



Judicial Discipline & Disability Commission

JUDGE JOYCE WILLIAMS WARREN
CHAIRMAN

*323 Center Street • Suite 1060
Little Rock, AR 72201
(501) 682-1050 • Fax: (501) 682-1049
E-Mail: jddc@arkansas.gov*

DAVID J. SACHAR
EXECUTIVE DIRECTOR

PRESS RELEASE

POINT OF CONTACT: DAVID SACHAR

PHONE: 501-682-1050

FOR IMMEDIATE RELEASE

May 9, 2016

The Arkansas Judicial Discipline and Disability Commission today announced the resignation and permanent removal from office of Cross County District Court Judge O. Joseph Boeckmann, Jr. effective immediately. This will conclude JDDC Case Numbers #14-310, #14-312, #14-313, #14-314, #15-298, #15-299, #15-311 and #15-353 due to his removal from office. The JDDC would like to take this opportunity to thank other state agencies who assisted in this investigation: Department of Human Services, Division of Aging and Adult Services, Special Investigator Kimberly Warmath; Arkansas Attorney General Leslie Rutledge's Office, Cyber Crimes Unit, Executive Offices and Opinions Department; Arkansas State Police and Special Prosecutor Jack McQuary; as well as other law enforcement agencies. Attached to this release is Boeckmann's resignation letter.

Joseph Boeckmann
Attorney at Law

104 No. Wilson St./P.O. Box 786
Wynne, Arkansas 72396

Telephone (870)238-7977
Fax(870)238-7978

May 9, 2016

David Sachar, Director
Judicial Discipline & Disability Commission
323 Center St., Suite 1060
Little Rock, AR 72201

RE: Resignation

Dear Mr. Sachar:

Please accept this letter as notice of my resignation as Cross County District Judge effective immediately. I understand that my resignation will have the legal effect of removal from office pursuant to Proctor v. Daniels, 2010 Ark. 206 (May 3, 2010). I further promise to never seek employment as a local, county or state employee or public servant in the State of Arkansas. I understand the JDDC will use all legal power it finds necessary to enforce this agreement.

I understand this will end JDDC cases #14-310, 312, 313, 314, #15-298, #15-299, #15-311 and #15-353 and will result in their dismissal once my resignation is final. I have copied the Governor on this correspondence.

Sincerely,



O. Joseph Boeckmann, Jr.
Cross County District Judge

JB/cw

cc: Hon. Asa Hutchinson, Governor

IN THE ARKANSAS JUDICIAL DISCIPLINE & DISABILITY
COMMISSION

RECEIVED
16 MAY 32 AM 10:20
JUDICIAL DISCIPLINE
AND
DISABILITY COMMISSION

IN RE: DISTRICT COURT JUDGE O. JOSEPH BOECKMANN, JR.
JDDC CASE No. 14-310, 312, 313, 314

NOTICE OF VIDEO DEPOSITION OF CHERYL WALLIN

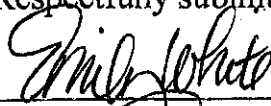
To: **Jeff Rosenzweig**

Petitioner, Commission, by and through Executive Director, David J. Sachar and Emily White, Deputy Executive Director, hereby serves notice that we will take the video deposition of Cheryl Wallin pursuant to Arkansas Rules of Civil Procedure.

The deposition will take place in the Lonoke County Circuit Courthouse at 301 N. Center Street, Lonoke, Arkansas 72086, in the jury room on the 4th Floor, beginning at 10 a.m. on Thursday, the 28th of April, 2016.

The deposition will be taken pursuant to the Arkansas Rules of Civil Procedure for all purposes authorized by law. The deposition will continue until completed and the deposition will be recorded via video and transcribed by a licensed court reporter.

