

SALFI FINDS FRIENDS AND FOES AMONG THOSE HE HAS JUDGED

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During his 15 years as a Seminole-Brevard circuit judge, Dominick Salfi has presided over hundreds of cases: everything from burglaries to child custody disputes.

Some people who have appeared in Salfi's court credit him with turning around their lives. Others say the judge made their lives miserable.

The Orlando Sentinel tracked 14 cases that Salfi has handled during the past three years. Some were selected because Salfi's critics say they show how he abuses the system. Others were selected because Salfi said they show how he gets results.

Of the 14 people involved in those cases, only four felt that Salfi handled their cases fairly and expeditiously. The other 10 -- including one suggested by

Salfi -- complained that he took too long to dispose of their cases, handed out unreasonable punishment and caused them and their families extreme emotional and mental stress.

'I NEARLY HIT HIM ONE DAY'

Here are some of their stories:

When John Bean petitioned for custody of his 11-year-old daughter, Debbie, in November 1980, he said he never dreamed his bid would turn into a three-year nightmare.

Bean, a former car salesman in Seminole County, is in the office supply business in Orange County.

When Salfi assumed Bean's custody case in January 1981, he ordered an investigation of the Bean family that took until March to complete. The trial was delayed until August.

At the trial, Bean's attorney, Jack Bridges, asked Salfi to set up joint custody between Bean and his former wife. Instead, Salfi gave Bean and his ex-wife six weeks in which to draw up a joint custody plan for the judge's approval.

But Bean and his ex-wife couldn't agree, so the case dragged on until November when the judges in Sanford changed assignments. Bean's case was transferred to another judge.

The change caused problems for Bean and Bridges. The attorney said the case went to a judge he does not practice before because of a conflict of interest. Bean, in turn, asked Salfi to keep the case because he had promised to make a ruling if the parties could not agree.

In January 1982, Salfi denied Bean's request to keep the case. Bridges said he was forced to withdraw, leaving Bean on his own.

"I couldn't afford another attorney," said Bean. "I was having trouble making my child support payments."

The case lay in limbo for six months, until July, when Salfi rotated back onto the case. Immediately, Bean wrote his own motion, asking Salfi to settle the case because Bean and his ex-wife couldn't agree on joint custody.

"Please do everything possible to settle this case, as I, John Bean, am about to have a mental problem over it," Bean wrote the judge.

Instead of ruling, however, Salfi again ordered the parents to come up with a custody plan, this one under Florida's shared parenting law, which had just gone into effect.

Again the couple disagreed, and in September, two months after Salfi had regained the case, the ex-wife's attorney asked Salfi to settle it. A month later Salfi refused, saying he had "an inherent right" to ask the father and mother to agree on a custody plan.

Three weeks later, the ex-wife's attorney filed an appeal. Bean wrote the appeal court a letter, stating: "As far as I am concerned, I have no wish to pursue this case and cause any more mental or financial hardships on all concerned."

In May 1983, seven months later, the 5th District Court of Appeal issued an opinion calling the impasse in the case "incredible" and

ordered the case assigned to a new judge.

The appellate court said the right of the parties to have their dispute resolved expeditiously was "blatantly ignored."

"It is shocking and disappointing that able counsel and an experienced trial judge, noted for his concern and compassion for the welfare of children, could not resolve this matter without visiting upon the parties and the minor child the trauma of unnecessarily prolonged litigation," the court said.

Salfi admitted his removal by the appeal court "was unusual." He also said the impasse shouldn't have happened.

"I didn't take it as a personal slam," said Salfi. "If the court took me off a case, fine. If I was a problem, fine, remove me."

The case was dismissed at Bean's request six months later by another judge. But Bean was ordered to pay his ex-wife's attorney \$2,500.

"The whole thing was just incredible," Bean said. "I don't know why Salfi never did anything. I nearly hit him one day."

Three months ago, the child, now 16, moved in with her father, with her mother's permission.

'I WANTED TO THANK HIM'

Gerald Sullivan of Fern Park is one who praises Salfi for turning around his life.

Sullivan, 31, pleaded guilty last year to resisting arrest with violence for interfering with a firefighter at work.

