

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL COURT,  
IN AND FOR BREVARD COUNTY, FLORIDA

Case No.: 2004-DR-019706

Division: FAMILY

TIMOTHY MICHAUD  
Petitioner/Former Husband

and

AIMEE CASEY  
f/k/a Aimee Michaud  
Respondent/Former Wife

\_\_\_\_\_ /

**MOTION TO DISQUALIFY OR RECUSE TRIAL JUDGE  
PURSUANT TO FLORIDA RULES OF CRIMINAL PROCEDURE 3.840(e)**

AIMEE CASEY, Respondent/Former Wife, in Propria Persona, files this Motion to Disqualify or Recuse the Trial Judge Pursuant to Florida Rules of Criminal Procedure 3.840(e) in the above styled action and as grounds would state the following:

1. Respondent/Former Wife, AIMEE CASEY, requests recusal based on the following facts:

The Court issued an *Order to Show Cause* Why the Respondent/Former Wife Should Not Be Found in Indirect Criminal Contempt hearing for Tuesday, January 15, 2019, set before Judge Michelle Naberhaus. (Docket #729)

The Order To Show Cause Hearing is based on Petitioner/Former Husband's March 31, 2017 Motion (Docket #703), which was heard on December 17, 2018 alleging that the Respondent/Former Wife is "*causing and/or assisting third parties in publication of allegations and or/statements prohibited by the Court's prior orders in a repeated and intentional violation of the Court's orders.*"

On September 21, 2018, the Petitioner/Former Husband states in his email to Respondent/Former Wife "*Your "friends" continue to have information posted online, Volusia Exposed, Brevard Business News, Dean Paterakis, etc...*"

**[EXHIBIT A]**

On October 8, 2018, Volusia Exposed wrote an article regarding Judge Michelle L. Naberhaus, criticizing her attendance at an August 2018 political rally for U.S. Senate candidate – Florida Governor Rick Scott, and by attending such an event she violated Canon 7, noting her attendance was “.....*self-serving. Her violation of these judicial canon was an embarrassment to herself, and by proxy, she also embarrassed both the 18<sup>th</sup> Judicial Circuit and Governor Scott.*” [EXHIBIT B]

2. Based on the statements by way of the Petitioner/Former Husband’s email, he concludes and infers that the Respondent/Former Wife has alleged relationships with third parties, including “*Volusia Exposed, Brevard Business News, Dean Paterakis, etc.,*” which has prompted this Court to issue an Order to Show Cause based on the Petitioner/Former Husband’s motion and statements alleging such relationships.

3. In accordance with **Florida Rules of Criminal Procedure, Rule 3.840(e)**, the Judge must disqualify himself or herself from presiding at the hearing if the contempt charges involve disrespect to at or criticism of a Judge. Another judge shall be designated by the chief justice of the Supreme Court. [EXHIBIT C ]

4. Based on the above exhibits and Florida Rules of Criminal Procedure 3.840 (e), Circuit Judge Naberhaus, should recuse herself because by the Petitioner/Former Husband’s statements alleging such relationships and by the Petitioner/Former Husband’s alleged proxy, conflicts of interest have arisen which Judge Naberhaus should avoid.

5. In accordance with case law and the Florida Rules of Judicial Administration, Rule 2.330, this Court shall only determine the legal sufficiency of the motion and shall not pass on the truth of the facts alleged. If the motion is legally sufficient, the judge shall immediately enter an order granting disqualification and proceed no further in this action.

6. In order to determine the legal sufficiency of the motion the Court need only to determine whether the facts alleged would place a reasonably prudent person in fear of not receiving a fair and impartial trial or hearing. The Court must take the facts alleged as true and must take the view from the Respondent’s perspective

7. The Respondent/Former Wife is in fear that that she will not receive a fair hearing because the allegations by the Petitioner/Former Husband alleges she has relationships with third parties, including “*Volusia Exposed, Brevard Business News, Dean Paterakis, etc.,*” that would specifically prejudice or bias Judge Naberhaus.

