

**APPLICATION FOR NOMINATION TO THE CIRCUIT COURT**

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

**DATE:** August 16, 2017 Florida Bar No.: 652105

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

1. Name Steven C. Henderson E-mail: schlaw05@yahoo.com

Date Admitted to Practice in Florida: September 18, 2003

Date Admitted to Practice in other States: \_\_\_\_\_

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

State of Florida

7<sup>th</sup> Judicial Circuit

County Judge - Volusia County

3. Business address: 101 N. Alabama Avenue, Suite C337

City DeLand County a State FL ZIP 32724

Telephone (386) 626-6592 FAX (386) 740-5114

4. Residential address: Redacted

City \_\_\_\_\_ County a State FL ZIP \_\_\_\_\_

Since \_\_\_\_\_ Telephone ( ) -

5. Place of birth: \_\_\_\_\_

Date of birth: \_\_\_\_\_ Age: 43

6a. Length of residence in State of Florida: 19 years

6b. Are you a registered voter?  Yes  No

If so, in what county are you registered? Volusia

7. Marital status: Married

If married: Spouse's name Redacted

Date of marriage \_\_\_\_\_

Spouse's occupation \_\_\_\_\_

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.

8. Children

<i>Name(s)</i>	<i>Age(s)</i>	<i>Occupation(s)</i>	<i>Residential address(es)</i>
Redacted		n/a	
		n/a	
		n/a	
		n/a	
		n/a	

9. Military Service (including Reserves)

<i>Service</i>	<i>Branch</i>	<i>Highest Rank</i>	<i>Dates</i>
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Rank at time of discharge \_\_\_\_\_ Type of discharge \_\_\_\_\_

Awards or citations \_\_\_\_\_

**HEALTH:**

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

No

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

Yes  No

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

Please describe such treatment or diagnosis.

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

- Experiencing periods of no sleep for 2 or 3 nights
- Experiencing periods of hyperactivity
- Spending money profusely with extremely poor judgment
- Suffered from extreme loss of appetite

- Issuing checks without sufficient funds
- Defaulting on a loan
- Experiencing frequent mood swings
- Uncontrollable tiredness
- Falling asleep without warning in the middle of an activity

Yes  No

If yes, please explain.

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

Yes  No

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

Yes  No

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

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>
Florida State University College of Law, Tallahassee, FL	106/251	08/2000 - 05/2003	J.D.
Brigham Young University, Provo, UT	3.33 g.p.a.	08/1994 - 08/1997	B.S., Zoology
Metropolitan State College, Denver, CO	3.65 g.p.a.	08/1990 - 06/1992	n/a
Rangeview High School, Aurora, CO	n/a	08/1986 - 06/1990	Diploma

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

Book Award Recipient

**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>
07/1998 - 08/2000	Admissions Counsellor	Everest University	2501 N. Harbor City Blvd. Melbourne, FL 32935
07/1997 - 07/1998	Admissions Counsellor	Stevens-Henager Business College	1476 S. Sandhill Road Orem, Utah 84058

**PROFESSIONAL ADMISSIONS:**

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

<i>Court or Administrative Body</i>	<i>Date of Admission</i>
Florida Bar Association	September 18, 2003

**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>
Asst. Attorney	State Attorney's Office, 7 <sup>th</sup> Judicial Circuit	251 N. Ridgewood Avenue Daytona Beach, FL 32114	08/2003 - 12/2011
Law Clerk	Florida Department of Business and Professional Regulation - Professions Division	1940 N. Monroe Street Tallahassee, FL 32399	05/2002 - 07/2003
Law Clerk	McRae & Metcalf	2612 Centennial Place Tallahassee, FL 32308	09/2002 - 11/2002
Bill Analyst / Intern	Florida House of Representatives	1301 The Capitol Tallahassee, FL 32399	09/2001 - 05/2002

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.

I am currently employed as a county judge working at the DeLand Courthouse in Volusia County where I preside over a criminal docket.

Prior to becoming a judge I worked as a prosecutor with the State Attorney's Office where I held a number of different positions, ranging from being a prosecutor for the Career Criminal Prosecution Unit to being assigned as the Drug Unit supervisor to being the Misdemeanor and Juvenile Division Supervisor. While employed at the State Attorney's Office I had the primary responsibility of managing a felony criminal court docket, including intake of cases, motions practice, and trial preparation. Trial preparation included attending depositions and other pre-trial hearings, meeting with witnesses, jury selection, trial, and sentencing hearings.

My "clients" in the most general terms were the citizens of the State of Florida. I always tried to approach my job as a prosecutor with the attitude of trying to determine what would be in the best interests of the citizenry as a whole. That included trying to determine if and when I should give a defendant a chance on community based supervision versus those who should not be left on the streets to possibly hurt others. Sometimes that decision was an easy one to make if someone had either no real prior criminal record or, on the other hand, when someone had an extensive criminal record. Of course there were many different aspects to each case, including whether the evidence would be sufficient at trial to make a prima facie case, whether we had willing and cooperative victims or witnesses, and a number of other factors that played into what kind of plea offer we made. One of the most difficult types of cases I had to deal with were those where a victim of domestic violence had been injured by a spouse and the victim still wanted to drop the charges out of fear of losing a financial benefit if the spouse was incarcerated. There have been times when I had to make the hard choice of prosecuting the accused despite the victim's wishes to drop the charges because I felt that the defendant's history and current conduct posed a danger to my "client" and therefore should not be allowed to just walk away. Other times, of course, even though I felt the defendant presented a danger to my "client", I knew that based on the lack of evidence it would be impossible to proceed with prosecution in good faith and would therefore ultimately cost the State money and resources that could be employed elsewhere and so I had to drop the charges.

