THE STATE OF NEW HAMPSHIRE
JUDICIAL CONDUCT COMMITTEE

JC-25-058-C

In RE: Honorable Todd H. Prevett

STATEMENT OF FORMAL CHARGES PURSUANT TO
NEW HAMPSHIRE SUPREME COURT RULE 40 (9)

The State of New Hampshire Committee on Judicial Conduct complains against Todd H. Prevett as follows:

1. The Committee on Judicial Conduct ("JCC" or the "Committee") is the duly authorized committee on judicial conduct established by the New Hampshire Supreme Court pursuant to the Court's constitutional and statutory authority to provide for the orderly and efficient administration of the Code of Judicial Conduct (Rule 38 of the Rules of the New Hampshire Supreme Court). See Rule 39.
2. The Committee is proceeding against the Honorable Todd H. Prevett ("Judge Prevett") pursuant to Rule 40 (7) (a) and (b), and this Statement of Formal Charges is issued pursuant to Rule 40 (9).
3. These formal charges are brought on the basis of a Committee-initiated complaint following receipt of a self-report to the Committee by Judge Prevett.
4. On or about September 23, 2025, Judge Prevett filed a self-report with the Committee related to his conduct in the matter of In re Guardianship of [redacted]., 657-2014-GM-[redacted].
5. Judge Prevett is a sitting Justice in the New Hampshire Circuit Court, and at relevant times to this complaint was assigned to the 9th Circuit – Family Division – Milford. Judge Prevett is a member of the New Hampshire Bar.

Background and Facts

6. On December 12, 2024, Judge Prevett conducted a scheduled case review hearing in the matter of In re Guardianship of [redacted] 657-2013-GM-[redacted]. The mother of the child in guardianship initiated the case review hearing by a letter filed with the court

seeking to restore her parental rights. The mother acknowledged in her letter that she had assented to the guardianship in 2015, during which time she was [redacted] and agreed that the child's guardianship placement with the paternal grandparents was appropriate. The mother asserted in her letter to the court that she had since successfully [redacted], obtained employment, and had established a suitable living arrangement. Prior to the December 12, 2024, hearing the mother retained counsel. Her counsel filed a motion prior to the hearing requesting that the guardianship be terminated.

7. The court conducted the December 12, 2024, hearing which proceeded primarily by offers of proof provided by the attorneys for the mother and the guardian. The guardian advised the court that he did not object to reunification or reintroduction of the child with the mother, but requested that such reunification be conducted in a manner that best suited the child's interests. The guardian requested a slow approach to reunification. The mother agreed to the guardian's requests for a slow approach to reunification and requested that the court appoint a guardian ad litem ("GAL"), specifically stating to the court that a GAL would assist the court's consideration of the current status of the child's placement with the guardian. The parties agreed at the hearing, in the presence of the court, to initiate a plan for supervised visitation between the mother and the child pending the court's order. The court instructed the parties to submit an agreement related to the appointment of a GAL and the associated expenses related to the same.
8. During the December 12, 2024 hearing, the court advised the parties that it would take judicial notice of two matters in which the mother was a party, specifically the two family-related cases in New Hampshire courts involving the mother's other children which were referenced during the hearing.
9. On December 16, 2024, the court issued an order summarizing the facts and the procedural history of the guardianship matter. The court denied the mother's request to restore her parental rights and her request to terminate the guardianship. Without disclosing or providing notice to the parties at the hearing, the court's ruling *sua sponte* expanded the record and included its judicial notice consideration of five criminal cases against the mother that were more than ten years old, involving matters

that occurred in both New Hampshire and Massachusetts. The court relied upon the judicially-noticed criminal matters to make an adverse finding related to the mother's credibility, but failed to articulate or provide a basis of how such an assessment was relevant to the mother's current ability to reunify with her child. In addition, despite the evidence being presented primarily through counsel by offers of proof, the court's order expressed a highly critical assessment of the mother. Specifically, the court ruled that it had "assessed the tone, demeanor, and presentation of the Mother during her testimony," and found that her "unabashed sense of entitlement in expecting to show up after a 10-year absence and 'pick up where they left off' with immediate in-person visits shows a gross lack of self-reflection and lack of accountability."

10. Additionally, the court's order contained several expressions of hostility and disdain towards the mother. (e.g., "[redacted]," "mother brazenly questioned," "mother sheepishly stated," "they took exception to Mother unilaterally filing her motion without even giving the Guardian the courtesy of a phone call," "the Court takes solemn note that the Mother gave birth to her son, [redacted], [redacted]," "Mother was less than truthful," "Mother was actively untruthful," "brazenly and falsely denying," "languid and unsupported excuses," "flippant and off-hand comments," "struck the Court as callous, snide and immature," "Mother has not proven 'a mere flicker of interest' in the child").
11. The mother timely filed a motion to reconsider challenging, amongst others issues, whether she was provided adequate notice of the matters decided by the court's dispositive rulings, whether the court erred in *sua sponte* conducting independent research of matters beyond the record, whether the court's adverse credibility findings related to her were erroneous, asserting that the court's order manifested an impermissible bias and hostility towards her, and whether the court's judicial notice consideration and determinations were in error as she was not provided notice and an opportunity to challenge the judicially-noticed findings. The court denied the mother's motion for reconsideration.
12. The mother appealed the trial court's findings to the New Hampshire Supreme Court. On July 2, 2025, the Supreme Court vacated the order of Judge Prevett and remanded the matter to be considered by a different circuit court judge. *In re Guardianship of*

[redacted] *(In Case No. 2025-[redacted] July [redacted], 2025).* The Supreme Court ruled that the trial court's, *inter alia,* denial of the mother's request for a restoration of her parenting time – in light of the parties' agreements on the record during the hearing that a guardian ad litem (GAL) be appointed and that the mother begin some form of visitation with the child - was inconsistent and required reversal. The Supreme Court further questioned whether the trial court's use of judicial notice was proper, but ruled that the issue would be addressed on remand. Lastly, the Supreme Court considered whether the trial court demonstrated a bias against the mother and concluded "that an objective, disinterested observer, fully informed of the facts, would have significant doubt that justice would be done in this case." *Id. at 3.*

13. Following the Supreme Court's ruling above, it dispatched a letter to Judge Christo, Judge Prevett's supervisory judge, requesting that an inquiry be conducted and to allow Judge Prevett an opportunity to consider whether he may have violated the Code of Judicial Conduct related to impartiality and fairness, bias and prejudice, and the prohibition from investigating facts independently. Judge Christo requested that Judge Prevett respond to the questions raised by the Supreme Court and whether he should consider a self-report to the JCC.
14. On August 4, 2025, Judge Prevett sent a 13-page response to Judge Christo. Therein, he provided justifications and explanations to support his decision and written order. On September 16, 2025, Judge Prevett self-reported to the Committee.
15. The Committee began a review and investigation of Judge Prevett's self-report in October, 2025. In November 2025, the Committee elevated Judge Prevett's self-report to the level of a complaint to allow it to obtain an additional response from Judge Prevett and to conduct a further investigation. The Committee's Executive Secretary sent a letter to Judge Prevett on November 18, 2025, requesting that he provide a response to issues related to possible violations Rules 2.2*,* 2.3 and 2.9 (C). In addition, the Committee requested that Judge Prevett provide a detailed explanation related to facts of which he took judicial notice and the source of the judicially-noticed facts. The Committee further requested a response from Judge Prevett related to the Supreme Court's observations that he expressed hostility and disdain towards the mother.

