



STATE ATTORNEY  
**ANDREW A. BAIN**  
NINTH JUDICIAL CIRCUIT

If the requested records contain any of the following confidential and/or exempt information, it has been redacted or withheld pursuant to applicable law.

- Active Criminal Investigative/Intelligence Information and/or Substance of Confessions, if applicable - F.S. 119.071(2)(c)1/F.S.119.071(2)(e)
- Attorney work product - F.S.119.071(1)(d)
- Autopsy photographs, audio recordings, and video recordings - F.S.406.135(2)
- Bank account, debit and credit card numbers - F.S.119.071(5)(b)
- Body Camera Recordings - F.S.119.071(2)(l)
- CPT reports - F.S.39.202(6) and/or DCF reports - F.S.39.202(1) and 415.107(11) and/or reporter Information - F.S.39.202(5)
- Department of Motor Vehicle Information - F.S.119.0712(2)(b), F.S. 322.142(4) and/or SSN - F.S.119.071(5)(a) - FCIC/NCIC records 943.053(2) - F.S. 943.053(3)
- Fingerprint records - F.S.119.071(5)(g)
- Pre-Sentence Investigation - F.S. 945.10
- Form 52 (Clinical Record) - F.S.394.4615(1) and/or medical information - F.S.119.07(1) and/or EMS Records - F.S.401.30(4) and/or Forensic behavioral health evaluations - F.S. 916.1065
- Homicide Witness - F.S.119.071(2)(m)
- Identifying Information of Confidential Informants - F.S. 119.017(2)(f) & undercover personnel - F.S. 119.071(4)(c) and Law Enforcement techniques and/or procedures - F.S.119.071(2)(d)
- Identifying Information of Victims of Sexual Offenses and/or Child Abuse - F.S.119.071(2)(h); F.S.794.024
- Items sealed by Order of the Court
- Juvenile Information obtained under Chapter 985 - F.S.985.04(1)(a)
- Surveillance/Security camera footage - F.S.119.071(3)(a)
- Telecommunications records - F.S.119.071(5)(d)
- Victim Confidentiality Request is on file - F.S.119.071(2)(j)1 and/or Marsy's Law Art.I, § 16(b), Fla. Const.
- Other: FS 119.071(4)(d)2.f.

OFFICE OF THE STATE ATTORNEY  
SEPARATION FROM EMPLOYMENT AUTHORIZATION

Employee Name: **Seth Hyman**

Position **ASA**

Division: **Felony**

Hire Date: **10/20/2014**

Date Termination Recommendation Submitted: **10/30/2014**

Submitted By: **Deborah Barra** Title: **Chief Assistant State Attorney**

AUTHORIZATION

Termination recommendation **ACCEPTED: Yes**

Rehire Eligibility: \_\_\_\_\_ yes  no


Termination recommendation **REJECTED:** \_\_\_\_\_

Has the employee made a report or filed a complaint of harassment or discrimination during his/her employment? \_\_\_\_\_ yes  no

Has the employee been a witness to or been involved in any investigation of harassment or discrimination while employed? \_\_\_\_\_ yes  no

Does the employee currently have a Worker's Compensation claim or under FMLA status? \_\_\_\_\_ yes  no

Has the employee filed a complaint or report of retaliation in the prior 12 months of his/her employment? \_\_\_\_\_ yes  no

  
Agency Head Signature

Printed Name: **Aramis D. Ayala**

Title: **State Attorney**

Date: **10/30/2017**

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INTEROFFICE MEMORANDUM

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TO: File  
FROM: Deborah Barra  
SUBJECT: Investigative Findings: Seth Hyman  
DATE: October 30, 2017  
CC: None

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On October 16, 2017 it was brought to my attention that defense attorney Keith Robertson filed a motion entitled, "Motion to Dismiss for Brady, Richardson and Youngblood Violations, a Violation of Procedural Due Process and Prosecutorial Misconduct or, In the Alternative, Motion for Sanctions". Mr. Hyman was the assigned prosecutor to the case and it was his conduct that was being called into question. The motion contained an allegation that ASA Hyman did not turn over exculpatory evidence. Specifically, the motion stated Mr. Hyman obtained exculpatory evidence from a witness on August 2, 2017 and did not turn over the exculpatory evidence until September 26 2017. It further alleged that Mr. Hyman turned the information over to defense only after the defense attorney specifically questioned Mr. Hyman about the content of his conversation with the witness. The defense attorney attached emails between himself and Mr. Hyman that outlined the dates and times and supported the allegations.