During my tenure as a prosecutor, I worked at both the county and circuit court levels. I practiced in front of 5 county court judges: Judge Steven Delaroche, Judge David Beck, Judge Mary Jane Henderson, Judge Stasia Warren, and Judge Belle Schumann. I also appeared regularly before 4 circuit court judges: Judge William Parsons, Judge David Walsh, Judge Julianne Pigotte, and Judge Patrick Kennedy.

As a prosecutor I tried all types of cases in both a jury and non-jury trial format. I prosecuted DUI cases, misdemeanor and felony drug offenses, armed robbery, murder and attempted murder, various types burglary cases, and a host of other types of crimes.

While working as a prosecutor, I was also honored with a number of awards and

recognitions including the Outstanding Prosecutor Award for 2003 and the Prosecutor of the Year award for 2004. These awards were given by the Volusia County Chapter of Mothers Against Drunk Driving.

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>0</u>	%	Civil	<u>0</u> %
Federal Trial	<u>0</u>	%	Criminal	<u>100</u> %
Federal Other	<u>0</u>	%	Family	<u>0</u> %
State Appellate	<u>0</u>	%	Probate	<u>0</u> %
State Trial	<u>100</u>	%	Other	<u>0</u> %
State Administrative	<u>0</u>	%		
State Other	<u>0</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>30</u>	Non-jury?	<u>5</u>
Arbitration?	<u>0</u>	Administrative Bodies?	<u>5</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).

State v. Belle, CRC09-31311CFAES -- Kevin Proulx, Esq., 407-774-6100 : Please see Question #30 for more information about this case.

State v. Allen, CRC09-34141CFAES -- Craig Atack, Esq., 386-239-7730 : I was contacted on the day of jury selection and asked to pick this case up for trial because the other prosecutor on the case was unable to try the case. When I looked at the case the only charge was domestic battery but the police reports indicated that he had also battered the nurse at Halifax Hospital where the incident took place. I filed an amended information containing the additional charge of battery on an EMS worker. At trial, the defendant was found not guilty of the domestic battery but he was convicted on the felony battery against the nurse. He was a habitual offender and qualified for enhanced sentencing under the PRR statute.

State v. Williams, CRC09-32259CFAES -- Mitchell Wrenn, Esq., 386-253-0165 : I co-chaired this case with ASA Mike Willard and it was tried before Judge Hamrick. This was an attempted armed robbery at a Checkers restaurant. The register didn't have any money in it because it was 6:30 a.m. and the defendant became upset and pistol-whipped the victim, causing a large cut to the victim's head. The defendant was linked to the crime by a fingerprint located on the counter and when the defendant was questioned he admitted to the crime. At trial, the defendant recanted his admission and stated the police promised him drug treatment if he would admit to the crime. The jury convicted the defendant on all counts and he was sentenced by Judge Hamrick as a habitual violent offender due to a previous conviction for armed robbery.

State v. Deeble, CRC08-36470CFAES -- Peyton Quarles, Esq., 386-255-4020 : Please see question #30 for more information on this case.

State v. Brinson, CRC08-35031CFAES -- Mitchell Wrenn, Esq., 386-253-0165 : I co-chaired this case with ASA Bryan Feigenbaum and it was tried before Judge Clayton. This case involved a victim who was trying to make a living by going door-to-door selling meat products. The defendant was an acquaintance who called the victim to come make a large sale of meat during the early evening hours. The victim went to the defendant's residence to make the sale but the defendant took the victim to a different location. Upon entering the home with approximately \$800.00 worth of merchandise and a laptop computer used during the sales, the victim was attacked by the defendant and beaten severely. The victim was able to escape and police arrested the defendant. The jury convicted the defendant on all counts. Because the defendant was a repeat violent offender and had recently been released from prison, he was given an enhanced sentence of 30 years in prison.

State v. Maines, CRC08-36109CFAES -- Frank Scott, Esq., 386-239-7730 : Please see question #30 for more information on this case.

- 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).

As a prosecutor I did not engage in mediation of criminal cases and so there were no cases to submit for this question. We did engage in plea negotiations and resolution of the majority of our cases by way of plea bargaining, but I resolved hundreds of cases every year in this manner and I did not keep statistics on cases that resolved through negotiated pleas.



- 27c. During the last five years, how frequently have you appeared at administrative hearings?  
0 average times per month
- 27d. During the last five years, how frequently have you appeared in Court?  
30 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.

n/a

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.

