

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**TIMOTHY A. LANGFORD, CIRCUIT COURT JUDGE
1ST JUDICIAL CIRCUIT**

FORMAL PROCEEDINGS DOCKET ENTRIES

Date of Document

1. December 19, 2017 - [Notice of Formal Proceedings and Charges](#)
2. December 22, 2017 - [Letter from Judge Langford Requesting Additional Time to File an Answer](#)
3. December 27, 2017 - [Order for Extension](#)
4. December 28, 2017 - [Amended Notice of Formal Proceedings and Charges](#)
5. January 16, 2018 - [Request for Additional Time to Answer Due to Inclement Weather](#)
6. January 17, 2018 - [Order for Extension](#)
7. January 31, 2018 - [Answer](#)
8. March 7, 2018 - [Notice of Time and Place for Hearing](#)

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**TIMOTHY A. LANGFORD, CIRCUIT COURT JUDGE
1ST 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 1st Judicial Circuit consisting of Ballard, Carlisle, Fulton, and Hickman Counties. The charges are as follows:

Count I

On multiple occasions, you contacted officials at the Fulton County Detention Center to request the use of inmates to perform work during the reconstruction of the church which you attend and hold leadership positions in, in violation of KRS 441.125.

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** which requires judges to maintain high standards of conduct and uphold the integrity and independence of the judiciary.
- **Canon 2A** which requires judges to respect and comply with the law and act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.
- **Canon 2D** which prohibits judges from lending the prestige of judicial office to advance private interests of the judge or others.

Count II

On multiple occasions, you contacted officials at the Fulton County Detention Center to request the use of publicly-owned equipment to perform work during the reconstruction of the church which you attend and hold leadership positions in.

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** which requires judges to maintain high standards of conduct and uphold the integrity and independence of the judiciary.
- **Canon 2A** which requires judges to respect and comply with the law and act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.
- **Canon 2D** which prohibits judges from lending the prestige of judicial office to advance private interests of the judge or others.

Count III

You routinely assign 300 hours of community service to all felony criminal defendants who enter a guilty plea in your court. You directed your legal assistant, Jeremiah McCarty, to oversee and coordinate community service projects for these defendants. On multiple occasions, McCarty contacted defendants and encouraged them to perform community service on the reconstruction of the church which you attend and hold leadership positions in. McCarty would routinely provide transportation for defendants to the church to perform these services.

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 2A** which requires judges to respect and comply with the law and act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.
- **Canon 2D** which prohibits judges from lending the prestige of judicial office to advance private interests of the judge or others.

Count IV

Outside of court proceedings you personally observed community service work and signed documents verifying community service work performed by criminal defendants on probation in your court.

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** which requires judges to maintain high standards of conduct and uphold the integrity and independence of the judiciary.
- **Canon 2A** which requires judges to respect and comply with the law and act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.
- **Canon 7D** which prohibits judges from engaging in *ex parte* communications with parties and prohibits judges from independently investigating facts and considering evidence outside of a hearing.

Count V

You serve on the Board of Directors for the First Judicial Circuit Corrections Cabinet, Inc. ("FJCCC"), which provides ankle monitoring services for criminal defendants in the First Judicial Circuit. Your legal assistant, Jeremiah McCarty, is employed and compensated by the FJCCC to administer the ankle monitor program. Mr. McCarty never received approval from the Administrative Office of the Courts before taking the position with the

FJCCC. Mr. McCarty's compensation from the FJCC is directly tied to fees collected from criminal defendants who are participating in the program. Mr. McCarty will occasionally testify in your court as to whether or not criminal defendants have violated terms of probation relating to their ankle monitor.

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** which requires judges to maintain high standards of conduct and uphold the integrity and independence of the judiciary.
- **Canon 2A** which requires judges to respect and comply with the law and act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.
- **Canon 2D** which prohibits judges from lending the prestige of judicial office to advance private interests of the judge or others and prohibits a judge from conveying the impression that they are in a special position to influence the judge.

Count VI

In Fulton Circuit Court Case No. 09-CR-00061, styled *Commonwealth v. David Eakes*, you engaged in *ex parte* communications with the defendant's brother and advised him that the defendant could not have a hearing on a motion for shock probation in Fulton Circuit Court until or unless he made an upfront payment of \$600.00 to cover the costs of transporting the defendant to Fulton County.

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** which requires judges to maintain high standards of conduct and uphold the integrity and independence of the judiciary.

- **Canon 2A** which requires judges to respect and comply with the law and act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.
- **Canon 3B(7)** which requires a judge to accord every person who has a legal interest in a proceeding the right to be heard according to law and prohibits judges from engaging in *ex parte* communications with parties.

Count VII

In Fulton Circuit Court Case No. 09-CR-00061, styled *Commonwealth v. David Eakes*, the defendant moved for relief from participation in the ankle monitoring program on December 6, 2012. The defendant renewed this motion on March 22, 2013; June 25, 2013; September 9, 2013; March 7, 2014; August 29, 2014; April 2, 2015; and October 26, 2015. You took the original motion and each subsequent renewed motion under advisement until ultimately denying the motion on January 14, 2016.

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** which requires judges to maintain high standards of conduct and uphold the integrity and independence of the judiciary.
- **Canon 2A** which requires judges to respect and comply with the law and act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.
- **Canon 3B(8)** which requires judges to dispose of all judicial matters promptly, efficiently, and fairly.

Count VIII

In 2017, you employed John Mark Corum to perform work on your property and paid him a total of \$16,471.00 while he was under supervised probation for a guilty plea in Fulton Circuit Court Case No. 13-CR-00049, styled *Commonwealth v. John Mark Corum*, which you presided over and retained jurisdiction to review compliance with probation.

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** which requires judges to maintain high standards of conduct and uphold the integrity and independence of the judiciary.
- **Canon 2A** which requires judges to respect and comply with the law and act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.
- **Canon 3B(8)** which requires judges to dispose of all judicial matters promptly, efficiently, and fairly.

Count IX

KRS 439.265(2) requires judges to consider a motion for shock probation within sixty (60) days of the filing date of the motion. The statute further requires judges to enter their rulings within ten (10) days after considering the motion. In the following cases, you ruled on motions for shock probation outside of the statutory time period:

- a. Fulton Circuit Case No. 11-CR-00011, *Commonwealth v. Dean*:
 1. July 7, 2014 – Defendant moves for shock probation;
 2. July 28, 2014 – Motion taken under advisement;
 3. December 9, 2014 – Defendant moves for shock probation;
 4. January 10, 2015 – Motion taken under advisement;
 5. March 30, 2015 – Motion for shock probation denied.
- b. Fulton Circuit Case No. 10-CR-00120, *Commonwealth v. Gossett*:
 1. February 10, 2014 – Defendant moves for shock probation;
 2. March 17, 2014 – Motion taken under advisement;
 3. May 19, 2014 – Defendant moves for shock probation;
 4. May 27, 2014 – Motion taken under advisement;
 5. November 14, 2014 – Motion for shock probation granted.
- c. Ballard Circuit Case No. 11-CR-00036, *Commonwealth v. Bray*:
 1. September 15, 2011 – Defendant moves for shock probation;
 2. January 9, 2012 – Motion for shock probation granted.

- d. Ballard Circuit Case No. 09-CR-00115, *Commonwealth v. McCain*:
 1. December 9, 2010 – Defendant moves for shock probation;
 2. April 1, 2011 – Motion taken under advisement;
 3. July 1, 2011 – Motion taken under advisement;
 4. March 21, 2012 – Motion taken under advisement;
 5. January 7, 2013 – Motion for shock probation granted.

- e. Ballard Circuit Case No. 06-CR-00084, *Commonwealth v. Haws*;
 1. July 2, 2007 – Defendant moves for shock probation;
 2. July 26, 2007 – Defendant re-notices motion for shock probation;
 3. August 13, 2007 – Defendant re-notices motion for shock probation;
 4. September 14, 2007 – Defendant re-notices motion for shock probation;
 5. September 24, 2007 – Motion for shock probation granted.

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** which requires judges to maintain high standards of conduct and uphold the integrity and independence of the judiciary.

- **Canon 2A** which requires judges to respect and comply with the law and act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

- **Canon 3B(8)** which requires judges to dispose of all judicial matters promptly, efficiently, and fairly.

The jurisdiction of the Judicial Conduct Commission in this matter is under SCR 4.020(1)(b)(i) and (v), and (1)(c) which read 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

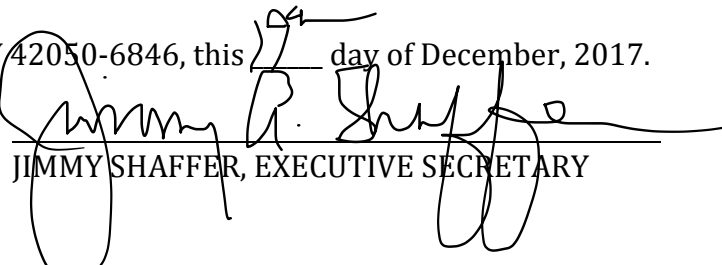
If the Commission concludes that formal proceedings should be initiated, it shall notify the judge. He may file an answer within 15 days after service of the notice. Upon the filing of his answer, or the expiration of time for so filing, the Commission shall set a time and place for the hearing and shall 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, Kentucky 40604-4266.

December 19th, 2017.


STEPHEN D. WOLNITZEK, CHAIR

I hereby certify that copy hereof was served on Timothy A. Langford, Circuit Court Judge, 8574 State Route 1128, Hickman, KY 42050-6846, this 19th day of December, 2017.


JIMMY SHAFFER, EXECUTIVE SECRETARY



COMMONWEALTH OF KENTUCKY
1ST JUDICIAL CIRCUIT
FULTON COUNTY COURTHOUSE
114 EAST WELLINGTON STREET, P.O. BOX 167
HICKMAN, KENTUCKY 42050-0167
PHONE 270-236-3536 FAX 270-236-9975

TIMOTHY A. LANGFORD
CIRCUIT JUDGE

BALLARD, CARLISLE, FULTON
& HICKMAN CIRCUIT COURTS

December 22, 2017

Ms. Jimmy A. Shaffer
Judicial Conduct Commission
P. O. Box 4266
Frankfort, Kentucky 40604-4266

RE: JCC Case Number 2017-140 and 2017-219

Dear Ms. Shaffer,

I received your letter dated December 19, 2017 on December 22nd, 2017. I tried to call your office immediately upon receipt of the letter at about 12:33 p.m. central time and about 1:33 p.m. your time. I reached your answering machine which said no one at your office was available.

I write this letter to request an extension of time to file my answer given the Holidays and my court schedule immediately after the Holidays. I am by this letter requesting that I be given an extension of time to answer until at least January 22nd, 2018 or preferably January 29th, 2018.

I will again contact your office next week after Christmas to see if I am able to reach you. I will be happy to file a formal motion or whatever may be needed if necessary.

