COPY

DAVID M. KENNICK
JUDGE
LOS ANGELES COUNTY
LOS ANGELES, CALIFORNIA 90012
(PERSONAL)

March 27, 1987

Dear Commission on Judicial Performance:

The following answer to your 'amended notice of formal proceedings' that was delivered to me on March 17, 1987, will be numbered to correspond with the numbers and letters included in your written 'notice'.

1. First, I will say, that at no time in my professional career as a lawyer or as a judge, have I ever asked for preferential treatment from any law enforcement officer or agency. At no time did I ask to speak to, or make any attempt to speak to any Captain of the Highway patrol. At no time during my encounter with the California Highway patrol on and/or after August 22, 1985, did I voluntarily identify myself, either as to profession, title or office. It was only later on, when asked by officer Rojas if I was a judge, did I say "yes".

Later, Sgt. Bladow of the Highway patrol drove me home and asked me to call him as he would like to talk further about what had taken place earlier. He wrote his title, name and address on a card, a copy of which I have enclosed. The phone number on the copy is in my hand. He told me that I could reach him at the office on the card.

I gave no thought to calling him until sometime later, when I gave more thought to his offer and, thinking that

he realized that a mistake had been made in my case, decided to call.

Late in the afternoon on August 22, 1985, I called Sgt. Bladow at his office and was told that he would not be in until about 9 p.m. I left my name and number.

At about 6:15 p.m. on August 22, 1985, Sgt. Bladow called me. He said that he had come in early, as two officer had been injured in an altercation with someone using PCP and so came to the office early. He said that he was glad that I called and would like to talk further about the earlier events. I told him that I would drive to his office and could be there in about an hour. He gave me directions. I left immediately and arrived at his office in Santa Fe Springs at about 7:30 p.m. on August 22, 1985.

Upon arriving, he greeted me and asked me if I would like to go to a coffee shop. I said that that wasn't necessary and that I would rather talk at the station.

As we sat down in his office or an office, I saw a newspaper on the desk with an article about two Highway patrol officers who had just been indicted for accepting bribes in drunk driving cases. We spoke about that for a few minutes as I had been unaware of the indictment until I saw the article in his paper.

I then asked him if he wanted this on or off the record and he said nothing. I then said that it really didn't make any difference. I asked him where

the case was. He said that it was with the court officer who handles the cases between the office or the station, and the court. I kept waiting for him to say something but he wasn't saying much of anything.

I then asked him which office the case would be taken to, if it wasn't there already. He said he thought maybe the Rio Hondo court, but wasn't sure. I asked him if he could find out for me. He left the office for three or four minutes, returned with a map and after looking at the map for a short time, told me he now thought it would go to the Los Cerritos court. I asked him if I could have a copy of any reports concerning the incident. He left the office, returning in three or four minutes and told me that he couldn't find any papers, as the secretary or female in charge of paperwork had left for the day and he didn't know where the paper-work might be. By this time, I was wondering what I was doing here in the first place.

I told him that the officer that I had encountered was doing her job at the road-block scene, but in all the excitement and confusion, I felt that a mistake had been made.

I then asked him if there was any procedure in the office whereby a hearing was held to discuss the facts of a case, because in my opinion, there was no case. He told me that he didn't think there was or did he know of such a procedure, but that Captain Whiteside would know and I could probably reach him the following day if I was interested. I told him that I wasn't and

asked if I could use his phone. He said 'yes' and I then called a lawyer friend, Ted Veganes, and said that I would stop by his office in an hour or so.

I then thanked Sgt. Bladow and as he walked me to the door, he said that this all could have been avoided if I had shown my badge to the officer at the scene. I told him that I don't operate that way and that's why I didn't that night and never have. He said that what you do is to place your license in the plastic window in your badge case and when you are asked for your license, the officer can't help but see your badge. I left.

