

**APPLICATION FOR NOMINATION  
TO THE CIRCUIT COURT OF THE SEVENTH  
JUDICIAL CIRCUIT**



**Robert William Pickens, III**

**Social Security No.:** [REDACTED]

**Florida Bar No.:** 1003349

## **Date Admitted to Practice in Florida: 9/25/2017**

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.

**Holmes & Young, P.A.**  
**Associate Attorney**  
**222 N. 3<sup>rd</sup> Street**  
**Palatka, Florida 32177**  
**386-328-1111**

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), and your preferred email address.

**Residential Address:**

██  
**Welaka, Putnam County, Florida 32193**

**I have lived at this address since March 18, 2021.**  
**I am a lifelong Florida resident.**

**Preferred E-mail Address: [bobby@holmesandyoung.com](mailto:bobby@holmesandyoung.com).**

**Cell Phone: 386-937-0793**

3. State your birthdate and place of birth.

**I was born on November 23, 1991, in Palatka, Florida.**

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

**Yes.**

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.

**Florida Supreme Court (State Bar of Florida), Admitted September 25, 2017.**

**I have not been suspended or resigned from admission.**

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

**Bobby Pickens, since 1991.**

**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 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).

- **Florida Coastal School of Law**
  - **Attended August 2014 to May 2017**
  - **Degree Earned: Juris Doctorate, *Cum Laude***
  - **Date Received: May 19, 2017**
  - **Class Standing: 17/241**
  - **Graduating GPA: 3.45**
  
- **Jacksonville University**
  - **Attended January 2011 to May 2014**
  - **Degree Earned: Bachelor of Science in History**
  - **Date Received: May 3, 2014**
  - **Class Standing: Not given by the institution**
  - **Graduating GPA: 3.4**
  
- **St. Johns River State College**
  - **Attended August 2010 to December 2010**
  - **Degree Earned: Degree not received or requested**
  - **Date Received: Degree not received or requested**
  - **Class Standing: Not given by the institution**
  - **Semester GPA: 3.48**
  
- **Crescent City Jr. Sr. High School**
  - **Attended August 2006 to May 2010**
  - **Degree Received: High School Diploma**
  - **Date Received: June 11, 2010**
  - **Graduating GPA: 3.2 Unweighted; 3.7 Weighted**

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.

- **Moot Court Honor Board, Vice President, 2016-2017**
- **Moot Court Honor Board, Member, 2015-2017**
  - **August A. Rendig's National Products Liability Moot Court Competition**
  - **Chicago Bar Association Moot Court Competition**
  - **National Child Welfare and Adoption Law Moot Court Competition**
  - **Mercer Legal Ethics Moot Court Competition**
- **Honors Program, Member, Florida Coastal School of Law, 2015-2017**
- **Student Bar Association, Legislator, 2015-2016**
- **Sigma Chi Fraternity, Member, Jacksonville University, 2012-2014**
- **Football Team, Member, Jacksonville University, 2011-2013**

#### **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.

- **January 2021 to Present**
  - **Holmes & Young, P.A.,**
  - *Associate Attorney*
  - **222 N. 3<sup>rd</sup> Street, Palatka, Florida 32177**
- **April 2018 to January 2021**
  - **Office of the State Attorney, 7<sup>th</sup> Judicial Circuit**
  - *Assistant State Attorney*
  - **410 St. Johns Ave., Room 109, Palatka, Florida 32177**
- **August 2017 to April 2018**
  - **Office of the State Attorney, 5<sup>th</sup> Judicial Circuit**
  - *Assistant State Attorney*
  - **110 N. Apopka Ave., Inverness, Florida 34450**
- **January 2017 to April 2017**
  - **Office of the State Attorney, 4<sup>th</sup> Judicial Circuit**
  - *Certified Legal Intern*
  - **311 W. Monroe Street, Jacksonville, Florida, 32202**
- **May 2016 to August 2016**

- **Office of the State Attorney, 7<sup>th</sup> Judicial Circuit**
  - ***Certified Legal Intern***
  - **410 Lewis Speedway, Suite 2022, Building A, St. Augustine, FL, 32084**
  
  - **December 2015 to January 2016**
    - **Putnam County Courthouse**
    - ***Legal Intern* for County Judge Joe Boatright**
    - **410 St. Johns Ave., Palatka, Florida 32177**
  
  - **June 2015 to August 2016**
    - **Office of the State Attorney, 5<sup>th</sup> Judicial Circuit**
    - ***Legal Intern***
    - **110 NW 1<sup>st</sup> Ave., Ocala, FL, 34475**
  
  - **August 2013 to April 2014**
    - **Office of the State Attorney, 4<sup>th</sup> Judicial Circuit**
    - ***Undergraduate Intern***
    - **311 W. Monroe Street, Jacksonville, Florida 32202**
10. 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.

**Currently, I am an Associate Attorney with the law firm of Holmes & Young, P.A., located in Palatka, Florida. I represent private clients in criminal matters including felony, misdemeanor, and juvenile. I also serve on the Court Appointed Registry for indigent clients involving misdemeanor and juvenile delinquency cases. Further, I represent clients in civil matters involving foreclosures, landlord-tenant, debt collection, and property disputes, including the drafting of all the necessary pleadings, participating in discovery, attending mediation, and preparing cases for trial. Additionally, I represent clients faced with family law matters including injunctions for protection against domestic violence. I also serve as the primary Attorney for the City of Crescent City and the Town of Pomona Park. The scope of representation includes reviewing contracts, drafting ordinances and resolutions, as well as attending meetings and giving general legal advice to the respective governing bodies.**

**Before joining Holmes & Young, P.A., I was an Assistant State Attorney for the Seventh Judicial Circuit, assigned to the Domestic Violence Unit in the Putnam County Office. I was tasked with prosecuting domestic related crimes from second degree misdemeanors up to felonies punishable by life in prison. In this position, I attended court hearings, prepared cases for trial, attended depositions, and met with victims to make filing decisions on pending cases.**

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	<u>20</u> %
Federal Trial	_____ %	Criminal	<u>30</u> %
Federal Other	_____ %	Family	<u>10</u> %
State Appellate	_____ %	Probate	<u>20</u> %
State Trial	<u>99</u> %	Other	<u>20</u> %
State Administrative	<u>1</u> %		
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:

