

SECOND REGULAR SESSION

House Resolution No. 333

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES WYATT (Sponsor), REDMON, CURTMAN,
KOENIG AND TAYLOR (Co-sponsors).

5261L.011

ARTICLES OF IMPEACHMENT

2 **WHEREAS**, Judge Russell E. Steele is a circuit judge in the Second Judicial Circuit of
Missouri, wholly situated in the Counties of Adair, Knox, and Lewis; and

3 **WHEREAS**, Russell E. Steele has been serving in that position since 1997; and

4 **WHEREAS**, Article VII, Section 1, Missouri Constitution provides:

5 "All elective executive officials of the state, and judges of the supreme court,
6 courts of appeals and circuit courts shall be liable to impeachment for crimes,
7 misconduct, habitual drunkenness, willful neglect of duty, corruption in office,
8 incompetency, or any offense involving moral turpitude or oppression in office.";
9 and

10 **WHEREAS**, while Judge Russell E. Steele has been accused of numerous violations of
11 Missouri Supreme Court Rule 2, Code of Judicial Conduct, Judge Steele's conduct also indicates
12 possible violations of the Missouri criminal code; and

13 **WHEREAS**, Russell E. Steele may have committed the crime of perjury by lying under
14 oath to Federal Judge E. Richard Webber in the case of *Heartland Christian Academy*
15 *Community Church v. Waddle*, 317 F.Supp.2d 984 (E.D. 8th Cir. Mo. 2004); and

16 **WHEREAS**, Section 575.040, RSMo, establishes the elements of the crime of perjury:

17 "575.040. 1. A person commits the crime of perjury if, with the purpose
18 to deceive, he knowingly testifies falsely to any material fact upon oath or
19 affirmation legally administered, in any official proceeding before any court,
20 public body, notary public or other officer authorized to administer oaths.

21 2. A fact is material, regardless of its admissibility under rules of
22 evidence, if it could substantially affect, or did substantially affect, the course or
23 outcome of the cause, matter or proceeding.

24 3. Knowledge of the materiality of the statement is not an element of this
25 crime, and it is no defense that:

26 (1) The defendant mistakenly believed the fact to be immaterial; or

27 (2) The defendant was not competent, for reasons other than mental
28 disability or immaturity, to make the statement.

29 4. It is a defense to a prosecution under subsection 1 of this section that
30 the actor retracted the false statement in the course of the official proceeding in
31 which it was made provided he did so before the falsity of the statement was
32 exposed. Statements made in separate hearings at separate stages of the same
33 proceeding, including but not limited to statements made before a grand jury, at
34 a preliminary hearing, at a deposition or at previous trial, are made in the course
35 of the same proceeding.

36 5. The defendant shall have the burden of injecting the issue of retraction
37 under subsection 4 of this section.

38 6. Perjury committed in any proceeding not involving a felony charge is
39 a class D felony.

40 7. Perjury committed in any proceeding involving a felony charge is a
41 class C felony unless:

42 (1) It is committed during a criminal trial for the purpose of securing the
43 conviction of an accused for murder, in which case it is a class A felony; or

44 (2) It is committed during a criminal trial for the purpose of securing the
45 conviction of an accused for any felony except murder, in which case it is a class
46 B felony."; and

47 **WHEREAS**, in addition, Russell E. Steele may have committed the crime of tampering
48 with a witness by threatening a member of the Missouri Bar with a Bar complaint regarding
49 information the Bar member may have possessed in connection with a grand jury investigation
50 of Judge Steele and/or Judge Steele's Juvenile Office; and

51 **WHEREAS**, the herein described examples of conduct exhibited by Russell E. Steele
52 regarding potential violations of the Missouri criminal code and Missouri Supreme Court Rule 2,
53 Code of Judicial Conduct constitute "corruption in office" and "offenses involving moral
54 turpitude or oppression in office"; and

55 **WHEREAS**, even if the Judge's motives are not malicious, but that he simply does not
56 understand the clear dictates of his Canons of Ethics adopted by the Missouri Supreme Court,
57 then he is guilty of "incompetence"; and

58 **WHEREAS**, Missouri Supreme Court Rule 2.03, Canon 3 provides that "A Judge Shall
59 Perform the Duties of Judicial Office Impartially and Diligently"; and

