

IN THE SUPREME COURT OF THE STATE OF UTAH

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In re: Inquiry Concerning A
Judge:

Case No. 20070469-SC
JCC 07-3D-039

Leslie A. Lewis

ORDER

Pursuant to the authority vested in the Supreme Court by Article VIII, Section 13 of the Utah Constitution and Utah Code Ann. § 78-8-107, the Court approves the implementation of the Judicial Conduct Commission's Order of Censure.

For The Court:

August 31, 2007
Date

Christine M. Durham
Christine M. Durham
Chief Justice

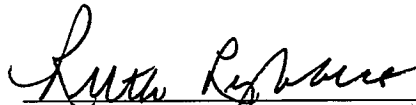
BEFORE THE UTAH JUDICIAL CONDUCT COMMISSION

IN RE:)
) ORDER OF CENSURE
HON. LESLIE A. LEWIS)
) Case No. 07-3D-039
)

The Judicial Conduct Commission conducted a confidential hearing, deliberated, agreed upon a decision, issued a memorandum decision as to the issue of judicial misconduct, and issued Findings of Fact and Conclusions of Law and now orders that the Hon. Leslie A. Lewis be censured.

This order shall only take effect upon implementation of the same by the Utah Supreme Court.

DATED this 8th day of May, 2007.



Ruth Lybbert, Chair

CERTIFICATE OF SERVICE

I certify that on the 10th day of May, 2007, I served a true and correct signed copy of the foregoing Order of Censure on the Hon. Leslie A. Lewis by mailing the same via postage prepaid first-class mail to:

Edward Brass
Elizabeth Hunt
175 East 400 South, Suite 400
Salt Lake City, Utah 84111



SUSAN L. HUNT [6574]
Judicial Conduct Commission
2540 Washington Blvd., 7th Floor
Ogden, Utah 84401
Telephone: (801) 626-3369
Facsimile: (801) 626-3390

CONFIDENTIAL

BEFORE THE UTAH JUDICIAL CONDUCT COMMISSION

IN RE:)
) FINDINGS OF FACT
) AND CONCLUSIONS
) OF LAW
)
HON. LESLIE A. LEWIS) Case No. 07-3D-039
)

A confidential hearing was held before the Judicial Conduct Commission on April 10, 2007, for the purpose of considering formal charges brought against the Honorable Leslie A. Lewis while a sitting judge in the State of Utah. The following Commissioners were present: Representative Neal Hendrickson, Judge Darwin Hansen, Flora Ogan, Dr. Elaine Englehardt, Rod Orton, Senator Greg Bell, Ron Russell and Ruth Lybbert. Senator Gene Davis was present for a short portion of the meeting but did not participate in the entire presentation of the evidence and therefore did not deliberate. The examiner's position was presented by Susan Hunt. Judge Lewis was represented by Ed Brass, but was not present at the hearing. The proceedings were recorded by a certified court reporter.

The parties stipulated that the following documents be admitted into evidence:

1. Letter to Judge Lewis from Roger Kraft dated 2/14/06;
2. Electronic Docket for Case No. 051901595, State v. James Robert

Scott;

3. Minutes - Sentence, Judgment, Commitment;
4. Minutes - Amended Sentence, Judgment, Commitment;
5. Affidavit of Michelle Snarr dated 2/16/07;
6. Affidavit of Patricia Parkinson dated 2/16/07;
7. Transcript of Evidentiary Hearing dated 2/21/07, involving Roger Kraft
8. Transcript of Sentencing Proceedings dated 2/10/06 (original sentencing hearing);
9. Findings of Fact, Case No. 051901595 conducted by Judge Hilder dated 2/26/07.

At the conclusion of the evidence and arguments, the Commission excused the Examiner and Mr. Brass and deliberated upon and considered the evidence. Having fully deliberated, having agreed upon a decision, and having issued a Memorandum Decision, the Commission now enters the following:

FINDINGS OF FACT

1. On or about February 10, 2006, the case of State of Utah v. James Robert Scott, Case No. 051901595, came before Judge Lewis who sentenced Scott to serve three prison terms of ten years to life after a conviction of three counts of sodomy on a child. Judge Lewis ordered the three prison terms to run consecutively.
2. On February 14, 2006, Roger Kraft, attorney for Scott sent a letter to Judge Lewis expressing concerns of how he was treated in her court room. Kraft's letter closed "should your honor wish to contact me with comments relating to my appearance last Friday or with suggestions for the future, I welcome such contact."

3. On or about March 15, 2006, Judge Lewis made a telephone call to Roger Kraft regarding the letter. Judge Lewis had left messages for Kraft on two earlier occasions.

4. During the March 15th telephone call, Judge Lewis and Kraft discussed the sentence Judge Lewis imposed in Scott's case. Judge Lewis told Kraft that she felt the sentence should be changed, and that she would conduct some research to see if she still had jurisdiction in the case.

5. During the March 15th telephone call, Judge Lewis asked Kraft to not tell the prosecutor assigned to Scott's case about their discussion regarding changing Scott's sentence.

6. On or about March 20, 2006, Judge Lewis changed Scott's sentence without notifying the prosecutor, Kraft, Scott or Scott's victim. Under the new sentence Judge Lewis ordered the prison terms for counts I and II to run concurrently with each other but consecutively to count III.

7. On or about March 20, Judge Lewis directed her clerk, Michelle Snarr to change the docket entry for February 10 to reflect the new sentence. Judge Lewis also directed Snarr to draft a new minute entry for the sentence, judgment and commitment reflecting the new sentence. The order is signed by Judge Lewis and dated February 10, 2006.

8. The facts of this case received widespread publicity in the weeks leading up to the November 2006 election.

9. Judge Lewis was appointed to the office of Third District Court Judge in 1991 and served in that capacity until November 2006 when she took a leave of absence after Salt Lake County voters voted to not retain her.

10. The Utah Supreme Court approved the implementation of an Order of Reprimand against Judge Lewis in an unrelated case on April 26, 2007.

CONCLUSIONS OF LAW

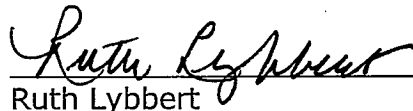
1. Judge Lewis's telephone conversation with Kraft on or about March 15, 2006, constituted an ex parte communication in violation of Code of Judicial Conduct Canon 3B(7).

2. Judge Lewis's failure to notify the prosecutor, defendant, Kraft, and/or the victim of the change in Scott's sentence and her failure to allow the parties to be heard on the issue, violated Code of Judicial Conduct Canon 3B(7).

4. Judge Lewis's conduct constitutes conduct prejudicial to the administration of justice which brought her judicial office into disrepute, in violation of Article VIII, Section 13 of the Constitution of Utah, and Utah Code Ann. §78-8-103(1)(e).

5. Judge Lewis should be censured for her conduct.

DATED this 8th day of May, 2007.



Ruth Lybbert
Chair, Judicial Conduct Commission

CERTIFICATE OF SERVICE

I certify that on the 10th day of May, 2007, I served a true and correct signed copy of the foregoing Findings of Fact and Conclusions of Law on the Hon. Leslie A. Lewis by mailing the same via postage prepaid first-class mail to:

Edward Brass
Elizabeth Hunt
175 East 400 South, Suite 400
Salt Lake City, Utah 84111