

APPLICATION FOR NOMINATION TO THE BREVARD COUNTY COURT

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

DATE: March 19, 2020 Florida Bar No.: 0019553

GENERAL: Social Security No.: _____

1. Name Francis D. DeMuro E-mail: _____

Date Admitted to Practice in Florida: February 11, 2006

Date Admitted to Practice in other States: January 17, 1985 (Maryland)

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

Assistant State Attorney, Office of the State Attorney for the 18th Judicial Circuit

3. Business address: 2725 Judge Fran Jamieson Way, Building D

City Viera County Brevard State FL ZIP 32940

Telephone (321) 617-7510 FAX (321) 617-7542

4. Residential address: _____

City Viera County Brevard State FL ZIP 32955

Since 2008 Telephone _____

5. Place of birth: Wiltshire, England (while my father served there in the U.S. Army)

Date of birth: _____ Age: 64

6a. Length of residence in State of Florida: 15 years

6b. Are you a registered voter? Yes No

If so, in what county are you registered? Brevard

7. Marital status: Separated

If married: Spouse's name Pamela J. DeMuro

Date of marriage May 20, 1978

Spouse's occupation Retired

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.

Separated since 1997. Address of spouse:

8. Children

<i>Name(s)</i>		<i>Age(s)</i>	<i>Occupation(s)</i>	<i>Residential address(es)</i>
C	D		Student (Grade)	

9. Military Service (including Reserves)

<i>Service</i>	<i>Branch</i>	<i>Highest Rank</i>	<i>Dates</i>
N/A			

Rank at time of discharge _____ Type of discharge _____

Awards or citations _____

HEALTH:

10. Are you currently addicted to or dependent upon the use of narcotics, drugs, or intoxicating beverages? If yes, state the details, including the date(s).

No

11a. During the last ten years have you been hospitalized or have you consulted a professional or have you received treatment or a diagnosis from a professional for any of the following: Kleptomania, Pathological or Compulsive Gambling, Pedophilia, Exhibitionism or Voyeurism?

Yes No

If your answer is yes, please direct each such professional, hospital and other facility to furnish the Chairperson of the Commission any information the Commission may request with respect to any such hospitalization, consultation, treatment or diagnosis. ["Professional" includes a Physician, Psychiatrist, Psychologist, Psychotherapist or Mental Health Counselor.]

Please describe such treatment or diagnosis.

11b. In the past ten years have any of the following occurred to you which would interfere with your ability to work in a competent and professional manner?

- Experiencing periods of no sleep for 2 or 3 nights
- Experiencing periods of hyperactivity
- Spending money profusely with extremely poor judgment
- Suffered from extreme loss of appetite

- Issuing checks without sufficient funds
- Defaulting on a loan
- Experiencing frequent mood swings
- Uncontrollable tiredness
- Falling asleep without warning in the middle of an activity

Yes No

If yes, please explain.

- 12a. Do you currently have a physical or mental impairment which in any way limits your ability or fitness to properly exercise your duties as a member of the Judiciary in a competent and professional manner?

Yes No

- 12b. If your answer to the question above is Yes, are the limitations or impairments caused by your physical or mental health impairment reduced or ameliorated because you receive ongoing treatment (with or without medication) or participate in a monitoring or counseling program?

Yes No

Describe such problem and any treatment or program of monitoring or counseling.

N/A

13. During the last ten years, have you ever been declared legally incompetent or have you or your property been placed under any guardianship, conservatorship or committee? If yes, give full details as to court, date and circumstances.

No

14. During the last ten years, have you unlawfully used controlled substances, narcotic drugs or dangerous drugs as defined by Federal or State laws? If your answer is "Yes," explain in detail. (Unlawful use includes the use of one or more drugs and/or the unlawful possession or distribution of drugs. It does not include the use of drugs taken under supervision of a licensed health care professional or other uses authorized by Federal law provisions.)

No

15. In the past ten years, have you ever been reprimanded, demoted, disciplined, placed on probation, suspended, cautioned or terminated by an employer as result of your alleged consumption of alcohol, prescription drugs or illegal use of drugs? If so, please state the circumstances under which such action was taken, the name(s) of any persons who took such action, and the background and resolution of such action.

