

UNITED STATES SENATE  
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name**: State full name (include any former names used).

Thomas Patrick Barber

2. **Position**: State the position for which you have been nominated.

United States District Court Judge for the Middle District of Florida

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Hillsborough County Courthouse Annex  
401 North Jefferson Street  
Annex Room 206  
Tampa, Florida 33602

4. **Birthplace**: State year and place of birth.

1966; Pittsburgh, Pennsylvania

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

1989 – 1992, University of Pennsylvania Law School; J.D., 1992

1985 – 1989, University of Florida; B.A., 1985

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2018 – present  
University of South Florida  
4202 East Fowler Avenue  
Tampa, Florida 33620

Adjunct Professor, Innovative Education

2004 – present  
State of Florida, Thirteenth Judicial Circuit  
800 East Twiggs Street  
Tampa, Florida 33602  
Circuit Judge (2008 – present)  
County Court Judge (2004 – 2008)

2004 – present  
Stetson Law School  
1401 61st Street South  
Gulfport, Florida 33707  
Adjunct Professor of Law

2000 – 2004, 1992 – 1997, Summer 1991  
Carlton Fields, P.A.  
4221 West Boy Scout Boulevard  
Suite 1000, Tampa, Florida 33607  
Shareholder (2003 – 2004)  
Associate (1992 – 1997, 2000 – 2002)  
Summer Associate (1991)

1999 – 2000  
Office of Statewide Prosecution  
Florida Attorney General's Office  
Concourse Center 4  
3507 Frontage Road, Suite 200  
Tampa, Florida 33607  
Assistant Statewide Prosecutor

1998 – 2000  
Richards, Gilkey, Fite, Pratesi & Ward  
1253 Park Street  
Clearwater, Florida 33756  
Part-Time Research and Writing Assistant

1997 – 1999  
State Attorney's Office, Thirteenth Judicial Circuit  
419 North Pierce Street  
Tampa, Florida 33602  
Assistant State Attorney

Summer 1990, Summer 1989  
City of Fort Lauderdale  
100 North Andrews Avenue

Fort Lauderdale, Florida 33601  
Intern

Other Affiliations (uncompensated):

1999 – 2004  
Tampa Crossroads  
5109 North Nebraska Avenue  
Tampa, Florida 33603  
Board of Directors

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I have not served in the military. I registered for the selective service upon turning 18.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Outstanding Jurist of the Year Award – Hillsborough County Bar Association (2012)

Five and Ten Year Adjunct Faculty Service Awards – Stetson Law School (2009; 2014)

Five Year Service Pin – Meals on Wheels (2004)

Martindale-Hubbell “AV” Rating (2000 – 2004)

Barbara Sanders Award (for excellence in legal writing) – Florida Bar Journal (1998)

Have a Heart Pro Bono Service Award – Hillsborough County Bar Association (1994, 1995 & 1996)

University of Florida

Phi Beta Kappa (1989)

Phi Kappa Phi (Academic Honor Society) (1989)

Phi Alpha Theta (History Honor Society) (1989)

Pi Sigma Alpha (Political Science Honor Society) (1989)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

American Bar Association (1992 (approx.) – 2004)

American Inns of Court

Herbert Goldburg Criminal Law Inn of Court (2007 – present (emeritus status))  
Wm. Reece Smith Litigation Inns of Court (2014 – 2017)  
Cheatwood Inn of Court (2000 – 2011)

Conference of Florida County Court Judges (2004 – 2008)

Federal Bar Association (1992 (approx.) – 2004)

Federalist Society for Law and Public Policy (1988 – present)

President of Tampa Lawyers Chapter (1995 – 1997 & 2000 – 2004)  
Co-Founder of Tampa Lawyers Chapter (1995)

Florida Bar Association (1992 – present)

Special Committee to Study Decline in Jury Trials (2010 – 2012)  
Student Education and Bar Admission Committee (2007 – 2010)  
Rules of Evidence Committee (2002 – 2007)  
Column Editor, FLORIDA BAR JOURNAL (2001 – 2005)  
Grievance Committee 13-C (1999 (approx.) – 2004)  
Consumer Protection Law Committee (1996 – 1999)

Florida Conference of Circuit Court Judges (2008 – present)

Florida Prosecuting Attorney's Association (1997 (approx.) – 2000)

Hillsborough County Bar Association (1992 – present)

Judicial Election Campaign Practices Committee (2002 (approx.) – 2004)  
Military Liaison Committee (2001 (approx.) – 2004)  
Editor, HCBA Lawyer Magazine (2000 – 2001)

**10. Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Florida, 1992

There has been no lapse in membership.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

Supreme Court of the United States, 1999  
United States Court of Appeals for the Eleventh Circuit, 1993; 2004

United States District Court for the Middle District of Florida, 1993  
United States District Court for the Southern District of Florida, 1994  
Florida Supreme Court, 1992

I did not seek to maintain my admission to practice before the Eleventh Circuit and the Middle and Southern Districts of Florida to lapse after my appointment as a state court judge. There have been no other lapses in membership.

11. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Boy Scouts of America (2011 – 2014, 2016 – present)  
Troop 53, Assistant Scoutmaster (2016 – present)  
Cub Scout Pack 360, Committee Chair (2011 – 2014)

Chamberlain Community Band (1994 – 2000)

Chelsea at Tampa Palms Homeowner's Association (2006 – 2014)

Coleman Middle School Music Boosters (2014 – 2017)

Florida Historical Society (1993 – 2000)

Gator Band Alumni Association (1989 – present)

Gator Boosters (1992 – 2014)

H.B. Plant High School  
Academic Foundation (2016 – present)  
Athletic Association (2016 – present)  
Band Boosters (2016 – present)  
Orchestra Boosters (2015 – present)

Kiwanis Club (2011 – 2013)

Meals on Wheels (2000 – 2005)  
Volunteer Driver

Penn Law Alumni Society (1992 – present)

Portico Chorus (2014 – present)

Tampa Bay History Center (2007 – 2013)

Tampa Crossroads (1999 – 2004)  
Board of Directors

Tampa Palms Elementary School PTA (2006 – 2014)

Temple Terrace Chamber of Commerce (1993 (approx.) – 1996)

United States Military Academy Selection Committee for Rep. Jim Davis (2002 – 2004)

University of Florida Alumni Association (1989 – present)

University of Florida Political Science Dept. Alumni Advisory Board (2006 – present)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

Years before I was a member, Kiwanis Club, an organization devoted to community service, restricted its membership to males. In the past, Boy Scouts of America has limited membership on the basis of sex and religion, although it is my understanding that such limitations have since been removed.

Otherwise, to the best of my knowledge, none of the organizations listed in response to 11a above currently discriminate or formerly discriminated, in any way, on the basis of race, sex, religion or national origin.

## **12. Published Writings and Public Statements:**

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

Letter to the Editor, *Scouting Builds Character*, TAMPA TRIBUNE, Aug. 28, 2011.  
Copy supplied.

Letter to the Editor, *No 'Taj Mahal'*, TAMPA TRIBUNE, Sept. 12, 2010. Copy supplied.

*Jury Duty in a Bad Economy*, LAWYER MAGAZINE. (HILLSBOROUGH COUNTY BAR ASSOCIATION), Sept. 2009, at 14. Copy supplied.

*Restrictions on Lawyers Communicating with Witnesses During Testimony: Law, Lore, Opinions, and the Rule*, FLA. B.J., July/August 2009, at 58. Copy supplied.

*Judicial Elections and Appointments*, LAWYER MAGAZINE. (HILLSBOROUGH COUNTY BAR ASSOCIATION), June 2008, at 14. Copy supplied.

*Tampa Judges Wrap-Up Terms Leading the Florida Judiciary*, LAWYER MAGAZINE. (HILLSBOROUGH COUNTY BAR ASSOCIATION), Sept. 2007, at 14. Copy supplied.

James H. Daniel, *Can Two Wrongs Make a "Right" To Seek Indemnification of Punitive Damages from a Liability Insurance Carrier*, FLA. B.J., March 2005 (Thomas P. Barber, ed.), at 26. Copy supplied.

*Criminal Enforcement of Florida's Securities Laws*, FLA. B.J., February 2005, at 8. Copy supplied.

Robert C. Buschel and Sean Gelb, *Dueling Doctors: An Argument for Specialized Medical Testimony*, FLA. B.J., December 2004 (Thomas P. Barber, ed.), at 34. Copy supplied.

*Maintaining the Integrity of Judicial Elections*, LAWYER MAGAZINE. (HILLSBOROUGH COUNTY BAR ASSOCIATION), Apr. 2004 at 16. Copy supplied.

Daniel Morman, *The Complaint for a Pure Bill of Discovery; A Living, Breathing Modern Day Dinosaur?*, FLA. B.J., March 2004 (Thomas P. Barber, ed.), at 50. Copy supplied.

Tucker Ronzetti and Janet L. Humphreys, *Avoiding Pitfalls in Closing Arguments*, FLA. B.J., December 2003 (Thomas P. Barber, ed.), at 36. Copy supplied.

Sean R. Santini, *Motion To Strike Sham Pleadings and Summary Judgment Motions: Is There a Difference?*, FLA. B.J., October 2003 (Thomas P. Barber, ed.), at 52. Copy supplied.

Jeffrey S. Badgley, *Using Medical Literature on Direct Examination To Win the "Battle of the Experts"*, FLA. B.J., May 2003 (Thomas P. Barber, ed.), at 39. Copy supplied.

Raymond T. Elligett, Jr., and Amy S. Farrior, *Time Waits for No One: The Death of a Litigant*, FLA. B.J., November 2002 (Thomas P. Barber, ed.), at 55. Copy supplied.

