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FILED
JAN 30 2015
COMMISSION ON
JUDICIAL PERFORMANCE

STATE OF CALIFORNIA

BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE

INQUIRY CONCERNING JUDGE VALERIANO SAUCEDO No. 194	VERIFIED ANSWER OF JUDGE VALERIANO SAUCEDO TO NOTICE OF FORMAL PROCEEDINGS

The Honorable Valeriano Saucedo responds to the Notice of Formal Proceedings now pending before the Commission on Judicial Performance as follows:

1. Judge Saucedo admits that since approximately late 2010, he has been assigned to department 6 in the Visalia courthouse.
2. Judge Saucedo denies that, from approximately mid-September 2013 through mid-November 2013, he engaged in a course of conduct toward his courtroom clerk in which he used an anonymous letter accusing her of an affair in an attempt to establish a closer relationship with her, in which she would confide in him and be his "special friend."
3. Judge Saucedo denies that he attempted to establish a closer relationship with the clerk. Judge Saucedo admits that he on occasion gave the clerk gifts, however Judge Saucedo denies that it was to establish a closer relationship. At no time did Judge Saucedo have an intimate, romantic, physical or sexual relationship with the clerk

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4. Judge Saucedo admits that on the morning of September 18, 2013, he called the clerk into chambers and showed her an anonymous typed letter. Judge Saucedo received the letter by U.S. Mail at his home address. Judge Saucedo admits that the letter reflected that a copy had been sent to the clerk's husband, in the care of his place of employment. Judge Saucedo admits that the anonymous letter addressed to the husband, states that the clerk "has been having an affair" with the bailiff in another department in the courthouse. The anonymous letter indicated that the author was a "friend" of the bailiff. Judge Saucedo admits that the letter concluded with the statement "Sent this to her judge."
5. Judge Saucedo admits that he told the clerk that the letter had been mailed to him at his home address. Judge Saucedo admits that he showed her a postmarked envelope addressed to him at his home address, marked "Personal and Confidential." The postmark on the envelope is September 16, 2013.
6. Judge Saucedo denies that he prepared a typewritten note to the clerk that accompanied the anonymous letter. Judge Saucedo did not prepare or present any note when he showed the clerk the anonymous letter.
7. Judge Saucedo admits that he did not report the anonymous letter to his presiding judge, court administration, or criminal authorities when he received the letter at his home.
8. Judge Saucedo admits that he did not provide the clerk with a copy of the anonymous letter (hereafter referred to as the letter) or the envelope. Judge Saucedo admits that he kept the letter and envelope in chambers. Judge Saucedo admits that he did not provide the clerk with any note on the morning of September 18, 2013.
9. Judge Saucedo admits that he talked to the clerk about the letter briefly in chambers that morning, September 18, 2013, and reserved the law library conference room for the lunch hour to give the clerk another opportunity to discuss the letter.

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10. Judge Saucedo denies that he asked the clerk if the letter was true. Judge Saucedo admits that he offered to help her. Judge Saucedo denies that he asked the clerk if she trusted him. Judge Saucedo denies that he told her that she must not say anything to anyone about the letter. Judge Saucedo admits that to assuage the clerk's concerns he told the clerk that in substance he would contact her husband's employer to attempt to intercept the anonymous letter and have it destroyed. Judge Saucedo denies the he stated that he would say it was a jury certificate sent in error. Judge Saucedo admits that the clerk expressed fear that she, the bailiff, and her husband would be fired, and that her husband would find out about the letter.

11. Judge Saucedo admits that later that day, he told the clerk that he had spoken with her husband's employer and that the letter had been destroyed. Judge Saucedo denies that he specified which department he spoke with. Judge Saucedo did not contact the husband's employer at any time.

12. Judge Saucedo admits that he did not make any such call to the clerk's husband's employer. Judge Saucedo does not have sufficient personal knowledge to admit or deny if a copy of the letter was ever received at the husband's place of employment.

