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COMMISSION ON JUDICIAL CONDUCT

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BEFORE THE COMMISSION ON JUDICIAL CONDUCT
OF THE STATE OF WASHINGTON

In Re the Matter of) No. 97-2451-F-66
)
The Honorable Ralph G. Turco,) ANSWER
Tacoma Municipal Court.)
_____)

COMES NOW, the Honorable Ralph G. Turco, by and through his attorney Kurt M. Bulmer, and Answers the Statement of Charges filed on August 22, 1997, as follows:

- 1. As to I. Background, Paragraph 1 it is admitted.
- 2. As to I. Background, Paragraph 2 it is admitted.

3. As to II. Facts Supporting Charges, Paragraph 1 it is admitted that a stipulation was entered into by Respondent in CJC NO. 92-1259-F-30 and that as a result a censure was issued. The rest of the paragraph is denied since the summary of the stipulation and assertions contained in this paragraph are not accurate including what the censure was for and what was agreed to in connection with any repeat of the violation.

4. As to II. Facts Supporting Charges, Paragraph 2 it is admitted that a stipulation was entered into by Respondent in CJC NO. 94-1853-F-54 and that as a result a written admonishment of an advisory nature was issued. The rest of the paragraph is denied since the summary of the stipulation and assertions contained in this paragraph are not accurate including when the

1 admonition was issued, what it was issued for and what the
2 admonition said.

3 5. As to II. Facts Supporting Charges, Paragraph 3 it is
4 admitted.

5 6. As to II. Facts Supporting Charges, Paragraph 4 it is
6 denied.

7 7. As to II. Facts Supporting Charges, Paragraph 5 it is
8 denied.

9 8. As to II. Facts Supporting Charges, Paragraph 6 it is
10 denied that any assault took place. Respondent lacks knowledge
11 or information sufficient to form a belief as to the truth of
12 the averment that the setting was a "public setting" so it is
13 denied. It is admitted that there were other persons present
14 during the time of the alleged contact. Respondent lacks
15 knowledge or information as to the truth of the averment that
16 these other persons are witnesses so it is denied. It is denied
17 that they could be witnesses to any assault since none took
18 place.

19 9. As to III. Basis for Commission Action it is admitted
20 that the Commission made the probable cause determination
21 recited. It is denied that Judge Turco violated Canons 1 and
22 2(A) of the Code of Judicial Conduct.

23 10. As to IV. Answer to Statement of Charges it is
24 procedural in nature and requires neither admission nor denial.

25 RESPONDENT'S GENERAL DENIAL, AFFIRMATIVE DEFENSES AND REQUEST
26 FOR DISMISSAL

27 11. Respondent denies that he has done anything improper
28 and puts the Commission to its burden of proof.

1 12. The burden to prove misconduct rests with the
2 Commission and must be demonstrated by clear, cogent and
3 convincing evidence.

4 13. Judge Turco does not have to prove his innocence, the
5 Commission must prove his guilt.

6 14. The essence of this case is an allegation that Judge
7 Turco committed an intentional assault. The Commission must
8 prove by clear, cogent and convincing evidence actual intent to
9 assault and that any contact was not accidental. There was no
10 intent to assault and therefore the proceedings must be
11 dismissed.

12 15. Having done nothing improper, Respondent asks that the
13 charges against him be dismissed and that the Commission take
14 all steps, which at a minimum should be at least consistent with
15 the steps taken by it in the distribution of the Statement of
16 Charges, to advise the public of the dismissal so the Judge
17 Turco can have some modicum of his honor and integrity restored
18 to him.

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20 Dated this 10th day of Sept, 1997.

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24 Kurt M. Bulmer, WSBA # 5559,
25 Attorney for the Honorable
26 Ralph G. Turco
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