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COMMISSION ON JUDICIAL CONDUCT

BEFORE THE COMMISSION ON JUDICIAL CONDUCT  
OF THE STATE OF WASHINGTON

In Re the Matter of

The Honorable Ramon P. Reid  
Toppenish and Wapato Municipal Courts  
Yakima County, Washington

No. 3713-F-105

**STATEMENT OF CHARGES**

**I. BACKGROUND**

The Honorable Ramon P. Reid ("Respondent") is now, and was at all times referred to in this document, a part-time judge of the Toppenish and Wapato Municipal Courts.

Between March 1, 2001 and December 7, 2001, in the course of its regular business, the Commission on Judicial Conduct became aware of information that gave it reason to exercise its authority under Washington Constitution, Article IV, § 31 to conduct an investigation into Respondent's conduct.<sup>1</sup> On November 18, 2002, the Commission sent Respondent a letter informing him that the Commission was commencing initial proceedings against him. A Statement of Allegations was enclosed and a response was invited. The Commission received Respondent's reply to the Statement of Allegations on December 30, 2002. In order to verify statements in the reply to the Statement of Allegations, Commission staff reviewed additional audiotapes and other records of Respondent's court proceedings. Based on this review, the Commission sent Respondent an Amended Statement of Allegations on April 9, 2003, to which he responded on April 28, 2003. Respondent was previously sanctioned by the Commission, *In re the Honorable Ramon Reid*, CJC No. 2705-F-91.

<sup>1</sup>Wash. Const. Art. IV, § 31, para 2 says, "Whenever the commission receives a complaint against a judge or justice, or otherwise has reason to believe that a judge or justice should be admonished, reprimanded, censured, suspended, removed, or retired, the commission shall first investigate the complaint or belief and then conduct initial proceedings for the purpose of determining whether probable cause exists for conducting a public hearing or hearings to deal with the complaint or belief."

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Oyos, Miguel, TMC C00010143 (06/26/02);  
Ramos Marin, Miguel, WMC C02-07483 (02/22/02);  
Sanchez, Cesar, TMC C00009819 (06/19/02);  
Sanchez, Valentin, TMC C00009222 (03/20/02); and  
Segovia, Raul, TMC C00008791 and C00009267 (03/06/02).

It is alleged that this practice violates RCW 10.101.020  
and RCW 10.101.160(1) and (2).

2. It is alleged that Respondent violated Canons 1, 2(A) and 3(A)(1) by engaging in a pattern and practice of committing defendants in both Toppenish and Wapato Municipal Courts to serve out their fines in jail, without determining whether the failure to pay was intentional or was due to their inability to pay. It is alleged that most, if not all, of the defendants so committed were already appointed counsel by Respondent and therefore treated as indigent by him. These cases include but are not limited to:

Abrahamson, Lennessa WMC C00-07189  
and C00-07190 (12/14/01);  
Andriano, Sergio, TMC C00009199 (01/09/02);  
Arthur, Matthew TMC C00009106 (01/09/02);  
Davila, Hilario, TMC C00008611 (06/27/01);  
Fox, Jaime, TMC C00008751 (03/04/02);  
George, Clayton, TMC C00007816 (01/30/02);  
Goggles, Brian, TMC C00007526 (01/30/02);  
Gonzalez, Brandi, TMC C00006838 (01/09/02);  
Guzman, Luis, TMC C00000408 (09/07/01);  
Hill, William, TMC C00004933 (06/27/01);  
Hines, Joseph, WMC C99-06501 (12/14/01);  
Hoptowit, Michael, TMC C00009447 and C00009448 (01/30/02);  
Hunt, Deborah, WMC C01-06788 (12/14/01);  
Jim, Reginald, TMC C00006819 (01/09/02);  
Laroque, Wilson, TMC C00007093 (01/09/02);  
Lewis, Avery, TMC C00009473 (03/06/02);  
Robinson, Cynthia, TMC C00006637 (06/27/01);  
Salinas Ruiz, Juan, WMC C01-08677 (05/11/01);  
Vega, David, TMC C00001022 (07/25/01);  
Villarreal, Freddy, TMC C00007003 (06/27/01);  
Wabaunsee, Lawrence, TMC C00007559 (03/04/02); and  
Wahchumwah, Rodney, TMC C00009446 (02/27/02).

