

IN THE CIRCUIT COURT OF CRITTENDEN COUNTY, ARKANSAS
CIVIL DIVISION

STATE OF ARKANSAS

PLAINTIFF

v.

Case No. 18CV-24-1200

JIEMEI LIN

DEFENDANT

ORDER DENYING MOTION TO RECUSE

COMES NOW, the Court, having considered the Motion to Recuse filed by the State of Arkansas, through Prosecuting Attorney Sonia F. Hagood, on January 14, 2025, and the arguments presented therein. For the reasons set forth below, the Court DENIES the Motion to Recuse.

1. The State requests that this Court recuse from “any and all cases” involving the 2nd Judicial District Prosecuting Attorney’s Office, its staff, victims, or law enforcement officers, citing Judicial Canon 2 and Arkansas Code of Judicial Conduct Rule 2.11(A), which mandates disqualification when a judge’s impartiality might reasonably be questioned.
2. The State alleges that the incident that occurred on May 3, 2024, resulting in the undersigned to tender his resignation as a Deputy Prosecuting Attorney, and subsequent plea to Misdemeanor Harassment, compromises his impartiality in cases involving the Prosecuting Attorney’s Office, its staff, victims or law enforcement officers.
3. Arkansas Code of Judicial Conduct Rule 2.11(A) provides that a judge shall disqualify himself or herself in any proceeding where impartiality might reasonably be questioned, including instances of personal bias or prejudice concerning a party or where the judge has personal knowledge of disputed evidentiary facts (Rule 2.11(A)(1)).
4. The Arkansas Supreme Court has consistently held that the decision to recuse is within the trial judge’s discretion and will not be reversed absent a showing of abuse of discretion. *See*


Turner v. State, 325 Ark. 237, 926 S.W.2d 843 (1996). A judge is presumed to be impartial, and the party seeking disqualification bears the burden of proving otherwise. See *Ayers v. State*, 334 Ark. 596, 975 S.W.2d 844 (1998). This burden carries with it a heavy threshold, as the Arkansas Supreme Court has consistently held that it is a “substantial burden”. See *Arkansas JDDC v. Proctor, Jr.*, 2010 Ark. 38, 360 S.W.3d 61 (2010).

5. The State’s motion relies on the undersigned’s past conduct and the Prosecuting Attorney’s Office’s actions (e.g., appointing a Special Prosecutor “to avoid any conflict of interest” and expressing concerns to the bench and disciplinary board through a published letter). However, these events do not establish objective evidence of bias or prejudice against the State or its associated parties. The mere fact of a prior criminal charge or plea, resolved through lawful process, does not inherently impair judicial impartiality. A judge is not required to recuse simply because of his or her personal life experiences. See *Reel v. State*, 318 Ark. 565, 886 S.W.2d 615 (1994).
6. The State’s assertion that no reasonable person could perceive the undersigned as impartial is speculative and unsupported by specific instances of bias in judicial proceedings. Mere allegations that a judge’s conduct has the appearance of impropriety fall short of the disqualifying standard that a judge’s impartiality be reasonably questioned. See *Bentonville School District, et al. vs. Sitton*, 2022 Ark. 1 (2022). “Judicial recusal must be made ‘from the perspective of a reasonable observer who is informed of all the surrounding facts and circumstances’”. Id. (citing *Microsoft Corp. v. United States*, 530 U.S. 1301, 1302 (2000)). More simply stated, one cannot assume what a reasonable person could receive if said reasonable person is not fully informed.

7. The undersigned's current civil docket, including but not limited to civil asset forfeitures, does not inherently create a conflict of interest. The State has not demonstrated how the undersigned's prior role as a Deputy Prosecuting Attorney or the resolved misdemeanor charge would influence ruling in this matter or similar matters before this Court.
8. The Court acknowledges the State's request for a hearing in the event of a denial. However, when a motion to recuse is void of any supportive facts and contains mere conclusory allegations that a judge is biased or otherwise subject to recusal or disqualification, the Court may summarily deny said motion without a hearing. See Stilley v. Fort Smith School District, 367 Ark. 193, 238 S.W.3d 902 (2006).

THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED that the State's Motion to Recuse is DENIED. The Court finds no objective basis under the Arkansas Code of Judicial Conduct or relevant case law to warrant recusal.

IT IS SO ORDERED.



Circuit Judge Douglas Brimhall