Respectfully submitted,

By: 


David J. Sachar, Executive Director
Emily White, Deputy Ex. Director
Arkansas JDDC
323 Center Street, Suite 1060

Little Rock, AR 72201
(501)682-1050
(501)682-1049

CERTIFICATE OF SERVICE

I, the undersigned attorney, do hereby certify that a true and correct copy of the foregoing was sent via U.S. Mail postage prepaid this 1ST day of April, 2016 to the following attorneys of record:

Jeff Rosenzweig
300 S. Spring Street
Little Rock, Arkansas 72201
(501)372-5247
jrosenzweig@att.net



Emily White



Judicial Discipline & Disability Commission

JUDGE JOYCE WILLIAMS WARREN
CHAIRMAN

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Little Rock, AR 72201
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E-Mail: jddc@arkansas.gov*

DAVID J. SACHAR
EXECUTIVE DIRECTOR

May 3, 2016

Jeff Rosenzweig, Esq.
Attorney at Law
300 Spring Street, Suite 300
Little Rock, AR 72201

Re: Cross County District Judge, O. Joseph Boeckmann, Jr. #14-310 et al.

Dear Jeff:

Enclosed please find the Commission Interrogatories and Requests for Production of Documents and Preliminary Witness List. The Commission will not file mark the witness list until the May 8, 2016 deadline. The Commission specifically reserves the right to amend the witness list up to the deadline of May 8, 2016 and after the completion of Discovery set for July 1, 2016.

Additional enclosures include new information received last week. As you can see, they are photographs of defendants of Cross County District Court who were sentenced to "community service" by Boeckmann. The nature of the photographs showing acts of masturbation, naked young men bent over a desk or a bar, etc., makes it necessary for us to specifically amend the statement of allegations against your client. These defendants were already on the witness list and you have discovery already showing that they both received either checks directly to them, or obligations owed by them, paid by Boeckmann, all the while appearing in front of Boeckmann and performing their "community service." Numerous docket entries also note each defendant's appearances in court and sentences each were given.

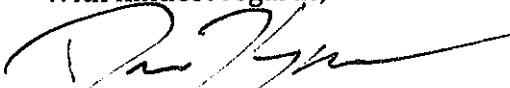
Deputy Director White will also use this opportunity to consider if there are any changes to the charges after eight months of interviewing witnesses and reviewing thousands of pages of documents since the nature of the investigation changes in July, 2015. There may also be additional charges for violations supported by this new information.

I know you plan to meet with your client this week. Should he wish to resign before the amended complaint (and other motions are filed) he would need to comply with the

language we demand in his resignation letter by noon on Thursday, May 5, 2016. He would need to submit this resignation letter to the Governor and provide a copy to this office. Of course, he would be submitting his immediate and permanent removal from office as well as disqualification from any future role in public service. If you have any questions regarding this process, please call me.

If he chooses to continue to contest the Commission charges, Deputy Director White will send you a copy of the Second Amended Statement of Allegations and any other information that we have on Thursday afternoon. Contact me or Deputy Director White if you need any more information. As always, thank you for your hard work in this case.

With kindest regards,

A handwritten signature in black ink, appearing to read 'David J. Sachar', with a long, sweeping horizontal stroke extending to the right.

David J. Sachar, J.D.
Executive Director
JDDC



Judicial Discipline & Disability Commission

JUDGE JOYCE WILLIAMS WARREN
CHAIRMAN

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E-Mail: jddc@arkansas.gov

DAVID J. SACHAR
EXECUTIVE DIRECTOR

May 5, 2016

Jeff Rosenzweig
Attorney at Law
300 Spring Street, Suite 300
Little Rock, AR 72201

Re: Cross County District Judge, O. Joseph Boeckmann, Jr. #14-310 et al.

Dear Jeff:

Enclosed please find the Commission Notice of Intent to Offer 404(b) Evidence in the above referenced case. Also, we included an updated witness list. We may amend it again on Monday if we find it necessary.

We also are including a disc with photographs as part of our discovery obligation to you. It contains approximately 1050 photographs taken from the judge's computer that we have received thus far. I anticipate receiving in excess of 3400 more photographs very soon, also taken from the judge's home computers. Similar to the others you have received, they all depict young men, many naked who are in various poses inside the judge's home and outside in his yard. We identified many of the young men as those that your client had in front of him as defendants in Cross County District Court. Many of them are also recipients of checks from the judge during their time as defendants or probationers. You have already received the docket sheets on some that show their charges and dispositions. Additionally, you have the disc of Cross County Bank and First National Bank of Wynne regarding the checks paid these defendants or written on their behalf.

