

**BEFORE THE FLORIDA
JUDICIAL QUALIFICATIONS COMMISSION**

INQUIRY CONCERNING A JUDGE,

SC25-_____

THE HONORABLE BRONWYN MILLER
_____ /

NOTICE OF FORMAL CHARGES

TO: Hon. Bronwyn Miller
Third District Court of Appeal
2001 SW 117th Avenue
Miami, Florida 33175

At its meeting on June 6, 2025, the Investigative Panel of the Florida Judicial Qualifications Commission, pursuant to Rule 6(f) of the Commission's Rules and Article V, Section 12(b) of the Florida Constitution, determined that probable cause exists to institute formal charges against you for violating Canons 1, 2A, 3B(9), and 5A(1)-(6) of the Florida Code of Judicial Conduct.

The Canons

Canon 1 of the Florida Code of Judicial Conduct provides:

An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing high standards of conduct, and shall personally observe those standards so that the integrity and independence of the judiciary may be preserved.

Canon 2A provides:

A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

Canon 3B(9) provides, in pertinent part:

A judge shall not, while a litigation is pending or impending in any court . . . make any nonpublic comment that might substantially interfere with a fair trial or hearing.

Canon 5 provides:

A judge shall conduct all of the judge's extra-judicial activities so that they do not:

1. cast reasonable doubt on the judge's capacity to act impartially as a judge;
2. undermine the judge's independence, integrity, or impartiality;
3. demean the judicial office;
4. interfere with the proper performance of judicial duties;
5. lead to frequent disqualification of the judge; or
6. appear to a reasonable person to be coercive.

Background and Essential Facts

1. You were admitted to The Florida Bar in 1997 and have been a judge since 2005.
2. You served as both a county and circuit court judge in Miami-Dade County before your appointment to the Third District Court of Appeal in 2018.
3. Before your judgeships, you were an assistant state attorney in the Eleventh Judicial Circuit.

4. You were part of the prosecution team in *State of Florida vs. Corey Smith* (case number 2000-CF-40026A), in which Mr. Smith was charged with multiple counts of first-degree murder and other crimes.

5. Security was a major concern before and during the prosecution. Witnesses were murdered and you and others received threats.

6. In 2004, a jury convicted Mr. Smith of multiple counts of first-degree murder and other crimes. He was sentenced to death in 2005.

7. In 2017, the Florida Supreme Court remanded Mr. Smith's death sentence for a new penalty phase (case number SC2012-2466). The ensuing post-conviction litigation lasted several years.

8. On January 17, 2024, Mr. Smith's lawyers filed a motion to disqualify the Eleventh Judicial Circuit State Attorney's Office from the post-conviction litigation.

9. The motion alleged, among other things, that the trial prosecution team, including you, provided favors to witnesses as incentives to testify against Mr. Smith.

