

**APPLICATION FOR NOMINATION TO THE CIRCUIT COURT**

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

**DATE:** 8-17-17 Florida Bar No.: 0044167

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

1. Name DANIEL KARL HILBERT E-mail: dkhilbert@gmail.com

Date Admitted to Practice in Florida: 10/08/2007

Date Admitted to Practice in other States: N/A

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

ASSOCIATE ATTORNEY, CANAN LAW, PA

3. Business address: 1030 N. PONCE DE LEON BLVD

City SAINT AUGUSTINE County Saint Johns State FL ZIP 32084

Telephone (904) 824-9402 FAX (904) 824-9269

4. Residential address: \_\_\_\_\_

City SAINT AUGUSTINE County Saint Johns State FL ZIP 32095

Since 2014 Telephone (904) 252-4988

5. Place of birth: SAINT LOUIS, MISSOURI

Date of birth: 09/29/1979 Age: 37

6a. Length of residence in State of Florida: 14 YEARS (SINCE FALL 2003)

6b. Are you a registered voter?  Yes  No

If so, in what county are you registered? SAINT JOHNS COUNTY

7. Marital status: MARRIED

If married: Spouse's name BETHANY K. HILBERT

Date of marriage 11/29/2008

Spouse's occupation TEACHER

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

<i>Name(s)</i>	<i>Age(s)</i>	<i>Occupation(s)</i>	<i>Residential address(es)</i>
Grayson Hilbert	6	N/A	
Sloane Hilbert	3	N/A	

9. Military Service (including Reserves)

<i>Service</i>	<i>Branch</i>	<i>Highest Rank</i>	<i>Dates</i>
N/A	N/A	N/A	N/A
Rank at time of discharge	<u>N/A</u>	Type of discharge	<u>N/A</u>
Awards or citations	<u>N/A</u>		

**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.

In December of 2011 I strategically defaulted on a Loan and eventually negotiated a settlement where I paid a large lump sum of money to the creditor, Discover Bank. I was not taken to court and there is no judgment outstanding. I generated debt putting myself through law school, getting married, having a child, and having my child hospitalized with pneumonia 3 months after birth after changing health insurance. I feared that I would be unable to handle any future unforeseen major expenses and strategically defaulted to create breathing room in my finances so that I could pay off my other debt and prepare for anything i.e. child illness or loss of job. In no way, shape or form will this interfere with my ability to work in a competent and professional manner as it was a one-time necessity. There have been no financial issues before or since this one time issue several years ago.

- 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>
Westminster College	Graduated	Aug 1998 - May 2003	Bachelor of Art
Florida Coastal School fo Law	Graduated	Aug 2003 - May 2006	Juris Doctorate
Saint Louis Community College - Meremac	N/A	Jan 2000 - May 2000	N/A
Saint Louis Community College - Forest Park	N/A	Jun 2000 - Jul 2000	N/A

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

Board Certified in Criminal Law: Fall 2016

Law School GPA: 3.05

Dean's Scholar Award (Top 10%): Fall 2005

Dean's List Awards (Top 20%): Spring 2004/Spring 2005/Spring 2006

Mock Trial Team: 2004 - 2006

Best Advocate Mock Trial Team 2006

Best Trial Team: Trial Practice Competition 2005  
 Best Objections: Trial Practice Competition 2005  
 Best Oral Advocate: Lawyer Process Spring 2004  
 Honor Court Justice: Fall 2005 - Spring 2006  
 Pupil to Chester Bedell Inn of Court: 2005 - 2006  
 Criminal Law Society (Secretary 2004)  
 Humanitarian Service Award: 2006  
 Teacher Assistant to Trial Practice Class: Fall 2005  
 Teacher Assistant to Lawyering Process II Class: Fall 2005  
 Member of Phi Delta Theta Fraternity  
 Member of Westminster Football Team  
 Certificate of Appreciation for Operation "Rock Star" a Tri-County Narcotics Task Force  
 Prosecution

**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>
Jimmy's Café on the Park	Waiter / Chef	Jimmy Cristo	No Longer in Business Clayton, MO 63105
Eagle Group, LLC	General Labor for Residential Home Rehabilitation Company	Jim Crews	No Longer in Business Saint Charles, MO
Tap Room, LLC Florida Coastal	Bartender	Stacy Clinton	No Longer in Business Fulton, MO
School of Law	Study Group Teacher	Odessa Alm	8787 Baypine Road, Jacksonville, FL 32256

**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>
State of Florida	10/8/2007
United States District Court - Middle District of Florida	2/17/2011

**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>
Assistant State Attorney	7th Judicial Circuit State Attorney's Office	410 Saint Johns Avenue, Palatka, Florida 32178	2007-2009
Assistant State Attorney	4th Judicial Circuit State Attorney's Office	220 East Bay Street, Jacksonville, Florida 32202	2009-2010
Associate Attorney	Alexander Law Firm, LLC	19 Old Mission Avenue, Saint Augustine, Florida 32084	2010-2014
Associate Attorney	Canan Law	1030 N. Ponce De Leon Blvd, Saint Augustine, Florida 32084	2015-Present

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.

Current Practice: I currently am working in a general practice. I concentrate in the areas of Criminal Law, Family Law, Civil Litigation and Personal Injury. I also do some transactional work for businesses and individuals; mostly revolving around contract drafting and review.

Typical Client: On a weekly basis I will routinely visit with clients dealing with the following issues: Criminal Defense, including expungements and sealings and traffic cases; Divorce, Child Custody, Alimony and Injunctions; Personal Injury, Automobile Accidents, Premises Liability; and Contract issues, to include non-compete contracts, landlord/tenant disputes, ejectments and evictions.

Outside of the typical criminal, family, contract and personal injury cases. I have specifically, but less often, handled cases in the following areas: Appeals, including conducting an Oral Argument before both the 5<sup>th</sup> DCA and Circuit Court Judges J. Michael Traynor and Howard Maltz; foreclosure; tax malpractice; small claims cases; termination of parental rights; Marchman Act proceedings; dangerous dog litigation; HOA violations; NOAA violations; and civil theft/fraud.

Finally, outside of specific individuals, I currently represent or have previously represented the following businesses: a pre-school, a pest control company, a construction company, a restaurant, a photographer, a landscaper and an engineering firm.

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>15</u> %
Federal Trial	<u>0</u> %	Criminal	<u>65</u> %
Federal Other	<u>0</u> %	Family	<u>15</u> %
State Appellate	<u>1</u> %	Probate	<u>0</u> %
State Trial	<u>98</u> %	Other	<u>5</u> %
State Administrative	<u>1</u> %		
State Other	<u>0</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? 34 Non-jury? 30+  
 Arbitration? 0 Administrative Bodies? 2

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.

In January of 2005, I was hired by J. Scott Nooney along with two other law clerks to write demand letters for his Personal Injury Law Firm. Around that April, Mr. Nooney hired two additional attorneys to grow his practice and expand into other areas of litigation. At the same time, I was accepted as an Intern at the County Prosecutor's Office in Saint Louis, Missouri for that summer beginning in June. As a result, I was terminated early to clear salary for the new attorneys and was selected over the other two interns because of my pending internship.

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).

