



Written by [Selwyn Duke](#) on April 6, 2026

When Judges Release Thugs Who Then Kill, Should “Your Honor” Be Punished?

“The ultimate result of shielding men from the effects of folly is to fill the world with fools,” warned 19th-century English philosopher Herbert Spencer. Would he say today, though, that the ultimate result of shielding men from the effects of folly is ... the United States’ criminal-justice system? Some may thus wonder upon hearing stories such as the following.

In January 2025, North Carolina Judge Teresa Stokes [released](#) into society a deranged 34-year-old man with 14 prior arrests. His rap sheet included violent and unstable behavior; even robbery with a dangerous weapon was on the list. And what was required of him?



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Merely a written promise to appear for his next court date (no cash bail or additional conditions). Records and reports indicate that this criminal was known to authorities as a repeat offender, too.

This man, Decarlos Brown Jr., would proceed to murder Ukrainian refugee Iryna Zarutska on a Charlotte train seven months later.

Then there’s Judge Anna Mikhaleva. In June 2025, she [released](#) Tony Harris, a 62-year-old career criminal. The thug had previously been arrested more than two dozen times and had felony and misdemeanor convictions. Nonetheless, Mikhaleva freed him without bail in a felony gun case, though he did have to wear an ankle monitor.

Harris was wearing it, too, when he allegedly shot and killed 56-year-old Emilio Rosas outside a Bronx deli in February.

Of course, Brown and Harris will, finally, likely be held accountable. Yet Stokes and Mikhaleva cannot be (never mind the judges who handled the two men previously). They’re protected by judicial immunity, which insulates them from civil lawsuits. And does this standard, as Spencer warned, guarantee a judiciary full of fools?

Commentator Kevin Finn thinks so. “Those who wield power over life and liberty should share,” he writes, “at least proportionally, in the price of being wrong.”

Disabling the Enablers

In making his case, Finn cites renowned economist and commentator Thomas Sowell, who has long bemoaned the “intellectual class.” The problem, the point goes, is that immunity from consequences eliminates feedback loops. This “prevents learning and perpetuates flawed approaches,” relates Finn. “Elites insulated from outcomes pursue ideological visions without the corrective pressure that ordinary citizens confront every day.”



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But that's sort of stating the obvious. As to possible remedies, Finn [wrote](#) today:

[Florida Chief Financial Officer Blaise Ingoglia](#) has publicly broached a direct and startling, albeit satisfying response to this dynamic. In a recent statement addressing sanctuary policies, he advocated treating politicians who enact or defend such measures as accessories to crimes committed by those shielded under them — charging them with complicity in resulting murders, rapes, or other offenses. “The easiest way to get rid of sanctuary policies,” he argued, “is to start charging the politicians that support sanctuary policies as accessories to murder, rape, and pedophilia.”

His formal legislation targets fiscal accountability — codifying oversight mechanisms like [the aptly-named Florida Agency for Fiscal Oversight \(FAFO\)](#), allowing recommendations for removal of local officials for financial abuse, malfeasance, or misfeasance — [but] the accessory principle he mentioned suggests a broader framework. Were this to be applied thoughtfully to criminal justice, it suggests that judges or politicians whose actions foreseeably enable violent recidivism could face similar scrutiny, transforming enablers into accountable parties rather than distant observers.

Note here that, as mentioned earlier, judges don't just enjoy “qualified immunity,” but *judicial* immunity. And as Grok AI informs:

This grants absolute protection from civil lawsuits for damages (even for malicious, corrupt, or unconstitutional acts), as long as the judge was performing a judicial function and not acting in complete absence of jurisdiction.

Now, *some* immunity is necessary to protect officials' discretionary decision-making and encourage bold public service. A police officer, for example, cannot effectively execute his duties if he must worry about incessant frivolous civil lawsuits. But with judges especially, contends Finn, there needs to be some balance.

As to this, he points out that Ingoglia's idea intersects with the “Reasonable Person Standard.” This objectively evaluates conduct based on what a prudent person would do in the same situation to avoid foreseeable harm. Subjective intentions are irrelevant. Finn then states, in summary:

- Regarding judges, a central question is whether a reasonable judge, given clear evidence of an offender's violent history and recidivism risk, would release him without strong safeguards. When the answer is no and serious crimes result, it's clear the judge's conduct was unreasonable.
- Calls for accountability must balance public safety with judicial independence. Absolute immunity for core judicial acts remains important. Reforms, however, could include independent reviews for high-risk releases, mandatory risk assessments, or narrowly tailored limits on immunity for cases of gross negligence or willful disregard of known risks.

