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March 10, 2023

Hon. Zachary James
Richard E. Gerstein Justice Bldg.
1351 N.W. 12th, St., REG 415
Miami, FL 33125

By Email to: zjames@jud11.flcourts.org

Dear Judge James,

The American Association of Jewish Lawyers & Jurists (AAJLJ) is the voluntary bar association of American Jewish lawyers and judges. We are a national nonprofit association that represents the American Jewish legal community on legal issues that affect, and are of importance to, the community, including; freedom of religion, civil rights, human rights, access to justice, social justice, and defense of the rule of law. The Association also advocates upon and defends against matters affecting the global Jewish community such as antisemitism in the workplace, on college campuses or in public.

I have reviewed two transcripts of proceedings before your court dated December 20, 2022, and December 22, 2022. In the first, a defendant's mother recounted that her son's lawyer, Joseph Klock of Rasco, Klock, Perez, Nieto, had stated that her son was unable to receive a fair hearing before yourself because you are Jewish and her son is black. You gave Mr. Klock ample opportunity to deny or explain himself and he chose to remain silent.

Two days later, Your Honor exhibited what can only be described as a masterclass in grace, the dialogue of co-existence, and, above all, judgment. Not only did you rightly point out that Mr. Klock's ostensible outrageous antisemitism is untrue, but it is grounded in the language of ignorance, especially as it ignores the years of common struggle and mutuality of assistance between the black and Jewish communities.

Your Honor gave one of the most dignified speeches in the face of seemingly abhorrent racism but, most importantly, you ensured that justice was both done and seen to be done. When confronted with such a scenario, there are

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many paths that the Court could have taken, and one could envisage a judge having retained the case to teach apparently antisemitic counsel a lesson. However, your decision to not run the slightest risk of prejudicing the defendant, because of the continued representation by his counsel, was without doubt, the correct one.

As the Court is aware, over the past few years there has been a surge in antisemitic incidents on the street, in the workplace and on campuses. Particularly with the likes of Kanye West, there is a demonstrably false narrative being perpetrated of historic prejudice against the black community by Jews. The transcripts of the proceedings should be published to the judiciary and to law schools nationwide for the dual purpose of dispelling this vile and vicious falsehood but also to teach us all how to handle lawyers like Joseph Klock.

One trusts the Professionalism Panel of the Eleventh Circuit of Florida has been apprised of these events, and that the Chief Judge has informed your brother and sister judges of their power to decline to hear or see Joseph Klock in their courtrooms. Similarly, the Chief Judge may choose to inform Ramon Rasco, managing partner of Klock Rasco, of these events.

On a personal level, I have been on the other side of antisemitic remarks from the bench and either had to absorb the blow or deflect with humor for fear that it would prejudice my client. In my career, which spans multiple jurisdictions, I have never seen antisemitism so blatantly, brazenly and unapologetically directed at a judge.

It is the trust between lawyers and jurists that allows our system to function. We must be assured that we are all pulling in the same direction and share common values of fairness, honesty and justice. When we encounter those that harm the integrity of the Bar, it is incumbent upon ourselves to excise bad actors and stand up in support of Your Honor.

Your words and actions are a credit to the judiciary, the profession and to the Jewish community. If we at the AAJLJ can be of any assistance, we are ready to serve.

Yours sincerely,



Robert Garson
President

cc: Chief Judge Nushin G. Sayfie, Joseph Klock

IN THE COUNTY COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

CRIMINAL COURT DIVISION
CASE NO.: F05-34175
JUDGE: ZACHARY JAMES

STATE OF FLORIDA

Plaintiff,

v.

SAHDI CUNNINGHAM,

Defendant.

_____ /

The above-entitled cause came on for hearing pursuant to Notice before Honorable Zachary James, Judge of the above-styled court, at the Richard E. Gerstein Justice Building, 1351 N.W. 12th Street, Miami, Florida 33125, on Tuesday, December 20, 2022, commencing at 9:48 a.m.

APPEARANCES:

HONORABLE ZACHARY JAMES
CIRCUIT COURT JUDGE
Richard E. Gerstein Justice Building
1351 N.W. 12th Street
Miami, Florida 33125
(305) 548-5718

On Behalf of the State:

KATHERINE FERNANDEZ-RUNDLE, STATE ATTORNEY
BY: TIFFANY FINGER, ASSISTANT STATE ATTORNEY
1350 N.W. 12th Avenue
Miami, Florida 33136-2111
(305) 547-0100

On Behalf of the Defendant:

RASCO, KLOCK, PEREZ, NIETO
BY: JOSEPH P. KLOCK, JUNIOR, ESQUIRE
2555 Ponce de Leon Boulevard, Suite 600
Coral Gables, Florida 33134-6019
(305) 476-7111
(305) 675-7707 Facsimile

ALSO PRESENT:

ROBIN CUNNINGHAM, DEFENDANT'S MOTHER

I N D E X

<u>WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RE CROSS</u>
NONE				

E X H I B I T S

	<u>IDENTIFIED</u>	<u>RECEIVED</u>
<u>State's</u>		
NONE		
<u>Defendant's</u>		
NONE		

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P R O C E E D I N G S

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(9:48 a.m.)

JUDGE JAMES: On page seven, Sadhi Cunningham.

CORRECTIONS: He's currently in the box.

JUDGE JAMES: All right. Present here in the box.

MR. KLOCK: Good morning, Judge. Joe Klock here as well.

