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**DEC 19 2014**

**COMMISSION ON  
JUDICIAL PERFORMANCE**

STATE OF CALIFORNIA

BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE

INQUIRY CONCERNING  
JUDGE VALERIANO SAUCEDO,

No. 194

NOTICE OF FORMAL PROCEEDINGS

To Valeriano Saucedo, a judge of the Tulare County Superior Court from January 2001 to the present:

Preliminary investigation pursuant to Rules of the Commission on Judicial Performance, rules 109 and 111, having been made, the Commission on Judicial Performance has concluded that formal proceedings should be instituted to inquire into the charges specified against you herein. Commission member Mr. Anthony P. Capozzi was recused from this matter.

By the following allegations, you are charged with willful misconduct in office, conduct prejudicial to the administration of justice that brings the judicial office into disrepute, and improper action within the meaning of article VI, section 18 of the California Constitution providing for removal, censure, or public or private admonishment of a judge or former judge, to wit:

COUNT ONE

Since approximately late 2010, you have been assigned to department 6 in the Visalia courthouse. As exemplified by the conduct set forth below, from approximately mid-September 2013 through mid-November 2013, you engaged in a course of conduct toward your courtroom clerk in which you 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 you and be your “special friend.” Your attempt to establish a closer relationship with the clerk included numerous gifts.

On the morning of September 18 (Wednesday), you called the clerk into chambers and showed her an anonymous typed letter that purportedly had been sent to the clerk’s husband, in the care of his place of employment. The anonymous letter, addressed to the husband, accused the clerk in crude terms of having an affair with the bailiff in department 5. The anonymous letter purported to be from a “friend” of the bailiff, and concluded with the statement “Sent this to her judge.” You told the clerk that the letter had been mailed to you at your home address. You showed her a postmarked envelope (September 16) addressed to you at your home address, marked “Personal and Confidential.” Attached to the anonymous letter was a typed note from you to the clerk, stating that what she was about to read would be very upsetting, that she was not to tell anyone about the anonymous letter, and that you could help her if she trusted you, or words to that effect.

You did not report the anonymous letter to your presiding judge, court administration, or criminal authorities. You did not provide the clerk with a copy of the anonymous letter (hereafter referred to as the letter) or the envelope, or the attached note from you. You kept the letter and envelope in chambers.

You talked to the clerk about the letter briefly in chambers that morning (September 18), and reserved the law library conference room for the lunch hour in order to talk to her about it again. You asked the clerk if the letter was true, and she told you it was not. You asked the clerk if she trusted you and told the clerk that you could help her. You told her that she must not say anything to anyone about the letter.

You told the clerk that you would call her husband’s employer in order to intercept the anonymous letter and have it destroyed; you stated that you would say it was a jury certificate sent in error. The clerk expressed fear that she, the bailiff, and her husband would be fired, and that her husband would find out about the letter.

Later that day, you falsely told the clerk that you had spoken with the Human Resources department of her husband’s employer, and that the letter had been destroyed. You did not make any such call to the clerk’s husband’s employer. (No copy of the letter

was ever received at the husband's place of employment.) You have denied authorship of the letter. Allegedly, you prepared the letter and sent it to your home address.

You asked the clerk to tell you everything about her relationship with the bailiff, whom the clerk had dated during a separation from her husband approximately five to six years earlier. You told the clerk that you would give her money for payments she was making on a Jeep owned by her sister, for which the bailiff had cosigned a loan (and as to which he sometimes contributed). You instructed the clerk to have no contact with the bailiff.

On either September 19 or 20 (Thursday or Friday), you gave the clerk \$200 in cash.

On September 23 (Monday), you gave the clerk a three-page letter addressed to her minor son, in which you stated that you were providing legal advice concerning an infraction citation he had received (in Fresno County). The letter was entitled, "Privileged and Confidential Communication."

