

**UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY**

**QUESTIONNAIRE FOR JUDICIAL NOMINEES**

**PUBLIC**

1. **Name**: State full name (include any former names used).

Paul Gregory Byron

2. **Position**: State the position for which you have been nominated.

United States District Judge for the Middle District of Florida

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Overchuck & Byron, P.A.  
20 North Orange Avenue, Suite 810  
Orlando, Florida 32801

4. **Birthplace**: State year and place of birth.

1959; Queens, New York

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

1983 – 1986, Louisiana State University, Paul M. Hebert Law Center; J.D., 1986

1981 – 1983, The University of Michigan; A.B. (with honors & distinction), 1983

1979 – 1981, Miami Dade College; A.A., 1981

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2005 – present  
Overchuck & Byron, P.A.  
20 North Orange Avenue, Suite 810

Orlando, Florida 32801  
Partner

2004 – 2005  
United States Department of Justice  
Criminal Division  
Asset Forfeiture and Money Laundering International Division  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530  
Trial Attorney

2003 – 2004  
NeJame, LaFay, Barker, Byron, P.A.  
189 South Orange Avenue, Suite 1800  
Orlando, Florida 32801  
Partner

2001 – 2003  
United Nations  
International Criminal Tribunal for the Former Yugoslavia  
Churchillplein 1, 2517 JW  
The Hague, Netherlands  
Senior Trial Attorney, Office of the Prosecutor

1991 – 2001  
United States Attorney's Office for the Middle District of Florida  
Orlando Division  
400 West Washington Street, Suite 300  
Orlando, Florida 32801  
Assistant United States Attorney

1990 – 1991  
Maguire, Voorhis & Wells, P.A.  
20 South Orange Avenue  
Orlando, Florida 32801  
Associate

1986 – 1990  
United States Department of Defense, United States Army  
Fort Gordon, Georgia  
Captain, Judge Advocate General's Corps

1984 – 1986  
Office of the Public Defender  
300 Louisiana Avenue

Baton Rouge, Louisiana 70802  
Law Clerk

Other affiliations (uncompensated)

1995 – 2001

Hunter's Creek Charter School

3924 Ocita Drive

Orlando, Florida 32837

Hunter's Creek Charter School Exploratory Board (2000 – 2001)

School Advisory Council for the Hunter's Creek Elementary School (1995 – 2001)

Past President (1999 – 2000)

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

1983 – 1994 (Active duty from 1986 – 1990)

United States Army

Rank: Captain, Judge Advocate General's Corps

Honorable Discharge

Serial number: 261-67-7454

I was commissioned as a Second Lieutenant in 1983 and granted a deferral to attend law school. After serving on active duty from 1986 to 1990 in the Judge Advocate General's Corps, I served the remainder of my duty on reserve status from 1990 to 1994 before being honorably discharged.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

AV rating as an attorney, Martindale Hubbell (1991 – present)

Federal Bureau of Investigation Award for Superior Performance (1999)

The Chief Postal Inspector's Special Award (1999)

United States Department of Justice Director's Award for Superior Performance (1997)

International Narcotic Enforcement Officers Association, Special Award of Honor (1997)

Governing Board Award, Metropolitan Bureau of Investigation (1996)

Federal Bureau of Investigation Award for Superior Performance (1996)

Internal Revenue Service Criminal Investigation Division Commendation (1996)

Bureau of Alcohol, Tobacco and Firearms Commendation (1994)

Metropolitan Bureau of Investigation Commendation (1991)

United States Army, Judge Advocate General's Corps Award for Outstanding Performance as Defense Counsel and Prosecuting Attorney (1990)

United States Army Achievement Medal (1989)

United States Army Commendation Medal (1988)  
Louisiana State University, Paul M. Hebert Law Center, Moot Court Board (1985)  
University of Michigan, Dean's List (1982, 1983)  
United States Airborne designation (1982)  
Army ROTC Scabbard and Blade Honors Society (1982)  
Army ROTC scholarship (1981)  
Miami Dade College, Dean's List (1979, 1981)  
Miami Dade College Outstanding Student Award (English Department) (1981)  
Miami Dade College, President of Honor's Society (1981)  
Miami Dade College, Degree conferred with Honors and Distinction (1981)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

American Bar Association  
Florida Bar Association  
Florida Justice Association  
Louisiana Bar Association  
Orange County Bar Association

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Louisiana Bar Association, 1986 (inactive)  
Florida Bar Association, 1989

There have been no lapses, although as indicated, my membership in Louisiana is inactive.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

United States Court of Appeals for the Eleventh Circuit, 1990  
United States District Court for the Middle District of Florida, 1990  
United States District Court for the Northern District of Florida, 2007  
United States District Court for the Southern District of Florida, 2012  
International Criminal Tribunal for the Former Yugoslavia, 2001

There have been no lapses in membership, except for a recent lapse in membership in the United States District Court for the Middle District of Florida which occurred when the renewal notice was sent via electronic mail and was

overlooked. As soon as the omission was identified, I paid the membership dues and was sworn in as a renewing member of the Middle District.

11. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Assistant United States Attorney Representation Committee (1995 – 1996)

Orange County Pop Warner Football (1999)

Assistant Coach

Orange County Soccer Club (1996 – 2001)

Head coach for U-8 to U13 Club

Orange County Youth Basketball (1997 – 1999)

Assistant Coach

Orlando Citrus Club (2011 – present)

Orlando University Club (2010 – 2011)

Hunter's Creek Charter School (1995 – 2001)

Exploratory Board (2000 – 2001)

School Advisory Council for the Hunter's Creek Elementary School  
(1995 – 2001)

Past President (1999 – 2000)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

Years before I became a member, the Orlando University Club restricted membership to male members. To the best of my knowledge none of the other clubs listed in response to 11a currently discriminates or formerly discriminated on the basis of race, sex, religion or national origin, either through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

*Multi-District Investigation and Prosecution of Medicare Fraud: The Benefits of Taking the Team Approach*, USA Bulletin, Executive Office for the United States Attorneys, April 1997. Copy supplied.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

None.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

None.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

The list that follows represents my best efforts, through searches of my records, calendars, and Internet databases, to identify speeches and remarks that I have given. There may be, however, other speeches or remarks that I have been unable to recall or identify.

My firm website has several short video presentations in which I discuss a variety of legal issues. My firm website may be accessed at the following Internet address: [www.productslaw.net](http://www.productslaw.net). The following video presentations may be accessed at the following hyperlinks:

December 8, 2011: Video on “Carbon Monoxide: What to Do if You’ve Been Exposed.” Available at <http://www.youtube.com/watch?v=smbG6laN1dY&feature=c4-overview&list=UUr7xzq7eYnBJF3Igv2W6cpg>.

December 8, 2011: Video on “Carbon Monoxide Effects and Symptoms.” Available at <http://www.youtube.com/watch?v=RHYyni1o3I&list=UUr7xzq7eYnBJF3Igv2W6cpg&feature=c4-overview>.

October 19, 2011: Video on “Carbon Monoxide: What Is It? Where Does It Come From?” Available at <http://www.youtube.com/watch?v=9edPwAu6jFo&list=UUr7xzq7eYnBJF3Igv2W6cpg&feature=c4-overview>.

September 23, 2010: Video on the “Importance of Trial Experience in a Personal Injury Attorney.” Available at <http://www.youtube.com/watch?v=Zz1sswbksrU&list=UUr7xzq7eYnBJF3Igv2W6cpg&feature=c4-overview>.

September 23, 2010: Video on “Qui Tam Cases.” Available at <http://www.youtube.com/watch?v=jpJteAZpy3A>.

September 23, 2010: Video on “Dangers of Aging Tires.” Available at <http://www.youtube.com/watch?v=1O0qnkOiyPE&list=UUr7xzq7eYnBJF3Igv2W6cpg>.

September 23, 2010: Video on “Traumatic Brain Injury (TBI) Cases.” Available at <http://www.youtube.com/watch?v=iHAhj-2ttas&list=UUr7xzq7eYnBJF3Igv2W6cpg>.

September 23, 2010: “The Risk of Buying After Market Wheels.” Available at [http://www.youtube.com/watch?v=JR\\_FQ5aSU54&list=UUr7xzq7eYnBJF3Igv2W6cpg](http://www.youtube.com/watch?v=JR_FQ5aSU54&list=UUr7xzq7eYnBJF3Igv2W6cpg).

September 2008: Speaker, Attorney Information Exchange Group. I gave a lecture to attorneys on the forensic investigation of an inadvertent airbag deployment in a J-Car. I have no notes, transcript, or recording. The sponsor of the event was the Attorney Information Exchange Group, 520 Office Park Drive, Suite 205, Birmingham, Alabama 35223.

The following speeches and panel discussions involve money laundering, asset forfeiture and related banking supervision and regulation topics. After searching my records, I have identified several PowerPoint presentations that I used in the course of these conferences. All of the PowerPoint presentations that I have been able to locate after diligent search of my files are supplied.

February 2005: Speaker and panel member, Caribbean Financial Action Task Force Second Annual Conference on Compliance, Caribbean Financial Action Task Force Secretariat and United States Department of Justice Asset Forfeiture and Money Laundering Section. The conference was held in Port of Spain, Trinidad. PowerPoint presentation supplied.

December 2004: Speaker and panel member, Protecting Charities from Abuse by Terrorist Financing. The sponsor of the event was the Overseas Prosecutorial Development Assistance and Training (OPDAT). The conference was held in Bangkok, Thailand. PowerPoint presentations supplied.

December 2004: Speaker, Money Laundering Trends for Prosecutors and Investigators. The sponsor of the event was OPDAT. The presentation was given in Bangkok, Thailand. I used one of the same PowerPoint presentations that was provided for the conference also conducted in Bangkok in December 2004

November 2004: Speaker and panel member, Anti-Money Laundering Typologies and International Best Practices. The sponsor of the event was OPDAT in conjunction with the Council of Europe. The conference was held in Pristina, Kosovo. PowerPoint presentations supplied.

November 2004: Speaker and panel member, Conference on Money Laundering Trends, Antigua. To the best of my memory, the sponsor of the event was OPDAT. I used the same PowerPoint presentations that were provided for the conference conducted in Kosovo in November 2004.

