UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

   William Lewis Thomas

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

   United States District Judge for the Southern 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.

   Richard E. Gerstein Building
   1351 N.W. 12th Street, Room 400
   Miami, Florida 33125

   Residence: Aventura, Florida

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

   1967; Uniontown, 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.

   1991 – 1994, Temple University School of Law; J.D., 1994

   1987 – 1991, Washington & Jefferson College; B.A., 1991

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.

   2005 – present
   State of Florida
   Richard E. Gerstein Building

1351 N.W. 12th Street, Room 400
Miami, Florida 33125
Circuit Court Judge, Eleventh Judicial Circuit

2009 – 2010
University of Miami School of Law
1311 Miller Drive
Coral Gables, Florida 33146
Adjunct Professor, Litigation Skills program (currently on sabbatical)

2006 – 2007
Florida Memorial University
15800 N.W. 42nd Avenue
Miami Gardens, Florida 33054
Adjunct Professor

1997 – 2005
Federal Public Defender's Office for the Southern District of Florida
150 West Flagler
Miami, Florida 33130
Assistant Federal Public Defender

1994 – 1997
Miami-Dade County Public Defender
1320 N.W. 14th Street
Miami, Florida 33125
Assistant Public Defender

1992 – 1994
Temple University
1801 North Broad Street
Philadelphia, Pennsylvania 19122
Resident Coordinator

Summer 1993
Reed Smith Shaw & McCay
One Liberty Place
1650 Market Street, Suite 2500
Philadelphia, Pennsylvania 19103
Summer Associate

Summer 1992
Delaware River Port Authority
One Port Center
2 Riverside Drive

Camden, New Jersey 08101
Summer Associate

Summer 1991
Walnut Creek, California (I do not recall the employer)
Security Guard

Other Affiliations (uncompensated):

2010 – present
Leadership Learning Center at Saint John Bosco Church
1366 N.W. First Street
Miami, Florida 33125
Board Member

2008 – 2010
Phoenix Healthcare Foundation
10800 Biscayne Boulevard, Suite 201
Miami, Florida 33161
Board Member

2004
Wilkie D. Ferguson Jr. Bar Association
P.O. Box 15487
Miami, Florida 33101
Board Member – Treasurer

2002 – 2003
Florida Association of Criminal Defense Lawyers
9130 South Dadeland Boulevard, Suite 1910
Miami, Florida 33156
Board Member – Secretary

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 did not serve in the United States Military. I did register for the selective service.

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.

   Black Trail Blazer Award – United States District Court for the Southern District of Florida (2011)

Certificate of Appreciation – American Board of Trial Advocates (2011)

Certificate of Appreciation – Men of Valor Program, Booket T. Washington High School (2011)

Certificate of Appreciation – Kids and the Power of Work (2011)

Community Service Award – Robert Jackson, Senior Pastor St. Paul A.M.E. Church (2010)

Certificate of Appreciation – Church of the Incarnation, Miami, Florida (2009)

Principal for the Day Award – South Miami Middle School (2009)

Certificate of Appreciation – Florida Association of Criminal Defense Lawyers (2005)

Dean's List – Temple University College of Law (1992)

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.

Ad Hoc Committee on Attorney Admissions and Peer Review (2001 – 2002)

Cuban American Bar Association (2006 – present)

Dade County Bar Association (2008 – present)

Florida Association of Criminal Defense Lawyers (2000 – 2005)
Board Member – Secretary (2002 – 2003)

Florida Bar Association (1995 – present)

Florida College of Advance Judicial Studies (2010 – present)

National Bar Association (2010 – present)

Wilkie D. Ferguson Jr. Bar Association (formerly Black Lawyers Association) (2001 – 2004)
Board Member – Treasurer (2004)
Chair, annual scholarship banquet (2004)

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, 1995

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.

United States District Court for the Southern District of Florida, 1997
United States Court of Appeals for the Eleventh Circuit, 1997

There has been no lapse 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.

93rd Street Community Baptist Church (2005 – present)
Youth Ministry (2012)

5000 Role Model of Excellence Project (1997 – present)

Allapatah Community and Neighborhood Center (2003 – 2004)

Big Brothers and Big Sisters of Miami (2007 – 2008)

Kids and the Power of Work (2011)

Leadership Learning Center at Saint John Bosco Church
Board Member (2010 – present)

National Association for the Advancement of Colored People (1998 – 2005)
Chair, Legal Redress Committee (2003 – 2004)

Phoenix Healthcare Foundation
Board Member (2008 – 2010)

Zeta Beta Tau Fraternity (1992 – 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.

To the best of my knowledge, none of the organizations listed in 11a currently discriminates or formerly discriminated 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.

None.

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.

None.

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.

September 28, 2012: I was a guest speaker at the Investiture of Ciruit Court Judge Rodney Smith. Recording supplied.

July 13, 2012: In Miami, Florida, I was a guest lecturer for Breakthrough Miami speaking on "What is the Role of a Judge." I made brief remarks followed by a question and answer session about how I became a judge and different situations I encounter as a judge. I have no notes, transcripts or recordings. Breakthrough Miami is located at 3250 S.W. Third Avenue, Miami, Florida 33129.

March 3, 2012: In Miami, Florida, I was a guest speaker at street naming ceremony for Reverend Dr. Carl Johnson, Pastor, 93rd Street Community Baptist Church, Miami, Florida. I made brief remarks about "How Paster Johnson has Changed Our Community." I have no notes, transcripts or recordings. The event was organized by Commissioner Jean Monestime, 111 N.W. First Street, Suite 220, Miami, Florida 33128.

January 20, 2012: In Miami, Florida, I was a panelist for the 11th Judicial Circuit Centennial Celebration Civil Rights Symposium. I spoke on current challenges facing African American judges in Miami-Dade County. I have no notes, transcripts or recordings. The 11th Judicial Circuit is located at 175 N.W. First Avenue, Miami Florida 33128.

December 17, 2011: I was a guest speaker at Jordan Grove Missionary Baptist Church Youth Forum in Miami, Florida, where I discussed "How to Properly Deal with Peer Pressure." I have no notes, transcripts or recordings. Jordan Grove Missionary Baptist Church is located at 5946 N.W. 12th Avenue, Miami, Florida 33127.

November 8, 2011: I was a guest speaker for American Board of Trial Advocates (ABOTA) James Otis Lecture Series in Miami called: "Understanding and Respecting the Constitution." I spoke on the Constitution and First Amendment as applied to a school setting. I have no notes, transcripts or recordings. ABOTA is located at 2001 Bryan Street, Suite 3000, Dallas, Texas 75201.

September 15, 2011: In Miami, Florida, I was a guest panelist at a Florida International School of Law Black Law Student Association event, "Paving Your Way to a Clerkship." I spoke on how to maximize your chances for getting a clerkship. I have no notes, transcripts or recordings. The School of Law is located at 11200 S.W. Eighth Street, Miami, Florida 33199.