2. Shortly after one(1) in the morning on Wednesday, August 21st, 1985, while stopped at the scene of a police pursuit accident on a freeway transition road, I was approached by a Highway patrol officer named Rojas. She began tapping on the left window, which was rolled up. I rolled the window down. She said in a very loud and antagonistic voice, "I said to put out your cigarette"! Somewhat surprised at her abrasiveness and order, I asked, "What for"? She said, "Because I told you to". I said something to the effect that "you don't have to raise you voice or be so loud or tough about it". I put the cigarette out. She then asked, "Have you had anything (or something) to drink"? I said, "yes, I have". She then said in the same hostile and antagonistic tone of voice she had been using, "Step out of the car". I said, "Step out of the car? What for"? Never changing her tone of voice,

she said, "Because I told you to". I then turned off the radio and stepped from the car. She immediately said, "Stand on your right leg". I told her that I have a weak right leg due to past surgery. I was then prepared to stand on my left leg thinking that this would be the logical follow-up and would satisfy her. That order never came. She told me to turn around and put my hands begind my back. I complied. She tightened handcuffs around my wrists and told me to get in the back of her car. I sat there for better than an hour and later was taken to a sheriff's station.

Later, at the station, officer Rojas discovered a business card in my wallet and walked over to where I was standing or confined, and asked me if I was a judge. I said, 'yes'.

Some time later, a Highway patrol Sergeant named Bladow appeared at the sheriff's station and asked me if I would take a breath test. I said, "no".

The reason for my refusing the test was based on the totally unreasonable, antagonistic and abrasive manner in which I had been freated from the very beginning of this series of events. At that point, I don't think that I would have agreed to anything, given a choice, based on the way things had been handled from start to finish.

At no time did I ever use any language that was profance, vulgar, rude or abusive toward the investigating officers or anyone else. I do not know to this

day, what behavior of mine could have been construed by the police officers as rude and abusive.

3. In late September of 1985, I received a call in court from deputy District Attorney, Robert Gosney, who apparently was handling my case. I called Ted Veganes. He called Mr. Gosney. Ted Veganes stopped by later in the day with a copy of the report and Sgt. Bladow's memo which was dated some eight days after our conversation at the station. This was the first time I had seen any papers in connection with the case. I was absolutely astounded at the memo written by Bladow and knew it to be a total fabrication on his part.

I told Ted Veganes that I was goint to trial and that was final.

For several days, Mr. Veganes told me to plead to the offense so as to avoid any publicity, as I had an election right around the corner. He said that the merits of the case were unimportant, as even if I was found 'Not Guilty' by the jury, everyone would believe that I was found 'Not Guilty' because I was a judge, so I couldn't win if I won. I repeadedly told him no.

On September 30, 1985, he brought a 'plea and waiver' form to court. He said that I could enter a plea of Nolo Contendere in writing and need not appear in court. He said that he could file it the following day and

it would all be over. Mr. Veganes again spoke about the publicity and the upcoming election. I signed the form. I might add that I have known Ted Veganes for many years and I know that he was only trying to be helpful and look out for my best interests under the circumstances. It was my decision in the final analysis to plead Nolo Contendere to this offense, but I only did so as to avoid (I thought at the time) any publicity as I had an election to face a short time away.

4. In my fourteen or fifteen years as a judge, I have always done my very best to treat all of those appearing before me, with both respect and dignity.

4a. In the late afternoon of December 24th, 1985, Shirley Shuster Donoho was examining a police officer during a preliminary hearing. I believe it was the third witness she had called. As she proceeded to examine this witness, I felt as though she had lost the direction in which she had intended to go. I then did something which I seldom do; I asked the witness a few questions.
Referring to the Preliminary Hearing Transcript:

Page 15, line 18: The Court asked Ms. Donoho for her next question, but Ms. Donoho instead, finished her statement.

Page 16, lines 26-27: The Court began its examination of the witness.

Page 18, line 17: Ms Donoho interrupts the Court in the middle of its question, with an objection.

Page 19, line 5: Ms. Donoho answers the Court's question, but not stopping there, then proceeds to add or volunteer a statement of her own.