State v. Belle, co-counsel -- Guilty of 2<sup>nd</sup> Degree Murder

State v. Allen, chief counsel -- Guilty of Battery on EMS worker

State v. Williams, chief counsel -- Guilty of Armed Robbery/Agg. Battery (PRR)

State v. Deeble, associate counsel -- Guilty of Leaving an Accident with Death

State v. Sanchez, sole counsel -- Guilty plea entered after jury selection (as charged)

State v. Brinson, associate counsel -- Guilty of Aggravated Battery (PRR)

State v. Maines, associate counsel -- Guilty of Armed Home Invasion (PRR)

State v. Innocent, associate counsel -- Not Guilty

State v. Jackson, chief counsel -- Guilty of lesser included Disorderly Conduct

State v. Hernandez, associate counsel -- Guilty of Home Invasion (PRR)

State v. Kowellessar, associate counsel -- Guilty of lesser included

State v. Powell, associate counsel -- Guilty of Robbery

State v. Utley, chief counsel -- Guilty of Agg. Battery on Person 65 y.o.a. (PRR)

State v. Frazier, sole counsel -- Guilty of Insurance Fraud

State v. Caldwell, associate counsel -- Guilty of Grand Theft/Forgery

State v. Gillins, associate counsel -- Guilty of Felony Battery (PRR)

State v. Flammia, chief counsel -- Guilty of Grand Theft

State v. Ortiz, associate counsel -- Guilty of Dealing in Stolen Property

State v. Kelly, associate counsel -- Guilty of Armed Robbery

State v. Robinson, sole counsel -- Guilty of Agg. Battery

State v. Raymond, associate counsel -- Not guilty

State v. Bell, sole counsel -- Not guilty

State v. Levin, sole counsel -- Not guilty

State v. Abrahamsen, sole counsel -- Not guilty

State v. Valentine, sole counsel -- Guilty

State v. Hiborik, sole counsel -- Guilty

State v. Everetts, sole counsel -- Not guilty

State v. Kidwell, sole counsel -- Not guilty

State v. Cooper, sole counsel -- Not guilty

State v. Schrum, sole counsel -- Guilty

State v. Phillips, sole counsel -- Not guilty

State v. Yambert, sole counsel -- Not guilty

State v. Larlham, sole counsel -- Not guilty

State v. Jones, sole counsel -- Guilty

State v. Stamey, sole counsel -- Guilty

State v. Lombardi, sole counsel -- Guilty

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.

State v. Belle, CRC09-31311CFAES -- Judge Patrick Kennedy, Circuit Court, Daytona Beach, Date Tried: 05/03/10 - 05/07/10, Defense Counsel: Kevin Proulx, Co-counsel: Ed Davis. I was co-counsel on this case and it was my first murder trial. I had previously prosecuted this defendant for narcotics charges and he had recently completed his county jail sentence on those charges when this murder happened. I was involved in the case from the convening of the grand jury and the obtaining of the indictment for 1st degree murder all the way through depositions, jury selection, and trial. It was not an easy case because there was a self-defense argument that was being raised that was hard to overcome. There were many witnesses who appeared for both the State and the defense who testified about a fight that had occurred between the victim and the defendant. This fight grew to eventually include between 5-7 of the relatives of both the defendant and the victim. The State's witnesses testified that the fight was over and everyone had gone their separate ways. Two of the State's witnesses are currently serving prison sentences for sale of narcotics so their credibility was immediately in play at the trial. The defense witnesses initially told police the same story about the fight being over and the different parties having separated, but at trial some of them, including the defendant, changed their testimony, to state that the victim was beating the defendant's brother with a weapon and that was why the defendant stabbed the victim. The problem for the defendant was that even some of his own witnesses testified that he went back to his apartment and saw how beat up he was in the bathroom mirror before he grabbed the knife and ran back out to confront the victim. Some also testified that the defendant's brother was inside the apartment with the defendant, not outside being beat by the victim. In the end, the jury found the defendant guilty of 2nd degree murder. I believe they felt there was no self-defense, but also that given the close proximity in time and location to the fight, there wasn't enough evidence to support premeditation.

State v. Deeble, Case Number 2008-36470CFAES, Judge Charles Harris, Circuit Court, Daytona Beach, Date Tried: 1/7/10 - 1/8/10, Defense Counsel: Peyton Quarles. Co-counsel: Dennis Craig. This case involved an allegation of leaving the scene of an accident involving death where the defendant had crashed his motorcycle in South Daytona which resulted in his female passenger being ejected and killed. The defendant left the scene of the accident and was located at his home approximately 16 hours later. This case was significant for me because it was the first case I tried where the victim was deceased as a result of the defendant's actions. It was also the first case

I was personally involved in litigating where we had DNA evidence to present to the jury. I felt this was a very good learning experience for me to see how DNA evidence is authenticated and introduced into evidence and how testimony regarding DNA can be presented to the jury to help them understand it.

State v. Utley, Case Number 2007-36469CFAES, Judge H. Pope Hamrick, Circuit Court, Daytona Beach, Date Tried: 09/18/2008, Defense Counsel: Ted Zentner, Co-counsel: ASA Brent Gammon, Reason case was significant: This case involved a man in his mid-forties who had a history of violence and had brutally beaten his elderly mother over life insurance money. Even though she was the victim, she paid for a defense lawyer and wanted her son to be found insane in order to receive mental health treatment. She had recently lost her husband and did not want to see her son go to prison for a long time, but she was willing to testify and cooperate if needed. The defendant assumed she wouldn't testify and refused to take any plea offers and forced the State to trial. This was the first case that I had acted as chief counsel where there was a possibility of enhanced sentencing under the prison releasee reoffender (PRR) statute and where the possible punishment was 30 years in prison. A defense of insanity was presented and we were able to overcome that defense and obtain a guilty verdict. The judge sentenced the defendant under the PRR statute to 30 years.