I met with Mr. Hyman on October 17, 2017 to discuss the motion and his conduct. General Counsel Kamilah Perry and Human Resources Director Tamra Crane were also present during the meeting.

Mr. Hyman began the meeting by stating the evidence was not exculpatory. We had a lengthy conversation which resulted in him later reluctantly acknowledged that it was exculpatory and he should have turned it over to the defense in hindsight. We next discussed the case and the motion to dismiss. I explained I had reviewed the discovery in the case and I did not believe he could prove the case beyond a reasonable doubt. Mr. Hyman indicated he had "struggled" with the case in terms of an appropriate offer. We then discussed the specific facts and evidence in the case. Mr. Hyman thought he could prove the case because he believed, "the defense wouldn't be able to get their witnesses to court." I instructed him that this is not something we consider and I reiterated the oath that every prosecutor takes when filing charges.

Ultimately, I told him my concerns regarding his behavior and that he would be suspended effective immediately. I also told him I would be handling the motion hearing that was scheduled for later that day and I would be dropping this case. He indicated he understood the reasons why.

At approximately 4:00 pm I, along with ASA Wixtrom, appeared in court in front of Judge Traver to handle the motion to dismiss. I dropped the case at that time. Judge Traver indicated he had concerns regarding the conduct of Mr. Hyman and stated he was referring him to the local Professionalism Panel.

I also received a call from Ms. Melissa Vickers who stated the Public Defender's Office was also referring Mr. Hyman to the Professionalism Panel.

After a review of recent cases, it appears Mr. Hyman has a pattern of behavior that is in conflict with the mission and ethical standards of this office.

Under the prior administration, in 2016, Mr. Hyman received a DUI case where the defendant blew under the legal limit. Mr. Hyman intentionally didn't list any breath witnesses on his witness list (in violation of the rules of criminal procedure) and then did a motion to exclude any mention of the breath test. His motion was granted and the defendant was found guilty of DUI. Per his evaluation, Mr. Hyman was previously counseled on the importance of getting the "just" result and was told he needed to make sure "the message he communicates is one seeking justice and not one who is trying to win a game."

After his evaluation, and despite being counseled, Mr. Hyman attempted another potentially unethical motion. On September 28, 2017, Mr. Hyman made a motion to exclude the body camera footage from his victim (who is a police officer). The factual reason why Mr. Hyman wanted the footage excluded is because the footage did not show the defendant kick or strike the victim (which pertains to the charge). Per a review of the audio of the hearing, Mr. Hyman's reasoning for the excluding of the footage was ultimately because the footage was more prejudicial than probative. In the interest of justice, it is concerning that Mr. Hyman would attempt to prevent jurors from seeing a video of the actual incident from the perspective of the listed victim.

As of today, I have been made aware of three separate incidents where I believe Mr. Hyman has compromised or attempted to compromise justice in order to gain an advantage in a case. Mr. Hyman has been previously counseled on this issue and continues to make poor judgement decisions when it comes to the just prosecution of his cases. His conduct is not in line with the philosophy of the State Attorney or this administration. Prosecutors have a tremendous amount of power and we need to have confidence that each assistant state attorney is here to seek justice. Unfortunately, based upon the questionable judgement he has exhibited within the three years of employment with this office, I do not feel he can remain as an assistant state attorney.

**Aramis Ayala**  
**State Attorney**  
9<sup>th</sup> Judicial Circuit of Florida  
415 North Orange Avenue  
Orlando, FL 32801  
(407) 836-2400

To: Seth Hyman, Assistant State Attorney  
From: Tamra Crane, Human Resource Director  
Re: Termination of Employment with this Agency 10/31/2017

Please review all portions of this memorandum as soon as possible. If after thoroughly reviewing you have questions, please contact Human Resources at (407) 836-1369.

