

**COMMONWEALTH OF KENTUCKY  
JUDICIAL CONDUCT COMMISSION**

**ON REMAND FROM SUPREME COURT OF KENTUCKY  
2022-SC-0496-RR**

**IN RE THE MATTER OF:  
JAMES T. JAMESON, CIRCUIT COURT JUDGE  
42ND JUDICIAL CIRCUIT**

**SUPPLEMENTAL FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL ORDER**

**I. INTRODUCTION**

Pursuant to SCR<sup>1</sup> 4.290(5), the Kentucky Supreme Court remanded to the Judicial Conduct Commission its Findings of Fact, Conclusions of Law and Final Order, rendered November 4, 2022, in the above-captioned matter, to address the Court’s “concerns about the adequacy of findings” in the Commission’s forty-page Order. *Jameson v. Judicial Conduct Comm’n*, 2022-SC-0496-RR, at 1 (Ky., June 15, 2023). The Supreme Court’s Order mandates that the Commission is “to provide supplemental Findings of Fact and Conclusions of Law.” *Id.* at 2. This Supplemental Findings of Fact, Conclusions of Law and Final Order fulfills that mandate by further citation to the record in support of its findings, mindful that, “[o]n appeal [the Supreme Court] ‘must accept the findings and conclusions of the [C]ommission unless they are clearly erroneous; that is to say, unreasonable.’” *Gordon v. Judicial Conduct Comm’n*, 655 S.W.3d 167, 180 (Ky. 2022) (citing *Wilson v. Judicial Ret. & Removal Comm’n*, 673 S.W.2d 426, 427-28 (Ky. 1984) (citing *Long v. Judicial Ret. & Removal Comm’n*, 610 S.W.2d 614 (Ky. 1980))).

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<sup>1</sup> Supreme Court Rule.

The Commission is a constitutional body charged with the responsibility of reviewing complaints and, when necessary, initiating, hearing, and adjudicating charges of official misconduct by any judge of the Court of Justice or lawyer while a candidate for judicial office. KY. CONST. § 121; SCR 4.020(1). Relevant to this matter, the Commission is authorized to impose sanctions upon any such individual “who after notice and hearing the Commission finds guilty of any one or more of the following:

(i) Misconduct in office.

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(v) Violation of The Code of Judicial Conduct, Rule 4.300.

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SCR 4.020(1)(b). Sanctions are limited to “admonition, private reprimand or public reprimand; . . . suspension without pay, or removal or retirement from judicial office . . .” *Id.*

On June 13, 2022, in furtherance of its constitutional duty, the Commission<sup>2</sup> preferred charges against Respondent Judge James T. “Jamie” Jameson (Judge Jameson or Respondent), Circuit Court Judge, 42nd Judicial Circuit, after receiving allegations of Judge Jameson’s misconduct. (Docket Entry (“DE”) 1).<sup>3</sup> The Notice of Formal Proceedings and Charges (and amendments thereto) are attached hereto and incorporated herein by reference.

The Commission does not undertake the preferring of charges lightly, but fully conscious of the Supreme Court’s recent opinions relating to the Commission’s purpose and authority, and its own role, regarding judicial discipline hearings, findings, and sanctions. In

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<sup>2</sup> Citizen member Dr. Joe Ellis recused from all proceedings in this matter.

<sup>3</sup> The procedural record of *In re the Matter of James T. Jameson, Circuit Court Judge, 42nd Judicial Circuit* from the initiation of formal charges until the Findings of Fact, Conclusions of Law and Final Order can be found at [https://kycourts.gov/Courts/JCC%20Actions%20Documents/2022\\_jamesonformalproceedings.pdf](https://kycourts.gov/Courts/JCC%20Actions%20Documents/2022_jamesonformalproceedings.pdf). Cites to the Docket Entries of those records are abbreviated as “DE” followed by the docket entry number.

*Maze v. Judicial Conduct Comm’n*, the Court said the Commission’s purpose “is to ensure to the public that our judiciary is competent, deliberative, fair, independent, and impartial . . . .” 612 S.W.3d 793, 806 (Ky. 2020). In *Gordon v. Judicial Conduct Comm’n*, the Supreme Court indicated that the Constitution authorizes the Commission to identify a judge’s “unfitness for office.” 655 S.W.3d 167, 191 (Ky. 2022). In *Gordon*, the Court also noted the Commission’s authority to mete out a more severe sanction when the evidence demonstrates a heightened “seriousness of the transgression” or “a pattern of improper activity” or where the judge’s improper activity has an “effect . . . on others or on the judicial system” or when the judge “was previously warned . . . .” *Id.* at 191, 192 (quoting *Gormley v. Judicial Conduct Comm’n*, 332 S.W.3d 717, 727, n.24 (Ky. 2010) (internal quotation omitted)). And, in *Gentry v. Judicial Conduct Comm’n*, the Supreme Court reminded the Commission of the gravity of its duty as factfinder in judicial discipline hearings, for while “the standard of proof before the Commission is ‘clear and convincing’ evidence, . . . we as an appellate court are obligated to give a great deal of deference to the Commission’s findings and should not interfere with those findings unless the record is devoid of substantial evidence to support them.” 612 S.W.3d 832, 846 (Ky. 2020).

Commission members, whether deciding matters that come before the Commission or participating otherwise, are ever mindful of the seriousness of their constitutional duty. These supplemental findings and conclusions, and the additional citations to the substantial evidence of record supporting them, are provided in that spirit of responsibility.

## **II. PROCEDURAL BACKGROUND**

Elected in 2015, Judge Jameson served as the general jurisdiction Circuit Court Judge of the 42nd Judicial Circuit, consisting of Marshall and Calloway Counties in the

Commonwealth of Kentucky. During Judge Jameson's term in office, the Commission received complaints alleging he engaged in misconduct and the Commission authorized a preliminary investigation. SCR 4.170(1). By letter dated August 9, 2021, the Commission provided Judge Jameson with notice of the allegations and of the preliminary investigation and requested a response. SCR 4.170(2).

His response came in a three-page letter to the Commission dated August 26, 2021, with appendices A through E. (JCC Hearing Exhibit 69, (Jameson Initial Statement)). By letter dated September 13, 2021, the Commission invited Judge Jameson to attend an informal conference scheduled for October 15, 2021, to discuss the complaints. Judge Jameson attended, accompanied by legal counsel, at which Judge Jameson read a lengthy statement. (JCC Hearing Exhibit 72, (Informal Conference Statement)).

Following the informal conference, the Commission transmitted to Judge Jameson the factual information gathered in its investigation of the complaints against him and afforded him the opportunity to present any other relevant information or evidence. SCR 4.170(4). The Commission noted in the same transmittal letter that it received a second complaint alleging misconduct involving issues "already before the Commission," and that its investigation yielded evidence of additional incidents of misconduct, including but not limited to his improper or inappropriate temperament, the abuse of his contempt power, his tendency to disregard due process rights of parties appearing before him, his abuse of the power of his judicial office, his referrals of criminal defendants to Riverwoods Recovery,<sup>4</sup> his engagement in improper fundraising, and his improper conduct in reaction to the Marshall

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<sup>4</sup> The Riverwoods Recovery program is based out of Riverwoods Church in Benton, Kentucky, and Judge Jameson participated in founding it.

County Sheriff's investigation of a report that he was seen walking in the courthouse while improperly attired. (DE 15, Exhibit 1 (Letter, Exec. Sec. Jimmy Shaffer to Charles E. English, Jr. Esq., April 25, 2022)).

Judge Jameson responded by supplementing his position statement with a thirteen-page letter from his then-counsel dated April 14, 2022, which was "verified" by Judge Jameson as true and correct. (JCC Hearing Exhibit 70, (Supplemental Statement)).

The Commission decided that the complaints, its preliminary investigation, and Judge Jameson's Initial and Supplemental Statements, called for initiation of formal charges against him. On June 13, 2022, in accordance with SCR 4.180, the Commission served Judge Jameson with the Notice of Formal Proceedings and Charges (the "Charges") consisting of Counts I through IV. (DE 1). After the Commission granted Judge Jameson's motion for extension of time, substitute counsel for Judge Jameson filed his "Answer to JCC Proceedings" on July 6, 2022. This Answer was seventy-three pages long, with appendices A through X, and presents a variety of defenses and explanations responsive to the Charges. (JCC Hearing Exhibit 71). In his various responses (Initial, Informal Conference, and Supplemental Statements), Judge Jameson generally denied the Charges and allegations of his violation of the Canons, but he admitted some of the operative facts tending to prove the Charges as discussed *infra*.

The Commission's investigation supported allegations of various acts of misconduct to such an extent that it raised concerns whether it would "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." SCR 4.020(1)(a)(ii). On July 11, 2022, the Commission notified Judge Jameson it had scheduled a temporary suspension hearing for August 12, 2022, to determine whether it would be in the best interest of justice to temporarily suspend

him, without affecting his pay status, until final adjudication of the pending Formal Proceedings. (DE 8 (Order and Notice of Hearing)). Preparatory to the hearings, on July 21, 2022, the Commission entered its Amended Notice of Formal Proceedings and Charges as to Counts I through IV. (DE 9).

The Temporary Suspension Hearing was conducted as scheduled on August 12, 2022, and, on August 15, 2022, after applying the applicable standard to the evidence received, the Commission ordered that Judge Jameson be suspended until final adjudication of the pending Formal Proceedings. (DE 11 (Order of Temporary Suspension)).

On August 18, 2022, the Commission sent Judge Jameson notice of the Final Hearing on the Proceedings and Charges to be conducted beginning on October 17, 2022 (Final Hearing). (DE 13 (Notice of Time and Place for Hearing)). A Prehearing Order entered August 22, 2022, provided that “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.” (DE 14 (Order), ¶ 7). The Commission entered an Amended Prehearing Order on September 29, 2022. (DE 20 (Order on Motion for Extension of Time and Amended Prehearing Order)). In accordance with these orders, all exhibits presented by each party were admitted without objection, including JCC Hearing Exhibits 1 through 76 and Jameson Hearing Exhibits 1 through 28.

As additional evidence came to the Commission’s attention, the Commission found it necessary to amend the Charges more than once. On October 4, 2022, the Commission filed its Second Amended Notice of Formal Proceedings and Charges, adding Counts V and VI to the Charges. (DE 24). Respondent failed to file an Answer to the second amended Charges (specifically Counts V and VI) and the Commission considered the allegations denied by the

Respondent, subject to completion of the Final Hearing. On October 7, 2022, the Commission filed its Third Amended Notice of Formal Proceedings and Charges, adding Count VII. (DE 25). Respondent failed to file an Answer to the third amended charges (specifically Count VII) and the Commission considered the allegations denied by Respondent subject to proof presented at the Final Hearing. Prior to commencement of the Final Hearing, the parties filed numerous motions and the Commission's rulings on those motions are set forth in the public record of this proceeding. (*See, supra*, footnote 3).

Meanwhile, Judge Jameson challenged the August 15, 2022, Order of Temporary Suspension. On August 18, 2022, Judge Jameson filed a motion to alter, amend, or vacate that Order (DE 12); however, the Commission denied the motion on August 24, 2022. (DE 16). On October 18, 2022, Judge Jameson filed a petition with the Kentucky Supreme Court seeking a writ to prohibit enforcement of the Order. (*James T. Jameson v. Judicial Conduct Comm'n*, Case No. 2022-SC-0454-OA (Ky., Oct. 18, 2022) ("*Jameson I*"). Judge Jameson's petition remained in pending status during the Final Hearing.

The Final Hearing commenced, as scheduled, on October 17, 2022, in District Courtroom 1 of the Christian County Justice Center. The Commission was represented by Jeffrey C. Mando, Esq., and Joseph K. Hill, Esq., and the Respondent was present and represented by Richard L. Walter, Esq., and Bradley A. Sears, Esq.

Counsel for the Commission moved that the rule be invoked regarding separation of witnesses at the Final Hearing; the Commission Chair granted the motion and instructed witnesses to leave the courtroom. (Video Record ("VR") 10/17/22 at 8:52:53 – 8:52:57). Counsel for the Commission and counsel for Judge Jameson then presented their respective opening statements. (VR 10/17/22 at 8:57:38 – 9:13:58).

The parties' counsel, consistently with the Prehearing Orders, acknowledged without objection that "[t]he 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." (DE 14 (Prehearing Order), ¶4; VR 10/17/22 at 9:13:55 – 9:14:54 and VR 10/18/22 at 8:14:30 – 8:15:29).

The parties presented evidence<sup>5</sup> over four (4) extended days and the Final Hearing concluded October 20, 2022. Judge Jameson testified several separate times during the Hearing in response to direct examination and cross-examination. He also made non-testimonial statements on several occasions while personally conducting Commission witness cross-examination and defense witness direct examination.

At the conclusion of the Commission's proof, Judge Jameson made an oral motion for directed verdict. Counsel for the Commission objected, except as to Count III, subsections B. and C.<sup>6</sup> The Chair denied the motion for directed verdict, except as to those subsections. (VR 10/19/22 at 8:33:22 – 8:40:50).

At the conclusion of the Final Hearing and presentation of all proof and defense by counsel for the parties, the Commission immediately deliberated, considered, and discussed at length the Charges and all the evidence presented by both parties at the Temporary Suspension Hearing and the Final Hearing. The five voting members of the Commission were

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<sup>5</sup> Under SCR 4.030 the powers of the Commission include the taking of testimony under oath.

<sup>6</sup> Counsel for the Commission made clear that the concession was made under the conditions precedent that there was probable cause and good faith basis to file and pursue the Charges.



as follows: Bar Member and Chair, Hon. R. Michael Sullivan; Court of Appeals alternate Member Judge Glenn E. Acree; Circuit Judge alternate Member Mitch Perry; District Judge Member Karen Thomas; and Citizen Member Janet Lively McCauley. Also, in attendance during the hearing were Court of Appeals Member Jeff S. Taylor,<sup>7</sup> alternate District Judge Member Elizabeth Chandler, and alternate KBA Member/Chair Carroll M. Redford, III. As noted, *supra*, Citizen Member Dr. Joe E. Ellis recused from the entirety of this matter.

On October 31, 2022, after conclusion of the Final Hearing but before entry of the Findings of Fact, Conclusions of Law and Final Order, the Kentucky Supreme Court entered its Writ of Prohibition vacating and setting aside the Commission's Order of Temporary Suspension and immediately returned Judge Jameson to the Bench. (*Jameson I*). The Supreme Court also dismissed as interlocutory the direct appeal Judge Jameson filed. (*James T. Jameson v. Judicial Conduct Comm'n*, No. 2022-SC-0370-RR (Ky., Oct. 28, 2022) (Order Dismissing and Advancing)). Even so, on November 9, 2022, the Chief Justice granted a motion brought pursuant to KRS<sup>8</sup> 26A.015 by the 42<sup>nd</sup> Judicial Circuit Commonwealth's Attorney to disqualify Judge Jameson from adjudicating any criminal cases in Calloway and Marshall Circuit Courts.

On November 4, 2022, the Commission rendered its Findings of Fact, Conclusions of Law and Final Order which found Judge Jameson unfit for judicial office based on misconduct that demanded he be "REMOVED from judicial office for this term, and that this same unfitness disqualifies Judge Jameson from holding the same judicial office for the

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<sup>7</sup> Judge Jeff S. Taylor attended the Final Hearing except for the fourth day and was absent to attend to his judicial responsibilities with and for the Court of Appeals. Court of Appeals Alternate Member, Judge Glenn E. Acree, who attended the entirety of the Final Hearing, deliberated and voted.

<sup>8</sup> Kentucky Revised Statutes.

immediately succeeding term.”

### **III. FACTUAL SUMMARY AND THE SCR 4.220 HEARING**

In 2015, Judge Jameson was elected the general jurisdiction judge of the 42<sup>nd</sup> Judicial Circuit that includes Marshall and Calloway Counties. Soon after he took office, and on three occasions between January of 2016 and June of 2021, Judge Jameson appeared before the Commission. He raised these previous episodes in his defense in this matter, repeatedly claiming they show the Commission’s previous decisions demonstrate he did nothing wrong. The Commission records show otherwise.

While the first complaint against Judge Jameson resulted in no disciplinary action, the letter announcing the Commission’s decision cautioned him to pay particular attention to the tenets of Canon 2D and Canon 5A(1)(c)<sup>9</sup> which he was in jeopardy of violating. The second and third complaints each resulted in an admonishment.

The 2016 complaint presaged some of the Counts in this very matter because it raised strikingly similar issues involving an out-patient substance use treatment program, the judge’s use of social media to endorse that program, his active participation in the program, his ordering of defendants to participate in the program, and family members involved in running the program.<sup>10</sup> His prior appearances before the Commission are relevant because they show Judge Jameson, more than once, has been cautioned or admonished to maintain his constitutional role of being judge or, phrased colloquially, to “stay in his lane” and not engage in activities reserved to the other branches of government.

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<sup>9</sup> Effective January 31, 2018, Canon 2D was renumbered as Rule 1.3 and Rule 2.4, and Canon 5A(1)(c) was renumbered as Rule 4.1(A)(2) and (3). Ky. Sup. Ct. Admin. Order 2018-04.

<sup>10</sup> The Commission takes judicial notice of its own disciplinary records, its official business records.

Judge Jameson did not heed these multiple warnings. The substantial evidence presented at the Final Hearing clearly and convincingly persuaded the Commission members that Judge Jameson was unable or unwilling to conform his conduct to the constitutional office he held as a judge. He did not turn to the Canons as his guide but was driven instead by personal desires to bring to reality his vision of an in-patient substance use disorder (SUD) center. Those desires, or his “dreams” as he described them, were the catalyst for some of his decisions to violate the Canons. Judge Jameson’s altruistic intentions, however sincerely held and true, do not justify or excuse his serious violations of the Canons, violations established by substantial evidence.

Substantial evidence presented to prove other Counts clearly and convincingly persuaded the Commission members that Judge Jameson failed to recognize the limitations of power that come with the office entrusted to him. Instead, he took advantage of the aura of his authority as judge to exceed and abuse that power.

In general, the allegations and evidence of misconduct that litter this record illustrate Judge Jameson’s: serious lack of judicial temperament; inclination to abuse the contempt power; disregard or disrespect of due process; tendency to misuse and abuse the prestige and power of his judicial office; intentional and improper implementation, use and administration of ankle monitors and processes; engagement in improper fundraising; engagement in bid rigging; abuse of authority for political and personal purposes that, on separate occasions, affected the employment of a journalist and a deputy sheriff; willingness to obstruct justice; creation of both apparent and actual improprieties; instinct for retaliation; and lack of candor to the relevant tribunals. Although the original complaint initiating this matter was from a single defendant disgruntled by the ankle monitoring

program Judge Jameson created, the Commission soon learned this was but the tip of an iceberg. Subsequent complaints and mounting evidence revealed improprieties far beyond the ankle monitoring program, including Judge Jameson's creation, administration, and utilization of an ostensibly statute-based community corrections board that did not satisfy statutory requirements, but did serve as a vehicle for Judge Jameson's fundraising activities.

These general complaints and the compendium of evidence were catalogued, filtered, and categorized for presentation to Judge Jameson as specific Charges to be addressed at the Final Hearing, as follows:

Count I: Judge Jameson acted as the alter ego for the CCB [Community Corrections Board<sup>11</sup>] in the creation and development of an ankle monitoring program, failing to separate himself as Circuit Judge from his duties at CCB, creating the appearance of impropriety to the public.

Count II: Judge Jameson acted as the alter ego for the CCB in the implementation and operation of the CCB's ankle monitoring program.

Count III: Judge Jameson mismanaged his courtroom, engaged in acts of retaliation, and deviated from acceptable standards of judicial conduct.

Count IV: Judge Jameson used his influence and the prestige of the judicial office to pressure persons to donate or support his political campaign.