Thank you for your attention to this request.

I am sending this letter to you by both fax and U.S. mail, so its receipt will not be delayed.

Merry Christmas and Happy New Year.

Timothy A. Langford

TAL/fbkn

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

IN RE THE MATTER OF:

TIMOTHY A. LANGFORD, CIRCUIT COURT JUDGE
1ST JUDICIAL CIRCUIT

ORDER FOR EXTENSION

Upon consideration of request of Judge Langford for an extension of time to file an Answer to the Notice of Formal Proceedings and Charges, pursuant to SCR 4.200, it is by the Commission,

ORDERED that the time for filing an Answer be and it is hereby extended. The Answer shall be filed on or before January 22, 2018.

12/27/17
Date

Stephen D. Wolnitzek
Stephen D. Wolnitzek, Chair

CERTIFICATE OF SERVICE

I hereby certify that copy of this Order for Extension was served on Timothy A. Langford, Circuit Court Judge, 114 E. Wellington St., P.O. Box 167, Hickman, KY 42050, this 27th day of December 2017.

Jimmy A. Shaffer
JIMMY SHAFFER,
EXECUTIVE SECRETARY

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**TIMOTHY A. LANGFORD, CIRCUIT COURT JUDGE
1ST 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 1st Judicial Circuit consisting of Ballard, Carlisle, Fulton, and Hickman Counties. The charges are as follows:

Count I

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Count VI

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- **Canon 3B(8)** which requires judges to dispose of all judicial matters promptly, efficiently, and fairly.

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In 2017, you employed John Mark Corum to perform work on your property and paid him a total of \$16,471.00 while he was under supervised probation for a guilty plea in Fulton Circuit Court Case No. 13-CR-00049, styled *Commonwealth v. John Mark Corum*, which you presided over and retained jurisdiction to review compliance with probation.

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KRS 439.265(2) requires judges to consider a motion for shock probation within sixty (60) days of the filing date of the motion. The statute further requires judges to enter their rulings within ten (10) days after considering the motion. In the following cases, you ruled on motions for shock probation outside of the statutory time period:

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 3. May 19, 2014 – Defendant moves for shock probation;
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- **Canon 3B(8)** which requires judges to dispose of all judicial matters promptly, efficiently, and fairly.

The jurisdiction of the Judicial Conduct Commission in this matter is under SCR 4.020(1)(b)(i) and (v), and (1)(c) which read 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

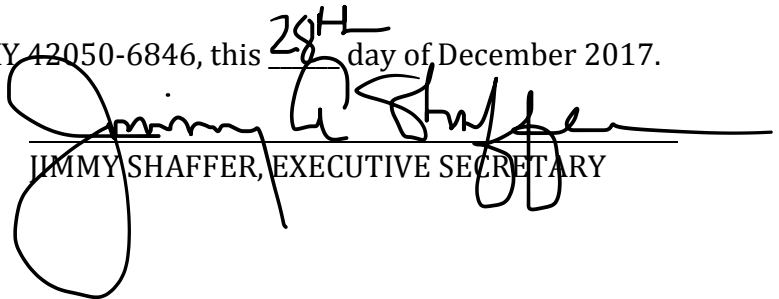
If the Commission concludes that formal proceedings should be initiated, it shall notify the judge. He may file an answer within 15 days after service of the notice. Upon the filing of his answer, or the expiration of time for so filing, the Commission shall set a time and place for the hearing and shall 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, Kentucky 40604-4266.

December 28th, 2017.


STEPHEN D. WOLNITZEK, CHAIR

I hereby certify that copy hereof was served on Timothy A. Langford, Circuit Court Judge, 8574 State Route 1128, Hickman, KY 42050-6846, this 29th day of December 2017.


JIMMY SHAFFER, EXECUTIVE SECRETARY

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

IN RE THE MATTER OF:

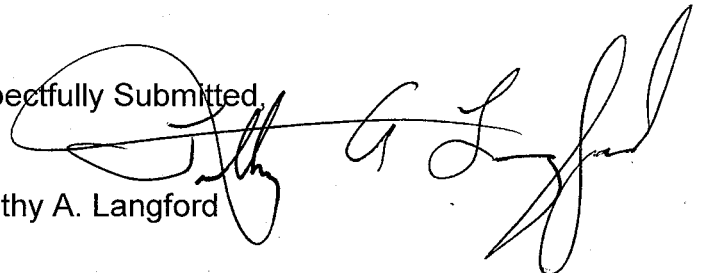
TIMOTHY A. LANGFORD, CIRCUIT COURT JUDGE
1st JUDICIAL CIRCUIT

REQUEST FOR ADDITIONAL TIME TO
ANSWER DUE TO INCLEMENT WEATHER

This request is sent to request additional time to file my Answer with the Commission. Our area of the State was blanketed with 1 inch of sleet, freezing rain and 2 inches of snow on January 11, 2018. This resulted in the closure of the courthouses in Ballard, Fulton, Carlisle and Hickman counties on January 12th. Road conditions did not, and have not, improved since January 11th. This area of western Kentucky also received 7+ inches of snow on January 15, 2018. The courthouses and clerk's offices in all of the Jackson Purchase are again closed today, January 16, 2018. Roads are treacherous, and it is doubtful that they will improve today or tomorrow given that the high temperature is expected to be 15 degrees today and 22 degrees tomorrow, January 17, 2018. I have a full court docket in three (3) counties on January 18 and 19. I had anticipated gathering data and information for my answer from the clerk's offices on January 12, 16 & 17. My court calendar is full for the week of January 22nd. I am requesting an extension of time to complete and file my answer until February 1, 2018.

Respectfully Submitted,

Timothy A. Langford

A handwritten signature in black ink, appearing to read 'Timothy A. Langford', written over the printed name.

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

IN RE THE MATTER OF:

TIMOTHY A. LANGFORD, CIRCUIT COURT JUDGE
1ST JUDICIAL CIRCUIT

ORDER FOR EXTENSION

Upon consideration of request of Judge Langford for an extension of time to file an Answer to the Notice of Formal Proceedings and Charges, pursuant to SCR 4.200, it is by the Commission,

ORDERED that the time for filing an Answer be and it is hereby extended. The Answer shall be filed on or before February 1, 2018.

1.17.18

Date


Kent Westberry, Chair

CERTIFICATE OF SERVICE

I hereby certify that copy of this Order for Extension was served on Timothy A. Langford, Circuit Court Judge, 114 E. Wellington St., P.O. Box 167, Hickman, KY 42050, this 17th day of January 2018.


JIMMY SHAFFER,
EXECUTIVE SECRETARY

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION
CASE NO. 2017-140 and 2017-219**

IN RE THE MATTER OF:

**TIMOTHY A. LANGFORD, CIRCUIT COURT JUDGE
1st JUDICIAL CIRCUIT**

This Answer is tendered reserving and not waiving the right to file appropriate motions regarding questions of jurisdiction of the Judicial Conduct Commission to consider the allegations/charges contained in the Notice and Amended Notice of Formal Proceedings dated December 19, 2017 and December 28, 2017.

ANSWER

COUNT I

I did not, on multiple occasions, contact officials from the Fulton County Detention Center to request the use of inmates to perform work during the reconstruction of the church building which I attend and hold leadership positions.

In January of 2013 the West Hickman Baptist Church building was completely destroyed by fire. For 2 years thereafter, the church met in the Fulton County Middle School, the Hickman First United Methodist Church and other venues.

In the spring of 2014 West Hickman Baptist Church started their re-building process. The church negotiated with a contractor/builder, however, a contract was never signed and the contractor was not hired. The Church was presented an opportunity in the fall of 2013 to be considered by Carpenters for Christ to build the church. Carpenters for Christ is a volunteer group of men (primarily from Alabama and Mississippi) who build a church project each June in some location. West Baptist Church was blessed by God

to have Carpenters for Christ select this location as their building site in 2014. The Church determined to be their own contractor and to hire sub-contractors to do whatever work the volunteers did not complete. A sub-contractor from Murray, Kentucky was hired to pour the concrete slab needed for construction to begin.

On June 5, 2014 about 125 men arrived and the church sanctuary building was raised over the next 12 days. A photo of some of the early work is attached as Exhibit A. This photo shows some of the 125 Carpenters for Christ and church members raising the first wall of the new church building. What you do not see in the photo is any Fulton County Detention Center inmates working. I am unaware and have no knowledge or basis to believe that any Fulton County Detention Center inmates did construction work on the West Baptist Church building. Carpenters for Christ and local volunteers raised the church building in 12 days. The finish work on the building was completed over the next 8 months.

The Fulton County Jailer was/is a member of West Baptist Church. During the fall of 2013 and early spring of 2014 plans were discussed concerning the Church partnering with Carpenters for Christ. The Church was informed that jail work crews could, if available, help with moving materials/unloading trucks, but could not help in construction work. The church was advised to let the jail know when and where trucks needed to be unloaded. The Fulton County Detention Center houses in excess of 300 inmates, primarily state prisoners. The Fulton County Detention Center has a long history of supplying work crews to the cities of Hickman and Fulton and to Fulton County. The Church took this offer of assistance at face value and did not question the details of how the jail regulations differed or worked. I did not know, nor do I now know, what

direction, instruction, DOC regulation or policy the Fulton County Jail relied on when the offer of assistance of unloading trucks was made. The Church trusted that the Fulton County Jail knew operations were proper and had no reason to believe the Fulton County Jail would allow any violations of applicable policies.

Some background information is necessary to give context to what may have caused the offer of assistance to be made.

West Hickman Baptist Church has a long history of interacting with the Fulton County Detention Center. The following reflects some of that interaction. All of Fulton County suffered a crippling ice storm in the spring of 2009. West Hickman Baptist Church served as a community shelter during the first 3 days of the emergency (declared by the Governor). Thereafter, West Hickman Baptist Church worked along with other churches and civic and governmental organizations including the Fulton County Detention Center, at the local high school as a disaster relief center. Meals and shelter were provided to members of the community at large. Electric service was out from 7 – 23 days in the area.

In the spring of 2011 the Mississippi River was at historic flood stage. Fulton County Detention Center inmates filled 60,000+ sand bags to protect the City of Hickman and the Fulton County Levee system. West Hickman Baptist Church initiated a program to feed the inmates an evening meal each day after they had spent long hours filling and loading sandbags. Other churches in the community also participated in this meal program. I know the inmates appreciated this since I heard one comment that it was the best meal he had had since being incarcerated. I helped in the line to serve BBQ chicken and all the trimmings. I was dressed in work clothes with a farm cap on. I am confident

the inmate had no idea who I was since he said he was not from Fulton County. West Hickman Baptist Church, along with other community churches, also helped to donate approximately \$2,000 following the flood to provide new underwear for all the inmates who had worked in the sandbagging effort. Their underwear was ruined and stained red due to the color of the sand used to fill the sandbags.