16. On December 22, 2025, Judge Prevett provided an eight-page written response to the Committee to which he specifically included and incorporated his August 4, 2025, answers and reply to Judge Christo. Included in his response to the Committee, Judge Prevett identified the source of the facts of which he took judicial notice, the specific judicially-noticed factual findings, and his position that he did not express hostility, disdain, or bias against the mother.

Committee Counsel Investigation Related to Source of Judicial Notice

17. Judge Prevett's answers to the Committee, along with an analysis of whether said answers are supported by a factual basis from the source from which judicial notice was taken are set out in the paragraphs below. Committee Counsel's analysis includes alleged violations of the Code of Judicial Conduct.
18. Judicially-Noticed Source related to 226-2013-CR-[redacted] (Felony Burglary, Pled Guilty). Judge Prevett identified three sources to the Committee that led him to identify the burglary conviction and take judicial notice of it. First, he relied on a motion to introduce evidence filed by the guardians on February 4, 2015 (entry #31 In re [redacted] 657-2013-GM-[redacted] The guardians filed the unsworn motion prior to a review hearing on February 11, 2015. The relevant material addressed in the motion provided the following: "Documented by Mason Police and NH State Police our home was vandalized twice by both our son and [redacted] (with [redacted] in the back seat as they went to Pawn Shops and Metal Salvage shops to sell)." The order issued by the court (Kinghorn, J.) after the review hearing on February 11, 2015, made no reference to the guardian's motion, nor did the court indicate that the motion was entertained or considered. The allegations in the motion made no reference that the mother was criminally charged as a result of the alleged vandalism or the conduct resulting in a burglary conviction. Judge Prevett, 10 years later, identified the motion as a source for the burglary conviction, despite the absence of reference to the conviction.
19. The second source identified is a December 11, 2013, review order issued by (Moore, J.) (entry #[redacted] In re [redacted], *supra*). There, the court expressed concern "with the fact that both parents of [[redacted]] had extensive involvement in the criminal justice system, [[redacted]], currently on probation relative to a felony burglary and the Respondent father

incarcerated at Valley Street until the end of the year." The order did not reference whether the burglary conviction occurred in New Hampshire or elsewhere and did not contain a docket identifier. The final source identified related to the burglary conviction is page nine of a GAL report in 657-2014-DM-[redacted] (In re: [redacted] v. [redacted] The GAL wrote "During 2013, mother was charged in New Hampshire with Criminal Liability for Conduct of Another, paid restitution and did community service. The GAL report did not reference a burglary conviction or court docket identifier. The three sources related to the burglary conviction provided by Judge Prevett failed to provide specific information to ascertain the State, court, or docket identifier. It is alleged that Judge Prevett conducted an independent investigation outside of the facts presented at the hearing to discover the felony conviction by way of the court accessible Odyssey System research.

20. Judicially-Noticed Source related to 448-2013-CR-[redacted] (Felony 318-B, Pled Guilty). Judge Prevett identified entries #19 and #31 of 657-2013-GM-[redacted] (In re [redacted]) as the source for judicial notice of this criminal conviction. There exists no reference to the charge or conviction within the claimed sources. Further, the court identifier "448" used above, references the Jaffrey Circuit Court and the circuit court is a court of limited jurisdiction that does not include the resolution of felony matters. As such, the suggestion that the above-matter involved a felony conviction does not appear to be legitimate. It is alleged that Judge Prevett conducted an independent investigation outside of the facts presented at the hearing to discover the conviction by way of the court accessible Odyssey system research. It is further alleged that Judge Prevett's reliance in his answers to the Committee to support the discovery of the above sourced information suggests a lack of candor with the Committee related to its investigation.
21. Judicially-Noticed Source related to 657-2014-DM-[redacted] (In re: [redacted] v. [redacted] Judge Prevett's answer to the Committee was that the above-matter was "referred to by Mother at the hearing. She requested that the Court take judicial notice of the same." However, the transcript of the hearing proves differently (p. 19-20). During an exchange between the court and the guardian's attorney, the attorney referenced the mother's claim of joint custody of another child, [redacted] The court stated "I'll take

judicial notice of both proceedings regarding [[redacted] and [redacted]].” The mother did not ask or request that the court take judicial notice of the [redacted] matter. Although, the transcript of the hearing does establish that the court was provided the docket identifier for the matter involving [redacted] (p. 12), no such docket identifier or other information related to the petitioner’s name was provided to the matter above. It is alleged that Judge Prevett conducted an independent investigation outside of the facts presented at the hearing to identify the [redacted] v. [redacted] matter by way of access to the court accessible Odyssey System research. It is alleged that Judge Prevett’s reliance on this source in his answers to the Committee to support the discovery of the above-sourced information suggests a lack of candor with the Committee related to its investigation.

22. Judicially-Noticed Source related to 1316CR[redacted] (Fitchburg District Court, Larceny by False Pretense, Dismissed After Probation). Judge Prevett identified entries #19 and #31 contained the In re: [redacted], *supra*, file as the source for judicial notice of this matter. There exists no reference to the Fitchburg matter within the above-claimed sources, with the exception of a passing reference to the mother’s involvement in the criminal justice system in an order mentioned in #19. (See paragraph 18 above). Judge Prevett further relied on the mother’s exhibits introduced at the December 12, 2024, hearing to suggest they contained a reference to the Fitchburg matter. The mother’s exhibits do not reference the Fitchburg matter. Judge Prevett also identified entry #32 in 657-2014-DM-[redacted] ([redacted] v. [redacted] as a source related to the Fitchburg matter. Entry #32, Order on Temporary Hearing dated December 17, 2014 (Moore, J.), noted that the court had become aware of the fact that the Respondent was arrested in Lowell and had unresolved issues in Massachusetts, but it made no reference to the Fitchburg matter. Judge Prevett also identified entry #92, page 9 of the GAL report in 657-2014-DM-[redacted] The GAL report referenced prior criminal charges in Lawrence, MA that were dropped as a result of mother’s entry into [redacted] and another more recent charge in Lawrence that resulted in probation. The sources identified make no reference to the Fitchburg matter.

