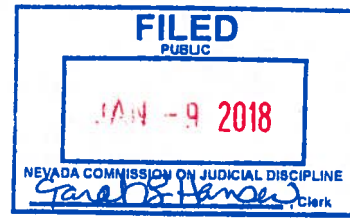


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7 **BEFORE THE NEVADA COMMISSION ON JUDICIAL DISCIPLINE**

9 In the Matter of)
10)
11 THE HONORABLE WILLIAM GUS SULLIVAN,)
12 Pahrump Township Justice Court,)
13 County of Nye, State of Nevada)
Respondent.)

CASE NO. 2017-009-P

14 **FORMAL STATEMENT OF CHARGES**

15 Brian Hutchins appears now as Prosecuting Officer for the Nevada Commission on Judicial
16 Discipline (“Commission” or “NCJD”), which is established under Article 6, section 21 of the Nevada
17 Constitution, and files this Formal Statement of Charges in the name of and by the authority of the
18 Commission as found in sections 1.425 through 1.4695 of the Nevada Revised Statutes. Respondent,
19 the Honorable William Gus Sullivan, Justice of the Peace for the Pahrump Township Justice Court,
20 County of Nye, State of Nevada (“Respondent”), is informed that the following acts were committed by
21 Respondent and warrant disciplinary action by the Commission under the Revised Nevada Code of
22 Judicial Conduct (“the Code”).
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25 **FACTUAL ALLEGATIONS**

26 Respondent knowingly and in his capacity as a justice court judge in and for the Pahrump
27 Township Justice Court, in Nye County, State of Nevada, engaged in the following acts, or the
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1 following acts occurred relevant to these charges, or both:

2 A. On or about Thursday, December 22, 2016, Respondent reviewed an application for a
3 temporary protection order (TPO) filed that day by an adult female applicant against a Nye County
4 deputy sheriff and indicating that the applicant was or had been in a sexual relationship with the deputy.
5 Because the application was filed on the wrong form, Respondent rejected the application and returned
6 it to the clerk. On or about December 28, 2016 at about 4:01 p.m., a TPO application was filed in case
7 number 16PODV00834 by the same applicant against the same deputy. The applicant was informed on
8 or about December 29, 2016 by the clerk that Respondent had the application and it had not been
9 approved or denied. The application sought a TPO for stalking against the deputy. The applicant
10 indicated that she had previously been in a voluntary sexual relationship but was now being harassed by
11 the deputy. After review of the TPO, Respondent mentioned the application to fellow Pahrump
12 Township Justice Court Judge Jaspersen and was informed by him that the applicant had pending
13 felony charges against her for which she was to appear before the fellow judge. Respondent noted that
14 the TPO application indicated that the deputy against whom the TPO was sought had been involved in
15 the applicant's last four arrests. As such, Respondent had concerns regarding the credibility of the
16 applicant and her motives for applying for the TPO. Based on this information, Respondent contacted
17 the Nye County Sheriff's Office ("NCSO") regarding the situation and spoke to a sergeant who
18 informed Respondent that the Sheriff's Office was aware of the allegations made by the TPO applicant
19 against the deputy and, based on that, the Sheriff's Office was conducting an internal affairs
20 investigation. Additionally, Respondent was informed that a "stay away" order had been issued by the
21 Sheriff's Office directing the deputy to stay away from the TPO applicant pending the investigation and
22 while the deputy was on and off duty.

23 B. Respondent had been off work on December 29 and 30, 2016, and the weekend of December
24 31, 2016 and January 1, 2017. Monday, January 2, 2017, was a court holiday. The clerk will generally
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1 contact Respondent if he is not present in court on a judicial workday, after which Respondent will
2 remotely review a TPO application and take action on it.

3 C. On or about January 3, 2017, Respondent denied the application for a TPO without a
4 hearing, based on Respondent's review of the application and the knowledge Respondent acquired in
5 his independent investigation, including the "stay away" order issued by the Nye County Sheriff's
6 Office. Respondent, in denying the application, indicated that it was "Pending the Internal Investigation
7 that is being conducted by the NCSO." Because the application was denied, Respondent did not order
8 or hold a hearing on the TPO application. Respondent also believed that the issuance of a TPO could
9 have an adverse impact on the deputy's law enforcement career. Respondent is a former Nye County
10 Sheriff's Office deputy who retired with the rank of Captain in 2005.

12 D. NRS 33.020(4) provides that a "court shall rule upon an application for a temporary order
13 within 1 judicial day after it is filed." The application was filed on December 28, 2016 and was not
14 ruled upon by the end of the judicial day on December 29, 2016. Respondent failed to act on the
15 application within one judicial day after it was filed or failed to require his staff, court officials, and
16 others subject to the judge's direction and control to act in a manner consistent with the judge's
17 obligations under the Code by ensuring that the filed application for a TPO was presented to him by the
18 court clerk in a timely manner.

