

**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

SC25- _____

RECOMMENDATION OF SUSPENSION

The Investigative Panel of the Florida Judicial Qualifications Commission (“JQC” or “Commission”) served an Order to Show Cause dated March 6, 2025 on Judge Gary M. Farmer, Jr., of the 17th Judicial Circuit, pursuant to Rule 8 of the Florida Judicial Qualifications Commission Rules (“FJQC Rules”) directing that he appear before the Investigative Panel of the Commission, in person, on March 28, 2025 to show cause why the Commission should not recommend to the Supreme Court that he be immediately suspended from his judicial duties as a result of the extensive inappropriate conduct as outlined in the Notice of Formal Charges being filed concurrently with this Recommendation of Suspension. By a vote of not less than two-thirds of its members concurring, the Investigative Panel voted to recommend the interim suspension of Judge Gary M. Farmer, Jr. without pay, pending the final disposition of this disciplinary matter.

Course of the Proceedings

First Notice of Investigation

The Investigative Panel of the Commission served an initial Notice of Investigation on Judge Farmer on or about October 7, 2024 (JQC 2024-900). A probable cause hearing, pursuant to FJQC Rule 6b was conducted on December 13, 2024, in Orlando, Florida, at which Judge Farmer appeared, with counsel, and testified under oath. At the conclusion of that proceeding, the Investigative Panel determined, by a majority vote, that probable cause existed as to certain of the allegations contained in the Notice of Investigation. [The transcript of the December 13, 2024 hearing, is attached as **Exhibit A**].¹

Second Notice of Investigation and Order to Show Cause

On or about March 6, 2025, a second Notice of Investigation (JQC 2025-125) was served on Judge Farmer, inviting him to appear at the next Commission meeting the morning of Friday March 28, 2025, to respond to the additional allegations of misconduct contained in the Notice of Investigation. At the same time Judge Farmer was also served with an Order to Show Cause, pursuant to FJQC Rule 8, directing him to appear, in person, at the March 28, 2025 meeting to show cause why the Commission should not recommend that he be suspended with or without pay until the conclusion of this disciplinary matter. On March 17, 2025, Judge Farmer's

¹ References to this transcript are designated as, T- , lines.

attorney informed the Commission that he was no longer representing the Respondent but confirmed that his former client had received the pending Notice and Order to Show Cause, was aware of the hearing details, and was aware of his opportunity to appear and provide a written response. Between March 17, 2025, and the hearing date, no other contact was received from either Judge Farmer or an attorney on his behalf. Nor was a written response received prior to the hearing.

At approximately 6:20 AM on March 28, 2025, the morning of the second 6b hearing and Order to Show Cause hearing, the undersigned received an email from the Respondent explaining that an unspecified “emergency situation” required his “immediate, in-person attention,” and that he “cannot delay [his] departure.” The Respondent subsequently did not appear at the 6(b) hearing, nor did he appear as required at the Order to Show Cause hearing. The Respondent’s 6:20 AM email also contained arguments against a recommendation of suspension, which the undersigned provided to the Investigative Panel members for their review in contemplation of the Show Cause Order. [The Respondent’s email is attached as **Exhibit B**] [The transcript of the March 28, 2025, hearing is attached as **Exhibit C**]

At the March 28, 2025 hearing, the Panel determined that there was probable cause as to the allegations contained in the Notice of Investigation, and also determined, by a vote of not less than two-thirds of the members concurring, that the Commission should recommend that Judge Farmer be immediately suspended

without compensation, from the position of Circuit Judge for the 17th Judicial Circuit, pending final disposition of this matter.

Factual Basis for Recommendation

Inappropriate Commentary

In late September of 2024, the Commission became aware of grossly inappropriate comments allegedly made by Judge Gary M. Farmer, Jr., of the 17th Judicial Circuit, while presiding over a felony criminal docket on or about August 15, 2024. Judge Farmer's comments were discriminatory, offensive, sexually charged, and demeaning, can be found in paragraphs 1a and 1d of the Notice of Formal Charges. A news article regarding those specific comments, titled, *Judge reassigned after he orders defendant to wear condom and jokes probation's gonna check*, was published by the American Bar Association on September 30, 2024.

[Exhibit D]

In the course of conducting an inquiry into the circumstances of the August 15 comments, the Commission became aware of numerous other instances involving comments and other forms of misconduct by Judge Farmer. In response to the initial Notice of Investigation, which largely centered on his inappropriate comments during the August 15, 2024 felony docket, Judge Farmer admitted his comments were inappropriate and a lapse in judgement. "I am embarrassed and someone who is ashamed of a few of the remarks I made in Court and a few decisions I've made.

And I am very contrite. And so I begin by apologizing for some lapses in judgment.”
(T-7, lines 1-5).

