

**August 22, 2002**

**PUBLIC ADMONITION**

**OF**

**THE HONORABLE WEBSTER L. BREWER  
SENIOR JUDGE**

The Indiana Commission on Judicial Qualifications issues this Public Admonition of the Honorable Webster L. Brewer, Senior Judge in the Marion Superior Court. This Admonition is issued pursuant to Supreme Court Admission and Discipline Rule 25 VIII E(7), and is issued with the consent of Senior Judge Brewer, who has cooperated fully with the Commission in this matter.

On January 3, 2002, in the Criminal Division of the Marion Superior Court, Judge Brewer presided over a bench trial, Cause No. 49G21-0110-CM-201445. The defendant was charged with attacking her boyfriend with a hammer. After four State's witnesses testified about the crime they observed, Judge Brewer found the defendant guilty, and sentenced her to "time served." After the defendant told the judge that her conviction likely would result in the revocation of her probation in another case and in jail time on that case, Judge Brewer said, "You're not guilty, ma'am. I changed my mind."

The Commission concludes that when Judge Brewer reversed his decision after the defendant advised him of its potential consequences, his ruling was based improperly on facts outside the evidence and, therefore, he violated Canons 1 and 2 of the Code of Judicial Conduct which require judges to uphold the integrity and independence of the judiciary and to respect and comply with the law, Canon 3B(2), which requires judges to be faithful to the law, and Canon 3B(9), which requires judges to dispose fairly of all matters.

Also on January 3, 2002, in the same court, Judge Brewer presided over a bench trial, Cause No. 49G21-0108-DF-159092. The defendant was charged with Domestic Battery and Resisting Arrest. During the victim's testimony about the altercation with the defendant, with whom she resided, and before the State had presented evidence through the police officers at the scene, Judge Brewer interrupted the testimony and asked the victim to state what the defendant had done to her, "if anything." She described generally the altercation which had occurred and which led to her call to the police. Judge Brewer then said, "Right...Do you want this man...Do you want to take him home with you?" The

witness indicated she did, and Judge Brewer said, "He's not guilty. Take him home with you, ma'am. We're finished with all this."

The Commission concludes that when Judge Brewer ruled on the case before the State fully had presented its evidence, he violated Canons 1 and 2 of the Code of Judicial Conduct, which require judges to uphold the integrity and independence of the judiciary and to respect and comply with the law, Canon 3B(8) of the Code of Judicial Conduct, which requires judges to afford all interested parties their right to be heard – the State in this case – and Canon 3B(9) which requires judges to dispose fairly of all matters before them. The Commission also concludes that the judge's question to the alleged victim of a domestic battery whether she "wanted" the defendant and the statement to "Take him home with you" was injudicious and constituted another violation of Canons 1 and 2, which also require judges to maintain high standards of conduct and to act at all times in a manner which promotes the public's confidence in the integrity of the judiciary.

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Questions about this Admonition may be directed to Meg Babcock, Counsel for the Commission, at (317) 232-4706.