See Attached Exhibit A for Specific Details, Here are the last 1<sup>st</sup> Chair Trials

- (1) Howard Trial (St. Johns): Sam Frazer. Office of the State Attorney (904) 209-1620
- (2) Howard Trial (Flagler): Joe Ledonne. Office of the State Attorney (386) 313-4300
- (3) Gebert Trial: Angela Rogers. Office of the State Attorney (352) 374-3670
- (4) Tinsley Trial: Kelsey Bledsoe (904) 348-2720 and Ben Rich (904) 209-1620
- (5) Burchfield Trial: Kelsey Bledsoe (904) 348-2720 and Richard Price (386) 283-3335
- (6) Allen Trial: Doug Stanford (904) 853-2612

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) State v. Richard Henneberger (2017CF2082) Tim Pribisco 904-209-1620
- (2) Rys v. Cassata (2014DR2045) Steve Alexander 904-824-9788
- (3) State v. Karin Westerman (2016CT1733) Valeriy Avanesov 904-209-1620
- (4) State v. Wayne Pellicer (2016CF0928) Mitch Bishop 904-209-1620
- (5) State v. Jody Hyde (2015CF0419) Jason Lewis 904-209-1620
- (6) State v. Joan Raulerson (2017MM0587) Valeriy Avanesov 904-209-1620

27c. During the last five years, how frequently have you appeared at administrative hearings?  
1-2 average times per month

27d. During the last five years, how frequently have you appeared in Court?  
15+ 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? 99% Defendants?  
1%

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.

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) 09/22 - 09/27/2008: State of Florida v. Baldemar Riojas, Sr. 2005CFMA0653 - First Chair

Opposing Counsel: Brad Bradley (386) 312-0811 and Robert Fields (386) 325-2041.

Judge: Circuit Court Judge Ed Hedstrom in Putnam County, Florida.

Facts: The Defendant was charged with 6 counts of Attempted Murder. This was the largest shooting in Putnam County history, or so I was told. The Trial lasted 6 days and revolved around an issue of self defense. The Defendant, a member of the Mexican Mafia, lived directly across the street from the Victims, who were all members of the Latin Kings. The Jury found the Defendant not guilty because, no matter how hard I tried, I could not get the victims to admit they also fired firearms during the shootout. It was my firm belief that they did so in self-defense and the Defendant was the aggressor based upon the fact that all 6 of my victims were either shot in the side or the back while attempting to escape the shootout. However, that is a hard sell to a jury beyond a reasonable doubt without full victim cooperation. I learned more from this loss than any of my victories. This holds true almost 10 years later.

(2) 04/09/2009: State of Florida v. Ronnie Dale Quillan. 2008CFMA090 - First Chair

Opposing Counsel: John Stephenson (352) 475-2901.

Judge: Circuit Court Judge Ed Hedstrom in Putnam County, Florida.

Facts: The Defendant was charged with trafficking in a large quantity of Oxycodone. This case sticks out in my mind because the supervising officer violated the rule of sequestration with another testifying officer. While not traditionally a problem (it happened in a prior trial of mine with the DEA), the supervising officer subsequently lied under oath and denied discussing the case in violation of the rule. Unfortunately for him, the other officer had already admitted the transgression. I ultimately pled the case mid-trial, however, I learned a lot from that experience. Additionally, Mr. Stephenson is a very experienced and talented litigator; any time you can try a case against someone like that, you walk away a better lawyer.

(3) 08/27 - 08/28/2009: State of Florida v. Dale Bernard Green. 2008CF1908 - First Chair

Opposing counsel: John Stephenson.

Judge: Circuit Court Judge Ed Hedstrom in Putnam County, Florida.

Facts: The Defendant was charged with Arson for attempting to burn his girlfriend alive

while sleeping in her home. The Defendant had served over ten years in prison on a prior charge of aggravated kidnapping of a prior girlfriend. I have listed this case because you do not get many chances to deal with complex Arson cases; additionally, I did not know I was going to be trying the case till the Monday morning of Jury Selection when my docket partner fell ill. The only part I played in the case prior to the Jury Selection was sitting in on the Deposition of the Fire Marshall. Other than that, I had not talked to one witness or read one report. I had to get up to speed quickly, especially since I was facing Mr. Stephenson who is a very experienced litigator.

(4) 12/05/13: In re K.L., a Minor Child. DP11-0069 - Second Chair

Opposing Counsel: Joe Anthony, Esq., (904) 531-9092; Courtney Fluegel, RCC (904) 797-8111.

Judge: Circuit Court Judge John M. Alexander in St. Johns County, Florida.

Facts: We represented the Foster Parents of a young child - who had been placed in care for over 2 years - in a Petition for Termination of Parental Rights. He was removed from his family for very serious reasons. Ultimately, we won the trial and he was permanently placed with the Foster Parents. I handled the appeal of this matter as well and the Judgment was upheld. Very rewarding trial and appeal as we gave the minor child a greater chance at a normal life.

(5) 01/23/17: State v. Kasim Howard, 2014CF0561 - First Chair

Opposing Counsel: Joe Ledonne. (386)313-4300.

Judge: Circuit Court Judge Dennis Craig in Flagler County, Florida.

Facts: I represented Mr. Howard on four charges of Aggravated Assault with a Firearm and one count of Carrying a Concealed Firearm. This was probably the most nerve racking trial I have had because my client was facing serious prison time if we lost. I appreciated that my client said from the beginning that he was not going to plea. It was actually a little bit freeing to just take a case from the beginning and prepare for trial versus fret over the negotiation process. I feel fortunate to have won the trial.

(6) 04/26/17 - 04/28/17: Dhillon et al v. Avvaru et al., 2012CA1427 - First Chair

Opposing Counsel: Tushaar Desai (407) 895-8707.

Judge: Circuit Court Judge Michael Orfinger presiding in St. Johns County, Florida.

Facts: This was the most complex civil litigation I have had to date. The matter revolved around an IT Staffing Company and a dispute that arose between 5 different business "partners." Ultimately, the partners reached an impasse in their attempt to amicably wind down and the plaintiffs sued my client and the business for a variety of causes of action. We countersued and added a few more causes of action and litigated the matter for five years. We held a non-jury trial this year. After three days of trial, the Judge ruled in my client's favor on all counts. I enjoyed the change of pace with a civil trial versus the extra stress added to a criminal trial that revolves around your client's possible long term incarceration.

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.

Please See Attached Exhibit B1 and B2:

(1) Petition for Writ of Certiorari, Bernard Rossignol v. DHSMV 2013CA1726

(2) Motion to Dismiss, State v. Moses King 2017CF0041

**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.

I will be filing paperwork to announce my candidacy for the Circuit Court, Circuit 7 Group 15, on or about September 1, 2017. This seat is currently in Saint Johns County, Florida, and will be open in 2018 due to the age retirement of Judge J. Michael Traynor.

32b. List any prior quasi-judicial service:

<i>Dates</i>	<i>Name of Agency</i>	<i>Position Held</i>
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N/A

N/A

N/A

Types of issues heard: N/A

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.

N/A

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

N/A

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

N/A

(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.

N/A

(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.

N/A

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

N/A

(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.

N/A

**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.

President - Saint Johns County Sports Club (Non-Profit Organization) -- Dedicated to Honoring Local Sports. I have just resigned in anticipation of the upcoming election as I cannot fundraise while running a campaign.

Board Member - City of Saint Augustine Rotary Club (Non-Profit Organization) - I will resign if appointed but will remain a member of Rotary wherever I am placed.

Manging Member - Rental Property 101, LLC - For profit online marketing business (non-law related). I will continue to operate the business. I am the sole member and will retain the business.

Board Member - Unlicensed Practice of Law Committee B. I will resign if appointed.

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.

August 2017 to Present: Adjunct Professor, Flagler College.

January 2017 to Present: Rental Property 101, LLC.

June 2013 to Present: Adjunct Professor of Legal Studies, Florida State College at Jacksonville.

October 2009: Mock Trial Team Coach for the NYC Civil Rights Competition in Great Neck, NY, Florida Coastal School of Law.

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.

Adjunct Professor

Florida State College at Jacksonville

2013: \$3930.00

2014: \$4005.23

2015: \$6010.65

2016: \$3780.00

**POSSIBLE BIAS OR PREJUDICE:**

34. The Commission is interested in knowing if there are certain types of cases, groups of entities, or extended relationships or associations which would limit the cases for which you could sit as the presiding judge. Please list all types or classifications of cases or litigants for which you as a general proposition believe it would be difficult for you to sit as the presiding judge. Indicate the reason for each situation as to why you believe you might be in conflict. If you have prior judicial experience, describe the types of cases from which you have recused yourself.

