

Judicial Discipline & Disability Commission

JUDGE CHRIS E WILLIAMS
CHAIRMAN

323 Center Street • Suite 1060
Little Rock, AR 72201
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DAVID A. STEWART
EXECUTIVE DIRECTOR

PRESS RELEASE

POINT OF CONTACT: DAVID J. SACHAR

PHONE: 501-682-1050

FOR IMMEDIATE RELEASE

September 7, 2012

Today the Judicial Discipline & Disability Commission issued an agreed public sanction against 10th Judicial Circuit Judge Sam Pope. The letter of sanction and letter of apology from the judge follow this press release and resolve a case that was pending before the Commission.

Judge Sam Pope has been issued an agreed unpaid suspension of 30 days in Commission case #12-187. The case will be reviewed by the Arkansas Supreme Court as an agreed order under Judicial Discipline & Disability Commission rule 12D and 12G. Only the Arkansas Supreme Court can impose an unpaid suspension and this sanction will only be final after the Court's review. The video attached to the sanction was sent to the judge and to the Arkansas Supreme Court. Additional copies are available at the JDDC offices at 323 Center Street, Suite 1060, Little Rock, Arkansas.

Both parties wish to thank the Arkansas JLAP (Judges and Lawyers Assistance Program) for providing helpful and necessary services to the legal profession in this case as well as many others. www.arjlap.org

Attachments:

Exhibit A: Police Report

Exhibit B: DVD of incident (Available at JDDC office)

Exhibit C: Letter of apology from the judge



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DAVID A. STEWART
EXECUTIVE DIRECTOR

September 7, 2012

Honorable Sam Pope
Tenth Judicial District, First Division
1215 West Jefferson
Hamburg, AR 71646

Re: Letter of Suspension without Pay in case #12-187

Dear Judge Pope:

You are alleged to have committed violations of the Code of Judicial Conduct in the above referenced case. These violations comprise the following facts which you have agreed are true:

- A. On or about April 5, 2012 there was a confrontation in the Crossett, AR Wal-Mart. Tenth Judicial Circuit Court Judge Sam Pope came in contact with Bill Murray who was with the judge's estranged wife, Gayle Zimmerman. The judge and Murray became involved in a verbal altercation that ultimately became physical. Wal-Mart security officers, other employees and store customers broke up the fight.
- B. The Crossett Police Department received a 911 call and arrived on the scene. Judge Pope and Billy Murray were arrested at the scene and led from Wal-Mart in handcuffs. No charges were filed although the police report says that both Pope and Murray were transported to the Crossett Police Department in separate vehicles. Murray was observed to have blood on both sides of his face. Both men were released and agreed not to press charges and no citations were issued. Murray stated that both men referred to each other as an "ass" and then they began fighting.
- C. A police report from the incident is attached to this letter (see attachment "A").

- D. A copy of the Wal-Mart security video shows two angles and several minutes of footage before and after the incident. It is also attached to this letter (see attachment "B").
- E. The incident occurs in the photo section of Wal-Mart and there are two video angles with time stamped video. The judge appears to be pointing down an aisle in the direction of Zimmerman and Murray as he talks with female. The female (who is later known to be the daughter of the judge and Zimmerman) heads down the aisle. The judge then walks down the length of the aisle to come in contact with Murray and Zimmerman.
- F. The judge appeared to begin the physical confrontation by pushing a shopping cart and his daughter out of the way to go toward Murray in an aggressive manner. The men engage in a fight and wind up on the floor of the store as employees and customers try to intervene and move people and carts out of the way. Zimmerman strikes Judge Pope in the back on/or side at least three times during the altercation. Pope does not respond in kind. The men are separated after approximately 30 seconds of physical fighting. Three people are between the judge and Murray (his daughter, a male store customer and Zimmerman). At that point Zimmerman comes closer to the judge and appears to be yelling at him (audio is not available). The judge then uses his left hand to make a move towards the front base of Zimmerman's neck. The parties are separated and the police arrive a few minutes later.
- G. The judge has admitted the following facts in his responses to the JDDC:
1. His daughter, Meghan J. Pope, was the other female in the video who is present during the genesis and duration of the fight at Wal-Mart. He stated that he pointed out his wife and Bill Murray to Meghan. The judge followed Meghan as she approached Murray and Zimmerman.
 2. He states that he was not trying to strike his wife in the events seen in the video. He was "flicking" the cross that was around her neck as he saw it as a statement about Zimmerman and Murray's relationship.
 3. He did call Murray an "ass-hole" and Murray replied in kind.
 4. After Murray responded with the word "ass-hole" the judge approached him and "struck him on the shoulders with both hands open" in what the judge described as a "hand shiver."