On September 24 (Tuesday), you had flowers delivered to the clerk at the courthouse. The attached card, which is anonymous, states "NEW DAY, NEW WEEK, NEW BEGINNING." In an undated typed note from you to the clerk, you instructed her to lie as to who had sent the flowers, and stated that the flowers would send a "message" to the bailiff:

As for the flowers, simply say that things are wonderful between you and [your husband] and that [your husband] sent the flowers. (A little white lie won't hurt anyone.) Word will get out and [the bailiff] will get the clear message. Remember always operate from a position of strength.

For AAA [American Automobile Association], meet me downstairs over by the law library in the basement after we adjourn for lunch. Thanks.

On September 27 (Friday), you gave the clerk \$500 in cash. Around this time you told her that she needed to dress well, and asked her to send you a photograph of herself shopping. You asked her in an email on September 27 (subject line "Cases") if she could spend a few minutes talking with you before she left; she declined.

On September 28 (Saturday), you contacted the clerk and asked whether the bailiff had contacted her about the Jeep loan.

On September 30 (Monday), you gave the clerk a one-page undated typed note, set forth below. In it, you cite the purported “risk” you took on her behalf (purportedly, contacting her husband’s employer and intercepting the anonymous letter) as evidence of your trustworthiness, condition financial assistance from you on her trusting you and telling you “everything,” refer to your intent to buy her a car, and encourage her to have more contact with you and to compliment you:

I support you completely and unequivocally in all of your endeavors.

Reflecting back on this last week, I am concerned that I have not yet fully earned your complete trust and confidence. Two examples come to mind. Last week, until I probed, you did not voluntarily tell me that you only had \$10.00 in your checking account. Clearly, this was not enough money to make it through the rest of the week and weekend until Tuesday of this week, your payday. You should have voluntarily told me. Once I learned of your financial pressure, I initially gifted you \$200 and then \$500. I was happy to do so but what concerned me is that you did not voluntarily tell me. The second example is Saturday when I asked you about [the bailiff]. I again felt like I probed when we had agreed that you would voluntarily let me know if he contacted you about the loan payment.

I truly want to earn your trust and feel badly that I have not yet done so. What else do I need to do? I voluntarily took a risk to protect you because you have earned my trust and respect. I have no regrets that I took the risk. It was absolutely the right thing to do. You have my utmost respect and trust and always will. I was upset with myself this weekend, notwithstanding your forgiveness, because sometimes I still feel that I am hurting and not helping you enough.

This month and every month I will gift you \$200 for the loan. However, I am happy to meet your other financial needs. As I’ve told you, from here on out, you will no longer have any financial worries. However, you must trust me unconditionally and voluntarily tell me everything.

Don't be like my former clients. They didn't lie to me. Sometimes they forgot to tell me important things. Don't feel embarrassed or like a burden. I can handle anything.

Looking at the future, I want to earn your complete trust and have you voluntarily tell me what is going on in your life. I am willing to do anything to earn your trust and confidence. I want to support your every endeavor but I cannot know your endeavors unless you tell me. In this connection, I find texting is fine but I find these notes and form of communication unsatisfying and incomplete. They do not fully inform me on what is going on. I prefer to talk to you and would like to know whether you wish to talk and when. Sometimes I feel like you would prefer to avoid me altogether and not talk to me. Perhaps, you don't even like me, want to talk to me or have me involved. I hope not. Let's work on these issues together, planning for your financial future (including a two seater --- although you seem skeptical about this promise). As you know, I do not make promises I cannot keep. Frankly, my biggest concern is how you would explain a two seater gift to [your husband]. (By the way, what did you say and what did he say about the flowers? Just curious.)

Finally, I, too, am human and have an ego. Feel free, if you wish, to compliment me if you like things I do or wear, or, if you wish, you may treat me like the Maytag repair man.

Please respond. Always your genuine friend and supporter.

In another undated typed note from you to the clerk, you instructed her:

Don't share with anyone any information. I assume you have not told anyone about [the bailiff] and the letter.  
Correct?

In another undated typed note, you provided the name and cell phone number for your brother, who is a doctor. You told the clerk that if anything happened to you, your brother knew about her and would take care of her financially. On a later date (October 29), you texted the clerk that you had been talking to your brother about her and doing "financial planning."

