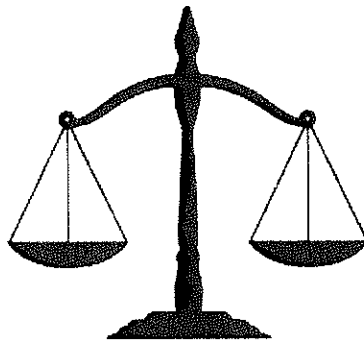


**APPLICATION FOR APPOINTMENT TO
COUNTY COURT
SEVENTH JUDICIAL CIRCUIT**

**SUBMITTED TO THE
SEVENTH JUDICIAL CIRCUIT NOMINATING COMMISSION**



**BY
SHAVONNE J. MCCANTS
ATTORNEY AT LAW, VOLUSIA COUNTY
SEPTEMBER 2020**



ATTORNEY AT LAW

SHAVONNE J. MCCANTS

7TH JUDICIAL CIRCUIT, VOLUSIA COUNTY

September 8, 2020


To the Chair and Members of the Seventh Circuit Judicial Nominating Commission:

The court needs a fair and impartial judge with high aspirations for a rapidly evolving community. As a person who has dedicated herself to public service for more than eight years, I have a vested interest in the progress of my community. I am ready to further my service as county judge.

In addition to my eight years of service as an Assistant Public Defender and Division Chief, I have demonstrated my interest in Volusia County through my volunteer work with local high schools, including speeches, after-school programs, and mock trial coaching. Currently, I serve as a board member of Chile's Academy, a public charter school for pregnant and parenting students, with a specialized program focusing on dropout prevention.

Maya Angelou has said, "I've learned that making a 'living' is not the same thing as 'making a life.'" If I am appointed, I know that I will use the opportunity to humbly serve the citizens of my community and leave a legacy of positive impact.

Thank you for your consideration.

Sincerely,

Shavonne J. McCants
Assistant Public Defender/Division
Chief





APPLICATION FOR NOMINATION TO THE COUNTY COURT

Instructions: Respond fully to the questions asked below. Please make all efforts to include your full answer to each question in this document. You may attach additional pages, as necessary, however it is discouraged. In addition to the application, you must provide a recent color photograph to help identify yourself.

Full Name: Shavonne JoAnn McCants **Social Security No.:** [REDACTED]

Florida Bar No.: 0099870 **Date Admitted to Practice in Florida:** 09/27/2012

Cell Phone No.: [REDACTED] **E-Mail:** mccants.shavonne@pd7.org

- 1) Please state your current employer and title, including any professional position and any public or judicial office you hold, your business address and telephone number.

I serve as Division Chief/Assistant Public Defender at the Law Offices of the Public Defender, 7th Judicial Circuit, at 251 N. Ridgewood Avenue, Daytona Beach, Florida 32114; telephone 386-239-7730.

- 2) Please state your current residential address, including city, county, and zip code. Indicate how long you have resided at this location and how long you have lived in Florida. Additionally, please provide a telephone number where you can be reached (preferably a cell phone number).

My address since June of 2018, has been 381 Coventry Estates Boulevard in Deltona, Florida 32725, Volusia County; I have lived in Florida for 11 years.

- 3) State your birth date and place of birth.

I was born on October 13, 1982, in Fort McClellan, Alabama 36205.

- 4) Are you a registered voter in Florida (Y/N)?

Yes, I am a registered voter in Florida.

- 5) Please list all courts (including state bar admissions) and administrative bodies having special admissions requirements to which you have ever been admitted to practice, giving the dates of admission, and if applicable, state whether you have ever been suspended or resigned. Please explain the reason for any lapse in membership.

I have been admitted to the state bar of Florida since September 27, 2012, and have experienced no suspensions, resignations, or lapses in membership from that time till the present.



- 6) Have you ever been known by any aliases? If so, please indicate and when you were known by such alias.

No, I have never been known by any aliases.

EDUCATION:

- 7) List in reverse chronological order each secondary school, college, university, law school, or any other institution of higher education attended and indicate for each of the dates of attendance, whether a degree was received, the date the degree was received, class standing, and graduating GPA (if your class standing or graduating GPA is unknown, please request the same from such school).

<i>School</i>	<i>Dates of Attendance</i>	<i>Degree/Date</i>
<i>GPA/Class Standing</i> Florida Coastal School of Law 3.04/top 27%	2009–2011	J.D. 12/10/2011
Jacksonville State University 3.73/MCL	2004–2007	B.S.(CJ) 4/27/ 2007
Central Alabama Community College 3.58	2001–2004	AS 5/07/2004

- 8) List and describe any organizations, clubs, fraternities or sororities, and extracurricular activities you engaged in during your higher education. For each, list any positions or titles you held and the dates of participation.

<i>Organization/Activity</i>	<i>Role/Title</i>	<i>Dates</i>
Making Strides (Breast Cancer Awareness) Fundraiser	Fundraiser	2018–current
Chiles Academy (Teen moms)	Board member; mentor	2020–current
Chiles Academy Mock Trial	Instructor	2020
Women Worship Fridays (WWF)	Founder	2020–current
Mainland High School	Speaker	2019
Susan G. Komen	Fundraiser	2009–2018
Putnam Co. Sheriff's Office Softball	Player	2017
St. Augustine High School	Speaker	2015
Kaplan Bar Review	Volunteer	2011
Phi Kappa Phi Honor Society	Member	2010–2012
Meals on Wheels	Volunteer	2006–2008

EMPLOYMENT:

- 9) List in reverse chronological order all full-time jobs or employment (including internships and clerkships) you have held since the age of 21. Include the name and address of the employer, job title(s), and dates of employment. For non-legal employment, please briefly describe the position and provide a business address and telephone number.



<i>Employer</i>	<i>Address</i>	<i>Title</i>	<i>Dates</i>
Law office of the Public Defender	Daytona Bch, FL	Division Chief/Asst. P.D.	2018–current
Law Office of The Public Defender	Palatka, FL	Asst. P.D.	2015–2018
Law Office of The Public Defender	St. Aug., FL	Asst. P.D.	2012–2015
The Law Office of The Public Defender	St. Aug., FL	Certified Legal Intern	2010–2012
The Learning Tree	Piedmont, AL	Lead Residential Trainer	2006–2008
Judicial Internship	Jacksonville, AL	Intern	2007
Federal-Mogul	Jacksonville, AL	Factory Worker	2006
Burke's Outlet	Sylacauga, AL	Cashier	2005
Wal-Mart	Sylacauga, AL	Cashier	2001–2004

10) Describe the general nature of your current practice including any certifications that 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.