Count V: Judge Jameson has repeatedly attempted to obstruct justice and impede the Commission's authority to investigate the charges against him.

Count VI: Judge Jameson engaged in a pattern of noncompliance and interference with the Commission's orders.

Count VII: Judge Jameson has engaged in acts of intimidation.

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<sup>11</sup> Based on business filings with the Kentucky Secretary of State, the entity's legal name is "42nd Judicial Circuit Community Corrections Board, Inc." Except where the legal name of the entity is relevant, it is referred to as the "CCB."

## **COMMUNITY CORRECTIONS BOARD ISSUES AND EVIDENCE**

The Commission was unaware of the issues related to the 42nd Judicial Circuit Community Corrections Board, Inc. (“CCB”) prior to the instant complaint(s). But as clear and convincing evidence established, including the testimony of Judge Jameson, he began contemplating the creation and implementation of a GPS<sup>12</sup> ankle monitoring program through a local nonprofit agency as early as July of 2017. (Judge Jameson testimony (“Jameson”), VR 10/17/22 at 3:57:04 – 5:24:49 and 10/18/22 at 8:15:55 – 9:57:57, *passim*; JCC Hearing Exhibit 21 (Email, Jameson to Brian Wiggins, Nov. 7, 2017)).

Pursuant to KRS 67.372, GPS ankle monitoring is a program operated by county government, not the Court of Justice. The evidence indicates Judge Jameson’s underlying purpose in creating the nonprofit entity, through which the GPS ankle monitoring program was run, was to generate funds to build and operate a 100-bed in-patient drug treatment facility in the 42<sup>nd</sup> Judicial Circuit. (JCC Hearing Exhibit 21; JCC Hearing Exhibit 23 (Email, Jameson to Kimberly Hosea, Nov. 21, 2018); JCC Hearing Exhibit 24 (CCB Grant application to Kentucky State Corrections Commission, Mar. 17, 2021)). The building of an in-patient drug treatment center was a “dream” of Judge Jameson<sup>13</sup> as well as a plank in his platform for his 2015 election campaign.<sup>14</sup> (Jameson, VR 10/18/22 at 11:12:00 – 11:12:51; Jameson Hearing Exhibit 17 (Written Statement of Linda Avery), pp. 1, 5).

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<sup>12</sup> The acronym “GPS” refers to a global positioning system. Among its various uses, it can be applied to monitor the location of defendants who are technically in state custody.

<sup>13</sup> In his testimony, Judge Jameson referred to this as a “pipe dream”. (VR 10/18/22 at 9:41:10). Webster’s Dictionary defines the term as meaning an illusory or fantastic plan, hope or story. As determined herein, the pipe dream was clearly outside the constitutional role of a judge.

<sup>14</sup> Judge Jameson testified he had no empirical data or professional studies to justify the need for an in-patient treatment center in Marshall and Calloway Counties, including any data from drug treatment providers or local

Based on the totality of the evidence heard by the Commission, Judge Jameson knew early on that his “scheme” as a sitting judge to utilize the CCB to operate an ankle monitoring program and raise money to build an in-patient drug treatment center skirted judicial ethical rules set out in the Code of Judicial Conduct because he was trying to have the Supreme Court amend the rules or commentary to the Canons to permit it. SCR 4.300.<sup>15</sup> (JCC Hearing Exhibit 21; JCC Hearing Exhibit 22 (Email, Jameson to Justice Michelle Keller, Dec. 5, 2017)). And, as will be addressed, Judge Jameson neither ever sought nor ever received a written opinion from the Kentucky Judicial Ethics Committee. (Jameson, VR 10/19/22 at 11:09:01 – 11:10:59).

Ostensibly, the statutory genesis of Judge Jameson’s CCB is KRS 196.725. KRS Chapter 196.700 *et seq.*, provides for Community Corrections Programs to be operated under the Department of Corrections, an executive branch agency within the Justice and Public Safety Cabinet. The statutory scheme was designed in a way that allowed the boards of community corrections programs to apply for grants from the Kentucky State Corrections Commission, again an executive branch agency. Applying for grant money was one of Judge Jameson’s purposes for creating his CCB.<sup>16</sup>

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health officials. Rather, he based his perceived need on his personal observation from court cases in the counties where he presided, insisting in testimony that this need was “obvious.” (Jameson, VR 10/18/22 at 11:12:00 – 11:20:30).

<sup>15</sup> Judge Jameson discusses his goals in the grant application he submitted on behalf of the CCB to the Kentucky Department of Corrections (DOC). (See JCC Hearing Exhibits 24 and 25). Therein, he lists himself as the Project Director of the CCB which on its face is a conflict of interest with his duties as circuit judge. The narratives set out under “Grant Operations” and “Community Corrections Plan” clearly explain the overall scheme for the creation and operation of the CCB. The DOC denied the grant application. (See JCC Hearing Exhibit 26).

<sup>16</sup> The testimony involving the grant matters was extensive. It further established that Judge Jameson was acting outside his constitutional role as a judge. (JCC Hearing Exhibits 24, 25, and 26; Jameson, VR 10/17/22 at 4:17:22 – 4:27:53 and 4:44:11 – 4:52:59; Jameson, VR 10/18/22 at 10:22:10 – 10:30:15 and 10:41:42 –

While judges are permitted to serve on a community corrections board, there is no statutory basis or legal authority for a judge to utilize the board as a mechanism to operate an ankle monitoring program from the judge's office or otherwise utilize the board as a conduit for fundraising to build an in-patient drug treatment center. Such use of a community corrections board is clearly outside the scope of KRS 196.700 *et seq.* It is against this backdrop of the use or misuse of the community corrections board laws that Judge Jameson engaged in several of the violations with which he is charged. His misuse and abuse of the prestige and power of his judicial office (addressed in separate Counts) was coincidental, but not always related, to his activities with the CCB he created, or the rigging of the bid to secure the ankle monitoring contract, or his pursuit of grants and fundraising.

As readily acknowledged by Judge Jameson in his November 21, 2018, email to Kimberly Hosea at the Administrative Office of the Courts (AOC) (JCC Hearing Exhibit 23), KRS 196.700 *et seq.*, primarily looks to community corrections board involvement in post-conviction incarceration issues, not pretrial incarceration matters which Judge Jameson created the CCB to address. AOC declined to provide him any direction on this different approach, except to refer him to statutory provisions governing GPS monitoring programs. After considering these laws, Judge Jameson concluded that both Calloway County and Marshall County were violating the law, specifically KRS 67.372, by use of the existing ankle monitoring providers for those counties.<sup>17</sup> Judge Jameson said in an email to a

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10:43:00; Christine Pickett testimony ("Pickett"), VR 10/18/22 at 4:01:40 – 4:06:36; and 4:24:34 – 4:28:50). The attempt to secure grants is discussed further below.

<sup>17</sup> Calloway Circuit Clerk Linda Avery acknowledged in her testimony that, before the CCB monopolized the ankle monitoring program, the arrangement for ankle monitoring was "purely private between the inmate and the ankle monitoring company they elected." (Linda Avery testimony ("Avery"), VR 10/19/22 at 1:44:32 – 1:44:48).

representative of the existing ankle monitor provider, “I have made the fiscal court aware of statutory requirements with regard to ankle monitor services that are not currently being met.” (JCC Hearing Exhibit 34 (Email, Jameson to Sondra Meeks, March 4, 2019)).<sup>18</sup> In addition to expressing his legal opinion to the existing ankle monitor provider, he shared his advisory legal opinion in direct communications with the county judge executives and county attorneys of his judicial circuit. (JCC Hearing Exhibits 32,<sup>19</sup> 48,<sup>20</sup> 61,<sup>21</sup> and Exhibit 33,<sup>22</sup>; Jameson, VR 10/18/22 at 8:23:30 - 8:31:50). He said, “[T]he county will be having to make some changes.” (JCC Hearing Exhibit 34).

There is no evidence that Judge Jameson informed the county officials that it is the prerogative of the county, not the circuit judge, whether to implement and operate a GPS ankle monitoring program. *See* KRS 67.372. While a judge may permit ankle monitoring under KRS 431.518(5) (felony drug offense pretrial release) only in counties electing to operate a GPS program, there is no authority in Kentucky for a sitting judge to mandate that counties implement such a program; Judge Jameson effectively did so in this case. Leaving county officials with the impression that an ankle monitoring program was expected, Judge Jameson opened the door to promoting the CCB he created and controlled as a cost-effective

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<sup>18</sup> Sondra Meeks is a representative of EnSite Solutions, a vendor that had been providing ankle monitors for many years to defendants in Marshall and Calloway County. Further discussion of her communication with Judge Jameson appears below.

<sup>19</sup> Email, Jameson to Calloway County Judge Executive Kenny Imes, *et al*, Dec.3, 2018.

<sup>20</sup> Email, Jameson to Marshall County District Judge Jack Telle, Dec. 4, 2020.

<sup>21</sup> Email, Jameson to Marshall County Attorney Jason Darnall, *et al*, May 11, 2019.

<sup>22</sup> Video of Judge Jameson’s presentation to the Marshall County Fiscal Court on March 5, 2019.



GPS monitor alternative for the counties to utilize, and he did so months before any request for proposals or bids were published by the respective counties. (JCC Hearing Exhibit 33).

KRS 67.374(3) requires that wherever a GPS monitoring system operates, the provider must be selected through a public bid process. Judge Jameson needed to satisfy this bid process for his CCB to secure the right to provide the ankle monitoring equipment and services. As established by clear and convincing evidence, and as explained in detail *infra*, Judge Jameson rigged the bid process to ensure the CCB would have the best bid and be selected as the ankle monitor provider for the 42<sup>nd</sup> Judicial Circuit.

As noted, in November 2018, Judge Jameson began laying the foundation for the CCB ankle monitoring program through inquiries with the AOC. (JCC Hearing Exhibit 23; JCC Hearing Exhibit 51 (Memo, Office of AOC General Counsel responding to inquiries by Judge Jameson, Dec. 4, 2018)). In his November 21, 2018, email to Kim Hosea at AOC and copied to Kelly Stephens and Katie Shepherd at the Kentucky Supreme Court, (JCC Hearing Exhibit 23), Judge Jameson stated he and “other local leaders” had formed a community corrections board pursuant to KRS Chapter 196. That email discussed the long-range goal of the CCB to fund and build a 100-bed in-patient treatment center and to implement an ankle monitoring program. The other “local leaders” involved were Donald Cherry, a Calloway Fiscal Court member and Jameson’s father-in-law, and David Berndt, a friend and philanthropist from Marshall County. No other persons served on the Board of Directors of the CCB until January of 2022, after the JCC began investigating Jameson. *But see* KRS 196.725 (“The community corrections board shall consist of not less than eight (8) members”).

However, the premise of Judge Jameson's email is a misrepresentation. The CCB was not created by Jameson until six weeks after his November 21, 2018 letter to Ms. Hosea, on December 31, 2018. When the CCB was formed, in fact, it showed Judge Jameson's control.

Judge Jameson was the incorporator of the CCB, as well as its initial registered agent, a named director, and CCB's President. The articles of incorporation were drafted by his staff attorney, Dominik Mikulcik, a Court of Justice employee, and the principal office of the corporation was Judge Jameson's judicial chambers in the Marshall County Judicial Center.<sup>23</sup> (JCC Hearing Exhibit 19 (CCB Articles of Incorporation)).

Judge Jameson testified that Court of Justice employee Dominik Mikulcik and circuit court intern Christine Pickett worked on CCB matters of their own volition, yet Judge Jameson was their appointing authority, direct supervisor, and responsible for their actions as employee and intern, respectively. The testimony of both Mikulcik and Pickett refuted Jameson's testimony. Both perceived that they were working on CCB matters as part of their employment duties for the judge. (Dominik Mikulcik testimony ("Mikulcik"), VR 10/19/22 at 8:54:06 – 8:54:49 and 8:55:40 – 8:58:12; Christine Pickett testimony ("Pickett"), VR 10/18/22 at 3:43:50 – 3:45:25)).

The JCC notes that Dominik Mikulcik asserted his Fifth Amendment rights and declined to answer most questions on direct examination regarding his participation in the creation and operation of the CCB. (*E.g.*, Mikulcik, VR 10/19/22 at 8:54:02 – 8:54:25 and 8:58:37 – 8:58:44 and 9:54:13 – 9:54:20 and 9:58:30 – 9:58:50 and 9:59:20 – 9:59:36). However, when examined by Commission members, Mikulcik acknowledged working on

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<sup>23</sup> The Articles foreshadowed Judge Jameson's potential for violating the Canons because the stated purposes of the corporation involved his engagement in legal matters that would involve individuals appearing before Judge Jameson in his court. (JCC Hearing Exhibit 19 (CCB Articles of Incorporation, Article VI – Purpose)).

CCB matters in conjunction with his employment as Judge Jameson's staff attorney. (Mikulcik, VR 10/19/22 at 9:56:57 – 9:58:20). Pickett testified that she worked on CCB matters during her internship in the fall of 2020 and later that year assumed her paid duties as the CCB's Director of GPS services, under the direct supervision of Judge Jameson in his office. (Pickett, VR 10/18/22 at 3:43:50 – 4:10:20).

Rule 2.10 requires a judge to supervise court staff, court officials, and others subject to the judge's direction and control so as to ensure they act in a manner consistent with the judge's obligations under the Code. Judge Jameson repeatedly attempted to hide from blame for his violations by testifying that Mikulcik, Pickett, and others he directed or "invited" to participate in his scheme did so voluntarily. Based on the totality of the evidence presented, and as delineated in the discussion of the separate Counts, the Commission found very little of Judge Jameson's testimony attempting to justify his conduct to be credible or supported by the evidence, other than when he admitted facts that, based on other evidence, simply could not be denied.

Prior to incorporating the CCB on December 31, 2018, and as early as July 11, 2017, Judge Jameson, operating from his judicial chambers, already began initiating contact directly with an ankle monitor manufacturer and vendor based in Illinois (Track Group), to obtain pricing and specifications for ankle monitors. (JCC Hearing Exhibits 23, 32, 41 (Email chain, Admin. Asst. Sarah Sager to Jameson, Aug. 2, 2017<sup>24</sup>) and JCC Hearing Exhibit 42

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<sup>24</sup> This is the last email of an email chain that began on July 11, 2017, and included Ed Brennen (Track Group representative), Colin Edmundson (law student working as clerk for Judge Jameson), Sarah Sager (administrative assistant to Judge Jameson), and Judge Jameson. By this email, Ms. Sager informed Judge Jameson that Ed Brennen of Track Group spoke "with Colin about the ankle monitors for Drug Court" and wanted to know when he and Judge Jameson could meet. (JCC Hearing Exhibit 41).

(Memo of meeting, Sarah Sager (organizer), August 16, 2017<sup>25</sup>)). Colin Edmundson was a law student working as a clerk in Judge Jameson's office that summer of 2017. (Mikulcik, VR, 10/19/22 at 8:48:57 – 8:50:05). On or before July 11 of that year, Mr. Edmundson conducted an online search for GPS ankle monitor providers and discovered Track Group. (JCC Hearing Exhibit 41 (Email, Ed Brennen to Colin Edmundson, July 11, 2017)). This led to an in-person meeting with a Track Group representative in Judge Jameson's "Marshall office" on August 16, 2017. (JCC Hearing Exhibit 42). The Track Group representative assured Judge Jameson that "your court would not need to purchase equipment. You would just pay a daily rate." (JCC Hearing Exhibit 41 (Email, Ed Brennen to Colin Edmundson, July 18, 2017)). That is, the ankle monitors would simply be rented to criminal defendants having cases in Calloway or Marshall Circuit Court, where Judge Jameson presided—just as defendants had been doing directly with private companies such as EnSite Solutions for many years but, under Judge Jameson's plan, CCB now would be the "middle-man" reseller.

As noted, Judge Jameson made personal appearances before both the Calloway and Marshall County Fiscal Courts in March 2019, first to advise those governmental bodies that they were not in compliance with KRS Chapter 67 regarding the use of GPS ankle monitors and second, to inform and influence the counties that the CCB he created could provide GPS ankle monitors for the counties. (JCC Hearing Exhibit 33). Specifically, Judge Jameson directly communicated to the fiscal courts that the product his CCB could deliver would result in a substantial monetary savings in the operation of their respective jails because, by

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<sup>25</sup> The meeting was organized by Sarah Sager, Judge Jameson's administrative assistant for 10:00 AM on August 16, 2017, in "Marshall office" of Judge Jameson. The meeting memo is titled "Meeting with Ed Brennen with Track Group (Ankle Monitor)" and the attendees, in addition to Mr. Brennen, were Judge Jameson, Sarah Sager, and Adam Sandefer.

being more affordable, more defendants could opt for ankle monitors rather than incarceration. (*Id.*).

In a follow-up email on May 11, 2019, sent to the county judge executives and county attorneys of Calloway and Marshall Counties, Judge Jameson attached a memo prepared by his staff attorney regarding the statutory requirements to operate “a proper GPS ankle monitor program.” (JCC Hearing Exhibit 61). In that memo, he recommended GPS ankle bracelet device specifications and other terms for the counties’ Request For Proposal (RFP) that would ensure the CCB would be the only bidder that could comply with all elements of the RFP.<sup>26</sup> This was the beginning of the most egregious of Judge Jameson’s conduct uncovered by the Commission—participation in a bid-rigging scheme for the benefit of the CCB, that Jameson was operating out of his judicial office in Marshall County.

The May 11, 2019, email from Judge Jameson provided detailed specifications for an ankle monitor manufactured by Track Group, which, as noted was a company based in Illinois that he had been working with since August of 2017. (*Id.*). At Judge Jameson’s invitation, the company’s representative, Ed Brennen, made a presentation to various county officials at the Marshall County Judicial Center on December 19, 2018. (JCC Hearing Exhibit 32).<sup>27</sup> Judge Jameson’s May 11, 2019, email encouraged county officials to go forward with

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<sup>26</sup> As addressed *infra*, at least one ankle monitor provider expressly stated its doubt that the fiscal courts ever intended “to receive competitive proposals from interested vendors . . .” (JCC Hearing Exhibit 40 (Letter, Ed Harrison, Dir. of Sales & Support, Buddi US LLC to Kenneth Imes, Calloway County Judge Executive, July 29, 2020)).

<sup>27</sup> As noted, *supra*, Ed Brennen was a direct sales representative of Track Group when contact was initiated through Judge Jameson’s office in 2017. Track Group manufactures ankle monitors. At some time prior to January of 2020, Brennen went to work for another company called Trac Solutions and continued to offer Track Group products to the CCB through his sales position there.

a bidding process, while simultaneously heralding the value and superiority of the Track Group product Judge Jameson knew CCB was going to utilize in its bid.

The Commission notes that on March 4, 2019, Judge Jameson, acting as circuit judge, received an email from Sondra Meeks, a representative of EnSite Solutions, a vendor that had provided ankle monitor services for many years to defendants in Marshall and Calloway Counties. An EnSite Solutions employee had heard Marshall County might be seeking a contract for ankle monitor services and Ms. Meeks wanted the Judge to know of EnSite Solution's interest in continuing the service it had been providing directly to defendants, but now under a county contract. Judge Jameson responded that same day, indicating he had made the fiscal courts aware of "statutory requirements" that were not being met. He did not disclose to Ms. Meeks that he was President of the CCB, now an EnSite Solutions competitor, plotting to provide ankle monitor services via Track Group products that he had been promoting to county officials. (JCC Hearing Exhibit 34).

