

1 A RESOLUTION resolving the Senate as a Court of Impeachment and providing
2 for the adoption of the Rules of Procedure therefor.

3 WHEREAS, the House of Representatives has, during the 2023 Regular Session of
4 the General Assembly, issued Articles of Impeachment against Ronnie Lee Goldy, Jr.,
5 Commonwealth's attorney for Rowan, Bath, Menifee, and Montgomery Counties, which
6 determined that he engaged in acts which resulted in him being suspended from the
7 practice of law in the state of Kentucky; he engaged in personal communications with a
8 defendant, while the defendant was represented by counsel, regarding that defendant's
9 criminal cases; and he requested and received inappropriate personal information from a
10 defendant as quid pro quo for the actions taken in his official position as
11 Commonwealth's attorney; and

12 WHEREAS, the House of Representatives has appointed a committee to prosecute
13 the Articles of Impeachment before the Senate, and the chairman of that committee,
14 within five days after the impeachment was ordered, did lay the Articles before the
15 Senate; and

16 WHEREAS, the Senate does now designate the day and hour to commence hearing
17 the impeachment, and the Respondent, Ronnie Lee Goldy, Jr. shall be summoned by
18 precept issued by the Clerk of the Senate to appear before the Senate on that date;

19 NOW, THEREFORE,

20 ***Be it resolved by the Senate of the General Assembly of the Commonwealth of***
21 ***Kentucky:***

22 ➔Section 1. The Senate now resolves itself into a Court of Impeachment for the
23 purpose of hearing the impeachment and designates March 21, 2023, at the hour of 9:00
24 AM EST for a hearing, and that the President of the Senate and the members of the
25 Senate or the committee appointed pursuant to Section 2 of this Act shall take the oath
26 prescribed by KRS 63.050, and that the Clerk of the Senate shall make proper record in
27 the Journal of the names of all Senators who take the oath.

1 ➔Section 2. Pursuant to Senate Rule 39A, the President of the Senate will direct
2 the appointment of a committee to receive evidence and take testimony at such times and
3 places as set forth in this Resolution and make a finding of whether the accused shall be
4 convicted or acquitted of the charges found in the Articles of Impeachment. The
5 President of the Senate shall appoint a chairman of the committee. The committee shall
6 exercise all the powers and functions conferred upon it by the Senate and President of the
7 Senate under the impeachment Rules of Procedure as set forth in this Resolution and
8 approved by the Senate when sitting as a Court of Impeachment. Unless otherwise
9 ordered by the Senate, the committee shall follow these impeachment Rules of Procedure
10 of the Senate when sitting as a Court of Impeachment.

11 ➔Section 3. The Clerk of the Senate shall inform the House of Representatives
12 and the committee thereof appointed to prosecute the impeachment that the Senate has
13 resolved itself into a Court of Impeachment, that the Clerk shall summon the Respondent
14 by precept to appear on that day and hour for the hearing, and that the Clerk shall, at the
15 instance of the committee chair and at the instance of the accused, issue process for the
16 summoning of witnesses and the production of such books, papers, documents, or
17 tangible things as may be desired by the committee or the Respondent. If the House has
18 previously communicated with the Respondent, service of the summons by e-mail and
19 certified mail shall be deemed sufficient.

20 ➔Section 4. Following the hearing and pursuant to Senate Rule 39A, the
21 appointed Senate committee shall present a written report of its findings to the full
22 Senate, which shall include the recording of the proceedings, evidence received and
23 testimony presented to the committee, and findings of whether the accused shall be
24 convicted or acquitted of the charges in the Articles of Impeachment. That report shall be
25 received by the Senate, and the evidence received and the testimony taken shall be
26 considered as having been received and taken before the Senate, and subject to the right
27 of the Senate to determine competency, relevancy, and materiality. Nothing herein shall

1 prevent the Senate from sending for any witness and hearing his or her testimony in the
2 open Senate, or by order of the Senate having the entire trial in the open Senate.

