

1 IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
2 OF THE STATE OF FLORIDA, PINELLAS COUNTY

3
4 ANNA PAULINA LUNA

5 ERIN M. OLSZEWSKI, Case Nos. 21-004904-FD
6 Petitioners, 21-004911-FD

7 vs.

8 WILLIAM BRADDOCK,
9 Respondent.

10 _____/

11
12 PROCEEDINGS: Injunction Hearing

13 DATE: September 24, 2021

14 BEFORE: The Honorable Doneene Dresback Loar
15 Circuit Court Judge

16 PLACE: Pinellas County Justice Center
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P R O C E E D I N G S

1
2 THE COURT: All right. Let me see. Everybody
3 appears to be in the waiting room. This chair's very
4 low. This is what happens when you don't have your
5 own courtroom.

6 UNIDENTIFIED VOICE: Oh, I know.

7 THE COURT: You have to share.

8 UNIDENTIFIED VOICE: Susan St. John kicked us
9 out of hers. We tried to go back and forth. She
10 wouldn't let us.

11 THE COURT: Let's see. All right. All right.
12 Let me see what we have going on here. All right.
13 I'm going to turn that on.

14 Okay. All right. All right. I see Attorney
15 Janes here. I see Mr. Perlman.

16 MR. PERLMAN: Present. And good afternoon.

17 THE COURT: All right. I don't know what that
18 means. All right. I see Ms. Luna. And let's see.
19 I'm looking for the other parties. Hold on.

20 Ms. Olszewski, let me see if I can find you.

21 There's -- see Mr. Braddock here.

22 THE RESPONDENT: Yes, Your Honor.

23 THE COURT: Okay. All right. Good, you can
24 hear me.

25 And Ms. Luna, can you hear me?

1 PETITIONER 1: I can, Your Honor. Thank you.

2 THE COURT: Okay. And Ms. Olszewski, I don't
3 see you in here, but I just want to see, can you hear
4 me?

5 PETITIONER 2: I'm --

6 THE COURT: Oh, there you are. Erin Marie.

7 PETITIONER 2: I'm here, Your Honor. Yes.

8 THE COURT: Okay.

9 PETITIONER 2: Sorry, my (unintelligible).

10 THE COURT: That's fine. I've come to find out
11 what everybody's Zoom info names are, so.

12 All right. For the record, we're here in 21-
13 004911-FD. Petitioner is Erin Olszewski. She is
14 represented by Attorney Katherine (sic) Janes, and
15 the Respondent is William Braddock, and he is present
16 with his counsel, Kevin Hayslett and Austin Cox.

17 Is that correct? Austin?

18 MR. COX: Ryan.

19 THE COURT: Ryan. Sorry.

20 MR. COX: That's okay.

21 THE COURT: I know an Austin.

22 Okay. And then we are here also on case 21-
23 004904-FD, and the Petitioner is Anna Paulina Luna.
24 She is present, represented by her counsel, Alan
25 Perlman.

1 Mr. Braddock is the Respondent, and he is
2 present, represented by Kevin Hayslett and Attorney
3 Ryan Cox.

4 Okay. And so I think when we concluded the last
5 hearing, Mr. Hayslett was finishing up his -- or I
6 guess deciding if he had any additional evidence or
7 presentation for the Respondents.

8 MR. HAYSLETT: That's correct, Judge. And I had
9 a chance to speak to Ms. Janes. Ms. Janes provided
10 us a copy of the voice text, video voice text, and I
11 let her know this week and copied Mr. Perlman. It
12 was our intent to admit that into evidence. I know
13 Ms. Janes also provided us with some additional texts
14 that she said would provide context to this. I have
15 no objection, procedurally. I don't have any
16 objection to that. I don't need her to call Ms.
17 Olszewski to authenticate that. Obviously she can,
18 and well -- I guess they're -- if they want to admit
19 it now, I have no objection to that.

20 The only other thing that we're going to admit
21 in our case-in-chief, Judge, is the segment of the
22 radio show which was the WTAN, Mr. Ogden, where Ms.
23 Luna had indicated she was verbally assaulted, and I
24 wanted to play for the Court that section of his
25 call-in and her response.

1 If the Court -- it's not that long, and if the
2 Court was intending to make a decision today, then
3 I'd publish that to the Court and let you hear it.

4 THE COURT: Okay.

5 MR. HAYSLETT: But I didn't know what the
6 Court's pleasure on that was. The voice texts are
7 not very long.

8 THE COURT: Okay.

9 MR. HAYSLETT: And we can play those. And I've
10 got a thumb drive for those.

11 THE COURT: Okay.

12 MR. HAYSLETT: So I guess --

13 THE COURT: You have your computer?

14 MR. HAYSLETT: -- procedurally, if Mr. Perlman
15 or Ms. Janes have an objection to the admission of
16 those, I can call witnesses to authenticate those. I
17 don't, certainly, need any authentication for Ms.
18 Janes' other texts if she still plans to enter those
19 into -- I don't know if she is or not. If she does,
20 I don't have an objection, but the way I saw things,
21 at least in my mind, is that we would enter the voice
22 texts, we'd enter the texts that Ms. Janes wants that
23 put it in context, which I have no objection to, and
24 then I'd publish the radio show. It's an hour long,
25 but we're only, I think, focused on the question from

1 Mr. Braddock. He calls into a radio show --

2 THE COURT: Okay.

3 MR. HAYSLETT: -- with Candidate --

4 THE COURT: How long is that segment?

5 MR. HAYSLETT: It's about --

6 THE COURT: -- of the radio show?

7 MR. HAYSLETT: It's about seven minutes.

8 THE COURT: Okay.

9 MR. HAYSLETT: It's not --

10 THE COURT: All right. So --

11 MR. HAYSLETT: It's not long. I mean, we would
12 fast forward. I put the whole show in for
13 completeness, but there's really nothing to do with
14 this case other than the call-in by Mr. Braddock, and
15 he identifies himself as Will and Marine.

16 THE COURT: Okay. So the only relevant
17 portion --

18 MR. HAYSLETT: Correct.

19 THE COURT: -- I guess, in your opinion, is the
20 seven-minute segment regarding his phone call -- or
21 his question during that show --

22 MR. HAYSLETT: That's correct.

23 THE COURT: -- and not the response of the
24 Respondent --

25 MR. HAYSLETT: Because that's what --

1 THE COURT: -- or the Petitioner.

2 MR. HAYSLETT: -- that's what Petitioner Luna
3 said was the first act of stalking, so --

4 THE COURT: Okay. All right.

5 MR. HAYSLETT: -- I wanted the Court to hear it,
6 but --

7 THE COURT: So let me -- let me ask about --
8 let's talk about the talk-to-text -- the text --
9 talk-to-text.

10 All right. So Mr. Perlman. Do you have any
11 objection to those being moved into evidence?

12 MR. PERLMAN: I do, Judge.

13 THE COURT: Okay. And what is that?

14 MR. PERLMAN: Well, I think, as Your Honor will
15 recall, at the conclusion of the last hearing, Mr.
16 Braddock asserted his Fifth Amendment privilege and
17 that counsel stipulated to the extent any question
18 was asked in this case, it would be asserted. Which
19 was why the deposition transcript was admitted. So I
20 don't know that they get to have their cake and eat
21 it too, particularly with something as significant as
22 the assertion of the Fifth Amendment.

23 So because they asserted it and stipulated to
24 it, I don't think that they have the luxury of
25 presenting his testimony from anything.

1 THE COURT: Okay.

2 MR. PERLMAN: Now, if Counsel Hayslett --

3 THE COURT: You would agree that you can assert
4 your fifth amendment to certain questions and not
5 other questions, so it doesn't necessarily prohibit
6 any testimony.

7 MR. PERLMAN: Well, I would suggest to Your
8 Honor that there is a waiver of the Fifth Amendment,
9 and I'm not so sure that that's what Counsel is
10 intending to do, but that would be the byproduct.

11 THE COURT: Okay. And Ms. Janes, do you have
12 any objection to the admission of the talk-to-text?

13 MS. JANES: Well, I would certainly -- I'm going
14 to divide this into two parts, Your Honor. I would,
15 of course, join Mr. Perlman in the objection that Mr.
16 Braddock having asserted his Fifth Amendment rights
17 specifically with regard to these voice texts, I
18 don't think that he can then sort of selectively have
19 them played -- or have them admitted in his case.

20 Should the Court determine that the Court wishes
21 to hear them, my only further objection is that I
22 would want the Court to consider as well the text
23 messages between Mr. Braddock and Ms. Olszewski that
24 we're prepared to introduce those exhibits that place
25 those voice text recordings into context.

1 So I guess the point, Your Honor, is we don't
2 have any objection from an authentication
3 perspective. I guess we do somewhat from a
4 completeness standpoint because we would want the
5 contemporaneous text messages admitted as well. I do
6 think Mr. Perlman is absolutely correct that Mr.
7 Braddock having asserted his Fifth Amendment rights
8 with regard to this specific issue of these voice
9 texts. He is sort of trying to have his cake and eat
10 it too.

11 THE COURT: Okay. But he never was called as a
12 witness in this case. The parties, I think,
13 stipulated to enter his deposition into evidence.
14 Okay.

15 MS. JANES: That's correct, Your Honor, and in
16 that deposition, Mr. Braddock asserted his fifth
17 amendment rights with regard to these voice texts.

18 THE COURT: Okay.

19 MR. PERLMAN: Right, but at the conclusion of
20 the hearing, Judge, Counsel stipulated on the record
21 that if called as a witness in this case he would
22 assert the same privilege to every single question.
23 So that is the testimony.

24 THE COURT: All right. So here's my question.
25 Is the text -- I don't think that it's being offered

1 as a testimonial piece of evidence. I think it's
2 being offered as more of a verbal act or verbal
3 marker under the evidentiary rules, so then as a
4 threat, you're saying that he -- that these are
5 threatening or there was something threatening about
6 this.

7 This is the whole second episode, Ms. Janes, of
8 your whole argument about that. And if you want to
9 rest completely on your client's recollection and her
10 testimony as to that, I will allow you to do that,
11 but I think that if you are claiming this is the
12 second threat and there is the best evidence of an
13 actual -- actually what was said rather than the
14 somewhat vague testimony of a recollection of what
15 was said -- I'm just trying to understand that. So
16 and that's why I'm trying to understand is that -- so
17 you guys are objecting to this coming in, and this is
18 the whole entire premise of the second episode that
19 would be required in order for Ms. Olszewski to get
20 an injunction.

21 MS. JANES: Your Honor --

22 THE COURT: Is that what I'm understanding?

23 MR. PERLMAN: Judge, just real quick, just to
24 assist Ms. Janes, I would obviously not want to
25 object to the extent either she or the Court thought

1 that this evidence was necessary in connection with
2 these issues being raised. But and not to add to the
3 confusion, but I do find it very interesting that
4 they moved in limine to preclude the best evidence of
5 the actual threat of physical harm by Mr. Braddock
6 himself, and yet, you know, here we are. But I say
7 that more as a commentary, and --

8 THE COURT: Yeah, but I don't think that's
9 apples to apples. We're talking about something that
10 has some legal ramifications about a potential
11 recording of it, and we're talking about something
12 that was completely recorded legally, and there is no
13 question about that, so --

14 MR. PERLMAN: Understood, Judge.

15 THE COURT: I think that that is not a direct
16 comparison when it comes to those two different
17 recordings. I understand your argument about that.
18 I just want to make sure for the record that we are
19 clear. I am not saying that I want to hear any
20 evidence. It is your burden to prove two episodes
21 that caused substantial emotional distress for
22 harassment. It is entirely your burden. So for
23 whatever me indicating that I want to hear this? No.
24 I just want to hear whatever evidence you want to
25 provide to prove your case because in the end I don't

1 want to hear, if I say you haven't proven your case,
2 but we have this other evidence, because now is the
3 time for that. So if you are objecting, I
4 understand. But I'm just trying to understand and
5 want to be clear as to the objections.

6 So --

7 MS. JANES: Your Honor, given Your Honor's
8 comments and I think, reading between the lines of
9 those comments, I will withdraw Ms. Olszewski's
10 objection to the admission of these recordings.
11 Frankly, as I think I indicated previously, the only
12 reason these recordings were not admitted initially
13 in Ms. Olszewski's case-in-chief was that at the
14 time, you know, when we had to make a decision
15 regarding what -- you know, what exhibits to list,
16 Ms. Olszewski, at that point had still -- was still
17 planning to assert her Fifth Amendment rights, and we
18 made the decision to stay away from any recordings.
19 Again, my only request would be that we'd be
20 permitted to admit not only the recordings themselves
21 but the contemporaneous text messages that I think
22 are quite necessary to place them into context.

23 THE COURT: Okay. All right. And so -- I mean,
24 we are -- even though these petitions are
25 consolidated, I do have to look at them as separate

1 and apart petitions because it is not a -- it's not a
2 package deal here. One person can get an injunction
3 and another can't, and they're two separate burdens
4 related to the specific directed context. So from
5 what I'm hearing is in Ms. Olszewski's case, that
6 there is not an objection to moving these into
7 evidence. Mr. Hayslett has already expressed that he
8 is not objecting to the texts that are related to
9 those to be moved into evidence.

10 Now, I understand that Mr. Perlman objects, and
11 I understand his basis for an objection. But -- and
12 I don't know -- I also would question whether it is
13 relevant -- if that talk to text is even relevant in
14 Mr. Braddock's and Ms. Luna's case because it really
15 deals with a threat that happened after the
16 situation, and it was only directed at Ms. Janes --
17 or Ms. Olszewski.

18 So I will sustain the objection in Mr. Perlman
19 and the Petitioner Luna's case because I don't think
20 it is relevant to their burden of proof or their
21 case, but I will admit it in the case where Ms.
22 Olszewski is the Petitioner because I do think that
23 it is relevant and is admissible. I will, without
24 objection, also take the text messages into evidence
25 for the contextual basis and by stipulation of the

1 parties.

2 So who is moving the text messages into
3 evidence? Mr. Hayslett, are you going to give me a
4 copy of them? Ms. Janes, do you want me to make --

5 MR. HAYSLETT: Ms. Janes, I've got a copy here
6 in Court -- I'm happy to share -- with what you
7 emailed us. I want to make sure it's what you
8 wanted.

9 MS. JANES: I would appreciate that courtesy.

10 MR. HAYSLETT: No, it's no problem.

11 MS. JANES: Thank you. They have been -- Your
12 Honor, they have been filed --

13 THE COURT: Okay.

14 MS. JANES: -- in the court record under our
15 exhibit list that was filed yesterday, and if Mr.
16 Hayslett is willing to --

17 MR. HAYSLETT: I'm going to approach and show
18 the Court --

19 MS. JANES: -- do the courtesy of providing
20 those to the Court, I would appreciate that.

21 THE COURT: Okay. All right. And so I have --

22 MS. JANES: (Unintelligible).

23 THE COURT: -- is it two pages of screenshots?
24 Is that what I'm supposed to be having? Is that it?

25 MS. JANES: I believe it is. Yes, Your Honor.

1 THE COURT: Okay.

2 MS. JANES: Hang on. Let me just double check
3 that with regard to the number of pages --

4 THE COURT: Okay.

5 MS. JANES: -- to make sure.

6 THE COURT: There's another one in this folder.
7 Is that all or is it --

8 MR. COX: I thought there was three.

9 MR. HAYSLETT: I think there's two or three, Ms.
10 Janes.

11 MR. COX: I think there's three, Kevin.

12 MS. JANES: I'm checking right now.

13 THE COURT: Okay, it looks like there's three.
14 I just wanted to -- I just need to make a note.

15 MS. JANES: Yeah. It looks like it's -- it is
16 three, Your Honor.

17 THE COURT: Okay. All right. And so let me
18 see.

19 MR. HAYSLETT: Do you have a --

20 THE COURT: Can I number these pages so that I
21 can read them in the right order? So there's one
22 that says Tuesday, June 8th.

23 MS. JANES: And that should page 1, Your Honor.

24 THE COURT: Okay. And then the next one that I
25 have is one that starts with God bless. Is that page

1 3 --

2 MS. JANES: Yes.

3 THE COURT: -- or page 2?

4 MS. JANES: Yes, that should be page 2.

5 THE COURT: Okay.

6 MS. JANES: And then the 3rd page should say
7 walking home from my attorney's --

8 THE COURT: Okay.

9 MS. JANES: -- house now.

10 THE COURT: Okay. All right. So I have those
11 all in order, and I've had no objection. I'll put
12 them into evidence. The previous exhibits that have
13 been put in by the petitioners, I have considered
14 them joint exhibits. If I'm wrong in assuming that,
15 let me know, but I'm going to put this only as
16 Petitioner's Exhibit 9 and only admit it as it
17 relates to Ms. Olszewski's case.

18 MS. JANES: Thank you, Your Honor.

19 THE COURT: Is that -- am I correct in the
20 previous exhibits, having them filed as simultaneous
21 exhibits in both case?

