

Application for Appointment to the Fifth District Court of Appeals

Howard O. McGillin, Jr.

APPLICATION FOR NOMINATION TO THE 5th DISTRICT COURT

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

DATE: August 19, 2019 Florida Bar No.: 814600

GENERAL: Social Security No.: Fla Stat 119.071(5)(d)2.e.

1. Name Howard Ogle McGillin, Jr. E-mail: hmcgillin@circuit7.org

Date Admitted to Practice in Florida: September 20, 1989

Date Admitted to Practice in other States: N/A

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

Circuit Judge, Seventh Judicial Circuit of Florida

3. Business address: 515 Reid Street

City Palatka County Putnam State FL ZIP 32177

Telephone (386) 329-0266 FAX (386) 329-1275

4. Residential address: Fla Stat 119.071(5)(d)2.e.

City St. Augustine County St Johns State FL ZIP 32086

Since October 2018 Telephone (904) 687-5570

5. Place of birth: Philadelphia, PA

Date of birth: Fla Stat 119.071(5)(d)2.e. Age: 60

6a. Length of residence in State of Florida: 34 years including 16 in US Army assigned outside Florida

6b. Are you a registered voter? Yes No

If so, in what county are you registered? St Johns

7. Marital status: Married

If married: Spouse's name Anne Smith McGillin

Date of marriage Fla Stat 119.071(5)(d)2.e.

Spouse's occupation Retired Nurse / Household Manager

If ever divorced give for each marriage name(s) of spouse(s), current address for each former spouse, date and place of divorce, court and case number for each divorce.

N/A

8. Children

Name(s)	Age(s)	Occupation(s)	Residential address(es)
Kristin M. Bozeman	35	Assistant Principal - St. Augustine Teacher -	St Augustine, FL 32086
Kathryn J. McGillin	31	Youth Ministry Leader -	Winter Haven, FL 33884
Elizabeth A. McGillin	28	College Student -	Jacksonville, FL 32258
Erin L. McGillin	20		St Augustine, FL 32086

9. Military Service (including Reserves)

Service	Branch	Highest Rank	Dates
US Army	Field Artillery (1981-1989) Judge Advocate Generals Corps (1989-2005)	Colonel	May 27, 1981 - June 1, 2005
Rank at time of discharge	<u>Colonel</u>	Type of discharge	<u>Honorable Discharge - Retirement for length of Service</u>

Legion of Merit, Meritorious Service Medal (6 awards), Army Commendation Medal (4 awards), Army Achievement Medal (4 awards), Meritorious Outstanding Volunteer Service Medal, Armed Forces Expeditionary Medal (Grenada 1983), Global War on Terrorism Service Medal, Overseas Service Ribbon, Army Service Ribbon, Senior Parachutist Badge, Department of the Army Staff Identification Badge

Awards or citations _____

HEALTH:

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

No

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

Yes No

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

Please describe such treatment or diagnosis.

N/A

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

- Experiencing periods of no sleep for 2 or 3 nights
- Experiencing periods of hyperactivity
- Spending money profusely with extremely poor judgment
- Suffered from extreme loss of appetite
- Issuing checks without sufficient funds
- Defaulting on a loan
- Experiencing frequent mood swings
- Uncontrollable tiredness
- Falling asleep without warning in the middle of an activity

Yes No

If yes, please explain.

N/A

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

Yes No

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

Yes No

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

N/A

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

No

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

No

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

No

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

No

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

No

EDUCATION:

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

<i>Schools</i>	<i>Class Standing</i>	<i>Dates of Attendance</i>	<i>Degree</i>
Devon Preparatory School	est 13/31	Sept 1973 - June 1977	HS Diploma
US Military Academy West Point	est 100/975	July 1977 - May 1981	Bachelor of Science
University of Florida College of Law	8/184	August 1986 - May 1989	Juris Doctor with Honors
The Judge Advocate General's School Army	est 10/60	August 1993 - May 1994	Master of Laws (LLM)

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

Presidential Scholarship to attend Rollins College, Winter Park, FL (declined scholarship to attend US Military Academy).

US Air Force ROTC 4-year full Scholarship (declined scholarship to attend US Military Academy)

US Military Academy at West Point - Named as a "Distinguished Cadet" (designation awarded to the top 5% of class for each academic year - awarded for Junior and Senior years); awarded Cadet Captain rank at West Point (Regimental Adjutant, Cadet Basic Training Regiment - Summer 1980; Regimental Operations Officer, 1st Regiment US Corps of Cadets - Fall 1980).

Distinguished Honor Graduate (Top graduate) - Field Artillery Officer Basic Course - Fort Sill, OK January 1982, Awarded Order of St Barbara.

Commandants List - Field Artillery Officer Advanced Course - Fort Sill, OK, March 1986.

University of Florida College of Law - Juris Doctor with Honors (1989); Editorial Board, Florida Law Review, Chief Tax Editor, Florida Law Review; Honor Society of Phi Kappa Phi; Order of the Coif (1989)

Commandant's List, The Judge Advocate General's School, US Army Judge Advocate Officer Basic Course (Second in class), December 1989.

The Judge Advocate General's School, US Army - Named to Commandant's List of LLM Program (1993) top 20% of graduating LLM class; Specialty awarded in Criminal Law; Wrote Graduate Thesis later published at 150 Mil Law Rev. 1.

NON-LEGAL EMPLOYMENT:

19. List all previous full-time non-legal jobs or positions held since 21 in chronological order and briefly describe them.

<i>Date</i>	<i>Position</i>	<i>Employer</i>	<i>Address</i>
May 1981 - January 1982	Student Officer (Honor Graduate)	US Army Field Artillery School	Fort Sill, OK
January 1982 - September 1985	Field Artillery Officer - various duty positions	US Army 82d Airborne Division	Fort Bragg, NC
September 1985 - March 1986	Student Officer (Commandants List)	US Army Field Artillery School	Fort Sill, OK
August 1997 - June 1998	Student Officer US Army Command and General Staff College	US Army Command and General Staff College	Fort Leavenworth, KS

PROFESSIONAL ADMISSIONS:

20. List all courts (including state bar admissions) and administrative bodies having special admission requirements to which you have ever been admitted to practice, giving the dates of admission, and if applicable, state whether you have been suspended or resigned.

<i>Court or Administrative Body</i>	<i>Date of Admission</i>
See Attached Page	See Attached

LAW PRACTICE: (If you are a sitting judge, answer questions 21 through 26 with reference to the years before you became a judge.)

21. State the names, dates and addresses for all firms with which you have been associated in practice, governmental agencies or private business organizations by which you have been employed, periods you have practiced as a sole practitioner, law clerkships and other prior employment:

<i>Position</i>	<i>Name of Firm</i>	<i>Address</i>	<i>Dates</i>
Administrative Law Officer, Chief Legal Assistance, Senior Trial Counsel, Chief of Criminal Law (Military Rank Captain and Major)	Office of the Staff Judge Advocate	Fort Benning, GA	August 1989 - June 1993

Professor, Administrative and Civil Law / Deputy Director Academic Department (Military Rank Major and Lieutenant Colonel)	The Judge Advocate Generals School US Army	Charlottesville, VA	June 1994 - June 1997
Deputy Staff Judge Advocate (Military Rank Lieutenant Colonel)	25 th Infantry Division and US Army Hawaii	Schofield Barracks, HI	June 1998 - June 2000

See Continuation
Sheet

22. Describe the general nature of your current practice including any certifications which you possess; additionally, if your practice is substantially different from your prior practice or if you are not now practicing law, give details of prior practice. Describe your typical clients or former clients and the problems for which they sought your services.

Immediately before appointment to the bench, I was the owner of a civil general practice. Our practice included estate planning, probate and trust litigation, family law, civil mediation, consumer, and military/veterans law. My personal practice focused in these areas for the 9 years between retiring from active duty in the US Army and being appointed to the bench.

In the Army my practice involved civil, administrative, military and federal criminal law in duty positions of increasing responsibility. I served as an Army lawyer from the level of "action attorney" through various supervisory levels and culminating as head of an Army base legal office and as a senior attorney at the Headquarters, Department of the Army.

I have taught law extensively. I was an Adjunct Professor at Florida Coastal School of Law teaching a 2 credit Veterans Benefits Clinic. The course combined substantive instruction on federal and state veterans benefits with clinical experience. All clinical clients were pro bono and came from either local legal aid organizations or veteran service organizations. Prior to that I taught both LLM Students and CLE students at the Army's law school. I also presented instruction at a variety of civilian CLE programs both while in the military and after retirement. In the military, I presented training on the US Legal system in several foreign countries. After duty hours, I also taught undergraduate and masters students at the Troy State University extension campus at Fort Benning, GA.

In civil practice, my typical estate planning clients were married couples with estates ranging from modest means to over \$2M. Many clients had a central focus on probate avoidance and elder law issues. My litigation practice focused first on estate and trust litigation, consumer and foreclosure matters, and for the last two years before I went on the bench, increasingly, on family law matters. My civil mediation cases were heavily

concentrated in the foreclosure area. My military and veterans cases involved primarily military administrative matters and appeals of veterans benefits decisions. One of my last veterans benefits cases was an appeal to the US Court of Veterans Appeals. I also handled several military administrative matters such as hearings on denial of security clearance and applications appealing denial of military awards and benefits.

While on active duty in the military I had a standard career progression. Each position offered more challenges and wider experience. I began my military career as a Field Artillery Officer. I was competitively selected to attend law school while on active duty in the Army.

Upon being admitted to practice, I began my military legal career as an Administrative Law Action officer at Fort Benning, Georgia, responsible for administrative opinions for the command. During this assignment, I also tried several administrative discipline cases for the Government, appearing before military administrative hearing boards, the federal Merit Systems Protection Board, and the federal Equal Employment Opportunity Commission.

My next assignment was as head of Legal Assistance for Fort Benning. This was the military equivalent of a local Legal Aid office. Our clients were soldiers, military retirees, and their respective family members. Like legal aid clients, many of our clients had consumer debt issues, landlord-tenant controversies, and family law problems. Many also needed estate planning. This assignment coincided with Operations Desert Shield and Desert Storm. During Desert Shield and Storm, my office expanded from 5 attorneys to, at times, over 20 attorneys. We provided pre-deployment services including wills and powers of attorney. We also gave advice on specialized post mobilization issues including civilian employment advice and use of Servicemember Civil Relief Act interest rate relief. During this period I simultaneously served as Part-Time Military Magistrate for Fort Benning Georgia.

As a Part-Time Military Magistrate, I was responsible for issuing search authorizations (search warrants) for both military and federal criminal investigations on the installation. Agencies included the Military Police, the US Army Criminal Investigation Division, the FBI and on one occasion, the US Secret Service. I also conducted pre-trial confinement reviews (the military implementation of the 48 hour constitutionally mandated review - similar to first appearance in Florida) to determine if a soldier placed in pre-trial confinement by his or her commander should remain confined pending trial. These consisted of a partially adversary hearing often attended only by defense counsel.

My next assignment was Senior Trial Counsel (Senior Prosecutor) and then Chief of Criminal Law (equivalent to the State Attorney) for Fort Benning. Our cases involved prosecution of military crimes ranging from minor economic offenses up to and including murder. As Chief of Criminal Law, attorneys under my supervision tried cases up to, and including, cases that could qualify for capital punishment. As both Senior Trial Counsel and Chief, Military Justice, I would act as first or second chair in jury trials with other counsel. As Senior Trial Counsel I also had my own personal case load of jury and non-jury trials. While at Fort Benning I was promoted from Captain to Major.

Following my Fort Benning tour, the Army sent me to obtain my Master of Laws Degree in Military Law at The Judge Advocate General's School, US Army (now known as The Judge Advocate General's Legal Center and School) in Charlottesville, VA. The LLM degree is an ABA accredited advanced degree in law. I was selected to stay on the

faculty at the School as a Professor in Administrative and Civil Law teaching consumer law, the Servicemembers Civil Relief Act (then known as the Soldiers and Sailors Civil Relief Act), landlord tenant relations and professional responsibility. I lectured extensively on each of those topics in the LLM Program at the "JAG School." I also lectured at CLE courses at the JAG School and at CLE's for the Florida Bar and ABA. I also gave classes on US Law to military officers in the (then) newly independent Lithuania. In my final year at the school, I was the Deputy Director of the Academic Department. In this position, I was the course manager for the LLM Program as well as, essentially, the Dean of Students. While at the JAG School, I was promoted from Major to Lieutenant Colonel.

I was competitively selected by an Army-wide selection board to attend the US Army Command and General Staff College at Fort Leavenworth, KS. "CGSC" is a comprehensive one-year advanced course of study in topics including international relations, advanced management, military history and leadership, and of course, planning and executing military strategy and tactics. At CGSC I was a "Section Leader," responsible for daily supervision of 64 other student officers (both US and International). After graduation from CGSC, I was assigned to the US Army Hawaii as the Deputy Staff Judge Advocate.

In the US Army Hawaii and later at the US Army Transportation Center, Fort Eustis, VA, I served as deputy (Hawaii) and then principal "Staff Judge Advocate" (Fort Eustis). In the Army, a "Staff Judge Advocate" is the senior legal advisor to a General Court Martial Convening Authority - typically the Commanding General of a large unit or installation. As such, I advised him or her on issues related to the quasi-judicial functions held by the Court Martial Convening Authority involving referral of military criminal cases to trial, jury selection, as well as post trial appeal and clemency reviews. Simultaneously, I managed the base legal office with attorneys in every civil and criminal area of practice, who in turn, provided legal advice to the Commanding General, subordinate commanders and soldiers on the full spectrum of legal affairs both civil and criminal. In military criminal cases, the Staff Judge Advocate must review case files for advice prior to trial, and the entire record of trial for errors and clemency matters, post trial. The "SJA" provides written advice on these legal issues to the Commander for his or her decision. A typical week might simultaneously include criminal advice on serious felony criminal allegations, contract advice on multi-million dollar procurements, issues of civilian employment law and military operational law issues. After the terrorist attacks on New York and the Pentagon on September 11, 2001, the role expanded to include providing advice legal issues of defense of the military installation and advice on Operational Law matters for deploying units.

At the end of my assignment at Fort Eustis, I was promoted to full Colonel and transferred to National Capital Region - Washington DC.

My final military assignments were at Headquarters, Department of the Army. I served first as Executive Officer and Special Counsel to the General Counsel of the Army. The General Counsel of the Army is the senior lawyer in the Department of the Army; he or she is a Presidential Appointee subject to Senate confirmation. My duties, primarily administrative, involved managing a law office with over 20 senior attorneys, including 6 general officer "equivalent" (Senior Executive Service) civilian attorneys who, in turn, provided advice to the Secretary of the Army, the Assistant Secretaries of the Army and the entire Army Staff. I also performed "special counsel" functions by handling a variety

of special high profile legal projects for the General Counsel including a detailed study of "outsourcing" legal support.

My final duty assignment was as Legal Advisor to The Inspector General of the US Army. In this capacity I was responsible for advice on investigations into misconduct by General Officers and Senior Executive Service civilian officials, as well as special investigations including the Abu Ghraib detainee abuse allegations, a number of classified investigations and a national high profile fratricide investigation. Reports prepared by my staff or by the investigative staff, subject to my legal review, were commonly used by the highest levels of the Army and DoD leadership as well as the Senate and House Armed Services Committees and Intelligence committees. I also advised The Inspector General on a multitude of lesser investigations and inspections of national significance. I also provided training to new Inspectors General at the IG School and to foreign Inspectors General in overseas training visits to the Republic of Georgia and Bosnia-Herzegovina.

