

**BEFORE THE
FLORIDA JUDICIAL QUALIFICATIONS COMMISSION
STATE OF FLORIDA**

INQUIRY CONCERNING A JUDGE,
JOHN C. MURPHY, No. 14-255

SC14-_____

NOTICE OF FORMAL CHARGES

TO: The Honorable John C. Murphy
Brevard County Judge
2825 Judge Fran Jamieson Way
Viera, Florida 32940-8006

The Investigative Panel of the Florida Judicial Qualifications Commission, at its meeting of August 1, 2014, by a vote of the majority of its members, pursuant to Rule 6(f) of the Rules of the Florida Judicial Qualifications Commission and Article V, Section 12 (b) of the Constitution of the State of Florida, finds that probable cause exists for formal proceedings to be instituted against you. Probable cause exists on the following formal charges:

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 your 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 just 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 then proceeded to call 7 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 waivers 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.

The foregoing conduct, if proved as alleged, also constitutes inappropriate conduct and violates Canons 1, 2A, 2B, 3A, 3B(2), 3B(4), and 5G of the Code of Judicial Conduct, and Article V, Section 13 of the Florida Constitution.

You are hereby notified of your right to file a written answer to these charges within twenty (20) days of service of this notice upon you. The original of your response and all subsequent pleadings must be filed with the Clerk of the Florida Supreme Court, in accordance with the Court's requirements. Copies of your response should be served on the undersigned Special Counsel for the Judicial Qualifications Commission, and the General Counsel of the Commission.

Dated this 13th day of August, 2014.

JUDICIAL QUALIFICATIONS COMMISSION

/s/ Michael L. Schneider

By: Michael L. Schneider
Executive Director
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice of Investigation has been furnished by e-mail to Larry G. Turner, Turner, O'Connor and Kozlowski, 102 NW 2nd Ave., Gainesville, Florida 32601, lgt@turnerlawpartners.com counsel for The Honorable James C. Murphy, this 13th day of August, 2014.

/s/ Michael L. Schneider

Michael L. Schneider
Executive Director