**WHEREFORE**, Respondent/Former Wife respectfully requests Judge Naberhaus to disqualify or recuse herself from this matter immediately.





information on R [REDACTED]

tim michaud <anistonrm@gmail.com>

Fri 9/21/2018, 9:31 AM

To: aim c <aimnriley@hotmail.com>

Aimee,

Your "friends" continue to have information posted online, Volusia exposed, Brevard business news, Dean Paterakis, etc about R [REDACTED]. She is a sophomore in high school and will be starting her college search very soon. These colleges are sophisticated and she will hopefully be vying for an athletic scholarship in the future. Getting a college athletic scholarship is very competitive and few are given in her sport. It is more than likely that not only will they want a superior runner but one that comes without "perceived baggage" let alone that all of these things that are online are extremely embarrassing to her.

If you have any concern for R [REDACTED] I would hope that you are aggressively asking them to remove all of these items. You seem to be "friends" with many of them and I would hope that you can have them remove anything that would embarrassing to her or negatively affect her chances for getting a college scholarship. I would also assume that you viewed the video of Judge Lemonidis explaining to your friend Dana Loyd, the convicted felon, that these types of things are extremely detrimental to young adults trying to get into college or even getting a job.

In addition, not only should you do this as a parent, but the court order from Judge Reinman, January 8, 2016, is clear that you have an "affirmative duty to stop third parties from disseminating unfounded allegations".

I hope you step up and do the right thing for R [REDACTED] and her future and not cause her any challenges she does not need to explain or deal with.

Tim



## The Corrupt Politics Associated With Judicial Appointments

Local Judicial Nominating Commission  
Forwards Four Nominees To Governor Scott

Updated  
October 8,  
2018



***"Facts are stubborn things; and whatever may be our wishes, our inclinations, or the dictates of our passions, they cannot alter the state of facts and evidence." - John Adams***

As outlined in our [September 21, 2018 article](#) - one of our representatives attended and video recorded (see below videos) the October 5, 2018 meeting of the 18th Judicial Nominating Commission. During this meeting the JNC interviewed twelve judicial candidates in their search for a replacement for Circuit Judge John Harris.

Circuit Judge

### 18th Circuit Judicial Nominating Commission's Short List Email

**From:** Alan Landman <[alan@alandmanpa.com](mailto:alan@alandmanpa.com)>

**To:** VolusiaExposed.Com <[volusiaexposed@cfl.ir.com](mailto:volusiaexposed@cfl.ir.com)>

**Subject:** Re: Public Record Request & Concerns - Judicial Applicants

**Date:** Mon, 8 Oct 2018 11:42:40 -0400

Below is the list of Judicial Applicants that was forward to the Governor's office on 10/5/18.

1. **Judge Michelle L. Naberhaus**
2. **General Magistrate Robert Segal**
3. **Suzanne Taylor**
4. **Marielena Tynan**

Please confirm receipt.

-Alan Landman

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Alan H. Landman, P.A.  
7195 Murrell Road, Suite 102  
Melbourne, FL 32940  
321-242-9800 (telephone)  
321-242-9955 (facsimile)





John Harris  
was recently  
appointed by  
Governor Scott  
to the 5th  
District Court  
of Appeal  
(DCA).

Upon the  
completion of  
their JNC  
interviews -  
the 18th  
Circuit JNC  
sent the names  
of four (4)  
nominees to  
Governor Rick  
Scott (**see right  
of page**) -->.

Governor Scott  
will soon fill  
the judicial  
opening by  
appointing one  
of the four  
nominees to  
the 18th  
Circuit Court.

## **Ignoring Judicial Misconduct**

This publication is of the **OPINION** that both local and State officials have a rather high tolerance level when it comes to judicial misconduct.

