

BEFORE THE INVESTIGATIVE PANEL OF THE  
FLORIDA JUDICIAL QUALIFICATIONS COMMISSION

INQUIRY CONCERNING A JUDGE,

No. 14-255

JOHN C. MURPHY

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SC14-1582

ANSWER TO NOTICE OF FORMAL CHARGES

Brevard County Judge JOHN C. MURPHY answers the Notice of Formal Charges filed against him by the Florida Judicial Qualifications Commission by saying the following:

As to the preamble sentence preceding the numbered findings that led to the determination of probable cause, Judge Murphy acknowledges that he became frustrated by an assistant public defender. However, he clarifies that was not because the attorney "refused to waive speedy trial" for a client but because he repeatedly refused to make any announcement to the court regarding the wishes of several clients – whether it be to proceed to trial, to enter a plea, or to waive the right to a speedy trial.

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 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. Agnello-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.

#### RULE 11 DEMAND

Judge Murphy, pursuant to FJQC Rules 9 and 11, respectfully demands that the hearing in this matter be held in Judge Murphy’s home county of Brevard. Many potential witnesses, including several subpoenaed judges at the county and circuit court levels, both live and work in Brevard County. The costs and inconvenience to the witnesses and the court system would be substantial were they required to travel to this proceeding.

I HEREBY CERTIFY that a true and correct copy of the foregoing document was electronically delivered to the following this 31 day of October, 2014:

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Respectfully submitted,

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