

IN THE SUPREME COURT OF FLORIDA

THE FLORIDA BAR,
Complainant,

Supreme Court Case
No. SC-

v.

The Florida Bar File
No. 2021-30,486 (5A)

ANDREW JOHN MANIE,
Respondent.

_____ /

CONDITIONAL GUILTY PLEA FOR CONSENT JUDGMENT

COMES NOW, the undersigned respondent, Andrew John Manie, and files this Conditional Guilty Plea pursuant to Rule 3-7.9 of the Rules Regulating The Florida Bar.

1. Respondent is, and at all times mentioned herein was, a member of The Florida Bar, subject to the jurisdiction of the Supreme Court of Florida.

2. Respondent is currently the subject of a Florida Bar disciplinary matter which has been assigned The Florida Bar File No. 2021-30,486 (5A). There has been a finding of probable cause by the grievance committee.

3. Respondent is acting freely and voluntarily in this matter and tenders this plea without fear or threat of coercion. Respondent is represented by counsel in this matter.

EXHIBIT A

RECEIVED, 05/27/2022 07:54:21 AM, Clerk, Supreme Court

4. The disciplinary measures to be imposed upon respondent are as follows:

A. A six-month suspension from the practice of law with proof of rehabilitation prior to reinstatement.

B. Upon reinstatement to the practice of law, a four-year period of probation with Florida Lawyers Assistance, Inc. (FLA, Inc.) with the following conditions:

i. Respondent will participate actively in the program offered by FLA, Inc., by signing a rehabilitation contract with that organization within 30 days of the order of the Supreme Court of Florida recommending reinstatement. Respondent shall follow all recommendations by FLA, Inc. during the entire probation period.

ii. Respondent will pay a FLA, Inc., registration fee of \$250.00 and a probation monitoring fee of \$100.00 per month directly to FLA, Inc. The Florida Bar will monitor respondent's compliance with his FLA, Inc. rehabilitation contract, including nonpayment of the monthly monitoring fees. Should respondent fail to pay FLA, Inc., respondent's failure to pay will be reported to The Florida Bar and the bar will follow up, with regards to respondent's noncompliance, up to and including

holding respondent in contempt for failure to pay the monthly monitoring fees.

iii. Payment of the bar's disciplinary costs.

5. Respondent acknowledges that, unless waived or modified by the Court on motion of respondent, the court order will contain a provision that prohibits respondent from accepting new business from the date of the order or opinion and shall provide that the suspension is effective 30 days from the date of the order or opinion so that respondent may close out the practice of law and protect the interest of existing clients.

6. The following allegations provide the basis for respondent's guilty plea and for the discipline to be imposed in this matter:

A. On January 15, 2021, during a criminal investigation, respondent was interviewed by agents of the Metropolitan Bureau of Investigation. Prior to providing a statement, respondent was given immunity from criminal prosecution by the Statewide Prosecutor. Respondent voluntarily admitted to the agents and the Assistant Statewide Prosecutor that, in September 2019, respondent responded to an advertisement posted on an escort website and committed a sexual act with a woman in exchange for money. When respondent entered the escort website, the website displayed a

message stating that you must be 21 years or older to enter the website.

B. During this time, the respondent was under severe emotional and mental distress. The advertisement that respondent responded to stated that the escort in the picture was over the age of 18 years old, and the individual who the respondent visited appeared to be much older than 18 years old.

C. At the time of the act in 2019, respondent, who was 30 years old at the time, believed he was meeting with an escort that was over the age of 18, however, the individual, was in fact 17 years and 9 months of age. When, during the interview of the respondent by the agents, the respondent was told of the victim's age, he was so upset she was underaged, he broke down in tears. The Assistant Statewide Prosecutor stated she believed the respondent was not aware of the victim's age.

D. Pursuant to the grant of immunity, respondent was not criminally prosecuted for the offense.

7. The following Rules Regulating The Florida Bar provide the basis for the discipline to be imposed in this matter: 3-4.3 [Misconduct and Minor Misconduct]; 3-4.4 [Criminal Misconduct]; and 4-8.4(b) [Misconduct].

8. In aggravation, although respondent was unaware at the time of his misconduct of both facts, the victim was vulnerable as she was a minor and was a victim of human trafficking [Standard 3.2(b)(8)].

9. The respondent offers the following factors in mitigation:

A. The respondent has no prior disciplinary record [Standard 3.3(b)(1)].

B. The respondent is an Iraqi War Veteran who served in the United States Marine Corps from 2007 until 2011 when he was medically retired due to debilitating medical conditions which arose during his service and are ongoing to the present time. As a result of his military service, respondent endured physical and mental trauma and suffers from post-traumatic stress syndrome (PTSD). In addition, respondent experienced significant and repeated trauma during his childhood, which in combination with his PTSD and ongoing health issues resulted in significant mental health issues which was a substantial contributing factor in the underlying misconduct [Standard 3.3(b)(3) and 3.3(b)(8)].

C. The respondent has provided full and free disclosure to the bar and demonstrated a cooperative attitude toward the proceedings and has cooperated with the Statewide Prosecutor's office [Standard 3.3(b)(5)].

