS, ONE FROM THE ENGINEERING, AND ONE FROM THE COURT. THE COUNTY DID NOT WANT TO REPLACE THE EXTENSIONS IN THE BREAK ROOM BECAUSE IT WOULD ENCOURAGE THE EMPLOYEES TO ABUSE USE OF THE COUNTY TELEPHONES FOR PERSONAL USE. IT WOULD ALSO BE DIFFICULT TO KEEP THE PUBLIC FROM USING THE COUNTY TELEPHONE.

JUDGE NO. 131 AGREED WITH THE COUNTY AND BELIEVED IT COULD BE THE REASON THE COURT HAD SUCH A LARGE TELEPHONE EXPENSE. THE TWO EXTENSIONS WERE ELIMINATED AND AN INTERCOM WAS INSTALLED.

ON FEBRUARY 1, 1990, JUDGE NO. 131 WAS IN THE BREAK ROOM WITH MS. JOYCE MILLER OF THE SHERIFF'S DEPARTMENT AND MRS. SHOLLENBARGER, THE HEAD CLERK OF COURT. JUDGE NO. 131 NOTICE THAT THE INSTRUMENT HAD BEEN CHANGED TO A FULL USE TELEPHONE. JUDGE NO. 131 ASKED MS. MILLER AND MRS. SHOLLENBARGER, " DO YOU BELIEVE THAT SOMEONE HAD THE NERVE TO HAVE THE TELEPHONE COMPANY RECONNECT THE EXTENSIONS DO YOU?" BOTH LADIES HAD A LOOK ON THEIR FACE THAT TOLD JUDGE NO. 131 THAT IT HAD IN FACT OCCURRED. JUDGE NO. 131 ASKED MS. MILLER TO CHECK THE INSTRUMENT TO SEE IF BOTH LINES WERE CONNECTED. MS. CHECKED THE INSTRUMENT, AND STATED THAT THEY WERE BOTH CONNECTED. MS. MILLER GOT UP AND LEFT THE BREAK ROOM, STATING " DON'T GET ME INVOLVED IN THIS THING!" MRS. SHOLLENBARGER, STATED, " I DON'T KNOW NOTHING ABOUT IT, " AND LEFT THE BREAK ROOM.

JUDGE NO. 131 KNEW THAT THEY BOTH KNEW ABOUT THE RECONNECTION OF THE TELEPHONE EXTENSION, THE GOVERNMENT CENTER IS A CLOSELY NET GROUP OF EMPLOYEES THAT MAKE IT THEIR BUSINESS TO KNOW EVERYTHING THAT IS GOING ON. IT WOULD BE IMPOSSIBLE FOR THE TELEPHONE COMPANY TO REINSTALL THE EXTENSION WITHOUT EVERYONE KNOWING, EXCEPT, OF COURSE JUDGE NO. 131 WHO IS GONE ON ASSIGNMENTS TWO OR THREE DAYS A WEEK.

JUDGE NO. 131 CONFISCATED THE INSTRUMENT AND LOCKED IT IN HIS CHAMBERS. JUDGE NO. 131 DID HIS OWN INVESTIGATION WITH THE COUNTY AND DISCOVERED THAT IT WAS INDEED AN UNLAWFUL ACT, THAT WAS UNAUTHORIZED. JUDGE NO. 131 HAD PRIOR EXPERIENCE AS A POLICE DETECTIVE AND A DEPUTY DISTRICT ATTORNEY WHERE UNAUTHORIZED TELEPHONE CONNECTION HAD BEEN PROSECUTED AS FELONIES. JUDGE NO. 131 READ PENAL CODE SECTION 591 AND IT SEEMED TO APPLY TO THESE SET OF CIRCUMSTANCES.

EARLIER WHEN THE COUNTY HAD MADE THE DETERMINATION, MRS. DEBBIE MICHAELS, A CLERK OF THE COURT AND A UNION REPRESENTATIVE, HAD SENT JUDGE NO. 131 A MEMORANDUM, REQUESTING A MEET AND CONFER OVER THE REMOVAL OF THE COURT EXTENSION FROM THE BREAK ROOM. MRS. MICHAELS' HUSBAND WAS A SUPERVISOR WITH THE TELEPHONE COMPANY. MRS. MICHAELS

WAS BECOMING MORE OF A PROBLEM EACH DAY OVER THE FACT THAT JUDGE NO. 131 HAD NOT TAKEN HER ADVICE AND FIRED MRS. SHOLLENBARGER FOR INCOMPENTCY, AND OF COURSE, GAVE HER THE JOB OF HEAD CLERK, SO SHE COULD HIRE HER FRIEND LYNN TODD TERRY FROM THE ENGINEERING. BOTH WORKED ON JUDGE NO.131 CAMPAIGN IN 1988 AND EXPECTED THAT REWARD, WHICH WAS NOT, IN ANYWAY INDICATED BY JUDGE NO. 131.

MS. MICHAELS REQUEST WAS NOT ACTED ON. THE COUNTY ADVISED JUDGE NO. 131 THAT HAVING EMPLOYEE ACCESS TO COUNTY TELEPHONES WAS NOT A MEET AND CONFER ISSUE THAT COULD BE NEGOTIATED. THE COUNTY AND THE COURT POLICY IS THAT EMPLOYEES ARE NOT TO USE COUNTY TELEPHONES FOR PERSONAL USE, EXCEPTING EMERGENCIES AND TO MAKE NECESSARY CALLS, THAT ARE NEEDED TO NOTIFY THEIR FAMILY'S OF SOMETHING THAT WILL NOT WAIT UNTIL THEY ARE OFF WORK.

JUDGE NO. 131 WAS ADVISED BY THE COUNTY ADMINISTRATION, AND THE COUNTY ENGINEER, THAT THEY WERE NOT INTERESTED IN TAKING ANY ACTION. MRS. SHOLLENBARGER WAS NOT ABLE TO ACT ON THE MATTER, BECAUSE OF HER ILL HEALTH AND HER LACK OF CONCERN. JUDGE NO. 131 ALSO BELIEVED THAT SHE WAS FULLY AWARE OF THE UNAUTHORIZED TELEPHONE EXTENSION, AND WOULD NOT BE EFFECTIVE IF SHE HAD THE ABILITY TO ACT. JUDGE NO. 131 WAS IN A DILEMMA, IF IGNORED IT, THE EXTENSION WOULD BE REPLACED IN A FEW WEEKS OR MOUTHS, AND HE WOULD BE PUT IN THE POSITION OF GOING DOWN TO THE BREAK ROOM AND CHECKING TO SEE IF THE EXTENSION WAS BACK, OR SHOULD HE CONDUCT HIS OWN INVESTIGATION AND TRY TO DETERMINE WHO THE GUILTY PARTIES WERE. ALSO THERE WAS THE RESPONSIBILITY OF REPORTING THE FELONY. JUDGE NO. 131 WAS WELL AWARE OF THE, " GOOD OL'BOY," OR SELECTIVE ENFORCEMENT PRACTICE OF THE SHERIFF'S OFFICE.

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JUDGE NO. 131 DECIDED THAT THE BEST WAY TO HANDLE THE SITUATION, TO PREVENT RE-OCCURRING INCIDENTS, AND TO LET THEM KNOW THAT JUDGE NO. 131 WAS RUNNING THE COURT AND NOT THE COUNTY EMPLOYEES, HE MADE THE REPORT TO THE SHERIFF'S DEPARTMENT.

SERGEANT TOMLINSON TOLD JUDGE NO. 131 THAT, " OH! YOU DON'T WANT TO DO THAT!" JUDGE NO. 131 TOLD SERGEANT TOMLINSON THAT IT WAS A FELONY, THAT IT WAS MY DUTY TO REPORT IT. IF HE DID NOT WANT TO ACCEPT JUDGE NO. 131'S REPORT, THAT JUDGE NO. 131 WOULD REPORT IT TO THE ATTORNEY GENERAL. SERGEANT TOMLINSON BECAME VISIBLE UPSET, AND SAID, " OK! IF THAT THE WAY YOU WANT IT, FILL ON THIS STATEMENT!" SERGEANT TOMLINSON HANDED JUDGE NO. 131 A STATEMENT FORM. JUDGE NO. 131 WROTE OUT A QUICK STATEMENT AND RETURNED IT TO SERGEANT TOMLINSON.

A WEEK OR SO LATER JUDGE NO. 131 RECEIVED AN INVESTIGATION REPORT FROM THE SHERIFF'S OFFICE, THE REPORT DISTORTED THE FACTS TO MAKE IT LOOK AS IF NOTHING UNLAWFUL HAPPENED. JUDGE NO. 131 DID NOT CARE ABOUT THE INVESTIGATION, OR PROSECUTION, JUST TO GET THE POINT ACROSS THAT JUDGE NO. 131 WAS NOT GOING TO ALLOW THE EMPLOYEE TO HAVE THEIR WAY ANY LONGER.

IN EXERCISING HIS RIGHTS AS A CITIZEN AND DEPARTMENT HEAD OF THE COURT, CAN BE INTERCEPTED AS USING THE PRESTIGE OF HIS OFFICE, AND FOR PERSONAL PURPOSES, TO REPORT A CRIME; THEN JUDGE NO. 131 IS GUILTY. HAD JUDGE NO. 131 WANTED TO USE THE PRESTIGE OF HIS OFFICE AND TO ACCOMPLISH SOME UNKNOWN PERSONAL PURPOSE, HE WOULD HAVE REPORTED IT TO THE DISTRICT ATTORNEY AND THE ATTORNEY GENERAL, AND PUSHED FOR PROSECUTION. JUDGE NO. 131 HAD NO SUCH INTENTIONS, JUDGE NO. 131 WAS VERY CONFIDENT IT WOULD NOT GO ANY FURTHER THAN PUTTING THE EMPLOYEES ON NOTICE THAT SUCH CONDUCT WOULD NOT BE TOLERATED. JUDGE. NO. 131 ONLY WANTED TO REPORT IT, HE NEVER SUGGESTED THAT IT BE INVESTIGATED. JUDGE NO. 131 WAS SURPRISED THAT THE SHERIFF'S OFFICE WOULD INVESTIGATED IT, SINCE THEY WERE PERSONALLY INVOLVED. THE GRAND JURY IS PRESENTLY INVESTIGATING THE

SHERIFF'S OFFICE FOR NOT TAKING ACTION ON MATTERS THAT THEY HAVE A PERSONAL INTEREST IN, A REPUTATION THAT THEY HAVE HAD FOR THE LAST THIRTY FIVE YEARS, THAT JUDGE NO. 131 IS AWARE OF.

THIRTEEN B

JUDGE NO. 131 DENIES GOING TO SERGEANT GAUTHIER OF THE MADERA SHERIFF'S DEPARTMENT. JUDGE NO. 131 DENIES TELLING SERGEANT GAUTHIER TO INVESTIGATE ANYONE.

