

# Ethics, Professionalism and Office Policies

Don L. Horn  
Chief Assistant State  
Attorney for Administration

# Introduction & Welcome

- ▶ Welcome

- ▶ Exciting time for you
- ▶ Official Start of your legal career (for most of you)
- ▶ Interns, summer clerkships in law firms, some have even practiced
- ▶ Zealously represent your client within the bounds of the law – Even if your client was a scumbag – –a terrorist, a serial killer or the executives who were at the banks that contributed to the financial crises. You are different. Why?
- ▶ As prosecutors you get to do **JUSTICE** every day

# What is justice?



- ▶ Sometimes it is like pornography . . .  
“You know it when you see it”
- ▶ Sometimes **we** don't even know what it is and we have staffings to try to get a consensus.
- ▶ What charge? What sentence?
- ▶ Sometimes justice is delayed.



Sometimes it takes a while to happen



# Robert Rosier

Weather, 3B  
Deaths, 4B  
Florida, 5B

## LOCAL

SECTION

B

WEDNESDAY, FEBRUARY 12, 1999 F\*

www.herald.com

The Herald

### Cult murder witness may have struck out

By **DONNA GEHRKE WHITE**  
Herald Staff Writer

Former pro football player Robert Rozier, a star witness in the Yahweh Ben Yahweh murder conspiracy trial who himself admitted to killing seven men, has been arrested in California while under the federal witness protection program.

The crime wasn't big — writing two bad checks totaling \$125.24.

But it's enough to possibly send him to prison for life.

The new California "three strikes" law requires a person to serve 25 years to life if convicted a third time after two previous vio-

#### Bad check charge could mean life term

lent felony convictions.

Rozier, 43, qualifies because he pleaded guilty to killing four men, including two during the Yahweh religious sect's takeover of an Opa-locka apartment complex in 1986.

When the former Oakland Raiders defensive player was picked up for questioning near the scene of the Opa-locka murders, he told investigators he was Neariah Israel, age 404.

But Rozier later changed his

story and agreed to a 22-year sentence in exchange for testifying against his former religious leader, Yahweh Ben Yahweh, and 15 followers.

While jurors gasped, Rozier recounted at the 1992 trial how he and other Yahweh followers went in search of killing white people, whom Yahweh called "white devils," to be part of Yahweh's religious sect.

At the trial, Rozier admitted killing six men for Yahweh —

who called himself the architect of the universe. Rozier said he killed a seventh for simply following him.

Rozier said he would have killed more — including a Delray Beach police officer — if fate had not intervened.

Jurors later said they were torn whether to believe his tales but eventually convicted Ben Yahweh and six followers of conspiring to commit murder to maintain their religious empire.

The El Dorado (Calif.) County Sheriff's Department learned

**PLEASE SEE ROZIER, 3B**



Herald File

**YAHWEH KILLER:** Robert Rozier at sentencing in 1988.



# High Profile Cases and Media Inquiries



# What We Will Cover Today?

- ▶ Rules Governing CLIs
- ▶ Ethics & Professionalism
- ▶ Office Expectations
- ▶ Office Policies & Disciplinary Matters

# Even as County Court ASAs . . .

- ▶ <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&cad=rja&uact=8&ved=2ahUKEwiE95D7zsndAhUQd6wKHfvvCNYQwqsBMAF6BAgAEAc&url=https%3A%2F%2Fwww.youtube.com%2Fwatch%3Fv%3Dnwsu8QmkAX8&usg=AOvVaw0T6pBdFwrmXoLSyB5sz5aV>
- ▶ <https://www.local10.com/news/local/miami/miami-police-officer-caught-on-camera-kicking-teenage-girl-in-head>



# WHAT DO YOU DO . . . ?

<https://www.facebook.com/ATLBlackStar/videos/miami-police-officers-kick-surrendering-black-man-in-the-head-and-pummel-him-aft/2069053006546320/>

# I. RULES GOVERNING CLIs



## ***RULE 11-1.9 CONTINUATION OF PRACTICE PROGRAM AFTER COMPLETION OF LAW SCHOOL PROGRAM OR GRADUATION***

- ▶ (a) Certification. A law student at an American Bar Association approved Florida law school who has filed an application for admission to The Florida Bar, has received an initial clearance letter as to character and fitness from the Florida Board of Bar Examiners, has completed a law school practice program awarding a minimum of 3 semester credit hours or the equivalent or requiring at least 200 hours of actual participation in the program, and has had certification withdrawn by the law school dean by reason of successful completion of the program or has graduated from law school following successful completion of the program may make appearances for any of the same supervisory authorities under the same circumstances and restrictions that were applicable to students in law school programs pursuant to this chapter if the supervising attorney:



# Termination of Certification

(c) Failure of a post-graduate certified legal intern to do any of the following shall result in the automatic termination of certification: (1) failure to take the next available Florida bar examination; (2) failure to take the second available Florida bar examination, if unsuccessful on the first administration; (3) **failure to pass every portion of the Florida bar examination by at least the second administration**, if unsuccessful on the first administration; or (4) denial of admission to The Florida Bar shall terminate certification hereunder.