While serving voluntary weekend jail time before his sentencing, at Salfi's suggestion, Sullivan was caught smuggling marijuana into the Seminole County jail. Another judge later sentenced him to five years' probation on the drug charge.

"Salfi found out about the pot and revoked my bond" for the charge of resisting arrest, said Sullivan. "Later, he jumped the guidelines and sentenced me to two years in state prison."

Resisting arrest with violence is a third-degree felony. Assistant

State Attorney Steve Plotnick, who prosecuted the case, said in Sullivan's case the sentencing guidelines called for five years' probation, including a year in the county jail.

But Salfi exceeded the guidelines to sentence Sullivan to two years in state prison based on the defendant's alcohol problem and the additional marijuana charge, Plotnick said.

Sullivan's public defender appealed Salfi's sentence, but it was upheld in May by the 5th District Court of Appeal.

Although he had been arrested for minor offenses three times between the ages of 18 and 25, Sullivan said he had never spent a day in jail.

"I felt I was railroaded by Salfi at the time," he said. "I was shocked when I didn't get probation."

The construction worker, who left behind a new wife when he was sent to the state prison near Starke, said it took him a year to figure out what had happened to him.

When he was released three months ago, after serving about half of his sentence, Sullivan paid Salfi a visit. "I wanted to thank him for doing me a favor. He got me off drinking . . . I'm an alcoholic."

Sullivan said he was drunk when he accosted the firefighter and in those days spent "90 percent of my time on a barstool." Now, Sullivan said, he's a dedicated member of Alcoholics Anonymous.

He also serves as a volunteer role model for other drug abusers at a weekly counseling session at The Grove, a Seminole County drug rehabilitation program he once refused to attend.

"My wife can't stand Salfi," Sullivan said. "He doesn't give a damn about your family; he cares only for you. The man helped me."

\$3 PILL COSTS 10 MONTHS

Ruth Ann Hebel admits she made a mistake that February day last year when she bought a Quaalude in a liquor store parking lot.

"It was sort of a lark," she said. "We were clowning around . . . I only paid \$3 for it. We didn't know we were under surveillance by undercover cops."

Last September, Salfi sentenced the 24-year-old waitress to 10 months in the Seminole County jail.

Although she served only half of that sentence, Hebel and her family are bitter over what they call their "seven-month ordeal" in Salfi's court.

They maintain that the harshness of the sentence and the longevity of the court proceedings far outweighed the severity of the crime.

Although court records show Hebel admitted during her trial that she had smoked marijuana just two weeks before, her family contends that Salfi sentenced her "for every pill and every drink she's ever had."

Hebel said that although she experimented with drugs as a teen-ager, she has never been a habitual drug user.

The family also claims that

Salfi was biased against them. John Hebel, Ruth Ann's father, said he had been outspokenly critical of Salfi's handling of a criminal manslaughter case that involved the death of his daughter, Laurie, 13.

In May 1981, Laurie was killed by a drunken driver as she walked down Wekiva Springs Road with a group of girls. Another Hebel daughter was injured in the accident.

Jerome Jowais, 18, was charged with manslaughter and driving while intoxicated, but Salfi later dismissed the case against Jowais because he said the state had failed to meet the 180-day speedy trial rule.

The Seminole state attorney's office appealed Salfi's ruling and won. Though Jowais then was found guilty and sentenced by Salfi to 15 years in prison, he remained free for four years, until he lost his appeal last March.

"Salfi knew us when Ruth Ann went in," said John Hebel, a Martin Marietta engineer. "He was going to straighten out our lives, those were the words he used. He was going to save us from ourselves. He wanted us all to go to drug counseling."

John Galluzzo, the former public defender who represented Hebel, said he did not ask Salfi to disqualify himself because he was not aware until the last minute of the family's previous dispute with Salfi.

Court records show that at Hebel's first sentencing hearing Salfi questioned a drug counselor's recommendation that Hebel participate in an outpatient program, rather than a residential program.

"I think there's some real deep-seated games going on inside this family that need to be looked at," Salfi said at the hearing.

Later the judge remarked, "The veil has got to come off this family. I sensed this when I dealt with this family before that there were things that weren't being said."

