

RESOLUTION NUMBER

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[Introduced]

1 Relating to the impeachment of Allen H. Loughry II, Justice of the West Virginia State Supreme
2 Court, for corruption, incompetency, gross immorality, neglect of duty, and high crimes
3 and misdemeanors in his office of Justice of the West Virginia Supreme Court.
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5 *Resolved*, that Allen H. Loughry II, Justice of the West Virginia Supreme Court, be
6 impeached for corruption, incompetency, gross immorality, neglect of duty, and high crimes and
7 misdemeanors in his office as Justice of the West Virginia Supreme Court;

8 *Resolved further*, that these articles of impeachment culminate from a series of
9 unprecedented revelations to the Committee on the Judiciary of the House of Delegates
10 regarding the statements and actions of Allen H. Loughry II, who in his role as a Justice of the
11 West Virginia Supreme Court, undertook a series of actions and representations, documented
12 by clear evidence and sworn testimonials, which exhibits a pattern of corruption and
13 deceitfulness never before seen in our state judicial system, compels the West Virginia House of
14 Delegates to undertake this constitutional process for his removal from the office of Supreme
15 Court Justice. The facts uncovered by the House of Delegates investigation and represented
16 within these articles of impeachment show that while serving as a Supreme Court Justice, Allen
17 H. Loughry II exhibited a continued and prevailing attitude and pattern of actions in disregard of
18 the rule of law, the Rules and Canons of Judicial Conduct, his sworn constitutional duties, and
19 the sanctity to truthfulness that is imposed upon all state judicial officers, making him unfit to
20 continue to serve as a Justice of the West Virginia State Supreme Court of Appeals.

21 Therefore, these Articles of impeachment proffered by the West Virginia House of
22 Delegates of West Virginia in the name of themselves and all of the people of the State of West
23 Virginia against Allen H. Loughry II, who was elected to the office of Justice of the West Virginia
24 State Supreme Court during the general election of November 6th 2012, subsequently swearing

25an oath to support the Constitution of the United States and the Constitution of West Virginia
26and to faithfully execute the office of and to faithfully discharge the duties thereof to the best of
27his skill and judgment, while holding this office, in violation of this oath, committed the acts as
28set out in these several Articles, and further, upon adoption of this impeachment resolution,
29resolve that Allen H. Loughry II, Justice of the West Virginia State Supreme Court is guilty of and
30therefore be impeached for corruption, incompetency, gross immorality, neglect of duty, and high
31crimes and misdemeanors.

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ARTICLES OF IMPEACHMENT

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Article I.

35 That Allen H. Loughry II, being a Justice of the West Virginia State Supreme Court, in
36violation of his duties of his high office, contrary to his sworn oath to faithfully execute the office
37of Justice of the West Virginia Supreme Court and in violation of state law, while in the exercise
38of his duties and authority, and in violation of his oath and office, then and there did the
39following: Upon his election as Justice, took possession of a valuable antique Cass Gilbert
40executive desk and removed it from the State Capitol to his home, where it remained during his
41term as Supreme Court Justice and for approximately five years, in violation of W.Va. Code §29-
421-7 (b) which prohibits original furniture of the state capitol being removed from the premises,
43and in violation of state criminal law of felony embezzlement pursuant to W.Va. Code §61-3-20.
44Further, he utilized state resources to transport the couch to his home, and once possession of
45the desk became public, to return the desk to the state, all of which constitute use of state
46resources and property for personal gain in violation of the State Ethics Act, W.Va. Code §6B-2-
475, and these actions therefore constitute corruption, incompetency, gross immorality, and high
48crimes and misdemeanors.

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Article II.

51 That Allen H. Loughry II, being a Justice of the West Virginia State Supreme Court, in
52 violation of his duties of his high office, contrary to his sworn oath to faithfully execute the office
53 of Justice of the West Virginia Supreme Court and in violation of state law, while in the exercise
54 of his duties and authority, then and there did the following: Removed from Supreme Court
55 offices a blue-green leather couch that had been donated to the Court in 2009 by the family of
56 the late Justice Joe Albright, which during the years of 2009 and 2012 had been used by Justice
57 Thomas McHugh. Upon its removal the couch was taken to Justice Loughry II's home at state
58 expense and placed in or near his living room until it was later returned at state expense when
59 his possession of it became known to the public. He then issued false public statements of the
60 ownership and status of the couch. These actions violate state unclaimed property law pursuant
61 to W.Va. Code 36-8-1 et seq., and state criminal law of felony embezzlement pursuant to W.Va.
62 Code §61-3-20, and constitute use of state resources and property for personal gain in violation
63 of the State Ethics Act, W.Va. Code §6B-2-5, and these actions therefore constitute corruption,
64 incompetency, gross immorality, and high crimes and misdemeanors.

