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9 Special Counsel before the Nevada  
10 Commission on Judicial Discipline

11 **BEFORE THE NEVADA COMMISSION ON  
12 JUDICIAL DISCIPLINE**

13 **STATE OF NEVADA**

14 IN THE MATTER OF THE HONORABLE  
15 ERIKA BALLOU, District Court Judge,  
16 Eighth Judicial District Court, Clark County,  
17 State of Nevada,

Case Nos.: 2022-124-P  
2022-134-P

18 Respondent.

19 **FORMAL STATEMENT OF CHARGES**

20 THOMAS J. DONALDSON, Special Counsel before the Nevada Commission on  
21 Judicial Discipline ("Commission"), hereby files this Formal Statement of Charges and informs  
22 the Honorable ERIKA BALLOU, District Court Judge, Eighth Judicial District Court, Clark  
23 County, State of Nevada ("Judge Ballou"), that she violated the Revised Nevada Code of Judicial  
24 Conduct ("the Code") as alleged herein.

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## JURISDICTION

The Commission has jurisdiction to discipline a justice of the supreme court, a judge of the court of appeals, a district judge, a justice of the peace or a municipal judge for violations of the Revised Nevada Code of Judicial Conduct. *See Nev. Const. art. 6, § 21; NRS 1.425 et seq.; Canon 1, Rule 1.1 of the Revised Nevada Code of Judicial Conduct.*

Judge Ballou was sworn in as a district court judge on or about January 4, 2021, and continues to serve as a judicial officer in that capacity. Judge Ballou committed all actions described herein while serving as a district court judge.

## FACTUAL ALLEGATIONS

Judge Ballou, in her capacity as a District Court Judge, engaged in the following acts, or a combination of acts ("acts" or "actions"):

A. On November 10, 2021, as a sitting judge during a sentencing hearing in *State v. Marshal Bonner*, C-21-356579-1, Judge Ballou excused a defendant's decision to flee from police in a vehicle pursuit on the Las Vegas Strip. After the prosecutor argued there was no reason for the defendant in the case to run from the police, Judge Ballou chastised the prosecutor stating, "[a]nd there being no reason to run from the police, clearly you're not a black person in the United States of America, because there are absolute reasons to run from the police." Later in the hearing, Judge Ballou explained, "[s]o just as someone who, you know, has lived in the United States as a black person, that's absolutely an untrue statement that he didn't have any reason to run."

B. On July 11, 2022, as a sitting judge during a revocation hearing in *State v. Lamar Stringer*, C-21-359532-1, Judge Ballou told a defendant, "[y]ou're a black man in America, you know you don't want to be around where cops are." Judge Ballou continued, "[y]ou know you don't want to be nowhere where cops are because I know

1 I don't and I'm a middle aged, middle class black woman. I don't want to be around  
2 where the cops are because I don't know if I'm going to walk away alive or not."

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4 **COUNT ONE**

5 By engaging in the acts, or combination of the acts, specifically listed in Paragraph A  
6 above, Judge Ballou violated Canon 1, Rule 1.1 of the Code, by knowingly or unknowingly  
7 violating the following Canons:

8 Canon 1, Rule 1.2, requiring a judge to act at all times in a manner that promotes public  
9 confidence in the independence, integrity and impartiality of the judiciary and avoiding  
10 impropriety and the appearance of impropriety; and / or

11 Canon 2, Rule 2.2, requiring a judge to uphold and apply the law, and perform all duties  
12 of judicial office fairly and impartially; and / or

13 Canon 2, Rule 2.3 (A) and/or (B), requiring a judge to perform the duties of judicial  
14 office without bias or prejudice or by words or conduct manifest bias or prejudice, including but  
15 not limited to bias or prejudice based upon race, ethnicity, socioeconomic status or political  
16 affiliation.

17  
18 **COUNT TWO**

19 By engaging in the acts, or combination of the acts, specifically listed in Paragraph B  
20 above, Judge Ballou violated Canon 1, Rule 1.1 of the Code, by knowingly or unknowingly  
21 violating the following Canons:

22 Canon 1, Rule 1.2, requiring a judge to act at all times in a manner that promotes public  
23 confidence in the independence, integrity and impartiality of the judiciary and avoiding  
24 impropriety and the appearance of impropriety; and / or

25 Canon 2, Rule 2.2, requiring a judge to uphold and apply the law, and perform all duties  
26 of judicial office fairly and impartially; and / or

27 Canon 2, Rule 2.3 (A) and/or (B), requiring a judge to perform the duties of judicial  
28 office without bias or prejudice or by words or conduct manifest bias or prejudice, including but

1 not limited to bias or prejudice based upon race, ethnicity, socioeconomic status or political  
2 affiliation.

3 Judge Ballou's actions constitute either a violation of the Code that was knowing and  
4 deliberate or a violation that was not knowing or deliberate. Both types of violations are contrary  
5 to the form, force and effect of the Revised Nevada Code of Judicial Conduct.

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8 RESPECTFULLY SUBMITTED this 21<sup>st</sup> day of February, 2024.

9 DYER LAWRENCE, LLP

10 By:   
11 Thomas J. Donaldson  
12 Nevada State Bar No. 5283  
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19 Special Counsel before the Nevada  
20 Commission on Judicial Discipline  
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1 STATE OF NEVADA )  
2 ) ss  
3 CARSON CITY )

4 THOMAS J. DONALDSON, being first duly sworn under oath. according to Nevada  
5 law, and under penalty of perjury, hereby states:

6 1. I am an attorney licensed to practice law in the State of Nevada. I have been retained  
7 by the Nevada Commission on Judicial Discipline to serve in the capacity of Special Counsel in  
8 the matter of the Honorable Erika Ballou, Case Nos. 2022-124-P and 2022-134-P.

9 2. I have prepared and reviewed this Formal Statement of Charges against the Honorable  
10 Erika Ballou, and, pursuant to the investigation conducted in this matter, and based on the  
11 contents of that investigation and following reasonable inquiry, I am informed and believe that  
12 the contents of this Formal Statement of Charges are true and accurate.

13 DATED: 2/21/2024

14 By: 

Thomas J. Donaldson, Esq.

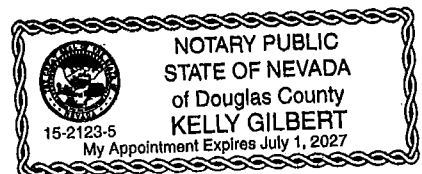
15 State of Nevada

16 Carson City

17  
18 Subscribed and sworn before me, a Notary Public  
19 this 21 day of February, 2024.

20 By: 

21 NOTARY PUBLIC



CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this FORMAL STATEMENT OF CHARGES was placed in the U.S. Mail, postage pre-paid, and sent via email on this 21 day of February, 2024, addressed to:

Thomas F. Pitaro  
PITARO & FUMO, CHTD.  
601 Las Vegas Blvd. South  
Las Vegas, NV 89101

By: Kelly Gilbert  
Kelly Gilbert