

IN THE SUPREME COURT FOR THE STATE OF ALASKA

In the matter of the proceeding pursuant to
A.S.22.30.011(a) in relation to:

ROMANO DIBENEDETTO,

JUDGE of the Superior Court,
SECOND Judicial District at Nome, Alaska

ACJC File No. 2025-001

Supreme Court No. _____

RECOMMENDATION TO ACCEPT AGREED FINDINGS OF FACT AND
UNCONTESTED PUBLIC REPRIMAND

Procedures before the Commission

This matter was initially brought to the attention of the Alaska Commission on Judicial Conduct ("Commission") as a referral by the Presiding Judge of the Second Judicial District on February 24, 2025. The matter was first reviewed as a complaint at the Commission's March 7, 2025 regular meeting. Commissioner Satterberg subsequently recused from the matter. Staff began an investigation that resulted in a Notice of Formal Investigation to the judge, pursuant to Commission Rule of Procedure Rule 8A, on April 9, 2025 and a supplemental Notice on May 22, 2025. Judge DiBenedetto provided a written response to each notice. The Commission held three special meetings to review the investigation

on April 4, 2025, April 29, 2025, and May 28, 2025. Judge DiBenedetto and his counsel appeared at the April 29th special meeting. At the May 28th meeting the Commission determined that it would hold a Probable Cause Determination Meeting at its next regular meeting. A Notice of Probable Cause Determination Meeting issued on June 6, 2025. At the time set for the Probable Cause Determination Meeting on June 27, 2025, the Commission's Executive Director requested that the Commission move directly to a Public Formal Hearing to allow her to present the attached Agreed Findings of Fact and Uncontested Recommendation for Discipline. That request was granted by unanimous vote of the Commission. At the conclusion of deliberations, the Commission unanimously voted to accept the Agreed Findings of Fact and Uncontested Recommendation for Discipline and recommend a public reprimand by the Alaska Supreme Court under Rule 406 of the Rules of Appellate Procedure.

SUBMITTED by the COMMISSION ON JUDICIAL CONDUCT, through its Executive Director, this 3rd day of July 2025.



Marla N. Greenstein (Bar No. 9708048)
Executive Director
Commission on Judicial Conduct

STATE OF ALASKA
COMMISSION ON JUDICIAL CONDUCT

In the matter of the proceeding)
pursuant to AS 22.30.011(a) in)
relation to,)

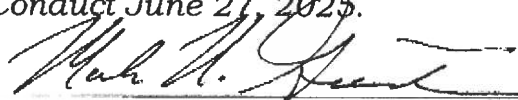
ROMANO DIBENEDETTO,)

ACJC File No. **2025-001**

Judge of the Superior Court,)
SECOND Judicial District at)
Nome, Alaska)

**AGREED FINDINGS OF FACT AND UNCONTESTED
RECOMMENDATION FOR DISCIPLINE**

The Alaska Commission on Judicial Conduct and Judge Romano DiBenedetto agree to the attached Findings of Fact. Judge DiBenedetto does not contest the Commission recommendation to the Alaska Supreme Court that Judge DiBenedetto receive a Public Reprimand for the conduct and has waived his rights to a Probable Cause Determination and a Formal Disciplinary Hearing before the Commission. *Approved by vote of the Alaska Commission on Judicial Conduct June 27, 2025.*

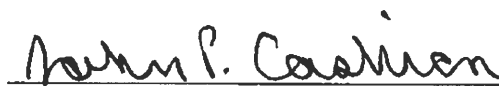


for the Commission

Marla N. Greenstein (Bar No. 9708048)

Executive Director

Commission on Judicial Conduct



for Judge Romano DiBenedetto

John P. Cashion (Bar No. 9806025)

Cashion, Gilmore & Lindemuth

Alaska Commission on Judicial Conduct
510 L Street, Suite 585
Anchorage, Alaska 99501
(907) 272-1033
FAX (907) 272-9309

Agreed Findings of Fact and Uncontested Recommendation for Discipline
ACJC File No. 2025-001

FINDINGS OF FACT

The Alaska Commission on Judicial Conduct and Judge Romano DiBenedetto agree to the following findings of fact with regard to the above-referenced matter:

1. Judge DiBenedetto was appointed to the Nome Superior Court on February 9, 2017 by Governor Bill Walker.
2. Judge DiBenedetto stood for retention in 2020, and he received a favorable vote from the citizens of the State of Alaska during that election.
3. On January 8, 2024, Judge DiBenedetto participated in a motion hearing occurring in Unalakleet in *State v. Nance*, 2UT-23-00081 CR, et al. The motion hearing occurred after normal work hours, and Judge DiBenedetto's participation in the hearing was delayed close to one hour due to the fact that he was watching a televised sporting event.

