

**BEFORE THE JUDICIAL INVESTIGATION COMMISSION OF WEST VIRGINIA**

**IN THE MATTER OF:**

**MAGISTRATE RUSSELL GOODWIN  
MAGISTRATE FOR ROANE COUNTY**

**COMPLAINT NO. 178-03  
COMPLAINT NO. 179-03  
COMPLAINT NO. 180-03  
COMPLAINT NO. 181-03  
COMPLAINT NO. 183-03  
COMPLAINT NO. 185-03  
COMPLAINT NO. 103-04**

These matters are before the Judicial Investigation Commission upon complaints filed on October 22, 2003, and June 1, 2004, setting forth certain allegations against Magistrate Russell Goodwin, Magistrate for Roane County. In Complaints 178-03, 179-03, 180-03, 181-03, and 185-03 it was alleged that Magistrate Goodwin had dismissed charges at an initial appearance or arraignment without the presence of the prosecuting attorney and/or officer. In Complaint 183-03, it was alleged that Magistrate Goodwin had intervened on behalf of an individual and asked an officer not to attend a Department of Motor Vehicles hearing on license revocation. In Complaint 103-04, it was alleged that Magistrate Goodwin had failed to go to his office after being contacted by an officer when the Magistrate was on call.

Upon receipt of the complaints an investigation was conducted pursuant to the Rules of Judicial Disciplinary Procedure. In Complaints 178-03, 179-03, 180-03, 181-03, and 185-03 the investigation revealed that Magistrate Goodwin had dismissed citations and/or warrants without a hearing or appearance by the issuing officer or prosecuting attorney.

In Complaint 183-03 the investigation revealed that Magistrate Goodwin approached an arresting officer on behalf of an individual who had been charged with DUI and asked the officer

not to attend the Department of Motor Vehicles hearing relative to license revocation if the individual pled to the DUI charge.

In Complaint No. 103-04 the investigation revealed that Magistrate Goodwin who was on call refused to go to his office after being contacted by the Dispatcher.

The complaints and the investigation were reviewed by the Judicial Investigation Commission at its meeting on February 4, 2005, and it was determined all of the complaints were filed on the same date except Complaint 103-04. It was further determined that all of the complaints should be consolidated for purposes of this proceeding. It was determined that probable cause does exist in Complaints 178-03, 179-03, 180-03, 181-03, 183-03, 185-03 and 103-04 and that Magistrate Goodwin, Magistrate for Roane County, violated the Code of Judicial Conduct.

In Complaints 178-03, 179-03, 180-03, 181-03, 185-03, the Judicial Investigation Commission determined that probable cause did exist that Magistrate Goodwin violated Canon 3A and 3B(2)(7) of the Code of Judicial Conduct. These sections of Canon 3 state in relevant part:

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. . . .

In Complaint 183-03, the Judicial Investigation Commission determined that probable cause existed that Magistrate Goodwin, Magistrate for Roane County, violated Canon 1 and Canon 2B 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. The 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.

B. A judge shall not allow family, social, political, or other relationships to influence the judge's judicial conduct or judgment. A judge shall not lend the prestige of judicial office to advance the private interests of the judge or others; nor shall a judge convey or knowingly permit others to convey the impression that they are in a special position to influence the judge . . .

In Complaint 103-04 the Judicial Investigation Commission determined that probable cause existed that Magistrate Goodwin, Magistrate for Roane County, violated Administrative Rules for Magistrate Courts, Rule 1, Canon 2A and 3A and 3B(2) of the Code of Judicial Conduct. These sections of Rule 1 and the Code of Judicial Conduct state in relevant part:

Rule 1. Hours of magistrate court.

(b) On call. - One magistrate in each county, on a rotating basis, shall be in criminal cases, to initial appearances; to taking bond for

someone who is in jail; and to receiving and acting upon emergency search warrants, domestic violence matters, and juvenile abuse and neglect matters.

(1) Initial appearances and taking bond in criminal cases. - Within the time periods provided for below, the on-call magistrate shall contact the county or regional jail, whichever applies, and the juvenile detention facility that serves the county, and shall inquire whether any person has been arrested in the county since the close of regular business hours or since the last contact with the jail, or whether anyone confined to the jail is able to post bond. If an arrest has been made or if a prisoner is able to post bond, the magistrate shall proceed immediately to the magistrate court offices to conduct an initial appearance and to set bail for such person, or to accept bond for someone already in jail.

It shall be sufficient to comply with this rule if the on-call magistrate contacts the jail and juvenile detention facility:

- (A) Between 10:00 p.m. and 11:00 p.m. Monday through Friday;
- (B) Between 10:00 a.m. and 11:00 a.m. and between 10:00 p.m. and 11:00 p.m. on Saturdays and holidays; and
- (C) Between 12:00 p.m. and 1:00 p.m. and between 10:00 p.m. and 11:00 p.m. on Sundays.

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.

It was further determined that Magistrate Goodwin should receive two hours of instruction in practice and procedure in magistrate courts administered by the Administrative Office of the Courts. At the completion of this instruction, certification of attendance and receipt of the instruction shall be provided to the Judicial Investigation Commission by the Administrative Office of the Courts.

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, that a written admonishment would be given to Magistrate Goodwin.

It is therefore the decision of the Judicial Investigation Commission that Magistrate Russell Goodwin 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.

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Fred L. Fox, II, Chairperson  
Judicial Investigation Commission

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Date