

**OPEN NINTH:**  
**CONVERSATIONS BEYOND THE COURTROOM**  
**THE IMPROBABLE ROAD**  
**EPISODE 74**  
**MAY 10, 2019**  
**HOSTED BY: FREDERICK J. LAUTEN**

(Music)

**NARRATOR:** Welcome to another episode of “Open Ninth: Conversations Beyond the Courtroom” in the Ninth Judicial Circuit Court of Florida.

Now here’s your host, Chief Judge Frederick J. Lauten.

**CHIEF JUDGE LAUTEN:** Hello. Welcome to Open Ninth. I’m thrilled today to be interviewing my long-time friend and a colleague, both in the State Attorney’s Office and now interestingly enough on the bench, Jeff Ashton. I think our listeners probably have heard of Jeff Ashton. He’s probably done so many interviews, he should be interviewing me. It would be easier for this whole afternoon, but here we go. Jeff, it’s great to see you and thanks for joining us on Open Ninth.

**JUDGE ASHTON:** Well, thanks for having me. It’s a pleasure.

**CHIEF JUDGE LAUTEN:** So...

**JUDGE ASHTON:** Be kind because this is my first interview.

**CHIEF JUDGE LAUTEN:** Right, your first interview. There’s file footage of you in CBS and NBC, I know that. But for our listeners sake, just in case they don’t know, you’re kind of a rare bird in that you’re a native Floridian. So tell our listeners where you were born and what year you were born and then we’ll move into your career in the State Attorney’s Office.

**JUDGE ASHTON:** Sure, I was born in 1957 in St. Petersburg, Florida.

**CHIEF JUDGE LAUTEN:** Went to high school there.

**JUDGE ASHTON:** Went to high school in St. Petersburg.

**CHIEF JUDGE LAUTEN:** Boca Ciega –

**JUDGE ASHTON:** Boca Ciega High School.

**CHIEF JUDGE LAUTEN:** There we go.

**JUDGE ASHTON:** And basically went from there to a junior college for two years. Wasn't quite ready to be on my own yet. Up to the University of Florida for my last two years. Got my BA up there and then went to law school at the University of Florida and got out in '81.

**CHIEF JUDGE LAUTEN:** So here's something fascinating I learned about you in researching this is that, I'm not sure what I thought you might have majored in in undergraduate, but you were a philosophy major and that one intrigued me.

**JUDGE ASHTON:** I was, yes.

**CHIEF JUDGE LAUTEN:** What attracted you to philosophy as opposed to English or theater in your instance, or management or –

**JUDGE ASHTON:** I think my choice of philosophy was probably from two – two aspects. One is I was very interested in logic courses in junior college and I really liked those. But I think the biggest reason probably was because my father really wanted me to get some kind of business degree.

**CHIEF JUDGE LAUTEN:** So you have to mess with your parents.

**JUDGE ASHTON:** So I think I was messing with my dad a little bit there, you know, because he –

**CHIEF JUDGE LAUTEN:** Well, that's – as soon as you made the decision to get a philosophy degree then, of course, it set the stage well you better go get some post-graduate degree.

**JUDGE ASHTON:** Yes, I basically kind of went into it thinking that I either wanted to go into teaching or into law, and then once I met my philosophy professors, I said, no way, that's not me. I'm not going to be a teacher.

**CHIEF JUDGE LAUTEN:** So straight to law school from undergraduate.

**JUDGE ASHTON:** Straight to law school, yeah, literally, you know, a week after graduation I started law school.

**CHIEF JUDGE LAUTEN:** No kidding, didn't take a summer off, just went right to –

**JUDGE ASHTON:** No, I –

**CHIEF JUDGE LAUTEN:** Started that next semester?

**JUDGE ASHTON:** Yeah, I actually got through all of college and law school in five and a half years.

**CHIEF JUDGE LAUTEN:** So, and then straight out of law school, a job at the State Attorney's Office in Orlando?

**JUDGE ASHTON:** Yes, with a month of unemployment.

**CHIEF JUDGE LAUTEN:** So how old were you when you went to work at the State Attorney's Office? You must have been pretty young if you did both –

**JUDGE ASHTON:** I was 23 and four months old, something like that.

**CHIEF JUDGE LAUTEN:** That is pretty young.

**JUDGE ASHTON:** I was a baby.

**CHIEF JUDGE LAUTEN:** You were a baby to be a prosecutor.

**JUDGE ASHTON:** I was a baby.

**CHIEF JUDGE LAUTEN:** At some point did you know you wanted to be a prosecutor? Did you intern somewhere? How did you make that decision?

**JUDGE ASHTON:** Well, largely from interning. My last two semesters at law school, I did an internship at the State Attorney's Office in Gainesville, and I kind of – as you go through law school, you kind of see what you like and I knew that I wanted to do something that was trial related, and then I really kind of was always interested in criminal law. And so it was kind of a

natural progression that I would become a prosecutor, you know, just because that was more sort of where my head went.

**CHIEF JUDGE LAUTEN:** So when did you start at the State Attorney's Office?

**JUDGE ASHTON:** January 21<sup>st</sup> of 1981.

**CHIEF JUDGE LAUTEN:** So I started February 8<sup>th</sup> of 1982, so you had been there for about a year.

**JUDGE ASHTON:** Right.

**CHIEF JUDGE LAUTEN:** I remember when I came to work there, eventually, pretty early on meeting you, but you were assigned to a branch courthouse which was unusual at the time. In other words, I was at the State Attorney's Office in downtown Orlando and you were I think out in the Ocoee office.

**JUDGE ASHTON:** Yes, I think by the time you started I had – I had been transferred out to the Ocoee office and I referred to myself as the law west of Kirkman.

**CHIEF JUDGE LAUTEN:** The law west of Kirkman.

**JUDGE ASHTON:** It was the law west of Kirkman.

**CHIEF JUDGE LAUTEN:** Because you were the prosecutor out there.

**JUDGE ASHTON:** I was the prosecutor – you know, we only did misdemeanors, obviously. We didn't do anything felony-related, but yeah, I was the prosecutor for all misdemeanors happening west of Kirkman.

**CHIEF JUDGE LAUTEN:** So I remember one day too that I heard you were coming in and I heard stories about Jeff Ashton, really young but good trial lawyer. And I was new and I said, I'm going to watch Jeff Ashton pick a jury as you were going to try a petit theft case downtown. And so I introduced myself to you. I said, Jeff, I'm here to watch you pick a jury.

And you said, I got some bad news for you, my friend. I'm going to take the first six people. And I said, what, you got to be kidding me, you have to ask some questions. And you said, if I don't have the evidence to convince the first six people that this person committed a theft, I'm not worth myself. So there was no jury selection. Do you remember that? Short jury selections in the beginning?