As noted, the following day, March 5, Judge Jameson made a presentation to the Marshall County Fiscal Court, where he advised its members and the interested public that allowing a defendant to contract with a private company for an ankle monitor rather than with the county was not permitted by law. (JCC Hearing Exhibit 33). This was an intentional misrepresentation by Judge Jameson as there is no legal authority in Kentucky that precludes a private ankle monitoring company from contracting with a defendant for ankle monitor services. In fact, Calloway Circuit Clerk Linda Avery acknowledged in her testimony that, before the CCB monopolized the ankle monitoring program, the arrangement for ankle monitoring was "purely private between the inmate and the ankle monitoring company they elected." (Linda Avery testimony ("Avery"), VR 10/19/22 at 1:44:32 – 1:44:48). The circuit

clerks' offices never collected fees from the criminal defendants before the CCB existed; availability of monitors and payment of fees was negotiated directly between the inmate and the ankle monitoring company. (Tiffany Griffith<sup>28</sup> testimony ("Griffith"), VR 10/17/22 at 10:06:33 – 10:06:54). Whether the misrepresentation of the circumstance was intentional or incompetent, it worked to the benefit of Judge Jameson's personal interests in advancing his CCB plans; the advice he gave directly conflicted with his duties as a circuit judge.

After Judge Jameson's May 11, 2019, email to county officials providing performance and functionality information to be used for the RFP that favored Track Group and the CCB's bid, Judge Jameson obtained from Ed Brennen of Track Group "the specs we discussed[.]" (JCC Hearing Exhibit 35 (Email, Ed Brennen to Jameson, August 21, 2019)). All that needed to be done was to "edit[] out the lines that would prevent Track Group from being able to meet the RFP . . . ." (*Id.*). Judge Jameson then forwarded those ankle monitoring specifications to Calloway County Attorney Bryan Ernstberger for use in preparing an RFP that would favor the CCB's bid because he believed CCB would be the only bidder using the Track Group ankle monitors.<sup>29</sup> (JCC Hearing Exhibit 35 (Email, Jameson to Bryan Ernstberger, September 17, 2019)).

On January 13, 2020, Judge Jameson received a rough draft of the RFP from Ernstberger. Judge Jameson immediately forwarded the draft to Ed Brennen by email on January 13, 2020, for his review to "ensure that this RFP will not disqualify [bidders using] Track Group from bidding." (JCC Hearing Exhibit 46 (Email, Jameson to Ed Brennen, January 13, 2020)). Shortly thereafter, on January 16, 2020, in anticipation of the upcoming bid

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<sup>28</sup> Tiffany Griffith is the Marshall Circuit Clerk.

<sup>29</sup> *But see, infra*, footnote 40 and reference to another provider who had access to Track Group monitors.

process, the CCB and Track Group (Trac Solutions) entered into a Memorandum of Understanding and Agreement whereby the CCB would obtain Track Group products as needed in the operation of the CCB's ankle monitoring program. (JCC Hearing Exhibit 44 (Memorandum of Understanding, Jan. 16, 2020)).

Thereafter, the county attorneys provided Judge Jameson a final draft of the RFP for his review and approval before making it public. On July 7, 2020, Judge Jameson sent an email to both county attorneys, Ernstberger and Darnall, with the "final version" of the RFP attached for use in the counties' bid process. (JCC Hearing Exhibit 63 (Email, Jameson to Bryan Ernstberger, *et al*, July 7, 2020)). One day earlier on July 6, Ernstberger had sent Marshall County Attorney Darnall a copy of Calloway County's final version wherein he acknowledges Judge Jameson's approval. (JCC Hearing Exhibit 37 (Email, Bryan Ernstberger to Jason Darnall, July 6, 2020)). On July 14, 2020, Judge Jameson sent an email to both county attorneys, checking to see when the RFP would be published. Ernstberger promptly responded that the Calloway Fiscal Court was addressing the issue the next day. (JCC Hearing Exhibit 36 (Bryan Ernstberger to Jameson, July 14, 2020)).

On July 15, 2020, Don Cherry—a member of the Calloway Fiscal Court, Judge Jameson's father-in-law, and a member of the CCB's board of directors—made a motion during a meeting of the fiscal court to approve publication of the RFP for the GPS ankle monitor program. (Jameson Hearing Exhibit 17, Exhibit 3 (Fiscal Court Meeting Minutes, July 15, 2020)). The RFP was published in the local newspaper and mailed directly to potential vendors on July 21, 2020.

On Wednesday, July 22, 2020, Calloway County Deputy Judge Executive, Gina S. Winchester, sent an email to Judge Jameson with the attached RFP that had been submitted



by Ernstberger and approved at the Fiscal Court meeting the previous week. However, on July 21, 2020, Judge Jameson had sent to Ms. Winchester by email a different version of the RFP than was approved by the fiscal court. She noticed the differences and expressed concern, posing the question to Judge Jameson, “How can you submit a bid?” (JCC Hearing Exhibit 38 (Email, Gina Winchester to Jameson, July 22, 2020); JCC Hearing Exhibit 39 (Fiscal Court of Calloway County RFP)). Judge Jameson did not respond to Deputy Judge Executive Winchester to explain his overt participation, manipulation, and conflict of interest in the ankle monitor bid process. (JCC Hearing Exhibit 38 (“I am still very confused on where this document originated [.]” said Ms. Winchester, “and how you can submit a bid.”)).

Notwithstanding Judge Jameson’s direct involvement in the manipulation of the RFP bid process, he submitted the CCB’s bid to Calloway County on July 27, 2020. (JCC Hearing Exhibit 47 (Letter, Judge Jameson on behalf of CCB to Calloway County Judge Executive (Responsive bid to RFP), July 27, 2020)).

On July 29, 2020, Ed Harrison, a representative of one of the CCB’s competitor providers of ankle monitors, Buddi US, LLC, wrote to Calloway County Judge Executive Kenneth Imes saying he had an interest in responding to the RFP but also stating the obvious futility of doing so. (JCC Hearing Exhibit 40 (Letter, Ed Harrison to Calloway County Judge Executive Kenneth Imes, July 29, 2020); *see, supra*, footnote 26)). He expressed his doubts that the fiscal courts actually intended “to receive competitive proposals from interested vendors . . . because you have listed requirements that are specific to a device that is manufactured and available by only one Original Equipment Manufacturer (OEM). . . . No one but Track Group or their value[-]added resellers [such as the CCB Judge Jameson created] can submit a responsive proposal.” (JCC Hearing Exhibit 40 (Letter, Ed Harrison, Dir. of Sales

& Support, Buddi US LLC to Kenneth Imes, Calloway County Judge Executive, July 29, 2020)). County Attorney Ernstberger responded to the inquiry but did not disclose Judge Jameson's involvement in the bid process as the alter ego of CCB. (JCC Hearing Exhibit 40 (Email, Calloway County Judge Executive Kenneth Imes to Ed Harrison, August 6, 2020)). Buddi US, LLC, declined to bid on the project. (JCC Hearing Exhibit 40).

As a result of Judge Jameson's inappropriate and unlawful intervention in the bidding process, the CCB's bid was selected as the best bid by the Calloway and Marshall Fiscal Courts in August and September 2020, respectively. (JCC Hearing Exhibit 49 (Calloway County Fiscal Court Meeting Minutes, August 19, 2020)).

Upon obtaining the fiscal courts' approval of the CCB's bid proposal, Judge Jameson implemented the ankle monitoring program in both counties in November of 2020. The program was operated out of Judge Jameson's office in Marshall County until at least January of 2022. In conjunction therewith, Judge Jameson and CCB staff under his direct supervision, created rules, procedures, and forms for the operation of the ankle monitor program without the approval of the Chief Justice of the Kentucky Supreme Court. This included violation notice forms (JCC Hearing Exhibits 53, 54, 55, 56, and 57), which were filed in court records of pending criminal cases by CCB employees working out of Judge Jameson's office who at that time were not employed by the Court of Justice.<sup>30</sup>

These forms also included a form ankle monitoring services agreement executed by defendants upon payment of fees when the ankle monitor was installed. (JCC Hearing Exhibit 68; Jameson, VR 10/18/22 at 2:59:00 – 2:59:28)). These agreements were signed by Judge Jameson as President of the CCB, in direct conflict with his duties as Judge of the 42<sup>nd</sup> Judicial

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<sup>30</sup> See Final Hearing testimony of Christine Pickett and Sarah Gipson.

Circuit, having ordered the defendants into the ankle monitoring program he still operated out of his office. Judge Jameson appears to have been oblivious to this obvious conflict, or simply ignored it, until a Commission member posed this question from the viewpoint of a layperson just ordered by Judge Jameson to wear, and pay for, an ankle monitor:

JCC Member: When I get down to the jail, and I get that ankle monitor slapped on my ankle, and I turn over [the CCB ankle monitor agreement] and I see that where I sign is right below the signature of “James Jameson, Corrections Board President”—don’t you think that’s going to make me think, “Golly, isn’t that the guy that just sentenced me?”

Jameson: I—I don’t know.

JCC Member: So, I’m going to be paying money to the [Circuit] Clerk because I have to sign an agreement about this ankle monitor, and the agreement I have is with the guy who just ordered that I put it on.

Jameson: I guess the thought was that it was, uh, essentially, uh, be like an order that—

....

JCC Member: But don’t you see how, from a layperson’s point of view, it would seem awfully uncomfortable that somebody who had control over my liberty, I have to pay him money to have access to that liberty?

Jameson: I do, I do . . . I can see where that would be a reasonable perception.

(Jameson, VR 10/18/22 at 300:13 – 3:02:21).

Although Judge Jameson testified that the AOC was on board with his ankle monitor program and with his involvement in the CCB as has been described, the record does not bear that out as being truthful. The evidence reflects that AOC actually communicated to Jameson as early as December 4, 2018, that the agency could not provide “definitive

answers” regarding his GPS ankle monitoring proposal. (JCC Hearing Exhibit 51). And, as noted, Judge Jameson admitted under oath that he never requested or obtained a written opinion from the Kentucky Judicial Ethics Committee (JEC) regarding his involvement in the program. (Jameson, VR 10/18/22 at 11:10:07 – 11:10:20).

Judge Jameson also admitted he did not review the discipline order in *In Re the Matter of Timothy A. Langford*, dated April 2, 2018, published on the Court of Justice website. Even though Judge Jameson claimed he and Judge Langford are friends, he said he never spoke with him nor did he otherwise learn that Judge Langford agreed to a 60-day suspension in response to charges that included operation of a CCB ankle monitor program out of the judge’s office while utilizing Court of Justice resources and employees. (Jameson, VR 10/18/22 at 10:52:58 – 10:54:25).

Judge Jameson also testified that Chief Justice John D. Minton, Jr., had approved circuit judges being involved in administering GPS ankle monitoring programs through a CCB and further acquiesced in the judge’s involvement with the funding and building of an in-patient drug treatment facility in Marshall or Calloway Counties. (Jameson, VR 10/17/2022 at 5:13:39 – 5:14:00 and 5:15:42 – 5:15:58; Jameson, VR 10/18/22 at 11:08:00 – 11:08:57).

Judge Jameson specifically relies on a report issued through the Chief Justice’s office in March of 2021 styled “Recovery Oriented Systems of Care: Needs and Opportunities for Kentucky’s Court System” (ROSC). (Judge Jameson Hearing Exhibit 7). The Commission thoroughly reviewed this report and can find no reference or direction by the Chief Justice to circuit judges that would authorize or approve judges in Kentucky to operate a GPS ankle monitoring program out of their offices or their engagement in fundraising and related activities to build a drug treatment center in their respective counties. Similarly, the

resource guide attached to Chief Justice Minton's email dated July 26, 2021, sent to all Kentucky judges, and relied upon by Judge Jameson (see Jameson Hearing Exhibit 13), makes absolutely no reference to judges' involvement in the building of in-patient drug treatment centers.

We note that the report and resource guide upon which Judge Jameson claims as evidence of Chief Justice Minton's approval were not created until 2021, at least four years after Judge Jameson began efforts to carry out his "dream" of a treatment facility. Chief Justice Minton was listed on Judge Jameson's witness list but was not called as a witness at the hearing. Simply put, there is not a shred of evidence in the record that the Chief Justice approved Judge Jameson's conduct despite his testimony to the contrary.

Equally disturbing, when Judge Jameson asked AOC if the Calloway and Marshall Circuit Clerks could collect ankle monitoring fees from defendants in the program, the Office of General Counsel responded, "**No, we do not recommend it.**" (JCC Hearing Exhibit 51 (emphasis original)). But Judge Jameson persuaded the circuit clerks to ignore that strong recommendation, and they collected the fees anyway. (Linda Avery testimony ("Avery"), VR 10/19/22 at 2:26:15 – 2:28:25; Tiffany Griffith testimony ("Griffith"), VR 10/17/22 at 10:09:33 – 10:10:31).

The final component of Judge Jameson's scheme involved the improper use of the CCB to raise funds with the idea that someday an in-patient drug treatment center would be constructed in the 42<sup>nd</sup> Circuit. In late 2020, the Fletcher Group, Inc., agreed to assist Jameson's CCB in raising funds and seeking grants to fund the project. That project became known as "Re-Life" and Judge Jameson improperly promoted it as part of the CCB's operations, in total contravention of the post-conviction purposes for community

corrections programs set out in KRS 196.705. To bring his “dream” closer to fruition, Judge Jameson immediately began planning a major fundraising event for the Re-Life project that was held on May 20, 2021, at a church in Benton, Kentucky. (JCC Hearing Exhibit 48 (Email chain, Jameson to Jack Telle, *et al*, Dec. 4, 2020) (The event was originally scheduled for April 29, 2021)).

To begin this effort, Judge Jameson recruited a CCB employee to make follow-up solicitations from donors who pledged donations prior to the fundraiser event. (JCC Hearing Exhibit 27 (Email, Christine Pickett to Jameson, March 19, 2021)). Judge Jameson offered the employee a contingency fee based on the amount of money she collected on the CCB’s behalf. (*Id.*). He further acknowledged in his March 19, 2021, email that his fundraising involvement and conduct was awkward ethically, stating, “I’m not sure it’s actually a violation of judicial [e]thics, it’s certainly up against the line at least.” (*Id.*). Notwithstanding that these fundraising activities were orchestrated from Judge Jameson’s chambers at the Marshall County Judicial Center, he clearly knew what he was doing was ethically suspect at best, yet he took no step to obtain an ethics opinion from the JEC regarding his actions before going forward with his fundraising efforts.

Judge Jameson also directed the creation of the Re-Life website for the CCB for the sole purpose of soliciting online donations. (JCC Hearing Exhibit 17 (Re-Life website screenshots)). The website, highlighting Judge Jameson’s position as a judge, promoted his dream for Re-Life. He is the only person referenced in the online solicitation. (*Id.*). In further violation of the Code of Judicial Conduct, on May 10, 2021, Judge Jameson sent an email solicitation from his state email account to several hundred persons, many of whom were attorneys and local government leaders, encouraging them to attend the Re-Life fundraiser

on May 20, 2021. (JCC Hearing Exhibit 29 (Email, Jameson to Mary Groves, *et al*, May 10, 2021)). Judge Jameson admitted at the hearing that he should not have referenced the fundraising event in his email. (Jameson, VR 10/18/22 at 10:55:00 – 10:56:35).

In addition, Judge Jameson was featured in a radio advertisement that aired throughout the region promoting the fundraiser. (JCC Hearing Exhibit 31 (audio of the radio ad that aired)). Judge Jameson testified that he was not responsible for producing the radio ad, yet a copy was provided to him by the general manager of the radio station on May 13, 2021, prior to the ad airing. (JCC Hearing Exhibit 30 (Email, Jameson to Tiffany Griffith, May 14, 2021)). Judge Jameson did not protest or object to the radio station's use of his name and judicial office in the ad. Instead, on May 14, 2021, he immediately forwarded the ad by email to at least a dozen local leaders and attorneys, encouraging them to listen to the ad. (*Id.*).

Judge Jameson was also aware of a multi-color promotional flyer purportedly prepared by the Fletcher Group that circulated throughout the region before the fundraising event. (JCC Hearing Exhibit 62 (Re-Life flyer)). This flyer featured Judge Jameson's picture, identified his judicial office, and included a personal quote from Judge Jameson promoting the fundraising efforts of the CCB to build the in-patient drug treatment center. Again, at no time did Judge Jameson object, protest, or seek to discontinue the use of his picture or judicial office in the fundraising effort. In fact, he personally distributed the flyer by email on May 10, 2021, to attorney Glenn Denton in Paducah, Kentucky, with a personal message promoting the fundraiser and encouraging his attendance. (JCC Hearing Exhibit 76 (Email, Jameson to Glenn Denton, May 10, 2021)). A reasonable inference can be drawn from this and other facts that Judge Jameson circulated the flyer to many more persons throughout the region before and after the event. This fundraiser alone raised over \$100,000 and Linda

Avery, Calloway Circuit Clerk and CCB Treasurer, testified the CCB is currently holding in its bank account from \$60,000 to \$100,000. (Avery, VR 10/19/22 at 2:46:50 – 2:48:20).

Perhaps the best summary of Judge Jameson's scheme to improperly create and utilize the CCB for improper purposes is set out in his December 4, 2020, email to Calloway District Judge Randall Hutchins and Marshall County District Judge Jack Telle. (JCC Hearing Exhibit 48). In that email, Judge Jameson lays out his entire plan to form the CCB to provide ankle monitoring, to mandate the counties create GPS ankle monitoring programs requiring public bids, to rig the bid process to ensure the CCB bid is selected as the ankle monitor provider, and to engage in fundraising through the CCB to build an in-patient drug treatment center. The email also outlines the numerous distortions and misrepresentations as testified to by Judge Jameson to justify his unquestionably unethical behavior throughout the entire process. Presumably, due to the obvious questionable ethical propriety of Judge Jameson's actions, neither District Judge who serves in Judge Jameson's circuit agreed to serve on the CCB's Board of Directors and were not otherwise involved with the CCB. There is no evidence that either judge utilized the CCB ankle monitors in their respective courts.

When the Commission's counsel questioned Judge Jameson at length regarding what counsel considered defiance of the judicial Canons and his improper conduct pertaining to the CCB, Judge Jameson said this: "Rules are not bright as far as bright line. None of them. And anything a judge does in my opinion in a single day at some point is going to run afoul of an ethics rule somewhere." (Jameson, VR 10/17/22 at 4:41:20 – 4:41:33). Nothing could be farther from the truth. Judge Jameson's recalcitrance and total disregard for his duties under the Code of Judicial Conduct is clearly reflected in this testimony and his conduct dating back to 2017. Rather than accept responsibility for his improper conduct, his



testimony reflects nothing more than distortions and misrepresentations in an attempt to justify his actions. Contrary to his testimony about “recent” revisions to the Code relaxing in a way that would permit his conduct, the reality is that there have been few substantive revisions to the Code of Judicial Conduct in more than thirty years and there is nothing in the Code that would justify his conduct in forming and operating a CCB out of his office for an improper purpose or using the prestige of his office to orchestrate an elaborate scheme to rig a public bid process for the benefit of his CCB.

### **ABUSE OF CONTEMPT POWERS, TEMPERAMENT, AND OTHER MATTERS**

Even as it investigated, the Commission received additional complaints regarding Judge Jameson’s abuse of the contempt power, including regularly threatening sanctions against courtroom participants during proceedings in court cases. At the Temporary Suspension Hearing on August 12, 2022, the Commission reviewed video records from several such cases over which Judge Jameson presided, including these: *Commonwealth v. Richard Hoefle*, 18-CR-00029 (Marshall Cir. Ct.); *Commonwealth v. Danny Dale*, 19-CR-00210 and 19-CR-00211 (Marshall Cir. Ct.); *Commonwealth v. William McAlpin*, 17-CR-00004 (Marshall Cir. Ct.); and proceedings on November 10, 2020, involving Deputy Jailer Sean Gourd.<sup>31</sup> In each of these cases, Judge Jameson abused his contempt power and exhibited a complete lack of patience and dignity by threatening to find or by actually holding a defendant’s relative, attorneys, defendants, and Deputy Gourd in contempt.

