

**APPLICATION FOR NOMINATION TO THE CIRCUIT COURT**

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

**DATE:** March 19, 2020 Florida Bar No.: 553905

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

1. Name Marielena Feliciano Tynan E-mail: mtynan@jbcclaw.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 Brevard State FL ZIP \_\_\_\_\_

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

5. Place of birth: Brooklyn, New York

Date of birth: \_\_\_\_\_ Age: 46

6a. Length of residence in State of Florida: 23.5 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 Customer associate and Self-employed

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

<i>Name(s)</i>	<i>Age(s)</i>	<i>Occupation(s)</i>	<i>Residential address(es)</i>
	14	n/a	same
	11	n/a	same
	10	n/a	same

9. Military Service (including Reserves)

<i>Service</i>	<i>Branch</i>	<i>Highest Rank</i>	<i>Dates</i>
None	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.

n/a

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>
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 - Top 5% of graduating class

**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, 2002	
United States Middle District of Florida, 2012	
Washington, DC, 2018	

**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		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. Through January 2020, I remained 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 have provided 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 plea 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-dependancy 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	_____ 10 %
Federal Trial	_____	%	Criminal	_____ 45 %
Federal Other	_____ 10	%	Family	_____ 45 %
State Appellate	_____	%	Probate	_____ %
State Trial	_____ 90	%	Other	_____ %
State Administrative	_____	%		
State Other	_____	%		
	_____	%		
TOTAL	_____ 100	%	TOTAL	_____ 100 %

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

Jury?	_____ 72	Non-jury?	_____ 14
Arbitration?	_____ 0	Administrative Bodies?	_____ 0

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) State v. Cody Ryan Marshall, Case No. 2017-CF-23569-A, Judge Kelly McKibben, Opposing counsel: Gregory Hanson and Jonathan Skinner, 321-617-7510
- 2) State v. Keena Lamar Bacon, Case No. 2017-CF-51494-A, Judge Robin Lemonidis, Opposing Counsel: Amy McLaughlin and Susan Stewart, 321-617-7510
- 3) Jimenez Serdiney v. Jillian Dacri, Case No. 2013-DR-44558-XX, General Magistrate Kristen Smith-Rodriguez, Opposing counsel: Lindsey Sharp, 321-951-7600
- 4) State v. Adorian Ferguson, Case No. 2016-CF-40986-A, Judge Lisa Davidson, Opposing counsel: Aaron Peacock and Amy McLaughlin, 321-617-7510.
- 5) Ellis Young v. Ariel McFadden, Case No. 2017-DR-14856-XX, Judge George Paulk, Opposing counsel: Amina Ellison, Esq., 321-710-2733
- 6) State v. Xavier Carroll, Case No. 2016-CF-48624-A, Judge Nancy Maloney, ASA Kerri Fowler, 321-617-7510

- 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. Brittney Pitti, Case No. 2019-CF-22806-A; ASA Kari Kies; 321-617-7510
- 2) State v. William Baxter, Case No. 2019-CF-26659-A; ASA Ann Perrin; 321-617-7510
- 3) State v. William Baxter, Case No. 2018-CF/30817-A; ASA Mark Campbell; 321-264-6756
- 4) State v. Matthew Staniewicz, Case No.2019CF035093-AXXX; ASA Donovan Wagner; 321-617-7510.
- 5) Timothy Stanley v. Tammy Stanley, Case No.2019DR56438; Opposing party pro se
- 6) State v. Charles Hill, Case No. 05-2019-CF-016657-A and Case No. 05-2019-CF-013686-B; ASA Michael Doyle; 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, 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. 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) State v. Cary Ortega, Brevard county Case No. 2009CF39685C. I was the solo attorney representing Ms. Ortega. Opposing counsel at trial was Will Scheiner and Aaron Peacock and tried before Hon. James Earp in April 2011. This case was one of the most significant cases I litigated because the case hinged on a key phrase within the Burglary statute. The case involved four co-defendants, three of which had already been tried, convicted and sent to prison. Ms. Ortega's case was the last defendant to be tried. She was charged with Burglary of Dwelling with an Assault or Battery, a 1<sup>st</sup> degree punishable by Life in prison, and Criminal Mischief, a 2<sup>nd</sup> degree misdemeanor punishable by 60 days in jail. Nearly all of the co-defendants had claimed the alleged victim was the aggressor or simply denied the allegations occurred as claimed by the alleged victim. However, I believed the case hinged on a key phrase within the burglary statute, specifically "At the time of entering" in conjunction with the term "dwelling", as defined pursuant to the standard jury instructions as prepared by the Florida Supreme Court Standard Jury Instructions Committee. In my defense, I relied on the plain and ordinary meaning of the words used within the instruction in successfully arguing to the jury at Closing that the State could not prove Ms. Ortega's intent "at the time of