**JUDGE ASHTON:** Yes, I remember coming to a point where, you know, that I – I have done that before largely because I have a very low threshold of boredom and jury selection is about as boring as you can get in a trial. And so yeah, I do recall having done that at certain times in the past.

**CHIEF JUDGE LAUTEN:** And our boss at the time was known for very quick jury selection, Robert Egan, who wasn't trying as many cases when we got there. He was trying one or two but not too many. But earlier in his career tried all kinds of cases and was famous for sort of quick jury selections. He did jury selection, he did voir dire, but he didn't spend a lot of time on it.

**JUDGE ASHTON:** Right.

**CHIEF JUDGE LAUTEN:** So who hired you at the State Attorney's Office?

**JUDGE ASHTON:** I was hired by Steve Wallace who was Chief Assistant at the time that I got hired. He had just, I think just been appointed Chief – maybe a few weeks or a month before that, Lawson Lamar had left to become Sheriff. Yeah, Lawson Lamar had left to become Sheriff and there was a brief period, I had been told where there were sort of like co-chief assistants. That Steve Wallace and Jorge Jaeger, may he rest in peace, were co-chief assistants and then eventually Steve was chosen as the sole chief assistant.

**CHIEF JUDGE LAUTEN:** Okay, so you started in county court like most new prosecutors did.

**JUDGE ASHTON:** Traffic.

**CHIEF JUDGE LAUTEN:** Traffic division.

**JUDGE ASHTON:** When we used to be in the old Post Office building.

**CHIEF JUDGE LAUTEN:** Oh, that's right, there on the – what was the corner?  
Rosalind –

**JUDGE ASHTON:** Robinson and Magnolia.

**CHIEF JUDGE LAUTEN:** And Magnolia. So that starts at what, a 30 year career in the State Attorney's Office?

**JUDGE ASHTON:** Yeah, 30 years and six months.

**CHIEF JUDGE LAUTEN:** So traffic, criminal misdemeanor and then you go to felony and you're in a regular felony trial division.

**JUDGE ASHTON:** Right, I was – my first felony judge was Tom Kirkland, Sr.

**CHIEF JUDGE LAUTEN:** No kidding.

**JUDGE ASHTON:** I was in his division for maybe a month or two before he passed away.

**CHIEF JUDGE LAUTEN:** And then...

**JUDGE ASHTON:** Then a series of judges. I remember we had George Diamantis for about a month who was amazing.

**CHIEF JUDGE LAUTEN:** Very smart.

**JUDGE ASHTON:** Very smart.

**CHIEF JUDGE LAUTEN:** Rom Powell, did you have Rom Powell?

**JUDGE ASHTON:** I had Rom Powell later in my career. I think – we had Diamantis. I remember we had Jay Dauksch for a while, came down from the 5<sup>th</sup>. I think then Mike Cycmanick took over full time in that division, and then I would move on. And I did stints in front of –

**CHIEF JUDGE LAUTEN:** Almost everybody. You tried cases almost in front of everybody.

**JUDGE ASHTON:** Yeah. Probably so, yeah.

**CHIEF JUDGE LAUTEN:** Who were your top three favorite trial judges in your career?

**JUDGE ASHTON:** Rom Powell was definitely one. Emerson Thompson, I think was another. Belvin, you know, has got to be in that list as well.

**CHIEF JUDGE LAUTEN:** You don't have to limit to three. You can go on if you want.

**JUDGE ASHTON:** I'd also throw Lisa Munyon in there.

**CHIEF JUDGE LAUTEN:** Right.

**JUDGE ASHTON:** Who was also an absolute pleasure to try cases in front of.

**CHIEF JUDGE LAUTEN:** So we never tried a case where you were the prosecutor and I was the judge?

**JUDGE ASHTON:** I don't believe we did, no.

**CHIEF JUDGE LAUTEN:** I don't think we did although we tried a homicide case we're going to talk about.

**JUDGE ASHTON:** Yeah, together, but – no, we never did and I never really –

**CHIEF JUDGE LAUTEN:** I know I'd be upset that I'm not on – no, I'm just teasing.

**JUDGE ASHTON:** I've heard good things, what can I say?

**CHIEF JUDGE LAUTEN:** Yeah, thank you. So anyway, so you now are beginning a career where you try cases in front of multiple different judges in the years that you're there.

**JUDGE ASHTON:** Right.

**CHIEF JUDGE LAUTEN:** And how many years were you at the State Attorney's Office till we get to the Tommy Lee Andrews case? How much experience did you have under your belt?

**JUDGE ASHTON:** I had been there for, let's see '81 – well, I guess six years.

**CHIEF JUDGE LAUTEN:** So not that long. I mean, in the thirty plus year career, you weren't twenty years in?

**JUDGE ASHTON:** No, I mean, I was – I was like 29, I think, when I tried that case.

**CHIEF JUDGE LAUTEN:** Okay, so, the Tommy Lee Andrews case has significance because I tell this to people in the community and there's some disbelief sometimes when I say this, but I don't think there are a lot of lawyers in America who can honestly say that they did something in their career that really changed the trajectory of trials, in this case criminal trials. And introduce something into a courtroom heretofore not seen and now so common that when you say to people, you know, Jeff Ashton was the first lawyer in America to introduce DNA into evidence, people say, no, that can't be true. They go no. Jeff Ashton was the first lawyer in America to introduce DNA into evidence.

**JUDGE ASHTON:** Well, to put a very fine point on it, we were the first to obtain a conviction where DNA was introduced. There were a couple of cases I read about where it was introduced but it was either a minor factor or it was not – there was not a conviction. So I don't want anybody to –

**CHIEF JUDGE LAUTEN:** Okay, a little asterisk –

**JUDGE ASHTON:** A little asterisk, but we were the first ones to successfully –

**CHIEF JUDGE LAUTEN:** Convict someone.

**JUDGE ASHTON:** -- convict someone using it.

**CHIEF JUDGE LAUTEN:** Certainly I – well, tell me if I'm wrong about this. First lawyer in Florida to introduce DNA into evidence as far as you know?

**JUDGE ASHTON:** Yes, well, the first in Florida to introduce it, yes, I think probably the first to introduce it in Florida.

**CHIEF JUDGE LAUTEN:** So let's tell our listeners that story a little bit. So it's the Tommy Lee Andrews case; that was a sexual battery case.

**JUDGE ASHTON:** Yeah.

**CHIEF JUDGE LAUTEN:** Tell our listeners – I know this story because you and I have talked about it a few times, but the inside story as to how this all came about.

