

IN THE SUPREME COURT OF FLORIDA
(Before a Referee)

THE FLORIDA BAR,
Complainant,
v.
STEPHEN ANTHONY FLYNN,
Respondent.
_____ /

Case No. 70,320
(TFB No. 01-85N42)

FILED
SID J. WHITE

JUN 24 1987

CLERK, SUPREME COURT

By _____

REPORT OF THE REFEREE Deputy Clerk

I. SUMMARY OF PROCEEDINGS

Pursuant to the undersigned being duly appointed as referee to conduct disciplinary proceedings herein according to The Florida Bar Rules of Discipline, the following proceedings occurred:

On April 12, 1987, The Florida Bar filed its Complaint against Respondent. On June 19th, 1987, Respondent submitted a Conditional Guilty Plea for Consent Judgment and, with The Florida Bar, submitted a Joint Recommendation as to Discipline. The aforementioned pleadings and this report constitute the record in this case and are forwarded to the Supreme Court of Florida.

II. FINDINGS OF FACT

- A. Respondent represented a client by the name of Ms. Roxie Henderson (hereinafter referred to as Ms. Henderson) on misdemeanor charges in Okaloosa County.
- B. Ms. Henderson was placed on probation as a result of the plea entered for her by Respondent.
- C. Ms. Henderson subsequently violated a

condition of her probation and a warrant was issued for her arrest.

- D. On October 29, 1984, Ms. Henderson was brought in for a first appearance hearing in Crestview before the Honorable Clyde Wells, a circuit judge for the First Judicial Circuit. At this hearing, Ms. Henderson informed Judge Wells that she was not aware that she had been placed on probation and that she had not been so notified by Respondent.
- E. Upon the advice of Judge Wells, Ms. Henderson filed a written complaint with The Florida Bar on November 11, 1984.
- F. Respondent responded to Ms. Henderson's written complaint in a letter to The Florida Bar dated December 14, 1984. A copy of this letter is attached as Exhibit A.
- G. In his response (Exhibit A), Respondent threatened to report Judge Wells to the Judicial Qualifications Committee and sue him in Federal Court if Judge Wells failed to withdraw his findings. Respondent also stated in his letter that Judge Wells was not competent to be a judge.
- H. Respondent wrote a seven page letter dated January 10, 1985 to Mr. Charles Sherrill, the chairman of the First Judicial Circuit Grievance Committee. In this letter, Respondent made a litany of accusations regarding Judge Wells. A copy of this letter is attached as Exhibit B.
- I. In his letter of January 10, 1985 (Exhibit B), Respondent accused Judge Wells of attempting to obscure the

issue before the grievance committee in order to avoid scrutiny of his "personal peccadillos."
- J. Respondent further stated that Judge Wells had distorted and misrepresented facts to the grievance committee, that he had abused his power, discretion and position, that he had falsely defamed Respondent, and that he had violated Respondent's civil and constitutional rights.

III. RECOMMENDATIONS AS TO GUILT

I recommend that Respondent be found guilty of the following violations of the Code of Professional Responsibility:

article XI, Rule 11.02(3) of the Integration Rule (standards of professional conduct including morality and honesty), Disciplinary Rule 1-102(A)(6) (conduct which adversely reflects on a lawyer's fitness to practice law); Disciplinary Rule 7-105 (threatening criminal prosecution solely to obtain an advantage in a civil matter), and Disciplinary Rule 8-102(B) (making false accusations against a judge) of the Code of Professional Responsibility of The Florida Bar.

IV. RECOMMENDATION AS TO DISCIPLINARY MEASURES TO BE APPLIED

I recommend that Respondent be disciplined by:

A. A public reprimand to be administered with a personal appearance before the Board of Governors of The Florida Bar, and

B. Payment of costs to The Florida Bar. Such costs shall be paid within thirty (30) days of the date of the Supreme Court's order imposing discipline unless extended by the Board of Governors of The Florida Bar.

V. PERSONAL HISTORY AND PAST DISCIPLINARY RECORD

Prior to recommending discipline pursuant to Rule 3-7.5(k), I considered the following personal history of Respondent, to wit:

Age: 37 years old

Date admitted to the Bar: November 7, 1978

Prior Discipline: None

VI. STATEMENT OF COSTS AND MANNER IN WHICH COSTS SHOULD BE TAXED

I find the following costs were reasonable incurred by The Florida Bar:

A. Grievance Committee Level

1. Administrative Costs	\$150.00
2. Court Reporter's Fees	305.90
3. Bar Counsel Travel	160.74

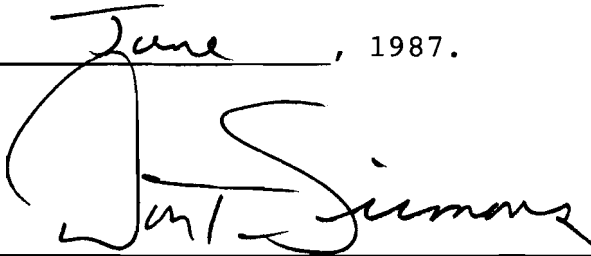
B. Referee Level

1. Administrative Costs	\$150.00
2. Court Reporter's Fees	0.00
3. Bar Counsel Travel	0.00

TOTAL	<u>\$766.64</u>
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It is recommended that such costs be charged to Respondent and that interest at the statutory rate shall accrue and be payable beginning 30 days after the judgment in this case becomes final unless a waiver is granted by the Board of Governors of The Florida Bar.

Dated this 23rd day of June, 1987.


DON T. SIRMONS
Circuit Judge/Referee

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of the foregoing Report of Referee has been mailed to SID J. WHITE, Clerk of the Supreme Court of Florida, Supreme Court Building, Tallahassee, Florida 32301, and that a confidential copy was mailed by regular U.S. Mail to SUSAN V. BLOEMENDAAL, Bar Counsel, The Florida Bar, 600 Apalachee Parkway, Tallahassee, Florida 32301 and to STEPHEN ANTHONY FLYNN, RESPONDENT, at his record Bar address of, 8460 Gulf Boulevard, Suite 2, Navarre, Florida 32561, this 23rd day of June, 1987.

A handwritten signature in black ink, appearing to read "Don T. Sirmons". The signature is written in a cursive style with a large, prominent initial "D".

DON T. SIRMONS

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STATEMENT OF COSTS

Grievance Committee Level


Administrative Costs, pursuant to Integration Rule 11.06(9)	\$150.00
Court Reporter and Transcripts	305.90
Bar Counsel Travel Expenses	160.74
Subtotal	\$616.64

Referee Level

Administrative Costs, pursuant to Integration Rule 11.06(9)	\$150.00
Court Reporter and Transcripts	0.00
Bar Counsel Travel Expenses	0.00
Subtotal	\$150.00
TOTAL	<u>\$766.64</u>

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been mailed by certified mail # P675 195 552, return receipt requested, to STEPHEN ANTHONY FLYNN, Respondent, at his Bar address of 8460 Gulf Boulevard, Suite 202, Navarre, Florida 32561, this 15th day of April 1987.


SUSAN V. BLOEMENDAAL
Bar Counsel
The Florida Bar
Tallahassee, Florida 32301
(904) 222-5286