

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**JAMES T. JAMESON, CIRCUIT COURT JUDGE
42ND JUDICIAL CIRCUIT**

FORMAL PROCEEDINGS DOCKET ENTRIES

Date of Filing

- | | | |
|------------------------|---|--|
| 1. June 13, 2022 | - | Notice of Formal Proceedings and Charge |
| 2. June 23, 2022 | - | Entry of Appearance |
| 3. June 25, 2022 | - | Order Substituting Counsel |
| 4. June 27, 2022 | - | Motion to Withdraw as Counsel |
| 5. June 28, 2022 | - | Motion for Extension of Time |
| 6. June 28, 2022 | - | Order Granting Extension of Time |
| 7. July 6, 2022 | - | Answer to JCC Proceedings |
| 8. July 11, 2022 | - | Order and Notice of Hearing |
| 9. July 21, 2022 | - | Amended Notice of Formal Proceedings and Charges |
| 10. August 8, 2022 | - | Amended Notice of Hearing |
| 11. August 15, 2022 | - | Order of Temporary Suspension |
| 12. August 15, 2022 | - | Motion to Alter, Amend or Vacate |
| 13. August 18, 2022 | - | Notice of Time and Place for Hearing |
| 14. August 22, 2022 | - | Pre-hearing Order |
| 15. August 23, 2022 | - | Response in Opposition to Judge Jameson's Motion to Alter, Amend or Vacate |
| 16. August 24, 2022 | - | Order Denying Motion to Alter, Amend or Vacate |
| 17. September 27, 2022 | - | Motion for Extension of Time to Exchange Exhibit and Witness Lists |

- 18. September 28, 2022 - [Response to Motion for Extension of Time to Exchange Exhibit and Witness Lists](#)
- 19. September 28, 2022 - [Motion to Quash or Limit Subpoena](#)
- 20. September 29, 2022 - [Order on Motion for Extension of Time and Amended Pre-Hearing Order](#)
- 21. September 30, 2022 - [Response to Motion to Quash or Limit Subpoena](#)
- 22. October 3, 2022 - [Supplemental Response to Motion to Quash or Limit Subpoena](#)
- 23. October 4, 2022 - [Order on Motion to Quash or Limit Subpoena](#)
- 24. October 4, 2022 - [Second Amended Notice of Formal Proceedings and Charges](#)

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**JAMES T. JAMESON, CIRCUIT COURT JUDGE
42ND JUDICIAL CIRCUIT**

NOTICE OF FORMAL PROCEEDINGS AND CHARGES

Notice is hereby given of the initiation of formal proceedings under Rule 4.180 of Rules of the Supreme Court. At the times set out in this Notice, you were Circuit Court Judge for Kentucky's 42nd Judicial Circuit consisting of Calloway and Marshall counties. The charges are as follows:

Count I

You acted as the alter ego for the 42nd Judicial Circuit Community Corrections Board ("CCB") in the creation and development of an ankle monitoring program, failing to separate yourself as Circuit Judge from your duties at CCB, creating the appearance of impropriety to the public.

- A. You created the CCB for an improper purpose contrary to KRS §196.705. Your creation of this Executive Branch Board falls outside of the scope of your judicial duties and responsibilities and constitutes an improper use of judicial resources.
- B. In the creation and development of the CCB ankle monitoring program, you developed procedures and local rules without the approval from the Chief Justice of the Kentucky Supreme Court as required under SCR 1.040(3), the Administrative Office of the Courts (AOC), Kentucky statute, or other authority.

- C. You attended meetings and had conversations with CCB ankle monitor vendors to solicit specifications and pricing for monitors, while also meeting with elected officials regarding those costs and specifications.
- D. You prepared and submitted CCB's ankle monitoring program bid to the Calloway and Marshall County Fiscal Courts, using your influence to have a specific ankle monitor provider selected and approved.
- E. You were involved with drafting the Fiscal Court's request for proposals for the ankle monitoring program in Marshall and Calloway Counties, hindering the competitive bid process.
- F. You submitted a grant application to the Kentucky Department of Corrections on behalf of CCB, listing yourself as the project coordinator, creating a conflict of interest with your position as Circuit Court Judge in Marshall and Calloway Counties.
- G. You used the prestige of your judicial office to influence various elected officials, agencies, and individuals, promoting the CCB ankle monitoring program as a cost-saving measure and as means to raise funds for Re-Life, a proposed inpatient substance abuse disorder treatment facility project you are spearheading.
- H. You used the prestige of your judicial office to solicit support and personal donations from elected governmental bodies, elected officials, organizations, and individuals for the CCB and Re-Life/substance abuse disorder treatment facility.

Your actions violate SCR 4.020(1)(b)(i) and constitute misconduct in office.

Furthermore, your actions violate SCR 4.300 and the relevant portions of the following Canons of the Code of Judicial Conduct:

- **Canon 1, Rule 1.1** which requires a judge to comply with the law, including the Code of Judicial Conduct.

- **Canon 1, Rule 1.2** which requires a judge to 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 1, Rule 1.3** which requires that a judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others, or allow others to do so.
- **Canon 2, Rule 2.1** which requires that the duties of judicial office shall take precedence over all of a judge's personal and extrajudicial activities.
- **Canon 2, Rule 2.2** which requires that a judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.
- **Canon 2, Rule 2.4 (B)** which requires that a judge shall not permit family, social, political, financial, or other interests or relationships to influence the judge's judicial conduct or judgment.
- **Canon 3, Rule 3.1 (A)** which provides that when engaging in extrajudicial activities, a judge shall not participate in activities that will interfere with the proper performance of the judge's judicial duties.
- **Canon 3, Rule 3.1 (C)** which provides that when engaging in extrajudicial activities, a judge shall not participate in activities that would appear to a reasonable person to undermine the judge's independence, integrity, or impartiality.
- **Canon 3, Rule 3.1 (D)** which provides that when engaging in extrajudicial activities, a judge shall not engage in conduct that would appear to a reasonable person to be coercive.
- **Canon 3, Rule 3.2** which provides that a judge shall not appear voluntarily at a public hearing before, or otherwise consult with, an executive or legislative body or office.
- **Canon 3, Rule 3.11 (B)** which requires that a judge shall not serve as an officer, director, manager, general partner, advisor, or employee of any business entity.

Count II

You acted as the alter ego for the 42nd Judicial Circuit Community Corrections Board ("CCB") in the implementation and operation of CCB's ankle monitoring program.

- A. As Circuit Court Judge, you participated in communications with CCB staff, whose work you directly supervised, including conversations regarding the ankle monitoring program rules, alleged violations, and Orders for cases over which you presided.
- B. You received direct notifications of alleged ankle monitor violations and instructed CCB staff, whose work you directly supervised, to send ankle monitor violation reports directly to you.
- C. On more than one occasion, you issued arrest warrants for individuals participating in the ankle monitoring program upon receipt of notices of alleged violations from CCB staff, whose work you directly supervised.
- D. Throughout your tenure as Circuit Court Judge, you directed local authorities to arrest individuals alleged to be in violation of the ankle monitoring program before an arrest warrant had been properly issued.
- E. Despite presiding over cases where you ordered participation in CCB's ankle monitoring program, you participated in the collection of fees, managed financial transactions, and wrote checks on behalf of CCB and Re-Life.
- F. You created the appearance of impropriety by ordering individuals participate in CCB's ankle monitoring program when the costs associated with the program directly supported Re-Life.

Your actions violate SCR 4.020(1)(b)(i) and constitute misconduct in office. Furthermore, your actions violate SCR 4.300 and the relevant portions of the following Canons of the Code of Judicial Conduct:

- **Canon 1, Rule 1.1** which requires a judge to comply with the law, including the Code of Judicial Conduct.

- **Canon 1, Rule 1.2** which requires a judge to 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 1, Rule 1.3** which requires that a judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others, or allow others to do so.
- **Canon 2, Rule 2.1** which requires that the duties of judicial office shall take precedence over all of a judge's personal and extrajudicial activities.
- **Canon 2, Rule 2.2** which requires 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)** which requires that a judge perform the duties of judicial office, including administrative duties, without bias or prejudice.
- **Canon 2, Rule 2.3 (B)** which requires that a judge shall not, in the performance of judicial duties, by words or conduct, manifest bias or prejudice, or engage in harassment and shall not permit court staff, court officials, or others subject to the judge's discretion and control.
- **Canon 2, Rule 2.4 (B)** which requires that a judge shall not permit family, social, political, financial, or other interests or relationships to influence the judge's judicial conduct or judgment.
- **Canon 2, Rule 2.4 (C)** which requires that a judge shall not convey or permit others to convey the impression that any person or organization is in a position to influence the judge.
- **Canon 2, Rule 2.6 (A)** which requires that a judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.
- **Canon 2, Rule 2.9 (A)** which provides that a judge shall not initiate, permit, or consider ex parte communications, or consider other communications made to the judge outside the presence of the parties or their lawyers, concerning a pending or impending matter.
- **Canon 2, Rule 2.9 (B)** which provides if a judge inadvertently receives an unauthorized ex parte communication bearing upon the substance of a matter, the judge shall make provision promptly to notify the parties of the substance of the communication and provide the parties with an opportunity to respond.
- **Canon 2, Rule 2.9 (C)** Which requires that a judge shall not investigate facts in a matter independently, and shall consider only the evidence presented and any facts that may properly be judicially noticed.

- **Canon 2, Rule 2.12 (A)** which provides a judge shall require court staff, court officials, and others subject to judge's direction and control to act in a manner consistent with judge's obligations under this Code.
- **Canon 3, Rule 3.7(6)(a)** which allows a judge to serve as an officer, director, trustee, or nonlegal advisor of a charitable organization unless it is likely that the organization or entity will be engaged in proceedings that would ordinarily come before the judge.

COUNT III

During your tenure as Circuit Court Judge, you mismanaged your courtroom, engaged in acts of retaliation, and deviated from acceptable standards of judicial conduct including but not limited to,

- A. Throughout your tenure as Circuit Court Judge, you ordered individuals to participate in CCB's ankle monitoring services, but only allowed them to enroll with Track Group, the program that you had direct ties with through CCB, despite the availability of other ankle monitoring services.
- B. You required individuals in your courtroom to attend Riverwoods over other treatment options, because of your personal connection with the Riverwoods program.
- C. You regularly represented that Riverwoods was the only intensive out-patient ("IOP") program available, even absent evidence that Riverwoods was licensed as an IOP provider in Kentucky.
- D. As Circuit Court Judge, you displayed behavior towards Court staff and attorneys that was not patient, dignified, and courteous.
- E. You have demonstrated clear bias against Assistant Public Defender Amy Harwood-Jackson and other attorneys.

- F. As Circuit Court Judge, you personally pressured an attorney who appears before your Court to file a bar complaint against another attorney, and asked that same attorney to draft a sworn statement on your behalf to rebut a complaint made against you.
- G. You retaliated against a Marshall County Sheriff's Department employee by seeking his termination or re-assignment after he reviewed Courthouse video footage of you because you believed, without any evidence, he leaked the video to media outlets.
- H. You directly requested that Marshall County Sheriff Eddie McGuire send deputies to find a vehicle you saw flying a flag with what you believed was an offensive political statement and to request the driver remove the sign. You suggested to the Sheriff that he should cite or bring criminal charges against the driver if they refused to remove the flag.

Your actions violate SCR 4.020(1)(b)(i) and constitute misconduct in office.

Furthermore, your actions violate SCR 4.300 and the relevant portions of the following

Canons of the Code of Judicial Conduct:

- **Canon 1, Rule 1.1** which requires a judge to comply with the law, including the Code of Judicial Conduct.
- **Canon 1, Rule 1.2** which requires a judge to 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 1, Rule 1.3** which requires that a judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others, or allow others to do so.
- **Canon 2, Rule 2.1** which requires that the duties of judicial office shall take precedence over all of a judge's personal and extrajudicial activities.
- **Canon 2, Rule 2.2** which requires 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)** which requires that a judge perform the duties of judicial office, including administrative duties, without bias or prejudice.
- **Canon 2, Rule 2.3 (B)** which requires that a judge shall not, in the performance of judicial duties, by words or conduct, manifest bias or prejudice, or engage in harassment and shall not permit court staff, court officials, or others subject to the judge's discretion and control.
- **Canon 2, Rule 2.4 (B)** which requires that a judge shall not permit family, social, political, financial, or other interests or relationships to influence the judge's judicial conduct or judgment.
- **Canon 2, Rule 2.8 (B)** which requires that a judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials, and other with whom the judge deals in an official capacity, and shall require similar conduct of lawyers, court staff, court officials, and others subject to the judge's discretion and control.
- **Canon 2, Rule 2.12 (A)** which provides that a judge shall require court staff, court officials, and others subject to the judge's discretion and control to act in a manner consistent with the judge's obligations under the Code of Judicial Conduct.

COUNT IV

During your tenure as Circuit Court Judge, you used your influence and the prestige of judicial office to pressure attorneys, individuals, and groups to fund and support your political campaign, going as far as saying that certain monetary contributions were not sufficient.

Your actions violate SCR 4.020(1)(b)(i) and constitute misconduct in office. Furthermore, your actions violate SCR 4.300 and the relevant portions of the following Canons of the Code of Judicial Conduct:

- **Canon 1, Rule 1.1** which requires a judge to comply with the law, including the Code of Judicial Conduct.
- **Canon 1, Rule 1.2** which requires a judge to 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 1, Rule 1.3** which requires that a judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others, or allow others to do so.
- **Canon 2, Rule 2.1** which requires that the duties of judicial office shall take precedence over all of a judge's personal and extrajudicial activities.
- **Canon 4, Rule 4.8** which requires that a judge shall not personally solicit or accept financial or in-kind campaign contributions other than through a campaign committee.

The jurisdiction of the Judicial Conduct Commission in this matter is under SCR 4.020(1)(b)(i) and (v), and (1)(c) which reads in pertinent part as follows:

- (1) Commission shall have authority:
 - (b) To impose the sanctions, separately or collectively of (1) admonition, private reprimand, public reprimand or censure; (2) suspension without pay or removal or retirement from judicial office, upon any judge of the Court of Justice or lawyer while a candidate for judicial office, who after notice and hearing the Commission finds guilty of any one or more of the following:
 - (i) Misconduct in office.
 - (v) Violation of the code of Judicial Conduct, Rule 4.300.
 - (c) After notice and hearing, to remove a judge whom it finds to lack the constitutional statutory qualifications for the judgeship in question.

For your information, the Commission wishes to call your attention to the following Supreme Court Rule:

RULE 4.180 FORMAL PROCEEDINGS

If the Commission concludes that formal proceedings should be initiated, it shall notify the judge. He may file an answer within 15 days after service of the notice. Upon the filing of his answer, or the expiration of time for so filing, the Commission shall set a time and place for the hearing and shall give reasonable notice thereof to the judge.

Please mail your Answer to: Ms. Jimmy Shaffer, Executive Secretary, Kentucky Judicial Conduct Commission, P.O. Box 4266, Frankfort, KY 40604-4266.

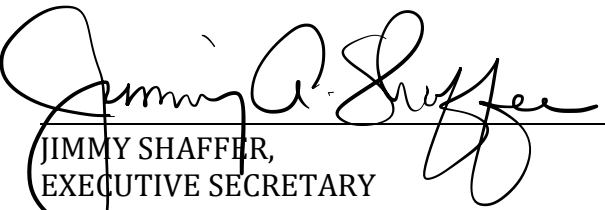
June 13th, 2022


R. MICHAEL SULLIVAN, CHAIRMAN
KENTUCKY JUDICIAL CONDUCT COMMISSION

Dr. Joe Ellis has recused himself from any consideration in this matter.

CERTIFICATE OF SERVICE

I hereby certify that copy hereof was served on Judge James T. Jameson, by mailing and emailing the same to his attorney Charles E. English, Jr. ("Buzz"), English, Lucas, Priest & Owsley, LLP, 1101 College Street, P.O. Box 770, Bowling Green, KY 42102-0770 this 13th day of June, 2022.


JIMMY SHAFFER,
EXECUTIVE SECRETARY

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

IN RE THE MATTER OF:

JAMES T. JAMESON, CIRCUIT COURT JUDGE
42ND JUDICIAL CIRCUIT

NOTICE OF ENTRY OF APPEARANCE

Comes Richard L. Walter of Boehl Stopher & Graves, LLP and hereby enters his appearance as counsel for James T. Jameson.

Respectfully submitted,

BOEHL STOPHER & GRAVES, LLP



Richard L. Walter KBA #74082

410 Broadway

Paducah, KY 42001

(270) 442-4369

(270) 442-4689 fax

rwalter@bsgpad.com

ATTORNEYS FOR JAMESON

CERTIFICATE OF SERVICE

I hereby certify that on 23 day of June 2022, a copy of the foregoing was served on Hon. R. Michael Sullivan, Chair, Judicial Conduct Commission; and Hon. Jimmy Shaffer, Executive Secretary.



Richard L. Walter

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

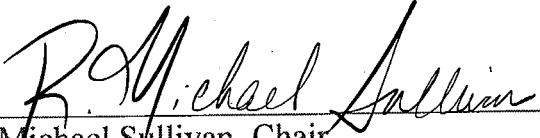
IN RE THE MATTER OF:

**JAMES T. JAMESON, CIRCUIT COURT JUDGE
42ND JUDICIAL CIRCUIT**

ORDER SUBSTITUTING COUNSEL

This matter having come before the Commission on the request of Charles E. English, Jr. and the firm of English, Lucas, Priest & Owsley, LLP to withdraw as counsel of record for the Honorable James T. Jameson, Circuit Court Judge, 42nd Judicial Circuit, and the Honorable Richard L. Walter having entered his appearance,

IT IS HEREBY ORDERED that Charles E. English, Jr. and the firm of English, Lucas, Priest & Owsley, LLP may withdraw from the representation of Judge Jameson in all matters before the Judicial Conduct Commission.


Michael Sullivan, Chair
Judicial Conduct Commission

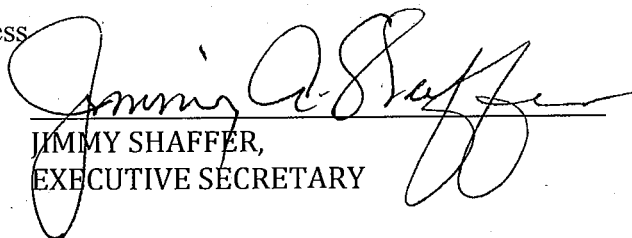
CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing has this June 25, 2022, been served via electronic and first class mail upon the following:

Charles E. English, Jr. ("Buzz") (benglish@elpolaw.com)
English, Lucas, Priest & Owsley, LLP
1101 College Street, P.O. Box 770
Bowling Green, KY 42102-0770

Richard L. Walter (rwalter@bsgpad.com)
Boehl Stopher and Graves, LLP
410 Broadway
Paducah, KY 42001

Judge James T. Jameson at his home address



JIMMY SHAFFER,
EXECUTIVE SECRETARY

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

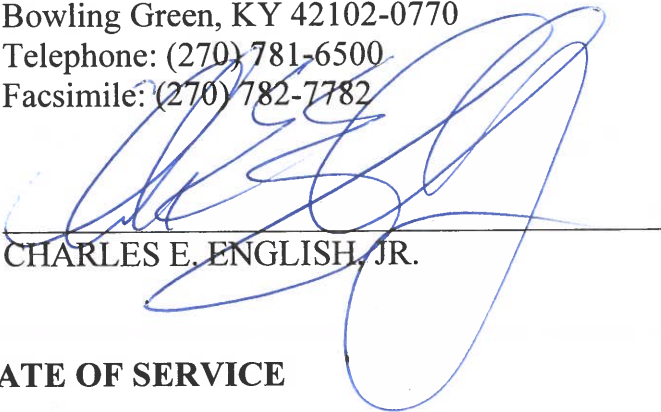
IN RE THE MATTER OF:

**JAMES T. JAMESON, CIRCUIT COURT JUDGE
42ND JUDICIAL CIRCUIT**

MOTION TO WITHDRAW AS COUNSEL OF RECORD

Charles E. English, Jr. and the firm of English, Lucas, Priest & Owsley, LLP hereby request to withdraw as counsel of record for the Honorable James T. Jameson, Circuit Judge of the 42nd Judicial Circuit in all matters currently pending before the Judicial Conduct Commission. Richard L. Walter of Boehl Stopher & Graves, LLP has entered his appearance as counsel of record for Judge Jameson. The undersigned requests that he be relieved of any further duties or obligations as counsel for Judge Jameson.

ENGLISH, LUCAS, PRIEST & OWSLEY, LLP
1101 College Street; P.O. Box 770
Bowling Green, KY 42102-0770
Telephone: (270) 781-6500
Facsimile: (270) 782-7782



CHARLES E. ENGLISH, JR.

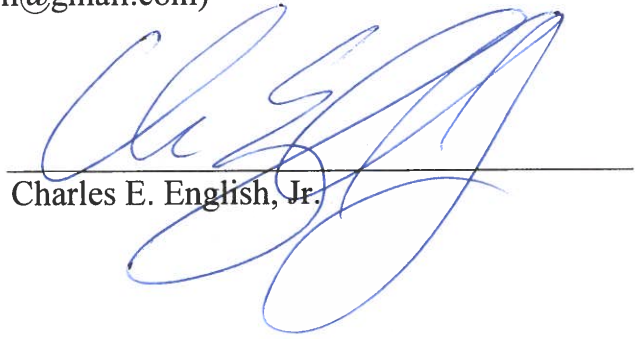
CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing has this June 27, 2022, been served via electronic mail upon the following:

Ms. Jimmy Shaffer (jimmyshaffer@kycourts.net)
Executive Secretary, Judicial Conduct Commission
P.O. Box 4266
Frankfort, KY 40604-4266

Mr. Richard L. Walter (rwalter@bsgpad.com)
Boehl Stopher & Graves, LLP
410 Broadway St.
Paducah, KY 42001

Judge James T. Jameson (james.t.jameson@gmail.com)



Charles E. English, Jr.

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

IN RE THE MATTER OF:

JAMES T. JAMESON, CIRCUIT COURT JUDGE
42ND JUDICIAL CIRCUIT

MOTION FOR EXTENSION OF TIME

Comes James T. Jameson, Circuit Court Judge for the 42nd Judicial Circuit, and hereby petitions the Judicial Conduct Commission for an extension of time through and including Wednesday, July 6, 2022 to file any responsive pleadings necessary to any Complaints filed as against him.

In support of this Motion, the following is stated:

1. On Wednesday, June 22, 2022, it was determined that counsel for Judge Jameson would be changed from the Hon. Charles E. English, Jr., to the Hon. Richard L. Walter. Attorney Walter has entered his appearance and on June 25, an Order was entered allowing the Hon. Charles E. English, Jr., to withdraw.

2. As soon as Attorney Walter entered his appearance, he began reviewing the outstanding Complaints and pleadings filed to date. It was determined that the likely response time relative to the outstanding Complaints was Tuesday, June 28, 2022. This was confirmed by Attorney Walter in a telephone conversation with Ms. Jimmy Shaffer, Executive Secretary for the Judicial Conduct Commission which occurred on Monday, June 27, 2022.

3. The Commission should be apprised of the fact that Attorney Walter was scheduled for anterior cervical fusion surgery at the University of Kentucky Medical Center on June 27, 2022. That physical condition and proposed treatment has limited his

availability to work with Judge Jameson on the responsive pleadings necessary to be filed. In addition, as pre-op studies were performed, it was determined that Attorney Walter had an abnormal EKG. That situation is presently being investigated with ongoing visit to the cardiologist on Tuesday, June 28, 2022. The surgery was canceled with hopes of being rescheduled for Thursday, June 30 or Friday, July 1.

4. This requested extension through and including July 6, 2022 is not made to delay the process unnecessarily. However, it is necessary so that the pursuit of justice can be accomplished in allowing Judge Jameson to have available to him the attorney of his choosing. It is believed that Attorney Walter's recovery will allow him to complete work with Judge Jameson on the appropriate answers so that they can be filed by the July 6 deadline.

WHEREFORE, it is respectfully requested that an appropriate Order be issued granting this requested extension of time.

Respectfully submitted,

BOEHL STOPHER & GRAVES, LLP
/s/ Richard L. Walter
Richard L. Walter KBA #74082
410 Broadway
Paducah, KY 42001
(270) 442-4369
(270) 442-4689 fax
rwalter@bsgpad.com
ATTORNEYS FOR JAMESON

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of June 2022, a copy of the foregoing was served on Hon. R. Michael Sullivan, Chair, Judicial Conduct Commission; and Hon. Jimmy Shaffer, Executive Secretary.

/s/ Richard L. Walter
Richard L. Walter

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**JAMES T. JAMESON, CIRCUIT JUDGE
42ND JUDICIAL CIRCUIT**

ORDER GRANTING EXTENSION OF TIME

Upon consideration of the Motion for an Extension of Time to file an Answer to the Notice of Formal Proceedings and Charges, pursuant to SCR 4.200, it is by the Commission,

ORDERED that the time for filing an Answer be and it is hereby extended. The Answer shall be filed on or before July 6, 2022.



R. Michael Sullivan, Chair

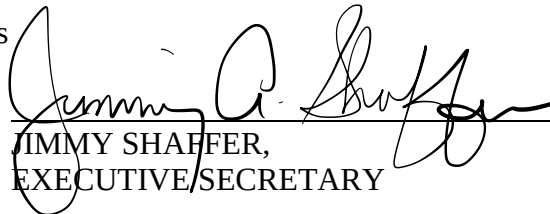
Dr. Joe E. Ellis recused from any consideration of this matter.

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of this Order has this June 28, 2022, been served via electronic and first class mail upon the following:

Richard L. Walter (rwalter@bsgpad.com)
Boehl Stopher and Graves, LLP
410 Broadway
Paducah, KY 42001

Judge James T. Jameson at his home address



JIMMY SHAFFER,
EXECUTIVE SECRETARY

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**JAMES T JAMESON, CIRCUIT COURT JUDGE
42ND JUDICIAL CIRCUIT**

ANSWER TO JCC PROCEEDINGS

HEREBY COMES Circuit Court Judge, James T. Jameson, and answers the allegations put forth by the Judicial Conduct Commission:¹

ABUSE OF JCC BY CLAIMANTS:

Almost all of the facts and opinions that have led the Commission to make allegations against Judge Jameson were submitted by individuals who seek to provide political benefit to Judge Jameson's opponent in the 2022 general election for Circuit Court Judge in Marshall and Calloway counties. Long before receiving all of the claims and factual information submitted against him from the Commission, Judge Jameson was informed by persons involved in the local justice system in Marshall County that a group of six or fewer attorneys and at least one member of court personnel were working to submit a "diatribe" of tainted factual information to the Commission in an attempt to damage Judge Jameson's reputation during an election year to the political benefit of his opponent. Months later, a witness statement provided first to Judge Jameson, and almost immediately after to the Commission, described the specifics of this plot to use the Commission as a political tool to damage Judge Jameson and give his opponent a leg up

¹The factual allegations set out by the Judicial Conduct Commission are based on biased, misrepresented, and, in some cases, purely manufactured information provided by supporters of Judge Jameson's political opponent in the 2022 general election regarding mostly claims that occurred years ago and that did not involve the complainants.

in the Circuit Court Judge race to be decided in November, 2022. This witness stated the following to the commission in a recorded interview:

I [the witness] was approached at the courthouse, when I went to court for Judge Telle's court, which is Marshall District Court, by Amy Harwood-Jackson. Amy Harwood-Jackson is a public defender that works out of the Murray [public defender's] office... And when she spoke to me, we were in a private conference room that's right off from the courtroom, and she indicated to me that, that they [as in multiple people] were planning to file multiple judicial complaints against Jameson in the hopes of bolstering [his political opponent's] chances of winning the Judicial seat [currently occupied by Judge Jameson]. She claimed that she had already filed one judicial complaint [against Judge Jameson]...

Then, when asked by the Commission investigator if Ms. Harwood-Jackson acknowledged personally filing the first complaint, the witness went on to say:

Yes. And I'm not sure if she used the word that she helped someone do that, or if she actually did it, but she was involved in, in definitely filing it, and that's what she said... Then she looks me right in the eye and said "we really need a third party that's a disinterested party to get on Facebook and talk about the fact that all these complaints are being filed, once they get filed..." I'm like "good luck finding someone." In other words, I pass, you know. I don't want to be involved in something like that, and she asked me did I know anyone, could I think of anyone that I could direct her to that could, could do that for **them** and I, of course, said no."

The witness's statement confirmed what Judge Jameson had been told by at least two attorneys in the months prior to the witnesses statement coming to light. This witness had told Judge Jameson this same story just before the Commission interviewed this witness. However, even more details were discussed in the witness's conversation with Judge Jameson. In this conversation, the witness told Judge Jameson Ms. Harwood-Jackson made it clear that multiple people the witness would be familiar with from Marshall County were in on the plot to harm Judge Jameson politically by attempting to

abuse the authority of the Commission. She also stated that Ms. Harwood-Jackson had made angry, mean comments about Judge Jameson such as, "the only reason he got elected was because he had cancer," and, that, due to his cancer treatments, he was a "weak" Judge that needed to be harder on her clients and other defendants.² Indeed Ms. Harwood-Jackson has often made it known that she does not enjoy representing her current clients (criminal defendants) and that she would rather be a prosecutor or perhaps run for Judge Jack Telle's District Judge seat once he has retired.

While there is not yet absolute direct proof of exactly who all of the parties are that are part of the conspiracy to damage Judge Jameson's reputation for strictly political purposes, it does not require much of an imagination to put the pieces together. All of the individuals who have themselves made, or made on behalf of another person, a complaint against Judge Jameson in the last year are all either attorneys or court personnel that work in Marshall County. None are from Calloway County.³ Further, these individuals work together in District Court on a weekly basis during the District Court preliminary hearing docket, and most of them during other dockets as well. Additionally, the way the District Court preliminary hearing docket is conducted (attorney driven) allows these individuals a large amount of time to sit and gossip about the latest political news,

² Any defense attorney, especially a public defender, that has a personal belief that defendants such as her clients should receive more severe sentences and even be degraded by a judge is acting contrary to the best interests of their clients. This is a severe ethical violation at worst and, at best, a sign that the attorney should change jobs.

³ In fact, the Calloway Circuit Court Clerk, on her own accord, wrote the Commission a glowing review of Judge Jameson's performance as a Judge because she believes the clearly politically motivated claims against him are preposterous.

especially when it involves a race that effects the court system, such as Circuit Court Judge.

AGE OF CLAIMS:

There is more than one claim against Judge Jameson that is untimely at best, and, in some cases, go back as far as his first year as a Judge, six and one-half years ago. Traditionally, claims to the JCC are made about alleged recent conduct by a judge, the idea being that it is important to weigh in on the situation while it is most relevant and when needed for JCC intervention may exist. When the claim is regarding relatively minor allegations that, even if true, on their own would often be resolved with either no action by the JCC or, at worst, a private or public reprimand, it seems unfair for the alleged conduct to be reviewed by the JCC years after the conduct is claimed to have occurred. Judge Jameson has always been very open about his work as Circuit Judge and has regularly reached out to other judges for input on matters of all sorts. **The timing of these multiple claims made in a short period is curious at best and more likely intentionally part of the conspiracy to damage Judge Jameson's reputation in a desperate attempt to provide his opponent with a much-needed political boost.** The JCC is not a political entity intended to impact a community's choice regarding who its judges are. Kentucky's Constitution provides that all judges are to be elected **by the people they serve**, not by the JCC, and certainly not based on politically motivated untimely claims reported in an election year. If the claims by these "exposers" are truly matters worthy of JCC intervention, why are they just now being brought forward **in an election year?** The timing of the claims is certainly not coincidental. One may ask in

response to this why the timing matters. It matters because it clearly reflects an intent to harm Judge Jameson politically, thus making the factual claims themselves questionable at best and, more likely, **flat out biased, exaggerated, or just plain false.**

HEARSAY & GOSSIP ARE NOT EVIDENCE:

Many of the statements provided to the Commission that make up the foundation of its allegations against Judge Jameson are, as is regularly admitted in the "witness" statements, based on gossip that is the product of nothing but hearsay. A few examples include:

1) Male attorney statement samples:

- a. "there are times in court where [Judge Jameson's]... speech is slurred... I think that's health related, but nobody really knows."

- i. **Actual Facts:** It is well documented that Judge Jameson, due to the massive amount of radiation treatments he received every day for 30 days when he was being treated for Stage IV head and neck cancer in 2012, has severe damage in muscles and other tissue in his head and neck, especially on the left side of his head. Before receiving these treatments, he was told he may never speak or eat again by his doctors at Vanderbilt. However, God still had plans for him. Judge Jameson is fully able to speak and eat, but has difficulties at times due to his tongue, mouth, and jaw muscles "locking up" when he speaks for long periods (such as what regularly occurs during a 4-5 hour court docket twice per week). He also has damage to his eye muscles which, when he is tired, can lead to significant double vision. The double vision can make it very difficult for him to read what at times, but he can typically improve this by taking a break and doing certain medical exercises. *See Appendix O (letters from his oncologists explaining these matters).* Judge Jameson would have never become Judge Jameson without having to go through almost dying. That experience is what gave him the courage to follow where he felt God was leading without fear. He had already faced his death; there was nothing left to fear. The spiritual strength he received as a result of that experience is something he would likely not have

today if it had not been for him having to facing his mortality at age 36.

- b. "we got several [general orders]." Essentially this comment was stating that Judge Jameson was often issuing what are called "general orders" instead of going through the required process of submitting recommended changes in local court rules for approval by the Supreme Court.
 - i. **Actual Facts:** As was proven by sending every General Order filed in the clerk's office to the Commission that came into existence since Judge Jameson was sworn in as Judge, He has issued **only one general order, ever**. This is yet another careless accusation about Judge Jameson that was absolutely false. This attorney did not even bother to check court records before making this false accusation to the Commission.
- c. "one of the attorneys came into District Court one day and, of course, Judge Telle, that's his court, and said that the jail had told him and, **again, this is hearsay three times removed, so I don't know the accuracy of this**, that said Judge Jameson had told them not to let Ensite into the jail. **Now, I don't know if that's true or not.**
 - i. **Actual Facts:** Judge Jameson did not tell jail staff to not let in employees of any specific company. Who the jail lets into their facilities is their business and in their discretion. After Judge Jameson was informed by the Administrative Office of the Courts general counsel that KRS 67.372 & 67.374 set out, with non exceptions, the things that a county have to do before its judicial courts may require defendants to utilize GPS equipment (a/k/a ankle monitors). The **absolute requirements of the law** include the county publishing a Request for Proposals for the equipment and services with specific details regarding the type of services being sought, and, then receiving **competitive** public bids from potential GPS providers. While Judge Jameson has informed everyone involved in the Marshall & Calloway judicial systems of this requirement since learning of it, this "witness," and anyone else gossiping about the subject, did not even do enough research to discover these requirements. If they had, they would have quickly discovered a jail is not permitted to allow any other GPS provider to provide GPS related services to a defendant, **except the provider chosen by public bid**. What helped fuel the gossip that certain political opponents of Judge Jameson have worked hard to spread around, is that employees of a local "middleman" GPS vendor that had been improperly supplying GPS services to defendants in Marshall & Calloway counties for many years, got very upset when they learned they would have to submit a competitive bid if they desired to continue doing business with defendants coming through the Marshall & Calloway court systems, **as required by law**. This meant having to comply with bid terms regarding the quality of

equipment provided and other terms regarding the provision of GPS services. This also meant they were likely no longer going to be able to charge exorbitant prices for their services and basic-level equipment defendants could easily remove with a simple pair of scissors. A vendor should not be able to reap the benefit of county government-related business, *taxpayer business*, without having to fairly compete through the bidding process like every other local government provider. Almost all larger jurisdictions have gotten away from utilizing "middleman" GPS vendors and instead, contracting directly with manufacturers who can provide GPS equipment and services far cheaper than a business that places itself between the actual equipment provider and defendants.

- d. There's a SUD recovery program based out of Marshall County. This "witness" stated to the Commission regarding this program, "they're basically doing a celebrate recovery type program which... they don't cost anything," and the "idea that they're barely making ends meet is preposterous." With regard to Serenity Recovery, "the director is probably distantly related to [Judge Jameson's] wife, but I don't [know]... "I think she probably is a distant relative of his wife." The witness then, in effect, states that the reason he believes this is because the director of Serenity Recovery and Judge Jameson's wife have the same maiden name: Cherry.

- i. **Actual Facts:** Both Riverwoods & Serenity Recovery use textbooks that participants utilize throughout their 9-12 months of learning how to be and stay sober in those programs. These programs also have to pay for drug tests, overhead for facilities in both counties, meager salaries for a minimum number of staff (1-3), etc.. Considering that the \$100 fee charged by the programs after the initial \$200 is the only income for these programs, some quick math easily leads to the conclusion that no one is "racking in the money." **Serenity Recovery has even provided financial documents to the Commission clearly reflecting such and Riverwoods Recovery has offered, in writing, to do the same.**

Prior to the existence of Riverwoods, Marshall County did not have a single nonresidential or residential recovery assistance program outside of Drug Court. If Judge Jameson were not willing to work with these programs, very few would be able to participate in a recovery program of any kind. Judge Jameson has recovery achievers, and their family members say something on an almost daily basis to him or his wife about how much they appreciate his willingness to provide sobriety opportunities. Sobriety saves lives. **Why would anyone not want addiction sufferers in recovery via any method that actually helps them?** While Judge Jameson is proud to voluntarily serve as Drug Court Judge for our area, the Drug Court program can only serve a maximum of approximately 15

people. A program operating at that capacity simply cannot touch the severity of the addiction problem that comes through our courtrooms.

Judge Jameson's wife is not, in any way shape or form, related to anyone involved with Serenity Recovery or any other recovery program. The sole reason this "witness" and the others that are part of the political conspiracy against Judge Jameson believe the director of Serenity Recovery and Mrs. Jameson could be related, is because the two have the same maiden name! (Jenny Cherry-Jameson and Holly Cherry). That is literally the only reason these gossipers believe these ladies are related. It could not be that Judge Jameson is simply trying his best to help people; that's too simple and contrary to the personal and political interests of these "witnesses." Instead of a rational explanation, it must instead be that Judge Jameson teamed up with his wife's "relative" (that neither he or his wife had met prior to the existence of Serenity) for some unknown nefarious purpose. It is unbelievable that these "witnesses" are so desperate to believe Judge Jameson could not possibly be a hardworking public servant that has done a very good job of working with others to bring **actual, successful, recovery programs to bear**, that they are so willing to find any shred of "evidence" they can, to try and tear our Circuit Court Judge and his family down at all costs. There is nothing Christian or otherwise acceptable about this conduct. It is unacceptable and should not be rewarded. Instead of trying to tear down good people, these "witnesses" could choose to step up and be part of the solution, but, as we know, that takes a lot of work.

- e. The "witness" has complained to the Commission regarding Judge Jameson, consistent with the law, utilizing alternative sentences that can require a defendant to serve up to 365 days in jail before being probated. The witness also states that this practice was appealed to the Ky. Court of Appeals and that he does not believe, "anything has ever happened" with that appeal.
 - i. **Actual Facts:** Judge Jameson has sent out in emails to this "witness" and others proof that Judge Jameson utilizing this tool that is properly part of the judicial "toolbox" at a judge's disposal, has been upheld, without question, by the Court of Appeals in *Lamb v. Com.*, 2019 WL 4127612, No. 2018-CA-000867-MR. One can only assume that reading the communications sent to the "witness" simply was not read or researched by him; a common theme.
- f. The "witness" hinted at a claim that Judge Jameson had a former intern for his office who went on to be the Director of GPS Services for the nonprofit that he once served as an officer for "set up in his office" in such a manner

that GPS violation claims “could have” been reported to the Director of GPS Services while she “could have been sitting in the same room” as Judge Jameson.

- i. **Actual Facts:** Such is, first off, clearly random speculation. Secondly, the Director the “witness” is discussing, never once handled a GPS violation report while even in the same room as Judge Jameson to his knowledge. The Director, with the exception of a few communications when her position first came into existence, did not communicate with Judge Jameson about reported GPS violations except via a written report.
- g. The “witness” goes to make other false claims in his statement to the JCC, even admitting that he, “don’t know that that is factual,” and based solely on hearsay from “a guy who tells him stuff like this.” Additionally, this same “witness” has stated to Judge Jameson in the past that he probably could be bought off, but, “nobody’s hit the right number.” Perhaps this witness, who clearly believed Judge Jameson would never see his statement to the JCC, is concerned that Judge Jameson is just a little “too clean” and that may cause this “witness” to be implicated in something. Unlike the practice of the “witnesses” we will not unnecessarily speculate on that further without any actual reason to believe there’s an issue at hand.
- h. This “witness” makes a final statement that is very telling about his motives for questioning how it is that Judge Jameson could just be trying to help people because he loves serving our community. The “witness” says to the JCC investigator, “There is an old saying that I, that I go by and basically what it boils down to is this, the world doesn’t care about labor pains, all it wants is to see the baby.” This reference is a personal philosophy that the “witness” says he follows.
 - i. **Actual Facts:** What he means by this is that he would never put in the “labor pains” that Judge Jameson has put in toward using every resource available to him to help the people in our community, but instead his style is to wait until someone else has done the hard work needed to get something off the ground, and, only then, would he step in and share in the glory. This perspective may be precisely why this “witness” is so committed to believing Judge Jameson is anything other than what he actually is. With a philosophy like that at your core, I’m sure a person would have great difficulty understanding why someone would put in long hours, spend their own money, take their own family time, etc., to help others by taking on the big problems present in our justice system. Judge Jameson has a philosophy of his own. **He believes that, where something clearly should be improved, doing nothing is not an option.** And,

unlike the “witness,” Judge Jameson does not believe it is funny or appropriate at all to make unfounded, self-serving statements to this Commission with the cavalier attitude clearly reflected in his statement. While the “witness” clearly thinks of all of this as a big joke, I would hope that this Commission agrees that nothing about the thousands of hours and tens of thousands of dollars Judge Jameson has had to invest to show these claims are simply politically motivated misrepresentations and outright lies almost exclusively based on hearsay and gossip. Surely nothing about this is humorous.

2) Female attorney witness samples:

- a. “I believe [Judge Jameson] was involved in setting up [the nonprofit Community Corrections Board entity but] I don’t know... I’m not sure... you know, people talking amongst themselves, I think that was... who set it up.”
 - i. **Actual Truth:** As the “witness” makes clear, she doesn’t actually “know” anything about what she is discussing in a very important statement to the Commission.
- b. “Ensite has a startup fee and I can’t, I, I can’t remember... and then a daily tracking fee, and you pay two weeks ahead, so... that how they do it. “I haven’t had that many people on it because, honestly, they couldn’t afford it, so they didn’t utilize it.”
 - i. **Actual Truth:** This “witness” is wrong about even her core understanding of how GPS is required to work by law. This could be because the employee that works for Ensite, the company that was providing GPS services to defendants in a manner that is against the law in multiple ways, is this witness personal friend. If you notice, Ms. Meeks, the Ensite employee, says in her statement to the Commission that much of her “factual” (incredibly inaccurate) information came from this witness.” If this “witness” is guessing at her answers to the Commission investigator, they may explain why Ms. Meeks with Ensite tells the Commission investigator some of the same inaccurate information.
- c. Something this “witness” does say that is very accurate is, “The problem we have [with getting defendant’s in recovery programs] is that there’s not a huge amount of programs... there’s two programs that are actually operating in Marshall County, which means that they do their meetings and things in the county. There’s one called Riverwoods Recovery. There’s one called Serenity Recovery (neither of which would be an option if Judge Jameson had not been willing to give these programs a try).
- d. When asked about it, the “witness” says, [Judge Jameson] “prefers people go to the two programs that are in the county, Riverwoods and the Serenity programs.”
 - i. **Actual Truth:** Judge Jameson DOES NOT prefer that any defendant go to any one or two programs. However, when many

defendants have difficulty with arranging travel out of their home county, the practical result is that more defendants go to those programs because they can get there and **because those programs are less expensive than any other program that does not accept Medicare/Medicaid.** Judge Jameson, as are thousands of people, is very happy to have those programs in his community because, if they weren't, many defendants would have to just sit in jail as they did in many instances prior to his tenure as judge.

- e. The "witness" says in her statement, "Riverwoods is a program run by Riverwoods Church, which is a non-denominational church in, in Benton. As far as the actual set up, whether it's a subsidiary, independent, I don't think any of those things are actual corporations or anything like that. It's run by people affiliated with that church. The Serenity Recovery program, I think is just free-standing. They just started the program, I think it began in Calloway, and then once they got established there, then they were able to expand over and start having the meetings and things in Marshall, so they have them in two different places. That one is not affiliated with a church or another company or anything like that. They're, that's just an independent program.

- i. **Actual Truth:** Riverwoods Recovery was born out of Riverwoods Church, but is its own legal entity. Riverwoods **is not** operated by people that were first church members and later started working for the recovery program. The Director, Randy McDaniel, had no connection to Riverwoods Church or recovery until Judge Jameson offered him a chance to go to a recovery program as a part of his supervision on a felony case. That is when Randy **chose** to go to Riverwoods Recovery, graduated the program 9 months later, and then became a pastor and came back to Riverwoods Recovery as the program Director, a position he has held now for quite some time. Mr. McDaniel **donates** his time to come and sit in Circuit Court dockets twice per week for 4-5 hours on average just to be there for the persons in the Riverwoods program and support them and give updates to the parties or court when asked. He has never been asked to do this. He does it of his own accord and does not get paid for it. If you ask him, Randy will tell you the reason he does this is because, when he was in the program and first came to court after having been in it for some time, he was floored by a staff member standing up and telling Judge Jameson how well he was doing in the program. Randy was so impacted by that, that is why he volunteers his time to come to court: to do the same for others that was done for him. As for Serenity, that program was too founded out of a church: University Church of Christ in Murray. Now that this "witness" knows that a church is involved, I'm sure she will no longer be a fan of Serenity just as she is very against the Riverwoods program, as her relatives that go to Riverwoods Church can tell you. The

problems this “witness” and certain others have with Riverwoods seem to be rooted in the fact that it was born out of a church. It is Judge Jameson’s belief that, as long as defendants are allowed to choose the recovery program they participate in, **no one should be prevented from attending a program simply because it is faith based.** An opinion his community also holds.

- f. The “witness” opens up about more of her true opinions about “churches” later in her statement. She says, “it’s always been a little uncomfortable to me that it, you’re, you’re, you’re using a program as a get out of jail, you know. If they want out of jail, they’re going to have to agree to do this and, therefore, it’s, it’s not exact, I mean people will do a lot of things to try to get out of jail that they might not really want to do.”
 - i. **Actual Truth:** What the witness is really unhappy about is that she, as a matter of disagreement on policy, doesn’t believe that defendants should be made to go to residential or nonresidential recovery programs if they do not want to go. First off, that is simply her opinion. Secondly, it’s an opinion Judge Jameson very much disagrees with. And, whomever is the Judge over a court, gets to make those decisions on what their policies are going to be. Just because this witness disagrees with Judge Jameson’s approach as a Judge and she would rather be a Judge (something she has made known), does not mean that Judge Jameson is doing something wrong. In fact, the far majority of his community, clearly believes he is doing something right; a conclusion we believe you will see absolute proof of in November.
- g. The “witness” makes statements to the effect that she “believes” that Recovery Kentucky Programs are somehow different when it comes to how defendant’s pay for their participation in those programs.
 - i. **Actual Truth:** Recovery Kentucky Programs (RKC’s) are part of a network of 16 gender-specific facilities across Kentucky that are **all peer-based recovery programs.** They are not licensed, nor do they have to be. They have no medical staff, and they do permit any participant to be using any prescription that could impair them, not even many drugs for anxiety and depression. These programs are based on the belief that abstinence is the directive of recovery programs. This same model is very similar to how both Riverwoods Recovery and Serenity Recovery operate. In fact, Riverwoods Recovery was partially founded on the RKC operational and program principles.
- h. The “witness” says in her statement that she has, “always been kind of concerned about the fact that” Riverwoods, Serenity, and similar programs are run by peers who have made it through the recovery process themselves as opposed to someone with a college degree.
 - i. If this “witness” would do her due diligence about how recovery programs actually operate in Kentucky, what research has reliably

proven to be effective when it comes to forms of recovery programs, etc., she would know that **none of the 16 RKC programs utilized by the Dept. of Corrections and Drug Courts require anyone on staff (with perhaps the exception of a nurse for medical emergencies) to have even a high school diploma.** The only requirement is they have come through the recovery process utilized at RKC programs, which are overseen by Ky's Cabinet for Health & Family Services, in order to obtain sobriety themselves. The reason RKC's and hundreds of other programs across Kentucky utilize peer-recovery, is because it has been proven to work. In fact, UK did a 9 year study of the effectiveness of the RKC model and concluded that 85% of the participants that complete an RKC program go at least one year before being arrested. While some may not understand just how phenomenal that fact is, in the world of addiction recovery, those stats are impressive. The "witness" also mentions the fact that almost everyone at Riverwoods Recovery is a convicted felon. Of course they are! The same is true for everyone that is part of Serenity Recovery and every RKC facility across Kentucky. People who have had a severe addiction problem generally are convicted felons due to how the law still treats addiction. That very experiences is what makes those individuals so valuable to these recovery programs. Without, they would serve no purpose in recovery.

- i. The "witness" complains in her statement regarding a specific incident wherein a defendant with a severe mental health and addiction history admitted to violation her bond conditions of release by not cooperating with the person overseeing their release. She complains that, once this person was brought in on an arrest warrant due to the reported violations that she later admitted to, her bond was set much higher than it had been previously.
 - i. **Actual Facts:** However, even though she was this defendant's attorney, the "witness" never once brought a motion to lower the bond before the court or attempt to obtain an agreed order to lower the bond. Additionally, her client was only in jail a few days before she had her bond violation hearing, at which, she **admitted that she had violated her GPS conditions.** The "witness" additionally complains that when her client violated her conditions of bond that "none of us knew anything about it until she in jail." There is simply no Due Process requirements that apply prior to a defendant being arrested due to a reported bond violation. The law on this issue is further explained in later arguments. Again this "witness's" complaints center around misinformation and disagreements on policy. These things simply are not proper subjects for a Commission complaint. The "witness" reveals her true concerns with the GPS violation committed by her client when she talks about how her "friend" that works for Ensite (a former vendor of GPS services that operated outside of the law), would call her before taking action on a

defendant's bond when a violation was reported. Such is simply not required and arguably is unethical. It is not a monitoring company's job to go to bat for defendants. The Commonwealth has just as much of a right to know that a violation occurred, even if it is resolved by the defense attorney. The "witness" goes on to state that when issues arise that she has a problem with regarding her clients she's not going to "make a big stink about it. She wants to just "see if we can just hurry up and get this resolved so [the defendant] can get out [of jail]." Judge Jameson would proffer that, at the core of a defense attorney's job is to "make a stink" about things they believe are a problem for their clients. This "witness" has never once, in years of practicing before Judge Jameson, asked for a formal bond hearing for a single defendant. She complains to her gossiping allies based on information she clearly just assumes to be true based on her discontent and no actual basis, **but never takes action on behalf of her clients.** How is it that a Judge is supposed to know that there may be a problem with something if it is never brought to their attention?

- j. Yet another example of the "witness" not making concerns known involves complaining that the prosecutors are not receiving notices regarding GPS bond violations prior to the issuance of a warrant because of that alleged violation.
 - i. **Actual Truth:** This witness has, once again, **never once** brought up these concerns to Judge Jameson. Further, as our male "witness" stated in his statement to the Commission, he had no interest in his office having violations reported to them; he indicated he simply did not want to put more of a work burden on his office. If the prosecutor's office is unwilling to hand violation reports, is the Judge required to ignore alleged bond violations, especially when they can involve the safety of a victim? This is no longer an issue in Calloway county because the prosecutor there has been handling GPS violations for quite some time, and in a very timely fashion. As it stands, the prosecutors in Marshall county still do not regularly process alleged GPS bond violations, putting victims and others at risk.
- k. The "witness" discusses conversations she had with her friend Ms. Meeks, that works for Ensite (a GPS middleman vendor). In this conversation, the "witness" reports that there is no way that a provider other than Ensite could offer GPS services at a significantly less cost, or at much higher quality, than Ensite does.
 - i. **Actual Truth:** Ensite charges a daily rate of \$15.00 for a monitor that provides the fewest features and is the least safe in the industry. When the parties concerned (jails, county attorneys, sheriff's office, etc) weighed in on what type of GPS services they wanted, they were not interested in utilizing a device like that offered by Ensite. **All**

parties concerned very much wanted the safest and most effective device available. As such, the standard device that should be being utilized in Marshall & Calloway counties is (1) virtually unremovable before law enforcement can get to the device once a "strap tamper" alert is sent to E-911, and (2) offers features such as 2-way communication via satellite and cellular, a 90db siren and bright LED light that helps law enforcement find violators easier and faster (thus providing more safety for officers), and many other valuable features such as a phone app available to victims that alerts them when a defendant violates "exclusion zones" intended to keep them away from victims. This device costs non-indigent defendants \$15.00 per day (the same as Ensite charges for their non-comparable device) and \$10.00 per day for indigent defendants. The \$5.00 per day difference between the new price per day and the Ensite price saves defendants \$140 per month, which can mean the difference between paying their electric bill and not. As such, an "increase" in what these devices cost defendants is not the result of not being able to obtain a far better price for devices, but rather, to the extent it's a factor at all, is the result of the parties concerned **choosing** to utilize much better equipment and services than what Ensite bid. The less expensive devices are available as a part of the GPS provider's (the nonprofit) contract with its provider of equipment. Judges ordering the services simply have to check the right box on the referring order and the cost will be \$6-7 per day for indigents. As he is only dealing with individuals charged with serious crimes (felonies), Judge Jameson prefers to utilize the "high risk" device because it is far safer and more reliable when it comes to ascertaining the location of a defendant on the run. That is his choice. If the District and Family courts so desired, they could simply choose to use the less expensive options.

TRUE & ACTUAL FACTS RELEVANT TO JCC INQUIRY

PROMISES KEPT:

Beginning before he was even Judge, Judge Jameson has worked diligently to do what he promised the people of Marshall and Calloway counties when he asked them to make him Circuit Court Judge:

First, to make sure those looking for justice have their matters decided by a neutral arbitrator who judges disputes based only on the facts and the law (not based on who the parties are or other irrelevant information);

Second, to bring to bear all resources at his disposal as Circuit Court Judge for the purpose of saving lives of Marshall and Calloway Countians dying from, and being otherwise horribly impacted by illegal drugs and drug-related activity. Judge Jameson's intent during the entirety of his tenure has been to do precisely what he promised. Indeed, he has done so by (1) creating a court environment where litigants and their counsel believe they will be heard, treated fairly, and adjudged by the law itself instead of personal relationships or political standing, and (2) working with area churches,⁴ citizens, and other organizations to help launch a war on drug addiction⁵ by helping to make more available both nonresidential and residential Substance Use Disorder (a/k/a SUD) recovery programs in Marshall and Calloway counties. At least two nonresidential recovery programs that came into existence because of this effort quickly became, and have remained, important "tools in the judicial toolbox" for helping those coming through the local court system with gaining and maintaining sobriety. These programs are Serenity Recovery & Riverwoods Recovery.⁶

⁴Any concern that may exist, although not previously mentioned, about court defendants attending faith-based recovery programs is not an issue. Judge Jameson has never once ordered someone to a faith-based program without that person asking to attend that program, or otherwise agreeing to it.

⁵Just in one program Judge Jameson helped become functional, over 850 people have been exposed to recovery since January, 2016. Looking to Serenity Recovery, another program Judge Jameson helped launch by being the first Judge to use their program when it was new, that program has helped hundreds as well. These are all people that likely would not have received treatment otherwise due to nonexistent non-court driven recovery resources, especially in Marshall Co., prior to 2016.

⁶Both programs now have campuses in Murray and Benton where Serenity started in Murray and Riverwoods in Benton. Riverwoods now has other campuses as well and has begun to work, on a larger scale, with courts in other jurisdictions.

Since becoming Circuit Court Judge in 2015, Judge Jameson has not had any affiliation with Serenity or Riverwoods Recovery, or any other recovery programs, other than simply being willing to utilize them as a resource for those coming through the court system who suffer from addiction. Neither Judge Jameson, his family members, his wife's family members, nor anyone else he knows has ever had a financial or other interest in any addiction recovery or any other type of program. The only assets Judge Jameson and his wife Jenny Cherry-Jameson have are their personal belongings, his wife's 401K, a Deferred Compensation account, and two rental properties in Murray, KY. No other assets or financial interests exist anywhere. Judge Jameson utilizes dozens of recovery programs available across Kentucky, Tennessee, and other states to provide a chance at recovery for individuals suffering from addiction while they are involved with the court system. Having lost one nephew just five years younger than him to a heroin overdose last Christmas, and, having observed and felt the pain caused by two other nephews who have suffered from addiction since they were teenagers, has had a profound effect on Judge Jameson. When it comes to believing sobriety and individualized recovery support should be readily available for those willing to take advantage of it in the court system, Judge Jameson, without reservation, is a true believer. Not only has he seen how addiction works up close because of family members suffering from it, he has seen how it has ruined the lives of thousands upon thousands of clients he represented prior to becoming our Circuit Court Judge. Judge Jameson is a strong believer, as is Kentucky Supreme Court Chief Justice John Minton, that the sooner recovery assistance is offered, the better for all parties concerned. Maintaining this urgency as a core principle of a court system gets people the help they need, helps better protect the public, saves a large

amount of tax dollars, and even saves lives. Others may disagree with his belief, but a disagreement on policy is not tantamount to a violation of the Judicial Code of Ethics. Our counties have a severe addiction problem that needs real solutions that will lead to real change; ongoing, lasting change. Instead of debating clearly politically motivated claims, we should be spending our time working to create this badly needed change, together.

Judge Jameson strongly believes in the type of immediate behavioral recovery endorsed by Chief Justice Minton. In fact, everything Judge Jameson has done regarding his efforts to educate, discuss, promote, and work toward a change in how local courts see and deal with addiction has been perfectly consistent with the Crime & Justice Institute's (hereafter, CJI) findings and recommendations made in its 2021 report sent to Kentucky Judges by Chief Justice Minton entitled, "Recovery Oriented Systems of Care: Needs & Opportunities for Kentucky's Court System."⁷ While the recommendations made in that report call for significant changes in how certain Kentucky courts see its role when it comes to dealing with addiction-driven crime, Judge Jameson should not be punished for agreeing with and supporting the CJI report's findings and recommendations made to Kentucky courts concluding that our courts should help those suffering from SUD and/or other behavioral conditions by providing early on, effective treatment for the behavior that keeps them from being productive, crime-free citizens.⁸

⁷ The report lays out what Chief Justice Minton and many others believe to be a much improved and more realistic way of defining Kentucky's courts' role in assessing, treating, or otherwise providing recovery support and resources for SUD sufferers charged with a crime/crimes.

⁸ Chief Minton's 2021 letter introducing this report to judges states, "The courts are uniquely positioned to help struggling individuals find a path to lifelong [substance abuse disorder] recovery... I hope you [as judges] will support the changes to come and join us in promoting recovery..." See *Appendix K*. The introduction to this report authored by Chief Minton states, "The move toward a recovery-oriented system of care is an important step in [the courts'] response to the drug epidemic... The courts are in a unique

Additionally, any claim that Judge Jameson has some form of “special relationship” with any recovery programs is old news that was reported to the JCC in 2016 by at least one of the same individuals making the same claims now. Those claims were reviewed by the JCC in 2016 and dismissed as coming from people that did not like the fact that there was, “a new Sheriff in town.” This conclusion by the JCC was reported directly to Judge Jameson via the former chair of the JCC. It seems unfair,⁹ at best, and equivalent to exposing him to Double Jeopardy at worst, for Judge Jameson to be called upon to defend himself against the same claims six years apart, especially in the middle of an election. After receiving a crystal-clear statement in 2016 from the JCC conveying that the situation regarding these recovery programs was not problematic, Judge Jameson had no reason to believe that the same thing he was doing in 2016 had somehow become a problem in 2021 with the only difference being the makeup of the JCC. Judge Jameson should not be held accountable for a disagreement between a former Commission and the current Commission over the role of judges when it comes to tackling addiction and appropriately reducing the number of people incarcerated. Judge Jameson’s actions taken for the purpose of forming and being a member of The 42nd Judicial Circuit Community Corrections Board, Inc. (the nonprofit) were 100% consistent with the

position to positively impact those dealing with substance use disorder and we have a **duty** to embrace the most effective models that support lifelong recovery... Kentucky launched the RESTORE initiative in 2019 to give judges... best court practices to support treatment of SUD... This initiative has furthered my understanding of addiction and recovery and changed my perspective on how we should handle court-involved individuals with SUD.” [Edited and emphasis added]. *See Appendix K*. In that same introduction, Chief Minton continues, “Kentucky’s work with RESTORE... has affirmed the importance of changing [the courts’] approach to substance abuse cases. The court setting presents the opportunity to identify individuals with behavioral health conditions and connect them with needed services and supports. **Acknowledging that the courts are a critical piece of Ky’s system of care has proven to be a powerful impetus for change.**”

⁹ Anytime the action of a government entity is truly unfair, Due Process violations are afoot. Judge Jameson objects to the Commission reconsidering conduct already approved by its predecessor Commission. Otherwise, his Due Process rights will be violated.

recommendations made in the CJI report Justice Minton sent to all Kentucky judges last year. If the Commission believes Judge Jameson needs help modifying his approach toward addressing matters discussed in the Commission's allegations, he is glad to change whatever is needed. In fact, he has already removed himself as an officer of the nonprofit's board of directors, has been making sure that all GPS violation claims are processed through the appropriate prosecutor's office, and no longer refers to any "outpatient" recovery program as an "IOP," but instead uses the phrase, "nonresidential recovery program." Judge Jameson is fully aware that he is not beyond making mistakes that need to be addressed in some manner. He is more than willing to adjust how he carries out the work he believes is an important part of his work as Circuit Court Judge, but he truly believes all the claims currently against him are not the result of concerned citizens who believe he's not doing a good job as judge. If such were the case, why wait until now to file their complaints? Judge Jameson is of the opinion that these claims are the result of persons who have, from day one, not supported him as judge, trying to abuse this Commission's power by attempting to manipulate its members into using its authority to cause political damage to Judge Jameson's re-election efforts. Knowing that the Commission is made up of esteemed members of Kentucky's judiciary, Judge Jameson believes that, if the Commission hears the real story, it will see these claims for what they are: politically motivated, desperate attempts at preventing Judge Jameson from being re-elected all because he will not allow these persons required to conduct themselves as officers of the court to do whatever they desire without inquiry or exception.