The essence of this allegation is that I used my position/status as Judge to gain a benefit for the church I attend. This, simply put, is not true.

It is true that I attend West Baptist church and have done so for 37 years.

It is true that I served on the building committee for the rebuilding of the church.

It is true that jail inmates were volunteered to unload trucks. What is not true is that I requested this help or assistance. I saw jail inmates help or prepare to help unload materials three (3) times over the 8-month period of major construction. I did not stop, nor did I have the authority to stop, the inmates from unloading trucks. I did work on the construction project myself, along with hundreds of other volunteers from the local area and other states. I never saw inmates doing any construction work. I was on the construction site many days when I was not in Court. On a few occasions I relayed information concerning when a truck load of material was expected to arrive. This was not a request for help, rather, just advising when and where an offer of assistance could be utilized.

My work on the re-building of the church and relaying information had nothing to do with my being judge and did not violate Canons 1, 2A or 2D.

COUNT II

I did not, on multiple occasions, contact officials at the Fulton County Detention Center to request the use of publicly-owned equipment to perform work during the reconstruction of the church I attend.

The background interaction between the Fulton County Detention Center and West Baptist Church set out in Count I is incorporated by reference.

I was involved as a member of West Baptist Church in the rebuilding process. The Church received many donations for the rebuilding of the church including the use of equipment from many different individuals and companies. Many members of the church donated both time and the use of equipment. In all candor with the Commission, there may have been equipment from the jail used on site, however, I do not know this, nor did I request it.

The rebuilding of the church was a community-wide effort. The following information is an example of these efforts.

A large crane was needed to lift the 80' trusses into place on Thursday during the time the Carpenters for Christ were on site. The time window to lift these trusses into place was narrow due to the volunteers having only 10 days to finish construction. A local company, Coffey Construction, volunteered the use of their crane to perform this work. The Coffey Construction crane was on site Wednesday. Unfortunately, at 11:30 a.m. on Thursday it was discovered that the Coffey Construction crane had a bearing down that rendered it inoperable. Repairs would take at least 3 days. The church did not have 3 days. The good Lord provided another crane from C&S Construction, a company about

20 miles away. The "word" of the church's need was put out by telephone and prayer. A second crane was on site, with an operator, by 1:30 p.m. the same day and stayed until the trusses were set. This was nothing short of a miracle. I doubt without God's help that another crane could have been located in such a short time in Louisville, Kentucky where there are many more such cranes than are located in our rural area. Neither Coffey Construction nor C & S Construction companies are owned by members of West Baptist Church. Rather, they are owned by good neighbors who helped a church in need. I could repeat many similar stories. I include this background information to give you context as to why the Fulton County Jail, members of West Baptist Church or others might want to loan equipment to the church or allow it on the work site.

The church has been designated as a disaster relief site and, in fact, was used to house emergency workers during the 2017 tornado cleanup in Hickman, Kentucky.

My working during the re-building of West Baptist Church had nothing to do with my role as judge and it did not violate Canons 1, 2A or 2D of the Code of Judicial Conduct.

COUNT III

I deny the wording of Count III. I do not routinely assign 300 hours of community service to all felony criminal defendants who enter a guilty plea in the First Circuit. Some defendants are probated and some defendants are sentenced to jail/prison. I generally, as a condition of probation, require probated felony defendants to perform 300 hours of community service work. The probated defendants are not assigned to any community work service project. Probationers are instructed to consult with their probation officer to determine where they can perform community service work. I advise probated

defendants, from the bench, at the time of probation, that community service work can be performed for any charity, civic group, church or other non-profit organization and for city, county or other governmental agencies. I tell them that it is work for their community. Probationers who live in other states or other counties in Kentucky can do their community service work in that area and are not required to come back to the First Circuit counties for this purpose. The theory behind community service work is not just for the community to get free labor. Rather, and more importantly, community service work is intended to help probationers become better citizens in the community in which they live.

I deny that my legal assistant oversees or coordinates community service projects. I have learned that it is helpful for both Probation and Parole officers and probationers if there is a list of available community service options and contact information. I have directed my legal assistant to keep such a contact list.

My legal assistant, in conjunction with Probation officers make probationers aware of various community service opportunities with the groups and entities that qualify as non-profit or government. I am confident that he would have made probationers aware of the West Baptist Church construction project in 2014-2015, as he did for many other projects and groups. Community service workers have provided work for many civic groups, charities and churches including, but not limited to UK Extension, Relay for Life, Habitat for Humanity, Columbus-Belmont State Park, various cities, all four counties of the First Circuit, and for the clean-up of various cemeteries. The probationers decide which endeavors fit their time schedule, skills, interests and location.

I am unaware that my legal assistant routinely provided transportation for probationers to the church project. Transportation is often an issue for probationers for

several reasons including, but not limited to, the fact that this is a rural area, legal driving restrictions and the availability of a vehicle. Over the years, he may very well have provided transportation for probationers to community work sites.

My actions requiring some defendants to perform community service work as a condition of probation did not violate the Code of Judicial Conduct in any way.

COUNT IV

I have, on occasion, personally observed community service work performed by defendants on probation in the First Circuit. I have also, on a few occasions, signed the work sheets of community service workers (some of whom were on probation) verifying the hours of work I observed them performing. I have, over the years, observed probationers picking up roadside trash prior to the Chicken Festival in Clinton, Kentucky; parking cars for Civil War Days at Columbus-Belmont State Park; building houses with Habitat for Humanity; various work projects at various churches including, but not limited to, the church I attend; painting the wrought iron fence at the Fulton County Courthouse; cleaning old cemeteries in Ballard County; clearing roads during the ice storm and I'm sure other activities. I have observed them as I worked on these same projects, usually on various Saturdays over the years. Probationers who perform community service work are required to periodically submit time sheets to their probation officer documenting where and when they performed their community service. These time sheets require the signature of someone who is present while the probationers are working. I have, on occasion, signed a time sheet if requested by a probationer or other community service

worker. Some community service workers have no connection to the court system, rather they are required to do community service work to qualify for certain state aid.

I would submit to the Commission that rather than being a violation of Canon 1 and Canon 2A, that in fact, my actions regarding this allegation and my conduct promoted confidence in the judiciary. I was taught long ago that men are equals and that none of us are better than anyone else. I have a wooden plaque in each of my four offices that I see just before I enter the courtroom that reads, "But by the grace of God I am what I am. I Corinthians 15:10". This reminds me as I sit as a judge that there is no difference between who I am and those who stand before me. Except by the grace of God, there go I.

None of us are too good to do community service work. The fact that I may on occasion observe probationers doing community service work is neither independent investigation nor is it ex parte communication in violation of Canon 7.

Probationers are supervised by the Department of Corrections Probation and Parole officers. I never see probationers back in court unless they are brought up for violation of probation. The forms that verify the probationer's community service work are reviewed by probation officers, not the Court. When I am doing community service work and a probationer happens to be there, the least I can do is be friendly and encourage them. After all, probation is about rehabilitation. My signing of the verification forms has nothing to do with any further or future consideration I might have in their case. The verification sheet shows compliance, not non-compliance, with the probationer's terms of probation. I will only see a probationer again in court for allegations of non-compliance.

My seeing probationers doing community service work is not a violation of Canons 1, 2A or 3(B)(7) of the Code of Judicial Conduct.

COUNT V

I do serve on the Board of Directors for the First Judicial Circuit Correction Cabinet (FJCCC). My service on the Board is mandated by KRS 196.725 which states:

"The community corrections board shall consist of not less than eight (8) members, and shall include, insofar as possible, judges, Commonwealth's attorneys, defense attorneys, crime victims or survivors, community leaders, social workers, law-enforcement officers, probation officers and other interested persons."

Jeremiah McCarty is my legal assistant and he works for FJCCC to administer the electronic ankle monitor program. This is a second job for Mr. McCarty performed outside his time working for the Administrative Office of the Courts. Mr. McCarty was originally hired by the FJCCC on a temporary basis. When the previous monitor officer resigned with scant notice, someone was needed immediately to administer the monitoring program. Mr. McCarty got approval from AOC to take a second job pursuant to the personnel policies for the Kentucky Court of Justice. Section 3.12 Outside Employment of Full-time and Part-time Employees (4) provides for approval of any request by the employee's appointing authority. Section 1.04 Definition (5) provides in part "The elected official is the appointing authority for the personnel in his or her office." For Mr. McCarty, that would be me. I knew of his employment with the First Judicial Circuit Corrections Board and approved of the same.

The FJCCC was established in 1994 to provide an alternative to incarceration for criminal defendants and thereby save the counties and the Commonwealth of Kentucky dollars. I served on the board as Commonwealth's Attorney from the beginning of the program. The FJCCC had the only monitoring program in the First Circuit for several years and was funded by grants from the Commonwealth of Kentucky. The program has had several administrators over its 20+ years of existence. The number of clients served by the FJCCC program has decreased in the last few years due to other programs being available. The First District Court now frequently utilizes a traffic court ankle monitor program that is un-connected to the FJCCC.

The pre-trial program, administered through the Administrative Office of the Courts has an electronic program which has provided electronic monitoring service for the last few years. This service is used exclusively for defendants who are on bond, and cannot be utilized for persons on probation.

On occasion the FJCCC continues to provide electronic monitoring services to defendants, who are sentenced and are on probation, for both the First and 59th District Drug Courts and the First District and 59th District Criminal Courts and the First Circuit Court.

The FJCCC did not receive grant funding in the year 2010. With the services provided by pre-trial and others the need for monitoring through FJCCC has declined.

My level of activity with the FJCCC Board has decreased. I have not been nearly as actively involved with the FJCCC since going on the bench in 2006 as before that time.

Mr. McCarty's compensation is set by the Board. His compensation does come from monitoring fees paid to the FJCCC, however, his level of compensation is not directly

ted to the number of persons on electronic monitoring devices. His compensation is not based on a dollar amount per the number of people monitored.

Mr. McCarty has, on a few occasions, given the Court information of a defendant's compliance or non-compliance with electronic monitoring guidelines. Fortunately, the electronic monitor program has been largely successful in aiding defendants to successfully complete probation and reintegrate into their communities.

My actions in serving on the board of directors of the First Circuit Judicial Circuit Cabinet have not violated the Canons of the Code of Judicial Conduct.

COUNT VI

I deny that I engaged in ex parte communication with the brother of the Defendant, David Eakes, nor did I advise him that the defendant could not have a hearing on a motion for shock probation in Fulton Circuit Court unless he made an up-front payment of \$600.00 to cover the cost of transporting the defendant to Fulton County.

In Commonwealth vs. David Eakes, Case No. 09-CR-061, in Fulton Circuit Court, the defendant received a sentence of seventeen (17) years for the offense of Burglary 2nd Degree (7 years) and Arson 2nd Degree (10 years).

