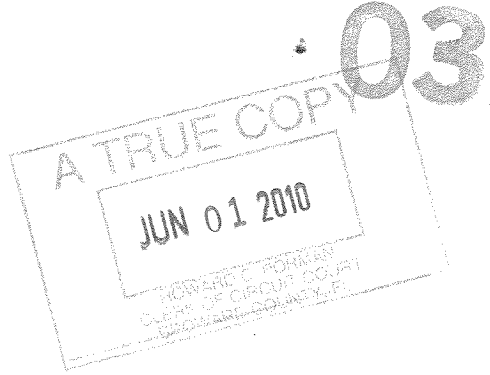


IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

CASE NO. 10-23089

WILLIS MORGAN, )  
)  
Plaintiff, )  
)  
vs. )  
)  
CHADWICK E. WAGNER, chief of police of )  
the City of Hollywood, Florida; and MICHAEL )  
J. SATZ, state attorney for the Seventeenth )  
Judicial Circuit in and for Broward County, )  
Florida, and JOSEPH MATTHEWS, custodian )  
of the public records at issue, )  
)  
Defendant. )  
)



Complaint to Enforce the Public Records Law and Article I, section 24 of the Florida Constitution

Plaintiff, Willis Morgan, sues defendants, Chadwick E. Wagner, Michael J. Satz, and Joseph Matthews, and states:

1. This is a complaint to enforce chapter 119, Florida Statutes, the Florida Public Records Law and article I, section 24 of the Florida Constitution, and for declaratory and injunctive relief.
2. This Court has jurisdiction over this complaint pursuant to sections 26.012, 86.011, and 119.11, Florida Statutes (2010).
3. Venue is appropriate in this County pursuant to section 47.011, Florida Statutes (1999).
4. Plaintiff is Willis Morgan, a citizen and resident of Broward County, Florida.

5. Defendants are Chadwick E. Wagner, chief of police of the City of Hollywood, Florida; Michael J. Satz, state attorney for the Seventh Judicial Circuit in and for Broward County, Florida; and, Joseph Matthews, a citizen and resident of Broward County Florida who is the custodian of the public record that is the subject of this complaint;

6. All conditions precedent to bringing this lawsuit have occurred.

#### The Abduction of Adam Walsh

7. A six-year-old boy, Adam John Walsh, disappeared from the toy department of the Sears store at the Hollywood Mall in Hollywood, Florida, on July 27, 1981.

8. Adam's parents, John and Revé Walsh, received national publicity during the ensuing search for Adam. Ultimately, Adam was found to have been murdered. John Walsh later became an advocate for crime victims and the host of *America's Most Wanted*, a nationally syndicated television program.

9. The Hollywood Police Department and other law enforcement agencies investigated the murder for many years thereafter without arresting or prosecuting any suspects.

#### Opening of the Investigative Files

10. When by 1995, the crime had not been solved, Jay Grelen, a reporter for The Mobile Press-Register, a newspaper in Mobile, Alabama, asked the Hollywood Police Department to make public all of its investigative files.

11. The Department refused Grelen's request, contending that the records constituted active criminal investigative or intelligence information exempt from the disclosure requirements of the Florida Public Records Law, Chapter 119, Florida Statutes.

12. The Mobile Press-Register and Grelen filed suit in this Court to compel disclosure of the requested records.

13. On June 12, 1995, Circuit Judge Leroy Moe heard from representatives of the Police Department who testified that the investigation was in fact a “cold case,” but that it recently had been re-assigned to Detective Mark Smith, a cold case specialist. Judge Moe advised the Police Department that it would be provided a reasonable opportunity to pursue leads then under investigation, but that it would not be permitted to withhold public access to the files indefinitely.

14. On September 26, 1995, The Mobile Press-Register and Grelen renewed their request for access to the police investigative files. Judge Moe heard argument on that motion on October 18, 1995. No evidence was offered that Detective Smith had come any closer to securing an arrest or prosecution, even though he had been afforded more than an additional four months to reinvestigate the case.

15. In an abundance of caution, Judge Moe allowed the Hollywood Police Department until 12 noon on February 16, 1996, to make all of the records sought by The Mobile Press-Register and Grelen public

16. Shortly before the records were to be made public, the State Attorney’s Office and John Walsh intervened and asked the Court to reconsider its disclosure order. The State Attorney reported that on January 26, 1996, the Hollywood Police Department had delivered its files for review, that the State Attorney then was evaluating the files, and that the matter would be presented to a grand jury in the spring if Judge Moe would stay his discovery order.