September 20, 2011: I was a guest speaker at a Booker T. Washington High School Men of Valor program in Miami, Florida called "Becoming a Man in Today's Society." I made brief remarks followed by a question and answer session about my life and challenges. I have no notes, transcripts or recordings. The school is located at 1200 N.W. Sixth Avenue, Miami, Florida 33136.

June 15, 2011: I was a guest speaker at a luncheon sponsored by Legal Services of Greater Miami. I shared suggestions with staff attorneys on effective practice of law in Miami, Florida from the perspective of a judge. I have no notes, transcripts or recordings. Legal Services of Greater Miami is located at 3000 Biscayne Boulevard, Suite 500, Miami, Florida 33137.

May 2011: I was a guest lecturer at the Educate Tomorrow retreat called "Overcoming Life Obstacles." I made brief remarks followed by a question and answer session in Miami, Florida, about how I overcame personal life challenges to become a judge. I have no notes, transcripts or recordings. Educate Tomorrow is located at 1717 North Bayshore Drive, Miami, Florida 33132.

February 2011: I was a guest speaker for the Progressive Officers Club Annual Luncheon in Miami, Florida where I spoke about the "Role of Judge in Combating Crime." I have no notes, transcripts or recordings. The Club is located at 14680 N.W. 27th Avenue, Opa Locka, Florida 33054.

October 2010: I was a moderator for the Edward Sell '45 Legal Lecture in Washington, Pennsylvania entitled: "Women and the Law." I have no notes, transcripts or recordings. The lecture was sponsored by Washington and Jefferson College, 50 South Lincoln Street, Washington, Pennsylvania 15301.

October 2010: I was a panel member for the National Business Institute Civil Court Judicial Forum in Miami, Florida called "Advanced Discovery and Trial Practices." I made a brief presentation followed by a question and answer session about my own procedures and preferences as they relate to discovery and trial practice generally. I have no notes, transcripts or recordings. The address of the Institute is P.O. Box 3067, Eau Claire, Wisconsin 54702.

September 2010: I was a panelist for the Wilkie D. Ferguson Jr. Bar Association, Judicial Forum discussing in Miami, Florida "Legal Practice and the Courts." I spoke on my standard court practices and procedures. I have no notes, transcripts or recordings. The Association has no physical address.

August 13, 2010: I was an instructor at the Conference of Circuit Court Judges, Advance Judicial Studies in Marco Island, Florida: "Understanding Sentencing and Recividism." Powerpoint supplied.

May 18, 2010: I was a guest speaker at the Pentab Crime Prevention Group meeting in Miami, Florida. I spoke on the issue of "Citizens and the Law." I have no notes, transcripts or recordings. The address for the sponsor of the event was 18415 N.W. Seventh Avenue, Miami Garden, Florida 33169.

April 2010: I attended a meeting of the Unrepresented People's Positive Action Council (UP-PAC) in Miami Gardens, Florida. During the meeting, I was asked about an incident where I was stopped by the Miami Gardens Police Department. I have no notes, transcripts or recordings. UP-PAC sponsored the meeting at Greater New Bethel Baptist Church, 17025 N.W. 22nd Avenue, Miami Gardens, Florida 33056.

October 27, 2009: I was a guest speaker and acting principle at South Miami Community Middle School's "Principal for a Day Program" in Miami, Florida. I discussed "What is the Role of a Judge." I have no notes, transcripts or recordings. South Miami Community Middle School is located at 6750 S.W. 60th Street, South Miami, Florida 33143.

September 12, 2009: I was a panelist at the 11th Judicial Circuit of Florida Town Hall Meeting in Miami, Florida called: "Understanding the Foreclosure Process." This was conducted at various locations throughout Miami-Dade County. I have no notes, transcripts or recordings. The 11th Judicial Circuit is located at 175 N.W. First Avenue, Miami Florida 33128.

June 18, 2009: I was a guest panelist at the University of Miami School of Law Program in Miami, Florida called "Ethics and Law." It was a question and answer session about ethical issues I face as a judge. I have no notes, transcripts or recordings. The School of Law is located at 1311 Miller Drive, Coral Gables, Florida 33146.

May 2009: I was a guest speaker for the Portrait of Empowerment Graduation Ceremony in Miami, Florida, "Helping to Build Future Leaders." I spoke about why education is important to future leaders. I have no notes, transcripts or recordings. Portrait of Empowerment is located at 780 Fisherman Street, Miami, Florida 33054.

April 3, 2009: I was a panelist for the City of North Miami Beach event entitled "Ethics in Political Campaigns." Recording supplied.

October 2008: I was the moderator for the Edward Sell '45 Legal Lecture Series: "Law, Ethics, Judiciary and the Electoral Process" in Washington, Pennsylvania. I have no notes, transcripts or recordings. The lecture was sponsored by Washington and Jefferson College, 50 South Lincoln Street, Washington, Pennsylvania 15301.

January 31, 2008: I read excerpts from a book called "Their Eyes Were Watching God" as part of Miami-Dade College Black History Month Celebration in Miami, Florida. I also spoke on why the excerpt I read was important to me. I have no notes, transcripts or recordings. The program was sponsored by Miami-Dade College, North Campus, 11380 N.W. 27th Avenue, Miami, Florida 33167.

October 2007: I was the moderator for the Edward Sell '45 Legal Lecture Series: "The Immigration Reform Act and the Consequences of Failure" in Washington, Pennsylvania. I have no notes, transcripts or recordings. The lecture was sponsored by Washington and Jefferson College, 50 South Lincoln Street, Washington, Pennsylvania 15301.

October 2005: In Washington, Pennsylvania, I was a panel member for the Edward Sell '45 Legal Lecture Series: "The Impact of Press on Fair Trial." I spoke on how the press may impact a fair trial from a judicial perspective. I have no notes, transcripts or recordings. The lecture was sponsored by Washington and Jefferson College, 50 South Lincoln Street, Washington, Pennsylvania 15301.

September 2005: In Miami, Florida, I was a guest speaker at Madison Middle School Red Ribbon Week Career Day. I spoke on "How I became a Judge." I have no notes, transcripts or recordings. Madison Middle School is located at 3400 N.W. 87th Avenue, Miami, Florida 33147.

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.

On January 26, 2012, I was interviewed for a Canadian show called "Connect with Mark Kelly." Recording supplied.

Sandra J. Charite, "Are Black Judges Absent from the Bench?" Miami Times, Dec. 3, 2008. Copy supplied.

In October, 2007, I was interviewed for a Washington and Jefferson College article called "Education for a Lifetime, Alumni Profile." 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.

I have been a Circuit Court Judge of the Eleventh Judicial Circuit in and for Miami-Dade County since 2005. I initially was elected in November 2004. I was re-elected, without opposition, in 2010. My current commission expires on January 1, 2017.

The Circuit Court is the highest trial level court in Florida and has jurisdiction over all juvenile, family and probate proceedings, as well as all felony criminal cases and civil cases involving disputes of over $15,000. The Circuit Court also has jurisdiction over the appeals from county court as well as certiorari review of local administrative decisions.

