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THE TENTH JUDICIAL CIRCUIT

HISTORY COMMITTEE

* * * * *

SECOND DISTRICT COURT OF APPEAL

MIDDLE DISTRICT OF FLORIDA

GUEST SPEAKERS:

E. J. SALCINES, Senior Judge

OLIVER L. GREEN, Senior Judge

DATE TAKEN: Wednesday, March 17, 2010

TIME: 11:44 a.m. - 1:03 p.m.

PLACE: Oliver L. Green Courtroom
Polk County Courthouse
Bartow, Florida

Stenographically Reported by:
Sandra J. Dale, FPR

1 PROCEEDINGS

2 (11:44 A.M.)

3 JUDGE MARY CATHERINE GREEN: And I want to
4 begin this with a few thank yous.

5 I want all of you to know that right now is the
6 pinnacle of my career. And it's the pinnacle of my
7 career because I've been designated by Chief Judge
8 David Langford as being his representative on behalf
9 of the Chief Judge's Office to welcome each and
10 every one of you to this presentation this morning.

11 I want to begin also by thanking the members of
12 the History Committee for sponsoring these events.

13 And I would like to give a special thank you to
14 Sclafani Williams Court Reporters who are recording
15 and transcribing these oral histories to be posted
16 on the Tenth Judicial Circuit web site. All of the
17 history presentations this year have been
18 transcribed by Sclafani Williams or are being
19 transcribed. And in the next few months you will
20 see all of them posted on our Tenth Circuit web site
21 under Court History. Thank you to Judge Kaylor for
22 making that a possibility as well.

23 I also want to give a special thank you to the
24 Law Firm of Valenti, Campbell, Trohn, Tamayo, and
25 Aranda for sponsoring our lunch. I want to give a

1 special thank you to Judge Salcines and Judge
2 Estrada for the wonderful guava pastries that we
3 have. I'm sure all of you will agree that they're
4 absolutely fabulous.

5 And I also want to mention a member of our
6 History Committee, Judge Cowden, who is filling in
7 for Judge Estrada so that he can join us today. Our
8 wonderful court technology staff has set up a camera
9 so that she can enjoy the presentation from
10 Highlands County.

11 All right. And with no further ado I will turn
12 it over to Judge Estrada.

13 JUDGE ESTRADA: Good morning, Ladies and
14 Gentlemen. I can't think of a greater honor than I
15 have been bestowed here today to introduce our guest
16 speaker.

17 Growing up in Tampa many y'all know when y'all
18 wrote Lakeland -- Lakeland Ledger an article about
19 me -- that at an early age my parents decided I was
20 going to be a lawyer. Well, one of the things my
21 parents would always talk to me about we want you to
22 be like E. J. Salcines' son. And throughout my life
23 I've tried my best to not only please my parents but
24 to please Judge Salcines who has been watching my
25 career as it developed.

1 Emiliano José Salcines is a native of Tampa.
2 He is a graduate I may add, for those of you from
3 the Tenth Judicial Circuit, of Florida Southern. So
4 he has a strong connection to Polk County. In fact,
5 last night I learned something from, when speaking
6 to Judge Salcines, that I did not know. That Lawton
7 Chiles was one of his professors at Florida
8 Southern. So another connection there.

9 He is also a proud graduate of South Texas
10 College of Law. He served as a U. S. Attorney in
11 Hillsborough, assigned to the Middle District,
12 Hillsborough County. County Solicitor. Elected
13 State Attorney. Private practice. And finally
14 culmination his appointment to the Second District
15 Court of Appeal as an Associate Judge by Lawton
16 Chiles.

17 He has been a mentor to many attorneys ... not
18 only in Hillsborough County, Polk County, Highlands
19 County. And I may add that his classmate in law
20 school was the Honorable Earl Collins of Hardee
21 County. So just to give you an idea of the ties and
22 connections that Judge Salcines has within our own
23 community.

24 It's an honor to introduce him here today to
25 you as our guest speaker regarding the history of

1 the -- of the Second District Court of Appeal and
2 the Middle District.

3 And I may add, as I told Judge Green when we
4 started, Judge Green is next to me. And I'll be
5 introducing Judge Oliver Green. But he just found
6 out on Monday he was involved with the program.
7 Because, as usual, E. J. drafted everybody to get
8 involved in it.

9 But with no further delay I introduce to you
10 the Honorable Emiliano José Salcines, Judge E. J.
11 Salcines.

12 (Applause.)

13 JUDGE SALCINES: Thank you very much. I'm
14 honored not only to be accompanied by Oliver Green
15 but I'm especially impressed that this session is
16 taking place in the Oliver Green Courtroom. How
17 appropriate to recognize one of the Tenth Circuit's
18 most -- most honored jurists. But especially one of
19 the heros of the Korean War, who perhaps some of you
20 may not know what a distinguished service he
21 rendered to the United States of America during his
22 years in Korea. And the injuries that he received
23 from that War go with him the rest of his life and
24 so do all the medals that he received. So let's
25 hear a round of applause for the distinguished and

1 most Honorable Oliver Green.

2 (Applause.)

3 I'm honored to be in your presence, Judge.

4 My task today is to introduce you to the rich
5 history of the Second District Court of Appeal. How
6 did it come about.

7 Well, first of all, Florida was a very sparsely
8 populated state. It had hardly no inhabitants.
9 Florida Government even purchased ads in northern
10 newspapers urging people to come find the beautiful
11 beaches and the -- and the sun of beautiful Florida.

12 Well, little by little people came. But
13 Florida was not a very well populated area.

14 And then things started to happen in the '20s
15 and in the '30s. And then the Second World War.
16 And so many soldiers came here for training. So
17 many visitors came to see their relatives here
18 serving or being trained in Florida. Before you
19 knew it Florida was in a massive population
20 explosion.

21 Up to that point if you wanted to appeal any
22 case or conviction out of the Circuit Court there
23 was only one alternative. And that was the Supreme
24 Court of Florida.

25 The Supreme Court of Florida started feeling

1 the impact of this population explosion with the
2 many cases that started being filed all over,
3 especially in the growing cities. And it got to a
4 point where the Florida Supreme Court asked the
5 legislature look, we can't handle this caseload. We
6 need more Justices on the Court.

7 Well, a proposition was made in the form of a
8 proposed amendment to add three more Justices to the
9 Florida Supreme Court. And it was a disastrous
10 defeat. The public resoundly said we don't want
11 more Justices on the Florida Supreme Court.