None.

**MISCELLANEOUS:**

35a. Have you ever been convicted of a felony or a first degree misdemeanor?

Yes \_\_\_\_\_ No XX If "Yes" what charges? \_\_\_\_\_

Where convicted? N/A Date of Conviction: N/A

35b. Have you pled nolo contendere or pled guilty to a crime which is a felony or a first degree misdemeanor?

Yes X (DPA) No No Plea If "Yes" what charges? Misdemeanor Stealing and Destruction of Property

Where convicted? NOT Convicted -- Missouri in 1998 Date of Conviction: NOT Convicted - Deferred Prosecution in 1998

35c. Have you ever had the adjudication of guilt withheld for a crime which is a felony or a first degree misdemeanor?

Yes \_\_\_\_\_ No XX 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.

I believe I was involved as a class action plaintiff in the BarBri class action lawsuit. I never hired/retained any counsel or filed any petition or pleading. Here is the website detailing the suit: <http://www.barbri-classaction.com/barbri/default.htm>

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. Although, in full disclosure, I did have an informal hearing with the Florida Board of Bar Examiners about my arrest history prior to being admitted to the Florida Bar.

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.  
No

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

Law School GPA: 3.05 - Top 20%

Dean's Scholar Award (Top 10%): Fall 2005

Dean's List Awards (Top 20%): Spring 2004/Spring 2005/Spring 2006

Mock Trial Team: 2004 - 2006

Best Advocate Mock Trial Team 2006

Best Trial Team: Trial Practice Competition 2005

Best Objections: Trial Practice Competition 2005

Best Oral Advocate: Lawyer Process Spring 2004

Humanitarian Service Award: 2006

Certificate of Appreciation for Operation "Rock Star" a Tri-County Narcotics Task Force Prosecution

Board Certified Criminal Trial Lawyer - 2016

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

I teach Business Law at Flagler College.

I teach Litigation for Paralegals at Florida State College at Jacksonville.

On May 19, 2017, I presented on Criminal Procedure for the Florida Bar - Young Lawyer Division's Basic Criminal CLE.

On April 3, 2017, I presented on Ethics and the Unlicensed Practice of law for the Paralegal Program at Florida State College at Jacksonville.

On February 17, 2016, I presented on Cross Exam with Sabrina Slack for a 1 hour CLE in St. Johns County for the St. Johns County Bar Association.

On January 22, 2015, I presented Jury Selection with Judge McGillin for a 1 hour CLE in St. Johns County for the St. Johns County bar Association.

On August 22, 2014, I presented to the Flagler Association of Realtors regarding the "Do's and Don'ts of Property Management"

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.

Saint Johns County Bar Association - Treasurer (2013), Secretary (2014), VP (2015), P (2016)

Putnam County Bar Association - I believe from 2007-2014.

Unlicensed Practice of Law Committee - I believe from 2013 - 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.

Saint Johns County Sportsclub - 2012 - Present: Past President

Saint Augustine Rotary Club - 2011 - Present: Board Member

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

Reading

Adventure Racing, Road Races, Obstacle Course Races, Biking and Sports in General

Saint Louis Cardinals Baseball and Sports in General

- 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.

In 2015, I began a personal policy that I would carry one pro-bono client at all times. I have one requirement that they sign up through St. Johns County Legal Aid for verification. This ensures that I am helping someone truly in need and that Legal Aid can get credit for my hours. I am currently representing a woman in her divorce. She makes less than \$25,000.00 per year and has four children, one of which has a serious medical issue, and her husband just walked out on her and gave her no financial support. I have spent over 30 hours on her case this current year.

Previously, I have represented a gentleman with cancer in a breach of contract dispute over his rent to own home and I have represented a family in a dispute with the county who wanted to take their dog from them. I have also done some clinic hours with legal aid.

**SUPPLEMENTAL INFORMATION:**

- 49a. Have you attended any continuing legal education programs during the past five years?



If so, in what substantive areas?

Yes. Most recently in the area of Criminal Law for my board certification.

See Attached Exhibit "C" for more detail.

- 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?

See #46.

In addition, I have coached or guest coached several mock trial teams. More recently, I have been helping with the Flagler College Trial Team in 2017.

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

None.

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

I offer the citizens of the 7<sup>th</sup> judicial circuit, the legal community, and the local bench a diverse background filled with passion, commitment, and fundamental fairness. I have been blessed to work with strong organizations and companies that have provided for uninhibited growth both in my legal and personal life. As one of my mentors, Frank Talbot told me, "You have made the most of your law degree to date." I think I have continued with that mindset since he last told me that in 2012. I believe I have a strong foundation in a variety of areas of law and understand what trial lawyers go through when they take a case into the courtroom. There are days the Bailiff's joke I am there more than they are! I fully admit I have made mistakes in the past. I have accepted responsibility for those mistakes, corrected the error of my ways, and have avoided repetition. In the end, I am passionate about the practice of law and equally passionate about treating people with dignity and respect. As such, I promise to be knowledgeable of the law, diligent with a strong work ethic, compassionate when necessary, and firm when required.

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.

7<sup>th</sup> Circuit JNC - 2012

7<sup>th</sup> Circuit JNC - 2014

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

None.

#### **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.

1. Judge Joe Boatwright (386) 329-0269, PO Box 101, East Palatka, FL 32131.

2. Judge Alexander Christine (904) 827-5659, 4010 Lewis Speedway, Saint Augustine, FL 32084
3. Patrick Canan, Canan Law Firm, (904) 824-9402, 1030 N. Ponce De. Leon Blvd, Saint Augustine, FL 2084
4. J.Stephen Alexander, Alexander Law Firm (904) 824-9788, 19 Old Mission Ave, Saint Augustine, FL 32084.
5. Michael Orr, Dawson and Orr (904) 358-8300, 50 N Laura St, Suite 1675, Jacksonville, FL 32202.
6. Nick Martino, Martino Law, Florida State College (904) 616-2920, 572 Ponte Vedra Blvd, Ponte Vedra Beach, FL 32082.
7. Alyssa Camper, Alyssa Camper Law (904) 814-7891, 255 West King Street, #204, St. Augustine, FL 32084.
8. Jason Gropper, Public Defender's Office (904) 607-7818, 407 N. Laura St., Jacksonville, FL 32202.
9. Daniel Mowrey, Mowrey, Shoemaker and Beardsley, (904) 824-5711, 2801 N. Third Street, St. Augustine, FL 32084.
10. Graham Harris, Bailiff, (904) 599-2706, 6505 Pine Circle West, St. Augustine, FL 32095

**CERTIFICATE**

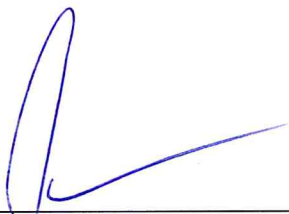
I have read the foregoing questions carefully and have answered them truthfully, fully and completely. I hereby waive notice by and authorize The Florida Bar or any of its committees, educational and other institutions, the Judicial Qualifications Commission, the Florida Board of Bar Examiners or any 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 17 day of August, 2017.

DANIEL K. MILBOR

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

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.

2016: Associate Attorney, Canan Law Firm: \$104,283.74

2015: Associate Attorney, Canan Law Firm: \$84,296.39

2014: Associate Attorney Alexander Law Firm: \$96,350.02

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.

2016: \$83,989.73

2015: \$70,594.06

2014: \$74,373.33

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.

Florida State College at Jacksonville

2016: \$3,780.00

2015: \$6,010.65

2014: \$4,005.23

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.

