

IN THE CIRCUIT COURT OF THE 14TH JUDICIAL
CIRCUIT OF FLORIDA, IN AND FOR BAY COUNTY

STATE OF FLORIDA,)	
Plaintiff,)	
)	
v.)	CASE NOS. 03-001036 CFMA
)	07-001341 CFMA
JOSEPH RAYMOND FRANCIS,)	
Defendant.)	JUDGE: DEDEE S. COSTELLO
)	(Div. H)
_____)	

**DEFENDANT'S SUPPLEMENT TO HIS MOTION TO DISMISS BASED ON
PROSECUTORIAL MISCONDUCT, AND MOTION TO DISQUALIFY
THE OFFICE OF THE STATE ATTORNEY BASED ON CONTINUED
VIOLATIONS OF THE RULES OF PROFESSIONAL CONDUCT AND THE STATE
ATTORNEY'S VIOLATION OF STATE CRIMINAL STATUTE §827.071(3) -
PROMOTION OF SEXUAL PERFORMANCE BY A CHILD**

State Attorney, Steve Meadows, continues to engage in an ongoing, systematic course of conduct deliberately designed to ensure that Mr. Francis will not receive a fair trial. Steve Meadows' prosecutorial misconduct includes:

- 1) Numerous and serious violations of Florida Bar Rules of Professional Conduct 4-3.6 and 8-8.4;
- 2) Violations of criminal state statute 827.071(3), disseminating child pornography;
- 3) Disregard of Section 119.071 of the Florida Statutes, violating the privacy rights of sexual abuse victims for his own interests;
- 4) Disregard of the law as established in *State v. Ross*, 792 So. 2d (Fla 5th DCA 2001) with regard to law enforcement dissemination of child pornography; and,
- 5) Implementing a "double standard" by refusing to provide discovery materials to defense counsel, while giving them to the television media and civil counsel for a

prosecution witness.

Much of Steve Meadows' misconduct is well documented and fully set out in Mr. Francis' pending Motion to Dismiss. The balance of his misconduct was discovered by the defense following submission of the motion, and after Steve Meadows' nationally televised interview on ABC's *Nightline* program, which aired on November 9, 2007.

In his latest interview, Steve Meadows not only continues to violate the Bar's Rules of Professional Conduct by making prejudicial, pretrial statements, astonishingly he also gave a private viewing of the illegally seized video tape, which was previously *suppressed* by this Court, containing images of child pornography, to *Nightline's* Martin Bashir and ABC's film crew. In so doing, Steve Meadows has not only exacerbated his previous misconduct in attempting to prejudice prospective jurors, he has violated Section 827.071(3) of the Florida Statutes, a *second degree felony*, by presenting and exhibiting a videotape he knew to contain child pornography.

Nightline Interview

On November 9, 2007, Steve Meadows gave a nationally televised interview to television journalist Martin Bashir, of the television news program, *Nightline*. During the interview, Steve Meadows picked up where he left off from his VH-1 remarks by continuing to engage in unprofessional conduct in violation of the Florida Bar Rules of Professional Conduct. Just as with the VH-1 interview, Steve Meadows' statements were made with the specific intent to prejudice every potential Bay County juror, within ear-shot of his televised remarks, against Joseph Francis and his ability to receive a fair trial.

Rule 8-8.4 of the Florida Bar Rules of Professional Conduct addresses lawyer misconduct. In pertinent part, the Rule demands that:

A lawyer shall not:

(a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;

(d) engage in conduct in connection with the practice of law that is **prejudicial to the administration of justice . . .**

(emphasis added)

Furthermore, Rule 4-3.6(a) prohibits a lawyer from making

extrajudicial statement that a reasonable person would expect to be **disseminated by means of public communication** if the lawyer knows or reasonably should know that it will have a substantial likelihood of **materially prejudicing an adjudicative proceeding**.

