

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

IN RE THE MATTER OF

HON. SHEILA A. COLLINS, DISTRICT JUDGE
30TH JUDICIAL DISTRICT

FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL ORDER

I

STATEMENT OF CHARGES

The Judicial Conduct Commission of the Commonwealth of Kentucky was created for the purpose of, and is vested with the jurisdiction to, initiate, hear and decide charges of official misconduct by any judge of the Court of Justice or lawyer while a candidate for judicial office, and upon a finding of such official misconduct, to impose sanctions pursuant to SCR 4.020. In furtherance of this authority and purpose, the Commission filed charges of judicial misconduct against Judge Sheila A. Collins, District Judge 30th Judicial District, on January 11, 2016 and filed Amended Charges of Judicial Misconduct on March 16, 2016. (Notice of Formal Proceedings and Charges dated January 11, 2016 and Amended Notice of Formal Proceedings and Charges dated March 16, 2016 are attached hereto and incorporated herein by reference).

II

PROCEEDINGS

1. The Respondent, Sheila A. Collins is a District Judge for the 30th Judicial District consisting of Jefferson County, Kentucky.
2. The Commission authorized an investigation into the allegations after receipt of a media report.

3. The Respondent was informed of the investigation and appeared with Counsel, Hon. Stephen Ryan, before the Commission on October 23, 2015. The Respondent was provided the factual information in the custody of the Commission for examination, pursuant to SCR 4.170(4) and was afforded an opportunity to present any other information bearing on the investigation. The Respondent did not provide additional information bearing on the Commission's investigation.

4. Notice of Formal Proceedings and Charges were filed against the Respondent on January 11, 2016 under Supreme Court Rule 4.180.

5. An Answer to the Notice of Formal Proceedings and Charges was filed by the Respondent by her Counsel on January 29, 2016.

6. An Entry of Appearance by Co-Counsel for the Respondent, Honorable Martin E. Johnstone was filed on February 1, 2016.

7. A Notice of Time and Place for Hearing was sent to the Respondent on February 17, 2016, setting the Hearing for April 19, 2016 at 9:00 a.m. in the Jefferson County Judicial Center, Tenth Floor, Appellate Courtroom 700 West Jefferson Street, Louisville, Kentucky 40202.

8. An Amended Notice of Formal Proceedings and Charges was filed against the Respondent on March 16, 2016 under Supreme Court Rule 4.180.

9. An Answer to the Amended Notice of Formal Proceedings and Charges was filed by the Respondent through her Counsel on March 29, 2016.

10. On March 29, 2016 the Respondent filed a Motion to Dismiss and a Motion to Produce as well as Interrogatories and Requests for Admissions.

11. On April 11, 2016 the Commission entered an Order overruling the Motion to Dismiss and denying the various requests for discovery.

12. On April 13, 2016 the Respondent through her Counsel, filed a Motion to Reconsider, a Motion to Strike the Response of the Commission's Counsel, and a Motion to Compel Discovery.

13. On April 19, 2016 the Respondent appeared for the Formal Hearing with Counsel Honorable Stephen Ryan and Honorable Martin Johnstone at which time the Respondent testified in her own behalf and offered other evidence.

14. These Motions were overruled by the Commission and the notation of same is found in the official transcript of the proceedings as these Motions were overruled by the Commission the morning of the Hearing.

15. At the beginning of the Hearing on April 19, 2016 Counsel for the Commission requested that the rule be invoked for the removal of witnesses from the Courtroom and said Motion was sustained.

16. The (five) voting members of the Commission in this case are as follows: Hon. Stephen D. Wolnitzek, Judge Janet Stumbo, Judge Eddy Coleman, Judge Karen Thomas, and Diane E. Logsdon. Citizen member Joyce King Jennings was ill and unable to participate. In attendance during the hearing were alternate members Judge Jeff S. Taylor and Hon. R. Kent Westberry. The alternate members did not participate in the Commission vote in this matter. Judge David P. Bowles recused from any consideration of this case.

17. At the conclusion of the presentation of evidence and summation by Counsel for the Respondent and Counsel for the Commission it was announced that the Hearing was

concluded and appropriate Findings of Fact, Conclusions of Law and a Final Order would be entered in due course.

III

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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

CHARGE

On June 11, 2015 at approximately 1:09 p.m. the Respondent presided over a Bond Reduction Hearing in *Commonwealth v. Lomac Jeter*, Case No. 15-M-9629. In that case, Mr. Jeter was charged with assault in the 4th degree (domestic violence) for allegedly assaulting Jasmine Stone. During the Bond Reduction Hearing, Ms. Stone recanted the allegations against Mr. Jeter. Upon hearing her recantation the Respondent immediately ordered a Deputy Sheriff to take Ms. Stone into custody. The Respondent further directed the Prosecutor to charge Ms. Stone with making false statements and set a \$10,000 cash bond. This action was taken over objection from the prosecution.

