

August 19, 2002 See news release 59 for concurrences/dissents
SUPREME COURT OF LOUISIANA

No. 2002-O-1975

**IN RE: JUDGE SHARON K. HUNTER,
CRIMINAL DISTRICT COURT FOR THE PARISH OF ORLEANS**

KNOLL, J., concurring.

While I am in full agreement with the result of the majority opinion removing Judge Hunter from office, I write separately because the majority opinion does not fully address the overwhelming evidence of other grave failures of Judge Hunter's conduct that are intolerable to the criminal justice system.

To the public and this court, Judge Hunter has persistently blamed others, primarily the court reporters, for her failures, while she admits her conduct caused these catastrophic consequences. Her accusations are unworthy of belief and fly in the face of the record evidence. There were 90 employees under her supervision between October of 1996 and March of 2002. This alone is phenomenal. While she alleges the court reporters lost the tapes of trials and hearings, Judge Hunter herself was responsible for many "lost" court records, which were later found in her disheveled office or courtroom. Although she was not officially charged with other administrative failures that she alone caused resulting in yet more grave consequences, this evidence certainly supports that she is incapable of administering justice in the criminal court.

In addition to the "lost" transcripts, there are many cases that "fell off the docket" because Judge Hunter would not sign the motion for an appeal. The deposition of the Supernumerary Judge *pro tempore*, Judge Winsberg, shows the cases that Judge Hunter would not act upon. While some of these defendants are out on bond, many are not and these defendants are serving time without being able to exercise their constitutional right to an appeal.

At oral argument, Judge Hunter was asked why she did not sign the motion for appeal in these cases and she responded by blaming the lawyers for not filing the motions. The record evidence belies her response. Many of the motions were found languishing in her courtroom unsigned. In one instance an attorney attempted to file a written motion for appeal but Judge Hunter refused to accept it. This conduct is preposterous.

One of the most glaring injustices that demonstrates her wrongful conduct is the case of Richard Wright, who was kept in jail for a lengthy period on a probation warrant. Judge Winsberg explained that Judge Hunter was aware of Mr. Wright's incarceration, but failed to take any action in the case:

there are minute entries. She's continued to have the defense attorney do something that he can't do, and this fellow's been in jail on this probation hold. Now, he has been in jail so long, . . . that, had he gotten his two years, he'd probably be out on either good time or parole at this particular time. The judge indicated, 'Well, we'll just let him sit, and when the two years are up he'll be released.' But the problem with that is that he's still on probation, in effect, because his probation has never been revoked. So he's just sitting back there.

Judge Winsberg's deposition contains other damaging and overwhelming evidence of many wrongdoings on Judge Hunter's part that should have been charged by the Commission, but apparently there was not enough time. While this conduct was not specifically formally charged, it serves to reinforce the general allegations of Judge Hunter's complete inability to administer her court.

Moreover, this evidence is important because in my view, it shows that Judge Hunter is not being candid with this court and the public when she persistently blames others for her failures. Her explanation is simply not true. These failures were caused by her conduct alone. It is disturbing that she has taken this position and yet requests a sanction less than removal.

This court does not lightly remove a judge from office. Since 1887, we have removed only seven judges from office. In my view, this case ranks as one of the

most egregious. While Judge Hunter's apology to us for her administrative failures is appropriate, it does not diminish the travesty to the criminal justice system her conduct has caused. The consequences of her failures cannot be undone and are far too grave. Any sanction less than removal would put the criminal justice system at risk, as well as deprecate the seriousness of her conduct and the grave consequences to citizens of this state resulting from her conduct. She must be removed from office for the sake of the criminal justice system.