

**In the
Supreme Court of Indiana**

IN THE MATTER OF)
)
THE HONORABLE)
) Case No. 19S-JD-386
ANDREW ADAMS)
)
CLARK CIRCUIT COURT 1)

**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 Andrew Adams (“Judge Adams”) 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 Adams, while judge of Clark Circuit Court 1, engaged in judicial misconduct as specifically charged below. Pursuant to Admission and Discipline Rule 25 VIII (F), Judge Adams may file a written Answer to these Charges within twenty (20) days of service.

BACKGROUND

1. Judge Adams was admitted to the Indiana Bar in 2001.
2. Since January 1, 2015, Judge Adams has served as the Judge of Clark Circuit Court 1.
3. At all times pertinent to these Charges, Judge Adams 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 Adams was scheduled to attend the conference and drove from Clark County to Indianapolis the evening of April 30, 2019 and checked into his hotel room.
2. Around 10:00 p.m., Judge Adams met with Crawford Circuit Court Judge Sabrina Bell (“Judge Bell”), Clark Circuit Court Magistrate Williams Dawkins (“Magistrate Dawkins”), and other judicial officers who were finishing up dinner at an Indianapolis restaurant. Some judges went back to the hotel, and the rest of the group went to the Claddagh Irish Pub. Judge Adams drank several alcoholic beverages (beers) while there.
3. Prior to 11:00 p.m., several judicial officers went back to the hotel, leaving Judge Adams, Judge Bell, and Magistrate Dawkins at the Claddagh Irish Pub. Around midnight, Judge Adams, Judge Bell, and Magistrate Dawkins went to Brothers Bar & Grill. Clark Circuit Court Judge Bradley Jacobs (“Judge Jacobs”) met the group at Brothers Bar & Grill after 12:30 a.m., and the group continued to drink alcoholic beverages, socialized, and played darts and cornhole until approximately 3:00 a.m.

4. Around 3:00 a.m., Judge Adams, Judge Jacobs, Judge Bell, and Magistrate Dawkins walked to The Red Garter Gentlemen's Club and attempted to go in, but the club was already closed.
5. At approximately 3:15 a.m., Judge Adams, Judge Jacobs, Judge Bell, and Magistrate Dawkins walked 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 Adams, Judge Jacobs, and Judge Bell behaved in an injudicious manner.
6. 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 Adams, Judge Jacobs, and Judge Bell.
7. 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.
8. 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 Adams, Judge Bell, and Judge Jacobs.
9. A heated verbal altercation occurred between the judges' group (Judge Adams, Judge Bell, and Judge Jacobs) and Vazquez and Kaiser, with all participants yelling (including using profanity) and making dismissive, mocking, or insolent gestures toward the other group.
10. After a verbal exchange between Judge Bell and Vazquez, Judge Adams and Judge Jacobs 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.
 - 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.
11. Police arrived on the scene at approximately 3:23 a.m., and medical personnel arrived less than five minutes later. Judge Adams was transported to Methodist Hospital, and Judge Jacobs was transported to Eskenazi Hospital.
12. Judge Adams told medical personnel that he drank “a lot of Pabst Blue Ribbon” that night. Judge Adams’ B.A.L. (blood alcohol level), when tested upon admission at Methodist Hospital (testing his serum blood), was .213.¹

¹ Judge Adams’ blood alcohol level was tested using serum blood. A test using whole blood would have led to a lower B.A.L (approximately .157) but still over the legal intoxication limit.

13. On June 28, 2019, a special grand jury², through the Prosecutor of Marion County, filed an Indictment against Judge Adams for two counts of Battery Resulting in Moderate Injury, Level 6 felonies; two counts of Battery Resulting in Bodily Injury, Class A misdemeanors; two counts of Battery, Class B misdemeanors; and one count of Disorderly Conduct, a Class B misdemeanor under Case No. 49G18-1906-F6-025482.
14. On September 9, 2019, Judge Adams appeared before the Honorable William Nelson in Marion Superior Court, Criminal Division 18. At that hearing, Judge Adams entered a plea of guilty to Battery Resulting in Bodily Injury, a Class A misdemeanor, pursuant to a plea agreement, in which he admitted to kicking Brandon Kaiser (“Kaiser”) on May 1, 2019 in a rude, insolent, or angry manner resulting in bodily injury (pain) to Kaiser; the deputy prosecutor dismissed the remaining charges.
15. Judge Nelson entered judgment of conviction against Judge Adams for Battery as a Class A misdemeanor and sentenced him to 365 days in jail, which 363 days was suspended with one day of jail credit time. Judge Nelson imposed a fine of \$100 and court costs of 185.00 against Judge Adams.

CHARGES

The Commission incorporates the facts set out in ¶¶ 1 to 15 into the Charges below.

COUNT 1

The Commission charges that, on May 1, 2019, Judge Adams appeared in public in an

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.

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 Adams 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.

COUNT 2

The Commission charges that, on May 1, 2019, Judge Adams was involved in a verbal altercation with Alfredo Vazquez and/or Brandon Kaiser, which led to a physical confrontation with Alfredo Vazquez in which Judge Adams kicked and punched Alfredo Vazquez. By engaging in this conduct, Judge Adams 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.

COUNT 3

The Commission charges that, on May 1, 2019, Judge Adams kicked Brandon Kaiser in the back, which resulted in Judge Adams being indicted and subsequently convicted of

misdemeanor battery. By engaging in this conduct, Judge Adams violated Rule 1.1 of the Code of Judicial Conduct, which requires a judge to respect and comply with the law, and 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.

WHEREFORE, the Commission respectfully requests that, upon the filing of Judge Adams' Answer, the Indiana Supreme Court appoint three Masters to conduct a public hearing on the charge that Judge Adams committed judicial misconduct as alleged, and further prays that the Supreme Court find that Judge Adams 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 and electronically, to Judge Adams c/o his attorneys, Mr. James H. Voyles, Jr. and Ms. Jennifer M. Lukemeyer at Voyles, Vaiana, Lukemeyer, Baldwin & Webb, One Indiana Square, 211 North Pennsylvania Street, Suite 2400, Indianapolis, Indiana 46204.

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