

FILED

AUG 24 1998

Commission on
Judicial Performance

STATE OF CALIFORNIA
BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE

INQUIRY CONCERNING JUDGE
ROBERT C. BRADLEY,
NO. 147.

SECOND AMENDED NOTICE
OF FORMAL PROCEEDINGS

To Robert C. Bradley, a judge of the Ventura County Municipal Court from December 31, 1982, to October 15, 1984, and a judge of the Ventura County Superior Court from October 15, 1984, to the present:

Preliminary investigation pursuant to Rules of the Commission on Judicial Performance, rules 109 and 111, having been made, the Commission on Judicial Performance has concluded that formal proceedings should be instituted to inquire into the charges specified against you herein.

By the following allegations, you are charged with willful misconduct in office, persistent failure or inability to perform judicial duties, habitual intemperance in the use of intoxicants or drugs, conduct prejudicial to the administration of justice that brings the judicial office into disrepute, improper action and dereliction of duty within the meaning of

Article VI, section 18 of the California Constitution providing for removal, censure, or public or private admonishment of a judge or former judge, and providing for barring a former judge who has been censured from receiving an assignment, appointment, or reference of work from any California state court, to wit:

COUNT ONE

On December 6, 1997, in Ventura County, you committed the crimes of driving under the influence of alcohol in violation of Vehicle Code section 23152(a) and driving while having a .08 percent or higher blood alcohol level in violation of Vehicle Code section 23152(b). You had a blood alcohol level of .23/.21 percent within the meaning of Vehicle Code section 23206.1. You were charged with these crimes under Ventura County Municipal Court case no. 98S000537. On February 24, 1998, you were convicted of driving while having a .08 percent or higher blood alcohol level upon a plea of guilty and were sentenced to three years probation.

You were arrested for these crimes by the California Highway Patrol. You were stopped by the Highway Patrol in Ojai after making a turn without a proper signal and running a stop sign. You falsely told the patrolman that you had had only one glass of wine to drink and that you did not feel the effects of alcohol. During field sobriety tests, you told the patrolman that you were a Ventura County Superior Court Judge and asked him to let you drive home. At one point you walked toward your car, saying that you were driving home.

Your conduct violated the Code of Judicial Ethics, canons 1, 2A, and 2B(2).

COUNT TWO

On January 3, 1998, in Ventura County, you committed the crimes of driving under the influence of alcohol in violation of Vehicle Code section 23152(a) and driving while having a .08 percent or higher blood alcohol level in violation of Vehicle Code section 23152(b). You had a blood alcohol level of .27 percent within the meaning of Vehicle Code section 23206.1. You were charged with these crimes under Ventura County Municipal Court case no. 98S000536. On February 24, 1998, you were convicted of driving while having a .08 percent or higher blood alcohol level upon a plea of guilty and were sentenced to five years probation and 30 days in jail.

You were arrested for these crimes by the Santa Paula Police. You falsely told the officers that you had had only one glass of beer and one other alcoholic drink and that you did not feel the effects of the alcohol. During field sobriety tests, you asked the officers if they knew who you were. You asked them not to continue with the tests and to drive you home because it would ruin your career. During the booking process, you again asked the officers if they knew who you were. While you were being fingerprinted, you attempted to walk away.

You began serving your jail sentence on February 26, 1998. On or about March 17, 1998, upon completion of the jail sentence, you enrolled in an inpatient alcohol treatment program known as the Anacapa STEPS Program. You abused alcohol after leaving this program.

Your conduct violated the Code of Judicial Ethics, canons 1, 2A, and 2B(2).

COUNT THREE

Counts One and Two are incorporated by reference.

On two other occasions in Ventura County in approximately 1996 or 1997, police officers drove you home because you had been drinking and driving.

Your conduct violated the Code of Judicial Ethics, canons 1, 2A, and 2B(2).

COUNT FOUR

On January 8, 1998, you received a memo from your presiding judge advising you that he had imposed a “zero tolerance” policy concerning you and alcohol. The memo stated that you were not to have any alcohol in your system while performing your judicial duties and that any violation would be considered a serious breach of your judicial responsibilities. On the morning of January 13, 1998, you were under the influence of alcohol while at work at the courthouse. As a result, you were relieved of your judicial assignment by the assistant presiding judge.

Your conduct violated the Code of Judicial Ethics, canons 1, 2A and 3C(1).

COUNT FIVE

On January 5, 1998, Judge Charles Campbell, Presiding Judge of the Ventura County Superior and Municipal Courts, came to your chambers to assess your condition on your first day back to work after your arrest for the driving under the influence incident alleged in Count Two. You began discussing your wife’s relationship with Ventura County Deputy District Attorney Miles Weiss. You made a statement to Judge Campbell to the effect of, “maybe I ought to blow them both away.”

On or about January 23, 1998, you entered the Pamarro 90-day inpatient alcohol treatment program in Ramona. You left Pamarro before completing the program and continued to abuse alcohol.

On February 18, 1998, you left the following message on Mr. Weiss's voice mail at the District Attorney's Office: "Mr. Bradbury said I should call you about a potential death problem – threat. I don't think this is a situation that we should even discuss on the phone – whatever. I'll call you later on. Thank you. Bye-bye."

On February 19, 1998, you telephoned Ventura County Court Executive Officer and Clerk Sheila Gonzalez. You told her that you were no longer at Pamarro and that you were coming back to work March 2.