(emphasis added)

Making his case before a national audience, Steve Meadows tells the country what his opinions are about Joseph Francis' guilt:

"It's child pornography, and we don't allow that to be possessed in Florida...." - referring to the suppressed videotape evidence of the young women after playing the videotape for Bashir and others.

I don't believe they look 18 and the impression is just what they are: a couple of high school girls who left high school class just a few hours before and were brought in by Mr. Francis and his crew into a setting in which they were extremely uncomfortable.

Steve Meadows is commenting publically about evidence suppressed as a result of police dishonesty and misconduct. Prior to the Florida Bar's amendments to Rule 4-3.6 in 1994,¹ the Rule

¹The Defendant's Motion to Dismiss based on Prosecutorial Misconduct referred to both the current version of Rule 4-3.6 and the earlier version of Rule 4-3.6(b)(1 through 6) and 4-3.6 (c). For clarification purposes, this Court is advised that in 1994, the Florida Supreme Court approved the Florida Bar's recommendations for various amendments to the Rules of Professional Conduct. With regard to the 1994 version of 4-3.6, the Rule was amended to follow the United States Supreme Court's decision in the case of Gentile v. State Bar of Nevada, 501 U.S. 1030, 111 S.Ct. 2720, 115 L.Ed.2d 888 (1991). The current version incorporates the "substantial likelihood of material prejudice" standard that the Supreme Court found to be a "constitutionally permissible balance between the First Amendment rights of attorneys in pending cases and the state's interest in fair trials." See, THE FLORIDA BAR RE AMENDMENTS TO RULES REGULATING THE FLORIDA BAR, 644 So.2d 282, 283, 20 Fla. L. Weekly S95,

included various subsections which were subsumed by the amended Rule 4-3.6, as it appears today. Nevertheless, the 1994 version of 4-3.6(b)(5), prohibiting the disclosure of inadmissible evidence, is worth noting here since Steve Meadows' blatant disregard for the spirit of the Rules is clearly illustrated by his commentary. The Rule provided that a lawyer should not disclose:

[i]nformation the lawyer knows or reasonably should know is likely to be inadmissible as evidence in a trial and would if disclosed create a substantial risk of prejudicing an impartial trial.

Finally, Meadows tells the country that Joseph Francis is guilty. Again, the 1994 version of the Rules of Professional Conduct, subsumed by today's version of Rule 4-3.6, expressly prohibits any public statement regarding any opinion as to guilt or innocence of a defendant or suspect in a criminal case or proceeding. (R. Regulating Fla. Bar 4-3.6(b)(4) (1994).

He is culpable because you can't escape culpability by telling a cameramen, 'I want you to do this. And you go in there with these young girls and you film these types of activity. And I'm gonna stand right outside the door here. And we'll talk and converse and if an issue comes up, speak to me. But this is what I want you to do.' That's two or more individuals combining to complete a plan of criminal conduct – the very basis of the conspiracy for what he is charged.

(emphasis added)

Steve Meadows' statements to Bashir were offered for no other reason than to publically self-serve and advocate the appropriateness of his decision to prosecute Joseph Francis, and to materially prejudice Joseph Francis' ability to receive a fair trial in his county. Steve Meadows' dual interests are inextricably intertwined in that if his statements are to be believed by those hearing them, then Joseph Francis is guilty even before the first word of trial testimony is ever heard. This is exactly the reason for the existence of Rule 4-3.6. A lawyer shall not make "extra judicial statements" that he reasonably knows will have a "substantial likelihood of materially prejudicing an adjudicative

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proceeding.” id. Could there have been any doubt in Steve Meadows’ mind that his statements to the VH-1 and *Nightline* interviewers could have had any other effect?

