

March 15, 2008

Hess: Pull attack ads

By Ed Offley News Herald Writer 747-5079 / oeffley@pcnh.com

State Attorney candidate **Glenn Hess** on Friday angrily denounced as "inaccurate mud-slinging" a TV advertisement that started airing late this week on two local stations.

The ad, prepared by an "electioneering communications organization," or ECO, called Keep Our Families Safe Inc., accuses **Hess** of releasing convicts Brandon Morley and Normando Brown on probation in separate cases despite their extensive criminal records. The two offenders subsequently committed additional crimes in Bay County.

Hess' attorney, Steven Applebaum, late Friday hand-delivered "cease and desist" letters to WMBB-TV News Channel 13 and WJHG-TV News Channel 7, advising them the advertisement contained serious factual errors and should be pulled from further airing.

Hess said another judge ordered Brown released on probation in 2006.

"I checked the files and found that Normando Brown has not been in my courtroom since he was a teenager in 1996," **Hess** said. "This guy has had a long, storied past since then."

Hess said he did not recall details of cases involving Morley other than the fact he had drug and alcohol addiction problems and currently is incarcerated.

"My first reaction to this was that it is just more negative politics," **Hess** said. "I pledged to run a campaign that will be worthy of the voters."

THE AD

The 60-second advertisement, titled "Liberal **Glenn Hess**," accuses **Hess** of having repeatedly released the two convicts on probation only to have them commit additional offenses. It concludes by calling the Democratic candidate for State Attorney "dangerously soft on crime."

Keep Our Families Safe Inc. is listed in the Florida Division of Elections database as an active ECO, with Panama City resident James R. Clark as the registered agent. Contacted Friday, Clark replied, "I don't want to talk to you about it," before hanging up.

State Attorney Steve Meadows, **Hess'** only opponent to date in the 2008 election, confirmed Friday that Clark is a longtime friend.

Meadows said Clark "is a retired police lieutenant I've known for many years, and a great American."

Meadows said the allegations against Hess in the ad were "not only accurate, but supported by court records."

"I insist that anybody (involved in producing such ads) is accurate on what they say and not make it personal," Meadows said.

COURT RECORDS

Bay County Clerk of Court records show Hess presided over Normando Brown's case (No. 96 2572) for three months until Dec. 20, 1996, when he moved out of his division and took over Gulf County felony court. Judge Don T. Sirmons took over Hess' division at that time, including case No. 96 2572.

The case notes in this file, while somewhat unclear, indicate Brown pleaded no contest to principal to grand theft, possession of cocaine and tampering with evidence in September 1996 and was put on three years of probation. He violated probation less than a month later and was put on community control on Oct. 17, 1996. A day later, he violated that with a charge of aggravated fleeing and eluding officers. Hess then sentenced him to two years, three months and two days on Nov. 25, 1996.

Brown was sent to the Bay County Sheriff's Office Boot Camp and was released after six months on July 7, 1997. Court records show Sirmons presiding over Brown's case after December 1996.

The advertisement narrative and court records generally agree in terms of the sequence of charges and case disposition against Brown up to the sentence Hess imposed Nov. 25, 1996. However, Hess states that upon leaving the circuit court division for Gulf County in December 1996, he would have had no more involvement in the case, including decisions to reduce Brown's sentence imposed on Nov. 25, 1996.

THE LAW

Under current law, ECOs such as Keep Our Families Safe can recruit supporters, raise contributions and use them to circulate advertisements, brochures, fliers and other communications about a political candidate. Moreover, the law allows these committees to coordinate their activities with the campaign they support.

The only restraint is that such organizations cannot explicitly endorse the election of, or defeat of, a specific candidate.

"I am campaigning to point out that the State Attorney's Office has been run poorly over the last three years," Hess said. "So their response is going to try and vilify me."