5. The judge denies that he caused the bleeding on Murray's face. He surmises that it must have occurred while Murray was grabbing the judge's ankles or being drug on the floor during the altercation.

H. The judge states In his second response:

1. That he "very much regret[s]" his conduct.
2. That he allowed his reaction to his wife's presence and alleged infidelity to lead him to "engage in conduct that was neither appropriate nor acceptable."
3. He assures the JDDC that there will be no further occurrences and that he understands the importance of upholding and promoting the integrity of the judiciary.

The Judicial Discipline and Disability Commission ("JDDC") determined, and you agree, that the behavior described above violates the following sections of the Code of Judicial Conduct (the "Code"):

RULE 1.1 Compliance with the Law

A judge shall comply with the law, including the Arkansas Code of Judicial Conduct.

RULE 1.2 Promoting Confidence in the Judiciary

A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

You have agreed that a suspension without pay is an appropriate sanction. This sanction can only be imposed by the Arkansas Supreme Court. An agreed report will be sent to the Court for approval and imposition of the sanction on this date. Your willingness to accept that your actions were in violation of the Code and your commitment to be more aware of the appearance of impropriety in the future, have led the JDDC to refrain from recommending public charges or a public disciplinary hearing in this case.

If you violate the terms below or have additional violations of the Code, the JDDC may initiate a new investigation under the Rules of Procedure of the Judicial Discipline & Disability Commission. The JDDC may take into consideration the agreed facts and Code violations from this sanction as well as any non-compliance or future allegations.

The Suspension includes the following agreed conditions:

Suspension without pay for 30 days.

Receive anger management counseling through Arkansas Judges & Lawyers Assistance Program (JLAP).

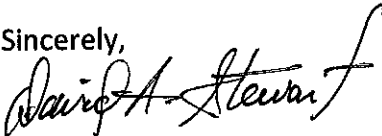
Apology letter (see attachment "C").

The suspension is recommended to begin October 1, 2012. You have indicated that you have cleared off docket space to make your suspension less taxing on the people and attorneys in your judicial district. If necessary, the Chief Justice will arrange for a Special Circuit Judge for the time of suspension. However, the date of suspension is subject to approval of the Arkansas Supreme Court after their review per JDDC Rule 12 D and 12 G.

In view of these circumstances, it is the judgment of the JDDC that your actions justify a recommendation of suspension without pay to the Arkansas Supreme Court. The suspension without pay is to be for 30 calendar days, beginning on October 1, 2012, and be subject to the conditions listed above. This public sanction constitutes adequate discipline, and no further action, other than the remedial measures and conditions described above, is warranted. Further discipline may occur if the JDDC finds you committed additional violations of the Code.

This Commission action is public information and will be forwarded to the Arkansas Supreme Court for approval on this date.

Sincerely,

A handwritten signature in cursive script that reads "David A. Stewart". The signature is written in black ink and is positioned above the typed name and title.

