IN THE SUPREME COURT
OF FLORIDA

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CASE NO.: 87,482

INQUIRY CONCERNING A JUDGE NO.: 95-412
RE: JUNE LARAN JOHNSON

PETITIONER'S ANSWER BRIEF
IN RESPONSE TO ORDER TO SHOW CAUSE

On Review of
a Disciplinary Recommendation of Removal
by the Judicial Qualifications Commission

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STATEMENT OF THE CASE

Special counsel accepts Judge Johnson's Statement of the Case.

STATEMENT OF THE FACTS

Special Counsel rejects Judge Johnson's re-casting of the facts in the light most favorable to herself, while ostensibly accepting the findings of fact of the Judicial Qualifications Commission ("JQC") or Commission. Suffice it to say, the Commission rejected the Judge's claims that she acted from "pure motive", that everything she did was "done openly on the record," concluding that she knowingly directed the deliberate and intentional falsification of records in her courtroom. The most critical of these findings are as follows.

1. June LaRan Johnson is a County Court Judge for the Seventeenth Judicial Circuit, Broward County, Florida. She has served in that position since her election to the bench in 1982.

2. On or about September 18, 1995, Joann Headrick, a secretary for State Attorney Michael Satz (Broward County) fielded a telephone call from an irate citizen who complained about Judge Johnson's handling of Defendant William Rodda's pending DUI cases. (T. 33-34). Ms. Headrick ran a computer report, determining that Judge Johnson had reset one case some 33 times between July 1991 and September 18, 1995, and had re-set the arraignment of Mr. Rodda in the second (1992) case some 7 times after the case was assigned to her and after it was set for trial by the prior judge. (T. 35-39; 46; Pet. Ex. 2). Ms. Headrick reported this to SA Satz, who assigned ASA Howard Scheinberg to investigate why the cases were so old. (T. 44; 50-52).

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3. Howard Scheinberg is an assistant state attorney in charge of the Broward Court division. He reviewed a series of Judge Johnson's cases and issued a status report to Mr. Satz on aged cases in Judge Johnson's division on September 22, 1995. (T. 52-55, Pet. Ex. 3). Mr. Scheinberg testified that an arraignment is the first proceeding following arrest, that typically arraignments were reset only once or twice when necessary for a Defendant to obtain legal counsel. In contrast, Judge Johnson had a practice of resetting arraignments repeatedly over a period of years. Mr. Scheinberg concluded that "the majority of cases pending before Judge Johnson have an inordinate number of continuances," and that the procedure Judge Johnson used of "repeatedly resetting what the Judge terms as 'arraignments' appeared to be geared towards minimizing her reported cases for statistical purposes." (T. 114-15, Pet. Ex. 3). Mr. Scheinberg explained that the clerk's statistics generated to measure a judge's caseload are triggered by a plea entered on the court's docket, thereby generating a trial setting. If a case is constantly re-set for arraignment, it would not show up as part of a judge's pending caseload. (T. 245-46).

4. The information obtained by the State Attorneys Office was conveyed to Judge Dale Ross, Chief Judge, 17th Judicial Circuit who met with Judge Johnson in approximately October 1995. (T. 497). Chief Judge Ross told Judge Johnson in no uncertain terms that she was not to reset any further arraignments. (T. 506-07). He termed Judge Johnson cooperative and said that she agreed not to do so in the future. (T. 527).

5. Sandra (Sandi) Langley has been employed by the Clerk of Broward County for 25 years, in the misdemeanor division. During the years 1994 and 1995, she was assigned to Judge Johnson (T. 266). As the clerk in the "hot seat," Ms. Langley actually marked the files.

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6. Clerk Langley only kept docket sheets as far back as September, 1994. Therefore, she could not testify with regard to records earlier than that date. (T. 268). After September 1994, Clerk Langley testified that the Judge directed her to enter dates on the disposition sheet which materially varied from the actual date of the plea. At the beginning, Clerk Langley wrote up each plea to specifically reflect that the defendant was being convicted nunc pro tunc to an earlier date. She stopped when the Judge told her that she didn't want pleas written up that way.(T. 354). Instead, Judge Johnson announced "Today's date is" and gave a date which differed from the actual date of the hearing. (T. 272-74). When attorneys used the term "retroactive", Judge Johnson would say "It's not retroactive" and give the fictitious date. (T. 354). In some instances where Ms. Langley had already noted the actual date of the hearing on her paperwork, she would have to cross through that date and enter the date the Judge directed. (T. 272-74). Judge Johnson ofttimes referred to these backdates as "quantum leaps" after a favorite television show. (T. 287).