October 2004: Speaker and panel member, The Role of the Compliance Office in Money Laundering Investigations. The sponsor of the event was the Caribbean Financial Action Task Force (CFATF). The conference was held in Port of Spain, Trinidad. I used two of the same PowerPoint presentations that were provided for the conference conducted in Kosovo in November 2004, as well as an additional PowerPoint presentation, which is supplied.

October 2004: Speaker, International Money Laundering and Asset Restraint and Confiscation Conference. The sponsor of the event was the Federal Law Enforcement Training Center (FLETC). The presentation was given in Washington, D.C. I used one of the same PowerPoint presentations that were provided for the conference conducted in Kosovo in November 2004.

April 2004: Speaker and panel member, Symposium on Money Laundering and Compliance (PATRIOT ACT) for South and Central Africa. The sponsor of the event was OPDAT. The conference was held in Botswana, Africa. I used two of the same PowerPoint presentations that were provided for the conference conducted in Kosovo in November 2004, as well as an additional PowerPoint presentation, which is supplied.



February 2004: Speaker and panel member, The Role of Money Laundering Legislation in Public Corruption. The sponsor of the conference was OPDAT. The conference was held in Baku, Azerbaijan. PowerPoint presentation supplied.

February 9, 2004: Speaker, Bush Auditorium at Rollins College, the Islamic Society of Central Florida and the Jewish Federation of Greater Orlando, Orlando, Florida. I gave a speech in conjunction with Seeds for Peace on my work at the International Criminal Tribunal for the Former Yugoslavia. I have no notes, transcript or recording, but press coverage is supplied. The address of the Islamic Society of Central Florida is 545 West Central Boulevard, Orlando, Florida 32801.

November 2002: Speaker, Trial Advocacy Clinic, International Criminal Tribunal for the Former Yugoslavia, The Hague, Netherlands. I gave a lecture to attorneys in the Office of the Prosecutor on effective cross-examination techniques. I have no notes, transcript or recording. The sponsor of the event was the International Criminal Tribunal for the Former Yugoslavia, which has no physical address.

July 2001: Speaker and panel member, Money Laundering, Asset Forfeiture and Banking Regulation Conference. The sponsor of the conference was FLETC. The conference was held in Vilnius, Lithuania. I used the same PowerPoint presentations that were provided for the conference conducted in Kosovo in November 2004, as well as an additional PowerPoint presentation, which is supplied.

May 2001: Speaker and panel member, Regional Symposium on Transnational Money Laundering. The sponsor of the event was OPDAT and FLETC. The conference was held in Budapest, Hungary. I used three of the same PowerPoint presentations that were used for the conference conducted in Lithuania in July 2001.

March 2001: Speaker and panel member, Money Laundering and Asset Forfeiture training program. The sponsor of the event was FLETC. The conference was held in Glynco, Georgia. I used one of the same PowerPoint presentations that were provided for the conference conducted in Kosovo in November 2004.

October 2000: Speaker and panel member, Money Laundering Conference. The sponsor of the event was OPDAT and FLETC. The conference was held in St. Petersburg, Russia. I used three of the same PowerPoint presentations that were used for the conference conducted in Lithuania in July 2001.

May 2000: Speaker and panel member, International Banking and Money Laundering Conference. The sponsor of the event was OPDAT and FLETC. The

conference was held in Volgograd, Russia. I used two of the same PowerPoint presentations that were used for the conference conducted in Lithuania in July 2001.

1999: I appeared as a guest lecturer on three occasions in a criminal justice course given at the University of Central Florida in Orlando, Florida. I have no notes, transcript, or recording of my class discussion. The address for the University of Central Florida is 4000 Central Florida Boulevard, Orlando, Florida 32816.

1999: Speaker, Basic and Advance Trial Advocacy course. The sponsor of the course was the National Advocacy Center. I have no notes, transcript, or recording. The address for the National Advocacy Center is 1620 Pendleton Street, Columbia, South Carolina 29201.

May and June 1999: Speaker and panel member, Money Laundering, Formal and Informal International Assistance Agreements, International Banking and Asset Forfeiture Conference. The sponsor of the event was OPDAT. The conference was held in Ekaterinburg and Tyumen, Russia. I used two of the same PowerPoint presentations that were used for the conference conducted in Lithuania in July 2001.

1998: Speaker, National Advocacy Center, Health Care Fraud Investigative Techniques. The sponsor of the presentation was the National Advocacy Center. I have no notes, transcript, or recording. The address for the National Advocacy Center is 1620 Pendleton Street, Columbia, South Carolina 29201.

1997: Speaker, Florida Arson College, Forensic Investigation of Arson, providing a case study of *United States v. Forrest Jimmy Utter*, 97 F.3d 509 (11th Cir. 1996). The sponsor of the event was the Florida State Fire Marshall. The conference was held in Ocala, Florida. I have no notes, transcript, or recording. The address for the Florida State Fire Marshall is 200 East Gaines Street, Tallahassee, Florida 32399.

1996: Speaker, Planning and Executing Multi-Jurisdictional Search and Seizure Warrants. The sponsor of the presentation was the Financial Crimes Enforcement Network. The presentation was given in Orlando, Florida. I have no notes, transcript, or recording. The address for the Financial Crimes Enforcement Network is 2070 Chain Bridge Road, Vienna, Virginia 22183.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

Ryan Smith, *\$2 Million Award in Burn Case*, News Leader, November 25, 2013. Copy supplied.

Anna Oakes, *How Will NC Fight a "Silent Killer?"*, WataugaDemocrat.com, June 27, 2013. Copy supplied.

In 2009, I was interviewed by a local Orlando television station regarding the dangers presented by debris located on the highway, including debris from work trucks. I have no notes, transcription or recording of my interview, and I cannot recall which television station conducted this interview.

In 2008, I was interviewed by a local Orlando television station regarding the renewed recall of Firestone ATX tires, which had been the subject of a worldwide recall in 2004. I have no notes, transcription or recording of my interview. I cannot recall which television station conducted this interview.

Rene Stutzman, *Tragedy Was Waiting, But No One Noticed*, Orlando Sentinel, November 24, 2008. Copy supplied.

Jim Leusner, *Slew of I-4 Pileup Suits to Cover Range of Blame*, Orlando Sentinel, January 13, 2008. Copy supplied.

Rene Stutzman, *Chemical Makers Blamed for Pollution The Mess in Lake Mary Stems from Instruction on How to Discard TCE, a Suit Alleges*, Orlando Sentinel, September 23, 2006. Copy supplied.

*US: Recalled Firestone Tyres 'Still Claiming Lives'*, June 22, 2006, Just-Auto Global News. Copy supplied.

Rene Stutzman, *Ex-Workers: Tainted Water Led to Illnesses*, Orlando Sentinel, April 9, 2006. Copy supplied.

Melissa Harris, *Local Lawyer Describes Ethnic-Cleansing Horrors*, Orlando Sentinel, February 9, 2004. Copy supplied.

Jim Leusner, *Compelled by History, Orlando Prosecutor Ascends to World Stage*, November 1, 2001. Copy supplied.

Susan Clary, *Brother Helps Nab Meth Drug Maker*, Orlando Sentinel, June 1, 2001. Copy supplied.

January 14, 2001, I was interviewed on the news program Dateline. Video recording supplied.

In 2000, I was interviewed by a local Orlando television station regarding the re-trial and conviction of Forrest Jimmy Utter for arson, resulting in the death of two firefighters, and mail fraud. The United States Attorney authorized this interview which was subsequently aired on local and national television. I have no notes,

transcription or recording of my interview, and I cannot recall which television station conducted this interview.

Susan Clary, *Company to Pay Fine in Medicare-fraud Case*, November 7, 1998.  
Copy supplied.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

I have never served as a judge.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment?

- i. Of these, approximately what percent were:

jury trials:	___%
bench trials:	___% [total 100%]
civil proceedings:	___%
criminal proceedings:	___% [total 100%]

- b. Provide citations for all opinions you have written, including concurrences and dissents.
- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
- e. Provide a list of all cases in which certiorari was requested or granted.
- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
  - h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
  - i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.
14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have never served as a judge.

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

15. **Public Office, Political Activities and Affiliations:**

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I have never held public office. I have not had any unsuccessful candidacies for elective office or unsuccessful nominations for appointed office.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

I have never held office in or rendered services to any political party or election committee. I have never held a position or played a role in a political campaign.

16. **Legal Career:** Answer each part separately.

- a. Describe chronologically your law practice and legal experience after graduation from law school including:

- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I have never served as a clerk to a judge.

- ii. whether you practiced alone, and if so, the addresses and dates;

I have never practiced alone.

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

1986 – 1990

United States Department of Defense, United States Army  
Fort Gordon, Georgia  
Captain, Judge Advocate General's Corps

1990 – 1991

Maguire, Voorhis & Wells, P.A.  
20 South Orange Avenue  
Orlando, Florida 32801  
Associate

1991 – 2001

United States Attorney's Office for the Middle District of Florida  
Orlando Division  
400 West Washington Street, Suite 300  
Orlando, Florida 32801  
Assistant United States Attorney

2001– 2003  
United Nations  
International Criminal Tribunal for the Former Yugoslavia  
Churchillplein 1, 2517 JW  
The Hague, Netherlands  
Senior Trial Attorney  
Office of the Prosecutor

2003 – 2004  
NeJame, LaFay, Barker, Byron, P.A.  
189 South Orange Avenue, Suite 1800  
Orlando, Florida 32801  
Partner

2004 – 2005  
United States Department of Justice  
Criminal Division  
Asset Forfeiture and Money Laundering, International Division  
950 Pennsylvania Avenue, Northwest  
Washington, D.C. 20530  
Trial Attorney

2005 – present  
Overchuck & Byron, P.A.  
20 North Orange Avenue, Suite 810  
Orlando, Florida 32801  
Partner

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have not served as a mediator or an arbitrator in alternative dispute resolution proceedings.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

I have spent approximately two-thirds of my career practicing law in either the Army, Department of Justice or with the United Nations. Until 2004, my career was focused almost exclusively on criminal law in the public sector with some time spent in civil litigation in the private sector. Between 1986 and 1988, I served as criminal defense counsel in the U.S. Army Judge Advocate General's Corps, representing soldiers charged

with crimes ranging from misdemeanors to sexual assault, kidnapping and attempted murder. From 1988 to 1990, during the latter half of my Army J.A.G. career, I was a Trial Counsel, responsible for prosecuting first degree murder, drug offenses and various violent crimes. I also served as a Special Assistant U.S. Attorney, prosecuting civilians in federal court for offenses committed on post.