DURING THE SCOTT BUTCHER CHILD MOLESTATION INVESTIGATION, SERGEANT GAUTHIER CAME TO JUDGE NO. 131 CHAMBERS. JUDGE NO. 131 DOES NOT RECALL WHY SERGEANT GAUTHIER CAME TO JUDGE NO. 131'S CHAMBERS, BUT THE TOPIC OF THE BUTCHER INVESTIGATION WAS DISCUSSED. DURING THAT CONVERSATION JUDGE NO. 131 AND SERGEANT GAUTHIER WERE DISCUSSING THE METHOD USED IN INTERVIEWING THE ALLEGED VICTIM BY DR. BJORKLUND. APPARENTLY DR. BJORKLUND HAD SPENT OVER FIFTEEN HOURS INTERVIEWING MR. BUTCHER'S DAUGHTER, ATTEMPTING TO GET TO ADMIT THAT HER FATHER HAD MOLESTED HER.

JUDGE NO. 131 ADVISED SERGEANT GAUTHIER THAT MR. BUTCHER HAD CALLED HIM AT HOME AND ASKED FOR ADVICE ON WHAT TO DO. JUDGE NO. 131 ADVISED MR. BUTCHER TO ALLOW THE SHERIFF'S OFFICE TO HAVE HIS DAUGHTER EXAMINED BY A DOCTOR, THAT WOULD PROVE THAT SHE HAS NOT BEEN MOLESTED. JUDGE NO. 131 ADVISED SERGEANT GAUTHIER THAT MR. BUTCHER STATED THAT HE WOULD NOT ALLOW HIS DAUGHTER TO BE EXAMINED BECAUSE HE TAUGHT HER TO NEVER LET ANYONE TOUCH HER BETWEEN HER LEGS, AND TO ALLOW A DOCTOR TO EXAM HER WOULD BE AGAINST WHAT HE TAUGHT HER.

JUDGE NO. 131 DISCUSSED DR. BJORKLUND'S DISLIKE AND TROUBLE AT THE CHURCH OVER THE RESTRAINING ORDER OF MR. BUTCHER. JUDGE NO. 131 ADVISED SERGEANT GAUTHIER, THAT HE WOULD SURE LIKE TO SEE A RAP SHEET ON DR. BJORKLUND. JUDGE NO. 131 FELT STRONGLY THAT DR. BJORKLUND HAD WIFE ABUSE CHARGE FILED AGAINST HIM IN ORANGE COUNTY. DR. BJORKLUND HAD RAN

OFF WITH HIS PASTOR'S WIFE AND HIS WIFE HAD CAUSED A BIG NASTY COURT BATTLE. JUDGE NO. 131 ALSO FELT THAT DR. BJORKLUND HAD BEEN THE CAUSE OF A COMPANY, THAT HE WAS IN CHARGE OF, TO GO BANKRUPTED. JUDGE NO. 131 ADVISED SERGEANT GAUTHIER THAT HE KNEW THAT HE COULD NOT RUN A RAP SHEET, SO WE WILL NEVER KNOW.

SERGEANT GAUTHIER SAID, THAT A RAP SHEET WOULD SHOW WHETHER DR. BJORKLUND HAD A LICENSE TO COUNSEL, COUNSELING WITHOUT A LICENSE MAY BE A MISDEMEANOR. JUDGE NO. 131 REPLIED, " I JUST WANT THE CHURCH TO BE ADEQUATELY INSURED." GAUTHIER ADVISED JUDGE NO. 131 THAT YOU CAN FIND OUT IF HE HAS A LICENSE BY CALLING THE STATE LICENSING OF PSYCHOLOGIST. JUDGE NO. 131 ASKED SERGEANT GAUTHIER, IF HE SHOULD FIND OUT IF DR. BJORKLUND HAD A LICENSE TO COUNSEL, PLEASE LET HIM KNOW. SERGEANT GAUTHIER STATED THAT HE WOULD LIKE TO KNOW IF DR. BJORKLUND HAD A LICENSE FOR HIS OWN REASONS. JUDGE NO. 131 MADE IT CLEAR TO SERGEANT GAUTHIER, NOT TO DO IT FOR THE JUDGE, BUT IF HE SHOULD COME ACROSS THE INFORMATION, JUDGE NO. 131 WOULD LIKE THE INFORMATION.

WITHIN THE NEXT DAY OR SO, JUDGE NO. 131 RECEIVED A REPORT FROM SERGEANT GAUTHIER INDICATED THAT DR. BJORKLUND WAS NOT LICENSED. JUDGE NO. 131 WAS SURPRISED THAT THE INFORMATION CAME IN A REPORT FORM, BUT KNEW THAT SERGEANT GAUTHIER WAS A VERY THROUGH, AND HAD INDICATED THAT HE WANTED THE INFORMATION AS PART OF HIS INVESTIGATIVE REPORT ON MR. BUTCHER. JUDGE NO. 131 WAS RELIEVED TO KNOW THAT DR. BJORKLUND DID NOT NEED A LICENSE, BUT THE CHURCH NEEDED TO BE INSURED AGAINST MALPRACTICE SUITS. AT THE NEXT CHURCH BOARD MEETING JUDGE NO. 131 ADVISED DR. BJORKLUND AND THE CHURCH BOARD ABOUT SERGEANT GAUTHIER REPORT. THE BOARD HAD ALREADY TAKEN THE PRECAUTION OF ADEQUATE INSURANCE.

JUDGE NO. 131 DOES NOT BELIEVE THAT THE POSSIBILITY OF CRIMINAL CHARGES WAS DISCUSSED, OTHER THAN WHETHER, OR NOT, HAVING A LICENSE VIOLATES A COUNTY ORDINANCE. DR. BJORKLUND WAS INFURIATED AT JUDGE NO. 131 BECAUSE OF THE COMPLAINTS BY THE

ELDERS REQUESTING HIM TO DO HIS JOB. WHEN JUDGE NO. 131 HAD INFORMED HIM OF THE COMPLAINTS, DR. BJORKLUND MAKE JUDGE NO. 131 FEEL VERY UNCOMFORTABLE STAYING AT THE CHURCH, BUT PROMISED THE ELDERS THAT HE WOULD NOT LEAVE THE CHURCH UNTIL EVERY AVENUE OF UNIFYING THE LEADERSHIP WAS ATTEMPTED.

JUDGE NO. 131 MAINTAINS THAT HE DID NOT TELL SERGEANT GAUTHIER, THAT HE WANTED AN INVESTIGATION OF THE PASTOR FOR CRIMINAL LIABILITY, IF JUDGE NO. 131 WANTED TO INVESTIGATE THE PASTOR HE WOULD NOT HAVE ASKED SERGEANT GAUTHIER, OR ANY MADERA SHERIFF. SERGEANT GAUTHIER IS A FRIEND AND SUPPORTER OF PAUL AVENT, HE IS A FRIEND AND CO-SERGEANT WITH SERGEANT TOMLINSON, HE IS PART OF THE SHERIFF'S OFFICE THAT WANTS TO GET JUDGE NO. 131 OUT OF OFFICE. IF JUDGE NO. 131 WANTED TO DO AN INVESTIGATION ON ANYONE, HE HAS MANY RESOURCES AND FRIENDS IN LAW ENFORCEMENT HE COULD GET TO AN INVESTIGATION, CONFIDENTIALLY. SOME OF WITCH ARE IN ORANGE COUNTY.

COUNT FOURTEEN

IN MARCH 1994 IT CAME TO THE ATTENTION OF JUDGE NO. 131 THAT THE GENERAL POPULATION OF THE MOUNTAIN COMMUNITY DID NOT KNOW WHO, WHAT OR WHERE OF THE JUSTICE COURT. JUDGE NO. 131 BELIEVED IT WOULD BE A GOOD IDEA TO PLACE A PICTURE OF THE COURT STAFF IN THE SIERRA STAR, THE LOCAL NEWSPAPER. THE SIERRA STAR HAD OFFERED TO PLACE FREE INFORMATION IN THE PAPER, IF IT WAS OF IMPORTANCE TO THE CITIZEN THAT THEY SERVED. JUDGE NO. 131 HAD COMPLIED WITH THE JUDGE'S ASSOCIATION URGING TO KEEP THE PUBLIC AWARE OF THE COURT AND INFORMATION THAT WILL HELP THEM BETTER UNDERSTAND THE COURT SYSTEM. THE TAKING OF THE PHOTOGRAPH WAS DELAYED BECAUSE OF THE BUSY SCHEDULE OF THE PHOTOGRAPHER. THE PHOTOGRAPHER CALLED JUDGE NO. 131 AND ADVISED HIM THAT SHE COULD COME TO THE COURT THAT DAY AND TAKE THE PHOTO. JUDGE NO. 131 TOLD HER THAT SHE HAD BETTER COME UP, BECAUSE I PROBABLY WILL NOT GET ANOTHER CHANCE BEFORE THEY CUT OFF THE FREE PUBLICITY. JUDGE NO. 131 ASKED ALL THE STAFF, AND ATTORNEYS PRESENT IF THEY WOULD POSE FOR A PHOTOGRAPH OF

THE COURT STAFF FOR THE LOCAL NEWSPAPER. THE PHOTOGRAPH IS FOR PUBLIC INFORMATION ON, "GET TO KNOW YCOURT STAFF." NO ONE OBJECTED, OTHER THAN, " OH YOU DON'T WANT MY PICTURE, OR I DON LOOK GOOD IN PHOTOGRAPHS." THE USUAL JOKING WHEN SOMEONE WANTS TO TAKE YOUR PHOTOGRAPH.

THE PHOTOGRAPHER WAS LATE IN GETTING THE PHOTOS BACK TO THE JUDGE, APPROXIMATELY THREE WEEKS LATE. JUDGE NO. 131 RUSHED DOWN TO THE SIERRA STAR OFFICE, MADE UP THE CAPTIONS, WITH THE HELP OF A YOUNG MALE EMPLOYEE, AND STARTED TO LEAVE. THE YOUNG MALE EMPLOYEE, SAID WAIT A MINUTE, I HAD BETTER CHECK TO SEE IF IS TOO LATE TO GET IT IN THE PAPER AS A FREE PUBLIC INFORMATION ITEM. THE YOUNG MAN LEFT THE COUNTER, WALKED TO THE REAR OF THE OFFICE, DOWN A HALL. IN A FEW MINUTES HE RETURNED AND SAID, " SORRY YOU WILL HAVE TO PAY FOR IT, IT IS TOO CLOSE TO THE ELECTION AND IT MIGHT BE QUESTION BY THE OTHER CANDIDATES. JUDGE NO. 131 TOLD THE YOUNG MAN, " IT WAS JUST FOR PUBLIC INFORMATION, I AM NOT RUNNING IT FOR THE CAMPAIGN, ASKING TO VOTE FOR ME." THE YOUNG MAN SAID, " SORRY WE HAVE A CUT OFF DATE AND THAT IS TODAY. JUDGE NO. 131 WENT AHEAD AND PAID FOR THE PHOTOGRAPH TO BE PLACED IN THE NEXT ADDITION OF THE SIERRA STAR. THE YOUNG MAN MAY HAVE TOLD JUDGE NO. 131 THAT IT WOULD BE LABELED, " PAID POLITICAL ADVERTISEMENT," BUT IT DID NOT REGISTER AS A PROBLEM. AT THE TIME JUDGE NO. 131 WAS NOT AWARE THAT ANYONE IN THE PHOTOGRAPH WAS SUPPORTING ANYONE ELSE. IN FACT WAS LED TO BELIEVE THAT THEY WERE ALL SUPPORTING HIM.

