



Judicial Discipline & Disability Commission

JUDGE CHRIS E WILLIAMS
CHAIRMAN

323 Center Street • Suite 1060
Little Rock, AR 72201
(501) 682-1050 • Fax: (501) 682-1049
E-Mail: jddc@arkansas.gov

DAVID A. STEWART
EXECUTIVE DIRECTOR

PRESS RELEASE

POINT OF CONTACT: DAVID J. SACHAR

PHONE: 501-682-1050

FOR IMMEDIATE RELEASE

September 7, 2012

Today the Judicial Discipline & Disability Commission issued an agreed public sanction against 10th Judicial Circuit Judge Sam Pope. The letter of sanction and letter of apology from the judge follow this press release and resolve a case that was pending before the Commission.

Judge Sam Pope has been issued an agreed unpaid suspension of 30 days in Commission case #12-187. The case will be reviewed by the Arkansas Supreme Court as an agreed order under Judicial Discipline & Disability Commission rule 12D and 12G. Only the Arkansas Supreme Court can impose an unpaid suspension and this sanction will only be final after the Court's review. The video attached to the sanction was sent to the judge and to the Arkansas Supreme Court. Additional copies are available at the JDDC offices at 323 Center Street, Suite 1060, Little Rock, Arkansas.

Both parties wish to thank the Arkansas JLAP (Judges and Lawyers Assistance Program) for providing helpful and necessary services to the legal profession in this case as well as many others. www.arjlap.org

Attachments:

- Exhibit A: Police Report
- Exhibit B: DVD of incident (Available at JDDC office)
- Exhibit C: Letter of apology from the judge



Judicial Discipline & Disability Commission

JUDGE CHRIS E WILLIAMS
CHAIRMAN

323 Center Street • Suite 1060
Little Rock, AR 72201
(501) 682-1050 • Fax: (501) 682-1049
E-Mail: jddc@arkansas.gov

DAVID A. STEWART
EXECUTIVE DIRECTOR

September 7, 2012

Honorable Sam Pope
Tenth Judicial District, First Division
1215 West Jefferson
Hamburg, AR 71646

Re: Letter of Suspension without Pay in case #12-187

Dear Judge Pope:

You are alleged to have committed violations of the Code of Judicial Conduct in the above referenced case. These violations comprise the following facts which you have agreed are true:

- A. On or about April 5, 2012 there was a confrontation in the Crossett, AR Wal-Mart. Tenth Judicial Circuit Court Judge Sam Pope came in contact with Bill Murray who was with the judge's estranged wife, Gayle Zimmerman. The judge and Murray became involved in a verbal altercation that ultimately became physical. Wal-Mart security officers, other employees and store customers broke up the fight.
- B. The Crossett Police Department received a 911 call and arrived on the scene. Judge Pope and Billy Murray were arrested at the scene and led from Wal-Mart in handcuffs. No charges were filed although the police report says that both Pope and Murray were transported to the Crossett Police Department in separate vehicles. Murray was observed to have blood on both sides of his face. Both men were released and agreed not to press charges and no citations were issued. Murray stated that both men referred to each other as an "ass" and then they began fighting.
- C. A police report from the incident is attached to this letter (see attachment "A").

- D. A copy of the Wal-Mart security video shows two angles and several minutes of footage before and after the incident. It is also attached to this letter (see attachment "B").
- E. The incident occurs in the photo section of Wal-Mart and there are two video angles with time stamped video. The judge appears to be pointing down an aisle in the direction of Zimmerman and Murray as he talks with female. The female (who is later known to be the daughter of the judge and Zimmerman) heads down the aisle. The judge then walks down the length of the aisle to come in contact with Murray and Zimmerman.
- F. The judge appeared to begin the physical confrontation by pushing a shopping cart and his daughter out of the way to go toward Murray in an aggressive manner. The men engage in a fight and wind up on the floor of the store as employees and customers try to intervene and move people and carts out of the way. Zimmerman strikes Judge Pope in the back on/or side at least three times during the altercation. Pope does not respond in kind. The men are separated after approximately 30 seconds of physical fighting. Three people are between the judge and Murray (his daughter, a male store customer and Zimmerman). At that point Zimmerman comes closer to the judge and appears to be yelling at him (audio is not available). The judge then uses his left hand to make a move towards the front base of Zimmerman's neck. The parties are separated and the police arrive a few minutes later.
- G. The judge has admitted the following facts in his responses to the JDDC:
1. His daughter, Meghan J. Pope, was the other female in the video who is present during the genesis and duration of the fight at Wal-Mart. He stated that he pointed out his wife and Bill Murray to Meghan. The judge followed Meghan as she approached Murray and Zimmerman.
 2. He states that he was not trying to strike his wife in the events seen in the video. He was "flicking" the cross that was around her neck as he saw it as a statement about Zimmerman and Murray's relationship.
 3. He did call Murray an "ass-hole" and Murray replied in kind.
 4. After Murray responded with the word "ass-hole" the judge approached him and "struck him on the shoulders with both hands open" in what the judge described as a "hand shiver."