23. It is alleged that Judge Prevett conducted an independent investigation outside the facts presented at the hearing to discover the Fitchburg arrest by way of access to the Mass.gov criminal court database. The arrest did not result in a conviction, nor was it resolved by way of an admission to sufficient facts to support a conviction. It was dismissed after successfully completing pretrial probation. It is alleged that, regardless of the manner of Judge Prevett's discovery of the arrest, his adverse character determination of the mother's credibility was inconsistent with N.H. R. Evid. 609 and supports his confirmational bias present for the Committee's consideration. It is further alleged that Judge Prevett's reliance in his answers to the Committee to support the discovery of the above-sourced information suggests a lack of candor with the Committee related to its investigation.
24. Judicially-Noticed Source 1418CR00[redacted] (Lawrence District Court, Possession of Drug, Endangering the Welfare of a Minor, Admitted to Sufficient Facts, Bail Initially Revoked). Judge Prevett identified the mother's exhibits A and B at the December 12, 2024, hearing as support for judicial notice of the above-matter. Mother's exhibit A contains an October 12, 2017, letter from the [redacted] apparently provided to the mother in support of a "probation review." It made no specific reference to the Lawrence Court, Massachusetts, or New Hampshire criminal charges. It was simply a letter in support of a probation review. Exhibit A further contains [redacted] after a period of incarceration at the Essex County Department of Corrections. Mother's exhibit B is a timeline related to [redacted] and references a "Lawrence Initial Court Date – [redacted]" and "[redacted]" on March 20, 2017. It further contains an entry "Lawrence Court date – elected probation/[redacted] on April 20, 2017. The remainder of the exhibit references her continued [redacted]
25. Judge Prevett further identified entry #32 in the 657-2014-DM-[redacted] ([redacted] v. [redacted] matter. Entry #32, (12/17/14) order (Moore, J.) that in relevant part states: "court has become aware the [mother] was arrested in Lowell, MA for possession of heroin and child endangerment." Entry #32 makes no reference to a Lawrence, MA arrest. Judge Prevett identified entry #54 in the same case. Entry #54 is [redacted]'s

petition to modify based "because of her child endangerment case in Lawrence M.A." Entry #54 fails to provide a date of arrest, nor any docket identifiers. Judge Prevett identified pages two and nine of the GAL report referenced above. The GAL report identifies [redacted]'s petition to modify and his assertions contained therein ("because of her child endangerment case in Lawrence M.A."). The report further restates, at page nine, that mother's arrest for child endangerment was dismissed upon her entry into a [redacted].

26. The sources identified by Judge Prevett fail to provide a sufficient factual basis to identify the Lawrence Court matter. It is alleged that Judge Prevett conducted an independent investigation outside the facts presented at the hearing to discover and identify the above matter by way of access to the Mass.gov criminal database. The possession of drugs complaint was dismissed after the mother's admission to sufficient facts for a guilty finding and completion of probation. Despite Judge Prevett's finding that the child endangerment matter was disposed of in a similar manner is inconsistent with that court record. The child endangerment charge was dismissed at the request of the Commonwealth. Regardless of the manner of Judge Prevett's discovery of the above arrest, his adverse character determination of the mother is inapposite with N. H. R. Evid. 609 and demonstrates his confirmational bias that resulted in his search to identify, isolate and provided a basis for his adverse ruling against the mother. The mother's [redacted] exhibits A and B describe the [redacted] successfully completed by the mother in 2017, which consideration was markedly absent from Judge Prevett's order. It is alleged that Judge Prevett's confirmational bias resulted in his search for and identification of unfavorable information to adversely rule against the mother, while ignoring information that documented the mother's [redacted]. The lack of such consideration supports the confirmational bias displayed by Judge Prevett.
27. Judicially-Noticed Source 1718CR00[redacted] (Lawrence District Court, Possession of Drugs, Admitted to Sufficient Facts, Bail Initially Revoked). Judge Prevett identified the same sources set forth in paragraph 22. The sources identified make no specific or factual reference to the above matter, and it is alleged that Judge Prevett conducted an

independent investigation outside the facts presented at the hearing to discover and identify the above source by way of access to the Mass.gov criminal database. The above criminal matter was a misdemeanor level offense that was dismissed following the mother's admission to sufficient facts for a guilty finding and the completion of a probationary period. It is alleged that, regardless of the manner of Judge Prevett's discovery of the matter, his adverse character determination related to the mother's credibility was contrary to N. H. R. Evid. 609 and further demonstrates his confirmational bias against the mother that resulted in his search to identify, isolate and provide a basis for his adverse ruling against the mother.

Committee Counsel Investigation Related to Facts of Judicial Notice

28. Judge Prevett's answers to the Committee, along with an analysis of whether said responses are supported by a factual basis and legal authority in which he took judicial notice of the facts are set out below. Committee Counsel's analysis includes alleged violations of the Code of Judicial Conduct.

29. Judicially-Noticed Fact "The Court takes solemn note that mother gave birth to her son, [ ], ." Judge Prevett identified four sources for support of the above judicially-noticed fact. First, he directed the Committee to index #4 and #5 documents contained in 657-2014-DM- (v. Index #4 is 's September 3, 2014, request for alternative service upon the mother to initiate the custody proceedings. Therein, he claimed that he had been recently notified by the "Department of Health & Human Services" that the mother had given birth to [ ]. He further asserted that the mother " ." In index #5, 's request for an expedited hearing, he stated " being full-term pregnancy. ."

30. The third source identified by Judge Prevett is the Uniform Support Order dated December 17, 2014, indexed as #24. The support order references that the mother is not then obligated to provide child support because she "is and is not working." The order later confirms that the father is not seeking child support because mother is and not working. Judge Prevett further identified index #29, the Temporary Parenting Plan ordered by the court on

December 17, 2014. There, the court (Moore, J.) ruled that "if upon completion of program at [redacted]. Failure to do so within 24 hours of said request shall be deemed a failure. Any failure results in suspended parenting time." The court further ordered that the mother "[redacted]."

31. It is alleged that Judge Prevett's finding that the above sources authorized him to take judicial notice that the mother gave birth to the child [redacted] well exceeded the bounds of permissible judicial notice, because such notice was not based upon a source capable of accurate and ready determination but instead was based upon sources whose accuracy could be reasonably questioned. The sources also lack support that "DCYF was actively involved." Other than [redacted]'s assertion that he was notified by the "Department of Health and Human Services" of the child's birth, the sources fail to suggest or provide a basis that DCYF was actively involved. Such a fact was not capable of accurate and ready determination by resort to sources whose accuracy cannot be reasonably be questioned. It is alleged that Judge Prevett's determination that judicial notice of the above facts presented here, were legally authorized or factually permitted confirms his confirmational bias which rendered him predisposed to issue an adverse ruling against the mother in the matter.
32. Judicially-Noticed Fact "While that case ([redacted] v. [redacted] was pending, Mother struggled with [redacted] and resulting criminal charges in both New Hampshire and Massachusetts." Judge Prevett relied on a number of sources in 657-2014-DM-[redacted] ([redacted] v. [redacted] (Temporary Order #32 (12/17/14); Final Agreement on Parenting Plan #43 (7/29/15); Petitioner's Motion to Modify #54 (10/10/17); Order on Contempt #74 (1/11/18); GAL #92 pages 7-10, (8/16/18)). He asserts these sources allowed him a factual and legal basis to judicially notice the purported fact presented here. At the time of his consideration of the mother's request for reunification with the child on December 12, 2024, Judge Prevett's sources included years-old orders issued by other judges and courts, including orders that provided "the court has become "aware" of arrests [redacted] "well documented" history in the criminal justice system; court has "learned" that mom

[redacted]. Such sources were not a permissible basis to take judicial notice, factually or legally. Judge Prevett's reliance on the above pleadings, GAL report, and other court orders to take judicial notice were unrelated by facts, time, and relevancy to the issue that was presented before him on December 12, 2024. The mother did not challenge [redacted], she however acknowledged them and presented the court with evidence of her substantial [redacted] efforts that allowed her to [redacted] at the time of Judge Prevett's consideration. It is alleged that Judge Prevett's confirmational bias resulted in his predetermined effort to highlight her past, rather than address her present ability to begin a reunification process with her daughter.