AFTER THE PHOTOGRAPH APPEARED IN THE PAPER, JUDGE NO. 131 DID NOT RECEIVE ANY COMPLAINTS FROM ANYONE ABOUT THE PHOTOGRAPH, IN FACT DID NOT RECEIVE ANY COMMENTS EITHER, JUDGE NO. 131 WONDER IF ANYONE SAW IT. IF ANYONE IN THE PHOTOGRAPH WOULD HAVE SERIOUSLY OBJECTED, OR IF JUDGE NO. 131 WOULD HAVE KNOWN THAT ANYONE OF THE PERSONS IN THE PHOTOGRAPH WAS SUPPORTING ANOTHER CANDIDATE, WOULD NOT HAVE INCLUDED THEM. JUDGE NO. 131 BELIEVE AT THE TIME OF THE PHOTOGRAPH, AND AFTER THE PHOTOGRAPH APPEARED IN THE PAPER, THEREFORE WERE NO COMPLAINTS.

AT THE TIME THAT THE PHOTOGRAPH WAS TAKEN, JUDGE NO. 131 WAS

NOT INTENDING TO USE THE PHOTOGRAPH AS A, " PAID POLITICAL ADVERTISEMENT." OR IN HIS CAMPAIGN. LYNN TERRY OF THE ENGINEERIN DEPARTMENT, WITNESSED THE TAKING OF THE PHOTOGRAPH, AND COMPLAINED TO THE COUNTY COUNSEL, THAT JUDGE NO. 131 WAS USING COUNTY PROPERTY FOR HIS CAMPAIGN. JUDGE NO. 131 TOLD THE COUNTY COUNSEL THAT IT WAS A PUBLIC INFORMATION PHOTOGRAPH. IF JUDGE NO.131 HAD INTENTIONS OF USING THE PHOTOGRAPH FOR HIS CAMPAIGN, HE WOULD HAVE USED IT ON OTHER ADVERTISEMENTS, AND HE WOULD HAVE BEEN STANDING IN THE MIDDLE, FRONT.

COUNT FIFTEEN

JUDGE NO. 131 ADMITS THAT DEFENDANT STEVEN ON LAWN DID APPEAR IN A CRIMINAL CASE ALONG WITH A ANOTHER MAN, GORED MORROW. MR. ON LAWN WAS PRO. PER. MR. ON LAWN TALKED TO THE DISTRICT ATTORNEY AND WAS ABLE TO SETTLE HIS CASE FOR A DRIVING UNDER THE INFLUENCE, TO HAVE HIS DRIVING ON SUSPENDED LICENSE, DISMISSED, IF HE SENT A COPY OF A VALID DRIVER'S LICENSE, AND THE CHARGE OF IMPERSONATING A POLICE, CONDITION PLEA THAT WOULD BE DISMISSED IF HE HAD NO FURTHER VIOLATIONS. MR. PURPLES OFFERED THE ABOVE TO MR. ON LAWN, BECAUSE HE FELT THAT THE REVOCATION ON HIS DRIVER'S LICENSE HAD EXPIRED, PRIOR TO HIS ARREST FOR DRIVING UNDER THE INFLUENCE, AND THE IMPERSONATING AN OFFICER, WAS VERY MINOR ACT OF TELLING A CITIZEN THAT HE WAS A POLICE OFFICER DURING AN ALTERCATION WITH THE CITIZEN. THE RECORD INDICATES THAT MR. ON LAWN WAS IN COURT TWICE, ONCE BRIEFLY FOR ARRAIGNMENT AND THE SECOND TIME WHEN HE PLED. JUDGE NO. 131 REMEMBERS MR. MORROW, BECAUSE HE HAS BEEN IN COURT A NUMBER OF TIMES, BUT ON LAWN, JUDGE NO. 131 DOES NOT REMEMBER WHAT HE LOOKED LIKE. BOTH TIMES MR. ON LAWN APPEARED, IT WAS A VERY LARGE CALENDAR, THERE WAS A RUSH TO GET THROUGH IT.

JUDGE NO. 131, ON MANY OCCASION, HAS BEEN APPROACHED BY SUBJECTS IN STORES, AT THE MARKET, AND AT THE SERVICE STATION. WHO HAVE ASKED JUDGE NO. 131 IF THAT WERE HE, AND MANY TIME HAVE BEEN THANKED FOR HIS CONSIDERATION IN HANDLING THEIR CASE. IN MOST CASES JUDGE NO. 131 DID NOT RECOGNIZED THEM, OR REMEMBER THEIR CASE. JUDGE NO. 131 BELIEVE THAT HE DELIBERATELY FORGETS PERSONS

THAT APPEAR BEFORE HIM, BECAUSE IT IS NOT IMPORTANT, AND IT MAKES HIM A MORE ABLE TO TREAT DEFENDANTS FAIRLY. OR IT MAY BE OLD AGE, OR A GIFT. JUDGE NO. 131 REMEMBERS THE DEFENDANTS THAT APPEAR REGULARLY BEFORE HIM, BUT NOT THE INFREQUENT DEFENDANTS.

JUDGE NO. 131 HAD NEVER SEEN MR. VON LAWN BEFORE, DID NOT KNOW HIM OR ANYTHING ABOUT HIM BEFORE HE APPEARED, AND NOTHING ABOUT HIM AFTER HE APPEARED.

JUDGE NO. 131 DENIES MEETING MR. VON LAWN AT THE COURT, AT THE TIME MR. VON LAWN OFFERED TO AUCTION HIS PONY AT THE PICNIC. JUDGE NO. 131 AND HIS WIFE WERE AT THE MARKET GREETING THE PUBLIC, IN THE LATTER PART OF OCTOBER. MR. VON LAWN AND A YOUNG FEMALE APPROACHED JUDGE NO. 131 AND ASKED IF HE WAS JUDGE NO. 131. JUDGE NO. 131 SAID, " YES I AM," MR. VON LAWN SHOOT JUDGE NO. 131 AND STATED THAT JUDGE NO. 131 WAS DOING A GOOD JOB AND HE WAS SUPPORTING HIM. MR. VON LAWN WAS, IF JUDGE NO. 131 RECALLS CORRECTLY, WAS DRESSED UP, IN A SUIT OR FANCY WESTERN ATTIRE. JUDGE NO. 131 FELT THAT MR. VON LAWN LOOKED FAMILIAR, BUT DID NOT RECOGNIZE HIM AS A FORMER DEFENDANT. MR. VON LAWN INTRODUCED HIM SELF, BUT THE ONLY NAME THAT JUDGE NO. 131 AND HIS WIFE RECALLS IS, "STEVE." MR. VON LAWN AND THE FEMALE WENT INTO THE MARKET. A SHORT TIME LATER, MR. VON LAWN WAS LEAVING THE STORE AND STOPPED AND ASKED JUDGE NO. 131 IF HE WANTED A PONY. JUDGE NO. 131 TOLD HIM NO, "MY BOYS ARE ALL GROWN AND WE DON'T NEED A PONY." JUDGE NO. 131 THEN ASKED HIS WIFE, " DO YOU THINK YOUR BROTHER WOULD LIKE TO GET HIS GIRLS A PONY?" JUDGE NO. 131 STATED THAT HE CAN'T AFFORD A PONY. MR. ON LAWN, THEN STATED, " I HAVE BRAND NEW TACK FOR THE PONY AND I WILL TAKE \$200.00 FOR THE TACK AND THROW IN THE PONY FOR FREE." JUDGE NO. 131'S WIFE SAID NO, MY BROTHER CAN NOT AFFORD TO BUY THEM.

MR. VON LAWN THEN SAID, " I WILL DONATE THE PONY TO YOUR FUND RAISER PICNIC, I WANT TO HELP ALL I CAN." JUDGE NO. 131 TOLD MR. VON LAWN THAT HE WOULD TELL HIS CAMPAIGN CHAIRMAN ABOUT THE PONY AND IT IS UP TO HIM. MR. VON LAWN WROTE A TELEPHONE NUMBER ON A

PIECE OF PAPER AND GAVE IT TO JUDGE NO. 131 OR HIS WIFE, THEY DO NOT RECALL WHICH ONE TOOK THE NUMBER. THE TELEPHONE NUMBER WAS GIVEN TO THE CHAIRMAN OF THE COMMITTEE. THE NEXT THING JUDGE NO. 131 KNEW WAS THAT THE PONY WAS LISTED ON THE ANNOUNCEMENT FOR THE PICNIC. ON A THURSDAY OR FRIDAY BEFORE THE PICNIC ON SUNDAY, MR. VON LAWN PULLED INTO THE COURT PARKING LOT WITH A HORSE TRAILER. JUDGE NO. 131 HAD HAPPENED TO SEE MR. ON LAWN, HE WAS WALKING TOWARDS THE COURT'S FRONT STEPS. JUDGE NO. 131 RECOGNIZED MR. ON LAWN AS THE GENTLEMEN AT RALEIGH'S THAT OFFER HIS PONY. JUDGE NO. 131 WENT OUT TO THE PARKING LOT TO MEET MR. ON LAWN. JUDGE NO. 131 MET MR. ON LAWN AT THE FRONT STEPS TO THE COURT HOUSE. JUDGE NO. 131 ASKED MR. VON LAWNE IF HE WAS LOOKING FOR JUDGE NO. 131? MR. VON LAWNE STATED THAT HE WAS, THAT HE HAD TO MOVE HIS PONY TO PASTURE, HE COULD NOT KEEP THE PONY AT THE STABLES. JUDGE NO. 131 TOLD MR. VON LAWN THAT THE PICNIC IS THIS SUNDAY, IF HE STILL GOING TO AUCTION THE PONY AT THE PICNIC, ITS IN A FEW DAYS! MR. VON LAWN STATED THAT HE WOULD LEAVE THE PONY AT THE STABLES AND TAKE IT TO THE PICNIC ON SUNDAY. MR. VON LAWNE LEFT.

ON THE FIRST SUNDAY OF NOVEMBER THE FUND RAISER WAS HELD IN THE PARK. JUDGE NO. 131 ARRIVED AND WALKED AROUND GREETING THE PEOPLE. JUDGE NO. 131 RECALLS SEEING MR. ON LAWN ARRIVE WITH THE PONY. JUDGE NO. 131 DID NOT TALK TO MR. ON LAWN UNTIL HE WALKED BY MR. ON LAWN, AS HE WAS LEADING THE PONY AROUND THE PARK WITH A SHALL CHILD ON THE BACK OF THE PONY. JUDGE NO. 131 GREETED MR. ON LAWN AND THANKED HIM FOR BRING THE PONY, THAT WAS ALL JUDGE NO. 131 RECALLS SAYING TO MR. ON LAWN AT THE PICNIC.

