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## **Inquiry Concerning a Judge: John R. Sloop**

**SC05-555**

>> LADIES AND GENTLEMEN.  
THE FLORIDA SUPREME COURT.  
PLEASE BE SEATED.  
>> THE NEXT CASE IN OUR  
DOCKET THIS MORNING, IS, THE  
INQUIRY CONCERNING JUDGE.  
>> MAY IT PLEASE THE COURT.  
I'M DAMON CHASE.  
THIS IS JOHN SLOOP.  
JUDGE SLOOP WILL BE COCONES  
YOU WILLING THE CASE THIS  
MORNING.  
WE'RE ON VERY NARROW ISSUE  
WHETHER REMOVAL FROM THE  
BENCH IS APPROPRIATE  
SANCTION.  
VIEWING THE COURT'S RECENT  
HISTORY WHAT YOU LOOKED AT  
APPLYING REMOVAL WE SEE A  
COUPLE OF TRENDS DEVELOPING.  
ONE, VERY DISTINCT IS THAT  
THIS COURT IS UNWILLING TO  
TOLERATE, CAMPAIGN  
VIOLATIONS.  
THAT IS CLEAR.  
THE OTHER TREND IS,  
DEVELOPING GONE BACK DECADES  
IS THIS COURT IS EXTREMELY,  
WILLING TO HELP THOSE WHO  
HELP THEMSELVES.  
THIS GOES BACK TO NORRIS IN --  
>> LIKE TO -- FACTS  
PERTINENT TO THIS CASE.  
[INAUDIBLE]  
>> I CAN HEAR YOU, YOUR  
HONOR.  
>> [INAUDIBLE].  
>> SPEAK LOUD.  
>> TRANSITION TO -- IS THAT  
HERE WAS AN AGREEMENT THAT  
MR. SLOOP NOT RUN FOR  
REELECTION AT THE END OF HIS  
TERM.  
WHAT IS THE REASON FOR THAT?  
[INAUDIBLE]

WHY WOULD THERE BE ANY, --  
[INAUDIBLE]

>> YES, MA'AM. IT'S STEPPING,  
A LITTLE BIT OUTSIDE OF THE  
RECORD TO EXPLAIN WHY THAT  
AGREEMENT CAME PASS,.  
THAT I CAN REPRESENT TO THE  
COURT, THAT, WHEN THE  
INVESTIGATION STARTED, THAT,  
IT WAS REPRESENTED BY JUDGE  
SLOOP, EVEN PRIOR TO, ANY OF  
THIS HAPPENING THAT HE HAD  
INTENDED ON RETIRING AT THE  
END OF HIS TERM ANYWAY.

>> BUT --  
[INAUDIBLE]

>> NO, MA'AM.

>> THE OTHER ISSUE IS,  
[INAUDIBLE]

>> YES, MA'AM. AND, HE'S, HE  
DOES ONLY SO ON IN FACT --

>> SEEMS TO ME THAT,  
ACKNOWLEDGEMENT THAT --  
[INAUDIBLE]

WHAT IS THE HIS POSITION FOR  
THAT?

[INAUDIBLE]

>> THERE ARE A COUPLE OF  
THINGS.

ONE, I THINK THAT, IT'S  
PRECAUTIONARY MESH SURE THAT  
WAS TAKEN BY THE CHIEF JUDGE  
WHO COMPLIMENTED JUDGE  
SLOOP'S PERFORMANCE ON  
BENCH.

PENDING OUTCOME OF  
INVESTIGATION AND THE MALT  
FINDINGS.

IT'S SIMPLY PRECAUTIONARY.  
SECONDLY IS COMPORTS WITH  
THIS COURT'S DOWNEY DECISION,  
I'M SORRY GOING TO LEE  
SEVERAL YEARS AGO, WHERE  
THIS COURT FOUND THAT, AND  
ORDERED THAT LEE STAY AND  
NOT TAKE CRIMINAL CASES.  
SO IT'S SOMETHING, THAT IS  
FOUNDED IN PRECEDENT.

>> I'M NOT TALKING ABOUT LEE.

[INAUDIBLE]

[INAUDIBLE]

>> DO YOU NOT SEE THAT AS  
PROBLEM?

>> I SEE THAT AS A VERY

LEGITIMATE ARGUMENT.

I THINK WHAT THIS CASE HAS DRAWN A LOT OF PUBLICITY IN CENTRAL FLORIDA.

THE, AND IT'S EXTREMELY SERIOUS THING THAT HAPPENED. THE THAT JUDGE SLOOP THROUGH, TWO HOURS 50 MINUTES, HE WAS INCAPABLE OF REALIZING THE GRAVITY OF NOT MAKING AN IMMEDIATE DECISION.

THAT WAS EXTREMELY VITAL BECAUSE IT ULTIMATELY RESULTED IN 11 PEOPLE HAVING TO SIT, IN A CONCRETE ROOM WITH CHAINS AROUND THEIR FEET FOR A LONG PERIOD OF TIME.

AND EVERY MINUTE, THAT WAS GOING BY, THAT HE DIDN'T MAKE THAT DECISION, IMMEDIATELY RELEASE THOSE PEOPLE WAS ETERNITY FOR THEM.

>> SEEMS TO ME THAT, SPOTLIGHT, WHY WE'RE REALLY HERE.

AND THAT IS, COULD THERE BE, A, SITUATION WHICH WOULD, CRY OUT MORE FOR, A FINDING THAT'S SOMEONE IS UNFIT TO SERVE IN JUDICIAL OFFICE WHEN THAT PERSON HAS DEMONSTRATED THAT THEY'RE GOING TO PLACE PEOPLE WHO DO NOT, BY ANY OBJECTIVE STANDARD, FROM WHAT YOU JUST SAID, BELONG IN JAIL GO PUT THEM IN JAIL?

ISN'T THAT AN ATOTALLY DEMONSTRATES THAT THAT PERSON IS NOT FIT TO WEAR A JUDICIAL ROBE?

>> PURSUANT TO THIS COURT'S, PRECEDENT, --

>> WHAT PRECEDENT?

WHICH CASE ARE YOU REFERRING TO?

>> I REFER TO WOODARD. THIS YEAR.

WOODARD INCARCERATED AN EXPERT WITNESS WHO FAILED TO APPEAR DURING THE HURRICANES OF 2003.

AND NOT ONLY DID HE SIGN THE  
WARRANT HAD HIM ARRESTED.  
WHEN HE WAS ARRESTED HE WAIT  
THE SEVEN HOURS TO HE  
RELEASE HIM.

NOT ONLY DID JUDGE WOODARD  
DO THAT, HE DID FIVE OTHER  
ACTS.

ONE ACT WHICH INCLUDED THE  
CAMPAIGN VIOLATION.

THAT WAS THIS YEAR'S THIS  
COURT'S DECISION THEN SAID  
REPRIMAND WAS APPROPRIATE  
AND GET SOME TREATMENT.

HERE WE HAVE WITH THE  
RECOMMENDATION BEFORE THIS  
COURT IS EVERY POSSIBLE,  
SANCTION THAT IS EVER BEEN  
METED OUT TO A JUDGE THAT  
FOUND ANYWAY.

>> JUDGE WOODWARD DIDN'T DO  
THIS.

OTHER JUDGES SITTING IN HIS  
OFFICE TELLING HIM, THAT  
THIS WAS WRONG AND, THAT  
THIS WAS INNOCENT MISTAKE.

THAT THEY HAD BEEN IN  
ANOTHER COURTROOM.

AND THEN, IF I UNDERSTAND IT,  
AND YOU HELP ME, NOW WITH  
REFERENCE TO THIS  
STIPULATION, RECOMMENDATIONS  
HERE, THAT, EVEN WITH HIS  
FELLOW JUDGES, TELLING HIM,  
THAT YOU CAN'T DO THIS UNDER  
THESE CIRCUMSTANCES.

