

JUDICIAL CONDUCT BOARD

TELEPHONE: (802) 786-1063
FACSIMILE: (802) 786-1161



P.O. BOX 310
RUTLAND, VT 05702-0310

ANDREW H. MAASS, ESQ.
CHAIR

February 26, 2019

CLOSURE REPORT OF THE VERMONT JUDICIAL CONDUCT BOARD

Re: Docket No.: 18.034(b)

This Complaint is the result of a number of criminal charges against the Complainant with complaints made against two judges. The allegations against the second judge included: (1) that the judge allowed constitutionally defective evidence to be used against Complainant; and (2) that the judge "allowed a non-violent offender of color to remain in prison for a year.

The Judicial Conduct Board conducted an initial inquiry, including review of the of the docket information, a review of the plea agreements entered into by Complainant, and listening to the audio of the hearings. The allegation that the judge allowed constitutionally defective evidence to be used is properly an issue for appeal, not under the jurisdiction of this Board: **Rule 6(17) of the Rules for Disciplinary Control of Judges states:**

The Board shall not function as an appellate court to review the decisions of a court or judge nor exercise superintending or administrative control over determinations of courts or judges.

The second allegation, if founded would be a violation of Canon 3B(5) (A judge shall perform judicial duties without bias or prejudice). The review of this matter did not support a determination of any violation of the Code of Judicial Canons.

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. 18.034(b) is DISMISSED.

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By: Andrew H. Maass
Andrew H. Maass, Chair