20 E. NRS 33.020(2) provides that the court may require the applicant or adverse party, or both, to
21 appear before the court determining whether to grant the TPO. Respondent could have, but did not, set
22 the matter for a hearing in an effort to determine the necessary facts.

24 CHARGES OF MISCONDUCT

25 By engaging in the acts, or by failing to act, or by engaging in a combination of acts or failures
26 to act, as alleged above, Respondent violated the Revised Nevada Code of Judicial Conduct, including
27 Judicial Canon 1, Rule 1.1 (compliance with the law, including the Code); Rule 1.2 (failing to act at all
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1 times in a manner that promotes public confidence in the independence, integrity, and impartiality of the
2 judiciary and avoiding impropriety and the appearance of impropriety); Judicial Canon 2, Rule 2.2
3 (failing to uphold and apply the law, and performing all duties of judicial office fairly and impartially);
4 Rule 2.3(A) and (B) (bias); Rule 2.4 (external influences on judicial conduct); Rule 2.5(A)(competence,
5 diligence and cooperation); Rule 2.6(A) (failing to accord to every person who has a legal interest in a
6 proceeding, or that person's lawyer, the right to be heard according to law); Rule 2.9(A),(C) (ex parte
7 communications/independent investigation) and Rule 2.12 (supervisory duties), or any single rule or any
8 combination of those rules. Specifically, Respondent violated the Revised Nevada Code of Judicial
9 Conduct as follows:

10 **COUNT ONE**

11 Respondent did not rule on the application for a TPO within one judicial day after the filing pursuant to
12 NRS 33.020(4) or failed to ensure that the application was timely presented to him by his staff, court
13 officials, and others under his control, or both, all in violation of Rules 1.1, 1.2, 2.2, 2.5(A), 2.6(A), and
14 2.12.

15
16 **COUNT TWO**

17 Respondent conducted an *ex parte* independent investigation of the circumstances surrounding the
18 allegations of the application for a TPO by contacting the Nye County Sheriff's Office, in violation of
19 Rules 1.1, 1.2, 2.2, 2.3(A) and (B), 2.4, 2.5(A), 2.6(A), and 2.9 (A) and (C).

20
21 **COUNT THREE**

22 Respondent exhibited bias against the applicant or in favor of the adverse party, or both, named in the
23 application for TPO, in violation of Rules 1.1, 1.2, 2.2, 2.3(A) and (B), 2.4, 2.5(A), and 2.6(A).

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25
26 Based on the information above, the Commission shall hold a public hearing on the merits of
27 these allegations pursuant to NRS 1.4673 and, if violations as alleged are found to be true, the
28 Commission shall impose whatever sanctions or discipline or both it deems appropriate pursuant to

1 NRS 1.4677 and other Nevada Revised Statutes governing the Commission.

2 Dated this 9th day of January, 2018.

3 Brian Hutchins

4 Brian Hutchins, Esq.
5 Prosecuting Officer for the Commission

6 STATE OF NEVADA)
7) ss
8 CARSON CITY)

9 BRIAN HUTCHINS, ESQ. being first duly sworn under oath, according to Nevada law, and
10 under penalty of perjury, hereby states:

11 1. I am an attorney licensed to practice law in the State of Nevada. I have been retained by the
12 Nevada Commission on Judicial Discipline to serve in the capacity of Prosecuting Officer in the matter
13 of the Honorable William Gus Sullivan, Case No. 2017-009-P.

14 2. I have prepared and reviewed this Formal Statement of Charges against the Honorable
15 William Gus Sullivan and, pursuant to the investigation conducted in this matter and based on the
16 contents of that investigation and following reasonable inquiry, I am informed and believe that the
17 contents of this Formal Statement of Charges are true and accurate.

18 Brian Hutchins

19 Brian Hutchins, Esq.
20

21 Subscribed and sworn to before me, a Notary Public

22 this 9th day of January, 2018.

23 By: Michelle Sibley
24 NOTARY PUBLIC



25
26 **CERTIFICATE OF SERVICE**

27 I hereby certify that a true and correct copy of this FORMAL STATEMENT OF CHARGES
28

1 was placed in the U.S. mail, postage pre-paid, on this 9th day of January, 2018, addressed to:

2 Lyn E. Beggs, Esq.
3 Law Offices of Lyn E. Beggs, PLLC
4 328 California Ave., Ste 3
5 Reno, NV 89509

6 By: Brian Hutchins
7 Brian Hutchins, Esq.
8 Prosecuting Officer for the Commission
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