**JUDGE ASHTON:** You know, it's – it's interesting because I really – as I said, I had a philosophy degree so it's not like I was a scientist but, you know, sometime around 1985, '86, over in England Alec Jeffreys started working on the very, very most basic and primitive aspects of DNA identification. And he was involved in an investigation over there of a murder that got attention on the news here. And I had seen it sometime in like '86 or something like that. And just thought it was cool, you know, because I was doing murder cases then and I knew a little bit about forensic biology and serology, and you know, the limits of what we could do. And it sort of just stuck in the back of my head somewhere. So fast forward to early 1987, I'm flipping through the Florida Bar newspaper that comes out and I see this ad for a company in New York. And it's a picture of a baby, and it says, he's wearing his daddy's genes, G-E-N-E-S. And when

I saw it, and I read it and it was a company called Lifecodes and talked about paternity testing at a genetic level. And I thought to myself, I wonder if this is that thing that I heard about on that news cast so I called the company and I asked them, I said, you know, what is this? And he goes, yeah, it's genetic level identification and I said, well, do you do – cause this ad was for paternity. And I said, do you do forensic testing? And they said, well, yeah, actually we're just – just going on line with that now. And I said, great. And I hung up the phone, but I didn't have any cases involving, you know, rape, at the time, so I went to another attorney by the name of Tim Berry and I asked him cause he did a lot of sex crimes, do you have any cases like this where you have, you know, multiple events that you think it's the same person and you've got some genetic evidence left behind. And so he had Tommy Andrews who had six cases pending. And the evidence in them was very, very slim. I think the best we had in one case was a fingerprint on the outside of a window which is helpful but not definitive. You know, there was a serology match but that could have matched, you know, hundreds of people. So we sent these cases off and sure enough two of them came back with a match. Now, the methods used then was very, very primitive and in fact, when we got the match back, it was, you know, one person out of 180,000 people has this. If you got that match today, you would go, oh, that's terrible.

**CHIEF JUDGE LAUTEN:** But back then –

**JUDGE ASHTON:** Back then it was huge deal.

**CHIEF JUDGE LAUTEN:** -- because that multiplied serology matches by hundreds.

**JUDGE ASHTON:** Right. So – yeah, by several orders of magnitude. So basically we were like, yeah, let's go and we went to trial in it in one case and got the conviction. And then about three or four months later, the second case went to trial and that was convicted also.

**CHIEF JUDGE LAUTEN:** So some judge had to let that into evidence for the first time in a courtroom, who was that?

**JUDGE ASHTON:** Rom Powell.

**CHIEF JUDGE LAUTEN:** One of the judges you mentioned earlier.

**JUDGE ASHTON:** Exactly.

**CHIEF JUDGE LAUTEN:** Who was – he was very smart.

**JUDGE ASHTON:** Very smart. He – he not only was very smart, but he was – you know, he was not afraid of doing something for the first time. In fact –

**CHIEF JUDGE LAUTEN:** But he was also very thorough so he probably was the best judge to have –

**JUDGE ASHTON:** He was.

**CHIEF JUDGE LAUTEN:** Probably put you to your test and –

**JUDGE ASHTON:** Absolutely. I mean, he had earlier in his career done some groundbreaking work in voice print identification. So, you know, and of course we didn't pick him. We ended up with Judge Powell, but, yeah, he was great. I mean, you know, we knew that if he – we knew if we could get by him, that we'd be fine in the appellate court so –

**CHIEF JUDGE LAUTEN:** So you introduce that and you convict Tommy Lee Andrews. He gets a pretty lengthy sentence as I recall and I think there's been some post-conviction issues that have come and gone.

**JUDGE ASHTON:** Yeah, he originally got a sentence – in the two cases, the total sentence was like 100 years, but, you know, that was early in the evolution of sentencing guidelines and so one of the sentences came back and got reduced somewhat. And I think he's technically finished his sentence now, but he's in as a Jimmy Ryce detainee.

**CHIEF JUDGE LAUTEN:** I see. So then you and I met because I was assigned to an old, a cold murder case involving Sharon Zellers and we had some biologic – we had hair.

**JUDGE ASHTON:** Right.

**CHIEF JUDGE LAUTEN:** And we sent it off – the samples off, was it to Lifecodes?

**JUDGE ASHTON:** Yes, I believe it was to Lifecodes, or it may have been Celmark, the other company. It was one of those two.

**CHIEF JUDGE LAUTEN:** Anyway, Lifecodes or Celmark, seeing if they could match and it turned out that the science was so new they said we can't match this.

**JUDGE ASHTON:** Yeah, it was back in the time when the amount of non-degraded genetic material you needed was greater. I mean, back then you needed sort of a relatively fresh blood sample about the size of a quarter, was what you needed to make a match or semen sample or something like that.

**CHIEF JUDGE LAUTEN:** Now, you need a cell, right.

**JUDGE ASHTON:** Now, you –

**CHIEF JUDGE LAUTEN:** A skin cell or something –

**JUDGE ASHTON:** Skin cell. Had we had the technology today, we had – applied it to that case, you know, it would have been a completely different result.

**CHIEF JUDGE LAUTEN:** So you and I tried that case and became really good friends, you know, I think a lifetime friendship was formed in that case.

**JUDGE ASHTON:** Absolutely.

**CHIEF JUDGE LAUTEN:** We kind of poured our hearts out into the case, got a conviction at trial, got reversed on appeal. It was Judge Conrad's first death sentence that got

reversed. I don't know that we're here to really talk at length about Sharon Zellers case and Robert Cox, but that was – that was a powerful experience, I think for both of us.

**JUDGE ASHTON:** Oh, absolutely because it was sort of – as a prosecutor, one of things I always dreamed about was, you know, taking a lost cause and bringing justice to something that people thought was a lost cause. And that sort of was my Robert Cox case. It was this old case that people had, you know, given up on and, you know, we took it and put all of our youthful energy into it. And we were successful as far as –

**CHIEF JUDGE LAUTEN:** To a point.

**JUDGE ASHTON:** As far as we could do it, we were successful.

**CHIEF JUDGE LAUTEN:** Right. Right, we got a conviction at trial. That conviction was reversed by the Florida Supreme Court but we got to know the family so well. And yeah, that was one of the more emotional trials I've ever been involved in and the investment in it. So – but tracking DNA for a little bit before we get to Casey Anthony. So today there are cases involving genetic genealogy.

