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'SPANK' OR 'SMACK' REMARK DRAWS FIRE

**By Julie Poppen, Rocky Mountain News
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A group opposing domestic violence is taking on an Adams County District Court judge for comments he made one week ago in open court.

Judge Thomas Ensor was talking to a prosecutor about the prosecutor's wife being involved in a high-risk citizen's arrest of a drunken driver.

The judge asked prosecutor J.P. Moore whether his wife did in fact block a suspected drunken driver's vehicle with her own. Moore said he hadn't heard anything about it.

Then, according to the court transcript, Judge Ensor said, "If she did, you ought to spank her. That was silly. But I love her."

Others in the courtroom, though, said they heard the judge say *smack*, not *spank*.

"The comments, although made in the spirit of a friendly teasing between the judge and the prosecutor, nevertheless were inappropriate for a court of law," said Randy Saucedo, advocacy director of the Colorado Coalition Against Domestic Violence.

The topic came up Sept. 15 during the jury trial of four Westminster police officers accused of using excessive force or failing to report it. All four were acquitted. One of the officers was fired while the case was pending.

A male juror, who happened on the scene of the citizen's arrest after a day in court and also took part, brought it to the judge's attention the next day because he felt it could taint his ability to objectively evaluate evidence.

Saucedo said the judge, who declined to discuss the matter with the *Rocky Mountain News*, did call him to talk about it.

Saucedo said the judge "acknowledged that (the comments) were inappropriate and not suited for the courtroom."

Defense attorney David Osborne, who was in the courtroom, said he did not recall hearing the judge use the word *spank*.

"That has a different connotation," Osborne said. Still, he defended Judge Ensor's comment.

"His quote was taken out of context," Osborne said. "What he was trying to get out was that this is a dangerous situation."

On Friday, Moore said he wasn't sure if the judge said *spank* or *smack*.

In excusing the juror, Judge Ensor told him he didn't do anything wrong by participating in the citizen's arrest, according to the transcript.

"I'm not sure that I would have done it, but I mean it took true courage, and I appreciate that."

Saucedo said his organization is going to ask for a meeting with the judge and push for a joint statement condemning domestic violence and affirming the inappropriateness of the comments.

If that doesn't happen, Saucedo said his organization is considering filing a formal complaint with the Judicial Discipline Commission.

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