

BEFORE THE COURT OF THE JUDICIARY  
OF THE STATE OF ALABAMA



In the matter of: )  
 )  
M. John Steensland, Jr., Retired )  
 )  
District Judge of Houston County, )  
 )  
in the Twentieth Circuit of Alabama. )

Court of the Judiciary  
Case No. 39

**MOTION TO DISMISS**

Comes now the Respondent, M. John Steensland, Jr., and moves to dismiss the Complaint heretofore filed against him by the Alabama Judicial Inquiry Commission on December 14, 2010 and each and every count and charge thereof, separately and severally on the following grounds, to wit:

1. Respondent retired from the bench on May 7, 2010 and has been inactive since that time.
2. The Alabama Judicial Inquiry Commission had no jurisdiction over Respondent on the date of the filing of this Complaint, December 14, 2010.
3. Respondent has been on inactive retired status since May 7, 2010, has not heard or participated in any cases since that date, has not been requested to serve as a judge, has not asked to serve as a judge, has not been appointed to serve as a judge, and therefore has not attempted to exercise "sovereign power" since said date.
4. Said Complaint is null and void in that it violates Rule 6(B) of the Rules of Procedure of Judicial Inquiry Commission.
5. Said Complaint is null and void in that it violates Rule 6(C) of the Rules of Procedure of Judicial Inquiry Commission.

6. Said Complaint is null and void in that it violates Rule 6(D) of the Rules of Procedure of Judicial Inquiry Commission in that Respondent was not properly and timely served with various documents as required by the Rule.

7. Said Complaint is null and void in that it fails to comply with Rule 6(E) of the Rules of Procedure of Judicial Inquiry Commission.

8. Said Complaint is barred by Rule 6(F) of Rules of Procedure of Judicial Inquiry Commission.

9. Said Complaint is barred by Rule 6(G) of Rules of Procedure of Judicial Inquiry Commission.

10. Said Complaint is barred by the failure to comply with Rule 9 of Rules of Procedure of Judicial Inquiry Commission.

11. Said Complaint is barred by the doctrine of laches.

12. Said Complaint is vague and ambiguous, and does not properly and succinctly set out charges against Respondent.

13. Said Complaint is vague and does not apprise Respondent of what he is called upon to defend.

14. Said Complaint is in violation of the doctrine of estoppel.

15. Said Complaint is in violation of the Constitution of the United States of America.

16. Said Complaint is in violation of the Constitution of the State of Alabama (1901).

17. Said Complaint is due to be dismissed on the authority of Johnson v. Board of Control of the Employees' Retirement System of Alabama, 740 So.2d 999 (1999).

18. Said Complaint is due to be dismissed as it conflicts with Alabama Canons of Judicial Ethics D(1) which provides as follows:

D. Retired and Supernumerary Judges

1. Retired and supernumerary justices or judges, who are not serving on the Supreme Court or on either of the courts of appeals or on any circuit court or district court in the state, in an active duty status, shall not be required to comply with any of these Canons. (emphasis supplied)

(See Judicial Inquiry Commission's website).

**COUNT I**

19. Respondent specifically moves to dismiss Count I, charges 1 - 10, of the Complaint and adopts as grounds therefore the allegations contained in Paragraphs 1 - 16.

20. Further, Count I does not charge any offense.

**COUNT II**

21. Respondent specifically moves to dismiss Count II, charges 11 - 15, of the Complaint and adopts as grounds therefore the allegations contained in Paragraphs 1 - 16.

22. Further, Count II does not charge any offense since an apology is not a violation of any Canon, code of conduct, social custom, or sense of decency.

**COUNT III**

23. Respondent specifically moves to dismiss Count III, charges 16 - 25, of the Complaint and adopts as grounds therefore the allegations contained in Paragraphs 1 - 16.

24. Further, Count III does not charge any offense.

25. Further, Count III is vague and ambiguous.

**COUNT IV**

26. Respondent specifically moves to dismiss Count IV, charges 26 - 35, of the Complaint and adopts as grounds therefore the allegations contained in Paragraphs 1 - 16.

27. Further, Count IV does not charge any offense.

28. Further, Count IV is vague and ambiguous.

#### COUNT V

29. Respondent specifically moves to dismiss Count V, charges 36 - 46, of the Complaint and adopts as grounds therefore the allegations contained in Paragraphs 1 - 16.

30. Further, Count V does not charge any offense.

31. Further, Count V is vague and ambiguous.

32. The allegations in Count V and charges 36 - 46, separately and severally, are barred by the doctrine of condonation in that the alleged acts complained of occurred in July of 2007 whereas Judge Steensland's last term did not begin until January 20, 2009. See, Parker v. State, 333 So.2d 806, 808 (Ala. 1976); State ex rel. Attorney General v. Hasty, 184 Ala. 121; 63 So. 559, 561 (1913).

33. Respondent moves for the dismissal of Count V, charges 36 - 46, separately and severally, on the grounds that the law in Alabama has always held that an official cannot be removed because of conduct during a previous term and the acts complained of in said Count all occurred during a previous term. See, Mullins v. Matthews, 259 Ala. 125, 140; 66 So.2d 105, 118 (1953).

#### COUNT VI

34. Respondent specifically moves to dismiss Count VI, charges 47 - 56, of the Complaint and adopts as grounds therefore the allegations contained in Paragraphs 1 - 16.

35. Further, Count VI does not charge any offense.

36. Said Count and its related charges 47 - 46 are outrageously vague and ambiguous.

37. Said Count alleged conduct occurring sometime between 2002 and July of 2004, which could have been conduct occurring two terms ago.

38. Said Count alleges conduct occurring in November of 1996, which was three terms ago.

39. Said Count makes allegations that do not apprise Respondent with what he is charged with and called upon to defend.

40. Said Count alleges conduct but does not allege the names of the people allegedly insulted or mistreated and lacks reasonable notice and specificity of the acts complained.

41. Said Count is nonsensical.

42. Said Count does not contain names, dates, styles of cases or any information whatsoever to notify or inform Respondent or his attorney as to how to prepare his defense.

43. Said Count violates Respondent's right to confront witnesses against him.

44. Said Count deprives Respondent of his constitutional right of cross-examination of witnesses against him.

#### COUNT VII

45. Respondent specifically moves to dismiss Count VII, charges 57 - 60, of the Complaint and adopts as grounds therefore the allegations contained in Paragraphs 1 - 16.

46. Further, Count VII does not charge any offense.

47. Further, Count VII is vague and ambiguous.

48. Said Count does not apprise Respondent what he is charged with and called upon to defend.

WHEREFORE, for the foregoing reasons, Respondent moves this Honorable Court to enter an Order dismissing each of the Counts and charges alleged against him in the Complaint.

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

I hereby certify that on this the 1<sup>st</sup> day of March, 2011, I emailed the foregoing pleading to the Clerk of the Court of the Judiciary and emailed counsel of record as follows:

Hon. Thomas E. Harrison  
Email: [teharisn@comcast.net](mailto:teharisn@comcast.net)  
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William J. Baxley