**JUDGE ASHTON:** Right, that's fascinating.

**CHIEF JUDGE LAUTEN:** Why don't you tell our listeners a little bit about what genetic genealogy is?

**JUDGE ASHTON:** Basically the DNA testing that most people think about that's used in forensics is looking for portions of the human genome that don't actually track for anything. It's just sort of a filler DNA. Everybody has it. Everybody has it in different – in different types but the thing was, it was, you know, something that didn't actually mean anything in terms of how you looked. The more they cracked the human genome, they've discovered that there are certain genes that do code for certain appearances. And that has gotten so sophisticated now that

there are laboratories that can basically map the entire genome and give you somewhat of an idea of what someone will look like. You know, they can give you an idea of well, they're most probably – their heritage is most probably from this region or that region or a mixture.

**CHIEF JUDGE LAUTEN:** Africa, Europe, Asia –

**JUDGE ASHTON:** Yeah, what the mix of that is. And even --

**CHIEF JUDGE LAUTEN:** Hair color, sometimes.

**JUDGE ASHTON:** Hair color.

**CHIEF JUDGE LAUTEN:** Eye color.

**JUDGE ASHTON:** Eye color. And actually it's – they can do a pretty good job of kind of giving an estimate of what someone might look like. Of course, they can't predict, you know, what the ravages of age or those kind of things, but they can give you a pretty good idea of what somebody would look like.

**CHIEF JUDGE LAUTEN:** So it does that, but it does more than that.

**JUDGE ASHTON:** Right, well, the real – the thing that's being used most now is comparing genetic results to the kind of publicly available genetic databases.

**CHIEF JUDGE LAUTEN:** Which are these kind of commercial databases.

**JUDGE ASHTON:** Right, the commercial thing.

**CHIEF JUDGE LAUTEN:** What's it – 24 –

**JUDGE ASHTON:** 23 and Me.

**CHIEF JUDGE LAUTEN:** 23 and Me. And then there's another one.

**JUDGE ASHTON:** Ancestry.

**CHIEF JUDGE LAUTEN:** Ancestry.com.

**JUDGE ASHTON:** I think there's a third one. Right, but they – you know, you take your information and you put it out there. And there are some that are publicly available, some that aren't. But basically what they've been doing is, they've been taking a genetic sample that's from a crime scene, that they know is a perpetrator, and they're looking for similarities in the database in the effect – if I can't find that person, let me find someone that might be related to them.

**CHIEF JUDGE LAUTEN:** An aunt, an uncle, a sister, brother, yeah.

**JUDGE ASHTON:** An aunt, an uncle, yes. And basically, you know, when you get it down to where, well, that person is a first cousin of this individual, then it gives you a very small pool. Now, people need to understand that that result is investigative. It's not for court so what they do is they use that to identify the person and then they get a sample from that person and make a composite identification.

**CHIEF JUDGE LAUTEN:** A DNA – a biological sample and compare it. That was how they found, was it the Golden State Murderer? Is that what it he was called?

**JUDGE ASHTON:** Yeah.

**CHIEF JUDGE LAUTEN:** What is the name of the person?

**JUDGE ASHTON:** It's in California.

**CHIEF JUDGE LAUTEN:** California. I think it was the Golden State Murderer who turned out to be former law enforcement officer.

**JUDGE ASHTON:** Yes.

**CHIEF JUDGE LAUTEN:** And then we've had some local cases where genetic genealogy has been used to identify the subject and then as you said, take a biological specimen and compare it to semen or blood and say there's a match.

**JUDGE ASHTON:** Right.

**CHIEF JUDGE LAUTEN:** That DNA, that coding that you talked about, that sort of coding that doesn't decide how tall you are, but is that -- that's pretty unique, right? I mean, your combination of genes is unique enough to say, there's a one in two million chance that anyone in the world or sometimes it's more than the population --

**JUDGE ASHTON:** Well, what they're doing is, they've identified discreet types. It's like in each one of your chromosomes, we all have 26 chromosomes. In each one of our chromosomes, there is an area that they're looking at, and there are certain number of types of that area. So while the one area may be found in one in 50 people, you have 26 different --

**CHIEF JUDGE LAUTEN:** Markers.

**JUDGE ASHTON:** Markers. You're multiplying each one.

**CHIEF JUDGE LAUTEN:** It's like a lottery almost.

**JUDGE ASHTON:** Yeah.

**CHIEF JUDGE LAUTEN:** The odds are astronomical.

**JUDGE ASHTON:** The odds become astronomical.

**CHIEF JUDGE LAUTEN:** Then it's someone other than you who left this genetic sample behind?

**JUDGE ASHTON:** Exactly. That's how it is now.

**CHIEF JUDGE LAUTEN:** And so, Jeff, how do you feel, I'm curious about how do you feel when you know that today DNA is almost expected by jurors which could be a problem, but certainly is just almost part and parcel of homicides and sex cases and it's just -- and other cases too, but particularly in those two areas, just sort of part of what prosecutors present if they got it.

**JUDGE ASHTON:** It's a wonderful thing because it's – if it is done right, it is ultimate truth. I mean, if you have a, you know, a blood sample on a piece of clothing that belongs to a particular defendant and that blood is genetically matched to the victim, you know that's the victim's blood. So it's a wonderful thing but one of the problems is the more sensitive the test gets, the more we have to be very careful about understanding the connection between the genetic sample and the crime. Because, you know, if you're talking about a genetic sample that was left by a touch of something, like a murder weapon, a lot of people touch items. So you just have to understand it for what it is. And part of what I've seen is this idea that, you know, oh, if you have a DNA sample –

**CHIEF JUDGE LAUTEN:** Case closed.

**JUDGE ASHTON:** Case closed, and not necessarily. You still have to evaluate it.

**CHIEF JUDGE LAUTEN:** Jeff, let me take you down a path, I know you and I have talked about, but I don't know if the public perceives you this way. So let's talk about it a little bit. So 30 years as a prosecutor and now as a judge. The other thing about DNA that's so amazing is it can be used to exonerate people that we thought were guilty who are not. So you and I have talked about as much as we strive to have the most perfect system we can have, we don't have a perfect system because it's comprised of human beings. Does it give you the same sort of sense of gratification and pride –

**JUDGE ASHTON:** Oh, absolutely.

**CHIEF JUDGE LAUTEN:** -- that it exonerates people? It convicts people but it also exonerates.

**JUDGE ASHTON:** Absolutely, because it removes questions. And you know every time I hear about a case where a DNA sample has proved somebody innocent, I'm just as proud

to have been involved in it as I am to see when someone is convicted. Because you're getting ultimately to the truth of it.

**CHIEF JUDGE LAUTEN:** Well, I didn't mean to take you away from it. So when you have a blood sample or a semen sample, that's pretty strong. When you have touch DNA, your point is you got to be a little careful with that –

**JUDGE ASHTON:** Well, you do because you have to make – you know, you have to look at other evidence to determine the likelihood that that sample came from the event that you want to look at. You know, one of the classic examples, you know, that sort of touched or wearer DNA, you know, is there is a robbery and the robber drops his hat and you pick up the hat and you can swab the inside and determine who one of the wearer's is. Now, that doesn't mean that that has to be the robber. You know, the robber could have taken his brother's hat that day and left it. So it's something that you have to be very careful about and again, people need to understand that the absence of DNA doesn't prove anything. You know, you can – I could wear a hat all day and not leave an identifiable DNA sample.