60 **WHEREAS**, Russell E. Steele violated Rule 2.03, Canon 1A; Rule 2.03, Canon 2A and
61 2B; and Rule 2.03, Canon 3E(1) by entering an order that was contrary to established Missouri
62 case law, statutory law, and/or regulatory law in favor of Paul Rick Jackson in Adair County,
63 Case Number CV105-16CC as prior to entering that order, Judge Steele was a law partner with
64 Mr. Jackson. Judge Steele recused himself some months thereafter knowing of the inherent
65 conflict and appearance of impropriety. Such acts by Judge Steele thereby constitute an
66 appearance of impropriety and undermine the promotion of public confidence in the integrity and
67 impartiality of the judiciary; and

68 **WHEREAS**, Russell E. Steele violated Rule 2.03, Canon 2A and 2B; Rule 2.03, Canon
69 3C; and Rule 2.03, Canon 3C(4) by appointing his former law partner's firm, which included his
70 former law clerk, of which at least one was a political contributor to Judge Steele's campaign.
71 Judge Steele made such appointments to county-taxpayer-paid positions before his juvenile
72 court. Such appointments undermine the promotion of public confidence in the integrity and
73 impartiality of the judiciary and were the result of the improper influence of Judge Steele's
74 relationship with Paul Rick Jackson and Tim Reuschel; and

75 **WHEREAS**, Russell E. Steele violated Rule 2.03, Canon 1A; Rule 2.03, Canon 2A;
76 Rule 2.03, Canon 3B(2), 3B(4), and 3B(11) by threatening Clifford B. Mayberry, a member of
77 the Missouri Bar, with a bar complaint in regard to information Mr. Mayberry may have
78 possessed in connection with a grand jury investigation of Judge Steele and/or Judge Steele's
79 juvenile office. Such conduct is not only a violation of a Missouri Judge's Canon of Ethics, but
80 may constitute witness tampering in violation of the Missouri Criminal Code; and

81 **WHEREAS**, Russell E. Steele violated rule 2.03, Canon 4A and Rule 2.03, Canon 3C
82 by maintaining a romantic relationship with his assistant, Tonya Lutz; and

83 **WHEREAS**, Russell E. Steele violated Rule 2.03, Canon 4E in serving as attorney for
84 his mother, Helen Steele, in preparing and having her execute a real estate deed in favor of Judge
85 Steele's brother, Philip Steele, to the detriment of his sisters, Ruth Valentine and Kathryn Draper.

86 The deed was executed by Helen Steele, notarized by Judge Steele's romantic partner and
87 secretary, Tonya Lutz, which Judge Steele had delivered for recordation some time after his
88 mother's death without delivering the deed to Philip Steele and without advising his sisters of
89 their mother's execution of the deed in an effort to secret the deed from his sisters; and

90 **WHEREAS**, while an attorney licensed in the State of Missouri, Russell E. Steele
91 violated Rule 4 of the Professional Code of Ethics by having an ex parte communication with
92 then-Judge Bruce Normile in an Adair County case entitled *Losey v. Grissom* pertaining to issues
93 regarding a potential conflict of interest and actions to be taken regarding attorney David A.
94 Masters. Such conduct was without the presence of Mr. Masters or any other parties involved
95 in the matter and such contact was not within any exception to the applicable rule at the time;
96 and

97 **WHEREAS**, Russell E. Steele violated rule 2.03, Canon 3B(11) by obtaining
98 information regarding a grand jury investigation of Judge Steele's juvenile office and using such
99 information obtained to threaten at least one potential witness and/or attorney who possessed
100 information against him and/or his Juvenile Office; and

101 **WHEREAS**, Russell E. Steele violated Rule 2.03, Canon 3C(2) by allowing repeated
102 public comments by his Chief Juvenile Officer on matters involving pending criminal and
103 juvenile cases arising from alleged abuse of children resulting in the removal of several juveniles
104 from the Heartland Christian Academy in 2001; and

105 **WHEREAS**, Russell E. Steele violated Rule 2.03, Canon 3B(9) by making public
106 comments about Judge Webber's opinion issued in *Heartland Christian Academy Community*
107 *Church v. Waddle*, 317 F.Supp.2d 984 (E.D. 8th Cir. Mo. 2004); and

