

BEFORE THE JUDICIAL INVESTIGATION COMMISSION OF WEST VIRGINIA

IN THE MATTER OF:
MAGISTRATE DWIGHT WILLIAMSON
MAGISTRATE FOR LOGAN COUNTY

COMPLAINT NO. 31-2006

This matter is before the Judicial Investigation Commission upon a complaint filed on February 22, 2006, setting forth certain allegations against Magistrate Dwight Williamson, Magistrate for Logan County. The complaint alleged that Magistrate Williamson had engaged in ex parte communications with a relative of a criminal defendant; with an assistant public defender; made modifications to court orders without having legal jurisdiction to do so; and acted to modified a court order regarding bond in a criminal proceeding without any notice to the state.

Upon receipt of the complaint an investigation was conducted pursuant to the Rules of Judicial Disciplinary Procedure. The investigation revealed that on January 21, 2006, a criminal defendant was arrested and charged in the magistrate court with a felony for transferring stolen property and a misdemeanor for driving on a revoked driver's license. Magistrate Williamson arraigned the defendant and set a cash only bond in the amount of \$50,000. He also placed a hold on the defendant for a bond violation for a felony charge of delivery of crack cocaine and felony charge of conspiracy to deliver crack cocaine which were pending at the time of her arrest.

On January 31, 2006, a preliminary hearing was scheduled for the defendant regarding the felony charge of transferring stolen property. At that time, the defendant waived her right to have a hearing after consulting with her defense counsel. Upon

agreement with the state a motion was jointly filed to reduce the bond amount from \$50,000 (cash only) to \$10,000 with property to be placed as a surety, and upon the condition of home confinement. Magistrate Williamson granted the motion.

On February 1, 2006, the case with all records of the proceedings, was transferred to the jurisdiction of the Circuit Court of Logan County by Magistrate Williamson. At that time he no longer had jurisdiction to hear any matters involving the charge. On February 6, 2006, Magistrate Williamson had a meeting in his office with a personal friend and the sister of the defendant. He asked his assistant to look for the file and was reminded that the case was waived to the circuit court. Magistrate Williamson then informed his friend and the sister of the defendant that there was a problem because the magistrate court no longer had jurisdiction.

He then said that they would contact the defendant's attorney to come to his office to see what needed to be done. He asked his assistant to contact the public defender's office and asked the attorney to come to the courthouse but was told that the attorney was not working that day. While on the telephone, another public defender came to his office and heard part of the conversation. He volunteered to "go up stairs and see what I can find out." Subsequently, Magistrate Williamson allowed the sister of the defendant to sign the bond not requiring any property or surety and allowed the defendant to be released.

The complaint and the investigation were reviewed by the Judicial Investigation Commission at its meeting on December 8, 2006, and it was determined that there was probable cause to believe that Magistrate Dwight Williamson, Magistrate for Logan

County violated Canon 1, Canon 2A and Canon 3A, 3B(2)(7) 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.

Canon 3. A judge shall perform the duties of judicial office impartially and diligently.

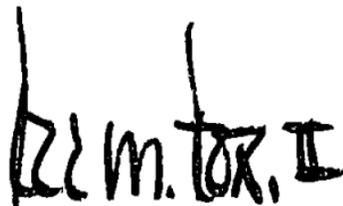
A. Judicial duties in general. The judicial duties of a judge take precedence over all the judge's other activities. The judge's judicial duties include all the duties of the judge's office prescribed by law. In the performance of these duties, the following standards apply.

B. Adjudicative responsibilities. (2) A judge shall be faithful to the law and maintain professional competence in it. A judge shall not be swayed by partisan interests, public clamor, or fear of criticism.

(7) A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law. A judge shall not initiate, permit, or consider ex parte communications, or consider other communications made to the judge outside the presence of the parties concerning a pending or impending proceeding. . . .

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 Dwight Williamson. It is therefore the decision of the Judicial Investigation Commission that Magistrate Dwight Williamson be and he hereby is admonished for his conduct as more fully set forth in the matters as asserted herein the complaint filed in this matter on February 22, 2006.

A handwritten signature in black ink, appearing to read "Fred L. Fox, II". The signature is written in a cursive style with some capital letters. Below the signature is a horizontal line.

Fred L. Fox, II, Chairperson
Judicial Investigation Commission

December 21, 2006

Date