In private practice, post-military, my litigation focused on business litigation, construction litigation, estate and consumer litigation and foreclosure actions (handling several defense matters and two plaintiff's foreclosure matters). I provided family law representation on several matters and consulted on military divorce issues with other attorneys practicing in that area. At the time I was selected to the bench, I had several active dissolution matters as well as several modification of child support cases. My practice evolved to include a broader range of matters tied to my existing client's business and estate planning matters.

I have served as the Justice Teaching Volunteer at both Bartram Trail High School and Liberty Pines Academy. I have also given presentations at Gamble Rogers Middle School and assisted in Mock Trial presentations at Mill Creek Elementary School and Hartley Elementary School (all St. Johns County School District Schools).

23. What percentage of your appearance in courts in the last five years or last five years of practice (include the dates) was in:

	Court		Area of Practice	
Federal Appellate	<u>1</u> %		Civil	<u>35</u> %
Federal Trial	<u>5</u> %		Criminal	<u>2 (Military Only)</u> %
Federal Other	<u>4</u> %		Family	<u>30</u> %
State Appellate	<u>0</u> %		Probate	<u>33</u> %
State Trial	<u>85</u> %		Other	<u> </u> %
State Administrative	<u>5</u> %			
State Other	<u> </u> %			
	<u> </u> %			
TOTAL	<u>100</u> %		TOTAL	<u>100</u> %

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

Jury?	<u>est 20</u>	Non-jury?	<u>est 35</u>
Arbitration?	<u> </u>	Administrative Bodies?	<u>est 15</u>

25. Within the last ten years, have you ever been formally reprimanded, sanctioned, demoted, disciplined, placed on probation, suspended or terminated by an employer or tribunal before which you have appeared? If so, please state the circumstances under which such action was taken, the date(s) such action was taken, the name(s) of any persons who took such action, and the background and resolution of such action.

No

26. In the last ten years, have you failed to meet any deadline imposed by court order or received notice that you have not complied with substantive requirements of any business or contractual arrangement? If so, please explain in full.

No

(Questions 27 through 30 are optional for sitting judges who have served 5 years or more.)

27a. For your last 6 cases, which were tried to verdict before a jury or arbitration panel or tried to judgment before a judge, list the names and telephone numbers of trial counsel on all sides and court case numbers (include appellate cases).

This question is answered with cases that I tried in private practice before assuming the bench.

1. Van der Linden v. Van Hees - Seventh Circuit - 2012-DR- 976, Seventh Circuit. Dissolution matter; Opposing Counsel Samuel Jacobson - 904-398-1818.
2. Department of Defense Office of Hearing Appeals - Case "In Re Alvernia Johnson"; USN C-10-03854; I was sole counsel; no opposing counsel by choice of Government. Judge - Administrative Judge Thomas Crean - 703-696-1818
3. Department of Defense Office of Hearing Appeals - Case "In Re Patrick Walters" Security Clearance ISCR Case 08-08637; I was sole counsel for respondent; counsel for Government James F. Duffy, 703-696-1855
4. Swann v. Swann; Circuit Court - St Johns County - Case No:DR05-1041; I was sole counsel for respondent; opposing counsel Jill Barger - 904-806-3936.
5. Pesantes Group v. 1723 Boulevard LLC - Circuit Court Duval County Case No:16-2008-CA-011870 Duval County; co-counsel for plaintiff in foreclosure Ainsley Ferdie - 305-445-3557; no opposing counsel for defendant 1723 Boulevard LLC; Thomas Beverly (now Judge) on pleadings for City of Jacksonville 904-630-2688.
6. Lockwood v. Sorger - County Court - St. Johns County - SP 07-2938; sole counsel for Defendant; no opposing counsel; Judge Charles Tinlin presiding.

- 27b. For your last 6 cases, which were settled in mediation or settled without mediation or trial, list the names and telephone numbers of trial counsel on all sides and court case numbers (include appellate cases).
1. Donald Hemingway as PR for Estate of Eloise Hemingway v. H. Alexander et al. - Circuit Court - Duval County Case 2013-CA-747; Opposing Counsel Gerald Weedon 904-398-0900.
 2. In re: Estate of Elizabeth Dirks - Circuit Court - Duval County - Case 2012-CP-1880; Opposing Counsel Craig Calley, 904-388-4567
 3. In re: Estate of Fay Paz; Circuit Court - St. Johns County - Case CP 11-86 - Opposing Counsel Jeffrey Cramer 904-448-9978 and Sean Mason 904-565-1421
 4. Jordan v. R&J St. Johns - Circuit Court - St. Johns County - Case No: CA09-0392; co counsel for plaintiff, James Kowalski 904-568-3719; opposing counsel Theresa Arnold-Simmons 904-398-2722
 5. Triplett v. KT Title - Circuit Court - Duval County - Case No: 16-2009-CA-005151, I was sole counsel for Plaintiff; opposing counsel, James Cumbie, 864-884-2894
 6. PNC Bank v Rea - Circuit Court - St. Johns County CA 09-2382; Co-counsel Randal Fairbanks (partner); Opposing Counsel Don Lynn, 395-968-1854.
- 27c. During the last five years, how frequently have you appeared at administrative hearings? less than one average times per month
- 27d. During the last five years, how frequently have you appeared in Court? As an attorney, one-two average times per month
- 27e. During the last five years, if your practice was substantially personal injury, what percentage of your work was in representation of plaintiffs? _____%
Defendants? _____%
28. If during any prior period you have appeared in court with greater frequency than during the last five years, indicate the period during which this was so and give for such prior periods a succinct statement of the part you played in the litigation, numbers of cases and whether jury or non-jury.

Before coming onto the bench I had several periods of more substantial trial practice.

From 1991 - 1993 I served first as Senior Trial Counsel, then later as Chief, Military Justice at Fort Benning, GA. In these positions, I appeared multiple times per month in both jury and judge alone trials. As Senior Trial Counsel, I was lead counsel on all of my own cases and often sat second chair with younger counsel. As Chief of Military Justice I supervised 6 trial counsel and would sit second chair for inexperienced counsel. As lead counsel I had case responsibility from charging action through the Article 32 hearing (military grand jury equivalent with full discovery), pretrial motions, jury selection, trial on merits and sentencing and post trial clemency appeals. I estimate during these years that I tried over 20 cases as lead counsel, at least half before juries. I either sat as second counsel or supervised an estimated 30 additional cases in that period.

From 2005-2007 and 2008 - 2009, I appeared in numerous civil hearings and small claims trials. These cases were primarily business litigation and consumer litigation. I

scaled back my litigation practice in January of 2010 to focus on civil mediation. However in the last 12-18 months before going on the bench my litigation practice expanded. I started a new firm in July 2013 with two associates. We increased our family law and contested estate litigation practice substantially.

Of course, since taking the bench in late December 2014, I have been in court almost every day of the last 4+ years!

29. For the cases you have tried to award in arbitration, during each of the past five years, indicate whether you were sole, associate or chief counsel. Give citations of any reported cases.

N/A

30. List and describe the six most significant cases which you personally litigated giving case style, number and citation to reported decisions, if any. Identify your client and describe the nature of your participation in the case and the reason you believe it to be significant. Give the name of the court and judge, the date tried and names of other attorneys involved.

1. US v. Williams - 39 MJ 758, (US Army Court of Military Review 1994) (trial in 1992) - criminal prosecution of military member accused of attempted premeditated murder and drug distribution. Jury Trial - Verdict guilty - 20 year sentence - reduced on appeal in citation noted; defense counsel Virginia Carlton (admitted in US Military and in Mississippi - now Judge on the Mississippi Court of Appeals), co-prosecuting counsel Douglas Dribben (Admitted in US Military and Missouri). This case was significant as it involved multiple issues involving pre-trial confessions and other inculpatory statements by the accused. The appeals court later struck down admission of one statement by the victim that we fought to have admitted as opinion evidence and as (ironically) the equivalent of Florida "Williams Rule" evidence. The Appeals Court noted that all evidence, otherwise admissible, must also be subject to a basic probative/unduly prejudicial analysis. The Appeals Court left the conviction intact but reduced the accused's sentence. The judge in this case was (now) COL Keith Hodges (USA Retired) 912-264-6416. I was lead counsel in this case from investigation through conviction.

2. My last military court-martial (as a direct litigator - as trial counsel /prosecutor for the Army) involved a young soldier who was absent without leave from Fort Benning. I cannot now recall the soldier's name. During the trial, his counsel (then) CPT Kevin Govern, over his client's objections, raised the issue of his client's sanity. As Government representative we arranged for the accused to appear before two separate one-person (minimum due-process) sanity reviews. He "passed" both and after a lengthy hearing, was found competent to stand trial. At trial, the judge asked whether he should consider the evidence from the sanity hearings on the merits - as trial counsel I agreed to this knowing that my burden might be higher. The evidence of his absence was conclusive. Later in the trial, defense counsel had to ask for a hearing regards his client's intent to commit perjury. After appropriate warning, the accused took the stand and was subject to cross-examination. His statements made it clear he was either lying or terribly confused about reality. He was convicted. In an unreported case on appeal, his conviction was struck down with a holding that the accused should have been granted a full competency/sanity review. In retrospect, I agree wholeheartedly with the appellate finding. This case reinforced for me that as a litigator and prosecutor, justice demands a balanced approach to advocacy. I was also impressed by the defense counsel's attempts to seek justice while preserving the integrity of the system. The trial judge in this case was Keith Hodges - information above.

3. Swann v. Swann - St. Johns County Circuit Court (not reported) Case DR05-1041 - I represented the respondent, husband in a limited appearance in a hearing regarding the post divorce division of military retired pay. This case, before (now retired) Judge Edward Hedstrom, involved a highly specialized area of inquiry involving the interaction

of state domestic relations orders, federal military pay regulations and federal law relative to division of military retired pay. Opposing counsel was Jill Barger, St. Augustine, FL. While military members are protected by a series of federal and state laws, it is incumbent on the parties to instruct the court. While I disagreed with the outcome, on a purely procedural basis, I believe Judge Hedstrom took the time and made the considerable effort to inform himself of the law in this case. I have used this as a great example of judicial conduct. The trial Judge was Edward Hedstrom - now retired and in private practice 386-385-3101.

4. Van der Linden v. Van Hees - Circuit Court - St. Johns County - DR 12 -386 - (the Late) Judge Clyde J. Wolfe. Opposing Counsel was Samuel Jacobson, 904-398-1818. This matter involved a two day bench trial on the issue of relocation of the minor children of the marriage. While the ultimate dissolution was pending resolution, we litigated the relocation issue in a separate trial. The case involved the application of a complex multi-factor statutory standard for relocation of minor children as well as use of expert testimony.

5. Vaden v. Willich - St. Johns County Circuit Court - Case No: CA 05-0891 - I was co-counsel for defendant along with Michael R. Freed in my former firm, Brennan, Manna & Diamond PL. Judge Wendy Berger was the trial judge. We took over this case post-trial and handled all post-trial motions. This case, and several companion cases represented significant litigation against an individual and a corporation by former employees. There were companion cases in Duval County and in federal court. This series of cases taught me numerous lessons regarding management of complex and inter-related civil litigation matters. The cases (which settled confidentially) ultimately also taught me the considerable power of mediation and conciliation.

6. US v. Fitch (unreported) - Trial Judge Keith Hodges; I was lead Trial Counsel (prosecutor); Defense Counsel was COL (then CPT) Charles D. Hayes. The accused was on trial at Fort Benning, GA. I was responsible for the case from investigation through prosecution. The accused had taken a loaded M-16 rifle from the arms room into his company commander's office. He threatened to shoot the commander if the commander did not call a local radio station. Proof of the basic offense was considerable and largely uncontested. At trial, the defense counsel skillfully showed that the commander harbored, at best, a latent prejudice, and at worst, an overt prejudice towards minority soldiers. Contrary to his pleas, the jury found the accused guilty. In the military, the jury also sentences the accused. The jury imposed a significantly reduced sentence, I believe, as "compensation" for the prejudice this accused had faced. Two lessons came from this case; juries will do the right thing and prejudice in a military unit or the workplace can be incredibly corrosive and create widespread problems.

31. Attach at least one example of legal writing which you personally wrote. If you have not personally written any legal documents recently, you may attach writing for which you had substantial responsibility. Please describe your degree of involvement in preparing the writing you attached.

I am enclosing two orders in recent cases which are both completed and which there is no appeal pending. DR 14 1956 (discussed below) presented issues of the trial court's jurisdiction. I am also enclosing a Final Judgment of Dissolution in DR 17-1562 (without enclosure Parenting Plan and Child Support Guidelines). In both cases I have redacted the parties' names and certain financial information to protect their privacy. I wrote these

Orders. My judicial assistant typically have assisted by proofreading my longer orders such as these. I do not recall if my JA assisted on these particular orders. The mistakes are mine.

PRIOR JUDICIAL EXPERIENCE OR PUBLIC OFFICE:

32a. Have you ever held judicial office or been a candidate for judicial office? If so, state the court(s) involved and the dates of service or dates of candidacy.

Circuit Judge - 7th Judicial Circuit. Commissioned December 30, 2014. I was subsequently elected to full term which commenced in January 2017.

32b. List any prior quasi-judicial service:

<i>Dates</i>	<i>Name of Agency</i>	<i>Position Held</i>
June 1990 - June 1991	US Army Fort Benning Georgia	Military Magistrate (Part Time)

Types of issues heard: Search authorizations, detention review hearings under the Uniform Code of Military Justice.

32c. Have you ever held or been a candidate for any other public office? If so, state the office, location and dates of service or candidacy.

No

32d. If you have had prior judicial or quasi-judicial experience,

(i) List the names, phone numbers and addresses of six attorneys who appeared before you on matters of substance.

1. Michael Hines, (904) 794-7898, 4425 US Highway 1 S Ste 105, Saint Augustine, FL 32086-3127
2. Jennifer True, 904-827-5628, Guardian ad Litem Program, 4010 Lewis Speedway, Saint Augustine, FL 32084-8637
3. Sung Lee, 904-829-3035, Law Office of Shorstein & Lee, LLC, 305 Kingsley Lake Dr Ste 701, Saint Augustine, FL 32092-3045
4. Norma Wendt, 904-827-5669, Public Defender's Office, 7th Jud Cir, 4010 Lewis Speedway Ste 1101, Saint Augustine, FL 32084-8637
5. Benjamin Rich, 904-209-1620, Office of the State Attorney Seventh Jud. Circuit, Building A, Ste. 2022, 4010 Lewis Speedway, Saint Augustine, FL 32084-8637
6. Garry Wood, 386-326-3993, 415 Saint Johns Ave, Palatka, FL 32177-4704

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

My first four years on the bench were in a Unified Family Division. I handled divorce, paternity, domestic violence, juvenile dependency, juvenile delinquency and mental health cases. I also initiated and then presided over the St Johns County Veterans Treatment Court. The family law caseload (including Domestic violence) was approximately 1000 new cases each year. The Dependency case load ranged from 40 cases to 60 cases each year. The juvenile case load was approximately 100 cases each year. The mental health caseload was approximately 100 cases each year. Veterans Treatment Court has averaged 23-25 participants at any given time since it became operational in February 2017.

Since January 2019 I have served in a Felony Criminal Division in Putnam County. At any given time there are about 500 active cases on the docket. I am still handling the Veterans Treatment Court in St. Johns County as well.