12 They knew that there was going to be a
13 breakdown. They could not handle the tremendous
14 caseload.

15 A group of leading lawyers and Judges were
16 appointed as the Florida Judicial Council. They
17 came up with the idea of creating what they termed
18 Intermediate Courts. But as time went on and they
19 went perfecting what type of jurisdiction they were
20 going to give to the new Intermediate Appellate
21 Courts, the Florida Supreme Court ceded much of
22 their jurisdiction, retaining very limited
23 jurisdiction. That was proposed and it passed.

24 In 1956, contrary to the last election that had
25 resoundly defeated expanding the number of Justices,

1 the public overwhelmingly supported the creating of
2 District Courts of Appeal.

3 Originally we had three District Courts of
4 Appeal. The Northern, that is to say that northern
5 tier, was the First District Court of Appeal. And
6 then a very large -- very, very large -- Second
7 District Court of Appeal. And then a very small
8 Third District Court of Appeal, small in territory.
9 But remember that was the Miami area and there was a
10 large population.

11 So if you can visualize originally there were
12 28 counties. 28 of the 67 counties belonged to the
13 Second District Court of Appeal. Of course that is
14 not the territorial jurisdiction currently of the
15 Second District Court of Appeal.

16 Population continued to explode. And before
17 you knew it they had to create the Fourth District
18 Court of Appeal. And the Fourth was created.

19 And it wasn't long after that that the
20 population explosion again demanded another District
21 Court of Appeal. So the Fifth District Court of
22 Appeal was created ... the Fourth and the Fifth
23 taking good portions of the territorial area that
24 had originally been the Second District Court of
25 Appeal.

1 If you take a look at our Appellate Districts
2 right now you see that this in blue is the Second
3 District Court of Appeal. The First is this green
4 area. The yellow down here is the Key West/Miami
5 Third District Court of Appeal. But then you have
6 the Fourth District Court of Appeal and then the
7 Fifth District Court of Appeal.

8 The Second District Court of Appeal was
9 determined to be headquartered in Lakeland, Florida.
10 A powerful Senator by the name of Surrell, Roy
11 Surrell, convinced the -- the group that Lakeland
12 should be the headquarters of the Second District
13 Court of Appeal.

14 Three Judges were appointed ... the original
15 three Judges, three very prominent individuals. In
16 fact, one of them was the former State Attorney over
17 in the Vero Beach area.

18 The next one was a distinguished Judge from the
19 Tenth Circuit, Judge Allen. He had served in
20 Bartow. At the time of his appointment to the
21 Second District Court of Appeal he was serving down
22 in Sebring.

23 And the third Judge that Governor LeRoy Collins
24 appointed was a very prominent lawyer out of
25 Orlando. Remember Orlando was in the original

1 territorial jurisdiction of the original Second
2 District Court of Appeal. His name was Pleus.

3 His son later on went on to the Fifth District
4 Court of Appeal and then became and retired recently
5 as the Chief Judge of the -- of the Fifth District
6 Court of Appeal.

7 So we had the First Chief Judge of the Second
8 District Court of Appeal was A. O. Kanner,
9 K-a-n-n-e-r. He had been the State Attorney. He
10 had been a Senator. A very prominent Circuit Judge
11 in -- in that area. And came to Lakeland to set up
12 shop and depended heavily on William P. Allen,
13 because after all Allen was from the Tenth.

14 Unfortunately, Bob Pleus from Orlando, who had
15 been a most distinguished leader of the Florida Bar.
16 In fact, he was a champion of the integrated bar
17 creating the State Bar of Florida.

18 The oath that many of you have taken as members
19 of the Bar was something that Bob Pleus insisted
20 that every person that passed the Bar had to take
21 that oath of an attorney. So every time that you
22 hear of the oath of an attorney Bob Pleus must be
23 remembered.

24 Unfortunately, he had only been a Judge of the
25 Second D.C.A. for a few months. Because they kicked

1 off July 1, 1957. And he was in Orlando celebrating
2 Thanksgiving when he had a massive heart attack and
3 died. So his term as a Judge of the Second D.C.A.
4 was a very short term.

5 And the Governor, LeRoy Collins, then appointed
6 the tenth Judge of the Court of Appeal. That is to
7 say he had appointed the three for the North -- for
8 the First D.C.A. He had appointed three for the
9 Second. He had appointed three for the Miami or
10 Third D.C.A. All of a sudden there was a vacancy
11 and LeRoy Collins appointed a distinguished civil
12 trial lawyer, perhaps the leading litigator, the
13 leading advocate in the civil courtrooms of
14 Hillsborough County, by the name of George T.
15 Shannon, referred to lovingly as Pat Shannon.

16 Pat Shannon then becomes the third Judge,
17 actually the fourth, composing that panel of three
18 Judges.

19 The Chief initially is Kanner, K-a-n-n-e-r.
20 And their place of -- of abode -- is a makeshift
21 courtroom in downtown Lakeland right across from
22 what is now the Lakeland Terrace Hotel.

23 Judge Green served as a Judge a short time in
24 that particular building.

25 So the very first headquarters of the Second

1 D.C.A. is in downtown Lakeland. And the City of
2 Lakeland transfers title to land over on Ingram and
3 Memorial to the State of Florida.

4 At that point the State of Florida commences
5 the construction of a new building which will be the
6 headquarters of the Second District Court of Appeal.

7 So four years into the creation and -- and
8 startup of the Court in Lakeland -- they then moved
9 into the quarters, which eventually were too small
10 and they had to be expanded and remodeled. And
11 today they are on the corner of Ingram and -- and
12 Memorial -- is the Lawton M. Chiles, Jr.,
13 Courthouse, named in honor of Governor Chiles who
14 had appeared before the Second D.C.A., was a
15 prominent attorney there in -- in Lakeland -- and of
16 course a U. S. Senator and of course a Governor. So
17 we dedicated that building in his Honor.

18 More got appointed. As the population grew
19 more Judges were needed.

20 The fourth -- the fifth Judge that got
21 appointed came out of Pinellas County, Jack White.
22 Jack White had had a distinguished career. Some of
23 you may know his son Sid White who for many years
24 was the Clerk of the Florida Supreme Court. And he
25 has the distinction of having been voted the Chief

1 Judge of the Second District Court of Appeal. And
2 obviously he knew something that he did not want to
3 share with his brothers on the Court and he declined
4 to be the Chief Judge only to die four or five
5 months later. Because he knew he was gravely ill
6 and apparently did not want to share that with his
7 brethren.