108 **WHEREAS**, Russell E. Steele violated Rule 2.03, Canon 3B(5) by allowing those under
109 his control to engage in conduct that manifested bias or prejudice based upon religion in allowing
110 his Chief Juvenile Officer to engage in a campaign against faith-based programs and specifically
111 Heartland Christian Academy Community Church; and

112 **WHEREAS**, Russell E. Steele violated Rule 2.03, Canon 1; Rule 2.03, Canon 3B(2);
113 Rule 2.01; Rule 2.03, Canon 2B in issuing a search warrant and refusing to quash the same for
114 his juvenile officers to search and seize items pursuant to the warrant for documents possessed
115 by Heartland Christian Academy Community Church that clearly did not comply with Section
116 542.271, RSMo, and was not issued in furtherance of any criminal investigation; and

117 **WHEREAS**, Russell E. Steele violated Rule 2.03, Canon 3C by appointing his Chief
118 Juvenile Officer, Mike Waddle, to a county-paid position of juvenile court services administrator
119 after Mr. Waddle was found to have offered perjured testimony before Judge E. Richard Webber
120 in *Heartland Christian Academy Community Church v. Waddle*, 317 F.Supp.2d 984 (E.D. 8th
121 Cir. Mo. 2004); and

122 **WHEREAS**, Russell E. Steele violated Rule 2.03, Canon 2A by threatening State
123 Representative Zachary Wyatt by presenting himself to Representative Wyatt's District Office
124 stating that he was upset with Representative Wyatt, that he knew Representative Wyatt had
125 requested Judge Steele's campaign disclosure reports, and demanded Representative Wyatt
126 disclose why he was looking at such reports; and

127 **WHEREAS**, Russell E. Steele violated Rule 2.03, Canon 1A and Rule 2.03, Canon 2A
128 by using Gary Rogers, who at the time was a public employee, for Judge Steele's personal
129 purposes in working on Judge Steele's personal residence while and during such times that Mr.
130 Rogers was employed by the Adair County Juvenile Office; and

131 **WHEREAS**, Russell E. Steele violated Rule 2.03, Canon 2A and 2B; Rule 2.03, Canon
132 1A; and Rule 2.03, Canon 4A by acquiring a cell phone at taxpayer's expense through the Adair
133 County Juvenile Office for use by his secretary, with whom Judge Steele was conducting an
134 extramarital affair, in order to secret such relationship; and

135 **WHEREAS**, Russell E. Steele violate Rule 2.03, Canon 3 by not being faithful to the law
136 and not maintaining competence in the law by allowing a person who had previously pled guilty
137 to a sex offense in violation of Missouri law to withdraw his guilty plea in that matter, and allow
138 the prosecuting attorney to dismiss the matter so that he was relieved of the requirements to
139 register as a sex offender under the federal law known as "Adam Walsh Law", which is contrary
140 to the intent and spirit of that law; and

141 **WHEREAS**, Russell E. Steele violated Rule 2.03, Canon 3 by not being faithful to the
142 law and not maintaining competence in the law by allowing a person who had previously pled
143 guilty to a sex offense in violation of Missouri law and a person who was not a United States
144 citizen to violate the conditions of his probation, and thereafter in not revoking his suspended
145 imposition of sentence so that he would not be deported under federal immigration laws; and

146 **WHEREAS**, by the acts described herein, Russell E. Steele oppressively, incompetently,
147 and/or corruptly committed the same:

148 **NOW, THEREFORE, BE IT RESOLVED** that it is the Order and Judgment of the
149 Missouri House of Representatives, Ninety-sixth General Assembly, that Judge Russell E. Steele
150 shall stand trial before the Missouri Supreme Court for violation of Article VII, Section 1 of the
151 Missouri Constitution due to misconduct, willful neglect of duty, corruption in office,
152 incompetency, and/or oppression in office; and

153 **BE IT FURTHER RESOLVED** that the Chief Clerk of the Missouri House of
154 Representatives be instructed to prepare properly inscribed copies of this resolution for Judge
155 Russell E. Steele and the Chief Justice of the Missouri Supreme Court.

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