FILED
THOMAS D. HALL
OCT 25 2000
CLERK, SUPREME COURT
BY_____

BEFORE THE JUDICIAL QUALIFICATIONS COMMISSION
STATE OF FLORIDA

INQUIRY CONCERNING A JUDGE
MATTHEW E. McMILLAN, CASE NO.:
99-10 AND and No. 00-17

SC CASE NO.: 95,886
00-703

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SECOND SUPPLEMENTAL/AMENDED WITNESS LIST AND EXHIBIT LIST

A. Subject to and without waiver of its right to amend this disclosure, Honorable Matthew E. McMillan expects to offer the testimony of the following witnesses at the final hearing in this matter.

1. Hon. Andrew D. Owens, Jr.
   2002 Ringling Boulevard
   Sarasota, FL 34237 – as to Charge Nos. 3 and 11

2. Ms. Jean Thomas
   Toms River, NJ - research

B. Subject to and without waiver of its right to amend this disclosure, Honorable Matthew E. McMillan expects to offer the following exhibits at the final hearing in this matter.

1. Newspaper Articles re: "Judicial Politics/Unwritten Rule," Sarasota Herald-Tribune, 7/21/98 – self-explanatory

2. "Judging the JQC," Florida Bar News, September 15, 2000 – self-explanatory

3. "Judge Claims firing was revenge" Sarasota Herald-Tribune 1/17/98 – self-explanatory

4. "Judge's firing attributed to finances" Sarasota-Herald Tribune 7/17/98- self-explanatory

5. Current Florida Bar brochure "Vote 'Yes' for Qualified Judges, not politicians" – self-explanatory

6. Letter to George Brown from McMillan campaign requisition information on his hours spent in court, 7/15/98 - self-explanatory

7. Breakdown of George Brown's hours spent in county court, by individual date, time and proceeding during 1992 – evaluation of Judge Brown's time spent in court compared to other Judge's in similar case loads, intent

8. Breakdown of George Brown's hours spent in county court, by individual date, time and proceeding during 1994 – evaluation of Judge Brown's time spent in county court compared to other Judge's in similar case loads, intent

9. Breakdown of George Brown's hours spent in county court, by individual date, time and proceeding during 1996 – evaluation of Judge Brown's time spent in county court compared to other Judge's in similar case loads, intent

10. Breakdown of George Brown's hours spent in county court, by individual date, time and proceeding during 1997- evaluation of Judge Brown's time spent in county court compared to other Judge's in similar case loads, intent

11. List of advisory dates presided over by George Brown, 1997 – evaluation of Judge Brown's time spent in county court compared to other Judge's in similar case loads

12. List of Fridays in which George Brown did not hold court, 1997, 1996, 1994, 1992 - evaluation of Judge Brown's time spent in county court compared to other Judge's in similar case loads, intent

13. Breakdown of Judge Preston DeVilbiss' hours spent in county court, by individual date, time and proceeding during 1997 – evaluation of Judge Brown's time spent in county court compared to other Judge's in similar case loads, intent

14. Results of Survey of Hours spent in county court of other County Administrative Judges across Florida – evaluation of Judge Brown's time spent in county court compared to other Judge's in similar case loads

15. Bar Graph comparing Judge Brown's time spent in county court to other judges with similar caseloads.

16. Article "Judge Candidates Debate Issues," Bradenton Herald, 8/13/98 - decline to discuss

17. Transcripts of Part-Time Problem Commercials - unreleased version and final version – Judge McMillan's efforts to be accurate, charges 6,7,10

18. Document 50 U. Chi. L. Rev. 931- Dr. Alschuler-self-explanatory (available for inspection)

19. Article: Judges on Bench 2¾ hours a Day, Chicago Sun-Times, Jan.20, 1974 – credibility, intent

20. Exhaustive List of all domestic battery sentences and VOPs presided over by George Brown between 1994 and 1997 – charges 8 9,11

21. Detailed Case Summaries of Domestic Battery VOP cases, taken from list provided to Bradenton Herald as referenced in Notice of Formal Charges- charges 8 and 9

22. List of all 1997 Petit/Retail Theft Cases where George Brown had all or part of offenders fines and court costs waived or reduced to judgement at sentencing – charges 5 and 11

23. List of all 1999 Petit/Retail Theft Cases indicating where Judge McMillan had all or part of offenders fines and court costs waived or reduced to judgement at sentencing – charges 5 and 11

24. Domestic Violence VOP Case Histories on Offenders who were sentenced to jail time by George Brown in 1995 – charges 8 , 9, and 11

25. Pie Diagram : Domestic Violence offenders sentenced by George Brown, 1994 – 1997 – charge 8 and 9, intent

26. Exhaustive List of all 1993 Petit/Retail theft VOPs originally sentenced by George Brown, their payment histories and sanctions – charges 5 and 11