After spending a year as an associate with Maguire, Voorhis and Wells, in 1990, practicing in construction litigation, I had the opportunity to return to serving as a prosecutor and began working as an Assistant U.S. Attorney for the Middle District of Florida, Orlando Division. I served as an Assistant U.S. Attorney in the Orlando office from 1991 through 2001. I was responsible for prosecuting organized crime and served as a member of the Organized Crime Drug Enforcement Task Force. Furthermore, I prosecuted healthcare fraud, telemarketing fraud, money laundering and white collar crime. During the first six years with the office, all trial attorneys were tasked with preparing answer briefs to appeals filed by defendants and contesting procedural and substantive rulings by the trial court. I personally wrote in excess of 30 answer briefs filed with the Eleventh Circuit Court of Appeals and argued 16 cases before the Eleventh Circuit.

By the mid-1990s, I had begun prosecuting international crime and had developed experience working with foreign governments by providing anti-money laundering training to law enforcement officials within the former Soviet Union. As a result, in the summer of 2001, I was selected to serve at the International Criminal Tribunal for the Former Yugoslavia (ICTY). I served with the ICTY from 2001 through 2003 and was in charge of a team of investigators and attorneys focusing upon war crimes committed in Central and Southern Bosnia. I went on 18 fact finding missions to Bosnia, and I interacted with senior political leadership in Croatia in order to obtain access to military archival evidence. Our trial team indicted and ultimately convicted six senior political and military officials from the former Republic of Herceg-Bosnia.

From mid-2003 to mid-2004, after returning from the ICTY, I joined NeJame, LaFay, Barker, Byron, P.A. My practice focused on white collar criminal defense and representing business owners in litigation involving employment law and contract disputes. During this period, I also argued one case before the Eleventh Circuit Court of Appeals involving criminal law.

I concluded the portion of my career which has focused upon criminal law and, in particular, international law, in the International Section of the Asset Forfeiture and Money Laundering Section (AFMLS) of the Department of Justice, from 2004 to 2005. My work at AFMLS focused



more upon legislative initiatives and the promotion of governmental policies to combat terrorist financing and money laundering. I served as the DOJ representative to the Caribbean Financial Action Task Force, the Financial Action Task Force committee on non-cooperating countries and territories, the G8 working group on high-risk remittance houses, and the United States – Mexico money laundering working group. My responsibilities included assisting countries in drafting anti-money laundering and terrorist financing legislation and ensuring that central banks and law enforcement agencies in foreign countries were compliant with the Patriot Act.

Since March 2005, my practice has focused exclusively upon civil litigation. My practice is limited to product liability, environmental tort, and catastrophic personal injury cases. I have litigated a variety of product liability cases, including cases involving exposure to toxic chemicals, vehicle handling and stability claims, defective tire claims, the catastrophic failure of a 230/69kV autotransformer, the failure of a HDPE liner on a 430 acre phosphogypsum stack system, and a significant number of cases involving carbon monoxide exposure. I have appeared in State and federal court in Florida and in several other states, and I have also argued appeals before the Fifth and First District Courts of Appeal of Florida.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

As an officer in the United States Army Judge Advocate General Corps, I represented soldiers charged with violations of the Uniform Code of Military Justice, and, in the latter two years of my active duty service, I served as a prosecutor, and my client was the Department of Defense. I specialized in criminal law.

At Maguire, Voorhis & Wells, my clients were general contractors, sub-contractors and business owners. I specialized in construction litigation.

As an Assistant United States Attorney, my client was the United States. I specialized in prosecuting organized crime, money laundering and complex economic crime.

As a prosecutor with the International Criminal Tribunal for the Former Yugoslavia, my client was the United Nations. I specialized in the investigation and prosecution of crimes against humanity and war crimes.

At Nejame, NeJame, LaFay, Barker, Byron, P.A, my clients were business owners. I specialized in commercial litigation and criminal defense.

As a Trial Attorney with the Department of Justice, Asset Forfeiture and Money Laundering, my client was the United States. I specialized in counter-terrorist financing and anti-money laundering.

At Overchuck & Byron, P.A., my clients consist of individuals and occasionally corporations. I specialize in product liability and environmental law.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

Overall, my practice has been approximately 98% litigation. Between 1986 and 1990, as a Judge Advocate General, 100% of my practice was in courts martial. From 1991 to 2001, during which time I was an Assistant United States Attorney, 100% of my practice involved federal litigation. From 2001 to 2003, my practice was 100% international litigation. From 2003 to 2004, my practice was 80% state court and 20% federal court. From 2004 to 2005, my practice involved providing advice and training to the governments and the international banking sector on anti-money laundering, asset forfeiture and terrorist financing. From 2005 to the present, my practice has been 90% state court and 10% federal court.

- i. Indicate the percentage of your practice in:

- |                             |     |
|-----------------------------|-----|
| 1. federal courts:          | 50% |
| 2. state courts of record:  | 30% |
| 3. other courts:            | 20% |
| 4. administrative agencies: | 0%  |

- ii. Indicate the percentage of your practice in:

- |                          |     |
|--------------------------|-----|
| 1. civil proceedings:    | 30% |
| 2. criminal proceedings: | 70% |

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have tried approximately 85 cases as sole counsel, one case as associate counsel, and seven cases as co-lead counsel to judgment, verdict or final decision.

- i. What percentage of these trials were:

- |              |     |
|--------------|-----|
| 1. jury:     | 99% |
| 2. non-jury: | 1%  |

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any

oral argument transcripts before the Supreme Court in connection with your practice.

I have not practiced before the Supreme Court of the United States.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:
- a. the date of representation;
  - b. the name of the court and the name of the judge or judges before whom the case was litigated; and
  - c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

The cases below are listed in chronological order.

1. Jenkins v. Key Buick, Co., 90 so.3d 278 (Fla. 1st DCA 2012) (Fourth Judicial Circuit, Duval County, Florida); Judge Brian J. Davis.

I was co-lead counsel representing Mr. Jenkins, the Plaintiff in this case. This case involves an electrical fire which began inside the passenger door of a Nissan 350Z and progressed to the center console of the dashboard, resulting in significant burn injuries to Plaintiff Jenkins. I presented opening and closing statements with the direct-examination of Plaintiff's expert witnesses and cross-examination of defense expert witnesses being divided with my co-counsel. This litigation involved extensive expert testimony, substantial pre-trial motion practice and appellate review including oral argument. After six trial days, the jury returned a verdict in favor of the Plaintiff. Subsequent to the entry of final judgment by Judge Davis, the Defendant pursued appellate review before the First District Court of Appeal. I reviewed the reply brief and argued the case before the appellate court. Two days after oral argument, the court affirmed the judgment and thereafter denied Defendant's Motion for Rehearing.

Co-counsel for Plaintiff

John R. Overchuck, Overchuck & Byron, P.A.  
20 North Orange Avenue  
Suite 810  
Orlando, Florida 32801  
(407) 872-6222

Plaintiff's appellate counsel

Nicholas Shannin  
214 East Lucerne Circle  
Suite 200  
Orlando, Florida 32801  
(407) 985-2222

Defendant Key Buick

Marianne Lloyd Aho, Marks Gray, P.A.,  
P.O. Box 447  
Jacksonville, Florida 32201  
(904) 807-3555

Richard A. Sherman  
1777 South Andrews Avenue  
Suite 302  
Fort Lauderdale, Florida 33316  
(954) 525-5885

2. Hibbeln v. General Motors Corporation, Case Number CI099-1206-32 (Ninth Judicial Circuit, Orange County, Florida); Judge Richard Conrad.

I was co-lead trial counsel representing Mr. and Mrs. Hibbeln, appearing on behalf of the estate, as the Plaintiff in this case. Their son was killed when the driver's side air bag in his vehicle inadvertently deployed while he was driving on the highway, causing his vehicle, to travel across Interstate 4 and collide with oncoming traffic. After an eight-day trial, the jury hung, with five jurors voting to render a verdict for the Plaintiff and one juror voting to render a finding for the Defendant. This case involved complex testimony regarding the design of the sensing and diagnostic module that resulted in the inadvertent deployment of the airbag, detailed testimony concerning accident reconstruction, and medical testimony to corroborate that the airbag had deployed before the collision as opposed to following the impact. I acted as co-lead trial counsel with John Overchuck, and I gave opening and closing statements and cross-examined General Motors' lead expert on the design of the sensing and diagnostic module (SDM) in this vehicle platform. I also presented the forensic medical testimony and conducted direct-examination of the decedent's mother. I also argued all pre-trial and post-trial motions. The case settled a few months after trial.

Co-counsel for Plaintiff

John R. Overchuck, Overchuck & Byron, P.A.  
20 North Orange Avenue  
Suite 810

Orlando, Florida 32801  
(407) 872-6222

Steven Van Gaasbeck  
5511 I.H. 10 West  
Suite 4  
San Antonio, Texas 78201  
(210) 924-9294

Defendant General Motors

Ernest H. Eubanks and Michael Begey  
300 South Orange Avenue  
Suite 1400  
Orlando, Florida 32802  
(407) 872-7300

Franklin P. Brannen, Jr.  
1180 Peachtree Street  
Atlanta, Georgia 30309  
(404) 572-4600

3. Dixon v. M.R. Pride Electric Co., Case No. 04CA-2275 (Ninth Judicial Circuit, Orange County, Florida); Judge Thomas Mihok.

I was lead trial counsel representing Mr. Dixon, as the executor of his father's estate, the Plaintiff in this case. Mr. Dixon's father was electrocuted while installing low voltage computer cable in a building on Orange Avenue in Orlando, Florida. The building was in the process of being renovated, and several contractors were working on the premises, including Defendant M.R. Pride Electric Company. Prior to trial, Defendant Worldwide Automation Resources, Inc., the owner of the building, settled with the Plaintiff. The case proceeded to trial against M.R. Pride Electric. The case involved expert testimony from an electrical engineer and medical testimony. After a five-day trial, the jury deliberated for less than three hours before returning a verdict for the Plaintiff. The defense did not pursue appellate review.