13. Judge Saucedo denies that he authored the letter or sent it to his home address.

14. Judge Saucedo denies that he asked the clerk to tell him everything about her relationship with the bailiff. Judge Saucedo does not have sufficient personal knowledge to admit or deny if the clerk had dated the bailiff during a separation from her husband approximately five to six years earlier. Judge Saucedo denies that he instructed the clerk to have no contact with the bailiff.

15. Judge Saucedo admits that he told the clerk that he would give her money for payments she was making on a Jeep, which she was operating. Judge Saucedo admits that the clerk

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told him that she had a financial relationship with the bailiff, relating to the Jeep they had purchased together. Judge Saucedo does not have enough personal knowledge to admit or deny if the bailiff sometimes contributed to the loan payment. Judge Saucedo was told by the clerk that the clerk and the bailiff were making payments on the Jeep. Judge Saucedo denies that the clerk told him it was owned by her sister.

16. Judge Saucedo admits that on or about either September 19 or 20, 2013, he gave the clerk $200 in cash.

17. Judge Saucedo admits that on or about September 23, 2013, he gave the clerk a three-page letter addressed to her minor son.

18. Judge Saucedo admits that he had flowers delivered to the clerk at the courthouse. However, Judge Saucedo denies that the flowers were delivered on September 24, 2013. Judge Saucedo denies that the attached card, which is anonymous, stated "NEW DAY, NEW WEEK, NEW BEGINNING." Judge Saucedo admits that the card attached stated "new hope, new beginnings."

19. Judge Saucedo admits that the undated note of page 3 of the Notice is a true and correct copy of a note that he gave to the clerk.

20. Judge Saucedo admits that he gave the clerk $500 in cash. Judge Saucedo is unable to recall or confirm and therefore unable to admit or deny the date that he gave the clerk $500.

21. Judge Saucedo denies that around September 27, 2013 he told her that she needed to dress well. Judge Saucedo admits that on one occasion he asked her to send him a photograph of herself shopping.

22. Judge Saucedo admits that on September 27, 2013 he sent an email to the clerk. Judge Saucedo admits that the email stated: "May we spend a few minutes talking before you

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leave?" Judge Saucedo admits that the clerk responded with an email that stated: "I can't today, I am meeting my sisters for dinner."

23. Judge Saucedo admits that on September 28, 2013, he and the clerk exchanged text messages. Judge Saucedo denies that he asked whether the bailiff had contacted her about the Jeep loan.

24. Judge Saucedo admits that on or about September 30, 2013, he gave the clerk a one-page undated typed note. Judge Saucedo admits that the note cited on page 4 and 5 of the Notice is a true and correct copy of the note he sent the clerk. Judge Saucedo admits that the note cites a purported "risk" he took on her behalf. Judge Saucedo denies that the risk was contacting her husband's employer and intercepting the anonymous letter. Judge Saucedo denies that the risk was evidence of his trustworthiness. Judge Saucedo denies that he conditioned financial assistance from him on the clerk trusting him and telling him "everything."

25. Judge Saucedo admits that the note on page 5 of the Notice is a true and correct copy of a note he sent the clerk.

26. Judge Saucedo admits that in an undated typed note, he provided the name and cell phone number for his brother. Judge Saucedo admits that his brother is a doctor. Judge Saucedo denies that he told the clerk that if anything happened to him, his brother would take care of her financially. Judge Saucedo admits that on October 29, 2013, he texted the clerk that he had been talking to his brother about her. Judge Saucedo admits that in the same text he stated "Just doing financial planning."

27. Judge Saucedo admits that in early October 2013, he paid for a repair to the clerk's 2002 Ford Focus. Judge Saucedo admits that in October 2013, the clerk came into his chambers and talked about how she wanted to do something special for her family because it was her

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son's senior year and this would be a final opportunity to do something together as a family. Judge Saucedo admits that, he told the clerk that he would pay for a trip to Disneyland for her and her immediate family as a gift.

28. Judge Saucedo admits that he texted the clerk after September 18, 2013, including after business hours and on weekends. Judge Saucedo denies that he texted her "frequently". Judge Saucedo denies that on more than one occasion, she asked him to stop texting her.

