

COMMONWEALTH OF KENTUCKY
GENERAL ASSEMBLY
2023 Regular Session
Kentucky Senate – Court of Impeachment

In re: Articles of Impeachment Against Ronnie Lee Goldy, Jr.

**PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND JUDGMENT**

PROCEDURAL HISTORY

On January 4, 2023, the House of Representatives established an Impeachment Committee to investigate and review acts of Ronnie Lee Goldy, Jr., Commonwealth’s Attorney for the 21st Judicial Circuit consisting of Rowan, Bath, Menifee, and Montgomery Counties, pursuant to Section 68 of the Constitution of Kentucky, which establishes that the Governor and all civil officers shall be liable to impeachment for any misdemeanors in office. On February 9, 2023, the House of Representatives of the Commonwealth of Kentucky, by a vote of 97-0, approved three Articles of Impeachment against Ronnie Lee Goldy, Jr. The Articles of Impeachment were received in the Senate on February 14, 2023, and on March 8, 2023, the Senate adopted a Resolution by voice vote resolving the Senate as a Court of Impeachment and adopting Rules of Procedure therefor. The Senate designated March 21, 2023, for hearing the impeachment, and the President of the Senate appointed a committee to receive evidence and take testimony. All members of the committee were sworn on the Senate floor by Chief Justice Laurance B. VanMeter.

Despite having been summoned by precept, the Respondent, Ronnie Lee Goldy, Jr. failed to appear for the hearing on March 21, 2023. The members of the committee appointed by the

House of Representatives to prosecute the Articles of Impeachment were present and sworn, and presented opening statements.

Following opening statements, the House of Representatives submitted a certified copy of the record of the Kentucky Supreme Court in the matter of *Inquiry Commission v. Ronnie Lee Goldy, Jr.*, 2022-SC-0289, which included a digital copy of the hearing conducted on September 9, 2022, with all exhibits, including copies of messages between the Respondent and a criminal defendant, as well as a copy of the Supreme Court of Kentucky case file in *Inquiry Commission v. Ronnie Lee Goldy, Jr.*, 2022-SC-0289. Other evidence included the testimony of Brian Wright, Commonwealth's Attorney for the 29th Judicial Circuit, as well as a certified copy of the sworn recorded testimony of Mr. Wright, Rob Sanders, Commonwealth's Attorney for the 16th Judicial Circuit, and Jackie Steele, Commonwealth's Attorney for the 27th Judicial Circuit, presented to the House Impeachment Committee on February 2, 2023. Copies of Facebook messages that the Respondent submitted to the House Impeachment Committee were also entered into evidence at the hearing. These messages included nude photographs, legal advice offered by the Respondent to the criminal defendant, and repeated requests for videos from the criminal defendant by the Respondent.

Based upon a review of the record and applicable law, the Senate committee of the full Senate sitting as a Court of Impeachment issues the following Proposed Findings of Fact, Conclusions of Law, and Judgment.

FINDINGS OF FACT

The Respondent, Ronnie Lee Goldy, Jr., communicated with Misty Helton, a woman who was a defendant in several criminal cases pending in the 21st Judicial Circuit on a regular, routine,

and repeated basis. These communications occurred while Ms. Helton was represented by counsel, a fact known to the Respondent, without her counsel being present.

The Respondent also intervened with judges and other court personnel on behalf of Ms. Helton regarding her pending criminal cases, having court dates moved and outstanding warrants recalled. On at least one occasion the Respondent, as the elected Commonwealth's attorney, told Ms. Helton to lay low in the courthouse parking lot while he took care of her outstanding warrant. On numerous occasions the Respondent offered legal advice and direction to the defendant without her counsel being present regarding her criminal charges in both the 21st Judicial Circuit and other courts of this Commonwealth.

The Respondent repeatedly stated to Ms. Helton that she "owed" him one or more videos, and he repeatedly asked her for a video on a quid pro quo basis as evidenced by the testimony of Ms. Helton and the Facebook messages, as these requests often occurred immediately before or immediately after the Respondent had secured the withdrawal of warrants or intervened on behalf of Ms. Helton in a judicial manner. Statements from the Respondent of, "You owe me big time. Judge is about to withdraw some warrants" and, in response to a request to get a change in a court date, "I'm still waiting on those videos remember. Lol. I can see what I can do" establish the quid pro quo nature of the relationship. The Facebook messages containing nude photographs and the context of the exchanges between the Respondent and Ms. Helton, which are part of the Supreme Court record and which were submitted to the House committee by the Respondent himself, further establish that the video being requested was of a sexual nature. Also, on at least one occasion the Respondent sent Ms. Helton money.