Page 19, line 22: The Court is about to make a statement, but again, is interrupted by Ms. Donoho, who apparently found it offensive to be referred to as Ma'am, as she then proceeds to point out to the Court that she is an 'attorney at law' and continues on by letting the Court know that she is also a 'deputy District Attorney'.

Page 19, line 28: The Court then tells Ms. Donoho that she was not to come to the courtroom again.

Page 20, line 1: Ms. Donoho informs the Court that it would be a 'privilege' not to appear in the courtroom again.

Page, Line 3: Ms. Donoho again interrupts the Court and repeats that it would be a 'privilege' (not to appear again).

Shortly after the preliminary hearing, my clerk informed me that the Los Angeles Police Department investigating officer-witness on the case, Jody Tolliver, would like to speak to me. I told my clerk to send him in and officer Tolliver then stepped into chambers. Officer Tolliver told me that shortly before the hearing, while speaking to Ms. Donoho outside of the

courtroom about the case, she was very short, curt and rude when speaking to him. He said that he just wanted to tell me that he felt that the Court was one hundred per cent in the right during the commentary between Ms. Donoho and the Court. I thanked him and he left.

I do not want to belabor the subject and will just say in closing that I believe Ms. Donoho's behavior and conduct was both rude and disrespectful. I know of many judges who would not have tolerated such behavior nor exercised the patience that I did with Ms. Donoho.

Incidentally, Ms. Donoho has since appeared before me, without incident.

4b. When I was assigned to the San Pedro branch of the Los Angeles Municipal court in the first part of 1985, my calendar each day included handling all felony arraignments and preliminary hearings, all misdemeanor and infraction arraignments and small claims cases.

One bailiff was assigned to organize complaints and other paper work, answer questions of those appearing in the courtroom, assist with those in custody, examine registration papers for vehicles and vessels as well as driver's licenses and other documents associated with Vehicle Code violations and Tariff regulations. He would also assist all of those appearing on small claims cases with their respective positions at the counsel table and with their exhibits. In addition, he was expected to maintain security and keep order in a courtroom that more frequently than

not, was filled to capacity. Those present in court, amongst others, many times consisted of members of various Harbor area gangs. There are three bench officers in this court (a fourth was just added as of January 5, 1987). The total number of filings of cases handled in this court are up approximately 200% from 1984.

After observing these conditions for some time, I recognized that a very volatile condition existed and that if a physical confrontation developed and/or a disturbance erupted, it could easily result in serious injury or even worse to persons present in the courtroom.

I informed the Marshal's office of my concern and some weeks later, a member of the security and intelligence section of the Marshal's office was assigned to observe and evaluate security conditions in my courtroom. After spending a day or two observing conditions in the courtroom, the officer found that a serious 'lack of security' problem existed and immediately recommended that a second bailiff be assigned to the courtroom.

I would generally handle several Preliminary Hearings each day, with sometimes a different Deputy District Attorney assigned to the courtroom each and every day. It was during the period of 'security concern' that Ms. Channell would appear from time to time and handle Preliminary Hearings.

I spoke to Ms. Channell on occasion, and I remember once, two or three weeks before my 'in chambers session' with Ms. Channell, my clerk told me that Ms. Channell

wasn't feeling well and asked me to give her cases priority so that she could see her doctor. That was done, and Ms. Channell was excused shortly thereafter to see her doctor. Two or three days later, Ms. Channell asked to see me. She stepped into chambers and thanked me for giving her cases priority so that she could keep her doctor's appointment. Ms. Channell then proceeded to go into descriptive detail about her inter-uterine device and how uncomfortable it had become and how she was bleeding. She said that the IUD had been in for quite some time and was apparently displace or dislodged and needed immediate attention. She went on to say that her doctor removed in amidst the blood and all, and inserted a new one which was much more comfortable, much to the relief and delight of herself and her boyfriend.

I did not know Ms. Channell at that time, nor do I today, other than her having appeared before me in court.

