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Commission on
Judicial Performance

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Attorney for Respondent Judge,
Michael E. Platt

STATE OF CALIFORNIA

BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE

INQUIRY CONCERNING)	ANSWER TO FIRST AMENDED
JUDGE MICHAEL E. PLATT,)	NOTICE OF FORMAL
NO. 162.)	PROCEEDINGS
)	
_____)	

COMES NOW Respondent Judge Michael E. Platt, who hereby answers the allegations of the Notice of Formal Proceedings as follows:

COUNT ONE

1. Admits that Edward (Eddie) Guardado previously loaned Respondent Judge the sum of approximately \$3,500, which debt was discharged by way of bankruptcy proceedings in July, 1999.

2. Admits that sometime on or after December 28, 1999, Mr. Guardado's wife, Lisa Limbaugh-Guardado, telephoned Respondent Judge and informed him that her niece, Deanna Marie Molina had received a speeding ticket in San Joaquin County.

3. Admits that, although Ms. Molina's speeding ticket would not have come before Respondent Judge for any purpose in the regular course of judicial business, Respondent Judge instructed his clerk, Mary Ann Nayer to locate the court records of the

speeding ticket, and subsequently instructed Ms. Nayer to dismiss Ms. Molina's speeding ticket.

4. Admits that case no. LA66173 was dismissed on the court's own motion without an appearance by Ms. Molina and without a hearing.

COUNT TWO

5. The answers to Count One are incorporated herein by reference.

6. Admits that sometime on or after February 8, 2000, Ms. Limbaugh-Guardado telephoned Respondent Judge and informed him that her husband, Eddie Guardado had received a speeding ticket in San Joaquin County.

7. Admits that, although Mr. Guardado's speeding ticket would not have come before Respondent Judge for any purpose in the regular course of judicial business, Respondent Judge instructed his clerk, Ms. Nayer to locate the court records of the speeding ticket.

8. Admits that subsequently, Respondent Judge instructed Ms. Nayer to dismiss Mr. Guardado's ticket and, as a result case no. Z155786 was dismissed on the court's own motion without an appearance by Mr. Guardado and without a hearing.

COUNT THREE

9. The answers to Count One and Count Two are incorporated herein by reference.

10. Admits that sometime on or after November 16, 2000, Ms. Limbaugh-Guardado telephoned Respondent Judge and informed him that she had received a speeding ticket, that she believed that she had missed a court date, and she wanted to know how to reach a person at the traffic court to inquire into paying the fine and

attending traffic school, as she was having problems getting through the voice mail at the traffic court.

11. Admits that although Ms. Guardado's speeding ticket would not have come before Respondent Judge for any purpose in the regular course of business of judicial business, Respondent Judge instructed his clerk, Ms. Nayer to locate the court records of the speeding ticket.

12. Admits that Respondent Judge contacted his former courtroom clerk, Cathy Graham and told Ms. Graham that, if Ms. Guardado was eligible for traffic school, he would authorize it.

13. Admits that Ms. Graham made the following entry on the court records, case no. Z167114: "Ms[.] Guardado phoned that she would be in today to sign up for traffic school/OK'd with Judge Platt to do traffic sc[hool]."

14. Admits that on January 9, 2001, Respondent Judge telephoned Ms. Graham again and asked her to enter a dismissal of the ticket on the court records. Admits that Ms. Graham did not enter the dismissal and informed Respondent Judge that she had not done so.

15. Save and except the foregoing, Respondent Judge denies, generally and specifically each allegation of Count Three.

COUNT FOUR

16. The answers to Count One, Two and Three are incorporated herein by reference.

17. Admit that sometime after March 27, 2000, bailiff, San Joaquin County Deputy Sheriff Rick Adams informed Respondent Judge that Frank S. III had received a

speeding ticket in San Joaquin County. Admit that Frank S. III was the minor son of Frank S., Jr., a reserve deputy with the San Joaquin County Sheriff's Department who had acted as Respondent Judge's bailiff on occasion.

18. Admit that Deputy Adams explained the circumstances of Frank S. III receiving the speeding ticket and asked if Respondent Judge could do something to help.

