SUPREME COURT OF MISSOURI
en banc

IN RE: THE HONORABLE MATTHEW E.P. THORNHILL,	)	*Opinion issued December 29, 2025*
	)	
	)	No. SC101374
Respondent.	)	

ORIGINAL DISCIPLINARY PROCEEDING

On November 14, 2025, the Commission on Retirement, Removal and Discipline, created pursuant to article V, section 24 of the Missouri Constitution, filed its Findings of Fact, Conclusions of Law, and Recommendations ("FCR") in this Court. The Commission's FCR finds Judge Matthew E.P. Thornhill, circuit judge in the 11th Judicial Circuit, committed the acts of misconduct charged in the Commission's Formal Notice to Judge Thornhill dated October 17, 2025. Judge Thornhill waived any hearing before the Commission or this Court and has admitted the truth and substantial accuracy of the misconduct charged in the Formal Notice. The Commission and Judge Thornhill jointly recommend he be suspended without pay for six months, after which he would resume serving for an additional 18 months and then resign. Because of Judge Thornhill's repeated political statements in the courtroom, however, the Court rejects that recommendation and orders Judge Thornhill's immediate removal from office.

The Charges

The Commission's Formal Notice charged Judge Thornhill with committing three counts of misconduct, as follows:

Count I

> That Respondent [Judge Thornhill] engaged in a course of conduct in which he failed to maintain order and decorum in the courtroom, in his chambers, and in the courthouse and further failed to maintain the dignity appropriate of judicial office in one or more of the following ways:
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> > A. That Respondent would routinely wear an Elvis Presley wig on or about October 31 in the courtroom, in his chambers and/or in the courthouse while conducting court business. (Comm. Ex. 1, 2, 3).
> >
> > B. That on occasion, Respondent would let litigants and/or witnesses select how they would be sworn in prior to testifying. One option involved the Respondent playing Elvis Presley music from his phone.
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> > C. That on occasion, Respondent would refer to Elvis Presley during court proceedings, such as referring to Elvis Presley's date of birth or death when such statements were irrelevant to the proceedings before the court.
> >
> > D. That on occasion Respondent would refer to the lyrics of Elvis Presley songs during court proceedings when such statements were irrelevant to the proceedings before the court.
> >
> > E. That on occasion Respondent would play music from his phone including Elvis Presley songs while entering the courtroom and/or while on the bench doing court business.
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> Such conduct was violative of Supreme Court Rule 2-1.2, requiring a judge to promote confidence in the integrity of the judiciary and avoid impropriety and the appearance of impropriety; Supreme Court Rule 2-2.1, requiring a judge give precedence to the duties of office; Supreme Court Rule 2-2.5, requiring a judge perform judicial and administrative duties competently and diligently; Supreme Court Rule 2-2. 7, requiring a judge to decide matters assigned to the judge; and Supreme Court Rule 2-2.8, requiring a judge to maintain order and decorum in proceedings before the

court and to be dignified and courteous with litigants, witnesses, lawyers, court staff, court officials, and others with whom the judge deals in an official capacity. Further, such conduct is misconduct and or incompetency pursuant to [a]rticle V[, s]ection 24 of the Constitution of the State of Missouri.

Count II

That Respondent engaged in a course of conduct in which he was involved in political activity not related to the law, legal system, or the administration of justice and/or was related to his own political campaign from the bench in the courtroom while conducting the business of the court and/or around the courthouse in one or more of the following ways:

> A. That on occasion Respondent would mention his political affiliation and/or his preferred candidates in contested political elections with litigants, witnesses, and/or attorneys while conducting court business from the bench in the courtroom.
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> B. That on occasion, Respondent would comment from the bench in the courtroom to litigants, witnesses, and/or attorneys about where his "Thornhill for Judge" signs were located.
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> C. That on occasion, Respondent would remark from the bench in the courtroom to litigants, witnesses, and/or attorneys that they live in, "Thornhill for Judge Country."
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> D. That on one occasion, while considering the petition, Respondent asked the petitioner if the union for which the petitioner worked has, "[w]armed up to Thornhill for judge."
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> E. That on occasion, Respondent would, from the bench in the courtroom, ask litigants. witnesses, and/or attorneys where they lived and if they had seen his campaign signs.

