



**BEFORE THE
STATE COMMISSION ON JUDICIAL CONDUCT**

**IN RE: DANIEL BURKEEN
COUNTY JUDGE
GROESBECK, LIMESTONE COUNTY, TEXAS**

CJC Nos. 17-1034-CO AND 18-0203

**VOLUNTARY AGREEMENT TO RESIGN FROM
JUDICIAL OFFICE IN LIEU OF DISCIPLINARY ACTION**

This Agreement is being entered into by the undersigned parties pursuant to Section 33.032(h) of the Texas Government Code.

WHEREAS at all times relevant hereto, the Honorable Daniel Burkeen was the County Judge in Limestone County, Texas, and

WHEREAS on April 20, 2017, a complaint was filed with the Commission alleging Judge Burkeen was arrested for operating a motor vehicle while intoxicated and lied to the media about it, and

WHEREAS on October 24, 2017, a copy of a petition to remove Judge Burkeen under Texas Local Government Code Chapter 87 was delivered to the Commission (the "Lawsuit"). Among other things, the Lawsuit alleged:

- (1) Judge Burkeen was arrested for driving while intoxicated during normal business hours;
- (2) Judge Burkeen displayed signs of intoxication in the courthouse on other dates;
- (3) Judge Burkeen engaged in inappropriate conduct with a minor at the courthouse;
- (4) Judge Burkeen engaged in inappropriate conduct with Brooke Thompson, a defendant who had a criminal case pending in his court, including: hugging Ms. Thompson while she was in a holding cell in the Limestone County Jail; having a contact visit with Ms. Thompson while she was incarcerated in the County Jail; giving money to Ms. Thompson at the courthouse; facilitating a meeting between Ms. Thompson and her boyfriend while he was incarcerated in the County Jail; and communicating with Ms. Thompson by text message;
- (5) after Judge Burkeen recused himself from the criminal case against Chealse Shinault alleging Theft by Check, he: (a) spoke to the visiting judge about Ms. Shinault, and (b) signed an order dismissing the case;

- (6) Judge Burkeen engaged in ex parte communication with another defendant in his court, Chasidy Archer, by texting her about her case while it was pending;
- (7) Judge Burkeen visited female inmate, Morgan Welch, while she was in the Limestone County Jail, and attempted to have her released on a Personal Recognizance bond; and
- (8) Judge Burkeen authorized personal release bonds for multiple female defendants, including Ms. Archer, and

WHEREAS no Findings of Fact or Conclusions of Law have been made by the Commission in connection with the above-referenced matters, and

WHEREAS no disciplinary action has been ordered by the Commission against Judge Burkeen on these matters, and he denies the allegations in their entirety, and

WHEREAS the parties agree that the allegations of judicial misconduct, if found to be true, could result in further disciplinary action against Judge Burkeen, up to and including removal from office, and

WHEREAS the parties to this Agreement are desirous of resolving the issues relating to these allegations without the time and expense of further disciplinary proceedings.

IT IS THEREFORE AGREED that Judge Burkeen, contemporaneously with signing this Agreement, will submit a letter of resignation to Limestone County, which resignation will be effective on May 31, 2018. A copy of the resignation letter, showing a file stamp by the County Clerk of Limestone County, will be supplied to the Commission within five business days of the signing of this Agreement. However, the parties agree that Judge Burkeen may continue to serve as the Limestone County Judge, only in a non-judicial capacity, through May 31, 2018. Judge Burkeen is entering into this Agreement to resolve the above-described matters in lieu of disciplinary action by the Commission, pursuant to Section 33.032(h) of the Texas Government Code. The Commission agrees that it shall pursue no further disciplinary proceedings against Judge Burkeen in connection with the above-referenced matters so long as Judge Burkeen performs pursuant to the terms of this Agreement.

IT IS FURTHER AGREED that Judge Burkeen, by his execution of this voluntary Agreement, does not admit guilt, fault, or liability regarding the matters contained in the complaint referenced above.

