

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

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

FORMAL PROCEEDINGS DOCKET ENTRIES

Date of Document

- | | | |
|----------------------|---|------------------------------------------------------------------------------------|
| 1. January 11, 2016 | - | Notice of Formal Proceedings and Charges |
| 2. January 29, 2016 | - | Answer to Notice of Formal Proceedings |
| 3. February 1, 2016 | - | Entry of Appearance |
| 4. February 17, 2016 | - | Notice of Time and Place for Hearing |
| 5. March 16, 2016 | - | Amended Notice of Formal Proceedings and Charges |
| 6. March 29, 2016 | - | Amended Answer to Amended Notice of Formal Proceedings and Charges |
| 7. March 29, 2016 | - | Motion to Dismiss |
| 8. March 29, 2016 | - | Motion to Produce |
| 9. March 29, 2016 | - | Interrogatories |
| 10. March 29, 2016 | - | Request for Admissions |
| 11. April 6, 2016 | - | Response in Opposition to Motion to Dismiss |
| 12. April 6, 2016 | - | Response to Judge Collins' Discovery Motions |
| 13. April 11, 2016 | - | Order on Motion to Dismiss and Discovery Motions |
| 14. April 13, 2016 | - | Motion to Reconsider |
| 15. April 13, 2016 | - | Motion to Strike |
| 16. April 13, 2016 | - | Motion to Compel |
| 17. April 15, 2016 | - | Response in Opposition to Motion to Reconsider |
| 18. April 15, 2016 | - | Response in Opposition to Motion to Strike |
| 19. April 15, 2016 | - | Response in Opposition to Motion to Compel |
| 20. April 15, 2016 | - | Respondent's Witness List |

- 21. April 18, 2016 - [Amended Witness List](#)
- 22. April 18, 2016 - [Exhibit List](#)

**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
JCC CASE NUMBER 2015-127
SHEILA A COLLINS, DISTRICT COURT
30TH JUDICIAL DISTRICT

ANSWER TO NOTICE
OF FORMAL PROCEEDINGS

Comes Judge Sheila A. Collins, by counsel, Stephen P. Ryan, and for her answers to the charges states as follows:

1. Judge Collins admits that she presided over the hearing in question.
2. Judge Collins denies that she "became upset" during the bond reduction hearing. The witness was proffered by the attorney for the defendant. The witness, in front of the entire courtroom, told Judge Collins that she lied about most of the allegations which were the cause of the defendant's incarceration. She lied on a sworn statement to support the issuance of an EPO against the defendant and she lied to the police officer about all of the instances of domestic violence alleged to have been committed by him on her.
3. After the witness told the court that she even lied about being pregnant, Judge Collins did order the Sheriff to take the witness into custody.
4. Judge Collins did not "demand", rather directed the Sheriff to file false swearing charges against the witness. The Sheriff is a female, not a male as stated in the notice.
5. Judge Collins did set a bond of \$10,000 for the offense cited.
6. The Assistant County Attorney never objected to the questioning of the witness. She never requested or suggested that the witness should be advised of her rights although she later indicated that she was aware that the witness had either lied in her sworn statement or was lying in court. The prosecutor knew that the sole purpose of the Court's questioning of the witness was to determine if bond relief should be considered. Her only objection was made after the court directed the charges to be filed, after the witness repeatedly acknowledged that she had committed perjury/false swearing.
7. Contrary to the assertions in the Formal Charges, there was no protest by any public advocate. There was no protest by the attorney who proffered her as a witness. There was barely an objection by the Assistant County Attorney.

8. Approximately one hour after all of the aforementioned took place, Judge Collins was approached by another Assistant County Attorney Supervisor and asked to reconsider her decision. Judge Collins was advised that the Supervisor believed the defendant had contacted the witness by phone and threatened the witness to lie. Judge Collins requested the proof of said contact. The Supervisor acknowledged that she did not actually have the tapes of the conversations and that she had not actually heard the tapes. Judge Collins advised her to bring in the tapes the next morning and that Judge Collins would reconsider after hearing some proof on the matter.
9. If the witness's due process rights were violated in this instance, said violation was totally unintentional and without malice. Judge Collins, in good faith, believed that the proper way to handle the witness's statements about her intentional lies was to have her charged with False Swearing. Judge Collins acknowledges that it was her mistake not holding the witness in Contempt of Court, which the Judge had every right to do.
10. Judge Collins categorically denies that her actions constitute misconduct. She further denies any violations of the Canons of the Code of Judicial Conduct, specifically those cited in your Formal Charges: Canon 1, Canon 2A, Canon 3B(4) and 3B(8).
11. Finally, Judge Collins states affirmatively that this Commission lacks jurisdiction to proceed based upon SCR 4.020(2) which states in its entirety

(2) ANY ERRONEOUS DECISION MADE IN GOOD FAITH SHALL NOT BE SUBJECT TO THE JURISDICTION OF THE COMMISSION

Respectfully submitted,



STEPHEN P. RYAN, COUNSEL FOR RESPONDENT
7104 Hillcircle Road
Louisville, Kentucky 40214
502-551-1083
Stephen_Ryan@rocketmail.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was mailed to:
Ms. Jimmy Shaffer, Executive Secretary, Judicial Conduct Commission and Hon.
Jeff Mando this 29 day of January, 2016.