In early October 2013, you paid for a repair to the clerk's 2002 Ford Focus (\$328). Around the same time, you told the clerk that you would pay for a trip to Disneyland for her and her family as a gift.

You frequently texted the clerk after September 18, including after business hours and on weekends. On more than one occasion, she asked you to stop texting her.

On October 18 (Friday), you gave the clerk a temporary AAA card that you had paid for (\$68) and deposited \$500 into her savings account. You also gave her another undated typed note. (You handed the clerk some of the notes in the courtroom, in an empty file folder.) In it, you told her to contact you in case of emergency, and asked to have your "texting privileges" reinstated:

AAA

Here is your temporary AAA card. You must sign and keep the temporary card. Keep it with you. The hard plastic card along with your free gift, the movie Turbo, will be mailed to your Selma address. We should upgrade the card to a premium level in about 90 days. This will give you better protection. Keep in mind that the card runs with you not your car. This means that it will provide you with personal protection no matter which car you are in.

CitiBank

Attached is proof of deposit for \$500. The funds are available immediately. The teller said that you simply needed to get on line and confirm that the deposit was made. Please confirm that the deposit was credited. Enjoy!!

Roseville

Be careful if you drive to Roseville. It is quite far and you should take appropriate precautions to be safe. You know this already and do not need me to tell you. However, I will worry about you. As always, I am ready to help you with anything. If your car breaks down and AAA is not sufficient or you need to get lodging and cannot afford it, call me. Remember --- anything.

## Texting

With your permission, I would like to have my texting privileges reinstated. I promise to use greater discretion and not make you feel as if I am being controlling. As I have explained, that is not my intention. I simply enjoy knowing that you are happy enjoying your new financial freedom. If you feel that this is not a good idea, let me know. I will understand. I appreciate your candor.

Have a wonderful weekend and I hope you feel better.

On October 21 (Monday), you deposited \$250 into the clerk's savings account. On October 25 (Friday), you 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, which you paid for either that day or the day following (\$1,826). Around this time, you told the clerk that you would pay for expenses for the Disney trip, and that you would purchase a Disney trip for her sister and her family as a gift.

In your texts to the clerk, you sought to elicit her reaction to your gifts. You commented on her appearance, and told her that you would pay for body sculpting.

On October 28 (Monday), texts included:<sup>1</sup>

To YOU [the clerk]  
Date : 10/28/2013 12:31:49 PM  
Wonderful!! Is your sister happy? Are you happy? What about the car info I gave you? What do you think?

To : Val Saucedo  
Date : 10/28/2013 12:49:24 PM  
Thank you. I appreciate it.

To YOU  
Date : 10/28/2013 12:50:00 PM  
Thoughts on the car?

To YOU  
Date : 10/28/2013 12:50:21 PM  
Are you happy?

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<sup>1</sup> Typographical errors in texts have not been corrected.

To : Val Saucedo  
Date : 10/28/2013 12:54:31 PM  
Any car is better than the one I have. Of course I'm happy.  
And fyi: I now have \$80 in savings.

To YOU  
Date : 10/28/2013 12:59:54 PM  
I make no assumptions about your happiness. I simply need to hear it from you. I will take care of the savings. I will also provide for your Disney trip. I appreciate the comment about the car; however, the details are important. After all, you will be using the car.

To YOU  
Date : 10/28/2013 05:30:20 PM  
I just saw a beautiful double rainbow on the way home.  
Huge!

On October 29 (Tuesday), you texted the clerk at least 16 times:

To YOU  
Date : 10/29/2013 07:27:07 AM  
Good morning. Follow up to our conversation. Every morning wake up feeling wonderful and beautiful. No pressure, no worries.

To YOU  
Date : 10/29/2013 07:33:50 AM  
You do not need body sculpting. You are gorgeous and in fine shape as you are. However if it would help your self esteem, let's discuss it in March or April. We have lots on our plate right now, Disney, the car, etc.

