

APPLICATION (Revised April 2008)  
22ND CIRCUIT JUDICIAL COMMISSION  
CIRCUIT JUDGE

RESPONSE TO THESE QUESTIONS WILL BE MADE PUBLIC IF THE APPLICANT IS  
NEE.



NAME: Thomas C. Clark, II

1. State your present principal occupation: Associate Circuit Court Judge
2. Are you at least 30 years of age? yes
3. (a) How long have you been a citizen of the United States? 47 years  
(b) Have you been a resident of the City of St. Louis for at least one year immediately prior to the date of this application? yes  
(c) How long have you been a qualified voter of Missouri? 26 years
4. Are you licensed to practice law in Missouri? yes

List any other states, courts, or agencies in which you are licensed as an attorney: Kansas

5. State the date you were admitted to the Bar in Missouri? April 1998

Missouri Bar Number: 45996

(In completing items 6 and 7, please account for all time periods between post-high school education and the date of this application.)

6. State the name and address of all colleges and universities you have attended, together with the dates and degrees received:

University of Kansas, Strong Hall, Lawrence, Kansas 66045 (Aug.1985-May 1990)  
BS Journalism  
BA History

Saint Louis University, 221 North Grand, St. Louis, MO 63103 (Jan.1992-May 1993)  
MA Public Administration

Saint Louis University School of Law, 100 N. Tucker Blvd., St. Louis, MO 63101  
(Aug.1994- January 1998)  
Juris Doctorate

University of Nevada, Graduate School, University of Nevada, Reno/0326, Reno, Nevada  
89557-0326 (January 2014 – present); pursuing Master of Judicial Studies.

7. State, in chronological order, your entire working career, including non-legal employment, if any. Include the name and address of each firm, corporation, partnership, or governmental body with which you have been associated, and the dates thereof. (Start with earliest date, conclude with present.)

H. Roe Bartle Scout Reservation (Boy Scouts of America), 10210 Holmes, Kansas City, MO 64131; (summers) 1983-1989.

Spencer Fane Britt & Browne, 1400 Commerce Bank Bldg., 1000 Walnut, Kansas City, MO 64106; (Sept.-Oct. 1990).

Niewald, Waldeck & Brown, 120 West 12<sup>th</sup> Str., Suite 1300, Kansas City, MO 64105; (Oct.1990-Dec.1991). Now Waldeck Matteuzzi & Sloan, 2 Pershing Square, 2300 Main St., Kansas City, MO 64108.

Community Program Development Corp., 200 North Broadway, St. Louis, MO 63108; part-time, (winter and spring 1993).

St. Louis Housing Authority, 4100 Lindell Blvd., St. Louis, MO 63108; (April 1993-Dec. 1995).

Citizens for Marit Clark, 5464 Gravois, St. Louis, MO 63116; part-time (Oct.1996-April 1997).

St. Louis Circuit Attorney's Office, 1114 Market St., Room 401, St. Louis, MO 63101 (May 1998-Feb.2006).

State of Missouri, Associate Circuit Court Judge, Twenty-Second Judicial Circuit, 10 North Tucker Blvd., St. Louis, MO 63101 (Feb.2006-Present).

8. If you are presently an associate circuit judge and have served for two years or longer, attach a list of ten significant cases over which you presided to completion. Set forth the style, cause number, date and name and current address of the primary attorneys participating in each case, identifying the party each attorney represented. Indicate whether bench or jury tried and give a one-three sentence description of each case and its outcome.

(See Attached "Judicial Trial Experience")

- (b) In addition, you may attach a list of cases you tried as an attorney in the last five years before becoming a judge. Set forth the style, cause number, date and jurisdiction and identify who you represented, whether you were first or second chair and the name and address of opposing counsel. State for each case whether bench or jury tried and give a one-three sentence description of each case and its outcome.

(See Attached "Trial Attorney Experience")

9. Are you able, with or without a reasonable accommodation, to perform the essential functions of a judge including the ability to preside over trials, perform legal research, attend court anywhere in the state, communicate clearly and effectively both orally and in writing, and expeditiously decide issues coming before the court? yes
10. If you have never served as an associate circuit judge or have served for fewer than two years, attach a list of cases you have tried in the last five years. Set forth the style, cause number, date, and court, and identify who you represented, whether you were first or second chair, and the name and address of opposing counsel. Indicate for each case whether bench or jury tried and provide a one to three sentence description of each case and its outcome. If, during any of the last five years, you served as a commissioner or in any other judicial capacity, set forth the dates of same and a description of the duties performed.
11. Have you briefed or argued any case in an appellate court? no  
If yes, attach a list showing the citation for each case and describe the extent of your participation in briefing and arguing the case.
12. Set forth any additional information that demonstrates the quality of your legal work as an attorney.

