

EXECUTIVE DIRECTOR &
GENERAL COUNSEL, ILLINOIS
COURTS COMMISSION

COURTS COMMISSION OF THE
STATE OF ILLINOIS

In re ROBERT K. ADRIAN)
Judge of the Circuit Court,) No. 22 – CC – 04
Eighth Judicial Circuit of the)
State of Illinois)

ANSWER TO AMENDED COMPLAINT

NOW COMES Judge Robert K. Adrian, by his attorneys, KONICEK & DILLON, P.C. and COLLINS BARGIONE & VUCKOVICH, denying any prefatory allegations and for his Answer to the Amended Complaint, states as follows:

**SUMMARY OF ALLEGATIONS
STATEMENT OF FACTS**

I. Reversed Finding of Guilt to Prevent the Defendant from Serving A Mandatory Prison Sentence

1. Respondent has been a judge of the Eighth Judicial Circuit Court of Illinois since 2010.

ANSWER: Admit.

2. On October 13, 2021, a three-day bench trial commenced in the case of the People of the State of Illinois v. Drew Clinton, 2021-CF-396, in which the Defendant, Drew Clinton stood charged with three Counts of Criminal Sexual Assault. Respondent presided over the trial.

ANSWER: Admit.

3. On October 15, 2021, at the conclusion of the three-day bench trial, Respondent found the Defendant, Drew Clinton guilty of one Count of Criminal Sexual Assault (Count 3) and not guilty on the other two Counts (Counts 1 and 2). After the finding of guilt, the case was continued to January 3, 2022, for hearing on post-trial motions and sentencing

ANSWER: Admit.

4. On January 3, 2022, after post-trial motions were heard, Respondent, based upon his finding of the Defendant, Drew Clinton's guilt, acknowledged that he was required to impose a mandatory sentence of incarceration in the Illinois Department of Corrections upon

him. However, Respondent informed that he would not impose that sentence stating: "That is not just. There is no way for what happened in this case that this teenager should go to the Department of Corrections. I will not do that."

ANSWER: Admit that Paragraph 4 contains an excerpt of Respondent's statements but states that the full transcript is the best evidence of what Respondent said, and therefore, Respondent denies all characterizations of the record and incomplete citations.

5. In making his intentions clear that he was not going to impose the statutory mandatory sentence, Respondent further stated:

"This Court could find that the sentencing statute for this offense is unconstitutional as applied to this Defendant. But that is not going to solve the problem because, if the Court does that, this Court will be reversed by the Appellate Court, and Mr. Clinton will end up in the Department of Corrections."

Respondent then stated:

"Mr. Clinton has served almost five months in the county jail, 148 days. For what happened in this case, that is plenty of punishment. That would be a just sentence. But the Court can't do that."

ANSWER: Admit that Paragraph 5 contains an excerpt of Respondent's statements but states that the full transcript is the best evidence of what Respondent said, and therefore, Respondent denies all characterizations of the record and incomplete citations.

6. Respondent then, accomplished his objective to circumvent the law and prevent the Defendant, Drew Clinton from having to serve a mandatory sentence of imprisonment, by vacating his prior finding of guilt and finding him not guilty, stating:

"But what this Court can do, because this was a bench trial, the Court will find that the People failed to prove their case on Count 3. The Court is going to reconsider its verdict, is going to find the defendant not guilty on Count 3. And, therefore, the case - the Defendant will be released from custody."

ANSWER: Deny.

7. Respondent's actions constituted willful misconduct in office, conduct that is prejudicial to the administration of justice, and conduct that brings the judicial office into disrepute.

ANSWER: Deny.

II. Retaliated Against Prosecutor for Agreeing with Critical Comments About Him

8. On January 12, 2022, Respondent told a prosecutor who appeared before him that he couldn't be fair with him and to leave the courtroom because the prosecutor had "liked" a comment on a social media post that was critical of him. In so doing, Respondent stated:

"Mr. Jones, you may leave the courtroom. Mr. Jones, you may leave the courtroom. I don't get on social media, but my wife does, and she saw the thumbs up you gave to people attacking me. I can't be fair with you. Get out."

ANSWER: Admit that Paragraph 8 contains an excerpt of Respondent's statements but states that the full transcript is the best evidence of what was stated and the context in which it was stated, and therefore, Respondent denies all characterizations of the record and incomplete citations.

9. Respondent's actions constituted willful misconduct in office, conduct that is prejudicial to the administration of justice, and conduct that brings the judicial office into disrepute.

ANSWER: Deny.

III. Respondent's False and Misleading Testimony Before the Judicial Inquiry Board

10. On April 8, 2022, Respondent appeared before the Illinois Judicial Inquiry Board and testified under oath about the events at issue in the Board's investigation of his alleged misconduct.

ANSWER: Admit.

11. Respondent testified that his decision to reverse his finding of guilt was based upon the evidence and his conclusion that the People had not proved beyond a reasonable doubt that the victim was unable to give consent. Respondent further testified that his reversal was not an effort to "thwart the law." This testimony was false and Respondent knew it was false when he made those statements. Respondent reversed his finding of guilt in order to avoid imposing a mandatory prison sentence upon the Defendant, Drew Clinton.

ANSWER: Deny.

