

BEFORE THE COURT OF THE JUDICIARY  
OF  
ALABAMA

In the Matter of M. JOHN )  
STEENSLAND, JR., Retired ) Court of the Judiciary  
District Judge of Houston ) Case No. 39  
County in the Twentieth )  
Judicial Circuit of Alabama )

COMPLAINT

The Alabama Judicial Inquiry Commission brings this complaint against M. John Steensland, Jr., Retired District Judge of Houston County in the Twentieth Judicial Circuit of Alabama. The facts and charges, upon which this complaint is based, averred separately and severally, are as follows:

COUNT I

Facts

1. M. John Steensland, Jr. (hereinafter "Judge Steensland") took office as a district judge of Houston County in the Twentieth Judicial Circuit of Alabama on January 26, 1989. He voluntarily retired on May 7, 2010,

approximately fifteen months into a six-year term and after the Alabama Judicial Inquiry Commission had initiated its investigation. He currently receives a monthly pension as a retired judge of \$9,292.85.

2. On January 5, 2010, Ms. Stacie D. Rae went to the Houston County District Court and entered a "not guilty" plea for driving her vehicle eighty-three (83) miles per hour in a sixty-five (65) mile-per-hour zone. *State v. Stacie Deanna Flowers*, TR-2009-012012. On February 24, 2010, Ms. Rae returned to the Houston County District Court for the trial of the traffic citation against her. Court was to convene at 8:30 a.m. The docket of traffic cases to be heard that day was divided between Judge Steensland and the other district judge according to whether the defendant in the case was represented by counsel. It was the usual practice for Judge Steensland to preside in the cases of the pro se defendants. He presided that day in forty-one (41) cases of defendants, including Ms. Rae, who did not have representation.

3. Before Judge Steensland entered the courtroom, Ms. Julie Johnson, the supervisor of the District Criminal/Traffic Division of the Office of the Houston

County Circuit Clerk, asked each defendant, in alphabetical order, if he or she intended to plead "guilty" or "not guilty." She then gave Houston County Assistant District Attorney Banks Smith the clerk's files of eight to ten defendants who had asserted the right to trial, including Ms. Rae.

4. While those in the courtroom were waiting for Judge Steensland to arrive, law enforcement officers warned them to be on their best behavior because Judge Steensland was late and probably in a bad mood. Judge Steensland entered the courtroom about forty minutes late and immediately began yelling. He stated that he wanted to try the cases in reverse alphabetical order of the defendant surnames. Ms. Rae's trial was first.<sup>1</sup>

5. During Ms. Rae's proceeding, her demeanor was respectful and professional. However, during her testimony, Judge Steensland looked away, rolled his eyes, and audibly sighed.

6. After hearing the evidence, Judge Steensland found Ms. Rae guilty of speeding and, in bad faith, sentenced her

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<sup>1</sup>Ms. Rae's citation was issued in her maiden surname "Flowers."

to ten days in the county jail. Houston County Deputy Sheriff Jeff Hunter handcuffed Ms. Rae and placed her in leg irons. As she was marched in front of the bench to the other side of the courtroom, she explained to Judge Steensland that she is a combat veteran, has post-traumatic-stress disorder ("PTSD"), and should not be in handcuffs.

7. Judge Steensland then stated in substance to the other forty defendants, "Y'all pay attention. Does anyone else in here want to waste my time with a trial?"<sup>2</sup>

8. Ms. Rae was seated approximately ten feet from Judge Steensland the remainder of the court session. During that approximately two-hour period, she was crying, shaking, and sometimes almost convulsing. Assistant District Attorney Smith told Deputy Hunter to tell Ms. Rae to calm down; that, at the end of the docket, he would make a motion to Judge Steensland to set aside her sentence; and that Judge Steensland would probably reduce her sentence. Clerk

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<sup>2</sup>The quotation of dialogue, throughout this charging document, is not intended to infer that the quoted material is an excerpt from a transcription of a court proceeding, for the Commission is not aware of the existence of any recording of the proceedings referenced herein. The Commission's use of quotations is intended rather to facilitate the approximate description, to the best of the Commission's ability, of dialogue and conversation, i.e., in those words or words to that effect.

Johnson also told Deputy Hunter to tell Ms. Rae that she (Ms. Rae) was not going to jail because either she would be accepted for suspended work release or Assistant District Attorney Smith would make a motion to suspend her sentence. (Clerk Johnson was aware that Judge Steensland would frequently sentence a defendant to jail, let that defendant sit handcuffed in the courtroom until court was adjourned, and then release that defendant on the prosecution's recommendation or acceptance into suspended work release.) Deputy Hunter repeatedly told Ms. Rae in substance, in his attempts to comfort her, "If you just keep quiet, everything will work out. He's going to let you off. You're going to make it worse for yourself. If you were in real trouble, he would have already had you go out back." He also warned her numerous times that she needed to calm down before she made Judge Steensland mad and that her crying was going to make her situation worse.

9. During the approximately two-hour period Ms. Rae continued to be in visible distress approximately ten feet from Judge Steensland, Judge Steensland called each defendant to the bench. Whenever a defendant showed any interest in possibly wanting to plead "not guilty," Judge

Steensland inquired, with a chuckle, in substance, "Would you also like to plead 'not guilty'?" After the outcome in Ms. Rae's case, none of the remaining defendants maintained his or her initial assertion of the right to plead "not guilty" and have a trial. Several defendants stated in substance, "No, I don't want to end up in handcuffs like her - I'll plead 'guilty.'"

10. To one defendant, Judge Steensland stated in substance, "Well, if you want to end up in the same state as this young lady did, then you can go ahead."

11. To another defendant, Judge Steensland stated in substance, "Well, if you're gonna plead 'not guilty,' I can go ahead and tell you what's gonna happen." After that defendant pointed to Ms. Rae and stated that he did not want to go to jail, Judge Steensland looked at Ms. Rae and then replied in substance, "That's probably a wise decision."

12. During the court session, Judge Steensland ridiculed defendants by yelling insults, such as in substance, "You're not very bright, are you?" and "You're just ignorant, aren't you?" Those defendants would agree with him in substance, i.e., "No, sir, I'm not very bright."; "Yes, sir, I guess I am ignorant."; "Yes, sir, I

am stupid, and I have no ambition."; and "There's no excuse for me."

13. During the court session, Judge Steensland included profanities, such as "God damn," "damn," "shit," and "hell," when he yelled at various defendants, e.g., in substance, "God damn it, you people are making me mad."

14. After several defendants had appeared, Judge Steensland yelled in substance, "I'm tired of you all's sorry asses giving me a bunch of sorry damn excuses all the time, I don't want to hear it."

15. Judge Steensland slammed his hand on the bench and yelled in substance, "Damn it! I am tired of getting lied to." He also yelled in substance, "Don't come up here wasting my time if you know you did it."

16. Judge Steensland said to one defendant in substance, "Well, hell, if you're going to do that, why don't you next time rob someone?"

17. After one outburst, Judge Steensland apologized, stating in substance, "I'm sorry for saying God's name in vain. Y'all just make me so damn mad with ya'll's excuses."

18. During the court session, Judge Steensland permitted law enforcement officers to frequently laugh at his antics, e.g., jokes and comments directed at defendants.

19. When an effeminate, young man who was dressed as a female approached the bench for his case, Judge Steensland asked him in substance, "How are you today?" and the defendant responded appropriately. Judge Steensland immediately turned to the young man's mother and, in a condescending tone, asked in substance, "Wow, are you proud of him?"

20. After all defendants after Ms. Rae had pleaded "guilty" and left the courtroom, except for a defendant who was also handcuffed, Assistant District Attorney Smith made a motion to reduce Ms. Rae's sentence to the minimum fine and court costs. Judge Steensland called Ms. Rae to the bench. He told her that, upon reconsideration, he had decided she would not go to jail after all, but would only pay a fine and court costs. On the order sentencing Ms. Rae to serve ten days in jail, he added the notation, "but jail sentence set aside as defendant's sentence \$50 fine and costs."

21. Then, as Ms. Rae was getting more upset, Deputy Hunter took her to a room adjacent to the courtroom. There, Assistant District Attorney Smith apologized. Deputy Hunter told her to not say anything. He jokingly warned her not to go first next time.

22. In approximately two hours,<sup>3</sup> Judge Steensland had disposed of forty-one cases - cases in which each defendant had asserted, at least at arraignment, the right to trial.

23. When Judge Steensland returned from lunch, Ms. Rae's husband, Mr. Joseph James Rae II, and Ms. Rae were waiting to see him. Mr. Rae, referring to his wife who was crying, asked Judge Steensland in substance, "Are you responsible for this?" Judge Steensland chuckled and said in substance, "Yeah, I suppose I am." Mr. Rae explained that Ms. Rae is an United States Army combat veteran with a 100% disability as a result of injuries she received while serving in Iraq (a shattered arm and elbow and traumatic brain injury) and that she suffers from PTSD. He asked Judge Steensland if he was aware of those circumstances. Judge Steensland responded by chuckling. Then, Mr. Rae said in substance, "You know, I'm just going to stop. We are going to file a formal complaint with the Alabama Judicial Inquiry Commission." Still chuckling, Judge Steensland

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<sup>3</sup>It is customary for the court clerk to enter, into the court's computerized docket system, the judge's adjudication at the time the judge announces it. The computer entry of Ms. Rae's sentence was made at 9:38 a.m., and the entry of Judge Steensland's amendment of that sentence was made at 11:17 a.m.

replied in substance, "Well, you can go ahead and give it your best shot, and we'll see how that works out for you." Even though he was chuckling, Judge Steensland was visibly mad.

24. While Deputy Hunter escorted the Raes out of the courthouse, he explained to them that they could not do anything about Judge Steensland because he is a judge; as a judge, he makes the rules; and they had to know their "place in the world." He also stated that he might agree with the Raes, but he could not do or say anything because he has to obey Judge Steensland. Mr. Rae replied that the Judicial Inquiry Commission is to judge the judge and monitor his actions to prevent treatment such as that received by Ms. Rae. Finally, Deputy Hunter apologized and stated that the entire judicial system was not like that.

## CHARGES

### Charge One

25. Judge Steensland, a district judge of Houston County in the Twentieth Judicial Circuit, while serving in that capacity, *failed to observe high standards of conduct so that the integrity and independence of the judiciary may*

*be preserved*, as required by **Canon 1** of the Alabama Canons of Judicial Ethics, in that, separately and severally, he engaged in the conduct alleged in paragraphs 4 through 7, 9 through 20, 22, and 23, in or pertaining to the matter described in paragraph 2 of this complaint and under the circumstances or leading to the circumstances described in paragraphs 3, 8, 21, and 24.