As an assistant circuit attorney, I tried over 40 jury trial as the first chair. Toward the end of my tenure in the circuit attorney's office, I supervised six junior attorneys and provided professional guidance on their case preparation, courtroom presentation and trial strategy. On additional occasions, I provided more specialized training for the office attorney staff on conducting an effective voir dire and preparing a case for trial.

Further, I instructed members of the St. Louis Metropolitan Police Department about search and seizure law on separate occasions. Finally, I provided input and served as a reviewer for the Missouri Bar Continuing Legal Education text, *Missouri DWI Law and Practice*.

13. Have you ever been convicted of a misdemeanor or felony? no

If yes, provide details, including the style of the case, cause number, name of the jurisdiction, and date of conviction:

14. Have you ever been sued by a client or been a party to any other litigation, other than as guardian ad litem, plaintiff ad litem or defendant ad litem? yes

If yes, provide details, including the style of the case, cause number, name of the jurisdiction and the approximate year in which such litigation was commenced and in which it was terminated:

In June 2008, Petitioner/Relator Danielle Claybon filed a Petition for Writ of Mandamus with the Missouri Court of Appeals Eastern District under No. ED91449.

Petitioner/Relator filed a writ asserting that her request for an ex parte order was denied. On June 30, 2008, the Court of Appeals denied the Petition for Writ of Mandamus.

On July 29, 2013, Movant/Appellant Steve Perkins filed a writ with Missouri Court of Appeals, Eastern District under ED 100234. On August 30, 2013, the Court denied Petitioner's Writ of Mandamus. This was a post-conviction relief motion.

On April 10, 2013, Movant/Appellant Brandon McKinney filed a motion with Missouri Court of Appeals, Eastern District under ED 94500. On March 6, 2014, the Court affirmed the decision. This was a post-conviction relief motion.

15. Have you ever been disciplined or cited for breach of ethics or professional conduct by a court or by any bar association or committee thereof? no

If yes, provide details:

16. Have you ever been held in contempt of court? no

If yes, provide details:

17. If you are or were a member of the Judiciary of the State of Missouri, please state:

- (a) Whether an order of reprimand, removal, retirement, suspension or other disciplinary action has ever been entered against you by the Supreme Court of

Missouri for breach of the Code of Judicial Conduct or the Canons of Judicial Conduct? no

If yes, state the nature of such breach, the date discipline was imposed and the exact nature and duration of the discipline imposed:

- (b) Whether a reprimand or admonishment has ever been entered against you by the Commission on Retirement, Removal and Discipline for any of the causes specified in Rule 12.07 of the Supreme Court Rules Governing the Judiciary. no

If yes, provide details including date the order was entered, the date of your consent, and a description of the conduct you were ordered to cease and desist:

- (c) Whether, to your knowledge, you have been a subject of a complaint and investigation by the Commission on Retirement, Removal and Discipline, which did not result in any action by the Commission? If yes, provide details: Yes.

In January 2008, a complaint was filed against me based on two different encounters, specifically in May and July 2007. The complaint stemmed from my reaction to the attorney's jury trial request which was made at a bench trial setting and while the state's witnesses were present and prepared for trial, and secondly, a complaint stemming from my reluctance to waive his client's appearance for a court setting. After I filed a response, the commission dismissed the complaint.

In February 2014, a complaint was filed against me stemming from an incident immediately preceding a bench trial. After arriving nearly thirty minutes late for the bench trial, the defendant's attorney requested a jury trial. In response, I explained that I would reconsider the defendant's bond since the state's witnesses were present coupled with the fact that both the defendant and the defendant's attorney signed a jury trial waiver. After receiving my response, the commission dismissed the complaint.

18. To your knowledge, have you been investigated by a court or by any bar association or committee thereof for breach of ethics or professional conduct? no

If yes, provide details:

19. List all bar associations and other professional societies, of which you are a member, with any offices held and dates:

Missouri Bar Association (1998 to present.)