12. Respondent's false testimony before the Board constituted willful misconduct

in office, conduct that is prejudicial to the administration of justice, and conduct that brings the judicial office into disrepute.

ANSWER: Deny.

VIOLATIONS

Count I

Reversed Finding of Guilt to Prevent the Defendant from Serving a Mandatory Prison Sentence

13. The Board incorporates paragraphs 1-12 above.

ANSWER: Respondent references and incorporates his Answers to Paragraphs 1-12 as though fully set forth herein.

14. On January 3, 2022, Respondent, in order to circumvent the law and prevent the Defendant, Drew Clinton from having to serve a mandatory sentence of imprisonment, vacated his prior finding of guilt and found him not guilty.

ANSWER: Deny.

15. The above-described conduct of Respondent violated the Code of Judicial Conduct, Illinois Supreme Court Rule 61, Canon 1, which provides:

A Judge Should Uphold the Integrity and Independence of the Judiciary

An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing, and should personally observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved. The provisions of this Code should be construed and applied to further that objective.

ANSWER: Deny.

16. The above-described conduct of Respondent violated the Code of Judicial Conduct, Illinois Supreme Court Rule 62, Canon 2, which provides:

A Judge Should Avoid Impropriety and the Appearance of Impropriety in All of the Judge's Activities

(A) A judge should respect and comply with the law and should

conduct himself or herself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

ANSWER: Deny.

17. The above-described conduct of Respondent violated the Code of Judicial Conduct, Illinois Supreme Court Rule 63, Canon 3, which provides in pertinent part:

A Judge Should Perform the Duties of Judicial Office Impartially and Diligently

(A)(1) A judge should be faithful to the law and maintain professional competence in it. A judge should be unswayed by partisan interests, public clamor, or fear of criticism.

ANSWER: Deny.

18. The above-described conduct of Respondent violated the Code of Judicial Conduct, Illinois Supreme Court Rule 63, Canon 3, which provides in pertinent part:

A Judge Should Perform the Duties of Judicial Office Impartially and Diligently

(A)(9) A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, including but not limited to bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status, and shall not permit staff, court officials and others subject to the judge's direction and control do so.

ANSWER: Deny.

COUNT II

Retaliated Against Prosecutor for Agreeing with Critical Comments About Him

19. The Board incorporates paragraphs 1- 18 above.

ANSWER: Respondent references and incorporates his Answers to Paragraphs 1-19 as though fully set forth herein.

20. On January 12, 2022, Respondent told a prosecutor who appeared before him that he couldn't be fair with him and to leave the courtroom because the prosecutor had "liked" a comment on a social media post that was critical of Respondent.

ANSWER: Admit that Respondent made a statement that he couldn't be fair with an individual and asked him to leave the courtroom but deny that Paragraph 20 fully or accurately characterizes what was said.

21. The above-described conduct of Respondent violated the Code of Judicial Conduct, Illinois Supreme Court Rule 61, Canon 1, which provides:

A Judge Should Uphold the Integrity and Independence of the Judiciary

An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing, and should personally observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved. The provisions of this Code should be construed and applied to further that objective.

ANSWER: Deny.

22. The above-described conduct of Respondent violated the Code of Judicial Conduct, Illinois Supreme Court Rule 62, Canon 2, which provides:

A Judge Should Avoid Impropriety and the Appearance of Impropriety in All of The Judge's Activities

(A) A judge should respect and comply with the law and should conduct himself or herself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

ANSWER: Deny.

23. The above-described conduct of Respondent violated the Code of Judicial Conduct, Illinois Supreme Court Rule 63, Canon 3, which provides in pertinent part:

A Judge Should Perform the Duties of Judicial Office Impartially and Diligently

(A)(l) A judge should be faithful to the law and maintain professional competence in it. A judge should be unswayed by partisan interests, public clamor, or fear of criticism.

ANSWER: Deny.

24. The above-described conduct of Respondent violated the Code of Judicial Conduct, Illinois Supreme Court Rule 63, Canon 3, which provides in pertinent part:

A Judge Should Perform the Duties of Judicial Office Impartially and Diligently

(A)(9) A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, including but not limited to bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status, and shall not permit staff, court officials and others subject to the judge's direction and control do so.

ANSWER: Deny.

COUNT III
False Testimony Before the Judicial Inquiry Board

25. The Board incorporates paragraphs 1-24 above.

ANSWER: Respondent references and incorporates his Answers to Paragraphs 1-24 as though fully set forth herein.

26. Respondent made what he knew were false and deceptive statements while testifying under oath before the Illinois Judicial Inquiry Board on April 8, 2022.

ANSWER: Deny.

27. In doing so, Respondent violated the Code of Judicial Conduct, Illinois Supreme Court Rule 61, Canon 1, which provides:

A Judge Should Uphold the Integrity and Independence of the Judiciary

An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing, and should personally observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved. The provisions of this Code should be construed and applied to further that objective.

ANSWER: Deny.

28. Through his conduct, Respondent also violated the Code of Judicial Conduct, Illinois Supreme Court Rule 62, Canon 2, which provides, in pertinent part:

A Judge Should A void Impropriety and the Appearance of Impropriety in All of the Judge's Activities

(A) A judge should respect and comply with the law and should conduct himself or herself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

ANSWER: Deny.

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Respectfully submitted,

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