


THINK BEFORE YOU SPEAK

A faint, light purple background image of a balance scale is visible behind the text. The scale is tilted slightly to the right, with the right pan being lower than the left pan. The pans are empty.

INAPPROPRIATE COMMENTS
FROM THE BENCH

Canon 2A

A judge should respect and comply with the law and should conduct himself/herself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary

Canon 3A(2)

A judge should maintain order and decorum in proceedings before the judge.

Canon 3A(3)

A judge should be patient, dignified and courteous to litigants, jurors, witnesses, lawyers and others with whom the judge deals in the judge's official capacity, and should require similar conduct of lawyers, and of the judge's staff, court officials and others subject to the judge's direction and control.

State v. Brinkley

159 N.C. App 446, 583 S.E.2d 335

“[J]urors entertain great respect for [a judge’s] opinion, and are easily influenced by any suggestion coming from him. As a consequence, he must abstain from conduct or language which tends to discredit or prejudice any litigant in his courtroom.”

THE COURT: We've established that to the point that if you want to go there one more time you'll probably see 13 collective people throwing up. We have established that two went to the front door. Now what we want to know is what happened next. Okay.

THE COURT: He said he was just standing watch over his sister's house as *any good male* would. Not in relation to any nefarious dealings.

THE COURT: No. Forget withdrawn, Counselor. You moved to admit it and the Court denied admitting it into evidence. Then you deliberately went and asked a question using the information from that, which is not only improper, unethical, but also in flagrant violation of what the Court ruled. I'm at my wit's end.

State v. Carter
233 N.C. 581, 65 S.E.2d 9

Due process requires that every defendant be tried “before an impartial judge and an unprejudiced jury in an atmosphere of judicial calm.”

State v. Lattimore
340 N.C. 119, 456 S.E 2d 789

“In evaluating whether a judge's comments cross into the realm of impermissible opinion, a totality of the circumstances test is utilized.”

McNeill v. Durham Cty. ABC Bd.

322 N.C. 425, 368 S.E.2d 619

Throughout the trial, the court maintained an atmosphere of levity. The record reveals episodic laughter sufficient in time and manner to warrant notation by the court reporter. The trial judge's comments, perhaps unbeknownst to him, diminished the seriousness of the mission assigned to the jury and gave the appearance of antagonism towards the defense attorney. Reason and deduction lead us to conclude that the cause of defendants was diluted by the frequent commentary of the trial judge.

After denying defense counsel's request for a recross-examination of a character witness for plaintiff, the trial judge exhorted, "I'm not going to do that I don't know why we're getting so torn to pieces by a little liquor and gambling going on." The trial judge later asked an expert medical witness for plaintiff if the witness knew a certain doctor who was an "old drinking buddy of mine." The record reflects that general laughter ensued.

Told a domestic violence victim
she was being selfish not to go
back and that she would ruin
her children's lives.

“You really haven't been hit that
much. You deserved to be hit.
How is a man suppose to
react?”

“Now you know everybody speeds. Everybody drives 55 mph on Rock Quarry Road. And do you know how I know that everybody drives 55 mph on Rock Quarry Road? Because I drive 55 mph on Rock Quarry Road.”

Referred to the domestic violence agency Interact, as “a one-side, man-hating bunch of females, a pack of she-dogs.”

Asked a witness who two women were, then stated, “So this is your old meat and this is your new meat.”

Told defendant that the
prosecuting witness did not
want the defendant's "stuff"
anymore because the
prosecuting witness had some
new "stuff".

Referring to the Court of Appeals

“... they’ve got some weirdos over there.”

“... they don’t know what they’re doing.”

Referred to a party as,
nuts
crazy
unstable
needed to be institutionalized
a liar

Repeated chastisement of
counsel for beginning
statements with the work
“Okay”.

“You know this is where Ab is so brilliant, Ab wouldn’t have done any of this shit – are we still on the record? Do I need to spell shit? That’s a legal term. The Court of Appeals will need to know how to spell that.”

Following a jury verdict, "...I am a great believer in the jury system, and I never try to argue with the jury, but I want both of you to know that good people don't want to believe that there are people in the world like your grandfather."

Following a jury verdict, “I never argue with a jury’s verdict, but I feel in my heart and know in my mind that he kidnapped and raped you.” “Once again the system has let you down, and for that I’m truly sorry.”

**This presentation is
temporarily interrupted
for a public service
announcement
from the
Judicial Standards
Commission**

Think Before You Speak



**Will my comment help?
If not, don't say it.**



**If in doubt, call
Judge Martin or Paul
919-733-2690**



Several references to a female attorney as “Ally McBeal” in reference to the attorney’s slender stature.

Comment after asking counsel a
question the attorney could not
answer,
“Pretty incompetent isn’t it?”

Suggested defense counsel use
his “big boy voice” when
addressing the jury.

“Was is a Bradley Tank? ...
With you, I’m just checking.”

Judge: Ms. George, I do not mean to embarrass you in any way, but I understand you are ill and have called a doctor and you are excused. Okay.

Juror: Is that all I need to do?

Judge: We'd like for you to leave before you barf in the courtroom.

Juror: Thank you.

Judge: I know it's been tough. You hang in there. Thank you for showing up.

Juror: Thank you.

Judge: Thank you for not barfing in the courtroom.

Juror: You're welcome

“I agree that molesting someone or masturbating in her presence or kissing her or thrusting your tongue down her throat – not that I’m saying that you did any of these things – would leave no medical evidence for which we probably all are very grateful when we think back to our own adolescents.”

“Let’ do the vagina monologues. I’m very familiar with vaginas. I’m familiar with labia. It is entirely possible to penetrate the labia, which is the genital organ of a female, in addition because you get scrotum, we get labia, so to speak. I mean, all men get – but anyhow, C.T. pay attention to this.”

Attorney: Again, different judges do things differently.

Judge: If you say that one more time I'm going to take this microphone and put it where the sun never shines. Every time you address the Court you say, 'different judges do things differently'."

Judge gave a woman the “Bronx Cheer” after being called a clown as the woman left the courtroom. The judge then stated, “If anybody else is dissatisfied, get out of here. Does he want a hero’s, do you want a hero’s medal for you son, throwing cake and acting like a kid in the place?”

“I’ve been sitting on the bench the better part of 19 years. And this the lowest, scummiest, stinkingest case I’ve ever listened to in those 19 years.”

“Now, either they – these two sisters are professional prostitutes of the highest order or they were gang raped.”

To Summarize the Judicial Standards Commission's Advice

Don't Be A



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