Florida State College at Jacksonville:

2016: \$3,721.54

2015: \$6,010.65

2014: \$3,942.43

## 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: 8/17/14

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

Name (please print): Daniel Karl Hilbert

Current Occupation: Attorney

Telephone Number: (904) 824-9402 Attorney No.: 0044167

Gender (check one):  Male -  Female

Ethnic Origin (check one):  White, non Hispanic

Hispanic

Black

American Indian/Alaskan Native

Asian/Pacific Islander

County of Residence: Saint Johns County

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.

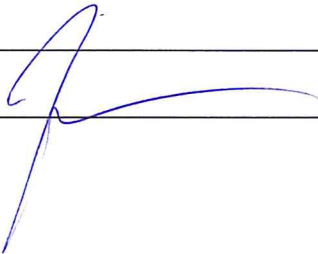
CONSUMER'S AUTHORIZATION FOR FDLE  
TO OBTAIN CONSUMER REPORT(S)

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:

Daniel K. Hilbert

Signature of Applicant:



Date: 8/17/17

# Exhibit A

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Jury Trials						
#	Date	Parties	Case #	County	Charge	Result
<b>ASSISTANT STATE ATTORNEY</b>						
1	02/07/07	State v. Bulgin	2006CTMA14877	Duval	DUI	Guilty
2	10/25/07	State v. Shivers	2007CFMA1014	Putnam	Burglary	Not Guilty
3	11/29/07	State v. Hansen	2007MMMA2183	Putnam	Criminal Mischief Battery	Guilty Not Guilty
4	01/09/08	State v. Harvey	2007MMMA2418	Putnam	Battery	Not Guilty
5	2/7/08 - 2/8/08	State v. Chase	2007CFMA0106	Putnam	Sex Battery Sex Battery L&L Battery L&L Battery	Not Guilty Guilty (L) Guilty Guilty
6	02/20/08	State v. Brigante	2007MMMA3076	Putnam	DUI	Guilty
7	02/21/08	State v. Gill	2007MMMA3547	Putnam	DUI	Guilty
8	03/26/08	State v. Claypool	2007MMMA5426	Putnam	DUI	Guilty
9	08/19/08	State v. Osborne	2007FMA2073	Putnam	DUI Resist w Violence Poss <20g MJ DWLSR	Not Guilty Guilty (L) Not Guilty Pled Guilty
10	09/09/08	State v. Fuqua	2008CFMA0256	Putnam	Attempt Sale of Cocaine	Not Guilty
11	9/22/08 - 9/27/08	State v. Riojas, Sr.	2005CFMA0653	Putnam	Attempt. 2nd Degree Murder	Not Guilty
12	12/03/08 - 12/04/08	State v. Williams	2007CFMA2426	Putnam	Burglary	Pled Guilty
13	02/03/09	State v. Williams	2008CFMA0097	Putnam	PFCF	Guilty
14	3/25/09 - 4/3/09	State v. Williams	2008CFMA1844	Putnam	Robbery w Firearm	Guilty
15	04/09/09	State v. Quillin	2008CFMA0901	Putnam	Trafficking	Pled Guilty (L)
16	08/25/09	State v. Tucker	2009CFMA0121	Putnam	Burglary	Not Guilty
17	8/27/09 - 8/28/09	State v. Green	2008CFMA1908	Putnam	Arson	Guilty
18	10/20/09	State v. Staten	2008CFMA2567	Putnam	Robbery w Firearm Robbery w Firearm Prin Agg Batt w Firearm Trafficking	Hung Jury
19	11/17/09	State v. Smith	2008CFMA2567	Duval	Sale of Cocaine Poss Cocaine Possession <20g MJ Conspiracy to Traffick	Guilty Guilty Guilty Guilty Not Guilty

20	11/17/09	State v. Bell	2007CFMA10919	Duval	Trafficking Sale of Cocaine Poss Cocaine Possession <20g MJ Conspiracy to Traffick	Not Guilty
21	11/19/09	State v. Harvey	2009CFMA6072	Duval	Attempt Armed Robbery	Guilty
22	02/23/10	State v. Dexter, Jr.	2009CFMA8611	Duval	Attempt Murder w Firearm PFCF	Guilty Guilty
23	03/10/10	State v. Prince	2009CFMA2498	Duval	Attempt Murder w Firearm PFCF	Guilty
24	09/14/10	State v. Brown	2010MMA1055	Clay	Battery	Guilty
25	09/15/10	State v. Pferrer	2009CFMA3693	Clay	DUI	Guilty
26	10/15/10	State v. Cortez	2010MMMA1790	Clay	Resisting wo Violence	Guilty
27	10/15/10	State v. Aguilar	2010MMMA1789	Clay	Resisting wo Violence	Guilty
<b>PRIVATE PRACTICE</b>						
28	11/01/10	FCSO v. Johnson (Rep'd Sheriff)	2008CA1973	Flagler	Civil Forfeiture	Won Final Judgment
29	01/26/11	State v. Allen	2010CTMA1236	St. Johns	DUI	Guilty
30	11/29/11	State v. Burchfield	2011MMMA1754	St. Johns	Domestic Battery	Not Guilty
31	11/30/11	State v. Tinsley	2011MMMA1458	St. Johns	Battery	Not Guilty
32	07/10/13	State v. Gebert	2012CT3926	Alachua	DUI	Not Guilty
33	01/30/17	State v. Howard	2014CF0561	Flagler	Aggravated Assault w Deadly Weapon x 4 Carry a Concealed Firearm	Not Guilty
34	02/24/17	State v. Howard	2016MM0729	St. Johns	Assault on LEO Resisting w/o Violence	Not Guilty

# Exhibit B1

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

CASE NO.:  
DIVISION:

NOTICE TO CLERK: THIS PETITION IS  
FILED PURSUANT TO RULE 9.100(f) OF  
THE FLORIDA RULES OF APPELLATE  
PROCEDURE

BERNARD ALAN ROSSIGNOL,  
Petitioner,

vs.

DEPARTMENT OF HIGHWAY  
SAFETY AND MOTOR VEHICLES,  
Respondent.

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**PETITION FOR WRIT OF CERTIORARI**

Petitioner, by and through the undersigned counsel, hereby requests this Honorable Court grant this Petition and relief sought herein and would state as grounds therefore and in support thereof the following:

**JURISDICTIONAL STATEMENT**

This Petition for Writ of Certiorari is sought pursuant to Florida Statutes Section 322.2615(13)(2010) and Florida Statutes Section 322.31(2010). Jurisdiction is conferred upon this Court pursuant to Rule 9.030(c)(3) of the Florida Rules of Appellate Procedure. The procedures which govern this Court's exercise of jurisdiction are found in Rule 9.100 Florida Rules of Appellate

Procedure. Additional procedures which govern this Court's exercise of jurisdiction are also found in Rule 9.190 Florida Rules of Appellate Procedure. This Petition for Writ of Certiorari is timely filed.

### **PRELIMINARY STATEMENT**

Petitioner shall be referenced as Petitioner or "Rossignol." Respondent shall be referred to as Respondent or "Department." Reference to the appropriate page(s) of the October 15, 2013, proceedings shall be made by T. followed by the page number(s) and line number(s). Reference to the appropriate page(s) of the supporting appendix shall be made by A. followed by the page number(s).

### **FACTS**

On or about September 16, 2013, Officer Frank Hammond, of the Saint Augustine Beach Police Department, arrested the Petitioner for driving under the influence of alcohol (DUI). (A. 3-8) The Department administratively suspended the Petitioner's driver's license on the date of his arrest. (A. 10) Petitioner requested a formal review of this administrative suspension with the Bureau of Administrative Reviews and retained counsel. The formal review hearing was conducted on October 15, 2013. (A. 10-14) On October 22, 2013, the formal review hearing officer issued his Findings of Fact, Conclusions of Law and Decision upholding the Petitioner's suspension of his Florida driver's license. (A.

