BEFORE THE FLORIDA JUDICIAL QUALIFICATIONS COMMISSION
STATE OF FLORIDA

INQUIRY CONCERNING A JUDGE :
NO. 00-17, MATTHEW E. MCMILLAN
_____ :

AFFIDAVIT OF VALERIE E. ROSAS

STATE OF FLORIDA)
) ss.
COUNTY OF MANATEE)

BEFORE ME, an officer duly authorized in the State and County aforesaid to take acknowledgments and administer oaths, personally appeared VALERIE E. ROSAS who, being first duly sworn, stated the following upon personal knowledge:

1. My name is Valerie E. Rosas. I have been a deputy clerk in Manatee County, Florida for approximately 16 ½ years. I currently handle first appearances about every day and have been handling first appearances for about the last four years.

2. First appearances are handled by two County Court judges, who alternate weeks days VR as the presiding judge. Currently, Judge Robert Farrance handles first appearances one week and then Judge Henderson handles them the following week.

3. During the time I have handled first appearances, my daily routine has been to go to the Sheriff's Office in the building adjacent to the courthouse at approximately 7:15 a.m. and pick up the list of first appearances (or advisory list as it is sometimes called). Included in the packet of materials, which are kept in a locked black canvas briefcase, are probable cause affidavits and other paperwork to be transported to the courthouse.

EXHIBIT A

4. After I arrive at the courthouse, I unlock the briefcase, take the necessary materials for the first appearances from the bag and proceed to the fourth floor of the courthouse where the room containing the video equipment for first appearances are held. I ~~give~~ Keep the original of the advisory list. I give the Advisory Sheets and Probable Cause Affidavits to the judge, one copy to the interpreter, and the remaining four copies are placed on a table in the first appearance room for anyone who wants a copy.

5. During the week of January 31 - February 4, 2000, first appearances were assigned to Judge Farrance.

6. On Monday, January 31, 2000, I arrived at the first appearance room on the fourth floor of the courthouse sometime prior to 8:00 a.m. I was going through the paperwork for the first appearances when Judge Matt McMillan came into the room and mentioned something to me about following an individual the previous day who was driving under the influence. Judge McMillan said that the person was weaving and going in and out of traffic and that he had called the Florida Highway Patrol on his cell phone.

7. I then handed Judge McMillan the probable cause affidavit for Guadalupe Ocura and Judge McMillan began reading it. I do not recall whether Judge McMillan asked for Mr. Ocura's probable cause paperwork or whether he mentioned Mr. Ocura by name. I knew the case he was referring to, however, because Judge McMillan mentioned that he had called the Highway Patrol, and the Highway Patrol uses different DUI affidavits than the Sheriff's Office. I recall that the other individual listed on the advisory list for a DUI arrest had been arrested by the Sheriff's Office.

8. While Judge McMillan was in the room, Judge Farrance came in and took a seat in the chair where judges sit during first appearances. Judge McMillan then asked Judge Farrance if he wanted him to take over the first appearances since he knew Judge Farrance had trials beginning at

9:00 a.m. I do not recall his exact words, but Judge Farrance said something to the effect, "That's okay. I'm fine."

9. Judge Farrance then got up and he and Judge McMillan went to the door and were standing by the door in the hallway talking. I did not pay any attention to what they were saying. Judge Farrance then left and Judge McMillan came into the room and handled the first appearances for that day.

10. Judge McMillan found probable cause in Mr. Ocura's case and set his bond at $100,000.00. He then continued the case for another judge to review the bond he set.

FURTHER AFFIANT SAYETH NOT.

Valerie E. Rosas
VALERIE E. ROSAS

SWORN TO AND SUBSCRIBED before me this 22nd day of ~~February~~ March, 2000, by VALERIE E. ROSAS, who is personally known to me or who has produced _____ as identification.