Co-Counsel for Plaintiff

Joseph Taraska, Morgan & Morgan, P.A.  
20 North Orange Avenue  
Orlando, Florida 32801  
(407) 420-1414

Defendant M.R. Pride Electric Co.

Dennis O'Connor  
840 South Denning Drive  
Suite 200  
Winter Park, Florida 32789  
(407) 843-2100

4. United States v. McCorkle, et al., 6:98-cr-52-Orl-19JGG (United States District Court, Middle District of Florida, Orlando Division), Judge Patricia C. Fawsett. The appellate history is found at 296 F.3d 1284 (11th Cir. 2002) and 2005 U.S. LEXIS 15163 (11th Cir. Fla. 2005).

I represented the United States as lead trial counsel in this complex white collar criminal case. Over a seven-year period, Mr. McCorkle and Mrs. McCorkle orchestrated a complex scheme to defraud consumers through an infomercial and a nationwide telemarketing enterprise that promised to teach consumers how to purchase distressed real estate, using Mr. McCorkle's money, called the "Cashflow system." To increase sales of the Cashflow system, Mr. McCorkle hired former employees of the Charles Givens Organization to implement a telemarketing department and a seminar department. In an attempt to conceal the proceeds of the crime, Mr. McCorkle sheltered money in numerous banks, including the Royal Bank of Canada in Grand Cayman.

Working with the Cayman authorities, AUSA Marie Demarco and I filed the first case under the then recently enacted Cayman Proceeds of Criminal Conduct Law, which allowed for the seizure of funds representing the proceeds of money laundering. After a week-long hearing in Grand Cayman, the authorities restrained the Royal Bank of Canada funds pending the outcome of the criminal prosecution and related forfeiture action.

The case was then tried before Judge Fawsett from September 1, 1998 through November 6, 1998, and the defendants were convicted. Pursuant to the United States Sentencing Guidelines, defendants Mr. McCorkle and Mrs. McCorkle were each sentenced to 24 years imprisonment. Two co-conspirators were convicted and sentenced to five years imprisonment, and one defendant was acquitted. The corporations named in the indictment were also convicted. At the conclusion of the case, the defendants paid the United States in excess of \$10 million in forfeiture. On appeal, the convictions were affirmed, but the case was twice remanded for resentencing.

Defendant W. McCorkle

F. Lee Bailey  
823 North Olive Avenue

West Palm Beach, Florida 33401  
(561) 655-4406

Defendant C. McCorkle

Mark Horwitz  
17 East Pine Street  
Orlando, Florida 32801  
(407) 843-7733

Defendant Higgins

Larry Colleton  
P.O. Box 677459  
Orlando, Florida 32867  
(407) 440-8020

Defendant Herman Venske

Ann Marie Giordano Gilden  
P.O. Box 940610  
Maitland, Florida 32794  
(407) 599-1170

Defendant Smith

Lee Fugate  
101 East Kennedy Boulevard  
Suite 1200  
Tampa, Florida 33602  
(813) 221-1010

Defendants American Empire Management and Development Company, Central Florida Real Estate Guide, Fortunes in Foreclosures, Inc., Francis Leichman Corporation, MTI Investment, Inc., Cashflow Systems, Inc., Amazing Cash Flow, Inc., Pre-Foreclosure Bank Owned Properties, Inc. and Synchronol, Inc.

Robert Eagan  
415 North Orange Ave.  
Orlando, Florida 32801  
(407) 836-2487

5. United States v. Utter, 6:94:cr-Orl-22DAB (United States District Court, Middle District of Florida, Orlando, Division), Judge Anne C. Conway, *rev'd, reported at* 97 F.3d 509 (11th Cir. 1996) and 211 F.3d 599 (11th Cir. 2000).

I represented the United States as sole trial counsel in this case which involved arson-for-profit. Defendant Utter was convicted of burning his restaurant to collect insurance proceeds, resulting in the death of two firefighters who became disoriented while combating the arson fire. The first trial concluded in December 1994 after an eight-day jury trial. The conviction was reversed on appeal due to the admission of similar crimes evidence. The case was retried in January 1999, at which solely circumstantial evidence could be presented. The prosecution's case turned on forensic cause and origin testimony and a detailed forensic accounting conducted by the Bureau of Alcohol, Tobacco and Firearms auditor. After a nine-day jury trial, the defendant was convicted of arson, mail fraud and related charges. Mr. Utter was sentenced to 25 years in prison.

Defendant Utter

Cheney Mason (first trial)  
250 Park Avenue South  
Winter Park, Florida 32789  
(407) 843-5785

Joel Remland  
301 S. Monroe Street  
Suite 401  
Tallahassee, Florida 32301  
(850) 606-1000

Frederick Morello  
111 North Frederick Avenue  
Floor 2  
Daytona Beach, Florida 32114  
(386) 252-0754

6. United States v. Duran, et al.; 6:95-cr-208-Orl-19 (United States District Court, Middle District of Florida, Orlando Division); Judge Patricia C. Fawsett.

I represented the United States as the sole prosecutor responsible for this case. The information generated during this investigation led to the indictment and conviction of several large-scale heroin and cocaine trafficking organizations, culminating in the conviction of over 80 defendants, including the Captain of the Hoboken, New Jersey Fire Department, and the confiscation of more than \$25 million in currency and as real estate. The Duran drug trafficking organization was responsible for the distribution of multi-kilogram quantities of heroin and cocaine in Central Florida on a weekly basis and numerous acts of violence associated with the drug trade. Following an extensive undercover investigation, including a financial investigation performed by the IRS Criminal Investigation Division, an indictment was returned against 14 defendants. Prior to trial four low-level defendants plead guilty and agreed to testify against the organization.



After a seven-day trial, the jury convicted the defendants. The defendants received sentences ranging from less than ten years imprisonment for minor participants up to life imprisonment for the organizers of this criminal enterprise.

Defendant I. Duran

Luis Gomez, Sr.  
5626 Curry Ford Road  
Suite 120  
Orlando, Florida 32822  
(407) 273-0224

Defendant Diaz

John Meehan  
P.O. Box 2406  
Orlando, Florida 32802  
(407) 898-3050

Defendant M. Duran

Terry Christian  
10119 Heather Sound Drive  
Tampa, Florida 33647  
(813) 380-7743

Defendant Cordero

Timothy Hartung  
4741 Fox Street  
Orlando, Florida 32814  
(321) 277-7424

Defendant Ayala

Russell Crawford  
390 North Orange Avenue  
Suite 2100  
Orlando, Florida 32801  
(407) 425-8659

Defendant Salgado

Albert Tellechea  
200 South Orange Avenue

Orlando, Florida 32801  
(407) 425-8500

Defendant Pessotti

Charles Handlin, III  
112 North Summerlin Avenue  
Orlando, Florida 32801  
(407) 648-4555

Defendant Dacosta

James Dowdy  
520 West Lake Mary Boulevard  
Suite 103  
Sanford, Florida 32773  
(407) 878-7103

Defendant Hains

Bruce Nants  
P.O. Box 547871  
Orlando, Florida 32854  
(407) 294-1042

Defendant Benitez-Perez

Frederick Mann  
415 East Central Boulevard  
Orlando, Florida 32801  
(407) 649-8485

Defendant Beltran

James McGuirk  
2655 South Le Jeune Road  
Suite 700  
Coral Gables, Florida 33134  
(305) 445-8771

Defendant Morrow

John Harris  
4437 Arcie Street  
Orlando, Florida 32812  
(407) 277-1591

Defendant Santiago-Carbot

Ismael Solis, Jr.  
115 South Lake Avenue  
Groveland, Florida 34736  
(352) 429-4929

7. United States v. Tobias, et al., 6:95-cr-223-Orl-22 (United States District Court, Middle District of Florida, Orlando Division); Judge Anne C. Conway.

I was the sole prosecuting attorney on this case. Defendant Tobias was indicted in a companion case to United States v. Duran, et al., along with several co-defendants, including Mr. Beltran, Mr. Nieves, Mr. Valez, Mr. Torres and Mr. Rivera. Defendants Tobias and Nieves distributed heroin and cocaine for the Beltran organization. Defendant Tobias used drive-by shootings to intimidate rival drug organizations in Orlando. Defendant Tobias proceeded to trial before a jury in the Middle District of Florida, Orlando Division, and was convicted following a two-day trial in 1996. He was sentenced to 40 years imprisonment.

Defendant Tobias

Luis Davila  
911 North Main Street  
Suite 5  
Kissimmee, Florida 34744  
(407) 933-0307

8. United States v. Blackburn, 6:92-cr-Orl-19 (United States District Court, Middle District of Florida, Orlando Division); Judge Patricia C. Fawsett, conviction affirmed at 42 F.3d 643 (11th Cir. 1994).

I was sole trial counsel in the prosecution of Mr. Blackburn. Defendant Blackburn began his career in organized crime in Tampa, Florida, dating back to the 1950s as an associate of Mafia boss Santos Trafficante. Defendant Blackburn spent approximately one-half of his life in prison for a variety of criminal acts. At age 74, Defendant Blackburn was identified by the Drug Enforcement Administration as a distributor of cocaine in Sanford, Florida. The DEA developed an informant to purchase cocaine from Defendant Blackburn, after which search warrants were secured and executed, resulting in the seizure of contraband. Defendant Blackburn was tried as a career criminal in April 1993 and was sentenced to 24 years, six months in prison.

Defendant Blackburn

Clarence Counts  
4746 New Broad Street

Orlando, Florida 32814  
(407) 365-9374

9. United States v. Denalli, 6:94-cr-34-Orl-18 (United States District Court, Middle District of Florida, Orlando Division); Judge G. Kendall Sharp, *affirmed* at 73 F.3d 328 (11th Cir. 1996); 90 F.3d 444 (11th Cir. 1996).

