

NORTH CAROLINA

OFFICE OF ADMINISTRATIVE HEARINGS

CUMBERLAND COUNTY

14 DOJ 8347

DONALD EARL SCHWAB

Petitioner

v

**NORTH CAROLINA SHERIFF'S
EDUCATION AND TRAINING STANDARDS
COMMISSION**

Respondent

PROPOSED DECISION

This matter coming on to be heard and being heard February 11 and 12, 2015, in Cumberland County pursuant to the Respondent's request under N.C. Gen. Stat. §150B-40(e) for designation of an Administrative Law Judge to preside over hearing of this contested case, and it appearing to the undersigned that the Petitioner is represented by attorney Ms. Malea D. Drew, and the Respondent is represented by Assistant Attorney General Matthew L. Boyatt.

The issues to be addressed are as follows:

Is Respondent's proposed revocation of Petitioner's certification based upon Petitioner's failure to meet or maintain the minimum employment standards that every justice officer shall be of good moral character supported by a preponderance of the evidence?

Is Respondent's proposed revocation of Petitioner's certification based upon Petitioner's commission of the Class B misdemeanor offense of willfully failing to discharge duties supported by a preponderance of the evidence?

Based upon the evidence presented and the arguments of counsel, the undersigned makes the following findings of fact by a preponderance of the evidence:

1. Petitioner was employed with the Hoke County Sheriff's Department in June, 2004, and obtained his General Deputy Sheriff Certification from the Respondent on June 29, 2004.

2. Petitioner has 16 years of law enforcement experience. He is an Army combat veteran. At the time of this hearing, he was completing the final semester for his Bachelor's Degree in Criminal Justice with a Minor in Business Administration with a 3.9 GPA. The Petitioner holds

all North Carolina Justice Academy advanced certifications available, is a General Instructor, a firearms instructor, and is certified to teach in many other advanced law enforcement subject areas.

3. This contested case arose from Petitioner's failure to disclose a sexual relationship between Ms. Alicia Hatzianoglou and him, and his subsequent termination from the Hoke County Sheriff's Department where he was a Lieutenant in the Detective Division. Petitioner was terminated on March 13, 2014 for general conduct violations, untruthfulness, and interference with due process.

4. In October, 2010, Petitioner was the lead detective assigned to investigate the murder of Nicholas Bekiaris. Bekiaris was shot and killed during a home invasion in Hoke County.

5. Petitioner testified that Alicia Hatzianoglou was the sister of the decedent, Bekiaris.

6. Petitioner worked to identify suspects during the investigation, which led to the arrest of 3 co-defendants, Richard Perez, Oseas Santiago and Justin Vasquez.

7. Perez, Santiago, and Vasquez were charged with First Degree Murder for their involvement in the death of Bekiaris.

8. In December 2011, the First Degree Murder case against Perez was still pending in Hoke County Superior Court and the Petitioner was a potential witness in that case.

9. Petitioner interviewed the decedent's sister, Alicia, at Eva Hatzianoglou's residence, concerning allegations that Alicia was taking photographs of Perez during a hearing in court. Petitioner reported that no such photographs existed on Alicia's phone.

10. After this interaction and while the murder case was still pending in Hoke County Superior Court, Petitioner began a personal relationship with Alicia.

11. Petitioner and Alicia Hatzianoglou spoke by telephone on multiple occasions, discussing personal issues and matters related to the Bekiaris murder. Petitioner could not recall if he documented these conversations in the Bekiaris investigative file.

12. Petitioner subsequently met with Alicia to talk and get to know each other. Petitioner denied any sexual contact occurred during this encounter.

13. On another occasion, later in December, 2011, Petitioner and Alicia met at Walmart and Petitioner then took Alicia for a ride in his automobile.

14. During this encounter, Petitioner and Alicia hugged and kissed each other, and Alicia performed fellatio on the Petitioner.

15. Petitioner did not note this sexual encounter or the personal relationship between he and Alicia in the Bekiaris investigative file.

16. Following this sexual encounter, Petitioner returned Alicia to Eva Hatzianoglou's residence.

17. Prosecutors had previously announced that they would be seeking the death penalty in the Perez case, and District Attorney Kristy Newton and Assistant District Attorney John Thompson were handling preparations for the case in December, 2013 and January, 2014.

