

BEFORE THE HEARING PANEL OF THE
JUDICIAL QUALIFICATIONS COMMISSION
STATE OF FLORIDA

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INQUIRY CONCERNING JUDGE

S. CT. CASE NO.: SC14-1582

JOHN C. MURPHY /

FILE NO.: 14-255

FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

The Hearing Panel of the Judicial Qualifications Commission (JQC) submits the following Findings, Conclusions and Recommendations pursuant to Article V, XII(a)(1)(B) and (C) of the Florida Constitution. This matter was presented to the JQC Hearing Panel at a hearing on March 30 and 31, 2015. The hearing occurred in the courthouse in Viera, Florida, which is located in Brevard County, the county of residence of Judge John C. Murphy. This location was chosen by Judge Murphy in his home county. Judge Murphy took office as a County Judge in January of 2007.

The Hearing Panel was composed of Circuit Judge Michelle Morley, Chairperson, Judge Robert Morris of the Second District Court of Appeal, Florida Bar Members Michele Cummings and Alan Bookman, and lay persons Nancy Mahan, and Harry Duncanson. The attorneys representing Judge Murphy were Mr. Larry Turner and Mr. Ronald Kozlowski. Special Counsel representing the JQC was attorney F. Wallace Pope with the assistance of Maggie Reagan. John Beranek was counsel to the Hearing Panel.

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Substantial exhibits were agreed upon and introduced at the hearing. These exhibits are in three notebooks. The separate transcript of the testimony taken at the hearing is designated as (T. ___). This transcript is 584 pages long. The Findings herein were all proven by clear and convincing evidence in accordance with In re: Timothy R. Shea, 110 So. 3d 414 (Fla. 2013), In re: Dempsey, 29 So. 3d 1030 (Fla. 2010) and In re: Renke, 933 So. 2d 482 (Fla. 2006). All findings of guilt herein were based upon Judge Murphy's own admissions in his pleadings and testimony and were supported by clear and convincing evidence. We recognize that pursuant to the Florida Constitution Article V, § 12, the Florida Supreme Court has a final decision making function on all JQC matters. This Hearing Panel has voted unanimously to find Judge Murphy guilty and to recommend to the Florida Supreme Court discipline for Judge Murphy. Because this discipline is not in the form of a removal, a two-thirds vote was not required. This Panel's recommended discipline of Judge Murphy is authorized by Article V, § 12(a)(1) of the Florida Constitution. This section of the Florida Constitution specifically authorizes a reprimand, a fine, and suspension without pay.

The Charges and the Judge's Response

The Investigative Panel of the JQC voted on the charges against Judge Murphy on August 1, 2014. The Investigative Panel

found probable cause for formal proceedings to be instituted against Judge Murphy as follows:

On June 2, 2014, you became displeased with an Assistant Public Defender when he refused to waive speedy trial for a client he was representing.

1. You expressed your frustration by stating, "You know if I had a rock, I would throw it at you right now. Stop pissing me off. Just sit down. I'll take care of this. I don't need your help. Sit down."

2. In response to your belittling remarks to the Assistant Public Defender, he stated, "You know what? I'm the public defender. I have a right to be here and I have a right to stand and represent my clients."

3. You responded by loudly commanding, "I said sit down. If you want to fight, let's go out back and I'll beat your ass."

4. When the Assistant Public Defender accepted your challenge, you left the bench and met him in the hall. All of the foregoing can be observed by the courtroom audio and video.

5. Once in the hallway the audio captures your even more profane remark, "Alright you, you want to fuck with me?" Sounds of scuffling can also be heard on the courtroom recording. The Assistant Public Defender then asks that you be arrested for grabbing and punching him.

6. When you returned to the courtroom, you continued to denigrate the Assistant Public Defender, stating, "I'm sorry, not all public defenders are like that." And you proceeded to call seven cases in which the defendants were represented by the public defender's office without the presence of their attorney. In those cases you induced a waiver of speedy trial in: *State v. Simkins*, 2014MM023696A, *State v. Angello-Rober*, 2014CT022931A, and *State v. Anderson*, 2014MM026219A. In *State v. Spikes*, 2014MM023644A you removed the public defender's office, took a plea and sentenced the defendant. In *State v. Samperi*, 2014MM018948A you removed the public defender from the case, then called the case back, took testimony from the

victim, changed the conditions of pretrial release and then reappointed the public defender for Mr. Samperi.

