

Exhibit A

[Florida Bar Prosecutor
Sheila Tuma's May 2, 2007,
Letter and Attachments
Showing Bar's Bad Faith
Harassment of Thompson]



THE FLORIDA BAR

1200 EDGEWATER DRIVE
ORLANDO, FL 32804-6314

LAWYER REGULATION DEPARTMENT 407/425-5424
UPL DEPARTMENT 407/425-0473
WWW.FLABAR.ORG

JOHN F. HARKNESS, JR.
EXECUTIVE DIRECTOR

May 2, 2007

Raymond A. Reiser
Raymond Reiser Assoc., P.A.
7150 W. 20th Avenue, Suite 410
Hialeah, FL 33016-5533

**Re: Complaint by The Florida Bar
Case No. 2007-31,740(11F)**

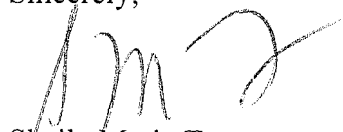
Dear Mr. Reiser:

Enclosed please find copies of a letter dated March 16, 2007 addressed to C. David Warren and J. Michael Westfall, the deposition of Brad Bushman with exhibits 4, 7, and 8, and a copy of Mr. Thompson's sworn statement dated April 5, 2007 in the Strickland v. Sony case. The Bar has initiated the above-captioned matter in regard to your client's conduct in the Strickland v. Sony case in light of the fact that his pro hac vice was revoked and he is not a licensed attorney in Alabama.

Within 2 weeks, please provide me with a written response to the issues raised in the attached documents, including, but not limited to, your client's position to whether he was acting in the capacity as the attorney for the families in the Strickland case, and whether Mr. Thompson sent the email which is Exhibit 8 to Mr. Bushman.

Your client is obligated to provide the undersigned with a written response pursuant to R. Regulating Fla. Bar 4-8.4(g), and he is required to disclose to the partners and shareholders of his firm the existence and nature of this inquiry. Please fill out and return the enclosed disclosure form, using the above case number on all correspondence to this office.

Sincerely,



Sheila Marie Tuma
Bar Counsel

SMT/gs

Enclosure

cc: ✓ John Bruce Thompson

Inbox Compose Folders Search Address Book Options Help Log out

Open Folder **Inbox**

Inbox: Alabama Wrongful Death Video Game Case (12 of 22)

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Date: Sun, 3 Dec 2006 05:41:33 -0500 [12/03/2006 05:41:33 AM EST]

From: Jack Thompson <amendmentone@comcast.net>

To: jpm@ksu.edu, bbushman <bbushman@umich.edu>, provenzo@miami.edu, LtColDaveG@aol.com

Cc: ray reiser <rreiser@bellsouth.net>, Vivian <vivloo@bellsouth.net>

Reply-To: Jack Thompson <amendmentone@comcast.net>

Subject: Alabama Wrongful Death Video Game Case

Part(s): Download All Attachments (in .zip file)

Headers: Show All Headers

Alternative parts for this section:

unnamed [text/plain] 1.45 KB

This message was written in a character set (Windows-1252) other than your own. If it is not displayed correctly, click here to open it in a new window.

Click HERE to view HTML content in a separate window.

Gentlemen:

In April 2007 we are going to have what is called a Frye hearing before Judge Moore in Fayette, Alabama, at which we shall prove that there is a scientific basis for the proposition that the Grand Theft Auto video games Devin Moore, the killer, played caused (along with other factors) his killing of the three police officers. This is a good thing to be doing, as we are now proceeding to trial.

Toward that end, the other side, Satan's well-paid minions ;) at the Blank Rome law firm, get to take your deposition to discover what you know, what your opinion is, in this regard. We of course shall prep you before that happens.

This hearing had been scheduled for this fall, and thus we had planned for your depositions prior to now, but it had been postponed by the court.

So, now, and the reason I write is that I need dates and times in your respective locations for your depositions. Please give me either multiple dates for depositions, preferably in January I would say, after the holidays, and maybe as late as February.

Col. Grossman, I will check your schedule at your web site, but it would help me to let me know you got this email and any thoughts you have in this regard.

Hope you are all well. We are going to win this case.

