

Judicial Inquiry Commission

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February 29, 1984

The Judicial Inquiry Commission has considered your request for an opinion concerning whether a judge may sit as the trial judge (jury or non-jury) in a case where evidence or contraband seized pursuant to a search warrant by said judge is in issue.

The question presented here is answered generally by Advisory Opinion 83-188. In that opinion we specifically held that under Canon 3C the mere fact that a judge issues an arrest warrant or a search warrant does not present a situation in which the judge's impartiality might reasonably be questioned. Canon 3C(1)(a) and (b) requires personal bias or prejudice or personal knowledge of the facts as opposed to knowledge gained merely from sitting in a prior proceeding.

A copy of Advisory Opinion 83-188 is enclosed for you convenience.

Yours very truly,

JUDICIAL INQUIRY COMMISSION