20. Describe your community activities, including any organizations, not listed above, with which you are affiliated:

Boy Scouts of America	Friends of St. Louis Zoo
Leadership St. Louis/FOCUS	World Wildlife Fund
St. James the Greater Catholic Church	Nature Conservancy
Old Cathedral Museum Restoration Committee	
University of Missouri-Zeta Phi Scholarship Foundation	

21. Do you now hold or have you ever held any elective or appointive public office or position? yes

If yes, provide details:

I was appointed as an associate circuit court judge, Twenty-Second Judicial Circuit, under the Missouri non-partisan court plan in 2006 and was subsequently retained in November 2008 and November 2012.

22. Provide the branches and dates of (a) military service, or (b) other public service, not otherwise covered in this application. If discharged from the military, was the discharge other than honorable? If military service continues, so state:

23. List any professional articles or books which have been published or any special recognition or award of a professional nature which you have received:

*Missouri DWI Law & Practice*;  
Recognized as St. Louis Circuit Attorney Trial Star (2003);  
Received Young Lawyers/The Missouri Bar dedication to the profession honor (2003);  
Honored with St. Louis Circuit Attorney Justice Award (2004, 2005).

24. Furnish the names and addresses, including zip codes and telephone numbers of not more than five persons, who are not judges, as references with respect to your judicial qualifications:

Rev. Richard J. Quirk, PhD., McGannon Hall, 3500 Lindell Blvd., St. Louis, MO 63108;  
(314) 321-3251;

Hon. Lyda Krewson, 200 N. Broadway, St. Louis, MO 63102; (314)231-7318;

Prudence Kramer, Esq., 100 North Tucker Blvd., St. Louis, MO 63101; (314)977-3993;

Catherine A. Schroeder, Esq., One US Bank Plaza, St. Louis, MO 63101 (314)552-6242;

Yvonne M. Yarnell, Esq., 131 Jefferson Street, St. Charles, MO 63301, (636)949-9300,

25. State any additional data you deem relevant:

Since my appointment nearly nine years ago, I have attempted to improve my performance by pursuing an MA in judicial studies. Thus far, this experience has complemented my skills, hopefully improved both the quality of my decision-making and enhanced the services received by the community, parties and attorneys. To date, I have been admitted into the program and accumulated approximately 12 hours of academic credit toward the degree, successfully completing classes such as advanced evidence, judicial writing and fourth amendment law.

I have attempted to maintain a strong work ethic and contribute in different ways to the judiciary. Last year, I served as a guest judge on an appellate panel and ruled on seven cases pending before the Missouri Court of Appeals Eastern District. These cases presented a range of legal issues, including limited liability, arbitration agreements invalidated by fraud, breach of lease, Division of Employment Security appeals, ineffective assistance of counsel and additional post-conviction relief motions. In short, I reviewed the case files as well as the briefs, participated in the oral arguments and met with the other two appellate judges before rendering a judgment on each matter.

Since my appointment, I have tried to stay active in the legal community and remain current on evolving case law. As an example, I have conducted continuing legal education activities for different local and state organizations. Among other programs, I addressed local lawyers about family law issues and Missouri Director of Revenue matters and, likewise, spoke to the Missouri chapter of the National Association of Legal Secretaries regarding the different types of judicial selection.

By my signature to this application, I authorize: (1) the Commission by its chairperson to obtain relevant information, including but not limited to documents, records and files with respect to my medical, police or disciplinary records, and (2) the Commission and its members to obtain additional relevant information regarding my qualifications as well as the accuracy of my responses to the questions on this application, with the understanding that the information described in (1) and (2) above is available only to the members of the Twenty-Second Circuit Judicial Commission. Notwithstanding the above, in accordance with Supreme Court Rule 10, as amended effective February 29, 2008, if I am one of the three nominees listed on the certificate of nomination sent to the Governor, I authorize the Commission to send a complete copy of this application to the Governor and publicly release a copy of the application with personal and confidential information redacted as identified on the cover page of this application.

I hereby certify that all my statements as made above are correct, and that if I am appointed to the office of Circuit Judge of the Circuit Court of the City of St. Louis, I will accept

the appointment, qualify, and promptly enter upon the performance of the duties of that office.

DATE: 9-26-14

SIGNED: *J. Clarke*

## JUDICIAL TRIAL EXPERIENCE

### Glasgow Enterprises v. Brenda & Michael Benson (050-1564)

Civil Bench Trial, February 15, 2006

Twenty-Second Judicial Circuit

Plaintiff Glasgow Enterprises represented by Newton McCoy, Esq.,

621 N Skinker

St. Louis, MO 63130

Defendants Brenda & Michael Benson represented by Thomas Kavanaugh, Esq.

