



# BROWARD ASSOCIATION OF CRIMINAL DEFENSE LAWYERS, INC.

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June 16, 2017

Dear Chief Judge Elect Tuter:

I write to you today on behalf of our organization and its membership to express our great concern over the inappropriate and unprofessional behavior of Broward County Court Judge Mardi Levey Cohen. We are aware that the Public Defender's Office brought these issues to the Chief Judge's attention more than a month ago and yet no action has been taken to date. In light of the recent re-assignments within the Broward County Judiciary, we would urge you to reassign Judge Mardi Levey Cohen from the County Criminal Bench.

There have been, and continue to be, several instances where Judge Levey Cohen breached public confidence in the judiciary with her unprofessional behavior and comments which are unbecoming a member of our Judiciary. One instance in which Judge Levey Cohen berated an unrepresented defendant is particularly alarming.

On March 31, 2017, a pro se defendant, Dwayne Brown, appeared before Judge Mardi Levey Cohen on case number 15010482MM10A. He was charged with petit theft, and after the Court was made aware that he wanted to accept the State's offer to resolve his case, the hearing proceeded as follows:

THE COURT:	What are you doing? You are being an idiot.
THE DEFENDANT:	Yeah.
THE COURT:	Just being an idiot. Sitting in jail like an idiot.
THE DEFENDANT:	Yeah.
THE COURT:	Because you are an idiot, right?
THE DEFENDANT:	(No response)

The Court continues going over the plea and the Defendant's priors. The Judge continued making statements to the unrepresented Defendant that are inappropriate, and created an environment where the Defendant is humiliated and embarrassed.

Later that day, while addressing a completely unrelated case, the Court continued its unprofessional behavior towards Mr. Brown:

THE COURT: You know what? Its not funny. It's just stupid. Today is stupid day. Right Mr. Brown? Is that his name?

THE BAILIFF: Yeah.

THE COURT: Dwayne?

THE BAILIFF: Yeah.

A copy of the transcripts of these proceedings are attached hereto for your review. According to eye-witnesses during this time, Mr. Brown was holding his head in his hands trying to hide his face from the humiliation he felt. This is unacceptable behavior from a member of the judiciary. As you are well aware, the Judge's role is to be a neutral arbiter of the case, not to demean those who appear before the Court.

Aside from treating the public with impunity, there is an allegation that Judge Mardi Levey Cohen unprofessionally referred to a supervising attorney from the Public Defender's office as a "twit," in front of her client, other attorneys, and members of the public. This was in response to one of her clients asserting his right to go to trial, one of the most respected and fundamental rights found in our Constitution; a right that the Judiciary is sworn to uphold. The audio recording of this hearing is available upon request, and witness affidavits are attached hereto for your review.

A disrespectful Judiciary does nothing but erode the confidence the public has in our court system. This is not a matter of adverse rulings or incorrect application of the law. It is imperative that the public have confidence in our Judiciary when they appear in our criminal courts as a witness or litigant. Judge Levey Cohen's behavior repeatedly crosses the line. We urge you to review this material and remove Judge Levey Cohen from the Criminal Bench. There is no place for this type of behavior in any of Broward's courtrooms, especially on the criminal bench where our citizens' liberty and justice is at stake.

We welcome the opportunity to speak with you further on this matter. Members of the executive board could meet with you in your office or you are more than welcome to address our board at our monthly meeting which is held on the first Monday of each month. We look forward to working with you and building a lasting relationship with you as our Chief Judge.

Sincerely,



HUDA AJLANI-MACRI, Esq.  
President

CC: Chief Judge Peter M. Weinstein  
Hon. Howard Finkelstein, Esq., Public Defender  
Hon. Michael Satz, Esq., State Attorney  
Hon. Christopher Pole, County Criminal Administrative Judge  
Hon. Mardi Levey Cohen