IN THE SUPREME COURT OF FLORIDA

(BEFORE A REFEREE)

THE FLORIDA BAR,
Complainant

Case No. SC20-233

v.

Florida Bar File No.

Terra Neshonda Carroll
Respondent

2020-30,516 (12A)

AMENDED INITIAL BRIEF

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STATEMENT OF THE FACTS

The unlicensed practice of law program was established by the Supreme Court of Florida to protect the public against harm caused by unlicensed individuals. Florida Bar Rule 3-6(a) states that suspended lawyers may perform services that may be ethically performed by nonlawyers employed by authorized business entities. This is an appeal of a Florida Bar Hearing, where Respondent (1) was not permitted to cross examine the Florida Bar's witnesses because Appellant was not permitted into the hearing until after the Florida Bar rested, (2) drafted documents that nonlawyers and paralegals prepare all the time, (3)made contact or sent emails that nonlawyers and paralegals send all the time, (4) disputed a request for a refund from a person that was not the client, (5) attempted to schedule a meeting and did the type of legal research that paralegals do all the time (6) paid a bill that was unrelated to this matter.

Florida Bar Rule 3-6 (d) states that suspended lawyers are prohibited from (1) Client contact, they must not have contact (including in engaging in communication in any manner) with any client (2) Trust funds or property, suspended lawyers must not

receive, disburse, or otherwise handle trust funds or property as defined in chapter 5 of the rules; act as fiduciaries for any funds or property of their clients or former clients, their employers former clients, or the clients or former clients of any entity which their employer is a beneficial owner (3) Practice of Law, suspended lawyers must not engage in conduct that constitutes the practice of law and most not hold themselves out as eligible to do so. The Referee has recommended Respondent be disbarred although Respondent advised him that she has two paralegal degrees (Indian River State College 2003 and University of Central Florida 2005) and of conduct that was more egregious than Respondents' that was committed by the former Florida Bar President and her prison expert/paralegal. Florida Bar Rule 3-6 (b) states that a suspended lawyer may not be employed by or supervised by a lawyer whom that lawyer supervised or employed before the date of the suspension, Respondent has never employed or supervised attorney Emilie Morgan.

Florida Bar Rule 3-6 (c) states that a lawyer employing a suspended lawyer must provide the Florida Bar with a notice of

employment and a detailed description of the intended services to be provided by the suspended before the employment starts. Mrs. Morgan never filed a document that stated that Respondent was employed by her, she has never treated Respondent as an employee after Respondent left the Public Defender's Office, and Respondent has never employed Mrs. Morgan or treated her as an employee. Respondent was supervised by Emilee Morgan at the Public Defender's Office; she assisted Mrs. Morgan while they both were private attorneys in the same way she assisted with documents that were the subject of the Florida Bar Hearing, she would also cover in court for Mrs. Morgan when judges, opposing counsel, and clients had not had contact with Mrs. Morgan whether it was resolving the case or resetting the case for Mrs. Morgan. In 2016, after Respondent was released from Florida State Hospital, Mrs. Morgan contacted her and offered to be her attorney for her criminal case, Mrs. Morgan also asked her to proceed as co-counsel for trials that were set in Manatee and Sarasota Counties in 2017 and 2018. Respondent had agreed prior to 2017 to assist Mrs. Morgan as co-counsel because she is legally blind but Mrs. Morgan did not ask for her assistance until after her release from Florida State Hospital.

Respondent completed three jury trials as co-counsel for Mrs. Morgan: Robert Decola (Sarasota County), Tannis Phillips (Sarasota County), and Cameron Brown (Manatee County). Respondent the jury selections in those trials, made the JOA arguments, and did the legal research regarding JOA arguments and subjects she brought to Mrs. Morgan's attention. Respondent was not paid for any of the work on those cases or any assistance she provided prior to 2017, and although she did not pay Mrs. Morgan for her criminal case, she did pay attorney Carolyn Garber who was added prior to Respondent's second trial. After Respondent's suspension Mrs. Morgan agreed to take over Respondent's cases and did resolve or do work on some of the cases. Respondent did not follow up with Mrs. Morgan regarding whether or not work was done, Respondent believed she had been contacted about the depositions because she knew Respondent would volunteer to do the notice of depositions and draft the subpoenas. Respondent has previously drafted other documents or provided Mrs. Morgan with her documents when contacted prior to her co-counseling trials with Mrs. Morgan. When Mrs. Morgan advised Respondent that she was withdrawing from the cases, Respondent thought it was because the clients were not