D. The respondent was inexperienced in the practice of law at the time of the misconduct [Standard 3.3(b)(6)].

E. The respondent has good character and reputation within the community. Respondent honorably served his country in Iraq and mentors fellow Marines suffering through post-traumatic stress syndrome. Respondent is a sole practitioner and also regularly provides pro-bono legal services to those in need [Standard 3.3(b)(7)].

F. The respondent has been undergoing independent and ongoing counseling and treatment for more than eight months and he entered into a rehabilitation contract with FLA, Inc. on November 17, 2021, [Standard 3.3(b)(10)].

G. The respondent is sincerely remorseful for his actions [Standard 3.3(b)(12)].

10. The proposed sanction is supported by the following dispositions in recent cases:

A. In The Florida Bar v. Patrick James Landy Jr., Case No. SC20-1578 (Fla. Nov. 12, 2020), a former Assistant State Attorney was arrested and charged by information with Aggravated Stalking, a third-degree felony, and with Threats or Extortion, a second-degree felony. He created and used fake social media accounts, hiding his

identity, to harass, stalk and threaten his former girlfriend, who was also a Florida Assistant State Attorney. In the criminal case, Mr. Landy entered no contest pleas to two amended charges of misdemeanor stalking. Adjudication was withheld and respondent was placed on probation for one year as to each count to run consecutive, for a total of two years of probation with special conditions. In the bar case, the Florida Bar agreed to a Consent Judgment for a public reprimand, three years of probation and participation in FLA Inc., which was approved by the Court. Like the respondent, Mr. Landy had multiple mitigation factors, including absence of a prior disciplinary record, personal or emotional problems, full and free disclosure to disciplinary board or cooperative attitude toward proceedings, inexperience in the practice of law, physical or mental disability or impairment or substance-related disorder, interim rehabilitation, and remorse.

B. In The Florida Bar v. Gregory John Hoag, Case No. SC21-1683 (Fla. Dec. 16, 2021), the respondent pled no contest to misdemeanor domestic battery in July 2019. Adjudication was withheld, and respondent was placed on probation with conditions, including abstaining from consuming alcohol, submitting to random urinalysis screenings, and attending a 29-week domestic violence

intervention program. Respondent successfully completed the terms of his criminal probation in June 2020. A Consent Judgment for public reprimand by publication and completion of three-year FLA, Inc. contract was approved by the Court. Mitigation included absence of a prior disciplinary record, personal or emotional problems, full and free disclosure to the bar or cooperative attitude toward the proceedings, and imposition of other penalties or sanctions.

C. In The Florida Bar v. Juan Carlos Mercado Jr., Case No. SC21-1404 (Fla. Oct. 14, 2021), an Assistant State Attorney who engaged in a sexual relationship with a defendant who was pending prosecution by his office, provided confidential information to the defendant and offered her advice and assistance regarding her case, was suspended for six months. Mitigation included inexperience in the practice of law, no prior disciplinary history, remorse, interim rehabilitation (counseling), good reputation in the legal community and community service.

D. In The Florida Bar v. Abraham Elmazahi, Case No. SC21-781 (Fla. June 10, 2021), an Assistant State Attorney began a sexual relationship with the victim of a defendant he was prosecuting and filed additional charges against the defendant during his relationship with the victim. The Court approved a Consent Judgment for a 90-

day suspension with a three-year term of probation and attendance at a professional workshop and Ethics School. Mitigation included absence of prior discipline, absence of dishonest or selfish motive, inexperience in the practice of law, cooperative attitude towards the proceedings and full and free disclosure to the bar, reputation and character in the community, the imposition of other sanctions, and remorse.

11. The Florida Bar has approved this proposed plea in the manner required by Rule 3-7.9.

12. If this plea is not finally approved by the Board of Governors of The Florida Bar and the Supreme Court of Florida, then it shall be of no effect and may not be used by the parties in any way.

13. Respondent agrees to eliminate all indicia of respondent's status as an attorney on email, social media, telephone listings, stationery, checks, business cards, office signs or any other indicia of respondent's status as an attorney, whatsoever.

14. If this plea is approved, then respondent agrees to pay all reasonable costs associated with this case pursuant to Rule 3-7.6(q) in the amount of \$1,376.00. These costs are due within 30 days of the court order. Respondent agrees that if the costs are not paid within 30 days of this court's order becoming final, respondent shall pay interest on any

unpaid costs at the statutory rate. Respondent further agrees not to attempt to discharge the obligation for payment of the Bar's costs in any future proceedings, including but not limited to, a petition for bankruptcy. Respondent shall be deemed delinquent and ineligible to practice law pursuant to Rule 1-3.6 if the cost judgment is not satisfied within 30 days of the final court order, unless deferred by the Board of Governors of The Florida Bar.

15. Respondent acknowledges the obligation to pay the costs of this proceeding and that payment is evidence of strict compliance with the conditions of any disciplinary order or agreement and is also evidence of good faith and fiscal responsibility. Respondent understands that failure to pay the costs of this proceeding will reflect adversely on any other bar disciplinary matter in which respondent is involved.

16. This Conditional Guilty Plea for Consent Judgment fully complies with all requirements of the Rules Regulating The Florida Bar.

Dated this 27th day of April, 2022.

Andrew J. Manie

ANDREW JOHN MANIE

Respondent

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Dated this 27th day of April, 2022.



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Dated this 27th day of April, 2022.



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