At approximately 2:10 p.m. that same day the Prosecutor formally asked the Respondent to release Ms. Stone from custody based upon information that Mr. Jeter had contacted Ms. Stone and pressured her to recant. The Prosecutor further indicated that the prosecution did not intend to proceed against Ms. Stone for making false statements. Despite this information, the Respondent refused to lower the bond or release Ms. Stone from custody. A Writ of Habeas Corpus was filed on behalf of Ms. Stone shortly thereafter, which was denied by the Circuit Court but the bond was vacated in that Order and Ms. Stone was released from custody later that afternoon.

As a result, the Respondent was charged with violating SCR 4.020(1)(b)(i), misconduct in office. In addition the Respondent was charged with violation of 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.

By a vote of 5-0, the Commission finds that the Respondent Sheila A. Collins did not violate Canon 1 and therefore the Charge as it pertains to Canon 1 is dismissed.

It was further charged that the actions of the Respondent violated Canon 2A which requires Judges to respect and comply with the law and to act at all times in a manner that promotes public confidence in the integrity and impartiality of the Judiciary.

By a vote of 5-0, the Commission finds with respect to this Canon that the Respondent violated Canon 2A and is therefore guilty of misconduct under SCR 4.020(1)(b)(i).

It was further charged that the actions of the Respondent violated Canon 3B(4) which requires Judges to be dignified and courteous to litigants, jurors, witnesses, lawyers and others which whom the Judge deals in an official capacity.

By a vote of 5-0, the Commission finds with respect to this Canon that the Respondent did not violate Canon 3B(4) and therefore the charge as to Canon 3B(4) is dismissed.

It was further charged that the actions of the Respondent violated Canon 3B(8) which requires Judges to dispose of a matter, promptly, efficiently, and fairly.

By a vote of 5-0, the Commission finds with respect to this Canon that the Respondent violated Canon 3B(8) and is therefore guilty of misconduct under SCR 4.020(1)(b)(i) in that the Respondent failed to dispose of a matter fairly.

ORDER

The Respondent has been found guilty of misconduct by violating Canons 2A and 3B(4) of the Code of Judicial Conduct. The Respondent failed to afford a witness before her with rudimentary due process rights before questioning her and then ordering a Deputy Sheriff to immediately take her in to custody and charge her with a criminal offense. Then after being the complaining witness in the matter the Respondent set bond for the person she had just ordered arrested. Bond is to be set by a detached Magistrate, not one who orchestrated the filing of the criminal charge in the first place.

While the Respondent admits that she made a mistake, she argues that it was not made in bad faith as the Respondent reasons that she could have placed this lady in jail for contempt of Court.

It is the considered opinion of the Commission that the Respondent has misread the Supreme Court Case of *Gormley v. Judicial Conduct Commission*, 332 S.W.3d 717 (Ky. 2010).

Nothing that this witness stated could in any way be considered direct criminal contempt of Court. By the Respondent's own testimony and as seen from the video tape of this encounter, the Respondent acknowledged she did not know what was true and a hearing needed to be conducted with the presence of a police officer who was on the scene in order for the truth to be determined. If the Respondent needed a hearing in order to determine the truth then in no way could the witness who was questioned by the Court without being advised of her right against self-incrimination and without being afforded counsel be considered to be in direct criminal contempt of the Court or any Order it entered. The witness may well have committed false swearing, but that does not provide a Court with the ability to punish such a person for direct criminal contempt.

The Respondent should never have directed the Sheriff to take this witness into custody and to charge the witness with a crime. That is not the role of the Judiciary. That is the role of the duly elected prosecutorial authorities in Jefferson County. Even when advised by the prosecutor that no charges would be pursued against this witness, the Respondent still refused to release her from custody.

At the Hearing various witnesses testified on behalf of the Respondent as to her good character and reputation. In addition, the Commission received by stipulation a large number of Affidavits from practicing lawyers and others in the Jefferson County community extolling the Respondent's abilities and fairness as a District Judge for many years. In determining the appropriate discipline, the Commission took this into consideration.

For the foregoing violations, the Commission concludes that a public reprimand is warranted in this case and by a vote of 4-1, the Respondent Sheila A. Collins, District Judge 30th Judicial District is publicly reprimanded. One member of the Commission would have provided only a private reprimand as the appropriate discipline.