As an Assistant Public Defender, I represent indigent clients who are charged with various criminal offenses. In that role, I have tried cases in both county and circuit courts, and I also have experience with motion hearings. I have had the opportunity to represent clients charged with a wide range of offenses, from simple traffic infractions to attempted murder.

As Division Chief, I directly supervise the misdemeanor trial division and help the felony trial attorneys and legal assistants.

I am also a member of the DUI court team in Volusia County. For that team, I not only act as legal counsel, but I provide recommendations for the progress of the participant and protection of the community.



11) What percentage of your appearance in court in the last five years or in the last five years of practice (include the dates) was:

	Court		Area of Practice	
Federal Appellate	___	%	Civil	_____ %
Federal Trial	___	%	Criminal	<u>95</u> %
Federal Other	___	%	Family	<u>5</u> %
State Appellate	___	%	Probate	_____ %
State Trial	<u>100</u>	%	Other	_____ %
State Administrative	___	%		
State Other	___	%		
TOTAL	—	<u>100</u> %	TOTAL	<u>100</u> %

If your appearance in court the last five years is substantially different from your prior practice, please provide a brief explanation: N/A

12) In your lifetime, how many (number) of the cases that you tried to verdict, judgment, or final decision were:

Jury?	<u>6</u>	Non-jury?	<u>0</u>
Arbitration?	<u>0</u>	Administrative Bodies?	<u>0</u>
Appellate?	<u>2</u>		

13) Please list every case that you have argued (or substantially participated) in front of the United States Supreme Court, a United States Circuit Court, the Florida Supreme Court, or a Florida District Court of Appeal, providing the case name, jurisdiction, case number, date of argument, and the name(s), e-mail address(es), and telephone number(s) for opposing appellate counsel. If there is a published opinion, please also include that citation.

None

14) 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.

- 15) 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 full.

No.

- 16) For your last six cases, which were tried to verdict or handled on appeal, either before a jury, judge, appellate panel, arbitration panel or any other administrative hearing officer, list the names, e-mail addresses, and telephone numbers of the trial/appellate counsel on all sides and court case numbers (include appellate cases). *This question is optional for sitting judges who have served five years or more.*

1. State v. Swift (2016-00010-CF)

ASA (Kenny Janesk)

Email: janeskK@sao7.org

[REDACTED]

(Work) 386-329-0259

Co-counsel (Marissa Fallica)

Email: fallica.marissa@pd7.org

[REDACTED]

(Work) 386-329-0301

2. State v. Taylor (2016-01440-CF)

ASA (Cara Devlin)

Email: devline@sao7.org

[REDACTED]

(Work) 386-329-0259

3. State v. Lee (2015-00210-CF)

ASA (Rebecca Emert)

Email: emertr@sao7.org

[REDACTED]

(Work) 904-209-1620

Co-counsel PD (RoseMarie Peoples)

Email: Peoples.rosemarie@pd7.org



[REDACTED]
(Work) 904-827-5699

4. **State v. Stewart (2015-00312-CF)**
ASA Mitchell Bishop
Email: bennetm@circuit8.org

Co-Counsel PD (Carlton Crawford Pierce)
Email: crawfordpiercelaw@gmail.com
[REDACTED]
(Work) 904-468-3575

5. **State v. Perkins (2014-00261CF)**
ASA (Judge Christopher Ferebee)
Email: cferebee@circuit7.org
(Work) 386-329-0471

Co-Counsel PD (Renee Peshek)
Email: peshek.renee@pd7.org
[REDACTED]
(Work) 904-827-5699

6. **State v. Bates (2014-00796MM)**
ASA Steven Croskey
Email: steven@croskeylaw.org
[REDACTED]
(Work) 904-562-3350

17) For your last six cases, which were either 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). *This question is optional for sitting judges who have served five years or more.*

1. **State v. Curry (2020-304597MMDB)**
ASA (Mr. John Scott)
[REDACTED]
(Work): 386-239-7710

2. **State v. Camel-Uribe (2020-300122MMDB)**
ASA (Ms. Nancy Simpson)
[REDACTED]
(Work): 386-239-7710



3. State v. Howard (2019-313251MMDB)

ASA (Ms. Nancy Simpson)

[REDACTED]

(Work): 386-239-7710

4. State v. Bradberry (2019-314233MMDB)

ASA (Mr. John Scott)

[REDACTED]

(Work): 386-239-7710

5. State v. Cannon (2019-311490MMDB)

ASA (Ms. Susan Bexley/Ms. Nancy Simpson)

(ASA Bexley's Cell): [REDACTED]

(ASA Simpson's Cell): [REDACTED]

(Work): 386-239-7710

6. State v. Harris (2019-310738MMDB)

ASA (Ms. Nancy Simpson)

(Cell): [REDACTED]

(Work): 386-239-7710

- 18) During the last five years, on average, how many times per month have you appeared in Court or at administrative hearings? If during any period you have appeared in court with greater frequency than during the last five years, indicate the period during which you appeared with greater frequency and succinctly explain.

In the past five years I have appeared in court on average 12 times per month.

- 19) If Questions 16, 17, and 18 do not apply to your practice, please list your last six major transactions or other legal matters that were resolved, listing the names, e-mail addresses, and telephone numbers of the other party counsel.

N/A

- 20) During the last five years, if your practice was greater than 50% personal injury, workers' compensation or professional malpractice. what percentage of your work was in representation of plaintiffs or defendants?

N/A

- 21) List and describe the five most significant cases which you personally litigated giving the case style,



number, court and judge, the date of the case, the names, e-mail addresses, and telephone numbers of the other attorneys involved, 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.

