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December 20, 1999

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

Re: Complaint

Dear Sirs:

I have completed the attached form regarding my complaint on Attorney Craig Esquenazi, a prosecutor with the Broward State Attorneys Office in Ft Lauderdale Florida. This complaint encompasses two or more incidents of prosecutorial misconduct and fabrication and misleading information to two separate judges in Broward County Courts. I failed to file a complaint on the first incident which occurred in August 1999 hoping it was an isolated incident. However the above attorney has shown a consistent pattern of lying to the court, misleading narratives to the court, and when confronted with the lies and deceit, even in the presence of other attorneys, shrugs it off by stating "Its all fun and games, I'm happy".

The first incident occurred on August 10, 1999 in Broward County Court, reference case State of Florida v Correa. This trial and or hearing was held in front of Judge Lazarus, the defense attorney was Ted Hollander. At the time I was going to testify in a hearing about problems associated with the intoxilyzer machine, or breath testing instrument. The above prosecutor at this time did not know who I was, at least by site. Obviously I was listed as a defense witness, but as of August 10, 1999 I had not met nor had I ever seen Mr. Esquenazi.

Mr. Hollander had notified me that he had subpoenaed Jeff Housacki of the Broward Sheriff's Office as a witness for him and he would be calling Jeff in about fifteen minutes. He also indicated to me that he had a formal agreement with the above prosecutor to call Jeff to the stand in about ten minutes. Since Mr. Hollander would have the details of the subpoena for Jeff, he could give a better detail about this part of the incident.

Since I previously had worked with Jeff while I was employed at the Sheriff's Office, I approached Jeff and began to have a discussion with him in the hallway prior to his testimony. Based on the situation of this particular breath test, Jeff's testimony was of value to the defense in this particular case. As I was talking to Jeff, the above prosecutor came up to Jeff, not knowing who I was, and told Jeff he didn't need him and to leave the area and that he could go home. Jeff indicated to the prosecutor that Mr. Hollander would be calling him, and Mr. Esquenazi told him not to worry about it and to go ahead and leave. Jeff at this time departed. It was not apparent to me even at this point what Mr. Esquenazi was doing.

Several minutes later the bailiff came out and called for Jeff to come and testify. I told the bailiff he had left, and almost immediately Mr. Hollander came out of the courtroom and asked me where Jeff was. I indicated to him the prosecutor had told him to leave. Mr. Hollander entered the courtroom at this time. I at this point was not present, but was called in by Judge Lazarus to explain what I heard in the hallway. It was clearly apparent that Mr. Esquenazi had told the Judge this did not happen.

I immediately called court liaison in an attempt to have them locate Jeff prior to him signing out and going home. They said Jeff was present and would have him return to the courthouse. Jeff returned and testified to the court that he was told by Mr. Esquenazi he was not needed, or words to that effect.

This attempt by Mr. Esquenazi to mislead the court was not only a lie and a fabrication, but is undisputed as to what occurred. Judge Lazarus indicated he would do something later, however it is my understanding that nothing was done as of this date.

On October 26, 1999 I was called to testify in State v Charles Rich, transcript is attached. I was called by Viviane Gariboldi of the Broward Public Defenders Office to testify in this case. Mr. Esquenazi requested to voir dire me on the stand, which is certainly his right. His initial questioning, as you will note begins with questioning of my curriculum vitae. He is attempting to mislead the court and jury about my curriculum, which he knows is an old one he has in his possession, with his office having recent copies of

same, including him. I also indicated I have a current copy with me, but he continues on with his questioning. Although this is in fact misleading, and Mr. Esquenazi is fully aware of this, it is not the most disturbing thing in his questions.

On Page 42 of the attached transcript, line 8, Mr. Esquenazi states "Your honor, for the purpose of this, I asked Deputy Zager that specific question. Deputy Zager told me he is aware of other people probably getting certification for that machine who are not police officers". In the hallway I approached Deputy Zager, of who I am familiar with, accompanied by Attorneys Drew Atria of the Broward Public Defenders Office, and Susan McKeown of McKeown and McKeown in West Palm Beach Florida, and asked Deputy Zager about the above comments he may have or made to Mr. Esquenazi regarding his statement. Deputy Zager firmly indicated he never made any such statements to Mr. Esquenazi and was fully aware that only law enforcement personnel were able to obtain breath permits in Florida. This was in direct contradiction to what Mr. Esquenazi had just told Judge Lerner Wren in court a few minutes prior.

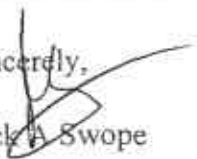
At this time Mr. Esquenazi was in the hallway, walked by, and Deputy Zager told him directly that no persons other than law enforcement were permitted to obtain breath permits. Mr. Esquenazi shrugged his shoulders and indicated "Oh well". I then indicated to him that he just lied to the court and his response was "Its only fun and games, and I'm having fun". He said this with a smile on this face, and voiced no concern at all about his false statements and lies to the court.

It is apparent that this individual is in fact an embarrassment to the legal community, and has no qualms about lying to not only several judges, but other attorneys as well. His false statements to the court in two separate cases are too much of an affront to the legal process to not make a formal complaint on this individual. All of the above information can be verified by the individuals listed in this letter.

I am expecting the Florida Bar to take action in this matter, and it is my opinion that nothing short of revoking his license to practice law will suffice. I am certain the Florida Bar does not take kindly to officers of the court lying to the courts of this State, and thinking nothing of it.

Please call me if I can be any further assistance.

Sincerely,


Rick A. Swope

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