Adding to the family's anger, John Hebel said, was the six-month sentence Salfi gave to the young man who sold Hebel the pill.

Grant Shutter, who was arrested with Ruth Hebel, was charged with possession of 26 Quaalude pills and two containers of marijuana. His record includes arrests for drunken driving in 1980 and 1982.

Hebel had only one arrest. In 1982, she was charged in Texas with possession of drug paraphernalia, a misdemeanor, and fined \$56. She said the marijuana pipe she was carrying in her purse for her boyfriend was found when he was arrested on a charge of drunken driving.

After Hebel was found guilty of buying the Quaalude, a controlled substance, she agreed to serve seven weekends in jail, undergo drug screening and come up with a "sentencing plan."

But Hebel says she never had a chance in Salfi's court. She said that although drug program officials told her that her participation would be completely confidential, information she gave them was used against her in court.

She said the plan she developed with the help of her public defender was turned down by Salfi as "weak," even though it called for three weeks in jail, 30 months of probation, \$300 in court costs, 150 hours of community service and attendance in an outpatient drug treatment program.

Instead, Salfi sent Hebel back to jail to write another plan. "I want you to know that I'm not your druggie friend. I care too much for you," court records show he told her. "I want you to go to jail for me. And I want you to come back with a complete plan."

When Hebel began to cry, Salfi asked her, "Who are you going to invite to your pity party?"

Hebel failed to produce a second plan, saying she was too upset and depressed.

"I still don't feel to this day that what I did was all that bad," said Hebel. "This whole thing has put a big stumbling block in my life."

Salfi called Hebel's 10-month sentence "absolutely correct." He said the reason Shutter got a lighter sentence was because he was a cancer patient whose doctor had recommended he take pot.

"We sentence the person, not the crime," he said. "The attitude of the defendant is extremely important and his was better."

Salfi said that Hebel "admitted she had a problem" and wouldn't deal with it. "It was a drug problem. The fact she had only one pill isn't the issue."

'HE WAS ABSOLUTELY RIGHT'

Several years ago Time magazine ranked Richard "Racehorse" Haynes among the top five defense attorneys in the country. For the past 29 years, the Houston lawyer has practiced in the

fast track, representing some of Texas' best families.

When Haynes arrived in Sanford last year to represent the son of one of those families on a misdemeanor charge of marijuana possession, he had "some trepidation."

After checking with local attorneys, Haynes said he "gave serious thoughts" to asking Salfi to disqualify himself from the case, based on the judge's reputation for harsh sentences in drug cases.

Although the case took a year to settle and brought him back to Florida four times, Haynes said his initial concerns about Salfi's sentencing techniques soon turned to admiration.

"Salfi's interrogation of the accused was pretty dramatic, like an attorney," said Haynes. "It almost pre-empted counsel. He was trying to find out the extent of the kid's problem."

In the end, Haynes said, Salfi "opened my eyes to the kid's problems. He was an alcoholic in the denial stage." The attorney said he was amazed when Salfi persuaded his 27-year-old client to commit himself to a 28-day drug rehabilitation program during the holiday season.

Haynes said the experience left him with "a profound respect" for the time and dedication Salfi gives to youthful offenders.

"I was impressed with Salfi's legal prowess," said Haynes. "He was absolutely right and I was blinded by my allegiance to my client. But that's my job."

FEELING TRAPPED IN COURT

Bill and Brenda Kuhlmeier knew they had a "problem" daughter five years ago when Stacy, then 15, started middle school.

Her mother said Stacy was using and dealing drugs. Her father said their uncontrollable teen-ager ran away from home, skipped school and had emotional problems.

The Oviedo couple asked the Seminole County Juvenile Court for help in the spring of 1981.

Over the next two years, the Kuhlmeiers said they found themselves trapped in an uncaring court system that appeared to take command of their lives and pitted them against each other and their daughter in their efforts to obey Salfi's strict, court-ordered home rules.

Family tensions reached a peak, they said, when Salfi had Stacy arrested and put in detention for three months for breaking his rule prohibiting her from smoking in the house.

Kuhlmeier, an Orange County firefighter, said the family's problems with the system began in January 1982, after Salfi became juvenile judge and assumed their case.