I was the sole prosecuting attorney on this case. Mr. Denalli became enraged when a neighbor drove a truck onto his lawn. The Defendant began a campaign of terror against his neighbors, which included using his home computer to create identification in their names, obtaining credit cards in their identity and ordering consumer goods. Defendant Denalli became increasingly obsessed with his neighbors and used electronic equipment to eavesdrop on cordless telephone conversations. When the Defendant overheard his neighbors disparaging him to a friend, he burned the neighbor's home to the ground while they were on vacation, killing the family pet. Defendant Denalli ultimately affixed a homemade pipe bomb to his neighbor's minivan; however, his wife became aware of this act of retribution and compelled him to remove the bomb before it detonated. As a result of the Defendant's criminal conduct, the victims moved out of the state due to fear for the safety of their young child. The United States Postal Inspection Service concealed a camera in a post office box used by the Defendant to order goods using the fraudulently obtained credit cards. The evidence generated from this surveillance provided a basis for the execution of a search warrant that provided evidence of the above-described offenses. The Defendant was tried before a jury in July 1994. The Defendant was convicted of mail fraud, possession of a destructive device, using a firearm during the commission of a felony and received a sentence of 11 years in prison.

Defendant Denalli

Clarence Counts  
4746 New Broad Street  
Orlando, Florida 32814  
(407) 365-9374

10. United States v. Frazier, et al., 6:93-cr-71-Orl-19 (United States District Court, Middle District of Florida, Orlando Division); Judge Patricia C. Fawsett . Appellate history: 89 F.3d 1510 (11th Cir. 1996) (remanded for resentencing as to several defendants all of whom waived the hearing rather than face potentially increased sentences due to relevant conduct).

I was the sole prosecuting attorney in this trial of 13 defendants charged in a 47-count indictment with drug trafficking and weapons violations. The defendants resided in an apartment complex in Melbourne, Florida, located across the street from an elementary school. The defendants used the apartment complex as a high-volume distribution center for the sale of crack cocaine and illegal weapons. The

Bureau of Alcohol, Tobacco and Firearms conducted a long-term investigation, using an undercover agent to purchase drugs and weapons. At the conclusion of the investigation, search warrants were executed on the apartments. Four of the indicted conspirators plead guilty before trial and agreed to testify against their co-defendants. A jury trial was conducted from September 14th through September 29, 1993. The jury convicted all but two of the remaining defendants at the conclusion of trial, and the Court imposed sentences ranging from 24 years and four months imprisonment down to four years, three months imprisonment.

Defendant Hutchinson

James Skuthan  
201 South Orange Avenue  
Suite 300  
Orlando, Florida 32801  
(407) 648-6338

Defendant Griffin

Ronald Findell  
3653 Highway 26  
Corbin, Kentucky 40701  
(606) 526-1839

Defendant Kenya Brown

Brian Gillis  
870 East State Road 434  
Longwood, Florida 32750  
(407) 831-3434

Defendant Kenyatta Brown

Michael Nielsen  
720 West State Road 434  
Winter Springs, Florida 32708  
(407) 327-5865

Defendant Frazier

H. Manuel Hernandez  
37 North Orange Avenue  
Suite 500  
Orlando, Florida 32801  
(800) 464-4529

Defendant Graham

Dean Mosley  
P.O. Box 2707  
Orlando, Florida 32802  
(407) 839-8444

Defendant Brown

Christopher Smith  
605 East Robinson Street  
Suite 250  
Orlando, Florida 32801  
(407) 897-6888

18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

The Prosecutor v. Prlic, et al. (IT-04-74)

While assigned as Trial Counsel with the International Criminal Tribunal for the Former Yugoslavia, I was one of four prosecutors assigned to investigate, compose the charging document, and prosecute six senior military and political officials responsible for war crimes and crimes against humanity perpetrated during and following the collapse of the Former Yugoslavia.

I was responsible for leading the investigation of war crimes perpetrated in Central and Southern Bosnia, and I was ultimately responsible for building the case against the former head of the HVO Military Police administration, the President of the Service for the Exchange of Prisoners and other Persons, and the head of the Herceg-Bosnia/HVO prisons and detention facilities.

I conducted 18 missions to Bosnia and Herzegovina, for the purpose of developing evidence that certain concentration camps, or detention centers, were used to intern civilians who ranged in age between 16 and 65 years old. I was responsible for compiling evidence necessary to establish that civilian detainees and military prisoners were routinely subjected to systematic abuse, including murder and sexual violence, in violation of the law of war. My investigation further established the role of the HVO military police in facilitating the system of detention camps, including the use of detainees as human shields and as decoys at the front line to identify the position of Bosnian Muslim snipers.

As an additional responsibility, I assisted the trial team conducting the prosecution of former Yugoslavian President Slobodan Milosevic with producing evidence of financial transactions designed to circumvent a UN arms embargo.

I drafted the portion of the charging document which ultimately formed the basis of the Prosecutor's case against the above-named individuals. The trial continued after I departed the ICTY, and all six defendants were convicted of war crimes and crimes against humanity.

#### Asset Forfeiture Money Laundering International Division

I was formerly the Department of Justice (DOJ) legal representative to the Caribbean Financial Action Task Force and the Financial Action Task Force committee on non-cooperating countries and territories. I have served as the DOJ representative to the G8 working group on high-risk remittance houses; the DOJ representative to the United States – Mexico bilateral anti-money laundering working group, and I have provided training on money laundering and terrorist financing to the following countries: Russia, Kosovo, Thailand, Azerbaijan, Antigua, Hungary, Lithuania, Botswana, Panama, Trinidad, and Grand Cayman.

#### United Nations Office of the High Representative for Bosnia and Herzegovina

In May 2004, I provided consulting services to the United Nations Office of the High Representative for Bosnia and Herzegovina and ultimately co-authored civil and criminal asset forfeiture and administrative confiscation laws for the government of Bosnia and Herzegovina. Similarly, I have contributed to drafting anti-money laundering laws and counter-terrorist financing laws for Afghanistan, Azerbaijan, Nicaragua and Sri Lanka.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

None.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

I have invested in single premium annuities, which will mature starting in 2021. If I were to leave my law firm, I would be paid a percentage of the revenue generated on legal matters which were ongoing at the time of my departure from the firm. The percentage

of this future compensation is under negotiation and would be submitted to the Florida Bar for approval prior to finalizing the agreement.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

I do not currently have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during my service with the court.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

See attached Financial Disclosure Report.

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

If I am confirmed, I will recuse myself in all cases involving any of my family members. I will recuse myself from any cases involving my law firm for a period of at least two years, and I will recuse myself in all cases in which I was formerly counsel of record or in which I provided legal advice or guidance to a former client. Additionally, I will recuse myself in cases involving close friends as parties or witnesses.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

If I am confirmed, I will apply the standards set forth in 28 U.S.C. §§ 144 and 455 to any scenario involving a potential conflict of interest or appearance of partiality.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of



professional prominence or professional workload, to find some time to participate in serving the disadvantaged.” Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

During most of my legal career, either with the Department of Defense or the Department of Justice, I have been subject to limitations on my ability to engage in legal activities outside of my job. During the portion of my career spent in private practice, I have engaged in pro bono work by waiving legal fees in cases where the recovery is insufficient to adequately compensate the injured client. Over the past five years I have waived my fees several times.

I have mostly chosen to give back to the community in other ways. For example, I have served as a founding member and vice president of the Hunter’s Creek Charter School. I was a member and past president of the School Advisory Council for Hunter’s Creek Elementary School. I have volunteered as a head Coach of Orange County Soccer Club U-13, Dr. Phillips Pop Warner football, and I have coached youth basketball. Additionally, I have served as a volunteer judge for the Mock Trial Competition hosted by the Florida Bar Association and served as a student advisor for the Model United Nations Program (American School of The Hague). I have also spoken as a guest lecturer at several schools, including Hunter’s Creek Elementary, Pineloch Elementary School, Hunter’s Creek Middle School, Dr. Phillips High School and the University of Central Florida. In 2012 and 2013 I sponsored Runway to Hope Pediatric Oncology, and for the past three years, I have sponsored a third grade class at Pineloch Elementary for their field trip to SeaWorld.

**26. Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

On July 16, 2013, I submitted my application to the Florida Federal Judicial Nominating Commission for the Middle District of Florida, convened by Senators Nelson and Rubio. On September 10, 2013, I interviewed with the Commission in Orlando, Florida. On November 6, 2013, I interviewed with Senators Nelson and Rubio in Washington, D.C. Since November 20, 2013, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On January 17, 2014, I interviewed with attorneys from the White House Counsel’s Office and the Department of Justice in Washington, D.C. On February 6, 2014, the President submitted my nomination to the Senate.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.

AFFIDAVIT

I, Paul G. Byron, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

February 6, 2014  
(DATE)

Paul G. Byron  
(NAME)



Joy M Redditt  
(NOTARY)

# OVERCHUCK & BYRON, P.A.

ATTORNEYS AT LAW

JOHN R. OVERCHUCK ■ PAUL G. BYRON

OF COUNSEL:  
JOHN K. OVERCHUCK, P.A.

March 25, 2014

The Honorable Patrick Leahy  
Chairman  
Committee on the Judiciary  
United States Senate  
437 Russell Senate Building  
Washington, D.C. 20510

The Honorable Chuck Grassley  
Ranking Member  
Committee on the Judiciary  
United States Senate  
135 Hart Senate Office Building  
Washington, D.C. 20510

Dear Chairman Leahy and Ranking Member Grassley:

I have reviewed the questionnaire submitted to the Senate Judiciary committee on February 21, 2014, in connection with my nomination to the United States District Court for the Middle District of Florida. Since the submission of my questionnaire, I have located additional information responsive to certain questions that I had inadvertently overlooked in my previous search of my records and the Internet. I sincerely apologize for the inconvenience caused by the submission of this additional information. Incorporating the additional information listed below, I certify that the information contained in these documents is, to the best of my knowledge, true and accurate.

Q. 6 and Q. 9

I served on the board of directors of the Florida Justice Association for approximately three months in 2010. The address of the Florida Justice Association is 218 South Monroe Street, Tallahassee, Florida 32301.