In the Military I handled approximately 50 matters as Magistrate. They included search authorizations (military equivalent of search warrant) and Detention Review hearings. Detention review is the equivalent of a first appearance at which probable cause is determined and the Magistrate determines whether actual detention is required for the soldier. The military does not have a bail or bond equivalent.

- (iii) List citations of any opinions which have been published.

I have been appealed numerous times as a family law judge and now on the criminal bench. All but one case (to date) as a judge has so-far resulted in a PCA ruling or similar disposition (mandate denied or dismissed/prohibition denied). One other case, unpublished, affirmed my ruling but mandated a correction to my Order.

- (iv) List citations or styles and describe the five most significant cases you have tried or heard. Identify the parties, describe the cases and tell why you believe them to be significant. Give dates tried and names of attorneys involved.

1. State of Florida v. Terrence Brown, Putnam County Case 2017 CF 1239 - Currently on appeal to the 5th DCA. I dismissed the charges against the defendant on the grounds of double jeopardy after a detailed review of both Florida and US Supreme Court caselaw. The order cites to unchallenged Florida Supreme Court precedent which creates a unique departure from US Supreme Court jurisprudence based on the Florida Constitution. The state is appealing.
2. Tracey Lynn Bryan v. Margaret Kelley Larsen, St Johns County Case 2014 DR 1956. Appeal Dismissed by the 5th DCA. The petitioner was the former same sex partner of the respondent. They were never married. While together the Respondent adopted a child which they jointly raised. The petitioner sued for parenting rights over the child. I granted a Motion to Dismiss the petition for failure to state a claim for relief and wrote a detailed opinion holding that notwithstanding the recent legalization of same sex relationships that it was not the province of the judiciary to grant the parental rights sought. Later the couple returned to court and sought a Declaratory judgment on a settlement they reached. Again, I dismissed the action as not bringing a matter in controversy

subject to the jurisdiction of the Circuit Court.

3. State of Florida v. George Cochren, St Johns County 2014 CF 832. Mr. Cockhren was one of the first participants in the St. Johns County Veterans Treatment Court. He entered the program on February 23, 2017, on a violation of probation. Within two months he also had a new law violation in Duval County for a substance related charge. He had several jail sanctions while in the VTC. Both he and the treatment team persevered, however, and he graduated from the Court on February 14, 2019 after over a year of sobriety. All of his fees were paid. He was employed and, perhaps most importantly, he was reconnected with his family. He had been facing over 5 years in the Department of Corrections if he had not participated in the Court. Our team learned numerous critical lessons from his experience. Real court cases have real people and real consequences.

Unfortunately, on the day Mr. Cockhren graduated, we learned that another participant took his own life after relapsing into extreme substance abuse. We also learned from this tragedy. We brought in Suicide Prevention Specialists from the Department of Veterans Affairs and had extra sessions with both the participants and the team to help manage the trauma.

4. In the Interest of MG, LG and WB, St Johns County Case DP 16-76. This case started as a dependency case involving an infant child. The case soon expanded to include his two older siblings. Collateral cases in Unified Family Court involved injunctions filed by the case workers against the Father for stalking them. The Dependency case ultimately went to a Termination of Parental Rights trial that lasted (unexpectedly) over four different trial days. As trial judge I ultimately granted the TPR petition. The case was upheld by the 5th DCA. A termination of parental rights case is likened to a capital case because of the high standard of proof and the significance of the rights at issue. I presided over numerous TPR cases. Each one was important because there is, short of life, no more fundamental, inherent human right, than that of two parents to raise their children.
 5. In the Interest of TRO, St. Johns County Case DP 15-76. This dependency case presented a unique application of facts to a recently revised statute. The maternal grandmother filed a Motion to Intervene to adopt the grandchild out of a dependency case that was headed for termination of parental rights. In 2016 the legislature made specific changes to Fla. Stat. § 63.082(6)(e)(1)-(8) adding several factors for the Court to analyze. While changing certain language the legislature did not change any definitions. The intervening party argued the legislature's changes did not allow a comparison of potential placements - which was the state of the law before the change in the statutes. In my Order I analyzed the change to the statute, the legislative history and ultimately ruled that the change would have been meaningless unless it was read to allow (or mandate) a comparison of placement options. The Order was not appealed.
- (v) Has a complaint about you ever been made to the Judicial Qualifications Commission? If so, give date, describe complaint, whether or not there was a finding of probable cause, whether or not you have appeared before the Commission, and its resolution.

None

(vi) Have you ever held an attorney in contempt? If so, for each instance state name of attorney, approximate date and circumstances.

No

(vii) If you are a quasi-judicial officer (ALJ, Magistrate, General Master), have you ever been disciplined or reprimanded by a sitting judge? If so, describe.

No

BUSINESS INVOLVEMENT:

33a. If you are now an officer, director or otherwise engaged in the management of any business enterprise, state the name of such enterprise, the nature of the business, the nature of your duties, and whether you intend to resign such position immediately upon your appointment or election to judicial office.

N/A

33b. Since being admitted to the Bar, have you ever been engaged in any occupation, business or profession other than the practice of law? If so, give details, including dates.

No

33c. State whether during the past five years you have received any fees or compensation of any kind, other than for legal services rendered, from any business enterprise, institution, organization, or association of any kind. If so, identify the source of such compensation, the nature of the business enterprise, institution, organization or association involved and the dates such compensation was paid and the amounts.

None

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 have never recused myself from any class of cases. I have recused myself categorically from cases that involved the firm (and attorney) that purchased my law office when I went on the bench. I recused myself from cases in my division that involved any of my former clients.

MISCELLANEOUS:

- 35a. Have you ever been convicted of a felony or a first degree misdemeanor?
Yes _____ No If "Yes" what charges? _____
Where convicted? _____ Date of Conviction: _____
- 35b. Have you pled nolo contendere or pled guilty to a crime which is a felony or a first degree misdemeanor?
Yes _____ No If "Yes" what charges? _____
Where convicted? _____ Date of Conviction: _____
- 35c. Have you ever had the adjudication of guilt withheld for a crime which is a felony or a first degree misdemeanor?
Yes _____ No If "Yes" what charges? _____
Where convicted? _____ Date of Conviction: _____
- 36a. Have you ever been sued by a client? If so, give particulars including name of client, date suit filed, court, case number and disposition.
No
- 36b. Has any lawsuit to your knowledge been filed alleging malpractice as a result of action or inaction on your part?
No
- 36c. Have you or your professional liability insurance carrier ever settled a claim against you for professional malpractice? If so, give particulars, including the amounts involved.
No
- 37a. Have you ever filed a personal petition in bankruptcy or has a petition in bankruptcy been filed against you?
No
- 37b. Have you ever owned more than 25% of the issued and outstanding shares or acted as an officer or director of any corporation by which or against which a petition in bankruptcy has been filed? If so, give name of corporation, your relationship to it and date and caption of petition.
No
38. Have you ever been a party to a lawsuit either as a plaintiff or as a defendant? If so, please supply the jurisdiction/county in which the lawsuit was filed, style, case number, nature of the lawsuit, whether you were Plaintiff or Defendant and its disposition.
No

39. Has there ever been a finding of probable cause or other citation issued against you or are you presently under investigation for a breach of ethics or unprofessional conduct by any court, administrative agency, bar association, or other professional group. If so, give the particulars.

No

40. To your knowledge within the last ten years, have any of your current or former co-workers, subordinates, supervisors, customers or clients ever filed a formal complaint or formal accusation of misconduct against you with any regulatory or investigatory agency, or with your employer? If so, please state the date(s) of such formal complaint or formal accusation(s), the specific formal complaint or formal accusation(s) made, and the background and resolution of such action(s). (Any complaint filed with JQC, refer to 32d(v).

No

41. Are you currently the subject of an investigation which could result in civil, administrative or criminal action against you? If yes, please state the nature of the investigation, the agency conducting the investigation and the expected completion date of the investigation.

No

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

No

43a. Have you filed all past tax returns as required by federal, state, local and other government authorities?

Yes No If no, please explain. _____

43b. Have you ever paid a tax penalty?

\$8.00 in 2014 (year my practice sold and I went on the bench, \$47 in 2016 (year I received final payment for law firm sale) I had underestimated the net income for tax purposes on these two transactions and paid a small penalty for underwithholding in both years.

Yes No If yes, please explain what and why. _____

43c. Has a tax lien ever been filed against you? If so, by whom, when, where and why?

No

HONORS AND PUBLICATIONS:

44. If you have published any books or articles, list them, giving citations and dates.
- 1) Article 31(b) Triggers, Re-thinking the Officiality Doctrine, 150 Mil L. Rev. 1, 1996
 - 2) Multiple Case notes - The Army Lawyer magazine- September 1994 - June 1996.
45. List any honors, prizes or awards you have received. Give dates.
- Outstanding Younger Federal Lawyer - Federal Bar Association (national) March 1993
- Pro Bono service Award - St. Johns County Bar Association - December 2009, December 2011, December 2012, December 2013, December 2014
- Florida Bar Military Affairs Committee - Clayton Burton Award of Excellence 2010 - awarded June 2011
- Veterans Council of St. Johns County - Colonel Ed Taylor Award - 2018.
46. List and describe any speeches or lectures you have given.
- Faculty member - Troy State University - September 1990 - July 1991
- Faculty Member, Professor, The Judge Advocate General's School - May 1994 - June 1996
- Student Instructor - US Army Command and General Staff College - Fall 1997
- Adjunct Instructor - US Army Inspector General School, July 2003 - May 2005
- Guest Lecture (Abu Ghraib and Military Interrogation Policy) - Rutgers University College of Law - Spring 2006
- Guest Lecture (Abu Ghraib and Military Interrogation Policy) - Texas Woman's University - Summer 2008
- Guest Lecture (Abu Ghraib and Military Interrogation Policy) - Flagler College - 2009
- Guest Lecturer - Judicial Process - Flagler College - 2018.
- Multiple CLE presentations - ABA LAMP Committee and FL Bar Military Affairs Committee
- Justice Teaching Volunteer lectures - Bartram Trail High School 2007-2010, Liberty Pines Academy (2011, 2012, 2013, 2014)
- Adjunct Faculty - Florida Coastal School of Law - Veterans Benefits Clinic - Fall 2013 - Spring 2014.
- Guest Speaker - Missing In America Internment Ceremony - Jacksonville National Cemetery - March 28, 2014
- Response - Judicial Investiture March 2015.
- Primer on Servicemembers Civil Relief Act - Colorado State Judges Training - Denver Colorado, June 2017.
- Effective Collaboration in Child Support Enforcement, National Child Support Enforcement Association Annual Conference August 2017.

The Military's Response to Domestic Violence, Florida Coalition Against Domestic Violence Annual Training May 2017; Also presented at the Florida Association of Family and Conciliation Courts in August 2016

Florida Conference of Circuit Court Judges Annual Training - August 2017 - presented as part of a course on Animal Cruelty and Juvenile Delinquency - presented on the substantive law.

Welcome to the Bench - Investiture of the Honorable Mitchell D. Bishop, County Judge Union County Florida, March 2019.

47. Do you have a Martindale-Hubbell rating? Yes If so, what is it? ___ No

PROFESSIONAL AND OTHER ACTIVITIES:

- 48a. List all bar associations and professional societies of which you are a member and give the titles and dates of any office which you may have held in such groups and committees to which you belonged.

Florida Bar - Military Affairs Committee 2005 to 2011 (Chair 2008 - 2009), 2017-present.

Member St. Johns County Bar Association

Military Order of the World Wars - Hereditary Perpetual Member

Military Officers Association of America, President Ancient City Chapter (St. Augustine) Jan 2010 to January 2012

Chester Bedell Inns of Court Pupil 2007-2008; inactive alumni member at present.

St. Johns County Inns of Court - Member 2018 - present.

- 48b. List, in a fully identifiable fashion, all organizations, other than those identified in response to question No. 48(a), of which you have been a member since graduating from law school, including the titles and dates of any offices which you have held in each such organization.

Federal Bar Association

American Bar Association

Jacksonville Bar Association

210 Community Alliance - Board Member - 2004-2005 (Local Civic Organization)

Jacksonville National Cemetery Support Committee - Member 2010 - December 2014; Chair 2012- December 2014.

- 48c. List your hobbies or other vocational interests.

I play guitar and am the leader of the folk choir at San Juan del Rio Catholic parish; I hold a private pilot license (inactive); I am a computer hobbyist; my greatest interest outside of my professional life however, is as a father to four wonderful daughters and a husband to a wonderful (and tolerant) wife - all of whom I am honored and privileged to have as family members.

48d. Do you now or have you ever belonged to any club or organization that in practice or policy restricts (or restricted during the time of your membership) its membership on the basis of race, religion, national origin or sex? If so, detail the name and nature of the club(s) or organization(s), relevant policies and practices and whether you intend to continue as a member if you are selected to serve on the bench.

Yes - I belong to the Knights of Columbus which does limit its membership. The Knights of Columbus is a fraternal Catholic men's organization. It restricts its membership to men who profess to follow the Roman Catholic Faith. I believe that membership in this organization as a fraternal religious organization is, however, consistent with Canon 2 of the Code of Judicial Conduct.

48e. Describe any pro bono legal work you have done. Give dates.

May 2008 - December 2014 - Pro Bono Volunteer with St Johns Legal Aid and Jacksonville Legal Aid - conduct client intake; participate in consumer and foreclosure review panel. Awarded St. Johns County Pro Bono Award for 2009, 2011, 2012 and 2014.

March 2008 - December 2014 - I did a variety of Veterans Pro Bono Work for veterans attempting to secure disability ratings with the US Department of Veterans Affairs; I also taught students and was attorney of record on cases handled by the Veterans Benefits Clinic at Florida Coastal School of Law.

SUPPLEMENTAL INFORMATION:

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

I have attended the following Continuing Judicial Education:

Florida Conference of Circuit Judges Annual Conference 2019, 2018, 2017, 2015

Florida Judicial College: 2015 (New Judge); 2019 (Criminal Law Fundamentals)

Advanced Domestic Violence Training for Judges - 2015 and 2017.

Florida Judicial College Faculty Training 2019

Handling Capital Cases, 2018.

49b. Have you taught any courses on law or lectured at bar association conferences, law school forums, or continuing legal education programs? If so, in what substantive areas?

Veterans Benefits Clinic - Florida Coastal School of Law

Military Law Topics (multiple) - to Florida Bar (Military Affairs Committee Annual Symposium)

Government Information Practices (Freedom of Information Act / Privacy Act - contrasted to Florida Government in the sunshine) - NBI Seminars

Probate Practices; Government Information Practices - NBI Seminars

Government Ethics - to military students and Florida Bar

Professional Responsibility - Florida Bar and military students

Consumer Law - Fair Debt Collection / Credit Reporting / Landlord Tenant / Truth in Lending - US Military students

Labor and Employment Law - Troy State University Adjunct Faculty Member

I Established "Lunch and Learn" program at the St Johns County Courthouse in 2015. I presented on various topics. The program was later adopted by the County Bar Association and continues to this day.

See lectures above.

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

I have been deeply privileged to serve our Nation first in the military, then as a member of the Bar, and now on the Bench. I see my career in the law as a subset of a career of service which started at West Point. Judges must possess superior legal skills, unquestionable ethics and a wealth of life experience. I believe I have all three. I don't claim, however, to be the smartest, the purest, or the most experienced. As I stated in my investiture Response speech, however, I try to live by the West Point motto - Duty - Honor - Country. As General MacArthur famously stated, "those three hallowed words reverently dictate what you ought to be, what you can be and what you will be."