Jack Thompson, Attorney
Land line: 305-666-4366, Cell: 305-588-3005

EXHIBIT
bushman 4
COF 1-18-07

- Rule 702 - Frye hearing
should we go to trial - body of scientific
knowledge suggesting video games April
Aug. 2005 APA report video games
2001 joint statement

Scientific findings
Medicine
Peer review journals] causal
- predisposed
- facilitated
Impact factor \$300/hr
Science article
Judge same one who put kid on
death row. Doesn't want to be reversed.

EXHIBIT
Buxman 7
CSP 1-18-07

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Inbox: Re: Please read the attached in preparation for my prep of each ofyou. We'll then discuss (11 of 14)

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Date: Wed, 10 Jan 2007 07:43:01 -0500 (07:43:01 AM EST)

From: Jack Thompson <amendmentone@comcast.net>

To: bbushman@umich.edu

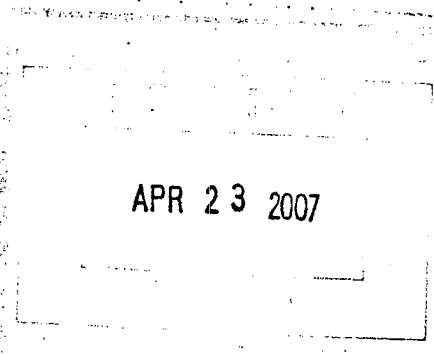
Cc: ray reiser <rreiser@bellsouth.net>

Reply-To: Jack Thompson <amendmentone@comcast.net>

Subject: Re: Please read the attached in preparation for my prep of each ofyou. We'll then discuss

Headers: Show All Headers

Super, this is great. The other side's view is that Moore's reaction to the game was "idiosyncratic," like an allergic reaction to a product that was wholly unpredictable. The law deals with "foreseeability" on these issues. They will say and will quiz you asking "Don't you agree that it was not foreseeable that Devin Moore would react in this way. And I think, without telling you what to say, that your response would be: You don't have to know Devin Moore or know of him to be able to predict that there are Devin Moores out there who will react in this fashion. The fact is, 'normal' people can respond and do respond in this fashion, and those who are more at risk respond in this fashion as well." Right?



----- Original Message -----

From: <bbushman@umich.edu>

To: "Jack Thompson" <amendmentone@comcast.net>

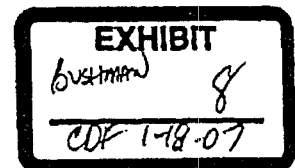
Cc: "ray reiser" <rreiser@bellsouth.net>

Sent: Tuesday, January 09, 2007 11:31 PM

Subject: Re: Please read the attached in preparation for my prep of each ofyou. We'll then discuss

[Hide Quoted Text]

- > Hi Jack,
- >
- > It was nice to talk to you on the phone tonight.
- >
- > I read the documents you sent me. I would have said to the judge that:
- > (1) Research shows that violent video games make "normal" people more
- > aggressive
- > (2) Some research shows that people with mental illnesses can be more
- > susceptible to violent media than "normal" people,
- > (3) it is reasonable to assume that the defendant was MORE affected
- > than the average person by the violent games he played.
- >
- > Here is the joint statement. It was published in 2001, but given in 2000:
- >
- > <http://www.aap.org/advocacy/releases/jstntmtevc.htm>
- >
- > I have attached the APA statement.
- >
- > I also have attached the 1972 U.S. Surgeon General warning.
- >



ect:

IN THE CIRCUIT COURT OF FAYETTE COUNTY, ALABAMA

CASE NO. CV 2005-19, JUDGE JAMES MOORE

Strickland, *et alia*,

Plaintiffs,

v.

Sony, *et alia*,

Defendants.