17. Judge Moe declined the request, noting that the offer did not “show a good faith anticipation that a prosecution will be commenced in the foreseeable future. Rather, it simply reflects a desire to maintain the confidentiality of investigative records.” He also noted that “Mr. Walsh’s interest in ensuring that the efforts of law enforcement officials are not impaired by a

premature release is certainly understandable, but his concerns do not supply the evidence that the Court requires to conclude that the records at issue are part of an active investigation.”

18. Consequently, the Hollywood Police Department released all of its investigative records which consisted of more than 10,000 pages of material. Among other things, the records showed that police had lost critical evidence during the course of their investigation -- carpet samples from a 1971 Cadillac that had been owned by Otis Toole, a suspect who had confessed to the murder. The samples had been discarded and the car had been sold to a used car lot and junked for scrap.

19. Otis Toole died on September 15, 1996.

Subsequent Investigations Point to Jeffrey Dahmer

20. Notwithstanding the release of the investigative files on February 16, 1996, and the death of Toole in 1996, the Hollywood Police Department, the Broward County State Attorney's Office, plaintiff Willis Morgan, and others continued to investigate the murder.

21. Substantial evidence compiled by plaintiff suggests that Jeffrey Dahmer had committed the murder. Dahmer was an American serial killer and sex offender who murdered at least 17 men and boys between 1978 and 1991. Dahmer was beaten to death by an inmate at the Columbia Correctional Institution in Portage, Wisconsin, on November 28, 1994.

22. Plaintiff, a former operator of the printing presses for The Miami Herald, saw Dahmer in the Hollywood Mall on the day that Adam Walsh disappeared from the Mall. Dahmer said to the plaintiff: “Hi, there. Nice day, isn't it?” Plaintiff briefly followed Dahmer, but lost him in the toy department at Sears store.

23. Upon information and belief, a second man, Bill Bowen, saw Dahmer in the mall that day, saw Dahmer head toward a blue van with a young boy, put the boy in the van, and drive off.

24. Upon further information and belief, Janice Santamassino also saw Dahmer at the Hollywood Mall on July 27, 1981. She reportedly almost slammed into the back of a blue van parked illegally outside the west entrance of Sears. Santamassino parked her vehicle, went inside Sears, allowed her young daughter to play an arcade game near a boy who matched the description of Adam Walsh, and saw Dahmer nearby.

25. Other witnesses place the blue van:

- a. At the Hollywood Mall, July 27, 1981, 12:30 in the afternoon.
- b. At the location where Jeffrey Dahmer worked from the end of June through the end of September, 1981
- c. At the location where Adam Walsh's severed head was found on August 7, 1981, at 00:30 AM.

26. Plaintiff believes that Dahmer is the murderer of Adam Walsh, that Ottis Toole is not the murderer, and that for reasons that are unclear, John Walsh, has wanted police and law enforcement authorities to name Toole as the murderer even though Toole did not commit the murder.

Matthews' Conclusion that Ottis Toole is the Murderer  
Leads Police and Prosecutors to Close Their Investigations

27. Matthews, a retired Miami Beach homicide detective who was a close friend of John Walsh, also continued to investigate the murder on behalf of John Walsh.

28. Matthews produced a report (“the Matthews report”) concluding that Ottis Toole murdered Adam Walsh.

29. Matthews presented his report to the Hollywood Police Department in 2008. That agency reviewed the report as a part of its official investigation of the murder. The Police Department then provided the report to the Broward County State Attorney’s office for its review and that agency also reviewed the report as a part of its official investigation.

30. On or about December 16, 2008, the State Attorney’s Office, the Hollywood Police Department, and John and Revé Walsh announced that their investigations of the murder would be closed based, in part, on the Matthews report.

31. At a 2008 press conference announcing the closure of the report, both the Police Department and the State Attorney’s office explained that they had closed their investigations because Matthews had provided conclusive evidence that Toole was the murdered and no further investigation was needed.

32. In a letter to The Miami Herald, in March 2010, Chief Assistant State Attorney Charles Morton, Jr. wrote:

The material and reports in Hollywood Police Department’s investigation of Toole contains substantial and documented investigative information that tracks Toole’s whereabouts and his opportunity to have committed the crime. This was neatly and skillfully pointed out in an investigative file created by retired Detective Joe Matthews and presented for my review.

33. The Miami Herald reported on March 28, 2010, that “The decision to close the Adam Walsh murder case was based in part on an ‘independent investigation’ and report by a retired cop and Walsh family confidant. But authorities retain no copy of the report so its conclusions cannot be reviewed.”

34. The Miami Herald quoted Hollywood spokeswoman Raelin Storey as stating “Matthews let the Hollywood Police Department review his findings, but he did not provide us with a copy of his work,” and Janice Williams, records custodian for the State Attorney’s office as stating that the Matthews files were returned to his attorney, Kelly Hancock, who said he returned the files to Matthews.