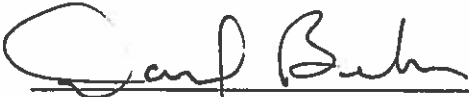
IT IS FURTHER AGREED by the parties that, after May 31, 2018, Judge Burkeen shall be forever disqualified from judicial service in the State of Texas, including (a) sitting or serving as a judge, (b) standing for election or appointment to a judicial office, and/or (c) performing or exercising any judicial duties or functions of a judicial officer, including the performance of wedding ceremonies.

IT IS FURTHER AGREED that any violation of this Agreement by Judge Burkeen would constitute willful or persistent conduct that is clearly inconsistent with the proper performance of his duties or casts public discredit upon the judiciary or administration of justice in violation of Art. 5, §1-a(6)A of the Texas Constitution, and Section 33.001(b) of the Texas Government Code.

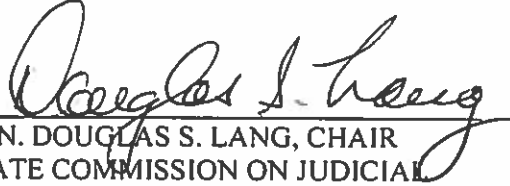
IT IS FURTHER AGREED that this agreement shall be made public as a voluntary agreement to resign from judicial office, pursuant to Section 33.032(h) of the Texas Government Code, and the Commission may enforce this Agreement through any legal process necessary,

including injunctive relief; that Travis County, Texas, shall be the proper venue for any dispute between the parties or proceeding relating to this Agreement; and that Judge Burkeen, individually, shall be liable to pay to the Commission the expense, cost, and any reasonable and necessary attorneys' fees incurred in the event any dispute arising under this Agreement is decided against him by any court or tribunal.

AGREED TO AND ACCEPTED upon its execution by the parties.



HON. DANIEL BURKEEN



HON. DOUGLAS S. LANG, CHAIR
STATE COMMISSION ON JUDICIAL
CONDUCT

Date: 3-28-18

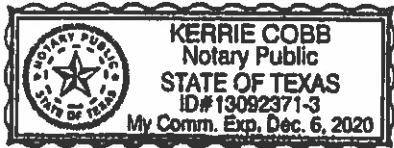
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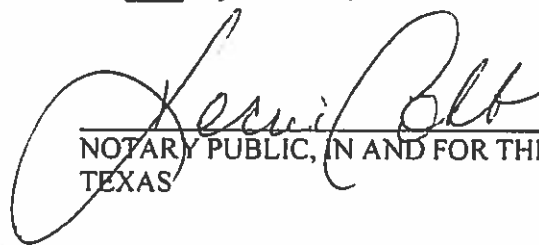
VERIFICATION

State of Texas §
County of Limestone §

BEFORE ME, the undersigned authority, on this day personally appeared **DANIEL BURKEEN**, who by me being first duly sworn, on his oath deposed and said that the above "Voluntary Agreement to Resign from Judicial Office in Lieu of Disciplinary Action" is a true and correct recitation of the facts and accurately reflects his understanding of the terms and conditions of, and voluntary consent to enter into, such Agreement.

SWORN TO BEFORE ME, on this the 28th day of March, 2018.





NOTARY PUBLIC, IN AND FOR THE STATE OF
TEXAS

VERIFICATION

State of Texas §
County of Dallas §

BEFORE ME, the undersigned authority, on this day personally appeared DOUGLAS LANG, in his capacity as Chair of the State Commission on Judicial Conduct, who by me being first duly sworn, on his oath deposed and said that the above "Voluntary Agreement to Resign from Judicial Office in Lieu of Disciplinary Action" is a true and correct recitation of the facts and accurately reflects his understanding of the terms and conditions of, and voluntary consent to enter into, such Agreement.

SWORN TO BEFORE ME, on this the 29th day of March, 2018.



Susan E. Fox
NOTARY PUBLIC, IN AND FOR THE STATE OF
TEXAS