29. Judge Saucedo admits that on October 18, 2013, he gave the clerk a temporary AAA card that he had paid for. Judge Saucedo never asked the clerk for her bank account number. The clerk asked that he deposit money directly into her account and gave him the number. Judge Saucedo admits that on October 18, 2013 he deposited $500 into her savings account. Judge Saucedo admits that he gave her another undated typed note. Judge Saucedo denies that he handed the clerk notes in the courtroom, in an empty file folder. Judge Saucedo admits that the note represented on page 5 and 6 of the Notice is a true and correct copy of a note he sent the clerk.

30. Judge Saucedo admits that on October 21, 2013, he deposited $250 into the clerk's savings account. Judge Saucedo admits that he went to the AAA office and signed a document in connection with the purchase of a Disney trip for the clerk, her husband, and three of their children. Judge Saucedo denies that he went to the AAA office on October 25. Judge Saucedo admits that he paid for the trip, however, Judge Saucedo is unable to admit or deny the exact date that he paid for the trip. Judge Saucedo denies that around this time, he told the clerk that he would pay for expenses for the Disney trip. Judge Saucedo admits that he would purchase a Disney trip for her sister and her family as a gift.

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31. Judge Saucedo denies that in his texts to the clerk, he sought to elicit her reaction to his gifts. Judge Saucedo admits that the text messages listed on page 7-10 of the Notice include messages exchanged between him and the clerk on October 28, 2013.

32. Judge Saucedo admits that on October 29, 2013, he texted the clerk at least 16 times. Judge Saucedo admits that the content of some of the texts is represented on pages 11 and 12.

33. Judge Saucedo admits that on October 30, 2013, he met the clerk at the AAA office over the lunch hour, and signed a document in connection with his purchase of a Disney trip for the clerk's sister. Judge Saucedo denies that the clerk told him in the parking lot afterwards that he was texting her excessively, and being controlling. Judge Saucedo admits that later that day he went to the BMW dealership in Visalia by himself. Judge Saucedo denies that he later sent the clerk pictures of cars.

34. Judge Saucedo admits that the text messages listed on pages 9 and 10 of the Notice are true and correct copies of messages exchanged with the clerk on October 30, 2013

35. Judge Saucedo admits that he texted the clerk that the BMW salesman had made a $15,000 offer on the sedan. Judge Saucedo admits that the clerk texted back, "So I would have a car payment?" Judge Saucedo admits that he stated that he would make all of the payments. Judge Saucedo denies that it was with the understanding that the clerk would be the one financing the vehicle. Judge Saucedo admits that the clerk expressed concern about the arrangement.

36. Judge Saucedo admits that the texts represented on page 13 of the Notice are true and correct copies of some of the text messages exchanged between Judge Saucedo and the clerk on October 30, 2013.

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37. Judge Saucedo admits that the text messages listed on pages 12 and 13 of the Notice are true and correct copies of text messages he sent the clerk on October 31, 2013.

38. Judge Saucedo admits that over the lunch hour on October 31, 2013 he met the clerk at the BMW dealership. Judge Saucedo admits that the clerk test drove the car. Judge Saucedo denies that he told the salesman that he wanted to talk to the clerk privately on that day. Judge Saucedo denies the details of the conversation with the clerk on October 31 as alleged on page 14 of the Notice.

39. Judge Saucedo admits he texted the clerk the messages represented on pages 14-15 of the notice on October 31, 2013.

40. Judge Saucedo admits that the clerk responded that she would love the car and that it would all be okay. Judge Saucedo admits that he deposited $500 into the clerk's savings account but denies that he deposited the money that day.

41. Judge Saucedo admits that on November 1, 2013, he and the clerk met at the BMW dealership over the lunch hour. Judge Saucedo admits that he put $ 1,000 down on the car. Judge Saucedo denies that he raised the idea of a romantic relationship. There was never any discussion about a romantic relationship on November 1, 2013 nor at any other time.

42. Judge Saucedo admits that on November 1, 2013, he went to the AAA office and paid for the Disney trip for the clerk's sister and her family.

43. Judge Saucedo admits that on November 2, 2013, after the clerk texted him with a question about the tinting on the car, he texted her that he had information about it. Judge Saucedo admits that the text represented on page 15 of the Notice is a true and correct copy of a message he sent the clerk.