22 MS. JANES: Yes, Your Honor. That is correct.

23 THE COURT: Okay. I just want to double check
24 so that I make sure that they're scanned and included
25 in the record in both cases.

1 MR. HAYSLETT: Judge, the only thing I'd ask is
2 before we have some closing comments, I just want to
3 get a copy of those. I gave you my only copy, so I
4 can't -- I didn't memorize those, but --

5 THE COURT: Too late.

6 MR. HAYSLETT: Too late? Okay.

7 THE COURT: No, I'm just kidding. I'll have my
8 assistant -- I'll have my assistant come and scan and
9 make a copy of these real quick.

10 MR. HAYSLETT: Okay.

11 THE COURT: All right.

12 MR. COX: I can give you a digital copy, I
13 think.

14 MR. HAYSLETT: That's all right.

15 THE COURT: I'll get a copy of them. All right.
16 So -- all right. Now, let's talk about the segment
17 from the radio show. Is there any objection to the
18 admission of the, I guess, the radio show and playing
19 the seven-minute segment?

20 MR. HAYSLETT: It might be actually less than
21 seven minutes. Mr. Cox tells me it's more like four
22 minutes, but.

23 THE COURT: Okay. All right. Is there any
24 objection, Mr. Perlman?

25 MR. PERLMAN: I don't think so, Judge.

1 THE COURT: Okay. All right. And what about
2 you, Ms. Janes? Do you have any objection?

3 MS. JANES: No, Your Honor.

4 THE COURT: Okay. All right. So it'll be
5 admitted -- the talk to text, I guess I'm going to
6 admit -- are we doing both talk to texts?

7 MR. COX: Yeah, the two talk-to-texts, Judge.

8 THE COURT: Okay.

9 MR. COX: I would admit both of them since it
10 gives a context because the text messages are around
11 those.

12 THE COURT: Okay. So we're going to play the
13 first one that happened, I guess the -- around --

14 MR. COX: Pre-call.

15 THE COURT: -- around the conversation -- the
16 pre -- yeah. Before the call. And then after the
17 call will be number two.

18 MR. COX: Correct.

19 THE COURT: And then Respondent's Exhibit 3 will
20 be the radio show. All right. I cannot put a thumb
21 drive in court computers for security reasons, so I'm
22 glad that you have a laptop, because I often have
23 people with thumb drives, and I cannot ever --

24 MR. COX: Great.

25 THE COURT: -- accommodate them. But I will

1 have you put it in your own laptop for security
2 reasons and then publish them at this time. Is there
3 any additional evidentiary issues that we need to
4 address prior to the publishing of, I guess, these
5 three exhibits, or four exhibits?

6 Mr. Hayslett?

7 MR. HAYSLETT: Judge, no. I think you received
8 the Janes additional texts, which we have no
9 objection to.

10 THE COURT: I have those.

11 MR. HAYSLETT: We've got, I think for the Court
12 to hear, would be voice text number 1, voice text
13 number 2, and then radio show.

14 THE COURT: Uh-huh.

15 MR. HAYSLETT: I've got a thumb drive for
16 purposes of internet evidence. I can --

17 THE COURT: I will collect that and --

18 MR. HAYSLETT: Perfect.

19 THE COURT: -- send it to the clerk's office,
20 but I cannot --

21 MR. HAYSLETT: Oh, no, no. I understand. I
22 understand your -- I just want to make sure there's
23 something to give you other than --

24 THE COURT: All right. That's fine. I'll put
25 this -- I will mark this and put this in the evidence

1 with the clerk's office that the clerk holds through
2 appeal.

3 And -- all right. So any additional evidentiary
4 issues we need to discuss, Mr. Hayslett?

5 MR. HAYSLETT: No, Judge.

6 THE COURT: Okay. Mr. Perlman?

7 MR. PERLMAN: Not that I'm aware of, Judge.

8 THE COURT: Okay. Ms. Janes?

9 MS. JANES: No, Your Honor.

10 THE COURT: Okay. All right. So we'll play all
11 of those, and then after that I'll find out if
12 there's any rebuttal testimony or evidence, and then
13 we'll discuss closings.

14 MR. HAYSLETT: Great. And where do you want
15 to --

16 THE COURT: As long as it can be broadcasted, so
17 wherever you can get it and get it closest that you
18 can to the speaker so that it is recorded on our
19 system.

20 MR. PERLMAN: Your Honor, may I approach Your
21 Honor, because these are videos, and have you look at
22 the laptop?

23 THE COURT: Okay, so they're -- the talk-to-text
24 are videos?

25 MR. PERLMAN: They are video recordings of the

1 talk-to-text.

2 MR. HAYSLETT: You may remember, she took a
3 video with her phone of it.

4 THE COURT: Okay. So is there any -- is there
5 any -- now that we're talking about the fact that
6 it's a video and not just a recording, is there any
7 objection to the -- is there anything on the video,
8 or is it just, like --

9 MR. HAYSLETT: It's a picture of the phone.

10 THE COURT: -- am I going to be looking at,
11 like, the ceiling fan or something like that?

12 MR. HAYSLETT: You're going to be looking at the
13 phone that's fuzzy.

14 THE COURT: Okay. All right, so --

15 MR. PERLMAN: And Your Honor, and I apologize,
16 Mr. Hayslett, but the radio show is actually a
17 YouTube clip, so it is a professionally --

18 THE COURT: Okay.

19 MR. PERLMAN: -- structured recording of a radio
20 show.

21 THE COURT: Okay. What I'm going to have you do
22 is -- let me get -- I'm trying to get it up here on
23 the screen again. Hold on. All right. Hold on a
24 second.

25 So that when you're playing it that the parties

1 can see whatever it is that I'm seeing.

2 MR. HAYSLETT: Great.

3 THE COURT: Let me just get that -- fix my
4 little -- enter the PIN.

5 All right. And let me find out where the camera
6 is -- right here.

7 MR. HAYSLETT: Okay.

8 THE COURT: All right. So I'm going to have you
9 approach and approach and put whatever it is I'm
10 seeing on the laptop up to that. It should be close
11 enough to the speakers and the recording in this
12 courtroom for it all to be recorded.

13 So if you want to you just -- yeah. Approach to
14 that camera.

15 MR. HAYSLETT: (Unintelligible).

16 THE COURT: And then mute whoever's on iPad
17 since we can hear some feedback. All right. You may
18 need to tilt it a little bit because you're getting a
19 big glare.

20 Let me see if I can move this back, and maybe
21 you can stick the laptop on the --

22 All right. And then -- hold on. Fancy
23 technology. All right.

24 All right. It's not the best. See if you can
25 bring it a little bit closer. We're getting a little

1 better. All right.

2 MR. PERLMAN: We're getting feedback.

3 THE COURT: Oh now -- because it's so close
4 probably. All right. All right. Let's try playing
5 it. I don't know.

6 MR. HAYSLETT: Do you think that's -- can I play
7 it?

8 THE COURT: Yes, please.

9 MR. HAYSLETT: I'll have to move it. I'm sorry.

10 THE COURT: Okay. Just don't hit my camera.

11 MR. HAYSLETT: Okay.

12 (Thereupon, the audio-video media was presented and the
13 transcription thereof is presented in the following
14 italicized font.)

15 *MS. OLSZEWSKI: 1:20. During that time I got a*
16 *call -- another message from --*

17 MR. HAYSLETT: Let me restart it.

18 *MS. OLSZEWSKI: Okay. I just got off the phone*
19 *with -- and her manager, and it is 1:20. During that*
20 *time I got a call -- another message from him, and it*
21 *goes like this.*

22 *MR. BRADDOCK: Just understand that this is not*
23 *something like, oh, the Russians are colluding with*
24 *us to change the political environment of America or*
25 *anything like that. No. These are just some scumbag*

1 *Russians we have access to. You know, these are*
2 *disposable people. I hate to say that, but we're*
3 *trying to do something bigger, or something -- we're*
4 *trying to do something on a federal level to help*
5 *maintain our country, to help get our country back in*
6 *the right direction, and I'm willing to give my life*
7 *for that. I've done it twice already*
8 *(unintelligible) twice. I interned for congress*
9 *before in college. I've already had (unintelligible)*
10 *email address. My family. My -- my whole legacy,*
11 *okay. My last name, Braddock, look it up. We've got*
12 *a little townhouse in a Pennsylvania address,*
13 *Braddock, Pennsylvania. And that's because General*
14 *Edward Braddock, (unintelligible) of my family, was*
15 *the commander in chief of the 13 colonies during the*
16 *French and Indian war and lost his life defending it,*
17 *so yeah. Just know that.*

18 *This is nothing to do with Russian collusion or*
19 *any of that BS. Excuse my language once again. But*
20 *you know, I'm a marine, and I'm going to be a*
21 *congressional candidate as of the 16th, and I'm going*
22 *to make shit happen. And it's going to happen*
23 *because the people I've surrounded myself with and*
24 *the team I've got is by far the best out of anybody*
25 *that could even fathom running for Florida 13.*

1 *But yeah, I'd appreciate you being a part of the*
2 *healthcare roundtable, let me know. I'll keep you*
3 *posted. Like I said, the first one's going to be*
4 *last Tuesday of the month (unintelligible) got back*
5 *yet, but it's going to be 7 to 8 p.m. You're welcome*
6 *to join in. And yeah, keep these conversations*
7 *between us. God bless, and have a good night. Thank*
8 *you.*

9 MR. PERLMAN: Judge, that was two.

10 MR. HAYSLETT: No, no. That was the second
11 recording, voice text.

12 THE COURT: Okay.

13 MR. HAYSLETT: Just so there's context, that was
14 after the recorded phone call. Here's the voice text
15 that precipitated the phone call.

16 (Thereupon, the audio-video media was presented and the
17 transcription thereof is presented in the following
18 italicized font.)

19 *Mr. BRADDOCK: Tomorrow -- well, technically*
20 *today is -- well, yeah. No, I'm sorry. I'm not*
21 *going to that tomorrow. I'm going to see Speaker*
22 *Sprowls at the oldest republican club south of D.C.*
23 *tomorrow because Mr. Sprowls' mom just friended me on*
24 *Facebook, and apparently we have something to talk*
25 *about. But I'm going to see (unintelligible) off*

1 30th Avenue, and you're welcome to join us if you
2 want. I am not doing that shit show (unintelligible)
3 tomorrow, but I will from now on since I'll be an
4 official FPC candidate as of the 16th before I go on
5 the air with Amanda Makki, which, by the way, Makki
6 and Tito and I are collaborating against Luna, and
7 Luna will not win regardless. So God bless you for
8 your work, and I hope to see you again soon, but I
9 will not be at the Meeting Patriot's Pinellas, Largo
10 tomorrow. I'm going to be with decent civilized
11 human beings talking to Chris Sprowls.

12 MR. HAYSLETT: Okay, Judge. If I may publish
13 the radio interview?

14 THE COURT: Uh-huh.

15 MR. PERLMAN: Judge, I just wanted to clarify
16 and confirm that this is only the section that
17 relates to Mr. Braddock?

18 THE COURT: Is it -- so the part that's being
19 published is the --

20 MR. HAYSLETT: Judge, I'm going to start with
21 the phone call, it says, we're going to take a
22 caller. This is Will.

23 THE COURT: Okay.

24 MR. HAYSLETT: That's where it's going to start.

25 THE COURT: So it's going to start with the

1 phone call, and --

2 MR. HAYSLETT: Both Candidate Tito and Candidate
3 Luna speak to that phone call and then they move on
4 to the next subject was, let's talk about President
5 Trump --

6 THE COURT: Okay.

7 MR. HAYSLETT: -- and wind up there.

8 THE COURT: All right. So I guess, Mr. Perlman,
9 other than the actual phone call or the statements by
10 Mr. Braddock, are you objecting to any other part of
11 that thing as to the response by the other two
12 parties?

13 MR. PERLMAN: Yeah. Judge, as long as the
14 recording being played ends with Mr. Braddock, that's
15 fine. I think anything beyond that would be -- would
16 not be relevant or appropriate.

17 THE COURT: Okay. All right. So -- so -- all
18 right. So the response by Ms. Luna, or I guess the
19 other party that was involved in this conversation,
20 you're objecting to that being entered into evidence.

21 MR. PERLMAN: Oh. No, I apologize. The -- any
22 exchange between Ms. Luna and Mr. Braddock I think is
23 okay, but I think beyond that, I think -- I think
24 counsel suggested maybe Mr. Tito testifying, so
25 that's where I would ask --

1 THE COURT: Okay.

2 MR. PERLMAN: -- that it be --

3 THE COURT: All right. I think that he said
4 that Ms. Makki, I guess -- was it Tito or Makki?

5 MR. HAYSLETT: Tito.

6 THE COURT: Okay. Who responds first?

7 MR. HAYSLETT: Here's what happens, is he
8 asks -- there's -- they go back and forth the whole
9 time. I mean it's --

10 THE COURT: Okay --

11 MR. HAYSLETT: The question posed by Mr.
12 Braddock to both candidates. They both try to
13 answer. She -- the complete -- her complete answer
14 is not over until they switch to the subject of
15 President Trump.

16 THE COURT: Okay.

17 MR. HAYSLETT: But they're both going back
18 answering Mr. Braddock's question.

19 THE COURT: Okay. So let me just ask Mr.
20 Perlman.

21 Mr. Perlman, is -- I guess, from my
22 understanding -- I guess, as to this -- that your
23 client's response is somewhat intertwined with Mr.
24 Tito's response, and --

25 Is that what you're saying, Mr. Hayslett?

1 MR. HAYSLETT: Yeah, because the answer -- it
2 goes to both. She kind of -- he interrupts her. She
3 interrupts him.

4 THE COURT: Okay.

5 MR. HAYSLETT: They're both trying to answer the
6 question --

7 THE COURT: Okay.

8 MR. HAYSLETT: -- and then the moderator says,
9 we're done with that. Let's go on to President
10 Trump.

11 THE COURT: Okay.

12 So Mr. Perlman, in the fact that some of, I
13 guess, the context of your client's response has some
14 of Mr. Tito's statements in it, do you have any
15 objection to that being --

16 MR. PERLMAN: Thank you, Judge. Yeah, I
17 apologize. I think that we're just off the mark. I
18 think to the extent Tito and Luna have exchanges,
19 that's not part of this case. I think it should
20 still end at the -- when Mr. Braddock's done
21 communicating or Ms. Luna at that time, and before
22 the next segment, if it is former President Trump or
23 not --

24 THE COURT: Okay.

25 MR. PERLMAN: -- I think that's where it should

1 end.

2 THE COURT: Okay. All right.

3 MR. HAYSLETT: It's the same thing.

4 THE COURT: That's fine. I think that we're all
5 in -- then maybe there -- I was a little confused.

6 All right. So we will have Mr. Braddock. I think it
7 starts with Mr. Braddock's question and then Ms. --
8 Ms. Luna and maybe Mr. Tito or her responding to it.

9 MR. HAYSLETT: Correct.

10 THE COURT: And then we'll stop as of that
11 because I don't -- I agree that probably stops the
12 relevant portion.

13 All right.

14 MR. HAYSLETT: It may be a few seconds. Let me
15 (unintelligible). It shouldn't be more than about
16 five seconds.

17 (Thereupon, the audio-video media was presented and the
18 transcription thereof is presented in the following
19 italicized font.)

20 *MS LUNA: Well, we're not done yet.*

21 *MR. TITO: Do we have a third caller?*

22 *MR. OGDEN: We do.*

23 *MR. TITO: Okay.*

24 *MR. OGDEN: We've gone to Will from St. Pete.*

25 *MR. TITO: Go ahead, Will.*

1 MR. BRADDOCK: *Hey, good afternoon. Can you all*
2 *hear me?*

3 MR. OGDEN: *Yeah, we can hear you.*

4 MR. TITO: *(Unintelligible). Yup.*

5 MR. BRADDOCK: *Okay, good afternoon, everyone.*
6 *Ron, nice seeing you Tuesday at the breakfast.*

7 MR. OGDEN: *Uh-huh. Indeed.*

8 MR. BRADDOCK: *Thank you for your service, Mr.*
9 *Tito and Ms. Luna. I'm also a Marine Corps veteran*
10 *living down here in the blue area of St. Pete.*

11 MS. LUNA: *Thank you for your service.*

12 MR. BRADDOCK: *So I'm just calling in -- I'm*
13 *just calling as a concerned citizen and a voter in*
14 *the district and just wanted to ask two questions,*
15 *and this is for both of y'all, and I'm going to ask*
16 *both of the questions before we start, and then*
17 *ladies first, of course, with your answer.*

18 *All right. So what leadership traits,*
19 *abilities, or characteristics do you feel is vital*
20 *for a candidate to accurately represent Florida's 13th*
21 *congressional district? And secondly, Mr. Luna -- or*
22 *Ms. Luna, Mr. Tito, and myself all being veterans,*
23 *you know, a lot of us got out over a decade -- or at*
24 *least the people on this call, I believe, Matt maybe*
25 *a little more recent. Now, do you think it's right*

1 to wear military uniforms for current political
2 advertisements over a decade after we got out?

