BEFORE THE FLORIDA
JUDICIAL QUALIFICATIONS COMMISSION

INQUIRY CONCERNING A JUDGE, THE HON. ANNE MARIE GENNUSA
/

JQC NO. 2024-375

NOTICE OF FORMAL CHARGES

TO: The Honorable Anne Marie Gennusa
Putnam County Courthouse
410 Saint Johns Avenue
Palatka, Florida 32177-4725

The Investigative Panel of the Florida Judicial Qualifications Commission, at its meetings on June 27, 2024, and October 17, 2024, 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.

Canon 2A requires that, "*A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.*"

Canon 3B(2) requires, in pertinent part, that, "*A judge shall be faithful to the law and maintain professional competence in it.*"

Canon 3B(4) commands that, "*A judge shall be patient, dignified, and courteous…*" to those with whom the judge deals in an official capacity.

Canon 3B(8) states that, "*A judge shall dispose of all matters promptly, efficiently, and fairly.*"

Probable cause exists on the following formal charges:

1. Since being appointed to the bench in April 2023, you have conducted improper or legally deficient contempt proceedings, failing to adhere to basic principles of due process. You have also failed to comport yourself with the patience, dignity, and courtesy expected of judges, and failed to act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. To wit:

    a. *State v. Boone*

        i. On or about January 2, 2024, while presiding over the misdemeanor battery case of *State v. Boone* (Putnam County Case No. 2023-2208), you engaged in intemperate conduct lacking the patience, dignity, and courtesy required by the Code of Judicial Conduct, failed to comply with the basic legal requirements for contempt, and otherwise failed to observe and maintain the high standards of conduct expected of judges.

ii. During the *Boone* hearing, you asked the 22-year-old defendant if he needed more time to speak to anyone before he entered a plea. Despite you having just asked that question, when the defendant went to speak to his mother in the gallery, you interrupted their conversation and told the defendant's mother, "He's an adult ... I can't have you—" That interruption prompted the defendant, while still near the gallery, to openly discuss the allegations against him, which in turn prompted the alleged victim, who was seated elsewhere in the gallery, to argue with the defendant. Your courtroom deputy, who previously knew the defendant, intervened and successfully calmed the defendant, who then stood silent at the podium. You said, "I'm not going to accept a plea from anybody who doesn't wish to accept a plea." But then you exacerbated the situation by saying to the defendant, in a raised voice, "But one thing I am going to tell you is, you're not going to come into my courtroom and be disrespectful. I don't care if your mother's here or not, because that's a reflection on her when you're acting disrespectful. ... This is not the Jerry Springer show ... you

don't get to just ... lash out and say whatever you want. It doesn't work like that." Your comments provoked the defendant to respond, "I'm not lashing. This ain't no lashing out. Lash out I'm going to get loud on you." You replied, "You gonna get loud on me? You know what, we'll do this after lunch. Bailiff, take him into custody. I'm going to find you in indirect criminal contempt. I'll see you after lunch, sir. I don't have the time to deal with this right now." Even though you already had incorrectly found the defendant in "indirect" criminal contempt, you then gave the defendant the opportunity to say why you should not hold him in custody. The defendant responded, "Because I ain't did nothing wrong. I'm trying to get my life together..." You replied, in a raised voice, "Acting like this ain't getting your life together."

iii. Despite having announced an adjournment, you remained on the bench while your courtroom deputy was handcuffing the defendant. At that point, the prosecutor asked you whether the alleged victim should remain. You responded, without basis, "Well, you know what, it doesn't seem like she's going to want the plea either, so I'm not going to accept a plea."

Your unsubstantiated comment about the alleged victim's intentions again exacerbated the situation, provoking the alleged victim to speak out from the gallery, "I never said I did not want the plea." The defendant and the alleged victim then began arguing in open court again while you remained on the bench.

iv. After the defendant had been removed from the courtroom, you unilaterally admonished the alleged victim by stating, "And you too. This is a courtroom." The alleged victim responded, "I understand that." Despite the alleged victim's response, you continued admonishing the alleged victim by stating, "I understand a lot of things too... and you talking like that, you're represented by the State, you're the alleged victim." When the alleged victim responded, "I haven't done anything," you replied, in a raised voice, "Do you understand I didn't ask you to talk back to me? I didn't ask you to speak to me. I'm just telling you." After the alleged victim stopped speaking, you asked the prosecutor, "Do you want to speak to your alleged victim?" In doing so, your tone of voice emphasized the word "alleged," clearly conveying sarcasm.