27. Partial Lists of DUI VOP offenders sentenced by George Brown in 1994 and 1996, their payment histories and sanctions – handling of VOP by Judge Brown

28. Manatee County Case Number 96-413TP – handling of VOP by Judge Brown

29. Manatee County Case Number 96-5117T – handling of VOP by Judge Brown

30. Manatee County Case Number 91-6145TL – handling of VOP by Judge Brown

31. Manatee County Case Number 93-3126T – handling of VOP by Judge Brown

32. Manatee County Case Number 96-0593M (SK) – handling of VOP by Judge Brown

33. Manatee County Case Number 97-1009M (SK) – handling of VOP by Judge Brown

34. Manatee County Case Number 96-3377TP – handling of VOP by Judge Brown

35. Exhaustive list of all Petit/Retail Theft Offenders sentenced by George Brown between 1994 and 1997 who were ordered to pay restitution with their restitution payment history- relate to charge 5,11

36. Exhaustive list of all Petit/Retail Theft Offenders sentenced by Judge McMillan in 1999 who were ordered to pay restitution with their restitution payment history-relate to charge 5

37. Exhaustive list of all Criminal Mischief Offenders sentenced by George Brown in 1996 who were ordered to pay restitution with their restitution payment history-relate to charge 5, 11

38. Exhaustive list of all Criminal Mischief Offenders sentenced by Judge McMillan in 1999 who were ordered to pay restitution with their restitution payment history-relate to charge 5

39. Exhaustive list of all DUI offenders sentenced by George Brown in 1994 who were ordered to pay restitution with their restitution payment history-relate to charge 5, 11

40. Exhaustive list of all DUI offenders sentenced by George Brown in 1996 who were ordered to pay restitution with their restitution payment history-relate to charge 5, 11

41. Exhaustive list of all DUI offenders sentenced by Judge McMillan in 1999 who were ordered to pay restitution with their restitution payment history-relate to charge 5

42. Exhaustive list of all Domestic Battery offenders sentenced by George Brown between 1994 and 1997 who were ordered to pay restitution with their restitution payment history-relate to charge 5, 11

43. Exhaustive list of all Battery offenders sentenced by Judge McMillan in 1999 who were ordered to pay restitution with their restitution payment history-relate to charge 5, 11

44. Exhaustive List of all Female Prostitution Offenders who appeared before Judge Brown between 1994 and 1997 with their fine, payment, and treatment histories - charge 8, 11

45. Exhaustive List of all Female Prostitution Offenders who appeared before Judge McMillan in 1999 with their fine and payment, treatment, relocation, and HIV education histories - charge 5, 11

46. Exhaustive List of all female Prostitution Violation of Probation Sentences by George Brown between 1994 and 1997 – relate to charge 8

47. Research notes regarding Manatee County Prostitution Sentences-relate to charge 8

48. Exhaustive List of all Female Prostitutes sentenced by George Brown between 1994 and 1997, their payment history, their sentence, and the length of time they spent in jail when given credit for time served-relate to charge 8

49. VOP Affodavot 96-5476T - self-explanatory

50. VOP Affidavit 96-4883T - self explanatory

51. VOP Affidavit 94-323 – self explanatory

52. VOP Affidavit 94-2867T - self explanatory

53. Exhaustive list of all offenders who were sentenced at arraignments by George Brown in May 1997 with payment histories-relate to charge 5, 11

54. Exhaustive list of all offenders who were sentenced at arraignments by Judge McMillan in May 1999 with payment histories-relate to charge 5, 11

55. Exhaustive list of all offenders who were sentenced by George Brown at pretrials and docket sounding in May 1997 with payment histories-relate to charge 5, 11

56. Exhaustive list of all offenders who were sentenced by Judge McMillan at pretrials and docket sounding in May 1999 with payment histories-relate to charge 5, 11

57. Printout of All Manatee County Domestic Battery Cases - 1994 - 1997 - charges 8,9,11, intent

58. Printout of all Manatee County Criminal Cases (Battery, criminal mischief, prostitution, petit theft) - fitness, credibility

59. Printout of all 1999 Manatee County DUI cases – fitness, credibility, 11

60. Printout of all Manatee County Domestic Battery arrests and their disposition, intent, charge 11

61. Printouts of Uncollected Fines, 5, intent, 11

62. Printouts of County Criminal Fines, broken down by allocation and month, 1997/1999-relate to charge 5, 11

63. Domestic Violence Statistics for 12th Judicial Circuit- credibility, fitness

64. Title XLVII Criminal Procedure and Corrections, Chapter 939. Costs- decline to discuss

65. Manatee County Criminal Year to Date Filing and Dispositions Summaries 1989 – 1999- decline to discuss

66. County Criminal Probation Recap Printout 1994 – 1999-relates to charge 5, 11 and intent

67. County Criminal Fines/Costs Recap Printout, 1994 – 1999-relates to charge 5, 11 and intent

68. County Criminal Investigative Costs Recap Printout, 1994 – 1999-relates to charge 5, 11 and intent

69. County Criminal Restitution Recap Printout, 1990 – 1999-relates to charge 5, 11 and intent

70. Manatee County Public Request: Investigative Costs and Supervision Costs 1996 – 2000 and other Public Requests to Clerk's Office by McMillans-relates to charge 5, 11 and intent