My first assignment was in the Dependency Division of the Juvenile court, where I presided over termination of parental rights petitions and shelter hearings. From 2006 to 2009, I was assigned to the Criminal Division of the Circuit Court, where I presided over a wide variety of cases ranging from simple possession of cocaine to first degree murder, death penalty trials. From 2009 to February 2012, I was assigned to the Civil Division of the Circuit Court, where I handled a wide range of civil cases including foreclosure, personal injury, medical malpractice and commercial disputes. In February 2012, I started my second rotation in the Criminal Division of the Circuit Court. Since 2005, as part of my duties as a Circuit Court Judge, I also serve as an appellate judge for county court and administrative law cases. Consequently, approximately four times per year, I sit as a member of a panel of three judges hearing appeals in civil, criminal and administrative law cases.

a. Approximately how many cases have you presided over that have gone to verdict or judgment? Approximately 300

   i. Of these, approximately what percent were:

jury trials:	95%
bench trials:	5%
civil proceedings:	30%
criminal proceedings:	70%

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

   I have not written any opinions.

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. *Rolle, a minor by and through her natural parent and guardian, Queen Dabrio, individually v. Birken, M.D., Brosco, M.D., South Florida Pediatric Surgeons, Jackson Memorial Hospital, University of Miami, et al.*, Case No. 01-14439 CA 24, Miami-Dade Circuit Court, Civil Division.

This was a four-week complex medical malpractice trial. Multiple physicians and medical entities were sued for their actions in connection with the care of the Plaintiff. Plaintiff alleged that these actions – including the administering of an expired vaccine – caused Plaintiff to develop a pneumococcal infection. As a result of complications from this infection, Plaintiff's arms and legs were amputated. The jury returned a verdict awarding Plaintiff $9 million in economic and non-economic damages and awarding her mother $3.6 million in non-economic damages. The Plaintiff appealed the verdict and the jury award. The Defense cross appealed. The case is currently pending before the Third District Court of Appeals.

Counsel for Plaintiff:

Scott Newmark, Esq.
600 South Andrews Avenue, Suite 301
Fort Lauderdale, Florida 33301
954-779-7479

Sheldon Schlesinger, Esq.
Crane Johnstone, Esq.
1212 S.E. Third Avenue
Fort Lauderdale, Florida 33316
954-467-8800

Counsel for the Defendant:

Kimberley Cook, Esq.
9155 South Dadeland Boulevard, Suite 1208
Miami, Florida 33156
305-671-2159

Christopher Knight
1395 Brickell Avenue, 14th Floor
Miami, Florida 33131
305-789-9200

Eric Gressman, Esq.
111 N.W. First Street, Suite 2810
Miami, Florida 33128
305-375-1309

2. *State of Florida v. Caraballo*, Case No. F02-12509E, Miami-Dade Circuit Court, Criminal Division.

This was a death penalty case. A young lady and her boyfriend were kidnapped at gunpoint by a group of five men. The couple was robbed and the female victim

was gang-raped. The male victim was repeatedly stabbed and left for dead. He survived. Thereafter, the female victim was shot once in the back of the head killing her instantly. After a jury trial, the Defendant was convicted of first-degree murder, kidnapping, robbery, and sexual battery of the female. The Defendant was also convicted of the attempted first-degree murder, robbery, and kidnapping of the male victim. At the conclusion of the penalty phase, the jury recommended by a vote of 9-3 that the Defendant be sentenced to death for the murder of the female victim. I sentenced the Defendant to death. The Supreme Court of Florida upheld the convictions but reversed the death sentence, ordering a new penalty phase trial. The Defendant is currently scheduled for a new penalty phase trial in May 2013.

Counsel for the State:

Abraham Laeser, Esq.
1525 Daytonia Road
Miami Beach, Florida 33141
305-725-5505

Counsel for the Defendant:

Joel Denaro, Esq.
777 Brickell Avenue, Suite 400
Miami, Florida 33131
305-371-1883

Gary Rosenberg., Esq.
1555 North Park Drive, Suite 103
Weston, Florida 33326
305-801-3635

3. *State of Florida v. Jardines*, Case No. F08-45975, Miami-Dade Circuit Court, Criminal Division.

This was a Fourth Amendment warrantless search case. The police conducted a warrantless "sniff test" by a drug detection dog at the home of Defendant. During the search, the police discovered live marijuana plants inside. The issue presented was whether a "sniff test" by a drug detection dog conducted at the front door of a private residence is a "search" under the Fourth Amendment and, if so, whether the evidentiary showing of wrongdoing that the government must make prior to conducting such a search is probable cause or reasonable suspicion. I granted the Defendant's motion to suppress the evidence, finding that the warrantless "sniff test" violated the Defendant's right against unreasonable searches and seizures under the Fourth Amendment. The Third District Court of Appeals reversed my ruling (*State of Florida v. Jardines*, 9 So. 3d 1(Fla. 3d DCA 2008). The Defendant sought review with the Supreme Court of Florida, which reinstated my

ruling (*Jardines v. State of Florida*, 73 So. 3d 34 (Fla. 2011)). The State of Florida sought review with the United States Supreme Court. The United States Supreme Court granted certiorari and the case is currently pending review (*Florida v. Jardines*, 132 S. Ct. 995 (2012).

Counsel for the State:

Ivette Gonzalez
3301 Ponce de Leon Boulevard
Coral Gables, Florida 33134
305-445-4225

Counsel for the Defendant:

Brett Steinberg
3399 PGA Boulevard, Suite 300
Palm Beach Gardens, Florida 33410
561-683-2300

4. *In The Interest of: M.W., a Minor*, Case No. D90-******TPR, Miami-Dade Circuit Court, Dependency Division.

This was a termination of parental rights case. The Department of Children and Families filed a Termination of Parental Rights Petition seeking to terminate the parental rights of both the mother and father of a 14-month-old child. The child was born substance exposed and was living in a pre-adoptive foster home. The Department's petition was based upon the parents' history, particularly a prior termination of parental rights as to six other children, a questionable criminal record and a long history of substance abuse. Although I found that the parents clearly loved their child, I also concluded that termination of parental rights was in the child's manifest best interest and the least restrictive means of protecting the child from harm. I was affirmed on appeal.

Counsel for the Department of Children and Family Services:

Farah Desiree, Esq.
155 South Miami Avenue, #700
Miami, Florida 33130
305-779-9780

Counsel for the Mother:

Kevin Colbert, Esq.
15021 S.W. 89th Terrace Road
Miami, Florida 33196
305-388-1769

Counsel for the Father:

Ileana Orta-Rodriguez, Esq.
2244 N.W. Seventh Street
Miami, Florida 33125
305-541-6110

5. *City of Sunny Isle, a Political Subdivision of the State of Florida v .Marks et al.*, Case No. 09-55633-CA21, Miami-Dade Circuit Court, Civil Division.