Q. 12(d)

I have located two additional video presentations, which are available on my firm's website and which may be accessed at the following hyperlinks:

September 23, 2010: Video on "Toxic Tort Claims." Available at  
[http://www.youtube.com/watch?v=IFisMqFhO1w&feature=player\\_detailpage#t=3](http://www.youtube.com/watch?v=IFisMqFhO1w&feature=player_detailpage#t=3)

The Honorable Patrick Leahy  
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September 23, 2010: Video on "Importance of Contacting a Personal Injury Attorney when Having an Accident." Available at [http://www.youtube.com/watch?v=xXNF46aqU9Y&feature=player\\_detailpage&list=UUr7xzq7eYnBJF3Igv2W6cpg#t=2](http://www.youtube.com/watch?v=xXNF46aqU9Y&feature=player_detailpage&list=UUr7xzq7eYnBJF3Igv2W6cpg#t=2)

I also have discovered three additional speaking events:

November 29, 2007: Speaker, "Resources You Need to Use – Technology, Office Equipment to Create the Product, Telephony." I gave a lecture to attorneys on the use of technology in the courtroom. The CLE course was held in Tampa, Florida. I have no notes, transcript, or recording. The sponsor of the event was the Florida Justice Association, 218 South Monroe Street, Tallahassee, Florida 32301.

October 2007: Speaker, "International Criminal Tribunal for the Former Yugoslavia," Eighth Annual Conference of the Florida Trial Court Staff Attorneys Association. I gave a lecture on the mission of the ICTY and my work at the Tribunal. The conference was held in Orlando, Florida. I have no notes, transcripts, or recording. The sponsor of the event was the Florida Trial Court Staff Attorneys Association, which does not have a physical address.

October 7, 2003: Panelist, Lou Frey Institute of Politics and Government at the University of Central Florida Fall 2003 Symposium on "American Foreign Policy in Perspective." This event was held in Orlando, Florida. Video Recording available at <http://www.youtube.com/watch?v=Lm8HDD-Hw6E>.

Q. 12(e)

I have located the following additional interviews given to newspapers, magazines or other publications:

May 1, 2012: Interview with WFTV 9, "Parking Lot Owner Who Took Customer's Corvette on Joyride Appears to have Abandoned Business." Video recording available at <http://www.wftv.com/news/parking-lot-owner-broke-law-when-driving-customers/nNN2p/>.

Editorial Review of *Lawyers Crossing Lines Explores Outrageous Conduct by Legal Profession*, March 22, 2010. Copy supplied.

Timothy Aepfel, *Group Seeks Probe Into Effectiveness of Firestone Recall*, The Wall Street Journal Online, June 22, 2006. Copy supplied.

Graham Brink, *Front-Runner for U.S. Attorney in Tampa Left Out*, St. Petersburg Times Online, June 27, 2001. Copy supplied.

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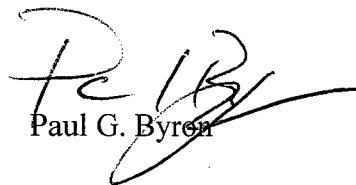
In 1996 or 1997, I was interviewed by The Discovery Channel regarding my prosecution of Forrest Jimmy Utter for arson, resulting in the death of two firefighters. The Discovery Channel was filming a program regarding forensic investigations, and I provided background on the case. The United States Attorney authorized this interview, which was subsequently aired on television. I have no notes, transcript, or recording of my interview.

Michael Higgins, *Chronic Cases of Medical Fraud No Weapons Required for these Crimes*, Osceola News Gazette, undated but likely published in 1996. Copy supplied.

Michael Higgins, *Area Cases Add to Billion-Dollar Fraud Tab*, Osceola News Gazette, undated but likely published in 1996. Copy supplied.

Please accept my apologies for this oversight. I appreciate the Committee's consideration of my nomination and regret that I overlooked these materials.

Yours very truly,



Paul G. Byrea

# FlaLawOnline

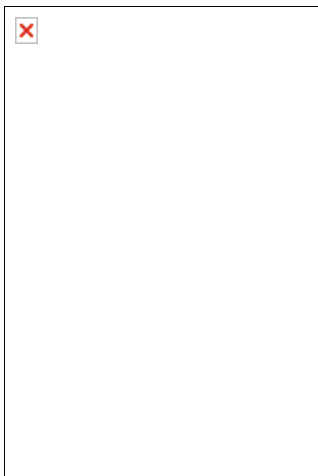
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## Lawyers Crossing Lines explores outrageous conduct by legal profession

Published: March 22nd, 2010

Category: Feature (<http://www.law.ufl.edu/flalaw/category/feature/>)



What were they thinking? Shouldn't they have known better? As legal practitioners, didn't they understand their fundamental ethical obligations? *Lawyers Crossing Lines: Ten Stories*, (Carolina Academic Press, 2nd edition) is a new book that examines the bizarre conduct of members of the legal profession that will have readers shaking their heads in disbelief. Primarily designed as a supplemental text for U.S. law students enrolled in professional responsibility courses, the book can also be used as the foundation for advanced seminars in ethics. A teacher's manual is also available.

*Lawyers Crossing Lines* is a collection of true stories about lawyers from all segments of the legal profession. The authors, Michael L. Seigel, University of Florida Research Foundation Professor of Law at the University of Florida Levin College of Law and former first assistant U.S. Attorney for the Middle District of Florida, and James L. Kelley, who prior to his death, practiced law for more than 30 years and taught professional responsibility at Georgetown University Law Center, chronicle those who have transgressed ethical boundaries in a big way.

The book's 10 chapters reveal in rich detail some of America's most infamous trials and legal personalities. Chapter titles include, "The Ironic Road to Club Fed," "The Legal Doctor Kevorkian," "The Case of Casanova and His Clients," and "Vegas Judge Gone Wild." Comments and questions designed to explore the issues in greater depth follow each tale.

Here's what the legal profession has to say about *Lawyers Crossing Lines*.

"Students learn more from real life than they will ever learn from just reading cases and codes," said Laurie L. Levenson, David W. Burcham Chair of Ethical Advocacy and professor of law, Loyola Law School. "This book provides an opportunity for students to learn the critical lessons of ethical practice by carefully examining situations where lawyers crossed the line. These are lessons that will stick with them forever."

"I use *Lawyers Crossing the Lines*, in a required first-year course on professionalism," said Patrick E. Longan, William Augustus Bootle Chair in Ethics and Professionalism, Mercer University Walter F. George School of Law. "The stories make it possible for the students to see problems of ethics and professionalism from the perspectives of real lawyers dealing with real situations. They learn more from discussions about the stories than they could possibly learn from just studying abstract principles."

"The stories contained in this work are compelling, instructive and witty," said Paul Byron, partner, Overchuck, Byron, Overchuck P.A., Winter Park, Fla. "I had the pleasure of working with Professor Seigel when he was second in command at the U.S. attorney's office. Make leads by example, and his message was clear – always take the high road and never short cut ethics. This is a lesson for lawyers, young and not-so-young, to live by."

To order *Lawyers Crossing Lines: Ten Stories*, 2nd Edition, visit [www.cap-press.com/isbn/9781594606847](http://www.cap-press.com/isbn/9781594606847) (<http://www.cap-press.com/isbn/9781594606847>).

Tagged as: Book (<http://www.law.ufl.edu/flalaw/tag/book/>), ethics (<http://www.law.ufl.edu/flalaw/tag/ethics/>), James L. Kelley (<http://www.law.ufl.edu/flalaw/tag/james-l-kelley/>), Michael Seigel (<http://www.law.ufl.edu/flalaw/tag/michael-seigel/>), Volume XIV Issue 10 (<http://www.law.ufl.edu/flalaw/tag/volume-xiv-issue-10/>)

← UF Law seminar to focus on professionalism, feature local judges (<http://www.law.ufl.edu/flalaw/2010/03/uf-law-seminar-to-focus-on-professionalism-feature-local-judges/>)

Environmental Moot Court team reaches quarterfinals (<http://www.law.ufl.edu/flalaw/2010/03/environmental-moot-court-team-reaches-quarterfinals/>) →

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# Group Seeks Probe Into Effectiveness Of Firestone Recall

 By **TIMOTHY AEPPEL**
*June 22, 2006; Page D3*

A research group that often works with plaintiffs' attorneys has asked federal highway-safety officials to study the effectiveness of the big Firestone tire recalls of 2000 and 2001, saying some tires weren't replaced and continue to be linked to rollover crashes on Ford Explorers.

In a filing to the National Highway Traffic Safety Administration, Safety Research & Strategies Inc. cited four cases in which spare tires not captured during the recalls were put into service and later failed, allegedly causing crashes. The result was one death and three crippling injuries.

The group wants NHTSA to initiate a "recall query," an investigation into whether a past recall was adequate. If the agency determines the efforts weren't sufficient, it could order further steps by the companies, such as additional advertisements.

"We don't have any way of estimating how many of these tires are still out there," says Sean Kane, president of Safety Research & Strategies, a research group that specializes in motor-vehicle safety issues.

An NHTSA spokesman said the agency would examine the group's request but wouldn't comment



otherwise on the filing.

As of late last year, federal authorities had linked 271 fatalities to accidents involving Firestone tires, most involving Ford vehicles.

**Bridgestone** Corp.'s North American unit, which produces the Firestone brand, and **Ford Motor** Co. broke off commercial relations in 2001 in a dispute over which company was to blame for a rash of deadly rollover accidents involving Explorer sport-utility vehicles equipped with certain Firestone tires. Bridgestone, based in Japan, announced a recall in August 2000, but Ford later demanded a much larger replacement program in 2001. When Bridgestone refused, Ford recalled the tires on its own. Later in 2001, Bridgestone announced a more limited replacement program of its own.

The two companies settled their dispute last year, with Bridgestone agreeing to pay Ford \$240 million.

Christine Karbowiak, a spokeswoman at Bridgestone's U.S. headquarters in Nashville, Tenn., says the tire maker did all that it could to assure that as many recalled tires as possible were taken out of circulation, saying it replaced more than 6.3 million of the 6.5 million tires it originally estimated were in use in August 2000. Ms. Karbowiak says this doesn't mean they missed 200,000 tires, since the company's original estimate of the number of tires in use might have been too high.

Bridgestone has settled more than 2,300 personal-injury lawsuits arising from the recalled tires. The company won't say how many other cases are outstanding.

