

**BEFORE THE FLORIDA
JUDICIAL QUALIFICATIONS COMMISSION**

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

SC25- _____

NOTICE OF FORMAL CHARGES

TO: Hon. Gary M. Farmer, Jr.
Broward County Courthouse
Chambers WW16129
201 SE 6th Street
Fort Lauderdale, FL. 33301

The Investigative Panel of the Florida Judicial Qualifications Commission (“JQC” or “the Commission”), at its meetings on December 13, 2024 and March 28, 2025, 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.

Canon 1 of the Florida Code of Judicial Conduct states that, “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. The provisions of this Code should be construed and applied to further that objective.”

Canon 2A requires that, “*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(2) states that, “*A judge shall be faithful to the law and maintain professional competence in it. A judge shall not be swayed by partisan interests, public clamor, or fear of criticism.*”

Canon 3B(4) requires, in pertinent part, that, “*A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity...*”.

Canon 3B(5) requires, in pertinent part, that, “*A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice...*”.

Canon 3B(8) requires that judges “*shall dispose of all judicial matters promptly, efficiently, and fairly.*”

Canon 3B(10) states that judges, “*shall not, with respect to parties or classes of parties, cases, controversies or issues likely to come before the court, make pledges, promises or commitments that are inconsistent with the impartial performance of the adjudicative duties of the office.*”

The specific allegations for which the Commission has found probable cause are that:

1. It is alleged that while presiding over felony criminal division FO, of the Seventeenth Judicial Circuit Court, you routinely made comments, jokes, or remarks that are wholly inappropriate, undignified, or discourteous, or

otherwise behaved in a manner that is degrading to the solemnity of the proceedings, fails to uphold the high standard of conduct expected of judges, and fails to promote public confidence in the integrity and impartiality of the judiciary. To wit:

a. While presiding over the felony criminal division on August 15, 2024, you made numerous remarks that were wholly inappropriate, undignified, or discourteous, or otherwise behaved in a manner that is degrading to the solemnity of the proceedings, fails to uphold the high standard of conduct expected of judges, and fails to promote public confidence in the integrity and impartiality of the judiciary. Examples of those comments and behavior are:

i. While presiding over a felony criminal docket on August 15, 2024, in response to being informed that a litigant is expecting the birth of three children, you laughingly mock the litigant who was expecting three children with different women, exclaiming, *“Ok, you’ve been busy. You were just shooting all over the place! That’s good, do you know their names? First and last? Romantic, are you? Don’t tell Susie about Jane don’t tell Jane about Mary. God bless you man. One’s enough.”* Later in the proceeding you tell the defendant that you are going to put him on pretrial release, *“I’m going to order that you wear a condom at all times. For your own good, Ok?! Probation is going to check. No, I’m kidding. I’m kidding.”* At the end of the proceeding, you tell the

defendant that he has been assigned a new attorney from the Public Defender's Office. You laughingly instruct the defendant, "*You are going to get a new attorney: Ms. [female attorney]. She's going to reach out to you, Ok? Don't get her pregnant.*" After being informed that the attorney is married, you joke that the defendant is "*a danger to the community: I should keep him locked up.*" In calling the next defendant you laughingly ask, "*Mr. Saunders, you got any babies on the way? [No] Alright, smart man!*"

- ii. Later during the August 15, 2024, docket, while presiding over the matter involving State v. Georgia Smith, you begin singing a song about "Sweet Georgia", and you tell the defendant, "*You're supposed to say 'peachy'. How you doin' Georgia? Peachy!*" While the attorneys are discussing the status of the case, you continue to sing, "*'She gets her peaches down in Georgia'. 'You get your weed in California.' Sorry Mr. [attorney present], I like making you laugh. It's a challenge.*"
- iii. You play music from your phone while presiding over court proceedings. For example: While presiding over the matter of State v. Lorenzo Jackson on August 15, 2024, you played music from your phone for over 80 seconds, which you referred to as the "*song of the day.*" When nobody knew the name of the song you played, you said, "*That means nobody gets the Golden Oreo*

today. I've got a bunch of regular Oreos you can have but the Golden Oreo has to be earned. Okay, back to business."