We (VolusiaExposed.Com) have covered and reported on three different JNCs (**7th & 18th circuit and 5th DCA**). In the past, the 7th circuit and 5th DCA JNCs have addressed many of our concerns regarding judicial applicants. In fact - the 5th DCA JNC employed one of our interview videos in their reporting of [judicial misconduct against 18th Circuit Court Judge Jessica Reckseidler \(see page 2 of the Florida Supreme Court document\)](#).

However, the 18th JNC appears to be less receptive to our concerns regarding their judicial candidates.

## Judge Michelle Naberhaus At An August 2018 Political Rally?

Within our [September 21, 2018 email to 18th JNC Chairman Alan Landman](#) we highlighted our concern regarding JNC candidate - Brevard County Judge Michelle Naberhaus. Video evidence suggests that Brevard County Judge Michelle Naberhaus attended an August 2018 political rally. The rally was for U.S. Senate candidate - Florida Governor Rick Scott.

We forwarded our concern & **OPINION** - that if Judge Naberhaus attended this political rally - she violated the judicial political neutrality mandate - as is defined in [Canon 7 of Florida's Judicial Canons](#).

Attached to our



### The Honorable Michelle Naberhaus

#### EDUCATION:

- JD, Levin College of Law, University of Florida, 2000
- BA, University of Florida, 1997

#### PROFESSIONAL HISTORY:

- Prior to her appointment, Judge Naberhaus practiced in the areas of general civil litigation, insurance defense litigation, trust and estate litigation, and guardianship litigation. She began her practice in the 15th and 19th Judicial Circuits with the law firms Conroy, Simberg, Ganon, Krevans, & Abel, P.A. and Peterson Bernard, P.A. She also served as an adjunct professor of Business Law at Florida Atlantic University. In 2009, she relocated to Brevard County where she became a shareholder of Gray Robinson, P.A. Prior to her appointment, she was serving as Of Counsel with Dean Mead, P.A.



The Honorable:  
Michelle Naberhaus



email to JNC  
Chairman  
Landman - was  
our September  
15, 2018 email  
to court  
officials -  
including Judge  
Naberhaus - in  
which we  
sought a  
response  
addressing our  
concern. As of  
the publication  
of this article -  
neither court  
officials, or Mr.  
Landman have  
addressed our  
judicial  
neutrality  
concern  
regarding  
Judge  
Naberhaus.  
Our concern  
was also not  
addressed  
during Judge  
Naberhaus'  
October 5,  
2018 JNC  
interview. (see  
below video of  
Naberhaus' JNC  
interview)

Adding insult  
to injury - it  
was Governor  
Scott that  
appointed  
Judge  
Naberhaus to  
the Brevard

## Guidelines For Judicial Candidates

### II. Canon 7: Appearing Publicly and Communicating with the Public

#### A. May a judge or judicial candidate attend political party functions?

Canon 7A(1)(d) provides that a judge or judicial candidate shall **not** attend political party functions except as authorized in **Canons 7B(2), 7C(2), and 7C(3)**. The code defines "political organization" as a political party or other group whose principal purpose is to further election or appointment of candidates to political office. **Canon 7B(2)(b)(ii) permits** a non-judge candidate for appointment to judicial office to attend political party functions. **Canon 7C(2)** provides that, upon certifying that his or her candidacy has drawn active opposition, a candidate for merit retention in office **may** thereafter campaign in any manner authorized by law, subject to the restrictions of **subsection A(3)**. **Canon 7C(3)** provides that:

A judicial candidate involved in an election or re-election, or a merit retention candidate who has certified that he or she has active opposition, **may** attend a political party function to speak in behalf of his or her candidacy or on a matter that relates to the law, the improvement of the legal system, or the administration of justice. The function must **not** be a fund raiser, and the invitation to speak **must** also include the other candidates, if any, for that office. The candidate should **refrain** from commenting on the candidate's affiliation with any political party or other candidate, and should **avoid** expressing a position on any political issue. A judicial candidate attending a political party function must **avoid** conduct that suggests or appears to suggest support of or opposition to a political party, a political issue, or another candidate. Conduct limited to that described above does not constitute participation in a partisan political party activity.