After Stacy was declared delinquent and placed in a series of state facilities and homes, she was returned to her parents in 1982. That summer she left home and moved in with an older boyfriend, her father said.

"We called HRS and told them," said Kuhlmeier. "We decided to leave it alone. She had a part-time job, called us often and went to counseling."

In December, Kuhlmeier said, Salfi heard about Stacy's living

arrangement and "went through the roof. He said that living with a boyfriend was unacceptable."

Mrs. Kuhlmeier said her daughter felt otherwise: "She was in court for drugs and disobedience, not for her morals. She felt her personal business wasn't any of his."

Salfi recommended that the couple place Stacy in the **Straight** drug program, Kuhlmeier said. When Kuhlmeier found he couldn't afford the program's \$3,000 annual fee, he said the judge suggested he move or remortgage his home.

"Salfi wasn't pleased we didn't choose **Straight**," said Kuhlmeier. The couple said their failure to cooperate may have caused their future problems.

When Stacy returned home, Salfi required the family to draw up a home contract, setting rules for Stacy to obey. The penalty for violating a rule was a contempt of court charge.

"I had to write three contracts for Salfi to approve before he was satisfied," Kuhlmeier said.

"Salfi felt that dating three times a week was too much," said Mrs. Kuhlmeier. "Stacy felt she was being treated like a child. We were all frustrated."

In January 1983, Stacy's parents caught her smoking in the bathroom. The Kuhlmeiers said that during the ensuing argument Stacy hit them and ran out of the house.

They reported the incident. But nobody was prepared for what happened. On Jan. 19, deputy sheriffs arrived with a warrant signed by Salfi for Stacy's arrest. Stacy was handcuffed and taken to the county's juvenile detention center.

"I was scared, but what could I do?" said Stacy, 20. Today she lives with her boyfriend's family and works in a south Orlando restaurant.

"Everybody made it sound like I'd smoked a joint with PCP," she said. "It was only a cigarette."

Dismayed over the arrest, the Kuhlmeiers hired Sanford attorney Bill Leffler. On Feb. 10, Salfi found Stacy guilty of contempt.

"The entire system, led by Salfi, overreacted," said Leffler.

Salfi, however, defended his use of court-ordered detention for ungovernable juveniles: "When the child is out of control and parents can't maintain control, when we can't control short of a lockup, we use those methods. It's so critical that sometimes only that works."

Nevertheless, before sentencing, Leffler petitioned Salfi to end Stacy's supervision by the Department of Health and Rehabilitative Services. In an accompanying brief, Leffler wrote:

"This incident has become a tremendous trifle in which minor misbehavior drew consequences far beyond what everybody expected."

In March, HRS recommended Stacy's case be terminated and noted in its pre-sentence report that Kuhlmeier "is totally frustrated with the way HRS and the court have handled this case . . ."

He "asked the court for help with Stacy's drug problem, but now that Stacy is drug free, they are still forced to remain under the authority of the court."

On April 19, Salfi sentenced Stacy to the three months she had served and placed her on three months' probation. Ten days later, the judge suspended probation on the condition Stacy not appear before him again within that time.

HRS, in turn, terminated the Kuhlmeier case, removing it from Salfi's jurisdiction.

"I wish every case could walk out happy and supportive," Salfi said. "I feel sorry the Kuhlmeiers weren't. How can they be so sure detention didn't help her?"

'I DIDN'T GET A FAIR DEAL'

Sanford residents driving along State Road 46 a year ago were startled to see an unusual billboard looming over the highway. Within hours it was the talk of the town.

Its bold message: "IMPEACH Dominick J. Salfi."

That "paid political advertisement" was erected by Citizens for Justice, a group of residents intent on launching official investigations of Salfi and two other Central Florida circuit judges.

The Judicial Qualifications Commission, the state body that investigates judicial misconduct, has interviewed some of the people involved in that effort and told them that it is investigating at least some of their allegations against Salfi.

Budagail Kirchman, a Seminole County real estate agent, said her political committee was formed last year to protest Salfi's handling of domestic cases, including her 1978 divorce from Kenneth Kirchman, president of Florida Software Corp.

