

BEFORE THE COMMISSION ON JUDICIAL CONDUCT
OF THE STATE OF WASHINGTON

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In Re the Matter of:)
The Honorable David S. Edwards) No. 99-3087-F-82
Okanogan County Superior Court) STIPULATION AND AGREEMENT

The Commission on Judicial Conduct and the Honorable David S. Edwards, Okanogan County Superior Court Commissioner, do hereby stipulate and agree as provided for herein. This stipulation is submitted pursuant to the Washington Constitution, Article IV, Section 31 and CJCRP 23, and shall not become effective until approved by the Washington Commission on Judicial Conduct.

The Commission on Judicial Conduct is represented in these proceedings by its counsel, Paul Taylor, and the Honorable David S. Edwards represented himself.

STIPULATED FACTS

1. The Honorable David S. Edwards, Respondent herein, was at all times discussed herein, a part-time commissioner of the Okanogan County Superior Court, and a full-time judge of the District Court in Okanogan, Washington.
2. On April 23, 1997, Commissioner Edwards presided over a disposition proceeding in State v. Timentwa, No. 96-8-00294-5. Mr. Timentwa was 17 years old at the time. Several weeks prior to the hearing, Commissioner Edwards and his stepson, then 12 years old, had been in a local store. Mr. Timentwa was also apparently in the store. Commissioner Edwards believed that there had been an exchange between his son and Mr. Timentwa during which his son was in some way threatened. Commissioner Edwards did not know the details or nature of the exchange.

1 3. At Mr. Timentwa's disposition hearing, Commissioner Edwards asked if Mr.
2 Timentwa recalled seeing Commissioner Edwards at the store. Commissioner
3 Edwards then made the following remarks:

4 Judge: Well, let me just tell you that whether you know
5 it or not, if you ever make any threatening
6 remarks, gestures or conduct directed towards
7 members of my family or people that I'm with,
8 I'm going to take you out the next time. Do you
understand me? We won't be going to court,
we'll be going right down to the police station,
right on the spot, I'll do it myself personally.
I'm going to follow the recommendation. . .

9 Defendant: Inaudible.

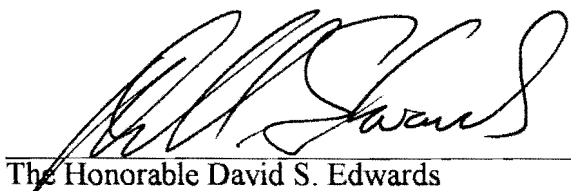
10 Judge: Yeah, I know you don't. I'm going to follow
11 the recommendation and hopefully you won't be
12 back here before you're 18. And when your 18
13 you're going to have the same problems, they're
14 not going to change, you'll just be in a different
court. So I wish you'd get a life and stay out of
here. You're just headed for big problems. You
just, you don't know how to treat people.

15 AGREEMENT

- 16 1. Based upon the foregoing stipulated facts, Commissioner Edwards agrees that while
17 serving in his capacity as Commissioner of the Okanogan County Superior Court, he
18 did violate Canons 1, 2, 3(A)(3) and 3(D) of the Code of Judicial Conduct.
- 19 2. Respondent agrees to accept written admonishment of an advisory nature as described
20 in *Terminology*, CJCRP and Chapter 2.64 RCW. Respondent accepts the
21 Commission's determination that his actions, as described herein, constitute violations
22 of the Code of Judicial Conduct. Respondent agrees not to engage in such conduct in
23 the future.
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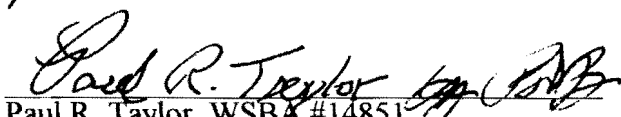
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3. When considering the appropriate sanction in this matter, the Commission has taken into account Respondent's cooperation with the Commission's proceeding, the recognition by Respondent that he should not have acted as he did, the lack of prior public disciplinary action, and that the conduct appears to be an isolated incident.



The Honorable David S. Edwards

Dated: December 3, 1999



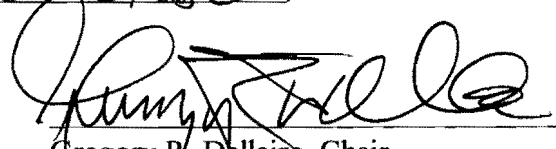
Paul R. Taylor, WSBA #14851
Attorney for Commission on Judicial Conduct

Dated: 12/6/99

ORDER OF ADMONISHMENT

Based upon the above Stipulation and Agreement, the Commission on Judicial Conduct hereby orders, and Respondent is hereby ADMONISHED for the above set forth violations of the Code of Judicial Conduct.

Dated this 29 day of DECEMBER 1999.



Gregory R. Dallaire, Chair
Commission on Judicial Conduct