When subsequently interacting with the involved attorneys and while off record, Judge DiBenedetto explained his delay to the lawyers as due to "getting lost." This conduct violates Canons 2A and 3A by creating the appearance that the court matter did not take precedence over a personal activity.

4. Complaints against Judge DiBenedetto have also been made for other conduct occurring outside of the courtroom. While in the presence of court staff, Judge DiBenedetto on more than one occasion discussed testimony occurring in his courtroom. In the course of doing so, he has occasionally attempted to reenact the testimony or comments of participants in judicial proceedings, including persons who are part of ethnic groups other than his own.

Judge DiBenedetto was unaware that persons hearing these reenactments would interpret them as demonstrating a lack of discretion and as undermining confidence in the integrity and impartiality of the judiciary. This conduct violates Canon 2A and the Alaska Court System's Policy and Procedures for a Healthy Workplace.

5. Judge DiBenedetto acknowledges that in the instances cited above, he acted in a manner that did not promote confidence in the judiciary and apologizes for those instances.

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ACJC File No. 2025-001

Supreme Court No. _____

Designation of Record

Attached are the materials relied on by the Commission on
Judicial Conduct in making its recommendation. The materials
include: Notice of Probable Cause Meeting with its attached witness
list and log notes for the referenced pre-trial hearing in Unalakleet.

SUBMITTED by the COMMISSION ON JUDICIAL CONDUCT, through
its Executive Director, this 3rd day of July 2025.



Marla N. Greenstein (Bar No. 9708048)
Executive Director
Commission on Judicial Conduct

RETURN

I served the above on Judge's Counsel John P. Cashion on the 3rd
Day of July 2025, by e-mail.

<u></u>	<u>Administrative Assistant</u>	<u>Aleta Bartimmo</u>
Signature	Title	Name

STATE OF ALASKA
COMMISSION ON JUDICIAL CONDUCT

In the matter of the proceeding
pursuant to AS 22.30.011(a) in
relation to,

ROMANO DIBENEDETTO,

Judge of the Superior Court,
SECOND Judicial District at
Nome, Alaska

ACJC File No. **2025-001**

**NOTICE OF PROBABLE
CAUSE DETERMINATION
MEETING**

**To: Hon. Romano DiBenedetto
c/o John Cashion
Cashion, Gilmore, and Lindemuth
510 L Street, Suite 601
Anchorage, Alaska 99501**

Pursuant to Rule 8(b) and 11(b)(4) of the Commission Rules of Procedure, this notice informs you that a Probable Cause Determination meeting will be held on **Friday, June 27, 2025 at 1:00 p.m.** at the **Alaska Commission on Judicial Conduct, 510 L Street, Suite 585, Anchorage, Alaska**. This meeting will be for the Commission to make findings as to whether there is probable cause to believe you have engaged in misconduct warranting action more serious than informal and private admonishment and counseling. Possible outcomes at that meeting include dismissal, informal and private admonishment, recommendation for counseling, or the issuance of formal charges.

As required by Commission Rule 12(b), attached to this notice is the previous notice of investigation sent to you dated April 9, 2025 and the supplemental notice dated May 22, 2025. Both notices set out the factual allegations and the legal issues that were the subject of the staff investigation. At this time, the Commission has determined a probable cause determination is necessary with respect to the conduct described in paragraph 1 of the first notice and the conduct described in paragraph 2 concerning the delay in the start of the Unalakleet pre-trial motion hearing on January 8, 2024. The Commission will consider whether there is

probable cause to issue formal charges under AS 22.30.011(a)(3)(C), (D), and (E) for violations of Canons 1, 2A, and 3B(5).