"I didn't get a fair deal in Salfi's court," she said. "What happened to me shouldn't have happened to a dog."

Kirchman said Salfi refused her due process during the trial and was biased against her and her attorney, Jack Nichols of Orlando.

Salfi appeared to show his bias at a hearing for attorney's fees, Nichols said in a 1981 affidavit.

"From the tone of Salfi's voice and the stern and angry look in his eyes, as he looked at the attorney and Budagail Kirchman, it was obvious he had a preconceived opinion that we had engaged in deception or trickery to mislead or misrepresent . . . the issues on appeal," the affidavit stated.

Kirchman said Salfi failed to make a proper alimony award and to clearly define her interest, if any, in the stock from her husband's company.

In October 1978, Salfi awarded her \$327,000 in "periodic" alimony to be distributed in diminishing monthly amounts over 20 years. He did not address the stock issue.

Kirchman appealed the decision and in October 1980 the appellate court partially reversed Salfi and instructed him to review his findings and enter a proper judgment on both points.

In its opinion, the appellate court noted that Salfi did not award one of the three legally recognized forms of alimony, choosing instead "to form a new type of alimony which he simply calls 'periodic alimony.' It can be quickly seen that this is not an equitable award especially to the appellant."

The court also said that Salfi seemed to contradict himself on whether or not Kirchman was entitled to any stock.

But Kirchman and Nichols say Salfi took far too long -- 13 months -- to carry out the order. They say he again failed to address the stock issue and never allowed them court time to present new evidence on their stock claim.

"We never could get a hearing in front of" Salfi, said Nichols. "A judge can make a case very difficult for an attorney and he did."

Salfi, however, called the Kirchmans' complex court battle "a real maze" of "crazy motions," compounded by "wayward counsel." He noted that the 5th District Court of Appeal upheld his final ruling in three of the four appeals by Kirchman.

"When you have a person who dedicates their life to getting me off the bench, you're going to get" these objections, Salfi said.

Salfi denied he was responsible for the delays, saying they were caused in part by Nichols' failure to file motions showing a basis for a higher award.

In his January 1982 opinion on the case, Salfi castigated Nichols, saying, "I am greatly concerned about the manner in which the wife's case has been handled by counsel, Mr. Nichols. It is not this court's function to bend over backward to attempt to steer wayward counsel in the right direction."

Nichols called Salfi's opinion "absurd" and said it was a response to his own allegation to the appellate court that Salfi acted improperly during the Kirchman trial "by espousing his mores and his philosophies on others."

Recalled Nichols, "At the end of the trial, he Salfi looks over at Mrs. Kirchman and says, 'Do you love him?' And he asked Ken Kirchman the same question. It was a devastating emotional experience."

Last January, Kirchman mailed her complaint accusing Salfi of improper judicial conduct to the JQC.

A week later Salfi filed a complaint with the Secretary of State, accusing Citizens for Justice of election law violations.

In June, the secretary's Elections Division cleared the organization of willful wrongdoing but rebuked it for failing to file timely treasurer's reports and for not displaying a proper disclaimer on the billboard.

- Caption: PHOTO: Bean, daughter Debbie...his bid for custody of his daughter dragged on for 3 years. JUDY WATSON TRACY SENTINEL PHOTO: Salfi stunned Sullivan...judge 'got me off drinking.' DENNIS WALL SENTINEL PHOTO: Ruth Ann Hebel...she and family feel bitter. JUDY BAYERL SENTINEL PHOTO: Richard Haynes...he was left with admiration. ASSOCIATED PRESS PHOTO: Stacy Kuhlmeier... 'only a cigarette,' she said. KIRK McKOY SENTINEL PHOTO: Budagail Kirchman...she wants Salfi impeached. ANGELA PETERSON SENTINEL
- Memo: Dominick Salfi HIS WAY This is the last of a three-part series of articles on Seminole-Brevard Circuit Judge Dominick Salfi, a judge known for his unusual demands and tough sentences. Today: Six case histories.
- *Index terms: DOMINICK SALFI SERIES COURT BREVARD COUNTY SEMINOLE CONTROVERSY; REACTION LIST DESCRIPTION*

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