(JQC Evidence 2)

Judge Murphy's Answer to the Formal Charges

The Answer by Judge Murphy referred to each of the six numbered paragraphs from the Charges and made it clear that a courtroom video and audio existed depicting all of the allegations against Judge Murphy. The Answer stated as follows:

1. Admitted. Courtroom video and audio is the best evidence as to this allegation, and Judge Murphy relies on that to admit the allegation.

2. Admitted. Courtroom video and audio is the best evidence as to this allegation, and Judge Murphy relies on that to admit the statement attributed to the attorney but does not admit to any subjective characterization of his own words.

3. Admitted. Courtroom video and audio is the best evidence as to this allegation, and Judge Murphy relies on that to admit the allegation.

4. Admitted. Courtroom video and audio is the best evidence as to this allegation, and Judge Murphy relies on that to admit the allegation.

5. Courtroom video and audio is the best evidence as to this allegation, and Judge Murphy relies on that to admit the statement attributed to him but does not admit to any subjective characterization of the words. Judge Murphy is without sufficient knowledge as to any other comments by others present and therefore denies.

6. Courtroom video and audio is the best evidence as to this allegation, and Judge Murphy relies on that to admit the statement attributed to him but does not admit to any subjective characterization of the words. Judge Murphy admits to calling seven cases, in each of which the defendant's lawyer was not present, but he denies that he induced any defendant to waive

the right to a speedy trial. He admits taking the following actions:

a. *State v. Simkins*, 05-2014-MM-23696 - continued the case and accepted a waiver of speedy trial, pursuant to normal practices of the court.

b. *State v. Angello-Roberson*, 05-2014-CT-22931 - continued the case and accepted a waiver of speedy trial, pursuant to normal practices of the court.

c. *State v. Anderson*, 05-2014-MM-26219 - accepted a plea of not guilty, continued the case and accepted a waiver of speedy trial, pursuant to normal practices of the court.

d. *State v. Spikes*, 05-2014-MM-23644 - accepted defendant's waiver of right to an attorney, accepted a plea, and sentenced defendant.

e. *State v. Samperi*, 05-2014-MM-18948 - removed and then reappointed the public defender, changed conditions of pretrial release, and continued the case.

The Courtroom Video and Audio

Judge Murphy's Answer makes it clear that there are "courtroom video and audio" recordings of the proceedings that are the subject of the JQC's Formal Charges. These videos clearly depicted what occurred in Judge Murphy's courtroom on June 2, 2014. The video and audio was presented in evidence for the Hearing Panel and it was closely watched, analyzed and thoroughly discussed during deliberations.

The video can be divided into two segments. First, the Weinstock dispute (T. 61-64) and second, the handling of the seven defendants appearing after the dispute without Mr. Weinstock being present. (T. 115-141).

As shown in the first video, Judge Murphy got into a heated controversy with Assistant Public Defender Weinstock who was representing several defendants on county court criminal matters in Judge Murphy's courtroom. (T. 62-64). The video shows a heated exchange between Assistant Public Defender Weinstock and Judge Murphy. Judge Murphy made statements concerning throwing a rock at Weinstock and kicking his ass. (T. 67). Both Weinstock and Judge Murphy exited the courtroom to a hallway behind the courtroom. (T. 67-69). There Judge Murphy grabbed Weinstock's collar because he appeared to be acting aggressively. Certain witnesses stated they saw Judge Murphy throw a punch at Weinstock's face but no one saw the punch actually land. Murphy denied striking Mr. Weinstock. (T. 249). Scuffling sounds and Judge Murphy's loud use of the word "fuck" were also heard from the hallway location. (T.61 L. 20 through T. 64 L. 25).