8 Then we received the appointment of Sherman N.
9 Smith, Jr., who came to us from the East Coast from
10 the over in the Vero Beach area. Very prominent
11 attorney. And eventually becomes the Chief Judge.

12 As the Chief Judge of the Circuit the Fourth
13 D.C.A. was created. And he has the distinction of
14 having opted to leave being the Chief Judge of the
15 Second D.C.A. to become the Chief Judge of the newly
16 created Fourth D.C.A.

17 At that time Judges of the Court of Appeal ran
18 in elections. And he got opposition ... something
19 that we don't hear now with the retention process of
20 retaining Judges at the Appellate level.

21 All of a sudden he is the Chief Judge of the
22 Second. He is the Chief Judge now of the Fourth.
23 The only man that's ever occupied two Chiefs of two
24 District Courts of Appeal. And loses the election.

25 So he went into private practice. And quite a

1 shock to the judiciary of the State of Florida that
2 a sitting distinguished jurist got defeated in an
3 election.

4 Of course we changed that. And now we don't
5 have per se competitive elections at the Appellate
6 level. We now have the retention process.

7 To my knowledge no one has lost elections that
8 are sitting Judges of the Court of Appeal since we
9 went into that particular process.

10 The District continued to grow in population.
11 And it was determined that we needed to look to
12 Tampa as a branch of the Second D.C.A.

13 In the meantime Woodie Liles, a distinguished
14 legislator from Tampa, got appointed.

15 Then William C. Pierce. Perhaps a dynamo in
16 the courtroom, one of the great trial lawyers and
17 scholars of the Hillsborough Bar, got appointed to
18 the Court.

19 And then came the son of the Justice of the
20 Florida Supreme Court Judge Hobson. His father had
21 not only served on the Supreme Court of Florida but
22 had been Chief Justice. He came to us from
23 Pinellas.

24 Then came Bob Mann, a distinguished legislator
25 who later left the Second D.C.A. to become a

1 Professor at the University of Florida.

2 Followed by my dear friend Edward F. Boardman,
3 who had been the United States Attorney in the
4 Southern District of Florida before they created the
5 Middle District of Florida. And then he became the
6 United States Attorney in the Middle District of
7 Florida.

8 And in one of the vacancies he ran. It wasn't
9 a retention at that time. He ran for the position
10 of Second District Court of Appeal. And in a very
11 hotly debated election. It was neck and neck. And
12 then he was declared the winner. Then the opponent
13 was declared the winner. And then it ultimately
14 resulted in recounts and recounts. And then
15 ultimately was decided by the Florida Supreme Court
16 that the Judge that had been elected in the Second
17 District Court of Appeal was Edward F. Boardman.
18 Edward F. Boardman went on to be the Chief Judge of
19 our Court.

20 Then came a most distinguished member of the
21 Tenth Circuit. And that was Steve Grimes. Steve
22 Grimes was a prominent attorney in Florida and
23 particularly in this area. Not only became
24 a leading scholar in our Court but has the
25 distinction of having then been appointed Justice of

1 the Florida Supreme Court and Chief Justice of the
2 Florida Supreme Court.

3 So is that the only time that the Tenth has had
4 someone go all the way to the Supreme Court? Well,
5 from the Second D.C.A. it was Grimes.

6 From the Second D.C.A. we have Peggy Quince,
7 who was a Judge in the Second District Court of
8 Appeal with Oliver and me, and then was tapped and
9 not only went on to the Florida Supreme Court is
10 currently serving as -- as Chief Justice.

11 And the Chief Justice elect is another
12 distinguished lawyer from the Tenth. And that is
13 Charles Canady who served on the Second D.C.A. and
14 then was appointed to the Supreme Court, and in the
15 next few months will be the Chief Justice of -- of
16 the Supreme Court of Florida.

17 So the Second District has had three in the
18 Florida Supreme Court. The Tenth has had more
19 because you have had other members of the Tenth that
20 were appointed directly to the Supreme Court.

21 But the Second D.C.A. then received John Scheb
22 who went on to be a very scholarly author of
23 numerous books who -- who certainly had a
24 significant organizational talent that he brought to
25 the Second D.C.A. The Second D.C.A. elected him as

1 Chief Judge.

2 And we also had another distinguished Senator
3 by the name of Truett Ott, who came with my longtime
4 friend Harry Ryder, who had been an outstanding
5 trial lawyer in Hillsborough County. Personal
6 friend of Oliver Green. Herboth Ryder, we called
7 him Harry, had presided in numerous death penalty
8 cases and was appointed by Reubin Askew to the Court
9 of Appeal.

10 That was followed by Paul Danahy, who is now
11 officially retired but who had been a Senior Judge,
12 perhaps the longest serving Senior Judge on the
13 Second D.C.A. He had been a practicing attorney in
14 Tampa. Then became a very, very outstanding member
15 of the House of Representatives from Hillsborough.
16 Became a Circuit Judge. Then came on to the Second
17 District. He too served as one of our Chief Judges.

18 And then one of Polk County's great lawyers,
19 Monterey Campbell, who is still practicing law in
20 Lakeland and who lives here in Bartow, came on to
21 the Court. He and I have served as prosecuting
22 attorneys. We had worked a number of cases
23 together.

24 I remember one very violent series of cases
25 called the Ski Mask Gang. And I appointed Buddy

1 Campbell as my Assistant over in the Thirteenth.
2 And I was appointed as a Special Assistant State
3 Attorney in the Tenth ... because we had so many
4 overlapping criminality going on with that
5 particular group.

6 Then from Fort Myers we received Jack
7 Schoonover, who still sits, as Oliver Green sits, as
8 a Senior Judge.

9 And then we had a very distinguished civil
10 lawyer by the name of Jim Lehan from one of Tampa's
11 outstanding law firms come to the Court.

12 Followed by Dick Frank, who was a labor lawyer
13 par excellence. And some of you will remember his
14 wife was a County Commissioner in Hillsborough. She
15 was a Senator. And she is currently the Clerk of
16 the Circuit Court in the Thirteenth. That's Pat
17 Frank.

18 Then from Arcadia Vincent Hall came to our
19 Court.

20 In the meantime we need to expand. And the
21 legislature approved a branch over in Tampa. They
22 didn't have a courtroom. But the Circuit Judges
23 permitted the use of the ceremonial courtroom, much
24 the same as this courtroom, to be used as the
25 courtroom of the Second District Court of Appeal.

