



U.S. Department of Justice

Office of the Deputy Attorney General

Associate Deputy Attorney General

Washington, D.C. 20530

August 18, 1994

MEMORANDUM TO THE DEPUTY ATTORNEY GENERAL

FROM: David Margolis *David Margolis*
Associate Deputy Attorney General

SUBJECT: Public Disclosure of OPR's Findings on Allegations
Made Against Former United States Attorney Larry
Colleton

Attached to this memorandum at Tab A is a summary of OPR's findings on the allegations of assault and battery and obstruction of justice made against former United States Attorney Larry Colleton. The summary was prepared by OPR in accordance with the new Department policy providing for public disclosure of the results of OPR investigations under certain circumstances. Mr. Colleton has viewed the summary report (as well as a lightly redacted version of the full OPR report) and objects to its public disclosure on various grounds. For the reasons stated below, I recommend that the summary report be disclosed publicly notwithstanding Mr. Colleton's objections to disclosure.

On December 13, 1993, by Memorandum from the Deputy Attorney General, the Department of Justice adopted a new policy governing disclosure of OPR findings in connection with its investigations. Under the new policy, disclosure is authorized in certain cases including:

[A]ny case involving an allegation of serious professional misconduct where there has been a demonstration of public interest in the disposition of the allegation, including matters where there has been a public referral to the Department by a court or bar association, where the Attorney General finds that the public interest in disclosure outweighs the privacy interest of the attorney and any law enforcement interests.

At my request, OLC reviewed the full OPR report and the summary report of OPR's investigation into allegations that Mr. Colleton committed assault and battery on a reporter and obstructed justice in connection with a grievance proceeding. As reflected in the memoranda from OLC attached at Tab B, OLC has

concluded that disclosure is warranted because both instances of alleged misconduct involve judicial referrals,¹ public interest, and sufficiently egregious conduct, and because the public interest in disclosure outweighs the privacy interest of Mr. Colleton and any law enforcement interest.

Pursuant to procedures implementing the disclosure policy, Mr. Colleton was given a copy of the summary report and allowed to object to disclosure of any part of the summary. On August 15, 1994, Mr. Colleton filed a written, blanket objection to disclosure on four grounds: first, that disclosure of the summary would violate his right to privacy; second, that disclosure would violate his right to due process of law; third, that the allegations against him are "last month's news" and disclosure of OPR's findings will result in more negative publicity; and fourth, that the OPR report is "incomplete and inaccurate." Mr. Colleton's written objection is attached at Tab C.²

In my view and in the view of OLC, Mr. Colleton has not stated an adequate basis for non-disclosure of OPR's findings. With respect to the privacy claim, OLC has already determined that the public interest in disclosure outweighs Mr. Colleton's privacy interests. As for the due process claim, Mr. Colleton fails to explain why disclosure would deny him due process of law. Mr. Colleton was interviewed as part of OPR's investigation; he was allowed to read the full OPR report and to respond in writing prior to his meeting with the Attorney General; and he was given a copy of the OPR summary report and allowed to state his objections to disclosure. In short, he was accorded all of the due process to which he is entitled. The

¹ With respect to the grievance matter in which Mr. Colleton is alleged to have obstructed justice, the Department received a request to initiate an investigation from the chief judge of the United States District Court for the Middle District of Florida. The incident involving Mr. Colleton and the reporter was the subject of a complaint to the Department from the chief judge of the Eleventh Circuit Court of Appeals.

² On August 17, 1994, an attorney representing Mr. Colleton telephoned me. The attorney stated that while he expected the Department to release the summary, the tone of the summary was too harsh in his opinion. He also objected to two specific items in the draft summary. These are items which I had already decided to remove from the summary, and which have since been stricken. He also objected to the fact that, in assessing the credibility of the defense attorney who initiated the grievance proceeding versus the credibility of Mr. Colleton, OPR relied on the reports of interviews conducted by the FBI rather than personally interviewing the defense attorney and Mr. Colleton with respect to the grievance matter.

third objection -- that disclosure will prompt further negative publicity -- is simply an invalid basis for non-disclosure. Finally, Mr. Colleton's description of OPR's report as "incomplete and inaccurate" merely reflects his disagreement with the conclusions reached by OPR as the finder of fact. In his written response to OPR's full report, attached at Tab D, Mr. Colleton took issue with OPR's findings crediting the account of the defense attorney who initiated the grievance proceeding, and to whom Mr. Colleton made statements that could be construed as threats. (Mr. Colleton did not respond to the portion of OPR's report dealing with the assault and battery allegation). However, OPR's findings are more than adequately supported by the record.

Accordingly, I recommend that you approve for public release the OPR summary report attached at Tab A.

APPROVE

James R. [Signature] 8/18/94

DISAPPROVE _____

**Summary of the Investigation
By The Office Of Professional Responsibility
Into Certain Conduct Of
United States Attorney Larry Colleton**

OPR received complaints that Larry Colleton, United States Attorney for the Middle District of Florida, sought to obstruct justice by threatening attorneys who were considering petitioning a court to appoint a committee to examine allegations of misconduct by the U.S. Attorney's Office. Mr. Colleton also allegedly threatened several members of the media who he believed had made false charges about his office. Finally, OPR received a complaint that Mr. Colleton had assaulted a reporter.

The Alleged Obstruction of Justice

As a result of complaints that Mr. Colleton was obstructing the creation of an investigative committee and threatening those who suggested the idea, the FBI interviewed a Jacksonville attorney.

The attorney reported that, in a telephone conversation, Mr. Colleton had declared that "his office was 'going on the offensive'" and that certain people who had made allegations against his office would "regret their actions." The attorney understood the remarks as a "direct threat" and as an attempt to intimidate him into not filing a petition for the appointment of a committee to investigate charges about the U.S. Attorney's Office.

The attorney reported that he had received another call from Mr. Colleton after the petition had been filed. The attorney believed that the call was "clearly a threat." He asserted that Mr. Colleton called the petition an "act of war" and that attorneys who made accusations against his office would be "dealt with."^{1/}

The FBI also interviewed an investigative reporter in Jacksonville, who asserted that Mr. Colleton had referred to media coverage of his office as a "hatchet job" and had claimed that the media was on a "feeding frenzy." The reporter stated that Mr. Colleton criticized him and another reporter for confronting an Assistant U.S. Attorney in an attempt to interview her. Mr. Colleton accused the reporter of compromising the security of his attorneys and their families.

The reporter was concerned about the conversation, particularly the charge that he had compromised the attorneys' security. He claimed that he reported the conversation to his superiors because he felt intimidated. He also preserved his notes on the conversation. Because

^{1/} The attorney produced two memoranda he had prepared summarizing the conversations. He explained that he had been so upset by Mr. Colleton's words that he wondered whether he should disclose to prospective clients that the U.S. Attorney's Office might treat his clients more harshly than clients represented by other counsel.

Mr. Colleton had mentioned the reporter's earlier employment with a television station, even though they had never discussed his employment history, he speculated that Mr. Colleton had conducted an investigation of him to develop derogatory information.

The FBI also interviewed Mr. Colleton, who explained that he had become aware through newspaper articles and television reports that a group of attorneys was considering filing a petition for an investigation of his office. Mr. Colleton said that he decided to call the attorney to "open lines of communication," to "establish a dialogue," to learn about the lawyers' plans, to explain how the matter at issue had been handled and to tell the attorney that he had requested an OPR investigation. Mr. Colleton recalled telling the attorney that media reports on the matter were untrue. He called the conversation cordial, and he denied that anything he said could fairly be characterized as threatening.

Mr. Colleton also recalled telephoning the attorney after he learned that a petition had been filed. When the attorney told him that none of the lawyers who had filed the petition had personal knowledge of the events in question, but had based the petition on newspaper reports, Mr. Colleton said that he became upset. He denied calling the petition an "act of war," insisting that he characterized it as "a declaration of war," the only remark, in his view, that could have been misinterpreted. Mr. Colleton said that he intended the statement to mean that the attorneys had acted irresponsibly. He maintained that the statement was not a personal attack and that he often uses the term "declaration of war" as a figure of speech. Mr. Colleton said that he did not intend to convey to the attorney that he should withdraw the petition.

Mr. Colleton said that he may have used the phrase "going on the offensive" in his conversations with the attorney, but he only meant to imply that he had been silent about the matter at issue and that he was now going to report some of the facts. He denied telling the attorney that lawyers who made false allegations against his office would be "dealt with."

According to Mr. Colleton, the attorney's charge that he had been threatened was a gross misinterpretation of the conversations. Mr. Colleton also denied making threatening calls to reporters.

The Alleged Assault and Battery of the Television Reporter

OPR reviewed a complaint that Mr. Colleton struck a television reporter.

Following a speech at a Judicial Conference, a reporter, Richard Rose, asked Mr. Colleton to speak with him. Mr. Colleton refused. Later, Mr. Rose again asked Mr. Colleton to speak with him about personnel changes the latter had made. Mr. Colleton turned abruptly, made a sweeping motion with his right hand striking Mr. Rose and, with Mr. Rose's neck between Mr. Colleton's thumb and forefinger, he lifted Mr. Rose up and away from him. A videotape of the

events shows that the force of the blow was not insubstantial. The impact of Mr. Colleton's hand striking Mr. Rose can be heard distinctly.

In an interview with OPR, Mr. Colleton contended that Mr. Rose had "invaded his space" and that he had not intended to strike Mr. Rose. He said that raising his hand was simply a reflex action to Mr. Rose's coming near him and that he often waives his hands when he talks. He also said he did not intend to grab Mr. Rose by the throat.

OPR's Conclusions

A. The Obstruction Allegation

OPR considered whether Mr. Colleton had obstructed justice by seeking to intimidate certain lawyers into not filing or into withdrawing their petition. OPR found the evidence insufficient for a criminal prosecution. Specifically, the evidence is insufficient to prove that Mr. Colleton intended to obstruct a proceeding. Assuming that the filing of the petition caused a "proceeding" to commence before a court,^{2/} OPR was satisfied that Mr. Colleton intended at least in part to inform the attorneys of facts he thought they should know. Moreover, although the statements about warfare and retaliation are troubling, OPR could not disprove Mr. Colleton's claim that he meant that he was going to respond to unfounded charges against his office and that he would refer attorneys who made those charges to the Bar. Accordingly, OPR found that those statements were capable of an explanation inconsistent with criminal intent and that the evidence did not come close to showing beyond a reasonable doubt that Mr. Colleton had obstructed justice. Accordingly, OPR declined prosecution.

Nonetheless, in OPR's view, the evidence clearly established extremely poor judgment. It is undisputed that Mr. Colleton called the attorney to inquire about the petition and claimed that he was going on the offensive against this "declaration" or "act of war." Moreover, Mr. Colleton characterized many of the allegations as "lies" and said, according to the attorney, that people would regret making false statements about his office, that they would be "dealt with," and that referrals would be made to the Bar.

Because Mr. Colleton's version of the facts was so similar to the attorney's and because Mr. Colleton was vague about portions of the conversations, OPR concluded that the attorney's version was the more credible.^{3/} There is little difference between the phrase "act of war" that

^{2/} There is a serious question whether, prior to a court's appointing a committee and assigning a matter for investigation, a "proceeding" exists within the meaning of the obstruction-of-justice statutes.

^{3/} The attorney's version was supported by contemporaneous memoranda memorializing the conversation. Mr. Colleton's version had no other support.

the attorney recalled and the phrase "declaration of war" that Mr. Colleton recalled. Both evoke images of retaliation. Regardless of Mr. Colleton's intended meaning, the words he chose understandably left the attorney with the impression that serious consequences would flow from filing or refusing to withdraw the petition. In the face of such language, it was also reasonable for the attorney to be concerned about his relationship with the U.S. Attorney's Office.

OPR was not persuaded by Mr. Colleton's assertion that neither the attorney nor the reporters with whom he spoke could reasonably have misinterpreted his remarks as threatening. Mr. Colleton's words could have left any reasonable listener with the impression that the U.S. Attorney would attempt to silence critics of his office.

B. The Assault and Battery

In OPR's view, Mr. Colleton's assertion that he did not intend to strike Mr. Rose is not credible, and his claim that the battery was an accidental touching as he began to "talk with his hands" is totally at odds with the evidence. OPR also concluded that Mr. Colleton's assertion that he was merely moving Mr. Rose out of his way is unconvincing.

OPR found that Mr. Colleton's actions when approached by Mr. Rose are another demonstration of poor judgment. Mr. Colleton simply lost his temper, and his confrontation with Mr. Rose embarrassed himself and the Department in front of a number of judges and members of the public. Most importantly, Mr. Colleton has been unable or unwilling to admit that he made a mistake in this matter.

Disposition

Mr. Colleton resigned his position as United States Attorney for the Middle District of Florida on July 29, 1994, and accepted a position as Counsel to the Administrator of the Office of Juvenile Justice and Delinquency Prevention in Washington, D.C.

Memorandum



Subject

Disclosure of OPR Report on the U.S. Attorney
for the Middle District of Florida

Date

July 26, 1994

To

David Margolis
Associate Deputy
Attorney General

From

Richard L. Shiffrin
Deputy Assistant
Attorney General

RLS

At your request, I have reviewed the June 9, 1994 memorandum entitled OPR's Report on Allegations of Obstruction of Justice and Assault and Battery Made against United States Attorney Larry Colleton (Report). More specifically, I have considered whether the facts and conclusions included therein warrant disclosure pursuant to Departmental policy. It is my opinion that disclosure, consistent with existing guidelines, should be made.

On December 13, 1993, by Memorandum from the Deputy Attorney General, the Department of Justice adopted a new disclosure policy governing the disposition of OPR investigations. That policy provides three bases for disclosure, the second of which is applicable to the matter at hand. Disclosure is authorized in,

(A)ny case involving an allegation of serious professional misconduct where there has been a demonstration of public interest in the disposition of the allegation, including matters where there has been a public referral to the Department by a court or bar association, where the Attorney General or Deputy Attorney General finds that the public interest in disclosure outweighs the privacy interest of the attorney and any law enforcement interests.

The Report details two instances of alleged misconduct, both of which involve judicial referrals, public interest and sufficiently egregious conduct. In the one instance, Mr. Colleton is alleged to have obstructed justice in connection with a possible or pending grievance proceeding; in another, he is alleged and been found to have committed an aggressive physical assault against a member of the media. The circumstances of both, independently, warrant disclosure.

Regarding the first matter, the Department received a request to initiate an investigation from the chief judge of the United States District Court for the Middle District of Florida. The allegations involved Mr. Colleton's conduct with respect to circumstances arising out of the filing of a petition for the appointment of a grievance committee. More specifically, a determination was sought as to whether Mr. Colleton had committed a crime during the course of two conversations with the president of the North East Chapter of the Florida Association of Criminal Defense Lawyers. The FBI conducted an investigation of this matter and OPR concluded that there was insufficient evidence to prove a criminal violation beyond a reasonable doubt. However, OPR, in reviewing the facts from an administrative standpoint, found that Mr. Colleton exercised extremely poor judgment. It is fair to say that the effect of his actions was to bring discredit upon if not compromise the integrity of the office of the U.S. Attorney.

The second incident involved the striking of a television reporter who was seeking to interview Mr. Colleton as the latter was leaving a session of the Eleventh Circuit Judicial Conference. Again the FBI conducted an investigation and this time OPR concluded that Mr. Colleton demonstrated an "inability to exercise sound judgment in crucial situations." OPR further concluded that the conduct of Mr. Colleton, who was representing the Department at the Conference, had embarrassed the Department in front of the judiciary and the public. As in the first instance, the Department received a complaint from a federal judge, here, the chief judge of the Eleventh Circuit. Finally, OPR observed that Mr. Colleton had failed to mitigate the harm done by his refusal to acknowledge that he had engaged in improper behavior.

In summary, it is my belief that the allegations and the findings of fact by OPR constitute serious professional misconduct in both instances. Due to the surrounding circumstances of the first and the widespread dissemination of the second, a high level of public interest was attained. Given these occurrences and the judicial referrals, it is my conclusion that the public interest in disclosure outweighs the privacy interest of Mr. Colleton and any law enforcement interest.

Memorandum



Subject
Response to Objection to Release of OPR Report

Date
August 17, 1994

To
David Margolis
Associate Deputy
Attorney General

From
Richard L. Shiffrin
Deputy Assistant
Attorney General

RLS

By memorandum transmitted August 12, 1994, but dated July 26, 1994, I advised that disclosure of the OPR Report on United States Attorney Larry Colleton was warranted under current Department of Justice policy. On this date, I have received and reviewed a document dated August 15, 1994, denominated as an objection to such disclosure by the subject and, under separate cover, a document entitled Statement of Larry Colleton and dated July 18, 1994.

The objection to disclosure is premised upon three reasons, none of which are persuasive. Firstly, the determination that disclosure was appropriate expressly considered that a privacy interest was implicated but that, nevertheless the public interest in disclosure predominated. Mr. Colleton's assertion that disclosure would violate due process of law is, in the absence of any further explication, without substance under the circumstances at issue.

Secondly, the assertion that the matters addressed in the OPR Report are no longer of any currency is unrealistic if not untrue. This most prompt investigation and resolution of the two allegations belies any claim that too much time has passed since the incidents and the existence of public interest. While the subject may believe that the matters are behind him, that belief is, at most, of little relevance. It also seems appropriate that, in the face of two judicial referrals, it would be assumed that public or judicial interest persisted in the absence of some disclaimer.

Thirdly, insofar as the objection to disclosure is based upon a different view of the facts and inferences to be drawn therefrom, I find any such dispute to be immaterial to the instant decision to disclose. Although, again, I have reviewed the July 18, 1994 submission and would note that it speaks to only one of two allegations, I believe that it more appropriately may be considered in mitigation or for inclusion in the disclosure.

August 15, 1994

To: David Margolis
Associate Deputy Attorney General

From: Larry H. Colleton

Re: Objection to the release of the OPR report

I oppose the release of the OPR report because it would violate my legitimate right to privacy and due process of law. Second, this matter is last month's news. It simply opens the door for further unnecessary negative news articles that result in defaming my character. Third, the OPR report is incomplete and inaccurate in spite of the Department's acceptance of it.

STATEMENT OF LARRY H. COLLETON

JULY 18, 1994

This statement is made in response to the OPR report of June 9, 1994 with respect to its investigation of me.

After reading the report, I feel that a response concerning certain findings and conclusions is appropriate. First, the conclusion that Mr. Smith's statement is more credible because he allegedly wrote them soon after conversations with me is questionable. Second, the fact that I did not provide any statement/memo of the conversation with Mr. Smith is insufficient to find that Mr. Smith is more credible. Inasmuch as my interview was conducted by surprise and I had no opportunity to refer to my notes, I cannot comprehend how Mr. Smith who had time to prepare these memoranda at anytime prior to submitting his complaint is given more credibility. I was never asked to provide any written documentation of the telephone conversations I had with Mr. Smith although I advised the FBI that certainly with respect to the first conversation with Mr. Smith I wrote notes relative to the conversation. The notes refer to what Mr. Smith advised me would be the likely claims filed in the petition if the Northeast Florida Association of Criminal Defense Lawyers filed a grievance petition. It is ironic to me that Mr. Smith in his alleged memo of April 7, 1994 and moreso in his interview by the FBI failed to mention that he provided me with the list of possible claims to be included in the grievance. Why would Mr. Smith fail to mention that as a part of our conversation, he communicated to me six to eight claims? I feel he failed to do so because it shows that this conversation as well as the second was nonintimidational and nonthreatening.

In conversation number one with Mr. Smith, we both were very cordial to each other and in my estimation there was not one word spoken that could have been perceived to be threatening. This is a man and a lawyer whom I to the best of my knowledge had never met. The last thing I wanted to do was to create a negative or hostile environment with anyone in Jacksonville in light of the media coverage. As a matter of fact when Mr. Smith and I finished our conversation, I specifically asked him if the organization filed the petition, would he provide me with a copy. There was no hesitation in Mr. Smith's voice as he responded by stating, yes.

It has been concluded in the OPR report that I used extremely poor judgment in seeking to prevent the filing of a request to appoint a grievance committee. I respectfully disagree with this finding. My actions are inconsistent with this finding and the facts do not support such a conclusion. First, my initial contact with Mr. Smith was simply to open a dialogue. Second, I shared some facts with him that he was unaware of and he shared with me the likely claims that would be found in the grievance petition. When the conversation ended, I asked him to provide me a copy of the petition if one was filed. He agreed to do this. Previously, on April 4, 1994, I issued a press release indicating that I had asked OPR to conduct an investigation of the office's handling of

the Kriedler case. Within an hour of my second conversation with Mr. Smith, I submitted a written request to Judge John H. Moore asking that the grievance petition be made public. In less than twenty-four hours, Paul Pinkham of The Florida Times-Union had a copy of the petition and faxed me a copy of it. On the evening of my second conversation with Mr. Smith, I received a call from Michael Dillon of TV-12, Jacksonville at my home. I advised Mr. Dillon among other matters that I requested that the petition be made public. My actions were inconsistent with a person trying to utilize intimidation and threats to prevent the filing of the petition.

At no time did I ask Mr. Smith or his organization to not file their petition. To the contrary, I simply desired to obtain a copy if a petition was filed. I never made any statements to Mr. Smith or any member of his organization concerning retaliation. I never said to Mr. Smith that members of the Bar would be reported to the Florida Bar or other agencies. Also, I never told Mr. Smith that members of the organization would be "dealt with." This was never said to Mr. Smith or any other individual concerning this grievance petition. As a matter of fact, I never spoke with anyone on the staff of the U.S. Attorney's Office in Jacksonville about substance of my conversations with Mr. Smith. Brian Kane, the Managing Assistant United States Attorney in Jacksonville was aware that I spoke with Mr. Smith however, I never discussed Mr. Smith or the Northeast Florida Association of Criminal Defense Lawyers in any substantive manner with Mr. Kane.

Furthermore, if Mr. Smith's statement is correct, why then would I want him to keep my comments concerning facts not accurately reported in the news confidential. If, I wanted to intimidate and threaten, why limit it to Mr. Smith. Basically, why not try to influence and intimidate the entire organization. Because there was no attempt to prevent the filing of the grievance petition.

UNITED STATES ATTORNEY
MIDDLE DISTRICT OF FLORIDA
80 NORTH HUGHEY AVENUE, SUITE 201
ORLANDO, FLORIDA 32801
(407) 648-6700
FAX: (407) 648-6743



DATE: 7/29/94

FROM: Larry H. Colleton
U.S. Attorney

TO: Attorney General Janet Reno
Attn: S. Bilchik

TELEPHONE NUMBER: ()

FAX NUMBER: (202) 514-⁶⁸⁹⁷~~6897~~

NUMBER OF PAGES (INCLUDING COVER SHEET): 2

NAME OF PERSON TO CONTACT UPON RECEIPT: Martha Worthington

TELEPHONE NUMBER OF PERSON TO CONTACT UPON RECEIPT: (407) 648-6724

SPECIAL INSTRUCTIONS: _____

**U.S. Department of Justice**

*United States Attorney
Middle District of Florida*

*Tampa Division
500 Zack Street, Suite 410
Tampa, Florida 33602
July 28, 1994*

813-274-6000

The Honorable William Jefferson Clinton
President of the United States
The White House
Washington, D.C.

Dear Mr. President:


Approximately one year ago, I received a letter informing me that United States Senator Bob Graham had submitted my name as the proposed nominee for the position of United States Attorney for the Middle District of Florida. I can think of few moments of my life when I have been more proud and honored.

Today, after a great deal of consideration, I have decided to submit my resignation as United States Attorney for the Middle District of Florida. Although this has been a very difficult decision for me, I want you to know that I feel fortunate to have served in such an important and critical position.

My decision to resign is based upon the opportunity to be of even greater service to the public. As you may be aware, I have been offered a position as Counsel to the Administrator of the Office of Juvenile Justice and Delinquency Prevention. I see this as an opportunity to be an active participant in carrying out this administration's goals and objectives with respect to criminal prosecution, crime prevention, and education. As I felt one year ago, this position offers the opportunity for me to serve the public. Honestly, I find no worthier endeavor than public service.

Therefore, please accept this letter as my formal resignation as United States Attorney for the Middle District of Florida.

Respectfully yours,


Larry H. Colleton
United States Attorney

cc: The Honorable Janet Reno
Attorney General



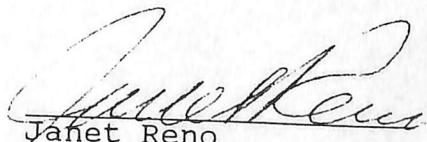
Office of the Attorney General
Washington, D. C. 20530

ORDER NO. 1900-94

AUTHORIZING DONNA A. BUCELLA TO BE THE INTERIM
UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF FLORIDA
DURING THE VACANCY IN THAT OFFICE

By virtue of the authority vested in the Attorney General by 28 U.S.C. § 546, I designate and appoint Donna A. Bucella to be the United States Attorney for the Middle District of Florida and to serve in that capacity for one hundred twenty days or until a Presidential appointment is made pursuant to 28 U.S.C. § 541, whichever occurs first.

This order shall be effective once the office is vacant and the oath of office has been taken.


Janet Reno
Attorney General

Dated: July 29, 1994

INTERNAL ORDER/NOT PUBLISHED
IN F.R.



U.S. Department of Justice

Office of Legal Counsel

Office of the
Deputy Assistant Attorney General

Washington, DC 20530

July 28, 1994

MEMORANDUM FOR JANET RENO
Attorney General

Re: Proposed Attorney General Order Designating
Donna A. Bucella as Interim United States
Attorney for the Middle District of Florida

ACTION MEMORANDUM

The attached proposed Attorney General order was prepared by the Executive Office for United States Attorneys and submitted to this Office for review with respect to form and legality. The proposed order will designate Donna A. Bucella pursuant to 28 U.S.C. § 546 to be the United States Attorney for the Middle District of Florida and to serve in that capacity for one hundred twenty days or until a Presidential appointment is made, whichever occurs first.

The proposed order is approved with respect to form and legality.