18. Defense attorneys had filed a motion for sanctions against the state for discovery violations in the Perez murder case.

19. The alleged discovery violations concerned Petitioner's failure to preserve and turn over text messages he received from decedent's brother, Versalious Hatzianoglou, Jr.

20. Mr. Hatzianoglou is the brother of Ms. Alicia Hatzianoglou.

21. As a result of the above-referenced discovery violation involving text messages, Mr. Hatzianoglou mailed his cellular phone directly to the District Attorney's Office so that the messages could be recovered. The District Attorney's Office received the cellular phone on December 16, 2013.

22. Mr. Hatzianoglou began leaving voicemail messages for Newton and Thompson. On January 23, 2014, the two prosecutors spoke with Mr. Hatzianoglou by phone.

23. During this communication, Mr. Hatzianoglou alleged that a detective "Stein" was having a sexual relationship with the decedent's sister.

24. Newton did not give the allegation any weight at that time because she was not aware of any law enforcement officer named "Stein" in her district.

25. On January 24, 2014, Mr. Hatzianoglou emailed Thompson and advised that a Hoke County detective named "Schwab" was dating his sister Alicia.

26. Thompson communicated with Petitioner about the statements made by Mr. Hatzianoglou by phone, text messages, and in person.

27. Thompson advised Petitioner that Mr. Hatzianoglou was making various allegations regarding the Bekiaris murder investigation, including the allegation that Petitioner was engaged in a relationship with Alicia Hatzianoglou.

28. Thompson, Newton and Petitioner met in January, 2014 in Thompson's office about an email from Mr. Hatzianoglou containing various allegations, including allegations about the sexual relationship with Alicia. Petitioner laughed about the allegation initially. District Attorney Newton asked the Petitioner if he had anything to tell them. Petitioner told Newton and Thompson that the claim was ridiculous.

29. Petitioner went on to tell Newton and Thompson that he would not engage in a sexual act with Alicia and that he had higher standards.

30. Shortly thereafter, District Attorney Newton spoke with Petitioner in person outside of Thompson's office regarding his relationship with Alicia Hatzianoglou.

31. Petitioner engaged both Newton and Thompson in conversations about the discovery violations on multiple occasions during this time period.

32. Newton acknowledged that many of the allegations were ridiculous.

33. Petitioner told Newton that he had not had a sexual relationship with Alicia Hatzianoglou.

34. Petitioner then asked if Newton had ever met Alicia. Newton responded that she had not, and Petitioner told Newton that Alicia was a "pill head."

35. Newton held the Petitioner in high regard and believed him when he denied having sexual involvement with Alicia Hatzianoglou.

36. In late January or early February, 2014, Newton and Petitioner had another conversation regarding allegations of sexual contact with Alicia Hatzianoglou. Thompson and Investigator John Joseph were also present.

37. The Petitioner again denied having a sexual relationship with Alicia Hatzianoglou, and joked about the situation, gyrating his hips and stating, "who can resist all this."

38. Petitioner's denial of a sexual relationship to the District Attorney was untruthful, and the Petitioner knew it was untruthful at the time it was made.

39. Newton, Thompson, and the Petitioner met again on March 5, 2014, to prepare for the hearing on the Motion for Sanctions. Newton told Petitioner that she believed the defense was using the Motion for Sanctions as leverage to obtain a better plea agreement.

40. Newton hoped to resolve the motion so that the case could move forward without further delay.

41. Newton advised Petitioner that she felt everything would be fine during the hearing since the state had cured the discovery violation by providing the requested text messages to the defense.

42. Newton advised the Petitioner that he could be questioned regarding the allegations of sexual contact with Alicia Hatzianoglou, and that the defense team could call Mr. Hatzianoglou to testify.

43. Petitioner maintained that he did not have a sexual relationship with Alicia, and he told Newton that if the defense asked these questions regarding sexual impropriety, his testimony under oath would be that he did not have a sexual relationship with Alicia.

44. Petitioner appeared to be very nervous to Newton and Thompson while preparing for the hearing, and repeatedly asked questions about possible outcomes of the hearing, and what could happen to him. Newton told the Petitioner that he had nothing to worry about based upon the information he had provided.

45. Thompson advised Newton that Petitioner was in contact with him on numerous occasions while the discovery motion was pending, and that that their conversations would always turn to the Perez case and the motion. Thompson advised that Petitioner seemed nervous about the hearing.