To YOU  
Date : 10/29/2013 07:36:50 AM  
[Your husband] should not criticize you unless he is willing to pay for your body sculpt ng. I am willing to pay.

To YOU  
Date : 10/29/2013 07:37:32 AM  
I am working on a Disney budget.



To YOU

Date : 10/29/2013 10:25:19 AM

I sent [the AAA representative] the information and rescheduled for tomorrow. Have you told [other court staff] etc about your trip? You should so word gets out that you are doing well and happy? Still working on the car.

To YOU

Date : 10/29/2013 12:09:58 PM

Everything is fine with [the AAA representative]. The price increased by \$20.00. No problem. Any feedback on my barrage of messages?

To YOU

Date : 10/29/2013 12:12:42 PM

BTW, you will have \$1 in savings by the end of the week. The jeep payment will come later.

To YOU

Date : 10/29/2013 12:14:10 PM

No worries, no pressure. Just smiles and happiness.

To : Val Saucedo

Date : 10/29/2013 12:55:57 PM

I told the girls about Disney Land. im excited ...I looked at the car last night.....its nice... if it doesn't work out that's ok to

To YOU

Date : 10/29/2013 01:15:33 PM

I am very excited and happy for you. I u derstand about the car but I also do not like failure. Our friendship makes me happy. Seeing you happy and self assured also makes me happy.

To YOU

Date : 10/29/2013 01:21:58 PM

Did everything go well at your medical appointment?

To YOU

Date : 10/29/2013 04:41:56 PM

You seemed aloof and unhappy today. Everything okay?

To : Val Saucedo  
Date : 10/29/2013 05:11:10 PM  
A lot of work. . I'm behind so I'm feeling overwhelmed is all. It was nice not having to be in court is all.

To YOU  
Date : 10/29/2013 05:21:42 PM  
I understand. Is there anything I can do? I try to brighten up your day with positive thoughts. Every day love, kindness and respect.

To YOU  
Date : 10/29/2013 05:25:27 PM  
I truly appreciate everything you do. Too bad we can't talk very much. I had a wonderful conversation with my brother about you. Just doing financial planning. You don't know how well you are covered.

To : Val Saucedo  
Date : 10/29/2013 05:39:13 PM  
Not to be picky but on the car issue i wouldn't mind a 4 seater sports car. ..I don't mind a 2 door convertible ... Hope that's not rude

To YOU  
Date : 10/29/2013 05:58:00 PM  
Not rude at all. BMW makes a beautiful 4 seater convertible. I found one in LA and another in SLO but did not think it would work. It is a rag top. Did you have a particular model in mind?

To YOU  
Date : 10/29/2013 06:00:26 PM  
I want you to be happy and I don't want to get a car that won't work for you. I am talking to three dealers. Hope to make this happen soon. As you know, I am serious about everything I do.

To YOU  
Date : 10/29/2013 06:54:25 PM  
Captain America and a jean jacket. Okay?

On October 30 (Wednesday), you met the clerk at the AAA office over the lunch hour, and signed a document in connection with your purchase of a Disney trip for the clerk's sister. The clerk told you in the parking lot afterwards that you were texting her

excessively, and being controlling. That afternoon, you went to the BMW dealership in Visalia by yourself. You later sent the clerk pictures of cars.

Late in the afternoon of October 30, you started texting the clerk about your feelings:

To YOU

Date : 10/30/2013 04:13:49 PM

It's silly but still feeling under appreciated. It's silly because you don't owe me anything. I am doing this for my own soul because it makes me happy.

To : Val Saucedo

Date : 10/30/2013 04:18:38 PM

I'm not doing anything different and I'm not sure why you are feeling that way. ...I truely do appreciate everything.

To YOU

Date : 10/30/2013 04:23:42 PM

I am feeling out of balance. I appreciate you are not doing anything different. Feeling today like a one sided friendship. My feelings are momentary and episodic. I'll be fine. Everything is on line and on course. No change. Just expressing my feelings. Said I am always honest in my feelings and dealings with everyone.