STEPHEN P. RYAN

RECEIVED

FEB 01 2016

JUDICIAL CONDUCT
COMMISSION

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

IN RE THE MATTER OF:

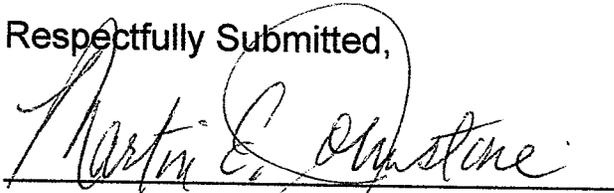
JCC Case Number 2015-127

SHEILA COLLINS, DISTRICT COURT
30th JUDICIAL DISTRICT

ENTRY OF APPEARANCE

Please take notice that Martin E. Johnstone hereby enters his appearance as Co-Counsel for Judge Sheila Collins in the above-styled case. Please include all copies of all pleadings, notices, Orders and correspondence to the attention of the undersigned.

Respectfully Submitted,



Martin E. Johnstone

Martin E. Johnstone
6300 Hunting Harbor Road
Prospect, KY 40059

(502) 228-4403
martinjohnstone49@gmail.com

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

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

NOTICE OF TIME AND PLACE FOR HEARING

NOTICE is hereby given that the hearing in these formal proceedings will be held commencing April 19, 2016, at 9:00 a.m. in the Jefferson County Judicial Center, 10th Floor Appellate Courtroom, 700 West Jefferson Street, Louisville, Kentucky, 40202.

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 and emailing 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 counsel for the Judicial Conduct Commission, Jeffrey C. Mando and Louis D. Kelly, 40 West Pike Street, Covington, KY 41011, this 17th day of February, 2016.


JIMMY A. SHAFFER
EXECUTIVE SECRETARY

Judge David P. Bowles recused from any consideration of this matter.

**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.

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.

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

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

IN RE THE MATTER OF:

SHEILA A. COLLINS
DISTRICT COURT JUDGE
30TH JUDICIAL DISTRICT

AMENDED ANSWER TO AMENDED NOTICE
OF FORMAL PROCEEDINGS AND CHARGES

Comes the Respondent, Judge Sheila A. Collins, by Counsel, and in response to the Amended Notice of Formal Proceedings and Charges, states as follows:

Judge Collins continues to assert each and every admission made in her original Answer.

Judge Collins continues to assert each and every denial made in her original Answer.

Respectfully submitted,



STEPHEN P. RYAN
CO-COUNSEL FOR RESPONDENT
7104 Hillcircle Road
Louisville, Kentucky 40214
502-551-1083
stephen_ryan@rocketmail.com

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

IN RE THE MATTER OF:

SHEILA A. COLLINS
DISTRICT COURT JUDGE
30TH JUDICIAL DISTRICT

MOTION TO DISMISS

Comes now the Respondent, Judge Sheila A. Collins, by Counsel, Honorable Stephen Ryan and Honorable Martin Johnstone, and moves this Judicial Conduct Commission (hereafter referred to as the JCC), to dismiss the charges against her.

In support hereof, the Respondent cites SCR 4.020(2), which states that the JCC lacks jurisdiction over this complaint against Judge Collins. Specifically, section 2 states :

“(2) Any erroneous decision made in good faith shall not be subject to the jurisdiction of the Commission.”

There is nothing in the record of these proceedings that suggests that Judge Collins' actions were anything other than an erroneous decision made in good faith.

The law is well settled on this point:

“Something more than committing a good faith legal error is obviously required before a judicial office may be properly disciplined.” *Gormley vs. Judicial Conduct Commission*, 332 S.W.3d 717, 727 (Ky. 2010).

A single legal error can constitute misconduct, but only if there is a finding of clear and convincing evidence that the error was:

- (1) made in bad faith; or
- (2) made in good faith but as part of a pattern of misconduct; or

(3) made in good faith, but “(c)ontrary to clear and determined law about which there is no confusion or question as to its interpretation”- in other words, “serious, obvious, egregious legal error that is clearly contrary to settled law.” *Gormley*, 332 S.W.3d at 728 (quoting in part *In re Quirk*, 705 So.2d 172, 180-81 (La.1997)).

