

Cases of Concern

<u>County</u>	<u>Case No.</u>	<u>Issue of Concern</u>	<u>Notes</u>
1 San Miguel	15M30	Delay of over 2 years	Defendant filed Rule 35(c) motion on 4/14/23. Defense counsel has contacted court clerk several times seeking a ruling or a hearing. Still no ruling/hearing.
2 San Miguel	21T96	After an evidentiary hearing, Judge Murphy fails to rule on dispositive motion to suppress blood alcohol test results in DUI case	Defendant filed motion to suppress blood alcohol test result on 3/28/23. Evidentiary hearing held on 6/20/23. Judge Murphy takes matter under advisement but fails to issue order on motion for over three months. On 9/29/23, the parties enter a plea agreement without the benefit of knowing Judge Murphy's ruling on the suppression issue.
3 San Miguel	22C30006	Delay of over 1.5 years	On 12/19/23, Defendant filed request for clarification on how to serve documents on Plaintiff. Judge Murphy never answered. On 12/6/24, Defendant filed request to dismiss restraining order, which has been in place for two years. Judge Murphy still has not ruled.
4 San Miguel	22CR69	Requiring counsel and parties to remain in court for 97 minutes past 5 p.m. during a blizzard while Judge Murphy drafted written probable cause finding.	Preliminary hearing conducted on 1/17/23 and concluded at 5:02 p.m. Judge Murphy directed counsel and the parties to remain in court while he drafted probable cause findings, which Judge Murphy indicated would take only ten minutes. Meanwhile, a blizzard was occurring and the roads were quickly becoming unsafe to drive on. Judge Murphy took 97 minutes to draft and issue the order, keeping counsel and the parties at court until 6:37 p.m.
5 San Miguel	23CR23	60 days to make probable cause finding on felony DUI case	Preliminary hearing held on 9/19/24. Judge Murphy didn't rule from the bench, but took the ruling under advisement. Finding of probable cause not made until 11/18/24.

Exhibit E

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6 Ouray	23CR26	Three month delay to re-start felony sex assault case after remand from Court of Appeals	Mandate from Court of Appeals, returning jurisdiction to trial court, issued on 10/16/24. Judge Murphy only scheduled the case to begin again after request from defense counsel on 1/20/25.
7 San Miguel	23C11	Delay of over 2 years to rule on Plaintiff's request to serve Complaint via publication	Plaintiff filed request to serve Complaint via publication on 8/29/23. Judge Murphy has calendared a monthly reminder to review this case but still has yet to rule.
8 San Miguel	23T01	Court fails to rule on probation revocation complaint on time, thereby losing jurisdiction over defendant in DUI case	On 1/8/25, Probation filed motion to revoke Defendant's probation for failure to complete 48 hours of required public service and notifies Judge Murphy that he will lose jurisdiction the next day. Judge Murphy failed to issue a summons in a timely manner, thereby losing jurisdiction over Defendant. Probation Department postponed filing complaint until 1/8/25 to give Defendant maximum opportunity to complete the public service hours. Judge Murphy granted permission to Defendant to leave the country twice for vacations to the Dominican Republic and Columbia, but because he failed to rule on the probation revocation complaint in a timely manner, Defendant was not held responsible for failing to complete 48 hours of required public service.
9 San Miguel	23T54	Judge Murphy again fails to rule on a probation revocation complaint on time, thereby losing jurisdiction over defendant in DUI case	On 4/3/25, Probation filed motion to revoke Defendant's probation for failure to complete alcohol classes and pay \$2,105 in fines. Probation notified Judge Murphy that he will lose jurisdiction on 4/21/25. Judge Murphy failed to issue a summons in a timely manner, thereby losing jurisdiction over Defendant.

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10 San Miguel	23T21	After evidentiary hearing on alleged discovery violations in DUI case, Judge Murphy fails for seven months to rule on case-dispositive motion seeking suppression of blood alcohol test related to 16 month delay in providing such test results to the defense	On 8/15/24, Defendant filed motion to dismiss case or, alternatively, for sanctions based on discovery violations. On 11/19/24, Judge Murphy conducted a hearing on the motion. After more than seven months of Judge Murphy failing to rule on the motion, the parties entered a plea agreement on 7/8/25 without the benefit of a ruling on this case-dispositive motion. As a result of Judge Murphy's failure/refusal to rule, Defendant was able to capitalize on the uncertainty of a potential ruling adverse to the D.A., and he pled guilty to Reckless Driving, instead of DUI, [REDACTED] [REDACTED] [REDACTED]
11 San Miguel	24CR20	Six week delay in issuing probable cause finding after preliminary hearing for in custody defendant, thereby delaying the start of speedy trial clock	On 6/24/24, Judge Murphy conducted a preliminary hearing for Defendant who was in custody on felony charges. Minute order states "Court shall issue" probable cause finding "within 24 hours." However, Judge Murphy did not issue probable cause findings until 18 days later on 7/12/24, thus delaying the start of speedy trial clock. Judge Murphy also failed to make probable cause findings on counts 4-8.
12 San Miguel	24S1	After trial to the Court, 18 month delay, and counting, on issuing a written order/verdict in small claims case.	On 4/4/24, the Court completed taking evidence in a trial to the court. The Court has still not issued an order/verdict in that case. Judge Murphy has also not responded to the Commission's prior Rule 14 letter on this matter.