4133 Alma

St. Louis, MO 63116

This case involved a suit on account, where the Plaintiff successfully sued the Defendants for failing to pay several months of unpaid rent and recovered \$5,130.00 in damages. The Defendants' countersuit seeking damages for missing property and damage to their credit report was denied. This matter served as one of my first bench trials, where I was guided by exceptionally talented attorneys coupled with equally compelling evidence.

### Uneisha B. Lane v. Philip Trostel (050-12958)

Civil Bench Trial, March 23, 2006

Twenty-Second Judicial Circuit

Plaintiff Uneisha B. Lane represented by John Donnelly, Esq.

9322 Manchester Rd.

St. Louis, MO 63119

Defendant Philip Trostel represented by Corinne E. Hawkins, Esq.

1807 Park 270

Suite 200

St. Louis, MO 63146

Plaintiff successfully sued Defendant under one count of property damage, based on a vehicular accident occurring near Highway 70 and Memorial Drive. Again, I was guided by exceptionally well prepared and talented attorneys who effectively presented their best evidence while highlighting the inconsistencies of the opponent's statements at or near the time of the collision. Ultimately, the Defendant's more subtle inconsistencies assisted me in reaching a decision in this case dominated by the testimony of only a few witnesses.

### Kathleen McManus v. John & Bobbie Greer (060-2195)

Civil Bench Trial, April 27, 2006

Twenty-Second Judicial Circuit

Plaintiff Kathleen McManus represented by Randall Reinker, Esq.

2016 S. Big Bend Blvd.

St. Louis, MO 63117

Defendant John & Bobbie Greer represented by Timothy Battern, Esq.  
4121 Union Road, Suite 211  
St. Louis, MO 63129

Here, Plaintiff sued Defendant for breach of contract, specifically failure to pay rent, and Defendant filed a counterclaim alleging a faulty roof rendered the property uninhabitable. After hearing all the evidence, I denied Defendant's counterclaim and entered a judgment for Plaintiff, awarding damages in an amount exceeding \$8,000 or the value of the unpaid rent and property damage.

Diane R. Haneklau Revocable Living Trust v. Thomas C. Stoll, Anne Marie Stoll, Mark Zang, Patrick Stoll, Sandra Stoll and Sophie Sox (050-3325)

Civil Bench Trial, April 26, 2006

Twenty-Second Judicial Circuit

Plaintiff Diane R. Haneklau Revocable Living Trust represented by Matthew Sauter, Esq.  
Sauter Sullivan LLC  
3415 Hampton Ave.  
St. Louis, MO 63139

Defendants Mark Zang and Patrick Stoll represented by Susan E. Lewis, Esq.  
Mahadevan & Lewis  
5106 Hampton, Suite 202  
St. Louis, MO 63109

Plaintiff successfully sued Defendants over one count of breach of contract. Defendant filed a counterclaim, alleging breach of contract, constructive eviction and anticipatory breach of oral contract by repudiation, all of which was denied. This matter involved a voluminous amount of evidence, required additional legal research and culminated in a considerably lengthy, but reasonably detailed, judgment.

Gateway Taxi Management Company, Laclede Cab Co. vs. Dennis Bomar, Defendant/Third-Party Plaintiff v. Demond Williams, Third-Party Defendant (050-14307)

Civil Bench Trial, June 22, 2006

Twenty-Second Judicial Circuit

Plaintiff Gateway Taxi Management Company, Laclede Cab Co. and Third-Party Defendant Demond Williams represented by Thomas J. Smith, Esq.

One Memorial Drive, Eighth Floor  
St. Louis, MO 63102

Defendant Dennis Bomar represented by Elizabeth Tibbetts, Esq.  
12901 North Forty Drive  
St. Louis, MO 63141

This was my first third-party defendant civil matter, which required some additional learning and judicial education about the issues affecting these types of cases. Plaintiff

successfully sued Defendant for damages occurring after a vehicular accident. Consequently, Defendant filed a counterclaim against Plaintiff and Third-Party Defendant and taxi driver, Demond Williams, all of which was denied.

Southwestern Bell Telephone Company v. City of St. Louis Street Department (040-12800)

Civil Bench Trial, August 23, 2006

Twenty-Second Judicial Circuit

Plaintiff Southwestern Bell Telephone Company represented by Nancy E. Emmel, Esq.  
7711 Bonhomme Ave., Suite 815  
St. Louis, MO 63105

Defendant City of St. Louis Street Department represented by Thomas J. Goeddel, Esq.  
Assistant City Counselor  
City Hall, Room 314  
St. Louis, MO 63103

This was the second of three voluminous bench trials occurring between these parties, and the same attorneys, involving damage to Plaintiff's underground telephone cables. This case was especially complex and required a carefully drafted opinion, as well as additional research provided with the assistance of the court's legal department, to address a defense rooted in both a local ordinance and a state statute. I found in favor of Plaintiff.