33. Judicially-Noticed Fact "Mother was less than truthful about her domestic violence fueled relationship with [redacted] (son of [redacted] and [redacted] Judge Prevett relied on his authority to take judicial notice of the above fact based on pleadings provided in court documents in 657-2014-DM-[redacted] ([redacted] v. [redacted] including: the father's petition to modify alleging that "mother is living with family of abusive ex-boyfriend." (#64); GAL report that recounts information provided by father that in 2017 "mother told him that [redacted] had been abusive of her and she had to get out. She did not, however provide details." (#92, p.7); GAL report that mother advised [redacted] was abusive to her; (#92, p.10); GAL report recounting mother of [redacted] acknowledging relation between her son and mother inappropriate and like 'oil and water' (#92, p. 17); and GAL report that mother's friend reported "mother having lived with a man who was abusive to her, but later lived with his parents." (#92, p.19).

34. It is alleged that Judge Prevett's judicially-noticed factual determination that the "mother was less than truthful about her domestic violence fueled relationship with [redacted] is without a sufficient factual basis from a source capable of accurate and ready determination and is therefore made without sufficient legal authority. Within Judge Prevett's cited sources are the mother's statement to the GAL that [redacted] was abusive to her, which renders his finding unsupported. It is alleged that Judge Prevett's determination that judicial notice of the above fact was legally authorized or

factually permitted confirms his confirmational bias that caused him to search for, identify, isolate, and provide a basis for his adverse ruling directed at the mother.

35. Judicially-Noticed Fact "Mother was actively untruthful about her domestic violence and alcohol abuse that pervaded her contemporaneous relationship with [redacted] Judge Prevett first relied on pleadings contained in 659-2020-DM-[redacted] ([redacted] v. [redacted] Judge Prevett relied on entry #22, the mother's proposed parenting plan. The court (Curran, J.) (2/18/21) adopted the proposed plan, but struck from the mother's proposal the inclusion of [redacted]'s emotional abuse of the mother and his history of alcohol abuse. It is alleged that Judge Prevett relied upon the mother's proposed parenting plan, rejected by the court that considered it, to support a judicially- noticed finding that domestic violence and alcohol abuse existed, and that the mother actively denied the existence of the same. Judge Prevett relied on 657-2014-DM-[redacted] ([redacted] v. [redacted]) entry #111 to support his judicially-noticed fact above. There, in entry #111, the final stipulated parenting plan adopted by the court (Derby, J.) (2/26/19) ordered that [redacted] shall not possess or be under the influence of alcohol or drugs, and shall not be abusive towards the mother or child during parenting times. Judge Prevett further relied on the GAL report in the above matter, entry #92, p. 7, 9, and 19. There, the GAL recited an interview with [redacted] wherein he stated: [redacted] was "allegedly" abusive to the mother, and may have been to other women (p.7); GAL report that in 2018 mother described [redacted] as kind, gentle, and everything to her. (p. 8); GAL report that mother's friend expressed concern about [redacted] based on mother's "alleged" statements to him that [redacted] was an alcoholic and mother "alleged" that when he gets drunk, he has schizophrenic episodes from drinking…" (p. 19).

36. Although the mother's description to the GAL was that [redacted] was kind, gentle and everything to her in 2018 contrasts with her proposed parenting plan filed in 2021, such divergence over the span between 2018 and 2021 does not serve as a basis for Judge Prevett's judicially-noticed fact that mother was actively untruthful regarding [redacted]'s abuse and alcohol abuse. It is alleged that there is no factual or legal authority in the cited sources for Judge Prevett to take judicial notice that the mother was actively untruthful about [redacted]'s domestic abuse or alcohol abuse. It

is further alleged that Judge Prevett's adoption of judicial notice of the above fact confirms his confirmational bias that caused him to search for, identify, isolate, and provide a basis for his adverse ruling directed at the mother.

37. Judicially-Noticed Fact "Mother adamantly denied any allegations of sexual abuse perpetrated by [redacted] or [redacted] while brazenly and falsely denying concerns about [redacted]" Judge Prevett relied upon the same sources related to "denying concerns about [redacted] as set forth in paragraphs 35-36 and addressed therein. With respect to "adamantly denied any allegations of sexual abuse," Judge Prevett relied on the GAL report in 657-2014-DM-[redacted] ([redacted] v. [redacted] entry #92. There, the mother reported to the GAL that [redacted] and [redacted] were kind and welcoming and "they would never do anything to [redacted]." She told the GAL that it was her belief that [redacted] had coached [redacted] to create a situation that would result in termination of her parenting time and that she perceived that [redacted] was angry with the [redacted] because they provided her legal expenses and support. She further told the GAL that it was impossible that the child was sexually abused because she was always present with him. It is alleged that Judge Prevett's judicial notice of the above fact displays the suggestion that sexual abuse of [redacted] may have occurred, which demonstrates a bias against the mother as possibly being unfit to care for [redacted], and for part of the basis for his decision to deny mother's reunification with [redacted]. It is further alleged that Judge Prevett's judicial notice of the above fact confirms his confirmational bias that caused him to search for, identify, isolate, and provide a basis for his adverse ruling directed at the mother.

38. Judicially-Noticed Fact "[redacted]'s long-term child care providers confirmed the documented observations of [redacted]." Judge Prevett relied on the GAL report in 657-2014-DM-[redacted] ([redacted] v. [redacted] entry #92. The GAL report referenced a letter written by the child's pediatrician that stated [redacted]

[redacted]

[redacted.] [redacted]

3-4. The GAL report documented a second letter written by the child's pediatrician. In describing the letter, the GAL [redacted]. The GAL did not speak or interview the pediatrician for the GAL report. The GAL report contains information related to an interview of [redacted]'s babysitter. She reported that the child, [redacted], [redacted]

Contained in entry #78, [redacted]'s Affidavit (suggesting [redacted]) (3/27/18), he [redacted], [redacted] acknowledged that a [redacted]s "not a reliable reporter of facts."

39. The sources relied upon by Judge Prevett for judicial notice of the above facts are pleadings and GAL reports contained in other court files, unrelated to the In re [redacted]. matter presented to him for consideration on December 12, 2024. The information relied upon in the GAL report contain the use of the words "informed," and "allegedly." It is alleged that Judge Prevett's judicial notice of the above facts was not capable of an accurate and ready determination by resort to sources whose accuracy cannot be questioned. It is further alleged that Judge Prevett's determination that he was factually or legally permitted to take judicial notice of the above facts confirms his confirmational bias against the mother which rendered him predisposed to issue an adverse ruling against the mother in this matter.
40. Judicially-Noticed Fact "Ultimately, Massachusetts [redacted] and [redacted] then subsequently

overturned the finding on appeal." The relied upon sources make no reference to an allegation of sexual abuse by [redacted] Judge Prevett relied on the GAL report in 657-2014-DM-[redacted] ([redacted] v. [redacted] entry #92. There, the GAL report stated "Upon information and belief, [redacted] involving [redacted] to be supported. On May 2, 2018, however, it sent two letters to [redacted] ."