THAT HE WENT FORWARD, IS IT  
11 PEOPLE THEN THAT ENDED UP  
INCARCERATED AND STRIPPED  
STRIP-SEARCHED AND, IN THIS  
JAIL SITUATION UNTIL LATE  
THAT, LATE THAT NIGHT AS A  
RESULT?

THAT IS A VERY  
DISTINGUISHING FACT FROM  
WOODARD, IS IT NOT?

>> I THINK IT'S ABSOLUTELY.

>> TO ME WITH, MAYBE IT'S  
THERE AND MAYBE I MISSED IT  
OR MAYBE IT'S NOT THERE.

THE EXPERT WITNESSES THAT  
TESTIFIED, DID THEY, COVER  
THIS SPECIFIC SITUATION?

THAT IS THAT, IN THE

CRIMINAL COURTS, FOR INSTANCE, WE MANY TIMES, SEE, CRIMINAL DEFENDANTS, THAT MAKE PLEA WITH REFERENCE TO THEIR MENTAL CONDITION. AND TRIAL COURTS ROUTINELY, REJECT THOSE CONTENTIONS IN SAYING NO, YOU MAY HAVE SOME LIMITATIONS WHATEVER KIND OF THING BUT WE KNOW YOU'RE STREET SMART OR WHATEVER THE THING IS.

AND CASE AFTER CASE, THOSE CLAIMS, THAT, SOME MENTAL PROBLEMS MADE ME DO IT OR WHATEVER ARE REJECTED. HERE DEAL SPECIFICALLY WITH THE SITUATION THAT JUDGE SLOOP FACED, WITH HIS FELLOW JUDGES ACROSS THE DESK OR TABLE OR WHATEVER WITH HIM, LAYING OUT FOR HIM, JUST HOW WRONG THIS WAS AND THEN, HIM, GOING AHEAD IN THE FACE OF THAT?

DID THE MENTAL HEALTH EXPERTS THAT TESTIFIED ON HIS BEHALF, DEAL WITH THAT EXPRESS SITUATION?

>> I SUBMIT THEY DID, IN THE FORM OF LAYING OUT, THE, SYMPTOMS OF THE DISORDER. WHAT HAPPENED WAS, IT'S NOT IN ANY WAY TO MITIGATE THE ACT ITSELF, AND IT SHOULDN'T AND, BUT IT DOES GO TO MITIGATE THE SANCTION. AND IN THIS CASE, THE THREE, ALL THREE OF THE EXPERTS THAT TESTIFIED, EVEN THE EXPERT THAT TESTIFIED ON BEHALF OF THE PROSECUTION IN THIS CASE, AGREED THAT THERE WAS MERIT TO THE, CLAIM OF THE DISORDER.

AGREED TO THE SYMPTOMS OF THE DISORDER WHICH WOULD EXPLAIN WHY SOMEONE WOULD FAIL TO RECOGNIZE THE GRAVITY OF THAT SITUATION.

>> LET'S UNDERSTAND THE FACTS THAT WE'RE DEALING WITH.

THIS WAS A RELATIVELY NEW

COURTHOUSE, WAS IT NOT?

>> YES, SIR.

VERY NEW.

>> AND, JUDGE SLOOP WAS IN  
COURTROOM 1-A?

>> YES, SIR.

>> THERE WAS ANOTHER  
COURTROOM.

>> 1-B.

>> ADJACENT, 1-B.

11 CITIZENS RESPONDED TO THE  
COURTHOUSE BUT SOMEHOW FOUND  
THEMSELVES IN 1-B NEXT DOOR.

>> YES, SIR.

>> AND, THE PROCEEDINGS  
BEFORE JUDGE SLOOP ACTUALLY  
TERMINATED EVEN BEFORE NOON  
DID THEY NOT?

>> YES, SIR.

>> AND, THIS JUDGE, WAS TOLD,  
WHILE HAVING LUNCH OR  
SOMETHING, OF WHAT OWE.

>> YES.

>> EXACTLY?

THOSE PEOPLE WERE THERE.  
HAD RESPONDED ACCORDING TO  
LAW TOLD THEM.

>> YES, SIR.

>> AND, THE JUDGE SAID,  
COURT'S OVER.

IS THAT THE RESPONSE?

AND THEN, LATE EARLY, OTHER  
JUDGES AND BAILIFFS, EVEN, I  
MEAN TOOK IT THEMSELVES, TO  
COME TO HIM, AND EXPLAIN THE  
CIRCUMSTANCES.

APPARENTLY HE DIDN'T CARE.

AND AS A RESULT, WE HAD 11  
FLORIDA CITIZENS, PLACED IN  
A BOX.

YOU DESCRIBED IT.

IN CHAINS.

>> YES, SIR.

>> UNTIL 9:00 AT NIGHT.

>> YES, SIR.

>> ARE THOSE THE FACTS?.

>> THOSE ARE THE FACTS SIR.

>> COULD BE ANYMORE  
EGREGIOUS IN THIS COUNTRY  
BUILT ON FREEDOM AND LIBERTY  
TO LOCK PEOPLE UP FOR THAT  
PERIOD OF TIME?

>> I WOULD DEPART FROM THE  
FACT ON POINT.

EVERYTHING YOU SAID WAS  
CORRECT EXCEPT THE POINT HE  
DIDN'T CARE.

>> LET ME ASK YOU THAT THEN.  
DID HE DO ANYTHING IN  
RESPONSE WHEN THE JUDGES AND  
BAILIFFS RELATED TO HIM THE  
TRUE FACTS?

DID HE DO ANYTHING TO REMEDY  
THE SITUATION AND TO FREE  
THE FLORIDA CITIZENS?

>> KNOWS.

HE PROCRASTINATED.

>> YOU KNOW, WHAT CONCERNS  
ME ABOUT THIS IS THAT, EVEN,  
THE, MEDICAL EXPERTS WHO,  
TESTIFIED AT THIS HEARING,  
STILL HAVE SOME CONCERNS.

AS I READ THIS, TESTIMONY,  
DR. DAY SAYS THAT DESPITE  
THIS TREATMENT, THAT,  
MR. SLOOP STILL, HAS SOME  
ANGER PROBLEMS AND THAT  
ANGER IS STILL A PREDOMINANT  
FEATURE OF HIS PERSONALITY.

AND, EVEN ONE OF HIS OWN  
EXPERTS SAYS, IN ESSENCE,  
WHAT I THINK HE'S SAYING IS  
THAT, WHILE, WHEN HE IS  
TRYING TO, REMAIN CALM, AND  
NOT GIVE IN TO THIS ANGER,  
THAT, THAT ITSELF, PUT AS  
LOT OF STRESS ON HIM.

AND SO, I'M CONCERNED, THAT,  
YOU KNOW, EVEN WITH THIS  
TREATMENT, THAT WE'RE, THAT  
WE STILL HAVE THESE ANGER  
PROBLEMS.

>> I THINK IT'S A GENUINE  
CONCERN.

BUT WE LOOK AT THE,  
TESTIMONY OF THOSE EXPERTS.  
THEY ALSO SAID THAT THE  
ANGER, ACTING ON IMPULSE WAS  
SYMPTOMATIC OF THE DISORDER.  
AND THERE IS ALSO ABUNDANT  
TESTIMONY OVER THE TWO YEARS  
HE'S BEEN UNDER THIS  
TREATMENT THAT HE'S ACTED  
EXCEEDINGLY POLITE.

HE BELIEVE IS WHAT ONE  
LAWYER SAID WHO PRACTICES IN  
FRONT OF HIM REGULARLY.

>> I SEE DOCTOR TRE IS

SSLER'S TESTIMONY ALMOST SAYING WE'VE GOT A LIGHTED KEG HERE.

BECAUSE WHEN HE'S TRYING TO CONTROL THIS, THAT, THAT PRODUCES OTHER STRESSES. AND SO, IS THAT IS PART THE PART THAT REALLY CONCERNS ME ABOUT WHETHER OR NOT JUDGE SLOOP IS STILL, IS FIT TO CONTINUE IN OFFICE.