When apprised by Ms. Helton that a drug court participant about whom the Respondent inquired by name may have engaged in activity in violation of the terms of her drug court

agreement, the Respondent assured Ms. Helton that he would not disclose that fact despite being an officer of the court, and immediately inquired where he could see the participant perform in an adult entertainment venue. Jackie Steele, Commonwealth's Attorney for the 27th Judicial Circuit testified that this "spoke volumes" to him as it established that the Respondent was not interested in seeing a participant succeed, but was interested in covering up any violation for his own gratification.

Throughout the testimony in the Supreme Court proceeding, the Respondent was evasive and at times untruthful in his responses to questions. His demeanor and testimony established that he had no remorse or recognition of any wrongdoing. In fact, he testified that his actions were routine for a Commonwealth's attorney. The evidence establishes that the actions of the Respondent are not the duties or routine responsibilities of the office and constitute an abuse of the power of the office.

The Respondent was expelled from the Kentucky Commonwealth's Attorneys' Association by a unanimous vote of the members present on August 25, 2022. The expulsion required an amendment of that organization's constitution, which underscores how strongly the members believed that the actions of the Respondent constituted improper conduct and a failure of the public trust in the position of Commonwealth's attorney. The three Commonwealth's attorneys who testified in this matter, all of whom serve on the Prosecutor's Advisory Council, described the Respondent's conduct as not only unethical but egregious. Mr. Wright testified that the Respondent's conduct was "unlike any conduct that any Commonwealth's attorney that I know engages in or expects other prosecutors to engage in." Rob Sanders, the Commonwealth's Attorney for the 16th Judicial Circuit, testified that because a Commonwealth's attorney has the power to

put someone in a jail cell, whenever a prosecutor either suggests, asks for, or demands anyone engage in certain conduct, “It is never a bargained-for exchange.”

On September 16, 2022, the Supreme Court of Kentucky suspended the Respondent’s license to practice law in this Commonwealth based upon a determination that the conduct of the Respondent constituted an abuse of power through the use of his position as Commonwealth’s attorney, and that his professional misconduct posed a substantial threat of harm to the public. This action by the Supreme Court prohibited the Respondent from that date forward from appearing in court proceedings on behalf of the people who elected him, and prohibited him from giving legal advice to anyone, including law enforcement personnel. Mr. Steele testified that law enforcement is constantly calling upon Commonwealth’s attorneys to make sure they are getting things done the right way. As a result of the suspension of his license to practice law, the Respondent cannot perform the functions and duties of the office to which he was elected. The Respondent’s failure to resign from an elected office, the required duties of which he could no longer perform, until February 28, 2023, further supports the finding that he has no remorse or recognition of any wrongdoing.

CONCLUSIONS OF LAW

ARTICLE I

Article I of the Articles of Impeachment adopted by the House of Representatives declares that, by engaging in actions that led to his suspension from the practice of law by the Supreme Court of Kentucky with a finding of probable cause that his conduct posed a substantial threat or risk of harm to his clients or to the public, the Respondent violated the right of the people to have confidence in their elected officials to perform the duties for which they are elected and constituted a misdemeanor in office. Article I also declares that, pursuant to Section 68 of the Constitution of

Kentucky, this is an impeachable offense for which removal from office and disqualification to hold any office of honor, trust, or profit under this Commonwealth is warranted upon judgment.

KRS 15.725 establishes the duties of the Commonwealth's attorney. Among those duties is the duty to prosecute all violations whether by adults or by juveniles subject to the jurisdiction of the Circuit Court of the criminal and penal laws which are to be tried in his judicial circuit. Additionally, the Commonwealth's attorney has the primary responsibility within his judicial circuit to present evidence to the grand jury concerning such violations.

To fulfill the duties required of a Commonwealth's attorney, the person elected to the office must have a valid license to practice law in Kentucky pursuant to Section 100 of the Constitution of Kentucky. The Respondent cannot meet the constitutional requirements to fulfill the duties of the office to which he was elected. This inability arises from egregious and intentional conduct by the Respondent as determined by a unanimous decision of the Supreme Court, not from circumstances outside of his control, following an evidentiary hearing in which the Respondent was represented by counsel, testified, and was afforded the opportunity to present evidence and cross-examine witnesses. In suspending the Respondent from the practice of law, the Court found that his conduct posed a substantial threat of harm to the public.

The inability of the Respondent to perform the duties of the office for which he was elected is further supported in the evidence presented before us through the testimony of three Commonwealth's attorneys. Each attorney that testified stated without equivocation that a Commonwealth's attorney could not perform the duties required of the office without holding a current and valid license to practice law in this state.

We hold that, by engaging in conduct that led to his suspension from the practice of law the Respondent committed a misdemeanor in office, and this is an impeachable offense for which

removal from office and disqualification to hold any office of honor, trust, or profit under this Commonwealth is warranted upon judgment pursuant to Section 68 of the Constitution of Kentucky.

