

BEFORE THE COURT OF THE JUDICIARY
OF ALABAMA

IN THE MATTER OF M. JOHN)
STEENSLAND, JR., RETIRED)
DISTRICT JUDGE OF HOUSTON) Case No. 39
COUNTY IN THE TWENTIETH)
JUDICIAL CIRCUIT OF ALABAMA)

TRIAL BRIEF: FACTUAL SUMMARY

COMES NOW Retired District Judge M. John Steensland, Jr., and as his trial brief submits the following summary of facts that he will present at the trial of this matter.

COUNT I

Alabama State Trooper issued a speeding ticket to Stacey Flowers Rae on or about November 26, 2009. The testimony received by Judge Steensland was in substance as follows: On said date, Trooper Bender was in a stationary position in his patrol vehicle observing traffic traveling on Highway 84, and operating his radar gun. Trooper Bender observed who he later identified as Ms. Rae traveling behind another, lead vehicle at a high rate of speed in the left lane of Highway 84 West near Wicksburg, Alabama. He was able to observe that Ms. Rae was following at the same rate of speed the other, lead vehicle. He was able to accurately measure the lead vehicle's speed with my radar gun, and then able to determine that each vehicle was traveling at a speed well above the posted limit of 65 mph. As the vehicles approached they appeared to recognize his patrol vehicle. At that time, he observed both vehicles slow down and attempt to quickly merge into the right lane. The driver of the other vehicle had to maneuver to avoid a collision with Mrs. Rae's vehicle. He then initiated a traffic stop on each vehicle and was able to get both vehicles pulled over on Highway 84. There were no passengers in the vehicle with Mrs. Rae. Trooper Bender then issued both Mrs. Rae and the driver of the other vehicle citations for speeding. He also gave Ms. Rae a verbal warning regarding her failure to allow an adequate distance between her vehicle and the lead vehicle. (See Proposed Testimony of Trooper Broderick Bender). Although it was not

admitted as evidence at said trial, Trooper Bender has the video from his patrol car camera that corroborates his testimony and directly contradicts Ms. Rae's testimony in the trial before Judge Steensland.

Upon the close of evidence, Judge Steensland convicted Ms. Rae of the speeding charge and sentenced her to ten (10) days in jail which was within the permissible range of punishment for said offense.

COUNT II

Judge Steensland received a phone call on his personal cell phone after normal business hours from a reporter with the Dothan Eagle. Judge Steensland thought that the conversation was off the record. Further, Judge Steensland was not prepared nor was he anticipating receiving such a phone call. Judge Steensland answered the reporter's questions in an effort to help the report track down the information he was seeking.

COUNT III

As Judge Steensland was calling the traffic court cases assigned to him that day, February 24, 2010, he called the name Calen Odell Chacon. Mr. Chacon was a young man who was accompanied by his mother who subsequently identified herself as Julie Marques. The mother and son seemed to be somewhat confused as to whether Mr. Chacon wanted a trial or wanted to plead guilty. Mr. Chacon had three traffic tickets (UTTC) before the court that day; no drivers license, no insurance, and speeding. At some point during Judge Steensland's inquiry, the mother asked about applying for youthful offender status. Judge Steensland further inquired and/or instructed Mr. Chacon that in many cases, he might only be granted Y.O. status only for one occasion and that he might want to reconsider using Y.O. status on a charge which provides relatively minor consequences. Judge Steensland reiterated to Mr. Chacon and his mother that he might want to consider "saving" Y.O. status for more serious charge; but if he wanted to apply for Y.O. he could. There was considerable confusion in the courtroom because a lady in the courtroom who was in the custody of the deputy sheriff was crying out loudly. After some deliberation between Mr. Chacon and his mother, Mr.

Chacon chose to plead guilty to his tickets. Judge Steensland was courteous and respectful to Mr. Chacon and Ms. Marques.

COUNT IV

Incident A

On November 30, 2009, Ms. Natasha Renee Harris appeared before Judge Steensland as the complaining witness in a domestic violence charge filed against her male companion. Ms. Harris called law enforcement to report the domestic abuse she was suffering at the hands of her male companion. Prior to a warrant being issued, Ms. Harris gave a complete statement to Investigator Rose Shirley with the Houston County Sheriff's Office. Ms. Harris was accompanied by her family. At that time Ms. Harris did not tell Inv. Shirley that she suffered from any type of medical disorder that could affect her short-term memory. In fact, Ms. Harris was able to recall the vivid details of her the attack on her. However, at the trial on the matter, Ms. Harris claimed a medical disorder prevented her from remembering the facts making the basis of the charge. As the testimony of Ms. Harris continued, it was evident to Judge Steensland, the assistant district attorney, and Inv. Shirley that Ms. Harris was not being truthful in the matter. As a result, Inv. Shirley and the assistant district attorney requested that Ms. Harris be placed in custody so that a warrant for filing a false police report could be obtained.

Unfortunately, the necessary steps were taken thereafter to obtain the warrant for filing a false police report. Apparently, Ms. Harris' appearance bond paperwork states the offense charged was "giving a false name." Houston County jail employees wrote the wrong charge on the paperwork once Ms. Harris arrived at the jail. Judge Steensland does not have control over that paperwork.

Judge Steensland never made the statements "You're going to jail today. I'm tired of this shit, and I'm not going to put up with anyone coming in her and telling damn lies." (See Inv. Shirley's Proposed Testimony).

