



BEFORE THE JUDICIAL CONDUCT COMMISSION

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In re: : FINDINGS OF FACT,  
: CONCLUSIONS OF LAW, AND  
Inquiry Concerning : ORDER  
a Judge :  
: F99-3JC-006, F98-3JC-052, [REDACTED]

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A quorum of the Judicial Conduct Commission, having considered the record in this case, enters the following Findings of Fact, Conclusions of Law, and Order.

**FINDINGS OF FACT**

**a. Dennis J. McDonald (McDonald), F99-3JC-006**

(1) In December of 1996, McDonald received a speeding ticket while driving through Midvale City, Utah.

(2) The Midvale City Justice Court acknowledged that McDonald's ticket had been misfiled.

(3) McDonald called the Midvale City Justice Court twice to try to pay the speeding ticket, once before and once after the 14-day deadline for appearance.

(4) The docket in McDonald's case contains the following statement on page 1:

12-18-96 COM

DEF[ENDANT] HAD BEEN  
CALLING TRYING TO FIND OUT  
INFO ON HIS CIT[ATION] FOR  
QUITE SOME TIME, AFTER  
CHECKIN[G] FOUND THAT  
CIT[ATION] WAS UNDER  
WRONG NAME AND AND (sic)

BIRTHDATE, WILL ADVISED  
(sic) DEF[ENDANT] WHEN HE  
CALLS BACK THAT HE ONLY  
NEEDS TO PAY FOR HIS  
CIT[ATION] IF HE PAYS RIGHT  
AWAY. I DON'T KNOW WHO  
HE SPOKE WITH BEFORE, BUT I  
WILL ADVISE. CRS.

(5) On September 20, 1997, Judge Alldredge issued a warrant for McDonald's arrest. When McDonald was stopped for a traffic violation, he found out his driver license had been suspended as a result of the failure to appear in Judge Alldredge's court for his speeding ticket a year earlier. McDonald promptly called the Midvale City Justice Court to explain what had happened in connection with his speeding ticket.

(6) Believing that he should not have been charged with failure to appear under the circumstances, McDonald initially entered a plea of not guilty to that charge. He subsequently entered a guilty plea to both speeding and failure to appear because he wanted to get the matter behind him. Judge Alldredge fined McDonald \$242 for speeding and failure to appear. Judge Alldredge ordered McDonald to pay \$1 on or before December 15, 1997, and another \$1 on or before January 15, 1998, and then \$60 a month until paid in full. McDonald paid \$2 on December 12, 1997 for both months and paid \$60 a month the following four months, for a total of \$242. McDonald's payments were all made before their due dates.

(7) At a May 18, 1998 review hearing, Judge Alldredge fined McDonald another \$1 for not keeping his promise because he had paid \$2 in December of 1997 instead of \$1 in December of 1997 and \$1 in January of 1998. McDonald paid the additional \$1 fine and got a receipt. Judge Alldredge set another review hearing for June 29, 1998. McDonald

appeared for the June 29, 1998 review hearing and found that Judge Alldredge had already reviewed the case and cleared the case as "complied" and McDonald would not be required to stay. No one at the Midvale City Justice Court notified McDonald that the case was closed prior to his appearance.

(8) McDonald was required to miss work three separate times in connection with the speeding ticket.

(9) Canon 2 of the Code of Judicial Conduct (CJC) requires judges to avoid impropriety and the appearance of impropriety in all activities. Canon 1 requires judges to personally observe high standards of conduct so that the integrity of the judiciary will be preserved.

(10) By the way in which he treated McDonald, Judge Alldredge violated Canons 2 and 1 of the CJC.

**b. Jennifer D. Barton (Barton), F98-3JC-052**

(1) On April 7, 1997, Judge Alldredge entered a stipulated "alternative sentence" in a criminal case in which the defendant, Michael Penrose (Penrose), was ordered to take his stalking victim, Anita Ferroni (Ferroni), to dinner at the Ruby River Restaurant.

(2) In 1995, Penrose was charged in the Midvale City Justice Court with telephone harassment, trespass, and terroristic threats against Ferroni. Ferroni was also the victim in a 1996 Third District Court criminal complaint against Penrose. A protective order was issued in November 1995 prohibiting Penrose from having any contact with Ferroni.

(3) At the time Judge Alldredge issued the alternative sentence, Penrose had previously been charged in the Midvale City Justice Court, as well as other courts,

with violations of protective orders prohibiting him from contacting Ferroni.

