

FILED

JUL 08 1998

Commission on
Judicial Performance

STATE OF CALIFORNIA

BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE

_____)
)
Inquiry Concerning Judge Robert C. Bradley)
No. 147)
)
)
_____)

**RESPONSE TO FIRST
AMENDED NOTICE OF
FORMAL PROCEEDINGS**

To the California Commission on Judicial Performance:

Judge Robert C. Bradley Responds to the Commission's First Amended Notice of Formal Proceedings, dated May 23, 1998, as follows:

(1) **Count One.**

Respondent admits that on December 6, 1997, he drove in violation of Vehicle Code section 23152(a) and 23152(b), with a blood alcohol level that was measured at .23 and .21. That on February 24, 1998, Respondent entered a plea of guilty to Ventura Municipal Case No. 98S000537 - driving while having a .08 or higher blood alcohol level. Respondent was sentenced to three years probation.

Respondent admits that he was stopped by the California Highway Patrol. That he falsely told the officer that he had had only one glass of wine to drink and that he did not feel the

effects of the alcohol.

During the course of the field sobriety tests, Respondent informed the officer that he was a Ventura Superior Court Judge and requested that he be allowed to drive home. At one point Respondent walked toward his car stating he was going to drive home, but did not in fact drive home.

Respondent states that whether his conduct violated the Code of Judicial Ethics, canons 1, 2A and 2B(2) is a question for resolution by special masters and the Commission.

(2) **Count Two.**

Respondent admits that on January 3, 1998, in Ventura County, he drove in violation of Vehicle Code Sections 23152(a) and Section 23152(b). That he had a blood alcohol level measured at .27. That on February 24, 1998, he entered a plea of guilty in Ventura County Municipal Court case no. 98S000536 to Vehicle Code section 23152(b). That he was sentenced to five years probation and 30 days in jail. Respondent began serving that sentence on February 26, 1998 and completed the sentence on March 17, 1998.

Respondent was arrested on January 3, 1998 by the Santa Paula Police Department. Respondent falsely told the officers that he had had only one glass of beer and one other alcoholic drink and that he did not feel the effects of the alcohol.

During the administration of the field sobriety tests, after the administration of the fifth of six tests, Respondent asked the officers if they knew who he was. Respondent asked them not to continue with the tests and to drive him home because it would ruin his career.

During the booking process, Respondent asked the officers if they knew who he was. While being fingerprinted he attempted to walk away from the main booking area, after which the

booking process was completed.

Respondent states that whether his conduct violated Code of Judicial Ethics, canons 1, 2A and 2B(2) is a question for special masters and the Commission.

(3) **Count Three.**

Respondents responses to Counts One and Two are incorporated by reference.

(A) In approximately April or May 1997, Respondent was stopped by the Ojai Police Department approximately two blocks from his home. No field sobriety examination was administered. Respondent was driven home by the police officers on that occasion.

(B) Respondent does not recall a second occasion when he was taken home by police officers because he had been drinking and driving.

Respondent states that whether his conduct violated the Code of Judicial Ethics, canons 1, 2A, and 2B(2) is a question for special masters and the Commission.

(4) **Count Four.**

Respondent admits that he was under the influence of alcohol while in his chambers prior to taking the bench. Respondent admits the remaining allegations of Count Four.

Respondent states that whether his conduct violated the Code of Judicial Ethics, canons, 1, 2A and C1 is a question for special masters and the Commission.

(5) **Count Five.**

Respondent admits that on or about January 5, 1998, in a discussion with Judge Charles Campbell he made the statement attributed to him. The statement was not intended as a

serious statement, nor have subsequent events shown the statement to have been serious.

Respondent admits that on or about January 23, 1998, he entered the Pamarro inpatient alcohol treatment in Ramona; that he left the program earlier than originally scheduled and thereafter consumed alcoholic beverages.

Respondent admits the telephone conversations of February 18, 19, and 20, 1998. That on each of these occasions, Respondent had been drinking

Respondent admits the remaining allegations of Count Five.