10-14) The hearing consisted solely of review of the applicable affidavits, and the facts alleged are as follows:

On September 16, 2013, at 3:02 a.m., Sgt. Hartshorne with the Saint Augustine Beach Police Department made contact with the Petitioner who was asleep in the driver's seat of his parked motor vehicle located at his residence at 129 15<sup>th</sup> Street, Saint Augustine Beach, Saint Johns County, Florida. (A. 3, 5, & 7) Officer Frank Hammond of the Saint Augustine Beach Police Department responded as a back-up officer to the scene shortly thereafter. (A. 7)

Upon arrival, Ofc. Hammond observed the Petitioner's vehicle parked in the right of way in front of 129 15<sup>th</sup> Street South, facing east. (A. 7) Ofc. Hammond specifically noted in his report in parenthesis: "(area posted no parking)." (A. 7) At that time, Ofc. Hammond noted that Sgt. Hartshorne was speaking with Mr. Rossignol. (A. 7) Sgt. Hartshorne asked for the Petitioner for identification and Mr. Rossignol allegedly refused to provide the same. (A. 7) Ofc. Hammond then, after additional alleged requests, opened the driver's side door of Mr. Rossignol's vehicle and removed him from the vehicle, while simultaneously noting that "Led Zepplin" was playing on the stereo. (A. 7) Ofc. Hammond noted a strong odor of alcoholic beverage, bloodshot/watery eyes and slurred/mumbled speech. (A. 7) Mr. Rossignol allegedly admitted to drinking that night and eventually consented to both providing identification and to Field Sobriety Exercises. (A. 7) Mr.

Rossignol performed the HGN, walk and turn, and one-leg stand for Ofc. Hammond and allegedly showed “indicators of impairment” on all three tests. (A. 6-8) Mr. Rossignol was then placed under arrest for driving under the influence and secured in Ofc. Hammond’s patrol car. (A. 8)

According to the Offense Report, Ofc. Hammond requested Mr. Rossignol to provide a sample of his breath, and allegedly read him the Implied Consent law at 3:28 a.m. (A. 8) Mr. Rossignol consented to providing a sample of his breath and was then transported to the Saint Johns County Detention Center wherein Ofc. Hammond turned him over to Officer C. Raley to conduct the breath test. (A. 8)

After additional inquiry by Ofc. Raley, Mr. Rossignol allegedly refused to provide a breath sample and, therefore, Ofc. Raley allegedly read him the Implied Consent law. Mr. Rossignol supposedly maintained his refusal to provide a breath sample. (A. 8) According to the State of Florida Affidavit of Refusal to Submit to Breath, Urine, or Blood Test, Ofc. Raley read implied consent at 3:25 a.m. (A. 9) It should be noted that this would have actually occurred three (3) minutes prior to Ofc. Hammond’s review of the Implied Consent law *at the scene* of the alleged offense according to the time listed on the Offense Report. (A. 8)

At the hearing on October 15, 2013, the Petitioner via counsel moved to invalidate the suspension of Mr. Rossignol’s driver’s license on the grounds that (1) Ofc. Hammond did not have reasonable suspicion or probable cause to stop and

investigate Mr. Rossignol; (2) that Ofc. Hammond did not have reasonable suspicion to conduct a DUI investigation; (3) that the evidence does not establish that Mr. Rossignol was properly read the Implied Consent law; and (4) that the evidence shows that Implied Consent was read prior to arrest. (A. 13)

On October 22, 2013, the hearing officer entered an order denying the Petitioner's motions and upheld the administrative suspension of the Petitioner's driver's license. (A. 10-14). This appeal follows.

### **RELIEF SOUGHT**

Petitioner asks this court to grant this Petition for Writ of Certiorari and enter an order quashing the driver's license suspension in this case that was entered effective October 22, 2013, and reinstate the Petitioner's driving privilege. *Dobrin v. Dep't of Highway Safety and Motor Vehicles*, 874 So. 2d 1171 (Fla. 2004) *reh. denied*. (Fla. May 27, 2004).

### **STANDARD OF REVIEW, LEGISLATIVE AUTHORITY**

### **AND BURDEN OF PROOF**

The standard of review for a Petition for Writ of Certiorari to the Circuit Court, which requests this court review an administrative order, is set forth in *City of Deerfield Beach v. Vaillant*, 419 So. 2d 624 (Fla. 1982). In *Vaillant*, the Florida Supreme Court ruled as follows:



“Where a party is entitled as a matter of right to seek review in the circuit court from administrative action, the circuit court must determine whether procedural due process is accorded, whether the essential requirements of the law have been observed, and whether the administrative findings and judgment are supported by competent substantial evidence.” *Id.* at 626. Furthermore, the circuit court is not permitted to reweigh the evidence or substitute its judgment for that of the agency. *Educ. Dev. Ctr., Inc. v. City of W. Palm Beach Zoning Bd. of Appeals*, 541 So. 2d 106, 108 (Fla. 1989).

The burden of proof in a DHSMV formal review hearing lies with Department to prove that, “...there was substantial compliance with the rule, as permitted under section 316.1934, Florida Statutes.” *Dep't of Highway Safety & Motor Vehicles v. Farley*, 633 So. 2d 69, 71 (5<sup>th</sup> DCA 1994)

## ARGUMENT

### ISSUE ONE

**OFFICER FRANK HAMMOND DID NOT HAVE REASONABLE SUSPICION OR PROBABLE CAUSE TO STOP AND DETAIN BERNARD A. ROSSINGOL TO CONDUCT ANY CRIMINAL INVESTIGATION.**

**Florida Statute §316.1945** provides that “...no person shall:

**(a) Stop, stand, or park a vehicle:** **1.** On the roadway side of any vehicle stopped or parked at the edge or curb of a street. **2.** On a sidewalk. **3.** Within an intersection. **4.** On a crosswalk. **5.** Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless the Department of Transportation indicates a different length by signs or markings. **6.** Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic. **7.** Upon any bridge or other elevated structure upon a highway or within a highway tunnel. **8.** On any railroad tracks. **9.** On a bicycle path. **10.** At any place where official traffic control devices prohibit stopping. **11.** On the roadway or shoulder of a limited access facility, except as provided by regulation of the Department of Transportation, or on the paved portion of a connecting ramp; except that a vehicle which is disabled or in a condition improper to be driven as a result of mechanical failure or crash may be parked on such shoulder for a period not to exceed 6 hours. This provision is not applicable to a person stopping a vehicle to render aid to an injured person or assistance to a disabled vehicle in obedience to the directions of a law enforcement officer or to a person stopping a vehicle in compliance with applicable traffic laws. **12.** For the purpose of loading or unloading a passenger on the paved roadway or shoulder of a limited access facility or on the paved portion of any connecting

ramp. This provision is not applicable to a person stopping a vehicle to render aid to an injured person or assistance to a disabled vehicle. (A. 15-17)

**Florida Statute §316.003(27)** provides that, “Park or parking.—The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading merchandise or passengers as may be permitted by law under this chapter.” (A. 21)

**Florida Statute §316.003(52)** provides that, “Stop or stopping.—When prohibited, any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or to comply with the directions of a law enforcement officer or traffic control sign or signal.” (A. 23)

**Saint Johns County Ordinance No. 2006-58(5)(a)** provides that, “...no person shall:

(1) Stop, stand, or park a vehicle or trailer: **A.** On the roadway side of any vehicle stopped or parked at the edge or curb of a street. **B.** On a sidewalk. **C.** Within an intersection. **D.** On a crosswalk. **E.** Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless indicated a different length by County approved signs or markings. **F.** Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic. **G.** Upon any bridge or other elevated structure upon a highway or within a highway tunnel. **H.** On any railroad tracks. **I.** On a bicycle path. **J.** At any place where official traffic control devices

prohibit stopping. **K.** Within 30 feet of any mailbox between 8:00a.m. and 6:00 p.m., on any public highway section with speed limit greater than 30 miles per hour. (A. 32-33)