No

16. Have you ever refused to submit to a test to determine whether you had consumed and/or were under the influence of alcohol or drugs? If so, please state the date you were requested to submit to such a test, the type of test required, the name of the entity requesting that you submit to the test, the outcome of your refusal and the reason why you refused to submit to such a test.

No

17. In the past ten years, have you suffered memory loss or impaired judgment for any reason? If so, please explain in full.

No

EDUCATION:

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

<i>Schools</i>	<i>Class Standing</i>	<i>Dates of Attendance</i>	<i>Degree</i>
University of Maryland School of Law, Baltimore, MD	Unknown	Aug 1980 - May 1984	J.D.
Loyola College in Maryland	Unknown	Aug 1973 - May 1977	B.A., History/ Secondary Education
The John Carroll School, Bel Air, MD	4 th decile of 193		H.S. Diploma

18b. List and describe academic scholarships earned, honor societies or other awards.

Loyola College - Member, Phi Alpha Theta, History Honor Society

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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	Production/ Production Manager -		
	As Production Manager, Responsible for management of production personnel and processes, inventory control, shipping and receiving, and warehousing. Limited responsibility in purchasing, customer service, and quality control areas.	Fox Industries - Manufacturer of epoxy systems, cementitious grouts, and chemical admixtures marketed for construction applications.	3100 Falls Cliff Rd. Baltimore, MD 21211
1976-1985			
Aug 2005 - May 2006	Teacher - 7 th Grade Language Arts and Social Studies	Imagine Schools - Rivers Edge Charter Academy	4400 South Dixie Hwy. Palm Bay, FL 32905

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>
Maryland State Bar	January 17, 1985
U.S. District Court (Maryland)	August 18, 1989
U.S. Court of Appeals (4 th Circuit)	November 6, 2001
Florida Bar	February 11, 2006

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>
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Assistant State Attorney	Office of the State Attorney, 18 th Circuit	2725 Judge Fran Jamieson Way, Viera, FL 32940	May 2006 - Present
Attorney	Law Offices of Joseph S. Lyons	Towson, MD 21204	1999 - 1/2005
Self-Employed	Francis D. DeMuro, Attorney at Law	Bel Air, MD	1997-1999
Partner, Associate	Turnbull, Wase & Lyons, P.A.	Towson, MD	1996-1997, 1985-1996

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.

Assistant State Attorney for almost 14 years. Have served as misdemeanor trial attorney, felony trial attorney, felony intake attorney, and domestic violence "Strikeback" attorney. Currently serving in "Strikeback" position, prosecuting felony and misdemeanor charges against repeat domestic violence offenders.

Previously engaged in private general practice in Maryland for 20 years. Practice included criminal defense, civil litigation, personal injury, estates and trusts, family law, workers' compensation claims, social security disability claims, and other miscellaneous matters.

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	_____ %
Federal Trial	_____ %	Criminal	<u>100</u> %
Federal Other	_____ %	Family	_____ %
State Appellate	<u>1</u> %	Probate	_____ %
State Trial	<u>99</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?	Conservative estimate: _____	Non-jury?	Conservative estimate: <u>50+</u>
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85+
(includes 2nd
chair)

Administrative Bodies?

Conservative
estimate: 75

Arbitration? _____

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).

2/03/2020 - 2/05/2020: Brevard County Case No. 05-2019-MM-037364. Prosecuting attorney. Co-counsel: Michael Garcia, Esq. 321-617-7510. Opposing counsel: Alton Edmond, Esq., 321-285-9505.

10/28/2019 - 10/30/2019: Brevard County Case No. 05-2019-MM-035888. Prosecuting attorney. Co-counsel: Chelsea Buckholtz, Esq., 321-617-7510. Opposing counsel: Chris Cochran, Esq., 321-617-7373.

10/21/2019 - 10/23/2019: Brevard County Case No. 05-2019-MM-041436. Prosecuting attorney. Co-counsel: Chelsea Buckholtz, Esq., 321-617-7510. Opposing counsel: Chris Cochran, Esq. and Katarina Pringis, Esq., 321-617-7373.

