

# HOUSE 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.

4  
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 regarding  
10 the statements and actions of Allen H. Loughry II, who in his role as a Justice of the West Virginia  
11 Supreme Court, undertook a series of actions and representations, documented by clear evidence  
12 and sworn testimonials, which exhibits a pattern of corruption and deceitfulness never before  
13 seen in our state judicial system, compels the West Virginia House of Delegates to undertake this  
14 constitutional process for his removal from the office of Supreme Court Justice. The facts  
15 uncovered by the House of Delegates investigation and represented within these articles of  
16 impeachment show that while serving as a Supreme Court Justice, Allen H. Loughry II exhibited  
17 a continued and prevailing attitude and pattern of actions in disregard of the rule of law, the Rules  
18 and Canons of Judicial Conduct, his sworn constitutional duties, and the sanctity to truthfulness  
19 that is imposed upon all state judicial officers, making him unfit to continue to serve as a Justice  
20 of the West Virginia State Supreme Court of Appeals.

1           Therefore, these Articles of impeachment proffered by the West Virginia House of  
2 Delegates of West Virginia in the name of themselves and all of the people of the State of West  
3 Virginia against Allen H. Loughry II, who was elected to the office of Justice of the West Virginia  
4 State Supreme Court during the general election of November 6<sup>th</sup> 2012, subsequently swearing  
5 an oath to support the Constitution of the United States and the Constitution of West Virginia and  
6 to faithfully execute the office of and to faithfully discharge the duties thereof to the best of his skill  
7 and judgment, while holding this office, in violation of this oath, committed the acts as set out in  
8 these several Articles, and further, upon adoption of this impeachment resolution, resolve that  
9 Allen H. Loughry II, Justice of the West Virginia State Supreme Court is guilty of and therefore be  
10 impeached for corruption, incompetency, gross immorality, neglect of duty, and high crimes and  
11 misdemeanors.

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## **ARTICLES OF IMPEACHMENT**

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### **Article I.**

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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, and in violation of his oath and office, then and there did the following: Upon his election as Justice, took possession of a valuable antique Cass Gilbert executive desk and removed it from the State Capitol to his home, where it remained during his term as Supreme Court Justice and for approximately five years, in violation of W.Va. Code §29-1-7 (b) which prohibits original furniture of the state capitol being removed from the premises, and in violation of state criminal law of felony embezzlement pursuant to W.Va. Code §61-3-20. Further, he utilized state resources to transport the couch to his home, and once possession of the desk became public, to return the desk to the state, all of which constitute use of state resources and property for personal gain in violation of the State Ethics Act, W.Va. Code §6B-2-5, and these

1 actions therefore constitute corruption, incompetency, gross immorality, and high crimes and  
2 misdemeanors.

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**Article II.**

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

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**Article III.**

21 That Allen H. Loughry II, being a Justice of the West Virginia State Supreme Court, in  
22 violation of his duties of his high office, contrary to his sworn oath to faithfully execute the office  
23 of Justice of the West Virginia Supreme Court and in violation of state law, while in the exercise  
24 of his duties and authority, then and there did the following: Intentionally made false statements  
25 while under oath before the West Virginia House of Delegates Finance Committee, with deliberate  
26 intent to deceive, regarding renovations and purchases for his office, asserting that he had no

1 knowledge and involvement in these renovations, where evidence presented clearly demonstrate  
2 his in-depth knowledge and participation in these renovations, and his intentional efforts to  
3 deceive members of the Legislature about his participation and knowledge of these acts while  
4 under oath constitute false swearing in violation of W.Va. Code §61-5-2, constitute failure to  
5 perform official duties pursuant to W.Va. Code §61-5-28, and therefore constitute corruption,  
6 incompetency, gross immorality, neglect of duty, and high crimes and misdemeanors.