71. Letter from Diane Frenz, County Informational Services, September 28, 2000-relate to charge 5, intent

72. Composite of Bar Graphs comparing Brown/McMillan re: prostitution fine collection, HIV ed, drug treatment, and geographic relocation – charges 5,8,11, intent

73. Composite of Bar Graphs comparing Brown/other judges, McMillan restitution collection rate – charges 5 and 11

74. Bar Graph comparing Brown/McMillan reducing /waiving costs in petit theft cases– 5,11,impeachment of prosecution witness – charges 5, 11, intent

75. Bar graph comparing Brown/McMillan Collection of Article V Court Facility Fee – charges 5, 11

76. Composite of Bar graphs comparing Brown / other judges/ McMillan Investigative Costs Collection Rates – charges 1, 5 and 11

77. Composite of Bar Graphs comparing Brown/other judges/McMillan Costs of Supervision Collection Rates – charges 5,11, credibility, impeachment of prosecution witnesses

78. Composite of Bar Graphs comparing Brown/other judges/ McMillan deletion rates Costs of Supervision– 5,11, impeachment of prosecution witness

79. Composite of Bar Graphs comparing Brown/other judges/McMillan fine collection rate, deletion rate, and statistical regression indicating effect of deletions on collection rate – charges 5,11, impeachment of prosecution witness

80. Reduced size composite of above referenced bar graphs - 1,5,11,intent, credibility

81. Numerical Summary of McMillan's Impact on Collections and Sentencing –relate to charge 5, 11, intent, fitness, credibility

82. List of computer generated random numbers - accuracy of Judge McMillan's research

83. McMillan Door to door flyer - $43 million dollars-impeachment of prosecution witnesses

84. Correspondence between Clerk's Office and Matt McMillan regarding error from Clerk's office regarding amount of uncollected fines and court costs, June 1998-impeachment of prosecution witnesses

85. McMillan Revised Door to door flyer - $12 million dollars-impeachment of prosecution witnesses

86. Brochure: "It's time our courts take our safety seriously" - listed by prosecutor

87. Bradenton Herald Packet - listed by prosecutor

88. Bradenton Herald Editorial, dated 1/21/00 - impeachment of prosecution witness

89. Letter to Blake Good Government dated August 17, 1998, charges 4, 5 and 10

90. Letter to Sheriff Wells dated July 21, 1998-listed by prosecutor

91. Notes of Susan McMillan taking during conversation with Sheriff Wells

92. Sworn statement of Jessie Carr

93. George Brown campaign advertisement, Petition of Law Enforcement Officers-decline to disclose

94. Advertisement "Thank you George Brown for making criminals pay back their debt to society" with photograph of Sheriff Wells - credibility of JQC, mitigation

95. Campaign Advertisement of George Brown "Vote for Proven Judicial Experience," credibility of prosecution witnesses

96. Newspaper Article "Nervousness, law work against woman in spouse-battery case," Bradenton Herald, 4/22/91-relate to charge 2

97. Manatee County Case Number 90-3921M-relate to charge 2

98. Revised version of McMillan's letter to police officers (A fellow Police Officer Speaks Out) – decline to disclose

99. McMillan's letter to police officers entitled "Frustrated by the System" –listed by prosecutor

100. Fraternal Order of Police By-Laws, fax, Article 24, Political Action - mitigation

101. Letter to president of Fraternal Order of Police from McMillan dated 7/20/98-mitigation, 3

102. Sworn Affidavit of Dawn Atkinson dated 5/17/99-charge 3, credibility of JQC

103. Criminal History of Paul Brown – impeachment of prosecution witness

104. Printout of all voters from 1998 primary provided by Manatee County Elections Office- decline to disclose

105. List of Manatee County police officers cross-referenced with voting records – decline to disclose

106. George Brown's "Domestic Battery - Violation of Probation Sentences - Correct Version"-decline to disclose

107. Cellular Telephone Bill August 1998 –efforts of Judge McMillan to correct inaccuracies

108. Composite of letters and research sent to Editorial Boards of newspapers regarding domestic battery, VOP sentences – efforts of Judge McMillan to correct inaccuracies

109. Manatee County Case #95-9565M-sentence by Judge Brown in domestic battery cases

110. Manatee County Case #95-4027M-sentence by Judge Brown in domestic battery cases

111. Manatee County Case #95-3863M-sentence by Judge Brown in domestic battery cases

112. Manatee County Case #95-5509M-sentence by Judge Brown in domestic battery cases