



into disrepute. The particulars of the charges are as follows:

COUNT ONE

It is charged that you have abdicated your judicial responsibility to be patient, dignified and courteous to litigants, witnesses, attorneys and others with whom you have dealt in your official capacity. This behavior is exemplified by, but not limited to, the following incidents:

(1) In 1981 you angrily berated court reporter Noemi Lucchesi because you felt she did not respond quickly enough to your request that she appear in your courtroom to report the proceedings. Your behavior caused Ms. Lucchesi to become upset and to cry.

(2) In February, 1982, at the conclusion of a preliminary hearing in People v. Garza, et al., FWV 11446, you said to Deputy District Attorney Robert Guzzino, "You guineas can't get anything right." Mr. Guzzino was insulted and upset by your remark.

(3) In July, 1982, Deputy District Attorney Tracy Bartel made her first appearance in your courtroom to take a disposition agreed to by another deputy. When you asked her why that deputy had agreed to the disposition, she said she did not know, but would ask the deputy. You then insulted Ms. Bartel, telling her in open court she was an embarrassment to the People of the State of California and

that it was frightening to think she represented their interests. Ms. Bartel was reportedly offended and upset by your remarks.

(4) In approximately July, 1982, you insulted Deputy District Attorney Michele Elizalde, after she had agreed to a continuance that you felt was without justification, by telling her in open court that it was a shame that the People of the State of California had to be represented by her. Ms. Elizalde was reportedly offended and upset by your remarks.

(5) In February of 1983 pro tem court reporter Kathy Taylor nee Miller was reporting the taking of a guilty plea in your courtroom. When she asked the defendant to make her responses audible, you angrily castigated her for speaking without permission. This caused Ms. Taylor to become very upset.

(6) Sometime during the first six months of 1984, during a pretrial calendar, you angrily rebuked a female criminal defendant, who was being represented by Deputy Public Defender Gary Feller, for attempting to assist you in the pronunciation of her name.

(7) In People v. Leona Barnes, TWV40472, on February 14, 1984, attorney Joanne Nehmeh appeared before you with the defendant after assignment to your courtroom for trial. Ms. Nehmeh renewed a motion for a continuance

which had been denied in the master calendar court. In the course of discussing the motion you publicly demeaned Ms. Nehmeh, you opined that she was afraid to go to trial, you remarked that she was psychologically not capable of putting on a trial, and you questioned her in a rude and derogatory manner about when and where she had done jury trials in the past.

(8) In People v. Dane Husted, MWV 95457, in May of 1984, you interrupted the testimony of defense witness Barbara Cooke, told her not to say anything and rudely informed her the "[f]irst rule is you keep your mouth closed."

(9) On July 27, 1984, in the presence of attorney Martin Cervantes, you said to the defendant at sentencing in a misdemeanor assault case, "If I had a shotgun I'd blow you away." You also said to this defendant, "Guys like you don't belong in society" or "Guys like you don't belong on the street."

(10) In People v. Joseph Shepherd, MWV 88327, at a court trial on August 13 and 14, 1984, you were rude, abusive and hostile toward defense witness James Bradley, and your references at sentencing to the defendant's physique and personality were rude and insulting.

(11) In People v. Barbara Mindiola, FWV 15039, on September 11, 1984, following the defense attorney's

objection to an answer given by prosecution witness Andy Tricinella, you directed Mr. Tricinella in a threatening and intimidating tone to "[k]eep your mouth shut," and that "[i]f there is an objection, it is directed to me. I am the judge here. You are not." Mr. Tricinella, who informed you that he had never been in court before, was upset and embarrassed by your statements.