*Judicial Elections, What Are They All About?*, TAMPA TRIBUNE, Aug. 25, 2002. Copy supplied.

John W. Reis, *Economic Loss Rule: The "Integral Part" Approach to the "Other Property" Exception*, FLA. B.J., July/August 2002 (Thomas P. Barber, ed.), at 55. Copy supplied.

*Accentuate The Positive*, LAWYER MAGAZINE. (HILLSBOROUGH COUNTY BAR ASSOCIATION), June 2002, at 3. Copy supplied.

*Pioneers, Showing the Way for Us All*, LAWYER MAGAZINE. (HILLSBOROUGH COUNTY BAR ASSOCIATION), May 2002, at 12. Copy supplied.

*Rule 13*, LAWYER MAGAZINE. (HILLSBOROUGH COUNTY BAR ASSOCIATION), May 2002, at 3. Copy supplied.

*The American Legal System: The Worst in the World, Except for the Alternatives*, LAWYER MAGAZINE. (HILLSBOROUGH COUNTY BAR ASSOCIATION), Apr. 2002, at 3. Copy supplied.

*Wind Bags, Vermin and Caterpillars*, LAWYER MAGAZINE. (HILLSBOROUGH COUNTY BAR ASSOCIATION), Mar. 2002, at 3. Copy supplied.

*The Law School Student Loan Dilemma*, LAWYER MAGAZINE. (HILLSBOROUGH COUNTY BAR ASSOCIATION), Feb. 2002, at 3. Copy supplied.

*Making a Difference*, LAWYER MAGAZINE. (HILLSBOROUGH COUNTY BAR ASSOCIATION), Dec. 2001, at 3. Copy supplied.

*From "The Greatest Generation" to the Latest Generation, a Tribute to HCBA Military Veterans*, LAWYER MAGAZINE. (HILLSBOROUGH COUNTY BAR ASSOCIATION), Nov. 2001, at 18. Copy supplied.

*Our Thanks on Veterans Day*, LAWYER MAGAZINE. (HILLSBOROUGH COUNTY BAR ASSOCIATION), Nov. 2001, at 3. Copy supplied.

*Rising with the Occasion*, LAWYER MAGAZINE. (HILLSBOROUGH COUNTY BAR ASSOCIATION), Oct. 2001, at 3. Copy supplied.

*Something Different?*, LAWYER MAGAZINE. (HILLSBOROUGH COUNTY BAR ASSOCIATION), Sept. 2001, at 3. Copy supplied.



*Those in Need Getting Legal Assistance from Volunteer Attorneys*, TAMPA TRIBUNE, 2001. Copy supplied.

*The Anatomy of Florida's Corpus Delicti Doctrine*, FLA. B.J., October 2000, at 80. Copy supplied.

*Beyond Noncompete Agreements: Using Florida's Trade Secrets Act To Prevent Former Employees from Disclosing Sensitive Information to Competitors*, 71 FLA. B.J., March 1998, at 10. Copy supplied.

*Settling Claims Involving Minors*, FLA. B.J., November 1995, at 10. Copy supplied.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

Florida Bar Association, Special Committee on the Decline of Jury Trials, *Report of the Special Committee to Study the Decline in Jury Trials*, December 2011. Copy supplied.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

None.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

May 24, 2018: Speaker, "Judge Cynthia Oster Introduction, Investiture Ceremony for Judge Cynthia Oster," Hillsborough County Court, Tampa, Florida. Notes supplied.

February 14, 2018: Panelist, "View From The Criminal Bench," Hillsborough County Bar Association, Criminal Law Section, Tampa, Florida. Notes supplied.

February 3, 2018: Moderator, "Florida Separation of Powers," Federalist Society, Florida Chapters Conference, Orlando, Florida. Notes supplied.

October 25, 2017: Panelist, "Bench-Bar Conference Criminal Law Break Out Session," Hillsborough County Bar Association, Tampa, Florida. I participated as a panelist with other judges in an open, "give and take" exchange with criminal law practitioners and state criminal judges. I have no notes, transcripts, or recordings. The address for the Hillsborough County Bar Association is 1610 North Tampa Street, Tampa, Florida 33602.

March 28, 2017: Presenter, "Common Mistakes When Making Objections," William Reece Smith Litigation Inn of Court, Tampa, Florida. Notes supplied.

November 10, 2016: Panelist, "Bench-Bar Conference Criminal Law Break Out Session," Hillsborough County Bar Association, Tampa, Florida. I participated as a panelist with other judges in an open, "give and take" exchange with criminal law practitioners and state criminal judges. I have no notes, transcripts, or recordings. The address for the Hillsborough County Bar Association is 1610 North Tampa Street, Tampa, Florida 33602.

October 27, 2015: Panelist, "Bench-Bar Conference Criminal Law Break Out Session," Hillsborough County Bar Association, Tampa, Florida. I participated as a panelist with other judges in an open, "give and take" exchange with criminal law practitioners and state criminal judges. I have no notes, transcripts, or recordings. The address for the Hillsborough County Bar Association is 1610 North Tampa Street, Tampa, Florida 33602.

October 20, 2015: Presenter, "Pro Bono Opportunities in Central Florida," Wm. Reece Smith Litigation Inn of Court, Tampa, Florida. I led a group presentation identifying various opportunities available for lawyers to perform pro bono service in the Central Florida area. I have no notes, transcripts, or recordings. The address for the American Inns of Court is 225 Reinekers Lane, Suite 770, Alexandria, Virginia.

June 8, 2015: Speaker, Investiture Ceremony for Judge John Badalamenti, Florida Second District Court of Appeal, Tampa, Florida. Notes supplied.

October 30, 2014: Panelist, "Bench-Bar Conference Criminal Law Break Out Session," Hillsborough County Bar Association, Tampa, Florida. I participated as a panelist with other judges in an open, "give and take" exchange with criminal law practitioners and state criminal judges. I have no notes, transcripts, or recordings. The address for the Hillsborough County Bar Association is 1610 North Tampa Street, Tampa, Florida 33602.

October 28, 2014: Presenter, "Professionalism Under Pressure," William Reece Smith Litigation Inn of Court, Tampa, Florida. Notes supplied.

January 25, 2012: Speaker, "Judicial Selection: Elections and Appointment," Plant City Kiwanis Club, Plant City, Florida. Notes supplied.

May 9, 2011: Presenter, "Internet Evidence," Herbert G. Goldberg-Ronald K. Cacciatore Criminal Law Inn of Court, Tampa, Florida. Notes supplied.

December 6, 2010: Presenter, "Ethical Boundaries of Witness Preparation," Herbert G. Goldberg-Ronald K. Cacciatore Criminal Law Inn of Court, Tampa, Florida. Notes supplied.

October 12, 2010: Presenter, "Internet Evidence and Related Ethical Issues," J. Clifford Cheatwood Inn of Court, Tampa, Florida. Notes supplied.

April 20, 2010: Panelist, "View From The Criminal Bench," Hillsborough County Bar Association, Criminal Law Section, Tampa, Florida. I participated as a panelist with other state and federal criminal judges. I have no notes, transcripts, or recordings. The address for the Hillsborough County Bar Association is 1610 North Tampa Street, Tampa, Florida 33602.

January 12, 2010: Presenter, "Ethical Boundaries of Witness Preparation," J. Clifford Cheatwood Inn of Court, Tampa, Florida. Notes supplied.

September 4, 2009: Panelist, "Practicing With Professionalism," Florida Bar Association, Tampa, Florida. I participated as a panelist with experienced judges and lawyers discussing professionalism issues faced by young lawyers as part of the Florida Bar's required professionalism program for new lawyers. I have no notes, transcripts, or recordings. The address for the Florida Bar Association is 651 East Jefferson Street, Tallahassee, Florida 32399.

February 12, 2009: Panelist, "Jury Trial Innovations," Ferguson-White Inn of Court, Tampa, Florida. Notes supplied.

December 8, 2008: Presenter, "Movie Clips – Top Lawyer Movies," Herbert G. Goldberg-Ronald K. Cacciatore Criminal Law Inn of Court, Tampa, Florida. I participated in a group presentation discussing practical practice pointers that can be gleaned from popular movies about lawyers. I have no notes, transcripts, or recordings. The address for the Herbert G. Goldberg-Ronald K. Cacciatore Criminal Law Inn of Court is 400 North Tampa Street, Tampa, Florida 33602.

September 5, 2008: Panelist, "Practicing With Professionalism," Florida Bar Association, Tampa, Florida. I participated as a panelist with experienced judges and lawyers discussing professionalism issues faced by young lawyers as part of

the Florida Bar's required professionalism program for new lawyers. I have no notes, transcripts, or recordings. The address for the Florida Bar Association is 651 East Jefferson Street, Tallahassee, Florida 32399.

February 14, 2008: Panelist, "2008 Revisions to Civil and Criminal Rules of Procedure," Hillsborough County Bar Association Trial Lawyers Section, Tampa, Florida. I participated as a panelist with other local judges discussing recent changes to the civil and criminal rules of procedure. I have no notes, transcripts, or recordings. The address for the Hillsborough County Bar Association is 1610 North Tampa Street, Tampa, Florida 33602.

January 28, 2008: Presenter, "Juror Questions During Criminal Trials," Herbert G. Goldberg-Ronald K. Cacciatore Criminal Law Inn of Court, Tampa, Florida. Notes supplied.

October 20, 2006: Speaker: "Prosecution and Defense of Securities Crimes," Florida Prosecuting Attorney's Association White Collar Crime Seminar, Orlando, Florida. I presented a lecture to state court prosecutors on the practical aspects of prosecuting and defending securities crimes under Florida law. I have no notes, transcripts, or recordings. The address for the Florida Prosecuting Attorney's Association is 107 West Gaines Street, Suite L-066 Tallahassee, Florida 32399.