**June 2, 2014**

### **Judge John C. Murphy Goes Rogue**

Brevard Judge fights with attorney





County Court  
in 2016 - and  
now, Judge  
Naberhaus  
seeks Governor  
Scott's  
appointment to  
the circuit  
court bench -  
therefore, her  
attendance at  
the political  
rally is not only  
a violation of  
judicial canons  
- her  
attendance  
also was very  
self-serving.  
Her violation of  
these judicial  
canons was an  
embarrassment  
to herself, and  
by proxy, she  
also  
embarrassed  
both the 18th  
Judicial Circuit  
and Governor  
Scott.

**Former  
Judge  
John C.  
Murphy**

Former  
Brevard Judge  
John C. Murphy  
also  
interviewed  
during the  
recent JNC  
meeting.

In 2015 - the Florida Supreme Court removed Judge Murphy from the bench for threatening a public defender - and then proceeding with defendants' court hearings without them having legal representation. This judicial misconduct was captured on the courtroom video and audio - and went viral - making it's way on to international media outlets - --> .

Even given Judge Murphy's **OBVIOUS** judicial misconduct - local officials initially (2014) kept him on the bench - only recommending that he take an anger management class (**watch Murphy's JNC interview - below**).

In addition to local officials opting not to immediately remove Judge Murphy from the bench - he received support from many of his local judicial and legal peers. Circuit Judge Morgan Reinman even testified in front of the [Florida Judicial Qualifications Commission \(JQC\)](#) - in which she laid much of the blame for the incident on the alleged behaviors of the assistant public defender.

**[Click here to read the JQC report - see page 12 regarding Judge Reinman's testimony](#)**

The JQC even recommended that Judge Murphy be allowed to remain on the bench - suffering **ONLY** a 120 day suspension, \$50,000 fine and a public reprimand.



Fortunately for the citizens of Florida - the [Florida Supreme Court did \*\*NOT\*\* accept the JQC's recommendations - and removed Judge Murphy from the bench.](#)

**OUR POINT** - local officials, and the JQC tend to ignore judicial misconduct - the fact that our emails remain unanswered is even more proof of that ... and yes, this publication BCC-ed our concerns to the JQC - so far - silence is the only response we have received.

This publication has opted **NOT** to file a formal JQC complaint against Judge Naberhaus - because of two reasons. First, the JQC **ONLY** finds probable cause on approximately 1% of the judicial complaints that it receives. Second, absent a finding of "probable cause" by the JQC - [the complaint is legally forbidden from ever being discussed by the complainant\\*](#).

*\*Caselaw does exist that challenges this "forever" confidentiality mandate (NOT LEGAL ADVICE)*

[1990 Doe V. Florida Judicial Qualifications Commission](#)

The JQC has the ability to open a judicial misconduct complaint based on a media article - therefore - this publication would rather memorialize our concerns within this media article. Regardless if the JQC finds probable cause or not - the concern (alleged misconduct) will still be available within the public's preview.

[September 18, 2017](#)

[Is The Judicial Qualifications Commission Process Too Secretive?](#)

[November 8, 2017](#)

[JQC - Hiding Judicial Misconduct From The Public](#)

The staff at VolusiaExposed.Com wishes the nominees the best of luck in the selection process. We will notify our readers of Governor Scott's choice, when that information becomes available. If you are so inclined, email [Governor Scott](#) with your suggestions and input regarding the nominees.

And there you have it.... stand by to stand by .... there is surely more to come of this ... until then - enjoy watching the JNC interview videos - click the candidate's name to review their redacted applications.

barrett1052018



[Samantha Barrett](#)

naberhaus1052018



[Judge Michelle Naberhaus](#)

bookhardt1052018



[Sam Bookhardt, III](#)

rezanka1052018



[Kimberly Rezanka](#)

dwyer1052018



[Michael W. Dwyer](#)

segal1052018



[Rob Segal](#)

erlenback1052018



[Kurt Erlenbach](#)

speicher1052018



[Kathryn Speicher](#)

henderson1052018



taylor1052018





Stephen Henderson

Suzanne Taylor

murphy1052018



John C. Murphy

tynan1052018



Marielena Tynan

We look forward to your comments on this situation.  
Drop us a line to let us know what you think.



