

Judicial Inquiry Commission

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MONTGOMERY, ALABAMA 36104

February 4, 1981

The Judicial Inquiry Commission has considered your request for an opinion concerning whether the criminal division circuit judges of your county should disqualify themselves from sitting in a criminal proceeding where the defendant is charged with the capital murder of the son of a personal acquaintance of the judges, and whether they should disqualify themselves from sitting in other criminal proceedings against that same defendant.

Your letter of request states that the father of the victim has been a law enforcement officer for more than twenty-five years, is a liaison officer who has an office on the same floor of the courthouse as the judges, is in daily contact with the judges, has other association with the judges, and is considered by many of the judges to be a personal friend.

It is the opinion of the Judicial Inquiry Commission that under the specific circumstances set out in your letter, Canon 3C mandates that the criminal division circuit judges you describe should disqualify themselves from sitting in the capital murder proceeding referred to and from sitting in any other criminal proceedings currently pending against that same defendant.

Sincerely,

JUDICIAL INQUIRY COMMISSION