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44. Judge Saucedo admits that the text messages listed on pages 16-17 of the Notice are true and correct copies of messages exchanged between the clerk and himself.

45. Judge Saucedo admits that the text messages listed on pages 19 and 20 of the Notice are true and correct copies of messages he and the clerk exchanged on November 3, 2013. Judge Saucedo denies that he spoke to the clerk on the telephone on November 3, 2013.

46. Judge Saucedo admits that on November 6, 2013 he paid $14,000 for the balance of the BMW.

47. Judge Saucedo is unable to admit or deny that on November 12, 2013 he deposited $200 into the clerk's savings account. Judge Saucedo admits that he deposited money into the clerk's account on multiple occasions but is unable to determine the exact dates of the deposits.

48. Judge Saucedo admits that on November 18, 2013, the clerk demanded that he deposit $8,000 into her savings account or she would go to Human Resources. Judge Saucedo admits that the clerk stated she needed the money by Wednesday. The clerk did not state why she needed the money. Judge Saucedo denies that the clerk told him that she needed some money for the expenses for the upcoming family Disney trip. Judge Saucedo denies that he had said he would provide money for the trip related expenses.

49. Judge Saucedo denies that the clerk told him she was going to ask to be transferred out of his department at that time. Judge Saucedo only learned that she requested to be transferred in early December 2013.

50. Judge Saucedo admits that the next day, November 19, 2013, he deposited $8,000 in the clerk's account. Judge Saucedo admits that he handed her a note in the court room. Judge Saucedo denies that he asked her to read it in open court. Judge Saucedo is unable to

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admit or deny at what time he gave the clerk the note. Judge Saucedo admits that the note stated as follows:

> Yesterday, November 18, 2013, you threatened to go to HR unless I deposited $8,000.00 into your savings account by Wednesday. The deposit slip for $8,000.00 is enclosed. Please stop. It is done. Enough is enough. It ends today.
>
> No more money will be paid out. Confirm through [court staff person].
>
> Penal Code 518.
>
> Extortion is the obtaining of property from another, with his consent, or the obtaining of an official act of a public officer, induced by a wrongful use of force or fear, or under color of official right.
>
> Penal Code 519.
> Fear, such as will constitute extortion, may be induced by a threat, either:
> 1. To do an unlawful injury to the person or property of the individual threatened or of a third person: or,
> 2. To accuse the individual threatened, or any relative of his, or member of his family, of any crime; or,
> 3. To expose, or to impute to him or them any deformity, disgrace or crime; or,
> 4. To expose any secret affecting him or them.

51. Judge Saucedo denies that his conduct violated the Code of Judicial Ethics, canons 1, 2, 2A, 2B(1), 3C(5), and 4(G).

CONCLUDING REMARKS

Judge Saucedo is an honorable, dedicated and hard working judge and respected member of his community. Throughout his career he has devoted a significant amount of time and energy volunteering for organizations and mentoring young professionals. As the result of his humble upbringing as a child of undocumented farm laborers Judge Saucedo has developed and embedded a charitable nature to guide and support those in need.

Unfortunately, in this case Judge Saucedo's sole intent was to help the clerk through what appeared to be a financially difficult and emotional time. Judge Saucedo's well intended offers to

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financially assist the clerk and her family were manipulated and turned on him. Several weeks after he began providing her with assistance, it became apparent that the clerk had a contrary intent to Judge Saucedo's offers to help. What began as a genuine attempt on the part of Judge Saucedo to help the clerk get out of a financial bind led to an emotional response, then immediate regret, and, finally, an extortionate scheme on the part of the clerk. Judge Saucedo misapprehended the situation.

