

BEFORE THE JUDICIAL QUALIFICATIONS COMMISSION
STATE OF GEORGIA

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)
In re: Inquiry Concerning) Complaint No. 17-246
Judge Terrinee Lynette Gundy)
)
)

FORMAL CHARGES

The Judicial Qualifications Commission's Investigative Panel (the "Panel") has conducted a Full Investigation of the above-referenced complaint against Judge Terrinee Lynette Gundy ("Judge Gundy") of the Municipal Court of the City of Atlanta and considered the judge's responses in writing and in person before the Panel. The Panel finds that Judge Gundy has violated the Georgia Code of Judicial Conduct (the "Code") in multiple different and distinct ways by placing personal interests ahead of the oath of office. Judge Gundy has failed to meet the expectations set forth in the Code by, among other things, chronic tardiness and absenteeism, and abandoning her duties to the detriment of jailed detainees. Judge Gundy has also behaved in a manner unbecoming of a judicial officer by mistreating defendants and colleagues and by improperly using her judicial position to advance her personal interests. Additionally, Judge Gundy sought to obstruct the Panel's investigation by providing and causing to be presented false information during this investigation.

Accordingly, the Panel files these Formal Charges with the Commission's Hearing Panel pursuant to Commission Rule 19, and respectfully requests that formal proceedings be instituted for the purpose of determining whether Judge Gundy has committed the acts enumerated below; and if so, the appropriate sanction.

COUNT ONE

APPLICABLE CANONS/RULES

- Canon 1: Judges shall uphold the independence, integrity, and impartiality of the judiciary and shall avoid impropriety and the appearance of impropriety in all of their activities.
- Rule 1.2 (A): Judges shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary.
- Rule 1.2 (B): An independent and honorable judiciary is indispensable to justice in our society. Judges shall participate in establishing, maintaining, and enforcing high standards of conduct, and shall personally observe such standards of conduct so that the independence, integrity, and impartiality of the judiciary may be preserved. The provisions of this Code should be construed and applied to further that objective.
- Canon 2: Judges shall perform the duties of judicial office impartially, competently, and diligently.
- Rule 2.1: The judicial duties of judges take precedence over all their other activities. Their judicial duties include all duties prescribed by law. But primarily, judges serve as the arbiters of facts and law for the resolution of disputes.
- Rule 2.2: Judges shall dispose of all judicial matters fairly, promptly, and efficiently.
- Rule 2.7: Judges shall hear and decide matters assigned to them, except those in which they are disqualified.

ALLEGATIONS OF MISCONDUCT

Judge Gundy violated one, or all, of the above referenced Canons and Rules by failing to fairly, promptly, and efficiently dispose of the business of the court due to her willful and persistent arrival at the courthouse after the time court was scheduled to begin in her courtroom during, but not limited to, September 2015 through February 2018.

COUNT TWO

APPLICABLE CANONS/RULES

- Canon 1: Judges shall uphold the independence, integrity, and impartiality of the judiciary and shall avoid impropriety and the appearance of impropriety in all of their activities.
- Rule 1.2 (A): Judges shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary.
- Rule 1.2 (B): An independent and honorable judiciary is indispensable to justice in our society. Judges shall participate in establishing, maintaining, and enforcing high standards of conduct, and shall personally observe such standards of conduct so that the independence, integrity, and impartiality of the judiciary may be preserved. The provisions of this Code should be construed and applied to further that objective.

ALLEGATIONS OF MISCONDUCT

Judge Gundy violated one, or all, of the above referenced Canons and Rules by causing the removal, disabling, disconnecting, or discontinuation of use of the "CourtSmart" audio-video systems in various courtrooms to conceal her excessive tardiness, as set forth in Count One.

COUNT THREE

APPLICABLE CANONS/RULES

- Canon 1: Judges shall uphold the independence, integrity, and impartiality of the judiciary and shall avoid impropriety and the appearance of impropriety in all of their activities.
- Rule 1.2 (A): Judges shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary.
- Rule 1.2 (B): An independent and honorable judiciary is indispensable to justice in our society. Judges shall participate in establishing, maintaining, and enforcing high standards of conduct, and shall personally observe such standards of conduct so that the independence, integrity, and impartiality of the judiciary may be preserved. The provisions of this Code should be construed and applied to further that objective.
- Canon 2: Judges shall perform the duties of judicial office impartially, competently, and diligently.
- Rule 2.1: The judicial duties of judges take precedence over all their other activities. Their judicial duties include all

duties prescribed by law. But primarily, judges serve as the arbiters of facts and law for the resolution of disputes.