41. Judge Prevett's decision to take judicial notice of the above fact is based on the GAL's use of the phrase "upon information and belief." No other cited sources contain reference to the investigation or findings. It is alleged that Judge Prevett's finding of judicial notice of the above fact, based upon a GAL report that presented the information as "upon information and belief" were factually and legally insufficient to support a basis to do so. The sources utilized by Judge Prevett were legally insufficient to find even that [redacted] It is alleged that the GAL report was not a source capable of an accurate and ready determination by resort to sources whose accuracy cannot be questioned. It is alleged that Judge Prevett's inclusion and consideration of the above noticed fact is a demonstration of his confirmational bias that resulted in his search to identify, isolate, and provide a basis for his adverse ruling against the mother. Further, the inclusion of sexual abuse claims against [redacted] were without any factual basis and such inclusion is an additional example of his bias.
42. Judicially-Noticed Fact "The Court takes solemn note that Mother has sole residential responsibility for her daughter, [[redacted].], but only because the father, [redacted] has had repeated issues with domestic violence, alcohol abuse, and failure to appear." Judge Prevett identified a temporary parenting plan in 659-2020-DM-[redacted] ([redacted] v. [redacted] entry #22 (2/18/21). The referenced parenting plan is

described in paragraph 35 above, however recited here. Mother's proposed parenting plan that included allegations of [redacted]'s emotional abuse and history of alcohol abuse was rejected by the court (Curran, J.). Judge Prevett further relied on the temporary order issued, entry 28 (Curran, J.) (3/5/21), to support his finding. Although the court did summarize the mother's arguments regarding her basis to have sole residential responsibility in its written order, the court did not find that mother was awarded sole residential responsibility based upon [redacted]'s domestic violence and alcohol abuse. Judge Prevett further relied on the narrative order after final hearing, entry 58 (Curran, J.) (5/19/22). The court did not decide that mother was awarded sole residential responsibility because of [redacted]'s domestic violence and alcohol abuse.

43. Judge Prevett's judicial notice finding included the fact that mother's award of residential responsibility was, in part, because [redacted]'s failure to appear. He was present at the temporary and final hearings and no judicial order was issued adversely related to his failure to appear. It is alleged that Judge Prevett's judicial notice and adoption of the facts above was factually and legally unsupported. It is alleged that his review and consideration of the [redacted] v. [redacted] matter was factually and legally not pertinent to the matter he was tasked to consider on December 12, 2024. It is alleged that Judge Prevett's determination that he was authorized to take judicial notice of the above facts confirms his confirmational bias against the mother which rendered him predisposed to issue an adverse ruling against the mother. The inclusion of the above facts served as his suggestion that mother was awarded the sole residential responsibility because she was the less of two evils. It is further alleged that Judge Prevett's reliance on his answers to the Committee to support the finding above suggests a lack of candor with the Committee related to its investigation.

New Hampshire Rule of Evidence 609 Considerations

44. In general, the New Hampshire Rule of Evidence 609 provides methods of attacking a witness's character for truthfulness by evidence of a criminal conviction. The conviction must have been punishable by death or by imprisonment for more than one year. Evidence of such conviction in a civil or criminal matter, where the witness is not a criminal defendant, may be admitted subject to Rule 403 analysis to consider

prejudice, confusion, etc. Evidence of a conviction regardless of punishment, may also be admitted if the court can readily determine the conviction involved a dishonest or false statement. N.H. R. Evid. 609(a). The rule imposes limitations for consideration of convictions where more than 10 years has passed from the date of the conviction, or release from incarceration. The use of such convictions is only admissible for consideration if its probative value, supported by specific facts and circumstances, substantially outweighs its prejudicial effect. Further, the proponent of the evidence is required to give the adverse party written notice of intent to use such evidence to allow the adverse party an opportunity to contest its use. N.H. R. Evid. 609(b). The plain language of Rule 609 makes clear that the use of such evidence/convictions was designed to permit the opposing party, not the court, to 'attack' the opponent's witness's character. The guardians did not seek to attack the mother's credibility during the December, 12, 2024, hearing, Judge Prevett *sua sponte* did so without prior notice required by Rule 609 and then subsequently denied the mother's motion to reconsider his findings. It is alleged that Judge Prevett's actions demonstrated a confirmational bias that resulted in his taking of judicial notice of character evidence.

45. Judge Prevett's order stated: "Guided by N.H. R. Evid. 201(1)[*sic*] and 609, the Court lawfully takes judicial notice of the following cases involving the Mother and weighs them against the Mother's credibility." The propriety of Judge Prevett's judicially-noticed consideration of pleadings, affidavits, and orders in family cases is discussed in paragraphs 49-53 below. It is alleged that Judge Prevett's judicially-noticed consideration of pleadings, affidavits, and orders in the family related matters demonstrates of his confirmational bias that resulted in his search to identify, isolate, and provide a basis for his adverse ruling against the mother.
46. Judge Prevett took judicial notice of a New Hampshire "Felony Burglary" conviction in 226-2013-CR-[redacted] The conviction was Criminal Liability for Burglary. At the time Judge Prevett considered it and made an adverse finding against the mother's credibility, more than 10 years had passed since the conviction was entered and the mother was not incarcerated as a result. It is alleged that Judge Prevett's judicially-noticed consideration of the-above conviction demonstrates his confirmational bias

that resulted in his search to identify, isolate, and provide a basis for his adverse ruling against the mother.

47. Judge Prevett took judicial notice of what he described to the Committee as a "Felony 318-B, Pled Guilty" conviction in 448-2013-CR-[redacted] The conviction was for a misdemeanor Controlled Drug - Acts Prohibited that was resolved in the Jaffrey Circuit Court. Judge Prevett was assigned to the circuit court. It is alleged that he would have been aware that a felony conviction could not occur in the circuit court, and it is alleged that Judge Prevett's evaluation of such "felony" conviction to make an adverse credibility finding demonstrates his confirmational bias. At the time Judge Prevett considered and made an adverse finding of the above-conviction against the mother's credibility, more than 10 years had passed since the conviction was entered and the mother was not incarcerated as a result of the conviction. Further, the above-conviction is not one that could be permissibly considered for an attack on credibility under Rule 609. It is alleged that Judge Prevett's consideration of the above-conviction demonstrates his confirmational bias that resulted in his search to identify, isolate, and provide a bias for his adverse ruling against the mother.
48. Judge Prevett took judicial notice of three criminal matters that took place in Massachusetts. All three matters were misdemeanor-level complaints and were resolved without convictions. The dismissed criminal complaints could not permissibly be considered for an attack on credibility under Rule 609. It is alleged that Judge Prevett's consideration of the Massachusetts criminal matters demonstrates his confirmational bias that resulted in his search to identify, isolate, and provide a basis for his adverse ruling against the mother.