THE NEXT STEP IN KEEPING PROMISES:

Even with some relief having been accomplished in the form of nonresidential recovery services provided by Serenity Recovery, Riverwoods Recovery, Emerald Therapy, and more and more other programs, especially in Calloway County, more relief was still desperately needed. Division I of Kentucky's 42nd Circuit Court, the Court Judge Jameson serves, is the **seventh busiest Circuit Court in all of Kentucky according to the Kentucky Administrative Office of the Courts. That means Judge Jameson's caseload is heavier than any court in Louisville, Lexington, or Northern Kentucky.**¹⁰ Further, as of 2017, approximately 94% of the criminal cases that come through the court he serves are drug-related in some manner. Thus, addiction takes up a considerable amount of the time and other resources our local courts have available. As such, sending addiction sufferers to anything less than a SUD program that is going to actually help them can quickly stop-up the court dockets as a result of those individuals relapsing due to insufficient recovery assistance. While nonresidential recovery programs can be very beneficial, there are many addiction sufferers that need a higher level of care, especially those with years of consuming drugs like heroin, methamphetamine, fentanyl, opioids or many others. These individuals just cannot stay sober out in the community yet. These very high-risk individuals often need to be removed from their current environment and utilize the services of a long-term (at least 180 day) residential recovery program such as Lifeline Recovery or Centerpoint in Paducah. Such programs remove the addiction sufferer from the environment that is often contributing to their addiction and place them

¹⁰Counting the three largest counties in NKY: Boone, Kenton, and Campbell.

in a facility where their entire day is spent focusing on their recovery for months at a time. With semi-sufficient nonresidential SUD recovery programs available in the area by 2018, Judge Jameson began focusing more on what was always the long-term goal: bringing two 100-bed residential recovery programs to Marshall and Calloway counties; one for women and another for men. With existing residential programs across the state being overloaded, it was clear that local residential SUD programs were needed. No one disagreed.

Starting in 2015, Judge Jameson and citizens who supported the project, began looking at ideas for how to bring badly needed residential recovery programs to our local community. The desire was to have publicly or privately owned facilities where persons arrested for simple drug possession or similar non-violent drug-related conduct, could begin receiving SUD recovery support immediately rather than just sitting in jail, waiting for their court date.¹¹ Many details would need to be worked out, but this was the large-scale plan, as it had been since before Judge Jameson was even elected.¹² Many possibilities for moving forward were considered from utilizing existing structures, to constructing new facilities.

Judge Jameson met with Bjarne Hansen at the Purchase Area Development District in Mayfield, KY, December 1st, 2018. During this meeting Bjarne, the District's main grant writer, assisted Judge Jameson with locating potential grant opportunities in an effort to understand how to best get the residential recovery plans moving. Judge

¹¹Such a program was always intended to be voluntary upon arrest with defendants still being able to choose other programs if they so desired, or reject recovery support completely if they were uninterested.

¹²Many citizens and elected officials from both counties can bear witness to Judge Jameson's intentions regarding residential SUD programs going back as far as 2015.

Jameson had no prior experience with grant writing or seeking grant support. Bjarne agreed to assist with the project by grant searching and applying for grants once proper opportunities were located by him.¹³ However, the more that was learned about the practicalities of such a sizeable task, the more many options seemed unfeasible without significant help.¹⁴

In order to learn more about how existing residential SUD programs had come to be in the past, Judge Jameson met with Mike Townsend, the Recovery Kentucky Project leader who, since its inception, has overseen the residential SUD recovery programs utilized by the Dept. of Corrections Social Services Clinicians and Drug Court administrators. That meeting took place December 12th, 2018. The facilities Mr. Townsend oversees are known as Recovery Kentucky Centers, residential SUD recovery programs. The concept of these facilities first came to be when Don Ball, Housing Cabinet Secretary under Governor Ernie Fletcher, wanted to take on Kentucky's homelessness rate. However, after looking into the matter, Secretary Ball quickly discovered that almost everyone who was homeless in Kentucky suffered from drug addiction. Secretary Ball then began focusing on how to bring resources to bear against drug addiction across the state. Out of Secretary Ball's efforts came a network of 16 gender specific residential SUD recovery facilities with at least 100 beds for residents. This effort became known as The Recovery Kentucky Project. The centers that were established became known as Recovery Kentucky Centers, and they are still the main source of residential recovery

¹³A second meeting was held between Hansen, Judge Jameson, and others January 2nd, 2019 Bjarne explained that he had difficulty making progress on grant applications due to his workload.

¹⁴Judge Jameson even met with a private grant writer Hollie Freeman during this time frame to see if she could assist with providing direction on how to locate and apply for grants to help get the project off the ground. However, nothing ultimately came out of this effort.

support in Kentucky. The work that was done during the Fletcher administration toward making more and more of these facilities available did not stop after Governor Fletcher left office.

HELP FINALLY ON THE WAY:

The Fletcher Group, as it is called, is a nonprofit that is funded by a federal grant to help bring residential recovery programs to rural areas across the nation, and particularly Kentucky. It came into existence for the purpose of continuing progress of the Recovery Kentucky Centers and to bring similar assistance to rural areas across America. In Summer of 2020, thanks to a connection made by former Justice Secretary Mary Noble, The Fletcher Group heard about and reached out to Judge Jameson to see if its organization would be a good partner in the effort to bring residential SUD facilities to Marshall and Calloway counties. After an evaluation of the potential for success, The Fletcher Group decided to make the residential recovery programs Judge Jameson had dreamed about one of the Group's very next projects with no cost associated with the Group's services. With the support of The Fletcher Group, what was only hope and vision was on its way to becoming a reality.

In May of 2021, The Fletcher Group, as a part of its project protocol, organized and hosted an informational session and fundraising event for the residential recovery project eventually known as Re-Life. At that event, Judge Jameson was in attendance and, as he had been asked to do, spoke to the crowd regarding the severity of addiction in our community and progress on what had become the Re-Life project, the name now affiliated with the effort to bring residential SUD programs to Marshall and Calloway counties.

Judge Jameson did not directly solicit any donations for that event from anyone that day or at any other time. Several witnesses can assure the Commission of this. Further, we are unaware of a factual claim provided to the Commission that Judge Jameson solicited funds in any way on that day or on any other day. Although, from a read of the updated rules regarding judicial conduct, it appears he could have solicited the group if he had so desired.

THE RULES CHANGE:

In January of 2018, the Kentucky Supreme Court released significantly altered rules regarding permitted and prohibited judicial conduct. Chief Justice John Minton sent the new rules out to all Kentucky judges via an email that Judge Jameson closely reviewed. In that email, the Chief Justice stated, *inter alia*, that “Rule 3.7(A)(4) permits judges to appear and speak at non-profit events, including those related to fundraising, but “prohibits *direct solicitation* of funds.” Rule 3.7(A)(4) itself states in pertinent part, “[a judge] may not *personally engage in direct solicitation* of contributions.” Little guidance can be found regarding what “personally engage in direct solicitation” means because the rule modification was so recent. No judicial ethics opinion or court opinion this author could located has tackled the issue. However, it seems only rational that, without any contrary newer guidance, Judicial Ethics Committee opinion JE-125 regarding campaign solicitations appears instructive. That opinion issued by the Ky. Judicial Ethics Committee in 2014 states:

A majority of the Committee believes that a solicitation “in person” occurs when any judge... himself... solicits a contribution from a specific

individual, in any form of communication that is limited to that specific individual. JE-125, KEC, 2014.

While the rule being discussed has to do with campaign contributions instead of contributions to a nonprofit, this opinion is the closest reference to the issue at hand that could be found with reasonable diligence. The opinion goes on to state in pertinent part:

...for the purpose of soliciting a campaign contribution, a judge or candidate may not speak directly to an individual potential donor, may not sign a letter directed to an individual potential donor..., may not send an email or text message to an individual prospective donor. This interpretation *does not preclude such actions directed toward groups of persons*. JE-125, JEC, 2014 (emphasis added).

As Judge Jameson was speaking at the event hosted by The Fletcher Group, a crowd of over 100 people were in attendance. Thus, if the analysis contained in JE-125 can fairly be applied to the language "personally engage in direct solicitation," located in rule 3.7(A)(4), it seems Judge Jameson *could have* asked the group for contributions to his political campaign,¹⁵ although he did not, of course. It would seem reasonable to conclude then that Judge Jameson, if he had so desired, could have ethically asked the group before him for financial contributions to the non-profit project he was there discussing. However, even if the Commission does not believe JE-125 to be an appropriate guide for interpreting the language of 3.7(A)(4), Judge Jameson still did not violate that rule because he did not make any reference to money in any form or fashion during The Fletcher Group event. To be clear, Judge Jameson did not, in any way, shape, or form, solicit any type of contribution during The Fletcher Group event. If the

¹⁵At the time, Judge Jameson was not a candidate for office and thus could not have asked for campaign contributions. The argument is intended to show that any Judge is permitted to solicit contributions for his or her campaign or a nonprofit formed for the purposes the nonprofit at issue was formed and consistently operated.

Commission disagrees, we are aware of no factual basis to support any other conclusion. Additionally, when a representative of The Fletcher Group signaled Judge Jameson that he (the Fletcher Group employee) was about to discuss how to give a donation toward The Re-Life Project if an audience member so desired, Judge Jameson left the room where he could not be seen, and he could not hear what was occurring in the next room. It is hard to imagine a situation where a judge could have better complied with Rule 3.7(A)(4) short of choosing not to engage in the behavior permitted by the rule.

COMMUNITY CORRECTIONS BOARDS:

In 2012, with the passage of HB 463, Kentucky's legislature passed legislation creating the Kentucky Corrections Commission (a/k/a KCC). That year, the legislature passed several bills that significantly impacted many things related to criminal law and procedure. The intent of the legislation, as a whole, was to significantly reduce the cost of incarceration in Kentucky. The KCC was developed for the purpose of collecting and expending the money saved each year by the criminal justice overhaul caused by the HB 463 for purposes that would help further reduce incarceration. Local communities in Kentucky could then request the funds via a grant application process promulgated and carried out by the KCC. In order to be eligible to receive any KCC grant funds, you had to either have an existing nonprofit organization or had to form a new one. If that nonprofit then met the requirements of KRS 196.340, 196.705, and other related statutes, it would be eligible to apply for a grant award from the KCC, although no award was guaranteed, and the process was competitive.

Judge Jameson and others assisting in the project first learned about the existence of the KCC grant opportunity during a meeting with then Secretary of the Kentucky Justice Cabinet, Hon. John Tilley that occurred Monday, December 12, 2018. Judge Jameson spoke with then Secretary Tilley and at least one staff member regarding progress that had been made in the 42nd Judicial Circuit in the form of working with community citizens and organizations to create nonresidential recovery programs without having to rely on tax dollars. Judge Jameson's desire to attract or otherwise obtain two 100-bed residential facilities in the Circuit was also discussed. During this conversation, Secretary Tilley introduced Judge Jameson to the concept of the KCC grant process. The Secretary, who served on the KCC, suggested someone apply for grant funding on behalf of the efforts being made in Marshall and Calloway counties. Secretary Tilley provided Judge Jameson with documentation showing how the grant process worked and introduced him to one of his top aides, Tim Haverlik. Upon returning home, Judge Jameson and others began putting in work to learn how to best seek KCC grant funds for the original purpose of obtaining seed money for the residential SUD project. After making it through the holidays etc., Judge Jameson reached out to Mr. Haverlik for more information on how to apply for the KCC grant in February of 2019. *See Appendix D.*¹⁶ From December 2018 through March 2019, Dominik Mikulcik, who then served as staff attorney for Judge Jameson's court, worked diligently, on his own accord and on a volunteer basis, to finally put together the documents necessary for the nonprofit. Thanks to Mr. Mikulcik's work, the nonprofit came into existence and had its 501(c)(3) status approved in March of 2019.¹⁷ By the

¹⁶*See Appendix D*, Email conversation between Judge Jameson and Mr. Haverlik Feb. 27, 2019.

¹⁷The nonprofit was originally to be incorporated by Jenny Jameson, Judge Jameson's wife, instead of him. However, Judge Jameson's staff attorney thoroughly researched and authored a memorandum that

time everything was put in line, the next available application period for the grant was Spring of 2020.¹⁸

It should be noted that the nonprofit needed to apply for grant funding from the Kentucky Corrections Commission and a Community Corrections Board are two separate items. The nonprofit that happens to be named The 42nd Judicial Circuit Community Corrections Board, Inc., is just that, a standard nonprofit with 501(c)(3) status, formed in 2018 that became fully functional as a nonprofit in March of 2019. A Community Corrections Board as defined by KRS 196.340 and 196.705 is not a legal entity, but instead a list of conditions that, if met, qualify a nonprofit to apply for grant funds allotted by the Kentucky Corrections Commission for the purpose of reducing post-sentencing felony incarceration rates. In Spring 2021, an application intended to secure \$25,000 in funding, \$10,000 of which was intended to go toward the salary or contract expense for a Director of GPS Services for the nonprofit (a person to operate an electronic monitoring program) was sought to be submitted on behalf of the nonprofit. The other \$15,000 was sought for the purpose of securing a grant writer, which was believed to be a request consistent with the statutory purpose of a Community Corrections Board (i.e., a grant writer was being sought to secure the level of funding needed to construct the residential

concluded Judge Jameson could not only serve on the board of the nonprofit, but could also serve as an officer. *See Appendix E.*

¹⁸On January 27th, 2019, Judge Jameson asked the Marshall County Chamber of Commerce if it would be willing to supply a letter of need and support for the residential SUD project. The Chamber was happy to assist and provided such a letter at a later date.

While the next application period was Spring of 2020, COVID-19 wreaked havoc on Kentucky's courts and consumed any free time anyone in the Circuit Judge's office had. Thus, an application was not filed until the 2021 submission period. The work on the nonprofit and related efforts were done on "spare time." As such, when there was no spare time, no progress was being made. Another period of significant interruption was the first several months of 2018, due to a severe and high-profile action that consumed a great deal of the court's time and resources.

facilities, the operation of which would significantly reduce recidivism and thus incarceration rates). However, the KCC ruled that the proffered expense was not a permitted use of the grant funds, one assumes because it was not an expense that directly served the permitted purposes of a Community Corrections Board. When notice was received that the request for funding to secure a grant writer was not a permitted use of the grant funds, modifications were made to the grant application consistent with the advice Judge Jameson received from Justice personnel. Essentially, the request for funding for the grant writer was abandoned and replaced with a request of \$15,000 in additional funding for the Director of GPS Services position. The modified request for \$25,000 to assist in paying essentially the salary of the Director of GPS Services for the nonprofit was denied, even though **it was a permissible use of KCC grant funds**. See *Appendix L, page 18*¹⁹ (page of statement by Cyndi Heddlestone). See also *Appendix L, page 20-21*.²⁰

¹⁹ Page 18 of Ms. Heddlestone's statement also makes it clear that utilizing KCC grant funds for the purpose of paying someone to operate a GPS/electronic monitoring program is permissible and, in fact, has been done in other jurisdictions in Ky. In fact, Judge Jameson was informed by a Kenton County Circuit Judge that she serves on their local Community Corrections Board whose purpose includes the operation of a GPS program for Kenton County.

²⁰ These pages of the Heddlestone statement make clear that judges are intended to be heavily involved in applying for KCC grant funds and carrying out the use of the funds. To this effect, Heddlestone states, "the Judge may very well be involved in the Community Corrections Board... the local community corrections board would... provide oversight to that grant program, so [judges] are vital for the establishment of the need, the kind of brainstorming to come together that says okay, what is it that's needed as a resource in this community as a viable alternative to incarceration... So it would... be... typical... for a judge who was involved with the State Corrections Commission grant to be a part of that local community corrections board... (p.22), I would say from the role that we typically see those judges play, it is in the provision of the courtroom, the presiding over the courtroom, and discerning if someone meets eligibility for the program, and then referring them to that program, and then receiving reports about how individuals may be doing in the program. So if the Judge refers someone to electronic monitoring through a State Community Corrections grant program, that person does not do well..., and a report is sent back to the court, then the Judge is going to receive that as part of that case file for that defendant, and then that information might influence the actions that the Judge takes in that court case." Assuming this statement is accurate, then it appears judges would be permitted to be involved in every aspect of a GPS program except collecting fees and related conduct. But the judge could receive violation reports and take action based on them. The same thing Judge Jameson did for no more than half a dozen occurrences.

All of Judge Jameson's conduct regarding the KCC funding was consistent with the recommendations set out in the CJI report sent to Kentucky judges in 2021 by the Chief Justice. *See Appendix K.* Indeed, Judge Jameson even participated in a conversation with Chief Justice Minton and, by his referral, spoke with the then head of Kentucky's Specialty Courts, Melynda Benjamin, regarding a review of how Judge Jameson was working with local churches and other community partners that desired to provide recovery assistance to addiction sufferers. While all Judge Jameson did was be willing to send people to new recovery programs even though they were, at first, unproven, even such a small gesture of leadership can lead to big progress. And, in fact, it did. Having seen the progress made by working with these local programs that provided weekly progress reports regarding each client to the defense and prosecution, Ms. Benjamin was tasked by the Chief Justice with seeing how the success in Marshall and Calloway counties could somehow provide insight into creating similar progress in other areas or even statewide. *See Appendix M* (emails between Judge Jameson and Melynda Benjamin).²¹ Unfortunately, as the CJI report predicted, the success of programs like what had been brought to life in the 42nd Judicial Circuit could, in reality, only be recreated by others in other areas that were willing to accomplish what Judge Jameson and community partners in the 42nd Circuit had accomplished. Essentially, a "Judge Jameson" was needed in every Circuit to make it happen.

²¹ The ability to reproduce the success that had been shown to be possible in the 42nd Judicial Circuit was also an issue in a meeting Judge Jameson had with legislative leadership during this time frame for the purpose of figuring out how to reproduce that success across Kentucky.

The original purpose of the nonprofit was always to support the bringing or building of 2 100-bed residential recovery programs into Marshall and Calloway counties. As far back as 2015, prior to his election, Judge Jameson was working with Dave Berndt, who is now a board member for the nonprofit, and others in an attempt to either locate an existing facility that could support at least half of the project, or secure funding for construction of new facilities in some permitted manner.

TWO SOLUTIONS IN ONE:

Beginning in July of 2017, Judge Jameson asked an intern in his office, Colin Edmundson, to look into something he saw as a problem. Courts in Kentucky, through the appropriate process, are allowed to set up access to Global Positioning devices that track defendants' locations both while their case(s) are pending in court, and, if desired, as a part of their sentence, if convicted. However, in Marshall and Calloway counties in 2017, the provision of such devices was available only through private companies that rented the devices directly to defendants. The courts would order a defendant to wear such a device before being released from jail, but it was on the defendant to locate a provider of GPS services and to shop for the least expensive provider. This was true no matter if the defendant was indigent or not. It was later discovered that this was contrary to Kentucky law which requires a county to contract with a provider of such services, if they desire to have GPS as an available tool for judges, and requires a lesser fee for indigent users from that one single provider that contracts with the fiscal court of that county to provide GPS services. See KRS 67.372, 67.374, and *Appendix F* (legal memo drafted by Dominik Mikulcik stating, *inter alia*, for county courts to require defendants to

utilize GPS devices, county must bid out that service, contract with a provider, and then only use that provider).²² Several statutes set out many requirements regarding the capability of any GPS equipment or services utilized. See *Appendix F* citing and explaining KRS 67.372, 67.374, and several other pertinent statutes establishing several requirements in order to have a GPS program. These requirements include: the program must be assigned to a county department or agency that agrees to operate or supervise the program continuously (24) hours per day, (7) days per week; a law enforcement agency must be identified to assist with violations; must meet all requirements of KRS 403.761 and 456.100; any system chosen shall use the most appropriate GPS technology to track the person wearing it; GPS devices utilized **must** have technology that, in certain domestic violence cases, notifies law enforcement or other monitors of any breach of the court-ordered boundaries, notifies the petitioner in a timely manner of any breach; any contract **must** specify the type and level of GPS system services desired. KRS 403.761 (referenced in KRS 67.372) adds additional requirements if a county is to have GPS services at all which include: the entity that operates the monitoring system must **immediately notify** a petitioner in certain domestic violence cases where the respondent has been ordered to wear a GPS device, immediately notifying local a law enforcement agency, and, then immediately notifying the court that ordered the person to wear the device if a violation was believed to have occurred. See KRS 403.761(2)(d).

²²Judge Jameson, as well as all others concerned, did not know about private provision of GPS equipment being contrary to statutes until the matter was pointed out in the AOC opinion received December, 2018. Thus, he could not have intended to control or interfere with the bidding process from the beginning.

The provider that had been most often utilized by defendants in the area, inconsistent with Ky. law, had been charging \$15.00 per day to provide a GPS device with minimal functionality and only an inexpensive, thin, plastic band to hold it on that could easily be removed with scissors or a pocketknife.²³ After Judge Jameson's staff and some interns within his office researched the issue, it was concluded by representatives of all of the agencies involved that a far superior GPS device could be provided for use by defendants for less money than the inferior device typically utilized.²⁴ The inferior device offered by manufacturer, "Buddi," has minimal features: (1) the ability to inform the person supervising the defendant's movement, (2) the ability to inform that observer when the device had entered or left a "zone," and (3) the ability to alert an observer via software if someone physically tampered with the device (usually in an attempt to remove it). The representatives of all of the agencies involved in the discussion up to this point were asked for their input regarding what features they wanted to have available on the devices if they were acquired. All of the interested parties had the opportunity to see, hold, and ask questions about devices that offered everything from minimal features, such as the "Buddi" device, up to a device that offered 2-way communication via both cell service and satellite, a heavy steel collar to hold the device on the wearer's leg that would be very difficult to remove, a bright light and 90db alarm that could be turned on separately by the person supervising the movements of the wearer (thus better protecting pursuing officers),

²³ Per KRS 67.374(3), a GPS/electronic monitoring vendor CANNOT charge indigent defendants the same rate as non-indigent defendants. The vendor must permit a reduced fee for indigent defendants.

²⁴ A "Buddi" device can be utilized by Judges if they so choose and, through the CCB, at a \$7.00 rate per day for indigent defendants and \$12.00 per day for those that are not indigent. With a company such as Ensight charging \$15.00 per day for that same unit, indigent defendants are literally paying less than half to the CCB for a device they would have to pay Ensight \$15.00 per day for, no matter their financial status.

and, the ability to coordinate with software that could be downloaded by alleged or actual victims of crime in order to alert them via their cell phone if and when a wearer came within a certain distance of them. Many ideas were discussed regarding how to better the provision of GPS services for Marshall and Calloway counties. The two greatest concerns were: (1) choosing devices that provided the most safety, and (2) lowering the cost of the devices for defendants.

At first, little was known about the subject of obtaining and utilizing GPS devices. It was originally assumed there was no issue with permitting defendants to choose their own provider from the free market because it had been done for many years. Thus, the solutions considered initially revolved around options that involved some organization or agency purchasing several GPS devices and either permitting defendants to utilize the devices at no charge, or for a small charge in order to pay for lost and damaged equipment. But once the equipment was available, there was still the question of, who would monitor the use of the devices? All agreed that any GPS program should report violations of the GPS conditions 24/7, and that violations should be dealt with quickly, especially potentially dangerous situations.²⁵ One of the options discussed was the creation of a legal entity (such as a corporation) for the purpose of purchasing several GPS devices and then providing them to defendants. However, concerns were expressed that such an arrangement could violate Supreme Court rules regarding private probation

²⁵The most dangerous situations involve when a defendant has either cut off their device, is running from authorities, or is making his way to a person he intends to harm (such as a victim of domestic violence).

companies. Judge Jameson decided to reach out to general legal counsel at the Kentucky Administrative Office of the Courts (a/k/a AOC) for guidance.

AOC is the agency, headed by the Chief Justice, that operates Kentucky's court facilities and, among other things, assists judges and circuit court clerks with everything they need to do their job. Before anyone took action toward making GPS devices available in a different manner than had been done in the past, Judge Jameson sought a legal opinion from the Ky. Administrative Office of the Courts' legal counsel on November 21st, 2018. That opinion, issued in December of 2018, stated clearly that the AOC saw no reason why the GPS program could not be at least created and operated.²⁶ See *Appendix A*. Further, the AOC opinion, citing KRS 67.372, 67.374, and other related statutes, brought to light that the practice of Marshall and Calloway courts for decades of permitting anyone in the free market to rent GPS devices to defendants **was improper, if not, illegal** and left defendants at the mercy of the one or two providers that operated in the area. This also left the fiscal and judicial courts with no control of pricing or quality of GPS services. The AOC opinion exposed the fact that, to have a GPS program at all, the law requires counties to approve the publishing of a Request for Proposals (a/k/a RFP) via the public bidding process. Then, the counties choose the provider that can best provide the technology sought. Having now been made aware of the fact that both counties were not complying with the law regarding courts requiring the use of GPS devices without a proper program in place that complied with KRS 67.372, 67.374, and other statutes, Judge Jameson believed it to be his duty to make the fiscal courts aware

²⁶The AOC responded to a request regarding utilizing Circuit Court Clerks to handle monies in specific ways by stating that the AOC did not, "recommend it."

of this matter so they could choose whether to cease utilizing such devices, or put out a public bid for the services as required by the newly discovered law. See Rule 3.2 (permitting such presentations under circumstances set out in the rule).

NOTIFYING COUNT ATTORNEYS and FISCAL COURTS:

Judge Jameson first notified the county attorneys for both Marshall and Calloway counties and explained what had been discovered. Judge Jameson then went before both fiscal courts to explain what had been discovered, and proposed a solution that was discussed by all interested parties including prosecutors, jails, E-911, both Sheriff's offices, etc. This proposed resolution involved, eventually, the creation of a stand-alone legal entity, such as a corporation, to act as an entity that could bid on providing GPS services, along with any other providers that bid, with the hope of being able to provide those services cheaper than other potential bidders, thus lowering the cost of utilizing GPS services all around. This matter was even one of the issues Judge Jameson had asked AOC legal counsel about in his request for their advice. No one knew if this would be a fruitful endeavor or not. It was simply an idea, and that idea was proposed to the Marshall County Judge Executive's office via an email sent in January of 2019 that included a legal memo authored by Dominik Mikulcik on his own time explaining the situation in detail.²⁷

²⁷Mr. Mikulcik's title was not placed on that memo, just his name, thus making it clear he was preparing the memo as a service to the potential project, not as part of his duties as staff attorney.

RESPONSE TO ALLEGATIONS

1(A): To the extent the Commission may believe that the KCC grant application authored 100% by Christine Pickett asked for grant funds for purposes not allowed by the KCC, first, there is no list specifically defining what the KCC will permit the funds to be utilized for. It was very much Judge Jameson's impression from Secretaries Tilley and Noble, as well as Justice employees Tim Haverlik, Lisa Traylor, and Cindi Heddleston, that the border of what is a permitted use of KCC grant funds is a fuzzy one at best. Essentially, any type of activity that could possibly reduce post-sentencing incarceration rates for felons is fair game. In fact, the letter that is sent to potentially interested parties each year announcing the availability of grant funds states:

Programs that have been funded in the past by the State Corrections Commission include: Evidence Based Programs, Case Management, Mental Health Courts, and Home Incarceration Programs (HIP). Other grant applications will be considered as well. The ability to demonstrate how the grant will reduce incarceration and recidivism will strongly be considered in the awarding of grant funding.

1(B): First, SCR 1.040(3) simply sets out the duties of the Chief Judge. It does not establish a requirement that any documents a judge desires to modify or create for the purpose of carrying out a new GPS program be anything other than consistent with the law. The Supreme Court's concerns regarding usage of standing orders instead of local rules simply does not apply to this situation. Judge Jameson, in any role he played in requiring orders to be drafted or modified to permit the enactment of the new GPS program approved by county fiscal courts, did not promulgate or modify any rule which affected how attorneys must practice in any court, nor did he do anything that modified access to any form of justice. Judge Jameson did not create procedures for how the

Director of GPS Services carries out their duties, Christine Pickett created those policies and procedures on her own while she was a contractor for the 42nd Judicial Circuit Community Corrections Board. Further, Judge Jameson did not create any of the orders or other documents related to the GPS program. To the best of his recollection, his staff attorney, Dominik Mikulcik drafted all of the documents. Additionally, AOC was aware of the intent to create a GPS program due to the opinion drafted by their legal counsel before any units were activated. Nothing was said by AOC regarding having to seek their approval in order to have someone create the documents needed to carry out the GPS program. Judge Jameson also did not become Chief Judge until the retirement of Judge Rob Mattingly in 2019. Thus, until that time, any Chief Judge duties would have laid at the feet of Judge Mattingly. Judge Jameson, since becoming Chief Circuit Judge, has **twice** sent in amended local rules for approval but has never once, not even during all of the rule changes dictated by the Supreme Court during COVID, received any communication granting, denying, or otherwise commenting on the submission of the proposed amended local rules for the 42nd Judicial Circuit Courts.

1(C): Judge Jameson never asked to meet with an ankle monitor provider. They asked to meet with him once they were contacted by his intern Colin Edmondson. At the time these meetings occurred, everyone involved was still learning about how the GPS industry worked in general, e.g., can the equipment be rented or must it be purchased? The vendors Judge Jameson met with brought, of their own accord, documents and equipment to meetings he attended. He reviewed that documentation for the purpose of learning how the industry worked because, until that point, everyone involved had thought defendants were permitted to seek their own provider. During the first meeting with Track

Group, Judge Jameson was still thinking someone would have to purchase the units. Judge Jameson wanted to know if he would be complying with the law when he put someone on an ankle monitor or other GPS device, and, if not, how to fix the situation because he used these devices regularly to secure the release of appropriate defendants. In fact, Judge Jameson never solicited pricing from any GPS provider. Pricing information was provided by the two separate vendors of their own volition. Judge Jameson was interested in learning about specifications and did ask many questions of both vendors he met with. Once Judge Jameson was given pricing info and specs from one or more vendors, he did make that information known to at least one fiscal court if not both for the purpose of helping move along whatever decision the fiscal courts were going to make and to inform them that he, as Judge, preferred to have GPS devices that were safe and less expensive available to defendants so that he could utilize these devices without reservation.

1(D): Judge Jameson does not remember what role he played in authoring a bid on behalf of the nonprofit he then served as an officer for, he but does recall that he did not physically submit the bid. Dominik Mikulcik submitted the bid and even was given a receipt by the Calloway Fiscal Court when he submitted it. Something to make clear is that the nonprofit Judge Jameson helped create for the purpose of securing funding for the residential SUD project is the entity that submitted a bid to provide GPS equipment to Calloway and Marshall counties. The vendor that the nonprofit eventually chose as its provider of GPS equipment for the purpose of submitting a bid in response to the RFP, was chosen by the Officers and others that, at the time, Judge Jameson believed to be members of the aforementioned nonprofit's board of directors, or that would become

members (county attorneys, jails, law enforcement, circuit clerks, etc..) There was no way for Judge Jameson or anyone else to know how many GPS vendors would submit bids. Multiple bids were submitted including another vendor that offered to provide the same equipment as the nonprofit Judge Jameson was a member of. Judge Jameson had absolutely nothing to do with the selection process of a GPS vendor. In fact, he was careful not to have any contact not allowed with fiscal court members in the time frame between the publishing of the RFP and the fiscal court's announcement awarding the bid. If one looks at the bids, it is arguable that they all failed to meet the terms of the RFP. However, assuming the bidder that proffered to supply the same equipment as the winning bid, complied with all statutory and RFP requirements concerning the bid, it is easy to see that vendor still was not as competitive as the winning bid.²⁸ Simply because some of the bidders did not have the ability to provide the requested equipment does not mean anything nefarious was in the works. The important matters to Judge Jameson were that GPS equipment that complied with the requirements of all the relevant statutes

²⁸ While it certainly was foreseeable that the manner in which services were to be carried out if the nonprofit were awarded the bid allowed the nonprofit to likely be more competitive on price than most other vendors of GPS equipment were used to having to be, it is difficult to see such as a bad thing. This creative approach has resulted in over \$100,000 of tax dollars saved in the first year of operation for the GPS program for each county, provision of far better equipment, and actual compliance with statutory requirements for any GPS program including a reduced cost to indigent defendants. All of the vendors could have reached out to those same agencies (law enforcement jail, etc.) for the purpose of attempting to secure those agencies carrying out the same roles they had agreed to carry out with the nonprofit. The fact that the counties wanted the successful bidder to cooperate with and utilize these agencies was stated right in the bid. All that occurred regarding the bid was the best bidder, in the opinion of the Calloway fiscal court, was awarded the bid. It is difficult to feel bad for a private vendor that had been charging exuberant prices for inferior equipment for many years. The bid by the local middleman vendor did not meet hardly any of the requirements set out in the RFP. If the bid would have been awarded to any other vendor that bid, one can imagine that claims of corruption would abound because the least expensive bidder that had actually complied with all of the RFP requirements was not awarded the bid. If the Commission is willing to accept that the law requires compliance with KRS 67.372, 67.374, and the other statutes referenced in those statutes, then the only possible remaining issue regarding the RFP and bid would be the fact that Judge Jameson was an officer of the nonprofit at the same time he began ordering defendants to participate in the GPS program. However, Judge Jameson believed this was permitted due to the language of Rule 3.7

(including domestic violence related statutes) was available to the courts, that defendants would be able to better afford the devices, and indigent defendants, as required by law, would pay a lesser fee per day than others. The bid submitted by the nonprofit Judge Jameson served as a member of simply ensured that this would occur. No one had any idea if another vendor would win the bid verses the nonprofit Judge Jameson was a member of. However, if the nonprofit were to be the winning bidder, it was known that all requirements required by law and expectations of law enforcement, jails, etc., would be met. And to be clear, only the Calloway fiscal court put out a Request for Proposals. Marshall county just adopted the decisions made by the Calloway fiscal court.

1(E): The only way Judge Jameson was “involved” in the RFP construction process, that he recalls, was to provide to the Calloway County Attorney, at his request, two sample RFP’s that had been provided to Judge Jameson by two vendors that sought to be the provider of the GPS equipment to the nonprofit as well as the memorandum drafted in its entirety by Dominik Mikulcik, in service to the nonprofit, regarding legal issues relevant to having a GPS program under Kentucky law.

1(F): This claim appears to be based on something said by employees of the Justice Cabinet to the JCC investigator regarding the submission of the 2020 grant application that was authored in its entirety by Christine Pickett. Ms. Pickett was supposed to submit the application after it was done, but, unfortunately, had procrastinated in finishing the application and had technical difficulty submitting the application electronically as required by the KCC (she was submitting last minute). Ms. Pickett then contacted Judge Jameson as he was receiving medical care at Vanderbilt

Hospital and advised him of the situation. Judge Jameson, not wanting to lose an opportunity for funding the nonprofit, then began trying to get the application submitted before the deadline that day. Judge Jameson even contacted then Justice Secretary Mary Noble via text to try and get word to the proper person about the technical difficulty. From there, Judge Jameson was assisted by Cyndi Heddleston. The two worked to get the application in on time but there was difficulty. The application was finally submitted, but somewhat after the deadline. Ms. Heddleston informed Judge Jameson that she would explain the situation to the relevant decision makers to see if they would be willing to accept the application even though it was tardy. During this rush, Judge Jameson was doing his best to fill out pre-determined information in the database that KCC uses to accept grant applications. In working through the database requirements to get the application submitted, Judge Jameson filled out the information to the best of his ability, but certainly did not intend to state that he was going to be playing an active role in the daily administration of the program. There was no definition listed for any of the titles listed on the forms, but the software would not allow the application to be submitted without all of the "blanks" being filled with information. As was explained by Cyndi Heddleston, a Justice Cabinet employee that gave a statement to the JCC, even if Judge Jameson put the wrong names in the wrong "blanks" on the online database, the only result of this unintentional misplacement of Judge Jameson's name in what amounted to an online version of an adhesion contract, would have been for the KCC to inform Judge Jameson that someone else needed to fill that role instead of him. This unintentional error, to the extent it was even an issue, would have been automatically corrected via the

natural process of awarding any grant. When asked about this by the Commission's investigator, Cyndi Heddleston stated:

So if [a judge were listed on an application as the person designated as the Project Director], we would advise them that that would not be the correct role for the Judge, and that they would have to modify and make that change to indicate the person who was doing the daily functions would have to be the person designated as the Project Director. [modified for context].

1(G): Judge Jameson does not believe he utilized the “prestige” of his position to accomplish anything related to the GPS program. He believed it was his duty to make the proper authorities aware of conduct that was ongoing in the local court systems that was inconsistent with the law and that needed the attention of the fiscal courts. Judge Jameson was concerned that he would not be able to utilize GPS devices as part of his judicial duties if the problem were not properly addressed. From there, being a problem solver by nature, Judge Jameson and others simply discussed ways to resolve the issue, secure continued utilization of GPS equipment in local courts, and, in the process, fix the flaws that existed such as indigent defendants paying the same as others and equipment not complying with the statutory requirements set out in KRS 67.372, 403.761, 431.520, and the other relevant statutes.

1(H): Judge Jameson never once asked any person for a financial donation or contribution of any kind, ever. To the extent the JCC believes otherwise, we are unaware of any factual claims that would support this conclusion. Judge Jameson has consistently made it known that the 42nd Judicial Circuit has a severe addiction problem that needs serious attention in many forms, but, most importantly, there is a need for providing long-term residential recovery assistance for the people he passionately and diligently serves. However, Judge Jameson did not ask anyone for financial contributions to the effort.

Simply because people wanted to help and give money to the effort does not mean Judge Jameson asked for any donations. The people of Calloway and Marshall counties are good, Christian people, as a whole, who are glad to help others in need if they are able.

- To the extent the Commission states that Judge Jameson improperly went before the fiscal courts, Rule 3.2 states as follows:

A judge shall not appear voluntarily at a public hearing before, or otherwise consult with, an executive or a legislative body or official, except: (A) in connection with matters concerning the law, the legal system, or the administration of justice; (B) [or] in connection with matters about which the judge acquired knowledge or expertise in the course of the judge's judicial duties;

When he appeared before the fiscal courts, the first and main purpose of his appearance was to inform them of the fact that KRS 67.372 and 67.374, according to AOC general counsel, made the current conduct of the counties' judicial courts of ordering the use of GPS devices without the fiscal courts first complying with those statutes, improper, if not illegal. Judge Jameson believes this purpose falls directly under the exception to SCR 3.2 stated in SCR 3.2(A). To the extent the Commission may disagree, SCR 3.2(B) provides an exception for appearances in connection with matters about which the judge acquired knowledge or expertise in the course of the judge's judicial duties. Judge Jameson learned about the existence of the requirements of KRS 67.372 and 67.374 from an opinion issued to him by AOC. Such would clearly fall under the second exception to the rule.

- To the extent the Commission believes Judge Jameson somehow served as an officer, director, manager, general partner, advisor, or employee of any business

entity in violation of Rule 3.11(B), Judge Jameson does not believe any of his actual conduct would justify such a claim. To the extent he served as an officer for the nonprofit, such is permitted by Rule 3.7(A)(6). To the extent the Commission believes this exception to the general rule is not applicable, Judge Jameson would state that, even if one of the exceptions to the exception stated in 3.7(A)(6) applied to his alleged conduct that he cannot be held responsible, as a result, for a violation of 3.11(B). Judge Jameson would argue that the application of one of the two exceptions to 3.7(A)(6) is not tantamount to a violation of Rule 3.11(B). Such a violation would simply be a violation, if a violation at all, of Rule 3.7(A).

However, Judge Jameson believes that his actual conduct does not meet the exceptions to Judges being permitted to be an officer of a nonprofit entity because he interprets Rule 3.7(A)(6)(a) to not include any activity the nonprofit actually has ever been a party to because the nonprofit has never actually been "engaged in activity" that has come before him as judge. To the best of his recollection, no defendant has ever requested a hearing involving any contractor or employee of the nonprofit.²⁹ Additionally, the language of Rule 3.7(A)(6)(b) would not apply to the nonprofit Judge Jameson was an officer for because that entity has never been "engaged in adversarial proceedings" in front of him.

II(A): To the extent Judge Jameson may have had communications with CCB staff such as conversations involving ankle monitor program rules, he believes any such

²⁹ To the best of his recollection, Judge Jameson cannot recall a single time when a defendant requested a hearing on whether or not they violated their GPS related conditions of release while on bond or any other form of release.

conversations were extremely limited. As a capable contractor of the CCB at the time, Judge Jameson permitted Christine Pickett to create those rules and procedures with his involvement being limited to possible review of the rules or procedures. Frankly, he does not recall doing anything with those rules and procedures but acknowledges he may have reviewed them. As for alleged violations of GPS conditions, it is true that Judge Jameson, on limited occasions during the infancy of the GPS program did, for one reason or another, review documentation of reported violations reported directly to him. However, Judge Jameson would continue to state that he believes not permitting a Circuit Judge who handles matters such as murder, rape, etc., to review such violation reports is inconsistent with the very purpose of having a GPS program with exclusion zones intended to keep an offender away from someone. Judge Jameson also, as previously stated, believes that, because a statute directly requires, not just permits, that other judges be notified if such an allegation arises as part of certain domestic violence actions, as Circuit Court Judge, he should be permitted to receive those reports directly from the source instead of having to wait on a prosecutor to receive notice of, and then file a motion regarding, a serious violation. As for any accusations that Judge Jameson participated in communications regarding Orders for cases over which he presided, Judge Jameson would ask for clarification from the Commission as he is not certain what factual allegations the Commission is referencing here.

II(B): Given that KRS 403.761 **requires** that the court ordering someone to wear a GPS device be notified immediately of any alleged violation of location terms, it would seem what is required for one judge would be permitted for another. Persons placed on a high-risk GPS device are always at least some risk to the community, to a specific victim,

or to evade prosecution. That is the reason the person was placed on the GPS device to begin with. If this were not the case, the defendant would have been released without the device being required. Any delay in reporting of a violation makes it more likely someone is going to be hurt, killed, or will escape justice.

Secondly, Judge Jameson saw CCB contractors as just that, subcontractors that had contracted with the contractor who entered into a Memorandum of Understanding with the Calloway and Marshall County fiscal courts for the purpose of providing GPS services. To the extent Judge Jameson being an officer of the CCB at the same time he received less than half a dozen violation reports from CCB subcontractors is a concern for the JCC, the matter cannot repeat itself because Judge Jameson is voluntarily no longer an officer of the CCB as of January 2022. Further, to the extent the Commission considers such contact improper third-party contact, any contact was cured by all parties receiving copies of the documentation that was sent to Judge Jameson for the purpose of reporting potential GPS violations well before any bond violation hearings were held. Additionally, to the best of his knowledge, Judge Jameson believes there has never been a GPS violation/bond violation that he issued an arrest warrant for that was contested at the subsequent bond or other violation hearing. To the best of his recollection, all defendants accused of violating the GPS terms of their bond admitted their violation at their first court appearance. Additionally, now that the CCB has a full-time, highly-qualified subcontractor in place for handling such violations who communicates with prosecutors

before sending along any violation reports except where otherwise required by law,³⁰ the matter is no longer an issue.

Finally, as a matter of law, Judge Jameson would assert that Kentucky law permits a judge to take action consistent with KRS 431.520(9) when he/she is “advised of a material change in the defendant’s circumstances or that he has not complied with all conditions imposed upon his release.” KRS 431.520(9). When the court receives such notice, KRS 431.520(9) permits the court to do one of three things, in the court’s discretion: (a) order the arrest of the defendant, “(b) enter an order requiring the defendant... to appear and show cause why the bail bond should not be forfeited or the conditions of his release be changed; or (c) both.” KRS 431.520(9). *See also* RCr 4.42. RCr 4.42(2) adds to this: “The court shall order the arrest of the defendant when it has good cause to believe the defendant will not appear voluntarily...” RCr 4.42(2). It is clear that if a court receives “advice” that a defendant has not complied with GPS conditions as a part of bond, no due process is required prior to the defendant being apprehended or otherwise appearing before the court to answer for the bond violation allegations the court was advised of. If judges cannot take swift action upon report of a serious violation of bond conditions, such as attempting to remove a GPS device, then the devices serve no purpose at all and are nothing but a waste of resources for all involved. It just cannot be true that a judge that is notified by a person whose job it is to report GPS violations, especially serious ones, cannot take any action, even without a motion from the prosecution. If it were otherwise, then when a judge is notified that a person accused of

³⁰E.g., KRS 403.761(2)(d) which requires immediate notification in certain domestic violence cases directly to the court.

assaulting someone has, contrary to their release conditions, gone near the alleged victim while on bond, would not be able to take action if a prosecutor could not be located, **or even if** the prosecutor chose, in his/her discretion, not to file a motion once notified. Such a result seems contrary to the very reason these devices are utilized by courts. Regardless of how you get there, Judge Jameson was clearly trying to do a good thing by making his community safer and working to uphold the very purpose of the court system: to protect citizens from harm while still securing the release of persons presumed to be innocent. It is difficult to fathom that such well-intended conduct could be a matter of serious ethical concern. He never intended to, nor did he actually, benefit in anyway from the work he put into trying to keep GPS devices a tool in the toolbox for judges and, at the same time, improve public safety and decrease the cost of these devices.

COUNT II(c): REALLY SAME AS (B)

II(D): Jude Jameson does not recall ever ordering law enforcement to arrest someone alleged to have violated their bond conditions prior to an arrest warrant being issued. The Commission may be referencing a text message sent to the Marshall County Chief Deputy prior to one of the very first reported GPS violations was processed informing the Deputy that the warrant was coming and that defendant needed to be apprehended quickly. However, those communications did not contain an order to arrest anyone. The order of arrest came via the issued arrest warrant. The message was simply to give a "heads up" to the Sheriff's office because utilizing the GPS equipment and software was still new to all parties concerned.

II(E): Judge Jameson never once ever physically saw GPS fees being paid and certainly never received any of these fees himself, ever. Judge Jameson, as an Officer of the CCB nonprofit, was listed as one of the signatures required to sign checks transferring funds out of the nonprofit's accounts for the purpose of paying bills etc. However, a second signature, that of the nonprofit's Treasurer, Dave Berndt, was also required on those checks before they were able to be used to transfer money from the account. The account was established this way intentionally to avoid any potential of any one person accidentally or intentionally misappropriating the nonprofit's funds. Additionally, very few checks were issued and, as the Commission is aware of after having been provided all relevant bank records, all checks were paid out to proper recipients. This arrangement was always intended to be temporary just until the nonprofit had actual assets enough to require the services of others in the community that either served or had agreed to serve on the CCB nonprofit board. Having board meetings for the purpose of just having a meeting is not practical, especially when board members serve as volunteers and receive no reimbursement for their time or travel.

Additionally, pursuant to the new version of SCR 3.7(A)(1) permits a judge to:

participate in activities sponsored by organizations or governmental entities concerned with the law, the legal system, or the administration of justice, and those sponsored by or on behalf educational, religious, charitable, fraternal, or civic organizations not conducted for profit, including but not limited to the following activities:

3.7(A)(1): Assisting such an organization or entity in planning related to fund-raising, and participating in the management and investment of the organization's or entity's funds;

The restrictions placed on serving in positions set out in 3.7(A)(6) does not apply to the matter at hand because a judge cannot be held to have violated 3.7(A)(6) by serving as an officer for a nonprofit's board of directors and then also be held responsible for handling the organizations funds as just a member because such is protected activity as set out in 3.7(A)(1). Regardless of whether a judge is just a member or is an officer of a qualifying nonprofit's board of directors, SCR 3.7(A)(1) is permitted conduct. As such, Judge Jameson did not violate any rule.

II(F): By the time the bylaws were drafted for the CCB nonprofit, the GPS program had become a topic of discussion among all parties concerned. As the parties concerned (law enforcement, jail staff, E-911, county leadership, all that are members of the CCB board) began to think through the entire process of what would need to be in place should the CCB win any bid for GPS services, no one knew if the program would immediately go in debt or exceed expenses. Thus, in case excess monies were collected and decided not to be kept in the GPS account for some reason, the provision of requiring any money that was not left in the GPS account to go to the Re-Life residential SUD recovery program was placed in the bylaws. The intent always was to operate the GPS program as close as possible to a zero gain each year with rental prices adjusting down each year accordingly if practicable. The provision of permitting excess monies to be transferred **only to** another project supported by the nonprofit seemed like a logical way to help prevent misuse of funds and calm fears for anyone that may choose to donate to the residential SUD program. The monies were never intended to "support Re-Life" unless the GPS program had to be discontinued and there was no other practical place for the

money left after all expenses were paid (if any) to be paid out to. Any of these possible scenarios would have occurred long after Judge Jameson would have no longer been an officer of the nonprofit. His intent had **always been** to resign as one of the officers of the nonprofit as soon as sufficient progress with the rehabilitation program was accomplished. I.e., there was enough happening that someone would want to take Judge Jameson's position and carry the nonprofit forward. That occurred January 18th of this year. No transfers have occurred³¹ where money in the GPS account was transferred to the normal nonprofit account reserved primarily for the residential SUD project, but that could be used for other purposes as approved by the board and consistent with the organization's bylaws, etc..

RESPONSE TO ALLEGATION III

III(A): First, no one was required to utilize a GPS device provided by the nonprofit Judge Jameson served until sometime in the Fall of 2020, when the program first went active and a few individuals were placed on the devices as a "test run." Only after it was confirmed that the devices and software were reliable were any more individuals placed on the devices. Second, the issue of defendants being permitted to get a GPS device from only the entity that won the bid and subsequently contracted with both counties is a matter of Kentucky law, not a matter of judicial or personal discretion. As set out in the memorandum in *Appendix F*, in order to utilize GPS devices **at all**, courts must have their fiscal courts bid the provision of GPS services out consistent with KRS 67.372, 67.374,

³¹ The only possible exception to this may have been the original transfer from one account to the other upon the opening of the second account. Without reviewing records not immediately available, one cannot be sure.

and all other statutory requirements. **Both counties' judicial courts were requiring defendants to wear GPS devices without the fiscal courts having first complied with KRS 67.372 and 67.374.** This was contrary to Kentucky law. In other words, to allow defendants to obtain GPS devices from any other provider than the nonprofit that entered the contract with the counties **would be absolutely improper, regardless of whether or not Judge Jameson was a board member or officer of the same nonprofit.** Just as individuals must follow the law, so must county governments. In fact, both fiscal courts expressed appreciation to Judge Jameson for making them aware of these issues because they had no desire to operate outside of the law. The Commission seems to have overlooked or otherwise not recognized that the law requires this conclusion. Any claim by other potential vendors is inaccurate.

To the extent the Commission may believe that Judge Jameson had an "diabolical plan" all along to somehow benefit from the counties complying with the law and also making sure the best GPS equipment was utilized, such is simply not true. It appears the Commission, from day one, has been misled by misinformation, the source of which has never been provided to Judge Jameson or his counsel that he is aware of, that was clearly submitted in a manner intended to mislead the Commission into believing something is here that simply just does not exist. Judge Jameson enjoys a strong reputation in his community and the support of virtually everyone in the legal system for both Marshall and Calloway counties, except the individuals involved in sending misleading and untrue allegations to the Commission, all of which happen to be from one county. All of their efforts have been for one purpose, and one purpose only: to attempt to influence the current Circuit Judge's race that is to be decided in November of 2022.

The first notice of any allegations against Judge Jameson simply involved a claim by a mentally ill, addiction suffering defendant that Judge Jameson had improperly ordered her arrest because she attempted to remove her GPS device. First, this complaint to the JCC was not even sent by the defendant's own volition, but was instead a result of her attorney, Amy Harwood-Jackson, a public defender that supports Judge Jameson's opponent, asking her if she was interested in filing a complaint. This author knows of few defendants that would not file a complaint against a Judge who placed them in jail if their attorney asked them if they wanted to. It is clear that Ms. Harwood-Jackson even wrote the complaint out herself. She has admitted such to multiple individuals that will gladly testify to such. Judge Jameson sent in a written response that normally should have resolved such a relatively minor issue. However, the commission invited Judge Jameson to appear before them for an informal hearing to discuss the matter, a decision typically reserved for the most serious of claims against a Judge.

When Judge Jameson arrived at the informal hearing, he was told he was not there to discuss just the issue he had notice of (allegedly having a defendant arrested for violating his/her GPS conditions improperly), but instead should, "get to" what he was really there to talk about. Judge Jameson was and still is confused and severely distraught over not being informed about what he was actually being called before the commission to discuss, which turned out to be mostly his involvement in the creation and operation of a nonprofit constructed for the purpose of safely reducing incarceration rates in Marshall and Calloway counties, while also providing substance abuse recovery assistance in any manner that it properly could. As almost all of the items turned over to Judge Jameson as "evidence against him" were gathered by the Commission after

February of 2022, it is still not known what the Commission was basing its allegations on during the informal hearing that occurred in October of 2021, long before the statements gathered by the Commission existed. There seems to be only one logical conclusion: the Commission received information prior to the October, 2021 informal hearing that had already all but convinced the Commission that Judge Jameson had done something improper before he even had a chance to explain himself. Such conduct is inconsistent with the long- standing procedure of the Commission when it comes to investigating ethical claims against judges. Typically, judges are informed of all the allegations against them prior to any informal hearing before the Commission, which, would seem to be the fair and equitable thing to do. This typical procedure was not followed regarding any of the complaints lodged against Judge Jameson by long-standing political opponents who have presumably made a convincing and hidden argument to the Commission in an attempt to sway its judgment almost a year before these matters resulted in formal proceedings. Further, it seems unfair, and thus a violation of Due Process, for the same body that has been tainted by misleading and false information it reviewed without informing Judge Jameson, to be the same body that will decide if Judge Jameson has violated the rules of judicial conduct. Given the irregularities that have occurred in these proceedings, Judge Jameson objects to the members of the Commission that participated in the investigation of these matters moving forward as the adjudicating members that will decide his fate. Only by replacing the members of the Commission that have thus far investigated these misleading allegations can Due Process and overall fairness be achieved. Given the lack of fair notice and hostility shown toward Judge Jameson during the October, 2021 "informal hearing," there exists little chance that the same Commission

members who have unfortunately been intentionally poisoned by politically motivated claims from a few individuals known to not support Judge Jameson will be "neutral" arbitrators of these matters. Judge Jameson nor his counsel intend or desire to raise the ire of the Commission members. However, the Commission knowing considerable information at the October 2021 hearing that was not shared with Judge Jameson or his counsel prior to the hearing leaves one trying to make sense of the situation to come to the only conclusion that can be reached: the Commission had considerable information provided to it prior to the October 2021 hearing from someone who was clearly biased against Judge Jameson. As such, basic Psychological principles dictate that the Commission members cannot help but be negatively impacted by these what remain to be anonymous, but almost assuredly politically motivated, biased, claims.

III(B): Judge Jameson has never once "required" anyone to attend Riverwoods Recovery or any other specific program for that matter. Consistently, out of concern for such claims rumored by the same individuals involved in the complaints against him now, Judge Jameson has **without exception** only ordered defendants to enroll in some form of SUD recovery program that, by its design, could actually help them with their addiction. Defendants and their counsel have always been free to, and often invited to, submit a treatment plan to Judge Jameson at sentencing and other hearings. However, few attorneys have ever taken advantage of this opportunity. When a different option is not presented, Judge Jameson, as a courtesy, will often list to the defendant's counsel some of the programs in the area that defendants typically seek assistance from with success. Additionally, Serenity and Riverwoods Recovery both, of their own accord, attend every

criminal court docket, which makes it easier for attorneys and defendants to get immediate answers to questions and arrange for the defendant's recovery care.

Additionally, Judge Jameson has no "special relationship" with any recovery program. The mere fact that Riverwoods was the first nonresidential recovery program to be launched in Marshall County that Judge Jameson is aware of, does not mean he has a "special relationship" with that program. As multiple people stated in their statements to the Commission, the fact that no other programs were available early on in Judge Jameson's tenure was not his fault or by his design. In fact, if he had not have been willing to give Riverwoods a try to see if it was going to be a good recovery assistance program or not, things would have been the same as they were prior to his tenure; more defendants would have continued to have sat in jail without any recovery assistance, just waiting to hit the street and almost certainly use drugs again. Hundreds of people have supported and praised the progress that has been made during Judge Jameson's tenure regarding availability of recovery services and his willingness to send individuals who are willing to work at it to receive recovery assistance from any program that will actually help them. It is very common for Judge Jameson to be approached in public and "thanked" for "saving someone's life" by requiring them to go to some form of SUD recovery program. He is always quick to correct them, however, and says that he only gave them the opportunity, that they are the ones who put in the work. Judge Jameson also regularly receives letters and other communications thanking him for truly caring about defendants and working to continually improve access to quality SUD recovery programs.

III(C): In Kentucky, what defines a “recovery” or “treatment” program is a matter of opinion. According to Mike Townsend, the head of the Recovery Kentucky Project housed under the Cabinet for Health and Family Services, any program that is founded on a peer support model (as are all 16 Recovery Kentucky Centers across the state) are simply recovery education and assistance programs that are not required to be licensed. Only programs that offer medical or other “treatment” in the form of counseling from a professional, etc., are required to be licensed in order to provide their services.³² As both Serenity Recovery and Riverwoods Recovery are peer-support model programs, they are not required to be licensed in order to operate. Additionally, since both were born out of a church organization, as the Commission’s own investigator discovered, churches are typically exempt from licensing. While Judge Jameson was unaware of whether either Serenity or Riverwoods were “licensed” treatment programs until these allegations were made, he did know that both were peer-mentor programs.³³ Any reference he made in court or elsewhere to the term “IOP” was not intended as a reference to an official licensing status, but rather a generic term used by most in the local court system to designate between residential and nonresidential recovery programs. For example, any RKC program would be residential (or often called “inpatient”), while any program that permits participants to go home from day to day is often referred to as an “IOP,” or Intensive Outpatient Program. These terms are loosely utilized by members of the legal

³² See *Appendix G*, letter and other documents provided by Mike Townsend, Recovery Ky. Project leader.

³³ All of Kentucky’s 16 Recovery Kentucky facilities have no medical staff, no trained counselors, etc.. They utilize people who have made it through addiction to carry out the education and recovery support that gets them through the very effective 6 months to a year that it takes to complete those programs. This form of recovery support is highly regarded by the authors of the Crime & Justice Institute report that was assembled at the request of AOC and sent to all Ky. judges in July of 2021.

community in Western Kentucky. No distinction between "licensed" or "unlicensed" was intended by Judge Jameson to be connected with his use of the terms "inpatient," "outpatient," or "IOP."³⁴

III(D): Regarding the Commission's claim that Judge Jameson displayed behavior to one extent or another to court staff and attorneys that was not patient, to the best of his recollection, no incident regarding court staff has ever occurred that would fit this allegation. To the extent this claim is based on the statement of Lacey Cavitt, a known public supporter of Judge Jameson's political opponent, any such claim is, without exception, **False**. The commission was sent a video by Judge Jameson that showed the one incident Ms. Cavitt discussed with the Commission's investigator and what precisely occurred. Nothing impatient, undignified, or less than courteous was intended or reflected in that interaction. As the video clearly shows, Ms. Cavitt exaggerated her version of what occurred in her statement to the Commission. The truth about Ms. Cavitt's claims is that all of them are exaggerated or false. She, during work hours, made and provided a copy of court video to an individual who then supplied it to Judge Jameson's opponent for political purposes. Such video requests are required to be made known to the Circuit Court Clerk and, according to the Marshall County Circuit Court clerk, no such notification was given. Further, no proof that Ms. Cavitt charged the usual \$20 fee to anyone for that video. Which, if true, means she essentially stole from the Marshall County Circuit Clerk's office for the purpose of benefiting a political candidate she clearly supports. Additionally,

³⁴ While Judge Jameson has recently modified his use of these terms, defense attorneys and prosecutors that come before still frequently use the term "IOP" when referencing any program that is nonresidential, no matter the form of treatment.

Ms. Cavitt, during work hours, went to court security to attempt to gain a copy of AOC footage that cannot be shared with anyone without AOC's consent, in order to supply such footage to media sources and/or Judge Jameson's political opponent. It is the opinion of Judge Jameson, based on information likely not known to the Commission, that Ms. Cavitt has, multiple times, taken action during work hours intended to benefit Judge Jameson's political opponent. Such is a violation of the Code of Conduct for Circuit Court Clerks contained in Supreme Court order 2014-12. Judge Jameson should not have to tolerate harassment due to false claims made against him for the purpose of influencing a political campaign. Ms. Cavitt never complained to anyone before about Judge Jameson's conduct toward or around her until her friend, that she clearly supports politically, filed to run against Judge Jameson. Ms. Cavitt is clearly biased and working to damage Judge Jameson for strictly political purposes.

To the extent the Commission believes Judge Jameson has acted impatient on less than half a dozen times in 6.5 years, Judge Jameson has explained any such claims previously to the Commission to the best of his ability.

III(E): Judge Jameson, to his knowledge, has never displayed in court, or anywhere else, conduct that could lead anyone to believe that he is biased against public defender Amy Harwood-Jackson. Simply because Judge Jameson believes at least one witness that has reported to the Commission that Ms. Harwood-Jackson is involved in a conspiracy with others to intentionally damage Judge Jameson's reputation for the purpose of trying to provide a political advantage for his opponent, such has nothing to do with how he has actually treated her. Treating someone badly simply because they

have treated him badly is inconsistent with Judge Jameson's deeply held religious beliefs. With all of the mistruths and flat out lies told about Judge Jameson by his current political opponent, if he were the type to "strike back," his social media would be covered with negative comments about his opponent. However, Judge Jameson has never once uttered anything within the hearing of someone not a family member that could be considered anything other than patient and tolerant. Just because a man becomes a Judge, he is not required to be okay with being treated unfairly by an officer of the court that is required by ethical obligations to be forthcoming, but yet is plotting and scheming on state tax dollars for the benefit of her chosen candidate. Ms. Harwood-Jackson, as was made clear in a statement to the Commission from another attorney that lives in Marshall County, has intentionally participated in, if not indeed founded, a political conspiracy to undermine Judge Jameson's success in the upcoming election for the purpose of benefiting his opponent. Multiple witnesses can attest to this fact as well as her reputation for being simply an "angry" and "vindictive" person.³⁵

III(F): Judge Jameson has never, without exception, pressured anyone to donate to anything, has never pressured anyone to file a complaint of any kind against someone, and has never pressured anyone to draft a sworn statement on his behalf. It is evident

³⁵Ms. Harwood-Jackson has consistently been a part of untrue and exaggerated claims against Judge Jameson, based only on hearsay, since he took office. She has twice stated her opinion regarding Judge Jameson in KBA annual evaluations that show her disdain for Judge Jameson. However, she has never once asked to talk with Judge Jameson about anything other than her cases and she works hard at maintaining a presentation around him that reflects no issue regarding what her actual opinions regarding Judge Jameson are apparently. As a former Assistant Public Advocate, Judge Jameson is aware that DPA general policy when an attorney believes they are being badly treated by a judge, is to report their concerns to their Directing Attorney so that the supervisor can attempt to resolve the issue by either talking with the judge or reporting the matter further up the authority ladder. No one from the public defender's office has ever once asked to talk to Judge Jameson, even just over the phone, about any behavior or policies that they may have concerns over.

that the Commission is choosing to believe only part of what an attorney that has provided a statement to it has stated in a recorded interview with the Commission's investigator. The attorney in question, as was most other attorneys in both counties, was contacted by Judge Jameson early on in his campaign effort in 2022. In that communication, Judge Jameson asked for this attorney's **VOTE** and nothing else, just as he is permitted to do under the 1st amendment, and just as he has done with dozens of other lawyers. In response, this attorney stated that she was, in no uncertain terms, very happy to support Judge Jameson's bid for re-election. This attorney made awkwardly complimentary statements to Judge Jameson during that phone call including that he was, "the finest jurist [the attorney] had practiced in front of."³⁶ The attorney went on to praise Judge Jameson further and stated that she wanted to give "the max" donation to Judge Jameson's campaign effort. This attorney asked what the "max" donation was, and Judge Jameson explained the limit and how it applied to the primary and then would be essentially reset for the general election term. The attorney then stated she would give "the max" for one election cycle for a total of \$2,000 over the entirety of both the primary and general election cycles. The attorney then asked for the address to send a donation check to and stated that she was going to give a little at a time until she "maxed out." She also stated emphatically that she desired one of Judge Jameson's political signs to display in the window of her office. Judge Jameson never even asked if the attorney wanted a political sign. Then, the attorney specifically, and of her own accord, asked her landlord if Judge Jameson could place a large political sign in the area in front of her office.³⁷

³⁶ To be clear, Judge Jameson is not making this claim; this statement is an exact quote from the conversation Judge Jameson had with this attorney.

