

APPLICATION FOR NOMINATION TO THE 7th Circuit 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: Sarah Elizabeth Thomas Social Security No.: [REDACTED]

Florida Bar No.: 0119419 Date Admitted to Practice in Florida: 2015

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.

Assistant State Attorney – 7th Judicial Circuit. Career Criminal Unit Docket Lead.
Office of the State Attorney, 7th Judicial Circuit.
251 North Ridgewood Avenue
Daytona Beach, Florida 32114
(386) 239-7710

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.

- I. [REDACTED] 32174 – 3 years
- II. Florida Resident – 11 years
- III. Cell phone: [REDACTED]
- IV. Sarelizthomas@gmail.com

3. State your birthdate and place of birth.

- I. 10/15/1988
- II. Glasgow, Kentucky

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

- I. 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.

- I. State of Florida.

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

I. N/A.

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. Juris Doctor. 2015

University of Louisville. Bachelor of Science. 2011. 3.06 GPA

Cumberland County High School. Commonwealth Diploma. May 2007

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. University of Louisville:

- i. College Republicans
- ii. Club Girls Basketball
- iii. Legislative Intern Program – Former Staffer, President of Kentucky Senate

II. Florida Coastal School of Law:

- i. Elected - 2015 Student Government/Bar Association – President
- ii. Elected - 2015 Class Commencement Speaker
- iii. 2015 – Honor Court – President
- iv. 2015 Malivai Washington Youth Foundation - Volunteer
- v. 2015 Dean’s Award for Leadership and Public Service
- vi. 2015 Leadership Award by Dean of Students
- vii. 2015 Student Life Award Recipient
- viii. 2015 Legislative Leadership Award – Student Bar Association
- ix. 2014 Founder’s Award - elected recipient
- x. 2013 Legislative Leadership Award - recipient
- xi. 2013-2014 Secretary, Student Bar Association
- xii. 2012-2015 National Moot Court Honor Board – Advocate
- xiii. 2012-2015 Mock Trial Team Member
- xiv. 2012-2015 Republican Law Association - member
- xv. 2012-2015 Women’s Law Association – member
- xvi. 2012- Jacksonville Area Legal Aid – Volunteer

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.

Office of the State Attorney 7th Judicial Circuit
State Attorney R.J. Larizza
Assistant State Attorney Career Criminal Unit
March 2016 – Present
251 North Ridgewood Avenue, Daytona Beach, FL 32114

Smith Bigman Brock
Jeffrey Bigman, Esq.
Insurance Defense Litigation
Associate
December 2015 – March 2016
444 Seabreeze Blvd #900, Daytona Beach, FL 32118
386-254-6875

Office of the State Attorney 7th Judicial Circuit
State Attorney R.J. Larizza
Assistant State Attorney Career Criminal Unit
July 2015 – December 2015
251 North Ridgewood Avenue, Daytona Beach, FL 32114

Office of the State Attorney 7th Judicial Circuit
State Attorney R.J. Larizza
Certified Legal Intern
2013 - July 2015
251 North Ridgewood Avenue, Daytona Beach, FL 32114

Tassone & Dreicer, LLC.
Criminal Defense
Law Clerk
May 2014 - November 2014
1822 Atlantic Blvd, Jacksonville, Florida 32207

State Attorney's Office 4th Judicial Circuit
State Attorney Angela Corey
Legal Intern
August 2013 - December 2013
311 W Monroe St, Jacksonville, Florida 32202
904-255-2500

Kentucky Senate President's Office
David L. Williams, President of Senate
Legislative Staffer
May 2008 – August 2008
700 Capital Avenue, Frankfort, Kentucky 40601

Kentucky State Police, Headquarters
Legal Division
Legal Intern
May 2009 – August 2010
919 Versailles Rd, Frankfort, Kentucky 40601

- 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.

As a prosecutor in the 7th Judicial Circuit's Career Criminal Unit, I am responsible for managing a diverse range of complex criminal cases. My role includes overseeing cases involving prison releasee reoffenders, sexually violent predators, violent felony offenders, 10-20 Life sentences, sex crimes, and homicides. Additionally, I handle unique cases that may attract media attention or those that are particularly egregious but don't fall under a specific category.

In my position, the decision-making process for filing charges on my docket is crucial. This involves detailed interactions with victims, witnesses, and law enforcement, next of kin, and often requires me to request further investigations or evidence to be collected when necessary. My decision-making process is influenced by a blend of prosecutorial, defensive, and judicial perspectives, ensuring a well-rounded approach to each case. This ensures I am thinking about the case from all angles, not just as a prosecutor.

My time in the Career Criminal Unit has allowed me to work closely with law enforcement, building cases collaboratively from the ground up. This experience has given me a deep understanding of the criminal justice process from start to finish. I value my relationship with law enforcement tremendously.

An essential part of my role is participating in a rotational on-call schedule. Every 5-6 weeks, I am available 24/7 for a week to review after-hours warrants and help law enforcement or other prosecutors. This aspect of the job ensures the unit's accountability and responsiveness.

Before my assignment in the Career Criminal Unit, my experience in the Felony line division was instrumental in developing the skills necessary for prosecuting heightened offenses. It also improved my time management and ability to handle a high volume of criminal cases efficiently.

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>100</u> %
Federal Other	_____ %	Family	_____ %
State Appellate	<u>5</u> %	Probate	_____ %
State Trial	<u>95</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:

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

Jury?	<u>57</u>	Non-jury?	<u>5+</u>
Arbitration?	_____	Administrative Bodies?	<u>2+</u>
Appellate?	_____		

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.

I. N/A

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.