10. You regarded the allegations as false and an attack on your reputation and integrity.

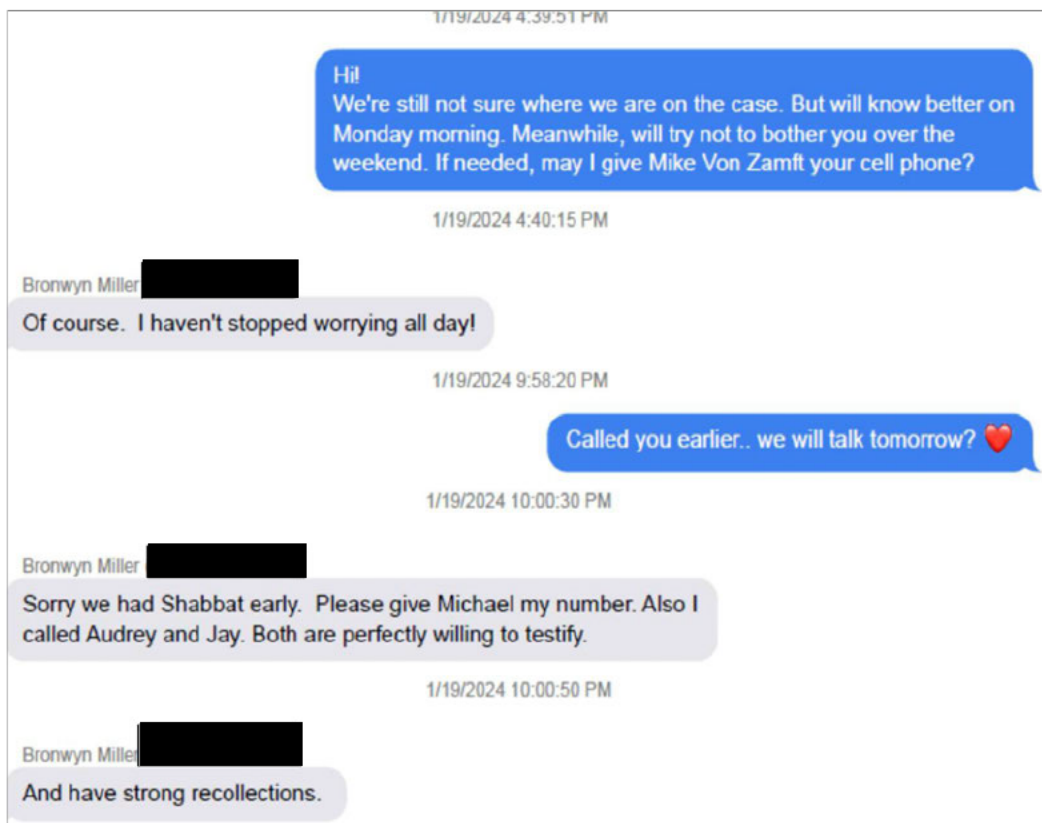
11. Two days later, Eleventh Judicial Circuit State Attorney Katherine Fernandez Rundle sent a text message to your personal cellphone about you

participating as a fact witness.

12. The State Attorney had your personal cellphone number because you have had a professional and social relationship with her for many years dating back to your work in her office.

13. The State Attorney requested permission to give your personal cellphone number to Michael Von Zamft, an assistant state attorney assigned to the post-conviction litigation.

14. The following text discussion occurred between the State Attorney (whose texts are shown on the right in blue) and you:



(“Audrey” refers to Audrey Frank-Aponte and “Jay” refers to Jay Novick, both former assistant state attorneys who worked with you during Mr. Smith’s trial.)

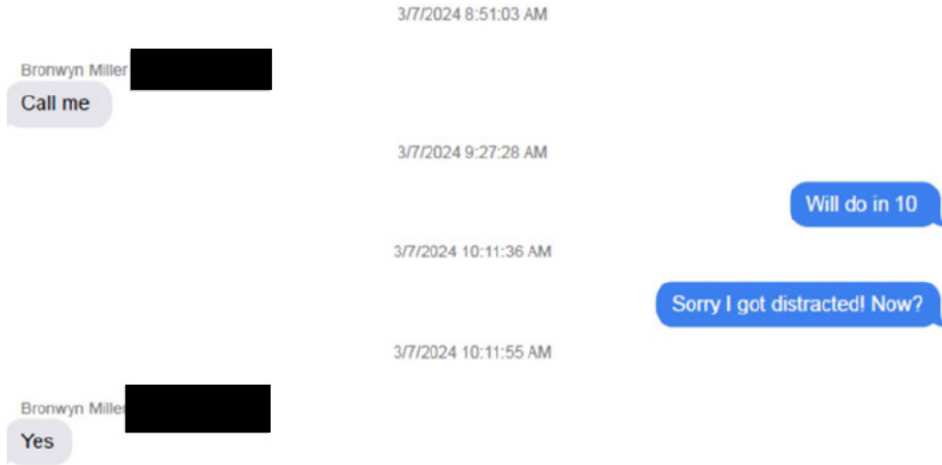
15. The State Attorney’s Office later subpoenaed you to testify as a fact witness at the hearing on the motion to disqualify the State Attorney’s Office.

16. On February 8, 2024, you testified as a fact witness before Eleventh Judicial Circuit Judge Wolfson.

17. At that point, unless further fact issues pertaining to you arose, your participation should have ended, leaving the handling of the post-conviction litigation to the State Attorney’s Office.