“As Honest as Other Men...”?

Yet other options come to mind, too. First, if some judges' gross misuse of discretion is the problem, what's the simplest solution?

Limit their discretion.



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To this end, variations on California's "[three-strike law](#)" could be enacted. These measures could prescribe mandatory sentences for criminals with a certain number of priors. Felonies obviously would be weighed more heavily, too. (One felony could be worth two or three misdemeanors in the calculation, for example.)

These laws could also prohibit judges from releasing a criminal pending trial if he has too many "strikes" against him.

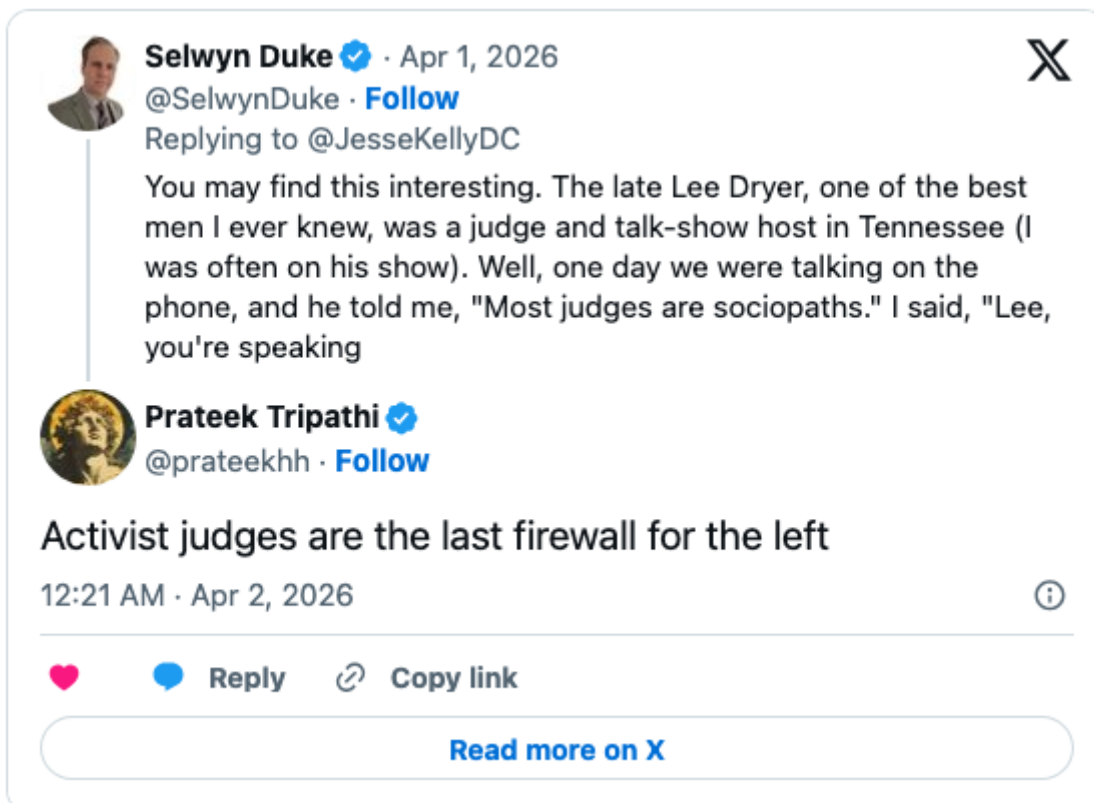
Another possibility is applying the strike standard to judges themselves. That is, they'd be allowed a certain low number of "mistakes." But once one too many of their released criminals committed further crimes, they'd have no immunity regarding those cases. Under this standard, felonies could also be worth multiple misdemeanors — as strikes against the judges. But three-strike-like laws would, again, seem the simplest remedy.

Whatever the case, something should be done. While [warning](#) against judicial supremacy, Thomas Jefferson famously wrote in 1820, "Our judges are as honest as other men, and not more so." But he was wrong.

Judges may be *less* honest than other men.

That is, if a warning issued by my departed friend Lee Dryer is any guide. Lee was a judge and radio host in Tennessee — and, more significantly, one of the best men I ever knew. And what was his warning?

"Most judges are sociopaths," he once told me (see the recent tweet below).



But sociopath or budding saint, a truth remains: Removing accountability from a system yields foolishness. And creating a system full of powerful fools can be deadly for the rest of us.



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