1. State v. Lee (2015-00210-CF) Circuit Court

Judge Clayton

ASA (Rebecca Emert)

Email: emertr@sao7.org

[REDACTED]

(Work) 904-209-1620

Co-counsel PD (RoseMarie Peoples)

Email: Peoples.rosemarie@pd7.org

[REDACTED]

(Work) 904-827-5699

2. State v. Swift (2016-00010-CF)

ASA (Kenny Janesk)

Judge Craig

Email: janeskk@sao7.org

[REDACTED]

(Work) 386-329-0259

Co-counsel (Marissa Fallica)

Email: fallica.marissa@pd7.org

[REDACTED]

(Work) 386-329-0301

3. State v. Dubuc (201601053CF)

Judge Wolfe

ASA (Kenny Janesk)

Email: janeskk@sao7.org

[REDACTED]

(Work) 386-329-0259

4. State v. Maag (2015-01653CF)

Judge Wolfe

ASA (Kenny Janesk)

Email: janeskk@sao7.org

[REDACTED]

(Work) 386-329-0259



5. State v. Jackson (2019-300522MM)

Judge Schumann

ASA Tara Libby

Email: libbyt@sao7.org

[Redacted]

(Work) 386-822-6400

22) Attach at least two, but no more than three, examples of legal writing which you personally wrote. If you have not personally written any legal documents recently, you may attach a writing sample for which you had substantial responsibility. Please describe your degree of involvement in preparing the writing you attached.

See Appendix A

PRIOR JUDICIAL EXPERIENCE OR PUBLIC OFFICE

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

N/A

24) If you have previously submitted a questionnaire or application to this or any other judicial nominating commission, please give the name(s) of the commission, the approximate date(s) of each submission, and indicate if your name was certified to the Governor’s Office for consideration.

N/A

25) List any prior quasi-judicial service, including the agency or entity, dates of service, position(s) held, and a brief description of the issues you heard.

Judicial Internship – Judge Gus Colvin **January 2007–May 2007**
District Court Calhoun County, Anniston, Alabama

- Accompanied Judge Colvin to his daily trials and hearings, assisted in preparation for proceedings by making phone calls, copies, obtaining files of defendants’ cases, and filing orders
- Entered orders into the court files for Judge Colvin
- Assured attorneys were prepared for their cases by providing them with their clients’ warrants in preparation for their hearing or trial

26) If you have prior judicial or quasi-judicial experience, please list the following information:

- a. the names, phone numbers and addresses of six attorneys who appeared



before you on matters of substance;

- b. the approximate number and nature of the cases you handled during your tenure;
- c. the citations of any published opinions; and
- d. descriptions of the five most significant cases you have tried or heard, identifying the citation or style, attorneys involved, dates of the case, and the reason you believe these cases to be significant.

N/A

27) Provide citations and a brief summary of all of your orders or opinions where your decision was reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, attach copies of the opinions.

N/A

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

N/A

29) Has a complaint about you ever been made to the Judicial Qualifications Commission? If so, give the date, describe the 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

30) Have you ever held an attorney in contempt? If so, for each instance state the name of the attorney, case style for the matter in question, approximate date and describe the circumstances.

N/A

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

N/A

NON-LEGAL BUSINESS INVOLVEMENT

32) 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

- 33) Since being admitted to the Bar, have you ever engaged in any occupation, business or profession other than the practice of law? If so, explain and provide dates. If you received any compensation of any kind outside the practice of law during this time, please list the amount of compensation received.

No

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

PROFESSIONAL ACCOMPLISHMENTS AND OTHER ACTIVITIES

- 35) List the titles, publishers, and dates of any books, articles, reports, letters to the editor, editorial pieces, or other published materials you have written or edited, including materials published only on the Internet. Attach a copy of each listed or provide a URL at which a copy can be accessed.

N/A

- 36) List any reports, memoranda or policy statements you prepared or contributed to the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. Provide the name of the entity, the date published, and a summary of the document. To the extent you have the document, please attach a copy or provide a URL at which a copy can be accessed.

N/A

- 37) List any speeches or talks you have delivered, including commencement speeches, remarks, interviews, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place they were delivered, the sponsor of the presentation, and a summary of the presentation. If there are any readily available press reports, a transcript or recording, please attach a copy or provide a URL at which a copy can be accessed.



St. Augustine High School, St. Augustine, Florida 2005

Sponsor: Alexis Ferguson (Teacher)

In my role as Public Defender, I was asked to be a speaker for a group of students at St. Augustine High School. The presentation was based on knowing your legal rights and how to respond if put in a compromising legal position. The speech also emphasized always obeying commands from law enforcement. Afterwards, there was a question-and-answer session to engage the students.

Mainland High School, Daytona Beach, Florida 2019

Sponsor: Mrs. Stella Ott (Instructor/Retired VCSO Investigator)

I spoke to four groups of students for career day on the topic of various career opportunities available upon gaining a higher education. We also discussed knowing your rights, knowing who your friends are, and other subjects related to the pitfalls of engaging in behavior that could lead to encounters with the legal system.

38) Have you ever taught a course at an institution of higher education or a bar association? If so, provide the course title, a description of the course subject matter, the institution at which you taught, and the dates of teaching. If you have a syllabus for each course, please provide.

No

39) List any fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement. Include the date received and the presenting entity or organization.

- ***Law Office of the Public Defender:***
 - **Outstanding Service: Based on evaluation from co-workers and Division Chief**
- ***Florida Coastal School of Law:***
 - **Book Award: Highest Grade in Poverty Law, Fall 2010**
 - **Book Award: Highest Grade in Pretrial Litigation Drafting, Summer 2011**
 - **Dean's Scholar: Fall 2010**
 - **Dean's List: Spring 2011; Fall 2011**
- ***Jacksonville State University:***
 - **Graduated Magna Cum Laude, April 2007**
 - **Dean's List and President's List entire tenure**
 - **Phi Kappa Phi Honor Society (Based on GPA)**

40) Do you have a Martindale-Hubbell rating? If so, what is it and when was it earned?

No



- 41) List all bar associations, legal, and judicial-related committees of which you are or have been a member. For each, please provide dates of membership or participation. Also, for each indicate any office you have held and the dates of office.

I have been a member of the State Bar of Florida since 9/27/2012.

- 42) List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in the previous question to which you belong, or to which you have belonged since graduating law school. For each, please provide dates of membership or participation and indicate any office you have held and the dates of office.

N/A

- 43) Do you now or have you ever belonged to a 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 (other than a church, synagogue, mosque or other religious institution), national origin, or sex (other than an educational institution, fraternity or sorority)? If so, state 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

- 44) Please describe any significant pro bono legal work you have done in the past 10 years, giving dates of service.

I have not completed any pro bono work due to current employment restrictions.

- 45) Please describe any hobbies or other vocational interests.