1 And early on the Judges that were there
2 occupied offices in a very old building across the
3 street from the Tampa Tribune building called the
4 Stovall Professional Building. And one good morning
5 when they came to work a car had run a light and
6 crashed into the building messing up some of the --
7 some of the floor space in the Stovall.

8 Then they realized we need better quarters.
9 And the Tampa Electric Company had just built a
10 brand new beautiful building right in the heart of
11 downtown Tampa across the street from historic Tampa
12 Theater. And the Second District Court of Appeal
13 had offices in that particular building and would
14 hold oral arguments in a small makeshift courtroom
15 that they had there.

16 Then the Judge's of the Thirteenth invited them
17 to move from the TECO building over to the sixth
18 floor of the Courthouse Annex. That's the north end
19 of the Courthouse Annex. And they sat there for a
20 long, long time hearing cases both in Tampa and of
21 course in the headquarters in Lakeland.

22 We then had, as I mentioned, Vincent Hall, who
23 still is alive and well. Lives in Arcadia.

24 And then we had the first African-American
25 appointed to our Court from the Pinellas County area

1 by the name of James Sanderlin. He served a short
2 time. I think ... other than Judge Pleus who I
3 mentioned to you unfortunately only served some six
4 months when he died in Thanksgiving having taken
5 over in July of 1957. Sanderlin became ill during
6 the Court. And to my knowledge is the only Judge
7 that because of illness had to take early
8 retirement.

9 And then came another very distinguished son of
10 this Circuit. And that was Ed Threadgill.

11 Ed Threadgill and I had been prosecuting
12 attorneys early on in our career in an office that
13 no longer exists, which is called the County
14 Solicitor. That was before Article V changed the
15 structure of the new State Attorney's office. And
16 Threadgill had served as an Assistant County
17 Solicitor here in Polk. Then went on to be an
18 Assistant State Attorney. Then became a Circuit
19 Judge. Then was appointed to the Second District
20 Court of Appeal. He too served as a Chief Judge of
21 our area.

22 And then the Governor selected a former F.B.I.
23 agent, Assistant State Attorney, as -- and County
24 Judge -- as a Judge of the Second District Court of
25 Appeal. And that was Jerry Parker.

1 Then also from Pinellas County came David
2 Patterson, who had made a very distinguished career
3 as a leading jurist there as a Circuit Judge.

4 And both Parker and Patterson eventually became
5 Chief Judges of our Court.

6 Then Judge Altenbernd from the Fowler White
7 firm, who was a Harvard graduate and a very
8 distinguished Appellate lawyer, was appointed to our
9 Court. That was already in 1989. He still serves
10 as an active Judge of that particular Court. In
11 fact, I sat for him last week in Lakeland as a
12 Senior Judge. And he has also made significant
13 contributions to our Court.

14 Then from -- from down in Bradenton we received
15 John Blue, who served very well. He had been
16 President of the Junior College Associations. And
17 the Governor appointed him to the Second D.C.A. from
18 the Manatee/Sarasota area. And he too went on to be
19 a Senior -- a Chief Judge of the Second District
20 before he took retirement. And is now with a
21 leading firm over in St. Petersburg.

22 Then we had Richard Lazarra, who now some of
23 you know is a United States District Judge. And he
24 had been an Assistant State Attorney in
25 Hillsborough. He had been a County Judge. He had

1 been a Circuit Judge. And then was appointed to the
2 Second District Court of Appeal. Perhaps -- perhaps
3 one of the most scholarly of all of the 49 Judges
4 that have served on the Second D.C.A. The President
5 of the United States plucked him out of the Second
6 District Court of Appeal and appointed him to the
7 United States District Court for the Middle District
8 of Florida.

9 As the Governor also did later on with Judge
10 Virginia Covington, who is here with us today. She
11 was also one of our Judges of the Second D.C.A. and
12 then was appointed to the United States District
13 Court for the Middle District of Florida. And we're
14 honored that you're with us, Judge Covington.

15 I go on then after Judge Lazarra. Polk County
16 again was tapped for appointment to the Second
17 D.C.A. with the appointment of the first female that
18 came to the Second District Court of Appeal. And
19 that was a Circuit Judge who had previously been a
20 County Judge here in -- in the Tenth and Polk
21 County. And that's Carolyn Fulmer. She too went on
22 to the Second D.C.A. and in a very distinguished
23 career was also the Chief Judge of our Court.

24 Then came Peggy Quince, the first black female
25 that was appointed to our Court. And as I've

1 mentioned she did such a great job the Governor
2 appointed her to the Supreme Court. And now she is
3 in her last few months as a Chief Justice of our
4 Supreme Court.

5 Jim Whatley, who was practicing down in the
6 Sarasota/Venice area, was appointed to the Second
7 D.C.A.

8 And then Steve Northcutt, a very distinguished
9 Appellate lawyer from Tampa, was also tapped to come
10 on to the Second D.C.A. He had written numerous
11 newspaper articles. He had been a newspaper person
12 that then went on to law school. He had graduated
13 with -- with a degree in journalism. And has just
14 completed his tour of duty as Chief Judge of the
15 Second D.C.A.

16 And then Polk County again received the news
17 that Oliver Green was appointed from the Circuit
18 Bench to the Second D.C.A. And he served with us
19 for some five years starting in 1998. And never
20 became a Chief Judge. Not because he didn't have
21 all of the administrative capabilities and all of
22 the experiences that he's brought to the Second
23 District from a distinguished career here in the
24 Tenth, but because in Florida once you hit 70 you
25 must take retirement. And you can serve as a Senior

1 Judge. So the calendar got ahead of Oliver Green
2 being one of the Chief Judges of the Second
3 District.

4 He's not the only one that has retired after a
5 long-term service without being a Chief Judge
6 because I too was never a Chief Judge because the
7 age of 70 was our swan song.

8 Judge Casanueva was the Judge that followed
9 Oliver Green. And he was Circuit Judge down in the
10 Venice/Port -- no. Not Venice. Down in the Punta
11 Gorda/Fort Myers/Naples area. And he was the first
12 one from that end of the Second D.C.A. territory to
13 come. And he is now the Chief Judge of the Second
14 D.C.A.

15 Casanueva's appointment was then followed by
16 Salcines appointment. Salcines served some ten
17 years there until he hit 70 back in '98.

