

## IN THE SUPREME COURT OF THE STATE OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

Case Numbers SC 07 - 80 and 07- 354

JOHN B. THOMPSON,

Respondent.

## RESPONDENT'S FIRST AMENDMENT DEFENSE

COMES NOW respondent, John B. Thompson, hereinafter Thompson, on his own behalf, and further informs the court as to facts, not "propaganda," which shed light on why the First Amendment prohibits this "disciplinary" action against Thompson. The horrific events this week in Blacksburg, Virginia, make this filing both necessary and proper:

1. In late 2004, the Police Chief of Fayette, Alabama, asked Thompson to talk with the families of two police officers and a dispatcher shot and killed by a teen video gamer named Devin Moore. Upon his arrest he had said, "Life is like a video game. You have to die sometime."

2. Moore had been trained by Take-Two Interactive Software's, Inc's *Grand Theft Auto III* and *Grand Theft Auto: Vice City* to kill these three good men. Thompson has met these families. Blank Rome has not. Blank Rome, SLAPP Bar complainant, couldn't care less about these broken people.

3. In February 2005 a wrongful death action was filed in Alabama state court by respondent Thompson and his co-counsel on behalf of the three families shattered by this triple homicide. At the first hearing in that case, in or around June 2005, Alabama

counsel for Take-Two, Robert Baugh, warned Thompson's co-counsel that Thompson had better behave.

4. The case drew much media attention. It was featured as a story by correspondent Ed Bradley on *60 Minutes*. The court can see the video and read the full transcript of the story on the Internet at <http://www.cbsnews.com/stories/2005/03/04/60minutes/main678261.shtml>.

Bradley called Thompson to do the piece because Thompson had been interviewed by Bradley before—the week after “Columbine—because Thompson had predicted Columbine on NBC’s *Today* show a week before it happened. Thompson had even identified the video game, *Doom*, and the movie, *The Basketball Diaries*, that had helped prompt and train Paducah’s Michael Carneal to kill three girls and wound five other students on December 1, 1997. CBS’ *60 Minutes* producer, Michael Radutzky had seen Thompson on *Today* predicting that “Paducah” would happen again, the same entertainment products would be involved, and it would possibly be worse. Columbine was and the products were. One has to be a total idiot not to know that fact.

Thompson, when Columbine happened and we all knew what prompted Klebod and Harris, by their own words, to do what they did, felt like Jeff Goldblum’s character in *Jurassic Park* when the T-rex starts to come through the de-electrified fence: “Damn, I hate being right all the time.” Thompson is not right all the time about everything, but he has been right about the linkage between violent video games and teen violence over and over again and it drives Blank Rome and Take-Two batty.

5. The piece on *60 Minutes*, which is the most watched news program in America, spawned an original article about Fayette and the *Grand Theft Auto* case in the

most read magazine in America, *Reader's Digest*, in the early summer of 2005.

Thompson was quoted extensively in the piece.

6. As a result, in July 2005, the office of U.S. Senator Hillary Clinton contacted Thompson and asked him to prepare her for a news conference on Take-Two's illegal embedding of interactive oral and anal sex in its *Grand Theft Auto: San Andreas* which it was marketing and selling to children.

Thompson will not share the images from this Take-Two created "Hot Coffee mod" because he does not want to offend this court, who has "seen it all before." Blank Rome, the registered lobbyist on Capitol Hill for Take-Two, leads all law firms in America with facilitating the sale of adult violence and porn to other people's children.

However, Member of the U.S. Congress saw "the Hot Coffee mod" created by Take-Two, and because of Thompson's prep of Senator Clinton and the media home run she hit as a result a) the US House voted 355-21 to ask the Federal Trade Commission to investigate Take-Two, b) all copies of the game were recalled, c) the game was re-rated "Adults-Only," d) shareholder actions based upon fraud were filed, d) Take-Two's Audit Chair on the company's Board quit, writing the SEC a letter claiming Take-Two's management had engaged in fraud (this is the same management advised by Bar complainant Blank Rome), and e) the FTC compelled Take-Two to enter into a Consent Decree not to do it again.