## ***RULE 11-1.6 OTHER ACTIVITIES***

- (a) Preparation of Documents; Assistance of Indigents.** In addition, an eligible law student may engage in other activities, under the general supervision of a member of the bar of this court, but outside the personal presence of that lawyer, including:
- (1) preparation of pleadings and other documents to be filed in any matter in which the student is eligible to appear, but such pleadings or documents **must be signed by the supervising lawyer;**
  - (2) preparation of briefs, abstracts, and other documents to be filed in appellate courts of this state, but such documents **must be signed by the supervising lawyer;**
  - (3) except when the assignment of counsel in the matter is required by any constitutional provision, statute, or rule of this court, assistance to indigent inmates or correctional institutions or other persons who request such assistance in preparing applications for and supporting documents for post-conviction relief. If there is an attorney of record in the matter, all such assistance must be supervised by the attorney of record, and all documents submitted to the court on behalf of such a client **must be signed by the attorney of record.**

## *II. Ethics and Professionalism*





AUGUST  
2019





# Oath of Office

I do solemnly swear that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State; and that **I will well and faithfully perform the duties of Assistant State Attorney**, on which I am now about to enter.

So help me God.

---

Signature

Assistant State Attorney

Eleventh Judicial Circuit of Florida

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Printed Name & Florida Bar Number

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2019.

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Circuit/County Court Judge

Eleventh Judicial Circuit of Florida

# Code of Professional Responsibility

**We are not just lawyers;  
we are prosecutors!**

Special Section of the Code of Professional Responsibility that deals directly with our duties and responsibilities.

## 4 RULES OF PROFESSIONAL CONDUCT

### 4-3 ADVOCATE

#### *RULE 4-3.8 SPECIAL RESPONSIBILITIES OF A PROSECUTOR*

The prosecutor in a criminal case shall:

- **(a)** refrain from prosecuting a charge that the prosecutor knows is not supported by probable cause;
- **(b)** not seek to obtain from an unrepresented accused a waiver of important pre-trial rights such as a right to a preliminary hearing;
- **(c)** make timely disclosure to the defense of all evidence or information known to the prosecutor that tends to negate the guilt of the accused or mitigates the offense, and, in connection with sentencing, disclose to the defense and to the tribunal all unprivileged mitigating information known to the prosecutor, except when the prosecutor is relieved of this responsibility by a protective order of the tribunal.



# Comment to Rule 4

**A prosecutor has the responsibility of a minister of justice and not simply that of an advocate.**

This responsibility carries with it specific obligations such as making a reasonable effort to assure that the accused has been advised of the right to and the procedure for obtaining counsel and has been given a reasonable opportunity to obtain counsel so that guilt is decided upon the basis of sufficient evidence. Precisely how far the prosecutor is required to go in this direction is a matter of debate. Florida has adopted the American Bar Association Standards of Criminal Justice Relating to Prosecution Function. This is the product of prolonged and careful deliberation by lawyers experienced in criminal prosecution and defense and should be consulted for further guidance. See also rule 4-3.3(d) governing ex parte proceedings, among which grand jury proceedings are included. Applicable law may require other measures by the prosecutor and knowing disregard of these obligations or systematic abuse of prosecutorial discretion could constitute a violation of rule 4-8.4.

# Brooklyn DA Faults Prosecutor for Wrongful Conviction

By Crime and Justice News

August 9, 2017

When the Brooklyn district attorney's office asked a judge to dismiss the guilty verdict of a man who had been wrongfully convicted of murder, prosecutors did something they rarely do: hold someone responsible for bungling the case, reports the New York Times. Mark Hale, chief of the Conviction Review Unit (CRU), announced in court that the wronged defendant, Jabbar Washington, had spent 20 years in prison because of grievous errors at his trial. Hale said the prosecutor who had overseen the trial intentionally withheld evidence and coaxed a witness into giving testimony that was purposefully misleading.

Assigning blame in public doesn't happen often. In the last three years, the CRU in Brooklyn has asked judges 23 times to free defendants who should not be in prison, making it the busiest and most effective unit of its kind in New York State. Only in a handful of the cases have lawyers in the unit held anyone accountable. With a decisive Democratic primary election for Brooklyn district attorney set for September, the question of who, if anyone, in the criminal justice system has paid a price for the numerous wrongful convictions in the borough has become a political issue. Ama Dwimoh, one of six challengers seeking to defeat Eric Gonzalez, the acting district attorney, has called for a sweeping review of how Gonzalez has handled bungled cases. Dwimoh, who once worked in the district attorney's office, accused her former employer of never holding anyone accountable for the many botched convictions it has helped overturn.

# III. Office Expectations

# Conduct In the Office



- Answering the phone appropriately
  - Returning phone calls – timely
  - Remain polite regardless of circumstances
  - Treating support staff professionally
  - Treating your colleagues professionally
  - **Never** a reason for screaming or cursing at another employee in this office
- 
- You are not responsible for other people's behavior
  - I will hold you responsible for yours

# Ethics & Professionalism are expected at all times!!

- **As a prosecutor:**
- Code of Professional Conduct
- E-Mail – computers – public records – sunshine law
- Disparaging remarks about the bench (life is funny . . .)