³⁷ See *Appendix I*, the referenced text messages between this attorney and Judge and Mrs. Jameson.

Following this discussion, the attorney had text communications with Judge Jameson and his wife. One such message sent by the attorney on March 3rd, 2022, stated, "I am requesting a yard sign to put in my window please let me know if I would need to pick it up and if so where. Thanks." In this same message, the attorney excitedly reminded Judge Jameson that her landlord had given permission, at the attorney's request, for someone from the campaign to place a large political sign in front of her office building. Mrs. Jameson, not Judge Jameson, followed up with attorney to invite her to a campaign event because the attorney had gladly committed to be on Judge Jameson's campaign committee during the original call with Judge Jameson. At this event which took place at Marcella's kitchen, this attorney, of her own accord, spoke up to everyone in attendance (several people) about how Judge Jameson was one of the best judges she had ever practiced in front of. Her very glowing statement regarding Judge Jameson continued for a few minutes. The attorney ended the statement by even using Judge Jameson's campaign slogan stating, "that is why I think we do need to stay the course..." Judge Jameson has previously provided the commission with statements from a retired law enforcement officer, who currently is a chief deputy for the McCracken County jail, consistent with his recollection of the attorney's conduct at the Marcella's event as well as other statements. This attorney clearly believed that the statement she provided to the Commission's investigator would never be seen by Judge Jameson when it was made.

The same attorney referenced above first revealed the fact that public defender Amy Harwood-Jackson had approached her about joining in on a plot to damage Judge Jameson's reputation during a phone conversation that was held just before the attorney contacted the Commission, unbeknown to Judge Jameson, to report the conspiracy afoot

that she had informed Judge Jameson about. However, the attorney, for a yet unknown reason, made an **absolutely unfounded** claim to the JCC investigator that she was essentially "forced" into supporting Judge Jameson's campaign effort. The attorney made the claim to the Commission that she essentially never wanted to speak with Judge Jameson and that, during that conversation, Judge Jameson somehow intimidated her into contributing financially to his campaign. The attorney even claimed that, when she offered to give a specific donation amount to his campaign fund, that Judge Jameson informed her such amount was not sufficient and that she needed to give more. The attorney also claimed to the Commission that she never wanted a political sign to place in her office window, but instead found it laying against her door one day and that she "picked up" from the sign being there that she had better put it in her office window "or else." No proof that any of this occurred has been provided to Judge Jameson, nor will there be, because such evidence does not exist. We can only assume the attorney believed Judge Jameson would never know she made this allegation because she had to know that evidence existed in her very own cellular phone that she had, of her own accord, asked for a sign to place in her office window. The attorney's bizarre claim of intimidation by Judge Jameson never came to light until, as she revealed in her statement to the Commission, she spoke to the Marshall county attorney Jason Darnall after she got off the phone with Judge Jameson on the day she told Judge Jameson of the plot against him. the idea of Judge Jameson "forcing" this attorney to support his campaign was never brought up to anyone until after the attorney exposed the plot to, among other things, misuse the Commission, in an attempt to damage Judge Jameson's reputation enough to give his political opponent a chance at victory.

Also curious is the timing of these events. In March of 2022, Judge Jameson called the attorney that ultimately made the false claim that he bullied her for political support. However, she did not inform Judge Jameson of the plot against him until May of 2022. After her telling Judge Jameson about the political conspiracy to damage his reputation and speaking with county attorney Jason Darnall is when this attorney decided to contact the Commission to make a report of Judge Jameson intimidating her for political and financial support; conduct that **never occurred**. Interestingly enough, once Judge Jameson and his attorney were made aware of the conspiracy to misuse the Commission against him for political purposes, Judge Jameson left a voicemail for the Commission investigator to contact him. The reason Judge Jameson called the investigator was to ask him to interview the attorney that had informed him of the political conspiracy against him. While multiple individuals had informed Judge Jameson that such an effort to damage his chances at re-election existed, the attorney's statement to Judge Jameson that contained details of the scheme was, by far, the most solid evidence that the conspiracy was indeed afoot. As such, Judge Jameson naturally wanted the Commission to have this information. However, because he had an attorney, the Commission investigator never contacted Judge Jameson back. Within days of this voicemail being left for the investigator, the same investigator spoke with the attorney Judge Jameson wanted him to interview. However, this conversation took place because the attorney had called, not so much to report her knowledge about the political conspiracy against Judge Jameson, but instead, for the purpose of making a false statement against him. The timing of all of this was not accidental. If this attorney were going to make a complaint against Judge Jameson for conduct alleged to have occurred in March, there would have

been no reason for her to wait to report it until the first week of May, which just happened to be the same time frame the attorney busted the bubble of the political scandal by telling Judge Jameson about what public defender Amy Harwood-Jackson had told the attorney. The attorney was clearly trying to put teeth back into the claims that Judge Jameson was committing all sorts of intentional unethical conduct. This attorney not originally being in on the loop concerning the plot had led her to tell Judge Jameson the actual truth about the conspiracy against him. Once the attorney learned that certain others were part of the plot, she clearly tried to absolve herself of any damage she caused, by fabricating an outright lie that Judge Jameson did anything other than ask her for her vote when he called her in March. Judge Jameson can line up hundreds of citizens, attorneys, court officials, community leaders, etc., to testify that (1) he has no need to "force" someone to support him for re-election, and (2) that to do so is absolutely outside of his character, and (3) that, even though he has had dozens of similar conversations with attorneys and other supporters, all of the others he spoke with will testify that Judge Jameson did not bully these individuals or even ask them for a campaign donation.

No one that knows him would consider Judge Jameson anything other than an honest public servant who has worked hard to ensure that justice is delivered the same for everyone that comes through the Court he serves. Judge Jameson has been told by multiple attorneys why certain persons affiliated with the Marshall County court system are working hard to damage his reputation behind his back while they smile to his face: because they want someone in his position that they "can control," thus ensuring outcomes in cases that are different for certain people than they are for others due to

these persons having some form of relationship with, or political importance to, certain court officials.

III(G): Judge Jameson has never used his position to retaliate against anyone. First, to do so would be contrary to his core religious and personal beliefs. Secondly, the Commission has been misinformed and is missing information regarding these claims. Judge Jameson is known for working hard and doing so at all hours of the day and night when duty calls. It is not uncommon for him to stay the night in his office just to rise and take on another day, even though he has a wife and two young children. On one particular occasion, Judge Jameson worked very late (until approximately 3AM) and ended up sleeping in his office in Marshall County. The next morning, early, around 6:30AM, Judge Jameson was awakened by a call from his wife stating that she and their children were outside the back door of the judicial building because the children wanted to see him before going about their day, especially since they did not get to see him the night before as they usually do. Still half asleep and working on only a couple of hours sleep, Judge Jameson stumbled down to his family to greet them, give them a hug, and wish them a pleasant day. All of this was, again, at a time in the day when no one would be present in the building because no court workers arrive until at least 7:15AM.

Unbeknownst to Judge Jameson or his family, the contract employee that normally cleans the Marshall judicial building happened to be in the building during the time Judge Jameson came down from his office to greet his family. This contractor saw Judge Jameson greeting his family. Sometime later, this contractor apparently informed employees in the Circuit Court Clerk's office that Judge Jameson was inappropriately

dressed when he went down to see his family on the day he slept in his office. The employee presumably offered the statement in jest, but one particular deputy Circuit Court Clerk, Lacey Cavitt, saw it as an opportunity to gain political ground against Judge Jameson for the benefit of Judge Jameson's opponent that Ms. Cavitt is supporting. As is documented in reports, Ms. Cavitt went to the head of court security for the Marshall judicial building and informed him that Judge Jameson, on a particular day and during a particular time frame, had been inappropriately dressed "running around the courthouse." Which, to say the least, was a misrepresentation. This court security member, contrary to AOC policies and procedures, reviewed that tape, and then copied the tape for the purpose of supplying it to County Attorney Jason Darnall. Mr. Darnall had apparently received, as Judge Jameson was informed, a request from local media sources for a copy of the tape. Judge Jameson contacted these media sources to inquire about the situation and was told by both they received an anonymous email telling them about the tape. Once informed what was on the tape, both media sources withdrew any interest in the matter. However, at the instruction of county attorney Jason Darnall, the court security officer in question held the tape for another elected official to review for no proper purpose that we can think of. And, of course, as the Commission is aware, this official is one of the current complainants. The court security officer in question knew, or should have known, as the head of security for the Marshall judicial building, that security tapes showing critical security information such as locations of entrances, exits, patterns of behavior of court personnel, etc., are forbidden by AOC, the owner of any video recorded by AOC security equipment, to be provided to **anyone without AOC's instruction to do so**. This conduct would have gone undiscovered had Judge Jameson not been contacted

about the media request to receive a copy of the tape. By providing a copy of the security tape to **anyone** without receiving an instruction from AOC to do so, the security officer in question violated his duties and, upon questioning, defended his actions as he believed he committed no error. Whether this employee was for certain intentionally participating in the attempt to utilize the information on the tape against Judge Jameson is unknown. However, regardless of any willing participation in the scheme plotted by the Circuit Court Clerk and others, any claim that Judge Jameson sought the termination of this employee is inaccurate at best. Judge Jameson was fully aware that he lacked the authority to have this employee terminated or even reassigned. He acknowledged as much to the Chief Deputy in a conversation that occurred on the day in question. Secondly, Judge Jameson was fully aware this employee was scheduled to retire in August of 2022 and the Judge had no desire to interfere with the employee's retirement. All Judge Jameson sought, as is clear from the message he sent to the Marshall County Sheriff, was for the employee to be reassigned and removed from court security duty. When this request was made, it was simply that, a request. Judge Jameson, as Chief Circuit Judge, is, according to AOC policy and procedures, the local representative of AOC in many matters, including the safety of the building and the people inside it. Judge Jameson believes it was not improper of him to make the request he made, but if the Commission believes otherwise, he can assure the Commission that the matter is no longer an issue, nor will it be.

III(H): Judge Jameson did not order Sheriff McGuire to do anything. During what is locally known as Tater Day weekend, on a Sunday night, Judge Jameson and his family, including two small children, stopped at a gas station on the way out of Benton on their trip home. At this gas station, a white truck had language waiving from a large flag that

no parent in Marshall County would want their child seeing, even though part of it was blocked out. As a concerned citizen, Judge Jameson sent a quick text to Sheriff McGuire, someone who at the time was a long-time personal friend of Mr. Jameson, informing him of the situation. Sheriff McGuire's statement to the Commission confirms as much. On Page 4 of his statement, the investigator asks the Sheriff, "Did he (Judge Jameson) suggest that [the driver of the truck] be cited to court or arrested for displaying this flag?" Sheriff McGuire responded, "**I don't think he made a suggestion.** I think it was more of a, or I think maybe I said, you know, I'll see if we can't get him to take it down so the kids don't have to, to read it." Sheriff McGuire clearly at best is not sure of the matter, but, with a fair reading of his answer, confirms that Judge Jameson did not ask for anyone to be cited or arrested. His intention was the same as any other citizen in that situation, to make a complaint about someone who was waving lude language on a very large flag attached to his vehicle. Any decision to take action was clearly left in the discretion of the Sheriff's office, as was Judge Jameson's intent. Judge Jameson is very aware that, just because a person may be aggravated with someone's behavior, does not mean that behavior is a crime.

ALLEGATION IV

IV: Judge Jameson **has never** asked anyone, and certainly has never "pressured" anyone, to fund and support his campaign or anything else, **ever**. For anyone that knows Judge Jameson, they will tell you immediately that such is not within his character, and is contrary to the very reasons he became an attorney and then a Judge to begin with. Judge Jameson is *extremely* careful not to solicit campaign funds from anyone. He is

permitted by the 1st Amendment to ask for the vote of registered voters of both Marshall and Calloway counties, and that is what he does, and nothing else. Should a person offer to donate to his campaign while Judge Jameson is talking with them, there is no requirement that he should or must run away and refuse to tell the individual how to make a contribution. To the extent the statement made by the attorney that reported the conspiracy to use the Commission to influence the 2022 Circuit Judge election is the source of this allegation, that attorney's allegations against Judge Jameson have already been addressed, are 100% false, and are incredibly offensive and upsetting to Judge Jameson and his family. Judge Jameson has had to tolerate approximately 10 months of what amounts to severe emotional harassment and distress due to the claims made by the current claimants.

CLOSING REMARKS

Judge Jameson prays that the Commission will labor to view these matters in the light most favorable to Judge Jameson for the sake of at least considering that he is telling the Commission the truth, no matter how odd or impractical the entire situation may appear to be. Some explanations are just so odd that they must be true. Judge Jameson has always been honest with the Commission and has even self-reported potential unethical conduct to it. Just ask yourself as members of the Commission, why is it that we are all having to put in so much time and effort resolving these claims? Why would a Judge that has always been open and cooperative with the Commission, that has had no action taken against him on any previous Commission complaint, all of the sudden in an election year, have several horrible reports of ethical misconduct that span his entire

tenure as a Judge? Judge Jameson is not some monster. He is a devoted husband and father that loves that he gets to wake every morning and go and serve the people he calls neighbors and friends. He is exactly the man that appeared to be prior to this misrepresented, exaggerated, and even false claims. It is almost ironic that, when he started calling and asking attorneys and others for their vote in November, almost every person, literally, told him something to the effect of: "Judge, I haven't heard one negative thing about you from anyone and I'm glad to support you and the work you've done." This just does not add up. While most anyone is capable of most anything in the right circumstances, there is no reason to believe that Judge Jamie Jameson, a man that, until 10 months ago was considered a loyal friend and dedicated colleague by Judges and attorneys across Kentucky, would suddenly "go rogue" and try to do whatever it is that the Commission, to one extent or another, believes he did? It just does not add up. We humbly submit these statements and arguments for your consideration. Please allow a fellow Judge the type of fair opportunity you would desire if you were in his shoes. Thank you in advance for your time and consideration.

Respectfully submitted,

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ATTORNEYS FOR JAMESON

CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of July 2022, a copy of the foregoing was served on Hon. R. Michael Sullivan, Chair, Judicial Conduct Commission; and Hon. Jimmy Shaffer, Executive Secretary.

/s/ Richard L. Walter

Richard L. Walter

Appendix A

Approval Opinion from AOC Regarding GPS Program

From: Office of General Counsel, AOC

Re: Community Corrections Board, handling of funds associated with the provision of GPS monitoring to defendants on pretrial release

Date: Dec. 4, 2018

I. Introduction

Judge Jamie Jameson contacted AOC Legal Services about a Community Corrections Board his circuit has created pursuant to KRS Chapter 196. He indicated that the Board is looking at ways to reduce both pretrial and post-judgment incarceration in his circuit, with the ultimate goal of reducing the cost per day of GPS monitoring. He presented several questions for our office, all of which center around the authority of a Community Corrections Board to handle funds associated with the provision of GPS monitoring to defendants on pretrial release. [Judge Jameson indicated the plan was to require defendants to pay a month in advance and to continue to make advance payments which would be held and applied as invoiced.] Judge Jameson's original email to our office, dated Nov. 21, 2018, is set out in full in Part V., following our analysis below.

II. Questions

- 1) *Is there any Supreme Court AP or Rule that would be relevant to the proposed pretrial GPS monitoring?*
- 2) *With respect to collection of fees associated with the proposed pretrial GPS monitoring:*
 - (a) *Can or should the circuit court clerk collect, track, and pay the fees either directly to the GPS monitoring device provider, or to the Community Corrections Board for transmittal to the device provider?*
 - (b) *Can or should the Community Corrections Board collect, track, and pay the fees directly to the GPS monitoring device provider?*
- 3) *With respect to the authority of a Community Corrections Board to engage in activities addressing pretrial matters:*
 - (a) *Can or should the Community Corrections Board be involved at all in activities related to pretrial supervision?*
 - (b) *Can or should the Community Corrections Board handle funds related to reduce pretrial incarceration rates?*
- 4) *Could a separate legal entity, another 501(c)(3) not associated with the Community Corrections Board,¹ contract with the GPS monitoring provider and collect fees from the defendant and pay the provider?*

¹ Per KRS 196.725, Community Corrections Boards must be organized as nonprofit corporations under KRS Chapter 273, e.g., 501(c)(3)'s.

III. Response

Of the questions presented above by Judge Jameson, only questions #1 and #2(a) are appropriate for official response by AOC. The remaining questions concern the authority of the Community Corrections Board regarding the handling of funds associated with pretrial releasees and GPS monitoring; our office has not found any guidance in KRS Chapter 196 or elsewhere in either statutory or case law with respect to these remaining questions and, thus, is not able to provide definitive answers. However, we have included statutory authority in Part IV. below that addresses GPS monitoring of defendants while on pretrial release, which you may find helpful. Our advice relating to questions #1 and #2(a) is as follows.

1) *Is there any Supreme Court AP or Rule that would be relevant to the proposed pretrial GPS monitoring? See below.*

- The Supreme Court has issued Judicial Guidelines for Pretrial Release and Monitored Conditional Release. Supreme Court Order 2017-20.
 - GPS monitoring is specifically discussed in Section 6 as a possible condition of release.
 - There is no reference in these Guidelines as to who should provide GPS monitoring services, devices, or payment for such.
 - These Guidelines were issued in response to the enactment of KRS 27A.096 in 2011.
- The Supreme Court adopted AP Part XV, Sliding Scale of Indigency, by Supreme Court Order 2017-12.
 - The sliding scale of indigency applies to all cases where/when indigency is at issue.
 - The sliding scale is only a guideline and leaves the ultimate determination of imposition, reduction, or waiver of a fee in the court's discretion.
 - All pretrial release statutes require consideration of AP Part XV in assessing a GPS monitoring fee:
 1. KRS 431.517 (Pretrial Home Incarceration)
 2. KRS 431.518 (Pretrial Release of Drug Offender)
 3. KRS 431.520 (Pretrial Release Own Recognizance)
 4. KRS 431.067 (Pretrial Release for Moderate and High Risk)
 5. KRS 533.250 (Pretrial Felony Diversion)
- As a side note, Judge Jameson references Supreme Court Rule 9.000, Monitoring of District Court Probationers by Private Agency. He is correct that this rule is not relevant to his inquiry, as that rule relates to post-judgment supervision.

2) ***With respect to collection of fees associated with the proposed pretrial GPS monitoring:***

(a) *Can or should the circuit court clerk collect, track, and pay the fees either directly to the GPS monitoring device provider, or to the Community Corrections Board for transmittal to the device provider? **No, we do not recommend it.***

- There currently exists no statutory authority for the clerk's involvement in the collection or distribution of fees associated with GPS monitoring of defendants on pretrial release.
- AOC's Auditing Department has identified the following obstacles presented by Judge Jameson's proposal:
 - The clerk would be unable to provide defendants or other interested parties with:
 1. real-time balances,
 2. an amount owed or due, or
 3. any arrearages.
 - The clerk would lack any knowledge of pretrial conditions that may affect the fee associated with GPS monitoring.
 - The current accounting system is designed to collect or track payments made against a predetermined sum certain (and not to collect undetermined amounts to be invoiced against).
 - Collection of these fees could be very time consuming and expensive if the clerk were required to:
 1. write separate checks for each defendant or one check with an accounting of each defendant's individual payment,
 2. write checks daily, weekly, bi-weekly, or even monthly, or
 3. manually keep a ledger for each defendant.

IV. **Statutory Authority - GPS Monitoring of Defendants on Pretrial Release**

- In all instances where pretrial GPS monitoring of defendants is authorized by statute, the legislature has mandated the use of a county-operated program as set forth in KRS 67.372 (County administration of global positioning monitoring system program; agreements between counties; administrative fee) and KRS 67.374 (County global positioning monitoring system program; request for and acceptance of public bids; monitoring of successful bidder; other uses of program permitted; confidentiality of system information); **and** has specifically prohibited the use of a program operated by the Department of Corrections. See:
 - **KRS 431.517** – Authorization for home incarceration as a form of pretrial release; court ordered participation of global positioning monitoring system; costs
 - **KRS 431.518** – Pretrial release of felony drug offender or felony offender with a history of substance abuse; conditions

- *KRS 431.520* – Release on personal recognizance or unsecured bail bond; conditions of release
- *KRS 431.067* – Participation in global positioning monitoring system program as condition of pretrial release
- *KRS 533.250* – Pretrial diversion program in each judicial circuit; elements; fee
- *KRS 431.517* provides that the conditions of supervision as set out in *KRS 532.200* to *532.250* are applicable to these pretrial defendants. One of those conditions is that the defendant pays the supervision and/or equipment fees directly to the supervising authority. *KRS 532.210(5)* and *KRS 532.220(9)*.

V. Judge Jameson's email, 11/21/2018

From: Jameson, James

Sent: Wednesday, November 21, 2018 5:19 PM

To: Hosea, Kimberly <kimberlyhosea@kycourts.net>

Cc: Stephens, Kelly <kellystephens@kycourts.net>; Shepherd, Katie <katieshepherd@kycourts.net>; Mikulcik, Dominik <DominikMikulcik@kycourts.net>

Subject: Operations of Community Corrections Board for 42nd circuit

Ms. Hosea,

Thank you for taking time to speak with me today. To iterate the reason for my contact, I, along with other local leaders, have formed a community corrections board for our judicial circuit pursuant to *KRS 196*, and, in general are looking for ways to reduce both pretrial and post-judgment incarceration in our circuit. While the long-term large-scale goal of the community corrections board and the 501(c)(3) that will be used as the board's funding arm is to build and have operated in our circuit a 100 bed in-patient treatment facility, we are looking at other areas where incarceration costs could be reduced.

As previously discussed, the most immediate plan is to provide a less expensive way for defendants to have ankle monitors placed, pre-trial, i.e., as a bond condition. Our clerks for both counties, as well as the county judges, sheriff's offices, jails, etc., are all in support of this. I had an intern research options for this last summer. As a result of that research, I met with a gentleman with Track Group out of Romeoville, IL. Track Group actually manufacturers multiple types of ankle monitors. Track Group also rents that equipment to local government agencies etc., across the country. I have met with the Regional Sales Manager of Track Group, and they are willing to contract with whatever entity necessary to make any number of ankle monitors and related equipment available in our jurisdiction. My understanding of how it works is: the company sends us as many monitors as we ask for (from 1 to potentially hundreds). No one is charged anything for a monitor unless it is turned on. The daily fee the company charges once a monitor is on ranges from approximately \$6 to \$7 per day. To illustrate what a difference maker this could be, the current ankle monitor provider (also a

private company) used in our circuit charges approximately \$20 per day for a monitor. The biggest difference maker is, we do not have to pay Track Group for monitoring the devices. Our local county governments, sheriff's offices, and jails have all agreed to work together to the extent appropriate and permitted to allow for local monitoring via 911 dispatch.

While I am of the belief that making these monitors available at such a reduced cost would save our counties, potentially, thousands of dollars a day in incarceration costs, I wanted to reach out to you and the staff at AOC to help "vet out" any issues that may need to be addressed. The first issue that arose in my conversation with Ms. Stephens was, whether SCR 9.000 or any other Supreme Court Rule or AOC AP would have any impact on this. After reviewing SCR 9.000, I do not believe it would apply to this situation for a few reasons: (1) SCR 9.000 deals with the use of private probation companies by district courts (not circuit), and (2) the program we seek to put in place would not relate to post-judgment matters. These monitors would be used to fulfill bond conditions, etc., only (with the possible exception of using them on certain drug court participants as part of a sanction because DOC monitors would not be available for drug court participants due to their "inactive" supervision status).

Another matter is: who handles the money? Our intent is to have the defendants pay for the ankle monitors by paying a month's worth of service in advance, and then, every 2 weeks thereafter, paying for two weeks of use. This would keep the defendant paid ahead by two weeks. Doing it this way would give the system time to deal with individuals who fail to pay without immediately issuing a warrant for their arrest when failure to pay occurs. Contact could be made with the defendant by the clerk's office or pretrial (or whatever agency would be appropriate) to inform the defendant that they are behind prior to them extinguishing their pre-paid time on the monitor. In cases where defendants run up a balance they cannot pay, the local jails are willing to look into covering that expense because it is less expensive to pay \$5 or \$6 per day for an ankle monitor than to pay \$40 (or much more if the defendant has medical expenses) for the same person to be incarcerated.

With all that said, two ways of handling the money come to mind: (1) our clerk's have proposed handling this just as they would sheriff's fees for service, warning order attorney fees, etc: the defendant pays the money to the clerk's office, the clerk then tracks how much is collected for the ankle monitors and then, each month, pays the device provider directly. Or, (2) either the clerk's could collect the money and then pay it to the 501(c)(3) funding arm of the new-to-be-formed community corrections board, and then the 501(c)(3) pays the device provider each month, or the money is paid directly to a representative who is collecting the fees on behalf of the 501(c)(3) funding arm of the community corrections board with the 501(c)(3) then paying the provider directly.

One issue with having the community corrections board or its funding arm involved is: can that be done? KRS 196 sets out what a community corrections board is and its purpose, in

general. That chapter clearly directs that grant monies delved out by the Ky. Corrections Commission should be used consistent with the purposes set out in KRS 196.720. All of those purposes appear to be related to post-conviction incarceration relief of some form. The question then comes to my mind: can a community corrections board organized pursuant to KRS 196.725 at least handle funds related to reduced *pre-trial* incarceration rates? My thought is: yes. Nothing in KRS 196.725, KRS 196.715, or any other provision of that chapter prevents a community corrections board from being involved in the reduction of pretrial incarceration. The only limitation on expenditure of funds by a community corrections board is stated in KRS 196.730. None of the monies that would be collected for the ankle monitor use would be paid to any jail or county government for any reason. The money would be paid directly to a private equipment provider (which is what is already being done in our circuit, just at a much higher cost). In fact, KRS 196.710(3) states that even grants may be awarded by the Ky. Corrections Commission to entities which are not actually community corrections boards created pursuant to KRS 196.725, as long as that entity is governed by a board which will "serve the same functions as described in KRS 196.700 to 196.73..." In other words, while I believe KRS 196 sets out that monies given to a local community corrections board by the state should be used to reduce post-judgment incarceration, I do not believe anything prevents the 501(c)(3) arm of a board that functions as a local community corrections board from simply taking in monies related to the purposes of the 501(c)(3) stated in its Articles of Incorporation and then paying those monies to the ankle monitor provider. I hope that made sense.

Last scenario that comes to mind is, if the clerks cannot pay the provider directly, nor pay the monies to the 501(c)(3) associated with the community corrections board, nor can a representative of the 501(c)(3) associated with the community corrections board collect and pay the monies to the provider, then could a separate legal entity (another 501(c)(3) not associated with the community corrections board) contract with the provider and collect fees from defendants and then pay the provider directly?

I know this is a lot of information. Please let me know where we go from here. We have a meeting with Track Group and all the involved local agencies on December 19th, 2018. I would like to be able to advise everyone where we think we might stand on these issues at that meeting if that's practicable. Thank you very much for your help! Have a great Thanksgiving holiday!

Appendix B

Communication From Chief
Justice Stating New Ethics Rules
Permit Judges to Speak @
Nonprofit Fundraisers

Jameson, James

From: Jameson, James
Sent: Wednesday, February 21, 2018 2:22 PM
To: Mike Pitman (Mike@haverstocklaw.com)
Subject: FW: Amended Code of Judicial Conduct effective Jan 31, 2018
Attachments: 2018-04CodeJudicialConduct.pdf

Importance: High

From: Chief Justice John D. Minton, Jr.
Sent: Thursday, January 25, 2018 3:17 PM
To: Chief Justice John D. Minton, Jr. <johnminton@KYCOURTS.NET>
Subject: Amended Code of Judicial Conduct effective Jan 31, 2018
Importance: High

Dear Justices and Judges:

I am pleased to announce that the Supreme Court has approved amendments to Supreme Court Rule 4.300, the Kentucky Code of Judicial Conduct, effective Jan. 31, 2018. The amendments are the result of a nine-month process led by Justice VanMeter with the input and guidance of a number of judges and lawyers. Each of you had the opportunity to review the amended Code following your respective judicial colleges this past fall. The Court took your concerns into consideration and made changes that were incorporated into this final version.

I encourage each of you to read the amended Code carefully to familiarize yourself with the rules. Some of the more significant changes include:

- A "Terminology" section has been added on pages 2 – 4. Defined terms are marked by an asterisk the first time they appear in a rule or a comment.
- Former Canons 1 and 2 have been merged into new Canon 1. The remaining Canons have been renumbered accordingly.
- Rule 2.3 (Bias, Prejudice and Harassment) more explicitly addresses – and prohibits – harassment.
- Rule 2.14, Disability and Impairment, and Rule 2.15, Judicial and Lawyer Misconduct, contain a reporting obligation for judges.
- Rule 3.6, Affiliation with Discriminatory Organization, now requires immediate resignation rather than allowing the judge a one-year grace period to effect change
- Rule 3.7(A)(4) permits judges to appear and speak at non-profit events, including those related to fundraising, but prohibits direct solicitation of funds.
- Rules 3.13 – 3.15 address the acceptance and reporting of gifts and other things of value.
- Canon 4 is the new "political activities" canon. Please review this section closely as there are several changes and new rules based on federal case law.

I appreciate the time and effort that Justice VanMeter and his committee dedicated to researching and drafting this amended Code. As always, if you have specific ethical questions, please contact the Judicial Ethics Commission.

John D. Minton, Jr.
Chief Justice of Kentucky
700 Capital Avenue, Room 231
Frankfort, KY 40601
Telephone 502.564.4162
Facsimile 502.564.1933

Warren County Justice Center
1001 Center Street, Suite 305
Bowling Green, Kentucky 42101
Telephone 270.746.7867
Facsimile 270.746.7870

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Kentucky Court of Justice

Appendix C

Email & Documentation Showing Judge's
Wife Was Originally to be Incorporator of
Nonprofit Until Opinion Authored by
Mikulcik Stated Judge Could be Officer

Jameson, James

From: Mikulcik, Dominik
Sent: Friday, December 28, 2018 12:23 PM
To: Jameson, James
Subject: community corrections

Judge,

My research based on the January 2018 rules and the community correction's statute suggest a judge may serve on the board.

KRS 196.725 states:

Each community corrections program shall establish a community corrections board ... Community corrections boards shall be organized as nonprofit corporations under KRS Chapter 273. The community corrections board shall consist of not less than eight (8) members, and shall include, insofar as possible, judges...

<http://www.lrc.ky.gov/Statutes/statute.aspx?id=6853>

Comment 1 to Rule 3.1 of SCR 4.300 (https://courts.ky.gov/courts/supreme/Rules_Procedures/201804.pdf) addresses participation in extra-judicial activities:

...judges are permitted and encouraged to engage in educational, religious, charitable, fraternal, or civic extrajudicial activities not conducted for profit, even when the activities do not involve the law. See Rule 3.7.

Rule 3.7 (A)(6) of SCR 4.300 allows a judge to participate in an organization by "serving as an officer, director... unless it is likely that [the organization will ordinarily be before the judge]..." This suggests to me that a judge is permitted to serve on the board of a non-profit corporation. The exception to this rule arguably will be problematic if the organization must testify to a defendant's dismissal from a program. However, if the organization is not managing a treatment facility, itself, than this is less likely to be a concern. Moreover, I see little difference in the judge's spouse or staff acting as president of the board compared to the judge personally engaging in the role as president.

Additionally, rule 3.4 may provide additional guidance, although not directly on point. Rule 3.4 addresses appointments to government positions. The Community corrections board is not a branch of the government so this rule does not directly apply. However, in its prohibition against judges serving on the board of a government entity it makes an exception when the service is otherwise authorized or required by law. KRS 196 would authorize/require a judge to serve on the board. Therefore, it seems unlikely to me that SCR 4.300 prevents a judge from serving as president of a community corrections board.

Dominik Mikulcik

Staff Attorney, 42nd Judicial Circuit
dominikmikulcik@kycourts.net

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Jameson, James

From: Mikulcik, Dominik
Sent: Wednesday, December 5, 2018 2:50 PM
To: Jameson, James
Subject: Community Corrections Documents
Attachments: 10A100 (dept of rev) (003).pdf; articles of incorporation.docx; Bank Resolution.doc (002).docx; Bylaws (003).doc; conflict of interest policy (003).docx; f1023 (002).pdf; form 1023 supplemental (003).docx; fss4-2 (002).pdf; organizational minutes (003).docx; Secretary Certificate (003).docx

Judge,

Please find attached to this email the most current drafts of the Community Corrections documents for incorporation. The Kentucky tax form (10A100) discusses a "responsible party." That party is listed as your wife. On page three it asks for a daytime phone number to call for questions on the application. I have listed your wife as the individual to contact and given the court's number as the number to call for questions. If you believe another number is more appropriate that blank should be amended. The "Organizational minutes" will need to be modify to accurately describe how the Marshall County Clerk's office records articles of incorporation. I need to look into that matter some more. The documents also need to be re-dated to reflect a December incorporation date.

Dominik Mikulcik

Staff Attorney, 42nd Judicial Circuit
dominikmikulcik@kycourts.net

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ARTICLES OF INCORPORATION
OF
42nd Judicial Circuit Community Corrections Board, Inc.

A Kentucky non-profit corporation

The undersigned incorporator, a natural person over the age of eighteen years, executes these articles of incorporation for the purpose of forming and does hereby form a nonprofit corporation (the "Corporation") under the laws of the Commonwealth of Kentucky, KRS 273.161 et seq., in accordance with the following provisions and hereby adopts the following articles of incorporation:

ARTICLE I – Corporate Name. The name of the Corporation shall be: 42nd Judicial Circuit Community Corrections Board, Inc.

ARTICLE II – Incorporator. The name and address of the incorporator is as follows:
Jennifer Jameson
4646 Aurora Hwy
Hardin, Kentucky 42048

- ARTICLE III – Registered Agent and Address.**
- A. The street address of the initial registered agent of the Corporation in this state shall be: 4646 Aurora Hwy, Hardin, Kentucky 42048.
 - B. The name of the initial registered agent of the Corporation shall be: Jennifer Jameson.
 - C. The mailing address of the principal office of the Corporation is: 80 Judicial Drive, Benton, Kentucky 42025.
 - D. The registered office and registered agent may be changed in the manner provided by law without amendment of these Articles.

ARTICLE IV – Effective Date. The Corporation shall be effective upon the filing of these Articles.

ARTICLE V – Duration. The corporate existence shall be perpetual duration unless sooner dissolved under means provided by law.

ARTICLE VI – Purposes.

Whereas, this Corporation is concerned with the legal system and the administration of justice;

A. The Purposes of the Corporation are to:

1. Establish and implement, within the 42nd Judicial Circuit, a locally developed and operated correctional program for more offenders to remain on probation who would otherwise be incarcerated in a state correctional institution;
2. Provide the judicial system with alternatives to incarceration;
3. Develop community-based sentencing alternatives to incarceration for individuals convicted of felony offenses;
4. Monitor and enforce the payment of restitution to victims of crime and the community through financial reimbursement, community service, or both;
5. Stimulate local involvement in community corrections programs to assure that they are specifically designed to meet the needs of the sentencing court and the community;
6. Reduce expenditures of state funds by increasing community-based sentencing, reducing the rate of recidivism, and reducing revocations of probation and parole; and
7. Carry on any business and engage in any activity or transaction authorized under the laws of the Commonwealth relating to the aforementioned purposes.

B. The organization is organized exclusively for exempt purposes under section 501 (c)(3) of the Internal Revenue Code, and the organization may not carry on activities not permitted to be carried on by an organization described in section 501 (c)(3).

C. In carrying out its corporate purposes, the Corporation shall have all the powers allowed corporations by KRS Chapter 273.

ARTICLE VII – Members. The Corporation shall have no members.

ARTICLE VIII – Directors.

- A. The business and affairs of the Corporation shall be governed by a board of directors.
- B. The number of directors constituting the initial board of directors shall be three (3). Thereafter, the number of directors shall be as fixed, from time to time, by the bylaws, without the necessity of amending these Articles.

C. The initial board of directors shall serve until the first annual election of directors and until their successors are elected and qualify. A director may be removed from office by a unanimous vote of the other directors, with or without cause. The names and mailing addresses of the initial directors are:

1. Jennifer Jameson
4646 Aurora Hwy
Hardin, Kentucky 42048
2. David Berndt
372 Silver Trail
Gilbertsville, Kentucky 42044
3. Donald Cherry
1537 Spring Creek Dr.
Murray, Kentucky 42071

D. The private property of the directors shall not be subject to the payment of the debts of the corporation, nor shall there be any personal liability for any actions of the Corporation.

E. It is specifically agreed and understood that any person serving as a director of the Corporation shall not be held personally liable to the Corporation for any monetary damages as a result of a breach of his or her duties as director except under the following circumstances:

1. For any transaction in which the director's personal financial interest is in conflict with the financial interest of the Corporation;
2. For acts or omissions not in good faith or which involve intentional misconduct or are known by the director to be a violation of law; or
3. For any transaction for which the director derived an improper personal benefit.

F. If the Kentucky Revised Statutes are amended after approval of this article to authorize corporate action further eliminating or limiting the personal liability of directors, then the liability of a director of the Corporation shall be deemed to be eliminated or limited by this provision to the fullest extent then permitted by the Kentucky Revised Statutes, as so amended. Any repeal or modification of this article shall not adversely affect any right or protection of a director of the Corporation existing at the time of such repeal or modification.

ARTICLE IX – Officers. The Corporation shall, at a minimum, have a President and a Secretary/Treasurer. The Bylaws shall identify and provide for the method of election or appointment of the officers of the Corporation.

ARTICLE X – Bylaws. Bylaws of the Corporation shall be adopted, and may be amended or repealed, by the board of directors.

ARTICLE XI – Indemnification.

Each person who is or was a director, trustee, or officer of the Corporation, whether elected or appointed, and each person who is or was serving at the request of the Corporation as a director, trustee, or officer of another corporation, whether elected or appointed, including the heirs, executors, administrators, or estate of any such person, shall be indemnified by the Corporation to the full amount against any liability, and the reasonable cost or expense (including attorney fees, monetary or other judgments, fines, excise taxes, or penalties and amounts paid or to be paid in settlement) incurred by such person in such person's capacity as a director, trustee, officer, or employee or arising out of such person's status as a director, trustee, officer, or employee; provided, however, no such person shall be indemnified against any such liability, cost, or expense incurred in connection with any action, suit, or proceeding in which such person shall have been adjudged liable on the basis that personal benefit was improperly received by such person, or if such indemnification would be prohibited by law. Such right of indemnification shall be a contract right and shall include the right to be paid by the Corporation the reasonable expenses incurred in defending any threatened or pending action, suit, or proceeding in advance of its final disposition; provided, however, that such advance payment of expenses shall be made only after delivery to the Corporation of an undertaking by or on behalf of such person to repay all amounts so advanced if it shall be determined that such person is not entitled to such indemnification. Any repeal or modification of this article shall not affect any rights or obligations then existing. If any indemnification payment required by this article is not paid by the Corporation within 90 days after a written claim has been received by the Corporation, the director, trustee, officer, or employee may at any time thereafter bring suit against the Corporation to recover the unpaid amount and, if successful in whole or in part, such person shall be entitled to be paid also the expense of prosecuting such claim. The Corporation may maintain insurance, at its own expense, to protect

itself and any such person against any such liability, cost, or expense, whether or not the Corporation would have the power to indemnify such person against such liability, cost, or expense under the Kentucky Nonprofit Corporation Acts or under this article, but it shall not be obligated to do so. The indemnification provided by this article shall not be deemed exclusive of any other rights which those seeking indemnification may have or hereafter acquire under any bylaw, agreement, statute, vote of board of directors, or otherwise. If this article or any portion thereof shall be invalidated on any ground by any court of competent jurisdiction, then the Corporation shall nevertheless indemnify each such person to the full extent permitted by any applicable portion of this article that shall not have been invalidated or by any other applicable law.

ARTICLE XII – Limitations.

- A. The Corporation is not organized for pecuniary profit nor shall it have any power to issue certificates of stock or declare dividends, and no part of its net earnings shall inure to the benefit of any director.
- B. No part of the net earnings of the Corporation shall inure to the benefit of, or be distributable to its trustees, officers, or other private persons, except that the Corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in Article VI hereof. No substantial part of the activities of the Corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the Corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office. Notwithstanding any other provision of these articles, the Corporation shall not carry on any other activities not permitted to be carried on (a) by a Corporation exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future federal tax code, or (b) by a corporation, contributions to which are deductible under section 170 (c)(2) of the Internal Revenue Code, or the corresponding section of any future federal tax code.
- C. The Corporation is intended to be a not for profit corporation. The Corporation shall not merge with a for-profit entity.
- D. In the event the Corporation receives funds through a governmental Grant, the Corporation may only use or distribute the funds from that Grant in accordance with the terms and

conditions authorized by that Grant. However, this limitation on the Corporations ability to use or distribute funds received from Grants, does not limit the Corporation's ability to use, spend, or distribute other funds received by other sources.

ARTICLE XIII – Dissolution.

Upon the dissolution of the organization, assets shall be distributed for one or more exempt purposes within the meaning of Section 501 (c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a state or local government, for a public purpose. Any such assets not disposed of shall be disposed of by a court of competent jurisdiction in the county in which the principal office of the organization is then located, exclusively for such purposes or to such organization or organizations, as said Court shall determine, which are organized and operated exclusively for such purposes.

Interpretation of Articles.

It is the intention that the objects specified in these Articles shall not be restricted by reference to, or inference from, any other clause or expressions in these Articles, and that the use of general terms herein shall be construed to enlarge, and to not restrict, the use of specific terms.

In witness whereof, Jennifer Jameson, the incorporator, has set her hand this ____ day of November, 2018.

Jennifer Jameson

COMMONWEALTH OF KENTUCKY
COUNTY OF MARSHALL

The foregoing Articles of Incorporation of 42nd Judicial Circuit Community Corrections Board, Inc. were acknowledged before me this _____ day of November, 2018 by Jennifer Jameson (personally known to me or proved to me on the basis of satisfactory evidence), Organizer on behalf of the Corporation.

Notary Public
My commission expires: _____

CONSENT OF INITIAL REGISTERED AGENT

Pursuant to the provisions of KRS Ch 273, the undersigned, as the initial registered agent identified in Article III of the Articles of Incorporation of 42nd Judicial Circuit Community Corrections Board, Inc., hereby consents to serve as the Registered Agent of the Corporation until such time as such appointment is terminated or until the undersigned resigns in accordance with the Kentucky Nonprofit Corporation Act.

Jennifer Jameson

COMMONWEALTH OF KENTUCKY
COUNTY OF MARSHALL

The foregoing Consent of Registered Agent was acknowledged, subscribed and sworn to before me this _____ day of November, 2018 by Jennifer Jameson (personally known to me or proved to me on the basis of satisfactory evidence).

Notary Public
My commission expires: _____

This instrument was prepared by:

Dominik Mikulcik
Staff Attorney to Judge James T. Jameson
80 Judicial Drive
Benton, Kentucky 42025

Appendix D

Emails Between Judge Jameson
& Justice Employee Tim
Haverlik

Jameson, James

From: Havrilek, Tim T (Justice) <Tim.Havrilek@ky.gov>
Sent: Wednesday, February 27, 2019 1:37 PM
To: Jameson, James
Subject: Corrections Commission Community Grant Letter
Attachments: Corrections Commissione FY-20 Grant Letter Final Draft.doc

Jameson, James

From: Jameson, James
Sent: Wednesday, February 27, 2019 3:04 PM
To: Havrilek, Tim T (Justice)
Subject: RE: Corrections Commission Community Grant Letter

Tim,

Thank you so much! It was great talking to you today. I'm sure we will be talking again soon. Till then, best wishes from the West!

From: Havrilek, Tim T (Justice) <Tim.Havrilek@ky.gov>
Sent: Wednesday, February 27, 2019 1:37 PM
To: Jameson, James <JamesJameson@kycourts.net>
Subject: Corrections Commission Community Grant Letter

Appendix E

Documentation of Equipment Provider by
Other Local Providers Being Easily
Removed and Putting Victims at Risk
and/or Permitting Perpetrators to Avoid
Justice, & Other Problems

Jameson, James

From: Jameson, James
Sent: Thursday, October 17, 2019 11:05 AM
To: Brown, Gina
Cc: James Burkeen (42nd JC); Powers, Shannon S (DPA)
Subject: Re: Bench Warrant; Harry Starr 19-CR-57

That is correct.

Sent from my iPhone

On Oct 17, 2019, at 11:03 AM, Brown, Gina <GinaBrown@kycourts.net> wrote:

Per verbal communication, Judge Jameson requested warrant to be entered immediately, due to defendant removing ankle monitor.

Gina Brown

Deputy Clerk

<image001.png>

Kentucky Court of Justice Confidentiality Notice

This message and/or attachment is intended only for the addressee and may contain information that is privileged, confidential and/or proprietary work product. If you are not the intended recipient, or an authorized employee, agent or representative of the intended recipient, do not read, copy, retain or disseminate this message or any attachment. Do not forward this message and attachment without the express written consent of the sender. If you have received this message in error, please contact the sender immediately and delete all copies of the message and any attachment. Transmission or misdelivery shall not constitute waiver of any applicable legal privilege.

Jameson, James

From: Green, Cara
Sent: Friday, January 18, 2019 3:06 PM
To: Sager, Sarah; Dennis Foust (42nd JC); Crystal Thompson (38th JC); Jameson, James
Subject: Re: John Alderdice call RE: Timothy Christian Crouse

Typically, the attorney will bring up this at time of sentencing or their motion (if not sentenced) to remove the monitor. I do not recall Alderdice mentioning the monitor at all. If the defendant or attorney do not mention it, the court really doesn't know it needs to be removed. We have always as a courtesy to the defendant messaged the provider to let them know that the removal request has been granted or case is disposed. However, in this situation where the court isn't advised, the defendant should have directly contacted the provider. I would hope that then, the provider would contact the clerks or someone in the court to verify this or obtain documentation to remove it asap. However, you know the issues that we have had with the monitor company giving a hard time about paperwork etc when it comes to removal. I am sorry this fell through the cracks. If I had known, I would have immediately notified the provider as usual. Hopefully, we will not have these issues much longer.

Cara Green
Assistant Regional Supervisor
Pretrial Services

Cara Green
Assistant Regional Supervisor
Pretrial Services-Region 1
Cell: (270) 252-4848

From: Jameson, James
Sent: Friday, January 18, 2019 2:44:03 PM
To: Sager, Sarah; Dennis Foust (42nd JC); Crystal Thompson (38th JC)
Cc: Green, Cara
Subject: RE: John Alderdice call RE: Timothy Christian Crouse

I don't know who dropped the ball, but after someone is sentenced, the company that owns the monitor should automatically remove it. We do not issue orders or instructions regarding their removal after sentencing. The defendant is clearly not on bond after they are sentenced.

From: Sager, Sarah
Sent: Friday, January 18, 2019 12:10 PM
To: Jameson, James <JamesJameson@kycourts.net>
Subject: FW: John Alderdice call RE: Timothy Christian Crouse
Passing this info on to you.

From: Brown, Gina
Sent: Friday, January 18, 2019 11:41 AM
To: Sager, Sarah <SarahSager@kycourts.net>
Subject: FW: John Alderdice call RE: Timothy Christian Crouse
Sarah,
Just wanted to make sure you seen this after we had spoken yesterday.
I am going to lunch now but will watch for replies.
-Gina

From: Dennis Foust (42nd JC) <dfoust@prosecutors.ky.gov>
Sent: Friday, January 18, 2019 11:17 AM

To: Crystal Thompson (38th JC) <cthompson@prosecutors.ky.gov>

Cc: Jameson, James <JamesJameson@kycourts.net>; Brown, Gina <GinaBrown@kycourts.net>

Subject: Re: John Alderdice call RE: Timothy Christian Crouse

The Commonwealth does not object to ankle monitor being removed from defendant, as he has been sentenced.
Dennis Foust

Sent from my iPhone

On Jan 18, 2019, at 10:44 AM, Crystal Thompson (38th JC) <cthompson@prosecutors.ky.gov> wrote:

Mr. Alderdice called and stated this person was sentenced Tuesday and was supposed to get his ankle monitor off. This has not happened. He has called the Judge's office and was told he needed to hear from our office before this is done. Mr. Alderdice said this was time sensitive because Crouse is supposed to go for an MRI later today. I do not know anything about this and told him I would get the message to you all ASAP.

Thanks,
Crystal

Jameson, James

From: Sager, Sarah
Sent: Wednesday, August 28, 2019 8:45 AM
To: Jameson, James
Subject: FW: Jessie Gorrell
Attachments: Gorrell DUI.pdf

Is this acceptable?

From: Goselin, Todd J (DOC) <toddj.goselin@ky.gov>
Sent: Wednesday, August 28, 2019 8:38 AM
To: Sager, Sarah <SarahSager@kycourts.net>
Subject: Jessie Gorrell

Good morning,

Ms. Gorrell faxed me this and wanted to check if this was acceptable for a DUI class. She's also worried that she won't be able to get the alcohol monitor in place within 10 days and is asking for a short extension. She was called by Ensite in Paducah and they are having her drive from her house in MO to Paducah to swap out ankle monitors as something was wrong with hers. She was supposed to have an appointment today for the monitor at 5PM but I doubt she makes it. So far she has been in consistent contact with me. I told her I would ask about her concerns.

TODD GOSELIN
PROBATION AND PAROLE OFFICER
312 N. 4TH STREET
MURRAY, KY 42071
(270) 753-7980

Trigg Murder suspect cut off monitor:

GENTRY, JAMES WILLIAM as **DEFENDANT / RESPONDENT**

DOB: **07/07/1975** Race: **W** Sex: **M** Hispanic: **N** Eye Color: **BE** Hair Color: **GY** Height: **600**
Weight: **180**

Bail Bonds

• **NO BAIL SET**

• **PARTIALLY**

bond remains
\$1,000,000.00 with

• **PROPERTY**

bond remains
\$1,000,000.00 but

• **CASH** for

"house arrest"
monitored by a

HOPKINSVILLE, KY. (WKRN) – Hopkinsville police are searching for a murder suspect out of Trigg County.

According to Hopkinsville police, 46-year-old James W. Gentry is a murder suspect in Trigg County. He was released on an ankle monitor. Police say on Tuesday morning he cut off his ankle monitor. His last known location was on the corner of Coxmill & Wooldridge Road.

Jameson, James

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Sent: Friday, January 18, 2019 2:44 PM
To: Sager, Sarah; Dennis Foust (42nd JC); Crystal Thompson (38th JC)
Cc: Green, Cara
Subject: RE: John Alderdice call RE: Timothy Christian Crouse

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To: Sager, Sarah <SarahSager@kycourts.net>
Subject: FW: John Alderdice call RE: Timothy Christian Crouse

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Sent: Friday, January 18, 2019 11:17 AM
To: Crystal Thompson (38th JC) <cthompson@prosecutors.ky.gov>
Cc: Jameson, James <JamesJameson@kycourts.net>; Brown, Gina <GinaBrown@kycourts.net>
Subject: Re: John Alderdice call RE: Timothy Christian Crouse

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Dennis Foust

Sent from my iPhone

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Thanks,

**COMMONWEALTH OF KENTUCKY
MARSHALL CIRCUIT COURT
INDICTMENT NO. 20-CR-120
ELECTRONICALLY FILED**

COMMONWEALTH OF KENTUCKY

PLAINTIFF

V.

DEFENDANT

WILLIAM HOLT

MOTION TO REVOKE BOND

Comes the Commonwealth, through undersigned Counsel, and hereby moves the Court to revoke the Defendant's bond and issue a warrant for his arrest in the above styled case. As grounds, the Commonwealth states that on January 8, 2021, Sondra Meeks contacted the Commonwealth to advise William Holt was not paying his fee and was not answering text messages. Upon this information, the Assistant Commonwealth's Attorney, Crystal L. Thompson filed a Motion to Revoke Bond and requested a warrant. The Court ordered a warrant be issued.

Shortly after, Ms. Meeks advised she DID in fact know the whereabouts of the Defendant. Concerned the Court had been put under the false impression the Defendant's whereabouts were unknown, the Commonwealth immediately informed the Court this was not the case and withdrew the Motion.

On October 20, 2021, the Commonwealth was advised the battery has been dead on the Defendant's ensight GPS for a significant period of time and his whereabouts are unknown.

RESPECTFULLY SUBMITTED,



COMMONWEALTH ATTORNEY'S OFFICE

NOTICE

Please take notice that the foregoing will come on for hearing before the Hon. James Jameson, Judge of the Marshall Circuit Court in the Circuit Courtroom of the Marshall County Judicial Building on October 26, 2021 at 1:00 p.m. or as soon thereafter as Counsel may be heard.

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing Motion was served upon the Defendant's Counsel, the Hon. Amy Harwood-Jackson via electronic mail at amy.harwoodjackson@ky.gov, this the 22nd day of October 2021.



CRYSTAL L. THOMPSON

Appendix F

Statutes Setting Out Mandatory
Requirements For County Judicial Courts
to Utilize GPS Program, and Memo From
Mikulcik to County Attorneys Setting Out
Law on Issues

Baldwin's Kentucky Revised Statutes Annotated

Title IX. Counties, Cities, and Other Local Units

Chapter 67. County Government (Fiscal Courts and County Commissioners) (Refs & Annos)

City-County Governmental Buildings

KRS § 67.372

67.372 County administration of global positioning monitoring system program; conditions; agreements between counties; administrative fee

Effective: January 1, 2016

Currentness

Any county or combination of counties may operate a global positioning monitoring system program subject to the following conditions:

(1) The program shall be assigned by ordinance to a county department or county agency that agrees to operate or supervise the program continuously, twenty-four (24) hours per day, seven (7) days per week;

(2) Each county shall identify a law enforcement agency or agencies with jurisdiction in the county to assist a petitioner, victim, or witness when a person ordered to wear a monitoring device violates the provisions of the court's order and is in need of assistance;

(3) A county or counties electing to contract with an entity providing a global positioning monitoring system and devices shall meet not less than all of the requirements of this section and **KRS 403.761** and **456.100**;

(4) Each county shall monitor the performance of the entity providing the global positioning system and devices and shall have a provision in the contract with the monitoring entity agreeing to the termination of the contract in the event of serious or continued violations of the contract;

(5) Any system chosen shall use the most appropriate global positioning technology to track the person ordered to wear the monitoring device and shall include technology that:

(a) In a domestic violence case under **KRS 403.715** to **403.785** or any case under **KRS Chapter 456**:

1. Notifies law enforcement or other monitors of any breach of the court-ordered boundaries;

2. Notifies the petitioner in a timely manner of any breach; and

3. Allows monitors to communicate directly with the person ordered to wear the monitoring device; and

(b) In other situations in which monitoring is authorized by **KRS 67.374, 431.517, 431.518, 431.520, 456.100, 533.030, and 533.250** the contracting county or combination of counties shall, in the contract, specify the type and level of global positioning monitoring system services desired;

(6) The monitoring entity shall agree to a price for monitoring during the duration of the contract which shall not be increased but may be reduced during the duration of the contract. The contract shall provide that reduced payments shall be accepted by the vendor as a full payment for all purposes from persons determined to be indigent by a court or other authority ordering the use of monitoring. In bidding for the contract the vendor may take into account that some monitored persons will not be able to pay the full cost of the monitoring or may not be able to pay any cost for the monitoring. The contract shall specify that no unit of state or local government and no public officer or employee shall be liable for the costs of monitoring under the contract. Notwithstanding the provisions of this subsection, a county or counties may agree to pay all or a part of the monitoring fee to the monitoring entity if the county would have otherwise been required by a court to place a person in jail at county expense and the cost of the monitoring is less than the cost of placing the person in jail;

(7) Agreements between counties for monitoring services may, with the approval of their governing bodies, be consummated by a contract signed by all counties party thereto or by an interlocal cooperation agreement;

(8) A county utilizing a global positioning monitoring system program may charge an administrative fee to a person ordered to participate in a global positioning monitoring program to provide for the county's cost in administering the monitoring program. The fee shall be set by ordinance and shall be in addition to the fee charged by the entity contracted to provide the monitoring; and

(9) **KRS Chapter 456 and KRS 403.715 to 403.785** shall not apply to a person ordered to participate in a global positioning monitoring system under **KRS 431.517, 431.518, 431.520, 533.030, and 533.250**. The provisions of a court order that relate to a person ordered to participate in a global positioning monitoring system pursuant to **KRS 431.517, 431.518, 431.520, 533.030, and 533.250** shall govern that person's conduct and any reporting or other requirements ordered by the court.

Credits

HISTORY: 2015 c 102, § 39, eff. 1-1-16; 2010 c 170, § 9, eff. 7-15-10

KRS § 67.372, KY ST § 67.372

Current through laws effective April 26, 2022 and the Nov. 3, 2020 election. Some sections may be more current, see credits for details.

End of Document

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Baldwin's Kentucky Revised Statutes Annotated

Title IX. Counties, Cities, and Other Local Units

Chapter 67. County Government (Fiscal Courts and County Commissioners) (Refs & Annos)

City-County Governmental Buildings

KRS § 67.374

67.374 County global positioning monitoring system program; request for and acceptance of public bids; monitoring of successful bidder; other uses of program permitted; confidentiality of system information

Effective: January 1, 2016

Currentness

- (1) "Global positioning monitoring system" has the same meaning as in KRS 403.720.
- (2) A county or combination of counties electing to participate in a global positioning monitoring system program shall, by ordinance, set other requirements for global positioning monitoring system devices and for the operation of the global positioning monitoring system which shall include, at a minimum, the requirements contained in KRS 403.715 to 403.785, KRS 456.100, the provisions of this section, and **KRS 67.372**.
- (3) A county or combination of counties electing to participate in a global positioning monitoring system program shall, through a public bid process, select an entity or entities to provide the best available technology with regard to global positioning monitoring system devices that meet the requirements of this section and **KRS 67.372**, 403.761, and 456.100 and a system that meets those same requirements, including but not limited to the acceptance of reduced fees for petitioners and indigent persons ordered to wear a monitoring device.
- (4) A person, county, or combination of counties electing to participate in a global positioning monitoring system program shall continuously monitor the performance of successful bidders, receive complaints regarding service, and conduct hearings pursuant to KRS Chapter 13B which may result in penalties as set out in the contract against an entity providing global positioning monitoring system services or which may result in cancellation of the contract with the provider of the service, or both. The provisions of this subsection shall be part of any bid offering and any contract entered into between the county or combination of counties and an entity providing global positioning monitoring system services.
- (5) A county or combination of counties electing to operate a global positioning monitoring system program may utilize that program for:
- (a) Monitoring a respondent and petitioner pursuant to KRS 403.715 to 403.785 or 456.100;

(b) Monitoring the pretrial release of a person charged with a crime pursuant to KRS 431.515 to 431.550;

(c) Monitoring a person assigned to a pretrial diversion program pursuant to KRS 533.250 to 533.262; and

(d) Monitoring a person granted probation or conditional discharge pursuant to KRS Chapter 533.

(6) Information obtained by a global positioning monitoring system shall not be a public record.

(7) Information obtained by a global positioning monitoring system shall be used only for the purpose of verifying the location of the monitored person. Global positioning monitoring system information obtained from persons subject to monitoring pursuant to KRS 403.715 to 403.785 or 456.100 shall not be utilized for any criminal investigation, prosecution, or other criminal justice related purpose without a valid search warrant or order issued by a court of competent jurisdiction. Information obtained in violation of this subsection or without a valid search warrant or court order shall be inadmissible in court for any purpose.

(8) Any person or organization who knowingly or wantonly divulges global positioning monitoring system information about any person in violation of subsection (6) or (7) of this section shall be guilty of a Class A misdemeanor.

Credits

HISTORY: 2015 c 102, § 40, eff. 1-1-16; 2010 c 170, § 10, eff. 7-15-10

KRS § 67.374, KY ST § 67.374

Current through laws effective April 26, 2022 and the Nov. 3, 2020 election. Some sections may be more current, see credits for details.

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Baldwin's Kentucky Revised Statutes Annotated

Title XXXV. Domestic Relations

Chapter 403. Dissolution of Marriage; Child Custody (Refs & Annos)
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Domestic Violence and Abuse

KRS § 403.761

403.761 Amendment of domestic violence order to require participation in global positioning monitoring system; cost to be paid by respondent and system operator; shortening or vacating of order; penalty for violation

Effective: January 1, 2016

Currentness

(1) Upon a petitioner's request and after an evidentiary hearing, a court may amend a domestic violence order to require a respondent to participate in a global positioning monitoring system if:

- (a) The respondent has committed a substantial violation of a previously entered domestic violence order;
- (b) The court has reviewed an updated history of the respondent's Kentucky criminal and protective order history; and
- (c) The court makes a factual determination that the use of a global positioning monitoring system would increase the petitioner's safety.

(2) An order requiring participation in a global positioning monitoring system shall:

- (a) Require the respondent to pay the cost of participation up to the respondent's ability to pay, with the system operator bearing any uncovered costs for indigent respondents;
- (b) State with specificity the locations or areas where the respondent is prohibited from being located or persons with whom the respondent shall have no contact;
- (c) Include the date that the order expires, which shall be no longer than the expiration date of the domestic violence order, although participation may be extended if the underlying order is extended;

(d) Require the entity that operates the monitoring system to immediately notify the petitioner, the local law enforcement agency named in the order, and the court if a respondent violates the order; and

(e) Include any other information as the court deems appropriate.

(3) The Administrative Office of the Courts shall prepare a publicly available informational pamphlet containing information on the method of applying for, hearing, amending, and terminating an order requiring participation in a global positioning monitoring system.

(4) (a) The Supreme Court may establish by rule a sliding scale of payment responsibility for indigent defendants for use in establishing required payments under subsection (2) of this section.

