

State Inquiry Links Judges to Prostitutes

Orange County Court Targeted in Probe Into Alleged Sexual Favors

By TERRY PRISTIN and MARK LANDSBAUM, Times Staff Writers



Brian R. Carter



Calvin P. Schmidt

Two Orange County municipal judges are being investigated by the state Commission on Judicial Performance for allegedly offering lenient treatment to prostitutes in exchange for sex and showing favoritism toward other women with whom they had personal relationships.

The commission is also looking into allegations that two other judges on the same court—Harbor Municipal Court, which serves Newport Beach, Irvine and Costa Mesa—attempted last year to pressure Newport Beach officials into calling off a police investigation of Judges Brian R. Carter and Calvin P. Schmidt, the principal targets of the commission probe.

The far-ranging confidential inquiry by the state agency has also involved a fifth Harbor Court judge, Susanne S. Shaw, who has been among her colleagues' chief accusers. She has been accused by other

judges of improperly endorsing a political candidate and making remarks from the bench that offended Latino defendants.

None of the judges was willing to discuss the investigations.

Newport Beach police and the Orange County district attorney's office conducted their own investigations two years ago, but no charges resulted.

Court documents filed in those investigations and unsealed late last month described the incident that triggered the district attorney's investigation—the prostitution arrest in June, 1984, of Della Christine Johnson, then 24, at Griswold's Inn in Fullerton.

According to Fullerton Police Sgt. Ron Rowell, Johnson told police after that arrest that she had had sex with Carter as payment for a debt incurred in court and that Carter had paid her a total of \$350 for two other sexual encounters.

Johnson said the chain of events through which she met Carter began when a friend told her that he knew of a judge who could help get her driver's license reinstated. Johnson identified that judge as Schmidt, court documents show.

"She said that she was told . . . that when she appeared before Judge Schmidt, he would make arrangements to have her license reinstated . . . and that in return she would owe a debt to him . . . referring

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to an act of prostitution," Rowell testified.

Johnson subsequently received a telephone call from Carter, who "reminded her of her debt which was owed to Judge Schmidt," Rowell testified. "He [Carter] informed her that Judge Schmidt was not interested in collecting this debt, but that he was going to come to her residence in lieu of Judge Schmidt and collect it for him."

Rowell said Johnson paid the debt by having sexual intercourse with Carter "without charge."

'One You Owe Me'

Johnson initially agreed to assist police in an investigation of Carter and Schmidt and permitted a telephone conversation between her and Carter to be tape recorded, Rowell said. In that conversation, court documents show, Carter referred to an upcoming encounter with Johnson, saying, "This is one you owe me."

However, Johnson later refused to cooperate with the police investigation, prompting authorities to search her home. They found what they described as a list of Johnson's clients, which included Carter's courtroom telephone number, according to court documents.

Peter Gubbins, an investigating attorney for the Commission on Judicial Performance, refused to confirm or deny that an investigation is under way, citing stringent confidentiality rules.

But several sources outside the commission told The Times they had been contacted by commission investigators. And at the commission's request, the state attorney general's office has assigned an investigator to the case.

Carter, Shaw and Harbor Court Presiding Judge Russell A. Bostrom said commission rules prevented them from talking about the investigation. Schmidt, now 59, did not return The Times' phone calls.

Police and prosecutors declined

to discuss the case, as did attorney general's investigator Delane Bender. But one source familiar with details of the Newport Beach police probe said investigators have looked at the judges' relationships with "around 10 women."

The commission is also reviewing allegations about a meeting that Bostrom and Judge Selim S. Franklin called with three Newport Beach city officials—Mayor John Cox, City Manager Robert Wynn and City Council member Evelyn Hart—in May, 1987. One of the officials at that meeting, who insisted on anonymity, said the judges applied pressure on them to clamp down on the police investigation of Carter.

"Who's in charge here—the City Council or some police officer?" the official quoted the judges as asking. "It was sort of like challenging us: 'Who's the boss?'"

Franklin also did not return phone calls from The Times.

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State Judicial Panel Drops Case Against OC Judge

January 17, 1989 | JERRY HICKS and JIM CARLTON | Times Staff Writers

What happened to the judges? Why, they retired (resign), of course... "The Orange County district attorney and the Newport Beach Police Department conducted earlier investigations into allegations against Carter and Schmidt. No criminal charges resulted. Sources said the police and district attorney were unable to persuade witnesses to testify against Carter and Schmidt in court.

Court documents that were recently unsealed revealed that a 24-year-old woman told Fullerton police after her arrest on suspicion of prostitution in 1984 that she had had sexual relations with Carter as payment for a debt. The debt, she said, had been incurred when Schmidt helped her get her driver's license reinstated, according to court documents."

http://articles.latimes.com/1988-10-14/news/mn-4077_1_formal-hearing