

BEFORE THE JUDICIAL INVESTIGATION COMMISSION OF WEST VIRGINIA

**IN THE MATTER OF:
MAGISTRATE KRISTI GREER-DYROFF
MAGISTRATE FOR BERKELEY COUNTY**

COMPLAINT NO. 243-04

This matter is before the Judicial Investigation Commission upon a complaint filed on November 29, 2004, setting forth certain allegations against Magistrate Kristi Greer-Dyroff, Magistrate for Berkeley County. In the complaint it was alleged, among other things, that Magistrate Greer-Dyroff had sent three black roses to the law office of Laura R. Rose with a note that said, "Thank you for the free advertising."

Upon receipt of the complaint an investigation was conducted pursuant to the Rules of Judicial Disciplinary Procedure. The investigation revealed that the complainant had handled a case involving an individual which was originally before Magistrate Greer-Dyroff, who is married to a state policeman, and ultimately ended up in the complainant's client being acquitted. The complainant alleged that certain rulings and procedures conducted in Magistrate Greer-Dyroff's office reflected a bias against the complainant. Subsequent to the acquittal, the complainant brought a lawsuit against the West Virginia State Police, which resulted in the case being settled and a public printed apology being made. The written apology appeared in the local newspaper and commented on the handling of the case in the magistrate court by

Magistrate Greer-Dyroff. During the Magistrate's reelection campaign the complainant made negative comments about her. Magistrate Greer-Dyroff won reelection and subsequently sent three black roses to the law office of the complainant with a note stating who the roses were from and thanking the complainant for the free advertising. The complainant felt that the black roses could have been a death threat or a warning to "back off" other misconduct cases which involve other members of the West Virginia State Police who serve with Magistrate Greer-Dyroff's husband.

The complaint and the investigation were reviewed by the Judicial Investigation Commission at its meeting on April 8, 2005 and it was determined that probable cause does exist that Magistrate Kristi Greer-Dyroff, Magistrate for Berkeley County, violated Canon 1 and Canon 2A of the Code of Judicial Conduct. These sections of the Code of Judicial Conduct state in relevant part:

Canon 1. A judge shall uphold the integrity and independence of the judiciary.

A. An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing high standards of conduct, and shall personally observe those standards so that the integrity and independence of the judiciary will be preserved. The provisions of this Code are to be construed and applied to further that objective.

Canon 2. A judge shall avoid impropriety and the appearance of impropriety in all of the judge's activities.

A. A judge shall respect and comply with the law, shall avoid impropriety and the appearance of impropriety in all of the judge's activities, and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

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)

of the Rules of Judicial Disciplinary Procedure, a written admonishment would be given to Magistrate Greer-Dyroff.

It is therefore the decision of the Judicial Investigation Commission that Magistrate Kristi Greer-Dyroff be and she hereby is admonished for this conduct as fully set forth in the matters as asserted herein the complaint filed in this matter on November 29, 2004.

Fred L. Fox, II, Chairperson
Judicial Investigation Commission

Date