(5) **Count Six.**

Respondent has been a judge for approximately 15 years. Except for the period commencing December 6, 1997, Respondent denies the allegations of the first sentence of Count Six.

Respondent admits that he was absent from the bench from about December 8, 1997 through January 1, 1998, as a result of being an inpatient at an alcohol rehabilitation center. That he has been absent from the bench since approximately January 15, 1998, as a result of being relieved of his judicial assignment by the assistant presiding judge, and because of being an inpatient at an alcohol rehabilitation program. That he was absent from the bench from February 26, 1998 to March 17, 1998 as a result of serving the sentence referred to in Count Two. That he has been in two alcohol rehabilitation programs since March 17, 1998.

Respondent states that whether his conduct violated the Code of Judicial Ethics, canons 1 and 2A is a question for determination by special masters and the Commission.

At present, Respondent is unable to perform his judicial duties because of the Commission's Order of Temporary Suspension.

(6) **Count Six.**

Respondent's responses to Counts One through Five are incorporated by reference.

Respondent denies that he has been habitually intemperate during his judicial term of office.

Respondent affirmatively states that he has served as a Ventura County Municipal and Superior Court Judge for approximately 15 years, serving with dedication, hard work and distinction, except that commencing December 6, 1997, his conduct was negatively affected by alcohol. Respondent is using his best efforts to eliminate the negative effects of alcohol from his life. When Respondent demonstrates this ability, he believes he should be permitted to serve out the remainder of his term of office as a Ventura County Superior Court Judge.

Dated: July 7, 1998

JONES, MAHONEY, BRAYTON & SOLL

By: Thomas C. Brayton
Thomas C. Brayton
Attorneys for Respondent

VERIFICATION

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
STATE OF CALIFORNIA COUNTY OF

ARIZONA, COUNTY

I have read the foregoing Respondent's Response to First Amended Notice of Formal Proceedings and know its contents.

CHECK APPLICABLE PARAGRAPH

I am a party to this action. The matters stated in the foregoing document are true of my own knowledge except as to the matters which are stated on information and belief, and as to those matters I believe them to be true.

I am an Officer a partner of

a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true. The matters stated in the foregoing document are true of my own knowledge except as to those matters which are stated on information and belief, and as to those matters I believe them to be true.

I am one of the attorneys for

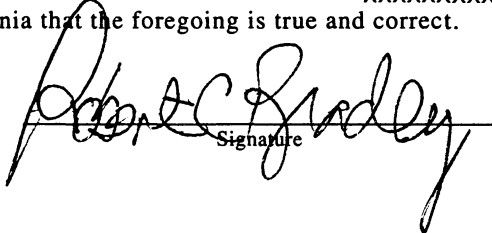
a party to this action. Such party is absent from the county of aforesaid where such attorneys have their offices, and I make this verification for and on behalf of that party for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

Executed on July 6, 1998, at Prescott, Arizona

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

Robert C. Bradley

Type or Print Name



Signature

PROOF OF SERVICE

1013A (3) CCP

STATE OF CALIFORNIA, COUNTY OF

BY MAIL

I am employed in the county of _____, State of California. I am over the age of 18 and not a party to the within action; my business address is:

On _____, 19____, I served the foregoing document described as _____

by placing the true copies thereof enclosed in sealed envelopes addressed as stated on the attached mailing list:
 by placing the original a true copy thereof enclosed in sealed envelopes addressed as follows:

*I deposited such envelope in the mail at _____, California. The envelope was mailed with postage thereon fully prepaid.

As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at _____ California 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.

Executed on _____, 19____, at _____, California.

**(BY PERSONAL SERVICE) I delivered such envelope by hand to the offices of the addressee.

Executed on _____, 19____, at _____, California.

(State) I declare under penalty of perjury under the laws of the State of California and of my own personal knowledge that the above is true and correct.

(Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Type or Print Name

Signature