3 ➔Section 5. For the purpose of the governing the procedures at the impeachment
4 hearing, there are hereby adopted by the Senate the following rules:

5 RULES GOVERNING THE SENATE OF THE
6 COMMONWEALTH OF KENTUCKY
7 SITTING AS A COURT OF IMPEACHMENT

8 (1) **Rules of Procedure**

9 Except as otherwise provided, and when not in conflict with these Rules, the
10 Standing Rule of the Senate shall apply, and the presiding officer shall retain the
11 authority to invoke the Rules of the Senate.

12 (2) **Rules of Evidence**

13 When not in conflict with these Rules or the Rules of the Senate, the rules of
14 evidence used in courts of general jurisdiction in the Commonwealth shall serve as a
15 guide. However, variation from the rules of evidence may be permitted, and reliable
16 evidence admitted, subject to the same being determined relevant, whenever the interests
17 of justice require.

18 (3) **Floor Privileges**

19 Senators; members of the House Committee and its counsel and staff; personnel of
20 the Court of Impeachment; the Presiding Officer and counsel; the Respondent and
21 counsel; and those with proper identification as issued by the Clerk of the Court of
22 Impeachment shall be permitted within the Senate Chambers during the trial.

23 (4) **Marshal of the Court of Impeachment**

24 The Court of Impeachment shall appoint a Marshal, who shall be the Sergeant at
25 Arms of the Senate, and an Assistant Marshal.

26 (5) **Clerk of the Court of Impeachment**

27 The Clerk of the Senate shall serve and be referred to as the Clerk of the Court of

1 Impeachment and shall administer the oath to all witnesses, keep the Journal of the
2 Senate sitting as a Court of Impeachment, and perform all other duties usually performed
3 by a clerk of a court of record in this Commonwealth. An Assistant Clerk may also be
4 appointed.

5 **(6) Presiding Officer**

6 When the Senate sits as a Court of Impeachment, the President of the Senate shall
7 preside, unless another Presiding Officer is appointed.

8 **(7) Eligibility of Senators**

9 Each Senator shall, by virtue of his office, be eligible to participate in the
10 impeachment proceedings, and no senator shall be subject to disqualification except as
11 provided in Rule 8.

12 **(8) Attendance**

13 No member of the whole Senate or the committee appointed pursuant to Senate
14 Rule 39A, whichever is receiving evidence, shall cast a final vote on the Articles of
15 Impeachment on which the member has not heard a substantial portion of the testimony
16 and evidence or reviewed the video tapes of those portions of the testimony and evidence
17 which the member did not hear. Members of the Senate shall be present to vote on the
18 final report of the committee appointed pursuant to Senate Rule 39 A.

19 **(9) General Powers**

20 The Senate shall have the power to compel the attendance of witnesses, to enforce
21 obedience to its orders, precepts, summons, and judgments; to preserve order; to punish
22 in the manner prescribed by law contempt of or disobedience of its orders, precepts,
23 summons, or judgments; and to make all lawful orders and rules as it may deem
24 necessary for the performance of its duties as a Court of Impeachment.

25 **(10) Immunity**

26 The parties, which include the House Committee and respondent, shall not call
27 Senators, members of the House Committee, its counsel and staff, the Presiding Officer,

1 counsel, or staff of the Court of Impeachment or Legislative Research Commission as
2 witnesses, and shall not subpoena their personal records or work papers.

3 **(11) Representation**

4 The House of Representatives shall be represented by an appointed Committee and
5 its counsel and staff. The Respondent shall appear in person or by counsel.

6 **(12) Pretrial Conference**

7 Counsel for the parties may meet with the Presiding Officer on his order or on
8 motion by any party, at a time set by him, to rule on preliminary motions, stipulate to
9 facts and exhibits, and address issues that will expedite trial.

10 **(13) Communications From Respondent**

11 There shall be no communication, either directly or indirectly, from the Respondent
12 to any Senator unless it is submitted, in writing, by counsel for the Respondent, directly
13 to the Clerk of the Court of Impeachment. Communications shall be restricted to
14 information which would be admissible in a court of law. The Presiding Officer shall rule
15 on the admissibility of the communication.