(12) In People v. Jaime Mendez, TWV52205, on February 21, 1985, you were rude, insulting and demeaning to the defendant, a Spanish-speaking person who had arrived in court late for a pretrial hearing. When you learned that his attorney, the public defender, had not yet had a chance to discuss the case with the defendant, and was requesting a continuance, you threatened the defendant with incarceration. You asked him, through an interpreter, whether he understood that the only way you could guarantee that he would follow the procedures of the court was to put him in custody. When he failed to provide an answer, you remanded him to custody and said to his attorney, "Either he does understand or he doesn't, and if he sits there and looks like a bump on a log and has no ability to respond to me that he understands intelligently what is being interpreted to him in Spanish, I have no confidence that he will follow the directions of the court, and therefore, I will cage him, in effect, in jail and bring him back . . . uh . . . manacled and he will

appear when I order him to appear." Eventually you granted the public defender's request for a continuance and the defendant remained out of custody.

(13) In People v. William Saxe, FWV16616, in October of 1985, you harshly castigated the defendant for whispering to his attorney during court proceedings.

(14) In People v. Mary Ellen Alvarez, MWV95310, on October 22, 1985, you spoke to the defendant in a discourteous and sarcastic manner in the following exchange:

"JUDGE: This says you're possibly eligible for the public defender. Have you tried to retain an attorney?

"DEFENDANT: I don't have no money to hire one.

"JUDGE: 'Don't have no money' is a double negative which I suppose means you do have money. Are you employed?"

#### COUNT TWO

It is charged that you have abdicated your judicial responsibility to ensure the rights of defendants in criminal cases. This abuse is exemplified by, but not limited to, the following incidents:

(1) In People v. David Dyer (Bender), TWV 51219, TWV 31854, TWV 26837, TWV 22849, defendant came before you on February 8, 1985, for arraignment on criminal charges and probation violations. In TWV 22849, defendant was convicted

of driving under the influence and placed on probation in 1980. The Public Defender represented Mr. Dyer in TWV 22849. In TWV 26837, defendant was charged in 1980 with driving on a suspended license and driving with an inoperable brake light. The Public Defender was appointed but the case was not resolved prior to February 1985 because defendant failed to make his appearances. In TWV 31854, defendant was charged in 1981 with driving under the influence, failure to appear, and providing false information to a peace officer. Defendant failed to appear at arraignment and counsel was not appointed. In TWV 51219, defendant was charged in November of 1984, with driving under the influence, driving with a blood alcohol level of .10 or above, and driving without a license. Arraignment took place on February 8, 1985.

When Mr. Dyer appeared before you on February 8, 1985, he informed you he wished to plead guilty because he was, "trying to clean up my record." You failed to notify counsel of the proceedings in TWV 22849 and TWV 26837 and you proceeded in the absence of counsel on those cases. You failed to elicit proper waivers in both cases and accepted guilty pleas in TWV 26837 and an admission of a probation violation in TWV 22849. Without the benefit of a presentence probation report and without notifying counsel, on February 17, 1985, you sentenced defendant to 271 days in jail on these two cases.

In none of Mr. Dyer's cases did you appoint counsel to represent defendant or ask any attorney to advise defendant. Defendant was not referred for a presentence report. You imposed a total of 1,171 days in custody.

(2) In People v. Kenneth Clark, TWV52524, on February 21, 1985, the defendant appeared without his attorney at a misdemeanor pretrial conference. When the defendant told you the name of his attorney and said that he had not spoken with the district attorney, you immediately remanded him to custody. When he politely asked if he might say something, you replied, "You may not. Have a seat in the jury box."

(3) In People v. Judith Pearson, TWV 50431, on February 22, 1985, a suppression motion was scheduled in this misdemeanor trial. You issued a \$5,000 bench warrant for Ms. Pearson even though counsel of record was present and authorized to proceed in defendant's absence.

(4) In People v. Donald Dow, TWV43606, on August 26, 1985 you assigned this case out for trial to Judge Ellen Brodie. The defendant's attorney, Hal Smith, informed you that he intended to file an affidavit of prejudice against Judge Brodie and planned to obtain a form affidavit during the recess. Upon your suggestion that Mr. Smith make an oral motion, the attorney was sworn and stated that he believed Judge Brodie was prejudiced and

should be disqualified, citing Penal Code section 170. You denied this motion even though you knew what Mr. Smith had endeavored to accomplish for his client.