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Article III.

67 That Allen H. Loughry II, being a Justice of the West Virginia State Supreme Court, in
68 violation of his duties of his high office, contrary to his sworn oath to faithfully execute the office
69 of Justice of the West Virginia Supreme Court and in violation of state law, while in the exercise
70 of his duties and authority, then and there did the following: Intentionally made false statements
71 while under oath before the West Virginia House of Delegates Finance Committee, with
72 deliberate intent to deceive, regarding renovations and purchases for his office, asserting that
73 he had no knowledge and involvement in these renovations, where evidence presented clearly
74 demonstrate his in-depth knowledge and participation in these renovations, and his intentional
75 efforts to deceive members of the Legislature about his participation and knowledge of these
76 acts while under oath constitute false swearing in violation of W.Va. Code §61-5-2, constitute

77failure to perform official duties pursuant to W.Va. Code §61-5-28, and therefore constitute
78corruption, incompetency, gross immorality, neglect of duty, and high crimes and misdemeanors.
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80 **Article IV.**

81 That Allen H. Loughry II, being a Justice of the West Virginia State Supreme Court, in
82violation of his duties of his high office, contrary to his sworn oath to faithfully execute the office
83of Justice of the West Virginia Supreme Court and in violation of state law, while in the exercise
84of his duties and authority, then and there did the following: Beginning in 2012, intentionally
85acquired and used state government computer equipment and hardware for personal use,
86utilized state resources to install computer access services at his home for personal use, and
87utilized state resources to provide maintenance and repair of computer services for his
88residence resulting from personal use, in violation of state criminal law of felony embezzlement
89pursuant to W.Va. Code §61-3-20, and which also constitute use of state resources for
90personal gain in violation of the State Ethics Act, W.Va. Code 6B-2-5, and therefore constitute
91corruption, incompetency, gross immorality, neglect of duty, and high crimes and misdemeanors.
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93 **Article V.**

94 That Allen H. Loughry II, being a Justice of the West Virginia State Supreme Court, in
95violation of his duties of his high office, contrary to his sworn oath to faithfully execute the office
96of Justice of the West Virginia Supreme Court and in violation of state law, while in the exercise
97of his duties and authority, then and there did the following: Beginning in 2013, and throughout
98his period serving as Supreme Court Justice, repeatedly utilized in a pattern and practice,
99publicly owned vehicles and a state gas credit card for personal use, which therefore constitutes
100use of state resources for personal gain in violation of the State Ethics Act, W.Va. Code 6B-2-5,
101and these actions therefore constitute corruption, incompetency, gross immorality, neglect of
102duty, and high crimes and misdemeanors.

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Article VI.

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That Allen H. Loughry II, being a Justice of the West Virginia State Supreme Court, in violation of his duties of his high office, contrary to his sworn oath to faithfully execute the office of Justice of the West Virginia Supreme Court and in violation of state law, then and there did the following: Continually and, in certain instances under oath, before federal officials, with specific intent to deceive, lied and misrepresented his actions relating to among other things, his role in the remodeling of his office suite, his taking of the aforementioned coach and desk, and other matters herein referenced, for the purpose of covering up his corrupt acts as set out in these articles, and is now under federal indictment on 23 counts, including 16 counts of mail fraud, two counts of wire fraud, three counts of making false statements to a federal agent, one count of witness tampering, and one count of obstruction of justice, and these federal indictment counts allude to and are consistent with and corroborated by evidence received by the House of Delegates Committee on the Judiciary, constitute corruption, incompetency, gross immorality, neglect of duty, and high crimes and misdemeanors.

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Article VII.

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That Allen H. Loughry II, being a Justice of the West Virginia State Supreme Court, in violation of his duties of his high office, contrary to his sworn oath to faithfully execute the office of Justice of the West Virginia Supreme Court and in violation of state law, while in the exercise of his duties and authority, in violation of his oath and office, then and there did the following: Directed that personal pictures and items be placed in customized picture frames be paid for by state monies, items that were subsequently removed from state offices and converted to his personal use and benefit, in violation of state criminal law of felony embezzlement pursuant to

129W.Va. Code §61-3-20 and also constitutes use of state resources for personal gain in violation
130of the State Ethics Act, W.Va. Code §6B-2-5, and these actions therefore constitute corruption,
131incompetency, gross immorality, neglect of duty, and high crimes and misdemeanors.

