

**BEFORE THE INVESTIGATIVE PANEL OF THE
FLORIDA JUDICIAL QUALIFICATIONS COMMISSION
STATE OF FLORIDA**

INQUIRY CONCERNING A
JUDGE NO. 07-64, 07-620

SC07-1648

AMENDED NOTICE OF FORMAL CHARGES

TO: Honorable Ralph E. Eriksson
Seminole County Judge
Criminal Justice Center
101 Bush Blvd.
Sanford, Florida 32771

YOU ARE HEREBY NOTIFIED that the Investigative Panel of the Florida Judicial Qualifications Commission, 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. Probable cause exists on the following formal charges:

1. In State of Florida v. Bob Lee Walton, Seminole County Case # 06-MM-012701-A, Mr. Walton was charged with Driving Under the Influence and Driving in Violation of the terms and conditions of a Business Purposes License. This case had been previously charged in Circuit Court due to an allegation of Possession of Cocaine that was subsequently dropped.

- a. Since there was a video of the traffic stop and the cocaine was mentioned on the video, counsel for the defendant had filed a motion to redact portions of the video. To accomplish this task, the State and the defense jointly moved to continue the case. The Court declined to do so, suggesting that the case had been pending too long.
- b. Subsequently, the defendant asked his lawyer to file a Motion to Recuse. When told this, you expressed that you were not satisfied that the defendant's bail of \$3,500.00 was sufficient to insure his presence, so you revoked the bond, ordered a new \$10,000 bond, and ordered the defendant taken into custody.
- c. As a result the defendant was taken into custody and spent the next 11 hours in the Seminole County Jail until his family was able to arrange for bail.
- d. When counsel for the defendant stated that his client was withdrawing his suggestion of recusal and was ready for trial, you ignored that statement, stating that you had granted the defendant's motion to continue.
- e. In response to questioning by the Investigative Panel of the Commission, you stated that the sole reason for revoking Mr. Walton's bond and imposing a new bond was in response to his Motion to Recuse.

- f. Your actions were calculated to punish the defendant for exercising a legitimate legal right, and so your actions were punitive and vindictive, undermining the orderly administration of justice.
- g. This charge is governed by Canons 1, 2A, and 3B of the Code of Judicial Conduct.

2. In State of Florida v. Daniel Bradshaw, Seminole County Case # 05-7182-MMA, Mr. Bradshaw was charged with Possession of Cannabis and Possession of Paraphernalia.

- a. On Monday, April 3, 2006 the case was set for jury selection and trial. Counsel for the defendant had indicated that he desired to enter a guilty plea. On April 6, 2006, as the Court began the plea colloquy, the defendant asked why his Motion to Suppress had not been heard.
- b. After the Court indicated that it did not become involved in what motions the parties desired to be heard, the defendant then decided to maintain his plea of not guilty. In response you stated that the defendant had interrupted the administration of justice, revoked his release on recognizance, imposed a monetary bond of \$5,000.00, and remanded Mr. Bradshaw to the custody of the Sheriff.

- c. In response to questioning by the Investigative Panel, you acknowledged familiarity with the defendant's surname and as a result "felt that he was aware of the court system".
 - d. In regard to Mr. Bradshaw particularly, in describing him to the Investigative Panel, you characterized him by stating, "He's kind of a pathetic little character. Kind of looked like Sammy Davis, Jr."
 - e. Your actions were calculated to punish the defendant for exercising a legitimate legal right, and so your actions were punitive and vindictive, undermining the orderly administration of justice.
 - f. This charge is governed by Canons 1, 2A, and 3B pf the Code of Judicial Conduct.
3. In a series of cases in which pro se petitioners sought Injunctions against Domestic Violence or Injunctions for Repeat Violence, all heard on October 30, 2007 in Seminole County, Florida, you failed to properly accord those petitioners the right to be heard on their petitions by implying that the verified petitions were somehow insufficient even though the facts contained in the petitions were uncontested. It was suggested by the court that the petitioners were required to produce independent witnesses without acknowledging that the petitioners themselves could testify, as the law permits. This charge is governed

by Canons 1, 2A, 3B (2), 3B (7) and 3B (8) of the Code of Judicial Conduct.

4. Rather than assisting the parties in understanding the process of obtaining a domestic or repeat violence injunction, you employed an unduly rigid and formulaic process in dealing with pro se litigants, so as to impede their ability to obtain the relief and protection they sought from the court. This charge is governed by Canons 1, 2A, 3B (2), 3B (7) and 3B (8) of the Code of Judicial Conduct.

These acts, if they occurred as alleged, violated the Code of Judicial Conduct as follows: Canon 1 (impairing the confidence of the citizens of the state in the integrity of the judicial system and in you as a judge); Canon 2A (respect of and compliance with the law); 3B (4) (patience, dignity and courtesy in dealing with litigants and lawyers in your official capacity); 3B (7) (according all parties the right to be heard).

The foregoing conduct, if proven as alleged, would constitute conduct unbecoming a member of the judiciary; would demonstrate your unfitness to hold the office of judge; and would warrant discipline, including but not limited to reprimand, fine, suspension with or without pay, lawyer discipline or your removal from your judicial office.

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 Associate General Counsel, for the Judicial Qualifications Commission, 1110 Thomasville Road, Tallahassee, FL 32303 and John R. Beranek, Counsel for the Hearing Panel, Post Office Box 391, Tallahassee, FL 32302.

Respectfully Submitted,

Michael L. Schneider
Associate General Counsel
(850) 488-1581
Judicial Qualifications Commission
Florida Bar No. 525049
1110 Thomasville Road
Tallahassee, Florida 32303

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Amended Notice of Formal Charges has been furnished by U.S. mail to the Honorable Ralph E. Eriksson, by service to his Attorney, Chandler R. Muller, 1150 Louisiana Avenue, Suite 2, Winter Park, Florida 32789, this 29th day of April, 2008.

Michael L. Schneider
Associate General Counsel