To YOU

Date : 10/30/2013 04:24:02 PM

Just a silly man.

To YOU

Date : 10/30/2013 04:27:10 PM

I need to refl t and strike a balance. Embarrassed about my feelings.

To YOU

Date : 10/30/2013 05:47:51 PM

The sedan is a silver 4 door, sun roof, blue tooth, black interior. Some wear and tear but not bad. 80,000 miles. The convertible is a black two seater and it is very sweet. I would buy it if I didn't have my toy.

To YOU

Date : 10/30/2013 05:48:18 PM

Did you hook up with [your husband] in Visalia?

To : Val Saucedo  
Date : 10/30/2013 05:53:29 PM  
I did not meet [my husband]. He decided not to come up so  
I went home.

You later texted the clerk that the BMW salesman had made a \$15,000 offer on the sedan. She texted back, "So I would have a car payment?" You stated that you would make all of the payments (with the understanding that she would be the one financing the vehicle), and the clerk expressed concern about that arrangement:

To YOU  
Date : 10/30/2013 06:41:49 PM  
Absolutely correct. I would make all of the payments. You would be responsible for an increase in insurance, if any, but I would certainly help. Remember this would be my gift to you. We would work out other reasonable accommodations. For example, if you decided you no longer wanted the car or wished to sell it we would decide what to do with the proceeds. It would be yours as long as you and only you owned it.

To YOU  
Date : 10/30/2013 06:44:57 PM  
Have I not taken care of you without asking anything in return? Things would not change. You would just have to put up with my silliness like today.

To YOU  
Date : 10/30/2013 08:23:47 PM  
You could have a new car within days.

To YOU  
Date : 10/30/2013 09:29:01 PM  
Feedback?

To : Val Saucedo  
Date : 10/30/2013 09:35:59 PM  
Yes was watching the game with my famil and also thinking about the car. The issue with that is the payments I know you said you would take care of it and I trust you but my issue is its not free and clear, something hanging over my head to worry about. Just like today you felt unappreciated I can't always text back immediately, I'm not

always going to be in the best mood and that bothers you, I am simply being me. This is unexpected and a lot to think about. Please don't take it the wrong way.

To YOU

Date : 10/30/2013 09:46:11 PM

I understand. As you said, we are human. It is always question of trust. I hope you trust me and that I have done enough to earn your trust. I am a stupid and silly man but I would never hurt you financially or otherwise. I would never exploit you.

To YOU

Date : 10/30/2013 09:50:23 PM

I would also not want you to be nice simply because of our financial arrangement. That's why I sometimes ask whether you like me and respect me. It is important to have a friendship that extends beyond a financial connection. I will respect any decision you make.

To : Val Saucedo

Date : 10/30/2013 09:58:44 PM

I respect you and our friendship way beyond financial reasons I've never even thought or think about that sorry this has crossed your mind a couple of times I'm hurt because you bring that up often. I've always been respectful to you even before your offer. Good night [my husband] is now questioning me about who I'm texting this late.

On the morning of October 31 (Thursday), you texted the clerk as follows:

To YOU

Date : 10/31/2013 07:42:34 AM

True friends forgive each other for their mistakes and failures. I sincerely apologize for everything I said or did yesterday that was offensive or hurtful. I should not have communicated while off balance. Those are my worst moments. I wish to continue our friendship. I hope you will continue on this journey. In good faith, check your savings balance later today. Let me know if our friendship continues.

To YOU

Date : 10/31/2013 07:49:56 AM

Texting is imperfect. Like the AAA incident, you do n t know the entire picture. The car offer is part of an overall financial plan annualized over the next year. You will own the car free and clear in one year, not four years as projected. The expenses over the next year are: 2. 4 for the jeep, 12 for savings and 12 for the car for a total of \$26,400. This does not include other possible special expenses such as trips to see [your older son] play next summer or to visit him in college, body sculpting, etc.