State v. Frazier, Case No. 2006-32015CFAES, Circuit Judge William Parsons, Daytona Beach, Date Tried: 02/22/2007, Defense Counsel: Nancy McClintic. This case was significant because the Defendant had been a guidance counsellor at a local high school and had also been a principal in the Volusia County school system prior to this criminal charge being levied against her. She was accused of falsifying information to her disability insurance company and her automotive insurance company in order to receive financial benefits that she wasn't entitled to receive under her policies. Due to her lack of prior criminal history, her age, and her prior professional experiences, I offered to allow her to repay the monies she fraudulently obtained as part of a pre-trial diversion but she refused to acknowledge any wrongdoing or to repay any monies. The case was very complicated and involved many boxes filled with documentation, surveillance videos, multiple out-of-state witnesses, and also expert medical opinions as to her level of disability. This was my first felony trial that I tried alone and it was a complex 3-day trial. In addition to the time involved in adequately preparing for trial and making travel arrangements for out-of-state witnesses, I also had to keep up with my other responsibilities with the other cases pending on our docket. After an exhausting trial, the jury convicted her on all counts and she was ordered to repay approximately \$50,000 in restitution.

State v. Maines, Case No. 2008-36109CFAES, Circuit Judge Patrick Kennedy, Daytona Beach, Date Tried: 08/13/2009, Defense Counsel: Frank Scott. This case was significant to me for a couple of reasons. First, the case was my first armed burglary of a dwelling where the weapon involved was a firearm and the potential penalty was life in prison. Second, this was a case where my initial feelings about the case and my victims turned out to be totally unfounded. When the case first came across my desk, after reviewing the reports and the victim statements I prejudged the case as being one where the defendant had angered one of my victims and they had decided to try to get him back by making up the charges. I initially had trouble locating and speaking with all of my victims and I thought that was because they were ignoring me in an effort to have the charges dropped. I had an investigator get involved to locate the victims and then I discovered that the reason I was having trouble locating them was because they had

moved out of fear for their personal safety. After speaking with the victims I realized this was an incident where the defendant knew that these 3 young women were living alone in an apartment and he forced his way into the apartment with a firearm in an effort to commit, in my opinion, some type of sexual assault on the women. The defendant was surprised to find that 2 of the girls had their boyfriends over, both of whom were football players for Bethune-Cookman's football team. The case went to trial and the defendant was found guilty as charged and sentenced to life in prison as a prison releasee reoffender.

State v. Gillins, Case No. 2006-34203CFAES, Circuit Judge William Parsons, Daytona Beach, Date Tried: 04/04/2007, Defense Counsel: James Jacobs. I was involved in working this case up for trial and I sat as associate counsel for the trial. This case was significant for me for a couple of reasons. First, it was the first case I was involved in prosecuting where the Defendant was subjected to enhanced sentencing penalties as a Violent Habitual Offender. That required that I do a lot of preliminary work to make sure we could prove his prior record in order to seek the enhanced penalties. Second, this case was significant because of the way the Defendant had brutally beaten the victim and then the victim, who was a long-time girlfriend, became uncooperative and did not want to prosecute. The victim started working behind our backs with the Defendant to not appear for trial. We ended up having to drive with an investigator to Ocala to secure the victim's presence at trial. Once the victim's family found out we were prosecuting the case, they were extremely happy because they said the Defendant had been brutalizing the victim for many years. After a difficult 2-day trial, the jury convicted the Defendant and he was sentenced to the maximum sentence allowed by law.

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.

For my writing sample I have attached an Order that I drafted on a Motion to Suppress filed in a case I recently handled. The issue was the application of the Fellow Officer Rule and whether there was probable cause to investigate a DUI and make an arrest for DUI based on recent case decisions from the Florida Supreme Court. Because of the recent Bowers decision there has been much confusion regarding the application of the Fellow Officer Rule, which required me to conduct a substantial analysis of the history of the rule and it's current application.

**PRIOR JUDICIAL EXPERIENCE OR PUBLIC OFFICE:**

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

Yes

- 32b. List any prior quasi-judicial service:

<i>Dates</i>	<i>Name of Agency</i>	<i>Position Held</i>
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Types of issues heard:

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

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.

Aaron Delgado, 386-295-9212, 227 Seabreeze Boulevard, Daytona Beach, FL 32118

David M. Russell, 386-299-2120, 213 Silver Beach Avenue, Daytona Beach, FL 32118

Bruce Johns, 386-256-2586, 944 S. Ridgewood Avenue, Daytona Beach, FL 32114

Michael Politis, 386-767-0911, 730 Dunlawton Avenue, Port Orange, FL 32127

Kayla Hathaway, 386-437-4116, 901 E. Moody Blvd., Bunnell, FL 32110

John C. Revis, 386-253-3677, 648 S. Ridgewood Avenue, Daytona Beach, FL 32114

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

As a county judge I have handled thousands of cases of different kinds over the years, obviously some cases being given greater attention than others depending on whether I was covering another judge's docket or handling the case at first appearance or seeing the case through to trial.