v. While the alleged victim was speaking one-on-one with the prosecutor in the gallery, the alleged victim said to the prosecutor that she was getting "irritated" and that she did not "like being spoken to like a child," and did not "understand what is going on." Even though you were not part of the conversation—which you had just requested the prosecutor to have with the alleged victim—upon overhearing the alleged victim's statements, you turned to your courtroom deputy and said, "Take her into contempt too. I don't have time for—you know what, take her in too. I'm not doing this. I'm not doing this today. I'm not doing it today. Be back at 1:30."

vi. After being handcuffed and taken into custody, the alleged victim was held for almost three hours until you re-convened court again after lunch. The alleged victim was brought back to court still in handcuffs when you told a courtroom deputy, "you can uncuff her." Speaking to the alleged victim, you casually referred to her being handcuffed and arrested on your order as having had "a little bit of a thing this morning." You told the alleged victim "you just wanted to see how you were doing and kinda move forward from that." You asked the

alleged victim if she agreed with the state's plea offer to the defendant, to which the alleged victim agreed. You then asked the alleged victim if she understood that while she was in the courtroom, "what happened this morning cannot happen again." The alleged victim said yes and apologized to you. You told the alleged victim you accepted and appreciated her apology, but you did not apologize or otherwise acknowledge that you had acted improperly in holding the alleged victim in contempt and causing her to be handcuffed and held in custody for almost three hours. Instead, you said, "It got very heated, and I don't want it to be heated like that. So I figured if we all had a cooling off period, it would make things better."

vii. In addition to the undignified comments and tone which you used during the court proceedings, your oral contempt orders were illegal in that you simply ordered the defendant and the alleged victim taken into custody. Your conduct was especially improper in ordering the alleged victim into custody.

viii. During your appearance before the Commission, you acknowledged that you realized within a short time that ordering the alleged victim into custody was improper. However, you still waited almost three hours until court reconvened after lunch to correct your error and order her release. Even though you had been an attorney for 29 years practicing criminal and family law before taking the bench, you claimed you did not know how to have the alleged victim returned to court any earlier than scheduled. You also sought to excuse your improper contempt procedures and behavior based on the fact that you had yet to attend Florida Judicial College, and because you had been vomiting and had a fever earlier that morning.

ix. Video of this matter is **JQC Composite Exhibit 1**.

b. *In re: M.R.A., J.F.A.*

i. On or about November 21, 2023, while presiding over a truancy hearing *In re: M.R.A., J.F.A.* (Putnam County Case Nos. 2022-000113-DP and 2022-00114-DP), you held the mother of three minor children in direct criminal contempt and sentenced her to 10 days in jail. In your oral order entered

at the end of the hearing, you stated the Mother had "argued" with you and "disrespected the court." In your written order entered after the hearing, you found that the Mother's behavior had been "belligerent" and "deplorable" and she had made statements which were "inappropriate and was (sic) calculated to embarrass, hinder, or obstruct the administration of justice." However, the video recording of the hearing does not support either your oral statements or written findings upon which you held the Mother in direct criminal contempt.

ii. The video recording shows that the Mother attempted to explain her violation of a court order requiring the enrollment of her minor children in a specific school program. The Mother testified, among other reasons, that the children's maternal grandfather had recently been murdered by the children's father. You interrupted the Mother and inexplicably stated, "I get all that—I understand—I get all that, but that's not a reason for the kids not to go to school."

iii. The Mother then tried to explain that one of the children—who had witnessed the murder—had to go out of town to speak to the investigating detective in Pasco County and

"psychologically she can't" go to school. You responded, "Unless I modify the order, they're ordered—they need to comply." The mother replied, "Then I guess you'll get a lawyer." You responded, "You guess you'll get what?" The mother replied, "A lawyer." You responded, "Okay, you can do whatever you want, this is truancy court." The mother replied, "But my kids are mentally unstable to go right now, and you're not understanding, their father is gone." Still without acknowledging the impact of this substantial change in circumstances, you responded, "It's already been ordered, ma'am."

iv. As the hearing continued, the mother began to question some of the conditions which had been imposed on her in a separate dependency case. You responded, "This is truancy. This has nothing to do with dependency." The mother interrupted you and replied, "Well, this is what I have to do for my case to be closed so what does that mean this doesn't have—" You responded, with a raised voice, "Ma'am, again, again. When I speak, you don't speak." The Mother turned her head away from you, to which you responded, "And don't roll your eyes

at me, or you know what, this gentleman here (pointing at your courtroom deputy) will hold you in contempt." The Mother calmly responded, "Yes, ma'am."