7. None of this would have happened without Thompson. Thompson was happy to help in exposing the fraud, the criminal activity, and the mental molestation of minors for money by Take-Two. The court, undoubtedly, in its criminal courtroom, has "seen it all before," and so has Thompson. The lead Blank Rome lawyer dispatched to do to

Thompson what has been done is Jim Smith, SLAPP Bar complainant, who specializes, fittingly in “corporate fraud,” according to [www.blankrome.com](http://www.blankrome.com).

8. Thus, in the summer of 2005, Take-Two and Blank Rome decided to act upon their warning that Thompson had better behave. Blank Rome, Bar complainant herein, filed a false document with the Alabama trial court alleging that Thompson had not fully disclosed his “colorful disciplinary history with The Florida Bar” when he had applied to the court and to the Alabama State Bar for *pro hac vice* admission. In fact, Thompson had disclosed it all, with Attorney Ray Reiser’s help, and we have the proof that it was all timely submitted and disclosed to everyone involved. Blank Rome’s assertion to the contrary was a lie and demonstrably so. But these are the people that represent a company repeatedly caught in fraud: backdating executives’ stock options, lying about game sales volume, which resulted in a \$9 million SEC fine, and recently a take-over of the entire company by institutional shareholders like Oppenheimer and Fidelity Funds fed up to here with Take-Two’s fraud and lies, advised all the while by SLAPP Bar complainant Blank Rome.

9. Thompson defended himself in the Alabama court as best he could. He not only pointed out the lies of Blank Rome and Take-Two, but he also informed the court, accurately, that Blank Rome has a history of this kind of character assassination against those who do not behave and who inconvenience their clients. This is all in The Bar’s files and need not be recounted here.

10. The Alabama judge presiding over all this is an interesting fellow by the name of James Moore. Judge Moore got his judgeship lateraled to him (Roll Tide!) from a lawyer by the name of Clatus Junkin, who handed it off to him when Junkin decided to

retire from the bench. According to a reporter at the *Tuscaloosa News*, Mr. Junkin is the “epicenter of all of the corruption in this region of Alabama.” Mr. Junkin, while a public servant, according to this reporter, amassed great wealth. Interesting trick on a judge’s salary.

11. Mr. Junkin told Thompson and his co-counsel, Ray Reiser, that the wrongful death case could not be won unless he, Junkin, was co-counsel so that the result could be assured with Judge Moore. We had heard from many others that Junkin could play that fixer role. We wanted nothing to do with Junkin, and we told Junkin that when we spoke with him. Junkin then said he would “go to the other side” and help them. Thompson told Junkin to “go fuck himself.” Thompson was happy to say it and looks for the opportunity to say it again.

12. Thompson told the “Christian” District Attorney, Chris McCool, of Junkin’s pronouncements that he could fix the case, and McCool, having heard it all before, asked if he could tell Judge Moore about this. Thompson said sure. This Junkin claim happens to violate a specific Alabama Bar Rule which makes it an ethics violation to suggest that you, a lawyer, have any influence over a judge. The Florida Bar has just such a rule as well. Thompson notes that he obviously enjoys no such influence over either Judge Moore or this court, Judge Tunis.

13. Judge Moore had the *pro hac vice* revocation hearing in November 2005. Judge Moore heard Blank Rome’s Jim Smith, who signed the sworn SLAPP Bar complaint herein, tell the Judge a number of whoppers, including the assertion that he had asked Thompson to stop attacking Blank Rome (this after Blank Rome called Thompson a liar to the court). Smith had done no such thing, and Smith and Blank Rome have been

repeatedly asked to produce a copy of that request, and they have not, because it was never made. Thompson, on the other hand, offered in writing to stop defending himself against Blank Rome's attacks if they would stop. Blank Rome said "NO." These are the people whose Bar complaint was taken at face value by Bar Prosecutor Sheila Tuma and NEVER investigated.