46. The Motion for Sanctions was scheduled for March 12, 2014.

47. Prior to the hearing, Perez's defense attorneys had an ex parte communication with the judge.

48. During this ex parte communication, the defense submitted three (3) ex parte affidavits. Prosecutors were not provided copies of these affidavits, and as of hearing of this matter, still have not seen the contents of these affidavits.

49. Defense attorneys were seeking to delay hearing on the motion due to the contents of the affidavits.

50. Newton argued against postponing the hearing based in part on reassurances by Petitioner that there was nothing unusual going on. The State was ready to move forward and was of the belief that the defense in the Perez case was attempting to postpone the matter in part to obtain a better plea deal.

51. Hearing on the motion was continued from March 14, 2014 to May, 2014.

52. Prosecutors did not understand why the motion in a First Degree Murder case was continued.

53. Following the hearing, Petitioner and Newton met in her office to discuss what had taken place.

54. Petitioner would not leave Newton's office and persisted in discussing the hearing and what could happen to him as a result of the known discovery violation.

55. Petitioner stated that he was recently married and that it was not fair that the defense could bring up these allegations.

56. Petitioner told Newton that he was worried and upset and that maybe they should just offer a plea to Perez case so that they would not have to deal with the Motion for Sanctions.

57. Newton became concerned that Petitioner was not being truthful.

58. Newton asked Petitioner if there was something he needed to tell her, and the Petitioner stated there was nothing he needed to tell her.

59. Petitioner's statement to District Attorney Newton was untruthful, and the Petitioner knew it was untruthful at the time it was made.

60. While the Petitioner was still in Newton's office, defense attorneys in the Perez case, Tony Buzzard and Tim Morris, appeared unannounced wanting to discuss what had taken place in court.

61. Newton believed the defense attorneys did not want Petitioner to remain in the office, but she informed them that if there was something they wanted to say, they could say it with the Petitioner present.

62. At this time, Newton also told defense attorneys that the Petitioner told her everything he knew about the discovery violations.

63. Defense attorneys maintained that the State needed to give them a plea in the Perez case, and that Newton did not want to have a hearing on the discovery motion.

64. Newton advised the defense that she was comfortable going through the hearing because she trusted Petitioner and he had assured her he had done nothing wrong, and the defense attorneys left her office.

65. Newton and Petitioner discussed the interaction that occurred with the defense attorneys in the Perez case, and Petitioner continued to maintain the he was shocked to be a target of the defense attorneys.

66. Petitioner reassured Newton again that there was nothing she needed to know regarding the Perez case and the allegations surrounding Petitioner's alleged sexual impropriety.

67. Petitioner's statement to Newton was untruthful, and the Petitioner knew it was untruthful at the time it was made.

68. Newton then received communication from one of the defense attorneys that they knew about the sexual relationship between Petitioner and Alicia Hatzianoglou, and that she did not want to go through with the hearing on the discovery violations.

69. Newton was advised that defense attorneys had 3 witnesses who would testify the Petitioner had a sexual relationship with Alicia Hatzianoglou, and that information was provided to the judge in the three affidavits.

70. Defense attorneys did not disclose who the three affiants were, but suggested Newton speak with Eva Hatzianoglou.

71. After this communication, Newton warned Petitioner that the defense had three (3) witnesses who were going to testify regarding Petitioner's sexual relationship with Alicia Hatzianoglou, and that she believed one of the witnesses was Eva Hatzianoglou.

72. Newton told the Petitioner that he better be honest with her. Petitioner then stated that he did not do anything.

73. Petitioner's statement to the District Attorney was untruthful, and the Petitioner knew it was untruthful at the time it was made.

74. Newton told Petitioner she did not believe him.

75. Newton advised Petitioner that she was going to contact Eva Hatzianoglou to find out what happened.

76. It was only at this point that the Petitioner conceded that something occurred between Petitioner and Alicia Hatzianoglou. However, Petitioner refused to say what occurred.

77. Because the Petitioner refused to acknowledge his behavior, Newton was forced to ask Petitioner specific and detailed questions about his interaction with Alicia.

78. Newton asked the Petitioner if he hugged her, if he kissed her, and if he had intercourse with her. Petitioner advised only that the two hugged and kissed.