paying her. Mrs. Morgan never expected Mrs. Carroll to pay her because Mrs. Carroll never expected Mrs. Morgan to pay her in 2017 and 2018, where she was also providing transportation to Mrs. Morgan before and after court for the trials and hearings. Respondent travelled from Vero Beach to Bradenton and Sarasota daily to assist Mrs. Morgan with the trials and never asked to be reimbursed for her gas or other expenses she incurred while assisting Mrs. Morgan. Respondent paid all travel expenses as she, Emilie Morgan, and Carolyn Garber travelled to Santa Rosa County for her three trials. Respondent paid the process server that she had a relationship with in her own criminal cases and paid for her own transcripts, ect. She also drafted most of the documents that were submitted to the court in her criminal case and did most of the research that was utilized in her criminal case. Respondent either drafted her own post-conviction motions for her criminal case or assisted Carolyn Garber in drafting them and drafted post-conviction motions for Emilie Morgan after the Sarasota and Manatee County trials. Every trial that Respondent was attorney of record for as a private attorney was completed solo, including the

trials she won in 2017. Very few attorneys can say they've won the majority of their trials but Respondent can.

There was a hearing regarding the Florida Bar accessing cell phone records that were not relevant to this matter. Respondent sent emails after a hearing regarding her inability to hear the Florida Bar attorney's argument regarding her cell phone records, she also advised the Referee during the hearing that she could not hear the Florida Bar attorney's arguments. (See Exhibit 7, emails between the court reporter & respondent and emails between Florida Bar counsel & Respondent). Respondent contacted a court reporter for her deposition, she provided the court reporter with emails that she sent to the Florida Bar's attorney after the hearing, and she was advised that a link would not be used to enter the Zoom hearing, that the hearing would be entered through Zoom's website. On the morning of the December 14, 2020 hearing, Respondent was not able to enter the hearing; she emailed both the Florida Bar's attorney and Judge Peter Bell's judicial assistant and did not receive a response until after the Florida Bar finished their case. When Respondent entered the hearing she was advised that

the Florida Bar had completed their case, released their witnesses, and whether she had any witnesses. The Florida has harassed Respondent since her release from Florida State Hospital, by contacting her repeatedly about Bar Complaints that we're submitted the week she was convicted in January 2018 and submitted shortly after her suspension in March or April 2018. Respondent replied and provided everything that the Florida Bar has requested for the complaints to still be open, one of the complaints is from a spouse of a sheriff's deputy with the Manatee County Sheriff's Office. The Manatee County Sheriff's Office is within the Twelfth Judicial Circuit and Respondent has been constantly treated poorly by officers during depositions and during jail visitations regarding her clients throughout her career. The Florida Bar has made comments toward Respondent regarding "be safe out there" after she has complained about Florida Bar Counsel's handling of her neverending investigations last year. The "taunt" was about COVID, bar counsel knows that Respondent has a heart condition. As the instant case has preceded, Respondent advised bar counsel she worked from 9 a.m. Tuesday morning until Sunday 9 a.m. with foster care boys who are teenagers and would

be unavailable, she requested that bar counsel not harass her while at the job because the boys were at risk youth. Bar counsel would intentionally wait until Respondent returned to work to contact Respondent with questions or demands, rather than contact her on Mondays. One morning bar counsel had someone from the Florida Bar contact her insinuating she needed to be evaluated because she was "acting out of character". Respondent repeatedly questioned bar counsel about the constant harassment as to whether it was racial harassment or sexual harassment. (See exhibit 8, emails regarding Florida Bar Complaints & Respondent's complaints to bar counsel's supervisor).

SUMMARY OF THE ARGUMENT

Respondent committed no willful act or omission calculated to lessen this Court's authority, the Manatee Circuit Court's authority, or the Florida Bar's authority or dignity. *See* Woodie v. Campbell 960 So.2d 877. Respondent in January or February of 2018 asked this Court to delay her suspension. She advised that speedy trial ran in March 2018 for Mr. Guffey's case and that she was prepared to proceed to trial in March 2018, this request was denied unfairly

and ultimately resulted in this current matter before the Court. *See also* M.W.V. v. Loftheim 855 So.2d 683. The Report of the Referee incorrectly states that Respondent worked on Mr. Guffey's case after her suspension, Respondent has attached her original motion to remind this Court that she advised she was ready for trial and wished to resolve Mr. Guffey's case in March of 2018 because of the fact that she never waived speedy trial and the trial would have had to have proceeded in March/April 2018. Mr. Guffey's charges were ultimately dropped, it was because of Respondent's hardwork in being ready for trial within the speedy trial period.