Scott Rich v. Matthew Laufketter (050-9756)

Civil Bench Trial, August 9, 2006

Twenty-Second Judicial Circuit

Plaintiff Scott Rich represented by Thomas E. Manns, Esq.  
222 S. Central, Suite 1004  
St. Louis, MO 63105

Defendant Matthew Laufketter Jonathon P. Beck, Esq.  
Beck & Cody  
3246 Shenandoah Ave.  
St. Louis, MO 63104

This matter involved a voluminous amount of evidence and two highly effective, yet vociferous, attorneys. Plaintiff successfully sued Defendant under two counts of breach of contract and unjust enrichment after Defendant failed to deliver free, clear and unencumbered title on a piece of property. Again, the staff attorney assisted me with preparing a carefully and lengthy opinion addressing the various and intricate defenses when finding in favor of Plaintiff.

Cynthia Roland v. Melvyn Washington (0922-PN300)

Full Order of Protection Bench Trial, February 25, 2009

Twenty-Second Judicial Circuit

Petitioner Cynthia Roland represented by Katherine Wesling, Esq.

P.O. Box 15137

St. Louis, MO 63110

Respondent Melvyn Washington represented by Nels Moss, Esq.

7711 Bonhomme

Clayton, MO 63105

St. Louis, MO 63104

Petitioner alleged that Respondent physically and verbally abused Petitioner, leading Petitioner to request an initial ex parte order and a subsequent full order of protection, both of which were granted. The parties were romantically involved and this matter was one of the more heated and heavily contested order of protection trials experienced during this two year assignment. Numerous objections and several legal issues were addressed throughout the trial.

State v. Brandon McKinney (922-CR3307)

Criminal Jury Trial, January 19-20, 2010

Twenty-Second Judicial Circuit

State of Missouri represented by Cynthia Copeland, Esq.

Assistant Circuit Attorney

1114 Market Street, Room 400

St. Louis, MO 63102

Defendant Brandon McKinney represented by Matthew Waltz, Esq.

Assistant Public Defender

1114 Market Street, Room 400

St. Louis, MO 63102

Defendant was charged and found guilty by jury of one count of domestic assault second degree, a class C felony. Since serving on the bench, this case was my first opportunity to participate in the initial jury selection process and later interact with the seated jury. Also, the trial required a series of evidentiary rulings, some of which were subsequently appealed. One of these issues included a confrontation clause challenge pursuant to Crawford v. Washington.

State v. Derrick Coleman (1022-CR3320)

Criminal Jury Trial, November 8-9, 2010

Twenty-Second Judicial Circuit

State of Missouri represented by Anna Kratky, Esq.

Assistant Circuit Attorney

1114 Market Street, Room 400

St. Louis, MO 63102

Defendant Derrick Coleman represented by Sarah Schweitzer, Esq.  
Assistant Public Defender  
1114 Market Street, Room 400  
St. Louis, MO 63102

Defendant was charged and found not guilty of one count of domestic assault third degree, a class A misdemeanor. The evidence in this matter was primarily restricted to oral testimony, so witness credibility was a significant factor. To their credit, both lawyers recognized this issue and were extremely effective when presenting evidence and posing questions to witnesses relating to this issue.

## TRIAL ATTORNEY EXPERIENCE (2001-2005)

2001

State v. David Bowen (001-2361)

Felony Jury Trial, March 19-21, 2001.

Twenty-Second Judicial Circuit, Hon. Evelyn Baker.

Represented State – first chair.

Opposing counsel: Ms. Susan Eckles, Amelung, Wulff & Willenbrock, 705 Olive, 11<sup>th</sup> Floor, St. Louis, MO 63101-2234.

Defendant was charged with burglary second. An eyewitness testified that he found the defendant inside his apartment without permission and also later discovered that his telescope was missing. The jury found the defendant not guilty.

State v. Franklin Bell (001-1282)

Felony Jury Trial, May 21-23, 2001

Twenty-Second Judicial Circuit, Hon. Phil Haegney.

Represented State – first chair.