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Article VIII.

134 That Allen H. Loughry II, being a Justice of the West Virginia State Supreme Court, in
135violation of his duties of his high office, contrary to his sworn oath to faithfully execute the office
136of Justice of the West Virginia Supreme Court and in violation of state law, concurrent with the
137findings of the West Virginia Judicial Investigation Commission, and based on evidence
138presented to the House of Delegates Committee on the Judiciary, has repeatedly violated the
139State Code of Judicial Conduct, while in the exercise of his duties and authority in violation of
140his oath and office. These findings caused the Supreme Court of Appeals, on June 8, 2018, to
141indefinitely suspend Allen H. Loughry II from serving as a Supreme Court Justice without pay,
142pending the resolution of charges, based upon the Commission's findings that he then and there
143did violate several provisions of state law which are denoted in other articles of impeachment,
144and further, is in violation of the following provisions of the Code of Judicial Conduct, which in
145most cases, he violated multiple times:

146 Rule 1.1. - Compliance with the Law (Both current and prior versions, amended

147 2015)

148 Rule 1.2 - Confidence in the Judiciary

149 Rule 1.3 - Avoiding Abuse of the Prestige of Judicial Office

150 Rule 2.4 (A) and (B) - External Influences on Judicial Conduct

151 Rule 2.5 (A) -and (B) – Competence, Diligence, and Cooperation

152 Rule 2.6 (A) Ensuring the Right to be Heard

153 Rule 2.12 (A) and (C) – Supervisory Duties

154 Rule 3.1 (A), (B), and (E) Extrajudicial Activities in General

155 Rule 8.4 (a), (b), (c) and (d) – Misconduct

156 *Further*, that the following Judicial Canons were also violated:

157 Canon I – Integrity of the Judiciary

158 Canon 2A Avoiding Impropriety and the Appearance of Impropriety

159 Canon 2B – Avoiding Abuse of the Prestige of Judicial Office

160 Canon 3C (1) Administrative Responsibilities

161 Canons 4A (2) and (3) – Extra-Judicial Activities

162 Allen H. Loughry II's violations of these Rules and Canons reflect that his actions were
163contrary to his sworn oath to faithfully execute the office of Justice of the West Virginia Supreme
164Court to the best of his skill and judgement, and as the purpose of the Code of Judicial Conduct
165is to assure the integrity of the state judicial system, and pursuant to the Code of Judicial
166Conduct, the most severe action that the Court can undertake, suspension without pay, has
167been invoked against Allen H. Loughry pending the final action of the Judicial Hearing Board.
168The Commission further found that probable cause exists that Allen H. Loughry II engaged in
169these actions in a pattern and practice of lying and using his office for private gain, and that
170aggravating circumstances exist in this case because of Allen H. Loughry II's regular
171representations that he was extremely knowledgeable on issues of government and ethics and
172advocates this expertise through his writings and public representations. Much of the evidence
173used by the Judicial Investigation Commission has also been presented to the House of
174Delegates Committee on the Judiciary, which has also entered into evidence the Judicial
175Investigation Commission findings, and these actions therefore constitute corruption,
176incompetency, gross immorality, neglect of duty, and high crimes and misdemeanors.

177Resolved by the :

178 *Wherefore*, the said Allen H. Loughry II, Justice of the West Supreme Court for the State
179of West Virginia, is guilty of corruption, incompetency, gross immorality, neglect of duty, and high
180crimes and misdemeanors.

181 *Therefore,* the House of Delegates of West Virginia, saving to themselves the liberty
182and rights of exhibiting at any time hereafter to further offer any further articles against said
183Allen H. Loughry II, Justice of the West Virginia State Supreme Court, and also of replying to his
184answers which he may make unto the articles herein proffered against him, and of offering proof
185to any and all of the articles herein contained, and every part thereof, and to all and every other
186article, accusation or impeachment, which shall be exhibited by the said House of Delegates as
187the case may require, do demand that the said Allen H. Loughry II, as herein charged against
188him, may be put to answer, and that such proceedings, examinations, trials and judgments, may
189be thereupon had, given and taken, as be agreeable to the Constitution and laws of West
190Virginia, and as justice may require.