JUDGE NO. 131 THOUGHT, AT THE TIME, THAT IT WAS NICE TO GIVE THE CHILDREN, FREE RIDES ON THE PONY. LATER JUDGE NO. 131 WAS TALKING TO ONE OF THE FATHER'S OF A CHILD THAT WAS RIDING THE PONY, AND DISCOVERED THAT THEY WERE CHARGING \$1.00 FOR THE RIDE. THE ONLY OTHER TIME JUDGE NO. 131 HAS TALKED TO MR. VON LAWNE WAS AFTER THE ELECTION. MR. VON LAWN WAS AT THE BEACON SERVICE STATION. JUDGE NO. 131 DROVE IN TO GET DIESEL FOR HIS VEHICLE. MR. VON LAWNE WAS DRIVING A CARPET CLEANING TRUCK. MR. VON LAWNE OFFERED JUDGE NO. 131 A SPECIAL DEAL ON CLEANING JUDGE NO. 13 CARPETS, JUDGE NO. 131 DECLINED THE OFFER. JUDGE NO. 131 HAS NOT SEEN OR TALKED TO MR. VON LAWNE AGAIN. MR. VON LAWNE HAS FAILED TO PAY HIS FINE.

ON 11-9-94 THE COURT SENT HIM A LETTER ADVISING HIM TO PAY, OR A WARRANT WILL BE ISSUED. ON 2-27-95 MR. VON LAWNE SENT IN A NSF CHECK. ON 3-17-95. MR. ON LAWN PAID \$938.00. ON 4-10-95 MR. VON LAWN PAID THE BALANCE OF \$300.00 PLUS \$10.00 FOR THE CHECK RETURN. MR. ON LAWN COMPLETED HIS COMMUNITY SERVICE BY CLEANING THE CARPETS FOR THE FIRE DEPARTMENTS. HE WAS CREDITED FOR FOURTEEN DAYS BY THE FIRE CAPTAINS, WHO SUPERVISED AND VARIED HIS WORK. THE VALUE OF THE SERVICE WAS COMPUTED FROM MONITORY VALUE TO HOURS BY THE CAPTAINS, ACCORDING TO HIS FILE. JUDGE NO. 131 HAS NO PERSONAL KNOWLEDGE.

JUDGE NO. 131 HAS NO PERSONAL KNOWLEDGE, NOR DID HE PARTICIPATE IN THE PLEA BARGAIN. MR. PURPLES TALKED TO MR. VON LAWNE OUTSIDE THE HEARING OF JUDGE NO. 131 AND MADE THE OFFER WITH NO IMPUTE FROM JUDGE NO. 131. THE ONLY POSSIBLE DISCUSSION WAS AT THE TIME MR. VON LAWNE ENTERED HIS PLEA. JUDGE NO. 131 IS ABLE TO RECALL THE PLEA BARGAINS AND THE FACTS IN A CASE, BUT NOT ALWAYS THE DEFENDANTS.

THE CAMPAIGN CHAIRMAN HELD THE AUCTION, AN UNKNOWN FEMALE WAS THE ONLY BIDDER, SHE PAID MR. VON LAWN \$200.00 FOR THE PONY AND THE TACK, ACCORDING TO THE CHAIRMAN. JUDGE NO. 131 TOOK NO PART IN ANY OF THE FUND RAISING. JUDGE NO. ONLY PART IN THE PICNIC WAS TO MAKE A PERSONAL APPEARANCE AND GREET THE PEOPLE. THE CHAIRMAN RECALLS RECEIVING \$10.00 TO \$15.00 FOR THE PONY RIDES, NO PART OF THE \$200.00.

COUNT SIXTEEN

JUDGE NO. 131 DENIES WILLFULLY AND KNOWINGLY, IMPROPERLY REACTING TO A PREEMPTORY DISQUALIFICATION.

JUDGE NO. 131 DOES NOT RECALL ALL THE FACTS OR DETAILS OF WHAT OCCURRED, BUT DOES RECALL THAT MR. BUTLER, OF THE PUBLIC DEFENDER'S OFFICE, REPRESENTING MS. RIVES AND MR.. CAPE OF THE DISTRICT ATTORNEY'S OFFICE, WERE IN A HEATED ARGUMENT OVER THE INCARNATION OF MS. RIVES. JUDGE NO. 131 WAS ASSIGNED TO HANDLE THE CONFLICTS CALENDAR AT MADERA JUSTICE COURT. THE CLERK OF THE

COURT FOR JUDGE NO. 131 WAS MS. FRANCES MAGUS, THE COURT REPORTER WAS GARY LOCH. THE DATE WAS, WEDNESDAY 4-4-90. JUDGE NO. 131 NORMAL ASSIGNMENT WAS TO COVER MADERA EVERY WEDNESDAY AND FRIDAY. JUDGE NO. 131 INSTRUCTED THE CLERKS THAT CLERKED IN HIS COURT, NOT TO ACCEPTED A FILE FROM JUDGE DAHMAN'S COURT, WITHOUT GETTING PERMISSION FROM JUDGE NO. 131. THIS PROCEDURE WAS A RESULT OF HAVING JUDGE DAHMAN TRANSFER HIS CASES TO THE ASSIGNMENT JUDGE, WITHOUT CAUSE, SO HE COULD GO HOME EARLY.

ON 4-4-90 JUDGE NO. 131 WAS USING THE SUPERIOR COURT ROOM, DEPARTMENT #2, AT THE END OF THE CALENDAR, ALL HAD LEFT THE COURT ROOM, JUDGE NO. 131'S CLERK MS. MAGUS ADVISED JUDGE NO. 131 THAT MR. BUTLER HAD DISQUALIFIED JUDGE DAHMAN ON A PRELIMINARY HEARING, THAT MR. CAPE AND MR. BUTLER WERE IN A VERY ANGRY DISPUTE OVER MR. BUTLER'S CLIENT BEING IN CUSTODY. JUDGE NO. 131 ADVISED MS. MAGUS THAT SHE SHOULD GET THE FILE AND NOTIFY THE ATTORNEYS THAT THE COURT WOULD TRY TO SETTLE THE MATTER.

MS. MAGUS BROUGHT THE FILE INTO COURT, MR. CAPE, ALONG WITH MR. BUTLER ENTERED THE COURT ROOM, MS. RIVES WAS NOT PRESENT. MR. BUTLER MADE A MOTION TO RELEASE HIS CLIENT ON THE GROUNDS THAT THE ALLEGED CRIME HAD OCCURRED NEARLY A YEAR AGO, APRIL 1, 1989 THE POLICE DEPARTMENT DID NOT FILE A COMPLAINT UNTIL JANUARY 18, 1990. MR. BUTLER ARGUED THAT THIS WAS A VIOLATION OF AN UNREASONABLE DELAY BY THE POLICE WITHOUT JUSTIFICATION. THAT AN OVER-ZEALOUS UNDERCOVER AGENT OF THE POLICE, HAD PERSUADE HIS CLIENT TO OBTAIN COCAINE FOR HIM, WHEN SHE WAS A YOUNG HIGH SCHOOL STUDENT WITH NO PRIOR RECORD. JUDGE NO. 131 NOTICED IN THE FILE THAT THE PRELIMINARY HEARING WAS CONTINUED BY JUDGE DAHMAN AND THE MINUTE ORDER DID NOT REFLECT, THAT MS. RIVES HAD WAIVED TIME. MR. CAPE STATED, " JUDGE WE ARE DISQUALIFYING YOU BECAUSE WE KNEW YOU WOULD RELEASE HER!" MR. CAPE DID NOT SUBMIT A DECLARATION IN SUPPORT OF A MOTION FOR PEREMPTORY DISQUALIFICATION, NOR DID JUDGE NO. 131 SEE ONE IN THE FILE, NOR WAS IT TIMELY MADE. MR. CAPEL DID NOT MAKE AN ORAL DECLARATION UNDER PENALTY OF PERJURY, THAT HE BELIEVES THAT JUDGE NO. 131 WAS PREJUDICE AGAINST MR. CAPE, SO THAT MR. CAPE COULD HAVE A FAIR AND IMPARTIAL HEARING UNDER 170.6 UNTIL THAT WAS DONE THE JUDGE IS NOT IS NOT REQUIRED TO REMOVE HIMSELF.

JUDGE NO. 131 UNDERSTANDING OF 170.6CCP WAS THAT A JUDGE WHO WAS DISQUALIFIED ON A CASE BEFORE THE COURT, SHALL NOT TRY ANY CIVIL OR CRIMINAL ACTION OR SPECIAL PROCEEDING OF ANY KIND OF CHARACTER NOR HEAR ANY MATTER THEREIN WHICH INVOLVES A CONTESTED ISSUE OF LAW OR FACT. IT WAS JUDGE NO. 131 UNDERSTANDING THAT ALLOWED HIM TO CONTINUE THE CASE FOR AN ASSIGNED JUDGE AND TO RELEASE THE DEFENDANT FROM CUSTODY, IF IT WAS REQUIRED BY THE LAW. JUDGE NO. 131 WANTED TO MAKE SURE THAT THE DEFENDANT DID NOT WAIVE HER RIGHT TO A SPEEDY PRELIMINARY.

THE CASE WAS SET OVER FOR THE TRANSCRIPT TO BE CHECK TO SEE IF THE RECORD REFLECTED A WAIVER. JUDGE NO. 131 DOES NOT BELIEVE MR. CAPEL OBJECTED, ON THE GROUNDS THAT THE DEFENDANT WAIVED HER RIGHTS. THE ONLY ISSUE RAISED BY MR. CAPEL'S, WAS HIS OBJECTION THAT THE COURT COULD NOT MAKE ANY ORDERS BECAUSE OF HIS 170.6 MOTION. JUDGE NO. 131 BELIEVED THAT, IN ORDER TO OBEY THE LAW, IT WAS HIS OBLIGATION TO THOROUGHLY CHECK THE RECORD, TO DETERMINE IF MS. RIVES HAD WAIVED TIME ON THE RECORD. JUDGE NO. 131 REQUESTED THAT MS. NUNEZ, JUDGE DAHMAN'S REPORTER, TO PRODUCE THE RECORD OF THE HEARING BEFORE THAT JUDGE ON 4-4-90. JUDGE NO. 131 COULD NOT RETURN UNTIL 4-6-90. THE MATTER WAS CONTINUED TO THAT DATE MS. RIVES WAS NOT IN COURT, THE MINUTE ORDER IS INCORRECT, IT COMBINED BOTH THE COURTS. JUDGE NO. 131 DID NOT REMAND THE DEFENDANT TO CUSTODY ON BAIL SET AT \$10,000, THAT PART WAS JUDGE DAHMAN. JUDGE NO. 131 SET THE RELEASE OF THE DEFENDANT ON HER OWN RECOGNIZANCE, TO FRIDAY APRIL 6, 1990.

ON FRIDAY APRIL 6, 1990 MS. NUNEZ DELIVERED THE TRANSCRIPT TO THE COURT. JUDGE NO. 131 READ THE TRANSCRIPT AND DETERMINE THAT THE DEFENDANT DID NOT WAIVE HER RIGHT TO A SPEEDY PRELIMINARY, WHEN THE PRELIMINARY WAS CONTINUED. MS. RIVAS WAS BEING HELD IN CUSTODY IN VIOLATION OF 859b PC JUDGE NO.131 DOES NOT RECALL THE DEFENDANT BEING IN COURT, THE RECORD INDICATES THAT MR. HOOPER WAS PRESENT WITH THE DEFENDANT. THE PROCEDURES, AT THAT TIME IN MADERA COURT, WAS AND STILL IS, THAT THE ATTORNEY APPEARS AND NOTIFIES THE COURT, THAT THEY ARE READY ON THEIR CASE, THEN THE DEFENDANT IS BROUGHT INTO COURT.