I have presided over a county civil docket involving matters of small claims disputes, disputes between \$5000.00 and \$15,000.00, landlord/tenant disputes, county and city ordinance violations, and traffic court cases. I have also presided over a county criminal docket where I have handled cases dealing with domestic battery, DUI, theft, and other various misdemeanor offenses. During my time as a county judge, I have presided over 13 county civil non-jury trials, 17 criminal jury trials, and 1 circuit civil jury trial.

I have also filled in at the circuit level handling dependency court, juvenile court, felony court, circuit civil court, drug court, injunctions, and family court.

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

State v. Jacobs, 22 Fla. L. Weekly Supp. 831a

State v. Tapscott, 22 Fla. L. Weekly Supp. 604a

State v. Walsh, 21 Fla. L. Weekly Supp. 79a

State v. Swalina, 20 Fla. L. Weekly Supp. 430a

Emergency Med. Assoc. of Florida, LLC v. First Acceptance Ins. Co., Inc., 19 Fla. L. Weekly Supp. 396b

(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.

Carol Rose v. Josephine Moss, 2014-11745CIDL, Attorneys Susan Tolbert (Plaintiff) and Domonico Tirado (Respondent), Civil Jury Trial August 17, 2015 through August 20, 2015. This was significant to me because it was my first circuit civil jury trial and it was a case that involved numerous expert witnesses testifying for both sides of the case. I was contacted by Judge Raul Zambrano the week before trial and he asked if I would be able to cover the jury trial for him. This case was scheduled for four days and it was the first time I presided over a civil jury trial. The issues involved claims of personal injury resulting from a motor vehicle accident where plaintiff was seeking both compensatory and punitive damages for medical expenses, personal pain and suffering and other quality of life complaints. The defense was denying any liability due to the low speed of the accident and the plaintiff's pre-existing injuries. After 4 days of testimony, the jury was instructed on the law and deliberated for about 1 hour before returning a verdict in favor of the defendant.

Certified Signs, LLC v. Express Bail Bonds, 2011-30482COC1, Attorneys Ronald Nour (Plaintiff) and Bruce Johns/Mitchell Wrenn (Respondent), Hearing on Attorney Fees held June 6, 2012. This case was significant because it was my first hearing on attorney's fees as a judge, and the claim was significant. The case was filed in small claims court and revolved around a contract dispute that ultimately went to trial with Judge Robert Sanders presiding. After rendering a verdict in the case, Judge Sanders found that there was no prevailing party after trial, thereby negating any attempt to recover attorney's fees by either party. The Plaintiff appealed that ruling to the circuit court, and that court, acting in an appellate capacity, determined that Plaintiff was the prevailing party and therefore entitled to reasonable attorney's fees. Upon taking office and being assigned to the county civil division, I was assigned the case and presided over the hearing where the Plaintiff's attorney presented billing records showing approximately \$65,000 for attorney's fees for the small claims case. Expert witnesses testified that the fees were reasonable and the defendant's attorneys did not present any evidence to contradict the Plaintiff's claim. Upon reviewing the case law on the issue of attorney's fees and the evidence presented at the hearing, I determined that an appropriate award for both the trial work and the appellate work was

approximately \$32,000. The Plaintiff's attorney appealed my ruling and the circuit court, acting in its appellate capacity, remanded the case back for me to make more specific findings as to why I was reducing the award. I then issued an amended order with more specific findings of fact which was again appealed by Plaintiff's attorney. My amended order was then Affirmed on appeal.

State of Florida v. Jeremy DeGroat, CTC14-105754MMDL, Attorneys Latisha James (State) and Andrew Jetton (Defense), case set for trial the week of April 29, 2015. This was a charge of domestic battery involving a divorced couple where the Defendant had allegedly grabbed the Victim by the back of the neck and pushed her out of his home. The Victim was claiming injuries although none were observed by law enforcement on scene. The Defendant denied battering the victim and stated he only grabbed her by the back of the neck when she refused to leave his residence. The only witnesses to the case were the couples 2 minor children, who had told police at the scene that their dad did grab their mom by the back of the neck and throw her out of the house. The Defendant had full custody of the children due to the Victim's drug use and other dangers she presented to the children. The attorney for the State was intent on prosecuting the case even though the children's testimony was wavering at the time of trial. It seemed that the Victim was pushing the case to trial in an effort to gain leverage against the Defendant in the child custody case in family court. The defense attorney had very little client control and couldn't convince him to take any plea offers. I had to intervene to an extent as the judge in the case to help the parties see the problems with the case going to a jury. If the state had persisted, the children would be put in the awkward position of having to testify against their dad, who was their caregiver. They would either have to say that he did grab their mother by the neck, thereby opening the door to a conviction and possible jail for their dad, or they would have to say they lied to the police and they really didn't see their dad grab their mother's neck. If their dad was convicted of battery and sent to jail, the children would then be placed in foster care until a suitable home could be found for them. Once I spoke to all the parties and helped them see the pitfalls for both sides, they came to an amicable resolution of the case to avoid having the children testify against their parents.

