

**APPLICATION FOR NOMINATION TO THE CIRCUIT COURT**

(Please attach additional pages as needed to respond fully to questions.)

**DATE:** September 14, 2018 Florida Bar No.: 553905

**GENERAL:** Social Security No.: \_\_\_\_\_

1. Name Marielena Feliciano Tynan E-mail: mtynan@jbclaw.com

Date Admitted to Practice in Florida: April 18, 2002

Date Admitted to Practice in other States: February 5, 2018

2. State current employer and title, including professional position and any public or judicial office.

Johnson & Montas, P.A., Associate Attorney

3. Business address: 1290 Federal Highway

City Rockledge County Brevard State FL ZIP 32955

Telephone (321) 636--9600 FAX (321) 633-4915

4. Residential address: \_\_\_\_\_

City \_\_\_\_\_ County \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

Since August 2006 Telephone \_\_\_\_\_

5. Place of birth: Brooklyn, New York

Date of birth: \_\_\_\_\_ Age: 44

6a. Length of residence in State of Florida: 22 years

6b. Are you a registered voter?  Yes  No

If so, in what county are you registered? Brevard

7. Marital status: Married

If married: Spouse's name \_\_\_\_\_

Date of marriage \_\_\_\_\_

Spouse's occupation \_\_\_\_\_

If ever divorced give for each marriage name(s) of spouse(s), current address for each former spouse, date and place of divorce, court and case number for each divorce.

Omar Leonardo Felix; unknown current address; January 17, 2002; Lake County, Florida; Case No. 2001DR003241

8. Children

*Name(s)*                      *Age(s)*                      *Occupation(s)*                      *Residential address(es)*

9. Military Service (including Reserves)

*Service*                      *Branch*                      *Highest Rank*                      *Dates*

None                      n/a

Rank at time of discharge \_\_\_\_\_ Type of discharge \_\_\_\_\_

Awards or citations \_\_\_\_\_

**HEALTH:**

10.

11a.

11b.

12a.

12b.

13.

14.

15.

16.

17.

**EDUCATION:**

18a. Secondary schools, colleges and law schools attended.

<i>Schools</i>	<i>Class Standing</i>	<i>Dates of Attendance</i>	<i>Degree</i>
Suffolk Community College	unknown	8/91-12/93	A.A.
Long Island University	unknown	1/94-5/95	B.A.
Nova Southeastern University	12 of 231 (Top 5%)	8/99-12/01	J.D.

18b. List and describe academic scholarships earned, honor societies or other awards.  
LIU: Intern for Nassau County, NY Commissioner of Jurors; Academic Honors; Graduated Magna Cum Laude  
NSU: Academic Peer Advisor; Deans List; Trial Litigation Clinic Participant; Graduated Cum Laude

**NON-LEGAL EMPLOYMENT:**

19. List all previous full-time non-legal jobs or positions held since 21 in chronological order and briefly describe them.

<i>Date</i>	<i>Position</i>	<i>Employer</i>	<i>Address</i>
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6/95-6/96	Legal Secretary	Mandler, Sieger and Unger, LLP	Westbury, NY
6/96-2/97	Legal Secretary	Armando Rosal, Esq.	Melbourne, FL
2/97-8/99	Paralegal	Law Offices of Hernan Castro	Rockledge, FL

**PROFESSIONAL ADMISSIONS:**

20. List all courts (including state bar admissions) and administrative bodies having special admission requirements to which you have ever been admitted to practice, giving the dates of admission, and if applicable, state whether you have been suspended or resigned.

<i>Court or Administrative Body</i>	<i>Date of Admission</i>
Florida Bar	
United States Middle District of Florida	
Washington, DC	

**LAW PRACTICE:** (If you are a sitting judge, answer questions 21 through 26 with reference to the years before you became a judge.)

21. State the names, dates and addresses for all firms with which you have been associated in practice, governmental agencies or private business organizations by which you have been employed, periods you have practiced as a sole practitioner, law clerkships and other prior employment:

<i>Position</i>	<i>Name of Firm</i>	<i>Address</i>	<i>Dates</i>
Associate Attorney	Johnson & Montas, P.A. (formerly Johnson Law Center, P.A.)	1290 Federal Highway, Rockledge, Fl. 32955	4/2010 - present
Assistant Public Defender	Office of Public Defender - 18 <sup>th</sup> Judicial Circuit	2725 Judge Fran Jamieson Way, Viera, Fl. 32940	7/2007- 4/2010
Sole Practitioner	Marielena Feliciano Tynan, LLC	P.O. Box 361156, Melbourne, Fl 32936	7/2006- 7/2007
Assistant Public Defender	Office of Public Defender - 18 <sup>th</sup> Judicial Circuit	2725 Judge Fran Jamieson Way, Viera, Fl. 32940	7/2004- 7/2006
Associate Attorney	Payas, Payas & Payas	2725 Judge Fran Jamieson Way, Viera, Fl. 32940	4/04-7/04

Assistant State Attorney	Office of State Attorney - 9 <sup>th</sup> Judicial Circuit	1018 East Robinson St., Orlando, Fl. 32801  415 N. Orange Ave., Orlando, Fl.	3/2002- 4/2004
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22. Describe the general nature of your current practice including any certifications which you possess; additionally, if your practice is substantially different from your prior practice or if you are not now practicing law, give details of prior practice. Describe your typical clients or former clients and the problems for which they sought your services.

Upon admission into the Florida Bar in 2002 through April 2010, my sole practice was in criminal law - first as a prosecutor for the Ninth Judicial Circuit and then as an Assistant Public Defender in the Eighteenth Judicial Circuit. At Johnson & Montas, P.A. (formerly Johnson Law Center, P.A.), I concentrate in criminal defense and family law litigation. I am on the conflict registry through a contract with the Judicial Administrative Commission, as well as the federal Criminal Justice Panel. As conflict registry counsel, I continue to provide legal representation to indigent persons charged with criminal offenses where both the state Public Defender's and Regional Conflict Counsel's office have a conflict in representing an individual. As a Criminal Justice Panel attorney, I provide legal representation to indigent persons charged with federal criminal offenses where the federal public defender's office has a conflict in representing an individual. Additionally, I represent private-paying individuals who are charged with criminal misdemeanor, traffic and felony offenses. A typical state criminal (conflict) client consists of persons charged with various theft-related offenses, drug-related offenses, burglary, firearm-related offenses, aiding/abetting, or violent offenses such as home invasion robberies, aggravated battery, lewd and lascivious battery or molestation, etc. A typical federal criminal client consists of persons charged with federal drug trafficking, possession of firearms by convicted felon, bank robbery, and importing controlled substances into the United States. All of these individuals are indigent, sometimes homeless, transient or plagued with mental health issues. Most are seeking to obtain the "best deal" possible, while others want to proceed to jury trial. Many also have lengthy criminal histories and are considered "career criminals" or "violent career criminals". On the other hand, the typical criminal privately-retained client consists of persons charged with Driving Under the Influence, Violation of Probation, Driving While License Suspended, or theft. Most of these individuals have minimal criminal histories, are unfamiliar with the judicial process and are seeking to save their drivers licenses or avoid negative effects on their employment and/or security clearance.

