

>> PLEASE RISE.

HEAR YE, HEAR YE, HEAR YE.

THE SUPREME COURT OF FLORIDA IS
NOW IN SESSION.

ALL WHO HAVE CAUSE TO PLEA, DRAW
NEAR.

GIVE ATTENTION AND YOU SHALL BE
HEARD.

GOD SAVE THESE UNITED STATES,
THIS GREAT STATE OF FLORIDA, AND
THIS HONORABLE COURT.

>> LADIES AND GENTLEMEN, THE
FLORIDA SUPREME COURT.

PLEASE BE SEATED.

>> GOOD MORNING, AND WELCOME TO
THE FLORIDA SUPREME COURT.

THE FIRST ITEM ON THE COURT'S
AGENDA THIS MORNING IS THE
PUBLIC REPRIMAND FOR JUDGE MARY
JANE HENDERSON.

IF YOU WOULD APPROACH THE
PODIUM, PLEASE.

JUDGE HENDERSON, YOU HAVE BEEN
SUMMONED BEFORE THIS COURT
TODAY, PURSUANT TO A STIPULATION
YOU ENTERED INTO WITH THE
JUDICIAL QUALIFICATIONS
COMMISSION, REGARDING ETHICAL
MISCONDUCT.

WHILE THE STIPULATION AND THE
FACTS OF THIS CASE SHOW YOUR
ACTIONS WERE WELL INTENDED THEY
NONETHELESS VIOLATED THE FLORIDA
CODE OF JUDICIAL CONDUCT.

BY ACCEPTING THE OFFICE, EVERY
JUDGE ASSUMES A BURDEN OF
RECOLLECTUDE AND PUBLIC SCRUTINY
THAT FEW OTHER PUBLIC OFFICES
REQUIRE.

JUDGES ARE JUDGES 24 HOURS A
DAY.

THEY CANNOT EXPECT AS MOST LAY

PERSONS DO, THAT THEIR DUTIES
END THE MOMENTS THEY LEAVE WORK.
AND THE FACTS THAT HAVE BROUGHT
YOU BEFORE US INVOLVE YOUR
FRIENDSHIP WITH A PERSON WHO
PREVIOUSLY WAS A DEFENDANT IN
YOUR COURT.

THIS MAN, HENRY WHEELER WAS A
FELON AND A SUBSTANCE ABUSER.
AFTER HE NO LONGER HAD CASES
BEFORE YOUR COURT, YOU DECIDED
TO BEFRIEND HIM AND SERVE AS A
MENTOR IN THE HOPE OF HELPING
HIM LIVE A SOBER AND PRODUCTIVE
LIFE.

TO THIS EXTENT, YOUR MOTIVATIONS
CERTAINLY ARE NOT OBJECTIONABLE.
HOWEVER, YOU EXPANDED YOUR
ASSISTANCE TO HIM IN WAYS THIS
RAN AFOUL OF THE ESTABLISHED
ETHICAL STANDARDS.

YOU DECIDED TO HELP MR. WHEELER
FIND AN APARTMENT, AND
PERSONALLY MET WITH THE
LANDLORD, WHO KNEW YOU WERE A
JUDGE.

THE LAND LORD DID NOT WISH TO
RENT THE APARTMENT TO
MR. WHEELER, BUT DID SO ANYWAY,
AFTER MEETING WITH YOU.

YOU FURTHER LOANED MR. WHEELER
\$4,000, TO BUY A TRUCK, AND
SECURE THE LOAN ONLY WITH THE
HANDSHAKE.

YOU BOUGHT YOU A CELL PHONE FOR
HIM AND GAVE HIM MONEY ON
SEVERAL OCCASIONS, TO PAY FOR
CAB FARES.

YOU HELD MR. WHEELER'S MONEY FOR
HIM, REQUIRING HIM TO COME TO
YOU TO REQUEST THE FUNDS WHEN HE
NEEDED THEM.

AND THEN IN THE EARLY MORNING HOURS OF APRIL 26TH, 2007 HE APPEARED AT YOUR RESIDENCE IN AN IMPAIRED AND DISORDERLY STATE IN A CALLED THE 911 EMERGENCY LINE TO REPORT A TRESPASS.

BUT, AFTER MR. WHEELER LEFT, YOU ADVISED LAW ENFORCEMENT THE HELP NO LONGER WAS NEEDED AND YOU WOULD NOT FILE A COMPLAINT.

IMMEDIATELY AFTER, MR. WHEELER WAS STOPPED AND FIELD TESTED ON SUSPICION OF DRIVING UNDER THE INFLUENCE.

HOWEVER HE WAS NOT ARRESTED FOR DUI.

YOU LATER TESTIFIED THAT YOU NEVER INTENDED TO IMPLY TO THE POLICE THAT MR. WHEELER SHOULD NOT BE ARRESTED.

ON MAY 11, 2007, MR. WHEELER CREATED DISTURBANCES AT BOTH YOUR HOME AND YOUR CHAMBERS, NECESSITATING INTERVENTION BY OFFICERS, AND WHEN HE WAS ARRESTED LATER YOU DECLINED TO GIVE A STATEMENT ABOUT THE INCIDENT.

AS A RESULT OF THESE INTERACTIONS WITH MR. WHEELER THE JUDICIAL QUALIFICATIONS COMMISSION CONCLUDED THAT YOU ADMITTED THAT YOUR CONDUCT, THOUGH WELL INTENDED, CREATED AN APPEARANCE OF IMPROPRIETY.