This was an eminent domain case. The City of Sunny Isles Beach ("City") initiated condemnation proceedings against a property owned by the Defendant. The City alleged that the taking of the property was for public use. The case involved fee simple rights and multiple leasehold interests. There were "Orders of Taking" proceedings, and a trial to establish the valuation of the fee and leasehold interest. The jury awarded the fee simple owner $9 million and I had to apportion the jury award with respect to the leasehold interests. No appeal was taken of the final award.

Counsel for the Plaintiff:

Sidney Calloway, Esq.
200 East Broward Boulevard, Suite 2100
Fort Lauderdale, Florida 33301
954-847-3833

Hans Ottinot, Esq.
18070 Collins Avenue
Sunny Isle Beach, Florida 33160
305-957-1302

Counsel for the Defendant(s):

Brian Patchen, Esq.
1000 Brickell Avenue, Suite 1112
Miami, Florida 33131
305-372-1112

Wiley Hicks, Esq.
890 South Dixie Highway
Coral Gables, Florida 33146
305-661-6688

6. *JP Morgan Chase Bank v. Ortega*, Case No. 09-17384-CA-01, Miami-Dade Circuit Court, Civil Division.

This was a foreclosure case. The Defendant and his wife fell behind in their mortgage payments and the bank filed a foreclosure action seeking to foreclose on their family home. The Defendant attempted to modify the mortgage but could not get the bank to return their calls and the bank kept losing the information necessary to process the modification. Eventually, the bank agreed to stay the foreclosure proceedings and place the Defendant in a temporary modification program. However, two months after entering the modification agreement the bank allowed the Defendant's property to be sold at auction. I vacated the sale and instructed the bank to determine if the Defendant qualified for a permanent modification before the property is sold. The Defendant is currently under a modification plan with the bank.

Counsel for Plaintiff:

Omar Garcia, *pro se*

Attorneys for Defendant:

Martin Pons, Esq.
9370 S.W. 72nd Street, Suite A100
Miami, Florida 33173
305-275-7072

7. *Williams, individually and as personal representative of the Estate of Morris v. Miami Dade County and McKinnon, individually*, Case No. 07-16063 CA 21, Miami-Dade Circuit Court, Civil Division.

This was a Fourth Amendment case. Miami-Dade County police officers attempted to stop the Plaintiff (deceased), who was seen exiting a stolen car. The Plaintiff fled on foot and the officers located the Plaintiff inside a store and attempted to handcuff him. The Plaintiff was unarmed. He had nothing in his hands and the officers did not see a weapon of any kind on the Plaintiff. The Plaintiff pushed the officer and ran for the front door. The officer fired her service revolver and shot the Plaintiff twice in the back. The Plaintiff died on the scene. I granted summary judgment in favor of the Plaintiff (Plaintiff's family sued on his behalf). I concluded that killing an unarmed, fleeing burglary suspect (under the facts of this case) by shooting him in the back was unreasonable and violated the Fourth Amendment. The parties eventually settled the case.

Counsel for Plaintiff:

Ray Taseff, Esq.
225 Alcazar Avenue, 2nd Floor

Coral Gables, Florida 33134
786-363-9020

Counsel for Defendant:

James Allen, Esq.
111 N.W. First Street, Suite 2810
Miami, Florida 33128
305- 375-3771

8. *State of Florida v. Holmes*, Case No. F98-31618, Miami-Dade Circuit Court, Criminal Division.

This was a death penalty case. The Defendant was accused of killing two local drug dealers who operated their drug enterprise out of a popular social club in South Miami known as the "Mango Lounge." The Defendant's blood was found throughout the crime scene including in the kitchen, the living room, a hallway, and leading into the bedroom where the victims were discovered. The Defendant's blood was also found on one of the victim's pants. The Defendant was convicted of two counts of first degree murder and a single count of armed burglary of an occupied dwelling. During the penalty phase, the jury unanimously recommended life in prison without the possibility of parole. I sentenced the Defendant to life in prison without the possibility of parole. The Defendant appealed and his conviction was affirmed on appeal.

Counsel for the State:

David Waksman
18820 N.E. 20th Avenue
Miami, Florida 33179
305-935-5894

Counsel for the Defendant:

Bruce H. Fleisher P.A.
1980 Coral Way
Miami, Florida 33145
305-859-7999

David S. Markus
1501 N.W. 14th Street
Miami, Florida 33125
305-545-0803

9. *Saewitz and Saewitz v. Saewitz*, Case No. 08-46944 CA 21, Miami-Dade Circuit Court, Civil Division.

This case involved a dispute over an inheritance: The daughters of the deceased were challenging their father's will. The daughters sued their stepmother for conversion and tortious interference with an expected inheritance. I granted the Defendant's motion for a directed verdict finding the Plaintiffs failed to meet and satisfy the damage element of their prima facie case. Specifically, I found the testimony concerning damages was insufficient to satisfy the "reasonable certainty" threshold necessary to be considered legally probative of the amount or extent of damages suffered by the daughters. The daughters appealed. The case was affirmed on appeal.

Counsel for Plaintiffs:

Gary Lehman
Broad and Cassel
2 South Biscayne Boulevard, 21st Floor
Miami, Florida 33131
305-373-9460

Counsel for the Defendant:

Andrew Hall
Hall Lamb and Hall PA
2665 South Bayshore Drive, #1
Miami, Florida 33133
305-374-5030

Mathew Leto
Hall Lamb and Hall PA
2665 South Bayshore Drive, #1
Miami, Florida 33133
305-374-5030

10. *The State of Florida v. Hernandez*, Case No. F03-2244, Miami-Dade Circuit Court, Criminal Division.

This was a felony murder case. The Defendant and co-Defendant were charged with two counts of first degree felony murder in the deaths of two victims. The victims' bodies were located in the rear cargo area of a burning truck wrapped in a comforter. The victims died of gun shot wounds. After a three-day jury trial the Defendant was found guilty of two counts of first degree felony murder without personal possession of a firearm. I sentenced the Defendant to life in prison. The Third District Court of appeals affirmed the conviction and sentence. (*Hernandez v. The State of Florida*, 994 So. 2d 488 (Fla. 3d DCA 2008)). The Supreme Court

of Florida reversed the conviction for felony murder in the first degree and remanded the case for resentencing on the lesser offense of felony murder in the third degree. (*Hernandez v. The State of Florida*, 56 So. 2d 752 (Fla. 2010)). On resentencing, I sentenced the Defendant to 30 years in prison.

Counsel for the State:

Raimundo Araujo
Miami-Dade State Attorney's Office
1350 N.W. 12th Avenue
Miami, Florida 33136
305-547-0100

Counsel for the Defendant:

Melvin Black
Bruce Alter
Grove Forest Plaza
2937 S.W. 27th Avenue, Suite 202
Miami, Florida 33133
305-443-1600

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.

I have not authored any opinions.

e. Provide a list of all cases in which certiorari was requested or granted.

State of Florida v. Jardines, 9 So. 3d 1 (Fla. 3d DCA 2008); *Jardines v. State of Florida*, 73 So. 3d 34 (Fla. 2011); *Florida v. Jardines*, 132 S. Ct. 995 (2012)

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.