**Not Applicable.**

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

Jury?	<u>15</u>	Non-jury?	<u>9</u>
Arbitration?	<u>0</u>	Administrative Bodies?	<u>6</u>
Appellate?	<u>0</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.*

- **Kelli Dewispelare v. Jamie Dewispelare**
  - **Case Number: DR22-1197**
  - **Catherine Harris, Co-Counsel**
    - **386-328-1111**
    - [catherine@holmesandyoung.com](mailto:catherine@holmesandyoung.com)
  - **Annice Littlejohn Washington, Counsel for Respondent**
    - **904-541-1252**
    - [washingtonteam@kleighlaw.com](mailto:washingtonteam@kleighlaw.com)
- **Heidi Lewis v. Michael E. Lewis**
  - **Case Number: 2023-854-FD**
  - **Jason Odom, Counsel for the Respondent**
    - **800-705-5457**
    - [Jason@dhclawyers.com](mailto:Jason@dhclawyers.com)
- **Bennett Kolb v. Electra Towles**
  - **Case Number: 2023-1381-CC**
  - **Defendant was *Pro Se***
    - **Phone number unknown**
    - **Email unknown**
- **Bryon Evans v. Elizabeth Harbus**
  - **Case Number: 2022-587-SC**
  - **Jason Odom, Counsel for Plaintiff (Withdrew before trial)**
    - **800-705-5457**
    - [Jason@dhclawyers.com](mailto:Jason@dhclawyers.com)

- **Edwards v. Burton**
  - **Case Number: 2023-384-CA**
  - **Timmothy Keyser, Counsel for Defendant**
    - **386-684-4673**
    - **Keyser.legal@gmail.com**
- **In Re: Dax Benjamin Spriggs**
  - **Case Number: 9602-XBK**
  - **FDHSMV Driver's License Suspension Hearing**

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.*

- **State of Florida v. Kevin Barber**
  - **Case Number: 2023-1066-CF**
  - **Alex Gilewicz, Assistant State Attorney, 386-329-0259**
- **Kelsee Russler v. Joshua Brown**
  - **Case Number: 23DR-1221**
  - **Michael Hines, Counsel for Respondent, 904-794-7898**
- **Holly Nicholson v. Michael Owen**
  - **Case Number: 23DR-1131**
  - **Henry M. Coxe, III, Counsel for Respondent, 904-353-0211**
  - **Lidija Barauskas, Co-Counsel for Respondent, 904-353-0211**
- **State of Florida v. Dallas Harper**
  - **Case Number: 2023-1033-CF**
  - **Alex Gilewicz, Assistant State Attorney, 386-329-0259**
- **SIMS, Inc. v. Timmothy P. Monaghan**
  - **Case Number: 2022-400-CA**
  - **Raymond L. Robinson, Counsel for Defendant, 305-662-7618**
- **State of Florida v. Rene Samayoa**
  - **Case Number: 2024-268-MM**
  - **Anthony Timmis, Assistant State Attorney, 904-209-1620**

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.

**10+ 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.

**Not applicable.**

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?

**Not applicable.**

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.

- I. Cerrow Matthews v. Belena Norton**
- **Case Number: 2021-425-FD**
  - **Court: Circuit Court of Putnam County**
  - **Judge: Alicia Washington**
  - **Representing: Belena Norton**
  - **Charles Esposito, Counsel for Petitioner**
    - **904-466-0446**
    - **cespositollc@gmail.com**
  - **Case Dismissed: January 18, 2022**

**In this case, the biological mother filed a Petition to Establish Paternity. After reviewing the case with my client, and looking at the relevant case law, I concluded that the State of South Carolina, and not the State of Florida, had jurisdiction over the case. I drafted and filed a Motion to Dismiss based on lack Subject Matter Jurisdiction and improper venue. The Motion was referred to the General Magistrate. At the hearing, the Petitioner argued the Court had jurisdiction because the child lived in Florida; Florida was a more convenient forum; and because the South Carolina Court did not make a custody determination. It was our position that the South Carolina Court did make a custody determination as evident in the Court's order from 2014. This was supported by the**

language of the Court Order and the Petitioner's actions of filing a petition to try to regain custody.

If the South Carolina Court had not made a custody determination, then the Petitioner, as the biological mother of the child, could have simply filed for a pickup order to regain custody of the child. Further, Fla. Stat. 61.516 states in relevant part, "a court of this state may not modify a child custody order of another state unless the court of this state has jurisdiction to make an initial determination, and (1) The Court of the other state determines it no longer has custody or that a court of this state is a more convenient forum, and (2) the child's parents, and any other person acting as parent do not reside in the other state." When applying the facts of the case, it is clear that South Carolina made a custody determination as contemplated in Fla. Stat. 61.516, and there was no evidence that the State of South Carolina had relinquished jurisdiction. While Florida may have been a more convenient forum, although I argued to the contrary, the biological mother of the child still lived in South Carolina. So based on the plain text of Fla. Stat. 61.516, the State of Florida could not exercise jurisdiction over the case based on the State of South Carolina's reluctance to relinquish jurisdiction, and the fact the biological mother of the child still resided in South Carolina.

The General Magistrate referred the case back to Judge Washington after deciding the Court should conduct a UCCJEA conference. The parties were ordered to file a memorandum of law and attach relevant statutory authority and case law to the Court. Ultimately, the Court agreed with us and dismissed the case for lack of subject matter jurisdiction.

This Case is significant to me because it evidences the necessity of plain meaning in statutory interpretation. Based on the plain meaning of the text of Fla. Stat. 67.516, this case was not to be decided by a Florida Court. In this case, by following the plain meaning of the statute, the litigant did not get to forum shop and prevented unnecessary and improper litigation. On a broader scale, following the plain meaning ensures the People's will is followed rather than a judge's will. In this case, had the plain meaning of that statute not been followed, it could have had damaging and lasting consequences for my client, as well as the minor child involved.

## II. State of Florida v. Zachary Kahn Prevatt

- Case Number: 2021-1027-MM
- Court: County Court of Putnam County
- Judge: Joe Boatright
- Representing: Zachary Prevatt
- Mark Lewis, Counsel for the State
  - 386-329-0259
  - lewism@sao7.org
- Affidavit Dismissed: February 18, 2022

The Defendant in this case was a Reserve Deputy for the Putnam County Sheriff's Office. He was arrested by the Florida Wildlife Commission (FWC) for Boating Under the Influence. After consulting with the State Attorney's Office, the criminal case against Mr. Prevatt was dismissed. However, the civil citation for refusing to submit to a breath test was still pending with the Court. We filed a Request for Hearing on the Refusal to Submit to Testing Affidavit pursuant to Fla. Stat. 327.35214(3) and a hearing was held. At the hearing, I entered the body camera footage of the arresting officer and the refusal affidavit into evidence. We intended to use the body camera footage to prove our client was not under the influence and use excerpts from the body camera footage in my closing argument. Further, I intended to argue the refusal affidavit was facially insufficient because the officer failed to state what type of test the Defendant refused to provide.