To YOU

Date : 10/31/2013 09:54:51 AM

In sum, I am committed to helping you financially if you wish. I will make mistakes and so will you including both of us being moody at times. But the test of friendship is overcoming these minor differences and reaching a better understanding. We can not walk away over a simple misunderstanding. My goal is to help you succeed in your marriage and personal and professional life.

To YOU

Date : 10/31/2013 07:55:44 AM

Let me know how you wish to proceed.

Over the lunch hour on October 31, you met the clerk at the BMW dealership. After the clerk test drove the car, you told the salesman that you wanted to talk to the clerk privately. You asked her what she thought about everything, and she said she appreciated it. You told her that you wanted her to be more open with you and tell you more details about how her day was going. She objected, saying that you were texting her excessively and that she did not feel comfortable sharing every minute of her life with you. She told you that it sounded like you were asking for an emotional affair, which you denied.

You texted her that afternoon:

To YOU

Date: 10/31/2013 01:54:43 PM

This is the most difficult message I have ever written. We will always be friends and my financial commitment to you will continue unchanged. But I'm done. I cannot overcome my embarrassment over my childish, stupid and silly

behavior. You owe me nothing, including emotional support. This is my last text. I will also not call you. You may text or call if you like. I am angry with myself.

To YOU

Date: 10/31/2013 02:00:24 PM

Here's the schedule. I will deposit into your account at the beginning of each month and in the middle for the jeep payment. You may also let me know of other needs. I told you I would never hurt you but it is obvious my behavior is negatively impacting you. If you want the car it is yours. We simply need to work out the details. Please forgive me and continue to be my friend on your terms. Check your account.

The clerk responded that she would love the car and that it would all be okay. You deposited \$500 into the clerk's savings account that day.

On November 1 (Friday), you and the clerk met at the BMW dealership over the lunch hour. You put \$1,000 down on the car. You raised the idea of a romantic relationship. The clerk said she was not interested in you romantically. Later that day, you went to the AAA office and paid for the Disney trip for the clerk's sister and her family (\$1,324).

On November 2 (Saturday), after the clerk texted you with a question about the tinting on the car, you texted her that you had information about it, and added:

To YOU

Date : 11/02/2013 04:48:06 PM

.... Your comment begs the question. You are focused on the end result and not the process. The process is more important.

In a series of texts thereafter, you stated that your accountant had pointed out that you were initiating all communication with the clerk. You stated that it is the "mental part" or "emotional part" that is important to you, and that you wanted her to "savor the moment:"

To YOU

Date: 11/02/2013 04:54:44 PM

Covered by accountant-client privilege, I spoke with my accountant again. He said I didn't realize I had already been seriously hurt and will only experience more hurt in the future. After I told him about the \$5 in savings and the car, he said 'wow and not even a thank you'. No texting, no calls, a few hurried conversations, you initiate all communication, 'what's in it for you' he commented.

To YOU

Date: 11/02/2013 04:57:43 PM

Not even a text or a call on whether the car closed. It's s friendship in your mind and at most, a one sided friendship he said. Think about it he asked. I spoke to him because I needed an objective assessment. Is his assessment right?

To: Val Saucedo

Date: 11/02/2013 05:06:25 PM

I thought we talked about all this. I'm not sure where your going with this issue. We are friends always were and as far as I see we will be. I'm thankful and appreciate everything. I don't know what you mean when you say hurt i have never hurt you. Really stressing me with all this.

To YOU

Date: 11/02/2013 07:16:05 PM

I shared with you the conversation with my accountant. I wanted reassurance everything is line and he is wrong. It is not a challenge of your values. I appreciate this causes stress but I too stressed. I am about to gift you \$15 and he is right in some respects. You texted about the tinting but never asked either yesterday or today whether the deal c osed or any other details. I understand you are thankful but it would be so nice to receive a simple 'thank you' or statement about how this feels or how excited you are. Simple things make a difference. Love, kindness and respect everyday.

To YOU

Date: 11/02/2013 07:17:51 PM

Where is this going? You will have a beautiful car before or on or about November 12. That's where this is going.