Incident B

On November 30, 2009, Cynthia Kay McDaniel appeared before Judge Steensland as the complaining witness in a domestic violence case filed against her

daughter Alissa Little. Ms. Little was originally placed in the pre-trial diversion (“PTD”) program by the Houston County District Attorney. The PTD program is administered solely by the District Attorney’s office. Judge Steensland, nor any other judge, has any control over said program. In Ms. Little’s case, the District Attorney’s office decided to give Ms. Little the opportunity to resolve her case through the PTD program. However, at some point during her participation, Ms. Little failed to fulfill the requirements set out by the District Attorney’s office resulting in the District Attorney filing a Motion to Place Back on the Trial Docket. Judge Steensland does not control the District Attorney’s decision to remove an individual from the PTD program. Ms. Little’s case was placed back on the trial docket at the request of the District Attorney. The case was not placed back on the docket “for a hearing on whether she should lose her pre-trial diversion status because she had not paid her final payment to complete her compliance with all the requirements of the program.” (Complaint p.33). As stated before, this is completely false. Judge Steensland has no control over the PTD program. Further, Judge Steensland does not control whether Ms. Little is allowed a second chance to be placed back in the PTD program. On November 30, 2009, Ms. Little’s case was set on the trial docket. The District Attorney’s office was represented by an assistant district attorney on said date. Said representative did not take any steps to place Ms. Little back into the PTD program. Therefore, the case proceeded forward to trial as requested by the District Attorney’s office.

During the trial in the matter, Ms. McDaniel claimed to have a memory loss as to the events making the basis of the charge. On the date of arrest, Ms. McDaniel made contact with law enforcement due to the domestic abuse committed against her by Ms. Little. At that time, Ms. McDaniel was able to clearly recall the details of Ms. Little’s abuse. At trial, Ms. McDaniel testified that she no longer had a memory of Ms. Little’s abusive actions towards her on the date of arrest. Ms. McDaniel did not (?????) claim that she was under the influence of medication that may affect her short-term memory loss. However, it is quite comical that JIC asserts Ms. McDaniel was under the influence of medication “with the recognized side effect of memory loss” at the November 30, 2009 trial, and yet, by some miracle, she is able to supposedly recall the details of said trial. (Complaint p.34).

After Ms. McDaniel's testimony, it was evident to Judge Steensland, the assistant district attorney, and law enforcement that she was not testifying truthfully. Further, law enforcement and the assistant district attorney requested that Ms. McDaniel be held in custody pending their attempt to obtain a warrant against her for filing a false police report. Unfortunately, law enforcement did not take the necessary steps to obtain a warrant.

COUNT V

Incident A

In the case of Rhonda Thomley v. Krysta Mullis, DR-2007-318, Judge Steensland heard testimony from the parties on April 17, 2007. Ms. Thomley was proceeding pro se in the matter and provided testimony to the court on said date. Ms. Thomley never produced any adoption papers stating that she was the adoptive parent of Ms. Mullis' minor children. Ms. Thomley did provide testimony that Ms. Mullis did have visitation with said children in the recent past and that she desired to prevent any future visitation by Ms. Mullis. Ms. Mullis was represented in the matter by the Honorable Terry W. Bullard. Ms. Mullis also provided testimony in the matter on April 17, 2007. After the first hearing, Judge Steensland declined to rule at that time and instead ordered that the case be first submitted to mediation. Judge Steensland has always had a policy of attempting to mediate disputes whenever possible. Judge Steensland's position after the hearing in this matter was that the children of Ms. Mullis needed to enjoy a relationship with their mother and that this could be achieved through mediation.

Judge Steensland referred the parties to Ms. Audrey M. Silcox, a family counselor and certified mediator. Ms. Silcox held the proper licensing and certification issued by the State of Alabama to mediate cases involving domestic abuse. Per Section 6-6-20, Code of Alabama (1975), Judge Steensland has authority to order mediation of ancillary matters such as visitation with minor children. The Complaint alleges that said statute prevents Judge Steensland from ordering mediation in cases "where domestic violence is alleged." (Complaint p.44). However, "domestic violence" is not defined in said statute and there exists no appellate court decisions interpreting the definition of said phrase. Ms. Mullis was not criminally charged with domestic violence.

Judge Steensland relied on the mediator to communicate back to the Court if the mediator was not qualified to mediate this dispute or if there was some statutory prohibition against mediation in this particular case. In her letter to the court dated June 5, 2007, Ms. Silcox did not communicate to or advise Judge Steensland about any mediation training deficiencies in her resume or any statutory prohibitions to mediating issues between Ms. Thomley and Ms. Mullis. The mediator has the responsibility to be familiar with, observe and apply any applicable Alabama statutes as set forth in the Alabama Code of Ethics for Mediators § III 1(a)2(A) which states: “A mediator shall maintain professional competence in mediation skills. This includes, but is not limited to: (A) staying informed of, and abiding by, all statutes, rules, and administrative orders relevant to the practice of mediation” Further, Alabama Code of Ethics for Mediators § III (2) states “a mediator shall observe all administrative policies, procedural rules, and statutes that apply to mediation.”