A total of six witnesses were called during the hearing. I was able to use weather reports from the day of the arrest and the body camera footage of the arresting officer to call into question the State's witnesses. After the hearing, the Court entered an order dismissing the refusal affidavit because the arresting officer lacked probable cause to request a breath test and because the affidavit was facially insufficient. The Court's order found that the testimony of the FWC's officers was questionable based on the body camera footage entered into evidence. Many of the indicators of impairment that the arresting officer testified to could be disproven by the video or an alternate explanation for the movement or behavior of the Defendant. Ultimately, more evidence was present at the hearing of the Defendant's lack of impairment than his impairment.

This case is significant because of the implications of the Defendant being a member of the Putnam County Sheriff's Office. The case drew media attention from several local news sources, even as far away as Jacksonville. This case exemplified the importance of witness credibility and the application of video evidence to a criminal case. Further, this case is a perfect example that the law must be applied equally against the accused, as well as law enforcement. If I am appointed, I understand the decisions I make will have lasting impacts on all parties involved and should not be taken lightly.

### III. State of Florida v. Lonnie McKinnon

- Case Number: 2017-CF-1145
- Court: Circuit Court of Citrus County
- Judge: Richard Howard
- Representing: State of Florida
- Co-Counsel: Bryan Patrick Caughey
  - 352-382-7934
  - bryancaughey@yahoo.com
- Charity Rose Braddock, Counsel for the Defense
  - 352-341-6777
  - cbraddock@pdo5.org
- Mary Nguyen-Nodelman, Counsel for the Defense
  - 407-478-4878
  - marynguyenesq@gmail.com

- **Trial Held: February 13, 2018**

**In this case, the Defendant was charged with Aggravated Fleeing to Elude a Law Enforcement Officer. The Defendant had a warrant for his arrest for violating probation. Deputy Knight of the Citrus County Sheriff's Office was on patrol in the small town of Floral City when he spotted the Defendant. The Defendant fled from Deputy Knight at over eighty-five miles per hour. The chase went on for several miles. Due to the inherent danger of the high-speed chase, and the fact that the driver had already been identified, the chase was called off. The Defendant was arrested a few days later on a warrant.**

**I was asked to try the case, even though I was assigned to the misdemeanor division at that time. I handled the case from jury selection to sentencing. When preparing my theory of the case, I expected the defense to argue that the Defendant was not the driver based on a limited encounter, and the fact that the chase was called off before the Defendant was taken into custody. However, as the defense was giving a closing argument, I realized that they were going to focus on the fact that we did not have body camera footage. I did not consider this in trial prep because the Citrus County Sheriff's Office did not have body cameras; therefore, it was not reasonable to expect the State to produce one at trial. During the State's rebuttal, I went through the jury instructions with the jury and highlighted the fact that the State was not required to introduce a body camera. Through the testimony of the Deputy, the State had proven the Defendant was guilty beyond a reasonable doubt, and the Defendant was convicted and sentenced to the maximum sentence allowed by law.**

**This case is significant because it was the first felony jury trial of my career. I learned the art of jury selection, handling of evidence, and the ability to think on my feet. All these skills are skills that a judge applies daily in their courtroom. If I am appointed, I will carry all the lessons learned in this case, and all subsequent trials, and apply them in rulings from the bench. I believe it is important for judges to have a practical grasp on how to admit evidence and how to correctly rule on evidentiary objections. Most importantly, it is impossible to plan out everything that happens in a courtroom. Therefore, a judge must be able to think on their feet and make a legal ruling on a moment's notice. These are skills that I have learned through my trial and courtroom experience.**

**IV. State of Florida v. Jeffrey Thomas Cline**

- **Case Number: 2019-1015-CF**
- **Court: Circuit Court of Putnam County**
- **Judge: Howard O. McGillin, Jr.**
- **Representing: State of Florida**
- **Garry Wood, Counsel for the Defense**
  - **386-326-3993**
  - **Garrywood2011@yahoo.com**
- **Case Pled: July 20, 2020**

**In this case, the Defendant was charged with Aggravated Stalking based on sending text messages to the victim after an injunction had been entered. The injunction in place allowed the Defendant to contact the Victim about their minor children. Based on the evidence that was presented to me, it was my belief that the Defendant was contacting the Victim to rekindle their relationship. However, proving the Defendant's intent would be a lot easier said than done. When the Defendant would contact the Victim, he would often discuss the children before turning the conversation to their relationship. This blend of intentions made the Victim's credibility crucial to being able to prove the case beyond a reasonable doubt. I spent hours meeting with the Victim, reviewing the evidence, and preparing my theory of the case.**

**The Defendant was arrested for Aggravated Stalking, and a no contact order was entered at first appearances. About a month later, the Defendant began to contact the Victim again via text message. A motion to revoke bond was filed based on the contact. Ultimately, the Defendant's bond was reinstated with the added condition that communications between the parties was to take place through the attorneys. Several months later, the Victim contacted our office and reported the Defendant was contacting her again. I accompanied the detective when he went to the Victim's house to collect the voicemails that the Defendant had left on her phone. It was at this point that I came to realize the emotional toll this case was having on the Victim. The voicemails collected that day were used to file another motion to revoke bond and eventually led to a conviction in the case.**

**This case was significant because it taught me the importance of victim credibility when prosecuting cases. Obviously, not all people who are arrested have committed a crime. Weighing the credibility of a witness is often the most effective way to judge a criminal case. If I am appointed, I will take the lessons I have learned from this case to the bench. Throughout my career, I have analyzed the credibility of witnesses and how it would impact my case. Likewise, judges are constantly weighing credibility when making rulings or imposing sentences. This is something that I have done countless times in my career, and I believe will translate to a reasonable and common-sense approach when weighing the credibility of witnesses and evidence before making rulings.**

**V. Marcia Long v. Marchisen et al.**

- **Case Number: 2021-92-CA**
- **Court: Circuit Court of Putnam County**
- **Judge: Kenneth J. Janesk, II**
- **Representing: Marcia Long**
- **Aaron Binns, Counsel for Defendants**
  - **877-241-2200**
  - **abinns@consumerlawattorneys.com**
- **Case was dismissed per agreement December 20, 2022.**

**In this case, the Plaintiff lent money to the Defendants without securing the debt with a mortgage. The Defendants failed to pay back any of the money borrowed. The Plaintiff**

and Defendants were neighbors and had known each other for several years. A short time later, the Plaintiff lent the Defendants another \$75,000.00, but this time secured an interest in the Defendant's property via a wraparound mortgage. In 2018, the Defendants defaulted on their first mortgage to Vystar Credit Union. The Plaintiff was forced to step in and satisfied the first mortgage to protect her interest in the Defendant's property.