#### Charge Two

26. Judge Steensland, a district judge of Houston County in the Twentieth Judicial Circuit, while serving in that capacity, *failed to avoid impropriety and the appearance of impropriety in all his activities*, as required by **Canon 2** of the Alabama Canons of Judicial Ethics, in that, separately and severally, he engaged in the conduct alleged in paragraphs 4 through 7, 9 through 20, 22, and 23, in or pertaining to the matter described in paragraph 2 of this complaint and under the circumstances or leading to the circumstances described in paragraphs 3, 8, 21, and 24.

#### Charge Three

27. Judge Steensland, a district judge of Houston County in the Twentieth Judicial Circuit, while serving in

that capacity, *failed to respect and comply with the law*, as required by **Canon 2A** of the Alabama Canons of Judicial Ethics, in that, separately and severally, he engaged in the conduct alleged in paragraphs 4 through 7, 9 through 20, 22, and 23, in or pertaining to the matter described in paragraph 2 of this complaint and under the circumstances or leading to the circumstances described in paragraphs 3, 8, 21, and 24.

#### Charge Four

28. Judge Steensland, a district judge of Houston County in the Twentieth Judicial Circuit, while serving in that capacity, *failed to conduct himself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary*, as required by **Canon 2A** of the Alabama Canons of Judicial Ethics, in that, separately and severally, he engaged in the conduct alleged in paragraphs 4 through 7, 9 through 20, 22, and 23, in or pertaining to the matter described in paragraph 2 of this complaint and under the circumstances or leading to the circumstances described in paragraphs 3, 8, 21, and 24.

Charge Five

29. Judge Steensland, a district judge of Houston County in the Twentieth Judicial Circuit, while serving in that capacity, *failed to maintain the decorum and temperance befitting his office*, as required by **Canon 2B** of the Alabama Canons of Judicial Ethics, in that he engaged in the conduct alleged in paragraphs 4 through 7, 9 through 19, and 23, in or pertaining to the matter described in paragraph 2 of this complaint and under the circumstances or leading to the circumstances described in paragraphs 3, 8, 20 through 22, and 24.

Charge Six

30. Judge Steensland, a district judge of Houston County in the Twentieth Judicial Circuit, while serving in that capacity, *failed to avoid conduct prejudicial to the administration of justice that brings the judicial office into disrepute*, as required by **Canon 2B** of the Alabama Canons of Judicial Ethics, in that, separately and severally, he engaged in the conduct alleged in paragraphs 4 through 7, 9 through 20, 22, and 23, in or pertaining to the matter described in paragraph 2 of this complaint and under

the circumstances or leading to the circumstances described in paragraphs 3, 8, 21, and 24.

Charge Seven

31. Judge Steensland, a district judge of Houston County in the Twentieth Judicial Circuit, while serving in that capacity and *in the performance of his adjudicative duties, failed to be faithful to the law*, as required by **Canon 3A(1)** of the Alabama Canons of Judicial Ethics, in that he engaged in the conduct alleged in paragraphs 4 through 7, 9 through 20, and 22, in or pertaining to the matter described in paragraph 2 of this complaint and under the circumstances or leading to the circumstances described in paragraphs 3, 8, 21, 23, and 24.

Charge Eight

32. Judge Steensland, a district judge of Houston County in the Twentieth Judicial Circuit, while serving in that capacity and *in the performance of his adjudicative duties, failed to maintain order and decorum in proceedings before him*, as required by **Canon 3A(2)** of the Alabama Canons of Judicial Ethics, in that he engaged in the conduct

alleged in paragraphs 4 through 7 and 9 through 19, in or pertaining to the matter described in paragraph 2 of this complaint and under the circumstances or leading to the circumstances described in paragraphs 3, 8, and 20 through 24.

#### Charge Nine

33. Judge Steensland, a district judge of Houston County in the Twentieth Judicial Circuit, while serving in that capacity and *in the performance of his adjudicative duties, failed to be patient, dignified, and courteous to litigants and others with whom he deals in his official capacity*, as required by **Canon 3A(3)** of the Alabama Canons of Judicial Ethics, in that, separately and severally, he engaged in the conduct alleged in paragraphs 4 through 7, 9 through 19, and 22, in or pertaining to the matter described in paragraph 2 of this complaint and under the circumstances or leading to the circumstances described in paragraphs 3, 8, 20, 21, 23, and 24.

#### Charge Ten

34. Judge Steensland, a district judge of Houston County in the Twentieth Judicial Circuit, while serving in

that capacity and *in the performance of his adjudicative duties, failed to accord to every person who is legally interested in a proceeding full right to be heard according to law*, as required by **Canon 3A(4)** of the Alabama Canons of Judicial Ethics, in that, separately and severally, he engaged in the conduct alleged in paragraphs 4 through 7 and 9 through 19, in or pertaining to the matter described in paragraph 2 of this complaint and under the circumstances or leading to the circumstances described in paragraphs 3, 8, and 20 through 24.

## COUNT II

### Facts

35. On February 25, 2010, the day after Ms. Rae's appearance before Judge Steensland, Ms. Rae disclosed her experience in Judge Steensland's court to several media outlets. Shortly after Ms. Rae talked to an employee at the newspaper *Dothan Eagle*, Ms. Johnson (the District Criminal/Traffic Division supervisor who frequently serves as Judge Steensland's court clerk) called Ms. Rae on the telephone, pursuant to Judge Steensland's directive, and obtained Ms. Rae's mailing address because Judge Steensland wanted to send her something.

36. On February 25 or 26, 2010, a *Dothan Eagle* employee gave Ms. Rae a letter dated February 25, 2010, and signed by Judge Steensland. It had been released to *Dothan Eagle* by Judge Steensland's office.

37. Portions of Judge Steensland's letter to Ms. Rae and Judge Steensland's comments to a *Dothan Eagle* reporter were published in the following article, which appeared on the front page of the February 26, 2010 edition of *Dothan Eagle*, as updated on its website February 26, 2010:

*Woman upset over treatment in court*

A woman who came to court Wednesday to contest a speeding ticket found herself deemed guilty, then handcuffed and sentenced to 10 days in jail, temporarily.

Stacie Flowers Rae claims District Judge John Steensland sentenced her to jail for the speeding charge in order to send a message to the rest of the people in traffic court Thursday who planned to contest their tickets.

Rae said she was the first person to have a bench trial during traffic court Wednesday morning. After pleading her case, she said Steensland pronounced her guilty and sentenced her to jail time. According to state law, the maximum sentence for speeding is 10 days in jail.

"I could not believe it. My jaw flew open like a fly trap. I just sat there shaking and crying," Rae said. "I kept thinking this has to be a mistake. I haven't done anything wrong."

Rae said she was handcuffed and placed near the front of the courtroom while Steensland heard other cases.

She said others in traffic court who had planned to contest their charges decided to plead guilty. Rae said Steensland brought her in front of the bench at the end of traffic court and reduced her sentence to fines and court costs.

Court records indicate Rae was found guilty of speeding at 9:38 a.m. and sentenced to 10 days in jail. At 11:17 a.m., her sentence was changed to zero days in jail. Her total fines and court costs were \$209.

**Steensland acknowledges initially sentencing Rae to jail, but said he did it because he believed she was not telling the truth about her case.**

**"She was basically saying that the trooper is not telling the truth. I tell folks all of the time that if you come in here and try to lie to get out of this, whether it is a ticket or a misdemeanor, I don't take kindly to that," Steensland said.**

Rae said she was not lying about the case. She was charged with speeding in November along with a driver in another vehicle and said her dispute with the arresting officer was over a claim she was following too closely to another vehicle, something for which the officer did not cite her.

**Steensland said sentencing Rae to jail initially was not meant as an intimidation tactic to others in the courtroom.**

**"No, but it may have had that effect," Steensland said. "You can't believe the number of people that come in and lie and think they can get away with it."**

Rae said she intends to file a formal complaint with the Judicial Inquiry Commission.

Rae, a military veteran who was injured in Iraq, said she has been diagnosed with Post Traumatic Stress Disorder. She said the time spent in handcuffs was humiliating and stressful.

Steensland sent Rae a letter of apology Thursday.

**"I was wrong to conclude in court you purposefully attempted to deceive the Court regarding the traffic condition on the occasion of your traffic stop," Steensland wrote. "Had I been more sensitive to your medical condition I would not have detained you in court, but I would have resolved the matter with only a fine as I did upon reconsideration of your sentence that morning."**

**"I regret that I detained you as I did and will work to identify this condition in our military veterans that appear in Court and apply more appropriate remedies in their cases," Steensland wrote.**

(Emphasis added to comments attributed to Judge Steensland.)

38. Immediately before convening a subsequent session of court, Judge Steensland jokingly stated to Ms. Kellie Smith, his court clerk that day, in substance, "I guess I need to check and see if anybody has PTSD before I start court."

## CHARGES

### Charge Eleven

39. Judge Steensland, a district judge of Houston County in the Twentieth Judicial Circuit, while serving in that capacity, *failed to observe high standards of conduct so that the integrity and independence of the judiciary may be preserved*, as required by **Canon 1** of the Alabama Canons

of Judicial Ethics, in that, separately and severally, he engaged in the conduct alleged in paragraphs 35 through 38 of this complaint.

Charge Twelve

40. Judge Steensland, a district judge of Houston County in the Twentieth Judicial Circuit, while serving in that capacity, *failed to avoid impropriety and the appearance of impropriety in all his activities*, as required by **Canon 2** of the Alabama Canons of Judicial Ethics, in that, separately and severally, he engaged in the conduct alleged in paragraphs 35 through 38 of this complaint.

Charge Thirteen

41. Judge Steensland, a district judge of Houston County in the Twentieth Judicial Circuit, while serving in that capacity, *failed to conduct himself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary*, as required by **Canon 2A** of the Alabama Canons of Judicial Ethics, in that, separately and severally, he engaged in the conduct alleged in paragraphs 35 through 38 of this complaint.

#### Charge Fourteen

42. Judge Steensland, a district judge of Houston County in the Twentieth Judicial Circuit, while serving in that capacity, *failed to avoid conduct prejudicial to the administration of justice that brings the judicial office into disrepute*, as required by **Canon 2B** of the Alabama Canons of Judicial Ethics, in that, separately and severally, he engaged in the conduct alleged in paragraphs 35 through 38 of this complaint.