New Hampshire Rule of Evidence 201 Consideration

49. Instructional to the Committee's assessment of whether judicial notice was permissibly taken in this matter, New Hampshire Rule of Evidence 201, Judicial Notice, provides limited circumstances in which a judge may judicially notice facts. A judicially-noticed fact must be one not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court or (2) it is capable of accurate and ready determination by resort to sources whose accuracy cannot readily be questioned. See N.H. R. Evid. 201. Court records can be judicially

noticed for their factual existence, including the occurrence and timing of matters related to scheduled hearing dates and pleadings filed, but not for the truth of allegations or finding contained within the files. See ABA Formal Opinion 478 (Dec. 2017). When a judge considers other court records, the judge cannot take judicial notice of facts that are subject to reasonable dispute, even when they are contained as allegations set forth in pleadings or affidavits, testimony, trial documents, or findings of fact in judgments. See Weinstein's Federal Evidence, 2ND Edition § 201.14 [1][b]. In addition, a court's ability to take judicial notice has important safeguards built within Rule 201(e). There, it allows a party to be heard, either before or after judicial notice is taken, to challenge the propriety of taking judicial notice and the tenor of the matter noticed. The mother filed a motion to reconsider requesting an opportunity to challenge Judge Prevett's judicially-noticed findings, which he denied. It is alleged that Judge Prevett's denial of the mother's motion to reconsider demonstrates a confirmational bias against the mother.

50. In Judge Prevett's response to Judge Christo on August 4, 2025, which he incorporated and adopted with his December 22, 2025 answers to the Committee, he relied upon an unreported decision from the New Hampshire Supreme Court to support his contention that his judicial notice findings were permissible. He relied on In re [redacted]; In re [redacted] No. 2022-[redacted] There, the Supreme Court considered the trial courts use of judicial notice in a parental rights termination matter with a directly related and relevant criminal case. The basis for the termination action was that the mother had abandoned the child for more than the presumptive statutory period of six months. During the period of absence, the mother had a criminal bail condition related to a simple assault charge where the father was the alleged victim. The bail conditions prohibited contact with the father, which she claimed prevented her from seeking contact with the child. The trial court considered and took judicial notice of the criminal case, but limited its judicially-noticed consideration only to the delays associated with the resolution of the criminal matter, to consider whether the delays refuted abandonment. The Supreme Court held that "even if we assume, without deciding, that taking judicial notice of the official court record would not be permissible under Rule 201, we cannot conclude that the trial court unsustainably

exercised its discretion in taking judicial notice of matters in the mother's criminal case … relevant to the termination case." Id.

51. In Judge Prevett's response to Judge Christo and to the Committee, he explained that he reviewed the Supreme Court's ruling in In re: [redacted].; [redacted]., *supra*, and stated "It is therefore clear" from that case that his decision to take judicial notice was permissible. It is alleged that Judge Prevett's reliance on the above decision is misplaced. The Supreme Court found that the trial court's use of judicial notice of a directly-related criminal case was permissible, because it provided directly relevant evidence to the termination matter and was not an unsustainably exercise of discretion. The Supreme Court did not decide or rule that Rule 201 authorizes a court to take judicial notice of other court files.
52. Judge Prevett considered 657-2014-DM-[redacted] ([redacted] v. [redacted] and 659-2020-DM-[redacted] ([redacted] v. [redacted] It is alleged that Judge Prevett impermissibly took judicial notice of material contained in the files, despite his announcement to the parties that he would judicially-notice the files. It is further alleged that Judge Prevett's use of judicial notice of other official court family records, not remotely related in time or relevance, demonstrates his confirmational bias that resulted in his search to identify, isolate, and provide a basis to support his preconceived determination that the mother's request for reunification with her daughter be denied.
53. Judge Prevett took judicial notice of five criminal matters and made credibility determinations adverse to the mother based on these files. It is alleged that his use of judicial notice and his adverse attack upon the mother's credibility, unsupported by Rule 609, demonstrates his confirmational bias that resulted in his search to identify, isolate, and provide a basis to support his preconceived determination that the mother's request for reunification with her daughter be denied.

Canon 2, Rule 2.3 Bias Analysis

54. Canon 2, Rule 2.3(A) provides that a judge shall perform the duties of judicial office, including administrative duties, without bias or prejudice. Rule 2.3(B) provides that a judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice.

55. Judge Prevett utilized judicial notice of years-old criminal matters to make adverse findings related to credibility of the mother, but he failed to articulate or provide a basis of how such an assessment was relevant to the mother's then-ability to reunite with the child. Judge Prevett ruled that he had assessed the tone, demeanor, and presentation of the mother during her testimony, despite that the evidence was primarily made by offers of proof. Judge Prevett determined that the mother's "unabashed sense of entitlement in expecting to show up after a 10-year absence and 'pick up where they left off' with immediate visits show a gross lack of self-reflection and a lack of accountability." Judge Prevett's order further contained expressions of hostility and disdain towards the mother. (e.g., "tremendous [redacted] [redacted] "mother brazenly questioned," "mother sheepishly stated," "they took exception to Mother unilaterally filing her motion without even giving the Guardian the courtesy of a phone call," "the Court takes solemn note that the Mother gave birth to her son, [redacted.], [redacted]," "Mother was less than truthful," "Mother was actively untruthful," "brazenly and falsely denying," "languid and unsupported excuses," "flippant and off-hand comments," "struck the Court as callous, snide and immature," "Mother has not proven 'a mere flicker of interest' in the child").
56. Judge Prevett was provided with the mother's exhibits during the December 12, 2024, hearing documenting the extensive rehabilitative efforts and advancements accomplished by her during the seven years prior to her request for reunification with the child. Judge Prevett's written order includes passing reference to the mother's [redacted] but the order failed to document that he considered the same in his decision to reject the mother's request for reunification. It is alleged that Judge Prevett refusal to consider the mother's [redacted] demonstrates his confirmational bias against the mother. Judge Prevett specifically noted in his written order that the mother stated she had [redacted], but highlighted that she "did not produce a certificate" of completion. Judge Prevett relied upon a number sources in his decision to deny the mother's request for reunification. Contained within one of his relied-upon sources used to make an adverse credibility finding (entry #31 in In re: [redacted].), begins with guardian's statement "First we would like to congratulate [redacted] on her completion of [redacted]

[redacted]." Judge Prevett used this exhibit to document and make adverse credibility determinations, but he ignored it to establish that the mother completed [redacted]. Further, contained within the documents relied upon by Judge Prevett was entry #33, an order issued by the court (Kinghorn, J.) (2/11/15), wherein Judge Kinghorn acknowledged that the mother had "completed t[redacted]." It is alleged that this demonstrates Judge Prevett's confirmational bias that resulted in his search to identify, isolate, and provide a basis to support his preconceived determination to deny the reunification between the mother and the child.

57. Judge Prevett's order was critical of the mother's failure to initiate or attempt contact with the child for the ten years prior to her request for reunification. The mother asserted at the hearing that her attempts to contact the child by phone since 2017 were met with hang-ups by the guardian. The mother's attorney provided a proffer related to the mother's request to be reinvolved with child in December of 2017 by way of a copy of a certified letter she claimed that she sent to the guardians. The letter was introduced by the mother as an exhibit. The guardian denied receipt of the certified letter and Judge Prevett's written order stated that "Mother was unable to produce the 'green card' return receipt with either the Guardian's signature on it." However, the transcript of the hearing reveals that her attorney stated "And the letter that [redacted] wrote in December, that was actually accepted. I just looked at a picture which I didn't have with me, of the return on the certified letter, and it was accepted by [redacted] on January 18th. So, the fact that they (guardians) didn't receive it is not true either." (p. 26). Judge Prevett ignored such evidence offered by an officer of the court. Such evidence refuted the claims of the guardians that the mother had not attempted contact with the child for 10 years. Evidence that the guardians received the letter may have confirmed the mother's claim that her phone calls were rejected. It is alleged that this demonstrates Judge Prevett's confirmational bias that resulted in his refusal to consider evidence favorable to the mother, but to search for to identify, isolate, and serve as a basis to deny the mother's request for reunification with her daughter.