Opposing counsel: Mr. Thomas Gabel, 240 W. College, Troy, MO 63379.

Defendant was charged with robbery second. After getting lost in a residential area near Highway 70 and E. Grand, the witness testified that the defendant took his wallet after leaning into his vehicle. The defendant argues mistaken identification and the jury later found the defendant not guilty.

This trial presented significant learning opportunities regarding fingerprint evidence. Although prints were lifted in the case, they did not belong to the defendant. Thus, I learned about the case law governing the admission and restriction of fingerprint evidence.

State v. Ornitonio Lewis (001-1778)

Felony Jury Trial, July 23-25, 2001

Twenty-Second Judicial Circuit, Hon. Evelyn Baker.

Represented State – first chair.

Opposing counsel: Mr. Thomas Gabel, 240 W. College, Troy, MO 63379.

Defendant was charged with one count of assault first, one count of armed criminal action and three counts of endangering the welfare of a child. The complaining witnesses testified that defendant fired an automatic handgun in their direction after a brief fistfight between the defendant and one witness. The defendant claimed self-defense and the jury later found him not guilty.

State v. Avery McCoy (001-867)

Felony Jury Trial, November 27-29, 2001

Twenty-Second Judicial Circuit Court, Hon. Timothy Wilson.

Represented State – first chair.

Opposing counsel: Mr. Eric Affholter, 15 Windermere Pl, St. Louis, MO 63112.

Defendant charged with one count of attempt burglary first degree and one count of felony failure to appear. An off-duty police officer observed the defendant leaning over a basement window located on his residence, which was occupied by his girlfriend. Subsequent investigation revealed damage to this window. The jury found defendant not guilty of attempt burglary first degree but guilty of felony failure to appear.

Later, the appellate court set aside or vacated the failure to appear guilty verdict. They ruled that an insufficient amount of evidence was solicited to warrant the jury's conclusion. Consequently, I learned a great deal about the court's role in scrutinizing jury verdicts.

## 2002

### State v. Michael Rude (011-3499)

Felony **Bench** Trial, March 5-6, 2002

Twenty-Second Judicial Circuit, Hon. Dennis Schaumann.

Represented State – first chair.

Opposing counsel: Mr. Eric Affholter, 15 Windermere Pl., St. Louis, MO 63112.

Defendant was charged with two counts of felony stealing over \$750.00 by deceit. The witnesses testified that defendant kept substantial down payments regarding assorted home repairs that were never completed. The Court found the defendant guilty as charged.

### State v. Darren White (991-4290)

Felony Jury Trial, March 18-19, 2002.

Twenty-Second Judicial Circuit Court, Hon. Robert Dierker.

Represented State – first chair.

Opposing counsel: Ms. Lois Drossmann.

Defendant was charged with one count of felony stealing from a person. The complaining witness testified that defendant pulled her purse off of her shoulder while she was distracted using a pay phone. The jury found the defendant guilty.

### State v. Darren Phillips (021-1140)

Felony Jury Trial, November 12-14, 2002

Twenty-Second Judicial Circuit Court, Hon. Mark Neill.

Represented State – first chair.

Opposing counsel: Mr. Peter Huber, 201 South Central Ave., Clayton, MO 63105.

Defendant charged with one count of robbery first degree and one count of armed criminal action. The witness testified that defendant robbed him at knifepoint. The jury found the defendant not guilty of armed criminal action but found him guilty of stealing from a person.

This was one of the first jury trial experiences involving lesser included counts. The instruction conference was quite lengthy due to the disagreement on submitting the lesser counts, robbery second degree and stealing from a person. The Court was very patient and listened thoroughly to both sides prior to ruling that the lesser counts could be submitted for jury consideration.

State v. Jerome Tate (021-3412)

Felony Jury Trial, October 20-22, 2003

Twenty-Second Judicial Circuit, Hon. Angela Turner Quigless.

Represented State – first chair.

Opposing counsel: Ms. Annette Llwellyn, Assistant Public Defender, 1114 Market St., St. Louis, MO 63102.

Defendant charged with one count of assault first degree, one count of armed criminal action, one count of unlawful use of a weapon – carrying a concealed weapon and possession of a controlled substance. A police officer testified that defendant was carrying a concealed weapon and cocaine base before he turned and fired the weapon in his direction. The jury found the defendant not guilty of assault first on a police officer and armed criminal action, but guilty of unlawful use a weapon and possession of cocaine base.

State v. Willie C. Hayes (021-1483)

Felony Jury Trial, November 3-7, 2003

Twenty-Second Judicial Circuit, Hon. Dennis Schaumann.

