

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Complainant,

v.

COLLEEN MARIE DUNNE,

Respondent.

Supreme Court Case
No. SC-

The Florida Bar File Nos.
2020-70,268(11G)
2021-70,089(11G)

_____/

**STIPULATION AS TO PROBABLE CAUSE, CONDITIONAL GUILTY
PLEA AND CONSENT JUDGMENT FOR DISCIPLINE**

COMES NOW, the undersigned respondent, Colleen Marie Dunne, and files this Stipulation as to Probable Cause, Conditional Guilty Plea and Consent Judgment for Discipline pursuant to Rule 3-7.9 of the Rules Regulating The Florida Bar.

1. Respondent is, and at all times mentioned herein was, a member of The Florida Bar, albeit suspended for a period of one year pursuant to order dated January 16, 2020, and subject to the jurisdiction of the Supreme Court of Florida.

2. Respondent is currently the subject of two disciplinary matters which have been assigned The Florida Bar File Nos. 2020-70,268(11G) and 2021-70,089(11G).

EXHIBIT
A

RECEIVED, 10/25/2022 11:00:21 AM, Clerk, Supreme Court

3. As to The Florida Bar File No. 2020-70,268(11G), there has been a finding of probable cause by the Grievance Committee. As to The Florida Bar File No. 2021-70,089(11G), respondent waives the right to a probable cause hearing before a grievance committee and stipulates to a finding of probable cause in reference to this matter.

4. As to The Florida Bar File No. 2020-70,268(11G), the following allegations and rules provide the basis for respondent's guilty plea and for the discipline to be imposed in this matter:

A. Respondent filed a Notice of Appearance on behalf of a Delray police lieutenant who wished to intervene in a civil matter to claim an interest in property in the possession of another.

B. The opposing counsel sought to disqualify respondent from acting as attorney in the case, alleging she was a necessary witness in the matter and placing her under subpoena to testify.

C. Opposing counsel later sought to exclude respondent on the basis that she had a personal relationship with the police officer in question and same created a conflict of interest.

D. At the hearing on the motion to disqualify, respondent testified she had not been romantically or intimately involved with the police officer in question.

E. The trial judge ultimately denied the motion to disqualify respondent on the basis that she was not a material or necessary witness.

F. Opposing counsel subsequently obtained text messages between respondent and an unrelated third party which appear to indicate that she was dating the police officer in question prior to this testimony.

G. Based on the court's ruling on this issue, the testimony given at the motion to disqualify was not on a material issue, and therefore is not perjury.

H. Although respondent accepts responsibility for the rule violations outlined above by entering into this consent judgment, she asserts the following in mitigation: The text message which suggested she was dating the police officer in question was a "walk 'n text" sent without review for accuracy. Respondent asserts that subsequent text messages would clarify and correct the impression contained in that text. Respondent further contends that the police officer in question provided sworn testimony in other unrelated proceedings which corroborate respondent's denial of an intimate relationship between the two.

I. By reason of the foregoing, respondent has violated Rules 4-3.3 (Candor Toward the Tribunal) and 4-8.4(c) (A lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or

misrepresentation) of the Rules Regulating The Florida Bar.

5. As to The Florida Bar File No. 2021-70,089(11G), the following allegations and rules provide the basis for respondent's guilty plea and for the discipline to be imposed in this matter:

A. Respondent was assigned to prosecute a criminal matter against Mr. Franklin Tyrone Tucker. Mr. Tucker attempted to have respondent disqualified from the case.

B. While incarcerated pending his trial, Mr. Tucker requested permission to marry Ms. Lauren Jenai. As per policy, the Monroe County Jail inquired if respondent had any objections to permitting the marriage.

C. Respondent texted with a personal friend and jokingly indicated she wanted to find a basis to object.

D. Respondent later consulted with a supervisor, who indicated that she could object on the basis that Ms. Jenai could potentially be a witness in the criminal case.

E. According to the marriage application notes, respondent called the director of programs and advised that the "courts object to the couple getting married during the pendency of Mr. Tucker's case."

F. The statement recorded by the jail's employee was misleading, as it was in fact the prosecutor who objected, not the courts.

G. The jail initially denied the marriage application following respondent's objection. Thereafter, a motion to clarify was filed. The Sheriff's Office subsequently approved the request. In the interim, Mr. Tucker was released on bail and married Ms. Jenai following his release.