3 MS. LUNA: So I will say that, actually, Ron
4 DeSantis did it. And actually a lot of people do
5 show that they are in the military and that it's
6 actually okay as long as you have the disclaimer, and
7 so I think that that's actually important, especially
8 now, moving forward, that you have people that know
9 what it's like to actually serve their country, so
10 service before self-excellence in all you do. Those
11 are the tenets that we learned, or at least I learned
12 in the Air Force, and that's something that I still
13 think is important for leaders.

14 And then also too, I would definitely say the
15 ability to being able to actually go out into the
16 community, engage, and then listen, is also very
17 important. You know, a lot of people, especially
18 with the primaries, especially with politics in
19 general, lose focus of what the bigger thing is, and
20 right now currently in our country, you have so many
21 people, and I think in general, at a national level
22 that don't have any idea what the military members
23 actually go through, and so this year obviously being
24 the anniversary of the 20-year war in Afghanistan,
25 you have a lot of people that have been voting on

1 *this legislation not even knowing what is happening*
2 *and how it's impacting, long-term, our communities*
3 *and families.*

4 *And then also being the fact that Pinellas*
5 *County as a whole is one of the heaviest veteran's*
6 *districts in the country. That, in itself, should*
7 *show you that a military member should be probably*
8 *the person elected to actually represent this area.*

9 *MR. BRADDOCK: Okay.*

10 *MR. TITO: Well, there's actually a Florida*
11 *statute against dressing up in a military uniform*
12 *that's not your own and fundraising off of it, and we*
13 *could certainly pull that up, and I'd have to check*
14 *on the Ron DeSantis thing. I'll fact check you on*
15 *that. It's absolutely disgraceful --*

16 *MS. LUNA: Are you implying that I did that?*

17 *MR TITO: -- absolutely disgraceful --*

18 *MS. LUNA: You are not answering his question --*

19 *MR. TITO: -- I think that all veteran's should*
20 *be ashamed of --*

21 *MS. LUNA: But -- but -- hold on --*

22 *MR. TITO: -- the fact that you did that. I*
23 *will answer the question, so --*

24 *MS. LUNA: Okay. Answer, and then I'll respond,*
25 *please.*

1 MR. TITO: -- as a young 24-year-old Marine
2 Corps officer leading a platoon in Afghanistan, that
3 is the ultimate sign of leadership that I had in my
4 experience in the Marine Corps.

5 The Marine Corps teaches you character. It
6 teaches integrity. It teaches you how to lead.
7 Those are the same traits that are important in
8 politics. Somebody with a sound mind. Somebody who
9 is confident. Somebody who is stable. Those things
10 I embody. That's why I'm getting into politics. We
11 need a fighter. We need more veterans in office
12 because they embody --

13 MR. PERLMAN: Judge, I think this is the part --

14 MS. LUNA: Sure. (Unintelligible). What was
15 your job in the Marine Corps?

16 MR. TITO: My job in the marine corp?
17 (Unintelligible).

18 MS. LUNA: (Unintelligible).

19 THE COURT: (Unintelligible). Can you pause it?
20 Yeah, pause it for a second.

21 MS. LUNA: (Unintelligible). So if you know
22 about the uniform that I'm wearing, it's actually not
23 a standard issue --

24 THE COURT: All right. So hold on a second.

25 There was an objection, Mr. Perlman?

1 MR. PERLMAN: Well, I think consistent with your
2 directive, it was supposed to end before -- I think
3 that was Mr. Tito's voice. Not Braddock.

4 THE COURT: Okay, so the -- and that's why I was
5 trying to clarify it before. So I think that your
6 client then again addresses the issue, so I thought
7 that Mr. Hayslett said he was intending on ending it
8 when they changed the subject to --

9 MR. HAYSLETT: President Trump.

10 THE COURT: -- President Trump.

11 MR. PERLMAN: Okay.

12 THE COURT: All right. So you can continue.

13 (Thereupon, the audio-video media was presented and the
14 transcription thereof is presented in the following
15 italicized font.)

16 *MS. LUNA: You can buy those at the Army surplus*
17 *store, so I didn't actually violate any laws, and if*
18 *I did, I would have gone to jail.*

19 *MR. TITO: Well, you fundraised off things that*
20 *were --*

21 *MS. LUNA: But I did not.*

22 *MR. TITO: -- deceiving --*

23 *MS. LUNA: I did not. No.*

24 *MR. TITO: -- well, you had sniper rifle --*

25 *MS. LUNA: No, that was for ballistics magazine.*

1 MR. TITO: -- people literally thought that that
2 was -- but people thought that that was you in the
3 military.

4 MS. LUNA: That was -- that was -- no one --

5 MR. TITO: That's very deceptive.

6 MS. LUNA: -- hold on.

7 MR. TITO: Totally deceptive.

8 MS. LUNA: That was -- that was specified. Hold
9 on. That was specified, though, and I'm answering
10 though.

11 MR. TITO: Go ahead.

12 MS. LUNA: That was specified. There's a
13 disclaimer. I've never, ever claimed to be something
14 that I'm not in the military. You cannot find that,
15 because it doesn't exist, and to make that
16 implication, honestly, is wrong, and you know it is
17 because I --

18 MR. TITO: I -- I was --

19 MS. LUNA: -- would have gone to jail. It's
20 true.

21 MR. TITO: I was in a room of wounded warriors
22 the other day, a thousand combat veterans. You don't
23 have that room. They don't respect you
24 (unintelligible).

25 MS. LUNA: I'm not a -- well, that's your

1 *opinion, but they voted for me.*

2 *MR. TITO: They were forced to. You're the*
3 *republican nominee.*

4 *MS. LUNA: Either way, it's not that I was*
5 *dodging combat. I put my name right on the dotted*
6 *line like you were. I might have not been a*
7 *logistics officer, which I don't know exactly what*
8 *your job was, but I can tell you that being part of a*
9 *family that has actually served in combat, obviously*
10 *having a husband with a purple heart and a bronze*
11 *star, I would never disrespect that community, and*
12 *it's wrong for you to imply that.*

13 *MR. TITO: Why doesn't your husband run then?*
14 *He's got a better record than you.*

15 *MS. LUNA: Honestly, because he's still serving,*
16 *and you actually made a point of what he does.*

17 *MR. OGDEN: Enough. That's enough of that.*
18 *Okay.*

19 *MR. BRADDOCK: That's my point. Thank you.*

20 *MR. OGDEN: We're finished. Goodbye, Will.*

21 *All right. Let's talk about something --*

22 *THE COURT: Okay.*

23 *MR. OGDEN: -- that is important to everybody*
24 *who is --*

25 *THE COURT: Okay. All right. Is that -- do you*

1 have any additional evidence, Mr. Hayslett?

2 MR. HAYSLETT: I do not, Judge.

3 THE COURT: All right. And so now, let me ask
4 Mr. Perlman, do you have any rebuttal at the moment?

5 MR. PERLMAN: No, Judge.

6 THE COURT: Okay. And Ms. Janes, do you have
7 any rebuttal evidence?

8 MS. JANES: Yes, Your Honor. I'm going to just
9 briefly call Ms. Olszewski to put the voice texts in
10 the context of the text messages.

11 THE COURT: Okay. All right.

12 So Ms. Olszewski, if you could turn your camera
13 on. There you are. All right, ma'am. Let me turn
14 my video camera around. All right, ma'am. Can you
15 raise your right hand? You're going to need to
16 unmute yourself as well.

17 THEREUPON,

18 ERIN OLSZEWSKI,

19 the witness herein, having been duly sworn, was examined
20 and testified as follows:

21 THE COURT: Okay.

22 All right, you may inquire, Ms. Janes.

23 MS. JANES: Thank you, Your Honor.

24 DIRECT EXAMINATION

25 BY MS. JANES:

1 Q Good afternoon, Ms. Olszewski. At the time that
2 you testified in this case last week, when was the last
3 time you had listened to any of the recordings that you
4 made the night of this incident?

5 A It was that night. And the reason for that was
6 because, you know, after I obtained counsel, you advised
7 me that it wouldn't be good of me to continue listening to
8 anything that I had recorded. And so I actually placed my
9 iPad in a completely different city with a friend of mine.

10 Q So since the time that you testified in this
11 case last week, have you refreshed your recollection
12 regarding what is in your text message with Mr. Braddock
13 and what he said on the recorded voice texts that he sent
14 you?

15 A Yes. So after finding them to submit, yes, I
16 did.

17 Q Okay. And I'm going to try and share my screen
18 and see if I can manage to show you the text messages that
19 have been admitted into evidence as Petitioner's Exhibit
20 9. So let's see if I can do that and get it right.

21 All right. So can you see text messages that start
22 with -- get the email?

23 A Yes.

24 Q Okay. So drawing your attention to the night of
25 June 8th, 2021, just shortly before midnight that night,

1 did you text Mr. Braddock to ask whether he was going to
2 the Community Patriot's meeting the next day.

3 A Yes. And then --

4 Q And then --

5 A -- make sure that -- I usually attend those,
6 and -- and I did testify to this -- that I was going to
7 avoid anywhere that he was, so that is specifically why I
8 asked that question.

9 Q Okay. And then was -- hang on just one moment.
10 I'm going to go on mute for a second because I'm getting a
11 phone call, and it's loud.

12 And I apologize to everybody. I am, as you can
13 probably see, participating in this hearing from home, and
14 our landline just rang, and I don't want that to be
15 disturbing everybody.

16 So in what fashion did Mr. Braddock respond to your
17 question about whether he was going to the Community
18 Patriot's meeting?

19 A As we kind of heard before, he was kind of
20 vulgar and -- in going toward -- to a meeting such as
21 that. So it was a little -- he was -- was obviously
22 frustrated with -- for whatever reason -- with that
23 meeting.

24 Q And then you had previously in your testimony
25 indicated you thought it was in that voice text that Mr.

1 Braddock indicated that you should call him because there
2 were some things that he wanted to say to you that he
3 could not say over text. Where did you actually receive
4 that communication?

5 A You'll see it in the text messages that we
6 can -- we're viewing right now. So call me if you can,
7 got some things I cannot say over text, which was
8 simultaneously sent with that voice text.

9 Q Okay. And then shortly thereafter, did you get
10 a text message from him, walking home from my attorney's
11 now, TTYL, which I -- I'm sure the Court knows, is talk to
12 you later, or call me?

13 A Correct.

14 Q So this is all essentially shortly after
15 midnight, so very, very early on the morning of July 9th.
16 Is that correct?

17 A Yes.

18 Q Okay. So what did you do right after the text
19 instructing you, talk to you later, or call me?

20 A So based on the original voice texts coupled
21 with, got some things I cannot say over text, he's
22 obviously upset. Previous phone conversations he had
23 already been threatening, and so that is when I got my
24 iPad, and I called him.

25 Q Okay. And -- and is that the call that you

1 previously testified about from your recollection of that
2 call?

3 A Yes.

4 Q Okay. And then after the call, and I'll scroll
5 down a little. The -- it looks like the first text you
6 received immediately after that call was, sorry, but when
7 my brothers call, I have to answer. Is that correct?

8 A Yes. That was -- he -- on the long 30-minute
9 call, he had let me go because his Freemason brothers, per
10 his testimony to me, that's -- that's what his brothers
11 are referred to, and the Freemasons are the ones who are
12 funding all of the hitmen, and his Russian and Ukrainian
13 mafias. And then he followed up with, please do not under
14 any circumstances repeat what I told you. And then the
15 voice text that we had heard previously, again, discussing
16 the -- the fact that these people, including me, under the
17 phone call, he had threatened, you know, me would be
18 collateral if I said anything, and my children, that -- it
19 also is frightening that he also stated that he's done it
20 twice before and that, you know, he's got to protect his
21 family and our country and to keep these conversations
22 between us.

23 Q Okay. And so -- yeah. So was the instruction
24 to keep the -- to under no circumstances repeat what he
25 told you, was that actually in the text message?

1 A Yes.

2 Q How did you interpret his instruction not to
3 repeat anything that he said? Did you feel threatened by
4 that?

5 A Yes. I mean, he's -- he had already stated that
6 he had hitmen, that it was out of his control, that, you
7 know, he had money invested, Freemason brothers, he had,
8 you know, hitmen, how they wouldn't -- you know, nobody
9 would even know that they were around because they'd
10 befriend you. So that in itself, and then, you know, kind
11 of doubling down with, you know, do not repeat under any
12 circumstances. You know, that's what he had told me
13 during the phone call. So I was shook. And just
14 especially knowing that, you know, that he said he's done
15 it twice before. Has he killed other people in the past?
16 I -- I don't know. But I didn't want to be the next one.

17 Q And -- and was the text message instructing you
18 not to repeat under any circumstances what he had told you
19 sent contemporaneously with the voice text recording
20 referring to the scumbag Russians and the disposable
21 people and his willingness to sacrifice his life?

22 A Yes.

23 Q And-- and when Mr. Braddock talked on the
24 recorded voice messages about scumbag Russians that he has
25 access to who are disposable people, what did you think he

1 was referencing?

2 A Can you repeat that? I'm sorry, I'm --

3 Q No, that's okay. I know this is -- I know this
4 is an upsetting topic.

5 When Mr. Braddock talked on the recorded voice text
6 message that he sent you about scumbag Russians that he
7 has access to who are what he described as disposable
8 people, what did you think he was referring to there?

9 A Myself and Anna and whoever else got in the way.
10 The fact that, you know, he -- he has these people in the
11 pocket of his hand, and -- and it sounded to me that he
12 had already kind of moved forward with it, because in the
13 previous conversation that we had he stated that he's
14 already too far deep in, and there's nothing that he can
15 do at this point. So I was not going to do anything to
16 even lead on to the fact that I was calling the police and
17 that I was completely terrified, and soon after I sent my
18 kids, all three of them, out of state.

19 Q And so just -- just to be clear, did you
20 interpret what he said on that recorded voice text as an
21 additional threat to you and to Ms. Luna?

22 A Yes. Absolutely. That was essentially exactly
23 what he stated during the phone call, and then he doubled
24 down on it again and with the fact that he, once again,
25 you know, stated that he had these people and that they

1 were willing to do whatever. He considers people
2 disposable, and he was willing to sacrifice, you know, the
3 few for the "greater good" of the country, and -- and I
4 considered myself one of those few that was willing to be
5 sacrificed, and so that is absolutely terrifying.

6 Q Okay, thank you.

7 MS. JANES: Your Honor, I have nothing further
8 regarding the text messages.

9 THE COURT: Okay. Any cross? Or let me ask,
10 any direct from Mr. Perlman?

11 MR. PERLMAN: No, thank you, Judge.

12 THE COURT: Okay.

13 And Mr. Hayslett, any --

14 MR. HAYSLETT: Just -- just a couple
15 questions --

16 THE COURT: -- cross?

17 MR. HAYSLETT: -- Judge. Could I -- mind the
18 text messages? Could I take a look at the exhibit
19 for a second, Judge?

20 THE COURT: Yes.

21 CROSS-EXAMINATION

22 BY MR. HAYSLETT:

23 Q Good afternoon, Ms. Olszewski. How are you?

24 A Good. How are you Mr. Hanslett (sic)?

25 Q Good. So I understand your testimony today is

1 that you had not heard the voice texts that you provided
2 just really graphic detail to the Court last time. I
3 think your statement today is that they are different than
4 you remembered? Do I have that right?

5 A I don't think that's correct. It's -- it's the
6 same as -- as --

7 Q Got you.

8 A -- I remember.

9 Q Got you. Okay.

10 A Different context.

11 Q So -- so your interpretation -- so I -- I
12 understand. That's fine. Your interpretation, the way
13 you felt, your feelings, the way you felt about these
14 texts were as accurate the way you testified before as
15 they are today after you've heard them. Do I have that
16 right?

17 A No, Mr. Hanslett (sic). So they weren't
18 feelings. He legitimately talked about his hitmen on --
19 on the voice recording, that he had the availability, that
20 he saw people as disposable, that he was ready to -- he's
21 done it before, and he would do it again.

22 Q No, I want to talk about your recollection,
23 because your counsel indicated that you had not heard the
24 voice texts since the night. That's why there might be a
25 little difference in the way you testified, the words you

1 use, and how you described them previous as opposed to the
2 way that they sounded when we actually heard them. Are
3 you saying your testimony is the same, or are you saying
4 what you said earlier is different than the way that they
5 appear once they've been published?

6 A I think that it's fairly the same --

7 Q Okay.

8 A -- in the sense that I -- I -- I am -- I -- I
9 don't know.

10 Q No, that -- that makes sense. I mean, the way
11 that they sound --

12 A (Unintelligible).

13 Q I understand. Different people

14 THE COURT: Hold on a second --

15 MR. HAYSLETT: I can't -- I can't hear it.

16 Sorry.

17 THE COURT: You've got to let her answer your
18 question.

19 MR. HAYSLETT: Yeah, I'm sorry. I couldn't-- I
20 didn't know she was talking.

21 THE COURT: All right. Go ahead. You may
22 continue.

23 A Thank you. The context is the same. He did
24 double down. He did tell me not to repeat anything under
25 any circumstances. And then he did actually, which I

1 didn't testify to in the beginning, is that he also re-
2 verified the fact that he did have hitmen and that they --
3 he has done it actually before. So if anything, I'm
4 thankful that these are admitted because I forgot about
5 that part.