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**Article IV.**

9 That Allen H. Loughry II, being a Justice of the West Virginia State Supreme Court, in  
10 violation of his duties of his high office, contrary to his sworn oath to faithfully execute the office  
11 of Justice of the West Virginia Supreme Court and in violation of state law, while in the exercise  
12 of his duties and authority, then and there did the following: Beginning in 2012, intentionally  
13 acquired and used state government computer equipment and hardware for personal use, utilized  
14 state resources to install computer access services at his home for personal use, and utilized  
15 state resources to provide maintenance and repair of computer services for his residence  
16 resulting from personal use, in violation of state criminal law of felony embezzlement pursuant to  
17 W.Va. Code §61-3-20, and which also constitute use of state resources for personal gain in  
18 violation of the State Ethics Act, W.Va. Code 6B-2-5, and therefore constitute corruption,  
19 incompetency, gross immorality, neglect of duty, and high crimes and misdemeanors.

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**Article V.**

22 That Allen H. Loughry II, being a Justice of the West Virginia State Supreme Court, in  
23 violation of his duties of his high office, contrary to his sworn oath to faithfully execute the office  
24 of Justice of the West Virginia Supreme Court and in violation of state law, while in the exercise  
25 of his duties and authority, then and there did the following: Beginning in 2013, and throughout  
26 his period serving as Supreme Court Justice, repeatedly utilized in a pattern and practice, publicly

1 owned vehicles and a state gas credit card for personal use, which therefore constitutes use of  
2 state resources for personal gain in violation of the State Ethics Act, W.Va. Code 6B-2-5, and  
3 these actions therefore constitute corruption, incompetency, gross immorality, neglect of duty,  
4 and high crimes and misdemeanors.

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#### **Article VI.**

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

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#### **Article VII.**

23 That Allen H. Loughry II, being a Justice of the West Virginia State Supreme Court, in  
24 violation of his duties of his high office, contrary to his sworn oath to faithfully execute the office  
25 of Justice of the West Virginia Supreme Court and in violation of state law, while in the exercise

1 of his duties and authority, in violation of his oath and office, then and there did the following:  
2 Directed that personal pictures and items be placed in customized picture frames be paid for by  
3 state monies, items that were subsequently removed from state offices and converted to his  
4 personal use and benefit, in violation of state criminal law of felony embezzlement pursuant to  
5 W.Va. Code §61-3-20 and also constitutes use of state resources for personal gain in violation of  
6 the State Ethics Act, W.Va. Code §6B-2-5, and these actions therefore constitute corruption,  
7 incompetency, gross immorality, neglect of duty, and high crimes and misdemeanors.

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### **Article VIII.**

10 That Allen H. Loughry II, being a Justice of the West Virginia State Supreme Court, in  
11 violation of his duties of his high office, contrary to his sworn oath to faithfully execute the office  
12 of Justice of the West Virginia Supreme Court and in violation of state law, concurrent with the  
13 findings of the West Virginia Judicial Investigation Commission, and based on evidence presented  
14 to the House of Delegates Committee on the Judiciary, has repeatedly violated the State Code of  
15 Judicial Conduct, while in the exercise of his duties and authority in violation of his oath and office.  
16 These findings caused the Supreme Court of Appeals, on June 8, 2018, to indefinitely suspend  
17 Allen H. Loughry II from serving as a Supreme Court Justice without pay, pending the resolution  
18 of charges, based upon the Commission's findings that he then and there did violate several  
19 provisions of state law which are denoted in other articles of impeachment, and further, is in  
20 violation of the following provisions of the Code of Judicial Conduct, which in most cases, he  
21 violated multiple times:

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

23 2015)

24 Rule 1.2 - Confidence in the Judiciary

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

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

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

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

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

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

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

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

7 Canon I – Integrity of the Judiciary

8 Canon 2A Avoiding Impropriety and the Appearance of Impropriety

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

10 Canon 3C (1) Administrative Responsibilities

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

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

1 *Resolved by the House of Delegates:*

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

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