- iv. Later while presiding over Lorenzo Jackson's felony case, you referenced and quoted extensively from a comedy sketch that makes fun of gay people. Laughing, and in a mocking voice you say, "*Marlon Wayans—In Living Color. Two snaps and a sweater! He likes it when the Oilers play the Packers! He used to be a tight end! Now he's a wide receiver. Oh, that's bad. Court reporter in the sky, please! Strike that from the record!*"
- v. That is not the only time you used double entendre as humor in the courtroom. While presiding over the August 15, 2024 hearing you said, "*Spring is here, I got so excited I wet my plants*" and "*What did the shirt say to the pair of pants? Wassup britches!*" Apparently, these are some of what you referred to as your "*exceptionally, exceptionally bad jokes*".
- b. While presiding over first appearances on October 15, 2023, you made numerous remarks that were wholly inappropriate, undignified, or discourteous, or otherwise behaved in a manner that is degrading to the solemnity of the proceedings, fails to uphold the high standard of conduct expected of judges, and fails to promote public confidence in the integrity and impartiality of the judiciary. Examples of those comments and behavior include:
 - i. You chided a defendant that she did not own the Broward mall,

to which she replied, “Yes I do, sir.” Ordering a mental health evaluation, you called the next case and joked to those in attendance that you “*should have asked for a discount.*” Laughing, you continued, saying “*Fifty-percent off at Champs? Some Jordans? I mean I came in at 7:30 in the morning.*”

- ii. In setting the bond for an individual charged with a first-degree kidnapping, the defendant’s attorney jokingly said, “I gotta tell you judge, in the history of kidnappings, this would be the first time someone gets kidnapped and taken to a strip club...”. You laughingly replied, “*I was about to say, I think there’s a long list of husbands who have claimed exactly that in the past. We’ve all been taken against our will.*”
- c. While presiding over a felony criminal docket on August 14, 2024, you made numerous remarks that were wholly inappropriate, undignified, or discourteous, or otherwise behaved in a manner that is degrading to the solemnity of the proceedings, fails to uphold the high standard of conduct expected of judges, and fails to promote public confidence in the integrity and impartiality of the judiciary. Examples of those comments and behavior include:
 - i. “*I was watching Nova last night... there was a story about a king who was only 12 inches tall. He wasn’t much of a king, but he made a great ruler.*” Nobody laughed, and a person present told you they had an update for you on a case. After addressing that

update, you laughingly chided the person that they “*kind of glazed over the joke. It was a great joke. Mr. [attorney] is all business when he gets in here. All business.*” You then tell the person that if he “*had hair we would get you a mullet. Business up front, party in the rear.*”

ii. Addressing a female attorney, you tell her that she has “*the glow of private practice on [her] face.*”

iii. While taking a plea of guilty from a defendant via video link, you asked the defendant if he was under the influence of any alcohol or prescription medication. The defendant replies, “No, sir.” You say, “*I’m gonna move on and accept that answer even though I have my doubts.*” When the defendant asks what you mean, you laughingly ask him, “*Do you drink Courvoisier?*” When the defendant asks you to repeat yourself, you say, “*Nothing*” and laugh.

d. While presiding over a felony criminal docket on July 22, 2024, you made numerous remarks that were wholly inappropriate, undignified, or discourteous, or otherwise behaved in a manner that is degrading to the solemnity of the proceedings, fails to uphold the high standard of conduct expected of judges, and fails to promote public confidence in the integrity and impartiality of the judiciary. Examples of those comments and behavior are:

i. During a pause in proceedings, you ask an attorney “*Are you a*

fan of the Flintstone's Mr. [attorney present]? It's one of the most popular shows in the world. They don't like it in Dubai, though. I don't know, but the people of Abu Dhabi do." After a moment of silence, the attorney replied "*Don't give up your day job.*"