State v. James Jackson, CTC14-102702, Attorneys David Russell (State) and James Bleakley (Defense), Jury trial on February 25, 2015. This was a case involving a charge of indecent exposure. The victims alleged that the Defendant pulled up in front of their house while they were in the driveway trying to start their car at about 9:00 a.m. The victims were all caucasian and the defendant was African-American. They said that when he pulled up to the house he had the windows on his car rolled down and that he was looking at them while masturbating in plain view of the women. When he realized that the victims were calling 911, he drove off. One of the victims obtained a partial tag number and a description of the car as well as a description of the perpetrator. Eventually the police developed the Defendant as a suspect and put his picture in a photo line-up. The manner in which the police developed him as a suspect was through an officer that wasn't available to testify at trial. An objection was made to any hearsay testimony being presented to the jury regarding what that officer did during his investigation. The State did not present anything for my consideration that would have allowed the hearsay testimony to be presented so I granted the defense's motion. One



woman picked his picture in the line-up while another victim selected someone else's picture. The third victim couldn't identify anyone in the line-up. The victims described the car as a black Saturn, but the Defendant's car was a dark purple Saturn and his tag number matched the partial tag given by the victims. During the trial I could tell that the defense attorney was doing a good job of pointing out the inconsistencies in the State's case. I could also tell that the State was not doing a very good job of overcoming some of those arguments being made by the defense. Based on the evidence I was convinced that the Defendant was guilty of the charge but the jury found him Not Guilty. This case was important for me because as a judge I have to always set aside my personal feelings about one or both of the parties involved in the case and I have to follow the law. In this case, it was important that I remain neutral and not give the State any guidance or direction in presenting their case, and it was important that my evidentiary rulings remain consistent with the law even where I knew it was likely to result in important evidence not being presented to the jury.

Professional Construction and Restoration, Inc. v. Security First Ins. Co., 2011-31539COCI, Attorneys Danny Phillips (Plaintiff) and Guy Burnette, Jr. (Defendant), Motion for Summary Judgment hearing June 8, 2012. This case involved a contract dispute where an insurance company was refusing payment to the plaintiffs because the defendant alleged that the plaintiffs did not do the work that they had contracted to do after a fire in a residential home. This case was significant for me because the case had been litigated heavily by the parties and had been on the docket for a long time before I even took the bench. The defendant had filed a motion for summary judgment alleging a number of defenses: Illegal Activity Invalidating Contract, Statute of Limitations for Breach of Implied Contract, Failure of Plaintiff to Join Indispensible Party, Doctrine of Laches, Waiver and Estoppel Defense, Breach of Contract by Plaintiff. Up to that point in my career, I had practiced primarily in the arena of criminal law as a prosecutor and had not dealt with some of these legal doctrines since I was in law school. I had to spend time in the law library and on Westlaw re-educating myself on many of those legal doctrines so that I would be prepared when the lawyers made their arguments to me. On the day of the hearing for summary judgment, the Plaintiff's attorney apparently realized he had not filed a response to the defense's motions. He then filed his response immediately prior to the hearing. As the rule of procedure required him to serve any response to the motion for summary judgment 5 days prior to the hearing or no later than 5 p.m. at least 2 days before the hearing, the defense attorney moved to strike the plaintiff's response. After determining that the response was untimely filed, I granted the defense motion and held the hearing on the legal arguments. Because the facts were not in dispute due to the failure of plaintiff's counsel to timely file their response, I then had to consider whether those undisputed facts established that the defense was entitled to summary judgment. I spent a long time researching the legal issues and then drafting an order that addressed each issue. This was significant because it helped refresh my memory and helped me to grow as a judge presiding over a civil docket.

- (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 that I am aware of.

(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.

### **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.

Yes, I have been a part-time adjunct instructor in the paralegal degree programs at both Daytona State College, Seminole State College, and Everest University. I taught Legal Writing at Daytona State during the Fall 2004 and Spring 2005 semesters. I have continuously taught classes online as an adjunct faculty at Everest University since April 2004 through the Present, and I taught a legal writing class at Seminole State College approximately 6 years ago. These degree programs are primarily students seeking an associates or bachelors degree in paralegal or criminal justice studies.

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.

I have been compensated for teaching classes at Everest University and at Seminole State College at the rate of approximately \$1800.00 per class.

### **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 do not have any particular type or classification of cases that I would be uncomfortable handling as a judge.

As a judge it is always critically important to remain unbiased and fair in every case, and

it's important to try to never present even an appearance of impropriety or bias. As such, my neighbor, Michael Olshefski, is an attorney who handles some civil matters. We are friends and we socialize frequently since we live next door to each other. The first time he had a case on my docket I determined it would be best to recuse myself from handling any of his cases. The reason for that decision was not because of any impropriety on the part of either of us, but merely to avoid any appearance of favoritism or bias.

**MISCELLANEOUS:**

- 35a. Have you ever been convicted of a felony or a first degree misdemeanor?  
Yes \_\_\_\_\_ No X 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 X 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 X 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?

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.

n/a

45. List any honors, prizes or awards you have received. Give dates.

Book award recipient, Florida State University College of Law, 2002

MADD Outstanding Prosecutor Award, 2003

MADD Prosecutor of the Year Award, 2004

J.J. Martin Leadership Award, 2017

46. List and describe any speeches or lectures you have given.

I have not given any speeches or lectures directed at a group of my peers, but I do have public speaking experiences, outside of my judicial duties that I believe are relevant.

