

BEFORE THE JUDICIAL INVESTIGATION COMMISSION OF WEST VIRGINIA

**IN THE MATTER OF:
MAGISTRATE LEONARD CODISPOTI
MAGISTRATE FOR LOGAN COUNTY**

COMPLAINT NO. 51-2009

This matter came before the Judicial Investigation Commission upon a complaint filed on March 24, 2009, setting forth certain allegations against Magistrate Leonard Codispoti, Magistrate for Logan County. The complaint alleged that the Magistrate had a 5-year old child placed and locked in a holding cell used in the magistrate court.

Upon receipt of the complaint a review was conducted pursuant to the Rules of Judicial Disciplinary Procedure. The investigation revealed that the child was brought to the magistrate's court room on February 23, 2009. Prior to the child's arrival the magistrate was contacted by a person known to the magistrate who stated that he was the father of the child. The man indicated that the child had killed two cats and he wanted someone in the court system to lecture the child on the wrongfulness of his conduct. The man asked the magistrate to be stern with the child in order to stress that his conduct could result in severe consequences.

With the consent of the child's father the magistrate asked the bailiff to place the child in the room next to the receptionist's office. The room was referred to as the "adult holding cell." While the room was used to house defendants for hearings in years past it had been several years

since any adults have been held in the room. At no time was the child in the view or of presences of any adult inmates or defendants. The child was confined in the room for some period of time exceeding five minutes.

The complaint was reviewed by the Judicial Investigation Commission at its meeting on September 24, 2010, and it was determined that there is probable cause to believe that Magistrate Leonard Codispoti, violated Canons 1 and 2A of the Code of Judicial Conduct. These Canons state in relevant part:

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

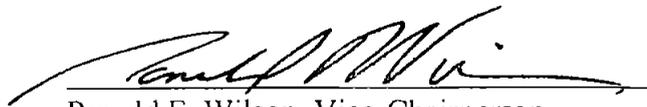
A. An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing high standards of conduct, and shall personally observe those standards so that the integrity and independence of the judiciary will be preserved. 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 Leonard Codispoti

It is therefore the decision of the Judicial Investigation Commission that Magistrate Leonard Codispoti be and he hereby is admonished for this conduct as fully set forth in the matters as asserted herein the complaints filed in this matter on March 24, 2009.



Ronald E. Wilson, Vice-Chairperson
Judicial Investigation Commission

10-1-10
Date