This courtroom stunt was just another layer of lies from Blank Rome intended to protect the illegal, fraudulent, criminal activities of its client by taking out its client's chief public critic who didn't behave himself.

14. Judge Moore was exercised about Thompson's defense of himself and not the least bit concerned about Blank Rome's initial fraud that Thompson had not disclosed his disciplinary history—a history Thompson also fully disclosed in a book that Tyndale House published to the world, *Out of Harm's Way*, a copy of which this court/referee has and which she can read in this regard. Would Thompson hide his disciplinary history from a court while publishing it to the world? Duh.

15. Thompson, seeing that he had clearly become a distraction, withdrew from the case. Judge Moore, in violation of clear case law in Alabama, would not allow Thompson to withdraw from the case. He kept him in the case, in order to publicly kick him out.

16. Judge Moore announced publicly that he was going to file a Bar complaint against Thompson, which pronouncement happens to violate the "Confidentiality Rule" in Alabama that prohibits a Bar complainant from disclosing the filing of a Bar complaint. More nonsense from Alabama.

17. Judge Moore, instead of filing a Bar complaint against his friend, Clatus Junkin, for claiming that he could fix a case before Judge Moore, filed a Bar complaint against Thompson instead, going after the whistleblower. This “shoot the messenger” strategy is as old as the hills and a Blank Rome specialty adopted by Blank Rome and its client, Take-Two.

18. Take-Two even went so far as to roll out simultaneously with its *pro hac vice* tactic a formal corporate assault upon Thompson at its corporate web site at [www.rockstargames.com](http://www.rockstargames.com), labeling Thompson a bisexual pedophile. Take-Two and Blank Rome have refused to stop this and it continues today, which assault has resulted in the sending of sex aid products to his wife. Blank Rome itself even went so far as to harass Thompson’s wife at their home while she is recovering from cancer surgery and chemotherapy. These people know no shame. They are paid to eradicate their shame.

19. What this court/referee has before it, now that Ms. Tuma has announced in writing her willingness to drop, with prejudice, the Tew Cardenas/Beasley/Howard Stern Bar complaints, is a transparent, illegal effort by Blank Rome and Take-Two to protect Take-Two from the public’s concerns about its illegal marketing and sale of adult video games to children. This ploy, over which this court/referee is presiding, has absolutely nothing whatsoever to do with “protecting the public from an unethical lawyer.” It is solely about protecting this corporate scofflaw from its chief critic. The court knows this or should know this, since she has “seen it all before.”

20. On Monday of this week, April 16, 2007, Thompson was interviewed on the Fox News Channel by Bill Hemmer about the likely immersion of Cho, the Virginia Tech mass murderer, in violent video games which Thompson predicted helped train him to

kill efficiently. He could not have calmly killed without having rehearsed what he did. This is known to anyone who knows anything about the act of killing and how it is accomplished. This is why the military uses these “game” to get young soldiers to kill and to train them how to kill. This Thompson interview is available as streaming audio and video on the Internet at <http://www.youtube.com/watch?v=weG7A4ITGtg>. This court would do well to listen to it and see it to understand just how correct and how prescient Thompson typically is in such matters. This is precisely what drives Take-Two and its lawyers out of their \$500 per hour skulls. Thompson is no genius. He is attentive to facts, and he does not scare easily in the face of immoral bullies.

21. Attached as Exhibits A and B are two news releases Thompson put out this week. The court can note Take-Two’s history of helping cause these types of events, including the one in Red Lake, Minnesota. Fayette, Alabama, is another, and the case arising therefrom, which would not exist but for Thompson, is now set for trial in January 2008, as the Alabama Supreme Court has agreed with Thompson that the First Amendment does not protect the sale of adult-rated murder simulators by Take-Two to children.