Richard L. Shiffrin
Deputy Assistant Attorney General

DEPARTMENT OF JUSTICE
EXECUTIVE SECRETARIAT CONTROL DATA SHEET

From: ACHESON, ELEANOR D., AAG, OPD & DIBATTISTE, CAROL, DIR., OPD
To: AG.
Date Received: 07-29-94 Date Due: 08-03-94 ODD: 08-03-94
Subject & Date Control #: X94072921049

UNDATED MEMO ATTACHING AN AG ORDER AUTHORIZING
DONNA A. BUCELLA TO BE THE INTERIM U.S. ATTORNEY FOR THE
M.D. OF FLORIDA. ADVISES THAT THE AG CAN SIGN THE ENCLOSED
ORDER AND PREPARED LETTER TO JOHN H. MOORE, II, CHIEF JUDGE,
M.D. OF FLORIDA, OR REQUEST THAT THE U.S. DISTRICT COURT FOR
THE M.D. OF FLORIDA MAKE THE APPOINTMENT, W/ATTACH.; EOA
RECOMMENDS THAT THE AG MAKE THE APPOINTMENT AND THAT THE AG
OR DAG CONTACT JUDGE MOORE AND DISCUSS DOJ'S DECISION;*

	Referred To:	Date:		Referred To:	Date:
(1)	DAG;GORELICK	07-29-94	(5)		
(2)			(6)		
(3)			(7)		
(4)			(8)		

INTERIM BY:
Sig. For: AG.

DATE:
Date Released:

W/IN:
PRTY:
1
OPR:
KIM

Remarks

*THRU DAG; FOR AG APPROVAL/DISAPPROVAL AND/OR SIGNATURE.
(REC'D FROM ODAG)
(SEE E.S. 94051113984, 94052515247, & 94051113925
PACKAGES ATTACHED.)
(1) W/MEMO FROM OLC TO THE AG DATED 07-28-94, APPROVING
ORDER WITH RESPECT TO FORM AND LEGALITY. TO DAG FOR
INITIALING ON THE "THRU" LINE. RETURN THRU EXEC. SEC. FOR

Other Remarks:
FORWARDING TO OAG.

FILE:

REMOVE THIS CONTROL SHEET PRIOR TO FILING AND DISPOSE OF APPROPRIATELY



Main Justice Building, Room 1619
10th & Pennsylvania Avenue, N.W.
Washington, D.C. 20530

(202) 514-2121

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: Eleanor D. Acheson
Assistant Attorney General
Office of Policy Development

Carol DiBattiste
Carol DiBattiste
Director

Executive Office for United States Attorneys

SUBJECT: United States Attorney Position,
Middle District of Florida

Larry H. Colleton, United States Attorney for the Middle District of Florida, has resigned. Donna A. Bucella has been serving as the Acting United States Attorney for the Middle District of Florida pursuant to 28 U.S.C. § 509 and § 510, and in accordance with 28 C.F.R. § 0.132(e) since May 11, 1994. The departure of Mr. Colleton creates a vacancy that requires an interim appointment by Order signed by you pursuant to 28 U.S.C. § 546(c), or by the Court pursuant to 28 U.S.C. 546(d). The Order appears at Tab-A and the letter to Chief Judge John H. Moore, II, Middle District of Florida, requesting he authorize the Court appointment for Ms. Bucella is at Tab-B.

Attached are the necessary documents to effect the appointment by you or request for appointment by the Court. We recommend that you exercise your authority under 28 U.S.C. § 546(c) and sign the Order.

Attachments (as stated)



U.S. Department of Justice

Executive Office for United States Attorneys

Office of the Director

Washington, D.C. 20530

MEMORANDUM FOR THE ATTORNEY GENERAL

THROUGH: Jamie S. Gorelick
Deputy Attorney General

FROM: 
Carol DiBattiste
Director

SUBJECT: Interim United States Attorney Appointment
for Donna A. Bucella in the Middle District
of Florida

Attached to this memorandum is a request relating to the appointment of Donna A. Bucella as the interim United States Attorney for the Middle District of Florida. This request is being submitted as incumbent United States Attorney Larry D. Colleton has resigned. Ms. Bucella is the Principal Deputy Director for the Executive Office for United States Attorneys and has been in an acting United States Attorney capacity since May 11, 1994.

As noted in the attached documentation, you have the authority to appoint Ms. Bucella as the interim United States Attorney pursuant to 28 U.S.C. § 546(c). However, the district court also has the authority to make such an appointment pursuant to 28 U.S.C. § 546(d). You can request that the United States District Court for the Middle District of Florida make such an appointment. The documentation for either option is attached to this memorandum.

If you invoke your authority to make this appointment pursuant to 28 U.S.C. § 546(c), it can only be effected for a period not to exceed 120 days. If the district court does not take any action to make an appointment upon the expiration of the initial 120 days, you may make a subsequent appointment for an additional 120 days. The district court may make an appointment pursuant to 28 U.S.C. § 546(d). This appointment will expire

when the President appoints an individual to the position of United States Attorney. The President may appoint an individual with the advice and consent of the Senate or request the district court to make the appointment pending the imminent confirmation by the Senate.

In making your decision, it should be noted that if a request is made to the district court to appoint someone to this vacant position, the district court may or may not support our nominee and appoint its own candidate. As this individual may not have a working knowledge of the district's mission, the operation of the district could be severely effected.

By using your authority to appoint Ms. Bucella as interim United States Attorney for 120 days, we maintain the orderly operation of the district and allow for an easier transition upon a selection by the President.

This office recommends that the interim United States Attorney for the Middle District of Florida be appointed by the Attorney General pursuant to 28 U.S.C § 546(c). Such an appointment is consistent with the past practice of the Department and will retain authority over this appointment with the Attorney General.

It is also recommended that either you or Ms. Gorelick personally contact Chief Judge John H. Moore, II and discuss your decision regardless of the option you choose.

If you have any questions regarding this issue, please have someone on your staff contact me on 514-2121.

- ☐ Pursuant to 28 U.S.C. § 546(c), it is my decision to invoke my authority to appoint Ms. Donna A. Bucella as the interim United States Attorney in the Middle District of Florida for a period not to exceed 120 days.
- ☐ Pursuant to 28 U.S.C § 546(d), I have requested that the District Court appoint Ms. Donna A. Bucella as the interim United States Attorney for the Middle District of Florida.

Janet Reno
Attorney General

Date

Attachment

DEPARTMENT OF JUSTICE
EXECUTIVE SECRETARIAT CONTROL DATA SHEET

From: GORELICK, JAMIE S., DAG
To: COLLETON, LARRY, U.S. ATTORNEY, MD. OF FL ODD: NONE
Date Received: 05-11-94 Date Due: NONE Control #: X94051113984
Subject & Date

05-11-94 LETTER ADVISING THAT SHE AGREES WITH U.S. ATTORNEY
COLLETON'S INTENTION TO TEMPORARILY REMOVE HIMSELF FROM HIS
DUTIES AS U.S. ATTORNEY FOR A PERIOD OF 30 DAYS, PENDING THE
COMPLETION OF INQUIRIES BEING CONDUCTED BY OPR AND FLORIDA
AUTHORITIES. ENCLOSURES A COPY OF AN ORDER ISSUED BY THE AG
DESIGNATING DONNA BUCELLA AS THE ACTING U.S. ATTORNEY FOR
THE MIDDLE DISTRICT OF FLORIDA IN MR. COLLETON'S ABSENCE.
(SEE E.S. 94051113925)

(1)	Referred To:	Date:	Referred To:	Date:	
(2)	DAG;FILES	05-11-94	(5)		W/IN:
(3)			(6)		
(4)			(7)		PRTY:
	INTERIM BY:		(8)		1Y
	Sig. For:	NONE	DATE:		OPR:
			Date Released:	05-11-94	CYN

Remarks
INFO CC: EOA.
COPY REC'D FROM OAG AFTER COMPLETION.

Other Remarks:

FILE: TRANSITORY-94 DAG

E940511 740

REMOVE THIS CONTROL SHEET PRIOR TO FILING AND DISPOSE OF APPROPRIATELY



U.S. Department of Justice

Office of the Deputy Attorney General

Washington, D.C. 20530

May 11, 1994

Honorable Larry H. Colleton
United States Attorney
Middle District of Florida
500 Zack Street, Suite 400
Tampa, Florida 33602

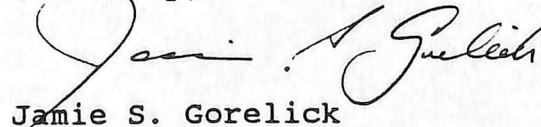
Dear Mr. Colleton:

I have been advised of your intention to temporarily remove yourself from your duties as U.S. Attorney for a period of thirty days, pending the completion of inquiries being conducted by the Office of Professional Responsibility and Florida authorities. You have also requested immediate appointment of an Acting U.S. Attorney during your absence. I agree with your decision and request.

Attached is a copy of an Order issued by the Attorney General, designating Ms. Donna Bucella as the Acting United States Attorney for the Middle District of Florida in your absence.

As you requested, in the event that the pending inquiries are not resolved in the next thirty days, we will revisit this situation at that time.

Sincerely,



Jamie S. Gorelick



Office of the Attorney General
Washington, D. C. 20530

Order. No

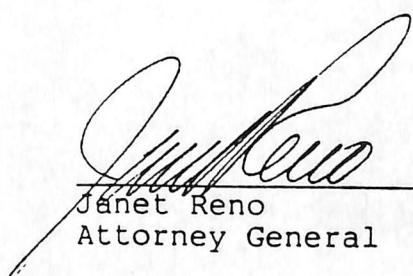
DESIGNATING DONNA BUCELLA
AS ACTING UNITED STATES ATTORNEY FOR THE
MIDDLE DISTRICT OF FLORIDA

Pursuant to the authority vested in me by statute, including 28 U.S.C. §§ 509 and 510 and 5 U.S.C. § 301, and in accordance with 28 C.F.R. § 0.132(e), I hereby designate Donna Bucella to perform the functions and duties of and to act as United States Attorney for the Middle District of Florida.

This order is effective as of May 11, 1994.

Date

May 11, 1994


Janet Reno
Attorney General

DEPARTMENT OF JUSTICE
EXECUTIVE SECRETARIAT CONTROL DATA SHEET

From: COLLETON, LARRY H., U.S. ATTORNEY, M.D. OF FLORIDA
To: DAG ODD: NONE
Date Received: 05-24-94 Date Due: NONE Control #: X94052515247
Subject & Date

05-10-94 LETTER (FAX REC'D FROM ODAG), FOLLOWING UP ON A
RECENT CONVERSATION HE HAD WITH THE DAG, ADVISING THAT HE
WILL BE ON MILITARY DUTY FOR A PERIOD DURING MAY AND JUNE.
ADVISES THAT HE MUST TEMPORARILY REMOVE HIMSELF FROM
DIRECTING THE ACTIVITIES OF THE U.S. ATTORNEY'S OFFICE FOR
A PERIOD OF 30 DAYS, PENDING THE COMPLETION OF HIS MILITARY
DUTY AND THE PENDING INQUIRIES AGAINST HIM BY OPR AND
FLORIDA AUTHORITIES. REQUESTS THAT SOMEONE WITHIN DOJ*

Referred To:	Date:	Referred To:	Date:	
(1) DAG;GORELICK	05-25-94	(5)		W/IN:
(2)		(6)		
(3)		(7)		PRTY:
(4)		(8)		1S
INTERIM BY:		DATE:		OPR:
Sig. For: NONE		Date Released:		KIM

Remarks

*IMMEDIATELY APPOINT A PERSON TO ACT AS U.S. ATTORNEY DURING
HIS 30-DAY ABSENCE. (SEE PRIOR CORRES.)

(1) ODAG/MARGOLIS HAS SEEN.

Other Remarks:

FILE: TRANSITORY-94 DAG

REMOVE THIS CONTROL SHEET PRIOR TO FILING AND DISPOSE OF APPROPRIATELY



U.S. Department of Justice
United States Attorney
Middle District of Florida

500 Zack Street, Suite 400
Tampa, Florida 33602

813/274-0000

May 10, 1994

The Honorable Jamie Gorelick
Deputy Attorney General of the United States
10th and Constitution, NW
Room 4111
Washington, D.C. 20530

Dear Deputy Attorney General Gorelick:

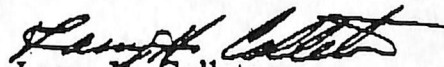
As you are aware, based upon our conversation of Monday, May 9, 1994, I will be on military duty throughout the balance of May and part of June 1994. In light of this, as well as the distraction occasioned by the existence of pending inquiries by the Office of Professional Responsibility (OPR) and Florida authorities, I have concluded that I must temporarily remove myself from directing the activities of the United States Attorney's Office for a period of 30 days, pending the completion of my military duty and the aforesaid inquiries.

I am confident that I will ultimately be vindicated. However, it is very important to me that my office be able to function smoothly during the interim, free from any distractions. Under ordinary circumstances, I would appoint an Acting United States Attorney pursuant to section 1-3.150 of the United States Attorneys' Manual. Under these unique circumstances, however, I respectfully defer to higher authority within the

The Honorable Jamie Gorelick
Deputy Attorney General of the United States
May 10, 1994
Page two

Department of Justice for immediate appointment of a person to act as United States Attorney during my 30-day absence, during which time I would respectfully anticipate resolution of the pending inquiries. While I will play no role in the operation of this office in the interim, I do remain available to assist you and the Department in any other way. I would like to revisit the issue with you in the event that these inquiries are not concluded within 30 days.

Respectfully,


Larry H. Colleton
United States Attorney

LHC:cpf

DEPARTMENT OF JUSTICE
EXECUTIVE SECRETARIAT CONTROL DATA SHEET

From: SHIFFRIN, RICHARD, OLC

To: AG.

Date Received: 05-11-94 Date Due: NONE

ODD: NONE

Control #: X94051113925

Subject & Date

05-11-94 MEMO ATTACHING AG ORDER 1875-94 DESIGNATING
DONNA BUCELLA AS ACTING U.S. ATTORNEY FOR THE MIDDLE
DISTRICT OF FLORIDA EFFECTIVE MAY 11, 1994.

(1) Referred To: Date:
(2) OAG;FILES 05-11-94
(3)
(4)

(5) Referred To: Date:
(6)
(7)
(8)

W/IN:

PRTY:

1Y

OPR:

BJM

INTERIM BY:

Sig. For: AG.

DATE:

Date Released: 05-11-94

Remarks

AG SIGNED ORDER DATED 05-11-94. OLC PROVIDED COPY TO
EXEC. SEC. AND EXEC. SEC. PROVIDED INFO COPIES TO:
EOA, JMD (JOY), OLA (SCOTT-FINAN)
(SEE E.S. 94051914805)

Other Remarks:

FILE: AG ORDERS AND RULES/ORDERS, AG CHRON

E940511 738

REMOVE THIS CONTROL SHEET PRIOR TO FILING AND DISPOSE OF APPROPRIATELY



U. S. Department of Justice

Office of Legal Counsel

Office of the
Deputy Assistant Attorney General

Washington, D.C. 20530

May 11, 1994


MEMORANDUM FOR THE ATTORNEY GENERAL

Re: Proposed Attorney General Order Designating Donna
Brucella As Acting United States Attorney for the
Middle District of Florida

ACTION MEMORANDUM

The attached proposed Attorney General Order, designating Donna Bucella as Acting United States Attorney for the Middle District of Florida, was prepared by this Office at the direction of the Office of the Deputy Attorney General.

The proposed order is approved with respect to form and legality.


Richard Shiffman
Deputy Assistant Attorney General
Office of Legal Counsel



Office of the Attorney General
Washington, D. C. 20530

Order No 1875-94

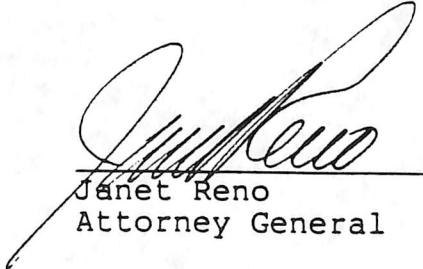
DESIGNATING DONNA BUCELLA
AS ACTING UNITED STATES ATTORNEY FOR THE
MIDDLE DISTRICT OF FLORIDA

Pursuant to the authority vested in me by statute, including 28 U.S.C. §§ 509 and 510 and 5 U.S.C. § 301, and in accordance with 28 C.F.R. § 0.132(e), I hereby designate Donna Bucella to perform the functions and duties of and to act as United States Attorney for the Middle District of Florida.

This order is effective as of May 11, 1994.

Date

May 11, 1994



Janet Reno
Attorney General

INTERNAL ORDER/NOT PUBLISHED
IN F.R.



Office of the Attorney General
Washington, D. C. 20530

July 25, 1994

MEMORANDUM TO:

Merrick Garland ✓
Principal Associate Deputy Attorney General

David Margolis
Associate Deputy Attorney General

FROM:

John Hogan
Assistant to the Attorney General

The Attorney General would like you to also consider Chuck Morton, Thornton Williams, and Mary Scriven for the position in the U.S. Attorney's Office in Florida. Resumes are attached.

CHARLES B. MORTON, JR.
BROWARD COUNTY COURTHOUSE
ROOM 610
201 SOUTHEAST SIXTH STREET
FORT LAUDERDALE, FLORIDA 33301
305-831-7922

ASSISTANT STATE ATTORNEY IN CHARGE OF CAPITAL CRIMES DIVISION
17TH JUDICIAL CIRCUIT IN BROWARD COUNTY,

LEGAL EDUCATION:

J.D., May 1975
University of Florida School of Law
Gainesville, Florida

PRE-LEGAL EDUCATION:

B.A. Degree in History & Political
Science, May, 1972
Rollins College, Winter Park,
Florida

**PROFESSIONAL
EXPERIENCE:**

1975 - 1976, Staff Attorney
Legal Aid of Broward County, Inc.

1976 - 1977, Associate Attorney
Law Offices W. George Allen

1977 to Present, Assistant State
Attorney, Broward State Attorney's
Office. Responsibilities: Prosecuted
misdemeanor cases in 1977; prosecuted
felony cases from 1978 to 1980; assigned
in 1980 to prosecute in Special
Prosecutions Unit; in charge of County
Court Division from 1980 to 1985;
currently in charge of Capital Crimes
Division

BAR ADMISSIONS:

Florida Bar, 1975
District of Columbia Bar, 1981

**PROFESSIONAL
AFFILIATIONS:**

T.J. Reddick Bar Association
Broward County Bar Association
Florida Prosecuting Attorneys Association
National District Attorneys Association.

**PROFESSIONAL
SERVICE:**

Formerly served on the Florida Bar
Code and Rules of Evidence Committee;
Formerly served on the Florida Bail Bond
Regulatory Board;
Served on the Florida Supreme Court Racial
and Ethnic Bias Study Commission; and
Currently a member of the Board of
Directors of the Broward County
Bar Association.

****END****

**TEACHING
EXPERIENCE:**

Currently an Adjunct Professor in Trial
Advocacy at Nova University Law Center,
Fort Lauderdale, Florida,
Lecturer for Florida Prosecuting Attorneys
Association Education Committee, and
Faculty Lecturer for the National College
of District Attorneys in Houston, Texas

PERSONAL DATA:

Age 43
Married, 2 children

THORNTON JEROME WILLIAMS
3146 Blairstone Court
Tallahassee, Florida 32301
(904) 877-9555

EDUCATION

Legal

Florida State University College of Law, Tallahassee, Florida
 Graduated: June 1981 (J.D.)
 Honors and Awards: "Best Team"—Southern Regional
 Fredrick Douglass Moot Court Competition, February, 1981
 Activities: Participant, Regional and National Fredrick
 Douglass Moot Court Competition, March 1981
 Chairperson and Member, Black American Law Student
 Association (BALSA)
 Member, Phi Delta Phi Legal Society

Undergraduate

Florida Agricultural and Mechanical University, Tallahassee, Florida
 Graduated: June 1977 (B.S., Physics)
 Awards: Conn Memorial Physics Award
 Amoco Production Company Geophysics Scholarship

LEGAL EXPERIENCE

General Counsel - Florida Dept. of Transportation 6/90 to present
 Responsible for providing legal advice to the Secretary of the Dept. of Transportation regarding major policy decisions. Also responsible for the supervision of a staff of 51 employees which includes 20 attorneys assigned to the areas of construction litigation, eminent domain, tort litigation, and administrative cases. Duties also involve administering a 4 million dollar annual budget, and setting and implementing policies for an additional 40 attorneys located in regional offices throughout the state.

Deputy General Counsel - Florida Dept. of Business Regulation 6/87 - 6/90
General Counsel - Joseph A. Sola, Tallahassee, Florida. Duties included administrative and civil representation and policy determination of the various statutory areas regulated by the Division of Florida Land Sales, Condominiums and Mobile Homes, which includes Chapter 718, The Condominium Act; Chapter 719, The Cooperative Act; Chapter 721, The Timeshare Act; Chapter 723, The Mobile Home Act; and Chapter 498, The Land Sales Act. Also responsible for supervising a staff comprised of 7 attorneys, 1 administrative assistant, 4 secretaries and 3 OPS employees.

Staff Attorney - Florida Dept. of Business Regulation 12/84 - 1/87
General Counsel - Thomas A. Bell, Tallahassee, Florida. Assigned primarily to work generally with the Division of Florida Land Sales, Condominiums and Mobile Homes, and specifically with the Time-Share, Condominium and Land Sales bureaus. Duties included civil prosecution of violations of the various statutory areas regulated by the bureaus, and representing the agency in foreclosure and bankruptcy actions. Also assigned to assist in representing the Department in some civil jury trials.

Assistant General Counsel - Governor of Florida 5/83 - 12/84
General Counsel - Sydney H. McKenzie, Tallahassee, Florida. Duties included preparing legal documents for the Governor's signature, researching and preparing memoranda on legal issues. Also, an editor of a monthly publication, "The Florida Prosecutor," which reports federal and state criminal law cases.

Assistant State Attorney 2/82 - 5/83
State Attorney - Donald S. Modesitt, 2nd Judicial Circuit, Tallahassee, Florida. Assigned primarily as a felony trial attorney, prosecuting over 20 jury trials. Also assigned as the juvenile backup attorney, which required charging decisions, and prosecuting over 100 nonjury trials. Duties also included being assigned to represent the office in all commitment proceedings under the Baker Act (involuntary commitment of mentally ill persons) and the Myers Act (involuntary commitment of persons needing alcoholic treatment). Also prosecuted civilly, former state employees inadvertently advanced funds to which they were not legally entitled.

Law Clerk - Legal Services of North Florida, Inc.

9/81 - 12/81

Certified Legal Intern
Attorney General, State of Florida - Civil Division

9/80 - 10/81

Supreme Court Intern
Supreme Court, State of Florida, Honorable Justice Boyd

3/81 - 6/81

Research Assistant
Associate Professor David Powell, Florida State University, College of Law

9/80 - 6/81

Teacher Assistant
Council on Legal Education Opportunity (CLEO), University of Georgia

6/80 - 7/80

Research Assistant
Professor Donald Weidner, Florida State University, College of Law

4/80 - 6/80

NON-LEGAL EXPERIENCE

Computer Programmer
Department of Administration, State of Florida

9/77 - 9/78

Research Assistant
Amoco Production Company, New Orleans, Louisiana

6/75 - 9/75

COMMUNITY INVOLVEMENT

Tallahassee Jaycees
Legal Counsel, 1985-1987; President 1987-1988; Chairman of the Board, 1988-1989

Member 1985 - present

Florida Jaycees
Selected as Outstanding local chapter president,
Future Directions Committee Member

Member 1985 - Present

1988 - 1989

1988 - 1989

Tallahassee Chamber of Commerce Board Member

1987 - 1988

Tallahassee Urban League Board Member
Executive Committee Member 1989 - present

1988 - present

Celebrate America (4th of July festivities for the City of Tallahassee)
Board Member 1987 - present; chairman, 1988

Barristers
Treasurer, 1983 - 1984; Law School Liaison, 1984 - 1988

Member 1981 - present

REFERENCES AVAILABLE ON REQUEST

MARY S. SCRIVEN

2808 San Isidro
Tampa, Florida 33629

EDUCATION

Legal

Florida State University College of Law,
Tallahassee, Florida
J.D. degree: May 1987, with high honors
Class Rank: 18/157 G.P.A.: 81.258 (93 scale)
Honors: Moot Court, William Blank-David Miller
Scholarship, Orin Slagle Scholarship
Activities: FSU College Of Law
First Annual Student Graduation Speaker; Studied
at St. Edmund Hall, Oxford University, Oxford,
England Comparative Law, Summer, 1985

Nonlegal

Duke University, Durham, North Carolina
B.A. Political Science, 1980-83
Honors: Cum Laude Graduate, Dean's List, President
Leadership Award
Activities: Chief Justice of the University Judicial Board,
President and Financial Chairperson of 75-
member Mass Choir, Member of President's
Council on Student Affairs

EXPERIENCE

Legal

SENIOR ASSOCIATE

August 1987 - present

Carlton, Fields, Ward, Emmanuel, Smith & Cutler, P.A.,
Tampa, Florida

Associate, general corporate litigation, emphasis on failed banks
litigation and franchise litigation

LAW CLERK

Jan. 1987 - May 1987

Huey, Guilday, Kuersteiner & Tucker,
Tallahassee, Florida

INTERN

Aug. 1986 - Dec. 1986

Honorable William Stafford, United States District Court,
Northern District of Florida

Nonlegal

Part-time and summer positions held include high school English teacher, data terminal operator (Duke University Medical Center), and office manager.