2/11/2019 - 2/15/2019: Brevard County Case No. 05-2017-CF-020857. Prosecuting attorney. Co-counsel: Kerry Mawn, Esq., previously 321-617-7510 (now with U.S. Air Force JAG Corps). Opposing counsel: Stephen G. Henderson, Esq., 321-806-3500.

1/22/2019 - 1/29/2019: Brevard County Case No. 05-2016-CF-038042. Prosecuting attorney. Co-counsel: Andrew Joy, Esq., 321-617-7510. Opposing counsel: Michael Chauvin, Esq., Lee Fairchild, Esq., 321-617-7373 and Sara Goodin, Esq., 407-836-4763. Verdict upheld on appeal to the 5th District Court of Appeals, Case No. 5D19-469.

12/10/2018 - 12/11/2018: Brevard County Case No. 05-2018-MM-043493. Prosecuting attorney. Co-counsel: Nader Hatoum, Esq., 321-617-7510. Opposing counsel: Andrew Long, Esq. and Joseph Leavitt, Esq., 321-617-7373. Verdict upheld on appeal to the 18th Circuit Court, Brevard County, Case No. 05-2018-AP-058281.

- 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).

The following cases were resolved by way of negotiated pleas:

3/10/2020 Brevard County Case Nos. 05-2019-CF-054667; 05-2019-MM-046627.

Opposing counsel: Tamara Meister, Esq., 321-617-7373.

3/04/2020 Brevard County Case No. 05-2018-MM-051593. Opposing counsel: Jonathan Burns, Esq., 321-617-7373.

2/12/2020 Brevard County Case No. 05-2019-CF-058579. Opposing counsel: Harley Gutin, Esq., 321-633-7337.

1/14/2020 Brevard County Case No. 05-2019-CF-049952. Opposing counsel: Colleen Degraff, Esq., 321-617-7373.

12/03/2019 Brevard County Case No. 05-2019-CF-042331. Opposing counsel: Joseph Leavitt, Esq., 321-617-7373.

12/02/2019 Brevard County Case Nos. 05-2019-CF-038151; 05-2019-MM-040300.

Opposing counsel: Gabriel Jacobs, Esq., 321-617-7373.

- 27c. During the last five years, how frequently have you appeared at administrative hearings?
< 1 average times per month

- 27d. During the last five years, how frequently have you appeared in Court?
10-15 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.

Just before being assigned to the "Strikeback" position in July 2015, I was handling a misdemeanor trial docket. In that capacity, I appeared in court probably 15-20 times per month.

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.

Please see attachment.

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.

Please see attached writing sample: Answer Brief of Appellee, Brevard County Case No. 05-2018-AP-058281.

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.

Candidate, Brevard County Judge, 18th Circuit, Group 2. May - August, 2016

32b. List any prior quasi-judicial service:

<i>Dates</i>	<i>Name of Agency</i>	<i>Position Held</i>
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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.

N/A

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.

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

- (iii) List citations of any opinions which have been published.
- (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.
- (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.
- (vi) Have you ever held an attorney in contempt? If so, for each instance state name of attorney, approximate date and circumstances.
- (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.

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.

Not since my admission to the Florida Bar. After my admission to the Maryland Bar, but before my admission to the Florida Bar, I worked for Imagine Schools, Inc. as a 7th grade teacher of Language Arts and Social Studies at Rivers Edge Charter Academy in Palm Bay, Brevard County, FL, from Aug 2005 through May 2006.

- 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.

No - 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 X If "Yes" what charges? _____

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 X If "Yes" what charges? _____

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 X If "Yes" what charges? _____

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.

Gregory Lawrence v. Francis DeMuro, District Court of MD for Baltimore City, Case No. 0031020-1992, filed Aug. 1992. Disposition: Judgment for Defendant, 10/20/1992.

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?

No

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.