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<sup>31</sup> Video of the court proceedings for each matter was presented and played without objection during the Temporary Suspension Hearing and introduced into evidence at the Final Hearing. (See JCC Hearing Exhibits 6 and 7 for the Hoefle case, Exhibits 8 and 9 for the Dale case, Exhibits 10 and 11 for the McAlpin case, and Exhibits 12, 13, and 14 for the Deputy Sean Gourd matter).

Compared to the behavior the Canons demand of judges, the egregiousness of Judge Jameson's conduct shocks the Commission's collective conscience. It is difficult to say which of the examples in this record is the more egregious abuse of the contempt powers. However, one court episode in which Judge Jameson ordered a gallery spectator arrested, handcuffed, and incarcerated also included demonstrations of the judge's lack of judicial temperament, inclination to abuse the power of his office, instinct for retaliation, and disrespect for due process protections. It is the criminal contempt case of *Commonwealth v. Richard Hoefle*, 18-CR-00029 (Marshall Cir. Ct.).

All the elements of Mr. Hoefle's alleged crime were captured on courtroom video as Judge Jameson conducted a post-conviction proceeding involving Mr. Hoefle's granddaughter, Anastasia Dean. (JCC Hearing Exhibits 6 and 7 (Courtroom video of Judge Jameson's conduct holding Richard Hoefle in contempt); *Commonwealth v. Anastasia Dean*, 15-CR-00028 (Marshall Cir. Ct.)). To understand how Judge Jameson came to hold Mr. Hoefle in contempt, it is necessary to describe parts of his granddaughter's probation revocation hearing and how it occurred.

To be clear, we are not questioning the propriety of Judge Jameson's ruling in Ms. Dean's case. We describe the hearing because it shows how Mr. Hoefle, not trained in the law, reacts to those circumstances and how he viewed Judge Jameson's conduct from a layperson's perspective. It also shows how Judge Jameson reacts to Mr. Hoefle.

Ms. Dean's original prosecution in Marshall Circuit Court was for theft by unlawful taking and possession of a controlled substance. (*Commonwealth v. Anastasia Dean*, 15-CR-00028 (Marshall Cir. Ct.)). She was granted pre-trial diversion on October 21, 2015.

A traffic stop on March 3, 2017, for improper signaling resulted in a charge of first offense driving under the influence. Soon afterward, she learned she was pregnant and her conviction on the DUI charge was delayed until after she gave birth in October 2017. She pleaded guilty on December 12, 2017, and the offense was conditionally discharged. (*Commonwealth v. Anastasia Dean*, 17-T-00940 (McCracken Dist. Ct.)). However, the DUI conviction was properly reported to Marshall County authorities. Ms. Dean was taken into custody and a date scheduled to entertain the Commonwealth's Attorney's motion to void pre-trial diversion.<sup>32</sup>

Because Ms. Dean was breastfeeding, her counsel tried to expedite matters. According to her counsel, "she [Ms. Dean] was put on the docket today . . . on short notice for us to request the court to allow her out . . . basically to get her out so she can keep breastfeeding her child." (JCC Hearing Exhibit 6 at 3:14:33 – 3:14:55).

Multiple family members accompanied Ms. Dean to court, including her grandfather, Richard Hoefle, who carried Ms. Dean's child, his great-grandchild, in a baby carrier.<sup>33</sup> "Her family is here, her baby is here," explained her counsel. "She is willing to do Riverwoods,"

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<sup>32</sup> Judge Jameson discussed the following information about Ms. Dean's convictions during the probation revocation hearing. The original charge against Ms. Dean was theft by unlawful taking and possession of a controlled substance. She was granted pre-trial diversion on October 21, 2015. (*Commonwealth v. Dean*, 15-CR-00028 (Marshall Cir. Ct.)). Among the typical conditions of her probation was her agreement to refrain from using or possessing drugs or alcohol. On March 3, 2017, while she was driving, police officers stopped her for improper signaling to turn; she was also cited for failure to produce proof of insurance and failure to wear a seat belt. (*Commonwealth v. Dean*, 17-T-00940 (McCracken Dist. Ct.)). During the stop, the officer suspected Ms. Dean of being under the influence and she acknowledged as much. She agreed to a blood test that confirmed it. Delays in her case postponed her guilty plea until December 12, 2017, after she delivered her baby. Notice of the guilty plea was given to Ms. Dean's probation officer and Judge Jameson reopened the case on January 4, 2018, to adjudicate the allegations she violated the terms of her probation/diversion. (JCC Hearing Exhibit 6 at 3:16:38 – 3:19:12 (Judge Jameson reviewing Ms. Dean's case history)).

<sup>33</sup> Mr. Hoefle and his wife raised Ms. Dean after her mother abandoned her when she was four years old and her father died of cancer. (JCC Hearing Exhibit 7 at 5:13:40 – 5:13:50).

her counsel continued as a snicker can be heard from the bench.<sup>34</sup> (JCC Hearing Exhibit 6 at 3:14:58 – 3:15:06). “She has full family support,” said her counsel, “and they are willing to go to Riverwoods and pay that money for her.” Pointing to Mr. Hoefle, Ms. Dean’s counsel informed Judge Jameson that “Her grandfather is in court today and says he has the money and is willing to pay it right now.” (JCC Hearing Exhibit 6 at 3:15:22 – 3:15:34).

“I don’t know why we can’t just go ahead and resolve the issue,” Judge Jameson responded. “I see no reason not to just go forward with the revocation hearing.” (JCC Hearing Exhibit 6 at 3:16:20 – 3:16:34).

After describing Ms. Dean’s history with the judicial system, Judge Jameson then initiated a conversation with Mr. Hoefle who had yet to utter a word. He asked Mr. Hoefle, “Sir, were you aware of that? That she was using drugs while she was pregnant with that baby?” (JCC Hearing Exhibit 6 at 3:18:57 – 3:19:02). Ironically, Judge Jameson would later tell Mr. Hoefle that “having a back and forth [with the judge] is just not appropriate decorum.” (JCC Hearing Exhibit 7 at 5:12:48 – 5:12:53).

Counsel explained to the court that Ms. Dean was unaware she was pregnant when she last used drugs, (JCC Hearing Exhibit 6 at 3:19:06 – 3:19:13), but Mr. Hoefle answered, “No, sir.” (JCC Hearing Exhibit 6 at 3:19:02 – 3:19:04).

Judge Jameson then made a finding that Ms. Dean violated the conditions of her supervision. Ms. Dean’s counsel made a final plea for her release.

Counsel: I think that the big thing is, moving forward, trying to get her treatment so that she can take care of that baby. . . . I was contacted by several people from probation and parole about her. I think that they are not done with her. They think that she is

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<sup>34</sup> See, *supra*, footnote 4, and accompanying text describing the Riverwoods Recovery program and Judge Jameson’s role in it.

still amenable to supervision and to the services that they can provide.

And so, I would just really beg the court to please consider allowing her back out to do the Riverwoods program.

(JCC Hearing Exhibit 6 at 3:19:12 – 3:20:03).

The Commonwealth's Attorney was willing to go along with in-patient treatment but was open to the possibility of out-patient services, stating, "Of course, I'd like to hear from the [probation] officer. I haven't heard what the officer's looking for." (JCC Hearing Exhibit 6 at 3:20:02 - 3:20:41). The probation officer recommended Ms. Dean's participation in the MRT program, increased supervision, and participation at Riverwoods Recovery as an alternative to incarceration.<sup>35</sup> The Commonwealth's Attorney acquiesced but Judge Jameson disagreed.

Comm. Atty.: If that's what the [probation] officer thinks is best, we'll—

Judge Jameson: That's not what she said. She said if she's going to get out. She didn't say that's what she thought was best.

(JCC Hearing Exhibit 6 at 3:20:54 – 3:21:05).

After Judge Jameson stated local precedent for the immediate revocation of Ms. Dean's probation, the Commonwealth agreed with the judge. Judge Jameson did say,

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<sup>35</sup> Court personnel (off camera) said the probation officer was unavailable. "Shamika is gone, her daughter had a doctor's appointment, but she said if she [Ms. Dean] was back out we would recommend her for the MRT program [Moral Reconciliation Therapy] and increase her supervision and then she would also be in Riverwoods Recovery." (JCC Hearing Exhibit 6 at 3:20:41 – 3:20:54). Moral Reconciliation Therapy "targets an offender's belief system and attempts to raise their level of moral reasoning in their decision-making process." This description is from the Kentucky Department of Corrections website describing programs to ensure offenders receive educational courses, programming, and reentry services to support a successful return to the community. <https://corrections.ky.gov/Divisions/programs/Documents/2022/Quarter%202/COMM%20Cognitive%20Behavioral%20Programs.pdf>

however, there was a possibility of shock probation “if she were to get a bed in a reliable in-patient treatment facility.” He also made specific recommendations, including Chrysalis House where she would be permitted to have her child with her. (JCC Hearing Exhibit 6 at 3:21:40 – 3:22:06). “For now,” said Judge Jameson, “her sentence will be reinstated and she’ll be remanded to the Department of Corrections . . . and be eligible to file for shock [probation] thirty days from today.” (JCC Hearing Exhibit 6 at 3:22:26 - 3:22:38).

The Commission reiterates that it expresses no qualms regarding Judge Jameson’s decision in Ms. Dean’s case. However, what follows forms the evidentiary basis for finding Judge Jameson’s abuse of his contempt powers.

After Judge Jameson revoked Ms. Dean’s probation, as the courtroom is quiet, Mr. Hoefle continued the conversation Judge Jameson had begun with him.

Mr. Hoefle: Please, sir.

Judge Jameson: I’m sorry?

Mr. Hoefle: Are we done here?

Judge Jameson: Yes.

Mr. Hoefle: She’s not going to come home as I understand it?

Judge Jameson: No, I’m reinstating her prison sentence.

Mr. Hoefle: And what do I do with the child who is breastfeeding, sir?

Judge Jameson: Well, if you can’t take care of her, sir, then you need to turn it over to the state.

Mr. Hoefle: Not a chance.

Judge Jameson: Okay.

Mr. Hoefle: Not a chance.

(JCC Hearing Exhibit 6 at 3:22:41 – 3:23:06). The courtroom remained silent for about ten seconds as Mr. Hoefle began leaving the courtroom, still with the baby carrier on his arm, and he can be heard saying, “Please don’t expect my vote next election.” (JCC Hearing Exhibit 6 at 3:23:16 – 3:23:18).

Before Mr. Hoefle finished his short sentence, Judge Jameson reflexively barked two orders—one to Mr. Hoefle and a second to a deputy sheriff: “Sir come up here. Deputy, get him now.” (JCC Hearing Exhibit 6 at 3:23:17 – 3:23:20). Judge Jameson then repeated: “Stop! Come up here.” (JCC Hearing Exhibit 6 at 3:23:22 – 3:23:24).

Before the deputy reached him, Mr. Hoefle turned around and made his way back to the front of the gallery where the following discussion took place.

Mr. Hoefle: I don’t think you’re being—I just don’t think it’s very fair—

Judge Jameson: I am.

Mr. Hoefle: —I don’t think it’s very fair.

Judge Jameson: We can, maybe we talk about that in a little while. Put him in custody. I’m holding him in direct contempt. Sit him next door.

Mr. Hoefle: I’m not going to go into custody.

Judge Jameson: Yes, you are.

Mr. Hoefle: I don’t have a right to say my, my—

Judge Jameson: Yes, you are.

Mr. Hoefle: —my feelings?

Judge Jameson: Deputy, enforce the order.

Mr. Hoefle: I don’t think you’re being very fair. You’re being like—you know who you’re punishing? You’re

not punishing my granddaughter. You're punishing that poor baby.

[A deputy gently takes the baby carrier and delivers the child to another family member]

Judge Jameson: Enforce the order, gentlemen.

Mr. Hoefle: You're punishing that poor baby.

Deputy: [quietly to Mr. Hoefle] C'mon the judge is waiting. I know you're upset.

Mr. Hoefle: I'm not upset.

Judge Jameson: Who's next?

Mr. Hoefle: [whispering to his granddaughter] What a joke.

Judge Jameson: That's a second count of contempt right there. So, that's two six months. That's one year.

(JCC Hearing Exhibit 6 at 3:23:24 - 3:24:30).

Approximately two hours later, Mr. Hoefle was brought in handcuffs from a holding cell to the courtroom where Judge Jameson proceeded to conduct what amounted to a sentencing hearing, without counsel present for Mr. Hoefle. Nothing in the record reflects that Mr. Hoefle was read his rights or advised he was entitled to counsel. The judge then proceeded to conditionally discharge the 360-day contempt sentence for a period of two years provided Mr. Hoefle had no other outbursts or law violations. (JCC Hearing Exhibit 7; *Commonwealth v. Richard Hoefle*, 18-CR-00029 (Marshall Cir. Ct.)).

Mr. Hoefle left the courtroom with a criminal record.<sup>36</sup>

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<sup>36</sup> What is perhaps most troubling is Judge Jameson's verbal order to the Circuit Clerk to open two "CR" cases for contempt against this gentleman. (JCC Hearing Exhibit 7 at 5:15:01 – 5:15:27). A review of Kentucky CourtNet does indeed show a record of two counts of a "CR" conviction, recorded as if he pleaded guilty to a felony charge of contempt, and one has to wonder if he will be permitted to vote before going through the steps to prove himself not to be a convicted felon.



At the temporary suspension hearing, Judge Jameson testified about the incident in a way that dramatically misrepresented what happened. He said:

Judge Jameson: He was a big guy. He got physical. The disadvantage of these videos in these situations is the camera's on me. So, you don't really get a good shot of what's going on out there and what the defendants are doing or whomever it might be, and he got kind of physical. The bailiff's trying to get hold of him. He's tearing away. So, it wasn't just words. And all we did was just hold him till he had time to cool off.

(Jameson, VR 8/12/22 at 4:05:37 - 4:06:18). But the multiple cameras in the courtroom, contrary to Judge Jameson's statement, do record activity in the gallery. They did in this case.

Judge Jameson's testimony at the Temporary Suspension Hearing was proven false by the video record. When Judge Jameson summoned Mr. Hoefle, he turned and met the two deputies at the rail. Mr. Hoefle was still holding the baby carrier. Neither deputy even touched Mr. Hoefle. Mr. Hoefle cooperated even to the point of calmly handing the baby carrier to one of the deputies to take to the back of the courtroom and give to another relative. Far from their interaction being physical, the two deputies simply walk inside the rail and Mr. Hoefle obediently follows them to sit next to his granddaughter. (JCC Hearing Exhibit 6 at 3:23:23 – 3:24:24). Judge Jameson also knew Mr. Hoefle was in his late sixties, having obtained his birthdate at the hearing and he also heard Mr. Hoefle tell a deputy he suffered from COPD. (JCC Hearing Exhibit 7 at 5:12:01 – 5:12:07; JCC Hearing Exhibit 6 at 3:24:20 – 3:24:24).

Judge Jameson's testimony on this point, and many others,<sup>37</sup> was so easily disprovable that it eventually called into question the veracity of his testimony every time he represented a fact to the Commission. As for this specific instance of the way Judge Jameson exercised his judicial authority, the Commission finds it emblematic of the judge's misguided approach to the role and responsibilities demanded of judges in the Commonwealth, or anywhere. This conduct justifies the sanctions we impose by this Order. But the record shows this is not an isolated incident.

In the proceeding involving Marshall County Deputy Jailer Sean Gourd in November of 2020, Judge Jameson became upset during a court session when he was advised by a bailiff that a defendant he had earlier ordered to jail would not be admitted to the jail by the deputy jailer due to Covid restrictions. The judge interrupted his court docket by declaring a recess and proceeded to direct a deputy sheriff to take the deputy jailer into custody. The deputy jailer's alleged contempt was not committed in Judge Jameson's presence and so he deemed the deputy jailer's conduct to constitute "civil contempt." Nevertheless, Judge Jameson ordered the deputy sheriff to take the deputy jailer into custody.<sup>38</sup> Shortly thereafter, Judge

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<sup>37</sup> For example, Judge Jameson also testified that Mr. Hoefle was now grateful for what Judge Jameson did because "that actually turned out that that granddaughter [Ms. Dean] went to drug court, graduated, and is doing very, very well and that grandfather [Mr. Hoefle] considers himself a buddy of mine." (Jameson, VR 8/12/22 at 4:04:52 – 4:05: 03). But Mr. Hoefle did not testify on behalf of Judge Jameson at either hearing. Furthermore, Judge Jameson misrepresented knowing how well Ms. Dean was doing either intentionally or recklessly because her record contradicts any representation that she is now on the right path. See *Commonwealth v. Anastasia Dean*, 21-F-00045 (Graves Dist. Ct.) (charged 01/18/21 with possession of a controlled substance, possession of drug paraphernalia, promoting contraband); *Commonwealth v. Anastasia Dean*, 21-F-00208 (McCracken Dist. Ct.) (charged 3/06/21 with operating motor vehicle under the influence, criminal mischief, wanton endangerment) (bound over and charges dismissed, *Commonwealth v. Anastasia Dean*, 21-CR-00336 (McCracken Cir. Ct. Sept. 20, 2021)); *Commonwealth v. Anastasia Dean*, 21-CR-00281 (Graves Cir. Ct.) (charged 8/13/21; convicted of possession of a controlled substance, promoting contraband, being a persistent felony offender).

<sup>38</sup> While Judge Jameson disputed the claim that he had directed the deputy sheriff to take the deputy jailer into "custody," the deputy jailer was no doubt brought in handcuffs into the courtroom and remained in handcuffs for the entire hearing.

Jameson conducted a *sua sponte* hearing to adjudicate the deputy jailer's alleged contempt charges. The deputy jailer was in handcuffs, without counsel, and had indicated on the record to the judge that his retained counsel was on the way to the courthouse. Nevertheless, Judge Jameson did not wait. Upon contacting the jailer by phone, the judge proceeded to conduct a hearing, admonished the jailer and deputy jailer, and ultimately released the deputy jailer from custody.

At Judge Jameson's Temporary Suspension Hearing, the day long proceeding included testimony from attorney Lisa DeRenard and others that established Judge Jameson used his influence and the prestige of his judicial office to pressure persons to donate or support his political campaign, including Attorney DeRenard. Her testimony was credible, and the substantial evidence presented was sufficient to clearly and convincingly persuade the Commission that Judge Jameson violated the applicable Canon.

It bears noting that nearly all questioning of Judge Jameson throughout these proceedings resulted in his token acknowledgement of the behavior, while denying any personal responsibility or wrongdoing on his own part. For example, Judge Jameson attributed nearly all the improprieties related to fundraising to the Fletcher Group. Similarly, when he emailed a color flyer featuring a photograph of himself and his quote by using his official email, to what appeared to be the local bar members, and others, in the Calloway and Marshall County area, he claimed to have been unaware the flyer was attached to his email, denied making the quote attributed to him on the flyer, and claimed he did not provide the photograph to the Fletcher Group to attach to the flyer, but merely mentioned to a Fletcher Group representative that "a google search" would find his likeness.

The Commission remains greatly concerned, based upon statements by Judge Jameson to date, that leave the clear message he intended to continue his actions and efforts as he always has for as long as he holds judicial office. He fails to acknowledge the impropriety of any of his actions or how his acts violate the Canons and drastically deviate from his constitutional role as a judge.

And, yet, these Findings of Fact must still address further abuses, addressed in detail in the discussions of the specific Counts that follow.

Based upon clear and convincing evidence presented at the hearings, the individual misconduct claims against Judge Jameson are of significant concern and present numerous, serious transgressions, and a pattern of improper conduct based on his self-declared “pipe dream” of the CCB enterprise after he was previously admonished regarding the potential issues such actions create for a sitting judge and the limits created by the constitutional role of judge, and that such are violations of the Rules of the Kentucky Code of Judicial Conduct.

Collectively, the misconduct claims against Judge Jameson established at the Temporary Suspension Hearing and the Final Hearing justify the severe but necessary disciplinary action against him as set forth below.