That such conduct is violative of Supreme Court Rule 2-1.2, requiring a judge to promote confidence in the integrity of the judiciary and avoid impropriety and the appearance of impropriety; Supreme Court Rule 2-2.1, requiring a judge give precedence to the duties of office; Supreme Court Rule 2-2.3, requiring a judge to avoid bias in performing judicial duties; Supreme Court Rule 2-2.4, requiring a judge not allow political relationships to influence judicial conduct; Supreme Court Rule 2-2.8, requiring a judge maintain order and decorum in proceedings before the

court and to be dignified and courteous with litigants, witnesses, lawyers, court staff, court officials, and others with whom the judge deals in an official capacity; Supreme Court Rule 2-4.1 (D), requiring that a judge not engage in any other political activity except on behalf of measures to improve the law, the legal system, or the administration of justice; and Supreme Court Rule 2-4.2, for failing to maintain dignity appropriate to judicial office while campaigning. Further, such conduct is misconduct and/or incompetency pursuant to [a]rticle V[, s]ection 24 of the Constitution of the State of Missouri.

Count III

That on September 10, 2024[,] in a juvenile adoption case, Respondent hand-delivered a "personal reference" to Judge Christopher McDonough's clerk related to Cause No. 24AD-JU00082. Judge McDonough was assigned to the case and had not sought Respondent's correspondence. The correspondence was a character reference for the petitioner to be used in the pending case to terminate parental rights and approve the adoption of a minor child. (Comm. Ex. l 0). Such conduct is in violation of Supreme Court Rule 2-1.2, requiring a judge to promote confidence in the integrity of the judiciary and avoid impropriety and the appearance of impropriety; Supreme Court Rule 2-1.3, requiring a judge to avoid abusing the prestige of judicial office to advance the private interests of another person; and Supreme Court Rule 2-3.3, prohibiting a judge from appearing as a character witness without a subpoena. Further, such conduct is misconduct and/or incompetency under Article V Section 24 of the Constitution of the State of Missouri.

On October 17, 2025, Judge Thornhill waived his right to a hearing before the Commission on these charges under Rule 12.07, and his right to brief and argue in this Court the question of appropriate discipline under Rule 12.08. On November 13, 2025, Judge Thornhill stipulated and admitted to "the truth and substantial accuracy" of the charges in the Commission's Formal Notice. The next day, the Commission filed its FCR with this Court. In the FCR, the Commission found and concluded Judge Thornhill committed the acts of misconduct set forth in the Formal Notice, and made the following recommendation:

> All five members of the Commission voted unanimously and recommend that Respondent be suspended as a Circuit Judge for the 11th Circuit for six (6) months without pay. Respondent may then return as a Circuit Judge for the 11th Circuit immediately following the six (6)-month suspension without pay to serve for eighteen (18) months. In other words, after serving a six (6)-month suspension without pay and after serving another eighteen (18) months as a Circuit Judge for the 11th Circuit, Respondent shall cease to be a Circuit Judge for the 11th Circuit. Respondent has signed a nonrevocable resignation letter in which Respondent has resigned from his position as a Circuit Judge for the 11th Circuit effective on the last day of the eighteenth (18th) month described in the previous sentence. Respondent has authorized the Commission to file on Respondent's behalf this nonrevocable resignation letter with the Governor of the State of Missouri upon the completion of the eighteen (18) months mentioned above. The Respondent has agreed never to seek re-election, election, or appointment to a judicial position as a State or Municipal Judge for any Court in the State of Missouri (Commission Ex. 4 – Resignation Letter and Ex. 5 – Transcript of the Commission proceedings on October 17, 2025).

Analysis

When the Commission requests this Court to "remove, suspend, discipline or reprimand" a judge for misconduct pursuant to article V, section 24.3 of the Missouri Constitution, this Court "independently reviews the evidence and the Commission's fact findings." *In re: McGaugh*, 705 S.W.3d 535, 542 (Mo. banc 2025) (quotation omitted). If the Court is convinced the respondent has committed acts of misconduct, it must decide what sanction is appropriate. The Commission may recommend a sanction, but that recommendation is not binding on this Court. *Id*. "The ultimate responsibility to remove, suspend, discipline or reprimand any judge of any court is entrusted to this Court." *Id*. (quotations omitted).