**PROFESSIONAL &
CIVIC ASSOCIATIONS**

The Florida Bar Foundation: Board of Directors, Executive Committee, IOTA Grant Program Committee, Law Student Assistance Committee (Chair) and Long-Range Planning Committee

Leadership Florida Class of 1995; Leadership Tampa Class of 1994; Board of Directors, Hillsborough Association of Women Lawyers (President); Tampa Bay Regional Planning Council; Board of Directors, George Edgecomb Bar Association (Second Vice President); Hillsborough County Bar Association Executive Board (Secretary)

Florida Association of Women Lawyers; American Bar Association; National Bar Association; The Athena Society; Junior League of Tampa

PERSONAL

Date of Birth:

Marital Status: Married

FOIA (b) (6)

Hugon

#1

CHUCK MORTON

Asst. state's Attorney : BROWARD COUNTY
Homicide Chief

[better worth = AG Fla = Rec]

CHARLES WILSON - TAMPA MAGISTRATE

- Very ~~QUIET~~, almost paid
- grumbling re not helping community



U.S. Department of Justice

United States Attorney

Middle District of Louisiana

339 Florida Street, Sixth Floor

Telephone:

Baton Rouge, Louisiana 70801

(504) 389-0443

July 19, 1994

MEMORANDUM FOR: Janet Reno
Attorney General

THROUGH: Jamie S. Gorelick
Deputy Attorney General

FROM: Susan Barnes
Brian Jackson
Patrick Molloy
Richard Roberts

SUBJECT: Review of the United States Attorney's Office
for the Middle District of Florida

Beginning on June 22, 1994 and concluding on July 1, 1994, we visited each of the four locations that comprise the United States Attorney's office for the Middle District of Florida. During this period, approximately 139 persons were interviewed in connection with the anticipated level of effectiveness of United States Attorney Larry Colleton should he return to the District. Among those interviewed were community representatives, client agency representatives, members of the United States Attorney's office, and members of the judiciary. The following represents a synopsis of our findings.

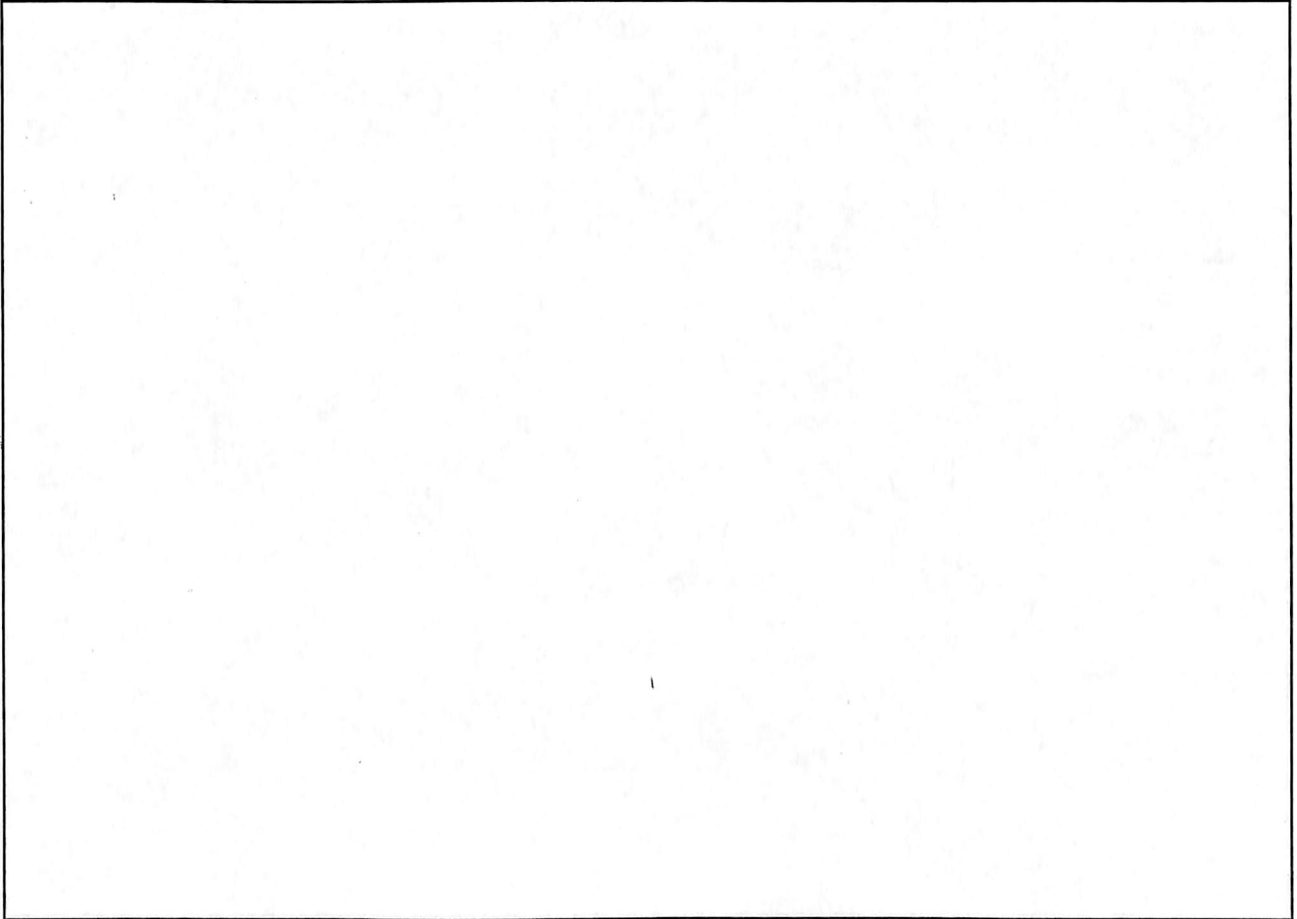
THE COMMUNITY

We interviewed in person or by telephone numerous individuals from the following communities, among others: Weed and Seed grantees, prevention and treatment organizations, African-American bar and civilian groups, the state Chamber of Commerce, an Orlando local government official and a county sheriff. All wanted Mr. Colleton to return to office and to do so quickly. Most were very enthusiastic about Mr. Colleton's community outreach efforts. Some were concerned that replacing Mr. Colleton would imperil the momentum they had built up in achieving grass roots involvement. A few worried about the appearance of a double standard if Mr. Colleton were replaced

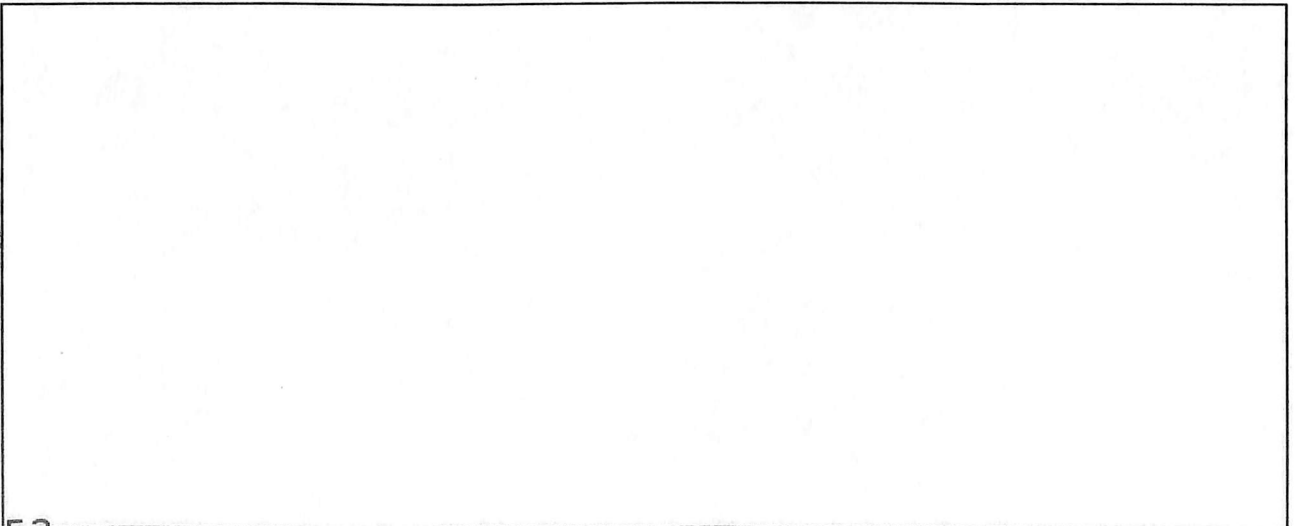
FOIA(b) (6)

while predecessors escaped sanction for misbehavior. Overall, community members involved with the U.S. Attorney's office would be supportive of Mr. Colleton were he to return.

LAW ENFORCEMENT AGENCIES



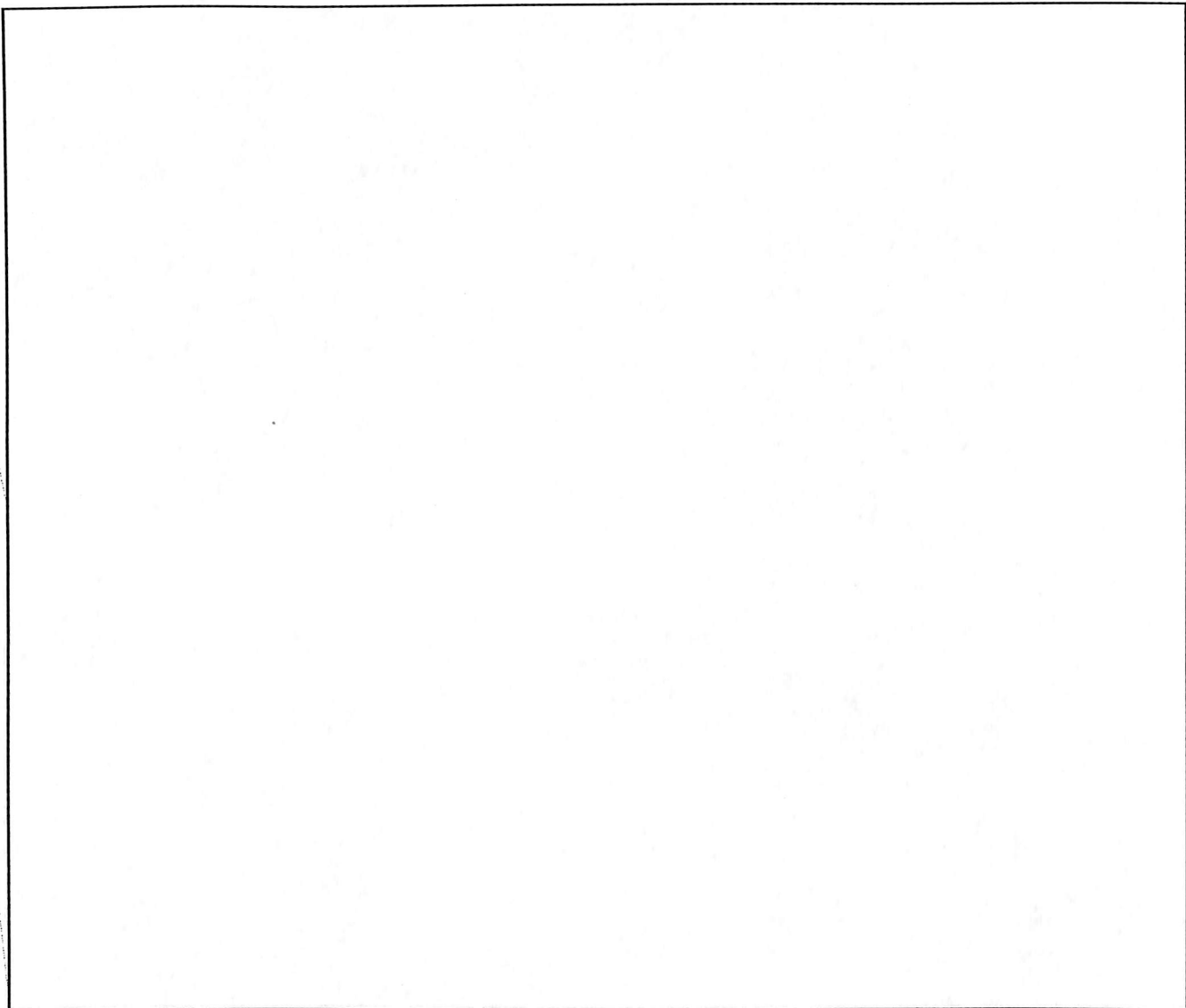
ASSISTANT UNITED STATES ATTORNEYS



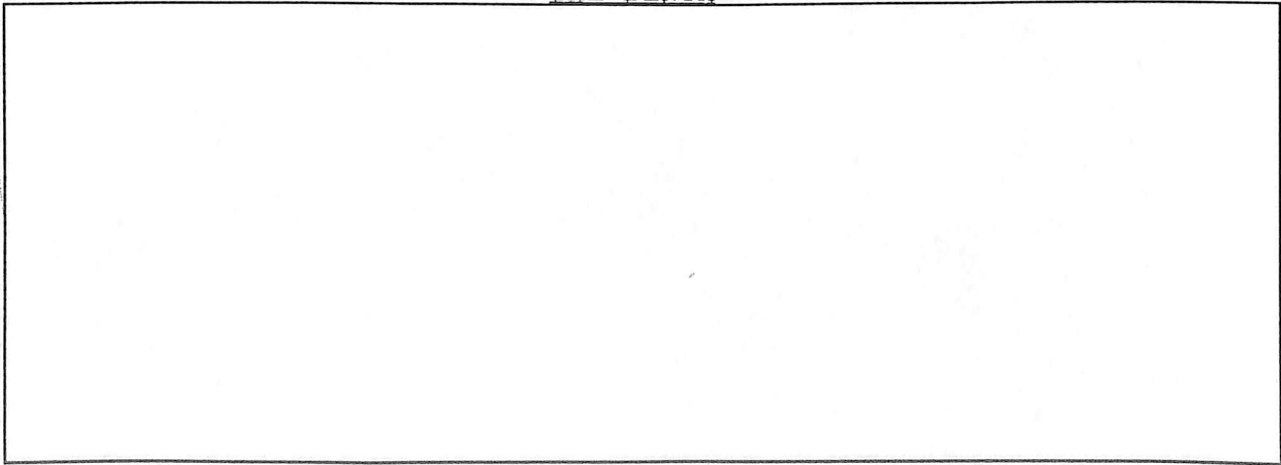
NW#: 49753

DocId: 32629276

FOIA(b) (6)



THE BENCH



We hope you find this information helpful. Please call us if we can be of further assistance.

NW#: 49753

DocId: 32629276



Department of Justice

FOR IMMEDIATE RELEASE
FRIDAY, JULY 29, 1994

OJJDP
(202) 514-2007
TDD (202) 514-1888

FLORIDA U.S. ATTORNEY TO JOIN JUVENILE JUSTICE OFFICE

WASHINGTON, D.C. -- The Justice Department announced today that Larry H. Colleton of Orlando, Florida will become Counsel to the Administrator of the Office of Juvenile Justice and Delinquency Prevention in Washington, D.C.

Mr. Colleton, age 36, currently is serving as the U.S. Attorney for the Middle District of Florida. In reviewing Mr. Colleton's work, it was clear to the Attorney General that he had done excellent work in community outreach and crime prevention programs.

Mr. Colleton served on the Juvenile Justice Task Force in Orange County, Florida, the Orange County Community Action Board, and was a mentor in the County's public schools. He worked as a lawyer for the Georgia Legal Service Program and the Charleston, South Carolina, Neighborhood Legal Assistance Program. He was President of the Orange County Branch of the National Association for the Advancement of Colored People (NAACP) and President of

(MORE)

the Jacksonville Chapter of the National Naval Officers Association.

Mr. Colleton received his undergraduate and law degrees from the University of South Carolina. After working in legal services and duty as a Naval Officer, he was an Assistant State Attorney in Sanford, Florida. In 1990, he became an Assistant U.S. Attorney in Orlando where he prosecuted numerous criminal cases dealing with drugs, credit card fraud, firearms offenses, and other violations of law.

In his new position, Mr. Colleton will bring his experience as a prosecutor, legal services lawyer, and community and civil rights leader to bear on the design and implementation of programs to deter youth crime. Mr. Colleton will assume his new duties immediately.

####



Department of Justice

FOR IMMEDIATE RELEASE
FRIDAY, JULY 29, 1994

OJJDP
(202) 514-2007
TDD (202) 514-1888

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Mr. Colleton served on the Juvenile Justice Task Force in Orange County, Florida, the Orange County Community Action Board, and was a mentor in the County's public schools. He worked as a lawyer for the Georgia Legal Service Program and the Charleston, South Carolina, Neighborhood Legal Assistance Program. He was President of the Orange County Branch of the National Association for the Advancement of Colored People (NAACP) and President of

(MORE)

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####



Department of Justice

*Revised Version 7/29
(need approval)*
DRAFT

FOR IMMEDIATE RELEASE
FRIDAY, JULY 29, 1994

OJJDP
(202) 514-2007
TDD (202) 514-1888

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Mr. Colleton, age 36, currently is serving as the U.S. Attorney for the Middle District of Florida. In reviewing Mr. Colleton's work, it was clear to the Attorney General that he had done excellent work in community outreach and crime prevention programs. The Attorney General concluded that service as Counsel in the juvenile justice program would make the best use of Mr. Colleton's talents and dedication.

Mr. Colleton served on the Juvenile Justice Task Force in Orange County, Florida, the Orange County Community Action Board, and was a mentor in the County's public schools. He worked as a lawyer for the Georgia Legal Service Program and the Charleston, South Carolina, Neighborhood Legal Assistance Program. He was President of the Orange County Branch of the National Association for the Advancement of Colored People (NAACP) and President of

(MORE)

the Jacksonville Chapter of the National Naval Officers Association.

Mr. Colleton received his undergraduate and law degrees from the University of South Carolina. After working in legal services and duty as a Naval Officer, he was an Assistant State Attorney in Sanford, Florida. In 1990, he became an Assistant U.S. Attorney in Orlando where he prosecuted numerous criminal cases dealing with drugs, credit card fraud, firearms offenses, and other violations of law.

In his new position, Mr. Colleton will bring his experience as a prosecutor, legal services lawyer, and community and civil rights leader to bear on the design and implementation of programs to deter youth crime. Mr. Colleton will assume his new duties immediately.

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(MORE)

UNITED STATES ATTORNEY
MIDDLE DISTRICT OF FLORIDA
80 NORTH HUGHEY AVENUE, SUITE 201
ORLANDO, FLORIDA 32801
(407) 648-6700
FAX: (407) 648-6743



DATE: 7-28-94

FROM: LARRY H. COLLETON TO: SHAY BILCHIK

TELEPHONE NUMBER: ()

FAX NUMBER: 202-514-6897

NUMBER OF PAGES (INCLUDING COVER SHEET): 2

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**U.S. Department of Justice**

*United States Attorney
Middle District of Florida*

*Tampa Division
500 Zack Street, Suite 410
Tampa, Florida 33602
July 28, 1994*

813-274-6000

The Honorable William Jefferson Clinton
President of the United States
The White House
Washington, D.C.

Dear Mr. President:


Approximately one year ago, I received a letter informing me that United States Senator Bob Graham had submitted my name as the proposed nominee for the position of United States Attorney for the Middle District of Florida. I can think of few moments of my life when I have been more proud and honored.

Today, after a great deal of consideration, I have decided to submit my resignation as United States Attorney for the Middle District of Florida. Although this has been a very difficult decision for me, I want you to know that I feel fortunate to have served in such an important and critical position.

My decision to resign is based upon the opportunity to be of even greater service to the public. As you may be aware, I have been offered a position as Counsel to the Administrator of the Office of Juvenile Justice and Delinquency Prevention. I see this as an opportunity to be an active participant in carrying out this administration's goals and objectives with respect to criminal prosecution, crime prevention, and education. As I felt one year ago, this position offers the opportunity for me to serve the public. Honestly, I find no worthier endeavor than public service.

Therefore, please accept this letter as my formal resignation as United States Attorney for the Middle District of Florida.

Respectfully yours,


Larry H. Colleton
United States Attorney

cc: The Honorable Janet Reno
Attorney General



DRAFT

Department of Justice

FOR IMMEDIATE RELEASE
THURSDAY, JULY 28, 1994

OJJDP
(202) 514-2007
TDD (202) 514-1888

FLORIDA U.S. ATTORNEY TO JOIN JUVENILE JUSTICE OFFICE

WASHINGTON, D.C. -- The Justice Department announced today that Larry H. Colleton of Orlando, Florida will become Counsel to the Administrator of the Office of Juvenile Justice and Delinquency Prevention in Washington, D.C.

Mr. Colleton, age 36, ^{IS SAVING AS} ~~is~~ currently the U.S. Attorney for the Middle District of Florida. He has held that position since December 1993, but was placed on leave at his request in May following an allegation about his conduct in office, and after he scuffled with a reporter. A report on those matters by the Office of Professional Responsibility is currently being reviewed for release.

Events during Mr. Colleton's tenure led him and the Attorney General to conclude that he should resign as U.S. Attorney and to take a position with the juvenile justice program.

"The talent and dedication that first attracted us to Mr. Colleton should not be lost to the Department," said Attorney General Janet Reno. "Mr. Colleton's resignation as U.S. Attorney will enable the office in Florida to put distractions behind it,

(MORE)

while we in Washington gain ~~an~~ experienced and committed advocate for improving the lives of ~~young~~ people."

Mr. Colleton served on the Juvenile Justice Task Force in Orange County, Florida, the Orange County Community Action Board, and was a mentor in the County's public schools. He worked as a lawyer for the Georgia Legal Service Program and the Charleston, South Carolina, Neighborhood Legal Assistance Program. He was President of the Orange County Branch of the National Association for the Advancement of Colored People (NAACP) and President of the Jacksonville Chapter of the National Naval Officers Association.

Mr. Colleton received his undergraduate and law degrees from the University of South Carolina. After working in legal services and duty as a Naval Officer, he was an Assistant State Attorney in Sanford, Florida. In 1990, he became an Assistant U.S. Attorney in Orlando where he prosecuted numerous criminal cases dealing with drugs, credit card fraud, firearms offenses, and other violations of law.

In his new position, Mr. Colleton will bring his experience as a prosecutor, legal services lawyer, and community and civil rights leader to bear on the design and implementation of programs to deter youth ~~violence~~. Mr. Colleton will assume his new duties immediately.

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CRIME

(MORE)

It seems her work, clear to
and it as outreach. self better
able to do this.

& clearly can present in

Best use of her talent

Has been serving as US Attorney.



Insert
A

Mr. Colleton's
In reviewing ~~work~~ ^{to the Attorney General} ~~to the Attorney~~
~~General~~ it was clear that he had done
excellent work in community outreach and
crime prevention programs. She concluded that
service as Counsel in the juvenile justice program
would make the best use of Mr. Colleton's
talents and dedication.

Q&A'S ON LARRY COLLETON

Q: If Mr. Colleton was guilty of misconduct, why is he being given a job in Washington?

A: Events during Mr. Colleton's tenure led him and the Attorney General to conclude that he should resign as U.S. Attorney and take a position in the juvenile justice program.

Q: Is this a promotion or punishment, which is it?

A: It's neither. It's a matter of using Mr. Colleton's skills in an appropriate position.

Q: Aren't you just knuckling under to the demands of the Congressional Black Caucus?

A: No. The Attorney General made the decision that this was the correct course of action.

Q: Will you let us see the Office of Professional Responsibility report on Colleton?

A: As always, a summary will be prepared for possible release.

Q: What determines whether or not we see it?

A: The Department must make a determination that the public interest in seeing it outweighs the privacy interest of the person in whose personnel records the report has been placed. Such a finding is required by the Privacy Act.

Q: At one point, there were reports that the Attorney General recommended Mr. Colleton's dismissal to the President. Was that true?

A: No.

Q: Does Mr. Colleton's resignation as U.S. Attorney have to be accepted by the President, and will it be?

A: The White House is fully in accord with this course of action.

Q: Is Mr. Colleton subject to Senate confirmation in his new job?

A: No.



UNITED STATES ATTORNEY
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE, FLORIDA

FROM: UNITED STATES ATTORNEY'S OFFICE
MIDDLE DISTRICT OF FLORIDA

TO:

Dep. Dir. Donna Pucella

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1
THE JOURNAL'S DEATH SENTENCE

FINAL EDITION

1 of 2

The Florida Times-Union

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JACKSONVILLE, FLORIDA, SAT

Race issue turns up heat in Colleton case

By Jim Saunders
 Staff writer

When U.S. Rep. Corrine Brown and two black colleagues fired off a letter this week supporting embattled U.S. Attorney Larry Colleton, they appeared to add a spicy, new ingredient to the fight about whether he should keep his job.

The race card.

Immediately yesterday, reactions bounced around Jacksonville.

Incredulous callers lit up radio talk-show lines, ripping the possibility that Justice Department attempts to oust Colleton — who is African-American — could be racially motivated.

Meanwhile, some black community

leaders said they believed racism might be involved in the way Colleton has been treated. Jacksonville's racial track record, they said, makes that a possibility.

And in the midst of the fray was Brown, who, ironically, argued she didn't think the debate about Colleton should be turned into a racial issue.

The Jacksonville Democrat said she thinks race is only one of several factors involved in the Colleton controversy.

"Where I'm coming from is, how can we best resolve this so everyone can feel it is fair?" she said.

(See COLLETON, Page A-7)



— Associated Press
 O.J. Simpson keeps up with the proceedings during his arraignment on murder charges in Los Angeles yesterday.

EWC fires exec after learning of lies, theft

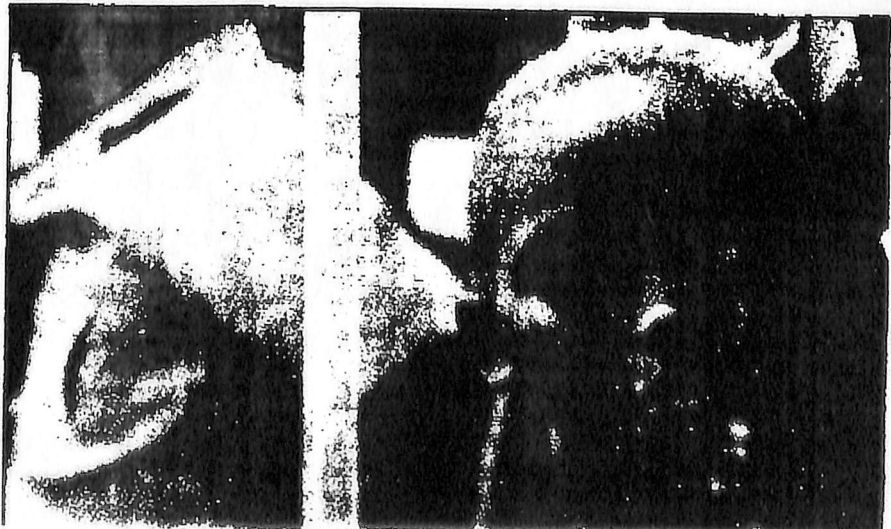
By June D. Bell
 Staff writer

The man hired to secure grants for Edward Waters College was fired yesterday after officials learned he had falsified his resume and had been convicted of stealing \$28,875 in federal grants in 1976.