SWORN STATEMENT OF JOHN B. THOMPSON FILED WITH THE CLERK OF COURT,
FAYETTE COUNTY CIRCUIT COURT, FAYETTE ALABAMA

1. I am more than eighteen years of age, a resident of the state of Florida, a citizen of the United States, and licensed to practice law by the state of Florida, in continuous good standing in that capacity with The Florida Bar for the last thirty years.
2. I possess certain information that pertains to the issues being litigated in this case, and as an officer of the court I have a duty to provide it to this court.
3. On March 15, 2007, I met in the Holman State Correctional Facility in Atmore, Alabama, with Devin Moore aka Devin Thompson, hereinafter referred to as Moore. I did so with the full permission and in the presence at all times of Moore's current legal counsel, Ms. Charlotte Morrison, of the Equal Justice Initiative (EJI). EJI is representing Moore in his appeal.
4. This was the first date provided to me to interview Moore, having requested same for the past two years. Moore has been convicted of the murder of Fayette Police Officers Strickland and Crump and Police Dispatcher Mealer. The civil case of *Strickland v. Sony* is pending in Fayette Circuit Court. It is a products liability wrongful death case based upon the fact that Moore trained on certain "cop-killing" virtual reality simulators in training himself to kill two Fayette policemen and a dispatcher in June 2003.
5. The meeting lasted more than two hours, during which time Devin Moore told me of his involvement with and massive consumption of the *Grand Theft Auto III* and *Grand Theft Auto: Vice City* video games. Moore, upon his arrest, stated "Life is like a video game. You have to die sometime." Investigation thereafter revealed Moore's consumption of these two murder simulation "games."
6. Related to that area of discussion, Moore's mother Gloria Thompson, got custody of Moore in Jasper, Alabama, when Moore was sixteen years of age. His mother, upon Moore's request, bought for him a Playstation 2 video game console/platform manufactured by Sony within the first month of his living with his mother, which he believes was the summer of 2001. This console came equipped with the DualShock game controller which sends a vibration back into the hands of the player during acts of violence. Moore said he always left the vibration option on.

7. Moore got *Grand Theft Auto III* shortly after he got the Sony Playstation 2 console. It was his favorite game to play, by far, he said. He would typically wake up at eight or nine o'clock a.m. and would play the *Grand Theft Auto III* game continuously into the evening.
8. On the days Moore went to school, he would return from school and typically start playing the game incessantly, well into the night, sometimes until morning.
9. Moore stated that this was his favorite game "because it was unlike any other game he had ever played, unlike any other games that were out there." Moore said he liked *Grand Theft Auto III* "because it took him to another world." He said he liked that since he was not happy with the real world he was in, and it allowed him to escape his real world and forget about it for a time.
10. Moore stated that he consumed *Grand Theft Auto III* compulsively until *Grand Theft Auto: Vice City* was released. "I knew I had to have that new game," Moore told me, and he put himself on a waiting list to get it as soon as possible. Advertising for this game was everywhere.
11. Moore got his copy of *GTA: Vice City* within a week or so of its commercial release. Moore played it even more than he played *Grand Theft Auto III*. He would skip school to play it all day, sometimes missing the school bus. Some days he would take his Sony Playstation 2 to his grandmother's house to play because she would not arise from her sleep until 11 am or so.
12. Moore would sometimes play *Grand Theft Auto: Vice City* sixteen hours a day, playing deep into the night, often with the lights off in the house. Moore said the game was so addictive that he could do without sleep. He liked *Vice City* more than *GTA III* because there was more you could do in this game, and you could "get lost in this world even more."
13. Moore played *Grand Theft Auto: Vice City* compulsively until the very day he was arrested in June 2003.
14. Moore, when asked about whether in the game he had ever run into the scenario in which the protagonist/player steals a car, gets arrested, goes to the police station, gets a gun from a police officer, shoots officers, and flees in a police car, said "I've done that plenty of times."
15. Moore stated that when he was subjected to the beatings by his father, which sometimes lasted up to four hours, Moore was able to separate his mind from the beatings so that he could distance himself from the person receiving these "whuppings." He said it helped him deal with the pain by feeling it was happening to someone else.
16. Moore said that the play of the *Grand Theft Auto* games did something of the same thing, allowing him to distance himself from his real world and the "issues" he was dealing with. He also stated, similarly, that he did not feel like he was the one in that police station on the date of the murders. "I feel like that wasn't even me in that police station."
17. Two of plaintiff's psychologist experts in *Strickland v. Sony* now confirm that Moore's aforementioned statement is expressive of a dissociative state of mind, which is perfectly consistent and corroborative of the plaintiff's theory that the "cop-killing" virtual reality simulators which Moore consumed, and which then consumed him, predisposed him to enter into that dissociative state in the stressful situation attendant to his booking in the station. This is also consistent with post traumatic stress disorder, from which Moore apparently suffers. Violent video games are processed, Thompson knows and the medical and psychological communities now know, in the posterior cingulate of the brain, which is precisely the same region of the brain from which post traumatic stress disorder comes.
18. Thus, based upon not only what Thompson knows but others know, violent video games such as *Grand Theft Auto: Vice City* can both exacerbate and give direction to post traumatic stress disorder "flashbacks," particularly when one is in a dissociative state of mind. This is

common knowledge available even to nonexperts in the field, even to criminal defense lawyers.