Jennifer Moore, a Ford spokeswoman, says, "Owners were notified by multiple letter, media advertising, and extensive media coverage," adding that "NHTSA has investigated the safety of the Ford Explorer and found no additional action was warranted."

Paul Byron, an Orlando, Fla., lawyer, represents Michael Enriquez, a 28-year-old former security guard who was left a quadriplegic last year after a recalled tire on his 1993 Ford Explorer came apart and the vehicle crashed. The driver of another car was killed in the accident. Mr. Enriquez is suing Ford and Firestone in county court in Sanford, Fla.

Mr. Byron says his client was the third owner of the Explorer and never thought to check whether any of the tires on the vehicle were subject to a past recall.

**Write to** Timothy Aeppl at [timothy.aeppl@wsj.com](mailto:timothy.aeppl@wsj.com)<sup>1</sup>

**URL for this article:**

<http://online.wsj.com/article/SB115093421290286976.html>

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## 'Front-runner' for U.S. attorney in Tampa left out

By GRAHAM BRINK

© St. Petersburg Times, published June 27, 2001

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The list of finalists to become U.S. attorney in Central Florida is as notable for one name that didn't make it as it is for three names that did.

The list of finalists to become U.S. attorney in Central Florida is as notable for one name that didn't make it as it is for three names that did.

The selection committee chose Edward Nucci of Miami, Paul Byron of Orlando and Paul Perez of Jacksonville from a list of nine who applied to be head federal prosecutor for the Middle District of Florida.

Tampa lawyer John "Jack" Rudy was considered one of the favorites, given a stint as interim Hillsborough County state attorney last fall and a glowing endorsement from Gov. Jeb Bush.

Rudy said Tuesday he was disappointed not to be among the three finalists but thought the selection committee gave everyone a fair shake.

Despite his early status as the possible front-runner, recent talk in local legal circles was that the committee may be looking for a younger person, someone who could stick around for several years and possibly move up in the Justice Department.

At 62, this would have likely been the last stop in Rudy's federal career.

Rudy said he will continue to practice law at his Tampa firm. His immediate plans call for some fishing. "Sure, I'd like to have gotten the job," Rudy said. "They made up their minds after a fair process, and I think they chose three capable candidates."

The successful candidate will take over from interim U.S. Attorney Mac Cauley, who has run the office since Donna Bucella resigned in May.

Bucella was appointed by President Bill Clinton. The nation's 93 U.S. attorneys serve at the pleasure of the president. Many times, only a handful keep their jobs when a new party takes over the White House.

The U.S. attorney in Florida's 35-county Middle District, which stretches from Jacksonville through Orlando and down to Fort Myers, oversees a 220-employee operation with a \$17-million budget. The job is based in Tampa and pays \$125,700 annually.

President George W. Bush will make the final selection. The U.S. Senate must confirm the president's choice.

Byron graduated from law school at Louisiana State University and then joined the Army, working as a public defender and prosecutor. During his four years, he also served as a paratrooper and gained the rank of captain. He then went into commercial construction law before joining the U.S. Attorney's Office in 1991.

Since then, Byron, 41, has worked everything from medical malpractice to white collar crime to drugs. His cases are often covered by the Orlando media, and he's been interviewed on various national TV shows, including NBC's Dateline. He spends most of his time prosecuting money laundering and organized crime cases.

Byron acknowledged earlier this year that he might not have the political connections of some of the other candidates.

"I've spent most of my life working and very little time networking," he said. "I'm always looking for new challenges."

Perez, 46, a Cuban-American who settled in Florida when he was 5 years old, works as a federal criminal defense attorney.

Perez graduated with a law degree from George Washington University and worked from 1988 to 1992 as an assistant U.S. attorney in the Jacksonville office.

Perez thinks his experience on both sides of the courtroom aisle puts him in a good position to assess what's being done well and what needs to change.

"My strength is in my qualifications," Perez said in March. "I certainly don't have the political connections."

Nucci, 48, is criminal division chief for the U.S. Attorney's Office in Miami. He has worked as a federal prosecutor in Orlando, Tampa and Pittsburgh. In 1995, Nucci was tapped to be part of the independent prosecution team to investigate the finances of former Commerce Secretary Ron Brown.

In Miami, Nucci was heavily involved in Operation Greenback, a money-laundering initiative in South Florida and has made the news for his successful prosecutions of high-level drug dealers.

Nucci is known for his attention to detail, said State Rep. Dan Gelber, a former colleague of Nucci's in the U.S. Attorney's Office.

"He's got a great work ethic and is exceedingly conscientious," Gelber said.

- Times news researcher John Martin contributed to this report. Contact Graham Brink at (813) 226-3365.

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## Chronic cases of medical fraud No weapons required for these crimes



By Michael S. Higgins News-Gazette Staff Writer

Robbers holding up convenience stores and sticking guns in the faces of motel clerks may garner more publicity, but individuals who fraudulently bill the federal government for Medicare and Medicaid claims can steal a lot more money than your average stick-up person. These thieves don't need to wear ski masks, risk getting shot or, in many of the cases, even take a chance on losing their license to practice medicine, experts said.

False billings and sham medical clinics have long been fixtures in the Miami area, doctors and prosecutors say, but you don't have to drive south on Florida's Turnpike to see this kind of larceny.

"There is a good deal of health-care fraud going on in the Orlando area," said local Assistant U.S. Attorney Greg Miller during a recent interview. "We know that."

### Medical fraud in Osceola

During the past five years, Osceola County has experienced its share of high-profile, costly, medical fraud.

The Kissimmee region has seen a medical supplies salesman/business owner go to federal prison for setting up a multistate system that earned him and nursing homes that signed up with him millions in improper Medicare refunds.

A psychiatric hospital formerly located off Orange Blossom Trail claimed to have performed dozens of startling therapeutic turnarounds with Alzheimer's patients and other difficult cases; many patients were over the age of 80. But when officials blew the whistle on the hospital, Charter Behavioral Health System Orlando agreed to pay the United States \$4.75 million in August 1998.

In addition, a group of clinics primarily located in Osceola County billed Disney, Albertson's and a major airline more than \$6 million by churning out sonograms, ultrasounds and electrocardiograms quickly. They used a method described by one partner after he was indicted by a federal grand jury as doing the easy tests "and making up the rest."

Another medical fraud case reflected Osceola's changing population when 14 individuals were indicted in 1998 for the "Disney" scam, a group of storefront medical clinics that targeted Hispanics, many new to the area. Six listed Kissimmee as their home in a press release provided on April 29, 1998, by the Kissimmee Police Department. In addition to local police, the Florida Statewide Prosecutors' office and the state Division of Insurance Fraud were involved.

Around the region, the U.S. Attorney's office in Tampa concluded an investigation in Central Florida earlier this year it named the Psychiatric Hospitals Project. This probe used employees and counselors to expose a pattern of bribes and kickbacks in psychiatric hospitals. As a result, two patient brokers were convicted, with combined restitution set at \$3 million. One broker was said to have pocketed up to \$195,000 a month for producing patients for the hospitals.

Proving few hospitals have avoided problems, a Florida Hospital director of radiology was given five years in prison for scheming to take \$13.3 million through the sale of used medical equipment at the chain's Altamonte Springs hospital in 1997.

In Orlando, federal prosecutor Thomas Turner earned a distinguished service award recently. Turner was honored for working on the \$450 million Heritage Life Insurance case prosecuted in Central Florida. In this investigation, 11 individuals ended up pleading guilty and four others were convicted after trials.

### Suspect cooperates with investigators

Kissimmee resident Ben O. Carroll received a five-year prison term for his stewardship of three local companies, Bulldog Medical, Rocket Marine and MLG Geriatric Health Services. Presently at a federal correctional facility in Florida, Carroll received a reduced sentence after he cooperated with federal investigators.

U.S. District Court documents said that Carroll made as much as \$4.5 million in Kansas on code falsifying

and about 10 times as much in Florida. Orlando-based federal prosecutor Paul Byron said Carroll made a good livelihood before by selling legitimate medical products.

"If he hadn't been so greedy, he wouldn't have been caught," Turner said.

After his arrest in 1995, federal lawmen say Carroll helped them discover just how medical fraud is wide open for those with access.

"For all the bad things he did, it's so good to have an insider," said Byron.

That medical fraud is turning up all around Kissimmee shouldn't be a surprise. After all, it's a problem everywhere else in the country.

The U.S. Justice Department reported recovering \$1.5 billion through civil and criminal agreements with health-care abusers during its last fiscal year. Medical payments are an industry in which an estimated 7 to 10 percent of \$176 billion nationwide is lost to fraud, waste and mistakes.

#### Fighting back

The local scorecard also includes some individuals who fought what they saw as medical fraud.

Francine Mettevelis is a Kissimmee mother of seven who formerly worked as a deputy in Cook County, Ill., and acted as one of two designated whistleblowers under the U.S. False Claims Act in the Charter case.

Mettevelis told of false report sheets and other profitable abuses after she was fired by Charter Hospital Kissimmee six years ago. Thanks to witnesses Mettevelis and nurse manager Rhea Rowan helped identify, Charter Hospital's parent company settled a costly federal action, prosecutors said.

The U.S. Health and Human Services Inspector General said after many prosecutions, the nation has "turned a corner" on medical fraud.

Steve Cole, the Central Florida District's spokesman for the U.S. Attorney, agreed, saying, "The word is going out to the public about medical fraud."

A settlement finalized just several weeks ago saw HCA - The Healthcare Co. agreeing to pay a massive \$840 million in fines and penalties for unlawful billing. HCA was known before as Columbia - HCA. Osceola Regional Medical Center is one of the chain's hospitals.

#### Prison sentence not always likely

While former State Senator Alberto Guzman, R-Hialeah, received a prison sentence of five years for his role in \$15 million worth of medical fraud, prosecutors say many other false claims operations move to another state when the questioning of bills paid starts here.

"There's mountains of paperwork," 12-year Assistant U.S. Attorney Paul Byron learned after he was transferred from drug investigations into medical fraud.

#### Trust built into system

A Florida statewide grand jury warned of the lack of periodical controls in Medicare designed to catch fraud. As federal prosecutor Miller said, the medical system is built on trust.