#### Charge Fifteen

43. Judge Steensland, a district judge of Houston County in the Twentieth Judicial Circuit, while serving in that capacity, *failed to abstain from public comment about a pending or impending proceeding in any court*, as required by **Canon 3A(6)** of the Alabama Canons of Judicial Ethics, in that, separately and severally, he engaged in the conduct as set forth in paragraphs 36 and 37 of this complaint.

### COUNT III

#### Facts

44. On February 24, 2010, Mr. Calen Chacom Marques, an eighteen-year-old, high-school senior, appeared before Judge

Steensland for traffic citations against him for speeding and driving without proof of insurance. Ms. Julie Marques, the defendant's mother, was also present.

45. When Mr. Marques's case was called, his mother was permitted to stand with him before Judge Steensland, and the following colloquy, or words to this effect, occurred:

Judge: Why were you in the other courtroom on the same charges on a previous day?

Ms. Marques: My son's case was continued because we didn't know for sure what to plead that day.

Judge: What do you mean you did not know what to plead?

Ms. Marques: Well, not whether "guilty" or "not guilty"; we didn't know whether to go youthful offender. The only reason we're back is because we were told that he could file youthful offender. And if he filed that, he could do community service and save some money.

Judge: Youthful offender - why would he want to do youthful offender? He could murder somebody before he's twenty-one years old.

Ms. Marques: I would hope not; we are here for a traffic ticket.

Judge: So what are you pleading?

Mr. Marques: "Guilty." I don't want to be in trouble.

Ms. Marques: It's "guilty," "guilty," "guilty." You're too angry.

Judge: I'm not angry.

Ms. Marques: Yes, you're too angry for us to try and give you any excuses or anything. So, just go ahead with "guilty." Whatever you want to do.

Judge: Everybody needs to pay attention here. See what is the smart thing to do.

46. After leaving the courtroom, the Marqueses went to the clerk's office to pay Mr. Marques's fines and court costs, which totaled \$600. Ms. Marques was the first person that day to submit monies to Ms. Linda Jerkins-Kelly, a part-time employee in the District Criminal/Traffic Division. Ms. Marques immediately told Ms. Jerkins-Kelly in substance, "You've got to do something about that judge. He's using the Lord's name in vain and talking that way in front of my son." Ms. Jerkins-Kelly replied in substance, "I can't do anything about a judge." When Ms. Marques stated she needed to talk to someone who had control over Judge Steensland, Ms. Jerkins-Kelly explained that only the Judicial Inquiry Commission is "over" a judge.

47. While talking to Ms. Marques, Ms. Jerkins-Kelly overheard a traffic offender, who was across the room, agreeing with Ms. Marques's complaints. That defendant proclaimed in substance, "That's why I just pled guilty and

want to come pay my ticket - because of Judge Steensland's conduct." Possibly a total of four defendants stated that he or she had been too fearful to assert the right to present a case.

48. Ms. Marques had only \$400 cash, so she asked Ms. Jerkins-Kelly if she could pay the remaining \$200 a week later. Ms. Jerkins-Kelly explained that Ms. Marques would have to ask Judge Steensland. Ms. Marques responded in substance, "That's the meanest judge I've ever seen in my life. I'm scared to go back in there and ask him." Ms. Jerkins-Kelly replied in substance, "That's all you can do."

49. After Ms. Marques left the clerk's office to return to Judge Steensland's courtroom, Ms. Jerkins-Kelly made a telephone call to her supervisor Ms. Johnson, who was assisting Judge Steensland in the courtroom. Ms. Jerkins-Kelly informed Ms. Johnson of the complaints received in the clerk's office, stating the following or words to this effect:

"You've got to talk to him. You've got to do something. I've just spent some time with this lady who was ballistic with me. Julie, from the standpoint of your staff that works in this office, you have got to say something to him because we're the ones getting the flack from it. You cannot allow him to upset these people, and they're coming down here."

50. While on the telephone with Ms. Johnson, Ms. Jerkins-Kelly could hear Judge Steensland talking very loudly.

51. A short time later, Ms. Johnson called Ms. Jerkins-Kelly on the telephone and stated that she had told Judge Steensland what Ms. Jerkins-Kelly had told her. She also informed her that Judge Steensland had just announced in the courtroom that, if anyone goes down to the clerk's office and starts complaining, the clerk's office employee is to get a deputy to arrest that complainant and bring him or her back to Judge Steensland.

52. In the meantime, as Ms. Marques entered Judge Steensland's courtroom to ask him if she could pay her son's fines and costs in two payments a week apart, Judge Steensland announced in substance, "Anyone else want to go downstairs and complain and say anything about anything happening in my courtroom can go to jail. They will go to jail." Ms. Marques left. The clerk's office received no further complaints.

53. In the meantime, Ms. Jerkins-Kelly asked a coworker to notify Houston County Circuit Clerk Carla Woodall of the situation in her office. Ms. Woodall was so

informed at approximately 11:15 a.m. About 11:30 a.m., she entered Judge Steensland's courtroom. She saw Deputy Hunter and Assistant District Attorney Smith, and they were laughing. She asked them in substance, "What's going on?" They replied in substance, "He's on it again today." Ms. Johnson stated in substance that it had been "a wild morning." Then, Ms. Woodall informed them that, despite the fact that Judge Steensland was finished with his docket, no one awaiting disposition of his or her case by the other district judge that day had volunteered to have his or her case heard by Judge Steensland.

#### CHARGES

##### Charge Sixteen

54. Judge Steensland, a district judge of Houston County in the Twentieth Judicial Circuit, while serving in that capacity, *failed to observe high standards of conduct so that the integrity and independence of the judiciary may be preserved*, as required by **Canon 1** of the Alabama Canons of Judicial Ethics, in that, separately and severally, he engaged in the conduct alleged in paragraphs 45, 50, and 52, in or pertaining to the matter described in paragraph 44,

and under the circumstances or leading to the circumstances described in paragraphs 46 through 49, 51, and 53 of this complaint.

Charge Seventeen

55. Judge Steensland, a district judge of Houston County in the Twentieth Judicial Circuit, while serving in that capacity, *failed to avoid impropriety in all his activities*, as required by **Canon 2** of the Alabama Canons of Judicial Ethics, in that, separately and severally, he engaged in the conduct alleged in paragraphs 45, 50, and 52, in or pertaining to the matter described in paragraph 44, and under the circumstances or leading to the circumstances described in paragraphs 46 through 49, 51, and 53 of this complaint.

Charge Eighteen

56. Judge Steensland, a district judge of Houston County in the Twentieth Judicial Circuit, while serving in that capacity, *failed to respect and comply with the law*, as required by **Canon 2A** of the Alabama Canons of Judicial Ethics, in that, separately and severally, he engaged in the

conduct alleged in paragraphs 45 and 52, in or pertaining to the matter described in paragraph 44, and under the circumstances or leading to the circumstances described in paragraphs 46 through 51 and 53 of this complaint.

Charge Nineteen

57. Judge Steensland, a district judge of Houston County in the Twentieth Judicial Circuit, while serving in that capacity, *failed to conduct himself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary*, as required by **Canon 2A** of the Alabama Canons of Judicial Ethics, in that, separately and severally, he engaged in the conduct alleged in paragraphs 45, 50, and 52, in or pertaining to the matter described in paragraph 44, and under the circumstances or leading to the circumstances described in paragraphs 46 through 49, 51, and 53 of this complaint.

Charge Twenty

58. Judge Steensland, a district judge of Houston County in the Twentieth Judicial Circuit, while serving in that capacity, *failed to maintain the decorum and temperance*

*befitting his office, as required by **Canon 2B** of the Alabama Canons of Judicial Ethics, in that he engaged in the conduct alleged in paragraphs 45, 50, and 52, in or pertaining to the matter described in paragraph 44, and under the circumstances or leading to the circumstances described in paragraphs 46 through 49, 51, and 53 of this complaint.*

Charge Twenty-One

59. Judge Steensland, a district judge of Houston County in the Twentieth Judicial Circuit, while serving in that capacity, *failed to avoid conduct prejudicial to the administration of justice that brings the judicial office into disrepute*, as required by **Canon 2B** of the Alabama Canons of Judicial Ethics, in that, separately and severally, he engaged in the conduct alleged in paragraphs 45, 50, and 52, in or pertaining to the matter described in paragraph 44, and under the circumstances or leading to the circumstances described in paragraphs 46 through 49, 51, and 53 of this complaint.

Charge Twenty-Two

60. Judge Steensland, a district judge of Houston County in the Twentieth Judicial Circuit, while serving in

that capacity and *in the performance of his adjudicative duties, failed to be faithful to the law*, as required by **Canon 3A(1)** of the Alabama Canons of Judicial Ethics, in that he engaged in the conduct alleged in paragraphs 45 and 52, in or pertaining to the matter described in paragraph 44, and under the circumstances or leading to the circumstances described in paragraphs 46 through 51 and 53 of this complaint.

Charge Twenty-Three

61. Judge Steensland, a district judge of Houston County in the Twentieth Judicial Circuit, while serving in that capacity and *in the performance of his adjudicative duties, failed to maintain order and decorum in proceedings before him*, as required by **Canon 3A(2)** of the Alabama Canons of Judicial Ethics, in that he engaged in the conduct alleged in paragraphs 45, 50, and 52, in or pertaining to the matter described in paragraph 44, and under the circumstances or leading to the circumstances described in paragraphs 46 through 49, 51, and 53 of this complaint.

Charge Twenty-Four

62. Judge Steensland, a district judge of Houston County in the Twentieth Judicial Circuit, while serving in that capacity and *in the performance of his adjudicative duties, failed to be patient, dignified, and courteous to litigants and others with whom he deals in his official capacity*, as required by **Canon 3A(3)** of the Alabama Canons of Judicial Ethics, in that, separately and severally, he engaged in the conduct alleged in paragraphs 45, 50, and 52, in or pertaining to the matter described in paragraph 44, and under the circumstances or leading to the circumstances described in paragraphs 46 through 49, 51, and 53 of this complaint.

Charge Twenty-Five

63. Judge Steensland, a district judge of Houston County in the Twentieth Judicial Circuit, while serving in that capacity and *in the performance of his adjudicative duties, failed to accord to every person who is legally interested in a proceeding full right to be heard according to law*, as required by **Canon 3A(4)** of the Alabama Canons of Judicial Ethics, in that, separately and severally, he

engaged in the conduct alleged in paragraphs 45 and 52, in or pertaining to the matter described in paragraph 44, and under the circumstances or leading to the circumstances described in paragraphs 46 through 51 and 53 of this complaint.

