

IN THE 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,

FILED

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APPELLATE COURT CLERK  
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Docket No. M2009-0624—CJ-CJ-CJ

Complainant: The Honorable Joseph S. Daniel, Disciplinary Counsel  
File No. 08-3487

**ANSWER TO FORMAL CHARGES  
IN FIRST AMENDED COMPLAINT**

The Honorable Ronald E. Darby, Judge, General Sessions Court, Benton County, Tennessee and Judge, Camden and Big Sandy, Tennessee, (“Judge Darby”), by and through counsel, in accordance with Tenn. Code Ann. § 17-5-307 (c) and the Tennessee Rules of Civil Procedure answers as follows:

**FIRST AFFIRMATIVE DEFENSE**

The Formal Charges derive from a criminal proceeding brought by the State of Tennessee and currently pending. The prosecution of this case parallel to the criminal proceeding violates Judge Darby’s Due Process rights under the United States Constitution and the Tennessee Constitution. This proceeding must be either dismissed or stayed until the completion of the criminal proceeding.<sup>1</sup>

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<sup>1</sup> Judge Darby notes that Tenn. Code Ann. § 17-5-307(c) requires him to “answer” the formal complaint and not “respond” to the formal complaint. So as to comply with Tenn. Code Ann. § 17-5-307(c), Judge Darby files this answer instead of a motion to dismiss or in the alternative a motion to stay. Judge Darby, however, asks the Court of the Judiciary to either dismiss this action or to order a stay of this action pending the completion of any criminal proceedings upon which this Formal Complaint relies.

**SECOND AFFIRMATIVE DEFENSE**

The Formal Charges fail to state any cause of action against Judge Darby upon which relief may be granted and therefore must be dismissed.

**THIRD DEFENSE**  
**(answers to number paragraphs)**

1. Paragraph 1 states a legal conclusion that does not lend itself to answer and is hence denied.
2. Admitted.

**Count I**

3. Sentence one of paragraph 3 is denied. Judge Darby admits that Mr. Brennan Baker was voluntarily a participant in the Drug Court Program (“DCP”), that Mr. Brennan Baker was assigned work pursuant to the terms of his participation in the DCP. Judge Darby denies that Mr. Brennan Baker was not compensated. Sentence five of paragraph 3 states a legal conclusion that does not lend itself to answer and is hence denied. All other allegations in paragraph 3 not admitted are denied.

**Count II**

4. Sentence one of paragraph 4 is denied. Judge Darby admits that Mr. Jeremy Cole was voluntarily a participant in the DCP, that Mr. Jeremy Cole was assigned work pursuant to the terms of his participation in the DCP and that Mr. Jeremy Cole was not paid money. Sentence five of paragraph 4 states a legal conclusion that does not lend itself to answer

and is hence denied. All other allegations in paragraph 4 not admitted are denied.

### **Count III**

5. Sentence one of paragraph 5 is denied. Judge Darby admits that Mr. Adam Ducharme was voluntarily a participant in the DCP, that Mr. Adam Ducharme was assigned work pursuant to the terms of his participation in the DCP and that Mr. Adam Ducharme was not paid money. Sentence five of paragraph 5 states a legal conclusion that does not lend itself to answer and is hence denied. All other allegations in paragraph 5 not admitted are denied.

### **Count IV**

6. Sentence one of paragraph 6 is denied. Judge Darby admits that Mr. Brandon Ellis was voluntarily a participant in the DCP, that Mr. Brandon Ellis was assigned work pursuant to the terms of his participation in the DCP and that Mr. Brandon Ellis was not paid money. Sentence five of paragraph 6 states a legal conclusion that does not lend itself to answer and is hence denied. All other allegations in paragraph 6 not admitted are denied.

### **Count V**

7. Sentence one of paragraph 7 is denied. Judge Darby admits that Mr. Dee Garrett was voluntarily a participant in the DCP, that Mr. Dee Garrett was assigned work pursuant to the terms of his participation in the DCP and that Mr. Dee Garrett was not paid money. Sentence five of paragraph 7

states a legal conclusion that does not lend itself to answer and is hence denied. All other allegations in paragraph 7 not admitted are denied.

#### **Count VI**

8. Sentence one of paragraph 8 is denied. Judge Darby admits that Mr. Josh Reese was voluntarily a participant in the DCP, that Mr. Josh Reese was assigned work pursuant to the terms of his participation in the DCP and that Mr. Josh Reese was not paid money. Sentence five of paragraph 8 states a legal conclusion that does not lend itself to answer and is hence denied. All other allegations in paragraph 8 not admitted are denied.

#### **Count VII**

9. Sentence one of paragraph 9 is denied. Judge Darby admits that Mr. Ryan Longlois was voluntarily a participant in the DCP, that Mr. Ryan Longlois was assigned work pursuant to the terms of his participation in the DCP and that Mr. Ryan Longlois was not paid money. Sentence five of paragraph 9 states a legal conclusion that does not lend itself to answer and is hence denied. All other allegations in paragraph 9 not admitted are denied.

