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Florida Rep. Randy Fine reacts after a judge found him in contempt of court Tuesday and ordered him to complete an anger management course. (Spectrum News)

CONTEMPT OF COURT

Judge holds Rep. Randy Fine in contempt, orders anger-management course for actions during video hearing

BY MARK BOXLEY | BREVARD COUNTY
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VIERA, Fla. — A Brevard County judge held Florida Rep. Randy Fine in contempt of court Tuesday for making obscene gestures, mouthing curse words and wearing a T-shirt during a video hearing on Aug. 19.

What You Need To Know

- Florida Rep. Randy Fine appeared in court Tuesday to answer questions about some of his actions during an Aug. 19 video court hearing

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challenging Fine's inclusion in the race for the Brevard Republican Executive Committee — were included in an order compelling the state representative to explain his actions in court. In the images, Fine can be clearly seen wearing a campaign T-shirt, and multiple screen shots showed him holding up his middle finger in different positions and making an "L" with his fingers on at least three occasions.

Attorney Ryan Christopher Rodems — who faces his own contempt proceeding based on Fine's actions — argued that Fine was wearing a T-shirt because he had been out campaigning immediately before the Aug. 19 hearing.

"Mr. Fine came in from campaigning ... and so the fact that he was wearing a T-shirt was not meant as any disrespect to the court, it was simply expediency," Rodems told the judge.

Later in the proceeding, though, Judge Scott Blaue said that because no evidence of Fine's campaigning activities was presented to the court, he would not be taking that argument into consideration.

"There's been no evidence that Mr. Fine was campaigning ... so I can't base my decision on that, because there's been no evidence presented to that effect," he said.

In a rebuttal toward the end of the hearing, Rodems made an argument that appeared to imply that Fine — who is a Harvard-educated sitting member of the Florida House of Representatives — may not have realized that wearing a T-shirt to court was not allowed.

"The order, I believe, used the phrase 'proper attire' ... it didn't say, 'No T-shirts,' it said proper attire," Rodems said. "And there are people that believe T-shirts are proper attire."

Rodems also argued that Fine's demeanor during Tuesday's hearing showed that he understands what is expected of him and that going forward he will abide by the court's rules.

"What I would suggest to you is the best evidence that we have of that is Mr. Fine's conduct today," he said. "He did come in in a coat and tie. He sat there patiently. He helped me from the counsel table."

History of Animosity

Rodems also argued that any gestures his client made actually happened before or after the hearing was in session, and were aimed at Burns.

"There is a long history between Mr. Fine and Mr. Burns," Rodems said, adding that nothing his client did was "intended as disrespect to the court."

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in response to the assertion that the Fine's actions happened outside the confines of the hearing, Blaue said that he personally saw him making at least one gesture in real time.

"Some of the observations, some of the conduct, some of the evidence here was observed by the court directly," he said, explaining that he saw "Mr. Fine with the Smashmouth loser sign on his forehead on at least one occasion."

Rodems also floated the idea that a witness who submitted a sworn affidavit for the contempt hearing may not have told the truth in order to hurt Fine politically.

"Because she really doesn't want him in office," he said. "What better way to impact the election than for her to say, 'Today I saw him do this and that,' and have you issue an order of contempt, and then that can be trumpeted out by the political opponent? That's the danger of this."

Anger Management Requirement

Blaue said that he believed the evidence provided to the court was enough to prove that Fine did violate the court's rules of decorum by wearing a T-shirt, and by making the gestures and mouthing curse words during the hearing.

"These actions have consequences, and it may be too prevalent in society today that this kind of conduct is acceptable," he said. "And outside the doors of this courtroom, I could care less. That's not my job. My job is inside of these courtrooms and inside of these doors, to make sure that the authority of this court is substantiated and respected. And that didn't happen."

Blaue said that even things as simple as dressing appropriately are important to the operation of the justice system.

"People are coming here to some semblance of an island of sanity to have disputes resolved, without the animus, and without all of the baggage that comes along with it," he said. "And it's clear to the court that the genesis of this conduct during the hearing on the 19th arises from the animus between you and Mr. Burns."

"But that's got to be left outside and not brought into the courtroom," he added.

Ultimately, Blaue held Fine in contempt of court and ordered him to complete an eight-hour, in-person Florida Safety Council anger management course. He gave Fine 45 days to provide the court with proof that he completed the course.

Blaue did not order Fine to attend on a specific date, but noted that the next in-person course will be held on Oct. 19.

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prosecutor, Fine said.

"I've filed impeachment charges against this judge," he added. "There will be new things added based on today."

Fine also said he would be filing a complaint with the Florida Bar against the state attorney "for participating in a sham hearing."

He went on to attack witnesses in the case — accusing one of perjuring herself and saying the other "clearly is an antisemite" — and then accused Blaue of misconduct.

He said the original case was initially assigned to a different judge, and "this guy, this Blaue, he went into (another judge's) office and took the case off of her desk." Fine did not provide evidence to back up his accusations against the judge.

When asked if he made the gestures seen in screen captures from the hearing in question, Fine adamantly denied doing anything improper.

"No, and you know, the funny thing is I realized a couple times today that I was scratching my face with my middle finger, right in the middle of it (the hearing)," he said.

"Look, if he (Blaue) wanted to ask me what me giving him the middle finger would have looked like, I could have shown him," Fine added. "And it wouldn't have looked like that."

He continued to decry Tuesday's proceedings, calling it "offensive" for the judge to say there was no evidence he was campaigning immediately before the hearing. He also called it "election interference" to scheduled the hearing for the afternoon on the day before the Aug. 20 primary election.

"And look, I've got a lot of things in common with President Trump," he said. "It looks like I've got another one now."

Fine vowed to appeal the judge's ruling.

"Absolutely," he said. "I'm not going to have there be a record of contempt of court."