entering....the dwelling [as defined in the instruction]". In doing so, I was able to demonstrate to the jury that, pursuant to the plain and ordinary terms of the standard jury instructions for the burglary statute, they could find that although they could reasonably determine the requisite intent to commit a crime may have arisen AFTER Ms. Ortega had already entered the dwelling, the State could not prove Ms. Ortega had the requisite intent "at the time of entry" and, if so, they could return a Not Guilty verdict. Ultimately, the jury agreed and acquitted Ms. Ortega of Criminal Mischief and returned a Guilty verdict of the lesser-included offense of misdemeanor Trespass.

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) 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 required learning how to emotionally disengage from graphic material that needed to be viewed to be adequately prepared for trial. 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.

5) *Deveau v. Deveau*, Brevard county Case No. 10DR10477. I was the solo attorney who litigated the case in its entirety before Honorable George Paulk on behalf of the Former Husband, Mr. Deveau. The trial was handled by myself without the assistance of a second chair and tried in October 2015 and March 2017. The opposing attorney was Kenneth Rhoden. The case involved Mr. Deveau's Petition for a Modification of Alimony. This case was one of the most significant cases I litigated because the entire case revolved around the specific language relative to what it means to have "a supportive relationship" as defined in Florida Statute 61.14. It involved an area of law that is not often litigated and misunderstood. In this case, opposing counsel assumed (in error) that Mr. Deveau, in his effort to reduce or terminate his alimony obligation to the Former Wife, had to prove that the Former Wife was supported by a significant other. However, I was able to convince the Court that there was no such language in 61.14 which requiring Mr. Deveau to prove the Former Wife was supported in her new relationship. In fact, I was able to convince the Court that the plain and ordinary language in Florida Statute 61.14 actually provides that alimony may be reduced or terminated where there was evidence at trial that a supportive relationship existed because the Former Wife supported her significant other. The Court agreed and determined the statute's language supported a finding that the Former had entered into a supportive relationship and that my client had grossly overpaid, thereby modifying his alimony obligation retroactively to date of filing (essentially resulting in a virtual termination). The litigation in this case extended several years, which could have been completely avoided had the language of 61.14 simply been understood at the inception of the case.