22. Thompson yesterday was invited back onto the Fox News Channel to explain to Bill Hemmer and the nation just how accurate his video game training prediction had been. Chris Matthews had Thompson on his MSNBC program *Hardball* last night as well. Not a single Blank Rome lawyer or Take-Two employee was in sight on any of these programs. They are hiding in their mahogany-paneled ncorporate caves, apparently.



23. It is clear to anyone, whether that person is a Take-Two drone, a Blank Rome “shoot the messenger” operative, or even a court/referee who has “seen it all before,” that Thompson has, since 1987, been about the business of warning American parents that we have a problem here that must be addressed. He even sounded that alarm several years ago on the campus of Virginia Tech in Blacksburg, Virginia. It is a lovely campus.

It is just as clear that the “politically correct” liberal flaks who run The Florida Bar are delighted to try to pathologize and marginalize Thompson for having been right so many times about the SLAPP Bar complainants who claim the glories of the First Amendment while trying to destroy a conservative crusader in the public square who keeps exposing dangerous, reckless corporate practices.

The First Amendment protects the right of a citizen to “petition the government for a redress of grievances” and to participate in the public square, even if that advocacy inconveniences a company and its lawyers who specialize in distributing adult-rated porn and violence to children as well inconveniencing as judge, who appears to be corrupted, in rural Alabama. This is Alabama, and this is Florida, whose Florida Supreme Court is still the laughingstock of all states’ high courts for its politically correct contortions in *Bush v. Gore* that were even too much for its Chief Justice at the time to abide and remain silent about. Here they go again.

24. The Florida Bar, this court/referee, and the Chief Justice and Justices of the Florida Supreme Court are all now defendants in a federal civil rights lawsuit filed by Thompson against them. They should be. This court/referee won’t recuse herself from this Star Chamber charade even after calling Thompson’s defense herein “propaganda.”

The Bar kept going for 31 months a baseless Bar complaint before dismissing it, is maintaining a baseless Bar complaint filed by Tew Cardenas after in writing stating a willingness, finally, to dismiss it, and maintains now the “Alabama Bar complaints” even though its own Rules prohibit it from leapfrogging a finding in Alabama (Rule 3-4.6). The Alabama Bar complaints all rest upon a lie that the Alabama State Bar, Judge Moore, The Florida Bar, and now this referee/court all know is a lie: that Thompson hid his disciplinary history from the court in Alabama. It is not just a lie. It is a damned lie, and Judge Dava J. Tunis either knows it or should take time out of her understandably busy day and find out, in a matter of minutes, that it is a lie. She is paid to find such things out. It is her job. If she is unwilling to do her job, then she should tell the Florida Supreme Court just that.

25. The Florida Supreme Court is so out of touch with reality and with fairness that it denies Thompson even a hearing on its writ of mandamus about how corrupted this Bar “discipline” of him is, while at the same time saying that its denial of a state remedy cannot give rise to a federal remedy for Thompson, despite the clear interpretation of federal civil rights laws by the U.S. Supreme Court in *Pulliam* and other cases. The Florida Supreme Court thumbed its nose at the U.S. Supreme Court in the midst of a Presidential election. Why should this be any different as to one Christian lawyer?

26. Thompson is not going to stop sounding the alarm about the dangers arising from the sale of adult-rated murder simulators to children by Take-Two or anyone else. See Exhibit C, a letter to Bill Gates of Microsoft. The bigger they are, the harder they fall.

27. Thompson is not going to get off this horse anymore than Paul Revere was going to get off his horse until his midnight ride, warning of what was coming our way, is completed. “Columbines are coming.” See the attached Exhibit D.