(5) In People v. Roger Park, FW11636, on September 16, 1985, the defendant went to court in the morning for a confirmation of counsel hearing without his attorney, J. Brendan O'Neill, who was engaged that morning in federal court. When the defendant discovered that his name did not appear on the court calendar, he was given a note by a court clerk stating that the clerk's office was unable to locate the case and advising him to contact the court again in a week to ten days.

Meanwhile, Attorney O'Neill's secretary contacted the court, learned that this case was assigned to your court and was told that the judicial secretary would inform your clerk that Mr. O'Neill would appear in your court in the late morning, after his federal court appearance. Mr. O'Neill's secretary also directed the defendant to wait for Mr. O'Neill in your courtroom. When Mr. O'Neill continued to be detained in federal court, his secretary again advised the judicial secretary of this fact and was told that the defendant and counsel could appear the following morning. However, you issued a bench warrant and forfeited the defendant's bail in the late afternoon of September 16, 1985.

On the morning of September 17, 1985, the defendant and Mr. O'Neill appeared in your court. Although Mr. O'Neill explained what had occurred the previous day and related that the defendant had been in court, you remanded the defendant to custody until the bail bond was reassumed.

(6) In People v. John Padilla, TWV39851, on December 6, 1985, the defendant appeared before you in pro per on a probation violation matter. The matter had been continued seven times awaiting the outcome of a new driving under the influence case in the Rio Hondo Judicial District of Los Angeles County which was the basis of the allegation of probation violation. When the defendant stated that the Rio Hondo case was still pending, you agreed to one more continuance, but you ordered the prosecutor to obtain the police reports in the Rio Hondo case and be prepared to prove the probation violation on January 10, 1986.

Sometime prior to January 10 the prosecutor informed you that the Rio Hondo case was going to be dismissed because the prosecutor there could not establish that the defendant was the driver of the car. You disputed the prosecutor's opinion that the case was not strong enough and you directed that the probation violation hearing was to proceed.

On January 10, 1986, the defendant appeared without counsel and provided a copy of the docket in the Rio Hondo case showing that the case had been dismissed on January 6, 1986, on motion of the district attorney. This dismissal notwithstanding, a probation violation hearing commenced. When you asked the defendant if he had any questions for the prosecution's witness, the defendant said he needed counsel, adding that he had been advised by his public defender in the Rio Hondo case that the probation violation matter would be disposed of when he told the court that the Rio Hondo case had been dismissed. The defendant had never waived his right to counsel. Without making any inquiry, you refused to honor the defendant's repeated requests for counsel. You found the probation violation true, remanded the defendant to custody, and then appointed the public defender to appear with the defendant for sentencing.

On January 17, 1986, you sentenced the defendant to 180 days in county jail. On February 4, 1986, the public defender filed a writ of habeas corpus, alleging that the defendant had been denied his right to counsel at the probation violation hearing. On February 11, 1986, the public defender filed a notice of appeal. Notwithstanding the filing of the notice of appeal, and pursuant to stipulation of counsel, you asserted jurisdiction over this case, ordered the case reopened, ordered the defendant's

sentence set aside and ordered him released from custody. On February 14, 1986, the public defender filed an affidavit of prejudice against you. You denied the affidavit of prejudice and set a new probation violation hearing for March 7, 1986. Following this second hearing you again found the defendant in violation of probation and sentenced him to 120 days in county jail.

COUNT THREE

It is charged that you have abused your contempt power and your powers to issue orders to show cause and bench warrants. This abuse is exemplified by, but not limited to, the following incidents:

(1) In People v. John Cameron, MWV74656, on January 28, 1981, the assigned deputy district attorney was unable to contact a prosecution witness under subpoena in order to advise him he was needed to testify at trial. The subpoenaed witness, a Montclair police officer, was on call pursuant to a well-known policy that released an officer from his subpoena if not contacted the morning of the subpoena date. When the prosecutor advised you that the People were unable to proceed since she had been unable to contact this witness in time to ensure his appearance in court, you dismissed the case. You then issued an order directing the police officer to appear and show cause why he should not be held in contempt for allegedly disobeying the

district attorney's subpoena. You initially took evidence on the contempt in the absence of the officer. When the police officer appeared at the hearing, you questioned him in the absence of counsel and without informing him of his privilege against self-incrimination.