The alleged misconduct does not suggest a violation of a judicial canon. Judge Saucedo's interactions with the clerk were not in any way, shape or form related to his decision making in a judicial capacity. His conduct has not negatively affected any aspect of the judicial system as it has not had any impact on Judge Saucedo's ability to hear matters competently, fairly and impartially. Judge Saucedo's conduct was entirely private. It did not impact any case or proceeding or matter. Nor did it violate any laws. There was never a romantic, intimate, or physical relationship between the clerk and Judge Saucedo. There was never a suggestion of such a relationship by either party. Judge Saucedo's conduct did not result in adultery or a romantic affair. In addition, many aspects of the conversations between Judge Saucedo and the clerk have been omitted or have been destroyed. The communications referred to in the Notice of Formal Proceedings are a decidedly incomplete portion of all of the communications between Judge Saucedo and the clerk. On many occasions, the clerk was the one initiating communications with Judge Saucedo, both in writing and in person, pursuing the support and mentoring. Judge Saucedo's interactions with the clerk were at all times well-intentioned, in good faith, and in line with his ensconced obligation to help those in need, where he can. His handling of these personal matters was imperfect. Some of his interactions gave the appearance of being too familiar, and the words he used were prone to misinterpretation. Worst of all, he placed himself in a position where his actions and charity were used against him and he was taken advantage of. Judge Saucedo has

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a tremendous amount of respect for the Commission's mission and diligence. Judge Saucedo has a demonstrated and continued commitment to the judiciary and the people of Tulare County. Judge Saucedo should not be removed from office. None of the actions admitted in this answer affected his conduct on the bench or as a judicial officer. No cases, matters, or proceedings were impacted in the slightest way in the time period or issue or any time since.

Dated: January 30, 2015

MILLER LLP

By: _____
RANDALL A. MILLER, ESQ.
Counsel for Respondent
Judge Valeriano Saucedo

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VERIFICATION

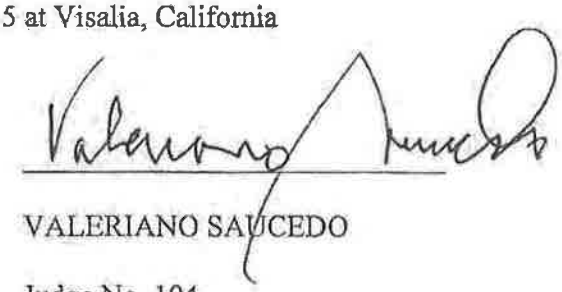
STATE OF CALIFORNIA, COUNTY OF TULARE

I, VALERIANO SAUCEDO, declare that:

I am the respondent judge in the above-entitled proceeding. I have read the foregoing Verified Answer of Judge Valeriano Saucedo to Notice of Formal Proceedings, and all facts alleged in the above document, not otherwise supported by citations to the record, exhibits, or other documents, are true of my own personal knowledge.

I declare under penalty of perjury pursuant to the laws of the State of California that the foregoing is true and correct.

Executed this 28 day of January, 2015 at Visalia, California



VALERIANO SAUCEDO

Judge No. 194.

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PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is MILLER LLP, 515 South Flower Street, Suite 2150, Los Angeles, CA 90071-2201. On January 30, 2015, I served the within documents:

VERIFIED ANSWER OF JUDGE VALERIANO SAUCEDO TO NOTICE OF FORMAL PROCEEDINGS

☒ by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.

☐ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California addressed as set forth below.

☐ by causing to be personally served to the person(s) at the address(es) set forth below on this date before 5:00 p.m.

☒ by causing such document to be transmitted by electronic mail to the office of the addressees as set forth below on this date before 5:00 p.m.

☒ by causing such document(s) to be sent overnight via Federal Express; I enclosed such document(s) in an envelope/package provided by Federal Express addressed to the person(s) at the address (es) set forth below and I placed the envelope/package for collection at a drop box provided by Federal Express.

SEE ATTACHED SERVICE LIST

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on January 30, 2015, at Los Angeles, California.

Jasmine Takhtalian

MILLER LLP

SERVICE LIST

Janice M. Brickley
Legal Advisor to Commissioners
California Commission on Judicial Performance
455 Golden Gate Avenue, Suite 14400
San Francisco, CA. 94102

Email:
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Fax:

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PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is MILLER LLP, 515 South Flower Street, Suite 2150, Los Angeles, CA 90071-2201. On January 30, 2015, I served the within documents:

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Executed on January 30, 2015, at Los Angeles, California.

Jasmine Takhtalian

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