

IN THE SUPREME COURT OF FLORIDA

INQUIRY CONCERNING A
JUDGE, NO. 02-487

SC03-1171

ANSWERS AND OBJECTIONS TO
RESPONDENT'S EXPERT AND WITNESS INTERROGATORIES

GENERAL OBJECTIONS

The Judicial Qualifications Commission objects to Respondent's Expert and Witness Interrogatories to the extent that the instructions and definitions impose obligations beyond those required by the Florida Rules of Civil Procedure.

INTERROGATORY NO. 1

Identify each and every expert who is, or was, consulted, employed, or otherwise retained by the Judicial Qualifications Commission in connection with this proceeding.

The Commission objects to this Interrogatory to the extent that it requests the Commission to identify experts who were consulted, employed, or otherwise retained by the Commission, but are not expected to be called as witnesses.

The experts whom the Commission expects to call at the hearing are:

Linda James
Forensic Document & Handwriting Examiner
3024 Princeton Drive
Plano, Texas 75075

Richard Kane
On-Site Technology, Inc.
P.O. Box 441071
Jacksonville, Florida 32222

INTERROGATORY NO. 2

With regard to each expert whom you will, or reasonably expect you may, call as a witness at the final evidentiary hearing in this matter, identify the following:

- a. Name, address, and telephone number of the expert.
- b. The name, business address, and telephone number of the expert's employer.
- c. The field or specialty in which that expert is employed and his or her qualifications. Alternatively, you may attach a current resume or vitae.
- d. Whether a written report and any draft report was prepared by such expert, and if so, state the date of such reports, the name and address of the person to whom any such report was written, and the name and address of the person having possession, custody or control of any such reports at this time.
- e. If a written report was not prepared by such expert, state if one will be completed, and if so, state the date any such report is expected to be complete, the name and address of the person to whom any such report will be delivered, and the name and address of the person who will have possession, custody or control of any such report.

- f. If any inspection, examination, or study of any kind was conducted by such expert, state what was examined, inspected, or studied and the date of such work.
- g. If an inspection, examination, or study of any kind was not conducted by such expert, state if one will be completed, what will be inspected, examined, or studied, and the date of such work.
- h. All articles, papers, studies, and other Documents which the expert has authored, co-authored or participated in preparing.
- i. State whether the expert has ever been a witness in any other judicial, administrative, disciplinary, or other proceeding and, if so, for each such proceeding, identify the name and/or style, case number, nature, name of the court, commission, or other tribunal, date of the testimony, and the name and address of the parties and attorneys for whom he or she testified.

The Commission objects to this Interrogatory on the ground that it seeks the discovery of information relating to experts to be provided in answer to interrogatories beyond that which is required by Rule 1.280(4)(A)(i) of the Florida Rules of Civil Procedure.

Without waiving the foregoing objection, the Commission responds to this Interrogatory by providing the information required by Rule 1.280(4)(A)(i) as follows:

Linda James was provided copies of Exhibits A and B to the Notice of Formal Charges; Exhibit "C," which is another copy of Exhibit A with the portions from Exhibit B highlighted; Exhibit D, which is a printout of Exhibit B found on the Hillsborough County Courthouse computer harddrive; Exhibit E, which is a copy of Exhibit 5 identified at the deposition of Lt.Col. William O. Howe, Jr.; and Exhibit F, which is the document marked as Exhibit 6 at the deposition of Walter Williams.

Ms. James conducted an examination of Exhibits A through F, and a copy of a report of that examination is attached hereto.

Richard Kane is a computer technology expert who made an examination of the Hillsborough County computer harddrive and backup tapes, and specifically the computer file entitled "AWCPAPER" in "R:\1998\HolderGP\WPDATA." He will testify that using a technology available to him he could not recover anything that had been contained in the file. He will also testify as to how a paper could have been produced using that file and then erased so that it cannot be retrieved.

INTERROGATORY NO. 3

Identify the names, addresses, and telephone numbers of all Persons, who were not identified in your responses to Respondent's previous interrogatories, who are believed or known by you to have any knowledge concerning any of the issues in this proceeding; and Identify the subject matter about which the witness has knowledge.

See answers to Interrogatory Nos. 1 and 2.

In addition to the information previously disclosed, Bradley DeWitt Lutz and Mildred R. (Becky) Stafford will identify and testify with respect to the Hillsborough County Courthouse computer file entitled "AWCPAPER" in "R:\1998\HolderGP\WPDATA."

Scott F. Peterka, Special Agent, Florida Department of Law Enforcement, Tampa, Florida, may testify as to the results of the FDLE investigation of an official misconduct investigation concerning Hillsborough County Circuit Judge Robert H. Bonanno and identify the Florida Department Law Enforcement Investigative Report of that investigation.

INTERROGATORY NO. 4

Identify the names, addresses, and telephone numbers of all Persons that you will, or reasonably expect to, call as a witness at the final evidentiary hearing; and Identify the substance of the testimony you expect them to give and all Documents or other evidence that you will, or reasonably expect to, introduce through each such witness.

See Florida Judicial Qualifications Commission's Prehearing Statement dated December 11, 2003, for the identification of the witnesses and the subject matter of their testimony and the documents to be offered through each. In addition, see answers to Interrogatory Nos. 1, 2, and 3.

The Commission objects to this Interrogatory on the ground that to the extent that it requests the substance of each witnesses testimony, it invades the attorney-client and work product privileges.

FLORIDA JUDICIAL QUALIFICATIONS COMMISSION

By: _____
CHARLES P. PILLANS, III

STATE OF FLORIDA

COUNTY OF DUVAL

BEFORE ME, the undersigned authority, this _____ day of June, 2004, personally appeared Charles P. Pillans, III, who having been duly sworn, states that he has read the answers to the foregoing interrogatories and acknowledges the same to be true. He is personally known to me.

NOTARY PUBLIC, State of Florida
My Commission Expires:

INVESTIGATIVE PANEL OF THE FLORIDA
JUDICIAL QUALIFICATIONS COMMISSION

Thomas C. MacDonald, Jr.
Florida Bar No. 049318
1904 Holly Lane
Tampa, Florida 33629
(813) 254-9871
(813) 258-6265 (Facsimile)

General Counsel for the Florida
Judicial Qualifications Commission

- and -

BEDELL, DITTMAR, DeVAULT, PILLANS & COXE
Professional Association

By _____

Charles P. Pillans, III
Florida Bar No. 0100066
The Bedell Building
101 East Adams Street
Jacksonville, Florida 32202
(904) 353-0211
(904) 353-9307 (Facsimile)

Special Counsel to the Florida
Judicial Qualifications Commission

CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY that a copy of the foregoing has been furnished to each of the following by United States mail this _____ day of June, 2004.

David B. Weinstein, Esquire
Bales Weinstein
Post Office Box 172179
Tampa, FL 33672-0179

Gregory W. Kehoe, Esquire
James, Hoyer, Newcomer & Smiljanich, P.A.
4830 W. Kennedy Boulevard, Suite 550
Tampa, FL 33609

Attorneys for Circuit Judge Gregory P. Holder

Honorable John P. Kuder
Circuit Judge
Judicial Building
190 Governmental Center
Pensacola, FL 32501

John R. Beranek, Esquire
Post Office Box 391
Tallahassee, FL 32302-0391

Attorney