Judges have a special "Duty" towards the law. As a trial judge my first practical duty is to determine the facts. The Courtroom is the crucible of the truth. An equally important duty, of every trial judge, however, is to apply the law, as it is, to those facts. We are a common law country. There remain portions of law that are uniquely judge made. However, the majority of our law is positive law, mandated by the people through their elected representatives or set forth in the State and Federal Constitutions. I was once asked if I believe in natural law. The simple answer is that there are those fundamental rights that are inherent in all people - notably life and liberty. The Founding Fathers of the Revolutionary period believed those were rights they held as British subjects only to find those rights removed by Parliamentary fiat or royal decree. Learning this essential lesson, they crafted the rights found in the Constitution and amended by the Bill of Rights and other amendments. All of those rights are utterly meaningless, however, without a judiciary willing to enforce them with fidelity. That is a judge's Duty.

Honor means integrity in all dealings - whether with opposing counsel, clients or from the bench. I have never been afraid to make an unpopular decision and have, when necessary, made recommendations directly contrary to my own personal advancement. I have brought that same integrity to the bench. I have, when appropriate, admitted in Orders when I made a mistake and then corrected that mistake. Honor demand nothing less. We used to say in the military that "integrity is not negotiable." I still hold that as true.

I believe we are privileged to live in the greatest Country this world has known. I have been doubly privileged to serve in many corners of our country and the world. I have come to know Americans of every race, creed, political orientation and background. I've served with them in peace and war. I came "home" to Florida upon retirement from the Army because I love this, my adopted state (of over 30 years), as a special part of a great country. I have come to understand that my national and international experience

has given me a unique perspective. In travels overseas, I saw, quite graphically, what happens when law fails - in the former Yugoslavia and parts of the former Soviet Union. I cannot erase the memories of burned out houses in Bosnia, the mass graves at Srebrenica, or of streets ruined by years of corrupt and inept communist management in Lithuania and the Republic of Georgia. Those memories make me understand and cherish our American legal system and America even more. We have flaws, but our system and our Country is still the best I've seen.

Finally, in my military career, and now in my time on the bench, I have had to decide the fate of many soldiers and civilians - whether they were life and death military command and leadership decisions, or judicial decisions on parenting and liberty. I have been the honored with the opportunity to serve this nation in peace and in war, in private practice and as a judge. The decisions I made, and the actions I have taken, have given me a vast set of legal and life experiences from which to draw from on the bench. I have drawn deeply from that well of experience on the trial bench and would seek to continue to apply those diverse experiences on the DCA.

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

As a veteran of our armed forces and the military legal system I have worked closely with lawyers from many different states and across the federal government. I bring that unique experience set home to Florida. I have worked under, for, and over, citizens of every possible race, creed, and ethnicity. I bring a special diversity of experience, experiences, and training to the bench and hopefully to the 5th DCA. I would hope to continue to share the fruits of those experiences with other judges and the parties.

Our intermediate appellate courts serve a critical role. For many litigants they are the final court that will grant relief or at least a substantive review. I have always tried in my trial opinions to explain both the law and my reasoning. Those are equally, if not more important, for the appeals courts. There are three sets of critical consumers for an appellate opinion. If the matter is appealed further, the Court needs to explain its reasoning to the higher courts. Perhaps equally important, the opinion needs to teach the lower courts the law to apply. Most important, however, the parties are entitled to an explanation of the reasoning. The people for whom we serve deserve nothing less. I won't be shy about writing an opinion to explain the Court's reasoning when one it merited.

52. If you have previously submitted a questionnaire or application to this or any other judicial nominating commission, please give the name of the commission and the approximate date of submission.

Seventh Circuit Judicial Nominating Commission - September 2010; nominated to the Governor for St. Johns County Court position

5th District Court of Appeals Judicial Nominating Commission, June 2012.

Seventh Circuit Judicial Nominating Commission - October 2012; nominated to the Governor for Circuit Court position; November 2013 - nominated for Circuit Court position. Seventh Circuit Judicial Nominating Commission - April 2014; nominated for Circuit Court Position; August 2014 - Seventh Circuit Judicial Nominating Commission, Nominated for Circuit Court, appointed by the Governor, November 2014.

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

A courthouse in America - any courthouse - is a truly awesome place. That word "awesome" is overused in popular culture yet it applies here. The Courthouse is not made awesome by judges, clerks, lawyers, or by its architecture, automation or artwork. It is awesome because people's lives change forever at the courthouse. Ordinary people come to the courthouse and place their disputes into the hands of another mere mortal. Some who enter the courthouse leave by different doors - their liberty restrained. Others leave vindicated. More than half, it seems, leave with less than what they hoped for when they came in to the courthouse. Despite these outcomes, they keep coming back. They don't return because it makes them happy; they often aren't happy. They don't return because it makes them wealthy; in many cases, it is the opposite. They come back simply because they had a chance to be heard and to be judged fairly by laws that are known and understandable. If they are treated with respect, by a judicial officer dedicated to the law they will come back. They will respect the outcome and they will trust those of us in the system to come back. If and when that fundamental trust and respect is lost, so will our system be lost as well.

REFERENCES:

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

Thomas Taylor - Retired Senior Executive Service - Senior Deputy General Counsel, Office of the General Counsel, US Army, now Professor, Duke University - Home Address: 3502 Golden Heather Drive, Durham, NC 27712; Phone: (919) 613-9252. Please note Mr. Taylor has informed me that he will be travelling out of the country in September and may not be available by phone during that time period. Because he may not be available, I have provided 11 names for reference.

Paul T. Mikolashek, Lieutenant General, US Army (Retired) - former The Inspector General of the US Army; Home address: 8806 Surrey Court, Alexandria, VA 22309; phone (571) 212-6275.

Patrick Kilbane, Attorney, 1540 The Greens Way Jacksonville Beach, FL 32350, (904) 652-3000.

Michael R. Freed, Attorney, Gunster Law, 225 Water Street, Suite 1750, Jacksonville, FL 32202, (904) 354-1980

Thomas Schacht, Businessman, 1144 Mill Creek Drive, Switzerland, FL 32259 (904) 219-8889

William Dudley, Chair, St. Johns County Veterans Council, Lt. Col, US Air Force Reserve (Retired). 1072 Alcala Drive, St Augustine FL 32086, (904) 806-4712

Megan Wall - Managing Attorney - St. Johns Legal Aid, 222 San Marco Avenue, St. Augustine, FL (904) 827-9921

Robert J. (Jeff) Barham - Attorney - Lieutenant Colonel, US Army (Retired), Home Address 100 Dutchfork Creek Trail, Irmo, SC 29063-7834, Phone (706) 787-7831.

Thomas Norton - retired NY Police Officer - Former Neighbor - 1733 Highland View Drive, St. Augustine, FL 32092 (904) 669-4360.

Ronald Birchall, Lieutenant Colonel (Promotable), US Army (Retired), 4009 Moultrie Foreside Blvd, St Augustine FL 32086, (904) 669-5595

Allyssa Camper Shorstein, Attorney, 305 Kingsley Lake Dr #701, St. Augustine, FL 32092, (904) 829-3035

CERTIFICATE

I have read the foregoing questions carefully and have answered them truthfully, fully and completely. I hereby waive notice by and authorize The Florida Bar or any of its committees, educational and other institutions, the Judicial Qualifications Commission, the Florida Board of Bar Examiners or any judicial or professional disciplinary or supervisory body or commission, any references furnished by me, employers, business and professional associates, all governmental agencies and instrumentalities and all consumer and credit reporting agencies to release to the respective Judicial Nominating Commission and Office of the Governor any information, files, records or credit reports requested by the commission in connection with any consideration of me as possible nominee for appointment to judicial office. Information relating to any Florida Bar disciplinary proceedings is to be made available in accordance with Rule 3-7.1(l), Rules Regulating The Florida Bar. I recognize and agree that, pursuant to the Florida Constitution and the Uniform Rules of this commission, the contents of this questionnaire and other information received from or concerning me, and all interviews and proceedings of the commission, except for deliberations by the commission, shall be open to the public.

Further, I stipulate I have read, and understand the requirements of the Florida Code of Judicial Conduct.

Dated this 19th day of August, 2019.

HOWARD O. MCGILLIN, JR

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.

	53,562.68 (All Florida Judicial Salary)		
Current year to date			
List Last 3 years	158,038.04	149,731.98	146,079.96

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.

	93,734.69 All Florida Judicial Salary)		
Current year to date			
List Last 3 years	158,038.04	149,731.98	146,079.96

3. State the gross amount of income or loses 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.

	42,388.78 (Military Retired Pay)		
Current year to date			
List Last 3 years	70,857.42	69428.73	69129.11

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

	42,388.78 (Military Retired Pay)		
Current year to date			
List Last 3 years	69428.73	69428.73	69129.11

Howard O. McGillin, Jr.
 Supplemental Information – Application for Appointment to the 5th District Court of Appeals

Section 20

Court Name	Admitted
Florida Supreme Court (Florida Bar)	September 20, 1989
US Army Court of Criminal Appeals (then known as US Army Court of Military Review)	December 1989
US Court of Appeals for the Armed Forces (then known as US Court of Military Appeals)	April 15, 1993
US Supreme Court	March 7, 1994
US District Court – Middle District of FL	December 15, 2005
US Court of Appeals of Veterans Claims	May 2014

Section 21 (Continued)

Position	Name of Firm	Location	Dates
Staff Judge Advocate (Military Rank Lieutenant Colonel and Colonel)	US Army Transportation Center	Fort Eustis, VA	July 2000 – June 2002
Executive Officer and Special Counsel (Colonel)	Headquarters, US Army, Office of The General Counsel	Pentagon, Washington DC	July 2002 – June 2003
Legal Advisor to The Inspector General, US Army (Colonel)	Headquarters, US Army	Pentagon, Washington DC	June 2003 – May 2005
Associate / Of Counsel	Brennan, Manna & Diamond, PL	Jacksonville, FL	May 2005 – May 2007
Executive VP and General Counsel	MDI, Inc	Ponte Vedra Beach, FL	May 2007 – March 2008
Attorney / Sole Shareholder	Law Office of Howard O. McGillin, Jr., P.A.	St. Augustine FL	March 2008 – August 2009
Attorney / Member Manager	Fairbanks & McGillin, PL	St. Augustine, FL	August 2009 – June 2013
Attorney / Owner	Allegiance Law Group PL	St. Augustine, FL	July 2013 - Present

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: August 19, 2019

JNC Submitting To: 5th DCA JNC

Name (please print): Howard O. McGillin, Jr.

Current Occupation: Circuit Judge

Telephone Number: Fla Stat 119.071(5)
(d)2.e. Attorney No.: 814600

Gender (check one): Male Female

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

County of Residence: St Johns

FLORIDA DEPARTMENT OF LAW ENFORCEMENT

DISCLOSURE PURSUANT TO THE
FAIR CREDIT REPORTING ACT (FCRA)

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

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

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

Printed Name of
Applicant:

Howard O. McGowan, Jr

Signature of Applicant:

Howard O. McGowan, Jr

Date:

August 19, 2019

Financial History – 2016 through 2018 Form 6 Filings as filed
with the State

Note: These replace the Form 6 and instructions included in the Form Application.

This page intentionally blank for pagination purposes.

Please print or type your name, mailing address, agency name, and position below:

OF FINANCIAL INTERESTS

FOR OFFICE USE ONLY:

LAST NAME — FIRST NAME — MIDDLE NAME:
McGillin Howard Ogle Jr

MAILING ADDRESS:
4010 Lewis Speedway, Room 347

Richard O. Watson Judicial Center

CITY : ZIP : COUNTY :
St. Augustine 32084 St. Johns

NAME OF AGENCY :
Seventh Judicial Circuit - Florida Courts

NAME OF OFFICE OR POSITION HELD OR SOUGHT :
Circuit Judge

CHECK IF THIS IS A FILING BY A CANDIDATE

PART A -- NET WORTH

Please enter the value of your net worth as of December 31, 2016 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 December 31, 20 16 was \$ 224,793.96.

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, whether owned or leased.

The aggregate value of my household goods and personal effects (described above) is \$ 50,000.00

ASSETS INDIVIDUALLY VALUED AT OVER \$1,000:

DESCRIPTION OF ASSET (specific description is required - see instructions p.4)	VALUE OF ASSET
See Continuation Sheet	\$543,745.02

PART C -- LIABILITIES

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

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY
See Continuation Sheet	\$355,639.71

JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY

PART D -- INCOME

Identify each separate source and amount of income which exceeded \$1,000 during the year, including secondary sources of income. Or attach a complete copy of your 2016 federal income tax return, including all W2s, schedules, and attachments. Please redact any social security or account numbers before attaching your returns, as the law requires these documents be posted to the Commission's website.

I elect to file a copy of my 2016 federal income tax return and all W2's, schedules, and attachments.
 [If you check this box and attach a copy of your 2016 tax return, you need not complete the remainder of Part D.]

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

NAME OF SOURCE OF INCOME EXCEEDING \$1,000	ADDRESS OF SOURCE OF INCOME	AMOUNT
See Continuation Sheet		\$210,826.67

SECONDARY SOURCES OF INCOME [Major customers, clients, etc., of businesses owned by reporting person--see instructions on page 5]:

NAME OF BUSINESS ENTITY	NAME OF MAJOR SOURCES OF BUSINESS' INCOME	ADDRESS OF SOURCE	PRINCIPAL BUSINESS ACTIVITY OF SOURCE
None			

PART E -- INTERESTS IN SPECIFIED BUSINESSES [Instructions on page 6]

	BUSINESS ENTITY # 1	BUSINESS ENTITY # 2	BUSINESS ENTITY # 3
NAME OF BUSINESS ENTITY	NONE		
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			

PART F - TRAINING

For officers required to complete annual ethics training pursuant to section 112.3142, F.S.

I CERTIFY THAT I HAVE COMPLETED THE REQUIRED TRAINING.

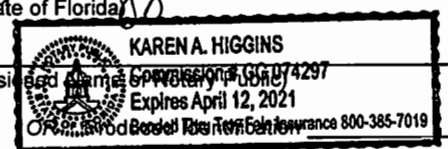
OATH

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

STATE OF FLORIDA
 COUNTY OF St. Johns

Sworn to (or affirmed) and subscribed before me this 9th day of June, 2017 by Howard D. McGillin, Jr.

[Signature of Notary Public--State of Florida]



(Print, Type, or Stamp Commission Number)

Personally Known Type of Identification Produced _____

[Signature]
 SIGNATURE OF REPORTING OFFICIAL OR CANDIDATE

If a certified public accountant licensed under Chapter 473, or attorney in good standing with the Florida Bar prepared this form for you, he or she must complete the following statement:

I, _____, prepared the CE Form 6 in accordance with Art. II, Sec. 8, Florida Constitution, Section 112.3144, Florida Statutes, and the instructions to the form. Upon my reasonable knowledge and belief, the disclosure herein is true and correct.

Signature

Date

Preparation of this form by a CPA or attorney does not relieve the preparer of the responsibility to sign the form under oath.