The defendant filed motions for shock probation by and through his attorney at least three (3) times and each was denied. He filed for reconsideration of his shock probation a 4th time and this was taken under advisement subject to his completion of the Substance Abuse Program (SAP) inside the institution.

Defendants are normally not transported from distant jails/penal facilities for shock probation hearings, however, the defense wanted the defendant present for his last shock

probation motion hearing and the Court entered an order on July 21, 2011 for the defendant to be transported by the Department of Corrections. The Defendant was to be transported for a hearing on August 25, 2011 in Fulton Circuit Court from the Bluegrass Developmental Center. The Court rescinded that order on August 23, 2011 due to the Court being advised that the defendant "is now housed in a half-way house" as set out in a written order entered at that time. A copy of the July 21, 2011 and August 23, 2011 orders are attached and marked as Exhibit B and Exhibit C. The August 25, 2011 hearing was conducted with the defendant's attorney and the defendant's brother, James Eakes, present. The defendant's brother, James Eakes, was present with the defense attorney at several hearings before this Court.

The first mention of the defendant's family paying for the defendant's transport costs came during the August 25, 2011 hearing wherein the defendant's attorney suggested that he would prepare an order for the defendant to be transported by the Fulton County Sheriff with the defendant's family paying the cost. See tape mark 11:58:45. A copy of said video is filed herewith and marked as Exhibit V1.

The defendant's lawyer wanted the defendant present for his probation motion hearing. The Court again entered (January 5, 2012) a transport order for the Department of Corrections to transport the defendant. The Court, on January 9, 2012, rescinded the January 4, 2012 transport order because the Department of Corrections had declined to transport the defendant due to his "status" and the Department of Corrections would have required the local probation officers to transport the defendant approximately 300 miles in each direction. This would mean 1200 miles for the local officers. A copy of both the January 5, 2012 and January 9, 2012 orders are attached and marked as Exhibits D and

E. Following the hearing on January 12, 2012 the Court entered an order, prepared by the defendant's attorney, that provided that the defendant's family would pay the Sheriff's cost of transportation costs. A copy of the January 14, 2012 order is attached and marked as Exhibit E. A copy of the recording of the January 12, 2012 in-court discussion is filed herewith and marked as Exhibit V2. I did receive information from Sheriff Robert Hopper on or about February 7, 2012 that Mr. James Eakes (the defendant's brother) had contacted the Sheriff and related that Mr. James Eakes had spoken to someone at DOC. DOC apparently had advised Mr. James Eakes that DOC would provide the transportation of the defendant and save the defendant's family the cost of the transportation. I told the Sheriff that Mr. Eakes should talk to the defendant's attorney. The sheriff wanted to know if I still wanted him to transport the defendant or not for the February 9, 2012 hearing. I told the sheriff that I would rescind the transportation order for the February 9th hearing and that I would advise the attorneys on February 9, 2012 of this information and sort it all out on February 9th in court. The Court entered an order dated February 7, 2012 that noted the sheriff's information about the defendant's family's concerns about the transportation costs. A copy of the order dated February 7, 2012 is filed herewith and marked as Exhibit G. I advised both Mr. Eakes' lawyer, Dennis Null and the Commonwealth, on the record, in open court, on February 9, 2012 of this conversation with the Sheriff. A copy of the February 9, 2012 court appearance recording is filed herewith as Exhibit V3. See tape mark 11:55:19 a copy.

The February 9, 2012 hearing was continued to March 8, 2012 by order of the Court and a copy of a recording of the March 8, 2012 hearing is filed herewith and marked Exhibit V4. The probation hearing was conducted on March 8, 2012 with the defendant

present. The defendant was ultimately transported by the Paducah half-way house staff where he was then housed.

I had no ex parte communication with Mr. Eakes' brother about the transport of his brother. If Mr. James Eakes tried to talk to me outside court I would have told him that I could not discuss his brother's case with him outside of open court and that he should talk to his brother's lawyer. That is my standard reply to anyone who might attempt communication about a case outside of open court.

I was certainly willing to have a hearing, though not required to do so by KRS 439.265(2) and Brown v. Commonwealth, 2003 WL 21037938 (KY, 2003). A copy of Brown vs. Commonwealth is filed herewith and marked as Exhibit H. The defendant's attorney volunteered for the defendant to pay his transportation costs if the DOC would not provide transportation to a hearing.

None of my actions in Fulton Circuit Court case 09-CR-061 violated the Canons of the Code of Judicial Conduct.

COUNT VII

I agree with the statistical information in Count VII regarding the dates and motions except that the allegation does not contain all the dates in which motions were filed. I deny that I took the defendant's original motion under advisement. In fact, the original motion was denied by order entered September 24, 2012. A copy of the September 24, 2012 order is filed herewith and marked Exhibit I.

In Commonwealth vs. David Eakes, Case No. 09-CR-061, in Fulton Circuit Court, the defendant received a sentence of seventeen (17) years consecutive for the offense of Burglary 2nd Degree (7 years) and Arson 2nd Degree (10 years).

David Eakes was placed on an electronic monitor with an Exclusion Zone around the house of the victims by order of Fulton Circuit Court entered March 9, 2012. A copy of the March 9, 2012 order is attached and marked Exhibit J.

Mr. Eakes' first request to end electronic monitoring was denied by order entered September 24, 2012. The September 24, 2012 order was prepared by the defendant's counsel following a hearing conducted on September 13, 2012.

The following reflects the Motion to Remove Electronic Monitoring and all the motions filed to Renew or Reconsider the Motion to Remove Electronic Monitoring.

9/6/2012	Motion to remove electronic monitoring device
9/24/2012	Order entered denying motion to remove
12/6/2012	Renewed Motion for removal of electronic monitor
1/2/2013	Order entered taking motion under advisement (Order prepared by defendant's attorney)
3/22/2013	Second renewed motion for removal of electronic monitoring
4/11/2013	Calendar/docket order motion taken under advisement
6/25/2013	Motion to reconsider continued use of electronic ankle monitor
8/7/2013	Order taking motion under advisement
9/9/2013	Pro-se letter received requesting the removal of any monitoring device
9/26/2013	Calendar/docket order – leave motion under advisement
3/7/2014	Motion to reconsider continued use of electronic ankle monitor
3/13/2014	Calendar/docket order to take under advisement
7/17/2014	Motion to revoke defendant's probation
7/24/2014	Calendar/docket order Commonwealth requested additional time to re-docket motion
8/29/2014	Motion to reconsider motion for shock probation
9/11/2014	Calendar/docket order "take under advisement"
10/2/2014	Supplemental bill of particulars filed with victim's letter attached
4/2/2015	Motion to reconsider continued use of electronic ankle monitor (pro-se)
4/9/2015	Calendar/docket order "taken under advisement"

10/26/2015 Motion to reconsider continued use of electronic ankle monitor
11/12/2015 Calendar/docket order continued to 1/14/2016
1/14/2016 Calendar/docket order motion denied

All, except the original motion which was denied, were styled either as renewed motions or motions to reconsider. This Court considered each motion and entered a timely ruling (usually within two (2) weeks).

At tape mark 2:00:29 from the March 8, 2012 hearing the Court told Mr. Eakes he would have to remain on the monitor for a "long, long time." On March 28, 2013 another hearing was conducted. At tape mark 2:13:30 the Court stated, "If the defendant wants a ruling today, I will give you one." The defendant's counsel stated, on the record, that they did not want a ruling that day. The defendant's counsel could tell the ruling would be against the request of the defendant. A copy of the recording of the March 28, 2013 hearing is filed herewith and marked as Exhibit V5. The victims, through the Commonwealth, maintained their objection to the defendant having the monitor removed. The defendant being on an electronic monitor was a primary reason the victims agreed to the defendant's probation. The Commonwealth withdrew its objection for probation as recorded at tape mark 2:04:02 at the March 8, 2012 hearing. Reference is made to the March 8, 2012 hearing at tape mark 2:03 through 2:07.

Another hearing on the request to end electronic monitoring was held on July 11, 2013. The motion was taken under advisement at the suggestion of the defense. See tape mark 11:48:38 of the July 11, 2013 hearing. A copy of the July 11, 2013 hearing is filed herewith and marked as Exhibit V6. The defendant, both by counsel and pro se, filed various requests to reconsider the motion to end electronic monitoring. The Court, from the bench, continued to advise the defendant and his attorney that the Court was

not inclined to grant the motion over the Commonwealth and the victim's objections at the successive hearing. The Commonwealth filed, on October 2, 2014, a Supplemental Bill of Particulars with a letter from the victims attached. The victim's letter sums up the reason for their request that the defendant remain on an electronic monitor. A copy of said Bill of Particulars and letter are attached herewith and marked as Exhibit K. The Court's last ruling was January 14, 2016 when a motion to reconsider the order was again denied. A copy of the January 14, 2016 calendar/docket order is attached and marked as Exhibit L.

The Court remained open to other suggestions as to how to give the victims of the attempted arson of their home security in knowing the defendant was not near their house. No one ever advised the Court of a less restrictive measure than electronic monitoring, with an Exclusion Zone around the victim's home that the defendant could not enter. The parties never filed an AOC form 280 to request final determination. I ruled on all of Mr. Eakes' motions in a timely manner.

None of my actions in Commonwealth vs. David Eakes 09-CR-061, Fulton Circuit constituted a violation of any of the Canons of the Code of Judicial Conduct.

COUNT VIII

I agree with the factual allegation set out in Count VIII. I deny that any of my actions set out in those factual allegations are a violation of SCR 4.023(1)(b)(i) or SCR 4.3.

John Mark Corum received a sentence of five (5) years for the offense of facilitation to manufacture methamphetamine by order of the Fulton Circuit court entered August 23,

2013. He was probated. Mr. Corum was brought back before the Court on April 21, 2016 for alleged probation violations which included further drug use. He was not revoked at that time. His probation revocation hearing was continued to allow him to complete drug rehab. On April 22, 2016 Mr. Corum entered the Rose of Sharon Rehab Program in Covington, Tennessee for a six-month program which he completed on October 21, 2016. Mr. Corum was last before the Court on November 10, 2016 to complete his probation revocation hearing. His probation was not revoked, it was extended with additional conditions of further drug rehab in the community with Celebrate Recovery. Mr. Corum remained under the supervision of Probation and Parole following his completion of the rehab program. It is true that the sentencing Court retains jurisdiction of the case. The Court, however, only has reason to review compliance of the probation order if the case is brought back for non-compliance or the successful completion of the probation. Mr. Corum's case was not brought back to the court docket until August 24, 2017 based on allegations of new drug related charges. I immediately ended the work of Mr. Corum on our farm upon Mr. Corum's new arrest. I informed both the Commonwealth and Mr. Corum's counsel, on the record, at his first appearance before me of this work relationship and told them I would recuse if either party requested me to recuse. See August 24, 2017 court record video of his first appearance at tape mark 11:29:15–12:00:22. Neither party requested my recusal in either the new case or the old case, 13-CR-49. A copy of the August 24, 2017 recording is filed herewith and marked Exhibit M. I ultimately recused in both of Mr. Corum's cases on my own motion so that neither the Commonwealth nor Mr. Corum would be affected by any perceived bias.