The Plaintiff hired John Key, Esq., to initiate a foreclosure action against the Defendants. Soon after the complaint was filed, Mr. Key unexpectedly passed away. Unbeknownst to the Plaintiff, the case sat dormant for five months. I was hired in November of 2021 and had to quickly get up to speed on the case. The Defendants had filed a motion that was eventually denied, and an answer was filed. A Motion for Summary Judgment was filed, as there was no dispute as to any material facts in the case. The Defendants sold the house prior to Final Judgment being entered, and the Plaintiff was able to recover all her money, including costs and attorney's fees.

This case is significant for me because with each passing month my elderly client was forced to pay interest on her own personal note. This highlighted the importance of judicial efficiency within our judicial system because time is money to all parties involved. This case is also significant because it allowed me to see the difficulties that some people face when navigating the judicial system. My client was elderly and needed the assistance of an attorney to assert her legal rights in court. However, not everybody comes to court with an attorney; therefore, it becomes the responsibility of the judiciary to ensure due process to every litigant without giving any one-sided, unfair advantage.

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.
1. **Memorandum of Law in Support of Motion to Dismiss, Matthews v. Norton, 2021-425-FD, Putnam County. Personally written. Case law and statutory authority have been omitted.**
  2. **Motion for Summary Judgement, Long v. Marchisen, 2021-92-CA, Putnam County. Personally written. Affidavits filed with the original document have been omitted.**

#### **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.
- No.**
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.

**I submitted an application to the 7<sup>th</sup> Circuit Judicial Nominating Commission on January 26, 2023, for appointment to the Putnam County Court. My name was certified to the Governor's office for consideration.**

**I submitted an application to the 7<sup>th</sup> Circuit Judicial Nominating Commission on January 8, 2024, for appointment to the Circuit Court. My name was certified to the Governor's office for consideration.**

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.

**Not applicable.**

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

- (i) the names, phone numbers and addresses of six attorneys who appeared before you on matters of substance;
- (ii) the approximate number and nature of the cases you handled during your tenure;
- (iii) the citations of any published opinions; and
- (iv) 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.

**Not applicable.**

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.

**Not applicable.**

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.

**Not applicable.**

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.

**Not applicable.**

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.

**Not applicable.**

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.

**No.**

#### **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.

**Not applicable.**

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.

**Not applicable.**

#### **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.

**There are no classifications of cases or litigants to which I believe would be difficult for me to sit as the presiding judge. If appointed, I would recuse myself in any case containing any of the grounds for disqualification cited in Rule 2.330, Fla. R. Gen. Prac. & Jud. Admin., including any cause relating to or represented by individual members of my family. My brother, Ian Pickens, is an Attorney with Douglas Law Firm and practices within the Seventh Judicial Circuit. I would recuse myself in these situations.**



## 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.

**None.**

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.

**None.**

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.

**Keynote Speaker, Crescent City High School National Honor Society Induction Ceremony, November 2, 2023. The remarks were given at Crescent City High School and centered around goal setting, work ethic, and that you can be successful even being from a small town.**

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.

- **Florida Coastal School of Law**
  - **Honors Program, Member: 2015-2017**
  - **Dean's List: Spring 2015, Fall 2016, and Spring 2017**

- **Trial Practice: Best Opening, Best Closing, Best Advocate in a Single Trial: Spring 2017**
- **Dean's Scholar: Spring 2016 and Fall 2015**
- **Book Awards for the Highest Grade in the Following Classes:**
  - **Evidence: Spring 2016**
  - **Criminal Procedure: Fall 2015**
- **Jacksonville University**
  - **Balfour Chapter Award Winner, Sigma Chi Fraternity: 2014**
  - **Pioneer Athletic League Academic All-Conference Award Recipient: 2013**

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.

- **7th Judicial Circuit Grievance Committee "B," April 2023-Present**
- **Putnam County Bar Association, Member: 2018-Present**
  - **Putnam County Bar Association, Secretary: 2021-Present**

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.

- **The Federalist Society, 2023-Present**
- **Rotary Club of Palatka, Florida, Member: 2018-Present**
  - **Board of Directors: 2022-2023 and 2019-2020**
- **21<sup>st</sup> Century Community Learning Centers Advisory Board: 2019**
- **School Advisory Council, Crescent City High School 2023- Present**
- **Palatka Babe Ruth T-Ball Coach 2023- Present**

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 volunteered to take cases from Community Legal Services of North Florida, but I have not been assigned a case. While practicing law in the Seventh Judicial Circuit, our firm provides consultations to those without the means to obtain representation. I have prepared estate planning documents, represented clients in cases, and given general legal advice without charging a fee.**

45. Please describe any hobbies or other vocational interests.

**I enjoy turkey hunting, fishing, boating, and playing golf.**

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.

**Not applicable.**

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

<https://www.facebook.com/bobby.pickens.9>

[www.twitter.com/bobbypick](http://www.twitter.com/bobbypick)

<https://www.linkedin.com/in/robert-pickens-esq-34111210/>

## **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.

**Single. Never 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.

**Not applicable.**

## 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.

No.

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.

**I have complied with all legally required tax return filings.**

## **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.

##### **Legal Experience:**

Practicing in a small law firm gives me the opportunity to handle a wide variety of cases, including many of the cases that would come before a circuit judge. Circuit judges are assigned to a wide range of cases, and I believe that experience in multiple areas of law is imperative. Further, I have handled cases in every county within the Seventh Judicial Circuit.