>> JUSTICE, HE CONTINUES, EVERY SINGLE DAY THAT HE WORKS, WITH THE PIP CASES TESTIMONY AND RECORD THAT IS HIGHLY CONTENDING SCHUSS AND OFTEN FRUSTRATING TO JUDGES. THERE IS OFTEN ANGER IN THE COURTS.

I SUBMIT THERE IS PROBABLY NOT A LAWYER IN THE ROOM WHO DOESN'T HAVE SOME STORY --

>> TELL US WHAT HE DID TO MAKE AMENDS FOR THIS AFTER IT HAPPENED?

>> HE APOLOGIZED INITIALLY AFTER THE, FIRST THING THAT WHEN HE WENT INTO THE, TO THE CONFERENCE WITH JUDGE PERRY ON THE FOLLOWING MONDAY AND PERRY MENTIONED TO HIM WHAT'S WRONG WITH YOU? THEN THAT'S WHEN HE STARTED TO TAKE THE INWARD LOOK. HE DISCUSSED.

HE WENT OUT, HE SAUT TREATMENT.

HE GOT TREATMENT.

HE GOT ON A RADIO SHOW AND APOLOGIZED TO THE PEOPLE.

HE APOLOGIZED.

HE APOLOGIZED TO, A COUPLE OF PEOPLE THAT CAME IN DEPOSE.

HE WANTS TO APOLOGIZE --

>> DID HE EVER IN OTHER WORDS, FIRST THING YOU WOULD THINK HAPPEN HE WOULD SAY, GIVE ME THE NAMES AND ADDRESSES OF THESE PEOPLE, THAT I HAVE WRONGFULLY AND, IMPRISONED AND CAUSED THIS HARM.

AND, LET ME GET A HOLD OF

THEM IN SOME WAY.

DID HE DO THAT?

>> I KNOW THAT THERE IS SOMETHING IN THE RECORD, MARK LUBET SITTING ON THE CIRCUIT BENCH IN ORANGE COUNTY, WAS, REPRESENTING JUDGE SLOOP DURING THE TIME THAT WAS DISCUSSION WHETHER OR NOT HE SHOULD DO THAT.

>> WHAT DID HE DOUGH?

>> DID HE DOUGH THAT?

>> HE SAUT TREATMENT.

HE GOT HELP.

HE PUBLICLY APOLOGIZED ON RADIO.

>> SO YOU'RE TELLING ME NO, HE DID NOT ASK FOR A LIST OF THE NAMES AND ADDRESSES OF THOSE CITIZENS AND THEN CONTACT THEM WITH HIS PERSONAL APOLOGY?

>> THAT IS CORRECT, SIR.

>> LET ME ASK YOU A QUESTION, BECAUSE JUSTICE, CHIEF JUSTICE WAS ASKING QUESTIONS ABOUT WHAT HAPPENED ON THAT DAY.

AND I WANT TO, MAKE SURE THAT I KNOW WHAT JUDGE SLOOP KNEW AT THE TIME THAT THESE EVENTS WERE HAPPENING.

I KNOW THAT HE ORDERS THE ARREST OF THE 11 CITIZENS.

WHAT DID KNOW ABOUT HOW THEY WERE ARRESTED, CIRCUMSTANCES DID KNOW THEY WERE SHACKLED?

DID KNOW THAT THEY WERE HANDCUFFED FOR 11 HOURS.

DID KNOW THAT THEY WERE STRIP-SEARCHED.

WHAT DID KNOW ABOUT THOSE CIRCUMSTANCES.

>> THANK YOU FOR THE QUESTION.

HE DIDN'T KNOW IT.

MOST OF THOSE THINGS YOU MENTIONED HE DIDN'T KNOW ABOUT.

THE RECORD BASE THAT OUT.

IT'S IMPORTANT TO TAKE IT INTO CONTEXT NOT MITIGATE THE ACTION AT ALL.

THAT WEEK, IT WAS A NEW

COURTHOUSE.

JUDGE SLOOP TESTIFIED, THAT  
WHAT HE WAS TRYING TO DO WAS  
GET IN LINE AND BE UNIFORM  
WITH WHAT THE OTHER JUDGES,  
OTHER COUNTY JUDGES WERE  
DOING WAS, THAT IF YOU COME  
IN LATE, THEN, YOU  
AND SO THAT WAS THE -- HE  
JUST STARTED DOING THAT THAT  
WEEK.

>> TESTIMONY OTHER JUDGESEN  
THIS HE COURT PLOWS DOING  
THAT?

>> YES, SIR.

[LOW AUDIO]

>> NO.

[LOW AUDIO]

>> THAT IS THE TESTIMONY.  
THE OTHER JUDGES PRIOR TO  
AND INCLUDING THAT WEEK  
JUDGE SLOOP WAS TRYING TO  
GET IN LINE WITH THOSE  
JUDGES WAS THEIR POLICY WAS  
IF YOU ARE LATE FOR THOSE  
HEARINGS, THEN A WARRANT IS  
ISSUED.

[LOW AUDIO]

>> YES, MA'AM.

>> AT THAT POINT --.

[LOW AUDIO]

>> YES, MA'AM.

[LOW AUDIO]

ALL WERE ACTUALLY, I  
THOUGHT, HE GUESS ON --.

[LOW AUDIO]

HE GUESS ON AND TWO HOURS  
LATER THAT ARREST WARRANT

--.

[LOW AUDIO]

>> THAT IS RIGHT NEXT DOOR.

>> RIGHT NEXT DOOR.

HE JUST GUESS ON.

>> IN RESPONSE EXACTLY WHAT  
HE KNEW AND WHEN HE KNEW IT.  
HIS SESSION ENDED AT 11:00  
SOMETIME 20 MINUTES AFTER  
11:00, THE DEP THAT I  
NORMALLY WORKS WITH HIM AND  
SAID SOME OF THE PEOPLE WHO  
WE ISSUED WARRANTS ON ARE  
DOWN IN THE COURTROOM NOW.  
HE SAID CONSISTENT WITH WHAT  
THE NEW POLICY WAS THAT

WEEK.  
THE WARRANTS HAVE BEEN  
ISSUED.  
ABOUT TEN MINUTES AFTER  
THAT, ANOTHER BAILIFF COMES  
TO HIM AND SAYS THAT THOSE  
PEOPLE WERE ON THE WRONG  
COURTROOM.  
HE SAID THAT THE WARRANTS  
HAD BEEN ISSUED.  
THEN HE GOES TO LUNCH.  
HE COMES BACK.  
IT WAS AT THAT POINT THAT  
THE OTHER COUNTY JUDGES CAME  
TO HIM JUST BEFORE OR JUST  
AROUND 1:00 AND SAID THEY  
PRN THE WRONG COURTROOM.  
>> WERE THEIR OTHER WARRANTS  
THAT WERE ACTUALLY SERVED  
OTHER THAN THESE 11 PEOPLE  
AND PEOPLE ACTUALLY TAKEN  
INTO CUSTODY ON THE BASIS OF  
THOSE PAR WARRANTS?  
>> THERE WERE OTHER WARRANTS  
ISSUED THAT WEEK.  
>> PEOPLE TAKEN INTO  
CUSTODY?  
>> YES.  
>> THAT WERE PRESENT IN THE  
COURTROOM?  
>> I DON'T THINK THE  
TESTIMONY SAYS.  
NO, SIR, THE DM SAY THAT.  
>> LET ME ASK THIS QUESTION:  
WERE THESE PEOPLE TREATED  
DIFFERENTLY THAN OTHER  
PEOPLE ARRESTED IN THAT  
COMMUNITY?  
>> YES, SIR.  
>> THEY WERE TREATED HARSHLY?  
EYE SHOULD SAY NO, SIR,  
CERTAINLY NOT ANY ORDER OF  
THE JUDGE.  
THERE WAR, A LOT OF THIS IN  
THE RECORD, IT IS PUBLIC  
KNOWLEDGE, A LOT OF THE  
ACTIONS THAT HAPPENED WERE  
OUTSIDE OF THIS POLICY OF  
THIS JAIL.  
THE FACT IT TOOK SO LONG.  
>> I AM ASKING ABOUT PEOPLE  
BEING ARRESTED AND TAKEN TO  
BE INCARCERATED WERE THESE  
PEOPLE DEALT WITH

DIFFERENTLY THAN OTHER  
PEOPLE WHO WERE ARRESTED AND  
TAKEN INTO THAT FACILITY?