H. Although respondent accepts responsibility for the rule violation outlined above by entering into this consent judgment, she offers the following in mitigation: Respondent is sorry that she initially joked about hoping to find a reason to object to the marriage. She did at all times have a reasonable basis for objecting, considering that complainant had interviewed witnesses in the case and was therefore a potential witness. This rationale was discussed with her supervisor and ultimately approved as the basis for respondent's objection to the Sheriff's office. Moreover, respondent asserts that she did not use the word, "the Courts," when she phoned the civilian jail worker to relay the State's position. Rather, she states that she used the phrase "the State." However, the civilian jail employee mis-recorded the statement to read "the Courts" object to the couple getting married during the pendency of Mr. Tucker's case.

I. Respondent admits that by reason of the foregoing facts, she has violated Rule 4-8.4(c) (A lawyer shall not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation) of the Rules

Regulating The Florida Bar.

6. Pursuant to Rule 3-7.9(a) of the Rules Regulating The Florida Bar, respondent hereby tenders a consent judgment for discipline wherein respondent agrees to the following discipline:

A. Suspension for a period of fifteen (15) months, effective *nunc pro tunc* from January 5, 2022.

B. Payment of the bar's disciplinary costs.

7. Respondent acknowledges that she is presently suspended; however, the events referenced herein occurred prior to the imposition of discipline in her prior disciplinary matter. Respondent was eligible to petition for reinstatement from her suspension in the prior disciplinary matter in February 2021. The instant disciplinary grievances prevented her from petitioning for reinstatement. Accordingly, the 15-month suspension recommended herein should be effective *nunc pro tunc* from January 5, 2022. Same will result in respondent serving over three years suspension for the prior and instant disciplinary infractions, the latter of which occurred within the same time frame.

8. As additional mitigation, respondent has sought therapy and treatment from medical professionals regarding the issues and circumstances that contributed to the matters which brought her to the

attention of the Florida Bar. Her treating therapist reports that she is a willing and compliant patient and is doing very well in therapy. Respondent has engaged in self-reflection, has continued to stay active in her church, volunteer in her community in feeding the needy, mentor youth, and engage in self-development both professionally and personally from the time of her first suspension. She has been cooperative with the Bar throughout the instant disciplinary process and has expressed remorse for her actions herein.

9. If this plea is not finally approved by the Board of Governors of The Florida Bar and the Supreme Court of Florida, then it shall be of no effect and may not be used by the parties in any way.

10. If this plea is approved, then respondent agrees to pay all reasonable costs associated with this case pursuant to Rule 3-7.6(q) in the amount of \$1,250.00. These costs are due within 30 days of the court order. Respondent agrees that if the costs are not paid within 30 days of this court's order becoming final, respondent shall pay interest on any unpaid costs at the statutory rate. Respondent further agrees not to attempt to discharge the obligation for payment of the Bar's costs in any future proceedings, including but not limited to, a petition for bankruptcy. Respondent shall be deemed delinquent and ineligible to practice law


pursuant to Rule 1-3.6 if the cost judgment is not satisfied within 30 days of the final court order, unless deferred by the Board of Governors of The Florida Bar.

11. Respondent acknowledges the obligation to pay the costs of this proceeding and that payment is evidence of strict compliance with the conditions of any disciplinary order or agreement and is also evidence of good faith and fiscal responsibility. Respondent understands that failure to pay the costs of this proceeding will reflect adversely on any other bar disciplinary matter in which respondent is involved.

12. Respondent is acting freely and voluntarily in this matter, and tenders this Plea without fear or threat of coercion. Respondent is represented in this matter.

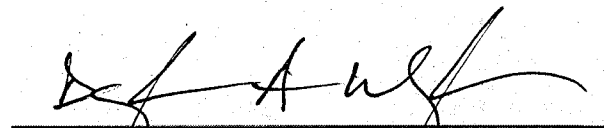
13. This Stipulation as to Probable Cause, Conditional Guilty Plea and Consent Judgment for Discipline Conditional Guilty Plea for Consent Judgment fully complies with all requirements of the Rules Regulating The Florida Bar.

Dated this 17th day of September, 2022.


Colleen Marie Dunne, Respondent
1314 Hickory Moss Place
Trinity, FL 34655
305/360-0656
Florida Bar No. 451843
dundun2124@gmail.com

Approved by:

Dated this 19th day of September, 2022.


Douglas Arthur Wyler
Attorney for Respondent 961887 Gateway
Blvd., Ste 2011 Fernandina Beach, FL
320349159 904/261-3693
Florida Bar No. 119979
doug.wyler@comcast.net

Dated this 19th day of September, 2022.

A handwritten signature in black ink, appearing to read "Jm Falcone". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jennifer R. Falcone, Bar Counsel
The Florida Bar
Miami Branch Office
444 Brickell Avenue
Rivergate Plaza, Suite M-100
Miami, Florida 33131-2404
305/377-4445
Florida Bar No. 624284
jfalcone@floridabar.org