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

Table B Assets (Continued)

ASSET	VALUE
1734 HIGHLAND VIEW DRIVE (TBE)	\$408,400.00
2014 TOYOTA AVALON HYBRID	\$18,868.00
2015 SUBARU OUTBACK	\$23,030.00
2006 HONDA CIVIC	\$3,508.00
BANK OF AMERICA CHECKING	\$3,488.95
USAA CHECKING	\$2,197.58
USAA SAVINGS	\$3,599.30
FIDELITY IRA (FIDELITY MAGELLAN)	\$3,762.74
USAA MONEY MARKET	\$2,188.95
USAA IRA	\$8,726.24
APPLE STOCK	\$5,156.54
CSX STOCK	\$4,303.05
FLORIDA PRE-PAID COLLEGE FUND	\$12,600.36
LISTED PRIVATE EQUITY FUND CLASS I	\$1,757.36

ASSET	VALUE
NUVEEN GLOBAL INFRASTRUCTURE FUND	\$1,434.43
PRINCIPAL LARGE CAP GROWTH FUND	\$2,349.97
PRINCIPAL MIDCAP VALUE I FUND	\$1,688.69
PRINCIPAL INTERNATIONAL FUND INSTITUTIONAL CLASS	\$2,248.34
PRINCIPAL MIDCAP S&P 400 INDEX FUND	\$2,600.78
PRINCIPAL MIDCAP FUND INSTITUTIONAL CLASS	\$2,035.79
PRINCIPAL LARGE CAP VALUE FUND	\$5,087.76
PRINCIPAL LARGE CAP S&P 500 INDEX FUND	\$3,723.86
PRINCIPAL INTERNATIONAL EMERGING MARKETS FUND	\$1,488.41
PRINCIPAL DIVERSIFIED INTERNATIONAL	\$3,092.61
PRINCIPAL SMALL CAP VALUE FUND II	\$1,362.90
PRINCIPAL INCOME FUND CLASS I	\$2,672.18

ASSET	VALUE
PRINCIPAL GLOBAL REAL ESTATE SECURITIES FUND	\$1,174.56
PRINCIPAL INTERNATIONAL VALUE I FUND CL	\$2,784.69
PRINCIPAL CORE PLUS BOND FUND CLASS I	\$1,521.34
PRINCIPAL CAPITAL APPRECIATION FUND	\$1,655.90
PRINCIPAL GOVERNMENT & HIGH FUND	\$1,136.73
PRINCIPAL SMALLCAP S&P 600 FUND	\$1,374.31
AQR LONG SHORT FUND	\$1,528.54
ISHARES TR MSCI FUND	\$1,196.16
SUB-TOTAL	\$543,745.02

TABLE C LIABILITIES (CONTINUED)

SE TOYOTA FINANCE, P.O. BOX 70832, CHARLOTTE, NC 28272-0832	\$27,227.00
SUBARU MOTORS FINANCE C/O CHASE, P.O. BOX 9001083, LOUISVILLE, KY 40290-1083	\$23,933.00
QUICKEN LOANS, 1050 WOODWARD AVE, DETROIT, MI 48226	\$304,479.71
TOTAL	\$355,639.71

Table D – Income 2016

Source of Income	Address	Amount
US Army Retired Pay – Defense Finance and Accounting Service	PO Box 713 London, KY 40742	\$69,129.11
Florida State Courts	200 E. Gaines St. Tallahassee FL	\$141,697.56
	Total	\$210,826.67

Please print or type your name, mailing address, agency name, and position below:

FOR OFFICE USE ONLY:

LAST NAME — FIRST NAME — MIDDLE NAME:
McGillin, Howard Ogle, Jr.

MAILING ADDRESS:
4010 Lewis Speedway

CITY: **St Augustine** ZIP: **32084** COUNTY: **St Johns**

NAME OF AGENCY:
Florida Courts - Seventh Circuit

NAME OF OFFICE OR POSITION HELD OR SOUGHT:
Circuit Judge

CHECK IF THIS IS A FILING BY A CANDIDATE

PART A -- NET WORTH

Please enter the value of your net worth as of December 31, 2017 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 December 31, 20 17 was \$ 226,711.33.

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, whether owned or leased.

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

ASSETS INDIVIDUALLY VALUED AT OVER \$1,000:

DESCRIPTION OF ASSET (specific description is required - see instructions p.4)	VALUE OF ASSET
See Enclosed Continuation Sheet	

PART C -- LIABILITIES

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

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY
See Enclosed Continuation Sheet	

JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY

PART D -- INCOME

Identify each separate source and amount of income which exceeded \$1,000 during the year, including secondary sources of income. Or attach a complete copy of your 2017 federal income tax return, including all W2s, schedules, and attachments. Please redact any social security or account numbers before attaching your returns, as the law requires these documents be posted to the Commission's website.

I elect to file a copy of my 2017 federal income tax return and all W2's, schedules, and attachments.
 [If you check this box and attach a copy of your 2017 tax return, you need not complete the remainder of Part D.]

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

NAME OF SOURCE OF INCOME EXCEEDING \$1,000	ADDRESS OF SOURCE OF INCOME	AMOUNT
See Enclosed Continuation Sheet		

SECONDARY SOURCES OF INCOME [Major customers, clients, etc., of businesses owned by reporting person--see instructions on page 5]:

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

PART E -- INTERESTS IN SPECIFIED BUSINESSES [Instructions on page 6]

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

PART F - TRAINING

For officers required to complete annual ethics training pursuant to section 112.3142, F.S.

I CERTIFY THAT I HAVE COMPLETED THE REQUIRED TRAINING.

OATH

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

STATE OF FLORIDA
 COUNTY OF ST JOHN

Sworn to (or affirmed) and subscribed before me this 22nd day of May, 2018 by HOWARD O. McGUIRE JR.

Karen A. Higgins
 (Signature of Notary Public--State of Florida)



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

Personally Known OR Produced Identification _____

Howard O. McGuire Jr.
 SIGNATURE OF REPORTING OFFICIAL OR CANDIDATE

Type of Identification Produced _____

If a certified public accountant licensed under Chapter 473, or attorney in good standing with the Florida Bar prepared this form for you, he or she must complete the following statement:

I, _____, prepared the CE Form 6 in accordance with Art. II, Sec. 8, Florida Constitution, Section 112.3144, Florida Statutes, and the instructions to the form. Upon my reasonable knowledge and belief, the disclosure herein is true and correct.

 Signature Date

Preparation of this form by a CPA or attorney does not relieve the filer of the responsibility to sign the form under oath.

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

Continuation Sheet – Form 6 Full and Public Disclosure of Financial Interest
Howard O. McGillin Jr
2017 Report

Table B Assets (Continued)

Asset Name	Value
Fla Stat 119.071(5)(d)2.e. Augustine, FL 32086	\$128,000.00
2014 Toyota Avalon Hybrid	\$22,300.00
2017 Subaru Forester	\$29,675.00
2017 Subaru Impreza	\$22,275.00
2015 Toyota RAV 4	\$17,850.00
Bank of America Checking	\$15,264.62
USAA Checking	\$2,593.11
USAA Savings	\$2,074.59
Bank of America Money Market	\$2,667.51
USAA Money Market	\$4,610.17
USAA IRA	\$14,900.00
Apple Stock	\$7,654.61
CSX Stock	\$6,686.52
Florida Pre-paid College Fund	\$6,870.00
Principal Rollover IRA	\$59,267.41
Total	\$342,688.54

TABLE C LIABILITIES

Name and Address of Creditor	Amount of Liability
SE Toyota Finance, P.O. Box 70832, Charlotte, NC 28272-0832 Auto Loan - Avalon	\$21,113.00
Subaru Motors Finance C/O Chase, P.O. Box 9001083, Louisville, KY 40290- 1083 Auto Loan - Forester	\$29,675.00
VyStar Credit Union, P.O. Box 45085, Jacksonville, FL 32232- 5085 Auto Loan - Impreza	\$16,512.00
USAA Federal Savings Bank 10750 McDermott Freeway San Antonio, TX 78288-9876 Auto Loan – Rav 4	\$18,145.00
Ameris Bank 3299 Ross Clark Cir NW, Dothan AL 36303-3039 Construction Loan	\$30,680.80
Total	\$116,125.80
 Grand Total	 \$116,125.80

Table D – Income 2017

Source of Income	Address	Amount
US Army Retired Pay – Defense Finance and Accounting Service	PO Box 713 London, KY 40742	69428.73
Florida State Courts	200 E. Gaines	149,731.98
	Total	\$219,160.71

OF FINANCIAL INTERESTS

Please print or type your name, mailing address, agency name, and position below:

FOR OFFICE USE ONLY:

LAST NAME — FIRST NAME — MIDDLE NAME:
 McGillin, Howard Ogle, Jr.

MAILING ADDRESS:
 PO Box758

CITY : ZIP : COUNTY :
 Palatka 32178 Putnam

NAME OF AGENCY :
 Florida Courts - Seventh Circuit

NAME OF OFFICE OR POSITION HELD OR SOUGHT :
 Circuit Judge

CHECK IF THIS IS A FILING BY A CANDIDATE

PART A -- NET WORTH

Please enter the value of your net worth as of December 31, 2018 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 December 31, 20 18 was \$ 197,895.06.

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, whether owned or leased.

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

ASSETS INDIVIDUALLY VALUED AT OVER \$1,000:

DESCRIPTION OF ASSET (specific description is required - see instructions p.4)	VALUE OF ASSET
See Continuation Sheet	

PART C -- LIABILITIES

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

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY
See Continuation Sheet	

JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY

PART D -- INCOME

Identify each separate source and amount of income which exceeded \$1,000 during the year, including secondary sources of income. Or attach a complete copy of your 2018 federal income tax return, including all W2s, schedules, and attachments. Please redact any social security or account numbers before attaching your returns, as the law requires these documents be posted to the Commission's website.

I elect to file a copy of my 2018 federal income tax return and all W2's, schedules, and attachments.
 [If you check this box and attach a copy of your 2018 tax return, you need not complete the remainder of Part D.]

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

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

SECONDARY SOURCES OF INCOME [Major customers, clients, etc., of businesses owned by reporting person--see instructions on page 5]:

NAME OF BUSINESS ENTITY	NAME OF MAJOR SOURCES OF BUSINESS' INCOME	ADDRESS OF SOURCE	PRINCIPAL BUSINESS ACTIVITY OF SOURCE
None			

PART E -- INTERESTS IN SPECIFIED BUSINESSES [Instructions on page 6]

	BUSINESS ENTITY # 1	BUSINESS ENTITY # 2	BUSINESS ENTITY # 3
NAME OF BUSINESS ENTITY	None		
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			

PART F - TRAINING

For officers required to complete annual ethics training pursuant to section 112.3142, F.S.

I CERTIFY THAT I HAVE COMPLETED THE REQUIRED TRAINING.

OATH

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

STATE OF FLORIDA
 COUNTY OF Putnam

Sworn to (or affirmed) and subscribed before me this 16th day of May, 2019 by Howard O McGillin

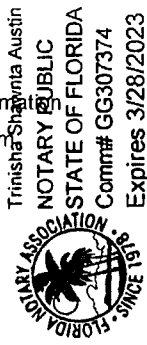
Trinisha Shawnta Austin
 (Signature of Notary Public--State of Florida)

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

Personally Known OR Produced Identification

Type of Identification Produced _____

Howard O McGillin
 SIGNATURE OF REPORTING OFFICIAL OR CANDIDATE



If a certified public accountant licensed under Chapter 473, or attorney in good standing with the Florida Bar prepared this form for you, he or she must complete the following statement:

I, _____, prepared the CE Form 6 in accordance with Art. II, Sec. 8, Florida Constitution, Section 112.3144, Florida Statutes, and the instructions to the form. Upon my reasonable knowledge and belief, the disclosure herein is true and correct.

Signature

Date

Preparation of this form by a CPA or attorney does not relieve the filer of the responsibility to sign the form under oath.

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



Continuation Sheet – Form 6 Full and Public Disclosure of Financial Interest
Howard O. McGillin Jr
2018 Report

Table B Assets (Continued)

Asset Name <small>Fla Stat 119.071(5)(d)2.e.</small>	Value
	\$655,000.00
2014 Toyota Avalon Hybrid	\$16,775.00
2017 Subaru Forester	\$27,450.00
2017 Subaru Impreza	\$22,850.00
2015 Toyota RAV 4	\$18,325.00
Bank of America Checking	\$1,400.47
USAA Checking	\$2,249.55
USAA Savings	\$1,648.33
Bank of America Money Market	\$2,263.54
USAA Money Market	\$3,009.93
USAA IRA	\$13,598.77
Apple Stock	\$7,242.79
CSX Stock	\$7,652.30
Florida Pre-paid College Fund	\$6,870.00
Principal Rollover IRA	\$53,007.79
Total	\$839,343.47

TABLE C LIABILITIES

Name and Address of Creditor	Amount of Liability
SE Toyota Finance, P.O. Box 70832, Charlotte, NC 28272-0832	\$13,675.13
Subaru Motors Finance C/O Chase, P.O. Box 9001083 Louisville, KY 40290-1083	\$23,067.87
VyStar Credit Union, P.O. Box 45085, Jacksonville, FL 32232- 5085	\$13,151.91
USAA Federal Savings Bank 10750 McDermott Freeway San Antonio, TX 78288-9876	\$13,378.69
Ameris Bank 3299 Ross Clark Cir NW, Dothan AL 36303-3039	\$605,000.00
Total	\$668,273.60
Grand Total	\$691,548.74

Table D – Income 2017

Source of Income	Address	Amount
US Army Retired Pay – Defense Finance and Accounting Service	PO Box 713 London, KY 40742	\$70,857.42
Florida State Courts	200 E. Gaines	\$158,038.04
	Total	\$228,895.46

Writing Samples

This page intentionally blank for pagination purposes.

IN THE CIRCUIT COURT, SEVENTH
JUDICIAL CIRCUIT, IN AND FOR
ST. JOHNS COUNTY, FLORIDA

CASE NO.: DR14-1956

DIVISION: 58

T Private B Private

PETITIONER

AND

M Private I Private

RESPONDENT

_____ /

ORDER ON CONSENT JUDGMENT FOR DECLARATORY RELIEF

THIS CAUSE came before the Court on the parties' proposed "Consent Final Judgment on Petition for Declaratory Relief." Present in Court were M Private L Private and Carrington Mead, Esq., attorney for T Private B Private, who appeared telephonically. The Court, having heard the testimony of the parties, considered the evidence of record and reviewed the file, heard argument of counsel and being otherwise fully informed on the premises thereof, hereby finds as follows:

SECTION I Findings of Fact

On November 11, 2014, Petitioner T Private B Private, filed a Petition for Declaratory Relief and Recognition of Parentage, Timesharing and Child Support regarding the minor child adopted by Respondent, M Private I Private. On January 26, 2015, Respondent filed a Motion to Dismiss the Petition for Declaratory Relief, asserting that the Petition failed to state a cause of action, the Petitioner lacked standing to bring forth the Petition, this court lacked jurisdiction, and the Petition violated Respondent's fundamental right as a parent to make decisions concerning the care, custody, and control of their children as recognized in *Troxel v. Granville*, 530 U.S. 57 (2000). After a hearing on the matter, and consideration on the merits, the Court granted Respondent's Motion to Dismiss, and dismissed the matter with prejudice. Presently before the Court is a proposed Consent Final Judgment on Petition for Declaratory Relief, in which the parties state they "have come to agreement as it concerns the pending matters before the court."

In the agreement, the parties agree that this Court has jurisdiction over the parties and the subject matter of this action. Respondent also agrees to withdraw her Motion to Dismiss and the parties agree that “this court retains jurisdiction of this case and the parties to enforce the provisions of this Consent Final Judgment on Petition for Declaratory Relief.”