18. On March 7, 2024, Judge Wolfson entered an order denying the motion to disqualify the State Attorney’s Office from the post-conviction litigation, but removed two assistant state attorneys, Mr. Von Zamft and Stephen Mitchell, from the case due to “possible witness testimony manipulation by the Assistant State Attorneys on this case – not only in the past, but also in the present.”

19. That same day, you texted the State Attorney that you wanted to speak with her by phone:



20. On March 26, 2024, Mr. Smith’s lawyers filed a motion to enforce Judge Wolfson’s disqualification order to prevent the removed assistant state attorneys from contributing to the prosecution of Mr. Smith.

21. On March 28, 2024, Judge Wolfson granted the motion to enforce her disqualification order, ruling that the new prosecution team should have no contact with Mr. Von Zamft, Mr. Mitchell, and others on the former prosecution team.

22. That same day, you texted the State Attorney regarding Judge Wolfson and then-Chief Judge of the Eleventh Circuit, Nushin Sayfie:

3/28/2024 11:41:38 PM

Bronwyn Miller [REDACTED]

By the way have no idea who you refuse to listen to me regarding Andrea. She will destroy you because of the bail bond issue.

3/28/2024 11:42:19 PM

Bronwyn Miller [REDACTED]

I'm so beside myself. You refuse to see what is going on with her and Nushin

3/28/2024 11:43:58 PM

Bronwyn Miller [REDACTED]

Same as bail bond.

3/29/2024 9:12:44 AM

I'll call you later..

23. The “bail bond issue,” to which you referred above, was a bail bond reform proposal which Chief Judge Sayfie, with Judge Wolfson’s assistance, had unsuccessfully sought to implement in 2023.

24. You had conveyed to the State Attorney that you opposed the bail bond reform proposal, which was while you served on the Third District Court of Appeal.

25. On April 6, 2024, the State Attorney’s Office sent you its draft motion requesting Judge Wolfson reconsider the disqualification of the two assistant state attorneys.

26. You texted the State Attorney the same day:

Bronwyn Miller [REDACTED]
This is extremely weak.
4/6/2024 3:32:26 PM

Bronwyn Miller [REDACTED]
She needs to be disqualified
4/6/2024 3:32:46 PM

Can you send to LR?
4/6/2024 3:33:02 PM

Bronwyn Miller [REDACTED]
Yes
4/6/2024 3:33:45 PM

Bronwyn Miller [REDACTED]
But I think you should disqualify her then all rulings can be reconsidered
4/6/2024 3:34:07 PM

Bronwyn Miller [REDACTED]
This is like bending over backwards not to offend her.

(“LR” refers to Leslie Rothenberg, a former colleague of yours both as an assistant state attorney at the State Attorney’s Office and as a judge at the Third District Court of Appeal.)

27. On April 8, 2024, before the State Attorney’s Office filed its motion requesting that Judge Wolfson reconsider the disqualification of the two assistant state attorneys, you again texted the State Attorney:

Bronwyn Miller [REDACTED]

Your team not listening to Kathleen.

4/8/2024 2:16:34 PM

Bronwyn Miller [REDACTED]

She needs the word document bc her conversion is not working

4/8/2024 2:39:31 PM

I thought she was going to send me some written suggestions. She wasn't able to, but I didn't know that till just now. I told her just to text or email something very quickly on my cell phone.

4/8/2024 2:40:50 PM

Bronwyn Miller [REDACTED]

She's texting

4/8/2024 2:41:24 PM

She left the changes on her husband's computer... He has it now she doesn't

28. Later that day, the State Attorney's Office filed the motion requesting that Judge Wolfson reconsider the disqualification of the two assistant state attorneys.

29. The following day, you texted the State Attorney to convey a social invitation. As part of that text, the State Attorney and you briefly discussed the motion for disqualification:

4/9/2024 8:29:59 PM

Omg! I would have loved it! Just got home from fundraiser at Rubenstein's law firm!!
Did you see the motion? Better right!

4/9/2024 8:30:16 PM

Bronwyn Miller [REDACTED]

It was better

30. On April 26, 2024, the State Attorney's Office filed a petition for writ of certiorari in the *Smith* case to the Third District Court of Appeal, challenging Judge Wolfson's order disqualifying the two assistant state attorneys.