(b) A person, county, or other organization may voluntarily agree to pay all or a portion of a respondent's monitoring costs specified in this section.

(5) An order requiring participation in a global positioning monitoring system may be shortened or vacated by the court either:

(a) Upon request of the petitioner; or

(b) Upon request of the respondent after an evidentiary hearing, if the respondent has not violated the order and:

1. Three (3) months have elapsed since the entry of the order; and

2. No previous request has been made by the respondent in the previous six (6) months.

(6) A respondent who fails to wear, removes, tampers with, or destroys a global positioning monitoring system device in contravention of an order entered under this section shall be guilty of a Class D felony.

Credits

HISTORY: Repealed and reenacted by 2015 c 102, § 16, eff. 1-1-16; 2014 c 141, § 5, eff. 7-15-14; 2010 c 170, § 7, eff. 7-15-10

KRS § 403.761, KY ST § 403.761

Current through laws effective April 26, 2022 and the Nov. 3, 2020 election. Some sections may be more current, see credits for details.

End of Document

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TO: Hon. Bryan Ernstberger, Hon. Jason Darnall
FROM: Dominik Mikulcik
RE: Ankle Monitor Program
DATE: May 10th, 2019

Background

The Calloway and Marshall County Fiscal Courts have agreed to jointly address the growing incarceration rates in both counties through the adoption of a global position monitoring system program. A global positioning monitoring system is a system that electronically determines a person's location through a device worn by the person which does not invade his or her bodily integrity and which transmits the person's latitude and longitude data to a monitoring entity.¹ Counties may operate global positioning monitoring system (GPS) programs,² and two or more counties may jointly pursue this kind of program by an interlocal cooperation agreement or by contract.³

Selecting a GPS Provider

If the counties pursue a GPS program, the GPS technology provider shall be selected by public bid.⁴ A county that chooses to utilize a GPS system must assign by ordinance the duty to continuously operate or supervise the program to a county department or agency.⁵ The supervising authority must receive complaints, if any, regarding the GPS services and then hold an administrative hearing, pursuant to KRS chapter 13B, which may result in penalties, including cancellation of the contract with the GPS service provider; notice of this requirement shall be included in the bid offering and any subsequent contract.⁶ The supervisory agency does not have to be law enforcement, but the county must identify law enforcement agencies able to assist a petitioner, victim, or witness in need of assistance should the wearer of the GPS system violate the court's order.⁷

Commented [MD1]: The procedure for public bids can probably be found in KRS 45A. However, I am uncertain, at this time, whether that is the correct procedure or not.

¹ KRS § 67.374 (1) citing KRS § 403.720 (4).

² KRS § 67.372

³ KRS § 67.372 (7).

⁴ KRS § 67.374 (3).

⁵ KRS § 67.372 (1) and KRS § 67.372 (4).

⁶ KRS § 67.374 (4)

⁷ KRS § 67.372 (2).

The county must also contract with the monitoring entity. There does not appear to be a requirement that the monitoring entity be the same as the bidding entity. This is significant because the contract with the monitoring entity caps the costs of monitoring, as explained below. The contract with the monitoring entity must provide that in the event of a serious violation or continual violations by the contractor, the contract shall be terminated.⁸ The County shall specify the **type and level** of GPS services desired in their contract with the monitoring entity in situations authorizing GPS monitoring under KRS §§ 67.374, 431.517, 431.518, 431.520, 456.100, 533.030, and 533.250 that are not otherwise domestic violence cases under KRS § 403.715 – KRS § 403.785, or KRS Chapter 456.⁹

Level of Supervision

The county ordinance adopting the GPS program must comply with KRS § 403.715 – 403.785, 456.100 and 67.372.¹⁰

All county GPS programs must comply with domestic violence orders under KRS § 403.761 and interpersonal protective orders under KRS § 456.100.¹¹

Courts may amend **domestic violence orders**¹² or **interpersonal protective order**¹³ to require a GPS device. This order shall require the respondent/defendant to pay the cost of participation in his ability to do so.¹⁴ The Kentucky Supreme Court may establish a sliding scale for an indigent's payment responsibilities.¹⁵ The system operator shall bear any costs an indigent defendant is unable to pay.¹⁶ However, others may voluntarily agree to pay monitoring costs, such as the county.¹⁷ The court's order shall specify locations and persons the respondent/defendant must avoid and the date the order will expire.¹⁸ The period the respondent/defendant must wear the GPS device may be

⁸ KRS § 67.372 (4).

⁹ KRS § 67.372 (5) (a) and KRS § 67.372 (5) (b).

¹⁰ KRS § 67.374 (2)

¹¹ KRS § 67.372 (3)

¹² KRS § 403.761 (1)

¹³ KRS § 456.100

¹⁴ KRS § 403.761 (2) (a) and KRS § 456.100 (2)

¹⁵ KRS § 403.761 (4) (a) and KRS § 456.100 (4)(a)

¹⁶ KRS § 403.761 (2) (a) and KRS § 456.100 (2)(a)

¹⁷ KRS § 403.761 (4) (b) and KRS § 456.100 (4)(b)

¹⁸ KRS § 403.761 (2) (b), 403.761 (2)(c), 456.100 (2)(b), and 456.100 (2)(c)

shortened or extended by the court.¹⁹ The order shall further require the entity operating the monitoring system to immediately notify the petitioner/victim, local law enforcement described in the order, and the court of any violations.²⁰

In domestic violence situations that fall within KRS § 403.715—403.785 or within chapter 456, the GPS system shall at a minimum include:

1. Notification to law enforcement or monitors (such as 911) of any breach of court-ordered boundaries;
2. Timely notification to the respondent/petitioner of any breach; and
3. The GPS monitors must be able to directly communicate with the defendant ordered to wear a GPS device.²¹

A court order shall govern the conduct of defendants who are subject to GPS monitoring under KRS 431.517, 431.518, 431.520, 533.030, and 533.250 and the provisions as set out in KRS 456, 403.715-403.785 shall not apply to them.²²

KRS 431.517 applies to defendants serving home incarceration. If the court requires the defendant to wear a GPS device, it shall require the defendant to pay all or a portion of the monitoring costs based on the Supreme Court's sliding scale for indigent persons and administrative costs for participating.²³ However, others may voluntarily agree to pay monitoring costs.²⁴ The court shall provide the conditions of supervision and the contact information of the Commonwealth Attorney's Office to the GPS Monitor.²⁵

¹⁹ KRS § 403.761 (2)(c), 403.761 (5), 456.100 (2)(c), and 456.100 (5)

²⁰ KRS § 403.761 (2) (d) and 456.100 (2)(d)

²¹ KRS § 67.372 (5) (a).

²² KRS § 67.372 (9)

²³ KRS § 431.517 (4)(a)

²⁴ KRS § 431.517 (5)

²⁵ KRS § 431.517 (4)(b) and KRS § 431.517 (4)(c)

The same conditions that apply as to defendants monitored under home incarceration per KRS 431.517 apply to Defendants released on bail,²⁶ pretrial release,²⁷ conditional discharge and probation.²⁸

KRS 533.250 applies to defendants participating in a felony pretrial diversion program. If the court requires the defendant to wear a GPS device, it shall require the defendant to pay all or a portion of the monitoring costs after consideration of the Supreme Court's sliding scale for indigent persons and administrative costs for participating.²⁹ There is no requirement the court follow the indigency scale, only that the fee for indigents be less than for non-indigents. Others may voluntarily agree to pay monitoring costs.³⁰ The court shall provide the conditions of supervision and the contact information of the Commonwealth Attorney's Office to the GPS Monitor.³¹

Limitations on the Use of Obtained Information

Information obtained via the GPS shall not be public record³² and shall be used only to verify the location of the monitored person.³³ If the person is being monitored pursuant to KRS 403.715-403.785, or 456.100, the GPS information cannot be used in any criminal investigations, prosecutions, or other criminal justice purposes without a search warrant or court order.³⁴

Costs

The cost for monitoring may not increase during the contract.³⁵ It is unclear whether the cost for the GPS device may be increased during the contracting period (if damages occur). However, KRS § 67.372 (6) also requires the monitoring entity to accept a reduced payment for all purposes from persons determined to be indigent by the court. Although nothing requires a specific reduction of the fee (it could theoretically be one cent). Furthermore, the contract must make clear that the local government, the state, a unit thereto, or employees thereto may not be liable for the cost of monitoring.³⁶ However, the county may nevertheless volunteer to pay monitoring costs when it

²⁶ KRS 431.520 (5)

²⁷ KRS 431.518 (5)

²⁸ KRS 533.030 (2)(n)

²⁹ KRS § 533.250 (3)(a)

³⁰ KRS § 533.250 (4)

³¹ KRS § 533.250 (3)(b) and 533.250 (3)(c)

³² KRS § 67.374 (6)

³³ KRS § 67.374 (7)

³⁴ KRS § 67.374 (7)

³⁵ KRS § 67.372 (6)

³⁶ KRS § 67.372 (6)

would otherwise incur a greater expense by incarcerating the defendant.³⁷ The county may also by ordinance charge an administrative fee in addition to the fee charged by the monitoring entity.³⁸

How program should function

Consistent with the presentations made to both the Marshall & Calloway county fiscal courts and discussions with all effected agencies, it is believed that the following should be included in the RIP:

1. **Ankle monitor requirements.** That RIP should also dictate that the provider make available ankle monitors that have all of the provisions as the Relialert XC3 manufactured by Track Group as well as the accompanying high risk offender bracelet equivalent to the Track Group 'Securecuff' (encased hardened steel band), and that this device contain fiber optics within its bracelet and notify the monitoring agency of any tampering, and that the device have the ability for the monitoring agency to communicate directly with any offender through 2-way/3-way voice communications delivered via satellite and when satellite is not available temporarily due to the wearer's specific location, do so through triangulation via cellular phone technology such that, if one technology fails, the other will not, thus permitting constant access to two-way/three-way voice communication with the wearer of the device.
2. Any device described in #1 above, must provide live reads regarding location and compliance at least every 2 seconds, provide advanced digital/anti-jamming technology to prevent signal jamming, zones and curfews stored on the device must be assessed every two seconds, provide 55+ hours of operation on one battery charge, utilize an on-board battery to power the device which will last 500 charges or more, contain a 95db or louder siren that may be activated by the monitoring agency or the providing contractor immediately upon request, offer GPS location accuracy with 6.5' to no greater than 50', provide the ability for the contractor or monitoring agency to set off alerts of the following nature: LED, siren of 95db or louder, vibration, and various audio tones, work in conjunction with an RF beacon, be IP68 certified to be waterproof up to 20ft., allow for operating temperature range of -4 degrees Fahrenheit up to 140 degrees Fahrenheit, be able to transmit location, SMS, and all other data during voice calls.
3. Any contractor must provide software for non-cell phone electronic devices such as laptops, desktops, and tablets, as well as an APP that can operate from any cellular phone and fully control the functionality of this and all other devices provided by the contractor. Any contractor must also provide a victim alert system that can be operated via any smartphone by an alleged victim of criminal activity, and that system must work in conjunction with the offender's monitoring device in such a manner as to alert the alleged victim of the presence of the offender within a specified distance of the offender. This technology should be substantially similar to the "Empower" software provided by Track Group.

³⁷ KRS § 67.372 (6)

³⁸ KRS § 67.372 (8)

4. Any such software/APP set out in #3 above, shall accomplish victim location, alarm and phone information transmitted via the victim's cellular carrier or Wi-Fi; Tracking/Reporting Intervals must be approx. once per minute or less. Such software must allow the alleged victim to be alerted the offender is within a "zone" set by the monitoring agency, and then permit the alleged victim to press a Panic Button that sends an alarm to the contracting company center and system; and initiates an outbound call to a pre-configured phone number. This APP or software must also have the ability to initiate an outbound call to a configured phone number with the press of one button.
5. Once the APP referenced in #3 and #4 above is installed, it must communicate automatically with the contractor's system and sync any victim's smartphone with the offender's tracking device; activating the "mobile zone" created by the monitoring agency. This zone must move with the smartphone and an alert be generated if the offender breaches the zone parameters.
6. **Alcohol monitoring device.** The contractor must also make available, at the request of the monitoring agency, a reasonable number of electronic devices similar in purpose to the "BACtrack mobile" device manufactured by Track Group. The device must be able to sync with any smartphone and, upon installation of the necessary software on the smartphone, take regular, accurate readings, as to be determined by the monitoring agency, of the participant's Blood Alcohol Concentration while videoing the participant taking the test in order to confirm his/her identity. Such software must also deliver push notifications in advance of any test to alert the user that he/she should prepare to submit. This device must also cause the GPS location of the participant at the time of every BAC test to be delivered to the monitoring agency.
7. **No payment until device activated, Availability of Devices, etc.** The contractor must provide a reasonable number of each type of unit described above to the contracting agency with no charge of any kind being billed to the contracting agency or any other responsible for payment until such time as that device is installed and turned on for operation with respect to a specific offender. The contractor must provide enough additional units requested by the contracting agency to ensure the contracting agency always has units available in sufficient number as to be determined by the contracting agency.
8. **Initial and Follow up Personnel training.** The contractor must provide, at no additional charge, initial and regular follow up training as needed to those installing and operating the supervisory software regarding all equipment made available via this contract.
9. Upon installation, all devices must automatically become accessible and under the surveillance of the monitoring agency.
10. For any "low battery" indicators or other non-emergency matters initiated by any device, the contractor is responsible for communicating with the user of any device subject to this contract and responsible for attempting to resolve said issue without contacting the monitoring agency. Only if sufficient compliance is not gained within a reasonable amount of time must the contractor or its designee then contact the monitoring agency regarding the "low battery" or similar, non-emergency, alert situation.
11. Any damage caused to any device or bracelet, shall have a set repair or replacement cost to be determined as part of the contract. That cost, nor any other cost may increase during the duration of any contract between contractor and the county governments.

As for internal operations, again, consistent with discussions with both fiscal courts as well as all involved agencies, the following is recommended (this information is not intended to be verbatim included into the RFP, but is a guideline for how the system might operate functionally):

1. A program be instituted wherein Marshall & Calloway fiscal courts put out a RFP on this subject in order to develop an ankle monitoring and other electronic device monitoring program consistent with the statutes cited above. With their agreement, the Calloway County Sheriff's 1-911 would be the monitoring agency for all devices installed as part of a Calloway court action, and the Marshall County 1-911 responsible for the same with respect to matters arising out of Marshall court actions.
2. The devices should be installed, by their agreement, by members of the Calloway and Marshall County jail staff respectively for inmates housed in those jails at the time of installation. Once the device is activated, the device will automatically be added to the devices being monitor by 1-911 for Marshall and Calloway counties respectively.
3. Routine reports of "low battery" charge levels should be handled by the contractor without involving the monitoring local agency unless sufficient compliance is not gained within a reasonable amount of time.
4. The fee for the use of all devices shall be paid by the offender utilizing the device with a deposit of one month of the total fees to be paid in advance prior to the release of the offender from incarceration, if he/she be incarcerated. Thereafter, the offender shall pay all fees associated with the device every two weeks to the Circuit Clerk, such that he/she is always paid in advance by two weeks.
5. The Circuit Clerk for the county the action which subjects the offender to the jurisdiction of a court shall monitor the payment of fees and alert the monitoring agency every two weeks of any person that is behind at all in their monitoring fees. Said offender shall be provided one week to bring all payments up to date and, thereafter, must be reported by the Circuit Clerk to the office of the prosecutor handling the criminal action. That prosecutor must then immediately file notice with the court with jurisdiction of the failure of the offender to pay monitoring fees as agreed.
6. Any damage caused to any unit should be the responsibility of the offender, but if that is not paid within a reasonable time by the offender, such costs shall be paid by the county governments party to the contract, or may be paid by any other person or entity in their stead.

Appendix G

Information from Recovery Ky.
Project Coordinator Including
List of RKC Facilities & How
that Program Works

Judge Jamie Jameson
80 Judicial Dr.
Benton, KY 42025

Re: Programming of RKC network

Dear Judge Jameson:

It was good to speak with you again today. I am very glad that many of the things you and I first discussed years ago have come to fruition in your courts. In our conversation today, you asked if I would set out how the Recovery Kentucky Program works. The following information is provided in an attempt to provide the requested information.

The Recovery Kentucky Program (RKC) has been in existence for over 15 years. RKC programs are not required to be licensed under Kentucky law. Prior to the Recovery Kentucky initiative, the "recovery" model utilized at these facilities was reviewed by the Inspector General's Office of the Cabinet for Health and Family Services in approximately 2002. The social recovery model utilized at RKC facilities was determined to be a "recovery model" and not a substance abuse treatment model. As such, no licensure was/is required. The social model of recovery relies on education, introduction to the 12- step program, and mentoring by persons in recovery who are helping others achieve sobriety.

The RKC program was initially put in place as a way to address homelessness in Kentucky. Men and women who were homeless and living in shelters in Louisville, Kentucky were often debilitated due to their addiction to alcohol or drugs. The Healing Place of Louisville started a recovery program at their homeless shelter utilizing men (and later women) who were in recovery from alcohol and drug abuse who were willing to mentor and educate those men who were previously in active addiction but wanting a better life. The founders of The Healing Place discovered, with trial and error, that by requiring clients to participate in a 9-12 month residential program that embraced the 12 step program of AA, along with an education program (Recovery Dynamics), residents began to change their behaviors. Having men in recovery mentoring those seeking sobriety often brought about a "psychic change" in the residents participating in the program. Although it began as a single facility (The Healing Place in Louisville), there are now 18 such facilities both for men (10) and women (8) in Kentucky. The entities that operate these 100+ bed facilities are private, non-profit agencies and are not operated by state government. However, in order for these facilities to receive funding from the Dept. of Corrections for probationers and parolees, Drug Court referrals, or the Department of Public Advocacy clients, the nonprofit operators must agree, to operate their program consistent with the Recovery Kentucky model of recovery. This model of recovery was created by the Kentucky Housing Corporation. It incorporated the critical components of the successful recovery program that was begun at The Healing Place of Louisville, and later, The Hope Center of Lexington. Now, all 18 facilities are in operation and utilize this recovery model.

Each RKC facility is considered a "social model" residential educational and recovery program that operates on the premise that men and women can recover from addiction often without medical intervention. While addiction recovery may include medical treatment for underlying physical and mental health conditions while in the recovery program, the recovery process is often accomplished through a social model of recovery that includes following the spiritual program found in AA and

living life without the use of drugs or alcohol. Once the addicted person understands that he or she has a disease AND that there is a solution to that disease- then the individual can approach that solution by following a 12- step program and be mentored toward a life of recovery by mentors that have achieved recovery and continue to grow themselves by helping others not as far along in the recovery process as themselves.

Each Recovery Kentucky program consists of “community” meetings 3 days per week. During these meetings, residents in the program collectively offer suggestions to one another for correcting addictive thinking or what is commonly referred to as “old behavior.” Residents in the program hold one another accountable in a loving, supportive way that asks the resident to introspectively examine their problematic behaviors and embrace behaviors that promise a life of sobriety free from addiction to alcohol and drugs.

All Recovery Kentucky programs have a nurse to oversee health screening and to oversee drug testing as well as minor health related issues of the residents. RKC programs are not considered “treatment” programs under Kentucky law for purposes of programmatic licensing. All mentoring and education is led by persons in recovery from addiction who are now “Peer Mentors” helping those coming behind them gain sobriety by continually practicing the principles of the recovery program. The program utilizes the educational curriculum Recovery Dynamics. This curriculum is a 28-lesson plan that helps the residents understand and embrace the spiritual principles of the 12 steps of AA. The Recovery Kentucky program has multiple phases (Safe of The Streets, Motivational Track I & II and Phase I and II) Overall, it can take from 180 days to a full year to complete the program depending upon the persons motivation as well as other factors related to their addiction. Alcoholics Anonymous is a spiritual program. Participants are asked to conceptualize their own understanding of a “higher power”. The program is comfortable with any religious belief or no religious belief.

The RKC model has proven to be very effective. A 10- year research study conducted by the University of Kentucky, Center for Drug and Alcohol Research concluded that 86.3% of participants that fully complete the program are arrest free for at least one year (one year was as far forward as the researchers reviewed the data.) The data also showed that the program has a significant impact on homelessness, the original root issue the program was intended to address. During the 10- year study, 38% of participants reported being homeless at intake. Of those completing an RKC program, only 2% of them reported being homeless at follow up. For those completing an RKC program, the study also showed that only 4% of participants reported any opioid use at follow up, while 64% of those individuals reported using opioids at intake.

As RKC and Reentry Center programs are the only programs set up to be funded by DOC, these are the programs utilized by any DOC Social Services Clinician (SSC) to place probationers or parolees into a long-term, residential, SUD recovery program. The program utilized by RKC facilities has proven itself over and over again as very successful. The core concept of RKC programming is that persons new to recovery respond much more positively to a peer that has been where they have been. The participants respect the Peer Mentors and receive encouragement and support from them. They form a close bond that helps keep both the Peer Mentor and the new resident in check with respect to their progress toward a life of sobriety. By adding in the curriculum, Recovery Dynamics and the 12-step program to recovery, RKC programming helps participants understand their addiction, and overcome it. It also sets residents up for long-term success by providing them tools and support that enable them to deal with life on life’s terms. This helps those who complete

the program to process severe emotions caused by significant losses they may have had, anger, frustration, anxiety, etc., in a healthy way, instead of turning to substances to numb the pain of the situation.

With over 15 years under its belt, The Recovery Kentucky programming has proven that it should be a large part of Kentucky's arsenal when it comes to attacking drug and alcohol addiction. The educational and recovery program works without medical intervention in the form of opioids. If you, or anyone else, has further questions, please do not hesitate to contact me.

Sincerely,

Mike Townsend
Recovery Kentucky Administrator
Kentucky Housing Corporation

The Recovery Kentucky Program was initiated by Governor Ernie Fletcher in January 2005. The Kentucky Housing Corporation was directed by its board of directors to initiate a statewide plan to combat homelessness in Kentucky as well as to provide a solution to the substance abuse problem that often leads to the chronic homeless, hospitalization, institutionalization or incarceration for many citizens who suffer from the disease of drug and alcohol addiction.

Recovery Kentucky is an initiative to help Kentuckians recover from addiction while in a safe, supportive and life changing environment. By taking control of their lives, individuals who participate in Recovery Kentucky programs will have the opportunity to become productive members of society and to reunite with their families.

Sixty percent of the Recovery Kentucky participants are referred through the criminal justice system or the judicial system as an alternative to incarceration for non-violent offenders. Others who meet income limitations may be admitted voluntarily or may be referred through medical or social service agencies in the community. The Recovery Kentucky Programs save the state millions of tax dollars that would have been spent on jail or hospital costs. Our tax dollars are instead diverted to healing and helping those men and women who need the help these programs offer.

The fourteen (14) recovery centers currently in operation were modeled after the successful Healing Place in Louisville and the Hope Center in Lexington.

The Department for Local Government, the Department of Corrections, Kentucky Housing Corporation, and local partnerships are providing funding for these programs.

The Recovery Kentucky network of providers consists of six women's centers and eight men's centers throughout the Commonwealth. The five women's centers are: the Women's Addiction Recovery Manor (WARM) in Henderson, Brighton Center for Women in Florence, Cumberland Hope Community for Women in Harlan County, Liberty Place in Richmond and the Trilogy Center for Women in Hopkinsville. Men's Recovery Kentucky centers include: Morehead Inspiration Center, The Grateful Life Center in Erlanger Centerpoint in Paducah, The Healing Place of Campbellsville, Owensboro Regional Recovery, Men's Addiction Recovery Campus (MARC) in Bowling Green, Hickory Hill in Knott Co. and Genesis Recovery Center for Men in Grayson. Sky Hope Recovery center for Women.

Each Recovery Kentucky has a capacity of approximately 100 beds. All programs have long waiting lists for admission.

The programs use a "peer-driven" approach where participants in recovery called Peer Mentors help guide new participants through an educational process "Recovery Dynamics" that helps to build a foundation for abstinence through a 12 step approach to recovery. The programs incorporate professional staff working with Peer Mentors who lend their strength and hope for recovery to participants who begin their journey toward sobriety and self-sufficiency.

Recovery Kentucky Center

The Recovery Kentucky Center combines supportive housing with structured education and focused reliance on mutual self-help program of Alcoholics Anonymous. The Recovery Center allows persons to move from a life of dependency on drugs and alcohol to a drug free lifestyle with peer support and personal accountability being the cornerstone for this supportive housing recovery initiative. Residents of the center are attracted into recovery by seeing their peers who were once living an addicted lifestyle now demonstrating that success is possible. The program helps the resident to change their behavior, skills and attitudes related to their addictive lifestyle. The program cultivates relationships with community partners to address other problems that emerge from persons recovering from drug/alcohol addictions such as physical and mental health, educational limitations, vocational training, etc.

The Recovery Center provides five basic components: 1) Sobering up center, either a non-medical detox unit or a "safe off the streets" model; 2) Motivational Track; 3) Recovery Program; and 4) Transitional housing.

Sobering up Center

This program offers a safe and supportive environment for the client to withdraw from mood/mind altering drugs or to decide on a plan of recovery. Here the addict can allow his or her body to become alcohol and drug free. This phase allows the person to assess his or her condition and determine whether he or she wants to begin to recover from their addiction. There are three expected outcomes from this component: abstinence from mind/mood altering drugs; interest in continuing abstinence; and renewed hope for recovery and change. This initial phase of the program is usually 3-5 days or when a bed is available in the next program component. The program is staffed by professional staff as well as assistant staff who have demonstrated their commitment to their own long-term sobriety within the program. The majority of the staff of the sobering up center have been through the program themselves. Consequently, they have a high level of empathy for the resident going through this phase of their recovery. By sharing their own experience, strength and hope, they are able to plant the seeds of hope in those who are still suffering. After 3-5 days in this program, some clients return to their previous lifestyle; or if they are inspired they may move to the next phase of the program - The Motivational Track.

Residents in this phase of the program will live in a large room with multiple beds (8-10)

Motivational Tracks

The motivational tracks gives clients a very low-pressure environment in which to commit to the process of changing from drinking /drugging to a sober life. These tracks have a low level of intensity and few expectations. The homeless and addicted population have spent many years failing to function in society. These programs give

them the opportunity to succeed in a structure and to begin to experience the hope of change.

Classes are held off-site and clients are required to "trudge" (walk) to their destinations. They are asked to show at least the same motivation for their recovery as they did for their addiction.

Residents of this phase will live in large rooms with multiple beds and will share bathrooms.

Motivational Track I

Motivational Track I puts the responsibility on the individual to demonstrate his or her desire to stop drinking or drugging. Clients in MT I are provided a bed and a place to store their belongings. In exchange, they are asked to accomplish assigned tasks. Clients are expected to attend self-help meetings and alcohol and drug education classes. They are required to observe curfew and to maintain abstinence to stay at this level. Outcomes at this level include abstinence, functioning within a structure, re-socialization and orientation to the recovery process.

Motivational Track II

Clients who have expressed an interest in long-term recovery and have demonstrated an ability to follow instruction and to function within the structure move on to the Motivational Track II phase of the recovery program.

Clients at this level begin to study of the *Recovery Dynamics* curriculum. *Recovery Dynamics* is an in depth study of the program outlined in the book Alcoholics Anonymous. As part of this program, clients are required to complete written homework assignments. Clients in this phase also receive additional privileges which include attendance at self-help meetings (accompanied by an "older" client) when leaving the campus. Outcomes for this phase of the program include abstinence, compliance with structure, active participation in program activities and demonstrated willingness to invest in change.

Recovery Program

This phase of the program offers an effective solution to the problems of addiction and alcoholism. Program goals are recovery from addiction, social wellness and economic independence. This phase is a long-term process of recovery that places the burden of work on the alcoholic/addict with support from staff assistants and professional staff.

Residents of the Recovery Program are actively involved in services that include meals, maintenance, laundry, housekeeping (clothing closet) and security empowering them to succeed in a safe environment, while practicing working and living skills.

Recovery remains the focal point and recovery tasks take priority. Clients continue to complete written exercises from the *Recovery Dynamics* curriculum. Clients are not allowed to work outside the program as their job is to work their plan of recovery.

Throughout the program clients hold themselves and one another accountable for their behaviors and attitudes. Change is encouraged and supported. Role models, working as peer counselors are also an essential part of this environment. These peer counselors are recovering alcoholics and addicts who share their experience, hope and strength with other alcoholics and addicts in order to help them recover. These men and women, who themselves are newly recovering, work with the clients in the manner described in the book Alcoholics Anonymous. They lead classes, show relevant films and share their experiences. This phase of the program lasts six to nine months and may be extended or shortened depending on the client's motivation and progress in making personal lifestyle changes. Upon completion of the Recovery Program the client moves to the transitional housing phase.

Residents in this phase will live in rooms with two beds and a bathroom.

Phase II

At this phase in the program the client may become a staff assistant for clients in the motivational or recovery phase of the program or may seek employment in the community. Clients begin to pay rent, work on maintaining sobriety, attend self-help meetings and participate in follow-up. At this phase, the clients receive additional privileges that include weekend passes. As they progress, clients petition to move off-site and describe their plan of action for living as sober, productive members of society. Some programs have three-quarter status, which entitles them to no curfew and frequent overnight visits, if desired. They are still expected to participate in all program components including self-help and group meetings.

Clients who complete this program and stay in compliance can always consider the program their home and can always return for support.

Residents in this phase will live in rooms with single or double beds depending on the needs of the program.

FACILITIES

Recovery Kentucky

The Average Daily Population (ADP) of residents participating in the Recovery Kentucky Center program is approximately 503.

Recovery Kentucky Centers

The Healing Place of Campbellsville

e
105 Hiestand
Farm Road
Campbellsville
, KY 42718
Director: Matt
Wise
Phone: 270-
789-0176
Fax: 270-789-
0189



Brighton Recovery Center for Women

375 Weaver
Road
Florence, KY
41042
Director: Anita
Prater
Phone: 859-
282-9390
Fax: 859-252-
6400



**Center Point
Recovery
Center**

530 County
Park Road
Paducah, KY
42001

Director: Max
Grantham
Phone: 270-
444-3640



**Cumberland
Hope
Community**

6050 Highway
38

Evarts, KY
40828

Director: Julie
Hinkle

Phone: 606-
837-0100

Fax: 606-837-
0500



**Genesis
Recovery
Center**

400 CW
Stevens Blvd.
Grayson, KY
41143

Director: Chris
Branham

Phone: 606-
898-2111



**Grateful Life
Center**

305 Pleasure
Isle Drive
Erlanger, KY
41018

Director: Bran
don Suhr



Phone: 859-
359-4500
Fax: 859-359-
4540

**Hickory Hills
Recovery
Center**

100 Recovery
Way
Emmalena,
KY 41740
Director:
Michael Nix
606-785-0141



**Liberty Place
Recovery
Center for
Women**

218 Lake
Street
Richmond, KY
40475
Director: Alisha Wilhoit
Phone: 859-
625-0104
Fax: 859-625-
0188



**Men's
Addiction
Recovery**

**Center
(M.A.R.C.)**
1791 River St.
Bowling
Green, KY
42101

Director:
Nicole Frield
Phone: 270-
715-0810

**Morehead
Inspirational
Center**

1111 US 60
West
Morehead, KY
40351

Director: Roby
n Baldwin
Phone: 606-
783-0404
Fax: 606-784-
1667



**Owensboro
Regional
Recovery
Center**

4301 Veech
Road
Owensboro,
KY 42303

Director: Sarah
Adkins
Phone: 270-
689-0905
Fax: 270-689-
0903



**SKY Hope
Recovery
Center**

77 Union St.
Somerset, KY
42501

Director:
Melissa Estep
Phone: 606-
425-4787



**Trilogy
Center for
Women**

100 Trilogy
Avenue
Hopkinsville,
KY 42240

Director:
Jessica
Sullivan
Phone: 270-
885-2902
Fax: 270-885-
2905



**Women's
Addiction
Recovery
Manor
(W.A.R.M.)**

56 North
McKinley
Street
Henderson,
KY 42420



Appendix H

Legal Memo Supporting Judge's
Belief That Appropriate to Issue
Arrest Warrant Upon Notice of
Bond Violation

MEMORANDUM REGARDING REPORTING POTENTIAL GPS VIOLATIONS

“Our view is that bail previously allowed may not be revoked without reason for the revocation.” Marcum v. Broughton, 442 S.W.2d 307 (Ky Ct of Appeals, 1969).” But what is sufficient reason and where can it come from?

“It is our opinion that the court having jurisdiction of a criminal case has the same control of its orders with respect to bail as it has over its other interlocutory orders in the proceeding, that this is an inherent power not depending on special statute, and that it is not abridged by Criminal Code.... An order entered on a motion for bail is not a final order, and it is not appealable. Smith v. Henson, 1944, 298 Ky. 182, 182 S.W.2d 666. There may arise many reasons why such orders ought, on proper notice and hearing, to be modified or set aside, as the court in its discretion deems wise and just. Should that discretion be exercised as an instrument of oppression it may be challenged as it has been challenged in this case, by writ of habeas corpus with the right of appeal, which latter right anciently did not exist.” Young v Russell, 332 S.W.2d 629 (Ky. Ct. App. 1960).

KRS 431.520(7): bond paperwork must warn defendant that he will be arrested if he has a reported bond violation. The bond signed by defendant has this information in it.

KRS 431.520(9): “If at any time following release of a defendant and before he is required to appear for trial, the court is advised of a material change in the defendant’s circumstances *or that he has not complied with all conditions imposed upon his release*, the court having jurisdiction may:

- (a) order the arrest of the defendant,
- (b) enter an order requiring the defendant, his surety or sureties to appear and show cause why the bail bond should not be forfeited or the conditions of his release be changed; or
- (c) Both.” (Same language in RCR 4.42)

Additional law from the rest of RCR 4.42:

(2) A copy of said order shall be served on the defendant and the defendant's surety or sureties. The court shall order the arrest of the defendant *when it has good cause to believe the defendant will not appear voluntarily* upon notice to appear (for the bond violation hearing).

(3) Where the court is acting on advice that the defendant has not complied with all conditions imposed upon his or her release, the court shall not change the conditions of release or order forfeiture of the bail bond unless it finds by clear and convincing evidence that the defendant has wilfully violated one of the conditions of his or her release or that there is a substantial risk of nonappearance. (but this does not apply to arrest on report of potential violations because the court believes the defendant may not appear with a summons.)

No due process is required to arrest defendant if there is some reason to believe defendant may not appear to the bond violation hearing of their own accord (such as intoxication). Once defendant is in court, then due process notice, counsel, and a hearing are required before a judge can modify a bond in any way. Under our situation with GPS matters, parties receive immediate electronic notice of any alleged violations, even before any warrant can be served. They also receive a hard copy via mail prior to hearing.

The idea is similar to when a judge orders a defendant to do/not do something and then the judge finds out either in court or outside of court (from something filed with the court, pretrial, etc) that there is reason to believe the defendant has violated that order. That judge can then order the arrest of the defendant on belief that contempt may have been committed (or call it probable cause if you prefer). Then, once in custody, the judge will hold a hearing to decide if the defendant actually committed contempt or not. Thus, the arrest of the defendant does not require a conclusion that contempt has been committed. The two are different, but analogous.

EX PARTE COMMUNICATIONS: by definition occur only between a judge and one or more parties to an action without all parties participating in the communication. "On one side only; by or for one party; done for, in behalf of, or on the application of, one party only." *Blacks, 2nd edition*. That is not what occurs when a third party provides information about a defendant not complying with bond conditions. Such contact is not *ex parte*, but instead is "third party" contact. A judge should not instigate such third party communications, of course, but where the third party initiates the contact, the judge need only not carry the conversation further once he/she realizes it is about a pending case, and then, report the third party contact and anything that was said about the case to the parties as soon as practicable. This occurs regularly for many judge. Here, I either disclose the matter on record verbally, or, for written communications, my staff reads the items to determine what they should do with them, then they are filed.

KRS 431.517(4)(c) states: "A court ordering global positioning monitoring system program participation for a defendant pursuant to this section shall: ... (c) provide the monitoring system with a contact at the office of the circuit clerk, Commonwealth's attorney, or county attorney, as appropriate, or pretrial release services for reporting violations of the monitoring order."

Under this scenario, a violation would be written up by the Director of GPS Services for the CCB and delivered to one of the four individuals listed in the statute, who then simply pass on the information about a potential violation to the Judge directly. The statute literally only requires that the court using the GPS services provide contact information to either of these three offices (clerk, prosecutor, pretrial). It *does not* dictate that communications regarding potential bond violations be necessarily delivered to the Judge through only these three avenues. What is the difference between the GPS Director (an employee of the only county contractor permitted to handle GPS services) providing the info in writing to the clerk or pretrial vs. the Director providing the same written information directly to the Judge, especially if it is done electronically? The information comes from the same source either way. Directing it through pretrial or the clerk does not make the information any different or any more or less accurate or reliable as long as it is in a verifiable violation report. As previously stated, the process since Mike Roe came on the job that violations are run through the prosecutors. This is not because it is the only permissible way, in my opinion, but because it is the way I preferred to handle the matter from the beginning because, if I were the prosecutor, I would want to be in the loop on what is happening.

Appendix I

Texts Between LD & Judge,
Then LD & Mrs. Jameson,
Showing LD Excited to Receive
Campaign Sign & Proof No
Pressure for Donations or
Anything Else

I first met Lisa back over 6 1/2 years ago when Jamie and I were campaigning for him to run for Judge the very first time.

I met her outside her home while we were going door-to-door. She was outside walking her dog. We talked and chatted for a little while, and she said that she wanted to support Jami, and asked if we had any yard signs. We talked in depth about how she lost her mother recently, and how she was living alone at the time. I really felt like we had connected.

Soon after Jamie was elected as judge, several times throughout the years, especially early on I would message her and invite her to come to either Christmas or Thanksgiving. We normally just have a hodgepodge of friends and families over, and I cook a big dinner. And I wanted her to be included in that, especially since I felt that we had connected that first day we met. She would always politely turn me down and say that she has something else going on, but I would still continue to reach out to her and invite her.

Lisa was one of the first people that I thought of for supporters, when Jamie filed to run again. I remember telling Jame how she supported us originally when he ran. And how much I thought of her. So I asked him to reach out to her to see if she wanted to support us again.

Not long after that conversation with Jamie , Lisa sent me some messages through Facebook, asking me to bring her a yard sign to put up at the office, and told me that she preferred That I send all information to her personal email.

I sent her a couple of different notifications about events we were having. Because we wanted to make sure that all of our supporters were there, kind of a backbone if you will have the campaign. There were some that she could not attend, But she told me that she would be at the Marcella's Event.

I was so happy to see her there that evening , at Marcella's , because I haven't seen her in quite a while. I came up and gave her a big hug, and sat right beside her during the meeting. I told her how happy I was to see her there.

When Jamie was talking To the group about how drug addiction has affected this community, and how being able to send someone to an in/outpatient, can be challenging at times. He asked Lisa if she would give her opinion on the matter, and how it affects the community, and for her to be able to do her job as an attorney. I remember her saying how she felt like Judge Jameson is doing an excellent job, and he's very fair, and how it's helpful to be able to send people to a local rehab whether it's Riverwoods,serenity or a few other places that some of her clients have gone to. She agreed that need for a local impatient drug rehab facility was really warranted for the community.

I didn't feel like Lisa was there against her will, or that she was saying anything that she didn't believe was true and dear to her heart.

Jenny Jameson

6:50

all 3



Lisa



10:00 AM
Thu, May 3, 10:00 AM



As I was calling Tom Dunn he walked in and I asked him about allowing Jameson sign up here on his property at the 641 intersection and he asked me to text you right now he said yes go ahead post signs but he also said when u do that there will be 80 others who will want to do the same and he usually lets them.

My personal email contact where I would want to receive info on events is

whatsupinc@gmail.com or I can be contacted at my business email which is derenardlaw@gmail.com and my personal cell phone number is 270-210-1202



I am requesting a yard sign to put in my window please let me know if I would need to pick it up and if so where. Thanks, Lisa DeRenard



6:50



LD

Lisa



Mon, May 9, 10:23 AM

How is your hand today?

Still pretty messed up, thanks for inquiring. I have not had a chance to even catch my breath, I have a demanding trial in Calloway Monday afternoon in front of judge Clark.

Oh wow! Well, get to feeling better and best of luck!

Mon, May 9, 10:28 PM

I hope you had a great weekend! I wanted to check in with you and see when you think that statement should be ready to go. They are giving us till May 25 to respond to allegations involving that issue and I would obviously like to have that information to include. Thank you again for speaking up! We are hoping your statement will put some perspective on the complaints.

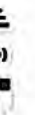


6:51



LD

Lisa



Mon, May 9, 6:51 PM

As stated last Thursday I had a trial this afternoon just got your message. Dealing with that issue tomorrow morning.

I hope the trial went well. Have a restful night.

Only half of the trial was held other half on August. Same to you.

Fri, May 13, 9:56 AM

Happy Friday! How's your hand?

Fri, May 13, 11:03 AM

It's slowly getting better, have Charlie Moore give me a call.

Jerry English is my new attorney. Should I have him call you?

Charlie's wife got sick

So he has dropped all of his



6:51



LD

Lisa



you.

Fri, May 13, 9:58 AM

Happy Friday! How's your hand?

Fri, May 13, 11:03 AM

It's slowly getting better, have Charlie Moore give me a call.

Jerry English is my new attorney. Should I have him call you?

Charlie's wife got sick

So he has dropped all of his cases for now

I just got off the phone with Charlie.

Yes have Jerry call me on my cell.

Fri, May 13, 4:41 PM

He is calling

Delivered



**Lisa DeRenard**

Active 8h ago

**Lisa DeRenard**

Facebook

You're friends on Facebook

Lives in Benton, Kentucky

MAR 06, 8:02 AM

May I have your email address,
we have a couple of events, I
wanted to make sure that you
got a personal invitation too

My personal email address is
whatsupinc@gmail.com and
my business email address is
derenardlaw@gmail.com I am
giving you both because I tend
to keep my personal
communicatio ↓ separated
from my business



Aa



**Lisa DeRenard**

Active 8h ago



My personal email address is
whatsupinc@gmail.com and
my business email address is
derenardlaw@gmail.com I am
giving you both because I tend
to keep my personal
communications separated
from my business
communications.



I sent two separate upcoming
events invitations to your
personal email. I'll be sure and
use that one, and not your
business. I hope you have a
great Sunday. Thank you for all
your support

Thank-you. I have my grand
baby this weekend, hope u got
my message that Tom Dunn
who owns land ~ 641 as you
get on purcha ↓ arkways
approves of .lamie nutting his



Aa



**Lisa DeRenard**

Active 8h ago



Thank-you. I have my grand baby this weekend, hope u got my message that Tom Dunn who owns land on 641 as you get on purchase parkways approves of Jamie putting his signs there and I need a yard sign for my office window.

Thanks you guys have a great weekend too.



Will do. We just got the signs in this week. Finished getting all put together Friday night. I'll drop the yard sign off to you at the office on Monday, if you're not there. I'll just prop it up against the door If that's OK. One of them is on this coming Thursday, and the next event is Next Tuesday.

I get there arc ↓ 3 am so if u drop it before then should be



Aa



**Lisa DeRenard**

Active 8h ago



I'll be in court at 9:30 in family court so I won't be coming in until around 10:30 and I have to get my booster shot at 1 pm so u might want to message me to make sure I'm there before you come.



Will do. Thank you



Okie doke

MAR 08, 6:41 AM

I just went ahead and dropped it off at your office. I left the metal stand laying against the brick wall, and I put the yard sign inside a Ziploc bag and taped it to the glass on the door. It should be safe and not blow away. I hope this is OK.



MAR 08, 9:59 AM



Aa



**Lisa DeRenard**

Active 8h ago



MAR 08, 6:41 AM

I just went ahead and dropped it off at your office. I left the metal stand laying against the brick wall, and I put the yard sign inside a Ziploc bag and taped it to the glass on the door. It should be safe and not blow away. I hope this is OK.

MAR 08, 9:59 AM

I received the sign, thank you.
It is now in my window.



Thank you for your support

MAR 10, 2:21 PM

We're having a campaign kick off event today. It starts at 4:30. - 7 It's at Pagilias. Food and drinks provided. I'd love y'all to join if you can.



Aa



Appendix J

Standard KCC Letter Asking for
Grant Applications
(sent to Judge from Haverlik)



John Tilley
Secretary, Justice & Public Safety
Cabinet

COMMONWEALTH OF KENTUCKY
STATE CORRECTIONS COMMISSION
Kentucky Justice & Public Safety Cabinet
Office of the Secretary
125 Holmes Street
Frankfort, KY 40601-2108
Tel: 502-564-7554

Tim Harvilek
Chair, State Corrections Commission

January 17, 2019

RE: Community Corrections Grants for FY 2020

Dear Local Officials,

The Kentucky State Corrections Commission is proud to announce FY 2020 Community Corrections Grants are available. Community Corrections Grants are designed to provide alternatives to incarceration for judicial systems, and assist local agencies in providing treatment, rehabilitation, and restitution opportunities.

All applications shall be submitted electronically via the Electronic Grants Management System (EGMS) no later than March 15, 2019, for consideration. To access the EGMS system, please visit www.kyjusticecgms.com. A Community Corrections Program Guide that provides more information about the grant opportunity, eligibility, grant guidelines, and required information for a grant application, is available on the website.

For additional information about the Kentucky State Corrections Commission and Community Corrections Programs, please refer to Kentucky Revised Statute Chapter 196 (KRS 196.700 – 196.736). The funding period for this grant will begin July 1, 2019 and end on June 30, 2020 and is subject to annual budget approval. Award amounts vary depending on the scope of the programs and budget availability.

Programs that have been funded in the past by the State Corrections Commission include: Evidence Based Programs, Case Management, Mental Health Courts, and Home Incarceration Programs (HIP). Other grant applications will be considered as well. The ability to demonstrate how the grant will reduce incarceration and recidivism will strongly be considered in the awarding of grant funding.

For questions pertaining to the Electronic Grants Management System, please contact Lekita Barnes at Lekita.Barnes@ky.gov. For any additional information or questions, please contact Cyndi Heddleston at cyndi.heddleston@ky.gov.

An Equal Opportunity Employer M/F/D

Kentucky

Appendix K

Important to Review

Letter From Chief Justice Introducing
Report on Ky Courts From The Crime &
Justice Institute

(Asking Judges to Modernize by Working
With Community Partners to Create New
Ways to Address Addiction Locally)



STATE CAPITOL
700 CAPITAL AVENUE, ROOM 231
FRANKFORT, KENTUCKY 40601
502-564-4162

SUPREME COURT OF KENTUCKY
JOHN D. MINTON, JR.
CHIEF JUSTICE OF KENTUCKY
JUSTICE, 2ND SUPREME COURT DISTRICT

WARREN COUNTY JUSTICE CENTER
1001 CENTER STREET, SUITE 305
BOWLING GREEN, KENTUCKY 42101
270-746-7867

July 19, 2021

Dear Members of the Court and Valued Court Partners:

Over the last few years, the Kentucky Court of Justice has changed its approach to the state's escalating drug epidemic with the goal of moving toward a recovery-oriented system of care. Through educational programs and new processes, judges, circuit court clerks and court personnel have improved their understanding of substance use disorders and begun applying best court practices to drug-related cases.

As part of this effort, we wanted to measure our readiness to give individuals access to the treatment and services they need. Thanks to a grant from the State Justice Institute, we were able to collaborate with the Crime and Justice Institute to examine our ability to adopt a recovery-oriented model. The result is the enclosed report, "Recovery-Oriented Systems of Care: Needs and Opportunities for Kentucky's Court System." I hope you will take time to review the findings and recommendations.

The courts are uniquely positioned to help struggling individuals find a path to lifelong recovery. As we begin implementing the recommendations in this report, I hope you will support the changes to come and join us in promoting recovery for the individuals, families and communities impacted by substance use disorders.

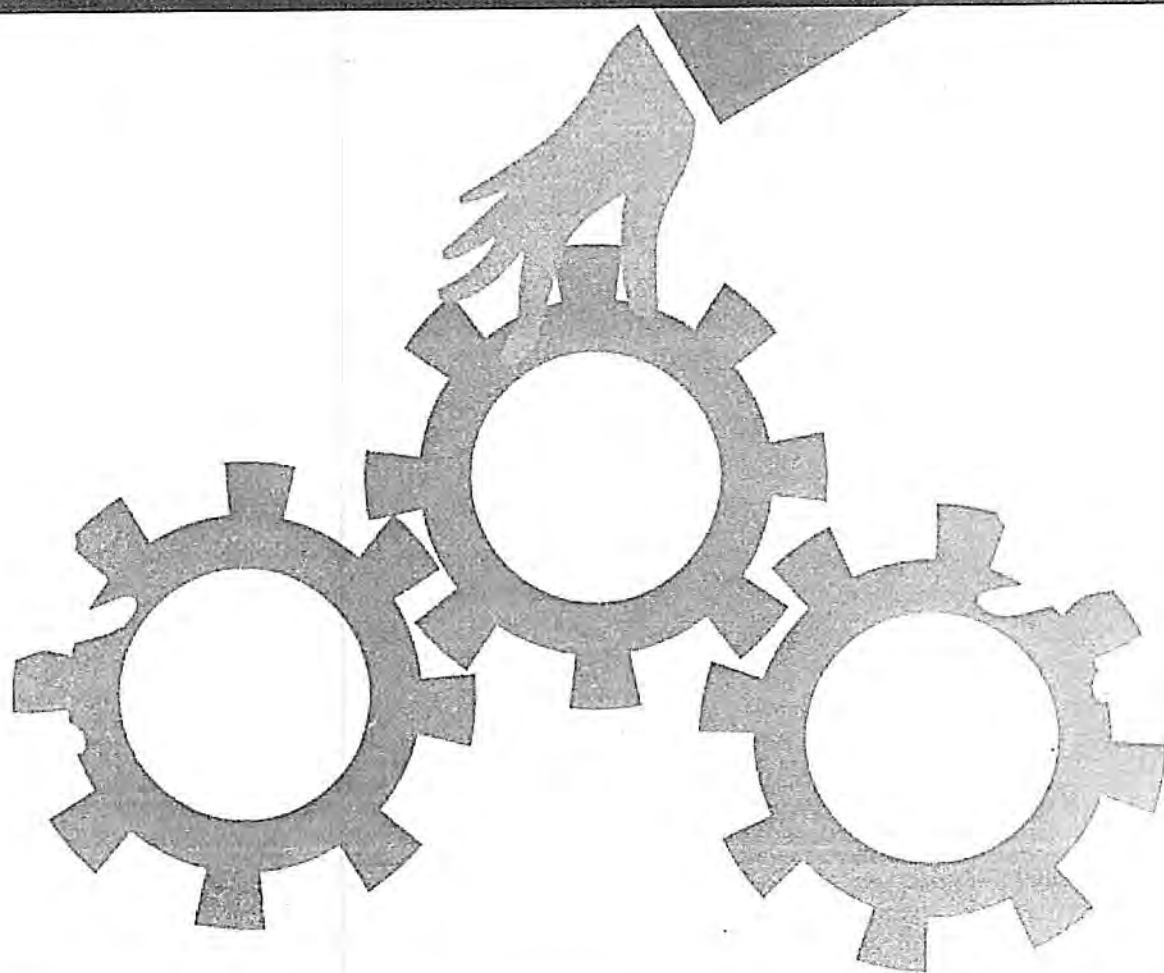
Very truly yours,

A handwritten signature in cursive script, appearing to read "John D. Minton, Jr.", written in dark ink.

John D. Minton, Jr.
Chief Justice of Kentucky

Recovery-Oriented Systems of Care: Needs and Opportunities for Kentucky's Court System

MARCH 2021



PREPARED BY THE CRIME AND JUSTICE INSTITUTE



CRIME AND JUSTICE INSTITUTE

A Division of Community Resources for Justice

Kentucky Courts Moving Toward a Recovery-Oriented System of Care

By John D. Minton Jr., Chief Justice of Kentucky



I am pleased to present "Recovery-Oriented Systems of Care: Needs and Opportunities for Kentucky's Court System." This comprehensive report by the Crime and Justice Institute examines how Kentucky courts are positioned to give individuals with substance use disorder access to the services and treatment they need.

The move toward a recovery-oriented system of care is an important step in our response to the drug epidemic, which continues to pose significant challenges to Kentucky courts. The courts are in a unique position to positively impact those dealing with substance use disorder and we have a duty to embrace the most effective models that support lifelong recovery.

In recent years, the Kentucky Court of Justice has been striving to improve its understanding of substance use disorder, evidence-based treatment and recovery supports, and the best court practices in handling drug-related cases. Here is a brief description of our journey toward reaching this goal.

RESTORE Initiative

Kentucky launched the RESTORE initiative in 2019 to give judges, circuit court clerks and court personnel best court practices to support the treatment of opioid use disorder and other substance use disorders. RESTORE stands for Responsive Education to Support Treatment in Opioid Recovery Efforts and is funded by the Kentucky Opioid Response Effort through a Substance Abuse and Mental Health Services Administration Grant.

RESTORE has allowed the court system to provide a variety of evidence-based educational programs, coordinate changes in practice and reduce the stigma of substance use disorder. We have also been able to promote a family centered approach, facilitate access to effective treatment and unify efforts to counter the effects of the opioid crisis and future drug trends.

This initiative has furthered my understanding of addiction and recovery and changed my perspective on how we should handle court-involved individuals with substance use disorder.

CJI Assessment of Treatment and Recovery Supports

In 2020, the Kentucky Administrative Office of the Courts received a grant from the State Justice Institute to evaluate the court system's access to and use of mental health and substance use treatment and recovery supports within the community. The AOC used this funding to contract with the Crime and Justice Institute to conduct a qualitative assessment of strengths, opportunities and challenges that Kentucky judges, court personnel and stakeholders experience when trying to connect individuals to services.

Continued on next page

Continued from previous page

The project's overarching goal was to explore our readiness to shift to a recovery-oriented system of care model. To that end, CJI facilitated focus groups with key stakeholders and developed and disseminated a survey for treatment providers. CJI also reviewed documents responsible for the system constructs related to substance use, including Supreme Court rules, statutes, policies, trainings, screening/assessment tools, outcome evaluations and annual reports.

In March 2021, CJI completed its assessment and presented a final report titled "Recovery-Oriented Systems of Care: Needs and Opportunities for Kentucky's Court System." The report provides an overview of the project, explains the ROSC model, and details CJI's findings and recommendations.

Benefits of ROSC Model

Kentucky's work with RESTORE and CJI has affirmed the importance of changing our approach to substance abuse cases. The court setting presents the opportunity to identify individuals with behavioral health conditions and connect them with needed services and supports. Acknowledging that the courts are a critical piece of Kentucky's system of care has proven to be a powerful impetus for change.

The ROSC model recognizes that recovery is a unique process, rather than an end goal, and that responses must adapt to an individual's evolving needs. Decision-making focuses on promoting recovery and encouraging access to a continuum of treatment services and recovery supports. This is no small task and will require intentional collaboration and communication among the court, community agencies, the individual in recovery and the individual's family and peers.

Next Steps to ROSC

Step One. Our first step is to convene an internal work group to establish a shared vision and define goals and values. We are fortunate to already have the RESTORE Leadership Team in place. This team of circuit, district and family court judges will guide our shift to a ROSC model.

Step Two. We will then create a Justice System of Care Stakeholder Committee composed of judicial and administrative leaders within the KCOJ, leaders from the Cabinets for Justice and Public Safety and Health and Family Services, attorneys, adults with lived experiences and key stakeholders. This committee will foster communication and input, identify needed system improvements, propose any necessary statutory changes and institutionalize policy changes.

Although substance use and co-occurring disorders present significant challenges, individuals can and do recover. I appreciate the partners who have joined us in this important work. To inquire about Kentucky's move to the ROSC model, please contact RESTORE@kycourts.net.

EXECUTIVE SUMMARY

In 2019, 61.2 million Americans had either a mental illness, substance use disorder, or both.¹ Many individuals with substance use and co-occurring disorders enter into the court system, prompting a need for courts to respond to behavioral health concerns. To improve responses to individuals affected by substance use and co-occurring disorders, Kentucky's Court of Justice (KCOJ) is exploring a philosophical shift from a sanction-based, compliance court model to a Recovery-Oriented System of Care (ROSC) court model. An ROSC court model would streamline service connections, provide opportunities to divert individuals to treatment, and maximize the use of natural supports and settings by partnering with community providers.

The Crime and Justice Institute (CJI) conducted a qualitative assessment of the opportunities and challenges that judges, other court personnel, prosecutors, and defense counsel experience when trying to connect defendants and sentenced individuals with services. The needs assessment focused on perceived challenges to access and availability of behavioral health services as they relate to the tenets of the ROSC model for those involved in the court process in Kentucky as well as opportunities to connect individuals to evaluation and treatment. The needs assessment looked specifically at two populations: individuals involved in the adult justice system through Pretrial Services and Specialty Courts, and individuals involved in the civil court system through dependency, neglect, and abuse cases. Specialty Courts includes mental health courts, drug courts, and veterans' courts. The following is a list of findings from the needs assessment and recommendations based on these findings that will allow the KCOJ to move towards becoming an ROSC court model through the work of the Administrative Office of the Courts (AOC).

FINDINGS

- There are challenges in coordinating care between courts and treatment providers and different expectations about the roles of courts and treatment providers, making efficient and effective service delivery difficult.
- Each direct service department within the AOC operates independent court programs and collaborates on joint projects, but they have not yet established a shared definition, vision, and approach to recovery. Differences in perspectives towards recovery result in different uses of program conditions.
- The collaboration among the Cabinet for Health and Family Services' (CHFS) Department of Behavioral Health, Developmental and Intellectual Disabilities (DBHDID), and Department of Community Based Services (DCBS), and the AOC has strengthened in the past six years. In family

¹ SAMHSA-nsduh2019, accessed at: https://www.samhsa.gov/data/sites/default/files/reports/rpt29392/Assistant-Secretary-nsduh2019_presentation/Assistant-Secretary-nsduh2019_presentation.pdf

law and juvenile cases, efforts to move towards a system of care for families can provide a roadmap to developing a similar approach within the adult court system.

- Certain courts, DBHDID, and DCBS are already implementing ROSC principles, including person-centered care, timely and equitable access to services, and use of natural supports.
- Treatment availability improved with Medicaid expansion and recent changes allowing service provision via telehealth to be billable, but challenges persist, such as transportation, limited provider office hours, stigma, and lack of resources to access telehealth services.
- Essential services to coordinate care for individuals involved in the court and behavioral health systems do not have adequate funding, which has caused some communities to rely on short-term grants to fill in gaps. Without a long-term sustainability plan, the care coordination services will disappear when grant periods end.
- Courts and communities have increased their awareness of substance use and recovery but would benefit from ongoing education to increase collaboration, awareness of community-based resources, and appropriate advocacy for recovery-oriented responses to substance use and mental health.
- Programs specifically designed to target people with substance use issues and connect them to treatment are underutilized because of a perception among some system stakeholders that diversion and deferred prosecution programs are too lenient. A lack of meaningful participant incentives prevents some specialty courts from operating at full capacity.

RECOMMENDATIONS

- **Convene an AOC Working Group to develop definitions, goals, values, and vision for a Recovery-Oriented System of Care court model.** It is critical to explore internal barriers to serving individuals and families involved in multiple systems. Establishing a shared vision and principles can help Kentucky prepare to develop achievable action steps with realistic timeframes to transform its court system and increase consistency between different courts.
- **Form a statewide Transformation Steering Committee to understand the gaps between the current system and the vision and goals outlined by the AOC Working Group.** The Steering Committee, which should include a wide variety of stakeholders, can develop a conceptual framework to implement a Recovery-Oriented Systems of Care court system. ROSCs require multiple systems to align their policies and administrative and fiscal practices both internally and with others, and the Steering Committee can identify and navigate potential barriers to implementation.
- **Identify key areas of the state in which to pilot local Recovery-Oriented System of Care efforts.** While the Transformation Steering Committee can help judicial circuits and districts build statewide cross-agency relationships, local planning is needed to personalize each community's model. The Steering Committee can select local areas to pilot ROSC

PROBLEM STATEMENT

Over 20 million Americans over the age of 11 had a substance use disorder (SUD) in 2019, including alcohol use disorder, illicit drug use disorder, or both.² Substance use disorders can contribute to significant academic, familial, and other life challenges; mask or aggravate mental health conditions; increase the risk of injury and exposure to violence; and lead to involvement with the child welfare and youth and adult justice systems. It is well known that justice-involved individuals have a higher prevalence of SUDs than the general population.³ Programs such as drug court are a firm acknowledgment of the prevalence of SUDs in the justice system and provide an innovative attempt to integrate the mutually reinforcing goals of public safety and accountability with individuals' recovery.

Court involvement presents a unique opportunity to engage with individuals who have a substance use or co-occurring disorder and to promote long-term care and recovery. While substance use is primarily a behavioral health problem, the judiciary can play a critical role in addressing substance use and other behavioral health disorders by strengthening its approach to connecting individuals involved in the system with needed services. The justice and behavioral health systems have different policies, authority, and functions that can at times be in conflict, but have the potential to complement each other and work together toward outcomes that are beneficial for individuals.

KENTUCKY'S DESIRE TO MOVE TO A RECOVERY-ORIENTED SYSTEM OF CARE COURT MODEL

Kentucky's Court of Justice (KCOJ) recognizes the prevalence of substance use disorders among court-involved individuals and the opportunity that the court has to intervene and encourage treatment and recovery. The KCOJ's vision for a Recovery-Oriented System of Care (ROSC) court model involves providing a holistic "no wrong door" approach to individuals with substance use or co-occurring disorders. Creating a holistic model would require the court system to operate under a shared approach to recovery, including clear definitions of roles and responsibilities and coordination. The KCOJ would like to see individuals involved in the court system assessed for behavioral health needs and connected to treatment services and recovery supports as early as possible regardless of their stage of court involvement. Its aim is to ensure that judges and court personnel at all points in the system have the knowledge and resources to refer an individual for assessment if they believe the individual would benefit from treatment at the earliest possible contact with the court system or upon identifying a potential substance use or mental health condition. The courts can serve as a central system to help

² Substance Abuse and Mental Health Services Administration. (2020). Key substance use and mental health indicators in the United States: Results from the 2019 National Survey on Drug Use and Health (HHS Publication No. PEP20-07-01-001, NSDUH Series H-55). Rockville, MD: Center for Behavioral Health Statistics and Quality, Substance Abuse and Mental Health Services Administration. Accessed at: <https://www.samhsa.gov/data/report/2019-nsduh-annual-national-report>

³ NIJ's Drugs and Crime Research: Arrestee Drug Abuse Monitoring Programs | National Institute of Justice (oip.gov), accessed at: <https://nij.ojp.gov/topics/articles/nij-drugs-and-crime-research-arrestee-drug-abuse-monitoring-programs#data>

The 12 guiding principles are:

1. There are many pathways to recovery.
2. Recovery is self-directed and empowering.
3. Recovery involves a personal recognition of the need for change and transformation.
4. Recovery is holistic.
5. Recovery has cultural dimensions.
6. Recovery exists on a continuum of improved health and wellness.
7. Recovery emerges from hope and gratitude.
8. Recovery involves a process of healing and self-redefinition.
9. Recovery involves addressing discrimination and transcending shame and stigma.
10. Recovery is supported by peers and allies.
11. Recovery involves (re)joining and (re)building a life in the community.
12. Recovery is a reality.

