

BEFORE THE COMMISSION ON JUDICIAL CONDUCT
OF THE STATE OF WASHINGTON

FILED
JUL 8 2011
COMMISSION ON JUDICIAL CONDUCT

In re the Matter of:)

) CJC No. 6284-F-148

The Honorable Stephen R. Shelton,)
Judge of the Puyallup Municipal Court.)

) **STIPULATION, AGREEMENT,
AND ORDER OF REPRIMAND**

The Commission on Judicial Conduct and the Honorable Stephen R. Shelton, Judge of the Puyallup Municipal Court, stipulate and agree as follows. This Stipulation and Agreement is submitted pursuant to Commission on Judicial Conduct Rule of Procedure 23 and shall not have any effect until approved by the Washington Commission on Judicial Conduct.

STIPULATED FACTS

1. The Honorable Stephen R. Shelton ("respondent") is now, and was at all times referred to herein, the Judge of the Puyallup Municipal Court.
2. On September 11, 2009, respondent presided over an in-custody video arraignment of a defendant charged with domestic violence harassment for allegedly threatening his fiancé, whose initials are "C.A."
3. The charge was supported by a general police report. The report is attached hereto as Attachment 1. According to the report, the defendant called the police at 1:21 a.m. on September 11, 2009, and reported that following an argument in which he locked himself in a bedroom, C.A. unlocked the bedroom door with a butter knife, entered the bedroom, and threw the knife and a drinking glass at him. The police interviewed both C.A. and the defendant

shortly after the call. C.A. acknowledged throwing a butter knife and a drinking glass at the defendant, and that the glass broke against a wall and cut the defendant's hand. C.A. stated, however, she threw the knife and glass at the defendant in self-defense after he threatened to hit her with a belt. The police determined the defendant was the primary aggressor, and arrested him. The police report also indicated C.A.'s involvement, and noted the report would be forwarded to the D.V. advocate and prosecutor for review of possible charges against her.

4. At approximately 11:00 a.m. on the same day of the defendant's arrest (but prior to his arraignment), C.A. arrived at the Puyallup Police Department and made a new statement in a supplemental police report. This supplemental report is attached hereto as Attachment 2. In this supplemental statement, C.A. indicated she lied to the police at the scene about being threatened by the defendant, because she was afraid of being arrested. She stated it was not her intention to protect the defendant, and that she knew it was wrong to lie about being physically threatened.

5. At approximately 1:00 p.m. on September 11, 2009, the defendant's arraignment proceeding took place. It lasted approximately nine minutes. A transcript of this proceeding is attached hereto as Attachment 3. The respondent, the prosecuting attorney, and C.A. were present in the court room. The defendant and a public defender appeared via video feed from the Puyallup Jail. After preliminary advisements, the defendant indicated his intention to plead guilty, agreeing the police reports were the sole evidence supporting the charged offense of domestic violence harassment. As the prosecutor submitted the signed agreement and police reports to the respondent, the prosecutor directed the respondent's attention to the supplemental police report. Prior to accepting the defendant's stipulation and waivers, respondent reviewed both the general and supplemental police reports. Respondent then determined neither the

defendant nor the public defender had yet been provided, and were not aware of, the supplemental police report containing C.A.'s later statement to the police.

6. After considering the situation and reviewing the records, respondent found probable cause existed to support the charge against the defendant, but declined to accept the defendant's stipulated plea and waiver of trial and counsel. Instead, respondent announced he would set the matter over to a pretrial conference so the parties would have the opportunity to consider the supplemental police report. After hearing this announcement, C.A. asked the respondent if she could make a comment. Respondent denied this request, stating, "No ma'am, you can have a moment in a minute, trust me." After another brief pause, respondent directed C.A. to stand, and summoned the court bailiff to handcuff her. After verifying that no one other than the defendant resided with her, respondent explained:

Okay, I'm going to go ahead and give [the defendant] an opportunity to maintain all of his rights, that's why I've not accepted his plea. I'm going to, at this point in time, find you [C.A.] in contempt of court because you have written a second statement stated, ah, stating you "called the police, they came and I lied and said [the defendant] had threatened me which is untrue. I want to recant my statement. I was frightened and afraid I would be arrested." I'm gonna find you in contempt of court. I'm gonna impose a day in jail. So you'll be released in the morning. This gives the City an opportunity to further review the case and if [the defendant] is still in custody on Monday, then I'll certainly be reviewing his case at pre-trial. If he's able to post bail, then he will still be scheduled to come to court on Monday afternoon. It's the order of the court. Thank you, gentlemen.

C.A. was thereafter taken from the courthouse and booked into the Puyallup Jail, where she spent the night, and was released from custody the following morning.

AGREEMENT

A. Respondent Violated the Code of Judicial Conduct.

1. Based on the stipulated facts, respondent agrees he violated Canons 1, 2(A), and 3(A)(1) of the Code of Judicial Conduct by summarily jailing C.A. as a contempt sanction, without authority and contrary to law. Respondent agrees he misinterpreted RCW 7.21 by failing to abide by the law governing contempt, which constituted a misapplication of clearly established Washington law.

2. Canon 1 requires judges to uphold the integrity and independence of the judiciary. Canon 2(A) requires judges to avoid impropriety and the appearance of impropriety in all their activities. Canon 3(A)(1) requires judges to perform the duties of their office impartially and diligently and to be faithful to the law and maintain professional competence in it.

3. Respondent summarily imposed punitive contempt sanctions against C.A.¹ A judge may summarily impose punitive contempt sanctions “upon a person who commits a contempt of court within the courtroom if the judge certifies that he or she saw or heard the contempt...[and] only for the purpose of preserving order in the court and protecting the authority and dignity of the court.” RCW 7.21.050. Contempt of court is defined as, among other things, “intentional [d]isorderly, contemptuous, or insolent behavior toward the judge while holding the court, tending to impair its authority, or to interrupt the due course of a trial or other judicial proceedings.” RCW 7.21.010(1)(a). Given the liberty interest at stake, to ensure due process, the use of summary contempt power under RCW 7.21.050 requires adherence to several procedural requirements. For instance, a judge imposing contempt sanctions for conduct

¹ “Punitive” contempt sanctions are imposed to punish a past contempt of court for the purpose of upholding the authority of the court. RCW 7.21.010(2). “Remedial” contempt sanctions are imposed for the purpose of coercing performance when the contempt consists of the omission or refusal to perform an act that is yet in the person’s power to perform. RCW 7.21.010(3).

committed within the courtroom must provide the person committing the contempt an opportunity to speak in mitigation of the contempt “unless compelling circumstances demand otherwise.” RCW 7.21.050. In addition, a judge must sign and enter a written order reciting the facts and stating the contempt sanctions imposed. RCW 7.21.050.

4. In answering the Commission’s allegations, respondent reasoned that he believed at the time he was acting in accordance with the law governing contempt by finding C.A.’s admission of a false statement to be “intentional” and “contemptuous...behavior toward the judge while holding the court,” which tended to “interrupt the due course of...judicial proceedings.” RCW 7.21.010. Respondent explained C.A. was present in court and was a material witness in the prosecution. Her admission of lying to avoid being arrested resulted in the arrest of the defendant, and cast doubt over the propriety of his arraignment. Respondent was concerned that C.A. may have lied to avoid being arrested. Absent her false statement, respondent believed it was likely that C.A. would have been considered the primary aggressor, and may have been arrested for domestic violence assault. Respondent reasoned that, given the serious nature of domestic violence, and his concern for preserving the integrity of domestic violence laws, it was necessary to take C.A. into custody to “preserve the order, authority and dignity of the court,” because by ignoring C.A.’s admission of lying, it might imply the court is not able or willing to take action when false statements decisively impact judicial proceedings. RCW 7.21.050. Finally, respondent explained that he did not provide C.A. “an opportunity to speak in mitigation of the contempt,” based on his concern that she might incriminate herself, and on his interpretation of the “compelling circumstances” exception stated in the statute. RCW 7.21.050. See respondent’s Answer to the Statement of Charges, Attachment 4, for details of his reasoning.

5. Respondent agrees his decision to impose summary contempt sanctions against C.A. was not supported by RCW 7.21 or other Washington law. C.A.'s conduct, however characterized, did not occur within the courtroom, was not directed at the court or judge, and did not fall within the definition of contemptuous behavior. Respondent's decision to jail C.A. overnight was not necessary to preserve order in the court, or to protect the authority and dignity of the court. In addition, respondent failed to comply with the procedural requirements of RCW 7.21.050 by not entering a written order and by failing to provide C.A. an opportunity to speak in mitigation of the contempt.

6. Respondent agrees his reasoning was in error, and that his prior experience as a prosecutor and as a judge involved with issues of domestic violence caused him to over-analyze the situation. Respondent assures the Commission his conduct will not be repeated. Respondent has since reviewed the statutory requirements of a judge's contempt authority, voluntarily enrolled in further judicial training regarding RCW 7.21, and concedes that he did not have a proper basis to hold C.A. in contempt.

B. Imposition of Sanction.

1. Out of respect for judicial independence, an honest but mistaken application of the law is not usually considered judicial misconduct. Certain instances of legal error by a judge, however, may transgress the Code of Judicial Conduct. Where the legal error is a violation of clear and settled law and results in the deprivation of a fundamental constitutional right, such error may constitute judicial misconduct. Compare, for example, In re Ladenburg, CJC No. 4939-F-130 (2006) with In re Curda, 49 P.3d 255 (Alaska 2002).²

2. Respondent and the Commission agree that the appropriate level of discipline to impose in this matter is a written reprimand, as described in RCW 2.64.010(6) and in the Terminology section of the Commission of Judicial Conduct Rules of Procedure. A “reprimand” is an intermediate level of disciplinary action imposed by the Commission.

3. In determining the appropriate level of discipline to impose, the Commission considers several nonexclusive factors stated in Commission on Judicial Conduct Rule of Procedure 6(c). These factors evaluate the characteristics of the misconduct, in addition to respondent’s service as a judge and his response to this disciplinary matter.

a. Characteristics of Misconduct, CJCRP 6(c)(1)(A)-(H). Several of these factors favor a mitigated sanction. Respondent’s conduct at issue here constituted an isolated incident, not a pattern of behavior. No evidence suggests respondent intentionally transgressed

² In his Answer to the Statement of Charges, respondent cited two opinions from the state of Alaska as persuasive, which hold that judicial disciplinary sanctions may be inappropriate when the use of contempt powers by a judge against a victim of domestic violence constitutes an isolated and mistaken application of unclear law. Raphael v. State, 994 P.2d 1004 (Alaska 2000); In re Curda, 49 P.3d 255 (Alaska 2002). Given the facts of the proceedings at issue in this matter, however, respondent recognizes that his failure to comply with the well-settled requirements of RCW 7.21 resulted in the deprivation of C.A.’s fundamental constitutional rights. Based on these circumstances, respondent agrees that disciplinary sanctions are appropriate in this matter.

the Code of Judicial Conduct or otherwise acted with malice or improper motivations or desires. Respondent maintains, and the Commission does not dispute, that the contempt proceedings at issue were not intended to unfairly punish C.A. or otherwise violate the law. Respondent's consistent position has been that his conduct was motivated by a sincere, but mistaken desire to maintain decorum in his courtroom and prevent an injustice from being committed upon the court. Respondent's demeanor during the contempt proceedings was calm, and his language was neither insulting nor offensive. On the other hand, however, the nature and extent of respondent's conduct was significantly injurious. By jailing C.A. overnight, respondent impermissibly violated her liberty interest and right to due process. The authority of a judge to summarily hold an individual in contempt is a significant responsibility that should be exercised with extreme caution. Although C.A. may have implicated herself in the crimes of domestic violence assault and providing a false statement to a public servant, those potential criminal charges were not properly before the court, nor is it within the court's authority to file criminal charges. C.A. entered respondent's courtroom as a purported victim of domestic violence, and was therefore owed a heightened degree of respect and protection by those who administer the criminal justice system, as is codified by Washington's Crime Victim's Bill of Rights.

b. Service and Demeanor of the Judge, CJCRP (6)(c)(2)(A)-(F). Each of these factors favor a mitigated sanction. Respondent has served as a judge for over 17 years, and has never been subject to any prior disciplinary action. As both a former criminal prosecutor and current judge, respondent has devoted significant attention to issues of domestic violence in the community. Respondent partnered with another city's municipal court judge to establish the first Domestic Violence Victim Impact Panel in the State of Washington, and was a founding member of the East Pierce County Alliance Against Domestic Violence. Respondent has served on

numerous judicial committees and boards, and has held significant leadership positions in the state judiciary. Respondent has cooperated with the Commission's investigation, has acknowledged the acts occurred, and has committed to avoid similar conduct in the future. Respondent has a general reputation as being fair, impartial, courteous, and respectful to all people appearing in his court, and as one who maintains professional judicial decorum when addressing difficult circumstances and individuals.

