

**KENTUCKY HOUSE OF REPRESENTATIVES**  
**HOUSE IMPEACHMENT COMMITTEE**

March 19, 2026

Members

Kentucky House of Representatives  
700 Capitol Avenue  
Frankfort, Kentucky 40601

RE: Report and Recommendation for the Impeachment of Circuit Court Judge Julie M. Goodman, 22nd Judicial Circuit, in Fayette County

To the Speaker and Members of the House of Representatives:

Having concluded its investigation into the circumstances potentially warranting the impeachment of Circuit Court Judge Julie M. Goodman, the House Impeachment Committee respectfully submits this report recommending that the House of Representatives approve a resolution adopting the Articles of Impeachment proposed by the Committee.

**EXECUTIVE SUMMARY**

The House Impeachment Committee was formed to investigate a petition calling for the impeachment of Circuit Court Judge Julie M. Goodman of the 22nd Judicial Circuit in Fayette County. The Committee is chaired by Rep. Jason Nemes. Rep. John Blanton, Rep. Jennifer Decker, Rep. Steve Doan, Rep. Robert Duvall, Rep. Pamela Stevenson, and Rep. Joshua Watkins are its other members.

The petition identified six cases in which Judge Goodman's conduct in office was alleged to constitute grounds for impeachment. The Committee reviewed Judge Goodman's written response to the petition, her orders and opinions, opinions of the Kentucky Court of Appeals and other appellate courts reviewing her actions, a written statement from Commonwealth's Attorney Kimberly Baird, and other relevant documents. On March 16, 2026, the Committee held an open hearing to receive testimony from Judge Goodman, her attorneys, Commonwealth's Attorney Baird, and Doug Botkin, whose wife was killed in a collision that was the subject of one of the cases.

Before explaining what this impeachment is about, the Committee believes it is important to say what it is not about. Appellate courts reverse trial court decisions regularly. Hundreds of reversals occur in Kentucky each year. The overwhelming majority of them reflect nothing more than an honest disagreement between judges who are working in good faith to apply the law correctly to the facts of the case. The General Assembly has never sought to impeach a judge simply because an appellate court disagreed with her ruling, and it does not do so here. A judge

who makes a good-faith mistake, even a significant one, does not commit a misdemeanor in office. The impeachment power is not, and must not become, a device for attempting to influence judicial decisions or removing judges whose rulings some legislators, litigants, or observers may find disagreeable.

The phrase “misdemeanor in office,” as used in Section 68 of the Kentucky Constitution, is not limited to criminal conduct. In 2021, the House Select Committee on Impeachment sought guidance on this standard from an advisory committee composed of three former Justices of the Kentucky Supreme Court (including a former Chief Justice) and two law school professors who teach Constitutional Law. The 2021 advisory committee submitted a letter stating several conclusions that are pertinent to this Committee’s review of Judge Goodman’s conduct.

First, the three former Justices and two law professors wrote, “While the reference to misdemeanors in office might suggest that an actual criminal offense is required, it is apparent that in historical context, this phrase (and its counterpart in the U.S. Constitution, ‘high Crimes and Misdemeanors’) was not meant to make only criminal conduct impeachable.”

Second, the three former Justices and the two law professors wrote that “we conclude that the conduct that constitutes a ‘misdemeanor in office’ giving rise to impeachment is that which involves illegal conduct, defiance of the rule of law, corruption, or neglect or duty. . . . Put another way, ‘Misdemeanor in office’ is synonymous with misconduct in office and is broad enough to embrace any wilful malfeasance, misfeasance, or nonfeasance in office.” (internal citations omitted).

Third, with respect to impeachments of judges in particular, the three former Justices and the two law professors drew a distinction between cases where judges were removed from office for accepting bribes and other cases where “judges have not been removed because the legislature disagreed with their rulings.”

What this Committee confronted in its review is something fundamentally different from honest legal error. Having completed its review, the Committee concludes that Judge Goodman’s conduct in office does not present a series of isolated mistakes that she made in good faith. There is a pattern, consistent across multiple cases and spanning several years, of willful disregard for the judgment of the General Assembly, binding appellate precedent, grand juries, and trial court juries. The Kentucky Court of Appeals reversed Judge Goodman’s rulings in each of the criminal and civil cases the Committee reviewed, often in language that was unusually direct and critical. In one case, the Court of Appeals questioned whether Judge Goodman was capable of unbiased adjudication and suggested sua sponte recusal was the only appropriate solution. In another, the court described her reasoning as “woefully incorrect,” her conduct as a “judicial ambush,” and her pursuit of a selective prosecution claim as unique among all American jurisprudence the court surveyed. In a third, the court ordered her to reinstate a jury’s guilty verdict in a murder case she had set aside. In yet another, after she was reversed on appeal, Judge Goodman improperly granted a motion to stay her own compliance with an appellate court’s order which required her to return

an inmate to custody, prompting the Court of Appeals to issue an extraordinary writ compelling her obedience. And in the Jones case, Judge Goodman did not merely err: she acknowledged on the record that the sentence she was entering was illegal, and then she entered it anyway.

The Committee finds that Judge Goodman’s conduct constitutes misdemeanors in office under Sections 66, 67, and 68 of the Kentucky Constitution in four respects: (1) abusing the powers of the office she holds; (2) defying binding precedents from the highest courts in the Commonwealth; (3) defying statutes enacted by the General Assembly and rules of the Court of Justice; and (4) interfering with the rights and powers of the grand jury, trial court jurors, attorneys, and others to exercise their respective functions within the Court of Justice. The Committee also finds that this conduct meets the standard for judicial discipline established by the Judicial Conduct Commission and the Kentucky Supreme Court which permits sanctions for bad-faith conduct, a pattern of misconduct, and legal rulings made contrary to clear and settled law about which there is no confusion or question as to its interpretation.

The Committee emphasizes that it does not recommend this impeachment lightly. Impeachment is an extraordinary remedy, and the Committee is mindful that judges must have the freedom to decide difficult cases without fear that honest legal errors will be treated as grounds for removal. But the conduct documented in this Report is different in kind from honest legal error. Across the six cases reviewed, the Committee found a judge who repeatedly abused her authority, disregarded the constitutionally mandated roles of other actors in the justice system, and, in at least two instances, acknowledged that what she was doing was improper and proceeded anyway. Her misconduct, sustained over time and across multiple cases, constitutes “misdemeanors in office” that the impeachment power exists to address.

The Committee recommends that the House of Representatives adopt the Articles of Impeachment and transmit them to the Senate.

## **BACKGROUND**

On January 28, 2026, the Clerk of the House of Representatives received a petition calling for the impeachment of Circuit Court Judge Julie M. Goodman, 22nd Judicial Circuit, in Fayette County. The petition alleged that Judge Goodman engaged in misconduct in office in six different cases over a period of several years.

The House of Representatives referred the petition to a committee of legislators to investigate the petition’s allegations against Judge Goodman and then make a report and recommendation about whether the House should pursue her impeachment and removal from office. The Committee invited Judge Goodman to respond in writing to the allegations against her.

The Committee contacted the Judicial Conduct Commission and the Kentucky Bar Association to request information about inquiries into Judge Goodman’s conduct. Both organizations declined to provide the information the Committee requested.

Members reviewed Judge Goodman's written response to the petition, which Judge Goodman's attorneys transmitted on February 23, 2026; various of her orders and opinions; various orders and opinions of higher courts reviewing her actions; and various other documents, including a written statement that the Honorable Kimberly Baird, Commonwealth's Attorney for the 22nd Judicial Circuit, submitted on March 11, 2026 in response to a request for her comments.

On March 16, 2026, the Committee held an open hearing. Judge Goodman was invited to appear and make a statement to the Committee. Judge Goodman and her attorneys testified before the other witnesses were permitted to testify. Judge Goodman and her attorneys testified a second time following the appearances of the other witnesses.

Also testifying on March 16 were the Honorable Kimberly Baird, the Fayette Commonwealth's Attorney, and Doug Botkin. Mr. Botkin's wife was killed in a vehicle collision that was the subject of one of the cases named in the impeachment petition. Video recordings of their testimony will be made available to members of the House for their review. The Committee did not allow Judge Goodman's attorneys to cross-examine the witnesses who testified but allowed Judge Goodman to submit written questions to be directed to the witnesses. Judge Goodman and her attorneys did not submit any such questions.

In his March 16 appearance before the Committee, Doug Botkin testified about his wife Tammy, the central role she played within her family, and the void that her death created. More than 300 people attended her visitation. He attended courtroom hearings to follow developments in the criminal case against the other driver's vehicle and provide updates to family members who could not attend those hearings due to work obligations. He testified about the hearing in December 2023: "We thought it was a plea agreement hearing, so the whole family was there and, much to our surprise, the defense asked for dismissal of the charges. The judge agreed and declared the charges dismissed. I was dumbfounded and the family immediately asked me what just happened." He said it was "a painfully long two-year process" between Judge Goodman's dismissal of the indictment in December 2023 and the decision of the Court of Appeals to reinstate the charges in December 2025.

In her March 16 appearance before the Committee, Fayette Commonwealth's Attorney Kim Baird began by stating that she did not file the impeachment petition against Judge Goodman or know about it until after it had been filed. Ms. Baird did not initiate contact with the Committee. To the contrary, the Committee contacted Ms. Baird to ask for her thoughts and if she would testify. She referred to the letter and supporting documentation she submitted to the Committee several days before her testimony calling for Judge Goodman to be impeached.

Ms. Baird stated that there are four other Fayette Circuit Court judges "that rule against us and I'm not here testifying about them. Rather, my statement is an account of the words and deeds of Judge Julie Goodman and how she conducts herself in court and towards us that guide how she rules that are clearly not based on well-established law." She said the attorneys in her office get publicly harassed and humiliated in court. "The cumulative effect of her behavior and animus

towards the office of the Commonwealth's Attorney, and often to victims of crime, is a violation of the trust that the public instilled in her to rule competently according to the law, to act humbly, and to treat all parties, the defendant and his attorney, the Commonwealth, and the victim with dignity and respect." Ms. Baird recounted several disparaging comments that Judge Goodman made from the bench, and in her written orders, that damaged prosecutors' reputations and their ability to prosecute cases and enforce the rights of victims.

