

In the Supreme Court of Indiana

IN THE MATTER OF)	
)	
THE HONORABLE)	
)	
WILLIAM PAUL GREENAWAY)	Case No. 19S-JD-165
)	
FORMER MAGISTRATE OF)	
)	
HAMILTON SUPERIOR COURT)	

**NOTICE OF THE INSTITUTION OF FORMAL PROCEEDINGS AND
STATEMENT OF CHARGES**

The Indiana Commission on Judicial Qualifications, having found probable cause to warrant formal charges of judicial and attorney misconduct, now notifies Respondent, William P. Greenaway, of the filing of these Charges. These Charges are brought under Admission and Discipline Rule 25 and before the Indiana Supreme Court, which, pursuant to Article 7, § 4 of the Constitution of Indiana, has original jurisdiction over the discipline, suspension, and removal of all judicial officers and lawyers of this State. The Commission charges that Respondent, while a Magistrate of Hamilton Superior Court and a member of the Indiana Bar, engaged in judicial and attorney misconduct as specifically charged below. Pursuant to Admission and Discipline Rule 25 VIII (F), Respondent may file a written Answer to these Charges within twenty days of service.

BACKGROUND

1. Respondent was admitted to the Indiana Bar in 1996, and his law license currently is in active status.
2. From September 11, 2007 to March 26, 2019, Respondent was a Magistrate of Hamilton Superior Court.
3. On March 25, 2019, the Hamilton County Prosecutor filed an Information against Respondent for one count of Possession of Methamphetamine, a Level 6 felony; one count of Resisting Law Enforcement, a Level 6 felony; and one count of Obstruction of Justice, a Level 6 felony in case no. 29D05-1903-F6-002149.
4. On March 25, 2019, the Indiana Commission on Judicial Qualifications filed with the Indiana Supreme Court a Notice of Criminal Charges and Request for Suspension.
5. On March 26, 2019, the Indiana Supreme Court suspended Respondent with pay, effective that same date, due to the filing of felonies against Respondent.
6. On March 26, 2019, the Hamilton County Superior and Circuit Court Judges voted to fire Respondent, and Respondent was terminated as a Magistrate that same date.

FACTS GIVING RISE TO MISCONDUCT CHARGES

1. On Wednesday, March 20, 2019, some time after 5:44p.m., Indiana State Police Detectives arrested Respondent in the Goodwill Store parking lot located at 16650 Mercantile Boulevard in Noblesville, Indiana for possession of methamphetamine after monitoring a drug transfer taking place between C.I. #7386 and Respondent.
2. According to the probable cause affidavit, the controlled drug delivery was the result of an investigation that began in November 2018. During the investigation, Indiana State Police Detectives learned the following:

- a. C.I. #7386 reported having a personal relationship with Respondent and had consumed methamphetamine with Respondent on a number of occasions. C.I. #7386 also indicated that s/he had purchased and arranged methamphetamine transactions multiple times on Respondent's behalf.
 - b. C.I. #7386 further detailed how Respondent usually obtained methamphetamine and that C.I. #7386 likely would be made aware when Respondent next would be looking to purchase methamphetamine.
 - c. C.I. #7386 identified possible sources of supply of methamphetamine for Respondent and reported that Respondent used the code word "coffee" when discussing methamphetamine. C.I. #7386 later provided detectives with a text from Respondent in which he referenced "coffee."
3. On March 20, 2019, Respondent met with C.I. #7386 at the C.I.'s residence around 11:48 a.m. and stayed until 12:52 p.m. During his time in the C.I.'s residence, Respondent provided C.I. #7386 with \$140.00 to purchase methamphetamine for him.
- a. Immediately prior to Respondent's meeting at the C.I.'s residence, Indiana State Police Detectives searched C.I. #7386's property and secured hidden audio and video equipment in the residence.
 - b. After Respondent left the residence, an Indiana State Police Detective reviewed the audio/video recordings and heard Respondent ask C.I. #7386, "How much can you get

us?” Respondent then retrieved money from his pocket, counted it, and stated, “Here is one hundred and forty.”