MS. FINGER: Tiffany Finger on behalf of the State. Judge, we have two motions pending before the Court. One is a pro se motion from the Defendant. The other is a motion to withdraw from Defense counsel.

JUDGE JAMES: Okay. Madam Clerk, can you just tell me at the last hearing that we were at we addressed the pro se motion. Was it not adopted?

MS. FINGER: It wasn't addressed because the Defendant wasn't brought and counsel wanted him to be.

I don't think Your Honor asked if it was adopted because he was withdrawing.

THE CLERK: It was not adopted.

JUDGE JAMES: Does it say one way or another or it just doesn't say at all?

THE CLERK: No, it says adopted by the Defense.

There was a motion, probation hearing filed. It just says the same thing that the State just stated. We were

1 waiting for the Defendant to be present to address the
2 withdrawal of counsel. And the pro se motion and
3 disqualification or recusal, was filed (indiscernible
4 words) pro se motion denied, not adopted by Defense.

5 MS. FINGER: State then, Judge.

6 JUDGE JAMES: I thought Mr. Clark did indicate that
7 he wasn't adopting it.

8 MS. FINGER: I stand corrected. My apologies.

9 JUDGE JAMES: That it was premature at that time
10 because they may seek to recuse me at some later time,
11 but he wasn't adopting the pro se motion.

12 MS. FINGER: Oh, no, Judge. This one wasn't for
13 recusal. This was a motion that has several grounds. He
14 says he's being unlawfully detained on a legally expired
15 case. He's been denied the right to discovery. He does
16 mention recusal. He says the prosecutor assisted by
17 altering the warrant.

18 JUDGE JAMES: What's the date of the one that you're
19 looking at?

20 MS. FINGER: Yes, Judge. Those are just my notes from
21 it, but I can tell you right now.

22 JUDGE JAMES: The one that has various requests I
23 believe is the one that -- What was the last date that we
24 were here?

25 MS. FINGER: It was filed for record December 5th.

1 THE CLERK: This is the new one that I have, Judge.
2 The one that was not adopted was filed on 11/15.

3 JUDGE JAMES: Right, okay. So the one that wasn't
4 adopted was filed 11/15, but now we have the one for
5 December 5th and that one remains pending.

6 THE CLERK: Correct. Do you have it, Judge?

7 JUDGE JAMES: This one, yes. That says notice
8 attention on the top?

9 THE CLERK: Yes.

10 JUDGE JAMES: Yes. All right. Let me just take a look
11 at that. Okay. So this is the one that has various
12 requests in the relief sought section.

13 MS. FINGER: It says he wants his lawyer to --

14 JUDGE JAMES: Including he wants equal protection, he
15 wants his lawyer to stop neglecting to appeal the denial
16 of this motion, he wants the lawyer to recognize failure
17 to exhaust appellate remedies, leaves his right to
18 liberty and due process prejudice, he wants immediate
19 release from unlawful imprisonment and so on. I assume
20 that he's also seeking a recusal at some point in this as
21 well?

22 MS. FINGER: Yes, it's a small part. But also within
23 that motion he says himself that it should be a petition
24 for writ of habeas corpus and it should be filed with the
25 Supreme Court. So I have no idea why he's not going that

1 route, why he's filing it here and not filing that sort
2 of petition as he says is the actually appropriate
3 record.

4 JUDGE JAMES: Okay. And in the meantime, we also have
5 a motion to withdraw as counsel filed by Mr. Klock that
6 was filed December 12th, but we reset it for today when
7 Mr. Cunningham wasn't here so that Mr. Cunningham could
8 be heard on that.

9 In the meantime, Mr. Klock, I received a call
10 yesterday from Judge Wolfson that you called her
11 addressing some complaints or concerns in this case as
12 well.

13 MR. KLOCK: Judge, this is long concerned about.
14 Okay? Because of what he has put in this last thing,
15 which takes precedence over my motion to withdraw he
16 basically makes you a witness. Now I assume that are no
17 grounds, but that's what it says.

18 So when I look at this thing on the face of it it
19 seems what is adequate for you to recuse yourself. I
20 don't like to get involved in a case where I have to call
21 a circuit judge. I've never called a circuit judge as a
22 witness and I'm not going to start after 49 years of
23 practice.

24 So my problem is I look at this thing. A lot of the
25 motion has nothing to do with this Court, but what's at

1 the bottom of page one and what's at the top of page
2 three definitely constitutes allegations that I think
3 would require you to recuse yourself.

4 But, you know, I think I have obligations to raise
5 that and then once I raise that I'd like you to move to
6 my motion to withdraw.

7 This case is impossible, Judge. I not only have Mr.
8 Cunningham who is smarter than everybody in the State,
9 but his mother as well harassing me and my staff.

10 I have spent hundreds of hours on this case. I think
11 it's very meritorious. The State's position is oh, he
12 committed a probation violation while he was up there.

13 They simply ignore the fact that no warrant was ever
14 delivered to anybody. It sat in a file that the State
15 sent papers up to Ohio that say that they're certifying
16 as having been in the file and it's an unsigned warrant,
17 Judge, dated in 2014 --

18 JUDGE JAMES: I am very familiar with these issues.
19 We've litigated it a few times. We've actually had an
20 evidentiary hearing that was scheduled that I spent
21 several hours preparing for that didn't go forward due to
22 failure to appear for that. So I understand the issues.