**REDACTED reference to conduct that
does not rise to the need for
Commission action.**

A list of witnesses who have provided evidence being considered by the Commission for purposes of probable cause is also attached. Your written responses to the Notice of Investigation are part of the record. Any additional written information or motion under Rule 12(b) must be submitted by **4:00 p.m. Wednesday, June 25, 2025. Please provide both an electronic copy of any additional materials and a hard copy.**

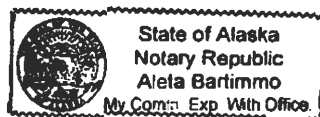
DATED this 6th day of **June, 2025**, at Anchorage, Alaska.

ALASKA COMMISSION ON JUDICIAL CONDUCT



MARLA N. GREENSTEIN
Executive Director

SUBSCRIBED AND SWORN TO before me this 6th day of **June, 2025**,
at Anchorage, Alaska.




Notary Public in and for Alaska
My commission expires: 12/31/2026

Alaska Commission on Judicial Conduct
510 L Street, Suite 585
Anchorage, Alaska 99501
(907) 272-1033
FAX (907) 272-9309

WITNESS LIST #2025-001

Allegations of statements on several occasions that violate the Alaska Court System's Healthy Workplace policy and create an appearance of bias by imitating voices of ethnic minorities in chambers:

Marla Grant, Clerk of Court Nome

Leslie Brand, Judicial Assistant to Judge DiBenedetto

Robert Colvin, Area Court Administrator for the Second Judicial District Nome

Allegation that the judge was approximately one hour late to a hearing he set in Unalakleet so that he could continue watching a sports event on television and explained his delay to the lawyers as due to "getting lost":

Melissa Samuels, Rural Court Administrator for the Second Judicial District Anchorage

Ashly Crockett, District Attorney Nome

Adam Carman, Assistant Public Defender Anchorage

Maresa Jenson, Assistant Public Defender Anchorage

Superior Court Unalakleet

Room: Room 1
Caption: MSamuels

Case No.: See Below
Judge: DiBenedetto

Type: Motion

Started: 1/8/2024 7:22:43 PM
Ends: 1/8/2024 8:08:36 PM Length: 00:46:53

7:23:08 PM Case Called: 2UT-22-00077CR, Nance, Clarence- Motion Hearing
7:23:13 PM Case Called: 2UT-21-00074CR, Nance, Clarence- Motion Hearing
7:23:13 PM Case Called: 2UT-21-00099CR, Nance, Clarence- Motion Hearing
7:23:14 PM Case Called: 2UT-23-00081CR, Nance, Clarence- Motion Hearing
7:23:16 PM Defendant - In person with TPC
7:23:17 PM ADA Crockett- In person
7:23:23 PM PD Carman -In person with Co-Counsel Marissa Jenson, we have the t two motions
7:23:41 PM Court -I didn't see any motions filed
7:23:52 PM PD Carman - We filed them on Friday
7:24:10 PM ADA Crockett - I would like to address one issue
7:24:22 PM -we have the victim in court with us, she has an active criminal case and a warrant
7:25:01 PM her name is Melinda Gray, she is here in court today, we want to address this case,
we have Mr. Earthman on the line
7:25:02 PM 2UT-23-00114CR Case, 2UT-23-00159CR is the case with the warrant and doesn't
have
7:25:06 PM ADA Crockett - Mr. Earthman is on the line because this is his case
7:25:31 PM 2ut23159CR has the active warrant, MJ Ivanoff has recused and she is not
represented
7:26:16 PM Recall and quashed warrant
7:26:39 PM PD Carman- are we going to arraign her?
7:27:15 PM DA Earthman - She hasn't been arraigned yet, I would say OR no bail
7:27:24 PM -it was a new case and she needs to be arraigned and bail set and next court date
7:28:39 PM PD Carman - I have extra copies of the motions filed
7:28:40 PM
7:28:41 PM

Date: 01/08/24 Courtroom: UNK Judge: DiBenedetto Clerk: MS Page 1 of 4

These notes are not the official record. The official record of the hearing is the electronic recording. Admin. Rule 35(a)