Garrido v. The State of Florida, 955 So. 2d 1195 (Fla. 3d DCA 2007). Antonio Garrido was convicted of burglary. He appealed his conviction upon the contention that I was required to excuse a juror who revealed after the jury was sworn that she had twice been the victim of burglary. The appeals court reversed the conviction and remanded for a new trial.

State of Florida v. Lebron, 979 So. 2d 1093 (Fla. 3d DCA 2008). This was a death penalty case. It involved the admissibility of the Defendant's statements. I suppressed the pre-*Miranda* and Post- *Miranda* statement of Defendant. The State appealed. The Third District Court of Appeals affirmed the order as to the suppression of the pre-*Miranda* statement. However, the reviewing court reversed the order as to the suppression of the post-*Miranda* statements.

State of Florida v. Roman, 983 So. 2d 731 (Fla. 3d DCA 2008). This was a death penalty case. This case concerned the admissibility of the Defendant's statements. I suppressed statements made by Defendant (a minor) to police. The Third District Court of Appeals reversed the suppression of the statements, finding the Defendant knowingly, voluntarily, and sufficiently waived his rights.

The State of Florida v. Rambaran and Pierre-Louis, 975 So. 2d 519 (Fla. 3d DCA 2008). Defendant and co-Defendant were charged with murder, attempted murder, and burglary. They moved to sever two additional attempted murder counts that occurred on a different day and involved different victims from the other charges. I granted Defendants' motion to sever. The appeals court reversed my order denying the State's motion, concluding that the excluded collateral crimes evidence was inextricably intertwined, as it was necessary to establish the entire context out of which the charged crimes arose.

State of Florida v. Williams, 992 So. 2d 330 (Fla. 3d DCA 2008). The Defendant was charged in three separate cases with armed robbery. I ruled that the collateral crime evidence the State sought to introduce was inadmissible. The State filed a petition for writ of certiorari. Upon review, the appeals court held the probative value of evidence of other charged robberies outweighed the danger of unfair prejudice to Defendant. The court granted the petition for writ of certiorari and quashed my order excluding evidence of collateral crimes.

Jenkins v. The State of Florida, 1 So. 3d 317 (Fla. 3d DCA 2009). This was a drug case. The Defendant appealed a jury verdict finding him guilty of possession of crack cocaine with intent to sell within 1000 feet of a school. The appeals court reversed the order denying the motion for judgment of acquittal at the close of the State's case and remanded the case with direction to enter judgment of acquittal for the Defendant, finding the evidence was insufficient to support the conviction.

Fleurimond v. The State of Florida, 10 So. 3d 1140 (Fla. 3d DCA 2009). This case involved the Double Jeopardy clauses of the Florida and United States Constitutions. The Defendant was convicted of two counts of trafficking in cocaine and two counts of possession of cocaine. He appealed his conviction and sentence. The appeals court reversed the conviction and sentence, finding that Defendant's four convictions for possession and trafficking by possession of a single quantum of cocaine inside the house constituted a double jeopardy violation.

Mathis v. The State of Florida, 21 So. 3d 865 (Fla. 3d DCA 2009). Defendant was convicted in a jury trial of possession with intent to sell cocaine within 1000 feet of a child care facility. The Defendant appealed her conviction. The appeals court held that the part of a standard jury instruction concerning the necessity that any possession be "with intent to sell" the contraband was omitted. The appeals court reduced the adjudicated crime to simple possession.

Caraballo v. State of Florida, 39 So. 3d 1234 (Fla. 2010). This was a death penalty case. After a jury trial, the Defendant was convicted of the 2002 first-degree murder, kidnapping, robbery, and sexual battery of the female. The Defendant was also convicted of the attempted first-degree murder, robbery, and kidnapping of the male victim. I sentenced the Defendant to death. The Supreme Court of Florida upheld the convictions but reversed the death sentence, ordering a new penalty phase trial because the State was impermissibly allowed to use evidence of a competency evaluation to rebut the Defendant's claims of mental retardation.

Hernandez v. The State of Florida, 994 So. 2d 488 (Fla. 3d DCA 2008); *Hernandez v. The State of Florida*, 56 So. 2d 752 (Fla. 2010). This was a felony murder case. The Defendant was convicted and sentenced for first degree felony murder. He appealed his conviction and sentence. The Third District Court of Appeals found no merit to either claim and affirmed. The Supreme Court of Florida reversed the Defendant's conviction for first degree felony murder and remanded with instructions to direct the entry of judgment for third degree felony murder.

SOLA, Miami–Dade County Supervisor of Elections, and Miami–Dade County Board of County Commissioners v. CORONA, -- So. 3d --, 2011 WL 2091129 (Fla. 3d DCA. 2011). On the eve of an election, the Petitioner filed a request for an emergency injunction asserting the 29-hour qualifying period set by the supervisor of elections was too short and a violation of his due process rights. I issued an order directing the supervisor of elections not to release the results of the election until after I resolved the substantive issues presented in the case. The supervisor of elections appealed and my order was quashed.

Pariz v. Colon, 77 So. 3d 721 (Fla. 3d DCA 2011). The Plaintiff appealed my amended final judgment awarding her a $385,000 equitable lien on real property located in Coral Gables, Florida, on her breach of fiduciary duty claim against the Defendant. The appeals court held that a court sitting in equity has the discretion to award specific performance and remanded the case for further proceedings. On remand, I ordered the property to be transferred to the Plaintiff.

State of Florida v. Jardines, 9 So. 3d 1(Fla. 3d DCA 2008); *Jardines v. State of Florida*, 73 So. 3d 34 (Fla. 2011); *Florida v. Jardines*, 132 S. Ct. 995 (2012). The Defendant, who was charged with trafficking in cannabis and theft of electricity,

moved to suppress evidence seized pursuant to a search warrant. I granted the Defendant's motion to suppress the evidence, and the State appealed. The Third District Court of Appeals reversed, and the Defendant sought review with the Supreme Court of Florida. The Supreme Court granted review and reinstated my decision suppressing the evidence. The State appealed to the United States Supreme Court. The United States Supreme Court granted certiorari and the case is pending review.

Royal Caribbean Cruise LTD v. Steven Pavone, -- So. 3d --, 2012 WL 2012069 (Fla. 3d DCA 2012). Steven Pavone was a seaman who filed a personal injury action against Royal Caribbean Cruises. The jury returned a verdict against Royal Caribbean. I denied the motion for a new trial. Royal Caribbean appealed. The appeals court reversed and ordered a new trial finding a juror lied about her involvement in similar litigation.

Tricam Industries, Inc. v. Coba, --- So. 3d ----, 2012 WL 3733642 (Fla. 3d DCA 2012). This was a products liability case. The appeals court found the jury verdict in favor of the Plaintiff was inconsistent and reversed my denial of the Defendants' motion to set aside the verdict. I was directed to enter a JNOV in favor of the Defendant. This opinion is not final and is subject to revision.

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.

I have not written any opinions.

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.