Cleo Abraham was hired in April as director of special programs for the Jacksonville private college.

"Based upon all the information we have, it is in the best interest of the institution for his employment to be discontinued," Edward Waters Presi-

A life claimed



ers.

Defense lawyer Robert Shapiro had tried to discuss defense request that it be allowed to conduct its own tests on blood samples. Shapiro wants this done before the prosecution performs so-called genetic fingerprinting tests, which could consume the samples. Those tests are scheduled to begin Tuesday.

But Mills said Ito, as the trial judge, would have to handle that matter.

— scheduled to begin Tuesday. A hearing will be held Monday.

■ A KNIFE FOUND:

Oceanside police said a knife was found along Interstate 5 about 50 miles south of Los Angeles on July 7, next to a plastic bag containing 14 shotgun shells and clump of blonde hair. Knife was turned over to Los Angeles police, who declined to comment.

Colleton supporters say racism involved in case

(From Page A-1)

Colleton, 36, the first African-American appointed as a U.S. attorney in Florida, has been on paid leave since May when he grabbed a television reporter by the neck in Ponte Vedra Beach.

That followed a turbulent period when questions surfaced about the way the U.S. Attorney's Office in Jacksonville handled an obscenity case against a retired county judge. The case happened before Colleton took office.

Reports in recent days indicate U.S. Attorney General Janet Reno will recommend to President Clinton that Colleton be removed from his job, which oversees federal criminal cases stretching from Jacksonville to Fort Myers.

But Brown and Florida's two other black House members, Carrie Meek and Alcee Hastings, wrote a letter to Reno on Thursday pointing out that Colleton "is the first African-American to ever serve as U.S. attorney . . . in Florida."

Also, they said it would be a "dis-service to our communities" to remove Colleton.

The same day, T.H. Poole of Eustis, president of the NAACP's Florida chapter, blasted Jacksonville. He called it a "hellhole" and blamed Colleton's problems, at least in part, on a racist power structure in the city.

"It shouldn't be a race issue, but race always plays a factor," said Reginald Estell Jr., president of the D.W. Perkins Bar Association, a group of black lawyers in Jacksonville that supports Colleton.

The Rev. S.S. Robinson Jr., president of the Interdenominational Ministerial Alliance, said his group of black pastors also wants Colleton retained.

"We have a strong feeling that any decision to have him removed would be based on racial discrimination," Robinson said.

City Councilman Terry Fields said he's not ready to conclude racism caused Colleton's problems. But he said the perception exists among many black residents.

"That is being mumbled in the community — had he not been Afro-American he might have been treated differently," said Fields, one of the council's four black members.

Leaders in Jacksonville's legal community, however, said they think that perception is wrong.

Hank Cox, president of the Jacksonville Bar Association, said local lawyers whose complaints about the U.S. Attorney's Office contributed to Colleton's woes did not have racial motivations.

Also, James Rinaman, president of the Jacksonville Chamber of Commerce and a former president of The Florida Bar, rejected Poole's comments about the city's power structure being racist. He said the Justice Department is responsible for the controversy.

"The Jacksonville people and the Jacksonville power structure is not what's involved here," he said.

Meanwhile, U.S. Rep. Cliff Stearns, R-Fla., who represents part of western Duval County, issued a one-line statement that was hardly sympathetic to Colleton.

"The United States attorney is a Clinton administration appointee, this situation is an embarrassment for the Clinton administration, and this is a matter for the Clinton Administration to resolve accordingly," Stearns said.

Colleton was appointed by Clinton on the recommendation of U.S. Sen. Bob Graham, D-Fla.

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2 of 2

The Florida Times-Union, Jacksonville, Sunday, July 24, 1994

Race card shouldn't be played in Colleton controversy

There it was, lying on the table in clear view in all of its divisiveness, the race card.

It had been placed there on behalf of Larry Colleton, the U.S. attorney for this area who, according to news reports, is about to have an "er" in front of his title.

Helping to play the card was Corrine Brown, who to our embarrassment continues to be a congresswoman from Jacksonville.

She had joined two other African-American members of Congress from Florida in writing a letter to U.S. Attorney General Janet Reno, urging that Colleton not be fired, never mind the results of an intensive two-month investigation by Reno's office of how Colleton was doing his job.

"Mr. Colleton is the first African-

American to ever serve as U.S. attorney ... in Florida," the letter said, as if that should be a determining factor in his employment.

On Friday, Brown talked on the air to a morning radio talk show host and commenced the politician wiggle, claiming she had never made race an issue in the Colleton controversy.

Sorry. A card laid is a card played.

Her denials carried about the same weight as those of T.H. Poole, president of the NAACP's Florida chapter, who insisted

on the same radio show that he had not played the race card, either.

That came only hours after Poole had told a Times-Union reporter: "The Jacksonville U.S. Attorney's Office has always been anti-African-American. They have a slave mentality."

This race baiting is growing tiresome. Perhaps one could suspect a conspiracy if Colleton were a holdover appointee from the past Republican administration.

He is not. He was given his job by the Democrats now in power. His appointment was part of President Clinton's pledge to put more African-Americans into positions of authority, to make government "look like America."

If Reno has indeed decided to can Colleton, it's a safe bet that the reasons are based on his job performance, not the

color of his skin. The last thing Reno would want to do politically is to fire an African-American.

Colleton's skin color has nothing to do with the fact that he grabbed a television reporter who was trying to interview him by the throat, that he threatened defense attorneys who dared question how his office handled a pornography case in which the defendant committed suicide, that he showed the bad judgment of accusing a federal judge of "ranting and raving."

If Colleton loses his job, it will be because of incidents like those. It will be because of his performance, not his color, and that's the way it should be.

Some supporters of Colleton have continually tried to raise the issue of race

in this controversy, which, we must not forget, began over how the U.S. Attorney's Office in Jacksonville handled the pornography investigation of former Duval County Judge Richard Kreidler.

Colleton wasn't even in office at the time. It's his subsequent actions that have been called into question.

To suggest that race is a motivating factor for Reno and other attorneys involved is without merit. Their records are to the contrary.

This habit of so easily playing the race card is dangerous.

Race sometimes is a legitimate factor to consider, but Corrine Brown and her colleagues will have become like the boy who cried wolf one too many times.

DOONESBURY

Garry Trudeau



Reader says grammar errors in quotes disservice to victims

A Mandarin reader, Mark Mackmiller, made a citizen's arrest of the Times-Union last week for grammatical crimes.

Here is the bulk of his letter, which refers to flood coverage in the July 10 paper:

"I am disgusted at the descriptions and quotes used to describe people and conditions in Georgia. Let me give you a few examples:

• "Page 1, 'A LOT OF PEOPLE HAVE NEVER BEEN THROUGH NOTHING LIKE THIS.'"

"What journalistic purpose are you trying to achieve by using double negatives?"

• "Page 1: 'Armed with a toothbrush, toothpaste and a pack of cigarettes, Johnson, a man with a trace of white stubble, knows neither his age nor what the future holds.'"

"What relevance does this man not knowing his age add to the story?"

• "Page A-5: 'That was the terriblest flood I've ever witnessed in my life.'"

"Why do you use a direct quote when improper grammar is used?"

"Are you trying to make these people look stupid and uneducated and not worth worrying about? Or are you trying to portray them as such pitiful human beings that we must go by?"

OPINION



Mike Clark
Reader Advocate

If a direct quote is awkward or unclear or ungrammatical, then it ought to be paraphrased — without quotation marks.

Reporters tend to quote public officials directly, bad grammar and all. The theory is that they are accustomed to speaking in public and ought to know better.

Reporters may treat regular citizens more gently because they aren't used to speaking for publication. During an interview, if a quote is awkward or has bad grammar, the easiest solution is for the reporter to ask the question again and hope the answer is usable.

If that's not possible, the statement should be paraphrased.

You have to know when to break a rule, too. If a quote is especially lively, it may be worth using, even if it includes bad grammar.

In the examples used by Mackmiller, though, the weird comment about the man not knowing his name didn't make much sense. And the ungrammatical comments weren't so compelling that they had to be published as direct quotes.

Astronaut's quote cleaned up?

The Times-Union presented one of American history's most famous quotes last week in its unedited form. Astronaut Neil Armstrong stepped on the moon 25 years ago. His famous statement could be heard on the InfoTouch telephone system last week by using a touch-tone phone and calling 355-1500, then pressing 6666, then pressing 3.

"That's one small step for man, one giant leap for mankind." The ears don't lie, it sounded clear.

Howard Troxler ■ COLUMNIST



U.S. Attorney Larry Colleton's main offense seems to be a lack of political skill, but that shouldn't merit firing.

Watching from the outside, I wonder if there is really enough cause to fire Larry Colleton as the U.S. attorney for the middle part of

Florida.

Maybe the U.S. Department of Justice under Attorney General Janet Reno has some super-duper-secret reasons that are good enough.

But Justice won't tell. So we mere taxpayers have no choice but to proceed on the basis of what we know.

Colleton has been U.S. attorney for the Middle District (one of Florida's three federal districts) since late last year. He was the first African-American to hold the job in Florida.

Unfortunately for Colleton, he is now best

known for grabbing a Jacksonville television reporter by the throat in May. Colleton is on a leave of absence.

The attorney general is said to be recommending to the White House that Colleton be fired.

I say that the mere fact Colleton put his hand on a TV reporter's throat is not enough reason to fire him.

First, he apologized.

Second, I'll bet you he now knows never to do anything so stupid again.

And third, many worse things have been done by U.S. attorneys who *didn't* get fired.

Clearly, there is more at work.

Most of Colleton's troubles come from Jacksonville:

The feds nailed a local Jacksonville judge for getting pornography in the mail. The judge killed himself. Then it came out that a federal prosecutor's husband was on the same mailing list as the judge. He didn't get prosecuted. The case predated Colleton, but he defended and promoted the lawyers involved.

A group of Jacksonville lawyers say Colleton threatened them after they asked for an ethical review of his office. A federal judge has named a committee to look into the complaint.

Federal judges also criticized Colleton's personnel moves. Colleton accused one judge of "ranting and raving."

Colleton reassigned the longtime head of his Jacksonville office, who had his own opinions about how things ought to be run and filed a whistle-blower's complaint.

Veteran lawyers leaving Colleton's office complained that the new regime "came in with baseball bats and the attitude of 'it's us versus you.'"

Well,

Sure, I believe it was hypocritical for the feds to prosecute the Jacksonville judge on

porno charges. Once Colleton took over, he owed it to the people of Florida to discuss his position. But failing to do so is not a firing offense.

I wasn't there, so I don't know whether Colleton threatened the Jacksonville lawyers. I do know that the committee named by Chief U.S. District Judge John Moore II is stacked with seven lawyers — no prosecutors, no women and no non-lawyers.

As for judges second-guessing Colleton's decisions, that is none of their business. They are the judicial branch. Colleton is the executive branch.

I know that federal judges think it is their business, because they are very powerful and everybody is too scared to tell them otherwise. But it is not.

Likewise, if the U.S. attorney wants to criticize a federal judge outside court for "ranting and raving," then he has the perfect right. It is probably not a smart move, but he has the right.

And if he wants to remove a veteran prosecutor in charge of the Jacksonville office — an

entrenched prosecutor, it sounds like to me, who had political support among the Jacksonville judiciary and media — well, he has the right to do that, too.

Colleton brought in a new regime, and the old regime was unhappy. How shocking! So, he reassigned people, and some of them got mad. Tough.

The NAACP says Colleton is being treated differently because of his race. Maybe he is, but I think most of the reason for his trouble is that he lacks political skill. Once his blood was in the water, the sharks swarmed.

Political skill can be learned. If Justice and U.S. Sen. Bob Graham were going to put a naive 36-year-old into office, then they owed it to him to see him through it. Instead, he has been abandoned.

Maybe I am dead wrong. Maybe Colleton is a lousy lawyer and a terrible administrator. But there is no public evidence of it. If he gets fired, the people of the Middle District are entitled to know the real reasons.

ST. PETE TIMES

7/25/94

Orlando Sentinel 7/22/94

Reno: Investigation of U.S. attorney is fair

By Anne Groer
and Jim Leusner

OF THE SENTINEL STAFF

Attorney General Janet Reno denied Thursday that a Justice Department investigation of U.S. Attorney Larry Colleton of Orlando was a "witch hunt."

"I certainly don't think it is a witch hunt. We have tried to work with everybody concerned fairly and thoughtfully so that we are fair to everybody," Reno said during a briefing in Washington.

Reno refused to say when — or whether — she would recommend to President Clinton that the embattled Colleton be fired, although agency sources have said Reno is pushing for his dismissal.

Meanwhile, the three black members of Florida's congressional delegation — Democratic Reps. Corrine Brown of Jacksonville, Carrie Meek of Miami and Alcee Hastings of Miramar — urged Reno not to fire Colleton.

"He has an outstanding track record in protecting the civil and criminal rights of our constituents, his character and reputation are without question, as evidenced by

his successful appointment to this historic position," the lawmakers said in a letter to Reno.

"It would be a disservice to our communities to remove Mr. Colleton before he really had an opportunity to address the issues that need attention."

But Orlando Democratic lobbyist Dick Batchelor said he advised Colleton to step down graciously.

"He is a very, very capable individual and has a bright future if he decided to go into public life again as a prosecutor or judge," Batchelor said.

Others said the Justice Department has waited too long to remove the prosecutor.

"It's the best thing for the office," said one U.S. Attorney's Office employee. "There's been so much turmoil that it won't be solved if he comes back. Everyone is real tired."

Florida's first black U.S. attorney — one of only 10 blacks among the 84 top federal prosecutors nation-

wide — ran into trouble in May when he grabbed a television reporter by the throat at a legal conference near Jacksonville.

Colleton, 38, said it was an accident. But the incident made headlines and the tape was aired on CNN, which angered Justice Department officials.

The subsequent investigation spread beyond that scuffle to examine how Colleton ran his offices in Orlando, Tampa, Jacksonville and Fort Myers. A Justice Department team interviewed Colleton's employees, other bureaucrats, judges and defense lawyers.

On Wednesday, Florida NAACP president T.H. Poole Sr. of Eustis accused Reno of conducting a "witch hunt" because Colleton made personnel changes that angered some members of the Jacksonville legal establishment — and bureaucrats in the U.S. attorney's office.

Colleton, who took office in December, has been on a paid leave of absence since May 11. Friends say the prosecutor, a former president of Orange County's chapter of the National Association for the Ad-



Colleton

Please see COLLETON, C-4

Some of Colleton's managers also singled out for criticism

COLLETON from C-1

vancement of Colored People, will not resign.

Batchelor, a former state representative and early supporter of President Clinton, said Colleton's ouster was not a racial issue. The Justice Department's investigative team was biracial and "that team seems to have concluded there is something there," he said.

Colleton met with reviewers to discuss their findings in a heated, seven-hour meeting earlier this month in Jacksonville, sources said. Colleton, who has declined to comment on the inquiry, also discussed the report Monday with Reno in Washington.

Sources said complaints against Colleton included that he demoted employees for political reasons;

tapped several inexperienced managers for top positions; and that he cut down on the number of federal drug prosecutions in Jacksonville.

Singled out for criticism were several Colleton top managers, including First Assistant Bruce Hinshelwood of Orlando, his top aide; Criminal Division Chief Wanda Heard of Tampa, the first black supervisor in the district; and Orlando and Jacksonville office chiefs Ralph Hopkins and Brian Kane, civil lawyers promoted to supervise criminal investigations.

"The circumstances are very unfortunate and all of us make bad judgment calls," Batchelor said of the shoving incident that began Colleton's demise.

"But as U.S. attorney you don't have the latitude for bad judgment calls that you have as a congressman or legislator."

Tampa Tribune 7/22/94

White House to determine Colleton's fate

Attorney General Janet Reno can recommend his removal, but the final decision is the president's.

By MARK JOHNSON and DAVID SOMMER
Tribune Staff Writers

WASHINGTON — Attorney General Janet Reno said Thursday she will recommend to President Clinton what to do about embattled U.S. Attorney Larry Colleton, but would not say what her advice will be.

Sources in the Clinton administration and on Capitol Hill confirmed that Reno will ask that Colleton be removed from office based on management problems during his five months as head of federal prosecutions in the Middle District of Florida.

Meanwhile, the state president of the National Association for the Advancement of Colored People sent telegrams to Reno and Clinton urging that Colleton receive the same kind of support Reno did following the carnage of the April 1993 incident with the Branch Davidian movement in Waco, Texas.

At her weekly news briefing, Reno declined to comment on Colleton's status. She also sidestepped a question of whether she would need to make a recommendation at all if Colleton were not being fired.

"We are in the process of making a recommendation to the White House, so we will see just what happens," she said.

The attorney general can only recommend removing a U.S. attorney from office; the president has the power to appoint and fire.

Colleton, Florida's first black U.S. attorney, has been on paid leave since early May, when he stepped down following a videotaped incident in which he grabbed a Jacksonville television reporter by the throat.

He subsequently apologized to the reporter, and a misdemeanor battery complaint was dropped.

However, the incident sparked a Justice Department investigation that also looked into allegations that Colleton threatened a group of Jacksonville-defense attorneys and told a reporter that a federal judge was ranting and raving on the bench during a drug case.

Last month, a team of management experts from Washington interviewed court officials and employees at Colleton's offices in Tampa, Jacksonville, Orlando and Fort Myers.

A spokesman for Sen. Bob Graham, D-Miami Lakes, said the senator is aware of Colleton's situation but will not comment. She said Graham, who recommended Colleton for the job, will probably let Reno pick a successor rather than go through another, lengthy nomination process.

T.H. Poole Sr., Florida state president of the NAACP, said Colleton clearly is the victim of detractors in the Jacksonville legal community. Poole said charges of mismanagement are ludicrous, considering Colleton was in power only five months.

"It's a sad day for the Justice Department when they let a small group of people in Jacksonville control the department and that appointment," Poole

Reno to recommend ouster, sources say

■ From Page 1

said.

A reprimand or term of probation would be appropriate punishment for the incident with the television reporter, he said.

In his telegram to Reno, Poole said he wrote: "Larry deserves the same support you got in the Waco incident" in which 30 adults and 25 children burned to death after Reno ordered federal agents to storm the compound of a religious sect.

Also, Poole said, he pointed out that Colleton, like Reno, was new on the job when trouble occurred. He said a similar telegram was sent to the president.

"If Clinton can hang with her on Waco, he can hang with anybody," Poole said.



Embattled U.S. Attorney Larry Colleton has been on paid leave since early May.

See RENO, Page 2

St. Petersburg Times 7/22/94

NAACP rallies for Colleton

■ That group and three House members complain that Florida's first black U.S. attorney is being pushed out of office unfairly after less than six months.

By DAVID DAHL, STEPHEN HEGARTY
and RICHARD DANIELSON
Times Staff Writers

WASHINGTON — The nation's top civil rights organization and black members of Florida's congressional delegation are calling on Attorney General Janet Reno to hold off on her much-anticipated firing of U.S. Attorney Larry Colleton.

Reflecting the anguish in the African-Ameri-

can community about Colleton's expected dismissal, the state and national chapters of the NAACP and three House members complain that Florida's first black U.S. attorney is being pushed out of office unfairly after just 5½ months on the job.

"It is the opinion of the Florida state NAACP that the action being contemplated by the Department of Justice is extreme, inappropriate and unnecessary," Florida NAACP president T. H. Poole Sr. wrote to a senior member of the Congressional Black Caucus.

Colleton is the top federal prosecutor for the 33-county Middle District of Florida, stretching from Jacksonville to Fort Myers and including Orlando and Tampa. He is on leave after a troubled tenure most prominently marked by his grabbing a television reporter by the neck dur-

ing an interview.

Poole, in his three-page letter to U.S. Rep. John Conyers, D-Mich., blamed the "power clique" in Jacksonville for Colleton's woes. NAACP officials said Colleton is being condemned for a set of difficult cases and problems that he inherited.

"We... believe that no other reason can be given, other than that the power clique in Jacksonville was unhappy with the fact that a Black man had been placed in charge of the Office," Poole wrote to Conyers, the senior black on the House Judiciary Committee. "It is clear there is a history of efforts to destroy the careers of black men on the ascent in this region..."

Poole asked Conyers to look into the matter, but Conyers said Thursday he had not taken any

Please see COLLETON 7B



U.S. Rep. John Conyers was asked by the state NAACP president to take action.

action.

The national NAACP, at its convention in Chicago this month, passed a resolution supporting Colleton. And African-American Reps. Carrie Meek, Corrine Brown and Alcee Hastings of Florida sent a letter Thursday to Reno, saying, "It would be a disservice to our communities to remove Mr. Colleton before he really had an opportunity to address the issues that need our attention."

Separately, Poole told the *Orlando Sentinel* that Colleton is the victim of a "witch hunt."

Responding to that charge, Reno told reporters: "I certainly don't think it's a witch hunt. We've tried to work with everybody concerned and clearly and thoughtfully address all the issues so that we're fair to everybody."

Reno said she had not made her recommendation to President Clinton about Colleton. However, several sources say she is ready to fire the prosecutor after a review by investigators from her office. He has told friends he is refusing to resign.

Colleton would be the first U.S. attorney appointed by Clinton to be forced out, and his fall would be from a historic peak.

The 36-year-old former assistant prosecutor became Florida's first black U.S. attorney in February after he was recommended by U.S. Sen. Bob Graham, D-Fla., nominated by President Clinton and approved by the U.S. Senate.

Colleton replaced longtime supervisors with his own personnel. He angered defense lawyers, who accused him of threatening them after they asked for an ethical review of a 1992 pornography case. He went on leave shortly after a videotape depicted him grabbing a television reporter on May 6.

Graham said Thursday that he was proud to have recommended Colleton, and a White House official said Colleton got "very, very high marks" in a review before his nomination.

But Graham said he was taken aback when he learned of the tense and distrustful atmosphere the new prosecutor found in his offices. "I did not realize the situation had degenerated to the personal level of animosity that is apparently the case," the senator

Of the 85 people President Clinton has nominated to be U.S. attorneys, eight are African-Americans, one is Hispanic and one is Asian, according to White House figures. In other words, blacks comprise slightly less than 10 percent of the total.

His choices for federal judgeships are more diverse. Of the 100 people he has nominated for that post, 25 are African-American and 13 are either Hispanic or of another racial minority, according to the NAACP.

Overall, his picks so far have been more diverse than President Bush's, but a researcher notes that Clinton received a much higher percentage of votes from blacks than his Republican predecessor did. "He's doing okay, but just okay," said David Bositis, a senior political analyst at the Joint Center for Political and Economic Studies.

While there was no word on who might replace Colleton if he leaves, lawyers contacted Thursday said the U.S. attorney's office has been damaged by the run of bad publicity.

Graham's aides said they will rely on Reno's guidance if a replacement must be chosen. They add that Graham is not instructing his judicial nominating committee to find another candidate.

Ron Cacciatore, a veteran defense lawyer in Tampa, noted that Colleton's appointment was the result of a political process, and the same political process might lead to his ouster.

"He's a rather young man, and that's one of those jobs where age and experience counts for something. There were people who applied who were quite experienced, and they got overlooked," Cacciatore said. "When you have a process that gets politicized, you get political appointments."

Ray Gross, a Clearwater lawyer who was one of three finalists for the job, said: "If he's removed, I think it's very sad."

"The job is like nuclear power: You have tremendous strength and power, and you have to be very careful how you use it."

Mark Gibbons, another contender for the post the last time, was glad it might be Reno making the choice. "Just because she was my Dade County coordinator when I ran (for lieutenant governor in 1986) doesn't mean I think she'll give me any special consideration," said Gibbons, son of U.S. Rep. Sam Gibbons.



Larry Colleton, now on paid leave, has told friends he is refusing to resign.



U. S. Department of Justice

Office of Legal Counsel

Office of the
Deputy Assistant Attorney General

Washington, D.C. 20530

May 11, 1994

MEMORANDUM FOR THE ATTORNEY GENERAL

Re: Proposed Attorney General Order Designating Donna
Brucella As Acting United States Attorney for the
Middle District of Florida

ACTION MEMORANDUM

The attached proposed Attorney General Order, designating Donna Bucella as Acting United States Attorney for the Middle District of Florida, was prepared by this Office at the direction of the Office of the Deputy Attorney General.

The proposed order is approved with respect to form and legality.

Richard Shiffrin
Deputy Assistant Attorney General
Office of Legal Counsel



Office of the Attorney General
Washington, D. C. 20530

Order No 1875-94

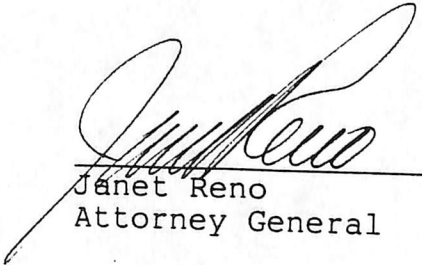
DESIGNATING DONNA BUCELLA
AS ACTING UNITED STATES ATTORNEY FOR THE
MIDDLE DISTRICT OF FLORIDA

Pursuant to the authority vested in me by statute, including 28 U.S.C. §§ 509 and 510 and 5 U.S.C. § 301, and in accordance with 28 C.F.R. § 0.132(e), I hereby designate Donna Bucella to perform the functions and duties of and to act as United States Attorney for the Middle District of Florida.

This order is effective as of May 11, 1994.

Date

May 11, 1994


Janet Reno
Attorney General

INTERNAL ORDER/NOT PUBLISHED
IN F.R.



*United States Attorney
Middle District of Florida*

500 Zack Street, Suite 400
Tampa, Florida 33602

813/274-6000

May 10, 1994

The Honorable Jamie Gorelick
Deputy Attorney General of the United States
10th and Constitution, NW
Room 4111
Washington, D.C. 20530

Dear Deputy Attorney General Gorelick:


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I am confident that I will ultimately be vindicated. However, it is very important to me that my office be able to function smoothly during the interim, free from any distractions. Under ordinary circumstances, I would appoint an Acting United States Attorney pursuant to section 1-3.150 of the United States Attorneys' Manual. Under these unique circumstances, however, I respectfully defer to higher authority within the

The Honorable Jamie Gorelick
Deputy Attorney General of the United States
May 10, 1994
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Respectfully,


Larry H. Colleton
United States Attorney

LHC:cpf



U.S. Department of Justice

Office of the Deputy Attorney General

Washington, D.C. 20530

May 11, 1994

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United States Attorney
Middle District of Florida
500 Zack Street, Suite 400
Tampa, Florida 33602

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Attached is a copy of an Order issued by the Attorney General, designating Ms. Donna Bucella as the Acting United States Attorney for the Middle District of Florida in your absence.