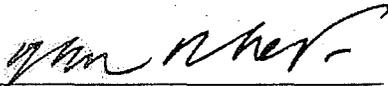
4. Respondent agrees he will exercise caution to avoid engaging in similar future acts. Respondent also agrees he will review the Code of Judicial Conduct and the statutory language of RCW 7.21 to ensure any future contempt proceedings comply with the substantive and procedural requirements of Washington law. After being informed of the Commission's Statement of Allegations, respondent voluntarily received supplemental judicial training on the topic of domestic violence, presented by the National Association of Woman Judges in Seattle. Respondent also voluntarily received further judicial training regarding RCW 7.21.

5. Respondent agrees to attend additional training focused on issues of domestic violence awareness/prevention. Respondent will pay for any costs associated with this training, and agrees to have the training approved in advance by the Commission's Chair, or the Chair's designee. Respondent will provide proof of satisfactory completion of this remedial measure within one year from the date this stipulation is entered.

6. The allegations of misconduct brought against respondent were filed by an anonymous complainant. The complainant remained anonymous during these proceedings. Respondent agrees he will not engage in any retaliatory conduct with regard to any person known or suspected to have cooperated with the Commission or who was otherwise associated with these proceedings.

7. In accepting this Stipulation and Agreement, the Commission takes into account respondent's cooperation with the Commission's investigation and his acknowledgement of the Canon violations.

8. Respondent agrees that by entering into this Stipulation and Agreement, he waives his procedural rights and appeal rights in this proceeding pursuant to the Commission on Judicial Conduct Rules of Procedure and Article IV, Section 31 of the Washington State Constitution.



Hon. Stephen R. Shelton
Respondent

5-25-11

Date



Anne M. Bremner
Peter A. Altman
Attorneys for Respondent

5-25-11

Date

Phillip Ginsberg
Disciplinary Counsel for the
Commission on Judicial Conduct

Date

7. In accepting this Stipulation and Agreement, the Commission takes into account respondent's cooperation with the Commission's investigation and his acknowledgement of the Canon violations.

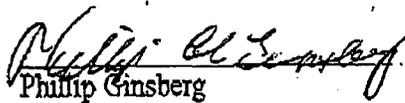
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Hon. Stephen R. Shelton
Respondent

Date

Anne M. Bremner
Peter A. Altman
Attorneys for Respondent

Date



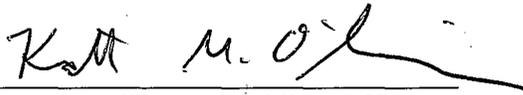
Phillip Ginsberg
Disciplinary Counsel for the
Commission on Judicial Conduct

5/25/11
Date

ORDER OF REPRIMAND

Based on the Stipulation and Agreement presented above, the Commission on Judicial Conduct hereby orders Respondent, Judge Stephen R. Shelton, REPRIMANDED for the violations of the Code of Judicial Conduct set forth above. Respondent shall fulfill the terms of the agreement as set forth above.

Dated this 5th day of July, 2011



Kathleen O'Sullivan, Presiding Officer
Commission on Judicial Conduct

J = Judge Stephen R. Shelton
D = Defendant
C.A.
H = Defense attorney
P = Prosecuting attorney

Unknown: (Inaudible). [REDACTED] criminal harassment (inaudible).

J: Thank you. [REDACTED], please state your name, sir.

D: [REDACTED]

J: And sir, can you see and hear me okay?

D: I can barely see you, but I can hear you good.

J: Good, and I'm currently in open court, it's open to the public, there are members of the public present. It is my understanding there is a lady now sitting at the table who is appearing on your case. Please state your name ma'am.

C.A: [REDACTED]

J: [REDACTED]

C.A: [REDACTED]

J: [REDACTED] Thank you, ma'am.

C.A: Yes sir.

J: And, [REDACTED], you have been charged on September 11, early this morning, 1:21 in the morning, at [REDACTED] with allegedly committing a violation of state law of harassment, which is domestic violence related. It is alleged that you verbally threatened to harm someone considered to be your girlfriend, [REDACTED], and she felt threatened you'd carry out your threat and the maximum penalty is a year in jail and a \$5,000 fine. So do you understand the charge and the maximum penalty?

C.A: Ah, yes sir.

J: And, [REDACTED], formal presentation please.

H: Certainly Your Honor. [REDACTED] and I have discussed (inaudible) decided to plead guilty Your Honor (inaudible) reviewed the police report in this case and he's decided to plead guilty Your Honor. (Inaudible) He's asked that he be sentenced today (inaudible) reviewed the forms entirely. (Inaudible) He understands the recommendation (inaudible).

D: That's correct, and another thing I'd like to add is I'm in school and I've worked for the same job for three years and if you'd take that into consideration I'd appreciate it.

J: Well, one step at a time. You fully understand you're giving up your rights in allowing the court to read the report and if I do find you guilty then we would discuss conditions of sentence. At that point any comments you would make, such as the one you just made, would be appropriate, but not at this point. So 09008236 is the police report number.

P: There's also a supplemental attached to that Your Honor.

J: Thank you ma'am. [Judge takes approximately three minutes to review the police report.] [REDACTED] have you had an opportunity to look at the supplemental report, which is the second statement by the alleged victim in this case?

P: It should have been faxed over to the jail.

J: Okay. I've read the report and certainly based on the officer's arrival and the comments made by [REDACTED] there's probable cause to take him into custody on the charge of threatening to hit her with a belt, hit her like a dog like you did last time. So I think there's certainly probable cause for the charge of harassment. I will not accept this stipulation to the record. I will go ahead and set the matter for pretrial conference on Monday afternoon for the city to review this further because of the supplemental report. Bail will be amended from no bail to \$1,000 cash or bond. And [REDACTED], at this point in time, I will appoint you to represent him and Mr. (inaudible).

C.A: Sir, may I make a comment please, sir.

J: No, ma'am, you can have a moment in a minute, trust me. [There is approximately 20 seconds of silence.] Mr. bailiff, [REDACTED] please stand up,

please put your hands behind your back.

C.A: Yes sir.

[sound of handcuffs clicking]

J: Please sit down. Who do you live with?

C.A: I live with [REDACTED]

J: And anyone else live in the home?

C.A: No.

J: Okay, I'm going to go ahead and give [REDACTED] an opportunity to maintain all of his rights, that's why I've not accepted his plea. I'm going to, at this point in time, find you in contempt of court because you have written a second statement stated, ah, stating you 'called the police, they came and I lied and said he had threatened me which is untrue. I want to recant my statement. I was frightened and afraid I would be arrested.' I'm gonna find you in contempt of court. I'm gonna impose a day in jail. So you'll be released in the morning. Ah, this gives the city an opportunity to further review the case and if [REDACTED] is still in custody on Monday, then I'll certainly be reviewing his case at pretrial. If he's able to post bail, then he will still be scheduled to come to court on Monday afternoon. It's the order of the court. Thank you gentlemen.

H: Your Honor, may I get a copy of that second statement?

J: Yes, you sure can.

[hearing concludes]

PDA: No	Homeland Security:	Subject: DV HARASSMENT
IBR Disposition: Arrest	Case Management Disposition:	
Forensics: None Required	Reporting By/Date: PPD287 - Obermiller, David 9/11/2009 01:21:00	
Case Report Status: Approved	Reviewed By/Date: PPD215 - Eads, John 9/11/2009 04:38:37	

Incident No. [REDACTED]

Related Cases:

Case Report Number	Agency
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Non-Electronic Attachments

Attachment Type	Additional Distribution	Count
CIT - Citation (copy)	PPD - Puyallup City Prosecutor	1
DVF - Domestic Violence Supplemental Forms	PPD - Puyallup City Prosecutor	2
CPE - Copy / Picture of Evidence (copy)	PPD - Puyallup City Prosecutor	1
NCO - No-contact Order (copy)	PPD - Puyallup City Prosecutor	1
HWS - Handwritten Statement Form	PPD - Puyallup City Prosecutor	1

Location Address: [REDACTED]	Location Name: [REDACTED]
City, State, Zip: Puyallup, WA 98372	Cross Street: [REDACTED]
Contact Location: [REDACTED]	City, State, Zip: Puyallup, WA 98372
CB/Grid/RD: 9426 - Puyupd Grid	District/Sector: PY_N1 - Puyallup - North
Occurred From: 9/11/2009 01:21:00 Friday	Occurred To:
Notes:	

Offense Details: 1341 - Harassment / Verbal Threats Only

Domestic Violence: Yes	Child Abuse: No	Gang Related: No	Juvenile: No
Completed: Completed	Crime Against:	Hate/Bias: None (No Bias)	Using:
Criminal Activity:	Location Type: Apartment	Type of Security:	Tools:
Total No. of Units Entered:	Evidence Collected: None		
Entry Method:			
Notes:			

Arrestee A1: [REDACTED]

PDA: No

Aliases:	DOB: [REDACTED]	Age: 29	Sex: Male	Race: Black	Ethnicity: Non-Hispanic
Height: 6' 3"	Weight: 160	Hair Color: Black	Eye Color: Brown		

Call Source: Dispatched	Assisted By: PPD292 - Melzo, Michael					
Phone Report: No	Notified:					
Insurance Letter:	Entered By: PPD287 - Obermiller, David					
Entered On: 9/11/2009 03:28:30	Approved By: PPD15075 - McNiven, Nichole					
Approved On: 9/11/2009 09:15:36	Exceptional Clearance:					
Adult/ Juvenile Clearance:	Exceptional Clearance Date:					
Additional Distribution: PPD - Puyallup City Prosecutor PPD - DV Advocate	Other Distribution:					
Validation Processing	Distribution Date: 10/29/2009	County Pros. Atty.	Juvenile X	Other	CPS	Supervisor:
By: MCNIVEN, NICHOLE	City Pros. Atty.	Military	DSHS	PreTrial		

For Law Enforcement Use Only - No Secondary Dissemination Allowed
Records has the authority to ensure correct agency, CB/Grid/RD, and District/Sector are incorporated in the report.

Printed: April 27, 2010 - 10:44 AM
Printed By: House, Natasha

Address: [REDACTED]	County:	Phone: [REDACTED]
City, State Zip: Puyallup, WA 98372	Country:	Business Phone:
Other Address:		Other Phone:
Resident: Full - Time Resident	Occupation/Grade:	Employer/School:
SSN: [REDACTED]	DOC No:	FBI No:
State ID:	Local CH No:	
Driver License No: [REDACTED]	Driver License State: Washington	Driver License Country: United States of America
Hair Length: Short	Glasses:	Facial Hair:
Hair Style:	Teeth:	Facial Shape:
Hair Type:	Speech:	Complexion:
Appearance: Calm	Right/Left Handed:	Facial Feature Oddities:
SMT:		Distinctive Features:
Attire:		Body Build: SLT - Slight
Gangs:		Tribe Affiliation:
Significant Trademarks:		Identifiers:
Suspect Pretended to Be:	Modus Operandi: Had Been Drinking	
Place Of Birth:	Habitual Offender:	Custody Status:
Date/Time Arrested: 9/11/2009 01:50:00	Booked Location: 311 W Pioneer Puyallup, WA 98371	Date/Time Booked:
Arrest Location: [REDACTED]	Released Location:	Held For:
Arrest Offense: 1341 - Harassment / Verbal Threats Only		Date/Time Released:
Arrest Type: On-view Booked - New Probable Cause		Juvenile Disposition:
Armed With: Unarmed		Adult Present Name:
Miranda Read:	Miranda Waived:	Detention Name:
No. Warrants:	Multi. Clearance: Not Applicable	Notified Name:
Fingerprints:	Photos: No	Previous Offender:
Type of Injury: small cut to hand		Fire Dept Response: no
Hospital Taken To: none	Medical Release Obtained:	Taken By:
Attending Physician:	Hold Placed By:	

New Charges

Arrest #	Book/Cite	Charge Description - RCW/Ordinance	Free Text Charge Description	Court	Bail	Count
C066961	Book	M - PUYPD - Dv- Harassment - RCW - 9A.46.020.DV		Puyallup Municipal Court		1

Warrants

Arrest #	Warrant #	Free Text Charge Description	Agency	Court	Bail
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Arrest Notes:
 Probable Cause:

Weapon 1: None

Offense: 10058	Serial No:
Offender: 1	OAN:
Weapon: None	Automatic:
Other Weapon:	Caliber:
Action:	Gauge:
Manufacturer:	Length:

Make:	Finish:
Importer:	Grips:
Model:	Stock:
Weapon Notes:	

Victim V1:

PDA: No

Aliases:				Ethnicity:	Non-Hispanic
DOB:	[REDACTED]	Age:	31	Sex:	Female
Height:	5' 7"	Weight:	140	Race:	White
				Hair Color:	Brown
Address:	[REDACTED]			Eye Color:	Hazel
City, State Zip:	Puyallup, WA 98372	Country:		Phone:	[REDACTED]
Other Address:				Business Phone:	[REDACTED]
Other Phone:				Other Phone:	[REDACTED]
Resident:	Full - Time Resident	Occupation/Grade:		Employer/School:	
SSN:	[REDACTED]	Place of Birth:			
Driver License No:	[REDACTED]	Driver License State:	Washington	Driver License Country:	United States of America
Attire:				Complexion:	
SMT:				Facial Hair:	
Victim Of:	1341 - Harassment / Verbal Threats Only			Facial Shape:	
Victim Type:	Individual	Circumstances:		Weapon Used:	Code Table No code tables exist locally, not found
Injury:		Testify:	Yes	Reporting Statement Obtained:	Yes
Type of Injury:	none	Fire Dept Response:		Fire Dept Response:	no
Hospital Taken To:		Medical Release Obtained:		Taken By:	
Attending Physician:		Hold Placed By:			

Victim Offender Relationships

Offender:	Relationship:
- Invalid ID value	Victim Was Girlfriend

Law Enforcement Officer Killed or Assaulted Information	Type:	Justifiable Homicide
	Assignment:	Circumstances:
	Activity:	

Victim Notes:

Investigative Information

Means:	Between 1800 and 0600 hours	Motive:	To injure the victim
Vehicle Activity:	NONE	Direction Vehicle Traveling:	
Synopsis:			

Narrative: On 09/11/09 at approximately 0121 hours Officer Melzo and I were dispatched to the [REDACTED] for the report of a domestic violence assault in progress. Dispatch advised that a male identified as [REDACTED] called and reported that his fiancée [REDACTED] had thrown a glass and a butter knife at him. It was documented by dispatch that a female was yelling in the background about being hit by a belt and having her head pushed into a wall. Dispatch documented that she repeatedly talked about the belt.