The family law litigation side of my practice generally consists of negotiating and litigating all areas of family law disputes, including dissolutions of marriage, paternity actions, modification proceedings, registrations of foreign orders, as well as child support (sometimes) involving the Department of Revenue. A typical client in these types of cases is very emotionally stressed, upset and/or angry at the opposing party, opposing counsel and/or the judicial system as a whole, thereby affecting their ability to make appropriate and rational decisions throughout the process. This is particularly the situation when litigation involves timesharing of the parties' children and associated child support obligation. This client typically requires a higher degree of extra maintenance and emotional assistance to make knowledgeable and rational decisions regarding

spousal support and equitable distribution of assets and liabilities, as well as a timesharing schedule and parenting plan that is in the best interests of the parties' minor children. Most family law clients are extremely frustrated with the lengthy judicial process from date of filing to a mediation and/or trial date, as well as the limitations scheduling hearings they deem as emergencies. However, most family law clients are thankful in the end for my services as both "acting psychologist", as well as attorney. I have served as a pro bono Attorney Ad Litem for special needs children in dependency cases and am also on the Guardian Ad Litem (GAL) Registry. As a GAL, I have had the privilege of serving in this capacity in several non-dependency family law high-conflict cases involving minor children.

It should be noted that Johnson & Montas, PA is a predominantly personal injury firm, representing persons injured in accidents. As such, I am responsible for acquiring personal injury cases to the firm, wherein cases are negotiated (and tried, if necessary) by all attorneys within the firm. However, I typically do not actively participate in the litigation or negotiations aspects of the personal injury caseload. A typical client has suffered neck and/or back injuries as a result of a car accident requiring medical treatment and, at times, surgical intervention. Otherwise, I handle 100% of the firm's criminal and family law litigation.

23. What percentage of your appearance in courts in the last five years or last five years of practice (include the dates) was in:

Court		Area of Practice	
Federal Appellate	_____ %	Civil	<u>10</u> %
Federal Trial	_____ %	Criminal	<u>45</u> %
Federal Other	<u>10</u> %	Family	<u>45</u> %
State Appellate	_____ %	Probate	_____ %
State Trial	<u>90</u> %	Other	_____ %
State Administrative	_____ %		
State Other	_____ %		
	_____ %		
TOTAL	<u>100</u> %	TOTAL	<u>100</u> %

24. In your lifetime, how many (number) of the cases you have tried to verdict or judgment were:

Jury?	<u>69</u>	Non-jury?	<u>13</u>
Arbitration?	<u>0</u>	Administrative Bodies?	<u>0</u>

25. Within the last ten years, have you ever been formally reprimanded, sanctioned, demoted, disciplined, placed on probation, suspended or terminated by an employer or tribunal before which you have appeared? If so, please state the circumstances under which such

action was taken, the date(s) such action was taken, the name(s) of any persons who took such action, and the background and resolution of such action.

NO

26. In the last ten years, have you failed to meet any deadline imposed by court order or received notice that you have not complied with substantive requirements of any business or contractual arrangement? If so, please explain in full.

NO

**(Questions 27 through 30 are optional for sitting judges who have served 5 years or more.)**

- 27a. For your last 6 cases, which were tried to verdict before a jury or arbitration panel or tried to judgment before a judge, list the names and telephone numbers of trial counsel on all sides and court case numbers (include appellate cases).

1) Ellis Young v. Ariel McFadden, Case No. 2017-DR-14856A, Judge George Paulk, Opposing counsel: Amina Ellison, Esq., 321-710-2733

2) State v. Xavier Carroll, Case No. 2016-CF-48624-A, Judge Nancy Maloney, ASA Kerri Fowler, 321-617-7510

3) Jeffrey Murray v. Brittany Tino, Case No. 2015DR15100-X, General Magistrate Rob Segal, Opposing trial counsel: Chadwick Layton, Esq., 561-585-4631; Appellate Case No. 5D18-0916; Appellate counsel: Elizabeth Harris, Esq., 321-267-1766

4) Lori Gonzalez v. Ronald Gonzalez, Case No. 2014-DR-46678-X, General Magistrate Rob Segal, Opposing counsel: Harley Gutin, Esq., 321-633-7337

5) State v. Thomas Brian Murphy, Jr., Case No. 2015-CF-38329-A, Judge James Earp, ASA Bill Respass and Jonathan Skinner, 311-617-7510

6) Amberle Asbell v. Tony Perez, Case No. 2015-DR-13444A, (Retired) Judge Robert Wohn, Opposing counsel: Kelly Ingram

- 27b. For your last 6 cases, which were settled in mediation or settled without mediation or trial, list the names and telephone numbers of trial counsel on all sides and court case numbers (include appellate cases).

1) State v. Curtis Hynes, Case No. 2017CF36004A; ASA Gregory Hanson; 321-617-7510

2) State v. Alan Smyth, Case Nos. 2017CF21903A and 2017CF41634A; ASA Gregory Hanson, 321-617-7510

3) State v. Jamarian DeShaun Moreland, Case Nos. 2017CF26468A, 2017CF26469A, and 2017CF25443A; ASA Will Scheiner; 321-617-7510

4) State v. Tiffany Charles, Case No. 2018-MM-28054A; ASA Annabelle Chambers; 321-617-7510

5) State v. Lorance Harris, Case Nos. 2015CF26206A, 2015CF48778A, and 2016CF42732A; ASA Sean Sendra; 321-617-7510



6) State v. Ricardo Salter, Case No.2017CF41282A; ASA Gregory Hanson; 321-617-7510

- 27c. During the last five years, how frequently have you appeared at administrative hearings?  
0 average times per month
- 27d. During the last five years, how frequently have you appeared in Court?  
15+ average times per month
- 27e. During the last five years, if your practice was substantially personal injury, what percentage of your work was in representation of plaintiffs? N/A% Defendants?  
N/A%
28. If during any prior period you have appeared in court with greater frequency than during the last five years, indicate the period during which this was so and give for such prior periods a succinct statement of the part you played in the litigation, numbers of cases and whether jury or non-jury.

I appeared in court with greater frequency from 2002 through 2010, wherein I single-handedly maintained a very large caseload first as an Assistant State Attorney and then as an Assistant Public Defender. These positions required my appearance in court on a daily basis in both the mornings and afternoons. The total number of cases handled during that time period were in the thousands. Most were resolved through negotiated pleas, while several dozen were tried before a jury. Of the criminal jury trials conducted during that time period, only two were done as a second chair (or with a second chair). All others were handled by myself as solo counsel. With that said, unless I am in a trial, I am still currently in court almost every day of the week for at least part of the day as opposed to all day.