6 Q (By Mr. Hayslett) Sure. You -- you mentioned
7 last time here that he threatened your kids on the voice
8 text, and is that your testimony today?

9 A No. I actually never said that he threatened my
10 kids in the voice text. He threatened my children on --
11 on the phone call that (unintelligible).

12 Q Got you. And it's your testimony --

13 A The FBI does have it, and so does the DOJ right
14 now.

15 Q It's your testimony that your interpretation of
16 the voice text number two is he threatened you?

17 A The text message that went along with the voice
18 text, absolutely he threatened me. It was very harassing,
19 and it was doubling down on the fact that if I do say
20 anything, as he had said before, that I would be
21 collateral.

22 Q Got you. Got you.

23 A That's exactly how I interpret it, and I think
24 that's exactly how he meant it.

25 Q Sure. And -- and I understand that's your

1 interpretation. The collateral part, you'd be collateral,
2 is it your understanding that voice text number 2 supports
3 that?

4 A The text message where he's told me not to
5 repeat it along with the voice message? Yes. That is
6 exactly how --

7 Q Sure.

8 A -- I think it was intended.

9 Q Got you. Got you. I understand. So -- so I
10 think that the -- as I -- as I understand it, the text
11 message, which is page 3 of the --

12 MR. HAYSLETT: What number exhibit is this,
13 Judge, is this --

14 THE COURT: Exhibit 9.

15 MR. HAYSLETT: Exhibit 9?

16 Q (By Mr. Hayslett) Page 3 is Exhibit 9 that your
17 counsel showed you. He said, please do not under any
18 circumstance repeat what I told you. That's the double
19 down threat against you?

20 A Along -- it came with the voice text.

21 Q Got it. When he said, goodnight, and I'll talk
22 to you soon and send you invites for future Zooms, and I'd
23 be honored to have you as a panelist, did you interpret
24 that as a threat?

25 A I interpreted that as somebody that is --

1 doesn't think that what he just did was wrong, and that's
2 quite terrifying. We just saw the Gabby Petito case.
3 This is the kind of stuff that happens. Am I going to be
4 the next? I didn't -- I don't know. Like, people like
5 that that talk so simply and easily about murdering people
6 and disposing of them, those are the kind of people that
7 are absolutely the ones that do go and do something like
8 that and don't think what they just said is wrong. So
9 the -- the -- the very first thing that I'm going to do is
10 not upset somebody like that. And the very next thing I'm
11 going to do is call the authorities, which that's exactly
12 what I did.

13 Q Well, actually, that's not true. The first
14 thing you did before you called the authorities is you
15 actually hearted that comment, right?

16 A Like I -- like I said, Mr. Hanslett (sic), I'm
17 not trying to upset somebody that just threatened to have
18 hitmen on -- on myself, and possibly has done it in the
19 past.

20 Q That -- that's not my question. My question is,
21 you're so moved, you're so emotionally distraught, you're
22 so in fear for your life that you take the time, and you
23 could have chose to do nothing, but you take that
24 statement that you're telling this Court that you
25 interpreted as a threat to you and your family's life, and

1 what do you do, but you take your finger and you heart it?
2 Is -- is that the explanation of your fear?

3 A I just explained it to you. I'm not about to
4 upset somebody that just threatened my life and Anna's
5 life and possibly has done it in the past, and immediately
6 I called authorities, because I don't want -- I didn't
7 want him to think that I had any inkling of turning him in
8 because then I definitely would have been a target.

9 Q Got you. So this -- this was your strategy to
10 show how much you were going along because you were so
11 much in fear that you wanted him to think you were
12 friends, so you hearted it? Do I have that right?

13 A It wasn't even a strategy. I mean, I just --
14 I -- it's like kind of a fight or flight.

15 Q Got you.

16 A I -- it wasn't -- I didn't -- I've never -- my
17 life has never been threatened like that ever --

18 Q I understand --

19 A -- to the extent of a hitman. So I don't know.
20 I don't know. How would anybody respond to that? All I
21 knew was I wasn't about to piss him off and immediately
22 called authorities and sent my kids out of state to
23 protect them.

24 Q I -- I understand. You've said that. He then
25 sends the additional threatening comment of God bless and

1 goodnight. Did you interpret that as a threat?

2 A I just kind of interpreted that as a psychopath
3 to be honest with you.

4 Q I -- I can understand the way you see things. I
5 can see how you would.

6 A (Unintelligible).

7 Q I can see how you would.

8 A (Unintelligible).

9 Q And Ms. Olszewski again, because of you were so
10 much in fear, you again with what you thought, again you
11 interpreted that as he was a psychopath because he said
12 God bless? That part? Or the goodnight part?

13 A Anybody that just threatens murder and then
14 follows up with God bless, I think that's -- I don't think
15 that person is -- is quite sane, because that's the
16 opposite of what Christians would even consider.

17 Q I -- I understand. Your recollection may not be
18 accurate, but when you get to that point, and that
19 statement comes through, you again have all the decisions
20 in the world. You then chose during this conversation
21 when you indicated to this Court that you were trembling,
22 you were afraid, you were afraid for your family -- you
23 then take the time -- because you -- it actually took time
24 to do this -- to heart that. You could've thumbs-upped
25 it. You could've thumbs-downed it. You could've said

1 stopped calling me. I'm calling the police. You're
2 crazy. All the things you shared with us today. But you
3 chose, of all things, to tell him that -- I guess heart --
4 what does -- when you hearted it, what did you mean my
5 hearting it?

6 A I don't think it's a good idea to tell a person
7 that just threatened to murder you that they're crazy,
8 because he probably knew where I lived at that point. I
9 wouldn't doubt it. He knew everything else about me. So
10 that, like I said before, Mr. Hanslett (sic), the reason I
11 did that is because I wasn't about to piss him off, and I
12 wasn't about to, you know, let him know that what I just
13 heard that -- him say about murdering me, about murdering
14 Anna, about my children. That's the very, very last thing
15 I think that anybody should do. And that's when I did
16 alert authorities. So I wanted him to be very quite
17 content that I wasn't going to turn him in, because what
18 he just told me, he should be locked up in prison.

19 Q I appreciate that. You had then, again, in your
20 fear, again with these threats, again based upon
21 everything you've testified to and actually what we've now
22 heard as to what really was said, you then, after taking
23 the time -- to use your words, you double down on it. You
24 double down on it, and you take your thumbs, your fingers,
25 or however you type, and you tell him, God bless you too.

1 Get some rest. I am too. Now is that your way -- do you
2 have some training as a nurse? Is that your way to combat
3 fear? To combat threats? When you said God bless you
4 too, what did you mean by that when you sent that?
5 Obviously you didn't really mean that, so were you lying
6 to him?

7 A I did actually really mean that because I think
8 he -- he does need to do a lot of soul searching. I --
9 I've never in my life had anybody, like, have an entire
10 hit squad ready to kill somebody because of -- I don't
11 know. I don't know what this is -- I didn't ask for this.
12 I didn't ask for him to come -- come and let me know that
13 I would be collateral, that he had hit squads. I didn't
14 ask for any of this. This isn't political to me. It was
15 political to him. He would -- he had the -- he went and
16 changed at our last hearing and then showed up on screen
17 with the political harassment. He's intimidating me as
18 I'm testifying that he was threatening to -- to kill me
19 and Anna. Like, this is the -- this is the kind of guy he
20 is. You don't piss off these people. And yeah, I do have
21 training as a nurse. I am able to recognize these. I am
22 trained how to deal with people like him. So that's what
23 I did.

24 Q So -- so -- I'm sorry. So -- go ahead. I'm
25 finished.

1 A It has nothing to do with not feeling that my
2 life was on the line, because it had everything to do with
3 that, and that's exactly why I called the Sheriff's
4 office. That's exactly why I didn't plead the Fifth
5 through this entire hearing or walk away from it, because
6 I am that -- I feel that strongly about it --

7 Q Well, it --

8 A -- and I will not risk the lives of my children.

9 Q And I ask you, Ms. Olszewski, what may be in
10 flux here is your recollection, whether it's accurate or
11 not, but what we know is accurate is what you wrote, so I
12 just want to get some further feedback from you, because I
13 understand what you're claiming, you fear, all the things
14 you claim that he said to you.

15 What I'm trying to find out is that it appears that
16 what you're writing, intentionally writing, taking -- and
17 taking the time to send a message when you're telling us
18 that you couldn't call the cops fast enough. But before
19 you can do that, before you take the time to do that, you
20 sit down, and you have this conversation when you're
21 hearting things, you're telling, would love that, thank
22 you. You tell him, perfect, goodnight, and thank you for
23 allowing me to be part of that. You're the one who makes
24 the decision to continue the conversation. You could've
25 chose to say nothing. You could've chose to say --

1 MS. JANES: Your Honor --

2 Q -- stop text. Well, you had a lot of choices --

3 MS. JANES: Your Honor, I'm going to object to
4 the argumentative nature --

5 MR. HAYSLETT: I'll -- I'll stop. You're right.

6 MS. JANES: -- of these questions.

7 MR. HAYSLETT: That's fine. You're right, Ms.
8 Janes. I apologize.

9 Q Ms. -- Ms. -- Ms. -- Ms. Olszewski, what I'm
10 trying to find out is, by what thought process did you
11 think this is consistent with someone who is in fear for
12 her life?

13 A I -- I feel like I've already explained --
14 explained that. I think I actually thoroughly explained
15 it, the reasoning behind that. I don't know what -- how
16 much more I can honestly tell you. I said I was in a --
17 it's fight or flight. I'm a woman. I'm a single mother
18 at home with three kids, and I just had a guy that told me
19 his whole entire plan of how he would murder people and
20 they wouldn't even know it. And then I had him message me
21 again saying that I better not say anything. And then I
22 had him send a voice text again that we heard that just
23 verifies the fact that he does have these people at his
24 disposal. He's done it before.

25 And then he comes on at the last hearing and flashes

1 political, you know, whatever he was doing. Like, that
2 just shows your client's demeanor. So if he's capable of
3 doing this on a recorded call in front of a judge, and --
4 and he thinks that this is just silly? This isn't silly
5 to me. This is my life. And it's not funny. And I did
6 whatever I could to survive at that moment because I
7 didn't know what he was capable of, and if he knew that I
8 had just recorded that, and I was going to turn him into
9 the police, I have no doubt in my mind that he would've
10 come after me.

11 And I'm actually still scared that he's going to come
12 after me because of retaliation. Because I think that he
13 is an extremely, extremely dangerous person, and I do
14 think, had I not done anything and said anything, I do
15 believe that he would have killed Anna or myself or both.

16 MR. HAYSLETT: Okay. Nothing else, Judge.

17 THE COURT: Okay. Any redirect?

18 MS. JANES: Yes, Your Honor. Just very briefly.

19 I want to make sure that the time line is clear here.

20 REDIRECT EXAMINATION

21 BY MS. JANES:

22 Q Ms. Olszewski, the -- the initial call with Mr.
23 Braddock was very shortly after midnight, is that correct?

24 A Yes.

25 Q Okay. And this -- you -- you -- you indicate at

1 the beginning of this voice text recording that you
2 received it at about 1:26 a.m. Before you received this
3 voice text, had you already contacted Ms. Luna to let her
4 know that she needed to reach out to law enforcement
5 because of the -- the call from Mr. Braddock?

6 A The -- the long -- the long call?

7 Q Yes.

8 A Yes.

9 Q So just -- just to be clear, the -- the long
10 call took place few minutes after midnight? Is that
11 right?

12 A Yes.

13 Q After that call, you contacted Ms. Luna and
14 instructed her to contact law enforcement?

15 A Yes.

16 Q And it was then at that point, after the
17 instruction had already -- after you'd already warned Ms.
18 Luna and after you'd already said, okay, we need to call
19 law enforcement, that's when you received this second
20 voice text at about 1:26 a.m. Is that -- is that
21 accurate?

22 A Yes.

23 Q Okay. So at the time that you were responding
24 to the subsequent text messages, you'd already issued a
25 warning to the -- to the -- to Ms. Luna and to -- you

1 knew -- you knew the word had gone out to law enforcement?

2 A Yes.

3 Q And were you trying to ensure your own safety in
4 the way that you responded to those texts?

5 A Yes. Absolutely.

6 Q And were you -- were you trying to ensure the
7 safety of your children in the way that you responded to
8 those subsequent texts?

9 A Yes.

10 MS. JANES: Thank you, Your Honor. I have
11 nothing further.

12 THE COURT: All right. Mr. Perlman?

13 MR. PERLMAN: Nothing from me. But thank you,
14 Judge.

15 THE COURT: Okay. All right. Any additional
16 rebuttal evidence from either of the petitioners?

17 Ms. Janes?

18 MS. JANES: None from me, Your Honor. Thank
19 you.

20 THE COURT: Mr. Perlman? Mr. Perlman, do you
21 have any additional rebuttal testimony?

22 MR. PERLMAN: No, Judge.

23 THE COURT: All right.

24 MR. PERLMAN: Just in closing.

25 THE COURT: Okay. All right. So we will have

1 closing statements now. I'll have, I guess, Mr.
2 Perlman go first since that's kind of the sequence
3 we've been going, and then Ms. Janes, and then Mr.
4 Hayslett, and then Mr. Perlman can make a brief
5 rebuttal argument as well as Mr. Janes.

6 Okay? Does anybody have any questions or need
7 any break or anything before we start this?

8 MR. HAYSLETT: Judge, do you mind if we take --

9 MR. PERLMAN: I was going to say that --

10 MS. JANES: Yes, Your Honor -- oh.

11 MR. HAYSLETT: Go ahead.

12 MR. PERLMAN: Go ahead.

13 MS. JANES: I -- I -- I just wanted to remind
14 the Court, just for -- for timing purposes, and I
15 don't know if the Court would like to put any time
16 limits on any of this. I -- I do have a conflicting
17 engagement at 3:30, and I'm -- that I -- I'm actually
18 going to be the moderator of a -- a national webinar
19 that the Federal Bar Association is putting on, so
20 I -- I have to be off by shortly before 3:30.

21 THE COURT: Okay. All right.

22 MS. JANES: I don't think it should be an
23 issue --

24 THE COURT: I hope it wouldn't be an issue.

25 MS. JANES: -- in terms of the length of your

1 arguments, but I just want to --

2 THE COURT: All right. So let me see. That
3 gives us -- if we do take a little break, which I
4 think I was hearing we might want a brief break, then
5 that'll probably put us about 2:25-ish, so that gives
6 us an hour. Can everybody be about 20 minutes or
7 less?

8 MR. PERLMAN: Yes.

9 THE COURT: Okay. All right.

10 MS. JANES: Yes, Your Honor.

11 THE COURT: I mean, I -- I did take a lot of
12 notes and have reviewed everything prior again this
13 morning. So we -- do you want to take a brief break,
14 come back at 2:25, and then start with closings with
15 Mr. Perlman at that time?

16 MR. HAYSLETT: That's fine, Judge, and I was
17 just going to tell the Court if -- Mr. Cox is going
18 to handle just the -- the legal side of it. I'll
19 make some short comments. We'll just divide ours up
20 in two.

21 THE COURT: All right.

22 MR. HAYSLETT: That's all. Thank you.

23 THE COURT: All right. Just make sure you try
24 to keep it to 20 minutes --

25 MR. COX: We will.

1 THE COURT: -- so everybody has their time,
2 because I do -- we -- we're planning around that.
3 Okay. I'll see everybody back at 2:25.

4 (Recess.)

5 THE COURT: All right. Let me make sure we're
6 back on the record. Oh, we are back on the record.

7 All right. Mr. Perlman, you may proceed.

8 MR. PERLMAN: Thank you, Judge. May it please
9 the Court. To no surprise, it's our position that
10 the record has substantial and competent evidence,
11 pursuant to the statute which is the course of
12 conduct directed at Ms. Luna which causes her
13 substantial emotional distress, it serves no
14 legitimate purpose. And that is again, for the
15 record, Statute 784.048(2).

16 I want to put that in context with regard to the
17 evidence, but before that, Judge, I have just a
18 couple observations that I want to make sure were not
19 lost by the Court.

20 The first, and it's quite telling, that the
21 initial action by Mr. Braddock, once the injunction
22 was issued, was to publish it on Facebook, turn his
23 nose up at the Court, and then attempt to violate the
24 very injunction by getting on a website, knowing that
25 Ms. Luna is a participant of, and trying to post a

1 comment directed at her. Those were introduced into
2 evidence, Judge.

3 The same contempt was experienced actually the
4 first day of trial. First we had counsel disparage
5 the co-petitioner, and then feign concern over her
6 rights to the Fifth Amendment privilege. I doubt
7 sincerely that he was ever concerned to that degree,
8 but and I would submit, Judge, it was more intended
9 to intimidate the witness, which didn't work. So
10 what happened next?

