

# One Judge’s Story: The Impact of Violence on Judicial Independence

AN INTERVIEW WITH THE HONORABLE TIMOTHY J. CORRIGAN\*

PROF. ANDREW J. MCCLURG (AJM): What a wonderful day. Good afternoon. It’s my great pleasure to introduce my long-time friend, The Honorable Timothy J. Corrigan, United States District Judge for the Middle District of Florida. Judge Corrigan and I go back a long way. We met as new law graduates clerking for federal judges in Jacksonville, Florida, and we went to the same law firm after that. We even started on the same day. Judge Corrigan became a partner, and I think they kind of just ran me out of there. Is that the way you remember it, Judge?

HON. TIMOTHY J. CORRIGAN (TJC): That’s exactly the way I remember it.

[Laughter]

AJM: Judge Corrigan is an Honors graduate of the University of Notre Dame—I think I see Professor Campbell here cheering for that—and Duke University School of Law. He clerked for Judge Gerald B. Tjoflat on the Eleventh Circuit before joining the distinguished Bedell Firm in Jacksonville, Florida. In 1996, he was appointed as a U.S. Magistrate Judge, and then as a District Court Judge in 2002. He was named Judge of the Year by the Jacksonville Chapter of the American Board of Trial Advocates.

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\* United States District Judge, Middle District of Florida; B.A., University of Notre Dame, 1978; J.D., Duke University School of Law, 1981. On June 23, 2013, Judge Corrigan was the target of an assassination attempt by a defendant. On the occasion of The University of Memphis Law Review Symposium, “The Fragile Fortress: Judicial Independence in the 21st Century,” Judge Corrigan agreed to speak publicly for the first time about the event, its impact on him and his family, and its implications for judicial independence. The presentation took the form of a conversation with Professor Andrew J. McClurg, Herff Chair of Excellence in Law and Faculty Advisor to *The University of Memphis Law Review*. Minor edits for syntax and clarity have been made in the transcript.

On June 23, 2013, Judge Corrigan was the target of an assassination attempt by a man named Aaron Richardson, and he is only with us today because a bullet from a high-powered rifle missed his head by, according to forensic evidence, 1.6 inches. He agreed to come talk with us about that today. Judge Corrigan, thanks for being here. I know what happened was very painful for you and your family. It's courageous for you to share your story. Why are you willing to do that?

TJC: Well, good afternoon everyone and thank you for having me. First of all, I don't think it's that courageous. You all seem like a fairly docile group, so I—

AJM: You haven't seen them when they've been deprived of their coffee.

[Laughter]

TJC: But, you know, there was a whole process, it took a long time to get the individual to trial, and now that's happened. And I debated about whether I should publicly talk about it or not. But it does have some implications, I think, for the topic we have today: judicial independence and respect for the rule of law. This is really my maiden voyage in talking about it in public, so we'll see how it goes.

AJM: Let's start from the beginning. What happened in the early hours of June 23, 2013?

TJC: My wife and I had been to a wedding. It was a Saturday night and we got home a little later than we normally would. It was after midnight; we were watching TV in what we call our Florida room. I guess most people just call it their den, but in Florida they call it a Florida room. I was in my chair, my wife was about five feet away from me, and all of a sudden we heard the loudest explosion. That's the only word I can think of that adequately describes it—this explosion that seemed like it was right in my ear. And my wife immediately said, "It's a gun, get down," or something like that. She was way ahead of me. I was kind of disoriented. I didn't know what had happened. I kept looking around. I saw I was actually bleeding a little bit on my arm—I later found out on my head as well.

So I couldn't really figure out what was going on. But we made our way into an interior part of the house to try to get away from the windows. As we moved into this interior part of the house, we looked and saw a glass interior door. And that door, you could

hear it crinkling like glass does when it breaks. We saw two big holes in this door. And then we turned around to the left where the wall was, and there were two big holes in the wall. So it looked like whatever had happened came all the way through the family room, all the way through the house, and ended up on the other side of the house.