In Dept. of Health v. Rehab Ctr at Hollywood Hills 259 So.3d 979, 982 (1st DCA 2018), the final judgement ordered the Department to produce the death certificates to Hollywood Hills, without addressing the Department's statutory duty to safeguard confidential and exempt information contained in the death certificates. Respondent has reviewed the Florida Bar Rules, Respondent sees that she has broken no Florida Bar Rules or the court's order. In St. Onge v. Carriero 252 So.3d 1280 (1st DCA 2018), the marital settlement agreement did not contain a definition

of dental expenses. A portion of the agreement, which was left blank, specifically referred to medical, dental, and orthodontic expenses as three separate categories. *id*. at 1280. The First District Court said that it was error for the trial court to find that payment for orthodontic expenses was implied in the requirement to pay for dental expenses.*id*. at 1280. It appears that both the Referee and the Florida Bar are stating that the Florida Bar Rules imply Respondent could not do the things she did regarding Mr. Guffey, although she has two paralegal degrees.

In Lynne v. Landsman 1D20-350 (2020), at the contempt hearing the former wife argued she did not interpret a provision to mandate daily phone calls from the former husband to the children during her time. The First District Court of Appeal held that the language of the provision was not clear and precise to place the former wife on notice of what her conduct had to be when the former husband called during time sharing. (page 3). The Court agreed with the former wife that the trial court improperly held her to a standard it imposed after clarifying the parties final judgement during contempt proceedings. (page 5); *see also* Kane v. Sanders

232 So.3d 1107 (3rd DCA 2017). The Florida Bar and the Referee have held Respondent to a standard that it does not hold other lawyers to, such as the former Florida Bar President and her paralegal/prison expert where his behavior is obviously the practice of law where he is in direct contact with the client without an attorney present, attending Presentence Investigation meetings, and sitting at counsel table with a client where he failed to advise a judge that he was not a lawyer after incorrectly being identified as a lawyer.

In Reder v. Miller 102 So.3d 742 (2nd DCA 2012), the Second District Court of Appeal reversed an order of contempt where appellant's actions did not violate the clear terms of an order entered by the court, and the trial court's finding of contempt was based on the trial court's intent rather than the plain language of the orders. Respondent has clearly not violated any court order or the Florida Bar Rules that apply to the allegations, although the Florida Bar has constantly requested that Respondent be disbarred and attorneys and judges would prefer Respondent be disbarred; Respondent has not violated the plain language of the Florida Bar

rules of the court order that suspended her. In Menke v. Wendell 188 So.3d 869, 872 (2nd DCA 2015), it was undisputed that no order was entered in response to the motion to compel. The Court held that the absence of a court order prevented a proper finding that the party was in willful violation of a court order. *Id.* at 873. Mr. Brown is unaware that I drafted the subpoenas in his case and that I paid an invoice for his subpoenas, Mrs. Morgan had never used the process server that the subpoenas were sent to. Respondent not only paid for the subpoenas in Mr. Browns case, but she also paid for the subpoenas that were served in her criminal case in Santa Rosa County. It cannot be a violation of the rules to be certain that a person you request to do something is paid, especially when there has been a business relationship that you have had with them for years and they are reliable.

In Woods v. State 987 So.2d 669, the use of a single profane word during a closed circuit television first appearance was unlikely to constitute direct criminal contempt. I did not believe paying for the subpoenas would be a violation of the Florida Bar Rules or the Court's order regarding my suspension, I have paid expenses for

former clients of mine since being suspended that have nothing to do with the law or criminal charges. If this Court finds that any of the behavior of Respondent's that the Florida Bar has alleged is the unauthorized practice of law or were in violation of a court order or were in violation of the Florida Bar rules, that specific conduct is not enough to justify that Respondent be disbarred when the Florida Bar Rules specifically references the conduct of nonlawyers and paralegals. A paralegal is a person that does legal research for a lawyer, they draft documents and memos for lawyers, they schedule depositions and other meetings for lawyers, they draft letters for lawyers, they draft emails for lawyers, they make phone calls for lawyers, they attend meetings for lawyers; a paralegal cannot give out legal advice and sit in a courtroom or a meeting and advocate for a client. A paralegal cannot have clients or be paid by clients. Why would paralegals have to know how to draft documents and do legal research before graduating from a paralegal program if those behaviors are "the practice of law"? (Please see Exhibit 1, Respondent's UCF transcripts). In Smith v. Sate 954 So.2d 1191, the judge did not like the way a public defender handled an argument but it was determined not to be contempt. *See also* Wiggs

