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APPELLATE COURT CLERK
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IN THE TENNESSEE COURT OF THE JUDICIARY

**IN RE: THE HONORABLE RONALD E. DARBY
JUDGE, GENERAL SESSIONS COURT
BENTON COUNTY, TENNESSEE and JUDGE,
CAMDEN and BIG SANDY, TENNESSEE,**

Docket No. M2009-00624—CJ-CJ-CJ

**Complainant: JOSEPH S. DANIEL, Disciplinary Counsel
File No. 08-3487**

FORMAL CHARGES
FIRST AMENDED COMPLAINT

Joseph S. Daniel, Disciplinary Counsel for the Tennessee Court of the Judiciary, as a matter of course and pursuant to Rule 15, Tennessee Rules of Civil Procedure, would amend the original formal Charges to add the following:

- In the introductory Paragraph, “At all times relevant hereto, Judge Darby also served as the Drug Court Judge in Benton County, Tennessee.”
- In original Paragraph 5, change the surname “Ducham” to “Ducharme” at all points where it appears.
- In original Paragraph 12, by adding the following paragraph: “In addition, Judge Darby obtained from Mr. Wyatt gutter repair work at a reduced rate having induced the pricing to be lowered by indicating he was, as a result of his position, entitled to a ‘judge’s discount.’”

In all other respects, the original Complaint is readopted and realleged, and shall now read as follows:

Joseph S. Daniel, Disciplinary Counsel for the Tennessee Court of the Judiciary, at the direction of an investigative panel of three judges of the Court of the Judiciary, in

accordance with Tenn. Code Ann. § 17-5-304(b)(2)(A), hereby files formal charges against the Honorable Ronald E. Darby, Judge of the General Sessions Court of Benton County, Tennessee. At all times relevant hereto, Judge Darby also served as the Drug Court Judge in Benton County, Tennessee. Judge Darby is also a city, town or municipal Judge for Camden, Tennessee and Big Sandy, Tennessee.

Jurisdiction

1. Following a full investigation authorized under the provisions of Tenn. Code Ann. § 17-5-304(b)(3), the three judge investigative panel composed of the Honorable Pamela Reeves, the Honorable Jean A. Stanley, and the Honorable Dwight E. Stokes found, pursuant to Tenn. Code Ann. § 17-5-304(d)(2)(A), that there is reasonable cause to believe that the Honorable Ronald E. Darby has committed judicial offenses alleged herein in violation of Tenn. Code Ann. § 17-5-302(1), (3), and (8) and directed disciplinary counsel to file formal charges pursuant to Tenn. Code Ann. § 17-5-304(d)(2).

2. The Honorable Ronald E. Darby, at all times relevant herein, was a judge of the General Sessions Court of Benton County, Tennessee, having taken the oath of office on August 31, 2006. Judge Darby was also a city, town or municipal Judge for Camden, Tennessee and Big Sandy, Tennessee. Therefore, General Sessions Ronald E. Darby is subject to judicial discipline by the Court of the Judiciary pursuant to Tenn. Code Ann. § 17-5-102.

Charges

Disciplinary Counsel charges Honorable Ronald E. Darby as follows:

Count I

3. The complainant alleges that Judge Ronald E. Darby in exercising his authority as a General Sessions Judge of Benton County used an individual who was on probation in Drug Court, a Court over which Judge Darby presided, to do work on his personal office, his personal residence and, upon information and belief, his personal rental property. The individual so used in this Count was a Mr. Brennan Baker. Mr. Baker on various days in 2008 was assigned public service work and the judge used said public service activities to enhance the judge's private property interest. The individual named in this Count was not compensated. The labor efforts of Mr. Baker provided economic benefit to Judge Darby in the maintenance and enhancement of the aforesaid property for which Judge Darby provided no payment.

Count II

4. The complainant alleges that Judge Ronald E. Darby in exercising his authority as a General Sessions Judge of Benton County used an individual who was on probation in Drug Court, a Court over which Judge Darby presided, to do work on his personal office, his personal residence and, upon information and belief, his personal rental property. The individual so used in this Count was a Mr. Jeremy Cole. Mr. Cole on various days in 2008 was assigned public service work and the judge used said public service activities to enhance the judge's private property interest. The individual named in this Count was not compensated. The labor efforts of Mr. Cole provided economic benefit to Judge Darby in the maintenance and enhancement of the aforesaid property for which Judge Darby provided no payment.