David A. Stewart
Executive Director

INCIDENT/OFFENSE REPORT

Agency ORI ARO 0201		Agency Name Crossett Police Department		Date and Time of this Report Month: 04 Day: 05 Year: 12 Time: 8:40pm				Agency Case Number 001-04-12-26			
Type of Incident or Offense <input type="checkbox"/> Felony <input checked="" type="checkbox"/> Misc		ACIC/NCIC Off Code		Type of Incident or Offense <input type="checkbox"/> Felony <input type="checkbox"/> Misc				ACIC/NCIC Off Code			
Information Only Place of Occurrence Wal-Mart @ Photo Center								District Number			
Point of Entry Front Center						Tool Used (Burglary)					
Location of Victim's Property								Premise Type <input type="checkbox"/> 1 Hwy Str Aly <input type="checkbox"/> 2 Commer <input type="checkbox"/> 3. Serv Sta <input type="checkbox"/> 4 Conv <input type="checkbox"/> 5 Residence <input type="checkbox"/> 6 Bank <input type="checkbox"/> 7 Church <input type="checkbox"/> 8 School <input type="checkbox"/> 9 Other Store			
EVENT	Occurred on or Between				Lighting						
	Month: 04	Day: 05	Year: 2012	Time: 8:40pm	S <input type="checkbox"/>	T <input type="checkbox"/>	W <input type="checkbox"/>	T <input type="checkbox"/>		F <input type="checkbox"/>	S <input type="checkbox"/>
	Month: 04	Day: 05	Year: 2012	Time: 8:45pm	S <input type="checkbox"/>	T <input type="checkbox"/>	W <input type="checkbox"/>	T <input type="checkbox"/>	F <input type="checkbox"/>	S <input type="checkbox"/>	Weather <input type="checkbox"/> 1 Clear <input type="checkbox"/> 2. Cloudy <input type="checkbox"/> 3. Rain <input type="checkbox"/> 4 Fog <input type="checkbox"/> 5. Snow Sleet <input type="checkbox"/> 6. Hail <input type="checkbox"/> 7. Unknown
Method of Attack								Weapon Used <input type="checkbox"/> 1 Firearm <input type="checkbox"/> 2 Knife/Cutting Inst <input type="checkbox"/> 3 Hands, Fists, etc <input type="checkbox"/> 4 Other Weapon			
Description of Weapon Used						Trademark					
Complainant Name (Last First Middle) Wal-Mart				Address (Street City State) 910 Unity Road				Phone (870)364-2165			
VICTIM	Victim's Name		Race	Sex	Date of Birth	Res Phone	Bus. Phone				
	Victim's Address				Occupation	Relationship of Victim to Offender <input type="checkbox"/> 1 Stranger <input type="checkbox"/> 2 Spouse <input type="checkbox"/> 3 Family <input type="checkbox"/> 4 Acquaint <input type="checkbox"/> 5 Other <input type="checkbox"/> 6 Unknown					
VEHICLE	<input type="checkbox"/> Stolen	Tag Number	State	Year	V. I. N	Vehicle Year	Make				
	<input type="checkbox"/> Recov'd	Style	Color (Primary)	(Secondary)	Motor Size (CID)	Veh Value	Additional Description				
	<input type="checkbox"/> Suspects	Motor Vehicle Recovery Only	Stolen in your Jurisdiction? <input type="checkbox"/> Yes <input type="checkbox"/> No Location _____		Recovered in your Jurisdiction? <input type="checkbox"/> Yes <input type="checkbox"/> No Location _____						
PROPERTY DESCRIPTION	Quantity	Describe Property Stolen or Recovered (include Make, Model, Size, Type, Serial No., Color, etc.)				Vehicle Stolen	Recovered				
							Date	Value			
VALUE	Currency Notes etc.		Jewelry & Precious Metals		Furs & Clothing		Locally Stolen Vehicles		Office Equipment		
	\$ _____		\$ _____		\$ _____		\$ _____		\$ _____		
	T V Radios, Cameras etc		Firearms		Household Goods		Consumable Goods		Livestock		Miscellaneous
\$ _____		\$ _____		\$ _____		\$ _____		\$ _____		\$ _____	
ADMINISTRATIVE	Case Status <input type="checkbox"/> Pending <input type="checkbox"/> Inactive <input checked="" type="checkbox"/> Closed		Case Disposition <input type="checkbox"/> Cleared by Arrest (Def. under 18 yrs) <input type="checkbox"/> Cleared by Arrest (Def. 18 yrs or over) <input type="checkbox"/> Exceptionally Cleared <input type="checkbox"/> Unfounded		Arrest Made? <input type="checkbox"/> Yes Arrest No <input checked="" type="checkbox"/> No		Entered ACIC/NCIC Month: _____ Day: _____ Year: _____ Time: _____				
	Investigator Assigned		Approving Officer		Reporting Officer No 1 Justin Dubose Number 112		<input type="checkbox"/> Person <input type="checkbox"/> Gun <input type="checkbox"/> Vehicle <input type="checkbox"/> Boat <input type="checkbox"/> Article <input type="checkbox"/> Secur				
					Reporting Officer No 2		UCR Offense Classification				



