

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Petitioner,

v.

ASHLEY ANN KRAPACS,

Respondent.

Supreme Court Case

No. SC19-1284

The Florida Bar File

No. 2020-50,062(17I)OSC

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**THE FLORIDA BAR'S SUPPLEMENT TO MOTION FOR A
FINDING OF CONTEMPT PURSUANT TO RULE 3-7.11(e) OF
THE RULES REGULATING THE FLORIDA BAR**

The Florida Bar, by and through its undersigned attorney, files this Supplement to Motion for a Finding of Contempt Pursuant to Rule 3-7.11(e) of the Rules Regulating The Florida Bar and states:

1. On July 30, 2019, The Florida Bar filed its motion for a finding of contempt. The basis for that motion was Respondent's false, under oath, statement that Judge Schosberg Feuer engaged in an ex-parte communication.

2. On July 30, 2019, this Honorable Court issued its order commanding Ashley Ann Krapacs to show cause why she should not be held in contempt.

3. In what could only be viewed as an act of defiance and disrespect to this Honorable Court and the administration of justice, on August 5, 2019, Ms.

Krapacs filed a Petition for Writ of Prohibition in Case No. SC19-277 in which she

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again stated that the Referee engaged in ex-parte communications without any basis in fact. (The Petition for Writ of Prohibition filed on August 5, 2019, without exhibits, is attached hereto as **The Florida Bar's Exhibit A**; see pages 22 – 25.)

4. Additionally, the Respondent made the following false statements in the Petition for Writ of Prohibition.

In the instant case, the Bar made an allegation against Petitioner in case No. SC19-277 that Petitioner posted a photo of a “shotgun” on social media. See Exhibit B, page 20. That allegation was affirmed by Referee without consideration of the evidence in the record in the case and without permitting Petitioner to introduce evidence that indisputably demonstrated this allegation against Petitioner was patently false.

(The Florida Bar's Exhibit A, page 22)

5. Despite the Respondent filing the transcript of the final hearing with this Court on June 3, 2019 in Case No. SC19-277, there is not a single transcript citation in the Petition to support those statements.

6. In fact, the only discussion concerning the photo in question was during the cross examination of Nisha Bacchus, one of the victims of Respondent's online tirade. An excerpt of that testimony is below:

BY MR. HOPKINS:

Q. -- that you made reference to the fact that this was an image that included a shotgun. Is it your understanding that that picture is of a child with a shotgun?

A. Yes, that's what it looks like. It looks like a shotgun.

Q. Okay. And I get the sense you are aware that this image came from the Home Alone movie?

A. Yes.

Q. Did you see that movie before you saw this meme?

MS. LAZARUS: Objection, Your Honor. This is really silly.

THE COURT: Okay. Does it matter whether she saw the movie? She is familiar with it.

MR. HOPKINS: I'm just trying to get at where she came up with the shotgun. It's as simple as that.

THE COURT: Where she came up with it?

MR. HOPKINS: Yes, why she thinks it was a shotgun.

THE COURT: Okay.

BY MR. HOPKINS:

Q. I can move on and just ask you that. Why did you think that was a shotgun?

A. Because it looks like a shotgun. It's got a long barrel, and the way he is holding it. I've shot a shotgun before, so I know what a shotgun looks like. And when I look at this, it looks like a shotgun.

Q. Right. You sat through a concealed weapons class; right?

A. I have.

Q. And you have a concealed weapon's permit?

A. I do.

Q. And you are a responsible gun owner?

A. I am.

Q. And you think it's good for a responsible gun owner to not necessarily know the difference between a bb gun and shotgun?

MS. LAZARUS: Objection, Your Honor. I don't know what the right objection is to that.

THE COURT: Sustained. We don't need to go down this road. The bottom line is, if she thought it was a shotgun and it wasn't a shotgun, then you can talk about that if you feel the need to, but...

MR. HOPKINS: I'll move on.

(The excerpt from the final hearing dated May 1, 2019 is attached hereto at **The Florida Bar's Exhibit B.**)

7. This Respondent, in yet further perpetration of false statements, misrepresented to this Honorable Court that the Referee did not consider evidence in the record, when in truth and in fact, the only evidence in the record concerning the weapon in the threatening photo posted by Ms. Krapacs came from the Bar's witness, Nisha Bacchus. Also, it is clear that the Referee specifically advised Respondent's counsel that he could talk about whether the weapon depicted was or was not a shotgun and he elected to move on. There is nothing of record to support Respondent's statement to this Court that Respondent was not permitted to

introduce evidence on this matter. Clearly, Respondent's failure to provide any transcript citation to the record is telling.¹

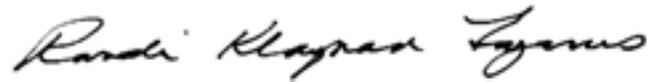
8. Respondent's conduct of filing documents with false sworn statements in addition to statements that are belied by the record is conduct which causes a drain on the administration of justice and especially on the Court's resources which are finite. Peterson v. State, 817 So.2d 838 (Fla.2002). The Florida Bar v. Kandekore, 932 So.2d 1005 (Fla. 2005). Steele v. State, 14 So.3d 221 (Fla. 2009).

9. Respondent's continued contumacious conduct establishes that she is "beyond redemption." The Florida Bar v. Carlson, 183 So.2d 541 (Fla. 1966).

WHEREFORE, The Florida Bar, in addition to any other relief previously requested, respectfully requests that this Court enter an immediate order which would prohibit Ashley Ann Krapacs from filing any further documents unless signed by a member in good standing of The Florida Bar, who has certified that they have reviewed the record of proceedings.

¹ Bar Counsel reviewed the word index in the five volumes of transcripts concerning the word "shotgun." It appears on pages 92, 210, 274 – 276, 668, and 709. The only discussion of substance is the excerpted portion attached hereto as **The Florida Bar's Exhibit B**.

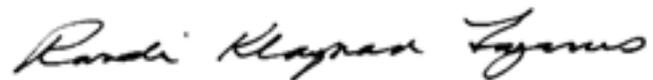
Respectfully submitted,



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CERTIFICATE OF SERVICE

I certify that this Supplement to Motion for a Finding of Contempt Pursuant to Rule 3-7.11(e) of the Rules Regulating The Florida Bar has been E-filed with The Honorable John A. Tomasino, Clerk of the Supreme Court of Florida, with a copy provided to Ashley Ann Krapacs, Respondent, P.O. Box 21665, Fort Lauderdale, FL 33335-1665, via e-mail at krapacsaa@gmail.com; and to Interim Staff Counsel, The Florida Bar, 651 E. Jefferson Street, Tallahassee, FL 32399-2300, via e-mail at asackett@floridabar.org, on this 6th day of August, 2019.



Randi Klayman Lazarus, Bar Counsel