

# He says his 'tantrum' is simply a matter of law

**This judge's battle with DCF has drawn plenty of attention - including scorn from Gov. Bush.**

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LARGO - Pinellas Circuit Judge Crockett Farnell's wife woke him early Tuesday morning with some news.

She heard Gov. Jeb Bush on the radio accusing Farnell of throwing a judicial "temper tantrum" for threatening to jail the secretary of the Department of Children and Families because the agency wasn't removing mentally ill inmates from local jails quickly enough.

"If this is a tantrum," Farnell said, "he's lived a very sheltered life. We're just trying to help these poor folks."

A Pinellas judge for nearly 25 years, Farnell has gained national attention recently for his battle with DCF. He has threatened to fine the agency thousands of dollars a day and jail its leader, LucyHadi, if DCF doesn't start following a state law that requires mentally ill inmates to be removed from local jails within 15 days.

While advocates for the mentally ill are praising Farnell, Bush is critical.

"With all due respect to judges pounding their chest in their big black robes up on top of a big chair looking down and castigating Secretary Hadi, they're not governor," Bush said Monday. "They're not the secretary. They're not the Legislature. There is a separation of powers ... I think that some of the temper tantrums that have taken place have gone too far."

In his chambers Tuesday afternoon, Farnell smiled and shook his head as he recalled Bush's comments.

Farnell finds himself pitted against the governor not just over the fate of the mentally ill, but also over whether a judge really can throw a high-ranking government official in jail.

"The governor just doesn't want anybody doing what he doesn't want," Farnell said. "He doesn't have a scintilla of knowledge about judicial independence."

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Farnell, 67, is retiring at the end of the year, and it seems unlikely the situation will be resolved before then. It's unclear whether the next judge assigned to the case will pursue the issue as aggressively.

Farnell, whose wife is also a judge, is a lifelong Republican who calls himself a staunch conservative. He hunts. He farms. He's a retired U.S. Marine Corps colonel.

**Pinellas-Pasco Public Defender Bob Dillinger,** whose office has urged Farnell to go after DCF, said he has never been seen as a great judge for defendants because of his conservative values and military background.

But in this case he's been strongly on the side of defendants.

Farnell, who sports bow ties and a gray moustache, was appointed to a judgeship in 1982 by Gov. Bob Graham, a Democrat.

Within four months, he was overseeing a high-profile murder case. A jury convicted the man and recommended a life sentence, but Farnell made a rare move. Calling the defendant a "rabid rat," he overrode the jury and sentenced the man to death row.

His most high-profile case was in 1987 when he oversaw the trial of George Lewis, a firefighter accused of murdering his neighbor.

A jury convicted Lewis, but in a shocking move, Farnell overturned the verdict and ordered a new trial, saying too many things went wrong during the first trial. An appeals court later overturned Farnell and reinstated the conviction.

The judge was the subject of scorn from the victim's family and in letters to the newspaper.

Farnell also worked as a judge in civil and juvenile courts, where he quickly became frustrated with the inability of the Department of Health and Rehabilitative Services (the precursor to DCF) to help troubled children. They would be left free for months, waiting for placement, and many would get in trouble again and again.

So Farnell began holding HRS officials, including the secretary, in contempt. The next session, the Legislature changed the laws to curtail the wait list.

"He got exasperated," said fellow Pinellas Judge George Greer, who worked for nearly two years with Farnell as a juvenile judge. "It just kind of drove him up the wall."

"He's a Marine. He's accustomed to things being done that should be done."

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Farnell said his military background makes him less likely to accept people - and government agencies - not following orders.

He said the law is clear: DCF must get mentally incompetent inmates out of jail and into treatment within 15 days.

DCF has said it doesn't have enough beds. Its wait list has swelled to about 300 people statewide, including about 30 in Pinellas, and the wait is about three months. Some mentally ill inmates have harmed themselves while waiting in jail, and corrections staffs have struggled to meet the needs of those inmates.

Last week Farnell told the St. Petersburg Times that he would "love to" jail Hadi, a comment he now regrets because it could get him recused from the case.

But he said the episode has at least gotten people's attention. DCF announced last week that it has found \$5-million for more beds, though it won't be enough to eliminate the entire wait list.

"The whole purpose of this was to get their attention up there," Farnell said. "And it obviously worked."

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