

**DISTRICT OF COLUMBIA COMMISSION
ON JUDICIAL DISABILITIES AND TENURE**

515 FIFTH STREET, N.W. BUILDING A, ROOM 312
WASHINGTON, D.C. 20001
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Determination and Undertaking

Re: The Honorable Zinora Mitchell-Rankin, Associate Judge of the Superior Court of the District of Columbia

On February 1, 2007, the District of Columbia Court of Appeals issued its opinion in the case, Rodrigo Mejia v. United States, DCAA No. 04-CM-517. The Court of Appeals reversed the misdemeanor sexual abuse conviction of Appellant Mejia and remanded the matter to the trial court for a new trial. The Court found that, in the course of comments from the bench delivered after verdict and prior to sentencing, the trial judge, the Honorable Zinora Mitchell-Rankin, made comments which suggested that "... an appearance of bias to an informed, objective observer might exist and the integrity of the judicial process compromised."

Appellant Mejia, a resident alien and a native of El Salvador, had been convicted of the sexual abuse of his nine-year-old niece who was staying with her aunt and uncle in the District of Columbia while her grandmother was in El Salvador.

As Judge Mitchell-Rankin engaged counsel in a discussion regarding when to schedule sentencing, she made the following comments:

And I think that it is just unconscionable to me that this little child would have to bear that level of pressure for conduct by an adult that was inappropriate at best and criminal as I have found . . . [A]nd in thinking about this as I thought about this yesterday and last night and thought about this this morning, . . . there are perhaps, . . . some cultural issues that I'm not really clear about. I know that in countries like El Salvador and even, . . . in frankly places in the surrounding jurisdiction, there are very young girls who are 12 and 13, 14 and 15 who are married of black descent. And I'm not clear whether or not there is, I don't know, and maybe that's something that counsel can, can help me with that there is a, I'm certainly not suggesting that it's cultural in general, that all people feel this way. But I have not been real clear about the issue of sexualizing young girls at a very early age. And whether or not any of that is happening and whether or not

that's part and parcel of, of what was going on here. I don't know when Mr. Mejia came to this country. I don't know how long he had been there, what his status is. Obviously I do appreciate that by virtue of this, because I heard it on the witness stand, there may be some immigration implications that are adverse to him and to his family. But I mean, you know, she is, I mean she's . . . a beautiful but little girl. So I am prepared to hear it if you wish to do it now. Otherwise, we'd need to just defer sentencing for a time specific, and then I can hear it then.

The Court of Appeals, while drawing no conclusion “. . . that the Judge had an actual bias which influenced the verdict . . .” analyzed the comments in light of Canon 3(B)(5) of the Code of Judicial Conduct which provides that “[A] judge shall perform judicial duties without bias or prejudice. A Judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, including but not limited to bias or prejudice based upon . . . national origin . . .” and Canon 3 (E)(1) of the Code which provides that “[A] judge shall disqualify himself or herself in a proceeding in which the Judge's impartiality might reasonably be questioned, including instances where . . . (a) the Judge has a personal bias or prejudice concerning a party . . . or personal knowledge of disputed evidentiary facts concerning the proceeding . . .” The Court observed that the goal of Canon 3 (E)(1) is “to prevent even the appearance of impropriety.”

The Commission concurs in the analysis and conclusion of the Court of Appeals and determines that Judge Mitchell-Rankin's comments violated the Code of Judicial Conduct.

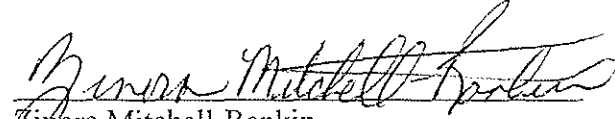
The Commission met with Judge Mitchell-Rankin and discussed the matter with her; she expressed regret for the appearance of bias created by her comments and assured the Commission to its satisfaction that she harbors no actual bias toward anyone on the basis of national origin or otherwise.

Judge Mitchell-Rankin accepts the determination and conclusions expressed above, recognizes that her comments compromised the integrity of the judicial process and violated the applicable provisions of the Code of Judicial Conduct. Judge Mitchell-Rankin hereby undertakes to conform her conduct to the standards prescribed by the Code.

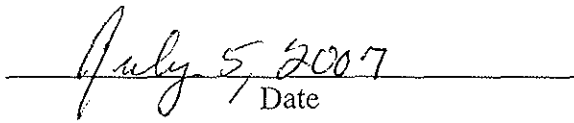
In view of Judge Mitchell-Rankin's record of integrity and judicial service on behalf of the people of the District of Columbia over some eighteen years, the Commission concludes that no further sanctions are warranted.

The Commission makes this document public with the agreement of Judge Mitchell-Rankin.

For the Commission:


Zinora Mitchell-Rankin
Associate Judge
Superior Court of the District of Columbia


William P. Lightfoot
Chairperson


Date


Date