6) State v. Adorian Ferguson, Brevard county Case No. 2016CF40986A. I was lead and solo attorney who prepared the case for trial, ultimately conducting a 6-day criminal jury trial before Judge Lisa Davidson between January 28, 2019 through February 7, 2019 on behalf of the Defendant. The trial was handled by myself without the assistance of a second chair. Opposing counsel were Assistant State Attorneys Aaron Peacock and Amy McLaughlin. The Defendant was charged with Attempted First Degree Premeditated Murder While Inflicting Great Bodily Harm or Death, as well as Discharging a Firearm. Although it is the most recent criminal jury trial I have completed, it is also one of the most significant cases I have litigated, a task which took 2 1/2 years to complete. This case involved multiple shots fired from a vehicle at a crowded park full of children, where a minor suffered multiple gunshot wounds. My client was a minor but had been charged as an adult, given the seriousness of the charges, and was accused of being the shooter in a vehicle with four (4) other minor occupants when the shots were fired. The alleged victim had a long criminal history and was, in fact, in custody with the Department of Juvenile Justice at the time of trial. This case involved many complicated "firsts" for me, i.e. evidence involving cell tower analysis; the hiring of a forensic expert related to cell tower analysis; evidentiary hearings on Orders to Show Cause involving minors, as well as the State's efforts in extending Speedy Trial post-Demand and/or allowing a State witness testify at trial via Skype or video-conference; video depositions with minors; the Defense calling a State law enforcement witness as rebuttal; and, lastly, a trial of this type of murder charge. Although the State introduced testimony from several eye witnesses who identified the Defendant as the shooter, the Defense presented an alibi defense and my client was totally acquitted of all charges. My client, now 18 at the time of trial, was finally released from custody the next day.

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:

1) I was a (2016) candidate for judicial office for two County Court seats 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 and Judge Cathleen Clarke's resignation.

2) I was a (2018) candidate for judicial office when my name was submitted by the Judicial Nominating Commission for the Eighteenth Judicial Circuit for the Circuit Court vacancy

due to Judge John Harris' appointment to the 5<sup>th</sup> District Court of Appeal.

3) I was a (2019) candidate for judicial office when my name was submitted by the Judicial Nominating Commission for the Eighteenth Judicial Circuit for the Circuit Court vacancy due to Judge Tanya Rainwater's retirement.

4) I was a (2020) candidate for judicial office when my name was submitted by the Judicial Nominating Commission for the Eighteenth Judicial Circuit for the Circuit Court vacancy due to Judge James Earp's retirement.

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 for a General Magistrate vacancy in Brevard County, Florida in October 2014 and, again, in January 2019.

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.

My husband is part-owner of a business enterprise, along with 3 other partners. I am not an owner or manager. I do not hold a position to resign from upon appointment or election to judicial office. The business enterprise is called Swing Away Batting Cages, located in Melbourne, Florida.

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. (Defendant; Foreclosure; CASE DISMISSED)

2) Brevard county Case No. 05-2017-CA-51793-XX, Frances Walker v. Marielena Tynan. (Defendant; Personal Injury as a result of car accident; 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).

Yes, a former client filed a complaint with the Florida Bar, RFA No. 20-10417. To date, I have not received a copy of the complaint, the date of the specific formal complaint or formal accusation made, or have information relative to the date filed. Also, the Florida Bar has not requested a response to same. The background leading to the complaint involves a former client/complainant whom I was appointed to represent in federal court through the Criminal Justice Panel. He was charged with a federal crime for threatening to blow himself up by means of explosives in front of the Brevard County Courthouse at a child support hearing. Through my legal representation, he was ultimately deemed Not Guilty Only by Reason of Insanity. I later represented him pro-bono in the child support hearing resolving all outstanding issues.

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?

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.

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.

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 (2010 - 2019)

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 – 2019; 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 (2017-2018)  
Junior League of South Brevard, Festival of Trees Committee (2019-2020)  
Federalist Society, 2019 - present  
Children's Home Society, Regional Advisory Boardmember 2019 - 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

My home daily life is heavily surrounded around my children's extracurricular activities, i.e. baseball, softball, dance, and football. Hobbies include antique-hunting, daily exercise and singing. When not traveling in and out of the county for games, and if 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 for a few days.

- 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, July 2017 - October 2019. Case involving Supplemental Petitions for Modification of Child Support from each party. Represented the Former Husband (Brian Fix).