SECTION II Conclusions of Law

Although the Court is pleased that the parties were able to reach an agreement that they both acknowledge is in the best interest of the minor child, this Court is unable to enter the proposed Consent Final Judgment on Petition for Declaratory Relief for the following reasons:

A. The Court lacks jurisdiction as the Petition has been dismissed and the case closed

Subject to limited exceptions, an order dismissing an action with prejudice divests the trial court of jurisdiction to preside over the parties and their dispute. *Eye and Ear Sales and Service Co. v. Lamela*, 636 So. 2d 791 (Fla. 4th DCA 1994). Although Respondent has now agreed to withdraw her Motion to Dismiss, the Court entered a final order on Respondent’s Motion to Dismiss on August 25, 2015. Petitioner appealed the Court’s order, and both parties later dismissed the pending appeal. Accordingly, this Court lacks jurisdiction to preside over the parties and their dispute. The Court notes that the present case has not been reopened and the status is reflected as “closed” on the docket. Therefore, there are no “pending matters before the court.”

B. The agreement would be unenforceable

Additionally, even if the parties were to successfully reopen the matter, or proceed in a new case, this Court would not be legally permitted to enforce the parties’ Consent Final Judgment because Florida law does not presently recognize a claim for specific performance of a contract for visitation with an unrelated third party. *See Wakeman v. Dixon*, 921 So. 2d 669, 671 (Fla. 1st DCA 2006); *see also Forbes v. Chapin*, 917 So. 2d 948 (Fla. 4th DCA 2005) (Finding that trial court could not enforce agreement between divorced natural father and maternal grandmother entitling grandmother to visitation with child as father had privacy right to raise child without government intrusion absent a demonstration of harm to the child, even if such agreement was incorporated into an agreed order); *see generally Ledoux-Nottingham v. Downs*, 210 So. 3d 1217, 1223 (Fla. 2017) (Reiterating that enforcement of an order granting

grandparents visitation is prohibited by the Florida Constitution). Although this Court may personally concur that Petitioner is a parent to the minor child in every practical sense, the current state of the law categorizes her as an unrelated third party. Therefore, were the need for enforcement of the proposed Consent Final Judgment to arise, this Court would be precluded from doing so.

C. No case or controversy

Additionally, the Court concludes that, presently, there is no justiciable controversy for which the parties may seek relief pursuant to § 86.011, Fla. Stat. Generally, questions which have already been adjudicated by a court having jurisdiction of the subject matter and the parties cannot subsequently, between such parties and their privies, constitute a justiciable controversy within meaning of declaratory judgment acts. *Colby v. Colby*, 120 So. 2d 797 (Fla. 2d DCA 1960). The Court notes that this matter has been adjudicated on the merits in this Court's Order on Motion to Dismiss and subsequent Order of Dismissal of Matter. Further, the parties represent in their proposed Consent Final Judgment on Petition for Declaratory Relief that they "have come to agreement as it concerns the pending matters before the court." Accordingly, no justiciable controversy currently exists.

D. Standing

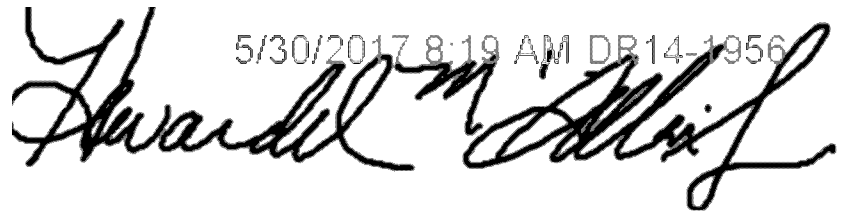
Lastly, as discussed in this Court's Order on Motion to Dismiss, Petitioner lacks standing as she has no parental rights to the minor child. Accordingly, she would lack standing to enforce the consent final judgment, despite the parties' present agreement.

Accordingly:

IT IS HEREBY ORDERED AND ADJUDGED:

The Court declines to enter the Consent Final Judgment for Declaratory Relief As it is without jurisdiction.

DONE AND ORDERED IN CHAMBERS, IN St. Johns COUNTY, FLORIDA, ON 30th DAY OF May, 2017.

5/30/2017 8:19 AM DR14-1956


e-Signed 5/30/2017 8:19 AM DR14-1956

Howard O. McGillin, Jr.
Circuit Judge

Copies to:

Carrington Mead, Esq.

M Private Private

IN THE CIRCUIT COURT, SEVENTH JUDICIAL CIRCUIT, IN AND FOR
ST. JOHNS COUNTY, FLORIDA.

CASE NO.: DR17-01562

DIVISION: 58

IN RE: THE MARRIAGE OF:

W [Private] C. E [Private],
HUSBAND

AND J [Private] L.
E [Private] WIFE

FINAL JUDGMENT OF DISSOLUTION OF MARRIAGE

This Cause came on to be heard on November 5, 2018 on the Wife's Amended Petition for Dissolution of Marriage (DKT #52) and the Husband's Amended Counter-Petition for Dissolution of Marriage (DKT #58). The Wife was present, accompanied by her attorney, John M. Henderlite, III, Esquire and the Husband was present, accompanied by his attorney, Matthew Bothwell, Esquire. The Court, having considered the testimony, evidence, arguments of counsel and being otherwise advised as to the premises finds as follows:

- A. The Court has jurisdiction over the parties to and the subject matter of this action.
- B. The marriage of the parties, W [Private] C. E [Private], Husband, and J [Private] L. E [Private], Wife, is irretrievably broken.
- C. There are three children born of the marriage, namely W [Private] A. E [Private], born October 18, 2000, currently age 18 but still in high school with a reasonable expectation of graduation before the age of 19, [Private] C. E [Private], born December 1, 2001, currently age 16 and E [Private] G. E [Private], born March 14, 2006, currently age 12. There are no other children expected, nor is the Wife currently pregnant.
- D. There is currently a permanent Injunction for Protection Against Domestic Violence (DR18-0136), entered on February 7, 2018, prohibiting the Husband from having any contact with

the Wife. The Husband consented to the entry of the injunction prior to a final hearing. The allegations underlying the Wife's injunction petition were that the Husband installed three cameras in the former marital residence, placed at least three tracking devices on the Wife's vehicle, beginning in July 2017 and continuing until January 2018, followed the Wife on multiple occasions, placed an audio recording device in the Wife's vehicle, hired or attempted to hire private investigators to follow the Wife, and surreptitiously video recorded the Wife on multiple occasions, including in the waiting room of one of their daughter's counselling appointments. The Wife also found video of a camera that was, at least for a time, installed in her bedroom.

E. At trial, the Husband admitted to installing the video cameras in the home on or about November 7, 2017 and testified that he did so "to protect himself" as he was "advised" by law enforcement friends his Wife may set him up for a domestic violence injunction. He further admitted in to evidence and played for the court one such recording of the Wife in the former master bedroom. The video shows the Wife going through drawers. The Wife testified she was looking for her extra set of car keys that she believed the Husband was using to install the tracking devices and her mail which was going missing. She did not remove anything from the bedroom. At the end of the video, the Wife discovers the camera and it is clear she was not aware that she was being recorded. Although the Husband admitted the video in to evidence to justify the installation of the cameras, he did not appear to appreciate that he was admitting to openly violating Florida's surreptitious recording statute and that he openly admitted to several third-degree felonies related to the installation of the other cameras throughout the home. Finally, the Court finds that the Wife was certainly justified in looking through the drawers in her own bedroom and was also justified in trying to find her extra set of car keys to prevent the Husband from installing tracking devices.

F. The Husband exercised his fifth amendment right against self-incrimination as to the other allegations in the injunction petition, including the tracking and recording devices the Wife found in her vehicle. As this is a civil matter, the Court is permitted to take an adverse inference with regard to his answers. The Husband testified at length that he was convinced the Wife was having an affair and that he was determined to prove it. The Wife also admitted text messages from the

parties' oldest child, W.A.E., where he stated that his dad had shown him proof of the alleged affair. Finally, the Husband consented to the entry of the Final Injunction of for Protection. The Court finds that the Husband placed the tracking devices in the vehicle as alleged, committing the offense of stalking, as defined by F.S. 784.048, between July 2017 and January 25, 2018. The Husband testified that he did not believe stalking was an act of domestic violence. The Court would draw the Husband's attention to F.S. 741.28 (2) which clearly states stalking is an act of domestic violence. Accordingly, the Court finds the Wife is a victim of domestic violence.

G. At issue in this case was the timesharing for the parties' remaining minor children, J.C.E. and H.G.E. Their oldest child, W.A.E., reached the age of majority on October 18, 2018. Prior to the trial, the parties followed the timesharing schedule agreed upon and ordered in the Final Injunction for Protection Against Domestic Violence which awarded the Wife majority timesharing with H.G.E. and the parties equal timesharing as to W.A.E. (when he was still a minor) and J.C.E. The Husband received timesharing with H.G.E. on Wednesdays and every-other-weekend from Friday after school until Monday morning. The Wife requested that this schedule remain in place. The Husband requested majority timesharing as to H.G.E. and sole timesharing as to J.C.E. He also requested that child support be calculated with him receiving sole timesharing as to W.A.E.

H. Both parties agreed the timesharing has been consistent as to H.G.E. and that they have both isolated her from the litigation. However, the Wife testified that she was concerned that modifying the timesharing at this time would be contrary to her best interest. In support, she testified that prior to the breakdown of the marriage, H.G.E. was a sweet child who did well in school. However, in October 2017, after the Wife vacated the marital bedroom and several months after the Wife testified the parties informed the children of the impending divorce, the Wife learned that H.G.E. was "cutting." The Wife immediately enrolled the child in therapy at the Betty Griffin House, where she had previously sought help for domestic violence, and the child began regularly meeting with S~~Private~~ V~~Private~~, a guidance counselor at the child's school. The Wife testified she did not immediately tell the Husband about the cutting until after she and the minor child spoke with the counsellor because the minor child expressed concerns about the Husband's behavior and the

Wife was worried about exacerbating the situation. The Husband initially did not remember when he learned of the minor child cutting. However, when prompted, he complained that the Wife should have notified him immediately rather than waiting for the counselor.

I. Unfortunately, H.G.E. continued to struggle and began expressing thoughts of suicide to her guidance counselor in November 2017, after the cameras were installed. The Wife testified that the minor child constantly felt like she was being watched. The school's guidance counselor, [SPrivat Private], testified she spoke with both parents and expressed her concern about the cameras. In addition, DCF investigated and met with both parties about the cameras. The Wife testified that she took the cameras down after speaking with DCF. The Husband testified that he did not believe the cameras were at all related to H.G.E.'s struggles and attempted to shift the blame to the Wife for filing for divorce. He claimed that her suicidal ideation was due to the divorce filing in September, which he claimed the children knew nothing about (the Wife testified they were told in July), rather than the installation of the cameras which occurred immediately prior to H.G.E.'s first reported thoughts of self-harm.

J. The Wife testified and introduced correspondence between the parties indicating that the Husband objected to H.G.E. continuing to receive counselling at Betty Griffin and demanded a new therapist because he could not participate in the therapy. The Wife, in an effort to make sure the minor child received continuing care at a critical time, agreed. However, this forced the minor child to end a previously established therapeutic relationship and begin a new one with the only apparent purpose to be to appease the Husband. At the second counselling session at Betty Griffin, which the Husband attended, he surreptitiously video recorded the Wife in the waiting room for over twenty (20) minutes. The Wife introduced this video into evidence. Although the Husband testified this recording was accidental, the Court finds that it was intentional as the video remained pointed at the Wife the entire time. The Court finds that the Husband was motivated by his own self-interest and was not acting in the best interest of the child.

K. Regrettably, in January 2018, H.G.E. was Baker Acted from the school because she again expressed thoughts of self-harm and had a plan to do so. The Wife testified the school and law enforcement did not allow the Husband to accompany the minor child to [Private] Behavioral,

but that the Husband met them there. The Wife testified the minor child was extremely distressed to see the Husband in the waiting room prior to her admission. She requested that the Husband leave so as to alleviate the minor child's stress, but he refused to do so. The Wife testified the minor child's Baker Act, along with another tracking device she found in her vehicle in January 2018, finally prompted her to seek the domestic violence injunction.

L. After the entry of the injunction, the Wife testified that she encouraged H.G.E. to follow the timesharing schedule with the Husband, even when the child expressed reluctance. She further testified it was important for her to maintain a relationship with her father. She is concerned, however, that the Husband does not fully appreciate the severity of the minor child's mental health concerns and will not act appropriately to address them. He has not taken the child to any therapy appointments, or any of her doctor's appointments, has not had any contact with any of her health care providers in over six (6) months, and leaves the child unattended during his timesharing. Most troubling, the Wife learned on October 5, 2018 that the minor child was cutting again and she messaged the Husband to let him know. The Husband's response did not even acknowledge that the child was engaging in self-harm and he has not followed up with the Wife since that date. The Husband testified he spoke with the child about it and was believed it was untrue. He did not rebut the Wife's testimony that, even after receiving that message, he continued to leave the child home alone. The Court finds that the Husband shows a troubling lack of insight as to his daughter's mental health and agrees with the Wife that the Husband does not appreciate the severity of the situation.

M. The court also heard testimony from the child's guidance counselor, [REDACTED] [REDACTED]. Ms. [REDACTED] testified that she became concerned about the child's relationship with the Husband in the fall of 2017 and discussed those concerns with the Husband. She still has those concerns. She further testified that H.G.E. was upset about the cameras and the Husband's behavior in the fall which significantly contributed to her thoughts of self-harm and suicidal ideation. Although she has frequent communication with the Wife about H.G.E., she has not heard from the Husband since the spring of 2018, even after H.G.E. began cutting again in October. Finally, she testified that she believed that a major change in H.G.E.'s living situation would likely cause her mental

condition to deteriorate, particularly since she was cutting again, and that even an equal timesharing arrangement between the parties would be detrimental. She testified that keeping the current arrangement in place would best promote stability for H.G.E.

N. As to the older children, the Wife testified W.A.E. has not been to her home since shortly after the Husband was served with the temporary domestic violence injunction in January 2018. She testified that the Husband previously threatened to terminate her relationship with the children if she proceeded with the dissolution and that he acted in furtherance of this threat by heavily involving both W.A.E. and J.C.E. in the litigation. As proof, she introduced a text conversation between the parties from November 2017, while the parties were still living together, where, at one point, the oldest minor child takes over for the Husband and persists in advocating his father's position. The child justifies the Husband's installation of the cameras and acknowledges discussing the situation with his father. The Wife also introduced a text message from W.A.E. from February 8, 2018, the day after the Husband consented to the entry of the injunction, where he indicates he has seen "audio and visual evidence" of the Wife's alleged affairs and that the Husband's "story checks out." The Husband did not deny it and affirmatively admitted to being honest with the boys when asked about the reasons for the divorce. He further admitted to telling both W.A.E. and J.C.E. the name of the man he believed the Wife was in a relationship with. The Wife testified that she believed her relationship with W.A.E. would be restored if the Husband encouraged it. The Husband did not evidence any willingness to encourage it, describing any future relationship between W.A.E. and the Wife as a "fantasy." The Court finds he has actively discouraged the relationship and has shared inappropriate details of the dissolution with both minor children.

O. The Wife also testified that J.C.E. has not spent the night in her home since July, 2018 after the Husband purchased a new residence. Prior to that, the parties were exercising approximately equal timesharing. The Wife introduced text messages between the Husband and J.C.E. where the Husband instructs him to remove personal property from the former marital residence when the Wife is out. This is wholly inappropriate and undermines the parent/child relationship. The Husband also admitted to sharing the same details about the Wife's alleged affairs with J.C.E.