v. State 981 So.2d 576; Rudolph v. State 832 So.2d 826. The Referee may not have liked the way I spoke up about the harassment I've received from the Florida Bar, the disrespect I've received from the Florida, or the discriminatory way that I've been treated by the Florida Bar, but that cannot be used as an excuse to say that I've been abusive to the people who have been abusing and bullying me. (See attachment 2, emails between the Respondent and the Florida Bar).

ISSUE ONE:

Respondent's due process rights were violated when Respondent was not permitted to enter into her Florida Bar hearing until after the Florida Bar finished their case. *See* T. B. v. R. B. 2D14-1020; Garrett v. State 876 So.2d 24 where it was error to find contempt without giving an opportunity to present mitigating circumstances. Respondent has no idea as what the testimony was that was presented prior to her being allowed into the hearing. Respondent was not allowed to depose the Florida Bar's witnesses prior to the hearing because when she inquired about it with the Referee, regarding Mrs. Sharie and Mrs. Morgan being deposed on

the same day she was deposed, she was told that only she would be deposed on that day. The Referee's order does not mention depositions of Mrs. Morgan or Mrs. Sharie, although she did request to depose them. Respondent advised the Referee during the hearing that she could not "hear" what was being argued by the Florida Bar. Respondent noticed that both the Referee and opposing counsel continued without her or acknowledging or addressing the fact that she could not hear what had just been said. At first the Referee agreed to turn over Respondents cell phone records although they were not discoverable using the excuse of authentication. He wanted to even provide the Florida Bar with private conversations and information contained within Respondents text messages with only the excuse that the text messages the Florida Bar requested needed to be authenticated. The Florida Bar or Mrs. Sharie cut and pasted text messages that was presented to this Court when the Florida Bar first requested that Respondent be held in contempt, at the hearing Mrs. Sharie said that it was not her who had cut and paste the text messages. This is where Respondent was noticed that she would not be treated fairly prior to her final hearing, so Respondent sent emails and took

pictures of her IPad screen when she was not allowed into her hearing. Respondent requests a new hearing before a new Referee because should have been allowed to object to objectionable behavior or statements, like when she observed Mrs. Sharie reading from notes provided by her brother during the hearing, Respondent does not know how often this occurred while the Florida Bar presented its case to the Referee (See exhibits 3 and 4, photos and emails from the date of the hearing). Disbarment is not appropriate where Respondent's due process rights were violated when Respondent was not permitted to enter into her Florida Bar hearing until after the Florida Bar finished their case.

ISSUE TWO:

Disbarment is not appropriate where the Referee has ignored that fact that drafted documents, legal research, and contact between Respondent and the person who hired her are not within in the categories of impermissible behavior for nonlawyers or suspended lawyers. The documents and correspondence that were mentioned during the hearing and within the report of the Referee are they types of correspondence and documents that secretaries,

paralegals, legal interns, and nonlegal employees draft and send all the time. Prior to becoming a lawyer, Respondent interned as a paralegal with the office of the Paralegal within the Office of the Public Defender within the Nineteenth Judicial Circuit, in Ft. Pierce Florida and as an Attorney Intern with the Guardian Ad Litem Program in the Eighteenth Judicial Circuit, in Gainesville Florida.

Respondent did legal research both as a paralegal and as a legal intern. Respondent did legal research prior to beginning her bachelor's degree, while she was out of college for a semester prior to moving to Orlando to attend the University of Central Florida. Respondent as all paralegals are, was taught to use both Westlaw and LexisNexis while at Indian River State College and was able to research while interning as a paralegal for the Office of the Public Defender in Ft. Pierce, Florida. Respondent was taught to use Fastcase and that it was free through the Florida Bra while an attorney intern at the Guardian Ad Litem Program while at UF Law School. *"When a final judgement or order is not sufficiently explicit or precise to put the party on notice of what the party may or may not do, it cannot support a conclusion that the party willfully or wantonly*

violated that order. Keitel v. Keitel 716 So.2d 842, 844 (4th DCA 1998). " Dept. of Health v. Rehab Ctr at Hollywood Hills 259 So.3d 979, 982. ***Respondent wonders why is that a suspended lawyer would have access to FastCase THROUGH THE FLORIDA BAR PORTAL if it is unlicensed practice of law to do legal research if you are a suspended lawyer.***