THE RECORD INDICATES THAT THE DEFENDANT WAS PERSONALLY PRESENT IN COURT, BUT THE RECORD ALSO INDICATES THAT THE DEFENDANT WAS REMANDED INTO CUSTODY ON \$10,000, JUDGE NO. 131 NOPRESIDING, AND THE MATTER TAKEN OFF CALENDAR, AND MOTION SET ON APRIL 27, 1990. JUDGE NO. 131 BELIEVE THAT THE DOCKET IS INCORRECT.

JUDGE NO. 131 RECALLS NOTIFYING THE PARTIES THAT THE DEFENDANT MUST BE RELEASED UNDER 859b. JUDGE NO. 131 REMEMBERS THAT HE WAS SHOCKED AT THE ATTITUDE OF THE DEPUTY DISTRICT ATTORNEY AND THE LACK OF UNDERSTANDING, THAT ANY CONVICTION WOULD BE REVERSED. JUDGE NO. 131 HAD NEVER BEFORE SEEN A DEPUTY DISTRICT ATTORNEY, DELIBERATELY ATTEMPT TO VIOLATE A SPEEDY PRELIMINARY HEARING RIGHT OF A DEFENDANT NOR HAS HE SINCE.

JUDGE NO. 131 WAS ACTING ON WHAT HE BELIEVED THE LAW WAS IN 1990, THAT A JUDGE HAS THE DUTY TO DO WHAT EVER IS NECESSARY TO PRESERVE JUSTICE AND ENFORCE THE LAW. JUDGE NO. 131 WAS IN SHOCKED THAT THE DISTRICT ATTORNEY'S OFFICE WOULD DELIBERATELY VIOLATE THE LAW IN ORDER TO SHOW THE COURT AND PUBLIC DEFENDER THAT THEY RUN THE COURT IN MADERA. JUDGE NO. 131 DOES NOT BELIEVE THERE IS A JUDGE IN THIS STATE, ANY LONGER, THAT WOULD LEAVE A PERSON IN CUSTODY IN VIOLATION OF THE RIGHT TO A SPEEDY PRELIMINARY HEARING.

JUDGE NO. 131 DOES NOT BELIEVE HE ACTED IN THE CASE, IN ANY WAY, AFTER HE WAS ADVISED OF THE WRIT AND RELEASE OF THE DEFENDANT, BY THE HONORABLE JUDGE MOFFAT. WHO GRANTED THE WRIT, ONLY ON THE CONDITION THAT THE DEFENDANT WOULD BE RELEASED. JUDGE NO. 131 HAD NO REASON, OR WOULD HE EVER CONSIDER, ATTEMPT TO ACT IN A CASE THAT A WRIT WAS ISSUED. THE WRIT ACCOMPLISHED, THAT WHICH JUDGE NO. 131 FELT HAD TO BE ACCOMPLISHED, THE RELEASE OF MS. RIVAS. THERE WAS NO OTHER REASON TO CALL THE CASE.

JUDGE NO. 131 DOES RECALL THAT HE MAY HAVE EXPRESSED HIS DISBELIEF, THAT THE DISTRICT ATTORNEY'S OFFICE WOULD ACT IN SUCH AN UNLAWFUL MANNER, BUT IT HARD TO BELIEVE THAT JUDGE NO. 131 ADVISED THE DEFENDANT OF ANY LEGAL REMEDIES, SINCE SHE HAD AN ATTORNEY TO DO THAT. THE ONLY EXPLANATION JUDGE NO. 131 WOULD

OFFER, IS THAT HE WAS NOT MADE AWARE OF THE WRIT UNTIL AFTER THE CASE WAS CALLED, BECAUSE HE RECALLS READING THE TRANSCRIPT ON THE BENCH, ADVISING OF THE FINDINGS, BUT NOT MAKING ANY RULINGS BECAUSE OF THE NOTIFICATION OF THE WRIT. AND LATER HEARING THAT THE WRIT WAS ISSUED ON CONDITION THAT THE DEFENDANT BE RELEASED.

COUNT SEVENTEEN

JUDGE NO. 131 DENIES HE ATTEMPTED TO USE HIS JUDICIAL POWERS, JUDGE MISSPOKE HIMSELF. HE MEANT TO SAY INSUBORDINATION, INSTEAD OF CONTEMPT, HE CORRECTED HIMSELF AFTER HE PAST MRS. VON WAGNER, BUT IS NOT SURE SHE HEARD HIM, BY SAYING, " I MEAN INSUBORDINATION." JUDGE NO. 131 RECALLS THINKING TO HIMSELF, " HOW DUMB."

JUDGE NO. 131 HAD RETURNED TO THE COURT HOUSE UNEXPECTEDLY, HE HAD FINISHED AN ASSIGNMENT EARLY AND RETURN TO HIS COURT TO DO SOME WORK. HE OBSERVED MRS. VON WAGNER, DELIBERATELY DEFYING THE NEW RULE OF JUDGE NO. 131 ELIMINATING THE 30 MINUTE MORNING BREAK. THAT MRS. SHOLLENBARGER HAD INSTITUTED WITHOUT JUDGE NO. 131 KNOWLEDGE, OR APPROVAL. IT CREATED A HARDSHIP ON THE OTHER CLERKS. MRS. VON WAGNER HAD CHASTISED MRS. BUCHANAN, BLAMING HER FOR THE CHANGE, CLAMING THAT SHE, " SNITCHED THEM OFF TO THE JUDGE!"

JUDGE NO. 131 CALLED COUNTY COUNSEL AND ASKED FOR ADVISE ON HOW TO PROCEED. JUDGE NO. 131 HAD BEEN IN CLOSE CONTACT WITH THE PERSONNEL DIRECTOR MR. EARL ECKERT, AND JEFFREY KUHN AND HIS STAFF, OVER THE PERSONNEL PROBLEMS AT THE COURT. JUDGE NO. 131 ADVISED THEM OF THIS MOST RESENT CONDUCT OF MRS. VON WAGNER. JUDGE NO. 131 REQUESTED ADVISE ON WHETHER HE SHOULD CALL HER IN AND TALK WITH HER, IF SHE WAS UNRESPONSIVE, OFFER HER AN OPPORTUNITY TO SEEK EMPLOYMENT ELSEWHERE. JUDGE NO. 131 ALSO ASK IF HE SHOULD TAPE RECORD THE MEETING SO SHE CAN NOT CLAIM THAT SHE WAS THREATEN OR TREATED IMPROPERLY. JUDGE NO. 131 WAS ADVISED THAT IT WOULD BE ALL RIGHT TO DO THAT. THE UNION RIGHTS

WAS NOT DISCUSSED NOR DID JUDGE NO. 131 UNDERSTAND THAT SHE HAD A RIGHT TO A UNION REPRESENTATIVE PRESENT. JUDGE NO. 131 WAS ATTEMPTING TO PEACEFULLY SETTLE THE CLERK'S OFFICE PROBLEMS.

MRS. SHOLLENBARGER HAD REFUSED TO ASSIST JUDGE NO. 131 AND JUDGE NO. 131 WAS DEPENDING ON HIS PRIOR POLICE MANAGEMENT TRAINING AND EXPERIENCE AND THE ADVICE OF THE COUNTY COUNSEL AND THE PERSONNEL DIRECTOR. JUDGE NO. 131 HAD IN MIND THE ADVICE OF THE HONORABLE JUDGE PETER COOK OF THE DOWNEY MUNICIPAL COURT. JUDGE COOK HAD A SIMILAR PROBLEM, HE HAD A CLERK THAT WAS CAUSING MANY PROBLEMS IN THE COURT. JUDGE NO. 131 WAS, AT THAT TIME A POLICE DETECTIVE AND A FRIEND OF JUDGE COOK. JUDGE NO. 131 HAD ASKED JUDGE COOK, " IF SHE IS SUCH A PROBLEM WHY DON'T YOU FIRE HER?" JUDGE COOK REPLIED, " A JUDGE CAN NEVER FIRE A CLERK, THE CLERK WOULD CAUSE YOU SO MANY PROBLEMS THAT YOU WOULD NEVER GET RE-ELECTED. JUDGE NO. 131 CONSIDER THAT FOR SOME WEEKS, NOT KNOWING WHAT TO DO, THAT WHEN HE DECIDED TO GET THE COUNTY COUNSEL, THE COUNTY PERSONNEL DIRECTOR AND THE COUNTY ADMINISTRATOR, STELL MANFREDI, INVOLVED. JUDGE NO. 131 HAD PROMISED THE ABOVE THAT HE WOULD NOT ACT WITHOUT THE ADVICE OF COUNTY COUNSEL. HAD COUNTY COUNSEL ADVISED THE JUDGE THAT HE SHOULD NOT TRY TO TALK WITH HIS CLERK WITHOUT A UNION REPRESENTATIVE PRESENT, JUDGE NO. 131 WOULD NOT HAVE ATTEMPTED IT.

MRS. VON WAGNER HAD SEEMED COOPERATIVE AT FIRST, BUT WHEN THE JUDGE EXPLAINED TO MRS. VON WAGNER WHY HE WAS TAPING THE INTER-VIEW, SHE JUMPED UP, AND SAID SHE WOULD NOT TALK TO ME WITHOUT HER UNION REPRESENTATIVE PRESENT. JUDGE NO. 131 CONSIDERED THE INTERVIEW MERELY AN IN-HOUSE SUPERVISORS INTERVIEW FOR CORRECTION OF HER ATTITUDE AND WORK PERFORMANCE, OR THE ALTERNATIVE, TO LOOK FOR A NEW JOB. JUDGE NO. 131 WAS ACTING AS THE SUPERVISOR, SINCE MRS. SHOLLENBARGER HAD ALREADY ADVISED THE JUDGE THAT SHE WOULD NOT BE A PART OF ANY ACTION AGAINST MRS. VON WAGNER. JUDGE NO. 131 ADMITS THAT HIS RESPONSE WAS NOT APPROPRIATE, BUT AT THE TIME, JUDGE FELT THAT IF HE COULD JUST GET MRS. VON WANGNER TO TALK TO HIM HE COULD CONVINCHE HER THAT IT WAS IN HER BEST INTEREST TO ALLOW

TO ALLOW THE JUDGE AND THE COUNTY TO FIND HER A JOB THAT SHE COULD HANDLE. AFTER THE INITIAL SURPRISED, AND THE DISTURBANCE THAT MRS. VON WAGNER HAD CAUSED IN THE CLERK'S OFFICE AND THE GOVERNMENT BUILDING, JUDGE NO. 131 CALLED THE COUNTY COUNSEL AND ASKED IF SHE HAD A RIGHT TO A UNION REPRESENTATIVE PRESENT, JUST TO INTERVIEW HER.

