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April 10, 2007

Patricia Ann Toro Savitz, Esq.  
The Florida Bar  
1200 Edgewater Drive  
Orlando, Florida 32804-6314

Re: Florida Bar Inquiry by John Dobbs #06048638  
Inquiry No. 2007-31,230(09A)

Dear Ms. Savitz,

In Mr. Dobbs' letter, second paragraph that spans pages 1-2, he outlines why his case was a case of self-defense. That is exactly the defense we presented to the jury. We presented evidence to the jury and argued to the jury that was consistent with the defense of self-defense. We acknowledged that Mr. Dobbs' may have killed William Troy but it was only because he was defending himself from Mr. Troy and his three friends who surrounded and fought Mr. Dobbs. Mr. Dobbs even took the stand at his trial and explained his version of the events that happened on the night of the incident. Unfortunately, the jury simply chose not to excuse Mr. Dobbs' actions.

In Mr. Dobb's third paragraph on page 2, he alleges that we refused to ask any of the "over 200 questions" he provided us in preparation for trial. We reviewed them and asked the questions we thought were relevant. In regards to the video from the club, although there was none that taped the outside (where the alleged incident occurred), there was a video of the inside of the club. I received the video the Friday before trial (3 days before trial). I reviewed them and found nothing relevant. I discussed my findings with Mr. Dobbs at the jail on Saturday. In regards to the 911 tape and the Motion to Suppress Statements, that has already been discussed in my previous responses.

In Mr. Dobb's fourth paragraph on page 3, he alleges that we refused to point out important facts that he requested during the trial and closing argument. I deny this. He also alleges that we refused to object to prosecutorial misconduct during the State's closing when she created her own story which was contrary to the testimony of the alleged victims and witnesses. The State is allowed to argue their version of what happened on the night of the incident during



Patricia Ann Toro Savitz, Esq.  
April 10, 2007  
Page 2

closing. The State just extrapolated the testimony of various victims and witnesses to support their theory during closing. In regards to jury tampering, a hearing was held and based on the testimony of the juror, there was nothing that indicated there was jury tampering.

In Mr. Dobbs' fifth paragraph on page 3, which he titled points 1-2, he alleges that we refused to impeach Andre Blanco and Francisco Gotay. We impeached them with what was relevant.

*She only impeach Andre on how many felonies he had not the fact that he told the police a totally different story than he told the Judge and the jury and she did*

In point 3, he alleges we refused to impeach Justin Idle. Justin Idle was the best independent witness that testified. His testimony, in our view, was great for the defense. It was a strategic decision to not impeach him with minor issues. Mr. Dobbs also alleges that he (Mr. Dobbs) believes one of his attackers hit him under the collar bone with a gun. None of the victims, independent witnesses, and defense witnesses (other than Mr. Dobbs) saw a gun during the fight nor saw any of the victims hit Mr. Dobbs with a gun. In addition, Mr. Dobbs testified and had the opportunity to tell the jury his version of what happened. He told the jury the gun that he had in his lap when he drove away did not belong to him, that it must have belonged to one of his attackers. The Assistant State Attorney during cross examination asked if the gun just magically appeared on his lap to which Mr. Dobbs replied yes. Unfortunately, defense witness Deanna Washington (Mr. Dobbs' then girlfriend) testified just earlier that that gun belonged to Mr. Dobbs. *I said yes because I couldn't even remember getting in my car. Being I was hit so many times.*

*not present this evidence for appeal none of them admit to seeing any weapon not even with her statement mean*

In point 4, he alleges certain issues we did not bring out with regard to Anthony Riollano. Mr. Riollano did testify that he grabbed Mr. Dobbs and punched him several times. With regard to Mr. Dobbs allegation that we did not point out that Mr. Riollano told the police that the deceased was a well known frequent customer of the club, that information was irrelevant.

*Its relevant because it explains why employees dont claim they saw any weapons and why they would minimize the brutality of their attack on me.*

In point 5, Mr. Dobbs alleges that we did not present the manager's testimony to the jury, specifically that the deceased victim and his friends (other victims) were regulars and that one of the victims came back to apologize. We proffered all of the manager's testimony and the trial judge ruled on the admissibility of that testimony. The manager was only allowed to testify before the jury about what the Judge found admissible.