**CHIEF JUDGE LAUTEN:** Is that true? I mean, is that –

**JUDGE ASHTON:** Yeah, there are some people that, you know, I think this is a term I heard. There are some people that are – that are sluffers. That some people, they – they sluff off a lot of skin cells.

**CHIEF JUDGE LAUTEN:** And some don't.

**JUDGE ASHTON:** And some don't. And there's some people that just aren't going to leave as much as other people.

**CHIEF JUDGE LAUTEN:** So I'm going to – along this sort of line of your career progression, so DNA, Tommy Lee Andrews, we worked on the Cox case together. It is really

that sort of scientific background that brought you to Casey Anthony. You weren't the lead prosecutor in Casey Anthony and you weren't initially assigned to Casey Anthony, but your science background got you involved.

**JUDGE ASHTON:** Right.

**CHIEF JUDGE LAUTEN:** But before we go there, there is one other step. So you're in the State Attorney's Office well before Casey Anthony. When I was there, there was not these sort of specialized units. So there wasn't a homicide unit, a sex crimes unit. The line felony prosecutors, whatever case was filed, say here Fred, here Jeff, try this first degree murder case, try this armed robbery case, try this sexual battery case. But then the office understandably sort of went towards specialization and started, I think for the first time, a homicide unit.

**JUDGE ASHTON:** Right.

**CHIEF JUDGE LAUTEN:** And tell me a little bit about that. When was the first homicide unit started, and weren't you in charge of it?

**JUDGE ASHTON:** Well, I actually I was the homicide unit for a while because I was the first lawyer assigned to it. It was both the complexity of forensic science in homicide cases, but also the complexity of the litigation around the death penalty. You know, coming up through the '80s, you know, the death penalty became a much more complicated area of law and so you really had to have some specialization, not only in the law, but in the science and investigative techniques. So yeah, in like the summer of 1990, I started the homicide unit and I was the only lawyer for six months. And then in early 1991 we added a second lawyer. And there were two of us for probably seven or eight years that did all the murder cases in Orange and Osceola County.

**CHIEF JUDGE LAUTEN:** And that's before Casey Anthony.

**JUDGE ASHTON:** That's before Casey Anthony. In fact, decades –

**CHIEF JUDGE LAUTEN:** Years at least before Casey Anthony. So then your sort of daily job at the State Attorney's Office was you worked on murder cases, murder cases, murder cases –

**JUDGE ASHTON:** Right, for ten years.

**CHIEF JUDGE LAUTEN:** All right, then there was assignments, I know, in between and then Casey Anthony comes along and tell our listeners a little bit about how you got involved in the Casey Anthony case.

**JUDGE ASHTON:** Yeah, the case was originally assigned to my very good friend and colleague Linda Drane Burdick who was the head of our sex crimes/child abuse unit at the time, in 2008 when it happened. Because the case originally came in as a child neglect kind of arrest. So she got involved in it and kept it. And then in the latter part of 2008, it became clear that part of the evidence was going to be some advanced forensic science that no one had ever done before involving the identification of chemicals and odor. And relating that to human decomposition, and so, you know, it's a rare thing for a prosecutor to have had the experience of introducing something new. And so I was the only one that had that experience, so Linda brought me in initially just to deal with that area. And then as the case became increasingly a forensic case, that sort of – my role evolved, but throughout, my role was handling the scientific evidence part.

**CHIEF JUDGE LAUTEN:** Where were you assigned when Casey Anthony –

**JUDGE ASHTON:** At that time I think I was doing – I was either doing like career criminal, major case kind of stuff in front of a single judge and at some point, I left that and started doing post-conviction work.

**CHIEF JUDGE LAUTEN:** Once you get assigned to Casey Anthony, both you and Linda Drane Burdick and Frank George, does all of your other work, is it assigned out and you worked only on that or you worked on other cases and that?

**JUDGE ASHTON:** No, no, we basically – I kept everything else I was doing. I think maybe two or three months before the trial, we, you know, everybody – all of our other work got pushed off to other people or they volunteered to help because it became very, very intense. But for most of the three years that we worked on the case, we did it along with our other work.

**CHIEF JUDGE LAUTEN:** So –

**JUDGE ASHTON:** Actually, now that I think about it, let me correct that one thing. I think at some point in the latter part of 2011, actually Linda had been transferred from heading up sex crimes to heading up homicide, so I think for some period of time she was actually my supervisor now that I think about it.

**CHIEF JUDGE LAUTEN:** Okay. All right. And then eventually you become her boss but we'll get to that later.

**JUDGE ASHTON:** Crazy world.

**CHIEF JUDGE LAUTEN:** I don't want to spend too much time on Casey Anthony. We could spend an entire podcast on it. So if you'll permit me to, I'd like to ask, you're further and further out from it. Looking back on it, what kind of lessons learned or impressions? I know it changed your life pretty significantly.

**JUDGE ASHTON:** Yeah.

**CHIEF JUDGE LAUTEN:** You and I worked in that office together. Any one case you just never knew where it would take you. But when you got that case initially, did you think it would end up being what it was?

**JUDGE ASHTON:** I don't think anybody imagined that what that case would turn into because no case had ever turned into that before.

**CHIEF JUDGE LAUTEN:** And we'd had cases where children had been murdered.

**JUDGE ASHTON:** Sure.

**CHIEF JUDGE LAUTEN:** Like our Robert Cox case, you know, that was a very emotional murder. All of them are but that one in particular, the murder of a 19 year old Walt Disney World worker. So you had this young child, but you had tried murders of children before, right?

**JUDGE ASHTON:** Sure, it wasn't just the fact that it was a child. It was the fact that – a number of things came together, you know. The fact that she was missing, quote unquote missing in the beginning, I think pulled a lot of people into the case because they, you know, all around the country, all around the world, you know, people wanted her to be found. And then as the case progressed, people just kept themselves involved in it. But this is really the first case in history where the internet and the cable news industry really, really focused on a case. I mean, you know, we compare it to O.J., but that was in the '90's before had 24 hour news stations and the internet, and so this was sort of the perfect storm of a compelling victim. You had a defendant that was interesting, whether that's in a good or bad way. They were very telegenic, I mean, Casey and her parents, they all looked good on TV and, you know, it was just a – it was a perfect storm of the characters and the media all at the same time.

