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Madison County Attorney Haymond,

I formally request that you charge the following elected officials with *Official misconduct in the first degree* (KRS 522.020 (1)(a) and (c)), *Criminal coercion* (KRS 509.080), *Dissemination of personally identifying information* (KRS 525.085) and *Criminal Conspiracy* (KRS 506.040).

- Judge Executive Reagan Taylor
- Magistrate James Brian Combs
- Magistrate Stephen Lochmueller

Evidence of these crimes and their conspiracy are in the text of “MADISON COUNTY FISCAL COURT MADISON COUNTY, KY RESOLUTION 2024-94”, their 'Yes' votes and their signatures on the resolution.

Official Misconduct

Madison County Fiscal Court has violated, and continues to violate, citizens free speech rights by establishing, maintaining, and enforcing a policy empowering a “presiding officer” of the fiscal court to restrict speech based on content.

This resolution far exceeds the powers of a Fiscal Court under Kentucky law (KRS 67.080 subsection 3) and violates their oaths of office. The resolution states that “*each speaker shall conduct themselves in a courteous manner and refrain from using derogatory or abusive language and making personal attacks and/or threats against any member of the Fiscal Court or audience*” is a direct prohibition of free speech based on the content of the speakers speech and their views.

The legal definition for attack is, “The process of challenging the validity or accuracy of something, particularly in a legal context”. Verbally attacking members of fiscal court or audience member is legally protected speech. Non-verbally attacking people is already illegal and there is no reasonable way to construe the resolution as restricting a physical attack.

Threats and abusive language are already illegal in Kentucky (KRS 525.070 (1)(c)). Their inclusion in the resolution is used to justify a resolution that is clearly designed to restrict legal speech.

That leaves “each speaker shall conduct themselves in a courteous manner and refrain from using derogatory” language. It is well within free speech rights to speak dis-courteously and to use derogatory language. And those terms are both subjective. Each speaker and listener has their own ideas of what is courteous and derogatory.

Our Constitution’s guarantee, enshrined in the First Amendment, is that everyone enjoys “the right to criticize public men and measures” as “one of the prerogatives of American citizenship.” *Baumgartner v. United States*, 322 U.S. 665, 673–74 (1944).

Under this resolution it is possible for the “presiding officer” to allow praise but block criticism of the actions or statements of elected officials. That is illegal under US and Kentucky laws. “[C]riticism of government is at the very center of the constitutionally protected area of free discussion.” *Rosenblatt v. Baer*, 383 U.S. 75, 85 (1966).

The resolution is overbroad, sweeping far beyond actual disruption to ensnare a significant amount of speech on matters of public concern absent any disruption. The policy is unconstitutionally vague, inviting arbitrary and discriminatory enforcement of the resolution.

The fiscal court resolution is unlawfully vague because it “fails to provide people of ordinary intelligence a reasonable opportunity to understand what conduct it prohibits.” *Hill v. Colorado*, 530 U.S. 703, 732 (2000). The “void for vagueness doctrine addresses at least two connected but discrete due process concerns.” *FCC v. Fox Television Stations, Inc.*, 567 U.S. 239, 253 (2012). First, “regulated parties should know what is required of them so they may act accordingly,” and second, “precision and guidance are necessary so that those enforcing the law do not act in an arbitrary or discriminatory way.” *Id.* The Supreme Court has warned government bodies and officials that “[w]hen speech is involved, rigorous adherence to those requirements is necessary to ensure that ambiguity does not chill protected speech.” *Id.* At 253–54.

As the Supreme Court has explained, public comments at local government meetings are “high in the hierarchy of First Amendment values” because the “right to petition [i]s one of the most precious of the liberties safeguarded by the Bill of Rights.” *Lozman v. Riviera Beach*, 585 U.S. 87, 101 (2018) (internal quotation omitted).