# Ethics & Professionalism are expected in the Courtroom





- ▶ Appropriate interaction with the Court
- ▶ Even when you're upset– Respect their position
- ▶ Timeliness – (regardless of judges lack of timeliness)
- ▶ Interacting with unrepresented defendants
- ▶ Be appropriate in your dealings with everyone
- ▶ Be consistent and fair in handling cases
- ▶ ALL LIVES MATTER!!
- Always remember you represent this office
  - Not submitting bad case law to judge
  - Refusing to submit case law contrary to your positions
  - Disclosing all required information to defense

October 9, 2012

## Ex-Defendant Sues Prosecutor After Rape Charge Is Dropped

By ALAN FEUER

- ▶ One of four men who had sex-crime charges against him in a case involving a young Orthodox Jewish woman dismissed last June has sued New York City and the Brooklyn district attorney's office for malicious prosecution, defamation and false imprisonment.
- ▶ The man, Darrell Dula, filed the lawsuit in State Supreme Court in Brooklyn on Oct. 2, more than a year after he was jailed on Rikers Island and held there for months without bail on the charges, which were dismissed amid troubling questions about the accuser's credibility and whether prosecutors mishandled exculpatory evidence.
- ▶ Charles J. Hynes, the Brooklyn district attorney, and Lauren Hersh, the chief of Mr. Hynes's sex-trafficking unit, were named in a separate, related suit.
- ▶ According to the indictment, Mr. Dula, 26, was the least culpable of the four defendants, charged with a single count of rape. In April, after he had spent 10 months in jail, a judge released him when a police report surfaced recounting the victim's recantation.

October 9, 2012

## Ex-Defendant Sues Prosecutor After Rape Charge Is Dropped

By ALAN FEUER

- ▶ The case began to unravel as an assistant district attorney, Abbie Greenberger, quit her job, complaining of pressure from Ms. Hersh to continue the prosecution even though the accuser had partially recanted her allegations — albeit under pressure from the police, the accuser claimed.
- ▶ Shortly after, Ms. Hersh, who oversaw the case, also quit her job, amid claims that she had failed to tell the defense about the changed account or about other evidence that could have damaged the prosecution's case. She resigned in May, after the district attorney's office conducted a review and concluded that she had not acted improperly.
- ▶ According to a former Brooklyn prosecutor with close ties to Mr. Hynes's office, the lawyer-disciplinary committee of the Appellate Division of State Supreme Court's First Department, in Manhattan, is investigating Ms. Hersh's conduct in the rape case and other cases.

Courtroom demeanor – appearance to public

No sitting on table, eating, reading newspaper

Appearance – Business attire always

Interactions with defense counsel, court personnel, officers, witnesses, victims, next of kin, etc. – Be professional

No physical/no verbal sparring – THOU SHALT NOT . . .



# Ethics & Professionalism are expected In The Office





# Hiring/Recruitment

- ▶ We tried to make an appropriate assessment of your aptitude, character, integrity, trial skills, intelligence and morals based on 3 interviews and a few sheets of paper.
- ▶ I got to see everybody's warts and skeletons
- ▶ I had to make the yea or nay decision on whether we would still hire you once you notified us of the shoplifting matter you had as a juvenile, open container citation in the first year of college, 3 speeding tickets you got that caused your license to be suspended, misdemeanor possession case, etc.
- ▶ Yes, we hire people who have had blemishes with the law
- ▶ And if you had warts we hired you too!
- ▶ Some of you had friends put in good words for you and in several cases that made a difference.

# IT'S A NEW DAY!

## You are in the Army now!!

- Perspectives – – – You are not the same person you were before August 20, 2019.
- Most of you will be members of the Florida Bar and will be sworn in as ASAs soon. Others are lawyers already.
- Most of you will soon have a name change – – –
- Your first name will change to ???
- Anybody has any idea what your first name will be once you have passed the bar and been sworn in??
- **“Assistant State Attorney”**
- Do you understand the significance of that?
- How should that impact your lives from this point forward?
- It will affect what you do 24/7



# WHAT HAS CHANGED!!!

## Frolics

- “ASA” will affect who you hang out with and what you do with your friends
- “ASA” will affect what you do – Gospel song
- Things I used to do I don’t do no more
- Places I used to go I don’t go no more

## Fringes

Badges

## Friends

- At the club on South Beach
- Rebate at Arby’s
- Speeding Tickets

# INCIDENT REPORTS

## ▶ CRIMINAL INVOLVEMENT

▶ If any employee, any employee's relative, roommate or significant other is: (1) arrested for a crime; (2) involved as a witness to a crime; (3) a victim of a crime; or (4) a suspect in a criminal investigation (either State or Federal), the employee must immediately notify their Supervisor, the Senior Human Resource Administrator or Investigations. **The employee, at their first opportunity must notify the Office**, in writing, of the date of the alleged crime and all available information concerning the incident in an Incident Report.

# Disciplinary Actions

- ▶ YOU ARE HERE AND WE WANT YOU TO SUCCEED, BUT . .
- ▶ MY PRIMARY OBLIGATION IS TO PROTECT THE STATE ATTORNEY – SHE HIRED ME TO WATCH HER BACK!!
- ▶ I am also charged with protecting the image and reputation of this office. I will fight zealously to protect that image and reputation.
- ▶ In addition to being in charge of Hiring/Recruitment, I am also in charge of disciplinary matters involving the Interns and ASAs.
- ▶ If while you are working here you do some of the stuff that was disclosed on your application you will probably be fired.
  - If you think it is okay for you to work here and smoke marijuana you will be looking for another job.
  - If you plan to go to happy hour and try to drive home drunk you need to find another job.

# IV. Ethics & Professionalism are Expected in your Conduct Outside Of The Office

- ▶ Things That **Will** Lead to Disciplinary Actions
- ▶ (or, “you know it’s going to be a bad day when . . .”)
- ▶ The Disciplinary Process





STEVE SAIZ /  
MIAMI HERALD ILLUSTRATION

# GOT POT?

A murky double standard surrounds a drug that is illegal, potentially harmful but popular. Recent high-profile cases underscored the issue.