Steve Meadows himself proves that the answer to this question is *no*. One need only look to the *Nightline* interview when Mr. Meadows was asked for his opinion regarding the competence of Officer Bagwell. Of course, Bagwell is a central character in Meadows’ prosecution of Joseph Francis. Bagwell was the lead police investigator who lied to this Court in numerous affidavits in support of a number searches which resulted in the seizure, and later suppression of the videotape that Meadows based his prosecution upon. Not only did Meadows *refuse* to answer any of Bashir’s questions regarding Bagwell, his consternation at the very thought of making a disparaging remark on Bagwell’s competence caused Meadows to sweat profusely. Meadows is seen wiping the sweat from his forehead and face. For the Court’s reference, a video copy of the November , 2007 *Nightline* interview is included as “Exhibit A”.

Bagwell, is not charged with a crime nor under criminal investigation by Meadows, for his perjury and official misconduct. Yet, Meadows refused to make any comment about Bagwell, disparaging or otherwise. When it comes to Joseph Francis, however, who *is* presumed innocent and facing serious charges not only in Bay County but in Nevada, Meadows is more than willing to go on national television and make repeated prejudicial statements with the specific intent to prejudice Mr. Francis’ ability to receive a fair trial; even if it means violating the Florida Bar Rules of Professional Conduct.

Steve Meadows continued misconduct leaves no doubt that the only reason for his pretrial, before extrajudicial remarks is to unfairly prejudice prospective jurors against Joseph Francis. His statements serve no legitimate purpose.

Fundamental to the fair administration of our criminal justice system, and a bedrock principle of the Florida Bar's Rules of Professional Conduct, is that lawyers, particularly prosecutors as "ministers of justice,"² refrain from engaging in conduct that they know "will have a substantial likelihood of materially prejudicing an adjudicative proceeding." Steve Meadows has completely abrogated his responsibility as a lawyer and prosecutor by taking every opportunity to do just that; make public statements for the purpose of prejudicing an adjudicative proceeding.

Each of Steve Meadows' prejudicial statements to the national media standing on their own are sufficient to prejudice prospective jurors against Joseph Francis. The cumulative effect of all the statements and their severity, however, virtually guarantee that Joseph Francis will be denied a fair trial.

Telephone Messages to Bay County Residents Left by Steve Meadows

Steve Meadows' efforts to poison any potential jury pool have not been limited to just his statements on national television. The State Attorney has now embarked on a telephone communications campaign by actually targeting and calling the homes of Bay County residents so that they may listen to a recorded message from "*their* state attorney." (emphasis added).

On November 5, 2007, defense counsel received from a Bay County resident an audio copy of the actual recorded message left for him on his answering machine by Steve Meadows. What follows is a transcript of his message:

Hello, It's your State Attorney Steve Meadows. Some Folks seem to think that I am too tough as a prosecutor. Maybe it's because I won't be pushed around by the powerful, **the rich and famous**, the media, **or pornographers who exploit our young people**. Because I promise to work for you and I will continue to fight for equal justice for you and your family. Thank you

²The Florida Bar Commentary to Rule 4-3.8 - Special Responsibilities of a Prosecutor, aptly states that "[a] prosecutor has the responsibility of a minister of justice and not simply that of an advocate.

for your time. This call was paid for by Steve Meadows.

(emphasis added)

A recorded copy of Steve Meadows' message is being included as "Exhibit B".

Though not mentioned by name, Meadows' message is clear that the "pornographer[]" exploiting Bay County's young children, is Joseph Francis. After all, which other "rich and famous" "pornographer[] who exploit[s] [Bay County's] young people" could he be referring to?

On November 6, 2007, WMBB Channel 13 News reporter Jessi Chapin did a piece about Bay county citizens going to the polls to vote in local elections. Chapin reports that "*area residents have received the [Steve Meadows] message, and some say with the state attorney election a year away, it's too soon.*" (emphasis added).

The Bay County residents are exactly correct; it really *is* to soon for Steve Meadows to be launching his re-election campaign. Chapin continues in her report that, in fact, the recorded message from Meadows promising to save Bay county from "pornographers who exploit [Bay County's] young people" has nothing to do with politics, and everything to do with his continued campaign to prejudice potential Bay county jurors against Joseph Francis. Chapin continues "*Meadows says it's not a campaign message – and that he hasn't officially started campaigning.*"

Meadows insertion into the homes of Bay County residents was done for no other purpose than to advance his continued campaign against Joseph Francis right to a fair trial.