As you requested, in the event that the pending inquiries are not resolved in the next thirty days, we will revisit this situation at that time.

Sincerely,

A handwritten signature in cursive script, reading "Jamie S. Gorelick", is written over the typed name.

Jamie S. Gorelick



U. S. Department of Justice

Office of Legal Counsel

Office of the
Deputy Assistant Attorney General

Washington, D.C. 20530

May 11, 1994

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Office of Legal Counsel



Office of the Attorney General
Washington, D. C. 20530

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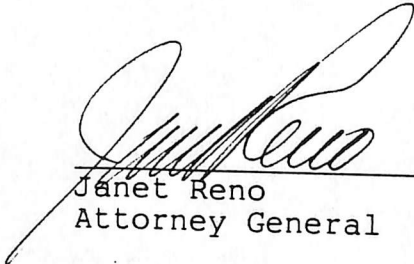
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United States Attorney

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Richard Shiffirin
Deputy Assistant Attorney General
Office of Legal Counsel



U.S. Department of Justice

Office of the Deputy Attorney General

Washington, D.C. 20530

May 11, 1994

Honorable Larry H. Colleton
United States Attorney
Middle District of Florida
500 Zack Street, Suite 400
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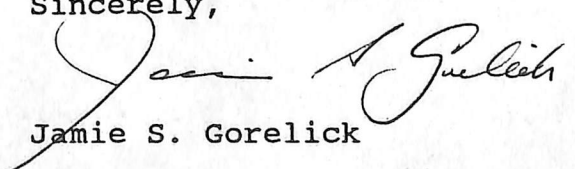
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Order No 1875-94

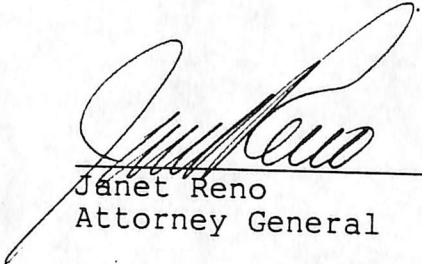
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Janet Reno
Attorney General

INTERNAL ORDER/NOT PUBLISHED
IN F.R.



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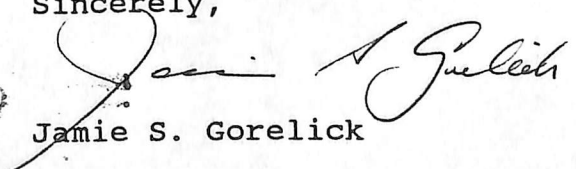
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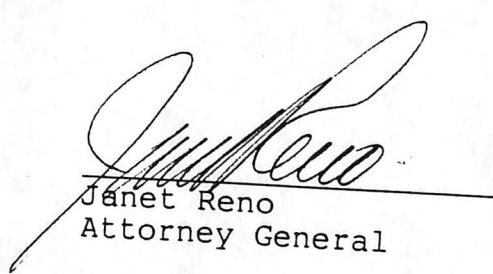
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Office of the Attorney General
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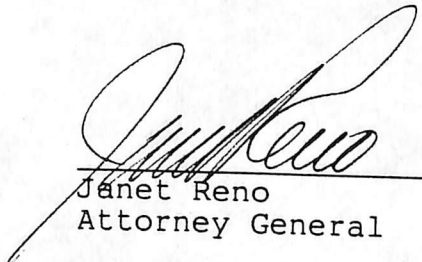
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Office of the Deputy Attorney General

Washington, D.C. 20530

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Jamie S. Gorelick



*United States Attorney
Middle District of Florida*

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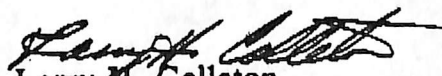
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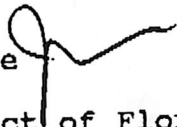

Larry H. Colleton
United States Attorney

LHC:cpf



UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA

M E M O R A N D U M

DATE: May 4, 1994
TO: Mr. Joe Corless, SAC, FBI
FROM: John H. Moore II, Chief Judge 
RE: U.S. Attorney, Middle District of Florida

I am hand delivering herewith copies of two memos prepared by Mr. Daniel A. Smith, an attorney practicing in Jacksonville, Florida. In my opinion, the content of these two memos, if true, constitutes criminal obstruction of justice. Accordingly, I respectfully request that you commence an investigation of this matter.

JHM:el
Encl.

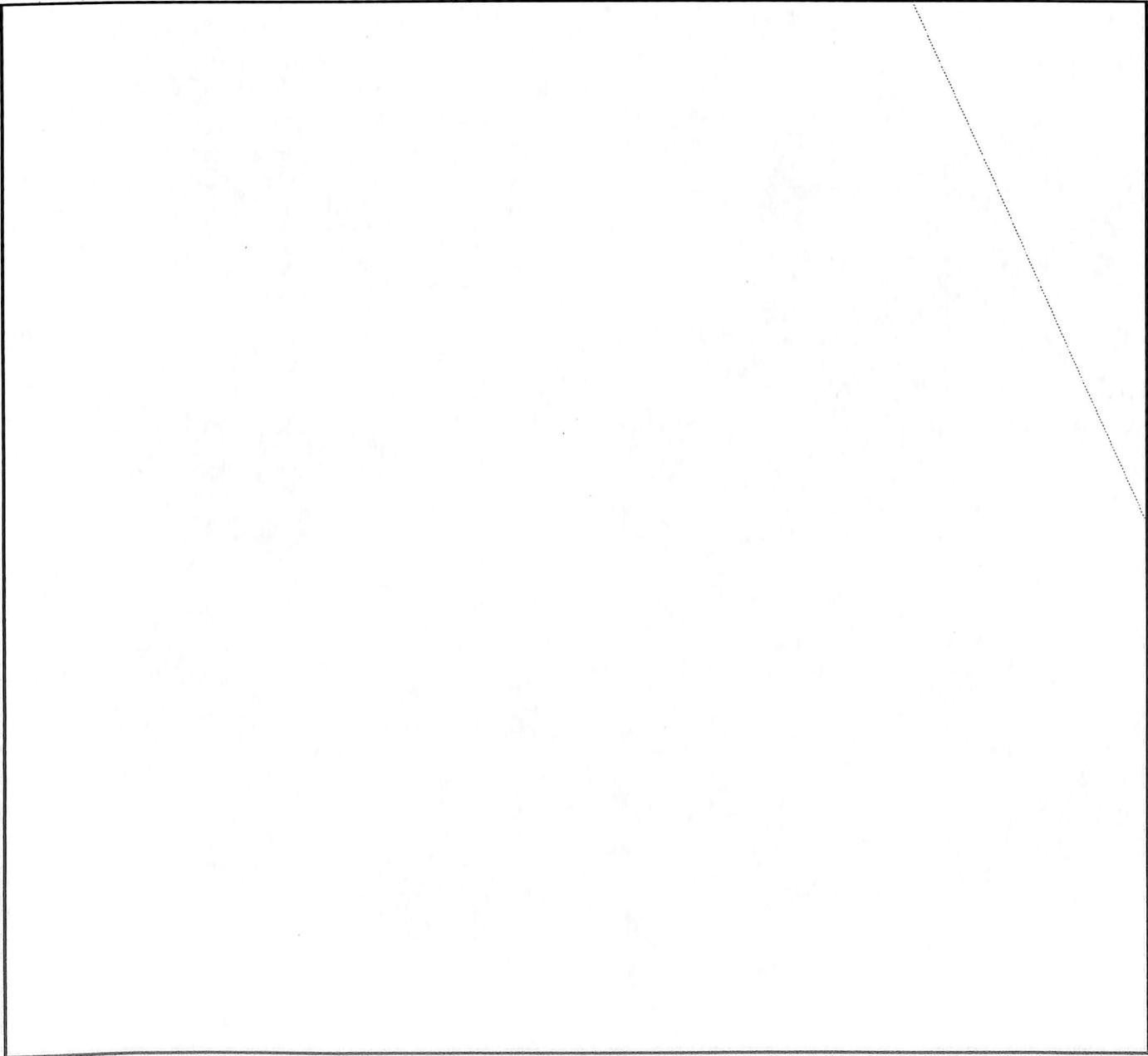
MEMO

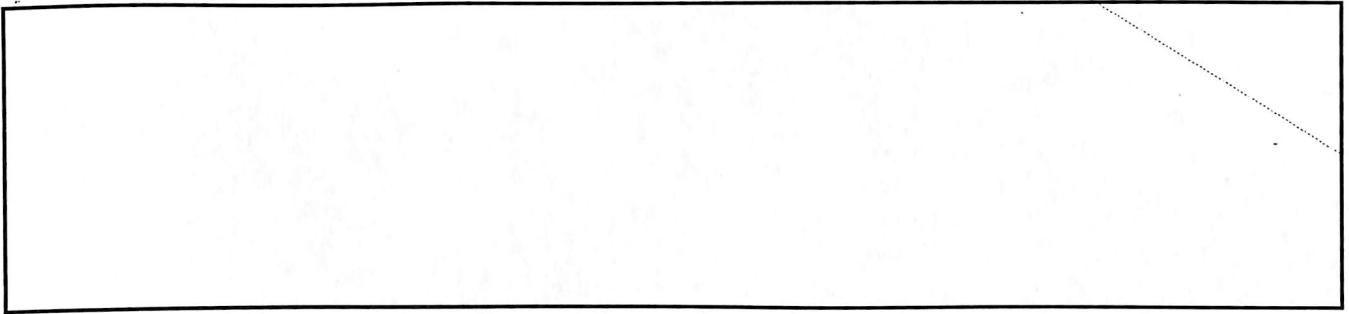
FROM: DAS

RE: FACDL

DATE: April 7, 1994

FOIA(b) (6)





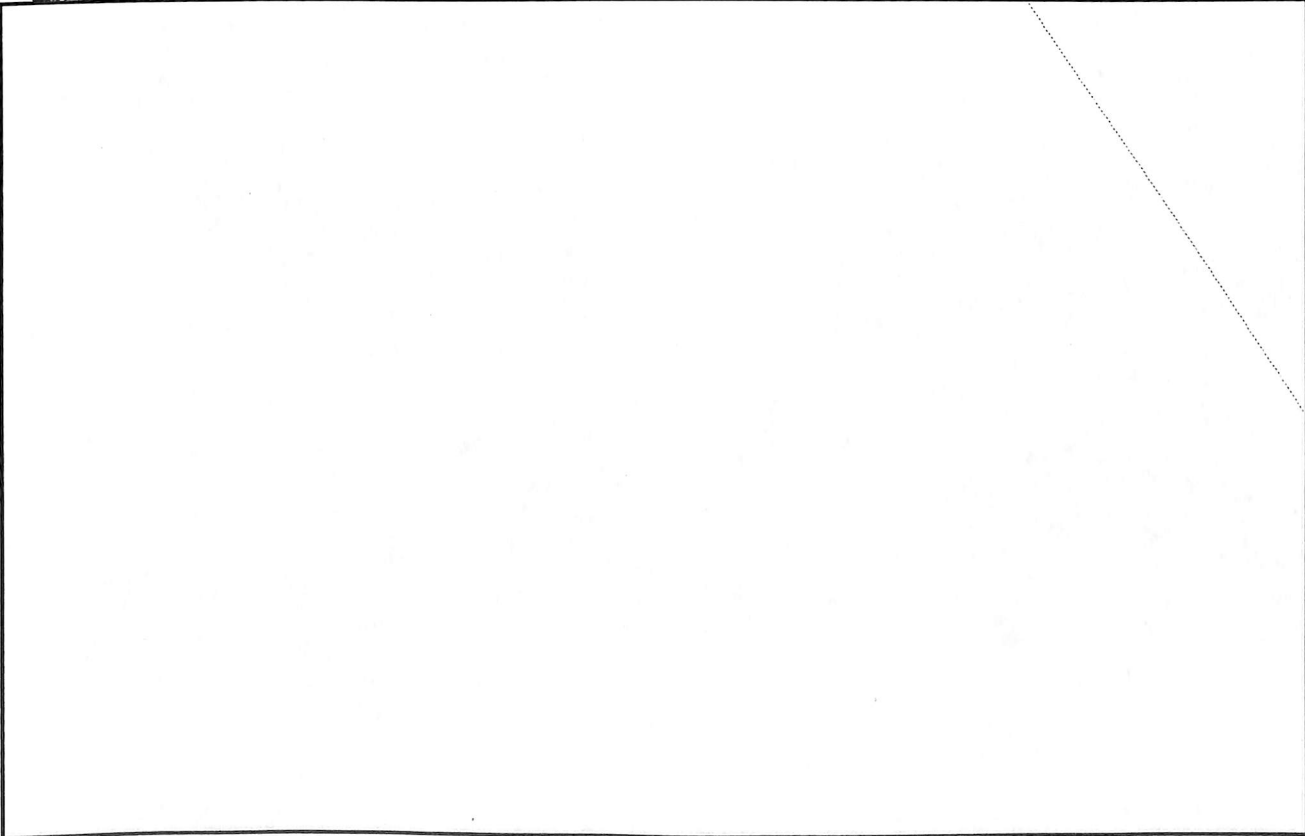
MEMO

FROM: DAS

RE: FACDL

DATE: April 11, 1994

FOIA(b) (6)



TO: MIKE SHAHEEN, OPR, DOJ

FROM: W. DENNIS AIKEN, PUBLIC CORRUPTION UNIT, FBIHQ

Mike,

The attached letter from Chief U.S. District Judge John H. Moore II was delivered to Joe Corless, SAC, Jacksonville on 5/4/94. I am forwarding the letter to you as the letter concerns continuing allegations of U.S. Attorney Daniel A. Smith and I believe you may be conducting an OPR inquiry. As Judge Moore has requested that SAC Corless commence an obstruction of justice investigation into the matter, please advise as to what we should do with this. If you desire FBI investigative assistance please let me know.

Director Freeh is traveling to Jacksonville tomorrow so I would appreciate an answer as soon today as possible so I can advise SAC Corless and the Director what we are going to do. Please call me at 324-5690 to let me know.

Thanks again.

Dennis





FBI FACSIMILE COVERSHEET

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PRECEDENCE

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☐ Priority
☐ Routine

- ☐ Top Secret
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(Name Room Telephone No.)

From: FBI - JACKSONVILLE
(Name of Office)

Subject: DOJ MATTER
FRONT PAGE FLA TIMES UNION
SAT MAY 7, 1994

Special Handling Instructions: HANDCARRY TO MR. ROGERS
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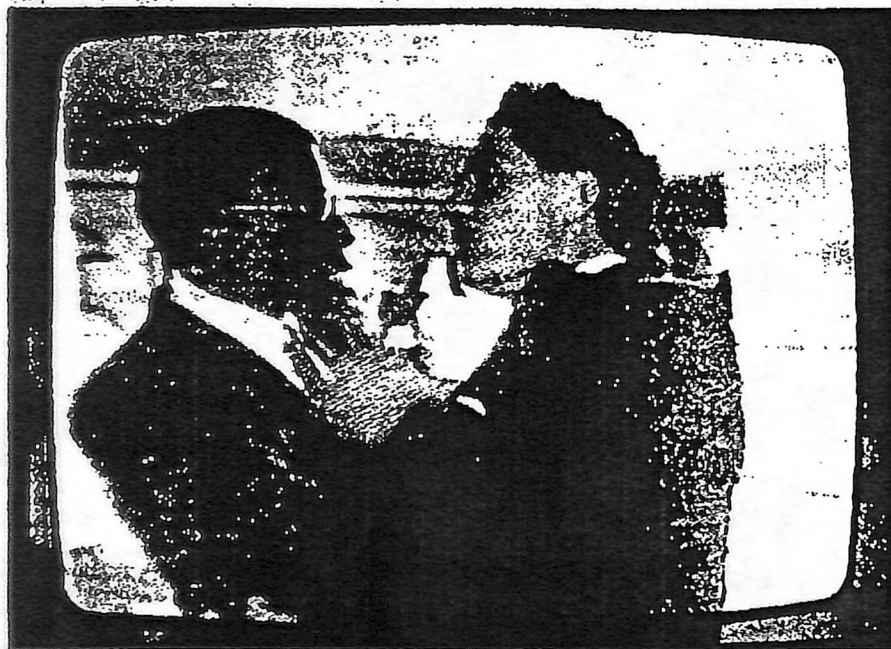
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Telephone: 904 721-1211

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SMC

Colleton gets physical



Larry Colleton, U.S. attorney for Florida's Middle District, (left in picture at left) confronts WJKS TV-17 reporter Richard Rose. The confrontation



WJKS Television/special
between Colleton and Rose occurred yesterday at the Marriott at Sawgrass, where Colleton was attending a conference.

U.S. attorney shoves TV reporter on camera

By Paul Pinkham
Staff writer

PONTE VEDRA BEACH — U.S. Attorney Larry Colleton angrily grabbed a Jacksonville television reporter by the throat yesterday as he was asked about personnel changes in his office.

The reporter, Richard Rose of WJKS TV-17, said he hasn't decided whether to file battery charges.

"I was surprised at the force he used. It was a hostile act," Rose said. "Probably more startling was the fact that it was the U.S. attorney that was hitting me."

Colleton, who was attending a federal judges' conference at the Marriott at Sawgrass, did not return telephone calls yesterday. But Rose said Colleton called the television station after the incident.

"He said I pushed him, and that's not true," Rose said.

TV footage of the incident did not show Rose pushing the prosecutor.

Northeast Florida defense lawyers, who have expressed concerns about threatening comments they say Colleton has made against them, said his conduct at the Sawgrass conference is cause for concern.

"As a member of the bar of the Middle District, I would

(See U.S., Page A-7)

THE COLLETON FILE

Name: Larry Colleton
Age: 36
Born: New York City,
reared in rural South
Carolina.
Education: University of
South Carolina,
bachelor's degree
and law degree.
Military: Navy lawyer,
1983-88.
Employment: 1981-83
Georgia Legal
Services, Valdosta,
Ga.; 1988-90
assistant state
attorney, Seminole
County; 1990-93
assistant U.S.
attorney, Orlando;
U.S. attorney,
December 1993.
Family: Wife, Lynn, two
sons.

Violence by Colleton seen 'out of character'

By Lilla Ross
and Paul Pinkham
Staff writers

He shares his name with the rural county, Colleton, S.C., where he grew up picking tobacco and tending chickens under the care of his grandparents.

Larry Herbert Colleton, 36, has grown from those roots to become the first black U.S. attorney for the 35-county Middle District of Florida that includes Tampa, Orlando and Jacksonville. The job pays \$113,500 a year.

While his boyhood steeled his character, his five months as chief federal prosecutor is testing his mettle.

On his first day on the job, one of his Tampa prosecutors unexpectedly questioned a state judge, who was a witness in a corruption trial, about his use of escort services, allegations the judge hotly denied.

Then, the U.S. Attorney's Office in Jacksonville was accused of selective prosecution in an obscenity case that targeted a Duval County judge who later committed suicide. The office didn't charge the husband of a federal prosecutor who had ordered similar materials. Allegations of a cover-up have drawn the attention of federal investigators.

And yesterday, Colleton grabbed a Jacksonville television reporter by the throat at a federal judges' conference at the

(See COLLETON, Page A-7)

U.S. attorney shoves TV reporter on camera

(From Page A-1)

like to think that our U.S. attorney would handle the pressures of his office a little better than this," said Jacksonville attorney Stephen Weinbaum, one of three lawyers who signed a grievance questioning the U.S. Attorney's Office's handling of an obscenity case against a Duval County judge.

Wayne Henderson, president of the St. Augustine chapter of the Florida Association of Criminal Defense Lawyers, said he hoped the incident was isolated and not indicative in any way of his approach to his official duties.

As U.S. attorney Colleton is the top federal law officer in the Middle District of Florida, which stretches from Jacksonville to Naples. His office is under investigation for its handling of an obscenity case against retired Judge Richard W. Kreidler.

Kreidler killed himself a month after his 1992 indictment on charges he received obscene videotapes at his office in the Duval County Courthouse. Although similar tapes were sent to the Jacksonville home of Assistant U.S. Attorney Michelle Heldmyer, neither she nor her husband, Joseph, has been charged.

Colleton didn't take office until a year after the Kreidler indictment but has defended the actions of those involved. He promoted Michelle Heldmyer and Assistant U.S. Attorney Stephen Kunz, who prosecuted Kreidler.

On Monday, Colleton was criticized by a federal judge in Jacksonville who was angry that a prosecutor had been reassigned after spending two years on a complicated drug case in his court.

Rose said he asked Colleton about the reassignment as the morning

meeting broke up. Colleton refused to comment.

Rose said he and a camera operator were in the hallway a few minutes later when Colleton rounded a corner. Rose said he started to repeat the question.

"Before I could get the question out of my mouth, he struck me," Rose said. "He might have been just trying to grab my tie or my shirt."

TV footage of the incident shows Colleton with one hand on Rose's throat, shoving him backward. He released the reporter and shouted: "Get away from me. I'm not going to put up with this. Get away from me. ... I said to leave me alone."

Moments later, Colleton told Rose: "I did not strike you. I pushed you aside."

Rose said he wanted to consult with an attorney before deciding whether to pursue charges.

"If I were just an ordinary citizen, I think I would have already filed. ... But I have to be concerned about my ongoing relationship with the U.S. Attorney's Office," Rose said.

St. Johns County Sheriff Neil Perry said his deputies told Rose he has two years to file charges.

"The individual's position will make no difference," Perry said.

U.S. Justice Department chief spokesman Carl Stern said yesterday that he had received conflicting reports about the incident and had not talked to Colleton about it.

Leslie A. Moe, who was overseeing security detail at the three-day Sawgrass conference, said he will compile a report on the incident for the U.S. Marshal's Office.

Moe said Rose was advised Thursday that he could attend the conference but that if any participants did not wish to comment, he should leave them alone.

Colleton said 'self-disciplined'

(From Page A-1)

Marriott at Sawgrass.

That incident seems out of character for a man described as "self-disciplined" and "astute" by people in his hometown of Orlando.

The Rev. W.D. Judge, pastor of Orlando's Antioch Primitive Baptist Church, said he has always admired Colleton for his leadership abilities. He said not all African-American leaders in Orlando agreed with Colleton all the time, "but it did not mean he was wrong."



Colleton

"Larry is a very astute person. Larry is the type of person who takes control and leadership. He doesn't rush into decisions," Judge said.

Orlando defense attorney Mark NeJame described his friend Colleton as low-key and level-headed.

"He enjoys an excellent reputation for integrity and even-handedness," NeJame said. "He's appropriately firm and always fair. He's not going to do the politically expedient thing. He has a strong family background and is self-disciplined."

Colleton, the great-great-grandson of a slave, grew up on a farm with an extended family including great-grandparents and grandparents. His mother lived in New York City. His father lived a few miles from the farm but never visited him.

"My father being absent from my life helped me to develop character," Colleton told The Orlando Sentinel last year. "There was a lot of suffering for me early on in life wondering why that happened. But my family kind of filled that void. I didn't dwell on it."

His grandmother didn't give him time to dwell on it. As a boy he

picked tobacco. As a teenager, he was put in charge of the chickens.

"She would buy these little chicks, and I would have to care for them. They need special care because when they're small they're just fuzzballs. If they're not kept cool, they will get close together, get hot, sweat, stick together, and smother. I lost 50, 60 chicks like that once."

He was an honors student at the all-black schools he attended through eighth grade. He earned a bachelor's degree and studied law at the University of South Carolina. After graduating, he went to work for Georgia Legal Services in Valdosta because he wanted to help people.

He joined the Navy in 1983 and moved to Orlando where he defended and prosecuted sailors. He got out in 1989 after a stint in Jacksonville and continues to serve in the Naval Reserves.

Colleton worked briefly for the State Attorney's Office in Orlando before joining the U.S. Attorney's Office in 1990.

In January 1993, Colleton was elected president of the Orlando branch of the National Association for the Advancement of Colored People. He resigned when he became U.S. attorney.

Douglas Head, chairman of Orange County's Democratic Party, said Colleton was only in the Orlando NAACP for a year before he began his rise to the presidency. Within the organization, Colleton was perceived as "politically ambitious," said Head, an NAACP member.

"There were some people who felt he was doing resume-building by his participation in the NAACP," Head said.

Head said Colleton was a registered independent, who switched to the Democratic Party in the hopes of being appointed by President Clinton to the U.S. attorney's post.

As NAACP president, Colleton urged blacks to fight against criminals in their neighborhoods.

Last summer, Colleton's name was one of three the Judicial Nominating Commission forwarded to U.S. Sen. Bob Graham, D-Fla. Graham recommended that Colleton succeed Robert Genzman, who was appointed by President Bush, as the chief federal prosecutor for the district.

Former Florida Supreme Court Chief Justice Ray Ehrlich was chairman of the Judicial Nominating Commission.

"He's a young man. He seemed to have good judgment. His experience had been fairly limited, but he impressed everybody with sincerity and youth and with his ability to get along," Ehrlich said yesterday. "The only shortcoming was his youth. I thought he was a good man. Only time will tell."

Since taking over the job in December, Colleton has commuted around the far-flung district from his Orlando home, which he shares with his wife, Lynn, an accountant, and their two sons.

In his first news conference, Colleton said his top priority would be combating violent crime. Another would be improving relationships with the legal community.

He saw his new job as an opportunity to advance the cause of racial equality and civil rights. For instance, he wants to give real estate seized from criminals to the surrounding community. In one instance, a crack house was donated to a neighborhood that raised \$50,000 to turn it into a community center.

He told the St. Petersburg Times that he did not want to politicize the office.

"I am someone who believes in fairness," Colleton said. "I'm not going to worry so much about what's politically correct. I don't have a hidden agenda. Serve the public interest — that's really what I want to do."

