



MICHAEL J. SATZ
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SEVENTEENTH JUDICIAL CIRCUIT OF FLORIDA
BROWARD COUNTY COURTHOUSE
201 S.E. SIXTH STREET
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January 5, 20000

Florida Bar
5900 N Andrews Ave.
Suite 835
Ft Lauderdale, Fl 33309

Re: Complaint # 2000-51,010(17E)

Dear Mr. Klaitis:

Please be advised that this letter is intended as a response to the allegations that Mr. Swope has set forth in his complaint against me.

As to Mr. Swope's first allegation that I said "It is all fun and Games to Me". Mr. Swope insinuates that I made these comments in reference to the case of State v. Correa. However, Mr. Swope fails to make mention of when these statements were allegedly made and in what context these statements were made, I have no recollection of regarding the alleged statements and deny that these statements were made.

As to the second allegation that there was any attempt to mislead Judge Lazarus' Court, I deny this in it's entirety. Mr. Swope first states that I had no idea who he was. This statement is incorrect, since I was present a few weeks prior on a motion to suppress when Mr. Swope testifies regarding the issue regarding the intoxilyzer machine, it appears Mr. Swope is somewhat confused as to when and where certain things took place. As to Mr. Hollander serving a subpoena on Mr. Husocki, this was never done, Mr. Hollander never served Mr. Husocki with a subpoena. It was Mr. Hollander wanted to use the State's witness in this case. I was not aware of Mr. Hollander's intention in this case until the middle of the trial. At some point there was a conversation between myself and Mr. Hollander regarding Mr. Husocki, however it was never formally agreed that I would ask Mr. Husocki to stay and testify. Mr. Husocki was adamant on leaving the Courthouse and I told Mr. Husocki that I would not be calling him on behalf of the State. Judge Lazarus called Mr. Hollander and I back to the Courtroom and asked what happened regarding this incident. I immediately located Mr. Husocki and asked him to testify for the defense. There was never any intention on misleading the Court. Furthermore Mr. Hollander and myself resolved this misunderstanding after the case was disposed of. As far as Mr. Swope's contention that Judge Lazarus indicated he would do something, I am not exactly sure what he is referring to. There was never any finding by the Judge that there was wrongdoing on my part and

there was never any indication by the judge to me that he was looking to do something regarding the incident.

Mr. Swope next refers to incidents surrounding the case of the State v. Rich. This case involved the testimony of Mr. Swope as an expert witness in the field of the intoxilyzer 5000-R. I was first asked to sit in on this case 24 hrs. prior to Mr. Swope's testimony. I began my voir dire of Mr. Swope by asking him about his Curriculum Vitae. I was first made aware of this Curriculum Vitae only the day before his testimony and found his curriculum on the Internet. Mr. Swope makes mention that he sent his updated curriculum to the State Attorney's office, however I was never advised that we had a copy of this updated version. I asked Mr. Swope about his (See, transcript. Pg.,7,8,9) and gave Mr. Swope a full opportunity to explain to the Court why his Curriculum was not updated on the Internet and asked if he has a updated one in his possession, Mr. Swope did not provide the Court with an updated version. Note There was never any allegation made that Mr. Swope did not have and updated version. Mr. Swope makes allegations that I was misleading in my question to him regarding his curriculum, However he fails to provide a specific instance were I tried to mislead the Court in my question to him. **(See Pg. 40 of the Court transcript ln. 13-22)**, were I specifically directed the Court on this issue and explained to the Court that MR. Swope does in fact have a updated version but failed to provide it to the Court.

Mr. Swope further contends that I tried to mislead the Court regarding certification on the intoxilyzer 5000. Deputy Zager the States expert witness regarding the intoxilyzer , specifically made me aware that C.M.I., (the company who makes the intoxilyzer) certifies people to repair the machine. Deputy Zager also made me aware that other people, such as; aircraft personnel also get certified and these people are not law enforcement officers. I directed the Court regarding this issue and asked the Court to recall Deputy Zager and ask him specifically about this issue (See. Pg., 41 ln. 24,25 & Pg., 42 ln. 1-12). I believe that the Court transcript will make it clear that I never tried to mislead the Court and quite to the contrary only tried to aid the Court in understanding this issues that were presented to the Court.

Again Mr. Swope alleges that I smiled and stated "Oh Well", I only spoke to Mr. Swope after the Court proceeding where I might have used the response "Oh Well" after Mr. Swope engaged in using profanities towards me .

It should be noted that Mr. Swope got excluded as an expert witness in this case. Mr. Swope had a full and fair opportunity to express his expertise and failed to sufficiently show Judge Lehrner-When the he had the necessary qualifications. Additionally, Mr. Swope repeatedly used vulgar language outside the Courtroom which was directed towards myself in the presence of Deputy Zager.

Thank You,

Craig S. Esquenazi