I. 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.

I. 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.*

LAST TRIAL:

- I. **2020-304571 CFDB – State v. Waters – 1st Degree Murder.**
 - i. Judge Raul Zambrano
 - ii. Rich Zaleski – rzaleski@defenderslg.com – [REDACTED]
- II. **2022-301437 CFDB – State v. Trequan Braswell – Aggravated Battery with a Firearm x 2.**
 - i. Judge Karen Foxman
 - ii. James Dickey – jdickey@rc5state.com – [REDACTED]
- III. **2023-300943 CFDB – State v. Chris Crouthamel – Sexual Battery x 2, Traveling to meet a minor, use of an internet service to solicit a child for sex.**
 - i. Judge Leah Case
 - ii. Javier Chavez – jchavez@smithandeulo.com – [REDACTED]
- IV. **2020-305864 CFDB – State v. Derick Styron Jones Sr. – Human Trafficking, Trafficking in Fentanyl, Sexual Battery, Battery, False Imprisonment.**
 - i. Judge Raul Zambrano
 - ii. Craig Satchel – satchellaw@gmail.com
- V. **2021-301263 CFDB – State v. Shane Jackson – Aggravated Battery Deadly Weapon.**
 - i. Judge Leah Case
 - ii. Mike Panella – mike@panellalawfirm.com – [REDACTED]
- VI. **2021-304865 CFDB – State v. Martavious Ellison – Home Invasion Robbery with a Firearm.**
 - i. Judge Raul Zambrano
 - ii. Amanda Kazzi – amanda@kazzilaw.com – [REDACTED]

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.*

- i. **State v. Maurice Jones 2023-303309 CFDB**
 1. Sara Altes altes.sara@pd7.org [REDACTED]
- ii. **State v. Austin Harrison 2023-303534 CFDB**
 1. Aaron Delgado adelgado@communitylawfirm.com [REDACTED]
- iii. **State v. Howard Eady 2023-300315 CFDB**
 1. Mike Kapit mike.kapit@pd7.org [REDACTED]
- iv. **State v. Stacy Brochu 2023-304124 CFDB**
 1. Brian Hyer brian.hyer@pd7.org [REDACTED]
- v. **State v. Isiah Chill 2023-302392 CFDB**
 1. Brian Hyer brian.hyer@pd7.org [REDACTED]
- vi. **State v. Sherman Doughtry 2022-306008 CFDB**
 1. James Dickey jdickey@rc5state.com – [REDACTED]

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.

I appear in court roughly 15 times per month on average over the past five years. I am the lead attorney on a criminal felony docket. I supervise any Felony Attorney on my docket, so I often attend Court with that attorney and assist wherever needed. I also cover court for co-workers and in specialty courts or wherever needed in addition to my own cases. I am also responsible for weekend first appearances about two times a year.

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.

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.

Being in the Career Criminal Unit, every case I have is usually particularly egregious. However, the cases that stick out to me are the ones where I learn the most (handling unique issues) or ones where such an impact has been made on the victim or community, that I will never forget.

I. **State of Florida v. Derick Jones Sr.** – Judge Raul Zambrano – 2022-305864 CFDB

- i. Opposing counsel: Craig Satchel (satchellaw@gmail.com) and Pro Se
- ii. Human Trafficking – Adult Labor or Services, Armed Trafficking in Fentanyl, Felony Battery, Possession of Meth, possession of Firearm by convicted felon, Possession of ammunition by convicted felon, Possession of weapon by convicted felon, Possession of Cannabis, possession of Paraphernalia, Possession of Cocaine with intent to sell, Unlawful use of two way communication device, Attempt to Tamper with a witness.
- iii. July 2022 Trial

This case was a 13-count charged information ranging from Human Trafficking to Armed Trafficking in Fentanyl. The Defendant terrorized the community and had been doing so for years. The Defendant had been operating a sex trafficking ring for years, using violence and intimidation out of a hotel on Ridgewood Avenue; only a few miles from the courthouse. The primary victim had been beaten so badly by the Defendant that she was blind due to a detached retina. We were able to sustain a conviction on all counts and ensure the Defendant will never be free to terrorize the citizens of Volusia County again. The primary victim was able to courageously testify against the defendant and have her voice heard. Since the trial, we have been able to help her (with the financial help of an anonymous citizen) attend appointments with a specialist, and she is working toward surgery that could regain some vision in her left eye. She is back with her family and writing a book about her experiences.

This case stands out in my career as it triggered a profound community impact that was facilitated by the justice system. Local support for the victims was exceptional and it provided societal healing throughout the area.

Since this case, I have been able to help law enforcement put more resources towards apprehending human trafficking efforts here in Daytona Beach. The relationship I have with the victim and the law enforcement officers who worked on this case will forever be one of the greatest parts of my job.

II. **State v. Kyle Christianson** – Judge Dennis Craig - 2020-304419 CFDB

- i. Opposing Counsel: Brian Hyer - brian.hyer@pd7.org [REDACTED]
- ii. The charge was Criminal Mischief with an enhancement due to Hate crime Motivation. This is a rarely charged offense due to the complexity of proving the actions of the Defendant were motivated by prejudice.
- iii. July 2021 Trial

This was a very alarming set of facts due to the random targeting of innocent citizens of Volusia County and the several-month manhunt to find out who this Defendant was. The victims were both dentists in the Daytona Beach area and at the time had a 6-month-old baby girl. They were living in fear for several months before we were able to find the Defendant and ultimately convict him of these crimes. The forensic data we were able to obtain from the Defendant's phone showed that he had been harassing more than just the listed victims in our case.

The Defendant visited a dentist's office here in Volusia County and became fixated on them. Both victims are Asian American. The Defendant became enraged when he found out that the Dentist he would be seeing was "not American" even though she had a "white" last name. The Defendant began incessantly calling and leaving messages at the business. He found out where the Dentist and their family lived and began to harass the family late at night without being caught for some time. He would leave tacks and nails in the driveway, paint racial slurs on their vehicles, and leave terrible things regarding their businesses online. The family was terrified and had no idea what they had done to deserve this. Some of the writings even referenced harming their infant.

