

EXECUTIVE SUMMARY

To: Megan C. Rogers, Interim Executive Director
From: Gina A. Levesque, Intake Manager
Re: C13-003 – Richard L. Oftedal, Circuit Court Judge

- **Background**

This matter came to the attention of the Commission on Ethics (COE) staff through a sworn complaint filed on January 18, 2013 by Julius F. Rucker, III, an inmate in the Palm Beach County Jail with a pending criminal matter before the honorable Richard L. Oftedal.

- **Conclusion**

While Judge Oftedal's Office is in the Palm Beach County Courthouse, a Circuit Court Judge is employed by the State of Florida and does not fall within the jurisdiction of the Palm Beach County Commission on Ethics or of the Palm Beach County Code of Ethics. Therefore, this Complaint lacks legal sufficiency to conduct an investigation.



PALM BEACH COUNTY COMMISSION ON ETHICS

2633 Vista Parkway, West Palm Beach, Florida 33411

Hotline: 877-766-5920 or 561-233-0724

COMPLAINT FORM

1. Complainant (Person bringing Complaint) Add pages, if necessary.

Please list all information where you would like to be contacted. Our preference is email.

Name: JULIUS F. ROCKER, III E-Mail: N/A
 Address: #C108523, UNIT: SOUTH 6A, PALM BEACH COUNTY JAIL, P.O. BOX 24716
 City: WEST PALM BEACH Zip: 33416
 Home #: N/A Work #: N/A Cell #: N/A

2. Respondent (Person against whom complaint is made) Add pages, if necessary.

Please provide as much information as possible.

Name: RICHARD L. OFTEDAL E-Mail: _____
 Address: PALM BEACH COUNTY COURTHOUSE, 205 North Dixie Highway, Room: 11.2214
 City: West Palm Beach Zip: 33401
 Home #: N/A Work #: 561-355-7848 Cell #: N/A
 Title/Office Held or Sought: 15TH JUDICIAL CIRCUIT, CIRCUIT COURT JUDGE.

3. IF KNOWN, CHECK THE BOX OR BOXES THAT APPLY

- Allegation is against person in County/Municipal Government
 Allegation is about County: Whistleblower Retaliation

4. STATEMENT OF FACTS BASED ON YOUR PERSONAL KNOWLEDGE

In a separate attachment, please describe in detail the facts and actions that are the basis of your complaint, including the dates when the actions occurred. Also attach any relevant documents as well as names and contact information of persons who may be witnesses to the actions. If known, indicate the section of the ordinance you believe is being violated. For further instructions, see page 2 of this form.

5. OATH

I, the person bringing this complaint, do depose on oath or affirmation and say that the facts set forth in the foregoing complaint and attachments are true and correct, to the best of my knowledge and belief.

Julius F. Rocker, III
 Signature of Person Making Complaint

STATE OF FLORIDA

COUNTY OF Palm Beach

Sworn to (or affirmed) and subscribed before me this 12 day of January, 2012, by [Signature]

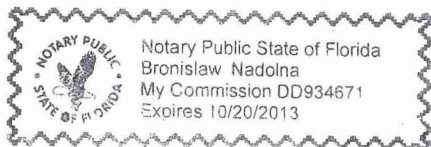
Julius Rocker
(Name of Person Making Statement)

who is personally known to me _____ or produced identification x. Type of identification produced:

Inmate ID

[Signature] 4734
 (Signature of Notary Public, State of Florida)

Sgt Nadolna 4734
 (Print, Type, or Stamp Commissioned Notary Public)



COMPLAINT

839.24 of the Florida Statutes states in pertinent part, "A... County Court Judge... or other officer required to perform any duty under the criminal procedure law who willfully fails to perform his or her duty shall be guilty of a misdemeanor of the Second degree, punishable as provided in s. 775.082 or s. 775.083.

The Code of Judicial Conduct establishes standards for ethical conduct of judges. It consists of broad statements called Canons, specific rules set forth in sections under each canon. The Canons and Sections are rules of reason. They should be applied consistent with constitutional requirements, statutes, other court rules and decisional law and in the context of all relevant circumstances. The Code is designed to provide guidance to judges and candidates for Judicial Office and to provide a structure for regulating conduct

through disciplinary agencies. The text of the Canons and Section is intended to govern conduct of judges and to be binding upon them. The Code is to state basic standards which should govern the conduct of all judges and to provide guidance to assist judges in establishing and maintaining high standards of judicial and personal conduct.

Judge Richard L. OFtedal, of the 15TH Judicial Circuit Court, is GUILTY of failing to perform the judicial duties of the office and position that he swore to uphold. As a direct result of Judge OFtedal's shortcomings and violations of the laws, I am being deprived of my constitutional rights; first, as a citizen of the United States of America; and then, as an accused in the pending criminal matter in case number 502009CF010846AMB.

The following are specifically described acts of bias and

prejudice demonstrated against me by Judge OF Tedal during the course of the proceedings in said case:

- I HEREBY ADOPT all complaints and arguments brought forth within the attached (previously filed) Motion to Disqualify Trial Judge, which has been marked as Exhibit "A" for the purpose of this ethics complaint.

Respectfully Submitted,
Julius F. Rucker, III
JULIUS F. ROCKER, III

CERTIFICATE OF GOOD FAITH

I HEREBY CERTIFY that this ethics complaint being filed against Judge Richard L. OF Tedal was made in good faith.

Respectfully Submitted,
Julius F. Rucker, III
JULIUS F. ROCKER, III

IN THE CIRCUIT COURT OF THE 15TH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA
CRIMINAL DIVISION "S"

"COPY"

CASE NO.: 503009CF010846AM

JULIUS F. ROCKER, III
(DEFENDANT)

MOTION TO DISQUALIFY TRIAL
JUDGE.

v.

STATE OF FLORIDA
(PLAINTIFF)

COMES NOW, THE DEFENDANT, JULIUS F. ROCKER, III,
pro'se, and respectfully moves this Honorable Court pursuant to
Fla. R. Jud. Admin. 2.330 for an immediate disqualification of trial
judge in the instant case.

The Defendant states the following in support of
this motion:

- (1.) January, 2011, Your Honor was assigned to preside

over the instant case.

(2.) Since the aforementioned date, your honor has violated numerous Florida Rules of Court; Florida Statutes; Codes of Judicial Conduct, and has in addition, demonstrated unprofessional conduct and a biased attitude towards the above-named Defendant, which has caused said Defendant to fear that he will not receive a fair trial or hearing because of the following specifically described and overall prejudice and bias acts of this trial court:

(a.) Violation of Canon 1. A Judge shall uphold the Integrity and Independence of the Judiciary.