23 I'm not quite sure what you're asking to do today.
24 Are you still seeking to withdraw as counsel today?

25 MR. KLOCK: Absolutely.

1 JUDGE JAMES: Okay. So, Mr. Cunningham, good morning.

2 MR. CUNNINGHAM: Good morning.

3 JUDGE JAMES: All right. Your attorney is seeking to
4 withdraw as counsel. What's your position on that? Are
5 you agreeing to that or are you objecting to him
6 withdrawing as your counsel?

7 MR. CUNNINGHAM: I'm objecting. Mr. Klock was paid to
8 find me remedy through habeas corpus or litigated in a
9 higher courts. Because we knew this Court's stance
10 already.

11 When he was paid, hired on as my attorney, he knew
12 your stance, this Court's stance as far as jurisdiction.
13 I'm not going to go into that.

14 Our agreement was for him to get this case in the
15 higher courts and litigated there. For him to do that, he
16 had to initially put in his motion raising these issues
17 and his motion had to be of course denied, which we knew
18 you were going to do. Then he was to appeal it and get to
19 the higher courts.

20 He has said to me and my family numerous of times
21 that's what he was going to do, that's what he was paid
22 to do. That has not happened. I want him to do the job
23 that he was paid to do. We paid this man thousands and
24 thousands of dollars and that's what he was paid to do
25 and he has not done. I want this man to do what he was

1 paid to do.

2 JUDGE JAMES: All right. Mr. Klock, your response?

3 MR. KLOCK: Okay, Judge. First, Judge, talking to Mr.
4 Cunningham is like talking to a wall. Okay? You don't get
5 anywhere.

6 I understand his position, but the way it works in
7 our judicial system there's certain things that have to
8 be in a record before you can take an appeal.

9 While he thinks that anybody in the judicial system
10 can reach down and deal with what he deems as being an
11 improper prosecution. And I agree, Judge, this case is a
12 big problem. It's not going to go away easily.

13 The State's attitude is, oh, well, he committed -
14 It's very complicated. And there's documents that were
15 sent up from the State of Florida that are false
16 documents, Judge, and they've got to be dealt with.

17 But Ms. Finger isn't interested in dealing with that
18 either. So I can't get anywhere with Ms. Finger, I can't
19 get anywhere with Mr. Cunningham. I have retained part of
20 what was paid to me so I can give it back. I just want to
21 get away from this.

22 Judge, when I was a kid there used to be a cartoon
23 and in the cartoon somebody's trying to push away from
24 someone and their hand gets stuck. So you put the other
25 hand out then that gets stuck. And then they do the same

1 thing with both feet. That's what this case is to me.

2 I've spent hundreds of hours in this case, Judge,
3 and I've had it. Obviously, Mr. Cunningham is smarter
4 than everybody. So, therefore, he needs to find someone
5 who's willing to put up with it. I'm not.

6 MS. CUNNINGHAM: Excuse me, Judge. My name is Robin
7 Cunningham. Permission to address the Court?

8 JUDGE JAMES: Are you his mother?

9 MS. CUNNINGHAM: Yes, I am his mother.

10 JUDGE JAMES: Okay. Do you have a video so that we
11 could see you and swear you in if you want to provide
12 testimony?

13 MS. CUNNINGHAM: Okay. I'm trying to figure out how
14 to do it. You said to put my picture in?

15 JUDGE JAMES: If it's possible. If not, we'll still
16 hear from you.

17 MS. CUNNINGHAM: Okay. Can you see me now?

18 JUDGE JAMES: Yes, I see you. Good morning.

19 MS. CUNNINGHAM: Good morning. With everything that
20 has been said this morning, I have several e-mails where
21 Mr. Klock on numerous occasions threatened to resign from
22 the case.

23 I also have information where I'm asking him -- I
24 traveled to Florida in August to see Mr. Klock because he
25 would not go see my son. I have tons of e-mails where I

1 plead with him to communicate with my son. I pleaded with
2 him to go see him.

3 He finally went on October 24th, but my son couldn't
4 bring his paperwork, so he didn't show up. He didn't come
5 down. But from August to October he's had no knowledge of
6 what's going on.

7 I've had surgery on my eyes. I told Mr. Klock, well
8 his paralegal, because that only one that will
9 communicate. She doesn't give legal advice, she just
10 passes information along.

11 I also have an e-mail that's stating when I asked
12 Mr. Klock why did he tell me that he confirmed this in
13 the e-mail. I asked him why did he tell me when I came to
14 Florida that my son would never get a fair trial in front
15 of you because you've taken it personal.

16 He also told me that the Jewish judges are against
17 black people. And he told me about you coming from Palm
18 Beach and there was a judge who wanted to be a Federal
19 judge, so they had to send her up there and bring you
20 down there. There are some other things that I won't say
21 in open court. I --

22 JUDGE JAMES: I missed the last thing about what
23 happened in Palm Beach?

24 MS. CUNNINGHAM: So he said that the reason that
25 you're on this court circuit is because there was a judge

1 in Miami who wanted to be a Federal judge or something,
2 so that judge went there, you came here.

3 He said that you want to be a Federal judge, you
4 would become a Federal judge over his broke --I won't say
5 the word. I asked him in an e-mail why did he tell me all
6 of these things.

7 I have an e-mail where he responded saying that's
8 before I realized that you were a hazard to your son. He
9 confirmed that all of these things I'm saying. I can
10 provide you e-mails and other information.

11 So I haven't even shared this information with my
12 son because I didn't want him to be terrified. Mr. Klock
13 makes appointments and doesn't keep them. My son hasn't
14 had any contact with him since August.

15 I have tons of e-mails where I pleaded with him to
16 go talk to him so that he wouldn't file papers because he
17 didn't know what he was doing as well when I have
18 retained Mr. Klock.