**Final Salary Payments**

- 1. Our records indicate that your last day on the State Attorney, 9<sup>th</sup> Circuit's payroll is 10/18/2017, however last day with this agency is 10/31/2017.
2. Final salary and/or leave payments will be direct deposited, unless you submit a cancellation request.
3. We estimate that on 10/31/2017 you will receive pay for 96 of the 176 working hours in your last month due to suspension on 10/18/2017.
4. You are not eligible to receive vacation and/or sick leave compensation.
5. Failure to return all property issued during your tenure or to pay applicable replacement costs may delay processing of supplemental salary payments.

**Health Insurance Coverage**

1. Our records indicate that you are:

You are currently enrolled in the State of Florida Benefits. Coverage ends at midnight **November 30, 2017**. ↪  
If you currently pay a portion of the premiums, a deduction will be made from your final regular salary payment. If you are currently enrolled under the spouse program and are not transferring to another state agency, your spouse must sign the forms to switch to regular family coverage. IRS guidelines require that the signed forms are in the Tallahassee DSGI office by the 30th day after the event.

2. Usually within 2 - 4 weeks after your termination date, you will receive at your home address a COBRA information packet. Under the law you may elect to maintain your health insurance coverage as outlined in the COBRA documents. If you do not receive the documents contact People First at 1 (866) 663- 4735.

**Other Insurance Coverage**

3. If you are interested in maintaining coverage, contact the respective companies' customer service office.

**Reimbursement Accounts**

4. If you are currently participating in the medical or dependent care reimbursement accounts, please complete a termination of employment form. The form can be found at <http://www.myflorida.com/mybenefits/Health/Health.htm>.



**Reason for Separation from Employment**

- |                                     |                        |                          |  |
|-------------------------------------|------------------------|--------------------------|--|
| <input type="checkbox"/>            | Career Advancement     | <input type="checkbox"/> | Dissatisfaction with Pay                       |
| <input type="checkbox"/>            | Certification Expired  | <input type="checkbox"/> | Dissatisfaction with Work Required             |
| <input type="checkbox"/>            | Did not state reason   | <input type="checkbox"/> | Dissatisfaction with Working Conditions        |
| <input type="checkbox"/>            | Personal Family School |                          |  |
| <input type="checkbox"/>            | Resignation            |                          | Dissatisfaction with Advancement Opportunities |
| <input type="checkbox"/>            | Retirement             | <input type="checkbox"/> | Abandonment                                    |
| <input type="checkbox"/>            | Layoff                 | <input type="checkbox"/> | Death of Employee                              |
| <input checked="" type="checkbox"/> | Dismissal              | <input type="checkbox"/> | Death in Line of Duty                          |

**Mailing Address & Phone Number**

Unless otherwise indicated below, final salary payment, any supplemental payments and the W2 will be sent to:



The home phone number on file is:

Other instructions: \_\_\_\_\_

Correct Mailing Address: \_\_\_\_\_  
Correct Home and/or Cell Phone Number(s): \_\_\_\_\_

New Employer \_\_\_\_\_

New Work Phone Number ( ) \_\_\_\_\_

Signature *X* Beth T. Dym

Date 10/31/17

Memorandum to Team Member Terminating Employment Page 4

	<u>Administrative Signature</u>	<u>Date</u>
1. Orange County - Id YES <i>Replacement Fee \$10 - Orange County Government</i>	<i>Jann Wolfe</i>	<i>10/31/17</i>
2. Osceola County Id/Access Card	_____	_____
3. State Attorney Id Card ( <i>ASAs &amp; Investigators only</i> )	_____	_____
4. Orlando Parking card <i>Replacement Fee \$10 - City of Orlando</i>	<i>Jann Wolfe</i>	_____
5. Key(s)	<i>Jann Wolfe</i>	_____
6. Law Books <i>Make checks payable to State of Florida</i> <u>Attorneys</u> - Florida Statutes, Criminal Laws & Rules	_____	_____
7. Surface Pro Computer	<i>Jann Wolfe</i>	_____
8. Bar Dues ( <i>ASAs only</i> )	_____	_____

*\$176.67 due  
CKS payable to the  
State of Florida*

