

In the Supreme Court of Indiana

<p>IN THE MATTER OF</p> <p>THE HONORABLE</p> <p>BRADLEY B. JACOBS</p> <p>CLARK CIRCUIT COURT 2</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Case No. 19S-JD-566</p>
--	---	-----------------------------------

NOTICE OF THE INSTITUTION OF FORMAL PROCEEDINGS AND STATEMENT OF CHARGES

The Indiana Commission on Judicial Qualifications (“Commission”), having found probable cause to warrant formal charges of judicial misconduct, now notifies Respondent, the Honorable Bradley B. Jacobs (“Judge Jacobs”) of the filing of these Charges. These Charges are brought under Admission and Discipline Rule 25 and before the Indiana Supreme Court, which, pursuant to Article 7, § 4 of the Constitution of Indiana, has original jurisdiction over the discipline, suspension, and removal of all judges and judicial officers of this State. The Commission charges that Judge Jacobs, while judge of Clark Circuit Court 2, engaged in judicial misconduct as specifically charged below. Pursuant to Admission and Discipline Rule 25 VIII (F), Judge Jacobs may file a written Answer to these Charges within twenty (20) days of service.

BACKGROUND

1. Judge Jacobs was admitted to the Indiana Bar in 1999.
2. Since January 1, 2015, Judge Jacobs has served as the Judge of Clark Circuit Court 2.

3. At all times pertinent to these Charges, Judge Jacobs presided over a general jurisdiction docket which included criminal and civil cases.

FACTS GIVING RISE TO MISCONDUCT CHARGES

1. From May 1-3, 2019, the Spring Judicial College for the Indiana judiciary was being held in Indianapolis. Judge Jacobs was scheduled to attend the conference and drove from Clark County to Floyd County to pick up another judge and then to Indianapolis the evening of April 30, 2019. He checked into his hotel room in the early evening.
2. After checking into his room, Judge Jacobs went to the hotel lobby bar and drank a scotch, then walked to a nearby restaurant with a judicial colleague to briefly socialize with some other judges. He and the other judge did not stay for dinner and decided, instead, to go to the Ram Restaurant & Brewery, where Judge Jacobs consumed several beers.
3. Judge Jacobs later went to the bar, Howl at the Moon, and was there until at least 10:17 p.m.
4. At some point, Judge Jacobs returned to the hotel. While there, he received a phone call or text from Clark Circuit Court Magistrate William Dawkins (“Magistrate Dawkins”), who informed him that Clark Circuit Court Judge Andrew Adams (“Judge Adams) had arrived in town. Magistrate Dawkins invited Judge Jacobs to go to Brothers Bar & Grill with him, Judge Adams, and Crawford Circuit Court Judge Sabrina Bell (“Judge Bell”).
5. After 12:30 a.m., Judge Jacobs joined Magistrate Dawkins, Judge Adams, and Judge Bell at Brothers Bar & Grill. The group continued to drink alcoholic beverages, socialized, and played darts and cornhole until approximately 3:00 a.m.
6. Around 3:00 a.m., Judge Jacobs, Judge Adams, Judge Bell, and Magistrate Dawkins walked to The Red Garter Gentlemen’s Club and attempted to go in, but the club was

already closed.

7. At approximately 3:15 a.m., Judge Jacobs, Judge Adams, Judge Bell, and Magistrate Dawkins walked over to the nearby White Castle at 55 W. South St.
 - a. Magistrate Dawkins went inside the restaurant, and the other three stood outside along the west side of the restaurant.
 - b. Outside the restaurant, Judge Jacobs, Judge Adams, and Judge Bell behaved in an injudicious manner.
8. At approximately 3:17 a.m., a blue SUV, driven by Alfredo Vazquez (“Vazquez”) in which Brandon Kaiser (“Kaiser”) was a passenger, went past Judge Jacobs, Judge Adams, and Judge Bell.
9. Either Vazquez or Kaiser yelled something out the window which drew the attention of the judges, and Judge Bell extended her middle finger to the occupants of the SUV.
10. Vazquez parked the SUV in the White Castle parking lot, and he and Kaiser got out and moved to the west-side door of White Castle, less than ten feet away from Judge Jacobs, Judge Adams, and Judge Bell.
11. A heated verbal altercation occurred between the judges’ group (Judge Jacobs, Judge Adams, and Judge Bell) and Vazquez and Kaiser, with all participants yelling (including using profanity) and making dismissive, mocking, or insolent gestures toward the other group.
12. At no time during the verbal altercation did Judge Jacobs attempt to move to another location in the parking lot or around the corner of the White Castle in order to avoid a confrontation (or to de-escalate the conflict) with Kaiser and/or Vazquez.
13. After a verbal exchange between Judge Bell and Vazquez, Judge Jacobs and Judge Adams

started moving towards Vazquez and Kaiser, and a physical confrontation ensued.

