

**BEFORE THE FLORIDA
JUDICIAL QUALIFICATIONS COMMISSION**

INQUIRY CONCERNING A JUDGE,
THE HONORABLE DENNIS BAILEY
JQC NO. 2018-352

SC18-_____

NOTICE OF FORMAL CHARGES

TO: Hon. Dennis Bailey
201 S.E. 6th Street, Chamber NW6850
Fort Lauderdale, FL 33301

The Investigative Panel of the Florida Judicial Qualifications Commission, at its meeting on November 16, 2018, 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. On April 17, 2018, while presiding over the felony criminal trial of State v. Genesis Espejo (Broward County Case No. 2017-CF-0824-10A) you became upset that two attorneys representing the defendant were attempting to make arguments regarding the same objection during a sidebar conference. As a result of your frustration you inappropriately ordered the courtroom deputy to approach the bench and physically remove one of the defendant's attorneys

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from the sidebar conference. You undertook this action within full view and hearing of the jury.

2. After this incident, you granted the defendant 45 minutes to draft and file a motion to disqualify you. You then denied this motion as “legally insufficient,” and denied a motion for mistrial.
3. Earlier in the Espejo case, you denied a motion to disqualify you filed by the defendant, alleging, among other things, that:
 - a. You reprimanded one of the defendant’s attorneys for whispering in the ear of their co-counsel during the hearing;
 - b. You displayed an intemperate tone of voice and facial expression when addressing the defense throughout various parts of the case;
 - c. You used a condescending tone when reprimanding of the defense attorneys during Voir Dire, in front of potential jurors;
 - d. You used sarcastic language in addressing the defense, including describing one of the defendant’s attorneys as “unbelievable.”

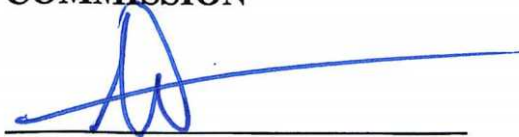
Your actions constitute inappropriate conduct that violate Canons 1, 2A, 3B(1), 3B(4), and 3B(7) of the Florida Code of Judicial Conduct.

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 Special Counsel for the Judicial Qualifications Commission, and the Executive Director of the Commission.

^{15th}
Dated: this 3rd day of December, 2018.

**THE INVESTIGATIVE PANEL OF
THE JUDICIAL QUALIFICATIONS
COMMISSION**



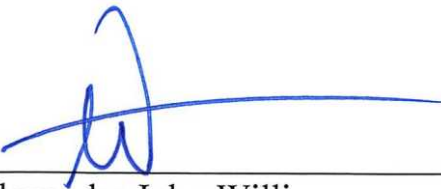
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CERTIFICATE OF SERVICE

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 13th day of December, 2018, to the following:

Hon. Dennis Bailey
201 S.E. 6th Street, Chamber NW6850
Fort Lauderdale, FL 33301

C/o Michael Dutko, Esq
Dutko & Kroll, PA
600 S Andrews Ave
Fort Lauderdale, FL 33301-2851
ATTORNEY FOR JUDGE DENNIS BAILEY



Alexander John Williams
GENERAL COUNSEL