(2) In People v. Joseph Shepherd, MWV 88327, on August 1984, you found the defendant in contempt and sentenced him to serve two days in jail on the basis of the following exchange:

"DEFENDANT: Can I say something?

"COURT: No, you may not, sir.

"DEFENDANT: How come---

"COURT: You are in contempt of court. I cite you for contempt of court. I will fine you at the end of these proceedings, sir.

"DEFENDANT: But--

"COURT: Sir, you are again in contempt of court. I cite you again for contempt of court."

You also threatened defense witness James Bradley with contempt, in the following exchange:

"DEF. COUNSEL: Did--did you ask the security guard  
to leave you alone?

"WITNESS: More than once.

"DEF. COUNSEL: And what did he do?

"WITNESS: He didn't. He kept it up.

"DEF. COUNSEL: Kept up what?

"WITNESS: Antagonizing us. At that time it  
was mostly Joe he was antagonizing.

"PROSECUTOR: Objection, there is no question  
pending.

"COURT: Wait until there is a question, sir  
again.

"WITNESS: Okay.

"COURT: You are directed only to talk when  
there is a question put to you and  
only to answer that question and if  
you violate those procedures there  
are possible sanctions that could be  
imposed against you. So listen  
carefully to what he says, think  
about what he says, answer what he  
says. Okay. Mr. Masters--"

(3) In People v. Mindiola, FWV 15039, on  
September 11, 1984, during the course of a preliminary  
hearing, you threatened prosecution witness Andy Tricinella  
with contempt in the following exchange:

"COURT: Mr. Tricinella, when someone makes an objection, they are talking to me, not you. If you interrupt again, I would --

"WITNESS: I have never been here before.

"COURT: You can be punished with a fine or jail. Keep your mouth shut. It is not directed to you. If there is an objection it is directed to me. I am the Judge here. You are not."

(4) In People v. Patrick O'Connors, TWV 49043, a defendant charged with driving under the influence and driving on a suspended license, failed to appear for arraignment on August 16, 1984. The defendant also faced charges of probation violation in cases TWV 41220, TWV 45179 and TWV 45379, and had an uncompleted commitment on TWV 34907. On August 30, 1984, attorney Ruth Brooker, an associate of Joanne Nehmeh, appeared before you requesting that the new case (TWV 49043) be called up for arraignment. You ordered that the bench warrants in all of the cases remain outstanding and ordered Ms. Brooker "to bring the defendant to court forthwith if she locates him."

The following day, attorneys Brooker and Nehmeh, along with attorney Ronald Steven Mintz appeared before Commissioner Parry. Commissioner Parry recalled the bench warrant in TWV 49043, granted a defense request to

substitute Mr. Mintz for Ms. Brooker, and accepted a declaration of prejudice pursuant to Code of Civil Procedure section 170.6 as to you.

On September 7, 1984, you ordered filed in each of defendant's cases a "Statement of Facts" setting forth the history of Mr. O'Connors' cases and containing allegations that Commissioner Parry had not been made aware of the contents of your prior orders when attorneys Brooker, Mintz, and Nehmeh appeared before him on August 31, 1984. You also described certain perceived defects in the Code of Civil Procedure section 170.6 affidavit filed August 31. Along with the "Statement of Facts," you issued an "Order for Appearance," directing attorneys Brooker, Mintz, and Nehmeh to appear before you on September 14, 1984, "to clarify for the court why the order for personal appearance of the defendant made on August 30, 1984, was not carried out, to explain to the court the basis for the actions they took and the representations they made before Commissioner Thomas Parry on August 31, 1984, and, if the defendant does not himself appear pursuant to the above order at the hearing on September 14, 1984, that they give reasonable explanation to the court as to his whereabouts and any justification for his non-appearance." On September 13, 1984, the San Bernardino Superior Court granted a writ filed by Mr. Mintz staying the September 14 hearing.