##### **Experience with Self-represented Litigants:**

I have had the opportunity to handle many cases where the opposing party was self-represented. These cases can be difficult to manage, and they usually move along at a much slower pace than cases where the opposing party is represented by an attorney. Many self-represented litigants file unnecessary motions and other pleadings due to their lack of formal training in the law. Most attorneys want to tell the self-represented litigant what to do to help speed up the case or hearing. It is imperative to not cross the line between giving technical assistance and giving legal advice. I will take the lessons that I have learned over my career to the bench to ensure that all litigants, regardless of their representation status, are still afforded the due process our Constitution requires, and that they are treated respectfully while having their day in court.

##### **Experience as City and Town Attorney:**

For the last two and a half years, I have served as City Attorney for the City of Crescent City. Being named City Attorney of the city I was raised in is one of the proudest moments of my legal career. In this position, I review contracts, draft ordinances, interpret local and state statutes, and give general legal advice. I also currently serve as legal counsel for the Town of Pomona Park. Like a judge, the decisions I make as the City Attorney often go

**unchecked and with this comes a great responsibility to make sure those decisions are legally correct and well-reasoned. I believe the experiences I have gained from serving as legal counsel to two municipalities will assist me if I am so fortunate to be appointed.**

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.

**I was born in Palatka and raised in Putnam County. My father, Bill Pickens, has owned and operated the local Napa Auto Parts store and P & F Mini Storage in Crescent City since the early 1980s. My mother, Holly Pickens, was a teacher at the local high school for thirty-three years.**

**When I left home for college, I thought I would only return to visit family. At eighteen years old, I had dreams of bigger cities and a faster paced life. Little did I know, as I grew older, I would do everything in my ability to get back home. I was fortunate to be offered a position as an Assistant State Attorney in our judicial circuit. I spent a year at the Flagler County Office before I moved back to the Putnam County Office in 2018.**

**Since then, I have been involved in the legal community, as well as the general community. I am involved in the Rotary Club of Palatka, and I also help with other service-related projects and initiatives. I recently led a movement to bring youth baseball back to the South Putnam Area. Growing up, we always had several teams in the area, but over the years it has faded away. I wanted to bring back youth baseball to give local kids the same opportunities I had growing up. Investing in our community is the only way to see it grow and develop into something we can all be proud of.**

**Thankfully, I am not alone. My father decided to enter public service in 2016, when he was successful in his bid to join the Putnam County Board of County Commissioners. My mother joined shortly after in 2018, when she was elected to the Putnam County School Board. Likewise, my uncle, Joe Pickens, served our area as State Representative for eight years, before he became the President of St. Johns River State College. My family has been dedicated to serving the residents of our circuit for many years, and I sincerely desire to continue that tradition.**

**I believe the courtroom belongs to the people and not the judge. Therefore, it is important for the people of the Seventh Judicial Circuit to have trust and faith in the court system. A judge has a duty to treat everybody in a fair and respectful manner, but at the same time, interpret the law as written. I can be firm and clear in my ruling without being disrespectful to the litigants. Most importantly, I will always consider both sides of the issue before making a decision. I will work tirelessly to make sure that everyone that walks into the courtroom will be given a meaningful day in court.**

**During my career, I've shared great joy with clients, but I have also counseled them through**



**their darkest moments. Every day I strive to practice in a manner where my integrity will not be called into question by building a reputation of being fair and courteous to all. I have a strong desire to expand my impact of service by serving the residents of the Seventh Judicial Circuit as their next circuit court judge.**

## **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. **The Honorable Judge Wendy W. Berger  
District Judge, Middle District of Florida  
401 W. Central Blvd.  
Orlando, Florida 32801  
407-835-4250  
wendy\_berger@flmd.uscourts.org**
  2. **The Honorable Judge C. Joseph Boatwright  
Judge, 5<sup>th</sup> District Court of Appeal  
300 S. Beach St,  
Daytona Beach, Florida 32114  
386-947-1530  
boatwrightj@flcourts.org**
  3. **The Honorable Judge Kenneth J. Janesk, II  
Circuit Judge, 7<sup>th</sup> Judicial Circuit  
410 Lewis Speedway, Rm. 277  
St. Augustine, Florida 32084  
[REDACTED]  
kjanesk@circuit7.org**
  4. **The Honorable H.D. "Gator" Deloach III  
Sheriff, Putnam County  
130 Orié Griffin Blvd.  
Palatka, Florida 32177  
[REDACTED]  
HDeloach@putnamsheriff.org**
  5. **Mr. Jeremiah Blocker, Esquire  
Partner, Douglas Law Firm  
100 Southpark Blvd. Suite 414  
St. Augustine, Florida 32086**

800-705-5457  
jeremiah@dhclawyers.com

6. **The Honorable R.J. Larizza**  
State Attorney, 7<sup>th</sup> Judicial Circuit  
251 N. Ridgewood Ave.  
Daytona Beach, Florida 32114  
386-239-7714  
larizzar@sao7.org
  
7. **Mr. George A. Young, Esquire**  
Managing Partner, Holmes & Young, P.A.  
222 N. 3<sup>rd</sup> Street  
Palatka, Florida 32177  
386-546-5377  
gyoung@holmesandyoung.com
  
8. **Mr. Breck Sloan**  
CEO, Beck Automotive Group  
2000 Reid St,  
Palatka, Florida 32177  
386-937-1122  
[breck@checkbeck.com](mailto:breck@checkbeck.com)
  
9. **Mr. Mark Lewis, Esquire**  
Managing Assistant State Attorney, Putnam County Office  
410 St. Johns Ave. Rm. 109  
Palatka, Florida 32177  
386-329-0259  
lewism@sao7.org
  
10. **Mr. Rich Komando, Esquire**  
Partner, Bradley, Garrison & Komando, P.A.  
1279 Kingsley Avenue, Suite 118  
Orange Park, Florida 32073  
904-269-1111  
[rich@claylawyers.com](mailto:rich@claylawyers.com)

