

**PATRICK M. ARCEMENT**

\*

**NO. 2002-C-2533**

**VERSUS**

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**COURT OF APPEAL**

**CHERI LYNN CRUZ**

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**FOURTH CIRCUIT**

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**STATE OF LOUISIANA**

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ON APPLICATION FOR WRITS DIRECTED TO  
ST. BERNARD 34TH JUDICIAL DISTRICT COURT  
NO. 77-122, DIVISION "B"

Honorable Manuel A. Fernandez, Judge

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**Judge Max N. Tobias Jr.**

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(Court composed of Judge Joan Bernard Armstrong, Judge Miriam G.  
Waltzer, and Judge Max N. Tobias Jr.)

Sharon M. Williams  
2008 Fazzio Road  
P. O. Box 1654  
Chalmette, LA 70044-1654  
COUNSEL FOR PLAINTIFF/RELATOR

Keith Couture  
9061 West Judge Perez Drive  
Suite 2A  
P. O. Box 2291  
Chalmette, LA 70044-2291  
COUNSEL FOR DEFENDANT/RESPONDENT

**SUPERVISORY WRIT GRANTED; RELIEF GRANTED;  
STAY  
VACATED.**

Once a judge recuses himself or herself from hearing a case, the judge is thereafter precluded from hearing that case ever again. *Schwing v. Dunlap*, 123 La. 485, 49 So. 134, 136 (La. 1909). In this case, the trial judge recused himself *sua sponte* on 16 September 2002 and gave reasons. *See* La. C.C.P. art. 152. The judge stated that because relator's counsel was a candidate against him and relator was her campaign manager, the appearance of impropriety required his recusal "to promote, protect and preserve the independence and integrity of the judiciary by the Canons of Judicial Conduct." Now that the campaign and election are over is of no moment; the taint of the appearance of impropriety permanently remains. *In re Lemoine*, 96-2116 (La. 1/14/97), 686 So.2d 837; *see also* Canon 3(C), Code of Judicial Conduct.

Accordingly, we granted the application for a supervisory writ of the relator, Patrick M. Arcement. We further grant relator's request for relief: The Honorable Manuel Fernandez is and remains recused from hearing, dealing with, or trying any part of the captioned matter. Our stay order of 19 December 2002 is vacated.

**SUPERVISORY WRIT GRANTED; RELIEF GRANTED; STAY  
VACATED.**