

# JUDICIAL CONDUCT BOARD

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Chair

June 14, 2013

## Closure Report of the Vermont Judicial Conduct Board

Re: Docket No. 13.014


This complaint is filed against the Judge primarily alleging that the Judge held a "weight of the evidence" hearing in 2011 without Defendant being present. Complainant did not raise this issue until the Spring of 2013 when he and his lawyer had a falling out after a jury trial resulted in Complainant's criminal conviction. As the case moved toward sentencing, Complainant's counsel moved to withdraw. A hearing on that motion was held on Mar. 13, 2013. With Complainant's "strong agreement" the Judge granted the attorney's motion to withdraw. New counsel was appointed, whom Complainant has now sought to discharge. The Judge has denied that motion. Sentencing is scheduled to take place in June.

Complainant also complains that the Judge knew of evidence being withheld, although his attorney never raised such an issue at the trial court and there is no factual basis given for that assertion. Complainant alleged a violation of Canon 2A.

The Judicial Conduct Board conducted an initial inquiry including a review of the pleadings and orders filed by the parties in the Court. 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.

The Complaint in Docket No. 13.014 is DISMISSED.

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By: Steven A. Adler