19 I have the e-mails stating that this case on our end
20 was not about the probation violation, it was about the
21 loss of jurisdiction and if he took this case this is
22 what it would be about. He confirmed that also. I have
23 e-mails that I can provide to the Court.

24 I just had eye surgery, that's why it's not there. I
25 get heart surgery next month. I have been so stressed

1 out, begging Mr. Klock. I'm not saying he's a bad person,
2 but begging him. He says one thing.

3 I have information where he said that he was going
4 to recuse you. Even on the last court date we had, he
5 said he would never recuse a judge, but it's in the
6 transcripts because he said that.

7 He said that you would be called a potential
8 witness. I don't know what that means, recusing, but he
9 has verbally stated to me that that was the way to go.

10 So it's very conflicting in what he's saying now.
11 But I can provide and I will get some help with printing
12 all of this and send it to the Court. All of my responses
13 and what I say to validate the responses from him to what
14 I'm asking questions.

15 So it has been very confusing on my part and
16 especially my son because I can't tell him this stuff on
17 the telephone, so he doesn't know what's going on.

18 So that's why he starts to write papers and
19 everything because the lawyer doesn't give him anything.
20 The first set of documents that my son ever received were
21 the ones that was given in the last court date.

22 Other than that an information that my son has
23 received I've had to fly to Miami, get a court, the thing
24 where you put in a request to see the files and then mail
25 stuff to my son. He doesn't have anything other than what

1 was just given to him. So it's no wonder that he files
2 different papers.

3 Then I asked Mr. Klock specifically in the e-mail
4 why did you tell me all of these crazy things. It makes
5 no sense saying that the judge was this and your son's
6 never going to get a fair trial.

7 All of this stuff in front of this judge. His
8 statement, this is coming from his e-mail saying this is
9 before I knew that you were a hazard to your son's
10 health. So it's very confusing and it's very stressful.

11 I get heart surgery next month. I've been in and out
12 the hospital because my blood pressure is so high dealing
13 with all of this.

14 JUDGE JAMES: All right. Well I'm sorry to hear about
15 all your health issues. So I hope that you are able to
16 feel better and to address any of the health issues and
17 have a full recovery.

18 MS. CUNNINGHAM: Yes, Sir.

19 JUDGE JAMES: As far as what we're here for today,
20 one of the issues is that Mr. Klock, who is retained to
21 represent your son, is now seeking to withdraw as
22 counsel.

23 So let me ask our clerk, was the PD ever appointed
24 in this case?

25 THE CLERK: Yes, Your Honor.

1 JUDGE JAMES: It was, okay.

2 THE CLERK: Ms. Centofanti represented him.

3 JUDGE JAMES: What's that?

4 THE CLERK: Ms. Centofanti represented him.

5 JUDGE JAMES: Centofanti, nice to see you.

6 MS. CENTOFANTI: Hi, Judge. How are you?

7 JUDGE JAMES: How's everything going?

8 MS. CENTOFANTI: Good, good. Thank you, Judge.

9 JUDGE JAMES: Are you here for this case?

10 MS. CENTOFANTI: No, I am not, Judge.

11 JUDGE JAMES: Just coincidentally you're here?

12 MS. CENTOFANTI: Yes, Judge. I'm here for Mr. Arias.

13 He was to be put on calendar by his juvi probation

14 officer.

15 JUDGE JAMES: Got you. Okay, all right. Nice to see

16 you. We'll address Mr. Arias shortly I'm sure.

17 MS. CENTOFANTI: Thank you, Judge.

18 JUDGE JAMES: Okay. Well, Mr. Klock, did you want to

19 address anything?

20 MR. KLOCK: Judge, mostly it's just nonsense. But I

21 will address this. I did tell her and I told him that I

22 do not think that he will get a fair trial in front you.

23 I will confirm that I did it. The rest of it is just

24 nonsense.

25 But the fact of the matter is, Judge, that it's

1 clear that --

2 JUDGE JAMES: Well, let's stop there. Because that's
3 a pretty bold statement that brings into question
4 professionalism concerns on your behalf. So what record
5 would you like to lay with respect to that assertion,
6 sir?

7 MR. KLOCK: I'm sorry, Judge. Did you ask me to
8 respond to something?

9 JUDGE JAMES: Yes, I did. You just said that you did
10 tell the family that they wouldn't get a fair hearing in
11 front of me and that raises professionalism concerns.

12 MR. KLOCK: Professionalism concerns, Judge?

13 JUDGE JAMES: -- and various canons of ethics.

14 MR. KLOCK: I'm allowed to indicate to a client that
15 I think the judge isn't going to be fair. That's
16 unprofessional?

17 JUDGE JAMES: There's certainly questions that are
18 raised. So what record would you like to lay on that?
19 Does it have anything to do with your failure to appear
20 for an evidentiary hearing that you set? Again, for the
21 record, an evidentiary --

22 MR. KLOCK: In part, yes, Judge.

23 JUDGE JAMES: -- an evidentiary hearing was scheduled
24 in this case.

25 MR. KLOCK: No, what you did, Judge --

1 JUDGE JAMES: State, Ms. Finger, you were ready for
2 that hearing, right?

3 MS. FINGER: Yes, Your Honor.

4 MR. KLOCK: Your Honor, what you did was you
5 dismissed it for lack of prosecution.

6 JUDGE JAMES: And at that hearing Defense counsel
7 failed to appear. We reached out numerous times to try to
8 reach Mr. Klock. We were unable to do so. We reached out
9 numerous times by e-mail, phone call, and we just
10 couldn't get a hold of Mr. Klock who failed to appear for
11 an evidentiary hearing on a motion that he filed himself.