Ms. Baird stated that Judge Goodman "oversteps, in leaps and bounds, the separation of powers between the judiciary and the executive branch, specifically my office." She said that the focus of her testimony was not about disagreement about a specific ruling, but instead "about a full comprehensive look at her disregard for precedent, established case law, and statutes in an effort to impose her personal will on a case." Ms. Baird testified at length about Judge Goodman's treatment of victims and their rights under the constitutional amendment and statutes that are collectively known as "Marsy's Law":

Under Marsy's Law, the victim has a right to be heard, to be present, to have reasonable protection from the accused, and their safety and their family's safety considered, in setting bail. There are numerous hearings where Judge Goodman argued we are not presenting that information to her as she is not supposed to consider it, that she does not want to hear the testimony from officers regarding the facts of a case to show the dangers of the defendant's actions, or sometimes not even the victim and their safety concerns

Another requirement of Marsy's Law is that the victim can request that our office enforce their rights on their behalf. Despite that constitutional mandate, she has said she will not take what we say to heart when we're letting the court know the victim's wishes for a resolution or incorporate that into our plea agreement. She told us it ruins our credibility and that we don't understand our role as a Commonwealth's Attorney.

Another right that victims have is to have restitution paid to them in full in order to try to make a victim whole for the actions a defendant has committed, and a person is to stay on probation and parole until it is paid. Before a defendant enters a guilty plea, we are required to provide that amount. Even when a defendant agrees on the amount, she will extensively question the restitution and sometimes requires us to prove to her how the amount was derived, even demanding that a victim appear in court to explain how the defendant is responsible. While she claims she is required to do that under the law, she has regularly stated that she has an issue with ordering restitution, especially if it is a company like Wal-Mart, and takes high issue with defendants who return to her court for probation review for restitution, blaming the Commonwealth for keeping a defendant returning to court to make payments, creating "a mess" in her words, regularly expressing that she does not want the

court to be a debt collector, and suggesting that victims and businesses sue people civilly rather than obtaining restitution when a person has stolen from them. So her questioning is not to follow the law, rather to express her displeasure at the requirements of ordering restitution.

Ms. Baird explained that “we have to deal with cases much differently” in Judge Goodman’s division than in the other four Fayette Circuit Court judges’ courtrooms. “We have to talk to victims about what to expect from her and any ruling that may come up, which usually will be against us. And we try to resolve those cases to take away as many rulings from her as we can. She disagrees with how my office handles cases, not because the result is illegal, but because she wants the cases to be handled differently and thinks our office should agree.” Ms. Baird then responded to Judge Goodman’s characterization of several specific cases. She ended her opening statement by identifying three provisions within the Code of Judicial Conduct that she believes Judge Goodman’s conduct violated: Rule 1.2 (promoting confidence in the judiciary), Rule 2.2 (impartiality and fairness), Rule 2.3 (bias, prejudice, and harassment).

In response to questions from the Committee, Ms. Baird explained that defendants’ success rate on suppression motions in Judge Goodman’s division, from the time when she joined the circuit court bench (December 1, 2019) to present, was 80%. In comparison, defendants’ success rate on suppression motions in the other four divisions over that same time period ranged between 12% and 32%. A table presenting this data appears in the written statement that Ms. Baird provided to the Committee prior to her testimony.

In response to a question from the Committee, Ms. Baird urged the House of Representatives to impeach Judge Goodman, saying that while it was very hard for her to call for the removal from office of another elected official, “I think she has violated the trust that was instilled in her by people who elected her.”

Following the conclusion of the hearing, members of the Committee considered the testimony that had been presented, the documents that had been made available by Ms. Baird, and various written rulings from Judge Goodman and Kentucky’s appellate courts.

## **EVALUATION OF THE SIX CASES**

### **Case #1: Commonwealth v. Domonick Deonte Jones, 23-CR-0394**

Domonick Jones was pulled over for operating his vehicle with an expired registration. The trooper who pulled Jones over smelled marijuana as he approached the vehicle. He asked Jones to step out of the vehicle and noticed that Jones was hiding something in his groin area. Jones was detained and admitted to having narcotics in his underwear. The narcotics turned out to be 75 grams of fentanyl. Eleven grams of cocaine were found in his vehicle. (Trial Record (“TR”) at 7.)

A grand jury indicted Jones for one count of aggravating trafficking greater than 28 grams of fentanyl, one count of cocaine possession, operating a vehicle on a suspended/revoked license,

and no/expired registration plates. (TR at 2-3.) The prosecutor made an offer on a plea of guilty to recommend five years' imprisonment on an amended charge of Class C felony trafficking in fentanyl and dismissing the remaining charges. (TR 33-39.)

Jones decided to accept the prosecutor's offer instead of taking his chances at trial. On October 5, 2023, Jones appeared in Judge Goodman's courtroom and pleaded guilty. Judge Goodman suggested that Jones should participate in drug court. He agreed to do so. (Video Record ("VR") 10/5/23; 11:00-11:10:20.) He was referred for a drug court assessment. (TR at 41-42.)

On November 30, 2023, the drug-court team asked Judge Goodman to continue Jones' sentencing so they could determine his true eligibility for drug court. (VR 11/30/23; 9:20:04.)

On December 7, 2023, Judge Goodman orally sentenced Jones to five years probated for two years, with the condition that he must complete the drug court program. (VR 12/07/23; 9:16:18.) Soon after, the Commonwealth learned that Jones was ineligible for probation under the statute he was charged under, KRS 218A.1412.

On December 18, 2023, the prosecutor moved Judge Goodman to resentence Jones in accordance with the statute. (TR at 51.) Instead of ruling on the prosecutor's motion and resentencing Jones in a manner consistent with KRS 218A.1412's bar against probation, Judge Goodman urged the parties to reach an agreement that would allow him to be eligible for probation and drug court. The prosecutor told Judge Goodman that Jones was caught with a large quantity of fentanyl and that, as part of his plea deal, the Commonwealth had dismissed another pending fentanyl trafficking case against him. (VR 1/11/24; 9:12:35-9:15:22.)

On March 8, 2024, the prosecutor informed Judge Goodman that Jones had sued her. Judge Goodman then stated that she would have to recuse from the case. Judge Goodman stated that she did not have the authority to sentence Jones to probation because it would be an illegal sentence. (VR 3/8/24; 9:05:25.) Judge Goodman stated that she would enter the final judgment nunc pro tunc, although it would be "held to be void because I couldn't do it as a matter of law." (VR 3/8/24; 9:08:40.) Nevertheless, Judge Goodman informed the parties she would be entering the judgment nunc pro tunc "because that was before" the recusal, at which point the parties could "then take it from there." (VR 3/8/24; 9:11:05.)

*Nunc pro tunc* is a legal term for a court order or action that applies retroactively to a past date, that is, one that "back-dates" a court order or action. It is used to correct clerical errors or, in limited circumstances, to fix delays in documentation to ensure the record reflects what was intended or occurred earlier.

On March 8, 2024, Judge Goodman signed an order of recusal, which was entered on March 11, 2024. Three days after she signed the recusal order, Judge Goodman entered the final judgment, sentencing Jones and granting him probation. Final Judgment and Sentence of Probation, entered 3/11/2024 "nunc pro tunc" to be effective 12/7/2023. The Commonwealth appealed that judgment to the Kentucky Court of Appeals.

Following Judge Goodman’s recusal, the case was reassigned to Judge VanMeter. In a subsequent order, Judge VanMeter stated, “The inescapable conclusion is that entry of the Final Judgment Sentence of Probation exceeds the court’s authority and jurisdiction, rendering the Judgment illegal and void as to the excess portion, i.e., the portion probating the sentence of five (5) years.” Court of Appeals Opinion of 3/6/2025 (“COA-1”) at 6.

On March 6, 2026, the Court of Appeals (2024-CA-00436) unanimously vacated Judge Goodman’s judgment sentencing Jones to probation. The three-judge panel issued a 6-page opinion, authored by Judge Glen Acree, that explained why Judge Goodman’s action was wrong.

First, the Court of Appeals recognized the clear rule that “sentences falling outside the permissible sentencing range cannot stand uncorrected,” and that this rule “applies to the imposition of illegal probation.” (COA-1 at 4-5.)

Next, the Court of Appeals noted that Jones was charged under KRS 218A.1412 for “knowingly and unlawfully traffick[ing] . . . . Any quantity of heroin, fentanyl, carfentanil, or fentanyl derivatives[,]” which is a Class C felony for a first offense and a Class B felony for a second or subsequent offense. (COA-1 at 5.) The statute continues:

Any person convicted of a Class C felony offense or higher under this section shall not be released on probation, shock probation, parole, conditional discharge, or other form of early release until he or she has served at least fifty percent (50%) of the sentence imposed in cases where the trafficked substance was heroin, fentanyl, carfentanil, or fentanyl derivatives.

KRS 218A.1412(3)(d). The Court of Appeals stated that because “Jones pleaded guilty to Class C trafficking in a controlled substance,” the statute makes him “ineligible for probation until he serves fifty percent of his sentence.” (COA-1 at 5.) The Court of Appeals vacated Judge Goodman’s “illegal sentence” and remanded it to the lower court for “a proper sentencing hearing.” (COA-1 at 6.) As of the date of this Report, no motion to reconsider or motion for discretionary review has been filed.

The General Assembly is vested with authority to decide what constitutes a crime and the appropriate punishment for that crime. *Hoskins v. Maricle*, 150 S.W.3d 1, 11 (Ky. 2004) (“The power to define crimes and assign their penalties belongs to the legislative department.”). It exercised that power when it enacted KRS 218A.1412. The General Assembly expressly prohibited fentanyl traffickers from receiving the benefit of probation. Making laws and setting punishments for crimes is the purview solely of the General Assembly.