- ii. While presiding over the case of *State v. Gregory Jacques*, you laughingly joke, "*Mr. Jacque's case is making me remember one of the best defendant's names ever. Guys name was Jacques Drapp. Remember that one...?*". There is no record of any defendant with that name in Broward County or the 17th Circuit.
- iii. While discussing the issuance of multiple *capias* warrants, you inform the attorneys and court staff present that the "*correct plural form of capias is capiai...It's the plural. Octopi. It's just like octopus. You don't say - well, I'm not even going to say it.*"
- e. While presiding over a felony criminal docket on July 24, 2024, you made numerous remarks that were wholly inappropriate, undignified, or discourteous, or otherwise behaved in a manner that is degrading to the solemnity of the proceedings, fails to uphold the high standard of conduct expected of judges, and fails to promote public confidence in the integrity and impartiality of the judiciary. Examples of those comments and behavior are:
 - i. After the State announced it was dropping the charges you told the defense attorney, "*Wonderful! Congratulations to you and*

your client.”

- ii. *“I see said the blind man as he picked up his hammer and saw,”* after hearing that a defendant’s blind mother may have been receiving his court notices.
- iii. *“My neighbor got one of those chair lifts. I offered her twenty dollars for a ride. I think she’s gonna take me up on it. Try not to step on it, Mr. [attorney present in court]. We’re supposed to be working together here.”*
- iv. *“Ms. [attorney present in court], good morning. That headband is not nearly as colorful as some of the ones you have been wearing this week. Little bit of a letdown, I’m not gonna lie. You look very nice, I’m just teasing.”*
- v. *“I called the incontinence hotline. They told me to hold.” “Mr. [attorney present in court] is aghast.”*
- vi. *“You heard about the new movie about diarrhea? It’s running all week.”*
- vii. *“I watched iRobot... maybe we’ll slow down on all this A.I. stuff. ‘Cause, I mean, I don’t know if [prosecutor] is a real person, or an automaton that’s been sent here to convict people.”*
- viii. When addressing the case of Ms. Mallard, a homeless person without a fixed address, who had allegedly violated her probation by failing to be at her registered address and failing to check in for days, you criticized the probation officer who had filed the

report. You said that this case was “*annoying*,” and “*this is a case of an officer taking things to an extreme level. ... It just creates a disparate system of justice where somebody who is homeless can’t be put on a probation situation because of an anal-retentive probation officer.*”

- ix. You then denounced the probation officer in Ms. Mallard’s case, saying, “*Madam probation officer, I would ask you to please, as you go forward in life and your job, there but by the grace of God go I. People that are homeless may have some difficulty. Uh, I know you have a very important job to do but I think a little advance notice, I think a little grace, a little understanding when somebody’s homeless and not being able to report to a soup kitchen or gas station or wherever it is, because otherwise we just have to put every homeless person in jail and that just creates an unfair disparate system of justice.*”

In response, the probation officer attempted to explain all the ways that she and her supervisor had tried to assist the probationer including offering to change her address or location as often as needed, expanding zones, and even offering to let her come stay in the probation office everyday if she had nowhere else to go. The probation officer said she was “taken aback” by your accusation that she was not showing compassion and grace.

- x. While discussing the return of a defendant’s firearm at the

completion of his case, you remarked, “*We are a country with a dru-gun addiction problem. And I hate it. But it’s the law. So, I enforce it.*”

- xi. While presiding over the case of Yahaira Torres, you lambasted an Assistant Public Defender over her personal political views. In response to her client’s answer that Joe Biden was President of the United States, APD Lucia Scatamacchia made a comment. You exclaimed, “*Unfortunately?! ‘Unfortunately’ did you say, Ms. Scatamacchia? The greatest president, arguably we’ve ever had in our history?! The number one economy we’ve ever had?! The stock market over 4,000? Did you really say- Are you a MAGA? Oh my goodness! Oh my gawd. Thank God you’re going to Dade County.*” After conducting an *ad hoc* competency evaluation of the defendant, you continued, “*Next, I’m putting Ms. Scatamacchia under oath. I think there are serious questions about her competency now. Oh, my goodness gracious.*” Later, while making legal findings of the defendant’s competency and accepting her guilty plea, you state, “*I find she is alert, oriented, cognizant of these proceedings and the consequences thereof. I find that she does not agree with Ms. Scatamacchia regarding our current president.*”
- xii. Later that day you continued to mock the beliefs of Assistant Public Defender Lucia Scatamacchia who had been in your

courtroom with clients earlier that day. To an open courtroom you declared, *“Off the record, I am still reeling from Scatamacchia this morning. How can she- how can she MAGA AND a Public Defender? These things are mutually exclusive. Oh my goodness gracious, that blew me away. All right, back on the record now.”*

