

BEFORE THE FLORIDA
JUDICIAL QUALIFICATIONS COMMISSION

INQUIRY CONCERNING A JUDGE,
THE HONORABLE WAYNE CULVER
No. 2022-189, 2022-203, & 2022-637

SC22-846

AMENDED NOTICE OF FORMAL CHARGES

TO: The Honorable Wayne Culver
Seminole County Judge
Seminole Criminal Justice Center
101 Eslinger Way
Sanford, FL 32773-6707

The Investigative Panel of the Florida Judicial Qualifications Commission, at its meetings on May 3, and November 3, 2022, 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:

1. On February 10, 2022, while presiding over the misdemeanor criminal case of State v. Zuma Maldonado (21-MM-1204), you engaged in intemperate conduct, including raising your voice and using profanity while threatening to use your contempt authority against a person in the gallery of your courtroom.

[Video of this is attached as “**JQC Exhibit 1**”].
2. While presiding over an injunction hearing that occurred on January 25, 2022, in the matter of Sawyer v. Bridger (Seminole County case number 2022-DR-136), you engaged in intemperate conduct while dealing with a pro-se litigant, including making sarcastic comments. You later summarily declared the litigant to be in contempt without conducting the legally required proceeding for contempt. In addition to not

conducting the legally required hearing and colloquy for direct contempt proceedings, you also failed to enter a signed judgment of guilt with specific findings of fact as required by Fla. R. Crim. P. 3.830(c), and unlawfully imposed three consecutive contempt sentences totaling 537 days in jail. Before you left the bench you changed the sentence to concurrent terms totaling 179 days. You also failed to inform the prose litigant that he had 30 days to appeal your contempt sentence.

[Video of this matter is attached as “**JQC Exhibit 2**”].

3. On or about February 9, 2022, while presiding over a civil injunction case involving Samuel Perez (Seminole County Case No. 2021-DR-1655), you held Mr. Perez in direct criminal contempt, sentencing him to 179 days in jail for failing to attend a required batterer’s intervention class. The sentence represented the maximum amount of jail you could have sentenced. The contempt proceeding failed to comply with clearly established Florida law:
 - a. You used direct or summary criminal contempt proceedings when indirect contempt was required.
 - b. You also failed to conduct the direct criminal contempt proceeding in accordance with Florida law by failing to comply with the Rules of Criminal Procedure as noted by the Fifth District Court of Appeal when it granted Mr. Perez’s Petition for Habeas Corpus and ordered his immediate release from jail in an opinion dated March 14, 2022. Of note:
 - i. You did not conduct the required colloquy and cut the respondent off and refused to let him speak or give mitigation (as required by the Rules of Procedure) after you declared him to be in contempt and prior to sentencing him.
 - ii. You failed to enter a judgment of guilt that includes a recital of the facts for which contempt was found and affirms compliance with the

procedural requirements of Rule 3.810 of the Rules of Criminal Procedure.

4. During the Perez hearing, you also casually and intemperately threatened another person in the courtroom gallery with arrest and jail, angrily telling her, “Ma’am if you don’t sit down, you’re gonna go into custody as well.”

The foregoing conduct constitutes inappropriate conduct that violates Canons 1, 2, 3B(2), 3B(4), and 3B(7) of the Code of Judicial Conduct.

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 Counsel for the Judicial Qualifications Commission.

**THE FLORIDA JUDICIAL
QUALIFICATIONS COMMISSION**

By: 

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Amended Notice of Formal Charges has been furnished by electronic service on this the 29th day of November, 2023, to the following:

Hon. Wayne Culver

SEMINOLE COUNTY JUDGE

C/o

Warren W. Lindsey, Esq.

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