5. The judge denies that he caused the bleeding on Murray's face. He surmises that it must have occurred while Murray was grabbing the judge's ankles or being drug on the floor during the altercation.

H. The judge states In his second response:

1. That he "very much regret[s]" his conduct.
2. That he allowed his reaction to his wife's presence and alleged infidelity to lead him to "engage in conduct that was neither appropriate nor acceptable."
3. He assures the JDDC that there will be no further occurrences and that he understands the importance of upholding and promoting the integrity of the judiciary.

The Judicial Discipline and Disability Commission ("JDDC") determined, and you agree, that the behavior described above violates the following sections of the Code of Judicial Conduct (the "Code"):

RULE 1.1 Compliance with the Law

A judge shall comply with the law, including the Arkansas Code of Judicial Conduct.

RULE 1.2 Promoting Confidence in the Judiciary

A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

You have agreed that a suspension without pay is an appropriate sanction. This sanction can only be imposed by the Arkansas Supreme Court. An agreed report will be sent to the Court for approval and imposition of the sanction on this date. Your willingness to accept that your actions were in violation of the Code and your commitment to be more aware of the appearance of impropriety in the future, have led the JDDC to refrain from recommending public charges or a public disciplinary hearing in this case.

If you violate the terms below or have additional violations of the Code, the JDDC may initiate a new investigation under the Rules of Procedure of the Judicial Discipline & Disability Commission. The JDDC may take into consideration the agreed facts and Code violations from this sanction as well as any non-compliance or future allegations.

The Suspension includes the following agreed conditions:

Suspension without pay for 30 days.

Receive anger management counseling through Arkansas Judges & Lawyers Assistance Program (JLAP).

Apology letter (see attachment "C").

The suspension is recommended to begin October 1, 2012. You have indicated that you have cleared off docket space to make your suspension less taxing on the people and attorneys in your judicial district. If necessary, the Chief Justice will arrange for a Special Circuit Judge for the time of suspension. However, the date of suspension is subject to approval of the Arkansas Supreme Court after their review per JDDC Rule 12 D and 12 G.

In view of these circumstances, it is the judgment of the JDDC that your actions justify a recommendation of suspension without pay to the Arkansas Supreme Court. The suspension without pay is to be for 30 calendar days, beginning on October 1, 2012, and be subject to the conditions listed above. This public sanction constitutes adequate discipline, and no further action, other than the remedial measures and conditions described above, is warranted. Further discipline may occur if the JDDC finds you committed additional violations of the Code.

This Commission action is public information and will be forwarded to the Arkansas Supreme Court for approval on this date.