We are still trying to identify other young men in the photographs from your client's computer. As you will see, there are numerous photos of naked young men from behind bending over after an apparent paddling. The paddle appears in photographs and has been identified by witnesses as belonging to the judge. Please accept this as notice to your client to not destroy otherwise dispose of this paddle or other devices used to cause the red marks in the photographs. We will be issuing a subpoena *duces tecum* for your client in the upcoming weeks and he should expect to have to produce said items whether he testifies or not. I am also currently working on a list of questions to proffer to your client should he opt to take the 5th Amendment and refuse to answer any questions. I will get these questions to you when I am done crafting all of them. We plan to use his refusal to answer to ask the JDDC to draw a negative inference on the subject matter he would not address.

We will wait to hear from you after you meet with your client on Friday to finish drafting our detailed Second Amended Statement of Allegations. Your client has until Monday at noon to have you contact me if he wants to resign in lieu of answering these additional charges.

Sincerely,

A handwritten signature in black ink, appearing to read 'David J. Sachar', written over the word 'Sincerely,'.

David J. Sachar
Executive Director

RECEIVED

IN THE JUDICIAL DISCIPLINE AND DISABILITY COMMISSION

16 MAY 5 PM 3:48

JDDC

JUDICIAL COMPLAINT
AND
DISABILITY COMMISSION

V.

JDDC #14-310 et al

JUDGE O. JOSEPH BOECKMANN, JR.

RESPONDENT

COMMISSION WITNESS LIST

Comes now, Emily White, Deputy Executive Director of the Arkansas Judicial Discipline and Disability Commission, and for the proposed Witness List, states and alleges as follows: It is the intention of the Commission to present the following witnesses at trial of this matter, currently scheduled to begin October 3, 2016 and continue through October 7, 2016:

1. O. Joseph Boeckmann, Jr., Cross County, AR
2. Cheryl K. Wallin, Cross County, AR
3. Kimberly Warmath, Greene County, AR
4. Kenneth Pickett, Alabama
5. [REDACTED] Cross County, AR
6. [REDACTED] Craighead County, AR
7. Crystal Avellino, Cross County, AR
8. [REDACTED] Cross County, AR
9. [REDACTED] Cross County, AR
10. [REDACTED] Cross County, AR
11. [REDACTED] Pulaski County, AR
12. [REDACTED] Pulaski County, AR
13. [REDACTED] Cross County, AR
14. [REDACTED] Shelby County, TN
15. [REDACTED] Sebastian County, AR
16. [REDACTED] Crittenden County, AR
17. [REDACTED] Cross County, AR
18. [REDACTED] Cross County, AR
19. [REDACTED] Cross County, AR

20. Colon Hutchison, Cross County, AR
21. [REDACTED] Cross County, AR
22. [REDACTED] Cross County, AR
23. Sidney "Sid" Pendley, Cross County, AR
24. [REDACTED] Cross County, AR
25. Michael Brown, Cross County, AR
26. [REDACTED] Cross County, AR
27. Robert Chad Jordon, Cross County, AR
28. Jonathan "John" Reed, Cross County, AR
29. Clint Hunt, Cross County, AR
30. Logan Brawner, Cross County, AR
31. [REDACTED] Cross County, AR
32. Kim Baskins, Cross County, AR
33. Joshua Orman, Cross County, AR
34. Jamie Walls, Crittenden County, AR
35. Nick Owens, Cross County, AR
36. Ramona McAvoy, Cross County, AR
37. Stacey Parrish, Cross County, AR
38. Jeff Sanders, Cross County, AR
39. Joseph Pickett, ASP, Pulaski County, AR
40. Andre Mack, ASP, Greene County, AR
41. Honorable Steve Routon, St. Francis County, AR
42. Honorable Richard Proctor, Cross County, AR
43. Honorable Kathleen Bell, Phillips County, AR
44. Carter Dooley, Cross County Arkansas
45. Mayor Bob Stacy, Cross County, AR
46. Jason Murphy, Cross County, AR
47. David West, Cross County, AR
48. Rodney Meyers, Cross County, AR
49. Richard Dennis, Crittenden County, AR
50. Alan Clanton, Cross County, AR

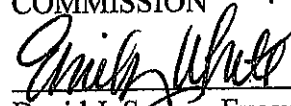
51. Brian Hill, Cross County, AR
52. Billy Fowler, Cross County, AR
53. David Biondolillo, Cross County, AR
54. Vincent Guest, Cross County, AR
55. Michael Ladd, Cross County, AR

Any and all 404(b) witnesses will be introduced in a separate pleading. The Commission specifically reserves the right to amend this pleading in conformity with the discovery cut-off date which is July 1, 2016, should other witnesses come forth during the completion of the discovery process.