12 So I'm not sure if that's the concern that you have
13 about --

14 MR. KLOCK: Well, Judge, let me address that concern.
15 Because I was set for trial that week before another
16 court in the civil division. I communicated with your
17 office about that. I moved the hearing for the reason and
18 when your office was reaching out --

19 JUDGE JAMES: Well, Mr. Klock, let me just make sure
20 that --

21 MR. KLOCK: -- to me I was in Court.

22 JUDGE JAMES: So you're representing to the Court now
23 that before the evidentiary hearing you reached out to
24 the Court to advise that you were not going to be able to
25 make the evidentiary hearing?

1 MR. KLOCK: No, Judge, that's not what I said. What I
2 said was I had moved the evidentiary hearing to that day
3 because I thought the trial would be over. It wasn't
4 over. When your office was reaching out to my office to
5 get me I wasn't there because I was in court. I was --

6 JUDGE JAMES: So you never reached out to either the
7 State or the chambers while we were waiting for the
8 evidentiary hearing to start --

9 MR. KLOCK: No, Judge. Once Your Honor --

10 JUDGE JAMES: -- and we were supposed to know that
11 you were somewhere else without you letting us know?
12 Isn't that an issue of professionalism, sir? Shouldn't
13 you let us know if you're not going to be able to make an
14 evidentiary hearing?

15 MR. KLOCK: Judge, you dismissed that motion for lack
16 of prosecution. I've never heard of such a thing. I can't
17 find it in the rules, I can't find it in the case books
18 in a criminal case.

19 Then when you finally issued an order later in the
20 month even though you had already ruled on it, you ruled
21 on a different basis. I do not think he can --

22 JUDGE JAMES: Okay, all right. So you're not
23 disputing that you didn't show up to a hearing that you
24 scheduled, an evidentiary hearing that the Court and the
25 State were ready for? You never sought rehearing or

1 reconsideration. I think instead you reached out to Judge
2 Wolfson on that one as well, right?

3 MR. KLOCK: I didn't catch that, Judge.

4 JUDGE JAMES: All right, nevermind. All right. Any
5 response to the assertion that you told Mr. Cunningham
6 and/or his family that Jewish judges don't like black
7 defendants? No response? Okay. All right.

8 Let's go ahead and pass this case and we'll come
9 back to it a little bit later in the calendar.

10 (Whereupon, other cases were heard.)

11 (11:21 a.m.)

12 JUDGE JAMES: Okay. So let's recall Sadhi Cunningham
13 on page seven.

14 MS. SANFORD: I'm sorry, what were the dates for
15 that?

16 JUDGE JAMES: 3/1, 3/13 for the last case.

17 MS SANFORD: Thank you.

18 JUDGE JAMES: Okay. I don't know, is Ms. Cunningham
19 on, Mr. Cunningham's mother, are you still there?

20 MR. KLOCK: She was, Judge.

21 MS. CUNNINGHAM: Yes, Sir, Your Honor. I am here,
22 Sir.

23 JUDGE JAMES: Okay, all right. I just wanted to make
24 sure that you knew that we were readdressing the case at
25 this time. Okay? Okay. So, Ms. Finger, anything from you

1 at this time?

2 MS. FINGER: No, Your Honor.

3 JUDGE JAMES: All right. Mr. Klock, anything from you
4 at this time?

5 MR. KLOCK: No, Sir. I think that we've laid an
6 adequate predicate to withdraw because of irreconcilable
7 differences.

8 JUDGE JAMES: All right.

9 MR. KLOCK: That's the motion we're here on.

10 JUDGE JAMES: Ms. Cunningham?

11 MS. CUNNINGHAM: Yes, Sir.

12 JUDGE JAMES: All right. You had the opportunity to
13 address the Court. I know you had various documents that
14 you said you wanted to share with the Court. That's
15 completely up to you if you want to do that.

16 MS. CUNNINGHAM: Okay.

17 JUDGE JAMES: Just be aware that if you do share
18 anything with the Court that I would have to share all of
19 that with the attorneys as well. I can't look at anything
20 that's submitted --

21 MS. CUNNINGHAM: Yes, yes, Sir.

22 JUDGE JAMES: -- by anybody that doesn't get shared
23 with the attorneys both for the Defendant, your son, as
24 well as the prosecutor. Okay? So just make sure that
25 you're aware of that.

1 Anything that you do send to the Court you should
2 copy the prosecutor and the defense attorney on as well
3 if you decide to do that. Okay?

4 MS. CUNNINGHAM: I will. Mr. Klock already has the e-
5 mails because he's the one responding, but, yes, Sir.

6 JUDGE JAMES: Okay, all right. So at this time the
7 Court is going to take all matters under advisement.
8 We'll reset this matter for this Friday morning.

9 MS. FINGER: Judge, I won't be here Friday.

10 JUDGE JAMES: Okay. Let's shoot for Thursday then.

11 MS. FINGER: Thank you.

12 JUDGE JAMES: Okay, you got it. All right. So reset
13 to 12/22.

14 MR. KLOCK: Judge, may I check my calendar?

15 JUDGE JAMES: Go ahead.

16 MR. KLOCK: The only thing I have is a sounding in
17 front of Judge Delancy and that's at 9:30 as well. So if
18 we were at the end of your calendar it's no problem.