JUDGE NO. 131 ADVISED COUNTY COUNSEL THAT HE HAD ENOUGH OF THIS PROBLEM AND HE WANTED THEIR CONSENT TO GO AHEAD AND GIVE HER NOTICE THAT THE COUNTY WAS GOING TO TERMINATE HER FROM THE CLERK OFFICE. COUNTY COUNSEL ADVISED THAT THE JUDGE HAD SUFFICIENT GROUNDS TO GO AHEAD AND START TERMINATION PROCEEDING.

JUDGE NO. WENT OUT TO THE CLERKS OFFICE AND ASKED MRS. VON WAGNER IF SHE HAD MADE ARRAIGNMENT FOR HER UNION REPRESENTATIVE TO BE PRESENT? MRS. VON WAGNER STATED THAT SHE HAD AND THEY WOULD BE AT THE COURT ON MONDAY AT 3:00 PM.

ON MONDAY AT 3:00 PM MR. GENE ZIMMERMAN, THE UNION REPRESENTATIVE WAS PRESENT, JUDGE NO. 131 ADVISED MRS. VON WANGNER OF WHY THE COUNTY WAS GOING TO TERMINATE HER, AND AGAIN OFFER TO HELP HER FIND ANOTHER JOB, AND SHE ADVISED THAT SHE WAS GOING TO FIGHT THE JUDGE. AFTER THAT MEETING IT WAS REPORTED TO THE JUDGE THAT MRS. SHOLLENBARGER AND MRS. VON WAGNER WERE SPENDING NIGHTS AND WEEKENDS GOING THROUGH THE FILE, LOOKING FOR ANY REASONS TO REPORT THE JUDGE TO THE COMMISSION ON JUDICIAL PERFORMANCE, AS A DEFENSE TO HELP MRS. VON WAGNER KEEP HER JOB. IT WAS ALSO REPORTED TO THE JUDGE THAT MR. ZIMMERMAN HAD HELD MEETING AT MRS SHOLLENBARGER'S HOME FOR THE PURPOSE OF DEVISING A PLAN TO ATTACK JUDGE NO. 131.

JUDGE NO. 131 WAS UNDER TREMENDOUS TRESS AT THE TIME, PROBLEMS WITH THE CLERKS OFFICE, PROBLEMS AT THE CHURCH, PROBLEMS AT HOME. JUDGE NO. 131 BELIEVES THAT, HE HAD NOT BEEN UNDER TRESS, AND HE HAD THE HELP OF A COMPETENT HEAD CLERK, NONE OF THIS WOULD HAVE HAPPEN. MRS. VON WAGNER WOULD NOT HAVE BEEN HIRED. OR AT LEASED SHE WOULD NOT HAVE PASSED HER PROBATION PERIOD.

SINCE MRS. VON WAGNER HAS BEEN GONE, THEIR HAS BEEN NO PROBLEMS WITH RELIGIOUS TALK IN THE COURT HOUSE, NO FIGHTING BETWEEN THE CLERKS, EXCEPT WHEN MS. SAUNDERS DECIDED TO TAKE IT OUT ON THE CLERKS BECAUSE SHE WAS NOT ELIGIBLE TO FILE FOR THE HEAD CLERKS JOB, THEN SUBSEQUENTLY WALKED OFF THE JOB AND NEVER RETURNED. CLAIMING SHE WAS HARASSED.

COUNT EIGHTEEN

JUDGE NO. 131 DENIES THAT HE BECAME PERSONALLY EMBROILED IN THE AFFAIRS OF A CRIMINAL DEFENDANT. DENIES THAT HE INTERFERED WITH THE EFFECT OF RESTRAINING ORDERS. CLAIMS ANY APPEARANCE OF ANY EX PARTE COMMUNICATION WAS BEYOND HIS CONTROL AT THE TIME.

JUDGE NO. 131 FIRST BECAME AWARE OF MR. BUTCHER IN A SMALL CLAIMS MATTER, WHICH WAS ALSO A CRIMINAL MATTER. IE: FRAUD OF MONEY IN A REPAIR OF A VEHICLE. JUDGE NO. 131 HAD A VERY DIFFICULT TIME WITH MR. BUTCHER. MR. BUTCHER WAS OBNOXIOUS, ARGUMENTATIVE, AND DECEITFUL. JUDGE NO. 131 HAD PONDERED HIS ABILITY TO BE FAIR AND IMPARTIAL IN MR. BUTCHER'S CASE. JUDGE NO. 131 WAS ABLE TO REACH A SETTLEMENT BETWEEN THE PARTIES, WHICH RELIEVED THE JUDGE FROM RENDERING A JUDGMENT AGAINST MR. BUTCHER. MR. PURSELL MADE THE DECISION IN THE CRIMINAL MATTER.

TO JUDGE NO. 131 AND HIS FAMILY DISMAY, MR. BUTCHER STARTED ATTENDING THE LITTLE CHURCH IN THE PINES. WITH HIS ALLEGED WIFE AND HIS TWO CHILDREN. JUDGE NO. 131 LATER DISCOVERED FROM MR. BUTCHER, THAT HE AND HIS CHILDREN, AND HIS ALLEGED WIFE WERE RECEIVING COUNSELING FROM DR. BJORKLUND. MR. BUTCHER CAME TO A SATURDAY MEN'S FELLOWSHIP MEETING AND WANTED TO ARGUE ABOUT DR. BJORKLUND'S COUNSELING METHODS. MR. BUTCHER DISRUPTED THE MEETING, TRIED TO DOMINATE THE DISCUSSION BY FOCUSING ON HIS OWN SITUATION AND HIS JUSTIFICATION FOR RAISING HIS CHILDREN HIS WAY.

NONE OF THE MEN AT THE MEETING APPRECIATED MR. BUTCHER PRESENCE. JUDGE NO. 131 WAS NOT AWARE AT THE TIME THAT DR. BJORKLUND WAS PURSUING CHILD ABUSE OR MOLEST EVIDENCE FROM

MR. BUTCHER'S DAUGHTER. AND HAD ARRAIGNMENT TO GET CUSTODY FOR THE MOTHER. THE NEXT WEEK MARY BUTCHER, THE ALLEGED WIFE OF MR. BUTCHER HAD TRIED TO ESCAPE WITH THE CHILDREN. MR. BUTCHER HAD CHASED HER AND FORCE HER TO PULL OVER SO HE COULD RESCUE HIS CHILDREN. APPARENTLY MARY BUTCHER WAS ACTING ON CHRIS BOOKS, OR DR. BJORKKLIND, ADVISE TO GET THE CHILDREN FROM MR. BUTCHER, S THEY COULD DELIVER THEM TO THE MOTHER, VICKY BUTCHER. JUDGE NO.131 KNEW AT THE TIME THAT HE HAD TO DISQUALIFY HIMSELF, SO WAS NOT CONCERNED WITH EX PARTE COMMUNICATIONS. JUDGE NO. 131 WAS MOSTLY CONCERNED WITH THE VIOLENT NATURE OF MR. BUTCHER AND THE SAFETY OF ALL CONCERNED. MR. BUTCHER, IN HIS DESPERATION, STARTED CALLING JUDGE NO. 131 AT HOME, ASKING FOR HELP, AND TRYING TO JUSTIFY HIMSELF. JUDGE NO. 131 WAS ABLE TO CALM HIM DOWN AND GET HIM TO COOPERATE WITH THE SYSTEM OF CHILD CUSTODY LAWS.

THE NEXT SUNDAY MR. BUTCHER CAME INTO THE MORNING SUNDAY SCHOOL CLASS TAUGHT BY DR. JOHN SUMMERVILLE. IT WAS THE FIRST TIME MR. BUTCHER HAD ATTENDED THE CLASS, HE SAT NEXT TO JUDGE NO. 131. DURING THE CLASS DR. BJORKKLUND OPEN THE CLASS ROOM DOOR AND MOTIONED FOR MR. BUTCHER TO COME OUTSIDE. MR. BUTCHER LEFT THE CLASS ROOM. A SHORT TIME LATER MR. BUTCHER RE-ENTERED THE CLASS ROOM AND SAT NEXT TO JUDGE NO. 131. A SHORT TIME AFTER THAT, DR. BJORKKLUND OPEN THE DOOR OF THE CLASS ROOM AND STARTED ORDERING MR. BUTCHER TO LEAVE THE CHURCH.

AT THAT TIME, JUDGE NO. 131 HAD NO KNOWLEDGE OF A RESTRAINING ORDER, OR THAT VICKY BUTCHER AND THE CHILDREN WERE AT THE CHURCH, THEY HAD NOT BEEN AT THE CHURCH, ON SUNDAY, BEFORE THAT TIME NOR HAVE THEY BEEN BACK SINCE. DR. BJORKKLUND WAS DISRUPTING THE CLASS AND MAKING , WHAT JUDGE NO. 131 THOUGHT AT THE TIME, A FOOL OF HIMSELF OVER HIS DISLIKE FOR MR. BUTCHER, AN ISSUE THAT SHOULD NEVER BE PRESENT IN A CHURCH. AS CHAIRMAN OF THE ELDER BOARD, AND THE RESPONSIBILITY TO KEEP HARMONY IN THE CLASS ROOM AND IN THE CHURCH, ADVISED DR. BJORKKLUND TO STOP DISTURBING THE CLASS. DR. BJORKKLUND PULLED HIS HEAD OUT FROM THE PARTIALLY OPEN DOOR AND SHUT THE DOOR. THE CLASS PROCEEDED WITHOUT FURTHER INTERRUPTIONS.

AFTER THE CLASS JUDGE NO. 131 INQUIRED AS TO WHY DR. BJORKLUND WAS ATTEMPTING TO KEEP SOMEONE OUT OF THE CHURCH WITHOUT GOING TO THE BOARD. NO ONE SEEMED TO KNOW WHAT WAS GOING ON. THE CHAIRMAN OF BOARD OF TRUSTEES ARRAIGNED A MEETING OF ALL BOARD MEMBERS, TRUSTEES AND ELDERS. THE MEETING WAS TO BE HELDDIRECTLY AFTER THE CHURCH SERVICE.

AT THE MEETING THERE WERE APPROXIMATELY TEN TO TWELVE PEOPLE IN ATTENDANCE. DR. BJORKLUND ADVISED US THAT HE WAS AWARE OF A TEMPORARY RESTRAINING ORDER, ISSUED BY JUDGE MARTIN OF THE SUPERIOR COURT, RESTRAINING MR. BUTCHER FROM COMING WITHIN 100 FEET OF VICKY BUTCHER AND THE CHILDREN. JUDGE NO. 131 ADVISED THE PEOPLE AT THE MEETING THAT THE CHURCH SHOULD NOT BE IN THE BUSINESS OF ENFORCING RESTRAINING ORDERS, THAT WE SHOULD CALL THE SHERIFF'S OFFICE TO ENFORCE IT. THE NEXT ISSUE WAS DISCUSSED, WAS MR. BUTCHER ORDERED TO STAY AWAY FORM THE LITTLE CHURCH IN THE PINES, IF NOT THEN IF HE GETS TO CHURCH FIRST, WHAT SHOULD WE DO? DR. BJORKLUND STATED THAT HE AND MRS. BOOK WERE MINISTERING TO VICKY BUTCHER AND THE CHILDREN AND HAD FINELY CONVINCED HER TO COME TO CHURCH FOR THE FIRST TIME, BUT SHE HAD TO LEAVE BECAUSE SHE WAS IN FEAR THAT MR. BUTCHER WAS THERE TO TRY AND TAKE THE CHILDREN. DR. BJORKLUND THEN GAVE SOME PROFESSIONAL OPINIONS ABOUT MR. BUTCHER. IT WAS DECIDED AT THE MEETING THAT DR. BJORKLUND WOULD ATTEMPT TO GET JUDGE MARTIN TO AMEND THE ORDER TO INCLUDE THE CHURCH.

