

2004

1 SCHALL, NIELSEN & BOUDREAU
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3 La Jolla, California
4 454-2111

5
6 Attorneys for Respondent

7 STATE OF CALIFORNIA
8 BEFORE THE COMMISSION ON JUDICIAL QUALIFICATIONS

9 Inquiry Concerning a Judge,
10 No. 3

11
12 Comes now CHARLES F. STEVENS, respondent in the above
13 matter, and for his Answer to the charges made against him,
14 admits, denies and alleges as follows:

15 I

16 In People vs. Tolles, admits that the minutes of the
17 court reflect that which is alleged but denies that the
18 minutes are complete, alleges that the action of dismissal
19 was taken with the knowledge and consent of the prosecut-
20 ing attorney, and denies that there was any wilful misconduct
21 in connection therewith.

22 II

23 In People v. Prokop, denies all of the allegations,
24 except admits that the case was set for trial on July 17,
25 1962, alleges that the matter was dismissed for the reason
26 that it was represented to the court that the prosecution

1 and the defense stipulated that the matter be dismissed
2 upon an admission in open court of probable cause for
3 the arrest, alleges that the minutes reflect an admission
4 of probable cause, and denies that there was any mis-
5 conduct in connection therewith.

6 III

7 In People vs. Mangan, denies the allegations con-
8 tained therein except admits that respondent talked with
9 Attorney Marshall Morgan, Attorney Normal Vetter and
10 Judge Daniel C. Leedy but denies that the merits of
11 the case were discussed, alleges that respondent warned
12 against a discussion of the merits of the case for the
13 reason that respondent might be called upon to try the
14 case, alleges that the case was tried and decided solely
15 on its merits, and denies that there was any misconduct
16 in connection therewith.

17 IV

18 In People vs. Dudin, admits the allegations therein
19 contained, alleges that there was good cause for the
20 action taken, and denies that there was any misconduct
21 in connection therewith.

22 V.

23 In People vs. McCue, admits the allegations therein
24 contained except that respondent denies that he gave as
25 a reason for acquitting the defendants "that the officers
26 should have waited until the minors opened the bottles",

1 alleges that the decision was based solely upon the evidence
2 at the trial, and denies that there was any misconduct in
3 connection therewith.

4 VI

5 In People vs. Snyder, admits the allegations therein
6 contained except as hereinafter stated, admits that re-
7 spondent may have conferred privately with the defendant
8 who appeared in pro per with reference to procedural
9 matters but not with respect to the merits of the case,
10 and denies that respondent conducted a lengthy, hostile
11 examination of Officer Jensen designed to embarrass,
12 ridicule or discredit him in the eyes of the jury and
13 denies that there was any misconduct in connection therewith.

14 VII

15 In People vs. Newberry and People vs. Suit, admits
16 the allegations therein contained, alleges that respon-
17 dent has no recollection as to what transpired in the
18 matter, alleges that the minutes of the court show "bond
19 exonerated" but that records at the Carlsbad Police
20 Department show "bail forfeited", denies any misconduct
21 in connection therewith and denies that the matter was
22 dismissed without justification.

23 VIII

24 In People vs. Hoodak, admits the allegations except
25 to the extent hereinafter denied, denies that the charge
26 that defendant "was driving with a suspended license"

1 was not controverted, denies that respondent gave as a
2 reason for the action taken in said matter that respondent
3 made the recommendation alleged in Case No. 13444, alleges
4 that the minutes of the court show that the action taken
5 was at the time set for trial, allege that the minutes
6 of the court show that the prosecuting attorney was not in
7 attendance, allege that the minutes which show an exhibit
8 as introduced by the People was in fact introduced by the
9 defendant and denies that there was any misconduct in
10 connection with the disposition of said matter.

11 IX

12 In People vs. Sanchez, admits the allegations except
13 as hereinafter denied, denies that respondent "shouted",
14 denies that he stated that what Officer Wishart "had
15 testified to could not happen", alleges that respondent
16 concluded that there was no violation of the basic speed
17 law from the prosecution's evidence, and denies any mis-
18 conduct in connection therewith.

19 X

20 In People vs. Prettyman, admits the allegations
21 therein contained except as hereinafter denied, alleges
22 that upon conclusion of the prosecution's case respondent
23 advised the defendant that the prosecution's case failed
24 to show a violation of the basic speed law and that defen-
25 dant need not testify and respondent found defendant not
26 guilty, alleges that respondent stated that he was well

1 aware of the area involved as he had lived in Oceanside
2 for the past twelve years and travelled the area at least
3 weekly, alleges that the area involved is a four-lane
4 through highway running through a slough, alleges that
5 defendant was found not guilty on the merits because the
6 prosecution had failed to make a case, and denies any
7 misconduct in connection therewith.

8 XI

9 In People vs. Boehme, admits the allegations therein
10 contained except as hereinafter denied, alleges that the
11 Clerk who entered the minutes used a rubber stamp con-
12 taining entries not applicable to the proceedings and
13 neglected to strike out inapplicable portions, alleges
14 that the minutes were corrected to speak the truth by
15 order of respondent, and denies any misconduct in connec-
16 tion with said proceedings.

17 XII

18 Respondent denies each and every allegation therein
19 contained and further in defense to said charge respondent
20 is unable to determine therefrom the particulars of the
21 charge made against him and is therefore unable to prepare
22 his defense with respect thereto.

23 SCHALL, NIELSEN & BOUDREAU

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25 By _____
26 Attorneys for Respondent

