

IN THE CIRCUIT COURT OF CRITTENDEN COUNTY  
CIVIL DIVISION

STATE OF ARKANSAS

PLAINTIFF

18CV-24-1200

ADD#0834-24-2-249

JIEMEI LIN

DEFENDANT

**MOTION TO RECUSE**

COMES NOW, the State of Arkansas, by and through Prosecuting Attorney Sonia F. Hagood, and respectfully submits this Motion to Recuse, stating as follows:

**1. Request for Recusal**

The 2nd Judicial District Prosecuting Attorney's Office respectfully requests that this Court recuse itself from any and all cases involving the 2nd Judicial District Prosecuting Attorney's Office, its staff, the victims it serves, or the law enforcement officers who investigate the cases prosecuted by this office, pursuant to Judicial Canon 2, which mandates that "A Judge SHALL perform the duties of judicial office impartially, competently, and diligently," and under Judicial Code of Conduct Rule 2.11 – Disqualification. Rule 2.11(A) further specifies that a judge "SHALL disqualify himself or

herself in any proceeding in which the judge's impartiality might reasonably be questioned."

## **2. Impairment of Impartiality**

The State asserts that Judge Brimhall's past conduct, in particular his criminal history and subsequent actions, have irrevocably compromised his ability to serve impartially in any case involving the 2nd Judicial District Prosecuting Attorney's Office or its associated parties. Given the nature of these events, the State believes that no reasonable person could perceive Judge Brimhall as being able to fairly and impartially adjudicate matters involving the office, its staff, the victims it serves, or the law enforcement community.

## **3. Background of Events**

On May 3, 2024, Judge Brimhall was involved in an incident that resulted in felony charges, which ultimately led to a guilty plea to Misdemeanor Harassment. This conduct, which reflects poorly on his professional and ethical standing, raises serious concerns about his ability to remain neutral and unbiased in his judicial duties.

## **4. Conflict of Interest and Special Prosecutor Appointment**

Upon learning of Judge Brimhall's involvement in the incident, the 2nd Judicial District Prosecuting Attorney's Office promptly took action by

initiating the appointment of a Special Prosecutor to avoid any conflict of interest, particularly given that Brimhall was then employed as a Deputy Prosecuting Attorney.

**5. Resignation from Deputy Prosecuting Attorney Position**

Following the developments surrounding the charges against him, Brimhall resigned his position as Deputy Prosecuting Attorney. However, this resignation does not mitigate the concerns regarding his impartiality in any future matters involving the Prosecuting Attorney's Office.

**6. Concerns Expressed to the Bench**

As it became evident that Judge Brimhall intended to continue his pursuit of a judicial position, Prosecuting Attorney Sonia F. Hagood sent a letter to the 12 Circuit Judges in the 2nd Judicial District, expressing concerns regarding Brimhall's impartiality and fitness for the bench. This letter resulted in further public scrutiny of Brimhall's criminal conduct.

**7. Current Status and Potential for Recusal Issues**

At present, Judge Brimhall is serving a criminal justice sentence. Should he violate any conditions of that sentence, the 2nd Judicial District Prosecuting Attorney's Office will be forced to take further legal action, including filing motions for the appointment of a Special Prosecutor in the event of any future proceedings. Furthermore, while Judge Brimhall does not currently

have a criminal docket, he does have a civil docket that includes asset forfeitures filed by this office. He also may be called on to preside over civil commitment cases and juvenile bond hearings – both which have statutory time constraints on when hearings are held. We respectfully ask him to recuse on these matters.

**8. Impairment of Impartiality Beyond Question**

The State submits that Judge Brimhall's criminal conduct, along with his subsequent actions in defending his case, create a situation in which it is impossible for any victim represented by this office to receive a fair and impartial hearing. Judge Brimhall presiding over cases involving this office – an office that has taken a strong stance against his actions – it untenable for all involved. This issue exceeds the standard of "reasonably questioned" impartiality as described in Judicial Code of Conduct Rule 2.11 and instead presents a situation where Judge Brimhall's impartiality is objectively compromised.

**9. Hearing Request** Should the Court intend to deny this motion, the State respectfully requests a hearing on the same.

WHEREFORE, for the reasons stated above, the State respectfully requests that this Court recuse itself from all matters involving the 2nd Judicial District

Prosecuting Attorney's Office, its staff, victims, and law enforcement officers and for a hearing should the Court deny our motion.

Respectfully submitted,  
Sonia F. Hagood  
Prosecuting Attorney  
2nd Judicial District  
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/s/ Sonia F. Hagood  
Sonia F. Hagood  
Bar No. 2011022

### **CERTIFICATE OF SERVICE**

I, Sonia F. Hagood, Prosecuting Attorney, does hereby certify that I have provided a copy of the foregoing pleading to the opposing Counsel, by electronic filing this 14th day of January, 2025.

/s/ Sonia F. Hagood  
Sonia F. Hagood  
Bar No. 2011022