Count III

5. The complainant alleges that Judge Ronald E. Darby in exercising his authority as a General Sessions Judge of Benton County used an individual who was on probation in Drug Court, a Court over which Judge Darby presided, to do work on his personal office, his personal residence and, upon information and belief, his personal rental property. The individual so used in this Count was a Mr. Adam Ducharme. Mr. Ducharme on various days in 2008 was assigned public service work and the judge used said public service activities to enhance the judge's private property interest. The individual named in this Count was not compensated. The labor efforts of Mr. Ducharme provided economic benefit to Judge Darby in the maintenance and enhancement of the aforesaid property for which Judge Darby provided no payment.

Count IV

6. The complainant alleges that Judge Ronald E. Darby in exercising his authority as a General Sessions Judge of Benton County used an individual who was on probation in Drug Court, a Court over which Judge Darby presided, to do work on his personal office, his personal residence and, upon information and belief, his personal rental property. The individual so used in this Count was a Mr. Brandon Ellis. Mr. Ellis on various days in 2008 was assigned public service work and the judge used said public service activities to enhance the judge's private property interest. The individual named in this Count was not compensated. The labor efforts of Mr. Ellis provided economic benefit to Judge Darby in the maintenance and enhancement of the aforesaid property for which Judge Darby provided no payment.

Count V

7. The complainant alleges that Judge Ronald E. Darby in exercising his authority as a General Sessions Judge of Benton County used an individual who was on probation in Drug Court, a Court over which Judge Darby presided, to do work on his personal office, his personal residence and, upon information and belief, his personal rental property. The individual so used in this Count was a Dee Garrett. Dee Garrett on various days in 2008 was assigned public service work and the judge used said public service activities to enhance the judge's private property interest. The individual named in this Count was not compensated. The labor efforts of Dee Garrett provided economic benefit to Judge Darby in the maintenance and enhancement of the aforesaid property for which Judge Darby provided no payment.

Count VI

8. The complainant alleges that Judge Ronald E. Darby in exercising his authority as a General Sessions Judge of Benton County used an individual who was on probation in Drug Court, a Court over which Judge Darby presided, to do work on his personal office, his personal residence and, upon information and belief, his personal rental property. The individual so used in this Count was a Mr. Josh Reese. Mr. Reese on various days in 2008 was assigned public service work and the judge used said public service activities to enhance the judge's private property interest. The individual named in this Count was not compensated. The labor efforts of Mr. Reese provided economic benefit to Judge Darby in the maintenance and enhancement of the aforesaid property for which Judge Darby provided no payment.

Count VII

9. The complainant alleges that Judge Ronald E. Darby in exercising his authority as a General Sessions Judge of Benton County used an individual who was on probation in Drug Court, a Court over which Judge Darby presided, to do work on his personal office, his personal residence and, upon information and belief, his personal rental property. The individual so used in this Count was a Mr. Ryan Langlois. Mr. Langlois on various days in 2008 was assigned public service work and the judge used said public service activities to enhance the judge's private property interest. The individual named in this Count was not compensated. The labor efforts of Mr. Langlois provided economic benefit to Judge Darby in the maintenance and enhancement of the aforesaid property for which Judge Darby provided no payment.

Count VIII

10. The complainant alleges that Judge Ronald E. Darby in exercising his authority as a General Sessions Judge of Benton County used an individual who was on probation in Drug Court, a Court over which Judge Darby presided, to do work on his personal office, his personal residence and, upon information and belief, his personal rental property. The individual so used in this Count was a Mr. Anthony Nolan. Mr. Nolan on various days in 2008 was assigned public service work and the judge used said public service activities to enhance the judge's private property interest. The individual named in this Count was not compensated. The labor efforts of Mr. Nolan provided economic benefit to Judge Darby in the maintenance and enhancement of the aforesaid property for which Judge Darby provided no payment.

