

BEFORE THE COMMISSION ON JUDICIAL QUALIFICATIONS
FOR THE STATE OF SOUTH DAKOTA

*
INQUIRY CONCERNING *
JUDGE A.P. FULLER *
*
CERTIFICATION *

I, J. Crisman Palmer, Chairman of the South Dakota Judicial Qualifications Commission,
do hereby certify it is the unanimous decision of the South Dakota Judicial Qualifications
Commission that it recommends the retirement or removal of Judge A.P. Fuller from his position
as circuit court judge in the Seventh Judicial Circuit.

Dated this 28th day of January, 2011

JUDICIAL QUALIFICATIONS COMMISSION
STATE OF SOUTH DAKOTA

By: _____

J. Crisman Palmer, Chairman

**Judicial Qualifications Commission
State of South Dakota**

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Sally Christenson, Vice Chairman
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J. Crisman Palmer, Chairman
Hon. Lori S. Wilbur, Secretary
Ted L. McBride

Hon. Jeff W. Davis
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January 28, 2011

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Re: Judge A.P. Fuller

Dear Counsel:

This purpose of this correspondence is to transmit to you certain materials as well as provide the Commission's ruling on certain issues. Accordingly, enclosed please find the following:

1. Certified unanimous recommendation to the Supreme Court recommending Judge Fuller's retirement or removal;
2. Unanimous Findings of Fact and Conclusions of Law of the Commission;
3. Transcripts of the Order to Show Cause proceeding and final hearing in this matter; and
4. All exhibits accompanying each transcript are attached thereto.

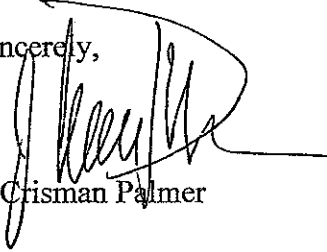
I want to make it very clear the Commission has reviewed, considered, and deliberated regarding the proposed objections by Judge Fuller and they are all duly noted for the record. I also advise the findings and conclusions submitted by counsel for Judge Fuller at the final hearing are hereby rejected. I would advise counsel the objections by counsel for Judge Fuller as to findings 68 and 69 are sustained as relates to relevance. The balance of the objections filed by counsel for Judge Fuller are overruled and the previous findings draft submitted for interposing objections will be modified as to reflect the sustaining of objections as to findings 68 and 69.

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The same materials on this date are being forwarded to the Supreme Court for filing. Pursuant to agreement by counsel, these are being served by mail on counsel for Judge Fuller, and the Commission has specifically been advised it does not have to personally serve Judge Fuller or serve by registered or certified mail. Accordingly, the Commission would ask you consider this to be service by mail.

Sincerely,



J. Crisman Palmer

JCP:kf

Enclosures

c: Chief Justice David Gilbertson (w/enc.)✓