SALES BOOM — B1

FINAL EDITION

DEFENSE FUND FOR CLINTONS? — 12

The Florida Times-Union

JACKSONVILLE, FLORIDA, TUESDAY, MAY 10, 1994

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JACKSONVILLE

FBI

MAY-10-1994 09:56

Colleton faces battery charges

TV station asks for probe

By Paul Pinkham

Staff writer

A Jacksonville television reporter filed battery charges against U.S. Attorney Larry Colleton yesterday, while his station asked for a Justice Department investigation of the embattled prosecutor.

Also yesterday, the Baker County sheriff said Colleton's surprise re-assignment last week of veteran drug prosecutor Jim Klindt could scuttle a major drug investigation in that county.

Colleton grabbed WJKS TV-17 reporter Richard Rose by the throat and shoved him Friday during a conference at Sawgrass. TV footage of the incident shows. Rose said he was trying to ask Colleton about Klindt's new assignment handling appeals.

Rose signed an affidavit yesterday at the St. Johns County Sheriff's Office alleging misdemeanor battery as a result of the Sawgrass incident.

"If our investigation concludes that this charge is accurate, then we would file those charges with the State Attorney's Office," Sheriff Neil Perry said.

Rose said Perry told him that, based on what he has seen, charges will be filed.

TV-17 News Director Jay Solomon said yesterday that he wrote to the Justice Department's Office of Professional Responsibility, asking that the incident be investigated and that "appropriate action" be taken. Solomon declined to release a copy of the letter.

The Office of Professional Responsibility already is investigating Colleton's office for its handling of an obscenity case involving retired Duval County Judge Richard W. Kreidler. He killed himself a month after his 1992 indictment on charges of receiving obscene videotapes via an independent mail carrier.

(See PROSECUTOR, Page A-7)

FBI opens Colleton probe

By Jim Schoettler

Staff writer

The FBI has begun an inquiry to determine whether U.S. Attorney Larry Colleton has obstructed justice in the probe of a pornography scandal in his office.

The FBI investigation was ordered by the U.S. Justice Department, FBI agent Dave Stark said yesterday.

FBI agents questioned two Jacksonville reporters yesterday on whether they were threatened by Colleton. Agents also have questioned at least one defense attorney.

Stark said that part of the investigation included Friday's attack by Colleton on Jacksonville television reporter Richard Rose.

Colleton could not be reached to comment.

The inquiry comes as a group of defense attorneys appointed to a committee by Chief U.S. District Judge John Moore is conducting its own investigation into the handling of an obscenity case against retired Duval County Judge Richard Kreidler.

Kreidler, who committed suicide, was prosecuted for getting pornographic videotapes through the mail. Similar tapes were sent to the Jacksonville home of Assistant U.S. Attorney Michelle Heldmyer, but neither she nor her husband have been charged.

(See FBI, Page A-7)

Prosecutor's reassignment draws sheriff's ire

(From Page A-1)

Similar tapes were shipped to the home of Assistant U.S. Attorney Michelle Heldmyer, but neither she nor her husband have been charged.

A grievance committee appointed by Chief U.S. District Judge John H. Moore II also is investigating the matter.

Colleton wasn't U.S. attorney at the time of the Kreidler case but has defended the actions of those involved and has promoted Michelle Heldmyer and Assistant U.S. Attorney Stephen Kunz, who prosecuted the judge.

But it was the reassignment of Klindt that drew the ire yesterday of Baker County Sheriff Murray Richardson. He pointed out that Klindt has successfully prosecuted more than 20 people from Baker and Nassau counties on drug charges in the past two years.

More indictments are expected, but Richardson said the complex case is in jeopardy without Klindt.

"We feel like it might be detrimental to these [drug] cases. We would like to see him remain in place," Richardson said. "Hopefully, the U.S. attorney will see it our way."

Richardson said he wants to ask Colleton to reconsider Klindt's reassignment, which also has angered a federal judge in Jacksonville. The sheriff showed up at a news conference Colleton called yesterday to announce the distribution of drug assets, only to learn Colleton had sent another prosecutor in his stead.



Colleton

Rose

At the news conference, Managing Assistant U.S. Attorney Bruce Hinshelwood of Orlando announced the distribution of nearly \$400,000 in assets seized from Baker County marijuana growers that Klindt and Michelle Heldmyer prosecuted.

Hinshelwood, Colleton's second-in-command, abruptly left the press conference when reporters began asking about Colleton's whereabouts.

"He's elsewhere," Hinshelwood said.

Colleton also canceled an appointment yesterday with State Attorney

Harry Shorstein.

Colleton was supposed to be the special guest at a reception held by the Jacksonville chapter of the Federal Bar Association last night but did not show up.

Curtis Fallgatter, former managing assistant of the U.S. Attorney's Office in Jacksonville, shared Richardson's fear that Klindt's reassignment could kill the Baker County drug probe.

"When you take your star prosecutor off a case he's been on for two years, that's quite a vacuum to fill," Fallgatter said. "He's barred Jim from following through with one of the most important drug cases in the office."

Fallgatter has said Colleton reassigned Klindt as punishment for Klindt's support of Fallgatter during the office power struggle that led to

the promotions of Kunz and Heldmyer. Given that Fallgatter said, the Sawgrass incident involving Rose should come as no surprise.

"Colleton's been very vindictive and treacherous to his own staff," Fallgatter said. "The sky's the limit as to how he'll treat outsiders."

"He's charged with upholding the law. Instead he's out there breaking the law by assaulting reporters."

Colleton has said Klindt's reassignment was one of several routine personnel moves, but Fallgatter said if that were so, "he would have no reason to react so hostilely when asked about them."

Justice Department spokesman Carl Stern could not be reached for comment yesterday on Colleton's status. Colleton also could not be reached.

FBI opens Colleton investigation

(From Page A-1)

Moore has said that any attempt to interfere with his probe could be perceived as an obstruction of justice.

Paul Pinkham, a reporter for The Florida Times-Union, said he was interviewed by the agents for about five minutes yesterday. He said he told the agents he had not been threatened by Colleton.

"They told me they were doing an investigation into threats Mr. Colleton may have made," Pinkham said. "They also told me the focus of the investigation was on whether there had been obstruction of justice in any way."

WTLV TV-12 reporter Michael Dillin was interviewed by the agents for about 25 minutes. He declined comment.

VIEWPOINT

Time for action on U.S. attorney's behavior

U. S. Attorney Larry Colleton has to go. He sealed his fate last Friday when he grabbed a television

reporter, who was trying to ask him a question, by the throat.

That, simply put, is not acceptable behavior by the top federal prosecutor in this area — no matter how bad a day, week or month he's had.

Colleton already was on shaky ground anyway.

Earlier in the week, he had accused a federal judge in Jacksonville of "ranting and raving" because the judge had been

critical of how Colleton was handling personnel in his office.

While Colleton has a right to such an opinion, expressing it publicly — when his prosecutors have to practice before that federal judge — doesn't show a lot of common sense.

In fact, it was stupid.

Added to that are numerous allegations by defense attorneys that Colleton and his cronies have attempted to intimidate them into silencing their criticism of how a Jacksonville pornography case was handled.

Where there is that much smoke, there is probably at least some fire.

Such abuse of power cannot be tolerated and the buck must stop at the top.

By the way, in case you're wondering how the U.S. Attorney's Office could threaten defense attorneys, the answer is simple.

Prosecutors can keep stacking

criminal charges against an attorney's clients until that attorney loses effectiveness.

That is not what the justice system should be about.

But keep in mind that even if Colleton did the right thing and resigned, that's not going to solve the problems facing the U.S. Attorney's Office.

The origins of this flap are in how the office handled the prosecution of retired Duval County Judge Richard Kreidler on federal obscenity charges.

Kreidler killed himself a month after his 1992 indictment on charges that he had received pornographic videotapes at his office in the Duval County Courthouse.

The public wasn't told that similar tapes were sent to the home of Assistant U.S. Attorney Michelle Heldmyer.

Unlike Kreidler, neither she nor

her husband, Joseph, were charged.

Colleton didn't take office until a year after Kreidler was indicted so his departure still wouldn't answer questions that arose in the Kreidler case — about selective prosecution and a possible cover-up.

Make no mistake that Colleton is a part of the equation now. He chose to vigorously defend Michelle Heldmyer and the chief prosecutor in the Kreidler case, Stephen Kunz, and in fact he promoted both of them after he took office.

And assaulting a television reporter only adds to the fire.

But putting a "former" in front of Colleton's title won't restore credibility to the U.S. Attorney's Office.

That will only come with a full public accounting of the actions taken by Heldmyer and Kunz.

That's where the focus belongs and that's where it should stay.

OPINION



Ronald L. Littlepage

Times-Union
columnist



U.S. Department of Justice

Executive Office for United States Attorneys

Office of the Director

Washington, D.C. 20530

MAY 9 1994

MEMORANDUM FOR: David Margolis
Associate Deputy Attorney General

FROM: *Anthony C. Moscato*
Anthony C. Moscato
Director

SUBJECT: Middle District of Florida (MDFL) Issues

Pursuant to your request, I am providing you with the following summary of the numerous problems that are besetting the Middle District of Florida (MDFL). Many of them stem from the unstable situation in Jacksonville, caused in part by a division of that office into two camps [redacted]

[redacted] The first six items below deal primarily with the situation in Jacksonville. Since you are already aware of the allegations concerning the alleged selective prosecution of [redacted] I will not address them here. However, many issues reported below touch on that allegation tangentially.

1. [redacted]

[redacted] responded by grieving this decision, along with his performance appraisal; filing an Equal Employment Opportunity (EEO) complaint; and filing a prohibited personnel practice complaint with the United States Special Counsel. After this, he resigned. [redacted] has alleged that being reassigned from the supervisory position was in retaliation for his having advised [redacted] and the Office of the Inspector General (OIG) that the office was wasting government money by relocating the Jacksonville employees from the courthouse to other space. The OIG has reported no misconduct in connection with the move.

The part of the grievance concerning his performance appraisal is being reviewed by a committee established by Justice Management Division (JMD). The deciding official on the

FOIA(b) (6)

NW#: 49753

DocId: 32629276

*Reviewed
5/9/94*

grievance, [redacted], has notified [redacted] that he will defer ruling on the entire grievance until he receives JMD's recommendation. The EEO complaint alleges that management did not like the fact that his wife is African-American. It is being investigated by our EEO staff. The Special Counsel made an initial call to Frank Hall, the Administrative Officer in MDFL, but has not since followed up.

Before filing the grievance with us, [redacted] shared it with District Judge [redacted] and another District Court judge. Judge [redacted] shared it with two other District Court judges. The grievance materials included copies of emails which several AUSAs, including [redacted], had exchanged among themselves. The emails were intended to be humorous, and were very unflattering to several people, including Judge [redacted] and [redacted].

FOIA(b) (6)

In his original grievance, [redacted] complained of the lack of response to his allegations that AUSA [redacted] was behaving in a threatening and irrational manner. In his rebuttal of management's response to his grievance, [redacted] asserted that it was [redacted] and AUSA [redacted] who should be under investigation for their involvement in the selective prosecution of Judge [redacted].

[redacted] has recently gone public with his grievance, and is alleging that he was forced to resign. He also alleges that he and others should be allowed to submit statements to the grievance committee examining the alleged selective prosecution. He also alleged that United States Attorney [redacted] was being vindictive in punishing, by reassignments, AUSAs who wished to provide statements to the committee. He told reporters that he had written to AG Reno requesting permission to speak to the committee (apparently in an effort to comply with Twohey regulations), and that if he did not receive instructions to the contrary by May 6, he would cooperate. In addition, he told reporters that he asked the Office of Professional Responsibility (OPR) to expand its investigation into whether United States Attorney Colleton was threatening AUSAs who wanted to cooperate with the committee.

Although I have not seen OPR's report, I understand that it concluded that [redacted] was at least one of the individuals who advised the press that the office had engaged in selective prosecution.

2. United States Attorney [redacted]

United States Attorney [redacted] did, in fact, effect numerous reassignments recently, although no one was forced to relocate geographically. He has indicated to staff, but not publicly, that among his considerations in making the

reassignments was his concern that morale in Jacksonville was being affected by the division of the office into those who supported [] and those who did not. He did not effect the reassignments to coerce AUSAs into not cooperating with the grievance committee. One television reporter stated that the reassignments were what "many perceive to be drastic steps at spin control."

FOIA(b) (6)

Judge [] in open court, characterized one of the reassignments as an "abomination." He was upset that AUSA [] appeared instead of AUSA [] for the sentencing of a defendant who had pleaded guilty. AUSA [] had been reassigned from the criminal to the appellate division in Jacksonville. United States Attorney [] responded by rhetorically asking reporters "What makes his [Judge []] ranting and raving correct?" He went on to state that if judges were always correct, "We would have no reason for an 11th Circuit Court of Appeals or a U.S. Supreme Court." United States Attorney [] has confirmed the accuracy of these quotes. He has indicated to my staff that Judge [] called him expecting an apology, but that he refused to provide one. He told my staff that if Judge [] could call his management decisions an abomination, then he could be harsh as well in responding.

According to AUSA [] statement before Judge [], two Drug Enforcement Administration (DEA) agents were advised by their supervisor not to show up for a sentencing hearing since the case had been reassigned from AUSA [] to AUSA []. United States Attorney [] called the DEA Special Agent-in-Charge (SAC), who said he would look into this allegation. The SAC has since reported to United States Attorney [] that the Regional Agent-in-Charge in Jacksonville had indeed told his agents not to report and that this was not defensible. It is now under investigation in DEA. One television reporter stated that a "high-ranking" court official has told him that the "scandal" (apparently referring to the selective prosecution) was "now affecting the workings of the court." OPR has indicated that it has also heard that DEA and Federal Bureau of Investigation agents are unhappy with the reassignments.

United States Attorney [] was asked to telephone Judge [] earlier this week, and when he tried to do so the judge would not take the call. It appears that the grievance committee is expanding its investigation to look into whether United States Attorney [] threatened to or did retaliate against his own employees for their desire to cooperate with the committee or their being suspected of having done so already. United States Attorney Colleton has also been accused by defense counsel of threatening them if they forwarded the petition to convene a

-4-

grievance committee to the court, and he believes that the committee is examining this also.

To his own staff, but not publicly, United States Attorney Colleton has suggested that Judge [] and several defense attorneys are motivated by the fact that they cannot accept []. If such a statement became public, OPR may determine that an investigation would be warranted.

United States Attorney [] has expressed serious displeasure with directions he has received from [] and others about how to deal with the media fire storm. He is also unhappy about the Department's response to the petition to convene a grievance committee. He would have preferred a much more immediate and detailed response. Ⓢ

3. AUSA Michelle Heldmyer

It is my understanding that she has been exonerated of wrongdoing in connection with the Bean-Blossom case by the OPR report. Department representation has been granted before the grievance committee for both her and Stephen Kunz. []

4. []

After defense counsel objected to the absence of AUSA [] asked [] to explain the substitution. She squarely blamed management, stating that she thought the decision was a "disservice to the Court and [] and everybody associated with this case." She gave the clear impression that her previous involvement had been minimal even though she had managed the case earlier when [] had become involved in the prosecution of a local sheriff, as evidenced by a letter of commendation she had received for doing so from interim USA [].

5. AUSA []

6. AUSA []

Recent developments : (1) obstruction inquiry
(2) assault inquiry (confrontation with reporter)

7. [REDACTED]

[REDACTED] is suspected of having co-operated with a defense attorney, who was a fellow alumnus of the University of Florida, so that they would not have to appear in court. Thus, instead of preparing for court, they could watch the Florida-Duke NCAA tournament basketball game. Neither one appeared in court, nor did they inform the judge that their appearance would not be necessary. United States Attorney Colleton expects [REDACTED] to resign. The matter will be referred to OPR.

8. [REDACTED]

[REDACTED] has filed a formal complaint alleging that she has been discriminated against on the basis of her sex. She has been reprimanded for refusing to meet with her supervisor to discuss work-related issues, and has just returned from work after extended sick leave. Sick leave was approved based on a statement from her psychiatrist. Her attorney is [REDACTED], who had been a candidate to become the new USA.

9. [REDACTED]

[REDACTED] is a legal secretary in Ft. Myers. She falsified her employment applications by omitting several arrests and previous psychiatric treatment. She has been asked to resign.

FLORIDA - MIDDLE

PAY PLAN "B"
SALARY

TITLE

NAME

LEVEL I

FIRST ASSISTANT

HINSHELWOOD, IAN BRUCE \$100,900

LEVEL IICHIEF, CIVIL DIVISION
CHIEF, CRIMINAL DIVISION
MANAGING AUSA (TAMPA)ZIMMERMAN, WARREN A. \$ 96,800
ROBINSON, WANDA KEYES \$ 96,800
KUNZ, STEPHEN M. \$ 96,800LEVEL IIICHIEF, OCDETF SECTION
(ORLANDO)
CHIEF, ASSET FORFEITURE
SECTION
CHIEF, FIRREAJANCH, RICKY L. \$ 92,900
COVINGTON, VIRGINIA M. \$ 92,900
MONK, ROBERT T. \$ 92,900LEVEL IV (ONE POSITION TRADED TO CREATE EXCESS LEVEL IV SLC)CHIEF, APPELLATE
TRAINING OFFICER (TAMPA)
DEPUTY MANAGING AUSA/CHIEF,
MAJOR CRIMES SECTION
MANAGING ASSISTANT
(ORLANDO)
TRAINING OFFICER (ORLANDO)
MANAGING ASSISTANT
(JACKSONVILLE)
TRAINING OFFICER
(JACKSONVILLE)
CHIEF, STRIKE FORCE UNIT **PHIPPS, TAMRA S. \$ 91,800
ZITEK, TERRY A. \$ 91,800
PAGE, EDWARD J. * \$ 91,800 ^
HOPKINS, RALPH E. \$ 91,800
HAWKINS, CYNTHIA \$ 91,800
KANE, BRIAN M. \$ 91,800
HELDMYER, MICHELLE M. \$ 91,800
MARCH, KEVIN # \$ 92,900LEVEL VMANAGING ASSISTANT
(FT. MYERS)

MOLLOY, DOUGLAS \$ 90,000

Level VI

NONE AUTHORIZED UNDER THE PLAN

SENIOR LITIGATION COUNSELSINCUMBENTS RECERTIFIED FOR 1994

1. MUELLER, ERNST D. **	DTF	\$ 92,900
2. FRAZIER, DOUGLAS N.		^^ \$107,300
3. JACKOWSKI, MARK V. ###		\$ 91,800

* NEW SUPERVISOR

^^ EXCESS SLC POSITION AUTHORIZED BY DAG--SALARY GRANDFATHERED
AT LEVEL I PAY CEILING FOR DOUGLAS N. FRAZIER ONLY

POSITION DOES NOT COUNT AGAINST 14% ALLOCATION FOR PAID
ATTORNEY SUPERVISORS--WHEN INCUMBENT LEAVES, POSITION WILL BE
RESCINDED

** POSITIONS GRANDFATHERED AT LEVEL III PAY CEILING FOR
INCUMBENTS ONLY

POSITION TRADED FROM LEVEL IV DEPUTY CHIEF, CIVIL TO CREATE
EXCESS LEVEL IV SLC

SIGNED: 04/29/94

^ AUTHORIZED FOR PAY: 05/01/94

FLORIDA - MIDDLE

PAY PLAN "B"
SALARY

TITLE

NAME

LEVEL I

FIRST ASSISTANT	KEHOE, GREGORY W.	\$100,900
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LEVEL II ONE POSITION TRADED TO LEVEL III

CHIEF, CIVIL DIVISION	TAKACS, GARY J.	\$ 96,800
CHIEF, CRIMINAL DIVISION	ZITEK, TERRY A.	\$ 96,800

LEVEL III ONE POSITION TRADED FROM LEVEL II

CHIEF, DRUG ENFORCEMENT TASK FORCE SECTION	FURR, WALTER E. III	\$ 92,900
CHIEF, MAJOR CRIMES SECTION	FOSTER, TODD A.	\$ 92,900
CHIEF, ASSET FORFEITURE SECTION	COVINGTON, VIRGINIA M.	\$ 92,900
CHIEF, FIRREA	MONK, ROBERT T.	\$ 92,900

LEVEL IV

DEPUTY CHIEF, CIVIL	ZIMMERMAN, WARREN A.	\$ 91,800
CHIEF, APPELLATE	PHIPPS, TAMRA S.	\$ 91,800
DEPUTY CHIEF, MAJOR CRIMES	RUBENSTEIN, MICHAEL	\$ 91,800
DEPUTY CHIEF, FIRREA	NEWCOMER, JOHN L.	\$ 91,800
MANAGING ASSISTANT (ORLANDO) **	MORENO, ROBERT	\$ 92,900
DEPUTY CHIEF, (ORLANDO)	NUCCI, EDWARD C.	\$ 91,800
MANAGING ASSISTANT (JACKSONVILLE) **	FALLGATTER, CURTIS S.	\$ 92,900
DEPUTY CHIEF, (JACKSONVILLE) **	KUNZ, STEPHEN K.	\$ 92,900
CHIEF, STRIKE FORCE UNIT **	MARCH, KEVIN #	\$ 92,900

LEVEL V

MANAGING ASSISTANT (FT. MYERS)	MOLLOY, DOUGLAS	\$ 90,000
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Level VI

NONE AUTHORIZED UNDER THE PLAN

SENIOR LITIGATION COUNSELSINCUMBENTS RECERTIFIED FOR 1993

1. MUELLER, ERNST D. **	DTF	\$ 92,900
2. VACANT ^^		\$100,900

^ EXCESS SLC POSITION AUTHORIZED BY DAG--SALARY GRANDFATHERED AT
LEVEL I PAY CEILING FOR DOUGLAS N. FRAZIER ONLY

^^ EFFECTIVE: 06/19/93 POSITION VACANT BECAUSE DOUG FRAZIER
BECAME THE USA

POSITION DOES NOT COUNT AGAINST 14% ALLOCATION FOR PAID
ATTORNEY SUPERVISORS--WHEN INCUMBENT LEAVES, POSITION WILL BE
RESCINDED

** POSITIONS GRANDFATHERED AT LEVEL III PAY CEILING FOR
INCUMBENTS ONLY



U. S. Department of Justice

Office of the Deputy Attorney General

Special Assistant to the Deputy Attorney General

Washington, D.C. 20530

May 9, 1994

MEMORANDUM

TO: David Margolis
Associate Deputy Attorney General

FROM: *SC* Sandra Cavazos
Special Assistant to the Deputy Attorney General

SUBJECT: Middle District of Florida
Obscenity Prosecution of Judge Kreidler

Background

On December 16, 1992, a Florida county judge, Richard Kreidler, was indicted in the Middle District of Florida (Jacksonville Branch) on charges of interstate transportation of obscene videotapes. The videotape distributor, Bean Blossom Ltd., and its president were also charged in the indictment. Kreidler had ordered from Bean Blossom and other distributors a total of 86 videotapes depicting sadomasochistic acts. Thirty-eight of the tapes were shipped by Bean Blossom to Kreidler's courthouse chambers.

The indictment was signed by Robert Genzmen, at that time the United States Attorney for the Middle District of Florida; Curtis Fallgatter, the Managing Assistant United States Attorney for the Jacksonville Office, and Stephen Kunz, the Deputy Managing Assistant United States Attorney for the Jacksonville office. Kunz was the lead prosecutor in the case.

Before the indictment was brought, Judge Kreidler (knowing of the impending charges) resigned from the bench. An offer to plea to a misdemeanor was rejected by MAUSA Fallgatter and AUSA Kuntz. Kreidler's attorneys in turn rejected a counteroffer by the government of a plea to one felony count with cooperation. The indictment was twice delayed after Kreidler's lawyers and doctor informed the government that Kreidler had threatened to commit suicide. The indictment was finally brought on December 16 and Judge Kreidler was arraigned on January 11, 1993. On January 15, 1993, Judge Kreidler committed suicide. The case against Bean Blossom and its president continued.

The Role of AUSA Michelle Heldmeyer

On April 28, 1993, while reviewing Bean Blossom's customer lists, AUSA Kuntz discovered records revealing a shipment of three videocassettes to the home of a "Joseph Heldmeyer." Joseph Heldmeyer is the husband of Michelle Heldmeyer, an AUSA in the Jacksonville U.S. Attorney's office. The titles of two of the videotapes shipped to Joseph Heldmeyer were listed in the indictment against Judge Kreidler. The discovery was not made earlier because the customers lists were kept in Tallahassee at the Northern District of Florida U.S. Attorney's Office, where the investigation initiated. (The initial investigation in the Northern District focused on Bean Blossom. When FBI agents in Tallahassee discovered Judge Kreidler's name on Bean Blossom's customer lists, the portion of the case involving the shipments to Judge Kreidler were transferred to the Middle District/Jacksonville office. The Tallahassee agents were unfamiliar with the name Michelle Heldmeyer and her connection to Joseph Heldmeyer).

Following the revelation of the shipment to Joseph Heldmeyer, the Middle District of Florida Office immediately recused itself from any further involvement in the Bean Blossom prosecution. The case was turned over to a prosecutor from the Criminal Division's Child Exploitation and Obscenity Section who had been assisting AUSA Kunz in the case and who had planned to "second chair" the trial. In an Urgent Report to the Attorney General dated April 30, 1994, the Criminal Division advised the Attorney General of the recusal as well as the fact that a tentative plea agreement with Bean Blossom had been reached, subject to approval by the Acting Chief of the Child Exploitation and Obscenity Section. The trial judge was also advised of the recusal as well as the reason for the recusal.

Following discussions with the Executive Office for United States Attorneys and the Office of Professional Responsibility, a decision was made to interview AUSA Heldmeyer and her husband regarding the videotapes. The interviews were conducted on May 3, 1993, by an FBI agent from Tallahassee who was familiar with the facts of the Bean Blossom case. AUSA Heldmeyer told the agent she became aware of her husband's possession of the videos when she saw a portion of a tape her husband slipped into their VCR at home. She said she saw less than two minutes of the tapes, expressed disgust and told her husband to remove the tapes from their home, and later that evening threw the videos in the trash. In his interview the same day, Joseph Heldmeyer confirmed his wife's account.