18 Then we had the second African-American that
19 came to our Court, Tom Stringer, who had been a
20 distinguished County Judge, a distinguished Circuit
21 Judge, and then came and served on our Court. He
22 retired early during last year I believe it was.

23 But Polk County again was tapped when your
24 former Chief Judge Charles Davis was appointed. He
25 has been serving on the Second D.C.A. now for some

1 eleven years, having been appointed in '99.

2 Morris Silberman was appointed from the
3 Pinellas. He had been President of the Local Bar
4 and had been a Clerk in the Second D.C.A. when he
5 was appointed to our Court.

6 While on the Court of Appeal as a clerk he met
7 another law clerk by the name of Nelly Khouzam. And
8 before you knew it these two in the Second D.C.A. as
9 law clerks fell in love. They got married.

10 She went on to be a Circuit Judge too. And
11 then she was appointed to the Second District Court
12 of Appeal with her husband.

13 We are the only Court in the nation that has
14 both a husband and a wife in active service on the
15 Court of Appeal.

16 There is a City Order where they never sit on
17 any panels together. But that's a very interesting
18 privilege that we have of having both a husband and
19 a wife as Judges of our Court.

20 Judge Silberman coincidentally is now the
21 Chairman of the Judicial Qualifications Commission.

22 And then came the first Hispanic female to be
23 appointed to the Court of Appeal. And that was
24 Virginia Hernandez Covington who served with us some
25 four years before the President of the United States

1 asked her to take the robe as a United States
2 District Judge for the Middle District of Florida.

3 Pat Kelly came to us from the Hillsborough Bar.

4 Charles Canady came to us from the Tenth
5 Circuit. As you know he is the Chief Justice Elect.
6 He served with us for a few years before the
7 Governor appointed him to the Supreme Court. And
8 then in the blink of an eye he's about to become the
9 new Chief Justice of our highest court.

10 From New Port Richey, from the Pasco County
11 area, Craig Villanti was appointed. He had served
12 as a Circuit Judge after having graduated from
13 Stetson and came over to the Second D.C.A.

14 And then Doug Wallace, from the Bradenton/
15 Sarasota area, who had been a prominent Assistant
16 Public Defender for Appellate cases came.

17 Ed LaRose came to us from a prominent firm in
18 Tampa.

19 And then we had Nelly Khouzam appointed when
20 Salcines reached 70.

21 Then we had Marva Crenshaw, another Circuit
22 Judge but from Hillsborough, appointed.

23 And then the Chief Judge of the Sixth Judicial
24 Circuit, Bob Morris, was appointed.

25 And these are the current Judges of our Court.

1 Judge Covington was here. That's wonderful.

2 Wonderful.

3 One of my famous -- well, let me tell you a
4 little story. I'm -- I'm really here for color.
5 But I'll -- I'll not forget that story. But let me
6 start from -- from the beginning.

7 The old Citrus Commission Building was a
8 beautiful building across from the Hotel Terrace.
9 And the Terrace Hotel was at that time operating.
10 In fact, the Lakeland Bar Association regularly met
11 in the dining room. The dining room at that time
12 occupied solely the west side of the building. Now
13 it's almost the whole floor, main floor.

14 In any event, the Citrus Commission Building
15 was a lovely building. It was a beautiful building.
16 And I recall that there was a brass plaque on the
17 building commemorating that the -- that the Medal of
18 Honor recipients had had their first National
19 meeting there. A brass plaque. And I've always
20 wondered what happened to that plaque.

21 Additionally, I practiced law before the local
22 bench in that building during the hiatus between the
23 time that the Court moved out on Memorial, the
24 Second District, and -- and then of course the
25 restructure of the trial court.

1 So I am acquainted with -- with a lot of the
2 early Judges. And I can tell you that without
3 exception they were all intellectual and wonderful
4 people.

5 Bill Allen, as he's known in Bartow, Judge
6 Allen, an original appointee, his home was right
7 behind the home of my wife Mona.

8 I told you that I was going to relay a story
9 about -- about going on the Second District. When I
10 did you'd have to understand that Judge Threadgill
11 had been there for some time. And I can tell you
12 this story because we all had a delightful
13 relationship in working there.

14 But I went into Ed's office. And I said Ed,
15 you know, I got a lot of people to become acquainted
16 with. Can you give me some guidance on who I might
17 want to get close to and who I might not want to get
18 close to. And he said well, yes, I do. He says I
19 do. I want you to go down the hall and have a
20 discussion with -- with Peggy. If -- if you can't
21 get along with her you're not going to get along
22 with anybody on the Court.

23 No, that's a true story. And Judge Quince and
24 I became good friends as -- as we all were good
25 friends on the Court.

1 We had a lot of colorful Judges over the years.

2 JUDGE SALCINES: We did.

3 JUDGE GREEN: Ryder I'm told would have
4 birthday parties that were just something to behold.

5 JUDGE SALCINES: And 4th of July parties.

6 JUDGE GREEN: 4th of July parties.

7 JUDGE SALCINES: You had to step on the
8 swastika. He had -- he had been a counterspy in
9 Germany and had brought back a lot of memorabilia
10 from the Second World War. And there was a -- a
11 Nazi flag on the sidewalk as you walked into his
12 home for the famous 4th of July parties. And it was
13 required that you step on top of the -- of the
14 swastika. And then after the beer was flowing you
15 had -- each had an assignment of reading one of the
16 amendments to the Constitution. That was Harry
17 Ryder.

18 MR. GREEN: Did I tell you I'm here for color?

19 Really with the -- with the time elapsing I
20 think Judge Salcines wants to talk about the Middle
21 District.

22 JUDGE SALCINES: Judge, I want to add that
23 Judge Allen is the only Judge of the Second District
24 Court of Appeal to be elected Chief Judge twice.
25 And the reason that that happened is because they

1 created the Fourth D.C.A. And new Judges were
2 appointed to the Second who did not have experience.
3 And they all looked to Judge Allen and said Judge,
4 will you again serve as a Chief Judge.

5 I forgot to mention that after we had occupied
6 the courthouse annex in -- in Tampa -- Stetson
7 College of Law was building a brand new facility in
8 downtown Tampa and invited the Second District Court
9 of Appeal to become a tenant in their building. And
10 we rented the third floor of the Stetson Law School
11 facility on Tampa Street where the old Tampa Police
12 Department used to be.

13 That beautiful new building now occupies the
14 Stetson Law School. At the same time on the third
15 floor are the chambers of the seven Judges that have
16 chambers of the Second District. The other seven
17 are in Lakeland.