- **Mentoring Youth**
- **Fundraising**
- **Horseback Riding**
- **Swimming**
- **Zumba**
- **Scuba Diving/Snuba Diving**
- **Roller Skating**

- 46) Please state whether you have served or currently serve in the military, including your dates of service, branch, highest rank, and type of discharge.

No



47) Please provide links to all social media and blog accounts you currently maintain, including, but not limited to, Facebook, Twitter, LinkedIn, and Instagram.

None

FAMILY BACKGROUND

48) Please state your current marital status. If you are currently married, please list your spouse's name, current occupation, including employer, and the date of the marriage. If you have ever been divorced, please state for each former spouse their name, current address, current telephone number, the date and place of the divorce and court and case number information.

I am currently married since August 10, 2009 to Keith McCants. He is currently employed at Bed Bath and Beyond as a store manager. I have not been previously married.

49) If you have children, please list their names and ages. If your children are over 18 years of age, please list their current occupation, residential address, and a current telephone number.

None

CRIMINAL AND MISCELLANEOUS ACTIONS

50) Have you ever been convicted of a felony or misdemeanor, including adjudications of guilt withheld? If so, please list and provide the charges, case style, date of conviction, and terms of any sentence imposed, including whether you have completed those terms.

No

51) Have you ever pled nolo contendere or guilty to a crime which is a felony or misdemeanor, including adjudications of guilt withheld? If so, please list and provide the charges, case style, date of conviction, and terms of any sentence imposed, including whether you have completed those terms.

No

52) Have you ever been arrested, regardless of whether charges were filed? If so, please list and provide sufficient details surrounding the arrest, the approximate date and jurisdiction.

No

53) Have you ever been a party to a lawsuit, either as the plaintiff, defendant, petitioner, or respondent? If so, please supply the case style, jurisdiction/county in which the lawsuit was filed, case number, your status in the case, and describe the nature and disposition of the matter.



No

54) To your knowledge, has there ever been a complaint made or filed alleging malpractice as a result of action or inaction on your part?

No

55) To the extent you are aware, have you or your professional liability carrier ever settled a claim against you for professional malpractice? If so, give particulars, including the name of the client(s), approximate dates, nature of the claims, the disposition and any amounts involved.

No

56) 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, provide the particulars of each finding or investigation.

No

57) To your knowledge, within the last ten years, have any of your current or former co-workers, subordinates, supervisors, customers, clients, or the like, ever filed a formal complaint or accusation of misconduct including, but not limited to, any allegations involving sexual harassment, creating a hostile work environment or conditions, or discriminatory behavior against you with any regulatory or investigatory agency or with your employer? If so, please state the date of complaint or accusation, specifics surrounding the complaint or accusation, and the resolution or disposition.

I have been employed as a public defender for eight years. During this time I have only had two bar complaints, both of which were rejected without me having to file a response.

58) 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

59) Have you ever filed a personal petition in bankruptcy or has a petition in bankruptcy been filed against you, this includes any corporation or business entity that you were involved with? If so, please provide the case style, case number, approximate date of disposition, and any relevant details surrounding the bankruptcy.

No



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

No

61) Please explain whether you have complied with all legally required tax return filings. To the extent you have ever had to pay a tax penalty or a tax lien was filed against you, please explain giving the date, the amounts, disposition, and current status.

Yes, I am in compliance.

HEALTH

62) Are you currently addicted to or dependent upon the use of narcotics, drugs, or alcohol?

No

63) 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? 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.

No

64) 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 two or three nights, experiencing periods of hyperactivity, spending money profusely with extremely poor judgment, suffering 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. If yes, please explain.

No

65) 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? If yes please explain the limitation or impairment and any treatment, program or counseling sought or prescribed.

No



66) 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, provide full details as to court, date, and circumstances.

No

67) 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 or State law provisions.)

No

68) 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 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

69) 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

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

No

SUPPLEMENTAL INFORMATION

71) Describe any additional education or experiences you have which could assist you in holding judicial office.

I am known for being fair and professional in all aspects of my career. After only two months at the Daytona Beach Public Defenders Office, I was appointed Division Chief without applying for the position. My administration believed my fairness and clear understanding of the law would enable me to lead the attorneys to better serve the



community—and the decision went unchallenged.

Thus, I believe my work ethic speaks for itself, which will help me continue to serve on the bench if appointed by this commission.

The voters, in general, want a judge who will be fair and uphold the law at all times.

- 72) Explain the particular contribution you believe your selection would bring to this position and provide any additional information you feel would be helpful to the Commission and Governor in evaluating your application.

If I am selected to the county bench, I would strive to enhance the public's interest and confidence in the judicial system by serving as a direct representation . As a judge, I would inspire the community to get more involved in the progression of its citizens.

If appointed, I would contribute to the community by focusing on mental health to lower recidivism and to protect its citizens, eventually, starting a mental health court in Volusia County.

Prior to my legal career, I was a caregiver for individuals diagnosed with mental health disorders. This opportunity opened my eyes to the lack of programs and support they were given. During my legal career, I have represented individuals whose mental health challenges cause them to be charged with criminal offenses on multiple occasions, leading to a cycle of recidivism that alters the community's sense of security.

I want to bring a fresh set of eyes to current issues in this community. The world is rapidly changing, and opinions on many subjects are vastly different than they were even ten years ago. Volusia County needs a judge who understands the importance of growing with their community; this experience would allow me to maintain by bench position if appointed.

REFERENCES

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

- 1. Judge Dawn Fields**
Address: 125 E. Orange Ave. Daytona Beach, Florida 32114
Email: Dfields@circuit7.org
(Work): 386-257-6070



