



**BEFORE THE STATE COMMISSION  
ON JUDICIAL CONDUCT**

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**CJC Nos. 15-0741-JP, 16-0888-JP & 18-0530**

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**PUBLIC REPRIMAND**

**HONORABLE DONNA THOMSON<sup>1</sup>  
FORMER JUSTICE OF THE PEACE, PRECINCT 1  
BASTROP, BASTROP COUNTY, TEXAS**

During its meeting on April 7-9, 2021, the State Commission on Judicial Conduct concluded a review of the allegations in these matters against the Honorable Donna Thomson, Former Justice of the Peace, Precinct 1, Bastrop, Bastrop County, Texas. Judge Thomson was advised by letters of the Commission's concerns and provided written responses. Judge Thomson appeared before the Commission on October 28, 2021, and gave testimony regarding the matters.

**BACKGROUND**

*CJC No. 15-0741*

On October 10, 2015, Sergeant Dale Hamilton was dispatched to the Old Town Restaurant and Bar (the "Bar") in Bastrop, Texas, where two witnesses reported they saw a patron hit a parked Audi behind the Bar and leave the scene without leaving her contact information. The witnesses reported that prior to the accident, the patron was inside the Bar celebrating Marilyn Hernandez's birthday. Sergeant Hamilton reported that after interviewing witnesses and taking statements and photographs of the victim's car at the Bar, he went to Hernandez's residence and observed a "BLK/Grayish" vehicle with damage on the driver side rear bumper with the license plate BJ9T377, owned by Donna Jean Thomson. He also noted that the damage to Judge Thomson's car was consistent with backing into the parked Audi.

In a written incident report prepared by the Bastrop County Police Department, Detective Vicky Steffanic reported that on October 9, 2015, Judge Thomson attended Hernandez's birthday party with three others in attendance. At 12:20 a.m., on October 10, 2015, Judge Thomson got into her vehicle, which was parked behind the Bar and hit a Black Audi owned by Jeremy Percy while backing out. Judge Thomson had no passengers in her vehicle and left the scene without leaving any contact information.

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<sup>1</sup> Judge Donna Thomson is formally known as Donna Van Gilder.

The investigation was later referred to the Bastrop County District Attorney, who recused himself and forwarded the case to the Texas Attorney General's Office.

Subsequently, in May 2017, a Bastrop County Grand Jury indicted Judge Thomson on a charge of Striking an Unattended Vehicle, a Class B misdemeanor. On October 3, 2019, Judge Thomson pled guilty to a lesser charge of Failure to Fulfill Duties upon Striking an Unattended Vehicle, a Class C misdemeanor, and was assessed a \$500 fine plus court costs.

CJC No. 16-0888-JP

On May 31, 2016, Judge Thomson conducted an inquest of her friend, Kat Stewart Handy, and later sent out a Facebook post wherein she "tagged" the decedent's name in a message that was sent out to all the decedent's friends and family members before the decedent's husband had a chance to notify family and friends regarding the decedent's death. The Facebook post read:

"I receive the phone call early this morning for an inquest. It's very hard when it's a friend, as I still have to do my job. Now sitting outside the house in my car. I'm finding it really hard not to break down. This world lost a GREAT WOMAN today in Bastrop as God has taken another angel too add to the kingdom that awaits us all. Rest in Peace Kat Stewart Handy."

Thereafter, a Smithville Times news article, published May 19, 2016, indicated the judge told a reporter that the autopsy performed could not definitely determine the cause of death and that the decedent's body was "missing its skull and arms." Subsequently, Judge Thomson published on her Facebook page a response to criticism that the "medical examiner" should decide a decedent's cause of death.

In her written response, Judge Thomson admitted that she posted decedent's death on Facebook but stated she "did not state how [decedent] passed." Further, she stated that after the inquest, she "was not acting as a judge at the time" but as a "grieving friend." According to the judge, when she realized decedent's full name was included in the post, she fixed it right away to just say "Kat." She concluded by admitting that she should have handled the matter differently and is "guilty of being human."

CJC No. 18-0530

As part of the divorce settlement between Judge Thomas (formally "Van Gilder") and Derek Van Gilder, Mr. Van Gilder was awarded certain property, i.e., firearms, identified specifically by serial number. Derek filed a motion for enforcement seeking the return of the firearms. A hearing was conducted on August 25, 2015, wherein both parties denied having possession of the firearms. But the Court made it clear that if any of the named firearms were found, at any time, to be in the possession of or under the control of Donna Thomson, and not returned to Derek Van Gilder, there would be consequences.