BY LYDIA MARTIN AND FRED TASKER  
lmartin@miamiherald.com

At a recent backyard barbecue in Miami's Upper Eastside, a group of middle-age, middle-class folks tamely sipped berry cocktails and beers. Among them: a couple of lawyers, a couple of city administrators and an arts administrator. Somewhere between the skirt steak and the apple pie, somebody lit a joint and passed it around.

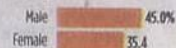
Nobody blinked. Even in mainstream, white-collar settings, smoking marijuana can be commonplace and unremarkable, like having a little wine with dinner.

\*TURN TO MARIJUANA, 2A

## WHO IS SMOKING POT?

Percentage who have used marijuana in their lifetimes, 2005

### By Gender

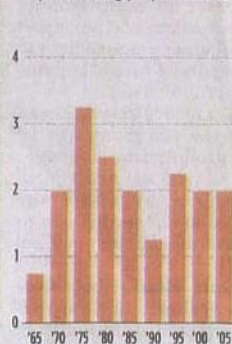


### By race

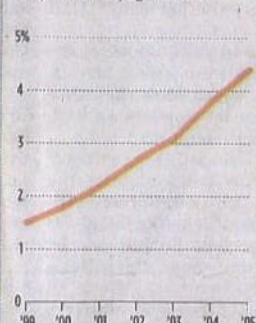


Ages	1995	2000	2005
12-17	8.2%	9.4%	6.8%
18-25	12.0%	16.1%	16.6%
26-34	6.7%	6.0%	8.6%
35+	1.8%	3.8%	3.0%

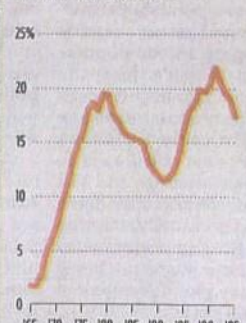
People smoking pot, in millions



Percentage using marijuana in the past month, ages 50-59



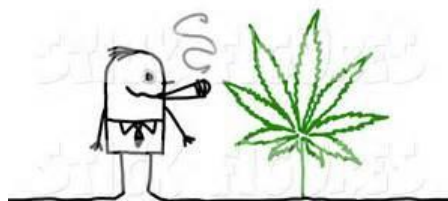
Percentage who have used marijuana in their lifetimes, ages 12-17



SOURCE: National Survey on Drug Use & Health, Substance Abuse and Mental Health Service Administration, U.S. Department of Health and Human Services

THE MIAMI HERALD





STATE ATTORNEY'S OFFICE

# Prosecutor fired after pot arrest

■ A Miami-Dade prosecutor was fired after being charged with buying marijuana from a street dealer in Coconut Grove.

BY DAVID OVALLE  
dovalle@MiamiHerald.com

Prosecutor Utpal Dighe was fired Wednesday, hours after police say he bought marijuana from a dealer in Coconut Grove.

The Miami-Dade state attorney's office has asked the governor's office to appoint a special prosecutor to handle his case, which is routinely done to avoid any conflict of interest.

Dighe was charged with one count of third-degree fel-

ony purchase of cannabis and one misdemeanor count of cannabis possession.

"As a prosecutor, one is sworn to uphold our criminal laws, not violate them. I cannot tolerate one of my prosecutors behaving as if their oath of office required no personal commitment to the law," State Attorney Katherine Fernández Rundle said in a statement.

Dighe was booked into Miami-Dade County Jail Wednesday morning and has since posted \$6,000 bond. He could not be reached for comment.

According to a Miami police arrest report, Dighe pulled up in his black Acura

to a dealer on Grand Avenue Tuesday night.

Detective Willie B. Smith, of the Crime Suppression Team, says he spotted Dighe buying the drugs. His car was pulled over. According to the police report, he told an officer "Please, just take it. Let me go. I can't go to jail. . . . I will lose my job."

Dighe joined the state attorney's office in 2004. In November 2006, he was reprimanded after he approved an 18-month plea bargain for a career criminal accused of stealing a police officer's gun. Dighe offered the plea without consulting police or his supervisors, drawing the ire of the Police Benevolent

Association, Miami-Dade's police union.

Dighe is the third prosecutor to be arrested during the past 13 months.

In March 2006, Ramon Sarmiento was arrested after an off-duty police officer working at the nightclub Space said he found seven Ecstasy pills in the man's pocket. He resigned from the state attorney's office; the charges were later dropped.

In January, veteran prosecutor George Cholakakis was arrested after police say he drove drunk and hit a scooter ridden by two people, seriously injuring them. He has pleaded not guilty and his trial is pending.



streaker [www.fotosearch.com](http://www.fotosearch.com)



streaker [www.fotosearch.com](http://www.fotosearch.com)

# Oops . . . .



- ▶ ■February 2005 KEY WEST, Fla. – A Florida Keys prosecutor is on administrative leave after facing charges of disorderly intoxication and indecent exposure. A--- T – – – told police that he was drinking with friends when he decided it would be funny to strip naked and run to a friend's car that was parked at a Key West motel. However, T– – – – found his way into someone else's car. When the police arrived they found him in the middle of the parking lot. T-- –stated that the incident was both embarrassing to his office as well as himself. He not only faces charges but an internal review at the Monroe County state attorney's office.