#### **Count VIII**

10. Sentence one of paragraph 10 is denied. Judge Darby admits that Mr. Anthony Nolan was voluntarily a participant in the DCP, that Mr. Anthony Nolan was assigned work pursuant to the terms of his participation in the DCP and that Mr. Anthony Nolan was not paid money. Sentence five of paragraph 10 states a legal conclusion that does not lend

itself to answer and is hence denied. All other allegations in paragraph 10 not admitted are denied.

**Count IX**

11. Sentence one of paragraph 11 is denied. Judge Darby admits that Mr. Jarrid Sterling was voluntarily a participant in the DCP, that Mr. Jarrid Sterling was assigned work pursuant to the terms of his participation in the DCP and that Mr. Jarrid Sterling was not paid money. Sentence five of paragraph 11 states a legal conclusion that does not lend itself to answer and is hence denied. All other allegations in paragraph 11 not admitted are denied.

**Count X**

12. Sentence one of paragraph 12 is denied. Judge Darby admits that Mr. Justin Wyatt was voluntarily a participant in the DCP, that Mr. Justin Wyatt was assigned work pursuant to the terms of his participation in the DCP and that Mr. Justin Wyatt was not paid money. Sentence five of paragraph 12 states a legal conclusion that does not lend itself to answer and is hence denied. Sentence six is denied. All other allegations in paragraph 12 not admitted are denied.

**Count XI**

13. Sentence one of paragraph 13 is denied. Judge Darby admits that Mr. Matt Hooten was voluntarily a participant in the DCP, that Mr. Matt Hooten was assigned work pursuant to the terms of his participation in the

DCP and that Mr. Matt Hooten was not paid money. Sentence five of paragraph 13 states a legal conclusion that does not lend itself to answer and is hence denied. All other allegations in paragraph 13 not admitted are denied.

14. Paragraph 14 states multiple legal conclusions that do not lend themselves to answer and is hence denied.
15. Paragraph 15 states a legal conclusion that does not lend itself to answer and is hence denied.
16. Paragraph 16 states multiple legal conclusions that do not lend themselves to answer and is hence denied.

#### **Count XI**

17. Sentence one of paragraph 17 states a legal conclusion that does not lend itself to answer and is hence denied. In sentence two of paragraph 17, Judge Darby admits that there was a case in Benton County captioned *State of Tennessee v. Joseph B. May*. In sentence three of paragraph 17, Judge Darby admits that Mr. Dan Bradley, an attorney and part-time General Sessions Judge, represented Mr. May in a case in Benton County captioned *State of Tennessee v. Joseph B. May*. The remainder of sentence three states a legal conclusion that does not lend itself to answer and is hence denied. Sentences four and five state legal conclusions that do not lend themselves to answer and are hence denied. All other allegations in paragraph 17 not admitted are denied.

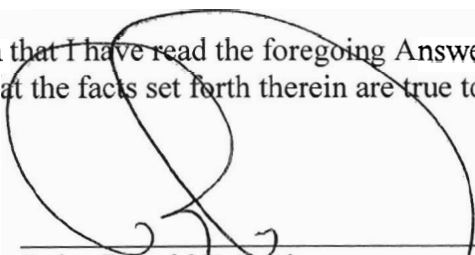
18. Paragraph 18 states multiple legal conclusions that do not lend themselves to answer and is hence denied.

#### **FOURTH DEFENSE**

Judge Darby's counsel has not received information relating to other possible defenses, including information relating to whether Judge Darby's treatment in the Court of the Judiciary is equal to similarly situated judges. For this and other reasons, Judge Darby reserves the right to amend his affirmative defenses.

**VERIFICATION**

I, Judge Ronald E. Darby, make oath that I have read the foregoing Answer to Formal Charges in First Amended Complaint and that the facts set forth therein are true to the best of my knowledge, information and belief.

  
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Judge Ronald E. Darby

STATE OF TENNESSEE        )  
COUNTY OF DAVIDSON     )

Sworn to and subscribed before  
me this 23<sup>rd</sup> day of April, 2009.

  
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Notary Public



My Commission Expires NOV 7, 2012

My Commission Expires: Nov. 7, 2012



Respectfully Submitted,



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**CERTIFICATE OF SERVICE**

Pursuant to Tenn. Code Ann. § 17-5-307(c), the foregoing Answer to Formal Charges in the First Amended Complaint was filed with the court and a true and correct copy was served, via certified mail, on disciplinary counsel:

Honorable Judge J. S. Daniel (Ret.)  
Chief Disciplinary Counsel  
Tennessee Court of the Judiciary  
503 North Maple Street  
Murfreesboro, TN 37130

on this 24<sup>th</sup> day of April, 2009.



*Attorney for Respondent*