- The record will reflect that since January 2011, your Honor is GUILTY of demonstrating favoritism on the behalf of the State on issues in which the law clearly required you to act/rule in the contrary. Your Honor has made several final

rulings on discovery issues which thereafter entitled me to obtain critical material documents/information and receive expert assistance (due process) that was drastically needed by me in order to adequately prepare my case for trial, only later to revoke your prior final ruling(s) (at one point over a year later) in light of the fact that you were depriving me of numerous constitutional rights and severely crippling my defense and trial preparations. Your Honor revoked said prior rulings for either unexplained reasons, or reasons not supported by facts and/or competent law. And when confronted with this fact, Your Honor responded in a manner which would cause any reasonable man (especially an incarcerated prose litigant) to develop a well founded fear and further question Your Honor's overall integrity, independence, and impartiality in the instant case when you scolded me as your defense (via legal correspondence) that 'I

was well aware of the dangers and disadvantages of representing myself... (see Exhibits 1 and 2). I sincerely felt at that time that your main concern should have been on protecting and preserving my Constitutional rights, more than trying to show me up from a legal standpoint. As I have explained to your Honor on a few occasions that my understanding of the 'dangers and disadvantages' clause of "Faretta" was that the prose litigant (myself) voluntarily forfeits some of the amenities that come with being represented by professional counsel; such as: 24 hr access to a computer; specialized investigative and research tools; immediate access to the prosecuting attorney; ability to immediately schedule a court hearing; etc.. I never agreed, nor will the record reflect that I agreed to waive any of my Constitutional rights; especially due process and equal protection, which guarantees me the absolute right and protection of receiving a

Fair Trial.

The commentary section of Canon 1 (2012 revised edition) states in pertinent part that... "Although judges should be independent, they MUST COMPLY WITH THE LAW, INCLUDING PROVISIONS OF THIS CODE. Public Confidence in the impartiality of the judiciary is maintained by the adherence of each judge to this responsibility. Conversely, violation of this code diminishes public confidence in the judiciary and thereby does injury to the system of government under law. Your Honor, with all due respect, you have violated this canon.

(b.) Violation of Canon 2. A Judge shall avoid Impropriety and the appearance of Impropriety in all of the Judge's Activities.

A. A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

- On December 05, 2011, I filed a pro se motion to Your

Honor for the appointment of "On the Record Reporting & Research
Inc., which is an independant court reporting service (approved
by the Justice Administrative Commission) in which I was hiring
to conduct the recording of upcoming Defense Discovery Depositions
that were scheduled for December 19, 2011 and December 20, 2011.
Your Honor granted said motion and then issued an order stating
therein that I may employ whichever certified court reporting
service I choose to..... Unfortunately for me, Your Honor failed
to provide the order in a timely fashion, which resulted in said
court reporting service to be unavailable for the scheduled Defense
Discovery Depositions. In response to this prejudice, I ob-
jected on the record to the taking of said depositions and
subsequently filed a motion for the appointment of the same
said court reporting service to transcribe said depositions in
question, in light of the fact that Your Honor had already

(SIC) [REDACTED] appointed the requested. On January 20, 2012, Your Honor granted said motion. (see Exhibit 3). Then on February 14, 2012 and February 15, 2012, Your Honor entered separate orders vacating the aforementioned order. (see Exhibit 4). Your Honor's reasons for doing so are based upon your own misinterpretation of Administrative Order No. 2.503-9/08, with all do respect. Nowhere in said administrative order is it stated that the Defense is prohibited from hiring an independent court reporter to record and/or transcribe Defense Discovery Depositions. (refer to said order in question). I then gathered various Florida Rules of Court; Local Rules of Court governing the 15TH Judicial Circuit; Florida Statutes; Florida Constitution, and the United States Constitution in an effort to force Your Honor to honor and TAKE JUDICIAL NOTICE of the rules and laws that you've sworn to uphold. Your Honor failed to respond to said motion, as

you are/were required to do by law. (see 90.201, Fla. Stat.). Your Honor's blatant disregard of his sworn duties has severely prejudice my trial preparations because not only am I being deprived of my right to present a defense and the compulsory process to obtain witnesses in my favor/defense, but Your Honor is also continuing to allow the Palm Beach County Sheriff's Office to retain copies of my "work product" without my consent, and in violation of Fla. R. Crim. P. 3.220(g)(1). PLEASE NOTE that Your Honor denied my request for 'Subpoena Duces Tecum'... without first reviewing any of my private documents "in camera" to determine if any privileges had been/were being violated by the Sheriff, prior to rendering your ruling. See Paskoski v. Johnson, 626 So.2d 338 (Fla. 4TH DCA 1993) (in camera inspection required prior to ruling); see also, Vann v. State, 85 So.2d 133 (1956) (Trial court should examine a controversial document to determine whether it is

prima facie sufficiently relevant to justify enforcing its production)

Your Honor also had no discretion to refuse to enforce my constitutional right to compulsory process when you failed to issue the requested Subpoena duces tecum. See Jones v. Securities and Exchange Commission, 56 S.Ct. 654, 80 L.Ed. 1015, (see Exhibit 13

Furthermore, on July 19, 2011, Your Honor issued an order denying my motion to suppress "Black Hat" illegally seized.... Therein, Your Honor abandoned his role and impartial position when you argued the "plain view" doctrine on behalf of the State, when the State themselves never once mentioned the "plain view" doctrine in their response to my suppression motion in question (prior to your ruling) (see Exhibit 5). Your Honor thereby transformed himself into a second prosecutor and adversary to the Defense.

Your Honor's integrity, independence, and impartiality of

the judiciary can be further questioned as a direct result of your failure to honor and adhere to a previous Senior Judge's Order protecting my constitutional rights, as well as your own subsequent Order, which was suppose to reinforce said orders) (see Exhibits 6; 7, and 8).

Based upon Your Honor's demonstration of partiality throughout the proceedings, and the numerous violations of the laws that you have committed to date; with all do respect, you have violated Canon 2A.

(c.) Violation of Canon 3. A Judge shall Perform the Duties of Judicial Office Impartially and Diligently.

B. Adjudicative Responsibilities.

(2) A Judge shall be faithful to the law and maintain professional competence in it...

- I adopt all of the previous arguments and complaint as

my argument and complaint for this particular subsection.

(4) A Judge shall be patient, dignified, and courteous to litigants...

- On several occasions (October 03, 2011; October 07, 2011; November 14, 2011; and June 25, 2011, in particular) Your Honor has rushed me through proceedings which inabled me to preserve valuable and critical argument for appellate review (should the need arise), and caused me to not obtain the relief that I was seeking to gain at that time. Your Honor also demonstrated a lack of courteousness towards me as a direct result of your impatience in the proceedings).

(5) A Judge shall perform Judicial duties without bias or prejudice...