*Why would she proffer it when she knew about it weeks prior. Also what was admitted was that he said that Andre came back and said that William started it with his big mouth. Causing the jury to believe I may have been upset because of something he said.*

In point 6, Mr. Dobbs alleges that we did not bring up certain things with Phillip Westfall. Those issues either already came out in testimony through other witnesses, was irrelevant, or we made a strategic decision not to bring it up. For example, Mr. Dobbs says we should have brought up the fact that Phillip Westfall testified at the Adversary Preliminary Hearing that he saw Mr. Dobbs fighting very well but they kept coming. The problem is that Mr. Westfall's exact words at the Preliminary Hearing were, "It was very difficult for them to get close to him. This gentlemen could fight very well." Mr. Westfall's reference to "them" was the 4 people who attacked Mr. Dobbs and "this gentlemen" referred to Mr. Dobbs. Since this was a case of self-defense, it did not seem to make much sense to highlight how well Mr. Dobbs was fighting because that would imply that he would not have needed to bring out a knife to defend himself. The only reason to bring out a knife is if Mr. Dobbs was not fighting well, that the 4

*And isn't the hearsay also*

*"I was very difficult" would explain their relentlessness and I was more so referring to his next sentence.*



B - part 7 (Brief)

page 1 is missing  
I only rec'd p 2 & 3

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people were getting the better of him, and he brought out a knife to defend the 4 people who were getting the better of him in the fight.

In point 7, Mr. Dobbs alleges I did not tell the jury in closing argument that the state must prove beyond a reasonable doubt that he did not act in self-defense. I mentioned this burden of proof several times during closing. In fact, I distinctly recall telling the jury at one point during my closing, "The state must prove beyond every reasonable doubt that Mr. Dobbs did not act in self-defense. Let me repeat that. The state must prove beyond every reasonable doubt that Mr. Dobbs did not act in self-defense." I also deny the allegation I did not tell the jurors that the testimony of the alleged victims and witnesses showed self-defense. In regards to not telling the jurors that self-defense exonerates him of all charges, I did not use those exact words but did convey that same idea to the jury.

In point 8, Mr. Dobbs alleges I did not point out where the altercation took place near Mr. Dobbs's vehicle. This information was brought out through the independent eyewitnesses, state witnesses, and defense witnesses.

*I wanted her to explain that this is what independent witnesses brought out and that where they put my car was in the same place*

In point 9, Mr. Dobbs alleges we did not object to prosecutorial misconduct. We made the objections we thought were relevant. With regard to A, the State was free to argue how Mr. Dobbs held the knife. With regard to B, the state was free to argue where the fight took place (as many witnesses gave different accounts of where the fight took place). With regard to C, the state was free to argue that the fight initiated because Mr. Dobbs' girlfriend felt insulted. Deanna Washington testified at trial and did acknowledge some words being exchanged between the deceased victim and herself and the words she spoke to Mr. Dobbs as they were walking to the car. With regard to D, the State was free to argue that Mr. Dobbs stuck the gun out the window and pointed it at victim Hanzel Holiday because Hanzel Holiday testified that is what happened.

*The CSI investigation calculated to be 58 feet away from the alleged victims' car*

In Mr. Dobbs' last paragraph, he alleges he is the victim of a conspiracy because the deceased came from a family with money. I know of no conspiracy nor am I a part of one. He also alleges that I failed to let my partners and shareholders know of this bar complaint. That is false. My supervisors knew immediately of this bar complaint.

I deny all the allegations in this complaint. If you have any questions, please contact my office at (407)836-4816. Thank you.

Sincerely,



Catherine Chien  
Assistant Public Defender

cc: Mr. John Dobbs #06048638 ✓



## Index of authority

Florida Rule of Criminal Procedure 3.600(b)  
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Standers for Criminal Justice Sections 3-3.5, 3-48, and 3-49 (2d ed. 1980)

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