Judge Steensland did not violate Section 30-5-5(f), Code of Alabama (1975), when he taxed the court costs of the case to Ms. Thomley. Said statute does not prohibit a court from assessing costs at the conclusion of the case. Said statute only prohibits a court from requiring courts to be paid as a prerequisite to the filing of a petition for protection from abuse.

Incident B

The Complaint provides no case number. The Complaint provides no name of the defendant or complaining witness. The Complaint provides no reference to any court file. (Complaint p.47).

On July 27, 2007, Judge Steensland did not yell or otherwise state, “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.” (See Proposed Testimony of Danna Thompson and Joseph Culbreth).

Incident C

The Complaint provides no case number. The Complaint provides no name of the defendant or complaining witness. The Complaint provides no reference to any court file. (Complaint p.47-48).

On July 27, 2007, Judge Steensland did not yell or otherwise state, “You must be the sorriest mother on earth to have raised, not one bad child, but two.” (See Proposed Testimony of Dana Thompson and Joseph Culbreth).

COUNT VI

Judge Steensland does not have a practice of convicting “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 others in the courtroom; and, at the conclusion of the court session, to amend that sentence and release that defendant.” (Complaint p.53) (See Proposed Testimony of Danna Thompson, Joseph Culbreth, Trooper Broderick Bender, Circuit Judge Larry K. Anderson, Circuit Judge Brad Mendheim, Cliff Mendheim, Michael Crespi, David K. Hogg).

Judge Steensland has always afforded each defendant that appeared before him the opportunity for a fair and impartial hearing or trial. Judge Steensland did not have a practice of using improper means or influence to persuade defendants to switch their not guilty pleas to guilty. (See Proposed Testimony of Danna Thompson, Joseph Culbreth, Trooper Broderick Bender, Circuit Judge Larry K. Anderson, Circuit Judge Brad Mendheim, Cliff Mendheim, Michael Crespi, David K. Hogg). In fact, Judge Steensland allowed each and every defendant the opportunity to a fair trial regardless of whether he or she was represented by counsel or proceeding pro se. (See Proposed Testimony of Circuit Judge Larry K. Anderson and Circuit Judge Brad Mendheim, among others). Judge Steensland zealously upheld defendants’ rights in the cases that came before him, regardless of whether they had counsel or not. (See Proposed Testimony of Michael Crespi). In one case that Houston County District Attorney Doug Valeska prosecuted in person, he found the pro se defendant not guilty. (Id.).

“Sometime between 2002 and July 2004, Judge Steensland did not curse a young man for invoking his right to a jury trial for a charge of driving while his driver’s license was suspended. (Complaint p.54). The Complaint does not provide Judge Steensland with notice as to the name of the defendant, case number, or even a specific court date on which the alleged conduct occurred. (Complaint p.54). The Complaint simply refers that

the alleged conduct occurred “sometime between 2002 and July 2004.” (Id.). These allegations are not based upon statements from the defendant described rather they are based upon the recollection of some other individual. As will be shown below, this individual’s recollection of certain events in the past is incorrect at times. Upon information and belief, the defendant referenced in said allegations did not have a charge of driving with suspended license pending on a city appeal docket during the time period alleged in the Complaint. Further, said defendant’s bond was never revoked during the time period referenced in the Complaint.

“In 2005 or 2006” in a divorce case, Judge Steensland did not “in bad faith” issue an Order and refuse to hear any further testimony. (Complaint p. 55-56). The allegations contained in the Complaint are not the result of any complaint or allegation made by the parties to the case. Further, the Complaint does not prove the name of either party, case number, counsel of record, a court file, or a specific court date. Upon information and belief, this allegation is based upon the recollection of Carla Woodall.

In said divorce case, the Honorable Jerry R. Herring was counsel of record for the defendant and the Honorable Paul Brunson, Jr., was counsel of record for the plaintiff. (See Proposed Testimony of Jerry R. Herring). The parties were unable to reach a settlement as to the division of the marital estate. Judge Steensland conducted a hearing as to some issues concerning said property. Judge Steensland proposed, in reliance on appellate court decisions, allowing the plaintiff, with assistance of her attorney Mr. Brunson, divide the marital estate property into two (2) separate lists and then allowing the defendant, with assistance of his attorney Mr. Herring, choose which list of property he wanted. (Id.). Counsel for both parties thought that it was an equitable solution and that the division of property was equitable. In fact, Mr. Herring had the same resolution to a marital estate property division in another case in Houston County, Alabama that was presided over by Circuit Court Judge Michael Conaway. (Id.)

The JIC appears to be relying the recollection of the same individual with regards to these allegations. As stated above, the recollection of this individual will be shown to be mistaken at times.

The Complaint alleges that “since 1996” Judge Steensland has committed acts such as “yelling from the bench,” “his tone is degrading, mean ... ,” “yells profanities,”

“belittles defendants.” (Complaint p.56-57). The Complaint does not refer to any specific defendant, case, court file, or court date. It does appear to be based on the opinions of witnesses for JIC. Please the attached Proposed Testimony of witnesses for Judge Steensland that have a much different opinion as to how Judge Steensland conducted himself while on the bench during that time period.

One allegation states that “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?’” (Complaint p.57). The Complaint does not specify the victim’s name, defendant’s name, case number, or court date. Judge Steensland has never made such a statement that would attempt to place blame on the accuser. (See Proposed Testimony of Dana Thompson and Joseph Culbreth).