- I truly believe that the aforementioned bias and prejudice carried out against me, cummulatively, by Your Honor

has more than demonstrated to me that your Honor may have a personal dislike for prose defendants and because of such, I honestly believe that I will not receive a fair trial as long as you preside over any further proceedings in the instant case. A Supporting incident in particular took place between May, 2011 and July, 2011 when I filed a prose amended motion to Suppress..., along with subpoenas to secure witness attendance, and an affidavit in support of said subpoenas, and you thereafter changed the scheduled hearing date on me three(3) times for unknown/unexplained reasons, which significantly contributed to several key witnesses that were subpoenaed by me for the purpose of that hearing, to be unavailable and thereby prejudicing my case-in-chief. When I humbly asked you for a continuance of the hearing in order for me to secure material witnesses, in light of the

date conflict and materiality of each subpoenaed witness, you denied my request but then based your overall denial of my suppression motion on the lack of supporting evidence; which I strongly believe would have been established had these witnesses were present.

(7) A Judge shall accord to every person who has a legal interest in a proceeding... the right to be heard according to law...

- On several occasions Your Honor has denied me a full and fair opportunity to present critical argument on material issues that I've raised before you.

(8) A Judge shall dispose of all judicial matters promptly, efficiently and fairly.

- On numerous occasions, Your Honor has failed to exercise due diligence when required to issue written orders

in a timely fashion on important matters in the instant case. In particular, on November 14, 2011, a budget conference was held before this court and during said conference this court granted my request to hire various expert witnesses; plus, allow me additional funds to conduct depositions and miscellaneous tasks. LET THE RECORD REFLECT that it took Your Honor over five (5) months to finally issue the required written orders so that I could hire the requested experts, and after being in light of the fact (Motion to Compel Written Order) that none of the experts would start work on my behalf until they received said written orders. (See Exhibits 9; 10; 11; and 12).

This unnecessary delay caused several experts of interest to become unavailable by the time I finally received said orders. It should be further REFLECTED IN THE RECORD that it normally takes Your Honor an average of 30-45 days to

respond to the majority of my motions, and when you finally do answer, Your Honor often schedules a hearing (if you do so) a month from the respond date. This type of conduct does not demonstrate that Your Honor is in compliance with the aforementioned subsection.

It should be further noted that Your Honor is also in violation Florida Statutes, 839.24 ... failure to perform duty required of Officer.

Continuing, with the highest degree of respect; Your Honor, based upon the totality and cumulative error effect/affect of the numerous violations of Florida law (including various Codes of Judicial Conduct) and your inability to remain impartial in the instant case, it is only fair that you should disqualify yourself in all further proceedings in this case in order to prevent/avoid a serious injustice from prevailing.

against an INNOCENT MAN! The aforementioned evidence shows that your impartiality can now be reasonably questioned.

MEMORANDUM OF LAW IN SUPPORT

- 28 U.S.C.A. Section 455 Disqualification of justice, judge...

(a.) Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.

(b.) He shall also disqualify himself in the following circumstances:

(1) Where he has a personal bias or prejudice concerning a party...

- A motion for disqualification should be granted if the facts alleged therein, taken as true, would prompt a reasonably prudent person to fear that he could not get a fair and impartial trial from the judge. See Nunez v. Backman, 645 So.2d 1063

(Fla. 4TH DCA 1994); Heier v. Fleet, 642 So.2d 669 (Fla. 4TH DCA 1994); Jernigan v. State, 608 So.2d 569 (Fla. 1st DCA 1992); Hay-
slip v. Douglas, 400 So.2d 553 (Fla. 4TH DCA 1981).

- Motion for disqualification of a judge must contain an actual factual foundation for petitioner's alleged fear of prejudice. The facts asserted by a petitioner in a motion to disqualify a judge must be reasonably sufficient to create a well-founded fear in the mind of the party that he or she will not receive a fair trial. See Fischer v. Knuck, 497 So. 2d 240, 242 (Fla. 1986).

WHEREFORE, the Defendant requests that this court grant this motion in good faith.

DATE: 01/09/13

Respectfully Submitted,
Julius F. Rocker, III
JULIUS F. ROCKER, III

CERTIFICATE OF GOOD FAITH

I HEREBY CERTIFY that this motion was made in good faith.

Respectfully Submitted,
Julius F. Rucker, III
JULIUS F. RUCKER, III

DECLARATION OF PERJURY

I HEREBY DECLARE under the penalty of perjury that I have read the foregoing document and the information contained herein is true and correct to the best of my knowledge.

DATE: 01/09/13

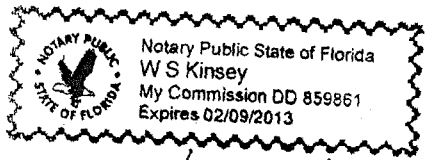
Respectfully Submitted
Julius F. Rucker, III
JULIUS F. RUCKER, III

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion to Disqualify Trial Judge was placed in the hands of Deputy Sheriff, Santiago, at the Palm Beach County

Main Detention Center for mailing to Prosecuting Attorney,
AARON PAPERIO, OFFICE of the State Attorney, 401 North Dixie
Highway, West Palm Beach, FL, 33401; and Honorable Richard
L. OFTedal, Circuit Judge, 15TH Judicial Circuit, Palm Beach
County Courthouse, 205 North Dixie Highway, West Palm Beach
FL, 33401; on this 9th day of January, 2013.

Sworn and Subscribed before me
on this 9th day of January, 2013



W.S. Kinsey
1-9-13

Respectfully Submitted,
Julius F. Rocker, III
JULIUS F. ROCKER, III
#0108523 UNIT: 86A
PALM BEACH COUNTY JAIL
P.O. BOX 24716
WEST PALM BEACH, FL 33416

EXHIBIT 1

IN THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH
COUNTY, FLORIDA

CASE NO. 502009CF0010846AXXXXMB
CRIMINAL DIV. "S"

STATE OF FLORIDA,

vs.

JULIUS F.ROCKER, III
Defendant.

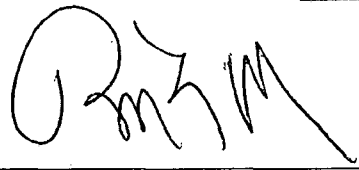
FILED
2012 FEB 16 PM 12:57
SHARON R. BOCK, CLERK
PALM BEACH COUNTY
CIRCUIT CRIMINAL

**ORDER ON DEFENDANT'S MOTION
TO HAVE AUDIO CD's WINDOWS COMPATIBLE**

THIS MATTER comes before the court upon Defendant's "Motion to Have Audio CD's Window Compatible" (the "Motion"). Defendant, who is in custody and is proceeding pro se, has previously been provided audio CD's or DVD's of prior court proceedings, but apparently is unable to play them back on his computer. Certain specialized software is required and is available through Court Administration. Accordingly,

It is hereby ORDERED AND ADJUDGED that: Court Administration shall provide to the Defendant the necessary software to enable him to play CD's of prior court proceedings in his case.

DONE AND ORDERED in Chambers in West Palm Beach, this 16 day of February, 2012.



Richard L. Oftedal
Circuit Judge

copies by mail: EB2/16/2012
Julius Rocker, III, #0108523 Unit W3B, Palm Beach County Detention Center, P.O Box 24716,
West Palm Beach, FL 33416
Che Padron, ASA, Div. S
Justice Administration Commission, P.O. Box 1654, Tallahassee, FL 32302
Susan Wiggins, Manager, Court Reporting Services

EXHIBIT 2

IN THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH
COUNTY, FLORIDA

CASE NO. 502009CF0010846AXXXMB
CRIMINAL DIV. "S"

STATE OF FLORIDA,

vs.