Officer Melzo and I arrived on scene and observed a male walking in the parking lot near the F building. Officer Melzo contacted the male who was identified as [REDACTED]. [REDACTED] told Melzo that his fiancée threw a glass at him and the glass broke when it hit the wall. She also threw a butter knife at him. He stated that they had been arguing and she left the residence. He locked himself in the bedroom and she used a knife to open the locked door. Once inside she threw the knife and a glass at him. He said that is why he left. He was very calm.

I contacted the female who was extremely upset and shaking. She appeared very fearful. She explained that she was waiting for him in the apartment because he had been out and she did not know where. He returned and had been drinking. He consumed several more beers and left the bottles on the counter. An argument ensued about his drinking and they both mutually agreed to end their engagement and relationship. She stated that she left to cool down from the argument. She reported that during the argument that he threatened to damage her property. When she returned the door to the bedroom was locked. She used the butter knife to open the locked door to the bedroom they shared. She stated that she went inside to get her laptop because she was afraid that he was going to damage it. She said that once she was inside the room he got up from the bed, grabbed his belt and came at with her. As he approached her she said that he told her that he was going to "hit me like a dog like last time." She said that she was extremely fearful of him because he had assaulted her and strangled her in the past and the Tacoma Police responded. She said that she had recanted because she thought they could work things out. She said that approximately a week prior, he had struck her again and pushed her head into a wall but she did not call the police. She stated that she did throw the glass and knife at him in self defense. She completed a written statement.

[REDACTED] rebuked these claims and said that [REDACTED] said that she had brought the belt into the room.

I took [REDACTED] into custody for DV Harassment for threatening through words and conduct, bodily harm to [REDACTED]. It should be noted that [REDACTED] entered the room of her own will and used the knife to bypass the lock. This report will be forwarded to the DV advocate and prosecutor for review for possible charges for [REDACTED].

I booked [REDACTED] into the Puyallup Jail and issued him the temporary NCO. Alluise was provided with a copy of the order.

Reviewed By:

Reviewed Date:

**Puyallup Police
Supplemental Report**

Incident No. [REDACTED]

A: No	Homeland Security: No	Subject: DV HARASSMENT
IBR Disposition: Arrest	Case Management Disposition:	
Forensics: None Required	Reporting By/Date: PPD270 - Berg, John 9/11/2009 15:09:03	
Case Report Status: Approved	Reviewed By/Date: PPD213 - Bellmer, Pete 9/11/2009 15:42:16	

Incident No. [REDACTED]

Related Cases:

Case Report Number	Agency
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Non-Electronic Attachments

Attachment Type	Additional Distribution	Count
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Location Address: [REDACTED]	Location Name: Puyallup Court/Jail
City, State, Zip: Puyallup, WA 98372	Cross Street:
Contact Location: [REDACTED]	City, State, Zip: Puyallup, WA 98371
CB/Grid/RD: 9426 - Puyppd Grid	District/Sector: PY N1 - Puyallup - North
Occurred From: 9/11/2009 01:21:00 Friday	Occurred To:
Notes:	

Offense Details: 1341 - Harassment / Verbal Threats Only

Domestic Violence: Yes	Child Abuse: No	Gang Related: No	Juvenile: No
Completed: Completed	Crime Against:	Hate/Bias: None (No Bias)	
Criminal Activity:	Using:		
Location Type: Apartment	Type of Security:	Tools:	
Total No. of Units Entered:	Evidence Collected: None		
Entry Method:			
Notes:			

Offense Details: 7803 - Safekeeping - Property

Domestic Violence: No	Child Abuse: No	Gang Related: No	Juvenile: No
Completed: Completed	Crime Against:	Hate/Bias: None (No Bias)	
Criminal Activity:	Using:		
Location Type: Corrections Facility/Jail	Type of Security:	Tools:	
Total No. of Units Entered:	Evidence Collected: None		
Entry Method:			
Notes:			

Call Source: Dispatched	Assisted By:					
Phone Report: No	Notified:					
Insurance Letter:	Entered By: PPD270 - Berg, John					
Entered On: 9/11/2009 15:09:03	Approved By: PPD15075 - McNiven, Nichole					
Approved On: 9/15/2009 11:24:52	Exceptional Clearance:					
Adult/ Juvenile Clearance:	Exceptional Clearance Date:					
Additional Distribution: PPD - Puyallup City Prosecutor PPD - DV Advocate	Other Distribution:					
Judication Processing	Distribution Date: 10/29/2009	County Pros. Atty.	Juvenile X	Other	CPS	Supervisor:
	By: MCNIVEN, NICHOLE	City Pros. Atty.	Military	DSHS	PreTrial	

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Printed: April 27, 2010 - 10:44 AM
Printed By: House, Natasha

Weapon 1: None

Offense:	10058	Serial No:	
Offender:	1	OAN:	
Weapon:	None	Automatic:	
Other Weapon:		Caliber:	
Action:		Gauge:	
Manufacturer:		Length:	
Make:		Finish:	
Importer:		Grips:	
Model:		Stock:	
Weapon Notes:			

Other Entity O1: [REDACTED]

PDA: No

Aliases:					
DOB:	[REDACTED]	Age:	31	Sex:	Fem
				Race:	White
					Ethnicity:
					Non-Hispanic
Height:	5' 7"	Weight:	140	Hair Color:	Brown
					Eye Color:
					Hazel
Address:	[REDACTED]	County:			Phone:
					[REDACTED]
City, State Zip:	Puyallup, WA 98372	Country:			Business Phone:
					[REDACTED]
Other Address:					Other Phone:
					[REDACTED]
Resident:	Full - Time Resident	Occupation/Grade:			Employer/School:
SSN:	[REDACTED]				Place Of Birth:
Driver License No:	[REDACTED]	Driver License State:	Washington		Driver License Country:
					United States of America
Attire:					Complexion:
SMT:					Facial Hair:
Entity Type:	Other Individual	Reporting Statement Obtained:	Yes		Facial Shape:
Entity Notes:					

Property Item No. 1/1: 3000 - Personal - Purse / Handbag

Other Common Item:		Photographed:	
Description:	black purse	Fingerprinted:	
Quantity:	1	Contents Sampled:	
Finding Location:		Owner:	2
Status:	K - Held For Safe Keeping (Includes Other Impounds)	Value:	
Recovered Date:		Make/Brand:	
Recovered Value:		Model:	
Field Tested:		Serial No:	
Field Test Results:		OAN:	
Property Disposition:	Booked into Property	Insurance Company:	
Disposition Location:	Puyallup PD	Policy No:	
Vehicle Information:			
License:		Locked:	
License State:		Keys in Vehicle:	
License Country:		Delinquent Payment:	
Vehicle Year:		Victim Consent:	
Make:		Drivable:	
Model:		Estimated Damage:	
Vehicle Style:		Damage:	
Primary Vehicle Color:		Damaged Area:	
Secondary Vehicle Color:		Tow Company:	
VIN:		Tow Consent:	

Special Features:	Hold Requested By:
Drug Information:	
Drug Type:	Drug Measure:
Drug Quantity:	Drug Measure Type:
Jewelry Information:	
Metal Color:	Total # of Stones:
Metal Type:	Inscription:
Stone Color:	Generally Worn By:
Firearm Information:	
Caliber:	Length:
Gauge:	Finish:
Action:	Grips:
Importer:	Stock:
Property Notes:	

Enter	Date	Time	WACIC	LESA	Initial	Release Info.	Date	Time	Release No.	Release Authority
Clear						Owner Notified			Operators Name	

Investigative Information

Means:	Motive:
Vehicle Activity:	Direction Vehicle Traveling:

Synopsis:

Narrative: On September 11, 2009 at approximately 14:30 hours, I was dispatched to Puyallup Municipal Court to pick up one adult female that is now in custody, under an order from the judge. The female, [REDACTED], was transported to the Puyallup Jail where she was book under the court order, related to this case. [REDACTED] was in possession of her purse, which is not allowed in the facility. I booked the purse into the property room for safekeeping. I advised [REDACTED] how she can obtain her belongings, once released. Nothing further.

Reviewed By:	Reviewed Date:
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**Puyallup Police
Supplemental Report**

Incident No. [REDACTED]

PDA: No Homeland Security: No Subject: DV HARRASSMENT

IBR Disposition: Arrest Case Management Disposition:
Forensics: Reporting By/Date: PPD264 - Temple, Dave 9/11/2009 17:01:13
Case Report Status: Approved Reviewed By/Date: PPD213 - Bellmer, Pete 9/11/2009 18:23:28

Incident No.

Related Cases:

Case Report Number: _____ Agency: _____

Non-Electronic Attachments

Attachment Type	Additional Distribution	Count
HWS - Handwritten Statement Form	PPD - Puyallup City Prosecutor	1
ASR - Advisement/Statement of Rights (all languages)	PPD - Puyallup City Prosecutor	1

Location Address: [REDACTED] Location Name: Puyallup Court/Jail
City, State, Zip: Puyallup, WA 98372 Cross Street:
Contact Location: City, State, Zip:
CB/Grid/RD: 9426 - Puydpd Grid District/Sector: PY_N1 - Puyallup - North
Occurred From: 9/11/2009 01:21:00 Friday Occurred To:
Notes:

Offense Details: 1341 - Harassment / Verbal Threats Only

Domestic Violence: Yes	Child Abuse: No	Gang Related: No	Juvenile: No
Completed: Completed	Crime Against:	Hate/Bias: None (No Bias)	Using:
Criminal Activity:	Location Type: Apartment	Type of Security:	Tools:
Total No. of Units Entered:	Evidence Collected: None		
Entry Method:			
Notes:			

Offense Details: 7803 - Safekeeping - Property

Domestic Violence: No	Child Abuse: No	Gang Related: No	Juvenile: No
Completed: Completed	Crime Against:	Hate/Bias: None (No Bias)	Using:
Criminal Activity:	Location Type: Corrections Facility/Jail	Type of Security:	Tools:
Total No. of Units Entered:	Evidence Collected: None		

Call Source: Dispatched	Assisted By:					
Phone Report:	Notified:					
Insurance Letter:	Entered By: PPD264 - Temple, Dave					
Entered On: 9/11/2009 17:01:13	Approved By: PPD15075 - McNiven, Nichole					
Approved On: 9/15/2009 11:25:11	Exceptional Clearance:					
Adult/Juvenile Clearance:	Exceptional Clearance Date:					
Additional Distribution: PPD - Puyallup City Prosecutor PPD - DV Advocate	Other Distribution:					
Validation Processing	Distribution Date: 10/29/2009	County Pros. Atty.	Juvenile <input checked="" type="checkbox"/>	Other	CPS	Supervisor:
	By: M McNIVEN, NICHOLE	City Pros. Atty.	Military	DSHS	PreTrial	

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Printed: April 27, 2010 - 10:45 AM
Printed By: House, Natasha

Entry Method:

Notes:

Weapon 1: None

Offense:	1341 - Harassment / Verbal Threats Only	Serial No:	
Offender:	A1 - [REDACTED]	OAN:	
Weapon:	None	Automatic:	
Other Weapon:		Caliber:	
Action:		Gauge:	
Manufacturer:		Length:	
Make:		Finish:	
Importer:		Grips:	
Model:		Stock:	
Weapon Notes:			

Investigative Information

Means:	Motive:
Vehicle Activity:	Direction Vehicle Traveling:

Synopsis: Lobby contact with alleged victim [REDACTED]

Narrative: I contacted [REDACTED] in the PPD lobby and she wanted to step outside to talk about the incident. [REDACTED] wanted to recant her initial statement she gave police officers on the date and time of the incident.