4. Indiana State Police Detectives documented the currency provided by Respondent and given to C.I. #7386. C.I. #7386 then used the money for a controlled purchase of approximately 2.5 grams of methamphetamine from another source at 4:35 p.m. in Hamilton County.
 - a. After the purchase, an Indiana State Police Sergeant weighed the substance, confirmed through field testing that it was methamphetamine, and then secured a small amount for prosecution purposes.
 - b. C.I. #7386 then arranged to meet Respondent at the Goodwill Store parking lot to deliver the methamphetamine to him.
 - c. After searching C.I. #7386’s vehicle and providing C.I. #7386 with hidden audio and video recording devices, an Indiana State Police Sergeant provided C.I. #7386 with the remaining methamphetamine from the controlled buy in order to complete the controlled delivery to Respondent.
5. Indiana State Police Detectives arrived at the Goodwill parking lot at approximately 5:44 p.m. to monitor the controlled delivery.
 - a. C.I. #7386 got into the passenger seat of Respondent’s vehicle.
 - b. After approximately ten minutes, C.I. #7386 got out of Respondent’s vehicle and gave the take-down signal to indicate that the methamphetamine had been delivered to Respondent.
6. Indiana State Police Detectives and uniform officers blocked Respondent’s vehicle, announced their presence, and ordered Respondent to place his hands on the window.

- a. After observing Respondent place the plastic baggie containing methamphetamine inside his mouth, an Indiana State Police Detective ordered Respondent several times to open his mouth.
 - b. Instead of complying with the Detective's orders, Respondent swallowed the methamphetamine.
 - c. Respondent was handcuffed and placed in custody.
7. An Indiana State Police Detective then reviewed the hidden audio recording from the meeting in the parking lot between C.I. #7386 and Respondent. During the conversation, C.I. #7386 told Respondent that the methamphetamine should weigh "2.5," and Respondent answered, "I'll weigh it out when I get home."
8. Respondent then was taken by ambulance to Riverview Hospital in Noblesville.
9. On August 5, 2020, Respondent appeared before Special Judge Thomas R. Lett in Hamilton Superior Court 5.
 - a. At the hearing, Respondent entered a plea of guilty, pursuant to a plea agreement, to Count 1, Possession of Methamphetamine, and Count 2, Resisting Law Enforcement. The State agreed to dismiss Count 3. A copy of the plea agreement is attached as Exhibit A.
 - b. Special Judge Lett received a factual basis for the plea, took acceptance of the guilty plea and judgment of conviction under advisement, ordered that a presentence investigation report be prepared, and set the matter for a sentencing hearing.
10. On September 23, 2020, Special Judge Thomas R. Lett accepted the guilty plea, entered judgment of conviction on Counts 1 and 2 as Class A misdemeanors (under the alternate misdemeanor statute), and sentenced Respondent to 365 days in jail with 365 days suspended. Special Judge Lett placed Respondent on probation for 365 days to include drug/alcohol

evaluation and any recommended treatment during the probationary term, imposed a \$200 drug interdiction fee, and set court costs at \$235. The sentences on Counts 1 and 2 were ordered to be served concurrently. A copy of the sentencing order is attached as Exhibit B.

CHARGES

The Commission incorporates the facts set out in ¶ 1-10 of the Facts Giving Rise to Misconduct Charges section and ¶ 3 of the Background section.

Count 1

The Commission charges that, on March 20, 2019, Respondent possessed methamphetamine, which resulted in Respondent's arrest and subsequent conviction for Possession of Methamphetamine. By engaging in this conduct, Respondent violated Rule 1.1 of the Code of Judicial Conduct, which requires a judicial officer to respect and comply with the law; Rule 1.2 of the Code of Judicial Conduct, which requires a judicial officer to avoid impropriety and to act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary and to avoid impropriety and the appearance of impropriety; and Rule 8.4(b) of the Rules of Professional Responsibility, which provides that it is professional misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

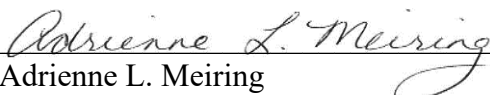
Count 2

The Commission charges that, on March 20, 2019, Respondent attempted to keep the police from recovering evidence against him by swallowing a bag of methamphetamine, which resulted in Respondent's arrest and subsequent conviction for Resisting Law Enforcement. By engaging in this conduct, Respondent violated Rule 1.1 of the Code of Judicial Conduct, Rule 1.2 of the Code of Judicial Conduct, and Rule 8.4(b) of the Rules of Professional Responsibility.

WHEREFORE, the Commission respectfully requests that, upon the filing of Respondent's Answer, the Indiana Supreme Court appoint three Masters to conduct a public hearing on the charges that Respondent committed judicial and attorney misconduct as alleged, and further prays that the Supreme Court find that Respondent committed misconduct and that it impose upon him the appropriate sanction.