P. Finally, the Wife alleged that the Husband has allowed his father, the children's paternal grandfather, to discourage the relationship between the children and the Wife. As proof, she introduced a text message from the Husband to the older children where, in response to their concern that the Wife has access to their phones, he expresses relief that "granddad always erases everything." The Wife also testified that the paternal grandfather purchased vehicles for the children and controls a trust that they will receive once they turn 18. The Wife testified that her relationship with both older children, but particularly W.A.E., would be restored if encouraged by the paternal grandfather. The Husband denied knowledge of any communication between the children and the grandfather, but did testify he also expected the paternal grandfather would be honest in answering any questions about the divorce.

Q. As to the parties' respective requests for timesharing, the Court evaluates the statutory factors as follows from Fla. Stat. § 61.13(3)(a)-(t) in like numbered paragraphs:

a) The demonstrated capacity and disposition of each parent to facilitate and encourage a close and continuing parent-child relationship, to honor the time-sharing schedule, and to be reasonable when changes are required. The Wife has encouraged and facilitated the relationship between H.G.E. and the Husband. The Husband has actively discouraged the relationship between the Wife and the two older children. The Husband has created an atmosphere of distrust between the older children and the Wife. He has actively destroyed the relationship those children had with the Wife. His conduct is reprehensible. This factor strongly favors the Wife.

b) The anticipated division of parental responsibilities after the litigation, including the extent to which parental responsibilities will be delegated to third parties. The Wife is nurse who works three nights per week. The Husband expressed concern about her ability to care for the children when she is working. The Wife testified there are only three overnights per month when her sister must watch H.G.E. The time between when Wife leaves and the child's bedtime is approximately three hours and the child's aunt stays with her at the Wife's residence. The Husband often leaves for work before the children get up several times per month, leaving them to get ready on their own, and for the older children to care for H.G.E. He also leaves the children unattended

during his timesharing. The Wife's schedule allows her to attend appointments and school events for the children during the day. She has also worked nights throughout the marriage. Both of the parties are nurses. The Wife works in a hospital setting while the Husband works in sales, but also has a role in critical surgical procedures. Both have careers that require flexibility in scheduling. The Court finds both parties will rely, to a certain extent, on third parties during their timesharing and that this factor favors neither of them.

c) The demonstrated capacity and disposition of each parent to determine, consider and act upon the needs of the child instead of the needs or desires of each parent. This factor favors the Wife. The Husband has shown a seeming disregard for H.G.E.'s ongoing medical care and as acted completely contrary to her interest in cancelling therapy appointments, not following up with her counselors, and not expressing any concern about her most recent setbacks. Most troubling, he clearly does not appreciate his own role in contributing to the minor child's current struggles nor does he appreciate the severity of the situation. Finally, the Husband intentionally discouraged W.A.E. and J.C.E. from maintaining a relationship with the Wife because he was upset about the injunction and her alleged affairs. He did not at all consider the children's needs in fostering and maintaining a relationship with both parents nor did he consider the trauma of parental alienation.

d) *The length of time the child has lived in a stable, satisfactory environment and the desirability of maintaining continuity.* H.G.E. has benefitted from the stable parenting plan since the injunction. Her guidance counselor testified that modifying it at this point would be detrimental. The older children have been "whip-sawed" by the Husband's alienation and have aligned themselves with him. The middle child formerly lived with the Wife primarily but has recently moved in with the Husband. He needs stability that is not forced upon him by action or by manipulation. The Court directed at the close of evidence that the children begin reunification therapy immediately. It is the Court's intent that the children have a stable placement with the timesharing set by the enclosed parenting plan.

e) The geographic viability of the parenting plan, with special attention paid to the needs of school-age children and the amount of time to be spent travelling to effectuate the

parenting plan. Both parties live sufficiently close to the minor child's school, and medical providers.

f) *The moral fitness of the parents.* The Husband engaged in a repeated violations of both Florida statutory prohibitions on audio recording and stalking of the Wife. He expressed no remorse about his illegal behavior. The Court is left with substantial question as to his moral integrity. This Factor strongly favors the Wife.

g) *The mental and physical health of the parents.* There was no evidence as to this factor.

h) *The home, school and community records of the child.* H.G.E.'s grades have improved since the timesharing schedule was put in place. There was no evidence as to the other children.

i) *The reasonable preference of the child.* There was no evidence as to this factor. The Court declines to rely upon the text messages of W.A.E. as he is no longer a minor child. Furthermore, the Court finds that these messages were clearly sent under the Husband's influence.

j) The demonstrated knowledge, capacity, and disposition of each parent to be informed of the circumstances of the minor child, including, but not limited to, the child's friends, teachers, medical care providers, and favorite things. This favors the Wife. She has attended all medical and school appointments for H.G.E, including her therapy appointments. She stays in communication with the child's guidance counselor and therapist. There was no testimony as to the Husband's involvement with the older children.

k) The demonstrated capacity and disposition of each parent to provide a consistent routine for the child, such as discipline, and daily schedules for homework, meals and bedtime. The Wife provides a consistent routine for H.G.E. The Husband testified the boys do not have much structure or oversight in his home due to their ages.

l) The demonstrated capacity of each parent to communicate with and keep the other parent informed of issues and activities regarding the child, and the willingness of each parent to

adopt a unified front on all major issues when dealing with the child. This factor favors the Wife. The Husband refuses to acknowledge major concerns that the Wife has about the children, including her recent discovery about H.G.E. cutting again. The Husband does not communicate with the Wife at all about the older children.

m) Evidence of domestic violence, sexual violence, child abuse, child abandonment, or child neglect, regardless of whether a prior or pending action relating to those issues has been brought. The Wife is a victim of domestic violence, namely the Husband's repeated stalking of her between July 2017 until January 2018 when the Wife obtained an injunction. There is a permanent injunction currently in place. The Husband used the injunction to actively discourage the older children from spending time with their mother. The Husband's stalking also significantly contributed to H.G.E.'s self-destructive behavior, a fact that the Husband still disputes despite ample evidence from the child's healthcare providers, DCF, and the timeline of the onset of those behaviors.

n) Evidence that either party has knowingly provided false information to the court regarding any prior or pending action regarding domestic violence, sexual violence, child abuse, child abandonment, or child neglect. The Husband, despite consenting to the injunction, refused to acknowledge his stalking was an act of domestic violence.

o) The particular parenting tasks customarily performed by each parent and the division of parental responsibilities before the institution of the litigation, during the pending litigation, including the extent to which parenting responsibilities were undertaken by third parties. The Wife has historically performed these tasks for all the children and continues to do so for H.G.E. The Husband did not offer any testimony as to what tasks he performs for the boys.

p) The demonstrated capacity and disposition of each parent to participate and be involved in the child's school and extracurricular activities. Both parties are involved with children in after school activities. Due to the injunction, the Husband cannot participate in any activities when the Wife is present.

q) The demonstrated capacity and disposition of each parent to protect the child from ongoing litigation as demonstrated by not discussing the litigation with the child, not sharing documents or electronic media related to the litigation, and refraining from disparaging comments about the other parent to the child. The Wife has demonstrated an ability to do so by isolating H.G.E. from the litigation. As discussed at length above, the Husband has demonstrated a complete inability to do so and has intentionally estranged the Wife from two of the children.

r) The demonstrated capacity of each parent to maintain an environment for the child which is free from substance abuse. This is not a factor.

s) The developmental stages and needs of the child and the demonstrated capacity and disposition of each parent to meet the child's developmental needs. Both parents are able to meet the children's development needs, but the Court is concerned about the Husband's lack of insight as to how his behavior affects the children and his selfishness in intentionally estranging the children from the Wife in retaliation for the injunction.

t) *Any other factor that is relevant to the determination of a specific parenting plan, including the time-sharing schedule.* At the close of evidence, the Court announced certain findings. The Court is extremely disappointed in the Husband's behavior throughout this litigation. He has violated just about every Florida statute on shared parental responsibility by needlessly involving the children in the litigation as retribution for the Wife's alleged affairs and obtaining a domestic violence injunction. Regardless of whether the Wife had an extramarital affair or not, it was wholly inappropriate for the Husband to install cameras in the house, tracking devices in the Wife's vehicle or to share any of this "evidence" he claimed to have gathered against the Wife with the children. He has not acted as a parent and the Court has serious concerns about his ability appropriately co-parent with the Wife going forward.

R. Based on the foregoing, the Court finds it is in the best interest of the minor children that the Wife have majority timesharing. A parenting plan detailing the timesharing arrangement is attached hereto and incorporated by reference herein. In order to facilitate the Wife's timesharing with J.C.E., the parties will immediately enroll him in reunification counselling, at the Husband's

sole expense. So long as the Husband cooperates, the Court anticipates reunification should have been completed by Christmas. If reunification has not occurred, the Court will set a status hearing on Motion of either party. The Court also strongly encourages the Husband to require W.A.E. to attend counselling as well. With appropriate parenting and encouragement, the Court sees no reason why W.A.E. cannot spend equal time with the parties until he graduates high school. The parties shall attempt to agree on a counselor. If not, they shall each nominate one and the Court will decide. The parties will also immediately enroll in and successfully complete a high conflict parenting course.

S. The Wife requested alimony. The Court has considered the statutory factors set forth in §61.08 Florida Statutes as follows:

(1) *The standard of living established during the marriage.* The parties established a comfortable standard of living. Since 2005, the parties have lived in a five-bedroom home in St. Johns Golf and Country Club, an upscale community, in an excellent school district. They have lived comfortably and, until the filing of dissolution, had minimal debt besides their mortgage.

(2) *The duration of the marriage.* This is a long-term marriage two days shy of 20 years duration. The parties were married on September 27, 1997 and the Wife filed her Petition for Dissolution on September 25, 2017.

(3) *The age and the physical and emotional condition of each party.* The Wife is 46 years old and the Husband is 47. Both appear to be in good health.

(4) *The financial resources of each party, including the non-marital and marital assets and liabilities distributed to each.* Each party is capable of earning an income. Both parties will receive approximately equal marital assets. The Husband has been able to maintain a savings account with approximately [Private] while the Wife has depleted her savings and has accumulated approximately [Private] in credit card debt, \$ [Private] of which was been used to subsidize her living expenses. The Husband's parents gave him \$ [Private] 0 towards the down payment on his current residence, enabling him to pay only \$ [Private] per month toward his mortgage. In order for the Wife to rent a home in H.G.E.'s current school district, which is

necessary since the Husband's residence is outside of it, the Wife will have to pay approximately \$2,300.00 per month to rent a much smaller residence.

(5) *The earning capacities, educational levels, vocational skills and employabilities of the parties and when applicable, the time necessary for either party to acquire sufficient education or training to enable such party to find appropriate employment.*

a) WIFE. The Wife is a registered nurse and is employed full time at the Private Private working three twelve-hour shifts per week. She testified that she cannot make any more money as a nurse without additional schooling.

b) HUSBAND. The Husband is also a registered nurse and works in medical device sales for Private. He recently changed territories which has increased his earning potential making it more likely for him to hit his bonus metrics. He has significant regular bonuses. His bonus income for only part of the year in 2018 reflects a significant bonus that is regular. Despite his claims of reduced bonus the Court finds that by a preponderance of the evidence he is receiving regular substantial bonuses that should be included in his income for all purposes.

(6) *The contribution of each party to the marriage including but not limited to services rendered in homemaking, childcare, education and career building of the other party.* The Husband has been the primary wage earner throughout the marriage and the Wife was responsible for raising the children. For fifteen years, she only worked a few days a week to supplement the family income and keep her nursing license current. Approximately five years ago, she went to work full time as the family's financial needs had increased. In mid-2016, she began working an extra shift a week for overtime because the Husband's income had stagnated. It was meant to be temporary, but it did help the Husband obtain a new territory in January of 2018 which increased his income. She stopped working the extra shift in October 2017 due to H.G.E.'s medical needs and the stress of the Husband's stalking. Overtime is no longer readily available as her employer hired extra nurses in 2018. Currently, there are approximately twenty nurses competing for three available shifts per week. Those shifts will no longer be available once the remaining open position is filled.

(7) *The responsibilities each party will have with regard to any minor children they have in common.* The Wife will be the majority timesharing parent. She will be responsible for attending to the medical and educational needs of the children as she has historically done throughout the marriage and the Husband has not done so since the parties separated in January 2018.

(8) *The tax treatment and consequences to both parties of any alimony award including the designation of all or a portion of the payment as a non-taxable, non-deductible payment.* The Court has taken the tax consequences into account when determining alimony.

(9) *All sources of income available to either party including income available to either party through investments of any asset held by that party.* The Wife earns \$ [Private] per month based upon her most recent paystub. She pays \$ [Private] for her own health insurance.

The Husband earns average monthly income of [Private] and average incentive and bonus income of [Private], for a total average monthly income of \$ [Private]. The Husband has the potential to earn up to \$ [Private] in bonus income per year. He receives non-taxable income for wear and tear to his vehicle of \$ [Private]0 average per month. The Husband also receives approximately [Private] in monthly reimbursements for personal expenses which the Court declines to include as income. The Husband maintains health insurance for himself and the minor children. He pays \$ [Private] per month for health, dental and vision insurance. Of that amount, he pays \$ [Private] for himself and \$ [Private] to cover the children. The Husband also withholds money to fund Health Savings Accounts for himself and the children. He testified he uses this money to pay for unreimbursed medical expenses. The Court declines to consider the HSA contribution as a health insurance expense.

(10) Any other factor necessary to do equity and justice between the parties.

The Wife requested permanent alimony. This is a long-term marriage of nearly 20 years and there is a rebuttable presumption that the Wife should be awarded permanent periodic alimony. *Motie v. Motie*, 132 So. 3d 1210, 1213 (Fla. 5th DCA 2014). The Husband argues that the Wife does not need alimony because she can earn more money by working overtime as she did in 2016 and 2017. However, the Court finds it would be inequitable to require the Wife to work four

twelve-hour shifts per week. Furthermore, due to the Husband's behavior, it would be contrary to the children's best interest for Husband to exercise majority timesharing. Therefore, the Court *specifically declines* to require the Wife to work overtime.

T. The Wife reported a deficit of [Private] which includes reductions she has made in her monthly living expenses. This is also based upon her only paying the minimum monthly payments for her credit cards which are in excess of [Private]. The Husband reports a deficit on his financial affidavit, but he did not include his monthly reimbursement income and his living expenses, due the financial contribution from his parents, are substantially lower than that of the Wife. In addition, after reunification, the Wife's food and home supply budget will increase while the Husband's will decrease. Finally, the Husband has been able to maintain \$ [Private] in his bank account during these proceedings despite his monthly deficit. The Court finds the Wife has the need and the Husband has the ability to pay alimony to the Wife.

U. The court finds that the Wife's request for alimony is reasonable. Beginning December 1, 2018, (this is retroactive) and continuing each month thereafter, the Husband shall pay to the Wife the sum of [Private] per month as and for alimony. This shall be deductible to the Husband and shall be income to the Wife. The Court has attached a Guideline Worksheet as Appendix B hereto which reflects the relative incomes of the parties, the alimony award, the tax consequences, and health insurance payment. After the payment of the awarded alimony, the Husband will have net income of [Private], an amount sufficient to meet his needs. The Wife will have net income of \$ [Private], an amount sufficient to meet her needs.

V. The Wife requested that the Husband maintain life insurance to secure the alimony obligation. The Husband has life insurance available through his employment. Accordingly, the Court finds that the life insurance is reasonably available to the Husband and that he should maintain life insurance on his life, naming the Wife as the sole, irrevocable beneficiary, in the amount of [Private].