>> THE SHORT ANSWER IS NO.

>> WELL, THEN, WHY ARE YOU  
TRYING TO EXPLAIN?

THIS PERSON HAD BEEN A JUDGE  
FOR HOW LONG?

>> 16 YEARS.

>> HE DIDN'T KNOW THIS IS  
WHAT HAPPENED WHEN YOU ARE  
ARRESTED AN TAKEN TO THAT  
JAIL?

>> I AM SURE HE DID.

TALKING ABOUT WHAT HE KNEW  
AND WHEN HE KNEW IN RESPONSE  
TO JUSTIN PARIEN TE  
QUESTION.

>> I FIND THAT DISINGENIUS.

HE DOES KNOW WHAT HAPPENS  
WHEN CITIZENS IN THAT  
COMMUNITY ARE ARRESTED AND  
WHAT THEY THEIR FATE IS TO  
SAY THAT HE DID NOT KNOW  
AFTER A JUDGE FOR 16 YEARS,  
I FIND VERY DIFFICULT TO  
DEAL WITH.

>> I AM NOT SURE IF -- IF I  
SAID HE DIDN'T KNOW WHAT WAS  
HAPPENING TO THEM, IF I SAID  
THAT, THEN I MISSPOKE.  
I SINCERELY APOLOGIZE.

WHAT I WAS TRYING TO EXPLAIN  
AND GIVE A TIME LINE AS TO  
WHAT THE TESTIMONY SAYS WHAT  
HE KNEW AND WHEN HE KNEW IT.

>> DID HE KNOW THEY WERE  
ARRESTED?

>> YES.

>> LET ME ASK THIS YOU -- I  
HAVE ANOTHER ONE OF MY  
CONCERNS HERE IS THAT JUDGE  
SLOOP HAD BEEN WARNED AT  
LEAST THREE OTHER TIMES  
ABOUT HIS CONDUCT AN DISPLAY  
OF A GIN THE COURTROOM AND  
THOSE KIND OF THINGS.  
NOW HE HAS THIS SITUATION  
AND HE HAS GONE AND GOTTEN  
HELP.

WHAT DID HE DO AFTER THESE  
PREVIOUS WARNINGS TO GET ANY  
KIND OF HELP FOR HIS ANGER  
MANAGEMENT PROBLEM OR

WHATEVER THE SITUATION MIGHT BE?

DID HE DO ANYTHING IN REGARDS TO THOSE WARNINGS AT THAT TIME?

>> IT WAS NOT ANYTHING PROFESSIONALLY.

THE TIME HE GOT THE WARNINGS, HE -- THE SELF-HEALING KIND OF A THING, WHERE HE -- THE FIRST TIME HE GOT WARNINGS BACK IN 1991.

HE CONTROLLED HIS TEMPER FOR THE NEXT TEN YEARS BEFORE ANYTHING CAME UP AGAIN. THEN IT STARTED COMING UP AGAIN.

THE WARNINGS PRIOR IT TO, AGAIN, GOING BACK TO PRECEDENT, THIS COURT IN 2000, THE SCHWARZ CASE ALSO, THE SAME THING, HAD BEEN WARNED LEE TIMES, AND THEN CONTINUED THE ACTIVITY AND GOT ARRESTED.

>> I UNDERSTAND THE SCHWARZ CASE, BUT THAT WAS NOT A CASE WHERE CITIZENS WERE ARRESTED AS A RESULT OF THE PROBLEM THAT THE JUDGE HAD.

>> ABSOLUTELY AGREE WITH THAT.

>> YOU ARE INTO YOUR TIME IF YOU WANT TO --

>> I WILL RESERVICE THE REST OF MY TIME.

I WILL RESERVE THE REST OF MY TIME.

>> YOU USED UP ALL OF THE TIME.

>> MAY IT PLEASE THE COURT.

LAURI WALDMAN ROSS ON BEHALF OF THE JUDICIAL

QUALIFICATIONS COMMISSION.

I WOULD LIKE TO GO THROUGH THE TIMELINE AND EXACTLY WHAT OCCURRED BECAUSE IT WAS VERY METICULOUSLY LAID OUT IN THE COURT BELOW.

CERTAINLY.

[LOW AUDIO]

>> ABSOLUTELY.

>> I HAVE TO REPRESENT THE WAY THE RULES ARE SET UP.

ONCE THE HEARINGS, I  
REPRESENT THE ENTIRE AND  
THEREFORE THE HEARING PANEL  
AND THE INVESTIGATIVE PANEL  
SPEAK WITH ONE VOICE.

[LOW AUDIO]

>> THAT IS CORRECT.

HOWEVER, THAT IS WHERE I  
THINK IT IS YOUR COMMISSION,  
YOUR COMMISSION AND YOU HAVE  
SAID TO YOUR COMMISSION THAT  
THE PRIMARY RESPONSIBILITY  
OF THE COMMISSION AND THIS  
COURT HAS GOT TO BE TO THE  
PUBLIC AND THE

ADMINISTRATION OF JUSTICE.

I AM HERE TO ANSWER WHATEVER  
QUESTIONS AND CONCERNS YOU  
HAVE.

[LOW AUDIO]

[LOW AUDIO]

BETTER NOT PUT HIM ON THE  
CRIMINAL BENCH BECAUSE WHO  
KNOWS WHAT HE MIGHT DO  
THERE.

ALMOST SOMEBODY READY TO  
IGNITE DOESN'T TAKE HIS  
MEDICATION ONE DAY.

>> THE ANSWER TO YOUR  
QUESTION IS NO YOU ARE NOT  
STUCK, IF I MIGHT EXPLAIN.  
THAT IS WHY I SAY I AM HERE  
TO ASSIST THE COURT.

>> THANK YOU.

>> UP UNTIL THE 1996  
CONSTITUTIONAL REVISION,  
THIS COURT HAD ALWAYS HAD  
THE AUTHORITY TO MODIFY  
PUNISHMENT DOWNWARD, THAT  
WAS ITS POSITION.

IT NOT ONLY USED IT.

IT HAD DONE IT INITIALLY.

1975 BEGINNING WITH THE  
DECAL CASE WHERE A JUSTICE  
OF THIS COURT USED MEM HE O  
HE IN ORDER TO PREPARE AN  
OPINION UNDISCLOSED.

WAYS RECK MENDED THAT THE  
JUDGE JUSTICE BE REMOVED  
FROM OFFICE BY THE  
COMMISSION.