Respectfully submitted,

October 9, 2020
DATE



Adrienne L. Meiring
Counsel to the Commission
Atty. No. 18414-45

Indiana Commission on
Judicial Qualifications
251 N. Illinois St., Ste. 1600
Indianapolis, IN 46204
(317) 232-4706

CERTIFICATE OF SERVICE

I certify that a copy of this "Notice of the Institution of Formal Proceedings and Statement of Charges" was sent by email and by first class United States mail, postage prepaid, to Respondent at 16455 Cumberland Rd., Noblesville, IN 46060 on this 9th day of October 2020.

October 9, 2020
DATE

Adrienne L. Meiring
Adrienne L. Meiring
Counsel

FILED
September 24, 2020
CLERK OF THE HAMILTON
CIRCUIT COURT

IN THE HAMILTON SUPERIOR COURT #5

STATE OF INDIANA
VS
WILLIAM PAUL GREENAWAY

CAUSE NO. 29D05-1903-F6-002149

PLEA AGREEMENT

The State of Indiana, by Mark A. McCann, Special Prosecuting Attorney for Hamilton County Indiana; the Defendant William Paul Greenaway; and his/her counsel, Rodney T. Sarkovics, all agree to the following:

Should the Defendant enter a plea of guilty to the charge(s) below and if the court accepts this plea agreement, then the Court shall sentence the Defendant as follows:

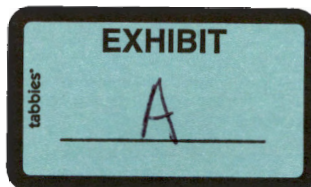
Count 1: Possession of Methamphetamine, Level 6 Felony and Count 2: Resisting Law Enforcement, a Level 6 Felony with sentencing left to the discretion of the Court. The sentences imposed under Counts 1&2 shall run concurrently.

The State will dismiss Count 3.

Defendant states that he/she has read and understands all of the following by initialing each line:

The Defendant is giving up the following rights by pleading guilty;

- WPG The right to a public and speedy trial by jury;
- WPG The right to face and question all witnesses against Defendant at trial;
- WPG The right to subpoena witnesses, at no cost, to testify on Defendant's behalf at trial;
- WPG. The right to require the State to prove Defendant's guilt beyond a reasonable doubt at a trial;
- WPG The right to remain silent; and
- WPG. The right to appeal a finding of guilt if Defendant had gone to trial.



The Defendant understands the following or that his/her attorney has explained the following:

WPG The right to court-appointed attorney for trial and appeal if Defendant cannot afford to hire an attorney;

WPG The minimum and maximum sentence for each crime charged to which he/she is pleading is: Level 6 Felony: a fixed term of imprisonment of between six (6) months and 2 and one half (2 ½) years, with an advisory sentence being one (1) year; in addition, a fine of not more than ten thousand dollars (\$10,000.00). Class A Misdemeanor: a fixed term of not more than one (1) year; in addition, a fine of not more than five thousand dollars (\$5,000.00). Further, the Defendant acknowledges that his/her attorney has advised him/her that prior conviction(s) may possibly be used by the Court to increase the possible sentence and/or the possibility of the imposition of consecutive sentences. Further, the Defendant acknowledges that his/her attorney has advised him/her that the Court, pursuant to statute, can impose consecutive and/or concurrent sentences.

WPG That the Defendant's prior felony or misdemeanor convictions may increase the possible sentence;

WPG That the Court may impose consecutive sentences if Defendant pleads guilty to more than one charge;

WPG That the Court may impose any standard or special terms of probation at the Court's discretion in addition to those terms included in the plea agreement. The Court may also impose a term of restitution as a condition of probation if the Court finds such to be appropriate under the authority of I.C.35-50-5-3, and such term may be in addition to any term of restitution specifically set forth in the plea agreement;

WPG The elements of the charge(s) to which the Defendant is pleading guilty;

WPG That a guilty plea is an admission that the Defendant committed the charge(s);

WPG That if Defendant is pleading guilty to a traffic offense, the record of conviction will be sent to the Bureau of Motor vehicles to be made apart of the Defendant's permanent driving record, and that the conviction may later cause a habitual traffic offender suspension.

WPG The Defendant acknowledges that he/she may have a right, pursuant to the Sixth Amendment to the United States Constitution and Article I, Section 13 of the Indiana Constitution to have a jury determine, by proof beyond a reasonable doubt, the existence of any fact or aggravating circumstance that would allow the Court to impose a sentence in excess of the statutory presumptive sentence and to have the State of Indiana provide written notification of any such fact or aggravating circumstance. The Defendant hereby waives such rights and requests that the Judge of this Court make the determination of the existence of any aggravating and/or mitigating circumstances and impose sentence, after considering the presentence investigation report and any appropriate evidence and argument presented at the sentencing hearing.