Francis DeMuro and Turnbull, Wase & Lyons, P.A. v. Dennis R. Cronin, District Court of MD for Baltimore County, Case No. 0804-0026930-94, filed October 1994. Suit to recover unpaid legal fees. Disposition: Judgment for Plaintiffs, 11/06/1995

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. _____

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.
N/A
45. List any honors, prizes or awards you have received. Give dates.
Recipient of the 2019 annual Pride in Excellence Award from the Office of the State Attorney, 18th Judicial Circuit
4-time recipient of the monthly Pride in Excellence Award from the Office of the State Attorney, 18th Judicial Circuit
Recipient of several Misdemeanor Attorney of the Month awards from the Office of the State Attorney, 18th Judicial Circuit
Pro Bono Attorney award, Harford County (Maryland) Bar Association, 1998
46. List and describe any speeches or lectures you have given.
N/A
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.
Member, Florida Bar, 2006 - present
Member, Brevard County Bar Association
Barrister, Vassar B. Carlton American Inn of Court. (Present membership since 2018)
Member, Maryland State Bar Association, 1985-present
- 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.
Member, Baltimore City Bar Association - mid-1980's through approximately 1999.
Member, Harford County (Maryland) Bar Association - 1997- 1999 (approximate)
- 48c. List your hobbies or other vocational interests.
Host of Brevard at Large - a weekly hour-long community affairs radio program on WKQK - 1300 AM. The co-host and producer of the radio program is my 15-year old son (who is currently in 10th grade in the International Baccalaureate program at Cocoa Beach Jr/Sr High School, and of whom I am immensely proud).
Coach - T-ball/baseball with Viera/Suntree Little League for 8 years
Lifelong fan of the Baltimore Orioles (Go O's!); proud fan of the Baltimore Ravens (Go

Ravens!), and Maryland Terrapins (football and basketball) (Go Terps!)

Nature lover - I enjoy hiking, birdwatching, fishing, and visiting nature preserves.

- 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.

Brevard County Teen Court program, 2016 - present

Pro bono work for the Harford County (Maryland) Bar Association, 1998-1999

Pro Bono work for the Lawyer Referral and Information Service of Baltimore City, approximately 1986 - 1996

SUPPLEMENTAL INFORMATION:

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

Yes - criminal law, trial advocacy, professionalism, domestic violence.

- 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?

NA

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

Per the Office of the State Attorney STAC system, my name has been associated with more than 12,600 cases since May 2006. These numbers include cases that were resolved by way of plea, cases that are pending, cases that proceeded to trial and cases which were otherwise assigned to me at some point in time.

On July 17, 2009, I represented the State of Florida (with the assistance of Assistant State Attorney Celia Keen) before eight judges of the Brevard County Court, at a hearing on various defendants' Motions to Suppress the results of breath tests conducted using the Intoxilyzer 8000. Those motions were consolidated for an en banc hearing in the case of State of Florida v. Damian Bair, et al., Case No. 05-2009-CT-22236. Court minutes concerning that hearing, as well as a copy of the Order denying those motions, is attached hereto.

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

I have been an attorney for more than 35 years. I have been a prosecuting attorney in Brevard County for almost 14 years. Prior to that, I spent 20 years in private general practice in Maryland. That practice included criminal defense work, civil litigation, personal injury claims, estates and trusts, family law, and workers' compensation and social security disability claims. I have countless hours of courtroom experience,

including conducting a significant number of civil and criminal jury and non-jury trials.

I believe that I have an even temperament, as well as the ability to see both sides of an issue. I further believe that I would fairly and impartially address all issues coming before me as a County Court Judge.

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.

I have never previously submitted a questionnaire to any judicial nominating commission. However, I submitted a judicial candidate voluntary self-disclosure statement to the Florida Bar prior to the August, 2016 primary election.

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

If appointed to the bench, I could play for the judges' team instead of the lawyers' team at the annual lawyers/judges softball game. (I play second base.)

In all seriousness, it would be an honor to serve the citizens of Brevard County as a County Court Judge.

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.

Please see attached list of references.

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(l), 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 19th day of March, 2020.

Francis D. DeMuro

Printed Name

Francis D. DeMuro

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.

**Attachment to
Application for Nomination to the Brevard County Court**

**Francis D. DeMuro
Florida Bar No. 0019553**

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 the names of other attorneys involved.

