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## Voters recall Judge in Brock Turner campus assault case

*Critics said Aaron Persky's six-month jail sentence to former Stanford University swimmer was too lenient*

by SARA RANDAZZO

A Northern California judge who became a flashpoint in the discussion over sexual assault on college campuses will be removed from the bench following a rare recall election Tuesday.

Local voters opted to replace Aaron Persky, a former prosecutor who has served on the Santa Clara County Superior Court since 2003, according to election results from the Associated Press.

In 2016, Judge Persky sentenced former Stanford University swimmer Brock Turner to six months in jail for sexually assaulting an unconscious woman, a punishment critics considered too lenient.

Mr. Turner had faced a maximum of 14 years in prison for the assault, and prosecutors had sought six years. Judge Persky's sentence followed a county probation department's recommendation.

The sentencing kicked off a furor over accountability of campus rape cases nationwide and spawned the campaign to recall the judge. Judge Persky and his supporters said the recall threatened judicial independence and could pressure judges to follow public opinion over the law.

No judge had been recalled in California since 1932, according to Joshua Spivak, an expert on recall elections. The last successful attempt nationwide was in 1977 in Wisconsin. Another Wisconsin judge survived a recall vote in 1982.

Showing leniency in sex crimes has been a common thread in many threatened recalls of judges, said Mr. Spivak, a senior fellow at the Hugh L. Carey Institute for Government Reform at Wagner College.

Stanford Law School professor Michele Dauber—a friend of the victim in Mr. Turner's case and a longtime advocate of improving systems for reporting campus assaults—has been the face of the recall campaign. She assembled a team of volunteers that succeeded in getting the recall on the ballot after gathering nearly 95,000 signatures from local voters.

The recall campaign pointed to other cases that its supporters said showed a bias from Judge Persky, including a case in which the judge sentenced a man convicted of felony child pornography to four days in jail in 2015, and to leniency showed to a college athlete in a domestic-abuse case.

The controversy divided the local legal community. Law professors and retired judges had spoken out against the recall, saying that judges need to feel free to make unpopular rulings that follow the law, and that it could lead to an influx in overly harsh sentences.

Mr. Turner served three months in county jail of his six-month sentence and is appealing his conviction. A Stanford freshman and competitive swimmer at the time of the attack, he was found guilty in March 2016 of three felony counts of sexual assault.

A graduate student testified at trial that he and another student confronted Mr. Turner outside a Stanford fraternity party in January 2015 after they saw him on top of a motionless young woman on the ground.

Judge Persky said during sentencing that a longer prison term “would have a severe impact on [Mr. Turner].”

The judge launched multiple legal actions to try to keep the recall off the ballot, but was ultimately unsuccessful.