19 JUDGE JAMES: I'll see you on Thursday morning then.

20 MR. KLOCK: And, Judge, the other thing I think would
21 be good for you to mention to Ms. Cunningham is that
22 anything that she provides to the State and to you and to
23 me to the extent that it involves legal strategy and that
24 kind of thing she's imperiling her son's case. Not that I
25 think that would make a difference to her.

1 MS. CUNNINGHAM: I am not going to respond to Mr.
2 Klock because that type of behavior is just unacceptable.
3 I don't want to do anything to hurt my son, it's just
4 that I'm very confused about Mr. Klock. He says things
5 and then he scares people like saying my son, I already
6 said what I had to say, can't get a fair trial there and
7 that, you know, just all of these things.

8 Then he'll turn around now he just said in open
9 court that talking to my son is like a brick wall. He
10 said all of these negative things in a courtroom where
11 his case was supposed to be heard.

12 Mr. Klock just said this this morning that talking
13 to my son is like talking to a brick wall and it's all on
14 the transcript. I'm sure it was taken this morning. Other
15 negative things he says this in open court in regards to
16 someone he's supposed to be defending in a courtroom. And
17 that's very negative.

18 I would assume and just basic common sense you're
19 saying negative things about him to the judge and to the
20 prosecutor the very person that you're supposed to be
21 defending. I don't have to repeat it verbatim because
22 it's all in the transcripts now.

23 So I'm just really confused. He says things to me
24 and all kind of things regarding the Court and black
25 people and this and that and the other and then he sits

1 there and says that he would never think of recusing a
2 judge, but I have an e-mail where we talked about it and
3 then he turns around and says, well let's wait, that's
4 for another task because recusing the judge can be very
5 sticky.

6 So he's contradicting himself. These are e-mails
7 that he's responding to me in. So I don't know how he's
8 going to sit up there and say one thing and then do
9 another.

10 MR. KLOCK: Okay. Judge, just so we are clear on this
11 point. I have moved to disqualify judges in the past.
12 What I have indicated is that what I did not want to do
13 was to list a judge on a witness list and haven't done
14 that. Okay?

15 I was trying to avoid doing that. That is a
16 different issue than recusing a judge. I have recused a
17 judge in the past.

18 MS. CUNNINGHAM: Mr. Klock, in our last court date
19 you said to the judge and the judge then said it this
20 morning that you stated that he might be a potential
21 witness. You're contradicting yourself. You just stated
22 that this morning.

23 It's on record from the last court date that you
24 said that he might be a potential witness. The judge said
25 that also this morning. So you're contradicting yourself

1 yet again.

2 MR. KLOCK: Judge, do you understand?

3 JUDGE JAMES: Do I understand what?

4 MR. KLOCK: I mean, Judge, what I said was I did not
5 want to list a judge on a witness list. That has nothing
6 to do --

7 JUDGE JAMES: Well nevertheless the record speaks for
8 itself. That's why we record things.

9 MS. CUNNINGHAM: Exactly.

10 JUDGE JAMES: So anybody who wants to hear what
11 happened can just get the audio and the transcript, which
12 I'll be doing of today's hearing.

13 MR. KLOCK: Well, Judge, this is - Okay. That's fine.
14 I'm not going to --

15 JUDGE JAMES: Okay. So we'll see you all on Thursday.

16 MS. CUNNINGHAM: Yes, Sir, and the last - Okay.

17 JUDGE JAMES: All right. Thank you. Take care.

18 MS. CUNNINGHAM: Yes. Okay. Thank you, thank you.

19 MS. FINGER: Judge, just so you know I do have one
20 case in another division that day, but I'll be back.

21 JUDGE JAMES: Okay. No problem.

22 MR. KLOCK: Is that Ms. Finger?

23 JUDGE JAMES: All right. So I think we're all set for
24 today. Okay. We're adjourned. Thank you.

25 (Whereupon, at 11:28 a.m. the proceedings were

1 concluded.)

REPORTER'S CERTIFICATE

I, Joe Vargas, hereby certify that the foregoing transcript consisting of 26 pages, inclusive, is a complete, true, and accurate transcript of the testimony indicated, held on Tuesday, December 20, 2022, at the Richard E. Gerstein Justice Building, 1351 N.W. 12th Street, Miami, Florida 33125, in the matter of State of Florida vs. Sadhi Cunningham, Case Number F05-34175, Judge Zachary James, Requisition Number DPR2304059.

I further certify that this proceeding was reported by Absolute Digital, Inc., and that the foregoing transcript has been prepared by me or under my direction.

Date: 1/3/23



Joe Vargas,
Transcriptionist

IN THE CIRCUIT COURT OF THE.
11TH JUDICIAL CIRCUIT, IN AND
FOR MIAMI-DADE COUNTY, FLORIDA

CRIMINAL COURT DIVISION
CASE NO.: F05-34175
JUDGE ZACHARY JAMES

STATE OF FLORIDA,
Plaintiff,

v.

SAHDI CUNNINGHAM,
Defendant.

The above-entitled case came on for hearing pursuant to Notice before Honorable Zachary James, Judge of the above-styled court, at the Richard E. Gerstein Justice Building, 1351 N.W. 12th Street, Miami, Florida 33125, on Thursday, December 22, 2022.