JULIUS F.ROCKER, III
Defendant.

2012 AUG 31 AM 10:56
CLERK OF COURT
PALM BEACH COUNTY, FL
CRIMINAL DIVISION

**ORDER ON DEFENDANT'S "AMENDED PRO SE
MOTION TO HAVE AUDIO CD(S) WINDOWS COMPATIBLE."**

Defendant seeks an order requiring that he be provided a means to play back audio CDs previously provided him of various depositions and court hearings. Pursuant to an order entered on February 16, 2012, Defendant was provided with the appropriate internet address allowing him to download the necessary software to his computer. Unfortunately, the Palm Beach County Sheriff's Office does not allow inmates access to the internet. The court has been advised by the Manager of the 15th Judicial Circuit's Court Reporting Service that there is no other means reasonably available to download the requested software other than through the free download available online. It appears, therefore, that the court is unable to grant the relief that Defendant seeks.

There should be little prejudice, however, in that Defendant already has transcripts of these depositions and hearings in his possession. In addition, at previous *Faretta* hearings, the Defendant was advised of the dangers and disadvantages of representing himself. He has answered in the affirmative to the following question:

SCANNED SEP - 4 2012

Page 2

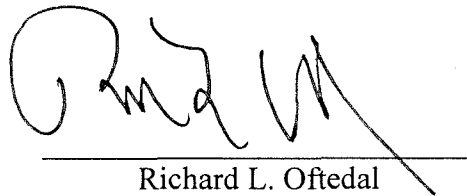
CASE NO. 502009CF0010846AXXXMB
STATE vs. JULIUS F.ROCKER, III

You will also be limited to the legal resources that are available to you while you are in custody. **You will not be entitled to any additional library privileges just because you are representing yourself.** A lawyer has fewer restrictions in researching your defense. Do you understand that?

In this instance, Defendant seeks access to legal resources and relief not reasonably or currently available to other inmates.

Accordingly, it is hereby ORDERED AND ADJUDGED that Defendant's *pro se* "Amended Motion to Have Audio CD(S) Windows Compatible" is DENIED.

29th DONE AND ORDERED in Chambers, Palm Beach County, West Palm Beach, this day of August, 2012.



Richard L. Oftedal
Circuit Judge

copies by mail:

EB 8/29/2012

Julius Rocker, III, #0108523 Unit W3B, Palm Beach County Detention Center, P.O Box 24716,
West Palm Beach, FL 33416

Aaron Papero, ASA, Div. S

Justice Administrative Commission, PO Box 1654, Tallahassee, FL 32302

MelissaSotillo, Manager, Court Reporting Services

EXHIBIT 3

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

CASE NO.: 502009CF010846AXXXMB
CIRCUIT CRIMINAL DIV. "S"

STATE OF FLORIDA

Vs.

JULIUS F. ROCKER

Defendant

**ORDER ON DEFENDANT'S PRO SE MOTION TO HAVE DEFENSE
DISCOVERY DEPOSITIONS TRANSCRIBED BY "ON THE RECORD
RECORDING & RESEARCH, INC."**

THIS MATTER came before the Court upon receipt of the Defendant's *Pro Se* Motion To Have Defense Discovery Depositions Transcribed by "On the Record Reporting & Research, Inc." filed on January 5, 2012 (copy attached). The Court having reviewed the Motion, the Court does hereby ORDER AND ADJUDGE that said Motion is GRANTED. It is hereby ORDERED:

That pursuant to JAC guidelines, the Record Reporting & Research, Inc. is hereby appointed to transcribe the depositions of:

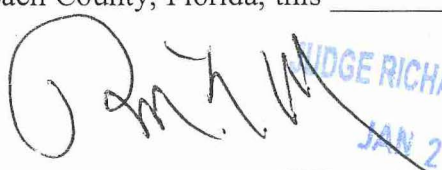
Discovery Depositions conducted on December 19, 2011 of:

Iyaf Farhoud; Tracie Duncan; Thornton Willis, Kelvin Bentley, Jr., Frank Holman;
Michael Erwin Wise; Claudine Anderson and Alfred Matthew

Discovery Depositions conducted on December 20, 2011 of: Bryan Davis

That the Justice Administration Commission shall pay the bill for the defense reporter upon receipt of all required billing details and this Order

DONE AND ORDERED in Chambers Palm Beach County, Florida, this 20 day of
January, 2012.


HONORABLE RICHARD L. OFTEDAL,
Circuit Judge

Page 2

Case No. 502009CF010846AXXXMB

State v. Julius Rocker

Copies by mail:

Julius Rocker, III, #0108523 Unit W3B, Palm Beach County Detention Center, P.O. Box 24716,
West Palm Beach, FL 33416

Assistant State Atty – Div. S

Justice Administrative Commission, P.O. Box 1654, Tallahassee, FL 32302

On the Record Reporting & Research, Inc., c/o Martha Lee, 100 Southeast Sixth Street, Suite 7,
Fort Lauderdale, FL 33301

IN THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH
COUNTY, FLORIDA

CASE NO. 502009CF0010846AXXXMB
CRIMINAL DIV. "S"

STATE OF FLORIDA,

vs.

JULIUS F.ROCKER, III
Defendant.

**ORDER ON DEFENDANT'S "AMENDED
MOTION TO HAVE DEFENSE DISCOVERY DEPOSITIONS
TRANSCRIBED BY ON THE RECORD REPORTING & RESEARCH, INC."**

Defendant seeks an order allowing the firm of "On the Record Reporting & Research, Inc." to transcribe certain discovery depositions taken through Witness Management. In accord with this courts previous Order, any such transcriptions must be undertaken through the Department of Court Reporting Services within the office of Court Administration for the Fifteenth Judicial Circuit. See Administrative Order No. 2.503-9/08. Accordingly,

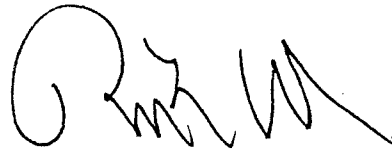
It is hereby ORDERED AND ADJUDGED that:

1. Defendant's Motion is DENIED.
2. Court Administration is directed to transcribe the following discovery depositions on behalf of the Defendant:
 - A. The July 14, 2011, deposition of the Records Custodian of St. Mary's Medical Center.
 - B. The September 15, 2011, deposition of the Records Custodian of the West Palm Beach Fire Rescue.
 - C. The October 7, 2011, deposition of the Department of Veteran Affairs.

- D. The December 19, 2011, depositions of various civilian State witnesses.
- E. The December 20, 2011, deposition of Bryan Davis.

The Justice Administration Commission ("JAC") is directed to pay these due process related costs.

