

September 23, 1997

*Honorable Fred Davis
P. O. Box 9140
Pine Bluff, AR 71611*

Re: Case # 97-114

Dear Judge Davis:

During the September 19, 1997 meeting, the Judicial Discipline & Disability Commission decided to issue a letter of admonition to you in complaint number 97-114. In that complaint the Commission found you violated the Code of Judicial Conduct.

At a probable cause hearing the Commission reviewed its file, your reply to Sharon Stephens' sworn complaint and an additional statement of allegations, your testimony before the Commission and the testimony of witnesses who appeared at the hearing.

The facts developed that it was reported that James Grider had used a stolen ATM card to withdraw \$300 from an ATM account on April 10, 1996 and another \$300 from the ATM account on April 11, 1996 from the Pine Bluff Arsenal Federal Credit Union. James Grider was at that time involved in the building of your house. Grider had mentioned to you that his ex-girlfriend was threatening to prosecute him for using her credit card without permission. You told him that boyfriend/girlfriend disputes rarely ended up in criminal prosecution and that he should not worry about it. Grider told you that he used the credit card with his girlfriend's permission and for her benefit.

You called a Pine Bluff Police Captain, told him that Grider was involved with the building of your house. You also told him that charges had been filed against Grider for using an ATM card belonging to his girlfriend and that his girlfriend had allowed him to use the ATM card. You then informed the police captain of Grider's whereabouts, his telephone number and his previously expressed desire to tell his side of the story and repay the money.

You indicated to Sharon Stephens, the manager of the Pine Bluff Arsenal Federal Credit Union, that James Grider was in the process of building your new home and that you would assist or assure that Grider repaid the \$600 to the Federal Credit Union.

In early May 1996, the Jefferson County's Prosecuting Attorney's Office filed a bill of information charging Grider with fraudulent use of a credit card and thief of property. Bond was set at \$2500 and the case assigned to your court. You later spoke with a deputy prosecuting attorney in your office and told him that James Grider was doing some construction work at your home. You testified that without trying to influence his decision, you asked the deputy prosecuting attorney if Grider's bond could be reduced from \$2500 to a personal recognizance bond. After reviewing the case file, the prosecutor indicated no objection to a bond reduction and that Grider could be released on his own recognizance. Your case coordinator then prepared an order reducing the bond from \$2500 to a personal recognizance bond which you signed that day.

On February 5, 1997, Grider appeared before you for plea and arraignment. Neither you nor Grider acknowledged Grider's prior relationship with you nor what you knew about his case. You questioned Grider concerning income and appointed a public defender to represent him.

The Judicial Discipline and Disability Commission found that under the circumstances of this case as described above, you failed to comply with Canons 2B and 3E(1)(a) of the Arkansas Code of Judicial Conduct. Your actions lent the prestige of your judicial office to advance your own private interests and Grider's. Your actions also denigrated the public's confidence of the judiciary and was inconsistent with maintaining the high standards of conduct essential in preserving the integrity and impartiality of the judiciary. It is the judgment of the Commission that you be admonished.

This admonishment constitutes adequate discipline and no further action is warranted. This Commission action is public information.

BY DIRECTION OF THE COMMISSION:

Sincerely,

*James A. Badami
Executive Director*

*CF: Sharon Stephens
Attorney Bill Bridgforth*