Rule 2.2: Judges shall dispose of all judicial matters fairly, promptly, and efficiently.

Rule 2.7: Judges shall hear and decide matters assigned to them, except those in which they are disqualified.

ALLEGATIONS OF MISCONDUCT

Judge Gundy violated one, or all, of the above referenced Canons and Rules by failing to fairly, promptly, and efficiently dispose of the business of the court due to her willful and persistent pattern of absenteeism during, but not limited to, January 2016 through May 2018.

COUNT FOUR

APPLICABLE CANONS/RULES

Canon 1: Judges shall uphold the independence, integrity, and impartiality of the judiciary and shall avoid impropriety and the appearance of impropriety in all of their activities.

Rule 1.2 (A): Judges shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary.

Rule 1.2 (B): An independent and honorable judiciary is indispensable to justice in our society. Judges shall participate in establishing, maintaining, and enforcing high standards of conduct, and shall personally observe such standards of conduct so that the independence,

integrity, and impartiality of the judiciary may be preserved. The provisions of this Code should be construed and applied to further that objective.

ALLEGATIONS OF MISCONDUCT

Judge Gundy violated one, or all, of the above referenced Canons and Rules by instructing Atlanta Municipal Court Operations Manager Cheryl Allen to stop producing and disseminating “case count” calendars and session calendars in order to conceal her pattern of improper absenteeism.

COUNT FIVE

APPLICABLE CANONS/RULES

- Canon 1: Judges shall uphold the independence, integrity, and impartiality of the judiciary and shall avoid impropriety and the appearance of impropriety in all of their activities.
- Rule 1.1: Judges shall respect and comply with the law.
- Rule 1.2 (A): Judges shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary.
- Rule 1.2 (B): An independent and honorable judiciary is indispensable to justice in our society. Judges shall participate in establishing, maintaining, and enforcing high standards of conduct, and shall personally observe such standards of conduct so that the independence, integrity, and impartiality of the judiciary may be

preserved. The provisions of this Code should be construed and applied to further that objective.

Canon 2: Judges shall perform the duties of judicial office impartially, competently, and diligently.

Rule 2.1: The judicial duties of judges take precedence over all their other activities. Their judicial duties include all duties prescribed by law. But primarily, judges serve as the arbiters of facts and law for the resolution of disputes.

Rule 2.2: Judges shall dispose of all judicial matters fairly, promptly, and efficiently.

Rule 2.7: Judges shall hear and decide matters assigned to them, except those in which they are disqualified.

ALLEGATIONS OF MISCONDUCT

Judge Gundy violated one, or all, of the above referenced Canons and Rules by failing to provide defendants including, but not limited to, the defendants listed below, constitutionally or statutorily required hearings to afford them due process of law, resulting in multiple individuals being unlawfully incarcerated:

<u>Individual</u>	<u>Initial Hearing</u>	<u>Date Habeas Filed</u>	<u>Date Signature Bond</u>
William Gary Arnold	March 8, 2017	March 13, 2017	March 15, 2017
Daniel Bennett	March 8, 2017	March 13, 2017	March 15, 2017
James Faust	March 8, 2017	March 13, 2017	March 14, 2017
Gustova Ramirez	March 8, 2017	March 13, 2017	March 14, 2017
Glenroy Walters	March 8, 2017	March 13, 2017	March 15, 2017
Dwight Ward	March 8, 2017	March 13, 2017	March 15, 2017

COUNT SIX

APPLICABLE CANONS/RULES

- Canon 1: Judges shall uphold the independence, integrity, and impartiality of the judiciary and shall avoid impropriety and the appearance of impropriety in all of their activities.
- Rule 1.3: Judges shall not lend the prestige of their office to advance the private interests of the judge or others.
- Canon 2: Judges shall perform the duties of judicial office impartially, competently, and diligently.
- Rule 2.4 (B): Judges shall not permit family, social, political, financial, or other interests or relationships to influence the judge's judicial conduct or judgement.

ALLEGATIONS OF MISCONDUCT

Judge Gundy violated one, or all, of the above referenced Canons and Rules when she engaged in abusive or otherwise inappropriate conduct by:

(A) Attempting to improperly influence the appointment of an Atlanta Municipal Court Public Defender;

(B) Threatening to terminate security officer Kelton Hill's employment if he failed to secure seats for herself and her family at the 2018 Mayoral inauguration;
and

(C) Using profane language to respond in a hostile and abusive manner to a good-faith inquiry by Atlanta Municipal Court Judge Christopher Ward.