December 4, 2005: Speaker, "Private Sector Employment vs. Government Service," University of South Florida Phi Alpha Delta Pre-Law Fraternity, Tampa, Florida. Notes supplied.

October 17, 2005: Presenter, "The Changing Nature of the Attorney-Client Privilege," Herbert G. Goldberg-Ronald K. Cacciatore Criminal Law Inn of Court, Tampa, Florida. I participated in a group presentation discussing recent case law affecting the attorney-client privilege in criminal cases. I have no notes, transcripts, or recordings. The address for the Herbert G. Goldberg-Ronald K. Cacciatore Criminal Law Inn of Court is 400 North Tampa Street, Tampa, Florida 33602.

February 4, 2005: Speaker, Investiture of Judge Tom Barber, Tampa, Florida. I made brief remarks thanking family, friends, supporters and attendees for their support of my judicial appointment. I have no notes, transcripts, or recordings. The address for the Thirteenth Judicial Circuit is 800 East Twiggs Street, Tampa, Florida 33602.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

Mike Salinero, *Jury Out on Moving Court To Relieve Overcrowding*, TAMPA TRIBUNE, Apr. 27, 2013. Copy supplied.

Tom Brennan, *Jurors' Texting a Growing Problem*, TAMPA TRIBUNE, Mar. 26, 2009. Copy supplied.

Letitia Stein, *Recount in School Board Election May Take Days*, TAMPA BAY TIMES, Nov. 9, 2006. Copy supplied.

Sue Carlton, *If They're Tossing Ballots, We Have a Right To Know Why*, TAMPA BAY TIMES, Sept. 11, 2006. Copy supplied (quotation reprinted in multiple articles).

S.I. Rosenbaum, *The Party Trial's Over – No Deputy*, TAMPA BAY TIMES, Feb. 16, 2006. Copy supplied (reprinted in multiple outlets).

Dong-Phuong Nguyen, *Family Can't Stop Mother's Treatment*, TAMPA BAY TIMES, Aug. 11, 2011. Copy supplied (substance of quotation reprinted in multiple outlets).

Rafael Gerena-Morales, *Court Allowing Family of Burn Victim Chance to Pursue Her Death*, TAMPA TRIBUNE, Aug. 4, 2001. Copy supplied.

Timothy O'Hara, *Father, Son Convicted in Investment Scam; The men Are Ordered To Serve Prison and Probation Terms*, SARASOTA HERALD-TRIBUNE, Dec. 3, 1999. Copy supplied.

Eydie Cubarrubia, *Parrish Man, Dad Will Pay for Scam*, BRADENTON (FLA.) HERALD, Dec. 3, 1999. Copy supplied.

William R. Levesque, *3 Receive Probation in Baby Formula Theft Ring*, TAMPA BAY TIMES, Aug. 25, 1999. Copy supplied.

Stephen G. Reed, *Couple, Charged with Fraud, Is Charged in Second Case*, SARASOTA HERALD-TRIBUNE, Apr. 10, 1999. Copy supplied.

Susan Latham Carr, *Ocala -- Gregory and Donna Marti, the Sarasota Couple Who Were Charged in August with Racketeering, Grand Theft and Securities Fraud for Allegedly Taking \$1.4 Million from American Family Cremation Society for Their Personal Use, Are Back in Trouble with Florida's Department of Banking and Finance*, SARASOTA HERALD-TRIBUNE, Mar. 3, 1999. Copy supplied.

William March, *Presidential Candidate Focuses on Moral Issues*, TAMPA TRIBUNE, Apr. 19, 1995. Copy supplied.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

From 2008 to present, I have served as a circuit judge for the Thirteenth Judicial Circuit. I was appointed to the position in 2008, and was elected unopposed in 2010. In 2016, I ran unopposed for re-election and was elected to an additional term of office. Circuit Court jurisdiction includes, among other matters, original jurisdiction over civil disputes involving more than \$15,000, controversies involving the estates of decedents, minors, and persons adjudicated as incapacitated, cases relating to juveniles, criminal prosecutions for all felonies, and appellate review of County Court decisions.

From 2004 to 2008, I served as a county court judge for the Thirteenth Judicial Circuit. I was appointed to the position in 2004, and was elected unopposed in 2006. County Court jurisdiction includes civil disputes involving \$15,000 or less, traffic offenses, and criminal misdemeanors.

From 2001 to 2004, I served as an administrative hearing officer (an unpaid volunteer position) for Hillsborough County Animal Services. I presided over administrative hearings where pet owners were given an opportunity to contest the County's determination that their dog was a "dangerous dog" as provided for in Fla. Stat. § 767.11.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment?

I have presided over approximately 700 cases that have gone to verdict or judgment.

- i. Of these, approximately what percent were:

jury trials:	30 %
bench trials:	70 %
civil proceedings:	20 %
criminal proceedings:	80 %

- b. Provide citations for all opinions you have written, including concurrences and dissents.

In my over thirteen years as a trial judge I have presided over many thousands of cases (criminal, family, civil and probate), and written hundreds of orders ranging in length and complexity from a few sentences to over twenty pages in length. Almost none of those orders have been published or are available on official reporting websites, which is the standard practice in Florida state courts. A search of Lexis yielded 444 trial court orders that I authored; a copy of that result list is attached as Appendix 13(b). Additionally, I have identified the following orders available from other reporting services:

*State v. Brown*, No. 2009-CF-00458, 2015 WL 12036875 (Fla Cir. Ct. 2015).

*State v. Freeman*, No. 97-CF-012554, 2010 WL 11453921 (Fla. Cir. Ct. 2010).

*State v. Freeman*, No. 97-CF-012554, 2010 WL 11452410 (Fla. Cir. Ct. 2010).

*State v. Brown*, No. 2009-CF-00458, 2010 WL 11453918 (Fla. Cir. Ct. 2010).

*State v. Rowells*, 15 Fla. L. Weekly Supp. 376a (Fla. Hillsborough County Ct. 2008).

*State v. Cole*, 15 Fla .L. Weekly Supp. 930a (Fla. Hillsborough County Ct. 2008).

*State v. Seymore*, 16 Fla. L. Weekly Supp. 237a (Fla. Hillsborough County Ct. 2008).

*Browder v. Flying J Inc.*, No. 02-10221, 2007 WL 1523150 (Fla. Cir. Ct. 2007)

*Browder v. Flying J Inc.*, No. 02-10221, 2007 WL 1523151 (Fla. Cir. Ct. 2007)

*State v. Komara*, 14 Fla .L. Weekly Supp. 648a (Fla. Hillsborough County Ct. 2007).

*State v. Komara*, 14 Fla .L. Weekly Supp. 653a (Fla. Hillsborough County Ct. 2007).

*State v. Carney*, 14 Fla. L. Weekly Supp. 287a (Fla. Hillsborough County Ct. 2006).

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *State v. Tolbert*, 16-CF-006698 (Fla. Cir. Ct. 2018).

The defendant was charged with two counts of sexual battery (familial or custodial authority), incest, and child abuse (impregnation). The defendant was accused of having sexual relations with his twelve year-old daughter which resulted in her becoming pregnant. The case required the child, who was fourteen at the time of the trial, to testify before a jury. After a trial, the jury found the defendant guilty. A copy of the judgment is provided.

Prosecuting Attorney:

Lindsey Hodges  
State Attorney's Office, Thirteenth Circuit  
419 North Pierce Street  
Tampa, Florida 33602  
(813) 272-5400

Defense Counsel:  
Roxanna Smith  
Office of the Public Defender  
700 East Twiggs Street  
Tampa, Florida 33602  
(813) 272-5980

2. *State v. Williams*, 14-CF-13682 (Fla. Cir. Ct. 2017).

The defendant was charged with armed burglary of a dwelling, two counts of sexual battery with a deadly weapon (rape), armed false imprisonment and grand theft dwelling. The defendant made a video recording on his cell phone of some of his crimes, and was found guilty after a jury trial. A copy of the judgment is provided.

Prosecuting Attorney:  
Courtney Derry  
State Attorney's Office, Thirteenth Circuit  
419 North Pierce Street  
Tampa, Florida 33602  
(813) 272-5400

Defense Counsel:  
Joe Kudia  
Office of the Public Defender  
700 East Twiggs Street  
Tampa, Florida 33602  
(813) 272-5980

Phil Colessanti  
*Then with Office of the Public Defender*  
Roig Lawyers  
100 South Ashley Drive, Suite 1350  
Tampa, Florida 33602  
(813) 514-1865

3. *State v. Flores-Sanchez*, 14-CF-008610 (Fla. Cir. Ct. 2017).

The defendant was charged with first degree murder, sexual battery (victim less than 18) and child abuse (impregnation). The defendant was accused of



murdering his girlfriend, and burying her body under her home, after she learned he had been sexually abusing her teenage daughter, which had resulted in the daughter becoming pregnant. I was responsible for all pre-trial matters leading up to the jury trial. The defendant was found guilty after a jury trial before a trial division judge. A copy of the judgment is provided.

Prosecuting Attorney:

Michelle Doherty  
State Attorney's Office, Thirteenth Circuit  
419 North Pierce Street  
Tampa, Florida 33602  
(813) 272-5400

Defense Counsel:

Dana Herce-Fulguiera  
Office of the Public Defender  
700 East Twiggs Street  
Tampa, Florida 33602  
(813) 272-5980

4. *State v. Boynton*, 15-CF-004156 (Fla. Cir. Ct. 2016).