79. Newton also asked if there was any touching in a sexual manner between the two. Petitioner denied any such touching.

80. Petitioner's statement to the District Attorney was untruthful, and the Petitioner knew it was untruthful at the time it was made.

81. When Newton asked why the Petitioner had been untruthful with her and her staff, the Petitioner responded that he did not want to lose his job, and that if he disclosed the information, it would diminish his standing with the District Attorney's Office.

82. At the conclusion of their meeting on March 12, 2014, Petitioner asked Newton if he should resign from the Sheriff's Office. Newton advised Petitioner that she did not know what he should do, and that Petitioner should just leave her office because she needed time to consider what had just transpired and to consult with her staff before proceeding forward with the Perez murder case.

83. Petitioner subsequently made contact with ADA Thompson and apologized for what had taken place.

84. On March 13, 2014, Newton interviewed Eva Hatzianoglou, and confirmed that Petitioner had been untruthful regarding his relationship with Alicia Hatzianoglou.

85. Later that day, Newton called Petitioner and told him she was aware that more than just kissing and hugging occurred between Petitioner and Alicia Hatzianoglou, and that she knew the Petitioner was untruthful with her and her staff. Newton further advised that she was required to inform the Sheriff about the Petitioner's actions.

86. During the late afternoon on March 13, 2014, Petitioner told Captain John Kivett of the Hoke County Sheriff's Department that he had been having a sexual relationship with the decedent's sister in the Perez capital murder case. Petitioner told Captain Kivett that he had made out with Alicia Hatzianoglou, and that she performed oral sex on him.

87. Petitioner further disclosed to Captain Kivett that the District Attorney had asked Petitioner on numerous occasions whether a sexual relationship existed between Petitioner and the Alicia, and Petitioner stated that he had not been honest with the District Attorney over an extended period of time.

88. Petitioner attempted to explain to Captain Kivett that he had not had a sexual "relationship" with Alicia Hatzianoglou because the two had only fooled around. Captain Kivett reminded Petitioner that having oral sex with someone is considered sexual contact and should have been disclosed to the District Attorney.

89. The Petitioner admitted to Captain Kivett that he lied to the District Attorney and her staff about the sexual relationship with Alicia until March 12, 2014. At that point, Petitioner admitted to only providing minimal details about the affair to Newton.

90. Following his conversation with Captain Kivett, Petitioner and Captain Kivett went to the office of Chief Deputy Gary Hammond. Petitioner entered the office and told Chief Deputy Hammond, "Chief, I fucked up. I fucked up real bad." Petitioner then advised Chief Hammond that he started "dating" Alicia Hatzianoglou approximately 8 months after the homicide, and that he had lied to the District Attorney about the sexual relationship.

91. Chief Deputy Hammond advised Petitioner that lying to a District Attorney was very serious and that his career as a law enforcement officer was probably over. Petitioner asked whether he should resign. Chief Deputy Hammond advised the Petitioner that even if he did resign, this matter would be turned over to Sheriffs' Education and Training Standards Commission.

92. Chief Deputy Hammond also advised Petitioner that his conduct would need to be investigated by internal affairs.

93. Petitioner met with Major Freddy Johnson, Sr. on March 13, 2014. Petitioner admitted to Major Johnson that he was involved in a sexual relationship with Alicia Hatzianoglou. Petitioner further advised Major Johnson that he repeatedly lied to the District Attorney and her

staff when he was questioned over an extended period of time about sexual contact between him and Alicia Hatzianoglou.

94. Following a review of the information disclosed by Petitioner, he was immediately terminated from his employment with the Hoke County Sheriff's Department.

95. Petitioner's assertions that he did not engage in a dating or sexual relationship with Alicia Hatzianoglou is without merit.

96. Petitioner knew as early as January 24, 2014, that there was an allegation in a First Degree Murder case that Petitioner had engaged in sexual contact with the murder victim's sister. Petitioner knew that the First Degree Murder case was still pending. Petitioner knew or should have known that he had a duty to disclose the specifics of such a relationship, especially when asked directly by prosecutors.

97. While some of these conversations regarding the relationship between Petitioner and Alicia Hatzianoglou may have been informal, that does not change or alter the Petitioner's duty to disclose discoverable and/or exculpatory information, especially in response to direct inquiry.