#### COUNT IV

##### Facts

##### Incident A

64. On November 30, 2009, Ms. Natasha Renee Harris appeared before Judge Steensland as the complaining witness in a charge she had filed against her male companion.

65. When Judge Steensland asked her to tell him the facts supporting the charge, Ms. Harris explained that she has a medical disorder that sometimes affects her short-term memory, as it did when the incident occurred. Judge Steensland immediately said, in a loud, irate voice, in substance, "You're going to jail today. I'm tired of this shit, and I'm not going to put up with anyone coming in here and telling damn lies."

66. Pursuant to Judge Steensland's order, which was rendered in bad faith, Ms. Harris was placed in the county

jail. However, Judge Steensland failed to specify any offense with which he had charged her, and an arrest warrant was not issued.

67. Ms. Harris eventually made bond the following day, December 1, 2009. Her appearance bond states the offense charged was "giving a false name." On January 7, 2010, Active-Retired District Judge Denny Holloway dismissed her case because no arrest warrant had been obtained.

#### Incident B

68. During that same court session on November 30, 2009, Ms. Cynthia Kay McDaniel was present with her daughter, Ms. Alissa Little, who was in the pretrial-diversion program pursuant to Ms. McDaniel's domestic-violence charge against Ms. Little. Ms. Little, a full-time student with a full-time job, was to appear before Judge Steensland for a hearing on whether she should lose her pretrial-diversion status because she had not paid the final payment to complete her compliance with all requirements of the program. Ms. Little paid her final payment before the hearing.

69. When Ms. Little and her mother arrived, Ms. Little was informed that she was going to be put on trial. When

Ms. Little's case was called, Ms. McDaniel was summoned as the first witness for a trial of the original domestic-violence charge. Judge Steensland did not mention the pretrial-diversion program. He did not ask Ms. Little whether she had completed all requirements except paying the final payment.

70. After watching Judge Steensland's treatment of Ms. Harris, i.e., incarcerating her for her lack of memory, Ms. McDaniel explained to Judge Steensland in substance, "Your Honor, I'm so sorry. This happened over two years ago. If you're going to lock people up today because they don't have a memory, then I'm just going to be honest with you up-front and tell you I can't remember parts of what happened that day." At the time, Ms. Daniel was taking three prescribed medications with the recognized side effect of memory loss.

71. Judge Steensland began yelling at Ms. McDaniel, and the following colloquy, or words to this effect, occurred:

Judge: Well, did you write the police report? Is this your handwriting?

Ms. McDaniel: Yes, sir, it does look like it's my handwriting.

Judge: Well, did you write it?

Ms. McDaniel: Yes, sir, if it's my handwriting, I'm going to have to assume that I wrote it. But I'll be honest with Your Honor, I don't even have a memory of writing it. I honestly try to block out things like that that happen to me.

Judge: You better get your damn memory back.

Ms. McDaniel: Your Honor, I'm sorry, but I mean respectfully I don't know how to get my memory back. I can tell you what I was angry with her about, but I have no memory of anybody throwing anything or hitting anybody. But then again, I do have an abusive past, and it doesn't surprise me, knowing my past, that I would block traumatic things like that out.

72. Ms. McDaniel was crying and shaking while standing before Judge Steensland. He looked at Ms. McDaniel's daughter and continued, as follows, or words to this effect:

Judge: Young lady, you want to change your plea today so your mamma doesn't go to jail?

Ms. McDaniel: Your Honor, I don't think my daughter should have to change her plea because I can't remember everything that happened that day. Your Honor, I can remember being angry at my daughter. I can remember what we fought about. I just don't remember who hit who or what happened; I don't remember those things.

Judge: Well, ma'am, you're going to jail then. Handcuff her.

73. Ms. McDaniel was crying uncontrollably and screaming while being taken through the courtroom, saying in substance: "I'm a grandmother of three. I've never been in trouble before in my life. I can't believe I'm going to jail because I don't have a memory."

74. Judge Steensland's incarceration order was issued in bad faith. In addition, he did not specify any offense with which he was charging Ms. McDaniel, and an arrest warrant was not issued.

75. After Ms. McDaniel was taken into custody at approximately 9:30 a.m., she remained in the courtroom until mid-afternoon. Then, she was taken to the jail where she was held without bond or charge until 6:00 p.m. the following day. During that time, she repeatedly asked the offense with which she had been charged and also repeatedly requested to make a telephone call to her attorney. She was told nothing except in substance, "We don't have your paperwork yet." She was eventually allowed to make a telephone call after 10:00 p.m., only after her husband had come to the jail. He attempted to post bond for her, but was told there was no bond. About midnight, Ms. McDaniel was processed, i.e., fingerprinted and photographed. A

jailer told her there was still no paperwork on her, and he confirmed that she was being held without bond. Ms. McDaniel hired an attorney who charged her almost \$1,000 attorney fees and obtained a \$300 appearance bond for her release around 6:00 p.m. the following day, December 1, 2009. The bond listed the charged offense as "giving a false statement."

76. On January 7, 2010, Active-Retired District Judge Denny Holloway dismissed Ms. McDaniel's case because no arrest warrant had been obtained.

#### CHARGES

##### Charge Twenty-Six

77. Judge Steensland, a district judge of Houston County in the Twentieth Judicial Circuit, while serving in that capacity, *failed to observe high standards of conduct so that the integrity and independence of the judiciary may be preserved*, as required by **Canon 1** of the Alabama Canons of Judicial Ethics, in that, separately and severally, he engaged in the conduct alleged in paragraphs 65, 66, 71, 72, and 74, in or pertaining to the matters described in paragraphs 64 and 68, and under the circumstances or leading

to the circumstances described in paragraphs 67, 69, 70, 73, 75, and 76.

Charge Twenty-Seven

78. Judge Steensland, a district judge of Houston County in the Twentieth Judicial Circuit, while serving in that capacity, *failed to avoid impropriety in all his activities*, as required by **Canon 2** of the Alabama Canons of Judicial Ethics, in that, separately and severally, he engaged in the conduct alleged in paragraphs 65, 66, 71, 72, and 74, in or pertaining to the matters described in paragraphs 64 and 68, and under the circumstances or leading to the circumstances described in paragraphs 67, 69, 70, 73, 75, and 76.

Charge Twenty-Eight

79. Judge Steensland, a district judge of Houston County in the Twentieth Judicial Circuit, while serving in that capacity, *failed to respect and comply with the law*, as required by **Canon 2A** of the Alabama Canons of Judicial Ethics, in that, separately and severally, he engaged in the conduct alleged in paragraphs 65, 66, 71, 72, and 74, in or

pertaining to the matters described in paragraphs 64 and 68, and under the circumstances or leading to the circumstances described in paragraphs 67, 69, 70, 73, 75, and 76.

#### Charge Twenty-Nine

80. Judge Steensland, a district judge of Houston County in the Twentieth Judicial Circuit, while serving in that capacity, *failed to conduct himself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary*, as required by **Canon 2A** of the Alabama Canons of Judicial Ethics, in that, separately and severally, he engaged in the conduct alleged in paragraphs 65, 66, 71, 72, and 74, in or pertaining to the matters described in paragraphs 64 and 68, and under the circumstances or leading to the circumstances described in paragraphs 67, 69, 70, 73, 75, and 76.

#### Charge Thirty

81. Judge Steensland, a district judge of Houston County in the Twentieth Judicial Circuit, while serving in that capacity, *failed to maintain the decorum and temperance befitting his office*, as required by **Canon 2B** of the Alabama

Canons of Judicial Ethics, in that he engaged in the conduct alleged in paragraphs 65, 66, 71, 72, and 74, in or pertaining to the matters described in paragraphs 64 and 68, and under the circumstances or leading to the circumstances described in paragraphs 67, 69, 70, 73, 75, and 76.

Charge Thirty-One

82. Judge Steensland, a district judge of Houston County in the Twentieth Judicial Circuit, while serving in that capacity, *failed to avoid conduct prejudicial to the administration of justice that brings the judicial office into disrepute*, as required by **Canon 2B** of the Alabama Canons of Judicial Ethics, in that, separately and severally, he engaged in the conduct alleged in paragraphs 65, 66, 71, 72, and 74, in or pertaining to the matters described in paragraphs 64 and 68, and under the circumstances or leading to the circumstances described in paragraphs 67, 69, 70, 73, 75, and 76.

Charge Thirty-Two

83. Judge Steensland, a district judge of Houston County in the Twentieth Judicial Circuit, while serving in

that capacity and *in the performance of his adjudicative duties, failed to be faithful to the law*, as required by **Canon 3A(1)** of the Alabama Canons of Judicial Ethics, in that he engaged in the conduct alleged in paragraphs 65, 66, 71, 72, and 74, in or pertaining to the matters described in paragraphs 64 and 68, and under the circumstances or leading to the circumstances described in paragraphs 67, 69, 70, 73, 75, and 76.

Charge Thirty-Three

84. Judge Steensland, a district judge of Houston County in the Twentieth Judicial Circuit, while serving in that capacity and *in the performance of his adjudicative duties, failed to maintain order and decorum in proceedings before him*, as required by **Canon 3A(2)** of the Alabama Canons of Judicial Ethics, in that he engaged in the conduct alleged in paragraphs 65, 71, and 72, in or pertaining to the matters described in paragraphs 64 and 68, and under the circumstances or leading to the circumstances described in paragraphs 66, 67, 69, 70, and 73 through 76.

Charge Thirty-Four

85. Judge Steensland, a district judge of Houston County in the Twentieth Judicial Circuit, while serving in that capacity and *in the performance of his adjudicative duties, failed to be patient, dignified, and courteous to litigants and others with whom he deals in his official capacity*, as required by **Canon 3A(3)** of the Alabama Canons of Judicial Ethics, in that, separately and severally, he engaged in the conduct alleged in paragraphs 65, 71, and 72, in or pertaining to the matters described in paragraphs 64 and 68, and under the circumstances or leading to the circumstances described in paragraphs 66, 67, 69, 70, and 73 through 76.

Charge Thirty-Five

86. Judge Steensland, a district judge of Houston County in the Twentieth Judicial Circuit, while serving in that capacity and *in the performance of his adjudicative duties, failed to accord to every person who is legally interested in a proceeding full right to be heard according to law*, as required by **Canon 3A(4)** of the Alabama Canons of Judicial Ethics, in that, separately and severally, he

engaged in the conduct alleged in paragraphs 65, 66, 71, 72, and 74, in or pertaining to the matters described in paragraphs 64 and 68, and under the circumstances or leading to the circumstances described in paragraphs 67, 69, 70, 73, 75, and 76.