The defendant was charged with sexual battery (victim under 12) and lewd or lascivious molestation (victim under 12). The defendant was accused of forcing his six year-old daughter to perform sex acts on him while viewing pornography. The case required the child, who was eight at the time of the trial, to testify before a jury. The jury found the defendant guilty. A copy of the judgment is provided.

Prosecuting Attorney:

Courtney Derry  
State Attorney's Office, Thirteenth Circuit  
419 North Pierce Street  
Tampa, Florida 33602  
(813) 272-5400

Defense Counsel:

Marc Gilman  
Twelfth Circuit Public Defender's Office  
2071 Ringling Boulevard  
Sarasota, Florida 34237  
(941) 861-5500

Jennifer Welker  
*Then with Public Defender's Office*  
246 Federal Road, Suite D22  
Brookfield, Connecticut 06804

(813) 806-2212

5. *State v. Jones*, 07-CF-22191 (Fla. Cir. Ct. 2008).

The defendant was charged with murder in the first degree and armed robbery as a result of a drug deal gone bad. The defendant was accused of shooting and killing the victim, after a drug transaction was completed in order to recover his purchase money. The defendant was found guilty after a jury trial. A copy of the judgment is provided.

Prosecuting Attorney:

Stephen Udagawa  
State Attorney's Office, Thirteenth Circuit  
419 North Pierce Street  
Tampa, Florida 33602  
(813) 272-5400

Defense Counsel:

Jorge Leon Chalela  
P.O. Box 173407  
Tampa, Florida 33672  
(813) 221-5600

Ken Littman

*Then with Public Defender's Office*  
P.O. Box 273513  
Tampa, Florida 33688  
(813) 449-0367

6. *State v. Smith*, 16-CF-007477 (Fla. Cir. Ct. 2017).

This was one of the first serious cases in the Thirteenth Circuit involving the application of recent amendments to Florida's stand-your-ground law. The defendant was accused of attempted first-degree murder (premeditated, firearm, great bodily harm), second-degree murder (firearm, great bodily harm, death), and felon in possession of a firearm arising from a drug deal gone bad. The defendant alleged he was buying drugs when a dispute arose and shots were fired at him. He argued that he was "standing his ground" and acting in self-defense when he returned fire and killed the victim. I denied the motion premised on the stand-your-ground law. The defendant entered a guilty plea. A copy of the judgment is provided.

Prosecuting Attorney:

Greg Pizzo  
United States Attorney Office, Middle District of Florida  
400 North Tampa Street, Suite 3200

Tampa, Florida 33602  
(813) 274-6000

Defense Counsel:

Mike Peacock  
Office of the Public Defender  
700 East Twiggs Street  
Tampa, Florida 33602  
(813) 272-5980

7. *Love v. McTaggart*, 09-DR-015348 (Fla. Cir. Ct. 2011).

This was a high-dollar divorce matter involving two physicians with substantial assets. The case included significant equitable distribution and valuation issues relating to multiple parcels of real property, trusts, investment accounts, and complex physician business arrangements. A final judgment of dissolution was entered after a three-day trial. A copy of the judgment is provided.

Attorney for McTaggart:

Clifton Curry  
Curry Law Group  
750 West Lumsden Road  
Brandon, Florida 33511  
(813) 653-2500

Attorney for Love:

Don Foster  
3000 West Villa Rosa Park  
Tampa, Florida 33611  
(813) 362-4147

8. *State v. Hubbard*, 12-CF-009690 (Fla. Cir. Ct. 2013).

The defendant was charged with second-degree murder. Both the defendant and the victim were homeless at the time of the alleged crime and lived in the same homeless camp. The case involved testimony concerning the inner workings of the homeless community. The defendant was found not guilty after a jury trial. A copy of the judgment is provided.

Prosecuting Attorneys:

Megan Newcomb  
Jeria Wilds  
State Attorney's Office, Thirteenth Circuit  
419 North Pierce Street  
Tampa, Florida 33602  
(813) 272-5400

Defense Counsel:

Paul Figueroa  
Tison Law Group  
9312 North Armenia Avenue  
Tampa, Florida 33612  
(813) 739-1776

9. *State v. Komara*, 14 Fla. L. Weekly Supp. 648a (Fla. Hillsborough County Ct. 2007).

This case involved the first major challenge to the Intoxilyzer 8000, the breath testing instrument that went into service throughout Florida effective March, 2006. The defendant alleged certain deficiencies with the Intoxilyzer 8000 Instrument and/or the procedures used by FDLE in connection with its supervision of statewide breath alcohol testing. My written order denying defense motions was one of the first written orders on this issue, and it was subsequently adopted by other courts throughout the State. A copy of the order is provided.

Prosecuting Attorney:

Jeff Reynolds  
*Then with the State Attorney's Office*  
Ted L. Hollander and Associates  
602 South Dale Mabry Highway  
Tampa, Florida 33609  
(813) 435-8580

Defense Counsel:

Eilam Isaak  
Law Offices of Eilam Isaak  
306 East Tyler Street  
Tampa, Florida 33602  
(813) 443-5100

10. *State v. Walker*, 125-834-J (Fla. Hillsborough County Ct. 2005).

This case involved a consolidated challenge, brought by multiple defendants, to the Intoxilyzer 5000, the breath testing instrument that was used in DUI cases until March 2006 throughout Florida. Defense counsel argued that the State was required to disclose the Intoxilyzer's computer source code as part of its discovery obligations, and all DUI cases pending in Hillsborough County should be stayed pending this disclosure. The court entered an order finding that the State was required to disclose materials in its actual possession, custody or control, but not materials under the control of third parties (the 5th District Court of Appeal addressed the same issue in a different, and reached the same conclusion, *see Moe v. State*, 944 So. 2d 1096 (Fla. 5th DCA 2007)). A copy of the order is provided.

Prosecuting Attorney:

Hon. Jennifer Gabbard  
*Then with State Attorney's Office*  
Florida Thirteenth Judicial District  
800 East Twiggs Street, Room 422  
Tampa, Florida 33602  
(813) 272-6997

Defense Counsel:

Eilam Isaak  
Law Offices of Eilam Isaak  
306 East Tyler Street  
Tampa, Florida 33602  
(813) 443-5100

Victor Pellegrino  
*Now deceased*

- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

Copies of the unpublished orders from the cases cited below are provided. Only two were published, which is consistent with the standard practice in the Florida state court system.

1. *State v. Kirkland*, Case No. 15-CF-005203 (Fla. Cir. Ct. 2017).

Prosecuting Attorney:

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State Attorney's Office, Thirteenth Circuit  
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(813) 272-5400

Defense Counsel:

Mike Peacock  
Office of the Public Defender  
700 East Twiggs Street  
Tampa, Florida 33602  
(813) 272-5980

2. *State v. Flores-Sanchez*, Case No. 14-CF-008610 (Fla. Cir. Ct. 2016).

Prosecuting Attorney:

Michelle Doherty  
State Attorney's Office, Thirteenth Circuit  
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Tampa, Florida 33602  
(813) 272-5400

Defense Counsel:

Dana Herce-Fulguiera  
Office of the Public Defender  
700 East Twiggs Street  
Tampa, Florida 33602  
(813) 272-5980

3. *State v. Smith*, Case No. 16-CF-007477 (Fla. Cir. Ct. 2017).

Prosecuting Attorney:

Greg Pizzo  
United States Attorney Office, Middle District of Florida  
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Tampa, Florida 33602  
(813) 274-6000

Defense Counsel:

Mike Peacock  
Office of the Public Defender  
700 East Twiggs Street  
Tampa, Florida 33602  
(813) 272-5980

4. *State v. Graham*, Case No. 08-CF-013447 (Fla. Cir. Ct. 2009).

Prosecuting Attorney:

Jennifer Blanton  
Office of the Attorney General  
3507 East Frontage Road, Suite 325  
Tampa, Florida 33607  
(813) 287-7940

Defense Counsel:

Melissa Wilson  
*Then with Public Defender's Office*  
Melissa Wilson Law  
1340 Orient Road, Suite B  
Tampa, Florida 33619  
(813) 400-0529

Rick Terrana  
2917 West Kennedy Boulevard, Suite 120  
Tampa, Florida 33609  
(813) 874-0522

5. *In re: Former Marriage of G. Glenn and M. Glenn*, Case No. 07-DR-020809  
(Fla. Cir. Ct. 2012).

Attorney for G. Glenn:  
Jeanne L. Coleman  
404 South Howard Avenue  
Tampa, Florida 33606  
(813) 253-2820

Attorney for M. Glenn:  
Kari Brown  
2018 East 4th Avenue  
Tampa, Florida 33605  
(813) 247-2655

6. *In re: Former Marriage of A. Gross and J. Gross*, Case No. 10-DR-000927  
(Fla. Cir. Ct. 2013).

Attorney for A. Gross:  
Joseph Louis Larrinaga, Jr.  
Office of the Public Defender  
700 East Twiggs Street  
Tampa, Florida 33602  
(813) 272-5980

Attorney for J. Gross:  
Luke Mattson  
Brandon Legal Group, P.A.  
1209 Lakeside Drive  
Brandon, Florida 33510  
(813) 902-3576

7. *A2L Tech., Inc. v. Am. Safety Risk Retention Grp., Inc.*, Case No. 07-CA-13036 (Fla. Cir. Ct. 2012).

Attorneys for Defendant:  
John R. Catizone  
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600 Corporate Drive, Suite 600  
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Michael K. McCaffrey  
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Stephen A. Marino, Jr.  
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Danya J. Pincavage  
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(786) 409-0800

Attorneys for Plaintiff:

George E. Carr  
*Then with Swartz Campbell LLC*  
CPLS, P.A.  
201 East Pine Street, Suite 445  
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Robert P. Major  
*Then with Winderweedle & Haines*  
Ver Ploeg & Lumpkin, P.A.  
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Orlando, Florida 32801  
(407) 380-9312

8. *Acevedo v. Plant City Home Ctr., Inc.*, Case No. 07-CA-003478 (Fla. Cir. Ct. 2013).