98. A lead detective's sexual contact and personal relationship with a victim's sister in a criminal case is exculpatory evidence that must be disclosed to prosecutors.

99. Petitioner was intentionally untruthful, deceptive, and misleading to Newton and Thompson several times between January 24, 2014 and March 12, 2014 in order to conceal the sexual contact and a personal relationship he had with Alicia Hatzianoglou.

100. Petitioner was intentionally untruthful, deceptive, and misleading to Newton and her staff because, as the Petitioner stated to Newton, had he disclosed this information, his employment at the Sheriff's Department would be terminated.

101. Petitioner's repeated denials of a sexual relationship to the District Attorney and the District Attorney's staff were untruthful, and the Petitioner knew the denials were untruthful at the time they were made.

102. The Petitioner believes Newton had Petitioner fired from the Hoke County Sheriff's Department so her husband could take Petitioner's position in that agency.

103. Petitioner's claim that Newton caused him to be fired or conspired to have him fired is without merit, and demonstrates Petitioner's continued refusal to be honest and forthright about his behavior.

104. Petitioner was terminated because he engaged in a sexual relationship with a victim's sister during the pendency of a criminal prosecution, and he was repeatedly and intentionally untruthful, deceptive, and misleading to the District Attorney and the District Attorney's staff on a matter that was related to an ongoing criminal prosecution.

105. Petitioner's continued attempts to minimize and explain away his conduct and his continued refusal to accept responsibility is further indicative of Petitioner's lack of credibility and lack of good moral character. Petitioner continues to shift the blame away from his own misconduct.

106. Petitioner has exhibited a pattern of untruthfulness which directly impacted a criminal prosecution and the pursuit of justice for the victim's family and the State of North Carolina. In addition to being directly responsible for delay in hearing the motion regarding discovery violations, the Petitioner's behavior caused the State of North Carolina to cease pursuit of the First Degree Murder charge and offer a plea to Second Degree Murder in the Perez case.

107. Petitioner's misconduct has directly and negatively affected numerous criminal prosecutions in Hoke County. Prosecutors have been forced to offer and/or accept plea deals in cases the Petitioner investigated because of his conduct and lack of credibility.

108. Substantial evidence exists that Petitioner lacks the good moral character that is required of a sworn justice officer in this State. The evidence presented in this case demonstrates that the Petitioner lacks honesty and integrity.

109. Petitioner was intentionally and repeatedly untruthful, deceptive, and misleading with the District Attorney and members of the District Attorney's Office in order to conceal his sexual relationship with the decedent's sister in the Perez case.

110. Petitioner's behavior caused the District Attorney to prepare for a Motion for Sanctions hearing, and to make certain representations to the Court based on the untruthful information provided by Petitioner regarding his relationship with the decedent's sister.

111. Petitioner's actions during the pendency of the Perez case demonstrate Petitioner's disregard for the pursuit of justice and the rights of the accused. Petitioner intentionally concealed his sexual relationship with the decedent's sister despite Petitioner's knowledge and understanding that he had a duty to disclose this information to the District Attorney due to its potential impact on the Perez case.

112. For the reasons set out above, Petitioner's actions and conduct during the pendency of the Perez murder case, including his sexual interactions with the decedent's sister, failure to document and disclose this relationship, and his repeated false statements to the District Attorney and her staff, demonstrate that Petitioner does not possess the good moral character that is required of all sworn law enforcement officers in this State.

113. Furthermore, for the reasons set out above, Petitioner willfully failed to discharge his duties in violation of North Carolina General Statute § 14-230, insofar as Petitioner failed to document and disclose information, and intentionally lied to and misled the District Attorney regarding a matter related to the Perez criminal case. This misconduct forced the District Attorney to accept a reduced plea in the Perez case and has also compromised numerous other criminal prosecutions involving Petitioner.

Based upon the foregoing findings of fact, the undersigned concludes as a matter of law:

1. The Office of Administrative Hearings has jurisdiction over the parties and the subject matter herein.

2. Both parties received proper notice of hearing, and the Petitioner received by certified mail the Notification of Probable Cause to Revoke Justice Officer Certification letter, mailed by Respondent on September 16, 2014.

3. The North Carolina Sheriffs' Education and Training Standards Commission has the authority granted under Chapter 17E of the North Carolina General Statutes and Title 12 of the North Carolina Administrative Code, Chapter 10B, to certify justice officers and to deny, revoke, or suspend such certification.