On October 4, 1984, attorneys Brooker, Nehmeh and Mintz appeared upon order by you in cases TWV 41220, 45179 and 45379 and were questioned by you as to the whereabouts of the defendant, the proper counsel for the defendant in these cases, and the representations they had made to Commissioner Thomas Parry concerning your August 30, 1984 orders in these cases when they appeared before the commissioner on August 31, 1984. The attorneys were at no time notified that you were considering instituting contempt proceedings.

(5) On January 8, 1985, Lynn Cotterman was in your department as a spectator. Her brother, Glenn Barber, was scheduled for a preliminary hearing in People v. Barber, FWV 15446. During sentencing on an unrelated case, Ms. Cotterman tripped over her son's feet when she stood up to leave the courtroom, her knee struck a bench and she uttered a one-word expletive. You cited her for contempt, ordered her held in custody, and shortly thereafter heard her explanation and apology. You then found her in contempt and ordered her to serve six hours in jail. After her brother's public defender interceded, you released her with four to four and one-half hours of the sentence deleted.

(6) In People v. Lori Day, MWV 94427, the defendant was arrested on misdemeanor charges on August 3, 1985, and arraigned in custody before you on August 7, 1985.

A notation was made on the docket that she was not eligible for 10% bail. However, she was released by the sheriff's department upon the posting of 10% bail on August 17, 1985. The bail was posted in the name of the defendant, who signed for it. This was in accordance with local policy requiring that 10% bail be posted only in the name of the defendant. A receipt for the amount posted was given to one Steven Follman, who apparently had provided the funds but was not otherwise part of the proceedings and did not agree that the money could be used to pay any fine imposed on the defendant.

On September 3, 1985, when the defendant failed to appear, you issued an order to show cause directing Mr. Follman to appear and show cause why he should not be required to post the balance of the bail. Mr. Follman was sent a letter notifying him that a hearing was set for September 16, 1985. When Mr. Follman did not appear on that date, you issued a \$1,000 bench warrant for his arrest.

(7) In People v. William Saxe, FWV16616, in October of 1985, you threatened the defendant with contempt and jail for whispering to his attorney.

(8) In People v. Linda Steed, TWV55489, on November 25, 1985, Paul Abram, the defendant's attorney, filed a writ of mandate (Linda Steed v. Municipal Court of San Bernardino, Case No. OCV37062) to review your denial of

a motion to strike a prior conviction. A peremptory writ was issued which set an appearance date of November 26, 1985. This was also the date set for trial before you in the criminal case. On the afternoon of November 25, you telephoned Mr. Abram's office and informed his secretary that you took the writ as a personal affront, that you were not going to stand for it and that you would hold him in contempt if he did not appear in your court the following morning ready for trial.

#### COUNT FOUR

It is charged that you have abdicated your judicial responsibility to remain an objective, impartial arbiter and have acted beyond your judicial authority on the basis of unseemly personal involvement in matters before you. This conduct is exemplified by, but not limited to, the following incidents:

(1) In People v. Daniel Giella, FWV 11433, on May 7, 1981, the prosecution moved for dismissal after you granted a defense motion to suppress evidence which led the prosecutor to have a good faith belief that the charges could not be proven. You refused to dismiss the case, informing counsel that there was still plenty of evidence available for the trial to continue and that you had no

doubt the defendant was guilty. Thereafter, you failed to disqualify yourself from the case. When the prosecutor and defense counsel asked for a court reporter to make a record on a renewed motion to dismiss, you refused the request. A defense motion for a reporter to make a record of the proceedings was also denied. When the prosecutor continued to make motions to continue and/or dismiss you told him, "If you don't stop this nonsense, I'll find you in contempt." The following Monday, May 11, 1981, you granted the People's renewed motion to dismiss.