- f. While presiding over a felony criminal docket on July 31, 2024, you made numerous remarks that were wholly inappropriate, undignified, or discourteous, or otherwise behaved in a manner that is degrading to the solemnity of the proceedings, fails to uphold the high standard of conduct expected of judges, and fails to promote public confidence in the integrity and impartiality of the judiciary. Examples of those comments and behavior include:
- i. *“I’m a little bit down. A good friend of mine worked for Pepsi for 30 years. He just got laid off. He tested positive for coke.”*
 - ii. While advising a defendant that she would have to get approval to travel, you joked that, *“...in Hawaii it is illegal to laugh loudly? You have to keep it to aloha. A-lo-ha. Ma’am have a seat and think about that joke for a while. You’re going to be fingerprinted and meet with probation before you leave.”*
 - iii. Jokingly referring to a court staff member who had returned to your courtroom as *“Peaches”*. *“I’m Herb. Peaches and Herb”*. Later you tell her, *“Don’t leave me Peaches. We just got reunited*

here.” And later, “*Thanks, Peaches.*”

- iv. In response to an attorney’s question, “[Do] they not trust you with the first-degree felonies,” you responded, “*Guess not. The dad jokes don’t go well in murder cases, you know. It’s a little disconnect there. ...I’ve turned down four times moving up. I like it here. This is the people’s court. ...I’m thinking about doing some night court.*”
- v. “*And your pants match! You’ve got gully (ph) bear pants too! Look at that.*”
- vi. While attorneys were discussing the status of an outstanding warrant with you, you interrupted saying, “*Hold on a second. I can’t focus. I- I’m distracted by Mr. [attorney present in court’s] socks. ...from here, she looks like one of the kids on Despicable Me. That’s what I thought they were.*”
- vii. “*Mr. [attorney present in court] is that grinding sound I hear the gears in your brain working?*”
- viii. “*Excuse me the deputy twins just walked in. You’re going to hurt somebody with those eyelashes, girl. Gotta be careful giving a hug. Not unless its someone you want to let go of, either.*”
- ix. “*Mr. [attorney present in court] go to law school.*”
- x. “*My [court] notes are like Shakira’s hips. They don’t lie.*”
- xi. Addressing whether a defendant qualified for a sentence enhancement as a violent offender, you commented: “*Habitual*

Violent Offender? You see her smile?"

xii. While attempting to persuade the prosecutor to provide a more favorable outcome for a defendant, you remarked, *"So State, you guys, please. He had a marijuana card. It was expired at the time of the accident. Can we please get a down charge?"* Later, discussing the same case, you tell the prosecutor, *"Really a down charge would be appropriate- if not a nolle prose."*

xiii. *"I think Tavares is our highest-ranking platinum club member. I think he has got more cases and more appearances in this court than anybody."*

xiv. When addressing a defendant named Lamour, you began singing, *"My Cherie A'more."*

2. You have failed to devote full time and attendance to your judicial duties, exceeding the 30 days of annual judicial leave permitted. To wit:

a. Between October and December 2023, you were not present at work on 22 days (including 7 Fridays). Nine of those days were noticed leave. 13 days you were absent without leave.

b. Between January and September 2024, you were not present at work on 80 days (including 23 Fridays). Approximately 48 of those days were noticed leave and on approximately 32 days you were absent without leave.