To YOU

Date: 11/02/2013 07:23:39 PM

I promised it and I deliver on my promises. It's that simple.

To: Val Saucedo

Date: 11/02/2013 07:47:11 PM

I thought it was done or closed sorry. . I'm excited but then when I get texts like the one Earlier from you it makes me stress. I didn't know you needed reassurance... I was in a great mood all day. You know I'm super excited a car and a trip who gets that...

To YOU

Date: 11/02/2013 08:11:24 PM

How would I know you were in a great mood today without you telling me? How would I know you are super excited without you telling me? That's the point. You know knowing you are happy makes me happy. It's the mental part that is important to me. Or as you describe it, the emotional part.

To YOU

Date: 11/02/2013 08:14:03 PM

Aren't you interested in the final details?

To YOU

Date: 11/02/2013 08:20:04 PM

I want you to savor the moment. It real now. You did not believe me when I first broached the subject. You wrote flowers, a car? Because you did not believe. Now the moment is here and I want you to reflect on the journey and acknowledge it has been great.

To YOU

Date: 11/02/2013 08:54:31 PM

Feedback? Comments? My accountant is right — texting is a wholly unsatisfactory way of communicating.

On November 3 (Sunday), you sent the clerk texts demanding to know whether you were an “ordinary friend” or a “special friend.” After the clerk responded that she thought it was time she told her husband everything, from the anonymous letter to the gifts, you attempted to reach her by telephone and texted her that your career was “toast.”

Ultimately, after she texted that she did not want to hear “one word” more about “our relationship status,” you responded that you were concerned about your career,

asked her to call you, and threatened to commit suicide. You spoke to the clerk on the telephone briefly, during which you promised not to bring up the topic of your relationship status with her again:

To YOU

Date: 11/03/2013 12:44:10 PM

After reflection, I understand it. You think of me as an ordinary friend like [court reporter] or others. Indeed, you have said in the past you want to go back the way it was. But I am not an ordinary friend. As you said 'a car and a trip who gets that'. No other ordinary friend has in the past given you or will give you in the future a valuable car, a trip for you and your sister and your families or a commitment to support you financially. Is this what an ordinary friend does? No. Only a special friend does this. An ordinary friend would provide only moral support. If you want me to be an ordinary friend like I was before September, I will provide only moral support. But if you want me for a special friend, everything is on line with full financial and moral support going forward. Special friend means you want to make time and effort to share thoughts and experiences with me.

To YOU

Date: 11/03/2013 12:45:25 PM

These are my feelings. I am always honest and truthful. Am I an ordinary or special friend?

To: Val Saucedo

Date: 11/03/2013 12:52:46 PM

Correct me if I'm wrong, are you once again asking for an emotional affair?

To YOU

Date: 11/03/2013 12:53:49 PM

Absolutely not

To YOU

Date: 11/03/2013 12:54:22 PM

Why do you ask that question?

To: Val Saucedo

Date: 11/03/2013 12:59:31 PM

That's what you mean when you say special friend? I think it's time I tell [my husband] absolutely everything from the

letter, financial gifts, the trips, the car, I can't handle it anymore, I'm shaking, I'm sick, I'm an emotional mess and I have not bothered anyone in my life. I can't handle this no longer. The lies to my family and friends its not worth how I'm feeling right now I can't focus on my family since your texts yesterday.

To: Val Saucedo

Date: 11/03/2013 01:00:45 PM

And they don't deserve this. I will also seek a therapist tomorrow just so you know. This has gone bad

To YOU

Date: 11/03/2013 01:05:35 PM

Please calm down and think about this. Think before you act. What should I tell [the BMW salesman]?

To YOU

Date: 11/03/2013 01:16:59 PM

Please think and slow things down.

To YOU

Date: 11/03/2013 01:37:46 PM

Please call me.

To YOU

Date: 11/03/2013 02:09:09 PM

Based on your text, I will resign as Ju ge tomorrow. My career is toast. We can still save this. Please call.