On January 28, 2010, the Complaint alleges that Judge Steensland presided over the case of State of AL v. Tonya Elizabeth Vaught, DC-2009-3582. (Complaint p.57-58). In said case, Judge Steensland heard all the testimony that each party elected to present. After the close of evidence, Judge Steensland ruled in favor of the defendant finding her not guilty. The evidence tended to demonstrate that the victim and the victim’s wife were using the criminal justice system to potentially gain an advantage in a pending custody matter that involved Ms. Vaught. Judge Steensland reached the conclusion that dispute did not belong in the criminal justice system. Judge Steensland instructed the parties, and indeed all the litigants in the courtroom, that they needed to act like responsible parents. Judge Steensland was patient and respectful the witnesses and parties involved. (See Proposed Testimony of Tonya Elizabeth Vaught and Judy Ann Jones).

On January 8, 2009 in the case of State of AL v. Donald Cobb, TR-2008-7524, the Complaint alleges that Judge Steensland yelled at Mr. Cobb and that his tirade continued on for ten minutes. (Complaint p.58). Judge Steensland did not act improper or unethical on said occasion. Judge Steensland did not yell at Mr. Cobb and continue on a tirade for approximately 10 minutes.

On March 17, 2010 in DC-2010-370, Judge Steensland wrote “Dcfendant is able bodied; not indigent but may be too dumb to hire.” This allegation is not based on any complaint alleged by the defendant in the case or any of the parties to the case. On

March 17, 2007, Judge Steensland appointed the Honorable Eric Davis to represent the defendant in said case.

Judge Steensland did not inquire as to whether a defendant could dance and then request that said defendant dance a jig in front of him in exchange for any type of ruling or favorable treatment. This allegation is not based on any complaint alleged by the defendant. The Complaint simply references that the alleged conduct occurred “sometime in 2005 or 2006.” (Complaint p.59). The Complaint does name the defendant, case number, specific court date, or any other witnesses that may have been present.

The Complaint alleges “on one occasion . . .” Judge Steensland “had the defendant turn around and show his teeth to the audience in the courtroom.” (Complaint 59). This allegation is not made by the alleged defendant or any party to the case. The Complaint does not state the name of the defendant, case number, specific court date or any other witnesses that may have been present. The defendant in question was present in court to request an appointed attorney by alleging that he was indigent and could not afford one. A person appearing with a mouthful of gold-capped teeth easily creates the presumption and impression that said person would not appear to be indigent. The presence of gold-capped teeth was an appropriate issue for the court to inquire about as it related to the defendant’s alleged indigent status. The complaint alleges that Judge Steensland asked the defendant “if he had a job.” (Complaint p.59). This an appropriate question for the Court to ask when evaluating the indigent status of a defendant. The complaint alleges that Judge Steensland asked the defendant “if he could play ball.” (Complaint p.59). The witness forming the basis of this allegation failed to further apprise JIC that Judge Steensland is an avid basketball fan and that both of his children were well known basketball players at the high school and collegiate level. The Complaint infers that Judge Steensland had an improper motive if he did in fact ask the alleged question. However, when taken in context with a full knowledge of the relevant facts, it can be seen that, if the alleged question was asked, Judge Steensland did not do so in a demeaning, improper or unethical manner.

Part of Judge Steensland’s responsibilities as a District Judge was to thoroughly evaluate each individual’s request to be appointed counsel due to their indigent status.

Judge Steensland took said responsibility seriously and took the necessary and proper steps to evaluate each request. Judge Steensland did not do anything improper or unethical in evaluating said requests.

The Complaint alleges that Judge Steensland would question various defendants who were in custody. The Complaint alleges those questions regarding the events constituting the offense(s) for which they were charged even though the defendant did not have counsel yet. (Complaint p.61). These allegations are not made by any defendant appearing before Judge Steensland. The Complaint does not refer to a defendant's name, case number, court date, or other witnesses present in the courtroom at the time. Judge Steensland did not question any defendant appearing before him for first appearances in an unethical or improper manner. Any questions that my have been posed by Judge Steensland were those he was authorized by law to inquire about to decide issues of bond and/or indigent status, among other things.

The Complaint contains allegations regarding the opinions of "litigants and court personnel" that Judge Steensland's conduct on the bench was "bullying," "yelling like a mad man," "menacing," "an intimidation tactic to get out of court by noon," "nothing fair about it . . ." (Complaint p.61-62). In response, there are many other litigants and court personnel that offer a different opinion. (See Proposed Testimony of Danna Thompson, Joseph Culbreth, Trooper Broderick Bender, Thomas K. Brantley, Circuit Judge Larry K. Anderson, Circuit Judge Brad Mendheim, Cliff Mendheim, Michael Crespi, David K. Hogg, William C. White, Dustin Fowler).

COUNT VII

Judge Steensland did not make any misrepresentations of fact to JIC at any time referenced in the Complaint.

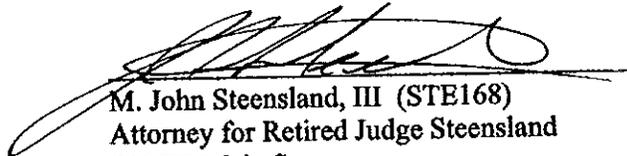
The Complaint alleges that Judge Steensland made a misrepresentation in a letter addressed to JIC and dated April 4, 2008. Said letter was in response to a complaint filed against Judge Steensland. JIC fully investigated and dismissed said Complaint.