IN FACT, AT THE TIME, IN  
1975 CONSTITUTION SAID IT  
HAD TO BE WILLFUL OR

PERSISTENT FAILURE AND DUTIES IN OFFICE, THEREFORE, THIS COURT DOWNGRADED THE RECOMMENDATION OF REMOVAL TO A PUBLIC REPRIMAND, SUBSEQUENT TO THAT, THE COURT DOWNRAIDED A REMOVAL RECOMMENDATION BY SAYING THAT THE 1976 REVISION THE COON CITY STUTION WHICH CHANGED AND SAID IT IS NO LONGER WILLFUL OR PERSISTENT FAILURE BUT NOW NOT REQUIRED, IT WOULD NOT BE APPLIED RETROACTIVELY. IN 1994, THE COURT ALSO DOWNGRADED JUSTICE, JUDGE DAVEY FROM A RECOMMENDATION OF REMOVAL TO A PUBLIC REPRIMAND. THEN, IN THE FOULER CASE, THIS COURT EXPRESSLY HELD IN A FOOTNOTE THAT ALL IT COULD DO ON PUNISHMENT WAS EITHER APPROVE THE RECOMMENDATIONS OF THE COMMISSION, OR DOWNGRADE AND MITIGATE. THEN, WE HAVE THE 1996 CONSTITUTIONAL REVISION, THAT CONSTITUTIONAL REVISION SAID THE COURT COULD APPROVE, REJECT, OR MODIFY IN FULL OR IN PART ANY PORTION OF DISCIPLINE BY THE COMMISSION. THAT COULD ONLY MEAN A MODIFICATION UPWARDS BECAUSE THE COMMISSION COULD ALWAYS MODIFY DOWNWARDS AND THIS COURT RECOGNIZED IT. SO THE UNIQUE SITUATION WE ARE IN, THAT MAKES THESE PROCEED DOINGS DIFFERENT FROM ALL OTHER PROCEEDINGS BEFORE THE COURT, AND WHICH MAKES YOU THE FINAL ARBITOR AND BECOME EVEN MORE IMPORTANT WITH REGARD TO DISCIPLINE IS THE FLORIDA BAR CASE, BAR COUNSEL HAS THE RIGHT OF APPEAL. AND I THINK IT IS IMPORTANT TO THIS COURT TO UNDERSTAND SPECIAL COUNSEL HAS NO RIGHT

OF APPEAL OF ANY  
RECOMMENDATIONS THAT IS  
DETERMINED BY ADMISSION.  
WE'RE REPRESENTING THE  
COMMISSION.  
THEREFORE YOUR  
RESPONSIBILITY BECOMES EVEN  
MORE IMPORTANT BECAUSE I CAN  
NOT APPEAL.  
THE INVESTIGATIVE PANEL FELT  
STRONGLY THAT THIS CASE WAS  
A REMOVAL CASE.

>> THEIR DESCENT ON THE  
HEARING PANEL?

>> THERE IS NO WAY TO KNOW  
THAT OFF BECAUSE THE ONLY  
THING THAT THEY EVER PUT IN  
THE REPORT UNLESS IT IS  
UNANIMOUS IS BY A VOTE OF  
THE REQUIRED TWO-THIRDS OF  
THE COMMISSION.

>> OKAY.

>> WOULD INDICATE, IT WOULD  
INDICATE TO ME IF YOU READ  
IT AS OPPOSED TO THE LENGTHY  
DECISION WHICH WAS UNANIMOUS  
THAT THERE WAS SOME PEOPLE  
THAT DIDN'T GO LONG BECAUSE  
IT SIMPLY SAYS THAT THEY MET  
THE TWO-THIRDS REQUIREMENT.

>> I AM A LITTLE CONCERNED  
WITH INITIAL STATEMENT THAT  
THIS COMMISSION IS OUR  
COMMISSION.  
BECAUSE THIS IS A SEPARATE

--

>> IT IS AN ARM OF THE  
COURT.

>> IT IS SEPARATE  
CONSTITUTION.

>> ABSOLUTELY.

>> CREATED BODY.  
THAT IS RIGHT.

>> THIS COURT, AS LONG AS I  
HAVE BEEN HERE, HAS NEVER,  
NEVER TINKERED WITH OR  
SUGGESTED OR EVEN DEALT WITH  
THAT COMMISSION OTHER THAN  
IN PUBLIC AND IN THE DIRECT  
PRESENCE AND IN AN ARGUMENT  
IN THE COURTROOM.

>> THAT IS 100% WRONG.

I MEAN, THAT IS 100% RIGHT  
-- I MISSPOKE IF I INDICATED

ANYTHING TO THE CONTRARY OF THAT BECAUSE IT IS AN INDEPENDENT COMMISSION; HOWEVER, IT IS AN ARM OF THE COURT OF A FACT-FINDING BODY BECAUSE AN APPELLATE COURT DOES NOT SIT AS FACT FINDING BODY.

>> THIS COURT REALLY ACROSS THE BRIDGE IN REINKE INCOMING TO THE CONCLUSION THAT IT IS COULD REMOVE A JUDGE EVEN WITHOUT THE RECOMMENDATION.

>> CORRECT.

>> TO DO IT.

>> THAT IS RIGHT.

>> THAT IS WHERE WE ARE TODAY.

>> AND THAT IS WHERE WE ARE TODAY, AND THAT IS THE POINT THAT I WAS TRYING TO MAKE, AND THAT IS WHY IT BECOMES EVEN MORE IMPORTANT THAT YOU RECOGNIZE THAT THERE IS NO APPEAL OF A SPECIAL COUNSEL.

>> SO GETTING BACK TO THIS CASE.

WHAT WERE THE CIRCUMSTANCES THAT THE HEARING PANEL DETERMINED MADE THIS NOT A REMOVAL CASE AND MADE IT RECOMMEND INSTEAD REPRIMAND AND ALL THE OTHER THINGS?

>> THAT THE HEARING PANEL REALLY JUDGE ALL OF THE FACTS OF THE CASE WERE AGREED.

I WAS TRIED THAT WAY, BUT THE UNDERLINING FACTS WERE AGREED AND THERE WAS NO DISPUTE AS TO THEM.

WHAT JUDGE SLOOP DID WAS HE BASICALLY THREW HIMSELF ON THE MERSE YIF THE COMMISSION AND SAID I WILL ACCEPT ANYTHING SHORT OF REMOVAL. THE COMMISSION SAID, WELL, AT THIS POINT, HE IS GONE THROUGH ALL OF THE EFFORTS, THE DIAGNOSIS IS ADHD, AND, THEREFORE, WE FIND, HE WAS SUFFERING FROM, IT WAS LEGITIMATE ILLNESS,

THEREFORE, WE FIP THIS IS  
NOT A REMOVAL CASE.

>> LET ME ASK YOU THIS ABOUT  
THE TESTIMONY ON THAT  
BECAUSE NORMALLY WHEN I  
FIRST READ THIS, I WAS  
SKEPTICAL THAT THE JUDGE IS  
NOW CLAIMING FOR THE FIRST  
TIME ADHD MADE ME DO IT KIND  
OF A THING.

A RIGHT.

>> WAS THEIR EXPERT  
TESTIMONY PRESENTED THAT THE  
ADHD WAS A FACTOR IN HIS  
CONDUCT?

>> THE ADHD, HE WAS  
DEFINITELY SUFFERING FROM.  
WITH REGOORLD THE EFFORT AND  
I WOULD REFER TO YOU PAGE  
211 OF HIS TESTIMONY OF HIS  
OWN PSYCHIATRIST.

HIS OWN PSYCHIATRIST SAID  
THAT IT WAS IMPULSIVE ACTION  
INITIALLY, BUT SHE WAS  
UNAWARE AND THIS IS HER  
TESTIMONY, THE MORE TIME  
THAT GOES BY ALLOWING A  
PERSON TO DELIBERATE, THE  
MORE IT CAN BE ATTRIBUTABLE  
TO CONSCIOUS ACTION AND NOT  
IMPULSEIVE ADHD.

THE CORE RUCT TRUTH, IN THE  
INSTANCE, WERE YOU NOT AWARE  
OF THE FACT THAT TWO JUDGES  
CAME TO HIM AT 1:15 THAT  
AFTERNOON AND ALSO TOLD HIM  
THIS WAS PROBLEM, ARE  
CORRECT?

CORRECT.

I WAS NOT AWARE OF THAT.

OKAY?

THAT IS WHAT SHE IS  
TESTIFYING TODAY THEN WE GO  
TO AND THESE ARE THE FACTS  
THAT ARE OMITTED AN FROM THE  
PANEL OPINION, THE HEARING  
PANEL'S OPINION IS NONE OF  
JUDGE SLOOP'S COMMENTS MAKE  
IT TO THE REPORT.