Exhibition of Suppressed Evidence and Violation of §827.071(3)

The State Attorney's misconduct in this case is well documented and beyond any legitimate dispute. Steve Meadows' own words during the VH-1 and *Nightline* interviews establish this beyond doubt. As egregious as his misconduct has been in making repeated and deliberate prejudicial

pretrial statements that he knew were going to be telecast nationally, Meadows manages to surpass that misconduct when he played for Martin Bashir the suppressed videotape evidence which Steve Meadows has alleged all along to contain child pornography.

The only plausible explanation for Meadows' decision to play the tape to a journalist, whom he knew would be airing a national broadcast about the case, was to shock and offend Mr. Bashir in the hope that doing so would create an "independent" advocate to endorse and broadcast Meadows' message, with the practical effect being to prejudice potential jury pool members against Joseph Francis. There can be no other legitimate reason for Meadows' conduct.

Violation of Florida Statute §827.071(3)

Florida Bar Rule of Professional Conduct 8-8.4 - Misconduct

A lawyer shall not:

- (a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another
- (b) **commit a criminal act** that reflects adversely on the lawyer's honesty, trustworthiness, **or fitness as a lawyer in other respects;** (emphasis added)

In addition to his numerous and significant violations of the Florida Bar Rules of Professional Conduct, Steve Meadows, and at least two of his assistant state attorneys, have also violated §827.071(3) of the Florida Statutes, on at least three separate occasions.

The first occasion, by Assistant State Attorney Mark Graham, involved his dissemination of a copy of the contraband child pornography videotape to one of the young girls in the videotape, D.D., and her civil attorney, Thomas Dent. Mr. Dent represented D.D. in her federal civil action against Mr. Francis.

According to the sworn deposition testimony of D.D., Graham brought the videotape to her

home and left it with her so that she and her attorney could review it in advance of her criminal deposition which had been scheduled. The following is an excerpt of D.D.'s sworn testimony:

Q: Did you review a videotape yesterday?

A: Yes.

Q: And that was a videotape of the shower scene?

A: Yes.

Q: Was that the same tape as the shower scene?

A: Yes.

Q: Who was present when you reviewed the tape?

A: When I looked over the tape?

Q: Yes.

A: I was the only one watching.

Q: Was anyone else in the room?

A: Yes.

Q: Who?

A: Thomas Dent, but he wasn't watching.

Q: Was Mr. Graham present?

A: No.

Q: Where did it take place?

A: At my house.

Q: How did Mr. Dent get the tape?

A: **From Mr. Graham.**

Q: Were you there when Mr. Graham gave Mr. Dent the tape?

A: Yes.

Q: Where did Mr. Graham go after that?

A: He left.

Q: Left your house?

A: Yes.

Q: So it was just – I’m sorry, it was just you and Mr. Dent and no law enforcement when you were watching the tape; is that correct?

A: Right.

Q: Did Mr. Dent take the tape with him or leave it with you?

A: He left – or he took it with him.

(Deposition of D.D. July 7, 2005, pp. 9-10.), attached hereto as “Exhibit C.”

Not only did Mark Graham’s actions violate Section 827.071(3) by disseminating child pornography, both D.D. and Mr. Dent were in violation of 827.071(2) by being in possession of child pornography. In light of Mr. Meadows’ remarks on *Nightline*, *acknowledging* that it is illegal to possess child pornography in Florida, it is surprising that he would create the circumstances necessary for D.D. and Mr. Dent to do exactly that. It is clear that Steve Meadows made his own exception to Florida law, placing D.D. and Mr. Dent in jeopardy of criminal prosecution, in an effort to ensure that his “star” witness would be fully prepared to answer Mr. Francis’ criminal defense attorney’s questions at deposition. Not only is this conduct outrageous, it provides further evidence of Steve Meadows’ true intentions as to Mr. Francis.