Attorney for Plaintiff:

M. Joseph Dickerson  
Heritage Law Group  
120 North Collins Street, Suite 201  
Plant City, Florida 33563  
(813) 655-1801



Attorneys for Defendant:

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801 3rd Street South  
St. Petersburg, Florida 33701  
(727) 310-2002

Karen Ozyjowski  
Law Office of Karen C. Ozyjowski PA  
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Spring Hill, Florida 34609  
(352) 606-3994

Jonathan Zaifert  
Caglianone & Miller  
1580 West Cleveland Street  
Tampa, Florida 33606  
(813) 226-8899

9. *State v. Komara*, 14 Fla. L. Weekly Supp. 648a (Fla. Hillsborough County Ct. 2007).

Prosecuting Attorney:

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Law Offices of Eilam Isaak  
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10. *State v. Carney*, 14 Fla. L. Weekly Supp. 287a (Fla. Hillsborough County Ct. 2006).

Prosecuting Attorney:

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Defense Counsel:

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306 East Tyler Street  
Tampa, Florida 33602  
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- e. Provide a list of all cases in which certiorari was requested or granted.

I am unaware of any case where certiorari has been requested or granted by the United States Supreme Court.

- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

I am unaware of any instances where a decision was affirmed with criticism of my substantive or procedural rulings. The following is a complete list of any reversals, to the best of my knowledge:

*State v. Johnson*, 15-CF-05652 (Fla. Cir. Ct. 2016), *rev'd*, *Johnson v. State*, 2018 WL 3130955 (Fla. Dist. Ct. App. 2018). The defendant, a self-proclaimed "sovereign citizen" chose to represent himself throughout his case, including at a jury trial where he was found guilty of battery on a law enforcement officer and obstructing or opposing an officer with violence. Prior to the commencement of the jury trial, and at various points leading up to the jury trial, I conducted a "Faretta inquiry" to ensure that the defendant wanted to waive his right to counsel and represent himself. He was adamant in his desire to represent himself despite the difficulties and risks associated with a criminal jury trial. The District Court of Appeal held that defendant was entitled to a new trial because I did not conduct a "Faretta inquiry" during a pre-trial hearing that took place approximately three months prior to the commencement of the trial. Copy supplied.

*State v. Gonzalez*, 17-CF-018373-B (Fla. Cir. Ct. 2007), *rev'd*, *Gonzalez v. State*, 240 So. 3d 99 (Fla. Dist. Ct. App. 2018). The defendant in this case was convicted of robbery, kidnapping, extortion, and grand theft in 2009. In 2016, while serving a prison sentence, he requested copies of twenty-one CD's the State had listed as evidence in its case against him. I ordered the State Attorney's Office to respond and they explained that fifteen CD's would be made available, but that six of the CD's requested were exempt from public disclosure pursuant to applicable Florida law. Based on this representation I denied the defendant's request for the remaining six CD's. The District Court of Appeal reversed

holding that I was required to review the six disputed CD's *in camera* prior to ruling on the defendant's request. Copy supplied.

*State v. Ramirez*, 13-CF-013189 (Fla. Cir. Ct. 2013), *rev'd*, *State v. Ramirez*, 198 So. 3d 52 (Fla. Dist. Ct. App. 2015). The defendant in this case was charged with trafficking in illegal drugs based on his possession of forty 4mg hydromorphone pills. I granted the defendant's motion to dismiss because he had a valid prescription for hydromorphone at the time of the alleged offense. The State appealed, and the District Court of Appeal reversed, on the ground that the defendant's prescription was for 8mg hydromorphone pills, not the 4mg pills found in his possession. Copy supplied.

*State v. Morris*, 13-CF-0121104 (Fla. Cir. Ct. 2013), *rev'd*, *State v. Morris*, 170 So. 3d 134 (Fla. Dist. Ct. App. 2015). The defendant, aged 19, entered a guilty plea to leaving the scene of an accident with injury and reckless driving causing serious bodily injury. I imposed a downward departure sentence due to the defendant's age and minimal prior record. The State filed an appeal and the appellate court reversed, holding that a basis for a downward departure sentence did not exist. Copy supplied.

*Coppola v. Coppola*, 00-DR-006760 (Fla. Cir. Ct. 2000), *rev'd*, *Coppola v. Coppola*, 122 So. 3d 474 (Fla. Dist. Ct. App. 2013). This post-divorce litigation involved a claim by a former husband regarding payment of his attorney fees by his former wife. The issue was referred to a general magistrate who entered a report and recommendation requiring, among other things, that the former wife pay the attorney fees directly to the former husband's attorney, as opposed to the former husband himself. The former husband took issue with the general magistrate's report and recommendation, but I entered an order affirming her decision. The appellate court reversed, holding that the order requiring the former wife to pay attorney fees directly to the former husband's attorney, as opposed to the former husband himself, was not supported by the record. Copy supplied.

*State v. Cadore*, 07-CF-007319-A (Fla. Cir. Ct. 2007), *rev'd*, *State v. Cadore*, 59 So. 3d 1200 (Fla. Dist. Ct. App. 2011). The defendant in this case was charged with trafficking in cocaine. Law enforcement officers entered the defendant's residence and found illegal drugs in various places within the home that she jointly occupied with her boyfriend. The defendant argued that the drugs belonged to her boyfriend and there was insufficient evidence that she had actual or constructive possession of the illegal substances for the case to move forward. I granted a defense motion to dismiss, finding that the State could not establish a *prima facie* case of constructive possession under Florida law. The State filed an appeal, and the appellate court reversed, holding that the State's allegations were sufficient to present the issue of constructive possession. Copy supplied.

*State v. DelRio*, 09-CF-007507-B (Fla. Cir. Ct. 2009), *rev'd*, *State v. DelRio*, 56 So. 3d 848 (Fla. Dist. Ct. App. 2011), and *State v. DelGuy*, 09-CF-007507-A (Fla. Cir. Ct. 2009), *rev'd*, *State v. DelGuy*, 65 So. 3d 605 (Fla. Dist. Ct. App. 2011), involved a marijuana growhouse found inside a residence. Both defendants were charged with trafficking in cannabis, theft of electricity, and possession of drug paraphernalia. The defense argued that the affidavit supporting the issuance of a search warrant for the growhouse was defective because it included observations made by a law enforcement officer that had illegally entered to property before obtaining a warrant. As such, I granted a motion to suppress on behalf of both defendants. The State filed an appeal and the appellate court reversed, holding that the affidavit in question was sufficient to establish probable cause (disregarding the observations of the law enforcement officer who had illegally entered the property). Copy supplied.

*State v. Ortiz*, 08-CF-011220 (Fla. Cir. Ct. 2008), *rev'd*, *Ortiz v. State*, 54 So. 3d 1020 (Fla. Dist. Ct. App. 2011). In this post-trial matter the defendant was on probation for the crime of failing to register as a sex offender. I found that he violated his probation by lying to his probation officer, revoked his probation, and sentenced him to prison. The defendant filed an appeal, and the District Court of Appeal reversed, holding that the defendant's misstatement to his probation officer was not a substantial violation of probation. Copy supplied.

*State v. Riggins*, 08-CF-17107 (Fla. Cir. Ct. 2008), *rev'd, in part, affirmed, in part*, *Riggins v. State*, 67 So. 3d 244 (Fla. Dist. Ct. App. 2010). A jury found defendant guilty of the felony crimes of escape and driving while license suspended as a habitual traffic offender, and the misdemeanor crimes of resisting arrest without violence, operating an unregistered vehicle, and unlawful use of a temporary tag. Based on the jury verdict, I sentenced the defendant to prison pursuant to the applicable sentencing guidelines. The defendant filed an appeal challenging all of his convictions. All convictions were affirmed -- except the misdemeanor charge of unlawful use of a temporary tag -- which was reversed because of the inclusion of hearsay testimony at trial. The defendant's conviction and sentence on the remaining counts was unaffected by this ruling. Copy supplied.

*State v. Jimoh*, 09-CF-9329 (Fla. Cir. Ct. 2009), *rev'd*, *State v. Jimoh*, 67 So. 3d 240 (Fla. Dist. Ct. App. 2010). In this case the defendant was found unresponsive behind the wheel of her legally parked car with the engine running and the lights turned on. The defendant presented a motion to dismiss arguing that law enforcement did not have reasonable suspicion to detain her based on a binding opinion from the Florida District Court of Appeal (*Danielewicz v. State*, 730 So.2d 363 (Fla. Dist. Ct. App. 1999)). I granted the motion, finding that the facts were indistinguishable from those in *Danielewicz*. The State filed an appeal and the appellate court reversed, finding that the facts of the case presented were distinguishable from its earlier opinion in *Danielewicz*. Copy supplied.

- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

Very few orders entered by Florida state court trial judges are published. Early in my judicial career a small number of trial court orders were occasionally published, but even that has diminished over time. All orders, regardless of length or complexity, are made a part of the official court file in each individual case. The court files are maintained by a separately elected constitutional officer, the Clerk of the Circuit Court. The address for Clerk for the Thirteenth Judicial Circuit is: Pat Frank, Clerk of the Circuit Court, 419 Pierce Street, Tampa, Florida 33602.

- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

Nearly all of the orders I have written in criminal cases resolve challenges based upon either the federal constitution or the Florida state constitution, including arguments based upon the Fourth, Fifth, Sixth, and Eighth Amendments. The vast majority of these issues are not unusual, novel, or significant. The order I wrote in *State v. Smith*, Case No. 16-CF-007477 (Fla. Cir. Ct. 2017) involves a significant issue of Florida constitutional law as it relates to recent changes to Florida's "stand your ground" laws. Copy supplied.

- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

I have never served by designation on a federal court of appeals.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;

- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

In the Florida state court system recusal requests are not unusual, and are more common in some areas than others (many more in family law than felony criminal for example). When such requests have been made, I assess the necessity or propriety of recusal (the term used in Florida is “disqualification”) pursuant to Rule 2.330 of the Florida Rules of Judicial Administration and relevant case law. It should be noted that pursuant to Florida law, “[t]he judge against whom an initial motion to disqualify . . . is directed shall determine only the legal sufficiency of the motion and shall not pass on the truth of the facts alleged.” Fla. R. Jud. Admin. 2.330.

The following is my good-faith effort to provide a list of all disqualification requests I have received over the years:

*State v. Frazier*, Case No. 5424-CUQ (Fla. Hillsborough County Ct. 2005). I recused *sua sponte* after sentencing the defendant to jail for direct criminal contempt.

*State v. Chastain*, Case No. 005-772-CBQ; 001-800-GFY (Fla. Hillsborough County Ct. 2008). I recused *sua sponte* after the defendant’s father threatened to kill me.

*State v. Cosio-Cosio*, Case No. 1098-DCZ; 1099-DCZ (Fla. Hillsborough County Ct. 2008). I recused *sua sponte* because the defendant was involved in a bar complaint that I investigated as a member of a Florida Bar grievance committee prior to becoming a judge.

*State v. Tillman*, Case No. 08-CF-021713; 08-CF-023236 (Fla. Cir. Ct. 2009). I recused *sua sponte* after sentencing defendant to jail for direct criminal contempt.

*State v. Marquez*, Case No. 09-CF-003220 (Fla. Cir. Ct. 2009); *State v. Castrillo*, Case No. 07-CF-022845; 09-CF-003238 (Fla. Cir. Ct. 2009); *State v. Echemedia-Cardoso*, Case No. 08-CF-022665 (Fla. Cir. Ct. 2009); *State v. Roldan-Burgos*, Case No. 08-CF-020603 (Fla. Cir. Ct. 2009); *In re The Forfeiture of 1998 Freightliner Classic*, Case No. 09-CA-023309 (Fla. Cir. Ct. 2012). Beginning in 2009 the attorney representing the defendants in these cases filed motions to disqualify in every case where he was the attorney of record based on his belief that I was biased against him personally. While this belief was inaccurate, all such motions were granted by order, or by operation of law, pursuant to Rule 2.330 of the Florida Rules of Judicial Administration, which provides that “[t]he judge against whom an initial motion to disqualify . . . is directed shall determine only the legal sufficiency of the motion and shall not pass on the truth of the facts alleged.” In approximately 2013 the attorney stopped filing motions for

disqualification in cases assigned to me and we have since worked together on various cases without issue.

*State v. Taylor*, Case Nos. 06-CF-008186 & 08-CF-018011 (Fla. Cir. Ct. 2010). A pro se criminal defendant moved to disqualify on three different occasions alleging bias and unfairness. After reviewing the requirements of Rule 2.330 of the Florida Rules of Judicial Administration and relevant case law, the motions for disqualification were denied. The defendant had previously filed at least two motions to disqualify a predecessor judge.

*State v. Peer*, Case Nos. 10-CF-009801, 10-CF-002623, 10-CF-002622, 10-CF-002620, 10-CF-002582, 08-CF-021311 (Fla. Cir. Ct. 2010). A pro se criminal defendant moved to disqualify based on general allegations of unfairness. After reviewing the requirements of Rule 2.330 of the Florida Rules of Judicial Administration, and relevant case law, the motion was granted.

*Thakore v. Thakore*, Case No. 11-DR-000239 (Fla. Cir. Ct. 2011). A party in a divorce action moved to disqualify alleging bias and unfairness but later voluntarily withdrew motion for disqualification. After reviewing the requirements of Rule 2.330 of the Florida Rules of Judicial Administration, and relevant case law, the motion was granted.

*Jaronecheep v. Heflin*, Case No. 10-DR-016226 (Fla. Cir. Ct. 2011). A party in a divorce action moved to disqualify based on court's suggestion that one of the parties, who did not speak English, obtain legal representation from a local legal aid service. After reviewing the requirements of Rule 2.330 of the Florida Rules of Judicial Administration, and relevant case law, the motion was granted.

*Taylor v. Taylor*, Case No. 10-DR-014386 (Fla. Cir. Ct. 2011). I recused *sua sponte* because I used to practice law with one of the parties' counsel.

*Schumacher v. Schumacher*, Case No. 10-DR-000787 (Fla. Cir. Ct. 2012). I recused *sua sponte* because one of the parties was currently employed as the judicial assistant for another Circuit Judge in the Thirteenth Judicial Circuit.

*JMorehead v. Stockwell Morehead*, Case No. 11-DR-000923 (Fla. Cir. Ct. 2012). I recused *sua sponte* because one of the parties was a fellow parent in my son's Cub Scout group.

*State v. Derigo*, Case No. 13-CF-008975 (Fla. Cir. Ct. 2014). The defendant filed a motion to disqualify alleging bias arising from the court's statements regarding the viability of a necessity defense in a possession of marijuana case. After reviewing the requirements of Rule 2.330 of the Florida Rules of Judicial Administration, and relevant case law, the motion was granted.

*State v. Paylan*, Case No. 14-CF-005764 (Fla. Cir. Ct. 2014). The defendant filed a motion to disqualify a few days after the conclusion of a jury trial where she was found guilty of two felonies by the jury and taken into custody. After reviewing the requirements of Rule 2.330 of the Florida Rules of Judicial Administration, and relevant case law, the motion was denied. The defendant filed subsequent motions to disqualify which were also denied.

*State v. McGowen*, Case Nos. 11-DF-013653, 12-CF-004534 (Fla. Cir. Ct. 2014). I recused *sua sponte* after reporting defendant's counsel to the Florida Bar for repeatedly appearing in court intoxicated and suspected substance abuse.

*State v. Brown, Jr.*, Case No. 14-CF-013882 (Fla. Cir. Ct. 2016). A pro se criminal defendant moved to disqualify based on general allegations of unfairness. After reviewing the requirements of Rule 2.330 of the Florida Rules of Judicial Administration, and relevant case law, the motion was granted.

*State v. Roberson*, Case No. 16-CF-011886 (Fla. Cir. Ct. 2017). I recused *sua sponte* after sentencing defendant to jail for direct criminal contempt.

*State v. Kutschinski*, Case No. 18-CF-001682 (Fla. Cir. Ct. 2018). The defendant, after pleading guilty to grand theft motor vehicle and being sent to prison, disputed the State's claim that he should pay restitution for damage he did to a guard rail while driving the stolen vehicle. At the restitution hearing I stated that the State Attorney's Office might consider making future plea offers contingent upon restitution being agreed to as part of the sentence. The defendant filed a motion to disqualify based on the court's statements at the restitution hearing. After reviewing the requirements of Rule 2.330 of the Florida Rules of Judicial Administration, and relevant case law, the motion was granted.

**15. Public Office, Political Activities and Affiliations:**

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I have not held public office other than judicial offices.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

I have not held any offices in any political party or election committee. I was



involved in a local non-partisan judicial campaign from roughly September 2001 through August 2002 on behalf of my former law partner, Kevin Carey, who was elected to the Circuit Court in August 2002. I did not have a specific title or job description but I participated in all facets of the campaign.

16. **Legal Career:** Answer each part separately.

a. Describe chronologically your law practice and legal experience after graduation from law school including:

i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I did not serve as a law clerk to a judge.

ii. whether you practiced alone, and if so, the addresses and dates;

I have never practiced alone.

iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

1992 – 1997, 2000 – 2004  
Carlton Fields, P.A.  
4221 West Boy Scout Boulevard, Suite 1000  
Tampa, Florida 33607  
Shareholder (2003 – 2004)  
Associate (1992 – 1997, 2000 – 2002)

1997 – 1999  
State Attorney's Office, Thirteenth Judicial Circuit  
419 North Pierce Street  
Tampa, Florida 33602  
Assistant State Attorney

1998 – 1999  
Richards, Gilkey, Fite, Pratesi & Ward  
1253 Park Street  
Clearwater, Florida 33756  
Part-Time Research and Writing Assistant

1999 – 2000  
Office of Statewide Prosecution  
Florida Attorney General's Office  
Concourse Center 4

3507 Frontage Road, Suite 200  
Tampa, Florida 33607  
Assistant Statewide Prosecutor

2004 – present  
Stetson Law School  
1401 61st Street South  
Gulfport, Florida 33707  
Adjunct Professor of Law

2018 – present  
University of South Florida  
4202 East Fowler Avenue  
Tampa, Florida 33620  
Adjunct Professor, Innovative Education

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have not served as a mediator or arbitrator.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

The majority of my practice at Carlton Fields (1992 to 1997 and 2000 to 2004) involved representing businesses involved in commercial disputes with other businesses as both a plaintiff and a defendant. These cases were frequently, but not exclusively, litigated in federal court and involved various fields of law including antitrust, breach of contract, copyright, employment, fraud, securities, breach of fiduciary duty, telecommunications, RICO, trade secrets, legal malpractice, tortious interference, partnership disputes, and shareholder derivative actions.

Starting as a junior associate I had responsibility for handling smaller cases, including bench trials, on my own. As I gained more experience, I eventually tried jury and bench trials in courts throughout Florida and represented clients before the American Arbitration Association and the National Association of Securities Dealers.