COUNT SEVEN

APPLICABLE CANONS/RULES

Canon 1: Judges shall uphold the independence, integrity, and impartiality of the judiciary and shall avoid impropriety and the appearance of impropriety in all of their activities.

Rule 1.2 (A): Judges shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary.

Rule 1.2 (B): An independent and honorable judiciary is indispensable to justice in our society. Judges shall participate in establishing, maintaining, and enforcing high standards of conduct, and shall personally observe such standards of conduct so that the independence, integrity, and impartiality of the judiciary may be preserved. The provisions of this Code should be construed and applied to further that objective.

Rule 1.3: Judges shall not lend the prestige of their office to advance private interests of the judge or others.

ALLEGATIONS OF MISCONDUCT

Judge Gundy violated one, or all, of the above referenced Canons and Rules by using Court resources for matters unrelated to court business and for her own and others personal benefit.

COUNT EIGHT

APPLICABLE CANONS/RULES

Canon 1: Judges shall uphold the independence, integrity, and impartiality of the judiciary and shall avoid impropriety and the appearance of impropriety in all of their activities.

Rule 1.1: Judges shall respect and comply with the law.

ALLEGATIONS OF MISCONDUCT

Judge Gundy violated one, or all, of the above referenced Canons and Rules when she provided false written or oral statements to the Panel by:

(A) Misrepresenting that she had not persistently been arriving at the courthouse after the time Court in her courtroom was scheduled to begin;

(B) Misrepresenting that five (5) leave slips provided to the Panel representing thirty-two (32) days Judge Gundy was absent from work in 2017 documented all of her absences in 2017;

(C) Misrepresenting that three (3) leave slips provided to the Panel representing nine (9) days Judge Gundy was absent from work from January 1, 2018 through July 2018 documented all of her absences in 2018;

(D) Misrepresenting that she had no involvement whatsoever in removing, disconnecting, or disabling the “CourtSmart” systems in her courtrooms; and

(E) Misrepresenting her involvement in instructing Cheryl Allen to stop producing and disseminating calendars.

COUNT NINE

APPLICABLE CANONS/RULES

Canon 1: Judges shall uphold the independence, integrity, and impartiality of the judiciary and shall avoid impropriety and the appearance of impropriety in all of their activities.

Rule 1.1: Judges shall respect and comply with the law.

Rule 1.2 (A): Judges shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary.

Rule 1.2 (B): An independent and honorable judiciary is indispensable to justice in our society. Judges shall participate in establishing, maintaining, and enforcing high standards of conduct, and shall personally observe such standards of conduct so that the independence, integrity, and impartiality of the judiciary may be preserved. The provisions of this Code should be construed and applied to further that objective.

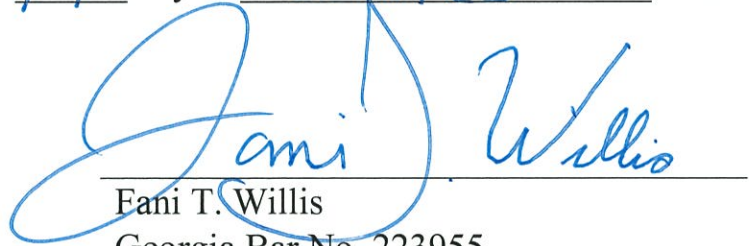
ALLEGATIONS OF MISCONDUCT

To the extent that she provided false written or oral statements to the Panel, Judge Gundy violated O.C.G.A. § 16-10-20 and O.C.G.A. § 45-11-1, thereby also violating the Georgia Code of Judicial Conduct.

NOTICE OF FORMAL CHARGES

Pursuant to Rule 19 and 20 of the Rules of the Judicial Qualifications Commission, by filing these Formal Charges with the Hearing Panel, you are hereby notified of your alleged misconduct and that you are required to file a verified answer to these charges with the Clerk of the Supreme Court and serve a copy on counsel for the Panel. Your answer shall be filed within thirty (30) days after service of these charges. Failure to answer the Formal Charges shall constitute an admission of the factual allegations.

Respectfully submitted this 19th day of June 2019.



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CERTIFICATE OF SERVICE

Pursuant to Judicial Qualifications Commission Rule 13, Counsel for the Commission certifies that she has this day served the following:

Formal Charges

by placing a true and correct copy of the same in the United States mail in an envelope properly addressed with adequate postage thereon to ensure delivery upon the following.

Mr. Frank B. Strickland (Counsel for Judge Gundy)
Taylor English Duma, LLP
1600 Parkwood Circle
Suite 200
Atlanta, GA 30339

This 19th day of June 2019.



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