



Louisiana Judicial Campaign Oversight Committee

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PUBLIC STATEMENT

Every candidate for judicial office in Louisiana must campaign in accordance with the precepts contained in Canon 7 of the Louisiana Code of Judicial Conduct. The Louisiana Judicial Campaign Oversight Committee (“the Committee”) is authorized by the Louisiana Supreme Court to review and investigate complaints, which allege violations of certain provisions of Canon 7. Although Committee deliberations are and remain confidential, once a public statement has been issued and/or a complaint has been dismissed, the complaint and response are matters of public record and may be requested through the Court’s Community Relations division.

The Committee received a complaint against Judge Sharon Marchman, a candidate for the First District, Election Section 2A of the Second Circuit Court of Appeal. The Committee finds that the conduct complained of violates both Canon 7A(9) and Canon 7A(10) of the Code of Judicial Conduct. Canon 7A(9) provides that a judge or judicial candidate shall not “knowingly make, or cause to be made, a false statement concerning the identity, qualifications, present position, or other fact concerning the candidate or an opponent.” Canon 7A(10) prohibits a judge or judicial candidate from making “any statement that would reasonably be expected to affect the outcome or impair the fairness of a matter pending in any Louisiana state court.”

The complaint concerns a video created by the Committee to Elect Judge Sharon Marchman, which comments on the guilt of a defendant who is awaiting a new trial in the Third

Judicial District Court, Parish of Lincoln. Specifically, the video discusses Second Circuit Court of Appeals' decision, authored by her opponent, Judge Stephens, in *State v. Lance Andrew Johnson*, 51779 (La 2nd 4/11/18). The narrator in the video states that Judge Stephens "reversed the conviction of a burglar with a twelve-page criminal history." The Second Circuit, however, vacated the defendant's conviction and remanded for a new trial because the defendant was improperly tried by a six-person jury, rather than the constitutionally and statutorily mandated twelve-person jury. The alleged "twelve-page" criminal history was not referenced in the Second Circuit decision and appears to have been developed independently from the record in that case. The Committee believes that the video created by the Marchman Campaign misleads the public and misrepresents the basis for the Second Circuit decision, authored by Judge Stephens, in violation of Canon 7A(9).

In addition, the Committee also believes that directly and publicly commenting upon a criminal defendant's guilt based on his "criminal history" may "reasonably be expected to affect the outcome or impair the fairness" of the pending matter. Because a new trial has been ordered, it also is very likely that this defendant will appear again before the Second Circuit Court of Appeal, the Court on which Judge Marchman seeks to serve. As such, the Committee believes the video at issue also violates Canon 7A(10).



Judicial Campaign Oversight Committee
Marta-Ann Schnabel, Chair