JUDGE NO. 131 ADVISED MR. BUTCHER THAT HE HAD TO STAY AWAY FROM THE CHURCH, WHICH HE DID. THE DISTRICT ATTORNEY FILED A FELONY COMPLAINT, CHARGING MR. BUTCHER WITH FELONY ASSAULT WITH A DEADLY WEAPON WITH A VEHICLE. MARY BUTCHER WAS THE VICTIM. JUDGE NO. 131 ADVISED THE PARTIES THAT THE JUDGE HAD KNOWLEDGE OF THE CHARGE AND WOULD NOT HEAR THE PRELIMINARY. THE HEARING WAS SET FOR THE HONORABLE JUDGE DENNIS SCOTT OF THE FIREBAUGH JUSTICE COURT. MR. WAYNE GREEN FROM MS. THOMPSON'S OFFICE WAS APPOINTED TO REPRESENT MR. BUTCHER.

ON THE DAY OF THE PRELIMINARY HEARING, MR. BUTCHER WAS NOT PRESENT, JUDGE SCOTT WAS PRESENT AND LEFT, AFTER WAITING FOR AN

A LITTLE WHILE TO SEE IF MR. BUTCHER WOULD APPEAR LATE. LATER THAT DAY MR. BUTCHER APPEARED. THE CASE WAS SET FOR ANOTHER SETTING DATE, MR. PURSELL DID NOT HAVE THE VICTIM RESPOND TO HIS SUBPOENA.

THE CASE WAS LATER SETTLE FOR A MISDEMEANOR, BOTH PARTIES STIPULATED, FOR THE CONVENIENCE OF MR. GREEN, JUDGE NO. 131 WOULD TAKE THE PLEA AND SEND IT TO ANOTHER JUDGE FOR SENTENCING. JUDGE NO. 131 DOES NOT BELIEVE HE EVER MET WITH MR. BUTCHER AT THE COURT WITHOUT ATTORNEYS PRESENT. EXCEPT POSSIBLY WHEN MR. BUTCHER CAME TO COURT ON OFF CALENDAR DAYS. HE HAD THE HABIT OF ASKING FOR JUDGE NO. 131, INSTEAD OF ASKING THE CLERKS FOR THE INFORMATION. JUDGE NO. 131 DOES NOT RECALL THEM, BECAUSE IF THERE WERE ANY, THEY WERE VERY BRIEF, AND ADVISING HIM TO DO WHATEVER, THE SITUATION CALLED FOR: IG; CALL YOUR ATTORNEY, COURT DATE, ECT. JUDGE NO. 131 WANTED TO DISTANCE HIMSELF FROM ANY CONTACT WITH MR. BUTCHER IN REGARDS TO ANY PENDING CASES. JUDGE NO. 131 ALWAYS MAINTAIN A JUDGE RELATIONSHIP WITH MR. BUTCHER, NEVER SOCIAL NOR CASUAL. DID NOT FEEL, AT THE TIME, THAT THERE WOULD BE A PROBLEM, AS LONG AS HE DID NOT MAKE ANY RULINGS IN MR. BUTCHER'S CASES.

JUDGE NO. 131 ADMITS, IN RETROSPECT THAT HE WAS VERY IGNORANT ASTO THE APPEARANCE, ESPECIALLY TO THOSE WHO ARE LOOKING FOR REASONS TO REPORT YOU. JUDGE NO. 131 DID NOT, IN ANYWAY, EFFECT THE OUTCOME OF MR. BUTCHER'S CASES. THE RECORD IS CLEAR, MR. BUTCHER RECEIVED EXACTLY WHAT THE DISTRICT ATTORNEY DETERMINED TO BE IN THE INTEREST OF JUSTICE, BASED ON THE EVIDENCE, AND ACCORDING TO THE SENTENCING JUDGE'S ORDER. JUDGE NO. 131 REFUSED TO HAVE MR. BUTCHER APPEAR BEFORE HIM ON ANY FURTHER CASES OR ANY VIOLATION OF PROBATION.

JUDGE NO. 131 HAS LEARNED HIS LESSON, NOT BEING INVOLVED, IN ANY, WITH A LOCAL CHURCH, OR TALKING WITH ANYONE WHO IS CHARGED WITH A CRIMINAL CHARGE, EVEN IF JUDGE NO. 131 IS DISQUALIFIED. OUT SIDE THE SMALL GROUP, THAT HAVE MADE ALL THE COMPLAINTS, NO ONE BELIEVED THAT JUDGE NO. 131 WAS ACTING IMPROPERLY.

COUNT NINETEEN

JUDGE NO. 131 DENIES MAKING ANY COMMENTS TO MS. KAMMAN REGARDING HER FATHER CAMPAIGNING FOR HIS OPPONENT. AND DENIES REFERRING IN DEROGATORY TERMS ABOUT HER FATHER OR MR. WATKINS.

JUDGE NO. 131 ADMITS TO ADVISING MS. KAMMAN OF THE FACT THAT HE WAS CONFRONTED BY ANOTHER REPORTER, MS. SUSY MARTIN, THAT JUDGE NO. 131 MUST ACCEPT HIS COURT REPORTER, AS BEING CREDITABLE. BASED ON THE FACT THAT SHE IS A COURT REPORTER, SELF CERTIFYING. IT WAS INTERESTING TO JUDGE NO. 131, THAT HIS SO CALL CONFIDENTIAL, CONVERSATION, BECAME A TOPIC OF DISCUSSION AT THE OPPONENTS CAMPAIGN MEETING. IT CONFIRMED THAT MS. KAMMAN HAD LIED TO JUDGE NO. 131 THAT SHE WAS SUPPORTING HIM, BECAUSE HE WAS DOING A GOOD JOB.

THIS TOOK PLACE AFTER JUDGE NO. 131 HAD A CONVERSATION WITH HIS COURT REPORTER, MS. KAMMAN, OVER HER NOT BEING PERSUADED BY HER FATHER OR THE OPPONENTS CAMPAIGN COMMITTEE, TO ANYTHING THAT COULD DAMAGE HER CAREER AS A COURT REPORTER.

JUDGE NO. 131 HAD RELUCTANTLY ALLOWED HIS CAMPAIGN COMMITTEE TO USE A STATEMENT MADE BY HIS OPPONENT, THAT CONFLICTED WITH WHAT HE WAS CLAIMING. JUDGE NO. 131 WAS HOPING THAT IT WOULD BE ON THE RECORD, SO HE WOULD HAVE PROOF OF THE STATEMENT. THE CLERK THAT WAS IN COURT THAT DAY THE STATEMENT WAS MADE, VERIFIED THAT SHE HEARD THE STATEMENT. THE SAME CLERK THAT WAS RESPONSIBLE FOR FINDING ELEVEN ATTORNEYS TO REPRESENT ELEVEN DEFENDANTS.

JUDGE NO. 131 HAD HEARD THAT HIS COURT REPORTER, MS. KAMMAN, WAS AFFIRMING TO PEOPLE, WHAT HER FATHER WAS SAYING ABOUT JUDGE NO. 131, WHICH WAS VERY NEGATIVE. JUDGE NO. 131 HAD GOOD REASONS TO BE CONCERNED ABOUT MS. KAMMAN'S CAREER AS A COURT REPORTER. JUDGE NO. 131 OPPONENT WAS GOING ALL OUT TO DISCREDIT JUDGE NO. 131 GOOD PERFORMANCE AT THE COURT, AND HIS PERSONAL LIFE AND FAMILY. JUDGE NO. 131 WAS VERY FORTUNATE TO FIND MS. KAMMAN, WHO WAS WILLING TO WORK WHENEVER SHE WAS NEEDED. PRIOR TO MS. KAMMAN, THE COURT HAD TO RELY ON A MADERA REPORTER FIRM TO SUPPLY COURT REPORTERS, AND SOME DAYS, PRELIMINARY HEARING HAD TO BE CONTINUED, BECAUSE THEY DID NOT WANT TO RISK PAYING A

AND GENERALLY NOT PAYING ATTENTION TO HER JOB. JUDGE NO. 131 HAD TOLD MRS. SHOLLENBARGER THAT THEY NEED TO FIND A LEGAL SECRETARY TO TAKE OVER THE CIVIL DESK, NOT BEING AWARE THAT MRS. SHOLLENBARGER WAS TELLING MRS. MICHAELS EVERYTHING THE JUDGE AND MRS. SHOLLENBARGER DISCUSSED ON MAKING THE COURT MORE EFFICIENT, AND COMPLYING WITH THE LAW.

JUDGE NO. 131 HAD ASKED MS. KAMMAN TO PREPARE A TRANSCRIPT OF THE HEARING IN WHICH THE OPPONENT MADE THE STATEMENT THAT WAS CONTRARY TO WHAT HE CLAIMED IN HIS CAMPAIGN. THAT SAME DAY JUDGE NO. 131 FELT THAT HE SHOULD NOT HAVE A TRANSCRIPT MADE AND ASKED MS. KAMMAN IF HE COULD JUST CALL HER AND HAVE HER READ IT TO HIM, MS KAMMAN SAID THAT WOULD NOT BE A PROBLEM, SHE WOULD BE GLAD TO DO IT. JUDGE NO. 131 CALLED MS KAMMAN AT HOME, MS. KAMMAN IS A SINGLE PERSON THAT LIVES WITH HER FATHER. HER FATHER DOMINATES HER LIFE. MS KAMMAN IS NOT ALLOWED TO GO ANYPLACE WITHOUT GETTING HER FATHER'S PERMISSION. THERE HAS BEEN TIMES SHE HAS ASKED THE CLERKS TO TELL HER FATHER, THAT IF HE CALLS, TELL HIM THAT SHE IS GOING TO BE ON HER WAY HOME IN A FEW MINUTES. THIS WAS, SO SHE COULD GO SOMEPLACE WITH A FRIEND.