DONE AND ORDERED in Chambers in West Palm Beach, this 15 day of February, 2012.



Richard L. Oftedal
Circuit Judge

JUDGE RICHARD L. OFTEDAL
FEB 15 2012
SIGNED & DATED

copies by mail:
Julius Rocker, III, #0108523 Unit W3B, Palm Beach County Detention Center, P.O Box 24716,
West Palm Beach, FL 33416
Che Padron, ASA, Div. S
Justice Administration Commission, P.O. Box 1654, Tallahassee, FL 32302
Susan Wiggins, Manager, Court Reporting Services

EXHIBIT 5

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

STATE OF FLORIDA,

CRIMINAL DIVISION "S"
CASE NO. 2009CF010846AXX

v.

JULIUS F. ROCKER, III,

Defendant.

**ORDER DENYING MOTION TO SUPPRESS "BLACK HAT" ILLEGALLY
SEIZED FROM DEFENDANT'S VEHICLE IN THE INSTANT CASE**

THIS CAUSE came before the court on Defendant's Motion to Suppress "Black Hat" Illegally Seized From Defendant's Vehicle in the Instant Case, filed on April 7, 2011 ("Motion"). After carefully reviewing the Motion and being otherwise fully advised in the premises, the court states the following:

In his Motion, Defendant claims that the black hat that was recovered from his vehicle was unlawfully seized because it was neither mentioned nor listed in the search warrant as property to be seized. Therefore, Defendant argues that the black hat should be suppressed pursuant to Fla. R. Crim. P. 3.190(g)(1).

In *Horton v. California*, 496 U.S. 128 (1990), the Supreme Court held that police armed with a valid search warrant may permissibly seize items not listed in the warrant when the incriminating nature of the items is immediately apparent. "A seizing officer is not required to 'know certain items are contraband or evidence of a crime . . .'; what is required is that 'the facts available to the [seizing] officer would warrant a person of reasonable caution in the belief, that certain items may be contraband or stolen property or useful as evidence of a crime.'" *Black v. State*, 630 So. 2d 609, 613-14 (Fla. 1st DCA 1993) (citing *Texas v. Brown*, 460 U.S. 730 (1983)).

In *Black*, the court relied on *Horton* in holding that several items seized during a court-ordered search of the defendant's home, although not listed in the search warrant, were

admissible because the items seized had been in plain view and the seizing officers had probable cause to believe that the objects were fruits of the crime committed by the defendant. *Black*, 630 So. 2d at 613. It is well established that the police may seize items in plain view without a warrant if the seizing officers are lawfully in a location where the item is observed and have probable cause to believe that the item is evidence of a crime. *See Horton*, 496 U.S. at 128; *Arizona v. Hicks*, 480 U.S. 321 (1987); *Alford v. State*, 307 So. 2d 433 (Fla. 1975). In *Horton*, the police searched the defendant's premises for proceeds of a burglary pursuant to a validly obtained search warrant. During the search, the police did not discover any proceeds of the crime, but found in plain view several weapons used during the commission of the offense. *Id.* Although the affidavit had listed weapons, the resulting warrant did not include weapons within the list of items to be seized. *Id.* Nevertheless, the trial court admitted the weapons at trial. *Id.*

The Supreme Court affirmed, holding that a warrantless seizure of evidence found in plain view is admissible if at the time of the search: (1) the seizing officer was legitimately in a place where the object could be plainly viewed; (2) the incriminating nature of the seized object was immediately apparent to the police officer; and (3) the seizing officer had a lawful right of access to the object itself. *Id.* at 136-37. With regard to the third requirement, the Court explained that the seizing officer may lawfully seize an incriminating object if the officer has probable cause prior to the seizure and it was discovered within the parameters of a validly executed search warrant or one of the exceptions to the warrant. *Id.* at 138; *accord Jones v. State*, 648 So. 2d 669, 676 (Fla. 1994). Indeed, "seizure of property in plain view involves no invasion of privacy and is presumptively reasonable, assuming that there is probable cause to associate the property with criminal activity." *Texas v. Brown*, 460 U.S. 730, 741-42 (1983) (quoting *Payton v. New York*, 445 U.S. 573, 587 (1980)).

In *Alford*, the Florida Supreme Court held that items seized during a lawful search of the defendant's residence were admissible despite the fact that the warrant did not list such items and the items were not the fruits or instrumentalities of the crime committed. *Alford*, 307 So. 2d at 433. In that case, the warrant permitted the search and seizure of .38 caliber shell casings. *Id.* Upon a subsequent search of the defendant's residence, the police did not locate any shell casings, but instead discovered items of clothing which circumstantially led to the defendant's conviction. *Id.* The Court held that the clothing was found in plain view because in searching for the .38 caliber cartridges, the police were justified in searching "closets, drawers, clothes piles, and any other conceivable nook and cranny in which [the cartridges] could be found." 307 So. 2d at 439. The Court further noted that:

The State, in this case, should not be held to the strict requirement that only those things particularly described in the warrant may be seized. This would fly in the face of the universally accepted "plain view" exception to the warrant requirement of the Fourth Amendment. The police are not required to close their eyes and turn their heads away from evidence inadvertently discovered during the course of a lawful search, the presence of which they had no prior knowledge.

Id. Similarly, in *State v. Arango*, 9 So. 3d 1251 (Fla. 3d DCA 2009), the court held that items not listed in a search warrant, including beer bottles, cigarette butts and fingerprints, obtained by officers were properly seized because the officers could reasonably believe that these items would be useful evidence of a crime and assist in ascertaining the identities of individuals growing marijuana at the defendant's residence.

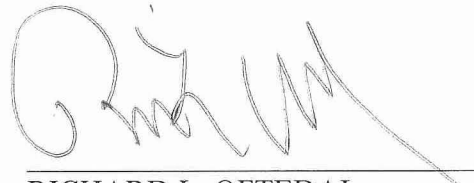
In this case, law enforcement obtained a warrant to search Defendant's vehicle and seize a .45 caliber ammunition, handguns to include .45 caliber, receipts for firearms or ammunition, DNA evidence to include hair, skin cells and other trace evidence, latent fingerprints, cell phones belonging to the suspect and written communication between victim and suspect. Based on

Supreme Court decisions and Florida case law, although the black hat was not listed in the search warrant, it was seized within the parameters of the warrant and found in plain view, therefore, it would be admissible although it would not be a fruit or instrumentality of the crime committed. The suspect was identified as wearing a black baseball hat at the time of the shooting and the search warrant specifically allowed for the seizure of DNA evidence to include hair, skin cells and other trace evidence. The black hat would be useful evidence of the crime and therefore, it should not be suppressed.

Accordingly, it is

ORDERED AND ADJUDGED that Defendant's Motion is **DENIED**.

DONE AND ORDERED, in Chambers at West Palm Beach, Palm Beach County, Florida this 19th day of July, 2011.