It is alleged that this practice violates long-standing, well-settled constitutional law as set forth in United States Supreme Court and Washington State Supreme Court decisions: *Bearden v. Georgia*, 461

1 U.S. 660 (1983); *Tate v. Short*, 401 U.S. 395 (1971); *Williams v. Illinois*,  
2 399 U.S. 235 (1970); *State v. Curry*, 118 Wn.2d 911 (1992); *State v.*  
3 *Barklind*, 87 Wn.2d 814, 557 P.2d 314 (1976); reaffirmed in *Smith v.*  
4 *Whatcom Cy. Dist. Ct.*, 147 Wn.2d 98 (2002).

- 5 3. It is alleged that Respondent violated Canons 1, 2(A) and 3(A)(1) by  
6 engaging in a pattern and practice of failing either to inform the  
7 defendant of the elements of the crime or crimes to which he or she was  
8 pleading guilty, or to ascertain whether counsel had given such advice,  
9 in numerous Toppenish and Wapato Municipal Court cases, including  
10 but not limited to:

11 Albert, Stephanie, WMC C02-07617 (07/11/02);  
12 Cosner, Almira, WMC C01-08217 (04/04/02)  
13 George, Theodore, TMC C00008801 (01/09/02);  
14 Hart, Adelaida, TMC C00006616 (06/05/02);  
15 Hunt, Vincent, WMC C02-07539 (07/11/02);  
16 Jackson, Dorethea, TMC C00008800 (07/08/02);  
17 Jones, James, TMC C00010351 (07/10/02);  
18 Lujan, Deanna, TMC C00009549 (07/12/02);  
19 Mosqueda, Allen, TMC C00006013 (06/26/02);  
20 Roman, Francisco, TMC C00008771, C00010251 and  
21 C00010252 (06/26/02);  
22 Sam, Jeffery, TMC C00008501 (06/27/01);  
23 Sanchez Cuevas, Juan, TMC C00009705 (01/30/02); and  
24 Yallup, Ira, TMC C0009012 (03/20/02).

25 It is alleged that this practice violates CrRLJ 4.2(d), as well as  
26 long-standing, well-settled constitutional law as set forth in United States  
27 Supreme Court and Washington State Supreme Court decisions:  
28 *Henderson v. Morgan*, 426 U.S. 637, 645, 49 L. Ed. 2d 108, 96 S. Ct.  
2253 (1976); *Smith v. O'Grady*, 312 U.S. 329, 334, 85 L. Ed. 859, 61 S.  
Ct. 572 (1941); *State v. Chervenell*, 99 Wn.2d 309, 318, 662 P.2d 836  
(1983). *In re Keene*, 95 Wn.2d 203, 622 P.2d 360 (1980). *State v.*  
*Holsworth*, 93 Wn.2d 148, 607 P.2d 845 (1980). It is further alleged that  
this rule was brought to Respondent's attention in a prior disciplinary  
proceeding in which he was admonished for failing to comply with CrRLJ

1 4.2 in CJC No. 2705-F-91 (decision filed 10/5/01).

- 2 4. It is alleged that Respondent violated Canons 1, 2(A) and 3(A)(1) by  
3 convicting defendants of crimes in bench trials without obtaining written  
4 waivers of the right to jury trial in numerous cases, including but not  
5 limited to:

6 Abrahamson, Lennessa, WMC C00-07229 (01/04/02);  
7 George, Catharine, WMC C01-06612 (02/22/02);  
8 Miller, Helen, TMC C00010158 (06/26/02);  
9 Salinas, Candace, TMC C00009376 (02/27/02);  
10 Smith, Raymond, WMC C02-07336 (05/30/02).

- 11 5. It is alleged that Respondent violated Canons 1, 2(A) and 3(A)(1) by  
12 discouraging defendants from exercising their constitutional right to trial  
13 by jury by indicating either that they would be charged for the cost of a  
14 jury trial, in violation of RCW 10.01.160(2), or that their sentences would  
15 be more severe if they exercise their right to a jury trial. As an example,  
16 it is alleged that during a hearing in Toppenish Municipal Court on March  
17 6, 2002, when the defendant requested a jury trial, Respondent advised  
18 her to talk to her appointed attorney about it "cause that's one of the  
19 things that if you lose it costs you a lot more." Jack, Rina, TMC  
20 C00009262.