7. When Judge Johnson took a plea in a DUI case, Ms. Langley would mark the file and fill out several documents. These included a disposition sheet, an original of which stayed with the file, while one copy was provided to the probation department and 2 copies to the Defendant. The citation or ticket was forwarded to the Department of Motor Vehicles in Tallahassee. (T. 270).

8. When a driver is convicted of a DUI, the Department of Motor Vehicles ordinarily dates revocation of the driver's license from the date of conviction (which is taken from the citation). Entry of an improper, earlier date on the citation gives the driver more time to use the license and thus can have serious consequences for the Department. (T. 474-75).

9. Pursuant to Judge Johnson's directions, Clerk

Langley backdated the date of convictions to earlier dates on the citations forwarded to the Department. However, nothing on the citations reflected that backdates, instead of actual conviction dates, were being used. (T. 363).

10. Clerk Langley became concerned over the perception her supervisors might have that she was not performing her job, because the records she dated back pursuant to Judge Johnson's instructions made it look as though she was not turning in her records in a timely fashion. She brought this to the attention of her supervisor. She was told that "[she] was to do what the Judge told [her] to do." (T. 276). On her own initiative, Clerk Langley began to record the Judge's directions to her in dating the files by referencing the backdates as made "per Judge Johnson." (T. 355).

11. In 1994 and 1995, proceedings in Judge Johnson's courtroom were transcribed on tape. When Judge Johnson wanted to stop transcription, she either signaled Clerk Langley by tapping or told her to "push the button". (T. 269). On several occasions, when Judge Johnson directed Clerk Langley to enter a backdate, she also directed her to turn off the tape. (T. 282-284).

12. Judge Johnson made numerous statements of record reflecting a conscious awareness of the impropriety of her actions, as well as her intention to mislead the Department of Motor Vehicles:

    A. On March 14, 1995, the Judge directed Clerk Langley to backdate paperwork to July 20, 1994, indicating "I don't nunc pro tunc because they don't accept nunc pro tuncs;" (Pet. Ex. 8, pp. 16-17)

    B. On May 5, 1995, the Judge announced "Today is January the 25th, 1995" and directed clerk Langley to correct

the already-marked paperwork accordingly. When an assistant state attorney asserted her confusion, and questioned the Judge about "dating him back", the Judge responded "I'm not nunc pro tuncing him" because "I can't date it back, but I can make it another date ... I can't say "Nunc Pro Tunc" because they'll toss it back" and explained further that "It's the only way to get around the Department of Motor Vehicles;" (Pet. Ex. 10, pp. 19-20).

C. On May 9, 1995, Judge Johnson stated that she knew she couldn't nunc pro tunc a drivers license suspension to the time of the administrative suspension, and would only date the file only back to November 8, 1994 because "they won't believe anything further back than that or September;" (Pet. Ex. 12, p. 7).

D. In response to an attorney's indication on May 15, 1995 that the Judge had offered a nunc pro tunc as part of a plea, Judge Johnson responded that "I don't nunc pro tunc. I just make it a different day." (Pet. Ex. 13, P. 9).

13. Judge Johnson also made numerous statements of record reflecting the increasing sense of urgency with which she was acting:

A. On November 7, 1995, in response to an attorney's request to keep her plea offer (involving backdating) open, Judge Johnson indicated that "I'm trying to close stuff out." (Pet. Ex. 23, p. 6).

B. On November 13, 1995, in response to an attorney's refusal to plead his client, Judge Johnson sought to encourage pleas by "mak[ing] today's date 1/19/95." (Pet. Ex. 28, pp. 2-

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3).

C. On November 17, 1995, Judge Johnson stated:

"What I'm going to do is make a final offer today. I'm trying to close out stuff for the New Year's...". (Pet. Ex. 32, p. 3). As to her "final offer", Judge Johnson indicated that "if he takes the plea before Tuesday I will transmit the date to Tallahassee as being April the 4th, which means that his suspension would be up. At least the criminal suspension, I don't know what's going on with the other suspension." (Id. At 4). As to her knowledge of the impact of her action, Judge Johnson stated that the Defendant would then "be eligible to walk into the license bureau, just get a regular driver's license like nothing ever happened the day we took the plea." (Id.). Judge Johnson concluded by telling the defense attorney that "you and I both know that you're not going to get that offer anywhere else in the world." (Id.).