A sentence that lies outside the statutory limits established by the General Assembly is an illegal sentence. *McClanahan v. Commonwealth*, 308 S.W.3d 694, 701 (Ky. 2010). Judge Goodman verbally acknowledged in the courtroom that sentencing Jones to probation was illegal, and then she did it anyway. She entered a final judgment entering a sentence that she knew to be

illegal. (COA-1 at 6) (“We agree with both parties, Judge Goodman, and VanMeter that this is an illegal sentence.”).

Because the Court of Appeals issued its opinion on March 6, 2026, the deadlines for a potential petition for rehearing and a petition for discretionary review have not yet been reached.

**Committee Conclusion 1-A:** In her official conduct with respect to Case No. 23-CR-0394, Commonwealth v. Domonick Deonte Jones, Judge Goodman abused the powers of the office she holds by entering a judgment that she knew was illegal.

This Committee Conclusion supports Article I: “During her term of office, Judge Goodman abused the powers of the office she holds. This conduct constitutes a misdemeanor in office for which removal from office is warranted under Section 68 of the Kentucky Constitution.”

**Committee Conclusion 1-C:** In her official conduct with respect to Case No. 23-CR-0394, Commonwealth v. Domonick Deonte Jones, Judge Goodman defied a statute enacted by the General Assembly and a rule of the Court of Justice, namely KRS 218A.1412 and Judicial Code of Conduct Rule 1.1 (compliance with the law).

This Committee Conclusion supports Article III: “During her term of office, Judge Goodman defied statutes enacted by the General Assembly and defied rules of the Court of Justice. This conduct constitutes a misdemeanor in office for which removal from office is warranted under Section 68 of the Kentucky Constitution.”

## **Case #2: Commonwealth v. Cornell Denmark Thomas, 21-CR-00336**

This case involves a judge who dismissed a murder indictment over the prosecutor’s objection, without any legal authority to do so, using evidence she gathered herself, after a woman was killed when a vehicle traveling at more than 95 miles per hour ran a red light and struck her car. On July 3, 2020, Cornell Thomas drove his vehicle into a Leestown Road intersection at a high rate of speed, ignoring a red light and moving into the left turn lane to go straight. Thomas’s vehicle struck another vehicle, operated by Lexington resident Tammy Botkin, that was crossing Leestown Road at an intersection. The collision severed Mrs. Botkin’s body into two parts and ejected the upper portion of her body out of the car and onto the surface of the road.

On March 24, 2021, a Fayette County grand jury indicted Thomas on one count of murder and one count of leaving the scene of an accident involving a death.

On December 8, 2023, Judge Goodman dismissed the grand jury’s indictment over the objection of the prosecutor. In her Opinion and Order, Judge Goodman identified three grounds for dismissing the indictment: lack of evidence of the defendant’s sanity, prosecutorial misconduct, and selective prosecution. The Commonwealth appealed the dismissal to the Kentucky Court of Appeals.

On December 19, 2025, the Court of Appeals (2024-CA-0023) unanimously vacated Judge Goodman's dismissal of the indictment. The three-judge panel issued a 107-page opinion, authored by Judge Glenn Acree, detailing numerous legal errors within Judge Goodman's Opinion and Order dismissing the indictment. A discretionary review petition is pending in the Supreme Court.

**A. Dismissing the Indictment for Lack of Evidence Was Error.**

The first of Judge Goodman's three reasons for dismissing the indictment against Cornell Thomas was that there was "no evidence in the record that the Defendant was 'sane' at the time of the accident." Opinion of 12/8/2023 at 16. But as the Court of Appeals pointed out, once a grand jury finds probable cause and issues the indictment, the Commonwealth must prosecute because the indictment is a charge by the grand jury, not the prosecutor. Court of Appeals Opinion of 12/19/2025 ("COA-2") at 16. The judge must allow the Commonwealth to present evidence against the defendant regardless of the trial court's own opinion as to the strength of its case or that of the defendant. (COA-2 at 16.)

In this case, there was no challenge to or question of the indictment's validity, but Judge Goodman decided to conduct a hearing anyway. She improperly placed on the prosecutor the burden of disproving Thomas's contention that there was no evidence that he was sane at the time of the collision. As the Court of Appeals ruled, "the burden is on the defendant to prove his disqualifying mental state. It is not the prosecutor's burden to prove he was sane." (COA-2 at 17.)

The Court of Appeals then identified nine different legal errors within Judge Goodman's dismissal of the indictment on the basis that there was no evidence of his sanity.

First, there was no reason to conduct a hearing on the question of Thomas's sanity in the first place because the Supreme Court of Kentucky made clear, in *Commonwealth v. Isham*, 98 S.W.3d 59 (Ky. 2003), that it is not the province of a trial judge to evaluate evidence in advance in order to decide whether a trial should be held. The proper time for such an evaluation is upon motion for a directed verdict after the prosecution has presented its evidence to the jury in a trial. (COA-2 at 18-19.)

Second, the Court of Appeals ruled that Judge Goodman had no authority to entertain Thomas's motion to dismiss the case in the first place. The Court of Appeals noted that Kentucky's Rule of Criminal Procedure 8.16 does not authorize the dismissal of an indictment at a pre-trial stage and that no Kentucky authority has ever said so. (COA-2 at 19-20.) Because there was no Kentucky authority to support a pre-trial dismissal, the Court of Appeals said that Judge Goodman turned to federal jurisprudence and then misinterpreted it. (COA-2 at 20.) The Court of Appeals said that a federal appellate court ruling Judge Goodman cited provides no support for her position that she could entertain Thomas's motion to dismiss the indictment without invading the province of the jury by measuring the evidence of his insanity, a question clearly bearing on his guilt or innocence. (COA-2 at 24.) The Court of Appeals observed that substantive factfinding by the court is just as prohibited in the federal system as it is in Kentucky's courts. (COA-2 at 24.)

Third, the Court of Appeals ruled that by granting Thomas's pre-trial motion to dismiss the indictment, Judge Goodman commandeered the system of justice in our constitutions' design: "our General Assembly is the representative voice of all Kentucky citizens, looking to the future to decide what laws should govern them. A grand jury is a representative body of the same citizens who decide in the present whether a sufficient probability exists that a fellow citizen's conduct breached their laws. A third representative body, a petit jury, decides whether a defendant's conduct in the past is sufficiently repugnant to the community's expectations as expressed by those laws that he should be found guilty and held to account. Each body is an explicit creation and guaranteed protection of our Constitution." (COA-2 at 25.)

The Court of Appeals added that "a trial judge who disregards the limits of her authority risks succumbing to a temptation, or a party's improper motion, to interlope among the grand jurors who did decide to indict or even among the petit jurors who would decide the ultimate question, whether a properly indicted defendant is guilty or not." (COA-2 at 25.)

Fourth, the Court of Appeals ruled that Judge Goodman's decision to dismiss the indictment violated the constitutional separation of powers. (COA-2 at 26.) "Once a grand jury issues a facially valid indictment based on its conclusion that a putative criminal defendant likely violated the law, the separation-of-powers doctrine prohibits unilateral action by either an Executive Branch prosecutor or a Judicial Branch judge to undo its work." (COA-2 at 27.) "An amendment or dismissal of a grand jury's indictment is possible, but only by the concerted action of both the Executive Branch prosecutor and the Judicial Branch judge." (COA-2 at 28.) Judge Goodman's "error here was constitutional in that it ignored the separation-of-powers prohibitions and infringed upon the separate powers of the grand jury." (COA-2 at 28.)

Fifth, the Court of Appeals ruled that even if Judge Goodman did have the unilateral power to grant Thomas's motion to dismiss the indictment, the Court of Appeals still would reverse her determination because she "improperly placed the burden of proving" Thomas's mental state upon the prosecutor. (COA-2 at 28-29.) The Kentucky Supreme Court rejected that argument in *McDonald v. Commonwealth*, 554 S.W.2d 84, 85 (Ky. 1977) and the Supreme Court of the United States explained in *Clark v. Arizona*, 548 U.S. 735 (2006), "what should be obvious to every jurist, that a defendant's sanity need not be proved by the prosecutor because the sanity of every citizen, specifically including criminal defendants, is presumed." (COA-2 at 29.)

The Court of Appeals remarked that "[i]t is somewhat astounding that a Kentucky judge would be unaware of a legal concept so universally well known." (COA-2 at 29.) The General Assembly enacted statutes writing this rule into the Kentucky Penal Code. (COA-2 at 31-32.)

Sixth, the Court of Appeals wrote that by investigating whether the grand jury heard any evidence that Thomas lacked the mental capacity to commit a crime when he killed Mrs. Botkin, Judge Goodman engaged in an act that the Supreme Court of the United States called "unheard of." The Court of Appeals ruled that it was legal error for Judge Goodman to engage in this approach. (COA-2 at 32-34.)

Seventh, the Court of Appeals ruled that Judge Goodman erred by attempting to weigh evidence to decide whether Thomas was guilty. The Court of Appeals criticized her for taking out of context a snippet from *Star v. Commonwealth*, 313 S.W.3d 30 (Ky. 2010). A judge is not allowed to weigh in on the issue of a defendant's sanity until the trial is underway. (COA-2 at 34-35.)

Eighth, the Court of Appeals criticized Judge Goodman's treatment of an expert witness's report, observing that she "misunderstands the role of experts." "The order dismissing the indictment can only be read as though the trial court presumes a jury would be required to interpret Dr. Allen's report exactly as did the trial court, as absolving Appellee of guilt because he was insane. Obviously, that is not so." Judge Goodman's ruling on this specific issue contained at least five different legal errors. (COA-2 at 36-41.) The Court of Appeals concluded: "When the trial court weighed the evidence of Appellee's mental state and concluded the defense carried its burden of proof of the ultimate fact of Appellee's insanity, it turned considerable jurisprudence on its head by arrogating to itself the petit jury's factfinding role, all reversible error." (COA-2 at 42.)