11 As Your Honor knows, while the co-petitioner was
12 actually testifying, Mr. Braddock activated his
13 camera, adjusted the lens to display his or her body,
14 intentionally opened up his jacket and tried to make
15 a statement while asserting the Fifth to intimidate
16 the co-petitioner. Your Honor dealt with it at the
17 record appropriately, enjoined him to turn off the
18 camera unless and until directed by Your Honor.

19 But it's interesting because that, too, I
20 believe is a violation of the injunction. Because
21 the injunction says not to have any contact,
22 including any electronic means. So that would be
23 section 2 of the order to the judged -- to the
24 injunction.

25 So turning to the evidence, Judge. We submit

1 that it's overwhelming. And I don't -- I know that
2 you've done this before and there were cases pending
3 last time, but as far as this record goes, it is
4 overwhelming.

5 The first thing I'd like to bring to Your
6 Honor's attention is the deposition transcript of Mr.
7 Braddock. And I'd like to publish ten quick lines if
8 I will, because we're seeking an adverse inference
9 under applicable law based on him asserting the Fifth
10 in a civil context. The caselaw that would justify
11 that is *Atlas v. Atlas*, 708 So. 2d 296, of course, is
12 a Fourth DCA decision, as well as the Supreme Court
13 *Baxter* decision, *Baxter* 425 U.S. 308.

14 The first, Judge, would be on page 10, lines 10
15 and 13 regarding whether or not Mr. Braddock
16 threatened physical harm to Ms. Luna. The next
17 one -- I'm going to go through these too quick -- too
18 quickly to probably follow along, but we can try.
19 Judge, that was page 10, lines, I believe, 13.

20 By (unintelligible) invoking the Fifth the
21 adverse inference is that he answers in the
22 affirmative, which is why he asserted the Fifth in a
23 civil context. That's how it works. So that's how
24 the -- when I publish these statements, that's how
25 I'll be doing so.

1 The next one, Judge, is on page 14, line 5, that
2 he actually discussed with Tito and Makki causing
3 harm to Ms. Luna. Further again, on page 21, line
4 20 -- I'm sorry. Page 22, line 14, that he
5 threatened to kill Ms. Luna more than once. On line
6 17, that he threatened to kill her during the call on
7 6/8 with the co-petitioner. Again, on line 21, that
8 he had a series of texts and communications intending
9 to kill -- with the intent to kill Ms. Luna.

10 Turning to page 23, line 67, that he has
11 relationships with foreign hit squads and can make
12 people disappear. That he knows and has told people
13 Ms. Luna's address. Page 22 and 23, and that he --
14 on page 25, received military training to kill his
15 opponent. And on page 49, line 25 and page 51, line
16 3, had a concealed weapons permit.

17 So that, in essence, is the testimony of Mr.
18 Braddock under the adverse inference, and that was
19 the reason why we wanted that transcript introduced
20 and his assertion of the Fifth.

21 We also had, Judge, as Your Honor recalls, a
22 series of witnesses, and I would have to say that
23 they were all extremely credible. There was no
24 impeachment whatsoever. And each of them testified
25 to Your Honor that they were deeply concerned for the

1 safety of Ms. Luna based on the threats lodged by Mr.
2 Braddock. They dealt with the threats to Ms. Luna,
3 the harm that was intended, and that their fear that
4 she was in danger.

5 If that doesn't justify substantial emotional
6 distress from an ordinary person's standard, I don't
7 know what does. But to drive the point home, Judge,
8 I want to publish a couple key exhibits. The first
9 of which is Exhibit 3.

10 So this is Mr. Braddock talking below the blue,
11 and I believe that Audra Christian testified about
12 these communications and in particular, quote, "Luna
13 is a grease spot. Makki and Tito and myself are
14 taking her out." I think she testified, Judge, that
15 that had -- that that was slang for significant
16 physical harm, that's how she interpreted it. That's
17 why her antenna was set off and she felt compelled to
18 notify Ms. Luna that these discussions were taking
19 place that were going to cause her great physical
20 harm. That's the evidence and it's undisputed.

21 The next, Judge, was Ms. Luna's testimony with
22 the knowledge of these various communications from
23 various people, that at the event, Mr. Braddock
24 physically blocked her path. And armed with the
25 knowledge of her safety was at risk, she immediately

1 disengaged and avoided the situation because she was
2 on high alert already.

3 I say that, Judge, because it takes more than
4 one act. It's the course of conduct. You know, I've
5 got a series of texts and communications. We also
6 have this event where he physically blocked her
7 pathway, that being the second act. Now again,
8 aware, based on the evidence where people advised Ms.
9 Luna that in addition to these threats and these
10 actions, he was actually surveying her home and
11 telling people where she lived, et cetera, there's
12 Exhibit 6.

13 Now, Exhibit 6, Judge, was from Mr. DeMint, and
14 he testified -- or Ms. Luna testified that this
15 information was provided to her prior to the petition
16 being filed. And Mr. Braddock wrote to Mr. DeMint,
17 and I quote, "Myself and other candidates in my team
18 will take out Luna. No questions asked."

19 Now, Judge, to suggest, as counsel may, this was
20 political banter is just a nonstarter. You know, you
21 don't have those types of words except in the movies,
22 you know. Grease spot and no questions asked, things
23 like that. Nor is there any evidence to contradict
24 the testimony of Mr. DeMint, who likewise interpreted
25 it as a threat and the information was relayed to Ms.

1 Luna, causing additional emotional distress.

2 Judge, then we have -- that's the third act.
3 Now we have the fourth act, which is the June 8th
4 phone call with the co-petitioner, Erin. Clearly no
5 legitimate purpose.

6 She testified bravely over the contents of that
7 conversation from her recollection. She was very
8 candid, very credible, and rightfully, very
9 emotional. And in response, all we heard was the
10 silly notion, but wait, he was only going to kill Ms.
11 Luna if she was ahead in the polls. Judge, that is
12 as silly and ridiculous as it is offensive. That
13 defense is not a defense, and not even worth
14 repeating, but I wanted to make the point to the
15 Court that that testimony came in unrebutted and
16 clearly, when she called Ms. Luna and relayed the
17 direct death threats to Ms. Luna, that she had every
18 right to react and be distraught as she testified to.
19 And that would be the fourth act.

20 So there is -- the record evidence is that there
21 is a course of conduct, which requires more than one
22 act. Here, we have at least four, and I'm not even
23 talking about the radio show. I'm not wasting the
24 Court's time on that.

25 We also have the evidence of all of the

1 witnesses who testified that, in a reasonable
2 person's standard, that they suffered emotional
3 distress such that they should contact Ms. Luna for
4 her own personal safety. That was, in essence,
5 Judge -- and each of them said this, the very reason
6 and basis they notified her. They were concerned for
7 her physical safety and wellbeing.

8 Now, when it comes to the emotional distress,
9 the record evidence is clear, and Ms. Luna confirmed
10 its existence, that she too was in fear for her
11 safety based on Mr. Braddock's actions, conducts, and
12 his text messages and the phone call with the co-
13 petitioner, all of which were directed at Ms. Luna.
14 And she feared for her safety. She adjusted her
15 security at home. She made arrangements for a
16 security detail for her campaign. She immediately
17 took action to leave town and when she returned, she
18 tried to lay low and limit her events, things like
19 that.

20 She testified that she was stressed and
21 distraught, that it affected her mental state. It
22 affected adversely her sleeping, her eating, and it
23 interfered significantly with her planning for her
24 family with children.

25 So Judge, this case is the textbook definition

1 of the statute. And I want to quote an article that
2 talked about it, and I'll give its citation in a
3 second.

4 But it says, quote, "The Stalking Statute was
5 intended to fill gaps in the law by criminalizing
6 conduct that fell short of assault or battery by
7 assuring that victims did not have to be injured or
8 threatened with death before stopping the stalker's
9 harassment." And the cite is Stalking the Problems
10 with Stalking Laws and Effectiveness of Florida
11 Statute Section 784.048 *Florida Law Review* 609.

12 So the -- I want to turn to the technical issue
13 of their original motion which is these were all
14 indirect actions. And I'm going to do them really
15 quickly, Judge, because they're already in the
16 record. But I cited cases from the First, Second,
17 Third, and Fourth DCA, all of which reject that
18 argument. There's the *Libersat* case at 305 So. 3d
19 766, the *Jones v. Jackson* 67 So. 3d 1203, the *Seitz*
20 *v. State* at 867 So. 2d 421, and *Logue v. Book*, the
21 Fourth DCA, at 297 So. 2d 605. That case,
22 ironically, is actually cited by the respondent, but
23 clearly they failed to read the entire opinion.
24 Because in that case, in interpreting 784.048, the
25 Court said quote, "The plain words of the statute do

1 not require that the communications be intended for
2 transmission to the victim."

3 And these cases talk about the distinction
4 between directed to and directed at, and they all
5 come out with the legal conclusion that directed at
6 means it just has to relate to that individual. It
7 doesn't have to be directed to that person, per se.
8 And in fact *Libersat*, the first case I cited, said it
9 best. "We thus reject Libersat's invitation to
10 judicially in graph the requirements of contact in
11 contemporaneous distress in the stalking statute.
12 Nothing in the plain language of the statute supports
13 Libersat's argument that contact with the victim is a
14 prerequisite to establish stalking." So I think that
15 issue supports the petition.

16 Judge, I think in conclusion I would submit to
17 Your Honor that the evidence in the law supports the
18 injunction. We would ask the Court to do exactly
19 that, to prevent the harm that's intended by
20 operation of the statute. There is no legitimate
21 purpose in having these conversations, the
22 communications, to have a foreign hit squad kill Ms.
23 Luna. There is no legitimate purpose in taking her
24 out as a grease spot, no questions asked. And I
25 submit the evidence confirms every right for the

1 injunction, Judge.

2 I don't know if Your Honor has any questions.
3 Obviously, I'll reserve on rebuttal. Thank you.

4 THE COURT: Okay. All right, Ms. Janes?

5 MS. JANES: Yes, Your Honor. Thank you. We're
6 here seeking a permanent injunction based on
7 stalking, which requires a course of conducted
8 directed a specific person that causes that person
9 substantial emotional distress and serves no
10 legitimate purpose, and Ms. Olszewski is entitled to
11 an injunction for protection against stalking because
12 of Mr. Braddock's threats against her and her
13 children, which took place in at least two separate
14 incidents rose to the level of stalking that
15 satisfies each of those elements.

16 Ms. Olszewski proceeds under the harassment
17 portion of the stalking statute, which prohibits a
18 person from engaging in a course of conduct directed
19 at a specific person that causes substantial
20 emotional distress and serves no legitimate purpose.

21 With regard to the course of conduct
22 requirement, as I think Mr. Perlman has already ably
23 explained, that requirement requires the petitioner
24 to show that there was a pattern of conduct composed
25 of a series of acts over a period of time, however

1 short, that evidence is a continuity of purpose.
2 Here, Mr. Braddock initiated contact with Ms.
3 Olszewski. It's possible that his initial contacts
4 had no legitimate purpose -- or excuse me, that his
5 initial contacts may have had some legitimate
6 purpose, but his later contacts, his threatening
7 contacts, had absolutely no legitimate purpose.

8 And the harassing communications that were
9 directed specifically at Ms. Olszewski took place
10 over -- over the course of at least a phone call
11 where Mr. Braddock made threats against both Ms. Luna
12 and Ms. Olszewski, a text where he instructed her not
13 to repeat what he just said, and then a separate
14 recorded voice text in which Mr. Braddock referred
15 back to the threats that he had made in his prior
16 phone call.

17 And all of this took place, I think the evidence
18 shows, over the -- over a course of time that was
19 maybe an hour and 20 minutes in three separate
20 incidents.

21 And this -- it's important to note here, I
22 think, that the statute doesn't require that the
23 series of acts that the harasser engaged in be spread
24 out over a particular period of time, and in fact,
25 actually states the opposite. The statute defines a

1 course of conduct over a -- as a series of acts over
2 a period of time however short, as long as it
3 evidences a continuity of purpose. And that's
4 exactly what Mr. Braddock engaged in here.

5 He made the initial threats in a phone
6 conversation. After he got off the phone and he had
7 an opportunity to reflect, he then sent a text
8 message instructing Ms. Olszewski not to repeat what
9 he had said. He then reinforced that message by
10 making a recording, a recorded voice text, making
11 further threats and then sent that to Ms. Olszewski.

12 The cases support the proposition that these
13 were each separate incidents and are sufficient to
14 establish a course of conduct. And I would cite the
15 Court to a couple of cases, *Levy v. Jacobs*, which is
16 69 So. 2d 403 (sic), that's Fourth DCA, as well as
17 *T.B. v. State*, that's 990 So. 2d 651. *Levy* is
18 actually a repeat violence case, but obviously with a
19 repeat violence statute has an analogous element in
20 that it requires at least two separate incidents. In
21 that case, two separate incidents of violence
22 occurred, one inside a building, followed immediately
23 thereafter by another incident inside a building's
24 lobby. And the Fourth DCA affirmed the trial court's
25 holding that that was two separate incidents, because

1 that five minute separation in time in between the
2 altercation that took place out in front of the
3 building and the altercation that took place in the
4 lobby was a sufficient, and I'm quoting here,
5 "sufficient temporal break to allow the respondent to
6 pause, reflect, and form a new intent before the
7 second incident." And that's exactly what Mr.
8 Braddock had here.

9 During the -- the early morning, shortly after
10 midnight, late night June 8th, early morning June 9th
11 call, Mr. Braddock made numerous disturbing and
12 threatening statements against both Ms. Luna and Ms.
13 Olszewski. You know, threatening Russian hit
14 squads -- Russian and Ukrainian hit squads, and
15 making statements to the effect that if Ms. Olszewski
16 were near Ms. Luna at the time of these events, that
17 she could be collateral, and making reference to Ms.
18 Olszewski's status as a single mother and the
19 potential danger to her children.

20 And then that call ended and there was a break
21 in time, and Mr. Braddock had the opportunity to
22 think, to reflect on what he had said. And his
23 reaction after having that pause to reflect was to
24 send a text message instructing her not to repeat
25 what he had said. And then immediately following

1 that text message, to send a voice text, that
2 reinforced that by referring to the threats he had
3 made on the call about Russian and Ukrainian hit
4 squads by talking about, quote, "scumbag Russians"
5 that he has access to, and quoted "disposable people"
6 and stating that he's willing to die for his cause.

7 Your Honor, that's three separate incidents that
8 each of which were sufficient to place Ms. Olszewski
9 in substantial emotional distress, and importantly,
10 they would cause any reasonable person's substantial
11 emotional distress. The threats were graphic, they
12 were specific with regard to how they would be
13 carried out. They quoted reference to hit squads
14 that Mr. Braddock said during the lengthy telephone
15 call that he had contact with these people, and they
16 referred to Ms. Olszewski's children.

17 Again -- so I don't think there can be any
18 question that that call caused substantial emotional
19 distress sufficient -- and Ms. Olszewski's actions
20 bear that out. She was so disturbed by this event
21 that she immediately, after midnight, called Ms.
22 Luna. And Ms. Luna verified that -- Ms. Luna
23 testified that she had been woken up by a distraught
24 Ms. Olszewski who was terrified for herself and her
25 friend and urged Ms. Luna to call law enforcement.

1 And while Ms. Olszewski was on that call, Mr.
2 Braddock doubled down. He sent her a text message
3 instructing her not to repeat it, and then he sent
4 her that voice text about scumbag Russians and
5 disposable people and his willingness to die for his
6 cause.

7 And this was also in the context of Ms.
8 Olszewski knowing that Mr. Braddock has a military
9 history, has had training in how to kill people, and
10 had previously made disturbing statements about Ms.
11 Luna and Ms. Olszewski. Any reasonable person who on
12 a telephone call receives threats of violence against
13 herself, her friend, her children, coming from
14 someone who references connections with hit man --
15 hitmen, and that person has a military background,
16 would undoubtedly feel emotional distress.

17 A reasonable person who has heard those threats,
18 has been so disturbed as to then warn the person --
19 one of the people, threatened on that call of what
20 was said and then receives further contact from the
21 same person, referencing in graphic and offensive
22 terms the people he said would carry out the threats
23 and talking about a willingness to die for his cause,
24 would again, experience substantial emotional
25 distress.

1 Mr. Perlman, I think, already addressed this,
2 but I just would like to refer the Court to the
3 additional threat that took place during Ms.
4 Olszewski's testimony. Mr. Perlman has already
5 described it, and I described it immediately after it
6 happened, during the hearing.

7 But I did just want to point out one, I think,
8 important fact, which is that prior to -- at the
9 outset of the hearing, Mr. Braddock was in a dress
10 shirt. And at some point, he changed clothes in
11 order to be able to display that threatening shirt to
12 Ms. Olszewski, and he then turned on his camera. He
13 adjusted -- he adjusted the camera and stood up
14 somewhat, and then deliberately, deliberately opened
15 his jacket to display a threatening message to the
16 woman who was currently testifying about her fear of
17 him.