19. In fact, Moore's criminal defense lawyer, James Standridge of Tuscaloosa, had provided to him by the undersigned a certain Dr. John Murray, psychologist and "brain mapper" loaned by Kansas State University to Harvard University for the purpose of ascertaining where in the brain teens process violent entertainment. Dr. Murray and Harvard found that it is processed, among other regions of the brain, in the posterior cingulate, and dangerously so. When Mr. Standridge was asked by this court in the "Frye hearing" whether there was any scientific or medical information that would tie violent entertainment consumption to post traumatic stress disorder, Mr. Standridge knew at that moment that his psychologist expert, testifying at that Frye hearing, had spoken at length with the aforementioned Dr. John Murray, and that Dr. Murray had noted to Standridge's psychologist expert and thus to Mr. Standridge that there was such scientific/medical evidence. Mr. Standridge, as I recall, said he was not aware of any such thing.

20. Mr. Standridge also told me, the undersigned attorney, in the presence of two witnesses, that he had been approached by attorneys for the video game industry asking Moore to sign an affidavit that he had not played the video games in question. When this information was shared with Fayette's Prosecutor, Chris McCool, Mr. McCool said that that might constitute "witness tampering." It appears that neither Mr. Standridge nor Mr. McCool did anything to alert either this court or law enforcement officials to this attempt by what Mr. Standridge called "the video game industry lawyers" to suborn perjury and to tamper with a witness.

21. Relatedly, Moore was upset to hear from me that Prosecutor McCool had told me twice "I don't believe Devin had any intention to hurt anyone in that police station. I believe he snapped in an instant, and the video games trained him to do what he did. The video games had everything to do with what Devin did." Moore told me that that is not what Chris McCool told the jury, and indeed, based upon what I know about what transpired at the criminal trial, Mr. McCool said just the opposite to the jury.

22. I have sat in prisons with another young man, who as a teen played *Grand Theft Auto: Vice City* compulsively. His name is Joshua Cooke, now serving a forty year sentence for two homicides. He is also an African American, as is Devin Moore. Mr. Cooke's ineffective court-appointed counsel received a grand total of less than \$2000 from the Commonwealth of Virginia to represent him in his murder case.

23. Cooke was so addicted to the same murder simulation game Moore played that he would put food and beverage on either side of the television screen, with a bucket between his feet into which to urinate. He would play the game as many as twelve hours a day. He killed both his parents while a teen. He does not understand why, he says. He says that he feels like he was "not even there" when he shot them to death, which is what Moore has told me. Cooke and Moore have never spoken and neither is aware of the other, and yet their words as to what games they played, what they did, and how they felt they were not even in their bodies when they killed are interchangeable. Cooke corroborates Moore and Moore corroborates Cooke. And the experts who have testified before Congress and in this case corroborate both of them.

24. As a 55-year-old lawyer who has spent many hours in jails and in prisons with inmates, I have learned, through experience, to ascertain, reasonably well, deception when I see it. Also, as a lawyer, I have had to assess the credibility or lack thereof of clients and witnesses. I found what I heard from Devin Moore to be fully credible, disturbing, and fully corroborative of the impact of *Grand Theft Auto III* and *Grand Theft Auto: Vice City* on Devin Moore and the direct fashion in which these two games helped cause these killings. If I had heard anything from

Devin Moore to suggest otherwise—that he was not telling the truth about the effect of these murder simulators upon him, then I would have been duty-bound to share that information with this court. I heard no such thing. Indeed, every single thing I heard was corroborative of what we have assumed was Moore’s level of play and its influence upon him, and in fact even more so.