31. You self-recused from the consideration of the certiorari petition.

32. After you self-recused, you reviewed the certiorari petition.

33. On April 30, 2024, you texted the State Attorney to disapprove the petition's adoption of Judge Wolfson's factual findings regarding your hearing testimony, which you felt Judge Wolfson had mischaracterized:

Bronwyn Miller [REDACTED]

of impropriety but lacked merit and did not rise to the level of disqualification, therefore was not required. *Id.* at 322.

The Trial Court found that former Assistant State Attorney Von Zambt was guilty of witness manipulation of Anthony Fall, but the Trial Court did not find Fall's testimony credible at the evidentiary hearing. (App. H). The Trial Court then found that a portion of Judge Bronwyn Miller's¹¹ testimony relevant to the disqualification. (App. H). Judge Miller filed amended discovery disclosing potential favors provided to witnesses during collaboration meetings at the State Attorney's Office when Von Zambt was not working on the case. (App. H). In addition, the Trial Court added a new claim that was not the subject of Smith's motion to disqualify.

¹¹ Judge Bronwyn Miller was an Assistant State Attorney assigned to the prosecution of Corey Smith at the time of his initial trial.

4/30/2024 2:21:54 PM

Bronwyn Miller ([REDACTED]

There is a huge factual error in your certiorari petition that should be corrected. There were no "collaboration" meetings and inmate debriefing occurred at the City of Miami not SAO.

I also do not understand the use of the phrase potential favors. It was food, beverage, and tobacco products.

4/30/2024 4:18:55 PM

Bronwyn Miller ([REDACTED]

Corrected petition

4/30/2024 4:42:43 PM

Bronwyn Miller ([REDACTED]

She characterizes them as potential favors. That doesn't mean anyone is locked into that language. Absurd

4/30/2024 4:46:55 PM

Bronwyn Miller ([REDACTED]

Her factual findings are wrong. What is going on with the lawyering??????????

4/30/2024 4:47:00 PM

Bronwyn Miller ([REDACTED]

This is insane

4/30/2024 4:47:17 PM

Bronwyn Miller ([REDACTED]

She didn't even correctly cite my testimony.

4/30/2024 4:47:37 PM

Bronwyn Miller ([REDACTED]

All debriefings occurred at city of miami.

4/30/2024 4:47:43 PM

Bronwyn Miller ([REDACTED]

Not state attorney

4/30/2024 4:47:59 PM

Bronwyn Miller ([REDACTED]

They were not collaborative meetings. It's ridiculous

4/30/2024 4:50:32 PM

Bronwyn Miller ([REDACTED]

Nobody has to adopt her language. You cite the transcript

34. On May 11, 2024, you sent the following texts to the State Attorney:

5/11/2024 4:11:06 PM

Bronwyn Miller [REDACTED]

I'm concerned about the Jay situation but have no concrete solution other than FIGHT BACK or you will lose in the court of PR. It's just like your community neighborhood unit...

5/11/2024 6:53:04 PM

Bronwyn Miller [REDACTED]

Also now there is a lie about me and George on the blog. You need to figure out how you are going to handle it or you will allow rumors to destroy us all. My reputation is all I have and I am going to become a casualty of a failure to take a stance.

5/11/2024 8:41:31 PM

Bronwyn Miller [REDACTED]

If you have two minutes call me. Going to bed in five minutes.

35. On May 21, 2024, Mr. Smith's counsel filed a motion to disqualify the Third District Court of Appeal in its entirety from certiorari review of Judge Wolfson's order disqualifying the two assistant state attorneys, because you and another Third District Court of Appeal judge (who also had served as an Eleventh Circuit assistant state attorney) had been on the State's witness list in the post-conviction litigation.

36. On July 3, 2024, you sent the State Attorney a link to a Miami Herald article about a new Eleventh Circuit assistant state attorney hired to work, in part, on the post-conviction litigation. The article discussed the attorney having written a fictional novel including sadomasochism references.