2. **Judge Charles Tinlin**
Address: 4010 Lewis Speedway #205, St. Augustine, Florida 32084
Email: [ctinlin@ circuit7.org](mailto:ctinlin@circuit7.org)
[REDACTED]
(Work): 904-827-5699
3. **Ms. Joan Anthony (Attorney at Law)**
Address: 847 Orange Ave #E, Daytona Beach, Florida 32114
Email: [lawofficeofjoan@ brighthouse.com](mailto:lawofficeofjoan@brighthouse.com)
[REDACTED]
(Work): 386-257-0505
4. **Mr. James Purdy (Public Defender)**
Address: 251 N. Ridgewood Ave., Daytona Beach, Florida 32114
Email: purdy.james@pd7.org
[REDACTED]
(Work): 386-239-7730
5. **Mr. Matthew Metz (2020 Elected Public Defender)**
Address: 251 N. Ridgewood Ave., Daytona Beach, Florida 32114
Email: metz.matthew@pd7.org
[REDACTED]
(Work): 386-239-7730
6. **Mr. Craig Dyer (Retired Chief Asst. Public Defender)**
Email: [craigdyer@ att.net](mailto:craigdyer@att.net)
[REDACTED]
(Work): Recently retired from the Daytona Beach Office of the Public Defender
7. **Mr. Bob Ryan (Administrative Director Office of the Public Defender)**
Address: 251 N. Ridgewood Ave, Daytona Beach, Florida 32117
Email: ryan.bob@pd7.org
[REDACTED]
(Work): 386-239-7730
8. **Mr. Kenny Janesk (Asst. State Attorney/Division Chief)**
Address: 410 St. Johns Ave, Palatka, Florida 32177
Email: [janeskK@ sao7.org](mailto:janeskK@sao7.org)
[REDACTED]
(Work): 386-3290259
9. **Mr. Spencer Craven (Sgt. St. Johns Co. Sheriff's Office)**
Address: 4015 Lewis Speedway, St. Augustine, Florida 32084
Email: [scraven@ sjsso.org](mailto:scraven@sjsso.org)
[REDACTED]
(Work): 904-824-8304
10. **Ms. Abby Bethea (Principal/Executive Director of The Chiles Academy)**
Address: 868 George W. Engram Blvd., Daytona Beach, Florida 32114
Email: [abfergus@ volusia.k12.fl.us](mailto:abfergus@volusia.k12.fl.us)
[REDACTED]
(Work): 386-322-6102



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 15th day of September 2020.

Shavonne JoAnn McCants

Printed Name

Signature

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



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: Approx. \$46,666

Last Three Years: 2019-70,000.08 2018-\$61,250 2017-\$60,000

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: Approx. \$66,400

Last Three Years: 2019-\$66,400 2018-\$44,266 2017-\$61,500

3. State the gross amount of income or losses incurred (before deducting expenses or taxes)

Current Year-To-Date: None

Last Three Years: _____

4. State the amount 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

Last Three Years: _____

5. 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

Last Three Years: _____



**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 Sept., 2020 was \$ 0 .

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 \$ 20,000

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
Real Estate (Alabama)	Approx. \$45,000
Tesla Stock	Approx. \$2500
Retirement Fund	Approx. \$40,000

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
VyStar Credit Union P.O. Box 45085, Jacksonville, Florida 32232	\$25,000
GM Financial 801 Cherry St. Ste. 3500, Fort Worth, Texas 76102	\$19,000
FedLoan Servicing P.O. Box 69184 Harrisburg, Pennsylvania 17106-9184	\$400,000

JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:

NAME AND ADDRESS OF CREDITOR

AMOUNT OF LIABILITY

--	--



GM Financial 801 Cherry St. Ste. 3500, Fort Worth, Texas 76102	\$19,000



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
Law Office of the Public Defender	251 N. Ridgewood Ave, Daytona Beach, FL 32114	\$70,000 yearly

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 BUSINESS' INCOME	ADDRESS OF SOURCE	PRINCIPAL BUSINESS ACTIVITY OF SOURCE
N/A			

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

	BUSINESS ENTITY #1	BUSINESS ENTITY #2	BUSINESS ENTITY #3
NAME OF BUSINESS ENTITY	N/A		
ADDRESS OF BUSINESS ENTITY			
PRINCIPAL BUSINESS ACTIVITY			
POSITION HELD WITH ENTITY			
I OWN MORE THAN A 5% INTEREST IN THE BUSINESS			<input type="checkbox"/>
NATURE OF MY OWNERSHIP INTEREST			

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

<p align="center">OATH</p> <p>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.</p>	<p>STATE OF FLORIDA</p> <p>COUNTY OF</p> <p><u>VOLUSIA</u></p> <p>Sworn to (or affirmed) and subscribed before me this _____ day of _____, 20____ by _____</p> <p>(Signature of Notary Public—State of Florida)</p> <p>(Print, Type, or Stamp Commissioned Name of Notary Public)</p> <p>Personally Known _____ OR Produced Identification _____</p>
SIGNATURE	Type of Identification Produced _____



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: September 10, 2020

JNC Submitting To: 7th

Name (please print): Shavonne J. McCants

Current Occupation: APD

Telephone Number: 

Attorney No.: 0099870

Gender (check one): Male **Female**

Ethnic Origin (check one): White, non-Hispanic

Hispanic

Black

American Indian/Alaskan Native

Asian/Pacific Islander^o

County of Residence: Volusia

Shavonne J.
McCants



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.

Shavonne J. McCants

Printed Name of Applicant

Shavonne J. McCants

Signature of Applicant

Date: September 9, 2020

APPENDIX A
RESPONSE TO QUESTION 22

SUBMITTED BY SHAVONNE J. MCCANTS
APPLICATION FOR NOMINATION TO THE COUNTY COURT,
VOLUSIA COUNTY

IN THE COUNTY COURT, SEVENTH
JUDICIAL CIRCUIT, IN AND FOR
VOLUSIA COUNTY, FLORIDA

STATE OF FLORIDA,

v.

KENNETH BACH,

Defendant.

CASE NO.: 2019 303027 MMDB
JUDGE BELLE SCHUMANN

**MOTION FOR REHEARING ON MOTOIN TO DISMISS PURSUANT TO FLORIDA
STATUTE 776.032**

The Defendant, Kenneth Bach, moves this Honorable Court to dismiss the Information, pursuant to Florida Rules of Criminal Procedure 3.190(b), currently filed against the Defendant and find that Florida Statute 776.032 grants him immunity from further prosecution in this cause. As grounds the Defense states:

PROCEDURAL HISTORY

1. The Defendant was initially charged with a felony (Aggravated Assault deadly weapon). The state subsequently dismissed that charged and reduced it to a misdemeanor (Improper Exhibition of a firearm).
2. Prior to the reduction of charges, a hearing on defense's motion to dismiss based on Florida statute 776.032 was held. The Circuit court denied the defense's motion.
3. The elements of the felony charge differ from those of the misdemeanor. Based on that, defense is requesting a new hearing despite the order denying the previous motion to dismiss.