Count IX

11. The complainant alleges that Judge Ronald E. Darby in exercising his authority as a General Sessions Judge of Benton County used an individual who was on probation in Drug Court, a Court over which Judge Darby presided, to do work on his personal office, his personal residence and, upon information and belief, his personal rental property. The individual so used in this Count was a Mr. Jarrid Sterling. Mr. Sterling on various days in 2008 was assigned public service work and the judge used said public service activities to enhance the judge's private property interest. The individual named in this Count was not compensated. The labor efforts of Mr. Sterling provided economic benefit to Judge Darby in the maintenance and enhancement of the aforesaid property for which Judge Darby provided no payment.

Count X

12. The complainant alleges that Judge Ronald E. Darby in exercising his authority as a General Sessions Judge of Benton County used an individual who was on probation in Drug Court, a Court over which Judge Darby presided, to do work on his personal office, his personal residence and, upon information and belief, his personal rental property. The individual so used in this Count was a Mr. Justin Wyatt. Mr. Wyatt on various days in 2008 was assigned public service work and the judge used said public service activities to enhance the judge's private property interest. The individual named in this Count was not compensated. The labor efforts of Mr. Wyatt provided economic benefit to Judge Darby in the maintenance and enhancement of the aforesaid property for which Judge Darby provided no payment.

In addition, Judge Darby obtained from Mr. Wyatt gutter repair work at a reduced rate having induced the pricing to be lowered by indicating he was, as a result of his position, entitled to a “judge’s discount.”

Count XI

13. The complainant alleges that Judge Ronald E. Darby in exercising his authority as a General Sessions Judge of Benton County used an individual who was on probation in Drug Court, a Court over which Judge Darby presided, to do work on his personal office, his personal residence and, upon information and belief, his personal rental property. The individual so used in this Count was a Mr. Matt Hooten. Mr. Hooten on various days in 2008 was assigned public service work and the judge used said public service activities to enhance the judge’s private property interest. The individual named in this Count was not compensated. The labor efforts of Mr. Hooten provided economic benefit to Judge Darby in the maintenance and enhancement of the aforesaid property for which Judge Darby provided no payment.

14. The above-described conduct, actions and/or inactions of Judge Darby set forth in Counts I through XI, inclusive, constitute multiple violations of the Code of Judicial Conduct, and as such, subject him to the sanctions provided by the provisions of Tenn. Code Ann. § 17-5-301, including violation of the following:

A. CANON 1. *A Judge Shall Uphold the Integrity and Independence of the Judiciary*

A. An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing high standards of conduct and shall personally observe those standards so that the integrity and independence of the judiciary will be preserved.

B. CANON 2. *A Judge Shall Avoid Impropriety and the Appearance of*

Impropriety in All of the Judge's Activities

A. A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

C. CANON 3. *A Judge Shall Perform the Duties of Judicial Office Impartially and Diligently*

B. Adjudicative Responsibilities...

(7)...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 concerning a pending or impending proceeding except that...

E. Disqualification.

(1) A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to instances where:

...(d) the judge or the judge's spouse or a person within the third degree of relationship to either of them, or the spouse of such a person:

...(iv) is to the judge's knowledge likely to be a material witness in the proceeding.

D. CANON 4. *A Judge Shall So Conduct the Judge's Extra-Judicial Activities as to Minimize the Risk of Conflict with Judicial Obligations*

A. Extra-Judicial Activities in General. A judge shall conduct all of the judge's extra-judicial activities so that they do not:

(1) cast reasonable doubt on the judge's capacity to act impartially as a judge;

(2) demean the judicial office; or

(3) interfere with the proper performance of judicial duties.

D. Financial Activities.

(1) A judge shall not engage in financial and business dealings that:

(a) may reasonably be perceived to exploit the judge's judicial position,

...

15. Further, and not by way of limitation, the above-described conduct, actions and/or inactions of Judge Darby constitute multiple violations of statutory law and as

such, subject him to the sanctions provided by the provisions of Tenn. Code Ann. § 17-5-301 including violation of the following statutes:

A. Tenn. Code Ann. § 17-5-302(1) in that the above-described misconduct was and is willful; and,

B. Tenn. Code Ann. § 17-5-302(8) in that the conduct was and is calculated to bring the judiciary into public disrepute and adversely affects the administration of justice.