**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  
 Unraveling the Enigma of the Clerk's Child Support - 1/2019  
 Up Your Game - Tips on Lawyer Professionalism: What to Avoid and How Not to Be a  
 "Jerk" - 3/2019

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 was licensed to provide foster care to minor children from December 2014 through November 2019. As such, I was required to earn continuing certifications to maintain my license on an annual basis. Certificates of Completion earned for the continued re-licensing process 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  
 Education Stability for Young People in Foster Care  
 Health Care for Transition Age Foster Youth  
 Introducing Your Home  
 Fostering Young People of a Difference Race

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 on behalf of the State of Florida in a two-year period 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 constitutional rights of those accused of committing crimes. Therefore, 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 in 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.

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 10 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 fostered 20 children in my home from December 2014 through November 2019. Although I have never specialized in dependency law, I attended every court date for each child I fostered to remain vigilant in ensuring the Court addressed each child's specific needs that may have been unique to their case. 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, a non-profit organization advocating for women and children 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 possessing the unique ability to review and analyze the facts of each case from the perspective of each position and, thereafter, applying the law as written to the facts of a case. These skills prepared me for the litigation and negotiation challenges in "the private world". In consideration of my historic background as a former prosecutor, former assistant public defender, private litigator, Guardian Ad Litem, Attorney Ad Litem, community advocate and foster parent, I believe I have a unique, well-rounded and diverse background that will serve a great contribution to the Brevard county Circuit bench.

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 as written, 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.

October 2013 - Judicial Nominating Commission for the Eighteenth Judicial Circuit

November 2015 - Judicial Nominating Commission for the Eighteenth Judicial Circuit

March 2016 - Judicial Nominating Commission for the Eighteenth Judicial Circuit

April 2016 - Judicial Nominating Commission for the Eighteenth Judicial Circuit

September 2018 - Judicial Nominating Commission for the Eighteenth Judicial Circuit

March 2019 - Judicial Nominating Commission for the Eighteenth Judicial Circuit

January 2020 - 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 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 previously 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 for 5 years, my husband and I taught our children to open their hearts to these children so they would feel loved and become an integral part of our family while in our home. Resolving any conflicts that arose, although difficult, was a necessary part of the process. It was an honor to serve these children in need and watch my children grow in that experience. In transitioning out of fostering, I now serve on the Regional Board with the Children's Home Society.

I have spent almost my entire 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. I will do all of these things by enforcing the law and not legislating from the bench.

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  
300 S. Beach Street  
Daytona Beach, Florida 32114  
386-255-8600
  - 2) Honorable David Dugan - Brevard County Circuit Court  
Moore Justice Center  
2825 Judge Fran Jamieson Way  
Viera, Florida 32940  
321-617-7279
  - 3) Honorable Robin Lemonidis  
Moore Justice Center  
2825 Judge Fran Jamieson Way  
Viera, Florida 32940  
321-617-7283
  - 4) Honorable Kerry Evander - Fifth District Court of Appeals  
300 S. Beach Street  
Daytona Beach, Florida 32114  
386-255-8600
  - 5) Gregory Konieczka, Esq.  
Office of State Attorney  
2725 Judge Fran Jamieson Way  
Viera, Florida 32940  
321-617-7510
  - 6) Will Scheiner, Esq.  
Office of State Attorney  
2725 Judge Fran Jamieson Way  
Viera, Florida 32940  
321-617-7510
  - 7) Daniel J. Freyberg, Esq.  
P.O. Box 542048  
Merritt Island, FL 32954  
321-459-2994; info@lawbrevard.com

- 8) Blaise Trettis, Esq., Public Defender for the 18<sup>th</sup> Judicial Circuit  
Office of Public Defender  
2725 Judge Fran Jamieson Way  
Viera, Florida 32940  
321-617-7373
- 9) James "J.R." Russo, Esq., Former Public Defender for the 18<sup>th</sup> Judicial Circuit  
(1980-2012)  
129 Bahama Blvd  
Cocoa Beach, FL 32931-3206  
(321) 480-6326  
flapd18@yahoo.com
- 10) Honorable Lisa Davidson  
Moore Justice Center  
2825 Judge Fran Jamieson Way  
Viera, Florida 32940  
(321) 617-7281

**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 19TH day of MARCH, 2020.

Marielena Tynan  
Printed Name

[Signature]  
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.*

## FINANCIAL HISTORY

1. State the amount of gross income you have earned, or losses you have incurred (before deducting expenses and taxes) from the practice of law for the preceding three-year period. This income figure should be stated on a year to year basis and include year to date information, and salary, if the nature of your employment is in a legal field.