During the time that I served as an Assistant Statewide Prosecutor, from 1999 to 2000, my practice was focused on white collar criminal law with an emphasis on securities crimes. During this time I practiced exclusively

in the area of white collar criminal law with cases pending in state courts throughout Central Florida.

During the time I served as an Assistant State Attorney, from 1997 to 1999, I litigated general criminal matters including drug possession, battery, theft, and DUI.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

During my first period of employment at Carlton Fields, my typical clients included large corporations from a variety of fields. I also represented individuals in various kinds of business and employment disputes. In connection with my business litigation practice, I developed a specialty in the area of state and federal consumer protection law (Fair Credit Reporting Act, 15 U.S.C. § 1681; Fair Debt Collection Practices Act, 15 U.S.C. § 1692 (2000); Florida Deceptive and Unfair Trade Practices Act, Fla. Stat. §§ 501.201-.213; and Florida Consumer Collection Practices Act, Fla. Stat. § 559.55). In connection with this specialty, I served on the Florida Bar's Consumer Protection Law Committee and presented in-house seminars at Carlton Fields on FDCPA compliance.

During the time I worked as a prosecutor I represented only the State of Florida.

Upon returning to Carlton Fields after my time as a prosecutor, my practice included the representation of individuals charged, or under investigation, for white collar criminal offenses. I also represented individuals and businesses in connection with various kinds of governmental investigations - both administrative and criminal - that did not result in charges being filed.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

Prior to becoming a judge I practiced law exclusively in the field of litigation. During my years at the law firm, I appeared in court regularly (1992 – 1997, 2000 – 2004). During the years I served as a prosecutor (1997 – 2000), I appeared in court nearly every day.

- i. Indicate the percentage of your practice in:
  - 1. federal courts: 33%
  - 2. state courts of record: 65%
  - 3. other courts: 2%
  - 4. administrative agencies: 0%

ii. Indicate the percentage of your practice in:

- |                          |     |
|--------------------------|-----|
| 1. civil proceedings:    | 75% |
| 2. criminal proceedings: | 25% |

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

While at the State Attorney's Office I was responsible for managing a caseload including several hundred criminal cases, most of which resolved prior to trial through plea bargains. During that time, I was sole/chief counsel for approximately sixty cases that went to trial, including fifteen jury trials. While at Statewide Prosecution I responsible for managing approximately twenty ongoing investigations and filed criminal cases, one of which ended in a jury trial. While in private practice my caseload fluctuated over the years from just a few very large, complex cases to approximately twenty open cases of varying complexity. During my time in private practice I was sole/chief counsel for approximately four trials (three civil, one criminal) and associate counsel for approximately five trials (all civil).

i. What percentage of these trials were:

- |              |     |
|--------------|-----|
| 1. jury:     | 30% |
| 2. non-jury: | 70% |

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not practiced before the Supreme Court of the United States.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- the date of representation;
- the name of the court and the name of the judge or judges before whom the case was litigated; and
- the individual name, addresses, and telephone numbers of co-counsel and of

principal counsel for each of the other parties.

1. *State v. Abdelrahman et al.*, Case No. CRC-00-05030 (Fla. Cir. Ct. 2000)

Dates of involvement: 1999 – 2000.

I served as lead prosecutor in a RICO case involving an organized, nationwide retail theft enterprise headquartered in Texas that netted millions of dollars annually by stealing huge quantities of various “drug store” type products from retail stores throughout the United States. The Office of Statewide Prosecution brought numerous charges against 19 defendants, and ultimately convicted a relatively high-level manager (the defendant) who directed nationwide operations from his headquarters in Texas. Federal authorities working on this investigation linked the defendant to persons responsible for the first terrorist attacks in 1993 on the World Trade Center, and believed funds from the defendant’s illegal activities were used to support international terrorism. The defendant pled guilty before trial in approximately February 2000 and received a 76-month prison sentence. The case was heard and decided by Florida Sixth Circuit Judges Tim Peters, John Schaffer, and Nancy Ley.

Opposing Counsel:

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St. Petersburg, Florida 33705  
(727) 821-1300

Opposing Counsel for Co-Defendants:

Linda Thompson  
915 West Penisular Street  
Tampa, Florida 33603  
(813) 240-9185

2. *State v. Marti*, Case No. 99-5065-F (Fla. Cir. Ct. 1999).

Dates of involvement: 1999 – 2000.

I served as lead prosecutor against defendants charged in two separate RICO cases, one in Polk County, Florida and the other in Sarasota County, Florida. Prior to their arrest, the defendants operated one of Florida’s largest pre-need cremation and burial services. They illegally diverted hundreds of thousands of dollars of customer funds to themselves in violation of Florida law. Separate and apart from these thefts, the defendants used a “Ponzi” scheme to defraud approximately twenty (20) separate victims who invested money in their cremation business. Many of these investor victims were elderly and lost their entire life savings. Just days after bonding out of jail in the Polk County case, the defendants employed a separate securities fraud scam in Sarasota County to raise

money to pay their Polk County criminal defense counsel. A separate RICO, securities fraud, and theft case was filed in Sarasota County as a result of this scam. One defendant pled guilty before trial in approximately July 2000 and received a 78-month prison sentence followed by 30 years of probation to pay restitution to victims. The other defendant was sentenced to probation to pay restitution to victims. The cases were heard and decided by Florida Tenth Circuit Judge Donald Jacobsen and Florida Twelfth Circuit Judge Nancy Dunellon.

Opposing Counsel:

Ron Toward  
P.O. Box 1772  
Bartow, Florida 33831  
(863) 533-1232

Liane McCurry  
Law Office of Liane McCurry, P.A.  
100 Wallace Avenue, Suite 210  
Sarasota, Florida 34237  
(941) 330-0052

3. *Porta Westfalica, L.C. v. Radke and Slovacek*, Case No. 8:01-CV2023-T-24 (M.D. Fla. 2003).

Dates of involvement: 2003 – 2004.

A German multi-national corporation alleged that our client and a co-defendant had established a sham corporation to misappropriate a multi-million dollar corporate opportunity. The complaint consisted of sixteen different counts, including fraud, RICO, and breach of fiduciary duty. As counsel for one of the lead defendants, I had primary responsibility for drafting all written materials in this case and “second chair” responsibility for the jury trial. Case was set for trial in March 2003 but settled the week before the trial was set to begin. The case was heard before United States District Court Judge Susan Bucklew in the Middle District of Florida.

Co-Counsel:

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Jack Holsonback  
Holsonback Law  
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Opposing Counsel:

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Phelps Dunbar LLP  
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Tampa, Florida 33602  
(813) 472-7866

Karl Geercken  
Alston and Bird  
90 Park Avenue  
New York, New York 10016  
(212) 210-9400

4. *Paradigm Cellular Comm 'ns. v. AT&T Wireless Servs.*, American Arbitration Association Case No. 13-199-00776-02.

Dates of involvement: 2001 – 2002.

This case involved claims of breach of contract by both AT&T, whom I represented as lead counsel, and an authorized AT&T dealer, which sold wireless equipment, service and related accessories to the public through a variety of sales “channels” including direct mail, kiosks, e-commerce, sub-dealers and outbound telemarketing. The case settled in late 2002, prior to commencement of the arbitration hearing. The case was heard by the American Arbitration Association.

Opposing Counsel:

Robert Lovett  
Cooley LLP  
500 Boylston Street  
Boston, Massachusetts 02116  
(617) 937-2300

5. *Irven v. Dep't of Health and Rehab. Servs.*, Case No. GC-G-95-2652 (Fla. Cir. Ct. 1997).

Dates of involvement: 1995 – 1997 and 2000 – 2004.

This whistle-blower case was brought by my client, a former child abuse case worker for the Department of Health and Rehabilitative Services who was fired for reporting numerous HRS improprieties in connection with the investigation of child abuse cases. My representation included acting as second chair at the jury trial. The October 1997 jury verdict resulted in an order requiring back pay and reinstatement. The case was heard by Florida Tenth Circuit Judge Charles Curry.

Co-Counsel:

J. Kevin Carey  
*Then with Carlton Fields*  
3225 S. MacDill Avenue  
Suite 129-219  
Tampa, Florida 33629  
(813) 874-0081

Opposing Counsel:

Dave McClain  
Office of the Attorney General  
501 East Kennedy Boulevard, Suite 1100  
Tampa, Florida 33602  
(813) 577-4529

6. *Orlando Reg'l Healthcare Sys., Inc. v. Columbia/HCA, Healthtrust*, Case No. 95-165-CIV-ORL-18 (M.D. Fla. 1995). *Orlando Reg'l Healthcare Sys., Inc. v. Columbia /HCA Healthcare Corp.*, 923 F.Supp. 1534 (M.D. Fla. 1996).

Dates of involvement: 1996 – 1997.

Orlando Regional Healthcare System (“ORHS”) sued Columbia/HCA and Healthtrust for violation of a joint venture agreement dealing with the ownership of South Seminole Hospital. This case arose in connection with Columbia/HCA’s acquisition of Healthtrust and ORHS sought to enjoin the nationwide merger of Columbia/HCA and Healthtrust, two of the largest hospital corporations in the country at that time. ORHS alleged, *inter alia*, that the nationwide hospital merger violated federal antitrust laws. I represented Healthtrust Inc., and had second chair trial responsibilities, which included drafting motions and the questioning of two witnesses at trial. After a bench trial from February 27 to March 7, 1996, the court found that the client breached a joint venture agreement but refused to enjoin the merger. The case was heard and decided by United States District Court Judge G. Kendall Sharp in the Middle District of Florida.

