

**IN THE SUPREME COURT OF FLORIDA
(Before a Referee)**

THE FLORIDA BAR,

Complainant,

v.

**Supreme Court Case No. SC21-21
(consolidated from SC21-1762)
The Florida Bar File Nos.
2021-00,208(4D); 2021-00,443(4D);
2021-00,460(4D)**

NAH-DEH E W SIMMONS,

Respondent.

_____ /

ANSWER

1. Admitted.
2. Denied. Respondent practices in Duval and other counties. He has an office in Duval County. Where he resides is not relevant.
3. Without knowledge and therefore denied.

COUNT I – TFB# 2021-00,208(4D) – ANTONIO JOINER

4. Denied. Respondent was hired to review the file to see if a successful 3.850 motion for post-conviction relief could be filed. Respondent concluded that he could not file a successful motion. He only received the \$350.00 first payment.
5. Admitted that the agreement states “criminal felony.” Deny that it does not explain. The document speaks for itself

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6. Admitted. Respondent did not believe he would prevail on the motion and advised the defendant and his family.
7. Denied.
8. Denied. Defendant was allowed to file a 3.850 motion pro se, which was denied, and is on appeal.
9. Admitted that Respondent called both defendant Joiner and his mother and advised that he believed the motion had no merit.
10. Admitted that Joiner alleges lack of communication. Deny that there was a lack of communication.
11. Admitted that no correspondence was provided. Deny that there was no written explanation.
12. Admitted that Respondent responded to subpoena. Deny that the cases were off point.
13. Denied.
14. Denied as a conclusion of law.

COUNT II – TFB# 2021-00,443(4D) – THE FLORIDA BAR

15. Admitted.
16. Admitted.
17. Too vague to admit without the e-mail or the dates, therefore denied
18. Without knowledge and therefore denied.

19. Without knowledge and therefore denied.
20. Without knowledge and therefore denied.
21. Without knowledge and therefore denied.
22. Without knowledge and therefore denied.
23. Admitted.
24. Admitted that case was set for trial and the judge made comments on the record. The transcript will show what was said.
25. Admitted that trial began on March 30, 2021, ended on April 1, 2021, and Wedgeworth was found guilty.
26. Admitted.
27. Admitted.
28. Without knowledge and therefore denied.
29. Denied. Respondent appeared late.
30. Admitted
31. Admitted that Respondent received a call from the Judge's office.
Without knowledge as to how long the victim waited.
32. Admitted.
33. Admitted.
34. Admitted that Respondent signed on to Zoom. Wedgeworth attempted to sign in but was not admitted.

35. Denied.
36. Admitted that Respondent told the judge that the client was having issues relating to complications of her pregnancy.
37. Admitted.
38. Admitted.
39. Admitted.
40. Admitted.
41. Admitted. One can be employed but on medical leave and not working.
42. Admitted.
43. Admitted that a hearing was held.
44. Denied as to the characterization. The transcript of the hearing will show what was said.
45. Denied as to the characterization. The transcript of the hearing will show what was said.
46. Denied as to the characterization. The transcript of the hearing will show what was said.
47. Admitted.
48. Admitted.
49. Denied as a conclusion of law.

COUNT III – TFB# 2021-00,460(4D) – THE FLORIDA BAR

50. Admitted.

51. Admitted.

52. Admitted.

53. Admitted.

54. Without knowledge of when the judge finished the calendar. Deny that Respondent failed to appear.

55. Denied. Respondent received a call from the court's Judicial Assistant at 3:12 pm on April 29, 2021 and then promptly logged on to Zoom.

56. Denied.

57. Denied as to the characterization. The transcript of the hearing will show what was said.

58. Denied as to the characterization. The transcript of the hearing will show what was said.

59. Denied as to the characterization. The transcript of the hearing will show what was said.

60. Admitted.

61. Admitted.

62. Admitted.

63. Denied as to the characterization. The transcript of the hearing will show what was said. Admitted that a hearing was set.
64. Admitted.
65. Admitted.
66. Denied as to the characterization. The transcript of the hearing will show what was said.
67. Denied as to the characterization. The transcript of the hearing will show what was said.
68. Denied as to the characterization. The transcript of the hearing will show what was said.
69. Denied as to the characterization. The transcript of the hearing will show what was said.
70. Admitted.
71. Admitted. Respondent had previously advised the court and prosecutor that he had to be before Judge Mitchell and might be late.
72. Denied as to the characterization. The transcript of the hearing will show what was said.
73. Admitted that Respondent filed a motion to dismiss on April 29, 2021. The motion speaks for itself.
74. Admitted.

75. Denied as to the characterization. The transcript of the hearing will show what was said.

76. Denied as to the characterization. The transcript of the hearing will show what was said.

77. Denied.

78. Denied.

79. Denied as to the characterization. The transcript of the hearing will show what was said.

80. Denied as to the characterization. The transcript of the hearing will show what was said.

81. Denied as to the characterization. The transcript of the hearing will show what was said.

82. Denied as a conclusion of law.

Respectfully submitted,

/s/ Edward Iturralde

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was sent by e-mail to James Fisher, Bar Counsel, and Patricia Ann Toro Savitz, Staff Counsel on this 18th Day of January, 2022.

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that the foregoing is in 14 point Arial font and double spaced in accordance with requirements.

/s/Edward Iturralde

Edward Iturralde