D. On December 4, 1995, when the defendant accepted a plea after Judge Johnson asked if he'd "like until the 15th to think it over," Judge Johnson stated, "Absolutely too tempting, wasn't it? I know. It's very difficult to turn it down. I intend it that way." (Pet. Ex. 38, pp 2-3).

E. On December 7, 1995, Judge Johnson offered a plea which included back-dating to June 6, 1995 "if he takes it today, before 2:30" (Pet. Ex. 40, p. 7). She stated that the plea was "only going to be open today, because I don't have time to play

with you next week." (Id. At 6).

F. In December 1995, Judge Johnson told still other Defendants that the plea she was offering – which would allow them to be eligible for drivers licenses immediately – was good for "today only," or "right now". (Pet. Ex. 41, p. 4; Pet. Ex. 31, p. 3).

14. But for Judge Johnson's instructions, the paperwork would have been dated to accurately reflect the date of each Defendant's plea. (T. 300-01).

15. After Judge Johnson stopped resetting arraignments, pursuant to the instructions received from Chief Judge Ross, the amount of backdated pleas that she accepted increased substantially from four in October 1995 to twenty in November 1995. (T. 91).

16. The actual backdating of files was discovered in late November 1995 when Debbie Lesniak, an employee of the Broward County probation department noticed a discrepancy between the dates of the disposition sheets being turned in by probationers as they came from the courthouse and the dates that the sentencing hearings actually transpired. Ms. Lesniak was concerned that her probationers might have insufficient time to comply with their conditions of probation, which might result in jail time. (T. 378-87; 410-12). Ms. Lesniak had never experienced such a problem before and, accordingly, reported it to her supervisor, Debbie Garr. (T. 424-25). Ms. Lesniak and Garr jointly sent a probation officer to inquire. (T. 413, 430-32, 482). Judge Johnson told the officer to leave the papers and "it would be taken care of." (T. 432). The Judge did not thereafter return any of this paperwork to the probation department. (T. 432).

17. Ms. Garr and the court administrator brought the information to the attention of Judge Johnson's supervisors and the State Attorney.

(T. 483-84). The Chief Judge transferred Judge Johnson out of the criminal division pending further investigation. (T. 528).

18. According to the testimony, the amount of files backdated pursuant to Judge Johnson's directions ranged from 42 to 57. (T. 66-67; 484).

Judge Johnson makes much of the fact that she received strong support at the JQC hearing from several of her colleagues who appeared as character witnesses, including the Chief Judge of her circuit. While all three judges professed their high regard for Judge Johnson as a person, it is important to note that none of them knew anything about the conduct with which she was charged. Chief Judge Dale Ross' testimony on this point is illustrative:

Q. To date you have not read one, not one of the transcripts of the 57 cases in which Judge Johnson changed the dates, correct?

A. Correct.

Q. You don't know what she did?

A. That's correct.

Q. You don't know why she did it?

A. Right.

Q. You don't' know any of the underlying circumstances, correct?

A. That's correct, Yes, ma'am. (T. 540, emphasis added).

Judges Miller and Seidlin testified similarly (T. 608-09, 613, 851). When the conduct at issue was detailed to these judges, they

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were unanimous in their disapproval. (T. 555, 619-20, 854, 863).

As to the appropriate punishment awaiting one who engages in the deliberate and knowing falsification of court records, Judge Miller's testimony is singularly revealing:

> Q. [I]f it came to your attention that a lawyer court document, what would you do?
>
> A. If a lawyer falsified a document?
>
> Q. Knowingly and intentionally and it came to your attention.
>
> A. Well, Elmo Roberts (phonetic) did and he got five years. (T. 609).

Judge Johnson claims that all she did was to fashion a plea offer "which both avoided double jeopardy concerns and encourage[d] guilty pleas," and that this constituted a "single error in judgment." (Initial Brief p. 8, 30). Not only did the Commission find that there was "no mention of double jeopardy as a basis for the plea" in any transcript of proceedings,[1] the evidence reflects that the judge's falsification extended, in some instances, to persons who had never been administratively suspended. In these instances, the Defendant's drivers license was therefore not suspended at all. (T. 460-620. As Commissioner Middlemas brought out:

> Q. [F]or instance, Mr. Garcia here, of course the one who didn't serve any administrative time, didn't lose his right or privilege to drive through administrative hearing or whose time

[1] This finding remains uncontested.

was backdated almost the full time, never lost his license at all? He never had a time he couldn't drive?