AJM: Just to set the picture, you live on an artificial lake, I think, your backyard backs onto it. This is from the back, coming from the backyard basically?

TJC: That's right. We called 911 and the local sheriff's office responded very quickly. The young officer, I thought bravely, went out into the backyard with his gun drawn, but didn't find anything. Next thing I knew there were all kinds of local law enforcement and eventually federal law enforcement that swarmed onto the house and it went from there.

AJM: And you were still in kind of denial about this at this point. What did the officer say to you? I remember you telling me that.

TJC: I kept wanting to think it was something other than what it looked like it was. I didn't want to think that this had really happened in my own house and that this could have had anything to do with me being a judge. I just didn't want it to be what it looked like it was. So I said to the lieutenant—there was a lieutenant on the scene by then—I said, "Lieutenant, could this have been a gas explosion? Or could this have been something other than gunfire?" And he said to me, "Your Honor, somebody sat outside your window and shot and tried to kill you." And that was really when I kind of accepted that that was what had happened.

AJM: You said that the police response was very quick. When you called 911, did you mention that you were a federal judge?

TJC: No, I kind of forgot that.

[Laughter]

TJC: And I was later told I should have said that. I'm not really sure what difference it would have made, but I didn't do that. Although, the officer knew it so they must have some 911 system that tells them. But I did not. I'll be honest with you: the 911 call was not my finest hour. I was calm and I gave the information, because I know that if you hear hysterical 911 calls, they don't really help. I was kind of downplaying—I said things like, "Well, some-

thing may have happened, we're not really sure," and my wife was in the background saying, "Tell them somebody shot at us," you know?

[Laughter]

TJC: I really was in a state of denial, I really was—in disbelief.

AJM: So local officials came and then, shortly after, federal officials came. And they obviously knew by then that you were a federal judge. So the U.S. Marshals Service came and the FBI?

TJC: Yes. The Marshals Service is in charge of judicial protection and they do a good job. Normally, it's more in the background and they do things that are not necessarily hands-on with a particular judge. But in this case, because of what happened, they came and took me into what they call protective custody. So that began our odyssey for the next period of time.

AJM: So tell us what that was like because it sounded—this whole thing, as the plot develops or unravels, sounds like a movie plot. Including this part: you were taken to, at first you wouldn't tell me, you said it was a confidential location. It was a safe house somewhere. It all sounded very intriguing.

TJC: I think Vice President Cheney used to call it "a secret undisclosed location."

[Laughter]

TJC: They had a place for us to go that was outside of town because, since it happened in the house, the person was at large—the person or persons. They wanted to get us away from the immediate area. But my wife and I—by this time it was about 5:00 in the morning—we knew we weren't going to go to sleep. We had to start telling family and everybody what was going on. The safest place we could think to go was the courthouse. So we asked them to take us down to the courthouse and that's where we spent the first night and morning. And then it kind of went from there.

AJM: So after that, then, began a routine that lasted, I think, forty-five days in total? How did that develop?

TJC: So—and I know Judge Mukasey will know this—there have been judges that, because of threats, have had details for years and years and years, including a judge from New York. But mine lasted for forty-five days. And the first ten days, it was: safe location, armored SUV, courthouse, and then back and forth, back and forth for ten days. Those were the only places they would let us go.

So really, when you're in one of these details, as I found out, you really are literally in a bubble. You only go where the bubble goes. And because they were worried that there could be another attempt, or they really didn't know what they were dealing with, we were only allowed to be in the courthouse, in the van, or at the location. They wouldn't let us go anywhere else for about ten days until the investigation started to come together a little bit. Eventually, they were able to secure my house. So we were able to go back to the house. And for the next thirty-five days, or so, we were able to live in my house under twenty-four hour guard and then they would take me to the courthouse, and sometimes Nancy, my wife, too.

