

23-129

Before the Commission on Judicial Qualifications of the State of Iowa

In the Matter of the Conduct of

Judge/Magistrate Steven Van Marel

of the 2B Judicial District
District number

Complaint to the Commission on
Judicial Qualifications of
the State of Iowa

RECEIVED

JUL 17 2023

1. Information about the person who is filing this complaint:

STATE COURT
ADMINISTRATOR

Name: Alexandra Distance Marie Wilson
First name Middle initial Last name
Address is: 4733 Toronto St. #112 Ames IA 50014
Address City State Zip code

2. This complaint is about behavior of the judge named above in the following case (or cases):

Case Title: STATE OF IOWA vs. ALEXANDRA WILSON

Case Number: SMSM062317 and SMSM066553, in Story County

3. Date(s) when the events happened that led me to file this complaint: 7-25-2006 and 5-15-2009

4. This is a description of what happened that caused me to file this complaint against the judge:

See attached paperwork.

Attach additional pages if necessary

Alexandra Wilson

Signature of person filing this complaint

7-17-2023

Date

Complete this form and email it to: iowajqc@iowacourts.gov or
mail to: Judicial Qualifications Commission, 1111 East Court Avenue, Des Moines, IA 50319

Sondra Wilson
4733 Toronto St. #112
Ames, IA 50014
adwilson8@dmacc.edu
515-357-9725

Judicial Qualifications Commission
1111 East Court Ave.
Des Moines, IA 50319

Complaint against Judge Steven Van Marel:

Judge Van Marel was involved with three criminal cases against me: two in 2006 (case #s SMSM062530 and SMSM062317), and one in 2009 (case # SMSM066553).

Case # SMSM062317 was a trespassing case. I was arrested for “trespassing” for using the women's restroom (because I'm a transgender woman). Although I did not know it at the time, Judge Van Marel ordered Officer Marshall to arrest me. My attorney, Gordon Allen, filed a motion for Judge Van Marel to recuse himself (see Exhibit A – motion to recuse) because judges do not have the authority to give orders to officers of the executive branch (separation of powers).

Three years later, at the beginning of case # SMSM066553, Judge Van Marel ought to have recused himself according to Iowa Code. Jud. Cond. Rule 51:2.11:

“(A) A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to the following circumstances:

(1) The judge has a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of facts that are in dispute in the proceeding.”

Instead of recusing himself, however, Judge Van Marel performed an unjust ruling (abuse of power) against me. I was charged with assault even though witness testimonies directly contradicted the false accusation against me. Although the State did not enter records of witness contradictions, nor was there a court recorder, witness discrepancies are noted within my appeal (Exhibit B – appeal).

Immediately following the case, an officer who testified during the case approached me in the hallway. He informed me that he, too, thought the case was unfair. He told me that three years earlier – after I was arrested for using the women's restroom – there were several local officials who were upset with me. He told me that “for my safety” I should “leave the state”. He also told me that I was in more danger because now they had a violent crime (assault) attached to my record. I heeded the officer's warning and left the state. I remained homeless for several years and did not return until 2018.

Limitations Period - still a valid case:

I was not aware that my attorney had filed a motion to recuse for case # SMSM062317. He did not tell me, nor did Judge Van Marel mention it during case # SMSM066553. In fact I did not know that Judge Van Marel ordered Officer Marshall to arrest me back in 2006, so I was not aware of his personal bias in 2009.

I did not discover these facts until November 2022, at which time I ordered a copy of the docket for each of the cases. There were several reasons I ordered the docket, including:

1. I am unable to get tags on my vehicle until I pay the fine for the assault crime I did not commit.
2. I was denied an apartment in 2022 because the landlord did not like what he saw in my criminal record.
3. I wanted to clear my name of these charges from when I was younger.

According to my research, Judge Van Marel commit extrinsic fraud against me.