Rule 12.08 permits a respondent to brief and argue in this Court whether misconduct occurred and, if so, what sanction should be imposed. This right can be

waived, however, *McGaugh*, 705 S.W.3d at 544, and Judge Thornhill has done so. Moreover, he has admitted the "truth and substantial accuracy" of the charges in the Commission's Formal Notice. Nevertheless, this Court must review the evidence[1] – including Judge Thornhill's admissions – to ensure the Commission has proved one or more of the charged instances of misconduct. Then, the Court must conclude for itself whether reprimand, suspension, removal, or other discipline is the appropriate sanction. In making this decision, the "purpose of judicial discipline is not to punish a judge for criminal or other wrongful conduct but rather to maintain standards of judicial fitness." *Id*. at 542 (quotation omitted).

Before turning to this analysis, however, the Court must address two ancillary matters: (1) the unusual nature of the Commission's and Judge Thornhill's jointly recommended sanction; and (2) Judge Thornhill's claim he should be permitted to argue for a departure from this joint recommendation due to the Commission's misconduct.

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[1] Judge Thornhill submitted to this Court 35 letters attesting to his character. Judge Thornhill's character, however, is not in question. Rather, the question is his judgment and, more particularly, his comportment as an officer of the Missouri judicial system. This Court finds his judgment so lacking, and his judicial comportment so far below that required of a judge, that removal from office is the only reasonable sanction. Letters attesting to Judge Thornhill's character generally, without knowledge of his misconduct, shed little light on the question of what sanction is appropriate. *Cf. In re Eisenstein*, 485 S.W.3d 759, 767 (Mo. banc 2016) (Wilson, J., dissenting) (noting reference letters "lack probative value regarding either Respondent's misconduct or the appropriate discipline [when the author lacks] full knowledge of the conduct alleged and charged."). In any event, the letters were not part of the record before the Commission and, therefore, cannot be considered here. *See McGaugh*, 705 S.W.3d at 544 (holding "the Court could not have considered Judge McGaugh's new information because the Court is limited to reviewing the proceedings before the Commission").

A. The Court Rejects the Parties' Negotiated Sanction Recommendation

The sanction the Commission recommends in the FCR was the result of what the Commission and Judge Thornhill refer to as an "agreement" or "negotiated resolution." As part of this agreement or negotiated resolution, the Commission recommended a six-month suspension. As noted in the Commission's recommendation in the FCR, however, there is an additional aspect to the parties' joint recommendation. Judge Thornhill promised to resign 18 months after serving the recommended six-month suspension. To ensure Judge Thornhill complies with this promise, he tendered a signed resignation letter to the Commission with the understanding the Commission would hold the letter for the next two years, i.e., that it would not deliver the resignation letter to the governor until Judge Thornhill completes the recommended six-month suspension and returns to the bench for an additional 18 months of service.

As *McGaugh* makes clear, however, the Commission's recommendation regarding the appropriate sanction for judicial misconduct is not binding on this Court, whether that recommendation is the result of an agreement with the respondent judge or the Commission's own deliberations. *McGaugh*, 705 S.W.3d at 542. The only agreement of which this Court takes notice is the agreement by which Judge Thornhill waived his right to a hearing before the Commission (and briefing and argument before this Court) and stipulated to the truth and substantial accuracy of the charges in the Formal Notice in exchange for the Commission's recommendation this Court suspend him for six months.

The propriety of the parties' joint recommendation is rendered moot by this Court's decision to remove him from office immediately. Nevertheless, the Court notes

the lack of any rational basis to impose the delayed resignation term as recommended by the parties. Either Judge Thornhill is fit to serve or he is not. If a six-month suspension is the appropriate sanction for Judge Thornhill's admitted misconduct, there can be no justification for requiring he resign after serving that suspension. This is true whether he is allowed to serve a further 18 months between the suspension and the forced resignation or not. By the same token, if Judge Thornhill's admitted misconduct merits removal from office, it would defy logic to allow him to serve an additional 18 months before he is removed. This is true whether he serves a six-month suspension before the 18-month return to service or not.