**Saint Johns County Ordinance No. 2006-58 Section 2.** provides no definition of “Park,” “Parking,” “Stop,” or “Stopping,” however, it does state that “Where definitions are not specifically prescribed in this ordinance, the definitions prescribed in Title XXIII of the Florida Statutes shall prevail.” (A. 31)

**Saint Augustine Beach, Florida, Code of Ordinances, Part II, Chapter 19, Article II, Sec. 19-30,** provides that, “ (a) It is unlawful for the operator of a vehicle to stop, stand or park such vehicle in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control signal: **(1)** Within eight (8) feet of a street intersection; **(2)** On a crosswalk; **(3)** Upon any public sidewalk, bicycle or pedestrian path; **(4)** Within fifteen (15) feet of any fire hydrant; **(5)** In front of the entrance to any theater, hotel or church; **(6)** Alongside or opposite any street excavation or obstructions when such stopping, standing or parking would obstruct traffic; **(7)** Abreast of any vehicle stopped or parked at the edge of the curb or street, or what is commonly known as double parking; **(8)** In front of a public or private driveway; **(9)** Upon any bridge or runway to a beach; **(10)** At any place where official signs or markers prohibit stopping, standing or parking;

(11) Upon any paved or main traveled part of the roadway which obstructs the normal traffic flow; (12) Against the flow of traffic. (A. 44)

**Saint Augustine Beach, Florida, Code of Ordinances, Part II, Chapter 19, Article II, Sec. 19-31**, provides that, “(a) Stopping, standing or parking is prohibited as follows: (1) ... to stop, stand or park such motor vehicle upon the shoulder or berm portion of A1A Beach Boulevard between its intersection with State Road A1A and its intersection with Pope Road... (2) ... to park a motor vehicle upon First and Third Streets from their intersection with the east right-of-way of A1A Beach Boulevard east to the Atlantic Ocean, or on the rights-of-way thereof. (3) ... to park a vehicle upon "A" Street, including the shoulder or berm portion thereof ... (4) ... to stop, stand or park a motor vehicle upon any portion of the public right-of-way adjoining A1A Beach Boulevard between 15th Street and "E" Street which is designated as a "no parking" area on the map of plazas on file and available for public inspection ... (5) ... to stop, stand or park a motor vehicle upon any portion of any plaza adjacent to or abutting "D" Street except any such plaza which also abuts A1A Beach Boulevard. (6) ... to stop, stand or park a motor vehicle upon any portion of Sabor de Sal Road lying south of its intersection with Ocean Trace Road and a point west and north of 17 Sabor de Sal Road otherwise identified as that portion of Sabor de Sal Road lying within five hundred ninety-five (595) feet of its intersection with Ocean Trace Road,

including the shoulder or berm portion thereof. **(7)** ... to stop, stand or park a motor vehicle upon the north side of Pope Road lying between its intersection with A1A Beach Boulevard and State Road A1A South, including the shoulder or berm portion thereof. **(8)** ... to stop, stand or park a motor vehicle on those portions of Versaggi Drive and Sandpiper Boulevard, including the shoulder or berm portion thereof, which may be adjacent to or abutting properties which are commercially zoned or those portions of such streets as shall be within two hundred (200) feet of a commercial zone. **(9)** Reserved. **(10)** ... to stop, stand or park a motor vehicle upon the east side of Mickler Boulevard between Pope Road and "A" Street, including the shoulder or berm portion thereof. **(11)** ... to stop, stand or park a motor vehicle upon pavement of that portion of "C" Street east of A1A Beach Boulevard. **(12)** ... to park on the pavement at any time and off the pavement along the north side of 4th Street east of Beach Boulevard between 6:00 p.m. and 6:00 a.m. ... **(13)** ... to stop, stand or park a motor vehicle upon the north side of that portion of 11th Street between State Road A1A, formerly State Road 3, and the maintenance road serving the east side of the 11th Street Lake, including the shoulder or berm portion thereof. **(14)** ... to stop, stand or park a motor vehicle upon that portion of 1st Lane east of A1A Beach Boulevard, including the shoulder or berm portion thereof ... **(15)** ... stop, stand or park a motor vehicle upon of the north side of 11th Street between State Road A1A and

Mickler Boulevard and on the north side of 16th Street, including the shoulder, sidewalks or berm portions thereof. **(b)** Parking signs in conformance with this section shall be placed by officers or employees of the city which shall comply with the regulations promulgated by the state department of transportation when such regulations are applicable.” (A. 44-46)

In the case at hand, Ofc. Hammond stated as an aside that the Petitioner was “... sitting in the right-of-way in front of 129 15<sup>th</sup> Street facing south east (area posted no parking).” (A. 7) However, he failed to indicate how the area was “posted” no parking, who “posted” the no parking notice, whether the no parking notice was “official,” whether the no parking notice was a “traffic control device,” and what “area” the no parking notice is referring to. Reading the Offense Report and Probable Cause Affidavit one is left to speculate as to the mere conclusion drawn by Ofc. Hammond that Mr. Rossignol was in violation of some law, without more. Moreover, it should be noted that Ofc. Hammond did not cite Mr. Rossignol for violation of any parking statute or ordinance.

Looking at the law more specifically: Clearly, Mr. Rossignol was not in violation of Fla. Stat. §316.1945, as that statute discusses traffic control devices that prohibit “stopping” only<sup>1</sup>. (A. 16) The exact same can be said about County

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<sup>1</sup> Fla. Stat. §316.003 clearly defines “stopping” as something different than “parking.”

Ordinance No. 2006-58, which specifically tracks F.S. §316.1945 in this regard and discusses traffic control devices that prohibit “stopping” only. (A. 32-33) We are therefore only left with Saint Augustine Beach Ordinance Sec.19-30(10) which does prohibit parking, “At any place where *official signs or markers* prohibit stopping, standing or parking.” (emphasis) (A. 44-46)

In *DHSMV v. Roberts*, the 5<sup>th</sup> District Court of Appeal reviewed the issue of whether the Petitioner (DHSMV) proved that the Florida Highway Patrol trooper made a “legal” stop of Respondent’s (Roberts) vehicle for speeding. 938 So.2d 513, 514 (A. 52) The Court restated a well-worn area of law that, “... to justify a warrantless stop an officer must have an articulable, reasonable suspicion that a violation of the law has occurred.” *Id.* (A. 52) In said case, the Circuit Court made the determination that the affidavits at the DHSMV formal review hearing, “...were insufficient to establish an objective basis upon which to conclude that the officer’s suspicions were reasonable.” *Id.* (A. 52)

In doing so, the Circuit Court found that the *only* evidence of Roberts’ speeding was a reference in the affidavit that the trooper, “Observe [sic] the above name [sic] defendant violate F.S.S. 316.187(1) by traveling 71 mph in a 45 mph speed limit area.” *Id.* (A. 52) Ultimately, the 5<sup>th</sup> District Court of Appeals upheld the Circuit Court’s finding and stated that, “... based upon the limited facts



provided in the affidavit, we conclude that reasonable suspicion was lacking.” Id. at 515 (A. 53)

Applying the facts and law of the *Roberts* case to the matter at hand, the Department has failed to meet their burden that Officer Hammond had reasonable suspicion to stop and investigate Mr. Rossignol for DUI. While Ofc. Hammond may have noted that the area was posted no parking and that the Petitioner was parked “illegally,” this is a conclusion akin to stating that the defendant was “traveling at 71 mph in a 45 mph speed limit area.” The Beach City Ordinance clearly requires that the no parking notice be an “official [sign] or [marker].” (A. 44-46) Here, the Department has failed to provide any evidence that the parking notice was “official,” or was a “sign” or a “marker.” Furthermore, aside from the conclusory allegation of “illegal parking” Ofc. Hammond cited to no other facts to support that Mr. Rossignol’s vehicle was parked illegally even if the Court were to find that there was enough evidence to show an “official [sign] or [marker].” Failing in their attempt to derive reasonable suspicion from the parking of the Petitioner’s vehicle, the Officer’s lacked any other reasonable suspicion to confront the Petitioner.<sup>2</sup>

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<sup>2</sup> *Danielewicz v. State*, 730 So.2d 363, 634 (2<sup>nd</sup> DCA 1999) (Police officer’s observation of defendant apparently asleep in legally parked car with engine and air conditioning running was insufficient to establish well-founded suspicion that

In conclusion, it is ultimately the Department's burden to show that there was reasonable suspicion to detain the Petitioner to conduct a DUI investigation and they have failed to meet that burden. Therefore, this writ should be granted as to issue one.