APPEARANCES:

HONORABLE ZACHARY JAMES
CIRCUIT COURT JUDGE
Richard E. Gerstein Justice Building
1351 Northwest 12th Street
Miami, Florida 33125

On behalf of the State:

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(305) 547-0100

On behalf of the Defendant:

RASCO, KLOCK, PEREZ, NIETO
BY: JOSEPH KLOCK, ESQUIRE
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Coral Gables, Florida 33134-6019
(305) 476-7111

I N D E X

WITNESS

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JUDGE JAMES: Address him at this time. Mr. Cunningham is on page 4 of today's calendar. Ms. Finger is present before the court. Mr. Klock is present before Zoom - before the court, by Zoom. This matter was on calendar just two days ago, on Tuesday, on several separate issues.

Various information came to light on that date and so the court took the matter under advisement until this morning and is prepared to address the matter this morning. I will note, at the outset of this case that I am going to recuse myself.

I am not going to recuse myself based on any of the grounds that are laid out in Mr. Cunningham's pro se motion, but I am going to read into the record prepared remarks that I have that set forth the reasoning that I am going to recuse myself in this case.

As a judge, a member of the bar, and as a human being, I am compelled to address the information that came to light at the last hearing by the defendant's mother. To briefly recap, Ms. Cunningham explained to the court that she was told by Mr. Klock, defense counsel, that her son would not get a fair hearing before me.

1 She went on to detail various statements made to
2 her by Mr. Klock about me. To be clear, I do not know
3 Mr. Klock personally in any way. We have never spoken
4 a word to each other off the record and we never will.

5 Frankly, the court was not greatly concerned
6 about any of the statements ascribed to Mr. Klock by
7 Ms. Cunningham. As judges, our job is to resolve
8 disputes and make difficult decisions, and it is not
9 uncommon for litigants on the losing side of arguments
10 to be upset and try to cast blame.

11 In this very case, Mr. Cunningham alleges that I
12 illegally issued a warrant in March of this year and
13 altered it to appear as though it was issued by
14 another judge in 2017.

15 Of course, none of this is true, but false claims
16 about me filed on a pro se basis by a litigant
17 fighting for his liberty is not necessarily alarming.
18 However, Ms. Cunningham proceeded to explain to the
19 court on Tuesday that Mr. Klock told her that I am
20 Jewish, which is true, and that Jewish judges hate
21 black defendants, which is categorically false and
22 antisemitic.

23 I gave Mr. Klock an opportunity to respond to Ms.
24 Cunningham's allegations. Mr. Klock immediately
25 conceded that he did tell the family that this

1 defendant could not get a fair hearing before me.

2 I then asked him if he wished to respond
3 specifically to the allegation that he told the family
4 the Jewish judges hate black defendants, and Mr. Klock
5 remained silent. Mr. Klock's silence spoke volumes.

6 I have heard nothing from Mr. Klock since the
7 last hearing, with any sort of explanation, let alone
8 any apology. So, let me directly address Mr. Klock's
9 alleged statement that Jewish judges hate black
10 defendants. This is a lie.

11 To Ms. Cunningham, Mr. Cunningham, to our court
12 staff, to the other attorneys that practice in these
13 halls and to all persons who appear before me and the
14 other judges. Please understand that if Mr. Klock did
15 say this, it is a malicious, antisemitic lie.

16 Black people and Jewish people have a dynamic
17 history. Both groups have been oppressed and subject
18 to countless instances of violence and discrimination.
19 I myself am the grandson of a holocaust survivor whose
20 first husband and children were murdered because of
21 their religion.

22 This is not the time and place for a history
23 lesson but there is a great history of allyship and
24 collaboration between black and Jewish people. I
25 actually went to a great event just a few months ago

1 at the Historic Ward Rooming House, discussing and
2 celebrating the relationship between black and Jewish
3 groups.

4 We live in the greatest country in the world, but
5 we must grapple with historic and ongoing racism and
6 antisemitism, and we must speak out when we see it.
7 Antisemitic tropes are proliferating and an attorney's
8 statement to a black defendant's family that Jewish
9 judges hate black defendants is fundamentally false,
10 antisemitic, and extremely dangerous.

11 In addition, such conduct violates rules
12 regulating the Florida Bar. Including rule 4-8.4D,
13 which prohibits a lawyer from engaging in conduct that
14 is prejudicial to the administration of justice,
15 including disparaging court personnel on account of
16 race or religion.

17 And rule 4-8.2A, which prohibits a lawyer from
18 making any statement the lawyer knows to be false or
19 with reckless disregard as to its truth or falsity
20 concerning the qualifications or integrity of a judge.

21 It is incumbent upon a judge to remain calm and
22 neutral, but it is also incumbent upon a judge, and a
23 citizen, to treat all people with equal dignity, equal
24 justice, and equal rights, and to speak out against
25 bigotry.

1 What we say and what we do matters. I have no
2 doubt that the people who work in this courtroom, and
3 who practice before me know that every defendant who
4 appears before me will always be treated fairly and
5 with respect, but this court cannot, in good faith,
6 continue to preside over this case when an attorney is
7 accused of making an antisemitic remark about Jewish
8 judges and does not deny it.

9 For these reasons, I am recusing myself and will
10 ask our clerk, at this time, to reassign this case to
11 another division. Can we get a reassignment at this
12 time?