29. For the cases you have tried to award in arbitration, during each of the past five years, indicate whether you were sole, associate or chief counsel. Give citations of any reported cases.

n/a

30. List and describe the six most significant cases which you personally litigated giving case style, number and citation to reported decisions, if any. Identify your client and describe the nature of your participation in the case and the reason you believe it to be significant. Give the name of the court and judge, the date tried and names of other attorneys involved.

1) State v. Willie Williams, Brevard county Case No. 05-2013-CF-45206. I was the solo criminal defense attorney. I prepared the case for trial, ultimately conducting the week-long jury trial against Assistant State Attorney Michael Doyle before Honorable Jack Griesbaum beginning December 2, 2014. The trial was handled by myself without a second chair. The Defendant was charged with Aggravated Battery and Possession of Firearm/Ammunition by Convicted Felon, both 2<sup>nd</sup> degree felonies. The State had a strong case against him: A distressed victim with serious injuries (including broken bones) that required surgery and two fingerprint experts to testify my client's fingerprints were found on the firearm/ammunition that was allegedly dropped at the scene by the suspect prior to fleeing. This case was one of the most significant cases I litigated because my client had a strong valid alibi defense, but faced a substantial amount of minimum prison if he was found guilty at trial. My client insisted he was not the perpetrator and, having an alibi, absolutely refused to enter a plea despite the State's generous offer of a reduced charge and probation. At jury trial, I successfully argued why the State's fingerprint experts were unreliable and, therefore, why their findings should not be taken into consideration in determining whether my client was the perpetrator who allegedly attacked the victim. Additionally, I presented my client's strong alibi defense. As a result, the jury acquitted my client of Aggravated Battery, thereby dismissing the positive identification by the State's experts as unreliable and essentially finding the alibi defense witnesses' testimony that my client could not have been the perpetrator as credible. Thereafter, despite the acquittal on the Aggravated Battery, the State sought to move forward with a jury trial on the bifurcated charge of Possession of Firearm/Ammunition by Convicted Felon. In response, I filed a Motion to Dismiss the Possession of the Firearm/Ammunition charge on the grounds that the jury's acquittal of the Aggravated Battery amounted to a jury finding my client had been misidentified, given the alibi defense versus the positive fingerprints. Therefore, I argued, the State should be barred from trying my client on the bifurcated charge because it would subject him to double jeopardy. After initially denying my motion without an evidentiary hearing, the Court reversed itself when I argued that dismissing my motion without an evidentiary hearing was in error because the defense should have an opportunity to present oral arguments and supportive case law. The Court ultimately granted the defense Motion to Dismiss and, as such, my client was cleared of all charges. Allowing the State to move forward on the bifurcated count without objection would have violated my client's constitutional rights thereby resulting in a significant miscarriage of justice.

2) Robinson v. Robinson, Brevard county Case No. 2009DR14292-X and Orange county Case No. 48-2013-DR-011816-O. I was the solo attorney in both related cases representing the former husband, Gary Robinson. The former Wife was pro se in the Orange county case number, pursuing a Domestic Violence injunction. Opposing counsel in the Brevard county case was Irene Pons, Esq. of Orlando. The Orange county matter was litigated before Judge McDonald, while the Brevard county matter was litigated before General Magistrate Jennifer Taylor and Hon. Kelly McKibben. This case was one of the most significant cases I litigated because it involved the difficulty in litigating a domestic case where one or both parties repeatedly use the minor child(ren) as true pawns to benefit their own interests, regardless if it is to the detriment of the minor child(ren). Whereas most parents involved in divorce suffer from momentary lapses of judgment throughout the life of the case, most also eventually come around and put their own interests and desires aside to benefit their minor children. However,

this case drastically differed from the norm wherein, prior to my involvement, Former Wife had stolen the minor child and moved out of state with him without ever advising Former Husband where the child was located. Ultimately, the Former Wife obtained a felony conviction and was sentenced to state prison, at which time she placed the child with friends in North Carolina. After continuous efforts to find his child over a three-year period, the Former Husband finally located the child and successfully modified his timesharing wherein he was awarded with temporary sole custody. Upon Former Wife's release from prison, she requested a visit with the child, which Former Husband graciously granted to her even though there was no order entitling her to same on the basis that he knew the child would want to see his mother. Unfortunately, Former Wife again stole the minor child, leaving the county with him and refused to return the child to Former Husband. Former Wife refused to allow the child to contact Former Husband and their whereabouts were unknown. Former Wife then petitioned the court for a domestic violence injunction as her legal weapon to keep the child, at which point Former Husband retained me, given this was her third attempt in two different states to falsely accuse him of domestic violence in an effort to keep the child away from him. I successfully defeated the injunction, which the court denied for legal insufficiency. Despite this loss, Former Wife still refused to disclose the whereabouts of the minor child and refused to return him. As a result, the minor child missed the first several weeks of school of the 2013/2014 school year. Former Wife's irrational behavior, repeated utter disregard of the minor child's interests, lack of legal knowledge, and chronic abuse of the legal system caused great difficulty throughout the entire life of the case, moreso than the usual difficulties surrounding family cases. I successfully obtained an Order in the Brevard county case requiring Former Wife to return the minor child. Thereafter, Former Wife hired counsel who did an excellent job at maintaining client control to successfully resolve the case via mediation agreement in January 2014. Sadly, the litigation did not end there for long because the Former Wife filed another Petition for Modification only 1 year later. The case proceeded to trial on November 15, 2016 before General Magistrate Kurt Erlenbach against opposing counsel Harley Gutin, Esq. I was able to prove the Guardian Ad Litem appointed to the case failed to adequately complete a thorough investigation of the circumstances within Former Wife's home before making a recommendation to the Court to return the child to her. Most importantly, the Guardian Ad Litem failed to complete any investigation into the identity of Former Wife's new spouse which would have led to the discovery that the Former Wife had gotten re-married to a man recently convicted of Felony Child Abuse and was (at the time of trial) on active probation for Domestic Violence Battery against Former Wife. The litigation in this matter significantly demonstrated the sad and bizarre lengths some people will go for their own benefit, despite the harm they are causing their own child. This case also re-confirmed the importance of thoroughly preparing for trial and that Guardian Ad Litem in high conflict cases are provided with a grand responsibility to thoroughly investigate every detail surrounding the case before providing a recommendation to the Court. This has greatly effected the actions I take in cases appointed to me as Guardian Ad Litem and how I draft my own reports and recommendations to the Court. This matter also taught me that in most, if not all, domestic cases involving minor children, the most zealous advocacy is not for your own client paying your fee but for the minor child(ren) whose life will be forever defined by the legal outcome.