4. 12 NCAC 10B .0301(a)(8) provides that all justice officers employed or certified in the State of North Carolina shall be of good moral character.

5. 12 NCAC 10B .0204(d)(1) provides the Sheriffs' Commission may revoke the certification of a justice officer when the Commission finds that the certified officer has committed or been convicted of:

(1) a crime or unlawful act defined in 12 NCAC 10B .0103(10)(b) as a Class B misdemeanor which occurred after the date of initial certification.

6. Willful failure to discharge duties in violation of N.C. Gen. Stat. § 14-230 is classified as Class B Misdemeanor pursuant to 12 NCAC 10B .0103 (10)(b) and the Class B Misdemeanor Manual adopted by Respondent.

7. N.C. Gen. Stat. § 14-230 provides that it is unlawful for a public official to willfully fail to discharge the duties of his office.

8. The record establishes that Petitioner willfully failed to discharge his duties within the meaning of N.C. Gen. Stat. § 14-230 because the Petitioner failed to document and disclose exculpatory information, and intentionally lied to the District Attorney on numerous occasions regarding a matter related to the Perez criminal case. Petitioner concealed his relationship with the decedent's sister knowing this information could have a potential impact on the Perez case. Petitioner was fully aware that his relationship with the decedent's sister was an issue that would be addressed in the Motion for Sanctions. Despite this knowledge, Petitioner continued to be untruthful to the District Attorney and her staff. Petitioner's actions caused Newton to accept a reduced plea in the Perez case. Furthermore, Petitioner's actions have also compromised numerous other criminal prosecutions involving Petitioner and have thwarted justice.

9. 12 NCAC 10B .0204(b)(2) further provides the Sheriffs' Education and Training Standards Commission shall revoke, deny, or suspend a justice officer's certification when the

Commission finds that the justice officer no longer possesses the good moral character that is required of all sworn justice officers.

8. Good moral character has been defined as honesty, integrity, and respect for the rights of others and for the laws of the state and nation. In Re Willis, 288 N.C. 1, 10 (1975).

9. Given the totality of the evidence presented at the administrative hearing, the undersigned concludes Petitioner no longer possesses the good moral character that is required of all sworn justice officers in this State for the reasons set out herein. This includes, but is not limited to Petitioner meeting the sister of a victim in a capital murder case and engaging in sexual relations with her during the pendency of the criminal case, failing to document and disclose the relationship, and intentionally and repeatedly being untruthful, dishonest, deceptive, and misleading to the elected District Attorney, an Assistant District Attorney, and other staff of the District Attorney's Office in order to conceal Petitioner's behavior and to avoid being fired by the Sheriff.

10. Pursuant to 12 NCAC 10B .0205, the period of revocation or denial shall be for an indefinite period based on Petitioner's lack of good moral character.

11. Based on the evidence presented and the testimony of the witnesses at the administrative hearing, the Respondent's proposed revocation or denial of Petitioner's certification due to Petitioner's lack of good moral character and failure to maintain the minimum standards required of all sworn justice officers under 12 NCAC 10B .0301, is supported by a preponderance of the evidence.

PROPOSAL FOR DECISION

Based upon the foregoing findings of fact and conclusions of law, the undersigned recommends the Respondent revoke Petitioner's certification for an indefinite period due to Petitioner's failure to maintain the good moral character that is required of sworn justice officers under 12 NCAC 10B .0301, in addition to Petitioner's commission of the Class B Misdemeanor offense of willful failure to discharge duties.

NOTICE

The Agency making the Final Decision in this contested case is required to give each party an opportunity to file exceptions to this Proposal for Decision, to submit proposed findings of fact and to present oral and written arguments to the Agency. N.C. Gen. Stat. § 150B-40(e).

A copy of the final agency decision or order shall be served upon each party personally or by certified mail addressed to the party at the latest address given by the party to the agency and a copy shall be furnished to his attorney of record. G.S. 150B-42(a). It is requested that the agency furnish a copy to the Office of Administrative Hearings.

The Agency that will make the Final Decision in this contested case is the North Carolina Sheriffs' Education and Training Standards Commission.

This the 28th day of May, 2015.

Philip E. Berger, Jr.
Administrative Law Judge