## ISSUE TWO

**BERNARD A. ROSSIGNOL WAS NOT PROPERLY GIVEN THE IMPLIED CONSENT WARNING REQUIRED BY LAW AS A PREDICATE FOR THE CONCLUSION THAT HE REFUSED TO SUBMIT TO THE BREATH TEST.**

In *DHSMV v. Trimble*, the First District Court of Appeals reviewed the finding of the Circuit Court that, "... the documentary evidence presented by the Department, which was the only evidence submitted to prove its case, was legally insufficient to constitute CSE [Competent Substantial Evidence] on the [implied consent] warning issue, because the documents were hopelessly in conflict and the discrepancies on the critical facts went unexplained." 821 So.2d 1084, 1086 (A. 64) More specifically, the Circuit Court cited to the fact that the arresting officer's sworn Affidavit of Refusal to Submit to Breath, Urine or Blood Test recited that on September 27, 2000, at 11:40 p.m., Trimble was arrested for DUI. *Id.* (A. 64)

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defendant was or was about to become involved in criminal activity, as would justify investigative stop.) (A. 62)

However, the same Affidavit later recounted that the request for breath was made at 12:45 a.m. on September 27, 2000. Id. (A. 64) Even worse, a printout from the Breathalyzer machine reflected that the refusal occurred at 12:47 a.m. on the 27<sup>th</sup> and the officer's own Alcohol Influence Report stated that implied consent was actually given at 12:50 a.m. on the 27<sup>th</sup>. In upholding the Circuit Court's findings to quash the suspension due to the conflicting times, the 5<sup>th</sup> DCA opined that, "The hearing officer's finding that Trimble was given a consent warning before her refusal could have rested as much on the flip of a coin as on the documentary evidence submitted." Id. at 1087 (A. 65)

In the case at hand, it appears that the Petitioner was stopped by the officers at 3:02 a.m. (A. 3, 5, & 7) It allegedly took some time to awake him and get him out of the car, requiring the efforts of both Officers. They then had to ask him preliminary questions, gain consent to conduct field sobriety exercises, find a suitable location to conduct field sobriety exercises, and to actually conduct field sobriety exercises, to wit: the HGN, the walk and turn and the one leg stand. Ofc. Hammond then had to arrest Mr. Rossignol, read him Miranda, and read him the Implied Consent law, which allegedly occurred at 3:28 a.m, and secure Mr. Rossignol's vehicle.

After this lightning fast DUI investigation, which apparently only took 26 minutes, Ofc. Hammond then had to transport Mr. Rossignol from Saint Augustine

Beach to the Saint Johns County Detention Center wherein he was allegedly re-read Implied Consent by Ofc. Raley at **3:25 a.m.** This case, and these facts, directly line up with *Trimble*, as the conflicts in the evidence propounded by the sworn affidavits are “hopelessly in conflict” and the Department has failed to explain the discrepancies.

In conclusion, it is ultimately the Department’s burden to show that the Petitioner was appropriately read Implied Consent prior to his refusal to submit. Seeing as it is truly impossible to tell when Implied Consent was read to Mr. Rossignol, they have failed to meet that burden. Therefore, this writ should be granted as to issue two.

### CONCLUSION

This writ should be granted and the suspension of the Petitioner’s driving privilege should be quashed as the Department has failed to meet their burden of proof to establish competent substantial evidence that there existed reasonable suspicion to stop and investigate the Petitioner and also has failed to show that implied consent was appropriately read to the Petitioner prior to his refusal to submit to the breath test.

Respectfully submitted this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY a copy hereof has been furnished to General

Counsel, Department of Highway Safety and Motor Vehicles, Division of Driver Licenses, Neil Kirkman Building, Tallahassee, Florida 32399, counsel for the Respondent, by \_\_\_\_\_, this the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

**CERTIFICATE OF COMPLIANCE**

Counsel certifies that this reply was typed using Times New Roman font size 14 and double spaced.

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DANIEL K. HILBERT, ESQ.  
Fl. Bar No. 0044167  
Alexander Law Firm, LLC  
19 Old Mission Ave.  
Saint Augustine, FL 32084  
(904) 824-9788  
dan@thealexanderlawfirmllc.com  
**ATTORNEY FOR PETITIONER**

# Exhibit B2

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

CASE NUMBER: 17CF0041  
DIVISION: 56

STATE OF FLORIDA

v.

MOSES JAMES KING, IV.  
\_\_\_\_\_

**MOTION TO DISMISS**

**COMES NOW**, the Defendant, **MOSES JAMES KING, IV**, by and through the undersigned counsel and files this Motion to Dismiss pursuant to Fla. R. Crim. P. 3.190(c)(4) and as grounds would allege:

**FACTS**

1. On August 3, 2016, in the County of St. Johns, State of Florida, detectives with the Saint Johns County Sheriff's Office attempted to conduct a controlled purchase of crack cocaine from a person alleged to be the Defendant, Moses King, utilizing a confidential informant (Hereinafter "CI").
2. At said date around 11:00am, Detectives allegedly travelled to 508 Dallas Street, Hastings, FL 32145.
3. At 11:58am, the CI was allegedly dropped off at 508 Dallas Street, allegedly purchased crack cocaine, and allegedly returned to the undercover vehicle and left the scene.
4. Detectives allege that the W.E. Harris Community Center is 350.1 feet away from where the drug transaction took place. Furthermore, they indicated that an individual by the name of Cynthia Woods stated that during the summer months a "daycare" is in operation from 7:00am through 5:30pm.
5. Detectives alleged that Saint Johns County Schools did not begin classes until August 10, 2016, and therefore that the "daycare" must have been in operation on August 3, 2016. No attempts to confirm the operation of the "daycare" were made.

6. The defendant was arrested for Sale of Cocaine within a 1000 feet of a school or daycare under Fla. Stat. §893.13.
7. An information was filed by the Office of the State Attorney charging Mr. King with “Sale of Cocaine Within 1000 Feet of Child Care Facility or School” citing to Fla. Stat. 893.13(1)(c)(1) a First Degree Felony.
8. This Motion to Dismiss follows.

STATUTORY LAW

9. **Fla. R. Crim. P. 3.190(c)(4)** provides that the court may entertain a motion to dismiss on the following ground at any time, to wit:

“There are no material disputed facts and the undisputed facts do not establish a prima facie case of guilt against the defendant.”

