

IN THE TWELFTH JUDICIAL DISTRICT OF TENNESSEE  
CIRCUIT COURT OF GRUNDY COUNTY

ADAM C. BRASEEL, )  
Petitioner )  
 )  
vs. )  
 )  
STATE OF TENNESSEE, )  
Respondent )

No: 4221

Filed in my office at 10:23am  
10 day of January 2018  
Crystal Stupis  
Clerk  
D.C.

**ORDER DENYING STATE'S MOTION FOR RECUSAL**

This cause came to be heard on the 7<sup>th</sup> day September, 2017 in the Circuit Court of Grundy County, Tennessee, upon the State's Motion for the Recusal of Circuit Court Judge, Justin C. Angel. Upon a full review of the Motion and supporting affidavit, the Defendant's Response in Opposition, applicable case law, statutes, and Judicial Code of Conduct, the Court hereby respectfully denies the State's Motion for Recusal. The denial is based on the following reasons, addressed in sequential order, relating to the allegations and grounds set forth in the State's Motion for Recusal and Supporting Affidavit.

The main alleged issue according to the State is the potential appearance of impropriety by the Court. The State graciously admits that the Court has not acted biased in any manner or that the Court did anything improper in its ruling and handling of the case. Even though it appears that some of the proper and

mandatory language required in the oath on the supporting affidavit is missing, the Court will still accept the pleading and answer it fully.

I.

The background information and allegations set forth in paragraph one are admitted and hereby stipulated. Circuit Court Justin C. Angel will be referred to hereafter as, "I" and "the Court". The affiant, Assistant District Attorney General Steven H. Strain, will be referred to hereafter as "ADAG Strain".

II.

The allegations set forth in paragraphs two through four all relate to the Court's findings and analysis regarding a previous order granted in favor of a new trial for the defendant. ADAG Strain indicated that said Order was entered on December 25, 2017, but it was actually December 25, 2015. I believe this to be a typographical error. These assertions by ADAG Strain are areas of contention and critique that were properly handled through the appellate process. The Court of Criminal Appeals disagreed with the Court and ruled that some of the findings were not properly in the record. The Court inherited this case upon taking the bench and the case file is voluminous. It is quite possible the Court did err in when pulling certain facts and statements from various transcripts, witness testimony, and statements by counsel. Obviously, the higher court found that the court did err

in that analysis and recitation as shown by the reversal from the Court of Criminal Appeals.

Any error in this regard by the Court was simply that. The Court devoted a lot of time and effort in an attempt to issue a proper ruling. The State has already admitted that the Court was not biased nor did anything improper in its ruling. Therefore, the fact that the Court may have erred in its recitation of facts or analysis does not create any appearance of impropriety. If that were the case, every judge who is reversed and remanded would have an automatic cause for recusal. There is no legal or ethical precedent that creates such an action or invokes that logic.

### III.

The Court acknowledges that it communicated with ADAG Strain and defense Counsel on Christmas Day 2015, to alert the parties that I had completed my Order. The Court had been attempting to finalize the Order and have it filed prior to the holidays but had failed to do so. The Court was finally able to complete the Order over the Christmas break. The Court was determined to have the Order completed before the New Year. The Court had a hunting trip planned after Christmas and before the New Year in a location with no cell service or internet, so I had to complete the Order by Christmas. The Court meant zero significance by working on Christmas Day and sending the Order to Counsel.

I'm a Circuit Court Judge every day, even on vacation, and the duties of the Court must be performed. I have had conference calls while on the beach with my family, signed search warrants at my home in the middle of the night, and returned emails and texts from a deer stand. The Court takes its responsibilities extremely seriously and doesn't place the symbolism of any day or holiday over the necessary work of the Court. The Court cannot concern itself with the fear or favor of victims' families and their perceived bias regarding the rulings or days that rulings are entered. The day this Order was entered was simply a coincidence and a byproduct of my schedule. As an example, the Court is finalizing this current Order on the day before Thanksgiving, 2017.

#### IV.

The allegations set forth in paragraph six are admitted and hereby stipulated. The reason for this bond deadline was simple. January 8, 2016 was the Court's first Criminal Court Day after the holiday break. It seemed to be the appropriate time to have a bond hearing. Again, there was so significance placed on this date.

#### V.

The allegations set forth in paragraph seven are admitted and hereby stipulated. I chose to hand deliver the Order because I was also in possession of parts of the court file and transcripts. I didn't want to mail those items. I was scheduled to be in Winchester on January 4, 2016. The route I always took to

Winchester at that time brought me through Grundy County and only 4.6 miles away from the Grundy County Courthouse. Hand delivering the Order and transcripts was not out of the way at all and was actually quite convenient.

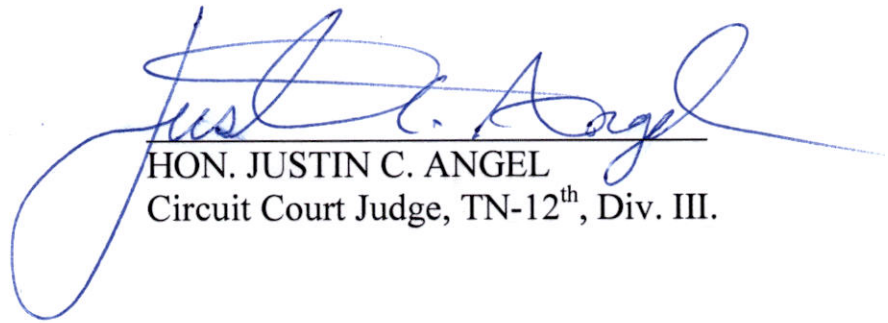
## VI.

The allegations set forth in paragraph eight address the victim's family and what they may perceive as improper or partial. They lost a loved one to a homicide. Thankfully, I cannot even relate to the emotions they must possess. I'm sure they would have concerns about any judge who entered an Order which granted a new trial to the defendant who was convicted of the homicide. The Court does not take these assertions as personal and will continue to conduct itself as impartial and proper in every case for the duration of the Court's term as a Circuit Court Judge. The fact that the Court entered the Order which was adverse to their position does not create a basis for recusal. Again, if this were the standard, there would be judicial recusals in every case. This is set forth in *State v. Jimmy D. Dillingham*, No. 03C01-9110-CR-319, 1993 WL 22155 (Tenn.Crim.App., Knoxville, Feb. 3, 1993). As well as cited in *Alley v. State*, 882 S.W.2d 810, 821-822 (Tenn.Crim.App. 1994).

## CONCLUSION

Because of the aforementioned reasons, the Court respectfully denies the State's Motion for Recusal filed by Assistant District Attorney General, Steven H. Strain. The Court has maintained its adherence to the Judicial Code of Conduct and Oath of Office. The Court has not created any appearance of impropriety and constantly strives to maintain the public's full confidence in the integrity and impartiality of the judiciary.

Respectfully submitted, this 22<sup>nd</sup> day of November, 2017.

  
HON. JUSTIN C. ANGEL  
Circuit Court Judge, TN-12<sup>th</sup>, Div. III.