**CHIEF JUDGE LAUTEN:** Looking back on it, would you do anything differently if you could? I know hindsight is so easy.

**JUDGE ASHTON:** The biggest – I mean, the biggest thing I wish we had done was to have sent the Anthony computer out to an independent forensic evaluation because as we have

since learned to our chagrin, the examination of the computer missed some things that would have been important.

**CHIEF JUDGE LAUTEN:** Interesting. Still think it was a death penalty case? That's a big controversy, I know.

**JUDGE ASHTON:** If you look at it from the point of view of what we believe the evidence showed she did, it was a case where a jury should decide the penalty, yes. And we knew at the time, and we understood then, that you know it was not an obvious decision because, you know, you –

**CHIEF JUDGE LAUTEN:** That was one of the tough decisions in the case.

**JUDGE ASHTON:** It was. And you know, you can't – some people say, well, you know, you need to make that decision based on whether you – how you think it might affect the ultimate outcome and I'm a legal purist, you know, you make the decision based on the factors that the law says you make it on and that's it. And that's what was done. I mean, I didn't make the decision. I agree with it and I know the State Attorney at the time made the decision. But you know, if what we thought she did to Caylee she actually did, then yes.

**CHIEF JUDGE LAUTEN:** All right. So you have then your life after Casey Anthony which includes the movie with the lesser good looking actor Rob – no, I'm just teasing. You had the movie. You had the book.

**JUDGE ASHTON:** Right. It was crazy.

**CHIEF JUDGE LAUTEN:** Your life took a turn. And then you ran for State Attorney against Lawson Lamar. We're not going to spend a lot of time on that unless you want to.

**JUDGE ASHTON:** No.

**CHIEF JUDGE LAUTEN:** So then you become the State Attorney in the 9<sup>th</sup> Circuit. Tell the listeners what that experience was like.

**JUDGE ASHTON:** It was a fantastic experience. I mean, most people at some point in their lives have worked in an organization and thought to themselves, if only we would do it like this, I think it would work – it would work so much better, you know. And you have those ideas and you never get to see them to come to fruition. And I was incredibly fortunate to be able to take all those ideas and actually put them into effect and watch them work. And see the ones that worked and the ones that didn't work.

**CHIEF JUDGE LAUTEN:** So what was your most proud moment or change being the State Attorney for the 9<sup>th</sup> Circuit?

**JUDGE ASHTON:** The biggest change I made that I was most proud of was in moving us toward what we call vertical prosecution. In other words, the idea that the same lawyer should handle a case from beginning to end. I always thought that that was the best way to handle things. That's the way we did it in homicide all those years I had it. And that was the thing I was most proud of and I really do think that worked and that actually is to a large part still the way they do it, and I think they probably always will.

**CHIEF JUDGE LAUTEN:** Anything you'd do differently given the chance, if you were State Attorney? Look back on and go, I wished I'd handled something a little differently?

**JUDGE ASHTON:** I wish I had been better at the politics of being State Attorney. I mean, I've always had, you know, an attitude of, you know, I look at something and I decide what the right thing to do is, and I do it. I don't know that I could do it differently, but you know, I wasn't a good politician. I've never been a good politician. I don't know if I could have been a good politician, but as I look back on it, I'm like, I could have been a little – I could have

had a little softer touch here, a little softer touch there. But ultimately, you know, I loved the way I did it. I loved the people I worked with. You know, I felt that that part of my career ended not because of anything I did or didn't do, but because of you know, political forces that are going on in the entire country that are very sort of divisive and I was – I was always somebody that was very much in the middle. I mean, I felt like – I foolishly sometimes felt like that if people in the far right were mad at me and people in the far left were mad at me, I must be doing something right. But you know, that's perhaps not realistic for politics –

**CHIEF JUDGE LAUTEN:** For longevity?

**JUDGE ASHTON:** No. Maybe not, but I wouldn't really have it any other way.

**CHIEF JUDGE LAUTEN:** So you serve for one term. Serve a full four year term. For our vote – for our listeners, the State Attorney is an elected position, runs every four years.

**JUDGE ASHTON:** Right.

**CHIEF JUDGE LAUTEN:** And then you have some time off.

**JUDGE ASHTON:** I do.

**CHIEF JUDGE LAUTEN:** And you make the decision that maybe I'll pursue a career on the bench.

**JUDGE ASHTON:** Right, I – you know, I took – I took some time off. The first nine months after I left office through, again most of 2017, I did, you know, I just was retired and I experimented with a few things I always wondered if I'd enjoy outside of law. I thought about writing another book. I thought about doing some work in TV or radio. I made some explorations of those things. Realized that those were not really what interested me that much. It wasn't – it wasn't so much the act itself, it was what you had to do to do that. I just wasn't that person. And so I looked around and said, what else do I want to do? I did a little bit of private

practice. Enjoyed working with clients but didn't enjoy the business part of it. And so I thought back through my life and said, you know, what else did I ever want to do?

**CHIEF JUDGE LAUTEN:** So what attracted you to being a judge, to wearing a robe? What drew you to that?

**JUDGE ASHTON:** I've always loved the law. I've loved the intricacies of it. I love the thought that goes into it. And so the thing I loved about being a prosecutor is I was a pure lawyer. All I had to do was be a lawyer. I didn't have to be a businessman. I didn't have to market so my total focus was the law. What is the law and how can I prove it? And being a judge is very close to that. I mean, this is the law and within that, what is the right thing to do? And so it's very similar in that sense, that I think, you know, you fully concentrate on one thing and that is, what is the law?

**CHIEF JUDGE LAUTEN:** So Jeff, thirty years plus being a fierce advocate for a particular position and then you get elected to the 9<sup>th</sup> Judicial Circuit Court and you put on a robe and all of a sudden you have to be a neutral. Let's talk a little bit that. What kind of thought did you put into that and how did it feel when it first started happening?

**JUDGE ASHTON:** You know, there's an element of judicial – there's a judicial aspect to what a prosecutor does because as you know, in the first part of a prosecutor's evaluation of a case, you have to be neutral, and you have to be sort of judicial because you have to look at things and say, okay, what do these facts prove and what do they mean in the law. And you have to do that from a neutral perspective. Then once you've decided as a prosecutor, this is what is appropriate, then you become the advocate. So the neutral evaluation I don't think is as difficult, though I do occasionally find myself going, that's not right. And then I have to go, wait a minute, it may not be right but you may not be able to do anything about it.