On February 20, 1998, you initiated another telephone conversation with Ms. Gonzalez. You were intoxicated during this conversation. You said that you had been drinking since leaving Pamarro. You told Ms. Gonzalez that you "really did it this time." You said that you had left a voice mail message for Mr. Weiss at his office. You said that the message was that if Mr. Weiss "fucked" your wife one more time, you were going to kill him. You said that you were calling from your brother's home in San Diego, but that you were returning to Ventura the next day and would be back at work on March 2. Ms. Gonzalez informed Judge Campbell of what you had told her.

On February 21, 1998, the Ventura County District Attorney's Office learned that you had left San Diego by train intending to return to the Ventura area. Judge Campbell was given this information.

On February 23, 1998, after a meeting with all supervising judges of the Ventura County courts, Judge Campbell determined to bar you from the courthouse because you were a security risk.

Your conduct violated the Code of Judicial Ethics, canons 1 and 2A.

COUNT SIX

You have persistently failed or been unable to perform your judicial duties. You have been absent from the bench and unavailable to perform your judicial duties: from on or about December 8, 1997, through January 1, 1998, as a result of being an inpatient at an alcohol rehabilitation center; from January 13, 1998, through the present as a result of being relieved of your judicial assignment by the assistant presiding judge (as alleged in Count Four); from February 23, 1998, through approximately March 5, 1998, as a result of being barred from the courthouse as a security risk by the presiding judge (as alleged in Count Five); from February 26, 1998, through March 17, 1998, as a result of being incarcerated (as alleged in Count Two); and from March 17, 1998, through approximately April 17, 1998, as a result of being an inpatient in an alcohol rehabilitation program.

Your conduct violated the Code of Judicial Ethics, canons 1 and 2A.

COUNT SEVEN

In the early morning hours of April 25, 1998, while under the influence of alcohol, you pried open a window with a knife to gain entry to the house in Ojai where your estranged wife and children lived. Your wife confronted you and asked you to leave. You refused to leave and made a statement to your wife to the effect of, "I'll kill you."

Your wife called the Ojai police. When the police officers arrived, you were verbally abusive to them and uncooperative. You were arrested for violating your probation (in the cases referenced in Counts One and Two). During the booking process at jail, you were again verbally abusive and uncooperative. At the request of the police, Judge Klopfer issued an

emergency protective order that you not contact your wife or children. You were put on notice of the protective order.

On the morning of April 25, 1998, while still in jail, you made two telephone calls to your wife at her home. After you were released from jail that afternoon, you made three more telephone calls to your wife's home, leaving messages on her answering machine. In one message, you admitted that you were violating the emergency protective order by calling.

These five telephone calls violated the emergency protective order, which specifically prohibited you from telephoning or sending messages to your wife. As a result, you were charged in a five count misdemeanor complaint, in case no. 98C003942, for violating Penal Code section 273.6(a).

On May 14, 1998, you admitted that you had violated your probation in case nos. 98S000536 and 98S000537, and on June 26, 1998, were sentenced to 180 days in jail for violating your probation in the latter case. Also on June 26, you were convicted of two counts of violating the emergency protective order upon a plea of no contest in case no. 98C003942, and were sentenced to 365 days in jail, suspended, and 3 years probation with the condition that you serve 30 days in jail, concurrent to your sentence in case no. 98S000537.

Your conduct violated the Code of Judicial Ethics, canons 1 and 2A.

COUNT EIGHT

On May 15, 1998, in Ventura County, you committed the crimes of public intoxication in violation of Penal Code section 647, subdivision (f), and riding a bicycle under the influence of alcohol in violation of Penal Code section 21200.5. You had a blood alcohol level of .21/.22 percent. You were charged with these crimes in case no. 98C004946. On June 26,

1998, you were convicted of riding a bicycle under the influence of alcohol upon a plea of no contest and were fined.

Your conduct violated the Code of Judicial Ethics, canons 1 and 2A.

COUNT NINE

Counts One through Eight are incorporated by reference. You have been habitually intemperate during your judicial term of office.

Your conduct violated the Code of Judicial Ethics, canons 1 and 2A.

YOU ARE HEREBY GIVEN NOTICE, pursuant to Rules of the Commission on Judicial Performance, rule 118, that formal proceedings have been instituted and shall proceed in accordance with Rules of the Commission on Judicial Performance, rules 101-138.

Pursuant to Rules of the Commission on Judicial Performance, rules 104(c) and 119, you must file a written answer to the charges against you within twenty (20) days after service of this notice upon you. The answer shall be filed with the Commission on Judicial Performance, 101 Howard Street, Suite 300, San Francisco, California 94105. The answer shall be verified and shall conform in style to subdivision (c) of rule 15 of the Rules on Appeal. The notice of formal proceedings and answer shall constitute the pleadings. No further pleadings shall be filed and no motion or demurrer shall be filed against any of the pleadings.

This notice of formal proceedings may be amended pursuant to
Rules of the Commission on Judicial Performance, rule 128(a).

BY ORDER OF THE COMMISSION ON JUDICIAL PERFORMANCE

DATED: August 12, 1998

CHAIRPERSON

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ACKNOWLEDGMENT OF SERVICE
OF THE SECOND AMENDED NOTICE
OF FORMAL PROCEEDINGS

I, Thomas C. Brayton, on behalf of my client, the Honorable Robert C. Bradley, hereby waive personal service of the Second Amended Notice of Formal Proceedings in Inquiry No. 147 and agree to accept service by mail. I acknowledge receipt of a copy of the Second Amended Notice of Formal Proceedings by mail and, therefore, that Judge Bradley has been properly served pursuant to Rules of the Commission on Judicial Performance, rule 118(c).

Dated: August 21, 1998

Thomas C. Brayton
Thomas C. Brayton
Attorney for Judge Robert C. Bradley,
Respondent