Current year to date	20,016.00		
List Last 3 years	91,538.00	111,401.00	78,321.00

2. State the amount of net income you have earned, or losses you have incurred (after deducting expenses but not taxes) from the practice of law for the preceding three-year period. This income figure should be stated on a year to year basis and include year to date information, and salary, if the nature of your employment is in a legal field.

Current year to date	20,016.00		
List Last 3 years	91,538.00	111,401.00	78,321.00

3. State the gross amount of income or losses incurred (before deducting expenses or taxes) you have earned in the preceding three years on a year by year basis from all sources other than the practice of law, and generally describe the source of such income or losses.

Current year to date	None		
List Last 3 years	None	None	None

4. State the amount of net income you have earned or losses incurred (after deducting expenses) from all sources other than the practice of law for the preceding three-year period on a year by year basis, and generally describe the sources of such income or losses.

Current year to date	None		
List Last 3 years	None	None	None

**FORM 6  
FULL AND PUBLIC  
DISCLOSURE OF  
FINANCIAL INTEREST**

**PART A – NET WORTH**

Please enter the value of your net worth as of December 31 or a more current date. [Note: Net worth is not calculated by subtracting your *reported* liabilities from your *reported* assets, so please see the instructions on page 3.]

My net worth as of March 20, 2020 was \$62,276.00.

**PART B - ASSETS**

**HOUSEHOLD GOODS AND PERSONAL EFFECTS:**

Household goods and personal effects may be reported in a lump sum if their aggregate value exceeds \$1,000. This category includes any of the following, if not held for investment purposes; jewelry; collections of stamps, guns, and numismatic items; art objects; household equipment and furnishings; clothing; other household items; and vehicles for personal use.

The aggregate value of my household goods and personal effects (described above) is \$ 412,995.00

**ASSETS INDIVIDUALLY VALUED AT OVER \$1,000:**

DESCRIPTION OF ASSET (specific description is required – see instructions p. 3)

**VALUE OF ASSET**

DESCRIPTION OF ASSET (specific description is required – see instructions p. 3)	VALUE OF ASSET
Residential Home	316,000.00
Retirement Account (Charles Schwab)	34,142.00
Automobiles (2006 Toyota Sienna and 2015 Chevrolet Suburban)	38,000.00
Bank Accounts (JP Morgan Chase)	14,853.00
Aggregate household furnishings	10,000.00

**PART C - LIABILITIES**

LIABILITIES IN EXCESS OF \$1,000 (See instructions on page 4):

NAME AND ADDRESS OF CREDITOR

AMOUNT OF LIABILITY

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY
Pennymac Loan Services (mortgage on home), PO Box 30597, Los Angeles, California 90030-0597	236,257.00
TD Bank (auto loan), TD Auto Finance, PO Box 100295, Columbia, SC 29202-3295	9,239.00
Navient (school loan), PO Box 9533, Wilkes-Barre, Pa. 18773-9533	75,397.00
Firstmark Services (school loan), PO Box 2977, Omaha, NE 68103-2977	6,126.00

JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:

NAME AND ADDRESS OF CREDITOR

AMOUNT OF LIABILITY

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY

**PART D - INCOME**

You may **EITHER** (1) file a complete copy of your latest federal income tax return, *including all W2's, schedules, and attachments*, **OR** (2) file a sworn statement identifying each separate source and amount of income which exceeds \$1,000 including secondary sources of income, by completing the remainder of Part D, below.