The 17 essential elements are:

1. **Person-centered** – An ROSC uses language that puts the person experiencing substance use or mental health conditions first rather than their illness (e.g., “people experiencing substance use disorders” rather than “addicts”). An ROSC offers choice in treatment, recognizes individual potential, and is responsive to a person’s overall wellbeing rather than only their addiction.
2. **Inclusive of family and other ally involvement** – An ROSC encourages family and peer supports to play important roles in people’s recovery from mental illness or substance use disorders.
3. **Individualized and comprehensive services across the lifespan** – An ROSC encourages and supports individuality and focuses on the goals and needs of the person who is experiencing addiction throughout various stages of life and throughout the cycle of addiction. An ROSC recognizes there is no one treatment that is appropriate for everyone.
4. **Systems anchored in the community** – An ROSC increases the chances of successful and maintained recovery and wellness through strengthening support networks in the communities where people in recovery live.
5. **Continuity of care** – An ROSC ensures that individuals have appropriate services available to them at every step in the recovery journey.
6. **Partnership-consultant relationships** – An ROSC values collaboration, particularly between provider and client, over hierarchy.
7. **Strength-based** – An ROSC emphasizes the positives, strengths, and self-determination of the individuals involved in the system.
8. **Culturally responsive** – An ROSC recognizes that various cultures may have different needs in the recovery process, and cultural customs may impact the effectiveness and outcomes of treatments.
9. **Responsiveness to personal belief systems** – An ROSC recognizes that individual beliefs may influence the treatment and recovery process.

10. **Commitment to peer recovery support services** – An ROSC recognizes the value of lived experience and encourages peers to assist others in their recovery.
11. **Inclusion of the voices and experiences of recovering individuals and their families** – In an ROSC, all community stakeholders have something to contribute and should be part of the system’s design and implementation.
12. **Integrated services** – An ROSC provides treatment for individuals with substance use disorders as well as mental illness in an integrated way.
13. **System-wide education and training** – An ROSC ensures values and concepts associated with ROSCs are learned through the entire system.
14. **Ongoing monitoring and outreach** – In an ROSC, stakeholders assess treatment plans and services on an ongoing basis, and make changes as needed to ensure the plan and services continue to meet the person’s needs. ROSCs recognize that recovery is not a linear process.
15. **Outcomes driven** – An ROSC develops performance measures with all stakeholders and measures individual as well as community wellness.
16. **Research-based** – An ROSC places value on research already conducted and encourages additional research on relevant topics and treatment methods.
17. **Adequately and flexibly financed** – An ROSC permits all individuals to be able to pay for needed treatment along a continuum of services.⁵

Several states and communities have made or are making the transition to ROSC using the above guiding principles and essential elements. Ohio started its ROSC process by designing a stakeholder assessment tool to examine the extent to which state and local behavioral health systems were recovery-oriented and to identify opportunities to improve these systems.⁶ Connecticut and Maine encouraged providers to collect input from individuals in recovery and their family members and to adjust their care and practices based on feedback received and self-assessment results.⁷ Michigan started its transformation process by convening community members such as people in recovery, family members, providers, and coordinating agencies to create a shared vision and implementation plan that emphasized that changes in attitudes and beliefs must go along with changes in practice and policy. The state formed a Steering Committee to lead the transformation, which incorporated the following in its vision: integrating strategies to prevent new substance use disorders, reducing harm from addiction, helping people

⁵ Sheedy C. K., and Whitter M., Guiding Principles and Elements of Recovery-Oriented Systems of Care: What Do We Know from the Research? HHS Publication No. (SMA) 09-4439. Rockville, MD: Center for Substance Abuse Treatment, Substance Abuse and Mental Health Services Administration, 2009. Guiding Principles and Elements of Recovery-Oriented Systems of Care: What do we know from the research? - August 2009 (naadac.org), accessed at: https://www.naadac.org/assets/2416/sheedyckwhitterm2009_guiding_principles_and_elements.pdf

⁶ Ohio ROSC Report 2019, accessed at: https://www.oacbha.org/docs/ROSC_State_Report.pdf

⁷ Practice Guidelines for Recovery-Oriented Care for Mental Health and Substance Use Conditions, Connecticut Department of Mental Health and Addiction Services (2008), accessed at: <https://portal.ct.gov/-/media/DMHAS/Recovery/practiceguidelines2pdf.pdf>; Mental Health Services: Practice Guidelines for Recovery Oriented Care (Maine, 2011), accessed at: <https://www.maine.gov/dhhs/samhs/mentalhealth/wellness/recovery/documents/recovery-guidelines.pdf>

FINDINGS

COLLABORATION, COMMUNICATION, COORDINATION

FINDING 1

There are challenges in coordinating care between courts and treatment providers and different expectations about the roles of courts and treatment providers, making efficient and effective service delivery difficult.

Together, Kentucky's courts and behavioral health systems value the collaboration they experienced through recent grant opportunities funded through SAMHSA, such as the Kentucky Opioid Response Effort (KORE) and the Responsive Education to Support Treatment in Opioid Recovery Efforts (RESTORE) Initiative. However, stakeholders noted challenges involving care coordination, the expectations about the courts and treatment providers' roles, collaboration, competition, and data sharing.

Care Coordination

Treatment providers noted challenges with coordinating care for individuals, particularly those who do not have a designated case manager, social worker, or probation or parole officer. They also expressed that having individuals set up services independently in times of stress can be difficult and confusing. Information sharing is a critical component of cross-system collaboration, and many courts and treatment providers lack a consistent communication structure. The communication structure is very different based on the type of program and geographic location. Smaller jurisdictions tend to have closer relationships and more frequent contact with providers than jurisdictions in larger urban areas.

Generally, Pretrial Officers give individuals a resource list and tell them to call providers to set up appointments. When individuals initially reach out to service providers, they are frequently unclear about what the courts expect of their participation with the provider. Sometimes they are required to complete treatment, while other times they only have to complete an assessment to determine whether the provider recommends treatment participation. Due to caseload size and staffing, Pretrial Services lacks staff capacity to provide stronger links to services.

The Pretrial Assisted Reentry Treatment Services (PARTS) program is an exception; its coordinator communicates directly with service providers to connect individuals to services and provides ongoing case management to program participants.¹⁰ Another program that facilitates connections to services during the pretrial phase is the Department of Public Advocacy's (DPA) Alternative Sentencing Worker (ASW) Program.¹¹ Pretrial Officers who work closely with the social workers from this program have

¹⁰ Multiple stakeholders spoke highly of the PARTS Program's ability to engage and support participants through ongoing case management.

¹¹ Through a referral process, DPA attorneys and ASWs identify individuals who suffer from substance abuse and/or mental health disorders, offering alternative options to the court, in lieu of incarceration. More information at: [Alternative Sentencing Workers - Department of Public Advocacy \(ky.gov\)](https://dpa.ky.gov/who-we-are/ASW/Pages/default.aspx), accessed at: <https://dpa.ky.gov/who-we-are/ASW/Pages/default.aspx>

found ASWs to be helpful in initiating care; however, not all Pretrial Officers are aware of or utilizing them as a resource and the ASWs cannot provide ongoing monitoring and support for individuals once a court approves the plan. To ensure continuity of care, it is important to connect people to ongoing case management in addition to treatment services.

Once Pretrial Officers refer individuals to services, they reported having infrequent contact with service providers. They receive participation verification at intake and discharge only. In the PARTS program, the coordinator maintains regular contact with treatment providers and notifies courts upon treatment program completion.

Specialty courts generally do not report concerns with care coordination, except in cases where providers are understaffed. Specialty courts outline communication and reporting expectations in Memorandums of Agreement with their contracted providers. Specialty court staff and treatment providers both participate on the treatment court team and problem solve care coordination issues as they arise during staffing.

Family Courts primarily receive treatment information through DCBS social workers. DCBS staff receive monthly updates from providers and include treatment participation information in their reports to the court. DCBS staff articulated challenges with receiving information from some service providers. In many cases, individuals do not sign releases of information for DCBS to receive treatment information, and providers cannot share treatment information without a signed release due to HIPAA. In turn, DCBS cannot share treatment engagement and progress with the courts. Social workers also reported that even with a signed release, they do not always receive consistent treatment participation information, particularly from medications for opioid use disorder providers. Despite those challenges, DCBS staff reported having strong relationships and regular communication with Community Mental Health Centers (CMHCs).

Expectations about the roles of the courts and treatment providers

Throughout the state, courts and behavioral health providers have varied understanding of their roles and expectations of one another. Some courts view their role as screening and connecting individuals to resources and providing structure and accountability, but rely on treatment providers to determine the appropriate level of care and responses to individuals' needs. Other courts recommend specific treatment responses for individuals with substance use and other behavioral health conditions before receiving input from providers. Treatment providers view the courts as a significant referral source and a screening and entry point, and prefer to recommend service plans based on the results of their clinical assessment of each person's needs. The level of collaboration between systems correlates to the courts'

ROSC Elements in Action in Kentucky

Integrated services:

In Eastern Kentucky, Help End Addiction for Life (HEAL) was formed in 2018 by a local doctor, a hospital CEO, and a local treatment provider. Through HEAL, courts in Letcher county developed stronger connections to treatment providers, and they now have a Community Mental Health Center provide screening and assessments to individuals released directly from jail. HEAL focuses on prevention, education, treatment, and recovery.

relationships with specific providers and the level of trust between courts and programs in their communities.

In some jurisdictions, courts ask providers to attend court to screen and assess individuals. Other courts ask treatment providers to be available to assess individuals presenting to court on an on-call basis. Although immediate assessment facilitates access to services for those in the court systems, many providers cannot accommodate those requests without grant funding.

Courts and behavioral health providers recognize opportunities to increase understanding of each system to leverage their strengths. Judges expressed that they would like to learn more about available community-based case management services to ensure adequate referrals to services based within their communities for all individuals not engaged in specialty courts. This would allow them to effectively utilize community resources while reserving court-based case management capacity for high-risk/high-needs individuals through specialty courts. Behavioral health providers expressed an interest in learning how to become more involved in expediting entry into services for those involved in the court system.

Stakeholders identified ways in which the courts communicate with other agencies, including providers, to strengthen relationships. Treatment providers found education sessions with judges about the use of drug testing to improve therapeutic responses have been productive. Both systems would benefit from educating one another about processes and approaches to recovery to improve coordination. Specialty court supervisors reported participating in boards such as the Agency for Substance Abuse Policy Board to develop relationships with providers within their communities.¹² In some jurisdictions, DCBS supervisors meet quarterly with judges to identify areas for improvement, and staff expressed that those meetings are productive and improve communication between systems.

Competition

The court system is a significant referral source for behavioral health treatment programs, and competition for referrals exists among some providers. Certain courts have close relationships with specific programs, while others do not. Access to long-term recovery support services for those who need them is not equitable throughout the state, and existing referral patterns do not always ensure that individuals are matched with the best treatment modality to meet their needs.

In addition to concerns about referrals and access, stakeholders acknowledged that there are different perspectives within the provider community about best practices for treating substance use disorders. In a truly Recovery-Oriented System of Care, clinical behavioral health treatment is one of many pathways to recovery. ROSCs make space for a variety of services and place equal value in each pathway to recovery. However, the different pathways are not always equally accessible to consumers.

Understanding the challenges with entry into different treatment and recovery services as well as how competition among providers impacts collaboration is important to building a robust system. ROSCs

¹² KY Agency for Substance Abuse Policy - Office of Drug Control Policy, accessed at: <https://odcp.ky.gov/About/Pages/History.aspx>

Use of peer supports

The courts value services provided by peer supports—individuals with lived experience in recovery. Some courts have arranged with service providers to have a peer support specialist attend court to help individuals learn more about treatment and recovery support services. Courts have accomplished this without grant funding through relationship building and find peer supports beneficial to increasing engagement. The Cabinet for Health and Family Services also incorporates peer support specialists for some eligible court cases.

ROSC Elements in Action in Kentucky

Commitment to peer recovery support services:

In the Sobriety Treatment and Recovery Team (START) Program, parents who have navigated the child welfare system offer support to parents/guardians involved in dependency, neglect, and abuse cases. The courts consider their services invaluable.

DBHDID also relies on peer support specialists to engage and provide recovery support to individuals involved in the behavioral health system. Peer supports facilitate connections to services through quick response teams that respond to overdoses. They also establish rapport with individuals in jails. Peer supports work at federally qualified health centers and connect people to primary care and syringe exchanges. Community Mental Health Centers frequently hire peer support specialists and employ individuals with lived experience in recovery in case manager and supervisor positions. Behavioral health leaders expressed an interest in hiring more peers with justice system experience, but indicated that barriers prevent some justice-involved and formerly justice-involved individuals from interacting with those with felony convictions. Some individuals bypassed this restriction by having their records expunged. DBHDID would like to see those opportunities expand.

Community representation and advisory groups

Courts and treatment providers acknowledge the importance of partnering with community groups to improve responses to substance use. Hardin County's drug court grew out of a local community grassroots effort, although the AOC currently oversees program operation.

Family Court judges and staff currently participate in specialized training based on a community strengths-based, holistic model that focuses on building community involvement and gaining a full understanding of available social services. Some specialty courts involve a community representative on their teams, such as the YMCA, Chamber of Commerce, or other similar entities, to serve as an additional resource to programs. In addition to court-community partnerships, some

ROSC Elements in Action in Kentucky

Culturally responsive:

One Family Court established Hardin County's Minority Advisory Council to educate the courts on cultural issues to understand how culture affects parenting and increase the courts' responsivity to families of different cultures.

Stigma

Another significant barrier to equitable access to treatment is cultural dynamics, resulting in contrasting views of effective approaches to substance use and mental health across the state. Cultural influences impact justice stakeholders and community members. Stakeholders acknowledged that attitudes towards marijuana use have changed over time and that courts generally understand substance use as a behavioral health issue. However, at times they also framed substance use as a lifestyle and behavior choice rather than a chronic behavioral health condition. In addition to differences in perspectives about substance use, stakeholders also expressed varied views about particular types of treatment and the role of medication in treating opioid use disorders. Court officials and providers indicated that the perception of a lack of services might be related to community stigma towards individuals receiving behavioral health services. Community stigma may lead people not to take advantage of some of the resources available in their communities.

ROSC Elements in Action in Kentucky

System-wide education and training:

A community theater group in the southeastern part of Kentucky called Higher Ground, performed *Needlework*, a play that tackled issues such as harm reduction and needle exchange in ways that were accessible and educational for communities.

In addition to societal stigma, individuals face familial and internalized stigma, impacting their ability to work towards recovery. Stakeholders indicated that individuals often lack family support because they have burned bridges with family members due to ongoing issues related to substance use. The lack of support can affect individuals' engagement in treatment if they feel hopeless. Stigma can also affect an individual's employment opportunities, further affecting their ability to meet basic needs and preventing full or successful engagement with treatment.

Telehealth

Prior to the COVID-19 pandemic, Kentucky had many restrictions on delivering services through telehealth. The state lifted many of those restrictions to continue service provision while also keeping individuals, families, and communities safe during the COVID-19 pandemic, but stakeholders shared their fears that the restrictions will return. Treatment providers are advocating for telehealth remaining as an option for individuals who have difficulty attending groups and accessing services otherwise. The provision of services via telehealth during the COVID-19 pandemic has increased individuals' ability to access services. However, there are many individuals, particularly in rural areas of the state, that lack the technology or service connection necessary to utilize services this way. Stakeholders pointed to churches and other community organizations that have helped individuals use Wi-Fi to participate in treatment and meetings, which has mitigated this barrier for some.

FUNDING

FINDING 6

Essential services to coordinate care for individuals involved in the court and behavioral health systems do not have adequate funding, which has caused some communities to rely on short-term grants to fill in gaps. Without a long-term sustainability plan, the care coordination services will disappear when grant periods end.

Stakeholders identified many needed services that do not have a secure and stable funding source, including court-run and behavioral health programs. Courts struggle to fund certain Specialty Court programs without grants, and Pretrial Services lacks funding to expand its PARTS program. In some cases, services have a funding source but a low reimbursement rate relative to the value they provide, particularly peer supports. Behavioral health service providers mentioned several ways in which they rely on grants to provide after-hours services and some jail-based programs.

Non-reimbursable treatment and recovery support services

Providing adequate and timely screening is a critical step towards identifying and responding to individuals with substance use and other behavioral health conditions. Both courts and treatment providers identified challenges with screening. Community Mental Health Centers cannot go into jails to assess individuals without grant funding, although they see the benefit of reaching people before they return to their communities. Multiple courts have set up informal networks to quickly assess and refer individuals to services, as judges generally feel that this practice eliminates barriers to accessing services. However, some providers cannot afford to place staff at courts since it is cost-prohibitive unless they receive a certain number of service referrals each day. Some of these efforts are grant-funded, while others are not.

Care coordination is another significant component of a Recovery-Oriented System of Care. Treatment providers indicated that care coordination, particularly between physical and behavioral health, is not reimbursable. ROSCs aim to improve all aspects of health; physical, mental, and emotional health are all part of well-being. Court staff and treatment providers struggle to link individuals to all appropriate services while avoiding over conditioning. Pretrial Officers cannot provide the level of care coordination needed due to high caseloads and a limited budget.

Recovery-Oriented Systems of Care promote the use of natural supports. For many individuals involved in the court system, family members are a significant source of their recovery support. Treatment providers highlighted the value in providing education to help family members understand substance use and mental health and learn strategies to support their loved ones in recovery. However, they indicated that family engagement and education of family members is not reimbursable through Medicaid, although family therapy is covered.

Behavioral health treatment providers, DCBS, and court staff all indicated that sharing information and attending meetings together strengthens their collaboration, but those interactions are not billable.

Treatment providers see the benefits of educating courts regularly about behavioral health but lack the capacity to provide these extra services without steady funding sources to support the work.

Grant-funded programs

Pre-arrest diversion to behavioral health services is one way that the justice system can respond to behavioral health needs while preventing individuals from court-involvement or incarceration. Currently, pre-arrest diversion opportunities are limited in Kentucky. Louisville Metro Police Department piloted a federal grant-funded Law Enforcement Assisted Diversion (LEAD) program that connected individuals with substance use disorders or mental health issues to treatment, but the program closed in 2019 due to a lack of funding.⁴⁴ Grant funding availability also affects Kentucky's specialty courts. Several stakeholders mentioned court programs that no longer exist because grant periods ended, and others noted they were seeking grant funding to start new specialty courts.

Federal grants support jail-based programs that some CMHCs provide. These programs include parenting classes, case management, and referrals to substance use services. When funding is available, treatment programs use grants to provide prevention programs such as educational programming about SUD treatment for families.

EDUCATION

FINDING 7

Courts and communities have increased their awareness of substance use and recovery. They would benefit from ongoing education to increase collaboration, awareness of community-based resources, and appropriate advocacy for recovery-oriented responses to substance use and mental health.

Stakeholders indicated that the courts and communities at large have become more aware of the prevalence of substance use and the need to provide services to individuals with behavioral health conditions. This awareness, in combination with opportunity and leadership, has led to positive changes in the courts and communities. One area where educational opportunities have influenced the courts' responses is learning about the use of Medications for Opioid Use Disorder (MOUD) in treating opioid use disorders. In addition to that effort, the RESTORE Initiative provided the courts with much-needed information about substance use and recovery. Some judges indicated that the summits were the first time they fully understood their role in connecting individuals to services and their available options. However, long-standing beliefs are hard to change; stigma continues to impact communities' and courts' perceptions towards individuals with substance use and co-occurring disorders. Ongoing training is essential to ensure that systems understand and apply the complex values and concepts associated with

⁴⁴ Louisville budget cuts force Centerstone's Living Room to close ([courier-journal.com](https://www.courier-journal.com/story/news/local/2019/06/27/louisville-budget-cuts-force-centerstone-living-room-to-close/1576260001/)), accessed at: <https://www.courier-journal.com/story/news/local/2019/06/27/louisville-budget-cuts-force-centerstone-living-room-to-close/1576260001/>

RECOMMENDATIONS

Transitioning to a Recovery-Oriented System of Care court model will require coordinated efforts in three main areas:

- 1) within Kentucky's court system,
- 2) at the state level between the court system and CHFS, including DBHDID and DCBS, and
- 3) within local communities.

Each level of coordination requires a working group or committee to take responsibility for improving responses to individuals with substance use and other behavioral health conditions. Although these recommendations call for multiple groups, each focusing on different aspects of transitioning to an ROSC, these groups can simultaneously work on their specific priorities while also maintaining communication with the other groups.

COORDINATION WITHIN THE COURT SYSTEM

RECOMMENDATION: CONVENE AN AOC WORKING GROUP TO DEVELOP DEFINITIONS, GOALS, VALUES, AND VISION OF A RECOVERY-ORIENTED SYSTEM OF CARE COURT MODEL

To effect system change, stakeholders need to ensure they are operating under a shared set of definitions, goals, values, and vision. ROSCs are principle and values-driven; building consensus around shared values is essential to system transformation.⁴⁵ Developing a shared vision of the courts' role in supporting those with behavioral health conditions will help cultivate relationships, build trust among key partners, and serve as a needed first step to inform stakeholders about the shift in response to these individuals.⁴⁶ It is essential to include judges in this effort because of their significant influence on how individuals move through the court system.

The AOC working group should start by engaging in the following activities to transition to an ROSC:

- Identify key definitions for concepts like recovery, recovery management, and Recovery-Oriented Systems of Care;
- Ensure adopted definitions are consistent with those used in the behavioral health system;⁴⁷

⁴⁵ Sheedy C. K., and Whitter M., Guiding Principles and Elements of Recovery-Oriented Systems of Care: What Do We Know from the Research? HHS Publication No. (SMA) 09-4439. Rockville, MD: Center for Substance Abuse Treatment, Substance Abuse and Mental Health Services Administration, 2009. Guiding Principles and Elements of Recovery-Oriented Systems of Care: What do we know from the research? - August 2009 (naadac.org), accessed at: https://www.naadac.org/assets/2416/sheedyckwhitterm2009_guiding_principles_and_elements.pdf

⁴⁶ Using person-first language of recovery already utilized in the behavioral health field also helps stakeholders understand behavioral health conditions, including substance use, as chronic conditions requiring ongoing support and management.

⁴⁷ 2008Recovery:SystemsPerspective (ky.gov) Presentation from the Southeast Addiction Technology Transfer Center (ATTC) provided to Kentucky Department for Behavioral Health, Developmental and Intellectual Disabilities, accessed at:

<http://dbhdid.ky.gov/dbh/documents/ksaods/2017/RecoveryOrientedSystemsofCare.pdf?t=23425306122018>

- Identify recovery-oriented values and principles for the court system to adopt;
- Establish an initial vision and goals for an ROSC court system; and
- Identify funding sources to support the work.

Since the AOC consists of three distinct departments that administer statewide programs to support court operations, it is critical to explore internal barriers to serving individuals and families involved in multiple systems. Establishing a shared vision and principles can help Kentucky prepare to develop achievable action steps with realistic timeframes to transform its court system and increase consistency between different courts. Creating a shared vision and approach to substance use and co-occurring disorders will be particularly useful in jurisdictions where judges have multiple types of dockets, such as a criminal docket and a specialty court docket.

The AOC working group should consider focusing on the following recommended activities to create a more holistic court model.

RECOMMENDED ACTIVITIES FOR THE AOC WORKING GROUP

1. Streamline the screening process to identify individuals in need of services (including insurance and housing).

Individuals entering the court system are frequently overwhelmed by challenges. They may be in custody, face criminal charges or removal of their children, and have to navigate the complex court and behavioral health systems to comply with court requirements. They may be involved in court-related issues in multiple counties, and may be detoxing from substances or experiencing a crisis at the time of screening. An ROSC court system would provide a “no wrong door” approach to screen and refer individuals and families to services that address their complex needs and meet their court obligations.

ROSCs seek to provide uncomplicated entry into services. To avoid individuals having to answer the same or similar questions multiple times while navigating systems, courts should investigate using a system-wide screening tool. The screening tool can determine who to refer for mental health and substance use assessments and facilitate connections to multiple service needs. Data systems should track referrals to inform staff whether an individual has already been recommended for or connected to resources by another part of the court system to streamline access to services. In addition to increasing efficiency, using the same screening tool throughout the system can ensure substance use information is collected consistently and simplify staff training on the purpose and role of screening.

Courts would also benefit from clarifying roles and responsibilities in responding to individuals with substance use and other behavioral health service needs. The courts’ role should be limited to identifying individuals who would benefit from services, screening for substance use and other basic needs such as insurance, and making referrals for clinical assessments to be completed by providers in the community.

to align their policy, administrative, and fiscal practices both internally and with others.⁶⁶ Both court systems and behavioral health systems can be siloed, making it challenging to integrate substance use and mental health care. For example, DBHDID's Division of Behavioral Health consists of four separate branches; each branch has its own programs, services, and potential funding sources.⁶⁷ A conceptual framework will need to outline the necessary changes within and between systems to align policies and administrative and fiscal practices to promote recovery. Including a wide variety of stakeholders in this process will ensure the Steering Committee includes individuals with in-depth knowledge of the necessary areas to identify needed changes and ensure all partners develop complementary definitions and practices.

It is important to note that system change is a process, not an event, and it takes time. States take years to develop recovery-oriented outcome measures. For example, Connecticut started its ROSC journey in 2000 with a policy statement from its behavioral health commissioner, and the state continues to refine its efforts.⁶⁸ Michigan began its system transformation process by scheduling dialogue and visioning sessions to create a shared understanding of the goals of moving towards a Recovery-Oriented System of Care.⁶⁹ Although each state approaches the process based on its own needs, building the foundation of shared language is critical to identifying a framework and implementation plan towards transitioning to an ROSC.

Organizations typically go through multiple stages when implementing new policies and practices:

1. First, organizations enter the *exploration* stage. They explore barriers and potential roadblocks and identify funding sources and other needed materials to support the new interventions or policies.
2. Next, organizations progress to the *installation* stage. They develop new policies, train staff to implement the approach, and develop performance measures to monitor progress.
3. Third, organizations enter *initial implementation*, when they start using the new policies and practices and start monitoring quality and progress.
4. Finally, organizations move to *full implementation*, in which the new policies and procedures become fully operational. During this time, organizations continue to monitor performance and make needed changes to ensure that the practices are sustainable.

⁶⁶ Operationalizing ROSC SAMHSA 2012.pdf (oacbha.org), accessed at: https://www.oacbha.org/docs/Operationalizing_ROSC_SAMHSA_2012.pdf

⁶⁷ Kentucky Cabinet for Health and Family Services, accessed at: <https://dbhdid.ky.gov/dbh/default.aspx>

⁶⁸ Practice Guidelines for Recovery-Oriented Care for Mental Health and Substance Use Conditions, Connecticut Department of Mental Health and Addiction Services (2008), accessed at: <https://portal.ct.gov/-/media/DMHAS/Recovery/practiceguidelines2pdf.pdf>

⁶⁹ Interview with Deborah Hollis, Director, Office of Recovery Oriented Systems of Care, Michigan. White, W. (2014), accessed at: https://www.opioidlibrary.org/wp-content/uploads/2019/08/2014_Deborah_Hollis_ROSC_in_Michigan2.pdf

- Continued use of telehealth
- Medicaid transportation⁷¹
- Family education and engagement
- Care coordination (physical/mental health)
- Dental services (particularly dentures)

2. Identify needed resources and work to secure funding to expand care coordination.

Stakeholders shared that there are services and resources necessary to individuals' success that are not reimbursable through Medicaid and therefore require other forms of funding. Coordinating care between physical and behavioral health systems is essential to ROSC's goal of enhancing quality of life. Care coordination is an integral part of providing care, but it is often unfunded, leaving agencies to provide the services without adequate funding. The Steering Committee and localities piloting Recovery-Oriented Systems of Care efforts should investigate alternative ways of funding these services so individuals have the best possible opportunity for recovery. The following are examples of steps that the Steering Committee could take toward increasing funding for necessary services:

1. Consider securing funding to provide participants with technology (such as smartphones or phone minutes) so they can attend groups and appointments electronically.
2. Investigate ways to obtain additional funding for the Department of Public Advocacy's Alternative Sentencing Workers to continue linking individuals to community resources.
3. Secure funding to collaborate with behavioral health on developing a peer support program for all types of courts, including identifying necessary policy changes, processes, and how Medicaid could pay for needed services.
4. Assist with the hand-off to resources. Ensure AOC and DCBS staff are aware of local resources, and designate a staff person at each office to be the main point of contact for community providers. Create and update resource lists regularly and ensure Pretrial Officers know enough about available resources to connect individuals with a provider that meets their needs.
5. Provide a liaison to service providers, so individuals who are referred by the courts but not connected to a specialty court case manager, probation and parole officer, or DCBS social worker have a point of contact within the courts to clarify referrals, expectations, and provide ongoing case management and support.
6. Look for funding to expand the PARTS pilot program. Consider designating Pretrial Officers in multiple offices to act as the liaison between courts and treatment, and modify the program to meet individuals assessed for various levels of care, not just residential treatment.

⁷¹ Human Services Transportation | KYTC, accessed at:
<https://transportation.ky.gov/TransportationDelivery/Pages/Human-Services-Transportation.aspx>

3. Increase use of peer supports with lived experience in the justice system.

Recovery-Oriented Systems of Care recognize the value of lived experience in assisting individuals in their recovery. While there are peer supports employed currently throughout the court and treatment systems in Kentucky, the state could increase the number of peer supports available and ways in which peer supports support individuals in their recovery. Stakeholders expressed that individuals who are incarcerated often only hear from others about the negative aspects of participating in specialty courts. Increasing the use of peer supports with lived experience in the justice system could allow potential participants to hear more success stories and increase trust in the court system. Developing trusting relationships with peer supports could increase participation as well as success rates.

The Steering Committee should examine peer support models and a process to identify the best place to house peer supports, whether in the DBHDID or the court system. There will likely be legal barriers to navigate to hire individuals with a history of incarceration. Stakeholders should identify those barriers and modify restrictions that would prevent them from interacting with other people incarcerated or charged with felonies. It may take time to certify peer supports with lived experience in the justice system. Change takes time; while there is an urgent need for change, it is important to spend time assessing and planning so that when the new policy or practice is implemented, it can be effective.

Policy Research Associates has created a resource that would be useful in implementing this recommendation. The resource, "Peer Support Roles Across the Sequential Intercept Model," outlines ways in which peer supports can be utilized at every intercept in the criminal justice system, including prior to law enforcement interaction and post-incarceration.⁷² The resource also provides specific and concrete examples of how other localities across the United States have used peer supports.

4. Navigate barriers to identifying and collecting information about individuals and families involved in multiple aspects of the court and behavioral health systems.

Information sharing is critical to implementing an ROSC court model. Individuals and families frequently touch multiple aspects of court and behavioral health systems. Information sharing across behavioral health and justice systems is needed to reduce the number of incarcerated individuals with substance use and other behavioral health conditions. Having accurate and available information about each person's health and treatment history can improve recovery outcomes; however, barriers currently exist to sharing that information.⁷³ Programs use different data systems and often focus exclusively on the presenting case without identifying additional cases or service referral needs. Separate data systems present one barrier, but there are also privacy and consent concerns with sharing information.

⁷² Peer Support Roles Across the Sequential Intercept Model (prainc.com), accessed at: https://www.prainc.com/wp-content/uploads/2020/08/PeersAcrossSim_PRA-508.pdf

⁷³ Point-of-service Information Sharing Between Criminal Justice and Behavioral Health Partners: Addressing Common Misconceptions - Policy Research Associates (prainc.com), accessed at: <https://www.prainc.com/point-of-service-information-sharing-criminal-justice-behavioral-health-partners-addressing-common-misconceptions/>

Although there are challenges to sharing information within and across systems, the benefits of doing so are significant. A working group that explored information sharing between justice and behavioral health systems noted that information sharing can increase the accessibility of information, reduce staff time and costs, and enable more effective continuity of care.⁷⁴ The Steering Committee should identify the challenges with data integration and information sharing to ensure that data systems can and do talk to each other while complying with all legal requirements.

COORDINATION WITHIN LOCAL COMMUNITIES

RECOMMENDATION: IDENTIFY KEY AREAS OF THE STATE IN WHICH TO PILOT LOCAL RECOVERY-ORIENTED SYSTEM OF CARE EFFORTS

Statewide ROSC efforts often include two parallel tracks; a state-level transformation and oversight committee articulating a value-driven framework and a local action planning component.⁷⁵ While the statewide Transformation Steering Committee can help judicial circuits and districts build statewide cross-agency relationships, local planning is needed to personalize the model for each community. ROSCs require coordination and trust-building between courts and criminal justice agencies, behavioral health treatment providers, community resource providers, and individuals in recovery and their family members. Trust-building requires participants to know one another and work towards a shared vision; thus, it often works better when localized. Certain courts have already developed close relationships with local treatment providers, and in some cases, recovery collaboratives.⁷⁶ Those relationships can be leveraged to build support for transitioning to an ROSC.

ROSCs work to complement the natural support that communities already provide. To effectively build upon those natural supports, Recovery-Oriented Systems of Care have to incorporate a local component to increase individuals' connections to their communities and promote opportunities for long-term recovery.⁷⁷

⁷⁴ Opportunities for Information Sharing to Enhance Health and Public Safety Outcomes (urban.org), accessed at: <http://www.urban.org/sites/default/files/publication/23466/412788-Opportunities-for-Information-Sharing-to-Enhance-Health-and-Public-Safety-Outcomes.PDF>

⁷⁵ Interview with Deborah Hollis, Director, Office of Recovery Oriented Systems of Care, Michigan. White, W. (2014), accessed at: https://www.opioidlibrary.org/wp-content/uploads/2019/08/2014_Deborah_Hollis_ROSC_in_Michigan2.pdf

⁷⁶ HEAL, accessed at: https://www.healky.org/?fbclid=IwAR3DtXNDBUigSA5FqthIPV61PpSjAml_ShmsXqP5GyDHBdm76i-r6DQthig

⁷⁷ Interview with Mark Witte, Planning Director of Network 180, and Kevin McLaughlin, Executive Director of Recovery Allies of West Michigan. White, W. L. (2014), accessed at: <http://www.williamwhitepapers.com/pr/2014%20Mark%20Witte%20and%20Kevin%20McLaughlin.pdf>

Research shows that the use of community resources maximizes recovery outcomes. Individuals with strong community ties and support are more likely to sustain their recovery, so collaborating a system of care at a local level increases positive outcomes.⁷⁸

The statewide Transformation Steering Committee should pilot a Recovery-Oriented System of Care court system in local communities by taking the following steps:

- Identify local champions for recovery efforts and start in judicial circuits or districts where courts are closely connected to treatment providers;
- Convene community stakeholders (including those who use services and their family members, service providers, community leaders, businesses, law enforcement, criminal justice partners, faith-based and veterans organizations, as well as other social, health, and human services partners);⁷⁹ and
- Secure resources to support Sequential Intercept Mapping (SIM), a process to help communities identify resources and gaps in services to connect individuals with mental health and substance use disorders to services at various points throughout the criminal justice system.⁸⁰

RECOMMENDED ACTIVITIES FOR LOCAL PILOT SITES

1. Engage in Sequential Intercept Mapping to identify intervention points, gaps in services, and available resources.

Once the statewide Steering Committee selects pilot sites and each site has convened stakeholders, they should consider starting with Sequential Intercept Mapping (SIM). Since Kentucky does not have many pre-arrest diversion programs, the state may benefit from exploring options to link and refer individuals to treatment at all contact points within the criminal justice system, including prevention services to keep people out of the justice system.

The SIM process can help communities complete a capacity inventory and create a custom resource map and action plan to address identified gaps.⁸¹ Progressing through SIM can help clarify key action

⁷⁸ Litt, M. D., Kadden, R. M., Kabela-Cormier, E., & Petry, N. (2007). Changing network support for drinking: Initial findings from the Network Support Project. *Journal of Consulting and Clinical Psychology*, 75(4), 542–555. <https://doi.org/10.1037/0022-006X.75.4.542>, Accessed at: [Litt et al 2007 Net Supp Initial Findings JCCP.pdf \(d1wqtxts1xzle7.cloudfront.net\)](https://www.researchgate.net/publication/236111111)

⁷⁹ *ROSC In Ohio Recovery is Beautiful 2014.pdf*, accessed at: <http://www.williamwhitepapers.com/pr/ROSC%20In%20Ohio%20Recovery%20is%20Beautiful%202014.pdf>

⁸⁰ *The Sequential Intercept Model (SIM) | SAMHSA*, accessed at: <https://www.samhsa.gov/criminal-juvenile-justice/sim-overview>

⁸¹ *Leading Change Guide Final 4.27.20.pdf (ncsc.org)*, accessed at: https://www.ncsc.org/_data/assets/pdf_file/0024/36492/Leading_Change_Guide_Final_4.27.20.pdf

steps to work towards a Recovery-Oriented System of Care.⁸² Each community will have distinct priorities based on its assets, needs, and priorities. In addition to identifying gaps and strengths in local communities, SIM can help identify what data should be collected to monitor the impact of the program. The process can also help tackle any associated privacy concerns to ensure that information is shared and complies with the Health Insurance Portability and Accountability Act (HIPAA), which can aid in transforming to an ROSC court model.⁸³

2. Engage local recovery groups as part of the ROSC transformation process.

ROSCs are consumer-driven, and local pilot sites should ensure that individuals in recovery and recovery groups are included in their design, implementation, and evaluation. In addition to helping with ROSC design, recovery groups can also help courts combat stigma towards those with behavioral health conditions. Stigma can impact individuals' ability to meaningfully engage in services and develop strong ties to their communities,⁸⁴ so it is crucial that ROSCs address stigma to empower individuals in recovery and ensure that their communities can support them. Anti-stigma efforts can also educate broader communities on how stigma poses a barrier to individuals involved in the court system. The pilot sites should work to develop and support anti-stigma campaigns to increase the likelihood that individuals will avail themselves of available recovery support resources.⁸⁵

⁸² [CreatingaRecovery-OrientedSystemofCareinFlorida-2017.pdf \(flgov.com\)](https://www.flgov.com/wp-content/uploads/childadvocacy/CreatingaRecovery-OrientedSystemofCareinFlorida-2017.pdf), accessed at: <https://www.flgov.com/wp-content/uploads/childadvocacy/CreatingaRecovery-OrientedSystemofCareinFlorida-2017.pdf>

⁸³ [Data Collection Across the Sequential Intercept Model: Essential Measures](https://store.samhsa.gov/sites/default/files/d7/priv/pep19-sim-data.pdf), accessed at: <https://store.samhsa.gov/sites/default/files/d7/priv/pep19-sim-data.pdf>

⁸⁴ [Practice Guidelines for Recovery-Oriented Care for Mental Health and Substance Use Conditions, Connecticut Department of Mental Health and Addiction Services \(2008\)](https://portal.ct.gov/-/media/DMHAS/Recovery/practiceguidelines2pdf.pdf), accessed at: <https://portal.ct.gov/-/media/DMHAS/Recovery/practiceguidelines2pdf.pdf>

⁸⁵ [Anti-Stigma Toolkit: A Guide to Reducing Addiction-Related Stigma](https://attcnetwork.org/sites/default/files/2019-04/Anti-Stigma%20Toolkit.pdf), accessed at: <https://attcnetwork.org/sites/default/files/2019-04/Anti-Stigma%20Toolkit.pdf>

CONCLUSION

Kentucky's Court of Justice recognizes that while substance use and co-occurring disorders present significant challenges for those involved in the court system, individuals can and do recover. The court setting presents unique opportunities to identify and connect individuals with behavioral health conditions to needed services and supports. KCOJ is committed to improving responses to individuals affected by substance use and co-occurring disorders, and to that end is interested in transformation from a sanction and compliance-focused court model to a Recovery-Oriented System of Care court model. Through intentional collaboration within the KCOJ, at the state-level between the courts and behavioral health systems, and within local communities, Kentucky's court system can begin the process of moving towards this new model.

Appendix L

Page 18 of Cyndi Heddleston
Statement to JCC

A. Yes, sir. That actually does occur in some circumstances, and we do have grants where that happens, so often times the amount that is funded through the grant does not cover the entire cost of that program to include like a staff member who actually provides those services and those functions, in addition to the cost of the equipment, etc. So there may be that that particular organization might have a cost maybe to the amount of like \$5.00 per day. Usually a nominal amount and oftentimes it's a sliding fee schedule to assist those indigent individuals for the services of electronic monitoring. I can say that under the State Corrections Commission requirements, they have to be non-profit, but there are other electronic monitoring organizations that may exist that may be a business and, and not necessarily required to be a non-profit.

Q. Okay, that makes sense. Have you ever had a similar application where one of the parties applying was an actual active and current Judge in the Commonwealth?

A. So, yes. We do have applications that list some sort of function from the Judge. So under statute, the State Corrections grant has to have a local community corrections board, as you've referenced there, sounds like there's one in place for the 42nd. The statute actually does require a number of local officials be a part of that local community corrections board. Oftentimes, a Judge is included in that process, as the purpose of the State Corrections Commission grants are targeted towards an alternative to incarceration. So it usually has some kind of occurrence, not always, but usually, with the court system and, therefore, the Judge comes into play with that particular project or that program to review the program or the project, indicate their agreement to utilize the services to refer certain defendants into the program, etc. So we, across the state, fund projects such as electronic monitoring, or another example that has judicial involvement are mental health courts.

Appendix M

Emails Discussing Recommendation of
Chief Justice for Head of Specialty Courts
to Meet with Judge to See if Method for
Building Local Recovery Support Options
Can be Duplicated in Other Areas

Jameson, James

From: Benjamin, Melynda
Sent: Monday, October 28, 2019 8:25 AM
To: Jameson, James
Subject: RE: Recovery Program

Judge,
You can reach me by text any time at 815-762-2612.
I look forward to talking with you.

Melynda

From: Jameson, James <JamesJameson@kycourts.net>
Sent: Friday, October 25, 2019 1:49 PM
To: Benjamin, Melynda <MelyndaBenjamin@kycourts.net>
Cc: Dudgeon, Laurie <LaurieDudgeon@kycourts.net>; McGinnis, Jason <JasonMcGinnis@kycourts.net>
Subject: Re: Recovery Program

Let's do after training if that's ok? That way we won't be pressured. Do you have a number I can text you at?

Sent from my iPhone

On Oct 25, 2019, at 7:25 AM, Benjamin, Melynda <MelyndaBenjamin@kycourts.net> wrote:

Good morning Your Honor,
I appreciate your willingness to meet with me. I am out of state until Wednesday, but I could meet you Wednesday morning at breakfast or after the training that afternoon.
Melynda

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

From: Jameson, James <JamesJameson@kycourts.net>
Sent: Friday, October 25, 2019 1:37:16 AM
To: Benjamin, Melynda <MelyndaBenjamin@kycourts.net>
Cc: Dudgeon, Laurie <LaurieDudgeon@kycourts.net>; McGinnis, Jason <JasonMcGinnis@kycourts.net>
Subject: Re: Recovery Program

I am more than happy to meet with you or speak on the phone, whichever you prefer. As it happens, I will be at the Circuit Judge's conference next Monday-Wednesday. If you have some time available one of those evenings, that puts me within 30 minutes of Frankfort. Perhaps that would work? Or perhaps we could do breakfast?

James T. Jameson, Judge,
42nd Judicial Circuit, Div. I
jamesjameson@kycourts.net

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Kentucky Court of Justice

On Oct 23, 2019, at 9:27 AM, Benjamin, Melynda <MelyndaBenjamin@kycourts.net> wrote:

Good Morning Your Honor,

Chief Justice Minton has shared with me the information regarding your program and community partners in Marshall County. I am excited to hear it is working so well for your court and I agree having our local stakeholders involved is key in combating this issue across our state.

Would you have availability in the near future to speak with me to discuss more about how this is working in your community.? I am happy to come to your office or have a phone conference at your convenience.

Thank-you,

Melynda Benjamin

Melynda L. Benjamin | Executive Officer | Department of Specialty Courts
Administrative Office of the Courts | 1001 Vandalay Drive | Frankfort, KY 40601
t 502.573.2350 | x 50611 | f 502.782.8700 | melyndabenjamin@kycourts.net

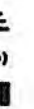
Kentucky Court of Justice Confidentiality Notice

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Appendix N

Unsolicited Messages to Judge Jameson
from Respected Business Woman Cindy
Cash, and From Supporter of Recovery
Efforts

4:05



Copy

The reason I thought to text now... Brahm Riley told his mother today that after 251 days of being clean- if it weren't for Judge Jameson and his drug program- he wouldn't be alive. Rhonda and Joey had Brahm in many rehab facilities and programs but yours has saved him. I think that is one heck of a compliment to you. That makes me even more proud of you! Great job!!!!



Jameson, James

From: Kori Tabers <kori.tabers17@gmail.com>
Sent: Friday, March 20, 2020 2:38 PM
To: Jameson, James
Subject: Support for Treatment Facility

March 20, 2020

Judge Jameson,

I wanted to take a moment to express my extreme support of you seeking to open a faith based residential treatment facility.

I am a former resident of Murray, KY and became an addict several years ago while in an unbalanced relationship and things that go along with the addicts way of living. However, today, thanks to a faith based treatment program like one you are proposing I have been clean for 2 years and 9 months, something I never dreamed possible!!

When you spoke to the Marshall Co Board of Education regarding individuals who were not only addicts but had been involved in crime, I WAS one of those statistics. As a result of that lifestyle, a judge saw fit for my child to be adopted, we went to court and we fought, we fought hard and the Lord was with me. Truthfully it was liberating for me personally. I had lost myself during all those years of addiction. I didn't know who I was. Grace & Mercy helped me find myself by showing me the love of Jesus, processing my underlying hurts & harms, we went to the root of what kept me going back out every time I completed a treatment facility. We had several classes: Psychosocial, Substance Abuse, Domestic Violence, Roots, Rational Behavior Therapy and numerous Bible studies. I was also able to go out into the community and work. I regained my self-worth. They built me up, loved me, walked beside me and taught me how to live life sober, even after I moved out on my own. What I truly loved about this program is that they are my family. Even after I completed my aftercare, I still go there, when I have a problem or need help, that's where I go, who I call, I know they will be there, they will help me, and I am not alone!! That is something DOC facilities cannot provide.

I went through my Son's adoption outcome while in treatment and I know the Lord put me right where I needed to be to help me heal so that I wouldn't run back to the drugs and what was familiar, for once I stared my fears in the face and it hurt, but I received the blessing in the end!! The Lord saw fit for me to stay in my Sons life. I am whole today. The holes I once filled with drugs are now filled with the love of the Father! I work for the Pennyroyal Center at Genesis Admissions in Hopkinsville, KY, helping people get into short term Residential treatment. I am also able to go back to Grace & Mercy and give back to the program that gave me my life back!! I have built such an excellent support system here I chose to stay where I was plugged in and connected. And most importantly I have a relationship with my son, who I didn't know how to love before because I didn't love myself, mainly because I didn't know the Lords love. I have also been blessed with having family relationships restored! My brother, is a participant in the Riverwoods program and we share constantly on what the Lord is doing in our lives. It's been great, we are there for one another, something we never had before.

I feel both Marshall and Calloway community residents, families, businesses and the community as a whole could benefit from a program of this nature. I feel your proposed safety measures are adequate, with proper screening and with further structuring the clients can hold each other accountable as a house and this will only further the safety net. When these people begin healing and becoming productive members of society, they will become citizens, Mothers, Fathers, Brothers, Sisters, and good workers. What they have always been, they just need help recognizing that calling

to know their own unique worth. Our communities will start thriving again; we will have passion in our hearts to wipe this thing out because we are stronger together!! We can begin putting money back into these communities instead of costing them and as someone who is able to now pay my own bills, it feels really good!! As I know you are no stranger to addiction I just wanted to reach out and maybe give you some hope that we do recover, I do face daily battles but I have been given an excellent set of tools that help me deal and most importantly, I know whose I am and for me, that's vital, I don't have to seek validation anywhere else. The individual has to heal from the inside out, mentally, physically, and spiritually, this thing runs deep. For me, my addiction was a symptom of underlying causes. I used because I had suppressed so much for so long, I didn't want to feel. It takes time, longer than six months. It was 8 months before I recognized my thinking patterns were changing. It takes the brain time to heal, we did not get the way we were overnight, we will not recover overnight.

If there is anything I can do to help you with your endeavor please let me know.

Sincerely

Kori Tabers

270-498-8461

Kori.tabers17@gmail.com

Appendix O

Review Comments From Annual Ky. Bar
Association Judicial Review

(comments from attorneys that practice
law in front of Judge Jameson)

2020 Review

- Judge Jameson exhibits good leadership skills
- He wants defendants with drug problems to get rehabilitation
- Friendly personality, good understanding of criminal law; punctual
- He is thoughtful from the bench, asks good questions, and indicates a good knowledge of the case
- As most private attorneys are from out of county, its helpful that he allows them to proceed at 12:30 or so before the regular scheduled 1 o'clock docket. You can get in and out of that court in 45 minutes. He's considerate about continuances.

2021 Review

- Judge Jameson does an excellent job overall.
- Very devoted and informed with regard to all cases
- I believe that this Judge really does care about people. While I don't always agree with him on the law, nor the approach, I do believe he believes he is helping people.
- Judge Jameson empathizes strongly with those who suffer from addiction and utilizes that passion for helping people who suffer from addiction receive the treatment they need.
- Judge Jameson treats everyone before him as they should be treated, which is equal before the law. He has knowledge of the cases on his docket prior to the docket so that he can effectively hearing the arguments of each side and ask relevant questions.
- Judge Jameson has been a good source of leadership for local bars in Marshall and Calloway counties, keeping the bar informed of and providing options for dealing with the Covid pandemic and in the administration of justice. Judge Jameson and his staff do very good work.
- Judge Jameson is patient, humble and smart. He's one of the new, young, and bright stars on the bench. Ive watched him from the beginning. I was concerned at first due to his lack of legal experience. However, he's obviously worked hard to learn the law, procedure, decorum, and interaction with attorneys and pro se litigants.
- Judge Jameson is very patient and provides each attorney or defendant the opportunity to express their position without interruption and with complete attention. The most impressive point concerning Judge Jameson is his passion and empathy for defendant's with drug addiction. His leadership o the community is unbelievable and extremely beneficial.
- Judge Jameson is perhaps the most well-rounded Judge that I appear before. He is prepared, even-tempered and pleasant. He is respectful of attorneys and clients alike, and takes time to listen to clients and their attorneys and make appropriate decisions after reviewing and hearing a matter before him. He considers and allows clients opportunities for alternative sentencing when appropriate and does not look to fit cases into a one-size fits all mold for disposition. He is up to date on current laws, policies and procedures and he handles his courtroom effectively. In my opinion, he does an excellent job in all areas.

Appendix P

Letter From Fletcher Group CEO Stating
Judge Jameson Has Never Solicited
Donations for Residential Rehabilitation
Program, Re-Life

February 8, 2022

Judicial Conduct Commission
P.O. Box 4266
Frankfort, KY 40604-4266

Members of the Commission:

It is important for me to provide clarification regarding our work with Circuit Court Judge Jamie Jameson and the proposed project being undertaken by the 42nd Judicial Circuit Community Corrections Board (42nd JCCCB). The JCCB located in Benton, KY was founded by Circuit Judge Jameson to provide an alternative response to individuals suffering from a substance use disorder (SUD).

Our organization, The Fletcher Group (FGI), a 501(c)3 entity is operating with a \$13.7 million award from the Federal Health Resources and Services Administration (HRSA). The HRSA award established the Rural Center of Excellence (RCOE) in Recovery Housing with primary goals to increase the quality and capacity of recovery housing by providing technical assistance, training, and conducting research in supporting rural communities to address SUD.

In July of 2020, then Secretary of Justice Noble made us aware that Judge Jameson's organization was interested in the development of a Recovery Kentucky like residential recovery program to serve the 42nd Judicial Circuit and surrounding counties. The project appeared to be consistent with the focus of the RCOE and we contacted Judge Jameson to explore if their project would be eligible for support as part of the RCOE program services. Initial contact was made by Grant Meyer, our VP of Project Development with follow-up activities by other FGI staff and subject matter experts.

Beginning in September of 2020, Gene Detherage, our Outreach & Engagement Specialist was assigned to provide technical assistance for the 42nd JCCCB. Gene identified a major initial task to address funding for planning and development activities. Additional activities included identifying community stakeholders, defining program model alternatives, and outlining a sustainability plan. Judge Jameson and the JCCB were involved in the discussions and development of a work plan based on our TA and the wide array of subject matter expertise FGI brings to these engagements. Through the TA activities we assisted in the planning of a fundraising event to generate pre-development capital. Over five months, Gene guided a planning process for an event that was carried out on May 20th, 2021, in which donations were sought for the project.

We understand that concerns have been specifically raised regarding this fund-raising event and if Judge Jameson engaged in actions before, during, or after the fundraising event that would be in conflict with judicial regulations, as he is bound under judicial ethics standards. Based on our interactions with Judge Jameson and the JCCCB we have not observed any questionable ethical

activities or fiscal improprieties of Judge Jameson or the JCCB. Their actions have been to develop a community resource that will address the challenges of individuals with an SUD that is non-punitive. None of the resources were retained for Judge Jameson for his "personal gain." Additionally, FGI did not receive any financial compensation related to the fundraising event, or for any of our TA activities, all funds received from the event were given to the governing body of the 42nd JCCCB which is also a 501(c)3 organization. Thus, these funds have been allocated to activities as identified in the campaign to obtain preliminary architectural drawings, engineering reports, acquiring an option to purchase land in Murray, and securing of a \$1 million loan to the 42nd JCCCB for the purposes of matching funds on an Economic Development Administration's Economic Adjustment Assistance (EDA EAA) grant for fiscal year 2021. The respective county governments of Marshall & Calloway, as well as the Purchase Area Development District are all supportive of this initiative.

Taken together, we see the project and activities of Judge Jameson and the JCCCB consistent with a charitable organization seeking to enhance their community and provide resources for individuals experiencing SUD. We celebrate with Judge Jameson and the JCCCB on their activities to date to bring a much need resource to their communities.

Should you have any further questions about the role of FGI or the nature of our technical assistance to the 42nd JCCCB please contact me at 406-360-0767.

Sincerely,



David Johnson, MSW

CEO

Fletcher Group, Inc

406-360-0767

DJohnson@FletcherGroup.org

Appendix Q

Letter from Circuit Judge Kelly Easton,
head of Ky Circuit Judge Education
Committee



COMMONWEALTH OF KENTUCKY
KELLY MARK EASTON
JUDGE, NINTH JUDICIAL CIRCUIT - DIVISION III
HARDIN COUNTY JUSTICE CENTER
120 EAST DIXIE AVENUE
ELIZABETHTOWN, KENTUCKY 42701-1469

FAX:
(270) 765-5253

TELEPHONE:
(270) 766-5259

May 20, 2022

Dear Judge Jameson,

In response to your inquiry, I am providing the following information:

You were appointed to the Circuit Judges' Education Committee by the President of the Circuit Judges' Association in June 2019. Your current term ends in January of 2023. The work of the education committee is not limited to preparation for and presentation of classes at annual education meetings. The work includes writing or revising written materials to be used by judges in their everyday work. During the current term, the "benchbook," which is the primary publication of the education committee, received its most comprehensive revision in decades. You co-authored the chapter entitled "Criminal Cases – Pretrial, Trials, and Post-Conviction" which is fifty-five pages in length.

Other work of the education committee includes preparation for and presentation of courses at education meetings. The preparation typically requires hours of work for every hour of presentation time. On October 28, 2019, at the 2019 Circuit Judges' College, you participated in a one-hour, three-member panel discussion entitled "Capital Cases." At that same conference, you were a co-presenter for another one-hour presentation entitled "Child Witnesses – Ensuring Due Process and Protection."

Because of the Covid pandemic, education opportunities became remote for a time. On August 28, 2020, you were a co-presenter of a 1.25-hour webinar entitled "2020 Legislative Update: New Laws Affecting General Circuit and Family Court." On September 9, 2020, you were a member of a five-person panel for a one-hour webinar entitled "Zoom, Skype, Teams: Lessons Learned."

In 2021, education returned to in-person meetings. You presented two programs on June 23, 2021, at the 2021 Circuit Judges Summer College. You were the sole presenter of the one-hour course "Contempt: More Than Meets the Eye." You were a co-presenter with me of the two-hour program entitled "Hey Cat – You're on Mute," which was a presentation of miscellaneous topics, including the challenges of Zoom court proceedings.

As the Chairperson of the Education Committee, I thank you for your service on this committee. Let me know if you need any further information.

Sincerely,

Kelly M. Easton

Appendix R

Letter From Attorney Mitch Ryan, who is
Now the President of the 42nd Judicial
Circuit Community Corrections Board,
Inc., the nonprofit Judge Jameson Initially
led.

RYAN LAW OFFICE, PLLC

304 N. 4th Street
Murray, KY 42071
Phone/Fax (270) 761-6880
www.mryanlawoffice.com

Mitchell T. Ryan, Attorney
mitch@mryanlawoffice.com

Ashley Ryan, Office Manager
aryan@mryanlawoffice.com

Kari Nedrow, Legal Assistant
kari@mryanlawoffice.com

5/31/2022

AFFIDAVIT OF MITCHELL T. RYAN

COMES NOW THE AFFIANT, MITCHELL T. RYAN, AFTER HAVING BEEN DULY SWORN AND STATES AS FOLLOWS:

My name is Mitchell T. Ryan and I am an attorney licensed to practice in the Commonwealth of Kentucky. My practice is mainly focused in the 42nd Judicial Circuit where Judge Jamie Jameson presides as our Circuit Judge. In 2018 I became aware of the 42nd Judicial Circuit Community Corrections Board Inc (hereinafter CCB). At that time, I approached Judge Jameson and let him know that I would love to be a part of the program and would lend any type of help needed.

In early 2021, I was approached by some individuals from the Fletcher Group working with the CCB to raise awareness and funds for the construction of an inpatient substance use rehabilitation facility within the 42nd Judicial Circuit. A significant portion of my practice involves criminal defense and until recently, I performed contract work on conflict matters for the Department of Public Advocacy. Although we all hear the statistics regarding substance abuse I can speak of my practice and the many frustrations that comes with trying to help people with their legal needs while balancing and also addressing the personal issues that led or contributed to their legal issues. After many years of trying to practice within the strict confines of our criminal justice system I realized that more needed to be done not just for our society and my clients but also for myself. I needed to truly help people not just with the symptoms of substance abuse disorders, i.e. crimes, but help them with the underlying reason for their troubles. I also have personal experiences with the disease of substance use disorders and the benefits of professional treatment. The purpose of the CCB falls right in line with what I already felt strongly needed to be addressed in order for me to truly represent an individual who is suffering.

Following a fund raiser hosted by the Fletcher Group in Benton, Kentucky in January, 2021, it became apparent to me the seriousness of the CCBs direction and the people and resources that were coming together. At that time, I began to have more discussions with Judge Jameson regarding his vision and direction for the CCB.

In January, 2022, I became a board member and the President of the 42nd Judicial Community Corrections Board Inc.. At that time, the CCB was heavily involved in an application process for a large grant through the Economic Development Administration (EDA). As a part of

that process, the CCB took a short-term loan of \$1,000,000.00 out with The Murray Bank to meet the requirements of the grant. In support of the grant application, a number of local employers were involved in providing supporting documents, including form 900B stating the need that their specific companies had for employees and how substance abuse impacted their ability to hire and retain a sufficient work force. Around the same time, a number of other individuals announced their willingness to become board members for CCB. Linda Avery, the Calloway County Circuit Court Clerk accepted the nomination as Treasurer and Melinda Starks was unanimously elected as the Secretary.

The long and short is that although a significant amount of work was put into applying for the EDA Grant by both members of the CCB and the Fletcher Group the funds allocated were disbursed on a first come first serve basis and the funds ran out before our application was accepted. We thereafter sought funding through the Low-Income Housing Tax Credit Program with the Kentucky Housing Corporation but were recently advised by Gene Detherage with the Fletcher Group that the formula had changed and the likelihood of a substance abuse program receiving funding was zero. All in all, the CCB, its board members, the Fletcher Group and others have put a large amount of time and raised a significant amount of money for the purpose of securing a long-term inpatient rehabilitation facility within the 42nd Judicial Circuit containing Calloway and Marshall counties. We have also secured a right to purchase a tract of land situated in Calloway County we believe to be perfect as the future facility's location to replace the provider that was being used.

Although I was not involved directly in any of the work or conversations prior to 2021, from my review of correspondence and having countless conversations, it is clear that Judge Jameson spent a significant amount of time and effort to get off the ground with the idea of bringing the inpatient facility to the 42nd Judicial Circuit and the Fletcher Group's involvement significantly boosted the magnitude of involvement and possibilities.

I became aware, as a practicing attorney, that the CCB created an ankle monitor program. At that time, my involvement was simply as the attorney of a number of clients on ankle monitors. I had clients as far away as California using the services provided by Ensign. Although a great person and good friend, the person overseeing the ankle monitor program used by the Court at Ensign was a moving target at best. She was often not able to be contacted. The Commonwealth was often the last party to find out about issues. My clients became involved in extensive conversations about the conditions of their ankle monitor and it became common place that the only thing the Court could tell you was to make the administrator happy.

As you can imagine, it was quite difficult for my clients and myself to adhere to a program administrator who chose to report everything in one matter and nothing in another. The Commonwealth was not provided information from Ensign so there was little to no ability to monitor the truthfulness of information. The ankle monitors themselves were second rate. The batteries would continually run down. My clients would have problems nonstop with the devices. They were easily tampered with and could be cut off with a simple pair of scissors. Although I can only speak to those issues that I had first hand with my clients I am comfortable in saying that the quality of services through that provider was not acceptable.

The much cheaper quality devices were \$15.00 per day with no modifications based on an individual's income, leaving a significant number of people without the ability to afford them. The CCB's program adjusts the daily cost depending on an individual's income and makes the device available to indigent persons for \$10.00 a day. It may not sound like much but I believe it has significantly increased the opportunities for pretrial release for indigent persons and the higher quality device and monitoring system allows the Court and Commonwealth to establish any number of conditions of release, most importantly a treatment/accountability program. We have a well-qualified, retired law enforcement officer running the ankle monitor system who is very responsive to all involved. The Commonwealth Attorney's Office also has the ability to monitor, and in fact does monitor all persons on the ankle monitor. It is my understanding that since its inception no one has successfully been able to remove the monitor and the number of tampering reports are down significantly. These units also have two-way communication between a Trac repetitive and the individual. Also of importance is the number of conditions and availability of such things as keeping people away from alleged victims is greatly increased through the program with the current program.