Ninth, the Court of Appeals acknowledged that when the General Assembly enacted the Kentucky Penal Code in 1974, legislators built into the Code what the Kentucky Supreme Court described as an "adequate provision for the safekeeping" of criminal defendants who were found not guilty by reason of insanity. The result was KRS 504.030, which currently states that when a defendant is found not guilty by reason of insanity, the court shall conduct an involuntary hospitalization proceeding and may order him to be detained for ten days to allow for that proceeding to occur. The General Assembly enacted this law as a "necessary safeguard for society in the event of an acquittal based upon legal insanity." (COA-2 at 42-43.)

The Court of Appeals noted that Judge Goodman found that Thomas "likely experienced multiple other psychotic episodes in the months leading up to the accident which were nearly identical in nature," and yet Judge Goodman "gave no thought to complying with KRS 504.030(1) despite its own factual conclusion and the legislatively recognized potential of Appellee further jeopardizing even the very lives of innocent citizens like Ms. Botkin." (COA-2 at 43-44.)

For these nine reasons, the Court of Appeals ruled that it could not affirm Judge Goodman's ruling that the indictment should be dismissed for lack of evidence. (COA-2 at 44.)

**B. Sua Sponte Dismissal for Prosecutorial Misconduct Was Founded on Numerous Reversible Errors and Abuses of Discretion and Authority.**

The second of Judge Goodman's three reasons for dismissing the indictment of Cornell Thomas was that the Commonwealth's Attorney engaged in prosecutorial misconduct. Goodman Opinion of 12/8/2023 at 11-13, 21-22. Judge Goodman wrote that "no one specific action of the Commonwealth's Attorney's office, taken by itself, is prejudicial enough to warrant dismissal of the indictment, the Commonwealth's decision to proceed forward with a murder charge (despite having no evidence to contradict that the Defendant was suffering a psychotic break the morning of the accident) is enough when combined with evidence of its failure to give the grand jury, Dr.

Allen, and the Court all of the relevant evidence.” Goodman Opinion of 12/8/2023 at 21. “The Commonwealth’s decision to press on with the charges, which cannot be proven without misleading a jury, in order to obtain greater leverage in plea negotiations is prosecutorial misconduct.” Goodman Opinion of 12/8/2023 at 22-23. The Court of Appeals explained why Judge Goodman’s prosecutorial misconduct finding was “chock full of errors.” (COA-2 at 46.)

First, the Court of Appeals observed, “A fundamental misconception appears to be the source of the trial court’s many deviations from our jurisprudence.” (COA-2 at 46.) Judge Goodman was wrong to allege that “[c]aselaw most commonly addresses prosecutorial misconduct during grand jury proceedings.” “That is simply not so.” The Court of Appeals explained that prosecutorial misconduct occurs during trial much more than at any pre-trial stage. “A judge who harbors such a misconception is more inclined to also believe it is within her authority to engage in sua sponte examination of the grand jury proceedings. That is woefully incorrect but, in this case, it is what this judge did.” (COA-2 at 47.)

Second, the Court of Appeals stated that when a judge takes it upon herself to pursue an issue that the parties never raised, it “risks an appearance that the trial court assumed an advocacy role. Taking that risk provides grist for rumor mills and prompts charges of judicial activism negatively affecting the entire Court of Justice. The trial court chose to take that risk[.]” (COA-2 at 47-48.)

Third, the Court of Appeals stated that Judge Goodman gave no notice to the Commonwealth that she was covertly evaluating the prosecutor’s conduct. Thomas’s attorneys “presented no evidence of prosecutorial misconduct. It was the trial court’s own idea to search for it, to declare it found, and to present its evidence sua sponte.” What is more, Judge Goodman did not mention she “was searching for prosecutorial misconduct even during the hearing. The order itself proclaiming the discovery of misconduct is how the Commonwealth found out the trial court was even searching for it.” (COA-2 at 48-49.)

The Court of Appeals concluded that by failing to give the prosecutor notice and an opportunity to be heard about whether the prosecutor had engaged in misconduct, Judge Goodman violated basic due process requirements. “The trial court in this case conducted a judicial ambush.” (COA-2 at 49.)

Fourth, the Court of Appeals stated that Judge Goodman violated the doctrine that courts should wait for cases to come to them, and when they arise, courts normally decide only questions presented by the parties. (COA-2 at 49.) The judicial system is “designed around the premise that parties represented by competent counsel know what is best for them, and are responsible for advancing the facts and argument entitling them to relief. This is known as the ‘party-presentation principle.’” (COA-2 at 50.)

The Court of Appeals concluded that Judge Goodman, in searching for prosecutorial misconduct, “ignored the principle and raised, researched, and decided an issue without party

prompting or participation.” (COA-2 at 51.) Judge Goodman did not “so much as hint” that she was exploring a potential finding of prosecutorial conduct. The Court of Appeals stated that Judge Goodman “radically transformed Appellee’s argument, and the entire case in fact, to suit” her “questionable agenda of challenging the prosecutor’s conduct.” (COA-2 at 52.)

Fifth, the Court of Appeals stated that by looking behind the grand jury’s indictment, Judge Goodman failed to follow “Kentucky precedent, well understood for more than 170 years, that virtually nothing that occurs during statutory grand jury proceedings can be so irredeemably harmful to a defendant’s chances at trial that the only cure is dismissal before trial. Consequently, we rarely permit looking behind the indictment.” (COA-2 at 53.) “What evidence the prosecutor presents that contributed to the grand jury’s investigation is entirely up to the prosecutor and the grand jurors themselves.” (COA-2 at 59.) “The same reasoning forever has been embraced in our federal courts.” (COA-2 at 60.)

Sixth, the Court of Appeals stated that Judge Goodman ignored the limits of her supervisory authority. (COA-2 at 61.) Judge Goodman’s search for prosecutorial misconduct “was not a reasonable response to any specific problem in this case. The court’s foray into the grand jury proceedings was a departure from its own affairs in search of a problem the trial court presupposed.” (COA-2 at 63.) The Court of Appeals pointed to Judge Goodman’s statement that she has “serious concerns over the way this case and others have been prosecuted [over] its 15-year tenure on the bench” to conclude that her concern pre-existed Thomas’s indictment “and resides only in the mind of the trial judge. Use of inherent supervisory powers to address a judge’s personal, extrajudicial concerns is not reasonable and, therefore, is an abuse of discretion.” (COA-2 at 64.)

The Court of Appeals stated that Judge Goodman “abused and exceeded” her authority. “Under the mere guise of supervisory authority, with no prompting by the parties, and disregarding the separation of powers, the trial court rejected the grand jury’s decision to indict and encroached upon the prosecutor’s duty to carry out a core Executive Branch function to prosecute that indictment. In doing so, the court abused its power in a way that reflects poorly on the judiciary as a whole.” (COA-2 at 64.)

Next, the Court of Appeals stated that Judge Goodman’s finding of prosecutorial misconduct relied on a “myopic misreading” of *Commonwealth v. Baker*, 11 S.W.3d 585, 590 (Ky. App. 2000). The Court of Appeals stated that Judge Goodman “failed to read *Baker* closely enough to understand its holding but, instead, plucked out-of-context snippets supporting” her “desired outcome.” (COA-2 at 64-65.) The Court of Appeals stated that Judge Goodman “ignored all four parts” of the applicable legal test. (COA-2 at 74.) Judge Goodman “followed no part of the procedure *Baker* adopted.” (COA-2 at 82.)

Next, the Court of Appeals stated that Judge Goodman committed error by implicitly finding the prosecutor’s conduct deprived the grand jury of autonomous and unbiased judgment. (COA-2 at 82.) The grand jury was told that Thomas ran a red light using a left turn lane to go

straight at more than 95 miles per hour, struck a vehicle, killed the driver by severing her body, and fled the scene. The Court of Appeals stated, “As a practical matter, we must take leave of our own senses to believe those facts alone would not have been enough to indict Appellee even if the prosecutor engaged in misconduct[.]” (COA-2 at 82-83.)

The Court of Appeals stated that “in addition to not providing all relevant evidence, the trial court found the prosecutor deceived grand jurors by not providing them with exculpatory evidence that Appellee lacked mens rea at the time of the accident.” The Court of Appeals named “two absolute disqualifiers” of Judge Goodman’s reasoning. First, it stated that “it is preposterous to suggest the prosecutor had a duty to inform the grand jury of Appellee’s incapacity to make a ‘conscious choice’ when Appellee did not even assert that defense until two years after the indictment.” (COA-2 at 84.) Second, the Court of Appeals stated that a prosecutor has no duty to present exculpatory evidence. (COA-2 at 85.) “It is thus beyond dispute that failing to present to a grand jury the evidence the trial court believes should have been presented, whether to give a more complete picture or to exculpate the grand jury’s target, is not prosecutorial misconduct as a matter of law.” Judge Goodman “committed legal error by saying it is.” (COA-2 at 85.)

Next, the Court of Appeals stated that Judge Goodman committed error by avoiding the required harmless-error inquiry. (COA-2 at 86.) “There is no basis for any reasonable belief the prosecutor’s actions either after the indictment or before the grand jury, or even taken together, prejudiced Appellee’s trial. Whatever remote impact those actions might have had is easily remediable and practically automatically so. Whatever evidence the trial court deemed lacking before the grand jury, defense counsel would have been able to offer into evidence at trial[.]” (COA-2 at 87.) “Ironically then, it is not the prosecutor’s conduct, but the trial court’s indulgent sua sponte assailing of the prosecutor without legal or factual basis that prejudices Appellee.” (COA-2 at 88.)

### **C. Sua Sponte Dismissal for Selective Prosecution Was Founded on Numerous Legal Errors and Abuses of Discretion.**

The third of Judge Goodman’s three reasons for dismissing the indictment against Cornell Thomas was selective prosecution. Specifically, Judge Goodman cited “one other case in which a white defendant, who was clearly intoxicated (yet otherwise lucid) at the time, was involved in a car accident which resulted in the death of another driver, yet was charged by the Commonwealth with only Second-Degree Manslaughter.” Goodman Opinion of 12/8/2023 at 19-20. She contrasted that case with the Commonwealth’s Attorney’s prosecution for murder of Thomas, “a black male, who was (a) not intoxicated at the time of the accident and (b) suffering from a psychotic episode[.]” While acknowledging there was “no direct evidence in the present case that the Commonwealth acted with a discriminatory purpose,” Judge Goodman stated that in her 15-year tenure on the bench she had “noted a clear pattern of disparate charging decisions by the Commonwealth in which white defendants are charged with lesser offenses and given better offers than defendants of color.” She then cited a 2020 document titled “Justice Recommendations” from the Fayette County Commission for Racial Justice and Equality’s Law Enforcement, Justice, and

Accountability Subcommittee, and dismissed the indictment on selective prosecution grounds. Goodman Opinion of 12/8/2023 at 19-21.