Respectfully submitted,

ARKANSAS JUDICIAL DISCIPLINE & DISABILITY
COMMISSION

BY:

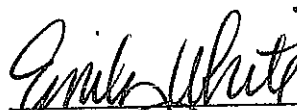


David J. Sachar, Executive Director
Emily White, Deputy Executive Director
323 Center Street, Suite 1060
Little Rock, AR 72201
(501)682-1050
david.sachar@arkansas.gov
emily.white@arkansas.gov

CERTIFICATE OF SERVICE

I, the undersigned counsel, do hereby state that a true and correct copy of the foregoing was mailed to the following attorneys of record on this the 5th day of May, 2016:

Jeff Rosenzweig
Attorney at Law
300 Spring Street, Suite 300
Little Rock, AR 72201



Emily White

RECEIVED
IN THE JUDICIAL DISCIPLINE AND DISABILITY COMMISSION

16 MAY -5 PM 3:48

JDDC

JUDICIAL DISCIPLINE
AND
DISABILITY COMMISSION

COMPLAINANT

V.

JDDC #14-310 et al

JUDGE O. JOESEPH BOECKMANN, JR.

RESPONDENT

NOTICE OF INTENT TO USE SECTION 404(B) EVIDENCE

Comes the Judicial Discipline & Disability Commission, by and through its attorneys, Executive Director, David J. Sachar and Deputy Executive Director, Emily White, and hereby states:

1. The JDDC will offer as evidence of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident, and any and all other relevant purposes allowed by law, evidence of misconduct of the Respondent, including but not limited to other instances of sexual misconduct involving Judge O. Joseph Boeckmann, Jr. (hereinafter referred to as "*Boeckmann*") as either a private attorney or a deputy prosecuting attorney in Arkansas.

2. The JDDC anticipates its 404(b) evidence regarding Boeckmann to be as follows:

- A. Witness No. 8 (J.J.) saw a news story on Boeckmann facing JDDC charges. He contacted JDDC and stated that he couldn't believe that "the truth had finally come out." He lived in Wynne when he was younger (30 years ago or more). He was in trouble with the law and the Deputy Prosecuting Attorney was Boeckmann. When he was made to do community service he was monitored by Boeckmann personally. While he picked up paper on the side of the road he noticed that Boeckmann would get out a camera and take pictures when he bent over. Years later Boeckmann represented him in a divorce case. He owed money to him and had criminal cases pending as well. Boeckmann summoned J.J. to his office. Boeckmann then demanded that he pull his pants down and bend

over. He was hit with a paddle and photographed. Boeckmann yelled "You'd better have a hard on next time" while he paddled him. On top of being afraid of retribution, J.J. has some family relationships that complicated his decision not to report Boeckmann at that time.

- B. Witness No. 9 (J.O.) had an encounter when he was approximately 16 years old with Boeckmann. Boeckmann was a Deputy Prosecuting Attorney at the time. J.O. was a friend of the judge's family as well. J.O. got a traffic ticket and didn't want to tell his parents. He was told by a friend to talk to DPA Boeckmann. J.O. did and Boeckmann invited him to his office at 7pm at night. After talking for a while, Boeckmann pulled out a pollaroid camera and snapped a picture of him. J.O. thought it strange and awkward. He later heard that many of his friends had a similar experience with DPA Boeckmann.
- C. Witness No. 10 (J.M.) heard about the JDDC Investigation involving Boeckmann via Facebook. He posted a response to an article about the case and stated that Boeckmann had done this to him in the past and someone told him he needed to come forward and do something about this. J.M. had contact with Boeckmann back in 1985. There was a winter storm in Wynne in the winter of 1985. J.M. took his brother to work on a three wheeler. A police officer cop saw him operating the three wheeler and wrote him a ticket for reckless driving. Boeckmann was a deputy prosecuting attorney at the time. When J.M. showed up for court DPA Boeckmann told the judge that "he would handle it". J.M. never actually went in to the courtroom. Before they entered court Boeckmann spoke with J.M. and his family and he agreed to "just have him meet me at my office." J.M. was told to go to Boeckmann's office on that Saturday. When J.M. arrived at the office, a couple of other kids were there. They were instructed to get into Boeckmann's vehicle. They were driven four or five miles west out of town to a side street. Boeckmann made all of them get out of the vehicle and take their shirts off. He then told them that he