Definition of extrinsic fraud – Fraud that is collateral to the issues tried in the case in which the judgment was rendered and that constitutes grounds for setting aside the judgment; fraud that prevents a party from having a trial or from presenting his side of the case fully and fairly.¹

Iowa Code § 802.5 provides an extension of limitations period for fraud cases:

If the periods prescribed in sections 802.3 and 802.4 have expired, prosecution may nevertheless be commenced for any offense a material element of which is either fraud or a breach of fiduciary obligation within one year after discovery of the offense by an aggrieved party or by a person who has legal duty to represent an aggrieved party and who is not a party to the offense, but in no case shall this provision extend the period of limitation otherwise applicable by more than three years.

Furthermore, the discovery rule and doctrine of equitable tolling extend limitations periods in cases wherein the fraud was not discovered until after the plaintiff discovered the evidence. I have included both definitions below.

- **discovery rule** – *Civil procedure*. The rule that a limitations period does not begin to run until the plaintiff discovers (or reasonably should have discovered) the injury giving rise to the claim. * The discovery rule usually applies to injuries that are inherently difficult to detect, such as those resulting from medical malpractice.
- **equitable tolling** – 1. The doctrine that the statute of limitations will not bar a claim if the plaintiff, despite diligent efforts, did not discover the injury until after the limitations period had expired, in which case the statute is upended or tolled until the plaintiff discovers the injury. Equitable tolling does not require misconduct such as concealment by the defendant.²

It has been held that equitable tolling applies principally if the plaintiff is actively misled by the defendant about the cause of action or is prevented in some extraordinary way from asserting his or her rights. However, it has also been held that the equitable tolling doctrine does not require wrongful conduct on the part of the defendant, such as fraud or misrepresentation.³

Thank you for investigating this matter.

Sincerely,
Alexandra “Sondra” Wilson

1 Ballantine’s Law Dictionary Legal Assistant Edition by Jack Ballantine (*James Arthur 1871-1949*). Doctored by Jack G. Handler, J.D. © 1994 Delmar by Thomson Learning. ISBN 0-8273-4874-6.

2 Black’s Law Dictionary Deluxe Tenth Edition by Henry Campbell Black & Editor in Chief Bryan A. Garner. ISBN: 978-0-314-62130-6

3 51 American Jurisprudence 2d Limitation of Actions § 174 (2007)

STATE OF IOWA,

VS.

Defendant.

ORDER

The Court is in receipt of the defendant's motion to recuse. The Court notes that, while this Court was not a witness to the events alleged in the charge of trespass, the Court directed the Ames Police Department to arrest the defendant on the offense of trespassing. The Court, therefore, finds it appropriate to recuse itself from hearing any further proceedings in this matter.

IT IS THEREFORE THE ORDER of this Court that this Court recuses itself from hearing any further proceedings in this matter.

St. Vincent

STEVEN P. VAN MAREL, Judge
DISTRICT ASSOCIATE COURT

Copies to:

County Attorney
Gordon E. Allen

COPY HEREOF MAILED OR
FORWARDED TO _____

ALL
8-10-76
Sgt. [Signature]
Sgt. [Signature]

FILED
CLERK OF DISTRICT COURT
AUG -9 PM 3:35
STORY COUNTY
AMES, IOWA

IOWA DISTRICT COURT FOR STORY COUNTY

STATE OF IOWA, :
Plaintiff, : Case No. SMSM062530
v. : ORDER FOR TRANSFER OF "MOTION TO
ALEXANDER JAMES WILSON, : RECUSE"
Defendant. :

The defendant's "Motion to Recuse" is more properly directed to the Honorable Steven Van Marel for consideration of withdrawal pursuant to Canon 3 of the Iowa Code of Judicial Conduct.

IT IS ORDERED that the Clerk of Court shall transfer of copy of the defendant's "Motion to Recuse" to the Honorable Steven Van Marel.