Through forensics and other investigative means, local law enforcement was able to get an ID from a driver's license tag belonging to the Defendant's dad out of state and it ultimately led to the identification of the Defendant.

Once the Defendant was apprehended and his phone was confiscated, we found that the defendant had been on several websites and message boards furthering this hate speech and threatening violence to any group of Asian individuals. This case is unforgettable to me because it's such a random and completely senseless act of violence with really no explanation other than hate.

- III. **State v. Dewayne Maynard** – Judge Sandra Upchurch –2018-301753 CFDB.
- i. Opposing Counsel: Larry Powers
 - ii. Trafficking in Oxycodone, Robbery with a Deadly Weapon, Grand Theft
 - iii. March 2019 Trial

This was my first Life Felony Trial so I will never forget it. This Defendant robbed a small mom-and-pop business in the Roscommon Plaza in Ormond Beach. The Defendant had been on a crime spree from South Florida robbing Pharmacies and small businesses. The victims in this case owned a small Chinese restaurant where all the family members, including children, worked. It was a hot Florida day, so the family had the back door to the kitchen open while they cooked as they had often done. The Defendant came in through the back door and held a firearm to the head of the mother who was cooking. The rest of the family panicked and gave him all the money in the register and their tip jar.

The family was so shaken up by this robbery that they closed their business shortly after. Being able to prosecute this Defendant and allow the children to see this man brought to justice, who hurt their family meant a great deal to me.

Coincidentally, I now live in the neighborhood right outside of Roscommon Plaza. My husband and I have been to the restaurant now owned by another family a handful of times and think about this case each time I pass there and how this affected this family. I am proud to be part of the team that brought this family closure and keeps our community safe.

IV. **State v. James Long** – Judge Leah Case – 2022-300668 CFDB.

- i. Opposing Counsel: Sara Altes
- ii. Sexual Battery on a child x 3
- iii. May 2022 Trial

This case is a sex case involving a mentally challenged victim. The Defendant was a long-time family friend of the victim and very close to the victim herself. The Defendant was an Uncle to the victim but not related by blood. The victim trusted this individual and spent a lot of time with him growing up. The Defendant had groomed this victim, bought her clothes and makeup, and taken her to the park swimming. The victim was 16 years old but mentally functioned as a 12-13 year old. The Defendant had given the victim alcohol and tried to convince her not to tell her mother. Overwhelmed with emotion the victim told her mother and the investigation began.

This case was particularly hard to navigate with the mental capacity as well as the disabilities of the victim. The trial preparation and deposition of the victim was particularly hard because the victim didn't understand and couldn't comprehend the actions of the Defendant as being a predator. I met with this victim more than normal. I developed a relationship with her and discussed non-case-related topics to build trust and a rapport with her where she felt she could rely on me. I helped to get the victim and her mother in counseling to help better process her emotions. By the time the trial came around, I had developed a good enough relationship with her to help her and guide her through the process.

Before trial, the victim had become severely depressed and was suffering from severe panic attacks and anxiety. She even had a severe panic attack and passed out during our first attempt at a deposition with her over Zoom. We had to contact the 911 operator in Texas where she was and get an ambulance to respond to her home. The victim is now married and has one child. She lives in Texas, with her husband in the military and is getting to live a normal life. Seeing such a drastic transition in someone's mental health from the start of this investigation is something I will never forget. This trial brought the victim and her family the closure they needed.

This case was important to me because, but for my office, this victim may not have ever lived a semblance of a normal life due to trauma and fear.

V. **State v. Christopher Crouthamel**- Judge Leah Case – 2023-300943 CFDB.

- i. Javier Chavez
- ii. Sexual Battery x 2, Traveling to meet a minor x 2, use of an internet service to solicit a child for sex
- iii. October 2023 Trial

This case is one of the most disturbing sex cases I have tried in my career. This is truly every parent's worst nightmare.

The victim was a 14-year-old girl who was severely mentally ill. During the trial, the victim was being held in a secure mental health facility in Alabama and we had to fight and coordinate to get her to testify in our case with the authorities in Alabama. The victim had attempted suicide and ran away several times.

The Defendant met the child on the internet and ended up driving to Volusia County from Ocala to have sex with the child in the woods behind her house while her parents slept. The Defendant was almost 20 years her senior. After this act the situation was reported to authorities after the child disclosed the abuse to her therapist. Unfortunately, there was nothing that led to the identity of the defendant and no evidence to pursue charges.

Then, the Defendant had the audacity to strike up another conversation with the child online and travel back to Volusia County a second time. The Defendant had groomed and manipulated this child into thinking the two of them were in a relationship and had a shared text thread with her detailing over 200 messages. The Defendant traveled to Volusia County, picked up the child from her home, and took her to a hotel roughly one mile up the road. The Defendant kept the child there overnight and then dropped her off at her Middle School bus stop the next morning.

This is such an alarming case because the Defendant would have gotten away with the first act of traveling but for his return to Volusia County.

The Defendant was a true manipulative predator by every definition. It was textbook grooming behavior. The victim was the “perfect” victim. She had been in trouble at school, at home, had a reputation for untruthfulness, was suicidal, and had multiple mental health illnesses. The Defendant picked a child he thought no one would believe. This was a hard-fought case for justice and if not for law enforcement and my follow-up with the forensic data from the victim and defendant's phones the Defendant may not have had to answer for these acts at all.

I learned a great deal about how to work with a victim with these disabilities. Both how to handle it with the victim herself, and how to legally navigate these hardships so they can be heard.

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.

I have attached two documents for review. I wrote and filed the documents in active cases, now closed. I successfully argued both documents at hearing before the Court prior to trial.

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.

I. 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. Yes. I applied to the 7th Judicial Circuit JNC April 2023, and then formally withdrew that application when I decided to seek appointment.

