

IN THE SUPREME COURT OF THE STATE OF UTAH **FILED**
UTAH APPELLATE COURTS

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AUG 23 2012

In re: Judicial Conduct Commission
Inquiry Concerning a Judge:

Case No. 20120362-SC

Hon. Robert Peters

ORDER

Pursuant to the authority vested in the Supreme Court by Article VIII, Section 13 of the Utah Constitution and Utah Code Ann. §78A-11-111, the Court approves the implementation of the Judicial Conduct Commission's stipulated Order of Reprimand.

FOR THE COURT:

Date

8.22.12



Matthew B. Durrant
Chief Justice

CERTIFICATE OF SERVICE

I hereby certify that on August 23, 2012, a true and correct copy of the foregoing ORDER was deposited in the United States mail or placed in Interdepartmental mailing to be delivered to:

HON ROBERT PETERS
2223 PARADISE APT 202
VERNON TX 76384

COLIN R. WINCHESTER
SUSAN HUNT
JUDICIAL CONDUCT COMMISSION
2540 WASHINGTON BLVD 7TH FL
OGDEN UT 84401

Dated this August 23, 2012.

By Risa A. Collins
Interim Clerk of Court

Case No. 20120362
JUDICIAL CONDUCT COMMISSION, 11-2JC-059

BEFORE THE UTAH JUDICIAL CONDUCT COMMISSION

IN RE:

HON. ROBERT PETERS

)
) ORDER OF REPRIMAND
)
)
) Case No. 11-2JC-059
)

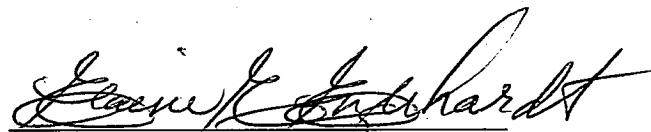
This matter came before the Utah Judicial Conduct Commission for a confidential hearing on April 10, 2012. Judge Peters appeared by telephone. Susan Hunt appeared as examiner. The following commissioners were present: Chair Elaine Englehardt, Hon. Royal Hansen, James Jardine, Rep. Brian King, Constance Lundberg, Rep. Kraig Powell and Lois Richins. The proceedings were transcribed by a certified court reporter.

The Commission, having received and approved the parties' stipulations, and having issued its Findings of Fact and Conclusions of Law, now orders that the Honorable Robert Peters be reprimanded.

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

DATED this 23 day of April, 2012.

JUDICIAL CONDUCT COMMISSION

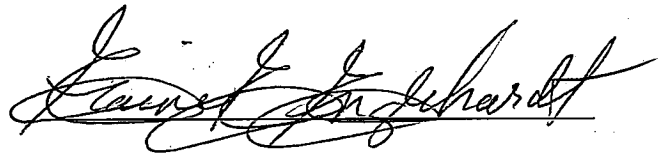

Elaine Englehardt, Chair

CERTIFICATE OF SERVICE

I certify that on the ____ day of April, 2012, I served a true and correct signed copy of the foregoing ORDER OF REPRIMAND upon each of the following individuals by depositing the same in the United States mail, first-class postage prepaid, and addressed as follows:

Susan L. Hunt
Judicial Conduct Commission
2540 Washington Blvd., Suite 703
Ogden, Utah 84401

Hon. Robert Peters
2226 Paradise, Apt. 202
Vernon, Texas 76384

A handwritten signature in black ink, appearing to read "Ernest Engelhardt". The signature is written in a cursive style with a horizontal line underneath the name.

BEFORE THE UTAH JUDICIAL CONDUCT COMMISSION

IN RE:

HON. ROBERT PETERS

)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) Case No. 11-2JC-059
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This matter came before the Utah Judicial Conduct Commission for a confidential hearing on April 10, 2012. Judge Peters appeared by telephone. Susan Hunt appeared as examiner. The following commissioners were present: Chair Elaine Englehardt, Hon. Royal Hansen, James Jardine, Rep. Brian King, Constance Lundberg, Rep. Kraig Powell and Lois Richins. The proceedings were transcribed by a certified court reporter.

