

Complaint to the Idaho Judicial Council re: Judge Randy Stoker
STATE OF IDAHO IDAHO JUDICIAL COUNCIL
P.O. Box 1397 Boise, Idaho 83701
(208) 334-5213
Website: www.judicialcouncil.idaho.gov

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We have information of misconduct or disability on the part of Judge Randy Stoker , of the 5th Judicial District Court in Twin Falls, Idaho.

STATEMENT OF FACTS

Case Name: State of Idaho vs. John K. Howard

Case Number: CR-2016-0001144

Case Type: Civil

Case Name: State of Idaho vs. John R. K Howard

SUPPORTING FACTS AND DOCUMENTS

Based on his comments to the public and his final ruling in the case of State of Idaho vs. John K. Howard, we believe Judge Randy Stoker exhibited misconduct by exhibiting prejudice, impropriety, and a failure to perform duties impartially and diligently.

According to Canon 1 of the Idaho Judicial Conduct Code¹, Idaho judges “shall uphold and promote the independence, ***integrity***, and ***impartiality*** of the judiciary and shall avoid ***impropriety*** and the appearance of impropriety.”

- ***Judge Stoker lacks integrity and impartiality:*** Ample evidence exists that this case was racially-motivated, yet Judge Stoker publically claims it was not. Individuals named in this case used racist language to describe African Americans (such as “Kool-Aid, fried chicken, grape soda” and the

¹ https://judicialcouncil.idaho.gov/Judicial_Conduct_Code_11-28-16.pdf

n-word)². The civil complaint also claims that one of the students named in the case displayed a Confederate flag and demanded the victim recite words to the tune of a song titled “Notorious KKK”³. In spite of this evidence, on February 26, Judge Stoker told *The Idaho Statesman* that “this is not a case about racial bias”². Stoker also made comments during the sentencing hearing explaining “I don’t think [those are] racial slurs. If it is, I guess I’m not very educated.”⁴ Judge Stoker has chosen to overlook the racist implications of the evidence presented, or he is actually unable to recognize the blatantly racist language and actions used by the individuals named in the civil case. In either scenario, Judge Stoker demonstrates a lack of impartiality and integrity, and a clear bias against the African American plaintiff.

- ***Judge Stoker exhibits impropriety:*** Canon 1 outlines the test for impropriety as any conduct that creates in “reasonable minds a perception” that the judge acts in ways that “reflect adversely” on his “honesty, impartiality, temperament, or fitness to serve as a judge.” As evidenced by the widespread local and national media coverage of his case, as well as a petition addressed to your office signed by over 173,000 people⁵, it is clear that many reasonable minds believe Judge Stoker’s temperament and fitness to judge are in question. His inability to recognize the role of the victim’s race and disability in this case undermines public confidence in the administration of justice.

In addition to our concerns about Judge Stoker’s misconduct with regard to Canon 1, we also have concerns about external influence on his judicial conduct as outlined in Canon 2. According to Rule 2.4, “a judge shall not permit family, social, political, financial, or other interests or relationships to influence the judge’s judicial conduct or judgment.” On September 12, District Judge Richard Bevan named Judge Stoker to this case after disqualifying Judge Robert Elgee “without cause or reason”⁶.

Ties between the LDS community, Judge Stoker, and the defendants in this case are well-known. In a town as small as Dietrich, those ties suggest a reconfiguring of the case in favor of the defendants based on the judge’s personal relationships, which may have impaired his judicial conduct or judgment.

We thank you for your time and careful consideration of the concerns outlined in this complaint. Please do not hesitate to contact us for further information.

VERIFICATION

STATE OF _____

² <http://www.idahostatesman.com/news/state/idaho/article135087494.html>

³

https://www.washingtonpost.com/news/morning-mix/wp/2016/05/25/white-high-school-football-players-in-idaho-charged-with-raping-black-disabled-team-mate-with-a-coat-hanger/?utm_term=.3c7f46136150

⁴

http://magicvalley.com/news/local/crime-and-courts/judge-says-dietrich-crime-not-racially-motivated/article_97581ac7-a89d-5d1e-9af2-681fedea400b.html

⁵ <https://www.change.org/p/idaho-judicial-council-remove-judge-randy-stoker-from-the-bench-for-decision-in-john-howard-rape-case>

⁶ <http://www.kmvt.com/content/news/New-judge-assigned-to-one-defendant-in-Dietrich-assault-case-393142771.html>

County of _____

_____, being first duly sworn upon oath, deposes and says:

That s/he is the Complainant in the above matter, that s/he has read the foregoing Complaint, knows the contents thereof, and verily believes the facts therein stated to be true.

Signature: _____

STATE OF _____

County of _____

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That s/he is the Complainant in the above matter, that s/he has read the foregoing Complaint, knows the contents thereof, and verily believes the facts therein stated to be true.

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Signature: _____

SUBSCRIBED AND SWORN TO Before me this _____ day of _____, 20____.

X _____

Notary Public for _____

Residing at _____

Commission Expires: _____