# Ooops Again . . . .



- ▶ TAMPA, Fla. – A prosecutor known for being “tough as nails” in drunken driving cases was charged with DUI after police said they stopped her with three children in her car.
- ▶ L----- D----- W---, 37, was arrested Wednesday near her home and was found to have a blood-alcohol level of 0.23 percent, nearly three times the legal limit in Florida for drivers, police said.
- ▶ She was released on \$500 bail and unavailable for comment Thursday, the St. Petersburg Times said.

# Oooops continued . . .



## ROAD RAGE

Get out of the fast lane, sucker!



### ● DAYTONA BEACH

#### PROSECUTOR ON LEAVE FOR ALLEGED ROAD RAGE

An assistant state attorney general accused of pulling a gun in a road rage incident was placed on administrative leave while the case is investigated, officials said.

Carlos A. Ivanor Jr., 31, of Orlando, allegedly displayed a handgun on May 3 when another motorist wouldn't let him over into his lane, according to a Volusia County Sheriff's Office report. The sheriff's office has recommended aggravated assault charges.

State prosecutors said they had not yet reviewed the paperwork Thursday.

Ivanor has worked for the Office of the Attorney General in Daytona Beach since February 2006. He handles criminal appeals cases. He was placed on leave Wednesday and did not return an e-mail sent Thursday seeking comment.

The other motorist reported that he and Ivanor were arguing at a red light before Ivanor allegedly pulled the gun. The motorist wrote down the make, model and license number of the car and called for help.

Stopped soon after, Ivanor agreed to allow deputies search the car. They found a Glock handgun inside a zippered case, according to the report.

# Ooops Again .



- ▶ A felony prosecutor with the Pinellas County Attorney's Office was arrested Friday night and charged with driving under the influence of alcohol.
- ▶ It is the second such arrest of a prosecutor from that office in the last six months.
- ▶ A----- C----- R-----, 33, of Tampa, was stopped by a police officer on Howard Avenue around 11 p.m. after the officer saw her car "weaving over several blocks," nearly striking the curb, according to an arrest report.
- ▶ The officer, John D. Vallejo, wrote that "the distinct odor of an alcoholic beverage was observed on her breath," and R-----'s eyes were bloodshot and glassy and that she was swaying when she got out of the car.
- ▶ He said she refused a field sobriety test, but took a Breathalyzer test. Jail records list her blood-alcohol level as between 0.167 and 0.181, slightly more than twice the level at which Florida law presumes impairment.
- ▶ R----- was released on \$500 bail. She could not be reached for comment Saturday.

# The Jury is Out

## Broward County prosecutor suspended after shoplifting arrest

### Stacey Honowitz accused of stealing beauty products from Aventura Publix

By Peter Burke

Posted: 2:39 PM, September 17, 2018

AVENTURA, Fla. - A veteran Broward County prosecutor has been suspended after she was arrested on a shoplifting charge.

Stacey Honowitz, 56, was arrested Saturday while trying to steal \$42.93 worth of beauty products from a Publix on Biscayne Boulevard in Aventura, police said.

According to an arrest affidavit, Honowitz concealed three beauty products in her purse and was stopped while trying to leave the supermarket.

"We have been made aware of the incident by the prosecutor. She has been suspended pending an administrative review," Constance Simmons told Local 10 News in a statement Monday. "She will be utilizing her vacation time until we complete the investigation."

Honowitz is a 30-year veteran of the Broward County state attorney's office and serves as supervisor of the sex crimes and child abuse unit, according to her website. She is also the author of two books on child molestation, "My Privates Are Private" and "Genius with a Penis: Don't Touch."



# Ooooooops yet again . . . .

► January 2003



"A top prosecutor in Palm Beach County was arrested Tuesday after authorities said he stripped and performed lewd acts in front of a Web camera for someone he **thought** was a 13-year-old girl."

"Assistant State Attorney I----- K----- was arrested in West Palm Beach and charged with soliciting sex from a minor via the Internet and transmitting harmful images to a minor, both felonies."

# The Public's Perception

- ▶ **Comment by:** [m1tanker@hotmail.com](mailto:m1tanker@hotmail.com) (1/23/2003)
- ▶ In thinking about a post below, part of me does want this guy to get the harshest punishment the law can give since he SHOULD be forefront in setting the example for the community. After all, he does prosecute laws onto others. There USED to be a lot of trust/respect associated with that position. And he betrayed that trust.

On the other hand, I would like to see him punished just the same as any of us 'commoners' who broke the law would be.

In reality, I don't foresee him getting any more than a wrist-slap, unless he made powerful enemies in high places.

If you are going to live in a hi-rise condo, be careful of your activities before you try to sit on the ledge of the outside balcony.





Don't do drugs at the club and in the open.  
These are serious matters and the consequences can be deadly. They can ruin careers and destroy lives.





January 1, 2007. New Years Day When my phone rings and it is in the wee hours of the morning I know there is a problem.  
Accident – –possible DUI  
Driver is one of our senior ASAs  
2 victims on a moped.  
Both in Intensive care.

## Public defender fired, accused of bar fight in Lauderdale with colleague

By Tonya Alanez

South Florida Sun-Sentinel

November 17, 2006

A rising young Broward assistant public defender lost his job Thursday after he was accused of smashing colleague in the head with a beer bottle during a quarrel over a woman.

[REDACTED], 28, hit Faisal Afzal during a Nov. 9 party at Tarpon Bend for a Broward prosecutor moving into private practice, witnesses told the *South Florida Sun-Sentinel*.

No charges have been filed, but Afzal filed a complaint with Fort Lauderdale police Wednesday.