The Complaint alleges that Judge Steensland made a misrepresentation in a letter addressed to JIC and dated September 28, 2007. Said letter was in response to a

complaint filed against Judge Steensland. JIC fully investigated and dismissed said Complaint.

The Complaint alleges that Judge Steensland made a misrepresentation in a letter addressed to JIC and dated August 22, 2007. Said letter was in response to a complaint filed against Judge Steensland. JIC fully investigated and dismissed said Complaint. Respectfully submitted this the 25th day of February, 2011.

PARKMAN, ADAMS AND WHITE, LLC



M. John Steensland, III (STE168)
Attorney for Retired Judge Steensland
661 W. Main St.
Dothan, AL 36301
334-792-1900
334-712-1352 (FAX)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and exact copy of the foregoing has been furnished via U.S. Mail postage prepaid to Thomas E. Harrison, 503 Government Street, Mobile, AL 36602, on this the 25th day of February, 2011.



Of Counsel

PROPOSED TESTIMONY OF:

Larry K. Anderson
Broderick Bender
Michael Crespi
Dustin Fowler
David K. Hogg
Judy Ann Jones
Brady E. Mendheim
R. Cliff Mendheim
Danna Thompson
Tonya Elizabeth Vaught
William C. White, II

BEFORE THE COURT OF THE JUDICIARY
OF ALABAMA

IN THE MATTER OF M. JOHN)
STEENSLAND, JR., RETIRED)
DISTRICT JUDGE OF HOUSTON) Case No. 39
COUNTY IN THE TWENTIETH)
JUDICIAL CIRCUIT OF ALABAMA)

PROPOSED TESTIMONY OF CIRCUIT JUDGE LARRY K. ANDERSON

1. I am a Circuit Court Judge for the Twentieth Judicial Circuit. I have been a Circuit Judge since April 4, 1996.
2. Prior to taking office, I held the position of City of Attorney for Dothan, Alabama from 1986 – 1993.
3. As City Attorney, I prosecuted hundreds of City Appeal cases over which Retired District Judge M. John Steensland, Jr. presided. It was my experience that Judge Steensland did not attempt to force or persuade any City Appeal defendant to dismiss his or her appeal or to change his or her plea from not guilty to guilty.
4. In fact, I felt that just the opposite was true. Judge Steensland allowed each and every Defendant the opportunity to a fair trial regardless of whether he or she was represented by counsel or proceeding pro se.
5. I cannot recall ever hearing Judge Steensland use profanity from the bench during any of my time practicing before him.
6. I practiced before Judge Steensland either in private practice or in my capacity as City Attorney from the time he became District Judge in 1989 until I took the Circuit Court bench in 1996. I never witnessed Judge Steensland behave in an abusive, mean or demeaning manner to any victims, defendants, witnesses, or attorneys appearing before him.

BEFORE THE COURT OF THE JUDICIARY
OF ALABAMA

IN THE MATTER OF M. JOHN)
STEENSLAND, JR., RETIRED)
DISTRICT JUDGE OF HOUSTON) Case No. 39
COUNTY IN THE TWENTIETH)
JUDICIAL CIRCUIT OF ALABAMA)

PROPOSED TESTIMONY OF STATE TROOPER BRODERICK BENDER

1. I am **BRODERICK BENDER**. I have been employed as a law enforcement officer for the last ten (10) years. I am a state trooper presently employed by the Alabama Department of Public Safety. I have been employed by the Department of Public Safety for the past seven (7) years. I was employed as a deputy with the Houston County Sheriff's Office for three (3) years prior to joining the Department of Public Safety.

2. I do not have a personal friendship with M. John Steensland, Jr. My employment as a state trooper is based out of the Houston County post, and, therefore, the majority of the citations that I issue lie in the jurisdiction of the District Court of Houston County. It is only through my employment that I have had any interaction with Judge Steensland.

3. I have periodically appeared before Judge Steensland for the last ten (10) years. During that time, I have had the opportunity to testify as a witness before Judge Steensland on numerous occasions. I have also had the opportunity to observe Judge Steensland preside over countless other bench trials over the course of my employment as a law enforcement officer. Based on those experiences and observations, I am of the

opinion that he is a fair and impartial judge and has conducted the proceedings in his courtroom in a fair and impartial manner to witnesses, victims, and defendants alike.

4. Each time I have appeared in his court, I have observed Judge Steensland patiently advise each defendant appearing before him in traffic court of the specific facts alleged in the UTTC (traffic ticket) and provide explanation, if necessary.

5. Over the years, Judge Steensland has rendered Not Guilty verdicts in favor of defendants that I have arrested. I have also personally observed Judge Steensland find defendants not guilty on countless other occasions.

6. Judge Steensland is a strict judge who is known to be a stickler for the truthfulness of witnesses and strict enforcement of the law. He is also known to require defendants to be ready to pay any and all fines and court costs on the day of court. I have personally heard him advise defendants of this months in advance of their actual trial date.