Respondent never had any contact with Kenneth Guffey after her suspension and never sent him any messages through another attorney or Mrs. Sharie. Respondent's comment regarding medical records and the jail protecting Mr. Guffey was not a message sent to Mr. Guffey, Respondent herself was herself a victim of violence and threats of violence while Respondent was in the medical pod at the Santa Rosa County Jail awaiting evaluations for competency and transport to Florida State Hospital. Respondent herself as no experience in civil litigation and was not providing legal advice. Respondent after being released requested her medical records from both Santa Rosa County Jail and Florida State Hospital, the records did in fact confirm that Respondent was a victim of violence at Florida State Hospital. What was Respondent supposed to say,

when herself as a victim of violence while in detained pretrial, to a sibling that was informing her rather than seeking her advice regarding what would happen as a result of Mr. Guffey being attacked. Suspended or practicing Respondent has a duty to remain professional in her communications with persons that are involved in any manner in a matter that she was previously involved in as an attorney. Mr. Guffey was incarcerated for about a quarter of a century, he was most definitely aware of what he needed to do in order to report the violent attack and request that he be moved to a safer area of the jail, the conversation indicates that is what was done prior to Respondent being informed about the attack.

At the hearing it was obvious that Mrs. Sharie was reading from notes provided to her by her brother. The specific conduct or acts that the Florida Bar Rules forbid, are not alleged to have been committed by Respondent in this matter that is currently before the Court. Respondent provided all communication she had with both Mrs. Morgan and Mrs. Sharie, there's no attempt to communicate with Mr. Guffey and there's nothing about Mrs. Morgan not resolving Mr. Guffey's case so that Respondent could resolve it, Mrs.

Morgan did in fact resolve one of the cases and was scheduling and conducting depositions in other cases. Respondent has never allowed another attorney to do depositions in any of her cases, I've always conducted my own depositions, so if Mrs. Morgan were simply "holding " cases, she would not have been appearing at depositions in the cases she stipulated into that belonged to Respondent and she would not have been actively working on the cases, there is nothing to corroborate the "allegation" that Mrs. Morgan was holding onto Mr. Guffey's case, Respondent was aware that Mrs. Morgan did not like Mr. Guffey and Respondent should have been allowed to cross examine her about that. When she sent the text message that she was withdrawing, Respondent believed it was because she wasn't being paid. Respondent provided text messages where she advised her former clients that Mrs. Morgan needed to be paid, obviously if Mrs. Morgan expected to be paid, she expected to do legal work and not just receive money without providing legal representation. (See Exhibit 5, text messages between Mrs. Morgan and Respondent).

The Florida Bar rules specifically stated that Respondent could not contact Mr. Guffey or send him any messages, there has never been an allegation or proof that I sent Mr. Guffey any messages or contacted Mr. Guffey, it was Mrs. Morgan who was in contact with Mr. Guffey. The Referee comments about Respondent reminding Mrs. Sharie not to be on the phone discussing her brother's case, this is not legal advice, where every phone call from a jail advises that phone calls are recorded. This is also not legal advise where a paralegal knows that people should not be discussing cases on a recorded phone, Respondent did not request that Mr. Guffey be reminded, it was a reminder to Mrs. Sharie. Respondent did not ask Mrs. Sharie why she was reviewing the trial transcripts from the rape and kidnapping convictions, where she had gotten them from, or what exactly she learned from them, she did not bother her that it was a terrible idea for she and Mr. Guffey to be discussing the transcripts. Respondent was never present for any conversations or visits that Mrs. Morgan had with Mr. Guffey after I was suspended. At the hearing Mrs. Morgan admitted that Respondent gave her the Williams Rule research, up until the Florida Bar hearing Respondent was unaware where she had placed the research that