AJM: Judge, I know you well to be a person with a great sense of humor, kind of a dry sense of humor. I always compare you to Bob Newhart, one of my favorite comedians. You kept your sense of humor throughout this, which was amazing to me but also probably healthy. You told me several amusing stories. One of them was when they let you and Nancy, your wife, go out to dinner. Can you share that one?

TJC: Sure. Well, thanks for saying I'm so funny. Now it won't be that funny.

[Laughter]

TJC: But here's what happened. Finally, after they really thought they had the suspect and they thought they knew what they were dealing with (though they still weren't ready to close it out), they started to let us do more things. One night we were going to a restaurant and when we did that, usually they took us in through the back or the kitchen. But this time we actually rolled right up to the front of the restaurant. It was a lead car, the SUV, which was a bullet-proof, bomb-proof deal, so you could tell—and then a chase car. And so you roll up and there's all these—

AJM: Are these like black sedans, like in a movie?

TJC: A little bit like that, yes. One thing I found about them: you can't get out yourself. There's no handles, so you're inside this thing and you have to wait for somebody to come let you out. So we roll up and there's an outdoor seating area, and all these people see this little entourage. So you could tell it was something, right? It wasn't the President, it wasn't the Secretary of State, but it was *somebody*. And all these people started to get their cellphones out—

[Laughter]

TJC: And I thought they thought maybe this was like George Clooney or Jennifer Lawrence or somebody—some celebrity or some person like that. And so they're all ready. So, of course, they open the door and I pop out. And you could see them all going, "Who is this guy?"

[Laughter]

So they put the cell phones away and go back to eat. They were all disappointed.

[Laughter]

AJM: Meanwhile, the FBI is on the investigation, and you've told me how impressed you were and how thorough the job was. So, nobody had any idea at the beginning who this assailant was. How did that begin to narrow down to the suspect?

TJC: Well, as any of the judges in this room will tell you, we do get written threats from time to time; there's all kinds of stuff that goes on underneath the surface that most of the public doesn't know about. But it turns out that if you have to start from scratch and ask a judge, "Who might want to do you harm?," the list is pretty long.

[Laughter]

You know, there could be a disgruntled criminal defendant; it could be a litigant. We had a terrible case with Judge Lefkow in Chicago where a civil litigant killed her husband and mother. And there were other people identified. So we had to help the FBI. They developed their own list, but we helped them try to come up with potential suspects. And if I recall correctly, and I may be wrong, I think they stopped at fifty—they identified fifty people that they were going to interview.

AJM: You even had a lawyer, I think you said.

TJC: Yeah, you know I just had to, unfortunately—there was a lawyer who I had to file a grievance against and—so they specifically asked me that. And I said I'm sure he had nothing to do with it—but they interviewed him anyway. I felt terrible about it. So they started out with this list and they started working the investigation, interviewing people, and doing whatever it is that they do. And that's how it got going.

AJM: So how did they narrow it down to Mr. Richardson?

TJC: Well, Mr. Richardson had been a criminal defendant in a case I had had in 2008. I had sentenced him to three years in prison for an attempted arson—which was, I think the guideline range at the

time—and supervised release. So he was on supervised release, which is kind of like probation, as many of you know. There were allegations he had violated his supervision, so he was summoned in to see the magistrate judge for an initial appearance on this violation. And he failed to appear. So the magistrate judge issued a warrant for his arrest because he had failed to appear for this hearing. And really, because there was an active warrant out for him, he was on the list of suspects. But I certainly don't think he was considered to be a prime suspect or anything like that; he was just one of the people on the list.

AJM: And he's not somebody who occurred to you at all, right? He didn't stand out?

TJC: No, I didn't really remember him because it had been so long ago, and of course we sentence so many people that I didn't really remember him. But he was on the list. And the Marshals Service went to arrest him and when he was arrested they found a rifle. At that time they weren't thinking it was a rifle that had been shot—they hadn't got the forensics back. So, even though he was still kind of in the ballpark as a suspect, he was not, I don't think—you'd have to ask the FBI—but I don't think he was considered a prime suspect. But then eventually—fairly shortly thereafter—they got forensics back which matched the type of rifle that they had confiscated from him and I think then he went up on the list pretty high.