28. This referee/court can do its *worst* to try to pervert the disciplinary process, at The Bar’s urging, to suit the aims of Take-Two and Blank Rome, and Thompson will continue to do his *best* to sound the alarm sounded far more eloquently by Peggy Noonan three days after Columbine on the pages of the *Wall Street Journal*:

**“With Columbine a line was crossed for American parents. It was a line at which it became clear that what our children are swimming in—that we call pop culture entertainment—is actually raw sewage that threatens our children’s health and the public safety of others.”**

29. Thompson predicted Columbine, as we have seen, a week before it happened. He told NBC’s *Today* show three weeks before Muhammad and Malvo were identified and caught that the “triggerman would be a teen trained on a sniper video game to kill.” Malvo was just that, trained on *Halo*. And this week Thompson took to the national airwaves, went way out on a limb, and darned if he wasn’t spot-on right yet again. Thompson’s limb is floating in the air, and the video game industry’s tree has fallen. “V-Tech” is the 9-11 of school shootings.

30. Is the carnage too distant from this court/referee to appreciate it? Fine. The day that Michael Hernandez sawed the head off his classmate Jamie Gough at Southwood Middle School in Pinecrest, Florida, not ten miles from this courtroom, Thompson was asked to go to the CBS tv affiliate. WFOR, in Miami and explain a piece of the puzzle as to why these school killings typically happen.

31. This court/referee who says she has “seen it all before” can get the WFOR-TV tape and see that Thompson predicted that Hernandez’ computer would help explain most likely that this kid killer was immersed in all sorts of inappropriate violent entertainment, just as Michael Carneal’s computer revealed just that to Thompson’s parent clients in Paducah, one of whom called him Monday after his appearance on Fox, thanking him for staying the course on this life-and-death issue.

32. What this court/referee doesn’t know and apparently could not care less about is that Thompson was right again about Jamie Gough’s killer. Police found that Hernandez had on his computer all sorts of streaming audio/video of beheadings. He also played obsessively *Grand Theft Auto: Vice City*, in which one of the killing methods of choice is to behead one’s virtual victim with a knife. Life imitated “art,” and this court couldn’t care less, it seems. This court should thank Thompson for trying to make our community safer. Instead, she labels his defense against these moral midgets “propaganda.”

33. What has to happen here for this court and this Bar and this SLAPP complainant to “get” the fact that Thompson, at risk to himself and to his family and to his career, has been willing to risk all and to give all because he has sat in too many rooms with too many parents whose loved ones are not here because Take-Two and Blank Rome helped put them in the ground by an amalgam, to vary degrees, respectively, of greed, mendacity, arrogance, and self-righteousness on which any decent person would choke.

34. Thompson is no hero. He is a foot soldier in a war in which he did not choose to be a combatant. He was drafted, and he does not regret it. He would do it all

over again. He would tell the truth about the judge-fixer in Alabama, again. He would call Take-Two and Blank Rome liars, again. He would say that Judge Ronald Friedman violated his own orders, again. And he will sue any judge who violates federal civil rights laws while calling what he does “propaganda,” and gladly so.

35. Here, then, is a real hero, described below, whose example, however, gives a non-hero like the undersigned inspiration. This is from comedian and social commentator Dennis Miller yesterday on the same Fox News Channel that graciously opened its arms to Thompson twice this week. Dennis Miller:

**“The Virginia Tech professor who saved those lives in that classroom is a Holocaust survivor. He was 76. Do the math. He was 12 when he probably first saw evil in the eyes of those who intended innocents harm. He saw that evil in the eye of a young man who peered through the window in the door to his classroom. Instead of running from it, he walked toward those evil eyes and went into battle.”**

36. This court and this Bar and this Supreme Court of this laughingstock state known as “Floriduh” can strain at gnats and tut-tut all they want about Thompson’s alleged excesses against those who intend harm to children. Thompson has seen the evil and marched toward it, not for his sake, but for the sake of all the victims to come who need not be.

37. Thompson will continue to do what he does, and undoubtedly these latter-day Pharisees will continue what they do so well. They call themselves “Guardians of Democracy,” literally, not comprehending how silly they look, while all the while not caring a bit about the victims of this corporate assault on innocents. Bar President Hank Coxe says “We agree with what you do but not how you do it.” To Hell with Mr. Coxe,

who does nothing about any of this, except to preside, gleefully, over the attempted high-tech hanging of an uppity Christian while ignoring his own Bar members' pleas that he make fair this "disciplinary" Star Chamber.