Judge Taylor's comments on video of the fiscal court meeting (Fiscal Court Meeting 9/24/2024) where this resolution was passed shows his thoughts on coercing citizens to avoid negative comments.

1:04:25 “I'm here to protect our employees on a daily basis because they don't deserve that. Our

employees work very hard providing good services and quality of life for our community and our citizens. I think it's a shame when people get on there I also think it's a shame and I think we as a society in a whole have to change the way that we interact with one another.”

Judge Taylor also mentioned that he saw it as his job to correct statements people made. And even has gone as far as to contact a persons employer because of a public statement they made.

1:05:54 “I want them to know I learned early on as judge executive that one of my main jobs was to educate people. I've reached out to people because they, I know they don't have the true information. I've reached out to him and said, 'Hey come and meet with me. Please sit down.' They won't respond.

“There was one last night that made a comment, I'm not going to mention his name, but he runs one of the community Facebook pages for people. I knew he had false information. I know he does. I reached out to him said, 'Would you come and meet with me. I want you to have the correct information.' Won't respond. He said face to face that he would. Because I asked him face to face, 'Will you meet me.' He said yes. But then I text him, 'Hey when could you get together.' I've sent messages to him through his employer. 'Please get him to meet with me. I just want him to have the facts.' Will not meet with me.”

Quotes are spoken by Judge Executive Reagan Taylor from the YouTube auto-generated transcript of video titled “Fiscal Court Meeting 9/24/2024” <https://www.youtube.com/watch?v=yjobk3kL7eo> (Edited for clarity.)

Criminal Coercion

The Judge Executive and Magistrates violate Kentucky law (KRS 509.080) when passing a resolution that accuses people of a crime (1)(a) for the legal content of their speech in order to coerce them to alter the content of their speech. The resolution further threatens “removal from the meeting” and “loss of public comment privilege” which is an official act (1)(d).

Criminal Conspiracy

The resolution is clear evidence that the above official are criminally conspiring to intimidate people legally exercising their rights. That is a criminal conspiracy (KRS 506.040).

The above named officials conspired to propose and pass a resolution that illegally restricts speakers based on the content of their speech, which is a violation of the Kentucky Constitution Section 1, Fourth and Sixth subsections.

Dissemination of Personally Identifying Information

The resolution not only forbids speech based on content, but it demands speakers state their name and address at the beginning of their speech. The Fiscal Court live streams video and audio of this to the Internet and makes it available on the Internet for later viewing.

The Fiscal Court violates Kentucky law, “Dissemination of personally identifying information” (KRS 525.085) with their actions. They disseminate personally identifiable information (1)(d) (3) to a public Internet website (1)(a) to intimidate a person exercising their legal right to speak freely to elected officials at a government meeting. The intimidation is prima facie designed to alter a person's legal public speech (2)(a).

Publicly stating an opinion that is is opposed by potentially violent people in the community and having your name and home address associated with it would make any reasonable person to be in fear of physical injury(2)(b) to themselves or a family member.

Standing

As a resident and tax paying citizen of Madison County I have standing to request these charges be filed. I have publicly criticized county officials and employees for threatening illegal activity and I want to continue to do that. I want to speak freely at fiscal court meetings.

But I have reasonable fear that this resolution will be enforced with physical removal from the court by law enforcement. My interest in exercising my free speech far outweighs fiscal courts interest in enforcing an unconstitutional resolution.

Elected officials, attorneys, judges, and magistrates have a responsibility to follow the law, all the law that is applicable to their roles. Ignorance of law excuses no one. The protections of citizens free speech is well established. The errors the above created in Resolution 2024-94 go far beyond their roles as elected members of the fiscal court and violate well established law.

Before I requested these charges I wrote a letter complaining about this resolution to the members of the fiscal court who voted for this resolution and to your office. My hope was to resolve this issue simply by requesting the Fiscal Court follow the well established law. I have not received a response to those letters. It is my goal to solve this issue within the county and with as little acrimony and publicity as possible.

Sincerely,

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