ARTICLE II

Article II of the Articles of Impeachment adopted by the House of Representatives declares that the actions of the Respondent are a violation of public trust and constitute a misdemeanor in office. Article II also declares that, pursuant to Section 68 of the Constitution of Kentucky, this is an impeachable offense for which removal from office and disqualification to hold any office of honor, trust, or profit under this Commonwealth is warranted upon judgment.

This General Assembly has clearly established that public office and public employment is a public trust. KRS 11A.005 provides, in part, that “It is the public policy of this Commonwealth that a public servant shall work for the benefit of the people of the Commonwealth. The principles of ethical behavior contained in this chapter recognize that public office is a public trust and the proper operation of democratic government requires that:

...

- (c) A public servant not use public office to obtain private benefits; and
- (d) The public has confidence in the integrity of its government and public servants.”

A Commonwealth’s attorney is an elected public servant.

The evidence in this case establishes that the Respondent engaged in inappropriate communications and an inappropriate relationship with a criminal defendant in the judicial circuit for which he had been elected to serve as Commonwealth’s attorney. He communicated directly with a criminal defendant he knew was represented by counsel, and intervened in criminal proceedings outside of the usual and recognized role of his office. His actions were described as

“egregious” by others holding the office of Commonwealth’s attorney. The Supreme Court determined that the Respondent’s relationship with a defendant in his judicial circuit was not in the normal course of business for a Commonwealth’s attorney. The record establishes that he refrained from fulfilling the duties of his office for his own personal gratification.

We hold that the actions of the Respondent in this case establish that he violated the public trust as he used his office to obtain private benefit, and he did not promote public confidence in the integrity of government. This constitutes a misdemeanor in office and is an impeachable offense for which removal from office and disqualification to hold any office of honor, trust, or profit under this Commonwealth is warranted upon judgment pursuant to Section 68 of the Constitution of Kentucky.

ARTICLE III

Article III of the Articles of Impeachment adopted by the House of Representatives declares that the Respondent requested and received inappropriate personal information from a defendant in the 21st Judicial Circuit as quid pro quo for actions he took in his official position as Commonwealth’s attorney on behalf of the defendant, and this is an impeachable offense for which removal from office and disqualification to hold any office of honor, trust, or profit under this Commonwealth is warranted upon judgment under Section 68 of the Constitution of Kentucky.

The evidence in this case established the quid pro quo nature of the relationship between the Respondent and the defendant with whom he was routinely communicating. His repeated use of the word “owe” regarding requests for videos leaves no room for doubt. The Supreme Court determined that the Respondent used his official position as Commonwealth’s attorney to provide the defendant with assistance in criminal matters while he expected and requested actions of a sexual nature from her for his benefit.

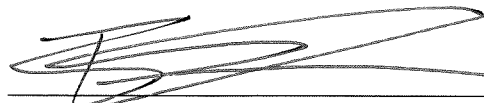
Based upon the totality of the evidence on this issue, we hold that the Respondent in this case repeatedly requested inappropriate matter of a sexual nature from a defendant on a quid pro quo basis. This constitutes a misdemeanor in office and is an impeachable offense for which removal from office and disqualification to hold any office of honor, trust, or profit under this Commonwealth is warranted upon judgment pursuant to Section 68 of the Constitution of Kentucky.

JUDGMENT

This matter having come before the Senate committee of the full Senate sitting as a Court of Impeachment upon Articles of Impeachment adopted by the House of Representatives and presented to the Senate, the Senate committee having heard the evidence and finding by clear and convincing evidence that the Articles are true and that the Articles constitute impeachable offenses, and finding by the concurrence of two-thirds of the Senators present that Ronnie Lee Goldy, Jr. is guilty of three misdemeanors in office and is liable to impeachment, Judgment against Ronnie Lee Goldy, Jr., should be entered as follows:

1. Ronnie Lee Goldy, Jr. is guilty of the charges in the three Articles of Impeachment;
2. Ronnie Lee Goldy, Jr. shall be recorded as removed from office as the Commonwealth's Attorney for the 21st Judicial Circuit;
3. Ronnie Lee Goldy, Jr. is disqualified to hold any office of honor, trust, or profit under this Commonwealth in the future; and
4. Ronnie Lee Goldy, Jr. shall remain subject and liable to indictment, trial, and punishment by law as provided under Section 68 of the Constitution of Kentucky.

Entered this 20th day of March, 2023.

A handwritten signature in black ink, appearing to read 'B. Storm', written over a horizontal line.

BRANDON STORM, CHAIR
Senate Committee on Impeachment