37. The following week, you sent the State Attorney the following texts:

7/6/2024 8:48:09 AM

Bronwyn Miller [REDACTED]

Why in the world would you have a misogynistic pervert anti death penalty campaigner work on a death penalty case involving the murders of women and vulnerable people? I don't even know what is going on in the office anymore. It's outlandish. I'm sorry.

7/6/2024 8:52:28 AM

Bronwyn Miller [REDACTED]

And everything you say or anyone says to Christine will be on the blog.

7/6/2024 8:52:49 AM

Bronwyn Miller (+ [REDACTED])

You are going to lose the lawyers who matter.

7/6/2024 10:27:56 AM

Bronwyn Miller [REDACTED]

How can you put an antideath penalty crusader on a death penalty case? This guy sounds absolutely disgusting. His podcasts are insane

Bronwyn Miller [REDACTED]

Listen when I tell you that Audrey has more common sense and street smarts than the chiefs (other than Kathleen) put together

7/9/2024 10:48:30 AM

Please don't say anything

7/9/2024 10:49:02 AM

Bronwyn Miller [REDACTED]

I'm not going to. I just wanted to alert you to the coverage and fallout.

7/9/2024 3:54:42 PM

I know you mean only the best for me and us.. the guy is credentialed..

7/9/2024 3:59:57 PM

Bronwyn Miller [REDACTED]

Ted Bundy was too. 🤔

7/9/2024 4:00:14 PM

Omig! 😱

38. Approximately two weeks later, the State Attorney's Office informed the new assistant state attorney that his employment would be terminated.

39. On July 10, 2024, you sent the State Attorney the following text about Mr. Von Zamft—who had previously practiced as a criminal defense lawyer—training other assistant state attorneys:

7/10/2024 7:37:20 AM

Bronwyn Miller

This is the last I will say but the reason you have a problem is bc of a defense lawyer-MVZ. They play by different rules. No defense lawyer should be training your ASAs. It should be someone who knows that prosecutors are held to higher ethics. And the idea that someone who does not believe in the death penalty is assigned to a death penalty case defies all reason and logic. You would not do that if the victims families were remotely empowered. Maury would have called for Aronberg to be removed by the governor if he did that and it would have happened. What is his end game? It is not to fulfill the mission your office is charged with. A juror can't sit in capital case if they are against the death penalty. Why is this attorney allowed to prosecute such a case? This is the exact problem that is infecting DA offices all over the country. Whoever is advising you has lost the big picture.

7/10/2024 9:17:32 AM

You are right. even though the story said DP cases.. he is not going to.. let's talk..

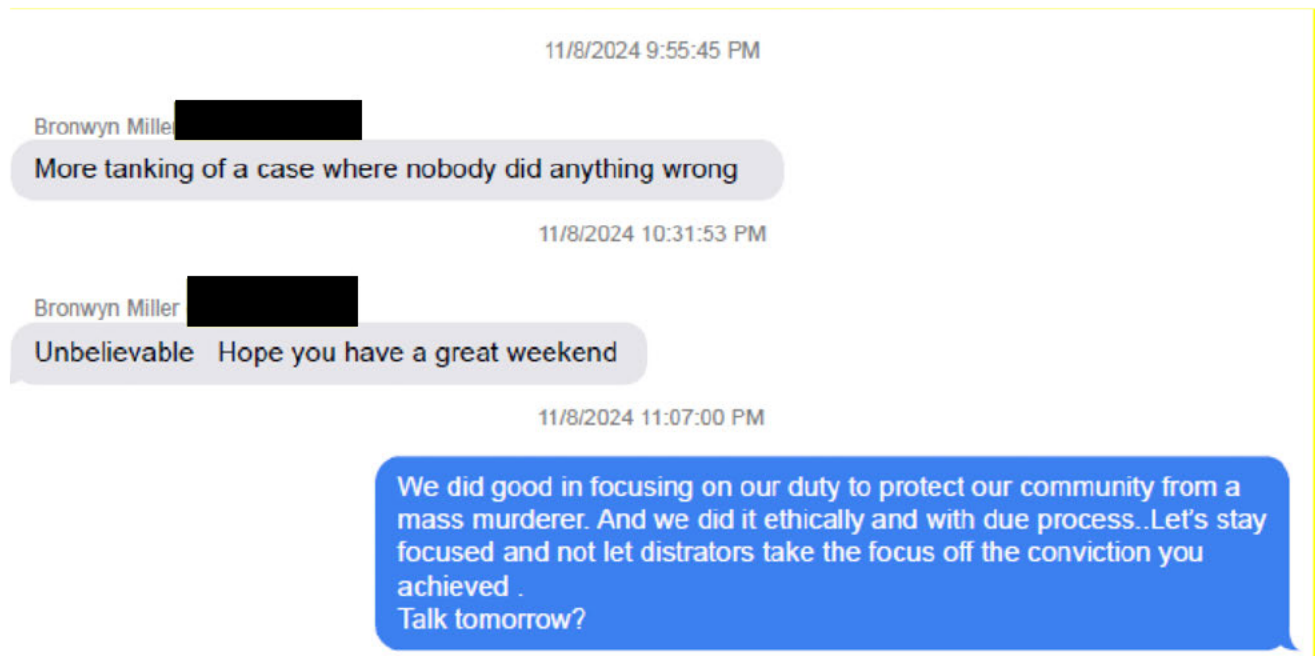
40. On July 24, 2024, the Florida Supreme Court transferred to the Fourth District Court of Appeal jurisdiction over the State's certiorari petition challenging Judge Wolfson's order disqualifying the two assistant state attorneys.