21 As an additional example, it is further alleged that during a  
22 hearing in Toppenish Municipal Court on June 19, 2002, when the  
23 defendant requested a jury trial, appointed defense counsel stated on  
24 the record that he was not going to have it set for jury trial because,  
25 according to him, "that's an expense" either to himself, or to the  
26 defendant, or to the City of Toppenish. Respondent did not inform the  
27 defendant that the monetary expense would be borne by the City.  
28 Cuevas, Jesus, TMC C00009906.

It is alleged that these practices have effectively denied  
defendants in the City of Toppenish of their right to jury trial, and that

1 virtually no jury trials have been conducted in that jurisdiction. It is  
2 alleged this practice violates CrRLJ 4.1(b) and well-settled law as set  
3 forth in Washington State Supreme Court decisions: *Bellevue v. Acrey*,  
4 103 Wn.2d 203; 691 P.2d 957 (1984); *Seattle v. Williams*, 101 Wn.2d  
5 445, 680 P.2d 1051; (1984); *Pasco v. Mace*, 98 Wn.2d 87, 653 P.2d 618  
6 (1982); *State v. Wicke*, 91 Wn.2d 638, 591 P.2d 452 (1979).

- 7 6. It is alleged that Respondent violated Canons 1, 2(A) and 3(A)(1) by  
8 engaging in a pattern and practice of ordering defendants jailed pending  
9 trial without determining whether probable cause exists to believe they  
10 committed the charged crime, in numerous cases, including but not  
11 limited to:

12 Guiterrez, Samuel, TMC C00008847 (06/27/01);  
13 Spencer, Byron, TMC C00009801 (03/04/02); and  
14 Villarreal, Ruben, TMC C00009123 and C00009124 (03/04/02).

- 15 7. It is further alleged that Respondent failed to implement any means of  
16 timely making a judicial finding of probable cause for criminal defendants  
17 arrested and incarcerated without warrants for misdemeanor and gross  
18 misdemeanor offenses, and that this practice violates CrRLJ 3.2(a) and  
19 well-settled constitutional law as set forth in United States Supreme  
20 Court's decision in *County of Riverside v. McLaughlin*, 500 U.S. 44, 56-  
21 57, 114 L. Ed. 2d 49, 111 S. Ct. 1661 (1991).

- 22 8. It is alleged that Respondent violated Canons 1, 2(A) and 3(A)(1) by  
23 engaging in a pattern and practice of summarily finding guilty and  
24 sentencing DUI and other criminal traffic defendants who had merely  
25 filed with the court an intent to petition the court for a deferred  
26 prosecution under RCW 10.05. It is alleged that Respondent did so  
27 under circumstances where the defendants had failed to appear in court  
28 as required or to comply with pretrial release conditions, and that  
Respondent did so without following the procedures required to find a

1 defendant guilty of a criminal offense in numerous cases, including but  
2 not limited to:

3 Smith, Raymond, TMC C00009034,  
4 Sanchez, Sergio, TMC 00007627,  
5 Goggles, Brian, TMC 00007526,  
Fuentes, Juan, TMC C00009330,  
Tulee Jr., Meachem, C00010255.

6 B. It is alleged that Respondent violated Canons 1, 2(A), 3(A)(2), 3(A)(3) and  
7 3(A)(5) by, on several occasions, mocking defendants' Hispanic and Native American  
8 names and joking about the pronunciation of Spanish words:

9 1. On January 9, 2002, in a hearing in TMC C00009025,  
10 Respondent asked if defendant Jorge Cuevas-Blanco's name meant "White  
11 Tequila."

12 2. The same date, during a hearing in TMC C00008658, after  
13 questioning defendant Salena Yallup about the difference between her name  
14 and that of her son, Jeremy Yallup-Half, Respondent said, "I'm curious how  
15 people get these, cause I had Spearchief. Now what, some place or others, the  
16 guy had, his ancestors had speared a chief, is where they get it."