16 **(14) Communications From Individuals**

17 At the time the Senate resolves itself into a Court of Impeachment, no individual,
18 except another Senator, shall communicate any information relating to the impeachment
19 to a Senator within the Senate Chambers. Senators shall immediately report any
20 communication prohibited by this Rule to the Presiding Officer. Violation of this Rule
21 may be subject to punishment as provided in Rule 9 and Rule 27.

22 **(15) Appearance**

23 (a) The Senate shall appoint a day for hearing the impeachment. The Respondent
24 shall be summoned by precept, issued by the Clerk of the Court of Impeachment, to
25 appear on that day. The precept shall be served in person along with a copy of the
26 Articles of Impeachment and a copy of the Senate Resolution adopting these Rules by the
27 Marshal of the Court of Impeachment, the Assistant Marshal, or an officer of the

1 Kentucky State Police. Return of service shall be noted on the precept.

2 (b) The precept shall be issued at least seven days before the day appointed for
3 trial.

4 **(16) Subpoenas**

5 (a) Subpoenas shall be issued by the Clerk of the Court of Impeachment for the
6 summoning of witnesses and the production of books, papers, documents, or tangible
7 things, on written application of the parties or their counsel. The Clerk may issue
8 Subpoenas in blank. A Senator may request a subpoena through the Clerk, which shall
9 issue if either party concurs. If neither party concurs with the request, a subpoena shall be
10 issued on a motion by the Senator, a second to the motion, and a vote of a majority of the
11 Senators present. The Senator may explain the reasons for his request and the vote shall
12 be taken without debate. All requests for subpoenas shall be made and issued at least
13 three days before the witness is scheduled to testify or produce books, papers, documents,
14 or tangible things at the hearing.

15 (b) Service of process for subpoenas shall be by personal service executed by
16 officers appointed by the Court of Impeachment or other officers authorized by law to
17 serve process in the Courts of Justice of the Commonwealth. Return of service shall be
18 noted on the subpoena.

19 (c) Upon disobedience to any process, the Senate may order the Clerk of the
20 Court of Impeachment to issue process for arresting the witness and seizing the books,
21 papers, documents, or tangible things which have been subpoenaed. Disobedience may be
22 punished in the manner provided for other witnesses before the General Assembly.

23 (d) A witness shall receive the same compensation, and have the same privileges
24 in going, remaining, and returning, as a witness in Circuit Court.

25 **(17) Initial Appearance by Respondent**

26 On the day appointed for the trial of the impeachment, the legislative business of
27 the Senate will be suspended, except as otherwise ordered by the Senate. At the time

1 fixed in the precept for the appearance of the Respondent and on proof of service, the
2 Respondent shall be called to appear and answer the Articles of Impeachment. If he
3 appears or counsel on his behalf, the appearance shall be recorded. If he does not appear
4 either personally or by counsel, the same shall be recorded and the impeachment
5 proceedings conducted as though he were present and had entered a plea of not guilty.

6 **(18) Answer**

7 The Respondent shall answer, in writing, the Articles of Impeachment prior to the
8 opening of the trial of the impeachment. The answer shall be filed with the Clerk of the
9 Court of Impeachment.

10 **(19) Order of Proof**

11 After preliminary motions are heard and decided, the House Committee or its
12 counsel may make an opening statement not to exceed thirty minutes. The Respondent or
13 his counsel may then make an opening statement not to exceed thirty minutes. The
14 Presiding Officer shall determine the order of the presentation of evidence. Closing
15 arguments shall follow the presentation of all evidence to the Court of Impeachment and
16 shall not exceed one hour. On motion of either party before closing argument, the time
17 for closing argument may be extended by a vote of a majority of the Senators present.
18 The argument shall be opened and closed by or on behalf of the House Committee.

19 The Senate shall hear all evidence related to the Articles of Impeachment before
20 casting the final vote on the Articles of Impeachment.

21 **(20) Oaths**

22 (a) The following oath or affirmation shall be administered to each Senator and
23 the Presiding Officer by the Chief Justice of the Commonwealth or an Associate Justice:

24 "I do solemnly swear or affirm that I will faithfully and impartially try the
25 impeachment against Ronnie Lee Goldy, Jr., Commonwealth's attorney, and give my
26 decision according to the law and the evidence."