AND WHAT IS ALSO OMITTED IS  
THE COMMENTS THAT HE WAS  
EXPRESSLY TOLD.

AT 11:15-11:30, THE SECOND  
BAILIFF TOLD HIM.

THIS IS THE BAILIFF IN JUDGE ERIKSSON'S COURTROOM, THAT HE HAD SEEN THE PAPERWORK, THE JUDGE SHOULDN'T ISSUE THE WARRANT, THE JUDGE'S RESPONSE WAS -- THAT IS A PROBLEM SINCE THE WARRANTS WERE ALREADY ISSUED. HE HAD NO REASON TO DOUBT MR. HART MACHINE'S TESTIMONY OR SHERIFF HARTMAN'S TESTIMONY, BUT HE ALSO SAYS IT IS THEIR RESPONSIBILITY TO BE ON THE RIGHT PLACE AT THE RIGHT TIME. SO THEN WHEN THE TWO JUDGES COME TO HIM, THEY CAN'T REACH HIM. HE LEFT THE COURTHOUSE. LET'S GO BACK TO THIS ISSUE. BECAUSE AT THE TIME THAT HE ISSUED THE ARREST WARRANT WHICH AT THE END OF THE SESSION, 11:00, IS THERE ANYTHING WRONG WITH HE THOUGHT AT THAT TIME, THEY HAD NOT SHOWN UP WITH ACTUALLY YOU ISSUING THE ARREST WARRANTS? >> NO, THERE IS NOTHING WRONG WITH THAT FACT. THE PROBLEM COMES IN AFTER HE IS TOLD, THE FIRST BAILIFF COMES UP AND SIMPLY TELLS HIM, PEOPLE ARE LATE TO THE COURTROOM. HE DOES NOTHING. ADMITTEDLY DOES NOTHING. IF THEY ARE LATE, THEY ARE LATE. >> RIGHT. ARE YOU SAYING THEN THAT IT REALLY, IN THE SITUATION, UNLIKE MAYBE WHEN HE WAS DEALING WITH MISS MCCANO IT HARDLY LOOKED LIKE SITUATION OF ADHD, IT LOOKED LIKE A JUDGE, WE UNFORT HIT I SEE THE JUDGES GET THE BLACK ROBE SIN DOM OF SOMEONE WHO IS RUDE, ABRUPT, ABUSIVE, WAS THAT LINKED TO HIS, THIS ADHD? >> WELL, IN FACT, WHAT HIS

PSYCHOLOGIST DR. TRESSLER TESTIFIED TOO THAT MERKANO WAS NOT THE ANGER AT ALL. THE JUDGE ADMITTED AN DR. DTRESSLER TESTIFY THIS WAS THE WAY OF GETTING COMPLIANCE OF A LITIGANT WHICH IS SOMETHING HE WANTED TO DO.

HE WAS SUSTAINING ANGER IN ORDER HERB TO GET THE LITIGANT TO COMPLY THAT IS WHAT THE DOCTOR SAYS THIS IS POOR JUDGMENT.

THIS IS STRATEGIC PLANNING IS HOW HIS PSYCHOLOGIST TESTIFIED TO.

>> OKAY.

THE INITIAL ARREST WAS NOT WRONG.

HE THEN HAD AGAIN IS TOLD ON TWO DIFFERENT OCCASION IN A NON-STRESSFUL ENVIRONMENT, THAT IS HAVING LUNCH OR WHATEVER HE WAS DOING, THAT HE WAS NOT WORKING IN TRADITIONAL MATTERS.

>> RIGHT.

>> ABOUT WHAT HAD HAPPENED. ARE YOU SAYING NONE OF THE PSYCHIATRIST TESTIFIED THAT THAT WILLFUL CONDUCT WAS A RESULT OF A UNDERLINING PSYCHOLOGICAL DISORDERER?

>> NO, I AM NOT SAYING THAT. WHAT THEY SAID IS ADHD KEEPS YOU FROM FROM FOCUSING, HE MAY HAVE HEARD THEM TALKING, BUT HE REALLY WASN'T PAYING ATTENTION.

AND THAT, THAT IS WHAT THE DEFENSE WAS IN THIS CASE, THAT THEY MAY HAVE SAID THOSE THINGS AND IN FACT JUDGE SLOOP DENIED EVERYBODY SAID THOSE THINGS AND THAT HE RESPONDED THAT WAY, BUT ADHD PREHE VENTED HIM FROM FOCUSING ON WHAT PEOPLE WERE TELLING HIM.

>> WELL, IF THAT IS THE CASE, IF THAT IS THE RIGHT DEFENSE, THEY MAYBE HE SHOULDN'T BE A JUDGE FOR

THOSE REASONS.

>> YOU KNOW WHAT?

DR. TRESSLER SAID, IF YOU LOOK AT DR. TRESSLER'S CROSS EXAMINATION, HE SAID THAT JUDGE SLOOP WOULD HAVE TO HAVE A DIFFERENT TEMPERAMENT.

I MEAN, IF YOU LOOK IN ORDER FOR HIM TO SUCCEED AND CONTINUE TO SUCCEED AS A JUDGE, HE WOULD HAVE TO HAVE A DIFFERENT TEMPERAMENT.

>> THIS IS -- I MEAN, THIS IS ELEMENT FUNDAMENTAL PROBLEM THAT WE HAVE, YOU KNOW, ABOUT, AGAIN, THE COURT IS TAKING SENSITIVE ISSUES IN MENTAL ILLNESS AN PERSONALITY DISORDERS AND SEE IT IN DIFFERENT WAY, WE SEE DEFENDANTS WHO END UP WITH HAVING COMMITTED CRIMES AND ADHD, I AM CONCERNED AND AGAIN GOING BACK TO IF WE ACCEPTED THE HEARING PANEL'S RECOMMENDATION, FIRST OF ALL, IT DOESN'T SEEM TO BE A PROVISION LIKE WE HAD IN DOWNING THAT ANY SLIP, ANY MISSTEP WHERE A LITIGANT REPORTS INTEMPER ANT BEHAVIOR WOULD BE AUTOMATIC GROUNDS WOULD THAT BE CONSIDERED ALMOST LIKE A CONTINUING PROBATION FOR THIS JUDGE?

>> NO.

AND DOWNING, YOU MAY REMEMBER, WAS A STIPULATION WITH THE JUDGE.

THIS WAS NOT A STIPULATION.

> WHAT WE HAVE ASSUMING WE WENT SHORT OF REMOVAL. DO WE HAVE THAT AUTHORITY TO IMPOSE WHAT IT WOULD REALLY BE AN ONGOING PROBATION FOR A PERIOD OF TIME TO HAVE REPORTS ON HIS DAY-TO-DAY ACTIVITIES.

>> ABSENT IN AGREEMENT, I DON'T KNOW THE ANSWER. I THINK THAT THE ANSWER IS, I THINK YOU HAVE THE RIGHT TO IMPOSE CONDITIONS ON HIS

CONDITION, ON HIS ABILITY TO SERVE AND THAT WOULD BE MODIFICATION.

>> ALL RIGHT.

THEN THE OTHER ISSUE I HAVE IS THAT THIS IDEA THAT SOMEHOW, AND THIS DOES BOTHER ME, HE DOES OKAY IN THE CIVIL COURTROOM, BUT NEVER OKAY IN THE CRIMINAL COURTROOM.

HE IS A FORMER PROSECUTOR. HE GOT UNIFORMLY LOW MARKS FROM DEFENSE LAWYERS AND MY QUESTION TO YOU IS:

WAS THERE ANY TESTIMONY THAT WOULD SEEM TO INDICATE THAT RATHER THAN ALL OF THIS BEING A PRODUCT OF UNDERLINING MENTAL DISORDER, THIS IS SIMPLY A PERSON THAT NOT ONLY REALLY ISN'T FIT TO BE A JUDGE, BUT ACTUALLY HAS A BIAS AND IN CRIMINAL MATTERS AGAINST THOSE THAT ARE DEFENDANTS?