38. Thompson will have his day in court, and a jury comprised of parents will hear what he did and what he tried to do, over the objection of nitwits like his detractors, and they will understand what this is all about. Thompson tends to make predictions that come true. All of those who know that can figure the odds on that last prediction. Peggy Noonan was correct three days after Columbine. Thompson was correct eight days before, and he is correct now about the danger.

This court/referee, The Bar, Take-Two, and Blank Rome could not be more wrong. Do your worst. I will continue to do my best.

I HEREBY CERTIFY that I have provided this to Sheila Tuma, The Florida Bar, 1200 Edgewater Drive, Orlando, Florida, this 19<sup>th</sup> day of April, 2007.

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THE FLORIDA BAR,

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v.

Case Numbers SC 07 - 80 and 07- 354

JOHN B. THOMPSON,

Respondent.

## ADDENDUM TO RESPONDENT'S FIRST AMENDMENT DEFENSE

COMES NOW respondent, John B. Thompson, hereinafter Thompson, on his own behalf, and further informs the court as to the significance of his First Amendment defense herein, to-wit:

1. Thompson's filing with co-counsel of the wrongful death video game copycat lawsuit in Alabama and another in New Mexico has been part and parcel of his public-spirited efforts to alert the American people and Take-Two to the dangers of peddling adult-rated virtual reality violence to minors.

2. Thompson and his family have been targeted, in retaliation, by Take-Two, by its lawyers, by the video gaming "press," and by video gamers themselves for incredible levels of abuse, including threats on Thompson's life, which Take-Two and Blank Rome knowingly help incite. Now The Florida Bar has joined in on the harassment through these *faux* "disciplinary" proceedings.

3. If this court/referee had any doubt about what Thompson has had to endure and where it is coming from, then it should read the below. Thompson has had to alert law enforcement to this danger, and they are all over it. Take-Two, advised by Blank Rome, the SLAPP complainant herein, continues to label Thompson a bisexual pedophile at its corporate web site. If this court/referee wants to keep up its own ill-advised piling on as to Thompson, then it should get in line behind the below idiot. Working with investigators this morning, by the way, we have determined this guy's name, address, and that he is a huge poster at *Grand Theft Auto* (Take-Two) sites, in addition to being a weapons freak:

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

**From:** [Kitteh](#)

**To:** [amendmentone@comcast.net](mailto:amendmentone@comcast.net)

**Sent:** Saturday, April 21, 2007 4:13 AM

**Subject:** Curious

Hello, Jack Thompson.

I am going to shoot 20-30 people at my school, UC Berkeley, but I am not sure on what gun to use. Any suggestions? I am also looking for a game to train with. Do you have any ideas? I am fairly new to this.

Thank you for your time.

I HEREBY CERTIFY that I have provided this to Sheila Tuma, The Florida Bar,  
1200 Edgewater Drive, Orlando, Florida, this 21<sup>st</sup> day of April, 2007.

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IN THE SUPREME COURT OF THE STATE OF FLORIDA

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Respondent.



## **ADDENDUM TO RESPONDENT'S FIRST AMENDMENT DEFENSE**

COMES NOW respondent, John B. Thompson, hereinafter Thompson, on his own behalf, and further informs the court as to the significance of his First Amendment defense herein, to-wit:

1. As a result of Thompson's exercise of his First Amendment rights, the person who threatened "to shoot 20-30 people at my school, UC Berkeley" was apprehended Saturday. See attached Composite Exhibit A news articles.

2. A particular web site, [www.kotaku.com](http://www.kotaku.com), has recently decided to report on what this court and The Florida Bar are doing regarding the undersigned. One of the facets of this attack is to post items such as "Jack should be shot." See attached composite Exhibit B.