RICHARD L. OFTEDAL
Circuit Judge

SIGNED AND DATED

JUL 19 2011

RICHARD L. OFTEDAL

cc:

Julius F. Rucker, III, #0108523, P.O. Box 24716, West Palm Beach, Florida 33416
Office of the State Attorney, 401 North Dixie Highway, West Palm Beach, Florida 33401

Exhibit # 6

IN THE CIRCUIT COURT OF
THE FIFTEENTH JUDICIAL
CIRCUIT OF FLORIDA, IN AND
FOR PALM BEACH COUNTY
CRIMINAL DIVISION S
CASE NO. 2009CF010846AMB

STATE OF FLORIDA
vs.
JULIUS FRANKLIN ROCKER

**ORDER ALLOWING DEFENDANT TO HAVE ACCESS TO EQUIPMENT
NECESSARY TO HIS PRO SE DEFENSE**

FILED
2010 JAN 29 PM 3:17
SHERIFF'S OFFICE
PALM BEACH COUNTY
FLORIDA

THIS MATTER is before the Court on the Defendant's Pro Se Motion for Discovery. The Defendant is representing himself without benefit of standby counsel. He is entitled to prepare his defense and review video and audio discs and tapes and have access to whatever legal materials are available to him at the Palm Beach County Jail. Thereupon it is

ORDERED AND ADJUDGED that the Sheriff of Palm Beach County allow the Defendant to have access to equipment to view and/or hear discs or tapes of materials that will be supplied to him in an expedited manner.

DONE AND ORDERED in Chambers at West Palm Beach, Palm Beach County, Florida this 29th day of January, 2010.


HOWARD HARRISON, SENIOR JUDGE

Copies furnished:
Office of the State Attorney, Christy Rogers, Esq., by Interoffice Mail
Julius Rocker, #0108523, Palm Beach County Jail, Post Office Box 24716, West Palm Beach, FL 33416
Palm Beach County Sheriff's Office, by fax

6884636

SCANNED FEB - 1-2010

EXHIBIT "B" 7

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

CASE NO.: 502009CF010846AXXXMB
CIRCUIT CRIMINAL DIV. "S"

STATE OF FLORIDA

Vs.

JULIUS F. ROCKER

Defendant

**ORDER ON DEFENDANT'S PRO SE MOTION TO
PROHIBIT PALM BEACH COUNTY DETENTION CENTER FROM
RESTRICTING DEFENDANT'S INCOMING MAIL**

THIS CAUSE came before the Court upon receipt of the Defendant's *Pro Se* Motion To Prohibit Palm Beach County Detention Center from Restricting Defendant's Incoming Mail with Supplemental Exhibits and Information in Support of Motion dated November 18, 2011 (copy attached). The Court having reviewed the Motion, the court file and being otherwise fully advised in the premises, does hereby:

ORDER AND ADJUDGE that pursuant to Judge Howard Harrison's order of January 28, 2010 (copy attached), the Defendant is permitted to have access to his legal mail and materials relating to his defense.

DONE AND ORDERED in Chambers, Palm Beach Gardens, Palm Beach County, Florida, this 29 day of November, 2011.


SIGNED RICHARD E. OFSTEDAL
NOV 28 2011

HONORABLE RICHARD E. OFSTEDAL
Circuit Judge

copies by mail:

Julius Rocker, III, #0108523 Unit W3B, Palm Beach County Detention Center, P.O. Box 24716,
West Palm Beach, FL 33416

Che Padron, Assistant State Atty - Div. S

Inmate Records Supervisor, Palm Beach County Detention Center, P.O. Box 24716,
West Palm Beach, FL 33416

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

CASE NO. 502009CF0010846AXXXMB
CRIMINAL DIV. "S"

STATE OF FLORIDA,

vs.

JULIUS F.ROCKER, III
Defendant.

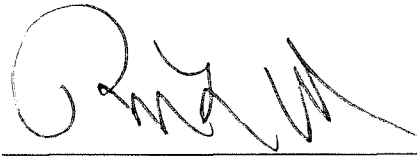
FILED
2012 AUG 24 AM 10:39
CLERK OF COURT
PALM BEACH COUNTY
CRIMINAL DIVISION

**ORDER ON DEFENDANT'S PRO SE MOTION TO COMPEL SHERIFF'S OFFICE
TO COMPLY WITH COURT ORDERS ISSUED BY SENIOR JUDGE HARRISON
AND THIS COURT'S ORDER OF JULY 5, 2012**

THIS MATTER comes before the Court upon receipt of the Defendant's *Pro Se* Motion to Compel Sheriff's Office to Comply with Court's Orders issued by Senior Judge Harrison and this Court's order of July 5, 2012. The Court having reviewed the Motion, the Response filed by the Palm Beach County Sheriff's Office dated August 4, 2012 and being otherwise fully advised in the premises, does hereby

ORDER AND ADJUDGE that the Defendant's *Pro Se* Motion to Compel Sheriff's Office to Comply with Court's Orders issued by Senior Judge Harrison and this Court's order of July 5, 2012 is hereby DENIED.

DONE AND ORDERED in Chambers in West Palm Beach, this 23 day of August, 2012.



Richard L. Oftedal
Circuit Judge

copies by mail: EB 8/23/2012
Julius Rocker, III, #0108523 Unit W3B, Palm Beach County Detention Center, P.O Box 24716,
West Palm Beach, FL 33416
Aaron Papero, ASA, Div. S
Richard Giuffreda, Esq., 2455 East Sunrise Blvd., Suite 1216, Fort Lauderdale, FL 33304

SCANNED AUG 24 2012

EXHIBIT 9

IN THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH
COUNTY, FLORIDA

CASE NO. 502009CF0010846AXXXMB
CRIMINAL DIV. "S"

STATE OF FLORIDA,

vs.

JULIUS F.ROCKER, III
Defendant.

FILED
2012 APR 19 PM 3:45
KATHERINE R. BOCK, CLERK
PALM BEACH COUNTY, FL
CIRCUIT CRIMINAL

ORDER PERMITTING BALLISTIC TESTING COSTS

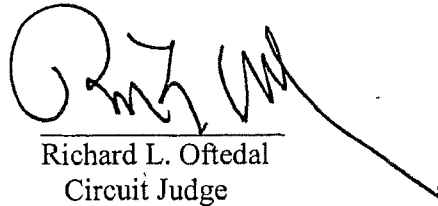
THIS CAUSE came before the court upon the pro se motion of the Defendant, Julius F. Rocker, III, to incur Ballistic testing costs in this cause. Upon consideration it is

ORDERED and ADJUDGED:

1. The Motion to incur Ballistic Testing Costs filed by the Defendant is GRANTED.
2. A compensation cap of \$7500 is hereby established at an hourly rate not to exceed \$150.00 with leave to file additional motions for additional caps upon a showing of good cause. Testing is permitted only as to those shell casings and firearms that are specifically not the subject of the so-called "supplemental report" referenced at the November 14, 2011 hearing. Upon receipt by Defendant of the supplemental report and for good cause shown, the court may authorize additional ballistic's testing.
3. Defendant shall be responsible for supplying the expert engaged pursuant to this order with a copy of this order and shall take reasonable steps to insure the expert's compliance therewith.