To date, we estimate that the ankle monitor program has saved the Calloway County jail \$114,080.00 and it is believed that Marshall County has received a similar savings. Admittedly, the actual savings to the counties are probably less given that a number of the costs are fixed in nature; however, the savings are significant as the cost of housing inmates skyrockets. In addition, and most importantly in my mind, is that most, if not all, of the individuals on ankle monitors are also being required to attend some form of substance abuse treatment as a bond condition. In my experience, most of those conditions come at the requests of the individuals and not strictly a requirement imposed by the Court.

The ankle monitor program has been a huge success in a lot of respects and the CCB is in the process of analyzing the history and making projections in an effort to lower the costs, increase the amount paid to the entities who assist by agreement, including both Calloway and Marshall Counties' Sheriff Departments, both jails, and 911 cell centers, and to expand the existing or new programs such as drug testing in Court, etc.

Although I am not an accountant, I have personally reviewed a number of financial records and bank statements dating back to the formation of the CCB. In addition, I have been involved in a number of discussions with our Treasurer, Linda Avery, who has also reviewed those documents and pulled a lot of information from them to assist us going forward. I have never seen nor heard of any instances of impropriety in any respect. There has never been any person or entity other than those employed by CCB who, in their role as ankle monitor program director, have financially benefited in any way from funds through the CCB. I have been overly impressed with the program since its inception.

It remains the CCB's number one priority to bring a first class, long-term, inpatient, substance abuse disorder treatment facility to the 42nd Judicial Circuit consisting of Calloway and Marshall counties. The project has the backing of both fiscal courts, which after presentation by myself and Linda Avery, both passed resolutions in February, 2022 acknowledging each counties' need and supporting the facility's construction and operation within the Circuit. We have worked hand

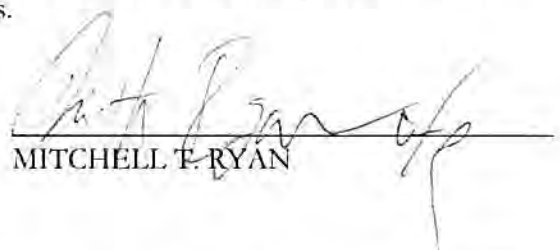
in hand with the Calloway County Jail, Marshall County Jail, Calloway County Sheriff's Department, Marshall County Sheriff's Department and both counties' 911 facilities, all of which have expressed their satisfaction with the ankle monitor program and a continued commitment to assisting the CCB with providing that resource.

I would be more than happy to speak to anyone in regards to the CCB, its purpose, programs and future missions. I will end by providing a little insight into my personal frustrations. With the current resources in this community through the criminal justice system, without entities such as the CCB seeking to change the landscape of recovery and resources available, I will never be able to represent my client's best interest in almost all of my criminal cases by just assisting them with their legal needs. Without more, I see myself and, to a certain extent, the criminal justice system as being enablers.

If we continue to focus only on the symptoms and ignore the problem, do we not become the problem itself. Our criminal justice system was in large part formed to protect the public against murders, rapist and burglars and it is now consumed with a completely different dynamic. We are trying to carry out justice while also not burdening society with temporary solutions to bigger problems. The Department of Corrections has a number of programs in place to assist inmates. I actually have a charity called Season's Readings, Inc., and conduct a weekly book club for the men at the Calloway County Jail and work hand in hand with the DOC program administrator there. I can tell you that at least in our jail here there seems to be a lot momentum in that area.

A lot the CCBs functions focus on those individuals whose cases have not been resolved. I also believe that I live in the greatest nation on earth and when the people of Calloway County, Marshall County, Commonwealth of Kentucky, and United States of America change their sentiment from something is "their problem" to something is "our problem" anything is possible. I see that change happening and only with the broader public support will the criminal justice system have the resources available to effectively combat the substance abuse crisis.

In large part the CCBs ultimate mission is to be at the forefront of doing whatever it takes to accept, acknowledge, and pronounce that substance abuse disorders are "our problem" while working within the confines of the law in all respects.


MITCHELL T. RYAN

COMMONWEALTH OF KENTUCKY
COUNTY OF CALLOWAY

SUBSCRIBED AND SWORN to before me by Mitchell T. Ryan on this the 19th day of May 2022.

NOTARY PUBLIC
MY COMMISSION EXPIRES: _____
ID#: _____

Appendix S

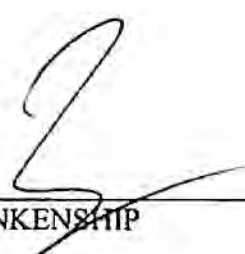
Letters from Multiple Attorneys From
Marshall & Calloway Counties Stating
Judge Jameson, When he Contacted Them
to Ask for Their Vote, **did not** ask for a
financial contribution

AFFIDAVIT

Comes Tom Blankenship, having been first duly sworn and deposes and says as follows:

1. My name is Tom Blankenship and I am a duly licensed attorney practicing law in the Commonwealth of Kentucky.
2. In February 2022 I was speaking with Judge Jameson and he asked for my vote in the upcoming election for Circuit Judge in Marshall/Calloway County, Kentucky.
3. I told him that not only would I vote for him, that I wanted to support his campaign financially, and I sent him a check.
4. At no time during this or any other conversation did Judge Jameson ask me for money to support his campaign.

FURTHER AFFIANT SAYETH NOT.

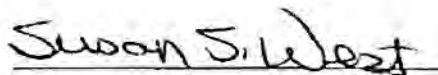

TOM BLANKENSHIP

STATE OF KENTUCKY
COUNTY OF MARSHALL

The foregoing Affidavit was subscribed and sworn to before me by **Tom Blankenship**, on this the 26th day of May, 2022.

My Commission Expires




Notary Public

HAVERSTOCK & PITMAN, LLP

Attorneys at Law

211 South 12th Street

P.O. Box 1075

Murray, KY 42071

(270) 753-1694

FAX: (270) 753-2053

email: hbp@haverstocklaw.com

website: www.haverstocklaw.com

Gary R. Haverstock

Michael M. Pitman

May 20, 2022

Judicial Conduct Commission
P.O. Box 4266
Frankfort, KY 40604-4266

RE: James T. Jameson, Circuit Judge
42nd Judicial Circuit

Dear Judicial Conduct Commission:

I am submitting this letter with regard to a Judicial Conduct Commission inquiry relating to Circuit Judge James Jameson.

I was admitted to the Bar in 1987. I was a Federal Law Clerk for Hon. Edward H. Johnstone and began practicing in Murray, Kentucky in 1991. I have practiced in Murray for the last 31 years. From 2013 through 2017, I was a member of the Kentucky Bar Association Board of Governors for the First Supreme Court District. I have served as the First Supreme Court District member of the Kentucky Bar Admissions Review Commission appointed by the Kentucky Supreme Court.

It is my understanding that the Judicial Conduct Commission is conducting an investigation regarding individuals who appear before the Court and their participation in substance abuse or recovery programs as a component of their bond condition or disposition of their charges. I have had the opportunity to appear before Judge Jameson with clients facing criminal charges since he was elected as Circuit Judge in the 42nd Judicial Circuit. In addition, I have had an opportunity to observe Judge Jameson during court proceedings as he handled cases for other attorneys and individuals. I have never felt, on behalf of my clients, nor have I observed any conduct by Judge Jameson that would support the theory that he is mandating or directing that individuals participate in a particular outpatient or inpatient substance abuse treatment program in conjunction with their case. Rather, his focus appears to be on incentivizing individuals who are facing criminal charges who have issues relating to substance use, to seek and receive help for their addictions or problems as they go through the criminal justice process.

Unfortunately, in far West Kentucky, there are a limited number of quality inpatient and outpatient treatment programs. The programs that are available in Calloway County that have had success include the Riverwoods Program, Serenity Program and Four Rivers Behavioral Health. The Riverwoods and Serenity programs, from my observation, have been successful in helping individuals, on an outpatient basis, address substance abuse issues while they are facing criminal charges.

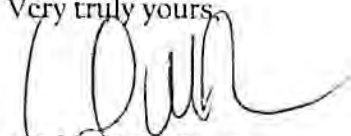
I have never felt in appearing before Judge Jameson with my clients or from my observations of court proceedings that Judge Jameson is mandating participation in an outpatient program or favoring one program over another. If individuals simply do not want to participate in a program, then their other option would be extended probation, incarceration and the like. However, if, as a component of the resolution of their charge or as a condition of their bond, they are given an opportunity to participate in an outpatient program with accountability, this is an approach I have seen Judge Jameson take as he handles cases for individuals who appear before him. In my opinion, this is a very pro-active way to attempt to address an underlying cause of the behavior which may well have led, in whole or in part, to an individual being charged.

I am not acquainted with the individuals who operate Riverwoods and Serenity programs other than peripheral interaction in arranging for clients to participate in and dealing with their progress through these programs. However, both programs, it seems to me, have been successful in their approach to dealing with individuals who may choose to participate.

Judge Jameson has, from my observation, conducted himself with a high level of integrity as a Circuit Judge. I have never observed any conduct that gave me cause to believe that he had any ulterior motive or desire other than to provide the appropriate ruling for individuals who appeared before him either while charges are pending or as a component of the disposition of those charges. In many situations for my clients, the disposition has included terms of incarceration, probation, and participation in substance abuse programs, if warranted. In the majority of these situations, the client is the one who very much wants to participate in a program as a component of the disposition of their case.

Should the Judicial Conduct Commission need additional information, please feel free to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "M. Pitman", written over a horizontal line.

Michael M. Pitman

MMP/dd

Appendix T

Letters & Other Program Documentation
From Serenity Recovery & Riverwoods
Recovery Contradicting Several Rumors &
Subjects of Gossip in Marshall County
Judicial Building



1608 Unit E, Highway 121 North – Murray KY 42071
270-227-2650

serenity.recovery.wky@gmail.com

May 25, 2022

The Honorable Judge James Jameson
310 South 4th Street
Murray, Kentucky 42071

RE: False Accusations

Honorable Judge Jameson,

It has been brought to my attention that there are some false accusations being made about you and our organization, such as, Serenity Recovery being brought into fruition by me as a rumored family member of your wife Jenny Cherry Jameson. This is an absolute falsehood. To my knowledge, I am not related to Mrs. Jameson, nor do we have any resemblance of a close friendship.

The truth about our organization is that it was an idea that stemmed from a service project from Serenity Fellowship back in the Spring of 2019. We were familiar with Riverwoods Recovery and the program they were providing for the courts, and we wanted to give people another 12-Step based option for their recovery services – one that did not push any sect, denomination, or religion.

As you will recall, Mark Hurt, Adam Williams, and I met with you to present the idea of this program and you were in complete agreement about having more recovery programs for the defendant to choose from. At this point, we proceeded to design the 12-month program using some of the basic things we did to get sober, such as attending 90 meetings in 90 days, obtaining a sponsor, working steps with said sponsor, and participating in meetings. The goal of Serenity was to give people an affordable, safe, and structured program where they could do these things; as well as meet others in recovery, work in small groups, complete aftercare planning, and form the connection needed with others to recover from alcoholism and drug addiction. Our program provides one on one individual meetings (done with a certified and experienced peer support specialist) to discuss problems or wins they may be having with their personal recovery. Our program utilizes Gravity Diagnostics, a laboratory with which we administer frequent, in-depth, and random lab testing to all participants. These lab results, as well as the participants' overall compliance, participation, and attitude are

provided in a weekly report to the courts. Our operations director also attends court weekly to support and advocate for our participants. We do all of this for \$100 per month, per participant with little, if any, money left over per month after paying expenses.

Serenity Recovery is much more than a series of open discussion 12-Step meetings; we have structure, love, accountability, and success in our program. We have had 256 people who have enrolled into Serenity Recovery since July 1, 2019. Of these people, 55 of them were voluntary enrollments (not court ordered) and Graves Co. Probation and Parole have sent 2 people to the program. There are currently 53 active participants enrolled and 16 people that are currently paused in the program that have gone to jail or treatment, etc. There have been 26 voluntary-self-dismissals, 3 people that switched to Riverwoods Recovery, 2 medical dismissals, 1 transferred to drug court, 1 that passed away, and then we have dismissed 103 for either sanctioning out or having a positive drug test. To date 46 people have commenced from the program. The real blessing of Serenity Recovery is that 41 of the 46 people who have commenced our program have not had any recidivism.

It has also been brought to my attention that we have supposedly been giving you a monetary "kick-back" for participants that you send from court. Another absolute falsehood! Not only is the defendant able to choose between the recovery programs available, but we have no contact with the participant until they call to set up an intake with us. We are a transparent corporation that has documented all financial transactions and we have monthly reports on file that are reported to the courts quarterly. There has never been a monetary transaction between us and the courts, and more specifically, that you as Judge, do not get any benefit from sending a defendant to Serenity Recovery of Western KY, Inc. I am attaching our 501(c)(3) tax exempt status, as well as our articles of incorporation, and our most recent quarterly financial reports.

As a founding member of Serenity Recovery, I am deeply saddened by these false accusations, as they only call into question your integrity and the integrity of our program. If there is anything else I can do, or anyone I can speak with to clear up these misconceptions please send them my way.

Very Respectfully,



Holly Cherry
Chairperson, Board of Directors
Serenity Recovery of Western KY, Inc.
270-227-2675



SERENITY
Recovery



Pastor Darrin R. Miller
1001 Main Street
Benton, KY 42025
270-252-7325

May 23, 2022

To Whom It May Concern:

I am writing to clear up some misinformation, hearsay, fake news and out and out lies concerning Riverwoods Recovery and its relationship with Judge Jamie Jameson. To begin with much of what is happening is very political, personal, and self-advantageous on the part of those making disparaging remarks. Powers that be were not happy when Judge Jameson won the election, and they are trying every way possible to see he does not get another eight years in office. Everyone knows this is an election year. They must feel like the opposing candidate has no chance, so they are drumming up hearsay and false information and trying to use current recovery programs as leverage against Judge Jameson. It is amazing that people, highly respected, influential people in our county government and offices are willing to make such disparaging remarks, not because of actual evidence consistent with their claims, but because it is what they want to believe.

A common misconception for those who enter RR is that the Judge and I are related. I never met Mr. Jameson prior to our initial discussion around RR when he was still a public defender. We do not attend church together. Another thing that I would like to make clear for once and for all is that neither the Judge nor I have received any financial compensation from RR or any other monetary benefits. In fact, I know, for me, it's just the opposite. The recovery program was in the red financially at one point during COVID because during that time we struggled receiving new participants due to lack of court. On more than one occasion I took from my personal finances and subsidized RR to insure people on the payroll continued to get paid. Any claim that RR has ever been "rolling in the dough" is absolutely false and has no merit whatsoever. Riverwoods is transparent and has nothing to hide. Those making these accusations have never once come and asked to speak with me or others to get the truth about these rumors they hear or even start themselves. Nor have any of them ever tried to understand what RR is doing or how our recovery program works. We are open for anyone at anytime to come speak with us, view our finances, etc.

Riverwoods Recovery has stood against a hostile environment from the beginning. All Riverwoods Recovery (RR henceforth) and Riverwoods Church (RC henceforth) has wanted to do is help people. We tell people when they enter RR, if they work the program the program works. If they try, they can get sober, get a job, have a vehicle, a place to live, family back together, respect of their loved ones and money in their pocket. For RC we do the program for a spiritual reason, people get introduced to faith. We tell them what that means is they do not have to believe in Christ, the bible, heaven, or hell. Nor do they have to get in a corner and pray for hours to have deliverance. We share that they will be exposed to the teachings of Christ, but they do not have to become a follower to finish RR. In fact, we share that if you become a follower, it does not get you brownie points, and if not, it is not held against you. We state your personal relationship with Christ has no bearing on you doing well and completing this program. RR has been accepting and helping to all kinds of people, of all kinds of faiths, or no faith. With

almost 850 people having entered RR, we have accepted and helped people from every background, race, sexual orientation, financial strata, young, and old.

I want to clear up specific concerns. First, I've been told recently that at least one person apparently thinks RR is just a glorified Celebrate Recovery. It is much, much more. We do use Celebrate Recovery material for step studies, which is a 12-step process similar to what most recovery programs utilize including the Recovery Kentucky Program that DOC utilizes for long-term recovery. RR is a peer driven non-residential recovery program that operates very similar to any Recovery Kentucky Program facility. The only substantive difference is that our program is non-residential. This allows participants to keep their jobs, raise their children, etc, while still receiving recovery education and support in their home community. It is my understanding that no such program existed at all in Marshall County prior to RR coming into existence, thus the very reason former Judge Foust showed interest in working with us when Mr. Jameson, then a public defender, asked him if he was interested in working with us.

The peer-support "social" model of recovery is nothing new. What is new is having an organized 12-step social model recovery program available in our area that works directly with the court system by notifying prosecutors, pretrial services, probation and parole, and other appropriate concerned parties when a participant has trouble in the program, or when they do well. I am told this is a very useful tool for the court system because they are now able to measure how severe of a substance abuse problem an individual has while their case is pending in court. Thus, by the time their case is resolved, it is relatively clear what level of, if any, continued recovery support is needed. In fact, Asst. Commonwealth Attorney James Burkeen covers Calloway County for the Commonwealth Attorney's office makes full use of our program and, it's my understanding, believes our program to be a very helpful tool.

We have found that people in addiction respond best to people who have recovered from addiction. Addicts do not give much street cred to people who have not lived that life, but they will listen to someone who has been down the road of addiction. RR is a high accountability peer driven supportive 9-month program. Participants must make three meetings a week, with only three un-excused absences, submit to a weekly drug screening, complete weekly assignments, openly participate, and give back by helping others. I find it curious that certain people question our program but at the same time offices readily use RR.

Just recently the Commonwealth Attorney personally called our office to specifically ask if we would consider taking a participant back who had been with us twice before and even graduated once. Mr. Foust, I do not believe had ever called our office about anything and we found it quite strange why he would call and ask about us possibly taking this person. Come to find out the person he was inquiring about was the daughter of a family who is a friend and possibly attends church with his family. It seems to me some of the complainants are happy to use our program when expedient. Disproportionately helping those he goes to church with or otherwise has a friendship with is what Mr. Foust is known for. Again, you're either in "the click" or out of it. The reason this good ol' boy approach to justice has been permitted to maintain over the years is mainly because there are only approximately 9 attorneys in Marshall County. By the time all the necessary government positions are filled, there are few attorneys left. And those attorneys know that, when it comes to "the click," they either go along, or suffer the consequences. Some attorneys' entire practices are in Marshall County. Thus, having the county and Commonwealth attorney, etc., against you to the extent that your clients are affected is something these attorneys seek to avoid by "going along." Also, for any public defenders that want to become prosecutors, they had better not irritate the Commonwealth or county attorney by not "going along." I

believe if you ask him, Judge Jameson will tell you that this good ol' boy network form of justice is what motivated him to attend law school and return home to practice. He is very open about this.

That brings me to another issue: our testing procedures. When we have participants in our program sent by probation and parole, they seem to approve of our testing procedures because they rely on our testing and the weekly report, we send them regarding their supervisee's progress. In fact, during covid Probation & Parole officers did not meet with those on probation that were in our program, but instead solely relied on our weekly meeting and testing of those in RR. In fact, it is my understanding that Probation & Parole has RR listed as a recommended recovery program in every Presentence Investigation Report for anyone with a substance abuse problem. I know one public defender very much dislikes our program; she has stated it to family members who attend RC. She is the only person that I've known to question our testing procedures. We would be glad for anyone to review our testing procedures. Our testing analysis provider is Gravity, a company used by over three hundred recovery centers, and they are state approved and independent. This is the same testing company used by Serenity Recovery.

I am told that Eddie McGuire has involved himself in the matters that are now before you to largely undermine RR. I do not think he has separate issue with the judge, but he does have a personal vendetta against RC. Mr. McGuire was once part of RC and on our leadership team. Mr. McGuire had some personal issues, and personality conflicts with me the pastor of RC. Privately, without my knowledge, he took those concerns to the rest of the leadership team, attempting to have me removed as pastor. The leadership team did not agree with him and said that he needed to get that worked out with the pastor, and if he could not, to step down from his leadership position or to find another church to attend. It did not go as he planned, and he left RC. He has openly held a grudge against me and anything to do with RC or RR ever since, even though Mr. McGuire was one of the board members Judge Jameson worked with to begin the conversation about starting RR in the first place.

I, and the leadership of Serenity Recovery, both would like to clear up one last issue. Some have suggested that RR and Serenity are in competition with each other. Nothing could be further from the truth. We work together because both organizations genuinely want to help people. In fact, just last Sunday some of their staff was at RC Murray for worship service. We see ourselves as partners in this battle against addiction and the forces behind it.

On behalf of RR, I sincerely appreciate you reviewing this letter. I have seen how Judge Jameson operates his court since the beginning. And while I do not socialize with him or know him outside of the interaction we have had regarding RR, everything he does makes it very clear to anyone paying honest unbiased attention that he has a servant's heart and a passion for doing what he can to tackle the extraordinary addiction problem we have in our community. There is no legitimate concern here. Instead, what is going on here is the same people that supported one of his opponents during the 2015 election are gathering up all they can find from over a span of over six years to try and gain a political advantage for his opponent. It is common knowledge that these few people (about 4) went to several attorneys asking them to run against Judge Jameson and they all turned them down. Ms. Moore was the only one willing to file due to a specific incident she had with Judge Jameson. These conspirators are attempting to utilize this commission to supplant the election process because they believe their candidate cannot defeat Judge Jameson fairly; a conclusion I agree with because the Judge is so well known and respected in our community. I hope that the decision makers can step back and see what is actually going on.

And there are many, many people that would tell you the same thing if asked. If we can be of further assistance, I, and the board of RR, are open to meet with anyone and answer any further questions. Please do not ruin a good man's career over politics.

Darrin Miller

Pastor: Riverwoods Church

Executive Director: Riverwoods Recovery

darrin@riverwoodschurch.com

27002050633

P.S. I am told that people with a vested interest in seeing Judge Jameson fail have alleged that there are signs from Judge Jameson's campaign on our property. There have not been any such signs on any of our property (the church or RR) since the week of April 4, 2022.



Department of the Treasury
Internal Revenue Service
Tax Exempt and Government Entities
P.O. Box 2508
Cincinnati, OH 45201

SERENITY RECOVERY OF WESTERN KENTUCKY
INC
C/O SARAH JONES
1621 HIGHWAY 121 N UNIT E
MURRAY, KY 42071-0000

Date:
09/24/2020
Employer ID number:
84-1994814
Person to contact:
Name: Customer Service
ID number: 31954
Telephone: 170(b)(1)(A)(vi)
Accounting period ending:
December 31
Form 990-PF required:
Yes
Effective date of exemption:
June 19, 2019
Addendum applies:
No
DLN:
26053626001190

Dear Applicant:

We're pleased to tell you we determined you're exempt from federal income tax under Internal Revenue Code (IRC) Section 501(c)(3). Donors can deduct contributions they make to you under IRC Section 170. You're also qualified to receive tax deductible bequests, devises, transfers or gifts under Section 2055, 2106, or 2522. This letter could help resolve questions on your exempt status. Please keep it for your records.

Organizations exempt under IRC Section 501(c)(3) are further classified as either public charities or private foundations. We determined you're a private foundation within the meaning of Section 509(a).

You're required to file Form 990-PF, Return of Private Foundation or Section 4947(a)(1) Trust Treated as Private Foundation, annually, whether or not you have income or activity during the year. If you don't file a required return or notice for three consecutive years, your exempt status will be automatically revoked.

If we indicated at the top of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

For important information about your responsibilities as a tax-exempt organization, go to www.irs.gov/charities. Enter "4221-PF" in the search bar to view Publication 4221-PF, Compliance Guide for 501(c)(3) Private Foundations, which describes your recordkeeping, reporting, and disclosure requirements.

Sincerely,

Stephan A. Martin

Director, Exempt Organizations
Rulings and Agreements

**ARTICLES OF INCORPORATION
OF
SERENITY RECOVERY OF WESTERN KENTUCKY,
INCORPORATED**

The undersigned, Mark Hurt, executes these Articles of Incorporation for the purpose of forming and does hereby form a non-profit corporation under the laws of the Commonwealth of Kentucky in accordance with the following provisions.

ARTICLE I

The name of the corporation is Serenity Recovery of Western Kentucky, Inc.

ARTICLE II

The purpose of the organization shall be to provide an intensive outpatient program for those addicted to alcohol and/or drugs.

ARTICLE III

The street address of the limited liability company's initial registered office and the mailing address of the initial principal office of the limited liability company in the Commonwealth of Kentucky is 911 Sycamore Street, Murray, Kentucky, 42071.

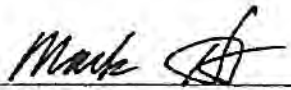
The registered agent at that address is Mark Hurt.

CONSENT OF REGISTERED AGENT

The business entity is a Non-Profit Corporation whose name is Serenity Recovery of Western Kentucky, Inc. Serenity Recovery of Western Kentucky, Inc. is a Kentucky corporation with a mailing and street address of 911 Sycamore St., Murray, KY 42071.

This application will be effective upon filing.

The undersigned, Mark Hurt, hereby consents to serve as the initial registered agent for Serenity Recovery of Western Kentucky, Inc., as of this 24 day of May, 2019.

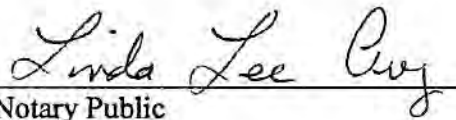


MARK HURT
INCORPORATOR

STATE OF KENTUCKY
COUNTY OF

Subscribed and sworn to before me on this 24 day of May, 2019,
by Mark Hurt.

My commission expires: 5/26/19



Notary Public

This instrument prepared by:
Jeanné Carroll
Attorney at Law
P. O. Box 1566
Murray, KY 42071
(270) 293-5386
carrolllawoffice@murray-ky.net

EXECUTED, ACKNOWLEDGED and DECLARED under penalty of perjury
under the laws of the state of Kentucky that the foregoing is true and correct on this 24
day of May, 2019.

Mark A
MARK HURT
INCORPORATOR

STATE OF KENTUCKY
COUNTY OF

Subscribed and sworn to before me on this 24 day of May, 2019,
by Mark Hurt.

My commission expires: 5/26/19

Linda Lee Avey
Notary Public

This instrument prepared by:
Jeanné Carroll
Attorney at Law
P. O. Box 1566
Murray, KY 42071
(270) 293-5386
carrolllawoffice@murray-ky.net

ARTICLE IV

The affairs of the corporation shall be managed by the Board of Directors: Mark Hurt, Holly Cherry, Barbara Like, Christy Hurt, Jay Like, Adam Williams.

ARTICLE V

The officers of the corporation are: President, Mark Hurt; Secretary, Holly Cherry; and Treasurer, Barbara Like.

ARTICLE VI

The effective date of organization shall be upon the filing of these Articles of Incorporation.

ARTICLE VIII

This business operates within Calloway County, Kentucky.



SERENITY RECOVERY
Financial Statement
For the Period Ending 04/30/2022

Beginning Balance	\$8694.74
Enrollment Fees	1000.00
Monthly Fees	<u>3700.00</u>
	+
Total	<u>9401.48</u>

EXPENSES

Taxes (payroll)	- 2234.27
Literature, Zoom	- 370.00
Rent, Utilities	- 1703.01
Telephone	- 127.81
Office Supplies, Food	- 481.71
Remodel/Building	21.78
Insurance	- 103.67
Wages	- 2724.31
	<u>\$ 7766.56</u>
Total Expenses	<u>\$ 7766.56</u>
Net Income (Loss)	<u><u>\$ (3066.56)</u></u>



SERENITY RECOVERY
Financial Statement
For the Period Ending 02/28/2022

Beginning Balance	\$8322.08
Enrollment Fees	1200.00
Monthly Fees	+ 4800.00
Total	14322.08

EXPENSES

Taxes (payroll)	- 0
Literature, Zoom	- 547.50
Rent, Utilities	- 1722.88
Telephone	- 58.45
Office Supplies, Food	- 577.85
Remodel/Building	79.98
Insurance	- 103.67
Wages	- 3679.49
Total Expenses	\$ 6769.82
Net Income (Loss)	
	\$ (769.82)



- Serenity Recovery of West KY, Inc. (Serenity Recovery) is a 12-month Recovery Program designed to lead the alcoholic and addict through a rigorous course of proven curriculum designed to educate and equip the recovering client for a life of true sobriety.

SERENITY RECOVERY GUIDELINES

- Participants will come to us through the following avenues: Court Order, Probation and Parole, and by voluntarily entering the program. Our start date was July 1, 2019.
- Each participant must pay the Initial Fee of \$200.00 before they can participate in the program, and \$100 every month thereafter. Fees are non-refundable. Monthly fees will be due at the first Serenity Recovery meeting of each month or on the 15th of the month depending on when you enroll into program. Serenity Recovery does not accept any form of insurance for program payment.
- Financial reports will be provided to the court quarterly, or as requested.
- Each client will be subject to random and often (twice monthly minimum) drug testing.
 - Testing done through Gravity Diagnostics Laboratory. Serenity Recovery has full time employee of Gravity Diagnostics that will order, administer and/or supervise all testing.
 - In the event a client does not have insurance or Medicaid, they will be enrolled in the appropriate program immediately following their assessment interview to cover the cost of drug testing. In the event insurance cannot be secured, drug test costs are to be paid by the client.
 - Failed drug tests are subject to immediate reporting to the court or appropriate party and dismissal from the program.
- Guidelines must be followed, or sanctions will be issued. Sanctions range from written warning to dismissal from the program. Three sanctions may result in immediate dismissal from the program. Areas subject to sanctioning include but are not limited to attitude, effort, and attendance.
- A weekly report will be sent to all the relevant court personnel on Monday of each week. Staff will be available to answer any questions court personnel might have.

SERENITY RECOVERY PROGRAM

- Each client will go through a **12-month** program meeting the following requirements:
 1. The client will be required to attend 3 mandatory Serenity Recovery meetings each week:
 - a. Every Tuesday and Thursday Night from 6:00 to 7:30 pm.
 - b. Sunday afternoon from 4:00 to 5:30 pm.
 2. The first 3 months (90 days) each client will attend 90 recovery group meetings. Schedules for local area meetings will be provided and attendance will be monitored (*AA, NA, Al-Anon, Celebrate Recovery, Reformer's Unanimous, and the 12 Step Groups at the University Church of Christ and Hardin Baptist Church all count toward the 90 in 90 requirement*). All Serenity Recovery meetings will count toward the 90 in 90 requirements.
 3. Clients will be required to obtain a "sponsor" within their first 30 days. Board members of Serenity Recovery are not eligible to serve as sponsors in the program.
 4. During the last 9 months, participants are required to attend all the Tuesday, Thursday, and Sunday meetings of Serenity Recovery. At this point, the outside meeting requirement is reduced to 2 per week.
 5. All Serenity Recovery meetings will be held at our facility located at 1608 Unit E, Highway 121 North Murray, KY 42071, or our Marshall County program meets at Marshall County Resiliency Center 1012 Main Street Suite C Benton, KY 42025 unless otherwise notified.
- The 3 weekly mandatory meetings of Serenity Recovery will have specific focuses and/or requirements:
 - Tuesday Meeting: Big Book Study/Workbook Meeting—discuss assigned lesson for the week.
 - Thursday Meeting: Topic Meeting—discuss a specific recovery topic.
 - Sunday Meeting: Speaker Meeting—listen to recovery speakers share their experience, strength, and hope.

*Childcare will not be provided for any meeting of Serenity Recovery, and no minor children will be allowed to attend meetings.

SERENITY RECOVERY CURRICULUM

1. *A Program for You: A Guide to the Big Book's Design for Living. Hazelden Publishing, 1991.*
2. *Hazelden Workbooks (Hazelden Publishing, 1991):*
 - a. *Living with Your Higher Power: A Guide to the Big Book's Design for Living: Workbook for Steps 1-3.*
 - b. *Living with Yourself: A Guide to the Big Book's Design for Living, A Workbook for Steps 4-7.*

- c. *Living with Others: A Guide to the Big Book's Design for Living, A Workbook for Steps 8-12.*
3. *Alcoholics Anonymous 4th Edition.* AA World Services, Inc, 2001.
 4. *An Index to Alcoholics Anonymous: A Reference to the Fourth Edition.* Hazelden, 2003.
 5. *Twelve Steps and Twelve Traditions.* AA World Services, Inc, Reformatted and footnoted 2021.

Serenity Recovery of Western KY, Inc is a recovery support group and does not administer any medical, clinical, or psychological treatment of any kind. Each participant is led toward sobriety through a 12 Step program by facilitators and volunteers experienced in recovery. Participants are held accountable through program structure and drug testing.

Board of Directors: Mark Hurt, Holly Cherry, Adam Williams, Marian Cosgrove, Jaquelyn Cannon, Gordona Unici, Mitch Ryan, Kristy O'Bryan, and Jason Blythe (Alumni).

Testing Supervisor: Tonya McClaran

Medical Advisor: Dr. James Brazzell, M.D.

Operations Director: Jaquelyn Cannon

Administrative Assistant: Kathryn May (Alumni)

We hope this has answered a few of your questions. If we can help you, please call Serenity Recovery at 270-227-2650, or email serenity.recovery.wky@gmail.com



SERENITY RECOVERY
Financial Statement
For the Period Ending 03/31/2022

Beginning Balance	\$6432.34
Enrollment Fees	2000.00
Monthly Fees	<u>3950.00</u>
	+
Total	<u>12382.34</u>

EXPENSES

Taxes (payroll)	- 85.33
Literature, Zoom	-
Rent, Utilities	- 1570.73
Telephone	- 58.45
Office Supplies, Food	- 292.49
Remodel/Building	
Insurance	- 103.67
Wages	<u>- 2561.24</u>
Total Expenses	<u>\$ 4272.01</u>

Net Income (Loss)	<u><u>\$ 1277.99</u></u>
--------------------------	--------------------------

Appendix U

Signed Letter From Retired Police Officer
Regarding Conduct Inconsistent With
False Claims Judge Jameson Pressured
Someone into Contributing Financially to
his Campaign

To Whom It May Concern,

To give a quick synopsis of who I am. My name is Darryl Carr. I am a retired police officer, retired EMT from Mercy and Marshall County EMS. I currently am a jail administrator for the McCracken County Jail and hold the rank of Major.

On or about March 31, 2022, during the evening hours, I had the honor of attending an election event at Marsella's Kitchen for Circuit Court Judge Jamie Jameson. Upon my arrival at this event, I met with various people there. I was only familiar with only a few individuals that were present. Those were the Jameson family, Jimmy Henson, and attorney Lisa DeRenard. Being a retired police officer, with most of my law enforcement years at Paducah Police Department and the McCracken County Sheriff's Department, is how I know Mrs. DeRenard. I feel we have a great working relationship from the time we were in court together. At the event, I remember speaking to Mrs. DeRenard and she was very pleasant to me as I haven't seen her in quiet some time. I had the opportunity to listen to Judge Jameson speak concerning his accomplishments and the future of his program(s). During the speech, there was a time that members of the audience would speak to Judge Jameson concerning his programs. I remember one lady there speaking about the programs the McCracken County Jail has and how great they were and how they could benefit the inmates housed at Marshall County Jail. I also remember Mrs. DeRenard bragging on Judge Jameson by saying great things such as Judge Jameson being one of the best Judges she has been in front of. Mrs. DeRenard also stated that Judge Jameson's slogan of "Stay the Course" was accurate and very important on the success for rehabilitation of drug offenders. All in all, Mrs. DeRenard seems very supportive of Judge Jameson.

At no time did Mrs. DeRenard seem dissatisfied, upset, or give an impression of being other than content. All in all, it seems to be a very relaxed atmosphere during and after the event.


Darryl G. Carr

05/26/2022
Date

Appendix V

Statements From Judge Jameson's
Oncologists Explaining why it is Difficult
for Him to Speak or Read From Time to
Time

Name: James Jameson | DOB: 3/9/1976 | MRN: 034759704 | PCP: ALISON M FORD, MD

Letter Details

VANDERBILT **HEALTH**

Vanderbilt-Ingram Cancer Center
2220 Pierce Ave
Suite 1710
Nashville TN 37232

James Jameson
4646 Aurora Highway
Hardin KY 42048

May 16, 2022

To Whom it May Concern:

James Jameson completed chemotherapy and radiation treatment for Squamous Cell Carcinoma of the nasopharynx 1/21/2013. Radiation therapy causes several long term effects including difficulty with speech and muscle fatigue. The radiation that Mr. Jameson has received to the head and neck region has left him with a condition that causes his tongue to intermittently lock up during speech, especially if he's been speaking for a long period of time. Please take this into consideration.

Feel free to contact us with any questions.

Sincerely,

Deborah Hawkins, NP
Dept: 615-936-8422

Name: James Jameson | DOB: 3/9/1976 | MRN: 034759704 | PCP: ALISON M FORD, MD

Letter Details

VANDERBILT  **HEALTH**

Vanderbilt Eye Institute
2311 Pierce Ave
Vanderbilt Eye Institute
Nashville TN 37232

James Jameson

May 16, 2022

To Whom It May Concern:

Mr. James Jameson is being treated in our clinic and was last seen on 3/15/21 by Dr. Louise Mawn. It is my medical opinion that due to his ocular condition, Mr. James Jameson may have difficulty viewing emails/letters quickly and that may thus delay his response to such materials. Please allow him adequate amounts of time to process these materials.

Please feel free to contact us with any questions.

Sincerely,

Irene Timothy Lee, MD on behalf of Dr. Louise Mawn
Dept: 615-936-2020

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Appendix W

Letters From Judge Jameson's Staff
Stating, Unequivocally, that Claims he
Treats Court Staff or Attorneys Poorly are
Patently False.

Text From Calloway Chief Deputy Jody
Cash Endorsing Judge Jameson
Specifically Because Jameson "has always
treated members of law enforcement with
utmost Respect"

FROM THE DESK OF
Landon T. Norman, Esq.

116 SR 1943 W.
Eddyville, KY 42038

Email: landontnorman@gmail.com
Phone: 270.625.9316

May 24, 2022

Ms. Jimmy Shaffer
Executive Secretary
Judicial Conduct Commission:
P.O. Box 4266
Frankfort, KY 40604-4266

Re: **Judge James T. Jameson**

To Whom It May Concern:

My name is Landon Norman. I am the Staff Attorney for the 42nd Judicial Circuit. The purpose of this letter is to express my support for James T. Jameson. To the best of my knowledge, all statements expressed herein are truthful, honest, and freely and voluntarily given.

As background, I graduated with honors from Georgetown College in the Spring of 2016. I received a Bachelor of Arts Degree in Political Science with a minor in Psychology. Later, I graduated with honors from Northern Kentucky University's Salmon P. Chase College of Law in the Spring of 2020. I was admitted to the practice law in the Commonwealth of Kentucky on May 18, 2021. On June 1, 2021, I began my tenure as the Staff Attorney for the 42nd Judicial Circuit.

I was naïve to the extent that substance abuse disorders infect and destroy our communities prior to working in my current position. My immediate family is small in size. My social circle is relatively small in size. Due to the nature of my relationships, I had never been personally impacted by someone suffering from a substance abuse disorder. At least, that I was aware. You learn quickly that this disorder doesn't just reside at the surface. The roots dig deep. People hide their sickness. They hide it well. Thus, I am thankful for individuals like Judge Jameson, individuals that shed light on so much darkness. I admire Judge Jameson's willingness and desire to help people. On a daily basis, it is inspirational to see Judge Jameson's determination to alleviate substance abuse disorders in communities across the Commonwealth. It really is an honor, on a personal level, to play a small role in Judge Jameson's efforts to curtail substance abuse disorders.

With that being said, I believe it is necessary to provide commentary regarding statements that have been made in which I have personal, firsthand knowledge.

During my initial interview for this position, held on May 5, 2021, Judge Jameson and I discussed in depth the campaign and the election process. The conversation arose from my degree from Georgetown College. I expressed that I had a great interest in politics and elections. More specifically, I indicated that I was most intrigued by the psychology behind politics. At the time of the interview, Judge Jameson did not have a challenger in the upcoming election. However, we discussed the potential scenario where he did, in fact, have an opponent. The possibility of gaining insight into how to successfully operate a campaign was

invaluable to me with regard to any personal future political aspirations. It was at this time that Judge Jameson indicated that, if desired, I could participate on his campaign committee. Judge Jameson specified that this would be on a volunteer basis and would be separate from the duties as Staff Attorney for the 42nd Judicial Circuit. I jumped at the opportunity without hesitation.

To date, I am grateful for the tremendous experience that I have gained from working with Judge Jameson on his re-election bid. Further, I do not recall a single incident in which I have been asked to perform campaign tasks during the workday. It has always been understood, per numerous conversations between Judge Jameson and I, that campaign projects are separate from my duties as a staff attorney. I have always consented to participating in any campaign tasks. Any suggestion otherwise is meritless. I look forward to continuing to campaign for Judge Jameson through November.

In closing, I am thankful for the opportunity to serve as the Staff Attorney for the 42nd Judicial Circuit. The experience I have gained has been invaluable. Further, this should go without saying, while serving in this position, I have not encountered a hostile work environment. I have only seen Judge Jameson treat members of our office with the utmost respect, and I have not witnessed Judge Jameson treat participants and officers of the Court with *any* level of disrespect.

Should you have any questions or concerns, please do not hesitate to give me a call.

Sincerely,



Landon T. Norman, Esq.

June 17, 2022

Ms. Jimmy Shaffer
Executive Secretary
Judicial Conduct Commission
P.O. Box 4266
Frankfort, KY 40604-4266

Re: Judge James T. Jameson

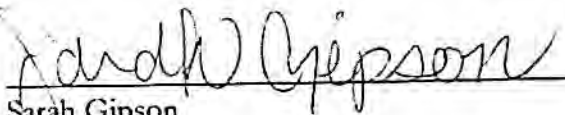
To Whom it May Concern:

My name is Sarah Gipson. I am the Administrative Assistant for the 42nd Judicial Circuit. I have worked in this position for six and a half years. I have worked under Judge Jameson the entirety of my time in that position. Judge Jameson has always been very easy to work for. He treats me and office staff with respect to the extent of my knowledge.

Regarding the alleged incident claiming Judge Jameson shouted at a bench clerk regarding a bond fee. I was present and do not recall events happening in the way that was described. To my recollection, after a very long and difficult sentencing hearing with a defendant who is very easily agitated, the clerk mentioned to Judge Jameson as he was leaving the bench that the defendant had a bond fee. The defendant and staff were leaving the courtroom when this bond fee was mentioned and Judge Jameson, jokingly told the clerk she was welcome to collect it. As an observer to these events, I do not believe that Judge Jameson raised his voice or was even rude to the clerk regarding the collection of that fee.

If you have any questions for me, please do not hesitate to call.

Sincerely,



Sarah Gipson
SarahGipson@kycourt.net
Cell – (270) 205-5191

3:24



Jodi >



Sally Beard

Probation & Par...

SB >

This is the pmp supervisor

Richard Palmer RP >

Ty sir!

Ty too

Wed, Apr 27, 3:36 PM

*
I'm sorry for the delay in getting this to you. I appreciate the opportunity to show my support for you. Feel free to quote me as saying "Judge Jameson has always treated me and other members of the law enforcement community with the upmost respect. I've enjoyed working alongside him and look forward to continuing to work alongside him."
*

You're too kind! Thank you for the kind message. It means a



iMessage



Appendix X

Calendar Event of Meeting to Discuss
Handling of GPS Violations with CCB

Jameson, James

Subject: Meet to discuss handling of GPS violations with CCB
Location: Virtual on "Teams"

Start: Fri 2/5/2021 10:00 AM
End: Fri 2/5/2021 10:30 AM

Recurrence: (none)

Meeting Status: Accepted

Organizer: CCB Executive Committee
Required Attendees: Jameson, James; Dennis Foust (42nd JC); j.darnall15; murrayattorney; Mikulcik, Dominik; Christine Pickett; CCB Executive Committee

SkypeTeamsProperties: {"cid":"19:d6faad01fb4846269967b84df537624e@thread.tacv2","rid":1612481874693,"mid":1612481874693,"uid":"8:orgid:b81762b4-7ac7-4318-9b94-8e8fd5a288d5","private":false,"type":0}

SkypeTeamsMeetingUrl: <https://teams.microsoft.com/l/meetup-join/19%3ad6faad01fb4846269967b84df537624e%40thread.tacv2/1612481874693?context=%7b%22id%22%3a%2256e9b0b5-1da6-40f9-ad00-f944fd870af4%22%2c%22oid%22%3a%22b81762b4-7ac7-4318-9b94-8e8fd5a288d5%22%7d>

SchedulingServiceUpdateUrl: https://scheduler.teams.microsoft.com/teams/56e9b0b5-1da6-40f9-ad00-f944fd870af4/b81762b4-7ac7-4318-9b94-8e8fd5a288d5/19_d6faad01fb4846269967b84df537624e@thread.tacv2/1612481874693

OnlineMeetingConfLink: <conf:sip:JamesJameson@kycourts.net;gruu;opaque=app:conf:focus:id:teams:2:1612481874693!19:d6faad01fb4846269967b84df537624e-thread.tacv2!b81762b47ac743189b948e8fd5a288d5!56e9b0b51da640f9ad00f944fd870af456e9b0b5-1da6-40f9-ad00-f944fd870af4>

TeamsVtcTenantId: 56e9b0b5-1da6-40f9-ad00-f944fd870af4

Meeting is to discuss handling of violations of bond etc., as they relate to carrying out the GPS monitoring program recently established by the Marshall and Calloway County Fiscal Courts.

Microsoft Teams meeting

Join on your computer or mobile app

[Click here to join the meeting](#)

Or call in (audio only)

+1 502-709-7338,915650935# United States, Louisville

Phone Conference ID: 915 650 935#

[Find a local number](#) | [Reset PIN](#)

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**JAMES T. JAMESON, CIRCUIT JUDGE
42ND JUDICIAL CIRCUIT**

ORDER AND NOTICE OF HEARING

Pursuant to SCR 4.020(1)(a)(ii) it is hereby ORDERED that a hearing will be held on the 12th day of August, 2022, at the time of 8:30 a.m., in District Courtroom 2 on the 1st Floor of the Christian County Justice Center, 100 Justice Way, Hopkinsville, Kentucky, as to whether it will be in the best interest of justice that Judge Jameson be suspended temporarily from acting in his official capacity as a judge and from the performance of his duties until final adjudication of the pending formal proceedings.


R. Michael Sullivan, Chair

Dr. Joe E. Ellis recused from any consideration of this matter.

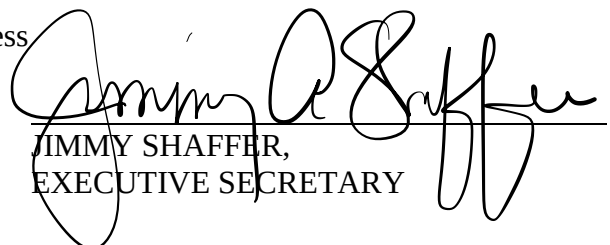
CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of this Order has this July 11, 2022, been served via electronic and first-class mail upon the following:

Richard L. Walter (rwalter@bsgpad.com)
Boehl Stopher and Graves, LLP
410 Broadway
Paducah, KY 42001

Jeffrey C. Mando (JMando@adamsattorneys)
Adams Law, PLLC
40 W. Pike St.
Covington, KY 41011

Judge James T. Jameson at his home address


JIMMY SHAFFER,
EXECUTIVE SECRETARY

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**JAMES T. JAMESON, CIRCUIT COURT JUDGE
42ND JUDICIAL CIRCUIT**

AMENDED NOTICE OF FORMAL PROCEEDINGS AND CHARGES

Notice is hereby given of the initiation of formal proceedings under Rule 4.180 of Rules of the Supreme Court. At the times set out in this Notice, you were Circuit Court Judge for Kentucky's 42nd Judicial Circuit consisting of Calloway and Marshall counties. The charges are as follows:

Count I

You acted as the alter ego for the 42nd Judicial Circuit Community Corrections Board ("CCB") in the creation and development of an ankle monitoring program, failing to separate yourself as Circuit Judge from your duties at CCB, creating the appearance of impropriety to the public.

- A. You created the CCB for an improper purpose contrary to KRS §196.705. Your creation of this Executive Branch Board falls outside of the scope of your judicial duties and responsibilities and constitutes an improper use of judicial resources.
- B. In the creation and development of the CCB ankle monitoring program, you developed procedures and local rules without the approval from the Chief Justice of the Kentucky Supreme Court as required under SCR 1.040(3), the Administrative Office of the Courts (AOC), Kentucky statute, or other authority.

- C. You attended meetings and had conversations with CCB ankle monitor vendors to solicit specifications and pricing for monitors, while also meeting with elected officials regarding those costs and specifications.
- D. You prepared and submitted CCB's ankle monitoring program bid to the Calloway and Marshall County Fiscal Courts, using your influence to have a specific ankle monitor provider selected and approved.
- E. You were involved with drafting the Fiscal Court's request for proposals for the ankle monitoring program in Marshall and Calloway Counties, hindering the competitive bid process.
- F. You submitted a grant application to the Kentucky Department of Corrections on behalf of CCB, listing yourself as the project coordinator, creating a conflict of interest with your position as Circuit Court Judge in Marshall and Calloway Counties.
- G. You used the prestige of your judicial office to influence various elected officials, agencies, and individuals, promoting the CCB ankle monitoring program as a cost-saving measure and as means to raise funds for Re-Life, a proposed inpatient substance abuse disorder treatment facility project you are spearheading.
- H. You used the prestige of your judicial office to solicit support and personal donations from elected governmental bodies, elected officials, organizations, and individuals for the CCB and Re-Life/substance abuse disorder treatment facility.

Your actions violate SCR 4.020(1)(b)(i) and constitute misconduct in office.

Furthermore, your actions violate SCR 4.300 and the relevant portions of the following Canons of the Code of Judicial Conduct:

- **Canon 1, Rule 1.1** which requires a judge to comply with the law, including the Code of Judicial Conduct.

- **Canon 1, Rule 1.2** which requires a judge to 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 1, Rule 1.3** which requires that a judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others, or allow others to do so.
- **Canon 2, Rule 2.1** which requires that the duties of judicial office shall take precedence over all of a judge's personal and extrajudicial activities.
- **Canon 2, Rule 2.2** which requires that a judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.
- **Canon 2, Rule 2.4 (B)** which requires that a judge shall not permit family, social, political, financial, or other interests or relationships to influence the judge's judicial conduct or judgment.
- **Canon 3, Rule 3.1 (A)** which provides that when engaging in extrajudicial activities, a judge shall not participate in activities that will interfere with the proper performance of the judge's judicial duties.
- **Canon 3, Rule 3.1 (C)** which provides that when engaging in extrajudicial activities, a judge shall not participate in activities that would appear to a reasonable person to undermine the judge's independence, integrity, or impartiality.
- **Canon 3, Rule 3.1 (D)** which provides that when engaging in extrajudicial activities, a judge shall not engage in conduct that would appear to a reasonable person to be coercive.
- **Canon 3, Rule 3.2** which provides that a judge shall not appear voluntarily at a public hearing before, or otherwise consult with, an executive or legislative body or office.
- **Canon 3, Rule 3.11 (B)** which requires that a judge shall not serve as an officer, director, manager, general partner, advisor, or employee of any business entity.

Count II

You acted as the alter ego for the 42nd Judicial Circuit Community Corrections Board ("CCB") in the implementation and operation of CCB's ankle monitoring program.

- A. As Circuit Court Judge, you participated in communications with CCB staff, whose work you directly supervised, including conversations regarding the ankle monitoring program rules, alleged violations, and Orders for cases over which you presided.
- B. You received direct notifications of alleged ankle monitor violations and instructed CCB staff, whose work you directly supervised, to send ankle monitor violation reports directly to you.
- C. On more than one occasion, you issued arrest warrants for individuals participating in the ankle monitoring program upon receipt of notices of alleged violations from CCB staff, whose work you directly supervised.
- D. Throughout your tenure as Circuit Court Judge, you directed local authorities to arrest individuals alleged to be in violation of the ankle monitoring program before an arrest warrant had been properly issued.
- E. Despite presiding over cases where you ordered participation in CCB's ankle monitoring program, you participated in the collection of fees, managed financial transactions, and wrote checks on behalf of CCB and Re-Life.
- F. You created the appearance of impropriety by ordering individuals participate in CCB's ankle monitoring program when the costs associated with the program directly supported Re-Life.

Your actions violate SCR 4.020(1)(b)(i) and constitute misconduct in office. Furthermore, your actions violate SCR 4.300 and the relevant portions of the following Canons of the Code of Judicial Conduct:

- **Canon 1, Rule 1.1** which requires a judge to comply with the law, including the Code of Judicial Conduct.

- **Canon 1, Rule 1.2** which requires a judge to 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 1, Rule 1.3** which requires that a judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others, or allow others to do so.
- **Canon 2, Rule 2.1** which requires that the duties of judicial office shall take precedence over all of a judge's personal and extrajudicial activities.
- **Canon 2, Rule 2.2** which requires 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)** which requires that a judge perform the duties of judicial office, including administrative duties, without bias or prejudice.
- **Canon 2, Rule 2.3 (B)** which requires that a judge shall not, in the performance of judicial duties, by words or conduct, manifest bias or prejudice, or engage in harassment and shall not permit court staff, court officials, or others subject to the judge's discretion and control.
- **Canon 2, Rule 2.4 (B)** which requires that a judge shall not permit family, social, political, financial, or other interests or relationships to influence the judge's judicial conduct or judgment.
- **Canon 2, Rule 2.4 (C)** which requires that a judge shall not convey or permit others to convey the impression that any person or organization is in a position to influence the judge.
- **Canon 2, Rule 2.6 (A)** which requires that a judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.
- **Canon 2, Rule 2.9 (A)** which provides that a judge shall not initiate, permit, or consider ex parte communications, or consider other communications made to the judge outside the presence of the parties or their lawyers, concerning a pending or impending matter.
- **Canon 2, Rule 2.9 (B)** which provides if a judge inadvertently receives an unauthorized ex parte communication bearing upon the substance of a matter, the judge shall make provision promptly to notify the parties of the substance of the communication and provide the parties with an opportunity to respond.
- **Canon 2, Rule 2.9 (C)** Which requires that a judge shall not investigate facts in a matter independently, and shall consider only the evidence presented and any facts that may properly be judicially noticed.

- **Canon 2, Rule 2.12 (A)** which provides a judge shall require court staff, court officials, and others subject to judge's direction and control to act in a manner consistent with judge's obligations under this Code.
- **Canon 3, Rule 3.7(6)(a)** which allows a judge to serve as an officer, director, trustee, or nonlegal advisor of a charitable organization unless it is likely that the organization or entity will be engaged in proceedings that would ordinarily come before the judge.

COUNT III

During your tenure as Circuit Court Judge, you mismanaged your courtroom, engaged in acts of retaliation, and deviated from acceptable standards of judicial conduct including but not limited to,

- A. Throughout your tenure as Circuit Court Judge, you ordered individuals to participate in CCB's ankle monitoring services, but only allowed them to enroll with Track Group, the program that you had direct ties with through CCB, despite the availability of other ankle monitoring services.
- B. You required individuals in your courtroom to attend Riverwoods over other treatment options, because of your personal connection with the Riverwoods program.
- C. You regularly represented that Riverwoods was the only intensive out-patient ("IOP") program available, even absent evidence that Riverwoods was licensed as an IOP provider in Kentucky.
- D. As Circuit Court Judge, you displayed behavior towards Court staff, attorneys, and others in your courtroom that was not patient, dignified, and courteous.
- E. You have demonstrated clear bias against Assistant Public Defender Amy Harwood-Jackson and other attorneys.

- F. As Circuit Court Judge, you personally pressured an attorney who appears before your Court to file a bar complaint against another attorney, and asked that same attorney to draft a sworn statement on your behalf to rebut a complaint made against you.
- G. You retaliated against a Marshall County Sheriff's Department employee by seeking his termination or re-assignment after he reviewed Courthouse video footage of you because you believed, without any evidence, he leaked the video to media outlets.
- H. You directly requested that Marshall County Sheriff Eddie McGuire send deputies to find a vehicle you saw flying a flag with what you believed was an offensive political statement and to request the driver remove the sign. You suggested to the Sheriff that he should cite or bring criminal charges against the driver if they refused to remove the flag.

Your actions violate SCR 4.020(1)(b)(i) and constitute misconduct in office.

Furthermore, your actions violate SCR 4.300 and the relevant portions of the following Canons of the Code of Judicial Conduct:

- **Canon 1, Rule 1.1** which requires a judge to comply with the law, including the Code of Judicial Conduct.
- **Canon 1, Rule 1.2** which requires a judge to 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 1, Rule 1.3** which requires that a judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others, or allow others to do so.
- **Canon 2, Rule 2.1** which requires that the duties of judicial office shall take precedence over all of a judge's personal and extrajudicial activities.
- **Canon 2, Rule 2.2** which requires 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)** which requires that a judge perform the duties of judicial office, including administrative duties, without bias or prejudice.
- **Canon 2, Rule 2.3 (B)** which requires that a judge shall not, in the performance of judicial duties, by words or conduct, manifest bias or prejudice, or engage in harassment and shall not permit court staff, court officials, or others subject to the judge's discretion and control.
- **Canon 2, Rule 2.4 (B)** which requires that a judge shall not permit family, social, political, financial, or other interests or relationships to influence the judge's judicial conduct or judgment.
- **Canon 2, Rule 2.8 (B)** which requires that a judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials, and other with whom the judge deals in an official capacity, and shall require similar conduct of lawyers, court staff, court officials, and others subject to the judge's discretion and control.
- **Canon 2, Rule 2.12 (A)** which provides that a judge shall require court staff, court officials, and others subject to the judge's discretion and control to act in a manner consistent with the judge's obligations under the Code of Judicial Conduct.

COUNT IV

During your tenure as Circuit Court Judge, you used your influence and the prestige of judicial office to pressure attorneys, individuals, and groups to fund and support your political campaign, going as far as saying that certain monetary contributions were not sufficient.

Your actions violate SCR 4.020(1)(b)(i) and constitute misconduct in office. Furthermore, your actions violate SCR 4.300 and the relevant portions of the following Canons of the Code of Judicial Conduct:

- **Canon 1, Rule 1.1** which requires a judge to comply with the law, including the Code of Judicial Conduct.
- **Canon 1, Rule 1.2** which requires a judge to 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 1, Rule 1.3** which requires that a judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others, or allow others to do so.
- **Canon 2, Rule 2.1** which requires that the duties of judicial office shall take precedence over all of a judge's personal and extrajudicial activities.
- **Canon 4, Rule 4.8** which requires that a judge shall not personally solicit or accept financial or in-kind campaign contributions other than through a campaign committee.

The jurisdiction of the Judicial Conduct Commission in this matter is under SCR 4.020(1)(b)(i) and (v), and (1)(c) which reads in pertinent part as follows:

- (1) Commission shall have authority:
 - (b) To impose the sanctions, separately or collectively of (1) admonition, private reprimand, public reprimand or censure; (2) suspension without pay or removal or retirement from judicial office, upon any judge of the Court of Justice or lawyer while a candidate for judicial office, who after notice and hearing the Commission finds guilty of any one or more of the following:
 - (i) Misconduct in office.
 - (v) Violation of the code of Judicial Conduct, Rule 4.300.
 - (c) After notice and hearing, to remove a judge whom it finds to lack the constitutional statutory qualifications for the judgeship in question.

For your information, the Commission wishes to call your attention to the following Supreme Court Rule:

RULE 4.180 FORMAL PROCEEDINGS

If the Commission concludes that formal proceedings should be initiated, it shall notify the judge. He may file an answer within 15 days after service of the notice. Upon the filing of his answer, or the expiration of time for so filing, the Commission shall set a time and place for the hearing and shall give reasonable notice thereof to the judge.

Please mail your Answer to: Ms. Jimmy Shaffer, Executive Secretary, Kentucky Judicial Conduct Commission, P.O. Box 4266, Frankfort, KY 40604-4266.

July 21st, 2022


R. MICHAEL SULLIVAN, CHAIRMAN
KENTUCKY JUDICIAL CONDUCT COMMISSION

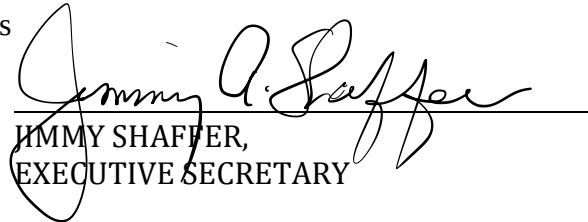
Dr. Joe Ellis has recused himself from any consideration in this matter.

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of this Order has this July 21, 2022, been served via electronic and first-class mail upon the following:

Richard L. Walter (rwalter@bsgpad.com)	Jeffrey C. Mando (JMando@adamsattorneys)
Boehl Stopher and Graves, LLP	Adams Law, PLLC
410 Broadway	40 W. Pike St.
Paducah, KY 42001	Covington, KY 41011

Judge James T. Jameson at his home address


JIMMY SHAFFER,
EXECUTIVE SECRETARY

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**JAMES T. JAMESON, CIRCUIT JUDGE
42ND JUDICIAL CIRCUIT**

AMENDED NOTICE OF HEARING

Notice is hereby given that the temporary suspension hearing scheduled on the 12th day of August, 2022, at the time of 8:30 a.m., will now be held in Circuit Courtroom 1, Division 1, on the 2nd Floor of the Christian County Justice Center, 100 Justice Way, Hopkinsville, Kentucky.


R. Michael Sullivan, Chair

Dr. Joe E. Ellis recused from any consideration of this matter.

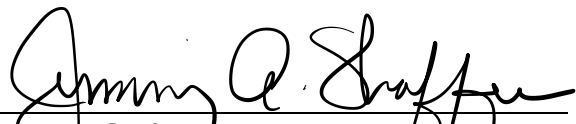
CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of this notice has been served this 8th day of August 2022 via electronic and first-class mail upon:

Richard L. Walter (rwalter@bsgpad.com)
Boehl Stopher and Graves, LLP
410 Broadway
Paducah, KY 42001

Jeffrey C. Mando (JMando@adamsattorneys)
Adams Law, PLLC
40 W. Pike St.
Covington, KY 41011

Judge James T. Jameson at his home address


JIMMY SHAFFER,
EXECUTIVE SECRETARY

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**JAMES T. JAMESON, CIRCUIT JUDGE
42ND JUDICIAL CIRCUIT**

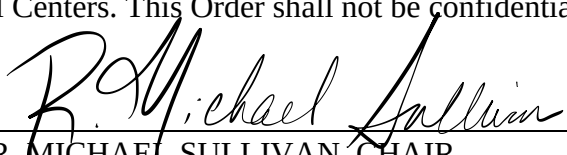
**ORDER OF TEMPORARY SUSPENSION FROM DUTIES
PENDING FINAL ADJUDICATION**

On August 12, 2022, pursuant to SCR 4.020(1)(a)(ii) and jurisdiction thereby, and after proper notice, the Judicial Conduct Commission (“Commission”) conducted a temporary suspension hearing in this matter involving James T. Jameson, Circuit Court Judge of the 42nd Judicial Circuit, against whom a preliminary investigation was initiated under SCR 4.170.