7. I issued a speeding ticket to Stacey Flowers Rae on or about November 26, 2009. On said date, I was in a stationary position in my patrol vehicle observing traffic traveling on Highway 84, and operating my radar gun. I observed who I later identified as Ms. Rae traveling behind another, lead vehicle at a high rate of speed in the left lane of Highway 84 West near Wicksburg, Alabama. I was able to observe that Ms. Rae was following at the same rate of speed the other, lead vehicle. I was able to accurately measure the lead vehicle's speed with my radar gun, and then able to determine that each vehicle was traveling at a speed well above the posted limit of 65 mph. As the vehicles approached they appeared to recognize my patrol vehicle. At that time, I observed both vehicles slow down and attempt to quickly merge into the right

lane. The driver of the other vehicle had to maneuver to avoid a collision with Mrs. Rae's vehicle. I then initiated a traffic stop on each vehicle and was able to get both vehicles pulled over on Highway 84. There were no passengers in the vehicle with Mrs. Rae. I then issued both Mrs. Rae and the driver of the other vehicle citations for speeding. I also gave Ms. Rae a verbal warning regarding her failure to allow an adequate distance between her vehicle and the lead vehicle. The entire incident was captured and recorded on video by the dashboard camera mounted in my patrol car. I have downloaded and attached a copy of this video to this affidavit as Exhibit "A." I have personally reviewed the video and it accurately depicts the events leading up to and including the traffic stop of Mrs. Rae.

7. The driver of the other vehicle pleaded guilty at Arraignment. Mrs. Rae requested a trial in her case. I testified as a witness for the State of Alabama in Mrs. Rae's case. The substance of my testimony during Mrs. Rae's trial is contained in paragraph six (6) of this Affidavit.

8. I do not believe that Judge Steensland found Ms. Rae guilty simply to send a message to make the other defendants in the courtroom change their plea to guilty. Like I said, I have witnessed Judge Steensland preside over numerous bench trials, including many in which I was the arresting officer. I have always been of the opinion that Judge Steensland conducted himself in a fair and impartial manner in every single one of those trials, even in those trials that he found the defendant not guilty.

BEFORE THE COURT OF THE JUDICIARY
OF ALABAMA

IN THE MATTER OF M. JOHN)	
STEENSLAND, JR., RETIRED)	
DISTRICT JUDGE OF HOUSTON)	Case No. 39
COUNTY IN THE TWENTIETH)	
JUDICIAL CIRCUIT OF ALABAMA)	

PROPOSED TESTIMONY OF MICHAEL CRESPI

1. I have been licensed to practice law in the State of Alabama since 1973.
2. I served as Circuit Judge for the Twentieth Judicial Circuit from 1987 – 1995. I served as municipal court judge for Headland from 1977 – 1980. I served as municipal court judge for Abbeville from 1977 – 1987.
3. I first came to know Retired District Court Judge M. John Steensland, Jr during my tenure as a circuit judge.
4. After I left the bench in January, 1995, I frequently appeared in his court for bond hearings, first appearances in felony cases, preliminary hearings and motion hearings.
5. Beginning in 2008, I worked as contract counsel for indigent defendants in his courtroom in misdemeanor cases and continued to do so until his retirement in April, 2010.
6. During the twenty-one (21) years I have know Judge Steensland, I have had ample opportunity to assess his courtroom performance in a wide variety of contexts relating to criminal law.
7. Specifically, in the two years I worked as contract counsel in his courtroom, I witnesses at first hand how zealously he upheld defendants' rights in the misdemeanor cases that came before him, regardless of whether they had counsel or not. In one case which our District Attorney prosecuted in person, he found the pro se defendant not guilty.
8. If anything, I felt Judge Steensland took real pleasure in hearing evidence in criminal cases and have never seen him do anything which I construed as an attempt to force people to abandon their constitutional right to go to trial in order to plead guilty, including conducting "show trials" of the first defendant up for trial in an effort to intimidate other defendants.

9. Overall, I consider his conduct in his courtroom to be exemplary in terms of fairness in criminal cases, regardless of whether defendants appeared with or without counsel.

BEFORE THE COURT OF THE JUDICIARY
OF ALABAMA

IN THE MATTER OF M. JOHN)
STEENSLAND, JR., RETIRED)
DISTRICT JUDGE OF HOUSTON) Case No. 39
COUNTY IN THE TWENTIETH)
JUDICIAL CIRCUIT OF ALABAMA)

PROPOSED TESTIMONY OF DUSTIN FOWLER

1. I am **DUSTIN J. FOWLER**. I have been practicing law in Dothan, Alabama since 2005.
2. From 2005 to 2010, I would estimate that I was present and observed Retired District Judge M. John Steensland, Jr., conduct court on an almost weekly basis.
3. It was my experience as a litigant before Judge Steensland that each and every Defendant that desired a trial was in fact given a fair and impartial trial. It was my experience that Judge Steensland did not have a practice of attempting pressure or persuade any defendant to change his or her not guilty plea to guilty.
4. I never witnessed Judge Steensland treat the victims, defendants, witnesses, or litigants appearing before him in a demeaning, improper or unethical manner.