(4) On April 7, 1997, when he sentenced Penrose to take Ferroni to dinner at the Ruby River Restaurant, Judge Alldredge was aware of Penrose's previous stalking violations involving Ferroni. Judge Alldredge was aware at the Penrose sentencing of the District Court protective order but was told by Ferroni that they were attempting to mend their relationship and that the order had been dismissed. Two weeks later, Penrose advised the Midvale City Justice Court that he could not take Ferroni to Ruby River because of the protective order. The sentencing order was amended and the order for Penrose to take Ferroni to the Ruby River Restaurant was vacated.

(5) Canon 2 of the CJC requires judges to avoid impropriety and the appearance of impropriety in all activities. Canon 2A requires judges to respect and comply with the law. Canon 1 requires judges to personally observe high standards so that the integrity of the judiciary will be preserved.

(6) By sentencing Penrose to take Ferroni to dinner, knowing that Penrose had previously been ordered not to have any contact with Ferroni, Judge Alldredge violated Canons 2, 2A, and 1 of the CJC.

#### CONCLUSIONS OF LAW

Judge Alldredge engaged in conduct prejudicial to the administration of justice which brought a judicial office into disrepute, in violation of Utah Code Ann. Section 78-7-28(1)(e), because he prejudiced public esteem for the judicial office and violated Canon 2 of the Code of Judicial Conduct, which requires judges to avoid impropriety and the appearance of impropriety in all activities; Canon 2A, which requires judges to respect and comply with the law; and Canon

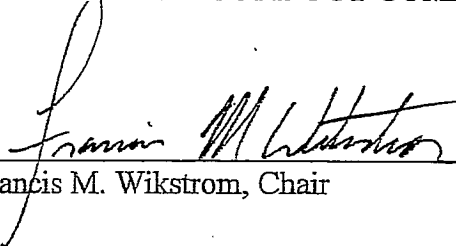
1, which requires judges to personally observe high standards so that the integrity of the judiciary will be preserved.

**ORDER**

Judge Alldredge is publicly reprimanded for engaging in conduct prejudicial to the administration of justice which brought a judicial office into disrepute, in violation of Utah Code Ann. Section 78-7-28(1)(e), because he prejudiced public esteem for the judicial office and violated Canon 2 of the Code of Judicial Conduct, which requires judges to avoid impropriety and the appearance of impropriety in all activities; Canon 2A, which requires judges to respect and comply with the law; and Canon 1, which requires judges to personally observe high standards so that the integrity of the judiciary will be preserved.

DATED this 19 day of April, 1999.

**THE JUDICIAL CONDUCT COMMISSION**

  
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Francis M. Wikstrom, Chair

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CERTIFICATE OF SERVICE

I hereby certify that on the 21<sup>st</sup> day of APRIL, 1999, I served a copy of the foregoing **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER** on the Hon. Dee W. Allredge by mailing a copy thereof, postage prepaid, to:

Hon. Dee W. Allredge  
Midvale Justice Court  
80 East Center Street  
Midvale, UT 84047



\_\_\_\_\_  
Steven H. Stewart

BEFORE THE JUDICIAL CONDUCT COMMISSION

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In re: :  
: **SETTLEMENT STIPULATION**  
**Inquiry Concerning** :  
**a Judge** : **F99-3JC-006, F98-3JC-052, [REDACTED]**  
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Midvale City Justice Court Judge Dee W. Alldredge (Judge Alldredge) and the Judicial Conduct Commission (Commission) stipulate as follows:

**1. Stipulated Facts.**

**a. Dennis J. McDonald (McDonald), F99-3JC-006**

(1) In December of 1996, McDonald received a speeding ticket while driving through Midvale City, Utah.

(2) The Midvale City Justice Court acknowledged that McDonald's ticket had been misfiled.

(3) McDonald called the Midvale City Justice Court twice to try to pay the speeding ticket, once before and once after the 14-day deadline for appearance.

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(8) McDonald was required to miss work three separate times in connection with the speeding ticket.

(9) Canon 2 of the Code of Judicial Conduct (CJC) requires judges to avoid impropriety and the appearance of impropriety in all activities. Canon 1 requires judges to personally observe high standards of conduct so that the integrity of the judiciary will be preserved.

(10) By the way in which he treated McDonald, Judge Alldredge violated Canons 2 and 1 of the CJC.

**b. Jennifer D. Barton (Barton), F98-3JC-052**

(1) On April 7, 1997, Judge Alldredge entered a stipulated "alternative sentence" in a criminal case in which the defendant, Michael Penrose (Penrose), was ordered to take his stalking victim, Anita Ferroni (Ferroni), to dinner at the Ruby River Restaurant.

(2) In 1995, Penrose was charged in the Midvale City Justice Court with telephone harassment, trespass, and terroristic threats against Ferroni. Ferroni was also the victim in a 1996 Third District Court criminal complaint against Penrose. A protective order was issued in November 1995 prohibiting Penrose from having any contact with Ferroni.