#### **IV. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The Judicial Conduct Commission concludes the following Findings of Fact and Conclusions of Law have been established by clear and convincing evidence.

At all relevant times, Judge Jameson was the Circuit Court Judge for Kentucky’s 42nd Judicial Circuit consisting of Calloway and Marshall counties.

### **Count I**

Based upon the totality of the evidence presented, and following significant deliberation by the Commission, by a vote of 5-0, the Commission finds with respect to Count 1 that the Respondent, Judge James T. Jameson, committed the acts as follows:

Judge Jameson 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 himself as Circuit Judge from his duties at CCB, creating the appearance of impropriety to the public.

As supported by Judge Jameson's admissions as set out in his email to AOC, the Community Corrections Plan he drafted, and the testimony of Christine Pickett and Linda Avery, Judge Jameson created the CCB for an improper purpose (to operate a GPS ankle monitor program out of his office and to raise money to build an in-patient drug treatment center) contrary to KRS 196.705. (JCC Hearing Exhibits 23, 24, and 48; Pickett, VR 10/18/22 at 3:40:00 – 4:10:20; Avery, VR 10/19/22 at 1:34:40 – 2:19:05)). When questioned under oath about his lack of compliance with the statutes governing the formation of the community corrections board, Judge Jameson repeatedly testified that this was not "that" type of a community corrections board but was merely a Kentucky nonprofit corporation that took the name "community corrections board." (Jameson, VR 10/18/22 at 10:21:45 – 10:26:00); *but see* KRS 196.725 ("Community corrections boards shall be organized as nonprofit corporations under KRS Chapter 273."). As such, he testified that the CCB was a "status" only, not required to comply with applicable statutes. (Jameson, VR 10/18/22 at 10:21:57 – 10:24:20). But in correspondence with various entities and individuals, including AOC, the Secretary of State, county governments, ankle monitor vendors, circuit clerks,

county attorneys, and other government agencies, Judge Jameson repeatedly held out the CCB as “a community corrections board” as if formed in compliance with KRS 196.700, *et seq.*, and not merely a nonprofit corporation. (JCC Hearing Exhibits 19, 20, 29, 47, 48, 51, and 66). In summary, Judge Jameson created an entity that, when it suited his need or desire, he represented was properly formed and operated; but when he recognized statutory noncompliance made his enterprise vulnerable to challenge, he claimed the CCB was just another not-for-profit entity and community corrections program eligibility for grants was just a “status” any entity could satisfy. In fact, his unique version of a community corrections board failed to comply with the applicable statutory requirements, including KRS 196.715, KRS 196.720, and KRS 196.725. The creation of the CCB for an improper purpose and operated within the judge’s office by Judge Jameson was outside the scope of Judge Jameson’s judicial duties and responsibilities as circuit judge and constitutes an improper use of judicial resources, including his office and office staff.

In the creation and development of the CCB ankle monitoring program, Judge Jameson admitted he or persons under his supervision, including CCB staff, developed procedures, local rules, and forms for the operation of the CCB ankle monitoring program from his office without approval of the Chief Justice of the Kentucky Supreme Court as required under SCR 1.040(3). (Jameson, VR 10/18/22 at 1:56:36 – 1:58:00; JCC Hearing Exhibits 53, 54, 55, 56, and 57). When questioned under oath at the hearing about proceeding without benefit of Kentucky Supreme Court approved local rules, Judge Jameson testified he had submitted two sets of local rules, neither of which were approved by the Chief Justice. (Jameson, VR 10/18/22 at 1:56:36 – 1:57:51). This lack of authority was, in

effect, a warning that Judge Jameson should not proceed; despite such warning, Judge Jameson moved forward with his plan. (*Id.*).

Beginning in 2017, Judge Jameson communicated and met with a sales representative of a prospective ankle monitor manufacturer, Track Group, to directly solicit specifications and pricing for ankle monitors to utilize in the CCB bid in response to the counties' RFP. However, prior to submission of the CCB bid, Judge Jameson injected himself into the counties' bid process. He voluntarily attended fiscal court meetings in March of 2019 and advised the members they were breaking the law and failing to comply with KRS 67.372, *et seq.*, erroneously suggesting it was mandatory for the counties to implement a GPS ankle monitor system, and that would require a public bid. (JCC Hearing Exhibit 33; Jameson, VR 10/18/22 at 11:01:30 - 11:02:14). He explained why he did so. "Morally," he said, "I have a responsibility to let them know that something is going on that doesn't comply with the law" and "it's gone on for decades." (Jameson, VR 10/18/22 at 11:02:10 - 11:02:27).

At the fiscal court meetings, he promoted the CCB's ankle monitor as being a better, more cost-efficient, money-saving alternative to the current independent private provider. Then, using the power and prestige of his judicial office, he provided the Calloway and Marshall County Attorneys with specifications he obtained from the manufacturer favoring Track Group ankle monitors to be used in the RFP. This greatly increased the likelihood that the CCB's bid would be selected.<sup>39</sup> (JCC Hearing Exhibits 32, 33, 34, 35, 36, 37, 38, 41, 42, 44, 46, 48, 49, 61, 63, and 65). The county attorneys utilized Judge Jameson's specifications in preparing the RFP and consulted directly with Judge Jameson about the RFP on a regular

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<sup>39</sup> See, *supra*, footnote 26.

basis up to the date of the publication of the RFP in July of 2020. (*Id.*). No other vendors or prospective bidders were allowed such insider access to the RFP process.<sup>40</sup> Effectively, as argued by the Commission’s counsel and proven by clear and convincing evidence, Judge Jameson successfully used his position as a judge to engage in the rigging of a public bid process to ensure his CCB would submit the best and only acceptable bid; he succeeded and his CCB was awarded the ankle monitoring contract. (JCC Hearing Exhibit 49). Judge Jameson’s conduct clearly abused the prestige of his office to the benefit of the CCB, and said conduct otherwise failed to promote public confidence in the integrity and independence of the judiciary as well as creating the appearance of impropriety.

The JCC also believes Judge Jameson’s conduct amounted to unlawful bid rigging engaged in to benefit the CCB and ultimately his “dream” of erecting a 100-bed SUD facility. Had either Calloway or Marshall County adopted the Kentucky Model Procurement Code as set forth in KRS 45A.005, *et seq.*, his conduct would have violated KRS 45A.325,<sup>41</sup> a Class D felony under KRS 45A.990(2). Judge Jameson’s conduct calls into question whether he may have engaged in common law fraud and collusion to subvert KRS 424.260, and even whether he violated 15 U.S.C.<sup>42</sup> § 1 (prohibiting restraints of trade) or 15 U.S.C. § 45 (prohibiting

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<sup>40</sup> Only one other bid complied with the counties’ RFP. It was that of Tracking Solutions, a company based in Murfreesboro, Tennessee. The Tracking Solutions bid included the Track Group ReliAlert XC3 ankle monitor the RFP required. However, nothing in the record indicates Tracking Solutions had any awareness that: (1) Judge Jameson vetted the Track Group product for use in the CCB’s bid well before the RFP was created; (2) Judge Jameson promoted the product to the counties’ fiscal courts before the RFP was created; and (3) Judge Jameson assisted the county attorneys in preparing the RFP in a way that ensured no bid would be selected as the best bid unless it included the Track Group product. Finally, there is no evidence in the record that Tracking Solutions participated in the RFP’s preparation. Tracking Solutions’ bid, of course, was not selected.

<sup>41</sup> Entitled, “Collusion to restrain bids prohibited,” KRS 45A.325 says in its entirety: “Any agreement or collusion among bidders or prospective bidders which restrains, tends to restrain, or is reasonably calculated to restrain competition by agreement to bid at a fixed price, or to refrain from bidding, or otherwise, is prohibited.”

<sup>42</sup> United States Code.



unfair methods of competition and unfair or deceptive acts in or affecting commerce). The JCC concludes that even if his conduct does not violate any law, it clearly violates Canon 1, Rule 1.1 as well as Rules 3.1 and 3.2 in Canon 3.

Upon the CCB obtaining the ankle monitor contracts with the Calloway County and Marshall County fiscal courts in 2020, Judge Jameson then began focusing the CCB on fundraising to build an in-patient drug treatment center which he labeled as the Re-Life project, all of which was coordinated from his office in Marshall County. The evidence clearly establishes that Judge Jameson personally coordinated funding activities through the CCB and engaged in direct solicitation of contributions to fund construction of the drug treatment facility in radio, email, and online solicitations, all in violation of Canon 3, Rule 3.7. (JCC Hearing Exhibits 17, 27, 29, 30, 62, and 76; Jameson, VR 10/18/22 at 10:55:00 – 10:56:35).

As supported by Judge Jameson's admissions and the testimony of Christine Pickett, (Pickett, VR 10/18/22 at 3:40:00 – 4:10:00), Judge Jameson submitted a grant application to the Kentucky Department of Corrections seeking funding for an improper purpose on behalf of the CCB despite not qualifying with laws governing community corrections boards. (JCC Hearing Exhibits 24, 25 and 26). The primary purpose of the grant application was to obtain monies to fund the salary of the CCB's Director of GPS Operations. The grant application listed Judge Jameson as the project director/contact for the CCB, thereby creating a conflict of interest with his position as Circuit Court Judge in Marshall and Calloway Counties and a blatant abuse of power in attempting to use the prestige of his office to influence a grant process operated by an executive branch agency in Kentucky. (JCC Hearing Exhibit 24). The application was rejected by the Department of Corrections despite the Department's allowance of some leniency in the CCB's untimely submission.

Judge Jameson's actions violate SCR 4.020(1)(b)(i) and constitute misconduct in office. Furthermore, Judge Jameson's 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 2.4 (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 3.7(A)(4)** which provides that a judge shall not personally engage in direct solicitation of contributions.

## **Count II**

Based upon the totality of the evidence presented, and following significant deliberation by the Commission, by a vote of 5-0, the Commission finds with respect to Count II that the Respondent committed the acts as follows:

Whereas Count I addressed violations of the Canons resulting from Judge Jameson's creation and development of the CCB, Count II focuses on violations resulting from its implementation and operation. Despite efforts to maintain clear distinctions between these categories, we proceed recognizing that some overlap is unavoidable.

The Commission finds by clear and convincing evidence that Judge Jameson acted as the CCB's alter ego in the implementation and operation of the ankle monitoring program.

Substantial evidence in the testimony of Dominik Mikulcik, Christine Pickett, Sarah Gipson,<sup>43</sup> Landon Norman,<sup>44</sup> and Judge Jameson himself clearly and convincingly persuades the Commission that Judge Jameson was the appointing authority for Court of Justice employees he utilized to perform duties on behalf of the CCB. Judge Jameson directed and directly supervised these COJ employees in performing labor that not only benefitted the CCB but facilitated the CCB's operation and function. This included, but is not limited to, preparing form contracts between the CCB and the criminal defendants ordered to wear an ankle monitor and monitoring the electronic program that alerted the director of GPS services when a defendant with an ankle monitor violated the terms of its use and reporting that violation directly to Judge Jameson. (Mikulcik, VR 10/19/22 at 8:42:00 – 8:12:37;

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<sup>43</sup> Sarah Gipson served as Judge Jameson's administrative assistant.

<sup>44</sup> Landon Norman served as a staff attorney for Judge Jameson beginning June 1, 2021; he was still employed in that capacity at the time of the Final Hearing.

Pickett, VR 10/18/22 at 3:42:00 - 4:10:00), Sarah Gipson testimony (“Gipson”), VR 10/17/22 at 9:13:19 – 9:50:00; Landon Norman testimony (“Norman”) VR 10/17/22 at 1:08:00 – 2:22:00; JCC Hearing Exhibit 67 (CCB’s corporate filings with the Kentucky Secretary of State prepared by Mikulcik); JCC Hearing Exhibit 68 (Email, Mikulcik to Jameson, Feb. 4, 2021 (draft ankle monitoring agreement attached))).

Judge Jameson received direct notifications of alleged ankle monitor violations (JCC Hearing Exhibits 55, 56, 57, and 58) and instructed<sup>45</sup> CCB staff, including individuals for whom Judge Jameson was the appointing authority and whose work Judge Jameson directly supervised, to send ankle monitor violations directly to Judge Jameson. Judge Jameson admitted he received direct notices of violation via his email and cell phone. (Jameson, VR 10/18/22 at 9:42:06 – 9:58:00; JCC Hearing Exhibits 53, 54, 56 and 57; Mikulcik, VR 10/19/22 at 8:42:55 - 12:48:37; Pickett, VR 10/18/22 at 3:47:51 – 3:56:50).

On more than one occasion, Judge Jameson issued arrest warrants for individuals participating in the ankle monitoring program upon receipt of notices of alleged violations

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<sup>45</sup> Emails between Judge Jameson and Christine Pickett show his involvement to such a degree that Judge Jameson directed police be sent to specific locations and to try to “catch them” before they left Calloway County. Exhibit 53 is the May 12, 2021 emails between Christine Pickett and Judge Jameson that includes an example of a notice of violation designed to be sent from Pickett who monitored ankle-monitored defendants’ movements by GPS directly to Judge Jameson. Exhibit 54 is the April 13, 2021, email from Judge Jameson to Deputy Clerk Lacey Cavitt directing her to “[p]lease issue a bond violation warrant” in response to Christine Pickett’s email stating “Mr. Tucker has missed payment for his ankle monitor and has failed to communicate with the Corrections Board on numerous occasions. The Community Corrections Board is requesting a warrant.” Exhibit 55 is the April 15, 2021 email from Judge Jameson to Lacey Cavitt, Tiffany Griffith and Chris Freeman in which Judge Jameson says, “This is our first ankle monitor violation. Please issue a bond violation warrant.” Exhibit 56 is the June 9, 2021 email from Madison Dorris to Judge Jameson saying, “Here is the violation report, if there is anything I should re-word please let me know. I haven’t filled one out before.” and then the June 10, 2021 email from Judge Jameson to Lacey Cavitt directing her to “[p]lease issue a warrant for Ms. Fralix.” Exhibit 57 is the October 8, 2021 email from Judge Jameson to Lacey Cavitt, Tiffany Griffith and Landon Norman stating “need warrant ASAP” based upon “alleged bond condition violations . . . [s]pecifically, a GPS violation.” Judge Jameson says, “Please issue immediately.”

from CCB staff, whose work he directly supervised,<sup>46</sup> but who were not Court of Justice employees. (Pickett, VR 10/18/22 at 3:51:00 – 4:10:07; JCC Hearing Exhibits 55, 56, 57, and 58; *see, supra*, footnote 45).

Despite presiding over cases in which he ordered an inmate to wear a CCB ankle monitor, Judge Jameson participated in the collection of CCB ankle monitoring fees, managed the CCB's financial transactions, and wrote checks on behalf of CCB. (Griffith, VR 10/17/22 at 10:06:58 – 10:09:30 (ankle monitor fees collected by circuit clerk were placed in Judge Jameson's in-box); Mikulcik, VR 10/19/22 at 8:42:00 – 12:37:00; Pickett, VR 10/18/22 at 4:08:50 – 4:10:00; Avery, VR 10/19/22 at 1:34:00 – 3:47:00; Jameson, VR 10/18/22 at 9:37:16 – 9:37:51 (re: collection of fees) and 9:39:10 – 9:40:45 (re: writing of checks); JCC Hearing Exhibit 52 (CCB checks)).

As shown in the quoted colloquy between a Commission member and Judge Jameson, *supra* at Section III, even Judge Jameson acknowledges the apparent—in fact, the obvious—impropriety of a judge ordering an inmate to wear a GPS ankle monitor who is then compelled to enter into an agreement to pay that same judge's organization a fee for the privilege of wearing it. That is, Judge Jameson created the appearance of impropriety by ordering individuals to participate in CCB's ankle monitoring program when the proceeds of

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<sup>46</sup> While it is not uncommon for a judge to issue a bench warrant based on correspondence from Pretrial Services, Judge Jameson's testimony was that Pretrial Services was in no way involved in this process.

the program were intended to support a project advanced by a corporation in which he held the offices of president and director.<sup>47, 48</sup> (JCC Hearing Exhibits 20, 21, 23, 24, and 47).

The Commission also finds disturbing Judge Jameson's false statements about the success of his efforts when he applied for a Department of Corrections grant from the Kentucky State Corrections Commission. He represented that the CCB "has retained approximately \$4,000.00 per month over and above all costs and expenses. That number is expected to increase dramatically[,]” said Judge Jameson, based on his expectation that there would be “a five time increase in the number of monitors utilized at any given time.” (JCC Hearing Exhibit 24). But the Calloway Circuit Clerk who collected those fees and served as CCB Treasurer, Linda Avery, refuted Judge Jameson's statement of the ankle monitoring program's success. She acknowledged stating in her January 5, 2022, written statement to the Commission in support of Judge Jameson that any and all profits from the ankle monitoring program were intended to fund the in-patient treatment center Judge Jameson envisioned, but then testified at the final hearing, “It is, but there's no profit in the ankle monitor program because we have such low fees.” (Avery, VR 10/19/22 at 2:54:54 – 2:55:20; Jameson Hearing Exhibit 17). When a Commission member asked, “What you need

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<sup>47</sup> When questioned about whether an appearance of impropriety existed regarding his setting bonds in order to fund his CCB, Judge Jameson acknowledged that it did create an appearance of impropriety, as it could appear to people that defendants who might have otherwise been released on non-financial conditions were placed on the ankle monitor instead.

<sup>48</sup> Judge Jameson further acknowledged he was not using Pretrial Services' official “risk assessment” tool in his setting of bonds and indicated he had not seen Pretrial Services in court since 2020, and that he was not provided a printout of that department's assessment tool to consult while deciding the fate of criminal defendants, effectively cutting Pretrial Services out of involvement with Circuit Court defendants. The overall testimony established that Judge Jameson had effectively created his own, private “pretrial service.”

is more people on the monitors to make a profit?" she answered, "Yes." (Avery, VR 2:55:29 – 2:55:37).

There was no credible evidence presented to refute the evidence referenced in the discussion of this Count II. Judge Jameson's own testimony, cross-examination, and his own words in emails and other documents introduced as exhibits at the Temporary Suspension Hearing and the Final Hearing establish by clear and convincing evidence that he engaged in this conduct. The Commission finds the testimony of Mr. Mikulcik, Ms. Griffith, Ms. Pickett, Ms. Gipson, Mr. Norman, and Ms. Avery mutually corroborative and consistent with the associated and related documents presented into evidence; therefore, the Commission found their testimony to be credible, persuasive, and un rebutted. The Commission found Judge Jameson's unsupported allusions to the contrary lacking in candor and credibility.

Judge Jameson's actions violate SCR 4.020(1)(b)(i) and constitute misconduct in office. Furthermore, Judge Jameson's 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 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**

Based upon the totality of the evidence presented, and following significant deliberation by the Commission, by a vote of 5-0, the Commission finds with respect to Count III that the Respondent committed the acts as follows:

During his tenure as Circuit Court Judge, Judge Jameson mismanaged his courtroom, engaged in acts of retaliation, and deviated from acceptable standards of judicial conduct.

As supported by Judge Jameson's admissions, he ordered individuals to participate in ankle monitoring services provided by the CCB, a corporation in which he held the offices of president and director and which he operated from his judicial chambers. This violated the constitutional separation of powers as the CCB effectively executed an executive branch function which Judge Jameson, as a judicial officer, was prohibited from performing.

Judge Jameson consulted with Kimberly Hosea, the General Counsel for the Administrative Office of the Courts, as well as Kelly Stephens, with the Office of Legal Counsel at AOC, and Katie Shepherd, Chief of Staff to the Chief Justice of the Kentucky Supreme Court, about the formation of the CCB in November 2018. He was informed that the use of public



employees to collect fees for a private company was fraught with peril. (JCC Hearing Exhibit 51). Specifically, Judge Jameson was advised by AOC that the use of the circuit court clerks to collect and distribute fees associated with the pretrial GPS monitoring program was **NOT** recommended. (JCC Hearing Exhibit 51). Undaunted however, Judge Jameson proceeded with what the Commission considers nothing short of an obsession and incorporated the CCB on December 31, 2018. (*See, supra*, Section III, Community Corrections Board Issues and Evidence, and Counts I and II).