[REDACTED] openly admitted she lied in her previous statement to PPD officers on the date and time of the incident. [REDACTED] completed another statement informing me of the following: [REDACTED] was involved in a very heated altercation with [REDACTED]. [REDACTED] came home and they got in an argument and [REDACTED] went to his room and locked it. [REDACTED] gained access to the room and opened the door. [REDACTED] spit on [REDACTED]. She then threw a glass at [REDACTED]. [REDACTED] said that [REDACTED] called the police and she gave false information at the time of the incident. [REDACTED] said she was frightened at the time of the incident and felt she would be arrested.

[REDACTED] was advised of her rights at this time. I contacted City Prosecutor's office and forwarded the information to them. [REDACTED] completed her statement freely and voluntarily. [REDACTED] also noted in her statement that there was blood on the bed where [REDACTED] had been which indicates he had been cut by the glass. [REDACTED] said she was not trying to protect [REDACTED] but that she knew it was wrong to lie.

The statement and rights form are attached to this supplement report and forwarded to City Prosecutor's office for review and possible filing of charges.

Reviewed By:	Reviewed Date:
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**Puyallup Police
Supplemental Report**

Incident No. [REDACTED]

PDA: No Homeland Security: No Subject: DV HARRASSMENT

IBR Disposition: Arrest Case Management Disposition:
Forensics: Reporting By/Date: PPD292 - Melzo, Michael 9/11/2009 02:20:00
Case Report Status: Approved Reviewed By/Date: PPD215 - Eads, John 10/29/2009 17:22:21

Incident No. [REDACTED]

Related Cases:

Case Report Number _____ Agency _____

Non-Electronic Attachments

Attachment Type Additional Distribution Count

Location Address: [REDACTED] 3 Location Name: Puyallup Court/Jail
City, State, Zip: Puyallup, WA 98372 Cross Street:
Contact Location: City, State, Zip:
CB/Grid/RD: 9426 - Puypd Grid District/Sector: PY_N1 - Puyallup - North
Occurred From: 9/11/2009 01:21:00 Friday Occurred To:
Notes:

Offense Details: 7803 - Safekeeping - Property

Domestic Violence:	No	Child Abuse:	No	Gang Related:	No	Juvenile:	No
Completed:	Completed	Crime Against:		Hate/Bias:	None (No Bias)	Using:	
Criminal Activity:		Type of Security:		Tools:			
Location Type:	Corrections Facility/Jail	Evidence Collected:	None				
Total No. of Units Entered:							
Entry Method:							
Notes:							

Offense Details: 1341 - Harassment / Verbal Threats Only

Domestic Violence:	Yes	Child Abuse:	No	Gang Related:	No	Juvenile:	No
Completed:	Completed	Crime Against:		Hate/Bias:	None (No Bias)	Using:	
Criminal Activity:		Type of Security:		Tools:			
Location Type:	Apartment	Evidence Collected:	None				
Total No. of Units Entered:							
Entry Method:							
Notes:							

Call Source:	Dispatched	Assisted By:	
Phone Report:		Notified:	
Insurance Letter:		Entered By:	PPD292 - Melzo, Michael
Entered On:	9/11/2009 02:20:58	Approved By:	PPD15075 - McNiven, Nichole
Approved On:	10/30/2009 10:03:44	Exceptional Clearance:	
Adult/ Juvenile Clearance:		Exceptional Clearance Date:	
Additional Distribution:	PPD - Puyallup City Prosecutor	Other Distribution:	
Validation Processing	Distribution Date: 10/30/2009	County Pros. Atty.	Juvenile X Other CPS Supervisor:
	By: MCNIVEN, NICHOLE	City Pros. Atty.	Military DSHS PreTrial

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Records has the authority to ensure correct agency, CB/Grid/RD, and District/Sector are incorporated in the report.

Printed: April 27, 2010 - 10:45 AM
Printed By: House, Natasha

Weapon 1: None

Offense:	1341 - Harassment / Verbal Threats Only	Serial No:	
Offender:	[REDACTED]	OAN:	
Weapon:	None	Automatic:	
Other Weapon:		Caliber:	
Action:		Gauge:	
Manufacturer:		Length:	
Make:		Finish:	
Importer:		Grips:	
Model:		Stock:	
Weapon Notes:			

Investigative Information

Means:	Motive:
Vehicle Activity:	Direction Vehicle Traveling:

Synopsis:

Narrative: On the listed date and time, Officer Obermiller and I responded to the listed location regarding a physical domestic disturbance. Upon arrival I contacted [REDACTED] and Officer Obermiller contacted [REDACTED]. [REDACTED] stated that he and [REDACTED] are boyfriend and girlfriend that live together. [REDACTED] stated that he and [REDACTED] got into an argument about him moving out and breaking up with [REDACTED]. [REDACTED] stated that he went to bed and locked the bedroom door. [REDACTED] stated that [REDACTED] left and then came back. [REDACTED] stated that [REDACTED] entered the bedroom using a butter knife and then threw the knife at the headboard of the bed. [REDACTED] stated that [REDACTED] then threw a glass at him and one of the glass fragments hit his hand.

I contacted Officer Obermiller who stated that [REDACTED] told him that she threw the glass at him because he was threatening to hit her with a belt and advancing on her.

[REDACTED] was later taken into custody. For further information see Officer Obermiller's report. Nothing further.

Reviewed By:	Reviewed Date:
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CRIMINAL TRAFFIC NON-TRAFFIC C [REDACTED]

IN THE DISTRICT MUNICIPAL COURT OF PUYALLUP PUYALLUP, WASHINGTON
 STATE OF WASHINGTON, PLAINTIFF VS. NAMED DEFENDANT
 COUNTY OF PIERCE
 CITY/TOWN OF PUYALLUP
 L.E.A. ORI #: WA0270100 COURT ORI #: WA027071J - 476
 0900 836

*10/11/09
 JOL*

THE UNDERSIGNED CERTIFIES AND SAYS THAT IN THE STATE OF WASHINGTON

DRIVER'S LICENSE NO. [REDACTED] STATE WA EXPIRES 5/10 PHOTO I.D. MATCHED YES NO
 NAME: LAST [REDACTED] FIRST [REDACTED] MIDDLE D CDL YES NO
 ADDRESS [REDACTED] IF NEW ADDRESS
 CITY PUYALLUP STATE WA ZIP CODE 98371 EMPLOYER LOCATION
 DATE OF BIRTH [REDACTED] RACE B M SEX M HEIGHT 5-3 WEIGHT 160 EYES BEE HAIR BLK
 RESIDENTIAL PHONE NO. CELL/PAGER NO. 434 9023 WORK PHONE NO.
 VIOLATION DATE MONTH DAY YEAR TIME INTERPRETER NEEDED
 ON OR ABOUT 09 11 09 24 HOUR 00:01 LANG:
 AT LOCATION [REDACTED] CITY/COUNTY OF PUYALLUP / PIERCE

DID OPERATE THE FOLLOWING VEHICLE/MOTOR VEHICLE ON A PUBLIC HIGHWAY AND

VEHICLE LICENSE NO.	STATE	EXPIRES	VEH. YR.	MAKE	MODEL	STYLE	COLOR
TRAILER #1 LICENSE NO.	STATE	EXPIRES	TR. YR.	TRAILER #2 LICENSE NO.	STATE	EXPIRES	TR. YR.

OWNER/COMPANY IF OTHER THAN DRIVER
 ADDRESS CITY STATE ZIP CODE
 ACCIDENT YES NO HAZMAT YES NO EXEMPT FARM FIRE
 NO. NR. R I F READING. VEHICLE NO YES VEHICLE R.V. OTHER

DID THEN AND THERE COMMIT EACH OF THE FOLLOWING OFFENSES

#1 VIOLATION/STATUTE CODE
 KCCW 9A-46-020.DV DV DU HARASSMENT
 [REDACTED] TAKE INTO MY TO STRIKE [REDACTED] IT
 A SUBJECT

#2 VIOLATION/STATUTE CODE DV

MANDATORY COURT APPEARANCE OR BAIL FORFEITURE IN U.S. \$ [REDACTED]

APPEARANCE DATE	MO.	DY.	YR.	TIME	A.M.	RELATED #	DATE ISSUED
					P.M.		09/11/09

Served on Violator
 Sent to Court for Mailing
 Referred to Prosecutor

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT I HAVE ISSUED THIS ON THE DATE AND AT THE LOCATION ABOVE, THAT I HAVE PROBABLE CAUSE TO BELIEVE THE ABOVE NAMED PERSON COMMITTED THE ABOVE OFFENSE(S).
 OFFICER [Signature] ID# [REDACTED]
 OFFICER

COMPLAINT / CITATION

ABSTRACT OF JUDGMENT	CRG	PLEA	CNG	FINDINGS	FINE	SUSPENDED	SUB-TOTAL	FIND/JUDG DATE
	1	B	NG		G NG D BF	\$	\$	\$
2	G	NG		G NG D BF	\$	\$	\$	TO SERVE
OTHER COSTS \$								WITH DAYS SUP.
RECOMMENDED NON EXTENSION OF SUSPENSION <input type="checkbox"/>	LICENSE SUR-RENDER DATE		TOTAL COSTS \$		CREDIT / TIME SVD			



**PUYALLUP POLICE DEPARTMENT
DOMESTIC VIOLENCE
Supplemental Report Form**

NAME: (Last) _____ (First) _____ (Middle) _____
 ADDRESS: _____ (City, State) Puyallup (Zip Code) 91771
 PHONE NUMBER: (Home) _____ (Work) 206- _____ (Message) _____

Incident Number: _____

RELATIONSHIP BETWEEN VICTIM AND SUSPECT

- | | | | |
|--|--|---|---|
| <input type="checkbox"/> Spouse | <input type="checkbox"/> Former Spouse | <input checked="" type="checkbox"/> Cohabitants | <input type="checkbox"/> Former Cohabitants |
| <input checked="" type="checkbox"/> Dating/Engaged | <input type="checkbox"/> Former Dating | <input type="checkbox"/> Same Sex | <input type="checkbox"/> Child in Common |
| <input type="checkbox"/> Child | <input type="checkbox"/> Parent | <input type="checkbox"/> Emancipated Minor | <input type="checkbox"/> Other _____ |

INCIDENT

- Alcohol Involved? Yes No By Suspect? Yes No Property Damage? Yes No
 Other / Drugs? Yes No By Victim? Yes No If Community Property, List: _____

If Other Than Community Property, List Name, Address, Phone Number(s) of Property Owner(s): _____ Value: _____

- Vehicle Damaged? Yes No Suspect's Victim's Describe Damage: _____
 Weapon Used? Yes No Gun Knife Other: _____
 Physical Only? Yes No Punched Slapped Choked Grabbed
 Threat Only? Yes No To Kill Victim To Kill Other(s) Bit
 To Hurt Victim To Hurt Other(s) To Damage Property
 To Burn House To Take Children Other Threat: _____
 Children Present? Yes No If yes, Names/Ages: _____

VICTIM Demeanor / INJURIES

- Victim Appeared: Angry Apologetic Crying Fearful Hysterical Nervous
 Afraid Threatening Calm Other: _____
 Did Victim Receive Medical Treatment? Yes No If Yes, Where? _____
 Were Victim's Injuries Visible/Apparent? Yes No If Yes, Describe: NA
 Victim Appeared to Suffer From: Bruise(s) Abrasionn(s) Laceration(s) Contusion(s) Minor Cuts
 Complaint of Pain

EVIDENCE COLLECTED

- Photo of Victim's Injuries Photos of Suspect's Injuries Weapon used during incident Weapon Impounded
 Medical Release Signed Other Evidence, Describe: _____

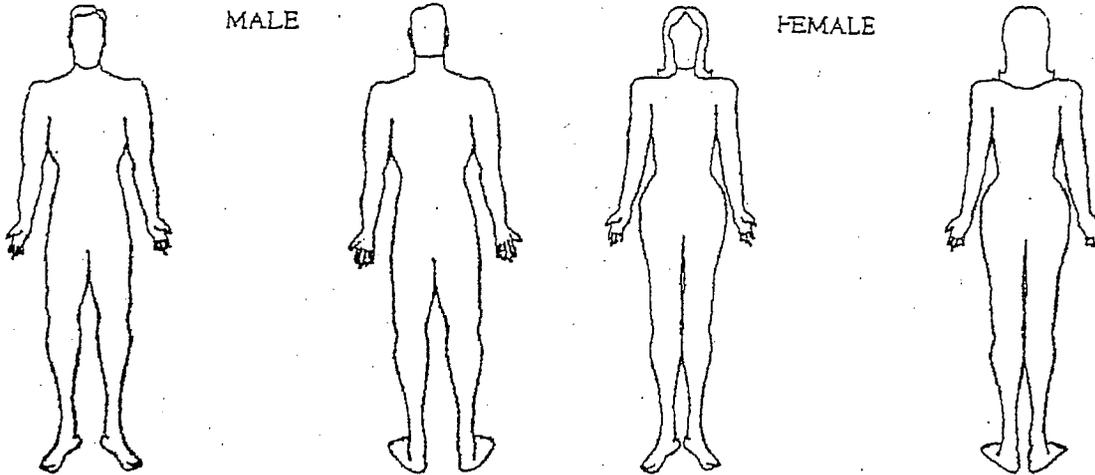
IMPORTANT INFORMATION

Length of Relationship 1 1/2 years Date Relationship Ended: ongoing Prior History of Domestic Violence: yes
 Prior History Documented? yes Number of Prior Incidents: 2 Date of Last Incident: few months ago
 Investigating Agency: Puyallup Prior Case Number(s) and/or Cause Number(s): _____
 Is There an Existing Protection Order? _____ Jurisdiction? _____

Probation Officer Name: _____
 Investigating Officer: Obermiller Unit /ID# 287
 Investigating Officer: Melillo Unit /ID# 292

Incident Number:

VICTIM'S ACCOUNT OF INJURIES



TO THE VICTIM

Mark the areas where you were hit or injured. Indicate as much detail as possible without over simplifying or over exaggerating your injuries. Other than the police, did you call or speak to anyone else about the assault? Yes No

If Yes, who did you contact? _____

Victim will be at a temporary address.