4. The defense anticipates the state will argue, based on the doctrine of collateral estoppel, that the defense is barred from relitigating this issue. The court held in Mobil Corp., the doctrine of collateral estoppel prevents identical parties from litigating issues that have previously been decided between them. Mobil Oil Corp. v. Shevin, 354 So.2d 372 (Fla. 1977). However, the court further stated that the essential elements of the doctrine are that the parties and issues be identical...Id at 374.
5. The doctrine of collateral estoppel does not apply to this case. Here the issues are not identical. In order to convict the Defendant of aggravated assault (deadly weapon), the state would have to prove that the Defendant intentionally and unlawfully threaten by word or act to do violence to the person, coupled with an apparent ability to do so, which created a well-founded fear in said person, that such violence was imminent, and further did commit the assault with a gun, a deadly weapon.
6. In order to convict the Defendant of improper exhibition of a firearm, the state would have to prove that the Defendant unlawfully, in the presence of one or more persons, did exhibit a firearm, a dangerous weapon, in a rude, careless, angry or threatening matter, not necessary for self-defense.
7. Based on the differing elements of each crime, it's the defense's position that the issues are not identical, therefore, the defense is not barred by the doctrine of collateral estoppel.

FACTS

The Defendant is the care taker for property located next to 614 Park Drive. This property is an open field. On March 23, 2018, the Defendant witnessed a number of vehicles being unlawfully driven through the property by teenagers. The Defendant parked his vehicle at the lot and asked the people driving on the property to leave. The victim, the father of one of the

drivers, approached and confronted the Defendant. A verbal altercation ensued. The Defendant, feeling unsafe during the argument, began backing up towards his vehicle. He walked backwards from the passenger side of the vehicle, around the back, to the driver's door. The victim followed him during this time, continuing to argue and make threats. A small crowd gathered a moderate distance from the Defendant to watch the altercation.

The actions of the alleged victim as well as the gathering of a crowd of strangers placed the Defendant in fear for his health and wellbeing. When the Defendant reached his vehicle, he reached into the vehicle and pulled out a revolver in a black case. He did not remove the weapon from the holster. He kept the firearm at his side and eventually rested the firearm, in the case, on top of the toolbox in the back of his vehicle, pointed away from the victim and the crowd. The victim and the crowd left the scene. The Defendant was arrested quickly thereafter.

STANDARD OF REVIEW AND LAW

As outlined in Peterson v. State (983 So.2d 27), a 1st DCA case from 2008, upon the filing of a motion to dismiss pursuant to 776.032, the Court should conduct a hearing to resolve any factual disputes. In support of this Motion, Defendant states as follows:

“Substantive law prescribes duties and rights under our system of government. . .” while “[p]rocedural law concerns the means and methods to apply and enforce those duties and rights...” State v. A., Jr., 367 So. 2d 702, 703 (Fla. 2d DCA 1979). While the Florida Supreme Court has the power to enact procedural laws, the legislature has the power to enact substantive laws. The legislature also has the power to enact procedural provisions that are intimately intertwined with substantive law. State v. McEldowney, 99 So. 3d 610, 611 (Fla. 5th DCA 2012) (holding that statute creating a procedural rebuttable presumption was constitutional); see also In re Commitment of Cartwright, 870 So. 2d 152, 157 (Fla. 2d DCA 2004) (holding legislature can

constitutional enact procedural rule changes that are intertwined with substantive provisions) (citing Caple v. Tuttle's Design-Build, Inc., 753 So. 2d 49, 54 (Fla. 2000). Procedural law changes are required to apply to pending cases. See Perez v. Bell S. Telecommunications, Inc., 138 So. 3d 492, 498 (Fla. 3d DCA 492 2014) (citing Alamo Rent-ACar, Inc. v. Mancusi, 632 So. 2d 1352, 1358 (Fla. 1994)).

The Legislature recently amended Florida Statute, Section 776.032(4) to include the following change regarding stand your ground hearings:

(4) In a criminal prosecution, once a prima facie claim of self- defense immunity from criminal prosecution has been raised by the defendant at a pretrial immunity hearing, the burden of proof by clear and convincing evidence is on the party seeking to overcome the immunity from criminal prosecution provided in subsection (1).

The additional language added by the legislature directly advises the trial court of the order in which evidence must be presented and the burden of proof the trial court must use when rendering an order. Mr. Bach is entitled to a Stand Your Ground Hearing using the complete language Florida Statute, Section 776.032 as a result of the changes applying to currently pending cases.

Defendant asserts that he should be declared immune from prosecution for the offense alleged in the Information, because Defendant is entitled to immunity from prosecution pursuant to sections 776.012 and 776.032, Florida Statutes. Defendant asserts that he is entitled to immunity from prosecution because the alleged victim, Alvero Jackson, was the initial aggressor and attacked Defendant, and any assault attributable to the Defendant was merely an act of self-defense. Section 776.012 states that a person is justified in the use of force against another when and to the extent that the person reasonably believes that such conduct is necessary to defend himself or herself or another against the other's imminent use of unlawful force. In Grav v. State,

13 So.3d 114 (Fla. 5th DCA 2009), the Fifth District Court of Appeal expressly adopted the procedure described in Peterson with regard to claims of immunity from prosecution asserted pursuant to sections 776.012 and 776.032.

WHEREFORE, Defendant prays this Honorable Court grant this Motion.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by delivery to: Daytona State Attorney Office, Assistant State Attorney, Robert Hill, 251 North Ridgewood Avenue, Daytona Beach, FL 32114, and to the defendant, on May 31, 2019.

/s/ Shavonne J. Mccants

SHAVONNE J. MCCANTS
ASSISTANT PUBLIC DEFENDER
Florida Bar Number: 99870
251 North Ridgewood Avenue
Daytona Beach, FL 32114
(386) 239-7730
mccants.shavonne@pd7.org

IN THE CIRCUIT COURT, SEVENTH
JUDICIAL CIRCUIT, IN AND FOR
PUTNAM COUNTY, FLORIDA

STATE OF FLORIDA,

v.

RONALD DUBUC,

Defendant.