(2) On April 13, 1983, in People v. Carol Bowman, FWV 13446, Deputy District Attorney Charles Blackwell was called away from a misdemeanor embezzlement jury trial he had begun when his father fell ill. Deputy District Attorney Michael Martinez substituted in and requested a continuance. The defense did not object. After inquiring of the jury, you refused to grant the continuance. The district attorney's office sought and obtained a writ of mandate, directing you to vacate your order denying the continuance and ordering a stay pending hearing on an order to show cause, set for April 18, 1983, at 8:30 a.m. You failed to comply with the writ and ordered a continuance to the next morning, April 14, 1983. In the morning a second writ was filed commanding you to stay all further proceedings and prohibiting you from conducting any

proceedings. You excused the jury until April 18, and ordered the parties into chambers in derogation of the stay order. The case was dismissed that day on stipulation from the defense that jeopardy not attach. You were abusive to Mr. Martinez in front of the jury and angrily questioned former Chief Deputy District Attorney Arthur McKinster as to why he had sought the writ from Superior Court Judge Charles Bierschbach.

(3) In People v. Fred Marshall, FWV 14087, on June 5, 1984, at the conclusion of the preliminary hearing you stated your opinion that the defendant was "fraudulent, a liar, and deceitful." You increased bail from \$13,000 to \$150,000; you ordered defendant to pay \$1,500 in attorney fees even though you were not the trial court and criminal proceedings were not yet completed; and, you ordered the money to be taken from the posted bail, despite the fact you were told defendant's grandmother and father posted the bail and did not authorize the bail to be used for that purpose. When defense counsel informed you that the bail came from defendant's grandmother, you responded by saying defendant's grandmother was, "Perhaps another victim of--."

(4) In People v. Joseph Shepherd, MWV 88327, at a court trial on August 13 and 14, 1984, you were openly hostile toward the defense. You criticized and chastised the defendant's witness, James Bradley, made it clear during your own cross-examination of the witness that you

disbelieved him, and inappropriately threatened the witness with sanctions. You acted in an intimidating manner toward defense counsel. You were personally abusive and insulting to defendant. Defendant's conviction was reversed by the Appellate Department of the San Bernardino Superior Court, Case No. Cr. A. 1390, in an opinion filed March 18, 1985, on the ground that you "displayed an animosity toward the Appellant which resulted in the denial of even the semblance of a fair trial."

(5) In People v. Linda Steed, TWV55489, on November 8, 1985 the defendant, represented by attorney Paul Abram, moved to strike a prior conviction. This motion was not opposed by the deputy district attorney. You denied the motion and set the case for jury trial on November 26, 1985. The defense moved to continue the trial date in order to seek pretrial review of your ruling on the motion. You denied this motion as well. Attorney Abram then filed a petition for writ of mandate (Linda Steed v. Municipal Court of San Bernardino, Case No. OCV37062) to review your denial of the motion to strike the prior conviction. On November 25, 1985 San Bernardino Superior Court Judge William Pitt Hyde issued an alternative writ directing you to set aside your order denying the motion to strike the prior or show cause why this should not be done, and issued a peremptory writ directing you to vacate the trial date.

The peremptory writ set an appearance date of November 26, 1985.

On November 25, 1985, you had a conversation with Judge Hyde about the writ. You also telephoned Mr. Abram's office that day and informed his secretary that you took the writ as a personal affront, that you were not going to stand for it and that Mr. Abram had better be in court the next morning ready for trial or he would be held in contempt. Mr. Abram's secretary was upset by your demeanor. You then spoke with Mr. Abram who informed you he would appear before Judge Hyde for the writ hearing the next morning.

At the hearing the next morning Judge Hyde denied the writ. You then agreed to a continuance of the trial. The case mistried twice before other municipal court judges, one of whom invited the defense attorney to renew the motion to strike the prior and then granted that motion.

#### COUNT FIVE

It is charged that you have abused your power in making fee orders. This abuse is exemplified by, but not limited to, the following incidents:

(1) In People v. Richard Black, TWV 44114, on February 24, 1984, you imposed attorney fees of \$2,000 without regard to the cost of the services rendered, without

regard to defendant's ability to pay, without notifying defendant of his right to a hearing, without notifying him of the rights he might assert at such a hearing, and without notifying him of his right to petition the court to modify or vacate its judgment. You told Deputy Public Defender William Cornell his client would not need his car for three years and could sell his car to pay the fees. When you reduced the fee order to \$750 at defense counsel's request on April 27, 1984, you imposed that figure without regard to defendant's ability to pay and you failed to inform defendant of his right to seek a modification.