Mr. Corum was employed by my brother and I to repair storm /tornado damage to buildings. Mr. Corum is a carpenter/builder by trade. We were confident that he could/would do good work. My brother and I discussed it and decided to give Mark Corum a chance. Mr. Corum was an approved contractor by the local office of our insurance provider, Kentucky Farm Bureau.

Probation is a tool to both address a defendant's failure to comply with the law and to provide a way to become productive citizens in the community. Probationers have little chance of succeeding if someone in the community does not give them a job that matches their skill set.

Mr. Corum did good work for fair pay. There were no special considerations given in his employ. The amount of the dollars paid for the repairs reflect the value of the labor in those repairs, \$16,471.00.

Mr. Corum's case was not on my court docket while he was employed by my family. I had no decision to make about his probation while he was so employed.

None of my actions outlined above constitute or violate the Canons of Judicial Conduct or SCR 4.020, which outline the jurisdiction of the Commission.

COUNT IX

I agree with the statement contained in Count IX regarding KRS 439.265(2), however, I deny that I ruled on motions for shock probation outside the time period stated.

Count IX appears to be an attempt by this Commission to interpret KRS 439.265(2) Shock probation in Felony Convictions. With all due respect, a Court, not this

Commission has jurisdiction to interpret statutes. Under Notes of Decision and Opinions of KRS 439.265 the following is found:

"The Court of Appeals can determine whether an order was within the jurisdiction of the Circuit Court." Comm ex rel. Hancock v. Melton (Ky 1974) 510 SW 2d 250.

Without waiving any objection to jurisdiction to determine whether any order entered by this court was, or was not, authorized by KRS 439.265, I will address each of the five (5) cases raised separately. The dates of actions set out in the allegation contained in Count IX only reflect a portion of the record in each case. The following reflects a more detailed review of the record.

A. Fulton Circuit Court case 2011-CR-0011 Commonwealth vs. Dean

9-22-2011	Defendant sentenced five (5) years on charge of Complicity to Wanton Endangerment
1-20-2012	Motion filed to Suspend Further Execution of Sentence
2-13-2012	Order entered taking Motion to Suspend Further Execution of Sentence under advisement
2-29-2012	Motion filed to Suspend Further Execution of Sentence
3-27-2012	Order entered taking Motion to Suspend Further Execution of Sentence under advisement
3-30-2012	Order entered granting Shock Probation (one of the conditions being that the defendant complete Lifeline six-month drug treatment program)
4-11-2014	Probation revoked (new violations including DUI conviction)
7-7-2014	Motion to Suspend Further Execution of Sentence
7-28-2014	Order entered taking Motion to Suspend Further Execution of Sentence under advisement
12-9-2014	Motion to Suspend Further Execution of Sentence
1-10-2015	Order entered taking Motion to Suspend Further Execution of Sentence under advisement
3-13-2015	Motion to Suspend Further Execution of Sentence
3-30-2015	Order entered denying Motion to Suspend Further Execution of Sentence

The defendant filed several motions for shock probation or to suspend further execution of his sentence as the court docket time line shows above. The motions filed

by the defendant were all ruled on by this court by entering its ruling or order within the 70 days set out by KRS 439.265. Random House Dictionary defines "rule" as "a formal order or direction made by a Court".

The following reflects the time between the filing of Mr. Dean's various motions and the entry of an order by the Court.

1st Motion – 24 days

2nd Motion – 27 days

3rd Motion – 21 days

4th Motion – 32 days

5th Motion – 17 days

No AOC from 280 was filed. No appeal was taken in this case.

B. Fulton Circuit Court case 10-CR-00120 Commonwealth vs. Gossett

1-17-2011	Defendant sentenced to 10 years Possession of a Controlled Substance – 5 years Tampering with Physical Evidence – 5 years Consecutive for a total of 10 years
1-17-2011	Order of Probation entered
3-10-2011	Order for Revocation of Probation entered
3-17-2011	Order entered allowing defendant to be transported for assessment at the Fuller Center (drug/alcohol rehab center)
4-6-2011	Order entered reinstating probation with additional order including the completion of the 30-day treatment at Fuller Center and to complete Drug Court
6-9-2011	Order entered for admission to Drug Court
7-28-2011	Order entered discharging defendant from Drug Court
3-28-2012	Order entered revoking the defendant's probation
10-24-2013	Order entered for Final Judgment and Revocation of Probation as the defendant had absconded to another state.
1-2-2014	Defendant files Motion for Shock Probation pro-se
1-27-2014	Order entered denying shock probation
2-10-2014	Defendant files pro-se Motion to Reconsider the January 27, 2014 order denying shock probation

- 3-5-2014 Order entered (dated February 27, 2014) taking defendant's Motion to Reconsider under advisement "pending the Defendant's completion of the SAP program
- 3-17-2014 Another order entered taking Motion for Further Execution of Sentence under advisement
- 5-19-2014 Motion for Shock Probation filed pro-se
- 5-27-2014 Order entered taking Motion for Shock Probation under advisement pending completion of SAP program
- 10-15-2014 Hand-written Motion for Shock Probation re-noticed pro-se by the defendant
- 10-23-2014 Scheduled on court docket for review of SAP completion. Continued to 11-13-2014
- 11-13-2014 Order entered reinstating probation
- 11-13-2014 Commonwealth files statement "not opposed to defendant receiving probation".
- 10-22-2015 Probation revocation hearing for violation (including use of cocaine) hearing continued
- 11-16-2015 Order entered (dated November 12, 2015) revoking defendant's probation for multiple violations (including drug use)

The defendant filed several motions for shock probation or to suspend further execution of sentence.

The following reflects the time between the filing of Mr. Gossett's various Motions and the entry of an order by the Court.

1st Motion – 25 days

2nd Motion – 23 days

3rd Motion - 8 days

4th Motion – 28 days

No AOC Form 280 was filed. No appeal was taken in this case.

C. Ballard Circuit Court case 11-CR-0036 Commonwealth vs. Bray

- 8-5-2010 Defendant sentenced to 11 years
- Burglary 2nd – 5 years
- Possession of Controlled Substance – 1.5 years
- Possession of Forged Instrument – 1.5 years
- Possession of Forged Instrument – 1.5 years
- Possession of Forged Instrument – 1.5 years

Total of all counts – 11 years
 9-15-2011 Defendant filed Motion to Suspend Execution of Order Revoking Probation. Motion not noticed for a date certain
 9-16-2011 Calendar/docket order entered taking motion under advisement
 12-12-2011 Motion to Suspend Further Execution of the Final Judgment/Sentence of Imprisonment
 12-21-2011 Calendar/docket order entered continuing hearing until 1/6/2012 (Defendant had a bed date in a drug rehab program on 1/10/2012)
 1-9-2012 Order entered granting Shock Probation
 2-6-2013 Probation revoked. One of the reasons for revocation was the defendant's failure to complete drug treatment
 2-4-2014 Motion for Shock Probation
 2-21-2014 Order entered taking Motion for Shock Probation under advisement

The defendant filed several motions for Shock Probation or to Suspend Further Execution of Sentence.

The following reflects the time from filing of Ms. Bray's motions to the entry of an order by this Court.

1st Motion – 1 day

2nd Motion – 27 days

3rd Motion – 9 days

No AOC Form 280 was filed. No appeal was filed in this action.

D. Ballard Circuit Court case 09-CR-00115 Commonwealth vs. McClain

2-22-2010 Defendant sentenced to 17 years
 Complicity to Manufacture Methamphetamine – 10 years
 Tampering with Physical Evidence – 2 years
 Unlawful Possession of Meth Precursor – 5 years
 All consecutive for a total of 17 years
 3-3-2010 Order Amending Judgment to include a 4-year sentence of Possession of Methamphetamine
 3-29-2010 Motion for Shock Probation
 4-9-2010 Order entered denying Shock Probation motion
 5-3-2010 Motion for Shock Probation
 5-10-2010 Order entered denying Motion for Shock Probation
 7-13-2010 Motion entered to Suspend Further Execution of Sentence pursuant to KRS 439.265

8-6-2010	Order entered denying Motion to Suspend Further Execution of Sentence
12-9-2010	Motion entered for Shock Probation
12-15-2010	Order entered taking Motion for Shock Probation under advisement
3-25-2011	Motion for Shock Probation filed
4-1-2011	Calendar/docket Order entered taking motion under advisement
6-27-2011	Renewed Motion for Shock Probation
7-1-2011	Order entered taking Motion for Shock Probation under advisement
8-17-2011	Order entered stating defendant's motion would be brought for review upon defendant completing the SAP program in the penal system
3-13-2012	Motion for Shock Probation entered by the defendant pro-se
3-21-2012	Order entered taking Motion for Shock Probation under advisement
5-25-2012	Renewed Motion for Shock Probation
6-1-2012	Motion considered and taken under advisement. Calendar order entered
12-20-2012	Renewed Motion for Shock Probation
1-7-2013	Order entered granting Motion for Shock Probation with conditions including, but not limited to, completion of Centerpoint drug rehab/recovery program.
9-10-2013	Probation revoked. One of the reasons for revocation was failure to complete substance abuse treatment. The defendant left Centerpoint Recovery center and did not complete treatment

The defendant filed several Motions for Shock Probation or to Suspend Further Execution of Sentence.

The following reflects the time from the filing of Mr. McClain's motions and the entry of an order by the Court.

- 1st Motion – 10 days
- 2nd Motion – 7 days
- 3rd Motion – 24 days
- 4th Motion – 6 days
- 5th Motion – 6 days
- 6th Motion – 4 days
- 7th Motion – 8 days

8th Motion – 7 days

9th Motion – 18 days

No AOC Form 280 was filed. No appeal was filed in this action.

E. Ballard Circuit Court case 06-CR-084 Commonwealth vs. Haws

2-19-2007 Defendant sentenced to 10 years
Burglary 2nd – 5 years
Theft over \$300 – 1 year
Burglary 3rd – 4 years
All consecutive. Ten (10) other counts merged into remaining count

7-2-2007 Defendant filed Motion for Shock Probation

7-6-2007 Order entered denying Shock Probation

7-26-2007 Re-notice of motion originally scheduled for July 6, 2007, filed by the defendant's attorney, to be heard August 3, 2007

8-13-2007 Re-notice of Shock Probation motion scheduled for August 3, 2007, filed by the defendant's attorney, to be heard August 17, 2007

9-10-2007 Order entered referring the defendant to Drug Court for eligibility assessment (order dated September 7, 2007)

9-14-2007 Re-notice of Shock Probation motion scheduled for September 7, 2007 to be heard September 12, 2007, filed by the defendant's attorney

9-24-2007 Order (dated September 21, 2007) entered granting shock probation

9-24-2007 Order (dated September 21, 2007) entered requiring the defendant to complete Drug Court.