she had pulled from old files as she was throwing out old documents and research that she would not need while suspended. Respondent advised the Florida Bar, she could not locate the research, as it turns out it was because Mrs. Morgan had already been provided the research, as paralegals in the whole entire U.S. do when they've conducted research for an attorney. Mrs. Sharie was not able to state the names of the cases or what the cases were about because the research was never discussed with Mrs. Sharie. Mrs. Sharie texted Respondent after she was suspended that he brother had her reviewing transcripts from the prior rape, attempted murder, and kidnapping conviction. Mrs. Sharie did not discuss these transcripts with Respondent or ask her to review them because Mrs. Sharie was aware that as part of her suspension she was not allowed to assist Mr. Guffey or herself with whatever they were attempting to accomplish by reviewing the transcripts. The transcripts which contained the "Williams Rule" evidence were never provided to Respondent, she was unaware that Mrs. Sharie had the transcripts prior to the text. During the meeting at the library, Respondent never inquired about the transcripts, nor did she inquire about them before the meeting or after the meeting. The

testimony, text messages and emails that were provided are clear that Respondent never discussed those transcripts with anyone or made a request for them.

The drafted documents, legal research, and contact between Respondent and the person who hired her are not within in the categories of impermissible behavior for nonlawyers or suspended lawyers. *See* Miller v. Florida 2D12-2161. In Respondent's response regarding "legal research " being referred to as practicing law, Respondent advised that she was taught to do legal research before she graduated from Indian River State College in 2003 and taught to do so again before graduating from the University of Central Florida in 2005. Respondent is wondering if she's the first attorney to be accused by the Florida Bar of practicing law because she did some legal research. Respondent had to mail her clients in prisons their files, while throwing out old research, Respondent kept the legal research that would apply to Mr. Guffey's "Williams Rule" issue. Respondent advised the Florida Bar that more than likely she had already given Mrs. Morgan Mr. Guffey's discovery prior to her suspension. At the hearing on December 14, 2020 Mrs. Morgan

advised Respondent that she had given her the legal research. Respondent provided all of the emails and text messages that she exchanged with Mrs. Morgan, no electronic copies of the research as provided. Mrs. Morgan lied at the hearing when asked whether or not the State Attorneys office prints her discovery and mails it to her because she's blind.

ISSUE THREE:

Disbarment is not appropriate where Respondent had an obligation to discuss the fee dispute that came up in a meeting that was originally supposed to be at a restaurant, where no documents, discovery, lawyer's notes, or case law was shown, reviewed, provided, or discussed. During the hearing, Mrs. Sharie admitted the meeting was supposed to be at a restaurant, she was specifically asked whether she would have sat in a restaurant with Respondent and discussed a rape of a child (the case Respondent was hired for) and the prior rape, kidnapping, and attempted murder conviction (the Williams Rule evidence) and she stated no, that was not the agreement and no such discussion would have occurred in the restaurant. Her response to that specific question is

proof that the meeting was never to discuss trial strategy, emails and text messages confirm that she wanted to "meet" Mrs. Morgan and Respondent in person while vacationing in Florida.

Florida Bar Rule 4-1.5 discusses fees that are charged by lawyers. Respondent had an obligation to discuss the fee dispute that came up in a meeting that was originally supposed to be at a restaurant, where no documents, discovery, lawyer's notes, or case law was shown, reviewed, provided, or discussed. *See* Cordero v. State 75 So.3d 838 (2nd DCA 2011); Beckford v. State 964 So.2d 793; Hunter v, State 855 So.2d 677; Tide v. State 902 So.2d 1060; Hagen v. State 898 So.2d 977; and Rhodes v. State 817 So.2d 1089. The communications between Respondent & Mrs. Sharie and Mrs. Morgan & Respondent show that Mrs. Sharie advised she would be in Florida vacationing, she was told the meeting needed to occur in Manatee County with Mrs. Morgan present, it was because either Mrs. Sharie or Mrs. Morgan that the meeting couldn't occur at the agreed upon times, and that it was because of handicapped adults/children that Mrs. Sharie said she would be unable to travel to Manatee County. At the hearing, Mrs. Sharie advised Respondent

that it was determined that she had earned the fee because of the work she did on the case in the beginning. The Florida Bar attorney lied to Respondent and advised that the committee had not ruled in her favor, after the committee reviewed the complaint regarding respondent, the Florida Bar's attorney advised Respondent that she believed she had been practicing law while suspended. Respondent objected to the complaint being reviewed by the committee in Sarasota because of past discrimination she that occurred to her within the Twelfth Judicial Circuit. The Florida bar advised it went to Sarasota because that's where her office had been located at the time she was practicing law, rather than in the Nineteenth Judicial Circuit where she lives.