COUNT V

Facts

Incident A

87. On March 30, 2007, Ms. Rhonda Kaye Thomley filed for a protection-from-abuse order, pursuant to the Protection from Abuse Act, §§ 30-5-1 through 30-5-10, Code of Alabama (1975), against her daughter, who is the birth mother of two young children adopted by Ms. Thomley. *Rhonda Thomley v. Krysta Mullis*, DR-2007-000318. Ms. Thomley's daughter had abandoned the children after her arrest for manufacturing and selling methamphetamine. At the time of the incident upon which her petition was based, Ms. Thomley had ceased her daughter's visitation with the children because her daughter had refused to comply with Ms. Thomley's conditions of visitation, i.e., administer essential medications prescribed to one child and cease

telling the children that she was going to take them from Ms. Thomley. The incident that necessitated Ms. Thomley's request for a protection order was her daughter's running away with one of the children at a ballpark and then grabbing Ms. Thomley and shaking her while explicitly threatening to inflict physical bodily harm to her and to take the children and implicitly threatening her life by asking, "Do I get the children if you die?"

88. Judge Steensland was assigned Ms. Thomley's protection-from-abuse petition. On April 17, 2007, Judge Steensland, in bad faith, ordered Ms. Thomley to attend mediation regarding allowing her daughter to have visitation.<sup>4</sup> He also continued the case for a hearing to be held on May 29, 2007. (That hearing was continued to June 19, 2007; then to July 10, 2007; and then to July 24, 2007.) It was eventually held on July 27, 2007. Before the July 27, 2007 hearing, Ms. Thomley explained to Judge Steensland's assistant that she could not afford to pay the fees for a mediator.

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<sup>4</sup>Section 6-6-20(d), Code of Alabama (1975), states, "A court shall not order parties into mediation for resolution of the issues in a petition for an order for protection pursuant to The Protection from Abuse Act, Sections 30-5-1 through 30-5-10 or in any other petition for an order for protection where domestic violence is alleged."

89. At the hearing, Judge Steensland heard testimony that, during the ballpark incident, Ms. Thomley had tried to calm her daughter. However, immediately after Ms. Thomley took the witness stand in the standing-room-only courtroom, Judge Steensland yelled at her in substance, "I don't understand why a grown woman cannot behave herself in public, why you've got to get out in public and cause a scene. If you could have behaved yourself, nothing would have ever happened."

90. When Ms. Thomley tried to explain the events that led to her request for a protection order, Judge Steensland raised the issue of her refusal to enter into mediation. Ms. Thomley responded that she did not have the money to pay a mediator and that she was not comfortable in the same room with her daughter. In a loud, angry tone and in bad faith, Judge Steensland ordered Ms. Thomley to mediation and assigned a mediator to conduct the mediation at that time.

91. Ms. Thomley rejected the mediator's attempt to persuade her to give her daughter visitation every other weekend. When they returned to the courtroom, Judge Steensland stated in substance, "I understand you're not willing to work with this court. I'm telling you that

you're going to let her have visitation with these children every other weekend." She responded in substance, "Sir, we've adopted these children, and I don't believe you can order me to give her visitation. This is not a visitation hearing." In bad faith, he insisted on visitation despite Ms. Thomley's having told him she had legally adopted the children; her daughter is a drug addict; and when she had allowed visitation in the past, her daughter would not give one of the children his essential medication.

92. After Ms. Thomley responded that, with no disrespect intended, she could not allow visitation because the children would not be safe, Judge Steensland stated, in an angry tone, in substance, "Well, you're not going to like me when I'm done with this, but I'm dismissing this case, and I'm fining you all court costs because you refuse to work with this court system."<sup>5</sup> Judge Steensland did not legally have any issue of custody or visitation before him. No visitation order from any court existed. In bad faith, he dismissed Ms. Thomley's petition and taxed costs to her.

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<sup>5</sup>Section 30-5-5(f), Code of Alabama (1975), states, "No court costs shall be assessed for the filing . . . of a protective order or petition order . . . . Costs may be assessed against the defendant at the discretion of the court."

### Incident B

93. During the July 27, 2007 court session, Judge Steensland presided in the protection-from-abuse request of a teenage female against her boyfriend who had beaten her, been arrested, beaten her again after his release, and been arrested again.

94. When the young girl's case was called, Judge Steensland immediately started screaming in substance, "Well, what did you do to make him mad, because you know you women do something to make us mad or we'll never hit you? I know you did something." The young girl stood before him crying while he asked her three times what she had done to make her boyfriend mad enough to hit her. She did not utter a word. He refused, in bad faith, to grant her request for a protection-from-abuse order.

### Incident C

95. During the July 27, 2007 court session, Judge Steensland presided in the protection-from-abuse request of an elderly female whose two sons had burglarized her residence, robbed her, and assaulted her.

96. When the petitioner approached the bench, Judge Steensland stated in substance, "You must be the sorriest

mother on earth to have raised, not one bad child, but two." She stood there crying.

## CHARGES

### Charge Thirty-Six

97. Judge Steensland, a district judge of Houston County in the Twentieth Judicial Circuit, while serving in that capacity, *failed to observe high standards of conduct so that the integrity and independence of the judiciary may be preserved*, as required by **Canon 1** of the Alabama Canons of Judicial Ethics, in that, separately and severally, he engaged in the conduct alleged in paragraphs 88 through 92, 94, and 96, in or pertaining to the matters described in paragraphs 87, 93, and 95, respectively.

### Charge Thirty-Seven

98. Judge Steensland, a district judge of Houston County in the Twentieth Judicial Circuit, while serving in that capacity, *failed to avoid impropriety and the appearance of impropriety in all his activities*, as required by **Canon 2** of the Alabama Canons of Judicial Ethics, in that, separately and severally, he engaged in the conduct

alleged in paragraphs 88 through 92, 94, and 96, in or pertaining to the matters described in paragraphs 87, 93, and 95, respectively.

Charge Thirty-Eight

99. Judge Steensland, a district judge of Houston County in the Twentieth Judicial Circuit, while serving in that capacity, *failed to respect and comply with the law*, as required by **Canon 2A** of the Alabama Canons of Judicial Ethics, in that, separately and severally, he engaged in the conduct alleged in paragraphs 88 through 92, 94, and 96, in or pertaining to the matters described in paragraphs 87, 93, and 95, respectively.

Charge Thirty-Nine

100. Judge Steensland, a district judge of Houston County in the Twentieth Judicial Circuit, while serving in that capacity, *failed to conduct himself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary*, as required by **Canon 2A** of the Alabama Canons of Judicial Ethics, in that, separately and severally, he engaged in the conduct alleged in

paragraphs 88 through 92, 94, and 96, in or pertaining to the matters described in paragraphs 87, 93, and 95, respectively.

Charge Forty

101. Judge Steensland, a district judge of Houston County in the Twentieth Judicial Circuit, while serving in that capacity, *failed to maintain the decorum and temperance befitting his office*, as required by **Canon 2B** of the Alabama Canons of Judicial Ethics, in that he engaged in the conduct alleged in paragraphs 89 through 92, 94, and 96, in or pertaining to the matters described in paragraphs 87 and 88, 93, and 95, respectively.

Charge Forty-One

102. Judge Steensland, a district judge of Houston County in the Twentieth Judicial Circuit, while serving in that capacity, *failed to avoid conduct prejudicial to the administration of justice that brings the judicial office into disrepute*, as required by **Canon 2B** of the Alabama Canons of Judicial Ethics, in that, separately and severally, he engaged in the conduct alleged in paragraphs

88 through 92, 94, and 96, in or pertaining to the matters described in paragraphs 87, 93, and 95, respectively.

Charge Forty-Two

103. Judge Steensland, a district judge of Houston County in the Twentieth Judicial Circuit, while serving in that capacity, *failed to perform the duties of his office impartially*, as required by **Canon 3** of the Alabama Canons of Judicial Ethics, in that he engaged in the conduct alleged in paragraphs 88 through 92, 94, and 96, in or pertaining to the matters described in paragraphs 87, 93, and 95, respectively.

Charge Forty-Three

104. Judge Steensland, a district judge of Houston County in the Twentieth Judicial Circuit, while serving in that capacity and *in the performance of his adjudicative duties, failed to be faithful to the law*, as required by **Canon 3A(1)** of the Alabama Canons of Judicial Ethics, in that he engaged in the conduct alleged in paragraphs 88 and 90 through 92, in or pertaining to the matter described in paragraph 87.

Charge Forty-Four

105. Judge Steensland, a district judge of Houston County in the Twentieth Judicial Circuit, while serving in that capacity and *in the performance of his adjudicative duties, failed to maintain order and decorum in proceedings before him*, as required by **Canon 3A(2)** of the Alabama Canons of Judicial Ethics, in that he engaged in the conduct alleged in paragraphs 89 through 92, 94, and 96, in or pertaining to the matters described in paragraphs 87 and 88, 93, and 95, respectively.

Charge Forty-Five

106. Judge Steensland, a district judge of Houston County in the Twentieth Judicial Circuit, while serving in that capacity and *in the performance of his adjudicative duties, failed to be patient, dignified, and courteous to litigants and others with whom he deals in his official capacity*, as required by **Canon 3A(3)** of the Alabama Canons of Judicial Ethics, in that, separately and severally, he engaged in the conduct alleged in paragraphs 89 through 92, 94, and 96, in or pertaining to the matters described in paragraphs 87 and 88, 93, and 95, respectively.

Charge Forty-Six

107. Judge Steensland, a district judge of Houston County in the Twentieth Judicial Circuit, while serving in that capacity and *in the performance of his adjudicative duties, failed to accord to every person who is legally interested in a proceeding full right to be heard according to law,* as required by **Canon 3A(4)** of the Alabama Canons of Judicial Ethics, in that, separately and severally, he engaged in the conduct alleged in paragraphs 88 through 92, 94, and 96, in or pertaining to the matters described in paragraph 87, 93, and 95, respectively.

COUNT VI

Facts

108. It is not unusual for Judge Steensland to convict the first defendant who asserts the right to be heard; to then, in bad faith, impose a severe punishment, e.g., jail time, if available, even for a traffic citation for speeding; to then require that defendant to sit handcuffed before the others in the courtroom; and, at the conclusion of the court session, to amend that sentence and release that defendant. His usual justification for sentencing to

jail the first person who exercises the right to be heard is, in substance, the following: "This court does not look kindly upon people who do not take responsibility or who get up here and try to lie in front of this court." Such action has a "domino effect" regarding the subsequent defendants' assertion of the right to be heard, i.e., they enter pleas of "guilty." Some attorneys who practice in Judge Steensland's court and court employees recognize and discuss this practice as Judge Steensland's "unwritten rule."