16. The conduct set forth in this Count further constitutes Official Misconduct as defined under the provisions of Tenn. Code Ann. § 39-16-402, and as such constitutes conduct sufficient to subject Judge Darby to the sanctions provided by the provisions of Tenn. Code Ann. § 17-5-301.

Count XII

17. The complainant alleges further that Judge Ronald E. Darby in exercising his authority as a General Sessions Judge of Benton County, did engage in conduct as follows:

Specifically in a Juvenile Case of *State of Tennessee v. Joseph B. May, Benton County Case #20072121*, Mr. May was charged with two co-defendants. It is alleged that Judge Darby had an *ex parte* communication with Mr. Dan Bradley, an attorney who represented Mr. May. This *ex parte* communication resulted in a judgment which was not approved or agreed to by the prosecuting attorney. Such conduct constitutes a violation of Canon 3 B (7) of the Code of Judicial Conduct, which prohibits *ex parte* communications. Such conduct would also violate Canon 2A requiring a Judge to respect and comply with the law at all times.

18. The conduct described in the preceding Paragraph 17 constitutes multiple violations of law and as such, subject Judge Ronald E. Darby to the sanctions provided by the provisions of Tenn. Code Ann. § 17-5-301, including violation of the following statutes:

A. Tenn. Code Ann. § 17-5-302(1) in that the above-described misconduct related to the duties of office and was willful;

B. Tenn. Code Ann. § 17-5-302(3) in that the above-described misconduct violates the Code of Judicial Conduct; and

C. Tenn. Code Ann. § 17-5-302(8) in that the conduct was and is calculated to bring the judiciary into public disrepute and adversely affects the administration of justice.

NOTICE

Judge Ronald E. Darby is hereby given written notice of the details of the Formal Charges brought against him pursuant to Tenn. Code Ann. § 17-5-307(a).

Pursuant to Tenn. Code Ann. § 17-5-307(c), Judge Darby shall have thirty (30) days from and after the date of receipt of these Formal Charges to file an Answer with the Court by filing the same at the Office of the Clerk of the Court of the Judiciary, 100 Supreme Court Building, 401 Seventh Avenue, North, Nashville, Tennessee 37219 and by serving a copy on Disciplinary Counsel at 503 North Maple Street, Murfreesboro, Tennessee 37130.

Failure to answer these Formal Charges shall constitute an admission of the factual allegations which are not answered.

WHEREFORE, Disciplinary Counsel moves the Court to set this matter for hearing before the Hearing Panel of the Court of the Judiciary at the Benton County Courthouse in Camden, Tennessee, within sixty (60) days from and after the date the Answer is filed by Judge Darby, as required by Tenn. Code Ann. § 17-5-308(a), or, in the event no Answer is filed, to set the matter within ninety (90) days of the date these Formal Charges are filed with the Clerk of the Court, in order to comply with the statutory time limit, and upon the hearing of this action, to impose just and proper sanctions as provided by law.

This the 6th day of April, 2009.

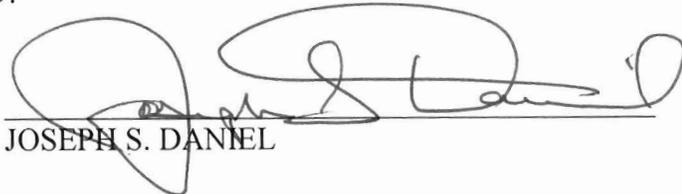


Joseph S. Daniel #002799
Disciplinary Counsel
Tennessee Court of the Judiciary

CERTIFICATE OF SERVICE

I, JOSEPH S. DANIEL, certify that a true and exact copy of the foregoing was served upon Honorable Ronald E. Darby by depositing same in the U.S. Mail along with the Formal Charges with sufficient postage thereon to insure delivery.

This the 6th day of April, 2009.


JOSEPH S. DANIEL