18 And as a result of becoming a tenant in their
19 building they built a huge, very large, courtroom
20 classroom.

21 When we're sitting the Seal of the Second
22 D.C.A. or the Seal of Florida is put up on the wall
23 and the three chairs or the three panelists. And
24 when we are not sitting then it is used as a
25 classroom. A podium like this swings around for

1 oral argument or swings around for the faculty
2 officer to be delivering his lecture.

3 If you've not visited that unique courtroom in
4 the Stetson Law School building in Tampa I urge you
5 to visit. It's a state of the art with all kinds of
6 technological capabilities. There's not a bad seat
7 in the house. And you will notice that in every one
8 of the seats there is an electrical and a telephonic
9 connection for laptops so that simultaneously there
10 can be 120 laptops going while the lectures are
11 going on.

12 It's a beautiful facility. We're very pleased
13 to be there. And I urge you to visit.

14 Now I'm going to pass on to the second phase of
15 our presentation. And that is to familiarize you
16 with the Middle District of Florida and how it was
17 created.

18 If you can imagine what it was like in Florida
19 in 1845 when we became a State. Where was the
20 population centers?

21 Well, when we became a State, or even before
22 that when we became a Territory, there were two
23 cities that were the centers of population of
24 Florida. One was St. Augustine, the oldest City in
25 the State -- and the oldest City in the nation --

1 and Pensacola.

2 So when the territory started going and the
3 territorial government started they needed where can
4 we meet. These were the two population centers.
5 And they selected a middle point which is
6 Tallahassee. That's why Tallahassee is the Capitol
7 of the State of Florida. Because the two population
8 centers back in the mid 1800s was Pensacola and St.
9 Augustine.

10 That northern tier of course was the population
11 area. So Congress in 1845, when Florida became a
12 State, designated that northern tier. Almost --
13 almost this green part. Not quite as large but
14 almost -- was the Northern District of Florida for
15 Federal purposes. From here down was the Southern
16 District of Florida.

17 That is not the case now. You can tell where
18 the modern Federal Districts are now three rather
19 than two: The Northern District of Florida, the
20 Middle District of Florida, and the Southern
21 District of Florida.

22 But back then the other big City was Key West.
23 Think of 1885, 1880, 1890. The largest City in
24 Florida was Key West, Florida. Hard to believe but
25 that is true.

1 There were two major industries there. The
2 salvaging industry, which speaks for itself because
3 it's an island and we have a lot of boat disasters
4 and you have the salvaging. And then you had the
5 cigar industry before the cigar industry left Key
6 West and moved over to Tampa.

7 So Key West was the place for the headquarters
8 of the early, early Southern District of Florida.
9 With the population growth, and the growth and more
10 growth, the Federal Government realized sooner or
11 later we're going to have to create another
12 District.

13 Well, the State of Florida jumped the gun when
14 they created the District Courts of Appeal and those
15 three lines were established. And so Congress comes
16 to the decision in 1961 we better create another
17 District in Florida. And in 1962 they created the
18 new Middle District of Florida.

19 What did they do? They took out from the
20 Southern District a good, good portion to become the
21 Middle District of Florida. The same as with the
22 Second D.C.A., Congress has fine-tuned and they went
23 taking some counties out of the Middle District of
24 Florida giving it to the North and some counties
25 taken out from the Middle District and given it to

1 the Southern District.

2 So now think that it's 1963 and the new Middle
3 District of Florida is created. Edward F. Boardman,
4 who we've already talked about as a Judge and a
5 former Chief Judge of the Second D.C.A., is the
6 United States Attorney in the Southern District of
7 Florida. He was married to a lady from the Polk
8 County area whose family had been in the phosphate
9 industry and had moved to Tampa. And we used to
10 have a very popular doughnut place very close to the
11 University of Tampa called McRae's doughnuts.

12 Well, when the Middle District is created and
13 Bobby Kennedy, the United States Attorney General
14 who's calling Edward F. Boardman, Virgie McRae
15 Boardman is urging the husband to accept the
16 appointment as the United States Attorney for the
17 newly created Middle District of Florida. And they
18 move and he becomes the new United States Attorney
19 for the Middle District of Florida.

20 We had Judges that were Judges of the Second
21 part of Florida, the Southern District of Florida,
22 who then had to be also confirmed as Middle District
23 of Florida. And we even had one Judge who still
24 sits in Orlando by the name of George C. Young who
25 was a roving Federal Judge. He could sit in the

1 Southern District of Florida. He could sit in the
2 Middle District of Florida. He could sit in the
3 Northern District of Florida. So they had so much
4 volume that they needed to give these Judges
5 additional jurisdiction to move around.

6 Eventually the Middle District of Florida
7 developed itself. But as a young Assistant U. S.
8 Attorney assigned to the Tampa Division, I would
9 have to try cases in Miami because the crime had
10 occurred before the Middle District of Florida had
11 been created. Therefore, a defendant had the right
12 to be tried where the crime had occurred, in the
13 District where it had occurred. So some defendants
14 would opt to be tried in Miami rather than be tried
15 in the newly created Middle District. So we had
16 like two or three years where we were bouncing
17 around trying cases down in the Southern District,
18 though we were part of the Middle District, et
19 cetera.

20 With time the Middle District of Florida grew.
21 We had Tampa as the headquarters initially but we
22 had a large operation also in Jacksonville.

23 In Jacksonville we had a United States
24 Attorney's office that was controlled from Tampa.
25 And then we had a visiting office. That is to say

1 Orlando was still small. We didn't have too, too
2 much business there. Therefore, we did not have a
3 United States Attorney Office in Orlando per se.

4 So we used to have to travel on a brand new
5 road called Interstate 4 that would take us to
6 Orlando, try cases there, try to get home before it
7 was too, too late, and then maybe go back tomorrow
8 morning to try more cases in Orlando. Once in a
9 blue moon we would try cases in Fort Myers. Never
10 did we have to try any cases in Ocala.

11 Today not only do you have a full complement in
12 Tampa, Orlando, Jacksonville, Fort Myers, but now
13 they're even trying cases quite regularly in the
14 Ocala Division.

15 So the Middle District of Florida has
16 boomeranged. And I recalled initially a Polk County
17 Judge. I -- I think Judge Barker was originally a
18 Judge of this Circuit when he was appointed to the
19 Federal District Bench. That was the oldest Judge
20 in my District that I would appear before.