One day, during a preliminary hearing that Ms. Channell was presenting, the victim, who had been beaten and robbed, was testifying as to what had occurred. The two defendants were supposedly gang members with some close friends in the Courtroom. Ms. Channell had examined this witness for a considerable period of time and was becoming redundant in her examination. While the witness-victim had answered all of her questions, it was obvious from the beginning of the hearing, that he was a very nervous and frightened person. The friends of the defendants who were in court, would not take their eyes off the witness during his testimony, nor would the defendants' theirs. It was an

obvious example of attempted and continuous intimidation by silence. The longer the witness spent on the stand, the more upset, nervous and uncomfortable he became. It was at this point that I informed Ms. Channell that she had produced more than enough evidence and elicited more than enough testimony from this witness and nothing more would be necessary for purposes of the hearing. At the conclusion of the hearing, I asked the witness to remain in Court for a few minutes until the friends of the two defendants had left the Courthouse so as to avoid the possibility of a confrontation. The two defendants were in custody so they presented no immediate and direct danger to the witness.

During a recess shortly thereafter, I asked the clerk to send Ms. Channell into chambers, where I sharply criticized her redundant examination of a man who was half frightened to death and who had answered all of her relevant questions and who then became the subject of answering irrelevant and time consuming questions that had no relationship to the issues in the case. I told her that I had serious security problems in the courtroom, that those problems had been common knowledge for sometime by all, and that I was responsible for the safety and welfare of all persons appearing in the court including her and that I would protect them to the best of my ability. There is no question but what I raised my vioce and was critical of the manner in which Ms. Channell had handled a very delicate and potentially explosive situation. After speaking to Ms. Channell for two or three minutes in chambers, she left. I thought nothing more about it.

I did not point my finger at Ms. Channell but did use my hand and finger when referring to the witness and the courtroom where this had just taken place.

Two or three days later, I received a call from Martin Ohegian, Ms. Channell's supervisor. I had previously worked with Mr. Ohegian in the District Attorneys' office some years before. We talked about the "old days" for a few minutes and either he or I suggested lunch in a few days and we made the 'date'.

During lunch, Mr. Ohegian asked me about Channell. I told him about the serious security problems in the courtroom and my constant concern regarding the safety of persons. I added that I had requested a second bailiff in the courtroom, but that due to budget problems and "red tape", it may take some time before it materializes.

He told me that Channell had spoken to him about the incident in tears. She told him that I had called her into chambers, and in a very strong tone, criticized her for the way that she handled the victim-witness.

I repeated to Mr. Ohegian that I felt responsible for the safety of all persons in the courtroom, prosecution witnesses no more or less than any other person(s). I told him that Ms. Channell was welcome at any time and to please tell her that. Further, that it was certainly nothing personal. I added that it was a forgotten issue with me the moment Ms. Channell left chambers.

Mr. Ohegian then explained to me that Ms. Channell has some emotional problems and a sense of insecurity which has been present for some time. I told him that

I was sorry to hear that, and to again tell her that I hope she doesn't take these things personally. With that, Mr. Ohegian and I talked for a while longer and then parted company.

Not too long after that, a second bailiff was assigned to the court for security purposes.

I have since heard, that Ms. Channell has had some problems with a Superior Court judge in Long Beach, Judge Sheila Pokras.

Incidentally, Ms. Channell has since appeared before me, without incident.

4c. I have called many female acquaintances and friends of mine 'dear' or 'honey' or 'sweetheart' for many years. I sometimes refer to female members of my staff or the clerks' office in the same way. Sometimes I cannot remember their first hame, but more often than not, it is meant as a warm, friendly word. To my knowledge, I have never referred to any female attorney appearing before me as anything but 'counsel' or by surname, or 'ma'am'. In all my years on the bench, this subject, amongst others, has never been mentioned, until now.

4d. I do not believe that I have been either demeaning or abusive to litigants, witnesses or attorneys appearing before me.