Judge Jameson displayed behavior toward persons in his courtroom that was not patient, dignified, or courteous. The evidence of record supports several examples of Judge Jameson's improper behavior toward parties, counsel, and observers in his courtroom. Perhaps the most egregious is the case of Richard Hoefle. (JCC Hearing Exhibit 6 and 7; Commission, VR 8/12/22 at 11:21:06 – 11:33:45).

As previously described, Mr. Hoefle was the grandfather of a criminal defendant whose probation Judge Jameson revoked. The defendant had recently given birth and, at the revocation hearing, the child was in a baby carrier held by Mr. Hoefle, the child's great-grandfather. When Judge Jameson revoked the defendant's probation and remanded her to custody, Mr. Hoefle questioned aloud what he was supposed to do with his great-grandchild. Judge Jameson responded that if Mr. Hoefle could not care for the child then he should "turn it over to the state." As Mr. Hoefle left the courtroom, he remarked that he would not be voting for Judge Jameson in the next election. Unfortunately for Mr. Hoefle, Judge Jameson heard this comment and immediately held Mr. Hoefle in contempt, sentenced him to 180 days in jail, and had him taken into custody. While in handcuffs in the courtroom, Mr. Hoefle made a statement to his granddaughter, the defendant, which was overheard by Judge

Jameson. The judge charged Mr. Hoefle with a second count of contempt and added 180 days more to his sentence. Approximately two hours later, Mr. Hoefle was brought back into the courtroom from a holding cell in handcuffs. Judge Jameson then conducted what was essentially a sentencing hearing. Nothing in the record reflects that Mr. Hoefle was ever read his rights or given the opportunity to obtain counsel. Mr. Hoefle's 360-day sentence was conditionally discharged for two years provided he had no further outbursts or violations of law. (*Id.*).

Mr. Hoefle now appears to have a criminal record all because of one afternoon in Judge Jameson's court. (*Commonwealth v. Richard Hoefle*, 18-CR-00029 (Marshall Cir. Ct.). At the temporary suspension hearing, Judge Jameson testified that Mr. Hoefle had resisted the bailiff's attempt to arrest him. However, this is contradicted by the video record which clearly shows Mr. Hoefle holding a baby carrier and complying with the bailiffs throughout his arrest. (*Id.*). The Commission does not find the testimony of Judge Jameson credible or persuasive regarding this incident.

Another specifically notable incident, involving Marshall County Deputy Jailer Sean Gourd, occurred in November 2020. Judge Jameson became irate when he was advised by a bailiff that a defendant he had previously ordered to jail was not accepted by the deputy jailer due to Covid restrictions. Judge Jameson directed a deputy sheriff to take the deputy jailer into custody for civil contempt. (JCC Hearing Exhibits 12 & 13).

When the deputy jailer was brought before Judge Jameson in handcuffs, Judge Jameson proceeded to conduct a hearing, without counsel present, even though the deputy jailer informed Judge Jameson that he had counsel coming to the courthouse. (JCC Hearing Exhibit 14). Judge Jameson additionally contacted the jailer via telephone and began a tirade

against the deputy jailer and jailer for apparently reneging on a previous agreement they had made with him regarding Covid restrictions.

At one point, Judge Jameson advised those present they were no longer dealing with “little Jamie.” The apparent failure of the deputy jailer to abide by some prior private agreement provoked an outburst from Judge Jameson that the Commission finds disgraceful, disrespectful, and dishonorable to the dignity of the office he held.

Judge Jameson ultimately released the deputy jailer from custody at the end of the hearing and has since attempted to pass off the incident as mere frustration with a recurring Covid restriction problem at the jail. He has further attempted to downplay the incident by claiming that he has a good working relationship with the jailer and that they both hold no ill-will over the situation. The Commission does not find Judge Jameson’s version of events persuasive or credible in light of the contradicting video record presented at the Temporary Suspension Hearing and made a part of the evidence at the Final Hearing.

Judge Jameson personally pressured an attorney, Lisa DeRenard, who appeared before his Court, to file a Bar complaint against another attorney, and to draft a sworn statement on his behalf to rebut a complaint made against him. As stated previously, the Commission has found the testimony of Ms. DeRenard convincing and credible. She has been entangled in many of the various misdeeds of Judge Jameson, including his efforts to illicitly solicit campaign contributions, file complaints with the Kentucky Bar Association as his proxy, and otherwise come to his aid and defense. Some of these incidents are further discussed in relation to Count IV, *infra*.

In the context of this Count III, the Commission considers a particular incident among the more egregious. As the proof shows, Judge Jameson pressured Ms. DeRenard, a

practicing attorney who regularly appeared in his court, to file a Bar complaint against another attorney who was his political opponent and critical of him. Judge Jameson even took things a step further and later threatened this same attorney with contempt over what he claimed was her misrepresentation of the law. (VR 8/12/22 at 11:43:48 – 11:58:05). Predictably, upon further review, the attorney was actually correct and had not misstated the law. (JCC Hearing Exhibits 10 and 11; VR 8/12/22 at 11:59:16 – 12:03:03). The Commission finds Judge Jameson’s testimony on this matter to be nothing less than disingenuous.

Judge Jameson retaliated against a Marshall County Sheriff’s Department employee by seeking his termination or re-assignment after he reviewed courthouse video footage of him because he believed, without any evidence, the employee leaked the video to media outlets. This episode is discussed in greater detail under Count VII. However, it must be considered among the most disturbing in this case.

Judge Jameson, apparently forgetting that the Marshall County Courthouse is a public building, and not his personal domain, embarked on a scantily clad dawn stroll through the building. Unsurprisingly, this early morning jaunt was caught by courthouse security cameras. Judge Jameson then ensured that the story would spread by attempting to engage in a cover up of the incident.

Judge Jameson called the station manager of the public radio station at Murray State University, Chad Lampe, and pressured him to not run the story and to drop the Open Records Act request Judge Jameson believed Mr. Lampe had filed to obtain the footage. Judge Jameson told Mr. Lampe he had spoken with the President of the university and the President was upset with the situation. Following this conversation, Mr. Lampe was contacted by

university leadership requesting information on the Open Records request. (JCC Hearing Exhibit 74).

Later, once the footage had appeared in the media, Judge Jameson concluded that the footage must have been leaked by an employee of the Marshall County Sheriff's Department. Armed once again only with his unwavering belief in his correctness, Judge Jameson then attempted to pressure the Sheriff's Department to terminate or re-assign the employee he suspected responsible for leaking the video. (JCC Hearing Exhibit 15). The Marshall County Sheriff's Department conducted a formal investigation into the matter and concluded the employee Judge Jameson suspected had engaged in no wrongdoing and would therefore not be terminated or reassigned. (JCC Hearing Exhibits 16 & 18).

Judge Jameson's actions violate SCR 4.020(1)(b)(i) and constitute misconduct in office. Furthermore, Judge Jameson's 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 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.

#### **COUNT IV**

Based upon the totality of the evidence presented, and following significant deliberation by the Commission, by a vote of 5-0, the Commission finds with respect to Count IV that the Respondent committed the acts as follows:

It is the finding of the Commission that Judge Jameson used his influence and the prestige of judicial office to pressure persons to donate to or support his political campaign. This finding is supported by the testimony of Landon T. Norman and Lisa DeRenard presented at the Temporary Suspension Hearing, which the Commission found credible.

Ms. DeRenard testified that Judge Jameson contacted her on her personal cell phone on December 15, 2021, requesting her support as he was opposed in his then upcoming election. (Lisa Renard testimony ("Renard"), VR 8/12/22 at 8:55:00 - 9:14:00). When she asked Judge Jameson to clarify whether "support" meant financial contributions, he responded by laughing and answering, "That would help." (Renard, VR 8/12/22 at 8:59:58 - 9:00:05). As an attorney with pending cases and making regular appearances before Judge Jameson, she felt unable to decline his request to contribute. On several other occasions in March of 2022, Ms. DeRenard was contacted by Judge Jameson requesting her attendance at campaign events, as well as seeking additional financial support. In each instance, Ms. DeRenard testified that she felt compelled to contribute for fear that declining would

jeopardize the outcome of her cases in Judge Jameson's court. It was the first time any judge contacted her seeking political support and she would not have contributed to Judge Jameson's campaign but for his personal requests.

Landon Norman testified that during his initial interview for the position of staff attorney for the 42<sup>nd</sup> Judicial Circuit, the subject of Judge Jameson's campaign was raised. (Norman, VR 8/12/22 at 2:30:00 – 2:41:00). Mr. Norman testified that, in response to the subject, he indicated he would be glad to assist with Judge Jameson's campaign.

Judge Jameson's actions violate SCR 4.020(1)(b)(i) and constitute misconduct in office. Furthermore, Judge Jameson's 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 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.

#### **COUNT V**

Based upon the totality of the evidence presented, and following significant deliberation by the Commission, by a vote of 5-0, the Commission finds with respect to Count V that the Respondent committed the acts as follows:

The Commission finds that Judge Jameson has repeatedly attempted to obstruct justice and impede the Commission's authority to investigate the charges against him.

Specifically, Judge Jameson intimidated and attempted to interfere with his judicial staff complying with a Commission subpoena.

On September 21, 2022, upon request by Counsel for the Commission, the Commission 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<sup>[49]</sup> ankle monitoring services, or Re-life substance abuse disorder treatment program.

Judge Jameson's counsel was provided a copy of the subpoena upon service.

On September 26, 2022, Judge Jameson contacted his administrative support specialist Sarah Gipson via telephone to discuss the subpoena. (Gipson, VR 10/17/22 at 9:13:19 – 10:01:00; JCC Hearing Exhibit 73). In short, Judge Jameson instructed his judicial staff to act in contradiction to their duties and responsibilities as AOC employees,<sup>50</sup> specifically by calling the office and telling the staff not to turn over any subpoenaed documents and to call him if anyone came to the office to pick up the documents.

Judge Jameson's staff attorney, Landon Norman, saw a September 6, 2022, Facebook post by Judge Jameson's wife, Jenny Jameson, during the time he was communicating with

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<sup>49</sup> The evidence presented referred to Track Group and Trac Solutions. They appear to be related entities. (JCC Hearing Exhibits 41 and 44; Request for Proposal, JCC Hearing Exhibit 39).

<sup>50</sup> As became evident from the clear and convincing evidence presented at the hearings, a common thread through all improper actions of Judge Jameson is his overriding desire to maintain total control. It is also part of his downfall. Ironically, he could have followed proper legal procedures and used his counsel of record to obtain copies of the documents sought by the Commission's subpoena like any other party to litigation, rather than employing intimidation tactics and demands over Court of Justice employees.



the Commission's investigator. It said, in part: "[W]hile persons are free to state their opinion, YOU CAN BE SUED FOR STATING FACTS THAT ARE NOT TRUE. There is already a long list of people that fall in that category that will have to face their recklessness when all is said and done." (JCC Hearing Exhibit 75). He perceived this as a threat to himself and others who cooperated with the Commission or who were called to testify in the Commission's proceedings. (Norman, VR 10/17/22 at 1:08:00 - 2:21:00).

Judge Jameson's actions violate SCR 4.020(1)(b)(i) and constitute misconduct in office. Furthermore, Judge Jameson's 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.

The Commission further finds and concludes that the actions of Judge Jameson set forth in Count V are, and should be, subject to the review and exercise of the contempt powers of the Supreme Court, whose rules and discipline process are at issue, but no such contempt powers exist under the Commission's rules and scope of authority. Given the absence of any specific rule setting forth or defining contempt powers for the Commission, the Commission hereby refers the matters in Count V to the Kentucky Supreme Court to fully

address, noting the seriousness of the actions of Judge Jameson attempting to interfere in the duties of the Commission with and in its proceedings and hearings.

### **COUNT VI**

Based upon the totality of the evidence presented, and following significant deliberation by the Commission, by a vote of 5-0, the Commission finds with respect to Count VI that the Respondent committed the acts as follows:

Following Judge Jameson's temporary suspension, he engaged in a pattern of noncompliance and interference with the Commission's orders. Specifically, he failed to adhere to the terms of his temporary suspension by contacting his judicial staff and availing himself of judicial resources.

As a part of Judge Jameson's temporary suspension on August 15, 2022, Judge Jameson was ordered to "not access or utilize court resources." However, notwithstanding his suspension, he continued to access his judicial e-mail account and contacted his staff members for purposes related to his judicial role.

On August 19, 2022, Judge Jameson used his AOC email account to send a Microsoft Teams meeting reminder to his administrative assistant, Sarah Gipson, regarding the Commission hearing scheduled in October 2022. (Gipson, VR 10/17/22 at 9:32:35 – 9:33:10; JCC Hearing Exhibit 60).

In early September 2022, Judge Jameson used his AOC email account to send an email to his staff attorney, Landon Norman, asking him to send him a copy of an appeal brief, and he texted Mr. Norman asking if there was an extra laptop computer docking station at the office he could use. (Norman, VR 10/17/22 at 1:12:55 – 1:13:50 and 1:14:05 – 1:34:00).

On September 26, 2022, Judge Jameson sent Mr. Norman three text messages and an email using his AOC email account regarding a subpoena the Commission had served on the Kentucky Court of Justice requesting certain documents. (Norman, VR 10/17/22 at 1:10:35 – 1:11:55). Judge Jameson asked Mr. Norman what documents were requested in the subpoena and to provide Judge Jameson with a copy of all documents requested by the subpoena that may be confidential (*e.g.*, subject to attorney-client privilege or work-product). (Norman, VR 10/17/22 at 1:10:35 – 1:11:55 and 1:25:48 – 1:27:10).

Judge Jameson also called Ms. Gipson, on September 26, 2022, about the Commission subpoena. Judge Jameson asked Ms. Gipson why nobody from his office had called him about the subpoena. Judge Jameson told Miss Gipson that he and his attorney were working on an objection to the subpoena, the Commission was not allowed to have any of the documents, and she should contact him if someone came to pick up those documents. (Gipson, VR 10/17/22 at 9:16:10 – 9:17:46). Judge Jameson also instructed Ms. Gipson not to turn over the documents in his office. (Gipson, VR 10/17/22 at 9:18:10 – 9:20:00). Judge Jameson's requests made Ms. Gipson very uncomfortable, and she interpreted Judge Jameson's instructions to her to mean that he did not want her to comply with the subpoena until he had worked on the matter with his attorney. (Gipson, VR 10/17/22 at 9:18:56 – 9:19:38).

Finally, Judge Jameson continued to use his AOC laptop computer after the suspension. (Norman, VR 10/17/22 at 1:37:05-1:38:00<sup>51</sup>). There was no credible evidence presented to refute the above evidence. Indeed, Judge Jameson's own cross-examination of Mr. Norman evidenced his admission to engaging in the above actions and supports the

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<sup>51</sup> The above citation is to Judge Jameson's cross-examination of Mr. Norman, which Judge Jameson himself conducted, where Judge Jameson stated that he continued to access his AOC provided laptop because it contained information he was using to prepare his defense in this case.

credibility of the testimony of Mr. Norman and Ms. Gipson. Judge Jameson's use of his AOC email account, his AOC issued laptop computer, and his requests of his staff, all outlined above, violated the temporary suspension prohibition against accessing or utilizing court resources.

Judge Jameson's actions violate SCR 4.020(1)(b)(i) and constitute misconduct in office. Furthermore, Judge Jameson's 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 Commission acknowledges the Writ of Prohibition entered by the Kentucky Supreme Court on October 31, 2022, after the conclusion of the Final Hearing, and the deliberation and voting by the Commission. The Writ vacated and set aside the Commission's Order of Temporary Suspension and declared it *void ab initio*. As a result, Count VI is now not considered by or factored into the discipline imposed by the Commission herein.

## **COUNT VII**

Based upon the totality of the evidence presented, and following significant deliberation by the Commission, by a vote of 5-0, the Commission finds with respect to Count VII that the Respondent committed the acts as follows:

On Friday, February 11, 2022, around sunrise, Judge Jameson was in the Marshall Circuit Courthouse after spending the previous night in his office on an upper floor. (Jameson, VR 8/12/22 at 3:58:33 – 4:00:16). At approximately 6:35 A.M., Judge Jameson met

his wife and two children at the courthouse employees' entrance. (Jameson Hearing Exhibit 5, Letter from Jason Kirk, Court Security Coordinator, AOC, to Office of the Director, AOC, 4/1/22). He was wearing "a t-shirt, boxer style underwear, socks, and a lanyard." (*Id.*). After a short interaction with his family, he "walk[ed] back up the stairs . . . [and w]ithin a short time, another subject came walking down the same set of stairs that [he] had used"; this second subject was identified as "the janitor for the building." (*Id.*). Soon, "it was all over the county that [he] had been seen walking around the courthouse in [his] underwear." (*Id.*; JCC Hearing Exhibit 16 (Report of Investigation of Judge Jameson Complaint against Sgt. Jeff Daniel, 4/13/22) ("[M]ost people in the building are aware of the incident and talk about it.")).

After February 11, 2022, but prior to March 25, 2022, Marshall County Judicial Center Lead Court Security Sergeant Jeff Daniel was "approached by a clerk from the circuit clerk's office" who told him "the judge was seen walking in his underwear in the facility before it was open to the public for the day." (Jameson Hearing Exhibit 5; Sheriff Eddie McGuire testimony ("McGuire"), VR 8/12/22 at 11:19:46 – 11:19:56). An internal AOC investigator surmised "that the janitor had said something to someone else in the facility about seeing Judge Jameson in his underwear." (Jameson Hearing Exhibit 5).

Among Sergeant Daniel's duties as head of courthouse security was his review of video of unusual comings and goings at the courthouse. (McGuire, VR 8/12/22 at 10:57:12 – 10:57:25). When Sergeant Daniel heard of the February 11, 2022 incident, he "brought [the] concern to his administration[,]" (JCC Hearing Exhibit 16), and "began looking at the security [video] footage." (Jameson Hearing Exhibit 5). He "verif[ied] no criminal activity occurred." (JCC Hearing Exhibit 16).

Coincidental to performance of his duty to review the video, “Sgt. Daniel was approached by the Marshall County Attorney that same day and was told someone had sent an open records request to the sheriff’s office wanting the video . . . .” (Jameson Hearing Exhibit 5). Todd Faulkner of WPSD, a television station in Paducah, Kentucky, had initiated an open records request by sending it to Marshall County Sheriff Eddie McGuire’s email. (McGuire, VR 8/12/22 at 10:55:48 – 10:55:59 and 11:10:40 – 11:11:00). Sometime thereafter, the newsroom at the Murray State University (“MSU”) public radio station, WKMS, also filed an open records request for the video. (Chad Lampe testimony (“Lampe”), VR 10/17/23 at 2:23:55 – 2:24:26 and 3:24:08 – 3:24:30; Jameson, VR 8/12/22 at 4:01:50 – 4:02:00). The open records requests were denied by AOC before April 11, 2022. (Lampe, VR 10/17/23 at 2:25:00 – 2:25:20).

On or shortly before April 11, 2022, Judge Jameson learned of the news media’s interest in the video, and of the open records requests. (McGuire, VR 8/12/22 at 10:53:44 – 10:54:34). He then placed a telephone call to MSU President, Dr. Robert Jackson. (Lampe, VR 10/17/22 at 2:25:32 – 2:26:06). On April 11, 2022, after he called Dr. Jackson, he sent an email to Chad Lampe, the station manager of MSU’s radio station, WKMS, one of the news outlets that asked to see the video, and asked Mr. Lampe to call him. (Lampe, 10/17/22 at 2:25:00 – 2:25:20). Mr. Lampe did call him the next day, April 12, 2022. (*Id.*).