25. Further based upon my thirty years of practicing law, I do not surmise, I know that what Devin Moore told me about his level of video game play and its influence upon him that information is highly revelant not only to this civil case but to the criminal trial at which he was convicted, with the jury never being allowed by this court to hear anything substantive about his level of video game play and its influence upon him and what he did. Dr. John Murray was ready, willing, and able to testify. Mr. Standridge knew that, yet Dr. Murray’s very existence and what he had to say, gleaned from the state-of-the-art brain scanning facilities at Harvard University, was not even made known to this court. Further, Dr. Murray’s findings in these relevant regards are published in among the finest, most highly respected, peer-reviewed medical/psychological journals in the world. His theories are not theories. They are facts, and they are considered such by his specialty. His views and findings are “generally accepted” under the Frye standard. This findings are not even debatable, yet the jury in the criminal case never even heard of Dr. Murray nor did this court. Yet this court has heard extensively of Dr. Murray since the filing of this civil action. The prosecutor, defense counsel Jim Standridge, and this court itself all have a duty, as Thompson understands the duties placed upon officers of the court under the *Brady* test to act upon the information each of them have regarding Dr. Murray and what he knows.

26. The level of play by Moore of these two games was massive and its effect upon him appeared to be profound, both as to desensitization to killing and also giving him the remarkable skills to perform what amounted to a Houdini-like escape from the police station. This specific escape scenario is in the *Grand Theft Auto: Vice City* game, and it, in its entirety, has been placed on a DVD for the court and ultimately the jury, to see.

27. Finally, in addition to the facts that are related above, the undersigned also knows that Devin Moore’s consumption of *Grand Theft Auto* video games is not a unique event. Further, his response thereto is not “idiosyncratic” but fully predictable and replicated by others. Violent crime rates in some urban areas are rising, conventional wisdom notwithstanding, as a recent news report indicates. Said one police chief: “It’s as if they’re out there playing one giant video game.”

28. Law enforcement officials in Oakland, California, found, as reported by Ed Bradley on the *60 Minutes* story on which I appeared, that teen carjackers who had killed had been trained by older men on *Grand Theft Auto III* as a carjacking simulator. Said one perpetrator in custody: “We played the game by day and lived the game by night.”

29. The facts and the events stretching from Oakland to Columbine to Fayette to Fairfax County, Virginia are not isolated incidents. They form a trail of tears wholly predictable, wholly avoidable, and wholly lucrative to the defendant corporations herein.

30. I affirm that I have provided a copy of this sworn statement to all counsel of record herein, to Devin Moore’s appellate counsel at EJI, to Prosecutor Chris McCool, to the Alabama Supreme Court, and to the Alabama State Bar, the latter three of whom have certain duties, as does this court in the person of James Moore, who presided over *Alabama v. Moore*, to act upon the information herein in order to safeguard not only the criminal justice system but also the people

of Alabama and the law enforcement officials. These men and woman, as did Officers Strickland and Crum and Dispatcher Mealer, daily put their lives on the line to protect us all. These three good men risked all and gave us their all, while an industry painted and paints a bulls eye on their backs.

31. Defendants Take-Two and Sony herein, along with the retail defendants herein, will release to the world on October 17, 2007, *Grand Theft Auto IV*, which promises to be more violent and thus more dangerous than any of its earlier iterations. Its virtual reality mayhem is set in New York City, and in the last week the Mayor of New York, along with public safety officials in New York decry the killing of police officers that will be glamorized in the "game."

32. At the same time, there appears today for the first time on the Internet a petition signed by "video gamers" calling upon the undersigned to be disbarred because of his efforts against the sale of the *Grand Theft Auto* "cop-killing" games to minors.

33. The undersigned is on the side of police officers and the innocent residents of Alabama in these efforts, and he would do it all again if he were asked to do so.

34. Officers Strickland and Crump and Dispatcher Mealer are all dead because defendants Sony and Take-Two made and marketed a product, which was sold by defenants Wal-Mart and GameStop, and which Devin Moore consumed and trained on while a minor. But for those reckless corporate acts, Officer Strickland, Officer Crump, and Dispatcher Mealer would be alive today.

I SOLEMNY AFFIRM AS IF UNDER OATH AND UNDER PENALTY OF PERJURY THAT THE FOREGOING STATEMENT IS THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH, SO HELP ME GOD.