Yes No

If Yes, attach a memo.

Completed by OFFICER/victim was unavailable

Yes No

VICTIM'S STATEMENT

- I have physically pointed out to the Officer where I was injured. Yes No
- I have indicated on the diagram where I was injured. Yes No
- I was able to point out to the Officer the person who injured me. Yes No
- I have pointed out to the Officer the object used to injure me. Yes No
- I understand all of the questions. Yes No

*UH
HA*

Victim's Statement: _____

[Handwritten Signature]

"I DECLARE, UNDER PENALTY OF PERJURY, UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE ABOVE STATEMENTS ARE TRUE AND CORRECT"

[Redacted Signature]

 Victim's Signature Date

 Witness Date

1.	(Name)	(Phone)	(Relationship)
2.	(Name)	(Phone)	(Relationship)



Officer _____

Page _____ of _____

HANDWRITTEN STATEMENT FORM

PUYALLUP POLICE DEPARTMENT

Date _____ Time _____

My name is [REDACTED] My Date of birth is: _____

I reside at _____ Home telephone _____

CITY _____ Message telephone _____

STATE / ZIP _____ Work telephone _____

I am employed at Amazon/Kelly Srees

My narrative of facts:

[REDACTED] has attacked me, w/ increasing severity 3x during our relationship. He were arguing, he threatened to "hit me like a dog, like last time". He got up grabbed a belt & came at me so I threw a glass at him. Also a butter knife. He called the police. He hit me one month ago with a belt. Tonight he was drinking heavily, acting crazy & I was afraid it was going to happen again.

Cit# _____
 Case# _____
 Def. _____

The above is a true and correct statement to the best of my knowledge. No threats or promises have been made to me nor any duress used against me. I make this statement under penalty of perjury.

[REDACTED Signature]

WITNESSES:

-If you need additional space use other side-

Puyallup Municipal Court
PIERCE COUNTY, STATE OF WASHINGTON

STATE OF WASHINGTON
CITY OF PUYALLUP

CAUSE NO. [REDACTED]

PD CASE # [REDACTED]

AGREED ORDER LIMITING
CONTACT

PLAINTIFF

[REDACTED]

VS

DEFENDANT

IT IS HEREBY ORDERED that the Defendant, [REDACTED] D.O.B. [REDACTED] shall have no contact, directly or indirectly, in person, in writing, by phone, or any other method, personally, or through others, with [REDACTED] D.O.B. [REDACTED] until said defendant appears in the Puyallup Municipal Court on 09/11/09 at 3:00 am/pm at, 929 E Main Ave., Suite 120, Puyallup, Washington. (253) 841-5450.

VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE UNDER CHAPTER 26.50 RCW AND WILL SUBJECT A VIOLATOR TO ARREST, ANY ASSAULT, DRIVE BY SHOOTING, OR RECKLESS ENDANGERMENT THAT IS A VIOLATION OF THIS ORDER IS A FELONY. YOU CAN BE ARRESTED EVEN IF ANY PERSON PROTECTED BY THE ORDER INVITES OR ALLOWS YOU TO VIOLATE THE ORDER'S PROHIBITIONS. YOU HAVE THE SOLE RESPONSIBILITY TO AVOID OR REFRAIN FROM VIOLATING THE ORDER'S PROVISIONS. ONLY THE COURT CAN CHANGE THE ORDER.

NOTICE: To the Chief of Police and all Peace Officers.

You are hereby directed to maintain a record of this order limiting contact and enforce its provisions.

Dated this 11 day of 09, 20 09

[Signature]
JUDGE

I, [REDACTED], the defendant herein agree to the entry of this order and have received a copy of the Order.

[REDACTED]
DEFENDANT

This is to certify that I, Officer OSSEMILWA JET # 287, served a copy of this order on said victim,

this 11 day of 09, 20 09

[Signature]
ISSUED BY

PUYALLUP POLICE DEPARTMENT

INCIDENT NUMBER



LOCATION:

Puyallup Police Dept.

DATE:

9-11-09

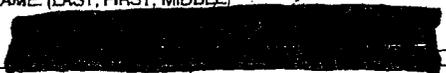
OFFICER:

Temple #264

TIME:

11:00

NAME: (LAST, FIRST, MIDDLE)



(DATE OF BIRTH):



ADVISEMENT OF RIGHTS

Before questioning and the making of any statement, I am going to advise you of your rights:

A
A
A
A
A

1. You have the right to remain silent;
2. Any statement that you do make can be used as evidence against you in a court of law; (if you are under the age of 18, anything you do say may be used against you in Juvenile Court; or if you are transferred to an adult status, then anything you say may be used against you in criminal proceedings in Adult Court);
3. You have the right at this time to talk to an attorney of your choice and to have your attorney present before and during questioning and the making of any statement;
4. If you cannot afford an attorney, you are entitled to have one appointed for you without cost to you and to have the attorney present at any time during any questioning and the making of any statement;
5. You may stop answering questions or ask for an attorney at any time during any questioning and the making of any statement.

To be asked by the officer:

A
A

1. Do you understand each of these rights which I have explained to you?
2. Having been made fully aware of these rights, do you voluntarily wish to answer questions now?



Signature

WITNESS' SIGNATURE

WITNESS' SIGNATURE

WITNESS' PRINTED NAME/TITLE

WITNESS' PRINTED NAME/TITLE

OFFICER: Temple

Page 1 of 1



HANDWRITTEN STATEMENT FORM

PUYALLUP POLICE DEPARTMENT

Date 9/11/09 Time 11:00

My name is [redacted] My Date of birth is: [redacted]

I reside at [redacted] Home telephone [redacted]

CITY Puyallup Message telephone [redacted]

STATE / ZIP WA Work telephone 206

I am employed at Amazon

My narrative of facts:

I was involved in a v. heated altercation w/ [redacted]. He came home we argued, he went in the room & locked the door. I got the door open spit on him & threw a glass at him.

He called the police & they came & I lied & said he had threatened me which is untrue. I want to record my statement - I was frightened & afraid I would be arrested.

Also - there was blood on the bed where I threw the glass - it will show up on the picture

The above is a true and correct statement to the best of my knowledge. No threats or promises have been made to me nor any duress used against me. I make this statement under penalty of perjury.

[redacted signature]
Signature

WITNESSES:

--If you need additional space use other side--

Cit#
Case#
Def.

PUYALLUP POLICE DEPARTMENT		INCIDENT NUMBER [REDACTED]
LOCATION: Puyallup Police Dept.	DATE: 9-11-09	
OFFICER: Temple #264	TIME: 11:00	
NAME (LAST, FIRST, MIDDLE): [REDACTED]	(DATE OF BIRTH): [REDACTED]	

ADVISEMENT OF RIGHTS

Before questioning and the making of any statement, I am going to advise you of your rights:

- CA 1. You have the right to remain silent;
- CA 2. Any statement that you do make can be used as evidence against you in a court of law; (if you are under the age of 18, anything you do say may be used against you in Juvenile Court; or if you are transferred to an adult status, then anything you say may be used against you in criminal proceedings in Adult Court);
- CA 3. You have the right at this time to talk to an attorney of your choice and to have your attorney present before and during questioning and the making of any statement;
- CA 4. If you cannot afford an attorney, you are entitled to have one appointed for you without cost to you and to have the attorney present at any time during any questioning and the making of any statement;
- CA 5. You may stop answering questions or ask for an attorney at any time during any questioning and the making of any statement.

To be asked by the officer:

- CA 1. Do you understand each of these rights which I have explained to you?
- CA 2. Having been made fully aware of these rights, do you voluntarily wish to answer questions now?

[REDACTED SIGNATURE]
Signature

WITNESS' SIGNATURE	WITNESS' SIGNATURE
WITNESS' PRINTED NAME/TITLE	WITNESS' PRINTED NAME/TITLE

FILED
DEC 30 2010
COMMISSION ON JUDICIAL CONDUCT

BEFORE THE COMMISSION ON JUDICIAL CONDUCT
OF THE STATE OF WASHINGTON

In Re the Matter of,
The Honorable Stephen R. Shelton,
Judge of the Puyallup Municipal Court.

CJC No. 6284-F-148

**ANSWER TO
STATEMENT OF CHARGES**

The Honorable Stephen R. Shelton ("Judge Shelton"), by and through his attorneys of record, Stafford Frey Cooper, P.C. and Anne M. Bremner, answers the Statement of Charges filed by the Commission on Judicial Conduct (the "Commission") as follows:

I. BACKGROUND

1. Answering Paragraph 1, Judge Shelton admits the allegations contained therein.
2. Answering Paragraph 2, Judge Shelton admits the allegations contained therein with the understanding the complaint received by the Commission was made anonymously and the Commission's five-month investigation of him determined the allegation was an isolated event, and there was no indication he intentionally transgressed the Code of Judicial Conduct or that his actions were improperly motivated.

1 judge acted without animus. The Court specifically held that legal error neither willful nor part
2 of a repeated pattern of misconduct is not an appropriate subject for discipline.

3 3. Judge Shelton respectfully requests the Commission review and find that the two
4 judicial conduct commission cases from the State of Washington and the four cases from other
5 states supplied to Judge Shelton as the legal basis for a sanction against him are not only
6 completely dissimilar factually, but evidence exceedingly more egregious conduct than the
7 allegations against him.

8 III. CONDUCT GIVING RISE TO CHARGES

9 This case involved a ten minute in-custody proceeding via video feed with the jail
10 wherein Judge Shelton, the prosecutor, and the alleged female victim ("C.A.") were in open
11 court, and the male defendant and the standby public defender were in the jail. Judge Shelton
12 conducted the arraignment as follows:

- 13 1. After preliminary advisements, Judge Shelton informed the defendant he was
14 charged with "Harassment-Domestic Violence Related" alleging he "verbally
15 threatened to harm his girlfriend" by striking her with a belt.
- 16 2. The public defender informed Judge Shelton the defendant would stipulate to
17 the police report as the sole evidence in the case and thereby waive his right to
18 counsel and trial.
- 19 3. Upon Judge Shelton's inquiry whether the defendant understood the rights he
20 was waiving, the defendant replied that his main concern was being released
21 from jail so he would not lose his job and could continue in school.
- 22 4. As the prosecutor submitted the signed stipulation and the police report to Judge
23 Shelton, the prosecutor directed Judge Shelton's attention to the supplemental
report (the transcript mistakenly stated the clerk submitted the documents).
5. The general report included the following relevant facts: (1) at about 1:21 a.m.
the defendant called the police stating his fiancée had thrown a glass and butter
knife at him; (2) dispatch heard a female yelling in the background about a belt;
(3) the defendant told the officers he and C.A. had been arguing and she then
left the residence; (4) the defendant stated he locked himself in the bedroom and

1 C.A. used a butter knife to open the door and threw the knife and a glass at him,
2 and that a fragment of the broken glass cut his hand; (5) C.A. stated the
3 defendant came home intoxicated, that they argued and agreed to end their
4 relationship and she then left the residence to "cool down the argument";
5 (6) when she returned, the defendant had locked himself in the bedroom and she
6 was concerned that he would damage her laptop so she used the knife to unlock
7 the door; and (7) she said he advanced toward her with a belt and threatened to
8 hit her so she threw the glass and knife at him in self defense.

