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## SEX, LIES AND TRAFFIC TICKETS

Traffic court official placed on leave after jilted lover accuses him of fixing friends' tickets and courtroom

trysts

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Monterey County traffic court Commissioner Richard Rutledge has been placed on administrative leave while court officials investigate allegations that he dismissed tickets for friends, as well as other lurid assertions made by the commissioner's jilted lover, a former court clerk.

The sex-riddled scandal has fueled the courthouse gossip mill since Thursday when an e-mail containing the allegations was sent to 47 employees of the courthouse and the District Attorney's and Public Defender's offices.

The e-mail, copies of which were subsequently circulated around the courthouse and to The Herald, was sent by Crystal Powser, longtime clerk to Superior Court Judge Russell Scott. Powser resigned amid controversy in April and, in recent days, said she was motivated by a desire for revenge after Rutledge ended their engagement.

Powser alleges in the e-mail that Rutledge fixed friends' traffic tickets, sent her thousands of e-mails on court time and had sex with her in the Marina and Salinas courthouses on five occasions, including once in the chambers of another judge in Salinas.

Powser asserts that there is physical evidence of at least one of the trysts.

In a cryptic press release issued Tuesday afternoon, Monterey County Superior Court Presiding Judge Stephen Sillman said the court had received "a communication that it considers to be a complaint and is, therefore, a confidential personnel matter."

Sillman said the state Administrative Office of the Courts in San Francisco had been notified and was investigating "all matters contained in the communication."

Sillman confirmed that he met Tuesday afternoon with District Attorney Dean Flippo regarding the allegations. The two agreed the District Attorney's Office would await the results of the court's investigation before taking any action, if warranted.

"We're treating this as a complaint from a citizen," Flippo said Monday. "It's an allegation of impropriety."

Rutledge, 48, did not respond to repeated requests for comment this week. On Monday, through a court employee, he said he would let the court speak for him.

Appointed to his commissioner position in 1995, Rutledge has reportedly applied to Gov. Arnold Schwarzenegger for appointment to one of two vacant positions on the Monterey County Superior Court bench.

While the assertions of courthouse sex with a court employee raised ethical questions, the allegations of ticket-fixing carry serious potential ramifications. Santa Clara County Superior Court Judge William Danser was removed from the bench and convicted of felony corruption last year after a jury found that he had fixed tickets for friends and sports figures in San Jose.

In her e-mail, Powser suggested that the court "might want to check into (Rutledge's) Trial by Declarations." Such proceedings occur when a cited driver submits a written explanation challenging a citation. The citing officer also submits a declaration and the judge or commissioner rules based on the declarations.

Powser's e-mail alleges that Rutledge encouraged friends to use the procedure, then dismissed their tickets. In one case,

she named the husband of the then-supervising administrator in the Marina courthouse, alleging that Rutledge dismissed his ticket after a trial by declaration.

"Rutledge should have disqualified himself," she wrote, "instead he found him not guilty."

The case to which Powser referred has been purged from the traffic court records because it was more than three years old, according to court administrator Margaret Corioso. Any paperwork generated in connection with the citation has been shredded and there is no electronic record of how the case was adjudicated.

Sillman said Friday that Rutledge's suspension was a mutual decision.

"Confidence in the judiciary is essential," he wrote in the press release. "Therefore, based on all the circumstances presented, the Court Executive Commission and Commissioner Rutledge have decided that for the benefit of the public, the bench and the parties involved that an administrative leave would be appropriate."

The suspension will continue at least until the Administrative Office of the Courts completes its investigation. Then, the state Commission on Judicial Performance has the discretion to intervene as well, according to Victoria Henley, director and chief counsel for the commission.

Henley said she could not comment on the seriousness of any specific or hypothetical allegations against a judge or court commissioner. However, she said, the commission is guided by the California Code of Judicial Ethics.

The code, amended by the state Supreme Court on June 1, consists of six canons requiring that judges uphold the integrity and independence of their positions, avoid impropriety or its appearance, perform their work impartially and minimize the risk of a conflict of interest in the conduct of "quasi-judicial" and extrajudicial activities.

The code states that a judge shall not cast reasonable doubt on his or her capacity to act impartially, interfere with the proper performance of judicial duties or demean "the judicial office."

In regard to avoiding impropriety or its appearance, the advisory committee specifically states: "Public confidence in the judiciary is eroded by irresponsible or improper conduct by judges... a judge must expect to be the subject of constant public scrutiny."

In multiple interviews with The Herald since Thursday, Powser said she sent her accusatory e-mail out of a desire for revenge after Rutledge broke off their engagement in March. She was also upset that court officials refused to allow her to withdraw a resignation she had submitted in anger in April.

Powser said she and Rutledge, both previously married, began an intimate relationship in August 2004. She said when Rutledge proposed to her early in the relationship, she accepted, and that she had already bought a wedding dress when he stopped seeing her in March.

A month later, upset at having to see Rutledge occasionally at work and angered at learning that her supervisors had called her doctor to verify her excuse for a sick day, she sent an e-mail submitting her resignation.

She tried to withdraw the resignation the next day, Powser said, but was told it had already been accepted and could not be withdrawn.

Court Administrator Lisa Galdos said she could not comment on Powser's allegations because they were confidential personnel matters.