Subsequently, the Court found Judge Thomson had sold one of the identified firearms, serial number XS928812 to Raul Vasquez. In October 2017, Judge James Squier, sitting by assignment, signed an order finding Judge Thomson in contempt of court for failing to return the identified firearms and for previously misrepresenting to the Court that she was not in possession of, nor did she have knowledge of the whereabouts of the firearms. Judge Thomson was sentenced to 45 days in jail (which was later reduced to 15 days) and assessed a \$45,000 fine for her misrepresentations to the Court and violations of the Court's orders. Judge Thomson turned herself in to serve her sentence on the contempt charge in January 2018.

After considering the evidence before it, the Commission enters the following Findings and Conclusion:

### **FINDINGS OF FACT**

1. At all times relevant hereto, the Honorable Donna Thomson, was Justice of the Peace for Precinct 1, in Bastrop, Bastrop County, Texas.

#### CJC No. 15-0741

2. On October 15, 2015, Judge Thomson hit a black Audi owned by Jeremy Perce, while backing out of the parking lot of the Old Town Restaurant and Bar, and left the scene without leaving any contact information.
3. In May 2017, a Bastrop Grand Jury indicted Judge Thomson on a charge of Striking an Unattended Vehicle, a Class B misdemeanor.
4. On October 3, 2019, Judge Thomson pled guilty to a lesser charge of Failure to Fulfill Duties upon Striking an Unattended Vehicle, a Class C misdemeanor, and was assessed a \$500 fine plus court costs.

#### CJC No. 16-0888-JP

5. On May 21, 2016, after conducting an inquest, Judge Thomson posted information concerning the death of her friend, Kat Stewart Handy, on Facebook.
6. Judge Thomson posted this information to Facebook before the decedent's husband had a chance to notify family and friends regarding the decedent's death.
7. Judge Thomson commented on information she obtained during her inquest of Handy's death to the media by indicating to a reporter for the Smithville Times that the autopsy performed could not definitely determine the cause of death and that the decedent's body was "missing its skull and arms...".

#### CJC No. 18-0530

8. In January 2018, Judge Thomson was held in contempt for misrepresentations she made to the Court regarding the disposition and/or whereabouts of personal property at issue in her divorce case with Derek Van Gilder, and violations of the Court's orders in that case.
9. Judge Thomson was sentenced to 45 days in jail (which was later reduced to 15 days) and assessed a \$45,000 fine for her misrepresentations to the Court and violations of the Court's orders.
10. Thereafter, Judge Thomson was committed to the Bastrop County Jail where she served a period of 15-days in confinement.

### **RELEVANT STANDARDS AND AUTHORITIES**

1. Canon 2A of the Texas Code of Judicial Conduct states, "A judge shall comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. "

2. Canon 3B(2) of the Texas Code of Judicial Conduct states, "A judge should be faithful to the law and shall maintain professional competence in it."
3. Canon 3B(11) of the Texas Code of Judicial Conduct states, "A judge shall not disclose or use, for any purpose related to judicial duties, nonpublic information acquired in a judicial capacity"
4. Article V, Section 1-a(6)(A) of the Texas Constitution provides in relevant part, that a judge shall not engage in "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."

### CONCLUSION

Based on the record before it and the factual findings recited above, the Texas State Commission on Judicial Conduct has determined the Honorable Donna Thomson, Former Justice of the Peace for Precinct 1, Bastrop, Bastrop County, Texas, should be publicly reprimanded for failing to fulfill her duties upon striking an unattended vehicle, for posting on her Facebook page concerning a death inquest and subsequently commenting to the media information concerning the inquest, and for providing false testimony under oath concerning her possession and knowledge of the whereabouts of property awarded to her ex-husband during an enforcement action, in violation of Canons 2A, 3B(2), and 3B(11) of the Texas Code of Judicial Conduct, and engaging in willful conduct that was clearly inconsistent with the proper performance of her duties and cast public discredit upon the judiciary or administration of justice, in violation of Article V, Section 1-a(6)(A) of the Texas Constitution.

The Commission has taken this action pursuant to the authority conferred it in Article V, Section 1-a of the Texas Constitution in a continuing effort to protect the public and promote public confidence in the judicial system.

Issued this the 29<sup>TH</sup> day of October, 2021.

  
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David Hall  
Chairman, State Commission on Judicial Conduct