Anyone with knowledge of Judge Thornhill's dates of service can draw a reasonable inference why he agreed to this delayed-resignation recommendation, but this Court cannot justify accepting that recommendation. This Court would never impose such a delayed-action resignation requirement in this case or any other. In fact, it is far from clear the constitution would permit such a sanction. *See* Mo. Const. art. V, § 24.3 (providing that, upon concurring with the recommendation of the Commission, this Court "shall remove, suspend, discipline or reprimand any judge of any court … for misconduct"). Requiring a respondent's resignation, to be held in abeyance while the respondent enjoys an additional 18 months of service, does not fit in any of the four categories of sanctions set forth in section 24.3, i.e., removal, suspension, discipline, or reprimand. Such a delayed resignation demand is either an improper imposition on a respondent for whom a suspension is sufficient, or – worse – an unjustifiable concession

to a respondent who should be removed but will be allowed to defer removal to a more convenient time. Accordingly, this Court rejects the parties' negotiated recommendation.

B. The Court Rejects Judge Thornhill's Claims of Material Breach

Eleven days after the Commission filed its FCR in this Court, Judge Thornhill filed a document titled "Notice of Material Breach of Stipulation by Conflicted Lawyer of the Commission and Request for Sanctions." His principal complaints seem to be: (1) Jeff Benoist, administrator and counsel to the Commission, filed the FCR even though he had recused himself from this matter; and (2) the Commission filed as exhibits to its FCR photographs of Judge Thornhill dressed as Elvis Presley and a copy of his delayed-action resignation letter. Judge Thornhill does not ask this Court to determine whether such a "material breach" occurred. Instead, he asks this Court to "take notice" of that breach and, in light thereof, "find that the stipulation and the improperly filed resignation letter are now void and unenforceable; [and] reduce Judge Thornhill's suspension period to sixty days." The Court is not persuaded by Judge Thornhill's claims and, even if it were, it is not clear what difference they would make.

First, the Court declines to "take notice" of the Commission's "material breach" of its agreement with Judge Thornhill because he failed to show such a breach has occurred. There is no indication Mr. Benoist misconducted himself or played any substantial role in the Commission's investigation of Judge Thornhill's misconduct following his recusal from this matter. Even if Mr. Benoist filed the Commission's FCR in this Court, a fact this Court assumes but does not find, the FCR was not signed by him, and it is clear he does not claim to represent the Commission in this matter. Instead, the FCR was signed

by the chair of the Commission and its secretary, as well as by the acting administrator and counsel (who was appointed to serve following Mr. Benoist's recusal).

In addition, the Court finds the Commission never agreed not to include the photographs of Judge Thornhill dressed as Elvis Presley as part of its filings in this Court. In sworn testimony before the Commission, Judge Thornhill was given a copy of the Commission's Formal Notice of charges and heard it read aloud. Count I of the Formal Notice, set forth above, charges Judge Thornhill with wearing his Elvis Presley costume in court and references three attached exhibits. Judge Thornhill admits he knew the Commission had photographs of him in his Elvis costume, and he conceded on the record before the Commission that it would be able to prove the charged misconduct, including the charges in Count I. There is no suggestion the Commission agreed it would not include these photographs in its filings, or that Judge Thornhill – despite multiple indications the Commission would and should do so – had any objections to the Commission's submitting those photographs in its filing with this Court.

Finally, Judge Thornhill's claim the Commission agreed not to disclose his resignation letter is plainly false. At the hearing before the Commission, the text of this letter was read aloud and Judge Thornhill agreed he had signed it. Judge Thornhill knew the transcript of this hearing – including the description of all three counts of misconduct and the full text of his resignation letter – would be filed in this Court pursuant to Rule 12.07. He cannot have been surprised – or prejudiced – when the Commission did so. Moreover, at the conclusion of the hearing, Judge Thornhill was told the Commission would "file this transcript and these documents, ***including the letter of resignation*** in

Exhibit 1 [the FCR], with the Supreme Court[.]" (Emphasis added). Accordingly, Judge Thornhill's claim the Commission breached an agreement not to file the photographs of him in his Elvis costume or his delayed-action resignation letter, as well as his claim that Mr. Benoist misconducted himself and somehow tainted the Commission's position in this Court, are contradicted by the record in this matter.

