

original

BEFORE THE
JUDICIAL INVESTIGATION COMMISSION
OF WEST VIRGINIA

IN THE MATTER OF: LARRY TIGHE, MAGISTRATE CANDIDATE
 COMPLAINT NO. 225-96

This matter is before the Judicial Investigation Commission upon a complaint filed on November 19, 1996, setting forth allegations against Larry Tighe, Magistrate Candidate for Ohio County Magistrate.

The complaint alleged that a campaign advertisement by Mr. Tighe stated that he would require mandatory incarceration for the commission of violate crimes, mandatory incarceration for drug dealers, and mandatory incarceration and treatment for hard drug addicts.

Upon initiation of the complaint an investigation was conducted pursuant to the Rules of the Judicial Disciplinary Procedure. The investigation revealed that as a part of his campaign, Mr. Tighe ran an advertisement which stated that he would require mandatory incarceration for the commission of crimes, mandatory incarceration for drug dealers, mandatory incarceration and treatment for hard drug addicts.

The complaint and the investigation of this matter were reviewed by the Judicial Investigation Commission at its meeting on January 31, 1997, and it was determined that probable cause does exist that Larry Tighe, Magistrate Candidate for Ohio County Magistrate, violated Canon

225-96

5A(3)(d)(i)(ii) of the Code of Judicial Conduct. This section of Canon 5 states in relevant part:

Canon 5. A judge or judicial candidate shall refrain from inappropriate political activity.

A. All judges and candidates. -

(3) A candidate for a judicial officer

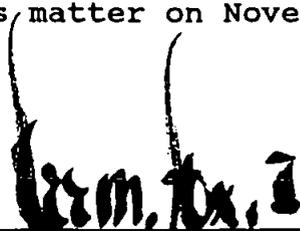
(d) shall not:

(i) make pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office;

(ii) make statements that commit or appear to commit the candidate with respect to cases, controversies or issues that are likely to come before the court; . . .

It was further determined that formal discipline was not appropriate under the circumstances. The Judicial Investigation Commission determined that pursuant to Rule 2.7(c) a written admonishment would be given to Mr. Tighe.

It is, therefore, the decision of the Judicial Investigation Commission that Larry Tighe, Candidate for Ohio County Magistrate, be and he hereby is admonished for his conduct as is more fully set forth in the matters asserted herein in the complaint filed in this matter on November 19, 1996.


FRED L. FOX, II, CHAIRMAN

DATE: February 10, 1997

RULES OF JUDICIAL DISCIPLINARY PROCEDURE

Rule 2.7(c)

When it has been determined that probable cause does exist, but that formal discipline is not appropriate under the circumstances, the Commission shall issue a written admonishment to the respondent, who has fourteen days after its receipt to object. The written admonishment shall be available to the public. If the Office of Disciplinary Counsel or the respondent files a timely objection to the written admonishment, the Commission shall file a formal charge with the Clerk of the Supreme Court of Appeals. Admonishment shall not be administered if (1) the misconduct involves the misappropriation of funds; (2) the misconduct resulted or will likely result in substantial prejudice to a litigant or other person; (3) the respondent has been disciplined in the last three years; (4) the misconduct is of the same nature as misconduct for which the respondent has been disciplined in the last five years; (5) the misconduct involves dishonesty, deceit, fraud, or misrepresentation by the respondent; (6) the misconduct constitutes a crime that adversely reflects on the respondent's honesty, trustworthiness, or fitness as a judge; or (7) the misconduct is part of a pattern of similar misconduct.