

34.4 Improper Expression of Opinion by Trial Judge

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Comments and actions by the trial judge in the jury's presence, although not amounting to coercion of the jury as discussed in the preceding section, may constitute an improper expression of opinion as to the defendant's guilt and warrant relief. Questioning of witnesses by the judge, although permissible, may also indicate the judge's opinion as to the defendant's guilt and constitute an improper expression of opinion. For a discussion of these issues, see *supra* § 22.1B, Expression of Opinion Prohibited, and § 22.1C, Questioning of Witnesses Allowed, within Limits.