Afzal told police that while he was at the bar in the Himmarshee district, someone he knew "cracked a beer bottle over his ear" during a dispute over a woman, said police spokeswoman Kathy Collins.

Afzal, 28, sought treatment at a local hospital and had medical papers to prove it, she said.

Public Defender Howard Finkelstein said Thursday he was stunned to learn of the incident.

[REDACTED] had been with the office since April 2005. He had recently been promoted to major crimes attorney.

"This kid was an ascending star," Finkelstein said. "He was performing beyond his years and really performing in a stellar fashion and that's what makes this thing so sad."

Finkelstein said he does not interfere in his employees' private lives, but [REDACTED] behavior had crossed the line. "As an employer, I have an obligation to guarantee that all of my employees can work in a safe and secure environment," Finkelstein said. "It would have been unreasonable for me, in light of what happened, to ask Faisal to feel that he was safe and secure...I have no room for violence either in the work place or in my personal life."

# Miami-Dade Prosecutor Punches Pizza Delivery Lady

When prosecutor [REDACTED] says hold the anchovies, he really means it

By [TODD WRIGHT](#)

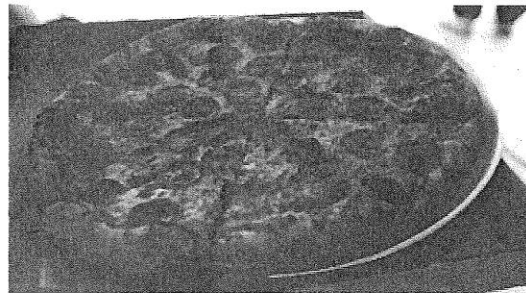
Updated 2:15 PM EDT, Mon, Jun 1, 2009

Related Topics: [David Rauch](#)

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[BUZZ UP!](#)



We expect [REDACTED] will end up on the "do not deliver" list for local pizza delivery people.

Veteran [Miami-Dade](#) prosecutor [REDACTED] faces battery charges after an alleged scuffle with a pizza delivery woman on Saturday during a delivery that went horribly wrong.

It's the second report of prosecutors gone wild in the past week. A [Broward County](#) prosecutor was [arrested late last week](#) for punching a cop in the back of the head during a barroom fight.

At least he picked on a man.

According to police reports, [REDACTED] and the unidentified woman got into a shouting match when the delivery person couldn't get into the attorney's gated community. After a bit of shouting that woke the neighbors, the woman told [REDACTED] to come downstairs if he wanted his pizza.

[REDACTED] did and punched the woman in the arm, Miami-Dade police said. He also knocked off her snazzy pizza delivery visor.

It's unclear what [REDACTED] was so mad about or if his pizza order was correct. Maybe the pizza was cold and didn't come in the 30-minutes-or-less guarantee.

[REDACTED] said the woman tapped him with her car, which sparked the altercation. Police sided with the pizza woman on Saturday, but did not take [REDACTED] to lock up. He was released on his own recognizance.

The [Miami-Dade County State Attorney's Office](#) has not commented on the issue yet. We expect [REDACTED] will end up on the "do not deliver" list for local pizza delivery people.

## Miami-Dade prosecutor resigns after Brickell Key shooting incident

BY DAVID OVALLE

[dovalle@MiamiHerald.com](mailto:dovalle@MiamiHerald.com)

A young Miami-Dade prosecutor has resigned after he was investigated by police earlier this month for shooting his handgun inside a Brickell Key condominium parking garage after a night of drinking.

██████████, 26, will not be arrested for improperly shooting his Glock pistol, but facing possible termination, he resigned. His girlfriend, Miami-Dade Assistant State Attorney ██████████, was demoted for her involvement in the episode.

Miami police were summoned to the Isola condos on Claughton Island Drive the night of July 1 after security guards and witnesses reported hearing three shots fired inside the garage and a possible domestic dispute, according to police.

After reviewing surveillance tape, police figured out ██████████ lived in the building with Griffin.

"Mr. ██████████ admitted that he discharged the firearm, however, he used care directing the shots to the corner of the garage away from any vehicles or persons or specific location with intent to harm," Miami Officer Oscar Fernandez wrote in his report.

Miami police spokesman Delrish Moss said Monday that to officers, "It appeared they had been drinking."

For legal advice, police called Miami-Dade Chief Assistant State Attorney Don Horn, who immediately told officers "he could not render a decision based on a conflict" because he works in the same office as the couple, according to the report.

After consulting with Broward prosecutor Anita White, police officers concluded that circumstances





DON'T LET  
YOUR BADGE  
GET YOU  
BOUNCED!!





# Miami-Dade County Badge-flash at strip club gets freeloader prosecutor canned

Posted on Thursday, 02.21.13

- ▶ Flashing your prosecutor's badge to get in free to a strip club? Bad.
- ▶ Flashing it again once you get inside? Worse.
- ▶ Lying about it to the Chief Asst. State Attorney? Hopeless.



Posted on Mon, Jul. 29, 2013

## **Drunken prosecutor flashed badge, Miami Beach police say**

By DAVID OVALLE

The Miami Herald

A 26-year-old Miami-Dade prosecutor flashed his law enforcement badge during a drunken tirade against police and a South Beach nightclub bouncer, according to an arrest report released Monday.

BEWARE OF SOCIAL MEDIA!  
YOU NEVER KNOW WHERE THE  
TWEET, POST, TEXT, SEXT OR  
INSTAGRAM SHOT MIGHT END  
UP.



