

IN THE CIRCUIT COURT FOR THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA

STATE OF FLORIDA

v.

Case No. CRC98-20377-CFANO-S

CHURCH OF SCIENTOLOGY
FLAG SERVICE ORGANIZATION
a Florida corporation
SPN NO. 01980179

AFFIDAVIT OF MARY STORY

STATE OF FLORIDA)
) ss
COUNTY OF PINELLAS)

FILED
MAR 2 1998
PM 3:44
CLERK OF COURT

Mary Story, being duly sworn, hereby deposes and says:

1. I am over 18 years old, have personal knowledge of the facts set forth herein, and am otherwise competent to testify in this matter. I am a Vice President of the Church of Scientology Flag Service Organization ("the Church"). I have been a staff member of the Church and resident of Clearwater, Florida, since 1982.

2. I recently learned that Judge Brandt Downey III was assigned as the Judge in the above styled case. As set forth below, I fear that the Church will not receive a fair trial due to information that I have learned in the past week about his past association with anti-Scientologists and his affiliation with mental health groups.

3. More specifically, Judge Downey was a member of the law firm Korones, Downey and Glenn as of at least July 1979 (Exhibit "A"). This law firm, later known as Korones, Downey, Glenn and Hersem, was in existence until some time in 1982 (Exhibit "B"). At all times during the existence of this firm, to the best of my knowledge there were at most four members of the firm.

4. In December 1979 David Korones, as former President and member of an executive subcommittee of the Greater Clearwater Chamber of Commerce (hereinafter the "Chamber"), presented a resolution that was passed by the Board of Governors of the

MS

Chamber, which officially opposed and denounced the Church of Scientology and called for investigations by government agencies into the Church. Further, the resolution stated that chamber members, "feel that the presence of the Church of Scientology in the city of Clearwater is harmful to the overall image of our city, and that its past performance locally and nationally is cause for investigations by grand juries, Congress and other appropriate agencies." The resolution appealed for "prosecution (of the Church) by all law enforcement bodies", stating that the Church, "should not be welcome to remain here." (Exhibit "C").

5. David Korones also spoke out publicly in April 1979 urging downtown property owners not to sell property to the Church of Scientology. (Exhibit "D").

6. In other words, Judge Downey was a partner with David Korones in a three to four person law firm at the time that Mr. Korones was actively advocating for the investigation and criminal prosecution of the Church, which is exactly the type of proceeding over which Judge Downey is now presiding.

7. From my familiarity with past litigation involving the Church, I understand that in or about April 1981 Brandt Downey III of Korones, Downey, Glenn and Hersem communicated with Boston attorney Michael J. Flynn, who was at that time dedicating his entire law practice to soliciting and filing lawsuits against Churches of Scientology around the United States. Mr. Flynn had formed a company called Flynn Associates Management Company whose purpose was to sell and generate interest in lawsuits against the Church. Documentation of Mr. Flynn's involvement in this scheme was filed with various judicial bodies in the 1980's. In July of 1981, the City of Clearwater hired Michael J. Flynn as a consultant to make recommendations to handle the "Scientology problem." Mr. Flynn ultimately recommended an ordinance requiring burdensome, intrusive and unconstitutional reporting of all Church activities and finances, which ordinance was subsequently passed by the Clearwater City Commission. This ordinance was ultimately struck down by the United States Court of Appeals for the Eleventh Circuit which found it to be blatantly unconstitutional. One provision of the city ordinance required government investigations of the Church if complaints were made by persons who wanted refunds of donations made to the Church of Scientology.

8. In October 1982, attorney Tom Hersem, formerly of Korones, Downey, Glenn and Hersem, represented a client opposed to the Church of Scientology who requested a refund of donations made to the Church.