9 6. Upon review, the officer determined the defendant was the primary aggressor
10 and arrested him for the threat. The officer than wrote at the end of the report:
11 **"It should be noted that C.A. entered the room of her own free will and**
12 **used the knife to bypass the lock. This report will be forwarded to the D.V.**
13 **advocate and prosecutor for review of possible charges for C.A."** (emphasis
14 added).

15 7. Based on this general report, Judge Shelton intended to find sufficient facts to
16 find the defendant guilty.

17 8. However, Judge Shelton then reviewed the supplemental report which stated
18 shortly after the defendant was arrested, C.A. went to the police department and
19 made a statement which included the following after she had been advised of her
20 rights: (1) **she admitted she lied in the previous statement to PPD officers;**
21 **(2) she gained access to the bedroom and spit on the defendant and threw a**
22 **glass at him; (3) there was blood on the bed which indicated he had been**
23 **cut; (4) when the defendant called the police, she gave false information to**
the police because she was "frightened at the time of the incident and felt
she would be arrested;" and (5) she was not trying to protect the defendant
but that she knew it was wrong to lie (emphasis added).

9. At this time, Judge Shelton determined the standby public defender had not been
provided the supplemental report.

After considering the general and supplemental reports, Judge Shelton acted as follows:

1. Pursuant to the general report filed by the responding officers, Judge Shelton
found probable cause for the charge of "Harassment" based C.A.'s statements.
2. Pursuant to the supplemental report which indicated C.A. had lied to the police
to avoid being arrested, Judge Shelton declined to accept the defendant's
stipulation and waiver of counsel and trial.
3. Judge Shelton then requested the prosecutor to review the reports.

- 1 4. Judge Shelton reduced the "No Bail Domestic Violence" to \$1,000.00 cash or
2 bond and set the case for pre-trial conference.
- 3 5. Judge Shelton appointed the public defender to represent the defendant.

4 As Judge Shelton was issuing these decisions, C.A. interjected the question, "May I make
5 a comment?" to which Judge Shelton responded, "No, Ma'am. You can have a moment in a
6 minute. Trust me." Then, after a long pause as Judge Shelton considered the supplemental
7 report, wherein C.A. admitted she lied to police, Judge Shelton instructed the bailiff to take C.A.
8 into custody (in taking any individual into custody, it is Judge Shelton's standard procedure to
9 provide the highest level of security for court personnel, the general public, and the individual by
10 securing the person and then explaining the reasons for the detainment to minimize the
11 opportunity for fighting or fleeing). Judge Shelton then proceeded as follows:

- 12 1. Judge Shelton inquired if anyone else lived with C.A. and the defendant to
13 determine if anyone would be impacted by both she and the defendant being in
14 custody (*i.e.* children).
- 15 2. Judge Shelton informed C.A. she was being held in contempt of court based on
16 her statement in the supplemental report. Then Judge Shelton read the relevant
17 portion of the supplemental report into the record which stated in part, "I lied
18 and said he had threatened me which is untrue. I want to recant my statement. I
19 was frightened and afraid I would be arrested."
- 20 3. Judge Shelton imposed a punishment of one day in jail with a release at 9:00
21 a.m. the following day for approximately 17 hours in custody.

22 Judge Shelton believed that at all times he acted in accordance with RCW 7.21.010 in
23 finding that C.A.'s false statement was "intentional" and "contemptuous . . . behavior toward the
judge while holding court" which tended to interrupt . . . judicial proceedings" for the following
reasons:

1. C.A. was present in court and was a material witness in the prosecution.

1 2. C.A.'s admission to lying to police to avoid being arrested was "contemptuous...
2 toward the judge" as Judge Shelton was required to consider such admission
while in open court to properly arraign the defendant.

3 3. C.A.'s lie to avoid being arrested did "interrupt" the "judicial proceedings"
4 for two alternate reasons:

5 (a) If the first statement was a lie, the defendant would not have been
6 arrested and no proceedings against him would have occurred; or

7 (b) If the first statement was a lie to avoid being arrested, then C.A. would
8 have been considered the primary aggressor and she would have been the
9 defendant in the arraignment proceedings.

10 Judge Shelton believed he was acting in accordance with RCW 7.21.050, "Sanctions -
11 Summary Imposition - Procedure," by taking C.A. into custody at the "end of the proceeding"
12 for "the purpose of preserving order in the court and protecting the authority and dignity of the
13 court" for two reasons:

14 1. Judge Shelton was concerned the order, authority, and dignity of the court
15 would be diminished if he did not take action in addressing an act of dishonesty
16 which had resulted in the arrest of an arguably innocent individual, or if a
17 potential domestic violence defendant could lie to avoid being arrested. Also,
18 Judge Shelton was concerned the order of the court would not be preserved by
19 ignoring an act of dishonesty that had such a serious consequence as the arrest
20 and possible conviction of another person.

21 2. Judge Shelton also acted to preserve the integrity of the domestic violence laws.
22 Police officers, prosecutors, and judges understand the inherent difficulties in
23 the investigation, prosecution, and decision-making involved in domestic
violence cases, including "recanting." However, in this case, Judge Shelton
concluded that C.A. did not "recant" in the usual sense, as she simply lied to
avoid being arrested. Therefore, Judge Shelton was concerned the court would
be seen as simply ignoring the "lie," which would send a message to domestic
violence perpetrators and victims, police officers, and prosecutors that the court
is not able to take definitive action when false statements so decisively impact
judicial proceedings.

1 After taking C.A. into custody, Judge Shelton believed he acted in accordance with
2 RCW 7.21.050, even though he did not provide her "with an opportunity to speak in mitigation
3 of the contempt" due to the "compelling circumstances" listed below:

- 4 1. If C.A. admitted in open court that she had "lied," it would have placed her in
5 jeopardy of being charged with Domestic Violence Assault in the Fourth Degree
6 and False Statement to a Public Servant.
- 7 2. If C.A. admitted in open court that she had "lied," it would have placed in right
8 to avoid self-incrimination in jeopardy.

9 Judge Shelton also believed he acted in accordance with the RCW 7.21.050 requirement
10 to issue an order reciting "the facts, state the sanctions, imposed, and be signed by the judge and
11 entered on the record" by signing an "Order for Contempt of Court and Imposing Sanctions."
12 Judge Shelton concluded the court docket and the recording of the proceedings provided the
13 necessary recitation of facts and were considered as a part of the Order.

14 Finally, Judge Shelton believed the imposition of one night in jail might forestall or
15 prevent the prosecutor from filing charges against C.A. for the crimes of Domestic Violence
16 Assault in the Fourth Degree and Providing False Information to a Police Officer.

17 In review, Judge Shelton conducted the arraignment proceedings professionally and
18 properly. Judge Shelton:

- 19 1. Acted at all times in a professional and dignified manner with proper decorum.
- 20 2. Treated all persons before the court with respect.
- 21 3. Conducted the arraignment proceedings properly and professionally, and
22 preserved the rights of the defendant in the absence of full disclosure by the
23 prosecutor to the public defender.
4. Made a concerted effort to consider the application of the contempt powers to
C.A.'s admission that she lied to keep from being arrested, and believed he
properly interpreted and applied the contempt powers in accordance with
RCW 7.21.050.

- 1 5. Acted to protect C.A. from self-incrimination.
- 2 6. Insured no children or other persons would be impacted by the punitive action.
- 3 7. Informed C.A. of the reason he was holding her in contempt.
- 4 8. Did not impose an excessive incarceration as a punitive action.
- 5 9. Considered the punitive action might forestall filing of criminal charges against
- 6 C.A. as he was concerned that she might be in a difficult relationship.

7 In summary, Judge Shelton urges the Commission to closely review all the facts in the
8 police reports and his legal analysis as presented above. In this review, Judge Shelton also
9 requests the Commission note that no other violations are alleged, and there is no suggestion that
10 Judge Shelton displayed an animus or bias toward C.A. or had issues with his demeanor. To the
11 contrary, Judge Shelton conducted the proceedings properly and held C.A. in contempt only after
12 he reasonably believed it was warranted under the circumstances.

13 IV. CONCLUSION

14 Judge Shelton respectfully requests the Commission to consider his interpretation and
15 implementation of RCW 7.21 during the arraignment proceedings in the context of all the facts,
16 his professional conduct and deliberative approach, and the stated reasons for his decisions, and
17 find his actions did not violate the stated Judicial Canons:

- 18 1. Canon 1: "maintaining and enforcing high standards of judicial conduct, and
19 shall personally observe those high standards so that the integrity and
independence of the judiciary will be preserved."
- 20 2. Canon 2(A): "respect and comply with the law and should act at all times in
21 a manner that promotes public confidence in the integrity and impartiality of
the judiciary."
- 22 3. Canon 3(A)(1): "be faithful to the law and maintain professional competence
23 in it."

1 4. Canon 3(A)(3): "be patient, dignified and courteous" and to "hear all
2 proceedings fairly and with patience."

3 5. Canon 3(A)(4): "accord to every person who is legally interested in the
4 proceeding . . . full right to be heard according to law."

5 In the alternative, if the Commission finds Judge Shelton improperly interpreted and
6 applied RCW 7.21, he requests the Commission to dismiss these proceedings pursuant to the
7 necessity of maintaining judicial independence as articulated in the ruling by the Alaska
8 Supreme Court, namely that judicial discipline is not warranted for a judge who misuses his
9 contempt powers in an isolated and unintentional manner. Furthermore, dismissal of these
10 proceedings is in harmony with the Commission of Judicial Conduct Preamble, which makes
11 clear that disciplinary action is not warranted for every transgression, especially where such a
12 transgression is inadvertent, unintentional, and based on a reasonable mistake.

13 Finally, in the event the Commission finds Judge Shelton did act in violation of the
14 Canons, Judge Shelton requests the Commission to consider a sanction of Admonishment, which
15 is fair and proportionate when considered in light of all legal authority on point, in addition to an
16 analysis of the CJCRP 6(c) "Deming" Factors:

17 **(1) Characteristics of Misconduct**

18 (A) The alleged misconduct was an isolated incident.

19 (B) The nature, extent, and frequency of the alleged misconduct involved only a single
20 contempt ruling, directed at one individual.

21 (C) The alleged misconduct occurred inside of the courtroom.

22 (D) The alleged misconduct occurred in Judge Shelton's official capacity.

23 (E) Judge Shelton did not flagrantly or intentionally violate his oath of office. Holding
C.A. in contempt was based on his good-faith interpretation of the law. Preventing
C.A. from making a statement was based on Judge Shelton's decision to protect C.A.
from self-incrimination as to possible criminal charges of False Statement and
Domestic Violence Assault in the Fourth Degree.

1 (F) The alleged misconduct did cause injury to C.A, as is the case when any individual is
2 held in contempt. However, Judge Shelton did insure that no other persons would be
injured by the incarceration of C.A. overnight.

3 (G) No evidence suggests Judge Shelton exploited his official capacity to satisfy personal
4 desires. No evidence suggests he acted with bias, prejudice, or hatred. To the
5 contrary, the evidence suggests Judge Shelton took a significant amount of time to
6 weigh his decisions and the applicable law before entering his order. C.A. was held
7 in contempt because Judge Shelton believed she had made a false statement to the
8 police, resulting in criminal charges against another individual, thereby disrupting
9 court proceedings. Judge Shelton did not act with animosity, but instead determined
10 it was his responsibility to maintain the respect for the court and for the judicial
11 proceedings.

12 (H) The effect Judge Shelton's actions had upon "the integrity and respect for the
13 judiciary" is difficult to ascertain. On one hand, Judge Shelton admits he may have
14 misapplied his contempt powers. On the other hand, he utilized his contempt powers
15 to sanction an individual who admitted giving a false statement to the police to "avoid
16 going to jail." This false statement was relied upon by the State to charge the
17 defendant with domestic violence.

18 **(2) Service and Demeanor of the Judge**

19 (A) Judge Shelton acknowledged and recognized the allegations occurred and has
20 expressed remorse for his actions.

21 (B) Judge Shelton has reviewed applicable law and educated himself to prevent future
22 incidents.

23 (C) Judge Shelton has served as a judge for over 16 years and has significant experience
and community involvement.

(D) There has never been prior disciplinary action against Judge Shelton.

(E) Judge Shelton has cooperated with the CJC during the investigation.

(F) No ethics advisory committee opinion is at issue, making this final element
inapplicable.

1 DATED this 30th day of December, 2010.

2 STAFFORD FREY COOPER

3 By: /s/ Anne M. Bremner

4 Anne M. Bremner, WSBA #13269

5 Peter A. Altman, WSBA #40578

6 Attorneys for Respondent Stephen R. Shelton

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1 In re Curda, 49 P.3d 255. After a formal hearing, the Commission recommended to the Supreme
2 Court of Alaska that the judge be reprimanded for the clear legal errors committed during the
3 contempt proceedings, which violated serious fundamental procedural rights. Id. At 257. The
4 Supreme Court rejected this recommendation, and found no ethical violations were committed
5 by the judge:

6 Our review of case law from other jurisdictions indicates that courts most often
7 find judicial misconduct where judges have repeatedly or willfully denied
8 individuals their rights.

