

# Fresno judge censured by state judicial commission

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The state's judicial commission ruled Tuesday that Judge James Petrucelli can keep his job on the Fresno County Superior Court bench, but will be censured for ordering correctional officers to release from jail a social acquaintance who was facing spousal abuse charges.

The Commission on Judicial Performance said Petrucelli violated several of the Canons of Judicial Conduct, but his misconduct was an isolated incident.

"Judge Petrucelli has committed serious misconduct, though not of a corrupt nature," [the commission's 24-page ruling](#) says. "Not only did he abuse his authority by taking judicial action in a matter that had not been assigned to him, he did so under circumstances that created the appearance that he was providing special treatment to his friend and acquaintance."

The ruling was a relief to Petrucelli, 65, and his attorney, Kathleen Ewins of San Francisco.

"The Commission usually gets discipline right and we believe that it did so in Judge Petrucelli's case," Ewins said Tuesday. "We appreciate the Commission members' and Special Masters' thoughtful attention to the facts and issues. Judge Petrucelli accepts the censure and will continue his tireless efforts to serve the people of Fresno County and the State of California."

Petrucelli was a sheriff's deputy for 15 years, a civil lawyer for nine years and served on the Kerman school board and as a fire district trustee before he was elected to the bench in 1998.

In making the ruling, the commission said the censure was one step from removal from the bench.

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The Commission on Judicial Performance

The ruling came after Petrucelli's public hearing before the commission on July 8 at the U.S. Court of Appeals for the Ninth Circuit in San Francisco. Before that was a public hearing in Fresno in February this year when Petrucelli and nearly two dozen witnesses testified before a panel of three judges called "special masters" who are appointed by the California Supreme Court.

During the February hearing, Petrucelli admitted he made a mistake when he ordered correctional officers to release Fresno restaurant owner Jay Ghazal from jail on July 13, 2013.

At the time, Ghazal was facing several felony domestic violence charges, and his wife had an emergency protective order.

Petrucelli sought Ghazal's release after receiving a call from Fresno attorney Jonathan Netzer, who is a personal friend of both Ghazal and the judge, the commission said in its ruling.

Ghazal's domestic violence charges typically carry \$61,000 bail.

Petrucelli testified he didn't think he had done anything wrong when he ordered Ghazal's "honor release" because Fresno County judges had done the same thing in the past. He told the panel he knew of four or five judges who had done it and never gotten in trouble.

Petrucelli also told the panel he was unaware of a law that required a public hearing with the prosecution present before a domestic violence suspect could be released on his own recognizance, or on reduced bail.

In hindsight, however, Petrucelli admitted he had acted wrongly.

Court records say Ghazal initially was charged with corporal injury, false imprisonment, dissuading a witness from reporting a crime and disobeying a court order. Ghazal later pleaded no contest to two misdemeanor charges of false imprisonment and contempt of court. In exchange, prosecutors dismissed three felony charges.

Judge Glenda Allen-Hill sentenced him to three years of probation, four hours of community service and a 52-week batterer's treatment program.

In defending the judge, Ewins told the panel that the jail release was an isolated incident and Petrucelli didn't try to hide it.

But this wasn't the first time Petrucelli has been in trouble with the commission. He was reprimanded in 2007 for engaging "in a pattern of making comments that are discourteous, sarcastic or demeaning to those appearing before him."

In 2001 and 2002, Petrucelli received two private advisory letters reprimanding him for infringing on attorneys' rights and raising his voice with county employees.

To Petrucelli's credit, the special masters said Ghazal's release from jail was not in dispute since the judge "self-reported the incident" and took responsibility for it after the presiding judge asked him about it.

In issuing its ruling, the commission said the special masters found Petrucelli to be "a dedicated, hardworking judge who has contributed positively to the workings of the court and to his community.

"Judicial colleagues described his excellent work ethic and willingness to accept all assignments. Attorneys and others who appear or work in the judge's courtroom praised the judge's judicial behavior and performance. Members of the community described Judge Petrucelli's commitment to public service and to charitable causes and programs."

In its final analysis, the commission said: "The masters concluded, in the eyes of the public, Ghazal's OR (own recognizance) release tends to reflect special treatment obtained as a result of personal connections between Ghazal, Netzer and Petrucelli, and thereby tends to diminish public confidence in the objectivity and impartiality of the judiciary."

"We agree, and also determine that the judge engaged in conduct prejudicial to the administration of justice that brings the judicial office into disrepute. In issuing this censure, the most severe discipline that may be imposed short of removal, we seek to assure the public that judicial action reflecting preferential treatment to friends or family, even if undertaken in good faith, is seriously at odds with the standards of judicial conduct expected of judges in this state."

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