The Witness: (Dept. M.V. Counsel Jill Tavlin Swartz): No, he did not. (T. 476, emphasis added).

Moreover, there were 42-57 falsifications of records, not "one error" of judgment.

Judge Johnson's knowing and intentional conduct not only diminished public confidence in the judiciary, it had serious consequences:

Q. [W]hat effect did (Judge Johnson's procedure) have on the Department of Motor Vehicles?

A. We imposed illegal revocation periods and we, in fact, allowed drivers to be licensed contrary to public safety and contrary to the mandate of our own statute. We allowed drivers to be licensed when, in fact, they had not had their licenses revoked for six months. (T. 445).

At the conclusion of all of the evidence, the JQC found by clear and convincing evidence that Judge's Johnson's "serious" violations of the Judicial Canons warranted her removal from the bench. Significantly, the JQC concluded that:

> [J]udge Johnson counseled and directed third parties in the commission of a fraud on the Florida Department of Motor Vehicles and her actions were successful in defrauding the Department. The Commission also concludes that Judge Johnson acted knowingly and intentionally, and for personal reasons rather than over any concern for the legal issue of double jeopardy. While the Commission is not unmindful of Judge Johnson's prior years of service, "it is essential to our system of

> justice that the public have absolute confidence in the integrity of the judiciary." In re Garrett, 613 So. 2d 463 (Fla. 1993). It would simply be impossible for the public to repose the confidence in a judge who has knowingly and intentionally counseled third parties on the falsification of official public records. (App. 15).

Judge Johnson contests the penalty imposed, and timely seeks review.

ARGUMENT

REMOVAL IS THE ONLY APPROPRIATE REMEDY FOR KNOWINGLY AND INTENTIONALLY COUNSELING THIRD PARTIES ON HOW TO CIRCUMVENT THE LAW THAT A JUDGE IS SWORN TO UPHOLD, AND IN DIRECTING THE FALSIFICATION OF OFFICIAL COURT RECORDS. (REPHRASED).

The object of these disciplinary proceedings "is not to inflict punishment, but to determine whether one who exercises judicial power is unfit to hold a judgeship." In re Kelly, 238 So. 2d 565, 571 (Fla. 1970), cert. denied, 401 U.S. 962, 91 S.Ct. 970, 28 L.Ed. 2d 246 (1971). The evidence against a judge must be clear and convincing. In re LaMotte, 341 So. 2d 513, 516 (Fla. 1977). The JQC's findings and recommendations have persuasive force and should be given great weight. This Court, however, has the power to determine the ultimate remedy.

In considering the appropriate remedy, it is important to note that:

> [R]emoval is not punishment for a crime, nor is suspension, nor is the withholding of pay. The purpose of the removal proceedings, and

> all related aspects of those proceedings, is to regulate the judiciary, to protect the public from dishonest judges, to prevent proven dishonest judges from doing further damage, and above all to assure the public that the judiciary is worthy of its trust... .

In re Shenberg v. Sepe, 632 So. 2d 42 (Fla. 1992), citing In re Coruzzi, 472 A.2d 546, appeal dismissed, 469 U.S. 802, 105 S.Ct. 56, 83 L.Ed. 2d 8 (1984).

The Florida Constitution, article v, §12(f) was amended in 1976 to provide that "Malafides, scienter or moral turpitude on the part of a justice or judge shall not be required for removal from office of a justice or judge who conduct demonstrates a present unfitness to hold office." See In re Graham, 620 So. 2d 1273 (Fla. 1993), cert. denied, 114 S.Ct. 1186, 127 L.Ed 2d 537 (1994) (removal warranted even where judicial misconduct did not result from a dishonorable motive, and Judge was not dishonest, venal or guilty of moral turpitude). Thus, respondent's reliance on cases such as In re Dekle, 308 So. 2d 4 (Fla. 1975) and In re Boyd, 308 So. 2d 13 (Fla. 1975), which not only preceded, but in fact, precipitated this Constitutional revision, is misplaced. Nevertheless, petitioner agrees that removal is reserved for cases involving the most serious judicial misconduct, as this Court will not lightly remove a sitting judge from office. See In re Berkowitz, 522 So. 2d 843 (Fla. 1988); In re Kelly, 238 So. 2d 565 (Fla. 1988), cert. den., 401 U.S. 962, 91 S.Ct. 970, 28 L.Ed 2d 246 (1971). The parties here diverge on whether Judge Johnson's

conduct is of a sufficient magnitude to warrant her removal. Simply stated, it must.

