SID J. WHITE JAN 17 1992 CLERK, SUPREME COURT. THE SUPREME COURT OF FLORIDA Chief Deputy Clerk

IN RE:

JOHN E. SANTORA, JR., JUDGE

Case No. 79,206

RESPONSE TO PETITION FOR REMOVAL OF CHIEF JUDGE

Judge John E. Santora, Jr., as Chief Judge of the Fourth Judicial Circuit, for his response to the Petition for Removal of Chief Judge says:

1. The allegations of paragraph 1 of the Petition are admitted.

2. As to the allegations of paragraph 2, Judge Santora agrees that on December 22, 1991, the Florida Times Union did publish an article purporting to set forth remarks made by him. The Times Union published, however, only excerpts from an extended interview. The excerpts were published approximately two months after the giving of the interview. Judge Santora has not been provided either a tape or a transcript of the interview. He cannot say whether the excerpts accurately set forth his remarks during the interview or give a proper context for what he said. He denies that the statements attributed to him are reflective of his personal beliefs insofar as they have been interpreted to suggest that he harbors any racial bias or prejudice.

3. As to the allegations of paragraph 3, Judge Santora agrees that on January 2, 1992, he publicly apologized for any offense taken from the remarks attributed to him. He stands by that apology. He also continues to state that he does not harbor any racial bias or prejudice.

4. As to the allegations of paragraph 4, Judge Santora states that he was elected to be Chief Judge in 1985 and has been reelected three (3) successive times. He states further that the Judges of his Circuit, who well know his true feelings and outlook, have seen fit to retain him as Chief Judge. He says, additionally, that petitioners have filed no request with the Circuit Court for his removal.

5. As to the allegations of paragraph 5, Judge Santora denies that he has violated Canons 2, 4 and 5 of the Code of Judicial Conduct.

6. As to the allegations of paragraph 6, Judge Santora agrees that judicial integrity and impartiality is essential to proper functioning of the judicial system. He affirmatively says he has been true to that responsibility in all performance of his official duties.

7. The allegations of paragraphs 7 and 8 are denied.

WHEREFORE, Judge Santora says that the Petition filed against him should be denied.

By:

Respectfully submitted, DATZ, JACOBSON & LEMBCKE, P. A.

Samuel S. Jacobson, Esquire Florida Bar No. 039090 2902 Independent Square Jacksonville, FL 32202 (904) 355-5467 Attorneys for John E. Santora, Jr.

CERTIFICATE OF SERVICE

I certify a copy of the foregoing has been furnished to William D. Brinton, Esquire, 3200 Independent Square, Jacksonville, FL 32202, by hand delivery this 16th day of January, 1992.

Janue J. Attorne

^{&#}x27;Many lawyers, including lawyers outside the Fourth Circuit, have volunteered to appear as counsel for Judge Santora as a show of their support. Judge Santora, however, wants this motion to be decided on the merits and wants to avoid having lawyers take sides in a <u>de facto</u> referendum for or against him. He accordingly will have only one lawyer of record.