35. The Herald article reported that John Walsh held up a copy of the report on the CBS Early Show the day after it was announced the case had been closed.

36. The Miami Herald also reported on March 27, 2010, and March 28, 2010, that law enforcement authorities had overlooked evidence and witnesses pointing toward Jeffrey Dahmer as the murderer of Adam Walsh.

The Demand for Production of the Matthews Report

37. On or about April 12, 2010, plaintiff retained the law firm of Hunton & Williams LLP to assist him in obtaining access to the records that Matthews had provided to the Hollywood Police Department and the Broward County State Attorney’s Office.

38. On April 14, 2010, plaintiff, through counsel, requested from each of the defendants, through attorneys publicly identified as their counsel, a copy of the report that Matthews had provided to the Hollywood Police Department and the Broward County State’s Attorney’s office. A copy of the request is attached as Exhibit A.

39. On April 16, 2010, Joel D. Cantor, counsel for the Hollywood Police Department, responded in writing: “my client does not have a copy of the requested report. Based on your request, it is our intention to officially demand that this report be made available for your client’s inspection. Although I intend to author this official demand later today, I cannot accurately predict how quickly Mr. Matthews will respond with a copy of the report. Please be assured that

once we are advised that the report is available for inspection, I will contact you immediately.”

A copy of this response is attached as Exhibit B.

40. Janice Williams, public records custodian for the defendant State Attorney, responded on April 21, 2010: “[O]ur office does not have a copy of the ‘report’ you have requested. However, based upon your request, we contacted Mr. Kelly Hancock, Counsel for Mr. Matthews on Thursday April 15th, and again on April 20th. We have made a demand that a copy of Mr. Matthews’ ‘report be made available to you for inspection. We were advised that Mr. Hancock communicated our demand to Mr. Matthews.” A copy of this response is attached as Exhibit C.

41. Kelly Hancock responded on April 21, 2010: “Please be advised that I do not and have never represented Joseph Matthews.” A copy of this response is attached as Exhibit D.

42. On April 26, 2010, the defendant State Attorney wrote to Matthews: “We . . . request that pursuant to Chapter 119, Florida Statutes, you make the subject manuscript or report available for inspection by Mr. Julin, at a time and place coordinated by you or your legal representative and Mr. Julin.” A copy of this request is attached as Exhibit E.

#### Failure to Produce the Matthews Report

43. By May 13, 2010, Matthews had not made his report available for inspection. On that same date, counsel for plaintiff contacted Cantor, counsel for the defendant Police Department, and Charles Morton, counsel for the defendant State Attorney, and jointly telephoned Matthews and jointly asked that he make the report available to the plaintiff for review at a mutual convenient time and place.

44. During the telephone call, Matthews acknowledged that he had received the multiple requests for access to the report, asserted that he had destroyed all electronic copies of



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44. During the telephone call, Matthews acknowledged that he had received the multiple requests for access to the report, asserted that he had destroyed all electronic copies of

the report due to his fear that the plaintiff would break into his office and steal the report, asserted that one written copy of the report remained, and claimed that he had given that copy of the report to his “co-author” and that the co-author had taken it to Cuba and was still, at that time, in Cuba.

45. Matthews asserted that he was reluctant to show the report to plaintiff due to concerns that plaintiff would make the report available to The Miami Herald or other media, but ultimately agreed that he would arrange for production of the report to plaintiff alone at a mutually agreeable time and place. He said he would contact his co-author to find out when he would be returning to the United States with the report and then would contact Morton to let him know when the report would be produced.

46. After the May 13, 2010, telephone call, Matthews did not make the report available for inspection.

47. Further efforts to obtain a copy of the report from any of the defendants have been futile.

48. Plaintiff believes that public disclosure of the Matthews’ report would reveal that Matthews, like law enforcement officials, overlooked evidence showing that Ottis Toole did not murder Adam Walsh and that Jeffrey Dahmer did in fact commit the murder.

49. It appears that the defendants jointly are acting to conceal public records to avoid public criticism of their erroneous conclusion that Ottis Toole murdered Adam Walsh and to prevent further public scrutiny of the motivation of John Walsh to bring the investigation of the murder to a close.

#### Count I

#### Enforcement of the Public Records Law

50. Plaintiff realleges and incorporated by reference paragraphs 1 through 48 of the complaint.

51. Section 119.011(12) defines public records as “all documents, papers . . . books . . . or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.”

52. The term “agency” means “any state, county, district, authority, or municipal officer, department . . . or other separate unit of government created or established by law . . . and any public or private agency, person, partnership, corporation, or business agency, acting on behalf of any public agency.” Fla. Stat. § 119.011(2).

