

**IN THE SUPREME COURT OF THE
STATE OF FLORIDA**

**INQUIRY CONCERNING A JUDGE,
THE HONORABLE GARY M. FARMER, JR.
JQC NO. 2024-900 & 2025-125.**

SC2025-0510

**RESPONDENT'S ANSWER
TO NOTICES OF INVESTIGATION**

Respondent, **GARY M. FARMER, JR.**, files this his Answer to Notices of Investigation and states the following:

JQC No. 2024-900

1. With regard to JQC No. 2024-900, paragraph 1, Respondent generally admits to having made the jokes or remarks contained within the subparagraphs. These jokes were said to lighten tension, reduce stress for criminal defendants, and show a sense of humanity. They generally are G-rated "Dad jokes" that are corny but not offensive, and were not degrading to the solemnity of the proceedings. However, the jokes stated in paragraph 1(a) were somewhat racy and, upon reflection, were inappropriate. Respondent took full responsibility and apologized for those remarks at the probale cause hearing, and he does so again today. Also, as to paragraph 1(d) Respondent did not make or intend to make those remarks to the open courtroom; rather, when the Wayans name was called Respondent and the court clerk that day had a side-conversation about that episode of the show, with Respondent forgetting that his microphone was still on. Again, he recognizes the remarks were inappropriate and he apologizes for and takes responsibility. Finally, as to paragraph 1(e) Respondent has no recollection of making those remarks. Respondent has taken these lessons to heart and has refrained from making such jokes since the complaint was initially filed with the Chief Judge.

2. With regard to JQC No. 2024-900, paragraph 2, Respondent admits to having worked from home on many of the days in question. Respondent was told that occasionally working from home was permitted. It is Respondent's understanding that the JQC bases its missed work count largely on swipe card records. However, in the criminal wing it takes only 2 swipes to make it into the building (unlike the civil wing or west tower, where it takes 6 swipes), and it was extremely common that a few judges would walk in together and we would take turns swiping cards. This occurred on a regular basis. Moreover, Fridays were Respondent's Special Set calendar day (for motions to dismiss, to suppress, stand your ground, or other evidentiary, lengthy hearings). It was also very common for those hearings to be scheduled on the Friday before trial was to start Monday. On numerous occasions, Respondent's Friday dockets would be cancelled, and when that occurred the hearing entry would be deleted from the CMS system; thus, there is no correct record of the numerous special set cancellations. In those instances Respondent would suddenly find himself with no hearings. Respondent would typically then work on orders or read Florida Law Weeklies.

3. With regard to JQC No. 2024-900, paragraph 3, Respondent respectfully submits that individual remarks or comments are taken out of context in cases that had been before Respondent for several hearings, or that involve facts, circumstances and/or history that is not accurately or completely reflected in the Notice. Also, many of the cited instances in paragraph 3 merely involve questions of legal correctness of Respondent's rulings. In other words, they are appellate issues but not grounds for discipline.

4. With regard to JQC No. 2024-900, paragraph 4, Respondent denies that anything inappropriate was said or done, or that the comments demonstrate bias. In fact, the cited comments actually show that Respondent was ruling in accordance with the law and contrary to how he voted when a Legislator. In other words, Respondent showed fealty to the law here, not bias against it or any person or class of people.

JQC No. 2025-125

5. With regard to JQC No. 2025-125, paragraph 1, Respondent generally admits to having made the jokes or remarks contained within the subparagraphs. These jokes were said to lighten tension, reduce stress for criminal defendants, and show a sense of humanity. They generally are G-rated “Dad jokes” that are corny but not offensive, and were not degrading to the solemnity of the proceedings. However, several of the comments are isolated remarks that lack context from the entire conversation.

6. Specifically, with regard to paragraph 1(c)ii, the JQC misheard or mistyped the names involved. There was in fact a Defendant named Jaques Strapp, case 23-007206CF10A. With regard to paragraph 1(c)vii, ix and x and Defendant Mallard, Respondent needs to obtain the relevant records from the JQC and search related dockets, but he remembers some details of her cases. She had a history of petit crimes but had served her sentences. She picked up new petit crimes and had spent several months in county jail. In fact, she spent more time than she reasonably could have been sentenced to and more than the state was seeking. She had become homeless while on pretrial releases, and when Respondent put her on a monitor (which the judges were encouraged to do when appropriate given the over-crowded jail system) her probation officer violated her because she had no check-in place – despite the fact that Probation had a system whereby homeless defendants on monitors could check-in at local soup kitchens or shelters. This resulted in Ms. Mallard being treated disparately from other similarly-situated defendants.

7. With regard to JQC No. 2025-125, paragraph 2, again the comment cited is an isolated remark in a case where Mr. Kyhle had been before the court almost a dozen times, where the state’s witnesses were not cooperating, and where the defendant had suffered a severe stroke that left him handicapped with significant disabilities. Finally, with regard to JQC No. 2025-125, paragraph 3, once again this was an isolated hearing in a case with a long history. Respondent had repeatedly

addressed with the state the issue of the non-cooperative witnesses who the state conceded it could not proceed to trial without. This wasn't a "cavalier" remark, but one born of a lengthy history of the state delaying and not complying with prior orders.

WHEREFORE, Respondent, **GARY M. FARMER, JR.**, requests the production of discovery including all records, transcripts, recordings or other evidence the JQC intends to offer against Respondent, or that was relied upon or cited by the JQC in its Notices of Investigations.

Pursuant to Rule 9 of the Florida Judicial Qualifications Commission Rules, Respondent hereby requests that trial of this cause be conducted in Broward County in the Seventeenth Judicial Circuit of Florida.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing has been electronically filed this **6th** day of **May, 2025**, with the **Clerk of the Florida Supreme Court; ALEXANDER JOHN WILLIAMS**, General Counsel for the Florida Judicial Qualifications Commission, via awilliams@floridajqc.com; and, **BLAN L. TEAGLE**, Executive Director for the Judicial Qualifications Commission, via bteagle@floridajqc.com.

Respectfully submitted,

DUTKO & KROLL, P.A.

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By: /s/ **MICHAEL E. DUTKO, SR.**

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