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SEVENTEENTH JUDICIAL CIRCUIT OF
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BROWARD COUNTY COURTHOUSE
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MEMORANDUM

TO: MICHAEL J. SATZ
State Attorney

FROM: DANIEL LOSEY
Assistant State Attorney

DATE: October 25, 1999

RE: State of Florida v. William Cameron Jr.
Case No. 98-25227CF10A
Judge: Sheldon Schapiro

I have read the letter sent to you from Rick Swope, dated October 18, 1999. I will address Mr. Swope's allegations in the order in which they appear in his letter. Suffice it to say that although Mr. Swope is very accusatory in his letter, his lengthy very caustic remarks are short on actual facts.

Mr. Swope initially complains that the Broward County State Attorney's Office has had a "continuing problem involving payment" when it comes to his getting paid by our office. I have no knowledge of this alleged problem since this is the first case that I have been involved in concerning Mr. Swope. Until he arrived at the deposition, on October 7, 1999, I had never even seen Mr. Swope and had only talked to him one time on the phone, very briefly. Until he was listed as a witness on this case I do not recall ever hearing of Mr. Swope. To put his complaints to you in context, you should know that I have learned that Mr. Swope has had similar complaints with attorneys working for other state attorney's offices throughout the state of Florida.

Mr. Swope next complains about me asking him why he told me, in the aforementioned telephone conversation, that Gary Stephens was a "fucking joke". Mr. Swope states that I was "extremely combative" when I asked this question. I can assure you that I was not combative at all and was seated the entire time while Mr. Swope was the one who was standing and thus in the superior "combative" position. Mr. Swope then alleges that he was "fearing that [he] may be attacked". It is interesting that Mr. Swope emotionally pleads to you that he was in fear when

the transcript of the deposition belies Mr. Swope's new found fear. Mr. Swope stated in no uncertain terms, "[l]et me make it clear. You're not intimidating me." (p.84 line 20). Mr. Swope goes on to say, "[y]ou're not intimidating me, you're not scaring me. I'm not shaking here because you think you are the big State's attorney. I'm not scared at all." (p. 84 line 25). When I asked my Swope, in the deposition why he thought I was hostile his response speaks volumes about Mr. Swope and just who was angry and hostile at the deposition:

Q I'm hostile?

A Asking me something about what I fucking said or didn't say and I said I don't recall saying that and then you got pissed off now I'm going to ask you more questions. Take your questions and stick them.

(p. 85 line 11).

It should be clear from reading the transcript that it was Mr. Swope who was "losing his ability to control his temper". Mr. Swope claims to be an experienced expert witness who has testified many times in depositions and trials and yet he uses vulgar profanity in an official court record.

Mr. Swope then goes on to complain about my response to his bill submitted to our office. In his bill, dated 10-09-99, Mr. Swope writes, "[b]illing rate for deposition testimony is \$175.00 per hour, portal to portal as NOTIFIED, mileage at .40 cents each mile". This sentence clearly refers to the rate of payment and not Mr. Swope being "NOTIFIED" to be at the deposition. Mr. Swope was obviously notified to be at the deposition because he came to the State Attorney's Office to give the deposition. Further proof that "NOTIFIED" refers to the rate of payment, can be found, once again, in the transcript. On page 4 of the deposition, in response to Mr. Swope's concern about not getting paid, I told Mr. Swope about the chief judge's administrative order in regards to payment. During this discussion I did "notify" Mr. Swope that expert witnesses were paid portal to portal when in the tri-county area. There was no mention of a \$175.00 per hour rate. As a result, Mr. Swope was not "notified" by me of a \$175.00 billing rate and since the aforementioned order mandates a \$150.00 per hour rate, I advised Administration to request proof of the witness' claim that he was somehow "notified" of a rate in excess of the chief judge's order.

In short, Mr. Swope has a history of hostility toward our office and other State Attorney Offices around the state. If this is not clear enough already, please take note of Mr. Swope's comments about you when I suggested to him that if he needed a guarantee that he would get paid he should speak to you or Monica Hofheinz:

The names don't do me any good, because Mike Satz has no idea where he's at in the building most of all [sic] let alone paying me.

(p. 6 line 21)

DANIEL LOSEY, ESQ.
Assistant State Attorney