**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 14 day of March 2024.

Robert W. Pickens III

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: \$26,257.10**

**Last Three Years: \$137,251.19 (2023) \$125,710.41 (2022) \$99,119.10 (2021)**

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: \$17,790.29**

**Last Three Years: \$91,788.03 (2023) \$84,249.50 (2022) \$67,428.62 (2021)**

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: \$0.00**

**Last Three Years: N/A (2023) N/A (2022) \$75,000.00 Sale of Property (2021)**

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: \$0.00**

**Last Three Years: N/A (2023) N/A (2022) 75,000 Sale of Property (2021)**

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: 0.00**

**Last Three Years: N/A (2023) N/A (2022) \$29,440.00 Sale of Property (2021)**

**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 13, 2024, was \$179,409.25.

**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 \$ 70,000

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

DESCRIPTION OF ASSET (specific description is required – see instructions p. 3)	VALUE OF ASSET
Real Property: [REDACTED], Welaka, Florida 32193	\$241,000.00
2005 Hewes Redfisher	\$25,000.00
MassMutual Brokerage Account	\$5,257.81
Barwick Bank Checking Account	\$500.00
TD Savings Account	\$3,617.69
New York Life Simple IRA	\$49,450.99
TD Bank Checking Account	\$7,744.26
Roth IRA	\$24,060.12
Note on Personal Loan	\$7,677.72

**PART C - LIABILITIES**

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

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY
Mohela (Student Loans)	\$108,735.80
GM Financial for 2022 GMC Sierra	\$23,524.96
United Wholesale Mortgage, LLC (Mortgage)	\$122,638.58

**JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:**

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY

Not Applicable	

**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
Holmes & Young, P.A.	222 N. 3 <sup>rd</sup> Street, Palatka, Florida 32177	\$137,251.19

**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
Not Applicable			

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

	BUSINESS ENTITY #1	BUSINESS ENTITY #2	BUSINESS ENTITY #3
NAME OF BUSINESS ENTITTY	Not Applicable		
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.

*[Handwritten Signature]*

**SIGNATURE**

**STATE OF FLORIDA**

**COUNTY OF** Putnam

Sworn to (or affirmed) and subscribed before me this 14<sup>th</sup> day of March, 2024 by Robert W. Pickens, III

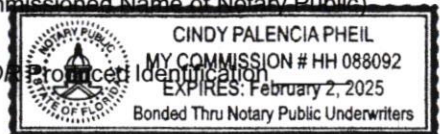
*[Handwritten Signature]*

(Signature of Notary Public—State of Florida)

*Cindy Palencia Pheil*

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

Personally Known  Or



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: March 14, 2024

JNC Submitting To: 7<sup>th</sup> Judicial Circuit Nominating Commission

Name (please print): Robert W. Pickens, III

Current Occupation: Associate Attorney

Telephone Number: 386-937-0793

Attorney No.: 1003349

Gender (check one):  Male  Female

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

Hispanic

Black

American Indian/Alaskan Native

Asian/Pacific Islander

County of Residence: Putnam



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.

Robert William Pickens III

Printed Name of Applicant



Signature of Applicant

Date:

3/14/24

**Composite Exhibit to  
Question #22**

**LEGAL WRITING**

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

Case No.: 2021-425FD  
Division: 54

CERROW MATTHEWS,  
Petitioner/Mother,

and

FLOYD BENNETT,  
Respondent/Father

BELENA NORTON, LINSAY NORTON,  
Maternal Grandmother, and  
Maternal Step-Grandfather,  
Respondents.

---

**BELENA NORTON'S MEMORANDUM OF LAW IN SUPPORT OF MOTION TO  
DISMISS FOR LACK OF JURISDICTION**

**COMES NOW**, Respondent, BELENA NORTON, hereinafter referred to as "Respondent", by and through the undersigned attorney, and files this Memorandum of Law in support of the previously filed motion to dismiss and states as follows:

1. Petitioner filed a Petition for Paternity, Primary Custody, Time Sharing and Related Relief on May 4, 2021. This Court lacks jurisdiction to hear such a case based on the previous determination of child custody in the same matter by a South Carolina Court.
2. On page 3 of the South Carolina Court Order states "I find that custody and guardianship of the minor child shall be granted to the defendants Linsey and Belena Norton". Based on this ruling a custody determination was made by the Oconee County Court. Respondent is unaware of any subsequent order invalidating or changing the custody determination.
3. Florida Statute 61.516 provides: Except as otherwise provided in 61.517(Emergency Jurisdiction) a court of this State may not modify a child custody determination made by another court of another state unless a court of this state has jurisdiction to make an initial determination under 61.514 and

(1) The court of the other state determines it no longer has exclusive jurisdiction under 61.515 or that a court of this state would be more convenient forum under 61.520; and

(2) A court of this state or a court of the other state determines that the child, the child's parents, and any other person acting as a parent do not presently reside in the other state.

4. In analyzing Fla. Stat. 61.516, the record is clear there is no order from the Oconee County Court relinquishing jurisdiction in the case, contrary the last order filed in the case states "the Court has jurisdiction over all matters asserted and issues raised in this litigation both pendente lite and permanently". There is also no determination that the South Carolina Court has deemed Florida as the more convenient forum. Additionally, the biological mother of the child subject to this action still resides in the State of South Carolina based on her sworn testimony.
5. Florida Statute 61.517(1) states: A court of this state has temporary jurisdiction if the child is present in this state and the child has been abandoned or it is necessary to protect the child because the child, or a sibling or parent of the child, is subjected to or threatened with mistreatment or abuse.
6. There is no testimony or allegation of any mistreatment or abuse of the child subject to this action so Fla. Stat. 61.517 does not give this Court emergency jurisdiction to make a custody determination in this case.
7. Respondent argues the jurisdiction analysis should end after examining Florida Statute 61.516 because a prior custody determination has been made in this case by the Oconee County Court and therefore this matter is not an initial custody determination that would invoke Florida Statute 61.514. In fact, the Petitioner's action of filing this Petition only solidifies the argument that a custody determination has been made by the South Carolina Court. If the South Carolina Court has not made a determination of custody, then all the Petitioner needed to file was a pick-up order to regain custody of the minor child not a Petition for Paternity.
9. In McGhee v. Biggs, 974 So.2d 524 (2008), the Fourth DCA conducted a similar analysis as above and came to the conclusion the trial court did not have subject matter jurisdiction to make a custody determination.

11. Further, South Carolina is the more convenient forum because the evidence and testimony on why the child was placed with the Respondent is present in South Carolina and not Florida. The only available evidence in the State of Florida would relate to the care of the child by the Respondent.
13. Petitioners' entire argument hinges on the fact that no custody determination was made in the State of South Carolina, if this were true, the pending legal action is unnecessary as Petitioner is the biological mother of the minor child and nothing would prevent her from retaking custody of said child.
14. Relevant statutory authority and case law are attached below.