Judge Murphy then returned to the courtroom. (T. 70). Assistant Public Defender Weinstock did not return to the courtroom. Instead, Weinstock telephoned his supervisor who immediately came to the Courthouse and met Weinstock in the Brevard County Sheriff's Office.

As shown in the second video, there were at least seven defendants still waiting in the courtroom after the dispute between Judge Murphy and Mr. Weinstock ended. When Judge Murphy

re-entered the courtroom, he was out of breath and a group of people began applauding. (T. 91). The applause was discouraged. Judge Murphy did not notify the Office of the Public Defender that it had clients in his courtroom without an Assistant Public Defender present to represent them. He did not make any effort to recess the proceedings, reschedule the hearings that were set for that docket, or offer any defendant the option of delaying appearance until a lawyer from the Public Defender's Office could be present.

Instead, Judge Murphy dealt with these seven defendants who were then represented by counsel but whose attorney was absent. As shown in the second video (T. 115-141), Judge Murphy took no steps to ensure that these seven defendants were represented by an attorney from the Office of the Public Defender or otherwise -- although there had certainly been no waiver of counsel. Judge Murphy attempted to waive speedy trial requirements on behalf of each of these seven defendants without explaining the speedy trial rule, confirming that any of the defendants understood the significance of the speedy trial rule or the even more important significance of waiving their right to be protected by that rule. (T. 115, 118, 120, 121, 124, 135, 136). Judge Murphy addressed each defendant without any of them having the benefit of counsel being present. Judge Murphy did not ask any of these seven defendants if they wanted counsel or whether

they could afford counsel. Judge Murphy effectively took away these defendants' Constitutional rights to a speedy trial and did so without considering advice of counsel for them.

The Altercation with Assistant Public Defender Weinstock

Assistant Public Defender Weinstock stated that, in the midst of the "second appearance" proceedings on June 2, 2014, Judge Murphy had challenged him to meet him in the hallway. (T. 159-160). Weinstock testified that Judge Murphy hit him in the face when they got to the hallway. (T. 199 L. 5-6; T. 212 L. 16-18) Whether or not Judge Murphy struck Assistant Public Defender Weinstock in the face with his fist was a highly contested issue in this proceeding.¹ The Formal Charges against Judge Murphy were somewhat vague as to the altercation between the two men. There is no question that the Assistant Public Defender challenged the Judge while they were in the courtroom and the Judge said to him: "I said sit down. If you want to fight, let's go out back and I'll just beat your ass." (T. 63-64). This statement was alleged as paragraph 3 of the Charges and was admitted in Judge Murphy's Answer. However, there was no clear and convincing evidence that Judge Murphy ever actually struck Weinstock.

¹ There was no video recording of what occurred in the hallway behind the courtrooms. Mr. Weinstock (T. 163 L. 2-8) sought such recording but apparently none was made.

Weinstock testified that Judge Murphy struck him in the face twice with his fist. Weinstock's claim was that Judge Murphy punched him in the face "as hard as he could." (T. 423 L. 13-20; T. 424 L.11). Facial photographs of Mr. Weinstock taken on June 3, 2014, the day after the incident, and placed into evidence did not show any injuries to Mr. Weinstock's face. (Murphy Evidence E). Mr. Weinstock was questioned about these pictures in detail and agreed that he did not have a bloody nose, a broken lip, swelling or even a red mark. (T. 201-203). The only assertion of a striking in the JQC's Notice of Charges is paragraph 5 which states that the Assistant Public Defender demanded that Judge Murphy be arrested "for grabbing and punching him." (R. Charges paragraph 5; JQC Evidence 2). The Deputies made no arrest on the day in question. The Deputies who testified observed no signs of physical injury to Weinstock or any evidence that he had been struck in the fact. (T. 393 L. 8-10; T. 408 L. 8-10; T. 413 L. 9-11; T. 423 L. 24-25; T. 424 L. 14-25).

There were numerous witnesses to the events in the courtroom but none who saw all the events in the hallway.