1-26-2010 Acknowledgement of successful completion of Drug Court filed

5-24-2011 Probation revoked due to violations including, but not limited to, drug use

6-20-2011 Defendant entered Motion for Shock Probation pro-se

7-15-2011 Order entered denying Shock Probation

8-16-2011 Defendant entered Motion for Shock Probation

9-2-2011 Motion for Shock Probation taken under advisement

12-15-2011 Motion for Shock Probation renewed

12-21-2011 Order entered granting motion for Shock Probation on condition to go directly to Lifeline for drug rehab treatment

1-13-2012 Longer order entered with Lifeline treatment conditions

6-14-2013 Defendant arrested for alleged probation violations

6-27-2013 Defendant's probation continued under additional conditions including service of 90 days

7-23-2013 Defendant allowed work release

6-20-2014 Order entered revoking defendant's probation

8-27-2014 Work release order signed

9-10-2014 Work release order suspended for violations

10-10-2014 Defendant entered Motion for Shock Probation pro-se

10-17-2014 Order entered denying Motion for Shock Probation
12-2-2014 Defendant entered Motion for Shock Probation pro-se
12-5-2014 Order entered denying Motion for Shock Probation

The Defendant made various motions for Shock Probation or to Suspend Further Execution of Sentence.

The following reflects the time between Mr. Haws filing his motions and the Court's issuance of an order.

1st Motion – 4 days

2nd Motion – 67 days (The Defendant's attorney continued motion and re-noticed motion to be heard 3 different times)

3rd Motion – 25 days

4th Motion – 17 days

5th Motion – 7 days

6th Motion – 7 days

7th Motion – 3 days

No AOC Form 280 was filed. No appeal was taken in this case.

None of my actions or rulings in the cases set out in Count IX constitute misconduct in office nor did they violate the Canons of the Code of Judicial Conduct. This Court attempted to enter an order on all the defendant's motions in a timely manner.

All of these cases reflect what this Court and most Courts in the Commonwealth are faced with regarding substance abuse. Each of these cases involve attempts by the Court to give defendants a chance at rehabilitation through various drug rehab programs including Drug Court, SAP inside the penal system, Lifeline, Celebrate Recovery, Fuller

Center and Centerpoint. Sometimes treatment works and unfortunately, sometimes treatment does not work despite the number of chances a person may receive.

My actions regarding the allegations contained in this matter each and every one all involve my attempts to help other people. None of my actions resulted in any self-enrichment beyond the satisfaction that I have been able to help others. When I come to the end of my days on this earth I can desire no better remembrance than, "He tried to help others.

Wherefore, the undersigned requests that the Commission find that this Court has not violated any of the Canons of Judicial Conduct and enter such orders as it might find appropriate and that the charges be dismissed and held for naught.

Respectfully Submitted,

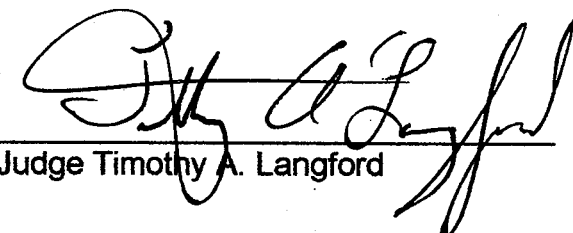


JUDGE TIMOTHY A. LANGFORD
Pro Se

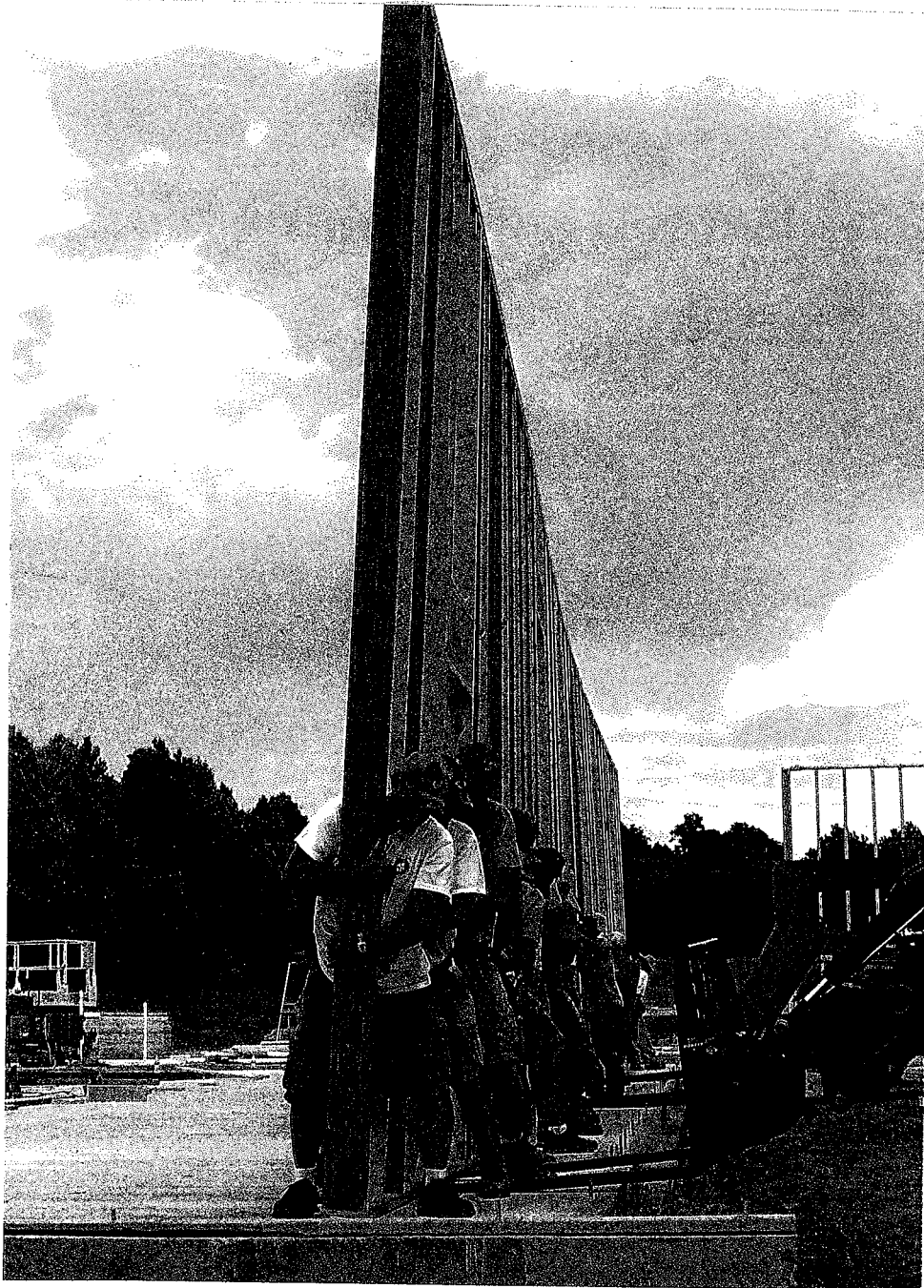
CERTIFICATE OF SERVICE

I hereby certify a true and correct copy of the foregoing Answer has been served by mail on the following parties on this the 31 day of January, 2018.

Ms. Jimmy A. Shaffer
Executive Secretary
Judicial Conduct Commission
P.O. Box 4266
Frankfort, Kentucky 40604-4266



Judge Timothy A. Langford



Exh A

ENTERED SARAH JOHNSON, CLERK JUL 21 2011 FULTON CO. CIRCUIT, DIST COURTS BY: <i>S. Johnson</i> D.C.
--

COMMONWEALTH OF KENTUCKY
FULTON CIRCUIT COURT
CASE NO. 09-CR-00061

COMMONWEALTH OF KENTUCKY

PLAINTIFF

VS.

TRANSPORTATION ORDER

DAVID EAKES

DEFENDANT

The Court being made aware that the above-named Defendant is on the docket for the 25th day of August, 2011, the Court being aware that the Defendant is currently incarcerated at the Bluegrass Development Center in Richmond, Kentucky, the Court having reviewed the file and being otherwise sufficiently advised,

IT IS HEREBY THE ORDER OF THIS COURT that the Defendant shall be transported by the Department of Corrections from the Bluegrass Development Center to the Fulton County Courthouse on the 25th day of August, 2011, at 9:30 a.m.

IT IS FURTHER THE ORDER OF THIS COURT that the Department of Corrections shall return the Defendant to his facility of origin when his court proceedings are complete.

This the 2nd day of July, 2011.


TIMOTHY A. LANGFORD, Judge
Fulton Circuit Court

Exh B

ENTERED SARAH JOHNSON, CLERK
AUG 23 2011
FULTON CO. CIRCUIT/DIST COURTS BY: <i>[Signature]</i> D.C.

COMMONWEALTH OF KENTUCKY
 FULTON CIRCUIT COURT
 ACTION NO. 09-CR-00061

COMMONWEALTH OF KENTUCKY

PLAINTIFF

V.

ORDER

DAVID EAKES

DEFENDANT

The court having signed a transport order on 7/21/11 to enable the defendant to be delivered to the Fulton County Courthouse on August 25, 2011 for a shock probation hearing, the court having reviewed the file and now being advised that the defendant is now housed at a halfway house, otherwise sufficiently advised;

IT IS HEREBY THE ORDER OF THIS COURT that the previous transportation order is being rescinded.

SO ORDERED this the 23 day of August, 2011

[Signature]
 Judge, Timothy A. Langford
 Fulton County Circuit Court

Exh C

COMMONWEALTH OF KENTUCKY
FULTON CIRCUIT COURT
Case No. 09-CR-00061

COMMONWEALTH OF KENTUCKY,

PLAINTIFF,

v.

Entered 01.05.2012
SARAH JOHNSON, Clerk

DAVID EAKES,

DEFENDANT.

BY: S. Johnson D.C.

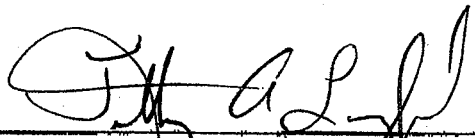
TRANSPORTATION ORDER

The Court being made aware that the above-named Defendant is on the docket for the 12th day of January, 2012, and the Court being aware that the Defendant is currently incarcerated at the Bluegrass Development Center in Richmond, Kentucky, the Court having reviewed the file and being otherwise sufficiently advised;

IT IS HEREBY THE ORDER OF THIS COURT that the Defendant shall be transported by the Department of Corrections from the Bluegrass Career Development Center to arrive at the Fulton County Courthouse on the 12th day of January, 2012, at 9:30 a.m.