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13 San Miguel	24S4	Over 1 year delay, and counting, on request by Defendant to reconsider default judgment awarded against her because she was at Mayo Clinic for medical reasons when Complaint was served	Defendant was served with the Complaint on 5/30/24. She did not file an Answer on time. Judge Murphy awarded a default judgment in favor of Plaintiff in the amount of \$3,444.58 on 7/9/24. On 7/23/24, Defendant filed a request with Judge Murphy asking for a reconsideration of the default judgment against her and seeking a trial given her need to be at the Mayo Clinic for medical issues. Judge Murphy still has not ruled on this motion.
14 San Miguel	24M22	Prior to trial setting, Judge Murphy fails or refuses for over a month to rule on Defendant's motion alleging discovery violations	On 2/10/25, Defendant filed a motion seeking dismissal of case, or sanctions, for alleged discovery violations. On 2/12/25, the D.A. responded. On 2/13/25, Defendant replied. Trial was set for March 19, 2025, and Judge Murphy failed to rule on this potentially case-dispositive motion by the date of trial. The case ultimately resolved by plea agreement with the parties being forced to negotiate with incomplete information, i.e. not having a ruling from the Court on important discovery issues. Judge Murphy never issued a ruling on the alleged discovery violation.
15 San Miguel	24C30008	Ten month delay, and counting, on issuance of order/verdict after trial to the Court.	A trial to the court occurred on 11/20/24, and Judge Murphy indicated he would issue a written order/verdict. After ten months, he still has not done so to date.

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16 San Miguel	23M07	Two month delay by Murphy in signing probation request to terminate probation early due to successful completion by Defendant. As a result, probation had to get Judge Thomasson to sign the request.	On 10/15/24, Probation filed a request to terminate probation of Defendant early due to successful completion of probation terms. Murphy failed to review/sign request, thus causing Defendant to incur additional probation fees unnecessarily. As a result of Murphy's delay, the Probation Department had to go to Judge Thomasson on 12/10/24 to get him to grant the early termination request.
17 San Miguel	23M49	Two month delay by Murphy in signing probation request to terminate probation early due to successful completion by Defendant. As a result, probation had to get Judge Thomasson to sign the request.	On 10/15/24, Probation filed a request to terminate probation of Defendant early due to successful completion of probation terms. Murphy failed to review/sign request, thus causing Defendant to incur additional probation fees unnecessarily. As a result of Murphy's delay, the Probation Department had to go to Judge Thomasson on 12/10/24 to get him to grant the early termination request.
18 San Miguel	23M82	Two month delay by Murphy in signing probation request to terminate probation early due to successful completion by Defendant. As a result, probation had to get Judge Thomasson to sign the request.	On 10/15/24, Probation filed a request to terminate probation of Defendant early due to successful completion of probation terms. Murphy failed to review/sign request, thus causing Defendant to incur additional probation fees unnecessarily. As a result of Murphy's delay, the Probation Department had to go to Judge Thomasson on 12/10/24 to get him to grant the early termination request.

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19 San Miguel	23M84	Two month delay by Murphy in signing probation request to terminate probation early due to successful completion by Defendant. As a result, probation had to get Judge Thomasson to sign the request.	On 12/17/24, Probation filed a request to terminate probation of Defendant early due to successful completion of probation terms. Murphy failed to review/sign request, thus causing Defendant to incur additional probation fees unnecessarily. As a result of Murphy's delay, the Probation Department had to go to a different judge on 02/03/25 to get that judge to grant the early termination request.
20 San Miguel	23T31	Two month delay by Murphy in signing probation request to terminate probation early due to successful completion by Defendant. As a result, probation had to get Judge Thomasson to sign the request.	On 10/15/24, Probation filed a request to terminate probation of Defendant early due to successful completion of probation terms. Murphy failed to review/sign request, thus causing Defendant to incur additional probation fees unnecessarily. As a result of Murphy's delay, the Probation Department had to go to Judge Thomasson on 12/10/24 to get him to grant the early termination request.
21 San Miguel	NA	Demeanor/professionalism	During a contested evidentiary hearing, Judge Murphy appeared remotely from either a residence or hotel room. During the hearing, a man dressed in just a towel, wrapped around his waist, appeared behind Judge Murphy to gather his clothes. This was clearly visible to all people present for the hearing.
22 San Miguel	NA	Demeanor/professionalism	During a contested evidentiary hearing, Judge Murphy appeared remotely from a residential setting. During the hearing, a woman served him a meal, which he ate during the hearing. This was clearly visible to all people present for the hearing.

Exhibit E

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23 San Miguel	NA	Demeanor/professionalism	Multiple stakeholders have reported to the Commission that Judge Murphy routinely appears for court at least twenty minutes late.
24 San Miguel	NA	Residency	Multiple stakeholders have reported to the Commission that, most of the time, Judge Murphy conducts court remotely, raising concerns about whether he resides within the judicial district, as required by law. The Commission requests that Judge Murphy provide documentation that he satisfies the residency requirements to be a judge in the 7th Judicial District.
25 San Miguel	23CR11	Demeanor	On 2/23/23, Judge Murphy had three hearings scheduled at 3:30 p.m. He showed up for court via telephone 30 minutes late. On the record, per the FTR recording, in a rude and condescending tone, he asserted his court clerk was to blame for his own tardiness. Judge Murphy had been having computer challenges and was allegedly supposed to have picked up a new computer that day from the Montrose Judicial Center at 2 p.m. However, it has been reported he never showed up to pick up the computer, which would have allowed him to attend the hearing on time via Webex, instead of calling in late by phone. It is also alleged that, after the hearing, off the record, Judge Murphy screamed at his clerk about this issue because the clerk was not answering his phone before Murphy appeared in court (because the clerk was attending the Webex hearing, waiting on Judge Murphy). Judge Murphy's tone and conduct here is concerning to the Commission, especially in light of his alleged serial tardiness to court.