3) State v. Shane Mitchell, Brevard county Case No. 03CF35589A. I was the lead and solo Assistant Public Defender who prepared the case for trial, ultimately conducting a 5-day jury trial before Honorable David Dugan between February 14, 2005 through February 18, 2005 on behalf of the Defendant. The trial was handled by myself without a second chair. The opposing attorney was Assistant State Attorney Andrew Choisser, with the assistance of a second chair. The Defendant was charged with four counts of Sexual Battery (1<sup>st</sup> degree felonies each punishable by Life), Aggravated Battery (a 2<sup>nd</sup> degree felony punishable by maximum of 15 years in prison) and False Imprisonment (a 3<sup>rd</sup> degree felony punishable by maximum of 5 years in prison). This case was one of the most significant cases I litigated as it involved several "firsts" in my legal career. First, it was my first sex case - one which included significant victim injuries so disturbing that the facts of the case had caused my predecessor to quit employment at the Public Defender's office. Second, it was my first major case as a former prosecutor/new defense attorney, which was a pivotal transition in my legal career. Third, it was my first multi-day criminal jury trial, requiring innumerable hours of organization and preparing for the next day, particularly considering I did not have the assistance of a second chair. Therefore, given the gravity of the charges, my life was all-consumed with this case at the time. And, lastly and most importantly, it was the first jury trial where I taught myself the art of efficiently executing a good defense strategy, regardless of the seriousness of the charges or victim injuries. My client insisted that he and the alleged victim had both been drinking heavily, were extremely intoxicated and had consensual sex. Thereafter, he insisted the two then got into a verbal argument which then escalated into a physical altercation wherein he exploded in anger and, admittedly, punched her several times causing serious injuries, including a fracture to the orbital bone. The photos of the alleged victim's injuries to her face were gruesome and quite disturbing. The key to a successful defense in this case was finding the right balance in essentially admitting to the criminal charge(s) my client actually committed, while denying the sexual battery allegations. The defense argument included that the State's efforts in using the victim's physical injuries of the broken orbital bone to prove he had sex with the victim without her consent was misplaced because the injuries to her face were irrelevant to her lack of consent to sexual activity. I.e. the facts surrounding her injuries were related to the battery and false imprisonment counts ONLY, NOT the sexual battery counts. The jury ultimately acquitted my client of all sexual battery counts and convicted him of lessers on the remaining counts. In this case, justice was served and my client was sentenced to a lengthy prison sentence for the criminal charge(s) that he actually committed.

4) Greco-Camarda v. Iain MacLean, Brevard county Case No. 05-2002DR13728. I was the sole attorney who litigated the case. The opposing attorney was Troy Stefan, Esq. I represented the Former Wife, pro bono, against Former Husband's Supplemental Petition for Modification wherein he pursued a modification of the parties' timesharing plan involving the parties' 12-year-old minor child who was 5 years old at the time of dissolution. As grounds, Former Husband alleged neglect and emotional instability, among a multitude of other things. This case was one of the most significant cases I litigated because, like the Robinson case, it magnified the damaging effects to minor children when one or both of the parties put their own interests before the minor children. However, unlike the Robinson case where I did not have any contact with the child, I worked closely with the minor child in this case during the pre-trial stage of the case, as well as in preparation of trial. All contact with the minor child was at the repeated

requests of the child and always outside of my client's (Former Wife) presence. Never suspecting that her behavior exhibited coaching of any kind, the child would verbally recognize without being prompted by questions, that Former Husband had petitioned the court for a modification in pursuit of his own interests rather than hers. She was a delightful, mature and intelligent pre-teen who shined academically and socially. I spent many hours with her answering all of her questions, just listening to her vent, and encouraging her that (despite his faults) Former Husband loved her - never confirming her belief despite my agreement. Although a confident child, she was very confused why her father would take what she believed was a sudden interest in her life and voiced her appreciation for treating her like a real person, claiming her mother (my client) was not honest with her when she asked her questions because she was too protective. In the end, this was a child who was an adult in some ways but still a little girl in many other ways and, simply put, just wanted to be heard. She was not happy with my warning that the Court would probably never hear her testimony if it could be avoided. After a one-day nonjury trial on April 15, 2013 before Hon. James Earp, the Court granted my Motion for a Directed Verdict, denying Former Husband's modification petition and having never heard the child's testimony. Upon learning the news in the hallway of the courthouse, the minor child spontaneously screamed, leaping into my arms, hugged me and repeatedly thanked me and told me she loved me. It was a monumental moment and always serves as a reminder that, in family cases with minor children, whether the parties' net worth is \$1,000,000.00 or \$1.00, the most valuable commodities in family cases are the minor children - not the parents. Justice was served in this matter and this young girl walked away feeling empowered that someone just took the time to listen to her.

5) State v. Raymond Bahr, Brevard county Case No. 05CF60569. I was lead and solo Assistant Public Defender who prepared the case for trial, ultimately conducting a 5-day criminal jury trial before Honorable Meryl Allawas between January 22, 2008 through January 28, 2008 on behalf of the Defendant. The trial was handled by myself without the assistance of a second chair. The opposing attorney was Assistant State Attorney Samantha Barrett. It should be noted that the period in which it ultimately went to trial was actually the third attempt at trial, after the Court granted my request to have Judge John Harris recused during voir dire on November 29, 2007 and a mistrial before Hon. Allawas on December 4, 2007. The Defendant was charged with 67 counts of Possession of Child Pornography, third degree felonies each punishable by five years in prison. This case was one of the most significant cases I litigated for several reasons. First, it was a case which reaffirmed the art of mastering how to pick the right jury given your facts, particularly when the facts would be visually and emotionally disturbing for the average citizen. Second, the case involved the complexity of understanding and dissecting the State's computer expert report, which was crucial on a 67-count child pornography case involving an identity defense, where it was accused the images were possessed on a household computer shared by multiple parties. Third, this case involved the unique difficulty in viewing a large volume of graphic sexual material involving minor children - sometimes as young as 2 or 3 years old, not only at the trial itself but in preparation of the trial. Preparing for trial included training myself to emotionally disengage from the graphic material that I needed to view to be competent at trial. Doing otherwise would have made zealously and competently advocating for my client extremely difficult or potentially impossible, despite the fact that my client had a valid defense to the charges. Ultimately, the jury acquitted my client of 57 counts,

convicting him of the remaining 10 counts, which by all intents and purposes was a defense win. With that said, my client was sentenced to prison followed by lifetime probation for the convicted counts that the State proved beyond a reasonable doubt. Essentially, my client was initially grossly overcharged. But, in the end, justice was served both by the 10 convictions on those charges the State could actually prove and the resulting sentence.