4. This order does not authorize the expert to incur out-of-county travel expenses which must be specifically authorized by separate uniform order permitting out-of-county travel.

DONE AND ORDERED in Chambers in West Palm Beach, this 19 day of April, 2012.



Richard L. Oftedal
Circuit Judge

copies by mail:

EB 4/19/2012
Julius Rucker, III, #0108523 Unit W3B, Palm Beach County Detention Center, P.O Box 24716
ASA, Div. S
Justice Administrative Commission, PO Box 1654, Tallahassee, FL 32302

EXHIBIT 10

IN THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH
COUNTY, FLORIDA

CASE NO. 502009CF0010846AXXXMB
CRIMINAL DIV. "S"

STATE OF FLORIDA,

vs.

JULIUS F.ROCKER, III
Defendant.

FILED
2012 APR 19 PM 3:45
JULIUS F. ROCKER, III
CRIMINAL

ORDER PERMITTING DNA TESTING COSTS

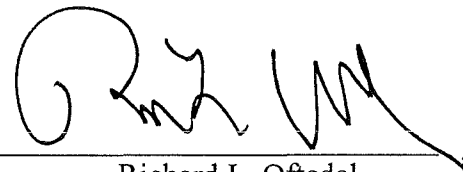
THIS CAUSE came before the court upon the pro se motion of the Defendant, Julius F. Rocker, III, to incur DNA testing costs in this cause. Upon consideration it is

ORDERED and ADJUDGED:

1. The Motion for DNA Testing Costs filed by the Defendant is GRANTED.
2. A compensation cap of \$7500 is hereby established at an hourly rate not to exceed \$150.00 with leave to file additional motions for additional caps upon a showing of good cause. Testing is permitted only as to those shell casings and firearms that are specifically not the subject of the so-called "supplemental report" referenced at the November 14, 2011 hearing. Upon receipt by Defendant of the supplemental report and for good cause shown, the court may authorize additional DNA testing.
3. Defendant shall be responsible for supplying the expert engaged pursuant to this order with a copy of this order and shall take reasonable steps to insure the expert's compliance therewith.

4. This order does not authorize the expert to incur out-of-county travel expenses which must be specifically authorized by separate uniform order permitting out-of-county travel.

DONE AND ORDERED in Chambers in West Palm Beach, this 19th day of April, 2012.



Richard L. Oftedal
Circuit Judge

copies by mail:

EBH/jah/12
Julius Rocker, III, #0108523 Unit W3B, Palm Beach County Detention Center, P.O Box 24716,
West Palm Beach, FL 33416

ASA, Div. S

Justice Administrative Commission, PO Box 1654, Tallahassee, FL 32302

EXHIBIT 11

IN THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH
COUNTY, FLORIDA

CASE NO. 502009CF0010846AXXXMB
CRIMINAL DIV. "S"

STATE OF FLORIDA,

vs.

JULIUS F.ROCKER, III
Defendant.

FILED
2012 APR 19 PM 3:45
CLERK OF COURT
PALM BEACH COUNTY
CRIMINAL DIVISION

**ORDER PERMITTING
DEFENDANT TO INCUR INVESTIGATIVE COSTS**

THIS CAUSE came before the court upon the pro se motion of the Defendant, Julius F. Rocker, III, to incur investigative costs in this cause. Upon consideration it is

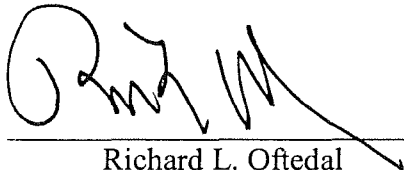
ORDERED and ADJUDGED:

1. The Motion to Incur Investigative Costs filed by the Defendant is GRANTED.
2. A compensation cap of \$5600 is hereby established at an hourly rate not to exceed \$40.00 with leave to file additional motions for additional caps upon a showing of good cause.
3. The purpose of this order shall be to set basic guidelines and compensation caps as to the Defendant's engagement of an investigator. Actual reimbursement for costs incurred as a result of an investigator's employment shall be considered upon the submission of a verified motion, pursuant to Florida law and administrative orders of this court.

4. Defendant shall be responsible for supplying the investigator engaged pursuant to this order with a copy of this order and the administrative order regarding investigators and shall take reasonable steps to insure the investigator's compliance therewith.

5. This order does not authorize the investigator to incur out-of-county travel expenses which must be specifically authorized by separate uniform order permitting out-of-county travel.

DONE AND ORDERED in Chambers in West Palm Beach, this 19th day of April, 2012.


Richard L. Oftedal
Circuit Judge

copies by mail: EB4/19/2012
Julius Rocker, III, #0108523 Unit W3B, Palm Beach County Detention Center, P.O Box 24716,
West Palm Beach, FL 33416
ASA, Div. S
Justice Administrative Commission, PO Box 1654, Tallahassee, FL 32302

EXHIBIT 12

IN THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH
COUNTY, FLORIDA

CASE NO. 502009CF0010846AXXXMB
CRIMINAL DIV. "S"

STATE OF FLORIDA,

vs.

JULIUS F.ROCKER, III
Defendant.

FILED
2012 APR 19 PM 3:45
HARON R. BOCK, CLERK
PALM BEACH COUNTY, FL
CIRCUIT CRIMINAL

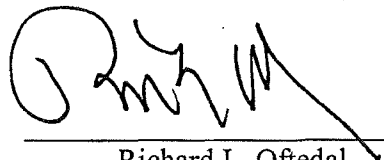
ORDER PERMITTING MISCELLANEOUS COSTS

THIS CAUSE came before the court upon the pro se motion of the Defendant, Julius F. Rocker, III, to incur miscellaneous costs in this cause. Upon consideration it is

ORDERED and ADJUDGED:

1. The Motion to Incur Miscellaneous Costs filed by the Defendant is GRANTED.
2. A compensation cap of \$500.00 is hereby established for the purpose of obtaining documents and other miscellaneous items that cannot otherwise be obtained free of charge through the State Attorney's Office or some other government agency or source. Upon good cause shown, the court may authorize additional miscellaneous expenses as required.

DONE AND ORDERED in Chambers in West Palm Beach, this 19th day of April, 2012.



Richard L. Oftedal
Circuit Judge

copies by mail:

EB 4/19/2012
Julius Rocker, III, #0108523 Unit W3B, Palm Beach County Detention Center, P.O Box 24716,
West Palm Beach, FL 33416

ASA, Div. S

Justice Administrative Commission, PO Box 1654, Tallahassee, FL 32302

EXHIBIT 13

IN THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH
COUNTY, FLORIDA

CASE NO. 502009CF0010846AXXXMB
CRIMINAL DIV. "S"

STATE OF FLORIDA,

vs.

JULIUS F.ROCKER, III
Defendant.

