

Supreme Court of Florida

No. 73,502

INQUIRY CONCERNING A JUDGE

RE: HUGH D. HAYES

[March 23, 1989]

PER CURIAM.

We have for review the report of the Florida Judicial Qualifications Commission recommending that Judge Hugh D. Hayes, Circuit Judge of the Twentieth Judicial Circuit of Florida, be given a public reprimand for the violation of Canons 1, 2 and 3A(6) of the Code of Judicial Conduct. We have jurisdiction. Art. V, § 12, Fla. Const.

The Judicial Qualifications Commission instituted formal proceedings against Judge Hugh D. Hayes alleging that

[d]uring the murder trial of Steven Benson in 1986, while serving as presiding judge in that trial, [Judge Hayes] discussed with journalist Michael Mewshaw on multiple occasions the progress of the trial, [his] opinions and reactions to the conduct of participating attorneys, witnesses and the jury, with knowledge that such discussions, comments and expressions of opinion, though given "off the record," would be used by journalist Mewshaw in material that he was preparing for publication. Direct quotes in such publication entitled Money to Burn: The Story of the Benson Family Murders attribute to [Judge Hayes's] gross unjudicial statements.

Judge Hayes and the Commission stipulated that

(i) Judge Hayes does not contest the matters set forth in the Notice of Formal Charges (the "Notice") instituting this inquiry; (ii) Judge Hayes has demonstrated that he has otherwise rendered commendable service to the public as a conscientious judicial officer during his tenure on the bench; (iii) Judge Hayes does not contest the recommendation of the Commission as set forth below

We hereby adopt the stipulation and recommendation of the Judicial Qualifications Commission. The publication of this order in the Southern Reporter will constitute a public reprimand of Judge Hugh D. Hayes for his conduct as a Circuit Judge of the Twentieth Judicial Circuit of Florida.

It is so ordered.

EHRlich, C.J., and OVERTON, McDONALD, SHAW, BARKETT, GRIMES and KOGAN, JJ., Concur

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF FILED, DETERMINED.

Original Proceedings - Florida Judicial Qualifications Commission

Roy T. Rhodes, General Counsel, Florida Judicial Qualifications
Commission, Tallahassee, Florida,

for Petitioner

Hugh D. Hayes, in proper person, Naples, Florida,

for Respondent