

PUBLIC ADMONISHMENT OF JUDGE ANTHONY C. EDWARDS

The Commission on Judicial Performance has ordered Judge Anthony C. Edwards publicly admonished pursuant to article VI, section 18(d) of the California constitution and commission rule 115, as set forth in the following statement of facts and reasons found by the commission:

STATEMENT OF FACTS AND REASONS

Judge Edwards has been a judge of the Trinity County Superior Court since 1998. His current term began in January 2007. Judge Edwards was elected as a justice court judge in Trinity County in 1994; he took the bench in January 1995 as a municipal court judge, pursuant to a constitutional amendment converting justice courts to municipal courts.

On July 7, 2010, defendant Andrew Howard Hall appeared with counsel before Trinity County Superior Court Judge James Woodward, pled not guilty to charges that included attempted murder, and demanded a preliminary examination within statutory time limits. (Case No. 10F095.) Pursuant to Penal Code section 859b, the preliminary examination needed to be held within 10 court days, or by July 21. Judge Woodward set the preliminary examination to take place on July 19, 2010, and directed the court reporter (who was going to be on vacation that week) to make arrangements for another court reporter to be present.

On July 9, 2010, Judge Edwards, who was presiding judge of the court in 2010, set a second preliminary examination to be heard by Judge Woodward on July 19, 2010. On July 12, 2010, Judge Woodward set a third preliminary examination to take place in his department on July 19, 2010. On July 7, 12, and 13, 2010, respectively, Judge Woodward also set three other felony matters to be heard in his department on July 19.

On July 13, 2010, when Judge Edwards knew that at least two preliminary examinations, as well as other matters, had been set for July 19 in Judge Woodward's department, he sent Judge Woodward an e-mail advising him that

there is no need for a reporter [on July 19]. If we can cancel that court reporter today without incurring a claim tell me why we shouldn't. If I don't hear from you I will presume you agree and I will have [Acting Court Executive Officer] L. Wills call her off.

After Judge Woodward responded by e-mail that he had a "number of matters set on the 19th that require a court reporter," including the preliminary hearings, Judge Edwards cancelled the court reporter. On July 14, 2010, Judge Edwards sent Judge Woodward an e-mail informing him that the court reporter had been cancelled because none of the cases set for July 19 required one. Judge Edwards claims (through counsel) that he cancelled the court reporter in an effort to "prompt Judge Woodward to engage in a dialogue about court expenses."

Under Code of Civil Procedure section 269, subdivision (a), an official reporter shall take down proceedings in felony cases on the order of the court or at the request of the prosecution, the defendant or the defendant's counsel. With respect to preliminary hearings, Penal Code

section 869 expressly provides that the court may appoint a court reporter in the absence of a request by the parties.

In addition, the Superior Court of Trinity County, Local Rules, rule 1.4(b), provides that “proceedings in felony criminal cases (except initial arraignments prior to the preliminary hearing) are to be reported.”

Judge Edwards contends that his cancellation of the court reporter was necessitated by his responsibility as presiding judge “to actively manage the [c]ourt’s financial situation.” While presiding judges do have responsibility under California Rules of Court, rule 10.603, for management of the court, which includes the allocation of resources and the establishment of budget priorities, this does not extend to intruding on another judge’s case-related authority by countermanding that judge’s case-related orders. Judge Edwards’s purported desire to prompt Judge Woodward to engage in a dialogue about court expenses was not a valid justification for cancellation of the court reporter in Judge Woodward’s cases and was for a purpose other than the faithful discharge of judicial duties.

The commission concluded that by cancelling the court reporter, Judge Edwards abused his authority and violated his duties under canons 2A and 3B(2), respectively, to “respect and comply with the law” and to “be faithful to the law....” The commission determined that the conduct of Judge Edwards was, at a minimum, improper action.

In determining to issue a public admonishment, the commission noted that Judge Edwards was previously publicly admonished by the commission in April 2010, shortly before the conduct on Judge Edwards’s part that is the subject of this admonishment. That discipline included the judge’s abuse of authority by dismissing certain infractions and misdemeanors on the basis that the defendants lived in Hayfork and were cited by law enforcement to appear in Weaverville, and by threatening to do so in all cases. There was no court order or legal requirement that a Hayfork resident’s initial court appearance be in Hayfork. (Public Admonishment of Judge Anthony C. Edwards (2010).)

Commission members Hon. Judith D. McConnell, Hon. Frederick P. Horn, Ms. Mary Lou Aranguren, Mr. Anthony P. Capozzi, Ms. Nanci E. Nishimura, Mr. Lawrence Simi, Ms. Maya Dillard Smith, Ms. Sandra Talcott, Mr. Adam N. Torres, Mr. Nathaniel Trives, and Hon. Erica R. Yew voted to impose a public admonishment.

Date: February 7, 2012