Pursuant to SCR 4.220(3), not less than five (5) voting members of the Commission were present at this hearing when evidence was presented, those being R. Michael Sullivan, Chair, Judge Jeff S. Taylor, Judge Eddy Coleman, Judge Karen Thomas, and Janet Lively McCauley. Alternate members Judge Mitch Perry and Carroll M. “Trip” Redford, III, were also present.

Following the completion of the hearing, by a vote of 3-2, the Commission finds that it will be in the best interest of justice that Judge Jameson be temporarily suspended from the performance of judicial duties and acting in his official capacity as a judge until final adjudication of the complaint, including charges set forth in the Amended Notice of Formal Proceedings and Charges dated July 21, 2022. Judge Jameson is hereby immediately suspended, without affecting his pay status, pending final adjudication of said charges. During his suspension, Judge Jameson shall not access or utilize court resources, and shall not appear at the Marshall County or Calloway County Judicial Centers. This Order shall not be confidential.

Date: August 15th, 2022



R. MICHAEL SULLIVAN, CHAIR

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of this order has been served this 15th day of August 2022 via electronic and first-class mail upon:

Richard L. Walter (rwalter@bsgpad.com)
Boehl Stopher and Graves, LLP
410 Broadway
Paducah, KY 42001

Jeffrey C. Mando (JMando@adamsattorneys)
Adams Law, PLLC
40 W. Pike St.
Covington, KY 41011

Judge James T. Jameson at his home address


JIMMY SHAFFER,
EXECUTIVE SECRETARY

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

IN RE THE MATTER OF:

JAMES T. JAMESON, CIRCUIT COURT JUDGE
42ND JUDICIAL CIRCUIT

MOTION TO ALTER, AMEND, OR VACATE

Comes James T. Jameson, Circuit Court Judge for the 42nd Judicial Circuit, and pursuant to SCR 4.160 and KRCP 59.05, hereby petitions the Judicial Conduct Commission to vacate its Order of Temporary Suspension entered on August 15, 2022 and attached hereto as Exhibit A. As grounds for this motion, Circuit Judge Jameson states as follows:

Relevant Facts

1. On Friday, August 12th, 2022, a hearing was held in the Christian County Justice Center at the command of the Kentucky Judicial Conduct Commission, a body that, by rule is made up of a member of the Court of Appeals elected by the Judges of the Kentucky Court of Appeals (SCR 4.040), a Kentucky Circuit Court Judge elected by the body of Circuit Judges from across the state (SCR 4.050), a Kentucky District Court Judge elected by the body of District Judges from across the state (SCR 4.060), a member of the Kentucky Bar Association that is not a Judge, and a member of the general public chosen by the Governor.

2. During the hearing, it was the burden of the Commission to prove by clear and convincing evidence that it was in the “best interest of justice” that Judge Jamie Jameson be suspended from acting as Circuit Court Judge for Kentucky’s 42nd Judicial Circuit, Division I, the 7th busiest Circuit Court in Kentucky, according to the Administrative Office of the Courts.

3. As far as he is aware, all of the complaints that have been filed against Judge Jameson were all filed within the last approximately one year just prior to an election year. Additionally, all of the complaints have come from individuals supporting Judge Jameson's opponent, and only from Marshall County. No complaints have been filed by attorneys or citizens residing in Calloway County. Calloway County has dozens of attorneys living and practicing law within its borders while Marshall County has only approximately ten or less.

4. The Commission chose to litigate two issues during the hearing: (1) whether Judge Jameson had acted inappropriately with respect to a phone call he had with attorney Lisa DeRenard by allegedly asking her for financial support for his campaign or otherwise conducting himself inappropriately during that call, (2) whether Judge Jameson had acted inappropriately by requesting Marshall County Sheriff Eddie McGuire to transfer the head of security for the Marshall County Judicial Building.

5. The Commission called only two witnesses, attorney Lisa DeRenard, and Sheriff Eddie McGuire. Counsel for the Commission had notified Judge Jameson and his counsel that a third witness was to be called during the hearing, but that witness, Dennis Foust, was not called and did not appear.

6. Ms. DeRenard, changed her testimony during the hearing, and testified inconsistently with her previous recorded statement to the Commission. Ms. DeRenard testified that, in fact, she was the first person to mention money during her phone call with Judge Jameson, and that she was "intimidated" simply by an email from Judge Jameson's wife inviting her to a campaign event, an email she, in fact, requested.

7. Sheriff McGuire testified consistent with his statement to the Commission.

Argument

1. According to SCR Rule 4.160, the Kentucky Rules of Civil Procedure are to be followed by the Judicial Conduct Commission relative to any inquiry. Specifically, SCR 4.160 states that to the extent applicable and not inconsistent with these Rules, the Kentucky Rules of Civil Procedure shall apply to proceedings before the Commission. The only exception concerns the standard of proof in that the burden requires that the proof submitted be of clear and convincing evidence.

2. Kentucky Rule of Civil Procedure 59.05 authorizes the trial court, in this case, the Judicial Conduct Commission, to alter, amend, or vacate its judgment and enter a new judgment on a motion properly filed within 10 days of the entry of the Order. Rule 59 exists in part to correct manifest errors of law upon which a judgment is based. In this instance, there are numerous errors of law that occurred, all of which require that the Order of Temporary Suspension be withdrawn and vacated.

3. The first and potentially the most egregious error of the Commission in ordering a temporary suspension of Judge Jameson's ability to serve as Circuit Judge of the 42nd Judicial Circuit, concerns the number of votes cast by the Judicial Conduct Commission ordering the temporary suspension.

The only Supreme Court rule that governs the votes necessary for a suspension of a Circuit Judge is contained in SCR 4.120. SCR 4.120 advises that for a quorum to be present, there be four members of the Commission in attendance. The Commission complied with that part of the rule. The rule goes on to state that the Commission may act by a majority vote of members present. However, **the affirmative vote of at least four members shall be required for the suspension**, removal, or retirement of a Judge for

good cause. The rule in its entirety is set out herein below:

Rule 4.120. Quorum.

A quorum shall be four members. The Commission may act by majority vote of members present; however, **the affirmative vote of at least four members shall be required for the suspension, removal, or retirement of a judgment for good cause.** Absence of a member or vacancy upon the Commission shall not invalidate its action. If because of disqualification or other inability of members and alternates to serve, a quorum cannot be achieved, the Chairperson shall certify that fact to the respective appointed authorities for selection of sufficient special members to bring the Commission to full membership in the matter. (Emphasis added.)

In this action, and as evidenced by the Order of Temporary Suspension, the vote was 3 – 2, with the Commission finding that it will be in the best interest of justice that Judge Jameson be temporarily suspended from the performance of judicial duties and acting in his official capacity as a Judge. That Order, on its face, violates its SCR 4.120.

The importance of SCR 4.120 has been stressed in *Gentry v. Judicial Conduct Commission*, 2020 – SC – 0434 – RR. In that Opinion, it states that safeguards are built in to protect a Judge's rights. Charges are required to be proved by clear and convincing evidence, citing SCR 4.160, and the affirmative vote of four members is required for suspension, citing SCR 4.120. It matters not whether this is a temporary hearing or a final hearing. A suspension for any time is a suspension as contemplated under the rules.

The aforementioned rule requires that four members vote to suspend Judge Jameson. As is evident by the attached Order (Exhibit A), that did not occur. As such, the Order of Temporary Suspension should be vacated and Judge Jameson should be restored to his position of Circuit Judge for Marshall and Calloway Counties of the 42nd Judicial Circuit.

As an aside, and consistent with the requirements of at least four votes being cast in favor of the suspension, the Commission is directed to SCR 4.240. In that rule, it states

that at any hearing, only evidence admissible under the Kentucky Rules of Evidence shall be received. The proof against any Judge must rise to the level of clear and convincing evidence as is stated herein above. That rule goes further to state that at least 67% of the Commission must agree. In this case, 60% of the Commission agreed, not the required 67%. Had the Commission followed the rules, and had at least four votes in favor of suspension, then it would be conceded that the requisite votes were obtained. Once again, an insufficient number of votes were cast to temporarily suspend Judge Jameson.

4. **Insufficient Proof.** The evidence presented by the Commission is insufficient to prove the burden required to temporarily suspend Judge Jameson. The evidence must prove **by clear and convincing evidence** that it is in the best interest of justice that Judge Jameson be suspended prior to whether a hearing can be had on whether he even violated any supreme court rule for certain. To meet the “clear and convincing” standard of proof, the Commission had to show that evidence, “of a probative and substantial nature carrying the weight of evidence sufficient to convince ordinarily prudent-minded people.” *F.V. v. Comm. Cab. for Health and Family Services*, 567 S.W.3d597 (Ky. App. 2018). In other words, the testimony and other evidence put on by the Commission on August 12th had to be of a probative and **substantial nature**, sufficient enough to convince an ordinarily prudent-minded person that it was in the best interest of justice that Judge Jameson be temporarily suspended prior to is final substantive hearing. This standard was clearly not met by the Commission.

The Commission called only two witnesses to prove its case. The testimony of the first witness, attorney Lisa DeRenard, was *significantly* modified from the statement she had given the Commission in March of this year. The original statement gave a story of how

Judge Jameson intentionally and almost in a bullying fashion antagonized Ms. DeRenard into giving a donation to his campaign. Not only that, the March statement of Ms. DeRenard stated that Judge Jameson even rejected the first offer of a donation from Ms. DeRenard of \$250 and told her she needed to give more. **All of this was abandoned by Ms. DeRenard at the August 12th hearing.** In fact, Ms. DeRenard made it clear on cross-examination that Judge Jameson **never asked her for money and that she had in fact been the first to mention a financial donation** during their conversation early this year. Additionally, the “intimidation” Ms. DeRenard spoke of in her original unsworn statement to the JCC turned out to simply be an email that Ms. DeRenard had asked to receive from Judge Jameson’s campaign committee so she would know when campaign events were occurring. That’s correct. The “intimidation” turned out to actually only be a flyer inviting people to a campaign event at Marcella’s Kitchen in Benton that was emailed to Ms. DeRenard, at her request, by Judge Jameson’s wife, not him, which is permitted under the rules. Judge Jameson’s wife confirmed this during her testimony. **No evidence was presented to the contrary.**

The Commission’s second witness, Sheriff Eddie McGuire, had nothing negative to say about Judge Jameson. His testimony consisted of stating that Judge Jameson had reached out to him, as Chief Circuit Court Judge (the judge over safety of the judicial building), and stated that the head of court security should be removed from his duties at the judicial building “if possible.”¹ Judge Jameson is permitted to have his own opinion about who should and should not be the head of security at the judicial buildings he has authority over. That’s all this statement was: a request based on his opinion, based on facts he had observed or been made aware of. In fact, Judge Jameson acknowledged during his

¹ The employee in question was set to retire in August of 2022, and he did.

testimony that he knew he did not have the authority to remove the head of security unilaterally and that all he could do was ask the Sheriff to do so, which is all that occurred.

Testimony and documents confirmed that the head of court security at the time had reviewed secure video that was the property of AOC without their permission and then shared that video with county attorney Jason Darnall, who informed the head of security to hold the video so that Commonwealth's Attorney, Dennis Foust, could come by later to get the video. Mr. Foust had no right or reason (other than political ones) to review that video and, according to testimony, still has it even though AOC investigated the matter and determined that no one should have given anyone the video because, as the Sheriff testified, the security protocols, location of secured doors, patterns of behavior of court personnel, could all potentially be gathered from that video creating a potential threat to the employees in the building, especially the Judges like Judge Jameson. It is uncontested that Marshall Co. Deputy Clerk Lacey Cavitt, who very openly supports Judge Jameson's opponent. All of this was set out in yet another complaint to this Commission (that was dismissed upon initial consideration by the Commission) that was part of the coordinated effort of public defender Amy Harwood-Jackson, Commonwealth Attorney Dennis Foust, Cheri Riedel (director of the public defender's office), and others to submit complaints to the Commission, specifically during the 2022 campaign period, in order to damage Judge Jameson's reputation among the citizens of the counties he serves. All of this was testified to by the **Commission's own witness**, Lisa DeRenard, and was not contradicted by any other evidence or testimony.

5. The Order of Temporary Suspension is deficient in that the Order does not comport with the Supreme Court Rules. According to SCR 4.260, the following is noted:

SCR 4.260. Commission Findings; Order

(1) The Commission shall make written Findings of Fact and Conclusions of Law which shall be filed with the record in the case.

(2) A certified copy of the Commission's Findings of Fact and Conclusions of Law and Final Order shall be served on the Judge or counsel immediately after entry.

There are absolutely no Findings of Fact or Conclusions of Law. There is nothing contained in the Order that indicates to Judge Jameson why he is being suspended. The requirements of requiring the Judicial Conduct Commission to follow the Supreme Court rules provides those safeguards mentioned in *Gentry, supra*, to Judge Jameson the rule intends to protect. Judge Jameson has no understanding of the rationale of the Judicial Commission members who voted to suspend him. They only state that it is in the best interest of justice that he be temporarily suspended. They cite to no facts. They cite to no specific charges. Not one of the witnesses called by counsel for the Judicial Conduct Commission made those statements. However, every witness called by Judge Jameson stated under oath to the contrary.

6. An additional error in the temporary suspension hearing concerns SCR 4.170. In subparagraph 4, it is stated that after the preliminary investigation is completed, but before formal proceedings are initiated under SCR 4.180, the Commission must afford the Judge an opportunity to examine all factual information. Requests were made by Judge Jameson and his counsel to obtain all of the factual information. However, the Commission failed to afford all such factual investigation files to Judge Jameson. In fact, it has admitted there is factual information that it has considered but has not made available to Judge Jameson. It is likely to be argued that this is important only on final hearing when the adjudication is by clear and convincing evidence on the charges made. However, during this hearing, claims

were made by the Judicial Conduct Commission of improper actions of Judge Jameson, none of which affected the best interest of justice standard that must be used for a temporary suspension order. As such, it is submitted that the Judicial Conduct Commission is likely to have considered factual information Judge Jameson never saw. Had the Judicial Conduct Commission prepared Findings of Fact and Conclusions of Law, this question may be answered. However, it did not and accordingly, it is error to allow the temporary suspension to be levied against Judge Jameson.

7. **Ten Days Have Not Passed.** SCR 4.270 states, “Commission orders shall become effective 10 days after service on the judge unless the judge appeals therefrom within that time.” There is no other rule that address this issue. As such, this rule controls all orders of the Commission against a Judge. As such, the Commission’s “immediate” suspension of Judge Jameson with pay was inappropriate. The Commission has been dealing with this matter for over a year. There is nothing known to counsel that would suggest that not waiting the required 10 days is appropriate or allowed. It is only reasonable to allow such a timeframe so that the matters Judge Jameson presides over do not go unattended due to Judge Jameson’s lack of an ability to do his job.

Conclusion

For the reasons stated, it is respectfully requested that this Motion to Alter Amend or Vacate be granted and the Order of Temporary Suspension be set aside and held for naught, as is clearly required by Kentucky law.

Respectfully submitted,

BOEHL STOPHER & GRAVES, LLP

/s/ Richard L. Walter

Richard L. Walter KBA #74082

Bradley A. Sears KBA #91053

410 Broadway

Paducah, KY 42001

(270) 442-4369

(270) 442-4689 fax

rwalter@bsgpad.com

ATTORNEYS FOR JAMESON

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of August 2022, a copy of the foregoing was served on Hon. R. Michael Sullivan, Chair, Judicial Conduct Commission; Hon. Jimmy Shaffer, Executive Secretary; and the Hon. Jeffrey C. Mando.

/s/ Richard L. Walter

Richard L. Walter

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**JAMES T. JAMESON, CIRCUIT JUDGE
42ND JUDICIAL CIRCUIT**

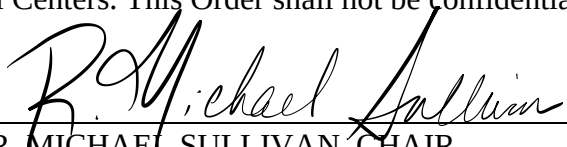
**ORDER OF TEMPORARY SUSPENSION FROM DUTIES
PENDING FINAL ADJUDICATION**

On August 12, 2022, pursuant to SCR 4.020(1)(a)(ii) and jurisdiction thereby, and after proper notice, the Judicial Conduct Commission (“Commission”) conducted a temporary suspension hearing in this matter involving James T. Jameson, Circuit Court Judge of the 42nd Judicial Circuit, against whom a preliminary investigation was initiated under SCR 4.170.

Pursuant to SCR 4.220(3), not less than five (5) voting members of the Commission were present at this hearing when evidence was presented, those being R. Michael Sullivan, Chair, Judge Jeff S. Taylor, Judge Eddy Coleman, Judge Karen Thomas, and Janet Lively McCauley. Alternate members Judge Mitch Perry and Carroll M. “Trip” Redford, III, were also present.

Following the completion of the hearing, by a vote of 3-2, the Commission finds that it will be in the best interest of justice that Judge Jameson be temporarily suspended from the performance of judicial duties and acting in his official capacity as a judge until final adjudication of the complaint, including charges set forth in the Amended Notice of Formal Proceedings and Charges dated July 21, 2022. Judge Jameson is hereby immediately suspended, without affecting his pay status, pending final adjudication of said charges. During his suspension, Judge Jameson shall not access or utilize court resources, and shall not appear at the Marshall County or Calloway County Judicial Centers. This Order shall not be confidential.

Date: August 15th, 2022



R. MICHAEL SULLIVAN, CHAIR

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of this order has been served this 15th day of August 2022 via electronic and first-class mail upon:

Richard L. Walter (rwalter@bsgpad.com)
Boehl Stopher and Graves, LLP
410 Broadway
Paducah, KY 42001

Jeffrey C. Mando (JMando@adamsattorneys)
Adams Law, PLLC
40 W. Pike St.
Covington, KY 41011

Judge James T. Jameson at his home address



JIMMY SHAFFER,
EXECUTIVE SECRETARY

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**JAMES T. JAMESON, CIRCUIT JUDGE
42ND JUDICIAL CIRCUIT**

NOTICE FOR TIME AND PLACE FOR HEARING

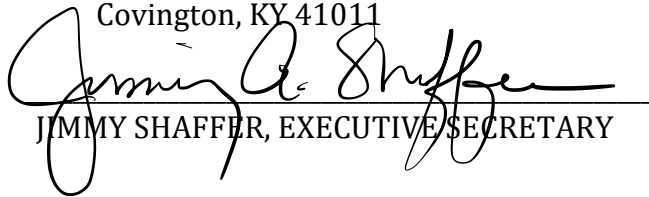
Notice is hereby given that the hearing in these formal proceedings will be held commencing on the 17th day of October 2022, at the time of 8:30 a.m., in District Courtroom 1 on the 1st Floor of the Christian County Justice Center, 100 Justice Way, Hopkinsville, Kentucky.

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of this notice has been served this 18th day of August 2022 via electronic and first-class mail upon:

Richard L. Walter (rwalter@bsgpad.com)
Boehl Stopher and Graves, LLP
410 Broadway
Paducah, KY 42001

Jeffrey C. Mando (JMando@adamsattorneys)
Adams Law, PLLC
40 W. Pike St.
Covington, KY 41011


JIMMY SHAFFER, EXECUTIVE SECRETARY

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**JAMES T. JAMESON, CIRCUIT JUDGE
42ND JUDICIAL CIRCUIT**

PRE-HEARING ORDER

The Judicial Conduct Commission (“Commission”) enters this pre-hearing order in this case.

IT IS ORDERED AS FOLLOWS:

1. That this case is assigned for a hearing on October 17, 2022 at 8:30 A.M. Five (5) days have been allotted.
2. A telephonic pre-hearing conference shall take place on October 10, 2022, at 1:00 p.m. CST. The Commission shall initiate the call.
3. On or before September 27, 2022, the attorneys for each party shall exchange, and file with the Commission, a list of the names and addresses of all persons who will testify at the hearing. If a party intends to offer any witness as an expert witness, then the party shall also disclose the substance of the facts and opinions to which the witness is expected to testify and a summary of the grounds for each opinion.
4. The video record and all exhibits of the hearing on temporary suspension in this case conducted August 12, 2022, shall be admitted as evidence as part of the hearing record without the necessity of playing the video at the hearing, and all Commission members presiding at the hearing shall review the video and exhibits before commencement of the hearing.
5. The taking of all depositions for evidentiary purposes shall be completed on or before September 21, 2022. The parties shall confer on whether to stipulate that any deposition identified to be used at trial may be either read or viewed by Commission members before the hearing and will be admitted into evidence as part of the hearing record without the necessity or playing the video of the deposition or reading the deposition into evidence at the hearing.
6. On or before September 27, 2022, counsel for each party shall make available to opposing counsel a copy of all documentary evidence and exhibits of any kind to be presented at trial.
7. Objections to any exhibits or portions of any depositions shall be in writing and filed with the Commission, and a copy shall be emailed to opposing counsel, on or before October 3, 2022. Such objections shall state with specificity the basis for the objections and shall refer to specific authority with copies of such authorities attached. As to objections to depositions, in addition to the objectionable question and answer being tendered in writing, counsel shall indicate the page and line of a written transcript if available, and/or date and time if the deposition was taken by video. Responses to any objections shall be in writing and filed on

or before October 7, 2022. The Commission will require a "clean-edit" for any video deposition to be shown at the hearing. Any exhibit or deposition identified by a party pursuant to this order shall be admitted into evidence if probative, unless written objections are filed as set forth in this order.

8. All motions *in limine* shall be filed, and a copy emailed to opposing counsel, not later than October 3, 2022, and any responses shall be filed, and a copy emailed to opposing counsel, on or before October 7, 2022.
9. Exhibits to be used at the hearing shall be marked with the case number and appropriate adhesive labels prior to the hearing. These labels are available to the attorneys if requested from Jimmy Shaffer at the Commission at least one (1) week in advance of the hearing. The number of the exhibit will be entered on the label at the time of introduction into evidence. Pursuant to Rule 98(2)(c), a photograph must be taken of any exhibit, other than documents, to be introduced at trial. Said photograph will be included in the Commission file and the exhibit will be returned to the party.
10. Failure on the part of any attorney/party to comply with any requirements outlined hereinabove may result in exclusion of the evidence sought to be introduced at the hearing, waiver of objection, or any other sanctions against the offending party as deemed appropriate by the Commission.

KENTUCKY JUDICIAL CONDUCT COMMISSION


R. MICHAEL SULLIVAN, CHAIR

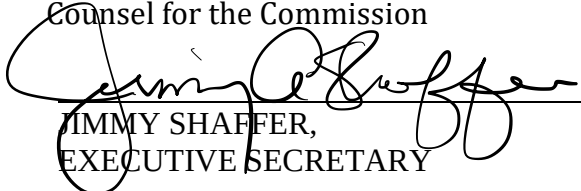
Date: 8/22/2022

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of this order has been served this 22nd day of August 2022 via electronic and first-class mail upon:

Richard L. Walter (rwalter@bsgpad.com)
Boehl Stopher and Graves, LLP
410 Broadway
Paducah, KY 42001
Counsel for Judge Jameson

Jeffrey C. Mando (JMando@adamsattorneys)
Adams Law, PLLC
40 W. Pike St.
Covington, KY 41011
Counsel for the Commission


JIMMY SHAFFER,
EXECUTIVE SECRETARY

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**JAMES T. JAMESON, CIRCUIT COURT JUDGE
42ND JUDICIAL CIRCUIT**

**COUNSEL FOR THE COMMISSION'S RESPONSE IN OPPOSITION TO
JUDGE JAMESON'S CR 59.05 MOTION TO ALTER, AMEND OR VACATE**

The Kentucky Judicial Conduct Commission ("JCC"), by and through counsel, for its Response in Opposition to Judge Jameson's CR 59.05 Motion to Alter, Amend or Vacate, states the following:

I. INTRODUCTION

Judge Jamie Jameson is a Circuit Court Judge for Kentucky's 42nd Judicial Circuit consisting of Calloway and Marshall counties. On June 13, 2022, the JCC initiated formal proceedings against Judge Jameson, including four charges alleging violations of the Kentucky Code of Judicial Conduct. Pending final adjudication of these charges, the JCC sought to temporarily suspend Judge Jameson from his duties pursuant to SCR4.020(1)(a)(ii) and set a hearing for the same on August 12, 2022.

The JCC heard approximately eight hours of testimony, including over two hours of testimony from Judge Jameson, and considered numerous video hearings and document exhibits at the hearing. Five (5) voting members of the Commission were present at the hearing - R. Michael Sullivan, Chair, Judge Jeff S. Taylor, Judge Eddy Coleman, Judge Karen Thomas, and Janet Lively McCauley. At the conclusion of the hearing, the JCC voted 3 to 2 to suspend Jameson with pay pending final adjudication of the charges. The JCC entered its Order of Temporary Suspension on August 15, 2022.

On August 18, 2022, Judge Jameson filed a motion pursuant to CR 59.05 asking the JCC to vacate its August 15, 2022 Order of Temporary Suspension. Judge Jameson's Motion should be denied for the following reasons.

II. BECAUSE THE JCC'S AUGUST 15, 2022 ORDER IS NOT A FINAL JUDGMENT, IT IS NOT SUBJECT TO A CR 59.05 MOTION

Judge Jameson seeks to vacate the JCC's Order of Temporary Suspension pursuant to CR 59.05, which permits an aggrieved party to file a motion "to alter or amend *a judgment*, or to vacate *a judgment* and enter a new one." (emphasis added) The plain text of the Rule demonstrates it does not apply. The JCC's August 15 Order is not a final a judgment – it is a *temporary* order suspending Judge Jameson from his duties as a Circuit Judge "pending final adjudication of said charges" against him. (08.15.22 Order Temporary Suspension, 1)

A "court's authority for reconsidering an interlocutory order as opposed to a final judgment is not found in CR 59.05." *Tax Ease Lien Invs. 1, LLC v. Brown*, 340 S.W.3d 99, 103 (Ky. Ct. App. 2011). As the federal courts note, "Rule 59(e) [from which CR 59.05 is derived] is . . . applicable only to a final judgment." *Id.* (quoting *Fayetteville Investors v. Commercial Builders, Inc.*, 936 F.2d 1462, 1469 (4th Cir. 1991)). Because the JCC's August 15, 2022 Order is not a final judgment, it is not subject to a CR 59.05 motion. For this reason, Judge Jameson's motion must be denied.

III. JUDGE JAMESON HAS FAILED TO ESTABLISH GROUNDS TO ALTER, AMEND OR VACATE THE JCC'S AUGUST 15, 2022 ORDER

Assuming *arguendo* that CR 59.05 provides a mechanism for vacating the August 15, 2022 Order, Judge Jameson has nonetheless failed to demonstrate entitlement to such relief. CR 59.05 relief is an *extraordinary* remedy which should be used sparingly. *Gullion v. Gullion*, 163 S.W.2d 888 (Ky. 2005). To ensure that it is, Kentucky law limits the grounds on which a

judgment can be altered, amended, or vacated. A motion can only be granted to: (a) correct manifest errors of law or fact upon which the judgment is based; (b) account for newly discovered or previously unavailable evidence that would affect the judgment; (c) prevent manifest injustice; or (d) account for an intervening change in controlling law. CR 59.05

In his Motion, Judge Jameson alleges numerous errors of law which he claims merit the vacation of the JCC's Order of Temporary Suspension. He is incorrect.

A. THE JCC PROPERLY TEMPORARILY SUSPENDED JUDGE JAMESON WITH A 3-2 VOTE

The Supreme Court recognizes that Ky. Const. § 121 gives the JCC the authority to take three different types of actions with regard to judicial misconduct or unfitness for office. *Ky. Judicial Conduct Comm'n v. Woods*, 25 S.W.3d 470, 473 (Ky. 2000). These three types of actions are as follows: “A judge may be retired for disability, suspended without pay, or removed for good cause.” *Id.* However, the Supreme Court has also designated other circumstances which may require the JCC to take action, as evidenced by the authority provided in SCR 4.020. In relevant part, the JCC is vested with the authority to:

suspend temporarily from the performance of judicial duties, without affecting his/her compensation any judge . . . after notice and an opportunity to be heard, and upon a finding that it will be in the best interest of justice that the judge be suspended from acting in his/her official capacity as a judge until final adjudication of the complaint, any judge as to whom a preliminary investigation has been initiated under Rule 4.170.

SCR 4.020(1)(a)(ii). This authority—to temporarily suspend a judge in the best interest of justice—is distinctly *separate* from the authority vested by SCR 4.020(1)(b) and Ky. Const. § 121 to impose sanctions upon a judge for good cause. This authority is likewise separate from the authority vested under SCR 4.020(1)(a)(i) to order the temporary or permanent retirement of any judge suffering from mental illness or physical disability that interferes

with the performance of his or her duties. Finally, it is separate from the JCC's authority to remove a judge whom it finds to lack the requisite qualifications for judgeship under SCR 4.020(1)(c).

Indeed, aside from the fact that they are set out in distinct provisions of SCR 4.020, the JCC's authority to temporarily suspend a judge is further separated from the other authority provided therein. Every authority vested to the JCC in SCR 4.020 must be preceded by "notice and hearing" *except* for the authority to temporarily suspend which, instead, must only be preceded by "notice and an opportunity to be heard." *See generally* SCR 4.020(1). Moreover, unlike the other provisions of SCR 4.020 requiring specific factual findings about a judge's ability to serve on the bench, SCR 4.020(1)(a)(ii) only requires that the JCC make a general finding that the judge's temporary suspension "will be in the best interest of justice."

Calling the August 12, 2022 proceeding a "Temporary Suspension Hearing" is a misnomer. When reading the plain language of SCR 4.020(1)(a)(ii), a formal "hearing" was not even required. Instead, to temporarily suspend a judge without affecting his compensation pending final adjudication of the charges, the JCC need only provide that judge with "the opportunity to be heard." *Id.* This jurisdiction and authority is entirely independent from all other authority provided by rule or constitutional provision. It cannot, therefore, be automatically presumed to be subject to the same procedural rules or restrictions.

"Under the plain meaning rule, when the language of a statute is clear and unambiguous, we need not look beyond it for further indications of legislative intent." *Lee v. Ky. Dep't of Corr.*, 610 S.W.3d 254, 262 (Ky. 2020) (citing *Richardson v. Louisville/Jefferson Cnty. Metro Gov't*, 260 S.W.3d 777, 779 (Ky. 2008)). And "[a]s with statutes, courts are obligated to interpret our formally-adopted rules in accordance with their plain language."

Sturgeon v. Commonwealth, 521 S.W.3d 189, 193 (Ky. 2017) (citing *Hazard Coal Corporation v. Knight*, 325 S.W.3d 290, 296 (Ky. 2010) (“[W]e interpret the civil rules in accordance with their plain language”). Here, based on the plain language of SCR 4.020, the Supreme Court clearly intended to differentiate the JCC’s authority to impose a temporary suspension with pay from the authority to impose sanctions – including the authority to suspend or remove a judge without pay – provided by this Rule.

Because the procedural mechanism to temporarily suspend a judge with pay is clearly distinct, so, too, are the governing rules. While SCR 4.120 requires “the affirmative vote of at least four members . . . for the suspension, removal, or retirement of a judgement for good cause,” that requirement does not apply to the *temporary* suspension with pay of a judge.¹ By the plain language of the Rule, “suspension” is not a singular category because it comes in two separate forms (temporary vs. disciplinary). The disciplinary sanctions of suspending, removing, or forcibly retiring a judge for good cause contemplated in that Rule align with those in SCR 4.020(1)(b), not the preliminary remedies to serve the best interest of justice in SCR 4.020(1)(a). Thus, to temporarily suspend a judge, the JCC need only a majority vote to act.

Here, the JCC voted 3-2 that it was in the best interest of justice to temporarily suspend Judge Jameson with pay pending the final adjudication of the charges against him.

¹ Judge Jameson’s reliance on *Gentry v. Judicial Conduct Comm’n*, 612 S.W.3d 832, 841 (Ky. 2020) and the general proposition that “safeguards are built in to protect a judge’s rights” is misguided. In *Gentry*, the Supreme Court noted that “the affirmative vote of four members is required for suspension or removal” when evaluating an appeal to the JCC’s Final Order removing Judge Gentry from office. *Id.* Judge Gentry did *not* challenge the JCC’s order of temporary suspension. *See id.* at 840. As argued above, temporary suspension and final disposition (even if such disposition is suspension without pay) are separate and distinct under SCR 4.020. Thus, the cherry-picked quote from the *Gentry* decision does not have the dispositive effect in this circumstance that Judge Jameson believes it does.

Because a quorum was present and the majority voted in favor of temporary suspension, the JCC's Order complies with SCR 4.120 and should not be vacated.

B. BASED ON CLEAR AND CONVINCING EVIDENCE, THE JCC CONCLUDED THAT IT IS IN THE BEST INTEREST OF JUSTICE THAT JUDGE JAMESON SHOULD BE TEMPORARILY SUSPENDED WITH PAY

In proceedings before the JCC, charges are required to be proven by clear and convincing evidence. SCR 4.160. The JCC's evaluation of the evidence presented is given great deference, as reviewing courts "must accept the findings and conclusions of the commission unless they are clearly erroneous; that is to say, unreasonable." *Maze v. Judicial Conduct Comm'n*, 612 S.W.3d 793, 800 (Ky. 2020) (quoting *Wilson v. Judicial Ret. & Removal Comm'n*, 673 S.W.2d 426, 427-28 (Ky. 1984)).

Judge Jameson claims that the JCC's Order of Temporary Suspension fails to meet the requisite evidentiary standard because "[t]he Commission only called two witnesses to prove its case." (Jameson 59.05 Mot., 5) But, the fact that Counsel for the Commission only called two witnesses is irrelevant, as those two witnesses – in addition to Judge Jameson, himself – testified to sufficient facts for the JCC to reasonably conclude that it was in the best interest of justice to temporarily suspend Judge Jameson from the performance of his judicial duties pending final adjudication of the charges against him.

The JCC heard testimony that Judge Jameson acted inappropriately by soliciting campaign donations from local attorney, Lisa DeRenard. DeRenard testified that Judge Jameson said he really needed more than the \$250.00 campaign contribution she pledged to make to his campaign. Judge Jameson did not stop asserting his influence against DeRenard there. DeRenard testified that Judge Jameson directly pressured her to file a bar complaint against another attorney and draft a sworn statement on his behalf. DeRenard's testimony

showed that this display of abuse of power was not limited to one phone call. The evidence presented at the hearing showed that Judge Jameson initiated follow up calls and text messages to DeRenard, inquiring as to whether DeRenard had complied with his requests. DeRenard clearly felt pressured to assist and comply. When she did not, and after Judge Jameson saw that DeRenard had given a statement to the JCC, he retaliated in July by entering an Order denying DeRenard's client relief in *Commonwealth v. Howard*.

Additionally, the JCC heard testimony that Judge Jameson retaliated against the head of security at the Marshall County Judicial Building. Despite Judge Jameson's narrative that he simply requested Marshall County Sheriff Eddie McGuire transfer the deputy out of the Judicial Building, the JCC was presented with a text message Judge Jameson sent to Sheriff McGuire. The text message that Judge Jameson sent Sheriff McGuire demonstrated a more open-ended request to take action against the deputy stating: "I need him out of the building, if possible." Sheriff McGuire testified to the pressure Judge Jameson asserted, as he confirmed that he would not have removed the deputy from his role at the courthouse but for the request from Judge Jameson.

Absent from Judge Jameson's view of the evidence presented at the hearing are the introduction of courtroom videos displaying his deviation from acceptable standards of judicial conduct while on the bench. The videos displayed his behavior to attorneys, jail staff, and others and demonstrated a demeanor that was not patient, dignified, or courteous. The videos illustrated how Judge Jameson used his contempt power in an unacceptable manner. The evidence presented depicted Judge Jameson imposing contempt charges at individuals who disagreed with him, accusing attorneys of unethical conduct, and handcuffing a Marshall County jailer and threatening him with contempt for a COVID-19 jail policy conflict.

In his Motion, Judge Jameson also neglected to address the fact that the JCC heard over two hours of his own testimony, testimony that supported his temporary removal being in the best interest of justice.

“Clear and convincing evidence” is evidence “of a probative and substantial nature carrying the weight of evidence sufficient to convince ordinarily prudent-minded people.” *J.L.C. v. Cabinet for Health & Family Servs.*, 539 S.W.3d 692, 694 (Ky. App. 2017) (quoting *Com., Cabinet for Health and Family Servs. v. T.N.H.*, 302 S.W.3d 658, 663 (Ky. 2010)). However, “[c]lear and convincing evidence is not necessarily uncontradicted evidence.” *Id.* Great deference is given to fact-finders, as they have “the superior position to judge the credibility of the [] witness and to assess the reasonableness of the [his or her] inferences. *See Moore v. Asente*, 110 S.W.3d 336, 354 (Ky. 2003); *see also Coffman v. Rankin*, 260 S.W.3d 767, 770 (Ky. 2008).

Judge Jameson’s Motion does not cite any new or previously unavailable evidence, any intervening change in controlling law, or any justification for a belief that the JCC’s August 15, 2022 Order must be vacated to prevent manifest injustice. To the contrary, Judge Jameson relies on the *same* law, the *same* evidence, and the *same* arguments as he did at the hearing. As such, his Motion is nothing more than a request that the JCC reassess the evidence presented at the hearing and make factual findings in accordance with *his* views of the evidence.

C. THE JCC IS NOT REQUIRED TO PROVIDE FACTUAL FINDINGS IN A TEMPORARY SUSPENSION ORDER

SCR 4.260(1) requires the JCC to “make written findings of fact and conclusions of law which shall be filed with the record in the case.” This provision is followed by the requirement that “[a] certified copy of the Commission’s findings of fact, conclusions of law

and *final order* shall be served on the judge or counsel immediately after entry.” SCR 4.260(2) (emphasis added) Because the JCC’s August 15 Order of Temporary Suspension is not a final order, it is not subject to the findings and conclusions of law requirement of KRS 4.260.

Nonetheless, assuming *arguendo* SCR 4.260(1) imposed an obligation on the JCC to make findings of fact and conclusions of law, failure to do so would not serve as grounds to vacate the Order. Instead, it would merely necessitate amendment of the Order, which can be done without disturbing the JCC’s conclusion—that it is in the best interest of justice to temporarily suspend Judge Jameson.

D. THE COMMISSION PROVIDED JUDGE JAMESON WITH ALL INFORMATION IN THE FACTUAL FILE

SCR 4.170(4) directs that “[a]fter the preliminary investigation is completed and before formal proceedings are initiated under Rule 4.180, the Commission shall afford the judge under investigation an opportunity to examine all factual information, including the name of the complainant if relevant, and shall afford the judge an opportunity to furnish to the Commission any information the judge may desire bearing on the investigation.” SCR 4.170 is not ongoing in nature. It is instead intended to provide a judge with certain rights prior to the initiation of formal charges – i.e., to participate in an informal conference and review the factual file– in hopes of achieving amicable resolution. *See Maze*, 612 S.W.3d at 802 (“The purpose of [SCR 4.170] is to permit the Commission and judge to discuss and resolve the matter without the initiation of contested Formal Proceedings.”) SCR 4.170 does not, however, create an ongoing obligation for the Commission.

Prior to the initiation of formal proceedings, and in compliance with this Rule, the Commission provided Judge Jameson with a *complete* copy of the factual file on April 25, 2022. (*See* 04.25.22 Factual File Letter, attached as Exhibit 1) Any additional evidence which

may have been discovered after this date was obtained by Counsel for the JCC *after* the initiation of formal proceedings on June 13, 2022. Any such information is, therefore, *not* subject to SCR 4.170.

In his motion, Judge Jameson asserts that “[r]equests were made by [him] and his counsel to obtain all of the factual information. However, the Commission failed to afford all such factual investigation files to [him.]” (Jameson 59.05 Mot., 8) Judge Jameson further alleges that “[i]n fact, [the JCC] has admitted there is factual information that it has considered but has not made available to Judge Jameson.” *Id.* These allegations are baseless. The Commission provided Judge Jameson with all information and evidence to which he is entitled (See Exhibit 1). Moreover, Judge Jameson has failed to identify any actual information which was allegedly requested and withheld by the Commission. He likewise fails to identify any evidence considered by the Commission which was not provided to him. Instead, he merely *assumes* that the JCC considered extraneous information because he refuses to believe the evidence presented was sufficient to merit temporary suspension. Judge Jameson’s unsupported claims are without merit and are insufficient to support his request to vacate the JCC’s August 15, 2022 Order of Temporary Suspension.

E. THE LANGUAGE DIRECTING JUDGE JAMESON'S IMMEDIATE SUSPENSION IS NOT INCONSISTENT WITH SCR 4.270

As with all proceedings in Kentucky courts and administrative tribunals, the Supreme Court Rules provide a window for aggrieved litigants to appeal or otherwise challenge the JCC's decisions. SCR 4.270 and 4.290 provide the mechanisms for review in JCC proceedings. Thus, SCR 4.270's directive that JCC Orders "shall become effective 10 days after service on the judge unless the judge appeals therefrom within that time" is a procedural mechanism to allow an opportunity for review of final judgments. But just as a temporary injunction can be immediately effective while still subject to review, *see* 65.07, the JCC's temporary suspension order was also immediately effective.

IV. CONCLUSION

For these reasons, Counsel for the JCC respectfully requests that the JCC deny Judge Jameson's CR 59.05 Motion to Alter, Amend, or Vacate its Order of Temporary Suspension.

Respectfully submitted,

/s/ Jeffrey C. Mando

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*Counsel for the Kentucky Judicial Conduct
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CERTIFICATE OF SERVICE

This is to certify that true and correct copy of the foregoing has been served via electronic mail on this **23rd** day of August, 2022, upon the following:

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/s/ Jeffrey C. Mando

Jeffrey C. Mando, Esq

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JUDGE EDDY COLEMAN
PIKEVILLE

JUDGE KAREN THOMAS
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JUDGE ELIZABETH A. CHANDLER
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EXECUTIVE SECRETARY
MS. JIMMY SHAFFER

April 25, 2022

CONFIDENTIAL

Charles E. English, Jr. ("Buzz")
English, Lucas, Priest & Owsley, LLP
1101 College Street, P.O. Box 770
Bowling Green, KY 42102-0770

RE: JCC Case Numbers 2021-130 and 2021-207

Dear Mr. English:

At its last meeting on April 22, 2022, the Commission, pursuant to SCR 4.170(4), directed Judge Jameson be provided the factual information that has been accumulated to date regarding the complaint. The factual information consists of the following:

1. June 21, 2021 - Amber Fralix Complaint
2. June 21, 2021 - Acknowledgment Letter to Ms. Fralix
3. June 21, 2021 - CourtNet Report 20-CR-00164
4. June 21, 2021 - Agreed Order to Amend Bond
5. June 2021 - Annual Report Online Filing
6. August 9, 2021 - Initial Inquiry Letter to Judge Jameson
7. August 26, 2021 - Judge Jameson's Response to the Commission's Inquiry
8. September 13, 2021 - Letter Inviting Judge Jameson to an Informal Conference
9. September 15, 2021 - ReLife Website Information
10. September 2021 - Media Articles
11. September 2021 - Calloway Co Information
 - a. July 15, 2020 Calloway Co Fiscal Court Meeting Minutes
 - b. July 21, 2020 Request for Proposal Ad
 - c. Calloway Co Fiscal Court Request for Proposals
 - d. July 27, 2020 Proposal submitted by the 42nd CCCB
 - e. August 19, 2020 Calloway Co Fiscal Court Meeting Minutes
12. October 15, 2021 - Informal Conference Summary
13. October 22, 2021 - Tina Mull Complaint
14. October 22, 2021 - Acknowledgement Letter to Ms. Mull
15. October 22, 2021 - CourtNet Report 20-M-00227
16. October 22, 2021 - Citation
17. November 15, 2021 - Email from Mr. Charlie Moore providing documentation

Exhibit 1

18. November 24, 2021 - Email from Mr. Moore
19. December 15, 2021 - Email from Mr. Moore providing documentation
20. December 15, 2021 - 20-CR-00227 Certified Record and Hearing Records
21. January 10, 2022 - Order for Extension
22. January 24, 2022 - Entry of Appearance
23. February 2, 2022 - Email from Mr. Charles "Buzz" English, Jr.
24. February 7, 2022 - Documentation provided by Marshall Circuit Clerk, Tiffany Griffith
25. February 17, 2022 - Media Article
26. February 22, 2022 - Email and documentation provided by Calloway Circuit Clerk, Linda Avery
27. March 1, 2022 - Letter from Mr. Gene Weaver providing the statement of Ms. Avery
28. March 1, 2022 - Letter from Mr. Gene Weaver providing the statement of Ms. Griffith
29. March 2, 2022 - Fax from Ms. Amber Fralix providing text messages
30. March 2, 2022 - Letter from Mr. Gene Weaver providing the statement of Amber Fralix
31. March 2, 2022 - Letter from Mr. Gene Weaver providing the statement of Michael Roe
32. March 4, 2022 - Commission Letter in response to Mr. English's email
33. March 10, 2022 - Letter from Mr. Gene Weaver providing the statement of Dominik Mikulcik
34. March 10, 2022 - Letter from Mr. Gene Weaver providing the statement of Madison Dorris
35. March 11, 2022 - Letter from Mr. Gene Weaver providing the statement of Christine Pickett
36. March 11, 2022 - Letter from Mr. Gene Weaver providing the statement of Jason Darnall
37. March 17, 2022 - Email and Documentation from Dominik Mikulcik
38. March 18, 2022 - Letter from Mr. Gene Weaver providing the statement of Cyndi Heddleston
39. March 19, 2022 - Letter from Mr. Gene Weaver providing the statement of Lisa Traylor
40. March 19, 2022 - Letter from Mr. Gene Weaver providing the statement of Bryan Ernstberger
41. March 22, 2022 - Email from Mr. English requesting additional time
42. March 22, 2022 - Documents and emails provided by Ms. Heddleston and Ms. Traylor
43. March 24, 2022 - Letter from Mr. Gene Weaver providing the statement of Amy Harwood-Jackson
44. March 24, 2022 - Letter from Mr. Gene Weaver providing the statement of Sondra Meeks
45. March 24, 2022 - Letter from Mr. Gene Weaver providing the statement of Randall Durbin
46. March 29, 2022 - Letter from Mr. Gene Weaver providing the statement of Judge Jack Telle
47. April 3, 2022 - Letter from Mr. Gene Weaver providing the statement of Dennis Foust, Commonwealth Attorney, as well as documentation, video records of court proceedings, and security recording provided by Mr. Foust
48. April 8, 2022 - Email from Nyle Edwards providing the documentation discussed with Judge Randall Hutchens
49. April 9, 2022 - Letter from Mr. Gene Weaver providing the statement of Judge Hutchens
50. April 9, 2022 - Letter from Mr. Gene Weaver providing the statement of Randall Durbin
51. April 12, 2022 - Draft KYIBRS Report
52. April 13, 2022 - Badge Swipes, Letter from AOC, and Security Recording
53. April 13, 2022 - Judge Jameson Response and Documentation to the Commission's March 4th Inquiry

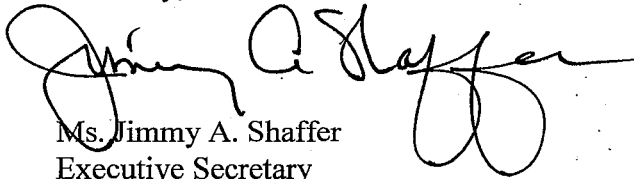
54. April 14, 2022 - Letter from Mr. Gene Weaver providing the statement of Sheriff Eddie McGuire

Please note that there is a second complaint number on this letter. The factual information for that complaint is included. The complaint raises issues which were already before the Commission and therefore has been combined with the initial complaint, 2021-130. Also, please note that the factual record has raised additional allegations, not addressed in my letter of March 4, 2022, which were raised during the investigation. These allegations include but are not limited to temperament, abuse of contempt power, due process violations, abuse of judicial office/power, referrals to Riverwoods, fundraising, and incidents taking place in the Marshall County courthouse investigated by court security and the Marshall County Sheriff's office.

SCR 4.170(4) affords Judge Jameson an opportunity to provide any additional information bearing on the Commission's investigation. Please submit this information by mailing to the address on the letterhead or by emailing to judicialconductcommission@kycourts.net, on or before May 25, 2022.

Please note that Dr. Ellis recused from any consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Jimmy A. Shaffer", is written over the typed name and title.

Ms. Jimmy A. Shaffer
Executive Secretary

cc: Judge Jameson

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**JAMES T. JAMESON, CIRCUIT JUDGE
42ND JUDICIAL CIRCUIT**

ORDER DENYING MOTION TO ALTER, AMEND OR VACATE

** ** *

Judge Jameson filed a motion pursuant to Kentucky Rules of Civil Procedure (CR) 59.05 to alter, amend, or vacate the Commission’s August 15, 2022, Order of Temporary Removal. For the following reasons we deny the motion.

The Kentucky Rules of Civil Procedure (“Civil Rules”) apply to proceedings before the Commission except when those rules conflict with Rules of the Supreme Court (SCR) 4.000, *et seq.* SCR 4.160. Judge Jameson cites CR 59.05 as authority for his motion, alleging the Commission committed “manifest errors of law upon which the judgment is based.” The motion alleges specific errors, and this order will address each in turn.

Motion was brought under inapplicable Civil Rule

CR 59.05 is not the proper vehicle to challenge the temporary suspension order. That Civil Rule only authorizes a party to ask the tribunal “to alter or amend *a judgment*, or to vacate *a judgment* and enter a new one” CR 59.05 (emphasis added). The temporary suspension order is not a judgment, but an interlocutory order. CR 54.01. “[A]uthority for reconsidering an interlocutory order is actually found under common law and in CR 54.02 which make such orders ‘subject to revision at any time before the entry of judgment adjudicating all the claims

and the rights and liabilities of all the parties.’ ” *Tax Ease Lien Investments 1, LLC v. Brown*, 340 S.W.3d 99, 103 (Ky. App. 2011) (quoting CR 54.02(1)).

The Commission therefore shall treat Judge Jameson’s motion as one seeking reconsideration pursuant to CR 54.02(1).

SCR 4 is frequently inconsistent with the Civil Rules and, when it is, SCR 4 prevails

Judge Jameson argues “[t]he only exception [to the Commission’s requirement to follow the Civil Rules] concerns the standard of proof in that the burden requires that the proof submitted be of clear and convincing evidence.” (Motion, Argument, ¶ 1). This is not correct.

The Civil Rules are quite in harmony with SCR 4 once formal proceedings are initiated pursuant to SCR 4.180. Before that event, however, the Civil Rules provide little assistance. The proceedings of the Commission preceding initiation of formal proceedings are unique. Special rules are necessary, and the Supreme Court provided them. They conflict with the Civil Rules and, therefore, prevail to guide the Commission.

For example, when judicial proceedings commence under the Civil Rules, public access to the proceedings is required. There is “a general presumption that criminal and civil actions should be conducted publicly” and there is a concomitant “common law right of access [that] includes the right to inspect and copy public records and documents.” *Courier-Journal, Inc. v. McDonald-Burkman*, 298 S.W.3d 846, 849 (Ky. 2009). The Civil Rules provide some exceptions to this default position of openness. *See, e.g.*, CR 7.03; CR 26.03; CR 45.02; CR 76.03(12).¹ The Commission’s rules take the opposite approach—confidentiality is the default.

“All papers and information obtained by or on behalf of the Commission shall be confidential except as provided in this rule or by order of the Supreme Court.” SCR 4.130. It is

¹ Of course, statutes and case law also allow exceptions. *See Roman Catholic Diocese of Lexington v. Noble*, 92 S.W.3d 724, 731 (Ky. 2002).

only after the Commission decides to pursue formal proceedings, SCR 4.170(5), and after an answer is filed or such time for answering passes that the blanket confidentiality rule is lifted, subject to exceptions provided by another special Commission rule. SCR 4.130(1) (“[T]he Commission’s internal papers such as investigative reports and staff memoranda, and similar matters, shall remain confidential and shall not be a part of the formal file.”).

Bearing tangentially upon Judge Jameson’s rationale for reconsidering the order but enlightening nonetheless, there is an exception to pre-formal proceedings’ blanket confidentiality. “The Commission may direct that an order suspending a judge pursuant to SCR 4.020(1)(a) shall not be confidential.” SCR 4.130(1). The special rule excepting such orders from the special rule of blanket confidentiality was necessary because temporary suspension pursuant to certain portions of SCR 4.020(1)(a) can occur before initiating formal proceedings when the confidentiality rule is lifted. That happened in *Cornett v. Judicial Ret. & Removal Comm’n*, 625 S.W.2d 564 (Ky. 1981).

In *Cornett*, “[t]he Commission voted unanimously to authorize an investigation under SCR 4.170 of the conduct of Judge Cornett as judge”; the judge “was notified in writing of said investigation and he was afforded an *opportunity to appear informally* before the Commission on December 5, 1980.” *Id.* at 565 (emphasis added). The Commission had not initiated formal proceedings and yet, on the date of the *informal hearing*, December 5, 1980, “[t]he Commission entered an order temporarily suspending Judge Cornett from the performance of his duties without affecting his pay status.” Nearly two months later, on “1/30/81 Written notice was given to Judge Cornett that the Commission had instituted formal proceedings against him pursuant to SCR 4.180.” *Id.* at 565.

Cornett is a practical illustration that the species of jurisdictional authority granted by SCR 4.020(1)(a) is not merely separate but also distinct from that granted in SCR 4.020(1)(b). Judge Cornett's suspension with pay under SCR 4.020(1)(a) was not a sanction.² Imposition of sanctions is separately authorized by SCR 4.020(1)(b) and Judge Cornett's sanction was his removal from office pursuant to SCR 4.020(1)(b)(vii). *Id.* at 566, 569.

When the Commission considered Cornett's temporary suspension, it was at an informal meeting where he was entitled to an opportunity to appear and be heard but not much else. SCR 4.020(1)(a)(ii); SCR 4.170(2). The opportunity to appear and be heard was based on just the indictments returned against him and others in the United States District Court. Under SCR 4, the proceedings and the meeting itself were still confidential and, because the investigation appears to have been incomplete, he would not have been given "an opportunity to examine all factual information" the Commission compiled. *Cornett*, 625 S.W.2d at 565; SCR 4.170(4). By contrast, the subsequent formal hearing "involving removal" and not mere suspension with pay would have required far more as the opinion suggests. *Cornett*, 625 S.W.2d at 565-566. The judge would have been afforded the procedural safeguards of the Civil Rules (SCR 4.160), and the supplemental SCR 4 provisions (SCR 4.210-4.270), and the hearing would have been public (SCR 4.130(3)) and recorded (SCR 4.230).

Notwithstanding these obvious distinctions, Judge Jameson cites SCR 4.120 and SCR 4.160 to argue that: (1) "the affirmative vote of at least four members shall be required for the suspension"; (2) the standard is "for good cause"; and (3) that the "proof shall be by clear and convincing evidence." We acknowledge the rules regarding these points are not the model of

² SCR 4.020(1)(a) authorizes temporary suspension of judges "suffering from a mental or physical disability" but suspension under those circumstances is unquestionably not intended as a sanction. The word "sanction" only appears in subsection (1)(b) of SCR 4.020.

clarity. They must be read in context and by the application of logic and common sense. We will address each of these three assertions *seriatim*.

SCR 4.120 does not require a vote by at least four (4) members to take any action except ordering sanctions following a hearing in formal proceedings on the charges appearing in the Commission's complaint. When Judge Jameson met with the Commission to address its responsibilities under SCR 4.020(1)(a)(ii), he was not there to defend the charges in the complaint because that meeting was not a "proceeding[] involving removal" or any lesser sanction.³ SCR 4.120 cannot be understood in any other way.

SCR 4.120 is captioned "Quorum." By this rule there must be a quorum for the Commission to act. With a quorum of as few as four (4) members "[t]he Commission may act by majority vote of members present." SCR 4.120. But there is an exception regarding a quorum needed to conduct a hearing in formal proceedings. "In a hearing before the Commission, not less than five (5) members shall be present when the evidence is produced." SCR 4.220(3). Clearly, SCR 4.220 relates only to hearings in formal proceedings because it presumes the judge has had the opportunity to answer the Commission's complaint containing charges and that counsel for the Commission "shall present the case in support of the charges." SCR 4.220(1).

The only way to make sense of the exception to the majority vote rule in SCR 4.120 requiring four member votes is to acknowledge that it relates to the five-member "super" quorum rule in SCR 4.220, both of which apply only in the formal hearing at which evidence of the

³ The Kentucky Constitution implies the Commission's authority to impose lesser sanctions than those expressed in Ky. Const. § 121. *Nicholson v. Judicial Ret. & Removal Comm'n*, 562 S.W.2d 306, 310 (Ky. 1978) ("If the Commission can remove a judge from office, it can certainly impose lesser sanctions in order to achieve the ultimate goal of judicial purification. We hold that the express grant of authority to retire, suspend or remove judges for good cause contained in Section 121 of the Kentucky Constitution includes by implication the authority to impose the lesser sanctions set forth in RAP 4.020(b) [now SCR 4.020].").

charges in the complaint is taken. For every other action by the Commission there must be a quorum of at least four members and any motion made and seconded will be carried by majority vote.

Regarding the “good cause” standard Judge Jameson believes was not satisfied, we begin by saying it is part and parcel of the exception to the majority voting standard of the quorum rule, SCR 4.120. We also note that the Supreme Court linked the “good cause” standard directly to “[t]he authority to remove members of the judiciary for good cause” *Nicholson v. Judicial Ret. & Removal Comm’n*, 562 S.W.2d 306, 308 (Ky. 1978). The standard for suspending a judge while the Commission pursues a hearing in formal proceedings has an expressly different rule—what the Commission perceives “will be in the best interest of justice[.]” SCR 4.020(1)(a)(ii) states in relevant part as follows:

Commission shall have authority: . . . after notice and an opportunity to be heard, and upon a finding that it will be in the best interest of justice that the judge be suspended from acting in his/her official capacity as a judge until final adjudication of the complaint, any judge as to whom a preliminary investigation has been initiated under Rule 4.170.

SCR 4.020(1)(a)(ii).

The basic rule in Kentucky was expressed in *Kentucky State Racing Commission v. Fuller*, as follows:

Under a doctrine too well recognized to require citation of authority, the credibility of witnesses and the weight to be given their evidence are matters exclusively within the province of a jury. A jury may accept the evidence of one set of witnesses to the exclusion of that of another or the evidence of one witness as against the evidence of a number of witnesses and may also judge and determine the weight as between the conflicting statements of a single witness.

481 S.W.2d 298, 308 (Ky. 1972) (citations omitted).

Judge Jameson's challenge of the evidence presented which resulted in the Order of Temporary Removal is simply his view of the evidence presented at the hearing. The Commission heard the same evidence presented and reached its conclusion by majority vote of the quorum, and consistent with the standard set forth in the rule for temporary removal. Any other argument presented by Judge Jameson to challenge the Order of Temporary Suspension, including manifest error of law, is without merit.

Based on the foregoing, by a vote of 5-0, Judge Jameson's motion to alter, amend, or vacate is DENIED.

Date: 8/24, 2022

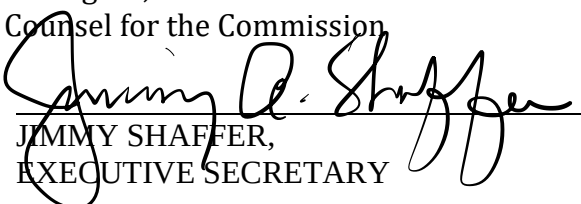

R. MICHAEL SULLIVAN, CHAIR

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of this order has been served this 24th day of August 2022 via electronic and first-class mail upon:

Richard L. Walter (rwalter@bsgpad.com)
Boehl Stopher and Graves, LLP
410 Broadway
Paducah, KY 42001
Counsel for Judge Jameson

Jeffrey C. Mando (JMando@adamsattorneys)
Adams Law, PLLC
40 W. Pike St.
Covington, KY 41011
Counsel for the Commission


JIMMY SHAFFER,
EXECUTIVE SECRETARY

Dr. Joe E. Ellis recused from any consideration of this matter.

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**JAMES T. JAMESON, CIRCUIT COURT JUDGE
42ND JUDICIAL CIRCUIT**

MOTION FOR EXTENSION OF TIME TO EXCHANGE WITNESS AND EXHIBIT LISTS

Counsel for the Kentucky Judicial Conduct Commission respectfully moves the Commission to extend the deadline to exchange and file Witness and Exhibit Lists to October 5, 2022. As grounds for the Motion, Counsel for the Commission states as follows:

1. Under the Commission's August 20, 2022 Prehearing Order, the parties must exchange and file Witness and Exhibit Lists by September 27, 2022.

2. Despite due diligence in attempting to meet the mandates of the Prehearing Order, due to previously scheduled vacations, Counsel's involvement as lead attorney in an election challenge suit that was recently adjudicated on an expedited schedule, and the volume of documents in the Commission's Factual File, Counsel needs an extra eight (8) days to finalize the Witness and Exhibit Lists.

3. All of the individuals that Counsel for the Commission intends to call to testify at the October 17, 2022 hearing and any exhibits Counsel intends to introduce into evidence are identified and contained within the Factual File previously produced to Judge Jameson.

4. Under these circumstances, and with no significant prejudice to Judge Jameson, Counsel believes good cause has been shown for the requested extension.

Respectfully submitted,

/s/ Jeffrey C. Mando

Jeffrey C. Mando, Esq. (#43548)

Joseph K. Hill, Esq. (#97492)

ADAMS LAW, PLLC

40 West Pike Street

Covington, KY 41011

859.394.6200

859.3.92.7263 – Fax

jmando@adamsattorneys.com

jhill@adamsattorneys.com

*Counsel for the Kentucky Judicial Conduct
Commission*

CERTIFICATE OF SERVICE

This is to certify that true and correct copy of the foregoing has been served via electronic mail on this **27th** day of September, 2022, upon the following:

Richard L. Walter, Esq.

Bradley A. Sears, Esq.

410 Broadway

Paducah, KY 42001

rwalter@bsgpads.com

Ms. Jimmy Shaffer

Executive Secretary

KY Judicial Conduct Commission

P.O. Box 4266

Frankfort, KY 40604

jimmyshaffer@kycourts.net

/s/ Jeffrey C. Mando

Jeffrey C. Mando, Esq

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

IN RE THE MATTER OF:

JAMES T. JAMESON, CIRCUIT COURT JUDGE
42ND JUDICIAL CIRCUIT

**RESPONSE TO MOTION FOR EXTENSION OF TIME
TO EXCHANGE WITNESS AND EXHIBIT LISTS**

Comes James T. Jameson, Circuit Court Judge for the 42nd Judicial Circuit, by and through counsel, and for his response to the motion for extension of time to exchange witness and exhibit lists in this matter filed by counsel for the Commission, hereby states as follows:

Judge Jameson agrees with and has no objection to the motion filed by counsel for the Commission to extend the time in which the Commission is to file and exchange witness and exhibit lists in this matter to and including October 5, 2022. Judge Jameson joins said motion and respectfully requests the Commission provide him with the same extension of time such that the parties hereto will file and exchange their respective witness and exhibit lists on or before October 5, 2022.

