

BEFORE THE INVESTIGATIVE PANEL OF THE FLORIDA JUDICIAL  
QUALIFICATIONS COMMISSION

INQUIRY CONCERNING A JUDGE,  
TIMOTHY R. SHEA, NO. 10-265

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FILED  
THOMAS D. HALL  
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CLERK SUPREME COURT

**NOTICE OF FORMAL CHARGES**

TO: The Honorable Timothy R. Shea  
Orange County Courthouse  
425 N. Orange Avenue, Room 1110  
Orlando, Florida 32801

The Investigative Panel of the Florida Judicial Qualifications Commission, at its meeting September 30, 2010, 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. Upon taking the bench in January 2007 you began to exhibit a pattern of rude and intemperate behavior that you characterized as your "Irish temper". This pattern of conduct has persisted at least until April 2010. This "Irish temper" has been manifested by loud and vocal expressions of displeasure to attorneys with whom you are displeased.
2. You have on occasion exhibited rude and intemperate behavior from the bench towards certain lawyers for the Office of the State Attorney who appear before you. Once, while at sidebar during a hearing, after argument from Assistant

State Attorney Camelia Coward, you remarked to the opposing male attorney, "Do you know what I do when my wife and I disagree? I just let her talk." While making this statement you held up your hand and began moving it as if it were a talking mouth. You continued, "I find that it is best just to let the woman just talk until she's finished." You then indicated that once she is finished then you can do what you want anyway.

3. A week or so later you made the same comment about Ms. Coward, this time to her colleague, but the comment was made from the bench in open court where other attorneys, witnesses and the public could hear your comment.
4. During State v. Manderville, Case # 48-2006-CF-16844-O, On June 27, 2007, when A.S.A. Camelia Coward appeared in the courtroom, you inquired as to why she was there. Upon being told that she was there to assist another Assistant State Attorney, you belittled her by asking, "By bringing her a sandwich?" When she objected to that inappropriate remark by reminding you she was an attorney, not a coffee girl, you replied that you thought there was enough time for her to "run down and get all of us some coffee."
5. in State v. Ivy, Case # 48-2006-CF-9485-O in which Mr. Ivy was charged with Felony Fleeing or attempting to Elude a Police Officer, when Assistant State Attorney Camelia Coward declined to make a plea offer in this case, you unilaterally made your own plea offer to the defendant. You told Ms. Coward you made the plea offer for the purpose of "teaching her a lesson."
6. In the summer of 2007, you observed Assistant State Attorney Sarah Freeman taking notes while sitting in the jury box along with two other attorneys.

Apparently she was shaking her head while writing on her pretrial docket. When you observed this you began to scream at her. You then got up out of your seat and stood behind your chair and continued your tirade. It is ironic that the subject of your outburst was "respect."

7. In 2009 during a hearing on a Motion to Quash a Capias, when Certified Legal Intern Amy Chandler, who was newly assigned to your division, turned her head to see who had opened the door at the back of the courtroom, you shouted at her, accusing her of making facial gestures. You then asked if she had a problem with your ruling. When she stated she was not involved in the case you stood up, reached over the bench, and pointed at her shouting, "Are we going to have a problem?" In doing so your face became red.
8. In State v. Douglas, Case # 48-2006-CF-11899-O, when faced with Assistant State Attorney Kenneth D. Lewis, who you felt was acting inappropriately, you manifested your displeasure by coming off the bench, approached with a red face asking, as in paragraph 11, "[A]re we going to have problems?" in such a manner that was physically intimidating.
9. In State v. Bullock, Case # 48-2009-CF-8037-O, you expressed your dissatisfaction with Assistant State Attorney Kelly B. Hicks so vociferously that both lay and law enforcement witnesses could hear your yelling outside the courtroom. In addition you threatened to report the attorney to The Florida Bar. You ultimately granted a Judgment of Acquittal on the count alleging Possession of a Firearm by a Convicted Felon. Later when another Assistant State Attorney, Stephen Brown announced the intention to proceed on the

remaining Grand Theft of Motor Vehicle charge, you became visibly angry and ridiculed the attorney in open court by saying that his duty was to your court and not the State Attorney's Office. You then ordered him into the jury room where you continued to berate his ethics. When he protested your public rebuke, you said that it was nothing compared to what you would do if he continued to annoy you. To your credit, you then apologized.

10. In State v Habeych, Case # 48-2008-CF-1288-O you sentenced Mr. Habeych without his attorney present. This was done over his objection. Mr Haybeych was charged with Trafficking in Hydromorphone case in which a minimum mandatory sentence had to be imposed. You then told his father that if he had any questions that he could go upstairs to the courtroom where the defense lawyer was appearing before another judge. You then commented that if that lawyer was going to occupy space in his mind, you were going to charge him rent.

11. This cumulative misconduct constitutes a pattern and practice unbecoming a judicial officer and lacks the dignity appropriate to judicial office, with the effect of bringing the judiciary into disrepute.

The foregoing conduct, if proven as alleged, would constitute inappropriate conduct and was conduct that violated Canons 1 2A and 6B of the 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 General Counsel for the Judicial Qualifications Commission, 1110 Thomasville Road, Tallahassee, FL 32303.

**JUDICIAL QUALIFICATIONS COMMISSION**



By: Michael L. Schneider  
General Counsel  
Florida Bar No. 525049  
1110 Thomasville Road  
Tallahassee, Florida 32303  
(850) 488-1581

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice of Investigation has been furnished by U.S. Mail Kirk N. Kirkconnell, counsel for the Honorable Timothy R. Shea, 1150 Louisiana Avenue, Suite 1, Winter Park, Florida 32790-2728 on this 27<sup>th</sup> day of May, 2011.



MICHAEL L. SCHNEIDER  
General Counsel