18 And frankly, I think it's an additional
19 incident, but at the very least it evidences a
20 complete contempt for the proceedings here and
21 provides additional evidence that Mr. Braddock needs
22 to be stopped.

23 And I would also make the additional point in
24 closing; opposing counsel tried to suggest that Ms.
25 Olszewski's recollection was somehow flawed because

1 some of what she thought she had heard on the voice
2 text was actually in the text messages. I think
3 that's a very understandable error, particularly
4 considering how contemporaneous all of this was and
5 how quickly it happened. But I would point out that
6 Mr. Braddock said everything that mister -- that Ms.
7 Olszewski testified that he had said. And Ms.
8 Olszewski took the actions she did in order to keep
9 herself safe, in order to keep Ms. Luna safe, in
10 order to keep her children safe.

11 She sent her children out of state. I don't
12 know anything that would indicate a level of fear or
13 substantial emotional distress greater than that,
14 other than perhaps what Ms. Olszewski did here, which
15 was to waive her Fifth Amendment privilege and go on
16 the record to testify because she is more afraid of
17 Mr. Braddock than any potential ramifications that
18 could come from her admitted recording of this phone
19 conversation.

20 As Ms. Olszewski explained, when she recorded
21 that phone conversation, you know, she didn't do so
22 with the intention to share it with the world. She
23 said she recorded it for her own recollection. She
24 shared it with law enforcement only with their
25 request, and she testified about it openly and

1 candidly to this Court because she is that afraid of
2 Mr. Braddock.

3 So for those reasons, Your Honor, we would
4 submit that a permanent injunction against stalking
5 protecting Ms. Olszewski from Mr. Braddock is
6 appropriate here.

7 Does the Court have any questions?

8 THE COURT: No, I do not.

9 MS. JANES: Okay. Thank you.

10 THE COURT: All right. Mr. Cox? You may.

11 MR. COX: You start first, Mr. Hayslett.

12 THE COURT: Oh, I don't -- whoever wants to go
13 first.

14 MR. HAYSLETT: Do you want?

15 MR. COX: Yeah. You go first. You
16 (unintelligible).

17 MR. HAYSLETT: Thank you, Your Honor. If I may
18 approach the podium?

19 THE COURT: Oh, absolutely.

20 MR. HAYSLETT: Or the lectern. Thank you, Your
21 Honor. May it please the Court. Let me begin by
22 noting something, Your Honor, that is -- should be --
23 and I'm sure is self-evident to this Court, but I
24 think is worth repeating for the benefit of all
25 participants, which is this is not a Court for all

1 things and all purposes. This is not a Court to
2 decide if Mr. Braddock is somebody who belongs in
3 prison, for example. This is not a criminal Court.

4 This is not a Court to decide whether or not Mr.
5 Braddock is a kind or a polite individual or whether
6 or not anything he may have said was something that
7 should be repeated in polite society. It's
8 unfortunate the Court has to include in its record
9 certain profanity that is not something that we
10 typically use. But again, that's not for this Court
11 to decide. What this Court has to decide is whether
12 or not stalking has been alleged and proven as
13 defined by statute.

14 Opposing counsel has referenced the statute.
15 I'm going to reiterate it as well, Florida Statute
16 784.048 is the statute that provides definitions that
17 we are dealing with here.

18 Nobody is alleging that Mr. Braddock followed
19 these people. So the issue is whether or not he
20 harassed them as a form of stalking, harassing;
21 meaning to engage in a course of conduct directed at
22 a specific person which causes substantial emotional
23 distress to that person and serves no legitimate
24 purpose. And by definition, because it requires
25 repeated, it must happen more than once.

1 Additionally, stalking can include
2 cyberstalking, which means to engage in a course of
3 conduct to communicate or cause to be communicated
4 words, images, or language by or through the use of
5 electronic mail or electronic communication, again,
6 directed at a specific person using substantial
7 emotional -- causing emotional distress to that
8 person and serving no legitimate purpose.

9 So Your Honor, I would submit that for every
10 instance that is being described, there are a couple
11 questions that have to be asked under these statutes.
12 1 is, was there a legitimate purpose for the
13 encounter? 2 is would it have caused, and the
14 caselaw's clear, it's an objective standard, would it
15 have caused substantial emotional distress to a
16 person. 3, was it directed at a particular person.
17 So let's deal with these allegations that have been
18 alleged and let's deal with them as the statute
19 provides.

20 Let's start with Ms. Luna, which Mr. Perlman
21 discussed and claimed there was an overwhelming
22 record of instances that established harassment and
23 stalking. He begins by noting an adverse inference
24 in the civil context and cited the depositions.
25 Judge, I would note that again we're not here to

1 decide whether or not Mr. Braddock has committed a
2 crime or whether he has levied any threats. We're
3 here to decide whether or not he has harassed Ms.
4 Luna.

5 So the issue becomes in that context of that
6 transcript whether or not he was directing any of his
7 comments to a specific person. There is literally no
8 testimony to suggest that anything he said in his
9 phone call that he invoked the Fifth Amendment about,
10 that he did so with an attempt or with any effort to
11 convey that to Ms. Luna. In fact, Your Honor, the
12 evidence suggests the opposite, as has been
13 emphasized. He asked the person who he directed it
14 to, Ms. Laskowski (sic), not to share it with
15 anybody. So this first instance does not meet the
16 definition of harassment, because harassment must be
17 a course of conduct directed at a specific person.
18 And if I communicate with a third party about
19 somebody else, I'm not directing it to that specific
20 person. I'm communicating with a third party.

21 There is caselaw that supports this position,
22 Judge, including caselaw that is very recent. I
23 cited *Wright v. Norris*. At the time I cited it in
24 written motion, it was a Westlaw citation. It is now
25 320 So. 3d 253. And it's a Second DCA case. We, of

1 course, are in the Second. This is from April of
2 this year.

3 The emails or messages that Wright allegedly
4 sent to third parties such as Norris's business
5 associates did not constitute cyberstalking because
6 they were not addressed to Norris herself.

7 Now I know that Mr. Perlman has suggested that
8 my caselaw research is insufficient. I had asked him
9 for his own citations. He didn't provide them for
10 me. I know he rattled -- he read them off, but it's
11 important to note that again, we are in the Second
12 District Court. Third, Fourth, and Fifth may reflect
13 a difference of opinion that is not binding
14 precedent. And in fact, I would make that argument
15 because again, not only am I citing a case from the
16 Second out of April of this year, I would also note
17 that other caselaw that I have cited suggests that
18 there is a distinction between the districts and the
19 Second recognizes and holds that communications about
20 a person are not directed to that person.

21 So regardless of whether an adverse inference
22 the Court wishes to draw in a civil context, the
23 deposition in which Mr. Braddock invoked the Fifth
24 Amendment, it is irrelevant to a question of stalking
25 Ms. Luna unless there is evidence that it was

1 directed to Ms. Luna. And there is literally no
2 evidence, and again, I would emphasize the evidence
3 was the opposite.

4 Similarly, we have a series of witnesses who
5 have testified that they received messages from Mr.
6 Braddock concerning Ms. Luna. Again, there is a lack
7 of evidence that any of those messages were meant to
8 be transmitted to Ms. Luna. In fact, many of these
9 people testified that Mr. Braddock did not know they
10 were affiliated with Ms. Luna, and they did so in the
11 context of saying that they were shocked and dismayed
12 that somebody who didn't know that they were familiar
13 with Ms. Luna would tell them so many hostile things
14 about Ms. Luna.

15 So the emphasis in fact, Judge, was the opposite
16 of this was being conveyed to Ms. Luna. The emphasis
17 was on the fact that these people were getting
18 solicitations about Ms. Luna notwithstanding the fact
19 that they knew her, which led them to the conclusion
20 that he didn't realize that they knew her.

21 At this point, I hasten to emphasize that
22 there's another element here, Judge, which is the
23 fact that Ms. Luna, who we are talking about, is a
24 public person. She has ran for Congress. She's
25 attempting to rerun for Congress. So if we take this

1 and take it out of the individual sphere and we put
2 it into the political sphere that she lives in, and
3 imagine a situation where a public person is advised
4 that a person is communicating -- commentating about
5 them to third parties and disparaging them.

6 And we ask ourselves, would President Biden have
7 a stalking claim because he found out somebody was
8 telling people on Fox News that he was sleepy, or
9 would President Trump have a stalking claim because
10 he found out that some people on MSNBC were claiming
11 that he was, I don't know, I don't know, treasonous,
12 traitress, whatever? Would that have constituted
13 harassment? We can't lose sight of the comments and
14 the context of those comments, because again, one of
15 the definitions that we have here is that these
16 statements of harassment serve no legitimate purpose.

17 When a person is running for office, many
18 comments about their qualities, their competency,
19 their intelligence, their ability, reflect that.

20 Thirdly, Mr. Perlman referring to Ms. Luna
21 having a physical confrontation with Mr. Braddock,
22 and that was a claim where he (sic) said she (sic)
23 blocked her path. We heard the testimony and the
24 testimony was that he introduced himself. He
25 introduced himself at a public forum that she was

1 appearing at.

2 It is the burden of the petitioner to establish
3 that there is no legitimate purpose for any of these
4 instances that are alleged to be harassment and I
5 think it's self-evident that if a politician is
6 appearing publicly, there is a legitimate reason to
7 meet them, to hear what they have to say, to perhaps
8 be seen interacting with them, especially if you,
9 yourself, are running for office or attempting to
10 gain publicity.

11 Moreover, although the testimony was upsetting
12 to Ms. Luna, that she was creeped out by this guy,
13 that she had already been told that he thought
14 horrible things about her and therefore, she ended
15 the confrontation immediately, a reasonable person --
16 an objectively reasonable person would not be
17 quite -- experience severe emotional distress because
18 somebody who didn't like them came up and said hello.
19 There's clearly no threats of physical violence. No
20 progressive indicators. Getting up and confronting
21 somebody in the sense of getting in their path so you
22 can say hello to them is not objectively harassing
23 behavior.

24 And then of course there's these reference to a
25 phone call to Ms. Outski (sic). Well, we'll back to

1 our first claim of overwhelming record, which again
2 reflects this was communications about Ms. Luna, not
3 to Ms. Luna. The only reason Ms. Luna knew about
4 them was because somebody, not Mr. Braddock, told her
5 about them. Again, she did them notwithstanding the
6 fact that Mr. Braddock didn't want her, apparently,
7 to tell her about them.

8 So the question becomes how is this harassing a
9 public figure who is running for office to be told
10 that somebody else has it out for them, regardless of
11 what has it out for them means. Whether it's take
12 them out of the race, ruin their reputation because
13 they're going to be a horrible politician, or
14 unfortunately, contemplate a criminal act. And
15 again, I emphasize that this is not the Court to
16 determine whether or not that act was criminal or to
17 publish it if it was. It's to determine whether Ms.
18 Luna was being harassed when it was stated.

19 So really, there is no direct contact with Luna
20 that represents harassment. They've conceded the
21 radio show was for a legitimate reason. The only
22 other physical interaction was the confrontation
23 where he introduced himself, and other than that, we
24 have third party communications that were not
25 conveyed to her. Not conveyed with the message of

1 Ms. Luna needs to know this.

2 Let's talk about Ms. Olzewski. Ms. Olzewski is
3 basically claiming, and I appreciate the candor, that
4 yes, there may have been a legitimate purpose for the
5 initial conversations, and again, legitimate purposes
6 take this out of the context of harassment. But Ms.
7 Olzewski is asserting that the phone call and the
8 text messages are a series of events that do
9 constitute harassment.

10 In order for that to be found, again, we have to
11 find an objectively reasonable person would have felt
12 substantial emotional stress in these instances,
13 and -- and it bears repeating because how it defined,
14 there must be more than one incident. Because if you
15 have one horrible incident, no matter how horrible it
16 is, it's not harassment.

17 So is the phone call harassment? Well, we don't
18 have actual language from the phone call, but we have
19 recollections. And there's a reason for that. It's
20 because the phone call was illegally recorded and, by
21 statute, cannot be utilized as primary evidence. But
22 that doesn't change the fact that there's an
23 obligation to prove what was actually said in order
24 to find that it was threatening, and there is no
25 specific threat that has been testified to. There's

1 simply recollections and recollections that I think
2 was demonstrated today, from a person who's recall is
3 not always a hundred percent.

4 Regardless, though, whether or not there was
5 crazy threatening texts or discussions in this phone
6 call, the testimony undisputed is that they were
7 about Ms. Luna. So Ms. Olzewski is not hearing a
8 call in which it's threatening her.

9 Now she interprets this call as a threat because
10 she claims that it was known that she had children
11 and that she was referred to as collateral, which is
12 a military term for an additional death in the course
13 of an execution. Again, we don't have the actual
14 words, but let's assume that that's the case. I
15 would submit, Your Honor, that if she solicited this
16 phone call, which is clear that she did. She has
17 testified yet again today that she called him. She
18 did so for purposes of recording him. I would submit
19 that, Your Honor, that that's not harassment,
20 regardless of what was said. Because if I'm
21 attempting to gather information about a person, who
22 I have deemed creepy, who I want to eventually turn
23 over to the police because I believe that they may be
24 criminal, I'm not being harassed when they call me
25 because I wanted them to call me. And if you want a

1 call, you make the call, and then you record the
2 call, you haven't been harassed by the call.

3 Additionally, they're alleging that the
4 harassment comes in the form of the voice text and
5 the written text that say don't repeat what you said.
6 I think it's important to note that in the closing,
7 none of those actual text messages or that voice
8 message was actually quoted. Because what is
9 actually written or what is actually said is not the
10 threats that you were told you'd be hearing. Please
11 don't repeat what you said is not a threat. No
12 reference to children. No reference to collateral.
13 No reference to collateral damage. Sending a text
14 message that says, God bless you and I really
15 appreciate everything you're doing and responding to
16 with a heart emoji is not harassment.

17 And again, Judge, the question here is not
18 whether Mr. Braddock is somebody that Ms. Olzewski
19 feels comfortable with or Ms. Luna ever wants to see,
20 the question is did he harass them? This Court is
21 not empowered to issue preemptory orders to tell a
22 person you're not allowed to have contact with
23 somebody because they don't want you to have contact.
24 The issue is, have you been harassed by them and
25 therefore do we need to take action? It's clear that

1 they don't want contact with Mr. Braddock, but that's
2 not because he's harassed them. It's because they've
3 deemed him somebody they don't want to have
4 communications or socialize with. And in fact, they
5 may even be legitimately scared of, but that doesn't
6 mean he's harassed them. It is clear that they're
7 sending a message through the judicial process that
8 they do not want to have communications or contact.
9 But sending that message is not supposed to trigger
10 this Court to enter a preemptive order.

11 And I will end by noting that that creates
12 another issue for this case. Which is that insofar
13 that Ms. Luna is a politician, this Court cannot tell
14 Mr. Braddock he can no longer communicate about her.
15 He could go out and write an editorial about how
16 she's a horrible candidate for Congress. So I would
17 submit that in terms of how to craft the remedy, the
18 Court has to consider what is before it. And before
19 this Court is a public figure and her friend, who is
20 another public figure, and so far she's an
21 investigative journalist and author, who are asking
22 this Court to order somebody not to talk about them,
23 not to interact with them.

24 Well, it's one thing not to have physical
25 interaction. He has no intention of that, and

1 there's no indication that he's had a history of
2 that, but he's entitled to write about public
3 figures. So I would submit that they haven't met
4 their burden, they can't meet that burden, and that
5 this is not a harassment case. Thank you.

6 THE COURT: Okay. Thank you.

7 Mr. Hayslett?

8 MR. HAYSLETT: So I'll be quick, and I think,
9 you know, having done this for way too long, you
10 know, trying to glean where the best source of the
11 truth is, and I usually find out of the mouths of
12 defendants, and in this case -- in defendants, or in
13 this case, petitioners, respondents. I used
14 defendants because -- that is every day.

15 But I think this is a case of me thinks thou
16 doth protest too much. And what I mean by that is,
17 and I understand why Mr. Perlman wanted to gloss over
18 the radio show. And I understand he didn't want to
19 talk about the radio show. But the radio show, I
20 think, crystalizes candidate Luna's position on all
21 of this. Because you've got, right in front of you,
22 in 4K, exactly the exchange between Mr. Braddock and
23 Ms. Luna.

24 And the reason I think it's so important is of
25 course, they didn't want you to hear that. That's

1 why they didn't present that evidence to you. They
2 started this case off with that's one of the four
3 prongs of this harassment and stalking. And she
4 alleged, and I wrote on the board, that she was,
5 quote, "verbally assaulted." I said, verbally
6 assaulted? She said verbally assaulted. We hear
7 that and what we get it is Luna's perspective. You
8 know, welcome to Luna's world.

9 In Luna's world, people cannot criticize her.
10 In Luna's world, people can't ask her hard questions.
11 In Luna's world, if she puts on a uniform or proports
12 to uniform, puts on makeup and brings an attack dog
13 and a sniper rifle, people can't question whether or
14 not that's stolen valor. Guess what, people do.
15 People can. Welcome to politics. If Ms. Luna can't
16 do that, she shouldn't run for Congress, but she is a
17 professional and public figure.