RESPONSE:

1. Kenneth L. Myers and Linda S. Myers and Others Similarly Situated [22 additional Plaintiffs] v. Baltimore County, Maryland, Civil Action No. MJG99CV2561, U.S. District Court, District of MD. Judge: Hon. Marvin Garbis. Plaintiffs' counsel. Other attorneys involved: Co-counsel: George E. Reuling, Esq. Opposing counsel: Jeffrey Grant Cook, Esq., Assistant County Attorney (and other assistant county attorneys), Baltimore County Office of Law. Summary Judgment for Defendant entered September 28, 2001.

Appeal noted to the United States Court of Appeals for the Fourth Circuit on October 29, 2001. Appellate counsel. Appellate co-counsel: George E. Reuling, Esq., James C. Strouse, Esq. Opposing counsel: Jeffrey Grant Cook, Esq., Assistant County Attorney. Oral Argument, June 5, 2002. Judges: Hon. Karen J. Williams; Hon. Frederick P. Stamp, Jr., Hon. Roger L. Gregory. Summary Judgment was affirmed by a 2-1 ruling, with written dissent by Judge Gregory.

Petition for Rehearing en Banc denied by the United States Court of Appeals for the Fourth Circuit on November 4, 2002. Appellate counsel. Appellate co-counsel: George E. Reuling, Esq., James C. Strouse, Esq. Opposing counsel: Jeffrey Grant Cook, Esq., Assistant County Attorney.

Petition for certiorari to the United States Supreme Court denied April 7, 2003. Appellate counsel. Appellate co-counsel: George E. Reuling, Esq., James C. Strouse, Esq. Opposing counsel: Jeffrey Grant Cook, Esq., Assistant County Attorney.

In this case, the Plaintiffs served as caretakers in public parks located in Baltimore County, Maryland. In exchange for caretaking services, Baltimore County offered free accommodations to two adult individuals, usually a married couple. Those accommodations included a rent-free residence and water service (valued at approximately \$700 per month) in a home located in or near the park to which the couple was assigned. In return, one member of the couple was required to be continuously present in the park. The caretakers were also required to provide certain other services within the park, including cleaning public restrooms and other park areas as necessary; touring the park in the morning and opening the access gate; touring the park in the evening and closing the access gate; and completion of a daily caretaker's log pertaining to any park maintenance required due to damage or vandalism.

The Plaintiffs alleged that this arrangement violated both the federal Fair Labor Standards Act and the Maryland Wage and Hour Law. After extensive discovery was conducted and hearings held, the United States District Court granted summary judgment for the defendant. That judgment was ultimately upheld through the appellate process.

2. State of Florida v. Robert Lee Sykes, 18th Circuit (Brevard County). Case No.: 05-2010-CF-054799. Judge: Hon. W. David Dugan. Charge: Second Degree Murder. Prosecuting Attorney. Other attorneys involved: Co-Assistant State Attorney, Rob Parker. Opposing Counsel: Michael Pirolo and Tamara Meister. Trial: 6/14/2012 – 6/21/2012.

This was one of the first cases in Brevard County under the “Stand Your Ground” law. The State prevailed at the Stand Your Ground hearing; however, the Defendant was acquitted by a jury after trial, even though he was alleged to have stabbed the victim (who was not a particularly sympathetic figure) 11 times, including twice in the back.

3. State of Florida v. Patrick M. Badgett, Sr., 18th Circuit (Brevard County). Case No. 05-2008-CF-069206. Judge: Hon. W. David Dugan. Charge: Trafficking 28 g. – 30 kg. Illegal Drugs and Possession of Controlled Substance. Prosecuting Attorney. Other attorneys involved: Opposing counsel: Reed Carey, Timothy Houck. Trial: 4/18/2011 - 4/21/2011.

In this case, the Defendant was selling a large quantity of controlled substances out of his home. Prior to trial, the Defendant pled guilty to a Sale of Oxycodone count. At trial, the Defendant was convicted of the indicated counts. The Defendant was sentenced to 25 years on the trafficking count, 15 years on the sale count and 5 years on the possession count.