CASE NO.: 2016-01053-CF
2016-01648-CF
JUDGE CLYDE E. WOLFE

**2nd AMENDED MOTION TO SUPPRESS SECOND RECORDED STATEMENT AND
ALLEGED CHILD PORNOGRAPHY**

COMES NOW the Defendant, RONALD DUBUC (“Mr. Dubuc”), by and through his undersigned attorney, pursuant to *Fla. R. Crim. Pro.* 3.190(g) and moves this Honorable Court issue and Order suppressing all statements of the alleged child/victim (A.H.D.) and as grounds would state:

1. On or about May 3, 2016, an investigation was initiated by Putnam County Sheriff’s Office (PCSO) regarding an alleged inappropriate relationship between Mr. Dubuc and A.H.D., a minor child.
2. On July 12, 2016 a civilian witness, James Canon, secretly recorded statements by A.H.D. without her knowledge in violation of *Fla. Stat* 934.03(1). These illegally obtained recordings were then given to PCSO.
3. Based on the illegal recording by James Canon of A.H.D., PCSO arranged for a Child Protection Team Interview and a second recording of A.H.D. which was conducted by Mr. Cannon.

4. On July 21, 2016, the Child Protection Team conducted an interview of A.H.D. in which the alleged victim denied all allegations.
5. Pursuant to, and in reliance on the collection of Mr. Canon's illegally obtained recordings, law enforcement conducted a second recording.
6. On August 5, 2016 the Putnam County Sheriff's Office equipped Mr. Canon's vehicle with audio recording devices and instructed Mr. Canon to inquire A.H.D. about the nature of her relationship with Mr. Dubuc. A.H.D. made statements during this second recording.
7. The statements made on the second recording was used to establish probable cause and Mr. Dubuc was arrested on August 15, 2016.
8. On September 16, 2016 Mr. Dubuc was charged with two counts of sexual battery on a person less than 12 years of age; capital felonies and two counts of Lewd/Lascivious Molestation of a person less than 12 years of age; life felonies.
9. On May 4, 2018, this Court ordered that the first recorded statement of A.H.D. by Mr. Canon be excluded from evidence under *Fla. Stat. 934.06*.
10. **Fla. Stat 934.06 Prohibition of use as evidence of intercepted wire or oral communications; exception**, declares:

Whenever any wire or oral communication has been intercepted, no part of the contents of such communication *and no evidence derived therefrom* may be received in evidence in any trial, hearing, or other proceeding in or before any court, grand jury, department, officer, agency, regulatory body, legislative committee, or other authority of the state, or a political subdivision thereof, if the disclosure of that information would be in violation of this chapter. (emphasis added.)

11. Pursuant to, and in reliance on both illegal recordings, a search warrant for all electronic devices from Mr. Dubuc's home was obtained. A search of a cell phone collected allegedly contained child pornography.
12. Due to the alleged pornographic images Mr. Dubuc was charged by information with six counts of promoting child pornography; second degree felonies.
13. As such, introduction into evidence of the subsequent recordings as well as the alleged child pornography would violate Fla. Stat. 934.03(1) and 934.06 [*supra*], Article I, Section Twelve of the Constitution of the State of Florida, and the Fourth, Fifth, Sixth, and Fourteenth Amendments of the Constitution of the United States.
14. Pursuant to the Fourth, Fifth, and Fourteenth Amendments to the Constitution of the United States; Articles Nine, Twelve and Sixteen of the Constitution of the State of Florida; and *Wong Sun v. united States*, 371 U.S. 471 (1963) and its progeny, the recordings and any evidence, statements, recordings or otherwise, derived from the initial illegal recording of Mr. Canon is the fruit of the poisonous tree and must be suppressed.

WHEREFORE, Defendant prays this Honorable Court grant an immediate hearing on this matter and grant this Motion to Suppress.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by delivery to:
Kenneth Janesk, Assistant State Attorney, Office of the State Attorney, Palatka, Florida, on July 25, 2018.

/s/ Shavonne McCants

SHAVONNE MCCANTS, ESQ.
ASSISTANT PUBLIC DEFENDER

Florida Bar Number: 0099870

514 St. Johns Ave.

Palatka, FL 32117

(386) 329-0301

(386) 329-0492

mccants.shavonne@pd7.org

IN THE CIRCUIT COURT, SEVENTH
JUDICIAL CIRCUIT, IN AND FOR
PUTNAM COUNTY, FLORIDA

STATE OF FLORIDA,

v.

RONALD JOSEPH DUBUC,

Defendant.

CASE NO.: 2016-01053-CF-54
JUDGE CLYDE E. WOLFE

MOTION FOR STATEMENT OF PARTICULARS

COMES NOW the Defendant, Ronald Joseph Dubuc, by and through his undersigned Counsel, pursuant to Rule 3.140(n), Florida Rules of Criminal Procedure, moves this Court for the entry of an Order requiring the State of Florida to furnish Defendant with a Statement of Particulars concerning the alleged offense, including the following:

- A. The specific date of each act within the date range of the Information which contributes to the conduct alleged;
- B. The specific place of each act within the date range of the Information which contributes to the conduct alleged;
- C. The specific time of each act within the date range of the Information which contributes to the conduct alleged;

PROCEDURAL HISTORY AND FACTS

1. On August 12, 2016, a complaint was filed against the Defendant for the offense of sexual assault.
2. The complaint alleges the sexual assault took place on August 15, 2016.
3. On September 19, 2016, an Information was filed charging the Defendant with two (2) counts of sexual battery on a person less than twelve (12) years of age and two (2) counts of lewd/lascivious molestation of a person eighteen (18) years of age or older with a victim less than twelve (12) years of age. (See attached Exhibit A)

4. The Information alleges that the sexual battery and lewd/lascivious molestation occurred between the dates of March 30, 2016 and August 15, 2016.
5. The Defendant was arraigned on this Information on October 3, 2016.
6. On July 26, 2016, the alleged victim was interview by the Child Protection Team.
7. During the interview, the alleged victim denied all allegations made against the Defendant.
8. On August 1, 2016, the alleged victim was interviewed by a transport driver, James Cannon, as directed and under the authority of law enforcement.
9. On November 15, 2017, James Cannon, the transport driver, was deposed.
10. In the deposition James Cannon was asked about the dates of the alleged sexual conduct disclosed to him by the alleged victim in the interview. James Cannon stated, "I think I even recall asking her when it started and I don't know if she -- she didn't provide an adequate answer either." (See attached Exhibit B)
11. On January 25, 2018, the alleged victim gave a deposition where she denied all allegations made against the Defendant. Therefore, no dates could be provided by the alleged victim.