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.

N/A

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.

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.

I. 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.

I. NO

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.

I. 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.

I. 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.

I. 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.

I. 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.

I. Commencement Speaker – 2015 – Florida Coastal School of Law.

II. Speaker / Instructor: (As a prosecutor I often work with local law enforcement and help with training and presentations on various legal topics. I do not have every specific date, but I have done this multiple times a year for the past several years.)

i. Daytona Beach Police Department:

1. 2019 - Present – Instructor Trial Techniques for Law Enforcement.
2. 2019 - Present – Prosecuting Drug Offenses.
3. 2019 - Present – Search and Seizure and changes in the law.
4. 2019 - Present – Prosecuting Sex Crimes.

ii. State Attorney's Office:

1. 2016-Present. Basic Intake and ASA training for County Court.
2. 2018-2021 DUI Instructor for County Court Division – Prosecuting a DUI, various “lunch and learn.”
3. 2022 Preparing and Gathering Documents for prosecuting a DUI.

iii. Daytona State College Law Enforcement – 2019, 2022.

1. Testifying at Trial.
2. Deposition Preparation.

iv. Advent Health Forensic Nurses Program - 2023

1. Sexual Assault Prosecution; Deposition and Trial testimony.

- 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.

I. I have not taught a full course but have taught separate classes at Daytona State College in conjunction with our local law enforcement agencies on various topics.

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.

- I. Trial Top Gun Award – 7th Judicial Circuit 2023
- II. Dunn-Blount American Inn of Court – Executive Board Member 2017-Present.
- III. Selected Moot Court Honor Board. Florida Coastal School of Law.
- IV. 2015 Dean’s Award for Leadership and Public Service - Recipient
- V. 2015 Leadership Award by Dean of Students – Recipient
- VI. 2015 Student Life Award - Recipient
- VII. 2015 Legislative Leadership Award – Student Bar Association -Recipient
- VIII. 2014 Founder’s Award - Recipient
- IX. 2012-2015 National Moot Court Honor Board Multiple Champion Title Holder
- X. 2013 Legislative Leadership Award - Recipient
- XI. 2009 Named Kentucky Colonel

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

- I. 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. Volusia County Bar Association.
 - i. 2015 - Present - member
- II. Volusia Flagler Association for Women Lawyers
 - i. 2014 - 2023 Executive Board Member
 - ii. 2018 – Secretary
- III. Crime Stoppers of North East Florida
 - i. 2023 - Present - Executive Board Member
- IV. Dunn-Blount American Inn of Court
 - i. 2023 - Present - Current Executive Board Member
 - ii. Secretary 2021-2022
- V. Rotary Club of Ormond Beach
 - i. 2023 - Present
- VI. Florida Sheriffs Association
 - i. 2020 - Present
- VII. Kentucky Fraternal Order of Police – Fallen Officer Family
 - i. 2016 - Present
- VIII. Florida Prosecuting Attorneys Association
 - i. 2016 - Present
- IX. Student Bar Association
 - i. President 2014-2015

ii. Secretary 2013-2014

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.
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.

I. NO

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

I. As a government attorney I am not able to do actual "pro bono" work. However, while in law school I was a volunteer for Jacksonville Area Legal Aid which provides pro bono work for individuals who cannot afford an attorney. I did pro bono work for approximately one year. I personally volunteered work hours and worked fundraising events for the organization through my law school.

45. Please describe any hobbies or other vocational interests.

Spending time with my family is my top priority. Taking my son to the park. I enjoy doing Pilates, and traveling.

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.

I. N/A

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

- I. Facebook: Sarah Sullivan Thomas
II. Instagram: sethhh21
III. LinkedIn: Sarah Sullivan Thomas – *inactive*
IV. Twitter: realsethtweets - *inactive*

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. Married: David Kurtis Thomas. Engineer and Director of Marketing at Q-PAC Systems Inc.
- II. Married August 4, 2012.

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.

- I. [REDACTED]

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.

- I. 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.

- I. 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.

- I. 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.

- I. Yes, through insurance from a car accident that occurred in 2021. It was settled outside of court. It was a fender bender on I-4.

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?

- I. 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.

- I. 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.

I. 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. 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.

I. 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.

I. NO

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

I. 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 filing. I have not paid a penalty or lien nor have I had one filed against me.

HEALTH

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

I. 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.

I. 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.

I. 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.

I. 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.

I. 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.)

I. 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

I. 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.

I. NO

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

I. NO

SUPPLEMENTAL INFORMATION

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

Helping people has always been my passion. At a young age, I knew I wanted to work in some capacity in law enforcement. My father, who passed away in 1994, was a Detective for the Kentucky State Police, an EMT, and a business owner. He was one of the hardest-working people I know. At my father's funeral, I was overwhelmed with how many people were in attendance, many of whom were strangers to me, who just wanted to tell stories of my dad going out of his way to help them or a loved one. I knew I wanted to have that type of impact on the world.

While in college I decided to intern at the Kentucky State Police Headquarters in Frankfort Kentucky. I was begrudgingly placed in the legal department for the summer even though I would have rather been more "in the action." This turned out to be a blessing in disguise and started my passion for public service through the law. I got to see firsthand how the general counsel for KSP helped so many families of fallen officers receive benefits, tuition reimbursement, and health care after enduring a tragedy. I knew myself and my family were once one of those beneficiaries. I was able to go to college under some of the same tuition programs for fallen officer families as I was able to see being granted to those who needed it. It was honestly a full-circle moment for me and changed the trajectory of my life. I knew I wanted to go to law school so in some form, I could help others, the way I was helped. My life experience has given me a unique perspective for my age.