A judge's honesty and integrity lies at the very heart of the judicial system. See In re Shenberg, 632 So. 2d 42 (Fla. 1992) Thus, even one serious and flagrant dishonest act may warrant the ultimate punishment. See In re Garrett, 613 So. 2d 463 (Fla. 1993) (one knowing and intentional act of petit theft); see also In re Berkowitz, 522 So. 2d 843 (Fla. 1988) (Judge's deception during JQC proceedings warranted his removal because it reflected judge was "basically dishonest"); In re LaMotte, 341 So. 2d 513 (Fla. 1977) (intentional repeated use of state credit card for personal expenses, even in light of prior unblemished record).

As this Court has also noted:

> [T]he integrity of the judicial system, the faith and confidence of the people in the judicial process, and the faith of the people in the particular judge are all affected by the false statements of a judge.

In re Inquiry Concerning a Judge (Leon), 440 So. 2d 1267 (Fla. 1983) (removal warranted inter alia for making false statements to the JQC).

Judge Johnson's conduct is no less egregious here. Putting aside the question of motive, there can be no serious debate over the fact that counseling and directing court personnel to falsify official court records is not a mere "peccadillo" or "error of judgment". Under the Florida Evidence Code, official public

records are self-authenticating, §90.902(4), Fla. Stats. (1995), and subject to judicial notice, §90.202, Fla. Stat. (1995) and are admissible as an exception to the hearsay rule. §90.803(8), Fla. Stat. (1995).

That Judge Johnson placed her own integrity into dispute might be subject to correction. That Judge Johnson has placed into dispute the integrity of the official motor vehicle records of this state can never be corrected.

It is essential to our system of justice that the public have absolute confidence in the integrity of the judiciary. A judge who tampers with court records cannot instill such confidence.

Judge Johnson disputes the "inference" that she acted with a "conscious awareness of the impropriety of her actions." (Initial Brief p. 4, n. 2). A review of the record reflects that no other inference can be reached.

The transcripts of DUI hearings amply reflect Judge Johnson's intention to deceive the department of motor vehicles into accepting a <u>false</u> date as the conviction date:

DIEDRICH

The Court: "The earliest date I can use that they're not going to bounce back on me is February – February 9." (T. 287).

* * *

KNOWLES

Q. I would like you to turn to the Knowles transcript. It's May 5, 1995.

A. (Clerk Langley). I've got it.

Q. Looking at Page 18, Line 6, does the Judge tell you how to write this file up?

A. "Sandy, today is going – You haven't dated it yet I hope".

Q. And you had dated it, correct?

A. On Line 8. "The Clerk: Uh – Huh (affirmative)."

Q. Now, what did the Court say?

A. Line 9. "The Court: But if you have, just correct the date."

Q. And what was the date that the Judge announced today was?

A. On Line 12: "Today is January the 25th, 1995".

Q. Now, Miss St. Laurent is the very next name that you see here. Who was she?

A. She was our State Attorney at the time.

Q. And what does she say to the Judge on May 5, 1995 when the Judge announces that today's date is January 25, 1995?

A. That's Line 13. "Miss St. Laurent: Judge, you lost me."

Q. And the Court's response?

A. On Line 14. "The Court: I did a quantum leap. I love to leap in time. It's one of my favorite shows. It's on at midnight."

* * *

Q. And then Miss St. Laurent, does she ask any questions of the Judge as to what she's doing?

A. On Line 19. "Miss St. Laurent: You're dating

him back? You're dating him back on this?"

Q. What's the Court's response?

A. On Line 21. "The Court: No - Yeah, today I'm not nunc pro tuncing him.

Q. Okay. And does Miss St. Laurent ask for another explanation as to what the Court was doing?

A. Yes, Line 23. "Miss St. Laurent: I - I - I'm just - If the Judge - the court wouldn't mind explaining what you just did so that I'm -"

Q. And what does the Court say in response to Miss St. Laurent's request for an explanation this time?

A. This is Page 19, Line 1. "The Court: It means that if today is January 25, 1995, then he's got - which was the day that he made the agreement to keep my plea offer open, then it's February 25, March 25, April 25, May 25. He will be eligible for a regular driver's license in about 45 days, so that he doesn't have -

Q. And Miss St. Laurent asked for clarification again, correct?

A. Correct.

Q. What does she say?

A. Line 7. "Miss St. Laurent" So you're dating it back to when you made the original offer even though he didn't accept it?"

