

SUPREME COURT OF MISSISSIPPI

Mississippi Commission on Judicial Performance v. Vess

227 So. 3d 952 (Miss. 2017) · Decided April 20, 2017

SUMMARY

The Mississippi Supreme Court reviewed and adopted the Mississippi Commission on Judicial Performance’s recommendation concerning Justice Court Judge Charles L. Vess. The court found that Vess engaged in willful misconduct and conduct prejudicial to the administration of justice by threatening to use a gun on a defendant and making demeaning and disparaging remarks to the defendant and the defendant’s mother. The court ordered a public reprimand, a 30-day suspension without pay, a \$1,100 fine, and \$200 in costs.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Randolph, Presiding Justice; Waller, Chief Justice; Dickinson, Presiding Justice; Kitchens, Justice; Coleman, Justice; Maxwell, Justice; Beam, Justice; King, Justice; Chamberlin, Justice
JURISDICTION	Mississippi
DECIDED	April 20, 2017
DISPOSITION	affirmed
PROCEDURAL POSTURE	The Mississippi Commission on Judicial Performance filed a formal complaint against Justice Court Judge Charles L. Vess. After the parties entered a stipulation of agreed facts and proposed recommendation, the Commission recommended discipline, and the Mississippi Supreme Court conducted its constitutionally mandated review.
STANDARD OF REVIEW	The Mississippi Supreme Court independently conducts the final review and makes the final determination regarding the appropriate discipline in judicial-performance proceedings under Section 177A of the Mississippi Constitution and the applicable Commission and appellate rules.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	Mississippi Commission on Judicial Performance v. Charles L. Vess

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QUESTIONS PRESENTED

1. Whether Judge Vess's admitted conduct constituted willful misconduct in office and conduct prejudicial to the administration of justice that brought the judicial office into disrepute under Section 177A of the Mississippi Constitution.
2. Whether the Commission's recommended sanctions were proportionate to the misconduct and the relevant aggravating and mitigating circumstances.

HOLDINGS

1. Judge Vess's threat to use a gun on a defendant and his disparaging, demeaning, and intimidating treatment of the defendant and the defendant's mother constituted willful misconduct in office and conduct prejudicial to the administration of justice that brought the judicial office into disrepute, violating Section 177A of the Mississippi Constitution and Canons 1, 2(A), 3(B)(4), and 3(B)(5) of the Code of Judicial Conduct.
2. The appropriate sanction was a public reprimand, a thirty-day suspension without pay, a \$1,100 fine, and assessment of \$200 in costs.

KEY QUOTATIONS

“This Court, as the ultimate decision-maker in judicial performance cases, makes the final determination as to the appropriate action to be taken when a judge has committed willful misconduct or conduct prejudicial to the administration of justice that brings the judicial office into disrepute” (227 So. 3d at 956)

“To determine whether the recommended sanctions are proportionate to the offense, this Court applies a six-factor test” (227 So. 3d at 957)

FACTUAL BACKGROUND

While presiding over a justice-court criminal case, Judge Vess threatened that he might use his gun on the defendant because the defendant repeatedly placed his hands in his pockets. After remanding the case to the file, Vess questioned the defendant about drug use and made disparaging and demeaning remarks about the defendant, the defendant's mother, and her parenting skills. Vess had previously been the subject of multiple informal and formal disciplinary actions.

PROCEDURAL HISTORY

The Commission charged Judge Vess with willful misconduct in office and conduct prejudicial to the administration of justice under Section 177A of the Mississippi Constitution and several Canons of the Code of

Judicial Conduct. Vess did not answer the formal complaint but stipulated to the facts and violations and agreed to the proposed sanctions. The Commission unanimously approved the recommendation and presented it to the Mississippi Supreme Court, which accepted and imposed the recommended discipline.

DISPOSITION

affirmed

CASES CITED

- Mississippi Commission on Judicial Performance v. Vess, 637 So. 2d 882 (Miss. 1994)
- Mississippi Commission on Judicial Performance v. Vess, 692 So. 2d 80, 86 (Miss. 1997)
- Mississippi Commission on Judicial Performance v. Vess, 10 So. 3d 486, 488-90 (Miss. 2009)
- Mississippi Commission on Judicial Performance v. Skinner, 119 So. 3d 294, 299, 307 (Miss. 2013)
- Mississippi Commission on Judicial Performance v. Smith, 78 So. 3d 889, 890, 892-95 (Miss. 2011)
- Mississippi Commission on Judicial Performance v. Darby, 78 So. 3d 889 (Miss. 2011)
- Mississippi Commission on Judicial Performance v. Gunter, 797 So. 2d 988, 989, 992 (Miss. 2001)
- Mississippi Commission on Judicial Performance v. Harris, 131 So. 3d 1137, 1144 (Miss. 2013)
- Mississippi Commission on Judicial Performance v. Thompson, 169 So. 3d 857, 869 (Miss. 2015)
- Mississippi Commission on Judicial Performance v. Littlejohn, 172 So. 3d 1157, 1160-63 (Miss. 2015)
- Mississippi Commission on Judicial Performance v. Darby, 143 So. 3d 564, 570 (Miss. 2013)

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