53. The term “received” in section 119.011(12) refers not only to a situation in which a public agent takes physical delivery of a document, but also to one in which a public agent examines a document. If that were not the case, a party could easily circumvent the public records laws. *See National Collegiate Athletic Ass’n v. Associated Press*, 18 So. 3d 1201 (Fla. 1st DCA 2009), *pet. for rev. docketed*, No. SC09-1909 (Fla. Oct. 14, 2009); *Times Publ’g Co. v. City of St. Petersburg*, 558 So. 487 (Fla. 2d DCA 1990) (holding that that records become public records once they have been viewed and used by public officials). A “document that is used in the course of public business is a public record under the definition in section 119.011(12) if it was . . . received by the public official.” *NCAA*, 18 So. 3d at 1208.

54. The Matthews report is a public record subject to the disclosure requirements of section 119.07, Florida Statutes.

55. The documents sought are public records subject to the disclosure requirements of article I, section 24, Florida Constitution.

56. Any expectation by Matthews that his report would remain private is irrelevant and there could be no valid agreement by public officials to keep the records private. *NCAA*, 18 So. 3d at 1208-09. Whether Matthews was acting as a private citizen or an agent of law enforcement when he prepared the report also is irrelevant because the records at issue “became [a] public record[]” when it was received by public officials and used by them for official business. *Id.* at 1209. The legal status of the report is no different than it would be if it had been prepared by the Police Department and the State Attorney.

57. Section 119.07(1)(a) provides that “every *person* who has custody of a public record shall permit the record to be inspected and copied by any person desiring to do so . . .” (Emphasis added). The law can be enforced directly against Matthews because he has custody of the record at issue. It makes no difference that the report is in the hands of a private party. If the report is a public record, is subject to compelled disclosure under Florida law. *See NCAA, Id.* at 1210.

58. The Matthews report is not exempt from the disclosure requirements of section 119.07, Florida Statutes, or article I, section 24, Florida Constitution.

59. The defendants’ failure to produce the Matthews report for inspection constitutes a nondiscretionary refusal to produce public records that violates section 119.07, Florida Statutes, and article I, section 24, Florida Constitution.

60. Plaintiff has retained the undersigned counsel to bring this suit and has incurred costs and attorneys’ fees in bringing this action and is entitled to recovery of costs and reasonable attorneys’ fees pursuant to section 119.12, Florida Statutes (2010).

WHEREFORE, plaintiff demands entry of orders:

A. Setting an immediate hearing pursuant to section 119.11(1), Florida Statutes. That section of the statutes provides: “Whenever an action is filed to enforce the provisions of this chapter, the court shall set an immediate hearing, giving the case priority over other pending matters.”

B. Directing the defendants to appear at the hearing set pursuant to section 119.11(1), and to show cause why the records requested by defendant should not be ordered produced.

C. Directing the defendants to produce the records requested by the plaintiff at the hearing set pursuant to section 119.11(1), Florida Statutes (2010).

D. Directing the defendants, by writ of mandamus or otherwise, to produce to the plaintiff all of the records requested.

E. Awarding the plaintiff the costs and attorneys’ fees that he reasonably has incurred in prosecuting this action pursuant to section 119.12, Florida Statutes (2010).

F. Awarding plaintiff any other relief that is necessary or appropriate.

## Count II

### Declaratory Judgment that Defendants Have Not Properly Maintained Public Records as Required by Law

61. Plaintiff realleges and incorporated by reference paragraphs 1 through 48 of the complaint.

62. Section 119.021, Florida Statutes (2010), provides that public records should be kept in the buildings in which they are ordinarily used and requires each agency to comply with retention and document destruction schedules adopted by the Division of Library and Information Services.

63. Any public officer who commits a knowing violation of the Public Records Law is subject to suspension and removal or impeachment and commits a misdemeanor of the first degree. Fla. Stat. § 119.10(1)(b) (2010).

64. Moreover, any person, including a person who is not a public officer, who willfully and knowingly violates the Public Records Law commits a misdemeanor of the first degree.

65. Plaintiff is in doubt about his rights, status, and other equitable legal relations as affected by these statutes and therefore seeks a declaration that the defendants acted in violation of section 119.021 and 119.10(1)(b), Florida Statutes:

A. In willfully and knowingly failing to maintain the Matthews report at the Hollywood Police Department and at the Broward County State Attorneys' Office, impairing plaintiff's and the public's access to the report and creating a threat that the report will be permanently destroyed.

B. By willfully and knowingly allowing Matthews to maintain sole custody and control of the Matthews report.

C. By willfully and knowingly allowing Matthews to destroy electronic copies of the Matthews' report.

D. By willfully and knowingly destroying or altering the Matthews report.

E. By willfully and knowingly allowing Matthews to remove the Matthews report from the State of Florida and from the United States.

F. By willfully and knowingly failing to use reasonable and available means to require Matthews to make the Matthews report available for inspection by the plaintiff.