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 value relationships with people and have always strived throughout my entire career to treat people with respect and dignity no matter what the situation. I get along with almost everyone and I am proud of that fact. You will be hard-pressed to find someone, even opposing counsel, who doesn't have a good working relationship with me or can come to me when they need something. I make myself available to everyone for anything they may need that is within my power. I truly value hard work and effort. In court, we often see the worst of the worst in society,

but we also see people who are just having their worst day. It's important to remember that people shouldn't be defined by their worst moments. People may not remember what you said, but they will always remember how you made them feel. As a Judge, I will bring that same viewpoint to the bench.

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.

RJ Larizza
State Attorney 7th Circuit
386-239-7710

Sen./ Judge David L. Williams
Former President of the Kentucky Senate

[REDACTED]

Michael Politis
Attorney
michael@politislawfirm.com

[REDACTED]

Edward Fuller
Corporate Security Manager

[REDACTED]

Judge Leah Case
Chief Judge 7th Circuit

[REDACTED]

Judge Raul Zambrano
Retired Judge 7th Circuit

[REDACTED]

Judge Jim Clayton
7th Circuit Judge

[REDACTED]

Gail Wadsworth
Retired Flagler County Clerk or Court



Sheriff Mike Chitwood
Volusia County Sheriff



Chief Jakari Young
Chief of Police Daytona Beach



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(1), 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 8 day of January, 20 24.

Sarah Thomas
Printed Name

Sarah Thomas
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: 12/31/2023

Last Three Years:

2021 - \$80,674

2022 - \$87,754

2023 - \$128,300

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: 12/31/2023

Last Three Years:

2021 - \$80,674

2022 - \$87,754

2023 - \$128,300

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: 12/31/2023

Last Three Years:

2021 - \$0

2022 - \$0

2023 - \$0

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: 12/31/2023

Last Three Years:

2021 - \$0

2022 - \$0

2023 - \$0

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: 12/31/2023

Last Three Years:

2021 - \$0

2022 - \$0

2023 - \$0

**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 Dec 26th, 2023 was \$ 199,575.80.

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 \$ 0.

ASSETS INDIVIDUALLY VALUED AT OVER \$1,000:

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

VALUE OF ASSET

Real Estate: Primary Residence - [REDACTED]	\$449,000.00
Real Estate: Rental Property ([REDACTED])	\$101,000.00
Cash: Bank of America Checking and Savings - \$21,741.38; Robinhood Cash: \$20,861.62	\$42,603.00
Stocks – BRK.B: \$10,789.50; TSLA: \$12,565.00; NVDA: \$7,501.22; MSFT: \$1,502.80; RITM: \$1,501.38; RKLK: \$2,604.20	\$36,464.10
Crypto Currencies: Various	\$6,866.00
Domain: <i>sarahthomas.com</i>	\$5,000.00
Vehicle – Tesla Model Y	\$36,752.00
State of Florida Pension	\$68,065.20
Florida 529	\$16,296.68

PART C - LIABILITIES

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

NAME AND ADDRESS OF CREDITOR

AMOUNT OF LIABILITY

Primary Residence Mortgage: [REDACTED] JPMorgan Chase Bank PO Box 71244 Philadelphia PA 19176	\$212,444.97
[REDACTED] Farmers Bank and Trust 201 S Main St. Marion KY 42064	\$83,914.98
Student Loans Mohela 633 Spirit Dr Chesterfield, MO 63005	\$266,111.22

Auto Loan – Tesla Model Y Bank of America PO Box 45224 Jacksonville 32232	\$21,969.83
JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE: NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY

PART D - INCOME

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

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

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

NAME OF SOURCE OF INCOME EXCEEDING \$1,000	ADDRESS OF SOURCE OF INCOME	AMOUNT
State - Salary	[REDACTED]	\$128,300.00
Rental Property Income	[REDACTED]	\$6,375.00
Interest - Robinhood	85 Willow Road Menlo Park, California 94025	\$1,017.66

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

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

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

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

OATH

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

Paul Thomas
 SIGNATURE

STATE OF FLORIDA

COUNTY OF _____

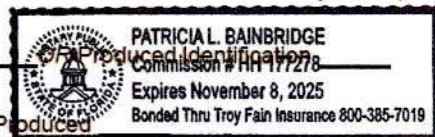
Sworn to (or affirmed) and subscribed before me this 8 day of January 2024 by _____

Patricia L. Bainbridge
 (Signature of Notary Public—State of Florida)

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

Personally Known _____

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: 1/1/2024

JNC Submitting To: 7th Circuit

Name (please print): Sarah Thomas

Current Occupation: Assistant State Attorney

Telephone Number: [REDACTED] Attorney No.: 0119419

Gender (check one): Male Female
Ethnic Origin (check one): White, non-Hispanic
 Hispanic
 Black
 American Indian/Alaskan Native
 Asian/Pacific Islander

County of Residence: Flagler

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.

Sarah Thomas

Printed Name of Applicant

Sarah Thomas

Signature of Applicant

Date: 1/8/24

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

CASE NO.: 2020 300595 CFDB

JUDGE CRAIG

STATE OF FLORIDA

VS.