(2) In People v. Fred Marshall, FWV 14087, at the close of the preliminary hearing on June 5, 1984, you held a "hearing" in which you assessed attorney fees of \$1,500 and ordered the money taken out of previously posted bail. Your order was made without regard to the actual cost of services, without regard to defendant's ability to pay, without notifying defendant of his right to a noticed hearing, without notifying him of the rights he might assert at the hearing, and without notifying him of his right to petition the court to modify or vacate its judgment.

(3) In People v. Richard Waring, TWV 51265, on January 8, 1985, you imposed attorney fees of \$50 without regard to the defendant's ability to pay, without notifying

defendant of his right to a hearing, the rights he might assert at such hearing, or his right to petition the court to modify or vacate its judgment.

(4) In People v. Lino Martinez, MWV 90172, on January 8, 1985, you imposed attorney fees of \$50 without regard to defendant's ability to pay, without notifying defendant of his right to a hearing, the rights he might assert at such hearing, or his right to petition the court to modify or vacate its judgment.

(5) In People v. Thomas Lee Ray, MWV 90905, on January 8, 1985, you imposed attorney fees of \$50 without regard to defendant's ability to pay, without notifying defendant of his right to a hearing, the rights he might assert at such hearing, or his right to petition the court to modify or vacate its judgment.

(6) In People v. Donna Ogle, TWV 50910, on January 8, 1985, you imposed attorney fees of \$75 without regard to defendant's ability to pay, without notifying defendant of her right to a hearing, the rights she might assert at such hearing, or her right to petition the court to modify or vacate its judgment.

(7) In People v. Rosanne Brockbank, TWV 52524, on February 21, 1985, you imposed attorney fees of \$30 without regard to defendant's ability to pay, without notifying defendant of her right to a hearing, the rights she might assert at such hearing, or her right to petition the court to modify or vacate its judgment.

(8) In People v. Richard Brown, MWV 88030, on February 21, 1985, you imposed attorney fees of \$75 without regard to defendant's ability to pay, without notifying defendant of his right to a hearing, the rights he might assert at such hearing, or his right to petition the court to modify or vacate its judgment.

(9) In People v. Wade Miller, MWV 91230, on March 26, 1985, you imposed attorney fees of \$30 without regard to defendant's ability to pay, without notifying defendant of his right to a hearing, the rights he might assert at such hearing, or his right to petition the court to modify or vacate its judgment.

(10) In People v. Tommy Lopez, TWV 52876, on April 4, 1985, you found the value of attorney services rendered in that case to be \$150 without regard to the actual cost of services rendered. The services rendered in

this case were equivalent to those rendered in People v. Waring, TWV 51265 (\$50), People v. Ray, MWV 90905 (\$50), People v. Martinez, MWV 90172 (\$50), and People v. Miller, MWV 91230 (\$30), and the services rendered were less extensive than those rendered in People v. Ogle, TWV 50910 (\$75).

It is asserted that your conduct as charged in this and in each of the preceding counts constitutes wilful misconduct in office and conduct prejudicial to the administration of justice which brings the judicial office into disrepute within the meaning of subdivision (c) of section 18, article VI, California Constitution.

You have the right to file a written answer to the charges against you within fifteen (15) days after service of this notice upon you with the Commission on Judicial Performance, Fox Plaza, Suite 304, 1390 Market Street, San Francisco, California 94102. Such answer must be verified, must conform in style to subdivision (c) of Rule 15 of the Rules of Court, and must consist of an original and eleven (11) legible copies.

BY ORDER OF THE COMMISSION ON JUDICIAL PERFORMANCE.

DATED: \_\_\_\_\_

*Dec 16 1986*  
*J. T. Racumill*  
\_\_\_\_\_  
Chairperson