Count III

Injunction Requiring the Defendants to  
Maintain the Matthews Report as Required by Law

66. Plaintiff realleges and incorporated by reference paragraphs 1 through 48 of the complaint.

67. Plaintiff will suffer permanent and irreparable injury to his right to have the Matthews' report available for his inspection in accordance with the Florida Public Records Law unless the defendants are directed to obtain a copy of the Matthews report from Matthews and to maintain a copy of that report at the Hollywood Police Department and the Broward County State Attorney's office so that it may be made available to the plaintiff in accordance with the Florida Public Records Law.

68. Plaintiff is entitled by chapter 119 to have the Matthews report maintained by the Hollywood Police Department and the Broward County State Attorney's Office at all times.

WHEREFORE, plaintiff demands entry of:

A. A preliminary and permanent injunction directing Matthews to deliver to the Hollywood Police Department and the Broward County State Attorney's Office a true and correct copy of the Matthews report in the form that it originally was presented to those public agencies or in the form in which it currently exists.

B. A preliminary and permanent injunction directing defendants Wagner and Satz to obtain a true and correct copy of the Matthews report in the form that it originally was presented to those public agencies or in the form in which it currently exists from Matthews and to maintain it in their possession as required by the Florida Public Records Law.

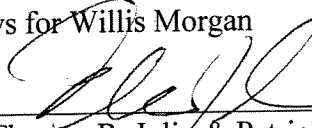
C. A preliminary and permanent injunction directing all three defendants to make the Matthews report available immediately for inspection by the plaintiff.

D. Awarding plaintiff any other relief that is necessary or appropriate.

Respectfully submitted,

Hunton & Williams  
Attorneys for Willis Morgan

By



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EXHIBIT A



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FILE NO:

April 14, 2010

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Public Records Request for Joe Matthews' Adam Walsh Report

Gentlemen:

This is a request on behalf of Mr. Willis Morgan pursuant to chapter 119, Florida Statutes (2010), and article I, section 24(c) of the Florida Constitution, for inspection and copying of the manuscript or report prepared by former Miami Beach Police Department Detective Joe Matthews referenced by Hollywood Police Chief Chadwick Wagner in a 2008 press conference announcing the closing of the Hollywood Police Department's investigation of the murder of Adam Walsh, referenced by Chief Assistant State Attorney Charles Morton Jr. in his 2008 memorandum regarding the case, and referenced by The Miami Herald in the enclosed March 28, 2010, article.

In a December 2, 2008, letter from Chief Wagner to Mr. Morton, Chief Wagner stated that Assistant Police Chief Mark Smith "was tasked to review" Matthews' report "regarding the abduction and homicide of Adam Walsh." I also discussed the Matthews' report with Mr. Morton last week and he indicated that he also had used the Matthews report in connection with his preparation of a memorandum regarding the Walsh investigation.

Section 119.011(12) defines public records as "all documents, papers . . . books . . . or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency." The term "agency" means "any state, county, district, authority, or municipal officer, department . . . or other separate unit of government created or established by law . . . and any public or private agency, person, partnership, corporation, or business agency, acting on behalf of any public agency." Fla. Stat. § 119.011(2).

# HUNTON & WILLIAMS

Kelly Hancock, Esq.  
Michael J. Satz, Esq.  
The Hon. Chadwick Wagner  
April 14, 2010  
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The First District Court of Appeal recently examined in *National Collegiate Athletic Association v. Associated Press*, 18 So. 3d 1201 (Fla. 1st DCA 2009), *pet. for rev. docketed*, No. SC09-1909 (Fla. Oct. 14, 2009), whether a record that has been received by a public official for use in his or her official duties is a public record. The Court held:

The term “received” in section 119.011(12) refers not only to a situation in which a public agent takes physical delivery of a document, but also to one in which a public agent examines a document residing on a remote computer. If that were not the case, a party could easily circumvent the public records laws.

*Id.* at 1207.

The Court based this decision in part on *Times Publishing Co. v. City of St. Petersburg*, 558 So. 487 (Fla. 2d DCA 1990), a case that involved negotiations between the Chicago White Sox and the City of St. Petersburg. White Sox officials showed city officials documents pursuant to a confidentiality agreement. The Second District held that those records became public records once they had been viewed and used by the city officials. The First District similarly concluded that a “document that is used in the course of public business is a public record under the definition in section 119.011(12) if it was . . . received by the public official.” *NCAA*, 18 So. 3d at 1208.

