

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,

Supreme Court Case
No. SC-

Complainant,

The Florida Bar File
No. 2015-30,225 (9F)

v.

JOSEPH RYAN WILL,

Respondent.

CONDITIONAL GUILTY PLEA FOR CONSENT JUDOMENT

COMES NOW, the undersigned respondent, Joseph Ryan Will, and files this Conditional Guilty Plea 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, subject to the jurisdiction of the Supreme Court of Florida.
2. Respondent is currently the subject of a Florida Bar disciplinary matter, which has been assigned The Florida Bar File No. 2015-30,225 (9F).
3. As to The Florida Bar File No. 2015-30,225 (9F), there has been a finding of probable cause by the Ninth Judicial Circuit Grievance Committee "F."
4. 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.

5. The disciplinary measures to be imposed upon respondent are as follows:

- A. Public reprimand to be administered by publication.**
- B. Payment of the Bar's costs.**

6. 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 is employed as an assistant state attorney and was the prosecutor in the criminal trial of Jerry Crew.**
- B. The Fifth District Court of Appeal reversed the conviction of Mr. Crew and remanded the case for a new trial. The respondent made an improper argument and statements in the closing argument, which were a partial basis for the reversal.**
- C. The court found the respondent mischaracterized the testimony of a witness concerning whether Mr. Crew was aware in advance of a plan to rob the victim and intended to share in the robbery proceeds. Respondent was also the prosecutor in the related case against Mr. Crew's co-defendant. The same witness testified in both cases. In the co-defendant's case, the witness testified that Mr. Crew had advance knowledge of the robbery plan and was to share in the robbery proceeds. In**

Mr. Crew's trial, however, respondent failed to elicit the same testimony from the witness. Yet respondent incorrectly made references during his closing argument regarding the witness' testimony. This was an oversight by respondent and was not intended to be false or misleading.

D. The court also found the respondent made demeaning and ridiculing personal attacks on Mr. Crew during his closing argument. Specifically, respondent repeatedly referred to Mr. Crew as a "crackhead" and characterized Mr. Crew as lacking in morals.

E. The court further found the respondent disparaged opposing counsel's theory of defense and improperly sought to have the jury show sympathy for the victim.

F. Wherefore, by reason of the foregoing, respondent violated the following Rules Regulating The Florida Bar:

G. 4-1.3 A lawyer shall act with reasonable diligence and promptness in representing a client.

H. 4-8.4(d) A lawyer shall not engage in conduct in connection with the practice of law that is prejudicial to the administration of justice, including to knowingly, or through callous indifference, disparage, humiliate, or discriminate against litigants, jurors, witnesses, court personnel, or other lawyers on any basis,

including, but not limited to, on account of race, ethnicity, gender, religion, national origin, disability, marital status, sexual orientation, age, socioeconomic status, employment, or physical characteristic.

7. The Florida Bar has approved this proposed plea in the manner required by Rule 3-7.9.

8. 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.

9. 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 \$2,087.09. 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.

10. 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 or restitution will reflect adversely on any other bar disciplinary matter in which respondent is involved.

11. If this plea is approved, and restitution is owed, if the person to whom restitution is owed cannot be located after a diligent search, respondent shall execute an affidavit of diligent search and provide same to The Florida Bar and shall pay the full amount of the restitution to the Clients' Security Fund of The Florida Bar within 30 days of the date of the affidavit of diligent search.

12. This Conditional Guilty Plea for Consent Judgment fully complies with all requirements of the Rules Regulating The Florida Bar.

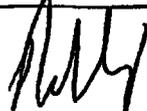
13. In mitigation, (a) respondent has no prior disciplinary history (Florida Standard for Imposing Lawyer Sanctions 9.32(a)); (b) respondent tried two (2) cases against the co-defendant and Mr. Crew in fairly short succession and merely overlooked the fact that he failed to elicit the same testimony from the witness in both cases on a specific key point in Mr. Crew's case, which was tried second (9.31); (c) respondent made full and

free disclosure to the Bar and grievance committee and was cooperative with those proceedings (9.32(e)); (d) respondent has accepted responsibility for his errors in closing argument and is remorseful (9.32(l)); and (e) other penalties and sanctions have been imposed upon respondent, including the opinion of the Fifth District Court of Appeal reversing the conviction obtained by respondent and remanding the case for a new trial, as well as the publication of the reversal in both local and national news media (9.32(k)).



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Dated this 19th day of November, 2015.



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Dated this 19th day of November, 2015.

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Dated this 19th day of November, 2015.

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Dated this 23 day of November, 2015.