Superior Court Unalakleet

Room: Room 1
Caption: MSamuels

Case No.: See Below
Judge: DiBenedetto

Type: Motion

Started: 1/8/2024 7:22:43 PM
Ends: 1/8/2024 8:08:36 PM Length: 00:46:53

7:36:59 PM
7:37:04 PM Case Called: 2UT-22-00077CR, Nance, Clarence- Motion Hearing
7:37:06 PM Case Called: 2UT-21-00074CR, Nance, Clarence- Motion Hearing
7:37:06 PM Case Called: 2UT-21-00099CR, Nance, Clarence- Motion Hearing
7:37:07 PM Case Called: 2UT-23-00081CR, Nance, Clarence- Motion Hearing
7:37:09 PM ADA Crockett - I filed to join the two cases
7:37:38 PM ADA Crockett - that would be the second trial, both VCORS 2UT-23-81CR & 2Ut-21-99CR, a 3 count VCOR trial
7:38:32 PM PD Carman - No Opposition
7:38:41 PM Court - Granted
7:38:46 PM ADA Crockett - I did file misdo's for these cases
7:39:06 PM -Explains the amendments
7:39:35 PM -Gives amended complaints to the judge and defense
7:41:17 PM ADA Crockett - For cause jurors
7:41:26 PM PD Carman - No objection
7:42:04 PM ADA Crockett - He needs to be arr
7:42:16 PM PD Carman - NG waive further reading
7:42:27 PM ADA Crockett - I think that is everything I needed to do for today
7:43:23 PM Court - Explains, I won't say victim
7:44:01 PM ADA Crockett - I do think that the motion makes sense and don't object
7:44:21 PM Court - Motion to bi-furcated, trial will be bi-furcated
7:45:01 PM ADA Crockett - Explains charges
7:45:20 PM - Reads counts
7:48:39 PM Court - Explains to the juror instructions
7:49:02 PM Co Counsel- it was missing counts, I can get them done tonight no problem
7:49:32 PM Court - Explains
7:49:36 PM PD Carman - I don't have much experience, we filed notice of self defense
7:50:11 PM Court - Granted the bifurcated, I will refer to her as Ms. Gray but not victim,
7:50:22 PM PD Carman - I would ask the court to reconsider, she is an al-victim
7:50:48 PM Court - Explains
7:51:38 PM ADA Crockett - Explains using the term victim
7:52:39 PM PD Carman - preserve our objection for the record
7:53:05 PM Court -This is it, we have to have the witness in the court, it would be outside in the cold
7:53:35 PM -explains

Date: 01/08/24 Courtroom: UNK Judge: DiBenedetto Clerk: MS Page 3 of 4

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Superior Court Unalakleet

Room: Room 1
Caption: MSamuels

Case No.: See Below
Judge: DiBenedetto

Type: Motion

Started: 1/8/2024 7:22:43 PM
Ends: 1/8/2024 8:08:36 PM Length: 00:45:53

7:54:20 PM ADA Crockett - Do you instruct them on the law?
7:54:41 PM Court - Explains
7:54:46 PM Co Counsel- this is not Mr. Carman's fault, explains experience for the state
7:55:27 PM Court - Comments on practice
7:57:09 PM Court - TPC, this is one of the approved
7:57:35 PM PD Carman - Both sides agree that he can be dropped off
7:58:20 PM Co Counsel- we would like to be with our client
7:58:41 PM Court - Explains
7:59:13 PM ADA Crockett - How long do we plan on going? I'm trying to organize the witnesses
7:59:37 PM Court - Explain plan for trial
8:00:31 PM PD Carman - we would like to extend our time on Voir de
8:00:50 PM Court - Explains the process
8:01:58 PM PD Carman - That's helpful
8:02:42 PM Court - explains the strike on a juror in the box
8:04:06 PM Co-counsel- No back strikes
8:05:32 PM Court - explains jury instruction
8:06:13 PM Court - We can go over them tonight
8:06:33 PM Co-counsel- I will take the header off
8:07:17 PM Co-counsel- I didn't see any issues, I just want to confirm where we are stopping
8:07:42 PM -up to 18
8:07:49 PM page 18
8:07:52 PM Court - Page 19 will be where we start revising
8:08:29 PM Nothing else

Date: 01/08/24

Courtroom: UNK

Judge: DiBenedetto

Clerk: MS

Page 4 of 4

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