

EDC judge ousted from criminal bench



El Dorado County Superior Court Judge Suzanne Kingsbury, left, was at Dylan Sullivan's election party last year. Photo/Provided

By Kathryn Reed

El Dorado County Superior Court Judge Dylan Sullivan has been removed from all criminal cases and instead will hear civil issues.

The reason for this change has not been disclosed.

Presiding Judge Suzanne Kingsbury, who makes the assignments, deferred comment to the El Dorado County District Attorney's Office. She would not explain why.

"The legal system is designed so both the District Attorneys Office as well as the Public Defenders Office is offered the opportunity when appropriate to exercise the legal authority to exclude a Superior Court judge from a case. At this time the District Attorneys Office has chosen to utilize this legal right," Deputy District Attorney David Stevenson told *Lake Tahoe News*.

The DA's Office has filed a number of preemptory challenges against Sullivan. However, the reasons are not being disclosed. The DA's office said Sullivan would be challenged on a case-by-case situation.

These types of challenges are not routine, but neither are they rare, according to legal officials. They must be made in a timely manner and can only be filed once per case.

Filing such a challenge is equivalent to saying one does not believe the judge will be able to handle the case, perhaps for ethical reasons. The attorney doing the challenge does not have to prove bias. While California is not alone in allowing this type of procedure, it is not the norm in most states.

The judge has no recourse and essentially does not get her day in court to prove she is or is not biased or that she is being wrongfully persecuted in a reverse case of bias.

People close to the issue told *Lake Tahoe News* things came to a head last week with Kingsbury clearing Sullivan's court calendar starting on Aug. 10. By the end of the week Sullivan was told to go home. This week she has been seen following Judge Nelson Brooks who handles probate, an area of law Sullivan isn't familiar with. Reports are the two judges will be swapping departments.

Even so, this will not eliminate Sullivan from interacting with deputy district attorneys. They are involved in delinquency and other cases in that department.

"There are judicial ethics that make it difficult for me to comment," Sullivan told *Lake Tahoe News*. She would not say anything more.

The normal process if someone has an issue with a judge is to file a complaint with the Commission of Judicial Performance.

"We can't talk about specific cases. We can't say who is under

investigation," Victoria Henley, director and chief counsel for the commission, told *Lake Tahoe News*.

If a challenge for cause were filed, that is when the challenger has to prove bias or misconduct by the judge.

Sullivan, 49, was elected to the job in June 2014. She filled the vacancy of retiring Judge Daniel Proud. She was to begin the job in January, but instead Gov. Jerry Brown appointed her to the seat early. Kingsbury swore her in Sept. 19, 2014.

At that time Kingsbury said she assigned Sullivan to Department 7, the criminal pre-trial department in Placerville, to handle misdemeanor arraignments, hear preliminary matters, traffic issues, and drug court because of Sullivan's training and experience.