**CERTIFICATE OF SERVICE**

I certify that a copy of this document has been filed via Florida E-filing Portal to Charles A. Esposito Esq. on January 6 2022.

Respectfully Submitted,

**HOLMES & YOUNG, P.A.**

By: 

ROBERT W. PICKENS, III, ESQ.

Florida Bar No. 1003349

[pleadings@holmesandyoung.com](mailto:pleadings@holmesandyoung.com)

222 N. 3<sup>rd</sup> Street

Palatka, FL 32177

Tel: 328-1111

Attorney for Belena Norton

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

CASE NO.: 2021-CA-92

MARCIA M. LONG,

Plaintiff,

vs.

STEPHEN A. MARCHISEN, EILEEN L.  
MARCHISEN, any unknown heirs, devisees,  
Creditors, grantees and other unknown persons or,  
Unknown spouses claiming by, through or under  
STEPHEN A. MARCHISEN or EILEEN L. MARCHISEN,  
Defendants.

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**MOTION FOR SUMMARY FINAL JUDGMENT OF FORECLOSURE  
AND FOR ATTORNEYS' FEES AND COSTS**

Plaintiff, MARCIA M. LONG, by and through her undersigned attorneys, moves for entry of a Summary Final Judgment of Foreclosure and for Attorneys' Fees and Costs in this cause, and as grounds therefor shows:

1. This is an action seeking to foreclose a mortgage on real property in Putnam County, Florida.
2. There is no material issue of law or fact in this cause, and Plaintiff is entitled to entry of a Summary Final Judgment of Foreclosure in its favor as a matter of law.
3. Service of process has been properly perfected on Defendants, STEPHEN A. MARCHISEN and EILEEN L. MARCHISEN, herein.
4. Plaintiff has an interest superior to any interest of Defendants in and to the following described real property:

**SEE ATTACHMENT "A"**

5. Plaintiff attaches hereto and incorporates herein the following affidavits in support of this Motion:
  - a. Affidavit of Indebtedness, executed by Marcia M. Long;

- b. Affidavit of Attorneys' Time Expended, executed by Robert W. Pickens, III Esq.;
- c. Affidavit of Costs, executed by Robert W. Pickens, III, Esq.;
- d. Affidavit of Attorneys' Fees, executed by a local attorney, Kevin Monahan, Esq.;
- e. Affidavit of Non-Military Service, executed by Marcia M. Long.

6. Summary Judgment is designed to test the sufficiency of the evidence to determine if there is sufficient evidence, in the form of a genuine issue of material fact, to justify a trial of formal hearing. The Florida Bar v Greene, 926 So.2d 1195 (Fla. 2006). A court may grant summary judgment when, based on the pleadings, depositions, answers to interrogatories, and admissions on file, together with affidavits, the moving party has met its burden of proving the absence of any issue of material fact, which includes overcoming all reasonable inferences in favor of the non-moving party. See Holl v. Talcott, 191 So.2d 40 (Fla. 1966); Volusia County v. Aberdeen at Ormond Beach, L.P., 760 so.2d 126, 130 (Fla. 2000).

7. Effective May 1, 2021, Rule 1.510 was amended to largely follow the text of Federal Rule 56. "Summary judgment procedure is properly regarded not as a disfavored procedural shortcut, but rather as an integral part of the rules aimed at "the just, speedy and inexpensive determination of every action." Celotex Corp. v Catrett, 477 U.S. 317, 327(1986). "When opposing parties tell two different stories, one of which is blatantly contradicted by the record, so that no reasonable jury could believe it, a court should not adopt that version of the facts for purposes of ruling on a motion for summary judgment." Scott v. Harris, 550 U.S. 372, 380 (2007).

8. Although Plaintiff has "the initial burden of demonstrating the nonexistence of any genuine issues of material fact" once Plaintiff tenders "competent evidence to support" its motion for summary judgment, the non-movant is required to "come forward with counterevidence sufficient to reveal a genuine issue." See Golden Hills Golf & Turf Club, Inc. v. Spitzer, 475 So.2d 254, 254-55 (Fla. 5<sup>th</sup> DCA 1985) (quoting Landers v. Milton, 370 So.2d 368 (Fla. 1979). The subject evidence standard is not met where the non-movant "merely... assert that an issue does not exist." See Golden Hills Golf & Turf Club, Inc., 475 So.2d at 254-55 (citing Harvey Building Inc., 175 So. 2d 780 (Fla. 1965); and Farrey v. Bettendorf, 96 So. 2d 889 (Fla. 1957)).

9. Moreover, an issue of fact is not genuinely in dispute or "material" merely because the non-movant claims that it is. Disputed facts regarding immaterial issues do not forestall the entry of summary judgment. Juarez v. New Branch Corp., 67 So. 3d 1159, 1160 (Fla. 3d DCA 2011) (holding that "If the record reveals there are no disputed material on an issue that entitles a party to judgment as a matter of law, disputed facts regarding other issues are immaterial to whether the trial court correctly granted summary judgment") See also Talquin Elec. Corp., Inc. v. Amchem Prods., 427 So. 2d 1032, 1033 (Fla. 1<sup>st</sup> DCA 1983) (affirming the trial court's grant of summary judgment in a products liability action premised upon notice of danger because

plaintiff's having in fact been warned by a label rendered "the adequacy of the label... immaterial"); Nichols v. Preiser, 849 So. 2d 478, 480 (Fla. 2d DCA 2003) ( holding that "the existence of a disputed issue of fact does not preclude summary judgment if the disputed fact is not material").

## MEMORANDUM OF LAW

### A. Plaintiff has established standing to foreclose.

10. Standing "is no more than having, or representing one who has, 'a sufficient stake in an otherwise justiciable controversy to obtain judicial resolution of that controversy.'" Elston/Leetsdale, LLC v. CW Capital Asset Management, LLC, 87 So. 3d 14, 16 (Fla. 4<sup>th</sup> DCA 2012) (quoting Kumar Corp. v Nopal Lines, Ltd., 462 So. 2d 1178, 1182 (Fla. 3d DCA 2012). Standing in mortgage foreclosure cases is "broader than just actual ownership of the beneficial interest in the note." Elston/Leetsdale, LLC, 87 So. 3d at 16-17.

11. Plaintiff by way of its pleadings and the exhibits filed in this action, has established standing in this matter in accordance with the precepts of Florida law regarding standing in a foreclosure dispute. Further, Plaintiff is in actual possession of the original note and mortgage which has not been transferred or assigned.

