

**COMMONWEALTH OF KENTUCKY  
JUDICIAL CONDUCT COMMISSION**

**ORDER OF PRIVATE REPRIMAND**

The Commission issues this order of private reprimand to a judge for violation of the Code of Judicial Conduct, SCR 4.300, Canons 1 and 2A.

On January 3, 2017, the Commission received a complaint regarding actions taken by a judge during a Pretrial Conference in District Court. During the Pretrial Conference, the defendant appeared before the court but his legal counsel was not present. After inquiring as to why his attorney was not present, the judge rescheduled the hearing for two weeks so that the defendant could review the Commonwealth's plea offer with his legal counsel. When the defendant expressed his intent to reject any plea offer from the Commonwealth, the judge held the defendant in contempt and ordered court security to take him to a holding cell. When the defendant asked why he was being held in contempt, the judge informed him it was because his attorney had failed to appear. The defendant was released thirty minutes later upon request of the complaining witness.

The judge acknowledges that his actions were inappropriate but states the decision to find the defendant in contempt was related to the defendant's demeanor towards the court and not because the defendant declined the Commonwealth's offer or because his attorney failed to appear. The judge informed the Commission that such behavior would not occur again in the future.

The Commission appreciates the judge's candor and willingness to take immediate corrective action. However, all judges must maintain appropriate behavior while on the bench. Based on the foregoing conduct, the judge is hereby privately reprimanded.

In making the disposition in this Order, the Commission duly considered that the judge had no prior discipline, fully cooperated in the matter and pledged the offending conduct would not be repeated.

Two members of the Commission would have imposed more severe discipline.

Date: 4/5/17

  
STEPHEN D. WOLNITZEK, CHAIR