

**BEFORE THE FLORIDA
JUDICIAL QUALIFICATIONS COMMISSION**

INQUIRY CONCERNING A JUDGE,
THE HONORABLE BARBARA HOBBS
JQC NO. 2019-409

SC20-____

NOTICE OF FORMAL CHARGES

TO: Hon. Barbara Hobbs
Leon County Courthouse
301 S. Monroe St. Chambers 327-A
Tallahassee, FL 32301

The Investigative Panel of the Florida Judicial Qualifications Commission, at its meeting on November 14, 2019, and at its meeting on April 2, 2020, 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. Your son was taken into police custody on or about the early morning hours of July 30, 2019 as a result of an incident that occurred in his residence, in which your son allegedly shot a female acquaintance multiple times through a closed door. Your son was taken to the Tallahassee Police Department (TPD) headquarters for an interview with police investigators. You came to TPD headquarters and asked to

RECEIVED, 04/28/2020 03:14:30 PM, Clerk, Supreme Court

see your son. You were told by police that you would not be able to see your son unless you were representing him as his attorney. You then told police investigators that you were representing your son as his attorney.

2. Acting as your son's legal counsel, you requested and were permitted to consult with your son in the police interview room outside the presence of investigators and with the audio recording turned off. You were also able to be present with your son during his formal interview with investigators. During the interview, you participated by asking clarifying questions, and eventually telling your son to stop speaking.
3. At the time you represented your son, you were serving as a Circuit Judge in Leon County (Tallahassee), where you were assigned to preside over felony criminal cases. Your son's case has subsequently been assigned to the Third Judicial Circuit, and the Third Circuit State Attorney's Office has charged him with attempted second-degree murder. Your legal representation of your son violates Canons 1, 2, 5A(1), 5A(2), and 5G.
4. In spite of being advised to avoid the appearance of preferential treatment, you later attempted to arrange unmonitored and unrecorded telephonic and/or video access to your son while he was in jail.
5. At the time your son was arrested on July 30, 2019, he had a misdemeanor Driving Under the Influence (DUI) case pending in Leon county court. Attorney Gary Roberts filed a Notice of Appearance on

behalf of your son in that case on Oct. 4, 2018.

After accepting representation of your son in the DUI case, Mr. Roberts appeared before you on behalf of clients in two separate felony criminal matters:

- a. State v. Tyesha Ponder (Leon County Case No. 2018CF2513). In this case, Ms. Ponder was charged with Aggravated Battery (Great Bodily Harm) and Child Abuse. On May 29, 2019, Mr. Roberts appeared before you, on behalf of Ms. Ponder, at a Case Management Conference. The court records indicate that at this hearing you set a trial date for September 16, 2019. Shortly after the May hearing, on June 26, 2019, Mr. Roberts filed a motion to dismiss the charges. Mr. Robert's motion and proposed order were directed specifically to you, by name, as the presiding judge, however, prior to ruling on the motion you were transferred out of the criminal division on August 2, 2019, by amendment to Administrative Order 2018-04.
- b. State v. Madison Felton (Leon County Case No. 2019CF248). In this case, Ms. Felton was charged with the felony offense of organized scheme to defraud. She was also represented by Mr. Roberts, who appeared before you on June 10, 2019 for a Plea Hearing. During this hearing, it was announced that the State Attorney and the defendant had agreed to enter into a Deferred Prosecution Agreement (DPA). You set a new court date of July 10,

2019, to make sure the DPA had been signed. On August 2, 2019 you were transferred out of the criminal division by amendment to Administrative Order 2018-04.

Your failure to recuse yourself from criminal cases where the defendant's attorney of record was (at the same time) also representing your son in a separate criminal matter was improper, and violates Canons 1, 2A, 3B(1), 3E(1).

6. You have failed to appropriately supervise your Judicial Assistant (JA) in violation of Canons 1, 2, 3C(1), and 3C(2). To wit:

a. You are required to sign the timesheets submitted by your JA, certifying that the time sheet is accurate. During the period of May through September 2019, you signed timesheets that are inaccurate and do not reflect the actual hours your JA was present at work.

b. Your failure to adequately supervise has allowed your JA to inappropriately interpose herself in your son's pending criminal case and violate security protocols. For example:

- i. i. Your JA was present at counsel table during a court hearing in your son's case.
- ii. ii. Your JA assisted the mother of your son's child with filing an injunction against the victim in your son's pending criminal case, during work hours.
- iii. iii. Your JA provided your son with her security badge, which permitted him access secure and/or non-public parts

of the courthouse.

7. It is also alleged that you have failed to issue timely orders and decisions on certain emergency matters in violation of Canons 1, 2, and 3B(8):

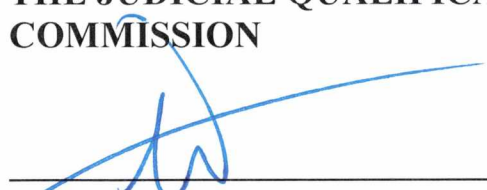
- a. In Pittman v. Smith 2017-DR-2941, an emergency motion was filed in a paternity case on September 19, 2019 and an expedited motion was filed on September 20, 2019. As of October 21, 2019, you had not issued an order determining whether or not the motions qualify as emergencies.
- b. In In the Interest of Jaquian Riley 2019-DR-2497, an emergency petition for temporary custody was filed August 29, 2019, and no determination had been made as of October 21, 2019.
- c. In In the Interest of Cameron Wood and Kadence Noel 2019-DR-2449, You determined that the matter was an emergency and court staff contacted your JA to schedule the matter for an emergency hearing. This occurred on August 21, 2019. Court staff reported that your JA refused to schedule the matter, stating, “I don’t have time for this shit,” and explaining that she was not going to look up or contact the petitioner to obtain addresses for all parties in order to set a hearing. The JA indicated to staff that she would have you review this again and deem it a non-emergency for referral to a magistrate. Subsequently, the same emergency motion was filed again with a stamp indicating that it was not an emergency.
- d. After receiving the Commission’s Amended Notice of Investigation

outlining the allegations in paragraph 6(a)-(c), you summoned a case manager to your chambers and interrogated her about the source of the Commission's information. This conduct violates Canons 1, 2, 3B(4), and 5A(6).

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

Dated: this 28th day of April, 2020.

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

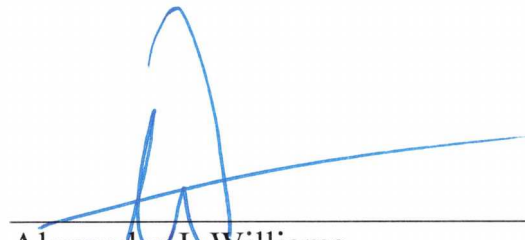


Alexander J. Williams
GENERAL COUNSEL
Florida Bar No. 99225
P.O. Box 14106
Tallahassee, Florida 32317
(850) 488-1581
awilliams@floridajqc.com

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 28th day of April, 2020, to the following:

Hon. Barbara Hobbs
Leon County Courthouse
301 S. Monroe St. Chambers 327-A
Tallahassee, FL 32301



Alexander J. Williams
GENERAL COUNSEL