The Court of Appeals stated that Judge Goodman’s method of affirming her “own pre-conceived belief that the Fayette Commonwealth’s Attorney routinely selectively prosecutes people of color with greater frequency and fervor than it prosecutes Caucasians” meant that she “disregards and degrades the only recognized sound procedure we know.” (COA-2 at 89.)

First, the Court of Appeals stated that there is a “near insurmountable barrier to a claim of selective prosecution” because it implicates one of the core powers of the Executive Branch, the power to prosecute. (COA-2 at 90.) “The obvious risk is the judiciary’s breaching the separation of powers” and the potential harms include delays in a criminal proceeding, creating a chilling effect on law enforcement, and undermining prosecutorial effectiveness. (COA-2 at 90.)

The Court of Appeals stated that to establish a discriminatory effect in a race case, the claimant must show that similarly situated individuals of a different race were not prosecuted. It is not enough that a prosecutor charged a defendant of a different race differently. The similarly situated comparator must not have been prosecuted at all. (COA-2 at 93.) The Court of Appeals stated that Judge Goodman “misrepresented this absolute standard by quoting a federal circuit court opinion out of context[.]” (COA-2 at 93.) The Court of Appeals stated that Judge Goodman’s “misrepresentation of these opinions could only be unintentional if the trial court never read them[.]” (COA-2 at 95.)

Second, the Court of Appeals stated that Judge Goodman’s basis for her selective-prosecution inquiry was a 2020 document from the Fayette County Commission for Racial Justice and Equality presenting statistics and recommendations, and her own observation over 15 years on the bench. (COA-2 at 102-03.)

The Court of Appeals stated, “It is difficult to believe that a trial court aware of this jurisprudence would even imagine it appropriate or permissible to pursue a selective prosecution claim sua sponte. In fact, we found sua sponte pursuit of that claim unique among all the American jurisprudence we surveyed. Absent any reasonable explanation, it would appear the trial court embraces an animus of unknown origin toward the Fayette Commonwealth’s Attorney.” (COA-2 at 103-04.)

#### **D. Trial Court’s Receipt and Use of Extrajudicial Evidence Was Structural Error Requiring Reversal.**

The Court of Appeals stated that Judge Goodman researched and presented her own evidence to support her arguments against the prosecutor and to support her dismissal of the indictment. (COA-2 at 104.) The Court of Appeals stated that Judge Goodman “effectively admitted in her order dismissing that she had researched the question of the Appellee’s mental illness, researched the independent grand jury proceedings, and researched the history of the prosecutor’s charging decisions, all of which she did independently and extrajudicially.” (COA-2

at 105.)

The Court of Appeals stated that Judge Goodman's research materials "were not presented in documentary form or offered into evidence by either party to be challenged by the other." (COA-2 at 106.) Similarly, the Court of Appeals stated, Judge Goodman's statements about her observations of the prosecutor over her 15-year tenure on the bench "amounted to an inadmissible brand of judicial testimony, unsworn, untested by cross-examination, and in violation of the best evidence rule." (COA-2 at 106.)

The Court of Appeals stated, "It is difficult to imagine that this trial judge is capable of an unbiased adjudication of the Commonwealth's prosecution of the Appellee. Sua sponte recusal appears to be the only reasonable and appropriate solution." (COA-2 at 107.)

**Committee Conclusion 2-A:** In her official conduct with respect to Case No. 21-CR-00336, *Commonwealth v. Cornell Denmark Thomas*, Judge Goodman abused the powers of the office she holds by dismissing a criminal indictment without any legal authority to do so.

This Committee Conclusion supports Article I: "During her term of office, Judge Goodman abused the powers of the office she holds. This conduct constitutes a misdemeanor in office for which impeachment and removal from office is warranted under Section 68 of the Kentucky Constitution."

**Committee Conclusion 2-B:** In her official conduct with respect to Case No. 21-CR-0336, *Commonwealth v. Cornell Denmark Thomas*, Judge Goodman defied binding precedent, namely *Commonwealth v. Isham*, 98 S.W.3d 59 (Ky. 2003), *McDonald v. Commonwealth*, 554 S.W.2d 84 (Ky. 1977), and *Commonwealth v. Baker*, 11 S.W.3d 585, 590 (Ky. App. 2000).

This Committee Conclusion supports Article II: "During her term of office, Judge Goodman defied binding precedents from the highest courts of this Commonwealth. This conduct constitutes a misdemeanor in office for which impeachment and removal from office is warranted under Section 68 of the Kentucky Constitution."

**Committee Conclusion 2-C:** In her official conduct with respect to Case No. 21-CR-0336, *Commonwealth v. Cornell Denmark Thomas*, Judge Goodman defied a statute enacted by the General Assembly and rules of the Court of Justice, namely KRS 504.030, Rule of Criminal Procedure 8.16, and Code of Judicial Conduct Rules 1.1 (compliance with the law), 2.2 (impartiality and fairness), 2.3 (bias, prejudice, and harassment), and 2.9 (independent investigation).

This Committee Conclusion supports Article III: "During her term of office, Judge Goodman defied statutes enacted by the General Assembly and defied rules of the Court of Justice. This conduct constitutes a misdemeanor in office for which impeachment and removal from office is warranted under Section 68 of the Kentucky Constitution."

**Committee Conclusion 2-D:** In her official conduct with respect to Case No. 21-CR-0336, *Commonwealth v. Cornell Denmark Thomas*, Judge Goodman interfered with the rights and powers of the grand jury, trial court jurors, attorneys, and others to perform their respective roles within the Court of Justice.

This Committee Conclusion supports Article IV: “During her term of office, Judge Goodman interfered with the rights and powers of the grand jury, trial court jurors, attorneys, and others to perform their respective roles within the Court of Justice. This conduct constitutes a misdemeanor in office for which removal from office is warranted under Section 68 of the Kentucky Constitution.”

**Case #3: *Commonwealth v. James Harvey Hendron*, 18-CR-1084**

While this case supports fewer Articles of Impeachment than the others reviewed by the Committee, it is nonetheless probative of the same pattern the Committee identified across all six cases: Judge Goodman repeatedly substituted her own judgment for that of the jury and for the binding precedent of higher courts.

On June 17, 2018, James Hendron shot and killed his 23-year-old son. He claimed that he acted in self-defense.

A Fayette County jury convicted Hendron of murder and recommended a sentence of life imprisonment. Hendron filed a motion for a new trial based on allegations of prosecutorial misconduct. Judge Goodman granted Hendron’s motion, set aside the verdict, and ordered a new trial. The Commonwealth appealed to the Court of Appeals.

On June 13, 2025, the Court of Appeals (2024-CA-0836) unanimously reversed Judge Goodman’s order setting aside the jury’s verdict, ordering her to reinstate the verdict of guilty. The three-judge panel issued a 23-page opinion, authored by Judge Annette Karem, detailing legal errors within Judge Goodman’s order. The Supreme Court granted Hendron’s petition for discretionary review on December 10, 2025.

**A. Alleged Prosecutorial Misconduct in the Commonwealth’s Closing Argument.**

Judge Goodman ruled that the prosecutor’s closing argument was misconduct in several different ways. The Court of Appeals reversed her ruling on each of those points.

First, Judge Goodman determined that the prosecutor misstated the law concerning self-defense and inappropriately shifted the burden of proof to Hendron. The Court of Appeals stated that the prosecutor’s comments did not amount to flagrant prosecutorial misconduct egregious enough to undermine the essential fairness of Hendron’s trial. Court of Appeals Opinion of 6/13/2025 (“COA-3”) at 9.

Second, Judge Goodman found that the prosecutor inappropriately interjected the prosecutor’s personal opinion in the closing argument. The Court of Appeals stated that a prosecutor’s use of statements prefaced by phrases such as “I think” or “we think” are not

misconduct under precedent from the Kentucky Supreme Court in *Padgett v. Commonwealth*, 312 S.W.3d 336, 353 (Ky. 2010). The Court of Appeals stated, “[w]e see no impropriety in the Commonwealth’s use of the term ‘I believe’ in the closing argument.” (COA-3 at 12-13.)

Next, Judge Goodman said that some of the prosecutor’s comments in the closing argument impermissibly impugned a witness’s credibility. The Court of Appeals stated that a prosecutor may comment on a witness’s veracity and credibility according to the Court of Appeals in *Jackson v. Commonwealth*, 567 S.W.3d 615, 621 (Ky. App. 2019) and the Kentucky Supreme Court’s opinion in *Padgett*. (COA-3 at 14.)

Next, Judge Goodman took issue with the prosecutor’s statement that if jurors believed that Hendron failed to perceive the risk that his conduct would result in his son’s death, a reckless homicide verdict was appropriate. The Court of Appeals stated, “[w]e fail to see how this reasonable inference amounts to flagrant prosecutorial misconduct. Indeed, one of the primary roles of the jury is to draw inferences from the facts and evidence presented at trial,” according to Kentucky’s highest court in *St. Clair v. Commonwealth*, 54 S.W.2d 1, 3 (Ky. 1932). (COA-3 at 16.) The Court of Appeals concluded its discussion by stating, “We disagree with the circuit court that any of these statements were flagrant misconduct requiring a new trial.” (COA-3 at 17.)

Next, Judge Goodman identified two alleged “golden-rule” arguments made by the prosecutor in closing arguments. A “golden-rule” argument is one where the prosecutor asks the jurors to imagine themselves or someone they care about in the position of a crime victim.

