

ORIGINAL

IN THE TENNESSEE COURT OF THE JUDICIARY

IN RE: THE HONORABLE JAMES TAYLOR
GENERAL SESSIONS COURT JUDGE
HAWKINS COUNTY, TENNESSEE

2012 FEB 24 AM 8:51

APPELLATE COURT CLERK
NASHVILLE

Docket No. M2011-00706-CJ-CJ-CJ

ANSWER AND
MOTION TO DISMISS

COMES NOW the Hon. James Taylor, and files this Answer and Motion to Dismiss to the Formal Charges and Amended Complaint/Formal Charges filed, and shows as follows:

COUNTS I-IV

1. The Formal Charges and Amended Complaint/Formal Charges filed against Judge Taylor allege, among other things, acts that could be deemed in contradiction of Tenn. Code Ann. Title 39. Based upon these allegations, Judge Taylor has been advised by counsel to assert and invoke, and hereby does respectfully assert and invoke, his privilege against self-incrimination guaranteed by the Fifth Amendment of the United States Constitution and under Article I, Section 9 of the Tennessee Constitution, and therefore, Judge Taylor must respectfully decline to make further response at this time than is contained herein this pleading.

COUNT V

2. Judge Taylor denies the allegations in Count V, and furthermore shows, by Amended Complaint/Formal Charges, that Count V has been “deleted” or withdrawn by Disciplinary Counsel.

GENERAL DEFENSE

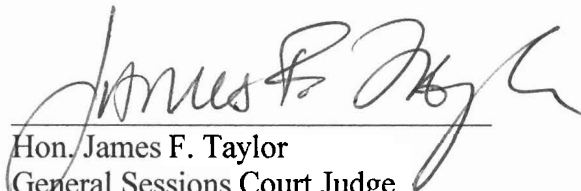
3. The charges fail to state a judicial offense for which Judge Taylor might be disciplined under the Tennessee Code of Judicial Conduct or the Tennessee Code.

AFFIRMATIVE DEFENSES

4. Disciplinary Counsel is estopped from charging Judge Taylor with alleged judicial offenses for which he merely followed or adhered to Tennessee law, including case law, statutory law, rules, regulations, and judicial ethics opinions.
5. Judge Taylor’s due process rights, as codified in Tenn. Code Ann. 17-5-304, were violated in that he was not provided thirty (30) days opportunity to respond to the inquiry made by Disciplinary Counsel before charges were filed. More specifically, charges were incorrectly filed before the expiration of Judge Taylor’s statutory mandated time to respond to the inquiry, and this error has in effect been recognized in the filing of the Amended Complaint/Formal Charges.

WHEREFORE, Judge Taylor requests that the Formal Charges and Amended Complaint/Formal Charges should be dismissed and denied.

This the 23rd day of February 2012.



Hon. James F. Taylor
General Sessions Court Judge
Hawkins County, Tennessee
PO BOX 157
Rogersville, TN 37857

CERTIFICATE OF SERVICE

I, James Taylor, hereby certify that I have served a true and exact copy of the foregoing, on the following individual(s), via United States mail, postage prepaid, addressed as follows:

Timothy Discenza
The Tennessee Court of the Judiciary
P.O. Box 50356
Nashville, TN 37205

THIS the 23 day of February 2012



JAMES TAYLOR