needed to take pictures to prove they were doing community service. They were told them to all bend over and Boeckmann then walked around taking photos. Pictures were taken from the rear as all of them were bent over. Boeckmann circled around J.M. and the other kids repeatedly snapping photos. J.M. and the other kids never picked up any trash, they just had their photos taken. The camera was a large black camera with a big zoom lens. J.M. and the others were out there for not even five minutes. Everyone got back in the vehicle and returned to the office. J.M. walked home. J.M. was sixteen or seventeen years old when this incident occurred. Years later J.M. had gone through a divorce. His ex-wife was not allowed to have overnight guests of the opposite gender when his ex-wife had the minor child. J.M. found out that she had an overnight guest and he drove to his ex's house and walked out with his child. His ex-wife called the police and claimed J.M. had committed a crime. A court date was set regarding this incident. J.M.'s ex-wife changed her story and DPA Boeckmann informed the judge that they could "handle this outside of the courtroom." Boeckmann told J.M. to meet at his office that night. J.M. was taken into the back and told him to take a seat. J.M. got into the vehicle and they drove to the Cross County courthouse. When they went inside the courtroom Boeckmann ordered him to strip. J.M. stood there for a minute and Boeckmann repeated to him "strip". J.M. went down to his underwear and Boeckmann said "underwear, too." J.M. removed his underwear and was completely frightened. He was told to put his hands behind his back and then was handcuffed. J.M. heard a few snaps of the camera and then was told to bend over. The pictures were taken from the rear. Boeckmann then said "as best as you can, spread your butt cheeks with your hands." Boeckmann then snapped a bunch of pictures and J.M. could feel him very close, taking pictures. J.M. finally stood up and said "I've had enough of this" and Boeckmann responded "Okay, we're done."

Boeckmann drove him back to the office, gave him a \$50.00 bill and said "you're free to go. Case is dismissed."

- D. Witness No. 11 (R.M.) first met Boeckmann when he was 16 years old. Boeckmann was DPA then. R.M. was ticketed for a tinted window on a vehicle he was operating. When he called the court to ask about the cost of the ticket he was advised about a community service program and was told to contact the prosecutor. The DPA at the time in Cross County was Boeckmann. Boeckmann told him to meet at the office and they would go pick up litter. R.M. went to the office and then rode with Boeckmann to Highway 284. He got out of the vehicle and Boeckmann told him they were not going to be there long. R.M. was told to remove his shirt so it would "look like R.M. had been out there all day". Boeckmann then asked if he was wearing boxers. R.M. was wearing boxers at the time and Boeckmann told him to take off his pants and act like he was working in shorts. R.M. did not feel comfortable with that and said no. Boeckmann said ok and they got back in Boeckmann's vehicle and drove back to town. The entire incident on the highway was 10-15 minutes. The entire time R.M. was picking up trash, Boeckmann was taking pictures of him, from the front, side and rear.

3. The incidents described above are substantially similar in fact patterns and will be offered to prove modus operandi of the Respondent. The above referenced acts and the facts of the Commission Statement of Allegations and Amended Statement of Allegations, share the same or strikingly similar methodology.

4. The JDDC may discover further instances of misconduct by the Respondent, which may be admissible under section 404 (b), as it pursues its investigation of the Respondent's background, and will promptly advise defense counsel of such as they are

discovered. JDDC reserves the right to file an Amended Notice of Intent to Offer 404(b) Evidence.

Respectfully submitted,

ARKANSAS JUDICIAL DISCIPLINE &
DISABILITY COMMISSION

BY:

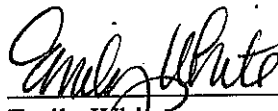


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CERTIFICATE OF SERVICE

I, the undersigned counsel, do hereby state that a true and correct copy of the foregoing was mailed to the following attorneys of record on this the 5th day of May, 2016:

Jeff Rosenzweig
Attorney at Law
300 Spring Street, Suite 300
Little Rock, AR 72201



Emily White