v. You then stated, "Let's start this again. I am not the dependency judge. You are here for truancy purposes, which means your children have missed school. I don't care about a case plan before any other judge. I'm the judge here, hearing the truancy case. In regards to this case, you have not complied with a court order ... that required your children to be enrolled in a program. So I'm trying to give you the information that you say you don't know what the information is. So I'm telling you I don't care what your (the children's) therapist is going to tell me at this point. That's irrelevant. The damage is done. The absences have already occurred. Now what you're trying to do is build yourself back. I'm sorry that your father was murdered. I'm sorry that your husband is not around. That's not what the issue is. The only issue before this court is how to get your children educated and making sure that you are a participant and assist in their educational process. That is what your role is."

vi. The children's truancy counselor then testified about the case status. Seeing the Mother nodding, you stated to the Mother, "Okay, you're shaking your head, but all I've heard is that you've not complied with the court's order. You're shaking your head like you've done something wonderful and you haven't. You've failed to comply with the court's order. You don't get—it's not an option. You're court-ordered for the children to attend [the program]." The Mother responded, "Because I emailed my doctor, and my doctor said they [the children] were not mentally stable—" You interrupted and replied, "I don't care what the doctor—" The mother responded, "So okay, if they have a medical document, that's what I'm trying to tell you." You replied, with a raised voice, "But you don't have it." The Mother responded, "I can show you the email then." You replied, "Ma'am, I don't need to see the email."

vii. A few minutes later, the Mother again tried to explain to you the reasons why the children had not been enrolled in the program, including that "My daughter is not okay right now ... She is receiving counseling from [two counselors] ... My

daughter witnessed a death and everything else. Death as far as her father … She is not okay. She witnessed things that I would never let my kid like see or be around. So I'm about to see a shrink, because my baby's father murdered my father, and my daughter has to deal with it." Again, without acknowledging the impact of this substantial change in circumstances, you responded, "Listen, here's the deal. I'm going to take a five-minute recess, but when I come back, it's my hope that you think about why we're here today. I don't care about all of the outside stuff. This is about your children going to school. That's what this is about. That's it." The mother replied, "I get that." You responded, "Obviously not. We're all here for you today. So, I'm going to take a five-minute recess. I will be back, and we're going to discuss what's gonna happen. I don't know what I'm going to do yet for violating my court order. So let me think about that."

viii. After the five-minute recess, you returned to the courtroom. Upon your return, your first statement—speaking to the Mother—was, "Based on your actions and what has occurred in court today, I'm going to be finding you in direct criminal

contempt of the court's order. I will sentence you to 10 days in the county jail." Only after making that finding and sentencing the Mother did you ask her for mitigating evidence and whether she was still willing to enter her child in the program. The Mother said yes. You replied, "Well, what I'm going to do, because I think I've asked you three times prior to this whether or not you were going to do it, and that you were in contempt of the court's order. You argued with me. In regards to that, you actually disrespected the bench. You actually took into — did not take into account, really, the situation that we're here today, the process. In regards to that, I'm going to give you 10 days to think about your actions. You'll come back before the Court in 10 days and we can re-address everything at that time." You then directed the Mother to put her hands behind her back. While your courtroom deputy was handcuffing the Mother, you stated, "For the record, you failed to comply with the court's order. You violated the court's order and you impacted the ability of this Court to conduct court the way it needs to be. So in regards to that, ma'am, I can sentence you up to 180 days. I

will only sentence you for 10 days." The Mother was immediately led from the courtroom to serve her jail sentence.

ix. You subsequently entered a written direct criminal contempt order declaring that the Mother's behavior during the hearing had been "belligerent" and "deplorable" and that her statements were "inappropriate and ... calculated to embarrass, hinder, or obstruct the administration of justice."

x. Your oral direct criminal contempt order was legally deficient in that you conflated the mother's failure to comply with the prior school enrollment order—which would have been the subject of civil contempt—with your perceived belief that the mother had "argued" with you, "disrespected the bench," and "impacted the ability of this Court to conduct court the way it needs to be." Your action also was legally deficient in that only after you had found the mother in direct criminal contempt and sentenced her to 10 days in the county jail did you ask her for mitigating evidence.