The first was when the prosecutor asked whether Hendron shooting his son was “an appropriate amount of force to use on your own child” and then that “we can all think of different ways as a parent, as a child, as a sibling, that this situation could have been de-escalated, for a family member you love.” The Court of Appeals stated that the prosecutor’s statement did not ask the jurors to imagine themselves or someone they care about in the victim’s shoes, but rather in the shooter’s shoes, “and is therefore not a ‘golden-rule’ argument.” (COA-3 at 18.)

The second was when the prosecutor stated “what happened to their sons (motioning to the victim’s family) I care about, and you all should too, as members of this community.” The Court of Appeals stated, “Again, this statement did not ask the jurors to put themselves or their loved ones in the victim’s shoes.” (COA-3 at 19.) The Court of Appeals concluded that “[n]one of the foregoing statements asked the jurors to imagine themselves or someone they care about in the position of the crime victim.” *Finch v. Commonwealth*, 681 S.W.3d 84, 98 (Ky. 2023). These statements were thus not “golden-rule” arguments, and the Court discerned no error.

#### **B. Alleged Improprieties in the Commonwealth’s Examination of Witnesses.**

Judge Goodman also granted Hendron a new trial based on the way that the prosecutor asked questions of certain witnesses.

First, Judge Goodman identified inconsistent testimony from some witnesses. The Court of Appeals stated that inconsistent testimony is “a common situation in most trials. It did not show

that the Commonwealth intentionally or deliberately elicited false testimony from certain witnesses.” (COA-3 at 19.) The Court of Appeals concluded, “This testimony does not provide the foundation for a finding of prosecutorial misconduct based on eliciting false testimony.” (COA-3 at 21.)

Next, Judge Goodman took issue with the prosecutor’s failure to elicit testimony from Hendron’s other son regarding alleged drug use by the son that Hendron shot and killed. The Court of Appeals stated that Judge Goodman “failed to cite any case law stating that the Commonwealth must produce testimony that may possibly aid the defense.” Eliciting such testimony is the responsibility of Hendron’s attorneys, not the prosecutor.

The Court of Appeals stated that Judge Goodman’s “Monday-morning-quarterback approach contradicts our well-established precedent in this area,” citing *Toler v. Süd-Chemie, Inc.*, 458 S.W.3d 276, 287 (Ky. 2014) and *Beatrice Foods Co. v. Chatham*, 371 S.W.2d 17, 19 (Ky. 1963). (COA-3 at 22-23.)

In summary, the Court of Appeals stated that Judge Goodman “not only ignored the law on this matter but also impermissibly encroached on the province of the jury as finder of fact when she engaged in an independent review of the case in contravention of our jury system.” (COA-3 at 22.)

**Committee Conclusion 3-B:** In her official conduct with respect to Case No. 18-CR-1084, *Commonwealth v. James Harvey Hendron*, Judge Goodman defied binding precedents, namely *Padgett v. Commonwealth*, 312 S.W.3d 336, 353 (Ky. 2010); *Jackson v. Commonwealth*, 567 S.W.3d 615, 621 (Ky. App. 2019); and *Toler v. Süd-Chemie, Inc.*, 458 S.W.3d 276, 287 (Ky. 2014).

This Committee Conclusion supports Article II: “During her term of office, Judge Goodman defied binding precedents established by the highest courts of this Commonwealth. This conduct constitutes a misdemeanor in office for which removal from office is warranted under Section 68 of the Kentucky Constitution.”

**Committee Conclusion 3-D:** In her official conduct with respect to Case No. 18-CR-1084, *Commonwealth v. James Harvey Hendron*, Judge Goodman interfered with the rights and powers of trial court jurors to perform their respective roles within the Court of Justice.

This Committee Conclusion supports Article IV: “During her term of office, Judge Goodman interfered with the rights and powers of the grand jury, trial court jurors, attorneys, and others to perform their respective roles within the Court of Justice. This conduct constitutes a misdemeanor in office for which removal from office is warranted under Section 68 of the Kentucky Constitution.”

**Case #4: Gregory Simpson v. Abigail Caudill, Warden, 23-CI-02878**

On September 7, 2023, Gregory Simpson, an inmate at the Blackburn Correctional Complex in Fayette County, filed a petition for a writ of habeas corpus. Between 1997 and 2018, Simpson was convicted of multiple Class D felonies in ten separate cases. Some of the sentences were enhanced due to Simpson's convictions for being a persistent felony offender (PFO). Some sentences ran concurrently and others ran consecutively. At the time he filed his petition, he was serving a total aggregate sentence of 42 years.

On more than one occasion, Simpson was out of custody on parole supervision from a previous conviction when he was convicted of a new felony. As such, Simpson was subject to KRS 533.060(2), which provides that when a person is on parole and is convicted of a felony committed while on parole, the period of confinement for the new felony shall not run concurrently with any other sentence. However, KRS 532.110(1)(c) provides that the aggregate of consecutive indeterminate terms shall not exceed in maximum length the longest extended term authorized by KRS 532.080 for the highest class of crime for which any of the sentences is imposed. The maximum sentence authorized by that statute for a Class D felony is 20 years under KRS 532.080(6)(b).

In support of his petition, Simpson argued that applying the statutes and the Kentucky Supreme Court's interpretations in *Kimmel v. Commonwealth*, 671 S.W.3d 230, 239 (Ky. 2023), and *Blackburn v. Commonwealth*, 394 S.W.3d 395, 401 (Ky. 2011) to his situation, his total aggregate sentence could not exceed 20 years, and that he was entitled to immediate release because he had served approximately 20 years and 7 months at the time of filing his petition. The Warden filed an answer arguing Simpson misinterpreted both *Kimmel* and *Blackburn*.

On January 18, 2024, Judge Goodman granted Simpson's petition and ordered his immediate release from custody. The Warden appealed to the Kentucky Court of Appeals.

On June 13, 2025, the Court of Appeals (2024-CA-0101) unanimously reversed Judge Goodman's order. The three-judge panel issued a seven-page opinion, authored by Judge Sara Combs, detailing legal errors within Judge Goodman's order granting Simpson's petition and ordering his release from custody.

The Court of Appeals explained that KRS 532.110 caps the aggregate of consecutive indeterminate terms at the longest extended term authorized by KRS 532.080 for the highest class of crime, meaning that because Simpson was convicted of all Class D felonies, the cap was 20 years. However, the Court of Appeals turned to KRS 533.060(2), which requires that the period of confinement for a felony committed while on parole not run concurrently with any other sentence. The Court of Appeals then analyzed *Blackburn v. Commonwealth*, 394 S.W.3d 395 (Ky. 2011), on which Simpson relied, and explained that *Blackburn* made clear that while the sentences for subsequent offenses committed while on parole cannot exceed the sentencing cap, the sentence for the subsequent offense must still run consecutive to the sentence for which the person is on parole. (COA-4A at 5.)

The Court of Appeals then turned to *Kimmel v. Commonwealth*, 671 S.W.3d 230 (Ky. 2023), which Simpson also cited in his petition. The Court of Appeals stated that the case was distinguishable from *Kimmel* because it involved KRS 533.060(2), whereas *Kimmel* involved KRS 533.060(3), and therefore the court was bound by *Blackburn* rather than *Kimmel*. (COA-4A at 6-7.) Because *Blackburn* was binding precedent, the Court of Appeals reversed Judge Goodman's order and remanded the case with instructions to deny the petition for a writ of habeas corpus. (COA-4A at 7.)

On June 25, 2024, Judge Goodman entered an order denying Simpson's petition. Simpson then filed a motion to stay that order and allow him to remain out of custody on bond.

On July 10, 2024, Judge Goodman granted Simpson's motion to stay her own June 25, 2024 order and allowed Simpson to remain out of custody. Warden Caudill then filed a petition in the Court of Appeals for a writ to compel Judge Goodman to follow the Court of Appeals' June 5, 2024 order or vacate her July 10, 2024 stay order.

On July 23, 2024, the Court of Appeals (2024-CA-0847) issued a five-page order, written by Judge Jacqueline Caldwell, granting Warden Caudill's petition. The Court of Appeals identified two errors within Judge Goodman's July 10, 2024 order. First, a trial court to which a case is remanded is without power to entertain objections or make modifications to the appellate court decision, under *Buckley v. Wilson*, 177 S.W.3d 778, 781 (Ky. 2005). (COA-4B at 3.) Second, RAP 52(C) does not empower a circuit court to stay a judgment denying a petition for a writ of habeas corpus. (COA-4B at 4.) The Court of Appeals granted Warden Caudill's writ petition and set aside Judge Goodman's stay order. (COA-4B at 4.)

On July 31, 2024, the Court of Appeals issued a follow-up order clarifying that its prior orders required Simpson to be remanded to custody, and ordering the Fayette Circuit Court to enter an order consistent with that directive. (COA-4C at 2.) Judge Goodman subsequently complied by issuing an order remanding Simpson into custody. The Supreme Court denied Simpson's discretionary review petition on December 12, 2025.

**Committee Conclusion 4-A:** In her official conduct with respect to Case No. 23-CI-02878, *Gregory Simpson v. Abigail Caudill*, Warden, Judge Goodman abused the powers of the office she holds by improperly granting a motion to stay her own compliance with an appellate court's order which required her to return an inmate to custody, prompting the Court of Appeals to issue an extraordinary writ compelling her obedience. This conduct constitutes a misdemeanor in office for which removal from office is warranted under Section 68 of the Kentucky Constitution.

This Committee Conclusion supports Article I: "During her term of office, Judge Goodman abused the powers of the office she holds. This conduct constitutes a misdemeanor in office for which removal from office is warranted under Section 68 of the Kentucky Constitution."

**Committee Conclusion 4-B:** In her official conduct with respect to Case No. 23-CI-2878, Gregory Simpson v. Abigail Caudill, Warden, Judge Goodman defied binding precedent, namely *Blackburn v. Commonwealth*, 394 S.W.3d 395 (Ky. 2011).