# Judge Reprimands Temp Prosecutor for Personal Blog

Pam Smith  
The Recorder  
04-28-2006

When a temporary San Francisco prosecutor wrote on his personal blog about a misdemeanor case he was handling last December, he probably didn't think the judge would read it.

**But Superior Court Judge Curtis Karnow heard about it. And he didn't like what he read.**

Karnow didn't find the postings prejudicial enough to throw out the entire case, as the defense wanted. But in turning down that motion to dismiss this week, the judge still came down hard on ex-prosecutor Jay Kuo, calling his conduct "juvenile, obnoxious and unprofessional." Karnow also stated his intention to send his written ruling to the State Bar.

The contents of the blog posts were not available online Wednesday, but according to Karnow's ruling, Kuo at various points **called his opposing counsel "chicken" when she asked for a continuance, directly alluded to her with some posting titles obscene enough that the judge did not repeat them** and mentioned a prior conviction that had not yet been deemed admissible at trial.

For Kuo, **the incident had already meant an early end to his service in the prosecutors office.** While an associate at the well-known litigation boutique Keker & Van Nest, he became a prosecutor through a loan program that gives firms a chance to send their people to district attorney's offices so they can get trial experience while the firm picks up the tab.

Kuo, who declined to comment on the ruling itself, did say he resigned from the temporary position after his posts on the Web site live journal.com had made their way around the DA's office. "It was just not a comfortable environment to be in any more," he said.

\*\*\*\*\*



Lawyers participating in the program have to go through an interview process and a criminal background check, Klee said. The loaned lawyers attend a series of a dozen in-house seminars, she said.

\*\*\*\*\*

"The issue of intent is of central importance," Karnow wrote. "Such thoughts were far from mind: He sought only to celebrate himself, tout his prowess and to preen his own feathers, as it were, unconscious of other effect."

Kuo testified at a hearing this month that he typically restricted his blog postings to a small group of friends. He suggested a security problem at the Web site he used might have been responsible for a breach.

Still, Kuo's actions were probably reckless, Karnow wrote, because **the attorney should have known that his posts might, like private e-mails, eventually be "uncontrollably distributed."**

As blogs, or Web logs, have multiplied, they've created increasing opportunities for conflict between employers and employees.

"Blogging is a relatively new phenomenon, but it's obviously on the increase," he said. "Most companies have not caught up with that trend in their personnel policies."

The district attorney's office has now, thanks to Kuo's case.

"I don't think we had particularly thought about it before," said Klee. **"You would think common sense would have prevailed."** Now, she added, **the employee manual specifies that criminal cases and office business should not be mentioned on the Internet.**

**Prosecutors carry extra duties** when it comes to writing about an ongoing proceeding, said John Steele, who teaches legal ethics at Boalt Hall School of Law.

**"They have to 'do justice,'"** he said. "Criminal defense attorneys are allowed to just win, as long as they don't break the rules. ... And virtually all the ethics rules acknowledge that special burden."

# Your "My Space" is My Space

NY Times: Washington Safety Is Awaiting Trial

By ROBERT ANDREW POWELL

Published: April 15, 2006

MIAMI - Sean Taylor excels at defense. On the field, that has never been in doubt. Taylor is one of the best young safeties in the N.F.L., a first-round draft choice out of Miami by the Washington Redskins a Pro Bowl alternate his rookie year, a player so ferocious he is called "Tha Hitman."

Taylor, however, is currently depending on his defense lawyers as he fights assault charges here that could put him in prison for up to 46 years.

Last June, after an altercation in West Perrine, a depressed community south of Miami, Taylor's GMC Yukon Denali was sprayed with bullets from an AK-47 and a semiautomatic pistol. The gunmen have never been identified.

Days before the trial was scheduled to start this week, Taylor's lawyers found that the prosecutor, M - - - - G - - - -, had put newspaper clippings from the case on his Web site to promote his other job as a D.J. G - - - stepped down, and the trial was postponed until May. R - - - S----, another of Taylor's lawyers, said he would file a motion next week to dismiss the case.

The Miami-Dade state attorney's office has vowed to continue the prosecution. In a statement, State Attorney Katherine Fernandez Rundle said nothing on G---'s Web site "compromised the integrity of the Sean Taylor case."