I elect to file a copy of my latest federal income tax return and all W2's, schedules, and attachments.  
 (if you check this box and attach a copy of your latest tax return, you need not complete the remainder of Part D.)

**PRIMARY SOURCE OF INCOME (See instructions on page 5):**

NAME OF SOURCE OF INCOME EXCEEDING \$1,000	ADDRESS OF SOURCE OF INCOME	AMOUNT

**SECONDARY SOURCES OF INCOME** [Major customers, clients, etc., of businesses owned by reporting person—see instructions on page 6]

NAME OF BUSINESS ENTITY	NAME OF MAJOR SOURCES OF BUSIENSS' INCOME	ADDRESS OF SOURCE	PRINCIPAL BUSINESS ACTIVITY OF SOURCE

**PART E – INTERESTS IN SPECIFIC BUSINESS [Instructions on page 7]**

	BUSINESS ENTITY #1	BUSINESS ENTITY #2	BUSINESS ENTITY #3
NAME OF BUSINESS ENTITY			
ADDRESS OF BUSINESS ENTITY			
PRINCIPAL BUSINESS ACTIVITY			
POSITION HELD WITH ENTITY			
I OWN MORE THAN A 5% INTEREST IN THE BUSINESS			
NATURE OF MY OWNERSHIP INTEREST			

**IF ANY OF PARTS A THROUGH E ARE CONTINUED ON A SEPARATE SHEET, PLEASE CHECK HERE**

**OATH**

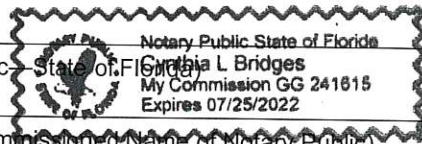
I, the person whose name appears at the beginning of this form, do depose on oath or affirmation and say that the information disclosed on this form and any attachments hereto is true, accurate, and complete.

**STATE OF FLORIDA**

**COUNTY OF BREVARD**

Sworn to (or affirmed) and subscribed before me this 20TH day of MARCH, 2020 by MARIELENA FELICIANO TYNAN

(Signature of Notary Public)



(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known  OR Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_

*Cynthia L. Bridges*  
 SIGNATURE

**JUDICIAL APPLICATION DATA RECORD**

The judicial application shall include a separate page asking applicants to identify their race, ethnicity and gender. Completion of this page shall be optional, and the page shall include an explanation that the information is requested for data collection purposes in order to assess and promote diversity in the judiciary. The chair of the Commission shall forward all such completed pages, along with the names of the nominees to the JNC Coordinator in the Governor's Office (pursuant to JNC Uniform Rule of Procedure).

(Please Type or Print)

Date: MARCH 19, 2020

JNC Submitting To: \_\_\_\_\_

Name (please print): Marielena Feliciano Tynan

Current Occupation: Associate Attorney

Telephone Number: \_\_\_\_\_ Attorney No.: 553905

Gender (check one):  Male  Female

Male

Female

Ethnic Origin (check one):  White, non Hispanic

Hispanic

Black

American Indian/Alaskan Native

Asian/Pacific Islander

County of Residence: Brevard



*FLORIDA DEPARTMENT OF LAW ENFORCEMENT*

DISCLOSURE PURSUANT TO THE  
FAIR CREDIT REPORTING ACT (FCRA)

The Florida Department of Law Enforcement (FDLE) may obtain one or more consumer reports, including but not limited to credit reports, about you, for employment purposes as defined by the Fair Credit Reporting Act, including for determinations related to initial employment, reassignment, promotion, or other employment-related actions.


CONSUMER'S AUTHORIZATION FOR FDLE  
TO OBTAIN CONSUMER REPORT(S)

I have read and understand the above Disclosure. I authorize the Florida Department of Law Enforcement (FDLE) to obtain one or more consumer reports on me, for employment purposes, as described in the above Disclosure.

Printed Name of  
Applicant:

Marielena Feliciano Tynan

Signature of Applicant:



Date: MARCH 19, 2020