18 And the Court had a great chance to look into
19 her world and see how she sees the world. The way
20 she sees the world is that candidate forum or that
21 phone call or the radio show, she saw that as
22 stalking. She saw that as harassment. She saw that
23 as a verbal attack. That's the way everything after
24 this, you got to look through her lens, because it's
25 a little weird, that's her lens. And her lens,

1 that's stalking.

2 Now in the real world, where we live, what you
3 see every day, that's not stalking. In the real
4 world, when you're a candidate and you show up to
5 speak and someone introduces themselves and you have
6 to do a little sidestep to get around them, that's
7 not stalking. In the real world when there's two
8 Facebook posts that are never actually posted, that
9 never get anywhere, that's not stalking. In the real
10 world when someone says -- and I understand why they
11 want to characterize this way, but the entire case,
12 the way that the petitioners have read it, is if you
13 look at Exhibit 6, they repeat that he's going to
14 take Luna out no questions asked.

15 Well, all of these texts, all of these
16 communications, what they fail to realize, or what
17 they don't really talk about, is it goes myself and
18 other candidates and my team will take out Luna.
19 Well, we all know there must be only one
20 interpretation of take out Luna, and that must mean
21 kill her right, because that's only one
22 interpretation. So when he says that I assumed other
23 candidates are participating in her death.

24 Also, that Luna's a grease spot. Makki and Tito
25 and myself are taking her out. When Mr. Braddock

1 himself posts an exhibit, which is part of the
2 record, "Luna tried to take out all of our potential
3 primary opponents."

4 I would suggest as a real world looking at this
5 and that this is political, obviously, candidate Luna
6 who always polls number 1, she's always number 1,
7 according to her. I'm not sure what happened last
8 election, but she always polls number 1, and her goal
9 is to be elected. And her goal is to prevent people
10 from challenging her. And her goal, in her world is
11 to take umbrage and offense with anyone who disagrees
12 with her.

13 I would suggest that the incidents that Luna has
14 suggested to this Court, even the third-party texts,
15 how should I say it, are absurd. They make no sense
16 and they have no place in stalking harassment.

17 Olzewski, I'd suggest the best evidence is the
18 voice text. The voice text and her communication
19 that I asked her about today -- and both Luna and
20 Olszewski, at no time at any point did they ever say
21 stop texting, stop calling, get away from me, that
22 never ever happened. And why in the world would
23 someone who's claiming stalking encourages the phone
24 call and starts it? And then at the end of this
25 terrifying phone call, there's heart emojis.

1 And the other thing, and I want to be clear, I'm
2 not suggesting, I'm saying that Ms. Olszewski mislead
3 the Court the first time in her testimony about the
4 voice text. The voice texts speak for themselves.
5 They are what they are. I'm not going to tell the
6 Court how to interpret. They are what they are. If
7 you think they're stalking, they're stalking. If you
8 don't think they're stalking, they're not stalking.
9 I would suggest they're not as advertised.

10 In closing, because I'll be quick, I would
11 suggest that what we have here is other remedies, but
12 the remedies should not be granted by this Court.
13 Thanks, Judge.

14 THE COURT: Okay. All right. I'm going to
15 allow Ms. Janas to go first if she has any rebuttal
16 comments. I am concerned about the time, because I
17 am prepared to rule, so I will rule on her case,
18 first, because I know she does have to get out of
19 here.

20 So Ms. Janas, do you have anything else that you
21 want to say?

22 MS. JANES: Your Honor, I would just remind the
23 Court, you know, after Mr. Cox indicated that we have
24 no actual language from the call or that I did not
25 rely on -- or that we did not rely on language from

1 the voice recordings, that we have very specific and
2 graphic language from the call through Ms.
3 Olszewski's testimony regarding Russian and Ukrainian
4 hit squads, the threat that Ms. Olszewski would be
5 collateral if she were near Ms. Luna, threats against
6 her children.

7 I think the Court knows what to do with the
8 frankly very offensive suggestion that Ms. Olszewski
9 was somehow asking for those threats against her by
10 participating in this telephone call.

11 I would finally respond to the suggestion that
12 we did not quote from the voice text by pointing out
13 how repeatedly I have quoted from the voice text the
14 allusions that Mr. Braddock made to quote, "scumbag
15 Russians", quote, "disposable people", and Mr.
16 Braddock's expressed willingness to die for his
17 cause. That was a series of incidents that Ms.
18 Olszewski ensured that would cause any reasonable
19 person substantial emotional distress and it did
20 cause Ms. Olszewski substantial emotional distress as
21 is evidenced by her actions.

22 For that reason, we would ask that the Court
23 enter a permanent injunction against Mr. Braddock for
24 stalking.

25 THE COURT: Okay. All right. And Mr. Perlman,

1 do you want me to handle my factual findings on Ms.
2 Olszewski's case and then handle your remaining --
3 any additional comments if you have any?

4 MR. PERLMAN: I do. And I'll defer to Your
5 Honor. I know you're trying to be mindful of Ms.
6 Janes's conflict. So however you want to proceed.

7 THE COURT: All right. I don't know. Ms.
8 Janes, do you have somebody that could start that
9 forum if you're like five minutes late?

10 MS. JANES: I am -- I am the moderator of the
11 forum.

12 THE COURT: Okay. So I'll handle my factual
13 findings in that case and then we'll address the
14 rebuttal remarks of Mr. Perlman and the ruling in
15 that case, since they are being considered completely
16 separate. All right.

17 The Court is going to make some factual findings
18 for the record, because I believe it is required by
19 the appellate courts.

20 So the case -- the Court finds as fact the
21 following credible evidence in this case, in 21-
22 004911 where Erin Olszewski is the petitioner and Mr.
23 Braddock is the respondent, the Court finds that the
24 Petitioner Olszewski is a nurse, a public figure, and
25 a former member of the military that speaks at forums

1 and other public events on media outlets. The
2 respondent reached out to a female associate of the
3 petitioner asking for her number and indicating that
4 he was interested in her speaking at a forum. The
5 respondent also asked the same person in the past for
6 another nurse's number in an attempt to romantically
7 connect with that person.

8 The associate didn't initially attempt to con --
9 to connect the two parties, and then after a forum on
10 May 27th, 2021, where Petitioner Olszewski spoke at,
11 she called on the respondent during the question-and-
12 answer session. This was their first and only
13 physical in-person interaction. The respondent did
14 not have a question, but began talking about his own
15 candidacy for District 33, which Petitioner Olszewski
16 thought was very unusual.

17 The association -- the association then
18 connected Petitioner Olszewski and the -- asked if
19 she could connect the parties regarding the medical
20 forum that the respondent was planning. The
21 Petitioner Olszewski agreed to allow for her personal
22 phone number to be passed along to the respondent
23 because she was interested in learning about the
24 forum.

25 Petitioner Olszewski was warned that the

1 respondent was a little off or weird. Petitioner
2 Olszewski indicated that she encounters a lot of
3 unusual people in her line of work.

4 The respondent then contacted the Petitioner
5 Olszewski at that night around 12 a.m. Petitioner
6 Olszewski and the respondent talked briefly. The
7 evidence indicated that the respondent told the
8 petitioner about the forum and then changed the
9 subject towards his dislike of Petitioner
10 congressional candidate Luna. Petitioner thought it
11 unusual since it was their first
12 encounter/conversation and they did not know one
13 another.

14 The Petitioner Olszewski indicated that the
15 respondent used foul and inappropriate language while
16 talking about Petitioner Luna.

17 Petitioner Olszewski is not a part of Petitioner
18 Luna's campaign, and they were acquaintances at that
19 time. Petitioner Olszewski felt based on the
20 conversation that the respondent had a problem with
21 women. Petitioner Olszewski ended the conversation
22 leaving the question of the forum attendance open and
23 requesting more information related to the other
24 speakers at the forum.

25 The next communication between the parties was a

1 text exchange related to the follow-up -- related to
2 follow-up on the information related to the other
3 forum speakers.

4 On 6/8 around 12 a.m., the respondent sent a
5 talk to text to the petitioner and a text message
6 requesting her to call him. Petitioner Olszewski
7 called him despite her feelings that something was
8 off and she had discomfort from him. Petitioner
9 Olszewski recorded the conversation due to the
10 substance of the text that she received and concerned
11 that if -- that it would need to be recorded if
12 something happened to her.

13 Petitioner Olszewski then heard the respondent
14 again speaking uncivilly and foully related to
15 petitioner Luna and calling her names. Petitioner
16 Olszewski heard the respondent describe in explicit
17 details his plan to have candidate Luna taken out by
18 the Freemason or foreign hit squads in a hit that he
19 would initiate if she were to win the primaries by
20 leading in the polls. He indicated that he had
21 access to this connection.

22 Petitioner Olszewski was concerned and disturbed
23 by the nonchalant behavior and calculated description
24 of the respondent. The respondent warned Petitioner
25 Olszewski if she was to tell anyone or was close to

1 candidate Luna, that she could be collateral. He
2 also in this conversation referenced her children and
3 being a mother and concern for her safety.

4 Petitioner Olszewski took this as a threat and
5 was concerned for her own safety. Petitioner
6 Olszewski indicated that she was on the phone with
7 the respondent for approximately 30 minutes.

8 After the conversation ended, the Petitioner
9 Olszewski called Petitioner Luna and was hysterical,
10 frightened based upon what she heard. Petitioner
11 Olszewski and the Petitioner Luna spoke for about 15
12 to 20 minutes about the conversation.

13 During this conversation, Petitioner Olszewski
14 received a voice to text and a text messages -- text
15 message that indicated keep the conversation between
16 us, and please under any -- do not under any
17 circumstance repeat what I told you.

18 After listening to the text, Petitioner
19 Olszewski called law enforcement. Petitioner
20 Olszewski was so concerned about the threats, she
21 sent her children out of town for the summer break,
22 limited her speaking engagements, and hired extra
23 security.

24 The Court must analyze stalking, and it is very
25 clear that there must be two episodes in order to --

1 for the Court to find stalking.

2 The Court does find that on the -- in the night
3 hours of 6/8 to 6/9, in the morning hours of 6/9,
4 there was an incident of harassment with no
5 legitimate purpose. The petitioner (sic) made
6 threats of harm to candidate Luna and then threatened
7 Petitioner Olszewski in order to conceal his threats.

8 The Court must consider that if the statement
9 made during the 30 minute conversation and the talk
10 to text and text followed are within -- less than 15
11 minutes of the disconnect, is a separate incident of
12 harassment.

13 One thing that was noticeably argued by
14 Petitioner Olszewski's counsel is that an explanation
15 as to a little bit of the confusion as to what came
16 first, the text and the substance of the text and the
17 talk to text, is that everything happened so quickly
18 and contemporaneously.

19 The Court finds that these events were so close
20 in time that the petitioner was still experiencing
21 the same emotional distress from the initial
22 warnings. The respondent's threats/comments,
23 directed at the petitioner were a continuity of the
24 same purpose in an attempt to conceal his threats
25 towards the Petitioner Luna. The petitioner (sic)

1 had a continuity in his purpose and his
2 communications were within a short period of time.

3 Therefore, the Court finds that the facts
4 support that one incident of harassment was
5 perpetrated by the respondent on Petitioner
6 Olszewski. There was no legitimate purpose in
7 threatening her, and a reasonable person, given the
8 nature of the threats, would experience substantial
9 emotional distress. The respondent's threats towards
10 Petitioner Olszewski related her -- to her being
11 collateral damage and brought up the facts that she
12 had children. His threats towards Luna were highly
13 personal, however, the Court must follow the law in
14 this case and cannot issue an injunction for stalking
15 based upon one incident of harassment with no
16 legitimate purpose.

17 The Court understands that there is some caselaw
18 about several temporal breaks, but there is also
19 caselaw out there that says that somebody, for four
20 hours, if they tag another person on Facebook over a
21 four hour period, it only constitutes one episode of
22 harassment. It is a continuing version of events,
23 but it is over a very short period and it all had
24 one -- these threats all encompassed one subject and
25 subject matter.

1 The Court cannot issue this injunction or a
2 final judgment for harassment because the Court
3 cannot find that there was two episodes of
4 harassment.

5 However, I must caution Mr. Braddock, that this
6 Court is finding competent and substantial evidence
7 for one episode of harassment. So if there is any
8 additional episodes of harassment, the denial of this
9 injunction would be without prejudice and could
10 absolutely -- the basis of this -- these
11 conversations could be used for a future filing
12 against stalking.

13 All right. Do you have any questions, Ms.
14 Janes?

15 MS. JANES: Other than to object for the record,
16 Your Honor, in anticipation that such objection may
17 be needed for appeal.

18 THE COURT: Okay.

19 MS. JANES: I have no objections at this point.

20 THE COURT: Okay. All right.

21 I know that you have to -- you're a couple
22 minutes late for that forum, and I will now hear from
23 Mr. Perlman as to the petition that I'm considering
24 against Ms. Luna. And you may disconnect if you
25 want. Ms. Olszewski can stay as an observer if she

1 would like to.

2 MS. JANES: Thank you, Your Honor.

3 THE COURT: All right. Mr. Perlman, you're
4 rebuttal cross -- or your rebuttal closing?

5 MR. PERLMAN: Yes, Judge. Rebuttal, rebuttal.
6 I knew what you meant.

7 Let me first address the hyperbole which was
8 more of a commentary and had nothing to do with
9 evidence, and that's a big distinction. Mr. Hayslett
10 wanted to discuss Ms. Luna's goal. Well, it's
11 obvious that her goal, Judge, was not to be here
12 asking for an injunction, but Mr. Braddock had
13 different ideas.

14 Mr. Hayslett wanted to talk about in Ms. Luna's
15 world. And yes, Judge, I think the Court should
16 forgive Ms. Luna that she has a desire to stay alive
17 and not be physically harmed. And, you know, he
18 talked about in the real world. Well, in the real
19 world, anybody getting wind of these multiple texts
20 and communications of death threats and surveying her
21 residence, any reasonable person would be doing
22 exactly what is before you today.

23 And I think he misspoke when he said that
24 neither petitioners ever asked Mr. Braddock to stop
25 contacting her -- them. I'm only referring to Ms.

1 Luna. Clearly, Judge, the evidence was that when he
2 physically cut off and interfered with her pathway,
3 she did just that. She did disengage. That is her
4 telling him not to engage with her. So I think that
5 that just contradicts the record evidence.

6 I have to talk about the legal argument that was
7 presented in that part 1 of their response. They
8 first started with the citation of the *Wright v.*
9 *Norris* case, which was a Second DCA decision. But
10 what they left out of that presentation, Judge,
11 again, is that that was in the context of
12 cyberstalking.

13 And for cyberstalking -- two significant
14 distinctions. One is it requires a showing of
15 incredible threat of the apparent ability to carry
16 out the act. That's not part of the statute we're
17 under.

18 But more importantly, and to the precise point,
19 where harassment says directed at, the credible
20 threat definition says credible threat to, and that's
21 exactly what the Court's clarified in connection with
22 the harassment statute. It doesn't say to. So their
23 entire argument about hey, none of this was directed
24 to Ms. Luna, is completely misplaced, wrong, and
25 contrary to the statute in every appellate court

1 that's decided it. The statute doesn't say directed
2 to like for cyberstalking. It says directed at.

3 And if they're urging the Court to focus on
4 caselaw from the Second DCA, it need only look at the
5 *Jones v. Jackson* case -- I've cited it, it'll be a
6 third time, 67 So. 3d 1203, and it says, "Statements
7 to third parties suggesting he would do violence"
8 and that "indirect contact can constitute
9 harassment." That's our case.

10 Now, what they left off, and what I think helps
11 Your Honor from an evidentiary perspective, is the
12 adverse inference with regard to Mr. Braddock's
13 testimony. He had confirmed that he threatened harm
14 to Ms. Luna multiple times. In fact, more than once
15 he had threatened to kill her, at page 22 line 14.
16 That he surveyed her home and published her
17 residence.

18 So I know Mr. Hayslett (sic) tried to suggest
19 why I didn't bother wasting the Court's time with the
20 content of the radio show, it's because it's
21 irrelevant. Even I understand that that's more of a
22 defamation nature. Why would I ever present the
23 Court with that? I didn't introduce it. They did.
24 And then they say, well, we understand why you didn't
25 introduce it. That's right. I didn't. They did.

1 It doesn't even make any sense except that at best,
2 Mr. Braddock has a Jekyll and Hyde to him, and with
3 regard to the Hyde, that's a sufficient basis to get
4 an injunction.

5 You had multiple testimony of credible
6 witnesses, un rebutted, and multiple exhibits where he
7 referenced more than once he was going to take her
8 out, that no questions asked, and that she was a
9 grease spot. All of that predates the June 8th, June
10 9th telephone call, as well as surveying her home.

