

# The DAF Report

*A fair report of domestic affairs*

## Does Judge Buy Hernando County Votes?

By Tom Lemons, The DAF Report

October 27, 2011



Judge Kurtis Hitzemann

Brooksville – Hernando County has a “dirty little secret” according to some who have reported problems within the court system. They say that Judge Kurtis Hitzemann, a county judge in the 5<sup>th</sup> district has some explaining to do with regards to his activities outside of the court.

To give you a little background, Judge Hitzemann presides over Hernando County’s domestic violence court and rules on criminal charges of domestic battery, violations of injunctions and related cases. The potential problem arose when people began to question his ability to fairly rule on cases of domestic violence while he sits on the board of directors for the Dawn Center, a private non-profit organization that provides a shelter and support for battered women. This doesn’t sound all that bad to some, but there is growing concern that he may be using his position on with the Dawn Center to draw support for his re-election.

The Dawn Center has helped a lot of women whose circumstances have lead them to seek temporary shelter and protection from their abuser. The problem is not with the excellent service they provide for the community as a safe haven, it’s how they operate within the court. You see the county has given the Dawn Center space inside the Clerk’s office so that they can offer their services to women who are seeking a domestic violence injunction or DVI’s. Women are met by one of the advocates and provided with domestic violence literature and offers to receive services, but what’s troubling is that they also give unlicensed legal advice. This advice is also provided to women who are alleged victims in criminal action against a husband or boyfriend. One woman, who wished to remain anonymous, told me that the advice she received was to “push for full prosecution, never let up, and seek permanent injunctions” She then revealed to me that she wasn’t really in fear and that it was a mutual fight that lead to his arrest. She even told me “he didn’t even hit me”.

How does this all relate to the charge that Judge Hitzemann is unable to remain impartial and fulfill his judicial duty? According to the Code of Judicial Conduct Judges are not supposed to sit

### Dawn Center

**Board of Directors**

President - Toby Gray, General Manager-Walmart Distribution  
Vice-President - Liz Jennings, Nurse Oak Hill Hospital  
Treasurer - Jo Hoock  
Secretary - Barbara Renczkowski, Hernando County Council PTA, HITV Channel 614

Amy Capoccia, D.O.G  
Amy Germann, Esquire

**Judge Kurt Hitzemann- Hernando County Judge**

Alice M. Pirota, Ind. Sr. Director Mary Kay Cosmetics  
Al Nienhuis, Sheriff Hernando County  
Sue Rupe - Retiree  
Deanne Salazar - Oak Hill Hospital

on directing boards that may influence their decisions. For example: “*Judge may not belong to Women in Distress, a non-profit, quasi-governmental organization, which provides shelter, food, clothing, and counseling, to battered women and their children. The organization also provides court-ordered group and individual counseling to defendants convicted of spouse abuse and attempts to educate the community on domestic violence. **The judge’s involvement would detract from the judge’s role as an impartial magistrate.** 3C; 5B; 2A,B*” (Florida Code of Judicial Conduct, <http://www.jud6.org/index.html>). It is also stated in another Florida rule that they may not sit on the board of directors for MADD. The problem is not the organization it’s the unfair influence that potentially hinders a judge’s ability to remain unprejudiced in his decisions.

When a defendant is adjudicated in Judge Hitzemann’s court the eyes of the very organization he directs is there watching his every decision. When someone is convicted in his courtroom of domestic battery it often times leads to a term of probation. As a condition of that probation defendants are ordered to pay a portion of their fees directly to the Dawn Center. One man I spoke to pays fifty dollars a month as a condition of his probation directly to the Dawn Center. More troubling are those who have been sent to jail or prison because of their crimes. People are concerned that they may have been unfairly convicted or their sentences too harshly dealt because of Judge Hitzemann’s affiliation with the Dawn Center. Some are considering lawsuits because they think their civil rights may have been violated.

Despite complaints, Judge Hitzemann continues to sit on both his publically elected bench as well as his privately operated organization.