BEFORE THE COURT OF THE JUDICIARY
OF ALABAMA

IN THE MATTER OF M. JOHN)	
STEENSLAND, JR., RETIRED)	
DISTRICT JUDGE OF HOUSTON)	Case No. 39
COUNTY IN THE TWENTIETH)	
JUDICIAL CIRCUIT OF ALABAMA)	

PROPOSED TESTIMONY OF DAVID K. HOGG

1. I am **DAVID K. HOGG**. I have been practicing law in Dothan, Alabama since 1996.
2. Since that time, I have had the opportunity to practice before Retired District Judge M. John Steensland, Jr., on many occasions.
3. It was my experience practicing before Judge Steensland that each and every Defendant that desired a trial was in fact given a fair and impartial trial. It was my experience that Judge Steensland did not have a practice of attempting pressure or persuade any defendant to change his or her not guilty plea to guilty.
4. I do not feel that Judge Steensland treated the victims, defendants, witnesses, or litigants appearing before him in a mean or demeaning manner.

BEFORE THE COURT OF THE JUDICIARY
OF ALABAMA

IN THE MATTER OF M. JOHN)
STEENSLAND, JR., RETIRED)
DISTRICT JUDGE OF HOUSTON) Case No. 39
COUNTY IN THE TWENTIETH)
JUDICIAL CIRCUIT OF ALABAMA)

PROPOSED TESTIMONY OF CIRCUIT JUDY ANN JONES

1. My name is Judy Ann Jones. I am the aunt of Tonya Elizabeth Vaught.
2. I was present in the courtroom on January 28, 2010 for district court misdemeanor trials with Judge Steensland presiding. I observed the judge's demeanor during the trial.
3. His demeanor was very respectful and professional. I remember that Judge Steensland told the parties that they needed to cut out their bickering and act like responsible adults. If I had a case in court, I would expect the judge to act like Judge Steensland did on January 28, 2010.

BEFORE THE COURT OF THE JUDICIARY
OF ALABAMA

IN THE MATTER OF M. JOHN)
STEENSLAND, JR., RETIRED)
DISTRICT JUDGE OF HOUSTON) Case No. 39
COUNTY IN THE TWENTIETH)
JUDICIAL CIRCUIT OF ALABAMA)

PROPOSED TESTIMONY OF CIRCUIT JUDGE BRADY E. MENDHEIM

1. I am **BRADY E. MENDHEIM**. I am currently the presiding Circuit Court Judge for the Twentieth Judicial Circuit. I have been a Circuit Court Judge since January 2009. I was a District Court Judge for Houston County from January 2001 to January 2009.
2. Prior to becoming District Judge, I was employed as an assistant District Attorney for Houston and Henry County for approximately six (6) years. During that time period, part of my duties included prosecuting misdemeanors, preliminary hearings, and bond hearings before Retired District Judge M. John Steensland, Jr.
3. I would estimate that I practiced before Judge Steensland on a weekly basis for the majority of my six (6) years at the District Attorney's office.
4. It was my experience as a prosecutor before Judge Steensland that Defendants that desired a trial were in fact given a fair and impartial trial. It was my experience that Judge Steensland did not have a practice of attempting pressure or persuade any defendant to change his or her not guilty plea to guilty.
5. I never witnessed Judge Steensland treat the victims, defendants, witnesses, or litigants appearing before him in an improper or unethical manner.
6. I cannot recall ever hearing Judge Steensland use profanity from the bench during all the time I spent prosecuting cases in his courtroom.

BEFORE THE COURT OF THE JUDICIARY
OF ALABAMA

IN THE MATTER OF M. JOHN)
STEENSLAND, JR., RETIRED)
DISTRICT JUDGE OF HOUSTON) Case No. 39
COUNTY IN THE TWENTIETH)
JUDICIAL CIRCUIT OF ALABAMA)

PROPOSED TESTIMONY OF R. CLIFF MENDHEIM

1. I am **R. CLIFF MENDHEIM**. I have been practicing law in Dothan, Alabama since 2000.
2. During that time, I have often appeared before Retired District Judge M. John Steensland, Jr.
3. I cannot recall ever hearing Judge Steensland use profanity from the bench.
4. I have never observed that Judge Steensland had a pattern or policy of convicting the first defendant to assert his right to trial in order to persuade other defendants on the docket to plead guilty.
5. In fact, I was always trying to get my case heard in front of Judge Steensland first, or as quickly as I could, so that I would not have to sit around in court all day.
6. I do not recall ever observing Judge Steensland be demeaning to someone appearing before him.

BEFORE THE COURT OF THE JUDICIARY
OF ALABAMA

IN THE MATTER OF M. JOHN)
STEENSLAND, JR., RETIRED)
DISTRICT JUDGE OF HOUSTON) Case No. 39
COUNTY IN THE TWENTIETH)
JUDICIAL CIRCUIT OF ALABAMA)

PROPOSED TESTIMONY OF DANA THOMPSON

1. I am **DANNA THOMPSON**. I am currently employed by the House of Ruth in Dothan, Alabama as the criminal justice specialist. I have been employed with the House of Ruth for the past seven (7) years. I have been employed as the criminal justice specialist for the past five (5) years.

2. As part of my job, I assist victims of domestic abuse. I counsel the victims and discuss the various resources that the community can provide to assist them. I also provide support and advice as the victims go through the legal processes, including attending all court appearances, hearings, and/or trials.

3. I have been appearing in court rooms with these victims throughout the wiregrass for the past five (5) years. I have had the opportunity to observe numerous judges preside over hearings and/or trials in domestic violence related matters.