**EMAIL US**

contempt, whereas the term “order” of contempt is used in the federal rule. Both terms have been used in Florida appellate cases. The term “judgment” is preferred here since it is consistent with the procedure of adjudicating guilt and is more easily reconciled with a “conviction” of contempt, common terminology on the trial and appellate levels in Florida. It also is consistent with appeals in contempt cases. See, e.g., *State ex rel. Shotkin v. Buchanan*, 149 So.2d 574, 98 A.L.R.2d 683 (Fla. 3d DCA 1963), for the use of the term “judgment”.

**1972 Amendment.** Same as prior rule.

### **RULE 3.840.      INDIRECT CRIMINAL CONTEMPT**

A criminal contempt, except as provided in rule 3.830 concerning direct contempts, shall be prosecuted in the following manner:

**(a) Order to Show Cause.** The judge, on the judge’s own motion or on affidavit of any person having knowledge of the facts, may issue and sign an order directed to the defendant, stating the essential facts constituting the criminal contempt charged and requiring the defendant to appear before the court to show cause why the defendant should not be held in contempt of court. The order shall specify the time and place of the hearing, with a reasonable time allowed for preparation of the defense after service of the order on the defendant.

**(b) Motions; Answer.** The defendant, personally or by counsel, may move to dismiss the order to show cause, move for a statement of particulars, or answer the order by way of explanation or defense. All motions and the answer shall be in writing unless specified otherwise by the judge. A defendant’s omission to file motions or answer shall not be deemed as an admission of guilt of the contempt charged.

**(c) Order of Arrest; Bail.** The judge may issue an order of arrest of the defendant if the judge has reason to believe the defendant will not appear in response to the order to show cause. The defendant shall be admitted to bail in the manner provided by law in criminal cases.

**(d) Arraignment; Hearing.** The defendant may be arraigned at the time of the hearing, or prior thereto at the defendant’s request. A hearing to determine the guilt or innocence of the defendant shall follow a plea of not guilty. The judge





may conduct a hearing without assistance of counsel or may be assisted by the prosecuting attorney or by an attorney appointed for that purpose. The defendant is entitled to be represented by counsel, have compulsory process for the attendance of witnesses, and testify in his or her own defense. All issues of law and fact shall be heard and determined by the judge.

**(e) Disqualification of Judge.** If the contempt charged involves disrespect to or criticism of a judge, the judge shall disqualify himself or herself from presiding at the hearing. Another judge shall be designated by the chief justice of the supreme court.

**(f) Verdict; Judgment.** At the conclusion of the hearing the judge shall sign and enter of record a judgment of guilty or not guilty. There should be included in a judgment of guilty a recital of the facts constituting the contempt of which the defendant has been found and adjudicated guilty.

**(g) Sentence; Indirect Contempt.** Prior to the pronouncement of sentence, the judge shall inform the defendant of the accusation and judgment against the defendant and inquire as to whether the defendant has any cause to show why sentence should not be pronounced. The defendant shall be afforded the opportunity to present evidence of mitigating circumstances. The sentence shall be pronounced in open court and in the presence of the defendant.

#### Committee Notes

##### 1968 Adoption.

(a)(1) Order to Show Cause. The courts have used various and, at times, misleading terminology with reference to this phase of the procedure, viz. "citation," "rule nisi," "rule," "rule to show cause," "information," "indicted," and "order to show cause." Although all apparently have been used with the same connotation the terminology chosen probably is more readily understandable than the others. This term is used in Federal Rule of Criminal Procedure 42(b) dealing with indirect criminal contempts.

In proceedings for indirect contempt, due process of law requires that the accused be given notice of the charge and a reasonable opportunity to meet it by way of defense or