Co-Counsel:

Bob Vawter  
Retired  
*Then with Carlton Fields*  
4221 West Boy Scout Boulevard, Suite 1000  
Tampa, Florida 33607  
(813) 223-7000

Opposing Counsel:

John Cusack  
Deceased

Ron Harbert



Mateer & Harbert  
225 East Robinson Street, Suite 600  
Orlando, Florida 32802  
(407) 425-9044

7. Video Piracy Cases – *Columbia Pictures Indus., Inc. v. Riggs*, Civ. 97-37-CIV-T-21E (M.D. Fla. 1997) (Lazzara, J.); *Columbia Pictures Indus., Inc. v. Sanders*, Civ. 96-304-CIV-OC-10C (M.D. Fla. 1996) (Hodges, J.); *Columbia Pictures Indus., Inc. v. Maniscalco*, Civ. 96-35-CIV-FTM-17D (M.D. Fla. 1996) (Kovachevich, J.); *Columbia Pictures Indus., Inc. v. Riggs*, Civ. 94-1330-CIV-T-21B (M.D. Fla. 1994) (Nimmons, J.); *Columbia Pictures Indus., Inc. v. Rubio*, Civ. 94-799-CIV-T-25B (M.D. Fla. 1994) (Adams, J.); *Columbia Pictures Indus., Inc. v. Eady*, Civ. 93-1910-CIV-T-99C (M.D. Fla. 1993) (Schlesinger, J.); *Columbia Pictures Indus., Inc. v. Chaudhry*, Civ. 93-1880-CIV-T-21C (M.D. Fla. 1993) (Nimmons, J.); *Columbia Pictures Indus., Inc. v. Maceira*, Civ. 93-1148-CIV-T-99A (M.D. Fla. 1993) (Merryday, J.); *Columbia Pictures Indus., Inc. v. John Doe*, Civ. 93-893-CIV-T-15C (M.D. Fla. 1993) (Merryday, J.).

Dates of involvement: 1993 – 1997.

In the mid-1990s my firm handled a series of video piracy cases in federal court on behalf of major film production companies. At that time, various independent video rental stores throughout central Florida manufactured illegal copies of first run movies and offered these illegal copies for sale or rental to the public. We brought actions against these defendants pursuant to the federal Copyright Act 17 U.S.C. § 501 and the Lanham Act, 15 U.S.C. § 1125. In each of these cases we were able to present enough credible evidence to a federal judge sufficient to obtain an ex parte Writ of Seizure, which allowed us to effect the confiscation of defendants' illegal inventory. We then would typically have a hearing before the federal judge. I served as counsel to numerous plaintiffs listed in the above cases, including Columbia Pictures, Metro-Goldwyn-Mayer, Paramount, Twentieth Century Fox, Universal City Studios, Disney, Warner Bros., and others. These cases were never tried, as they all settled once the videos were seized. The cases were heard by various judges, individually noted in the above citations.

Co-Counsel:

Bob Vawter  
Retired  
*Then with Carlton Fields*  
4221 West Boy Scout Boulevard, Suite 1000  
Tampa, Florida 33607  
(813) 223-7000

Opposing Counsel:

The defendants did not typically hire lawyers. The cases were settled upon payment of a small amount of money and the entry on an injunction prohibiting from further violations of the Copyright and Lanham Acts.

8. *In re Rosemary Frost*, Case No. 2001-1954 (Fla. Cir. Ct 2001).

Dates of involvement: 2001.

We represented the family of Mrs. Frost, an elderly woman at the center of this high-profile right-to-die case. Mrs. Frost had been hospitalized at Tampa General Hospital after suffering severe burns in a fire. She had a “living will” that called for no extraordinary life support measures, and her family refused to consent to elaborate skin graft procedures proposed by her doctors. We represented the family in opposing the Hospital’s attempt to perform these procedures. I served as lead counsel for the entire case including a contested evidentiary hearing was held on August 3, 2001. The hearing officer sided with the hospital, but Mrs. Frost died about two weeks later. The case was heard by Thirteenth Circuit Probate Division Hearing Officer Nick Ficcarotta.

Opposing Counsel:

Richard Oliver  
Carlton Fields  
4221 West Boy Scout Boulevard, Suite 1000  
Tampa, Florida 33607  
(813) 223-7000

9. *Tenorio v. Tenorio*, Case No. 03-01571-CV-T-26-EAJ (M.D. Fla. 2003), *aff’d sub nom. Ruiz v. Tenorio*, 392 F.3d 1247 (11th Cir. 2004).

Dates of involvement: 2003 – 2004.

I served as lead trial and appellate counsel to an American mother, *pro bono*, who was accused of abducting her own children from Mexico to the U.S. in violation of the International Child Abduction Remedies Act, 42 U.S.C. § 11601, *et. seq.*, and the Hague Convention on the Civil Aspects of International Child Abduction, Oct. 25, 1980, 42 Stat. 11601, 19 I.L.M. 1501, 1501. At the bench trial in the Middle District of Florida on Aug. 25, 2003, United States District Judge Richard Lazzara, siding with our client, refused to order her children sent to Mexico to reside with their father. The District Court’s decision was subsequently affirmed by the Eleventh Circuit.

Co-Counsel:

Erin Linehan  
*Then with Carlton Fields*  
Raymond James Financial Inc.  
880 Carillon Parkway

St. Petersburg, Florida 33716  
(727) 567-5069

Opposing Counsel:

Seth Schimmel  
Phelps Dunbar LLP  
100 South Ashley Drive, Suite 1900  
Tampa, Florida 33602  
(813) 472-7864

Stephen L. Brannock  
*Then with Holland & Knight*  
Brannock & Humphries  
111 West Cass Street, Suite 200  
Tampa, Florida 33606  
(813) 223-4300

10. *Robinson v. SE Pa. Transp. Admin.*, Case No. CIV. A. 87-5114, 1991 WL 78257 (E.D. Pa. 1991), *aff'd in part*, 982 F.2d 892 (3d Cir. 1993).

Dates of involvement: 1991 – 1992.

While in law school, and under the supervision of a professor, I represented an African-American former SEPTA employee who was treated unfairly, and eventually terminated, based on race and retaliation for making complaints to management about discriminatory employment practices. During the bench trial, I handled the opening statement and questioned two witnesses. The court ultimately awarded our client \$240,935 in April 1991, which the Third Circuit subsequently upheld. The case was heard and decided by United States District Court Judge Lowell Reed of the Eastern District of Pennsylvania.

Co-Counsel:

Lorrie McKinley  
*Then with Penn Legal Assistance Office*  
McKinley & Ryan  
238 West Miner Street  
West Chester, Pennsylvania 19382

Opposing Counsel:

Louis Staffieri  
Deceased

18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe

the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

I regularly serve as a mentor for new judges as part of Florida's nationally recognized judicial mentorship program, as well as mentoring new judges informally. I also serve a Chair of the Judicial Security Committee for the Thirteenth Circuit. This committee is charged with monitoring important security issues confronted by courthouse personnel, and the public, including, among other things, "active shooter" scenarios and cyber security threats. During my time as a County Court Judge, I served as Chair of the Hillsborough County Election Canvassing Board for two elections.

I have never acted or registered as a lobbyist.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

Since 2004, I have been an Adjunct Professor at Stetson Law School where I have taught Complex Litigation (Spring 2004) and Trial Advocacy (generally at least one semester each year from 2005 through 2016). In April 2018 I began teaching at the University of South Florida in a non-degree paralegal training program. Syllabi supplied.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

None.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

As stated above, I have taught classes at Stetson University Law School and the University of South Florida. If I am so fortunate as to be confirmed, I hope that I would be able to continue teaching, but I have no commitments beyond the current semester at USF.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report,

required by the Ethics in Government Act of 1978, may be substituted here).

See attached Financial Disclosure Report.

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

If confirmed, I will recuse in any litigation where I have ever played a role. I will evaluate any other real or potential conflict, or relationship that could give rise to appearance of conflict, on a case-by-case basis and determine appropriate action with the advice of parties and their counsel, including recusal where necessary.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

If confirmed, I will carefully consider any real or potential conflicts of interest by following 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges and local custom. I would err on the side of liberally recusing myself so as to avoid even the appearance of impropriety.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

I began working on pro bono matters while in law school where I, along with a Penn Law faculty member, successfully tried a Title VII action in federal court on behalf of an African-American former public transportation employee. From the time I was admitted to the bar, and until I became a judge, I devoted between 20 and 100 hours annually to pro bono matters (except during the time that I served as a prosecutor). I regularly handled conflict intake interviews for Bay Area Legal Services beginning in approximately 1995. I received the "Have a Heart" Pro Bono Service Award from the Hillsborough County Bar Association in 1994, 1995 and 1996. Prior to becoming a judge, I represented indigent clients in numerous civil and criminal pro bono litigation matters in state and federal courts.

**26. Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

Florida currently uses a Judicial Nominating Commission (“JNC”) system with members appointed by both Senators. The JNC made a public announcement that it was accepting applications for vacant District Judge positions and pursuant to that announcement I submitted a detailed written application dated October 30, 2017. I was selected for an interview with the JNC on December 4, 2017 at the Federal Courthouse in Orlando, Florida, and was subsequently informed by email that I had been one of four candidates selected for further consideration. All four of the individuals selected by the JNC were interviewed by Senator Rubio and Senator Nelson on December 14, 2017 at their offices in Washington, DC.

Since approximately December 16, 2017, I have been in contact with officials from the White House Counsel’s Office. On December 20, 2017, I interviewed with attorneys from the White House Counsel’s Office and the Office of Legal Policy at the Department of Justice in Washington, DC. On April 26, 2018, the President submitted my nomination to the Senate.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.