

COMMISSION ON JUDICIAL PERFORMANCE
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COMMISSION ON JUDICIAL PERFORMANCE ISSUES DECISION DISMISSING PROCEEDINGS CONCERNING JUDGE MICHAEL F. MURRAY

The Commission on Judicial Performance today announced that it has dismissed the formal proceedings concerning Judge Michael F. Murray, a judge of the Superior Court of California, County of Orange.

The formal proceedings to inquire into the matter concerning Judge Michael F. Murray were commenced on January 5, 2022, and the public hearing was held in April and May 2022, before three special masters appointed by the Supreme Court. The special masters filed their findings of fact and conclusions of law with the commission on July 14, 2022.

Following receipt of the special masters' report, the commission afforded the parties an opportunity to file objections to the report and, on October 19, 2022, heard oral argument by the parties. Following the oral argument, the commission took the matter under submission and, in a written decision released today, the commission dismissed the proceedings against Judge Murray.

The charges in the notice alleged that Judge Murray, while serving as a deputy district attorney in a murder prosecution, failed to conduct any inquiry into potentially exculpatory information and failed to meet his continuing duty to disclose to the defense exculpatory evidence about which he had actual knowledge, in violation of *Brady v. Maryland* (1963) 373 U.S. 83. Specifically, the notice alleged that, before and during the trial, Murray was informed by a CHP officer and a news reporter that the CHP reports in the case had allegedly been altered, and that Murray was also put on notice that certain CHP officers did not agree with the murder charges, that there were improprieties in the CHP investigation and that some CHP officers had lost their jobs.

The commission found that the allegations that Murray was informed by a CHP officer and a news reporter that the CHP reports in the case had been altered were not proven by clear and convincing evidence. The commission found that, as to the remaining allegations, while Murray may have acted

negligently in failing to further inquire into the potentially exculpatory information, the evidence did not support a finding that Murray acted in bad faith. As such, the commission determined that the evidence did not support a finding that Murray engaged in either prejudicial misconduct or improper action while serving as a prosecutor.

Commission Trial Counsel Mark A. Lizarraga and Assistant Trial Counsel Melissa G. Murphy serve as examiners for the commission. Judge Murray is represented by Edith R. Matthai, Gabrielle M. Jackson, and Leigh P. Robie of Los Angeles.

The commission's Decision and Order is available on the commission's website at <https://cjp.ca.gov> (under "Pending Cases - Press Releases & Documents" and "Public Discipline & Decisions").

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The commission is composed of six public members, three judges and two lawyers. The chairperson is Honorable Michael B. Harper. One attorney member position is vacant.

For further information about the Commission on Judicial Performance, see the commission's website at <https://cjp.ca.gov>.