19. Admit that Respondent Judge contacted the California Highway Patrol Officer who had issued the speeding ticket to Frank S. III, and discussed the matter with him.

20. Admit that, although the speeding ticket would not have come before Respondent Judge for any purpose in the regular course of judicial business, the speeding ticket was dismissed in case no. LN58650 without a hearing.

COUNT FIVE

21. The answers to Counts One, Two, Three, and Four are incorporated herein by reference.

22. Admits that on or about July 16, 1998, Respondent Judge telephoned San Joaquin County Superior Court Judge Lesley D. Holland at his chambers in Stockton, where Judge Holland was assigned to the juvenile dependency calendar.

23. Admits that Respondent Judge told Judge Holland that a case was or would be assigned to him involving the family of a former client of his, Mr. S.

24. Admits that Respondent Judge informed Judge Holland that he had been contacted by the family of Mr. S regarding their two sons who were dependents of the court; that Mr. S. allegedly had absconded with the younger child; that the family was dysfunctional; that Respondent Judge had advised Mr. S. to return the boy and to

cooperate with child protective services; and that Mr. or Mrs. S had inquired when they would be seeing a judge.

25. Admits that Respondent Judge asked Judge Holland when the S. matter would be before him. Admits further that Judge Holland told Respondent Judge that the matter would be heard that day or the next, that the parents would be assigned counsel, and that a date would be scheduled for a jurisdictional hearing.

26. Admits that the S. matter (In re Jeremiah and Austin S., case no. J01450) came before Judge Holland for a hearing on or about July 17, 1998. Admits further that during that hearing, Respondent Judge went to Judge Holland's courtroom through a side door and remained in the courtroom near the side door.

27. Denies, generally and specifically that Respondent Judge intended to or did create the impression that he was in a special position to influence the judge. Further denies generally and specifically that Respondent Judge was in any way attempting to lend the prestige of his judicial office to advance the interests of Mr. S. or his family.

COUNT SIX

28. The answers to Counts One, Two, Three, Four, and Five are incorporated herein by reference.

29. Admits that sometime in 1999 or 2000, Respondent Judge telephoned Commissioner Barbara A. Kronlund assigned to the Tracy branch of the San Joaquin Unified Superior Court regarding the procedure in the Tracy branch court for handling of late fees in connection with traffic tickets.

30. Admits that Oscar Anzaldo is the godfather of Respondent Judge. Admits further that Oscar Anzaldo had received a speeding ticket on or about October 12, 1999.

Admits further that Respondent Judge told Commissioner Kronlund that he was calling about Oscar.

31. Admits that Mr. Anzaldo appeared before Commissioner Kronlund on April 12, 2000, pled guilty to the speeding ticket and was ordered to pay a fine and fees, including late fees.

32. Denies generally and specifically that Respondent Judge at any time made any requests of Commissioner Kronlund in connection with the speeding ticket issued to Mr. Anzaldo. Denies generally and specifically that Respondent Judge in any way attempted to influence Commissioner Kronlund or suggest that she provide any special consideration to Mr. Anzaldo.

COUNT SEVEN

33. The answers to Counts One, Two, Three, Four, Five and Six, are incorporated herein by reference.

34. Admits that late on a Friday afternoon in the spring of 2000, just prior to the close of the courts, while the Respondent Judge was in the clerk's office, he was informed by a tenant or by a clerk that a tenant's wife had been hospitalized for a period of time, which was the reason that the tenant was prevented from vacating premises as previously ordered by Judge Smith, and that the tenant was requesting a stay of execution for an additional one (1) week period of time.

35. Denies that Respondent Judge was presented with the file or a copy of the previous court order to vacate the premises. Admits that the tenant had a modified order containing the information relative to his wife's medical condition and authorizing a stay of one (1) additional week.

36. Admits that Respondent Judge approached the clerk to inquire as to the normal procedure for such an emergency request. Admits further that the clerk advised Respondent Judge that under the circumstances, she would normally attempt to find an available judge to review the matter, and either grant or deny the request, that she had attempted to do so, and had been unsuccessful given the late hour of the day.

