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### Lawyer wins appeal in 2018 contempt case with PBC judge

By Hannah Winston

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Attorney John Carter was sentenced to 30 days in jail on contempt charges after a back-and-forth with County Judge Marni Bryson during a DUI-case hearing.

WEST PALM BEACH — Two years after Palm Beach County-based lawyer John Carter asked a judge to disqualify herself from the contempt case against him, an appeals court ruled in his favor this month, according to court documents.

On July 1, Circuit Judges Cheryl Caracuzzo, Rosemarie Scher and Scott Suskauer ruled that County Judge Marni Bryson erred when she failed to recuse herself given the history of the case, as well as agreed she wrongfully ordered Carter undergo a mental-health evaluation and refused to set a bond for him.

Because the case originated in county court, the appeal was handled by the circuit court.

Donna Greenspan Solomon, the attorney who represented Carter in his appeal, said by email Monday the judges “rendered a very well-reasoned decision and we are pleased with the result.”

“The Court found the judge improperly failed to recuse herself in view of the level of animosity between her and Mr. Carter, which was sufficient to give Mr. Carter a reasonable fear that he would not receive a fair hearing before her,” Solomon wrote.

She said Bryson wrongfully jailed Carter twice, once after sentencing him on contempt charges — to which the circuit court released him the next day on appeal — and then again for ordering a mental-health evaluation where he was taken into custody.

On March 23, 2018, Carter entered Bryson's courtroom in an attempt to reinstate his client's bond in a DUI case. **He** said it was not his client's fault for not appearing in court; Carter said it happened because he was never given notice for the hearing. When Bryson pointed out the hearing notice was signed, Carter said it wasn't his signature.

The pair got into a back-and-forth, including Carter saying he's never "experienced anything like this" in his 35 years as a lawyer.

"I think you're disrespectful to the people of Palm Beach County. I'm appalled," Carter said, saying other attorneys he spoke with had similar complaints.

It ended with Bryson telling Carter she would recuse herself from the DUI case and that he was to leave the courtroom, according to court records.

"I'm recusing myself from his case because I really just can't — I can't take you (Carter) seriously," Bryson said.

Days later, Bryson issued contempt charges against Carter, not because of the back-and-forth but because of his alleged misrepresentations that he didn't sign for a court document.

During the contempt hearing, Bryson played video of Carter walking up to the clerk's desk on the day in question about signing for the notice to appear. Though the camera is out of view, when Carter walks back into view and to his client, he appeared to have a handful of papers.

"I don't know what those papers were, but I know, 100 percent, that it was not a notice, and if it was, I didn't know it was," Carter said during the 2018 contempt hearing.

In their ruling this month, the three judges said in general trial judges may preside over contempt cases "when the contempt charged does not involve disrespect to or criticism of that particular judge."

"However, we cannot overlook that Judge Bryson recused herself from (Carter's) client's case not because of a conflict she had with his client, but because of an issue she had with (Carter.) Not only did she make that explicitly clear when she

stated her basis for the recusal was that she ‘can’t take (Carter) seriously,’ ” they wrote.

Solomon said Carter, who has a hearing July 17, will be asking the new judge assigned to the case, County Judge Robert Panse, to dismiss the charges against him.

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