41. On July 31, 2024, the Fourth District Court of Appeal transferred jurisdiction over the State's certiorari petition to the Florida Supreme Court. (This was due to the Supreme Court having exclusive jurisdiction to review collateral proceedings in death penalty cases, including cases where the Supreme Court has vacated a death sentence and remanded for further proceedings.)

42. While the State’s certiorari petition was pending before the Supreme Court, the State Attorney’s Office produced to Mr. Smith’s counsel your text communications with the State Attorney.

43. On November 8, 2024, the State Attorney’s Office notified Mr. Smith’s counsel that the State Attorney’s Office would no longer seek the death penalty in Mr. Smith’s resentencing.

44. That night, you sent the following texts to the State Attorney:



45. On November 10, 2024, the State Attorney’s Office publicly announced that the State Attorney’s Office would no longer seek the death penalty in Mr. Smith’s resentencing. Soon after, the Miami Herald published online, and the following day published in print, an article entitled, “Miami Judge’s Venomous Texts Come Back to Bite Her in Crumbling Death Penalty Case.” The article’s

online version included a link for readers to access your text messages with the State Attorney.

46. The article also quoted interview responses from the Florida Association of Criminal Defense Lawyers of Miami, the Public Defender for the Eleventh Judicial Circuit, and Mr. Smith’s lawyers:

- a. The Florida Association of Criminal Defense Lawyers of Miami stated they were “disappointed that a member of the judiciary expressed bias against the defense bar to the State Attorney while continuing to handle criminal appeals from the office with which she shares such a close relationship.”
- b. Eleventh Judicial Circuit Public Defender Carlos Martinez stated he had reviewed the text chain and was “investigating and looking at what the remedy, if any, is going to be, to protect my clients.”
- c. Mr. Smith’s lawyers stated you had “simultaneously played the parts of judge, prosecutor, witness, and quite literally attempted to subvert justice to see Corey Smith executed.”

47. After the Miami Herald published its original article about your text messages with the State Attorney, you stopped communicating by text message with the State Attorney about the prosecution of Mr. Smith and other matters related to the State Attorney’s Office.

48. On November 26, 2024, the Florida Supreme Court denied the State’s certiorari petition as moot, in light of the State Attorney’s Office’s having filed its death penalty waiver regarding Mr. Smith.

49. On February 5, 2025, the State Attorney’s Office and Mr. Smith agreed

to reduced charges of second-degree murder and manslaughter and thirty-year sentences of incarceration. (Mr. Smith is concurrently serving a sixty-year federal sentence.)

50. You self-reported to the Judicial Qualifications Commission through your counsel on November 13, 2024.

51. On April 4, 2025, the Investigative Panel, pursuant to Rule 6(b) of the Commission's Rules, formally notified you of the subject matter of the investigation, and of your opportunity to appear before the Investigative Panel.

