

Ex parte Ellis

In an appeal of a trial court ruling in a criminal matter, the State moved for en banc reconsideration of the appellate court decision and filed a motion to recuse one justice. The justice had previously represented a party in filing a brief in a related civil matter. The brief was filed to resist discovery efforts arising from the civil suit. The State alleged that this showed bias on the part of the justice meriting recusal. The court asserted that a judge had a duty to decide cases whenever possible, regardless of personal preferences, and framed the issue as whether a judge should be recused because they previously presented the legal positions of a represented party and not for their own opinions or biases. In deciding that a motion to recuse must satisfy a high threshold, the court concluded that the state had not presented sufficient evidence to justify the justice's recusal and that recusal was therefore unwarranted.