The second instance involves Steve Meadows personally. The evidence of his criminal

conduct is captured in living color on the *Nightline* program which aired on November 9, 2007, on ABC. Mr. Meadows is seen standing with Martin Bashir and others as they watch what Steve Meadows knows to be videotape of child pornography. Steve Meadows is seen on the program appearing appropriately dismayed about the content of the material he is showing to Bashir and ABC's TV crew, all the while completely indifferent to the fact that he is not only committing a serious felony, he is also violating the privacy rights of the children depicted on the videotape. Under these circumstances, no one, *including* Steve Meadows, had a right to watch the sexual exploitation of these minors. The fundamental philosophy behind criminal laws against the possession and dissemination of child pornography is that the child victims of sexual exploitation and abuse are re-victimized every time the illegal images or videos of their sexual abuse are viewed.³

Moreover, there is no doubt that Martin Bashir and the others in his film crew were shown actual footage of the children engaging in sexual activity. During Bashir's interview segment with Joseph Francis, he asked Francis if he "agreed with Meadows' characterization of the tape." Francis replies, "I haven't seen the tape and that tape has been characterized to me very differently." Bashir then counters by informing Joseph Francis that "during the filming, the cameraman offers increasing amount of money, from \$50 to \$400, to get the 17 year-olds to perform certain explicit acts. On two occasions, the girls say they don't want to do what's being asked."

Under highly restrictive controls, defense counsel recently reviewed the entire videotape on October 17, 2007. Both memory and written notes taken while viewing the videotape confirm that at the point in time when the girls were being offered increased amounts of money to perform the

³ *The Adam Walsh Child Protection & Safety Act*, H.R. 4472, 109th Cong., 2d Sess. § 501 (2)(D) (2006).
"Every instance of viewing images of child pornography represents a renewed violation of the privacy of the victims and a repetition of their abuse."

explicit acts to which Bashir refers, the two girls were nude in the shower and were already in the process of sexual conduct, as defined by Section 827.071(1).

Finally, the last known instance is believed to have occurred on the afternoon of November 9, 2007, when Assistant State Attorney, Joe Grammar, was seen by WMBB reporter Bree Sison with a copy of the child pornography videotape. When questioned by her, Grammar replied that “the office shared the tape with *Nightline* because show producers made a public records request.” (Bree Sison report, Local People to Appear on National TV for Joe Francis Case, November 9, 2007).

The idea that Steve Meadows authorized the further dissemination of suppressed videotape evidence containing child pornography, because he was asked for it pursuant to a “public records request,” is not only criminal, but outrageous prosecutorial misconduct.

Ostensibly, *Nightline*'s public records request was made pursuant to Section 119.07(1) of the Florida Statutes. Not only does Section 119.071(2)(c)1 specifically exempt from 119.07(1) disclosure “[a]ctive criminal intelligence information and active criminal investigative information,” subsection (2)(h)1 and 2 specifically exempt the identities of victims of sexual offenses under Chapter 827, from disclosure under Chapter 119.07(1).

119.071(2)(h)1,2 states in pertinent part:

(h)1. Any criminal intelligence information or criminal investigative information including the photograph, name, address, or other fact or information which . . . may reveal the identity of a person who is a victim of any sexual offense, including a sexual offense proscribed in chapter [] 827, is exempt from s. 119.07(1) and s.24(a), Art. I of the State Constitution. 119.071(2)(h)2 states:

“In addition to subparagraph 1., any criminal intelligence information or criminal investigative information that is a . . . videotape, or image of any part of the body of the victim of a sexual offense prohibited under chapter [] 827, regardless of whether the . . . videotape or image identifies the victim, is confidential and exempt from s. 119.07(1) and s.24(a), Art. I of the State Constitution...”