First, I have appeared at local school functions where I have given speeches to students regarding the importance of obtaining as much education as possible and where I have explained to the students some of the general ideas behind our system of government and law. I also described some of the career opportunities to the students that they might be interested in pursuing within the practice of law.

I have also taught classes to boy scouts working on their Citizenship in the Community, Citizenship in the Nation, and Citizenship in the World merit badges. These 3 merit badges are required for any scout seeking his Eagle Scout award. These lectures are typically 45 minutes in length and go over some of the basic principles of government, including the founding of the United States, the origins of the Constitution and the Bill of Rights, and the system of checks and balances inherent in our system of government. I have also taught merit badge courses on Law Enforcement, Crime Prevention, Law, and Personal Management skills.

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 Association

- 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.

Boy Scouts of America, Assistant Scout Master/Committee Member/Merit Badge Councillor, 2004 - Present

Port Orange Police Athletic League Board of Directors

Y.M.C.A. Youth Basketball, Coach

Y.M.C.A. Youth Soccer, Coach

Port Orange City League Youth Basketball, Assistant Coach

S.P.A.R.C. Volunteer

American Bar Association

The Church of Jesus Christ of Latter-day Saints, 1<sup>st</sup> Councillor to Bishop Bill Hellums (2014-Present), Elder's Quorum President (2011-2014), Young Men's Organization President (2006-2010), Elder's Quorum president, Sunday School President / Teacher

(1995-2000), Volunteer Missionary (Argentina Trelew Mission, 1992-1994)

48c. List your hobbies or other vocational interests.

Scuba diving, canoeing, kayaking, running, bicycling, camping, hiking, travelling with my family, and reading

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

No

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

Children's Advocacy Center, Florida State University College of Law (2002). I worked as a Florida Supreme Court certified legal intern under the direction of Paolo Anino, the Center's director, to provide legal advice and/or assistance to women and children who were unable to retain legal counsel to assist in various legal matters ranging from custody issues to seeking injunctions for protection from an abusive spouse or significant other.

#### **SUPPLEMENTAL INFORMATION:**

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

Yes, primarily in the area of criminal law but those seminars have included ethics and mental illness awareness credits also. These seminars have typically been presented by the Florida Prosecuting Attorneys Association and include updates on statutory laws and case decisions in the criminal law field. The ethics credits are generally relating to obligations of prosecutors to deal ethically and fairly with all and not to engage in malicious prosecution techniques.

I have also attended continuing judicial education programs, including our annual county judge conference where we receive legislative updates, instruction on inter alia judicial ethics, jury selection, rules of civil and criminal procedure, and issues relating to specialty courts like Veteran's Court, Drug Court, and Baker Act/Marchman Act hearings.

The mental illness awareness components have dealt with updates on various programs and legal developments associated with insanity and competency issues that we see on a regular basis in the criminal court system. These mental illness awareness credits have been very helpful and should be required for all lawyers, but especially those who work in the criminal courts. It is imperative that we, as a civilized society, act appropriately to deal with those among us who cannot be held responsible for their actions due to mental defects or illness in the same manner as those who commit offenses and know perfectly well what they are doing. I feel it is also extremely important to be educated on these issues so that we can identify and prohibit those who would try "game the system" or to use mental illness as an excuse to commit crimes and then get away without any real punishment for their actions.

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?

Yes, I have been a part-time instructor for Everest University, Seminole State College, and Daytona State College where I have taught legal classes in the paralegal degree programs. The courses I have taught included torts, contract law, family law, legal writing, constitutional law, as well as a number of other areas.

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

We need judges at all levels of the court system who are ethical, impartial, and treat everyone who appears before them in a fair and just manner. We need judges sitting on the bench who have experience in the courtroom and know how a courtroom should operate so that the extremely heavy dockets can be moved along as quickly and judiciously as possible. We need judges sitting on the bench who know the law and are able to apply that law and the rules of procedure and evidence. I believe I bring all of those attributes to the bench with me.

As a prosecutor, I tried hundreds of criminal cases at the misdemeanor, juvenile, and felony levels. That experience taught me the rules of criminal procedure and the rules of evidence, it taught me how to prioritize and move cases along as quickly as possible, and it taught me how to handle myself in the courtroom in a manner that reflected positively on the legal profession.

As a county judge, I have presided over almost all categories of cases that a judge could be called upon to handle. I have presided over a civil docket where I handled issues relating to landlord/tenant disputes, small claims and county civil disputes of all types, attorney's fee hearings, and issues relating to mediation and other forms of alternative dispute resolution. I have also presided over a criminal docket where I have had to make rulings on motions to suppress evidence, plea and sentencing hearings, and jury trial work. I have also had to fill in at the circuit level and handle hearings on issues relating to family law matters, injunction hearings, felony trial work, dependency hearings, juvenile trial work, and civil trial work.

During all of that time as a judge, I have always treated people with respect and fairness and I have never had a complaint filed against me with the Judicial Qualifications Commission. I have established a reputation as a judge who knows the law, knows how to move cases along, and who treats people with common decency and respect.

Additionally, my work with the Boy Scouts of America program would be a benefit because the BSA program helps to instill young men with values that reflect honesty, hard work, integrity, and constant intellectual growth. My involvement with the BSA program also reflects not only a dedication to helping youth develop their talents and abilities through sacrifice of my personal time, but it also would help me to relate to and connect with youth coming through the court system for various reasons, whether they be family-related matters or in the juvenile justice system. Furthermore, through the BSA I have had the opportunity to attend and be involved in various leadership training seminars wherein I have learned valuable organizational skills that would benefit me as a judge.

