

## Judicial Inquiry Commission

800 SOUTH MCDONOUGH STREET  
SUITE 201  
MONTGOMERY, ALABAMA 36104

October 3, 1997

The Judicial Inquiry Commission has considered your request for an advisory opinion regarding a judge's obligation to recuse himself from hearing a criminal case in which the defendant's aunt is the wife of the judge's wife's first cousin. The criminal case is a capital referral.

It is the opinion of the Commission that the judge is not disqualified from hearing a criminal case in which the defendant's aunt is the wife of the judge's wife's first cousin. Canon 3C(l)(d)(i).

Canon 3C(l)(d)(i) of the Canons of Judicial Ethics requires a judge to disqualify himself or herself from hearing a case in which "[h]e or his spouse, or a person within the fourth degree of relationship to either of them, or the spouse of such a person" is a party. The defendant is not within the fourth degree of relationship to the judge or the judge's wife, therefore the judge is not disqualified by the canons.

THIS OPINION SUPERCEDES ADVISORY OPINION 97-666.