ISSUE FOUR:

Disbarment is not appropriate where the Florida Bar and the Referee inappropriately alleged or assumed that Respondent used lawyer fees to pay for a former client's subpoenas to be served on short notice for depositions, where Respondent had refunded the client's money and had essentially appeared at court on his behalf

for free because of the things they had discussed regarding his background.

I gave Tyrone Brown a refund of the $500 down payment that I received for his case prior to my suspension. While listening to my argument during the hearing the Referee agreed with Respondent that it was not fair to all of a sudden bring the assumptions up about Tyrone Brown, without notifying me that they'd allege I'd used client fees that had been paid by Mr. Brown to pay for the subpoenas. Respondent would have been able to produce Mr. Brown or the person who loaned Mr. Brown the $500 to testify that the $500 have been refunded and that they were unaware that's I'd paid for the subpoenas. They would have also have been able to testify that they felt as if Mrs. Morgan would be the attorney to resolve the case and that's why they were instructed in person and by text message they would need to pay her. Mr. Brown was aware that Mrs. Morgan would not represent him for free and that he would need to pay her. Mrs. Morgan appeared for depositions in Mr. Brown's case on two separate occasions, after she requested deposition time and the subpoenas were drafted by Respondent and

signed by Mrs. Morgan. The signed subpoenas were then returned to Respondent to be delivered to the sheriff's office, mailed to the sheriff's office, or sent to a process server. The sheriff office needs a minimum of ten business days to serve subpoenas, the subpoenas Respondent paid for were sent to a process server because there was not ten business between the date the subpoenas were returned to Respondent and the date of the deposition. Florida Bar Rule 4-1.8 (e) states that a lawyer representing an indigent client may pay court costs and expenses of litigation on behalf of the client. Respondent has donated money within almost every community that she has ever lived within since college. Respondent has also volunteered within every community or county that she has ever lived within. Prior to Respondents' suspension, at her own expense Respondent attended school board meetings (traveling from Vero Beach to Bradenton) for indigent students, bought or donated money for school supplies and school clothes for indigent children, paid fees for indigent persons that she did not charge a fee for legal representation. The Florida Bar inappropriately alleged or assumed that Respondent used lawyer fees or client fees to pay for a former client's subpoenas to be served on short notice for depositions,

where Respondent had refunded the client's money and had essentially appeared at court on his behalf for free because of the things they had discussed regarding his background. *See* L.A.R. v. State 2D14-429 (2015). Respondent paid the bill to avoid any conflict regarding when the bill would be paid and by whom, Respondent was not a lawyer that had client pay bills of proves servers although she knew of other attorneys who did.

ISSUE FIVE:

Disbarment is not appropriate where there was never an agreement that Respondent would pay Emilie Morgan for representing her former clients, after Respondent for almost five years had assisted Emilie Morgan for free drafting documents, attending depositions and court hearings, doing legal research, and co-counseling trials. At the hearing Emilie Morgan admitted that she and Respondent worked together at the Public Defender's Office and that was how they met. Mrs. Morgan admitted that they remained in contact after Mrs. Morgan was fired from the Public Defender's Office. Mrs. Morgan admitted to being Respondent's attorney for her criminal case in Santa Rosa County Circuit Case

Number 2016-CF-1406. Mrs. Morgan admitted that there was never an agreement that Respondent was to pay her and that she was aware that the cases she accepted from Respondent money was still owed by the client for legal fees. *See* Remor v. State 991 So.2d 957

Mrs. Morgan admitted that she had no contact with Rhonda Sharie, this means that although Mrs. Morgan had her contact information that she did not speak with her prior to withdrawing from Mr. Guffey's case and that she could not have advised Mrs. Sharie that Respondent agreed to pay her. At the Florida Bar hearing, Respondent heard Mrs. Morgan refer to Mrs. Sharie as Mr. Guffey's agent, Mr. Guffey never used Mrs. Sharie as an agent at all in the case, the decision to hire Respondent was made after Respondent met with Mr. Guffey at the Manatee County Jail, this is why Mrs. Sharie is confused about the date that Respondent was hired. At the December 14, 2020 hearing Mrs. Sharie advised Respondent that it was determined that she had done too much work when she was first hired for the committee to agree that she owed a refund, counsel for the Florida Bar pretended as if no decision had been made regarding the whether a refund was owed.