6) State v. Kenneth Barger, Brevard county Case No. 05CF49163. I was lead and solo Assistant Public Defender who prepared the case for trial, ultimately conducting a 3-day criminal jury trial before (Retired) Honorable Charles Holcomb between June 17, 2009 through June 19, 2009 on behalf of the Defendant. The trial was handled by myself without the assistance of a second chair. The opposing attorneys were Assistant State Attorney Julia Lynch and Heather Harris. The Defendant was charged with Lewd and Lascivious Molestation on an 11-year old female child. This case was one of the most significant cases I litigated for multiple reasons. The Defendant had two prior convictions of child molestation committed against two different victims. My case was particularly difficult in establishing a defense because it involved a nine-year-old allegation. That is, the victim had been 11 years old at the time of the offense but was a 20-year old adult at the time of trial. Given the similarities of the specific facts between all three cases, there was great reason to believe the victim's allegations were true. Moreover, the State was permitted to introduce facts related to the prior cases at trial. To further complicate the case, while the case was pending, the Defendant was adjudicated mentally incompetent. Even once the Defendant's mental competency had been restored, his mental health remained very poor - to the point that the courtroom deputies and Judge John Harris (who presided over the majority of the case itself) did not feel it was safe to allow me to stand next to the Defendant at the podium for periodic hearings over the course of several months. The safety issue at the jury trial was further complicated by the fact that I was 7 months pregnant at the time. Overall, this case was the epitome of zealously advocating for a client that the average person would have had great (moral) difficulty in doing so. However, I worked with what I had and was able to present a valid defense. In the end, the jury found him guilty of the lesser offense of Attempt, which ultimately resulted in a win for both sides. In essence, the State did not prove its case against the Defendant and lost the conviction as charged. However, even on the lesser conviction, the State was able to subsequently proceed with having the Defendant involuntarily civilly committed. In this case, I believe justice was served for both the Defendant and the State, as well as society as a whole.

31. Attach at least one example of legal writing which you personally wrote. If you have not personally written any legal documents recently, you may attach writing for which you had substantial responsibility. Please describe your degree of involvement in preparing the writing you attached.

SEE ATTACHED - In each of the writing samples, I was solely responsible for the research involved prior to drafting same, and ultimately drafted each writing in its entirety.

**PRIOR JUDICIAL EXPERIENCE OR PUBLIC OFFICE:**

32a. Have you ever held judicial office or been a candidate for judicial office? If so, state the court(s) involved and the dates of service or dates of candidacy.

YES - I was a candidate for judicial office for two judicial vacant County Court seats in March/April/May 2016 when my name was twice submitted by the Judicial Nominating Commission for the Eighteenth Judicial Circuit as a result of Judge John Murphy's removal from office and Judge Cathleen Clarke's resignation.

32b. List any prior quasi-judicial service:

<i>Dates</i>	<i>Name of Agency</i>	<i>Position Held</i>
n/a		

Types of issues heard:

32c. Have you ever held or been a candidate for any other public office? If so, state the office, location and dates of service or candidacy.

YES - I was a candidate (1<sup>st</sup> runner-up out of 29 applicants) for the General Magistrate vacancy in Brevard County, Florida, October 2014. Hiring committee included: Judge John Harris, Judge Charlie Crawford, Judge Lisa Davidson, Judge Kelly McKibben, and Judge Tonya Rainwater

32d. If you have had prior judicial or quasi-judicial experience,

(i) List the names, phone numbers and addresses of six attorneys who appeared before you on matters of substance.

n/a

(ii) Describe the approximate number and nature of the cases you have handled during your judicial or quasi-judicial tenure.

n/a

(iii) List citations of any opinions which have been published.

n/a

(iv) List citations or styles and describe the five most significant cases you have tried or heard. Identify the parties, describe the cases and tell why you believe them to be significant. Give dates tried and names of attorneys involved.

n/a

(v) Has a complaint about you ever been made to the Judicial Qualifications Commission? If so, give date, describe complaint, whether or not there was a



finding of probable cause, whether or not you have appeared before the Commission, and its resolution.

n/a

(vi) Have you ever held an attorney in contempt? If so, for each instance state name of attorney, approximate date and circumstances.

n/a

(vii) If you are a quasi-judicial officer (ALJ, Magistrate, General Master), have you ever been disciplined or reprimanded by a sitting judge? If so, describe.

n/a

**BUSINESS INVOLVEMENT:**

33a. If you are now an officer, director or otherwise engaged in the management of any business enterprise, state the name of such enterprise, the nature of the business, the nature of your duties, and whether you intend to resign such position immediately upon your appointment or election to judicial office.

n/a

33b. Since being admitted to the Bar, have you ever been engaged in any occupation, business or profession other than the practice of law? If so, give details, including dates.

NO

33c. State whether during the past five years you have received any fees or compensation of any kind, other than for legal services rendered, from any business enterprise, institution, organization, or association of any kind. If so, identify the source of such compensation, the nature of the business enterprise, institution, organization or association involved and the dates such compensation was paid and the amounts.

N/A

**POSSIBLE BIAS OR PREJUDICE:**

34. The Commission is interested in knowing if there are certain types of cases, groups of entities, or extended relationships or associations which would limit the cases for which you could sit as the presiding judge. Please list all types or classifications of cases or litigants for which you as a general proposition believe it would be difficult for you to sit as the presiding judge. Indicate the reason for each situation as to why you believe you might be in conflict. If you have prior judicial experience, describe the types of cases from which you have recused yourself.

NONE

**MISCELLANEOUS:**

35a. Have you ever been convicted of a felony or a first degree misdemeanor?

Yes \_\_\_\_\_ No NO If "Yes" what charges? n/a

Where convicted? \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

35b. Have you pled nolo contendere or pled guilty to a crime which is a felony or a first degree misdemeanor?

Yes \_\_\_\_\_ No NO If "Yes" what charges? n/a

Where convicted? \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

35c. Have you ever had the adjudication of guilt withheld for a crime which is a felony or a first degree misdemeanor?

Yes \_\_\_\_\_ No NO If "Yes" what charges? n/a

Where convicted? \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

36a. Have you ever been sued by a client? If so, give particulars including name of client, date suit filed, court, case number and disposition.

NO

36b. Has any lawsuit to your knowledge been filed alleging malpractice as a result of action or inaction on your part?

NO

36c. Have you or your professional liability insurance carrier ever settled a claim against you for professional malpractice? If so, give particulars, including the amounts involved.

NO

37a. Have you ever filed a personal petition in bankruptcy or has a petition in bankruptcy been filed against you?

Yes - US Middle District of Florida, Case No. 6:10-bk-07136-KSJ; Discharged 8/9/10

37b. Have you ever owned more than 25% of the issued and outstanding shares or acted as an officer or director of any corporation by which or against which a petition in bankruptcy has been filed? If so, give name of corporation, your relationship to it and date and caption of petition.

NO

38. Have you ever been a party to a lawsuit either as a plaintiff or as a defendant? If so, please supply the jurisdiction/county in which the lawsuit was filed, style, case number, nature of the lawsuit, whether you were Plaintiff or Defendant and its disposition.

Yes

1) Brevard county Case No. 05-2010-CA-52275-XX, Wells Fargo v. David and Marielena Tynan. (CASE WAS DISMISSED)

2) Brevard county Case No. 05-2017-CA-51793-XX, Frances Walker v. Marielena Tynan. (CASE WAS DISMISSED)

39. Has there ever been a finding of probable cause or other citation issued against you or are you presently under investigation for a breach of ethics or unprofessional conduct by any court, administrative agency, bar association, or other professional group. If so, give the particulars.