21 Then we also had a distinguished Circuit Judge
22 from the Arcadia area by the name of George
23 Whitehurst. I tried a number of cases before Judge
24 Whitehurst. He would like to sit in the Fort Myers
25 Division and so we tried cases in the Federal Court

1 in Fort Myers.

2 Then we had Judge Lieb, who had been a former
3 F.B.I. agent and became a member of the Florida Bar.
4 Worked for one of the leading firms in Tampa. He
5 was appointed by President Eisenhower in the
6 Southern District of Florida. And he would handle
7 the Tampa Division of the Southern District of
8 Florida. And with that came a permanent position
9 for Judge Lieb. He became the Chief Judge of the
10 Middle District.

11 George C. Young gets appointed by Robert
12 Kennedy. The Federal Courthouse in Orlando today
13 still honors that Judge, who is still a Senior Judge
14 but active, and you see him in that Orlando Federal
15 Court regularly. George C. Young.

16 Then came from the Pinellas Bar came Ben
17 Krentzman who for many years was a Judge in the
18 Tampa Court.

19 And Terry -- Judge Terry...

20 JUDGE COVINGTON: Hodges. Hodges. Hodges.

21 JUDGE SALCINES: Terry Hodges. A native of
22 Polk County who was working in one of Tampa's big
23 law firms was tapped as a U. S. District Judge and
24 was one of the scholarly Judges of the Middle
25 District of Florida.

1 And then he wanted to be so close to
2 Gainesville because he loved Gatorland that -- that
3 he moved to Ocala or -- or in that vicinity -- so
4 that he could be close to Gainesville. Because
5 Gainesville of course is heaven to -- to -- to
6 Gatorland. And Terry Hodges is one of those
7 dedicated Federal Judges who looks to Gainesville
8 for the light of leadership. And -- and he has had
9 a most distinguished career.

10 The Middle District of Florida as you know has
11 continued to grow and grow and grow. With time, as
12 I said, Congress fine-tuned the population growths,
13 et cetera. Some counties that were originally in
14 the Middle District of Florida now belong to the
15 Northern. And the same, some counties in the
16 Southern region -- in the -- in the southern part of
17 the Middle District -- now belong to the Southern
18 District of Florida.

19 That is basically the history of the Middle
20 District of Florida. As you can see these are the
21 different counties composing those three Federal
22 Judicial Districts within our State of Florida.

23 If you look the United States has also had to
24 expand its Court of Appeals because the population
25 again went shifted. Florida went from a 14th

1 ranking population state to the fourth largest state
2 in the Union. And so other states.

3 So today you have eleven Federal Circuit Court
4 of Appeal plus the District of Columbia Court of
5 Appeal and of course the U. S. Supreme Court.

6 Now I've enjoyed presenting this to you on the
7 Federal Bench. Again I'm honored that Federal Judge
8 Virginia Covington is here.

9 Judge, why don't you stand up and let us
10 recognize you. Thank you.

11 (Applause.)

12 Any questions?

13 Judge, any commentary? You've had some Federal
14 Judges from this area. Do you want to make any --
15 any comment?

16 JUDGE GREEN: Well, on the Federal Bench
17 they've had colorful people too. Of course George
18 Carr, who was a County Attorney here, served on the
19 Federal Bench. But for the life of me I cannot
20 recall the U. S. Attorney from Dade City.

21 JUDGE SALCINES: From Dade City?

22 JUDGE GREEN: He became Congressman for a short
23 time.

24 JUDGE SALCINES: Oh, yes. He was --

25 JUDGE GREEN: Until he walked out --

1 JUDGE SALCINES: He was an Assistant U. S.
2 Attorney.

3 JUDGE ESTRADA: Kelly. Richard Kelly.

4 JUDGE SALCINES: Richard Kelly. Richard Kelly
5 was an Assistant, not the United States Attorney.
6 He went on to Congress and did other things.

7 JUDGE GREEN: Well, let -- let me tell you.
8 When I was a young lawyer I represented a young
9 fellow who had embezzled some money working at the
10 Peoples Bank in Lakeland. And I went before the
11 Federal Judge. And at that time the -- the
12 probation investigator. What was his name?

13 JUDGE SALCINES: Bob Evans.

14 JUDGE GREEN: Bob Evans. His son became a
15 Circuit Judge in -- in Hillsborough County.

16 In any event, you worked your cases out with
17 Mr. Evans because he was the one that screened
18 people for probation. And gave me the assurance
19 that -- that that would happen.

20 So we were before Judge Krentzman. And -- and
21 I didn't know Richard Kelly from Adam's house cat.

22 And so I'm sitting over there on the side with
23 my client and had everything I thought worked out.
24 And Judge -- I mean Richard Kelly gets up and
25 lambastes about embezzlers, bank embezzlers, and

1 name of Lawton Chiles.

2 They had just graduated from the University of
3 Florida. They were starting off as lawyers. They
4 didn't have any money to open up a firm. George
5 Carr convinced Thelma to let them open up in the
6 storage room of the basement of the Thelma Hotel.

7 Well, I don't know if it was the water in the
8 Thelma Hotel, but they -- they got a job teaching
9 business law at Florida Southern College. They
10 didn't have any clients so they might as well get
11 some money and get their practice going.

12 So they got the business law book. And,
13 Lawton, you take the Chapter on contracts.
14 Ellsworth, you take the Chapter on torts. And I
15 will teach procedure. And then you teach sales.
16 And you teach a commercial paper. And so we would
17 be sitting at the business law class waiting for the
18 professor to show. And these three partners would
19 alternate on the different chapters that we had.

20 The water was so good in that Thelma Hotel that
21 Lawton Chiles not only got elected to the
22 legislature for -- for Lakeland. He went on to the
23 Senate. Then was elected to the United States
24 Senate. And when an appointment came around for the
25 United States District Court, he knew the

1 capabilities of George Carr. And George Carr became
2 a U. S. District Judge. Bill Ellsworth apparently
3 took the best part of the water in the Thelma Hotel
4 because he went on to be a very rich practicing
5 attorney in -- in Polk County.

6 JUDGE GREEN: Well, we have just a few minutes
7 for questions if anybody has any questions about the
8 personalities or places. Just get E. J. started.