9. In 1984 attorney Barry Glenn, formerly of Korones, Downey, Glenn and Hersem, began representation of clients opposed to the Church of Scientology who were requesting refunds of donations from the Church. In his demand correspondence to the Church, Mr. Glenn boasted of his affiliation with Michael Flynn. (Exhibit "E"). Mr. Glenn represented clients who simultaneously were recruited by Lt. Ray Emmons of the Clearwater Police Department to send complaints to the City of Clearwater so as to activate the investigation provision of the Clearwater Charitable Solicitation Ordinance. In this same year, Barry Glenn formed a corporation, of which he was the President and sole director. The corporation was established for the purpose of serving as a schismatic Church of Scientology not sanctioned by Church ecclesiastical hierarchy.

10. Therefore, in addition to his professional association with an attorney who directly opposed the Church of Scientology in Clearwater, Judge Downey has also been associated with attorneys who have lodged claims against the Church on issues fundamental to our religion, and has had contact with a major detractor of Scientology, Michael Flynn.

11. It is my strong fear and belief that based upon the past association of Judge Downey in a small Clearwater law firm with individuals who have publicly opposed the Church of Scientology and supported anti-Scientology causes, that the Church will not receive a fair trial in this case.

12. Furthermore, Judge Downey has been active in and promotes "mental health" programs which support psychiatric and psychological practices. According to one newspaper article, Brandt Downey III was the Vice President of the Mental Health Association of Pinellas County in 1976. (Exhibit "F").

13. Another article written when Mr. Downey announced his campaign for election as Pinellas County Judge in February 1984 states that he is "active in the Mental Health Association of Pinellas County." (Exhibit "G"). In March 1984, the Mental Health Association of Pinellas County sponsored a workshop on, "The Cult Phenomenon: A New Challenge to Professionals". (Exhibit "H"). The speakers at this event were two

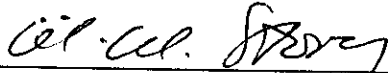
active members of groups opposed to Scientology. The event was apparently organized in direct opposition to the large presence of the Church of Scientology in Clearwater.

14. Judge Downey describes himself in the biographical directory "American Bench" as the President of the Foundation for Mental Health and a past secretary of the Pinellas-Pasco District 5 Mental Health Board. Both of these agencies carried out functions of funding psychiatric and psychological services in the Pinellas County area. (Exhibit "I").


15. Scientologists are adamantly opposed to the practices of psychiatry and psychology. It is our strongly held religious view that these professions and practices are harmful to the individual and the society. The underlying case is in large part based on the Church's religious opposition to psychiatry, psychology and modern "mental health" treatments. I have reviewed the State's Statement of Particulars in this case. A cornerstone of the issues underlying this case, as set forth in the Statement of Particulars, is that the Church of Scientology Flag Service Organization had a duty to bring or refer Lisa McPherson to a mental hospital to undergo psychiatric committal and mental health treatment in direct opposition to the Church's fundamental religious beliefs. Indeed, the State is charging, as set forth in its Statement of Particulars, that the Church was engaged in "the treatment of Lisa McPherson's mental condition," "the diagnosis or attempted diagnosis of a mental or physical condition," and "maintaining custody ... (of a) severely mentally ill patient ... without appropriate ... medical assistance or lawful authority." It is our belief, and it was the belief of Lisa McPherson, that she had a fundamental right to reject psychiatric, psychological and "mental health" treatment and assistance, and this belief is fundamental to our defense of this case. It is my strong fear and belief that, due to his long association with mental health groups and causes, Judge Downey will be biased and prejudiced with regards to the Church on issues relating to these core religious beliefs and that the Church will not receive a fair trial because of that bias and prejudice.

16. The instant case is an attack on the entire religion of Scientology and its core religious beliefs about mental illness. The case has drawn much attention in the local, national and international press. The Church is entitled to a fair trial conducted by a judge who is not only unbiased and impartial, but who does not give even the appearance of bias and prejudice. The Church has a sincere fear that due to Judge

Downey's past partnership with anti-Scientologists and strong affiliation with mental health organizations, that the Church will not receive a fair trial. We respectfully request that Judge Downey recuse himself from the case pursuant to Rule 2.160, Judicial Administration Rules, and Section 38.10, Florida Statutes, and return the case for reassignment.



MARY STORY - Affiant



Notary Public
State of Florida

