

May 24, 1995

Honorable Les Evitts
Sebastian County Courthouse
Fort Smith, AR 72901

Re: # 93-160 and 93-161

Dear Judge Evitts:

At a probable cause hearing on May 19, 1995, the Judicial Discipline & Disability Commission reviewed a sworn complaint of Mr. Thomas Tarkington, your responses to that complaint, the results of its investigation, including your appearance and testimony before the Commission. The allegations were that after you found an individual guilty, you sentenced him to a one year confinement which was suspended and a \$1,000 fine, \$900 of which was suspended. After you learned that the individual would appeal your decision, the suspended portions of the sentence were eliminated and the individual immediately remanded to the custody of the sheriff. Investigation revealed the attorney representing the individual, announced in open court in an inappropriate manner that the conditions surrounding the suspended portion of the sentence did not have to be explained to his client as an appeal was to be taken. During the Commission hearing you admitted punishing an individual defendant for the inappropriate conduct of his attorney.

The Commission found the evidence substantiated the allegations that your actions were inappropriate and inconsistent with maintaining the high standards of conduct essential in preserving the integrity of the judiciary. This constitutes a violation of Canons 1, 2A and 3B(2) and 3B(7) of the Arkansas Code of Judicial Conduct. It is the judgment of the Commission that you be and you are hereby admonished.

This public admonition constitutes adequate discipline and no further action is warranted. The Commission appreciates your forthrightness, acceptance of responsibility and pledge that this type of conduct will not be repeated.

This Commission action is public information.

BY DIRECTION OF THE COMMISSION:

Sincerely,

James A. Badami
Executive Director

cc: Attorney Eddie Christian
Attorney Robert Blatt
Thomas Tarkington