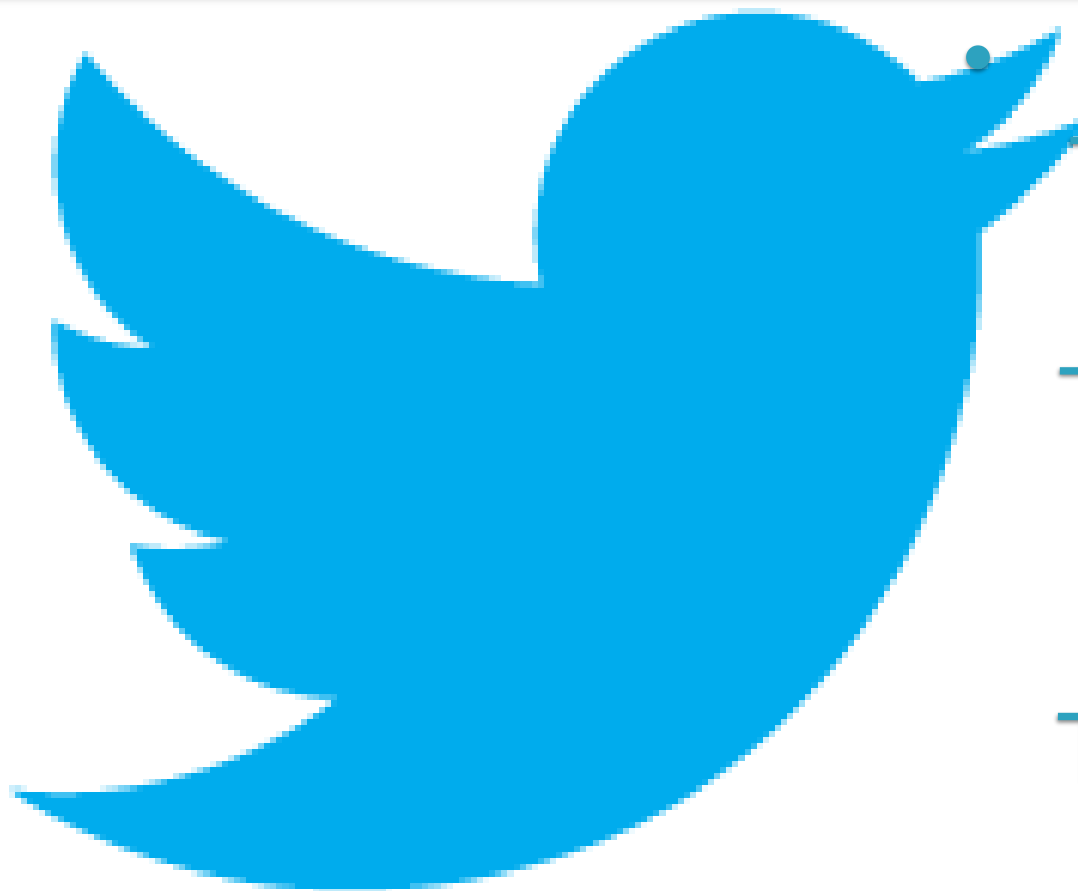


Facebook Photo  
Of Leopard-Print  
Underwear  
Leads To Mistrial  
In Miami Murder  
Case



- ▶ MIAMI (Associated Press) -- A lawyer posted a photo of her client's leopard-print underwear on her Facebook page, prompting a South Florida judge to declare a mistrial in a murder case.
- ▶ The *Miami Herald* reports that public defender Anya Cintron Stern was fired Wednesday.
- ▶ According to the newspaper, Stern snapped a photo of the underwear with her cell phone as corrections officers inspected a bag of clothing Fermin Recalde's family had brought for him to wear to the trial. Officials say the caption suggested the family believed it was "proper attire for trial."
- ▶ But someone saw the photo and reported it to the judge, who declared a mistrial. Recalde is accused of fatally stabbing his girlfriend in 2010.
- ▶ The judge must now assign a new lawyer and set a new trial date.





DO YOU  
TWEET??  
DO YOU  
TWERK??  
DO YOU  
TEXT??  
TEXTING  
IS

GOOD. »  
SEXTING  
IS BAD.



Anthony  
Weiner  
dodges talk  
of sexting  
scandal,  
shifts focus  
to ideas,  
opponents





**Christina Ham**  
@ChristinaHam



Dear Constituents....PLEASE GET A  
LIFE, A HOBBY, A LOBOTOMY...  
whatever

8/12/13, 11:29 AM

Staffer for  
Miami  
mayoral  
candidate  
Suarez  
trashes  
constituents  
on Twitter

Christina Haramboure, a 24-year-old special aide and administrative assistant, tweeted about her dislike of constituents for more than a year, dispatching a series of particularly offensive posts Monday in which she suggested some constituents should get “a lobotomy.”



Miami mayoral  
candidate Suarez  
fires city staffer who  
bashed constituents  
on Twitter.  



# Disciplinary Process

- ▶ If you are the problem . . .
- ▶ Equal employment opportunity Administrator – –
- ▶ We will try to save all of you because we are putting a tremendous investment in you with this training program
  
- ▶ Step program
- ▶ I require a meeting and a prescription before probation (unless . . .)
- ▶ You do something really stupid or really bad
- ▶ STCs on probation
- ▶ Felony DCs on probation
- ▶ Terminations
- ▶ Lying
- ▶ **Habitual Offenders**
- ▶ Unsuccessful probationers

# V. Closing Remarks



# Open Door Policy

Both ways:

- Suggestions – I want to hear
- Problems – I want to hear
- “Non-conversation conversations”

If there are problems going on in the office, you have 2 choices!!



# OR, YOU CAN CHOOSE TO Get Involved!!!

Desire to make changes in the  
office:

- ▶ Help make it a better place to work
- ▶ Improve morale
- ▶ Get involved in Office Events





# Office Picnic



















# Corporate Run





# Hispanic Heritage Month







# 15<sup>th</sup> Annual Angel Tree Party







# Black History Month



# Fashion Show







# HOLIDAY PARTY 2018!!!





# Our Charge

- ▶ THERE IS NOTHING MORE CRITICAL TO THE PUBLIC TRUST AND THE INTEGRITY OF THE CRIMINAL JUSTICE SYSTEM THAN A PROSECUTOR'S ABILITY TO OBJECTIVELY AND OPENLY WEIGH INFORMATION THAT SPEAKS TO A PERSON'S GUILT OR INNOCENCE. PROSECUTORS HAVE NO MORE IMPORTANT RESPONSIBILITY THAN TO FOLLOW THE FACTS AND LAW WHEREVER THEY LEAD, REGARDLESS OF POPULAR PASSIONS OR POLITICAL CONSEQUENCE.