I have not written any opinions.

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 not sat 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.

Our jurisdiction does not have an "automatic" recusal system. Florida Rule of Judicial Administration 2.160(e) provides that a motion to recuse must be filed within a reasonable time not to exceed 10 days after the discovery of the facts that would require disqualification. The motion must be served upon the judge and the judge must rule within 30 days of service. If the judge does not rule within 30 days, the motion is automatically granted. A judge may not dispute the allegations in a motion to recuse, but must accept the allegations in the motion to recuse as true and determine whether those facts, if true, would warrant recusal.

I have been able to locate the following cases in which either I recused myself or a motion to recuse or disqualify me was filed.

Guardian Ad Litem Program v. J.D., the mother of D.D. and G.E., 920 So. 2d 1225 (Fla. 3d DCA 2006). During the dependency proceeding, an issue was presented as to programs within the community that could assist the mother with compliance with her case plan. During the hearing, I found several programs from the Internet that could assist the mother with compliance with her case plan. The appeals court found my "well-intentioned independent research" may have affected the outcome of the hearing and ordered a new trial with a new judge.

Bermudez v. Bert & Billie, Case No. 00-25711-CA21. This was a case I tried to verdict. The jury awarded the Plaintiff $3 million for the wrongful death of his mother. During the "aid in execution" of the judgment phase of the proceedings, the Plaintiff filed a motion to recuse me, alleging I showed sympathy towards the Defendant during the aid in execution proceedings. I denied the motion to recuse as legally insufficient. The appellate court found the motion legally sufficient and directed me to recuse myself from the case.

Fernwoods Condominium Association v. Alonso, Case No. 06-415-CA21. This was a case I tried to verdict. It was a zero recovery verdict for the Plaintiff. After I denied the Plaintiff's motion for a new trial, he filed a motion to recuse me, alleging that I engaged in ex parte communication with him when I asked him for constructive feedback to help

me improve as a judge. Although the allegations were erroneous, I responded to the allegations and recused myself from the case.

Wells Fargo Bank v. Richardson, Case No. 06-2204 CA 21. This was a mortgage foreclosure case that was filed in 2006. In 2011, I granted the Defendant's motion for summary judgment but dismissed the Defendant's counter claims. The Defendant had not made any mortgage payments since 2006, and he needed over $100,000 to reinstate the mortgage. I refused any further delays in the proceedings and the Defendant filed a motion to recuse me, alleging that he believed he could not get a fair hearing before me. I denied the motion to recuse as legally insufficient. My decision was affirmed on appeal.

Gilbert v. City of Miami Gardens, Case No. 11-17908 CA 21. This was a whistleblower cause of action. The Defendant filed a motion to recuse, alleging that I was a potential witness in the case. The initial motion was denied as legally insufficient (it failed to attach a certificate of good faith as required by the local rules). Several days later the same exact motion was filed along with the certificate of good faith and I granted the motion.

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 any public office except judicial office.

In 2004, I was twice recommended for nomination by the Miami-Dade County Judicial Nominating Commission for Circuit Court Judge but did not receive the appointment.

In 2004, I was recommended for nomination by the Miami-Dade County Judicial Nominating Commission for County Court Judge but did not receive the appointment.

In 2003, I was recommended for nomination by the Miami-Dade County Judicial Nominating Commission for Circuit Court Judge but did not receive the appointment.

In 2003, I was recommended for nomination by the Miami-Dade County Judicial Nominating Commission for County Court Judge but did not receive the appointment.

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 never held office in or rendered services to any political party or election committee. I have never held a position or played a role in any political campaign, aside from my own judicial 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 have never clerked for a judge.

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

I have never practiced law 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.

1994 – 1997
Miami-Dade County Public Defender
1320 N.W. 14th Street
Miami, Florida 33125
Assistant Public Defender

1997 – 2004
Federal Public Defender's Office for the Southern District of Florida
150 West Flagler
Miami, Florida 33130
Assistant Federal Public Defender

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 in alternative dispute resolution proceedings.

b. Describe:

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

From 1994 to 1995, I was assigned to the Juvenile Division of the Public Defender's Office. In the Juvenile Division I only represented juveniles who were charged with state felony and misdemeanor criminal offenses.

From 1995 to 1996, I was assigned to the County Court Division of the Public Defender's Office. In the County Court, I represented individuals charged with misdemeanor offenses and traffic violations.

From 1996 to 1997, I was assigned to the Felony Division of the Public Defender's Office. In the Felony Division, I represented indigent defendants charged with violating the laws of the State of Florida. My responsibilities required me to conduct criminal trials; draft legal pleadings and advise clients as to legal rights; gather evidence and conduct investigations in defense of criminal allegations; conduct legal research; interview clients and witnesses for trial; develop strategies, arguments and testimony in preparation for the presented case; and confer with colleagues in order to establish and verify the basis for legal proceedings.

From 1997 to 2005, I worked at the Federal Public Defender's Office for the Southern District of Florida, as an Assistant Federal Public Defender. I represented indigent individuals charged with violating federal laws. My responsibilities required me to conduct criminal trials; draft legal pleadings and advise clients as to legal rights; gather evidence and conduct investigations in defense of criminal allegations; conduct legal research; interview clients and witnesses for trial; develop strategies, arguments and testimony in preparation for the presented case; confer with colleagues in order to establish and verify the basis for legal proceedings; train and supervise activities of younger attorneys; and research and draft appeals to the U.S. Court of Appeals for the Eleventh Circuit.

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

My typical clients were always indigent individuals in criminal cases that were unable to afford their own attorneys. My clients were typically poor and members of minority groups (usually Black or Hispanic).

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.

100% of my practice as an attorney involved litigation. During my tenure as an Assistant Miami-Dade Public Defender and Assistant Federal Public Defender I was in court on a daily basis.

i. Indicate the percentage of your practice in:
   1. federal courts: 75%
   2. state courts of record: 25%
   3. other courts: 0%
   4. administrative agencies: 0%

ii. Indicate the percentage of your practice in:
   1. civil proceedings: 0%
   2. criminal proceedings: 100%

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.

I tried 75 cases to verdict. Of these, I was sole counsel in 20 cases; in 30 cases I was lead counsel; and in 25 cases, I was co-counsel.

i. What percentage of these trials were:
   1. jury: 45%
   2. non-jury: 55%

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 never 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:

a. the date of representation;

b. the name of the court and the name of the judge or judges before whom the case was litigated; and

c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *United States v. Jones*, Case No. 1-02-Cr-20875-KMM (Southern District of Florida: October 2002)

This was an armed robbery of a bank. The Defendant was dubbed by the media as the "Bumbling Bank Robber." The government had overwhelming evidence that the Defendant participated in a robbery including his DNA, eyewitness testimony, crime scene video and a co-Defendant who agreed to testify against him. Additionally, at the time of his arrest, the proceeds from the robbery were found hidden in his pants. The Defendant was ultimately convicted and sentenced to 30 years in prison. I was responsible for the trial and the appeal. The conviction and sentence were affirmed on appeal.