JAMES LONG

Defendant/

MOTION TO ADMIT CHILD HEARSAY

COMES NOW, R.J. LARIZZA, State Attorney for the Seventh Judicial Circuit of Florida, by and through the undersigned Assistant State Attorney, and files this Motion to Admit Child Hearsay, in accordance with Florida Statute section 90.803(23), for the Court to allow the State in any trial in this cause to introduce into evidence out-of-court statements made by the child victim, [REDACTED] about how, when, and where the crime occurred. In support of this motion, the State would show the following:

I. Facts:

1. The Defendant is currently charged by information with two count of Unlawful Sexual Activity with a minor, Florida Statute 794.05.
2. The defendant was charged with sexually assaulting [REDACTED] in Volusia County on or about July 9, 2019, by formal information, amended and dated January 10, 2022.
3. The victim [REDACTED], disclosed the sexual acts of the Defendant to her friend Shelby Renzi, her friend's boyfriend Isiah Lynch, her mother Elisha Vaissiere, Office Christie Curcio completed a CPT interview on 7/10/2019, gave a recorded interview to law enforcement, and is set to provide a deposition to Defense counsel.
4. On the date of the offense the child victim, [REDACTED] was 16 years of age, having a date of birth of [REDACTED]
5. The defendant was known to the victim and victim's mother as a family friend whom she referred to as "Uncle James."
6. The defendant's date of birth is 6/25/1960.
7. The victim [REDACTED] has mental disabilities including but not limited to: Autism and Asperger's, Developmental Delay, Comprehension Delay, Attention Deficient Disorder, and Psychogenic (non-epileptic) seizure disorder. However, there has been no indication these disabilities or

learning deficits have affected her ability to comprehend or properly relay information during this process.

8. During the CPT interview [REDACTED], was aware she was to only speak about events that actually happened, and was able to answer all questions fully with age appropriate answers. *CPT interview 7/10/2019.*
9. After the proper foundation is given through testimony by Allison Ogden, Law Enforcement, and the initial reporter, the State plans on introducing the recorded CPT interview of the child victim.
10. The State also plans to introduce statements made by [REDACTED] to her mother Elisha Vaissiere and law enforcement Officer Christie Curcio.
11. The introduction of this evidence, along with statements made by the child victim is supported by both law and legal theory as demonstrated in the concluding section of this motion.

CPT INTERVIEW WITH CHLD VICTIM [REDACTED]

State Witness Alison Ogden

12. Alison Ogden of the child protective team interviewed [REDACTED] began the CPT interview by stating she knows the difference between the truth and a lie. The victim states she knows to only discuss what actually happened.
 - a) [REDACTED] stated she was with the defendant at a park on 7/9/2019 and then at his home where the offense occurred. *This is confirmed by the mother of the victim.*
 - b) [REDACTED] was able to give the location, time frame, and name of the park the two were at on 7/9/2019.
 - c) [REDACTED] is able to provide great detail as to the offense that occurred between her and the defendant stating, he started to finger her in his truck at the park after having moving his truck away from the people.
 - d) [REDACTED] further states the actions escalated to vaginal and penis penetration at his home shortly thereafter in the bathroom.
 - e) [REDACTED] stated that the defendant took her into his bathroom to “change” from a swimsuit that he had bought her on the same day, then began to make sexual advances toward her asking her to “suck his dick,” which she rejected and pleaded not to do.
 - f) [REDACTED] stated that the defendant began to try and push her to “suck his dick,” and she continually stated no, she was crying.
 - g) [REDACTED] was able to give the location, time-frame, and circumstances around the entire encounter with the defendant on 7/9/2019, including statements made by the defendant before and after the encounter that made her feel uncomfortable and what they were doing leading up to, and after the attack.

- h) [REDACTED] stated that the defendant penetrated her vagina with his penis at his home the bathroom and then forced her to use a “blue” and “long shaped” bottle to clean herself. The “douche” that is believed to been used is in possession of the State and well as a towel that defendant used to whip himself after the offense, per the victim. *The State will provide forensic evidence as to both items at trial.* Both items described by the victim in her CPT have been located.
- i) [REDACTED] was able to give exact statements by the defendant regarding the contact, where he was deciding on a story the two of them should tell the victim’s mothers about where they had been.
- j) [REDACTED] stated the defendant told her the bottle was to clean her-self up after she had her period but she needed to use it right after the offense because he “came” in her then afterwards put it in his cabinet.
- k) [REDACTED] stated the week prior to the penetration the defendant asked her to see her boobs and her “pussy,” before he touched her vagina and tried to finger her at the park.
- l) [REDACTED] stated the two of them went in Winn Dixie to get the alcohol and the price was “ten-for-ten” and he got Bahama mama flavor, and he stored these in his cooler in his man cave.
- m) [REDACTED] stated she was drinking the alcohol out of a big WaWa cup and it was left on the ground.
- n) [REDACTED] stated that although the defendant didn’t tell her he would do anything for her for the sexual acts he did buy her things like the alcohol, bathing suit, hat, and the belly button ring.
- o) [REDACTED] reiterates at the end of the interview when asked, that everything discussed was the truth.

DISCLOSURE AND STATEMENTS MADE TO PARENTS AND LAW ENFORCEMENT:

State witness Mother of victim Elisha Vaissiere

- 13. The Child Victim disclosed the behavior of the defendant to Elisha Vaissiere, the mother of the minor child [REDACTED]. The mother reported this disclosure to law enforcement, calling 911 on 7/9/2019, asking for a “female” law enforcement to come to her home and speak with [REDACTED].
 - a. The mother of [REDACTED] disclosed to 911 her daughter reported the following information to her:
 - i. She had been raped.
 - ii. The subject was James Long.
 - iii. They referred to him as Uncle James and he was an old neighbor.
 - iv. The defendant got a douche and had her clean herself out. She was on her period.

- v. Alcohol was involved.
- vi. The victim was really shaken up and scared.
- vii. No weapons were involved.
- viii. It started at Maynard park or “the little beach.”
- ix. The two of them went back to the home of the defendant, James Long.
- x. The Defendant touched her private area and “raped” her.
- xi. It had happened sometime that day (7/9/2019).
- xii. The defendant is 52 and she is 16.
- xiii. It is also important to note the child victim [REDACTED] can be heard on 911 crying and making statements about what happened to her in the background of the call.