Also on May 3, the Bean Blossom plea agreement was taken in open court. Under the terms of the plea, the company agreed to plead guilty to two of eight counts in the indictment, to pay a fine, and to cease all business and commercial operations in the Middle District of Florida. All charges against the company's

president were dropped.

The Non-Prosecution of Joseph Heldmeyer

The Middle District of Florida recused itself from the consideration of possible prosecution of the Heldmeyers on obscenity charges. The Criminal Division determined that the Child Exploitation and Obscenity Section should also be recused and that the prosecutive determination of the Heldmeyer matter should be made by the Public Integrity section. On May 11, 1993, the Child Exploitation and Obscenity Section forwarded to Public Integrity the investigative file on the Heldmeyer matter.

On September 2, 1993, Public Integrity advised the Child Exploitation and Obscenity section that it was declining prosecution of Joseph Heldmeyer. The primary basis for the declination was that there were "insurmountable evidentiary problems with the case, including the fact that no tapes were recovered from Mr. Heldmeyer." In addition, the declination stated that there were no policy reasons favoring prosecution of Mr. Heldmeyer. The declination noted that Mr. Heldmeyer was a small-time purchaser and that, in contrast to Judge Kreidler, he was not a public official, did not receive the materials in a public building, and did not preside over morals cases.

The Grievance Petition

In mid-March of 1994, the Jacksonville media began running stories alleging selective prosecution by the U.S. Attorney's Office regarding the handling of the Kreidler and Heldmeyer cases. In published comments to reporters, new U.S. Attorney Larry Colleton defended his office's handling of the case, noting that the office had recused itself as soon as it learned of the Heldmeyer. (Colleton was an AUSA in Orlando during the Bean Blossom prosecution and the subsequent decision by Public Integrity not to prosecute Joseph Heldmeyer; he was appointed U.S. Attorney for the Middle District of Florida in February 1994.). On April 4, 1994, USA Colleton asked the Office of Professional Responsibility (OPR) to conduct a full inquiry into the allegations of selective prosecution.

On April 8, 1994, the Executive Committee of the Northeast Chapter of the Florida Association of Criminal Defense Lawyers filed a petition to appoint a Grievance Committee under the local rules to investigate alleged misconduct by the U. S. Attorney's Office and the Department of Justice in their handling of the Kreidler and Heldmeyer matters. The petition sets forth five specific allegations of misconduct. First, Judge Kreidler was the subject of a "politically motivated selective prosecution" because the U.S. Attorney's Office knew that AUSA Heldmeyer had received similar materials. Second, AUSA Kuntz prosecuted Judge Kreidler alone "ignoring hundreds of other

subscribers including [AUSA] Heldmeyer despite the knowledge that Judge Kreidler had already announced his resignation from office and was known to the office of the United States Attorney to be a likely suicide risk." Third, the U.S. Attorney's Office and the Department of Justice "took affirmative steps to conceal its own misconduct [.]". Fourth, AUSA Heldmeyer "gave false statements in, or prior to, FBI agent interviews regarding the ordering, transportation, receipt, and viewing of the same allegedly obscene materials for which Judge Kreidler was indicted[.]". Fifth, AUSA Kuntz and AUSA Heldmeyer concealed from the judiciary and appropriate authorities the fact that AUSA Heldmeyer had received the same materials for which Judge Kreidler was indicted.

On April 15, 1995, Chief U.S. District Judge John Moore appointed a grievance committee to investigate the allegations of selective prosecution and cover-up. On April 22, 1994, Judge Moore denied motions filed by the Department requesting that the grievance committee's proceedings be deferred pending the outcome of OPR's investigation, and seeking the recusal of three members of the grievance committee. (One of the grievance committee members represents Judge Kreidler's widow and children; two others are appealing cases prosecuted by AUSA Heldmeyer). In his order denying the Department's motions, Judge Moore stated that he welcomed the Department's offer to provide him with a copy of OPR's report when it was completed. Judge Moore later told the media that he did not expect to receive the report and that he would not back down from a "war" with the Justice Department.

OPR completed its report on May 2, 1994. A copy of the report was sent to Judge Moore.

The OPR Report

OPR determined that the allegations of misconduct were unfounded. With respect to the charge that Judge Kreidler was singled out for prosecution for political reasons, OPR found that the U.S. Attorney's Office exercised appropriate prosecutorial discretion in deciding to prosecute Judge Kreidler alone among Bean Blossom's many customers. The U.S. Attorney's office had taken into account the fact that the quantity of videos purchased by Judge Kreidler was substantial, that the videos were shipped to the county courthouse, that Judge Kreidler held a position of trust, that he heard various morals cases, and that he initially attempted to mislead the FBI about his purchase of the videos. OPR also noted that none of the prosecutors and agents it interviewed knew of Judge Kreidler's party affiliation, if any, and that the grievance petition was simply wrong in asserting that prosecutors were aware of the Heldmeyer connection from the outset of the case. In addition, the U.S. Attorney's Office recused itself from the case as soon as it discovered Joseph Heldmeyer's name on Bean Blossom's customer list. OPR found no

evidence to support the claim that AUSA Heldmeyer had lied to the FBI. Finally, it concluded that there was no attempt to conceal any misconduct or to mislead the court, noting that the trial judge was advised of Joseph Heldmeyer's order.



U. S. Department of Justice

Office of Legal Counsel

Office of the
Deputy Assistant Attorney General

Washington, D.C. 20530

May 11, 1994

MEMORANDUM FOR THE ATTORNEY GENERAL

Re: Proposed Attorney General Order Designating Donna
Brucella As Acting United States Attorney for the
Middle District of Florida

ACTION MEMORANDUM

The attached proposed Attorney General Order, designating Donna Bucella as Acting United States Attorney for the Middle District of Florida, was prepared by this Office at the direction of the Office of the Deputy Attorney General.

The proposed order is approved with respect to form and legality.

A handwritten signature in dark ink, appearing to read "Richard Shiffirin", is written over the typed name.

Richard Shiffirin
Deputy Assistant Attorney General
Office of Legal Counsel



Office of the Attorney General
Washington, D. C. 20530

Order No 1875-94

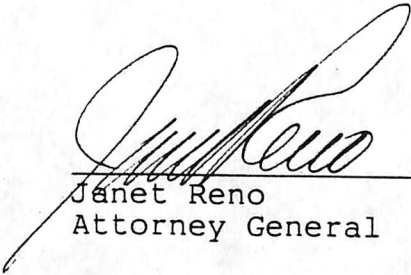
DESIGNATING DONNA BUCELLA
AS ACTING UNITED STATES ATTORNEY FOR THE
MIDDLE DISTRICT OF FLORIDA

Pursuant to the authority vested in me by statute, including 28 U.S.C. §§ 509 and 510 and 5 U.S.C. § 301, and in accordance with 28 C.F.R. § 0.132(e), I hereby designate Donna Bucella to perform the functions and duties of and to act as United States Attorney for the Middle District of Florida.

This order is effective as of May 11, 1994.

Date

May 11, 1994



Janet Reno
Attorney General

INTERNAL ORDER/NOT PUBLISHED
IN F.R.



U.S. Department of Justice

Office of the Deputy Attorney General

Washington, D.C. 20530

May 11, 1994

Honorable Larry H. Colleton
United States Attorney
Middle District of Florida
500 Zack Street, Suite 400
Tampa, Florida 33602

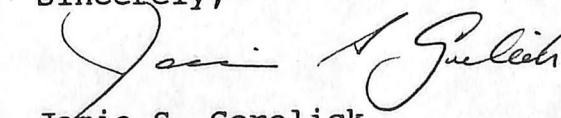
Dear Mr. Colleton:

I have been advised of your intention to temporarily remove yourself from your duties as U.S. Attorney for a period of thirty days, pending the completion of inquiries being conducted by the Office of Professional Responsibility and Florida authorities. You have also requested immediate appointment of an Acting U.S. Attorney during your absence. I agree with your decision and request.

Attached is a copy of an Order issued by the Attorney General, designating Ms. Donna Bucella as the Acting United States Attorney for the Middle District of Florida in your absence.

As you requested, in the event that the pending inquiries are not resolved in the next thirty days, we will revisit this situation at that time.

Sincerely,


Jamie S. Gorelick



*United States Attorney
Middle District of Florida*

500 Zack Street, Suite 400
Tampa, Florida 33602

813/274-6000

May 10, 1994

The Honorable Jamie Gorelick
Deputy Attorney General of the United States
10th and Constitution, NW
Room 4111
Washington, D.C. 20530

Dear Deputy Attorney General Gorelick:

As you are aware, based upon our conversation of Monday, May 9, 1994, I will be on military duty throughout the balance of May and part of June 1994. In light of this, as well as the distraction occasioned by the existence of pending inquiries by the Office of Professional Responsibility (OPR) and Florida authorities, I have concluded that I must temporarily remove myself from directing the activities of the United States Attorney's Office for a period of 30 days, pending the completion of my military duty and the aforesaid inquiries.

I am confident that I will ultimately be vindicated. However, it is very important to me that my office be able to function smoothly during the interim, free from any distractions. Under ordinary circumstances, I would appoint an Acting United States Attorney pursuant to section 1-3.150 of the United States Attorneys' Manual. Under these unique circumstances, however, I respectfully defer to higher authority within the

The Honorable Jamie Gorelick
Deputy Attorney General of the United States
May 10, 1994
Page two

Department of Justice for immediate appointment of a person to act as United States Attorney during my 30-day absence, during which time I would respectfully anticipate resolution of the pending inquiries. While I will play no role in the operation of this office in the interim, I do remain available to assist you and the Department in any other way. I would like to revisit the issue with you in the event that these inquiries are not concluded within 30 days.

Respectfully,


Larry H. Colleton
United States Attorney

LHC:cpf

Summary of the OPR Investigation into Allegations of Misconduct Arising from Adult Obscenity Prosecutions in the Middle District of Florida Involving the U.S. Attorney's Office and the Criminal Division

This matter involved allegations of selective prosecution of Richard Kreidler, a Duval County, Florida, judge for interstate transportation of obscene materials in violation of 18 U.S.C. § 1462, and selective "non-prosecution" of the spouse of an Assistant U.S. Attorney in the same district who the prosecutors later learned had obtained some of the same or similar videos from the same New York distributor. Also involved were allegations that the Assistant U.S. Attorney made false statements to the FBI in the course of an interview about this matter and that the prosecutors did not take into account the suicidal tendencies of the county judge resulting in his suicide four days after he was arraigned.

In the course of our investigation, we reviewed all of the relevant files and conducted numerous interviews of individuals with knowledge of the events in question. As a result of our inquiry, we found that in the course of an adult obscenity investigation of the distributor, Bean Blossom, Ltd., being conducted in the Northern District of Florida, FBI agents ~~happened to notice a shipment to an address they happened to recognize~~ as the Duval County Courthouse. The agents obtained a number of order records for zip codes in north Florida and subsequently found six orders by Judge Kreidler for 26 adult videos all shipped to his chambers in the Courthouse. The FBI in the Northern District sent the matter to the FBI in the Middle District in Jacksonville, and the case was presented to the U.S. Attorney's Office. AUSA Steve Kunz received the matter and prepared appropriate paperwork. Managing Assistant U.S. Attorney Curtis Fallgatter reviewed the case and assigned it to AUSA Kunz and instructed him to try to resolve the matter before Judge Kreidler left the bench. AUSA Kunz continued to work the case and developed probable cause for a search of Judge Kreidler's office and residence. The search was carried out discretely with Judge Kreidler's consent and the agents obtained 87 adult videos. Further investigation confirmed that most of the videos were obscene, and ultimately a proposed eight-count indictment was prepared charging Judge Kreidler, the distributor, Bean Blossom, and its president, Morty Gordon. The indictment was reviewed by the Child Exploitation and Obscenity Section (CEOS) of the Criminal Division which posed no objection. Attempts to resolve the matter with a one-count felony plea with no government objection to probation failed, and Judge Kreidler's attorneys were advised that an indictment was imminent. Shortly thereafter, Judge Kreidler threatened suicide. As a result of calls from the Judge's attorneys and doctors, the U.S. Attorney postponed the indictment. Judge Kreidler attempted a second suicide attempt which also resulted in postponement of the indictment. After the U.S. Attorney had assurances from the Judge's attorneys that hospitalization had stabilized his suicidal tendencies, the indictment was returned.

The Judge was permitted voluntary surrender and was ultimately arraigned. Four days later, Judge Kreidler committed suicide.

The case against the distributor and its president continued and trial was set for early May of 1993. Several days before, during final trial preparation, AUSA Kunz asked the FBI agent from the Northern District to bring his file to Jacksonville for review. In the course of that review, AUSA Kunz reviewed the records which had been obtained in the Bean Blossom search, including the randomly selected records of some north Florida purchases. AUSA Kunz noticed the name "Joseph Heldmyer," which he recognized as the husband of AUSA Michelle Heldmyer. Immediately upon that discovery, AUSA Kunz notified MAUSA Fallgatter and First Assistant U.S. Attorney Greg Kehoe. AUSA Heldmyer and her husband were interviewed by the FBI after being given *Miranda* warnings. AUSA Heldmyer denied knowing of her husband's purchase of the videos and said she only saw a very brief portion of one of the three tapes he had, and ~~thereafter threw~~ them all away. Ultimately, the U.S. Attorney's Office recused itself from the case and CEOS Attorney William Wagner (who had been assisting AUSA Kunz) was assigned. Mr. Wagner negotiated a plea with the company involving a fine and an agreement not to do business in the Middle District of Florida. The case against the president was dismissed.

Thereafter, CEOS believed it should be recused from consideration of any possible case against the Heldmyers. The Criminal Division agreed, and the matter was assigned to the Public Integrity Section. Public Integrity reviewed the case against the Heldmyers and concluded that it was clearly distinguishable from the case against Judge Kreidler and concluded that prosecution should be declined.

We found the prosecutive decisions that were made in this case to have been proper, not influenced by improper motives, and meeting the standards of the Department. In addition, we found that the U.S. Attorney's Office had given the appropriate consideration to Judge Kreidler's suicidal tendencies as well as all other mitigating circumstances, including his announced plan to leave the bench. We also found that there were no false statements given by AUSA Heldmyer and there was no attempt either by the U.S. Attorney's Office or by the Criminal Division to conceal wrongdoing.

*IT was obvious & he should
told her to know her own*

Prosecutors and pornography

Attorneys torn apart by case

By Paul Pinkham
Staff writer

When federal prosecutors launched an obscenity investigation in the spring of 1991, it wasn't supposed to be a Jacksonville case.

Now, it could have a bigger impact on Jacksonville's legal community than any other case.

Already, a Duval County judge is dead; the U.S. Attorney's Office in Jacksonville is in turmoil; and defense lawyers are crying "cover-up" and "selective prosecution."

This account was compiled from court records and interviews with attorneys and court officials, many of whom requested anonymity for fear of losing their jobs or retribution from federal prosecutors.

It began with a federal grand jury probe into obscenity in the Northern District of Florida, which stretches from Gainesville west to Pensacola. Jacksonville is in the Middle District, which winds southwest to Naples.

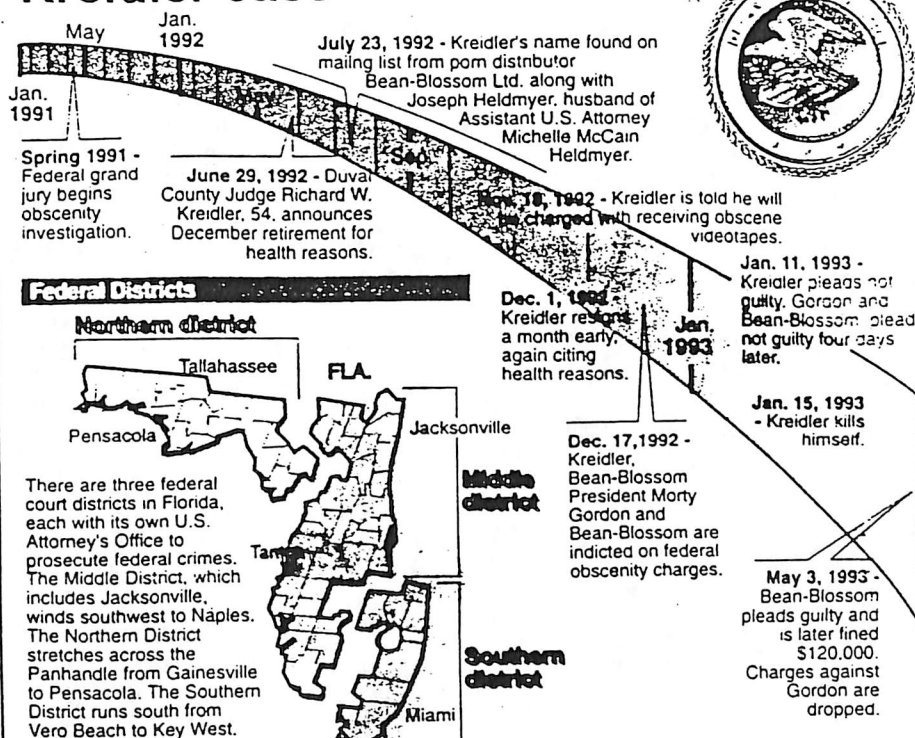
Acting on information from the Northern District grand jury, federal agents raided the offices of Bean-Blossom Ltd., a pornography distributor in Brooklyn, N.Y., in July 1992. What they found shifted the case to the U.S. Attorney's Office in Jacksonville.

Among the hundreds of Florida addresses on Bean-Blossom's mailing list was the Duval County Courthouse. The address was the chambers of Duval County Judge Richard W. Kreidler.

The 54-year-old judge had announced a month earlier that he would step down after nine years on the bench when his term expired at the end of 1992. He cited health reasons.

Also on the list was another name familiar in legal circles:

Kreidler case



Larry Colleton took over as the U.S. Attorney for the Middle District of Florida last month. Colleton had been a prosecutor before his confirmation.



Robert Genzman served as U.S. Attorney under President Bush. He stepped down last year but was in charge at the time of the Bean-Blossom obscenity indictment.



Stephen Kunz was the federal prosecutor who brought obscenity charges against Duval County Judge Richard W. Kreidler and New York porn distributor Bean-Blossom Ltd.

STRUCTURE OF U.S. ATTORNEY'S OFFICE (Dec. 1992)

U.S. Attorney for the Middle District of Florida:

Robert Genzman. In charge of federal prosecutions from Jacksonville to Naples. (Replaced last month by Larry Colleton.)

Managing Assistant U.S. Attorney, Jacksonville Office:

Curtis Fallgatter. Supervised 17 attorneys in Jacksonville division. (Demoted to assistant U.S. attorney in September; resigned last month.)

Deputy Managing Assistant U.S. Attorney:

Stephen M. Kunz. Second-in-command of Jacksonville office; prosecuted Kreidler case. Promoted in September to managing assistant of Jacksonville office. Promoted again last month to managing assistant of district headquarters in Tampa. (Replaced in Jacksonville by Brian Kane.)

Assistant U.S. Attorney:

Michelle Heldmyer. Responsible for prosecuting obscenity cases but wasn't assigned Kreidler case. One of 16 attorneys who reported to Fallgatter and Kunz. (Promoted last month to second-in-command, Jacksonville office.)

— Desi Aragon/staff

(See RIFT, Page A-4)

Stock drop jolts investors used to winning

From staff and AP

For the first time in 3½ years, a generation of investors accustomed to making money in stocks and mutual funds is faced with what looks like a serious market decline.

For the fifth straight day, markets plummeted in volatile trading.

The Dow Jones Industrial Average, the most closely watched market indicator, eventually plunged 72.27 points yesterday to 3,626.75. The

trading days and about 350 points in the past two months, a decline of about 9 percent.

The Dow industrials had been continually hitting new peaks and has not had a decline this big since October 1990. So many investors are not accustomed to this kind of drop.

"To novice investors, this must seem like one perverse stock market," says James Stack, who writes InvesTech Market Analyst, an investment letter. "Here we are, three years into a recovery with the economic party finally kicking into high

gear and no possibility of a recession. And how's the stock market react? It rolls over and plays dead."

Mutual funds, which in recent years have become the most popular way for Americans to put their money to work in the stock market, are now in many cases reporting a shift toward investors getting out of their funds. That trend, if it persists, could put added pressure on the

(See STOCK, Page A-5)

THE KUNZ FILE: HIGH-PROFILE CASES

During his career as a state and federal prosecutor, Assistant U.S. Attorney Stephen M. Kunz has faced his share of criticism for the way he has handled high-profile cases, many of them involving public figures:

- **1986:** The Florida 5th Circuit Court of Appeal dismissed 23 misdemeanor abuse of office counts against Volusia County Judge Wiley Clayton, calling Kunz's prosecution "irresponsible." The appeals court said Kunz's handling of a grand jury in the case was "a bit like giving a small boy a loaded pistol without instruction as to when and how it is to be used." Clayton committed suicide in 1989.

- **1987:** Kunz led an investigation into bribery allegations against fellow Assistant State Attorney Baker King. King eventually pleaded no contest to a misdemeanor charge of peddling confidential information. Complaints by other attorneys about Kunz's aggressive investigative tactics prompted Kunz's reassignment from the special prosecution division.

- **1990:** A jury acquitted Jacksonville City Councilman Clarence Suggs of extortion charges in a case that Chief U.S. District Judge John H. Moore II called "extremely weak." Harry Shorstein, who represented Suggs' and is now state attorney, called Kunz's prosecution "abusive," "incompetent" and "irresponsible."

- **1992:** Kunz won a conviction of Jacksonville developer Ellis Nader Jr. on 73 counts of fraud, racketeering and conspiracy involving bogus land deals. The jury acquitted two appraisers of all charges. Before trial, Judge Moore threatened to jail Kunz and Assistant U.S. Attorney Michelle McCain Heldmyer for prosecutorial misconduct after he learned about news releases they had sent about the case to Jacksonville media. He said the releases, sent before trial could hinder jury selection. "This is an absolute disgrace," Moore said.

- **1993:** Former Duval County Judge Richard W. Kreidler killed himself a month after being indicted on seven federal obscenity counts. New York pornography distributor Bean-Blossom Ltd. was fined \$120,000 in the case. Kreidler's attorneys said they and a psychiatrist warned Kunz that the judge was suicidal. Prosecutor Heldmyer's husband, Joseph, who also was on Bean-Blossom's mailing list, wasn't charged.

Rift could have aff

(From Page A-1)

Joseph Heldmyer, husband of Assistant U.S. Attorney Michelle McCain Heldmyer.

Michelle Heldmyer was one of 16 prosecutors in the Jacksonville office who reported to Managing Assistant U.S. Attorney Curtis Fallgatter and his second in command, Stephen Kunz. Fallgatter had been running the office for nearly 12 years.

Kunz and Heldmyer were state prosecutors when Robert Genzman, U.S. attorney for the Middle District, hired them within three months of each other in 1988 and 1989 and assigned them to the Jacksonville office. Genzman promoted Kunz to deputy managing assistant in 1992, beginning a rise through the ranks that by 1994 would put Kunz in charge of the Tampa division, the district headquarters.

Relations between Kunz and Fallgatter were frosty. By the time the Bean-Blossom case concluded, they would grow chillier, locking the two prosecutors in a power struggle that would bitterly divide the Jacksonville office.

At the time of the Bean-Blossom investigation, Michelle Heldmyer's chief responsibilities included prosecuting federal obscenity cases. In September 1992, she began prosecuting a major child pornography case against a Columbia County teacher.

But Heldmyer wasn't assigned the Bean-Blossom case. It went to Kunz, an aggressive prosecutor with a penchant for high-profile cases. Among his past targets were Jacksonville City Councilman Clarence Suggs and Volusia County Judge Wiley Clayton, both charged with misusing their offices.

A jury acquitted Suggs, who was later voted out of office. Clayton killed himself two years after an appeals court dismissed most of his indictment and called Kunz's prosecution "irresponsible."

On Nov. 18, 1992, six weeks before Kreidler was to leave office, FBI agents notified the judge that he was about to be charged with receiving 30 obscene videotapes through the mail. Kreidler moved up his resignation to Dec. 1.

"Due to health concerns, I find it necessary to accelerate my retirement date," he wrote in a letter to Gov. Lawton Chiles.

Kreidler's attorneys tried to convince Kunz not to indict him. The judge had been seeing a psychiatrist, and his lawyers feared the public humiliation of an obscenity indictment could lead to suicide.

"We asked them not to indict, or we were worried this was going to happen," attorney Bill Sheppard recalled.

Kunz agreed to delay the indictment to give Kreidler's psychiatrist time to work with him, but he wouldn't drop the investigation. The pornography was too hardcore, the charges too serious, he said at the time.

On Dec. 17, Kreidler was charged in an eight-count indictment along with Bean-Blossom and its president, Morty Gordon. The tapes named in the indictment depicted acts of sadomasochism, homosexuality and masturbation.

Two of the titles listed in the indictment were *Bondage Fantasies* and *The Dresden Diary*. Sources said they matched two of three titles received by Joseph Heldmyer, the prosecutor's husband.

But Heldmyer wasn't charged.

Justice Department officials this month offered several sometimes-conflicting explanations for that decision: Kunz didn't know until months later that Heldmyer's name was on the list. The nature and volume of the materials were different. Kreidler's position in the community made him more vulnerable to prosecution.

Kreidler pleaded not guilty Jan. 11, 1993. Four days later, while Gordon and Bean-Blossom also pleaded not guilty, Kreidler killed himself. Alone in a friend's condo south of Tallahassee, facing up to 35 years in prison, Kreidler pointed a loaded .38-caliber handgun at his head and pulled the trigger.

"We're obviously very saddened, but it doesn't change the criminal conduct here," Kunz said the day of the suicide. "The case should have been prosecuted because of the hard-core pornography that was involved."

Kunz pressed on with his case against Gordon and Bean-Blossom. U.S. District Judge William Terrell Hodges set the case for trial May 3, 1993.

While attorneys prepared for trial, the long-simmering rift in the usually staid U.S. Attorney's Office erupted into a war between prosecutors who, like Heldmyer, were loyal to Kunz, and those who were loyal to Fallgatter. Some prosecutors complained that Fallgatter interfered too much in their cases; others criticized Kunz's zealotry.

