

STATE OF CALIFORNIA

BEFORE THE COMMISSION ON JUDICIAL QUALIFICATIONS

Inquiry Concerning a Judge,

No. 3

To: Judge Charles F. Stevens

It appearing that since January 5, 1959, and at all times herein, you have been a Judge of the Municipal Court of the Oceanside Judicial District and North County Judicial District; and

Preliminary investigation having been made pursuant to the provisions of Rule 901 of the California Rules of Court concerning removal or retirement of judges, during the course of which preliminary investigation you were afforded a reasonable opportunity to present such matters as you chose, and this Commission as a result of said preliminary investigation, having concluded that formal proceedings to inquire into the charges against you shall be instituted pursuant to the California Constitution, Article VI, Section 10b and in accordance with California Rules of Court, Rules 901-918.

NOW, THEREFORE, you are hereby charged with wilful misconduct in office in violation of the California Constitution, Article VI, Section 10b and with having violated your oath of office by not well and faithfully discharging your duties of judge.

1 The specifications of the charges and the alleged facts
2 upon which such charges are based are as follows:

3 I

4 In People vs. Tolles, No. CR 9537, in the Oceanside Mun-
5 icipal Court, defendant was charged on November 12, 1958 with
6 allowing a large dog to run at large on public property in
7 violation of a city ordinance. Appearances were made November
8 14, 1958, November 19, 1958 and November 21, 1958 by defen-
9 dant's attorney, Charles Stevens, and each time the matter was
10 continued. December 12, 1958 there was another appearance.
11 Defendant pleaded not guilty, trial was set for January 9,
12 1959. January 5, 1959 the docket bears this entry

13 "Case dismissed in furtherance of justice.

14 /s/ Charles F. Stevens, Judge"

15 You took your oath of office as judge January 5, 1959.

16 II

17 In People vs. Prokop, No. C - 17587, a prosecution for
18 theft in the Oceanside Municipal Court, a trial was set for
19 July 17, 1962. Two witnesses for the prosecution were present
20 on that date. Defendant and her attorney discussed the case
21 with you on that date out of the presence of the attorney for
22 the People and the prosecution witnesses while said case was
23 pending and ready for trial. You then dismissed the case for
24 lack of prosecution.

1 III

2 In People vs. Mangan, No. C19-144, in the Oceanside Munic-
3 ipal Court, defendant was charged with violation of Vehicle
4 Code § 23102a (drunk driving). On September 20, 1962 you con-
5 ferred in your chambers with attorneys for the defendant in the
6 absence of the attorney for the People and discussed the said
7 pending case after which defendant waived trial by jury. The
8 case was tried November 19, 1962 and you acquitted the defend-
9 ant.

10 IV

11 In People vs. Dudin, No. 18268, in the Oceanside Municipal
12 Court, the defendant was charged with violation of Vehicle
13 Code § 22349 (exceeding the speed limit) for driving 90 miles
14 an hour in a 65 mile per hour zone. The case was set for trial
15 for July 5, 1962. On June 29, 1962 the Court continued the
16 case until July 12, 1962 on motion of the defendant's attorney.
17 July 12, 1962 the case was called by Judge Hamner and was con-
18 tinued on the Court's own motion until July 25, 1962. Without
19 notice to the People you dismissed the case by order dated
20 July 12, 1962 "in the interest of justice."

21 V

22 In People vs. McCue, No. 16745, and in People vs. Garrett
23 et al., No. 16749, in the Oceanside Municipal Court, tried be-
24 fore you on December 18, 1961, McCue was charged with viola-
25 tion of Business and Professions Code § 25658A (furnishing of
26 alcoholic beverage to minor) and Garrett and two other minors

1 were charged with violating Business and Professions Code
2 § 25662 (possession of alcoholic beverage by a minor). You
3 found the defendants not guilty and gave as a reason for
4 acquitting the minors that the officers should have waited
5 until the minors opened the bottles.

6 VI

7 In People vs. Snyder, No. C-15308, in the Oceanside Munic-
8 ipal Court, tried before you May 22, 1961, the defendant was
9 charged with violating Vehicle Code § 22349 (exceeding the
10 maximum speed limit). Before the trial started you conferred
11 privately with the defendant who was not represented by
12 counsel. At the conclusion of direct examination of Officer
13 Larry Ray Jensen of the Oceanside Police Department you con-
14 ducted a lengthy hostile examination of Officer Jensen de-
15 signed to embarrass, ridicule, and discredit him in the eyes
16 of the jury. The defendant was acquitted.

17 VII

18 In People vs. Newberry, No. 9892, and People vs. Suit,
19 No. 9893, in the Oceanside Municipal Court, the defendants
20 were charged with violating Penal Code § 415 (disturbing the
21 peace). While the two defendants were free on bail you dis-
22 missed the case on your own motion without justification.