52. On May 30, 2025, you submitted a written response to the Investigative Panel.

53. On June 6, 2025, you provided a sworn oral statement and sworn answers to questions posed by the Investigative Panel.

54. In your written response, oral statement, and answers to the Investigative Panel, you denied that any of your communications violated any canon of the Florida Code of Judicial Conduct.

55. You have further contended:

- a. The Miami Herald was forced to retract the original defamatory quote from Mr. Smith's lawyers, as you were not serving as a judge on the post-conviction litigation, had cooperated when contacted and later subpoenaed in the post-conviction litigation, had participated as a witness to ensure justice was served in the post-conviction litigation, and had self-recused as a judge when the State filed its certiorari petition in the Third District Court of Appeal.

- b. Your texts expressing concern about your reputation being affected referred to defamatory statements appearing on a local blog, which had falsely implicated you in untoward acts during the original prosecution and in the termination of the assistant state attorney who had been hired to assist on the post-conviction litigation.
- c. Your texts regarding Chief Judge Sayfie and Judge Wolfson were limited to the bail bond reform issue and the post-conviction litigation, were communicated as a witness and former prosecutor in the case, expressing concern that Judge Wolfson had prejudged the ultimate issue raised in the motion to disqualify the State Attorney's Office, and were not intended to be disparaging.
- d. Your text regarding criminal defense lawyers merely highlighted well-established differences between the ethical obligations of prosecutors and defense attorneys, expressed concern about Mr. Von Zamft's inability to divine that difference, and was not intended to denigrate criminal defense lawyers generally.
- e. Your text regarding the assistant state attorney who had been hired to assist in the post-conviction litigation merely parroted the Miami Herald's reporting about him, which you then believed at the time to be factually correct, but which you now believe contained false allegations. [You stated you have since spoken to that attorney to apologize for your texts about him.]
- f. Your texts regarding the certiorari petition were necessary to correct erroneous factual representations about your witness testimony.

56. Most of the communications after your February 9, 2024 testimony in the *Smith* case were initiated by you and show, over time, that you attempted to influence the way the State Attorney's Office was handling the post-conviction litigation.

57. In these communications, you disparaged other judges, other attorneys,

and criminal defense lawyers generally.

58. Your communications cast reasonable doubt on your capacity to act impartially as a judge, undermine your appearance of integrity and impartiality, demean the judicial office, interfere with your proper performance of judicial duties, may lead to your frequent disqualification, and appear to be coercive.

59. While you and the State Attorney are permitted to have a personal relationship, and while you and she may subjectively believe that your communications did not affect her official acts due to your personal relationship, reasonable persons may believe that your communications were intended to be coercive towards her official acts and substantially interfered with a fair trial or hearing.

The Charges

The foregoing course of conduct establishes that:

- (a) You neither enforced nor personally observed the high standards of conduct which preserve the integrity and independence of the judiciary.
- (b) Your behavior failed to demonstrate respect and compliance with the law, and you did not act at all times in the manner that promotes public confidence in the integrity and impartiality of the judiciary.
- (c) You made, while litigation was pending in a court, comments that

might substantially interfere with a fair trial or hearing.

(d) Your conduct:

- (1) Cast reasonable doubt on your capacity to act impartially;
- (2) Undermined your independence, integrity or impartiality;
- (3) Demeaned your judicial office;
- (4) Interfered with the proper performance of another's judicial duties;
- (5) Potentially could have led to frequent disqualification of yourself;
- (6) And/or would appear to a reasonable person to be coercive.

Your Right to File a Written Answer to the Charges

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 Executive Director of the Commission.

Respectfully submitted,

BEDELL, DITTMAR, DeVAULT, PILLANS & COXE
Professional Association

By: /s/ Henry M. Coxe III

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CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of October, 2025, a true and correct copy of the foregoing has been electronically filed with the Clerk of the Court by utilizing the Florida Courts E-Filing Portal, which will send a notice of electronic filing to:

Warren W. Lindsey
warren@warrenlindseylaw.com
Counsel for Hon. Bronwyn Miller

/s/ Henry M. Coxe III
Attorney