The Defendant noted an appeal to the 5th District Court of Appeals on July 27, 2011, Case No. 5D11-2547. (I had no involvement with the appeal). On appeal, the 5th District Court of Appeals *sua sponte* raised the issue as to whether a jury instruction should have been given with respect to the “prescription defense,” as the Defendant had produced evidence at trial that he was holding the controlled substances for another individual who had a valid prescription for those substances. As a result, the Defendant’s convictions were reversed and the case was remanded to the Circuit Court. On February 11, 2015, the Defendant pled to trafficking in illegal drugs, 4 – 14 grams, as well as possession of Methadone. He received a sentence of four years to the Department of Corrections on the trafficking count and four years to the Department of Corrections on the possession count.

The Defendant subsequently filed a Motion for Post-Conviction Relief, which was denied. (I had no involvement with the post-conviction proceedings). The Defendant appealed that denial to the 5th District Court of Appeals, Case No. 5D18-3650. (I had no involvement with the appeal). The 5th District Court of Appeal filed a *per curiam* affirmance on January 18, 2019.

4. State of Florida v. Lashaun Thomas, 18th Circuit (Brevard County). Case No. 05-2017-CF-020857. Judge: Hon. Jeffrey Mahl. Charge: Aggravated Stalking and 5 counts of Violation of Injunction. Prosecuting Attorney. Co-Assistant State Attorney, Kerry Mawn. Opposing counsel: Stephen G. Henderson. Trial: 2/11/2019 – 2/15/2019.

The Defendant had harassed the victim over a prolonged period of time. The Defendant was sentenced as a prison releasee reoffender.

5. State of Florida v. Eric Grumbrecht, 18th Circuit (Brevard County). Case No. 05-2016-CF-038042. Judge: Hon. Kelly Jo McKibben. Charge: Aggravated Stalking and 5 counts of Violation of an Injunction. Prosecuting Attorney. Other attorneys involved: Co-Assistant State Attorney, Andrew Joy. Opposing Counsel: Michael Chauvin, Sara Goodin, and Lee Fairchild. Trial: 1/22/2019 – 1/29/2019. Appeal filed to the 5th District Court of Appeals 2/20/2019 – Case No. 5D19-469. *Per curiam* affirmance 12/17/2019. (I had no involvement with the appeal).

The Defendant had harassed the victim in a particularly nasty fashion over a prolonged period of time. The Defendant had to be extradited from Pennsylvania in order to stand trial in Brevard County.

6. State of Florida v. Benson Blair Harrison, 18th Circuit (Brevard County). Case No. 05-2010-CF-021849. Judge: Hon. W. David Dugan. Charge: Aggravated Assault on Law Enforcement Officer; Aggravated Assault; Criminal Mischief (2 counts) and Resisting without Violence. Prosecuting Attorney. Opposing counsel: Kurt Russell, Brian Onek. Trial: 7/14/2010 – 7/15/2010.

At trial, the Defendant was convicted as charged, except that he was convicted of a lesser included offense of Criminal Mischief. The Defendant noted an appeal to the 5th District Court of Appeal on October 18, 2010. (I was not involved with the appeal.) The 5th District Court of Appeals issued a *per curiam* affirmance in Case No. 5D10-3627 on November 15, 2011.

In this case, the Defendant terrorized the victims with a large homemade mallet.

**Attachment to
Application for Nomination to the Brevard County Court**

**Francis D. DeMuro
Florida Bar No. 0019553**

54. REFERENCES: 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.

The Honorable W. David Dugan
Circuit Judge
Moore Justice Center
2825 Judge Fran Jamieson Way
Viera, FL 32940
; (321) 617-7279

The Honorable John Dean Moxley, Jr.
Circuit Judge (Retired)
Moore Justice Center
2825 Judge Fran Jamieson Way
Viera, FL 32940

The Honorable Cathleen Clarke
County Court Judge (Retired)
Moore Justice Center
2825 Judge Fran Jamieson Way
Viera, FL 32940

Philip G. Archer, Esquire
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Philip B. Williams, Esquire
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