Even if this Court believed the Commission had breached its agreement with Judge Thornhill, it is not clear why this would matter. As explained above, the only portion of the agreement between the Commission and Judge Thornhill that makes any real difference is his decision to admit the "truth and substantial accuracy" of the charges in the Commission's Formal Notice and waive his right to contest those charges in a hearing before the Commission or upon review in this Court. Judge Thornhill does not request this Court free him from his admissions and send this matter back to the Commission for a hearing. Instead, he merely requests he no longer be bound by his delayed-action resignation letter and the joint recommendation for a six-month suspension (followed by a further 18 months of service, which would then be followed by his delayed-action resignation). This Court's decision to remove Judge Thornhill from office, however, renders moot both the delayed-action resignation and the question of whether Judge Thornhill does or does not join the Commission in its recommendation for a six-month suspension.

C. Judge Thornhill Committed Misconduct and Is Removed from Office

Judge Thornhill displayed poor judgment in submitting a character reference in the matter referenced in Count III because he had not been subpoenaed to give such

evidence. Rule 2-3.3. Similarly, Judge Thornhill displayed poor judgment by wearing his Elvis Presley costume on the bench during court proceedings on or around Halloween for more than a decade. Rules 2-1.2; 2-2.1; 2-2.5; 2-2.7; 2-2.8. The former demonstrates Judge Thornhill's lack of appreciation for his role as a judge, and the latter demonstrates his lack of appreciation for appropriate decorum and for the impression his actions likely created. This Court agrees with the Commission's findings that both violate the provisions of the Code of Judicial Conduct listed above, both are "misconduct" as that term is used in article V, section 24.3, and both merit serious discipline. Neither of these charges, however, nor the two of them combined, merit removal. Count II, alone, accounts for that result. *Cf. In re Kayira*, 614 S.W.3d 530, 533 (Mo. banc 2021) ("When this Court finds a lawyer has committed multiple acts of misconduct, it imposes discipline consistent with the most serious violation.").

Judge Thornhill's removal is the result of his decision to engage in political activity in the courtroom. Canon 4 of the Code of Judicial Conduct imposes severe restrictions on the political activities of judges and those who seek that office. Even the activities that are permitted, however, are never permitted in the courtroom. *See, e.g.*, Rule 2-4.2(B) (providing candidates, including incumbent judges, "shall not solicit or accept campaign funds in a courthouse or on courthouse grounds"). The Code of Judicial Conduct makes clear that, other than the activities permitted in Canon 4, a "judge shall not engage in any other political activity except on behalf of measures to improve the law, the legal system, or the administration of justice." Rule 2-4.1(D).

The restrictions the Code of Judicial Conduct imposes on political activity are essential to preserving the integrity of – and the public's trust and confidence in – the judicial system. The preamble to the Code of Judicial Conduct begins:

> An independent, fair and impartial judiciary is indispensable to our system of justice. The United States legal system is based upon the principle that an independent, impartial, and competent judiciary, composed of men and women of integrity, will interpret and apply the law that governs our society. Thus, the judiciary plays a central role in preserving the principles of justice and the rule of law. Inherent in all the rules contained in this code are the precepts that judges, individually and collectively, must respect and honor the judicial office as a public trust and strive to maintain and enhance confidence in the legal system.
>
> Judges should maintain the dignity of judicial office and avoid both impropriety and the appearance of impropriety. They should aspire to conduct that ensures the greatest possible public confidence in their independence, impartiality, integrity, and competence.

Political references and other such statements by judges in the courtroom are the antithesis of these principles and violate numerous provisions of the Code of Judicial Conduct. Any failure to ensure courtrooms and the conduct of judicial business are – and are ***seen*** to be – absolutely free of political interests will inexorably erode the public's confidence in the judicial system and, therefore, the rule of law. It cannot, and will not, be tolerated.[2]

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[2] Removal for improper political activity has been the standard for nearly half a century. In *In the Matter of Briggs*, 595 S.W.2d 270, 299 (Mo. banc 1980), this Court stated:

> It is of paramount importance that both in practice and in the public mind, our judicial processes be neutral, fair and free from improper influences. Respondent's excessive involvement in partisan political activities is inconsistent with the preservation of these values and as such mandate his removal from office.