The stated reason for supplying the videotape to *Nightline* as being pursuant to a 119.07(1) request is absurd and a mere pretext. Meadows' actual reason for providing the videotape was to further his interests in prejudicing the potential jury pool against Joseph Francis. Meadows most certainly is aware of the exemptions to public records requests for open criminal prosecutions and investigations. Nevertheless, he turns a blind eye not only to the exemptions, but to the privacy rights of the victims in whose interests the exemptions were enacted.

Even if Meadows was unaware of the legal exemptions to *Nightline's* request, the videotapes are, *per se*, contraband. Meadows' belief that disseminating this contraband was permissible under the public records law, is no less absurd than had he provided a kilogram of cocaine to *Nightline* because they made a public request for it in connection with a drug case they were giving on their next program. Meadows' stated purpose for providing the videotape falls under additional skepticism in light of the fact that when defense counsel made an oral discovery request for a copy of the tape to ASA Bill Lewis on October 17, 2007, we were refused a copy, being told that the tape was contraband and that if we wanted to see it, we could only do so in his office with police supervision.

The Florida legislature has made it a crime for *any person*, including a public official, to promote the sexual performance of a minor. Section 827.071(3) states in pertinent part:

827.071 . Sexual performance by a child; penalties

(3) A person is guilty of promoting a sexual performance by a child when, knowing the character and content thereof, he or she produces, directs, or **promotes** any performance which includes sexual conduct by a child less than 18 years of age. **Whoever** violates this subsection is guilty of a felony of the second degree . . . ,

Section 827.071(1) gives the following applicable definitions:

(1) As used in this section, the following definitions shall apply:

(b) "Performance" means any play, motion picture, photograph, or dance or **any other visual representation exhibited before an audience.**

(c) "Promote" means to procure, manufacture, issue, sell, give, provide, lend, mail, deliver, transfer, transmute, publish, distribute, circulate, disseminate, **present, exhibit,** or advertise or to offer or agree to do the same.

(g) "Sexual conduct" means . . . masturbation, actual lewd exhibition of the genitals, actual physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person is female, breast, with the intent to arouse or gratify the sexual desire of either party . . ."

(h) "Sexual performance" means any performance or part thereof which includes sexual conduct by a child of less than 18 years of age.

(emphasis added)

Child pornography is contraband⁴ and may not be legally possessed or exhibited except under the strictest of limitations. Not even defense counsel in connection with representing a criminal defendant, charged with possessing child pornography, is permitted a copy of the State's evidence pursuant to a Discovery demand, absent a court order. Even then, while in lawful possession of such contraband, the defense attorney would be in violation of Section 827.071(3) if he were to show any part of the child pornographic images to persons not expressly permitted by the court's order.

Steve Meadows is well aware of the prohibition against disseminating child pornography, even pursuant to a request under F.R. Crim.P. 3.220. In February, 2004, his Assistants, Dustin Stephenson and Mark Graham, filed a reply in opposition to Mr. Francis' then legal counsel's motion to compel a video tape of one of the young girls in question who, days before, "flashed" her breasts to the Girls Gone Wild cameras. Even though the applicable case law is well established that a "child" exposing her breasts was not child pornography, The State Attorney insisted that it was and

⁴See, United States v. Kimbrough, 69 F.3d 723 (5th Cir. 1995), *cert. denied*, 517 U.S. 1157, 116 S.Ct. 1547, 134 L.Ed.2d 650 (1996), finding that "[c]hild pornography is illegal contraband."

refused to provide the videotape pursuant to the Discovery demand, claiming that it was contraband.

A copy of the State's responsive pleading is attached as "Exhibit D".

Notwithstanding a prosecutor's legal authority to possess child pornography in connection with a criminal investigation or prosecution, he holds no legal authority to disseminate, present or exhibit the contraband to persons not expressly authorized by the Criminal Rules of Procedure or court order.

