

JUDICIAL COUNCIL OF THE EIGHTH CIRCUIT

JCP No. 08-24-90123

In re Complaint of John Doe*

This is a judicial complaint filed by an inmate against a district judge who denied his motion for compassionate release in his criminal case.

The complainant was sentenced in November 1992. In 2020, he filed a motion to reduce sentence; he filed supplements to the motion in 2021, 2022, 2023, and 2024. Before the judge ruled, the complainant filed a judicial complaint against the judge. The judge later denied the motion for compassionate release in a thorough 17-page order. The judicial complaint was later dismissed. *See In re Complaint of John Doe*, No. 08-24-9548 (8th Cir. C.J. Apr. 8, 2025).

The current judicial complaint alleges that two statements by the judge in her order denying compassionate release show that the judge retaliated against the complainant for his filing of the earlier judicial complaint. First, the complaint alleges that the judge falsely stated that the complainant had declined transfer to a medical facility, and thus failed to credit his principal argument for compassionate release. Second, the complainant alleges that the judge commended him for his “mild institutional record,” but then relied on a crime committed fifty-five years ago to conclude that he remains dangerous.

*Under Rule 24(a) of the Rules for Judicial-Conduct and Judicial-Disability Proceedings, the names of the complainant and the subject judge are not disclosed. Citations or references herein to a “Rule” refer to these Rules.

The complainant also alleges “unimaginable bungling throughout” his case, specifically: (1) defense counsel filed pretrial motions with another client’s name, and the trial judge denied the motions without noticing; (2) the judgment and commitment were on the wrong form; (3) his direct appeal is listed under an incorrect statutory reference; (4) a 2001 letter to his penitentiary from the now-deceased sentencing judge shows that the judge had only recently been given a copy of his presentence report from another jurisdiction, and (5) the government waited until just days before the statute of limitations expired to file the warrant in his case.

The record provides more information about the judge’s ruling on the motion to reduce sentence. The judge found that the complainant “refused the opportunity to be transferred to an outside medical facility because he might be placed on a medical hold, which could delay the opportunity to be transferred to a medium security prison.” The judge cited the complainant’s own pleading, which supports the judge’s statement. In denying the motion, the judge found that the complainant would pose a danger to the community if released. The judge cited the complainant’s prior convictions for abduction, robbery, attempted murder, and malicious wounding for which he was sentenced in 1970. The judge also cited the defendant’s commission of a series of bank robberies in 1987 during which the complainant brandished pistols and threatened to kill bank tellers. The judge referred to the complainant’s arrest around that time for public intoxication during which he produced a pistol, fired two shots, placed the gun to the head of a deputy sheriff, stole the deputy’s service weapon, and took the deputy’s vehicle. And the judge cited the complainant’s escape from custody while he was awaiting trial for one of the bank robberies.

Rule 4(a)(4) states that “[c]ognizable misconduct includes retaliating against complainants . . . for participating in this complaint process, or for reporting or disclosing judicial misconduct.” The judge’s comments in her order are insufficient to raise an inference of retaliation against the complainant. *See* Rule 11(c)(1)(D). The order shows that the judge thoroughly considered the complainant’s medical

condition and other appropriate factors relevant to a potential reduction in sentence. To the extent that the complaint directly challenges the decision on the motion, the complaint must be dismissed as related to the merits. *See* Rule 11(c)(1)(B). The subject judge was not responsible for the “bungling” alleged in the complaint.

For these reasons, the judicial complaint is dismissed.

/s/ Steven M. Colloton
Chief Judge

Filed: May 1, 2025