There was no bad faith on the part of Judge Collins. Judge Collins' error was one of form – using the wrong label to describe the action she was taking. Putting the witness in jail was not itself an unlawful act. The fact is that the end result was correct, even if the naming convention was not, and there is absolutely no evidence that this error was made in bad faith.

There is no evidence, nor has there been an allegation of a pattern of misconduct. Therefore, the burden of clear and convincing evidence has not been met.

Finally, there has been no egregious conduct. The *Gormley* case is filled with instances of “egregious” conduct. For example, where the Judge has “a bias of preconception or a predetermined view against (one party) so as to impugn the impartiality and open-mindedness necessary to make correct and sound rulings in the case”, at 727; or where the judge “attempts to circumvent procedures and the law, then excludes the party's attorney and directly threatens the party with an unlawful order, under circumstances where the judge knew, or should have known, that she was acting erroneously but pushed on.” *Id* at 729-730.

In substance, the incarceration of the witness who admittedly was lying in open court was not improper – it would have been appropriate for Judge Collins to make a finding of criminal contempt and put the witness in jail. In *Melton v. Commonwealth*, 160 Ky. 642, 666-667 (Ky. 1914) the Court found “the false swearing by a witness has been punished as a contempt, although the witness might have been indicted for perjury”; *Miller v. Vettiner*, 481 S.W. 2d 32, 35 (Ky.1972) found contempt proceedings are appropriate for perjury when “the offender admits ... that the testimony in question was false”. Therefore, there was no egregious error in this case.

For the foregoing reasons, the Respondent and Counsel respectfully request that this matter be dismissed.



STEPHEN P. RYAN
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502-551-1083
stephen_ryan@rocketmail.com

MARTIN D. JOHNSTONE
CO-COUNSEL FOR RESPONDENT
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martinjohnstone49@gmail.com

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

IN RE THE MATTER OF:

SHEILA A. COLLINS
DISTRICT COURT JUDGE
30TH JUDICIAL DISTRICT

MOTION TO PRODUCE DOCUMENTS;
MOTION TO PRODUCE ANY TANGIBLE PROPERTY;
MOTION TO PRODUCE WITNESS LIST

Comes the Respondent, Judge Sheila A. Collins, by Counsel, and respectfully requests the production of the following:

1. The Respondent requests that the Counsel for the Judicial Conduct Commission produce any documents, including any and all electronically stored documents, intended to be introduced in the trial of the above-styled matter.
2. The Respondent requests that the Counsel for the Judicial Conduct Commission produce any tangible property intended to be introduced in the trial of the above-styled matter.
3. The Respondent requests that the Counsel for the Judicial Conduct Commission produce a list of the witnesses intended to be called to testify in the trial of the above-styled matter and identify any and all documents each witness will rely upon in giving testimony. The Respondent specifically requests that the names, addresses, phone numbers and substance of the testimony expected to be elicited from the witnesses.

Respectfully Submitted,



STEPHEN P. RYAN, ATTORNEY
502-551-1083

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

IN RE THE MATTER OF:

SHEILA A. COLLINS
DISTRICT COURT JUDGE
30TH JUDICIAL DISTRICT

INTERROGATORIES

Comes the Respondent, Judge Sheila A. Collins, by Counsel, and submits the following interrogatories in the above-styled action:

1. Please state the name, address, occupation, contact information of the person answering these interrogatories, and state the relationship of the person responding to the above styled action.
2. Please state with particularity the exact digital time on the DVD provided to the JCC which shows Judge Collins becoming "upset" as set forth in the charges against Judge Collins.
3. Please state with particularity the exact digital time on the DVD provided to the JCC where there were protests from the prosecutor, and please state the name of the prosecutor.
4. Please state with particularity the exact digital time on the DVD provided to the JCC where Judge Collins was given any evidence that the defendant had pressured the witness to recant.
5. Please state with particularity the exact digital time on the DVD provided to the JCC where any actions of Judge Collins constituted "misconduct in office".
6. Please state with particularity the exact digital time on the DVD provided to the JCC where there is evidence of a violation of Canon 1 and cite specific times where Judge Collins failed to maintain high standards of conduct and uphold the integrity and independence of the judiciary.
7. Please state with particularity the exact digital time on the DVD provided to the JCC where there is evidence of a violation of Canon 2A and cite specific times where Judge Collins failed to respect and comply with the law and/or where she failed to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