Susan Varilome Carter was a spectator sitting in the courtroom and testified that she saw Weinstock exit the courtroom through a rear door and Judge Murphy went after him, grabbed Weinstock by the collar with his left hand and drew back

to punch Mr. Weinstock with his right hand. (T. 67-69). Ms. Varilome Carter did not see a punch land because the hallway door closed, obscuring her view, but she said she heard what she believed to be the sound of two punches landing. (T.67 L. 11 through T. 69. L. 2).

Kathleen Viccellio an Assistant State Attorney who was present in the Courtroom, witnessed some of the events. She said that Judge Murphy got very angry with Mr. Weinstock. The exchange between Judge Murphy and Mr. Weinstock escalated, and that ultimately, Judge Murphy went out the rear door of the Courtroom followed by Weinstock. Miss Viccellio said she heard a punch and an "immediate fight." (T. 90). She further stated that Mr. Weinstock was "intentionally provocative." (T. 111).

Deputy Bryon Griffin, Judge Murphy's assigned bailiff, is seen on the video recording following Judge Murphy and Mr. Weinstock out of the Courtroom. Deputy Griffin testified that he got to the door when it was still open about 6"-18". (T. 387). He went through the door before it closed and saw that Mr. Weinstock had his hands on Judge Murphy's chest, and Judge Murphy had his hands on Mr. Weinstock's chest. (T. 387). Deputy Griffin heard Judge Murphy shout profanity at Weinstock but never saw either man strike the other, or take his hands off the other, or draw back to strike the other. (T. 388, 392). Deputy Griffin testified that he never saw or heard the sounds

of anyone hitting anyone else. (T. 392). He put his hands between Judge Murphy and Mr. Weinstock to separate them. This resulted in the three men shifting to the other side of the recycle bin that was in the hallway (Murphy Evidence H 20 and 21) and ending up on the back wall of the hallway. Deputy Griffin believes that the thumping noise that was heard was the three of them hitting the wall. (T. 383-390). At this stage of the altercation, Deputy Griffin was assisted by Deputy Cheryl Martinez who had been in the courtroom immediately beside Judge Murphy's courtroom. It was at that point, Deputy Griffin testified, that Mr. Weinstock asserted that he had been hit by Judge Murphy and began demanding that the deputies arrest Judge Murphy. (T. 387 L. 2 through T. 390 L. 16). Deputy Martinez testified that she did not observe any injury to Mr. Weinstock or any evidence that he had been struck. (T. 408 L. 8-10; T. 413 L. 9-11).

Mr. Weinstock then met with Brevard County Sheriff's Lieutenant Steve McNatt who took Mr. Weinstock to the Sheriff's Office in the courthouse. Mr. Weinstock told Lt. McNatt that Judge Murphy had punched him in the face "three times as hard as he could." (T. 423). Lt. McNatt observed no injury to Mr. Weinstock or any evidence that he had been struck in the face. (T. 422 L. 7 through T. 425 L. 22).

Several witnesses testified that Mr. Weinstock's reputation for truthfulness and veracity in the community was very negative. (T. T. 293 L. 16-24; T. 325 L. 17-24). Assistant State Attorney Catherine Viccellio testified that she was "very careful around him" but did not have enough experience to say whether what Mr. Weinstock would tell her could be relied upon. (T. 96 L. 9-13). Judge Morgan Reinman testified that Mr. Weinstock's reputation is that of being untruthful and untrustworthy. Mr. Weinstock had been the Assistant Public Defender in her court just before he was transferred to Judge Murphy's court. Judge Reinman had reported Mr. Weinstock to the Florida Bar over his representation of a defendant by the name of Phillip Miguel Price. Mr. Weinstock had continued Mr. Price's case several times, and by doing so implied to the Court that he had Mr. Price's permission to do so, and was in good communication with Mr. Price. This included a period of at least eight months between December 2012 and August 2013. Mr. Price had died in December 2012. (T.238 L. 15-25; T. 311 L. 7 through T. 321 L. 15) According to Mr. Weinstock, the Bar found no probable cause. (T. 238 L. 12-25; T. 239 L.1). Although Judge Reinman had a couple of off-the-record "corrective conversations" with Mr. Weinstock about his behavior in her courtroom, she ultimately stopped even exchanging social niceties with him "about cats, or kids, or college, or football

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or anything else" because of the level of discomfort she reached in her interactions with him. (T. 323 L. 19-25; T. 324 L.1-12).