>> YES AND NO.

THERE WAS TESTIMONY FROM THE TREATING DOCTOR THAT HIS -- WHAT HE DID SHOWED A LACK OF JUDGMENT.

IT SHOWED POOR PERSONALITY SKILLS ON HIS PART, BUT THERE WAS NO WITNESS WHO FIREFIGHTERED TESTIFIED THAT HE WAS, IN FACT, BIAS --

>> AGAINST ACCEPT THAT WE KNOW THAT THE POLLING HAS SHOWN.

>> ABSOLUTELY.

>> ABSOLUTELY WHAT, WHAT DID IT SHOW?

>> WHAT IT IS SHOWING THAT IS -- AND HE CONCEDED THIS FACT, THAT HIS IMPARTIALITY AND HIS BIAS RATINGS WENT DOWN YEAR AFTER YEAR AFTER YEAR AFTER YEAR.

NOW HE TRIED TO ATTRIBUTE THAT AND JUDGE SIMPSONS WHO TESTIFIED ON HIS BEHALF SAID THE DEFENSE DOESN'T LIKE JUDGE SLOOP BECAUSE HE IS VERY TOUGH ON PEOPLE, OKAY?

PLUS IF YOU LOOK AT THE REST OF THESE POLLS THAT WERE DONE, THEY CONSISTENT LIFE GAVE HIM HIGH MARKS IN SMARTS, INABILITY AND MENTAL ABILITY TO REASON AND LOOKING AT THE LAW.

THE ONLY THINGS WERE THE SAME PROBLEMS PRIOR JUDGES HAD COME TO HIM ABOUT HIS TEMPERAMENT.

THE COMMISSION HAD TOLD HIM ABOUT HIS TEMPERAMENT. AND HE ADMITTED SEVERELY ADMONISHED HIM, IN FACT, THE CAR CODE SHOWED THAT HE WAS GOING DOWN IN TEMPERAMENT, SO WE HAD ALL OF THESE THINGS.

>> BASICALLY SAYS THAT, OKAY, THE JQC HAD A MON YOU ISSUED HIM BEFORE ABOUT HIS BEHAVIOR, BUT FOR A TEN-YEAR PERIOD, HE EVIDENTLY CONTROLLED HIS BEHAVIORS, NOW WERE THESE BEING TAKEN DURING THAT TEN-YEAR PERIOD?

>> YES.

WHERE HE WAS SUPPOSEDLY CONTROLLING HIS TEMPER?

>> THEY WERE TAKEN AT LEAST IN PART, I THINK WE WENT BACK A PERIOD OF FIVE YEARS PRIOR TO 2004 AND THE BAR POLLS WENT BACK DURING THAT TIME PERIOD, BUT AGAIN, IN THE REPORT AND RECOMMENDATION, IT SAYS THE LAST PROBLEM WAS YEARS BEFORE.

THAT IS INCORRECT.

>> 2002.

>> IT WAS 2002.

>> IT WAS A WARNING CONCERNING ABUSIVE REMARKS.

>> 2002.

YOU KNOW, THINK IT IS NOT EASY FOR LITIGANTS AND LAWYER, JUST TO, THEY DON'T GO FIRE WITH THE JQ C, I MEAN, WE KNOW, WE HAVE SIGN THE IN CASES WHERE THERE IS SOMEBODY THAT APPEARS IN A RUDE AND TEMPER JUDGE AND

FINALLY THERE IS SOMETHING  
THAT SOME BRAVE LAWYER  
DECIDE, YOU KNOW WHAT?  
THIS IS NOT POWERFUL  
ANYMORE.

NOT AN EASY THING.

>> IT IS VERY HARD THING.

WHEN YOU TALK TO WITNESS, IT  
IS EVEN HARDER.

THIS IS OOKLY DIFFICULT ON  
LAWYER, LITIGANTS ALIKE TO  
COME FORWARD AND MAKE  
COMPLAINTS AGAINST A SITTING  
JUDGE, BUT, THERE ARE TWO  
THINGS, THAT I THINK HAVE  
GOTTEN LOST SOMEWHAT IN THE  
REPORT AND RECOMMENDATION.  
THE REPORT SAYS THAT THERE  
WAS JUSTIFIABLE PUBLIC  
OUTRAGE AS A RESULT OF THIS  
INCIDENT, BUT WHAT WAS URGED  
BELOW AND THAT THERE IS NO  
FINDING WHATSOEVER ON THE  
REPORT AND RECOMMENDATION IS  
WHAT IMPACT THIS HAS HAD ON  
PUBLIC CONFIDENCE IN THE  
JUDICIARY?

THE REASON WHY IS OBVIOUS.  
ALL THAT COULD BE FOUND IN  
THIS CASE IS THAT IT CLEARLY  
DIMINISHED PUBLIC CONFIDENCE  
IN THE JUDICIARY.

IT IS ABSENT FROM THE REPORT  
AND RECOMMENDATION.

IT FOCUSES TRIKTLY ON  
PUNISHMENT -- STRICTLY ON  
PUBISHMENT.

>> IN ORDER TO REMOVE  
SOMEBODY FROM THE BENCH,  
THIS IS THE ISSUE OF WHAT  
YOU DO FOR THE PUBLIC, WHAT  
YOU NEED TO DO.

>> CORRECT.

WE GOT TO FIND ONE TO HOLD  
OFFICE.

IT WOULD BE TEMPTING TO SAY  
TO SATISFY PEOPLE IN  
SEMINOLE COUNTY TO SHOW THAT  
WE REALLY AREN'T GOING TO  
TOLERATE THIS.

WE ARE GOING TO HOLD JUDGE  
SLOOP UP AS EXAMPLE.

USE THAT AS REASON, YOU  
KNOW, THE BAR HAS THE THREE

PRONGS, WHAT IS THERE, DO YOU THINK THAT WE ARE ALLOWED TO USE THAT WHEN WE STILL -- DON'T WE HAVE TO --

>> WELL, YES, YOU HAVE TO FIND PRESENT UNFITNESS, BUT THE PROBLEM YOU HAVE SEIZED UPON AND THIS IS THE CONFLICT I HAVE WITH BOTH THE REPORT AND THE TESTIMONY THAT THE REPORT AND RECOMMENDATION FINDS THAT JUDGE SLOOP SHOULD NOT RETURN TO OFFICE.

>> RIGHT.

>> AFTER, AFTER THE TERM OF OFFICE.

WELL, THE TERM OF OFFICE IS UP IN 2011, SO IT LEAVES HIM ON THE BENCH FOR FOUR YEARS, THEN SUDDENLY, HE IS NOT ONLY UNFIT, BUT HE CAN'T SERVE AS SENIOR JUDGE, NOW AFTER FOUR YEARS, HE IS CURRENTLY UNDERGOING REMEDIAL EFFORT, WHAT DOES THAT SAY IF HE IS NOT FIT FOUR YEARS FROM NOW? SO THAT WAS THE PROBLEM I HAD.

NUMBER TWO WITH REGARD TO THE CIVIL PROCEEDING, THE TESTIMONY WAS ON OCTOBER 6th -- I MEAN ON DECEMBER 6th, NOW, WE ARE TALKING THREE DAYS AFTER THE EVENTS, THE REASON YES IS REMOVED FROM CRIMINAL COURT IS BECAUSE JUDGE PERRY WHO WAS THE CHIEF JUDGE OF THE CIRCUIT CALLS HIM IN AND SAYS WHAT WERE YOU THINKING?

JUDGE SLOOP'S RESPONSE WAS, HE DIDN'T KNOW WHAT THE BIG DEAL WAS.