Represented State – first chair.

Opposing counsel: Mr. J. Rueben Rigel, 4019 Potomac, St. Louis, MO 63116.

Defendant charged with two counts of robbery first degree and two counts of armed criminal action and one count of sexual misconduct. The jury found defendant guilty of robbing two women at gunpoint, after entering their vehicle.

This was my first experience cross-examining a police officer, who was called as a defense witness. Upon receiving this witness endorsement, I met with the officer and learned additional facts about the case that proved beneficial. This experience reinforced in my mind the importance of pretrial preparation. In the instruction conference, all parties had to struggle with the effect of the law changing since the sexual misconduct count had been charged. While this unanticipated challenge introduced new obstacles, the Judge was very effective handling this matter and ensuring fairness for both parties.

## 2004

State v. James Moore, Jr. (021-3986)

Felony Jury Trial, February 2-4, 2004

Twenty-Second Judicial Circuit, Hon. Robert Dierker.

Represented State – first chair.

Opposing counsel: Mr. Patrick Conroy, 14 S. Central Ave., Clayton, MO 63105.

Defendant charged with one count of robbery first degree and one count of armed criminal action. The jury found defendant guilty of robbing a pizza delivery man at gunpoint.

2005

State v. Keith Clark (031-2226)

Felony Jury Trial, March 29-30, 2005

Twenty-Second Judicial Circuit, Hon. Angela Turner Quigless.

Represented State – first chair.

Opposing counsel: Mr. Joan Miller, 3920 Lindell, St. Louis, MO 63108.

Defendant charged with one count of assault first degree, in the alternative unlawful use of a weapon- drive by shooting, and one count of armed criminal action. The witness testified that after he awoke in the early morning hours he looked out a window and observed defendant shoot into his residence. The jury found the defendant not guilty.

Here, I learned that adequate preparation requires the constant comparison of witness testimony to other available evidence. In this case, the ballistic evidence did not support the chief complaining witness' observations about the shooting. This attention to detail is vital for trial success.

State v. Tamond Thomas (031-1105)

Felony Jury Trial, April 12-14, 2005

Twenty-Second Judicial Circuit, Hon. Phil Heagney.

Represented State – first chair.

Opposing counsel: Mr. Steve Reynolds, Assistant Public Defender, 1114 Market Street, St. Louis, MO 63102.

Defendant charged with two counts of robbery first degree and two counts of armed criminal action. Two civilian witnesses testified that defendant robbed them at gunpoint in separate incidents within a three week time period. The defense argued mistaken identification and alibi. The jury found defendant guilty as charged.

For the first time, I filed a motion requesting that the Court reconsider the sentence rendered in this case, when the chief complaining witness alerted me about a threatening letter the defendant sent to his work address. I learned that the law allows this relief if it is requested within a narrow timeframe.

State v. Avery Williams (031-3397)

Felony Jury Trial, April 26-28, 2005

Twenty-Second Judicial Circuit, Hon. Timothy J. Wilson.

Represented State- first chair.

Opposing counsel: Mr. William Daniel, 1116 Culverhill Drive, St. Louis, MO 63119.

Defendant charged with five counts of robbery first degree and five counts of armed criminal action. Five civilian witnesses testified that defendant robbed them at gunpoint, with all incidents occurring within a 24 hour time period. Defendant argued mistaken identification and alibi. The jury found the defendant guilty as charged.

State v. William Kemper (031-4029)

Felony Jury Trial, June 27-29, 2005

Twenty-Second Judicial Circuit, Hon. Robert Dierker.

Represented State – first chair.

Opposing counsel: Mr. Talat Bashir, former Assistant Public Defender, 1114 Market St., St. Louis, MO. 63101.

Defendant was charged with one count of robbery first degree and one count of armed criminal action. The witness testified that he knew the defendant who robbed him at gunpoint inside a building that was being rehabbed and prepared for occupancy. The jury found the defendant not guilty.

State v. Ulysses McCluster (031-4249)

Felony Jury Trial, September 26-27, 2005

Twenty-Second Judicial Circuit, Hon. Julian Bush.

Represented State – first chair.

Opposing counsel: Mr. Ed Fehlig, 2525 So. Brentwood Blvd., Ste. 102, St. Louis, MO 63144.

Defendant charged with one count of robbery first degree and one count of armed criminal action. The jury found defendant guilty of robbing a woman entering her vehicle that was located on a parking lot.