17 3. That same date, during a discussion with a probation officer after  
18 the cases for the day were completed, Respondent stated, "I've got two  
19 separate lists, one with Wapato and here, but down here I've got my little list  
20 that I've started here a few months ago is Boy Chief, Speak Thunder, Standing  
21 Rock, (inaudible) Wallaheap, Yellow Path, Eagle Speaker, High Eagle, Fish,  
22 Takes Gun, Double Runner, White Crow, Mosquito, Wolf Tail, Little Wolf,  
23 Spearchief, Takes Half."

24 4. On June 5, 2002, in a hearing in TMC C00009581, after being  
25 informed that the defendant's name was Myron Plenty Hoops, Respondent  
26 asked the defendant "is that basketball?" and "Did you make plenty hoops?"

27 5. On June 12, 2002, during a hearing in TMC C00009751,  
28 Respondent directed someone in the courtroom to, "Check with the Clerk. El

1        la Clerko.”

2                6.        On June 19, 2002, during a hearing in TMC C00006358,  
3        Respondent commented on the proper pronunciation of the defendant's  
4        surname, Jimenez, saying “Almost may, mayonnaise.” Defense counsel then  
5        joked, “I thought you were asking for mayonnaise,” to which Respondent  
6        replied, “I am.”

7        It is alleged that, by making these mocking remarks to and about litigants, and  
8        joking with counsel and probation officers about litigants' ethnicity, Respondent failed  
9        to maintain order and decorum in the courtroom, in violation of Canon 3(A)(2); failed  
10       to treat litigants and others who came before him with dignity and courtesy; and  
11       condoned such behavior by lawyers and others subject to his direction, in violation of  
12       Canon 3(A)(3); and failed to perform his judicial duties without bias or prejudice, in  
13       violation of Canon 3(A)(5).

14                                **III. BASIS FOR COMMISSION ACTION**

15                On May 16, 2003, the Commission determined that probable cause exists to  
16        believe that Respondent has violated Canons 1, 2(A), 3(A)(1), 3(A)(2), 3(A)(3) and  
17        3(A)(5) of the Code of Judicial Conduct. These sections of the Code state:

18    **CANON 1**

19    **Judges shall uphold the integrity and  
20    independence of the judiciary.**

21                An independent and honorable judiciary is indispensable to  
22        justice in our society. Judges should participate in establishing,  
23        maintaining and enforcing high standards of judicial conduct, and shall  
24        personally observe those standards so that the integrity and  
25        independence of the judiciary will be preserved. The provisions of this  
26        Code are to be construed and applied to further that objective.

27    **CANON 2**

28    **Judges should avoid impropriety and the appearance of impropriety  
in all their activities.**

**(A)**        Judges should respect and comply with the law and should  
act at all times in a manner that promotes public confidence in the  
integrity and impartiality of the judiciary.

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**CANON 3**

**Judges shall perform the duties of their office  
impartially and diligently.**

**(A) Adjudicative Responsibilities.**

(1) Judges should be faithful to the law and maintain competence in it.

....

(2) Judges should maintain order and decorum in proceedings before them.

(3) Judges should be patient, dignified and courteous to litigants, jurors, witnesses, lawyers and others with whom judges deal in their official capacity, and should require similar conduct of lawyers, and of the staff, court officials and others subject to their direction and control.

....

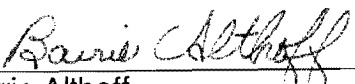
(5) Judges shall perform judicial duties without bias or prejudice.

**IV. RIGHT TO FILE A WRITTEN ANSWER**

In accordance with CJCRP 20, Respondent may file a written answer to this Statement of Charges with the Commission and serve a copy on disciplinary counsel in this matter, Bruce Spanner, at 1020 N. Center Parkway, Suite B, Kennewick, WA, 99336 within twenty-one days of the date of service of the Statement of Charges. As provided by CJCRP 21(a), failure to timely answer shall constitute an admission of the factual allegations. In the event Respondent fails to answer within the prescribed time, the Statement of Charges shall be deemed admitted. The Commission shall proceed to determine the appropriate discipline.

DATED this 21<sup>st</sup> day of May 2003.

COMMISSION ON JUDICIAL CONDUCT  
OF THE STATE OF WASHINGTON

  
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