23 VIII

24 In People vs. Hoodak, No. 14575, tried before you in the
25 Oceanside Municipal Court June 19, 1961, the defendant was
26 charged with violation of Vehicle Code § 14601 (driving with a

1 suspended license) and Vehicle Code § 27800 (required equip-
2 ment on motorcycles). Although the charge that defendant was
3 driving with a suspended license in violation of Vehicle Code
4 § 14601 was not controverted you dismissed the charge. You
5 gave as a reason that you had recommended to the Department of
6 Motor Vehicles that in a prior case, No. 13444, in which de-
7 fendant pleaded guilty to drunk driving and which conviction
8 was the basis for the suspension, that the license not be
9 suspended. You also dismissed the second charge of violation
10 of Vehicle Code § 27800.

11 IX

12 In People vs. Sanchez, No. 19581, tried before you in the
13 Oceanside Municipal Court, December 3, 1962, the defendant was
14 charged with a violation of Vehicle Code § 22350 (speeding).
15 The defendant was not represented by counsel. At the conclu-
16 sion of direct examination of Officer Bruce Wishart of the
17 Carlsbad Police Department, you conducted a lengthy examina-
18 tion of Officer Wishart. You then stated you were familiar
19 with the particular area in question and that what Officer
20 Wishart testified to could not have happened. Without any
21 testimony from the defendant you found defendant not guilty
22 and when Officer Wishart left the witness stand you shouted in
23 substance that what he had testified to could not happen.

24 X

25 In People vs. Prettyman, No. 19692, tried before you in
26 the Oceanside Municipal Court December 17, 1962, the defendant

1 was charged with violation of Vehicle Code § 22350 (speeding)
2 in driving 50 miles per hour in a 35 mile zone. At the con-
3 clusion of the People's case, you told the defendant she need
4 not testify, that you (Judge Stevens) traveled in that area at
5 50 miles per hour on numerous occasions and did not think it
6 excessive, that you were not going to find her guilty anyway,
7 and you asked her how fast she was going. The defendant
8 replied 50 or 55 miles and you said in substance, "That is all
9 I wanted to know. Not guilty."

10

XI

11 In People vs. Boehme, No. 19089, in the Oceanside Municipi-
12 pal Court, the defendant was charged with a violation of
13 § 21755 of the Vehicle Code (passing unsafely on the right).
14 The minutes of September 12, 1962, show the following:

15 "Defendant is an attorney. He called and requested
16 a court trial. (Will enter a not guilty plea).
17 Defendant waived a trial by jury; Waived all bene-
18 fits of sub. sec. 3 of sec. 1382 of the Penal
19 Code. Trial set by court at 2 p.m. October 1st,
20 1962. Defendant ordered released OR. Charles F.
21 Stevens, Judge. Letter to defendant confirming
22 above setting."

23 On October 16, 1962, during the pendency of an appeal by
24 the People from an order of Judge Daniel C. Leedy dismissing
25 the case, you ordered the minutes of September 12, 1962 to be
26 changed as follows:

1 "Upon the request of the defendant and on the
2 Court's own motion the above-entitled matter is
3 continued to October 1, 1962 at 2:00 p.m. for
4 arraignment, plea and trial. CFS".

5 The minutes, as altered, were not in accord with what you
6 knew had taken place on September 12th.

7 XII

8 In numerous court proceedings while you have been pre-
9 siding as Judge of the Municipal Court of the Oceanside
10 Judicial District and North County Judicial District you have
11 engaged in a course of conduct designed to ridicule, embarrass
12 and belittle law enforcement and other public officers which
13 course of conduct has had the result of ridiculing, embarrass-
14 ing and belittling such officers. You have exhibited a bias
15 and partiality against the People in criminal proceedings.
16 Your bias and partiality have been evidenced by your conduct
17 both inside and outside the courtroom. The foregoing con-
18 stitutes a knowing disregard and abuse of proper legal proc-
19 esses, and an intentional interference and obstruction with
20 the orderly administration of justice.

21 The foregoing acts are a violation of your oath of office
22 and are wilful misconduct in office.

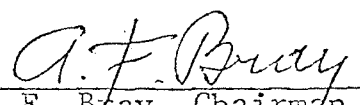
23 You have the right to file a written answer to the
24 charges against you within 15 days after service of this
25 notice upon you with the Commission on Judicial Qualifications,
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1 Room 3041 State Building, 350 McAllister Street, San
2 Francisco 2, California. Such answer shall be verified,
3 shall conform in style to subdivision (c) of Rule 15 of the
4 Rules on Appeal, and shall consist of an original and 11
5 legible copies.

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By order of the Commission on Judicial Qualifications.

Dated: October 18, 1963


A. F. Bray, Chairman