The First District noted that the documents at issue in the NCAA litigation were viewed by agency lawyers and the documents “directly related to the work” that the lawyers were doing, *id.*, that the NCAA’s “expectation that the documents would remain private” was irrelevant, and that there could be no agreement by state officials to keep the records private. *Id.* at 1208-09. The First District also held that it mattered not that the NCAA was a wholly private organization because the documents at issue “became public records” when they were “received by agents of the University and used in connection with the University’s business. The legal status of these records is no different than it would be if they had been prepared by the University’s lawyers and if the only existing copies were in the NCAA’s possession.” *Id.* at 1209.

The First District pointed out that section 119.07(1)(a) provides that “every *person* who has custody of a public record shall permit the record to be inspected and copied by any person desiring to do so . . . ,” *id.* (emphasis added), and concluded that the law therefore



Kelly Hancock, Esq.  
Michael J. Satz, Esq.  
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could be enforced directly against the NCAA because it had custody of the record. "It makes no difference," the Court wrote, "that the records in question are in the hands of a private party. If they are public records, they are subject to compelled disclosure under the law." *Id.* at 1210.

This decision is directly on point and requires disclosure of the Matthews report whether Mr. Matthews was acting on behalf of the Hollywood Police Department or the State Attorney's office when he prepared the report or whether he was acting solely as a private citizen when he prepared it. The dispositive factor is that the report was received by both agencies and used by those agencies in connection with their official duties.

I know of no exemption to the disclosure requirements of the law that would be applicable to the requested report. If, nevertheless, you contend that the report or any portion of it is exempt, please state, as required by section 119.07(1)(d), the basis of the exemption which you contend is applicable to the record, including the statutory citation to an exemption created or afforded by statute and state in writing and with particularity the reason for the conclusion that the record is exempt. Please also produce immediately all portions of the report which you do not claim to be exempt.

Maintain custody of the report irrespective of whether you contend that the report is not a public record or that it is exempt from statutory and constitutional disclosure requirements.

Mr. Morgan agrees to pay for the actual cost of duplicating the requested report.

The requested report is of great public importance. A failure to provide an immediate response to this request and production of the report will be treated as a denial of the request that will necessitate the commencement of litigation to enforce chapter 119 and article I, section 24(c).

Section 119.11(1), Florida Statutes, provides: "Whenever an action is filed to enforce the provision of this chapter, the court shall set an immediate hearing, giving the case priority over other pending cases." In the event that litigation is commenced, I will request strict application of this statutory provision to ensure that the records requested are made immediately available.

HUNTON &  
WILLIAMS

Kelly Hancock, Esq.  
Michael J. Satz, Esq.  
The Hon. Chadwick Wagner  
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Please note that section 119.021 provides that public records should be kept in the buildings in which they are ordinarily used and requires each agency to comply with retention and document destruction schedules adopted by the Division of Library and Information Services.

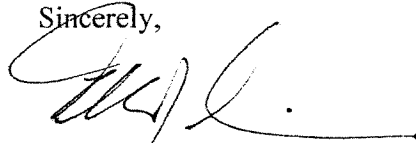
Any public officer who commits a knowing violation of the Public Records Law is subject to suspension and removal or impeachment and commits a misdemeanor of the first degree. Fla. Stat. § 119.10(1)(b) (2010). Moreover, any *person*, including a person who is not a public officer, who willfully and knowingly violate the Public Records Law commits a misdemeanor of the first degree.

Section 119.12, Florida Statutes, provides that if a civil action is filed against an agency to enforce the Public Records Law and if the court determines that such agency unlawfully refused to permit a public record to be inspected or copied, the court shall assess and award against the agency responsible, the reasonable costs of enforcement including reasonable attorneys' fees. If Mr. Matthews is the custodian of the report at this point, he would be regarded as an agency against which fees and costs could be awarded.

Furthermore, it is the obligation of the Hollywood Police Department and the State Attorney's office to obtain the report from Mr. Matthews and to produce it pursuant to this request. Mr. Matthews also has a direct obligation to produce the himself.

I request that the requested report be made available by no later than **5 p.m. on Wednesday, April 21, 2010**. Failure to produce the report by that time will be treated as a denial of this request. If you have any questions, or need more information in order to expedite this request, please call me at 305.810.2516.

