

No. 112A95

(Filed 5 May 1995)

**Judges, Justices, and Magistrates § 36 (NCI4th)—censure of superior court judge—conduct prejudicial to administration of justice**

A superior court judge is censured by the Supreme Court for conduct prejudicial to the administration of justice that brings the judicial office into disrepute based upon comments made during the trial of two separate cases while he served as the presiding judge.

**Am Jur 2d, Judges § 21.**

This matter is before the Court upon a recommendation by the Judicial Standards Commission (“the Commission”) entered 3 March 1995, and filed with this Court on 14 March 1995, that Judge George R. Greene, then a judge of the General Court of Justice, Superior Court Division, Tenth Judicial District of the State of North Carolina, be censured for conduct prejudicial to the administration of justice that brings the judicial office into disrepute, in violation of Canons 1, 2A, and 3A(3) of the North Carolina Code of Judicial Conduct. Calendared for argument in the Supreme Court 10 April 1995; determined without oral argument pursuant to N.C. R. App. P. 30(d).

*No counsel for the Judicial Standards Commission or for the respondent.*

**STATE v. BAYNES**

[340 N.C. 252 (1995)]

**ORDER OF CENSURE.**

The matter came before the Judicial Standards Commission arising out of allegations of misconduct against the respondent. The subject matter of the allegations was based on certain comments made during the trial of two separate cases by respondent while serving as the presiding judge.

Respondent stipulated to the correctness of the factual bases of the allegations and further stipulated that the described conduct would be prejudicial to the administration of justice that brings the judicial office into disrepute. The Judicial Standards Commission, after making findings of facts and conclusions of law, recommended that respondent be censured. In his stipulation, respondent agreed to the Commission's recommendation.

After reviewing the record and the recommendation of the Commission, this Court concludes that the respondent's conduct constitutes conduct prejudicial to the administration of justice that brings the judicial office into disrepute within the meaning of N.C.G.S. § 7A-376 (1989). The Court approves the recommendation of the Commission that the respondent be censured. Therefore, pursuant to N.C.G.S. § 7A-376, N.C.G.S. § 7A-377 (Supp. 1994) and Rule 3 of the Rules for Supreme Court Review of Recommendations of the Judicial Standards Commission, it is ordered that Judge George R. Greene be, and he is hereby, censured for conduct prejudicial to the administration of justice that brings the judicial office into disrepute.

Done by order of the Court in Conference, this the 4th day of May 1995.

s/Orr, J.

For the Court

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STATE OF NORTH CAROLINA v. AARON DEMETRIUS BAYNES

No. 192A94

(Filed 5 May 1995)

Appeal by the State pursuant to N.C.G.S. § 7A-30(2) from the decision of a divided panel of the Court of Appeals, 114 N.C. App. 165, 442 S.E.2d 529 (1994). Judgments had been entered against defendant on his convictions of second-degree murder, five counts of felony child