This Committee Conclusion supports Article II: “During her term of office, Judge Goodman defied binding precedents established by the courts of this Commonwealth. This conduct constitutes a misdemeanor in office for which impeachment and removal from office is warranted by Section 68 of the Constitution of Kentucky.”

**Committee Conclusion 4-C:** In her official conduct with respect to Case No. 23-CI-2878, Gregory Simpson v. Abigail Caudill, Warden, Judge Goodman defied statutes enacted by the General Assembly, namely KRS 532.110 and 533.060.

This Committee Conclusion supports Article III: “During her term of office, Judge Goodman defied statutes enacted by the General Assembly and defied rules of the Court of Justice. This conduct constitutes a misdemeanor in office for which impeachment and removal from office is warranted by Section 68 of the Constitution of Kentucky.”

#### **Case #5: Caitlin Huff v. University of Kentucky et al., 23-CI-1684**

In May 2022, Ms. Huff received medical care from the University of Kentucky’s medical center after being transferred from Georgetown Community Hospital with symptoms that included difficulty walking, severe back pain, leg numbness, and other problems. She received treatment from numerous medical providers and specialists and underwent surgery. She was determined to be permanently paralyzed. She and her husband filed a lawsuit asserting medical negligence claims against the University and more than 20 physicians, health care providers, and administrators.

The University filed a motion to dismiss Huff’s claims against it on the basis of governmental immunity, relying on the Kentucky Supreme Court’s holding in *Withers v. University of Kentucky*, 939 S.W.2d 340 (Ky. 1997), which held that the University of Kentucky is entitled to immunity against claims of medical negligence at its medical center.

Judge Goodman denied the University’s immunity motion. Judge Goodman ruled that the immunity decision in *Withers* was not an actual holding of the court but only dicta, and that the lead opinion in *Withers* was supported by only three of the Court’s seven justices. Judge Goodman also cited *Branham v. Rock*, 449 S.W.3d 741, 752 (Ky. 2014), where the Court stated “there may come a time for us to revisit *Withers*.” She stated that the University’s medical center performs “a near purely proprietary function” and “does not satisfy the test for governmental immunity.” The University appealed.

On November 22, 2024, the Court of Appeals (2023-CA-1423) unanimously reversed Judge Goodman’s order. The three-judge panel issued a 9-page opinion, authored by Judge Susanne Cetrulo. The Court of Appeals stated that “*Withers* is dispositive of the issue before us and binding on this Court” and that “[t]he problem with the circuit court’s conclusion is that it is

directly inapposite to the Supreme Court’s holding in Withers.” (COA-5 at 4.) The Court of Appeals rejected Judge Goodman’s characterization of Withers as dicta: “We cannot agree with that assessment when the Court so clearly stated the issue before it.” (COA-5 at 5.)

The Court of Appeals identified four reasons why Judge Goodman erred in rejecting her obligation to adhere to precedent. First, the suggestion in Branham that Withers might need to be revisited “was indeed dicta.” Second, if Withers ever were to be revisited, it would be the Kentucky Supreme Court, not a trial court, that would do so. Third, the dicta in Branham “appears in a 10-year-old opinion, and the Supreme Court has not yet elected to do so, despite numerous opportunities.” Fourth, “the Branham Court rejected the same arguments that the Huffs presented in this case, i.e., that the operation of healthcare facilities is a proprietary function and that Withers only addressed waiver of immunity through purchase of insurance.” (COA-5 at 6.)

The Court of Appeals stated that “although lower courts are permitted to express a disagreement with the current state of the law, a circuit court abuses its discretion when it fails to follow applicable precedent,” and that it was not simply the precedent of Withers, “but more than 50 other opinions of this Court and the Supreme Court since 1997, that dictate our action today.” (COA-5 at 7.) The Court of Appeals stated that lower courts “cannot overrule the established precedent set by the Supreme Court.” (COA-5 at 8.)

The Supreme Court granted Huff’s discretionary review petition on June 11, 2025. The briefs have been submitted. Oral argument has not yet been scheduled.

**Committee Conclusion 5-B:** In her official conduct with respect to Case No. 23-CI-1684, Caitlin Huff v. University of Kentucky et al., Judge Goodman defied binding precedent, namely Withers v. University of Kentucky, 939 S.W.2d 340 (Ky. 1997).

This Committee Conclusion supports Article II: “During her term of office, Judge Goodman defied binding precedents from established by the highest courts of this Commonwealth. This conduct constitutes a misdemeanor in office for which impeachment and removal from office is warranted by Section 68 of the Constitution of Kentucky.”

**Committee Conclusion 5-C:** In her official conduct with respect to Case No. 23-CI-1684, Caitlin Huff v. University of Kentucky et al., Judge Goodman defied a rule of the Court of Justice, namely Supreme Court Rule 1.040(5) (“On all questions of law the circuit and district courts are bound by and shall follow applicable precedents established in the opinions of the Supreme Court and its predecessor court and, when there are no such precedents, those established in the opinions of the Court of Appeals.”).

This Committee Conclusion supports Article III: “During her term of office, Judge Goodman defied statutes enacted by the General Assembly and defied rules of the Court of Justice. This conduct constitutes a misdemeanor in office for which impeachment and removal from office is warranted by Section 68 of the Constitution of Kentucky.”

**Case #6: Kenneth Ain, M.D. v. University of Kentucky et al., 23-CI-3018**

Dr. Kenneth Ain was employed as an endocrinologist at the University of Kentucky. In August 2023, the dean of the College of Medicine temporarily reassigned Ain from clinical duties treating patients, based on various complaints about his conduct, while a peer review investigation was being conducted.

The following month, Ain filed a lawsuit against the University and four of its employees. He also filed a motion for a temporary restraining order to prohibit the University from interfering with his treatment of patients. After conducting an evidentiary hearing, Judge Goodman entered a TRO requiring Ain to be allowed to resume his previous position as the treating physician of his patients during the pendency of the peer review investigation.

Several days later, Ain's attorney sent an email directly to Judge Goodman in which he accused a University attorney of interfering with Ain's treatment of patients. Neither Ain nor his attorney had filed a motion seeking relief, and the University had no opportunity to be heard prior to being held in contempt.

On November 3, 2023, Judge Goodman convened a hearing. She expressed frustration that the University's attorney had contacted other University employees regarding Ain's scheduled appointments with patients, stating that there appeared to be "so much appearance of bad faith on the part of what's going on here." Judge Goodman threatened to sanction the University, suggesting such sanctions could include incarceration, and memorialized these opinions in a November 28, 2023 order.

On December 1, 2023, Ain's attorney sent another email directly to Judge Goodman alleging that someone had notified interviewees of the Peer Review Committee's investigation that the plaintiff would have access to recordings of their interviews as part of discovery. Based on this email, and without a motion having been filed, Judge Goodman convened a hearing on December 5, 2023. At that hearing, Ain's attorney accused two University attorneys of improperly contacting a staff member who had been interviewed and speculated that the two attorneys were trying to turn the staff member against Ain. No witnesses testified at the hearing.

With only Ain's proffered text message and his attorney's admitted speculation to rely on, Judge Goodman expressed her concern that one of the University's attorneys had actually drafted the staff member's text messages in an attempt to manufacture witness testimony. Judge Goodman ordered the University to produce affidavits from two of its attorneys in camera concerning their communications, and threatened that if she discovered the text messages had been drafted by any of the attorneys, she would refer them to the Fayette County Commonwealth's Attorney for criminal prosecution.

The University's attorneys produced affidavits making clear that neither attorney drafted the employee's text messages or otherwise attempted to influence her testimony. Despite reviewing those affidavits, and despite the lack of any witness testimony or contradictory evidence,

Judge Goodman again expressed her belief, at a January 5, 2024 hearing, that the two University attorneys had improperly attempted to influence the employee's testimony. Judge Goodman stated her "finding that the court feels there is a pattern of conduct that is clearly occurring that causes the court to believe that UK has no intention of ever following any of the court's instructions or rulings." She cited no evidence supporting this finding other than the arguments of Ain's attorney.

At a January 12, 2024 hearing, Judge Goodman continued to make statements reflecting her belief that the University's attorneys had interfered with Ain's lawsuit as part of the University's litigation strategy. When the University's outside counsel disagreed, Judge Goodman responded that the University was "so desperate to get rid of this doctor, that they'd do anything at all costs, even potentially jeopardize the well-being of these patients who are fighting a horrific cancer." When the University asked Judge Goodman to reserve judgment on the merits, she noted that she had not previously sanctioned the University, stating: "I could have sanctioned you all last week. I could have held up, taken the position that you had [to] turn everything over and fine you \$1,000 an hour until you did. But I didn't do those things."

At a hearing on April 5, 2024, Judge Goodman stated that "this Court, unfortunately, feels like it has to be the sole protector of this doctor, based on the continued attacks on his character, on his reputation, on his patients."

On July 16, 2024, Ain's attorney filed a Second Amended Complaint naming several of the attorneys Judge Goodman had previously criticized as defendants for the first time. The claims asserted against them mirrored Judge Goodman's previously expressed opinions of their conduct.

On August 6, 2024, several University attorneys filed a motion requesting Judge Goodman's recusal. Judge Goodman denied the motion. When those attorneys sought her disqualification from the Chief Justice, Deputy Chief Justice Robert Conley granted the request, ruling that KRS 26A.015 requires disqualification whenever the impartiality of a judge could be reasonably questioned. Deputy Chief Justice Conley identified Judge Goodman's remark that the court "unfortunately, feels like it has to be the sole protector of this doctor" as "impossible to ignore." "Accordingly, under KRS 26A.015 and Rule 2.11 of the Code of Judicial Conduct, disqualification is required." The case was reassigned to a different Fayette Circuit Court judge and remains pending.

**Committee Conclusion 6-A:** In her official conduct with respect to Case No. 23-CI-3018, Kenneth Ain, MD, v. University of Kentucky, Judge Goodman abused the powers of the office she holds by engaging in conduct that would cause her impartiality reasonably to be questioned, in violation of Judicial Code of Conduct Rules 2.2 (impartiality and fairness), 2.3 (bias, prejudice, and harassment), 2.8 (decorum, demeanor, and communication with jurors), and 2.9 (ex parte communications).

