



**BEFORE THE STATE COMMISSION
ON JUDICIAL CONDUCT**

CJC No. 18-0036

PUBLIC WARNING

**HONORABLE RALPH STROTHER
19TH DISTRICT COURT
WACO, MCLENNAN COUNTY, TEXAS**

During its meeting on February 6-7, 2019, the State Commission on Judicial Conduct concluded a review of the allegations against the Honorable Ralph Strother, 19th District Court, in Waco, McLennan County, Texas. Judge Strother was advised by letter of the Commission's concerns and provided a written response. Judge Strother appeared before the Commission and gave testimony. After considering the evidence before it, the Commission entered the following Findings and Conclusion:

FINDINGS OF FACT

1. At all times relevant hereto, the Honorable Ralph Strother was Judge of the 19th District Court, in Waco, McLennan County, Texas.
2. On May 17, 2015, rival motorcycle gang members and police became involved in a shootout at a Twin Peaks restaurant in Waco Texas. Nine men died from gunshot wounds in the melee, and 177 individuals were arrested after the shooting.
3. In November of 2015, a McLennan County grand jury handed down indictments against 106 bikers. Another grand jury indicted 48 additional individuals in March of 2016, and a third grand jury indicted a single individual in December of 2016.
4. All told, 155 individuals were indicted for their alleged roles in the shootout, and the cases were split between Judge Strother's court and the 54th District Court.
5. Judge Strother appointed James Head, a detective employed by the Waco Police Department as foreman of the grand jury that was set to review indictments in the Twin Peaks shooting cases over the next three months. In an article published on July 9, 2015,

titled “Waco cop to head grand jury likely to hear biker cases,” the Associated Press quoted Judge Strother as saying, “We have lawmen who get on jury panels all the time. Who is better qualified in criminal law than somebody who practices it all the time?”

6. Judge Strother stated he appointed Detective Head to the grand jury but did not believe it was a conflict of interest. He confirmed knowing “at the beginning of summoning the prospective grand jurors that Twin Peaks would be presented either at this particular term or the next one.”
7. During his appearance at the Commission, Judge Strother testified that Detective Head’s grand jury did not return any indictments on the Twin Peaks cases.
8. At the time Detective Head was appointed to the grand jury, McLennan County was transitioning to a new system where grand jurors were chosen through random selection like a petit jury. Previously, judges would appoint commissioners who nominated prospective grand jurors.
9. Judge Strother informed the Commission that Detective Head “would never have been on this or any other grand jury” if he had used the prior system of appointing grand jurors, and he assured the Commission that this experience “has since caused me to exercise more caution and be more aware of potential problems.”
10. Judge Strother informed the Commission that he did not realize Detective Head was a police officer until after he was sworn in. The judge also stated he appointed the detective as the presiding juror, and he knew of no prohibition against an officer serving as either a grand juror or a petit juror.
11. Judge Strother denied conducting an investigation into whether Detective Head played any role in the Twin Peaks investigation. He stated “in perfect hindsight, I wish he had not been on the grand jury.”

RELEVANT STANDARDS

Canon 3B(5) of the Texas Code of Judicial Conduct states: “A judge shall perform judicial duties without bias or prejudice.”

CONCLUSION

After considering the facts and evidence before it, the Commission concludes that Judge Strother exhibited bias in favor of law enforcement by appointing a detective whose agency investigates criminal cases in McLennan County as foreperson of a grand jury.

In condemnation of the conduct violative of Canon 3B(5) of the Texas Code of Judicial Conduct and the Texas Constitution recited above, it is the Commission’s decision to issue a **PUBLIC WARNING** to Ralph Strother, 19th District Court Judge, Waco, McLennan County, Texas. Pursuant to the authority contained in Article V, §1-a(8) of the Texas Constitution, it is ordered that the actions described above be made the subject of a **PUBLIC WARNING** by the Commission.

The Commission has taken this action with the intent of assisting Judge Strother in his continued judicial service, as well as in a continuing effort to protect public confidence in the

judicial system and to assist the state's judiciary in its efforts to embody the principles and values set forth in the Texas Constitution and the Texas Code of Judicial Conduct.

Issued this the 20th day of February, 2019.



Honorable Catherine N. Wylie, Chair
State Commission on Judicial Conduct