109. Working through a docket, Judge Steensland will highlight, for a defendant who is contemplating asserting the right to be heard, the situation of the defendant in custody, by making such comments as asking in substance, "Do you want to join this person?"

110. Sometime between 2002 and July 2004, a young man who was representing himself invoked his right to a jury trial in circuit court for adjudication of the charge against him for the offense of driving while his driver's license was suspended. Judge Steensland had been appointed to hear the case. The following colloquy or words to this effect occurred when the case was called:

Defendant: Trial.

Judge: Trial? On a driving while suspended?

Defendant: Yes, sir.

Judge: Trial? You gonna let me have a trial?

Defendant: Yes, sir.

Judge: Come up here.

[Defendant approached.]

Judge: Son, don't bullshit with me.

Defendant: No, sir, I'm not doing that.

Judge: I told you don't you bullshit me on a driving while suspended. You are either guilty or you're not.

Defendant: No, sir, I want a trial.

This colloquy was in the presence of the jury venire from which the defendant's jury was to be selected. Judge Steensland, in bad faith, revoked the defendant's bond and placed him in custody. After the defendant was removed from the courtroom, Judge Steensland appointed him an attorney. After lunch that day, Judge Steensland's court reporter saw that attorney and notified him of the appointment. The attorney obtained the defendant's release late that afternoon.

111. In 2005 or 2006, Judge Steensland heard the plaintiff's evidence in a divorce case. After the plaintiff

rested, Judge Steensland read "Order A" and then "Order B." He required the defendant to choose which order he (Judge Steensland) would issue, in bad faith, because he (Judge Steensland) refused to hear any further testimony.

112. Since at least November 1996, it has been a common occurrence during court proceedings for Judge Steensland to yell and pound his fist on the bench, particularly at defendants not represented by counsel. When he yells from the bench, his tone is degrading, mean, condescending, and irritated.

113. Since at least November 1996, it has been a common occurrence for Judge Steensland to yell profanities from the bench.

114. Since at least November 1996, it has been a common occurrence for Judge Steensland to make such comments, in substance, as the following to defendants who assert the right to a trial: "You've got to be kidding me. We got to do this shit."; "Don't bullshit with me."; "You're wasting my time."; "I don't have time for this shit."; "God damn it. Don't come up here wasting my time if you know you did it."; and "Well, let's ask everybody else what they think, should you have a trial?"

115. Since at least November 1996, it has been a common occurrence for Judge Steensland to belittle defendants, e.g., referring to them as "sorry," "ignorant," "stupid," and "dumb ass."

116. Judge Steensland often says, loud enough for all in the courtroom to hear, such comments, in substance, as the following: "Why did you take up with this no-account guy to start with? You should have known what you were getting into. You lie down with dogs, you get up with fleas."

117. Judge Steensland often asks a domestic-abuse victim in substance, "What did you do to make him so mad that he did that to you?"

118. On January 28, 2010, Judge Steensland presided in the harassment prosecution of Ms. Tonya Elizabeth Vaught. *State v. Tonya Elizabeth Vaught, DC-2009-003582*. The defendant and Mr. Bill Cook had divorced ten to twelve years earlier. The complaining witness against the defendant was Mr. Cook's current wife. After hearing the testimony, Judge Steensland started yelling at the defendant, Mr. Cook, and his wife, saying in substance such things as, "This is just a bunch of ya-ya. I'm tired of all this ya-ya between people." He berated the defendant and told her in

substance, "If I ever see you in my courtroom again, I'm going to put you under the jail." He berated Mr. Cook, telling him in substance, "You should have never taken up with a no-account woman to start with." He found the defendant "not guilty."

119. On the case-action summary in *State v. Tonya Elizabeth Vaught*, DC-2009-003582, Judge Steensland made the following ruling: "After receiving evidence, the Court finds that this case is a ya ya case. Defendant not to contact victim."

120. On January 8, 2009, while presiding in the Taylor Municipal Court, Judge Steensland heard the driving-while-intoxicated charge against Mr. Donald Cobb. *State v. Donald Cobb*, TR-2008-007524. During that proceeding, Judge Steensland yelled at and cursed Mr. Cobb, who was representing himself. During Mr. Cobb's examination of a witness, Judge Steensland interrupted him, yelled that he did not "give a damn" if Mr. Cobb was in fact a retired State Trooper and yelled that he knew Mr. Cobb was lying. His tirade continued for approximately ten minutes. The courtroom was full of people.

121. On March 17, 2010, in the court file in the case DC-2010-000370, Judge Steensland wrote, "Defendant is able bodied; not indigent but may be too dumb to hire."

122. Sometime in 2005 or 2006, Judge Steensland presided in the first-appearance hearing of an African-American defendant in his 60's and in jail on the charge of public intoxication. Judge Steensland said to him in substance, "I bet you can dance, can't you? Well, why don't you just dance right here for me?" The man danced a little jig at the bench.

123. On one occasion, when an African-American defendant, at his first-appearance hearing, requested a court-appointed attorney, Judge Steensland asked if he had a job and then asked if he could play ball. When Judge Steensland noticed that some of the defendant's teeth had gold caps, he had the defendant turn around and show his teeth to the audience in the courtroom.

124. By his antics during court proceedings, Judge Steensland routinely incites laughter throughout the courtroom, including laughter from the law enforcement personnel.

125. On numerous occasions before Houston County adopted the provision of "contract" counsel for indigent

defendants four years ago, Judge Steensland asked indigent defendants in substance, "Do you want to make it easy on yourself or do you want a lawyer appointed?"

126. When Judge Steensland explains to an indigent defendant the right to appointed counsel, he usually expounds on the requirements for indigency, in substance, as follows: "You have to be declared indigent, and if you are able-bodied, you're not indigent; if you can get a job, you're not indigent; if your mama or grand-mama can get a job, you're not indigent." Then, he sometimes states in substance the following: "I want you to go call lawyers. And you tell them you've got some money. Your grand-mama or your mama can get some money up and hire somebody. Lawyers are cheap. You give them a little bit of money, they'll represent you." Sometimes, he refers a defendant to a particular day-labor employer and states in substance, "Go down to the day-labor place and work and get you up enough money to hire a lawyer." Other times, he instructs a defendant to get \$10, buy gloves and a rake at a hardware store across the street from the courthouse, and do yard work so he or she can pay for an attorney. These directions incite laughter from those in the courtroom.

127. When a young, indigent defendant replied to Judge Steensland that he did not have \$10, Judge Steensland told him to borrow the money from a friend. When the young man replied that he did not have any friends, Judge Steensland countered in substance, "Well, what about your preacher? I know you got a preacher. Go get \$10 from your preacher."

128. On numerous occasions during first-appearance dockets, Judge Steensland questions handcuffed defendants about the events constituting the offense(s) for which they have been charged even though, at the time of Judge Steensland's questioning, the defendant does not have counsel, e.g., asking in substance, "I bet you hate this happened, don't you?"; "What were you doing down there at her house at 10:00 at night?"; "What were you doing out there riding around drinking in your car, being out? You know better than doing that."; and "What were you doing out there with a knife, chasing somebody?"

129. Litigants and court personnel have referred to Judge Steensland's conduct on the bench in the following terms: "bullying"; "menacing"; "yelling like a mad man"; "an intimidation tactic to get out of court by noon"; "nothing fair about it"; "a charade"; "like *The Twilight Zone*"; "just

this big carry-on, and the people [i.e., court and law enforcement personnel] would laugh except for the people who were sitting out front in the courtroom"; "a comedian show"; "whoever walked up, he was trying to get a rise out of so they could cross him or he could have some more entertainment"; "making a mockery of the judicial system"; "so shocking"; "condescending"; "belligerent"; "always a bit of a Jerry Springer show, but it's gotten worse"; "a rampage"; and "bullied and mocked everyone in courtroom."

130. Litigants and court personnel have described the effects of Judge Steensland's conduct, as follows: a "horrific experience"; "not only were people afraid to plead 'not guilty,' they were afraid to keep their own dignity"; "we [the petitioners for protection-from-abuse orders] thought we were going to get help, and we were treated like we were the criminals"; "I would never file another protection order."; "I lost all faith in the judicial system."; embarrassment for the judicial system, for those who have been subjected to Judge Steensland's conduct, and for Judge Steensland; personally offended, nauseated, and ashamed; and immense conflict between taking some action about Judge Steensland's conduct and remaining employed as a court employee or as an attorney.

131. In a letter to Judge Steensland, dated October 4, 2004, the Judicial Inquiry Commission stated the following:

[T]he Commission asks that you be sensitive in the future to canons 2B, 3A(3) and 3A(4). Canon 2B provides in pertinent part that a judge should "at all times maintain the decorum and temperance befitting his office." Canon 3A(3) requires judges to be patient and courteous to litigants and others with whom he deals in his official capacity. Canon 3A(4) includes a requirement that a judge "accord to every person who is legally interested in a proceeding, or his lawyer, full right to be heard according to law."

132. In a letter to Judge Steensland, dated December 22, 2003, the Judicial Inquiry Commission stated the following: "[T]he Commission encourages you to be sensitive to the requirement in Canon 3A(4) that a judge be courteous to litigants and others with whom he deals in his official capacity."

## CHARGES

### Charge Forty-Seven

133. Judge Steensland, a district judge of Houston County in the Twentieth Judicial Circuit, while serving in that capacity, exhibited a pattern and practice of failing to observe high standards of conduct so that the integrity and independence of the judiciary may be preserved, as

required by **Canon 1** of the Alabama Canons of Judicial Ethics, in that he engaged in all or a substantial portion of the following conduct:

- a. That conduct alleged in paragraphs 4 through 7, 9 through 20, 22, and 23, in or pertaining to the matter described in paragraph 2 and under the circumstances or leading to the circumstances described in paragraphs 3, 8, 21, and 24 of Count I of this complaint.
- b. That conduct alleged in paragraphs 35 through 38 of Count II of this complaint.
- c. That conduct alleged in paragraphs 45, 50, and 52, in or pertaining to the matter described in paragraph 44, and under the circumstances or leading to the circumstances described in paragraphs 46 through 49, 51, and 53 of Count III of this complaint.
- d. That conduct alleged in paragraphs 65, 66, 71, 72, and 74, in or pertaining to the matters described in paragraphs 64 and 68, and under the circumstances or leading to the circumstances described in paragraphs 67, 69, 70, 73, 75, and 76 of Count IV of this complaint.