Sincerely,



Thomas R. Julin  
Attorney for Willis Morgan



# CITY of HOLLYWOOD, FLORIDA



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Chadwick E. Wagner  
Chief of Police

*"A Leading Force In Professional Law Enforcement"*

Accredited by the Commission for Florida Law Enforcement Accreditation

April 16, 2010

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1111 Brickell Avenue, Suite 2500  
Miami, Florida 33131

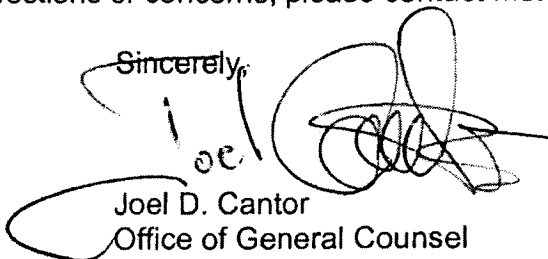
Re: Public Records Request for Joe Matthews' Adam Walsh Report

Dear Mr. Julin:

This correspondence shall serve as acknowledgment of receipt of your public records request regarding the above-referenced matter and received via e-mail on April 14, 2010. As you may already know, my client does not have a copy of the requested report. Based on your request, it is our intention to officially demand that this report be made available for your client's inspection. Although I intend to author this official demand later today, I cannot accurately predict how quickly Mr. Matthews will respond with a copy of the report. Please be assured that once we are advised that the report is available for inspection, I will contact you immediately.

If you have any further questions or concerns, please contact me.

Sincerely,



Joel D. Cantor  
Office of General Counsel

JDC:lw

c: Chadwick E. Wagner, Chief of Police  
Charles Morton, Chief Assistant State Attorney  
Broward County State Attorney's Office



**Our Mission:** We are dedicated to providing municipal services for our diverse community in an atmosphere of cooperation, courtesy and respect.

We do this by ensuring all who live, work and play in the City of Hollywood enjoy a high quality of life.  
*"An Equal Opportunity and Service Provider Agency"*



EXHIBIT C



MICHAEL J. SATZ  
STATE ATTORNEY  
SEVENTEENTH JUDICIAL CIRCUIT OF FLORIDA  
BROWARD COUNTY COURTHOUSE  
201 S.E. SIXTH STREET, Suite 680  
FORT LAUDERDALE, FL 33301-3360

PHONE: (954) 831-7228  
(954) 831-7202

April 21, 2010

Hurton & Williams LLP  
Attn: Thomas R. Julin  
1111 Brickell Avenue, Suite 2500  
Miami, Florida 33131

Re: Public Records Request for Joe Matthews' Adam Walsh Report

Dear Mr. Julin:

This correspondence is in reference to your "Public Records Request for Joe Matthews' Adam Walsh Report" as set forth in your letter dated April 14, 2010.

Our office sent you a letter acknowledging receipt of your public records request on April 15, 2010.

As you may already know, our office does not have a copy of the "report" you have requested. However, based upon your request, we contacted Mr. Kelly Hancock, Counsel for Mr. Matthews on Thursday, April 15<sup>th</sup>, and again on Tuesday, April 20<sup>th</sup>. We have made a demand that a copy of Mr. Matthews' "report" be made available to you for your inspection. We were advised that Mr. Hancock communicated our demand to Mr. Matthews.

We have just learned this afternoon that Mr. Hancock is no longer representing Mr. Matthews in this matter. Our office will make every effort to contact Mr. Matthews and repeat our demand that he make available a copy of the "report" for your inspection.

As our office continues to pursue this matter, please be assured that once we are advised that the "report" is available for your inspection, you will be immediately contacted.

Sincerely,

*Janice Williams*  
Janice Williams  
Public Records Custodian

CC: Joseph Matthews  
C/O Kelly Hancock, Esq.  
Krupnick Campbell et al  
12 SE 7<sup>th</sup> Street, Suite 801  
Fort Lauderdale, FL 33301

Joel Cantor, Esq., Police Legal Advisor  
City of Hollywood Police Department  
3250 Hollywood Boulevard  
Hollywood, FL 33021



**MICHAEL J. SATZ**  
**STATE ATTORNEY**  
SEVENTEENTH JUDICIAL CIRCUIT OF FLORIDA  
BROWARD COUNTY COURTHOUSE  
201 S.E. SIXTH STREET  
FORT LAUDERDALE, FL 33301-3360

**FAX**

<b>To:</b>	<b>Hunton &amp; Williams LLP</b>	<b>From:</b>	Public Records / Janice
<b>Attn:</b>	Thomas R. Julin	<b>Phone:</b>	954-831-7228 / 954 831-8549
<b>Phone:</b>	305-810-2516	<b>Fax:</b>	954-831-6448
<b>Fax:</b>	305-810-2460	<b>Date:</b>	04/21/10
			2 Page(s) Including Cover

Please see the attached response letter for your Public Records Request for Joe Matthews' Adam Walsh Report. Letter will be sent via mail.