8. Please state with particularity the exact digital time on the DVD provided to the JCC where there is evidence of a violation of Canon 3B(4) and cite specific times where Judge Collins failed to be dignified and courteous to litigants, jurors, witnesses, lawyers and others with whom she dealt with in an official capacity.
9. Please state with particularity the names of all litigants, jurors, witnesses, lawyers and others to whom Judge Collins was discourteous or undignified.
10. Please state with particularity the exact digital time on the DVD provided to the JCC where there is evidence that Judge Collins failed to dispose of matters promptly, efficiently and fairly.
11. Please state with particularity the exact digital time(s) on the DVD provided to the JCC showing any or all instances of "egregious" behavior by Judge Collins and explain the nature of the conduct which makes it "egregious".

Respectfully submitted,


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stephen_ryan@rocketmail.com

MARTIN D. JOHNSTONE
CO-COUNSEL FOR RESPONDENT
502-593-9563
martinjohnstone49@gmail.com

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION's

IN RE THE MATTER OF:

SHEILA A. COLLINS
DISTRICT COURT JUDGE
30TH JUDICIAL DISTRICT

REQUESTS FOR ADMISSIONS

Comes the Respondent, Judge Sheila A. Collins, by Counsel, and submits the following
Requests for Admissions:

Admit or deny that there is no egregious conduct on the part of Judge Collins in the above
styled action, and if you deny, state each and every factual basis to support your denial.

Admit or deny that there is no egregious conduct on the part of Judge Collins in the above
styled action as reported in the *Gormley* case, and if you deny, state each and every factual basis to
support your denial.

Respectfully submitted,



STEPHEN P. RYAN
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MARTIN D. JOHNSTONE
CO-COUNSEL FOR RESPONDENT
502-593-9563
martinjohnstone49@gmail.com

IN RE THE MATTER OF:

SHIELA A. COLLINS
DISTRICT COURT JUDE
30TH JUDICIAL DISTRICT

CERTIFICATION

The attached amended answer, motion to dismiss, motion to produce, interrogatories and request for admissions were emailed and mailed to Jeff Mando for the Judicial Conduct Commission(JCC) and emailed and mailed to Jimmy Shafer, executive director to JCC on this 29th day of March, 2016.



Stephen P. Ryan
7104 Hillcircle Ct.
Louisville, Ky 40214
Stephen_ryan@rocketmail.com
502-551-1083

Jeffrey Mando
ADAMS STEPHNER
WOLTERMANN & DUSING, P.L.L.C.
400 West Pike Street
P.O. Box 861
Covington, Kentucky 41012-0861

Jimmy Shafer
Executive Director
Judicial Conduct Commission
P.O. Box 4266
Frankfort, KY 40604

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

IN RE THE MATTER OF:

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

RESPONSE IN OPPOSITION TO MOTION TO DISMISS

In response to Judge Collins' Motion to Dismiss Counsel for the Commission states as follows:

I. ARGUMENT

In her Motion, Judge Collins asks the Commission to dismiss the pending charges claiming that the conduct alleged in the Amended Notice of Formal Proceedings and Charges constitutes nothing more than an erroneous decision made in good faith, which is not subject to the jurisdiction of the Commission. (Motion, p. 1) She further claims that her error was merely "one of form." (*Id.* at p. 2) In making this argument, Judge Collins misconstrues the nature of the Commission's charges and the gravity of her misconduct.

Judge Collins claims that her actions were appropriate and that "end result was correct." (*Id.*) She claims that she was justified in jailing Jasmine Stone for lying in open court under her criminal contempt powers and believes this distinguishes her situation from the facts in *Gormley v. Judicial Conduct Commission*, 332 S.W.3d 717, 726 (Ky. 2010), in which the Kentucky Supreme Court found that summary contempt was egregious and in bad faith when the alleged conduct was not made in the judge's presence.

Criminal contempt is characterized as "the willful disobedience toward, or open disrespect for, the rules or orders of a court." *Cabinet for Health & Family Servs. v. J.M.G.*, 475

S.W.3d 600, 610 (Ky. 2015) (citations omitted). In *Gormley*, the Supreme Court held criminal contempt is reserved for instances when a person “disobeys a court order out of disrespect for the rules or orders of the court.” *Id.* at 726. The common refrain in both of these cases is that criminal contempt powers are reserved for acts in which the party willfully disobeys or disrespects a judge.

In this case, Ms. Stone did not commit any acts of willful disobedience or disrespect to Judge Collins. Ms. Stone merely responded to Judge Collins’ questions regarding the alleged domestic violence incident. The triggering event that prompted Judge Collins to incarcerate Ms. Stone was not a flippant remark or refusal to obey an order; it was Ms. Stone admitting that she was not pregnant, as she had reported on the complaint. (06.11.15 hearing at 1:16:22 p.m.)