**CHIEF JUDGE LAUTEN:** I used to tell young prosecutors because I did a little bit of the reverse of a lot of people. I was in practice, then I became a prosecutor. Most prosecutors start there and then go into practice. I tell them, one aspect of being a prosecutor that no other lawyer has, not even the public defender, is you take an oath, where if you don't believe in the justice of this case, if you think that this is not – this person is not guilty beyond a reasonable doubt, then your oath is to not pursue the case. And you know, I've told young lawyers, I don't know that you can appreciate how beneficial that is to you and how much it should assist you sleeping at night because when you're in practice, if you take on a client, you might find I can't stand this client. I can't stand this client's position. I'm not sure, you know, that anyone is buying what we're selling but I still have an obligation to zealously represent them whether I like what they did or not or whether I even buy sort of this argument. And a prosecutor really never had to wrestle with any of that. Sort of like, if you don't buy it, don't sell it, if you're a prosecutor.

**JUDGE ASHTON:** I used to say that a prosecutor's job is easy to explain to your kids because –

**CHIEF JUDGE LAUTEN:** Do the right thing.

**JUDGE ASHTON:** It's do the right thing. And you know, people who work for defendants, I admire greatly and they do their job and do it well. But at some level they have to say, well, I'm going to advocate for this person even if I don't like them and I don't believe in them, and I don't like what they did, you still have an obligation to do that. So it's very –

**CHIEF JUDGE LAUTEN:** Well, back to the bench though. So now – now, you're in a courtroom which is where you spent almost all of your professional, adult professional life. But your job is not to make the argument, but to listen to the arguments that are being made and I

think every judge has thought at one point in time or another, well, I would argue this differently than the person who's doing it to me, but so be it. And sort of not pre-judge, you know, a case. Listen very carefully to both sides. And how has that impacted you?

**JUDGE ASHTON:** I've realized that you can listen to something and feel like you're going in a certain direction and then when you've heard everything, realize, oh, no, that's not really what I believe. What I believe is somewhat different. So I think what has surprised me is it's not – you don't have to internally in your mind be neutral all the time, you have to have the potential to be neutral. In other words, you have to listen very carefully to both sides and you know, you don't have to say, oh, I can't – I can't have any opinions at all. It's just that your opinions always have to be malleable based on the evidence you hear.

**CHIEF JUDGE LAUTEN:** Sure. So I know I've experienced this in my judicial career. I've heard openings and thought, oh, this party is going to win but whether it was in civil or criminal, this is the winner, no question. Then they'd sit down and the other side would get up, oh, no, no, I'm wrong, this is the winner. Now, when you have a jury, fortunately it's like you guys decide, and that's kind of a benefit, in some ways a blessing. In civil, sometimes as a judge you have to make the decision one way or the other, but no, you're absolutely right. You hear a good argument and you think, oh, there's nothing you can say in response to this. And then you hear the other side and go, well, that's brilliant too.

**JUDGE ASHTON:** Yeah, it is.

**CHIEF JUDGE LAUTEN:** And sometimes you just have to suspend your judgment until the end.

**JUDGE ASHTON:** Exactly.

**CHIEF JUDGE LAUTEN:** You're kind of, like you say, you hear one thing, and you think, oh, that's very strong. And then you hear another thing and go, I hadn't thought of that, or that's an interesting response.

**JUDGE ASHTON:** You always have to be able to update your opinion based on new information.

**CHIEF JUDGE LAUTEN:** Yeah. What – what does all of the thirty years of experience in a courtroom, what does that bring to your new role as a judge? And how does that help you, and does it hurt you in any way?

**JUDGE ASHTON:** I think it helps me and hurts me somewhat in the same way. It helps me because it helps me crystalize things quickly. In other words, I think the thirty years of experience enables me to basically figure out what the issue is fairly quickly, but then again that's bad because you have to always make sure you don't close your mind too early and say, okay, this is the issue and not be open to a good argument that, oh, that's not really the issue, it's this. So I think it's really both things, you have to understand the good and bad of it, and guard against it. One of the things I think is, the division I work in, I work with a lot of just people that are pro se, that don't have lawyers.

**CHIEF JUDGE LAUTEN:** So you're in the domestic violence, family law division.

**JUDGE ASHTON:** Right. And I think my experience helps me in that in two ways. One, is I think I have a fairly heightened sense for real danger. In other words, I can look at a situation and I think based on my background have a pretty good idea of whether this person is truly, truly in danger or not. Sort of a sense of the lethality of it, along with, you know, a lot of education I've gotten since then. But I'm also very comfortable with just dealing with regular folks because I've done that my whole life and it's like very comfortable for me to kind of –

**CHIEF JUDGE LAUTEN:** So you've been on the bench how long?

**JUDGE ASHTON:** Three months. April, yeah.

**CHIEF JUDGE LAUTEN:** Three, four months.

**JUDGE ASHTON:** Yeah.

**CHIEF JUDGE LAUTEN:** And thirty years in the courtroom. What are the three top qualities a judge should possess?

**JUDGE ASHTON:** The top qualities – the first top quality – the first quality is patience. You got to be patient with people. I think the next one is you have to truly want the law to do what it's supposed to do. That should be your sense of justice, you know, what is the law supposed to do here and to make sure it works that way. And the last is you have to have a real passion for the law. I mean, the law has to be, you know, almost a religious commitment to you.

**CHIEF JUDGE LAUTEN:** Three things a judge should avoid? What qualities should a judge possess I guess the opposite of those –

**JUDGE ASHTON:** Temper. Temper, you have no place for your own temper. You know, bigotry and pre-assumption. You know, you can't – you can't assume somebody because they're of modest means, they're a certain kind of person, and you can't assume a person with great means are a different kind of person. I mean, you have to have a real sense of that, you know, and making sure that people of modest means don't get steamrolled. The other thing is, again you have to have patience. You can't be impatient. I do tend to be impatient sometimes so it's constantly something I'm reminding myself of.

**CHIEF JUDGE LAUTEN:** And how do you do that? Just kind of chant it or do you have a sign, or what?

**JUDGE ASHTON:** I just – I just catch myself when I’m getting annoyed with things not moving along like I think they should and I just kind of sit back and go, okay.

**CHIEF JUDGE LAUTEN:** Let’s talk a little bit about docket management and caseload. Is that what you expected it to be? Is it something different? How important do you think management is in terms of being a judge?

**JUDGE ASHTON:** I think management is very important. I mean, I’m only sort of scratching the surface of that right now because my particular division, much of what I have is sort of short term. Injunction hearings, injunctions granted and then those cases often, you don’t hear from much after that. But divorce cases associated with those do tend to take a good deal of time and I’m still sort of in the beginning stages of developing a philosophy and some techniques to make sure that I keep things moving.