NO

40. To your knowledge within the last ten years, have any of your current or former co-workers, subordinates, supervisors, customers or clients ever filed a formal complaint or formal accusation of misconduct against you with any regulatory or investigatory agency, or with your employer? If so, please state the date(s) of such formal complaint or formal accusation(s), the specific formal complaint or formal accusation(s) made, and the background and resolution of such action(s). (Any complaint filed with JQC, refer to 32d(v).

NO

41. Are you currently the subject of an investigation which could result in civil, administrative or criminal action against you? If yes, please state the nature of the investigation, the agency conducting the investigation and the expected completion date of the investigation.

NO

42. In the past ten years, have you been subject to or threatened with eviction proceedings? If yes, please explain.

NO

43a. Have you filed all past tax returns as required by federal, state, local and other government authorities?

Yes  No  If no, please explain. \_\_\_\_\_

43b. Have you ever paid a tax penalty?

Yes  No  If yes, please explain what and why. When I was a sole practitioner in 2006, I was unfamiliar with the process of quarterly reporting, which resulted in a minimal penalty which was promptly paid and resolved.

43c. Has a tax lien ever been filed against you? If so, by whom, when, where and why?

NO

**HONORS AND PUBLICATIONS:**

44. If you have published any books or articles, list them, giving citations and dates.

NONE

45. List any honors, prizes or awards you have received. Give dates.

August 2003 - MADD Top Assistant State Attorney in the Fight Against Impaired Driving Award

February 2014 - Brevard County Legal Aid, Inc. 2013 Distinguished Pro Bono Service Award

October 2015 - Certificate of Appreciation from Eastern Florida State College Legal Aid Society

March 2017 - Florida Bar Meritorious Public Service Award

46. List and describe any speeches or lectures you have given.

NONE

47. Do you have a Martindale-Hubbell rating? Yes  If so, what is it? \_\_\_ No

**PROFESSIONAL AND OTHER ACTIVITIES:**

48a. List all bar associations and professional societies of which you are a member and give the titles and dates of any office which you may have held in such groups and committees to which you belonged.

Brevard County Bar Association

18th Judicial Circuit Grievance Committee (Attorney Member 2014-2017; Chair, Term ending 2017)

Brevard County Association of Women Lawyers

Hispanic Bar Association of Central Florida

Florida Puerto Rican/Hispanic Chamber of Commerce

Criminal Justice Panel for the U.S. Middle District of Florida

Criminal Conflict Registry Attorney for Eighteenth Judicial Circuit

Guardian Ad Litem Registry (for high-conflict family law/non-dependency cases)

Florida Association of Criminal Defense Lawyers (Brevard county chapter), 2016-2018

Vassar B. Carlton Inns of Court Member – 2016 – present; Team Captain, 2017/2018

Family Law Network

48b. List, in a fully identifiable fashion, all organizations, other than those identified in response to question No. 48(a), of which you have been a member since graduating from law school, including the titles and dates of any offices which you have held in each such organization.

Junior League of South Brevard - State Public Affairs Committee (2017-present)

48c. List your hobbies or other vocational interests.

Volunteer with Junior Achievement of Space Coast.

Volunteer with The Children's Hunger Project.

Volunteer in Justice Teaching program.

Volunteer with Eau Gallie Little League.

Volunteer with the Boys and Girls Club of Central Florida.

Worship Planning Team member and vocalist in contemporary worship band at First United Methodist Church of Melbourne

When not attending my children's extracurricular activities, additional hobbies include the joy of hunting for antiques in this community and beyond, as well as daily exercise, including weightlifting, long-distance running, and zumba. When time allows, I enjoy escaping with my husband and children to the peace and serenity of the North Carolina or north Georgia mountains in a log cabin or farmhouse.

- 48d. Do you now or have you ever belonged to any club or organization that in practice or policy restricts (or restricted during the time of your membership) its membership on the basis of race, religion, national origin or sex? If so, detail the name and nature of the club(s) or organization(s), relevant policies and practices and whether you intend to continue as a member if you are selected to serve on the bench.

NO

- 48e. Describe any pro bono legal work you have done. Give dates.

1) State v. Curtis Splain, Case No. 2010CT52413A, 11/23/10; Negotiated a resolution for the criminal charge against Defendant for Driving While License Suspended.

2) Erin Montague v. Paul Montague, Case No. 2011DR33118, 6/14/11 - 4/2/12; Accepted case assigned from Brevard County Legal Aid on behalf of Erin Montague for a Dissolution of Marriage. Ultimately the parties reconciled, resulting in a dismissal of the petition.

3) Iain MacLean v. Jessica Greco-MacLean, Case No. 02DR13728, 6/15/12 - 4-29/13; Accepted case assigned from Brevard County Legal Aid on behalf of Jessica Greco-Camarda for a Petition for Modification of Timesharing filed against her. Negotiations were ultimately unsuccessful and a Non-Jury Trial was conducted before Judge James Earp, who denied the opposing party's petition.

4) Jessica Greco-Camarda v. Frank Camarda, Case No. 12DR66778, 10/24/12 - 4/2/13; Accepted case assigned from Brevard County Legal Aid on behalf of Jessica Greco-Camarda (at her request) to initiate Dissolution of Marriage proceedings. Case resolved at mediation.

5) M. Trombley v. C. Trombley, Case No. 10DR40656, 12/1/10 - 6/10/11; Accepted case assigned from Brevard County Legal Aid on behalf of C. Trombley for a Dissolution of Marriage. All issues resolved at mediation.

6) Akeira O'Connor v. Cory Williams, Case No. 10DR41044, 12/15/10 - 7/11/11; Accepted case assigned from Brevard County Legal Aid on behalf of Ms. O'Connor for a Petition to Establish Paternity. After an unsuccessful mediation, a conflict arose and the Court allowed my withdrawal from the case.

7) Ruth Splain v. Curtis Splan, Case No. 2008DR34293, February 2013 - April 2013; Assisted Mr. Splain negotiate terms contained in the Amended Final Judgment dated 4/22/13, after Former Wife filed a Motion for Contempt against him.

8) Formerly volunteered my time to persons referred by St. Marks United Methodist Church (Indialantic). My service to these persons included providing free consultations, answering basic questions about the law, referring an attorney that specializes in a particular field of law, reviewing legal documents, and advising how to complete a legal process pro se.

9) Attorney Ad Litem for children with special needs in the dependency system, pursuant to F.S. 39.01305. Appointed to child, D.L., in Case No. 2014-DP-2593-X from November 2015 - June 2016.

10) Ashley Harris v. Ronald Harris, Case No. 2015DR10852, 01/08/2015 - 12/9/2015; Represented Wife in Dissolution of Marriage from date of filing to ultimate resolution of all outstanding legal matters, including equitable distribution of marital debts and assets, timesharing of four minor children and child support.