- e. That conduct alleged in paragraphs 88 through 92, 94, and 96, in or pertaining to the matters described in paragraphs 87, 93, and 95, respectively, of Count V of this complaint.
- f. That conduct alleged in paragraphs 108 through 128, and leading to the circumstances described in paragraphs 129 through 132 of Count VI of this complaint.

Charge Forty-Eight

134. Judge Steensland, a district judge of Houston County in the Twentieth Judicial Circuit, while serving in that capacity, exhibited a pattern and practice of failing to avoid impropriety and the appearance of impropriety in all his activities, as required by **Canon 2** of the Alabama Canons of Judicial Ethics, in that he engaged in all or a substantial portion of the following conduct:

- a. That conduct alleged in paragraphs 4 through 7, 9 through 20, 22, and 23, in or pertaining to the matter described in paragraph 2 and under the circumstances or leading to the circumstances described in paragraphs 3, 8, 21, and 24 of Count I of this complaint.

- b. That conduct alleged in paragraphs 35 through 38 of Count II of this complaint.
- c. That conduct alleged in paragraphs 45, 50, and 52, in or pertaining to the matter described in paragraph 44, and under the circumstances or leading to the circumstances described in paragraphs 46 through 49, 51, and 53 of Count III of this complaint.
- d. That conduct alleged in paragraphs 65, 66, 71, 72, and 74, in or pertaining to the matters described in paragraphs 64 and 68, and under the circumstances or leading to the circumstances described in paragraphs 67, 69, 70, 73, 75, and 76 of Count IV of this complaint.
- e. That conduct alleged in paragraphs 88 through 92, 94, and 96, in or pertaining to the matters described in paragraphs 87, 93, and 95, respectively, of Count V of this complaint.
- f. That conduct alleged in paragraphs 108 through 128, and leading to the circumstances described in paragraphs 129 through 132 of Count VI of this complaint.

Charge Forty-Nine

135. Judge Steensland, a district judge of Houston County in the Twentieth Judicial Circuit, while serving in that capacity, *exhibited a pattern and practice of failing to respect and comply with the law*, as required by **Canon 2A** of the Alabama Canons of Judicial Ethics, in that he engaged in all or a substantial portion of the following conduct:

- a. That conduct alleged in paragraphs 4 through 7, 9 through 20, 22, and 23, in or pertaining to the matter described in paragraph 2 and under the circumstances or leading to the circumstances described in paragraphs 3, 8, 21, and 24 of Count I of this complaint.
- b. That conduct alleged in paragraphs 45 and 52, in or pertaining to the matter described in paragraph 44, and under the circumstances or leading to the circumstances described in paragraphs 46 through 51 and 53 of Count III of this complaint.
- c. That conduct alleged in paragraphs 65, 66, 71, 72, and 74, in or pertaining to the matters described in paragraphs 64 and 68, and under the circumstances or leading to the circumstances

described in paragraphs 67, 69, 70, 73, 75, and 76 of Count IV of this complaint.

- d. That conduct alleged in paragraphs 88 through 92, 94, and 96, in or pertaining to the matters described in paragraphs 87, 93, and 95, respectively, of Count V of this complaint.
- e. That conduct alleged in paragraphs 108 through 128, and leading to the circumstances described in paragraphs 129 through 132 of Count VI of this complaint.

#### Charge Fifty

136. Judge Steensland, a district judge of Houston County in the Twentieth Judicial Circuit, while serving in that capacity, *exhibited a pattern and practice of failing to conduct himself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary*, as required by **Canon 2A** of the Alabama Canons of Judicial Ethics, in that he engaged in all or a substantial portion of the following conduct:

- a. That conduct alleged in paragraphs 4 through 7, 9 through 20, 22, and 23, in or pertaining to the

matter described in paragraph 2 and under the circumstances or leading to the circumstances described in paragraphs 3, 8, 21, and 24 of Count I of this complaint.

- b. That conduct alleged in paragraphs 35 through 38 of Count II of this complaint.
- c. That conduct alleged in paragraphs 45, 50, and 52, in or pertaining to the matter described in paragraph 44, and under the circumstances or leading to the circumstances described in paragraphs 46 through 49, 51, and 53 of Count III of this complaint.
- d. That conduct alleged in paragraphs 65, 66, 71, 72, and 74, in or pertaining to the matters described in paragraphs 64 and 68, and under the circumstances or leading to the circumstances described in paragraphs 67, 69, 70, 73, 75, and 76 of Count IV of this complaint.
- e. That conduct alleged in paragraphs 88 through 92, 94, and 96, in or pertaining to the matters described in paragraphs 87, 93, and 95, respectively, of Count V of this complaint.

- f. That conduct alleged in paragraphs 108 through 128, and leading to the circumstances described in paragraphs 129 through 132 of Count VI of this complaint.

Charge Fifty-One

137. Judge Steensland, a district judge of Houston County in the Twentieth Judicial Circuit, while serving in that capacity, exhibited a pattern and practice of failing to maintain the decorum and temperance befitting his office, as required by **Canon 2B** of the Alabama Canons of Judicial Ethics, in that he engaged in all or a substantial portion of the following conduct:

- a. That conduct alleged in paragraphs 4 through 7, 9 through 19, and 23, in or pertaining to the matter described in paragraph 2 of Count I of this complaint and under the circumstances or leading to the circumstances described in paragraphs 3, 8, 20 through 22, and 24.
- b. That conduct alleged in paragraphs 45, 50, and 52, in or pertaining to the matter described in paragraph 44, and under the circumstances or

leading to the circumstances described in paragraphs 46 through 49, 51, and 53 of Count III of this complaint.

- c. That conduct alleged in paragraphs 65, 66, 71, 72, and 74, in or pertaining to the matters described in paragraphs 64 and 68, and under the circumstances or leading to the circumstances described in paragraphs 67, 69, 70, 73, 75, and 76 of Count IV of this complaint.
- d. That conduct alleged in paragraphs 89 through 92, 94, and 96, in or pertaining to the matters described in paragraphs 87 and 88, 93, and 95, respectively, of Count V of this complaint.
- e. That conduct alleged in paragraphs 110 through 127 and leading to the circumstances described in paragraphs 129 through 132 of Count VI of this complaint.

Charge Fifty-Two

138. Judge Steensland, a district judge of Houston County in the Twentieth Judicial Circuit, while serving in that capacity, exhibited a pattern and practice of failing

to avoid conduct prejudicial to the administration of justice that brings the judicial office into disrepute, as required by **Canon 2B** of the Alabama Canons of Judicial Ethics, in that he engaged in all or a substantial portion of the following conduct:

- a. That conduct alleged in paragraphs 4 through 7, 9 through 20, 22, and 23, in or pertaining to the matter described in paragraph 2 and under the circumstances or leading to the circumstances described in paragraphs 3, 8, 21, and 24 of Count I of this complaint.
- b. That conduct alleged in paragraphs 35 through 38 of Count II of this complaint.
- c. That conduct alleged in paragraphs 45, 50, and 52, in or pertaining to the matter described in paragraph 44, and under the circumstances or leading to the circumstances described in paragraphs 46 through 49, 51, and 53 of Count III of this complaint.
- d. That conduct alleged in paragraphs 65, 66, 71, 72, and 74, in or pertaining to the matters described in paragraphs 64 and 68, and under the

circumstances or leading to the circumstances described in paragraphs 67, 69, 70, 73, 75, and 76 of Count IV of this complaint.

- e. That conduct alleged in paragraphs 88 through 92, 94, and 96, in or pertaining to the matters described in paragraphs 87, 93, and 95, respectively, of Count V of this complaint.
- f. That conduct alleged in paragraphs 108 through 128, and leading to the circumstances described in paragraphs 129 through 132 of Count VI of this complaint.

#### Charge Fifty-Three

139. Judge Steensland, a district judge of Houston County in the Twentieth Judicial Circuit, while serving in that capacity and *in the performance of his adjudicative duties, exhibited a pattern and practice of failing to be faithful to the law*, as required by **Canon 3A(1)** of the Alabama Canons of Judicial Ethics, in that he engaged in all or a substantial portion of the following conduct:

- a. That conduct alleged in paragraphs 4 through 7, 9 through 20, and 22, in or pertaining to the matter

described in paragraph 2 and under the circumstances or leading to the circumstances described in paragraphs 3, 8, 21, 23, and 24 of Count I of this complaint.

- b. That conduct alleged in paragraphs 45 and 52, in or pertaining to the matter described in paragraph 44, and under the circumstances or leading to the circumstances described in paragraphs 46 through 51 and 53 of Count III of this complaint.
- c. That conduct alleged in paragraphs 65, 66, 71, 72, and 74, in or pertaining to the matters described in paragraphs 64 and 68, and under the circumstances or leading to the circumstances described in paragraphs 67, 69, 70, 73, 75, and 76 of Count IV of this complaint.
- d. That conduct alleged in paragraphs 88 and 90 through 92, in or pertaining to the matter described in paragraph 87 of Count V of this complaint.
- e. That conduct alleged in paragraphs 108 through 128, and leading to the circumstances described in paragraphs 129 through 132 of Count VI of this complaint.

Charge Fifty-Four

140. Judge Steensland, a district judge of Houston County in the Twentieth Judicial Circuit, while serving in that capacity and *in the performance of his adjudicative duties, exhibited a pattern and practice of failing to maintain order and decorum in proceedings before him, as required by **Canon 3A(2)** of the Alabama Canons of Judicial Ethics, in that he engaged in all or a substantial portion of the following conduct:*

- a. That conduct alleged in paragraphs 4 through 7 and 9 through 19, in or pertaining to the matter described in paragraph 2 of Count I of this complaint and under the circumstances or leading to the circumstances described in paragraphs 3, 8, and 20 through 24.
- b. That conduct alleged in paragraphs 45, 50, and 52, in or pertaining to the matter described in paragraph 44, and under the circumstances or leading to the circumstances described in paragraphs 46 through 49, 51, and 53 of Count III of this complaint.

- c. That conduct alleged in paragraphs 65, 71, and 72, in or pertaining to the matters described in paragraphs 64 and 68, and under the circumstances or leading to the circumstances described in paragraphs 66, 67, 69, 70, and 73 through 76 of Count IV of this complaint.
- d. That conduct alleged in paragraphs 89 through 92, 94, and 96, in or pertaining to the matters described in paragraphs 87 and 88, 93, and 95, respectively, of Count V of this complaint.
- e. That conduct alleged in paragraphs 108 through 127 and leading to the circumstances described in paragraphs 129 through 132 of Count VI of this complaint.