9 Judge Curda ... committed a single deprivation of an individual's constitutional
10 rights, motivated by good faith concerns for orderly trial proceedings and the
11 affected individual's well-being, in the face of a unique situation for which there
12 was no available legal template.

13 [T]his court is aware of "no contested American case approving the disciplining
14 of a judge for a single incident of good faith legal error when the judge acted
15 without animus."

16 [L]egal error that is neither willful nor part of a repeated pattern of misconduct is
17 not an appropriate subject for discipline. In light of this standard we conclude
18 Judge Curda's treatment of [the victim] is not properly subject to ethical sanction
19 because the errors he made were neither repeated nor willful.

20 Id. at 258, 261 (internal citations omitted); see also In re Quirk, 705 So.2d 172 (La. 1997) (a
21 judge's legal ruling is only grounds for judicial disciplinary sanctions if it is clearly contrary to
22 law and made in bad faith, or part of a routine practice of legal error).

23 The court in In re Curda also expressed serious concern of the danger of having judges
base their legal decisions out of fear of being sanctioned:

Further, judges must be able to rule in accordance with the law which they believe
applies to the case before them, free from extraneous considerations of
punishment or reward. This is the central value of judicial independence. That
value is threatened when a judge confronted with a choice of how to rule—and
judges are confronted with scores of such choices every day—must ask not
"which is the best choice under the law as I understand it," but "which is the
choice least likely to result in judicial discipline?"

1 Id. at 261. In summary, Judge Shelton asks the Commission to find the Alaska Supreme Court
2 cases are directly on point, and that judicial disciplinary sanctions are inappropriate when the use
3 of contempt powers by a judge constitutes an isolated and unintended mistake. Judge Shelton is
4 accused of misusing his contempt powers, despite the misuse being an isolated and unintentional
5 instance of alleged misconduct. Judge Shelton has not routinely nor willfully denied individuals
6 their rights, and no evidence suggests that he acted in bad faith. Without a continuing pattern of
7 misconduct or other evidence of bad faith, ethical sanctions imposed by the Commission are
8 unjustified.

1 APPENDIX B – Response to Authority Provided by the Commission

2 Judge Shelton strongly disagrees with the cases cited by the Commission allegedly
3 supporting the discipline of a reprimand. The cases are not only factually different from the
4 allegations against Judge Shelton, but they evidence far more egregious judicial misconduct. It
5 is noteworthy the cases do not include a single decision establishing a reprimand is the
6 appropriate sanction where a judge stands accused of only an isolated and unintentional abuse of
7 his or her contempt powers.

8 (a) Washington State Cases

9 In re the Matter of Colby, No. 2511 (Washington, 2000). Order of Censure and
10 Acceptance of Resignation. Of all the judicial violations by Judge Colby, of which there were
11 many, only one count has been referenced in addressing Judge Shelton's case. In that count, the
12 Commission found the judge used the contempt power illegally, abrogated the witness's
13 constitutional rights, and displayed intemperate demeanor lacking in judicial propriety which
14 tended to diminish respect for the judiciary. Specifically, the judge:

- 15 1. Without lawful authority, imposed an order against a husband and wife,
16 who were witnesses in a case, prohibiting them from consuming alcohol
and being under the influence of alcohol in the presence of a minor.
- 17 2. Had *ex parte* contact with the defendant, and based on that contact,
18 caused witnesses to appear in court for a hearing without providing
19 notice as to the purpose of the hearing in order to confront them about
20 their consumption of alcohol.
- 21 3. Denied one witness's request for legal counsel.
- 22 4. Apparently, based on the *ex parte* contact, found both witnesses had
23 violated his orders and held each of them in contempt of court and
immediately imposed two days in jail for each witness.
5. Made angry and demeaning comments to the mother when she asked to
be heard in order to make arrangements for children who were expecting

1 her when they returned home from school, thereby indicating he did
2 not consider or at least did not care that the incarceration of the husband
and wife would have a significant impact on the couple's minor children.

3 In summary, the judge's use of his contempt power is completely dissimilar and far more
4 egregious than the allegations against Judge Shelton.

5 In re the Matter of Junke, No. 1137 (Washington, 1993). Order of Reprimand. The
6 judge was reprimanded on the basis of four distinct allegations of misconduct (one of which
7 involved the use of the contempt power): (1) improperly threatening to cancel a public defender
8 contract; (2) holding deputy prosecutor in contempt for refusing to arrest a state trooper;
9 (3) improperly having *ex parte* communication with defendant and improperly conducting an
10 independent investigation; and (4) dismissing a DWI charge *sua sponte* after a disabled
11 defendant could not enter the courtroom.

12 *Count 2*

- 13 1. During a criminal prosecution, the prosecutor "presented an agreement
14 with defense counsel."
15 2. After the judge and prosecutor completed a colloquy regarding the
16 agreement and the reduction of the charge, the judge directed the
17 prosecutor "to issue a warrant for the arrest of the state trooper who was a
18 key witness."
19 3. The prosecutor refused to have the officer arrested, and the judge then
20 held the prosecutor in contempt for "refusal to obey his order."
21 4. The judge then placed the prosecutor under arrest in the courtroom.

22 The judge was reprimanded on the basis of four distinct allegations, all of which included
23 displays of improper demeanor or bias. The commission noted the judge had "lost control of his
temper and failed to maintain patience and proper decorum in his courtroom." This decision

1 demonstrates a formal reprimand is only appropriate for misconduct that evidences a pattern of
2 behavior and facts far more egregious than the allegations against Judge Shelton.

3 (b) Cases from Other Jurisdictions

4 Inquiry Concerning Peter A. Bell. No. SC09-782 (Florida, 2009). Order of Reprimand
5 due to conclusion the judge's conduct was misguided but not ill-intentioned. The judge was
6 disciplined with a reprimand after improperly finding probable cause to support the arrest of a
7 victim of domestic violence who was then inappropriately incarcerated overnight. Although this
8 case is superficially similar to the allegations against Judge Shelton, contempt proceedings were
9 never invoked and not at issue, and there were numerous aggravating factors supporting
10 discipline.

- 11 1. Former husband appeared as defendant in a domestic violence battery.
12 After reading probable cause, the judge found probable cause that the
defendant assaulted his former wife.
- 13 2. The judge then found probable cause that the alleged victim, the former
14 wife, also committed domestic battery and ordered the former wife to be
15 taken into custody, incarcerated her overnight and ordered her to appear
the next day for a first appearance on the charge of domestic battery.
- 16 3. The judge explained his decision to find probable cause and take the
17 former wife into custody as he concluded "the former wife was the
18 primary aggressor and that the police officer arrested the former husband
for some other reason than his being the primary aggressor" even though
19 the officer had conducted interviews of the former husband, the former
20 wife, their two children, and observed injuries to the former wife and the
location of the incident.
- 21 4. The judge determined probable cause existed to arrest the wife "after
22 doing about five minutes worth of research on his computer."
- 23 5. The judge had a personal relationship with both parties which included a
more significant past and present relationship with the former husband:

- 1 • The judge knew the former husband prior to his marriage to the former
2 wife, having met him 15 years prior when both were practicing
3 attorneys.
- 4 • The judge attended the same church with the former couple, and his
5 children babysat for the former couples' children.
- 6 • After the couple's divorce, the former husband would appear in the
7 judge's court on a monthly basis, and he had only spoken to the former
8 wife "at a social event."

9 In summary, the judge:

- 10 1. Should have disqualified himself due to the appearance of, if not actual,
11 bias in the case given his past relationship to the two persons and, more
12 importantly, the personal relationship with the former husband, and was
13 personally biased when he jailed the former wife.
- 14 2. Conducted his own independent research.
- 15 3. Made a finding inconsistent with the officer's investigation and sworn
16 statement which included the officer's observations of physical injury to
17 the former wife.
- 18 4. Found probable cause for a criminal violation without a criminal charge
19 pending.
- 20 5. Incarcerated the alleged victim overnight and ordered her to appear in
21 court the following morning as defendant for a first appearance on a
22 criminal charge that had not been yet filed in the court.

23 In comparison, Judge Shelton did not have a personal relationship with C.A. or the defendant,
and he did not demonstrate bias or prejudice when entering his order. This case only serves to
demonstrate that a Reprimand against Judge Shelton would be disproportionate.

Judge Lisa Guy-Schall – State of California (1995) Public Admonishment (which is
apparently similar to a Reprimand in Washington). Determination that the judge's actions
"constituted an abuse of the contempt power." This case is not remotely similar to Judge
Shelton's case except for the use of the contempt power

- 1 1. A female respondent appeared before the judge in a petition for a
2 restraining order, during which the judge ordered her out of the courtroom
3 due to her behavior.
- 4 2. Once the respondent was out of the courtroom, the judge had the bailiff
5 give her an opportunity to return to the hearing "if she would be willing to
6 reappear in the court and keep herself under control."
- 7 3. The bailiff informed the judge that the respondent replied that "if the judge
8 would not allow her to tell her story, she would probably 'go off' again."
- 9 4. In the respondent's absence, the judge found her in contempt, had her
10 taken into custody outside the courtroom, and sentenced her to five days in
11 jail without having her return to the courtroom and without giving any
12 "facts underlying the finding of contempt."
- 13 5. During the investigation, the judge "acknowledged no problems in her
14 handling of this matter."

15 In summary, the judge:

- 16 1. Imposed five days in jail which the respondent served in full;
- 17 2. Imposed the jail without the respondent's presence in court;
- 18 3. Did not giving any reasons on the record or to the respondent; and
- 19 4. Never recognized she made an error.

20 The facts of this case are somewhat similar, but far more serious, than the allegations against
21 Judge Shelton. However, despite these aggravating factors, reprimand was the appropriate
22 sanction. This demonstrates a reprimand is a sanction reserved for more serious instances of
23 misconduct than the allegations against Judge Shelton.

24 Judge Fred L. Heene, Jr – State of California (1999) Public Censure (which is apparently
25 similar to a Censure in Washington). Determination the judge failed "to respect the rights of
26 unrepresented individuals" in "nine incidents in slightly less than two years" that were "not
27 isolated unrelated incidents of misconduct." This series of incidents is not similar to the charges
28 against Judge Shelton, except that four of the nine incidents of misconduct involved taking an

1 individual into custody without authority, one of which was pursuant to a stated finding of
2 contempt.

3 *Case No. 1*

4 During a preliminary hearing in a rape case, the alleged female victim "testified
5 inconsistently with what she told police" and "testified that she had given the police information
6 that was not true."

- 7 1. The judge ordered her into custody and imposed bail of \$25,000 because
8 "[s]he had admitted to this Court a crime."
- 9 2. The judge denied the prosecutor's request for a recess and took her into
10 custody even though the prosecutor and then the prosecutor's supervisor
11 noted no charges were pending against the victim by stating several times
12 that the victim had admitted during cross-examination that she had
13 committed the crime of filing a false police report.
- 14 3. The judge ordered the victim back to the courtroom, told her he would
15 order a transcript for the prosecutor's review of criminal charges, ordered
16 her to return to the court and then, on the prosecutor's continued request,
17 withdrew the order to return to court and released her from custody.

18 In summary, the judge:

- 19 1. Apparently found probable cause for a criminal violation by an alleged
20 rape victim who was not before him on a criminal charge.
- 21 2. Incarcerated the alleged victim and set significant bail and ordered her to
22 appear in court apparently for a first appearance on a criminal charge that
23 had not been filed in the court.
- 24 3. Released her from the court's jurisdiction only at the continued and
25 repeated insistence of the prosecutor.

26 *Case No. 4*

27 A female defendant on a criminal case was ordered to complete community service in
28 lieu of fines by another judge, and came to the courthouse to request an extension to enable her
29

1 to complete the community service. She was sent to Judge Heene's courtroom to ask for an
2 extension, apparently ex parte.

- 3 1. The defendant advised she did not complete her community service nor
4 pay the fine, as she was pregnant and on bed rest for the prior two months.
- 5 2. The judge determined she had not paid her fine nor completed community
6 service and took her into custody for 44 days in lieu of the fine or
7 community service.

8 In summary, the judge:

- 9 1. At an unscheduled hearing on a case under the jurisdiction of another
10 judge, imposed significant jail time on an unrepresented defendant for
11 unpaid fines.
- 12 2. Did not advise her that "he was conducting a violation herein."
- 13 3. When informed that she had a seven-day-old baby at home, the judge
14 replied, "Ma'am, you should have thought about that a long time ago."

15 *Case No. 5*

16 During a jury deliberation, a juror was late in returning to court.

- 17 1. The judge "asked for an explanation for being late, then found the juror in
18 contempt and remanded him."
- 19 2. "The judge did not cite the juror for contempt nor inform the juror that he
20 was conducting a contempt hearing before finding him in contempt."