To: Val Saucedo

Date: 11/03/2013 05:20:36 PM

I take it that you will follow through with the cost of my family trip and the car, I will not come out of this as a failure without either. I do not want to hear anymore of our relationship status, Not one word I am an emotional wreck as I text this. I will consider you a friend and nothing else just as I consider [the court reporter]. I am still going to seek a therapist as damage has been done. I did not think this was going to end up this way.

To YOU

Date: 11/03/2013 05:23:51 PM

Call me please.

To: Val Saucedo  
Date: 11/03/2013 05:31:03 PM  
No phone calls. No more texts after this. Please

To YOU  
Date: 11/03/2013 05:34:44 PM  
I understand but I am concerned about my career. It is toast unless you talk to me. In the garage committing suicide. Have the red car running with the door down. Please call.

[To : Val Saucedo  
Date: 11/03/13  
I'll call 911.]<sup>2</sup>

[To : Val Saucedo  
Date: 11/03/13  
I'm not going to say anything. If you follow through with what I asked.]

To YOU  
Date: 11/03/2013 06:10:31 PM  
Thank y u for sparing my life and career. Absolutely I will follow through on the car, trip and not another word as you request. Your text was timely because I was ending my life. Thank you for the gift of life.p

On November 6, you paid \$14,000 for the balance of the BMW. On November 12, you deposited \$200 into the clerk's savings account.

On November 18 (Monday), the clerk told you that she needed some money for the expenses for the upcoming family Disney trip (December 11-13), which you had previously said you would provide. She said she needed it by Wednesday. She also told you that she was going to go to Human Resources and ask to be transferred out of your department. The next day, November 19, you deposited \$8,000 in the clerk's account and handed her a letter in open court shortly after the lunch break, which you asked her to read. The letter enclosed the deposit slip and impliedly accused her of extortion.

Your conduct violated the Code of Judicial Ethics, canons 1, 2, 2A, 2B(1), 3C(5), and 4(G).

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<sup>2</sup> Bracketed messages as represented by judge.

YOU ARE HEREBY GIVEN NOTICE, pursuant to Rules of the Commission on Judicial Performance, rule 118, that formal proceedings have been instituted and shall proceed in accordance with Rules of the Commission on Judicial Performance, rules 101-138.

Pursuant to Rules of the Commission on Judicial Performance, rules 104(c) and 119, you must file a written answer to the charges against you within twenty (20) days after service of this notice upon you. The answer shall be filed with the Commission on Judicial Performance, 455 Golden Gate Avenue, Suite 14400, San Francisco, California 94102-3660. The answer shall be verified and shall conform in style to the California Rules of Court, rule 8.204(b). The Notice of Formal Proceedings and answer shall constitute the pleadings. No further pleadings shall be filed and no motion or demurrer shall be filed against any of the pleadings.

This Notice of Formal Proceedings may be amended pursuant to Rules of the Commission on Judicial Performance, rule 128(a).

BY ORDER OF THE COMMISSION ON JUDICIAL PERFORMANCE

Dated: December 9, 2014



\_\_\_\_\_  
Honorable Erica R. Yew  
Chairperson

**FILED**

**DEC 19 2014**

**COMMISSION ON  
JUDICIAL PERFORMANCE**

STATE OF CALIFORNIA

BEFORE THE COMMISSION ON JUDICIAL PERFORMANCE

INQUIRY CONCERNING  
JUDGE VALERIANO SAUCEDO

No.194

ACKNOWLEDGMENT OF SERVICE  
OF NOTICE OF FORMAL  
PROCEEDINGS

I, Randall Miller, on behalf of my client, Judge Valeriano Saucedo, hereby waive personal service of the Notice of Formal Proceedings in Inquiry No. 194 and agree to accept service by mail. I acknowledge receipt of a copy of the Notice of Formal Proceedings by mail and, therefore, that Judge Saucedo has been properly served

§ 118(c).

Dated: \_\_\_\_\_

\_\_\_\_\_  
Randall Miller  
Attorney for Judge Valeriano Saucedo  
Respondent