



JUDICIAL INVESTIGATION COMMISSION

Post Office Box 1629
Charleston, West Virginia 25326-1629
(304) 558-0169 • FAX (304) 558-0831

November 16, 2001

Re: JIC Advisory Opinion 2001-21

Dear

Your recent correspondence to the Judicial Investigation Commission was reviewed by the Commission at its last meeting. In that letter you stated that your brother has attended city council meetings for many years and has been a vocal critic of some of the city's policies. You stated that in May 2000, he was arrested by a City Police Officer, physically removed from the public meeting and charged with disorderly conduct. He now has a pending law suit against the city for false arrest and violating his rights.

You stated that in October of this year a defendant was brought before your court by a Police Office and asked to be bonded out. You stated that he was actually released on bond in front of another magistrate after he served required jail time. When you excused yourself from the office for a few minutes, your assistant heard the officer say that he would not come to your court again. On a later day the same defendant saw you on the street in and told you about the evening of his arrest after you had left your office. He said he was jerked down the hall and yelled at by the officer for asking for a bond. He said the officer told him that he would be out on bond because Magistrate brother has a law suit against the city and that the officer would not be treated fairly in your court.

Later that same day, the defendant was brought into your office under arrest by another officer. While in your court, the officer stated to you that you had better tell your brother to fix the taillight on his truck and get it inspected. You stated that your brother wanted you to speak to his attorney about these incidents.

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After reviewing your correspondence, it is the Commission's opinion that you could discuss these matters with an attorney. Obviously, in any case directly involved in the instances you would be recused from hearing the matter. If you have any further question concerning these matters do not hesitate to contact the Commission.

Very truly yours,

A handwritten signature in black ink, appearing to read "Donald H. Cookman", followed by a horizontal line.

Donald H. Cookman, Chairperson
Judicial Investigation Commission

DHC:nb