21 In summary, the judge did not follow the proper contempt procedures,

22 *Case No. 6*

23 During an arraignment on a criminal case for failure to attend traffic school, which was
stayed pending completion of a traffic school (apparently associated with a speeding ticket), the
defendant stated she was unable to pay the entire balance of fines owing on the speeding ticket.

1. The judge then took her into custody for 20 days apparently on the
pending criminal charge in lieu of payment of the balance on the speeding
ticket.

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2. The judge "sentenced the defendant in the absence of a guilty or no contest or conviction at trial."

In summary, the judge had no authority to incarcerate the defendant, and the facts are far more egregious than the allegations against Judge Shelton, and none of them support the proposed sanction of a reprimand.

In Re Douglas Mills – State of New York (2004) Public Censure. Determination based on two cases that the judge "abused his judicial power by depriving individuals of their liberty, without just cause or due process." These two incidents are not factually similar to Judge Shelton's case, although one involved taking an individual into custody pursuant to a stated finding of contempt.

Case No. 1

During a non-jury trial, the judge informed the defendant that "The next time you have an outburst like that, I will hold you in contempt, and sentence you to ten days in the Saratoga County jail" and "I am warning you, if you interrupt me, you will go to jail." After the judge found the defendant not guilty, the judge proceeded to conduct what he termed a "contempt hearing."

1. The judge stated, "...the Court is not going to avoid having a conversation with you about your attitude, which is much more important to me than this whole proceeding."
2. Even though the defendant immediately said "I am sorry," the judge accused him of being "disrespectful to the Court."
3. When the defendant attempted to respond, the judge said, "Now we're going to have a contempt hearing. You've interrupted me again."
4. The judge found the defendant in contempt for interrupting him and sentenced him to three days in jail.

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2. The judge then stated, "I want a temporary order of protection in favor of her against him. He's barred from the house."
 3. The judge concluded with, "You're going to behave like that around me, you're going to be under arrest."
 4. The judge then declined the request of the man's attorney to disqualify himself as the judge was a witness and also denied the attorneys request for the judge to set bail.
 5. The man was handcuffed in the courtroom taken into custody and placed in a cell without access to his medications.
 6. After three hours in custody, the man's attorney arranged an arraignment before another judge who released the man on his personal recognizance.
 7. After the county district attorney recused himself, a district attorney from another county was assigned, the case was transferred to a different court, and the district attorney then dismissed the case.
 8. In addition to the incarceration, the man incurred \$1,500.00 in legal fees to defend himself.

In summary, the judge:

1. Incarcerated a man on an unfiled criminal charge.
2. Refused to disqualify himself even though he was a witness to the alleged criminal act.
3. Held the man without bail.
4. Attempted to impose a No Contact Order in a case.
5. Endangered the man as he was incarcerated without access to his medications.
6. Impacted the man financially as he expended "\$1,500.00 in attorney fees."
7. Impacted the local court and the prosecutor's office by the consequences of his actions which were the recusal of the prosecutor and assignment to another county's prosecutor and the need to change venue to a different court for a case that was then dismissed.

1 The level of misconduct in these two cases, which was described as a “mean-spirited, substantial
2 overreaction to conduct that in no way warranted such extreme punitive measures,” far exceeds
3 the allegations against Judge Shelton, as there is absolutely no evidence suggesting Judge
4 Shelton was biased, prejudiced, or otherwise hot-tempered when he entered his contempt order.
5 This decision is not analogous or persuasive.

1 chief deputy, I filed and prosecuted criminal charges against numerous defendants charged with
2 domestic violence. During the course of those prosecutions, I had significant inter-personal
3 contact with the victims and their families. As a *pro tem* superior court commissioner, I heard
4 petitions for orders of protection and motions in dissolutions wherein domestic violence was
5 alleged. As a municipal court judge, I have 17 years of direct experience with victims and
6 challenges of domestic violence criminal prosecution. I have presided over innumerable
7 domestic cases at all stages of prosecution. During each of these criminal cases, I have had to
8 address numerous difficult issues, including no contact orders, the imposition of bail, recanting
9 and reluctant witnesses, and imposing jail sentences. Also, during my judicial career, I have
10 attended many classes addressing domestic violence issues at judicial conferences. I believe that
11 I have been able to develop a solid understanding of the dynamics of domestic violence. During
12 the past year I have made changes to court proceedings to better address the dynamics and
13 dangers of domestic violence: (1) I have adopted a local rule which places a no bail hold on
14 anyone charged and arrested for a domestic violence crime which enables me to review the case
15 and impose appropriate conditions of release; and (2) I have reserved two pre-trial calendars a
16 month solely for domestic violence cases so the complicated issues inherent in addressing
17 domestic relationships can be addressed by the court, the prosecutor, the defense counsel, the
18 domestic violence advocate, and the probation officer.

19 I have participated in two out-of-court endeavors which I believe have been helpful in
20 addressing domestic violence. As an original board member of the eastern Pierce County
21 Alliance Against Domestic Violence (PCAADV), I assisted in establishing the Alliance and
22 provided the Puyallup courtroom for monthly meetings to provide more direct and convenient
23 assistance to victims of domestic violence in east Pierce County. In later years, I was able to

1 partner with the judge of the Fife Municipal Court to establish the first Domestic Violence
2 Victim Impact Panel (DV VIP) in the State of Washington. The goal of the DV VIP was
3 patterned after the statutorily created DUI VIP—to create an empathetic understanding by
4 perpetrators of the physical and emotional harm caused to victims of domestic violence.
5 Although various courts, judges and treatment agencies were skeptical, the DV VIP was
6 successful, and other courts and treatment agencies in the state have created their own panels.

7 Judicial Background

8 (a) **State Judicial Governance**

9 My long involvement with the District and Municipal Court Judges Association
10 (DMCJA), the Board of Judicial Administration (BJA), and the Administrative Office of the
11 Courts (AOC) has given me an extraordinary opportunity to better understand and appreciate the
12 state judiciary, and to be very well acquainted with judicial officers from all levels of court
13 throughout the state of Washington. My participation has also enabled me to better understand
14 the state legislative process as I have represented the judiciary in numerous conversations with
15 legislators and I have appeared and testified before the House and Senate judiciary committees.

16 I believe that my experience with the governance of the state judiciary is an extraordinary
17 accomplishment that has enabled me to become an exceptional judge. I have been able to serve
18 the state judiciary as follows:

19 Washington State District and Municipal Court Judges' Association (DMCJA)

20 2009-2010 Chair, Diversity Committee
21 Moderator/Presenter – DMCJA-WSBA Pro Tem Judge Training
22 CLE
23 Peer Counselor – Judicial Assistance Committee

2008-2009 Past-President
Board Liaison to WSBA Board of Governors

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Chair – Diversity Committee
Chair – Nominating Committee
Peer Counselor - Judicial Assistance Committee

2007-2008 President

2006-2007 President-Elect
Co-Chair – Long Range Planning Committee

2005-2006 Vice-President
Chair – Long Range Planning Committee

2004-2005 Secretary-Treasurer

1999-2002 Board member

1998-1999 Municipal Court Task Force

1995-1997 Legislative Committee

Washington State Board of Judicial Administration (BJA)

2007-2008 Member (President-DMCJA)

2006-2007 Non-voting Member (President-Elect-DMCJA)

(b) Judicial College

I have been a faculty member of the Judicial College presenting the session on “Judicial Independence in Municipal Courts” to newly-elected and appointed municipal court judges from across the state. In this capacity, I have been able to not only provide the substantive basis for understanding the necessity of an independent judiciary, but also to provide a pragmatic approach to new judges as they address issues in their individual city governance. Through my experiences and “story-telling,” I am hopeful that I have assisted my brethren in maintaining and/or establishing judicial independence in their city or town governance.

1 (c) **Judicial Peer Assistance Committee**

2 I have been selected to serve on the DMCJA Judicial Assistance Committee as a Peer
3 Counselor, and have attended annual training workshops to become able to be a resource for
4 judges in need of counseling for such issues as addiction, depression, suicide and work "burn-
5 out." The Judicial Assistance Services (JAS) was created in 2004 to explore how judges can
6 receive confidential help and intervention when they need it. The challenge is that judges,
7 because of their unique positions and responsibilities, often find themselves with limited avenues
8 for help. The JAS is modeled after and affiliated with the WSBA Lawyers Assistance Program,
9 and offers help from trained peer counselors at no cost, and referral to confidential professional
10 help. I am certain that this training has enabled me to become a more complete judge as I better
11 understand the negative impacts the responsibilities and experiences of judging can have on an
12 individual. I am also hopeful that I will be ready to assist a fellow judge who may be in need of
13 obtaining professional assistance to address personal challenges.

14 (d) **Diversity of the Judiciary**

15 I fervently believe that diversity of the judicial system is a priority goal of the judiciary.
16 To instill and maintain confidence in the judiciary, judges and judicial staff must reflect the
17 diversity of the electorate in gender, race, cultural and ethnic background and sexual orientation.
18 The question is, "how?" The easy answer is, to encourage more diverse attorneys to run for
19 election or seek appointment to the bench. However, a candidate for election or appointment
20 generally needs a level of judicial experience to be successful. In addition, a candidate needs to
21 be able to know how to obtain such experience.

22 For this reason and others, the DMCJA Diversity Committee of which I was chairman
23 was successful in requesting the Association members to approve a by-law amendment which I

1 drafted that not only makes diversity of membership a priority, but mandates that the DMCJA
2 work with the WSBA and minority bar associations, the Gender and Justice Commission, the
3 Minority and Justice Commission, and other associations to work toward this goal.

4 To implement this mandate, the DMCJA co-sponsored with the WSBA a Pro Tem Judge
5 Training CLE Program that will enable interested attorneys to gain judicial experience and
6 become better candidates for judicial positions. The Diversity Committee and the WSBA CLE
7 program developed the curriculum and created the CLE. I was the moderator and a presenter for
8 the one-and-one-half day CLE program. The February 2010 program in Seattle, wherein almost
9 200 attorneys attended was, an extraordinary success, and the program in Spokane in late March
10 included about 65 attendees. In looking at my years involved with DMCJA governance, I am
11 very pleased and proud that as President I was able to lead the Board to become pro-active in
12 striving to achieve diversity on the bench and as Chair of the Diversity Committee I was able to
13 assist in creating the pro tem judge training which should provide opportunities for all attorneys
14 regardless of gender, culture, race or sexual orientation to become judicial officers.

15 **(e) Overview of the Puyallup Municipal Court**

16 In 2008, after multiple meetings with the Puyallup City Manager and City Council, I was
17 able to prevail over the opposition of the City Manager and City Attorney and convince the
18 Council that the volume of cases required a full time judge. The annual case filings increased
19 from approximately 10,600 in 2003 to approximately 14,000 in 2009. In the same time frame,
20 DUIs increased from 263 to about 600. Not only did the increasing case load support the change,
21 I also saw the emergent need for an independently-elected judge to avoid the increasing intrusion
22 of the new city administration into the independence of the Court. Given the caseload increases, I
23 view my ability to preside over an ever-increasing case load as a noteworthy accomplishment, in

1 and of itself. The Washington State Administrative Office of the Courts concluded that the 2009
2 Puyallup case load requires 1.79 judges and the current case load requires 1.81 judges, which
3 does not include photo enforcement cases. I am the only judicial officer. Despite the
4 implementation of calendar management revisions, there are days when I am on the bench
5 continuously with short breaks for eight to nine hours, and see between eighty and one-hundred
6 defendants. During all court sessions, I endeavor to devote the same energy and attention to each
7 case. In November 2009 running unopposed, I was elected for a four-year term. Now, as an
8 elected rather than appointed judge, I have been able to insure that the Puyallup Court will
9 maintain proper judicial independence and be properly considered as the third branch of city
10 governance.

11 **(f) Overview of the Sumner Municipal Court**

12 As the Commission is well aware, the former judge of Sumner Municipal Court, Eugene
13 Hammermaster, was investigated by the Commission on Judicial Conduct. In In re Hon. A.
14 Eugene Hammermaster, 139 Wn.2d 211 (1999), the Supreme Court upheld the Commission
15 findings that Judge Hammermaster had violated numerous judicial canons. Although I was
16 appointed as the interim judge during Judge Hammermaster's suspension and made significant
17 changes, I was not able to maintain those changes until I was appointed the Sumner judge in
18 2002 upon Judge Hammermaster's retirement. Specifically, I simply treated all individuals
19 appearing in court with respect and dignity, provided the full advisement of rights to all
20 defendants, implemented the proper procedures for the appointment of the public defender,
21 required that an attorney rather than a paralegal represent the city in court proceedings, and
22 insured the fair and proper legal conditions of release and sentencing. From 2002 to 2008, I was
23 able to completely change the culture of the Sumner Court from a "good old boy" extension of

1 the police department to enable it to be an independent court which provided proper due process
2 to all defendants.

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