Judge Thornhill has admitted, and this Court finds, he committed numerous violations of the Code of Judicial Conduct by failing to keep his political views and interests out of the courtroom. *See* Rule 2-1.2 ("A judge shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary and shall avoid impropriety and the appearance of impropriety."); Rule 2-2.1 (The "duties of judicial office … shall take precedence over a judge's personal and extrajudicial activities."); Rule 2-2.3 (A "judge shall perform the duties of judicial office without bias."); Rule 2-2.8 (A "judge shall require order and decorum in proceedings before the court" and shall be dignified in dealing with "litigants, jurors, witnesses, lawyers, court staff, court officials, and others with whom the judge deals in an official capacity."); Rule 2-4.1(D) ("A judge shall not engage in any other political activity [other than as permitted in Canon 4] except on behalf of measures to improve the law, the legal system, or the administration of justice."); Rule 2-4.2 (providing that, when campaigning, a judge "shall maintain the dignity appropriate to judicial office").

In addition to the many rules cited above, Judge Thornhill admits he violated Rule 2-2.4, which provides in pertinent part:

> (A) A judge shall not be swayed by partisan interests ….
> (B) A judge shall not permit … political … relationships to influence the judge's judicial conduct ….
> (C) A judge shall not convey … the impression that any person or organization is in a special position to influence the judge.

See also In re Corning, 538 S.W.2d 46, 53 (Mo. banc 1976) (holding a judge's membership in a partisan club and the payment of $2 annual dues was grounds for removal).

This Court finds Judge Thornhill violated Rule 2-2.4 and each of the other rules listed above, not merely once or inadvertently but repeatedly, consciously, and purposefully. These violations are "misconduct" as that term is used in article V, section 24.3, and the only conceivable sanction for such misconduct is removal from office.

Judge Thornhill admits these violations but seeks to downplay them as merely "humorous" attempts to be relatable and put self-represented litigants at ease. The Court finds no humor in a judge making comments in the courtroom about his party affiliation and which candidates in other races he prefers. Attempts at humor, no matter how tone deaf, cannot justify Judge Thornhill asking those in this courtroom whether they have seen his campaign signs, whether they live in "Thornhill for Judge Country," or whether a particular lawyer's client has "warmed up to Thornhill for judge." Judge Thornhill admits the truth and substantial accuracy of these allegations, and they are sufficient – in fact, more than sufficient – to warrant removal from office.

It does not matter that Judge Thornhill thought such comments were permitted or too innocuous to cause any harm, and it does not matter that he claims his campaign interests and partisan preferences did not influence his decisions. What matters is the impact such conduct can have on the public's trust and confidence. Members of the public who heard Judge Thornhill ask – in the courtroom – who had seen his campaign signs or whether they live in "Thornhill for Judge Country" reasonably could have thought their chances for a favorable outcome could or would be enhanced if they had such a sign in their yard. Similarly, members of the public who heard him declare – in the courtroom – his partisan affiliation and identify those candidates he supports in other

races reasonably could have thought their chances for a favorable outcome could or would be enhanced if they professed the same affiliation and supported the same candidates.

It does not matter if these thoughts are correct. If even one member of the public had such a thought in response to Judge Thornhill's misconduct, that is one too many. Maintaining the public's trust and confidence is difficult enough without members of the judiciary feeding the public's fears and mistrust by making these kinds of political statements in the courtroom. Judge Thornhill's statements constitute "misconduct" under article V, section 24.3 of the Missouri Constitution and merit his removal from office.

Conclusion

For the reasons set forth above, it is the judgment of this Court that respondent, Matthew E.P. Thornhill, be and is hereby removed from office as a circuit judge of the 11th Judicial Circuit.[3]

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Paul C. Wilson, Judge

All concur.

[3] Judge Thornhill's removal is to take effect immediately, and no post-disposition motions pursuant to Rule 84.17 will be entertained.