**CHIEF JUDGE LAUTEN:** Right, too fast is a problem, too slow is a problem. There’s a pace for justice.

**JUDGE ASHTON:** Exactly. There’s a pace and I think it’s important for the Court to be the example of what the pace should be. So in other words, I think if the judge is waiting two or three months to get an order out, then that’s basically signaling to the attorneys that it’s okay to take three or four months longer than something ought to have to be done, so I think it’s really important that we be able to get things moving and moved along, and done.

**CHIEF JUDGE LAUTEN:** You know, I don’t know if they teach this in these trial practice classes anymore, but years ago they were teaching you know, lawyers who were trying cases, you control that courtroom and take over and take charge of the courtroom. I’ve been on the bench for 26 years now and that concept is a little annoying to me because I believe the judge

sets the tone. What are your thoughts? So many years as a prosecutor. Now, you have a robe. What do you think about that?

**JUDGE ASHTON:** I think the judge does set the tone, but you know, Judge Perry used to always say, I just call the balls and strikes. And you can't just call the balls and strikes. He didn't either because then, you know, chaos can erupt, but I think you have to manage a courtroom with the idea of what we're here to do.

**CHIEF JUDGE LAUTEN:** Right.

**JUDGE ASHTON:** And you know, there are times when, you know, you can tell when people are going on and on just to hear themselves talk and you have to control that. It will be interesting for me how I do that when I get to a point when I'm working with juries. Because when you're in a nonjury situation –

**CHIEF JUDGE LAUTEN:** It's a little different, sure.

**JUDGE ASHTON:** -- it's a little bit more informal.

**CHIEF JUDGE LAUTEN:** Yeah, you know, I'm curious what you think about this. I always thought that the judge has to set the tone for a sort of attitude pace management, but in another sense, the judge should not be the major player. I mean, it shouldn't be about the judge. In fact, if you're doing your job right like a good ref, which is not the best analogy, but you don't really see them much. They're calling fouls every now and then in a sport but they're not the focus of the event. And I think a judge needs to maintain a pace, maintain an attitude but really shouldn't be the focus of the event, so that when you see trials on TV and you see the news covering mostly what the lawyers are doing, I go, that makes perfect sense to me. I mean, Judge Perry probably did as good a job as can be done in managing Casey Anthony. Once or twice he was the focus because things were happening, like disruptions and people acting out in the

audience and he had to – but for the most part it was really about the lawyers as most trials should be.

**JUDGE ASHTON:** And it is, but I think the judge sets the tone in how seriously people take the judicial system. And I think particularly in criminal cases some judges are very friendly and relaxed, and while that's very nice to work with as an attorney, I'm not sure that it sends the message to the public, you know, that needs to be sent. I mean, when we were young lawyers, you know, people would come for jury duty in jackets and ties because they took it seriously. And I think to some extent we've allowed people to take the judicial system less seriously so you know, we can't be that surprised when they take judicial orders as suggestions instead of orders. So I do think that in a courtroom – but the good judges run tight courtrooms without having to say anything. And that's –

**CHIEF JUDGE LAUTEN:** Right, the Tom Mihok's, the Belvin Perry's, the Rom Powell's –

**JUDGE ASHTON:** And Lisa Munyon's, another one. Rom Powell. They didn't need to yell at people. They just – you knew what you were supposed to do and you just did it, and so it will be interesting to see how that works out. Like I said, what I do now, it's a different vibe, you know, it's much – it's informal in a way that, you know, it's not otherwise – I do find that I ask a lot of questions in trials that, you know, I don't know that I'll ever – I don't think I would do that in a jury trial. But in a judge trial, I feel like I'm – I've got to have this information to make a correct decision so I don't feel bad about asking questions.

**CHIEF JUDGE LAUTEN:** So, Jeff, thirty years plus in the courtroom, so many differently roles, assistant state attorney. You tried cases as the State Attorney. You're now

presiding over trials and hearings with a robe on, and you're the judge. What would Jeff Ashton today say to young Jeff Ashton back in 1981 that you wished you had known when you started?

**JUDGE ASHTON:** 1981.

**CHIEF JUDGE LAUTEN:** Or 1982.

**JUDGE ASHTON:** Such a different world.

**CHIEF JUDGE LAUTEN:** 1983.

**JUDGE ASHTON:** You know, what would I tell him? Wow. I'd probably tell him what judges told me which is calm down. You're way too –

**CHIEF JUDGE LAUTEN:** You were a little excitable, I remember.

**JUDGE ASHTON:** I was very excitable, yeah. But you know –

**CHIEF JUDGE LAUTEN:** Now, has that – have you mellowed out a little bit with age?

**JUDGE ASHTON:** Oh, sure, a little bit, not a lot. But a little bit. But no, passion is passion and you know, there are prosecutors who are very, very businesslike and you know, they're passionate about what they do but it comes out in a different way. But for me to try to be that would be fake.

**CHIEF JUDGE LAUTEN:** Yeah, well, that's a fascinating point because I'm not sure what I would tell, you know, the young Fred Lauten. But one thing that I was told, I think just has rung true throughout the many years in the courtroom which is, you have to be yourself. If you try – if I tried to be Belvin Perry who was a phenomenal prosecutor, I mean, I'm a different person. If I tried to be Jeff Ashton, so you have to find out what is your best strength. What is your natural person, how you act under stress and then be that person and not be someone else.

**JUDGE ASHTON:** And I think it's the same thing as a judge. You have to be who you are but always keep in mind, you know, what your purpose is in that particular – whatever you're doing. What is your purpose there? You can't get caught up in your own ego. You can't get caught up in making people respect you by ordering them –

**CHIEF JUDGE LAUTEN:** You can't demand that respect; you just have to earn it.

**JUDGE ASHTON:** You got to earn it, yeah.

**CHIEF JUDGE LAUTEN:** Well, Jeff, you know we worked together for many years here. I'm thrilled that I get to spend about six months in this part of our career together but then I'm on the way out sort of as you're on the way in. So thanks for spending time with us. There's so many topics we could have dug a little deeper into, Casey Anthony and some others, but I kind of wanted to cover the whole spectrum of your career with our listeners. And I want to wish you the best of luck on the bench. You're a great friend and you're a great legal mind, and thanks for taking time out of your day –

**JUDGE ASHTON:** And thanks for having me and you will be sorely missed, but we'll keep in touch.

**CHIEF JUDGE LAUTEN:** We'll stay in touch. All right. Thank you, Jeff.

**JUDGE ASHTON:** All right. Thanks.

**NARRATOR:** You've been listening to "Open Ninth: Conversations Beyond the Courtroom" brought to you by Chief Judge Frederick J. Lauten and the Ninth Judicial Circuit Court of Florida. For more information about the Ninth Judicial Circuit Court, follow us on Facebook, Twitter, Instagram and LinkedIn.

(Music)