When it was brought to my attention that an intoxicated person or otherwise, had created a disturbance with the

staff or used some profanity toward the personnel or created other problems for the staff, I would generally inform that person that I thought an apology was in order, but that that was up to the individual.

I have heard hundreds of small claims cases in San Pedro since 1985. I do not remember anything about a Ms. Betty Manard.

Small claims litigants, as most, are rather sensitive about the merits of their case. At times, things can become rather personal and heated between the parties. I would try to confine the litigants to the facts of a case and not engage in personal issues or subjects in order to avoid a possible physical problem between the parties. I took all small claims cases under submission, for the same reason.

I do not know how Ms. Manard thinks I offended her.

4e. In approximately 1980, after a lengthy hearing the the Federal court, Judge William P. Gray, Central District, issued an order whereby all inmates of the Los Angeles County Jail were to be returned to that facility by 5 p.m. I do not know if Judge Doi was aware of this order, or if he was, the import of it.

During all of the years that I served in the Central Arraignment courthouse, each court therein, would appoint an attorney(s) on an "as needed" basis. During the latter part of my tenure in the Arraignment courthouse, while assigned to Division 80, a male-female custody court exclusively, I would appoint lawyers when necessary. I used several different

lawyers when available, including Philip Barbaro, John Nese and Dominic Lombardo. I don't remember how often Ted Veganes and David Pantoja were used. The lawyers I used, were all experienced and capable in handling 'custody lock-up' cases.

Many times, not until the afternoon, was the Court notified that the Public Defenders' office was declaring a conflict(s) or unavailable on a certain number of cases. Time being of the essence in that all of those appearing were County jail inmates, the services of medical doctors needed in many drug and/or narcotic related cases, and in an on going effort to comply with Judge Gray's order, this court would begin calling lawyers who might be able to appear within a matter of minutes. One of the bailiffs or the matron would normally begin calling a lawyer(s) to appear, from the attorney list that was used.

One day, we were about to begin handling the afternoon calandar, when my clerk informed me that one or two lawyers who had been appointed by Judge Doi, were in the courtroom. I asked her 'What for'? She told me that they were here to handle our Penal Code 987.2 cases. This sudden change in procedure had not previously been discussed with me by Judge Doi. My clerk went on to tell me that Judge Doi's clerk had told her that from now on, whenever we needed an appointed lawyer(s), we were to call Judge Doi's court and a lawyer(s) would be sent from Judge Doi's court to our court, which was Division 80. Judge Doi was assigned to Division 82, which was a non-custody court, where both conditions and atmosphere were totally different. While I was both dubious about this

sudden and unannounced procedural change as well as amazed that this new development had not once ever been discussed with me, I was nonetheless willing to try it.

For several days thereafter, we began calling Judge Doi's court for a lawyer(s) in the afternoon. At times we would wait for an hour or two, until it was late in the day, before an attorney would appear. At other times, the attorney(s) that had been appearing in Judge Doi's court would leave for the day and we were left with no lawyer. I remember one of the bailiffs calling one of Judge Doi's appointed lawyers for that day at his office, after he had failed to appear in our court one late afternoon. The bailiff told the lawyer that we were waiting for him to handle cases in Division 80. The lawyer informed the bailiff that nobody told him that he was to appear in Division 80, that he was through for the day and would not return to the courthouse.

After several days, dealing with these conditions and knowing that Judge Doi's policy or procedural change was not workable as it applied to a high volume custody court and in an effort to restore conditions that were, at least, in close proximity to Judge Gray's order, I began giving serious consideration to re-adopting the policy of appointing counsel out of Division 80.

A day or two later, in the afternoon, we needed a lawyer(s) within a matter of minutes to begin interviewing inmates and handling their cases in Division 80. Judge Doi's court was called. We were told that the lawyer(s) was handling matters in Judge Doi's court

and would not be appearing in Division 80 until they had handled all of their cases in Division 82 for the day, and were released by Judge Doi. Time being of the essence for us and having a federal deadline to meet, I told my clerk to call Judge Doi's court and tell them that hereafter, we will be using our own lawyer(s).

