

Judicial Inquiry Commission

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MONTGOMERY, ALABAMA 36104

October 27, 1986

The Judicial Inquiry Commission has considered your request for an opinion on whether, under the Alabama Canons of Judicial Ethics, a judge is required to report to the District Attorney or other law enforcement authority any evidence adduced at trial which discloses an action possibly constituting a prior or continuing criminal offense. If a duty to report exists, you ask (1) when should the action be reported, immediately or at the conclusion of trial; (2) will this action by the judge jeopardize his judicial immunity and (3) would such action by the Court tend to affect the Court's appearance of being impartial.

Our review of the Alabama Canons of Judicial Ethics reveals no provision requiring that a judge report the described information to the District Attorney or other law enforcement official. Nor do the Canons prohibit such a disclosure. It appears that such action is well within the judge's judicial authority in carrying out his duties in relation to a particular case.

If such a report is made by the judge, it should ordinarily (except in unusual circumstances) be made at the conclusion of the trial after a verdict is rendered and the mere fact of the report would not affect the Court's appearance of impartiality.

The authority of this Commission to render opinions extends only to opinions concerning the application of the Canons of Judicial Ethics. Therefore, the Commission must decline comment upon the effect of such a report upon the judge's judicial immunity.

Sincerely,

JUDICIAL INQUIRY COMMISSION