AND AT THAT POINT, NOW, WE ARE THREE DAYS OUT, AT THAT POINT, JUDGE PERRY WAS SO APPALLED THAT THAT IS WHEN WE MOVED HIM FROM THE CRIMINAL BENCH ALTOGETHER, WAS THIS THE TESTIMONY. SO JUDGE PERRY SAYS THAT HE IS A WORTHWHILE MEMBER OF

THE BENCH NOW AND SHOULD  
ALLOW BE ALLOWED TO SERVE  
BUT ONLY IN CIVIL DIVISION?

>> THERE IS NO STIPULATION  
ON THAT ONE?

>> THERE IS ABSOLUTELY NO  
STIPLITION ON THAT ONE.

>> WITH OUR ASSISTANCE, YOU  
HAVE EXCEEDED YOUR TIME.  
THANK YOU VERY MUCH.

>> THANK YOU.

>> COUNSEL?

>> JUDGE DOES THE JUDGE WANT  
TO MAKE COMMENT?

>> WILL THINK IF JUDGE SLOOP  
SAYS HE IS HERE AND THIS IS  
HIM AND HIS WIFE.

>> I APPRECIATE THE  
OPPORTUNITY TO APPEAR BEFORE  
YOU.

I WRONGFULLY CAUSED --

>> CAN YOU SPEAK INTO THE  
MIC.

I CAN'T HEAR YOU.

>> I AM SORRY JUSTICE  
QUINCE.

I WRONGLY CAUSED THE ARREST  
OF 11 PEOPLE TWO YEARS AGO.

I FAILED TO IMMEDIATELY  
UNDERSTAND AND RESPOND TO  
THEIR UNIQUE CIRCUMSTANCES  
AND I SUBJECTED THEM TO THE  
HORROR OF INCARCERATION.

I DID THIS.

I AM RESPONSIBLE.

I AM TRULY SORRY.

I WISH TO APOLOGIZE THIS  
THIS COURT, TO THE JUDICIARY,  
TO THE BAR, THE CITIZENS OF  
THE STATE OF FLORIDA, AND  
MOST IMPORTANTLY TO THOSE  
MEN AND WOMEN --

>> I KNOW YOU ARE A PART OF  
THIS TO SEND A LETTER TO  
THESE PEOPLE.

HAVE YOU ALREADY DONE THAT?

>> NO, I HAVE NOT.

I AM LOOKING FORWARD TO THE  
OPPORTUNITY.

>> WOULDN'T THAT BE AT LEAST  
GOOD STEP IN THE RIGHT  
DIRECTION AND SO WHY HAVEN'T  
YOU JUST GONE ON AND SENT  
THOSE LETTERS BY MU?

>> I CAN'T ANSWER WHY I HAVEN'T DONE IT RIGHT NOW. DR. TRESSLER AND I ARE WORKING TOGETHER SO I CAN PROPERLY EXPRESS THE FEELINGS THAT I STILIN SITUATION.

THE ORIGINAL RESIDENT TO NOT APOLOGIZE WAS BORN FROM MY NOT UNDERSTANDING WHY I FAILED TO IMMEDIATELY APPRECIATE THE SITUATION AND PRESENT IT FROM OCCURRING AND TO APOLOGIZE WITHOUT BEING ABLE TO SAY I UNDERSTAND AND I CAN ASSURE THAT THIS CAN NEVER TAKE PLACE AGAIN TO ME IS HOLLOW AN DOES NOT ACCEPT THE RESPONSIBILITY THAT I HAVE, SO I INITIALLY DELAYED, BUT I HAVE DESIRED TO MAKE THAT APOLOGY NOW.

>> MR. SLOOP, JUDGE SLOOP, CERTAINLY, I THINK IT HAS BEEN EXPRESSED THAT THE COURTS DO NOT AND CAN NOT OPERATE ON PUBLIC OUTCRY OR REQUEST OF MASSES OR MOBS OR THE POWERFUL OR WHATEVER, WE HAVE TO RULE ON WHERE THE LAW IS.  
YES.

>> AND IN ATTEMPTING TO DO THAT, AIM STRUGGLING WITH THE LAW WITH REGARD TO THE LEGAL CONSISTENCY OF THE FINDINGS OF THE PANEL OR THEIR CONCLUSIONS ON PENALTY AND SQUARING THAT WHERE IT REQUIRES THAT YOU CAN NOT RUN AGAIN FOR OFFICE AND YOU CAN NOT BE SENIOR JUDGE, YET THE INCONSISTENT THAT THAT IS NOT FOR UNFITNESS OR THAT YOU SHOULD STAY ON THE BENCH NOW, SO THAT IS A LEGAL ISSUE AS OPPOSED TO THESE, WHY THAT IS NOT INCONSISTENT, THAT STIPULATION WITH THE FINDING OF FITNESS?

>> I AGREE WITH ATTORNEY ROSS THAT THAT IS NOT CONSISTENT.

I HAD INITIALLY OFFERED AND EXPRESSED AND EVEN BEFORE ANY OF THESE THINGS TOOK PLACE, IT WAS MY INTENTION AND STILL REMAINS THAT AT YEAR 2011, I WILL OBTAIN THE AGE OF 63 YEAR, 20 YEARS ON THE BENCH, NO DISRESPECT, ENOUGH IS ENOUGH, I HAD ALREADY RESOLVED TO RESIGN AND RETIRE AND SO THEY ARE WORKING THOSE INTO THOSE TIMINGS THAT PERHAPS TO SIMPLY CONFIRM THAT I WOULD FOLLOW THROUGH WITH THAT, WITH THAT RESOLVE.

>> WITH THIS SITUATION IN DOWNING, I THINK THROUGH SOME COMMENTS WE HAD TO DEAL WITH THE DEVIL UPPED ARE THEVIS, CIRCUMSTANCES BECAUSE IT WOULD TAKE LONGER TO GET THROUGH THE PROCESS THAN THAT COUPLE-MONTH PERIOD.

IS DOWNEY A PRECEDENT THAT IS APPLICABLE HERE OR THERE IS A QUALITATIVE DIFFERENCE BETWEEN THE REMARKS MADE BY JUDGEDOWNY, HIS CONDUCT IN HIS OFFICE, THE PORNOGRAPHY, THOSE THINGS, THE INCARCERATION OF 11 FLORIDA CITIZENS?

>> THERE IS A DIFFERENT. THE COURT BASICALLY INDICATED IN DOWNEY THAT HAD THE MATTER CONTINUED FURTHER WITHOUT ACCEPTING THE RECOMMENDATION, IT IS POSSIBLE HE COULD HAVE RESOUGHT OFFICE AND RUN AND BEEN IN FOR ANOTHER TERM.

>>

>> THERE IS NO EXCUSE FOR THE INCARCERATION OF THOSE 11 INDIVIDUALS AND THAT IS A DISTINCTION THAT, QUITE FRANKLY, CAN TRUMP ALL OF THE OTHER CASES THAT HAVE OCCURRED.

>> THAT IS WORSE.

>> IT IS QUANTITATIVE. OTHER JUDGES HAVE

INCARCERATED PEOPLE  
INAPPROPRIATELY.

NEVER 11 AT A TIME.

>> BUT THERE IS -- I AM  
TRYING TO UNDERSTAND  
SOMETHING.

NOT BEING ABLE TO RUN IN  
2011 AND NOT BEING A SENIOR  
JUDGE ISN'T A SANCTION  
BECAUSE YOU WERE PLANNING TO  
DO THAT ANYWAY.

>> WELL, I WOULD HAVE LIKED  
TO HAVE BEEN ABLE TO SERVE  
AS SENIOR JUDGE, BUT I  
AGREE, I HAVE NOT TENDED TO  
SEEK ACTIVE OFFICE AFTER  
2011.

>> THANK YOU.

>> THANK YOU VERY MUCH FOR  
THE TROUBLING MORNING.

THANK YOU FOR THE  
PRESENTATION.

WE'LL TAKE THE CASE UNDER  
ADVISEMENT.

>> THANK YOU.

>> THE NEXT CASE BEFORE THE  
COURT THIS MORNING, OUR