THOMAS R. HRONEK
DISTRICT ASSOCIATE COURT

Clerk to furnish copies to:
County Attorney
Gordon E. Allen
Honorable Steven Van Marel

FILED
CLERK OF DISTRICT COURT
2006 AUG - 8 AM 10:37
STORY COUNTY
AMES, IOWA

Exhibit A -
p2 of 2

COPY HEREOF MAILED OR
DELIVERED TO _____

ALL
8-8-06
CLERK OF DISTRICT COURT
STORY COUNTY, IOWA

To the presiding judge,

I am making an appeal
to my court case Friday. I am
homeless and do not have the
money to pay for this appeal
but in the name of j-
please hear me out. Thank you.

I was accused of kicking
Kassandra Somers. She brought
2 witnesses, both which claimed
they saw everything. One said
I definitely never kicked Kassandra.
The other said I kicked her
hard 3 times. Kassandra said
I kicked her once with
little force. The Ames Tribune
club that report is what
somebody called me

Exhibit B -
appeal p1 of 2

had no mention of kicking her—
which seems like they would
have mentioned.

Exhibit B -
appeal p2 of 2

They were upset at me
because I was singing
music about freeing animals
inside the fast food restaurant
and they are seeking vindication.
I am a peaceful warrior
and did not kick Kasandra.
The judge took the position that
I kicked her 3 times and she
forgot about 2 of them.

Please help. I don't want
assault tagged to my name.
That simply is not me.

Thank you. Sincerely,
Alex Wilson

STATE OF IOWA
JUDICIAL QUALIFICATIONS COMMISSION
1111 East Court Avenue
Des Moines, IA 50319

August 9, 2023

Alexandra Wilson
4733 Toronto Street, #112
Ames, IA 50014

Dear Ms. Wilson:

Your complaint against District Associate Judge Steven Van Marel has been received and will be considered by the Judicial Qualifications Commission (the Commission) at the next quarterly meeting.

The Commission has authority to investigate complaints alleging ethical misconduct. If the Commission concludes a substantial violation of the Code of Judicial Conduct was committed, the Commission can refer the complaint to the Iowa Supreme Court and recommend discipline. If the Commission concludes there is insufficient evidence of judicial misconduct, or insufficient evidence of misconduct serious enough to justify public discipline of the judge, the complaint will be dismissed. Commission decisions are final and there is not an appeal process for Commission decisions (see Iowa Code sections 602.2101 to 602.2107 and Iowa Court Rules, Chapter 52).

The Commission does not have authority to overturn a ruling. A ruling can only be overturned by an appellate court. After a ruling is entered, there is limited time to file an appeal. If you wish to file an appeal, do not wait for a decision from the Commission.

Commission staff cannot provide legal advice. If you are considering further action regarding your complaint, you should contact an attorney.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Robert Gast', with a stylized flourish at the end.

Robert Gast
Executive Secretary

JUDICIAL QUALIFICATIONS COMMISSION
1111 East Court Avenue
Des Moines, IA 50319

September 29, 2023

Alexandra Wilson
4733 Toronto Street, #112
Ames, IA 50014

Re: Grievance Against District Associate Judge Steven Van Marel

Dear Ms. Wilson:

The Commission on Judicial Qualifications of the State of Iowa was established by an Amendment to the Iowa Constitution in 1975. As required by the Constitution, the Commission includes seven members: four private citizens appointed by the Governor and approved by the Iowa Senate, plus two attorneys and one district court judge appointed by the Iowa Supreme Court. The Commission is authorized to investigate allegations of judicial misconduct and may recommend to the Supreme Court that a judge be disciplined or removed for persistent failure to perform his or her duties, habitual intemperance, willful misconduct in office, conduct which brings judicial office into disrepute, or other substantial violations of the Canons of Judicial Ethics. The Commission is not empowered to act as appeals court, to re-evaluate the facts or how a judge interpreted or applied the law in a case, or to overturn a judge's decision in a case.

The Commission has completed its consideration of your grievance. It has determined that there is insufficient evidence of judicial misconduct, or insufficient evidence of misconduct that is serious enough to justify public discipline of the judge. Accordingly, the Commission has dismissed the complaint.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Robert Gast', written over a light blue horizontal line.

Robert Gast
Executive Secretary