The parties presented stipulated facts to the Commission. After the Commission deliberated on and denied Judge Peters' motion for dismissal with a warning, the parties presented a stipulation recommending that the Commission order a reprimand. The Commission unanimously approved that recommendation. Based on the stipulations, the Commission enters the following:

FINDINGS OF FACT

1. On or about January 12, 2011, Neno Yaranga appeared before Judge Peters for sentencing for assault and domestic violence in the presence of a child.
2. Judge Peters sentenced Yaranga to serve 353 days jail and to pay a fine. Judge Peters suspended the jail sentence upon payment of the fine. However, Judge Peters reserved the suspension of the jail sentence until he could speak with

the victim, Patricia Dedios. Judge Peters informed Yaranga that he would release Yaranga from jail and suspend the jail sentence if Dedios agreed that suspending the jail time was appropriate.

3. Yaranga agreed that Judge Peters could speak with Dedios about the case outside of Yaranga's presence.

4. Judge Peters ordered Yaranga not to have contact with Dedios upon returning to the jail.

5. When Yaranga returned to the jail later that day, he telephoned Dedios and demanded that she immediately go to the court to speak with Judge Peters about Yaranga's sentence.

6. Later on January 12, 2011, Dedios did go to the court where she told Judge Peters she would like Yaranga to be released from jail.

7. After his conversation with Dedios, Judge Peters entered an order releasing Yaranga from jail. The order was faxed to the jail and Yaranga was released from custody.

8. On or about January 18, 2011, the Davis County Sheriff's Office informed Judge Peters that Yaranga had telephoned Dedios from the jail on January 12, in violation of Judge Peters' order.

9. An officer provided an audio recording of the telephone conversation between Yaranga and Dedios to Judge Peters, who listened to the recording.

10. Kathy Krek, the Woods Cross Justice Court Administrator, telephoned Yaranga on January 18, 2011, and told him to appear before Judge Peters the following day.

11. Yaranga appeared in court on January 19, 2011. He was not represented by counsel.

12. No affidavit alleging a probation violation and no order to show cause were ever filed in the case.

13. Yaranga did not waive a probation violation hearing.

14. Yaranga was not: (1) served with an affidavit and order to show cause; (2) given at least five days' notice of the hearing; (3) informed that he had a right to counsel; (4) informed that he had a right to a hearing; (5) informed that he had a right to present evidence; and (6) given the opportunity to present evidence.

15. At the proceeding on January 19, Judge Peters revoked Yaranga's probation and ordered him to serve the remainder of the previously suspended jail sentence.

16. Judge Peters did not make findings of fact supporting the revocation of Yaranga's probation.

17. On May 4, 2011, Judge Peters reviewed Yaranga's case. Judge Peters suspended the remaining jail sentence and gave Yaranga \$1000 credit toward his fine.

18. Yaranga was charged with witness tampering by the Davis County Attorney (Second District Court, Case No. 111700355) as a result of his telephone conversation with Dedios on January 12, 2011. Yaranga was convicted and, on October 18, 2011, he was sentenced to serve an indeterminate term of 0-5 years in the Utah State Prison.

19. Judge Peters served as the Woods Cross City Justice Court Judge from 2003 through July 20, 2011. Judge Peters retired and no longer serves as a judge in any court.

20. Judge Peters has never been publicly, privately, or informally disciplined by the JCC or the Utah Supreme Court.

CONCLUSIONS OF LAW

1. Judge Peters' conduct violated Rules 1.2, 2.2, and 2.9(A) of the Code of Judicial Conduct which provide:

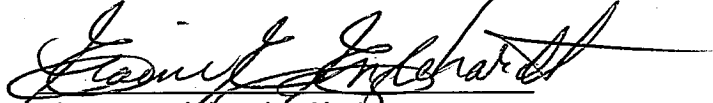
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| Rule 1.2 | A judge . . . shall not undermine . . . public confidence in the independence, integrity, and impartiality of the judiciary and shall avoid impropriety and the appearance of impropriety. |
| Rule 2.2 | A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially. |
| Rule 2.9(A) | A judge shall not initiate, permit, or consider ex parte communications, or consider other communications made to the judge outside the presence of the parties or their lawyers, concerning a pending or impending matter. |

2. Judge Peters' conduct constitutes conduct prejudicial to the administration of justice which brought his judicial office into disrepute in violation of Article VIII, Section 13 of the Constitution of Utah and Utah Code Ann. §78A-11-105(1)(e).

3. Based on a review of the factors listed in Administrative Rule R595-4-2 and the stipulation of the parties, a reprimand is the appropriate sanction in this matter.

DATED this ____ day of April, 2012.

JUDICIAL CONDUCT COMMISSION



Elaine Englehardt, Chair