This was a trial before the Honorable K. Michael Moore, United States District Judge for the Southern District of Florida. I was an Assistant Federal Public Defender representing the Defendant (as lead counsel) along with co-counsel, Chantel Doakes, Federal Public Defender's Office, One East Broward Boulevard, Suite 1100, Fort Lauderdale, Florida 33301; 954-356-7436. Counsel for the Government was Kurt R. Erskine, Esq., Assistant United States Attorney, 75 Spring Street, S.W., Suite 600, Atlanta, Georgia 30303; 404-581-6047.

2. *United States v. White*, Case No. 1-02-cr-20478–KAM (Southern District of Florida: May 2002).

At the time of the incident, my client was living with his mother in an impoverished section of Opa Locka, Florida. He was in high school and just turned 18 years old. White was indicted along with two others and charged with conspiracy to possess with the intent to distribute cocaine in violation of 21 U.S.C. § 952(a). At trial, it was revealed that the idea for committing the crime came from the government agents and not from the teenagers. The defense was entrapment and a federal jury acquitted all three individuals of all the charges.

This was a trial before the Honorable Kenneth Marra, United States District Judge for the Southern District of Florida. I was an Assistant Federal Public Defender representing the Defendant (as lead counsel) along with co-counsel, Chantel Doakes, Federal Public Defender's Office, One East Broward Boulevard, Suite 1100, Fort Lauderdale, Florida 33301; 954-356-7436. Counsel for Co-Defendant Conley was Arnaldo Suri, 10631 North Kendall Drive, Suite 150, Miami, Florida 33176; 305-596-4107; Counsel for Co-Defendant Pollock was Curt O'Bront, 200 South Biscayne Boulevard, Suite 2940, Miami, Florida 33131; 305-373-1040; Counsel for the Government was Brian Frazier, Assistant United States Attorney, State Department – Stationed in Dubai and John Delionado now with the law firm Hunton & Williams, 1111 Brickell Avenue, Suite 2500, Miami, Florida 33131; 305-810-2500.

3. *United States v. Bond*, Case No. 01-14943-DD (Southern District of Florida: June 2001)

The Defendant was charged in a one-count indictment with possession of a firearm by a convicted felon in violation of 18 U.S.C. § 922(g)(1) and § 924(a). On June 12, 2001, a jury found Mr. Bond guilty of possessing a firearm after being convicted of a felony. On August 21, 2001, the district court sentenced Mr. Bond to 235 months imprisonment followed by a five-year term of supervised release and an $8000 fine. We appealed both the conviction and sentence to the Eleventh Circuit Court of Appeals. I was responsible for the trial and the appeal. The conviction and sentence were affirmed on appeal.

This was a trial before the Honorable K. Michael Moore, United States District Judge for the Southern District of Florida. I was an Assistant Federal Public Defender representing the Defendant as sole counsel. Counsel for the Government was Darrin Gayles, who is now a Circuit Court Judge in Miami-Dade County Florida, 73 West Flagler Street, Miami, Florida 33129; 305-349-7082.

4. *United States v. Hill*, Case No. 98-031-CR-UUB (Southern District of Florida: January 1998).

The United States charged the Defendant with the robbery of a post office in Liberty City, Florida. The only witness to the robbery was unable to identify the Defendant, and although the Defendant was arrested within minutes of the robbery, the police did not find any of the proceeds from the robbery on him or in the car where the Defendant was arrested. The Defendant was convicted and sentenced to 54 months in prison followed by two years supervised release. I was responsible for the trial and the appeal. The conviction and sentence were affirmed on appeal.

This was a trial before the Honorable Ursula Ungaro, United States District Judge for the Southern District of Florida. I was an Assistant Federal Public Defender representing the Defendant (as lead counsel) along with co-counsel Fletcher Peacock, 109 North Second Street, Fort Pierce, Florida 34950; 772-489-2123. Counsel for the Government was Aloyma Mercedes Sanchez, Esq., Assistant United States Attorney, 99 N.E. Fourth Street, Miami, Florida 33132; 305-961-9204.

5. *State of Florida v. Hearns*, Case No. F96-40616 (Miami-Dade County Florida: August 1997).

The Metro-Dade Police Department arrested the Defendant during a reverse sting operation in which they alleged the Defendant attempted to purchase cocaine from an undercover detective in violation of Florida Statute § 893.13(1)(F). The officers also alleged that the Defendant was in possession of a loaded 45-caliber firearm in violation of Florida Statute § 790.23. The Defendant admitted to the drugs charges and a jury found the Defendant not guilty of the firearm charges.

This was a trial before the Honorable Jerald Bagley, Miami-Dade County Circuit Court Judge. I was an Assistant Miami-Dade County Public Defender representing the Defendant (as lead counsel) along with co-counsel Patrick Nally, 1320 N.W. 14th Street, Miami, Florida 33125; 305-545-1600. Counsel for the State was Patra Liu, who is now with the Office of the Inspector General, 19 West Flagler Street, Suite 220, Miami, Florida 33130; 305-375-1946.

6. *United States v. Ozuna*, Case No. 00-0249 CR-Jordan (Southern District of Florida: March 2000).

The Defendant was charged with knowingly and intentionally importing cocaine into the United States as well as possession of cocaine with the intent to distribute cocaine in violation of 21 U.S.C. § 952(a) and § 841(a)(1). The Defendant arrived at the Miami International Airport from Caracas, Venezuela. After being admitted into the United States, the Defendant presented himself and his luggage to the United States Customs for examination. During a secondary examination, cocaine was found in two wooden plaques that were in Defendant's luggage. A jury convicted the Defendant of all charges and he was sentenced to 72 months in prison. I was responsible for the trial and the appeal. The conviction and sentence were affirmed on appeal.

This was a trial before the Honorable Adalberto Jordan, United States District Judge for the Southern District of Florida. I was an Assistant Federal Public Defender representing the Defendant along with co-counsel Migna Sanchez Llorens who is now a Circuit Court Judge in Miami-Dade County, 1351 N.W. 12th Street, Miami, Florida 33125; 305-548-5403. Counsel for the Government was Jennifer Keene, 500 East Broward Boulevard, Fort Lauderdale, Florida 33394; 954-356-7255.

7. *United States v. Chevalier*, Case No. 99-00234 CR-Moreno (Southern District of Florida: February 2000).

The Government alleged the Defendant, an alien, having previously been deported from the United States, re-entered the United States without the express permission of the Attorney General in violation of 8 U.S.C. § 1326(a). The jury convicted the Defendant of the charges and he was sentenced to 54 months in prison. I was responsible for the trial and the appeal. The conviction and sentence were affirmed on appeal.

This was a trial before the Honorable Federico Moreno, United States District Judge for the Southern District of Florida. I was an Assistant Federal Public Defender representing the Defendant. I was sole counsel. Counsel for the Government was Jennifer Keene, 500 East Broward Boulevard, Fort Lauderdale, Florida 33394; 954-356-7255.