11) Attorney Ad Litem for children with special needs in the dependency system, pursuant to F.S. 39.01305. Appointed to minor child, C.R. in Case No.05-2013-DP-002817-X from July 2016 - present.

12) Amy Diane Lopez Rinker v. Brian Fix, Case No. 05-2017-023074-X, July/August 2017. Represented the Respondent (Brian Fix) in a Petition for Injunction.

13) Amy Diane Lopez Rinker o/b/o Alyziah Fix, Case No. 05-2017-DR-27955-X, July/August 2017. Represented the Respondent (Brian Fix) in a Petition for Injunction.

14) Brian Fix v. Amy Diane Lopez Rinker, Case No. 05-2013-DR-41728-X, from July 2017 - present. Case involving Supplemental Petitions for Modification of Child Support from each party. Currently represent the Former Husband.

#### **SUPPLEMENTAL INFORMATION:**

49a. Have you attended any continuing legal education programs during the past five years? If so, in what substantive areas?

YES - personal injury, family law, criminal law and federal sentencing

49b. Have you taught any courses on law or lectured at bar association conferences, law school forums, or continuing legal education programs? If so, in what substantive areas?

I have taught family law and criminal law as Justice Teaching volunteer at Cocoa High School

50. Describe any additional education or other experience you have which could assist you in holding judicial office.

Continuing Legal Education Programs, including but not limited to:

FPAA Annual Conference Education Program - 2002

Blood, Breath and Tears - 10/2004

Build a Better Defense - 7/2005

Trial with Style - 9/2008

Addressing Impairment in the Legal Profession - 9/2008

Criminal Law Update - 10/2008  
Florida Sentencing Workshop - 4/2009  
Dissolution of Marriage Basics - 6/2011  
Legal Ethics and the Practice of Law - 7/2011  
Understanding Child Support - 10/2011  
Florida Bar Discipline System - 10/2011  
Qualified Domestic Relations Orders - 1/2012  
Guardianship Basics - 4/2012  
Auto Negligence Seminar - 10/2012  
Bankruptcy, Short Sales, and Underwater Property (as it relates to Dissolutions of Marriage) - 10/2012  
Use and Abuse of Domestic Violence/Injunctions - 1/2013  
Internet Tools for Cooperative Parenting - 4/2013  
Dealing with DOR, Child Support Enforcement - 10/2013  
Appellate Issues for the Family Practitioner - 1/2014  
The New Culture of Paternity - 4/2014  
Federal Criminal Practice and Federal Sentencing Annual Seminar - 5/2014  
Underwater Divorce - 7/2014  
Social Investigators and Guardian Ad Litem - 10/2014  
Federal Criminal Practice and Federal Sentencing Annual Seminar - 5/2015  
Florida Case Law Update - 7/2015  
Guardian Ad Litem Training Seminar - 1/2016  
Masters of DUI (2015) - 1/2016  
Trial with Style - Winter Program - 1/2016  
Reviving the Hero Image of the Public Defender - 1/2016  
Prosecutorial Misconduct in Closing Arguments - 1/2016  
Brady Presentation - When Prosecutors Kill - 1/2016  
Criminal Law Update - 1/2016  
Breaking the Chains: Litigating Confinement Conditions - 1/2016  
The Reid Technique: What You Don't Know Will Hurt Your Client - 1/2016  
My Brain Hurts: Confessions & Clinical Issues - 1/2016  
Digital Forensics for Idiots...And You - 1/2016  
Challenging the Criminalization of Homelessness - 1/2016  
2016 CJA Federal Practice & Federal Sentencing - 4/2016  
Sports and the Law - 9/2016  
Real Property Conveyances - 11/2016  
Effective E-Filing - 1/2017  
2017 Federal Criminal Practice Seminar - 4/2017  
2017 Case Law and Statutory Update - 7/2017  
Electronic Wills and Mental Health - 10/2017  
The 1977 Constitutional Revision Commission: Short - 2/2018  
District of Columbia Rules of Professional Conduct and D.C. Practice - 2/2018  
2018 Annual CJA Federal Practice Seminar - 4/2018  
As Judges See It - 6/2018

Also, as a foster parent, I was required to attend a licensing course and training program to become licensed by the State of Florida. I obtained my initial license in December 2014. As such, I am also required to earn continuing certifications to maintain my license on an annual basis. To date, Certificates of Completion earned for the continued re-licensing process has included:

Managing Behaviors: How to Integrate New Children Into the Home  
Parenting the Child with Attachment Issues  
Foster Parenting Roles and Responsibilities  
Adoptions 101  
Ensuring Quality Partnership between Case Managers and Foster Parents  
The Goals of Parenting: Raising Kids Who are Self-Responsible & Empowered  
Understanding Termination of Parental Rights  
Residential Pool Safety  
Barriers to Permanency  
Help for the Hurting  
Promoting Normalcy  
Permanency Pact  
An Introduction to Foster Care  
The Sibling Bond  
The Wounded Spirit - Grief and Loss in Foster Care  
Helping Foster Youth Through the Holidays  
The Impact of Separation on Children and Youth  
Introduction to Permanence

51. Explain the particular potential contribution you believe your selection would bring to this position.

Upon entering law school, the goal was to become a prosecutor for the State of Florida. It was a goal intended to protect the community, to seek justice for those victimized and to act as an enforcer of the laws. In doing so, I passionately resolved hundreds of cases and conducted several dozen criminal jury trials in a two-year period for the benefit of the citizens in Orange and Osceola counties in the Ninth Judicial Circuit. Although satisfied with protecting the community against persons accused of misdemeanors, traffic and serious felony crimes, the goal eventually evolved into seeking justice for the community, as a whole. This decision was made upon the realization that protecting the community encompassed not only protecting the victimized, but in also protecting the rights of those accused of committing the crimes. Therefore, even though I was satisfied with my position as a prosecutor, after serving 2 years as an assistant state attorney, I transitioned into serving the indigent community by accepting a position with the Office of the Public Defender in Brevard county, the Eighteenth Judicial Circuit. Making the transition to become an Assistant Public Defender was not a decision to defend "the guilty", but rather, to defend the Constitution and my pursuit of justice -- not only for existing real victims but also for those accused, regardless of whether or not they were guilty or innocent.

Since making the transition to criminal defense, I have resolved thousands of criminal cases and conducted close to several dozen more criminal jury trials before a multitude of judges, in both Brevard and Seminole counties. After leaving the public defender's office and going into private practice in 2010, I have continued to build and incorporate my litigation skills in the area of family law. As a family law litigator for over eight years now, I have initiated and defended a variety of family law legal actions related to dissolutions of marriage, timesharing, child support, spousal support and modifications, as well as domestic violence injunctions.