In State v. Ross, 792 So.2d 699 (5th Dist.Ct.App. 2001), a defendant charged with possessing material depicting sexual conduct by a child made a request for a copy of the contraband child pornography pursuant to F.R.Crim.P. 3.220. At a hearing on his motion to compel the materials, "the state argued that the images were contraband and thus could not be lawfully possessed by Ross, *nor lawfully disseminated* by the Florida Department of Law Enforcement (FDLE). The State noted that while section 893.13(8) of the Florida Statutes (1999) provides a statutory exception for the delivery of controlled substances for the purpose of research and testing, *no similar exception exists for the possession of child pornography*" *Id.* at 700. (emphasis added).

The prosecutor's assertion in *Ross* that not even FDLE could lawfully disseminate child pornography, and that there is no statutory exception for the possession of child pornography, was affirmed by the district court in its written opinion reversing the trial court's order granting *Ross*' motion to compel.

Of course, Steve Meadows was aware of the *Ross* decision, given that his assistants relied on that case in support of their response in opposition to the motion to compel.⁵

Steve Meadows played the videotape for reasons having nothing to do with his obligation

⁵The State's responsive pleading to Mr. Francis' Motion to Compel is attached as "Exhibit C".

to the defense under F.R.Crim.P. 3.220, or any other legitimate investigative or judicial proceeding. His actions were not authorized by this Court and were outside the legitimate performance of his duties as the State Attorney. Moreover, just as FDLE could not legally disseminate child pornography that it was legally in possession of in *Ross*, Steve Meadows was prohibited by law from doing so when he presented the videotape to Martin Bashir and others.

The irony of Meadows' actions in playing the videotape, is that Steve Meadows is prosecuting Joseph Francis under Section 827.071, because the two young women in a hotel room shower, performing sexual acts on themselves and each other, were only months shy of turning 18. Meadows charged Mr. Francis even though both young women voluntarily participated in the filming, were seen on the videotape lying about their ages, were videotaped signing releases giving permission for their images to be used and acknowledging that they were 18 years old. Both of the young women were physically mature, well-endowed, one had a tattooed buttock and both could easily be mistaken to be 18 years of age or older.

Steve Meadows, on the other hand, *knowing* that the young women in the video tape were children, personally invited Martin Bashir to view the very video tape of child pornography upon which he bases his prosecution of Joseph Francis.

As the State Attorney, Steve Meadows is Bay County's chief law enforcement official. One would presume that he, better than anyone else, would know that the presentation or exhibition of child pornography is a crime. Meadows' conduct in exhibiting the naked bodies of these children engaging in sexual acts was not only illegal, it was morally reprehensible.

Conclusion

Steve Meadows, has engaged in extensive, irreparable and outrageous acts of prosecutorial misconduct, ranging from violations of the Florida Bar's rules, to violation of the criminal laws of this state. The taint created by his misconduct has made it impossible for Joseph Francis to be able to receive a fair trial. The preservation of the integrity of our criminal justice system requires that this Honorable Court dismiss, with prejudice, the two Informations pending against Joseph Francis.

If this Honorable Court does not dismiss the charges, then at a minimum, the Office of the State Attorney for the Fourteenth Judicial Circuit must be disqualified and removed from the continued prosecution of Joseph Francis, given Steve Meadows violations of law and him now being subject to criminal investigation and prosecution.

Additionally, the defendant, Joseph Francis respectfully requests that this Court take custody of all evidence, suppressed or not, in light of the State Attorney's demonstrated inability to properly maintain and safeguard the evidence in this case.

Respectfully submitted,

BLACK, SREBNICK, KORNSPAN & STUMPF, P.A.

Roy Black, Esq., Fla. Bar No. 126088

Maria Neyra, Esq., Fla Bar No. 74233

Mark A. J. Shapiro, Esq., Fla No. 897061

201 S. Biscayne Blvd., Suite 1300

Miami, Florida 33131

(305) 371-6421; Fax: (305) 358-2006

By: 

ROY BLACK, ESQ.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing has been furnished by Federal Express this 12 day of November, 2007 to:

ASA Mark E. Graham
State Attorney's Office
P.O. Box 1040
Panama City, Florida 32402-1040

By: 
ROY BLACK, ESQ.

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