DATE: Jan 18 21 2012
 OPERATOR: Angela Sephew

KKQ585
 CITY OF CROSSETT POLICE DEPARTMENT

LOG

12 hrs. Cohen shift K. Harmon

UNIT NO.	TIME	INFORMATION ON CALL OR BROADCAST	OFFENSE CODE	INFORMATION ON CALL OR BROADCAST	JAIL CHECK
113-114	230A	O. Jones - J. Ford	10-8		7:00 A.M.
113	237	Stage	16		8:00 A.M.
116	245	Subway	16		9:00 A.M.
113	254	1019 Wal. Mart 10/17 2516 10/18 303	6	Sevance with warrant called routing officer this phone number determined in front office.	10:00 A.M.
114	254	1019 Wal. Mart 10/17 2516 10/18 324	6		11:00 A.M.
113	303	1019 PD 10-15 10/17 306	21c		12 NOON
110	303	10128 9716 NEW	16	next list Bobbys Toney	1:00 P.M.
113	308	1067 928 150 121	16		2:00 P.M.
115	403	10198 from McDonalds	10-7		3:00 P.M.
116	422	1016 PD	21	breakfast	4:00 P.M.
113	455	11000 Mail	16		5:00 P.M.
112	630	1018	10-8		6:00 P.M.
112	841	10128 255 DAS	16	no return ACIC main frame down for maintenance	7:00 P.M.
112	851	1016 11000 Mail	16	WALK THRU	8:00 P.M.
112	929	Holt Auto	16		9:00 P.M.
112	1011	1019 Dog Pound 10/2 10-15 10/17 1015 10/18 1038	16	clearing fund	10:00 P.M.
117	1034	1019 1310 Parkway 10/17 1036 10/18 1040	13D	George Zimmerman 855-9548 called my father got his name seen page then causing problems #code / Subject has 10/18 1040	12 NIGHT
112	1038	1019 back to PD 10/2 10-15 10/17 1043	21	Moving Lumps	1:00 A.M.
117	1128	1016 821W + Main Storage 10/18 1128	10	994 LING	2:00 A.M.
117	1128	10128 994 LING	16	no return maintenance still down	3:00 A.M.
117	1150	1016 Sewell Oil	9	8 gallons	4:00 A.M.
117	100	10128 582 NAK	16	no return ACIC maintenance still down	5:00 A.M.
104	107	1028 CP 3573 (MS)	16	159 CP RLC	6:00 A.M.
117	107	1016 1400 block Parkway 10/18 114	10 AXI		NO. OF PRISONERS
117	109	1027 931876249	16	no return maintenance still down	
107	200	1019 Playground Area by 2nd 10/17 202 10/18 221	16	Shannon 940-195 ref to 3 gears. Cleaning Area trying to take kids	
107	227	1019 Sportaboard 10/17 228	SA		

Sam Pope
Circuit Judge
215 E. Jefferson, # 12
Courthouse Annex
Hamburg, AR 71646

RECEIVED
12 SEP -6 PM 2:06
JUDICIAL DISCIPLINE
AND
DISABILITY COMMISSION

September 6, 2012

Arkansas Judicial Discipline & Disability Commission
323 Center Street, Suite 1060
Little Rock, AR 72201

Re: Letter of Apology

Dear Commission Members:

An incident occurred at Wal-Mart in Crossett, AR on April 5, 2012 between myself and my wife's boyfriend. My wife and I were then and are now in the process of divorce to end a 33 year marriage.

The emotions and physical effects that arose in me as a result of our marital breakup have been difficult. I have now sought the help of a professional counselor and would encourage anyone going through a similar experience to do the same.

I apologize for my conduct and for any negative repercussions related to the incident to those involved and to the public I have served for 18 years as Circuit Judge, to the other judges who ably serve the State of Arkansas on a daily basis for any impact of my conduct on them, and for the adverse publicity that is an apparent by-product of this type incident.

I regret the incident ever occurred, realize my conduct was not appropriate or acceptable, and promise it will not occur again. My conduct did not rise to the level I expect of myself or others in similar situations.

Sincerely,



Sam Pope