Another unique experience that I had was that I spent 2 years working as a volunteer missionary for my church in the Patagonia region of Argentina from 1992-1994 when I was 19 and 20 years old. During this time I was immersed in another culture and

language and that experience helped me to appreciate not only the great blessings we enjoy in the United States of America, but also helped me to know how to understand and relate to issues and concerns that might affect those coming through the court system that come from other cultures. During that time I learned to speak and read Spanish fluently and I have tried to keep that ability to speak a second language as much as possible.

Finally, I worked my way through law school while supporting my wife and 3 kids and, as stated previously, since law school I have worked hard as a prosecutor and as an instructor to keep my education and my skills as current as possible. I feel that having worked in various capacities for 2 of the 3 branches of government will serve me well in understanding the fundamental constitutional roles that each branch of government should play in our lives as citizens of this nation.

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

See Question #50 above.

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.

Judicial Nominating Commission, 7<sup>th</sup> Judicial Circuit, Summer 2010 and Spring/Fall 2011 for a number of prior judicial openings during that time frame. I also submitted applications to this Commission in October 2015 for 2 open circuit seats and in May 2016 for an open circuit seat.

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

I believe that judges should be courteous and willing to listen to all sides before making their rulings. This requires an individual who is humble, hard-working, and has the life-experience necessary to realize that they are not always right just because they are the judge on the case. I have worked with judges who are willing to listen to all arguments before making his or her decision. I have also worked with judges who have, in my opinion, lost touch with the idea that a judge should be respectful to those who appear in their courtroom, whether those parties be plaintiffs, defendants, or attorneys. There have been stories written of judges in this state and other states who behave unprofessionally when things do not go exactly their way in the courtroom. We need judges on the bench who run their courtrooms in a manner that is welcoming to all who have business to conduct therein.

Additionally, because judges have such heavy court dockets, they also must possess the ability to process large amounts of facts and information and apply the law to that information to make sound legal rulings. As a county judge and as a prosecutor before that, I was able to process hundreds of cases each month and make decisions on those cases based on the law and the facts involved. I believe that those who have worked with me in the court system would agree that I have the intelligence and wisdom to do that. That ability is a skill that I would use on a daily basis as a judge to move my case docket along while making decisions that are founded on the law.

Finally, judges should be servants of the people inasmuch as they seek to make sure



our legal system's integrity is maintained and that the rights of the citizens of this circuit are protected. I think persons who have spent a lot of time giving of themselves in the service of others are the kinds of people we would want on the bench. I have a long history of volunteerism, dedication to family, a strong work ethic, a varied work background, and I believe those who know me and have worked with me would say that I am the kind of person we need sitting on the bench in this great State of Florida.

**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.

Dan Smith, 5822 Antigua Drive, Port Orange, FL 32127, 386-212-3377

Andrew P. Collins, Boyd & Jenerette, P.A., 201 N. Hogan St., Ste. 400, Jacksonville, FL 32202, 904-335-0939

Bill Hellums, 1804 Arash Circle, Port Orange, FL 32128, 386-760-7607

Michael Kurey, 101 N. Alabama Avenue, B304, Deland, FL 32724, 386-822-5770

Sean G. Perkins, Morgan and Morgan, P.A., 20 N. Orange Ave., Suite 1600, Orlando, FL 32801, 954-682-6425

Kevin Taylor, 710 Glades Court, Port Orange, FL 32127, 386-547-5473

Randy Brett, 450 Merrimac Drive, Port Orange, FL 32127, 386-763-4611

Judge R. Lee Smith, 1769 Moody Blvd., Bldg. 1, Bunnell, FL 32110, 386-313-4515

Judge Karen Foxman, 125 East Orange Avenue, Suite 301, Daytona Beach, FL 32114, 386-257-6090

John C. Revis, 648 S. Ridgewood Avenue, Daytona Beach, FL 32114, 386-253-3677

## 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 16 day of August \_\_\_\_\_, 2017.

\_\_\_\_\_  
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

In lieu of answering the questions on this page, you may attach copies of your completed Federal Income Tax Returns for the preceding three (3) years. Those income tax returns should include returns from a professional association. If you answer the questions on this page, you do not have to file copies of your tax returns.

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.

2014: 138,019 judicial salary; 2015: 138,019 judicial salary; 2016: 138,019 judicial salary

Total: 414,057 judicial salary

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.

Same as Question #1

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

2014: 15,397 income from Everest University teaching online classes; 2015: 19,500 income from Everest University teaching online classes; 2016: 9,500 income from Everest Universtiy teaching online classes. Total: 44,397 income from teaching classes online

4. State the amount of net income you have earned or losses incurred (after deducting expenses) from 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.

Same as Question #3

## 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: \_\_\_\_\_

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

Name (please print): \_\_\_\_\_

Current Occupation: \_\_\_\_\_

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

Gender (check one):       Male       Female

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

County of Residence: \_\_\_\_\_

*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:

Steven Charles Henderson

Signature of Applicant:

\_\_\_\_\_

Date: August 16, 2017