MEMORANDUM OF LAW AND ARGUMENT

The Motion for Statement of Particulars should be granted because the Information fails to sufficiently identify when the alleged sexual conduct took place for the Defendant to prepare a defense and fails to protect against double jeopardy.

1. An Information is fundamentally defective where it totally omits an essential element of the crime or is so vague, indistinct or indefinite that the defendant is misled or exposed to double jeopardy. Delgado v. State, 43 So.3d 132 (Fla. 3rd DCA 2010). A statement of particulars cannot cure a fundamentally defective Information. Young v. State, 439 So.2d 306 (Fla. 5th DCA 1983).
2. On two prior occasions the alleged victim has denied that the conduct alleged in the Information occurred. The alleged victim has not provided a date or a range of dates as to when the alleged incidents occurred.
3. The Information is fundamentally defective in that the date range is too vague, indistinct or indefinite since there has been no information provided or disclosed indicating when the alleged incidents occurred.

4. The failure to identify the date when the alleged incidents occurred within the five (5) month date range does not protect the Defendant against subsequent prosecutions for the same conduct during the same time period. “No indictment or information, or any count thereof, shall be dismissed ... **unless** the court shall be of the opinion that the indictment or information is so vague, indistinct, and indefinite as to mislead the accused and embarrass him or her in the preparation of a defense or **expose the accused after conviction or acquittal to substantial danger of a new prosecution for the same offense.**” Fla. R. Crim. Pr. 3.140 (n) Emphasis added.
5. After reviewing discovery provided by the State and taking all depositions, counsel is unable to adequately prepare a defense since the date of the alleged incident is unable to be ascertained.
6. The difficulty in defending against the Information is further compounded by the specific facts of the instant case in that no witness or the alleged victim has been able to provide a date as to when the alleged incidents are to have occurred.

CONCLUSION

In order for the Defendant to have a fair trial and prepare an adequate defense for Mr. Dubuc the defense needs to be fully advised of the specific date of each act within the date range, the specific time of each act within the date range, and the specific place of each act within the date range. Undersigned counsel submits that this Information is not only insufficient, but is fundamentally defective. The Assistant State Attorney cannot cure this defect, given the number of denials of the sexual allegation by the alleged victim.

WHEREFORE, Defendant prays this Honorable Court grant this Motion for Statement of Particulars requiring the State to provide a detailed and particularized Information as suggested in the above Motion or in the alternative, if this court finds that the Information is fundamentally defective and cannot be cured by a Statement of Particulars the Defendant respectfully request that this Court dismiss the case with prejudice.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by delivery to: Kenneth J. Janesk II, Assistant State Attorney, 410 St. Johns Avenue, Room #109, Palatka, FL 32177, and to the defendant, on February 23, 2018.

/s/ Shavonne J. Mccants

SHAVONNE J. MCCANTS
ASSISTANT PUBLIC DEFENDER
Florida Bar Number: 99870
514 St. Johns Avenue
Palatka, FL 32177
(386) 329-0301
mccants.shavonne@pd7.org

**REFERENCE
LETTERS**

**SUBMITTED BY SHAVONNE J. MCCANTS
APPLICATION FOR NOMINATION TO THE COUNTY COURT,
VOLUSIA COUNTY**



September 8, 2020

To the Judicial Nominating Commission:

It is my great pleasure to submit a letter of reference on behalf of Shavonne McCants supporting her recent judicial nomination. In the time that I have known her, Ms. McCants has proven herself to be passionate and committed, easily embodying the principles of justice one would expect to see in a judge.

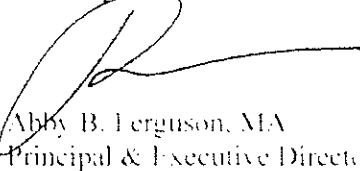
I serve as the executive director of The Chiles Academy, a public charter school for pregnant and parenting students, with a specialized program focusing on dropout prevention. We serve young mothers and their children, with a holistic approach to meeting the academic, physical, psychological and emotional needs of our population using a site-based model.

I first had the privilege of working with Ms. McCants when she volunteered to prepare our students for a culminating mock trial project in a U.S. Government course we offer. She galvanized a team of attorneys from both the public defender's and the state attorney's offices to come to our campus and work one-on-one with our students to prepare their side of a moot court case. Her passion and enthusiasm for the law was clear, but it was her connection with and respect for our students that made such a lasting impression. She modeled professionalism and conviction, demonstrating the importance of standing up for your work and your ideals. The mock trial was a success and our students were moved by Ms. McCants' compassion and depth of feeling as a mentor.

Based on her easy rapport with our faculty, staff, and students and her resonance our mission, we asked Ms. McCants to join our Board of Directors last fall. To our delight, she accepted the position and has been a real asset to the program ever since. Ms. McCants connects her experience as an attorney and her personal commitment to community organizing and fundraising and brings an invaluable perspective to the position.

Ms. McCants is a burgeoning community leader, civically minded and poised to serve the best interests of a wide range of constituents. She is pragmatic, thoughtful, and unwaveringly kind. I can say without equivocation that Ms. McCants would be a tremendous asset to the bench.

Sincerely,



Abby B. Ferguson, MA
Principal & Executive Director



September 8, 2020

To Whom It May Concern:

I had the pleasure of meeting Miss Shavonne McCants after I requested a speaker from the Public Defender's Office in December of 2019 for my Criminal Justice Academy students. Miss McCants was very knowledgeable regarding different laws, all aspects of the trial process, and answered every question and scenario presented to her by both students and Faculty. The discussion was primarily for the purpose of allowing students to hear first-hand what was required to pursue a career as both an attorney and the necessary steps to follow the career path of a Public Defender. Miss McCants was extremely professional and knowledgeable regarding what duties were expected of all persons within the courtroom. As Miss McCants shared information with the students regarding the legal processes, you could not help but notice her dedication to her profession, the judicial process, and the right to adequate legal representation for the accused.

Having served and retired as an Investigator prior to my teaching career, I had the opportunity to meet many Assistant Public Defenders, Assistant State Attorneys, private attorneys and Judges over the last three decades throughout the State of Florida and many other states. In my professional opinion, Miss McCants would be an excellent choice for Judge and would give the community a positive role model on many different levels for young people to follow. Should you need any further information please do not hesitate to contact me.

Sincerely,

Mrs. Stella Ott, Investigator-VCSO (Retired)
Public Service Academy
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