3. The Florida Bar is participating in the assault upon Thompson as he tries to sound the alarm about a public safety hazard. SLAPP Bar complainant Blank Rome is part of this effort, over which this court/referee now presides.

I HEREBY CERTIFY that I have provided this to Sheila Tuma, The Florida Bar, 1200 Edgewater Drive, Orlando, Florida, this 24<sup>th</sup> day of April, 2007.

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THE FLORIDA BAR,

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Case Numbers SC 07 - 80 and 07- 354

JOHN B. THOMPSON,

Respondent.

**RESPONDENT’S EMERGENCY MOTION TO DISMISS COUNTS OF THE COMPLAINT THAT ALLEGE VIOLATIONS OF RULE 4-8.2 (a)**

COMES NOW respondent, and moves this court for a dismissal of all counts alleging improper statements by respondent about two judges, Florida’s Judge Friedman and Alabama’s Judge Moore, stating:

1. Florida Bar Rule of Professional Conduct 4-8.2(a) states that “A lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge.”

2. Thompson is charged with doing just that, but only in vague, general terms. To make matters worse for The Bar, he has asked The Bar, subsequent to the filing of the complaint, to be specific. Thompson has served various requests for admission, interrogatories, letters, and requests for production upon The Bar since these complaints were first processed nearly two years ago, has asking The Bar to disclose what Thompson said or wrote about these two judges that was either false or in reckless disregard of the truth. The Bar simply says, remarkably: *You have your letters. Read them.*

3. We now are proceeding to a trial at which Thompson has no clue what he did wrong. This is not Thompson in denial that he did something wrong. This is The Bar’s refusing to *tell him* what he did wrong. The Bar, as a matter of law, must do better than

that, but don't take Thompson's word for it. The Florida Supreme Court has held just that in *The Florida Bar v. Ray*, 797 So.2d 556 (2001) by stating:

"...we, like many other courts, conclude that in attorney disciplinary proceedings under Rule 4-8.2(a), the standard to be applied is whether the attorney had an objectively reasonable factual basis for making the statements."

4. The Florida Bar's complaint as to these two judges is fatally flawed by virtue of its total lack of specificity. The federal courts are clear as to how particular or specific an indictment must be. An indictment should contain a reasonably detailed description of the particular scheme the defendant is charged with devising to ensure that the defendant has sufficient notice of the nature of the offense. *See United States v. Yefsky*, 994 F.2d 885, 893 (1st Cir. 1993). "The indictment may incorporate the words of the statute to set forth the offense, but the statutory language must be accompanied with such a statement of the facts and circumstances as will inform the accused of the specific offense, coming under the general description, with which he is charged." *See also Hamling v. United States*, 418 U.S. 87 (1974).

In *Yefsky*, the court held that the indictment was defective in that it did not provide the defendant with adequate notice of the charge (conspiracy to commit mail fraud) against him. 994 F.2d at 993 ("Where guilt depends so crucially upon . . . a specific identification of fact, . . . cases have uniformly held that an indictment must do more than simply repeat the language of the criminal statute.") (citing *Hamling*, 418 U.S. at 118).

5. On August 23, a mere ten days from now, United States District Court Judge Adalberto Jordan will convene a hearing in the Southern District of Florida on whether to

grant Thompson's motion for preliminary injunction against The Bar. One of the things that Thompson will stress as to the shocking denial to him of due process is its total failure to apprise him with any specificity as to what he has done to violate The Bar's various Rules.

6. The Bar, going into that hearing, has a choice, and this referee, who is also a defendant in the civil rights action, has a choice as well. The Bar can either finally inform Thompson what he has done wrong, or this referee can dismiss the complaint for The Bar's utter failure and refusal to inform Thompson what he has done wrong. Telling Thompson what he said or wrote about these two judges that was either reckless or untrue would be a good start. Failing that, this referee must dismiss these counts. The Bar's failure to correct the fatal defects of its complaint and the referee's disturbing failure to order The Bar to correct it gives Thompson a ***powerful*** argument ten days from now in a federal courtroom that The Bar and the referee have collaborated to turn this Bar trial into a latter-day installment of the English Star Chamber. This is not how The Bar is supposed to operate.