11 And so, you know, Judge, they had the chance to
12 put on evidence. They chose not to. They allowed
13 Mr. Braddock to take the Fifth, we get the adverse
14 inference. It's a very solid case, but you know, in
15 addition to Exhibit 3, you've got Exhibit 6 where Mr.
16 Braddock is saying that they're going to take out
17 Luna, no questions asked. There is no legitimate
18 rationale for that qualifier. That is the
19 distinction.

20 You can't say that's political conversation, and
21 if they wanted to, they had to present evidence.
22 They didn't. That was their decision. And we
23 believe the evidence is sufficient for Your Honor to
24 rule in favor of the maintenance of the injunction to
25 protect Ms. Luna. Thank you, Judge.

1 THE COURT: Okay. All right. And I'm going to
2 go through my factual findings for whatever appellate
3 purposes.

4 So this Court finds as facts the following
5 credible evidence in this case, which is 21-004904-
6 FD. Petitioner Luna and the respondent are both
7 former members of the military. Petitioner Luna is a
8 second time candidate for the U.S. Congressional
9 District 33. Petitioner Luna is an actively involved
10 in her campaign for the position.

11 Petitioner Luna received messages from
12 unidentified people at different times warning her to
13 avoid the respondent and that he was off. There was
14 no specific testimony as to the time of the warnings.

15 The Petitioner Luna was scheduled to appear in a
16 radio broadcast in this case -- or a radio broadcast.
17 The respondent called the radio host that morning to
18 inquire to ensure that Ms. Luna was appearing and the
19 host confirmed that. Additionally, the host told
20 Petitioner Luna that there was a call and inquiry.
21 At the time, the Petitioner Luna was posting on
22 social media various things about her schedule and
23 public appearances. Petitioner Luna learned from the
24 host about the inquiry as to her attendance.

25 Petitioner Luna appeared on the scheduled

1 program and the respondent called in and asked a
2 question about the -- a military or a camouflage
3 outfit that Petitioner Luna wore in a photograph.
4 Petitioner Luna was personally offended by the
5 respondent's question.

6 That night, Petitioner Luna went to an event and
7 the respondent encountered her and identified himself
8 as the caller that morning. Petitioner Luna
9 testified that she disengaged their encounter because
10 she felt uncomfortable. Petitioner Luna testified
11 that this experience caused her substantial emotional
12 distress. The Petitioner Luna did not elaborate on
13 any specific details or actions that were taken in
14 response to this encounter or offer any other
15 testimony as to this emotional distress.

16 Petitioner Luna then received a call in the
17 morning hours of 6/9 to be informed about a threat
18 that was made by the respondent to Petitioner
19 Olszewski. Petitioner Luna called the police and was
20 part of a law enforcement investigation related to
21 that threat.

22 Petitioner Luna indicated that she received
23 uncivil comments that the respondent made to third
24 parties referencing her, which further solidified her
25 discomfort and distress. Petitioner Luna did not

1 know when she received the text messages and
2 information. Some of the text messages or posts
3 disparaging Petitioner Luna were made after the in-
4 person communication and interaction that Petitioner
5 Luna had with the respondent, and some were made
6 after or received after the injunction case was
7 post -- posted about in the media.

8 The Court does know that Ms. Christian did
9 indicate that the grease spot text messages was
10 received between 6/8 and 6/9, so would not have been
11 prior to -- they're would not have been prior to this
12 conversation.

13 The Court is clear that the information
14 Petitioner Luna was not at -- that Petitioner Luna
15 was not aware of that information at the time she
16 heard about the death threat from Petitioner
17 Olszewski.

18 Petitioner Luna at some point was told by a
19 third party that the respondent claimed to know where
20 she lived and that unknown men were seen leaving her
21 home. The testimony related to this hearsay was
22 vague, unclear if the respondent actually was at the
23 house, although he did acknowledge it in the
24 deposition, however there is no indication that
25 Petitioner Luna ever saw him there or has any direct

1 evidence that he was the one at or near her house.

2 The respondent did not discuss his intent to
3 file as a candidate to oppose Petitioner Luna or did
4 discuss it prior to this 6/8 call. Additionally, the
5 respondent did file his paperwork as a candidate in
6 this case.

7 And I'm going to have, Mr. Braddock, if you
8 could please turn your camera on at this time. I do
9 want to address you when I'm making this ruling.

10 I do need to reference some incidents that were
11 referred in closing argument. There was the
12 reference about the grease spot text, and the Court's
13 recollection of that testimony from Ms.

14 (unintelligible) was that it was received either 6/8
15 or 6/9, which is around the same time as these -- as
16 the phone call, as we'll call it.

17 The other -- we'll talk about the day of -- the
18 date in which Mr. Braddock and Ms. Luna had a -- the
19 one and only time they had a physical encounter. We
20 have the radio show that morning. We have him
21 blocking her path that evening. Those two events,
22 I'm going to group together as one episode. There is
23 also some other text that reference her -- some
24 political candidates and other plans.

25 There were numerous witnesses that felt that Mr.

1 Braddock was creepy and that he had very focused
2 uncivil rants using inappropriate and offensive
3 language towards the petitioner. However, the
4 testimony was vague as to the sequence of events, the
5 relay of information, and the timeline of these texts
6 and information.

7 The Court notes that in the technology age that
8 a timeline, especially these days, should be
9 relatively easy to obtain as to specific times when
10 texts were received and made.

11 The petitioner has the burden of proof to
12 establish all elements of stalking, which includes
13 two separate incidents. The petitioner clearly
14 establishes one incident of harassment, because I do
15 believe that the *Jones v. Jackson* case does indicate
16 by the Second DCA that a statement to a third party,
17 an indirect contact, can establish harassment. I do
18 note that the *Morris* case, no contact -- content of
19 the text message and that case referred to a
20 defamation type statement.

21 When the Courts are dealing with threats, it's a
22 lot different -- threats of harm, it's a lot
23 different than statements to third parties in
24 defamation. I think it's long been held by many
25 appellate courts that uncivil or sending messages

1 about somebody else to third parties is not
2 necessarily harassment. It is when it elevates to
3 the level of a threat of physical harm.

4 Petitioner Olszewski related that specific harm
5 and that threat to Petitioner Luna. Petitioner Luna
6 took it very seriously because she had always led in
7 the polls and she took this threat seriously.

8 The Court finds that there was no legitimate
9 purpose for this threat and that any reasonable
10 person would have experienced substantial emotional
11 distress from that threat. Although it is unclear if
12 the respondent was aware of the friendship between
13 both the petitioner -- both petitioners in this case,
14 the respondent clearly sensed that Petitioner
15 Olszewski could relay these threats, and that is why
16 he threatened her.

17 Then the Court has to look at the other events
18 to determine whether there is a second incident that
19 establishes harassment with no legitimate purpose.
20 The call to the radio -- if we're looking at the day
21 with the radio station call, it indicated that
22 Petitioner Luna indicated that she was offended, and
23 then she was able to disengage herself with the
24 respondent.

25 The petitioner did claim that she has

1 substantial emotional distress, however, the
2 substantial emotional distress standard must be based
3 on a reasonable person's standard during the totality
4 of the circumstances. Which is why I stressed during
5 the testimony that it was so important for me to have
6 a timeline of what happened and when texts were
7 received and what information the petitioner had at
8 the time to be able to -- to be able to determine
9 whether there was an episode that caused a reasonable
10 person or would have caused a reasonable person
11 substantial emotional distress.

12 Testimony -- the testimony related to the
13 personal encounter on this day does not in fact
14 support a reasonable person would find -- would feel
15 substantial emotional distress. Additionally, the
16 Court cannot conclude that there was no legitimate
17 purpose for the respondent's actions on those day --
18 on that day.

19 The Court finds that there is a lack of
20 competent and substantial evidence to establish the
21 second requisite incident and cannot issue a final
22 judgment in this case for an injunction.

23 Mr. Braddock, just because the Court has to
24 follow the law and the law is very clear in stalking
25 cases, is in no way an endorsement of your behavior.

1 The Court in fact finds the testimony that it has
2 heard and your actions to be offensive, disgusting,
3 and highly inappropriate. However, I have to follow
4 the law and consider each case in response to those
5 individual petitioners.

6 The Court does find in both cases that there is
7 one incident of harassment that is supported by
8 competent and substantial and credible evidence. The
9 law is clear that there must be more than one
10 episode. There may be other violations of the law
11 that has occurred and that the Court has heard about.

12 In no way does me following the law condone
13 anything that you have done in this case.

14 Additionally, if there are any future actions
15 that establish a second episode, the first episode
16 has been found by the Court to be supported by the
17 competent, substantial, and credible evidence in this
18 case, and I would expect to see another petition if
19 there is future threats or incidents -- episodes that
20 would rise to the level of harassment for no
21 legitimate purpose.

22 So please take that with the understanding that
23 the Court does find that there has been one incident
24 of harassment and if there is a future one, the Court
25 is denying this without prejudice because there could

1 be future indications.

2 Mr. Perlman, do you have any questions?

3 MR. PERLMAN: I do, Judge, and it's two-fold.
4 One is I want to make sure that the Court understood
5 that under the adverse inference, the record evidence
6 of Mr. Braddock's testimony is that he threatened Ms.
7 Luna's life more than once, meaning at least twice.
8 So to the extent Your Honor needs a second act, I
9 think it's established.

10 But more importantly, I wanted to bring this to
11 Your Honor's attention, because I know Your Honor is
12 working hard. But I know that Mr. Braddock -- I'm
13 sorry, that Mr. DeMint testified that Exhibit 6 was
14 exchanged on May 30th. And Ms. Luna testified that
15 that information was shared with her prior to the
16 June 8th/June 9th phone call.

17 And I know Your Honor's keying in on a timeline,
18 but that would be an additional act, which is the,
19 you know, my team will take out Luna, no questions
20 asked. That is a threat. Mr. DeMint testified
21 that's how he took it. And like Ms. Christian's
22 testimony, between the various text exchanges of 5/3,
23 5/14 and 5/26, including that she was -- that Ms.
24 Luna's home was being surveyed by Mr. Braddock on a
25 collective basis, I think that -- I would ask Your

1 Honor to reconsider that the record of evidence does
2 establish more than once, not only by the admission
3 of Mr. Braddock under the adverse inference rule, but
4 more importantly, based on the DeMint text of May 30
5 and the multiple text exchange with Ms. Christian of
6 5/3, 5/14, and two on 5/26, and then of course, the
7 one you referenced on 6/9.

8 On a collective basis, Judge, in a reasonable
9 person's standard, I would just ask the Court to
10 perhaps reconsider this. And I'm not taking this
11 lightly, and I don't want to quarrel with Your Honor,
12 but I think that the evidence is there in addition to
13 the adverse inference.

14 THE COURT: Okay. I do believe that most of the
15 exhibits Ms. Christian testified, were the dates that
16 she received the texts, not the dates that they were
17 conveyed to Ms. Luna. And this is where the crux of
18 the issue with this case is, is that there was not a
19 clear timeline.

20 When I asked Ms. Luna about when she received
21 these threats, which texts she received, had she
22 received that before she went to the forum, after she
23 went to the forum, before she found out about the
24 phone call, she was not clear. She was vague about
25 those dates and when she received them. And I was

1 very clear that I need to know in a stalking case,
2 and I need to evaluate substantial emotional distress
3 based upon the sequence of events. And I don't
4 believe that there was a clear recollection by Ms.
5 Luna as to that timeframe.

6 MR. PERLMAN: But -- but her --

7 THE COURT: The parties indicated and then Mr.
8 DeMint indicated that he had received it, but he
9 didn't convey it to Ms. Luna immediately. So and I
10 think that that text is vague related to the threat
11 because he indicates that myself and other candidates
12 and my team will take out Luna and I don't know if
13 that necessarily --

14 MR. PERLMAN: No, no questions --

15 THE COURT: -- is a threat of violence.

16 MR. PERLMAN: I understand, until you get into
17 the no questions asked. But Ms. Luna did testify
18 that she was aware of all of these prior to the phone
19 calls. So there was --

20 THE COURT: Some of those actually came after
21 the phone call, so I don't know if that is credible.

22 MR. PERLMAN: No, no --

23 THE COURT: And some of them she received after
24 the media posted about her injunction, so those she
25 clearly weren't aware of prior to the phone call.

1 MR. PERLMAN: No. With the exception of June
2 9th, Judge, all of those were received by her and the
3 testimony was prior to the June 8th phone call.

4 THE COURT: I --

5 MR. PERLMAN: But independent of that, and the
6 whole point of the adverse inference is the admission
7 by Mr. Braddock that he had threatened her life more
8 than once.

9 THE COURT: I understand --

10 MR. PERLMAN: But under --

11 THE COURT: -- I understand the adverse
12 inference. However, there is indication that --
13 there's no indication as to when and where, and the
14 stalking, it can't be too remote. So I have an
15 inference where he indicates he has threatened her
16 but -- on more than one occasion, but I don't
17 necessarily have that -- the physical evidence to
18 back it up and I don't have anything to evaluate
19 that.

20 So I understand that he has indicated that. But
21 it is kind of in a vacuum, so I don't know what other
22 more detailed questions were asked related to that,
23 but the text messages that were received were -- I
24 don't think that the evidence supports a clear
25 timeline as to when the events occurred. Just saying

1 I received them before I filed my petition or
2 afterwards doesn't provide a clear timeline to the
3 Court in the vagueness of the information.

4 I mean, these are things that should be very
5 easily able to know is when somebody received a copy
6 of something. And I don't think that the evidence or
7 the testimony supported a clear timeline as to the
8 chain of events here. And that is -- I even asked a
9 lot of questions to try to obtain that, both on Ms.
10 Luna as well as Ms. Olszewski's testimony because I
11 was trying to determine what the sequence of events
12 was. I was trying to determine how everything
13 unfolded.

14 But a threat to a third party does not -- I
15 cannot -- I have to find also that that threat to the
16 third party caused her substantial emotional distress
17 when she received it. So not knowing when she
18 received it, not knowing what she received before she
19 received it or after she received it, leaves me
20 without the ability to determine at that time when
21 she's receiving this text message from somebody if
22 she's experiencing substantial emotional distress,
23 so.

24 MR. PERLMAN: And I understand what Your Honor
25 is saying. And I don't necessarily disagree with a

1 timetable. I get that. But I think that the
2 evidence was that all of this information was
3 conveyed to her prior, with the exception of Exhibit
4 3, prior to the phone call on June 8th or 9th,
5 whatever time that is. And that collectively, that
6 is a prior and secondary incident, regardless --

7 THE COURT: And I --

8 MR. PERLMAN: -- regardless of whether or not it
9 was a Tuesday or a Thursday or the week before,
10 collectively, which is what Your Honor described at
11 the outset of day 1, it would be analyzed on a
12 collective basis. And on a collective basis, she had
13 suffered substantial emotional distress based on a
14 series of communications that were shared with her
15 prior to June 8th. And we tried to put on what those
16 were and who said what. And we may not have had the
17 precise date of everything, but we do know it was
18 prior to the second incident of the phone -- the
19 midnight phone call with the co-petitioner. And
20 that's all I'm trying to stress, Judge.

21 THE COURT: Okay. And I understand, but I
22 simply disagree. I find that and I think that the
23 law supports that I need to find two episodes or
24 incidents in which I find all factors, no legitimate
25 purpose, and that substantial emotional distress was

1 established. And if I don't know, when am I going to
2 say that substantial emotional distress was
3 established? Because some time between this date
4 range and this date range, when all these different
5 texts are coming into her, I can't establish
6 substantial emotional distress if I don't know when
7 the texts were received.

8 And I have to determine, a reasonable person,
9 during the totality of these circumstances would have
10 experienced emotional distress. And I think that the
11 testimony was too vague in order to establish that
12 within that timeframe.

13 MR. PERLMAN: All right, I --

14 THE COURT: I do think that substantial
15 emotional distress was clearly established in the
16 phone call situation. But I think that -- I
17 cannot -- I cannot find that. And that's my ruling.

18 MR. PERLMAN: Judge, you know, you get to wear
19 the robe and you get to call the balls and strikes.
20 I respect it and you've heard for all of us, and I
21 thank you for your time. We just have a
22 disagreement.

23 My -- I would just urge the Court, because I
24 think on a collective basis, prior to June 8th,
25 anyone receiving this information, regardless of the

1 day, would have had the same reaction of substantial
2 emotional distress under a reasonable person
3 standard. And that's what the witnesses testified
4 to. So I leave it in Your Honor's hands.

5 THE COURT: Well, I disagree. So that is my
6 ruling. And maybe the Second District Court of
7 Appeal will find something different. But that is my
8 analysis of the competent and substantial and
9 credible evidence in this case.

10 All right. I will sign the orders and they will
11 be forwarded to everyone.

12 Does anyone have -- Mr. Hayslett, anything
13 additional?

14 MR. HAYSLETT: No, Judge.

15 THE COURT: All right. Mr. Braddock, do not
16 come back here. You have already had one incident I
17 find credible on both parties. I do not expect to
18 see you back in this courtroom. Have a good day.

19 (Proceedings concluded.)
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