9 JUDGE RAIDEN: I have a question.

10 JUDGE GREEN: Yes.

11 JUDGE RAIDEN: Could I beg leave to tell a
12 story on Judge Ryder?

13 JUDGE SALCINES: How's that?

14 JUDGE GREEN: Come on up.

15 JUDGE RAIDEN: Could I tell a Judge Ryder
16 story?

17 JUDGE GREEN: Judge Raiden.

18 JUDGE SALCINES: Please. For many years he was
19 Harry Ryder's right-hand man.

20 JUDGE RAIDEN: I have a history with the Second
21 D.C.A. that started with the Public Defender's
22 Office. Most of their appeals. And I worked there
23 for almost nine years. And now I keep them busy.
24 They've got a volume of the Southern Reporter for
25 me.

1 But Judge Ryder, who was Chief Judge at the
2 time, is the one that hired me. If you ever go to
3 the Second District and you can get into the secure
4 hallway all their portraits are on the -- on the
5 wall. All of them. Right? They got Judge Morris.
6 They're up-to-date. Ryder's eyes follow you. I
7 saw him yesterday. I said I'll be seeing you soon,
8 old man.

9 Character doesn't begin to describe. He was
10 the most fascinating person I ever knew in my life.

11 He -- he had a phobia of pigeons, especially
12 pigeon excrement. And it's because there was some
13 distinguished politician at one point who was bald
14 like Judge Ryder.

15 A pigeon had deposited something on this man's
16 head. He contracted histoplasmosis and died raving
17 at the State Hospital. And Judge Ryder had known
18 this person. I can't remember who it was. But he
19 had a horror of pigeons after that.

20 Judge Ryder had the sixth floor office in the
21 Second D.C.A. over in Tampa. Judge Ryder smoked
22 like a fiend. So he used the balcony; used it for
23 his smoking porch. And to get rid of the pigeons he
24 put a plastic owl on the --

25 JUDGE SALCINES: On the terrace.

1 a big party. And what Judge Green wanted was just a
2 small picnic at his house. And what I remember more
3 than anything else about that day was Judge Green
4 with a big smile on his face riding his tractor
5 filled with the children of the people who were the
6 law clerks for the Judges on the Court.

7 If you can imagine Judge Green with his -- with
8 his big straw hat around him and the -- the tractors
9 pulled the kids. And what we'll -- I'll always
10 remember about that day is he had a big smile on his
11 face.

12 So that's -- that's my -- my best story
13 about -- that I will always remember Judge Green.

14 Then of course Judge Salcines and I go back,
15 um, well, to even before I was born. Because my
16 father, who was a professor at the University of
17 Tampa, had Judge Salcines in his class.

18 My mother was Cuban. My mother came from Cuba
19 and, you know, didn't speak much English. And so
20 she also became friends with Judge Salcines. And my
21 parents went to their wedding, to Mr. and Mrs.
22 Salcines wedding, and then -- and Mr. and Mrs.
23 Salcines went to my -- my parents wedding as well.

24 But whenever I needed something on Hispanic
25 heritage Judge Salcines was who I went to. Judge

1 Green is absolutely right.

2 You know, I couldn't go to my father because,
3 although my father was married to somebody who was
4 Cuban, my father was such a -- a -- a big believer
5 in the Seminole Indians and how they had suffered so
6 much at the hands of the Spanish. Every time I'd
7 ask him, you know, I have to give a speech on
8 Hispanic heritage. What can you tell me good about
9 the Spanish? He'd always say oh, they did terrible
10 things to the Seminole Indians. They killed them.
11 And it's like, well, this is Hispanic heritage.
12 Not the -- you know, we're here to talk about the
13 good things. My father could just never do it. So
14 I'd always try to go to E. J.

15 And you know what my father said? It was the
16 same thing when he had him in class. My father
17 would be talking about the Seminole Indians. And
18 there E. J. was, you know, always wanting to raise
19 his hand and say something about the Spanish and
20 Florida. And my father would not even want to call
21 him. He'd say no, Mr. Salcines, we have nothing
22 else for you. We're done with that topic. And
23 would go on to something else. So some things never
24 change.

25 But you have here an example of what

1 professional­ism and collegiality is all about in
2 these two gentlemen.

3 JUDGE GREEN: Thank you.

4 JUDGE SALCINES: Thank you, Virginia.

5 (Applause.)

6 JUDGE SALCINES: Virginia, I want to tell you
7 that your father would always knock the Spaniards
8 for all -- killing of all the Indians. And of
9 course I had to speak up for the Spanish. So I
10 would raise my hand. And eventually he would let me
11 talk. And I would say, Dr. Covington, the Spaniards
12 may have killed the male Indians but they took care
13 of the female Indians.

14 Judge Estrada, thank you very much for having
15 us. Do you want to close it up? Very good.

16 JUDGE ESTRADA: Thank you. I'd like to thank
17 all of y'all for coming again.

18 Just a few short words. Judge, you put it
19 right on the head. These two gentlemen up here.
20 It's amazing.

21 I was just talking to Judge Green, and Judge
22 Green over there, how in some way or another we all
23 tie into each other some way or another because of
24 our families knowing somebody before we were born.
25 Or the fact of it is is that how not too much

1 connections we have between the Thirteenth and the
2 Tenth and all of Hillsborough, Polk, Highlands,
3 Hardee County. It's amazing. It really is.

4 But I do want to thank somebody really special.
5 Because Judge Mary Catherine Green has done
6 extraordinary work putting these things together. I
7 don't -- can't tell you how much work she does and
8 how responsive she is when certain Judges call and
9 say hey, can we invite Judge Salcines and have your
10 dad get up there. And why don't we give a hand to
11 Judge Mary Catherine Green.

12 (Applause.)

13 Also just to let y'all know this entire time we
14 have been on-line with Highlands County. So Judge
15 Cowden and Magistrate Snodgrass are down there.
16 Hello guys.

17 But thank you again for coming. If you'd like
18 please stick around. I know that E. J. and Judge
19 Green would be more than happy to speak to you just
20 about anything y'all want to talk about. Thank you
21 so much.

22 (Proceedings concluded 1:03 p.m.)
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CERTIFICATE OF REPORTER

STATE OF FLORIDA
COUNTY OF POLK

I, Sandra J. Dale, FPR, do hereby certify I was authorized to and did report in Stenotypy and electronically the foregoing proceedings and evidence in the captioned case and that the foregoing pages constitute a true and correct transcription of my recordings thereof.

IN WITNESS WHEREOF, I have hereunto affixed my hand DATED THIS 29th day of MARCH, 2009, at Lakeland, Polk County, Florida.

SANDRA J. DALE, FPR
My Commission expires 09-30-2013
My Commission Number: DD 894536
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