

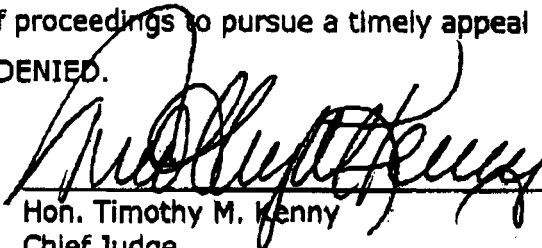
constitutional appearance of bias standard has not been met.

ALLEGED JUDICIAL CODE OF CONDUCT VIOLATION

Petitioners set forth several grounds that allegedly give rise to the appearance of misconduct under Cannons 1 - 3 of the Michigan Code of Judicial Conduct. Petitioners contend that the Chief Judge violated internal court policy, made public comments about cases pending before him and acted in a manner creating an appearance of an arbitrary exercise of judicial power. This Court finds petitioners' claims without merit. As stated above, Judge Brown acted within the authority of MCR 8.110 (C)(3)(h)(c). He ruled on an issue of law and statutory construction and explained his ruling in response to an inquiry letter from the ACLU. There is no evidence of the appearance of an arbitrary exercise of judicial power.

For the reasons stated in the opinion, the motion to disqualify Chief Judge Archie Brown is DENIED.

Petitioners' motion for stay of proceedings to pursue a timely appeal in the Michigan Court of Appeals is DENIED.



Hon. Timothy M. Kenny
Chief Judge
Wayne County Circuit Court