

THE SUPREME COURT OF FLORIDA

The Florida Bar,
Complainant

vs.

DOMENIC L. GROSSO
Respondent

Supreme Court No. 82,776

The Florida Bar file No.
93-50,256(15F)

FILED

SID J WHITE

JUN 18 1994

BRIEF IN SUPPORT OF
RESPONDENT'S PETITION FOR REVIEW

CLERK SUPREME COURT
By _____

The Respondent, DOMENIC L. GROSSO, respectfully files this
Petition for Review under Rule 3-7.7, subsection (a) Right of
Review, subsection (1).

1. On March 7, 1994 Respondent petitioned for a review of
the Report of the Referee by addressing a letter to Mr. John A.
Boggs, Director of Lawyer Regulation (Exhibit A).

2. On March 15, 1994, Respondent received a letter from Mr.
Boggs (Exhibit B) indicating the clerk's office did not treat
Respondent's letter of March 7th as anything other than
correspondence. Mr. Boggs's letter further indicated:

...we cannot reduce the referee's recommended disciplinary
sanction. Only the court may do so.

3. Respondent in turn wrote a letter to Mr. Sid White, Clerk
of the Supreme Court (Exhibit C) on March 25, 1994 and filed his
Petition for Review in the proper format (Exhibit D).

4. On April 26, 1994, Respondent received a copy of a letter
from David M. Barnovitz, which was addressed to the Hon. Sid White,
Clerk, Supreme Court of Florida (Exhibit E), along with the Bar's
Motion to Dismiss Respondent's Petition for Review (Exhibit F).

5. On May 17, 1994, Respondent filed a Response to the
Motion to Dismiss Petition for Review (Exhibit G).

6. The Bar's Motion to Dismiss Respondent's Petition for Review states in paragraph 7, page 2,

In his letter to the Director of Lawyer Regulation, respondent represented:

Also, just to get this monkey off my back, I will file a response to Mr. Schneelock's complaint seven days from the date of this letter.

7. Paragraph 8 states:

In his Petition for review, respondent recites:

And to show that I have gotten over this gripping paralysis in reference to the Schneelock complaint, that I file an immediate response thereto. (page 5).

8. Paragraph 9 claims:

Respondent, to date, has not tendered a response to the Schneelock grievance necessitating that he be subpoenaed before the grievance committee.

9. For the Bar's edification, on May 13, 1994, Respondent filed a response to the complaint of Arturo Schneelock, Florida Bar File No. 93-50,256(15F). A copy was sent to the court and receipt thereof was acknowledged by Sid White (Exhibit H).

10. The gripping paralysis which for some reason caused Respondent's failure to file a response to Mr. Schneelock's complaint has been remedied by the response filed by Respondent on May 13, 1994.

11. A meeting was scheduled before the Florida Bar Grievance Committee on May 20, 1994, and Respondent believes the Bar is doing a follow-up on that reference additional documentation.

12. Respondent requests the Florida Supreme Court review his response to Mr. Schneelock's complaint filed on May 13, 1994. Respondent understands it is incumbent upon him to respond to

complaints. Respondent has been practicing law for 15 years in the State of Florida. Prior to the Schneelock matter, Respondent had a clean record with The Florida Bar. Complaints were filed against Respondent in the general course of practice, but there were no reprimands, no sanctions, no disbarment, no suspensions. The complaints were unfounded. Respondent realizes had he initially responded to the complaint of Mr. Schneelock, which was filed while the appeal was pending on his criminal case, this matter would not be before the Supreme Court today.

13. The actual recommendation of The Florida Bar before the referee dated December 10, 1993 (Exhibit I) was a ten-day suspension and a reprimand. Respondent asks the court to take notice of the letter he sent to Judge Able on January 20, 1994 (Exhibit J). The Florida Bar recommendation came under The Florida Bar vs. Vaughn, 608 So.2d 18 Fla. 1992, in which there was a similar fact pattern. In that case there was a public reprimand, based on the fact that the attorney just did not respond.

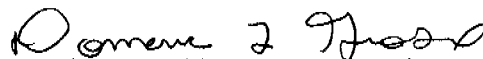
14. Respondent understands The Florida Supreme Court and The Florida Bar is to regulate the practice of law in the State of Florida in the sense that attorneys have to hold themselves out as officers of the court, act accordingly, and respond.

15. Respondent is not saying that he should not be punished; the rules and regulations should be lived by. Respondent represented Mr. Arturo Schneelock in an eight-day trial along with co-counsel, John Garcia, providing the best legal representation possible under the circumstances. It was a situation where you are dealt certain cards and you play your best hand. Respondent

believes he and Mr. Garcia did that.

16. Respondent asks that The Supreme Court review Respondent's letter to Judge Able in addition to the other exhibits, and would request that the recommendation of The Supreme Court be that Respondent be suspended for a period of ten days. Respondent has no objection to undergoing a psychiatric exam. Respondent is asking that The Supreme Court go along with the original recommendation of The Florida Bar, which was a ten-day suspension and a reprimand. A sixty-day suspension would have a devastating effect on Respondent's practice, and on his family in general. Respondent asks The Supreme Court to consider all the factors he has presented and review the sanction that was recommended by the referee.

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. mail to David Barnovitz, Esq., The Florida Bar, Cypress Financial Center, 5900 N. Andrews Avenue, Suite 835, Ft. Lauderdale, FL 33309 and John A. Boggs, Director of Lawyer Regulation, The Florida Bar, 650 Apalachee Parkway, Tallahassee, FL 32399-2300 and the original to Sid White, Clerk, The Supreme Court of Florida, Supreme Court Building, Tallahassee, FL 32399-1927 this 10th day of June, 1994.



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