Although the outcome was positive, I felt more detailed information could have been solicited from the chief complaining witness during the direct examination. Especially for a one-shot identification case, I should have done a better job soliciting more specifics from this witness.

State v. Jerome Barnes (031-4355)

Felony Jury Trial, October 26-28, 2005.

Twenty-Second Judicial Circuit, Hon. Mark Neill.

Represented State – first chair.

Opposing counsel: Mr. Robert Taaffe, 1015 Locust St, St. Louis, MO 63101.

Defendant charged with robbery first degree, armed criminal action, trafficking second degree, possession of heroin and resisting arrest. The witness testified that the same defendant found driving her stolen vehicle while running from the police was the same person who robbed her at gunpoint. The jury found defendant guilty as charged.

## Thomas C. Clark, II

### EDUCATION

Saint Louis University JD, January 1998.

Selected as Legal Research and Writing Teacher's Assistant.

Elected as Student Bar Association Representative.

Saint Louis University MA Public Administration, May 1993.

University of Kansas BS Journalism; BA History, May 1990.

University of Kansas Hilltopper, campus honor.

### EXPERIENCE

#### **Twenty-Second Judicial Circuit, State of Missouri**

Associate Circuit Court Judge (2/6/06 to present)

Retained November 2008, 2012

- Presided over, rendered rulings and drafted judgments on hundreds of civil, criminal and domestic (both dissolution and paternity) bench trials.
- Presided over civil, criminal misdemeanor and felony jury trials.
- Managed and rendered judgments on voluminous pro se dockets, including landlord/tenant, small claims and orders of protection.
- Reviewed and ruled on preliminary motions and post-judgment matters.
- Set bonds on felony and misdemeanor offenses.
- Presided over and rendered decisions on preliminary hearings.
- Participated in "jail diversion project," focusing on social service assistance and discouraging recidivism for non-violent offenders (2007-2009).
- Served as a guest judge at the Missouri Court of Appeals, Eastern District, hearing a range of matters including limited liability, arbitration agreements invalidated by fraud, breach of lease, Division of Employment Security appeals, ineffective assistance of counsel and additional post-conviction relief motions. (March 2013)

#### **St. Louis Circuit Attorney's Office, St. Louis, Mo.**

Assistant Circuit Attorney (5/18/98 to 2/4/06)

- Conducted and tried over 40 felony and misdemeanor jury trials for wide ranging criminal offenses such as drug possession, robbery and shootings.
- Selected as "Team Leader" for Circuit Attorney Gun Prosecution Unit, where responsible for supervising six junior attorneys and providing guidance on their courtroom performance and caseload management.
- Recognized as St. Louis Circuit Attorney 2003 "Trial Star" recipient.
- Recognized as St. Louis Circuit Attorney 2004 and 2005 "Justice Award" recipient.
- Educated members of the St. Louis Metropolitan Police Dept. regarding search and seizure law.
- Provided input and served as a reviewer for Missouri Bar Continuing Legal Education text, *Missouri DWI Law and Practice*.

**St. Louis Housing Authority, St. Louis, Mo.**

Assistant to the Executive Director (4/93 – 12/95)

- Assisted Board of Commissioners in developing a comprehensive housing agenda.
- Served as primary media contact for agency exceeding 350 employees and \$213 million budget.

**INTERESTS**

Selected to Old Cathedral Museum Renovation Committee;

Selected to Zeta Phi Scholarship Foundation-University of Missouri;

Selected to St. James the Greater School Board (2011-2012);

Selected to Leadership St. Louis Program/FOCUS (Class 2004-2005);

Elected to Board of Young Lawyers for Missouri Bar Association;

Eagle Scout and Sachem in the Tribe of Mic-O-Say;

Boy Scouts of America merit badge counselor;

Long Distance Runner and have completed 11 marathons, including Boston.

Thomas C. Clark, II  
Associate Circuit Court Judge  
10 North Tucker Blvd., St. Louis, MO 63101  
(314)622-4619

Born in Kansas City, Mo. Educated at University of Kansas, B.S., journalism, 1990; B.A., history, 1990; St. Louis University, M.A., public administration, 1993; J.D., 1998. Served as Assistant Circuit Attorney 1998-2006, City of St. Louis; Elected to the young lawyers section of the Missouri Bar Association; participated in Leadership St. Louis/FOCUS. Appointed associate circuit judge on January 17, 2006 to fill an unexpired term and retained in November 2008 and November 2012 under the nonpartisan court plan.