

JUDICIAL CONDUCT BOARD

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ANDREW H. MAASS, ESQ.
CHAIR

December 12, 2017

CLOSURE REPORT OF THE VERMONT JUDICIAL CONDUCT BOARD

Re: Docket No.: 17.037

This Complaint arises from assault charges against Complainant and a finding of guilt by the jury. The complaints are somewhat numerous and all pertaining to the jury trial itself including admission of certain evidence (statements and photos), the granting or denial of motions, and concerns with the jury instructions. The allegations, if founded were potential violations of Canon 1 (alleged false and misleading statements) and Canon 3 (inappropriate comments during a judicial proceeding).

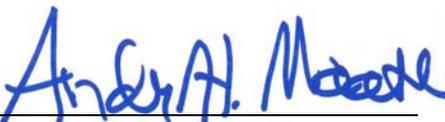
A letter was sent to the Complainant explaining that Rule 6(17) does not allow this Board to function as an appellate court and giving the Complainant 30 days to supplement the Complaint with specific allegations under the Board's jurisdiction. Complainant did submit additional information, but there were no allegations under the Board's jurisdiction.

The Judicial Conduct Board conducted an initial inquiry including review of the transcripts and docket entries. In particular, the statements of concern allegedly made by the Judge were made in the context of denying a motion to acquit at the conclusion of the state's evidence. The transcript indicates that the judge was responding to the motion to acquit by viewing the evidence in the light most favorable to the State. Complainant may not understand the standard and the context in which the Judge must characterize the evidence in this portion of a trial.

To the extent the Complaint alleges ethical impropriety or a violation of the Code of Judicial Conduct, the Board has determined that the Complaint is unfounded and there is no cause for further proceedings. *Rules of the Supreme Court for the Disciplinary Control of Judges*, Rule 11.

Accordingly, the Complaint in Docket No. 17.037 is DISMISSED.

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By: 
Andrew H. Maass, Chair