Furthermore, there is no evidence that Ms. Stone actually lied to Judge Collins at the hearing. When asked, Ms. Stone claimed that the information contained in her sworn affidavit was false. By that statement alone, Judge Collins could not have known whether or not Ms. Stone was telling the truth at the hearing or whether she was telling the truth in her affidavit. If Ms. Stone lied on her affidavit but was being truthful to Judge Collins, then there was no contempt of Court. Even Judge Collins acknowledged that she could not tell what statements were true or false and that she needed a hearing with the arresting officer present. (*Id.* at 1:17:45 p.m.)

Shortly after Judge Collins incarcerated Ms. Stone, the prosecuting attorney informed Judge Collins that the Commonwealth did not want Ms. Stone incarcerated and indicated that there may be mitigating circumstances explaining the inconsistencies between her affidavit and her statements in Court. (*Id.* at 1:17:55 p.m.) Later that day,

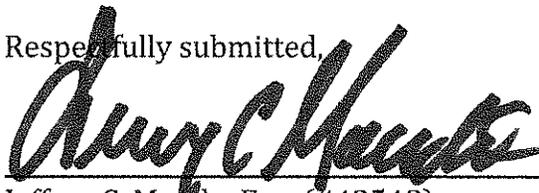
another representative from the prosecution again asked Judge Collins to reconsider her position in light of evidence that the alleged perpetrator of domestic violence had contacted Ms. Stone in an effort to have her change her statement. (*Id.* at 2:01:07pm) The prosecution also stated that it did not intend to pursue charges against Ms. Stone. (*Id.*) Even with this information, Judge Collins refused to release Ms. Stone, or at the very least, release her until she could have a hearing and an opportunity to consult with legal counsel.

In *Gormley*, the Supreme Court held that the Commission's review is not focused merely on the judge's findings, conclusions, and ultimate judgment, but on the judge's "demeanor, motivation, or conduct in following (or not following) the law." 332 S.W.3d at 727. Judge Collins, by her own admission, did not know whether or not Ms. Stone had lied to her in court. She was also told by the prosecution that they did not want to incarcerate her or pursue charges against her. Ms. Stone had not violated a court order or displayed any objective disrespect to the Court that would warrant the deprivation of her liberty. Based upon these facts, Judge Collins' actions were both egregious and made in bad faith and as such, they are subject to the discipline of the Commission.

II. CONCLUSION

Based upon the foregoing, Counsel for the Commission respectfully requests that Judge Collins' Motion to Dismiss be denied.

Respectfully submitted,



Jeffrey C. Mando, Esq. (#43548)
Louis D. Kelly, Esq. (#92094)
ADAMS, STEPNER,
WOLTERMANN & DUSING, PLLC
40 West Pike Street
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859.394.6200
859.392.7263 - Fax
jmando@aswdlaw.com
lkelly@aswdlaw.com

Counsel for Judicial Conduct Commission

CERTIFICATE OF SERVICE

This is to certify that true and correct copy of the foregoing has been served via electronic mail on this the 6 day of April, 2016, upon the following:

Stephen P. Ryan, Esq.
7104 Hillcircle Court
Louisville, KY 40214
stephen_ryan@rocketmail.com

Martin D. Johnstone, Esq.
502.593.9563
martinjohnstone49@gmail.com

Ms. Jimmy Shaffer
Executive Secretary
Kentucky Judicial Conduct Commission
P.O. Box 4266
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Jeffrey C. Mando, Esq.

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

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

RESPONSE TO JUDGE COLLINS' DISCOVERY MOTIONS

In response to Judge Collins' Motion to Produce Documents, Motion to Produce any Tangible Property, Motion to Produce Witness List, Request for Interrogatories, and Request for Admissions, Counsel for the Commission states as follows:

I. ARGUMENT

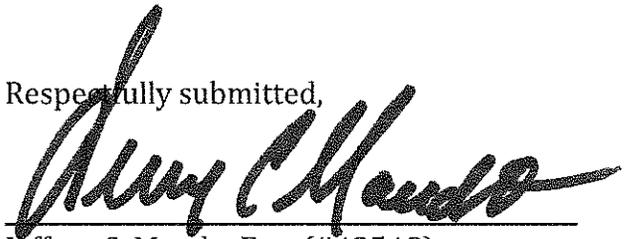
The Kentucky Judicial Conduct Commission is governed by Supreme Court Rules 4.000 – 4.310. SCR 4.210 governs the procedural rights for a judge subject to a disciplinary hearing. The rule does not provide for civil discovery prior to a disciplinary hearing. For this reason alone, Judge Collins' Motions should be denied.

