

SUPREME COURT OF FLORIDA
CASE NO. SC17-1391
The Florida Bar File No. 2016-70,106 (11J)

THE FLORIDA BAR,
Complainant,

versus

JONATHAN STEPHEN SCHWARTZ,
Respondent.

_____ /

RESPONDENT'S FIRST REQUEST FOR PRODUCTION TO
COMPLAINANT THE FLORIDA BAR

Respondent Jonathan S. Schwartz tenders this request for production of documents and things pursuant to Rule 1.350 of the Florida Rules of Civil Procedure, requesting Complainant The Florida Bar to produce and provide copies of the following items:

1. Each and every affidavit, statement, and/or writing, whether signed or unsigned, in paper or electronic form, of all witnesses, whether actual or potential, who is believed to have information relevant to the allegations in this case and/or may be called upon to testify at any hearing to be held in these proceedings.
2. Each and every document Complainant The Florida Bar

RECEIVED, 11/08/2017 12:18:34 AM, Clerk, Supreme Court

intends to use as an exhibit at any hearing to be held in these proceedings.

3. Any and all reports created by any persons referenced in Interrogatory 3 of Respondent's First Set of Interrogatories to Complainant The Florida Bar.

4. Copies of all complaints, accusations, or requests for inquiry lodged by the initiating complainants Assistant State Attorneys Penny H. Brill, Cristina M. Cabrera, and the Miami-Dade State Attorney's Office at any time directed at or against Jonathan Stephen Schwartz in any forum, proceeding, or venue.

5. All complaints and/or discipline of any type, whether administrative, employment, regulatory, or judicial, involving initiating complainant Cristina M. Cabrera.

6. All documentation and information concerning initiating complainant Cristina M. Cabrera commencing or pursuing criminal charges against any person who was wrongfully accused, misidentified, acquitted, or the subject of charges dropped.

7. All documentation and information concerning initiating complainant Miami-Dade State Attorney's Office commencing or pursuing

criminal charges against any person who was wrongfully accused, misidentified, acquitted, or the subject of charges dropped, for the period from 2005 through the present.

8. All statements by witness Gerdie Tellisma to any person or institution complaining of any conduct by Respondent Jonathan Stephen Schwartz.

9. Information sufficient to identify every case by name and case number prosecuted by initiating complainant Miami-Dade State Attorney's Office in which defense counsel utilized a defense-created photographic line-up to test the accuracy of a witness identification of the defendant, for the entire period commencing 2005 through the present.

10. All results of any judicial inquiry initiated by Assistant State Attorney Cristina M. Cabrera and/or the Miami-Dade State Attorney's Office against Respondent Jonathan Stephen Schwartz involving matters related to the allegations in this proceeding.

11. All information in the possession of Complainant The Florida Bar concerning the duty, responsibility, and/or obligation of criminal defense counsel to vigorously defend a defendant against criminal charges

when counsel or the defendant has reason to believe the defendant has been wrongfully identified or accused.

12. All information in the possession of Complainant The Florida Bar concerning wrongful convictions of actually innocent persons who were the subject of erroneous identifications leading to the convictions, including all seminars, training materials, court decisions, and information regarding investigating and defending actually innocent but wrongfully convicted persons.

13. All educational and training materials utilized by initiating complainant Miami-Dade State Attorney's Office concerning the use by defense counsel of defense-created photographic line-ups to test the accuracy of a witness identification of the defendant, for the entire period commencing 2005 through the present.

Respondent requests the identified information be produced for copying and inspection at the office of the undersigned.

Respectfully submitted,
KUEHNE DAVIS LAW, P.A.
Florida Bar No. 233293
100 SE 2 Street, Suite 3550
Miami, FL 33131-2154
Tel: 305.789.5989

ben.kuehne@kuehnelaw.com
efiling@kuehnelaw.com

By: S/ Benedict P. Kuehne
BENEDICT P. KUEHNE

CERTIFICATE OF SERVICE

I CERTIFY the foregoing was emailed November 7, 2017, to:

Thomas A. Kroeger, Bar Counsel
The Florida Bar - Miami
444 Brickell Avenue, Suite M-100
Miami, FL 33131-1204
Tel: 305.377.4445
tkroeger@flabar.org

Adria E. Quintela, Staff Counsel
The Florida Bar
Lakeshore Plaza II, Suite 130
1300 Concord Terrace
Sunrise, FL 33323
Tel: 954.835.0233
aquintel@flabar.org

By: S/ Benedict P. Kuehne
BENEDICT P. KUEHNE