

JUDICIAL COUNCIL
OF THE DISTRICT OF COLUMBIA CIRCUIT

In the Matter of
A Complaint of Judicial
Misconduct or Disability

Complaint No. DC-23-90027

Before: Srinivasan, Chief Judge

ORDER

Upon consideration of the complaint herein, filed against a judge of the United States District Court for the District of Columbia, it is

ORDERED that the complaint be dismissed for the reasons stated in the attached Memorandum.

The Circuit Executive is directed to send copies of this Order and accompanying Memorandum to the complainant, the subject judge, and the Judicial Conference Committee on Judicial Conduct and Disability. See 28 U.S.C. § 352(b); JUD. CONF. U.S., RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS (2019), RULE 11(g)(2).


Sri Srinivasan, Chief Judge

Date: December 28, 2023

MEMORANDUM

The complainant has filed a complaint of judicial misconduct against a judge of the United States District Court for the District of Columbia. For the following reasons, the misconduct complaint will be dismissed.

The complainant's son died while being pursued by a police vehicle. The Metropolitan Police Department Officer who conducted the police chase was charged with second-degree murder. The officer and his supervisor were also charged with obstruction of justice and conspiracy for their attempts to cover up their actions in the vehicle pursuit. The subject judge presided over the trial, which the complainant attended.

A review of the trial transcripts reveals that, during the jury selection and trial proceedings, there were several instances in which the defendants' counsel questioned the complainant's in-court behavior, including allegations of interacting with a potential juror, crying during videos shown in court, glaring in the direction of the defense table, and giving the middle finger to the defendants. During the trial, the subject judge barred the complainant from the courtroom based on her reaction to photos of her son's injuries, but the judge stated that she could watch the trial from another courtroom via video. The government filed a motion for reconsideration of the order barring the complainant from the courtroom. The defendants' counsel opposed the government's motion for reconsideration, asserting that the complainant's actions in the courtroom jeopardized their clients' due process rights. After hearing arguments from the parties counsel the next day, the subject judge granted the government's motion for reconsideration and allowed the complainant to return to the

courtroom, subject to certain conditions.

The jury ultimately convicted the police officer of second-degree murder and both defendants of obstructing justice. The complainant reacted to the announcement of the verdicts by shouting obscenities in the courtroom. Deputy United States Marshals removed the complainant from the courtroom as she struggled with them. The complainant was held overnight and released the next day, pending an investigation of the incident. Several months later, the complainant was charged with “assaulting, resisting or impeding” officers. The complainant was ultimately acquitted of the charges.

The complainant has now filed a judicial misconduct complaint against the subject judge. The complainant alleges that the subject judge engaged in “racist antics.” The complainant further asserts that “[t]he constant harassment and taunting of my arrest after these unhuman murders of my baby is not appreciated.” The complainant claims that she was “falsely accused of assaulting a police officer at the reading of [the officer’s] conviction and being arrested” while the defendants were allowed to remain free pending sentencing, which, she contends, “shows the prejudice antics of [the subject judge].”

To the extent the complainant is challenging the propriety of the subject judge’s order removing her from his courtroom, that allegation directly challenges the merits of the judge’s order. “Any allegation that calls into question the correctness of an official decision or procedural ruling of a judge – without more – is merits-related.” JUD. CONF. RULES FOR JUDICIAL-CONDUCT AND JUDICIAL-DISABILITY PROCEEDINGS, Rule 4(b)(1) Commentary ¶ 12. Such an allegation does not constitute “[c]ognizable misconduct” under the Judicial-Conduct Proceedings Rules or

the applicable statute. *Id.* Rule 11(c)(1)(B); *see* 28 U.S.C. § 352(b)(1)(A)(ii).

To the extent the complainant alleges that the subject judge was biased, as evidenced by the fact that the complainant was arrested for allegedly assaulting an officer in the subject judge’s courtroom, the complainant has failed to provide any evidence of bias other than her own unsubstantiated beliefs. While the subject judge did order the complainant out of his courtroom, there is no allegation or indication that the judge played any role in her arrest and overnight detention or in the government’s ultimate decision to charge her with assaulting an officer. Thus, the allegation of bias “lacks sufficient evidence to raise an inference that misconduct has occurred.” *See* JUDICIAL-CONDUCT PROCEEDINGS RULE 11(c)(1)(D); 28 U.S.C. § 352(b)(1)(A)(iii).

Accordingly, because the complaint “is directly related to the merits of [the judge’s] decision,” and is “based on allegations lacking sufficient evidence to raise an inference that misconduct has occurred,” the complaint will be dismissed. JUDICIAL-CONDUCT PROCEEDINGS RULE 11(c)(1)(B) & (D); *see* 28 U.S.C. § 352(b)(1)(A)(ii) & (iii).¹

¹ Pursuant to 28 U.S.C. § 352(c) and JUDICIAL-CONDUCT PROCEEDINGS RULE 18(a), the complainant may file a petition for review by the Judicial Council for the District of Columbia Circuit. Any petition must be filed in the Office of the Circuit Executive for the D.C. Circuit within 42 days after the date of the dismissal order. JUDICIAL-CONDUCT PROCEEDINGS RULE 18(b).