37. Admits that Respondent Judge then advised the clerk that he would review the tenant's request pursuant to the information that had been provided to him. Further admits that Respondent Judge did then review the file and the request and, as it appeared to Respondent Judge reasonable and appropriate under the circumstances to grant the stay, Respondent Judge directed the clerk to enter an order granting a stay of a one (1) week period to allow the tenant time to vacate the premises. Admits further that, pursuant to Respondent Judge's direction, the clerk filed the stay order that day.

38. Denies generally and specifically that the tenant was a personal acquaintance of Respondent Judge. Further denies generally and specifically that Respondent Judge acted at the ex parte request of a personal acquaintance, in a matter that was not pending before Respondent Judge and that would not have come before Respondent Judge in the regular course of judicial business for any purpose. Further denies generally and specifically that Judge Smith was not notified of the action taken by Respondent Judge.

COUNT EIGHT

39. The answers to Counts One, Two, Three, Four, Five, Six and Seven are incorporated herein by reference.

40. Admits that during or about spring or summer of 2000, Respondent Judge visited Judge James E. Hammerstone, Jr., at his chambers in the Stockton Branch of the San Joaquin County Superior Court. Admits further that Respondent Judge advised Judge Hammerstone that a family member of an acquaintance was being held and that the family would be requesting a release on the potential defendant's own recognizance directly to the court.


41. Denies generally and specifically that Respondent Judge requested that Judge Hammerstone grant an own recognizance release, and/or call the jail and order the individual released on her own recognizance. Admits that Judge Hammerstone declined to do so.

42. Denies generally and specifically that Respondent Judge's actions were an improper use of the prestige of his judicial office to advance the personal interests of an acquaintance.

Dated: 12/16/01

HAKEEM, ELLIS & MARENGO
A Professional Corporation

By

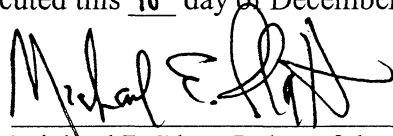

Albert M. Ellis, Attorney for
Respondent Judge

VERIFICATION

I, MICHAEL E. PLATT declare that I am in the Responding Judge in the instant inquiry. That I have read the foregoing ANSWER TO NOTICE OF FORMAL PROCEEDINGS, and know the contents thereof. That I believe the same to be true,

except as to those matters which are alleged on information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and executed this 18 day of December, 2001.

A handwritten signature in black ink, appearing to read "Michael E. Platt", written over a horizontal line.

Michael E. Platt, Judge of the
Superior Court

1 **PROOF OF SERVICE BY MAIL**
2 **[C.C.P. 1013(c)]**

3 I, KATRINA A. WARD, hereby certify and declare as follows:

4 (1) I am over the age of 18 years and not a party to this
5 action. My business address is 3414 Brookside Road, Suite 100,
6 Stockton, California, 95219, which is located in the County where
7 the service described below took place.

8 (2) On December 18, 2001, I deposited in a box or other
9 facility regularly maintained by FEDERAL EXPRESS an express service
10 carrier, or delivered to a courier or driver authorized by said
11 express service carrier to receive documents, copies of the
12 following documents:

13 **ANSWER TO FIRST AMENDED NOTICE OF FORMAL PROCEEDINGS**, together with
14 a copy of this Declaration, in an envelope designated by the said
15 express service carrier, with delivery fees paid or provided for,
16 address to:

17 **JACK COYLE, ESQ.**
Office of Trial Counsel
18 Commission on Judicial Performance
455 Golden Gate Ave., Ste. 14424
19 San Francisco, CA 94102


HONORABLE ARTHUR G. SCOTLAND
Court of Appeal
20 Third Appellate District
914 Capitol Mall
Sacramento, CA 95814

21 **HON. JAMIE A. JACOBS-MAY**
Superior Court of
Santa Clara County
191 North First St., Dept. 4
22 San Jose, CA 95113

HON. PETER L. SPINETTA
Superior Court of
23 Contra Costa County
1020 Ward Street, Room 3016
Dept. 11
Martinez, CA 94553

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

26 Executed on December 18, 2001, at Stockton, California.

27 
28 KATRINA A. WARD