Sincerely,



David A. Stewart
Executive Director

INCIDENT/OFFENSE REPORT

| | | | | | | | | | | | |
|---|--|--|---|---|--|-----------------------------|--|---|--|--|-------------------------------|
| Agency ORI ARO 0201 | | Agency Name Crossett Police Department | | Date and Time of this Report Month: 04 Day: 05 Year: 12 Time: 8:40pm | | | | Agency Case Number 001-04-12-26 | | | |
| Type of Incident or Offense Information Only | | <input type="checkbox"/> Felony <input checked="" type="checkbox"/> Misc | | ACIC/NCIC Off Code | | Type of Incident or Offense | | <input type="checkbox"/> Felony <input type="checkbox"/> Misc | | | |
| Place of Occurrence Wal-Mart @ Photo Center | | | | | | | District Number | | | | |
| Point of Entry Front Center | | | | | | Tool Used (Burglary) | | | | | |
| Location of Victim's Property | | | | | | | Premise Type | | | | |
| Occurred on or Between Month: 04 Day: 05 Year: 2012 Time: 8:40pm | | | | | | | <input type="checkbox"/> 1 Hwy Str Aly <input type="checkbox"/> 2 Corner <input type="checkbox"/> 3. Serv Sta <input type="checkbox"/> 4 Conv <input type="checkbox"/> 5 Residence <input type="checkbox"/> 6 Bank <input type="checkbox"/> 7 Church <input type="checkbox"/> 8 School <input type="checkbox"/> 9 Other Store | | | | |
| Lighting: <input type="checkbox"/> 1 Natural <input type="checkbox"/> 2 Moon <input type="checkbox"/> 3 Artificial Ext <input type="checkbox"/> 4 Artificial Int <input type="checkbox"/> 5 Unknown | | | | | | | Weather: <input type="checkbox"/> 1 Clear <input type="checkbox"/> 2. Cloudy <input type="checkbox"/> 3. Rain <input type="checkbox"/> 4 Fog <input type="checkbox"/> 5. Snow Sleet <input type="checkbox"/> 6 Hail <input type="checkbox"/> 7. Unknown | | | | |
| Method of Attack | | | | | | | Weapon Used <input type="checkbox"/> 1 Firearm <input type="checkbox"/> 2 Knife/Cutting Inst <input type="checkbox"/> 3 Hands, Fists, etc <input type="checkbox"/> 4 Other Weapon | | | | |
| Description of Weapon Used | | | | | | | Trademark | | | | |
| Complainant Name (Last First Middle) Wal-Mart | | | Address (Street City State) 910 Unity Road | | | | Phone (870)364-2165 | | | | |
| Victim's Name | | Race | Sex | Date of Birth | Res Phone | Bus. Phone | | | | | |
| Victim's Address | | | Occupation | | Relationship of Victim to Offender | | | | | | |
| | | | | | <input type="checkbox"/> 1 Stranger <input type="checkbox"/> 2 Spouse <input type="checkbox"/> 3 Family <input type="checkbox"/> 4 Acquaint <input type="checkbox"/> 5 Other <input type="checkbox"/> 6 Unknown | | | | | | |
| VEHICLE | Stolen | Tag Number | State | Year | V. I. N | Vehicle Year | Make | | | | |
| | Recov'd | Style | Color (Primary) | (Secondary) | Motor Size (CID) | Veh Value | Additional Description | | | | |
| | Suspects | Motor Vehicle Recovery Only | Stolen in your Jurisdiction? | | Recovered in your Jurisdiction? | | | | | | |
| | | <input type="checkbox"/> Yes <input type="checkbox"/> No | | <input type="checkbox"/> Yes <input type="checkbox"/> No | | | | | | | |
| PROPERTY DESCRIPTION | Quantity | Describe Property Stolen or Recovered (include Make, Model, Size, Type, Serial No., Color, etc.) | | | | | Vehicle Stolen | Recovered | | | |
| | | | | | | | | Date | Value | | |
| | | | | | | | | | | | |
| | | | | | | | | | | | |
| | | | | | | | | | | | |
| | | | | | | | | | | | |
| | | | | | | | | | | | |
| | | | | | | | | | | | |
| | | | | | | | | | | | |
| | | | | | | | | | | | |
| VALUE | Currency Notes etc. | | Jewelry & Precious Metals | | Furs & Clothing | | Locally Stolen Vehicles | | Office Equipment | | |
| | \$ _____ | | \$ _____ | | \$ _____ | | \$ _____ | | \$ _____ | | |
| | T V Radios, Cameras etc | | Firearms | | Household Goods | | Consumable Goods | | Livestock | | Miscellaneous |
| | \$ _____ | | \$ _____ | | \$ _____ | | \$ _____ | | \$ _____ | | \$ _____ |
| ADMINISTRATIVE | Case Status | | Case Disposition | | Arrest Made? | | Entered ACIC/NCIC | | | | |
| | <input type="checkbox"/> Pending | | <input type="checkbox"/> Cleared by Arrest (Def. under 18 yrs.) | | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | Month | | Day | | Year |
| | <input type="checkbox"/> Inactive | | <input type="checkbox"/> Cleared by Arrest (Def. 18 yrs. or over) | | Reporting Officer No 1 | | Number | | <input type="checkbox"/> Person <input type="checkbox"/> Gen | | <input type="checkbox"/> Gun |
| | <input checked="" type="checkbox"/> Closed | | <input type="checkbox"/> Exceptionally Cleared | | Justin Dubose | | 112 | | <input type="checkbox"/> Vehicle <input type="checkbox"/> Boat | | <input type="checkbox"/> Secu |
| Investigator Assigned | | Approving Officer | | UCR Offense Classification | | | | | | | |



