FILED
THOMAS D. HALL
DEC 04 2001
CLERK, SUPREME COURT

BEFORE THE FLORIDA JUDICIAL QUALIFICATIONS COMMISSION

INQUIRY CONCERNING A JUDGE:
HON. CYNTHIA HOLLOWAY, NO. 00-143

FLORIDA SUPREME COURT
CASE NO. 00-2226

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RESPONSE TO TRIAL BRIEF

The original complainant, Mark Johnson, respectfully files the above-styled matter, and states:

1. The recently filed trial brief repeatedly asserts that Dr. Sylvia Carra was "an expert witness hired by Mark Johnson" during the Adair v. Johnson custody proceedings. "Mr. Johnson's own expert, Dr. Sylvia Carra... Dr. Carra, the expert **he** hired," and so forth.

2. Mark Johnson never hired Dr. Carra, and Dr. Carra never served as his expert. Rather, Judge Ralph Stoddard appointed Dr. Carra to serve as the neutral expert in the case, pursuant to an Order signed October 30, 1998. The fact that this Court-appointed expert later endorsed the undersigned's credibility and fitness should not be distorted by false descriptions of her objectivity.

3. The brief also quotes Roy Ray Brooks, opposing counsel in the custody case, regarding "nightmares" he experienced due to "discovery and litigation abuses" committed by the undersigned acting pro se: "Depos taken solely to harass witnesses," a "morass" of unnecessary pleadings, and the like.

4. Mr. Brooks offered the same testimony during the custody case, but his claims were dismissed as unfounded by the Court. In fact, the record shows that the undersigned deposed only four witnesses during the year he acted pro se, two of whom were judges, none of whom was harassed. Moreover, the Court

found that it was Mr. Brooks' client who was responsible for the high volume of pleadings: "The Respondent [Johnson] has had to file over twenty-seven motions [since 1997] for Enforcement or Contempt or Petitions for Orders to Show Cause as a consequence of the Petitioner's actions [in] repeated violation of this Court's Orders" (March 1, 2001 Modification Order granting Mark Johnson's petition for a change in custody).

5. If Mr. Brooks indeed suffered nightmares, perhaps they were due to the undersigned's recent and successful argument against his motion for fees.

6. There are many equally dubious claims in the trial brief, such as the assertion that "Mr. Johnson himself understood those questions and answers to be with regard to the Saturday of the shelter hearing." To the contrary, Mr. Johnson understood the temporal context of his deposition questions to be just what the transcript says, e.g., "Did you do anything in response to [or after] that development in the case?" Notably, the words "on Saturday?" were never asked.

7. In short, the brief asks the JQC to examine the undersigned's credibility, but much of its analysis and criticism is based on misrepresentations.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of this pleading has been sent via regular U.S. Mail to the Clerk of the Supreme Court in Tallahassee, with true and correct copies sent via facsimile to attorneys John Beranek, Beatrice Butchko, Scott Tozian, Michael Rywant, and to Ms. Brooke Kennerly, this 5T day of December, 2001.

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