Q. Now, could you please tell the Commission what the Judge's response was with regard to the State's request for clarification in terms of dating it back?

A. On Line 10. "The Court: Well, when you say dating it back, I can't date it back but I can make it another date. In other words, I can't say nunc pro tunc because they'll toss it

back. (T. 289-91, emphasis added).

* * *

ALLEN (After defense request to nunc pro tunc)

The Court: Well I know I can't nunc pro tunc it. I'm just looking to see – This is what, 93 -"

Q. And does the State inform the Court of the blood alcohol level of this Defendant?

A. On Line 13. "Miss St. Laurent: Just for the Court's information, there was a .187, Your Honor.

Q. And what does the Court announce that the date of this hearing is?

A. On Line 15. "The court: November 8, 1994. I don't know where that is going to leave you but I – They won't believe anything further back than that or September.

Q. When the Court indicated to you that "they won't believe anything further back than that or September," who was they "they" that you understood she was referring to?

A. The Department of Motor Vehicles.

Q. And what was the date of the hearing that Judge Johnson announced on the record that Today's date was November 8, 1994?

A. That was May 9, 1995. (T. 295-96).

These representative transcripts amply reflect that the purpose of the plea was to dupe the DMV into believing that the false dates were accurate dates. Otherwise, DMV would not give them full force and effect. This is the very essence of fraud.

Judge Johnson states, in mitigation, that she did everything out in the open, the backdating was "almost always on tape" and

that she merely reached an erroneous decision which "could have been cured by a single appeal by the State Attorney's office." (Initial Brief at 31). Her analysis is flawed. First, the record reflects that Judge Johnson went to great pains to hide what she was doing. These included directions to her clerk to turn off the tape when she was telling her to backdate records, as well as telling the probation department that she would "correct" the records when they brought the errors to her attention; then, never returned the records. Second, negligence has never been a defense to fraud. See generally Banco Nacional de la Vivienda v. Cooper, 680 F.2d 727 (11th Cir. 1982); Besett v. Basnett, 389 So. 2d 995, 997-98 (Fla. 1980); Coble v. American Parks, 576 So. 2d 422 (Fla. 4th DCA 1991); Gold v. Perry, 456 So. 2d 1197 (Fla. 4th DCA 1984). Third, it is the Judge (not the attorneys) who bears paramount responsibility for enforcement of the law she has sworn to uphold. That responsibility is betrayed where a Judge actively participates in counseling parties on how to circumvent that law.

Concerning Judge Johnson's "pure motive", that too is belied by the record. Initially Judge Johnson used the practice of "re-setting arraignments" to keep her case count down. However, she was instructed to discontinue that practice in September 1995, by Chief Judge Ross. Immediately thereafter, the amount of back dated pleas offered by the Judge escalated. At a time when Judge Johnson was trying fewer DUI cases than any other Judge, she had the lowest

or second lowest case count of any judge in her division (T. 501-05). As soon as she was moved out of that division and the back-dating stopped, the amount of cases in her division increased by some 259 cases. (T. 504; 539-40; 575-76).

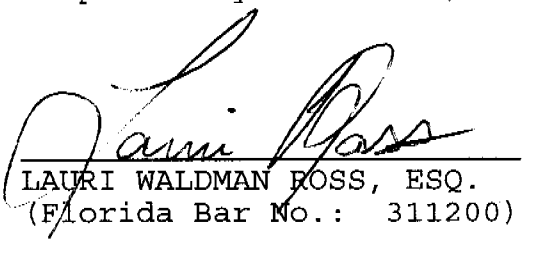
In sum, that Judge Johnson did not reap a "pecuniary gain" is not controlling; she did reap a benefit.

Finally, only one case cited by Judge Johnson is even remotely on point: In re Colby, 629 So. 2d 120 (Fla. 1993). In Colby, however, this court was dealing with a young (32 year old judge) newly appointed to the bench (less than two years) who made a mistake in judgment. (T. 729-743). Judge Johnson has no such excuse. At the time of the conduct in question, Judge Johnson was a seasoned veteran with twelve years experience. Her many statements of record reflect no "mistake", but a calculated effort to dupe a state agency. The only appropriate cure for such dishonesty on the part of a sitting judge is removal.

CONCLUSION

For all of the foregoing reasons, it is respectfully submitted that the report and recommendation of the JQC should be approved in its entirety.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I ~~HEREBY~~ CERTIFY that a true and correct copy of the foregoing was ~~mailed~~/faxed this ~~5th~~ 6th day of November, 1996 to:

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