According to Mr. Lampe’s testimony:

The conversation started off fine . . . , and then he [Judge Jameson] inquired about the open records request. . . . Then the judge mentioned that he had already called Dr. Jackson, the University President, and that he was not happy.

(Lampe, VR 10/17/22 at 2:25:32 – 2:26:06).

When Judge Jameson called Mr. Lampe as a defense witness and personally conducted his direct examination, he suggested his purpose in communicating with Mr. Lampe and Dr. Jackson was benign; however, Mr. Lampe disagreed, stating, “I think your overall purpose in calling was to prevent a story from being reported.” (Lampe, VR 10/17/22 at 3:24:38 – 3:26:11). Furthermore, Judge Jameson told Mr. Lampe he “wanted to make sure that it wasn’t going to be a story” and, in fact, he “wanted [Mr. Lampe] to assure [him] that it wouldn’t be a story.” (Lampe, VR 10/17/22 at 2:27:07 – 2:27:25).

Mr. Lampe directly testified that he believed Judge Jameson was attempting to intimidate him in pursuit of that purpose:

JCC Counsel: When he was telling you he had already called the President . . . and told you he’s not happy, . . . did you feel like he was trying to intimidate you?

Lampe: Oh, certainly.

(Lampe, VR 10/17/22 at 2:29:29 – 2:29:46).

Mr. Lampe responded even more directly when Judge Jameson’s defense counsel explored the issue, saying Judge Jameson had “already mentioned the President wasn’t happy so I already perceived it as a threat . . .” (Lampe, VR 10/17/22 at 2:41:17 – 2:41:32). When Judge Jameson’s counsel asked Mr. Lampe if he was a man who was easily intimidated, he responded:

Lampe: If you are talking about this situation and whether or not I felt as though . . . someone was attempting to influence me or exercise some leverage over me because of the power that they hold, yes.

Def. Counsel: By him telling you the President was angry?

Lampe: Yeah! [stated emphatically]. Because it has an impact on my employment, or the viability of the public radio station, all of those things.

Def. Counsel: Did it have an effect on your employment with Murray State?

Lampe: It accelerated my departure.

....

Lampe: I know when somebody's trying to exert influence but whether I kowtow to the influence is totally different. In my 15 years, I've reported some pretty significant stories when I was in the newsroom, specifically related to the University at some point, and it didn't prevent me from reporting those stories.

So, um, no it wouldn't have prevented me [from reporting the story] but there was obviously an effort to.

(Lampe, VR 10/17/22 at 2:42:12 – 2:43:13 and 2:58:20 – 2:58:42).

No judge had ever contacted Mr. Lampe during his 15-year career regarding a story until Judge Jameson did so. (Lampe, VR 10/17/22 at 2:59:41 – 2:29:59). “As a former journalist,” said Mr. Lampe, “you would get people that commented to you to make claims or to dispute a story or its merits, but it was rare that somebody would call me after already calling the University President. . . . It felt unethical for a judge to do something like that.” (Lampe, VR 10/17/22 at 2:29:04 - 2:29:24).

Nevertheless, Mr. Lampe knew his duty and his role in such circumstances; he “recall[ed] the President being involved or having some level of . . . influence for three different stories in the last few years.” (Lampe, VR 10/17/22 at 2:52:54 – 2:53:09). “In some cases,” Mr. Lampe said, “administrators feel as though they may have control over the content of the newsroom. But if it's truly a newsroom, they should not have control of the content that comes out because journalists are working in the public interest.” (Lampe, VR



10/17/22 at 300:55 – 3:01:13). He said his “role as the station manager, among a lot of different duties, was to protect our journalists” from such influence. (Lampe, VR 10/17/22 at 3:00:35 – 3:00:45). He also told Judge Jameson during the telephone conversation, “I don’t make the decision on the stories. Our news director and the journalists make the decision because we have a firewall for those editorial decisions.” (Lampe, VR 10/17/22 at 2:27:07 – 2:27:20).

Still, Mr. Lampe did ask Judge Jameson what was on the video, and Judge Jameson related his recollection of an occasion when his wife dropped off one of their two children so Judge Jameson could take the child to speech therapy. (Lampe, VR 10/17/22 at 2:26:36 – 2:27:04 and 3:04:07 – 3:04:33; JCC Hearing Exhibit 74 (email chain: Lampe, David Eaton, and Timothy Todd, 4/14/2022)). In fact, this recollection was of a different occasion.<sup>52</sup> Regardless, Mr. Lampe told Judge Jameson he would “inform our news director of this conversation.” (Lampe, VR 10/17/22 at 2:27:30 – 2:27:33). Mr. Lampe testified that: “When I did call the news director, I did not let [him] know that the University President had been contacted because . . . I didn’t want the news director to feel like there was any pressure related to the decision that he would make on the story.” (Lampe, VR 10/17/22 at 2:27:33 – 2:27:47).

Mr. Lampe’s discussion with the news director led to the decision that what was on the video as Judge Jameson described it “seemed like a personal matter that didn’t rise to the level of a news story.” (Lampe, VR 10/17/22 at 2:27:47 – 2:28:01). Mr. Lampe made a

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<sup>52</sup> The conflicting information between the events shown in the video and what Judge Jameson told Mr. Lampe suggest Judge Jameson recounted to Mr. Lampe a different early morning courthouse entrance interaction; specifically, the February 11, 2022 video shows Judge Jameson’s wife departed the courthouse premises with both children. (Jameson, VR 10/18/2022 at 10:18:08 – 10:19:22 (by stipulation)). Mr. Lampe believes “either the judge misspoke or was obfuscating, or not telling the truth.” (Lampe, VR 10/17/22 at 3:04:15 – 3:04:53).

second call to Judge Jameson to let him know “that it wasn’t going to be a story . . .” (Lampe, VR 10/17/22 at 2:28:02 – 2:28:10). He also told him he “would appreciate you contacting the President and letting him know” there would be no story because, “obviously, if the judge had a direct line to the President over this issue, he deserves to know the outcome.” (Lampe, VR 10/17/22 at 2:28:12 – 2:28:16 and 2:46:41 – 2:46:46).

There was no evidence that Judge Jameson called the President as Mr. Lampe asked. However, the intimidation he perceived did not end with his assurance to Judge Jameson there would be no story.

Mr. Lampe never spoke to the President about Judge Jameson’s conversation with him, nor about the video or the news story. However, Mr. Lampe concluded the President did not keep to himself the unhappiness Judge Jameson described.

Mr. Lampe’s supervisor, Dr. David Eaton, Dean of the MSU College of Business, instructed Mr. Lampe to “detail that conversation about what happened” in an email to the Dean’s supervisor, the Provost, Dr. Timothy Todd. (Lampe, VR 10/17/22 at 2:30:28 – 2:30:51). The Provost answers only to the President. (Lampe, VR 10/17/22 at 2:40:45 – 2:40:59).

Mr. Lampe told the Commission, “I received an email request from my Dean who I reported to that the Provost who is the next level up at the University wanted an accounting of that conversation, so I provided that” on April 14, 2022, two days after Judge Jameson last spoke with him. (Lampe, VR 10/17/22 at 2:30:53 – 2:31:04; JCC Hearing Exhibit 74). “I don’t know how the Provost became aware of it[.]” Mr. Lampe said, “but I’m assuming it came from the President because I don’t know of anyone else aware of that conversation.” (Lampe, VR 10/17/22 at 2:31:06 – 2:31:12 and 2:40:45 – 2:40:59). Said Mr. Lampe, “None of those

people were aware that conversation had happened from my perspective. I didn't divulge that information to anyone other than to explain to the news director the contents of the video." (Lampe, VR 10/17/22 at 2:30:35 – 2:30:51).

Judge Jameson's traversing of the courthouse in his undergarments was never going to be a story, according to Mr. Lampe. (Lampe, VR 10/17/22 at 2:38:15 – 2:38:25). However, his attempt to suppress an embarrassing news story had ramifications. Although "there was never a direct disciplinary hearing[,]" Mr. Lampe said:

I think when you get asked by your Provost or your President or your Dean to provide something you otherwise wouldn't have to provide, based on comments from an elected official, it feels as though it's a punishment. I think you would feel that way if you were in that role.

(Lampe, VR 10/17/22 at 2:36:43 – 2:37:00).

Additionally, Mr. Lampe said, "I can say that the [MSU public radio] station, not necessarily me, that the station could receive some negative blowback from the administration." (Lampe, VR 10/17/22 at 2:37:02 – 2:37:37). When Judge Jameson's defense counsel challenged Mr. Lampe by asking if there were any real threats of "budgetary punishment[,]" he responded: "I think that if you were in the meetings I was in you could read between the lines." (Lampe, VR 10/17/22 at 2:37:46 – 2:38:00).

Mr. Lampe left his employ at MSU in June 2022, just two months later. (Lampe, VR 10/17/22 at 2:32:25 – 2:32:32). When asked whether the incident with Judge Jameson and the University President and Provost was "a factor in [his] decision" to leave, Mr. Lampe replied, "Oh, certainly. It was one of a few factors that precipitated my departure." (Lampe, VR 10/17/22 at 2:32:30 – 2:32:51). The following exchange demonstrates Mr. Lampe's meaning:

JCC Member: Would it be fair to say that what concerned you more wasn't so much somebody who was the subject of a story trying to stop it; you said that's [a] regular [occurrence], but what was affecting to you was that the administration was letting it affect them and influence you in your decision-making?

Lampe: That's fair. Yeah, that's a fair assessment.

(Lampe, VR 10/17/22 at 2:58:49 – 2:59:23).

Mr. Lampe brought these events to the attention of the Commission voluntarily. He explains why, as follows:

I think it was just kind of a moment of conscience. I'd been reading the recent [news media] reports and I thought, I believe what the judge had done was intimidating or unethical and I believe that if the public employs a judge to do a certain job, then he should be acting in a way that's, um, that is ethical, and I think the public has a right to know.

(Lampe, VR 10/17/22 at 2:35:37 – 2:36:01). The Commission agrees.

Unfortunately, Judge Jameson did not limit the abuse of his authority to suppression of a news story. During this same week of April 11, 2022, he also sought to affect the employment of Sergeant Daniel for engaging in the investigation that discovered the video in the first place.

As noted earlier, according to Sheriff McGuire, Sergeant Daniel's duties included investigating unusual events happening in the courthouse and recorded on video. (McGuire, VR 8/12/22 at 10:57:12 – 10:57:25). Despite the fact Sheriff McGuire supervised Sergeant Daniel, Judge Jameson insisted reviewing videos was outside the scope of his duties.

JCC Member: I understood that . . . Sgt. Daniel—that was part of his job as security. Therefore, watching monitors and dealing with security—

Jameson: [Interrupting] Watching them, yes, but not doing anything with the tapes.

(Jameson, VR 8/12/22 at 5:29:56 – 5:30:07). He insisted that:

Jameson: Nothing in that gives him reason to watch that video. He's not allowed just to run that video back and forth as he feels like.

JCC Chair: Now is that something you heard or was that in that [AOC] report we're going to get?

Jameson: That's in those reports. . . . AOC policy is clear. They [Sheriff's Department personnel] leave those tapes alone. . . . [I]t's not their tapes to do anything with. It's AOC's and they have a particular group of people that deal with that and, so, they launched their own investigation into why this happened, and they were not very happy.

(Jameson, VR 8/12/22 at 5:29:16 – 5:29:56).

Sergeant Daniel reviewed the video before March 25, 2022, and the open records request also occurred on or before that date. (Jameson Hearing Exhibit 5). Judge Jameson spoke with Sergeant Daniel by telephone on April 5, 2022, just before leaving for vacation in Florida from Wednesday, April 6, 2022, until Sunday, April 10, 2022. (JCC Hearing Exhibits 16 and 18; Jameson Hearing Exhibit 9 (phone bills)). If he was concerned about Sergeant Daniel's conduct before returning from vacation, he said nothing about it until the week of April 11.

On April 12, 2022, the same day Judge Jameson first spoke with Mr. Lampe by phone to tell him MSU President Jackson was not happy, he also texted Sheriff McGuire to complain about how Sergeant Daniel was performing his duties. (JCC Hearing Exhibit 15 (Screenshot of text, 4/12/22). He said in that text:

Need to talk about Sergeant Daniel.

I need him out of the building if possible. He is using state resources to sit, on what I believe is work time, to review security videos to see if he can find anything that can make me look bad and then is either by himself or in coordination with one or two clerks, calling media sources and making a news tip regarding contents of the security videos which, as you know, are confidential. He is doing this in support of my opponent. You can imagine how that makes me feel. I'd really like to talk to you about it before I take any action.

(JCC Hearing Exhibit 15 (corrected for typographical errors only); see also McGuire, VR 8/12/22 at 10:53:00 – 10:55:25)). When Sheriff McGuire did not immediately respond, Judge Jameson sent a substantially identical text to Chief Deputy Sheriff Tim Reynolds. (McGuire, VR 8/12/22 at 11:00:56 – 11:01:05).

Chief Deputy Reynolds treated Judge Jameson's texts as a complaint against a law enforcement officer pursuant to KRS 15.520(3)(a).<sup>53</sup> (McGuire, VR 8/12/22 at 11:00:24 – 11:01:05). Judge Jameson added to his complaint that Sergeant Daniel lied to him (about complying with his instruction to prohibit access to his office while on vacation) and had not communicated with him "in weeks." (JCC Hearing Exhibits 16 and 18). Chief Deputy Reynolds and Captain Matt Hilbrecht interviewed Sergeant Daniel the next day. (*Id.*). Affirmative evidence contradicted Judge Jameson's allegations, and the report of the investigation concluded his charges against Sergeant Daniel were unfounded; the report stated, in pertinent part, as follows:

[W]ithout evidence that Sgt. Daniel is doing something wrong or illegal or not completing his job sufficiently we cannot make a change in his position.

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<sup>53</sup> This part of the statute reads: "(3) Any complaint taken from a citizen alleging misconduct on the part of any officer shall be taken as follows: (a) If the complaint alleges criminal activity by an officer, the allegations may be investigated without a signed, sworn complaint of the citizen[.]" KRS 15.520(3)(a).

Please be assured we will monitor closely to ensure no employees are doing such but also realize that if an employee is off duty and not violating policy[,] they are entitled to political opinions which may vary from others.

(JCC Hearing Exhibit 16). Judge Jameson did not appeal this decision to the Sheriff despite speaking with him by telephone on the subject more than once. (McGuire, VR 8/12/22 at 10:59:25 – 11:00:01 and 11:06:03 – 11:06:15).

However, after Judge Jameson's complaint failed to bring about Sergeant Daniel's removal from the courthouse, he told Sheriff McGuire he was "afraid Sergeant Daniel might plant evidence or do something in [his] courtroom[.]" (McGuire, VR 8/12/22 at 11:06:03 – 11:06:15). Judge Jameson confirmed as much when he testified that:

[I]t got to the point where I didn't feel safe. I mean, not like he was going to hurt me, but you know, people do things in the heat of an election and he clearly, according to those AOC reports, was working with [Deputy Circuit Clerk] Lacey Cavitt to pull those videos.

(Jameson, VR 8/12/22 at 5:28:31 – 5:28:51). Judge Jameson's subsequent allegations against Sergeant McGuire succeeded. Sheriff McGuire testified, "That's when I made the decision to go ahead and pull him." (McGuire, VR 8/12/22 at 11:06:15 – 11:06:23).

Notwithstanding the Sheriff's Department investigation conclusion that Sergeant Daniel engaged in no wrongdoing and that his superiors had no basis for changing his assignment, the Sheriff assessed the circumstances: "I knew he only had 45 days left till retirement . . . so I moved him [from courthouse security] back to the general investigation division"; Sheriff McGuire said he would not have reassigned Sergeant Daniel but for Judge Jameson's complaints. (McGuire, VR 8/12/22 at 11:04:00 – 11:04:41). Sergeant Daniel responded professionally according to Sheriff McGuire who said, "There was no negative reaction. He's 'old school.' Chain of Command means everything to him. So, he said, pretty

much, 'Yes, sir. I'll go to the Detectives Office Monday.' " (McGuire, VR 8/12/22 at 11:14:15 – 11:14:30).

During the course of these hearings on the charges against Judge Jameson, the Commission gradually came to doubt his veracity. It is appropriate to cite examples engendering that doubt.

When Judge Jameson personally interrogated WKMS station manager Chad Lampe, Judge Jameson implied his relationship with Mr. Lampe was familiar and longstanding, but Mr. Lampe denied such a relationship. (Lampe, VR 10/17/22 at 3:22:55 – 3:23:41 and 2:33:27 – 2:33:30 and 2:55:38 – 2:55:00; Lampe, VR 10/17/22 at 2:44:07 – 2:44:13 ("I don't recall having any direct prior communication with the judge.")). Judge Jameson posed questions to Mr. Lampe phrased in a way to suggest his conversations with him and with MSU President Jackson were innocent inquiries for contact information and friendly, but Mr. Lampe refuted this characterization. (Lampe, VR 10/17/22 at 3:30:54 – 3:31:07 ("It was tense for me but probably not for you.")). Judge Jameson suggested he said things in those conversations that cast his intentions in a favorable light, but Mr. Lampe did not recollect such things. (Lampe, VR 10/17/22 at 3:24:40 – 3:24:52 and 3:26:00 – 3:26:14 and 3:27:55 – 3:28:12). Judge Jameson asked whether the two of them discussed the reporter who made the open records request as someone who "pull[s] the trigger before he aims" and Mr. Lampe said, "I don't think so." (Lampe, VR 10/17/22 at 3:29:44 – 3:30:05; *see* Lampe, VR 10/17/22 at 3:06:29 – 3:06:35 (Lampe earlier testified the individual subject of the question is "a pretty strong reporter who's won a fair amount of journalistic awards"))).

Judge Jameson's testimony centering on Sergeant Daniel also raises doubts about his ability to recognize the accuracy, or acknowledge the truth, of much of the evidence in this



case. For example, when Judge Jameson personally cross-examined Sheriff McGuire, he asked him to confirm his belief that “[w]hat initiated everything was a media request” for a video. (Jameson, VR 8/12/22 at 11:10:40 – 11:11:00). In this, he failed to recognize it was his conduct in the courthouse on February 11, 2022, that set in motion what culminated in the charges of this Count VII.

Judge Jameson disputes the fact that Sergeant Daniel was doing his duty by searching for and reviewing the video, saying instead that he engaged in a wrongful act, claiming “AOC policy is clear” and the “AOC reports” as Judge Jameson called them would confirm his assertions. They do not. Jameson Hearing Exhibit 7 is an email to Judge Jameson from AOC Deputy Director Jason McGinnis as a “follow[] up with security on the release of the video footage to the county attorney.” (Jameson Hearing Exhibit 7). That Exhibit 7 expressly says, “We don’t have a specific policy on this.” (*Id.*). The fact is that Sergeant Daniel’s performance of his duty could have put a halt to the rumors if there had been nothing to find.