The panel observed Mr. Weinstock testify at this hearing. He was defiant, defensive, evasive and at times testified inconsistent with what he had earlier reported. Mr. Weinstock was not a credible witness. (T. 151 - 245).

The Panel concludes that there just is no clear and convincing evidence that Judge Murphy struck Mr. Weinstock. The Hearing Panel refers the Court to JQC's Evidence E, the pictures of Mr. Weinstock's face that were taken on June 3, 2014, the day following the incident in the hallway behind Judge Murphy's Courtroom. Carrie Zorn, who took the photos of Mr. Weinstock on June 3, 2014, said that she took them at Mr. Weinstock's request and that she was "unable to see any sign of injury." (Murphy's Evidence E). There was no doubt that the two men engaged in a scuffle or a fight but which of them initiated physical contact with the other, and whether a punch actually hit Weinstock in the face was not proven by clear and convincing evidence. The testimony of some of the witnesses was consistent with the Judge throwing a punch but they all denied seeing a punch actually land. (T. 68 L. 7-15 and 22-24; T. 75 L. 5-14; T. 90 L. 8-25; T. 91 L. 1-2).

The altercation between Judge Murphy and Mr. Weinstock occurred on June 2, 2014. Mr. Weinstock resigned from his

position with the Public Defender's office on July 7, 2014. Mr. Weinstock never practiced before Judge Murphy again between the June 2, 2014 incident, and Mr. Weinstock's departure from the Office of the Public Defender.

* Judge Murphy was and is well liked and respected among the
* other judges and the courthouse employees with whom he has been
working. The deputies from the Sheriff's office also were very
favorable in their testimony concerning Judge Murphy. The Panel
notes the many letters and other communications in evidence (Murphy's Evidence B) from lawyers who have practiced before Judge Murphy and members of the community that know Judge Murphy. These letters endorse Judge Murphy and repeatedly state surprise at the facts of this situation because it is so inconsistent with how this judge has been thought of in the past. In short, the June 2, 2014 incident appears to be an anomaly, and completely inconsistent with the Judge's years of performance on the bench.

Judge Murphy took responsibility for his actions on June 2, 2014, and expressed profound remorse. He said he felt compelled to protect the defendants that Mr. Weinstock represented because he perceived Mr. Weinstock to be lazy, inefficient and incompetent and he perceived the parties as his "clients". (T.278 L. 19-21). On June 2, 2014, Judge Murphy could not get Mr. Weinstock to say that he wanted his cases set for "trial"

when, in each case, Mr. Weinstock notified the Court that he would not waive speedy trial. Judge Murphy said Mr. Weinstock was being ineffective for his clients. He tried to get Mr. Weinstock to do things in "an acceptable way." He tried several different approaches to doing that but none was effective. Judge Murphy said that he had not had a similar experience with any other lawyer. Judge Murphy said that when he left the bench on June 2, 2014, he just expected to talk to Mr. Weinstock in the hallway about how things should be done in his courtroom. (T. 257 L.12-19; T. 263 L. 23-25; 264 L. 1-2; T. 265 L. 23-25; T. 266 L.1-3). He said that when he left the bench, he thought he had told Mr. Weinstock to "go out back." He did not recall saying he would "beat your ass," until he heard it on the video. (T. 257 L.6-9). Judge Murphy expected that a bailiff would be with them in the hallway. (T. 273 L. 7-10). He did not expect to come to blows with Mr. Weinstock. Judge Murphy introduced evidence of bruising to his chest (Evidence F-4, F-5, and F-6. T. 264 L. 14-15) that Judge Murphy testified was caused by Mr. Weinstock shoving him with both hands.