Respectfully submitted,

BOEHL STOPHER & GRAVES, LLP

/s/ Richard L. Walter
Richard L. Walter, KBA #74082
Bradley A. Sears, KBA #91053
410 Broadway
Paducah, KY 42001
(270) 442-4369
(270) 442-4689 fax
rwalter@bsgpad.com
bsears@bsgpad.com
ATTORNEYS FOR JAMESON

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of September 2022 a copy of the foregoing was served via electronic mail upon the following:

Ms. Jimmy Shaffer
Executive Secretary
Ky Judicial Conduct Commission
P.O. Box 4266
Frankfort, KY 40604
jimmyshaffer@kycourts.net

Hon. Jeffrey C. Mando
Hon. Joseph K. Hill
40 West Pike Street
Covington, KY 41011
jmando@adamsattorneys.com
jhill@adamsattorneys.com

/s/ Richard L. Walter
Richard L. Walter

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

IN RE THE MATTER OF:

JAMES T. JAMESON, CIRCUIT COURT JUDGE
42ND JUDICIAL CIRCUIT

MOTION TO QUASH OR LIMIT SUBPOENA

Comes James T. Jameson, Circuit Court Judge for the 42nd Judicial Circuit, by and through counsel, and pursuant to CR 45.02 hereby moves the Commission to quash or limit the subpoena duces tecum and supplemental subpoena duces tecum (collectively “subpoenas”), attached hereto as Exhibits A and B, respectively, served on or about September 6, 2022, on the Kentucky Court of Justice c/o Laurie K. Dudgeon. In support of this motion, Judge Jameson states as follows:

The subpoenas served by the Commission on the Kentucky Court of Justice are overly broad and potentially encompass documents that are protected under attorney-client privilege or otherwise protected as attorney work product. Kentucky Civil Rule 26.02 states that, in general, parties may obtain discovery regarding any matter not privileged, which is relevant to the subject matter involved in the pending action. It is the carefully considered position of movant that the application of CR 26.02 is not inconsistent with SCR 4.030. See SCR 4.160.

In particular, Judge Jameson is aware that there is a box of documents remaining in his judicial office at the Marshall County Judicial Building, 80 Judicial Drive, Benton, Kentucky, that he verily believes contains documents subject to the aforementioned privileges and protections against disclosure. Additionally, Judge Jameson is aware that there are privileged and otherwise protected documents located in his judicial office in

Marshall County that are likewise privileged or otherwise protected. As these documents are otherwise not subject to discovery, Judge Jameson respectfully requests the Commission either quash the subpoenas in their overly broad description of documents and things to be produced, or otherwise limit the scope and reach of the subpoenas such that any documents subject to the attorney-client privilege and/or attorney work product are protected from production and disclosure.

Movant further submits that if he is able to physically review these documents in their last known location in his judicial office in Marshall County, disclosure and production of otherwise non-discoverable documents and other tangible information would so be limited. Upon locating any such protected documents, counsel for Judge Jameson will create and supply a privilege log identifying the privileged documents. Alternatively, and if the Commission does not approve of Judge Jameson and/or his counsel reviewing and identifying such protected and privileged documents, undersigned counsel requests either appointment of a neutral third-party to review the contested documents prior to submission to the Commission, or at the very least, a hearing on this matter at the first available date. If the physical review or alternative requests are not possible or permissible under the circumstances in this matter, then and in that event Judge Jameson respectfully requests the subpoenas be quashed or limited as requested herein.

WHEREFORE, movant Judge Jameson prays for the appropriate order of this Commission.

Respectfully submitted,

BOEHL STOPHER & GRAVES, LLP

/s/ Richard L. Walter

Richard L. Walter, KBA #74082

Bradley A. Sears, KBA #91053

410 Broadway

Paducah, KY 42001

(270) 442-4369

(270) 442-4689 fax

rwalter@bsgpad.com

ATTORNEYS FOR JAMESON

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of September 2022 a copy of the foregoing was served via electronic mail upon the following:

Ms. Jimmy Shaffer
Executive Secretary
Ky Judicial Conduct Commission
P.O. Box 4266
Frankfort, KY 40604
jimmyshaffer@kycourts.net

Hon. Jeffrey C. Mando
Hon. Joseph K. Hill
40 West Pike Street
Covington, KY 41011
jmando@adamsattorneys.com
jhill@adamsattorneys.com

/s/ Richard L. Walter

Richard L. Walter

MEMBERS:

R. MICHAEL SULLIVAN, CHAIR
OWENSBORO

JUDGE JEFF S. TAYLOR
OWENSBORO

JUDGE EDDY COLEMAN
PIKEVILLE

JUDGE KAREN THOMAS
COVINGTON

DR. JOE E. ELLIS
BENTON

JANET LIVELY MCCAULEY
LOUISVILLE

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION
P.O. Box 4266
FRANKFORT, KENTUCKY 40604-4266
PHONE 502-564-1231 FAX 502-564-1233

ALTERNATES:

CARROLL M. "TRIP" REDFORD, III
LEXINGTON

JUDGE GLENN E. ACREE
LEXINGTON

JUDGE MITCH PERRY
LOUISVILLE

JUDGE ELIZABETH A. CHANDLER
CARROLLTON

EXECUTIVE SECRETARY
MS. JIMMY SHAFFER

SUBPOENA DUCES TECUM

TO: Kentucky Court of Justice
c/o Laurie K. Dudgeon
1001 Vandalay Drive
Frankfort, KY 40601

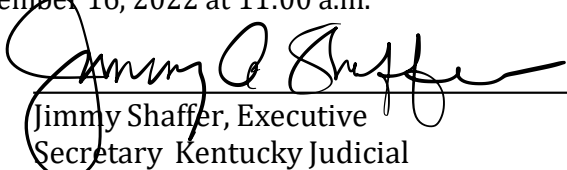
IN RE: James T. Jameson, Circuit Court Judge, 42nd Judicial Circuit

Pursuant to SCR 4.030, you are commanded to produce at the place set forth below the following documents, electronically stored information, or objects and/or to permit inspection, copying, testing or sampling of the material:

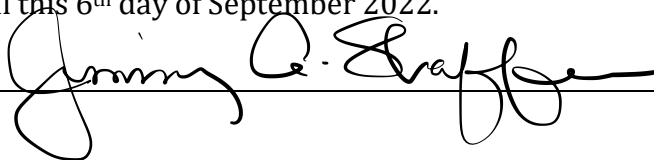
1. All documents including, but not limited to, internal emails, external emails, text messages, letters, reports, audio recordings and handwritten notes in the possession of the Kentucky Court of Justice pertaining to, relating to and/or arising from any of the allegations, events or incidents described in the attached Kentucky Judicial Conduct Commission Charges against 42nd Judicial Circuit Judge James Jameson.

➤ Location: Jeffrey C. Mando, Adams Law, LLC 40 W. Pike
St., Covington, KY 41011

➤ Date/time: September 16, 2022 at 11:00 a.m.


Jimmy Shaffer, Executive
Secretary Kentucky Judicial
Conduct Commission

This subpoena was served by delivery of a true copy to: Laurie Dudgeon via email this 6th day of September 2022.

By: 

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**JAMES T. JAMESON, CIRCUIT COURT JUDGE
42ND JUDICIAL CIRCUIT**

NOTICE OF FORMAL PROCEEDINGS AND CHARGES

Notice is hereby given of the initiation of formal proceedings under Rule 4.180 of Rules of the Supreme Court. At the times set out in this Notice, you were Circuit Court Judge for Kentucky's 42nd Judicial Circuit consisting of Calloway and Marshall counties. The charges are as follows:

Count I

You acted as the alter ego for the 42nd Judicial Circuit Community Corrections Board ("CCB") in the creation and development of an ankle monitoring program, failing to separate yourself as Circuit Judge from your duties at CCB, creating the appearance of impropriety to the public.

- A. You created the CCB for an improper purpose contrary to KRS §196.705. Your creation of this Executive Branch Board falls outside of the scope of your judicial duties and responsibilities and constitutes an improper use of judicial resources.
- B. In the creation and development of the CCB ankle monitoring program, you developed procedures and local rules without the approval from the Chief Justice of the Kentucky Supreme Court as required under SCR 1.040(3), the Administrative Office of the Courts (AOC), Kentucky statute, or other authority.

- C. You attended meetings and had conversations with CCB ankle monitor vendors to solicit specifications and pricing for monitors, while also meeting with elected officials regarding those costs and specifications.
- D. You prepared and submitted CCB's ankle monitoring program bid to the Calloway and Marshall County Fiscal Courts, using your influence to have a specific ankle monitor provider selected and approved.
- E. You were involved with drafting the Fiscal Court's request for proposals for the ankle monitoring program in Marshall and Calloway Counties, hindering the competitive bid process.
- F. You submitted a grant application to the Kentucky Department of Corrections on behalf of CCB, listing yourself as the project coordinator, creating a conflict of interest with your position as Circuit Court Judge in Marshall and Calloway Counties.
- G. You used the prestige of your judicial office to influence various elected officials, agencies, and individuals, promoting the CCB ankle monitoring program as a cost-saving measure and as means to raise funds for Re-Life, a proposed inpatient substance abuse disorder treatment facility project you are spearheading.
- H. You used the prestige of your judicial office to solicit support and personal donations from elected governmental bodies, elected officials, organizations, and individuals for the CCB and Re-Life/substance abuse disorder treatment facility.

Your actions violate SCR 4.020(1)(b)(i) and constitute misconduct in office.

Furthermore, your actions violate SCR 4.300 and the relevant portions of the following Canons of the Code of Judicial Conduct:

- **Canon 1, Rule 1.1** which requires a judge to comply with the law, including the Code of Judicial Conduct.

- **Canon 1, Rule 1.2** which requires a judge to 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 1, Rule 1.3** which requires that a judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others, or allow others to do so.
- **Canon 2, Rule 2.1** which requires that the duties of judicial office shall take precedence over all of a judge's personal and extrajudicial activities.
- **Canon 2, Rule 2.2** which requires that a judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.
- **Canon 2, Rule 2.4 (B)** which requires that a judge shall not permit family, social, political, financial, or other interests or relationships to influence the judge's judicial conduct or judgment.
- **Canon 3, Rule 3.1 (A)** which provides that when engaging in extrajudicial activities, a judge shall not participate in activities that will interfere with the proper performance of the judge's judicial duties.
- **Canon 3, Rule 3.1 (C)** which provides that when engaging in extrajudicial activities, a judge shall not participate in activities that would appear to a reasonable person to undermine the judge's independence, integrity, or impartiality.
- **Canon 3, Rule 3.1 (D)** which provides that when engaging in extrajudicial activities, a judge shall not engage in conduct that would appear to a reasonable person to be coercive.
- **Canon 3, Rule 3.2** which provides that a judge shall not appear voluntarily at a public hearing before, or otherwise consult with, an executive or legislative body or office.
- **Canon 3, Rule 3.11 (B)** which requires that a judge shall not serve as an officer, director, manager, general partner, advisor, or employee of any business entity.

Count II

You acted as the alter ego for the 42nd Judicial Circuit Community Corrections Board ("CCB") in the implementation and operation of CCB's ankle monitoring program.

- A. As Circuit Court Judge, you participated in communications with CCB staff, whose work you directly supervised, including conversations regarding the ankle monitoring program rules, alleged violations, and Orders for cases over which you presided.
- B. You received direct notifications of alleged ankle monitor violations and instructed CCB staff, whose work you directly supervised, to send ankle monitor violation reports directly to you.
- C. On more than one occasion, you issued arrest warrants for individuals participating in the ankle monitoring program upon receipt of notices of alleged violations from CCB staff, whose work you directly supervised.
- D. Throughout your tenure as Circuit Court Judge, you directed local authorities to arrest individuals alleged to be in violation of the ankle monitoring program before an arrest warrant had been properly issued.
- E. Despite presiding over cases where you ordered participation in CCB's ankle monitoring program, you participated in the collection of fees, managed financial transactions, and wrote checks on behalf of CCB and Re-Life.
- F. You created the appearance of impropriety by ordering individuals participate in CCB's ankle monitoring program when the costs associated with the program directly supported Re-Life.

Your actions violate SCR 4.020(1)(b)(i) and constitute misconduct in office. Furthermore, your actions violate SCR 4.300 and the relevant portions of the following Canons of the Code of Judicial Conduct:

- **Canon 1, Rule 1.1** which requires a judge to comply with the law, including the Code of Judicial Conduct.

- **Canon 1, Rule 1.2** which requires a judge to 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 1, Rule 1.3** which requires that a judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others, or allow others to do so.
- **Canon 2, Rule 2.1** which requires that the duties of judicial office shall take precedence over all of a judge's personal and extrajudicial activities.
- **Canon 2, Rule 2.2** which requires 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)** which requires that a judge perform the duties of judicial office, including administrative duties, without bias or prejudice.
- **Canon 2, Rule 2.3 (B)** which requires that a judge shall not, in the performance of judicial duties, by words or conduct, manifest bias or prejudice, or engage in harassment and shall not permit court staff, court officials, or others subject to the judge's discretion and control.
- **Canon 2, Rule 2.4 (B)** which requires that a judge shall not permit family, social, political, financial, or other interests or relationships to influence the judge's judicial conduct or judgment.
- **Canon 2, Rule 2.4 (C)** which requires that a judge shall not convey or permit others to convey the impression that any person or organization is in a position to influence the judge.
- **Canon 2, Rule 2.6 (A)** which requires that a judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.
- **Canon 2, Rule 2.9 (A)** which provides that a judge shall not initiate, permit, or consider ex parte communications, or consider other communications made to the judge outside the presence of the parties or their lawyers, concerning a pending or impending matter.
- **Canon 2, Rule 2.9 (B)** which provides if a judge inadvertently receives an unauthorized ex parte communication bearing upon the substance of a matter, the judge shall make provision promptly to notify the parties of the substance of the communication and provide the parties with an opportunity to respond.
- **Canon 2, Rule 2.9 (C)** Which requires that a judge shall not investigate facts in a matter independently, and shall consider only the evidence presented and any facts that may properly be judicially noticed.

- **Canon 2, Rule 2.12 (A)** which provides a judge shall require court staff, court officials, and others subject to judge's direction and control to act in a manner consistent with judge's obligations under this Code.
- **Canon 3, Rule 3.7(6)(a)** which allows a judge to serve as an officer, director, trustee, or nonlegal advisor of a charitable organization unless it is likely that the organization or entity will be engaged in proceedings that would ordinarily come before the judge.

COUNT III

During your tenure as Circuit Court Judge, you mismanaged your courtroom, engaged in acts of retaliation, and deviated from acceptable standards of judicial conduct including but not limited to,

- A. Throughout your tenure as Circuit Court Judge, you ordered individuals to participate in CCB's ankle monitoring services, but only allowed them to enroll with Track Group, the program that you had direct ties with through CCB, despite the availability of other ankle monitoring services.
- B. You required individuals in your courtroom to attend Riverwoods over other treatment options, because of your personal connection with the Riverwoods program.
- C. You regularly represented that Riverwoods was the only intensive out-patient ("IOP") program available, even absent evidence that Riverwoods was licensed as an IOP provider in Kentucky.
- D. As Circuit Court Judge, you displayed behavior towards Court staff and attorneys that was not patient, dignified, and courteous.
- E. You have demonstrated clear bias against Assistant Public Defender Amy Harwood-Jackson and other attorneys.

- F. As Circuit Court Judge, you personally pressured an attorney who appears before your Court to file a bar complaint against another attorney, and asked that same attorney to draft a sworn statement on your behalf to rebut a complaint made against you.
- G. You retaliated against a Marshall County Sheriff's Department employee by seeking his termination or re-assignment after he reviewed Courthouse video footage of you because you believed, without any evidence, he leaked the video to media outlets.
- H. You directly requested that Marshall County Sheriff Eddie McGuire send deputies to find a vehicle you saw flying a flag with what you believed was an offensive political statement and to request the driver remove the sign. You suggested to the Sheriff that he should cite or bring criminal charges against the driver if they refused to remove the flag.

Your actions violate SCR 4.020(1)(b)(i) and constitute misconduct in office.

Furthermore, your actions violate SCR 4.300 and the relevant portions of the following

Canons of the Code of Judicial Conduct:

- **Canon 1, Rule 1.1** which requires a judge to comply with the law, including the Code of Judicial Conduct.
- **Canon 1, Rule 1.2** which requires a judge to 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 1, Rule 1.3** which requires that a judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others, or allow others to do so.
- **Canon 2, Rule 2.1** which requires that the duties of judicial office shall take precedence over all of a judge's personal and extrajudicial activities.
- **Canon 2, Rule 2.2** which requires 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)** which requires that a judge perform the duties of judicial office, including administrative duties, without bias or prejudice.
- **Canon 2, Rule 2.3 (B)** which requires that a judge shall not, in the performance of judicial duties, by words or conduct, manifest bias or prejudice, or engage in harassment and shall not permit court staff, court officials, or others subject to the judge's discretion and control.
- **Canon 2, Rule 2.4 (B)** which requires that a judge shall not permit family, social, political, financial, or other interests or relationships to influence the judge's judicial conduct or judgment.
- **Canon 2, Rule 2.8 (B)** which requires that a judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, court staff, court officials, and other with whom the judge deals in an official capacity, and shall require similar conduct of lawyers, court staff, court officials, and others subject to the judge's discretion and control.
- **Canon 2, Rule 2.12 (A)** which provides that a judge shall require court staff, court officials, and others subject to the judge's discretion and control to act in a manner consistent with the judge's obligations under the Code of Judicial Conduct.

COUNT IV

During your tenure as Circuit Court Judge, you used your influence and the prestige of judicial office to pressure attorneys, individuals, and groups to fund and support your political campaign, going as far as saying that certain monetary contributions were not sufficient.

Your actions violate SCR 4.020(1)(b)(i) and constitute misconduct in office. Furthermore, your actions violate SCR 4.300 and the relevant portions of the following Canons of the Code of Judicial Conduct:

- **Canon 1, Rule 1.1** which requires a judge to comply with the law, including the Code of Judicial Conduct.
- **Canon 1, Rule 1.2** which requires a judge to 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 1, Rule 1.3** which requires that a judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others, or allow others to do so.
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- **Canon 4, Rule 4.8** which requires that a judge shall not personally solicit or accept financial or in-kind campaign contributions other than through a campaign committee.

The jurisdiction of the Judicial Conduct Commission in this matter is under SCR 4.020(1)(b)(i) and (v), and (1)(c) which reads in pertinent part as follows:

- (1) Commission shall have authority:
 - (b) To impose the sanctions, separately or collectively of (1) admonition, private reprimand, public reprimand or censure; (2) suspension without pay or removal or retirement from judicial office, upon any judge of the Court of Justice or lawyer while a candidate for judicial office, who after notice and hearing the Commission finds guilty of any one or more of the following:
 - (i) Misconduct in office.
 - (v) Violation of the code of Judicial Conduct, Rule 4.300.
 - (c) After notice and hearing, to remove a judge whom it finds to lack the constitutional statutory qualifications for the judgeship in question.

For your information, the Commission wishes to call your attention to the following Supreme Court Rule:

RULE 4.180 FORMAL PROCEEDINGS

If the Commission concludes that formal proceedings should be initiated, it shall notify the judge. He may file an answer within 15 days after service of the notice. Upon the filing of his answer, or the expiration of time for so filing, the Commission shall set a time and place for the hearing and shall give reasonable notice thereof to the judge.

Please mail your Answer to: Ms. Jimmy Shaffer, Executive Secretary, Kentucky Judicial Conduct Commission, P.O. Box 4266, Frankfort, KY 40604-4266.

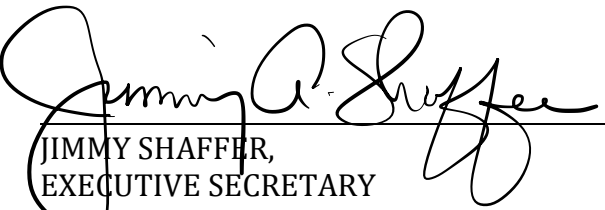
June 13th, 2022


R. MICHAEL SULLIVAN, CHAIRMAN
KENTUCKY JUDICIAL CONDUCT COMMISSION

Dr. Joe Ellis has recused himself from any consideration in this matter.

CERTIFICATE OF SERVICE

I hereby certify that copy hereof was served on Judge James T. Jameson, by mailing and emailing the same to his attorney Charles E. English, Jr. ("Buzz"), English, Lucas, Priest & Owsley, LLP, 1101 College Street, P.O. Box 770, Bowling Green, KY 42102-0770 this 13th day of June, 2022.


JIMMY SHAFFER,
EXECUTIVE SECRETARY

MEMBERS:

R. MICHAEL SULLIVAN, CHAIR
OWENSBORO

JUDGE JEFF S. TAYLOR
OWENSBORO

JUDGE EDDY COLEMAN
PIKEVILLE

JUDGE KAREN THOMAS
COVINGTON

DR. JOE E. ELLIS
BENTON

JANET LIVELY MCCAULEY
LOUISVILLE

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION
P.O. Box 4266
FRANKFORT, KENTUCKY 40604-4266
PHONE 502-564-1231 FAX 502-564-1233

ALTERNATES:

CARROLL M. "TRIP" REDFORD, III
LEXINGTON

JUDGE GLENN E. ACREE
LEXINGTON

JUDGE MITCH PERRY
LOUISVILLE

JUDGE ELIZABETH A. CHANDLER
CARROLLTON

EXECUTIVE SECRETARY
MS. JIMMY SHAFFER

SUPPLEMENTAL SUBPOENA DUCES TECUM

TO: Laurie K. Dudgeon, AOC Director
1001 Vandalay Drive
Frankfort, KY 40601

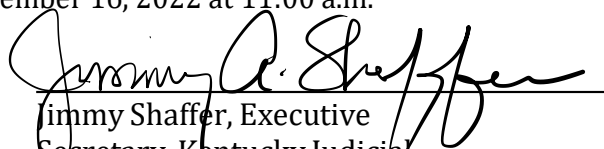
IN RE: James T. Jameson, Circuit Court Judge, 42nd Judicial Circuit

Pursuant to SCR 4.030, you are commanded to produce at the place set forth below the following documents, electronically stored information, or objects and/or to permit inspection, copying, testing or sampling of the material:

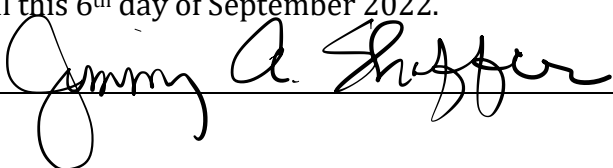
1. All documents including, but not limited to, internal emails, external emails, text messages, letters, reports, audio recordings and handwritten notes in the possession of the Administrative Office of the Courts pertaining to, relating to and/or arising from any of the allegations, events or incidents described in the attached Kentucky Judicial Conduct Commission Charges against 42nd Judicial Circuit Judge James Jameson.

➤ Location: Jeffrey C. Mando, Adams Law, LLC 40 W. Pike
St., Covington, KY 41011

➤ Date/time: September 16, 2022 at 11:00 a.m.


Jimmy Shaffer, Executive
Secretary Kentucky Judicial
Conduct Commission

This subpoena was served by delivery of a true copy to: Laurie Dudgeon via email this 6th day of September 2022.

By: 

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**JAMES T. JAMESON, CIRCUIT COURT JUDGE
42ND JUDICIAL CIRCUIT**

NOTICE OF FORMAL PROCEEDINGS AND CHARGES

Notice is hereby given of the initiation of formal proceedings under Rule 4.180 of Rules of the Supreme Court. At the times set out in this Notice, you were Circuit Court Judge for Kentucky's 42nd Judicial Circuit consisting of Calloway and Marshall counties. The charges are as follows:

Count I

You acted as the alter ego for the 42nd Judicial Circuit Community Corrections Board ("CCB") in the creation and development of an ankle monitoring program, failing to separate yourself as Circuit Judge from your duties at CCB, creating the appearance of impropriety to the public.

- A. You created the CCB for an improper purpose contrary to KRS §196.705. Your creation of this Executive Branch Board falls outside of the scope of your judicial duties and responsibilities and constitutes an improper use of judicial resources.
- B. In the creation and development of the CCB ankle monitoring program, you developed procedures and local rules without the approval from the Chief Justice of the Kentucky Supreme Court as required under SCR 1.040(3), the Administrative Office of the Courts (AOC), Kentucky statute, or other authority.

- C. You attended meetings and had conversations with CCB ankle monitor vendors to solicit specifications and pricing for monitors, while also meeting with elected officials regarding those costs and specifications.
- D. You prepared and submitted CCB's ankle monitoring program bid to the Calloway and Marshall County Fiscal Courts, using your influence to have a specific ankle monitor provider selected and approved.
- E. You were involved with drafting the Fiscal Court's request for proposals for the ankle monitoring program in Marshall and Calloway Counties, hindering the competitive bid process.
- F. You submitted a grant application to the Kentucky Department of Corrections on behalf of CCB, listing yourself as the project coordinator, creating a conflict of interest with your position as Circuit Court Judge in Marshall and Calloway Counties.
- G. You used the prestige of your judicial office to influence various elected officials, agencies, and individuals, promoting the CCB ankle monitoring program as a cost-saving measure and as means to raise funds for Re-Life, a proposed inpatient substance abuse disorder treatment facility project you are spearheading.
- H. You used the prestige of your judicial office to solicit support and personal donations from elected governmental bodies, elected officials, organizations, and individuals for the CCB and Re-Life/substance abuse disorder treatment facility.

Your actions violate SCR 4.020(1)(b)(i) and constitute misconduct in office.

Furthermore, your actions violate SCR 4.300 and the relevant portions of the following Canons of the Code of Judicial Conduct:

- **Canon 1, Rule 1.1** which requires a judge to comply with the law, including the Code of Judicial Conduct.

- **Canon 1, Rule 1.2** which requires a judge to 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 1, Rule 1.3** which requires that a judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others, or allow others to do so.
- **Canon 2, Rule 2.1** which requires that the duties of judicial office shall take precedence over all of a judge's personal and extrajudicial activities.
- **Canon 2, Rule 2.2** which requires that a judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.
- **Canon 2, Rule 2.4 (B)** which requires that a judge shall not permit family, social, political, financial, or other interests or relationships to influence the judge's judicial conduct or judgment.
- **Canon 3, Rule 3.1 (A)** which provides that when engaging in extrajudicial activities, a judge shall not participate in activities that will interfere with the proper performance of the judge's judicial duties.
- **Canon 3, Rule 3.1 (C)** which provides that when engaging in extrajudicial activities, a judge shall not participate in activities that would appear to a reasonable person to undermine the judge's independence, integrity, or impartiality.
- **Canon 3, Rule 3.1 (D)** which provides that when engaging in extrajudicial activities, a judge shall not engage in conduct that would appear to a reasonable person to be coercive.
- **Canon 3, Rule 3.2** which provides that a judge shall not appear voluntarily at a public hearing before, or otherwise consult with, an executive or legislative body or office.
- **Canon 3, Rule 3.11 (B)** which requires that a judge shall not serve as an officer, director, manager, general partner, advisor, or employee of any business entity.

Count II

You acted as the alter ego for the 42nd Judicial Circuit Community Corrections Board ("CCB") in the implementation and operation of CCB's ankle monitoring program.

- A. As Circuit Court Judge, you participated in communications with CCB staff, whose work you directly supervised, including conversations regarding the ankle monitoring program rules, alleged violations, and Orders for cases over which you presided.
- B. You received direct notifications of alleged ankle monitor violations and instructed CCB staff, whose work you directly supervised, to send ankle monitor violation reports directly to you.
- C. On more than one occasion, you issued arrest warrants for individuals participating in the ankle monitoring program upon receipt of notices of alleged violations from CCB staff, whose work you directly supervised.
- D. Throughout your tenure as Circuit Court Judge, you directed local authorities to arrest individuals alleged to be in violation of the ankle monitoring program before an arrest warrant had been properly issued.
- E. Despite presiding over cases where you ordered participation in CCB's ankle monitoring program, you participated in the collection of fees, managed financial transactions, and wrote checks on behalf of CCB and Re-Life.
- F. You created the appearance of impropriety by ordering individuals participate in CCB's ankle monitoring program when the costs associated with the program directly supported Re-Life.

Your actions violate SCR 4.020(1)(b)(i) and constitute misconduct in office. Furthermore, your actions violate SCR 4.300 and the relevant portions of the following Canons of the Code of Judicial Conduct:

- **Canon 1, Rule 1.1** which requires a judge to comply with the law, including the Code of Judicial Conduct.

- **Canon 1, Rule 1.2** which requires a judge to 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 1, Rule 1.3** which requires that a judge shall not abuse the prestige of judicial office to advance the personal or economic interests of the judge or others, or allow others to do so.
- **Canon 2, Rule 2.1** which requires that the duties of judicial office shall take precedence over all of a judge's personal and extrajudicial activities.
- **Canon 2, Rule 2.2** which requires 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)** which requires that a judge perform the duties of judicial office, including administrative duties, without bias or prejudice.
- **Canon 2, Rule 2.3 (B)** which requires that a judge shall not, in the performance of judicial duties, by words or conduct, manifest bias or prejudice, or engage in harassment and shall not permit court staff, court officials, or others subject to the judge's discretion and control.
- **Canon 2, Rule 2.4 (B)** which requires that a judge shall not permit family, social, political, financial, or other interests or relationships to influence the judge's judicial conduct or judgment.
- **Canon 2, Rule 2.4 (C)** which requires that a judge shall not convey or permit others to convey the impression that any person or organization is in a position to influence the judge.
- **Canon 2, Rule 2.6 (A)** which requires that a judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.
- **Canon 2, Rule 2.9 (A)** which provides that a judge shall not initiate, permit, or consider ex parte communications, or consider other communications made to the judge outside the presence of the parties or their lawyers, concerning a pending or impending matter.
- **Canon 2, Rule 2.9 (B)** which provides if a judge inadvertently receives an unauthorized ex parte communication bearing upon the substance of a matter, the judge shall make provision promptly to notify the parties of the substance of the communication and provide the parties with an opportunity to respond.
- **Canon 2, Rule 2.9 (C)** Which requires that a judge shall not investigate facts in a matter independently, and shall consider only the evidence presented and any facts that may properly be judicially noticed.

- **Canon 2, Rule 2.12 (A)** which provides a judge shall require court staff, court officials, and others subject to judge's direction and control to act in a manner consistent with judge's obligations under this Code.
- **Canon 3, Rule 3.7(6)(a)** which allows a judge to serve as an officer, director, trustee, or nonlegal advisor of a charitable organization unless it is likely that the organization or entity will be engaged in proceedings that would ordinarily come before the judge.

COUNT III

During your tenure as Circuit Court Judge, you mismanaged your courtroom, engaged in acts of retaliation, and deviated from acceptable standards of judicial conduct including but not limited to,

- A. Throughout your tenure as Circuit Court Judge, you ordered individuals to participate in CCB's ankle monitoring services, but only allowed them to enroll with Track Group, the program that you had direct ties with through CCB, despite the availability of other ankle monitoring services.
- B. You required individuals in your courtroom to attend Riverwoods over other treatment options, because of your personal connection with the Riverwoods program.
- C. You regularly represented that Riverwoods was the only intensive out-patient ("IOP") program available, even absent evidence that Riverwoods was licensed as an IOP provider in Kentucky.
- D. As Circuit Court Judge, you displayed behavior towards Court staff and attorneys that was not patient, dignified, and courteous.
- E. You have demonstrated clear bias against Assistant Public Defender Amy Harwood-Jackson and other attorneys.

- F. As Circuit Court Judge, you personally pressured an attorney who appears before your Court to file a bar complaint against another attorney, and asked that same attorney to draft a sworn statement on your behalf to rebut a complaint made against you.
- G. You retaliated against a Marshall County Sheriff's Department employee by seeking his termination or re-assignment after he reviewed Courthouse video footage of you because you believed, without any evidence, he leaked the video to media outlets.
- H. You directly requested that Marshall County Sheriff Eddie McGuire send deputies to find a vehicle you saw flying a flag with what you believed was an offensive political statement and to request the driver remove the sign. You suggested to the Sheriff that he should cite or bring criminal charges against the driver if they refused to remove the flag.

Your actions violate SCR 4.020(1)(b)(i) and constitute misconduct in office.

Furthermore, your actions violate SCR 4.300 and the relevant portions of the following

Canons of the Code of Judicial Conduct:

- **Canon 1, Rule 1.1** which requires a judge to comply with the law, including the Code of Judicial Conduct.
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- **Canon 2, Rule 2.12 (A)** which provides that a judge shall require court staff, court officials, and others subject to the judge's discretion and control to act in a manner consistent with the judge's obligations under the Code of Judicial Conduct.

COUNT IV

During your tenure as Circuit Court Judge, you used your influence and the prestige of judicial office to pressure attorneys, individuals, and groups to fund and support your political campaign, going as far as saying that certain monetary contributions were not sufficient.

Your actions violate SCR 4.020(1)(b)(i) and constitute misconduct in office. Furthermore, your actions violate SCR 4.300 and the relevant portions of the following Canons of the Code of Judicial Conduct:

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The jurisdiction of the Judicial Conduct Commission in this matter is under SCR 4.020(1)(b)(i) and (v), and (1)(c) which reads in pertinent part as follows:

- (1) Commission shall have authority:
 - (b) To impose the sanctions, separately or collectively of (1) admonition, private reprimand, public reprimand or censure; (2) suspension without pay or removal or retirement from judicial office, upon any judge of the Court of Justice or lawyer while a candidate for judicial office, who after notice and hearing the Commission finds guilty of any one or more of the following:
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 - (v) Violation of the code of Judicial Conduct, Rule 4.300.
 - (c) After notice and hearing, to remove a judge whom it finds to lack the constitutional statutory qualifications for the judgeship in question.

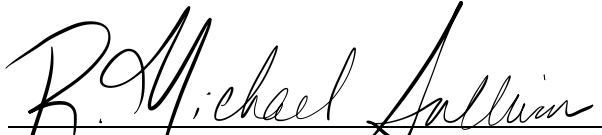
For your information, the Commission wishes to call your attention to the following Supreme Court Rule:

RULE 4.180 FORMAL PROCEEDINGS

If the Commission concludes that formal proceedings should be initiated, it shall notify the judge. He may file an answer within 15 days after service of the notice. Upon the filing of his answer, or the expiration of time for so filing, the Commission shall set a time and place for the hearing and shall give reasonable notice thereof to the judge.

Please mail your Answer to: Ms. Jimmy Shaffer, Executive Secretary, Kentucky Judicial Conduct Commission, P.O. Box 4266, Frankfort, KY 40604-4266.

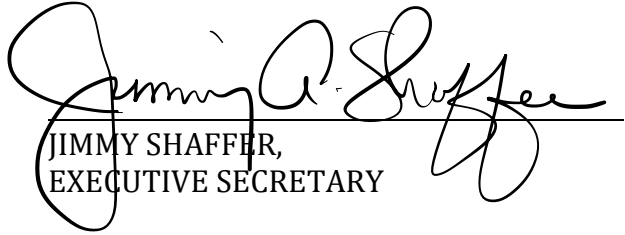
June 13th, 2022


R. MICHAEL SULLIVAN, CHAIRMAN
KENTUCKY JUDICIAL CONDUCT COMMISSION

Dr. Joe Ellis has recused himself from any consideration in this matter.

CERTIFICATE OF SERVICE

I hereby certify that copy hereof was served on Judge James T. Jameson, by mailing and emailing the same to his attorney Charles E. English, Jr. ("Buzz"), English, Lucas, Priest & Owsley, LLP, 1101 College Street, P.O. Box 770, Bowling Green, KY 42102-0770 this 13th day of June, 2022.


JIMMY SHAFFER,
EXECUTIVE SECRETARY

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**JAMES T. JAMESON, CIRCUIT JUDGE
42ND JUDICIAL CIRCUIT**

**ORDER ON MOTION FOR EXTENSION OF TIME
AND AMENDED PRE-HEARING ORDER**

Upon consideration of the Motion for Extension of Time to Exchange Witness and Exhibit Lists and the Response stating no opposition, it is by the Commission ORDERED that the time for filing Witness and Exhibit Lists be and it is hereby extended. The Pre-Hearing Order is amended accordingly as follows:

1. All motions *in limine* shall be filed, and a copy emailed to opposing counsel, no later than October 10, 2022, and any responses shall be filed on or before October 14, 2022.
2. On or before October 5, 2022, the attorneys for each party shall exchange, and file with the Commission, a list of the names and addresses of all persons who will testify at the hearing. If a party intends to offer any witness as an expert witness, then the party shall also disclose the substance of the facts and opinions to which the witness is expected to testify and a summary of the grounds for each opinion.
3. On or before October 5, 2022, counsel for each party shall make available to opposing counsel a copy of all documentary evidence and exhibits of any kind to be presented at trial.
4. Objections to any exhibits shall be in writing and filed with the Commission, and a copy shall be emailed to opposing counsel, on or before October 10, 2022. Such objections shall state with specificity the basis for the objections and shall refer to specific authority with copies of such authorities attached. Responses shall be filed and served by email on opposing counsel by October 13, 2022.
5. A final telephonic pre-hearing conference shall take place on October 10, 2022, at 1:00 p.m. CST. The Commission shall initiate the call.
6. Failure on the part of any attorney/party to comply with any requirements outlined hereinabove may result in exclusion of the evidence sought to be introduced at the hearing, waiver of objection, or any other sanctions against the offending party as deemed appropriate by the Commission.

KENTUCKY JUDICIAL CONDUCT COMMISSION



R. MICHAEL SULLIVAN, CHAIR

Date: 9/29/2022

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of this order has been served this 29th day of September 2022 via electronic and first-class mail upon:

Richard L. Walter (rwalter@bsgpad.com)
Boehl Stopher and Graves, LLP
410 Broadway
Paducah, KY 42001
Counsel for Judge Jameson

Jeffrey C. Mando (JMando@adamsattorneys)
Adams Law, PLLC
40 W. Pike St.
Covington, KY 41011
Counsel for the Commission


JIMMY SHAFFER,
EXECUTIVE SECRETARY

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**JAMES T. JAMESON, CIRCUIT COURT JUDGE
42ND JUDICIAL CIRCUIT**

RESPONSE TO MOTION TO QUASH OR LIMIT SUBPOENA

Counsel for the Commission, for his Response to Judge Jameson's Motion to Quash or Limit Subpoena, states as follows:

INTRODUCTION

Judge Jameson seeks to "quash or limit" separate Subpoenas Duces Tecum issued and served upon the Kentucky Administrative Office of the Courts ("AOC") and the Kentucky Court of Justice ("KCOJ") contending that they are overly broad and compel the production of documents protected by the attorney-client privilege and/or constitute attorney work product. Judge Jameson's Motion should be denied for the following reasons:

ARGUMENT

1. Pursuant to SCR 4.030, Counsel for the Commission requested, and the Commission issued, a Subpoena Duces Tecum to the AOC on September 6, 2022 calling for the production of documents in its possession pertaining to, relating to, and/or arising from any of the allegations, events, or incidents described in the Charges against Judge Jameson. The Subpoena called for the AOC to produce the documents on September 16, 2022. A copy of the Subpoena was served on Judge Jameson's counsel on September 6, 2022¹. The AOC responded to the Subpoena and produced responsive documents on September 7, 2022.

¹ See Exhibit A attached.

Copies of all responsive documents were forwarded to Judge Jameson's counsel on September 13, 2022². Because Judge Jameson did not seek to quash or limit the Subpoena until *after* the AOC had produced responsive documents, his challenge to the Subpoena is moot.

2. Without waiving the mootness of Judge Jameson's Motion, the concern about the AOC's production of attorney-client privileged communications or documents protected by the attorney work product is for naught. None of the documents that AOC produced were privileged.

3. Judge Jameson also challenges a Subpoena Duces Tecum issued to the KCOJ on September 6, 2022. Pursuant to Supreme Court Rule 4.030, Counsel for the Commission requested, and the Commission issued, a Subpoena Duces Tecum to the KCOJ seeking the production of documents in its possession pertaining to, relating to, and/or arising from any of the allegations, events, or incidents described in the Charges against Judge Jameson. That subpoena was superseded by an Amended Subpoena Duces Tecum to KCOJ that was served on September 21, 2022. Counsel for the Commission served a copy of the Amended Subpoena Duces Tecum on Judge Jameson's counsel on September 21, 2022³. Since Judge Jameson does not seek to limit or quash that Amended Subpoena Duces Tecum, his Motion must be denied.

4. While the KCOJ has yet to respond with responsive documents to the Amended Subpoena Duces Tecum, KCOJ was specifically instructed that Counsel for the Commission was not requesting, and they should not produce, any communications to or from Judge Jameson and any of his attorneys that may have been sent or received on AOC computer

² See Exhibit B attached.

³ See Exhibit C attached.

servers⁴. As a result, KCOJ should not be producing any privileged documents when it responds to the Subpoena.

5. Judge Jameson contends that there is a “box of documents remaining in his judicial office at the Marshall County Judicial Building” that contains privileged and protected documents. Accepting the veracity of that representation, Counsel for the Commission has no intent to secure or review the box of documents in Judge Jameson’s office. Consequently, there is no legitimate need, much less a compelling one, to appoint a neutral third party to review the documents in the box as requested by Judge Jameson.

CONCLUSION

For all these reasons, and having failed to satisfy his burden as movant, Counsel for the Commission requests that Judge Jameson’s Motion to Quash or Limit Subpoena be denied.

Respectfully submitted,

/s/ Jeffrey C. Mando

Jeffrey C. Mando, Esq. (#43548)

Joseph K. Hill, Esq. (#97492)

ADAMS LAW, PLLC

40 West Pike Street

Covington, KY 41011

859.394.6200

859.3.92.7263 – Fax

jmando@adamsattorneys.com

jhill@adamsattorneys.com

*Counsel for the Kentucky Judicial Conduct
Commission*

⁴ See Exhibit D attached.

CERTIFICATE OF SERVICE

This is to certify that true and correct copy of the foregoing has been served via electronic mail on this **30th** day of September, 2022, upon the following:

Richard L. Walter, Esq.
410 Broadway
Paducah, KY 42001
rwalter@bsgpad.com

Ms. Jimmy Shaffer
Executive Secretary
KY Judicial Conduct Commission
P.O. Box 4266
Frankfort, KY 40604
jimmyshaffer@kycourts.net

/s/ Jeffrey C. Mando

Jeffrey C. Mando, Esq

Rachel Newton

From: Jeff Mando <JMando@AdamsAttorneys.com>
Sent: Tuesday, September 6, 2022 1:58 PM
To: Richard L. Walter
Cc: Jimmy A. Shaffer (JimmyShaffer@KYCOURTS.NET)
Subject: Judge Jameson [IMAN-DMS.FID523111]
Attachments: SUPPLEMENTAL SUBPOENA DUCES TECUM.pdf; SUBPOENA DUCES TECUM KCOJ.pdf

Rick:

Attached are copies of additional SDTs served on the AOC and KCOJ today.

I will provide you with copies of all docs that are produced.

Thanks.

Jeff



ADAMSATTORNEYS.COM

Jeffrey C. Mando

Member

O: 859-394-6200

JMando@adamsattorneys.com

Attorney Profile • LinkedIn

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CONFIDENTIAL WARNING

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Exhibit A

Rachel Newton

From: Christy Walkley <CWalkley@AdamsAttorneys.com>
Sent: Tuesday, September 13, 2022 9:23 AM
To: Richard L. Walter
Cc: Jeff Mando; Joey Hill
Subject: RE: Judge Jameson [IMAN-DMS.FID523111]

Good morning Mr. Walter. Below please find a link to the documents provided by the AOC in response to our subpoena duces tecums. If you should have any questions, please do not hesitate to contact our office.

AOC Subpoena Response - In Re the Matter of James T Jameson



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Christy L. Walkley
Certified KY Paralegal
p: 859.394.6250
cwalkley@adamsattorneys.com

From: Jeff Mando
<JMando@AdamsAttorneys.com>
Sent: Tuesday, September 6, 2022 1:58

PM

To: Richard L. Walter <rwalter@bsgpad.com>
Cc: Jimmy A. Shaffer (JimmyShaffer@KYCOURTS.NET) <jimmyshaffer@kycourts.net>
Subject: Judge Jameson [IMAN-DMS.FID523111]

Rick:

Attached are copies of additional SDTs served on the AOC and KCOJ today.

I will provide you with copies of all docs that are produced.

Thanks.

Jeff



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Jeffrey C. Mando
Member
O: 859-394-6200
JMando@adamsattorneys.com
Attorney Profile • LinkedIn

CONFIDENTIAL WARNING

Exhibit B

This email message, together with any attachments, is intended only for the personal and confidential use of the recipient(s) named above. This

Rachel Newton

From: Rachel Newton
Sent: Wednesday, September 21, 2022 2:33 PM
To: rwalter@bsgpad.com
Cc: Joey Hill
Subject: Jameson v. JCC [IMAN-DMS.FID523111]
Attachments: SDT to KY Court of Justice -- JCC Jameson.pdf

Good afternoon,

Attached please find an amended subpoena served today in the above referenced matter.

Thank you for your time,

Rachel Newton



ADAMSATTORNEYS.COM

Rachel T.E. Newton
Legal Assistant
40 W. Pike Street | Covington, KY 41011
O: 859-394-6200
RNewton@adamsattorneys.com

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Exhibit C

Jeff Mando

From: Shaffer, Jimmy <JimmyShaffer@KYCOURTS.NET>
Sent: Thursday, September 29, 2022 7:31 AM
To: Jeff Mando
Subject: FW: Search Terms for JJ

This was the info we sent to Margaret regarding the parameters of the search.

Ms. Jimmy Shaffer
Executive Secretary, Judicial Conduct Commission
P.O. Box 4266
Frankfort, KY 40604-4266
Phone: 502-564-1231
Fax: 502-564-1233

From: Shaffer, Jimmy
Sent: Thursday, September 22, 2022 1:59 PM
To: Ivie, Margaret <MargaretIvie@kycourts.net>
Subject: Search Terms for JJ

Margaret:

Per our conversation, we have consulted and have agreed on the following search parameters:

Date range: 1/1/2016-8/31/2022

Broad search key terms:

42nd Circuit Community Corrections Board (also 42nd CCB, 42nd CCCB, CCB, CCCB and Corrections Board)
Ankle monitoring
Fiscal court
Track Group
TRAC Solutions
Bid
RFP (also Request for Proposals)
Re-Life
Fletcher Group
Fundraising

Also, emails between the Judge and the following specific individuals with any of the above-related terms:

Emails between Judge Jameson and Ed Brennan (also spelled Brennon and Brennen) email is ed.brennen@trackgrp.com
Emails between Judge Jameson and Ernie Fletcher
Emails between Judge Jameson and Don Cherry
Emails between Judge Jameson and David Berndt
Emails between Judge Jameson and Dominik Mikulcik
Emails between Judge Jameson and Madison Dorris
Emails between Judge Jameson and Christine Pickett

Exhibit D

Emails between Judge Jameson and Landon Norman
Emails between Judge Jameson and Mitch Ryan
Emails between Judge Jameson and Mike (Michael) Roe
Emails between Judge Jameson and Bryan Ernstberger

Emails we do not want:

Any emails between Judge Jameson and Charlie Moore, Moore Law, cemoore@moorelaw.org
Any emails between Judge Jameson and Buzz English, Charles English, English, Lucas, Priest & Owsley, LLC, benglish@elpolaw.com, Buzz E. English, Charles E. English, Jove B. Spinks, cenglish@elpolaw.com
Any emails between Judge Jameson and Rick Walter, Richard L. Walter, Bradley A. Sears, Boehl Stopher & Graves, LLP, rwalter@bsgpad.com, bsears@bsgpad.com

Let me know if you have any questions.

Jimmy

Ms. Jimmy Shaffer
Executive Secretary, Judicial Conduct Commission
P.O. Box 4266
Frankfort, KY 40604-4266
Phone: 502-564-1231
Fax: 502-564-1233

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**JAMES T. JAMESON, CIRCUIT COURT JUDGE
42ND JUDICIAL CIRCUIT**

SUPPLEMENTAL RESPONSE TO MOTION TO QUASH OR LIMIT SUBPOENA

Counsel for the Commission, for his Supplemental Response to Judge Jameson's Motion to Quash or Limit Subpoena, states as follows:

6. After filing and serving his Response to the Motion to Quash or Limit Subpoenas, Counsel received an email from Margaret Ivie, Deputy General Counsel at Administrative Office of the Courts on September 30, 2022 at 4:46 p.m. with KCOJ's Response to the Subpoena Duces Tecum⁵.

7. On October 3, 2022 at 10:07 a.m., Counsel for the Commission sent the link with the KCOJ documents to Counsel for Judge Jameson⁶.

CONCLUSION

For all these reasons, and having failed to satisfy his burden as movant, Counsel for the Commission requests that Judge Jameson's Motion to Quash or Limit Subpoena be denied.

⁵ Email attached as Exhibit E

⁶ Email attached as Exhibit F

Respectfully submitted,

/s/ Jeffrey C. Mando

Jeffrey C. Mando, Esq. (#43548)

Joseph K. Hill, Esq. (#97492)

ADAMS LAW, PLLC

40 West Pike Street

Covington, KY 41011

859.394.6200

859.3.92.7263 – Fax

jmando@adamsattorneys.com

jhill@adamsattorneys.com

*Counsel for the Kentucky Judicial Conduct
Commission*

CERTIFICATE OF SERVICE

This is to certify that true and correct copy of the foregoing has been served via electronic mail on this 3rd day of October, 2022, upon the following:

Richard L. Walter, Esq.
410 Broadway
Paducah, KY 42001
rwalter@bsgpad.com

Ms. Jimmy Shaffer
Executive Secretary
KY Judicial Conduct Commission
P.O. Box 4266
Frankfort, KY 40604
jimmyshaffer@kycourts.net

/s/ Jeffrey C. Mando

Jeffrey C. Mando, Esq

Rachel Newton

From: Ivie, Margaret <Margaretlvie@kycourts.net>
Sent: Friday, September 30, 2022 4:46 PM
To: Jeff Mando
Cc: Dudgeon, Laurie; Hosea, Kimberly
Subject: KCOJ Response to JCC SDT for KCOJ Records - In Re the Matter of James T Jameson
Attachments: SUBPOENA DUCES TECUM KCOJ.pdf

Good afternoon,

Below is a link to a OneDrive folder containing the KCOJ's records responsive to the attached subpoena duces tecum. Please download these files to your local drive and confirm receipt. If you have any issues with accessing the files or have any other questions related to the KCOJ's production, just let me know and I'll be happy to assist if I can. Please note that some of the documents produced, although they are not otherwise confidential, they do contain PII, such as social security numbers, birthdates, tax IDs, and bank account numbers, which we would request be redacted or otherwise appropriately protected if used as evidence or filed in a public record.

Thank you.

 [KCOJ Subpoena Response - In Re the Matter of James T Jameson](#)

Margaret Ivie
Deputy General Counsel

Office of General Counsel
Administrative Office of the Courts
1001 Vandalay Drive
Frankfort, Kentucky 40601
office: (502) 573-2350, ext. 50411
cell: (502) 905-2349

Kentucky Court of Justice Confidentiality Notice

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Jeff Mando

From: Christy Walkley
Sent: Monday, October 3, 2022 10:07 AM
To: Richard L. Walter
Cc: Jeff Mando
Subject: JCC/Jameson [IMAN-DMS.FID523111]

Good morning Mr. Walter. Below is a link we received to a OneDrive folder containing the KCOJ's records responsive to our subpoena duces tecum. If you should have any questions, please do not hesitate to contact our office.

☐ [KCOJ Subpoena Response - In Re the Matter of James T Jameson](#)



ADAMSATTORNEYS.COM

Christy L. Walkley
Certified KY Paralegal
p: 859.394.6250
cwalkley@adamsattorneys.com

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**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**JAMES T. JAMESON, CIRCUIT JUDGE
42ND JUDICIAL CIRCUIT**

ORDER ON MOTION TO QUASH OR LIMIT SUBPOENA DUCES TECUM

Judge Jameson has moved to quash or limit a Subpoena Duces Tecum served on September 6, 2022, and an Amended Subpoena Duces Tecum served on September 21, 2022, by counsel for the Commission on the Kentucky Court of Justice (“KCOJ”). Judge Jameson’s main concern is that the subpoenas may require the KCOJ to produce documents protected by the attorney-client privilege or that constitute attorney work product. Judge Jameson specifically identifies a box in his office in the Marshall County Judicial Center that may contain such protected documents. He also states in his motion that such protected documents may be located elsewhere in that office. Finally, Judge Jameson requests the opportunity to physically review these documents in his office.

In its response, Counsel for the Commission notes that the initial subpoena served on the KCOJ was superseded by an Amended Subpoena Duces Tecum served September 21, 2022. Exhibit B attached to Judge Jameson’s motion was a “Supplemental Subpoena” served on the Administrative Office of the Courts, not KCOJ. The Commission interprets Judge Jameson’s motion as relating to the Amended Subpoena served on the KCOJ September 21, 2022.

Counsel for the Commission filed a supplemental response stating that KCOJ provided the documents responsive to the Amended Subpoena to counsel for the Commission on Friday, September, 30, 2022, and they were provided to counsel for Judge Jameson on October 3, 2022. Therefore, it appears Judge Jameson’s motion to quash may be moot as to the documents already produced.

As stated above, Judge Jameson identifies “a box of documents remaining in his judicial office at the Marshall County Judicial Building...that he verily believes contains documents

subject to the aforementioned privileges and protections against disclosure.” Motion, p. 1. His motion is still germane as to this box of documents if it has not yet been produced.

Judge Jameson’s motion is granted in part and denied in part.

The Commission agrees that any documents protected by the attorney-client privilege should not be produced, and that any documents that constitute attorney work product should not be produced unless counsel for the Commission makes the required showing under CR 26.02(3)(a).

Other than this box of documents, or boxes of documents if there is more than one, that Judge Jameson claims to contain attorney-client privileged information and attorney work product, KCOJ shall produce all documents responsive to the Supplemental Subpoena Duces Tecum.

Further as to this box or boxes of documents, the Commission directs counsel for Judge Jameson, on or before October 6, 2022, to make arrangements with Judge Jameson’s secretary, Sarah Gipson, for counsel or his designee to go to the Marshall County Judicial Center and take possession of this box, or boxes, of documents identified by Judge Jameson, if Judge Jameson’s secretary can identify it, or them. Judge Jameson shall not be the person designated by his counsel to go to the Judicial Center to take possession of the documents. Counsel for Judge Jameson shall, on or before October 11, 2022 provide to counsel for the Commission a copy of any documents in the box or boxes that are responsive to the subpoena and not protected by the attorney-client privilege or the work product doctrine, and submit in the record a confirmation notice of his retrieval of the box or boxes. If Counsel for the Commission requests it, Counsel for Judge Jameson shall on or before October 11, 2022, provide a privilege log to Counsel for the Commission that describes the nature of each document not produced in a manner that, without revealing information itself privileged or protected, will enable counsel for the Commission to assess the claim of privilege or protection from disclosure. Counsel for the Commission shall provide to counsel for Judge Jameson a copy of any other documents obtained by this subpoena, and if counsel for Judge Jameson believes any of those documents are protected, counsel may file

an appropriate motion requesting return of those documents, or that they be ruled inadmissible at the hearing. Any other requested relief is denied.

KENTUCKY JUDICIAL CONDUCT COMMISSION


R. MICHAEL SULLIVAN, CHAIR

Date: 10/4/2022

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of this order has been served this 4th day of October 2022 via electronic and first-class mail upon:

Richard L. Walter (rwalter@bsgpad.com)
Boehl Stopher and Graves, LLP
410 Broadway
Paducah, KY 42001
Counsel for Judge Jameson

Jeffrey C. Mando (JMando@adamsattorneys)
Adams Law, PLLC
40 W. Pike St.
Covington, KY 41011
Counsel for the Commission


JIMMY SHAFER,
EXECUTIVE SECRETARY

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**JAMES T. JAMESON, CIRCUIT COURT JUDGE
42ND JUDICIAL CIRCUIT**

SECOND AMENDED NOTICE OF FORMAL PROCEEDINGS AND CHARGES

Counts I through IV in the June 13, 2002, Notice of Formal Proceedings and Charges are incorporated by reference and reaffirmed as if fully set forth herein.

COUNT V

During the course of the JCC's proceedings, you have repeatedly attempted to obstruct justice and impede the JCC's authority to investigate the charges against you. Specifically, you have intimidated witnesses involved in these proceedings and attempted to dissuade your judicial staff from complying with a JCC subpoena.

On September 21, 2022, upon request by Counsel for the Commission, the JCC issued a subpoena for Kentucky Court of Justice records as follows:

All documents including, but not limited to, internal emails, external emails, text messages, letters, reports, audio recordings and handwritten notes in the possession of any and all Marshall and Calloway County elected judges, judicial staff, elected clerks, and elected clerk staff pertaining to, relating to and/or arising from any of the allegations, events or incidents related to 42nd Judicial Circuit Judge James Jameson's involvement with the 42nd Circuit's Community Corrections Board ("CCB"), Track Group ankle monitoring services, or Re-life substance abuse disorder treatment program.

Your counsel was provided a copy of the subpoena upon service.

On September 26, 2022, you contacted AOC to complain about the subpoena and asked AOC not to comply with the subpoena. AOC denied your request and cautioned you

that it would be inappropriate to ignore a valid subpoena. You also contacted your administrative support specialist via telephone to discuss the subpoena. During that call, you instructed your judicial staff not to cooperate with the JCC's subpoena. You instructed your administrative support specialist and staff attorney to remove boxes from your office and to refuse to provide any documents from your office to the Commission per the subpoena. In short, you instructed your judicial staff to blatantly violate the law and to further act in contradiction to their duties and responsibilities as AOC employees.

Upon learning that AOC instructed your judicial staff to disregard your demands, you again contacted your staff and, this time, instructed them to send all documents they intended to produce to you for review *before* sending them to AOC. After this revised instruction, AOC was again forced to intervene and advise your judicial staff that they should once again disregard your unlawful instructions.

Your actions violate SCR 4.020(1)(b)(i) and constitute misconduct in office. Furthermore, your actions violate SCR 4.300 and the relevant portions of the following Canons of the Code of Judicial Conduct:

- **Canon 1, Rule 1.1** which requires a judge to comply with the law.
- **Canon 1, Rule 1.2** which 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 1, Rule 1.3** which prohibits a judge from abusing the prestige of judicial office to advance the personal or economic interests of the judge or others, or allowing others to do so.
- **Canon 2, Rule 2.12 (A)** which provides a judge shall require court staff, court officials, and others subject to judge's direction and control to act in a manner consistent with judge's obligations under this Code.

- **Canon 2, Rule 2.16(B)** which prohibits a judge from retaliating, directly or indirectly, against a person known or suspected to have assisted or cooperated with an investigation of a judge or a lawyer.

COUNT VI

Following your temporary suspension, you engaged in a pattern of noncompliance and interference with JCC orders. Specifically, you failed to adhere to the terms of your temporary suspension by contacting your judicial staff and availing yourself of judicial resources.

As a part of your temporary suspension on August 15, 2022, you were prohibited from accessing court resources. However, notwithstanding your suspension, you have continued to access your judicial e-mail account and contact your staff members for purposes related to your judicial role. For example, you accessed your AOC e-mail account on August 19, 2022 and set up a Teams meeting with your staff attorney and administrative support specialist. Then in September 2022, you contacted your staff to request delivery of an AOC laptop docking station. You continue to have in your possession and to use two KCOJ laptops. You have also contacted your staff to request copies of AOC documents and materials to which you no longer had access.

Your actions violate SCR 4.020(1)(b)(i) and constitute misconduct in office. Furthermore, your actions violate SCR 4.300 and the relevant portions of the following Canons of the Code of Judicial Conduct:

- **Canon 1, Rule 1.1** which requires a judge to comply with the law.
- **Canon 2, Rule 2.16(A)** which requires that a judge shall cooperate and be candid and honest with judicial and lawyer disciplinary agencies, including the Judicial Conduct Commission.

The jurisdiction of the Judicial Conduct Commission in this matter is under SCR 4.020(1)(b)(i) and (v), and (1)(c) which reads in pertinent part as follows:

- (1) Commission shall have authority:
 - (b) To impose the sanctions, separately or collectively of (1) admonition, private reprimand, public reprimand or censure; (2) suspension without pay or removal or retirement from judicial office, upon any judge of the Court of Justice or lawyer while a candidate for judicial office, who after notice and hearing the Commission finds guilty of any one or more of the following:
 - (i) Misconduct in office.
 - (v) Violation of the code of Judicial Conduct, Rule 4.300.
 - (c) After notice and hearing, to remove a judge whom it finds to lack the constitutional statutory qualifications for the judgeship in question.

For your information, the Commission wishes to call your attention to the following Supreme Court Rule:

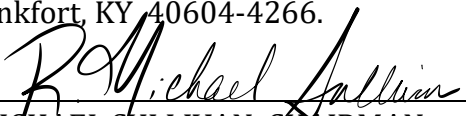
RULE 4.180 FORMAL PROCEEDINGS

If the Commission concludes that formal proceedings should be initiated, it shall notify the judge. He may file an answer within 15 days after service of the notice. Upon the filing of his answer, or the expiration of time for so filing, the Commission shall set a time and place for the hearing and shall give reasonable notice thereof to the judge.

Please mail your Answer to: Ms. Jimmy Shaffer, Executive Secretary, Kentucky

Judicial Conduct Commission, P.O. Box 4266, Frankfort, KY 40604-4266.

October 4, 2022



R. MICHAEL SULLIVAN, CHAIRMAN
KENTUCKY JUDICIAL CONDUCT COMMISSION

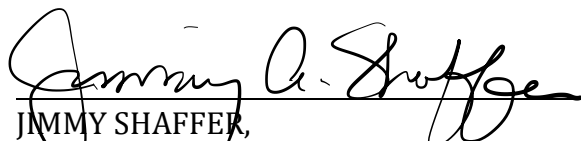
Dr. Joe Ellis has recused himself from any consideration in this matter.

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of this order has been served this 4th day of October 2022 via electronic and first-class mail upon:

Richard L. Walter (rwalter@bsgpad.com)
Boehl Stopher and Graves, LLP
410 Broadway
Paducah, KY 42001
Counsel for Judge Jameson

Jeffrey C. Mando (JMando@adamsattorneys)
Adams Law, PLLC
40 W. Pike St.
Covington, KY 41011
Counsel for the Commission


JIMMY SHAFFER,
EXECUTIVE SECRETARY