Judge Jameson said the AOC reports showed court security personnel at AOC “were not very happy” and “[t]heir security folks were pretty upset . . . .” (Jameson, VR 8/12/22 at 5:29:46 – 5:29:56 and 4:00:35 – 4:00:50). That characterization is not supported by this record generally, nor is it specifically supported by the AOC reports. Jameson Hearing Exhibit 6 is a straightforward investigative report from AOC’s Court Security Coordinator, Jason Kirk, to the “Office of the Director” of AOC. (Jameson Hearing Exhibit 6). It is professional and factual, but it expresses no emotion and makes no judgment regarding the propriety of any action Judge Jameson claimed to be wrongful. (*Id.*). Jameson Hearing Exhibit 7 from Jason McGinnis, *i.e.*, the “Office of the Director,” says “Generally, if a member of [law] enforcement/prosecutor’s office request security footage, we provide it.” (Jameson

Hearing Exhibit 7). Judge Jameson said Sergeant Daniel was wrong for making the video accessible to two Marshall County prosecutors and this “AOC report” found little concern with doing so. “This situation is a [sic] unique since the County Attorney requested the footage prior to AOC being made [aware of] it’s [sic] existence. . . . [W]e don’t intend on [sending a] letter to Sheriff [McGuire], the County Attorney and/or the Commonwealth Attorney based on this incident.” (*Id.*). Far from expressing upset, Deputy Director McGinnis “had our Court Security Coordinator *politely* reminded [sic] the Sh[eriff and] the Court Security Office that they can’t just hand out video clips.” (*Id.* (emphasis added)). In this regard, Judge Jameson misrepresented the substance of these exhibits by his testimony.

Judge Jameson also accused Deputy Circuit Clerk Lacey Cavitt of conspiring with Sergeant Daniel and he identified her as the person who informed the news media of the video. Judge Jameson said, “We now know that Lacey Cavitt was the one that was trying to get media to get a copy of [the video],” and, again, he said, “It’s in all the reports.” (Jameson, VR 8/12/22 at 4:00:20 – 4:01:00). When the Commission Chairman pressed Judge Jameson by asking “Now is that something you heard or was that in the [AOC] report we’re going to get?” he immediately responded, “That’s in those reports.” (James, VR 8/12/22 at 5:28:31 – 5:29:32). Once again, however, that was a false statement. Neither report says anything of the kind. Lacey Cavitt’s name does not appear anywhere in either Jameson Hearing Exhibit 6 or 7. Judge Jameson said himself that it was “an *anonymous* email that was sent to WPSD.” (Jameson, VR 8/12/22 at 11:10:45 – 11:10:50 (emphasis added)). Based on this record, which indicates the story was being talked about by “most people in the building” and “all over the county,” the anonymous tipster could be anyone from the janitor Judge Jameson passed on the stairs in his underwear to his political opponent herself. There is no proof in

the record that points to Lacey Cavitt as more likely to be the tipster, and certainly none in the AOC reports.

Judge Jameson also indicated that Sergeant Daniel's review of the video was politically motivated, that he "review[ed] security videos to see if he can find anything that can make [him] look bad . . . and get that video on TV to embarrass [him]" because he supported his political opponent. (JCC Hearing Exhibit 15; Jameson, VR 8/12/22 at 5:28:55 – 5:29:10). But the record shows that until Judge Jameson's attacks on him, Sergeant Daniel had no reason to care about who would be elected judge for the 42<sup>nd</sup> Circuit (Marshall and Calloway Counties) because: (1) he lives in Graves County and, therefore, could not vote in the election; and (2) his retirement was to begin in June 2022 and he would not be working in the courthouse no matter which candidate won the election. (McGuire, VR 8/12/22 at 11:03:35 – 11:03:45).

The Commission also found Judge Jameson's explanation incredible when he testified about a meeting of the people he named as his detractors, implying they included Commonwealth Attorney Dennis Foust, Sergeant Daniel, and Lacey Cavitt. Judge Jameson testified that "just a few nights before [Sergeant Daniel gave Foust the video] they had all met at my opponent's house watching other videos, one of the ones they sent into the JCC." (Jameson, VR 8/12/22 at 5:30:42 – 5:30:56). When asked how he knew this meeting took place, he said, "I know people who went there." (Jameson, VR 8/12/22 at 5:30:57 – 5:31:05). When further pressed, Judge Jameson could not name an attendee who told him anything. When asked for a name, he could only say:

Don Thomas, attorney in town, said specifically that Laura Raleigh[?], the secretary of Mr. Foust, that he told her to be at the meeting and there were several people invited including the

prosecutor and they were all asked to be as part of her executive committee and as far as I know they all turned her down.

(Jameson, VR 8/12/22 at 5:31:18 – 5:31:39). To be clear, Judge Jameson testified that someone who attended the meeting told him what happened, but when asked who that was, he refuted his own testimony because he could not identify such person and could only name someone who told him others went.

Although there are other examples of Judge Jameson's prevarication, we cite to only one more. Judge Jameson told the Commission that once he registered his complaint against Sergeant Daniel with Chief Deputy Reynolds, he was happy to allow the investigation to run its course. "If I'm way off, tell me," he said. (Jameson, VR 8/12/22 at 4:31:45 – 4:31:53). In effect, Chief Deputy Reynolds' report told Judge Jameson that he was "way off." Later, Judge Jameson's counsel further examined him as to whether he accepted the Sheriff's Department investigation and conclusion that Sergeant Daniel did nothing wrong.

Def. Counsel: You expected the Sheriff's Office to do their investigation and do with [it] as they determined was appropriate, correct?

Jameson: Correct.

Def. Counsel: And that's when we got the report from Tim Reynolds, Chief Deputy, under date of April 13, correct?

Jameson: Correct. And I did nothing further. I didn't call anyone. I didn't do anything else.

(Jameson, VR 8/12/22 at 5:42:56 – 5:43:17). But the testimony of Sheriff McGuire, a man Judge Jameson has known for thirty years, contradicts him; Sheriff McGuire testified it was after Chief Deputy Reynolds' investigation cleared Sergeant Daniel that Judge Jameson expressed fear that he was capable of planting evidence against him and again pressed his

request to have him removed from the courthouse. This directly contradicts his testimony here. (McGuire, VR 8/12/22 at 10:52:34 – 10:52:45 and 11:06:03 – 11:06:23). The Commission found Sheriff McGuire’s testimony was credible and Judge Jameson’s was not.

The proof in this case, primarily Judge Jameson’s own words and deeds, convinces the Commission that he interprets communications, whether written or verbal, as he would like them to have been conveyed, even if inconsistent with their actual substance or meaning. Unfortunately, his penchant for baseless allegations and the exercise of his powers or authority beyond that allowed by the Canons had an impact, however great or small, on the careers of at least two individuals—Chad Lampe and Jeff Daniel. For these reasons, we reach the following conclusions.

Judge Jameson’s actions violate SCR 4.020(1)(b)(i) and constitute misconduct in office. Furthermore, Judge Jameson’s 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.

## **ORDER**

Judge Jameson has been found guilty by the Commission of violating the Kentucky Code of Judicial Conduct and engaging in misconduct in all seven (7) of the counts charged against him. His conduct has violated numerous Rules of the Judicial Canons, including the following:

- Failing to comply with the law including the rigging of a public bid process (Canon 1, Rule 1.1).
- Failing to act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and avoiding impropriety and the appearance of impropriety (Canon 1, Rule 1.2), and not abuse the prestige of judicial office to advance the personal interests of the judge or others (Canon 1, Rule 1.3).
- Failing to give precedence of the judicial office over all of a judge's personal and extrajudicial activities (Canon 2, Rule 2.1).
- Failing to perform the duties of judicial office fairly and impartially (Canon 2, Rule 2.2) and without bias or prejudice (Canon 2, Rule 2.3(A) and (B)).
- Allowing social, political, financial or other interests or relationships to influence judicial conduct or judgment (Canon 2, Rule 2.4(B)). Failing to be patient, dignified, and courteous to those with whom the judge deals in an official capacity, and permitting similar conduct of others subject to his direction and control (Canon 2, Rule 2.8(B)).
- Investigating facts in a matter independently, and considering facts not properly presented or judicially noticed. (Canon 2, Rule 2.9(C)).
- Failing to require his staff to act in a manner consistent with the judge's obligations under the Code of Judicial Conduct (Canon 2, Rule 2.12(A)).
- Failing to cooperate and be candid and honest with judicial disciplinary agencies (Canon 2, Rule 2.16(A)).
- Participating in activities that will interfere with the proper performance of the judge's judicial duties. (Canon 3, Rule 3.1(A)).
- Participating in activities that would appear to a reasonable person to undermine the judge's independence, integrity or impartiality. (Canon 3, Rule 3.1(C)).
- Engaging in conduct that would appear to a reasonable person to be coercive (Canon 3, Rule 3.1(D)).
- Appearing voluntarily at a public hearing before, or otherwise consult with, an executive or a legislative body or official. (Canon 3, Rule 3.2)).
- Personally soliciting contributions and further allowing his name, image and prestige of judicial office to be used by others directly in the solicitation of contributions for the building of an inpatient drug treatment center in Marshall and Calloway counties. (Canon 3, Rule 3.7(A)(4)).
- Serving as an officer, director, trustee, or nonlegal advisor of such an organization or entity that is engaged in proceedings that come before the judge. (Canon 3, Rule 3.7(6)(a)).
- Personally soliciting or accepting financial or in-kind campaign contributions other than through a campaign committee authorized by Rule 4.4 (Canon 4, Rule 4.1(A)(8)).

Judge Jameson's conduct violating the Canons was not isolated but was a pattern of repeated conduct over an extended period of time. He put great thought, planning, and effort into the community corrections board matters and bid rigging, and he repeatedly abused the court's contempt powers, violating the due process rights of those in his courtroom. His violations of the Code of Judicial Conduct were extensive and frequent and there was a pattern of improper activity which affected others and the judicial system. The conduct occurred inside and outside the courtroom, and in his official capacity. Judge Jameson testified and his counsel argued (in opening) and in mitigation (in closing) that he may have made mistakes and maybe he should have just come to the courthouse, handled his docket, and gone home. While Judge Jameson acknowledged that most if not all the critical and operative conduct as alleged did occur, he steadfastly refused to acknowledge that any of his conduct presented issues or problems or was misconduct or violations of the Canons. To justify his conduct, he expressed his belief that "generational" differences motivate modern judges to be more involved in finding solutions to society's problems.

Unfortunately for Judge Jameson, altruistic intentions do not overcome or eliminate his serious violations of the Canons of Judicial Conduct. There is no doubt that he has brought the integrity and respect for the judiciary within Calloway and Marshall Counties into disrepute and that his improper actions violate the Canons. As part of the misconduct, Judge Jameson exploited his judicial position to satisfy his personal desires. It is the Commission's conclusion that there are other, deep-seated issues to be addressed with Judge Jameson, but these are well beyond the jurisdiction of the Commission.

Based upon a reasonable and reasoned application of the Rules, and as part of the Commission's purpose and process to ensure to the public that our judiciary is competent,

deliberative, fair, independent, and impartial, it is clear to the Commission that Judge Jameson lacks fitness to continue on the Bench. In fact, it is the Commission's conclusion that Judge Jameson is unfit for judicial office for the indefinite future.

As most realize (but some still do not), failing to be candid and honest with the Commission in its investigation and process on multiple occasions, including in Formal Proceedings, goes to the heart of a judge's integrity. Judge Jameson failed to be candid with the Commission and obstructed justice.

While instrumental in Judge Jameson's misconduct and his removal from judicial office, the bid rigging conduct and related influence exerted by Judge Jameson over the public bid process in Marshall and Calloway counties create ancillary issues that are outside the scope of the jurisdiction of the Commission. The Commission is not tasked with investigating or charging any others who may have been involved in Judge Jameson's activities or what has been uncovered by this Hearing on the bid rigging "issues" within the counties and among the participants. However, those issues do not, and should not, go unnoticed. The Commission acknowledges that this decision determining Judge Jameson's unfitness for office does not address and will not resolve all the issues that have been uncovered through the Commission's investigation and as a result of the Final Hearing and as set forth in its original Findings of Fact, Conclusions of Law and Final Order, or its Supplemental Findings of Fact, Conclusions of Law and Final Order.

As is typical of matters that end up in Final Hearing with the Commission, this case does not involve one or two isolated occurrences, but instead involves Judge Jameson's pattern of misconduct over an extended period of time and his repeated exercise of total control, improper behavior on the bench, extremely poor judgment, and his engagement in



matters that are well outside the bounds of the constitutional role of a judge. Any reasonable person could easily recognize the significant issues presented by Judge Jameson's conduct as outlined in this Order as concerns the Code of Judicial Conduct and its Canons. This is especially true in Judge Jameson's case, given that he was warned by the Commission in the past that his conduct should conform to the bounds of his constitutional role as a judge; yet he continued with activities that deviated drastically from that role.

The Preamble to the Code of Judicial Conduct describes the public's minimal, general expectations of persons who pursue a career of sitting in judgment of their fellow Kentuckians. It says:

Judges should maintain the dignity of judicial office at all times, and avoid both impropriety and the appearance of impropriety in their professional and personal lives. They should aspire at all times to conduct that ensures the greatest public confidence in their independence, impartiality, integrity, and competence.

SCR 4.300[2] (Preamble). Judge Jameson failed in essentially every respect of this fundamental rule applicable to all judges. The Commission's constitutional role in these proceedings is to protect the dignity and integrity of the Kentucky judiciary as well as the public. *Id.*; *Alred v. Judicial Conduct Comm'n*, 395 SW3d 417, 426 (Ky. 2012).

During the course of the Commission's investigation and the four-day evidentiary hearing, Judge Jameson offered no evidence or testimony of contrition, regret, or remorsefulness for his conduct. Rather, he blamed the charges on the "generational" differences between the Commission members and the modern day judge he attempts to portray, notwithstanding the Code of Judicial Conduct. While Judge Jameson's "dream" or end goal to build a drug treatment center may have been noble, that end goal can never be

justified when the means to attain that goal are both unethical and illegal as established by clear and convincing evidence in this case.

After proper notice and hearing and based on the totality of the circumstances and evidence presented at the Final Hearing and the broad range of repeated and systemic misconduct by Judge Jameson over a substantial period of time, the Commission by unanimous vote (5-0) orders that Judge Jameson be removed from office. The Commission notes that the severity of the penalty imposed is driven significantly by his violations of the Canons in Counts I, II and III, and those alone justify removal from judicial office now and unfitness for judicial office in the future, even without the other significant misconduct found.

Commission records do not reflect ever a case where the Commission has been directed to supplement its findings of fact and conclusions of law. This situation, though unique, has presented the Commission with the opportunity to reflect, consider and review the record made in this matter and its original Findings of Fact, Conclusions of Law and Final Order. Upon this further reflection and review, the Commission, now by means of this ninety-page supplement to the Supreme Court, hereby ADOPTS and INCORPORATES its prior Final Order and REAFFIRMS its conclusion and ORDER that Judge Jameson be removed from judicial office for the term he then held and that he is equally unfit to serve in judicial office in the indefinite future.

**WHEREFORE, based upon the foregoing and the totality of the clear and convincing substantial evidence presented to the Commission at the Temporary Suspension Hearing and the Final Hearing, pursuant to SCR 4.020(1)(b) and based upon misconduct in office and numerous violations of the Code of Judicial Conduct in**

**Rule 4.300, it is the Commission's conclusion and ruling that Judge Jameson is unfit for the judicial office he currently holds and is equally unfit to serve in judicial office in the indeterminate future. Therefore, the Commission hereby reaffirms its ORDER that Judge Jameson be, and hereby is, REMOVED from judicial office for the term he then held, and that this same unfitness disqualifies Judge Jameson from holding judicial office in the indefinite future. The Commission believes it has a good faith basis under *Gordon v. Judicial Conduct Comm'n* to find and conclude that Judge Jameson should be permanently removed from judicial office because the totality of the clear and convincing evidence presented at the Temporary Suspension Hearing and Final Hearing and as set forth herein establishes that he was unfit and remains unfit for judicial office.**

I hereby certify that the Supplemental Findings of Fact, Conclusions of Law, and Final Order represent an action of the Judicial Conduct Commission on this 25th day of July, 2023.

July 25, 2023

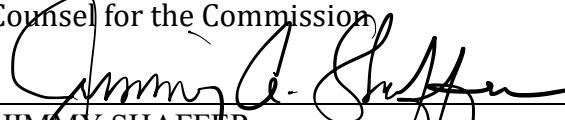
R. Michael Sullivan  
R. MICHAEL SULLIVAN, CHAIRMAN  
KENTUCKY JUDICIAL CONDUCT COMMISSION

### CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of this order has been served this 25<sup>th</sup> day of July, 2023 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  
42<sup>ND</sup> 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 42<sup>nd</sup> Judicial Circuit consisting of Calloway and Marshall counties. The charges are as follows:

**Count I**

You acted as the alter ego for the 42<sup>nd</sup> 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 42<sup>nd</sup> 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 13<sup>th</sup>, 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 13<sup>th</sup> 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  
42<sup>ND</sup> 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 42<sup>nd</sup> Judicial Circuit consisting of Calloway and Marshall counties. The charges are as follows:

**Count I**

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- 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:

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- **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 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.
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- **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 42<sup>nd</sup> 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 21<sup>st</sup>, 2022

  
R. MICHAEL SULLIVAN, CHAIRMAN  
KENTUCKY JUDICIAL CONDUCT COMMISSION

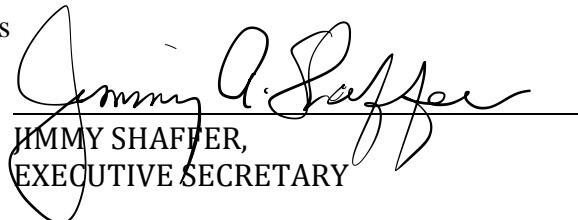
Dr. Joe Ellis has recused himself from any consideration in this matter.

**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 COURT JUDGE  
42<sup>ND</sup> 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:

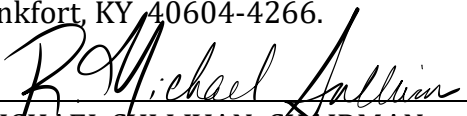
**RULE 4.180 FORMAL PROCEEDINGS**

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

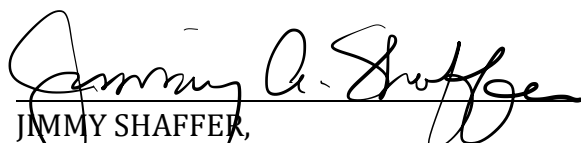
Dr. Joe Ellis has recused himself from any consideration in this matter.

### CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of this order has been served this 4<sup>th</sup> 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

**COMMONWEALTH OF KENTUCKY  
JUDICIAL CONDUCT COMMISSION**

**IN RE THE MATTER OF:**

**JAMES T. JAMESON, CIRCUIT COURT JUDGE  
42<sup>ND</sup> JUDICIAL CIRCUIT**

**THIRD 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 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.

## **COUNT VII**

In early April of 2022, after learning that an Open Records Act request had been made to the Administrative Office of the Courts for security footage of the courthouse, you called



Chad Lampe, the station manager of the public radio station at Murray State University. During that phone call, believing Mr. Lampe had filed an appeal of the denial of the Open Records Act request, you told Mr. Lampe you had already spoken to the President of the University and you told Mr. Lampe the President was not happy. You asked Mr. Lampe to confirm that the news station was not going to run a story about the camera footage of you walking around in the courthouse in your underwear. Within a day or two after your phone call, the Provost of the University contacted Mr. Lampe requesting information about the Open Records Act request.

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.

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.

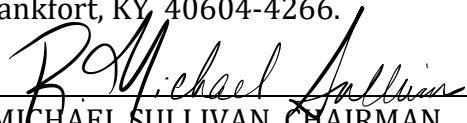
For your information, the Commission wishes to call your attention to the following Supreme Court Rule:

**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 7, 2022

  
R. MICHAEL SULLIVAN, CHAIRMAN  
KENTUCKY JUDICIAL CONDUCT COMMISSION

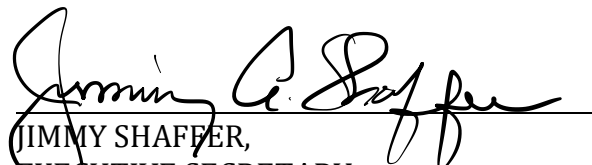
Dr. Joe Ellis has recused himself from any consideration in this matter.

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of this order has been served this 7<sup>th</sup> 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