

Witness: Rick Swope

Subject/Topic: The witness is paid by the defense to say things favorable to the defendant

Area of Cross Exam: Impeachment (Bias)

Fact Points

Source/Exhibit

\$\$\$ Makes his living providing consulting services on Accident Recon and DUI

-Hourly rate:

-Made \$460,000 in 1995

Ciriago, p.94

-Compare to sheriff deputy pay

-Apply the 90%/10% self admitted accident recon to DUI

-Ratio to that gross wage to show that witness makes about \$46K

-Defense lawyers on DUI;

Ciriago, p. 94

-Firm made \$1 million per year

Hatfield, p. ??

-Only training in breath testing is private, non government, i.e.

-Seminars @\$6000 per seminar

Zigarac, p. 30

Developed a course in breath testing and charges \$6000

Per person to attend; anyone can attend who can

Pay the fee; He will concede that the fee was very, very

high.

Zigarac, p.32

\$\$\$ Most of his work is DUI, not accident Recon and he makes

More than 90% of his income from DUI related work

-per Swope his practice consists 90%/10% accident/recon to DUI;

-However of his 6 transcripts where he has testified for defense,

5 were on DUI related cases and 1 was accident recon so really

his practice is 7%/93% accident recon to DUI;

Frequently testifies favorably for the defense

- will testify that he has testified hundreds of times as a cop and as a defense witness and will say that he will testify for both;
- delves into how many times for each side and when to make the point that

Most of his testimony favorable to the State would have been years ago

(he hasn't been a cop for 25 years); how many times since you were a cop did you testify for defense/state? Keep track? Majority has been for defense and since being fired from the sheriff's department.)

More lucrative to be a defense "expert" witness

- loop back to how much \$\$\$ he makes vs. what he made as a cop

Biased against the State because he's a disgruntled ex cop who got "fired" or was allowed to resign from Broward County Sheriff's Department as part of a settlement agreement that resulted from the internal affairs investigation and the lawsuit;

-Fired or allowed to resign from Broward Sheriff's Department as part of a formal settlement of lawsuit arising out of an internal affairs investigation of his outside work activities that were a conflict of interest with his duties on the Department; he was doing accident recon activities for defense on cases where he was the State's expert or had actually worked the cases.