**CC:** Joseph Matthews  
C/O Kelly Hancock, Esq.  
Fax: 954-763-8292

Joel Cantor, Esq.  
City of Hollywood Police Department  
Fax: 954-967-4493

EXHIBIT D

LAW OFFICES

**KRUPNICK CAMPBELL MALONE  
BUSER SLAMA HANCOCK LIBERMAN & McKEE**

A PROFESSIONAL ASSOCIATION



JON E. KRUPNICK\*  
WALTER G. CAMPBELL, JR.\*†  
KEVIN A. MALONE\*  
THOMAS E. BUSER\*  
JOSEPH J. SLAMA\*  
KELLY D. HANCOCK\*\*\*†‡  
SCOTT S. LIBERMAN  
ROBERT J. MCKEE  
LOUIS R. BATTISTA\*  
IVAN F. CABRERA†  
KELLEY B. STEWART††  
MICHAEL J. RYAN  
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NICK S. DAVITIAN†  
JACQUELYN S. HOLDEN\*\*\*†††  
SEAN F. THOMPSON  
MARK GIULIANI

\* BOARD CERTIFIED CIVIL TRIAL LAWYER  
\*\* ADMITTED IN NY ONLY  
\*\*\* ADMITTED IN NY  
† ADMITTED IN DISTRICT OF COLUMBIA  
†† ADMITTED IN NORTH CAROLINA  
††† ADMITTED IN CONNECTICUT  
‡ ADMITTED IN WASHINGTON

April 21, 2010

Thomas R. Julin, Esquire  
Hunton & Williams  
1111 Brickell Avenue  
Suite 2500  
Miami, FL 33131

Michael Satz, Esquire  
State Attorney for 17<sup>th</sup> Circuit  
201 SE 6 Street  
Fort Lauderdale, FL 33301

Chadwick Wagner  
Chief of Police  
c/o Joel Cantor, Esq.  
3250 Hollywood Blvd.  
Hollywood, FL 33021

Gentlemen:

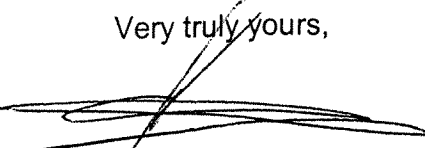
Please be advised that I do not and have never represented Joseph Matthews.

Mr. Matthews has not retained our law firm to represent him or assist him in any matter, and more particularly in a request and inspection of a manuscript he prepared in the Adam Walsh case.

I am sure you are aware of how to get in contact with Mr. Matthews if you are requesting any information or documentation he may have in this case.

If you have any questions, please do not hesitate to contact me at your earliest convenience.

Very truly yours,

  
KELLY D. HANCOCK

KDH/pa



EXHIBIT E



**MICHAEL J. SATZ  
STATE ATTORNEY**

SEVENTEENTH JUDICIAL CIRCUIT OF FLORIDA

BROWARD COUNTY COURTHOUSE

201 S.E. SIXTH STREET

FORT LAUDERDALE, FLORIDA 33301-3360

PHONE (954) 831-6955

April 26, 2010

Mr. Joseph Matthews

Re: Public Records Request for Joe Matthews' Adam Walsh Report

Dear Mr. Matthews:

This correspondence is in reference to a request by Mr. Thomas Julin, Esq. on behalf of Mr. Willis Morgan for "inspection and copying of the manuscript or report..." prepared by you regarding your work on the Adam Walsh homicide. The request by Mr. Julin, made pursuant to Chapter 119, Florida Statutes is entitled "Public Records Request for Joe Matthews' Adam Walsh Report," and is attached hereto for your review.

Our office is not in possession of the manuscript or report. We therefore request that pursuant to Chapter 119, Florida Statutes, you make the subject manuscript or report available for inspection by Mr. Julin, at a time and place coordinated by you or your legal representative and Mr. Julin.

It is our understanding that Mr. Kelly Hancock, Esq., no longer represents you in this matter. Therefore, if you have retained other counsel, please advise them of your receipt of this letter. Should you or your legal representative wish to contact our office, please call 954-831-7913 so that we may discuss this matter if necessary.

Sincerely,

*Janice Williams*  
Janice N. Williams  
Public Records Custodian

CC: Kelly Hancock, Esq.  
Krupnick Campbell et al  
12 SE 7<sup>th</sup> Street Suite 801  
Fort Lauderdale, FL 33301

Joel Cantor, Esq., Police Legal Advisor  
City of Hollywood Police Department  
3250 Hollywood Boulevard  
Hollywood, FL 33021

Howard C Forman  
Clerk of the Court  
Broward County

Transaction Number: 20101YE1V000433  
20101YE1V000433 06/01/2010 13:48:39  
CACE10023089 001 D1  
Plaintiff: Morgan, Willis  
Defendant: Wagner, Chadwick E  
Judge: Rodriguez-Powell, Mily  
Division: 03  
Payer: Julin, Thomas Richard

	CCIDALI1
400 FILING FEE REG	401.00
438 ISSUE SUMMONS	30.00
20101YE1V000433 Total:	431.00

Business Check: 431.00  
Change: 0.00  
Filing Fees are Non-refundable  
Our goal is excellence