**ORDER ON DEFENDANT'S REQUEST FOR SUBPOENA
DUCES TECUM AND REQUEST FOR INTERNAL AFFAIRS INVESTIGATION**

THIS MATTER comes before the court upon Defendant's "Request for Subpoena Duces Tecum and Request for Internal Affairs Investigation" (the "Request"). Defendant, who is pro se and an inmate at the Palm Beach County Jail, has alleged that in preparing his defense and getting ready for trial, the Palm Beach County Sheriff's Office ("PBSO") has been copying and retaining copies of his confidential legal materials and work product without his prior knowledge or permission. He states that when he addressed his concerns to the PBSO's Supervisor of Inmate Programs, he was informed that it was the practice and custom of PBSO to retain for its own records within the Inmate Law Library all copies of legal materials submitted by inmates for copying. Defendant has filed an inmate grievance concerning this practice and has asked the court to allow him to issue subpoenas directed to PBSO for all materials and legal documents of the Defendant that have been copied and maintained by PBSO since Defendant's incarceration. He argues that allowing PBSO to have access to and maintain copies of his most sensitive and confidential legal documents is a violation of his constitutional rights.

Upon receipt of Defendant's Request, the court issued an Order requiring the PBSO to Show Cause why the relief requested by the Defendant should not be granted. In response thereto, PBSO filed a lengthy response on March 1, 2012, detailing its current procedures regarding processing requests by inmates for information and copying. Defendant filed a "Response to Sheriff's Response" on March 19, 2012.

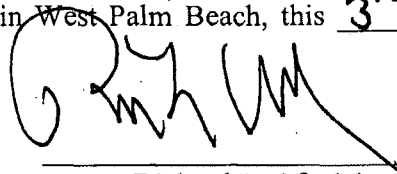
FILED
2012 APR -4 AM 10:09
PALM BEACH COUNTY
JULIUS F. ROCK III
CIRCUIT CRIMINAL DIVISION

PBSO categorically denies retaining any copies of or reading any confidential, privileged, or legal materials pursuant to policy. However, in order to meet its constitutional mandate to satisfy an inmate's right to access to the courts, the PBSO does allow inmates to request information from the jail's law library. The PBSO correctly notes that in order to process any such requests, an inmate must submit the requests in writing to be read and processed by an employee of the PBSO. As in the Defendant's case, these usually consist of requests for copies of caselaw, statutes, or court rules. The Sheriff maintains copies of the request forms as well as copies of the materials sought by the inmate. The reason given by the PBSO for maintaining such records is to defend against inmate allegations or litigation that the PBSO was dilatory or noncompliant in supplying the requested items.

In the case of the Defendant, he complains that such a practice unconstitutionally interferes with his work product privilege. He is wrong. Those items copied for the Defendant do not constitute work product in that they do not relate to Defendant's mental impressions or thoughts. The court agrees with the PBSO that Defendant's request for copies of case law, statutes or other legal materials maintained in the jail's law library does not implicate his work product privilege. Similarly, copies of any motions or court filings cannot be considered work product as those items, once filed, are public record. Finally, there is no allegation or evidence that the PBSO or its employees have ever shared any such information with the State or its agents.

In conclusion, the court finds the PBSO's practice as codified in PBSOC.O.P. #927.06 to be constitutional as applied to Defendant. Accordingly, it is hereby ORDERED AND ADJUDGED that Defendant's Request is DENIED in all respects. ¹

DONE AND ORDERED in Chambers in West Palm Beach, this 3rd day of April, 2012.



Richard L. Oftedal
Circuit Judge

¹ To the extent that Defendant requests this court to order an internal affair investigation, that request is summarily denied.

Page 3
Case No. 502009CF0010846AXXXMB
State v. Rucker

Copies by mail: *EBY/3/2012*
Julius Rucker, III, #0108523 Unit W3B, Palm Beach County Detention Center, P.O Box 24716,
West Palm Beach, FL 33416
Che Padron, ASA, Div. S
Richard A. Giuffreda, Esq., 2455 E. Sunrise Blvd., Suite 1216, Fort Lauderdale, FL, 33304

PALM BEACH COUNTY COMMISSION ON ETHICS

MEMORANDUM OF NO LEGAL SUFFICIENCY

To: Palm Beach County Commission on Ethics
From: Megan C. Rogers, Interim Executive Director
Date: January 22, 2013
Re: C13-003 – Richard L. Oftedal, Circuit Court Judge

• **Recommendation**

Regarding this Complaint against Respondent, Richard L. Oftedal, Circuit Court Judge of the 15th Judicial Circuit, the Interim Executive Director has found **NO LEGAL SUFFICIENCY** in complaint number C13-003 and recommends **DISMISSAL** pursuant to Art. V, §2-260(b) and Rule of Procedure 4.2.


Legal sufficiency exists where there is an allegation of a violation of an ordinance within the jurisdiction of the Ethics Commission, purportedly committed by an individual within the authority of the Ethics Commission, based substantially on the personal knowledge of the Complainant, relating to an alleged violation occurring after the effective date of the code, and filed with the Ethics Commission within two years of the alleged violation.

• **Background**

This matter came to the attention of the Commission on Ethics staff via a sworn complaint signed on January 12, 2013. The Respondent listed under this Complaint is Richard L. Oftedal, a Circuit Court Judge for the 15th Judicial Circuit Court. While Judge Oftedal's office is in the Palm Beach County Courthouse, a Circuit Court Judge is a State of Florida Employee and does not fall within the jurisdiction of the PBC Commission on Ethics (COE), or of the PBC Code of Ethics.

• **Conclusion**

Based on the reason listed, there is **NO LEGAL SUFFICIENCY** for an investigation of this Complaint to be undertaken.

BY: 
Megan C. Rogers, Interim Executive Director
Florida bar #86555
Commission on Ethics


Date

In Re:
Richard L. Oftedal, Circuit Court Judge

C13-003

Public Report and Final Order of Dismissal

COMPLAINANT, Julius F. Rocker, III, filed the above-referenced COMPLAINT on January 18, 2013, alleging a possible ethics violation involving RESPONDENT Richard L. Oftedal, Circuit Court Judge of the 15th Judicial Circuit in and for Palm Beach County.

While Judge Oftedal's Office is in the Palm Beach County Courthouse, a Circuit Court Judge is employed by the State of Florida and does not fall within the jurisdiction of the Palm Beach County Commission on Ethics or of the Palm Beach County Code of Ethics. Therefore, the Commission on Ethics dismissed the Complaint on February 7, 2013 due to **NO LEGAL SUFFICIENCY**.

Therefore it is:

ORDERED AND ADJUDGED THAT the COMPLAINT against RESPONDENT Richard L. Oftedal, Circuit Court Judge of the 15th Judicial Circuit in and for Palm Beach County is hereby **DISMISSED**.

DONE AND ORDERED by the Palm Beach County Commission on Ethics in public session on February 7, 2013.

Palm Beach County Commission on Ethics

By: _____

Manuel Farach, Chair