IT IS FURTHER THE ORDER OF THIS COURT that the Department of Corrections shall return the Defendant to his facility of origin when his court proceedings are complete, unless otherwise ordered by the Court on January 12, 2012.

This the 4 day of January, 2012.


HON. TIMOTHY A. LANGFORD
JUDGE, FULTON CIRCUIT COURT

COMMONWEALTH OF KENTUCKY
FULTON CIRCUIT COURT
CRIMINAL ACTION NO. 09-CR-00061

Entered 01-9-2012
SARAH JOHNSON, Clerk
BY: S. Johnson D.C.

COMMONWEALTH OF KENTUCKY

PLAINTIFF

vs.

DAVID EAKES

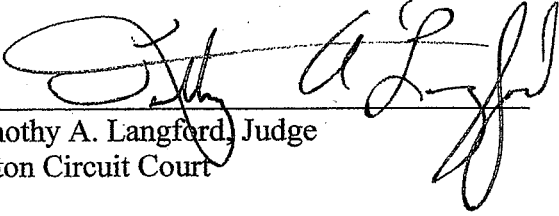
DEFENDANT

ORDER

THIS MATTER having come before the Court on the Defendant's Motion for Shock Probation, and the Court having entered an Order of Transportation for the Department of Corrections to transport the Defendant to the hearing on the 12th day of January, 2012, and the Court being informed that the Department of Corrections, due to the status of the Defendant, would not be ~~required to~~ transport the Defendant and the responsibility for transporting a Defendant would be that of the Office of Probation and Parole, ^{Local} and the Court having heard Counsel, and the Court being otherwise sufficiently advised;

IT IS HEREBY THE ORDER OF THIS COURT that the Order entered on the 5th day of January, 2012 for the transportation of the Defendant to the hearing on the 12th day of January, 2012, is hereby rescinded, and that the Department of Probation and Parole shall not be required to transport the Defendant to said hearing.

ENTERED THIS THE 9 DAY OF JANUARY, 2012.



Timothy A. Langford, Judge
Fulton Circuit Court

Exh E

COMMONWEALTH OF KENTUCKY
FULTON CIRCUIT COURT
Case No. 09-CR-00061

COMMONWEALTH OF KENTUCKY,

PLAINTIFF,

v.

Entered 01.14.2012

SARAH JOHNSON, Clerk

DAVID EAKES,

BY: S. Johnson D.C.

DEFENDANT.

TRANSPORTATION ORDER

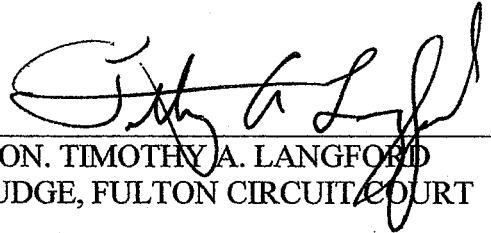
This case being on the docket on the Defendant's Motion for Shock Probation on January 12, 2012, and the Court being aware that the Defendant is currently incarcerated at the Bluegrass Career Development Center, 549 Recycle Drive, Richmond, Kentucky 40475, and the Court requiring the Defendant's presence before ruling on the Defendant's pending Motion for Shock Probation, and being otherwise sufficiently advised;

IT IS HEREBY THE ORDER OF THIS COURT that the Defendant shall be transported by the Sheriff of Fulton County or his deputy from the Bluegrass Career Development Center on the 8 Feb or at the Sheriff's Convincer of ~~January~~ 2012 and be delivered to the Fulton County Detention Center where he will be lodged until the 9 Feb day of ~~January~~ 2012, when he shall be brought by the Fulton County Sheriff or his deputy to Fulton Circuit Court where this Court will be sitting and the prosecutor will be present for a hearing. At the conclusion of the hearing the Defendant shall be delivered back to the Bluegrass Career Development Center by the Fulton County Sheriff or his deputy where the Defendant shall be returned to be incarcerated or processed for release based upon the decision of the Court relative to the Motion for Shock Probation.

IT IS HEREBY FURTHER ORDERED that the cost of transportation in this case
(in accordance)
will be borne by the Defendant and paid to the Fulton County Sheriff's Department who shall
submit a statement for the transportation.

IT IS HEREBY FURTHER ORDERED that a copy of this Order shall be faxed to
the Bluegrass Career Development Center (Fax No.: (859) 626-9160) by counsel for the
Defendant.

This the 12th day of January, 2012.


HON. TIMOTHY A. LANGFORD
JUDGE, FULTON CIRCUIT COURT

CLERK'S CERTIFICATE

I, SARAH JOHNSON, Clerk of the Fulton Circuit/District Court, hereby certify that
on the 19 day of January, 2012, a true and correct copy of the foregoing has been
served upon the following:

Dennis L. Null, Jr., Esq.
Law Offices of Null, Samson & Paitsel
P.O. Box 5040
Mayfield, KY 42066


Attorney for Defendant

Mitchell King
Kentucky Department of Probation
And Parole
Bluegrass Career Development Center
549 Recycle Drive
Richmond, KY 40475

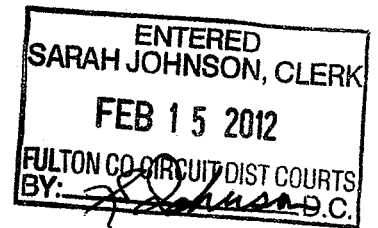
Michael B. Stacy, Esq.
Commonwealth Attorney
for the 1st Judicial District
P.O. Box 788
Wickliffe, KY 42087

Fulton County Sheriff's Department
P.O. Box 7
Hickman, KY 42050

SARAH JOHNSON, CLERK
FULTON CIRCUIT COURT

By:  , D.C.

COMMONWEALTH OF KENTUCKY
FULTON CIRCUIT COURT
CASE NO. 09-CR-00061



COMMONWEALTH OF KENTUCKY

PLAINTIFF

VS.

ORDER

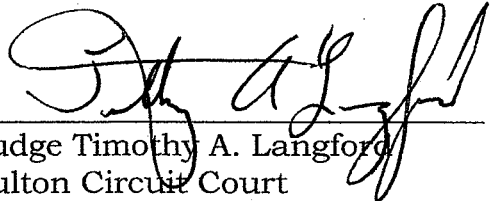
DAVID EAKES
#233422

DEFENDANT

The Court having been advised that there is some concern from the Defendants family in regard to whether or not the State will provide transportation for the Defendant to and from the hearing on February 9, 2012, the Court having reviewed the file and being otherwise sufficiently advised;

IT IS THEREFORE THE ORDER OF THIS COURT that the hearing scheduled for February 9, 2012 be and is hereby continued and is hereby reset on the 8 day of March, 2012.

This the 1 day of February, 2012



Judge Timothy A. Langford
Fulton Circuit Court

Exh G

2003 WL 21037938

Only the Westlaw citation is currently available.

Unpublished opinion. See KY ST RCP Rule 76.28(4) before citing.

Court of Appeals of Kentucky.

Billy BROWN, Appellant,
v.
COMMONWEALTH of Kentucky, Appellee.

No. 2001-CA-000182-MR.

May 9, 2003.

Appeal from Letcher Circuit Court, Action No. 98-CR-00087; Charles E. Lowe, Jr., Judge.

Attorneys and Law Firms

James W. Craft III, Whitesburg, KY, for appellant.

Albert B. Chandler III, Attorney General, Louis F. Mathias, Jr., Assistant Attorney General, Frankfort, KY, for appellee.

Before BARBER, COMBS and JOHNSON, Judges.

OPINION

JOHNSON, Judge.

*1 Billy Brown has appealed from the orders of the Letcher Circuit Court which denied his motion for shock probation and his motion to reconsider and motion to set for argument. Having concluded that the trial court did not abuse its discretion in denying Brown's motions, we affirm.

On November 13, 1998, a Letcher County grand jury indicted Brown for sodomy in the second degree,¹ and unlawful transaction with a minor in the second degree.² The indictment alleged that on November 4, 1999, Brown provided a juvenile with a controlled substance and on November 5, 1999, Brown engaged in deviate sexual intercourse with a juvenile less than 14 years of age. Following several delays, including the appointment of two special judges, Brown filed on August 2, 2000, a

motion to enter a guilty plea to unlawful transaction with a minor in the second degree and the amended charge of sodomy in the third degree.³ Brown was on probation at the time of his arrest on the underlying charges, and as a part of the plea agreement, he agreed to revocation of that probation.

On October 6, 2000, the trial court entered a final judgment and order of imprisonment, sentencing Brown to prison terms of three and one-half years on each count, with the prison terms to run concurrently. On December 20, 2000, Brown filed a motion for shock probation. The trial court summarily denied Brown's motion in an order entered on January 10, 2001. Brown then filed a motion to reconsider the trial court's denial of his request for shock probation and a motion to set for argument. On January 17, 2001, the trial court denied Brown's motions. This appeal followed.⁴

On appeal, Brown alleges that the trial court erred when it summarily, without giving him the opportunity to be heard and without making any findings, denied his motion for shock probation. Brown recognizes that probation, including shock probation, is a discretionary sentencing option for the trial court, but he contends that the trial court abused its discretion by failing to allow him the opportunity to put forth his evidence as to his entitlement to shock probation.

KRS 439.265(2) relating to shock probation provides, in pertinent part:

The defendant may, in the discretion of the trial court, have the right to a hearing on any motion he may file, or have filed for him, that would suspend further execution of sentence. Any court order granting or denying a motion to suspend further execution of sentence is not reviewable.

In *Schroering v. McKinney*,⁵ the trial court granted shock probation, and the widow of the victim obtained a writ of mandamus from this Court directing the trial court to reconsider the order for shock probation, to allow the Commonwealth to request a hearing or file written objections and to state in its order the extent of consideration given to the victim impact statements.⁶

In reversing this Court, the Supreme Court held that pursuant to KRS 439.265(2) appellate review of the procedural issues or the merits of an order granting or denying shock probation is not permissible.⁷

*2 Furthermore, even if we were to review the denial of Brown's motions for an abuse of discretion, clearly the trial court did not abuse its discretion.

“Abuse of discretion in relation to the exercise of judicial power implies arbitrary action or capricious disposition under the circumstances, at least an unreasonable and unfair decision.” ... The exercise of discretion must be legally sound.⁸

Brown pled guilty to engaging in deviate sexual intercourse with a 13-year-old girl consisting of her performing oral sex on him, and to providing her with

marijuana. Clearly, the trial court's denial of Brown's motion for shock probation without the benefit of an evidentiary hearing or findings cannot be viewed as an abuse of discretion. Based on these facts, it was certainly reasonable for the trial court to not desire to hear any evidence concerning Brown's basis for requesting shock probation and there was no requirement that it provide findings denying his motion.

For the foregoing reasons, the order of the Letcher Circuit Court is affirmed.

ALL CONCUR.