At the outset, while Judge Farmer may characterize his comments as mere “dad jokes” which he intended to build camaraderie within his courtroom or reduce stress, the Commission notes that many of the so-called jokes were actually demeaning and potentially humiliating comments aimed at individual attorneys, court staff, litigants, and others over whom Judge Farmer held significant authority. Moreover, many other of his comments as described in the Notice of Formal Charges could be viewed as discriminatory, or evincing a bias for or against parties, or controversies already in front of him, or likely to come before him. Rather than reproduce the extensive list of inappropriate comments and conduct contained in the Notice of Formal Charges, the Investigative Panel will simply refer the Court to conduct charged in the Notice of Formal Charges, being filed concurrently with this Recommendation of Suspension.²

After initially reviewing audio from the August 15, 2024 court proceeding, the Investigative Panel reviewed audio from other court dates. That review generated the second Notice of Investigation. While it is likely that while further investigation

² The specific quotations referenced in the Notice of Formal Charges have been transcribed as faithfully as possible from the audio recordings. The audio recordings are also being produced as part of the of this Recommendation as **Exhibit F**.

would likely reveal additional instances of misconduct, the Investigative Panel believes there is a need to proceed with the institution of formal charges.

Willful Failure to Comply with the Law and Conduct Evincing Bias

In addition to grossly inappropriate comments and conduct, the Investigative Panel also noted numerous instances where Judge Farmer willfully ignored the requirements of applicable statutes or rules of procedure, or was unaware of the most basic elements of the law which governed his actions as a judge in the felony division. By way of example, the Commission points to paragraph 3.c. of the Notice of Formal Charges. In that allegation, Judge Farmer improperly dismissed a pending criminal case after striking a prosecution witness. The prosecuting attorney attempted to explain to Judge Farmer that he could not dismiss the case outright, and that the State would evaluate to see whether it could continue the prosecution without that witness or if it would need to file a dismissal. Judge Farmer cavalierly responded to the State's attempt to educate him by stating, "*I think that's just an unnecessary pleading step,*" and inviting them to take an appeal.

In another instance, as alleged in paragraph 4.d. of the Notice of Formal Charges, Judge Farmer made statements prejudging the outcome of future cases, not yet before him, where a defendant seeks to use a stand your ground defense. In that instance, Judge Farmer stated: "*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."

In addressing this allegation with the Investigative Panel, Judge Farmer admitted that he "shouldn't have said 'never'." (T-47, line 20). After it was pointed out that the State might reasonably interpret his comment as impinging on their ability to obtain a fair trial in any case where the credibility of a witness is questioned, Judge Farmer acknowledged, "*I should not have made the comment.*" (T-49-50, lines 25-1)

Another example of Judge Farmer's unwillingness or inability to comply with the law can be found in item 3 a of the Notice of Formal Charges. While presiding over the case of a defendant who he was informed had a court-ordered competency evaluation pending in another matter before a different judge, the Respondent conducted an *ad hoc*, unscientific competency evaluation by asking the defendant random questions. Notwithstanding the fact that the defendant was already awaiting a competency evaluation in another matter, and had answered some of Judge Farmer's trivia questions wrong, Judge Farmer declared her competent and accepted her guilty plea. When later questioned whether handling of this matter comported

with the rules governing competency, Judge Farmer was unable to recall if there even was a rule governing competency. “I don’t—as I’m sitting here right now, I—I don’t know of the rule.” (T-44, lines 17-18).

Violation of Commission’s Order to Appear and Show Cause.

The Investigative Panel of the Commission believes it would be remiss not to address Judge Farmer’s failure to appear, in person, as directed in the Order to Show Cause, which was issued to him pursuant to FJQC Rule 8. Rule 8 provides factors to be considered in contemplation of recommending the interim suspension of a judge. The factors to be considered are: (1) the seriousness of the allegation of misconduct, (2) the preservation of public confidence in the judicial system, (3) the responsiveness of the judge to the disciplinary process, or (4) whether the judge has engaged in conduct that demonstrates a present unfitness to hold office.

Having only the benefit of Judge Farmer’s 6:20 AM email from the morning of the Order to Show Cause hearing, the Investigative Panel believes that his misconduct is egregious and serious, and could clearly affect the public’s perception of the judiciary. While Judge Farmer might argue that he has changed his behavior, which the Panel addresses in more detail below, the Panel believes that in this case, the damage is already done.