13 CLERK: Yes, Judge, it's going to be division
14 four.

15 JUDGE JAMES: And which judge is that?

16 CLERK: Judge Pooler.

17 JUDGE JAMES: Great. All right, reset for tomorrow
18 then?

19 CLERK: Yes, Judge.

20 JUDGE JAMES: Reset tomorrow, division four.

21 MS. FINGER: I'm going to be out until the 10th.

22 JUDGE JAMES: All right, do you want to set it
23 then, when you're back?

24 MS. FINGER: I would appreciate that. I have a ton
25 of cases set on the 10th, if we could make it the 11th.

1 JUDGE JAMES: Does that work?

2 CLERK: (Indiscernible).

3 JUDGE JAMES: Okay, all right. Reset January 11th,
4 9:00 a.m., division four. That's all for this case.

5 MR. KLOCK: Your Honor, I move to strike your
6 order as a violation of rule 2. --...

7 JUDGE JAMES: We're all done for today. Okay.

8 MR. KLOCK: No, Judge, I'd like to respond.

9 JUDGE JAMES: We're all set for today, thank you
10 all very much. All right, page...

11 MS. CUNNINGHAM: Your Honor, can I ask one
12 question, please?

13 JUDGE JAMES: Ms. Cunningham, is that you?

14 MS. CUNNINGHAM: Yeah, thank you very much for
15 what you said. It touched my heart. I literally -
16 like, I've never heard that type of compassion from a
17 judge and it makes me feel - I can't even describe how
18 it makes me feel because to hear that and then to all
19 this time be thinking that because of my skin color,
20 my son's skin color, that we weren't going to be
21 treated fairly.

22 But thank you very much, but what I want to ask
23 you now is, with Mr. Klock, he's not on the case
24 anymore and he says that he would give me some of my
25 money back, and I would like to know about that, or do

1 I ask the other judge?

2 JUDGE JAMES: All right, so Ms. Cunningham, thank
3 you for your comments and let me just speak directly
4 to you on the first point.

5 MS. CUNNINGHAM: Okay.

6 JUDGE JAMES: I don't know you at all. I don't
7 really know your son at all either, okay?

8 MS. CUNNINGHAM: Yes sir.

9 JUDGE JAMES: I don't know if you've ever had any
10 interactions with Jewish people in your life. I just
11 don't know that, all right?

12 MS. CUNNINGHAM: I've worked for Jewish people all
13 my life when I lived in Miami, all my life. And all my
14 life, when I lived in Miami, that's who I worked for,
15 and they all treated me well. I worked in high-end
16 investments, and I worked Berry Wittman(phonetic),
17 Jason Gilbert, I've worked with plenty of Jewish
18 people, and all treated me well.

19 The owner of my company where I work at here in
20 Cincinnati is a Jewish person.

21 JUDGE JAMES: All right, well I'm glad that you
22 have had interactions, and positive interactions, with
23 Jewish people. I just want you to know and it was
24 really important for me to address you, your son, and
25 everybody else who works here, and appears everyday

1 before here, that I'm sorry that anybody, if that was
2 said to you about Jewish judges, if that was said, I
3 apologize to you on behalf of the judiciary because
4 that's just simply not true.

5 MS. CUNNINGHAM: I would take a lie detector test
6 anywhere in the United States, anywhere in the world,
7 on everything that I said. God is my witness. I'm a
8 Christian, I'm a God (indiscernible) woman, I don't
9 have a criminal record, and I would go under oath.

10 I would take any lie detector test. That was said
11 to me.

12 JUDGE JAMES: Ms. Cunningham, I have no reason to
13 disbelieve you for anything that you said, and those
14 statements were not denied either. So, I appreciate...

15 MR. KLOCK: Judge, that is not true.

16 JUDGE JAMES: I appreciate your comments...

17 MS. KLOCK: That is a misstatement...

18 JUDGE JAMES: I appreciate your comments, Ms.
19 Cunningham, and as far as the issue with respect to
20 the relationship between you and Mr. Klock, that's
21 something that you're going to have to address with
22 the other judge.

23 MS. CUNNINGHAM: Okay.

24 JUDGE JAMES: As far as whether he's going to stay
25 on the case and as far as whether he's going to be

1 returning any monies, see if you can reach any sort
2 of agreement amongst yourselves, or you'll just have
3 to deal with that separately, all right?

4 MS. CUNNINGHAM: Yes sir.

5 JUDGE JAMES: But I am done with this case at this
6 time, okay?

7 MS. CUNNINGHAM: Thank you, sir.

8 JUDGE JAMES: I wish you all the best.

9 MR. KLOCK: And Judge...

10 MS. CUNNINGHAM: Happy holidays. Thank you.

11 JUDGE JAMES: And happy holidays to you.

12 MS. CUNNINGHAM: Thank you very much.

13 MR. KLOCK: Judge, you can mute me as much as you
14 want to, but your procedure is a completely unfair
15 procedure.

16 JUDGE JAMES: That's fine, Mr. Klock, you can have
17 access to the record with the next judge and you can
18 file any appropriate motions that you want, and I'll
19 proceed with any remedies I believe are appropriate in
20 this case as well, and we're done with this case for
21 today. Thank you.

22 MR. KLOCK: I will as well, Judge.

23 (Whereupon, at 10:14 am, the proceeding was
24 adjourned.)

CERTIFICATE

I, Joe Vargas, hereby certify that the foregoing transcript consisting of pages 1 through 13, inclusive, is a complete, true, and accurate transcript of the testimony indicated, held on December 22, 2022, via Zoom, in the interest of State of Florida, Petitioner vs. Sahdi Cunningham, Respondent. Case Number F05-34175, Judge Zachary James.

I further certify that this proceeding was reported by Absolute Digital Inc., and that the foregoing transcript has been prepared by me or under my direction.

DATE: January 1, 2023



Joe Vargas,
Transcriptionist