3. It is alleged that you have failed to respect and comply with the law, including by denying due process to litigants and lawyers in cases. For example:

- a. In State v. Yahaira Torres (2024-CF-3363) you took a plea and sentenced a woman who was awaiting a court-ordered competency evaluation in a different case in front of Judge Davis. After being informed of the competency issue, you replied that competency is fluid and she had not been declared incompetent to proceed so she could plea the case out if she wanted. You proceeded to place the defendant under oath and asked her random questions to ascertain her competency: “*What is your birthday?*” [which she answered correctly]; “*Who is the President of the United States?*” [which she mumbles incoherently]; You then state: “*Close enough.*” You then ask what day it was, and she answered with the wrong date. During the plea colloquy, you asked questions about the defendant’s political preferences, specifically whether the defendant was, as you phrased it, “*a MAGA Supporter.*” You then made a joke that “*she [the defendant] and the former president had something in common now, they were both convicted felons.*”
- b. In State v. Mark Cooper (2022-CF-10274) you refused to allow the state to utilize the recapture period allowed by the rules of procedure and dismissed the State’s case, stating: “*I don’t want to clog up a docket just for that.*”
- c. While presiding over the case of State of Florida v. Windel Lucsaint (2022CF10393) on July 24, 2024, you dismissed a criminal case after being notified that a prosecution witness (the victim) was not showing

up to depositions. The state objected and attempted to explain that you could not dismiss the case, but that you could strike the witness, and the State would have to decide whether they could proceed without the witness. In response, you cavalierly declared, “*I think that’s just an unnecessary pleading step. ...if I did it improperly from a procedural standpoint, I guess you could take an appeal...*” (1:44:26 A1)

4. It is alleged that you have made comments in court and in orders that demonstrate a bias or predetermination of certain cases, types of cases, or defenses.
 - a. While presiding over State v. Francois (2023-CF-3223), you expressed your interest in taking up the issue of the unconstitutionality of Florida’s firearm statutes and talked about how you worked on several bills related to this issue as a Florida Senator. The public defender noted that it has other motions like this that are coming down the pipe, and you joked about future motions of this type.
 - b. While addressing Ms. Mallard’s case on July 24, 2024 you committed to granting a yet-to-be-filed motion for downward departure of sentence. You instructed the defendant’s attorney to “*File a downward [departure motion]. We’ll get it set in 30 days. We’re- I’ll do the downward. We’re gonna do something in the nature of like 60 or 90 days.*”
 - c. While presiding over the case of State of Florida v. Christopher Kyle (ph), on July 24, 2024, you instructed the Assistant State Attorney

present in court that, *“I really want the State to drop the case because I don’t see how going forward makes sense. He [the defendant] is not going to plead to this. Doesn’t matter. If it was time served. I already tried it. He’s not taking it because he says he didn’t do it.”*

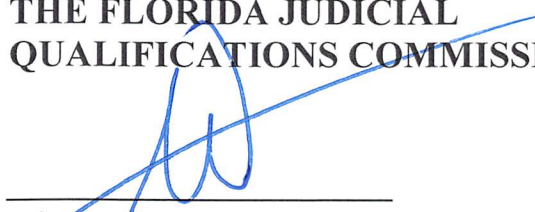
- d. In an order granting dismissal of charges against a defendant under the “stand your ground” laws, you opined: *“In fact, the Court notes and finds that whenever there is a credibility issue with a prosecutor’s witness in a SYG hearing, or where credible testimony exists both in support of or against the defense, the prosecutor will never be able to prove by clear and convincing evidence that the defendant wasn’t reasonably in fear of imminent harm (i.e. proof of a negative). This doesn’t make sense to the Court, but it is the law of Florida and the Court is duty bound to apply it.”* State v. Kenneth Garcia (2021-CF-6797)

Your actions constitute inappropriate conduct in violation of Canons 1, 2A, 3B(2), 3B(4), 3B(5), 3B(7), 3B(8), and 3B(10) 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, and the Executive Director of the Commission.

Dated: this 10th day of April, 2025.

**THE FLORIDA JUDICIAL
QUALIFICATIONS COMMISSION**



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice of Formal Charges has been furnished by electronic service, on this the 10th day of April, 2025, to the following:

Hon. Gary M. Farmer, Jr.
Broward County Courthouse
Chambers WW16129
201 SE 6th Street
Fort Lauderdale, FL. 33301



Alexander John Williams
GENERAL COUNSEL