Rule 4.270 provides that the Commission's Order shall become effective within Ten (10) days after service, unless an appeal is filed within that time.

I hereby certify that the Findings of Fact, Conclusions of law and Final Order represent an action of the Judicial Conduct Commission this 21st day of April, 2016.


STEPHEN D. WOLNITZEK
CHAIR OF THE COMMISSION

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon Judge Sheila A. Collins, Jefferson District Court Judge, by mailing same to her attorneys, Stephen P. Ryan, 7104 Hillcircle Court, Louisville, KY 40214, and Martin E. Johnstone, 6300 Hunting Harbor Road, Prospect, KY 40059; and upon Jeffrey C. Mando and Louis D. Kelly, 40 West Pike Street, Covington, KY 41011, this 21st day of April, 2016.


JIMMY A. SHAFFER
EXECUTIVE SECRETARY

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**SHEILA A. COLLINS, DISTRICT COURT JUDGE
30TH 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 District Court Judge for Kentucky's 30th Judicial Circuit located in Jefferson County. The charges are as follows:

On June 11, 2015, you presided over a bond reduction hearing in *Commonwealth v. Lomac Jeter*, Case No. 15-M-9629. In that case, Mr. Jeter was charged with Assault in the 4th Degree (Domestic Violence) for allegedly assaulting Jasmine Stone. During the bond reduction hearing Ms. Stone recanted the allegations and claimed that Mr. Jeter did not assault her. Upon hearing her recantation you became upset and ordered the sheriff to take Ms. Stone into custody, demanded he charge Ms. Stone with False Swearing and ordered that she be remanded to jail and set a \$10,000.00 cash bond. This was done despite protests from both the public advocate and the prosecutor. Your actions violated Ms. Stone's due process rights inasmuch as you took her into custody without holding a hearing, without advising her of her rights prior to questioning, and without appointing an attorney to represent her. You later refused to lower the bond even upon learning that Mr. Jeter had contacted Ms. Stone and pressured her to recant.

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(4) which requires judges to be dignified and courteous to litigants, jurors, witnesses, lawyers and others with whom the judge deals in an official capacity.

Canon 3B(8) which requires a judge to dispose of a matter 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.

January 11th, 2016


STEPHEN D. WOLNITZEK, CHAIR

I hereby certify that copy hereof was served on Sheila A. Collins, Jefferson District Court Judge, by mailing same to her attorney, Hon. Stephen P. Ryan, 7104 Hillcircle Court, Louisville, KY 40214 this 11th day of January, 2016.



JIMMY SHAFFER, EXECUTIVE SECRETARY

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

**SHEILA A. COLLINS, DISTRICT COURT JUDGE
30TH JUDICIAL CIRCUIT**

AMENDED NOTICE OF FORMAL PROCEEDINGS AND CHARGES

Pursuant to SCR 4.190, 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 District Court Judge for Kentucky's 30th Judicial Circuit located in Jefferson County. The charges are as follows:

On June 11, 2015, at approximately 1:09pm you presided over a bond reduction hearing in *Commonwealth v. Lomac Jeter*, Case No. 15-M-9629. In that case, Mr. Jeter was charged with Assault in the 4th Degree (Domestic Violence) for allegedly assaulting Jasmine Stone. During the bond reduction hearing Ms. Stone recanted the allegations against Mr. Jeter. Upon hearing her recantation you became upset and immediately ordered the deputy sheriff to take Ms. Stone into custody. You further directed the prosecutor to charge Ms. Stone with making false statements and set a \$10,000.00 cash bond. This action was made over objections from the prosecution.

At approximately 2:01pm that same day the prosecutor formally asked you to release Ms. Stone from custody based upon information that Mr. Jeter had contacted Ms. Stone and pressured her to recant. The prosecutor further indicated that she did not intend to prosecute Ms. Stone for making false statements. Despite this information you refused to lower the bond or release Ms. Stone from custody. A video recording of the hearings in question are attached as Exhibit A.

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.

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 - (i) Misconduct in office.
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For your information, the Commission wishes to call your attention to the following Supreme Court Rule:

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

March 15th, 2016


STEPHEN D. WOLNITZEK, CHAIR

I hereby certify that copy hereof was served on Sheila A. Collins, Jefferson District Court Judge, by mailing same to her attorneys, Hon. Stephen P. Ryan, 7104 Hillcircle Court, Louisville, KY 40214, and Martin E. Johnstone, 6300 Hunting Harbor Road, Prospect, KY 40059, this 16th day of March, 2016.


JIMMY SHAFFER, EXECUTIVE SECRETARY