- a. During most of the physical confrontation, Judge Adams was engaged in contact with Vazquez, with both hitting and kicking each other. Several times, the contact appeared to dissipate, and then the two would re-engage in fighting.
 - b. Judge Jacobs and Kaiser primarily were engaged in wrestling with each other on the ground. At one point, Judge Jacobs was on top of Kaiser and had him contained on the ground. While on top of Kaiser and with his fist raised back, Judge Jacobs remarked, “Okay, okay, we’re done, we’re done” or “This is over. Tell me this is over” or words to that effect.
 - c. Vazquez came over and attempted to get Judge Jacobs off Kaiser. Judge Jacobs began to get up, and Vazquez started a physical confrontation with Judge Jacobs.
 - d. With Judge Jacobs off him, Kaiser began to sit up. At that time, Judge Adams came over and kicked Kaiser in the back.
 - e. Kaiser pulled out a gun and shot Judge Adams in the stomach region. He then went over to Judge Jacobs and Vazquez and fired two more shots at Judge Jacobs in the chest.
 - f. Kaiser and Vazquez then left the scene.
14. Police arrived on the scene at approximately 3:23 a.m., and medical personnel arrived less than five minutes later. Judge Jacobs was transported to Eskenazi Hospital, and Judge Adams was transported to Methodist Hospital.
15. Judge Jacobs’ B.A.L. (blood alcohol level), when tested upon admission at Eskenazi

Hospital (testing his serum blood), was .177.¹

16. Although Judge Jacobs was the target of a grand jury investigation in June 2019, no criminal charges were filed against Judge Jacobs.²

CHARGES

The Commission incorporates the facts set out in ¶¶ 1 to 16 into the Charges below.

COUNT 1

The Commission charges that, on May 1, 2019, Judge Jacobs appeared in public in an intoxicated state just outside the White Castle at 55 W. South St., Indianapolis, and behaved in an injudicious manner that reflected poorly on the judiciary. By engaging in this conduct, Judge Jacobs violated Rule 1.2 of the Code of Judicial Conduct, which requires a judge to act at all times in a manner that promotes public confidence in the integrity, independence, and impartiality of the judiciary and to avoid impropriety and the appearance of impropriety, and Rule 3.1(C) of the Code of Judicial Conduct, which requires a judge to not participate in extrajudicial activities that would appear to a reasonable person to undermine the judge's integrity, independence, or impartiality.

¹ Judge Jacobs' blood alcohol level was tested using serum blood. A test using whole blood would have led to a lower B.A.L (approximately .13) but still over the legal intoxication limit.

² In compliance with I.C. 35-34-2-10(b), the Commission has never received any information from the grand jury. All information arose from independent sources.

COUNT 2

The Commission charges that, on May 1, 2019, Judge Jacobs was involved in a verbal altercation with Alfredo Vazquez and/or Brandon Kaiser, which led to a physical confrontation with Brandon Kaiser. By engaging in this conduct, Judge Jacobs violated Rule 1.2 of the Code of Judicial Conduct, which requires a judge to act at all times in a manner that promotes public confidence in the integrity, independence, and impartiality of the judiciary and to avoid impropriety and the appearance of impropriety, and Rule 3.1(C) of the Code of Judicial Conduct, which requires a judge to not participate in extrajudicial activities that would appear to a reasonable person to undermine the judge's integrity, independence, or impartiality.

WHEREFORE, the Commission respectfully requests that, upon the filing of Judge Jacobs' Answer, the Indiana Supreme Court appoint three Masters to conduct a public hearing on the charges that Judge Jacobs committed judicial misconduct as alleged, and further prays that the Supreme Court find that Judge Jacobs committed misconduct and that it impose upon him the appropriate sanction.

Respectfully submitted,

10/11/19

DATE

Adrienne L. Meiring

Adrienne L. Meiring
Counsel to the Commission
Atty. No. 18414-45

Indiana Commission on
Judicial Qualifications
251 N. Illinois St., Ste. 1600
Indianapolis, IN 46204
(317) 232-4706

CERTIFICATE OF SERVICE

I certify that a copy of this "Notice of the Institution of Formal Proceedings and Statement of Charges" was sent by certified mail, postage pre-paid, to Judge Jacobs at Clark Circuit Court 2, 501 East Court Avenue, Jeffersonville, IN 47130. A copy was also sent by first class United States mail, postage pre-paid, and electronically to Judge Jacobs' attorney, Mr. Larry O. Wilder, Wilder Office, 530 East Court Avenue, Jeffersonville, IN 47130.

10/11/19

DATE

Adrienne L. Meiring

Adrienne L. Meiring
Counsel to the Commission
Atty. No. 18414-45