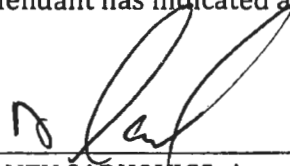
WPG Unless otherwise provided for in this plea agreement, hereby waives his/her right to appeal any discretionary portion of the sentence entered pursuant to and in accordance with this plea agreement and further acknowledges and affirms that this waiver is knowing and made voluntarily. He/she understands that he/she otherwise would have a right to appeal his/her sentence if there is an open plea. The Defendant hereby waives his/her right to appeal the sentence so long as the Court sentences his/her within the terms of the plea agreement. He/she understands and waives his/her right to appeal the proportionality of the sentence under Article I, Section 16 of the Indiana Constitution. *Therefore*, he/she knowingly and voluntarily agrees to waive his/her right to appeal his/her sentence on the basis that it is erroneous or for any other reason so long as the Judge sentences her within the terms of this plea agreement.

WPG Acknowledges that he/she has been advised of, discussed, and understands the potential immigration consequences of this plea, which may include deportation. Defendant further acknowledges that she has been advised of his/her consular rights during these proceedings.

Having read and understood this entire PLEA AGREEMENT, Defendant hereby agrees with and signs this agreement and further states that all this is done intelligently, knowingly, and voluntarily after consultation with his or her attorney this 5 day of August, 2020.

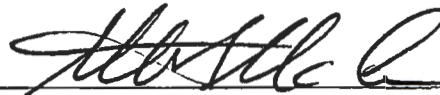

WILLIAM PAUL GREENAWAY, Defendant

The above agreement has been read and approved by the Attorney for the Defendant. By his or her signature, defense counsel acknowledges that he or she has discussed the foregoing provisions with the Defendant and that the Defendant has indicated approval by placing his or her signature thereto.



RODNEY SARKOVICS, Attorney for Defendant

Approved by Special Prosecuting Attorney for Hamilton County, Indiana this 5 day of
August, 2020.



MARK A. MCCANN, Special Prosecuting Attorney

STATE OF INDIANA)
) SS:
COUNTY OF HAMILTON)

IN THE SUPERIOR COURT NO. 5
OF HAMILTON COUNTY

STATE OF INDIANA

v.

CAUSE NO. 29D05-1903-F6-002149

WILLIAM PAUL GREENAWAY

ORDER ON SENTENCING HEARING

The State of Indiana appears by Special Prosecuting Attorney Mark A, McCann and the Defendant appears in person and by counsel Rodney Sarkovics for a sentencing hearing this date. Defendant was previously advised of his rights, a factual basis was established, and Defendant previously entered a plea of guilty to Count 1 Possession of Methamphetamine, a Level 6 felony, and Count 2 Resisting Law Enforcement, a Level 6 felony, on August 5, 2020.

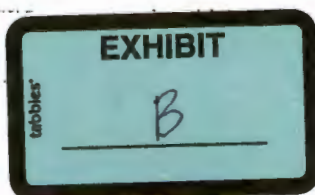
The parties review the presentence investigation report previously filed and corrections are made.

Evidence and argument are received, and the Court now enters judgment of conviction on **Count 1 Possession of Methamphetamine**, as a Class A misdemeanor, and on **Count 2 Resisting Law Enforcement**, as a Class A misdemeanor, and sentences the Defendant as follows:

Count 1: 365 days in the Hamilton County Jail, with 0 days ordered executed and 365 days ordered suspended.

- Court costs in the amount of \$185.00, a \$200 drug interdiction fee, and a administrative probation fee of \$50.00 are imposed.
- Defendant is placed on probation under Count 1 for a period of 365 days under all standard terms of probation and the following special conditions:
 1. Pay all costs and fees.
 2. Complete a CARE drug/alcohol evaluation or equivalent, complying with all treatment recommendations.
 3. Comply with any aftercare recommendations.

Count 2: 365 days in Hamilton County Jail, with 0 days ordered executed and 365 days ordered suspended.



- Defendant is placed on probation under Count 2 for a period of 365 days under all the same probation terms set forth under Count 1.

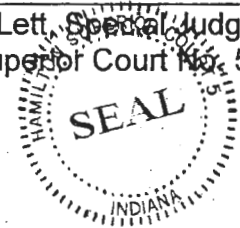
The sentences under Counts 1 and 2 are ordered to run concurrently.

Defendant is advised of appellate rights.

The State's motion to dismiss Count 3 is granted. Defendant is released from the Pretrial Release program. Defendant is ordered to immediately report to the Probation Department.



Thomas R. Lett, Special Judge
Hamilton Superior Court No. 5



Distribution:
M. McCann
R. Sarkovics
Probation