The comments and conduct of Judge Murphy on June 2, 2014, were inconsistent and contradictory. There is no question that he threatened to fight the Assistant Public Defender but then stated he never actually threw a punch. After issuing his challenge both men immediately went into the adjoining hallway

and were seen engaging in at least a pushing and shoving match. Judge Murphy was seen to raise his arm as though he were going to punch Weinstock but the door closed just in time to prevent onlookers from seeing the conclusion of the dispute.

Many who observed the June 2, 2014, incident were unable to explain why Judge Murphy became so angry. Judge Murphy's therapist, Michael Ronsisvalle, testified that Judge Murphy has a strong self-preservation mode that is compulsive, and that, related to his service in the military, Judge Murphy reflects that compulsion onto other people, feeling the undeniable need to protect them, too. In addition to this predisposition to self-preserve and to protect others, Judge Murphy was emotionally affected by the shooting of a defendant in front of the Viera Courthouse just months before the June 2, 2014, incident. Shortly after that, Judge Murphy lost his father. In the three weeks immediately preceding the June 2, 2014 incident, Judge Murphy was away from home for 17 days. The last week of his absence from the Courthouse was spent at a Drug and Veteran's Court Conference in California. Upon his return to Florida the evening of June 1, 2014, he and his wife hosted guests for a dinner party in their home. Dr. Ronsisvalle described this confluence of events as "a perfect storm" that drained Judge Murphy of emotional energy to cope with Mr. Weinstock on June 2, 2014.

note worthy testimony from Judge Reinman

Substantial evidence was offered to the effect that Mr. Weinstock was generally rude, disrespectful, incompetent and a

highly unlikeable lawyer. Testimony from Circuit Judge Morgan Reinman was noteworthy. Circuit Judge Reinman stated that

Weinstock had been rude, disrespectful, moody and even appeared to be bipolar in her courtroom. Judge Reinman testified that

she had watched the video of the June 2, 2014 incident, and observed that Mr. Weinstock's behavior on that day was typical

of how he had previously behaved in her courtroom. (T. 309).

She said he was rude, would not answer questions directly, he would put issues back on the judge, he was contentious, and

unprepared. (T. 331-332). She testified that Judge Murphy had a reputation for being trustworthy and truthful and that

Weinstock had a reputation for being almost exactly the opposite. (T. 325). Judge Reinman candidly admitted, however,

that even though Mr. Weinstock's behavior had been consistently unprofessional before her and other judges in Brevard County,

neither she nor any other judge in the courthouse had done anything to address it even as much as reporting their

objections to his behavior to a supervisor in the Office of the Public Defender, or to the Florida Bar. (T. 309 L. 5 through

24).

How does Reinman know this unless judges talk about cases, clients or defendants. Was Loyd a subject of one of these conversations?

The Nature of Judge Murphy's Conduct

The dispute in Judge Murphy's courtroom and the hallway was more than inappropriate. It was aggressive and appalling. Mr. Weinstock's behavior deserved to be disciplined, but Judge Murphy's comments to Mr. Weinstock were reprehensible. Judge Murphy said "if I had a rock I would throw it at you right now. Stop pissing me off."... "Sit down." ... "If you want to fight, let's go out back and I'll just beat your ass."... "Alright you, you want to fuck with me." When Judge Murphy returned to the Courtroom, disheveled, out of breath, in fact panting, he then remarked in response to a defendant's criticism of Mr. Weinstock that "Not all public defenders are like that."

X The altercation between Weinstock and Judge Murphy created a remarkable national embarrassment for not only the judiciary of the State of Florida, but for its citizens as well. Statewide and national newspaper and television media reported the public and violent confrontation between a presiding Judge who actually left the bench after saying he would "beat your ass" in the midst of a judicial proceeding, and the Assistant Public Defender who had defied and disrespected the Judge. *???*

Conclusions and Recommendations

The Hearing Panel concludes that Judge Murphy is guilty of violating various Canons. See Code of Judicial Conduct Canons 1, 2.A, 3.A, 3.B.3, 3.B.4, 3.B.7, 3.B.8, 5.G and

4-1.1 Florida Bar Rule of Professional Conduct. Canon 3A and B provide as follows:

CANON 3

A JUDGE SHALL PERFORM THE DUTIES OF JUDICIAL OFFICE IMPARTIALLY AND DILIGENTLY

A. Judicial Duties in General.

The judicial duties of a judge take precedence over all the judge's other activities. The judge's judicial duties include all the duties of the judge's office prescribed by law. In the performance of these duties, the specific standard set forth in the following sections apply.