DISCLOSURE TO OFC. CHRISTIE CURCIO:

State witness responding Officer Christie Curcio

14. Officer Curcio contacted [REDACTED] at her home shortly after the crime was reported by her mother. After briefly speaking with [REDACTED] mother and learning [REDACTED] disclosed she was sexually battered, Office Curcio spoke with the [REDACTED] to gather more information. After speaking and gathering information from [REDACTED] Ofc. Curcio decided to contact CID for further officers to respond.
 - a. [REDACTED] made the following statements:
 - i. James Long inserted his fingers inside her vagina and she did not give him permission.
 - ii. [REDACTED] and James Long were at 413 South Riverside Drive (Menard May Park) when Long tried to sneak in to the restroom where she was changing her clothes.
 - iii. Long took her to 116 Neptune Drive to due bathrooms at Menard Park being locked and took her into the restroom there.
 - iv. [REDACTED] was on the toilet and Long ask her to perform oral sex on him, she said no, and Long took off her underwear and made her.
 - v. First long put his fingers in her vagina, then had vaginal sex with her and ejaculated.
 - vi. Long stuck a female product inside her vagina and told her to sit on the toilet so it would come out.
 - vii. Long gave [REDACTED] a towel to clean herself up then threw it in the laundry room.

Reliability of Child Statements

15. The child victim [REDACTED] of age at the time of the event in question.

16. During the CPT [REDACTED] was able to articulate her understanding of the difference between a truth and a lie and stated she understood she was only to discuss things that actually happened.
17. [REDACTED] was able to give a consistent account of the entirety of the contact with the defendant during her disclosure to her friend, friend's boyfriend, law enforcement, and her mother on the night of 7/9/2019, morning of 7/10/2019 her CPT interview on 7/10/2019.
18. The victim began a scheduled deposition with the undersigned Prosecutor and the Assistant Public Defender on 3/30/2022 but due to a medical reason, the victim became unconscious after several minutes of the deposition. The depositions is currently being re-set and the State will amend this Motion if additional statements are needed.
19. [REDACTED] gives age appropriate answers and responses to questions which will be explained in further detail by Allison Ogden with the Child Protective Team, prior to any statements being introduced at trial.
20. [REDACTED] is able to give a description of the location, circumstances surrounding the assault, and a rough estimate of time for the assault.
21. [REDACTED] is able to describe in detail the assault, content of, and her mental/emotional state at the time of the assault and the following encounter with the defendant after the act occurred.
22. [REDACTED] demonstrated a level of trustworthiness in her consistent statements to multiple people. Some recorded and some under oath.

II. Law:

23. The child told multiple people what happened. [REDACTED] story remained consistent, the child was not coached, the child was not led.
24. State anticipates child will be available to testify and will provide a recorded deposition in this case as scheduling permits prior to trial. The victim has already appeared and started a deposition.
25. Child hearsay is admissible as provided by Florida Statute 90.803(23)(a).
26. 90.803(23) states in full:
 - (a) Unless the source of information or the method or circumstances by which the statement is reported indicates a lack of trustworthiness, an out-of-court statement made by a **child victim** with a physical, mental, emotional, or developmental age of **16 or less** describing any act of **child abuse** or neglect, any act of sexual abuse against a child, the offense of child abuse, the offense of aggravated child abuse, or any offense involving an unlawful sexual act, contact, intrusion, or penetration performed in the presence of, with, by, or on the declarant child, not otherwise admissible, **is admissible** in evidence in any civil or criminal proceeding if:
 1. The court finds in a hearing conducted outside the presence of the jury that the **time, content, and circumstances of the statement provide sufficient safeguards of reliability**. In making its determination, the court may consider the mental and physical age and maturity of the child, the nature and duration of the abuse or offense, the

relationship of the child to the offender, the reliability of the assertion, the reliability of the child victim, and any other factor deemed appropriate; and

2. The child either:

a. **Testifies;** or

b. Is unavailable as a witness, provided that there is other corroborative evidence of the abuse or offense. Unavailability shall include a finding by the court that the child's participation in the trial or proceeding would result in a substantial likelihood of severe emotional or mental harm, in addition to findings pursuant to s. 90.804(1).

(b) In a criminal action, the defendant shall be notified no later than 10 days before trial that a statement which qualifies as a hearsay exception pursuant to this subsection will be offered as evidence at trial. The notice shall include a written statement of the content of the child's statement, the time at which the statement was made, the circumstances surrounding the statement which indicate its reliability, and such other particulars as necessary to provide full disclosure of the statement.

(c) The court shall make specific findings of fact, on the record, as to the basis for its ruling under this subsection. (emphasis added)

27. For a hearsay statement to be admitted under this section, the statement must meet two specific reliability requirements: (1) the source of the information through which the statement was reported must indicate trustworthiness; and (2) the time, content, and circumstances of the statement must reflect that the statement provides sufficient safeguards of reliability. *State v. Townsend*, 635 So.2d 949 (1994) citing *Weatherford v. State*, 561 So.2d 629 (Fla. 1st DCA 1990); *Salter v. State*, 500 So.2d 184 (Fla. 1st DCA 1986).
28. Trial court did not abuse its discretion in prosecution for sexual battery on a person less than 12 years of age by concluding that child victim's hearsay statements were reliable, so as to be admissible pursuant to the child sexual abuse hearsay exception; trial court found that child provided a detailed account of the assaults, that child's reports to various witnesses were consistent, that questions posed to child were open-ended and not leading, that child's answers used words consistent with her age, that there was no evidence the statements or the method of obtaining them were untrustworthy, and that child had no motive to lie and there was no evidence she was coached. *Rodriguez v. State*, 77 So.3d 649 (3rd DCA 2011).
29. Trial court made sufficient findings and adequate record to support its conclusion that child victim's hearsay statements were admissible in prosecution for sexual battery on a child and indecent assault; trial court cumulatively weighed numerous potential facts, such as time, circumstances, credibility, demeanor, spontaneity, internal consistency of individual statements, and maturity of child. *Reynolds v. State*, 660 So.2d 778 (1995)

30. Such evidence is relevant to the State's presentation of evidence in its case-in-chief so as to allow the fact-finder to understand the child victim's perception of events close in time to when they occurred.
31. A copy of the CPT interview of the Child victim [REDACTED] has been provided to the court for review and previously provided to defense counsel as well as all statements made to parents, law enforcement and the mother of the victim.