7. The Bar and the referee have ten days to prove how fair they can be.

WHEREFORE, Thompson moves this court, on an emergency basis, for an order dismissing all charges pertaining to Rule 4-8.2(a).

I HEREBY CERTIFY that I have provided this to Sheila Tuma, The Florida Bar, 1200 Edgewater Drive, Orlando, Florida, 13th day of August, 2007, and to Judge Tunis.

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November 6, 2006

Henry Coxe  
President, The Florida Bar  
Jacksonville, Florida Via Fax and e-mail

Re: December 6-10, 2006, Bar Governors Meeting on Key Biscayne, Florida

Dear Mr. Coxe:

As you know, the Governors of The Florida Bar have a duty to oversee the disciplinary process, such as it is, of The Bar. As you also know, I have sued The Florida Bar in federal court because of its abuse of this process, and I am about to file a companion case in state court alleging The Bar's violation of the State's Religious Freedom Restoration Act at my expense. This is the second such foray by The Bar against me. It got caught 15 years ago and is about to get caught again.

Before you became President of The Bar, you were tasked with doing something about The Bar's misuse of the disciplinary process for ulterior purposes. You failed to do so.

I think it is time, Mr. Coxe, for me to address the Governors *directly* about their misfeasance in these regards at my expense, given the pending litigation. Surely there is time for lawyers to take a break from self-congratulation to hear from a critic. I should like to give them that opportunity for a mere ten minutes at the upcoming Governors meeting in my hometown which begins a month from today, as noted above.

I think it is high time that you stop misrepresenting to the Governors what this squabble with me is about and what can be done to resolve it. So, may I address those who purport to govern me, or is the cover-up going to continue? I promise not to detail any porn I have stopped so as not to offend any "children" in the room.

Regards, Jack Thompson

Copies: Bar Governors

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August 29, 2007

Bar President Frank Angones and All Florida Bar Governors Via Faxes and e-mails

Re: Demand to Appear Before Bar Governors October 3 to 6, in Coconut Grove, FL

Dear Frank and Bar Governors:

As you all know or should know, I have repeatedly asked, over the last two years, to address the Board of Governors with my concerns that The Bar's use of "discipline" against me at the behest of SLAPP Bar complainants within the entertainment industry is violative of the United States and Florida constitutions.

Yesterday The Bar's able trial counsel, Greenberg Traurig, provided to Judge Jordan, who is presiding over my federal lawsuit for injunctive and declaratory relief, a wonderful case. It is the 2005-2006 case *Mason v. The Florida Bar*. Greenberg was record counsel.

I'm not sure why Greenberg Traurig cited this case to the court, because its reasoning supports the relief I am seeking. Beyond that, in section 6 of the magistrate's recommendation, which the court adopts and reduces to an order, it is stated as follows:

"Nothing prohibits Mason from petitioning the Board of Governors to dismiss the disciplinary action on constitutional grounds ..."

I sat with my lawyer in Greenberg Traurig's lovely offices in Tallahassee on May 16, 2006, and Hank Coxe, Paul Hill, Alan Bookman, Jack Harkness, and Barry Richard all told me that "the Bar Governors *cannot* get involved in discipline and will not hear you on these matters." I specifically said I wanted to address The Bar Governors on constitutional issues.

Therefore, armed with *Mason*, I demand that I be allowed to appear before you to point out the unconstitutionality of what The Bar continues to do to me at the behest of two companies that distribute pornography to children. A good time and place, it seems to me, is your meeting at the Ritz Carlton in Coconut Grove scheduled for October 3 through 6. If there is another time, let me know. *Mason* says it should be *before* my trial.

Regards, Jack Thompson

Copy: U.S. District Court File, 07-21256