xi. More significantly, the video recording of this hearing does not support your oral statements that the mother had "argued" with you, "disrespected the bench," or "impacted the ability

of this Court to conduct court the way it needs to be," to support a direct criminal contempt finding or the resulting 10 day jail sentence. Rather, the video recording indicates that when the mother attempted to explain to you the primary reason why she had not complied with the school enrollment order—the traumatizing effect from the murder of the children's grandfather by their father, including one child who had witnessed the murder—you repeatedly and inexplicably said you did not care about those circumstances and considered those circumstances irrelevant, despite that such a substantial change in circumstances required your earnest consideration in determining whether the mother's non-compliance should result in a civil contempt order.

xii. Further, the video recording of this hearing does not substantiate your written order declaring that the Mother's behavior was "belligerent" and "deplorable" or that her statements were "inappropriate and ... calculated to embarrass, hinder, or obstruct the administration of justice."

xiii. You also did not address, or even inquire, as to the potential effect on the welfare of the minor children before you ordered the mother taken into custody.

xiv. You later vacated the prior judge's order regarding the children's placement after the Mother had served her contempt jail sentence. However, you did not vacate the Mother's direct criminal contempt conviction which you had imposed.

xv. During your appearance before the Commission, you testified that during the five-minute recess which you took during the truancy hearing, you had contacted your administrative judge to determine whether you could hold the Mother in contempt for not having complied with the truancy order—a matter for civil contempt. However, when you returned to the courtroom, rather than imposing a civil contempt order, you immediately sentenced the mother to 10 days in jail for direct criminal contempt. Even though you had been a thirty-year attorney practicing criminal and family law before taking the bench, you testified that, at the time, you did not fully understand the difference between civil contempt and direct

criminal contempt. You also acknowledged you did not conduct a procedurally proper contempt hearing, and you testified you were unaware that you could have vacated the Mother's direct criminal contempt conviction which you had imposed. You again sought to excuse your actions on the fact that you had yet to attend Florida Judicial College. However, despite the video evidence to the contrary, you stood by your belief that, at the time you wrote the direct criminal contempt order, the Mother's behavior had been "belligerent" and "deplorable" and that her statements were "inappropriate and ... calculated to embarrass, hinder, or obstruct the administration of justice."

xvi. Video of this matter is **JQC Composite Exhibit 2.**

c. *State v. Morrison*

i. On or about November 29, 2023, you were scheduled to arraign the defendant (Morrison) in *State v. Morrison*, (Putnam County Case No. 2023-968-CT), regarding driving on an invalid license, a second-degree misdemeanor.

ii. Per the video recording of your courtroom that day, while you were hearing an unrelated case preceding Morrison's case,

your courtroom deputy told Morrison, who was seated in the back of the gallery, to remove his hat and to leave the courtroom when his cellphone rang. Morrison complied, but as he left the courtroom, he told the deputy, "Go f*** yourself." When you overheard the remark while presiding over the unrelated case, you instructed the deputy to apprehend Morrison from the hallway and return him to the courtroom.

iii. When the deputy returned Morrison to the courtroom in handcuffs, you first stated you were finding him in direct criminal contempt, but then asked him why you should not find him guilty of direct criminal contempt. Morrison calmly responded, "Your Honor, I have no reason to tell you I'm not guilty, but if you could have a little bit of grace on me, I've just been going through a lot."

iv. After repeating your observations of Morrison's improper conduct, you asked Morrison, "Give me a really good reason why you would come into my courtroom, disrespect not only the process, but the court, the judge, and my bailiff, who was doing his job, when you're here on a - I believe - simple no

valid driver's license." Morrison responded, "I've been having a stressful week and everything. I can't—I can't give you an excuse. I'm not going to sit here and give you excuses and lie to you. I'm not going to do that."

v. You then asked Morrison, "So give me mitigation, real mitigation, not that you're stressed, give me mitigation as to why I should not hold you in contempt." Morrison responded, "Because I've just gotten my first career job..." You interrupted Morrison by stating, "That's a good thing. That's not—" Morrison continued, "I'm trying to get my daughter back from the courts as we speak, because when I was in a motorcycle accident this year, I wasn't able to be here to sign her birth certificate, and they gave her up to somebody else." At that point, Morrison began crying. While crying, Morrison stated, "And I'm trying to get work so I can get ... custody over her."

vi. You replied, "Mr. Morrison, all of those things would have been relevant if you had decided not to be as disrespectful as you were, not only to, like I said, to the Court, you did this in front of the Court. It's not like you were in the hallway, or at

somebody's house, or with a friend. ... So I am going to find that guilty of criminal contempt. I'm going to sentence you to 60 days. I could sentence you up to 179. I'm going to sentence you to 60 days in the county jail. We can reevaluate it possibly in the future, but as of now, I'm going to find you in direct contempt, direct criminal contempt." The defendant continued crying.