WHEREFORE, the State prays that this Court will enter an order allowing the State to present evidence of the aforementioned child hearsay statements in its case-in-chief.

FOR THE STATE ATTORNEY
R.J. LARIZZA

Sarah Thomas
SARAH THOMAS
Assistant State Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished and/or delivered by U.S. e-service / delivery/ to Sara Altes, Office of the Public Defender. this __13__ day of April, 2021.

Sarah Thomas

ASSISTANT STATE ATTORNEY
SARAH THOMAS
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DAYTONA BEACH, FL32114
(386) 239-7710
FL BAR # 119419

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

**CASE NO.: 2021-302657 CFDB
2021-302656 CFDB**

**STATE OF FLORIDA
VS.**

**EDGARDO HERNANDEZ
And
JOHNATHAN ORTIZ**

DEFENDANTS.

**MOTION TO CONSOLIDATE CASES FOR TRIAL AND ACCOMPANYING
MEMORANDUM OF LAW**

Comes now the State of Florida, by and through the undersigned Assistant State Attorney, and pursuant to Rule 3.151 FRCrP, hereby moves this Honorable Court to enter an Order consolidating cases 2021 302657 CFDB, 2021 302656 CFDB. As support for this motion the State would include the following:

1. A formal information has been filed in each case charging each defendant separately.
2. Johnathan Ortiz is currently charged in 2021-302656CFDB with the following: Robbery with a Firearm and Possession of Firearm by a convicted felon. Edgardo Hernandez is currently charged in 2021-302657CFDB with the following: Robbery with a Firearm. Both Defendant's are charged under Florida 10-20 Life statute.
3. Both Defendants are on the Case Docket, division 41.
4. The Defense Attorney has been contacted and does object to this request, the State will request a hearing be set on this matter.

5. Both Defendants are set for trial the week of October 10, 2022, date certain as the primary trial on the Case docket, per Judge Leah Case.
6. All Defendants are triable in the same court, in that, the evidence sought to be produced by the State at each trial will demonstrate an isolated incident where it is alleged both defendants were present and actively involved in criminal behavior amounting to the same or similar crimes. All facts are so inextricably intertwined that the accumulation of, is needed to provide ID, motive, lack of mistake, common scheme and plan, and demonstrate culpability.
7. The same witnesses are involved in each case, same victim, same location of offense, as well as the same law enforcement, the same items tested for DNA, and the same prior listed co-defendant, Kali Cobb, who up until 9/7/2022 was a cooperating witness for the State.
8. To have the Defendant's cases tried separately would be a strain on resources for all agencies involved as well as create the inability of a complete presentation of the prosecution's theory of the case.
9. The State's theory includes the illustration of one Robbery wherein each defendant participated with firearms in the same vehicle.
10. This Consolidation is for the purpose of expediency with litigation, to create a fluid time line of events, to prevent inconsistency in evidentiary rulings regarding the same evidentiary items, as well as judicial economy.
11. The State intends to show that on May 22, 2021, Johnathan Ortiz and Edgardo Hernandez contacted the victim via a "for sale" app on the phone of the third co-defendant Kali Cobb. The Defendants set up a purchase of an expensive belt from the victim and set a location

and time to meet to exchange currency for the item. Once at the location, in the same vehicle, owned by Jonathan Ortiz, the Defendants each drew firearms and pointed them at the victim, taking his wallet, the belt, and other various items. The Defendants then fled the scene and was later apprehended by law enforcement in the vehicle. Within the vehicle a search warrant returned the following items:

- Two black in color handguns (a Gloc hand gun and a pistol)
- The Id Card and permit belonging to the victim.
- 2 cell phones
- 3 credit cards
- 2 credit cards belonging to the victim
- Ammunition:
- 2 rifle Magazines
- (25) 9mm projectiles 18 - (1) .38 projectile 19 - (136) .223 projectiles 20 - (86) 20 gauge rounds 21 - (9) .40 caliber projectiles 22 - (2) .45 caliber projectiles

12. Florida Criminal Rules of Procedure 3.151(a) discusses the “triable,” nature of multiple offenses, while subsection (b) specifically uses the word “shall” regarding the consolidation.

- **Related Offenses.** For purposes of these rules, 2 or more offenses are related offenses if they are **triable** in the same court and are based on the same act or transaction or on 2 or more connected acts or transactions.
- **Consolidation of Indictments or Information’s.** Two or more indictments or informations charging related offenses **shall be consolidated** for trial on a timely motion by a defendant or by

the state. The procedure thereafter shall be the same as if the prosecution were under a single indictment or information. Failure to timely move for consolidation constitutes a waiver of the right to consolidation.

13. This motion is timely as it has been filed on the same day as the formal charging information.

14. The State requests This Honorable Court exercise its discretion in granting this motion without a hearing on this matter, as it is its ability to do so.

WHEREFORE the undersigned prays that this Honorable Court enter an Order

Consolidating for trial Case Numbers 2021 302657 CFDB and 2021 302656 CFDB, on to the Division 41 JUDGE LEAH CASE trial docket for the week of October 10th.

Respectfully submitted this ___8___, day of September, 2022.

R.J. LARIZZA
STATE ATTORNEY

By: s/SARAH THOMAS
ASSISTANT STATE ATTORNEY
Florida Bar No.: 119419
ESERVICEVOLUSIA@SAO7.ORG

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy hereof has been furnished by electronic mail/delivery to Tonya Cromartie and Eddie Bell, via electronic service and electronic mail, on September 8, 2022.

s/SARAH THOMAS
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