27 (b) Before any witness shall give his testimony, the Clerk of the Court of

1 Impeachment shall administer to the witness the following oath or affirmation:

2 "Do you solemnly swear or affirm that the testimony you shall give in the
3 matter of the impeachment of Ronnie Lee Goldy, Jr., Commonwealth's attorney, shall be
4 the truth, the whole truth, and nothing but the truth, so help you God?"

5 **(21) Witnesses**

6 All witnesses shall be examined by the party producing them or its counsel, and
7 then cross-examined by the opposite party or its counsel. Only one attorney for each
8 party may examine each witness. The Presiding Officer may permit re-direct examination
9 and may permit re-cross examination. After completion of questioning by counsel, any
10 Senator desiring to question the witness shall be permitted to do so. If objection to a
11 Senator's question is raised by counsel for either party or by a Senator, the Senator
12 desiring to question the witness may request a vote on the objection by a majority of the
13 Senators present.

14 **(22) Motions**

15 (a) The Presiding Officer may rule on all objections, motions, pleas, and
16 procedural questions made by the parties or their counsel. The ruling of the Presiding
17 Officer shall be the judgment of the Senate unless any Senator requests the Presiding
18 Officer to submit the question to be decided by a vote of a majority of the Senators
19 present.

20 (b) On motion of any Senator and a vote of a majority of the Senators present, or
21 at the request of the Presiding officer, the party shall commit the motion, plea, or
22 procedural question to writing.

23 (c) Except as otherwise provided, arguments by parties or their counsel on
24 motions shall be permitted only with a vote of a majority of the Senators present and shall
25 not exceed fifteen minutes, unless further extended by a majority vote.

26 (d) Roll call votes may be requested by a Senator and shall be taken if five
27 additional Senators concur in the request by standing.

1 **(23) Verdict, Judgment, and Costs**

2 (a) After closing arguments, all qualified Senators shall be required to vote on the
3 question of whether to sustain the Articles of Impeachment. A vote to sustain the Articles
4 shall be based on clear and convincing evidence that the Articles are true and that the
5 Articles constitute impeachable offenses. The vote on whether to sustain shall be taken as
6 a roll call vote.

7 (b) If the Respondent is acquitted on the Articles of Impeachment, a judgment of
8 acquittal shall be pronounced and entered on the Journal on the Court of Impeachment.

9 (c) If two-thirds of the Senators present vote to sustain the Articles of
10 Impeachment, the Court of Impeachment shall, by resolution, pronounce judgment of
11 conviction and removal from office, and disqualifications to hold any office of honor,
12 trust, or profit under the Constitution. The resolution shall be entered upon the Journal of
13 the Court of Impeachment.

14 (d) A copy of the judgment shall be filed in the Office of the Secretary of State.

15 (e) In an impeachment proceeding prosecuted before the Senate, if the
16 Respondent is acquitted, the Commonwealth shall pay the costs of the Respondent. If the
17 Respondent is found guilty, he shall pay the Commonwealth the costs incurred in behalf
18 of the prosecution. Costs shall be taxed by the Clerk of the Court of Impeachment. In no
19 event shall costs include attorney's fees incurred by the Commonwealth or the
20 Respondent.

21 **(24) Official Record**

22 The transcript of the proceedings of the Senate sitting as a Court of Impeachment
23 shall be the recordings produced by Kentucky Educational Television/Legislative
24 Research Commission YouTube Channel.

25 **(25) Instruction**

26 At any time, on his own motion or on request of a Senator, the Presiding Officer
27 may instruct the Senators on procedural matters.

1 **(26) Conferences**

2 At any point during the proceedings and on the request of any Senator, there shall
3 be an immediate conference of all the Senators present. Conferences provided for under
4 this Rule may be closed on a vote of a majority of the Senators present.

5 **(27) Prohibited Conduct**

6 Threats against or interference with the Court of Impeachment may be prosecuted
7 as provided by law.

8 **(28) Amendments to Rules**

9 These Rules may be suspended or amended by a vote of two-thirds of the Senators
10 present.