B. Adjudicative Responsibilities.

(1) A judge shall hear and decide matters assigned to the judge except those in which disqualification is required.

(2) A judge shall be faithful to the law and maintain professional competence in it. A judge shall not be swayed by partisan interests, public clamor, or fear of criticism.

(3) A judge shall require order and decorum in proceeding before the judge.

(4) A judge shall be patient, dignified and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity, and shall require similar conduct of lawyers, and of staff, court officials, and others subject to the judge's direction and control.

(5) A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, including but not limited to bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation, or socioeconomic status, and shall not permit staff, court officials, and others subject to the judge's direction and control to do so. This section does not preclude the consideration of race, sex, religion, national origin, disability, age, sexual orientation, socioeconomic status, or similar factors when they are issues in the proceeding.

(6) A judge shall require lawyers in proceedings before the judge to refrain from manifesting, by words, gestures, or other conduct, bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation, or socioeconomic status, against parties, witnesses, counsel or others. This Section 3B(6) does not preclude legitimate advocacy when race, sex, religion, national origin, disability, age, sexual orientation, socioeconomic status, or other similar factors are issues in the proceeding.

(7) A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law.

Several witnesses testified that they watched the video and did not even recognize the Judge in this video as being Judge Murphy. Counsel for the JQC stated in closing that he had agreed with Mr. Turner not to argue for removal of Judge Murphy. The Panel concludes that Judge Murphy should be publically reprimanded before this Court and that he should be suspended without pay for a period of 120 days. He should be fined \$50,000 plus the costs of these proceedings. He should also continue participating in his mental health therapy program until successfully discharged. The Panel is also concerned about Judge Murphy's comments that the defendants in his courtroom were "his clients." In addition to continuing his appropriate therapy sessions, Judge Murphy should also repeat Phase I of the Judicial Education Courses provided to all new judges in the Florida Judicial College New Judges Program. This shall be done at his own expense and without continuing judicial education credit. This is a one week session which will include

presentations on Building Judicial Skills and a mock trial presentation.

Mr. Weinstock has some ownership in the incident of June 2, 2014. He admitted that he would overtalk the judge, that his job put him in conflict with judges all the time, and that he recalled telling Judge Murphy at one time that he disapproved of what Judge Murphy was doing in his courtroom. When Mr. Weinstock returned to work a few days after the June 2, 2014 incident, the elected Public Defender told Mr. Weinstock he had to take two courses: one on dealing with difficult people, which Mr. Weinstock completed. The topic of the other is unknown. Mr. Weinstock resigned from the Public Defender's Office without doing the second course.² (T. 242 L. 4-17). The Hearing Panel is hereby referring the entire transcript of these proceedings to The Florida Bar for an investigation and appropriate action. It is significant that although Weinstock was generally held in disrepute among the judges and other people in the courthouse, no one chose to seek the intervention of or investigation by The Florida Bar.

*How do they know this? How many Judges test. fic D?
And other people in the Courthouse*

²Mr. Weinstock was investigated by the Florida Bar regarding the June 2, 2014 incident, and received a Letter of Advice. (Murphy Evidence O). Judge Murphy testified that the Bar never interviewed him in their investigation of Mr. Weinstock's role in the incident. Through the date of this hearing, Judge Murphy had not filed a grievance against Mr. Weinstock.

IS Loyd Also "generally" held in disrepute among the judges etc of the 18th Judicial Circuit?

Dated this 19th day of May, 2015.

/s/ Michelle T. Morley
MICHELLE T. MORLEY,
Hearing Panel Chair

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