John B. Thompson, April 5, 2007

Ward, Rebecca

From: Jack Thompson [amendmentone@comcast.net]
Sent: Friday, March 16, 2007 6:56 PM
To: Camerik, Howard M.; Ward, Rebecca; rbaugh@sirate.com; Smith, James; Girard-diCarlo, David; Lessne, Steven A.; Anthony Carriuolo
Cc: ray reiser
Subject: Energizer bunny here

John B. Thompson, Attorney at Law
1172 South Dixie Hwy., Suite 111
Coral Gables, Florida 33146
305-666-4366
amendmentone@comcast.net

March 16, 2007

C. David Warren
Athens County Prosecuting Attorney
1 South Court Street, First Floor
Athens, Ohio 45701 Via Fax to 740-592-3291

J. Michael Westfall
Office of the Ohio Public Defender
Director, Multi-County Program
80 North Court Street
Athens, Ohio
45701 Via Fax to 740-594-2074

Re: Andrew Riley, Aged 13, Charged with 128 Crimes, Including Many Felonies

Dear Mr. Warren and Mr. Westfall:

I enjoyed speaking today with you, Mr. Warren, and with your delightful assistant, Mr. Westfall, by the name of Tammy, regarding the above individual. As I suspected, and as has been confirmed by Nelsonville, Ohio, investigative officer Ed Downs, Riley obsessively played *Grand Theft Auto: Vice City* in apparent rehearsal for his alleged crime spree. This is not an isolated incident; copycat crime sprees are occurring with increasing frequency all over the country. In fact, a recent national news story reports that violent crime is mushrooming in major metropolitan areas, not decreasing as some would like us to think. Said one police chief: "It's as if these guys are just acting out one giant violent video game." Indeed.

I worked with Franklin County prosecuting attorney Ron O'Brien regarding the plea of Columbus serial highway shooter Charles McCoy, Jr., as I correctly predicted that the shooter, before he was identified and caught, would be found to be an obsessive video gamer player. One of McCoy's violent games of choice was *Grand Theft Auto: Vice City*, which is recited right in the written plea.

I was chagrined but not surprised, then, to hear that Andrew Riley's family had no heater and nearly no furniture, but it does have a 54-inch flat-screen plasma tv upon which to play *Grand Theft Auto: Vice City*. I was in Alabama with a death row inmate yesterday who killed three officers after he trained to kill them on the same game Riley played, *Grand Theft Auto: Vice City*. I represent the cops' families. They know firsthand that the murder simulator Riley played took their loved ones from them.

3/27/2007

I understand there is an important hearing coming up for Andrew Riley, and I am happy to be there, as I can chronicle for the court the number of similar video game-related incidents around the country and the amenability of a youthful offender to rehabilitation upon the withholding of such interactive, violent stimuli from him.

If anyone should be prosecuted to the full extent of the law, it should be the principals who operate the criminal enterprise known as Take-Two Interactive Software, Inc. in New York. Take-Two makes the *Grand Theft Auto* games and markets and sells them to children. In fact, last year, the U.S. Federal Trade Commission found Take-Two guilty of fraud and deception in placing interactive oral and anal sex in one of its *Grand Theft Auto* games, which Riley may have played, which resulted in a recall of every copy of the the units not yet sold. Many of these units were illegally sold in Ohio.

Paul Eibeler is the CEO of Take-Two. He was voted by Dow Jones' *MarketWatch* "America's Worst CEO of 2005" because of his fraudulent conduct. He should be in jail for the above-noted *Grand Theft Auto* stunt which constitutes distribution of sexual material harmful to minors in Ohio and elsewhere.

I believe the time has finally come for a prosecutor to secure a criminal indictment against Take-Two and its principals as accessories to the crimes that this company is knowingly aiding and abetting. Take-Two is fraudulently marketing and selling "Mature-rated" games to children in your state, targeting kids like Andrew Riley, knowing that kids like him will act out in a violent way.

These "games" are nothing but violence and crime simulators. The company knows it. The victims of these crimes learn to know it. I think it is time that a grand jury be shown the evidence as to Take-Two's knowing involvement in all this. The criminal charges should be tailored to fit the crime, but I believe that with this Andrew Riley nightmare before us, now is the time to put what Take-Two and its officers do before a grand jury. Being from Ohio myself, I have confidence in Ohioans to make the right decision.

I am delighted to help either or both of you in any fashion whatsoever in these or any related regards, which includes coming to Ohio at my expense to inform the court as to why Andrew Riley most likely did what he did.

Sincerely, John B. Thompson

Jack Thompson, Attorney
Land line: 305-666-4366, Cell: 305-588-3005
1172 South Dixie Hwy, Suite 111
Coral Gables, FL USA 33146 amendmentone@comcast.net