| UNIT NO. | TIME | INFORMATION ON CALL OR BROADCAST | OFFENSE CODE | INFORMATION ON CALL OR BROADCAST | JAIL CHECK |
|----------|------|--|--------------|---|------------------|
| 113-114 | 230A | O. Jones - J. Ford | 10-8 | | 7:00 A.M. |
| 113 | 237 | Stage | 16 | | 8:00 A.M. |
| 116 | 245 | Subway | 16 | | 9:00 A.M. |
| 113 | 254 | 1019 Wal. Mart 10/17 2510 10/18 303 | 6 | Sevanah with warrant called reading office this | 10:00 A.M. |
| 114 | 254 | 1019 Wal. Mart 10/17 2510 10/18 324 | 6 | Public Shoplifter detained in front office | 11:00 A.M. |
| 113 | 303 | 1019 PD 10-15 10/18 306 | 21c | | 12 NOON |
| 110 | 303 | 10128 9716 NEW | 16 | next list Bobby's Towing | 1:00 P.M. |
| 113 | 308 | 1067 928 150 121 | 16 | | 2:00 P.M. |
| 115 | 403 | 10198 from McDonalds | 10-7 | | 3:00 P.M. |
| 110 | 422 | 1016 PD | 21 | breakfast | 4:00 P.M. |
| 113 | 455 | Thom. Mall | 16 | | 5:00 P.M. |
| 112 | 630 | 1018 | 10-8 | | 6:00 P.M. |
| 112 | 841 | 10128 255 DAS | 16 | no return ACIC main frame down for maintenance | 7:00 P.M. |
| 112 | 851 | 1016 1300-1300 | 16 | WALK THRU | 8:00 P.M. |
| 112 | 929 | Holt Auto | 16 | | 9:00 P.M. |
| 112 | 1011 | 1019 Dog Pound 10/12 10-15 10/17 1015 10/18 1038 | 16 | obvious find | 10:00 P.M. |
| 117 | 1034 | 1019 1310 Parkway 10/17 1036 10/18 1040 | 13D | George Zimmerman 933-9548 called my father got his name | |
| 112 | 1038 | 1019 back to PD 10/12 10-15 10/17 1043 | 21 | same info then causing problems #2661 Subject has | 12 NIGHT |
| 117 | 1128 | 1016 82W + Main Storage 10/18 1128 | 10 | Moving drums | 1:00 A.M. |
| 117 | 1128 | 10128 994 LNG | 16 | NO return Maintenance still down | 2:00 A.M. |
| 117 | 1150 | 1016 Sewell Oil 10/18 1155 | 9 | 8 gallons | 3:00 A.M. |
| 117 | 100 | 10128 582 NAK | 16 | NO return ACIC maintenance still down | 4:00 A.M. |
| 104 | 107 | 1028 CP3573 (MS) | 16 | | 5:00 A.M. |
| 117 | 107 | 1016 1400 block Parkway 10/18 114 | 10 AXI | 159 CP RLC | 6:00 A.M. |
| 117 | 109 | 1027 931870249 | 16 | NO return Maintenance still down | NO. OF PRISONERS |
| 107 | 200 | 1019 Playground Area by 200 10/17 202 10/18 221 | 16 | Shannon 910-195 pt to 3 years. Changing check trying to | take kids |
| 107 | 227 | 1019 Sportaboard 10/17 228 | 5A | | |

Sam Pope
Circuit Judge
215 E. Jefferson, # 12
Courthouse Annex
Hamburg, AR 71646

RECEIVED
12 SEP -6 PM 2:06
JUDICIAL DISCIPLINE
AND
DISABILITY COMMISSION

September 6, 2012

Arkansas Judicial Discipline & Disability Commission
323 Center Street, Suite 1060
Little Rock, AR 72201

Re: Letter of Apology

Dear Commission Members:

An incident occurred at Wal-Mart in Crossett, AR on April 5, 2012 between myself and my wife's boyfriend. My wife and I were then and are now in the process of divorce to end a 33 year marriage.

The emotions and physical effects that arose in me as a result of our marital breakup have been difficult. I have now sought the help of a professional counselor and would encourage anyone going through a similar experience to do the same.

I apologize for my conduct and for any negative repercussions related to the incident to those involved and to the public I have served for 18 years as Circuit Judge, to the other judges who ably serve the State of Arkansas on a daily basis for any impact of my conduct on them, and for the adverse publicity that is an apparent by-product of this type incident.

I regret the incident ever occurred, realize my conduct was not appropriate or acceptable, and promise it will not occur again. My conduct did not rise to the level I expect of myself or others in similar situations.

Sincerely,



Sam Pope