This Committee Conclusion supports Article I: “During her term of office, Judge Goodman abused the powers of the office she holds. This conduct constitutes a misdemeanor in office for which removal from office is warranted under Section 68 of the Kentucky Constitution.”

**Committee Conclusion 6-C:** In her official conduct with respect to Case No. 23-CI-3018, Kenneth Ain, MD, v. University of Kentucky, Judge Goodman defied a statute enacted by the General Assembly and a rule of the Court of Justice, namely KRS 26A.015 and Rule 2.11 of the Code of Judicial Conduct.

This Committee Conclusion supports Article III: “During her term of office, Judge Goodman defied statutes enacted by the General Assembly and rules of the Court of Justice. This conduct constitutes a misdemeanor in office for which removal from office is warranted under Section 68 of the Kentucky Constitution.”

**Committee Conclusion 6-D:** In her official conduct with respect to Case No. 23-CI-3018, Kenneth Ain, MD, v. University of Kentucky, Judge Goodman interfered with the ability of attorneys to perform their respective roles within the Court of Justice by accusing them of ethical violations without any supporting evidence, threatening to refer them to a prosecutor for criminal charges, and suggesting that they had waived basic due process protections.

This Committee Conclusion supports Article IV: “During her term of office, Judge Goodman interfered with the rights and powers of the grand jury, trial court jurors, attorneys, and others to perform their respective roles within the Court of Justice. This conduct constitutes a misdemeanor in office for which removal from office is warranted under Section 68 of the Kentucky Constitution.”

## FINDINGS

Across six cases spanning several years, the Committee found the same recurring failures. The Court of Appeals reversed her rulings in each case, repeatedly, in unusually direct language. The Committee concludes this pattern is not coincidence and is not the product of good-faith legal error.

The Committee does not believe that the Court of Appeals’ decisions to reverse Judge Goodman’s rulings, by themselves, prove that she committed misdemeanors in office. A judge’s good-faith mistake in performing her duties does not warrant an extraordinary measure like impeachment. **But a judge does commit misdemeanors in office when she abuses the powers of her office, defies binding precedents established by the highest courts of the Commonwealth, defies statutes enacted by the General Assembly and Court of Justice rules, and interferes with the rights and powers of the grand jury, trial court jurors, attorneys, and others to exercise their respective functions within the Court of Justice.**

The Committee finds that Judge Goodman’s actions in the cases reviewed were not isolated errors or mistakes made in good faith. Instead, the record shows that Judge Goodman committed the following misdemeanors in office:

1. Abusing the powers of the office she holds;
2. Defying binding precedents established by the highest courts of this Commonwealth;
3. Defying statutes enacted by the General Assembly and defying rules of the Court of Justice; and
4. Interfering with the rights and powers of the grand jury, trial court jurors, attorneys, and others to exercise their respective functions within the Court of Justice.

The Committee believes that each of these four misdemeanors in office should be presented as a separate Article of Impeachment, and that they should be presented cumulatively as a fifth Article.

The following table provides citations to each Committee Conclusion that supports a separate Article of Impeachment:

		Article I	Article II	Article III	Article IV
1	Commonwealth v. Domonick Jones	1-A		1-C	
2	Commonwealth v. Cornell Thomas	2-A	2-B	2-C	2-D
3	Commonwealth v. James Hendron		3-B		3-D
4	Simpson v. Abigail Caudill, Warden	4-A	4-B	4-C	
5	Caitlin Huff v. University of Kentucky		5-B	5-C	
6	Kenneth Ain v. University of Kentucky	6-A		6-C	6-D

**A. Evaluation of Judge Goodman’s Conduct Against the Judicial Code of Conduct.**

According to the Kentucky Supreme Court Rules, full-time judges are bound by the Judicial Code of Conduct. Supreme Court Rules (“SCR”) 4.300 (Code of Judicial Conduct).

The Committee believes the House of Representatives’ power to impeach a judge is not confined to circumstances where a judge violated the Judicial Code of Conduct. The Committee nevertheless believes it is useful to examine the Judicial Code of Conduct as a persuasive authority in evaluating whether Judge Goodman’s misconduct warrants her impeachment, conviction, and removal from office. The Committee concludes that Judge Goodman’s conduct violated the following provisions of the Code.

**Rule 1.1. Compliance with the Law.**

The Rule states: “A judge shall comply with the law, including the Code of Judicial Conduct.”

**Rule 1.2. Promoting Confidence in the Judiciary.**

The Rule states: “A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.”

**Rule 2.2. Impartiality and Fairness.**

The Rule states: “A judge shall uphold and apply the law, and shall perform all duties of judicial office fairly and impartially.”

**Rule 2.3. Bias, Prejudice, and Harassment.**

The Rule states, in subpart (A): “A judge shall perform the duties of the judicial office, including administrative duties, without bias or prejudice.”

**Rule 2.8. Decorum, Demeanor, and Communication with Jurors.**

The Rule states, in subpart (B): “A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, court staff, and others with whom the judge deals in an official capacity, and shall require similar conduct of lawyers, court staff, officials, and others subject to the judge’s direction and control.”

**Rule 2.9. Ex Parte Communications.**

The Rule states, in subpart (A): “A judge shall not initiate, permit, or consider ex parte communications, or consider other communications made to the judge outside the presence of the parties or their lawyers, concerning a pending or impending matter, except as follows:” [listing five inapplicable exceptions].

The Rule states, in subpart (B): “If a judge inadvertently receives an unauthorized ex parte communication bearing upon the substance of a matter, the judge shall make provision promptly to notify the parties of the substance of the communication and provide the parties with an opportunity to respond.”

The Rule states, in subpart (D): “A judge shall not investigate a matter independently, and shall consider only the evidence presented and any facts that may properly be judicially noticed.”

**B. Evaluation of Judge Goodman’s Conduct Against JCC Standards for Discipline.**

The Committee is aware that the Judicial Conduct Commission, whose work is supervised by the Kentucky Supreme Court, provides a forum where a person could lodge a complaint against Judge Goodman.

The Committee rejects any contention that the House of Representatives’ authority to impeach any public officer, including a judge, is circumscribed by or secondary to the authority of the JCC or the Kentucky Supreme Court. Such a contention is impossible to reconcile with Section 109 of the Constitution, which states, “The impeachment powers of the General Assembly shall remain inviolate.” Similarly, the Committee believes the House of Representatives is not bound by the views of the JCC, the Kentucky Supreme Court, or any other authority about what constitutes “misdemeanors in office” sufficient to warrant a judge’s impeachment by the House of Representatives or her conviction and removal by the Senate.

The Committee nevertheless believes it is useful to examine past actions of the JCC and the Kentucky Supreme Court as persuasive authority in evaluating whether Judge Goodman’s misconduct warrants her impeachment, conviction, and removal from office. To that end, the Committee takes into account the following opinions from the Kentucky Supreme Court in its review of various JCC proceedings.

“The Judicial Conduct 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 in not following) the law.” *Gormley v. Jud. Conduct Comm’n*, 332 S.W.3d 717, 727 (Ky. 2010). A judge may be properly sanctioned for acting in bad faith or for having engaged in a pattern of misconduct. In *Gormley*, the Court held that “even one egregious or bad faith incident of judicial misconduct may properly subject a judge to discipline.”

And although a judge should not be sanctioned for a good-faith legal error, “a judge may be disciplined for a legal ruling or action made contrary to clear and determined law about which there is no confusion or question as to its interpretation. Accordingly, a judicial officer may be sanctioned if the judge committed at least one serious, obvious, egregious legal error that is clearly contrary to settled law.” *Gormley*, 332 S.W.3d at 728.

In *Alred v. Jud. Conduct Comm’n*, 395 S.W.3d 417, 436 (Ky. 2012), the Kentucky Supreme Court summarized the standard:

Section 121 of the Kentucky Constitution authorizes the commission to remove a judge for good cause and designates the Supreme Court as the forum for judicial review. For the commission to sanction a judge, the charges must be supported by “clear and convincing” evidence. And a judge’s conduct must be more than an erroneous legal decision made in good faith. Accordingly, a judge may be properly sanctioned for a legal error when the judge acted in bad faith, engaged in a pattern of misconduct, or when the judge’s “legal ruling or action [was] made contrary to

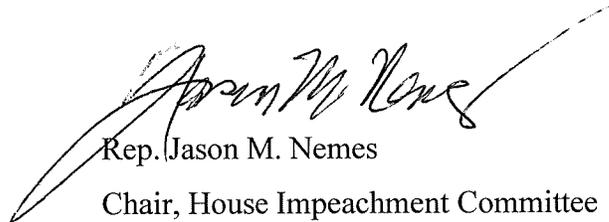
clear and determined law about which there is no confusion or question as to its interpretation.”

The Committee believes that the testimony, documents, and other evidence reviewed by its members establish that Judge Goodman’s misconduct meets the JCC’s standards for judicial discipline: acting in bad faith, engaging in a pattern of misconduct, and making rulings and taking actions contrary to clear and determined law about which there is no confusion or question as to its interpretation.

### RECOMMENDATIONS

The Committee recommends that the House of Representatives should adopt the Articles of Impeachment and transmit them to the Senate. Impeachment is an extraordinary remedy, and the Committee does not recommend it lightly. But the conduct documented in this Report is different in kind from the ordinary legal errors that judges make every day. The record before the Committee reflects a judge who, across multiple cases and over several years, abused the powers of her office, disregarded the law she was bound to apply, and interfered with the rights and powers of the grand jury, trial court jurors, attorneys, and others to perform their respective roles within the Court of Justice. The 2021 advisory committee of three former Kentucky Supreme Court Justices and two law professors concluded that a misdemeanor in office encompasses any willful malfeasance, misfeasance, or nonfeasance in office. The Committee finds that the record here meets that standard.

Respectfully submitted,



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Chair, House Impeachment Committee



Rep. John Blanton  
Vice-Chair, House Impeachment Committee