JUDGE NO. 131 WAS AFRAID THAT HE MAY BE PUTTING MS. KAMMAN IN A DIFFICULT SPOT, THE INFORMATION COULD BE VERY DAMAGING TO THE OPPONENT'S CAMPAIGN. MR. KAMMAN WAS VERY ACTIVELY CAMPAIGNING FOR THE OPPONENT, MOST PROBABLY BECAUSE HE BELIEVED THAT JUDGE NO. 131 WAS PUNISHING HIS DAUGHTER FOR HER CONTINUED FRIENDSHIP WITH MRS. SHOLLENBARGER, WHICH IS NOT TRUE. TO THIS DAY JUDGE NO. 131 DOES NOT FEEL ANY HOSTILITY TOWARDS MRS. SHOLLENBARGER. JUDGE NO. 131 ALWAYS GREETES MRS. SHOLLENBARGER WHEN THEY MEET AT THE MARKET, OR THE EYE DOCTOR OFFICE. MANY OF MRS. SHOLLENBARGER'S FAMILY ARE FRIENDLY WITH JUDGE NO.131, AS HE IS WITH THEM.

JUDGE NO. 131 IN TALKING WITH MS. KAMMAN ON THE TELEPHONE AT HER HOME, ASKED IF HER FATHER WAS PRESENT, AND ASKED HER IF SHE FELT ANY PRESSURE IN GIVING JUDGE NO. 131 THE TRUE RECORD. JUDGE NO. ADVISED MS. KAMMAN, NOT LET ANYONE PRESSURE HER IN DELETING

REPORTER TO GO TO BASS LAKE, IF THEY FELT THEY COULD GET BY WITHOUT.

JUDGE NO. 131 CAUSED AN ADVERTISEMENT TO BE PLACED IN THE SIERRA STAR LOCAL NEWSPAPER, ADVERTISING FOR A COURT REPORTER, MS. KAMMAN ANSWERED THE ADVERTISEMENT AND HAS BEEN THE COURT PERMANENT COURT REPORTER. MS. KAMMAN HAS BEEN VERY EFFICIENT AND ALWAYS AVAILABLE, OR GETS A REPLACEMENT WHEN SHE IS UNABLE TO REPORT FOR THE COURT. JUDGE NO. 131 AND MS KAMMAN HAD A VERY GOOD WORKING RELATIONSHIP. MS. KAMMAN WAS VERY FRIENDLY WITH MRS. SHOLLENBARGER, SOCIALLY THEY WERE IN A CLUB TOGETHER. WHEN JUDGE NO. 131 FOUND IT NECESSARY TO ASKED MRS. SHOLLENBARGER TO RETIRE, JUDGE NO. 131 ADVISED MS. KAMMAN, THAT IT WAS A VERY DIFFICULT DISCUSSION ON THE PART OF JUDGE NO. 131, BUT MRS. SHOLLENBARGER WAS OF SUCH ILL HEALTH THAT SHE COULD NOT DO HER JOB. MS. KAMMAN SEEMED TO UNDERSTAND AND THANKED JUDGE NO. 131 FOR EXPLAINING IT TO HER.

WHEN JUDGE NO. 131 CHANGED THE CALENDAR, WAS ABLE TO GET THE DISTRICT ATTORNEY TO MAKE AVAILABLE A DEPUTY TWO DAYS A WEEK. THIS ALLOWED THE COURT TO CALENDAR ARRAIGNMENTS AND ALL MISDEMEANOR MATTERS ON MONDAYS. COURT REPORTER ARE SELDOM NEEDED ON MISDEMEANORS, JUDGE NO. 131 LEFT IT UP TO THE COUNTY TO PROVIDE A ELECTRONIC RECORDER, OR BUDGET FOR THE EXPENSE OF A COURT REPORTER, ON BOTH DAYS. THE COUNTY OPTED TO PROVIDE THE COURT WITH AN ELECTRONIC RECORDER AND SAVE MONEY ON NOT HAVING A COURT REPORTER. JUDGE NO. 131 EXPLAINED TO MS. KAMMAN, THAT HE WAS SORRY THAT IT TURNED OUT THAT WAY, BUT IT WILL SAVE THE COUNTY MONEY. MS. KAMMAN SAID THAT SHE UNDERSTOOD AND IT WAS NO PROBLEM. LATER JUDGE NO. 131 HEARD THAT MS. KAMMAN VERY BITTER OVER LIMITING HER DAYS TO WORK. MS. KAMMAN FELT IT WAS RETALIATION FOR BEING A FRIEND OF MRS. SHOLLENBARGER, WHICH IS PROBABLY WHAT SHE WAS TOLD BY MRS. SHOLLENBARGER. MRS SHOLLENBARGER HAS TOLD PEOPLE THAT JUDGE NO. 131 FORCED HER OUT BECAUSE SHE WAS MEETING WITH DEBBIE MICHAEL FOR LUNCH EACH WEEK AND JUDGE NO. 131 HAPPENED TO GO INTO THE FORKS RESTAURANT AND SEE THEM TOGETHER. DEBBIE MICHAEL IS AN CLERK WHO LEFT AT THE TIME JUDGE NO. 131 HAD DISCOVERED THAT MRS. MICHEALS WAS NOT POSTING HER DOCKETS FOR CIVIL CASES,

ANYTHING THAT SHE HAS ON RECORD. THAT WOULD JEOPARDIZE HER CERTIFICATION. MS. KAMMAN WAS VERY RECEPTIVE TO THE ADVICE AND, AND SAID, " DON'T WORRY, NOTHING CAN MAKE ME DO THAT!" MS. KAMMAN THEN READ THE RECORD TO JUDGE NO. 131, WHICH DID NOT HAVE THE STATEMENT THAT JUDGE NO. 131. WAS LOOKING FOR. BY THAT TIME JUDGE NO. 131 HAD DECIDED NOT TO PURSUE IT ANY FURTHER. IT WAS NOT WORTH PUTTING MS. KAMMAN IN THE MIDDLE OF A CAMPAIGN. IT WAS NOT HER FAULT SHE WAS CAUGHT IN A VERY DIFFICULT SITUATION. JUDGE NO. 131 DID NOT WANT TO LOOSE HER AS A COURT REPORTER. WAS REMORSEFUL OVER USING THE STATEMENT. WAS DEEPLY HURT, AND EMOTIONALLY UP SET OVER THE CAMPAIGN METHOD USED BY HIS OPPONENT.

MS. KAMMAN DID SAY THAT SHE DID NOT WANT TO DISCUSS THE CAMPAIGN, JUDGE RECOGNIZED MS. KAMMAN WAS VERY UNFRIENDLY AND SHORT WITH JUDGE NO. 131. JUDGE NO. 131 APOLOGIZED TO MS. KAMMAN FOR BRING UP MS. MARTIN'S DEFENSE OF HER. MS. KAMMAN APPEARED TO OVERCOME HER UNFRIENDLINESS. JUDGE NO. 131 FELT THAT SHE WAS UPSET BECAUSE JUDGE NO. 131 OPPONENT HAD THROWN A TRANSCRIPT AT JUDGE NO. 131 THE NIGHT BEFORE, AT A CANDIDATES NIGHT AT THE HIGH SCHOOL, DEMANDING THAT JUDGE NO. 131 SHOW THE AUDIENCE WHERE THE STATEMENT WAS IN THE TRANSCRIPT, AND DEMANDING A RETRACTION.

A TACTIC JUDGE NO. 131 DID NOT ANTICIPATE, HAD HE , HE WOULD NOT HAVE EVER APPROACHED MS. KAMMAN. MS. KAMMAN AND JUDGE NO. 131 HAVE MAINTAINED A GOOD WORKING RELATIONSHIP, MS KAMMAN IS JUDGE NO. 131 SUPERIOR COURT REPORTER, WHICH GIVES HER MORE WORK.

JUDGE NO. 131 MAINTAINS THAT HE DID NOT WILLFULLY ACT IN KNOWINGLY MISCONDUCT AND ASSERTS THAT ALL THESE COMPLAINS WERE GENERATE BY THE SMALL GROUP WHO BELIEVE THEY HAVE REASONS TO DO WHAT EVER IS NECESSARY TO GET REVENGE ON JUDGE NO. 131, AS EVIDENCE BY THE FACT THAT THEY ARE THE ONLY COMPLAINANTS. AND THE ONLY PERSONS THAT HAVE A MOTIVE TO TWIST THE FACTS AND EXCADERATE JUDGE NO. 131 CONDUCT. JUDGE NO. 131 ACKNOWLEDGES THAT HE MADE MANY MISTAKES BECAUSE OF HIS LACK OF EXPERIENCE AND TRAINING, AND SOME WRONG TRAINING HE RECEIVED BY HIS OBSERVATION OF SOME OF THE JUDGES IN FRESNO, COPYING THEIR STYLE

JUDGE NO. 131 IS CONFIDENT THAT HE HAS ACQUIRED THE TRAINING, EXPERIENCE, AND THE KNOWLEDGE TO AVOID ANY FUTURE MISTAKES. JUDGE NO. 131 MATURITY AS A JUDGE HAS SOMEWHAT BEEN DELAYED BECAUSE OF TAKING ASSIGNMENTS THREE DAYS A WEEK, BEING AWAY FROM HIS COURT MUCH OF THAT TIME. THE REBELLION OF THE EMPLOYEES HAS CAUSED MUCH THE PROBLEM, AND THE HIRING FREEZE, CAUSING JUDGE NO. 131 TO SPEND MANY HOURS HELPING THE CLERKS, WITHOUT A HEAD CLERK FOR ALL THAT TIME. JUDGE NO. 131 DOES NOT CONSIDER MRS. SHOLLENBARGER, AS EVER BEING, A RESPONSIBLE HEAD CLERK, THEN THE STRESS OF THE FALSE LAW SUITE, THE MANY HOURS WORKING ON THAT, WORKING, ANSWERING ALLEGATIONS ON AND OFF THE PAST THREE YEARS, THEN THERE WAS A DIRTY CAMPAIGN FOR RE-ELECTION, IT IS NO WONDER DR. LEE COPELAND HAS DIAGNOSED DEEP DEPRESSION THAT JUDGE NO. 131 IS SUFFERING UNDER.

THE BRIGHT SIDE IS THAT THE COURT, NOW HAS FIVE, GOOD, HARD WORKING, AND DETECTED CLERKS. A DEPUTY D.A. THAT IS EXCELLENT, AND THE PUBLIC DEFENDER THAT IS VERY GOOD AT SETTLING CASE WITHOUT LOSING HIS TEMPER AND A VERY NICE PERSON TO WORK WITH. ALL THE PEOPLE WHO CAUSED THE PROBLEMS ARE GONE. THE ONLY PROBLEMS THAT ARE LEFT IS TRYING TO RUN AN EFFICIENT COURT ON WHAT MADERA COUNTY CAN AFFORD. THE COURT NOW HAS FOUR DIVISIONS, WITH A COURT EXECUTIVE, WHO DOES THE BUDGET, THE STATS, AND DEALS WITH HE BOARD OF SUPERVISORS. SOMETHING LARGE COURTS HAVE HAD FOR A LONG TIME.

JUDGE NO. 131 HAS BEEN DILIGENT IN HIS TRAINING SCHOOLS, HE HAS ATTENDED ALL THAT HE HAS BEEN ABLE TO THE PAST SEVEN YEARS. JUDGE NO. 131 CERTIFIES THAT THE FORGOING IS TRUE AN ACCRETE TO THE BEST OF HIS RECOLLECTION, UNDER THE LAWS OF THE STATE OF CALIFORNIA.


THOMAS B. FLETCHER, JUDGE