JUDGE HENDERSON, CANON ONE OF THE FLORIDA CODE OF JUDICIAL CONDUCT PROVIDES THAT JUDGES MUST MAINTAIN AND OBSERVE HIGH STANDARDS OF CONDUCT.

THE DUTY TO OBSERVE THESE STANDARDS IS MEANT TO PRESERVE

THE INTEGRITY AND INDEPENDENCE OF THE JUDICIARY AND IT EXTENDS EVEN TO YOUR PRIVATE LIFE, AWAY FROM THE COURTHOUSE. BY CLEAR AND CONVINCING EVIDENCE THERE EXISTS THE IDEA THAT PUBLIC CONFIDENCE IN YOUR INTEGRITY WAS IMPAIRED BY YOUR ACTIONS. THEREFORE, YOU HAVE BREACHED CANON ONE. CANON TWO OF THE CODE OF JUDICIAL CONDUCT STATES THAT JUDGES MUST ACT AT ALL TIMES IN A MANNER THAT PROMOTES PUBLIC CONFIDENCE IN THE INTEGRITY AND IMPARTIALITY OF THE JUDICIARY. THE COMMENTARY TO CANON 2A FURTHER NOTES THAT JUDGES ARE SUBJECT TO CONSTANT SCRUTINY AND MUST FREELY AND WILLINGLY ACCEPT RESTRICTIONS THAT ORDINARY CITIZENS MAY VIEW AS BURDENSOME. YOUR ACTIONS ESTABLISH THAT YOU VIOLATED THE STRICTURES OF CANON 2A. CANON 2B OF THE CODE REQUIRES THAT JUDGES MAY NEVER USE THE PRESTIGIOUS OF JUDICIAL OFFICE TO ADVANCE THE PRIVATE INTERESTS OF THE JUDGE OR OF OTHER AND HERE THE RECORD SHOWS THAT YOU VIOLATED THE REQUIREMENT BY ACTIONS CONVEYING AN IMPRESSION THAT MR. WHEELER WAS IN A SPECIAL POSITION TO INFLUENCE YOU. SPECIFICALLY, YOU CONVEYED AN IMPRESSION THAT YOU USED YOUR JUDICIAL OFFICE TO ADVANCE THE PRIVATE INTERESTS OF MR. WHEELER.

THE JQC ALSO CONCLUDED THAT YOU VIOLATED CANON 5A.

OF THE CODE OF JUDICIAL CONDUCT. THIS PROVISION REQUIRES JUDGES WHO CONDUCT THEIR EXTRA JUDICIAL ACTIVITIES IN A MANNER THAT DOES NOT Demean THE JUDICIAL OFFICE, OR INTERFERE WITH THE PROPER PERFORMANCE OF THEIR DUTIES. IT ALSO REQUIRES JUDGES TO REFRAIN FROM ACTIONS THAT MAY APPEAR TO BE COERCIVE TO A REASONABLE PERSON.

HERE, YOUR ASSOCIATION WITH MR. WHEELER AND THE DISORDERLY CONDUCT THAT OCCURRED DURING YOUR ASSOCIATION, CLEARLY DemeanED YOUR OFFICE, AND INTERFERED WITH THE PROPER PERFORMANCE OF YOUR DUTIES.

FURTHER, YOUR ACTIONS IN SECURING AN APARTMENT FOR MR. WHEELER MAY HAVE APPEARED COERCIVE TO THE LANDLORD.

TO YOUR CREDIT, YOU HAVE SHOWN REMORSE FOR YOUR POOR JUDGMENT, AND FOR YOUR FAILURE TO RECOGNIZE THE APPEARANCE OF IMPROPRIETY, CREATED BY YOUR CONDUCT.

AND, YOU HAVE AGREED TO UNDERGO COUNSELING AND HAVE ENTERED INTO A PERFORMANCE AGREEMENT WITH THE JQC.

IN KEEPING WITH THE STIPULATION YOU SIGNED WE HAVE COMMANDED YOU TO APPEAR TODAY FOR A PUBLIC REPRIMAND THAT IS BEING PUBLICLY BROADCAST THROUGHOUT THE STATE. THE PUBLICITY ACCORDED TO PUBLIC REPRIMANDS OF JUDGES IS ONE WAY WE CAN SHOW THE PUBLIC THAT WE

WILL NOT TOLERATE MISCONDUCT
SUCH AS YOURS, AND THAT WE WILL
INVITE THE PEOPLE TO SEE FOR
THEMSELVES THAT DISCIPLINE
RESULTS.

FOR YOUR ACTIONS, DETAILED IN
THE CASE, YOU ARE HERE BY
REPRIMANDED.

FINALLY, WE CAUTION YOU TO
EXAMINE OUR PREVIOUS CASES,
INVOLVING JUDGES, WHO HAVING
BEEN DISCIPLINED ONCE, FAILED TO
PERFORM -- REFORM THEIR CONDUCT.
YOU ARE NOW ON NOTICE THAT ANY
FURTHER MISCONDUCT WILL NOT BE
TOLERATED.

JUDGE HENDERSON, YOUR REPRIMAND
IS CONCLUDED, AND YOU ARE FREE
TO LEAVE.