There was never an agreement that Respondent would pay Emilie Morgan for representing her former clients, after Respondent for almost five years had assisted Emilie Morgan for free drafting documents, attending depositions and court hearings, doing legal research, and co-counseling trials. Mrs. Morgan admitted at the hearing that there was no agreement that she would be paid by Respondent, Respondent is unaware of what Mrs. Morgan's testimony was as the Florida Bar presented their case because she was not allowed into the hearing.

ISSUE SIX

Disbarment is not appropriate when there is proof beyond a reasonable doubt that Respondent is being bullied, harassed, and being discriminated against whether it's because Respondent was not disbarred the last time she was before this Court, she was found incompetent and sent to Florida State Hospital, because she's African American, has not failed at either of her probations she was sentenced as a result of the discriminatory behavior that resulted in her being denied medical care, charged, and convicted of charges none of her white colleagues or peers would have been prosecuted

for, or because prosecutors and other defense attorneys would rather she not use her talent as a trial lawyer fighting for poor people who could not afford her. The emails that are attached show proof that the Florida Bar would never speak to or treat Respondent's white colleagues or peers the way Respondent has been spoken to and treated. Respondent has been bullied of money the Florida Bar should not have been collecting from her and has been repeatedly bullied into responding regarding super stupid bar complaints that should have been closed years ago. This Court nor the Referee have addressed the fact that someone cut and pasted the text messages that we're presented to this Court for the Order to Show Cause and the allegations regarding unlawful practice of law. Mrs. Sharie at the hearing denied being the person to cut and paste the text messages and Florida Bar counsel's failure to address the issue despite being asked about who cut and pasted the text messages, notices this Court that the Florida Bar is doing more than harassing, bullying, and discriminating against Respondent, they are CHEATING TO GET RESPONDENT IN TROUBLE AND IT'S NOT A COINCIDENCE RESPONDENT WAS NOT LET INTO THE HEARING UNTIL AFTER BAR COUNSEL FINISHED HER CASE.

CONCLUSION

Based upon the foregoing facts, authorities, and arguments, the Respondent respectfully requests this Honorable Court to remand the case to the lower court for a new hearing in a different county. Respondent does not deserve to be disbarred, if Respondent did violate any Florida Bar Rules, she did not do so intentionally or willfully. As Respondent was searching for whom to complain to about Mrs. Brown's treatment of her, she was able to find an article regarding the former Florida Bar President using a disbarred lawyer to draft motions, do all the legal work, and meet with her client in her absence. Respondent has noticed while the situation was before the Florida Bar, the disbarred lawyer was being referred to as a prison expert but while in the courtroom before the federal judge who submitted the complaint he was referred to a paralegal. A paralegal who sat at counsels' table and allowed the judge to incorrectly believe he was an attorney, a paralegal who attended a presentence investigation meeting with her client while she and no attorney from her firm was present, a paralegal who was constantly meet with her client without an attorney present, a paralegal she

instructed her client to hire and pay $10,000. (See attachment 6, transcripts from federal court regarding a disbarred lawyer practicing law without a law license and the knowledge, involvement, and participation of the former Florida Bar President). Respondent knows that she's being discriminated against and treated unfairly, this Court needs to make the Florida Bar either close the complaints they had open since 2017 or proceed against Respondent with everything at a new hearing. I don't have a problem with racism or racist people or jealousy or jealous people, if racist and/or jealous people will go as far as they gone within the last four years, and as far in violation of the law and the Florida Bar Rules as they've in gone in 2021 with the hearings and the denial of the right to cross examine and depose witnesses; let's just get it all over at once so that I can address this matter in the way that I intend to do so. Respondent has won more trials than any criminal defense attorney she's been inside of a courtroom with and she did those trials solo, she's either the youngest attorney to win a murder trial solo or the youngest female. Where are the black lawyers who are certified trial lawyers?

_____/s_____

TERRA N CARROLL

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been served on opposing counsel, Katrina Brown Kschaffhouser@floridabar.org, 2002 North Lois Avenue Suite 300, Tampa Florida 33607; Tiffany Roddenberry tiffany.roddenberry@hklaw.com 315 South Calhoun Street 600 Tallahassee, Florida 32301; Kevin Cox kevin.cox@hklaw.com 315 South Calhoun Street 600 Tallahassee, Florida 32301 on Monday August 2, 2021.

CERTIFICATION OF FONT SIZE

I hereby certify that this document complies with the requirements of Rule 9.210(a)(2) regarding font type and size.

_____/s_____
TERRA CARROLL
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myacquittal@gmail.com