

No. _____

IN THE
Supreme Court of the United States

BETH LEWIS MAZE,

Petitioner,

v.

KENTUCKY JUDICIAL CONDUCT COMMISSION,

Respondent.

**MOTION FOR STAY PENDING REVIEW
BY THE UNITED STATES SUPREME COURT
PURSUANT TO SCR 23**

Pursuant to SCR 23, Beth Lewis Maze (Judge Maze), by counsel, respectfully moves this Court for an order staying execution and enforcement of the Opinion and Order rendered on June 13, 2019 by the Kentucky Supreme Court allowing the Kentucky Judicial Conduct Commission (JCC) to proceed with an administrative hearing prior to her criminal trial. Judge Maze offers the following in support of her motion:

In a split 4-3 decision, the Kentucky Supreme Court entered a lengthy Opinion and Order on June 13, 2019 affirming the JCC's denial of Judge Maze's motion to stay further proceedings in the administrative action pending resolution of her criminal case. The Opinion and Order included well-reasoned dissents from Kentucky Supreme Court Justices Keller and Lambert, joined by Justice Wright, expressing clear disagreement on a critical issue concerning Judge Maze's Fifth Amendment

right against self-incrimination. *See Beth Lewis Maze v. Kentucky Judicial Conduct Commission*, 2018-SC-000633-RR at *15-33 (Ky.2019). Along those lines, 28 U.S.C. §2101(c) indicates that:

Any other appeal or any writ of certiorari intended to bring any judgment or decree in a civil action, suit or proceeding before the Supreme Court for review shall be taken or applied for within ninety days after the entry of such judgment or decree. A justice of the Supreme Court, for good cause shown, may extend the time for applying for a writ of certiorari for a period not exceeding sixty days.

Additionally, 28 U.S.C. §2101(f) states as follows:

In any case in which the final judgment or decree of any court is subject to review by the Supreme Court on writ of certiorari, the execution and enforcement of such judgment or decree may be stayed for a reasonable time to enable the party aggrieved to obtain a writ of certiorari from the Supreme Court. The stay may be granted by a judge of the court rendering the judgment or decree or by a justice of the Supreme Court and may be conditioned on the giving of security, approved by such judge or justice, that if the aggrieved party fails to make application for such writ within the period allotted therefore, or fails to obtain an order granting his application, or fails to make his plea good in the Supreme Court, he shall answer for all damages and costs which the other party may sustain by reason of the stay.

With these considerations in mind, Justice Lambert's dissent specifically notes:

Here, the JCC can show no prejudice to its case against Judge Maze by giving deference to the weightier criminal prosecution at hand. No citizens are at risk of harm as the safeguards of temporary removal and special judges are in place. Judge Maze has even been banned from the courthouses except to appear in her criminal cases. In fact, should Judge Maze be convicted, then the JCC case is greatly simplified. Yet Judge Maze's constitutional rights are on the line here, in both the JCC and criminal cases. Should she be improperly removed from office, there is no way to adequately restore her to her position to which she has been elected. Additionally, should the JCC

remove her permanently prior to her criminal trial, that fact could be admitted against her in the criminal trial. At the very least should she testify at the JCC hearing, those statements could be used against her in the criminal trial. Therefore, I cannot join the majority.

Beth Lewis Maze v. Kentucky Judicial Conduct Commission, 2018-SC-000633-RR at *30 (Ky.2019). Justice Lambert's analysis provides more than sufficient justification for this Court to grant Judge Maze's request for an order staying execution and enforcement of the Kentucky Supreme Court's Opinion and Order until after resolution of her criminal case.

The Kentucky Supreme Court's Opinion and Order in this case implicates two of the most basic, fundamental constitutional rights afforded to all citizens—The right to remain silent and the right to due process of law. Judge Maze cannot be said to have waived these protections simply because she was elected to serve as a public official. Instead, Judge Maze must be permitted to exercise her constitutional rights in the same manner as any other citizen. The requested stay will give allow her to do so.

WHEREFORE, the Movant respectfully requests as follows:

1. That this Court enter an order staying execution and enforcement of the June 13, 2019 Kentucky Supreme Court's June 13, 2019 Opinion and Order pending review by the United States Supreme Court.
2. Any and all other relief that any Justice or the Court deems necessary.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that true and accurate copies of the foregoing Motion for Stay was served pursuant to SCR 29, upon all parties required to be served by serving the foregoing by 1st class mail and via electronic mail, on this the 4th day of September 2019 to the following:

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Supreme Court of Kentucky

2018-SC-000633-RR

BETH LEWIS MAZE, CIRCUIT JUDGE

APPELLANT

V.

IN SUPREME COURT

KENTUCKY JUDICIAL CONDUCT COMMISSION

APPELLEE


ORDER GRANTING STAY PENDING REVIEW BY THE SUPREME COURT OF THE UNITED STATES

On motion of the appellant, Beth Lewis Maze, pursuant to CR 76.44(b), a stay of execution and enforcement of this Court's Opinion and Order entered June 13, 2019, which became final on June 25, 2019, is granted for a period of ninety (90) days to and including September 23, 2019, in order that Beth Lewis Maze may make application to the Supreme Court of the United States for a Writ of Certiorari. Additional stays should be obtained from the United States Supreme Court.

Further action before the Judicial Conduct Commission in Maze's judicial conduct disciplinary proceeding is similarly stayed pending the filing of a Petition for Writ of Certiorari with the Supreme Court of the United States.

ENTERED: August ~~2011~~ 2019.


JUSTICE MICHELLE M. KELLER


JUSTICE DEBRA HEMBREE LAMBERT