10. **Florida Statute 893.13(1)(c)(1)** provides that, “Except as authorized by this chapter, a person may not sell ... a controlled substance in, on, or within 1,000 feet of the real property comprising a child care facility as defined in s. 402.302 or a public or private elementary, middle, or secondary school between the hours of 6 a.m. and 12 midnight, or at any time in, on, or within 1,000 feet of real property comprising a ... community center... As used in this paragraph, the term “community center” means a facility operated by a nonprofit community-based organization for the provision of recreational, social, or educational services to the public. A person who violates this paragraph with respect to: 1. A controlled substance named or described in s. 893.03... (2)(a)... commits a felony of the first degree.... The defendant must be sentenced to a minimum term of imprisonment of 3 calendar years unless the offense was committed within 1,000 feet of the real property comprising a child care facility as defined in s. 402.302.
11. **Fla. Stat. 893.13(1)(c)(1)** further provides that, “This paragraph does not apply to a child care facility unless the owner or operator of the facility posts a sign that is not less than 2 square feet in size with a word legend identifying the facility as a licensed child care facility and that is posted on the property of the child care facility in a conspicuous place where the sign is reasonably visible to the public.”
12. **Florida Statute § 402.302** provides that, “(2) “Child care facility” includes any child care center or child care arrangement which provides child care for more than five children



unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit. The following are **not** included:

- (a) Public schools and nonpublic schools and their integral programs, except as provided in s. 402.3025;
- (b) Summer camps having children in full-time residence;
- (c) **Summer day camps;**
- (d) Bible schools normally conducted during vacation periods; and
- (e) Operators of transient establishments, as defined in chapter 509, which provide child care services solely for the guests of their establishment or resort, provided that all child care personnel of the establishment are screened according to the level 2 screening requirements of chapter 435.” (Emphasis added.)

#### CASE LAW

13. **State v. Roland**, 577 So.2d 680 (4<sup>th</sup> DCA 1991). The issues related to this Motion to Dismiss under 893.13 are of statutory interpretation. Therefore, they are a matter for the court to determine. In determining the interpretation of statutory language, “... the penal statutes must be construed strictly in favor of the accused.”

#### ARGUMENT

14. The Defendant asserts, solely for the purpose of this Motion, that there are no material disputed facts and the undisputed facts do not establish a prima facie case of guilt against the defendant.
15. It is undisputed that the W.E. Harris Community Center (hereinafter the “Harris Community Center”) is owned by the County of Saint Johns and operated by Saint Johns County Parks and Recreation Department. Therefore, at the time of the alleged sale of cocaine, the Harris Community Center was **not** operating as a “Community Center” as defined in Florida Statute.
16. Additionally, it is undisputed that, at the time of the alleged sale of cocaine, the Harris Community Center was **not** operating as a public or private elementary, middle, or secondary school.

17. To their credit, the State, by their Information, is not seeking to declare the Harris Community Center a "Community Center" or a public or private elementary, middle, or secondary school, as defined in Florida Statute.
18. The State's Information instead declares the Harris Community Center as a "child care facility." It would appear from the patent assumption of the Detectives that they believe the Harris Community Center was a "daycare" facility. This is simply not true.
19. During the summer months, it is undisputed that the St. Johns County Recreation and Parks Department runs a *Summer Camp* at the Harris Community Center from June through July. In 2016, the *Summer Camp* ran from June 6, 2016 through July 22, 2016. **See the Attached Exhibit "A."**
20. As such, pursuant to **Florida Statute § 402.302(2)(c)** Harris Community Center's *Summer Camp* is specifically excluded from the definition of a "Child Care Facility."
21. In the alternative, that the Court was to rule against the plain language of the statute, and find the summer camp to be a daycare, the legislature has further limited the application of the 1000 foot enhancement to specific situations.
22. In the facts at hand, Detectives incorrectly believed that the Harris Community Center was operating as a "daycare" on August 3, 2016, based solely upon an assumption and the start date of the 2016 Saint Johns County school calendar.
23. However, the Harris Community Center was **not** operating as a summer camp nor a daycare on August 3, 2016, as the facility had ended their summer camp on July 22, 2016. **See the Attached Exhibit "A"**
24. Finally, even if the Harris Community Center was operating its summer camp, as of August 3, 2016, they had not posted a sign that is not less than 2 square feet in size with a word legend identifying the facility as a licensed child care facility and posted on the property of the child care facility in a conspicuous place where the sign is reasonably visible to the public per **Fla. Stat. 893.13(1)(c)(1)**.
25. As such, the charges as filed must be dismissed.

**WHEREFORE**, he undersigned attorney would respectfully request this Court to consider and grant the above-styled Motion.

I AM AWARE THAT ANY MATERIALLY FALSE STATEMENT KNOWINGLY MADE WITH THE INTENT TO DEFRAUD OR MISLEAD SHALL SUBJECT ME TO THE PENALTY FOR PERJURY AND MAY BE CONSIDERED A FRAUD UPON THE COURT.

\_\_\_\_\_  
MOSES JAMES KING, IV.  
Defendant

State of Florida  
County of St. Johns

BEFORE ME, the undersigned authority, personally appeared MOSES JAMES KING, IV., and who, after being duly sworn, deposes and says he is the person referred to as the Defendant in the foregoing Motion to Dismiss, and that has read the contents of the same and the contents are true and correct, and that he has executed this instrument for the purposes therein stated.

WITNESS my hand and official seal this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Name  
Notary Public  
State of Florida at Large

Produced ID (X)

\_\_\_\_\_

**Certificate of Service**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to the Office of the State Attorney, by E-Service to [eservicestjohns@sao7.org](mailto:eservicestjohns@sao7.org) this \_\_\_\_ day of \_\_\_\_\_, 2017.

**CANAN LAW**  
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(904) 824-9402

\_\_\_\_\_  
PATRICK T. CANAN, ESQUIRE

Florida Bar Number: 360171  
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Florida Bar Number: 13769  
JULIE KURTZ, ESQUIRE  
Florida Bar Number: 56165  
DANIEL K. HILBERT, ESQUIRE  
Florida Bar Number: 44167  
Attorneys for Defendant

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# Exhibit C

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## Continuing Legal Education Status and Credit History

**for Daniel Hilbert (Bar #A890888228634) as of 08/16/2017**

### CLER Cycle

<b>Compliant</b>	<b>Gen Credits</b>	<b>PR Credits</b>	<b>Tech Credits</b>
	38.0 of 30.0	5.0 of 5.0	0.0 of 0.0
	<b>Cycle Start</b>	<b>Completed</b>	<b>Cycle End</b>
	09/01/2014	04/27/2016	08/31/2017

### Basic Skills

<b>Phase 1 Compliant</b>	<b>End</b>	<b>Completed</b>
	10/31/2009	11/07/2008
<b>Phase 2 Compliant</b>	<b>End</b>	<b>Completed</b>
	11/30/2012	05/16/2012

Credit Date	Reference	Title	Item	Gen Cred	PR Cred	Tech Cred	Cycle	Date Posted
05/19/2017	1719247A	CRS# 2243: Basic Criminal Law 2017	Activity	3.0	0.0	0.0	08/31/2017	06/23/2017
03/17/2017	1701380N	Lunch N Learn - Federal Court Professionalism	Live	1.0	1.0	0.0	08/31/2017	06/16/2017
02/17/2017	1701484N	Lunch n Learn-Cross Examination Techniques	Live	1.0	0.0	0.0	08/31/2017	06/16/2017
04/27/2016	1503339N	Rule 3.220 & Brady-Giglio Obligations	On-line	2.0	2.0	0.0	08/31/2017	04/28/2016
01/22/2016	1602291A	Lunch and Learn with Judge McGillin: Jury	Activity	2.0	0.0	0.0	08/31/2017	02/02/2016
09/29/2015	1501804N	2015 Criminal Law Certification Review	DVD	14.0	1.0	0.0	08/31/2017	09/29/2015
09/14/2015	1401036N	2014 Criminal Certification	CD	14.0	1.0	0.0	08/31/2017	09/14/2015

		Review						
09/02/2015	2086	Strategic Implications of the Use of Evidence	Webinar	1.0	0.0	0.0	08/31/2017	09/02/2015