### B. Plaintiff's Affidavit of Indebtedness provides proper testimony in favor of Plaintiff regarding the substantial issues in this case.

12. Plaintiff's Affidavit of Indebtedness specifies the amounts due and owing under the loan documents, which Plaintiff has accelerated pursuant to the terms of the loan documents. Plaintiff's Affidavit provides sworn testimony of the amount owed under the terms of the mortgage.

13. Therefore, Plaintiff has presented substantial record testimony in its favor regarding the loan, default, notice of breach, failure to cure, and the current amount owed, all of which indicates that Plaintiff should be entitled to summary judgment as a matter of law.

### C. The papers filed in this action establish that Plaintiff has the right to summary judgment as a matter of law, and there exists no genuine issue of material fact.

14. The provisions of the note and mortgage being sued upon in this action confer upon Plaintiff the right to accelerate all sums do thereunder upon the default thereof, and the right to foreclose all interest in the encumbered property which are inferior to the lien of said mortgage. The provisions of said note and mortgage also provide for an award of attorneys' fees to the Plaintiff in the event of the filing of an action to foreclose.

15. The pleadings and exhibits filed herein, as well as the Plaintiff's supporting affidavits establish that Plaintiff's mortgage is a wrap around mortgage that was recorded prior to any other liens besides the original mortgage from VyStar Credit Union which has since been satisfied.



Plaintiff's interest in the subject property is superior to all other Defendants that claim an interest in the real property subject to this action.

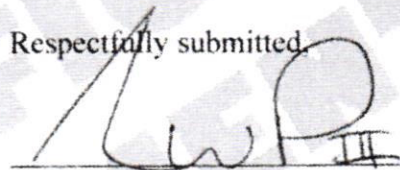
**CONCLUSION**

16. Based on the pleadings, exhibits, and verified statements and affidavits filed by Plaintiff in this matter, as well as the lack of any material issues therein, there exist no dispute as to any genuine issue of material fact. Plaintiff has standing to bring the instant foreclosure action, as well as the right to accelerate and collect under the terms of the note and mortgage. Therefore, based on the documentary and sworn affidavits filed by Plaintiff, this Honorable Court should grant summary final judgment in favor of the Plaintiff, and award attorney's fees and costs.

WHEREFORE, Plaintiff respectfully requests entry of a Summary Final Judgment of Foreclosure and for Attorneys' Fees and Costs in this cause.

Dated: June 21, 2022

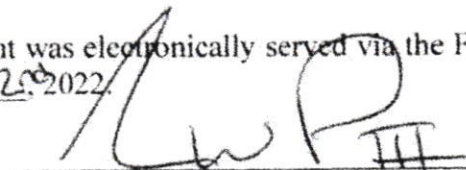
Respectfully submitted,



Robert W. Pickens III  
Attorney for Plaintiff  
222 N. 3rd Street  
Palatka, Florida 32177  
386 328-1111  
Florida Bar Number: 1003349  
E-Mail: pleadings@holmesandyoung.com

**CERTIFICATE OF SERVICE**

I certify that a copy of this document was electronically served via the Florida Courts E-Filing Portal to Aaron W. Binns on June 22, 2022.



Robert W. Pickens, III, Esq.

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

CASE NO.: 2021-CA-92

MARCIA M. LONG,

Plaintiff,

vs.

STEPHEN A. MARCHISEN, EILEEN L.  
MARCHISEN, any unknown heirs, devisees,  
Creditors, grantees and other unknown persons or,  
Unknown spouses claiming by, through or under  
STEPHEN A. MARCHISEN or EILEEN L. MARCHISEN,  
Defendants.

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### STATEMENT OF MATERIAL FACTS

Plaintiff, MARCIA M. LONG, submits this Statement of Material Facts, and alleges the following material facts are not disputed and are necessary for the Court to determine the issues presented in the Motion for Summary Judgment under Rule 1.510 of the Florida Rules of Civil Procedure:

1. On June 29, 2018, Defendants, Stephen A. Marchisen and Eileen L. Marchisen, executed and delivered a promissory note to Plaintiff and a mortgage securing payment of said note. Said mortgage was a wraparound mortgage securing the debt owed by the Defendant's to VyStar Credit Union.

2. The promissory note and mortgage were recorded in Book 1511 Page 1065 of the Official Records of Putnam County.

3. Subsequently to signing this mortgage the Defendants defaulted on the first mortgage held by VyStar Credit Union.

4. VyStar Credit Union filed a complaint to foreclosure on March 12, 2019.

5. Plaintiff paid off the first mortgage held by Vystar on or about June 13, 2019.

6. VyStar Credit Union subsequently dismissed their foreclosure complaint.

7. Defendants are the current owners of the property encumbered by Plaintiff's mortgage.

8. Defendants have defaulted under the terms of the mortgage by failing to make any of the required payments.

9. Plaintiff sent a letter on demanding the full amount of the note due on July 10, 2019.

10. Plaintiff filed a complaint to foreclosure the subject property on April 6, 2021.

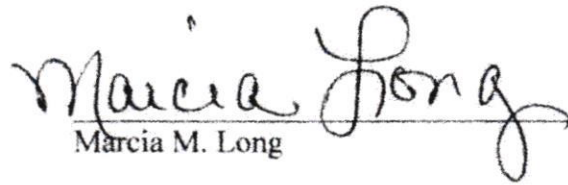
11. Plaintiff filed an amended complaint on April 23, 2021.

12. Defendants, Stephen Marchisen and Eileen Marchisen, were both served with the Amended Complaint.

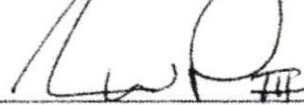
13. Defendants filed a Motion for More Definite Statement on May 28, 2021, the Motion was denied on January 4, 2022.

14. Defendants filed an Answer to the Plaintiff's Complaint on January 18, 2022.

15. The original Note and Mortgage were recorded with the Clerk of the Court on May 16, 2022.

  
\_\_\_\_\_  
Marcia M. Long

Respectfully submitted,

  
\_\_\_\_\_  
7/11

Robert W. Pickens III  
Attorney for Plaintiff  
222 N. 3rd Street  
Palatka, Florida 32177  
386 328-1111  
Florida Bar Number: 1003349  
E-Mail: pleadings@holmesandyoung.com

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