A day or so later, Judge Doi appeared in my chambers. He proceeded to tell me that I was to use the lawyers that he appointed and that was final. I told Judge Doi that we had tried it his way but that it was a disaster in a court such as Division 80 as we never knew whether a lawyer would appear, disappear, forget to appear or go home. I told him that Division would use its own lawyers and if he wanted to take it up with the presiding judge, he was free to do just that. That was about the first and last time I spoke to Judge Doi. No mention was ever made about Ted Veganes or David Pantoja or any other lawyer.

4f. Deputy City (now District) Attorney, Carol Rose's approach to legal issues has always puzzled me. I found it rather difficult to follow her reasoning and to understand exactly what point she was trying to make when speaking. I felt at times, that she was not very knowledgable about the subject that she was addressing.

I did not scream at or abuse Ms. Rose when making a bail motion.

Ms Rose would frequently make a motion to increase bail, without supplying, in my opinion, a valid reason

for the increase. In that case, I might question the purpose of such a motion and perhaps inform her that such a motion was, in my opinion, without any merit. I can remember no more, concerning Ms. Rose and bail motions.

There was an instance where David Pantoja was handling several cases, perhaps eleven. Mr. Pantoja is a very effecient and effective former deputy District Attorney, who can handle several cases in an afternoon without complication. He speaks spanish fluently, which was an asset in the San Pedro branch court, as a substantial number of those appearing in court are spanish-speaking people. In the afternoon of this one day, I was told that Ms. Rose was voicing an opinion, that David Pantoja wasn't capable of handling eleven cases (or whatever the number was), and that a second lawyer should be called in to expedite the calendar. I don't know if at that time, Ms Rose knew Mr. Pantoja or had ever seen him handle a case. I called Ms. Rose into chambers and told her that if she didn't think Mr. Pantoja was capable of this assignment, then why didn't I ask him to step into chambers and she could tell him that. I believe that I told her that I didn't think that she knew what Mr. Pantoja was capable of and further that she didn't know what she was talking about. I told her that if I called in a second lawyer, it would not only cost more money and create a further delay, it would consume more time which was the very thing that I understood she wanted to avoid. I told her that if she had something to say to Mr. Pantoja or anybody else concerning his performance or ability or lack thereof, she should tell him to his face and not talk behind his back. The conversation ended.

4g. I have never addressed Mr. Lew or anyone else in court as "an asshole".

4h. I know of no instance where I have knowingly been rude or intimidating to a witness. There have been times when I have had to repeat to a witness several times to "please, just answer the question, without volunterring any information". Generally, when information is volunteered, there is an objection and a motion to strike the answer. This, I attempted to avoid. Many of those appearing in Division 85 were non-english speaking people. A translator was used much of the time. In those cases many times, it became necessary to explain, perhaps several times, the form in which a witness was expected to answer the questions.

4i. Curtailing questioning of an attorney at a preliminary or at any other time is something that I have never done, unless there has been good cause or certain rules of the Evidence Code concerning the examination of a witness, appeared to apply.

I seldom ever question a witness myself.

5. I have known Ted Veganes and David Pantoja for many years. We served in the same District Attorney's office together for several years. I believe them to be capable and competent attorneys who were most dependable when called upon, and who worked for less per hour on appointed cases, than almost any appointed lawyer in the county.

In Division 85, we were given very little notice as to when the Public Defender would declare a 'conflict' or 'unavailable'. My clerk would call upon any attorney for appointment purposes, who was either physically present in the courthouse or one that could appear on very short notice after being called. It was the understanding that she could use just about any lawyer that was readily available. Some days, a lawyer would pick up more cases than other days. There was no way of predicting this.

When I first arrived in San Pedro, no Penal Code 987.2 appointments were being made. Some time later, the Public Defender, as the case load grew, would declare 'unavailable' from time to time. When this happened, as stated before, we generally used lawyers that could appear on short notice and on the same day they were called. We did not generally know in advance when the Public Defender would declare a 'conflict' or 'unavailable'. Many times it would be in the late morning or the afternoon. When that happened, we needed a lawyer(s) as soon as possible, as many of those needing a lawyer were in custody, and time was a critical factor.