Charge Fifty-Five

141. Judge Steensland, a district judge of Houston County in the Twentieth Judicial Circuit, while serving in that capacity and *in the performance of his adjudicative duties, exhibited a pattern and practice of failing to be patient, dignified, and courteous to litigants and others with whom he deals in his official capacity, as required by*

**Canon 3A(3)** of the Alabama Canons of Judicial Ethics, in that he engaged in all or a substantial portion of the following conduct:

- a. That conduct alleged in paragraphs 4 through 7, 9 through 19, and 22, in or pertaining to the matter described in paragraph 2 and under the circumstances or leading to the circumstances described in paragraphs 3, 8, 20, 21, 23, and 24 of Count I of this complaint.
- b. That conduct alleged in paragraphs 45, 50, and 52, in or pertaining to the matter described in paragraph 44, and under the circumstances or leading to the circumstances described in paragraphs 46 through 49, 51, and 53 of Count III of this complaint.
- c. That conduct alleged in paragraphs 65, 71, and 72, in or pertaining to the matters described in paragraphs 64 and 68, and under the circumstances or leading to the circumstances described in paragraphs 66, 67, 69, 70, and 73 through 76 of Count IV of this complaint.

- d. That conduct alleged in paragraphs 89 through 92, 94, and 96, in or pertaining to the matters described in paragraphs 87 and 88, 93, and 95, respectively, of Count V of this complaint.
- e. That conduct alleged in paragraphs 108 through 127, and leading to the circumstances described in paragraphs 129 through 132 of Count VI of this complaint.

Charge Fifty-Six

142. Judge Steensland, a district judge of Houston County in the Twentieth Judicial Circuit, while serving in that capacity and *in the performance of his adjudicative duties, exhibited a pattern and practice of failing to accord to every person who is legally interested in a proceeding full right to be heard according to law, as required by **Canon 3A(4)** of the Alabama Canons of Judicial Ethics, in that he engaged in all or a substantial portion of the following conduct:*

- a. That conduct alleged in paragraphs 4 through 7 and 9 through 19, in or pertaining to the matter described in paragraph 2 and under the

circumstances or leading to the circumstances described in paragraphs 3, 8, and 20 through 24 of Count I of this complaint.

- b. That conduct alleged in paragraphs 45 and 52, in or pertaining to the matter described in paragraph 44, and under the circumstances or leading to the circumstances described in paragraphs 46 through 51 and 53 of Count III of this complaint.
- c. That conduct alleged in paragraphs 65, 66, 71, 72, and 74, in or pertaining to the matters described in paragraphs 64 and 68, and under the circumstances or leading to the circumstances described in paragraphs 67, 69, 70, 73, 75, and 76 of Count IV of this complaint.
- d. That conduct alleged in paragraphs 88 through 92, 94, and 96, in or pertaining to the matters described in paragraphs 87, 93, and 95, respectively, of Count V of this complaint.
- e. That conduct alleged in paragraphs 108 through 120 and 124 through 127, and leading to the circumstances described in paragraphs 129 through 132 of Count VI of this complaint.

circumstances or leading to the circumstances described in paragraphs 3, 8, and 20 through 24 of Count I of this complaint.

- b. That conduct alleged in paragraphs 45 and 52, in or pertaining to the matter described in paragraph 44, and under the circumstances or leading to the circumstances described in paragraphs 46 through 51 and 53 of Count III of this complaint.
- c. That conduct alleged in paragraphs 65, 66, 71, 72, and 74, in or pertaining to the matters described in paragraphs 64 and 68, and under the circumstances or leading to the circumstances described in paragraphs 67, 69, 70, 73, 75, and 76 of Count IV of this complaint.
- d. That conduct alleged in paragraphs 88 through 92, 94, and 96, in or pertaining to the matters described in paragraphs 87, 93, and 95, respectively, of Count V of this complaint.
- e. That conduct alleged in paragraphs 108 through 120 and 124 through 127, and leading to the circumstances described in paragraphs 129 through 132 of Count VI of this complaint.

COUNT VII

Facts

143. In his testimony before the Judicial Inquiry Commission, Judge Steensland made misrepresentations of fact to the Commission, as follows:

- a. When asked whether he asked the mother of the effeminate defendant whether she was proud of her son (paragraph 19), Judge Steensland testified that, in having a conversation with the defendant about "what's going on in his life to have these kinds of charges, driving with a license suspended," "it seemed like [the defendant] wasn't employed and mom was looking after him"; that he (Judge Steensland) told the defendant, "You've got to learn to be a responsible person, and you can't make your mother proud if you're not going to be a responsible person."; and that he absolutely did not ask the mother any question in a demeaning way.
- b. Judge Steensland testified that he absolutely did not intimate to any defendant on the February 24, 2010 traffic docket that he or she might want to

take a look at Ms. Rae in handcuffs and change his or her plea.

- c. When asked about his February 24, 2010 announcement in court regarding any further complaints in the clerk's office, Judge Steensland testified that his announcement was, as follows:  
"Please do not go down into the clerk's office and hard time the clerks about having to pay [your fine and costs] today. You can be held in contempt of court and go to jail."
- d. Judge Steensland testified that he did not order Ms. Johnson to tell the clerk's office employees that, if any employee heard any additional complaint, that employee was to summon a deputy and have the complainant arrested.
- e. Judge Steensland testified that only once or twice has he sentenced a traffic-offense defendant to jail, held that defendant in the courtroom until the conclusion of the docket, and then reconsidered that defendant's sentence.
- f. When asked to explain why he sentenced Ms. Rae to the maximum sentence of ten days' jail in a

traffic case when all his previous sentences to jail for a traffic offense were only one day, Judge Steensland stated that Ms. Rae's sentence was based on her falsely testifying.

144. In his March 26, 2010 letter to Judge Randall Cole, addressed to the Commission office, Judge Steensland made misrepresentations of fact to the Commission, as follows: "Ms. Rae's conclusion that I intended to use her trial and sentence as a means of coercing guilty pleas is simply not accurate. I have gone to great lengths at every term of court to make sure that people thoroughly understand their trial rights."

145. In a letter to the Commission's assistant executive director, Ms. Peggy Groves, dated April 4, 2008, Judge Steensland made misrepresentations of fact to the Commission, as follows: "I go to the fullest extent possible to provide due process and a fair hearing to all litigants especially pro se litigants."

146. In his September 28, 2007 letter to the Commission's executive director, Ms. Jenny Garrett, regarding his actions in Ms. Thomley's protection-from-abuse proceeding (Count V), Judge Steensland made the following misrepresentations of fact:

- a. "At all times when I have been charged with the responsibility of hearing domestic matters, I have kept uppermost in my mind the seriousness of the matter before me and its importance, not only to the litigants, but to the community at large. Public concern has rightly focused increasingly on the necessity of keeping people in family or close social relationships safe from physical and emotional harm. I have done my best to carry out that mandate entrusted to me by the people of Houston County, Alabama."
- b. "[M]y primary focus remained on proper adjudication of the Protection from Abuse Act proceeding . . . ."
- c. "At all times during the hearings in this matter, I was concerned to uphold the procedural and substantive rights of the parties before me."

147. In his August 22, 2007 letter to the Commission's executive director, Ms. Jenny Garrett, regarding his actions in Ms. Thomley's protection-from-abuse proceeding (Count V), Judge Steensland made the following misrepresentations of fact:

- a. "Ms. Thomley was awarded custody of Ms. Mullis' child (Ms. Thomley's grandchild) while Ms. Mullis was straightening out her life because of drug addiction."
- b. "The evidence showed that Ms. Mullis has completed her drug treatment, that she is in regular attendance in church and that she is seeking to regain custody of her child from her mother (Ms. Thomley). It appeared to the Court that Ms. Thomley was not receptive to renewing her relationship with her daughter (Ms. Mullis) and is objecting to Ms. Mullis' efforts to regain custody of her child."

- c. "It was obvious to the Court that Ms. Thomley has ulterior motives for her filing the protection-from-abuse complaint in that Ms. Thomley does not want Ms. Mullis to succeed in her efforts to regain custody of her child. By Ms. Thomley creating a disturbance at the ball park and blaming Ms. Mullis for the altercation and then filing the protection from abuse petition, Ms. Thomley is attempting to posture herself to keep custody of her grandchild."
  
- d. "I dispute Ms. Thomley's complaint that I did anything that was improper. If anything, it was Ms. Thomley who acted contemptuous to the court for her own selfish reasons."

#### CHARGES

##### Charge Fifty-Seven

148. Judge Steensland, a district judge of Houston County in the Twentieth Judicial Circuit, while serving in that capacity, *failed to observe high standards of conduct so that the integrity and independence of the judiciary may be preserved*, as required by **Canon 1** of the Alabama Canons of Judicial Ethics, in that, separately and severally, he engaged in the conduct alleged in paragraphs 144 through 148 of this complaint.

##### Charge Fifty-Eight

149. Judge Steensland, a district judge of Houston County in the Twentieth Judicial Circuit, while serving in

that capacity, *failed to avoid impropriety and the appearance of impropriety in all his activities*, as required by **Canon 2** of the Alabama Canons of Judicial Ethics, in that, separately and severally, he engaged in the conduct alleged in paragraphs 144 through 148 of this complaint.

Charge Fifty-Nine

150. Judge Steensland, a district judge of Houston County in the Twentieth Judicial Circuit, while serving in that capacity, *failed to conduct himself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary*, as required by **Canon 2A** of the Alabama Canons of Judicial Ethics, in that, separately and severally, he engaged in the conduct alleged in paragraphs 144 through 148 of this complaint.

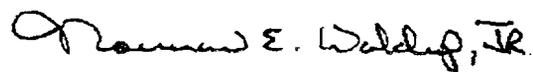
Charge Sixty

151. Judge Steensland, a district judge of Houston County in the Twentieth Judicial Circuit, while serving in that capacity, *failed to avoid conduct prejudicial to the administration of justice that brings the judicial office into disrepute*, as required by **Canon 2B** of the Alabama

Canons of Judicial Ethics, in that, separately and severally, he engaged in the conduct alleged in paragraphs 144 through 148.

DONE this 14th day of December, 2010.

THE ALABAMA JUDICIAL  
INQUIRY COMMISSION



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Norman E. Waldrop, Jr.  
Chairman

BY ORDER OF THE COMMISSION