AJM: The whole thing is chilling and quite bizarre, but here's where it gets *really* bizarre: it turns out that Mr. Richardson had an elaborate plot. This is where it starts to sound like a movie plot. He was smart in a dumb sort of way. Could you tell us about that?

TJC: Mr. Richardson decided that, because he was facing this violation of supervised release—and this is all based on the evidence at trial—he was facing this violation, which would have subjected him to maybe two years, three at the most, maximum on a violation. But he also had some state criminal charges that he had incurred and that was part of the reason that he was thought to have violated his conditions of supervision. So Mr. Richardson decided that he was going to create an order of the court signed by me—and he took my signature off of his criminal judgment—that would, in effect, absolve him of all his crimes. It purported to pardon him—which, of course, judges don't have the power to do. It purported to

relieve him of all state, federal, and local charges. It even purported to clean up his credit.

[Laughter]

TJC: It was a remarkable order. It would be the kind of order all of us would like to get.

[Laughter]

AJM: And it wasn't just an idea, he actually prepared this order with your forged signature?

TJC: He prepared this order. It also purported—and judges, district judges, would like this—it purported to insulate the order from further appellate review as well.

[Laughter]

TJC: And then there was a second instruction to the clerk that this order needed to be filed immediately, without fail, and no questions asked. And so Mr. Richardson's idea was that this order would get filed, and he would now be free of all of his problems. But he had to kill me to do it because, if he didn't, I would be able to say, "Well, I didn't really do that." He didn't have a gun, so he went to Sports Authority and there's video of him talking to the guy at the gun counter about different kinds of guns and so forth. And then, a few days later, he hid himself in the bathroom of the Sports Authority. The place closes. There's video of him stealing the rifle from the Sports Authority and leaving. And that was the rifle he ended up using in the attempt. And then, unfortunately, he had acquired my home address through the Internet—he paid money and he was able to get my address. I didn't do a very good job of keeping my address off; I tried to, and it's hard, but I've done better now than I did then. I wasn't as careful about it as I should have been.

AJM: He had dubbed this whole thing "Mission Freedom." To me, it's a small detail, but it was a chilling one. In his cellphone—

TJC: In his contacts in his cellphone he had the term "Mission Freedom," which was apparently the name of this operation to free himself from his problems. And he had my wife's cellphone number and my number in there.

AJM: Freedom One and Freedom Two?

TJC: Right. Anyway, he bought a ticket to a movie on that Saturday night in order, they think, to give himself an alibi. He went over to my neighbors' bushes line, which is about thirty feet away



from the chair I was sitting in, which was pretty close. And he waited. And he secreted himself in the bushes. I don't know if he was there when we got home or not, but we didn't see him. And then, when I was in the chair, he—he shot and tried to kill me.

AJM: From part of the testimony I read, they said that he was looking through a scope and probably the only thing he could see was your head through that scope.

TJC: That was what the evidence showed: that, according to the scope, he had me right—right in my head.

AJM: And, as if this isn't bad enough, he missed because he wasn't a very good shot, he wasn't familiar with that rifle. So, you would think most people who failed in their attempt to assassinate a judge, and got away, would be running away. But what did they find about that?

TJC: So when they arrested him, I don't know if it was on his cellphone or some computer he had access to, it showed that the day after the attempt, he was Googling “how to make a silencer” and how—

AJM: Because the explosion, you said, was so loud?

TJC: It was so loud, yes. I mean it was—because it reverberated, it was so loud. And then also “how to shoot straight” or something like that.

TJC: I mean it was—it was pretty clear that he was going to try again.

AJM: Again, the whole thing is so chilling. Before it happened had you given much thought to being the victim of such an attack?