All Citations

Not Reported in S.W.3d, 2003 WL 21037938

Footnotes

- 1 Kentucky Revised Statutes (KRS) 510.080.
- 2 KRS 530.065.
- 3 KRS 510.090.
- 4 In the notice of appeal Brown refers only to the order of January 17, 2001. However, in an effort to afford Brown full review of the trial court's rulings, we will consider the motion to reconsider as a motion pursuant to Kentucky Rules of Civil Procedure (CR) 59.05, whereby this appeal includes the trial court's order entered on January 10, 2001, which denied the motion for shock probation.
- 5 Ky., 906 S.W.2d 349 (1995).
- 6 *Id.* at 350.
- 7 *Id.* at 351.
- 8 *Kuprion v. Fitzgerald*, Ky., 888 S.W.2d 679, 684 (1994) (quoting *Kentucky National Park Commission v. Russell*, 301 Ky. 187, 191 S.W.2d 214 (1945)).

COMMONWEALTH OF KENTUCKY
FULTON CIRCUIT COURT
Case No. 09-CR-00061

COMMONWEALTH OF KENTUCKY,

PLAINTIFF

v.

ENTERED
SARAH JOHNSON, CLERK
SEP 28 2012
FULTON CO CIRCUIT DIST COURTS
BY: *S. Johnson* D.C.

DAVID EAKES,

DEFENDANT

ORDER

Upon Motion of the Defendant, DAVID EAKES, for the removal of electronic monitoring device, the Court having heard arguments of counsel, and being otherwise sufficiently advised;

IT IS HEREBY ORDERED AND ADJUDGED that Defendant's Motion for Removal of Electronic Monitor is denied at this time.

IT IS HEREBY FURTHER ORDERED that should the Defendant require medical services in which the electronic monitoring device must be removed, he shall petition the Court for temporary removal of the device at least three (3) days prior to that event.

IT IS HEREBY FURTHER ORDERED that should the Court grant a temporary removal of the electronic monitoring device, the Defendant may only have it removed in either Hickman County, Carlisle County, or Ballard County and must have it put back on in either Hickman County, Carlisle County or Ballard to ensure that the Defendant is not without the device at any time while he is in Fulton County.

ENTERED this 24 day of September, 2012.

Timothy A. Langford

HON. TIMOTHY A. LANGFORD
JUDGE, FULTON CIRCUIT COURT

CLERK'S CERTIFICATE

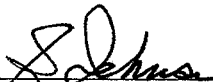
I, SARAH JOHNSON, Clerk of the Fulton Circuit Court, hereby certify that on the 28 day of September, 2012, a true and correct copy of the foregoing has been served upon the following:

Dennis L. Null, Jr., Esq.
Law Offices of Null, Samson & Paitsel
P.O. Box 5040
Mayfield, KY 42066

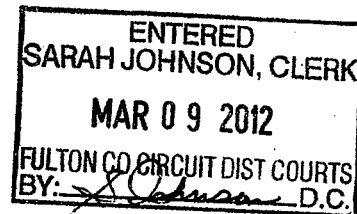
Michael B. Stacy, Esq.
Commonwealth Attorney
P.O. Box 788
Wickliffe, KY 42087

Attorney for Defendant

SARAH JOHNSON, CLERK
FULTON CIRCUIT COURT

By: , D.C.

COMMONWEALTH OF KENTUCKY
FULTON CIRCUIT COURT
CASE NO. 09-CR-00061



COMMONWEALTH OF KENTUCKY

PLAINTIFF

VS.

ORDER

DAVID EAKES
#233422

DEFENDANT

The Court having entered a order of probation of conditional discharge on this date with certain conditions being set out therein, including a reference to electronic monitoring and certain geographical areas that the Defendant will not be able to go into, now therefore the Court sets out those areas:

A. South of Kentucky highway 94

B. West of Kentucky highway 239

David Eakes C. East of Kentucky highway 125

D. North of the city limit of Union City Tennessee.

E. North of Tennessee highway 22

F. Within 1 mile of the radius of the Ford dealership in Martin Tennessee.

IT IS FURTHER THE ORDER OF THIS COURT the Defendant shall have absolutely no contact with the victims either directly or indirectly by any means including electronic.

Exh J

IT IS FURTHER THE ORDER OF THIS COURT that should the Defendant be in a location that he is permitted to be in and the victims arrive the Defendant shall immediately leave the area.

This the 8 day of March, 2012

David Eades

Have seen and agreed:

Timothy A. Langford
Judge Timothy A. Langford
Fulton Circuit Court

COMMONWEALTH OF KENTUCKY
FULTON CIRCUIT COURT
CRIMINAL ACTION NO. 09-CR-00061

FILED
SARAH JOHNSON, CLERK
OCT 02 2014
FULTON CO. CIRCUIT DIST COURTS
BY: *[Signature]* D.C.

COMMONWEALTH OF KENTUCKY

PLAINTIFF

VS

DAVID EAKES

DEFENDANT

SUPPLEMENTAL BILL OF PARTICULARS

COMES now the Commonwealth by and through the Commonwealth's Attorney,
and files this supplemental bill of particulars in the above styled action.

1. Commonwealth attaches to this supplemental bill of particulars a letter
from Vickie Curlin.

Respectfully Submitted,

Michael B. Stacy

MICHAEL B. STACY
Commonwealth's Attorney
PO Box 788
Wickliffe, Kentucky 42087
270-335-5656

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Supplemental Bill of
Particulars has been duly served upon defense counsel, Hon. Dennis Null, P.O. Box
5040, Mayfield, Kentucky, 42066, postage prepaid and properly addressed, this the 1st
day of October, 2014.

Michael B. Stacy
MICHAEL B. STACY

Exh K

September 30, 2014

Honorable Tim Langford
202 Moulton Street
Hickman, KY 42050

Re: Commonwealth vs. David Eakes
Fulton Circuit Court
Case No. 09-CR-00061

Dear Judge Langford,

David Eakes, a convicted felon is again asking to have his ankle monitor removed. This man had the audacity to break in my home and try to burn it to the ground. He destroyed some very valuable items of mine that can never be replaced. It is a shame that someone would ever think to do this. While he was incarcerated in the FCDC he made numerous comments about us having an affair and that if he could not have me that no one could have me. He would also call my name out. No one will ever know how this makes you feel until you are victim of such act of violence.

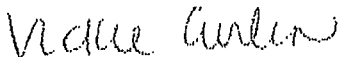
As I recall he was given a 17 year prison sentence and only served very minimal time in the prison. Since he has been released with only wearing the ankle monitor to me is a very light sentence as to such a crime he was charged with. To my knowledge his biggest complaint is the cost of the ankle monitor. In my eyes I see it as an embarrassment to him.

He should really be thankful that he was released from the prison with the ankle monitor supervision. By allowing him to wear the ankle monitor he is able to enjoy his time with his family and friends, work odd jobs and even raise a large garden. If he had not been released from prison he would not have this freedom of life.

Maybe you should ask him how he would feel if he had a wife or a girlfriend and someone did this to her and her family or what if it happened to his daughter, daughter-in-law or even his granddaughter. A good man would feel the same way that I do and would not want this person roaming the streets doing whatever he wants to do with no supervision.

As to his request I say NO to the removal of the ankle monitor. He was the one who committed the crime not me. By him keeping this ankle monitor on it gives me a peace of mind.

Regards,



Vickie Curlin

Court 2ND 2ND FLOOR COURT ROOM
Judge HON. TIMOTHY A. LANGFORD

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01/14/2016 Court Docket
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Start of docket 1

25 CI 09-CR-00002 COMMONWEALTH VS. BURCHELL, TRENT MICHAEL #233430

BURCHELL, TRENT MICHAEL #233430

1990 M W



- WILKERSON, LEANNA
- STACY, MICHAEL B.,
- THOMAS, D,
- BURCHELL, TRENT MICHAEL #233430

ATTORNEY-PUBLIC ADVOCATE
COMMONWEALTH'S ATTORNEY
COMPLAINING WITNESS
DEFENDANT / RESPONDENT

WILKL
STAM
FCS5DT

Bail Credit Denied Danger to self or others Flight Risk
 Bail Set: 02/26/2009 PS \$ 5,000.00 POSTED 02/26/2009 DISCH 07/24/2009
 Bail Set: 05/27/2009 CA \$ 100,000.00
 Bail Set: 11/15/2009 CA \$ 25,000.00

Sec %: 10 Sec Amt \$500.00

Payment History (ALL payments)

Amount Due: \$4444.96

MOTION HOUR

MOTION TO MODIFY

DEFENDANT / RESPONDENT

UNDER PROVISION OF RCR.60.02

Continue 1-28-15

Cross Ref Date: 02/12/2009 DI 09-F-00012 GRAND JURY
 () Costs Waived due to indigence () Installment / Deferred Payment

26 CI 09-CR-00061 COMMONWEALTH VS. EAKES, DAVID ROB

EAKES, DAVID ROB

1952 M W ***-**-5916 **339512



- NULL, DENNIS,
- STACY, MICHAEL B.,
- GRESHAM, FRANK
- EAKES, DAVID ROB

ATTORNEY-PRIVATE
COMMONWEALTH'S ATTORNEY
COMPLAINING WITNESS
DEFENDANT / RESPONDENT

NULLD
STAM

Bail Credit Denied Danger to self or others Flight Risk
 Bail Set: 10/08/2009 PS \$ 250,000.00 POSTED 10/23/2009 DISCH 12/15/2009

Sec %: 10 Sec Amt \$25,000.00

MOTION HOUR

Sch Memo: MOTION TO RECONSIDER

Denied

Exh L

TAC

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

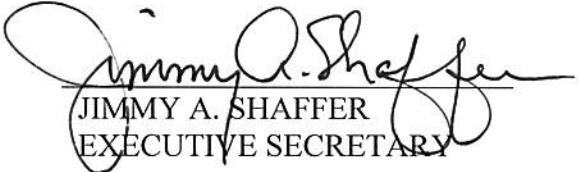
**TIMOTHY A. LANGFORD, CIRCUIT COURT JUDGE
1ST JUDICIAL CIRCUIT**

NOTICE OF TIME AND PLACE FOR HEARING

NOTICE is hereby given that the hearing in these formal proceedings will be held commencing June 19, 2018, at 9:00 a.m. in Courtroom B, Second Floor, in the McCracken Circuit Courthouse, 301 South Sixth Street, Paducah, Kentucky 42003.

CERTIFICATE OF SERVICE

Copy hereof was mailed this 7th day of March 2018, to Hon. Timothy A. Langford, Circuit Judge, 1st Judicial Circuit, 8574 State Route 1128, Hickman, Kentucky 42050; and upon Jeffrey C. Mando and Louis D. Kelly, Counsel to the Commission, Adams, Stepler, Woltermann & Dusing, PLLC, 40 W. Pike Street Covington, KY 41011.


JIMMY A. SHAFFER
EXECUTIVE SECRETARY