



State of California
Commission on Judicial Performance
455 Golden Gate Avenue, Suite 14400
San Francisco, CA 94102-3660
(415) 557-1200
Fax (415) 557-1266
Website: <http://cjp.ca.gov>

July 9, 2020

Darryl Cotton
6176 Federal Boulevard
San Diego, CA 92114

Dear Mr. Cotton:

At its July 2020 meeting, the Commission on Judicial Performance voted to close your complaint received April 13, 2020.

Your complaint concerns, in part, discretionary decision-making by a judge. Some decisions that judges make require them to use their discretion within the limits set by law. It is each judge's responsibility to exercise his or her best judgment after proper consideration; judges are deliberately given decision-making independence under our system of government. Others are free to disagree, voice objections, and, in appropriate circumstances, appeal. This commission is not a court and does not have the authority to reverse judicial decisions. Even if a judge's discretionary judicial decision is later determined to be legally incorrect by an appellate court, that by itself is not a violation of the Code of Judicial Ethics and is not misconduct. A judge's legal error might be a basis for investigation by this commission if there is sufficient evidence of bad faith, bias, abuse of authority, disregard for fundamental rights, intentional disregard of the law or any purpose other than the faithful discharge of judicial duty. The information you have provided is not sufficient to establish any of those factors.

If you wish to provide additional information regarding your complaint, it will be considered. You should provide specific information that fully describes what the judge said or did that you believe was misconduct. You may wish to consult the "Filing a Complaint" and "FAQ's" tabs on the commission's website (<http://cjp.ca.gov>) for further information about what a complaint should contain.

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We appreciate your time and effort in bringing this matter to the commission's attention.

Very truly yours,

A handwritten signature in blue ink, appearing to read "A 2 for GC".

Gregory Cleaver
Staff Counsel

GC:aap/L070920Cotton