TJC: No, again I—with my brother and sister judges in the room—I mean, you know we all in the back of our mind know that something like this could happen. Fortunately, in the history of our country it's a fairly rare event. Excluding Judge Roll, who was killed in the Gabby Giffords shooting but was not targeted as a judge, there have been three federal judges in the modern era who have been killed in the line of duty and then Judge Lefkow's unfortunate situation that I told you about. And in the state system, there are attempts made and there have been some judges killed, too, but it's still a pretty rare event.

AJM: Whereas death threats, as you said, are common. I remember when I was a law clerk, Judge Scott got death threats almost

every day from prisoners—they would sign their name and the prisoner number.

[Laughter]

TJC: Right, I know.

AJM: The hope was—they thought they were going to get transferred to federal custody which was more comfortable than state custody. They didn't understand the meaning of consecutive sentences [laughter]. Judge—it's hard for me to call you Judge, Tim—I know you to be a strong person, but how did this change you—you and your family?

TJC: You know—I don't know. I told the newspaper reporter after the trial that I don't feel like I had any epiphany or anything but it certainly—it makes you more cautious, there are certain flashbacks that you have when certain things happen. But, you know, everyone has trauma in life. I mean if it's a serious illness or you have a loved one who passes away; everyone has trauma and you learn—you just deal with it, and you keep moving. And that's what we tried to do and I think we were pretty good at it.

There were times when—I was telling Professor McClurg—who, by the way, I know as Andy—

[Laughter]

—there was one moment that I do remember that just stood out to me that was just kind of a surreal moment among a bunch of surreal moments. So the trial's going on in our courthouse. Of course they had Judge Coogler from Alabama; all the judges on my court disqualified themselves, so the Chief Judge brought over another judge. So he's trying the case in our courthouse, but I'm not the judge, I'm the victim. And so I didn't have to be there every single second and I decided I wasn't—although I was there for substantial parts of the trial, I didn't stay for the entire trial. But when I was up in my office, which is one floor above the courtroom that the case was being tried in, it was being streamed over the Internet so I could actually listen to it even though I wasn't there. And I remember them talking about—the prosecutor was going into gruesome detail about what would have happened if the bullet had hit my head. It wasn't easy to listen to. And then they went on with the evidence, and I remember thinking to myself: “This is what would have happened if he'd have hit me. I would have been dead and I would have been watching this trial and it would have been the exact same evi-

dence. The only difference was that he hit me and I'm dead." It was just a very weird feeling, feeling like you're watching down on the trial that could have been a murder trial.

AJM: Like Alice Sebold's book, *The Lovely Bones*: sort of watching it all from above. Well, the good news is Richardson was convicted and sentenced to—instead of—I think you said maybe he would have got a couple of years if he hadn't gone through all this—he was sentenced to 343 years.

You had to testify at trial, which knowing you as I do was probably one of the hardest parts, and give a statement at the sentencing hearing. I'd like to read an excerpt that's relevant to today's Symposium and ask if you can elaborate on it. So this is from Judge Corrigan's sentencing statement.

This case did not receive the attention it did from the United States Marshals Service, from the FBI and other law enforcement agencies, and from the U.S. Attorney because someone tried to kill Tim Corrigan. Rather, these agencies made the case a priority because they correctly saw this as an assault on the office that I hold. When Mr. Richardson took dead aim at my head and pulled the trigger, he directly attacked the rule of law that is so vital to our nation's identity and continuity. Judges are a personal embodiment of that rule of law and must be able to execute their duties without fear of violent reprisal.<sup>1</sup>

The statement kind of speaks for itself, but can you elaborate on it?

TJC: Well, it's kind of an obvious point. As a matter of fact I will tell that when I first agreed to be part of this Symposium—and I'm delighted to be here—but I was supposed to write an article about this and I started to write the article and then I didn't really have anything important to say. It's kind of an obvious point, but maybe it's a point that we take for granted in the United States, that we do have a stable rule of law. Violence against judges is very rare. People—

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1. The sentencing statement is reproduced in its entirety below, at the conclusion of the interview.

even notwithstanding some of the rhetoric today—people do still hold the rule of law and, hopefully, the judicial system in high regard. And so, when something like this happens, it's obviously an attack on it. But maybe the rarity of it is a testament to the stability of the rule of law, but it's something we can never take for granted and this case is an example of that.