Those loyal to Kunz traded computer mail with derogatory statements about Fallgatter and at least one federal judge, court officials said. A prosecutor loyal to Fallgatter walked into the courthouse one morning and pummeled an elevator door in frustration over how the dissension would affect his job, observers said. Another, loyal to Kunz, said he believed Fallgatter was the devil.

"They [the feuding prosecutors] just have really destroyed that office," a defense lawyer who fre-

ffected pornography case

ict- quently handles federal cases said
rist this week.

he How much of the split can be at-
tributed to Kunz's handling of the
rd- Bean-Blossom case has not been
he disclosed, but insiders say it played
a role. Also unknown is Fallgatter's
role, if any, in the decision not to
ing charge Joseph Heldmyer and to
-si- charge Kreidler.

es Fallgatter has declined to com-
ment. Genzman, the U.S. attorney
ed for the Middle District at the time
cu- of Kreidler's indictment, is in pri-
vate practice in Orlando and also
in- declined comment.

es What is known is that Fallgatter
ti- opposed as too costly plans by
er, higher-ups to move the prosecutors'
offices out of the federal court-
house on West Monroe Street and
is into leased space in the Sun Bank
-s- Building on West Forsyth Street.
le- Kunz supported the move, which
til office spokesmen said was needed
ne for more space. The move was
-l- completed in the fall.

it. Late last summer, interim U.S. At-
u- torney Douglas Frazier, who re-
to placed Genzman, demoted
Fallgatter and put Kunz in charge
n. of the Jacksonville office. Fallgatter
le filed a grievance with the Justice
Department, court officials said.
d The grievance, still pending, is
lo sealed by law.

o Justice Department officials said
d this month that Kunz turned the
is case over to Justice Department at-
torneys as soon as he knew of Jo-
seph Heldmyer's involvement.
il Bean-Blossom's mailing list was
y seized in July 1992. Court records
d and news releases list Kunz as the
f prosecuting attorney until Bean-
s Blossom's May 3, 1993, trial date.

Kunz appeared ready to go to tri-
al. But on May 3, attorney William
t. Wagner from the Justice Depart-
ment's obscenity task force ap-
peared in court and accepted a cor-
porate plea from Bean-Blossom to

two counts of shipping obscene ma-
terial across state lines. Charges
against Gordon were dropped.

As part of the plea bargain, Bean-
Blossom was prohibited from shar-
ing its subscriber list with anyone
but the Justice Department.

Fallgatter left the U.S. Attorney's
Office last month to join a private
Jacksonville law firm. Attorneys
said his superiors ordered him es-
corted from the office last month
by federal agents after he gave no-
tice he would be leaving.

Late last month, the new U.S. at-
torney for the Middle District, Larry
Colleton, promoted Kunz to manag-
er of the Tampa office, headquar-
ters for the district. That prompted
Michelle Heldmyer's promotion to
second-in-command of the Jackso-
ville office.

Sources say the office has been
consumed with plugging leaks to

the media since The Florida Times-
Union reported news of the
Heldmyer tapes two weeks ago. The
revelations also prompted area de-
fense lawyers to discuss taking for-
mal action against what they call
"selective prosecution."

They can file complaints with the
Justice Department's Office of Pro-
fessional Responsibility, Chief U.S.
District Judge John H. Moore II,
The Florida Bar or all of the above.

"We have a plan. I just can't tell
you what it is," said Dan Smith,
president of the Northeast chapter
of the Florida Association of Crimi-
nal Defense Lawyers.

And Kreidler's widow and chil-
dren have asked their attorney to
demand Justice Department files on
Kreidler in the hope of understand-
ing why the case was handled the
way it was.

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Executive Office for United States Attorneys

Office of the Director

Washington, D.C. 20530

MAY 9 1994

MEMORANDUM FOR: David Margolis
Associate Deputy Attorney General

FROM: *Anthony C. Moscato*
Anthony C. Moscato
Director

SUBJECT: Middle District of Florida (MDFL) Issues

Pursuant to your request, I am providing you with the following summary of the numerous problems that are besetting the Middle District of Florida (MDFL). Many of them stem from the unstable situation in Jacksonville, caused in part by a division of that office into two camps [redacted]

[redacted] The first six items below deal primarily with the situation in Jacksonville. Since you are already aware of the allegations concerning the alleged selective prosecution of [redacted], I will not address them here. However, many issues reported below touch on that allegation tangentially.

1. [redacted]

FOIA(b) (6)

[redacted] responded by grieving this decision, along with his performance appraisal; filing an Equal Employment Opportunity (EEO) complaint; and filing a prohibited personnel practice complaint with the United States Special Counsel. After this, he resigned. [redacted] has alleged that being reassigned from the supervisory position was in retaliation for his having advised [redacted] and the Office of the Inspector General (OIG) that the office was wasting government money by relocating the Jacksonville employees from the courthouse to other space. The OIG has reported no misconduct in connection with the move.

The part of the grievance concerning his performance appraisal is being reviewed by a committee established by Justice Management Division (JMD). The deciding official on the

grievance, [] has notified [] that he will defer ruling on the entire grievance until he receives JMD's recommendation. The EEO complaint alleges that management did not like the fact that his wife is African-American. It is being investigated by our EEO staff. The Special Counsel made an initial call to Frank Hall, the Administrative Officer in MDFL, but has not since followed up.

Before filing the grievance with us, [] shared it with District Judge [] and another District Court judge. Judge [] shared it with two other District Court judges. The grievance materials included copies of emails which several AUSAs, including [], had exchanged among themselves. The emails were intended to be humorous, and were very unflattering to several people, including Judge [] and [].

In his original grievance, [] complained of the lack of response to his allegations that AUSA [] was behaving in a threatening and irrational manner. In his rebuttal of management's response to his grievance, [] asserted that it was [] and AUSA [] who should be under investigation for their involvement in the selective prosecution of Judge [].

FOIA(b) (6)

[] has recently gone public with his grievance, and is alleging that he was forced to resign. He also alleges that he and others should be allowed to submit statements to the grievance committee examining the alleged selective prosecution. He also alleged that United States Attorney [] was being vindictive in punishing, by reassignments, AUSAs who wished to provide statements to the committee. He told reporters that he had written to AG Reno requesting permission to speak to the committee (apparently in an effort to comply with Twohey regulations), and that if he did not receive instructions to the contrary by May 6, he would cooperate. In addition, he told reporters that he asked the Office of Professional Responsibility (OPR) to expand its investigation into whether United States Attorney Colleton was threatening AUSAs who wanted to cooperate with the committee.

Although I have not seen OPR's report, I understand that it concluded that [] was at least one of the individuals who advised the press that the office had engaged in selective prosecution.

2. United States Attorney []

United States Attorney [] did, in fact, effect numerous reassignments recently, although no one was forced to relocate geographically. He has indicated to staff, but not publicly, that among his considerations in making the

reassignments was his concern that morale in Jacksonville was being affected by the division of the office into those who supported [] and those who did not. He did not effect the reassignments to coerce AUSAs into not cooperating with the grievance committee. One television reporter stated that the reassignments were what "many perceive to be drastic steps at spin control."

Judge [] in open court, characterized one of the reassignments as an "abomination." He was upset that AUSA [] appeared instead of AUSA [] for the sentencing of a defendant who had pleaded guilty. AUSA [] had been reassigned from the criminal to the appellate division in Jacksonville. United States Attorney [] responded by rhetorically asking reporters "What makes his [Judge []] ranting and raving correct?" He went on to state that if judges were always correct, "We would have no reason for an 11th Circuit Court of Appeals or a U.S. Supreme Court." United States Attorney [] has confirmed the accuracy of these quotes. He has indicated to my staff that Judge [] called him expecting an apology, but that he refused to provide one. He told my staff that if Judge [] could call his management decisions an abomination, then he could be harsh as well in responding. FOIA(b) (6)

According to AUSA [] statement before Judge [] two Drug Enforcement Administration (DEA) agents were advised by their supervisor not to show up for a sentencing hearing since the case had been reassigned from AUSA [] to AUSA []. United States Attorney [] called the DEA Special Agent-in-Charge (SAC), who said he would look into this allegation. The SAC has since reported to United States Attorney [] that the Regional Agent-in-Charge in Jacksonville had indeed told his agents not to report and that this was not defensible. It is now under investigation in DEA. One television reporter stated that a "high-ranking" court official has told him that the "scandal" (apparently referring to the selective prosecution) was "now affecting the workings of the court." OPR has indicated that it has also heard that DEA and Federal Bureau of Investigation agents are unhappy with the reassignments.

United States Attorney [] was asked to telephone Judge [] earlier this week, and when he tried to do so the judge would not take the call. It appears that the grievance committee is expanding its investigation to look into whether United States Attorney [] threatened to or did retaliate against his own employees for their desire to cooperate with the committee or their being suspected of having done so already. United States Attorney Colleton has also been accused by defense counsel of threatening them if they forwarded the petition to convene a

-4-

grievance committee to the court, and he believes that the committee is examining this also.

To his own staff, but not publicly, United States Attorney Colleton has suggested that Judge [] and several defense attorneys are motivated by the fact that they cannot accept []. If such a statement became public, OPR may determine that an investigation would be warranted.

United States Attorney [] has expressed serious displeasure with directions he has received from [], [] and others about how to deal with the media fire storm. He is also unhappy about the Department's response to the petition to convene a grievance committee. He would have preferred a much more immediate and detailed response.

3. AUSA Michelle Heldmyer

It is my understanding that she has been exonerated of wrongdoing in connection with the Bean-Blossom case by the OPR report. Department representation has been granted before the grievance committee for both her and Stephen Kunz. []

4. []

After defense counsel objected to the absence of AUSA [] asked AUSA [] to explain the substitution. She squarely blamed management, stating that she thought the decision was a "disservice to the Court and [] and everybody associated with this case." She gave the clear impression that her previous involvement had been minimal even though she had managed the case earlier when [] had become involved in the prosecution of a local sheriff, as evidenced by a letter of commendation she had received for doing so from interim USA [].

5. AUSA []

6. AUSA []

[REDACTED]

7. AUSA [REDACTED]

[REDACTED] is suspected of having co-operated with a defense attorney, who was a fellow alumnus of the University of Florida, so that they would not have to appear in court. Thus, instead of preparing for court, they could watch the Florida-Duke NCAA tournament basketball game. Neither one appeared in court, nor did they inform the judge that their appearance would not be necessary. United States Attorney, Colleton expects [REDACTED] to resign. The matter will be referred to OPR. FOIA(b)(6)

8. [REDACTED]

[REDACTED] She has filed a formal complaint alleging that she has been discriminated against on the basis of her sex. She has been reprimanded for refusing to meet with her supervisor to discuss work-related issues, and has just returned from work after extended sick leave. Sick leave was approved based on a statement from her psychiatrist. Her attorney is [REDACTED], who had been a candidate to become the new USA.

9. [REDACTED]

[REDACTED] is a legal secretary in Ft. Myers. She falsified her employment applications by omitting several arrests and previous psychiatric treatment. She has been asked to resign.

FLORIDA - MIDDLE

TITLE	NAME	PAY PLAN "B" SALARY
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LEVEL I

FIRST ASSISTANT	HINSHELWOOD, IAN BRUCE	\$100,900
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LEVEL II

CHIEF, CIVIL DIVISION	ZIMMERMAN, WARREN A.	\$ 96,800
CHIEF, CRIMINAL DIVISION	ROBINSON, WANDA KEYES	\$ 96,800
MANAGING AUSA (TAMPA)	KUNZ, STEPHEN M.	\$ 96,800

LEVEL III

CHIEF, OCDETF SECTION (ORLANDO)	JANCH, RICKY L.	\$ 92,900
CHIEF, ASSET FORFEITURE SECTION	COVINGTON, VIRGINIA M.	\$ 92,900
CHIEF, FIRREA	MONK, ROBERT T.	\$ 92,900

LEVEL IV (ONE POSITION TRADED TO CREATE EXCESS LEVEL IV SLC)

CHIEF, APPELLATE	PHIPPS, TAMRA S.	\$ 91,800
TRAINING OFFICER (TAMPA)	ZITEK, TERRY A.	\$ 91,800
DEPUTY MANAGING AUSA/CHIEF, MAJOR CRIMES SECTION	PAGE, EDWARD J. *	\$ 91,800 ^
MANAGING ASSISTANT (ORLANDO)	HOPKINS, RALPH E.	\$ 91,800
TRAINING OFFICER (ORLANDO)	HAWKINS, CYNTHIA	\$ 91,800
MANAGING ASSISTANT (JACKSONVILLE)	KANE, BRIAN M.	\$ 91,800
TRAINING OFFICER (JACKSONVILLE)	HELDMYER, MICHELLE M.	\$ 91,800
CHIEF, STRIKE FORCE UNIT **	MARCH, KEVIN #	\$ 92,900

LEVEL V

MANAGING ASSISTANT (FT. MYERS)	MOLLOY, DOUGLAS	\$ 90,000
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Level VI

NONE AUTHORIZED UNDER THE PLAN

SENIOR LITIGATION COUNSELS

INCUMBENTS RECERTIFIED FOR 1994

1. MUELLER, ERNST D. **	DTF	\$ 92,900
2. FRAZIER, DOUGLAS N.		^^ \$107,300
3. JACKOWSKI, MARK V. ###		\$ 91,800

* NEW SUPERVISOR

^^ EXCESS SLC POSITION AUTHORIZED BY DAG--SALARY GRANDFATHERED
AT LEVEL I PAY CEILING FOR DOUGLAS N. FRAZIER ONLY

POSITION DOES NOT COUNT AGAINST 14% ALLOCATION FOR PAID
ATTORNEY SUPERVISORS--WHEN INCUMBENT LEAVES, POSITION WILL BE
RESCINDED

** POSITIONS GRANDFATHERED AT LEVEL III PAY CEILING FOR
INCUMBENTS ONLY

POSITION TRADED FROM LEVEL IV DEPUTY CHIEF, CIVIL TO CREATE
EXCESS LEVEL IV SLC

SIGNED: 04/29/94

^ AUTHORIZED FOR PAY: 05/01/94

FLORIDA - MIDDLE

TITLE	NAME	PAY PLAN "B" SALARY
-------	------	------------------------

LEVEL I

FIRST ASSISTANT	KEHOE, GREGORY W.	\$100,900
-----------------	-------------------	-----------

LEVEL II ONE POSITION TRADED TO LEVEL III

CHIEF, CIVIL DIVISION	TAKACS, GARY J.	\$ 96,800
CHIEF, CRIMINAL DIVISION	ZITEK, TERRY A.	\$ 96,800

LEVEL III ONE POSITION TRADED FROM LEVEL II

CHIEF, DRUG ENFORCEMENT TASK FORCE SECTION	FURR, WALTER E. III	\$ 92,900
CHIEF, MAJOR CRIMES SECTION	FOSTER, TODD A.	\$ 92,900
CHIEF, ASSET FORFEITURE SECTION	COVINGTON, VIRGINIA M.	\$ 92,900
CHIEF, FIRREA	MONK, ROBERT T.	\$ 92,900

LEVEL IV

DEPUTY CHIEF, CIVIL	ZIMMERMAN, WARREN A.	\$ 91,800
CHIEF, APPELLATE	PHIPPS, TAMRA S.	\$ 91,800
DEPUTY CHIEF, MAJOR CRIMES	RUBENSTEIN, MICHAEL	\$ 91,800
DEPUTY CHIEF, FIRREA	NEWCOMER, JOHN L.	\$ 91,800
MANAGING ASSISTANT (ORLANDO) **	MORENO, ROBERT	\$ 92,900
DEPUTY CHIEF, (ORLANDO)	NUCCI, EDWARD C.	\$ 91,800
MANAGING ASSISTANT (JACKSONVILLE) **	FALLGATTER, CURTIS S.	\$ 92,900
DEPUTY CHIEF, (JACKSONVILLE) **	KUNZ, STEPHEN K.	\$ 92,900
CHIEF, STRIKE FORCE UNIT **	MARCH, KEVIN #	\$ 92,900

LEVEL V

MANAGING ASSISTANT (FT. MYERS)	MOLLOY, DOUGLAS	\$ 90,000
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Level VI

NONE AUTHORIZED UNDER THE PLAN

SENIOR LITIGATION COUNSELSINCUMBENTS RECERTIFIED FOR 1993

1. MUELLER, ERNST D. **	DTF	\$ 92,900
2. VACANT ^^		\$100,900

^ EXCESS SLC POSITION AUTHORIZED BY DAG--SALARY GRANDFATHERED AT
LEVEL I PAY CEILING FOR DOUGLAS N. FRAZIER ONLY

^^ EFFECTIVE: 06/19/93 POSITION VACANT BECAUSE DOUG FRAZIER
BECAME THE USA

POSITION DOES NOT COUNT AGAINST 14% ALLOCATION FOR PAID
ATTORNEY SUPERVISORS--WHEN INCUMBENT LEAVES, POSITION WILL BE
RESCINDED

** POSITIONS GRANDFATHERED AT LEVEL III PAY CEILING FOR
INCUMBENTS ONLY



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Colleton gets physical



Larry Colleton, U.S. attorney for Florida's Middle District, (left in picture at left) confronts WJKS TV-17 reporter Richard Rose. The confrontation



WJKS Television/special
between Colleton and Rose occurred yesterday at the Marriott at Sawgrass, where Colleton was attending a conference.

U.S. attorney shoves TV reporter on camera

By Paul Pinkham
Staff writer

PONTE VEDRA BEACH — U.S. Attorney Larry Colleton angrily grabbed a Jacksonville television reporter by the throat yesterday as he was asked about personnel changes in his office.

The reporter, Richard Rose of WJKS TV-17, said he hasn't decided whether to file battery charges.

"I was surprised at the force he used. It was a hostile act," Rose said. "Probably more startling was the fact that it was the U.S. attorney that was hitting me."

Colleton, who was attending a federal judges' conference at the Marriott at Sawgrass, did not return telephone calls yesterday. But Rose said Colleton called the television station after the incident.

"He said I pushed him, and that's not true," Rose said.

TV footage of the incident did not show Rose pushing the prosecutor.

Northeast Florida defense lawyers, who have expressed concerns about threatening comments they say Colleton has made against them, said his conduct at the Sawgrass conference is cause for concern.

"As a member of the bar of the Middle District, I would

(See U.S., Page A-7)

THE COLLETON FILE

Name: Larry Colleton
Age: 36
Born: New York City,
reared in rural South
Carolina.
Education: University of
South Carolina
bachelor's degree
and law degree
Military: Navy lawyer,
1983-89
Employment: 1981-83
Georgia Legal
Services, Valdosta,
Ga., 1989-90
assistant state
attorney, Seminole
County, 1990-93
assistant U.S.
attorney, Orlando,
U.S. attorney,
December 1993.
Family: Wife, Lynn, two
sons

Violence by Colleton seen 'out of character'

By Lilla Ross
and Paul Pinkham
Staff writers

He shares his name with the rural county, Colleton, S.C., where he grew up picking tobacco and tending chickens under the care of his grandparents.

Larry Herbert Colleton, 36, has grown from those roots to become the first black U.S. attorney for the 35-county Middle District of Florida that includes Tampa, Orlando and Jacksonville. The job pays \$113,500 a year.

While his boyhood steeled his character, his five months as chief federal prosecutor is testing his mettle.

On his first day on the job, one of his Tampa prosecutors unexpectedly questioned a state judge, who was a witness in a corruption trial, about his use of escort services, allegations the judge hotly denied.

Then, the U.S. Attorney's Office in Jacksonville was accused of selective prosecution in an obscenity case that targeted a Duval County judge who later committed suicide. The office didn't charge the husband of a federal prosecutor who had ordered similar materials. Allegations of a cover-up have drawn the attention of federal investigators.

And yesterday, Colleton grabbed a Jacksonville television reporter by the throat at a federal judges' conference at the

(See COLLETON, Page A-7)

U.S. attorney shoves TV reporter on camera

(From Page A-1)

like to think that our U.S. attorney would handle the pressures of his office a little better than this," said Jacksonville attorney Stephen Weinbaum, one of three lawyers who signed a grievance questioning the U.S. Attorney's Office's handling of an obscenity case against a Duval County judge.

Wayne Henderson, president of the St. Augustine chapter of the Florida Association of Criminal Defense Lawyers, said he hoped the incident was isolated and not indicative in any way of his approach to his official duties.

As U.S. attorney Colleton is the top federal law officer in the Middle District of Florida, which stretches from Jacksonville to Naples. His office is under investigation for its handling of an obscenity case against retired Judge Richard W. Kreidler.

Kreidler killed himself a month after his 1992 indictment on charges he received obscene videotapes at his office in the Duval County Courthouse. Although similar tapes were sent to the Jacksonville home of Assistant U.S. Attorney Michelle Heldmyer, neither she nor her husband, Joseph, has been charged.

Colleton didn't take office until a year after the Kreidler indictment but has defended the actions of those involved. He promoted Michelle Heldmyer and Assistant U.S. Attorney Stephen Kunz, who prosecuted Kreidler.

On Monday, Colleton was criticized by a federal judge in Jacksonville who was angry that a prosecutor had been reassigned after spending two years on a complicated drug case in his court.

Rose said he asked Colleton about the reassignment as the morning

meeting broke up. Colleton refused to comment.

Rose said he and a camera operator were in the hallway a few minutes later when Colleton rounded a corner. Rose said he started to repeat the question.

"Before I could get the question out of my mouth, he struck me," Rose said. "He might have been just trying to grab my tie or my shirt."

TV footage of the incident shows Colleton with one hand on Rose's throat, shoving him backward. He released the reporter and shouted: "Get away from me. I'm not going to put up with this. Get away from me. . . I said to leave me alone."

Moments later, Colleton told Rose: "I did not strike you. I pushed you aside."

Rose said he wanted to consult with an attorney before deciding whether to pursue charges.

"If I were just an ordinary citizen, I think I would have already filed. . . But I have to be concerned about my ongoing relationship with the U.S. Attorney's Office," Rose said.

St. Johns County Sheriff Neil Perry said his deputies told Rose he has two years to file charges.

"The individual's position will make no difference," Perry said.

U.S. Justice Department chief spokesman Carl Stern said yesterday that he had received conflicting reports about the incident and had not talked to Colleton about it.

Leslie A. Moe, who was overseeing security detail at the three-day Sawgrass conference, said he will compile a report on the incident for the U.S. Marshal's Office.

Moe said Rose was advised Thursday that he could attend the conference but that if any participants did not wish to comment, he should leave them alone.

Colleton said 'self-disciplined'

(From Page A-1)

Marriott at Sawgrass.

That incident seems out of character for a man described as "self-disciplined" and "astute" by people in his hometown of Orlando.

The Rev. W.D. Judge, pastor of Orlando's Antioch Primitive Baptist Church, said he has always admired Colleton for his leadership abilities. He said not all African-American leaders in Orlando agreed with Colleton all the time, "but it did not mean he was wrong."



Colleton

"Larry is a very astute person. Larry is the type of person who takes control and leadership. He doesn't rush into decisions," Judge said.

Orlando defense attorney Mark NeJame described his friend Colleton as low-key and level-headed.

"He enjoys an excellent reputation for integrity and even-handedness," NeJame said. "He's appropriately firm and always fair. He's not going to do the politically expedient thing. He has a strong family background and is self-disciplined."

Colleton, the great-great-grandson of a slave, grew up on a farm with an extended family including great-grandparents and grandparents. His mother lived in New York City. His father lived a few miles from the farm but never visited him.

"My father being absent from my life helped me to develop character," Colleton told The Orlando Sentinel last year. "There was a lot of suffering for me early on in life wondering why that happened. But my family kind of filled that void. I didn't dwell on it."

His grandmother didn't give him time to dwell on it. As a boy he

picked tobacco. As a teenager, he was put in charge of the chickens.

"She would buy these little chicks, and I would have to care for them. They need special care because when they're small they're just fuzzballs. If they're not kept cool, they will get close together, get hot, sweat, stick together, and smother. I lost 50, 60 chicks like that once."

He was an honors student at the all-black schools he attended through eighth grade. He earned a bachelor's degree and studied law at the University of South Carolina. After graduating, he went to work for Georgia Legal Services in Valdosta because he wanted to help people.

He joined the Navy in 1983 and moved to Orlando where he defended and prosecuted sailors. He got out in 1989 after a stint in Jacksonville and continues to serve in the Naval Reserves.

Colleton worked briefly for the State Attorney's Office in Orlando before joining the U.S. Attorney's Office in 1990.

In January 1993, Colleton was elected president of the Orlando branch of the National Association for the Advancement of Colored People. He resigned when he became U.S. attorney.

Douglas Head, chairman of Orange County's Democratic Party, said Colleton was only in the Orlando NAACP for a year before he began his rise to the presidency. Within the organization, Colleton was perceived as "politically ambitious," said Head, an NAACP member.

"There were some people who felt he was doing resume-building by his participation in the NAACP," Head said.

Head said Colleton was a registered independent, who switched to the Democratic Party in the hopes of being appointed by President Clinton to the U.S. attorney's post.

As NAACP president, Colleton urged blacks to fight against criminals in their neighborhoods.

Last summer, Colleton's name was one of three the Judicial Nominating Commission forwarded to U.S. Sen. Bob Graham, D-Fla. Graham recommended that Colleton succeed Robert Genzman, who was appointed by President Bush, as the chief federal prosecutor for the district.

Former Florida Supreme Court Chief Justice Ray Ehrlich was chairman of the Judicial Nominating Commission.

"He's a young man. He seemed to have good judgment. His experience had been fairly limited, but he impressed everybody with sincerity and youth and with his ability to get along," Ehrlich said yesterday. "The only shortcoming was his youth. I thought he was a good man. Only time will tell."

Since taking over the job in December, Colleton has commuted around the far-flung district from his Orlando home, which he shares with his wife, Lynn, an accountant, and their two sons.

In his first news conference, Colleton said his top priority would be combating violent crime. Another would be improving relationships with the legal community.

He saw his new job as an opportunity to advance the cause of racial equality and civil rights. For instance, he wants to give real estate seized from criminals to the surrounding community. In one instance, a crack house was donated to a neighborhood that raised \$50,000 to turn it into a community center.

He told the St. Petersburg Times that he did not want to politicize the office.

"I am someone who believes in fairness," Colleton said. "I'm not going to worry so much about what's politically correct. I don't have a hidden agenda. Serve the public interest — that's really what I want to do."