8. *United States v. Davis*, Case No. 00-1060 CR-Moore (Southern District of Florida: August 2001).

The Defendant was charged with several counts, which included possession with the intent to distribute cocaine and possession of a firearm by a convicted felon in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 924(c). We presented an alibi defense. The Defendant was convicted and sentenced to 327 months in prison. I was responsible for the trial and the appeal. The conviction and sentence were affirmed on appeal.

This was a trial before the Honorable K. Michael Moore, United States District Judge for the Southern District of Florida. I was an Assistant Federal Public Defender representing the Defendant (as lead counsel) along with co-counsel Krista Halla, whose current address is Federal Defender Services of Wisconsin, 801 East Walnut Street, Green Bay, Wisconsin 54301; 920-430-9900. Counsel for the Government was Christopher Clark, United States Attorney's Office, 99 N.E. Fourth Street, Miami, Florida 33132; 305-961-9167, and Melissa Damian Visconti, currently with the Ferraro Law Firm, 4000 Ponce de Leon Boulevard, Suite 700, Coral Gables, Florida 33146; 305-375-0111.

9. *United States v. Letts*, Case No. 01-0746 CR-Moore (Southern District of Florida: July 2001)

The Defendant was charged with knowingly and intentionally importing cocaine into the United States as well as possession of cocaine with the intent to distribute in violation of 21 U.S.C. § 952(a) and 21 U.S.C. § 841(a)(1). The Defendant arrived at the Miami International Airport from Curacao. After being admitted into the United States, the Defendant presented herself and her luggage to the United States Customs for examination. During a secondary examination, cocaine was found in a hidden compartment in a suitcase that she was carrying. The Defendant explained that she was traveling with a friend who was on the same flight and that the luggage belonged to that friend. Customs officials identified that the friend was on the flight but permitted the friend to enter the United States without further review or inspection. A jury acquitted the Defendant of all charges and she was repatriated to Jamaica, her citizen country.

This was a trial before the Honorable K. Michael Moore, United States District Judge for the Southern District of Florida. I was an Assistant Federal Public Defender representing the Defendant as sole counsel. Counsel for the Government was Teresa Davenport, United States Attorney's Office, 99 N.E. Fourth Street, Miami, Florida 33132; 305-961-9329.

10. *United States v. Young*, Case No. 98-0250 CR-Moore (Southern District of Florida: November 1998)

The Defendant was charged with knowingly and intentionally possessing with the intent to distribute cocaine and conspiracy to possess with the intent to distribute cocaine in violation of 21 U.S.C. § 952(a) and 21 U.S.C. § 841(a)(1). This was a somewhat unusual case in that the Defendant was a principal of a high school and was alleged to have distributed drugs on school property. A jury convicted Mr. Young of all charges and he was sentenced to 365 months in state prison.

This was a trial before the Honorable Federico Moreno, United States District Judge for the Southern District of Florida. I was an Assistant Federal Public Defender representing the Defendant along with co-counsel Fletcher Peacock, 109 North Second Street, Fort Pierce, Florida 34950; (772)489-2123. The Government was represented by Mary King, United States Attorney's Office, 99 N.E. Fourth Street, Miami, Florida 33132; 305-961-9418.

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 was an active member of the Florida Association of Criminal Defense Lawyers – Miami Chapter from 2000 through 2005 and served as an officer from 2002 through 2003.

Since my appointment to the bench, my legal activities have involved some legal education to judges and attorneys. I have taught courses at the Florida Judicial College of Advanced Judicial Studies since 2010.

From 2010 to 2011, I was part of the team (which included all the civil judges in Miami-Dade County) to coordinate a plan to deal with the enormous number of foreclosure filings. Our Circuit, through the leadership of the Administrative Judge for the Civil Division (Jennifer Bailey) created specialty courts that each judge was responsible to cover on a rotating basis. We also implemented procedures to streamline the bureaucratic chaos that often accompanies foreclosure cases.

I have never engaged in lobbying activities.

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 2009, I have taught in the Trial Advocacy Program at the University of Miami School of Law. This is an intensive course that teaches the legal mechanics and human dynamics of trying cases in court. Trial skills include developing a case theme and theory, presenting a persuasive opening statement and closing argument, conducting direct and cross examination, introducing exhibits and making objections. Syllabus supplied.

During the fall and spring semester of 2006 through 2007, I taught "Probation and Parole" at Florida Memorial University. This was a course in which students were introduced to the probation and parole concepts in the United States. We studied the different agencies, their similarities and differences, missions and contributions to the criminal justice system. I am unable to locate a copy of the syllabus.

During the fall and spring semester of 2006 through 2007, I taught a course on "Corrections" at Florida Memorial University. The students were introduced to the United States penal system and different theories of punishment that have evolved through the years, which include the different treatment methodologies within the local, state and federal prison systems. I am unable to locate a copy of the syllabus.

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.

    I have no financial or business interests from which I might expect to be compensated in the future. I do participate in the Florida Retirement System and maintain a vested benefit therein payable upon attaining a normal retirement age. I also anticipate receiving income through the State of Florida's Deferred Compensation Plan established under Internal Revenue Code 457.

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.

    If confirmed, I do not have any plans to pursue outside employment during my service as a District Judge.

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.

    I am not aware of any potential conflicts that may arise from family members or other persons or parties, categories of litigation or financial arrangements. If such a conflict were to arise, I intend to be guided by the Code of Conduct for United States Judges to resolve all conflicts of interest.

    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 intend to be guided by the Code of Conduct for United States Judges to resolve all conflicts of interest that might arise.

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.

Florida's Canons of Judicial Conduct prohibit judges from practicing law. Accordingly, during my judicial career I have not provided any pro bono legal services.

As a lawyer, I worked exclusively for the State of Florida and the Federal Government. I was prohibited from practicing law outside of my employment. Accordingly, during my legal career I did not provide any pro bono legal services.

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.

On or about March 20, 2012, I submitted my application to the Judicial Nominating Commission for the Southern District of Florida to fill a judicial vacancy in the Southern District of Florida. On Friday April 27, 2012, I interviewed with the Commission. On April 27, 2012, I was notified by Kendall Coffey, Chairman of the Commission, that my name was one of three names that would be sent to Senator Nelson and Senator Rubio for their consideration. On June 5, 2012, I interviewed with both Senator Nelson and Senator Rubio at Senator Nelson's Washington, DC office. Both Senators advised me that they were submitting my name, along with two others, to the White House for consideration in connection with the nomination. On July 16, 2012, I was advised by Christopher Kang, from the White House Counsel's Office, that I was chosen to move forward to the vetting process.

Since July 18, 2012, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On August 30, 2012, I met with officials from the White House Counsel's Office and the Department of Justice in Washington, DC. On November 14, 2012, 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.

AFFIDAVIT

I, WILLIAM THOMAS, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

12/4/2012
(DATE)

(NAME)

(NOTARY)

YAMILET ACOSTA
NOTARY PUBLIC
STATE OF FLORIDA
Comm# EE147040
Expires 11/27/2015