4. During that period, I have observed hearings and/or entire bench trials in Judge M. John Steensland, Jr.'s courtroom on a weekly basis. Judge Steensland presided over all the hearings held on Petitions for Protection From Abuse which were held approximately once per week. Judge Steensland also presided over most of the court dockets containing misdemeanor domestic violence cases. My job required me to be present at all of those hearings and/or trial dates.

5. I have never observed Judge Steensland be condescending to any litigants appearing before him. He always conducted proceedings in his courtroom in a fair and impartial manner to all witnesses, victims, and defendants. I have never observed Judge Steensland conduct himself in an inappropriate manner while on the bench.

6. I have observed Judge Steensland grant many Petitions for Protection From Abuse after holding a hearing and receiving evidence, but I have also observed him deny many as well. I have observed Judge Steensland preside over countless bench trials for charges of domestic violence. I have observed Judge Steensland convict numerous defendants of domestic violence charges, however, I have also observed Judge Steensland acquit many of those defendants after conducting the trial and receiving the evidence. In every one of those instances, I thought Judge Steensland was fair and impartial to all litigants and gave both sides the opportunity to present their case to the court.

7. For the last five (5) years, I have regularly appeared before many different judges in a number of different counties in Alabama. During that time period, I can state that Judge Steensland granted a higher percentage of Petitions for Protection From Abuse than any other judge that I appeared before.

8. I have never observed Judge Steensland take the approach of placing the blame on a victim in any protection order hearing of domestic abuse related hearing and/or trial.

9. During my time with the House of Ruth, Judge Steensland implemented the S.A.F.E. program in his courtroom. It a batterer intervention program designed to render guidance and assistance to both victims of abuse and the abusers themselves.

BEFORE THE COURT OF THE JUDICIARY
OF ALABAMA

IN THE MATTER OF M. JOHN)
STEENSLAND, JR., RETIRED)
DISTRICT JUDGE OF HOUSTON) Case No. 39
COUNTY IN THE TWENTIETH)
JUDICIAL CIRCUIT OF ALABAMA)

PROPOSED TESTIMONY OF TONYA ELIZABETH VAUGHT

1. I was assaulted by my ex-husband, Bill Cook's, current wife, Wanda Cook, on October 29, 2009. My ex-husband and his wife conspired and made up a story alleging that I got into an argument with Bill and Wanda and that I touched Wanda Cook on the shoulder.
2. Wanda got an arrest warrant for me for harassment and had me arrested. I had to make bond and I appeared in court for my trial on January 28, 2010 in Judge Steensland's courtroom.
3. At trial Wanda Cook testified falsely about the incident and my ex-husband also made false statements under oath about the incident. Their lies were so easy to see through. Bill Cook and Wanda Cook thought that if they could get me convicted on this charge they would gain an advantage in our custody fight.
4. I believe Judge Steensland saw right through it and found me not guilty. He also told Wand and Bill to cut out their fussing and act like responsible adults and not bring every little dispute into the criminal courts. I believe Judge Steensland told everyone involved in the case that you people need to cut out your yaa yaa- ing and learn how to be act like responsible parents.
5. During the trial Judge Steensland was patient and respectful to all the witness. After hearing all the evidence, I believe Judge Steensland saw through what Bill and Wanda were trying pull over on the Court. I am thankful we have good, caring and honest judges like Judge Steensland so that justice can be served.

BEFORE THE COURT OF THE JUDICIARY
OF ALABAMA

IN THE MATTER OF M. JOHN)
STEENSLAND, JR., RETIRED)
DISTRICT JUDGE OF HOUSTON) Case No. 39
COUNTY IN THE TWENTIETH)
JUDICIAL CIRCUIT OF ALABAMA)

AFFIDAVIT OF WILLIAM C. WHITE, II

1. I am **WILLIAM C. WHITE, II**. I am an attorney and current partner in the law firm Parkman, Adams & White, LLC. I have been a practicing attorney since 1998.
2. I served as an assistant District Attorney for Henry and Houston County from October 1999 until December 2003. During that time, my duties included prosecuting traffic tickets, misdemeanors, preliminary hearings, bond hearings, and felonies.
3. I estimate that I practiced in front of Retired District Judge M. John Steensland, Jr. on a weekly basis for those four (4) years. Those cases would primarily have been misdemeanor trials, bond hearings, and preliminary hearings. I have handled hundreds of such cases before Judge Steensland.
4. It was my experience that Judge Steensland gave each and every defendant that desired a trial a fair and impartial trial regardless of whether he or she was represented by counsel or proceeding pro se. I never observed Judge Steensland attempt to persuade or influence a defendant to change his or her not guilty plea to guilty.
5. I never thought that Judge Steensland had a policy or rule of convicting and imposing jail time on the first defendant exercising his or her right to a trial

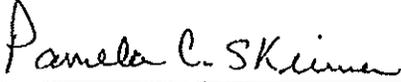
so as to influence other defendants waiting for their case to be heard. In fact, it was a common occurrence for me to be in his courtroom prosecuting misdemeanor and/or traffic ticket trials all day long one right after another.

6. I cannot recall ever hearing Judge Steensland use profanity from the bench.
7. During all my time practicing before Judge Steensland, I never witnessed him be mean, demeaning or intimidating to any victim, defendant, witness or attorney appearing before him.



WILLIAM C. WHITE, II

SWORN TO and subscribed before me
on this the 25th day of February, 2011.



NOTARY PUBLIC Exp: 8-16-14