

**IN THE COUNTY COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR SARASOTA COUNTY, FLORIDA**

ANTHONY LORENZO
Plaintiff

v.

CASE NO.: 2008 CA 8108 SC

CITY OF VENICE, et al.

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF SARASOTA

BEFORE ME, the undersigned authority, personally appeared JOHN PATTEN who was sworn and states:

The court has been presented with three affidavits as well as part of an accompanying Emergency Motion to Protect Computer of Defendant [John] Simmonds. The three affidavits, collected by attorney Jeff Boone, have separately been signed by:

Arthur Nadel, CEO of the Venice Jet Center;

Venice City Council Member John Simmonds; and

attorney E.G. "Dan" Boone, herein referred to as Dan Boone.

Dan Boone is both the father and law partner of attorney Jeff Boone. They share office space in their owned office building, located at 1001 Avenida del Circo in Venice, Florida and operate under the law partnership name of Boone, Boone, Boone, Koda & Froom, P.A..

The Motion and the three affidavits all contain allegations that are demonstrably, provably, and obviously false. Moreover, attorney Jeff Boone knowingly (or should have known with required due diligence on his part) has submitted the Motion and accompanying affidavits containing demonstrably and obviously false statements.

At issue are public records emails that were published on www.veniceflorida.com on June 15, 2008 in an article entitled "*Oh Mr. Simmonds, what's this, then?*" The article contained an email conversation between Council Member Simmonds and Mr Nadel, and recounts what appears to be scheme by the two to set the city up for a future lawsuit by forming an organization solely for the purpose to submit fake airport design plans to the city and to get the city to take further action on those plans. It is a convoluted scheme that I still do not fully comprehend as there is much information missing from the

emails that were published.

In addition to Nadel and Simmonds possessing the thread of five emails that were published, Dan Boone was CC'd (forwarded) on this thread of emails by Simmonds.

At issue here is one single email that contained a thread of five email messages within it. A thread is when one person replies to an email and the original message(s) are reprinted and retransmitted with the new message on top. The emails that I published were all part of a single thread contained in a single email that included the original message and subsequent replies in the thread. There were, however, additional later messages in the thread that were not provided to me

All three affiants admit that they received copies of this single thread of emails that was published. The three affiants all state that they did not forward, CC, or blind copy any of these emails to anyone outside of their triangle. All three affiants all state that they have no idea how the emails could possibly have escaped their triangle.

Attorney Jeff Boone impugns and accuses me of three different felonies on the basis of these denials, to wit: illegally accessing electronic data, illegally possessing stolen electronic data, and illegally transmitting stolen electronic data..

All three affiants are making untrue statements that they know, or should know, are untrue. Additionally, attorney Jeff Boone has had the opportunity to verify this on his law firm's own computers prior to filing the affidavit accusing me of hacking and other various crimes.

On January 12, 2008, Councilman John Simmonds CC'd a copy of the thread of emails to a fourth party, who then retained a copy thinking it was a public record (which, I maintain, it is). Copies of this CC'd email were also sent to Arthur Nadel and Dan Boone, thus all three know and have evidence on their computer that at least one other person outside their triangle joined in the online conversation.

This fourth party joined the email conversation with news articles and legal information that were found on the web. Since this was on its face a public record, other copies were forwarded to other party or parties. From there, the it can be safely assumed that any number of parties could have received and read the emails, some that I may know about, some that I don't.

The truth of this can all be found on at least three computers: the one belonging to John Simmonds that the court has ordered be locked up, however this is assuming that it is the correct computer, as Mr. Simmonds owned at least three laptops that I know of as well as having one loaned to him by the city, but has only turned in one for court review. Additionally, Mr. Nadel's computer, and the computer that Dan Boone uses that is probably owned by the Boone Law Firm would have the suspect email thread as well. Then there are unknown numbers of computers owned by an unknown number of persons that may have received forwarded copies of the subject thread of emails..

From computer information available to him from within his own law firm's email system, attorney Jeff Boone would already know that all three statements by the three affiants are provably false and that the outright accusation made against me of hacking and possessing stolen electronic data was a knowingly false accusation. Moreover, one of the affiants, Dan Boone, is an attorney and is filing an affidavit based on emails that are in his possession and that deal with a client of his, Arthur Nadel, so it is unlikely that he would have destroyed the correspondence.

Mr. Nadel makes one other false statement in his affidavit when he states that as of June 23, 2008, the day of signing the affidavit, he had no prior contact with me. An email to Nadel was sent by me some eight days earlier, on June 15, 2008 (see attached EXHIBIT A). The email was never returned to me as undeliverable, thus I can safely infer that it did reach his electronic inbox.

As a journalist who makes the majority of his income from writing for an online commercial publication, I claim the journalist's privilege of not revealing my source or the names of possible sources to anyone I choose not to, including this court.

Moreover, since Jeff Boone, an attorney, has knowingly made criminal allegations against me based on fraudulent information that has been provided to this court, I claim Fifth Amendment protections against statements that might be extracted from me by Boone to be used against me at a later time.

I believe that attorney Boone has knowingly made these false allegations to the court in order to prevent or delay the forensic examination of Defendant Simmonds' computer

I ask the court and the attorneys present to look into the claims that I have made in this affidavit and to consider taking whatever actions it deems appropriate in such cases when an attorney knowingly gives false evidence to a court of law.

DATED: 06/30/08

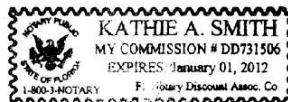
SIGNED: John Patten

STATE OF FLORIDA
COUNTY OF SARASOTA

Subscribed and sworn (or affirmed) before me this 30th day of June, 2008, by JOHN PATTEN, who is personally known to me or () who has produced _____ as identification, and who ~~did~~ did not take an oath.

Notary Public

Kathie A. Smith



Print name: KATHIE A SMITH

Commission No.: DD731506

My commission expires: 01-01-2012