58. Judge Prevett's order included his finding that the mother demonstrated an "unabashed sense of entitlement in expecting to show up after a 10-year absence and 'pick up where they left off.'" It is alleged that his order implies that the mother failed to take affirmative attempts to contact her daughter. Judge Prevett considered entry #31, *supra*, to make an adverse credibility determination against the mother, but he failed to consider other contents of entry #31 that included the guardian's statement provided to the mother in 2015 that, "She was told if she left (on camping trip), not to bother coming back." It is alleged that Judge Prevett's confirmational bias resulted in his search to identify, isolate, and provide a basis to support his preconceived determination to deny reunification between the mother and her daughter.
59. Judge Prevett, on the same day he issued his ruling denying the mother's request for reunification, generated a "[redacted]." Therein, he [redacted] Judge Prevett reviewed the GAL report that [redacted]. He reviewed the final agreed-upon parenting plan approved by the court. He reviewed the orders issued related to [redacted]. in the [redacted] matter that provided the mother primary parenting responsibility. The issues he raised [redacted] had already been considered and addressed by other courts.
60. Further, Judge Prevett identified his concern [redacted] of the mother's "demand" for immediate contact with the child. However, the parties agreed that reunification would go slowly and that a GAL would be appointed to make recommendations to

the court. It is alleged that Judge Prevett's confirmational bias directed his decision to deny reunification. It is further alleged that his consideration of the mother's request and his contemporaneous report [redacted] establishes his confirmation bias. Judge Prevett was tasked with deciding the matter presented to him at the hearing to make a decision that was impartial, fair, and unbiased. It is alleged that Judge Prevett's confirmation bias prohibited his ability to perform his judicial duties with impartiality and fairness, and absent bias and prejudice.

Canon 2, Rule 2.9 Ex Parte Communications Analysis

61. Rule 2.9(C) provides that a judge shall not investigate facts in a matter independently and shall only consider the evidence presented and any facts that may properly be judicially noticed. Paragraphs 18-27 above set forth the alleged independent investigation conducted by Judge Prevett to discover the criminal matters and the [redacted] v. [redacted] family matter. It is alleged that Judge Prevett's claimed sources lacked sufficient information that would have enabled him to identify the sources of the matters of which he took judicial notice. It is alleged that Judge Prevett conducted an independent investigation to identify and discover sources of which to take judicial notice that were beyond the evidence presented at the hearing. It is further alleged that judicial notice of such sources was not a proper consideration permitted by Rule 2.9 (C). In addition, it is alleged that Judge Prevett's response to the Committee that other court documents provided references that specifically directed him to his judicially-noticed sources lacked candor.

Canon 2, Rule 2.16 Cooperation with Disciplinary Authorities Analysis

62. Rule 2.16 provides that a judge shall cooperate and be candid and honest with judicial and lawyer disciplinary agencies. It is alleged that Judge Prevett's responses to the Committee lacked candid and honest answers required by Rule 2.16 and such answers interfered with the Committee's investigation.
63. It is alleged that Judge Prevett's response to the Committee related to his authority to take judicial notice and the mother's subsequent motion to reconsider lacked candor.
64. Judge Prevett's response to Judge Christo, dated August 4, 2025, which he incorporated with his answers to the Committee, contained the following: "In her motion, Mother did not question the accuracy, veracity, or propriety of this judicially

noticed information. Despite this additional subsequent opportunity, neither the Mother nor her counsel requested a further opportunity to be heard pursuant to N.H. R. Ev. 201(e).” (emphasis in original). The mother’s motion to reconsider provides otherwise. Paragraphs 21-29 of the motion contained various requests for Judge Prevett to reconsider the court’s judicially-noticed findings. (e.g., “Of great concern is that the court *sua sponte* conducted its own research in reviewing other court files,” “neither party requested that the Court review any other files as evidence in this case,” “the Court conducted its own research into materials in New Hampshire and also outside the jurisdiction of the State of New Hampshire,” “Mother questions the court’s legal authority and propriety and its relevance of these external sources,” “It is also unclear if this Court was entering its own findings based on reviewing records without being the judge in the case,” “taking judicial notice of cases beyond those requested by the parties,” “the Court is in error,” “Rule 201(e) requires that the court give the parties notice and an opportunity to be heard,” “the Court’s unsolicited judicial review violated Mother’s due process rights and is contrary to the New Hampshire Rules of Evidence and New Hampshire law,” “the Court is also in error in using external cases accessed in weighing them against the Mother’s credibility,” “a judicially noticed fact must be one not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot be reasonably be questioned,” “the court is erroneously “using” these more than 10 year old cases and weighing them against … and unknown,” “for all these reasons aforesaid, Mother requests that the court reconsider”).

65. It is alleged that Judge Prevett’s answers to the Committee lacked candor in violation of Rule 2.16 and such answers interfered with the Committee’s investigation.

66. Judge Prevett’s response to Judge Christo dated August 4, 2025, which he incorporated with his answers to the Committee, contained a statement that he “openly told both parties I would be exercising my duty as a mandatory reporter pursuant to RSA 169-C:29.” The transcript of the December 12, 2024, hearing provides differently. There, he stated in the presence of the parties, speaking directly to the [redacted] attorney present at the hearing, “Attorney [redacted] I imagine the

[redacted] will anticipate getting an informational request from the Court. I didn't want that to come as a surprise to you, sir." (p.23-24). Later he advised the parties, "I'll send out a notification and request for information to [redacted]." (p. 27). In fact, he never uttered the words '[redacted]' to the parties during the hearing. Judge Prevett did not inform the parties that he intended to [redacted]. It is alleged that Judge Prevett's answer to the Committee that he "openly told the parties… that he would be [redacted]" was factually inaccurate and interfered with the Committee's investigation. It is alleged that Judge Prevett's responses to the Committee lacked candor.

67. Judge Prevett's response to Judge Christo dated August 4, 2025, which he incorporated with his answers to the Committee, contained the following: "Lastly, Mother's own exhibits presented at the 12/12/24 hearing in this case documented Mother's Massachusetts convictions and incarceration." (emphasis in the original) "Mother's Exh. B included a timeline showing her proceedings in the … Fitchburg District Courts." (p. 9). Paragraphs 22-27 above detail the Massachusetts criminal matters. The mother's exhibits did not reference "convictions" because there were no Massachusetts convictions. In addition, the exhibits made no reference to a "Fitchburg District Court" matter. It is alleged that Judge Prevett's response to the Committee lacked candor and interfered with its investigation.
68. **In summary**, although this Statement of Formal Charges includes an analysis of Judge Prevett's use of N.H. R. Evid. 201 and 609, it is important to note that Committee Counsel does not allege that Judge Prevett violated the Code of Judicial Conduct related to the use of Rules 201 and 609. However, it is alleged that Judge Prevett's pervasive inclusion of judicially-noticed facts and character evidence determinations demonstrates his confirmational bias that resulted in his search to identify, isolate, and provide a basis to support his preconceived determination to deny reunification between the mother and the child.

