

COMMISSION ON JUDICIAL PERFORMANCE
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FOR RELEASE
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JUDICIAL PERFORMANCE COMMISSION ISSUES
PUBLIC ADMONISHMENT OF JUDGE ROBERT H. OLIVER

The Commission on Judicial Performance has issued a public admonishment to Judge Robert H. Oliver of the Fresno County Municipal Court. The admonishment is attached.

The commission is composed of six public members, three judges and two lawyers. The Chairperson is Robert C. Bonner, Esq. of Los Angeles, California.

PUBLIC ADMONISHMENT OF JUDGE ROBERT H. OLIVER

The Commission on Judicial Performance has ordered Judge Robert H. Oliver publicly admonished pursuant to Article VI, section 18(d) of the California Constitution and Commission Rule 115, as set forth in the following statement of facts and reasons found by the commission:

STATEMENT OF FACTS AND REASONS

1. On October 4, 1996, Judge Robert Oliver took under submission certain motions pertaining to discovery in the misdemeanor criminal case of *People v. Wigand*. These motions were not decided until May 14, 1997, seven months later. During this time, Judge Oliver received letters dated October 25, 1996, December 18, 1996, January 6, 1997, and March 3, 1997 reminding him that the motions remained undecided. Judge Oliver also received verbal reminders that the motions remained undecided. Judge Oliver's delay was later determined to have resulted in a violation of the defendant's right to a speedy trial, which necessitated dismissal of the criminal charges against her.

2. On April 19, 1996, Judge Oliver took under submission demurrers in two misdemeanor criminal cases entitled *People v. Judy Wooldridge*. Judge Oliver did not rule on the demurrers until May 12, 1997, a delay of thirteen months.

3. While the *Wigand* and *Wooldridge* cases remained pending and undecided for longer than 90 days, Judge Oliver executed salary declarations under penalty of perjury stating that there were no cases before him which had remained pending and undecided for longer than 90 days, and continued to receive his judicial salary. (See California Constitution, Article VI, section 19 and Government Code section 68210.) Judge Oliver had received reminders that the *Wigand* case had been under submission in excess of 90 days when he executed some of these salary declarations.

Judge Oliver's failure to decide the *Wigand* and *Wooldridge* cases was contrary to Canon 3B(8) of the Code of Judicial Ethics, which requires that judges dispose of all judicial matters fairly, promptly and efficiently. While inordinate delay in decision-making is unacceptable in all cases, Judge Oliver's failure to promptly decide criminal cases pending before him was particularly egregious in light of the potential for harm to the parties and the public inherent in such delay. Judge Oliver's delay in the *Wigand* case was determined to have violated the defendant's right to a speedy trial, which necessitated dismissal of the case; that dismissal deprived the People, the defendant, and the public of an adjudication of criminal charges.

In mitigation, it was noted that Judge Oliver reported his delay in the *Wigand* matter to the commission.

The vote of the commission on issuance of the Public Admonishment was 6 ayes and 2 noes, and one recusal. (The two "no" votes favored private discipline.)