

SUPREME COURT OF FLORIDA

Inquiry Concerning a Judge, No. 13-309 Re Brenda Tracy Sheehan

139 So. 3d 290 (Fla. 2014) · No. SC14-136 · Decided May 15, 2014

SUMMARY

The Florida Supreme Court reviews the Florida Judicial Qualifications Commission’s recommendation that Judge Brenda Tracy Sheehan receive a public reprimand for driving under the influence. The court approves the findings and recommendation, concluding that Sheehan violated Canons 1 and 2A of the Code of Judicial Conduct, and orders her to appear for administration of the reprimand.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Polston, C.J.; Pariente, J.; Lewis, J.; Quince, J.; Canady, J.; Labarga, J.; Perry, J.
JURISDICTION	Florida
DECIDED	May 15, 2014
DOCKET	SC14-136
DISPOSITION	approved
PROCEDURAL POSTURE	Original disciplinary proceeding reviewing the Florida Judicial Qualifications Commission's findings and recommendation that Circuit Judge Brenda Tracy Sheehan receive a public reprimand.
STANDARD OF REVIEW	The JQC's findings and recommendations are given great weight, but the ultimate power and responsibility to determine whether and how to discipline a judge rests with the Supreme Court of Florida.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Florida
PARTIES	Florida Judicial Qualifications Commission v. Brenda Tracy Sheehan

TOPICS

- appellate procedure
- appellate jurisdiction
- constitutional law

PRACTICE AREAS

- judicial discipline
- legal ethics
- constitutional law
- appellate procedure

QUESTIONS PRESENTED

1. Whether the Supreme Court of Florida should accept the JQC's findings that Judge Sheehan violated Canons 1 and 2A of the Code of Judicial Conduct.
2. Whether a public reprimand was appropriate discipline for Judge Sheehan's driving under the influence.

HOLDINGS

1. The Court approved the JQC's findings that Judge Sheehan's driving under the influence violated Canons 1 and 2A of the Code of Judicial Conduct.
2. The Court approved the JQC's recommendation of a public reprimand and ordered Judge Sheehan to appear before the Court for its administration.

KEY QUOTATIONS

“Although this Court gives the findings and recommendations of the JQC great weight, the ultimate power and responsibility in making a determination to discipline a judge rests with this Court.”

“Judge Sheehan’s conduct at issue in this case—driving under the influence of alcohol—is reprehensible.”

“Such disregard of criminal law and public safety undermines the public’s confidence in the integrity of the judiciary and will not be tolerated.”

FACTUAL BACKGROUND

On July 5, 2013, Judge Brenda Tracy Sheehan was observed driving erratically and was stopped by law enforcement. Two breath tests showed alcohol levels of .171 and .161, more than twice Florida's legal limit of .08. She pleaded guilty to driving under the influence, accepted full responsibility, and stipulated that the incident caused no personal injury or property damage and was her first such charge.

PROCEDURAL HISTORY

The JQC charged Judge Sheehan with violating Canons 1 and 2A of the Code of Judicial Conduct after her arrest and guilty plea for driving under the influence. The parties entered into a stipulation, and the JQC recommended a public reprimand. The Supreme Court of Florida reviewed and approved the JQC's findings and recommendation.

DISPOSITION

approved

CASES CITED

- In re Renke, 933 So. 2d 482, 493 (Fla. 2006)
- In re Angel, 867 So. 2d 379, 382 (Fla. 2004)
- In re Nelson, 95 So. 3d 122 (Fla. 2012)
- In re Esquiroz, 654 So. 2d 558 (Fla. 1995)

- In re Gloeckner, 626 So. 2d 188 (Fla. 1993)
- In re Frank, 753 So. 2d 1228, 1242 (Fla. 2000)

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