I have owned a studio apartment or condominium with Ted Veganes for many years. It is in Honolulu, Hawaii. Many people have known that for years, including some in the San Pedro court-house, who, I understood later, Mr. Veganes allowed to use several years ago.

I have had many conversations with many attorneys in chambers, including Mr. Pantoja and Veganes. Any such conversations were personal, non-legal conversations

that did not relate to the merits of any case. Most of them related to the campaign. The only time a case was discussed, was if a lawyer might have told me that they had been looking for a deputy City Attorney but could not locate one, and "was there any problem with continuing a case or cases for disposition". As I wanted to dispose of as many cases in Division 85 as I could, I would grant such motions.

6. I do not believe that I have ever denied parties, or their attorneys, from exercising their full right to be heard according to the law.

7. I met a waitress named Mary Davis in the early part of 1985 as I was leaving the Cigo's restaurant. I believe it was in March. I had had lunch with a friend of mine who I hadn't seen for some time, Mr. Cyrus Dolce. He apparently had known Ms. Davis for several years and introduced me to her. I said, "Hi, how are you. It was nice meeting you". I left. At no time did I ever express or imply to this person that she should not worry about her case because I could or would exert influence to affect the disposition of her case.

8. For several years, I have worked high volume calendar courts. I have never persistently neglected to perform my judicial duties by being frequently absent from any courthouse, nor have I maintained abbreviated working hours or delegated my judicial responsibilities to others.

8a. Ordinarily, about a fifteen minute explanation of Constitutional and legal rights was given both in the morning and afternoon session of Court, in Division 85. This is the Court that I was presiding in for almost two years, since arriving in San Pedro in the early part of 1985.

The morning statement was given at about 9:30 or 9:45 A.M., and I would call the morning calendar at about 10 A.M. I seldom left the courthouse before 6 or 7:00 P.M.

I would try to conclude each day by about 4:30 P.M., as the Sheriff's bus transporting those in custody, was scheduled to leave for Los Angeles at about 5:00 P.M. each day. Additionally, there was a staggering amount of docket and other entries to make each day and assuming that court concluded at 4:30 P.M., my clerk(s) seldom were able to leave before 6:00 P.M. or later.

As for lunch time, I would ordinarily try to recess for lunch around noon and resume after the afternoon rights were given, which would be approximately 2:00 or 2:15 P.M. I would seldom leave the courthouse for lunch before 12:45 or 1:00 P.M.

I might add that the case load in Division 85 was extremely heavy. I understood that before my assignment to Division 85, my predecessor, Judge Riggio, was not able to conclude the day or adjourn much before 6 or 7:00 P.M. Consequently, this was resulting in a very long day for the staff, some discontentment amongst the personnel and over-time pay for the staff. I wanted to correct these conditions, if I could.

8b. Vacation and sick time have never been brought to my attention, until now. I have never kept a record of this, as the thought did not enter my mind that it was necessary.

Any time taken in 1985 and 1986 was earned and approved vacation time and/or due to illness. As for vacation time, I have almost always, without exception, taken no more than the recommended 21 days per year. If I ever took more than 21 days, I paid it back. I have never appeared on the books at the beginning of each year, in the minus column (i.e. borrowing vacation time). I believe, that at the present time, I am in the plus column concerning vacation time.

I do not know the number of days that I was absent due to illness in the years of 1985 and 1986. I do feel however, that there were several times that I was ill and thought that I should stay at home, but I felt compelled to spend the time on the job under the circumstances, rather than at home.

Thank you for your time in reading my answer.

I declare under penalty of perjury that the foregoing answer, consisting of 24 pages, is true and correct.

Very truly yours,

David M. Kennick

David M. Kennick

SGT. KEITH BLADOW
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