Violations of the Code of Judicial Conduct

69. For the reasons set forth below, the Committee Counsel alleges that Judge Prevett violated Code of Judicial Conduct Rule 1.2 (Promoting Confidence in the Judiciary), Rule 2.2 (Impartiality and Fairness), Rule 2.3 (Bias, Prejudice, and Harassment), Rule 2.9 (C) (A judge shall not investigate facts in a matter independently, and shall only consider evidence presented and any facts that may be properly judicially noticed), and Rule 2.16 (A judge shall cooperate and be candid and honest with judicial and lawyer disciplinary agencies).

70. Canon 1, Rule 1.2 (Promoting Confidence in the Judiciary) of the Code of Judicial Conduct (Supreme Court Rule 38) provides that: "A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety. Canon 2, Rule 2.2 (Impartiality and Fairness) states that: "A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially." Canon 2, Rule 2.3(A) (Bias, Prejudice, and Harassment) states that: "A judge shall perform the duties of judicial office, including administrative duties, without bias or prejudice." Canon 2, Rule 2.3(B) states that: "A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, or engage in harassment, including but not limited to bias, prejudice, or harassment based upon race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation…" Canon 2, Rule 2.9(C) (Ex Parte Communications) states that: "A judge shall not investigate facts in a matter independently, and shall only consider the evidence presented and any facts that may properly be judicially noticed." Canon 2, Rule 2.16 (Cooperation with Disciplinary Authorities) states that: "A judge shall cooperate and be candid and honest with judicial and lawyer disciplinary agencies."

71. Judge Prevett's written order contains several expressions of hostility and disdain toward the mother of the child in the underlying case that demonstrated bias and prejudice. Further, his negative characterization of mother's testimony was not supported by the evidence presented at the hearing and it demonstrated bias and prejudice against the mother. Judge Prevett's application of judicial notice and

adverse credibility findings demonstrated bias and prejudice against the mother. Judge Prevett investigated facts beyond the record and considered evidence that exceeded the bounds of permissible judicial notice. Judge Prevett's responses to the Committee lacked candor and interfered with the Committee's investigation. Judge Prevett's conduct violated Rule 1.2 in that he failed to promote public confidence in the independence, integrity, and impartiality of the Judiciary.

72. Canon 2, Rule 2.2 (Impartiality and Fairness) states that: "A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially." Judge Prevett's written order contains several expressions of hostility and disdain toward the mother of the child in the underlying case that demonstrated bias and prejudice. Further, his negative characterization of mother's testimony was not supported by the evidence presented at the hearing and it demonstrated bias and prejudice against the mother. Judge Prevett's application of judicial notice and adverse credibility findings demonstrated bias and prejudice against the mother. Judge Prevett's conduct violated Rule 2.2 in that he failed to perform his judicial duties fairly and impartially.
73. Canon 2, Rule 2.3(A) states that: "A judge shall perform the duties of judicial office, including administrative duties, without bias or prejudice." Judge Prevett's written order contains several expressions of hostility and disdain toward the mother of the child in the underlying case that demonstrated bias and prejudice. Further, his negative characterization of mother's testimony was not supported by the evidence presented at the hearing and it demonstrated bias and prejudice against the mother. Judge Prevett's application of judicial notice and adverse credibility findings demonstrated bias and prejudice against the mother. Judge Prevett's conduct violated Rule 2.3(A) in that he failed to perform his judicial duties without bias or prejudice.
74. Canon 2, Rule 2.3(B) states that: "A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, or engage in harassment, including but not limited to bias, prejudice, or harassment based upon race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation…" Judge Prevett's written order contains several expressions of hostility and disdain toward the mother of the child in

the underlying case that demonstrated bias and prejudice. Further, his negative characterization of mother's testimony was not supported by the evidence presented at the hearing and it demonstrated bias and prejudice against the mother. Judge Prevett's application of judicial notice and adverse credibility findings demonstrated bias and prejudice against the mother. Judge Prevett's conduct violated Rule 2.3(B) in that in the performance of his judicial duties he manifested bias and prejudice.

75. Canon 2, Rule 2.9(C) states that: "A judge shall not investigate facts in a matter independently, and shall only consider the evidence presented and any facts that may properly be judicially noticed." Judge Prevett's confirmational bias resulted in his investigation of facts beyond the record and considered evidence that exceeded the bounds of permissible judicial notice. Judge Prevett violated Rule 2.9(C) in that he independently investigated and considered evidence that was not presented at the hearing and the investigation was not a proper subject that could permissibly be judicially-noticed.
76. Canon 2, Rule 2.16 states that: "A judge shall cooperate and be candid and honest with judicial and lawyer disciplinary agencies." Judge Prevett's answers to the Committee lacked candor and honesty and his responses interfered with the Committee's investigation. Judge Prevett violated Rule 2.16 in that his answers to the Committee were not candid and honest.
77. Based on the apparent facts of this case, Judge Prevett engaged in conduct which he knew or should have known was a violation of: Canon 1, Rule 1.2; and Canon 2, Rule 2.2, 2.3(A), 2.3(B), 2.9, and 2.16. Acting in a manner that violates the Code does not promote public confidence in the integrity of the judiciary, which also gives rise to the appearance of impropriety as a further violation of the code.

Formal Charges

78. Based on the foregoing, there is clear and convincing evidence of the following provisions of the Code of Judicial Conduct:
    a. Judge Prevett, in violation of Canon 1, Rule 1.2, failed to act at all times in a manner that promotes public confidence in the impartiality of the judiciary;
    b. Judge Prevett, in violation of Canon 2, Rule 2.2, failed to perform the duties of judicial office fairly and impartially;

c. Judge Prevett, in violation of Canon 2, Rule 2.3(A), failed to perform the duties of judicial office without bias or prejudice;
d. Judge Prevett, in violation of Canon 2, Rule 2.3(B), failed to perform the duties of judicial office without the manifestation of bias or prejudice;
e. Judge Prevett, in violation of Canon 2, Rule 2.9(C), failed to consider the evidence limited to facts presented and not otherwise permitted by properly judicially-noticed facts; and
f. Judge Prevett, in violation of Canon 2, Rule 2.16, failed to cooperate and be candid and honest with judicial agencies.

Within thirty (30) days of receipt of this Formal Statement of Charges, the Respondent shall file an Answer with the Executive Secretary of the Committee on Judicial Conduct in accordance with Supreme Court Rule 40(9)(F), setting forth all denials, affirmative defenses, mitigating circumstances, and other matters which Judge Prevett intends to raise at the hearing.

Respectfully submitted,
Judicial Conduct Committee
By its Committee Counsel,

Dated: October 15, 2026

By: Eric R. Wilson
Eric R. Wilson, Esquire

Judicial Conduct Committee

Dated: October 15, 2026

By: John Mullen
John Mullen, Chair