vii. Although your 60-day sentence was legal in its duration, the sentence's length appears to have been excessive in light of Morrison's expression of remorse, his request for mitigation based on his new employment and alleged paternity issue, and the fact that Morrison was in court on a second-degree misdemeanor driving offense.

viii. Further, despite Morrison now being handcuffed and in distress, you proceeded with Morrison's arraignment on his no valid driver's license charge. You asked the prosecutor if she had an offer which she wished to put on the record. The prosecutor offered an adjudication of guilt and court costs. You asked Morrison if he had an attorney. Morrison, while crying, responded, "I barely have a house to live in. I ain't

got nothing. I ain't got a job now." You replied, "My ruling is going to stand. I find you guilty of direct criminal contempt. I do not find your argument as to why you were disrespectful to not only to the Court—" Morrison interjected, "There was no reason. There was no reason. I can't give you a reason. I'm not going to lie to you." You replied, "That's why I'm only going to sentence you to 60 days."

ix. Your final statement, implying you were being merciful to Morrison, further reflects your lack of understanding of the sentence's excessiveness in light of his expression of remorse, his request for mitigation, and the fact that the state was seeking only an adjudication and court costs on the no valid driver's license charge for which Morrison was in court.

x. Continuing with the arraignment, you asked Morrison if he wished to enter a not guilty plea to the charge of driving with no valid driver's license. Morrison, still crying, responded, "I don't know. That's the best—in my defense, I don't know what to do. I don't even know what to do. I don't know what

the best option is." Courtroom deputies then led Morrison out of the courtroom.

xi. Approximately 21-days later you modified your contempt order to time-served so that Morrison could be extradited on a newly issued out-of-state warrant, of which you had not been aware at the time you sentenced Morrison for direct criminal contempt.

xii. During your appearance before the Commission, you maintained that sentencing Morrison to the 60-day jail sentence was not excessive because it was of legal duration, it was necessary to maintain respect for the court, and "you have seen judges sentence people to longer for less." However, when the Commission expressed its concern that the sentence appeared excessive in light of Morrison's expression of remorse, his request for mitigation, and the fact that the state was seeking only an adjudication and court costs on the no valid driver's license charge for which Morrison was in court, you again stated that you had not attended Florida Judicial College before the hearing had occurred, and

acknowledged that you may have acted differently based on what you had learned at Florida Judicial College.

xiii. Video of this matter is **JQC Exhibit 3.**

2. The Commission is mindful that the use of direct criminal contempt by a judge is an extraordinarily serious decision, and something to be weighed by each judge, in each circumstance. Here, however, your unwarranted and improper use of contempt in some instances, coupled with your failure to follow the law governing your use of contempt in all cases, cumulatively, constitutes a pattern of abusing your contempt authority.
3. In sum, in your appearances before the Commission, you acknowledged that your conduct fell below the high standard expected of judges, and that you should have been more patient and courteous. You also acknowledged that you did not comply with the law and procedures governing the exercise of your summary contempt powers. You stated that you were unfamiliar with how to use your contempt powers because you had not yet attended the Florida Judicial College.

Your unwillingness or inability to govern yourself with the dignity, courtesy and patience required by the Code, as well as your casual and illegal use of your contempt power in direct contravention of clearly established procedures and law, raise serious questions about your fitness to serve as a judicial officer. The foregoing

behavior constitutes inappropriate conduct that violates Canons 1, 2A, 3B(2), 3B(4), and 3B(8) 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 in the undersigned Counsel for the Judicial Qualifications Commission.

THE FLORIDA JUDICIAL QUALIFICATIONS COMMISSION

By: _____

Hugh R. Brown
Assistant General Counsel
Florida Bar No. 0003484
P.O. Box 14160
Tallahassee, Florida 32317
(850) 488-1581
hbrown@floridajqc.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice of Investigation has been furnished by electronic service to the following parties, this 21st day of October, 2024:

The Honorable Anne Marie Gennusa
Putnam County Courthouse
410 Saint Johns Avenue
Palatka, Florida 32177-4725

C/o Warren W. Lindsey, Esq.
warren@lindseyferryparker.com
Counsel for Judge Gennusa

By: _____
Hugh R. Brown
Assistant General Counsel