"There's a presumption of honesty," Miller said from his office in the federal building in Orlando. "And there has to be or the system would collapse. The bills wouldn't be paid for two years.

Doctors are seen in one state, bills often paid in another.

#### Not easy to stop

"The evidence convinced us that fraud against the Medicare and Medicaid systems is easily accomplished," the special grand jury appointed by the late Gov. Lawton Chiles reported four years ago.

From his office on South Orange Blossom Trail, general practitioner Dr. Oscar Merida told the Osceola News-Gazette that he thinks cheating the government is a growing industry in Central Florida. Over the years, he said he has seen it as part of "the system" in the Miami area.

Merida, a veteran of 20 years as a physician since being educated in Spain, said he was personally victimized when his father-in-law was brought to Charter Hospital in Kissimmee from a nursing home near St. Cloud a few years ago.

Roberto Colina, 76 then, suffered from Alzheimer's. Charter Hospital officials noted much improvement during Colina's 13 days at Charter.

He couldn't hold a stick of ice cream, Merida said, but did generate \$14,000 of therapy and related billings for Charter, according to federal records. Merida said his father-in-law couldn't communicate to therapists, who only spoke English, not Colina's Spanish.

"There was absolutely no therapy," said Merida. "He was unable to understand basic commands."

No criminal prosecution followed, however.

"Proving criminal intent is much more difficult," said Miller.

Close

## Area cases add to billion-dollar fraud tab



Officials say controls lacking to prevent fraud  
By Michael S. Higgins News-Gazette Staff Writer

An atmosphere described by a statewide grand jury as being "provider friendly" without enough controls leads to dishonest people finding out how easy it is to become a certified Medicare provider.

It's like a license to print money. That's what experts told the Osceola News-Gazette in interviews. The U.S. Justice Department estimates more than \$10 billion is lost annually to medical fraud nationwide.

Osceola County has seen its share of kickbacks, faked accidents, forged documents, billing by phony medical providers or for non-existent patients and asking for larger reimbursements by falsely labeling tests.

Such cases aren't easy to prove, prosecutors say. And, there are other challenges.

Assistant U.S. Attorney Greg Miller said staff cutbacks at the Orlando office of the U.S. Department of Health and Human Services have hampered health-care investigations.

Investigations are paperwork intensive and can take up to four years, officials told the Osceola News-Gazette.

However, a friend of the fraud business has also become its foe. The computer systems that allowed medical fraud to become a billion-dollar business also permit insurance companies and federal investigators to notice patterns of abuse.

Sophisticated auditing of claims, called data mining, can discover fraudulent operations. Providers, such as Blue Cross/Blue Shield, notice specific procedural codes being used much more than expected.

Criminal prosecution and determining intent can be difficult, however, when claims are sent electronically with no signatures even made, Orlando-based prosecutors said.

Adult diapers worth millions

Kissimmee resident Ben Carroll knew from selling medical products and having Medicare provider status since 1993 that nursing homes aren't reimbursed for items such as bedpans, latex gloves and the common adult diaper, prosecutors said.

Carroll knew the more costly incontinence kits were reimbursed. Sensing large profits, Carroll convinced nursing home operators in different states to accept such a change in paperwork, writing incontinence kits when they were using diapers.

This ruse allowed 50-cent diapers to net Carroll's companies as much as \$50 million in reimbursements nationally, said prosecutors.

The U.S. Attorney's Office documented that Carroll received unjustified claim checks from July 1993 until September 1994. Prosecutors also found that Carroll gave nursing home owners and operators consulting deals for participating in his plan.

Nursing-home patients rarely double check cost invoices. Carroll was betting that it wouldn't be discovered that Item G7542 was only an adult diaper.

Some of the nursing home operators provided evidence against Carroll, who was eventually sentenced to a low-security federal correctional institution.

He pleaded to one count of mail fraud in Kansas and was able to avoid going to trial in Florida. Cooperating with South Carolina investigators earned him a lesser sentence, officials said.

A case of excessive greed, commented Assistant U.S. Attorney Paul Byron. He said Carroll lived well when



he actually listed the diapers he sold as diapers.

"He made good money doing it," said Byron.

Charter sent elderly to psychology programs

The parent organization of the former 56-bed Charter Hospital-Orlando South in Kissimmee agreed to return \$4.7 million to the government in a civil case concluded in August 1998.

According to thousands of pages of federal documents housed in the Orlando federal building, Charter would take elderly patients from nursing homes or assisted-living facilities, report intensive therapy, and then send the elderly back to their nursing homes just before the home's federal payments would be cut off.

Attorneys for Charter argued through the lengthy civil process that therapy can help the patients it served, at least 15 percent of whom were over the age of 85. Charter officials submitted an estimated 75,000 pages worth of evidence before deciding to settle.

Dr. Peter Rabins, the director of geriatrics and neuropsychiatry at the Johns Hopkins University School of Medicine, was slated to be a Charter witness. Rabins said patients battling Alzheimer's disease can improve with properly administered, in-patient psychiatric programs like Charter Hospital's.

Working against Charter in the Kissimmee case, however, were depositions given by staff members, an outside peer-review that examined 600 or so Charter admissions of elderly psychological patients, and family members who said they saw relatives harmed when they were transferred.

Mary Cubelo and husband, Antonio, said Antonio's mother deteriorated after she was sent to Charter in June 1996. The couple said she wasn't bathed enough there, even though she was incontinent, and according to Antonio, ended up "with legs like basketballs." Rosa Cubelo was transferred back to the nursing home she came from when the home's Medicare payments were about to expire.

Stephen Glazier, the hospital's on-site administrator, told federal authorities that the patients would be sent home when the federal payments were about to expire.

Federal legal documents concerning Cubelo noted another problem, one shared by Dr. Oscar Merida as he observed his 76-year-old father-in-law at Charter Hospital. Neither Cubelo nor Roberto Colina, Merida's family member, could converse in English and the Cubelos and Merida never encountered therapists at the hospital who were fluent in Spanish.

Yet, Charter patient charts found both patients dramatically improving while hospitalized in Kissimmee.

"How could they give therapy?" Merida told the Osceola News-Gazette from his family practice located on South Orange Blossom Trail. "He was unable to understand basic commands."

Rosa Cubelo died of embolisms seven months after her discharge from Charter.

Federal documents refer to elderly Charter patients described as either suffering from dementia or violent outbursts when they came in, yet improving greatly while at Charter. Insiders provided evidence explaining why this occurred, prosecutors say.

"In my view, Charter Hospital was using these patients as a money-making machine, instead of treating them in a psychiatric and therapeutic milieu," said Michael Kellogg, Charter's former director of active therapy.

Former Nursing Manager Rhea Rowan said patient write-ups had to follow directives from administrators. She testified that administrator Glazier told her his hands were "tied" regarding the patient census; she said she saw many "incompetent" patients signing themselves in voluntarily. Abuse of Florida's Baker Act, the process of committing patients viewed as being a danger to themselves or others, was also common at Charter, the U.S. Attorney's Office claimed.

Rowan said she was told by a top administrative head that she had to write that each patient participated in group therapy sessions three times a day "so payment would be received." Kissimmee resident Francine Mettevelis, a health technician at Charter from 1990 until 1994, testified about "routinely" signing log sheets when she wasn't present at the sessions described.

"If a person is brought in as suicidal and they are smiling, don't write down that they are smiling because then the insurance company will not pay for a suicidal, smiling patient," recalled Rowan in her testimony.

A government review by peer physicians found 59 percent of the geriatric admissions examined in the Charter case were not medically necessary and 38 percent revealed unnecessarily long stays at the facility.

Hired by the prosecution, Dr. Donna Cohen, the University of South Florida's chairman of Aging and Mental Health Studies, said the patients had disorders that couldn't be improved by the Kissimmee hospital's treatment. Noting that Charter had no goals plan, she joined others in finding profit as the overriding motive.

After losing Medicare and Medicaid certification, Charter Hospital Kissimmee ended up closing its doors last year. Osceola Mental Health was given county funds to occupy the site on Park Place.

The Disney scam

The plan worked out by Luis Portas, 53; his wife, Miriam Portas, 55, both of Kissimmee; Erick Bernal, 26, of Kissimmee; Domingo Bejerano, 51, of Miami; Horacio Valdes, 27, of Miami; and about seven others arrested during a May 7, 1998, raid on phony Osceola and Orange counties medical offices was simple.

Bring in many fellow Hispanics, pay some for ongoing visits to clinics with names like Optimum Diagnostics, Best Medical Clinic and Kissimmee's A+ Diagnostic Center, and turn out a lot of fake medical tests.

After all, the plan has long been a moneymaker in South Florida.

As a fellow partner testified in Bejerano's trial on fraud and racketeering charges last year: "So what he would do is take the easy tests and once he already had information from the patient, he would go and make up the rest of the tests..."

Four patients would visit the medical offices, but insurance companies for Albertson's, Disney and United Airlines, among others, would be billed for 10 or more patients.

Thomas Sadaka of the statewide prosecutor's office said "maxing out" employees at Disney World - which is self-insured - led to the ring being broken up.

"You hit Disney's insurance for money, you're hitting Disney," said Sadak from his Orlando office.

Not helping was another employee who informed a boss at Disney, "We have some guys offering us money to go to the doctor," said Sadaka.

Bejerano's clinic joined the others in "treating" as many as 160 Disney employees, nearly all from Latin America.

"They definitely targeted the Spanish community," said Sadaka.

He said another "red flag" was Kissimmee residents being billed by Miami clinics.

The local clinics were frequently located in strip malls. The clinics employed doctors, billing companies, technicians and runners. No physicians were indicted, said Sadaka, because it was harder to prove they knew what was going on was illegal.

False billings added up to around \$6 million, about \$2 million of which was Disney's share. Time was money and the tests were performed quickly, court records show. An estimate of between 50 to 90 percent of the tests were fabricated, court papers said.

Electrocardiograms, sonograms, echograms and nerve tests were reused for many different patients? results.

"Every one of these people was medically jeopardized," said Sadaka of employees who may not have been aware the extra tests weren't medically necessary.

Until the group was raided by the Kissimmee police and the Florida Department of Insurance Fraud investigators, making money was as easy as Bernal was quoted as saying in court papers.

"Send me a prescription and I make the tests up."

Close