Judge Farmer was only minimally responsive to the disciplinary process. Indeed, while he repeatedly claimed to the Investigative Panel that he could not

recall many of the comments referenced in the initial Notice of Investigation, the Respondent also admitted that he had not even reviewed the audio recordings or reviewed the cases referenced by the initial Notice of Investigation. (T-38, lines 13-16). Additionally, Judge Farmer provided no response whatsoever, written or otherwise, to the second Notice of Investigation, save his email on the morning of the hearings claiming that he had intended to appear. Judge Farmer's decision to not appear as ordered in the Order to Show Cause simply brings his lack of responsiveness into high relief. Finally, as to factor number four, the Panel believes that the pervasiveness and extensive nature of Judge Farmer's misconduct demonstrates a present unfitness to hold office. Under the right conditions, a single one of these factors might carry enough weight to warrant a recommendation of suspension: Here, the Respondent touches on all of them.

Recommendation

Judges are the highly visible face of the judicial branch, and must be the protectors of the public's perception of fairness and integrity in the justice system. In that position, they are rightly held to the highest standards of personal and professional conduct. Through his extensive misconduct, occurring over a lengthy period of time, Judge Farmer has damaged the public's perception of the judiciary and the judicial branch in such a way that he has demonstrated a present unfitness to serve.

The Panel is further concerned by Judge Farmer's inability to understand that, even in jest, his conduct was wholly inappropriate. His March 28 email to the Investigative Panel states that, "I have learned important lessons on judicial demeanor and have avoided any further missteps. I can assure you I will continue to preside in this more appropriate manner." However, one must contrast that with his sworn testimony before the Investigative Panel where he said, "I don't think we can say, as judges, that we never --there's never a light moment or a joke in Court, so I don't want to overstate it, but I am not doing bad jokes anymore." (T-65, lines 21-25). Respectfully, the Investigative Panel is amply justified in not trusting Judge Farmer's judgement in this regard.

And while Judge Farmer also avers that "[m]y improved behavior evidences the fact that I present no risk of any future violations of the Judicial Canons," the Investigative Panel does not believe this is so. The absence of complaints about his behavior after his rotation out of the criminal division in September 2024 is just as likely owing to the fact that he has been under investigation by the JQC since that time, and the fact that there are no court recordings of his day-to-day behavior. Indeed, it is all the more concerning that the Respondent would have needed to hear from the JQC to learn that his behavior was so grossly inappropriate.

What is more, Judge Farmer apparently knew his behavior was incongruous with the expectations of a judge in court at the time he was engaging in the behavior.

Indeed, when asked in court why he couldn't handle a first-degree felony case, Judge Farmer responded, "...*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.*" (See item 1f iv of the Notice of Formal Charges). The reference to the television show Night Court seems to be particularly apt here. However much Judge Farmer believes he is like the fictional Harry Stone, it goes without saying that the circus-like atmosphere that made the television show a comedic parody of real life court proceedings is completely antithetical to the manner in which a real court proceeding should be conducted and violative of the Code of Judicial Conduct.

Finally, the Investigative Panel dismisses, out-of-hand, any suggestion that Judge Farmer's conduct was not violative of the Code because some people laughed at his comments or did not complain about being offended. The simple fact of the matter is that Judge Farmer's position as a judge provided him with a captive audience who would naturally and understandably be willing to laugh and reticent to complain.³

The Investigative Panel is much more concerned about the view from the gallery of Judge Farmer's courtroom: The public's view of the judiciary. What would the victim of a crime think if he or she observed the irreverent and party-like

³ As the expression goes: Your jokes get funnier when you become a judge.

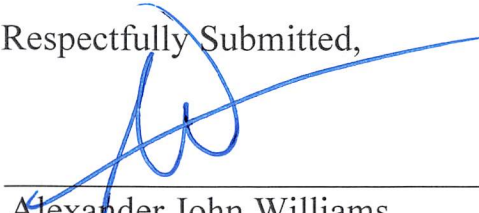
demeanor of Judge Farmer on any given day? While Judge Farmer might think a third-degree felony is unworthy of the judicial branch's time, surely a victim would feel differently.

Therefore, based upon the foregoing, the Investigative Panel of the Commission, by not less than two-thirds of the members concurring, recommends to the Supreme Court that Judge Farmer be suspended from performing the duties of his office, without compensation, pending the final determination of the inquiry.

The exhibits referenced herein are being filed with the Court separately, under seal, pursuant to Florida Rule of Judicial Administration 2.420(c)(7) and 2.420(c)(8).

Dated this 10th day of April, 2025.

Respectfully Submitted,

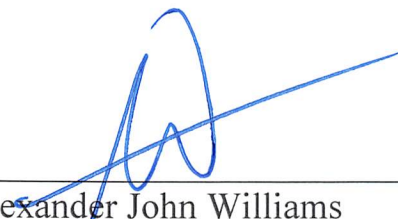


Alexander John Williams
GENERAL COUNSEL
Florida Bar No. 99225
P.O. Box 14106
Tallahassee, Florida 32317
awilliams@floridajqc.com
(850) 488-1581

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Recommendation of Suspension has been furnished by electronic service on this 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