AJM: And finally—and you may be reluctant to comment on this—but does it concern you that inflammatory rhetoric against judges, some of which is happening in our present, could incite violence against judges by extreme people?

TJC: Yes, you told me I had to answer this question—

AJM: [Laughs]

TJC: I didn't really want—there's no place for a judge to be political, so I'm going to answer it in a general way. I know our next speaker [Judge Mukasey] is going to talk about this same issue to some extent. I'm looking forward to hearing what he has to say. But, you know, I do think maybe we do need to separate out fair criticism, and even unfair criticism of the judiciary, from rhetoric that is over the top or beyond the pale. Obviously judicial independence doesn't mean independence from criticism—in fact, far from it. I think part of the reason that we're given a system in which we are independent is that we're supposed to withstand criticism. We're supposed to expect criticism, but rule the way that the law requires us to rule notwithstanding that criticism. So I don't have any problem with criticism of the judiciary. If it goes to a certain place, though, if it gets overly personal, or if it goes over the top, it does in my view raise the possibility that it will have an effect on the public's view of the judiciary and its role in our system of government. And if certain rhetoric gets into the wrong minds, it could be thought to incite violence in those who are not stable or people who think they're being told to do something that they're not really being told to do. So I think there's a fine line there, and as I said, I'm interested in what Judge Mukasey has to say about it. But I do think that there is rhetoric that can be over the top and can cause harmful consequences both to the system and potentially to individual judges. And, as you know, judges aren't really allowed to respond back; that's another aspect of if that we have to keep in mind. So that's my inadequate answer to your question that I didn't want you to ask me in the first place.

[Laughter]

AJM: It was a fine answer, Judge Corrigan. Very fine answer. Thanks, Judge Corrigan. Thanks for coming and sharing your story with us.

[Applause]

SENTENCING STATEMENT OF TIMOTHY J. CORRIGAN  
UNITED STATES V. AARON MARCUS RICHARDSON  
CASE NO. 3:13-CR-176-LSC-JEG

June 24, 2016

May it please the Court:

Thank you, your Honor, for hearing from Nancy and me today. Never having been in this position, I was reluctant to speak with you, but I decided it was the right thing to do. As someone who sits in your seat, I would never presume to suggest to you what sentence you should hand down. I only wish to offer some thoughts for your consideration.

I will not talk about the personal toll that Mr. Richardson's attack has taken on my family and me—Nancy has done that better than I could. My biggest regret is the impact that this has had on her. But, as you can see, she has remained strong and resilient throughout and I am very proud of her.

I hold no hatred or malice toward Mr. Richardson. In fact, I try to think about him and what he did as little as possible. Ironically, Mr. Richardson does not appear to hate me either. My death was just a means to his ends. That is what makes him so dangerous. For no purpose other than to get himself out of his legal difficulties, Mr. Richardson meticulously plotted to kill me, then actually tried to do so, then shamelessly began planning another attempt. A person capable of such behavior is an ongoing danger not just to my family and me, but to anyone with whom he comes into contact and from whom he thinks he can gain any advantage.

This case did not receive the attention it did—from the United States Marshals Service, from the FBI and other law enforcement agencies, and from the U.S. Attorney—because someone tried to kill

Tim Corrigan. Rather, these agencies made this case a priority because they correctly saw this as an assault on the office that I hold.

When Mr. Richardson took dead aim at my head and pulled the trigger, he directly attacked the rule of law that is so vital to our nation's identity and continuity. Judges are a personal embodiment of that rule of law and must be able to execute their duties without fear of violent reprisal. That is why this crime was so serious and that is why, I suggest to your Honor, that Mr. Richardson must be held accountable, not just to punish him appropriately for his egregious act, but also to send a strong message to deter others who might be tempted to so brazenly assail the rule of law.

Thank you.