(3) At the time Judge Alldredge issued the alternative sentence, Penrose had previously been charged in the Midvale City Justice Court, as well as other courts,

with violations of protective orders prohibiting him from contacting Ferroni.

(4) On April 7, 1997, when he sentenced Penrose to take Ferroni to dinner at the Ruby River Restaurant, Judge Alldredge was aware of Penrose's previous stalking violations involving Ferroni. Judge Alldredge was aware at the Penrose sentencing of the District Court protective order but was told by Ferroni that they were attempting to mend their relationship and that the order had been dismissed. Two weeks later, Penrose advised the Midvale City Justice Court that he could not take Ferroni to Ruby River because of the protective order. The sentencing order was amended and the order for Penrose to take Ferroni to the Ruby River Restaurant was vacated.

(5) Canon 2 of the CJC requires judges to avoid impropriety and the appearance of impropriety in all activities. Canon 2A requires judges to respect and comply with the law. Canon 1 requires judges to personally observe high standards so that the integrity of the judiciary will be preserved.

(6) By sentencing Penrose to take Ferroni to dinner, knowing that Penrose had previously been ordered not to have any contact with Ferroni, Judge Alldredge violated Canons 2, 2A, and 1 of the CJC.

**2. Findings of Fact, Conclusions of Law, and Order.**

a. The Commission shall enter the foregoing stipulated facts in its formal Findings of Fact.

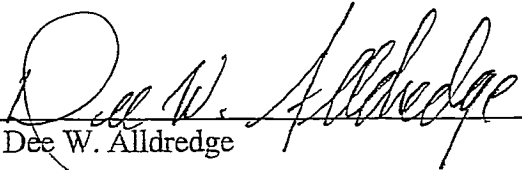
b. The Commission shall enter conclusions of law and an order publicly reprimanding Judge Alldredge for engaging conduct prejudicial to the administration of justice which brought a judicial office into disrepute, in violation of Utah Code Ann. section 78-7-

28(1)(e), because he prejudiced public esteem for the judicial office and violated Canon 1 of the Code of Judicial Conduct, which requires judges to personally observe high standards so that the integrity and independence of the judiciary will be preserved; Canon 2, which requires judges to avoid impropriety and the appearance of impropriety in all activities; and Canon 2A, which requires judges to respect and comply with the law.

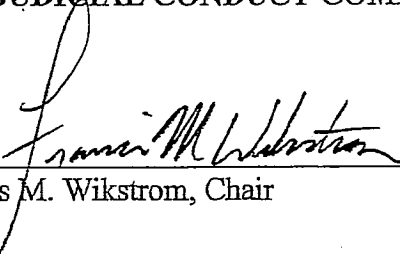
3. **Formal hearing.** Judge Alldredge waives the formal hearing required by Utah Code Ann. section 78-7-30(2)(b) and consents that the Commission's Findings of Fact, Conclusions of Law, and Order may be entered by the Commission and certified to the Utah Supreme Court for review.

4. **Mandatory Supreme Court Review.** Consistent with Utah Code Ann. section 78-7-30(4), the record of the proceedings, which shall consist of the original complaints, Judge Alldredge's responses, all Notices of Formal Proceedings, Judge Alldredge's responses, all returns or acceptances of service of process, this Stipulation, and the Findings of Fact, Conclusions of Law and Order, shall be certified to the Utah Supreme Court for review. Judge Alldredge consents that the Findings of Fact, Conclusions of Law and Order may be implemented by the Utah Supreme Court without a hearing. Neither the Commission nor Judge Alldredge shall file additional pleadings with, or request oral argument before, the Utah Supreme Court. This Stipulation will become void if the Utah Supreme Court refuses to implement or chooses to modify the Commission's Findings of Fact, Conclusions of Law, and Order.

DATED this 25 day of March, 1999.

  
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Hon. Dee W. Alldredge

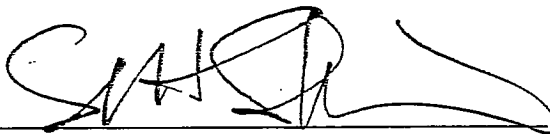
**THE JUDICIAL CONDUCT COMMISSION**

  
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Francis M. Wikstrom, Chair

**CERTIFICATE OF SERVICE**

I hereby certify that on the 21<sup>st</sup> day of APRIL, 1999, I served a copy of the foregoing **SETTLEMENT STIPULATION** on the Hon. Dee W. Alldredge by mailing a copy thereof, postage prepaid, to:

Hon. Dee W. Alldredge  
Midvale Justice Court  
80 East Center Street  
Midvale, UT 84047

  
\_\_\_\_\_  
Steven H. Stewart