While not required by SCR 4.120, Counsel for the Commission will agree to a mutual exchange of witness and exhibit lists prior to the April 19, 2016 hearing and will contact counsel for Judge Collins to facilitate this exchange.

II. CONCLUSION

For these reasons, counsel for the Commission respectfully requests that Judge Collins' Motion to Produce any Tangible Property, Motion to Produce Witness List, Request for Interrogatories, and Request for Admissions be denied.

Respectfully submitted,



Jeffrey C. Mando, Esq. (#43548)
Louis D. Kelly, Esq. (#92094)
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Counsel for Judicial Conduct Commission

CERTIFICATE OF SERVICE

This is to certify that true and correct copy of the foregoing has been served via electronic mail on this the 6 day of April, 2016, upon the following:

Stephen P. Ryan, Esq.
7104 Hillcircle Court
Louisville, KY 40214
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Martin D. Johnstone, Esq.
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Ms. Jimmy Shaffer
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Jeffrey C. Mando, Esq.

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

IN RE THE MATTER OF:

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

ORDER ON MOTION TO DISMISS AND DISCOVERY MOTIONS

Upon consideration of motions by Judge Collins to dismiss the charges against her, to produce tangible property, to produce witness list, request for interrogatories and request for admissions, it is by the Commission

ORDERED that the motions be and they are hereby DENIED.

4/11/16
DATE

Stephen D. Wolnitzek
STEPHEN D. WOLNITZEK, CHAIR

Judge David P. Bowles recused from any consideration of this matter.

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 and emailing 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 11th day of April, 2016.

Jimmy A. Shaffer
JIMMY A. SHAFFER
EXECUTIVE SECRETARY

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

IN RE THE MATTER OF:
SHEILA A. COLLINS, JUDGE
30TH JUDICIAL DISTRICT

MOTION TO RECONSIDER

Comes the Respondent, Judge Sheila A. Collins, by Counsel, and respectfully requests that the Judicial Conduct Commission, hereinafter referred to as JCC, reconsider their summary denial of the Respondent's Motion to Dismiss, the Motion for Production of Evidence, and the Requests for Admissions and Interrogatories.

In support hereof, respondent barely had an opportunity to review the Response filed by Counsel for the JCC, much less research the assertions therein and have time to prepare the attached Motion to Strike and Motion to Compel Discovery.

Wherefore, Respondent respectfully requests the JCC reconsider the Motions attached hereto.



STEPHEN P. RYAN

COUNSEL FOR RESPONDENT

I certify that a true and correct copy of the foregoing has been served via electronic mail on this the 23 day of April, 2016, on Jeffrey C. Mando, jmando@aswdlaw.com and Ms. Jimmy Shaffer, jimmyshaffer@kycourts.net.



STEPHEN P. RYAN

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

IN RE THE MATTER OF:

SHEILA A. COLLINS, JUDGE
30TH JUDICIAL DISTRICT

MOTION TO STRIKE

Comes the Respondent, Judge Sheila A. Collins, by counsel, and moves the Judicial Conduct Commission (hereinafter referred to as JCC) to strike the "Response in Opposition to Motion to Dismiss" filed by counsel for the JCC.

In support of the Motion to Strike, Respondent states that the Response filed is non-sensical and fails to respond to any of the issues and points raised by Judge Collins' Motion. Each of the issues and points raised by Judge Collins were supported by statute and the case law of the Commonwealth of Kentucky.

Wherefore, it is respectfully requested that the "Response" filed by JCC counsel be stricken from the record herein.


STEPHEN P. RYAN,
COUNSEL FOR RESPONDENT

I certify that a true and correct copy of the foregoing has been served via electronic mail on this the 13 day of April, 2016, on Jeffrey C. Mando, jmando@aswdlaw.com and Ms Jimmy Shaffer, jimmyshaffer@kycourts.net.


STEPHEN P. RYAN

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

IN RE THE MATTER OF :

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

MOTION TO COMPEL

Comes the Respondent, Judge Sheila A. Collins, by counsel, and moves the Judicial Conduct Commission (hereinafter referred to as the JCC), to compel counsel for the JCC to respond to the discovery motions filed herein by the Respondent, or in the alternative to dismiss the charges against Judge Collins.