W. The Wife testified that the parties accumulated retirement assets during the marriage and requested that she remain the owner of her [Private] 403(b) plans in exchange for the Husband

receiving additional marital assets. The Wife testified that the Husband has a 401(k) through his employment and requested that each party receive the marital share, plus gains and losses, as of September 25, 2018. The Husband agreed that his 401(k) should be equally divided and requested that the parties also split the Wife's retirement accounts.

X. The Wife requested that the Husband be awarded the 2011 GMC Yukon XL Denali. Although it was her vehicle during the marriage, it is titled in his name. It has approximately 148,000 miles. The Wife testified she wanted to trade the vehicle in during the litigation as it was getting old and she was afraid it would break down, but the Husband refused to agree to it. In July 2018, it suffered a major engine failure and is undrivable. The Wife has leased a new vehicle. She testified the engine could be repaired for approximately \$ [Private] but there was no guarantee the repair would last. Alternatively, the engine could be replaced for approximately \$ [Private]. The parties agreed the value of the vehicle as of the date of filing was \$ [Private]. The Wife valued the vehicle at \$ [Private] the agreed upon value less the engine replacement. Her suggestion is that the Husband receive it at her value but, should he be able to repair rather than replace the engine and receive more money, he should be entitled to the difference. The Court finds this to be appropriate.

Y. The Wife requested that the Husband receive credit for approximately \$ [Private] he retained from an insurance check to repair wind damage to the marital home. The unrebutted testimony is that the Husband received \$ [Private] from USAA Casualty Insurance on September 11, 2017. He then spent \$ [Private] to repair the damage on November 2, 2017. He still has the remaining \$ [Private] in his possession.

Z. Finally, the Wife testified that in August 2017, prior to the date of filing, she removed \$ [Private] from the parties joint [Private] Savings Account and used that sum for attorneys' fees. She then equally divided the remaining balance (approximately \$ [Private]), depositing [Private] in her Vystar account and leaving \$ [Private] in the joint account. The Husband subsequently transferred the [Private] from the joint account into an account in his name after the date of filing. The Husband requested that the Wife reimburse him for half of the [Private]. The Wife claims he is not entitled because she removed the money from a joint account prior to the date of filing and used it for attorneys' fees. The law allows her to use marital funds to pay

necessary expenses, including attorney's fees. *Lopez v. Lopez*, 135 So. 3d 326 (Fla. 5th DCA 2013). The Court finds that the joint account has already been equitably distributed.

AA. The parties stipulated to the values of the remaining assets indicated below. The Court hereby equitably distributes the marital assets as follows:

Asset/Liability	Total Value	Wife	Husband
Marital Home (Value of \$ Private -liabilities of \$ Private)		Private	
Joint 121 Account (DOF Value)			
Wife's Vystar Account- Balance of Joint Private Account (DOF Value)			
Wife 403(B) Private			
Wife 403 (B) Private			
Husband's 401(K)	100 % Marital	½ Marital	½ Marital
2011 GMC		Private	
2014 Hyundai			
Golf Cart			
Furniture/Home Contents			
Guns			
Humidor			
Oriental Rug			
Jewelry			
Laptop			
Water Softener			

Water Heater		Private
Roof Insurance Check		
H's Priv Credit Card		
W's Priva te Credit Card		
Safe		
Total		

With respect to the firearms, the Court authorizes the Husband to arrange for the disposal of the firearms, by private sale or by such other means as may be necessary, as it is unlikely he will be able to take personal possession of them due to the domestic violence injunction.

BB. The Wife requested that the Husband reimburse her for half of the three mortgage payments she has made since August 1, 2018, for a total amount due of Private. She also requested that he reimburse her for half of the home repairs and unreimbursed medical expenses she has incurred since the date of filing, for a total amount due of Private and Private 0, respectively. The Husband requested that the Wife reimburse him for half of the unreimbursed medical expenses in the amount of Private. The Court finds this to be reasonable.

Expense Incurred	Total Amount Paid	Amount Due from Husband	Amount Due from Wife
Mortgage/HELOC from August 1, 2018 through November 30, 2018		Private	
House Repairs		Private	
Wife's Unreimbursed Medical Expenses (Husband's 1/2)		Private	
Husband's Unreimbursed Medical Expenses			

The Husband owes to the Wife the sum of [Private] as of November 30, 2018.

CC. The parties jointly own real property located at [Private] St. Augustine, FL 32092 which home was the marital home of the parties and shall be more particularly described as follows:

[Private]
[Private]

The parties both agreed that the home needs to be sold. The Court finds the home should be placed on the market immediately. The parties shall attempt to agree upon a realtor. If they cannot agree, the parties will each select a realtor and have them conduct a market analysis on the home. The parties are encouraged to select the most financially beneficial of the two. If they still cannot agree, then the Court will decide.

DD. The Wife proposed a personal property schedule requesting certain items from the marital home which is attached hereto as Schedule "A". She testified this schedule is equivalent in value to approximately half of the remaining personal property items in the marital residence. The Husband shall be entitled to the remaining property.

EE. The Wife requested attorneys fees and asked that the Court hold a separate hearing to determine the Husband's contribution.

IT IS HEREBY ORDERED AND ADJUDGED:

1. The marriage of W [Private] C. E [Private], Husband, and J [Private] L. E [Private], Wife, is dissolved and each spouse is restored to the status of being single and unmarried.
2. **TIMESHARING AND PARENTAL RESPONSIBILITY:** The parties shall share time with their children pursuant to the parenting plan (Appendix A) which is attached hereto and incorporated by reference herein.

3. **CHILD SUPPORT:**

a. The Husband shall pay to the Wife the sum of \$ Private as and for child support, beginning on the first period following the entry of this order and continuing thereafter (In accordance with the Child Support Guidelines Worksheets at Appendix B). Child support for each child shall terminate when the minor child reaches his or her 18th birthday, marries, joins the armed forces, or otherwise becomes emancipated, dies, or upon further order of the court, whichever occurs first. Notwithstanding the forgoing, if a minor child is dependent in fact, is between the ages of 18 and 19, and is still in high school performing in good faith with a reasonable expectation of graduation before the age of 19, then and in those events, support shall continue beyond the age of 18 until the child graduates from high school, but in no event beyond the age of 19. It is anticipated that W.A.E. will graduate as of May 31, 2019. Thereafter, the Husband's child support shall be Private per month for J.C.E. and H.G.E. J.C.E. will reach the age of 18 on December 1, 2019 and will likely graduate high school on May 31, 2020. Thereafter, the Husband's child support shall be Private per month for H.G.E. H.G.E. will reach the age of majority on March 14, 2024 and will likely graduate high school on May 31, 2024.

b. Payments of child support shall be made through the State of Florida Disbursement Unit, P. O. Box 8500, Tallahassee, FL 32314-8500. An Income Deduction Order shall be entered together with the Final Judgment of Dissolution of Marriage. The Husband shall be responsible for timely payment directly to the State of Florida Disbursement Unit of all child support due until the Income Deduction Order becomes effective.

4. **MEDICAL, AND DENTAL INSURANCE:** The Husband shall maintain medical and dental insurance through his employment for the benefit of the minor children as long as the same is reasonably available to him. The parties shall equally divide all uncovered hospital, medical, dental, orthodontic, optical, psychological or pharmaceutical expenses. The party incurring the expense shall provide proof within thirty (30) days of the date of incurring the expense. The party receiving the same shall reimburse his or her share of the expense with thirty (30) days of receiving the proof of payment.

5. **DEPENDENCY TAX EXEMPTIONS:**

a. The Husband shall be entitled to claim J.C.E. as an exemption for income tax purposes and the Wife shall be entitled to claim H.G.E. Each party shall timely sign the necessary IRS forms to enable the other to claim a child as provided by this section.

b. When only one child is remaining as minor, the parties shall alternate claiming her as an exemption yearly, with the Wife claiming H.G.E. in odd years and the Husband receiving the exemption in even years. Each party shall sign any IRS forms necessary to allow the other to claim their respective child under this section.

6. **COUNSELING FOR THE CHILDREN:** The parties shall immediately enroll J.C.E. in reunification counselor with a mutually agreed-upon reunification therapist. If the parties cannot agree, the court will appoint one. The Husband shall pay the entire cost of reunification counselling and shall encourage J.C.E. to attend. Although the Court cannot order W.A.E. to attend due to his age, the Court strongly encourages the Husband to do whatever it takes to get W.A.E. to attend counselling as well. The Court believes both the Husband and the paternal grandfather are capable of influencing the children to participate in counselling. It is the Court's intention that, given the necessary cooperation of the parties, J.C.E. will have resumed timesharing with the Wife by Christmas.

7. **PARENTING COURSE:** The parties shall enroll in a high conflict parenting course within thirty days of the date of this judgment. Each party shall pay their own fees and costs.

8. **PERMANENT, PERIODIC ALIMONY:** The Husband shall pay to the Wife, as and for permanent alimony, the sum of Private per month, beginning on the first day of December, 2018 and continuing on the first day of each month thereafter. Said alimony shall terminate upon the death of either party or the re-marriage of the Wife. Payments of alimony shall be made through the State of Florida Disbursement Unit, P. O. Box 8500, Tallahassee, FL 32314-8500. An Income Deduction Order shall be entered together with the Final Judgment of Dissolution of Marriage. The Husband shall be responsible for timely payment directly to the State of Florida Disbursement Unit of all alimony due until the Income Deduction Order becomes effective.

9. **LIFE INSURANCE:** The Husband shall secure, maintain and provide a life insurance policy in the face amount of [Redacted] Private for so long as he is obligated to pay alimony and/or child support, naming the Wife as sole, irrevocable beneficiary of said policy.

10. **DISTRIBUTION OF MARITAL ASSETS:**

a. **MARITAL HOME:** The marital home shall immediately be listed for sale with a mutually agreed upon real estate agent using the procedure describe in paragraph CC, *supra*. If the parties cannot agree, the court will select the agent. The parties shall agree on a reasonable sales price. If the parties cannot agree on a reasonable sales price, then the real estate broker shall set the price for them. The Court shall specifically retain jurisdiction to determine and enforce the terms of the sale, if necessary, be it on the open market or through partition. If it is the intent of the parties that the price be set a price that would make it likely to sell the home within six (6) months of its initial listing. Each party shall act in good faith in trying to sell the home and shall be receptive to any reasonable offers made to buy the home. The parties shall equally divide (50% to each) the net proceeds from the sale of the home. "Net proceeds" is that portion of the sales proceeds that remain after the outstanding mortgage indebtedness, broker's commissions, closing costs, and other reasonable seller's expenses necessary to close upon the home are paid. This provision includes any outstanding debt on any fixtures in the home, including but not limited to the water softener and water heater.

Until the home is sold, the Wife shall be responsible for the utilities associated with the home. She shall also be responsible for all upkeep on the home. The parties shall equally split the cost of any and all reasonable and necessary costs or repairs required for the sale of the home. In the event either party must advance the other party's half share of any reasonable and necessary repairs or costs, that party shall be entitled to a credit against the non-paying party's one-half share of the net proceeds from the sale of the home.

The Court specifically reserves jurisdiction to enforce the terms of this provision, including but not limited to forcing sale through partition, setting the sales price, and apportioning the net proceeds of the sale as provided herein.

b. AUTOMOBILES:

The Husband shall have title to and the exclusive use and possession of the 2015 Hyundai Sonata, 2011 GMC Yukon XL and the golf cart. The Wife shall execute such instruments as may be necessary to convey her interest therein to the Husband within ten (10) days following the entry of the Final Judgment of Dissolution of Marriage. In any event, the final judgment shall operate as a conveyance under Rule 1.570(d), Florida Rules of Civil Procedure. The Husband shall assume, and indemnify and hold the Wife harmless from all indebtedness due thereon.

c. RETIREMENT BENEFITS:

i. HUSBAND'S 401(K): The Wife shall be entitled to fifty percent (50%) of the value of the Husband's Private 401(k), as of the date of filing, September 25, 2017, plus all gains and losses since that date. The Court shall reserve jurisdiction to enter a Qualified Domestic Relations Order to enforce and implement this provision. The Wife shall pay for the cost of preparation and the parties shall equally split any plan administrator fees from their respective shares of the 401(k).

ii. WIFE'S 403(B) PLANS: The Wife is the owner of two 403(b) plans from the Private one with Private and one with Private. The Wife shall retain right, title and ownership of both plans, free and clear of any claim by the Husband.

d. PERSONAL PROPERTY: The Wife shall be entitled to the items listed on the Wife's Personal Property Schedule (Wife's Exhibit 15), attached hereto as Appendix C. The Husband shall receive the remaining property. The Wife shall vacate the marital residence forty-eight (48) hours, or as soon as practicable after receiving the "clear to close" letter from the buyer, prior to the anticipated closing date so that the Husband can retrieve his property before the closing date of the residence.

e. BANK ACCOUNTS: Each party shall retain title to and ownership of the bank accounts in his/her own name, including the contents therein, with the Wife receiving her Private accounts and the Husband receiving his Private Accounts. Any joint bank accounts shall be closed within ten (10) days of the entry of the Final Judgment of Dissolution of Marriage and the contents equally divided. The Husband shall not be entitled to any of the Private the Wife removed from the joint Private account prior to the date of filing.

f. UNREIMBURSED EXPENSES: The Husband shall pay to the Wife the sum of [Private] as and for his share of the mortgage from August through October 2018, unreimbursed medical expenses for the minor children and unreimbursed repairs to the marital home, within thirty (30) days of the date of the judgment. The Husband shall further owe to the Wife an amount equal to half of the mortgage and HELOC on the former marital home, \$ [Private], beginning on November 1, 2018 and continuing until the child support and alimony becomes effective. The parties shall also equally pay for half of the water heater and water softener debt until the home is sold. That debt (water softener and heater) shall be liquidated from the proceeds of sale before any distribution to the parties.

11. MARITAL DEBTS: Except as specified herein, the Husband shall be solely responsible for the credit cards in his name and the Wife shall be solely responsible for credit cards in her name, with each party indemnifying and holding the other party harmless therefrom. In the event there exist any additional debts in either party's name, whether accrued during the marriage or not, that party shall be solely responsible for said debt and shall indemnify and hold the other party harmless therefrom.

12. WIFE'S NAME: Prior to the marriage, the Wife's name was [Private]. Pursuant to her request, her pre-marital name of J [Private] I [Priv] M [Private] is restored.

13. ATTORNEY'S FEES AND COSTS: The Court reserves jurisdiction on the Wife's requests for attorneys' fees.

14. RESERVATION OF JURISDICTION: With the exception of Paragraph 1, above, this Court specifically reserves and retains jurisdiction over this case and the parties to modify and/or enforce the provisions of this judgment as allowable by law. Further, the Court reserves jurisdiction to enter any and all other and further orders, writs, or process requisite or necessary to carry out the intent of the various paragraphs as contained herein.

DONE AND ORDERED in Chambers, St. Augustine, St. Johns County, Florida, this 31st day of December 2018.



HOWARD O. MCGILLIN, JR.
CIRCUIT JUDGE

Copies to:

John M. Henderlite, III, Esquire
218 E. Ashley Street
Jacksonville, FL 32202
pleadings@watsonhenderlite.com

Matthew Bothwell, Esquire
310 Third St.
Neptune Beach, FL 32226
matthew@bothwelllegal.com

This page intentionally blank for pagination purposes.