NOTARY PUBLIC:
sign Tamara Jean Gibson
print Tamara Jean Gibson
State of Florida at Large (Seal)
My Commission Expires:

NOTARY PUBLIC
STATE OF FLORIDA
TAMARA JEAN GIBSON
CC 715931
MY COMMISSION EXP. FEB. 11, 2002

BEFORE THE FLORIDA JUDICIAL QUALIFICATIONS COMMISSION
STATE OF FLORIDA

INQUIRY CONCERNING A JUDGE :
NO. 00-17, MATTHEW E. MCMILLAN
_____:

AFFIDAVIT OF ROBERT A. FARRANCE

STATE OF FLORIDA
COUNTY OF LEON

BEFORE ME, an officer duly authorized in the State and County aforesaid to take acknowledgments and administer oaths, personally appeared ROBERT A. FARRANCE who, being first duly sworn, state the following upon personal knowledge:

1. My name is ROBERT A. FARRANCE. I am currently serving as a County Court Judge in Manatee County, Florida.

2. During the week of January 31 - February 4, 2000, I was the county judge responsible for presiding over First Appearances. During the weeks in which I handle First Appearances, I review the probable cause for the arrest and review and set bonds from approximately 8:00 a.m. - 9:00 a.m. I then preside over jury trials from approximately 9:00 a.m. on each day that week. I follow this same schedule every other week, and the alternate weeks are the "busy weeks" for arraignments, motions, non-jury trials, etc.

3. During a jury trial week I usually arrive shortly before 8:00 a.m. in the video room in the Manatee County Courthouse where First Appearances are held so that I can review the probable cause affidavits. Arrestees from the night before are held at the Manatee

EXHIBIT B

County Jail and First Appearances are conducted by closed-circuit television between the judge and the prisoner who remains at the jail. Generally, present with me at First Appearances in the courthouse are Valerie Rosas, who is the first appearance clerk, an assistant state attorney, an assistant public defender, a probation officer and a Spanish language interpreter.

4. On Monday, January 31, 2000 at approximately 8:00 a.m. I was reviewing probable cause affidavits and preparing to handle First Appearances when the door opened and Judge Matt McMillan leaned in and said, "How's it going? Do you need me to handle first appearances for you?" I responded, "No, I'm okay." He then offered again to handle First Appearances for me, and I again stated that I appreciated the offer, but I would go ahead and handle them. I am not sure if these are the verbatim words used by me and by Judge McMillan, but these are, in essence, the words spoken.

5. Judge McMillan then said, "I know this is your first week of jury trials and you may want to get prepared." I then responded, "I'm all set for the trials and I can do First Appearances, but if you really don't mind, then you are more than welcome to have at it." Again, I am not sure if these are the verbatim words used, but if not, they are very close. I then left the First Appearance room and began my jury trials. I did not think much about my conversation with Judge McMillan at the time.

6. On Tuesday, February 1, 2000, I was going through the paperwork for the First Appearances that day and noticed that in the case involving a defendant named Guadalupe Ocura, Judge McMillan was a witness and the case had been held over for 24 hours. I then asked the clerk, Valerie Rosas, whether bond had been set in the *Ocura* matter and she replied that Judge McMillan had set it the previous day. Ms. Rosas also

told me that Judge McMillan wanted me to a take a look at the case.

7. Even though I knew Judge McMillan had been setting bonds for over a year, I thought the $100,000.00 bond set in Mr. Ocura's case was high. Since I thought the bond was too high, I appointed the Public Defender to represent Mr. Ocura and I reset it at $25,000.00 on the belief that a bond in that amount would secure Mr. Ocura's presence for later court dates.

FURTHER AFFIANT SAYETH NOT.

ROBERT A. FARRANCE

State of Florida
County of Leon

SWORN TO AND SUBSCRIBED before me this 23 day of March, 2000, by ROBERT A FARRANCE, who is personally known to me or who has produced Florida Driver License #F652-761-50-303-0 as identification.

NOTARY PUBLIC

State of Florida at Large
My Commission expires:

JOEL S. MYNARD
MY COMMISSION # CC 708009
EXPIRES: May 10, 2002
Bonded Thru Notary Public Underwriters