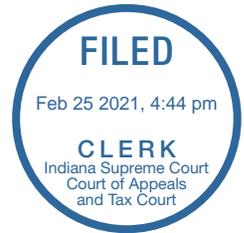


# In the Indiana Supreme Court

In the Matter of: Timothy L. Bookwalter,  
Respondent

Supreme Court Case No.  
19S-DI-574



## Published Judgment in Favor of Respondent

Upon review of the report of the hearing officer, the Honorable Daniel J. Vanderpool, who was appointed by this Court to hear evidence on the Indiana Supreme Court Disciplinary Commission's verified disciplinary complaint, the Court finds that Respondent did not engage in professional misconduct and enters judgment for Respondent.

**Charge:** The Commission alleged that Respondent violated Indiana Professional Conduct Rule 3.8(d) by failing, as a prosecutor, to make timely disclosure to the defense of all evidence or information known to the prosecutor that tends to negate the guilt of the accused or mitigates the offense.

**Discussion:** The hearing officer concluded the Commission failed to meet its burden of proving the charged violation, and the Commission has not filed a petition seeking our review. "Where . . . the hearing officer's report is unchallenged, we accept and adopt the findings contained therein with the understanding that final determination as to disciplinary violations and sanction rests with this Court." Matter of Davis, 740 N.E.2d 855, 856 (Ind. 2001). Accordingly, we adopt and incorporate by reference the hearing officer's findings of fact, and on those findings we likewise conclude that the Commission has failed to prove the charged rule violation.

The Court therefore **finds that the allegation of misconduct was not proven and enters judgment for Respondent**. The hearing officer appointed in this case is discharged with the Court's appreciation.

Done at Indianapolis, Indiana, on 2/25/2021.

A handwritten signature in black ink that reads "Loretta H. Rush".

Loretta H. Rush  
Chief Justice of Indiana

All Justices concur.