

OCT 21 1993

COMMISSION ON JUDICIAL CONDUCT

BEFORE THE COMMISSION ON JUDICIAL CONDUCT OF THE STATE OF WASHINGTON

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In Re the Matter of
Honorable Ralph L. Perkins
Pend Oreille County District
Court
229 S. Garden
P.O. Box 5030
Newport, WA 99156-5030

NO. 93-1474-F-42

STIPULATION PURSUANT TO WAC
292-12-020(6) AND WASHINGTON
STATE CONSTITUTION ARTICLE IV,
SECTION 31

Pursuant to Washington State Constitution, Article IV, Section 31 and WAC 292-12-020(6), The Commission on Judicial Conduct ("Commission") and the Honorable Ralph L. Perkins, Judge of the Pend Oreille County District Court, do hereby stipulate and agree as provided herein.

The Commission is represented in these proceedings by attorney Edward F. Shea and the Honorable Ralph L. Perkins is represented by attorney Paul B. Mack.

1. FACTUAL BACKGROUND

1.1 The Honorable Ralph L. Perkins is now and was at the time discussed herein a Judge of the Pend Oreille County District Court.

1.2 On or about February 27, 1993, Respondent did intentionally strike and cause bodily harm to Anna K. Nordtvedt, his then-spouse, at the residence at 11357 Sand Creek Road,

1 Metaline Falls, Pend Oreille County, State of Washington. The
2 event was recorded under Incident No. 93-0406, Pend Oreille County
3 Sheriff's Department LAW Incident Table.

4 1.3 On or about March 27, 1993, Respondent did intentionally
5 assault and inflict bodily harm upon Anna K. Nordtvedt, his then-
6 spouse, at the residence at 11357 Sand Creek Road, Metaline Falls,
7 Pend Oreille, State of Washington. The event was recorded under
8 Incident No. 93-0533, Pend Oreille County Sheriff's Department LAW
9 Incident Table.

10 1.4 In Pend Oreille County on June 16, 1993, an amended
11 information was filed charging the Respondent with two crimes:
12 Count I, assault in the second degree arising out of the assault
13 on Anna K. Nordtvedt on or about March 27, 1993 and Count II,
14 assault in the fourth degree arising out of intentionally striking
15 Anna K. Nordtvedt on February 27, 1993, both in Pend Oreille
16 County, State of Washington.

17 1.5 On June 14, 1993, the Commission received a letter from
18 Respondent informing the Commission that a special prosecuting
19 attorney intended to file a second criminal matter against him.
20 On June 16, 1993, Respondent was sent a letter from the Commission
21 on Judicial Conduct informing him that a Verified Statement was
22 filed in accordance with WAC 292-12-010(4) and the Commission was
23 pursuing initial proceedings. A Statement of Allegation was
24 enclosed, and a response was invited. Respondent did not respond
25 to the Statement of Allegations.

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1 1.6 On September 3, 1993, in State of Washington v. Ralph L.
2 Perkins, Pend Oreille County Superior Court Case No. 93-1-00030-1,
3 Respondent entered a plea of guilty to the two counts of Assault
4 In the Fourth Degree. The Court accepted the plea.

5 1.7 The Commission determined that probable cause exists for
6 believing that Respondent has violated the Code of Judicial
7 Conduct, including Canons 1 and 2(A).

8 1.8 On September 3, 1993 the Commission served a Statement
9 of Charges upon the Honorable Ralph L. Perkins, Respondent herein,
10 alleging violations of the Code of Judicial Conduct by Respondent
11 and continued its investigation.

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13 2. STIPULATION AND AGREEMENT

14 2.1 Respondent agrees and stipulates to the facts as set
15 forth above.

16 2.2 Respondent agrees and stipulates that while serving as a
17 District Court Judge of Pend Oreille County, Washington, he
18 violated Canons 1 and 2(A) of the Code of Judicial Conduct.

19 2.3 Respondent agrees and stipulates that based on such
20 facts the Commission could impose a sanction of censure and find
21 his pattern of behavior inappropriate for one holding a judicial
22 office and recommend to the State Supreme Court his removal from
23 the bench.

24 2.4 Respondent agrees and stipulates to immediately submit
25 his resignation from office with an effective date of no later
26 than December 1, 1993, and to in fact resign and terminate his
27 judicial duties no later than December 1, 1993.

1 2.5 Respondent agrees and stipulates that he will neither
2 seek nor serve in any judicial office in the State of Washington
3 unless and until:

4 1. He has filed a Petition for Reinstatement of
5 Eligibility pursuant to WAC 292-12-160 and,

6 2. After a hearing, the Commission has made a
7 recommendation to the State Supreme Court that the Petitioner has
8 made an affirmative showing that reinstatement will not be
9 detrimental to the integrity and standing of the judiciary and the
10 administration of justice, or be contrary to the public interest,
11 and,

12 3. That the State Supreme Court has entered an order
13 reinstating his eligibility to hold judicial office,

14 and Respondent further agrees and stipulates that the
15 process of Petitioning for Reinstatement of Eligibility to hold
16 office will be governed by WAC 292-12-160 or its successor or
17 replacement and also DRJ 11 or its successor or replacement in
18 effect at the time of the Petition for Reinstatement.

19 2.6 In exchange for Respondent's agreement to resign from
20 office as provided above, the Commission agrees to accept the
21 resignation of Respondent and to close this investigation and
22 proceeding without a hearing.

23 2.7 Respondent agrees and stipulates that by entering into
24 this stipulation and agreement he hereby **WAIVES** his procedural
25 rights pursuant to WAC 292-12-060 and his appeal rights pursuant
26 to WAC 292-12-150 and Article IV, Section 31 of the Washington
27 State Constitution in this proceeding, No. 93-1474-F-42.