Having served as an advocate for most of my career, I became increasingly interested in further serving the community - specifically children - in other areas outside of the courtroom. As such, I have fostered 15 children in my home since December 2014. Although I have never specialized in dependency law, I attend every court date for each child I foster to remain vigilant in ensuring the Court addresses each child's specific needs. Additionally, I have volunteered to teach middle school students through Junior Achievement of the Space Coast, a non-profit organization designed to inspire and prepare minors to succeed in a global economy. I have also been chosen by my colleagues to serve as Guardian Ad Litem for minor children in high-conflict non-dependency cases, which has allowed me the wonderful ability to delve into cases with a clearer objective open-mind without formulating an argument to support a position. Additionally, I am an active member of the Junior League of South Brevard State Public Affairs Committee (SPAC), the advocacy branch of the Junior League of South Brevard (JLSB), to advocate for women and children on issues related to various issues, including: health and hunger, literacy, at-risk children, child abuse, domestic violence, juvenile justice and education. I am also an active volunteer for the Boys and Girls Club of Central Florida.

The beauty of having been both a prosecutor and a criminal defense attorney is having the unique ability to review and analyze the facts of each case, interpreting how the law applies to the facts of a case and preparing a valid adequate argument in anticipation of what the opposing position will be, regardless of whether it is a criminal or family law case. These skills prepared me for the litigation and negotiation challenges in "the private world". Therefore, as a former prosecutor, former assistant public defender, and family law litigator, I believe I have the unique well-rounded background and legal skills to serve and fill the next judicial vacancy.

More importantly, in addition to my advocacy and time management skills, I believe my contributions to the community outside of the courtroom demonstrate that I will be a judge who, while enforcing the law, will treat all persons with the compassion and respect that everyone deserves, regardless of their background or position in the case. My experience in serving as a Guardian Ad Litem has been invaluable in evaluating a case as a non-advocate.

52. If you have previously submitted a questionnaire or application to this or any other judicial nominating commission, please give the name of the commission and the approximate date of submission.

March 2016 - Judicial Nominating Commission for the Eighteenth Judicial Circuit

April 2016 - Judicial Nominating Commission for the Eighteenth Judicial Circuit

53. Give any other information you feel would be helpful to the Commission in evaluating your application.

I was born in Brooklyn, NY and am the youngest of five children from a blue collar family. Throughout my entire childhood, my father was a New York City bus driver and my mother worked in a clothing factory. Having been raised in a predominantly blue collar minority neighborhood on Long Island, the thought of becoming an attorney appeared to be an impossible dream. However, witnessing my parent's financial struggles gave me the ambition to strive for a better education and profession. Fast-forward several decades later, I remain the only member of my immediate family to have

earned a Bachelors Degree, later earning a Juris Doctorate and graduating in the top 5% of my law school class.

I am now blessed to share my life with my husband, three children, two stepchildren and two dogs. When not working or volunteering, I dedicate my life to my family and church. I regularly attend First United Methodist Church of Melbourne, where I have been a vocalist in the contemporary worship band for over a decade. Including my children in serving other children in need within our community is one of my passions. Doing so helps these other children, but it also serves to provide my children with a sense of gratitude and compassion for others less fortunate. As such, my children and I have participated in various community projects through our church, including regular donations of food, packing food for The Children's Hunger Project, and sponsoring and attending events in under-privileged neighborhoods. My children have also joined me to volunteer for the Boys and Girls Club of Central Florida at the Melbourne-Temple Terrace location, a site surrounded by Section 8 housing.

As a licensed foster parent to 15 children, my husband and I have taught our children to open their hearts so these children would feel loved and become an integral part of our family while they were in our home, resolving any conflict that arose as compassionately as possible. It has been an honor to serve these children in need and watch my children grow in this experience.

My home life also consists of daily exercise and, by example, teaching my children the importance of staying active. While they thoroughly enjoy playing football, baseball, softball and dance, I enjoy running and my time at the gym. We have completed several local races as a family and they have served as my cheering spectators in several 5K's, a 10K, a 15K, and 5 half marathons and 1 marathon. My 6<sup>th</sup> half marathon is in November 2018.

I have spent the majority of my legal career in Brevard county, a growing community whose demographics have drastically changed in the past two decades. I will contribute diversity in my experience and legal skills. I will contribute diversity in my time-management skills. I will contribute diversity in the compassion, dignity and respect I can provide to the community. Lastly, I will contribute cultural diversity that is largely absent from the present Brevard judiciary.

The listed references consist of well-respected colleagues and members of the judiciary that have first-hand knowledge of my trial experience, knowledge and, most notably, my work ethic, demeanor, and compassion for others. Each have personally expressed their utmost confidence in my ability to serve this community as a member of the judiciary.

#### **REFERENCES:**

54. List the names, addresses and telephone numbers of ten persons who are in a position to comment on your qualifications for judicial position and of whom inquiry may be made by the Commission.

1) Honorable John Harris - Fifth District Court of Appeals

2) Honorable David Dugan - Brevard County Circuit Court  
Moore Justice Center

3) Honorable James Earp - Brevard County Circuit Court

4) Honorable Robin Lemonidis - Brevard County Circuit Court

5) Honorable Kerry Evander - Fifth District Court of Appeals

6) Gregory Konieczka, Esq.

7) Will Scheiner, Esq.

8) Daniel J. Freyberg, Esq.

9) Blaise Trettis, Esq., Public Defender for the 18<sup>th</sup> Judicial Circuit

10) James "J.R." Russo, Esq., Former Public Defender for the 18<sup>th</sup> Judicial Circuit

**CERTIFICATE**

I have read the foregoing questions carefully and have answered them truthfully, fully and completely. I hereby waive notice by and authorize The Florida Bar or any of its committees, educational and other institutions, the Judicial Qualifications Commission, the Florida Board of Bar Examiners or any judicial or professional disciplinary or supervisory body or commission, any references furnished by me, employers, business and professional associates, all governmental agencies and instrumentalities and all consumer and credit reporting agencies to release to the respective Judicial Nominating Commission and Office of the Governor any information, files, records or credit reports requested by the commission in connection with any consideration of me as possible nominee for appointment to judicial office. Information relating to any Florida Bar disciplinary proceedings is to be made available in accordance with Rule 3-7.1(I), Rules Regulating The Florida Bar. I recognize and agree that, pursuant to the Florida Constitution and the Uniform Rules of this commission, the contents of this questionnaire and other information received from or concerning me, and all interviews and proceedings of the commission, except for deliberations by the commission, shall be open to the public.

Further, I stipulate I have read, and understand the requirements of the Florida Code of Judicial Conduct.

Dated this 14 day of SEPTEMBER, 2018.

Marielena F. Tynan  
Printed Name

  
Signature

*(Pursuant to Section 119.071(4)(d)(1), F.S.), . . . The home addresses and telephone numbers of justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges; the home addresses, telephone numbers, and places of employment of the spouses and children of justices and judges; and the names and locations of schools and day care facilities attended by the children of justices and judges are exempt from the provisions of subsection (1), dealing with public records.*