In support of this motion, counsel states that the following Motions were filed on behalf of Judge Collins in an effort to prepare to defend formal charges against her at the upcoming hearing on this case:

Motion to Produce Documents and Tangible Property
Motion to Produce Witness List
Request for Interrogatories
Request for Admissions

Counsel for the JCC has refused to respond to these discovery motions and cites SCR 4.210 in support of his position. His reliance on this rule is incorrect as it in no way precludes civil discovery prior to a disciplinary proceeding. On the contrary, the rule clearly states "a judge shall have the right and reasonable opportunity to defend against the charges by the introduction of evidence, to be represented by counsel, and to *examine and cross examine witnesses*". Reading this Rule in conjunction with SCR 4.160, which states that the Rules of Civil Procedure shall apply to proceedings before the JCC, suggest that the only logical conclusion is that any Judge who is subject to proceedings involving censure, retirement or removal should be accorded due process of law by means of access to discovery of the JCC's case.

Wherefore, Counsel for Respondent requests that Counsel for the JCC be compelled to file responses to all motions for discovery filed immediately.

Respectfully submitted,

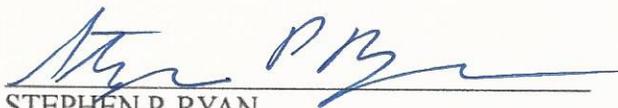

STEPHEN P. RYAN,
COUNSEL FOR RESPONDENT

CERTIFICATE OF SERVICE

it is hereby certified that a true and accurate copy of the foregoing has been served via electronic mail on this the 19 day of April, 2016, upon:

Jeffrey C. Mando, Attorney for JCC
jmando@aswdlaw.com

Ms. Jimmy Schaffer
jimmyshaffer@kvcourts.net


STEPHEN P. RYAN,
stephen_ryan@rocketmail.com

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

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

RESPONSE IN OPPOSITION TO MOTION TO RECONSIDER

In response to Judge Collins' Motion to Reconsider, Counsel for the Commission states as follows:

I. ARGUMENT

Judge Collins asks the Commission to reconsider its April 11, 2016 Order denying her Motion to Dismiss. Judge Collins, however, provides no legal or factual grounds that warrant the Commission's reconsideration of its Order. The facts set forth in the original and amended Notice of Formal Proceedings and Charges, if proven by clear and convincing evidence, warrant discipline from the Commission. As such, Judge Collins' Motion to Dismiss was correctly denied.

II. CONCLUSION

Based upon the foregoing, Counsel for the Commission respectfully requests that Judge Collins' Motion to Reconsider be denied.

Respectfully submitted,



Jeffrey C. Mando, Esq. (#43548)
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Counsel for Judicial Conduct Commission

CERTIFICATE OF SERVICE

This is to certify that true and correct copy of the foregoing has been served via electronic mail on this the 15 day of April, 2016, upon the following:

Stephen P. Ryan, Esq.
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Louisville, KY 40214
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Ms. Jimmy Shaffer
Executive Secretary
Kentucky Judicial Conduct Commission
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Jeffrey C. Mando, Esq.

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

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

RESPONSE IN OPPOSITION TO MOTION TO STRIKE

In response to Judge Collins' Motion to Strike, Counsel for the Commission states as follows:

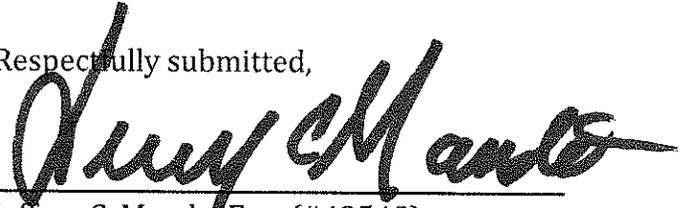
I. ARGUMENT

Judge Collins asks the Commission to strike Counsel for the Commission's Response in Opposition to her Motion to Dismiss. Judge Collins gives no legal or factual grounds that warrant such an action other than claiming that the Response failed to address the issues and points raised in her Motion. (Motion, p. 1) Counsel for the Commission disagrees with Judge Collins' characterization of its Response; nevertheless, it is up to the Commission to ultimately decide the merit of the parties' pleadings in this case. There are no procedural or legal grounds to remove Counsel for the Commission's Response from the record and therefore her Motion must be denied.

II. CONCLUSION

Based upon the foregoing, Counsel for the Commission respectfully requests that Judge Collins' Motion to Strike be denied.

Respectfully submitted,



Jeffrey C. Mando, Esq. (#43548)
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Counsel for Judicial Conduct Commission

CERTIFICATE OF SERVICE

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Jeffrey C. Mando, Esq.

**COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION**

IN RE THE MATTER OF:

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

RESPONSE IN OPPOSITION TO MOTION TO COMPEL

In response to Judge Collins' Motion to Compel, Counsel for the Commission states as follows:

I. ARGUMENT

Judge Collins asks the Commission to compel Counsel for the Commission to respond to her discovery motions. However, the Commission has already ruled that such motions were improper. Moreover, Judge Collins has been provided the factual file in this case and the exhibit and witness lists for the April 19, 2016 hearing. As such, there is no need for Counsel for the Commission to respond to these discovery requests.

II. CONCLUSION

Based upon the foregoing, Counsel for the Commission respectfully requests that Judge Collins' Motion to Compel be denied.

Respectfully submitted,



Jeffrey C. Mando, Esq. (#43148)
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Counsel for Judicial Conduct Commission

CERTIFICATE OF SERVICE

This is to certify that true and correct copy of the foregoing has been served via electronic mail on this the 13 day of April, 2016, upon the following:

Stephen P. Ryan, Esq.
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stephen_ryan@rocketmail.com

Martin D. Johnstone, Esq.
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Ms. Jimmy Shaffer
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JimmyShaffer@KYCOURTS.NET



Jeffrey C. Mando, Esq.

JUDICIAL CONDUCT COMMISSION
COMMONWEALTH OF KENTUCKY

IN RE THE MATTER OF
JUDGE SHEILA A. COLLINS,
30TH JUDICIAL DISTRICT

RESPONDENT'S LIST OF WITNESSES

Comes the Respondent, Judge Sheila A. Collins, by counsel, and submits the following list of witnesses who will testify on behalf of Judge Collins at the hearing scheduled April 19, 2016 at 9 A.M.:

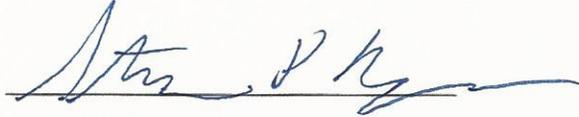
Honorable Grant Helman
Honorable Paul Gold
Honorable J. Bart Adams
Honorable Scott Cox
Honorable David Lambertus
Honorable Alex Dathorne
Honorable Richard Fitzgerald
Honorable Linda Ewald
Dr. George Nichols

In addition hereto, and pursuant to the agreement reached between counsel for the Respondent and counsel for the JCC, additional testimony in the form of Affidavits in support of Judge Collins will be introduced at the scheduled hearing of this matter, with no objection.



STEPHEN P. RYAN, COUNSEL FOR RESPONDENT

I certify that a true copy hereof was electronically mailed to Hon. Jeffrey Mando, jmando@aswdlaw.com and to Ms. Jimmy Shaffer, jimmyshaffer@kycourts.net, on this the 15th Day of April, 2016.

A handwritten signature in blue ink, appearing to read "Stephen P. Ryan", written over a horizontal line.

STEPHEN P. RYAN, COUNSEL FOR RESPONDENT

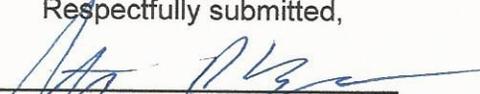
COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

IN RE THE MATTER OF:
JCC Case Number 2015-127
SHEILA COLLINS, DISTRICT COURT
30th JUDICIAL DISTRICT

MODIFICATION TO WITNESS LIST

Linda Ewald will not be testifying.

Respectfully submitted,


STEPHEN P. RYAN
Counsel for Respondent
7104 Hillcircle Court
Louisville, KY 40214
502-551-1083
Stephen_Ryan@rocketmail.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was mailed to:
Ms. Jimmy Shaffer, Executive Secretary, Judicial Conduct Commission and Hon.
Jeff Mando this 18th day of April, 2016.


STEPHEN P. RYAN

COMMONWEALTH OF KENTUCKY
JUDICIAL CONDUCT COMMISSION

IN RE THE MATTER OF:
JCC Case Number 2015-127
SHEILA COLLINS, DISTRICT COURT
30th JUDICIAL DISTRICT

EXHIBIT LIST

- 1) Affidavits of witnesses who wanted to testify;
- 2) Affidavit of probable cause from the Habeas Corpus case (part of Commission's Exhibit);
- 3) Transcript of June 11, 2015, proceedings (previously submitted);
- 4) Letters submitted with first motion to re-consider.

Respectfully submitted,


STEPHEN P. RYAN
Counsel for Respondent
7104 Hillcircle Court
Louisville, KY 40214
502-551-1083
Stephen_Ryan@rocketmail.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was mailed to:
Ms. Jimmy Shaffer, Executive Secretary, Judicial Conduct Commission and Hon.
Jeff Mando this 18th day of April, 2016.


STEPHEN P. RYAN